



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

CITY COUNCIL AGENDA

Monday, April 21, 2025

6:00 p.m. – Work Session – Council Chambers & Virtual*

- | | |
|-----------------------|------------------|
| 1. Call to Order | [6:00 pm/5 min] |
| 2. Approval of Agenda | [6:05 pm/5 min] |
| 3. Public Comments | [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/10 min] |
| a. Reports from Community Advisory Groups | |
| 5. Transportation Advisory Board | [6:30 pm/60 min] |
| a. Review updated pedestrian safety project list, prioritization criteria, and costs. | |
| b. Discuss funding opportunities for these projects. | |
| 6. Discuss Draft Right of Way Code | [7:30 pm/30 min] |
| 7. Discuss Draft Housing Production Strategy | [8:00 pm/45 min] |
| 8. City Manager Report | [8:45 pm/5 min] |
| 9. Adjourn | [8:50 pm] |

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

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

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

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

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

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

Work Session Agenda Bill

Date: April 14, 2025

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

Through: John Williams, City Manager *JRW*

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

Subject: Transportation Advisory Board - Pedestrian Plan Prioritization Recommendations

Purpose:

To provide City Council with the results of a Transportation Advisory Board recommendation for an updated pedestrian project list based off of the adopted 2016 Transportation System Plan (TSP), and discuss potential funding options.

Question(s) for Council:

Does council wish to formally adopt the updated Pedestrian Plan Prioritization as part of the City's Transportation System Plan (TSP)? Does Council wish to discuss funding options to advance construction of priority projects?

Background & Discussion:

Transportation Safety and Funding is a 2025-2027 City Council Priority. With the recent community requests in pedestrian improvement projects such as sidewalks, crosswalks, RRFB flashers, etc., it became apparent that the 2016 TSP project list had gaps and deficiencies and needed updating. The TAB recommended creating clear and objective criteria to use for updating the project priority list from the 2016 TSP list. The City contracted with Kittelson & Associates to develop new criteria for updating the priority list for the board. Kittelson is a recognized industry leader in transportation planning and design.

The TSP is a long-range planning document that identifies the transportation facilities and services needed to support growth within the City over a 20-year period. The TSP focuses on priority projects, policies, and programs for the next 20 years, but also provides a vision for longer-term projects that could be implemented should funding become available.

Kittelson & Associates' memo recommends updates to pedestrian system improvement projects identified in the TSP, including removing projects that have been completed, under construction, or are no longer feasible, updating projects that are partially complete and reorganizing the remaining projects to reflect updated prioritization criteria.

Kittelson & Associates presented the updated criteria and list to the TAB 4 times: August 28, 2024, October 23, 2024, January 15, 2025, March 19, 2025. At the March 19, 2025 meeting, TAB discussed and agreed to attend a joint work session with City Council to make a formal recommendation on the pedestrian project list.

The City has no dedicated funding source for pedestrian safety improvements, so implementation and construction of priority projects has been challenging. The Council has requested information on options to accelerate project delivery, and staff will be ready to discuss the two main options available: fees and bonds.

Council Options:

1. Approve the Transportation Advisory Board's updated pedestrian plan prioritization and direct staff to proceed with the formal adoption process to amend the City's Transportation System Plan.
2. Reject the Transportation Advisory Board's updated pedestrian plan prioritization and direct staff and/or the TAB to do additional research and to provide alternative recommendations.

Staff Recommendation:

1. Approve the Transportation Advisory Board's updated pedestrian plan prioritization and direct staff to proceed with the formal adoption process to amend the City's Transportation System Plan.

Attachments:

West Linn Pedestrian Plan Prioritization – Technical Memorandum

TECHNICAL MEMORANDUM

April 15, 2025

Project# 29095.0

To: Erich Lais and Clark Ide

City of West Linn

22500 Salamo Road

West Linne, OR 97068

From: Matt Bell, Sutapa Banerjee, and Marc Butorac, PE, PTOE, PMP

RE: West Linn Pedestrian Plan Prioritization

Introduction

The City of West Linn (City) continues to prioritize capital investments in providing a more connected and continuous system of sidewalks and pathways throughout the community. This commitment fosters safer, more connected routes for people of all ages and abilities who live there as well as the visitors who enjoy all the City has to offer. The City prioritizes its investments based on the list of pedestrian system improvement projects documented in the Transportation System Plan (TSP), as amended in 2021. The City would like to update this list to reflect current conditions and prioritization of needs.

This memorandum recommends updates to pedestrian system improvement projects identified in the TSP, including removing projects that are complete, under construction, or no longer feasible, updating projects that are partially complete, and reorganizing the remaining projects to reflect an updated prioritization process. This memorandum also recommends updates to the maps, tables, and text that illustrate and describe the pedestrian system improvement projects within the TSP.

Background

The TSP is a long-range planning document that identifies the transportation facilities and services needed to support growth within the City over a 20-year period. The TSP provides the City with guidance for operating and improving all elements of the multimodal transportation system. The TSP focuses on priority projects, policies, and programs for the next 20 years, but also provides a vision for longer-term projects that could be implemented should funding become available. The TSP is intended to be flexible to respond to changing community needs and revenue sources.

Chapter 3 of the TSP presents the pedestrian plan, which documents existing pedestrian system conditions and identifies future needs. Today, there are continuous sidewalks along many arterial and collector streets as well as neighborhood routes and local streets. There are also marked crosswalks at several major intersections (signalized and unsignalized). However, there are gaps and deficiencies in the pedestrian system and locations where existing pedestrian facilities could be improved to provide greater access and connectivity throughout the city. Chapter 3 also provides strategies for improving the pedestrian system and presents a prioritized list of pedestrian system improvement projects.

The TSP contains over 100 pedestrian system improvement projects, a majority of which involve installing sidewalks on one or both sides of a roadway or roadway segment. Other projects involve installing lower cost pedestrian improvements in constrained situations, such as mixed-use shoulders. Since adoption of the TSP in 2016, the City has completed nine projects, partially completed 22 projects, and four projects are currently under construction. The City is now updating the project list to reflect the current project status and reprioritize the remaining projects. *Attachment A identifies the status of the current project list.*

Prioritization Process

As part of these new efforts, the City identified changes to the way it prioritizes the pedestrian projects using local and statewide guidance and input gathered in 2024 from the City and the West Linn Transportation Advisory Board (TAB). The following describes the updated prioritization process and the resultant changes to the pedestrian system improvement projects.

PRIORITIZATION FACTORS AND CRITERIA

The City's updated prioritization factors were selected based on information provided in Oregon Administrative Rule (OAR) 660-012, also known as the Transportation Planning Rules (TPR). The TPR was updated in 2022 to provide cities and counties in metropolitan planning areas with detailed guidance on planning for future transportation facilities. The guidance is intended to help City's comply with the Climate Friendly and Equitable Community rules adopted by the state. In particulate, OAR 660-012-0520 (Pedestrian System Projects) identifies factors that West Linn as well as other cities and counties in metropolitan areas must use when prioritizing pedestrian improvements. Table 1 (below) identifies the factors as well as how they were applied in the City's prioritization process.

As shown in Table 1 (below), the factors emphasize improvements in Metro Regional 2040 Centers, in areas with concentrations of underserved populations, in areas with pedestrian safety risk factors, such as high traffic volumes and travel speeds, and in areas with a history of pedestrian crashes. The factors also emphasize improvements that connect pedestrians to key destinations, create new connections or fill gaps in the pedestrian system, and align with other regional planning efforts. Each factor includes one or more evaluation criteria to assess and rank the projects.

INPUT VALUES AND SCALING METHODS

The input values used in the prioritization process were developed based on geographic information system (GIS) data provided by the City, Metro, and Oregon Department of Transportation (ODOT). The GIS data includes spatial information on each of the prioritization factors and criteria that could be analyzed and compared to the pedestrian system improvement projects. For example, the GIS data was used to determine if a project is located in a Metro Regional 2040 Center or in an area with a high concentration of underserved populations. Table 1 (below) identifies the input values developed from the GIS data.

A variety of scaling methods were used to "normalize" the input values, allowing them to be combined into a single score for each project. For example, prioritization factors with criteria that resulted in "yes" or "no" input values were scaled accordingly: input values equal to "yes" were assigned a score of 10 while input values equal to "no" received a 0. Table 1 (below) outlines the scaling approach used for each prioritization factor and its associated criteria.

Table 1. Prioritization Factors

Transportation Planning Rule Reference	Prioritization Factors	Evaluation Criteria	Input Values	Scaling Method	Weighting
OAR 660-012-0520(3)(a)	Metro Region 2040 centers	Is the project site in a Metro Region 2040 Center?	Yes, No	Yes = 10; No = 0	6
OAR 660-012-0520(3)(b)	Underserved Populations	Is the project site in an area with a relatively high concentration of underserved populations?	ODOT Transportation Disadvantage Index (TDI) score	Proportionate (High to low TDI score)	6
OAR 660-012-0520(3)(c)	Pedestrian Safety Risk Factors	What is the posted speed limit at the project site?	15 to 55 mph	Proportionate (High to low speed)	4
		What is the functional classification at the project site?	Local, Connector, Minor Collector, Major Collector, Minor Arterial	Minor Arterial = 10; Major Collector = 8; Minor Collector = 6; Connector = 4; Local = 2	
		How many travel lanes at the project site?	1 to 5 lanes	Proportionate (More to less lanes)	
		Is there a pedestrian facility at the project site?	Incomplete, Partial	Incomplete = 10; Partial = 5	
		What is the adjacent land use at the project site?	Zoning designation (e.g., industrial, single-family, multi-family, mixed-use)	Mixed-use Res. = 10; Multi-facility Res. = 8; Single-family Res. = 5; Industrial = 2.5	
OAR 660-012-0520(3)(d)	Pedestrian Crash History	Have any fatal or serious injury pedestrian crashes been reported at the project site?	Yes, No	Yes = 10; No = 0	4

		Have any minor or moderate injury pedestrian crashes been reported at the project site?	Yes, No	Yes = 10; No = 0	
OAR 660-012-0520(3)(e)	Key Pedestrian Destinations	Is the project site located within ½ mile walking distance of an elementary school or ¾ mile walking distance of a middle school?	Yes, No	Yes = 10; No = 0	10
		Is the project site located within ¼ mile of a transit stop?	Yes, No	Yes = 10; No = 0	8
		Is the project site located within ¼ mile of a civic building?	Yes, No	Yes = 10; No = 0	
		Is the project site located within ¼ mile of a park?	Yes, No	Yes = 10; No = 0	
OAR 660-012-0520(3)(f)	Pedestrian System Investments	Does the project connect to an existing sidewalk or path?	Yes, No	Yes = 10; No = 0	6
		Does the project fill a gap in an existing sidewalk or path?	Yes, No	Yes = 10; No = 0	
OAR 660-012-0520(3)(h)	Scenario Plan	Is the project site located on a Pedestrian Parkway per the RTP?	Yes, No	Yes = 10; No = 0)	2
		Is the project site located on a Pedestrian Corridor per the RTP?	Yes, No	Yes = 10; No = 0	

PRIORITIZATION SCORES

The initial outcome of the prioritization process was presented to the City and the West Linn TAB. Based on their input, the project team made several changes to how the evaluation criteria were applied, how the inputs values were developed, and how the input values were scaled, summed, and weighted to develop the final prioritization scores. For example, proximity to schools was identified as a key consideration for prioritization. As a result, the criteria was separated from other key pedestrian destination criteria and weights were applied that aimed to prioritize projects located with the proximity of schools over other projects. Weights were also applied to all other criteria to show the relative importance of the proximity to school criteria to the others. *Attachment B contains the final outcome of the prioritization process.*

The final scaled input values were weighted and summed and the projects with the highest values were identified as the highest priority followed by the remaining medium and low priority projects. Projects were further separated into Tier 1 and Tier 2 projects based on the presence of existing facilities. For example, projects with no sidewalks on either side of the street were put into Tier 1 while projects with continuous sidewalks on one side were put into Tier 2. The following presents the updated pedestrian system improvement projects.

Pedestrian Plan Projects

The updated pedestrian system improvement projects are summarized in Table 2. Updates to the projects include:

- Removed projects that are complete, under construction, or no longer feasible
- Updated project descriptions for projects that are partially complete
- Updated project priorities based on updated prioritization process
- Updated all project costs based on updated project descriptions, updated unit costs for similar projects, and to reflect 2024 dollars.

Table 2. Pedestrian Plan Projects

Map ID	Location	Type	Project Description	Priority	Cost (\$1,000)
P1	4th Avenue	Sidewalks	Install sidewalks on the south side of the roadway from 14th Street to 12th Street	Tier 2 (Medium)	\$490
P2 ¹	5th Avenue	Sidewalks	Install sidewalks on both sides of the roadway from 11th Street to 7th Street	Tier 1 (Medium)	\$1,365
P4	8th Avenue	Sidewalks	Install sidewalks on the south side of the roadway from 150 feet east of 12th Street to 300 feet to the east	Tier 2 (Medium)	\$170
P5	13th Street	Sidewalks	Install sidewalks on the east side of the roadway from 100 feet north of Tualatin Avenue to Tualatin Avenue	Tier 2 (Medium)	\$65

P6	Bittner Street	Sidewalks	Install sidewalks on the east side of the roadway from 250 feet south of Oxford Street to Long Street	Tier 2 (Low)	\$285
P7	Blankenship Road	Sidewalks	Install sidewalks on the north side of the roadway from 10th Street to approximately 50 feet east of the Willamette Corporate Center driveway.	Tier 2 (High)	\$365
P9	Blankenship Road	Sidewalks	Install sidewalks on the south side of the roadway from 19th Street to approximately 175 feet east of Ostman Road	Tier 2 (Medium)	\$535
P10	Bonnet Drive	Sidewalks	Install sidewalks on the west side of the roadway from Oregon City Boulevard to Oxford Street	Tier 2 (Low)	\$155
P12	Cedar Oak Drive	Sidewalks	Install sidewalks on the south side of the roadway from Old River Drive to 200 feet west of Trillium Drive	Tier 1 (Medium)	\$690
P15 ¹	Cornwall Street	Sidewalks	Install sidewalks on both sides of the roadway from Oxford Street to Sunset Avenue	Tier 1 (Low)	\$1,755
P16 ¹	Davenport Street	Sidewalks	Install sidewalks on both sides of the roadway from Randall Street to Buck Street	Tier 1 (Low)	\$165
P17 ¹	Exeter Street	Sidewalks	Install sidewalks on both sides of the roadway from Lancaster Street to Sunset Avenue	Tier 1 (Low)	\$755
P18	Exeter Street	Sidewalks	Install sidewalks on the east side of the roadway from Long Street to Lancaster Avenue	Tier 2 (Low)	\$130
P19	Exeter Street	Sidewalks	Install sidewalks on the west side of the roadway from Oxford Street to Long Street	Tier 2 (Low)	\$440
P20	Hidden Springs Road	AC Path	Install a mixed-use AC path on the south side of the roadway from Carriage Way to Bluegrass Way and marked crosswalks at Carriage Way and Bluegrass Way	Tier 2 (Low)	\$410
P22 ¹	Lancaster Street	Sidewalks	Install sidewalks on both sides of the roadway from Parker Road to Cornwall Street	Tier 1 (Low)	\$980

P24 ¹	Long Street	Sidewalks	Install sidewalks on both sides of the roadway from Bittner Street to Simpson Street	Tier 1 (Medium)	\$455
P26 ¹	Lowry Drive	Sidewalks	Install sidewalks on both sides of the roadway from Dillow Drive to Tompkins Street	Tier 1 (Low)	\$1,505
P27	Oregon City Boulevard	Sidewalks	Install sidewalks on the north side of the roadway from Bonnet Drive to 350 feet east of Prospect Street	Tier 2 (Low)	\$435
P28	Oxford Street	Sidewalks	Install sidewalks on the south side of the roadway from Bonnet Drive to Sussex Street	Tier 2 (Low)	\$155
P33 ¹	Perrin Street	Sidewalks	Install sidewalks on both sides of the roadway from Holmes Street to Lewis Street	Tier 1 (High)	\$1,445
P34 ¹	Prospect Street	Sidewalks	Install sidewalks on both sides of the roadway from Knox Street to Oregon City Boulevard	Tier 1 (Low)	\$705
P36 ¹	Randall Street	Sidewalks	Install sidewalks on both sides of the roadway from Caufield St to Davenport Street	Tier 1 (Low)	\$335
P37	Salamo Road	Sidewalks	Install sidewalks on the west side of the roadway from approximately 750 feet south of Remington Drive to Barrington Drive	Tier 2 (Low)	\$390
P39	Santa Anita Drive	Sidewalks	Install sidewalks on the east side of the roadway from Hidden Springs Road to Clubhouse Circle	Tier 2 (Low)	\$215
P40	Santa Anita Drive	Sidewalks	Install sidewalks on the east side of the roadway from approximately 250 feet south of Clubhouse Circle to Pimlico Drive	Tier 2 (Low)	\$275
P41 ¹	Simpson Street	Sidewalks	Install sidewalks on both sides of the roadway from Long Street to Charman Street	Tier 1 (Low)	\$1,725
P42	Skyline Drive	Sidewalks	Install sidewalks on the north side of the roadway from Summit Street to approximately 150 feet west of Firwood Drive	Tier 2 (Low)	\$315

P44	Summit Street	Sidewalks	Install sidewalks on the west side of the roadway from approximately 150 feet south of Skyline Drive to Rosemont Road	Tier 2 (Low)	\$290
P45 ¹	Summit Street	Sidewalks	Install sidewalks on both sides of the roadway from Gloria Drive to Oxford Street	Tier 1 (Low)	\$310
P47 ¹	Summit Street	Sidewalks	Install sidewalks on both sides of the roadway from Pimlico Drive to 150 feet south of Pimlico Drive	Tier 1 (Low)	\$150
P48	Summit Street	Sidewalks	Fill in the 65 feet gap in the sidewalk on the north side of the roadway approximately 350 feet south of Pimlico Drive	Tier 2 (Low)	\$30
P49 ¹	Sunset Avenue	Sidewalks	Install sidewalks on both sides of the roadway from Cornwall Street to Willamette Falls Drive	Tier 1 (Low)	\$3,995
P51 ¹	Sussex Street	Sidewalks	Install sidewalks on both sides of the roadway from Oxford Street to Sunset Avenue	Tier 1 (Low)	\$1,750
P54 ¹	West A Street	Sidewalks	Install sidewalks on both sides of the roadway from approximately 250 feet east of Willamette Drive to Terrace Drive	Tier 1 (Medium)	\$2,710
P55	West A Street	Sidewalks	Install sidewalks on the north side of the roadway from Terrace Drive to Skyline Drive	Tier 2 (Low)	\$185
P63	19th Street	Sidewalks	Install sidewalks on the west side of the roadway from Blankenship Road to Nova Court	Tier 2 (Medium)	\$330
P64 ¹	19th Street	Sidewalks	Install sidewalks on both sides of the roadway from Nova Court to Dollar Street	Tier 1 (High)	\$1,705
P65 ¹	19th Street	Sidewalks	Install sidewalks on both sides of the roadway from Dollar Street to High Touch Court	Tier 1 (Medium)	\$605
P66	19th Street	Sidewalks	Install sidewalks on the west side of the roadway from High Touch Street to Willamette Falls Drive	Tier 2 (Low)	\$305
P67	Bland Circle	Sidewalks	Install sidewalks on the north side of the roadway from Salamo Road to Tannler Drive	Tier 2 (Low)	\$540

P69	Bland Circle	Sidewalks	Install sidewalks on the north side of the roadway from Falcon Drive to approximately 400 feet north of Fircrest Drive	Tier 2 (Low)	\$1,140
P70	Carriage Way	Sidewalks	Install sidewalks on the north-west side of the roadway from approximately 350 feet west of Suncrest Drive to Rosemont Road	Tier 2 (Low)	\$660
P72	Failing Street	Sidewalks	Install sidewalks on the east side of the roadway from approximately 200 feet north of Hwy 43 to Buck Street	Tier 2 (High)	\$160
P73 ¹	Fairview Way	Sidewalks	Install sidewalks on both sides of the roadway from approximately 200 feet east of Hwy 43 to approximately 100 feet west of Rose Way.	Tier 1 (Low)	\$355
P74	Fairview Way	Sidewalks	Install sidewalks on the south side of the roadway from approximately 100 feet west of Rose Way to Chippewa Court	Tier 2 (Low)	\$435
P75 ¹	Fairview Way	Sidewalks	Install sidewalks on both sides of the roadway from Chippewa Court to the roadway terminus.	Tier 1 (Low)	\$515
P76	Hidden Springs Road	Sidewalks	Install sidewalks on the south side of the roadway from Santa Anita Drive to 550 feet west (maintaining existing curb line).	Tier 2 (Low)	\$275
P77	Holly Street	Sidewalks	Install sidewalks on the north side of the roadway from approximately 150 feet east of Hwy 43 to River Street	Tier 1 (High)	\$755
P78	Johnson Road	Sidewalks	Install sidewalks on the west side of the roadway from Blankenship Road to West Linn City Limits	Tier 2 (High)	\$1,930
P79 ¹	Lewis Street	Sidewalks	Install sidewalks on both sides of the roadway from Hwy 43 to Perrin Street	Tier 1 (High)	\$645
P80	Marylhurst Drive	Sidewalks	Install sidewalks on the south side of the roadway from Willamette Drive to Hillcrest Drive (east)	Tier 2 (Low)	\$1,690
P81	Old River Drive	Sidewalks	Install sidewalks on the east side of the roadway from approximately 100 feet north of Fernvilla Drive to Cedar Oak Drive	Tier 2 (High)	\$2,720

P83	Ostman Road	Sidewalks	Install sidewalks on the east side of the roadway from 150 feet south of Blankenship Road to Michael Drive	Tier 2 (Medium)	\$255
P84 ¹	Ostman Road	Sidewalks	Install sidewalks on both sides of the roadway from Michael Drive to Fields Drive-Short Street	Tier 1 (Low)	\$420
P85	Ostman Road	Sidewalks	Install sidewalks on the east side of the roadway from Dollar Street to Willamette Falls Drive and on the west side of the roadway from Dollar Street to 300 feet north of Willamette falls Drive	Tier 1 (Medium)	\$1,640
P86	Pimlico Drive	Sidewalks	Install sidewalks on the south side of the roadway from Santa Anita Drive to approximately 100 feet west of Palomino Way (west).	Tier 2 (Low)	\$465
P87	Pimlico Drive	Sidewalks	Install sidewalks on the north side of the roadway from Palomino Way (east) to Pimlico Terrace.	Tier 2 (Low)	\$145
P88	Pimlico Drive	Sidewalks	Install sidewalks on the north side of the roadway from Pimlico Terrace to Treetop Lane	Tier 1 (Medium)	\$940
P89	Pimlico Drive	Sidewalks	Install sidewalks on the north side of the roadway from Treetop Lane to Willamette Drive	Tier 2 (Medium)	\$215
P91	Rosemont Road	Sidewalks	Install sidewalks on the south side of the roadway from Shannon Lane to Summit Street, on the north side from Shannon Lane to 500 feet east, and on the north side from 1250 feet east to Summit Street	Tier 1 (Medium)	\$2,230
P92	Shady Hollow Way	Sidewalks	Install a mixed-use AC path on the west side of the roadway from 18200 Shady Hollow Way to Arbor Drive	Tier 1 (Low)	\$215
P93	Suncrest Drive	Sidewalks	Install sidewalks on the east side of the roadway from Ridgebrook Drive (north) to approximately 250 feet south	Tier 2 (Low)	\$170
P94 ¹	Suncrest Drive	Sidewalks	Install sidewalks on both sides of the roadway from Valley View Drive to Hillcrest Drive	Tier 1 (Low)	\$470
P96 ¹	Tannler Drive	Sidewalks	Install sidewalks on both sides of the roadway from Blankenship Road to Greene Street	Tier 1 (High)	\$1,335

P97	Clark Street	Interim	Install a mixed-use shoulder on the east side of the roadway from Skyline Drive to approximately 150 feet north of Windsor Boulevard	Tier 1 (Low)	\$375
P98	Johnson Road	Interim	Install a mixed-use shoulder on one side of the roadway from Blankenship Road to West Linn City Limits.	Tier 1 (Low)	\$610
P100	Old River Drive	Interim	Install a mixed-use shoulder on the east side of the roadway from West Linn City Limits to Cedar Oak Drive	Tier 1 (High)	\$860
P101	Hillcrest Drive	Sidewalks	Install sidewalks on the south/east side of the roadway from Suncrest Drive to Marylhurst Drive	Tier 2 (Low)	\$1,410
P104	Citywide	Study	Develop citywide policy and methodology to address pedestrian crossing improvements	Tier 1 (High)	\$50
P105	Hillcrest Drive	Interim	Install mixed-use AC path on the south/east side of the roadway from Suncrest Drive to Marylhurst Drive	Tier 1 (Low)	\$445
P106	Marylhurst Drive	Interim	Install mixed-use AC path on the south side of the roadway from Willamette Drive to Hillcrest Drive (east)	Tier 1 (Low)	\$860
P107	Pimlico Drive	Interim	Install mixed-use AC path on the north side of the roadway from Pimlico Terrace to Treetop Lane	Tier 1 (High)	\$480
Total Tier 1 High Priority Project Costs					\$7,275
Total Tier 1 Medium Priority Project Costs					\$10,635
Total Tier 1 Low Priority Project Costs					\$18,395
Total Tier 1 Project Costs					\$36,305
Total Tier 2 High Priority Project Costs					\$5,175
Total Tier 2 Medium Priority Project Costs					\$2,060
Total Tier 2 Low Priority Project Costs					\$10,945
Total Tier 2 Project Costs					\$18,180
Total Tier 1 and Tier 2 Project Costs					\$54,485

1. The city could focus improvements on one side of the roadway on an interim basis and wait until the other is built along with private development.

It is important to note that the priorities shown in Table 2 reflect the City's general funding preferences for pedestrian system improvements. However, the City may fund any project on the list, regardless of its priority, if an opportunity arises, such as securing additional funding, receiving grants, leveraging private partnerships, or coordinating with adjacent projects. Flexibility is essential, as there are many pathways through which a project may receive funding, and the City must be prepared to act on these opportunities. While projects identified in Table 2 as high priority will remain the City's primary focus for funding, all projects on the list are eligible for funding when circumstances allow.

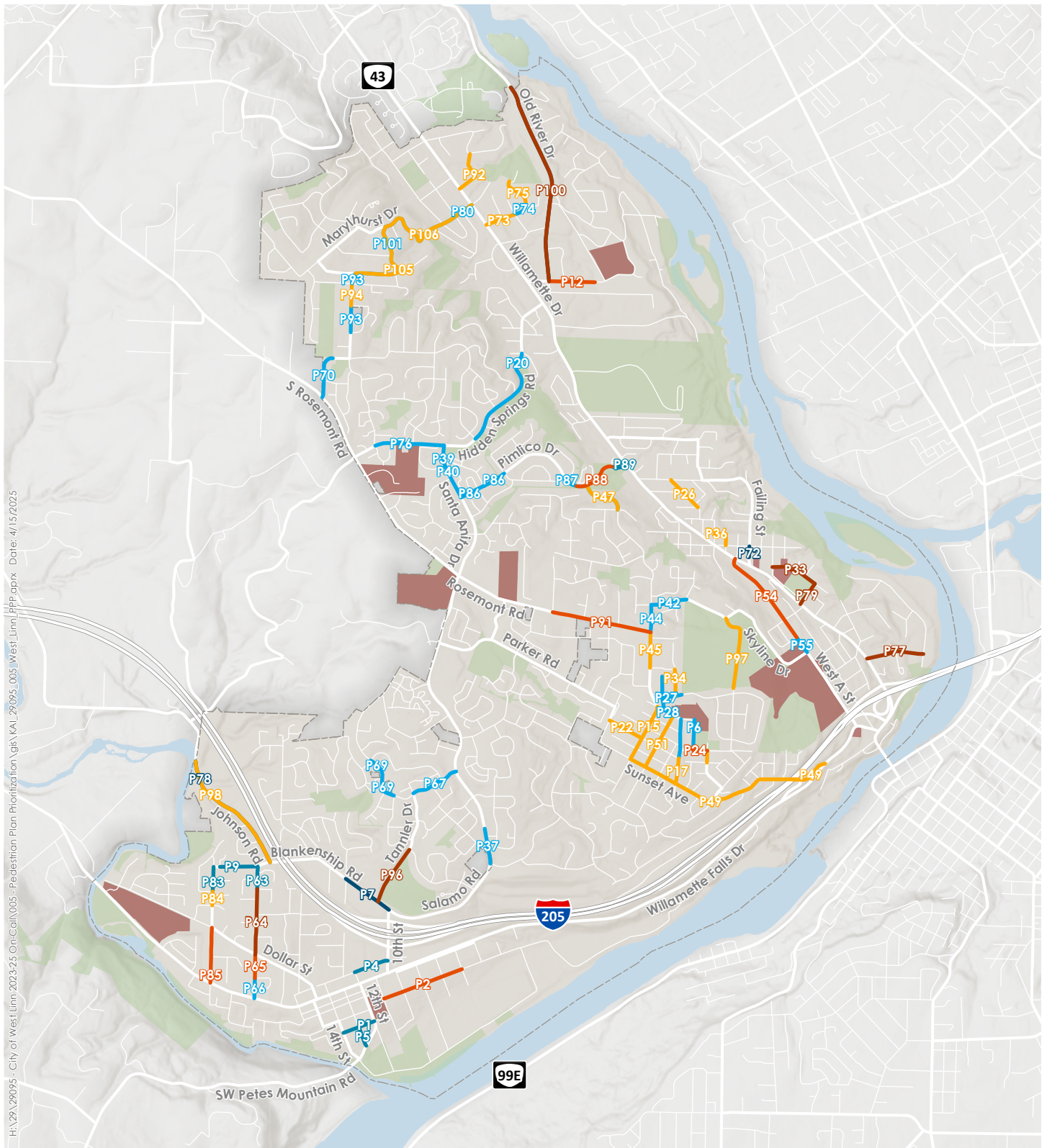
Figure 1 (below) illustrates the locations of pedestrian system improvement projects and their associated tiers and priorities, as outlined in Table 2. The tiers are shown in orange and green while the priorities are shown in different shades based on final scores and rankings: **high priority projects** are shown in dark orange and green while **medium priority projects** and **low priority projects** are shown in lighter shades of orange and green.

Recommendations

This memorandum recommends replacing Table 4 in the West Linn TSP with Table 2 (above), replacing Figure 7 of the West Linn TSP with Figure 1 (below), and updating the text supporting and drawing conclusions from the updated table and figure.

Attachments

- A. Pedestrian Improvement Project Status
- B. Prioritization Summary



- Tier 1 - High Ranking
- Tier 1 - Medium Ranking
- Tier 1 - Low Ranking
- Tier 2 - High Ranking
- Tier 2 - Medium Ranking
- Tier 2 - Low Ranking

- Schools
- City Boundary
- Parks/Greenspace
- Water



Figure 1

Attachment A Pedestrian Improvement
Project Status

Pedestrian Plan Improvement Projects - Updated March 2024

Map ID	Location	Type	Project Description	Priority	Status	Notes
P1	4th Avenue	Sidewalks	Install sidewalks on the south side of the roadway from 14th St to 12th St	HIGH	Incomplete	
P2	5th Avenue	Sidewalks	Install sidewalks on the north side of the roadway from 11th St to 7th St.	HIGH	Partial	No sidewalk except for two property frontages.
P3	5th Avenue	Sidewalks	Install sidewalks on the south side of the roadway from 25 ft west of 8th St to 150 ft east of 8th St.	HIGH	Incomplete	
P4	8th Avenue	Sidewalks	Install sidewalks on the south side of the roadway from 12th St to 400 ft east of 12th St.	HIGH	Partial	Approx. 100' of sidewalk currently.
P5	13th Street	Sidewalks	Install sidewalks on the east side of the roadway from 100 ft north of Tualatin Ave to Tualatin Ave.	HIGH	Partial	Missing less than 30' of sidewalk, existing sidewalk grown over with moss.
P6	Bittner Street	Sidewalks	Install sidewalks on the east side of the roadway from Oxford St to Long St.	HIGH	Partial	Sidewalk only in front of school.
P7	Blankenship Road	Sidewalks	Install sidewalks on the north side of the roadway from 10th St to approximately 50 ft east of the Willamette Corporate Center driveway.	HIGH	Incomplete	
P8	Blankenship Road	Sidewalks	Install sidewalks on the north side of the roadway from approximately 400 ft west of Debok Rd to Johnson Rd.	HIGH	Incomplete	
P9	Blankenship Road	Sidewalks	Install sidewalks on the south side of the roadway from 19th St to approximately 175 ft east of Ostman Rd.	HIGH	Incomplete	
P10	Bonnet Drive	Sidewalks	Install sidewalks on the west side of the roadway from Oregon City Blvd to Oxford St.	HIGH	Incomplete	
P11	Caufield Street	Sidewalks	Install sidewalks on both sides of the roadway from Tompkins St to Randall St.	HIGH	Incomplete	
P12	Cedar Oak Drive	Sidewalks	Install sidewalks on both sides of the roadway from Old River Dr to 200 ft west of Trillium Dr.	HIGH	Partial	Sidewalk on the north side from Old River Dr. to Trillium Dr. will be complete with Safe Routes to School project in summer of 2024.
P13	Cedar Oak Drive	Sidewalks	Install sidewalks on the north side of the roadway from 200 ft west of Trillium Dr to Trillium Dr.	HIGH	Under Construction	Will be complete with Safe Routes to School project in summer of 2024.
P14	Cedar Oak Drive	Sidewalks	Install sidewalks on the south/east side of the roadway from Trillium Dr to Elmran Dr.	HIGH	Incomplete	
P15	Cornwall Street	Sidewalks	Install sidewalks on both sides of the roadway from Oxford St to Sunset Ave.	HIGH	Incomplete	
P16	Davenport Street	Sidewalks	Install sidewalks on both sides of the roadway from Randall St to Buck St.	HIGH	Incomplete	
P17	Exeter Street	Sidewalks	Install sidewalks on both sides of the roadway from Lancaster St to Sunset Ave.	HIGH	Incomplete	
P18	Exeter Street	Sidewalks	Install sidewalks on the east side of the roadway from Long St to Lancaster Ave.	HIGH	Incomplete	
P19	Exeter Street	Sidewalks	Install sidewalks on the west side of the roadway from Oxford St to Long St.	HIGH	Partial	Sidewalk on east side, none west side.
P20	Hidden Springs Road	Sidewalks	Install sidewalks on the south side of the roadway from Carriage Way to Cottonwood Ct.	HIGH	Incomplete	
P21	Holmes Street	Sidewalks	Install sidewalks on the west side of the roadway from Buck St to Perrin St.	HIGH	Incomplete	
P22	Lancaster Street	Sidewalks	Install sidewalks on the south side of the roadway from Parker Rd to Cornwall St.	HIGH	Incomplete	
P23	Lancaster Street	Sidewalks	Install sidewalks on the north side of the roadway from approximately 175 ft east of Parker Rd to Cornwall St.	HIGH	Incomplete	
P24	Long Street	Sidewalks	Install sidewalks on both sides of the roadway from Bittner St to Simpson St.	HIGH	Incomplete	
P25	Long Street	Sidewalks	Install sidewalks on the north side of the roadway from 125 ft east of Simpson St to 250 ft east of Simpson St.	HIGH	Complete	

P26	Lowry Drive/Barclay Street	Sidewalks	Install sidewalks on both sides of the roadway from Dillow Dr to Tompkin St.	HIGH	Incomplete	
P27	Oregon City Boulevard	Sidewalks	Install sidewalks on the north side of the roadway from Bonnet Dr to 350 ft east of Prospect St.	HIGH	Incomplete	
P28	Oxford Street	Sidewalks	Install sidewalks on the south side of the roadway from Bonnet Dr to Sussex St.	HIGH	Incomplete	
P29	Oxford Street	Sidewalks	Install sidewalks on the south side of the roadway from Exeter St to Bittner St.	HIGH	Complete	
P30	Parker Road	Sidewalks	Install sidewalks on both sides of the roadway from approximately 125 ft east of Noble Ln to approximately 100 ft west of Dillon Ln.	HIGH	Complete	
P31	Parker Road	Sidewalks	Install sidewalks on the north side of the roadway from approximately 150 ft east of Wild Rose Dr to 475 ft east of Wild Rose Dr.	MEDIUM	Complete	
P32	Parker Road	Sidewalks	Install sidewalks on the north side of the roadway from approximately 150 ft west of Damon Dr to 75 ft west of Chinook Ct.	MEDIUM	Complete	
P33	Perrin Street	Sidewalks	Install sidewalks on both sides of the roadway from Holmes St to Lewis St.	HIGH	Incomplete	
P34	Prospect Street	Sidewalks	Install sidewalks on the east side of the roadway from Knox St to Oregon City Blvd.	HIGH	Incomplete	
P35	Prospect Street	Sidewalks	Install sidewalks on the west side of the roadway from 125 ft south of Knox St to Oregon City Blvd.	HIGH	Incomplete	
P36	Randall Street	Sidewalks	Install sidewalks on both sides of the roadway from Caufield St to Davenport St.	HIGH	Incomplete	
P37	Salamo Road	Sidewalks	Install sidewalks on the west side of the roadway from approximately 750 ft south of Remington Dr to Barrington Dr.	HIGH	Incomplete	
P38	Salamo Road	Sidewalks	Install sidewalks on the north side of the roadway from Barrington Dr to 10th St.	HIGH	Under Construction	Multi-use path, no sidewalk. Will be complete in summer of 2024 with current Salamo project.
P39	Santa Anita Drive	Sidewalks	Install sidewalks on the east side of the roadway from Hidden Springs Rd to Clubhouse Cir.	HIGH	Incomplete	
P40	Santa Anita Drive	Sidewalks	Install sidewalks on the east side of the roadway from approximately 250 ft south of Clubhouse Cir to Pimlico Dr.	HIGH	Incomplete	
P41	Simpson Street	Sidewalks	Install sidewalks on both sides of the roadway from Long St to Charman St.	HIGH	Incomplete	
P42	Skyline Drive	Sidewalks	Install sidewalks on the north side of the roadway from Summit St to approximately 150 ft west of Firwood Dr.	HIGH	Incomplete	
P43	Skyline Drive	Sidewalks	Install sidewalks on the north side of the roadway from approximately 100 ft east of Firwood Dr to approximately 150 ft west of West A St.	HIGH	Incomplete	
P44	Summit Street	Sidewalks	Install sidewalks on the west side of the roadway from approximately 150 ft south of Skyline Dr to Rosemont Rd.	HIGH	Incomplete	
P45	Summit Street	Sidewalks	Install sidewalks on the west side of the roadway from approximately 150 ft south of Rosemont Rd to Oxford St.	HIGH	Incomplete	
P46	Summit Street	Sidewalks	Install sidewalks on the east side of the roadway from Gloria Dr to Oxford St.	HIGH	Under Construction	4979-4973 will be completed with Summit Street PI-23-03.
P47	Summit Street	Sidewalks	Install sidewalks on both sides of the roadway from Pimlico Dr to 150 ft south of Pimlico Dr.	HIGH	Incomplete	
P48	Summit Street	Sidewalks	Fill in the 65 ft gap in the sidewalk on the north side of the roadway approximately 350 ft south of Pimlico Dr.	HIGH	Incomplete	
P49	Sunset Avenue	Sidewalks	Install sidewalks on the north side of the roadway from Cornwall St to Willamette Falls Dr.	HIGH	Partial	Sidewalk on south side from Imperial Dr. to Spring Rock Cir., otherwise no sidewalk.
P50	Sunset Avenue	Sidewalks	Install sidewalks on the south side of the roadway from Cornwall St to approximately 150 ft west of Spring Rock Cir.	HIGH	Incomplete	

P51	Sussex Street	Sidewalks	Install sidewalks on both sides of the roadway from Oxford St to Sunset Ave.	HIGH	Incomplete	
P52	Tompkins Street	Sidewalks	Install sidewalks on both sides of the roadway from Lowry Dr to Caufield St.	HIGH	Incomplete	
P53	Trillium Drive	Sidewalks	Install sidewalks on both sides of the roadway from Glen Terrace to 700 ft south of Glen Terrace.	HIGH	Incomplete	
P54	West A Street	Sidewalks	Install sidewalks on both sides of the roadway from approximately 250 ft east of Willamette Dr to Terrace Dr.	HIGH	Partial	Small property frontage improvements, otherwise no sidewalk.
P55	West A Street	Sidewalks	Install sidewalks on the north side of the roadway from Terrace Dr to Skyline Dr.	HIGH	Partial	Two property frontage improvements, otherwise no sidewalk.
P56	Willamette Falls Drive	Sidewalks	Install sidewalks on the south side of the roadway from West A St to Sunset Ave.	HIGH	Incomplete	
P57	Willamette Falls Drive	Sidewalks	Install sidewalks on the south side of the roadway from Sunset Ave to 10th St.	HIGH	Incomplete	
P58	Willamette Falls Drive	Sidewalks	Install sidewalks on the north side of the roadway from Dollar St (east) to 19th St.	HIGH	Partial	Sidewalk on Dollar St to 16th, and one property frontage.
P59	Willamette Falls Drive	Sidewalks	Install sidewalks on the north side of the roadway from Epperly Way to West Linn City Limits.	HIGH	Under Construction	Will be completed with Athey Creek project in summer of 2024.
P60	Willamette Falls Drive	Sidewalks	Install sidewalks on the south side of the roadway from 16th St to 200 ft west of 16th St.	HIGH	Incomplete	
P61	Willamette Falls Drive	Sidewalks	Install sidewalks on the south side of the roadway from approximately 500 ft east of 19th St to approximately 150 ft west of 19th St and from approximately 200 ft east of Ostman Rd to Ostman Rd.	HIGH	Incomplete	
P62	Willamette Falls Drive	Sidewalks	Install sidewalks on the south side of the roadway from Ostman Rd to West Linn City Limits.	HIGH	Incomplete	Ostman Rd to Epperly Way no sidewalk, otherwise will be included in Athey Creek project to be completed in summer of 2024.
P63	19th Street	Sidewalks	Install sidewalks on the west side of the roadway from Blankenship Rd to Nova Ct.	MEDIUM	Incomplete	
P64	19th Street	Sidewalks	Install sidewalks on both sides of the roadway from Nova Ct to Dollar St.	MEDIUM	Incomplete	
P65	19th Street	Sidewalks	Install sidewalks on both sides of the roadway from Dollar St to High Touch Ct.	MEDIUM	Partial	Sidewalk from High Touch Ct to 1782 on east side, no sidewalk west side.
P66	19th Street	Sidewalks	Install sidewalks on the west side of the roadway from High Touch St to Dollar St.	MEDIUM	Partial	Same as P65.
P67	Bland Circle	Sidewalks	Install sidewalks on the north side of the roadway from Salamo Rd to Tannler Dr.	MEDIUM	Incomplete	
P68	Bland Circle	Sidewalks	Install sidewalks on the north side of the roadway from Tannler Dr to approximately 100 ft east of Falcon Dr.	MEDIUM	Complete	
P69	Bland Circle	Sidewalks	Install sidewalks on the north side of the roadway from Falcon Dr to approximately 400 ft north of Fircrest Dr.	MEDIUM	Partial	Missing one approx. 50' section.
P70	Carriage Way	Sidewalks	Install sidewalks on the north-west side of the roadway from approximately 350 ft west of Suncrest Dr to Rosemont Rd.	MEDIUM	Incomplete	
P71	Clark Street	Sidewalks	Install sidewalks on both sides of the roadway from Skyline Dr to approximately 150 ft north of Windsor Blvd.	MEDIUM	Incomplete	
P72	Failing Street	Sidewalks	Install sidewalks on the east side of the roadway from approximately 200 ft north of Hwy 43 to Buck St.	MEDIUM	Incomplete	
P73	Fairview Way	Sidewalks	Install sidewalks on both sides of the roadway from approximately 200 ft east of Hwy 43 to approximately 100 ft west of Rose Way.	MEDIUM	Incomplete	
P74	Fairview Way	Sidewalks	Install sidewalks on the south side of the roadway from approximately 100 ft west of Rose Way to Chippewa Ct.	MEDIUM	Incomplete	
P75	Fairview Way	Sidewalks	Install sidewalks on both sides of the roadway from Chippewa Ct to the roadway terminus.	MEDIUM	Incomplete	
P76	Hidden Springs Road	Sidewalks	Install sidewalks on the south side of the roadway from Suncrest Dr to Santa Anita Dr (maintaining existing curb line).	MEDIUM	Partial	No sidewalk from approx. 100' north of Bay Meadows Dr. to Santa Anita Dr.

P77	Holly Street	Sidewalks	Install sidewalks on both sides of the roadway from approximately 150 ft east of Hwy 43 to River St.	MEDIUM	Incomplete	
P78	Johnson Road	Sidewalks	Install sidewalks on the west side of the roadway from Blankenship Rd to West Linn City Limits.	MEDIUM	Incomplete	
P79	Lewis Street	Sidewalks	Install sidewalks on both sides of the roadway from Hwy 43 to Perkins St.	MEDIUM	Incomplete	
P80	Marylhurst Drive	Sidewalks	Install sidewalks on one side of the roadway from Willamette Dr to Hillcrest Dr (east).	HIGH	Incomplete	Sidewalk on south side from Midhill Cir to Willamette Dr. expected to be installed by 2025.
P81	Old River Drive	Sidewalks	Install sidewalks on the east side of the roadway from approximately 100 ft north of Riverside Ct to Cedar Oak Dr.	MEDIUM	Partial	Two small property frontages, no sidewalk otherwise.
P82	Old River Drive	Sidewalks	Install sidewalks on the west side of the roadway from approximately 200 ft north of Riverside Ct to Cedar Oak Dr.	MEDIUM	Partial	Two small property frontages, no sidewalk otherwise.
P83	Ostman Road	Sidewalks	Install sidewalks on the east side of the roadway from Blankenship Rd to Michael Dr.	MEDIUM	Partial	Sidewalk until 2270 Ostman Rd.
P84	Ostman Road	Sidewalks	Install sidewalks on both sides of the roadway from Michael Dr to Fields Dr-Short St.	MEDIUM	Partial	No sidewalk on east side until storm facility, west side missing 30' from Michael Dr.
P85	Ostman Road	Sidewalks	Install sidewalks on both sides of the roadway from Dollar St to Willamette Falls Dr.	MEDIUM	Partial	Two property frontages on the west side, three on the east side + Bexhill. 1785 no sidewalk.
P86	Pimlico Drive	Sidewalks	Install sidewalks on the south side of the roadway from Santa Anita Dr to approximately 100 ft west of Palomino Way (west).	MEDIUM	Incomplete	
P87	Pimlico Drive	Sidewalks	Install sidewalks on the south side of the roadway from Palomino Way (east) to Pimlico Terrace.	MEDIUM	Incomplete	
P88	Pimlico Drive	Sidewalks	Install sidewalks on both sides of the roadway from Pimlico Terrace to Treetop Ln.	MEDIUM	Incomplete	
P89	Pimlico Drive	Sidewalks	Install sidewalks on the south side of the roadway from Treetop Ln to Willamette Dr.	MEDIUM	Incomplete	
P90	Rosemont Road	Sidewalks	Install sidewalks on the south side of the roadway from Santa Anita Dr to Wild Rose Dr.	HIGH	Complete	
P91	Rosemont Road	Sidewalks	Install sidewalks on both sides of the roadway from Shannon Ln to Summit St.	MEDIUM	Partial	Intermittent on North side, missing on South side.
P92	Shady Hollow Way	Sidewalks	Install sidewalks on the south side of the roadway from approximately 150 ft east of Hwy 43 to Arbor Dr.	MEDIUM	Incomplete	No sidewalk needed.
P93	Suncrest Drive	Sidewalks	Install sidewalks on the east side of the roadway from approximately 250 ft south of Ridgebrook Dr (north) to Ridgebrook Dr (north).	HIGH	Incomplete	
P94	Suncrest Drive	Sidewalks	Install sidewalks on the east side of the roadway from approximately 150 ft north of Ridgebrook Dr (north) to Hillcrest Dr.	HIGH	Partial	Sidewalk stops at Valley View Dr.
P95	Suncrest Drive	Sidewalks	Install sidewalks on the west side of the roadway from approximately 250 ft north of Ridgebrook Dr (north) to Hillcrest Dr.	HIGH	Partial	Sidewalk stops at Valley View Dr.
P96	Tannler Drive	Sidewalks	Install sidewalks on both sides of the roadway from Blankenship Rd to Greene St.	MEDIUM	Incomplete	
P97	Clark Street	Interim	Install a mixed-use shoulder on one side of the roadway from Skyline Dr to approximately 150 ft north of Windsor Blvd.	LOW	Incomplete	Small dirt walking path on east side from Windsor Terrace to approximately 50' from Wilderness Park.
P98	Johnson Road	Interim	Install a mixed-use shoulder on one side of the roadway from Blankenship Rd to West Linn City Limits.	LOW	Incomplete	No shoulder.
P100	Old River Drive	Interim	Install a mixed-use shoulder on the east side of the roadway from West Linn City Limits to Cedar Oak Dr.	LOW	Incomplete	No shoulder.
P101	Hillcrest Drive	Sidewalks	Install sidewalks on one side of the roadway from Suncrest Dr to Marylhurst Dr.	HIGH	Incomplete	
P102	Willamette Falls Drive	Interim	Improve pedestrian crossing at Fields Bridge Park.	HIGH	Complete	Pedestrian cross signs present.

Attachment B Prioritization Summary

Map ID	Location	Type	Status	Metro 2040 Centers	Metro 2040 Centers Score	TDI Score	TDI Score Score	Travel Speed	Travel Speed Score	Traffic Volume	Rightway Width	Func Class	Func Class Score	Lanes	Lanes Score	Presence of Facility	Presence of Facility Score	Zoning	Zoning Score	Proximity to Schools	Proximity to Schools Score	Proximity to Transit Stops	Proximity to Transit Stops Score	Fatal Ped Crashes	Fatal Ped Crashes Score	Crashes Ped Involved	Crashes Ped Involved Score	Civic Buildings	Civic Buildings Score	Parks	Parks Score	Ped Parkway	Ped Parkway Score	Ped Corridor	Ped Corridor Score	Connects to	Connects to Score	Fills in Gap	Fills in Gap Score	Score	Rank	Priority	Tier			
P1	4th Avenue	Sidewalks	Incomplete	Yes		10	0.89	6.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 One Side		5 Single Family Residential	5	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	344.00	23	Medium Ranking	Tier 2
P2	5th Avenue	Sidewalks	Partial	Yes		10	0.89	6.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 None		10 Single Family Residential	5	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	364.00	11	Medium Ranking	Tier 1
P4	8th Avenue	Sidewalks	Partial	Yes		10	0.80	4.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 One Side		5 Mixed Use Residential	10	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	352.00	18	Medium Ranking	Tier 2
P5	13th Street	Sidewalks	Partial	Yes		10	0.89	6.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 One Side		5 Single Family Residential	5	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	344.00	23	Medium Ranking	Tier 2
P6	Bittern Street	Sidewalks	Partial	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 One Side		5 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 Yes		10 No		0 No		0 No		0 No		0 No		0	308.00	33	Low Ranking	Tier 2
P7	Blankenship Road	Sidewalks	Incomplete	Yes		10	0.97	6.00	35	5.00 <Null>	<Null>	Major Collector		8	2	2.50 One Side		5 Mixed Use Residential	10	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 Yes		10	458.00	2	High Ranking	Tier 2		
P9	Blankenship Road	Sidewalks	Incomplete	No		0	0.80	4.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 One Side		5 Single Family Residential	5	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 Yes		10	356.00	14	Medium Ranking	Tier 2
P10	Bonnet Drive	Sidewalks	Incomplete	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 One Side		5 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	228.00	56	Low Ranking	Tier 2
P12	Cedar Oak Drive	Sidewalks	Partial	No		0	0.84	6.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 None		10 Single Family Residential	5	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 Yes		10	364.00	11	Medium Ranking	Tier 1
P15	Cornwall Street	Sidewalks	Incomplete	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 None		10 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	272.00	45	Low Ranking	Tier 1
P16	Davenport Street	Sidewalks	Incomplete	No		0	0.70	2.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 None		10 Single Family Residential	5	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	280.00	38	Low Ranking	Tier 1
P17	Exeter Street	Sidewalks	Incomplete	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 None		10 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	248.00	51	Low Ranking	Tier 1
P18	Exeter Street	Sidewalks	Incomplete	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 One Side		5 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	228.00	56	Low Ranking	Tier 2
P19	Exeter Street	Sidewalks	Partial	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 One Side		5 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	252.00	49	Low Ranking	Tier 2
P20	Hidden Springs Road	AC Path	Incomplete	No		0	0.80	4.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 One Side		5 Single Family Residential	5	No		0 Yes		10 No		0 No		0 No		0 Yes		10 No		0 No		0 No		0 Yes		10	336.00	26	Low Ranking	Tier 2		
P22	Lancaster Street	Sidewalks	Incomplete	No		0	1.00	10.00	35	5.00 <Null>	<Null>	Major Collector		8	2	2.50 None		10 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	282.00	37	Low Ranking	Tier 1
P24	Long Street	Sidewalks	Incomplete	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 None		10 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 Yes		10 No		0 No		0 No		0 No		0 No		0	352.00	18	Medium Ranking	Tier 1
P26	Lowry Drive	Sidewalks	Incomplete	No		0	0.70	2.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 None		10 Single Family Residential	5	Yes		10 No		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	280.00	38	Low Ranking	Tier 1
P27	Oregon City Boulevard	Sidewalks	Incomplete	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 One Side		5 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	228.00	56	Low Ranking	Tier 2
P28	Oxford Street	Sidewalks	Incomplete	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 One Side		5 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	252.00	49	Low Ranking	Tier 2
P33	Perrin Street	Sidewalks	Incomplete	Yes		10	0.70	2.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 None		10 Single Family Residential	5	Yes		10 Yes		10 No		0 No		0 No		0 Yes		10 No		0 No		0 No		0 No		0 No		0	420.00	3	High Ranking	Tier 1
P34	Prospect Street	Sidewalks	Incomplete	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 None		10 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	248.00	51	Low Ranking	Tier 1
P36	Randall Street	Sidewalks	Incomplete	No		0	0.70	2.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 None		10 Single Family Residential	5	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	280.00	38	Low Ranking	Tier 1
P37	Salamo Road	Sidewalks	Incomplete	No		0	1.07	10.00	35	5.00 <Null>	<Null>	Minor Arterial		10	3	5.00 One Side		5 Single Family Residential	5	No		0 No		0 No		0 No		0 No		0 No		0 No		0 Yes		10 No		0 Yes		10	260.00	48	Low Ranking	Tier 2		
P39	Santa Anita Drive	Sidewalks	Incomplete	No		0	0.73	4.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 One Side		5 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 Yes		10	276.00	41	Low Ranking	Tier 2		
P40	Santa Anita Drive	Sidewalks	Incomplete	No		0	0.73	4.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 One Side		5 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 Yes		10	276.00	41	Low Ranking	Tier 2
P41	Simpson Street	Sidewalks	Incomplete	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Connector		4	2	2.50 None		10 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 Yes		10 No		0 No		0 No		0 No		0 No		0	336.00	26	Low Ranking	Tier 1
P42	Skyline Drive	Sidewalks	Incomplete	No		0	0.99	8.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 One Side		5 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	240.00	54	Low Ranking	Tier 2
P44	Summit Street	Sidewalks	Incomplete	No		0	0.99	8.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 One Side		5 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	240.00	54	Low Ranking	Tier 2
P45	Summit Street	Sidewalks	Incomplete	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 None		10 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	272.00	45	Low Ranking	Tier 1
P47	Summit Street	Sidewalks	Incomplete	No		0	0.99	8.00	25	2.50 <Null>	<Null>	Connector		4	2	2.50 None		10 Single Family Residential	5	No		0 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	224.00	61	Low Ranking	Tier 1
P48	Summit Street	Sidewalks	Incomplete	No		0	0.99	8.00	25	2.50 <Null>	<Null>	Connector		4	2	2.50 One Side		5 Single Family Residential	5	No		0 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	204.00	64	Low Ranking	Tier 2
P49	Sunset Avenue	Sidewalks	Partial	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 None		10 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	272.00	45	Low Ranking	Tier 1
P51	Sussex Street	Sidewalks	Incomplete	No		0	1.00	10.00	25	2.50 <Null>	<Null>	Local		2	2	2.50 None		10 Single Family Residential	5	Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	248.00	51	Low Ranking	Tier 1
P54	West A Street	Sidewalks	Partial	No		0	0.99	8.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 None		10 Single Family Residential	5	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	340.00	25	Medium Ranking	Tier 1
P55	West A Street	Sidewalks	Partial	No		0	0.99	8.00	25	2.50 <Null>	<Null>	Major Collector		8	2	2.50 One Side		5 Single Family Residential	5	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0 No		0	320.00	32	Low Ranking	Tier 2
P63	19th Street	Sidewalks	Incomplete	No		0	0.80	4.00	25	2.50 <Null>	<Null>	Minor Collector		6	2	2.50 One Side		5 Single Family Residential	5	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 No		0 Yes		10 No		0	348.00	21	Medium Ranking	Tier 2
P64	19th Street	Sidewalks	Incomplete	No		0	0.80	4.00	25	2.50 <Null>	<Null>	Minor Collector		6	2	2.50 None		10 Single Family Residential	5	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 Yes		10 No		0	368.00	9	High Ranking	Tier 1		
P65	19th Street	Sidewalks	Partial	No		0	0.69	2.00	25	2.50 <Null>	<Null>	Minor Collector		6	2	2.50 None		10 Single Family Residential	5	Yes		10 Yes		10 No		0 No		0 No		0 No		0 No		0 No		0 Yes		10 No		0	368.					



West Linn Pedestrian Plan Prioritization

CITY COUNCIL JOINT WORK SESSION WITH TAB

Agenda

- ▶ Background
 - ▶ 2016 Pedestrian Project List (TSP)
 - ▶ Reason for a new list
- ▶ Prioritization Factors and Criteria
- ▶ Pedestrian Plan Projects
- ▶ Pedestrian Project Cost
- ▶ Funding Opportunities

2016 Pedestrian Project Priority List

- ▶ 104 Pedestrian Projects Listed
 - ▶ 70 High Priority - \$13,110,000
 - ▶ 31 Medium Priority - \$6,435,000
 - ▶ 3 Low Priority - \$660,000
- ▶ Total Cost = \$20,205,000

Recent Requests

- ▶ Last year or two there have been several requests for new sidewalk
 - ▶ Many in areas that were medium/low priority from the 2016 list
 - ▶ Some requests were not even on the 2016 list (9th Street)
- ▶ After discussing this at multiple TAB meetings, it was recommended the City hire a consultant to reprioritize the 2016 Pedestrian List
- ▶ The City contracted with Kittelson & Associates for this work. They are nationally recognized for transportation design and planning

Prioritization Factors and Criteria

- ▶ Updated factors were based on Oregon Administrative Rule (OAR) 660-012, also known as the Transportation Planning Rule (TPR)
- ▶ The TPR was updated in 2022 to provided Cities and Counties in the Metro area with detailed guidance on planning for future transportation facilities
- ▶ The TPR guidance in intended to help City's comply with the Climate Friendly and Equitable Community (CFEC) adopted by the state
- ▶ In particular: OAR 660-012-0520 – Pedestrian System Projects
 - ▶ Factors must be used when prioritizing pedestrian improvements

2025 Updates

- ▶ Removed projects that are completed, under construction, or no longer feasible
- ▶ Updated project descriptions for projects that are partially complete
- ▶ Updated project priorities based on updated prioritization process
- ▶ Updated all project costs to reflect 2024 dollars

Table 1. Prioritization Factors

Transportation Planning Rule Reference	Prioritization Factors	Evaluation Criteria	Input Values	Scaling Method	Weighting
OAR 660-012-0520(3)(a)	Metro Region 2040 centers	Is the project site in a Metro Region 2040 Center?	Yes, No	Yes = 10; No = 0	6
OAR 660-012-0520(3)(b)	Underserved Populations	Is the project site in an area with a relatively high concentration of underserved populations?	ODOT Transportation Disadvantage Index (TDI) score	Proportionate (High to low TDI score)	6
OAR 660-012-0520(3)(c)	Pedestrian Safety Risk Factors	What is the posted speed limit at the project site?	15 to 55 mph	Proportionate (High to low speed)	4
		What is the functional classification at the project site?	Local, Connector, Minor Collector, Major Collector, Minor Arterial	Minor Arterial = 10; Major Collector = 8; Minor Collector = 6; Connector = 4; Local = 2	
		How many travel lanes at the project site?	1 to 5 lanes	Proportionate (More to less lanes)	
		Is there a pedestrian facility at the project site?	Incomplete, Partial	Incomplete = 10; Partial = 5	
		What is the adjacent land use at the project site?	Zoning designation (e.g., industrial, single-family, multi-family, mixed-use)	Mixed-use Res. = 10; Multi-facility Res. = 8; Single-family Res. = 5; Industrial = 2.5	
OAR 660-012-0520(3)(d)	Pedestrian Crash History	Have any fatal or serious injury pedestrian crashes been reported at the project site?	Yes, No	Yes = 10; No = 0	4

		Have any minor or moderate injury pedestrian crashes been reported at the project site?	Yes, No	Yes = 10; No = 0	
OAR 660-012-0520(3)(e)	Key Pedestrian Destinations	Is the project site located within ½ mile walking distance of an elementary school or ¾ mile walking distance of a middle school?	Yes, No	Yes = 10; No = 0	10
		Is the project site located within ¼ mile of a transit stop?	Yes, No	Yes = 10; No = 0	8
		Is the project site located within ¼ mile of a civic building?	Yes, No	Yes = 10; No = 0	
		Is the project site located within ¼ mile of a park?	Yes, No	Yes = 10; No = 0	
OAR 660-012-0520(3)(f)	Pedestrian System Investments	Does the project connect to an existing sidewalk or path?	Yes, No	Yes = 10; No = 0	6
		Does the project fill a gap in an existing sidewalk or path?	Yes, No	Yes = 10; No = 0	
OAR 660-012-0520(3)(h)	Scenario Plan	Is the project site located on a Pedestrian Parkway per the RTP?	Yes, No	Yes = 10; No = 0)	2
		Is the project site located on a Pedestrian Corridor per the RTP?	Yes, No	Yes = 10; No = 0	

2025 Pedestrian Project Priority List

- ▶ 107 Pedestrian Projects Listed
 - ▶ Further separated into 2 categories
 - ▶ Tier 1: projects with no existing sidewalks on either side of the street
 - ▶ Tier 2: projects with existing sidewalks on one side of the street
 - ▶ **Tier 1 High Priority - 8 projects - \$7,275,000**
 - ▶ Tier 1 Medium Priority \$10,635,000
 - ▶ Tier 1 Low Priority - \$18,395,000
 - ▶ **Tier 2 High Priority – 4 projects - \$5,175,000**
 - ▶ Tier 2 Medium Priority - \$2,060,000
 - ▶ Tier 2 Low Priority - \$10,945,000
- ▶ Total Cost = \$54,485,000

Project Funding Opportunities

Traffic Safety Fee

- ▶ Monthly fee modeled after the City of Milwaukee's (SAFE) program
- ▶ Continuous source of revenue
- ▶ Could fund 5,000-6,000 ln-ft of new sidewalk each year

Transportation Bond

- ▶ Approved by the voters
- ▶ Would allow for funding of some large-scale projects

Land Use	Units	Monthly Fee (\$)	Total/Month	Total/Year
Single Family	8595	\$7.11	\$61,110.45	\$733,325.40
Multi Family (Apart and Townhomes)	1800	\$5.71	\$10,278.00	\$123,336.00
Commercial (per trip)	141	\$0.70		
Elderly Care		\$2.63		
Low Income (exempt)				
Total				\$856,661.40



Work Session Agenda Bill

Date April 10, 2025

To: Rory Bialostosky, Mayor
West Linn City Council

Through: John Williams, City Manager *JRW*
Lauren Breithaupt, Finance Director *LB*

From: Stephanie Hastings, Management Analyst- Revenue & Procurement *SH*

Subject: West Linn Municipal Code (WLMC) Chapter 10 - Utility License and Use of the Right-Of-Way

Purpose:

To update the Municipal Code relating to utility licenses and right-of-way use to provide clarification on management of the right-of-way.

Question(s) for Council:

Does the Council wish to repeal the existing Chapter 10 Utility License and Use of the Right-Of-Way of the West Linn Municipal Code (WLMC) and replace it with an expanded version of the code?

Background & Discussion:

In 2021 Council adopted Ordinance 1723, adding Chapter 10 Utility License and Use of the Right-Of-Way to the Municipal Code. This adoption requires utility providers (e.g. PGE, NW Natural Gas, Verizon, Ziply, and other telecommunication companies) to obtain a license to use or place facilities in the right-of-way. This change was made to allow for more efficient, fair, and uniform treatment of all utilities that use the City's right-of-way, to reduce staff time, legal resources, and expenses spent negotiating franchising agreements, as well as remove limitations that prevent the City from capturing revenue from wholesale and other subcategories of communication utilities in the right-of-way.

In 2024, the Finance Department hired outside legal counsel specializing in right-of-way ordinances to assist staff in reviewing and implementing Chapter 10 of the Municipal Code. Based on counsel's experience with utilities in the right-of-way, counsel suggested extensive code amendments to clarify and improve definitions, licensing and reporting requirements, fees and payments, construction and location requirements, maintenance requirements, and the enforcement process. Outside legal counsel's recommendations have been reviewed with Public Works staff and the City Attorney's Office. Proposed Ordinance 1759 (Attachment 1) is intended to replace the current Chapter 10 of the Municipal Code. If adopted, the code revisions will necessitate modifications to the right-of-way use fees in section 8.15 of the Master Fees and Charges (Attachment 2). These modifications would be adopted under a separate resolution.

Public notice of the proposed changes to Chapter 10 was given the week of February 24th in the West Linn Tidings, Portland Business Tribune, and Daily Journal of Commerce. Licensees and current franchise

holders were notified of the proposed Chapter 10 code amendments by mail February 24, 2025. Two public comments were received; submitted by Wireless Policy Group on behalf of Verizon and New Cingular Wireless PCS, LLC (AT&T) (Attachments 3 and 4). These comments addressed attachment fee language, undergrounding exemption for antennas, license & registration requirements, permits for emergency work, construction schedules, records requirements, wireless exemption from usage fees, and insurance requirements. Outside counsel and staff have identified the following accommodations to AT&T Verizon's requests, which have been incorporated into the proposed ordinance:

- Incorporating language regarding attachment fees into the Master Fees and Charges.
- Additional undergrounding exemption language for antennas.
- Removal of requirement for attachment authorization from registration.
- More specific provisions regarding requirement to notify City of changes to information on license application.
- More specific provisions regarding records and reporting.
- Removal of 48-hour requirement for emergency permit applications.
- Revisions of insurance requirements to align with industry practices more closely.

In addition, the City will incorporate courtesy renewal reminders for license registration into the administrative process.

Council Options:

1. Direct staff to bring the ordinance to the May 12 Council Meeting for adoption.
2. Direct staff to modify the ordinance and bring to the May 12 Council Meeting for adoption.
3. Take no action on the proposed ordinance and give staff direction on how to proceed.

Staff Recommendation:

Staff recommends directing staff to bring this ordinance back to the May 12 Council Meeting for adoption.

Attachments:

1. Proposed Ordinance 1759 Chapter 10 Utility License and Use of the Right-Of-Way of the West Linn Municipal Code (WLMC).
2. Potential revisions to Master Fees & Charges.
3. Public comment received from Wireless Policy Group on behalf of AT&T.
4. Public comment received from Wireless Policy Group on behalf of Verizon.

ORDINANCE 1759

AN ORDINANCE RELATING TO UTILITY LICENSES AND USE OF THE RIGHT-OF-WAY

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

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

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

WHEREAS, the City has jurisdiction to control the public right-of-way within the City and may regulate the use of the right-of-way by ordinance, franchise, license, permit or any combination thereof; and

WHEREAS, Chapter 10 of the Municipal Code was enacted in 2021 to provide uniform, standardized terms and compensation for the use of the City's right-of-way by utility providers;

WHEREAS, the need for additional clarity and improvements to Chapter 10 of the Municipal Code have been identified that will improve code implementation and compliance by utility providers using the right-of-way within West Linn; and

WHEREAS, the City finds it is in the public interest to enact the changes to the West Linn Municipal Code as set forth in this Ordinance.

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

SECTION 1. Repeal. West Linn Municipal Code Chapter 10 [Utility License and Use of the Right-Of-Way] is repealed in its entirety. Any municipal code provisions in conflict with the provisions in this Ordinance are also repealed.

SECTION 2. Amendment. West Linn Municipal Code Chapter 10 [Utility License and Use of the Right-Of-Way] is adopted as set forth is Exhibit A.

SECTION 3. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 4. 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 5. 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 6. Effective Date. This ordinance shall take effect on **July 1, 2025**.

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

Chapter 10

UTILITY LICENSE AND USE OF THE RIGHT-OF-WAY

UTILITY LICENSE AND USE OF THE RIGHT-OF-WAY

- 10.000 Title.
- 10.010 Jurisdiction & Management of the Right-of-Way.
- 10.020 Regulatory Fees & Compensation Not a Tax.
- 10.030 Definitions.
- 10.040 Utility Provider Registration
- 10.050 Right-of-Way Licenses and Other Agreements.
- 10.060 Construction and Restoration.
- 10.070 Location of Facilities
- 10.080 Maintenance.
- 10.090 Vacation of Right-of-Way.
- 10.100 Fees, Payments and Penalties.
- 10.110 Records, Reporting and Appeal Rights.
- 10.120 Insurance & Indemnification
- 10.130 Compliance
- 10.140 Confidential & Proprietary Information
- 10.150 Severability & Preemption
- 10.160 Application to Existing Agreements.
- 10.170 Violation.

UTILITY LICENSE AND USE OF THE RIGHT-OF-WAY

10.000 Title.

The ordinance codified in this chapter shall be known and may be referenced as the Utility License and Use of the Right-of-Way ordinance.

10.010 Jurisdiction & Management of the Right-of-Way

(1) The City has jurisdiction and exercises regulatory management over all rights-of-way within the city under authority of the City Charter and state law.

(2) The City has jurisdiction and exercises regulatory management over each right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way, and whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

(3) The exercise of jurisdiction and regulatory management of a right-of-way by the City is not official acceptance of the right-of-way and does not obligate the City to maintain or repair any part of the right-of-way.

(4) The provisions of this chapter are subject to and will be applied consistent with applicable state and federal laws, rules and regulations, and, to the extent possible, shall be interpreted to be consistent with such laws, rules and regulations.

10.020 Regulatory Fees & Compensation Not a Tax

(1) The fees and costs provided for in this chapter, and any compensation charged and paid for use of the right-of-way provided for in this chapter, are separate from, and in addition to, any and all other federal, state, local, and city charges, including but not limited to: any permit fee, or any other generally applicable fee, tax, or charge on business, occupations, property, or income as may be levied, imposed, or due from a utility operator, utility provider or licensee, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of utility services.

(2) The City has determined that any fee or tax provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees or taxes are not imposed on property or property owners.

(3) The fees and costs provided for in this chapter are subject to applicable federal and state laws.

10.030 Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein:

“Cable Service” is to be defined consistent with federal laws and means the one-way transmission to subscribers of: (i) video programming, or (ii) other programming service; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"Communication Service" means any service provided for the purpose of transmission of information, including, but not limited to, voice, video, or data, without regard to the transmission protocol employed, whether or not the transmission medium is owned by the provider itself. Communications service includes all forms of telephone services and voice, video, data or information transport, but does not include:

1. Cable Service;
2. Open video system service, as defines in 47 C.F.R. 76;
5. Over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and
6. Direct-to-home satellite services within the meaning of Section 602 of the Telecommunications Act.

"Franchise" means a grant of authority by agreement and contract and ordinance allowing the use of right-of-way within the City for utility facilities.

"Person" means an individual, corporation, company, association, joint stock company or association, firm, partnership, limited liability company or governmental entity

"Right-of-way" means the surface of, and the space above and below, any public street, road, alley, highway, dedicated way, local access road, sidewalks and other public ways used or intended to be used by the general public for vehicles and pedestrians, and any utility easement within the city that are designated for providers of utility services and regulated under the West Linn Municipal Code. This definition is limited to areas over which the City has the right, jurisdiction or authority to grant a license to utility operators to occupy and use such areas for utility facilities.

"Utility Facilities" means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located or to be located within the right-of-way in the City and used or to be used for the purpose of providing utility services.

"Utility Operator" means any person who owns, places, controls, operates, or maintains a utility facility within the city

"Utility Provider" means any person who provides utility service to customers within the city limits, whether or not the provider owns any utility facilities in the right-of-way.

"Utility Services" means the provision, by means of utility facilities and without regard to whether such facilities are owned by the service provider, of electricity, natural gas, communications service, or cable service, to or from customers within the corporate boundaries of the City, or the transmission of any of these services through the City whether or not customers within the City receive those transmissions or services. "Utility services" shall not include the provision of water, sewer or stormwater service.

10.040 Utility Provider Registration

(1) Registration Required. Every person that desires to provide utility services to customers within the city shall register with the City prior to providing any utility services to any customer in the city. Every person providing utility services to customers within the city as of the effective date of this chapter shall register within 30 days of the effective date of this chapter.

(2) Annual Registration. After registering with the City pursuant to subsection (1) of this section, the registrant shall, by December 31st of each year, file with the City a new registration form if it intends to

provide utility service at any time in the following calendar year. Registrants that file an initial registration pursuant to subsection (1) of this section on or after September 30th shall not be required to file an annual registration until December 31st of the following year.

(3) Registration Application. The registration shall be on a form provided by the City, and shall be accompanied by any additional documents required by the City to identify the registrant and its legal status, describe the type of utility services provided or to be provided by the registrant and list the facilities over which the utility services will be provided.

(4) Registration Fee. Each application for registration shall be accompanied by a nonrefundable registration fee in an amount to be determined by resolution of the City Council sufficient to fully recover all of the City's costs of administering the registration program.

(5) Exception. A person with a valid franchise agreement or right-of-way utility license from the City shall not be required to register to provide the utility services expressly permitted by the franchise agreement or right-of-way utility license.

10.050 Right-of-Way Utility Licenses and Other Agreements.

(1) License Required.

(a) Except those utility operators with a valid franchise under Chapter 9, every person shall obtain a right-of-way utility license from the City prior to conducting any work in the right-of-way related to utility facilities.

(b) Every person or business that owns, operates or controls utility facilities in the right-of-way as of the effective date of this chapter shall apply for a right-of-way utility license from the City within 30 days of the later of: (i) the effective date of this chapter, (ii) the expiration of a valid franchise or other agreement from the City.

(2) License Application. The right-of-way utility license application shall be on a form provided by the City, and shall be accompanied by any additional documents required by the application to identify the applicant, its legal status, its authorization to do business in Oregon, a description of the type of utility service provided or to be provided by the applicant, a description of the facilities and ownership of the facilities over which the utility service will be provided, and other information reasonably necessary to determine the applicant's ability to comply with the terms of this chapter.

(3) License Application Fee. A nonrefundable application fee shall accompany the right-of-way utility application as set by the City Council.

(4) Determination by City. The City shall issue a written determination granting or denying the right-of-way utility license in whole or in part. If the right-of-way utility license is denied, the written determination shall include the reasons for denial. The right-of-way utility license shall be evaluated based upon the provisions of this chapter, the continuing capacity of the right-of-way to accommodate the applicant's proposed utility facilities and the applicable Federal, State and local laws, rules, regulations and policies. If the City determines that an applicant is in violation of the terms of this Chapter at the time it submits its application, the City may require the applicant to cure the violation or submit a detailed plan to cure the violation before the City will consider the application or grant the right-of-way utility license. If the City requires the applicant to cure or submit a plan to cure a violation,

the City will grant or deny the right-of-way utility license application only after confirming that the violation has been cured or of accepting the applicant's plan to cure the violation.

(5) Changes to Information Listed on Right-of-Way Utility License Application. Within 30 days of a material change to the information listed on the right-of-way utility license application, the licensee shall notify the City in writing of such change. Material changes include Licensee's name, address, contact information for the authorized contract/representative, changes in the services offered and types of facilities installed in the right-of-way.

(6) Franchise Agreements. If the public interest warrants, as determined by the City in its sole discretion, the City and utility operator may enter into a written franchise agreement that includes terms that clarify, enhance, expand, waive or vary the provisions of this chapter, consistent with applicable state and federal law. The franchise may conflict with the terms of this chapter with the review and approval of City Council. The franchisee shall be subject to the provisions of this chapter to the extent such provisions are not in conflict with the express provisions of any such franchise. In the event of a conflict between the express provisions of a franchise and this chapter, the franchise shall control. Utility operators providing cable service shall be subject to the separate cable franchise requirements of the City and other applicable authority.

(7) Rights Granted

(a) A right-of-way utility license granted under this chapter authorizes and permits the licensee to construct, place, maintain, and operate utility facilities in the right-of-way for the term of the license, subject to the provisions of city code, rules, regulations and policies, and other applicable provisions of state and federal law.

(b) Each right-of-way utility license granted under this Chapter authorizes only those utility facilities and services applied for and approved by the City. The City may approve the provision of multiple services in one right-of-way utility license.

(c) A right-of-way utility license granted under this chapter shall be personal to the licensee and may not be assigned, sublicensed, or transferred, in whole or in part, except as permitted by this chapter.

(d) A right-of-way utility license granted under this chapter does not grant, convey, create, or vest in a licensee any real property interest in land, including any fee, leasehold interest, or easement, and does not convey equitable or legal title in the right-of-way. The right-of-way utility license is subject to all recorded deeds, easements, dedications, conditions, covenants, restrictions, encumbrances and claims of title of record that may affect the right-of-way. A right-of-way utility license granted under this chapter is not a warranty of title. Licensee expressly acknowledges and agrees to enter on to and use the licensed right-of-way in its "as-is and with all faults" condition. The City makes no representations or warranties whatsoever, whether express or implied, as to the right-of-way's condition or suitability for the licensee's use. By its acceptance of the right-of-way utility license, the licensee expressly acknowledges and agrees that neither the City nor its agents have made, and the City expressly disclaims, any representations or warranties whatsoever, whether express or implied, with respect to the physical, structural or environmental condition of the right-of-way, and the present or future suitability of the right-of-way for the licensee's use.

(e) The issuance of a right-of-way utility license does not constitute a waiver or bar to the City's exercise of any governmental right or power, including without limitation the City's police powers and regulatory powers, regardless of whether such powers existed before or after the right-of-way utility license is issued.

(8) Term. Subject to the termination provisions in subsection 14 of this section, the right-of-way utility license granted pursuant to this chapter will be effective as of the date it is issued by the City and will have a term ending five calendar years from: (1) January 1st of the year in which the right-of-way utility license took effect for licenses that become effective between January 1st and June 30th; or (2) January 1st of the year after the right-of-way utility license took effect for licenses that become effective between July 1st and December 31st.

(9) License Nonexclusive. No right-of-way utility license granted pursuant to this section shall confer any exclusive right, privilege, license, or franchise to occupy or use the right-of-way for delivery of utility services or any other purpose. The City expressly reserves the right to grant licenses, franchises, or other rights to other persons, as well as the City's right to use the right-of-way, for similar or different purposes.

(10) Reservation of City Rights.

(a) The City reserves all rights, title, and interest in its right-of-way. A right-of-way utility license granted under this chapter does not prevent the City from exercising any of its rights, including without limitation grading, paving, repairing, or altering any right-of-way, constructing, laying down, repairing, relocating, or removing city facilities or establishing any other public work, utility facilities, or improvement of any kind, including repairs, replacement, or removal of any city facilities.

(b) If any of licensee's utility facilities interfere with the construction, repair, replacement, alteration or removal of any right-of-way, public work, city utility facility, city improvement, improvement that implements a city urban renewal agency project, or city facility, except those providing utility services in competition with a licensee, licensee's facilities shall be removed or relocated as provided in this chapter, in a manner acceptable to the City and consistent with industry standard engineering and safety codes.

(11) Multiple Services

(a) A utility operator that provides or transmits or allows the provision or transmission of utility services and other services over its facilities is subject to the right-of-way utility license and Right-of-Way Usage Fee requirements of this chapter for the portion of the facilities and extent of utility services delivered over those facilities.

(b) A utility operator that provides or transmits more than one utility service over its facilities is not required to obtain a separate right-of-way utility license for each utility service, provided the license granted by the City authorizes the multiple utility services and the utility operator files separate remittance forms and pays the applicable Right-of-Way Usage Fee for each utility service.

(c) A utility operator may lease capacity on or in its utility facilities to third parties, provided (i) the utility operator provides the City with the name and business address of any third party lessee, unless disclosure is prohibited by applicable law; (ii) the use of the operator's capacity does not require or involve any additional equipment owned or operated by the lessee to be installed on the facility; and (iii) the operator maintains control over and responsibility for the facility at all times.

(d) A utility operator is not required to pay the right-of-way utility provider registration fee, right-of-way utility license fee or Right-of-Way Usage Fee owed to the City by the third party that leases capacity of the utility operator's facilities.

(12) **Transfer or Assignment.** To the extent permitted by applicable state and federal laws, the licensee shall obtain the written consent of the City prior to the transfer or assignment of the right-of-way utility license. The right-of-way utility license shall not be transferred or assigned unless the proposed transferee or assignee is authorized under all applicable laws to own or operate the utility facilities and the transfer or assignment is approved by all agencies or organizations required or authorized under federal and state laws to approve such transfer or assignment. The licensee requesting the transfer or assignment must cooperate with the City and provide documentation, as the City deems necessary, in the City's sole discretion and at no cost to the City, to evaluate the transferee's ability to comply with the provisions of the right-of-way utility license. If the City approves such transfer or assignment, the transferee or assignee shall become responsible for fulfilling all obligations under the right-of-way utility license. A transfer or assignment of a right-of-way utility license does not extend the term of the license.

(13) **Renewal.** At least 90, but no more than 180, calendar days before the expiration of a right-of-way utility license granted under this section, a licensee seeking renewal of its license shall submit a right-of-way utility license application to the City, including all information and fees required in this chapter as may be supplemented by the City Administrator. The City shall review the application and grant or deny the right-of-way utility license within 90 days after the application is duly filed. If the City determines that the licensee is in violation of the terms of this chapter at the time it submits its application, the City may require, by a written notice, that the licensee cure the violation or submit a detailed plan to cure the violation within a reasonable period of time, as determined by the City, before the City will consider the application or grant the right-of-way utility license. If the City requires the licensee to cure or submit a plan to cure a violation, the City will grant or deny the right-of-way utility license application within 90 days of confirming that the violation has been cured or of accepting the licensee's plan to cure the violation.

(14) **Termination.**

(a) **Revocation or Termination of a License.** The City Council may terminate or revoke the right-of-way utility license granted pursuant to this chapter for any of the following reasons:

- (i) Violation of any of the provisions of this chapter;
- (ii) Violation of any provision of the right-of-way utility license;
- (iii) Misrepresentation in a right-of-way utility license application;

- (iv) Failure to pay taxes, compensation, fees or costs due the City after final determination by the City of the taxes, compensation, fees or costs;
- (v) Failure to restore the right-of-way after work as required by this chapter or other applicable state and local laws, ordinances, rules and regulations;
- (vi) Failure to comply with technical, safety and engineering standards related to work in the right-of-way; or
- (vii) Failure to obtain or maintain any and all licenses, permits, certifications and other authorizations required by state or federal law for the placement, maintenance and/or operation of the utility facilities.

(b) Standards for Revocation or Termination. In determining whether termination, revocation or some other sanction is appropriate, the following factors shall be considered:

- (i) The egregiousness of the misconduct;
- (ii) The harm that resulted;
- (iii) Whether the violation was intentional;
- (iv) The licensee's history of compliance; and/or
- (v) The licensee's cooperation in discovering, admitting and/or curing the violation.

(c) Notice and Cure. The City shall give the licensee written notice of any apparent violations before terminating a right-of-way utility license. The notice shall include a short and concise statement of the nature and general facts of the violation or noncompliance and provide a reasonable time (no less than 20 and no more than 40 days) for the licensee to demonstrate that the licensee has remained in compliance, that the licensee has cured or is in the process of curing any violation or noncompliance, or that it would be in the public interest to impose a penalty or sanction less than termination or revocation. If the licensee is in the process of curing a violation or noncompliance, the licensee must demonstrate that it acted promptly and continues to actively work on compliance. If the licensee does not respond or if the City Administrator or designee determines that the licensee's response is inadequate, the City Administrator or designee shall refer the matter to the City Council, which shall provide a duly noticed public hearing to determine whether the right-of-way utility license shall be terminated or revoked and if any penalties or sanctions will be imposed.

(d) Termination by Licensee. If a licensee ceases to be required to have a right-of-way utility license under this chapter, the licensee may terminate its license by giving the City 30 days' prior written notice. Licensee may reapply for a right-of-way utility license at any time. No refunds or credits will be given for right-of-way utility licenses terminated by the licensee or the City. Within 45 days of surrendering a right-of-way utility license, the licensee shall file a final remittance form with the City stating, "final remittance" and shall pay all fees due under this chapter through the date of termination. The licensee shall also remove its utility facilities from the right-of-way as required by West Linn Municipal Code Section 10.070.

10.060 Construction and Restoration.

(1) Construction Codes.

(a) Utility facilities shall be constructed, installed, operated, repaired and maintained in accordance with all applicable federal, state and local codes, rules and regulations, including but not limited to the National Electrical Code and the National Electrical Safety Code and the Public Works Standards, in effect at the time of the work.

(b) When a utility operator, or any person acting on its behalf, does any work in or affecting the right-of-way, the utility operator shall, at its own expense, promptly restore the right-of-way as directed by the City consistent with applicable city codes and Public Works Standards, rules and regulations in effect at the time of the work.

(2) Construction Permits.

(a) No person shall perform any work on utility facilities within the right-of-way without first obtaining all required permits and approvals, including but not limited to any permits required in Section 3.250 and the provisions of this Chapter, and wireless siting permits required in chapter 57 of the Community Development Code and any applicable City design standards.

(b) The City shall not issue a permit for the construction, installation, maintenance or repair of utility facilities unless the owner of the facilities has applied for and received a valid right-of-way utility license as required by this chapter, or has a current franchise agreement, and all applicable fees have been paid.

(c) No permit is required for routine maintenance or repairs to customer service drops where such repairs or maintenance do not require cutting, digging, or breaking of, or damage to, the right-of-way and do not result in closing or blocking any portion of the travel lane for vehicular traffic, bicycle lanes or sidewalks.

(d) Emergencies. In the event of an emergency, a utility operator with a right-of-way utility license pursuant to this chapter or a valid franchise agreement, or the utility operator's contractor, may perform work on its utility facilities without first obtaining a permit from the City; provided, that, to the extent reasonably feasible, it attempts to notify the City Engineer prior to commencing the emergency work and in any event applies for a permit from the City as soon as reasonably practicable after commencing the emergency work. For purposes of this subsection (2), "emergency" means a circumstance in which immediate work or action is necessary to restore lost service or prevent immediate harm to persons or property.

(e) Applications for Permits. Applications for permits to perform work within the right-of-way shall be submitted upon forms to be provided by the City and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

(i) That the utility facilities will be constructed in accordance with all applicable codes, rules and regulations, including Public Works Standards.

(ii) The location and route of all utility facilities to be installed above ground or on existing utility poles and, if the utility operator owns the existing utility poles, a comprehensive summary, including ownership and structural condition, of any and all infrastructure currently attached to the pole. Unless approved in writing by the City Engineer, the construction of new utility poles is

prohibited. An existing utility pole that is damaged or failing may be repaired or replaced with a new utility pole of substantially similar dimensions and materials. For utility pole appurtenances placed on poles not owned by the applicant, provide written consent of the utility operator that owns the pole which authorizes its use for the appurtenances and certifies its structural integrity for that use.

(iii) The location and route of all utility facilities on or in the right-of-way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route that are within the right-of-way. Applicant's existing utility facilities shall be differentiated on the plans from new construction. The City may require additional information necessary to demonstrate that the proposed location can accommodate the utility facilities, as determined by the City. A cross-section shall be provided showing the applicant's new and existing utility facilities in relation to the street, curb, sidewalk, or right-of-way.

(iv) The construction methods to be employed for work within or adjacent to the right-of-way, description of any improvements that applicant proposes to temporarily or permanently remove or relocate, and if deemed necessary by the City, methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the right-of-way.

(v) The permittee has an adequate traffic control plan

(f) All permit applications shall be accompanied by the verification of a qualified and duly authorized representative of the applicant that the drawings, plans, and specifications submitted with the application comply with applicable technical codes, rules, and regulations. The City may, in its sole discretion, require the verification of a registered professional engineer or other licensed professional, at no cost to the City.

(g) All permit applications shall be accompanied by a written construction schedule, which shall include an estimated start date and a deadline for completion of construction. The construction schedule is subject to approval by the City.

(h) Prior to issuance of a construction permit, the applicant shall pay a permit fee in the amount determined by resolution of the City Council.

(i) If satisfied that the application, plans and documents submitted comply with all requirements of this chapter, the City shall issue a permit authorizing the work in the right-of-way, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as the City may deem necessary or appropriate.

(j) Except in the case of an emergency, the permittee shall notify the City not less than two working days in advance of any work in the right-of-way.

(k) All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the utility facilities. The City and its representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements.

(l) All work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this chapter shall be removed or corrected at the sole cost and expense of the permittee. The City is authorized to stop work in order to ensure

compliance with the provisions of this chapter. If the permittee fails to remove or correct work as required in this subsection, the City may remove or correct the work at the cost and expense of the permittee, after notice and opportunity to cure, using qualified personnel or contractors consistent with applicable state and federal safety laws and regulations.

(m) The permittee shall be responsible for providing correct and complete information on the permit application and in any related information provided to the City. If the City believes the permittee misrepresented, misstated, or omitted any material fact(s) in or related to its permit application, the City may deny or revoke the permit. The City may at any time require the permittee to take additional measures to protect the health, safety, and welfare of the public. The permittee shall be responsible for and pay all costs and expenses for such measures.

(n) All construction activities must comply with the work hours and noise regulations of the City Municipal Code Section 5.487

(o) The permittee shall promptly complete all work so as to minimize disruption of the right-of-way and other public and private property. All work within the right-of-way, including restoration, must be completed within 60 days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved by the City.

(p) The permittee shall protect the work area with sufficient traffic controls that follow the latest edition of the ODOT Temporary Traffic Control Handbook, reviewed and accepted by the City before work begins. The permittee shall at all times use such workers, tools and materials, flaggers, barricades, and other safety devices as may be necessary to properly protect bicyclists, pedestrians, construction personnel, and vehicular traffic upon the roadway, and to warn and safeguard the public against injury or damage resulting from the work. All work must comply with all applicable Americans with Disabilities Act requirements and the requirements of the Manual on Uniform Traffic Control Devices (MUTCD).

(q) Any supervision or control exercised by the City shall not relieve the permittee or utility operator of any duty to the general public nor shall such supervision or control relieve the permittee or utility operator from any liability for loss, damage or injury to persons or property.

(3) Performance Surety.

(a) The City may, in the City's sole discretion, require a utility operator or permittee to provide a performance bond or other form of surety acceptable to the City equal to at least 125 percent of the estimated cost of the work within the right-of-way, which bond shall be provided before work is commenced.

(b) If required, the performance bond or other form of surety acceptable to the City shall remain in force until 60 days after substantial completion of the work, as determined in writing by the City, including restoration of right-of-way and other property affected by the work.

(c) If required, the performance bond or other form of surety acceptable to the City shall guarantee, to the satisfaction of the City:

(i) Timely completion of the work;

(ii) That the work is performed in compliance with applicable plans, permits, technical codes and standards;

(iii) Proper location of the utility facilities as specified by the City;

(iv) Restoration of the right-of-way and other property affected by the work;

(v) Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

(d) The release of the performance bond or other surety pursuant to subsection (3)(a) of this section does not relieve the utility operator from its obligation to restore right-of-way or other property as required in subsection (5) of this section regardless of when the failure to restore right-of-way or other property as required by this chapter occurs or is discovered.

(4) Injury to Persons or Property. A utility operator is responsible for all injury to persons or damage to public or private property resulting from its failure to properly protect people and property and to carry out the work, regardless of whether the work is performed by a utility operator or performed by an independent contractor performing the work on behalf of the utility operator. A utility operator, or any person acting on its behalf, must preserve and protect from injury or damage the public using the right-of-way, other utility operators' facilities in the right-of-way, and any adjoining property, and take other necessary measures to protect life and property, including but not limited to sidewalks, streets, buildings, walls, fences, trees, and facilities that may be subject to damage from the permitted work.

(5) Restoration.

(a) When an operator, or any person acting on its behalf, does any work in or affecting any right-of-way, it shall, at its own expense, promptly restore such right-of-way or property to the same or better condition as existed before the work was undertaken, in accordance with applicable federal, state and local laws, codes, ordinances, rules, and regulations, unless otherwise directed by the City.

(b) If weather or other conditions beyond the operator's control do not permit the complete restoration required by the City, the operator shall temporarily restore the affected right-of-way or property. Such temporary restoration shall be at the operator's sole expense and the operator shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule shall be subject to approval by the City.

(c) If the utility operator fails to restore right-of-way as required in this chapter, the City shall give the utility operator written notice and provide the utility operator a reasonable period of time, which shall be not less than 10 days, unless an emergency or threat to public safety is deemed to exist, and shall not exceed 30 days unless agreed to in writing by the City, to restore the right-of-way. If, after said notice, the utility operator fails to restore the right-of-way as required in this chapter, the City shall cause such restoration to be made at the cost and expense of the utility operator. If the City determines a threat to public safety exists, the City may provide necessary temporary safeguards, at the utility operator's sole cost and expense, and the utility operator shall have 24 hours to commence restoration. If the utility operator does not commence work in 24 hours, the City, at its sole option, may commence restoration at the utility operator's sole cost and expense. The utility operator shall reimburse the City for the costs the City incurred within 30 days of receipt of an invoice from the City.

(6) Inspection. Every utility operator's facilities shall be subject to the right of periodic inspection by the City or its agents to determine compliance with the provisions of this chapter and all other applicable state and city laws, codes, ordinances, rules, and regulations. Every utility operator shall reasonably cooperate with the City in permitting the inspection of utility facilities in a timely manner after request by the City. The utility operator shall perform all testing, or permit the City or its agents to perform any testing at the operator's expense, required by the City to determine that the installation of the operator's facilities and the restoration of the right-of-way comply with the terms of this chapter and applicable state and city laws, codes, ordinances, rules, and regulations.

(7) Coordination of Construction. All operators shall make a good faith effort to both cooperate with and coordinate their future construction schedules with those of the City and other users of the right-of-way.

(a) Prior to January 1 of each year, operators shall provide the City with a schedule of known proposed construction activities for that year in, around, or that may affect the right-of-way and any city facilities.

(b) At the City's request, operators shall meet with the City annually, or as determined by the City, to schedule and coordinate construction in the right-of-way.

(c) All construction locations, activities, and schedules within the right-of-way shall be coordinated as ordered by the City to minimize public inconvenience, disruption, and damages to persons and property.

(8) Interference with Right-of-Way. No utility operator or other person may locate or maintain any utility facilities so as to unreasonably interfere with the use of the right-of-way by the City, by the general public or by other persons authorized to use or be present in or upon the right-of-way. Utility facilities shall not be located in a manner that restricts the line of sight for vehicles or pedestrians nor interferes with the proper function of traffic control signs, signals, lighting, or other devices that affect traffic operation. All use of the right-of-way shall at all times be consistent with city codes, ordinances, rules and regulations, which includes without limitation any policies, standards, specifications, and other guidelines adopted by the City Engineer pursuant to this chapter.

10.070 Location of Facilities

(1) Location of Facilities. Unless otherwise agreed to in writing by the City:

(a) Utilities shall be installed underground in all areas of the City where there are no existing overhead utility poles in the right-of-way or no space on existing poles in the right-of-way. No new poles are to be added to the right-of-way unless specifically approved by the City Engineer. This requirement shall not apply to antennas, pedestals, cabinets or other above-ground equipment of any utility operator for which the City has given written authorization to place such above-ground equipment in the right-of-way. The City reserves the right to require written approval of the location of any such above-ground equipment in the right-of-way.

(b) Whenever any existing electric utilities, cable facilities or communications facilities are located underground within a right-of-way of the City, the utility operator with permission to occupy the same right-of-way shall install all new facilities underground at its own expense. This requirement shall not apply to facilities used for transmission of electric energy at nominal voltages in excess of 35,000 volts where there are existing poles in the right-of-way, or to antennas, pedestals, cabinets,

or other above-ground equipment of any utility operator for which the City has given written authorization to place such above-ground equipment in the right-of-way.

(2) Relocation of Utility Facilities.

(a) The City may require a utility operator, at the utility operator's expense, to temporarily or permanently remove, relocate, change or alter the location or position of any utility facility within a right-of-way, including relocation of aerial facilities underground. A request under this section shall be made in writing by the City. The requirement to relocate aerial facilities underground shall not apply to antennas or high voltage lines unless otherwise directed by the City.

(b) Nothing herein shall be deemed to preclude a utility operator from requesting reimbursement or compensation from a third party, pursuant to applicable laws, regulations, tariffs, or agreements; provided, that the utility operator shall timely comply with the requirements of this section regardless of whether or not it has requested or received such reimbursement or compensation.

(c) The City shall provide written notice of the time by which a utility operator must remove, relocate, change, alter or underground its facilities. If a utility operator fails to remove, relocate, change, alter or underground any utility facility as requested by the City, by the date established by the City, the utility operator shall pay all costs incurred by the City due to such failure. Costs shall include but not be limited to costs related to project delays. If the utility operator refuses to timely remove, relocate, change, alter or underground its facilities as requested by the City, the City may cause, using qualified personnel or contractors consistent with applicable state and federal safety laws and regulations, the utility facility to be removed, relocated, changed, altered, or undergrounded at the utility operator's sole expense. The utility operator shall reimburse the City for the costs the City incurred within 30 days of receipt of an invoice from the City.

(d) The City shall not bear any responsibility, incur any costs or otherwise compensate the utility operator in relocation of its facilities, including instances in which the utility operator must relocate outside the right-of-way.

(3) Removal of Unauthorized Facilities.

(a) Unless otherwise agreed to in writing by the City, within 30 days following written notice from the City or such other time agreed to in writing by the City, a utility operator and any other person that owns, controls, or maintains any abandoned or unauthorized utility facility within the right-of-way shall, at its own expense, remove the facility and restore the right-of-way.

(b) A utility facility is unauthorized under any of the following circumstances:

(i) The utility facility is outside the scope of authority granted by the City under the right-of-way utility license, franchise or other written agreement. This includes facilities that were never licensed or franchised and facilities that were once licensed or franchised but for which the right-of-way utility license or franchise has expired or been terminated. This does not include any facility for which the City has provided written authorization for abandonment in place.

(ii) The facility has been abandoned and the City has not provided written authorization for abandonment in place. A facility is abandoned if it is not in use and is not planned for further use. A facility will be presumed abandoned if it is not used for a period of one year. An operator

may attempt to overcome this presumption by presenting plans for future use of the facility to the City, which will determine application of the presumption in its sole discretion.

(4) Removal by City.

(a) The City retains the right and privilege to cut or move any utility facilities located within the right-of-way, without notice, as the City may determine to be necessary, appropriate, or useful in response to a public health or safety emergency. The City will use qualified personnel or contractors consistent with applicable State and Federal safety laws and regulations to the extent reasonably practical without impeding the City's response to the emergency. The City will attempt to notify the utility operator of any cutting or moving of facilities prior to doing so. If such notice is not practical, the City will notify the operator as soon as reasonably practical after resolution of the emergency.

(b) If the utility operator fails to remove any facility when required to do so under this chapter, the City may, upon at least 10 days prior written notice, remove the facility using qualified personnel or contractors consistent with applicable State and Federal safety laws and regulations, and the utility operator shall be responsible for paying the full cost of the removal and any administrative costs incurred by the City in removing the facility and obtaining reimbursement. The utility operator shall reimburse the City for the costs the City incurred within 30 days of receipt of an invoice from the City. The obligation to remove shall survive the termination of the right-of-way utility license or franchise.

(c) The City shall not be liable to any utility operator for any damage to utility facilities, or for any consequential losses resulting directly or indirectly therefrom, by the City or its contractor in removing, relocating or altering the facilities pursuant to this section or resulting from the utility operator's failure to remove, relocate, alter, or underground its facilities as required by this chapter.

(5) Engineering Record Drawings

(a) The utility operator shall provide the City with a complete set of record drawings in a form acceptable to the City showing the location of all its utility facilities in the right-of-way after initial construction if such plan changed during construction. The utility operator shall, at no cost to the City, provide updated complete sets of as-built plans showing all utility facilities in the rights-of-way upon request of the City, but not more than once per year.

(b) The utility provider will also provide, at no cost to the City, a comprehensive map showing the location of any facilities in the city. Such map will be provided in a format acceptable to the City with accompanying data sufficient for the City to determine the exact location of facilities (GIS). The City may not request such information more than once per calendar year.

(c) Within 30 days of a written request from the City, or as otherwise agreed to in writing by the City, every utility operator shall make available for inspection by the City at reasonable times and intervals all maps, records, books, and other documents maintained by the utility operator with respect to its utility facilities within the right-of-way reasonably necessary for the City to ensure compliance with this chapter or to protect the public health, safety, and welfare. Access shall be provided within the city unless prior arrangement for access elsewhere has been made with the City.

10.080 Maintenance

- (1) Every utility operator shall install and maintain all utility facilities in a manner that complies with applicable federal, state and local laws, rules, regulations and policies. The utility operator shall, at its own cost and expense, repair and maintain utility facilities from time to time as may be necessary to accomplish this purpose.
- (2) If a utility operator fails to repair and maintain facilities as required in subsection 1 of this section, the City may provide written notice of the failure to repair or maintain and establish a date upon which such repair or maintenance must occur. If the utility operator fails to cause the repair or maintenance to occur within the date established by the City, the City may perform such repair or maintenance using qualified personnel or contractors and charge the utility operator for the City's costs. The utility operator shall reimburse the City for the costs the City incurred within 30 days of receipt of an invoice from the City.

10.090 Vacation of Rights-of-Way

- (1) If the City vacates any right-of-way, or portion thereof, that an operator uses, the operator shall, at its own expense, remove its facilities from the right-of-way unless: (a) the City reserves a public utility easement, which the City shall make a reasonable effort to do; provided, that it is practicable to do so and there is no expense to the City; or (b) the operator obtains an easement for its facilities.
- (2) If the operator fails to remove its facilities within 30 days after a right-of-way is vacated, or as otherwise directed or agreed to in writing by the City, the City may remove the facilities using qualified workers in accordance with state and federal laws and regulations at the operator's sole expense. The utility operator shall reimburse the City for the costs the City incurred within 30 days of receipt of an invoice from the City.

10.100 Fees, Payment and Penalties.

- (1) Except as set forth in subsection (5) of this section, every utility operator and every utility provider shall pay the City a right-of-way usage fee as determined by resolution of the City Council.
- (2) No acceptance of any payment shall be construed as accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim the City may have for further or additional sums payable.
- (3) To the extent that Federal or State law imposes limitations on the amount that the City can charge as a right-of-way usage fee that is less than the fee established in its fees and charges resolution, the right-of-way usage fee shall be the maximum amount allowed by applicable law.
- (4) Utility operators that pay a franchise fee may deduct the amount of the franchise fee payments from the amount due for the right-of-way usage fee, but in no case will the right-of-way usage fee be less than zero dollars. Nothing in this section limits the City's authority to establish a franchise fee that is greater than the right-of-way usage fee.
- (5) A person that is both a utility operator and a utility provider shall be subject to the right-of-way usage fee(s) applicable to utility operators and, in addition, to the right-of-way usage fee(s) applicable to utility providers; provided, however, that the person must pay only the greater of the two fees, or, if the two fees are the same, the utility operator right-of-way usage fee.
- (6) Unless otherwise agreed to in writing by the City, the right-of-way usage fee set forth in subsection (1) of this section shall be paid quarterly, in arrears, within 30 days after the end of each calendar

quarter. Each payment shall be accompanied by an accounting of gross revenues, if applicable, and a calculation of the amount payable on a remittance form provided by the City. A utility operator or utility provider shall provide, at no cost to the City, any additional reports or information the City deems necessary, in its sole discretion, to ensure compliance with this section. Such information may include, but is not limited to: chart of accounts, total revenues by categories and dates, list of products and services, narrative documenting calculation, details on number of customers within the city limits, or any other information needed for the City to readily verify compliance.

(7) In the event the right-of-way fee is not received by the City on or before the due date or is underpaid, the utility operator or utility provider must pay interest from the due date until full payment is received by the city at a rate equal to nine percent per annum, compounded daily, or the maximum interest rate allowed by law.

(8) The City reserves the right to enact other fees and taxes applicable to the utility operators and utility providers subject to this chapter. Unless expressly permitted by the City in enacting such fee or tax, or required by applicable state or federal law, no utility operator or utility provider may deduct, offset or otherwise reduce or avoid the obligation to pay any lawfully enacted fees or taxes based on the payment of the right-of-way usage fee or any other fees required by this chapter.

10.110 Records, Reporting and Appeal.

(1) Each person subject to this chapter shall maintain records that document the accuracy of payments pursuant to West Linn Municipal Code Section 10.100 for at least seven years.

(2) The City may conduct an investigation into the accuracy of the payments received by the City, including any revenues included or excluded from the gross revenues used to calculate the right-of-way usage fees owed. The utility operator or utility provider shall make available for investigation all records and accounting of the utility operator or utility provider for verification of the reports of the company and the fees paid by the company. Such information may include, but is not limited to: chart of accounts, total revenues by categories and dates, list of products and services, narrative documenting calculation, details on number of customers within the city limits, or any other information needed for the City to readily verify compliance.

(3) If the City's audit of the books, records and other documents or information of the utility operator or utility provider demonstrates that the operator or provider has underpaid the right-of-way usage fee or franchise fee by 3% or more in any one year, the operator shall reimburse the City for the cost of the audit, in addition to any interest and penalties owed as provided by this chapter or as specified in a franchise agreement.(4) Any underpayment, including any interest, penalties or audit and review cost reimbursement, shall be paid within 30 days of the City's notice to the utility operator or utility provider of such underpayment.

(5) A utility operator or utility provider may appeal the City's demand for payment to the City Council. The appeal must be in writing and specify the grounds for the appeal. The Council will hold a hearing on the appeal. If the Council determines that the utility operator or utility provider is required to pay an additional amount, the utility operator or utility provider shall pay the amount owed within 30 days of the Council's decision.

10.120 Insurance & Indemnification

(1) Insurance

(a) All utility operators shall maintain in full force and effect the following liability insurance policies that protect the utility operator and the City, as well as the City's officers, agents, and employees:

(i) Comprehensive general liability insurance with limits not less than Three Million Dollars (\$3,000,000) per occurrence and Three Million Dollars (\$3,000,000) general aggregate for damage to property or personal injury (including death) and Three Million Dollars (\$3,000,000) for all other types of liability.

(ii) Commercial automobile liability insurance covering all owned, non-owned and hired vehicles with a limit not less than Three Million Dollars (\$3,000,000) per accident for bodily injury and personal damage.

(iii) Worker's compensation within statutory limits and employer's liability with limits of not less than \$1,000,000.

(iv) If not otherwise included in the policies required by subsection (1)(a) (i) of this section, maintain comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than \$3,000,000.

(v) Utility operators may utilize primary and umbrella liability insurance policies to satisfy the preceding insurance policy limit requirements.

(b) The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the state of Oregon. The insurance shall be without prejudice to coverage otherwise existing and shall name, or the certificate of insurance shall name, with the exception of workers' compensation, as additional insureds the City and its officers, agents, and employees. The coverage must apply as to claims between insureds on the policy. Upon receipt of notice from its insurer(s) the utility operator shall provide the City with 30 days' prior written notice of cancellation or required coverage, and the certificate of insurance shall include such an endorsement. The utility operator may use a blanket additional insured endorsement with the written approval of the City. If the insurance is canceled or materially altered, the utility operator shall obtain a replacement policy that complies with the terms of this section and provide the City with a replacement certificate of insurance within 30 days. The utility operator shall maintain continuous uninterrupted coverage, in the terms and amounts required. The utility operator may self-insure, or keep in force a self-insured retention plus insurance, for any or all of the above coverage, subject to written approval by the City.

(c) The utility operator shall maintain on file with the City a certificate of insurance, or proof of self-insurance acceptable to the City, evidencing the coverage required above.

(2) Finance Assurance

Unless otherwise agreed to in writing by the City, before a franchise granted or right-of-way utility license issued pursuant to this chapter is effective, and as necessary thereafter, the utility operator shall provide a performance bond or other financial security or assurance, in a form acceptable to the City, as security for the full and complete performance of the franchise or right-of-way utility license, if applicable, and compliance with the terms of this chapter, including any costs, expenses, damages or loss the City pays or incurs because of any failure attributable to the utility operator to comply with the

codes, ordinances, rules, regulations or permits of the City. This obligation is in addition to the performance surety required by WLMC Section 3.255(3).

(3) Indemnification

To the fullest extent permitted by law, each utility operator will defend, indemnify and hold harmless the City and its officers, employees, agents and representatives from and against any and all liability, causes of action, claims, damages, losses, judgments and other costs and expenses, including attorney fees and costs of suit or defense (at both the trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity in any way arising out of, resulting from, during or in connection with, or alleged to arise out of or result from the negligent, careless or wrongful acts, or any acts or omissions, failure to act or other misconduct of the utility operator or its affiliates, officers, employees, agents, contractors, subcontractors or lessees in the construction, operation, maintenance, repair or removal of its facilities, and in providing or offering utility services over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise agreement. The acceptance of a right-of-way utility license under WLMC 10.040 constitutes such an agreement by the applicant whether the same is expressed or not.

10.130 Compliance

Every licensee, utility operator and utility provider shall comply with all applicable federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all applicable ordinances, resolutions, rules, and regulations of the City, heretofore or hereafter adopted or established during the entire term of any license, registration, franchise, or agreement granted under this chapter. It is the sole responsibility of the person authorized to construct, install, operate and maintain a utility facility in the right-of-way to comply with all applicable laws, regulations and conditions. It is not the responsibility of the City to guarantee compliance with the applicable laws, regulations, and conditions during the application for, or the construction, installation, operation or maintenance of, the utility facility. The City is not liable in any way for any failure of the authorized person to carry out its responsibility to comply with all applicable laws, regulations, and conditions. Should the authorized person fail to comply with the applicable laws, regulations, and conditions, regardless of cause, the City does not waive its ability to enforce such laws, regulations, and conditions. The City is in no way prevented or otherwise estopped from enforcing such laws, regulations, and conditions, regardless of when noncompliance is discovered.

10.140 Confidential & Proprietary Information

If any person is required by this chapter to provide books, records, maps or information to the City that the person reasonably believes to be confidential or proprietary, the City will take reasonable steps to protect the confidential or proprietary nature of the books, records, maps or information to the extent permitted by the Oregon Public Records Law; provided, that all documents are clearly marked as confidential by the person at the time of disclosure to the City. In the event the City receives a public records request to inspect any confidential information and the City determines that it will be necessary to reveal the confidential information, to the extent reasonably possible the City will notify the person who submitted the confidential information of the records request prior to releasing the confidential information. The City is not required to incur any costs to protect such documents, other than the City's routine internal procedures for complying with the Oregon Public Records Law.

10.150 Severability & Preemption

(1) The provisions of this chapter shall be interpreted to be consistent with applicable federal and state law, and shall be interpreted, to the extent possible, to cover only matters not preempted by federal or state law.

(2) If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this chapter is for any reason declared or held to be invalid or unenforceable by any court of competent jurisdiction or superseded by state or federal legislation, rules, regulations or decision, the remainder of this chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this chapter shall be valid and enforceable to the fullest extent permitted by law. In the event any provision is preempted by federal or state laws, rules or regulations, the provision shall be preempted only to the extent required by law and any portion not preempted shall survive. If any federal or state law resulting in preemption is later repealed, rescinded, amended or otherwise changed to end the preemption, such provision shall thereupon return to full force and effect and shall thereafter be binding without further action by the City.

10.160 Application to Existing Agreements.

To the extent that this chapter is not in conflict with and can be implemented consistent with existing franchise agreements, this chapter shall apply to all existing franchise agreements granted to utilities by the City.

10.170 Violation.

(1) Any person found in violation of any provision of this chapter or the right-of-way utility license shall be subject to a penalty of not less than \$150.00 nor more than \$2,000 per day for each day the violation has existed. Each violation of any provision of this chapter or the right-of-way utility license shall be considered a separate violation for which separate penalties can be imposed. A finding of a violation of this chapter or a right-of-way utility license and assessment of penalties shall not relieve the responsible party of the obligation to remedy the violation.

(2) The City Manager or designee is authorized to find a person in violation of this chapter or a right-of-way utility license and to establish the amount of the penalty consistent with the range provided in subsection (1).

(3) Prior to imposing a penalty, the City Manager or designee shall provide such person with notice of the violation and an opportunity to provide evidence that the violation has been cured. The City Manager or designee shall state the basis for the violation and the amount of the penalty imposed.

(4) In establishing the amount of a penalty, the City Manager or designee shall consider the following factors:

- a. The actions taken by the person to mitigate or correct the violation;
- b. Whether the violation is repeated or continuous in nature;
- c. The magnitude or gravity of the violation;
- d. The cooperation in discovering, admitting, or curing the violation;

- e. The cost to the city of investigating, correcting, attempting to correct and/or prosecuting the violation; and
- f. Any other factor deemed to be relevant.

(5) A person subject to penalties under the provisions of subsection (3) of this section may appeal the City Manager or designee's decision pursuant to the Administrative Appeals Process in section 1.400 - 1.430 of the West Linn Municipal Code.

(6) The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.

8. Public Works Fees

8.9. Right-of-Way Use Permits

Flat permit fee

Small Cell Permit Application

Fee

~~\$ 110~~ \$ 116

\$ 500 up to 5 sites, \$100 per additional attachment

~~8.15. Utility License Fees~~

~~Utility License Fee (Annual)~~

Fee

~~\$ 175~~

Utility Service

Electric

Natural Gas

Cable

Communications

Water

Stormwater

Wastewater

Other utilities that do not earn gross revenue within the City

Annual Right of Way Usage Fee

3.5% of gross revenue (+1.5% privilege tax)

5% of gross revenue

5% of gross revenue

7% of gross revenue

\$0

-0

-0

-0

8.15 Utility Right-Of-Way Use Fees

Right-Of-Way Utility Provider Registration (Annual)

Right-Of-Way Utility License (5 Year License)

Fee

\$ 50

\$ 250

Utility Providers

Electric

Natural Gas

Communications

Water

Stormwater

Wastewater

Right-Of-Way Usage Fee

5% gross revenue

5% gross revenue

7% gross revenue

0% gross revenue

0% gross revenue

0% gross revenue

Utility Operators

Electric

Natural Gas

Cable

Communications

Right-Of-Way Usage Fee

5% gross revenue

5% gross revenue

5% gross revenue per the cable franchise agreement and Cable Act

7% gross revenue, provided that Operators whose only facilities in the right-of-way are Small Wireless Facilities mounted on structures within the right-of-way, and with no facilities strung between such structures or otherwise within, under, or above the right-of-way, shall pay an attachment fee of \$270 per attachment

Water

Stormwater

Wastewater

0% gross revenue

0% gross revenue

0% gross revenue

Utility Operators With No Revenue From Customers In The City

\$ 2.75 per linear foot or \$5,629 per year,
whichever is greater



March 24, 2025

City of West Linn
Finance Department
Attn: Stephanie Hastings
22500 Salama Road
West Linn, OR 97068

Sent via email to: shastings@westlinnoregon.gov

Re: Right-of-way code change and proposed fees
New Chapter 10 of West Linn Municipal Code

Dear Stephanie:

On behalf of New Cingular Wireless PCS, LLC ("AT&T"), I write to comment on the proposed new right-of-way code, West Linn Municipal Code Chapter 10 (the "Code").

Thank you for clarifying last week that the City intends to adopt changes to its Master Fees and Charges Document soon after the Code is enacted, with attachment fees for small wireless facilities in the rights-of-way to be set at \$270 per year. I also understand that the City intends to adopt small wireless application fees in line with the Federal Communications Commission's 2018 Order.¹

Consistent with this intent and based on AT&T's experience in other Oregon jurisdictions, AT&T suggest that the City make the following clarifications to the Code.

"Attachment Fee" for Placement in the Right-of-Way

Where certain utility facilities will be charged an attachment fee instead of a percentage of revenue fee, other Oregon jurisdictions have adopted a subsection in their right-of-way fee section that expressly provides for that exception.

For example, the City of Beaverton has had the following attachment fee exception since 2016:

¹ *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Inv.*, 33 FCC Rcd 9088, ¶ 79 (2018), *vacated in part, City of Portland v. United States*, 969 F.3d 1020 (9th Cir. 2020), *cert. denied*, 594 U.S. ___, 141 S.Ct. 2855 (June 28, 2021).

Beaverton Code 4.15.130 Rights-of-way fee

A. Except as set forth in subsection B of this section, every person that owns utility facilities in the City and every person that uses utility facilities in the City to provide utility service, whether or not the person owns the utility facilities used to provide the utility services, shall pay the rights-of-way fee for every utility service provided using the rights-of-way in the amount determined by resolution of the city council.

B. A utility operator whose only facilities in the rights-of-way are facilities mounted on structures within the rights-of-way, which structures are owned by another person, and with no facilities strung between such structures or otherwise within, under or above the rights-of-way, shall pay the attachment fee set by city council resolution for each attachment. Unless otherwise agreed to in writing by the City, the fee shall be paid annually, in arrears, for each year during the term of the license within 30 days after the end of each calendar year, and shall be accompanied by information sufficient to illustrate the calculation of the amount payable. The utility operator shall pay interest at a rate of nine percent per year for any payment made after the due date.

[remainder of section 4.15.130 omitted]

You will note that in addition to setting an attachment fee in lieu of a percentage of revenue fee (yellow highlighting), this exception outlines the applicable alternative methods of payment (annually instead of quarterly) and processing (no need for an accounting of gross revenues)(see highlighting in blue).

Language like the above in proposed Code Section 10.100 (Fees, Payment and Penalties) will go far to clarify the City's intent for collecting fees for wireless facilities in the rights-of-way.² The City might also use the term "Attachment Fee" with a reference to the applicable subsection in the code when updating its Master Fees and Charges Document. It would also be helpful to expressly exempt wireless facility operators from

² Some Oregon jurisdictions have also set an attachment fee applicable to macro facilities (those wireless facilities larger than the federal limitations for small wireless facilities) in the right-of-way. The City's zoning code appears to have allowed such facilities since 1998. See Table in Section 57.040 of the Community Development Code. If the City does not have a history of approving franchise agreements for macro facilities, AT&T understands that the City may want to hold off on adopting an attachment fee for macro facilities at this time.

March 24, 2025
Page 3

the financial recordkeeping requirements in Code Section 10.110 in recognition that wireless providers' fees are not derived from gross revenues.

Limitations on Undergrounding

AT&T appreciates that the Code excepts antennas from undergrounding requirements in proposed Subsection 10.070(1)(b), which is specific to one set of circumstances in which undergrounding is required. For consistency, AT&T asks that the City similarly except antennas/wireless facilities from undergrounding in Subsections –(1)(a) and –(2)(a) of Section 10.070. Wireless facilities may not be deployed underground, and in areas in which most utilities are undergrounded, they are often attached to streetlight poles.

Thank you for your consideration of these comments, and please let me know if you would like to discuss these issues further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meridee Pabst', with a stylized flourish at the end.

Meridee Pabst

meridee.pabst@wirelesspolicy.com



March 21, 2025

Stephanie Hastings
Finance Department, City of West Linn
22500 Salamo Road
West Linn, OR 97068

via email: shastings@westlinnoregon.gov

**RE: Proposed Amendments to Chapter 10 of the West Linn Municipal Code:
Utility License and Use of the Right-of-Way**

Greetings M. Hastings,

Thank you for the opportunity to provide comments to the City of West Linn (the "City") regarding the proposed amendments to Chapter 10 of the West Linn Municipal Code: Utility License and Use of the Right-of Way. We reviewed the Proposed Chapter 10 Code Revisions and have attached Verizon's detailed redlines with explanatory comments to this letter for your review and consideration.

We recognize that the regulation of the use of the right-of-way with respect to wireless communications presents some unique considerations for the City. Wireless telecommunications is a highly technical field with significant existing regulation in place. I would be happy to meet with City staff at your convenience to discuss Verizon's redlines specifically, or general comments from the broader wireless telecommunications industry.

Wireless communication services are essential for supporting our communities, and we are passionate about providing high quality wireless service to the citizens of West Linn. According to NENA the 9-1-1 Association, "An estimated 240 million calls are made to 9-1-1 in the U.S. each year. In many areas, 80% or more are from wireless devices."¹ Wireless technology is critical for emergency services. Wireless communications are a vital component in today's medical field as well, allowing for improved health services and remote health services. With 71.7% of adults living in homes without a landline phone², recent increases in remote work, and many essential tools we use every day moving to wireless applications, promoting a robust high-capacity wireless communications network is more important than ever.

¹ www.nena.org/?page=911Statistics

² National Center for Health Statistics, National Health Interview Survey Early Release Programs, wireless Substitution: Early Release of Estimates from the National Health Interview Survey, July-December 2022, released May 2023.

Please add my name and contact information to any lists that you may be maintaining for updates regarding this action, and any other updates to municipal code pertaining to Communications or Regulation of the Right-of-Way. I can be reached by phone at (206) 459-8791 or by email at lelah.vaga@wirelesspolicy.com. I am also available for in person meetings as I am local to the Portland metropolitan area. I look forward to future engagement with the City throughout the ordinance update process.

Thank you for your time, and for your consideration of our comments.

Sincerely,



Lelah Vaga
Vice President of Jurisdiction Relations
Wireless Policy Group on behalf of Verizon

Attachment:

- Verizon's Detailed Comments – West Linn Proposed ROW Code 3.21.2025

**PUBLIC NOTICE
UTILITY LICENSE AND USE OF THE RIGHT-OF-WAY CODE AMENDMENT
NOTICE OF PUBLIC COMMENT PERIOD**

The City of West Linn is seeking public input on proposed amendments to Chapter 10 of the West Linn Municipal Code: Utility License and Use of the Right-of-Way. These amendments are intended to provide clarification on the management of utility use of the right-of-way.

PUBLIC COMMENT PERIOD:

The public comment period will be open from March 3, 2025 to March 24, 2025. During this time, individuals, businesses, and other stakeholders are encouraged to review the proposed amendments and provide feedback.

SUMMARY OF PROPOSED CHANGES:

The proposed amendments seek to repeal and replace West Linn Municipal Code Chapter 10, Utility License and Use of the Right-of-Way. Changes to the code include:

- Modifications to fee structure, payments and penalties
- Clarification of rights granted with a utility license.
- Clarification of construction, restoration, removal, location, relocation and permitting requirements.
- Clarification of maintenance and vacation requirements.
- Insurance & indemnification requirements for utility license holders.

HOW TO COMMENT:

Written comments may be submitted through the following methods:

- **Email:** shastings@westlinnoregon.gov
- **Mail:** City of West Linn Finance Department, attn: Stephanie Hastings 22500 Salamo Road West Linn, OR 97068

All comments must be received by March 24, 2025 to be considered.

For more information or to review the full text of the proposed amendments, please visit www.westlinnoregon.gov/finance/utility-licensing or contact Stephanie Hastings at shastings@westlinnoregon.gov.

Thank you for your participation in this important process.

Chapter 10

UTILITY LICENSE AND USE OF THE RIGHT-OF-WAY

UTILITY LICENSE AND USE OF THE RIGHTS-OF-WAY

- 10.000 Title.
- 10.010 Jurisdiction & Management of the Right-of-Way.
- 10.020 Regulatory Fees & Compensation Not a Tax.
- 10.030 Definitions.
- 10.040 Utility Provider Registration
- 10.050 Right-of-Way Licenses and Other Agreements.
- 10.060 Construction and Restoration.
- 10.070 Location of Facilities
- 10.080 Maintenance.
- 10.090 Vacation of Right-of-Way.
- 10.100 Fees, Payments and Penalties.
- 10.110 Records, Reporting and Appeal Rights.
- 10.120 Insurance & Indemnification
- 10.130 Compliance
- 10.140 Confidential & Proprietary Information
- 10.150 Severability & Preemption
- 10.160 Application to Existing Agreements.
- 10.170 Violation.

UTILITY LICENSE AND USE OF THE RIGHT-OF-WAY

10.000 Title.

The ordinance codified in this chapter shall be known and may be referenced as the Utility License and Use of the Right-of-Way ordinance.

10.010 Jurisdiction & Management of the Right-of-Way

- (1) The City has jurisdiction and exercises regulatory management over all rights-of-way within the city under authority of the City Charter and state law.
- (2) The City has jurisdiction and exercises regulatory management over each right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way, and whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- (3) The exercise of jurisdiction and regulatory management of a right-of-way by the City is not official acceptance of the right-of-way and does not obligate the City to maintain or repair any part of the right-of-way.
- (4) The provisions of this chapter are subject to and will be applied consistent with applicable state and federal laws, rules and regulations, and, to the extent possible, shall be interpreted to be consistent with such laws, rules and regulations.

10.020 Regulatory Fees & Compensation Not a Tax

- (1) The fees and costs provided for in this chapter, and any compensation charged and paid for use of the right-of-way provided for in this chapter, are separate from, and in addition to, any and all other federal, state, local, and city charges, including but not limited to: any permit fee, or any other generally applicable fee, tax, or charge on business, occupations, property, or income as may be levied, imposed, or due from a utility operator, utility provider or licensee, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of utility services.
- (2) The City has determined that any fee or tax provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees or taxes are not imposed on property or property owners.
- (3) The fees and costs provided for in this chapter are subject to applicable federal and state laws.

10.030 Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein:

“Cable Service” is to be defined consistent with federal laws and means the one-way transmission to subscribers of: (i) video programming, or (ii) other programming service; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"Communication Service" means any service provided for the purpose of transmission of information, including, but not limited to, voice, video, or data, without regard to the transmission protocol employed, whether or not the transmission medium is owned by the provider itself. Communications service includes all forms of telephone services and voice, video, data or information transport, but does not include:

1. Cable Service;
2. Open video system service, as defines in 47 C.F.R. 76;
5. Over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and
6. Direct-to-home satellite services within the meaning of Section 602 of the Telecommunications Act.

"Franchise" means a grant of authority by agreement and contract and ordinance allowing the use of right-of-way within the City for utility facilities.

"Person" means an individual, corporation, company, association, joint stock company or association, firm, partnership, limited liability company or governmental entity

"Right-of-way" means the surface of, and the space above and below, any public street, road, alley, highway, dedicated way, local access road, sidewalks and other public ways used or intended to be used by the general public for vehicles and pedestrians, and any utility easement within the city that are designated for providers of utility services and regulated under the West Linn Municipal Code. This definition is limited to areas over which the City has the right, jurisdiction or authority to grant a license to utility operators to occupy and use such areas for utility facilities.

"Utility Facilities" means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located or to be located within the right-of-way in the City and used or to be used for the purpose of providing utility services.

"Utility Operator" means any person who owns, places, controls, operates, or maintains a utility facility within the city

"Utility Provider" means any person who provides utility service to customers within the city limits, whether or not the provider owns any utility facilities in the right-of-way.

"Utility Services" means the provision, by means of utility facilities and without regard to whether such facilities are owned by the service provider, of electricity, natural gas, communications service, or cable service, to or from customers within the corporate boundaries of the City, or the transmission of any of these services through the City whether or not customers within the City receive those transmissions or services. "Utility services" shall not include the provision of water, sewer or stormwater service.

10.040 Utility Provider Registration

(1) Registration Required. Every person that desires to provide utility services to customers within the city shall register with the City prior to providing any utility services to any customer in the city. Every person providing utility services to customers within the city as of the effective date of this chapter shall register within 30 days of the effective date of this chapter. Communication Service Providers who operate without Utility Facilities in the right-of-way are not required to register.

(2) Annual Registration. After registering with the City pursuant to subsection (1) of this section, the registrant shall, by December 31st of each year, file with the City a new registration form if it intends to

Commented [A1]: We believe this to be the intention of the code based on the definitions provided above, but have seen misunderstanding in similar codes elsewhere in Oregon. We suggest adding a simple statement of intention, here or elsewhere to make this clear. Often wireless communications operate entirely from facilities located on private property and not in the ROW. This would make it clear that registration is only required for occupancy of the ROW.

provide utility service at any time in the following calendar year. Registrants that file an initial registration pursuant to subsection (1) of this section on or after September 30th shall not be required to file an annual registration until December 31st of the following year.

(3) Registration Application. The registration shall be on a form provided by the City, and shall be accompanied by any additional documents required by the City to identify the registrant and its legal status, describe the type of utility services provided or to be provided by the registrant and list the facilities over which the utility services will be provided.

(4) Registration Fee. Each application for registration shall be accompanied by a nonrefundable registration fee in an amount to be determined by resolution of the City Council sufficient to fully recover all of the City's costs of administering the registration program.

(5) Exception. A person with a valid franchise agreement or right-of-way utility license from the City shall not be required to register to provide the utility services expressly permitted by the franchise agreement or right-of-way utility license.

10.050 Right-of-Way Utility Licenses and Other Agreements.

(1) License Required.

(a) Except those utility operators with a valid franchise under Chapter 9, every person shall obtain a right-of-way utility license from the City prior to conducting any work in the right-of-way related to utility facilities.

(b) Every person or business that owns, operates operators or controls utility facilities in the right-of-way as of the effective date of this chapter shall apply for a right-of-way utility license from the City within 30 days of the later of: (i) the effective date of this chapter, (ii) the expiration of a valid franchise or other agreement from the City.

(2) License Application. The right-of-way utility license application shall be on a form provided by the City, and shall be accompanied by any additional documents required by the application to identify the applicant, its legal status, its authorization to do business in Oregon, a description of the type of utility service provided or to be provided by the applicant, a description of the facilities and ownership of the facilities over which the utility service will be provided, and other information reasonably necessary to determine the applicant's ability to comply with the terms of this chapter. If the applicant is proposing to attach to facilities other than city-owned infrastructure, the applicant must include an authorization from the facility owner.

(3) License Application Fee. A nonrefundable application fee shall accompany the right-of-way utility application as set by the City Council.

(4) Determination by City. The City shall issue a written determination granting or denying the right-of-way utility license in whole or in part. If the right-of-way utility license is denied, the written determination shall include the reasons for denial. The right-of-way utility license shall be evaluated based upon the provisions of this chapter, the continuing capacity of the right-of-way to accommodate the applicant's proposed utility facilities and the applicable Federal, State and local laws, rules, regulations and policies. If the City determines that an applicant is in violation of the terms of this

Commented [A2]: Permission attach to any asset in the ROW is granted on a per project basis and not as blanket approval. We believe this to be addressed sufficiently in Section 10.060 (2) (e) (ii) with the requirement that "For utility pole appurtenances placed on poles not owned by the applicant, provide written consent of the utility operator that owns the pole which authorizes its use for the appurtenances and certifies its structural integrity for that use."

Chapter at the time it submits its application, the City may require the applicant to cure the violation or submit a detailed plan to cure the violation before the City will consider the application or grant the right-of-way utility license. If the City requires the applicant to cure or submit a plan to cure a violation, the City will grant or deny the right-of-way utility license application only after confirming that the violation has been cured or of accepting the applicant's plan to cure the violation.

(5) ~~Changes to Information Listed on Right-of-Way Utility License Application. Within 30 days of a change to the information listed on the right-of-way utility license application, the licensee shall notify the City in writing of such change.~~

(6) **Franchise Agreements.** If the public interest warrants, as determined by the City in its sole discretion, the City and utility operator may enter into a written franchise agreement that includes terms that clarify, enhance, expand, waive or vary the provisions of this chapter, consistent with applicable state and federal law. The franchise may conflict with the terms of this chapter with the review and approval of City Council. The franchisee shall be subject to the provisions of this chapter to the extent such provisions are not in conflict with the express provisions of any such franchise. In the event of a conflict between the express provisions of a franchise and this chapter, the franchise shall control.

(7) **Rights Granted**

(a) A right-of-way utility license granted under this chapter authorizes and permits the licensee to construct, place, maintain, and operate utility facilities in the right-of-way for the term of the license, subject to the provisions of city code, rules, regulations and [policies policies](#), and other applicable provisions of state and federal law.

(b) Each right-of-way utility license granted under this Chapter authorizes only those utility facilities and services applied for and approved by the City. The City may approve the provision of multiple services in one right-of-way utility license.

(c) A right-of-way utility license granted under this chapter shall be personal to the licensee and may not be assigned, sublicensed, or transferred, in whole or in part, except as permitted by this chapter.

(d) A right-of-way utility license granted under this chapter does not grant, convey, create, or vest in a licensee any real property interest in land, including any fee, leasehold interest, or easement, and does not convey equitable or legal title in the right-of-way. The right-of-way utility license is subject to all recorded deeds, easements, dedications, conditions, covenants, restrictions, encumbrances and claims of title of record that may affect the right-of-way. A right-of-way utility license granted under this chapter is not a warranty of title. Licensee expressly acknowledges and agrees to enter on to and use the licensed right-of-way in its "as-is and with all faults" condition. The City makes no representations or warranties whatsoever, whether express or implied, as to the right-of-way's condition or suitability for the licensee's use. By its acceptance of the right-of-way utility license, the licensee expressly acknowledges and agrees that neither the City nor its agents have made, and the City expressly disclaims, any representations or warranties whatsoever, whether express or implied, with respect to the physical, structural or environmental condition of the right-of-way, and the present or future suitability of the right-of-way for the licensee's use.

(e) The issuance of a right-of-way utility license does not constitute a waiver or bar to the City's exercise of any governmental right or power, including without limitation the City's police

Commented [A3]: This may be difficult to administer between renewal periods. Is there any particular information that the City is concerned about keeping up to date? Perhaps a more specific provision would be appropriate here. As written, we recommend removing this provision due to the difficulties in administration for the licensee.

powers and regulatory powers, regardless of whether such powers existed before or after the right-of-way utility license is issued.

(8) Term. Subject to the termination provisions in subsection 14 of this section, the right-of-way utility license granted pursuant to this chapter will be effective as of the date it is issued by the City and will have a term ending five calendar years from: (1) January 1st of the year in which the right-of-way utility license took effect for licenses that become effective between January 1st and June 30th; or (2) January 1st of the year after the right-of-way utility license took effect for licenses that become effective between July 1st and December 31st.

(9) License Nonexclusive. No right-of-way utility license granted pursuant to this section shall confer any exclusive right, privilege, license, or franchise to occupy or use the right-of-way for delivery of utility services or any other purpose. The City expressly reserves the right to grant licenses, franchises, or other rights to other persons, as well as the City's right to use the right-of-way, for similar or different purposes.

(10) Reservation of City Rights.

(a) The City reserves all rights, title, and interest in its right-of-way. A right-of-way utility license granted under this chapter does not prevent the City from exercising any of its rights, including without limitation grading, paving, repairing, or altering any right-of-way, constructing, laying down, repairing, relocating, or removing city facilities or establishing any other public work, utility facilities, or improvement of any kind, including repairs, replacement, or removal of any city facilities.

(b) If any of licensee's utility facilities interfere with the construction, repair, replacement, alteration or removal of any right-of-way, public work, city utility facility, city improvement, improvement that implements a city urban renewal agency project, or city facility, except those providing utility services in competition with a licensee, licensee's facilities shall be removed or relocated as provided in this chapter, in a manner acceptable to the City and consistent with industry standard engineering and safety codes.

(11) Multiple Services

(a) A utility operator that provides or transmits or allows the provision or transmission of utility services and other services over its facilities is subject to the right-of-way utility license and Right-of-Way Usage Fee requirements of this chapter for the portion of the facilities and extent of utility services delivered over those facilities.

(b) A utility operator that provides or transmits more than one utility service over its facilities is not required to obtain a separate right-of-way utility license for each utility service, provided the license granted by the City authorizes the multiple utility services and the utility operator files separate remittance forms and pays the applicable Right-of-Way Usage Fee for each utility service.

(c) A utility operator may lease capacity on or in its utility facilities to third parties, provided (i) the utility operator provides the City with the name and business address of any third party lessee, unless disclosure is prohibited by applicable law; (ii) the use of the operator's capacity

does not require or involve any additional equipment owned or operated by the lessee to be installed on the facility; and (iii) the operator maintains control over and responsibility for the facility at all times.

(d) A utility operator is not required to pay the right-of-way utility provider registration fee, right-of-way utility license fee or Right-of-Way Usage Fee owed to the City by the third party that leases capacity of the utility operator's facilities.

(12) Transfer or Assignment. To the extent permitted by applicable state and federal laws, the licensee shall obtain the written consent of the City prior to the transfer or assignment of the right-of-way utility license. The right-of-way utility license shall not be transferred or assigned unless the proposed transferee or assignee is authorized under all applicable laws to own or operate the utility facilities and the transfer or assignment is approved by all agencies or organizations required or authorized under federal and state laws to approve such transfer or assignment. The licensee requesting the transfer or assignment must cooperate with the City and provide documentation, as the City deems necessary, in the City's sole discretion and at no cost to the City, to evaluate the transferee's ability to comply with the provisions of the right-of-way utility license. If the City approves such transfer or assignment, the transferee or assignee shall become responsible for fulfilling all obligations under the right-of-way utility license. A transfer or assignment of a right-of-way utility license does not extend the term of the license.

(13) Renewal. At least 90, but no more than 180, calendar days before the expiration of a right-of-way utility license granted under this section, a licensee seeking renewal of its license shall submit a right-of-way utility license application to the City, including all information and fees required in this chapter as may be supplemented by the City Administrator. The City shall review the application and grant or deny the right-of-way utility license within 90 days after the application is duly filed. If the City determines that the licensee is in violation of the terms of this chapter at the time it submits its application, the City may require, by a written notice, that the licensee cure the violation or submit a detailed plan to cure the violation within a reasonable period of time, as determined by the City, before the City will consider the application or grant the right-of-way utility license. If the City requires the licensee to cure or submit a plan to cure a violation, the City will grant or deny the right-of-way utility license application within 90 days of confirming that the violation has been cured or of accepting the licensee's plan to cure the violation.

Commented [A4]: As a suggestion, it would be very helpful to have a notice from the City to the Licensee of the upcoming expiration 180 days before expiration. We suggest this as an administrative procedure and not a change in code language.

(14) Termination.

(a) Revocation or Termination of a License. The City Council may terminate or revoke the right-of-way utility license granted pursuant to this chapter for any of the following reasons:

- (i) Violation of any of the provisions of this chapter;
- (ii) Violation of any provision of the right-of-way utility license;
- (iii) Misrepresentation in a right-of-way utility license application;
- (iv) Failure to pay taxes, compensation, fees or costs due the City after final determination by the City of the taxes, compensation, fees or costs;
- (v) Failure to restore the right-of-way after work as required by this chapter or other applicable state and local laws, ordinances, rules and regulations;

- (vi) Failure to comply with technical, safety and engineering standards related to work in the right-of-way; or
- (vii) Failure to obtain or maintain any and all licenses, permits, certifications and other authorizations required by state or federal law for the placement, maintenance and/or operation of the utility facilities.

(b) Standards for Revocation or Termination. In determining whether termination, revocation or some other sanction is appropriate, the following factors shall be considered:

- (i) The egregiousness of the misconduct;
- (ii) The harm that resulted;
- (iii) Whether the violation was intentional;
- (iv) The licensee's history of compliance; and/or
- (v) The licensee's cooperation in discovering, admitting and/or curing the violation.

(c) Notice and Cure. The City shall give the licensee written notice of any apparent violations before terminating a right-of-way utility license. The notice shall include a short and concise statement of the nature and general facts of the violation or noncompliance and provide a reasonable time (no less than 20 and no more than 40 days) for the licensee to demonstrate that the licensee has remained in compliance, that the licensee has cured or is in the process of curing any violation or noncompliance, or that it would be in the public interest to impose a penalty or sanction less than termination or revocation. If the licensee is in the process of curing a violation or noncompliance, the licensee must demonstrate that it acted promptly and continues to actively work on compliance. If the licensee does not respond or if the City Administrator or designee determines that the licensee's response is inadequate, the City Administrator or designee shall refer the matter to the City Council, which shall provide a duly noticed public hearing to determine whether the right-of-way utility license shall be terminated or revoked and if any penalties or sanctions will be imposed.

(d) Termination by Licensee. If a licensee ceases to be required to have a right-of-way utility license under this chapter, the licensee may terminate its license by giving the City 30 days' prior written notice. Licensee may reapply for a right-of-way utility license at any time. No refunds or credits will be given for right-of-way utility licenses terminated by the licensee or the City. Within 45 days of surrendering a right-of-way utility license, the licensee shall file a final remittance form with the City stating, "final remittance" and shall pay all fees due under this chapter through the date of termination. The licensee shall also remove its utility facilities from the right-of-way as required by West Linn Municipal Code Section 10.070.

10.060 Construction and Restoration.

- (1) Construction Codes.

(a) Utility facilities shall be constructed, installed, operated, repaired and maintained in accordance with all applicable federal, state and local codes, rules and regulations, including but not limited to the National Electrical Code and the National Electrical Safety Code and the Public Works Standards, in effect at the time of the work.

(b) When a utility operator, or any person acting on its behalf, does any work in or affecting the right-of-way, the utility operator shall, at its own expense, promptly restore the right-of-way as directed by the City consistent with applicable city codes and Public Works Standards, rules and regulations in effect at the time of the work.

(2) Construction Permits.

(a) No person shall perform any work on utility facilities within the right-of-way without first obtaining all required permits and approvals, including but not limited to any permits required in Section 3.250 and the provisions of this Chapter, and wireless siting permits required in chapter 57 of the Community Development Code and any applicable City design standards.

(b) The City shall not issue a permit for the construction, installation, maintenance or repair of utility facilities unless the owner of the facilities has applied for and received a valid right-of-way utility license as required by this chapter, or has a current franchise agreement, and all applicable fees have been paid.

(c) No permit is required for routine maintenance or repairs to customer service drops where such repairs or maintenance do not require cutting, digging, or breaking of, or damage to, the right-of-way and do not result in closing or blocking any portion of the travel lane for vehicular traffic, bicycle lanes or sidewalks.

(d) Emergencies. In the event of an emergency, a utility operator with a right-of-way utility license pursuant to this chapter or a valid franchise agreement, or the utility operator's contractor, may perform work on its utility facilities without first obtaining a permit from the City; provided, that, to the extent reasonably feasible, it attempts to notify the City Engineer prior to commencing the emergency work and in any event applies for a permit from the City as soon as reasonably practicable, but not more than 48 hours after commencing the emergency work. For purposes of this subsection (2), "emergency" means a circumstance in which immediate work or action is necessary to restore lost service or prevent immediate harm to persons or property.

Commented [A5]: 48 hours is generally not enough time to develop the drawings and plans needed to submit for permits to work in the ROW for individual attachments.

(e) Applications for Permits. Applications for permits to perform work within the right-of-way shall be submitted upon forms to be provided by the City and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

(i) That the utility facilities will be constructed in accordance with all applicable codes, rules and regulations, including Public Works Standards.

(ii) The location and route of all utility facilities to be installed above ground or on existing utility poles and, if the utility operator owns the existing utility poles, a comprehensive summary, including ownership and structural condition, of any and all infrastructure currently attached to the pole. Unless approved in writing by the City Engineer, the construction of new utility poles is prohibited. An existing utility pole that is damaged or failing may be repaired or replaced with a new utility pole of substantially similar dimensions and materials. For utility pole appurtenances placed on poles not owned by the applicant, provide written consent of the utility operator that

owns the pole which authorizes its use for the appurtenances and certifies its structural integrity for that use.

(iii) The location and route of all utility facilities on or in the right-of-way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route that are within the right-of-way. Applicant's existing utility facilities shall be differentiated on the plans from new construction. The City may require additional information necessary to demonstrate that the proposed location can accommodate the utility facilities, as determined by the City. A cross-section shall be provided showing the applicant's new and existing utility facilities in relation to the street, curb, sidewalk, or right-of-way.

(iv) The construction methods to be employed for work within or adjacent to the right-of-way, description of any improvements that applicant proposes to temporarily or permanently remove or relocate, and if deemed necessary by the City, methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the right-of-way.

(v) The permittee has an adequate traffic control plan

(f) All permit applications shall be accompanied by the verification of a qualified and duly authorized representative of the applicant that the drawings, plans, and specifications submitted with the application comply with applicable technical codes, rules, and regulations. The City may, in its sole discretion, require the verification of a registered professional engineer or other licensed professional, at no cost to the City.

(g) If feasible, All permit applications shall be accompanied by a written construction schedule, which shall include an estimated start date and a deadline for completion of construction. If a construction schedule is not available at permit application, a written construction schedule shall be provided a minimum of 30 days prior to the planned start of construction. The construction schedule is subject to approval by the City.

Commented [A6]: In the wireless industry, construction schedules are generally not set until permits are fully approved. Therefore we suggest this be "prior to the start of construction"

(h) Prior to issuance of a construction permit, the applicant shall pay a permit fee in the amount determined by resolution of the City Council.

(i) If satisfied that the application, plans and documents submitted comply with all requirements of this chapter, the City shall issue a permit authorizing the work in the right-of-way, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as the City may deem necessary or appropriate.

(j) Except in the case of an emergency, the permittee shall notify the City not less than two working days in advance of any work in the right-of-way.

(k) All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the utility facilities. The City and its representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements.

(l) All work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this chapter shall be removed or corrected at the sole cost and expense of the permittee. The City is authorized to stop work in order to ensure compliance with the provisions of this chapter. If the permittee fails to remove or correct work as required in this subsection, the City may remove or correct the work at the cost and expense of the

permittee, after notice and opportunity to cure, using qualified personnel or contractors consistent with applicable state and federal safety laws and regulations.

(m) The permittee shall be responsible for providing correct and complete information on the permit application and in any related information provided to the City. If the City believes the permittee misrepresented, misstated, or omitted any material fact(s) in or related to its permit application, the City may deny or revoke the permit. The City may at any time require the permittee to take additional measures to protect the health, safety, and welfare of the public. The permittee shall be responsible for and pay all costs and expenses for such measures.

(n) All construction activities must comply with the work hours and noise regulations of the City Municipal Code Section 5.487

(o) The permittee shall promptly complete all work so as to minimize disruption of the right-of-way and other public and private property. All work within the right-of-way, including restoration, must be completed within 60 days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved by the City.

(p) The permittee shall protect the work area with sufficient traffic controls that follow the latest edition of the ODOT Temporary Traffic Control Handbook, reviewed and accepted by the City before work begins. The permittee shall at all times use such workers, tools and materials, flaggers, barricades, and other safety devices as may be necessary to properly protect bicyclists, pedestrians, construction personnel, and vehicular traffic upon the roadway, and to warn and safeguard the public against injury or damage resulting from the work. All work must comply with all applicable Americans with Disabilities Act requirements and the requirements of the Manual on Uniform Traffic Control Devices (MUTCD).

(q) Any supervision or control exercised by the City shall not relieve the permittee or utility operator of any duty to the general public nor shall such supervision or control relieve the permittee or utility operator from any liability for loss, damage or injury to persons or property.

(3) Performance Surety.

(a) The City may, in the City's sole discretion, require a utility operator or permittee to provide a performance bond or other form of surety acceptable to the City equal to at least 125 percent of the estimated cost of the work within the right-of-way, which bond shall be provided before work is commenced.

(b) If required, the performance bond or other form of surety acceptable to the City shall remain in force until 60 days after substantial completion of the work, as determined in writing by the City, including restoration of right-of-way and other property affected by the work.

(c) If required, the performance bond or other form of surety acceptable to the City shall guarantee, to the satisfaction of the City:

- (i) Timely completion of the work;
- (ii) That the work is performed in compliance with applicable plans, permits, technical codes and standards;
- (iii) Proper location of the utility facilities as specified by the City;

(iv) Restoration of the right-of-way and other property affected by the work;

(v) Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

(d) The release of the performance bond or other surety pursuant to subsection (3)(a) of this section does not relieve the utility operator from its obligation to restore right-of-way or other property as required in subsection (5) of this section regardless of when the failure to restore right-of-way or other property as required by this chapter occurs or is discovered.

(4) Injury to Persons or Property. A utility operator is responsible for all injury to persons or damage to public or private property resulting from its failure to properly protect people and property and to carry out the work, regardless of whether the work is performed by a utility operator or performed by an independent contractor performing the work on behalf of the utility operator. A utility operator, or any person acting on its behalf, must preserve and protect from injury or damage the public using the right-of-way, other utility operators' facilities in the right-of-way, and any adjoining property, and take other necessary measures to protect life and property, including but not limited to sidewalks, streets, buildings, walls, fences, trees, and facilities that may be subject to damage from the permitted work.

(5) Restoration.

(a) When an operator, or any person acting on its behalf, does any work in or affecting any right-of-way, it shall, at its own expense, promptly restore such right-of-way or property to the same or better condition as existed before the work was undertaken, in accordance with applicable federal, state and local laws, codes, ordinances, rules, and regulations, unless otherwise directed by the City.

(b) If weather or other conditions beyond the operator's control do not permit the complete restoration required by the City, the operator shall temporarily restore the affected right-of-way or property. Such temporary restoration shall be at the operator's sole expense and the operator shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule shall be subject to approval by the City.

(c) If the utility operator fails to restore right-of-way as required in this chapter, the City shall give the utility operator written notice and provide the utility operator a reasonable period of time, which shall be not less than 10 days, unless an emergency or threat to public safety is deemed to exist, and shall not exceed 30 days unless agreed to in writing by the City, to restore the right-of-way. If, after said notice, the utility operator fails to restore the right-of-way as required in this chapter, the City shall cause such restoration to be made at the cost and expense of the utility operator. If the City determines a threat to public safety exists, the City may provide necessary temporary safeguards, at the utility operator's sole cost and expense, and the utility operator shall have 24 hours to commence restoration. If the utility operator does not commence work in 24 hours, the City, at its sole option, may commence restoration at the utility operator's sole cost and expense. The utility operator shall reimburse the City for the costs the City incurred within 30 days of receipt of an invoice from the City.

(6) Inspection. Every utility operator's facilities shall be subject to the right of periodic inspection by the City or its agents to determine compliance with the provisions of this chapter and all other applicable state and city laws, codes, ordinances, rules, and regulations. Every utility operator shall reasonably

cooperate with the City in permitting the inspection of utility facilities in a timely manner after request by the City. The utility operator shall perform all testing, or permit the City or its agents to perform any testing at the operator's expense, required by the City to determine that the installation of the operator's facilities and the restoration of the right-of-way comply with the terms of this chapter and applicable state and city laws, codes, ordinances, rules, and regulations.

(7) Coordination of Construction. All operators shall make a good faith effort to both cooperate with and coordinate their future construction schedules with those of the City and other users of the right-of-way.

(a) Prior to January 1 of each year, operators shall provide the City with a schedule of known proposed construction activities for that year in, around, or that may affect the right-of-way and any city facilities.

(b) At the City's request, operators shall meet with the City annually, or as determined by the City, to schedule and coordinate construction in the right-of-way.

(c) All construction locations, activities, and schedules within the right-of-way shall be coordinated as ordered by the City to minimize public inconvenience, disruption, and damages to persons and property.

(8) Interference with Right-of-Way. No utility operator or other person may locate or maintain any utility facilities so as to unreasonably interfere with the use of the right-of-way by the City, by the general public or by other persons authorized to use or be present in or upon the right-of-way. Utility facilities shall not be located in a manner that restricts the line of sight for vehicles or pedestrians nor interferes with the proper function of traffic control signs, signals, lighting, or other devices that affect traffic operation. All use of the right-of-way shall at all times be consistent with city codes, ordinances, rules and regulations, which includes without limitation any policies, standards, specifications, and other guidelines adopted by the City Engineer pursuant to this chapter.

10.070 Location of Facilities

(1) Location of Facilities. Unless otherwise agreed to in writing by the City:

(a) Utilities shall be installed underground in all areas of the City where there are no existing overhead utility poles in the right-of-way or no space on existing poles in the right-of-way. No new poles are to be added to the right-of-way unless specifically approved by the City Engineer. This requirement shall not apply to pedestals, cabinets or other above-ground equipment of any utility operator for which the City has given written authorization to place such above-ground equipment in the right-of-way. The City reserves the right to require written approval of the location of any such above-ground equipment in the right-of-way.

(b) Whenever any existing electric utilities, cable facilities or communications facilities are located underground within a right-of-way of the City, the utility operator with permission to occupy the same right-of-way shall install all new facilities underground at its own expense. This requirement shall not apply to facilities used for transmission of electric energy at nominal voltages in excess of 35,000 volts where there are existing poles in the right-of-way, or to antennas, pedestals, cabinets, or other above-ground equipment of any utility operator for which the City has given written authorization to place such above-ground equipment in the right-of-way.

(2) Relocation of Utility Facilities.

(a) The City may require a utility operator, at the utility operator's expense, to temporarily or permanently remove, relocate, change or alter the location or position of any utility facility within a right-of-way, including relocation of aerial facilities underground. A request under this section shall be made in writing by the City. The requirement to relocate aerial facilities underground shall not apply to high voltage lines unless otherwise directed by the City.

(b) Nothing herein shall be deemed to preclude a utility operator from requesting reimbursement or compensation from a third party, pursuant to applicable laws, regulations, tariffs, or agreements; provided, that the utility operator shall timely comply with the requirements of this section regardless of whether or not it has requested or received such reimbursement or compensation.

(c) The City shall provide written notice of the time by which a utility operator must remove, relocate, change, alter or underground its facilities. If a utility operator fails to remove, relocate, change, alter or underground any utility facility as requested by the City, by the date established by the City, the utility operator shall pay all costs incurred by the City due to such failure. Costs shall include but not be limited to costs related to project delays. If the utility operator refuses to timely remove, relocate, change, alter or underground its facilities as requested by the City, the City may cause, using qualified personnel or contractors consistent with applicable state and federal safety laws and regulations, the utility facility to be removed, relocated, changed, altered, or undergrounded at the utility operator's sole expense. The utility operator shall reimburse the City for the costs the City incurred within 30 days of receipt of an invoice from the City.

(d) The City shall not bear any responsibility, incur any costs or otherwise compensate the utility operator in relocation of its facilities, including instances in which the utility operator must relocate outside the right-of-way.

(3) Removal of Unauthorized Facilities.

(a) Unless otherwise agreed to in writing by the City, within 30 days following written notice from the City or such other time agreed to in writing by the City, a utility operator and any other person that owns, controls, or maintains any abandoned or unauthorized utility facility within the right-of-way shall, at its own expense, remove the facility and restore the right-of-way.

(b) A utility facility is unauthorized under any of the following circumstances:

(i) The utility facility is outside the scope of authority granted by the City under the right-of-way utility license, franchise or other written agreement. This includes facilities that were never licensed or franchised and facilities that were once licensed or franchised but for which the right-of-way utility license or franchise has expired or been terminated. This does not include any facility for which the City has provided written authorization for abandonment in place.

(ii) The facility has been abandoned and the City has not provided written authorization for abandonment in place. A facility is abandoned if it is not in use and is not planned for further use. A facility will be presumed abandoned if it is not used for a period of one year. An operator may attempt to overcome this presumption by presenting plans for future use of the facility to the City, which will determine application of the presumption in its sole discretion.

(4) Removal by City.

(a) The City retains the right and privilege to cut or move any utility facilities located within the right-of-way, without notice, as the City may determine to be necessary, appropriate, or useful in response to a public health or safety emergency. The City will use qualified personnel or contractors consistent with applicable State and Federal safety laws and regulations to the extent reasonably practical without impeding the City's response to the emergency. The City will attempt to notify the utility operator of any cutting or moving of facilities prior to doing so. If such notice is not practical, the City will notify the operator as soon as reasonably practical after resolution of the emergency.

(b) If the utility operator fails to remove any facility when required to do so under this chapter, the City may, upon at least 10 days prior written notice, remove the facility using qualified personnel or contractors consistent with applicable State and Federal safety laws and regulations, and the utility operator shall be responsible for paying the full cost of the removal and any administrative costs incurred by the City in removing the facility and obtaining reimbursement. The utility operator shall reimburse the City for the costs the City incurred within 30 days of receipt of an invoice from the City. The obligation to remove shall survive the termination of the right-of-way utility license or franchise.

(c) The City shall not be liable to any utility operator for any damage to utility facilities, or for any consequential losses resulting directly or indirectly therefrom, by the City or its contractor in removing, relocating or altering the facilities pursuant to this section or resulting from the utility operator's failure to remove, relocate, alter, or underground its facilities as required by this chapter.

(5) Engineering Record Drawings

(a) The utility operator shall provide the City with a complete set of record drawings in a form acceptable to the City showing the location of all its utility facilities in the right-of-way after initial construction if such plan changed during construction. The utility operator shall, at no cost to the City, provide updated complete sets of as-built plans showing all utility facilities in the rights-of-way upon request of the City, but not more than once per year.

(b) The utility provider will also provide, at no cost to the City, a comprehensive map showing the location of any facilities in the city. Such map will be provided in a format acceptable to the City with accompanying data sufficient for the City to determine the exact location of facilities (GIS). The City may not request such information more than once per calendar year.

~~(e) Within 30 days of a written request from the City, or as otherwise agreed to in writing by the City, every utility operator shall make available for inspection by the City at reasonable times and intervals all maps, records, books, diagrams, plans and other documents, maintained by the utility operator with respect to its facilities within the right-of-way. Access shall be provided within the city unless prior arrangement for access elsewhere has been made with the City.~~

Commented [A7]: While we have no objection to providing the information requested in (a) and (b), it is overreaching to require that ALL records of a wireless facility be made available to the City. The full records of a facility include proprietary information. We suggest this be removed or an exception added for wireless communications.

10.080 Maintenance

(1) Every utility operator shall install and maintain all utility facilities in a manner that complies with applicable federal, state and local laws, rules, regulations and policies. The utility operator shall, at its own cost and expense, repair and maintain utility facilities from time to time as may be necessary to accomplish this purpose.

(2) If a utility operator fails to repair and maintain facilities as required in subsection 1 of this section, the City may provide written notice of the failure to repair or maintain and establish a date upon which

such repair or maintenance must occur. If the utility operator fails to cause the repair or maintenance to occur within the date established by the City, the City may perform such repair or maintenance using qualified personnel or contractors and charge the utility operator for the City's costs. The utility operator shall reimburse the City for the costs the City incurred within 30 days of receipt of an invoice from the City.

10.090 Vacation of Rights-of-Way

- (1) If the City vacates any right-of-way, or portion thereof, that an operator uses, the operator shall, at its own expense, remove its facilities from the right-of-way unless: (a) the City reserves a public utility easement, which the City shall make a reasonable effort to do; provided, that it is practicable to do so and there is no expense to the City; or (b) the operator obtains an easement for its facilities.
- (2) If the operator fails to remove its facilities within 30 days after a right-of-way is vacated, or as otherwise directed or agreed to in writing by the City, the City may remove the facilities using qualified workers in accordance with state and federal laws and regulations at the operator's sole expense. The utility operator shall reimburse the City for the costs the City incurred within 30 days of receipt of an invoice from the City.

10.100 Fees, Payment and Penalties.

- (1) Except as set forth in subsection (5) of this section, every utility operator and every utility provider shall pay the City a right-of-way usage fee as determined by resolution of the City Council.
- (2) No acceptance of any payment shall be construed as accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim the City may have for further or additional sums payable.
- (3) To the extent that Federal or State law imposes limitations on the amount that the City can charge as a right-of-way usage fee that is less than the fee established in its fees and charges resolution, the right-of-way usage fee shall be the maximum amount allowed by applicable law.
- (4) Utility operators that pay a franchise fee may deduct the amount of the franchise fee payments from the amount due for the right-of-way usage fee, but in no case will the right-of-way usage fee be less than zero dollars. Nothing in this section limits the City's authority to establish a franchise fee that is greater than the right-of-way usage fee.

(5)

- (a) A person that is both a utility operator and a utility provider shall be subject to the right-of-way usage fee(s) applicable to utility operators and, in addition, to the right-of-way usage fee(s) applicable to utility providers; provided, however, that the person must pay only the greater of the two fees, or, if the two fees are the same, the utility operator right-of-way usage fee.

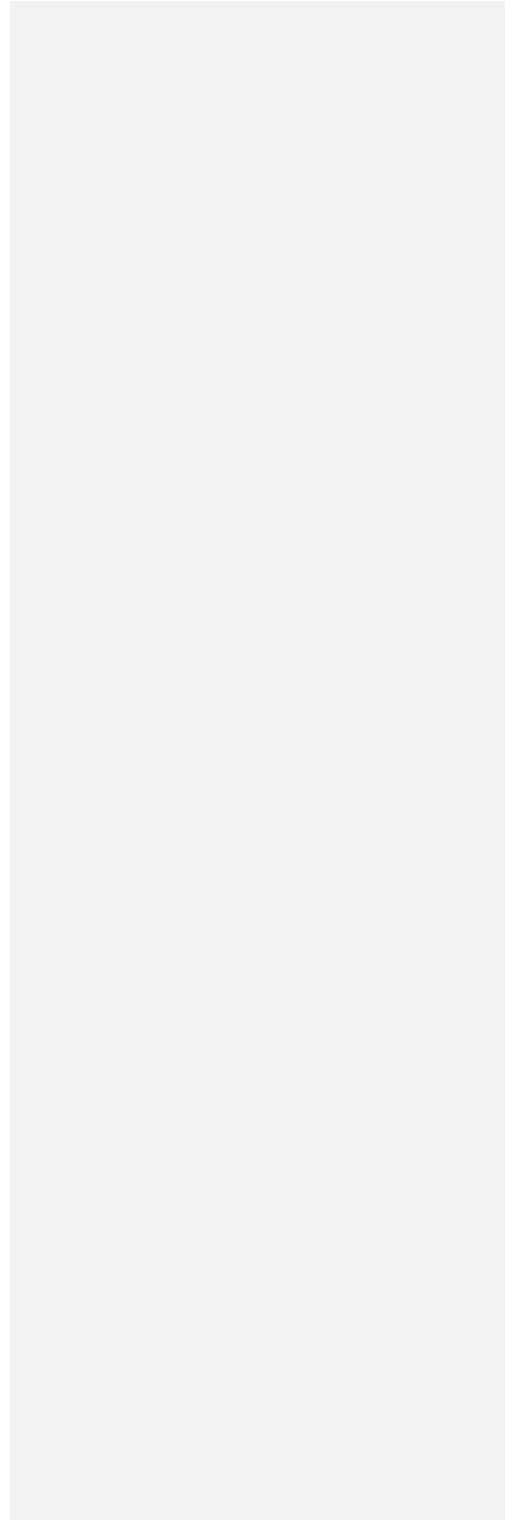
- (5)• (b) In the event that the utility operator and utility provider are not the same, the right-of-way usage fees that are paid on a per facility basis, for example fees for Small Wireless Facilities, shall be paid by the utility operator and not by the utility provider.

Commented [A8]: The key intent here is that the fee is paid once, and not by both parties for the same facility.

- (6) Unless otherwise agreed to in writing by the City, the right-of-way usage fee set forth in subsection (1) of this section shall be paid quarterly, in arrears, within 30 days after the end of each calendar quarter. Each payment shall be accompanied by an accounting of gross revenues, if applicable, and a calculation of the amount payable on a remittance form provided by the City. A utility operator or utility provider shall provide, at no cost to the City, any additional reports or information the City deems necessary, in its sole discretion, to ensure compliance with this section. Such information may include, but is not limited to: chart of accounts, total revenues by categories and dates, list of products and

UTILITY LICENSE AND USE OF THE RIGHT-OF-WAY

services, narrative documenting calculation, details on number of customers within the city limits, or any other information needed for the City to readily verify compliance.



(7) In the event the right-of-way fee is not received by the City on or before the due date or is underpaid, the utility operator or utility provider must pay interest from the due date until full payment is received by the city at a rate equal to nine percent per annum, compounded daily, or the maximum interest rate allowed by law.

(8) The City reserves the right to enact other fees and taxes applicable to the utility operators and utility providers subject to this chapter. Unless expressly permitted by the City in enacting such fee or tax, or required by applicable state or federal law, no utility operator or utility provider may deduct, offset or otherwise reduce or avoid the obligation to pay any lawfully enacted fees or taxes based on the payment of the right-of-way usage fee or any other fees required by this chapter.

10.110 Records, Reporting and Appeal.

(1) Each person subject to this chapter shall maintain records that accurately reflect the amount of the gross operating revenue for at least seven years.

(2) The City may conduct an investigation into the accuracy of the payments received by the City, including any revenues included or excluded from the gross revenues used to calculate the right-of-way usage fees owed. The utility operator or utility provider shall make available for investigation all records and accounting of the utility operator or utility provider for verification of the reports of the company and the fees paid by the company. Such information may include, but is not limited to: chart of accounts, total revenues by categories and dates, list of products and services, narrative documenting calculation, details on number of customers within the city limits, or any other information needed for the City to readily verify compliance.

(3) If the City's audit of the books, records and other documents or information of the utility operator or utility provider demonstrates that the operator or provider has underpaid the right-of-way usage fee or franchise fee by 3% or more in any one year, the operator shall reimburse the City for the cost of the audit, in addition to any interest and penalties owed as provided by this chapter or as specified in a franchise agreement. (4) Any underpayment, including any interest, penalties or audit and review cost reimbursement, shall be paid within 30 days of the City's notice to the utility operator or utility provider of such underpayment.

(5) A utility operator or utility provider may appeal the City's demand for payment to the City Council. The appeal must be in writing and specify the grounds for the appeal. The Council will hold a hearing on the appeal. If the Council determines that the utility operator or utility provider is required to pay an additional amount, the utility operator or utility provider shall pay the amount owed within 30 days of the Council's decision.

10.120 Insurance & Indemnification

(1) Insurance

(a) All utility operators shall maintain in full force and effect the following liability insurance policies that protect the utility operator and the City, as well as the City's officers, ~~agents~~, and employees:

~~(i) Commercial Comprehensive~~ general liability insurance with limits Three Million Dollar (\$3,000,000) per occurrence for bodily injury (including death) and property damage and Three Million Dollars (\$3,000,000) general aggregate including premises-operations, explosion collapse and underground hazards and products/perations completed on or less than:

~~(A) Three million dollars for bodily injury or death to each person;~~

Commented [A9]: Verizon has had the insurance and indemnifications provisions reviewed by legal counsel in the same manner as we would when entering into a Franchise agreement. These are the suggested revisions. This proposed language is more consistent with what we would typically agree to in a Franchise, and also takes into account that large companies, like Verizon, often self ensure.

~~(B) Three million dollars for property damage resulting from any one accident; and~~

~~(C)(i) Three million dollars for all other types of liability.~~

~~(ii) Commercial automobile liability insurance in the amount of Three Million Dollars (\$3,000,000) combined single limit each accident for bodily injury and property damage covering all for owned, non-owned and hired vehicles, with a limit of \$1,000,000 for each person and \$3,000,000 for each accident.~~

~~(iii) Worker's compensation within statutory limits and employer's liability with limits of not less than \$1,000,000 each accident/disease/policy limit.~~

~~(iv) If not otherwise included in the policies required by subsection (1)(a) (i) of this section, maintain comprehensive form premises operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than \$3,000,000.~~

~~(v) Utility operators may utilize primary and umbrella liability insurance policies to satisfy the preceding insurance policy limit requirements.~~

~~(b) The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the state of Oregon. The insurance shall be without prejudice to coverage otherwise existing and shall name, or the certificate of insurance shall include name, with the exception of workers' compensation, as additional insureds as their interest may appear under this Agreement the City and its officers, agents, and employees. The coverage must apply as to claims between insureds on the policy. Upon receipt of notice from its insurer(s) the Utility Operation shall provide the City with tirty (hThe insurance shall not be canceled or materially altered without 3)0 days' prior written notice of cancellation of any required coverage first being given to the City, and the certificate of insurance shall include the blanket additional insured such an endorsement. If the insurance is canceled or materially altered, the utility operator shall obtain a replacement policy that complies with the terms of this section and provide the City with a replacement certificate of insurance within 30 days. The utility operator shall maintain continuous uninterrupted coverage, in the terms and amounts required. The utility operator may self-insure, or keep in force a self-insured retention plus insurance, for any or all of the above coverage, subject to written approval by the City.~~

~~(c) The utility operator shall maintain on file with the City a certificate of insurance, or proof of self-insurance reasonably acceptable to the City, evidencing certifying the coverage required above.~~

(2) Finance Assurance

Unless otherwise agreed to in writing by the City, before a franchise granted or right-of-way utility license issued pursuant to this chapter is effective, and as necessary thereafter, the utility operator shall provide a performance bond or other financial security or assurance, in a form acceptable to the City, as security for the full and complete performance of the franchise or right-of-way utility license, if applicable, and compliance with the terms of this chapter, including any costs, expenses, damages or loss the City pays or incurs because of any failure attributable to the utility operator to comply with the codes, ordinances, rules, regulations or permits of the City. This obligation is in addition to the performance surety required by WLMC Section 3.255(3).

(3) Indemnification

To the fullest extent permitted by law, each utility operator will defend, indemnify and hold harmless the City and its officers, employees, agents and representatives from and against any and all liability, causes of action, claims, damages, losses, judgments and other costs and expenses, including attorney fees and

costs of suit or defense (at both the trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity in any way arising out of, resulting from, during or in connection with, or alleged to arise out of or result from the negligent, careless or wrongful acts, or any acts or omissions, failure to act or other misconduct of the utility operator or its affiliates, officers, employees, agents, contractors, subcontractors or lessees in the construction, operation, maintenance, repair or removal of its facilities, and in providing or offering utility services over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise agreement. The acceptance of a right-of-way utility license under WLMC 10.040 constitutes such an agreement by the applicant whether the same is expressed or not.

10.130 Compliance

Every licensee, utility operator and utility provider shall comply with all applicable federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all applicable ordinances, resolutions, rules, and regulations of the City, heretofore or hereafter adopted or established during the entire term of any license, registration, franchise, or agreement granted under this chapter. It is the sole responsibility of the person authorized to construct, install, operate and maintain a utility facility in the right-of-way to comply with all applicable laws, regulations and conditions. It is not the responsibility of the City to guarantee compliance with the applicable laws, regulations, and conditions during the application for, or the construction, installation, operation or maintenance of, the utility facility. The City is not liable in any way for any failure of the authorized person to carry out its responsibility to comply with all applicable laws, regulations, and conditions. Should the authorized person fail to comply with the applicable laws, regulations, and conditions, regardless of cause, the City does not waive its ability to enforce such laws, regulations, and conditions. The City is in no way prevented or otherwise estopped from enforcing such laws, regulations, and conditions, regardless of when noncompliance is discovered.

10.140 Confidential & Proprietary Information

If any person is required by this chapter to provide books, records, maps or information to the City that the person reasonably believes to be confidential or proprietary, the City will take reasonable steps to protect the confidential or proprietary nature of the books, records, maps or information to the extent permitted by the Oregon Public Records Law; provided, that all documents are clearly marked as confidential by the person at the time of disclosure to the City. In the event the City receives a public records request to inspect any confidential information and the City determines that it will be necessary to reveal the confidential information, to the extent reasonably possible the City will notify the person who submitted the confidential information of the records request prior to releasing the confidential information. The City is not required to incur any costs to protect such documents, other than the City's routine internal procedures for complying with the Oregon Public Records Law.

10.150 Severability & Preemption

- (1) The provisions of this chapter shall be interpreted to be consistent with applicable federal and state law, and shall be interpreted, to the extent possible, to cover only matters not preempted by federal or state law.
- (2) If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this chapter is for any reason declared or held to be invalid or unenforceable by any court of competent jurisdiction or superseded by state or federal legislation, rules, regulations or decision, the

remainder of this chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this chapter shall be valid and enforceable to the fullest extent permitted by law. In the event any provision is preempted by federal or state laws, rules or regulations, the provision shall be preempted only to the extent required by law and any portion not preempted shall survive. If any federal or state law resulting in preemption is later repealed, rescinded, amended or otherwise changed to end the preemption, such provision shall thereupon return to full force and effect and shall thereafter be binding without further action by the City.

10.160 Application to Existing Agreements.

To the extent that this chapter is not in conflict with and can be implemented consistent with existing franchise agreements, this chapter shall apply to all existing franchise agreements granted to utilities by the City.

10.170 Violation.

(1) Any person found in violation of any provision of this chapter or the right-of-way utility license shall be subject to a penalty of not less than \$150.00 nor more than \$2,000 per day for each day the violation has existed. Each violation of any provision of this chapter or the right-of-way utility license shall be considered a separate violation for which separate penalties can be imposed. A finding of a violation of this chapter or a right-of-way utility license and assessment of penalties shall not relieve the responsible party of the obligation to remedy the violation.

(2) The City Manager or designee is authorized to find a person in violation of this chapter or a right-of-way utility license and to establish the amount of the penalty consistent with the range provided in subsection (1).

(3) Prior to imposing a penalty, the City Manager or designee shall provide such person with notice of the violation and an opportunity to provide evidence that the violation has been cured. The City Manager or designee shall state the basis for the violation and the amount of the penalty imposed.

(4) In establishing the amount of a penalty, the City Manager or designee shall consider the following factors:

- a. The actions taken by the person to mitigate or correct the violation;
- b. Whether the violation is repeated or continuous in nature;
- c. The magnitude or gravity of the violation;
- d. The cooperation in discovering, admitting, or curing the violation;
- e. The cost to the city of investigating, correcting, attempting to correct and/or prosecuting the violation; and
- f. Any other factor deemed to be relevant.

(5) A person subject to penalties under the provisions of subsection (3) of this section may appeal the City Manager or designee's decision pursuant to the Administrative Appeals Process in section 1.400 - 1.430 of the West Linn Municipal Code.

(6) The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.



CITY OF
**West
Linn**

Utility License and Use of the Right-Of-Way

WLMC Chapter 10

History



- 🍃 **2021 - Ordinance 1723 added Ch 10 to the WLMC**
 - Moved management of Utility use of the ROW from Franchise to License based program.
- 🍃 **2024 – ROW attorney consulted to review & recommend changes to prepare for implementation**
 - Finance Dept working with Nancy Werner to identify code revisions to address identified gaps and clarify ROW management and licensing program.



Need for Revisions

- ❖ Current code does not provide a comparable level of clarification and protection provided under a franchise agreement
- ❖ Gaps in code language may present challenges in managing the right-of-way in the best interest of the City.
- ❖ Clarification around remittance and audits needed to ensure revenue is not lost as franchises transition to licenses.

Proposed Revisions



- Expanded definitions for clarification
- Utility Provider registration
- Utility License clarification around rights granted, term, and conditions.
- Clarification around construction, location, relocation, and removal of facilities
- Add language to address leased capacity, maintenance, and vacation of ROW
- Clarify fees, payments, and penalties; revise penalty structure.
- Clarify records & reporting requirements, add audit language.
- Add insurance & indemnification language.
- Add Confidentiality language
- Add severability & preemption language
- Clarification around violations.

Public Comment



March 3rd through March 24th

Verizon Revisions:

- Wireless exemption from registration & usage fees
- Registration requirements
- Emergency Permits
- Construction Schedules
- Records & reporting
- Insurance

AT&T Revisions:

- Attachment fee exemption language
- Wireless exemption from record keeping requirements
- Undergrounding exemption for antennas.



Changes To Master Fees & Charges

Usage Fees:

- Separate usage fees for providers & operators, gross revenue fees for utility type stay the same.
- Minimum fee for operators in ROW with no gross revenue
- Clarification of Small Cell fee for wireless providers (\$270 per attachment)

Registration & Permits:

- Right-Of-Way Provider Registration \$50 (Annual)
- Right-Of-Way Utility License \$250 (5 years, operators)
- Small Cell permit application: \$500 up to 5 sites, \$100 per additional attachment

Changes to MFC will be presented through a separate resolution after approval of code revisions

Current Utility Use of the ROW



Current Franchises:

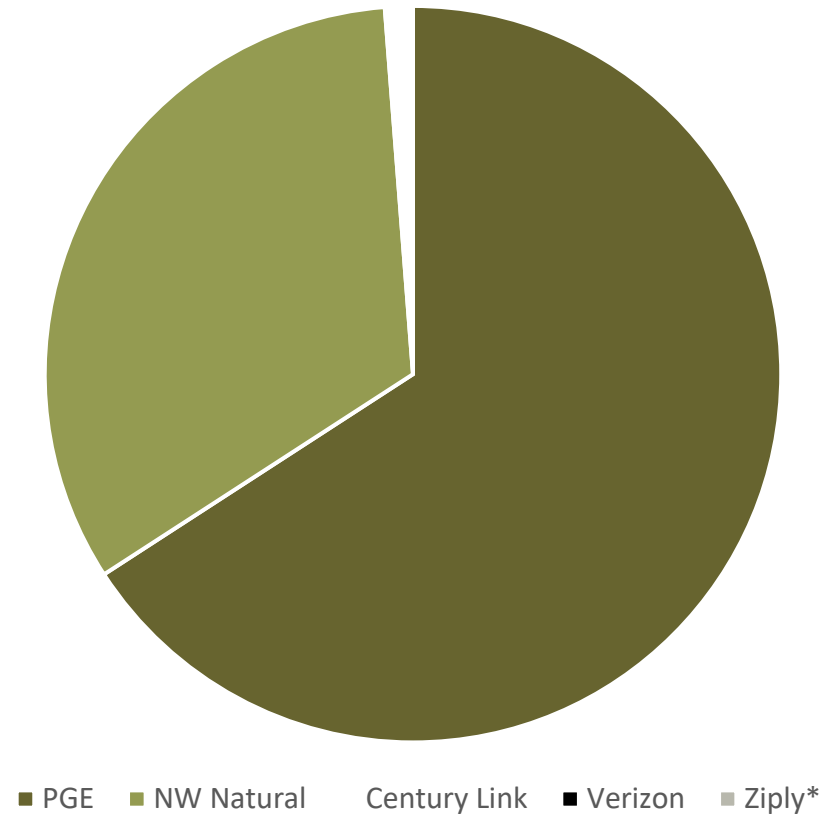
- 🍃 PGE
- 🍃 NW Natural
- 🍃 CenturyLink
- 🍃 Verizon

Current Licenses:

- 🍃 Ziplly Fiber*

*Granted 2025

FY 2024 Revenue



Questions



Work Session Agenda Bill

Date: April 10, 2025

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

Through: John Williams, City Manager *JRW*

From: Darren Wyss, Planning Manager *DSW*

Subject: Housing Production Strategy Project

Purpose:

Hold a work session to get an update on the City's Housing Production Strategy document as recommended by the Project Working Group/Planning Commission and provide feedback on the list of recommended strategies.

Question(s) for Council:

Does the Council have any clarifying questions about the project/process?

Does the Council have comments or questions about the recommended strategies?

Background & Discussion:

At its April 2, 2025, meeting the Planning Commission held a public hearing to consider the proposed West Linn Housing Production Strategy (HPS) as recommended by the project working group. After the public hearing, the Commission voted unanimously to recommend City Council adopt the HPS with a modification to the timing of the Construction Excise Tax (CET) strategy implementation. The Commission recommended moving the CET implementation from years 2026-28 to 2028-30.

HB2003, passed by the Oregon Legislature in 2019 in response to the state's housing crisis, requires jurisdictions to update their [Housing Capacity Analysis \(HCA\) and develop an associated Housing Production Strategy \(HPS\)](#). The aim is to help communities meet the housing needs of Oregonians.

The City completed its HCA and after a series of work sessions with the Planning Commission (PC) in Spring/Summer 2023, the PC recommended adoption of the HCA at a public hearing in August 2023. City Council (CC) [adopted the HCA in October 2023](#) to comply with state statutes and administrative rules.

The City now needs to develop and adopt the HPS by June 30, 2025. The HPS must outline the specific tools, actions, and policies the City plans to implement to address the housing needs identified in the HCA, as well as the City's plan and timeline for implementing each strategy.

The City received grant funds from the Department of Land Conservation and Development (DLCD) for consultant assistance in developing the HPS. A consultant team from MIG, who worked with the City on the HCA process, is under contract. and has completed the required [Contextualized Housing Needs Assessment \(CHNA\)](#), which builds upon the HCA, and a [Stakeholder Interview Summary](#). Both documents were reviewed at a joint work session with the Planning Commission on June 17, 2024.

The Council also appointed a Project Working Group to provide feedback and make a recommendation on proposed strategies. The working group held its [first meeting on June 10, 2024](#) and reviewed the same two documents (CHNA and Stakeholder Interview Summary). The working group held its [second meeting on October 8, 2024](#) to review draft recommended strategies and to review and provide feedback on a list of strategies to consider. The draft recommended strategies and strategies to consider were distilled from the HB2003 [Housing Strategies Report](#) compiled by MIG during the HCA process that focused on options for West Linn and the DLCDC [HPS Guidance Document](#) with possible strategy options for communities to evaluate.

Based on the feedback from the Working Group, MIG narrowed the draft recommended strategies down to 11 via combining some strategies together and moving several to the “not recommended” category. The list and details required to be included in the adopted HPS were presented to the Working Group at its [third meeting on November 13, 2024](#). The Working Group provided comment and found consensus on the strategies to move forward into the Draft Housing Production Strategy.

The City Council also met with the Planning Commission in a joint [work session on November 18, 2024](#) to review the same materials. At that meeting Council requested additional information on the Construction Excise Tax (CET) strategy and the tax abatement strategies. The consultant team has provided a report (Appendix C linked below) on the topics.

The Working Group held its final meeting on [February 11, 2025](#) to review the draft HPS report and provide a recommendation. The group found consensus support on 11 of the recommended strategies and were split in their support of implementing a construction excise tax (CET). The development community does not support CET, while the affordable housing providers do support CET.

The City Council and Planning Commission met again on [February 18, 2025](#) in a joint work session to review and provide final feedback on the recommended strategies in the draft HPS report and provide guidance on any that should not be moved forward to the adoption phase. The group asked for additional information on scaling SDCs and layering incentives for housing production. The consultant team provided a [memo addressing the topics](#) and it is linked below.

The Commission held a [final work session on March 19, 2025](#) to get any final questions answered prior to the public hearing. The [public hearing was held on April 2, 2025](#), where the Commission recommended adoption of the HPS with the minor modification to the CET strategy implementation timeline.

The City will need to show progress on strategies adopted into the HPS over the six-year implementation cycle established by the legislature. You will see a recommended time frame for implementation associated with each draft recommended strategy. The legislature has dedicated funding for help with HPS implementation, but the City needs to ensure staff capacity to address all adopted strategies.

The City is required by ORS 197A.100 to adopt the HPS by the state mandated deadline of June 30, 2025. This is not a land use action, so the final decision by City Council cannot be appealed.

Council Options:

Receive a briefing from the City’s project consultant, ask clarifying questions, request additional information, and prepare for the May 12, 2025, public hearing to adopt the HPS.

Staff Recommendation:

Receive a briefing from the City's project consultant, ask clarifying questions, request additional information, and provide guidance on the recommended strategies.

Document Links:

1. [West Linn Housing Production Strategy – PC Recommended Resolution 2025-02](#)
2. [Appendix A – Contextualized Housing Needs Analysis](#)
3. [Appendix B – Future Strategies to Consider](#)
4. [Appendix C – CET and Tax Abatement Report](#)
5. [Memo – Scaling SDCs and Layering Incentives for Housing Production](#)



West Linn Housing Production Strategy

CITY COUNCIL WORK SESSION

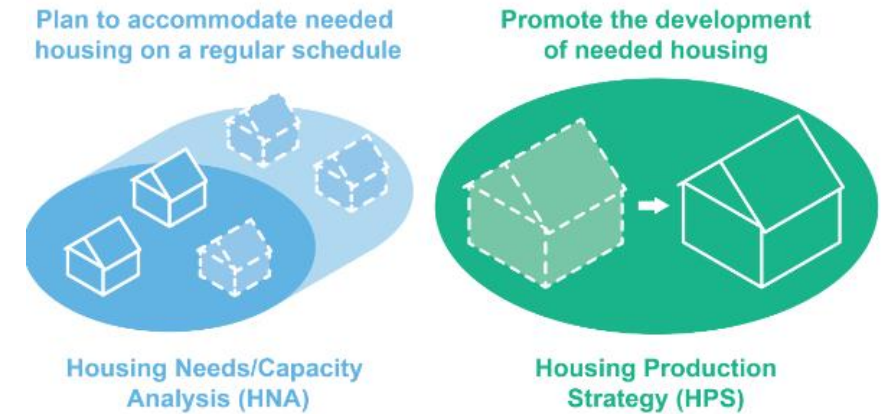
APRIL 21, 2025

Agenda

1. HPS Overview and Status
2. Overview of HPS Actions
3. Planning Commission Recommendation
4. Questions and Comments
5. Remaining Steps

Project Overview

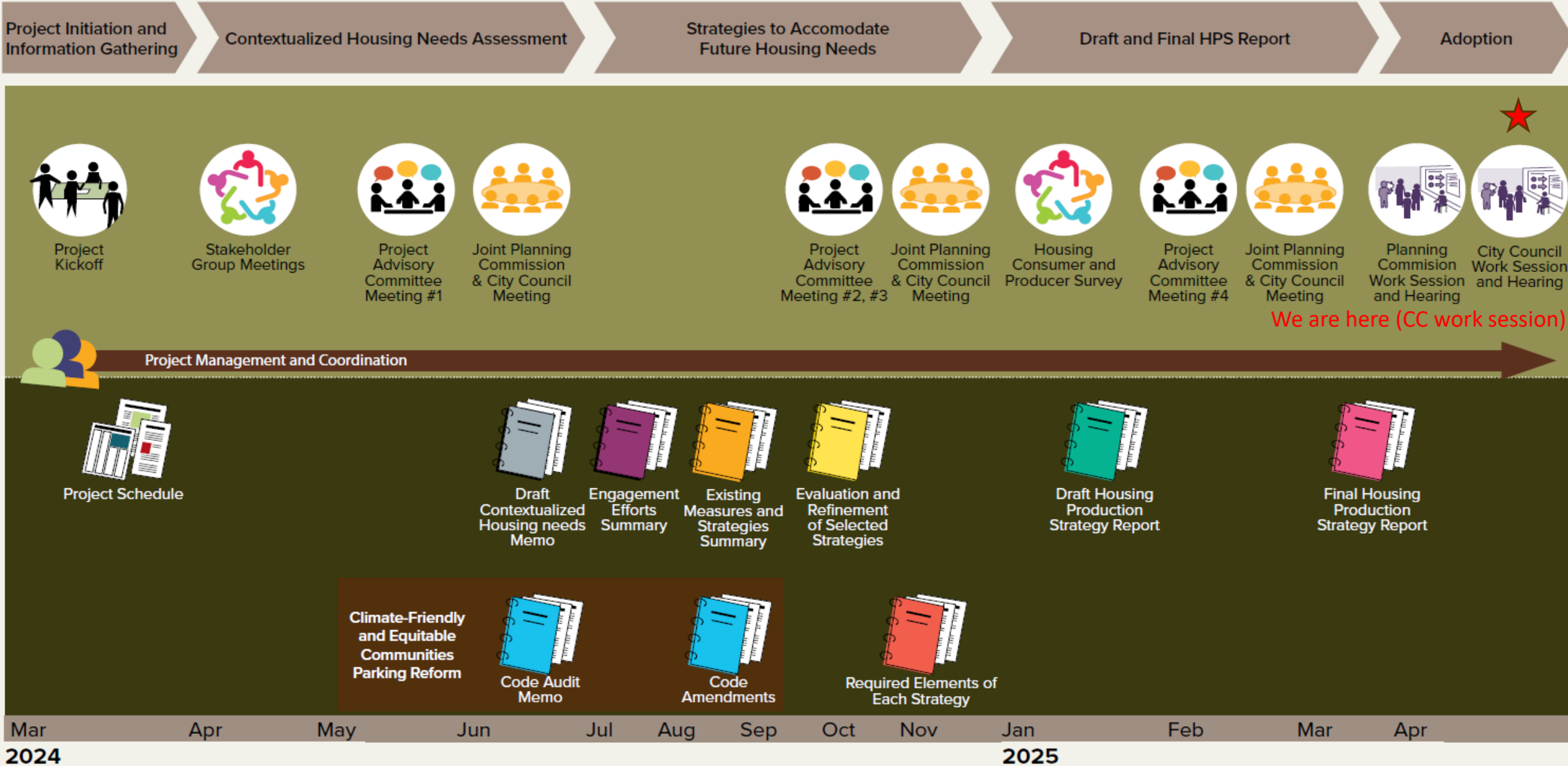
- House Bill 2003 (2019) requires Metro cities to adopt a Housing Capacity Analysis (HCA) every six years
 - West Linn adopted HCA in November 2023
- Cities must adopt an HPS within one year of HCA adoption (some exceptions/flexibility)
- HPS includes actions to address identified housing needs from the HCA
 - Progress evaluated every three (3) years
- City must follow criteria for HPS (OAR 660-008-0045 through -0070)



West Linn Housing Production Strategy Process and Schedule

MEETINGS & ENGAGEMENT

ANALYSIS, PLANNING, DESIGN & DELIVERABLES



HPS Status

- Draft Final HPS – revised based on:
 - Planning Commission Work Session input (3/19/25)
 - Stakeholder survey
 - DLCD comments
- Planning Commission recommendation to be incorporated pending Council direction

HPS Actions Review

Housing Options and Choices

	Action Summary	Housing Needs Met	Begin	Complete	Cost	Effort
1.	Rezone Land <ul style="list-style-type: none"> • Rezone commercial or other non-residential land to a residential designation • Rezone low-density residential to higher-density to allow for multifamily • Coordinate with Vision43 and Waterfront projects 	<ul style="list-style-type: none"> ✓ Low- to moderate-income housing ✓ Multifamily housing supply 	2026	2028	\$\$	● ● ●
2.	Small Dwelling Unit Development <ul style="list-style-type: none"> • Reduce minimum lot sizes or allow lot size exceptions for smaller SF homes • Update development standards to encourage modest dwelling sizes • Supports affordable homeownership opportunities 	<ul style="list-style-type: none"> ✓ Smaller homes ✓ Moderate-income or first-time homeownership opportunities 	2026	2028	\$\$	● ● ○
3.	Update System Development Charges (SDCs) <ul style="list-style-type: none"> • Update SDC rates to scale with dwelling size • Exempt, reduce, or defer SDCs for needed housing types (e.g., ADUs and affordable housing) • Shift timing of payment to certificate of occupancy 	<ul style="list-style-type: none"> ✓ Smaller homes and ADUs ✓ Low- to high-income housing ✓ Subsidized affordable housing 	2026	2030	\$\$\$	● ● ●
4.	Multiple Unit Property Tax Exemption (MUPTE) <ul style="list-style-type: none"> • Offer full or partial property tax exemptions for multifamily or middle housing • City has flexibility for implementation – i.e., can set timeline, eligibility criteria, and can apply in specific locations 	<ul style="list-style-type: none"> ✓ Multifamily housing supply ✓ Subsidized affordable housing 	2028	2029	\$\$	● ● ○

Affordable Housing Actions

	Action Summary	Housing Needs Met	Begin	Complete	Cost	Effort
5.	Tax Increment Financing (TIF) for Affordable Housing <ul style="list-style-type: none"> • Use TIF funds to support affordable housing • TIF adopted for Waterfront District and being explored for Hwy 43 corridor 	✓ Subsidized affordable housing ✓ Low-income households	2026	2030	\$\$\$\$	• • •
6.	Land Acquisition and Banking for Affordable Housing <ul style="list-style-type: none"> • Identify, secure, and hold sites for affordable housing development • Pair with a funding strategy (CET or TIF) to finance land acquisition 	✓ Subsidized affordable housing ✓ Low-income households	2025	2030	\$\$\$\$	• • •
7.	Public-Private Partnerships (PPP) for Affordable Housing <ul style="list-style-type: none"> • Partner with regional organizations to develop affordable housing • Leverage funding resources (e.g., Metro Bond) • Use other strategies to support partnerships – e.g., TIF, tax abatement or incentives 	✓ Subsidized affordable housing ✓ Low-income housing	2026	2030	\$\$	• • •

Affordable Housing Actions

	Action Summary	Housing Needs Met	Begin	Complete	Cost	Effort
8.	Low Income Rental Housing Tax Exemptions <ul style="list-style-type: none"> • Low-Income Rental and/or <i>Nonprofit</i> Low-Income Rental exemption - may adopt one or both • Adopt programs by resolution or ordinance • Consider supplementing with MUPTE 	✓ Subsidized affordable housing ✓ Low-income households	2026	2027	\$\$	● ● ○
9.	Zoning Incentives for Workforce and Affordable Housing <ul style="list-style-type: none"> • Adopt code amendment that enable development bonuses for affordable housing <ul style="list-style-type: none"> • Establish height or density bonus (already required by state law) • Allow greater floor area • Relax other zoning standards (e.g., design) 	✓ Subsidized affordable housing ✓ Low-income households	2026	2028	\$\$	● ● ○
10.	Construction Excise Tax (CET) <ul style="list-style-type: none"> • One-time tax on construction projects (1% cap on residential, no cap for commercial) • Key funding source for affordable housing • May allow City to reduce permit fees by offsetting costs • Use in part to offset other development costs (e.g., SDC reductions) 	✓ Subsidized affordable housing ✓ Low-income housing	2027	2030	\$\$\$\$	● ● ●

Equitable Housing Opportunities

	Action Summary	Housing Needs Met	Begin	Complete	Cost	Effort
11.	Homebuyer Opportunity Limited Tax Exemption (HOLTE) <ul style="list-style-type: none"> • Encourage homeownership for first time homebuyers and low/moderate-income households • Adopt program by resolution or ordinance • Work with housing providers to implement program for qualifying projects • Integrate with other abatement/exemption strategies 	<ul style="list-style-type: none"> ✓ Moderate-income households ✓ First-time homebuyers 	2026	2027	\$\$	● ● ○
12.	Fair Housing Education, Referral, and Other Services <ul style="list-style-type: none"> • Promote fair housing policies and programs • Fair housing training for elected officials and city staff • Provide educational materials to residents • Conduct Analysis of Impediments to Fair Housing 	<ul style="list-style-type: none"> ✓ Protected classes ✓ Renters ✓ Low-income households 	2026	Ongoing	\$	● ○ ○

Planning Commission Recommendation

- Recommendation: Adopt HPS Report with a change in the timing of implementation of the CET strategy – delay until 2027 to allow for an assessment of progress on other strategies.

Questions or Comments?

Remaining Steps

- City Council Adoption Hearing – 5/12

Howard, Teresa

From: City of West Linn <webmaster@westlinnoregon.gov>
Sent: Monday, April 21, 2025 8:26 AM
To: Howard, Teresa
Subject: City of West Linn Website submission: Meeting Request to Speak Signup

Follow Up Flag: Follow up
Flag Status: Flagged

Submitted on Monday, April 21, 2025 - 8:26am

Submitted by anonymous user: 50.53.8.188

Submitted values are:

Full Name Meridee Pabst

Email Address [REDACTED]

Cell Phone Number [REDACTED]

Home Phone Number [REDACTED]

Street Address 2728 N L Street

City Washougal

State Washington

Item you would like to speak on 6. Right-of-Way Code

Board City Council work session

Meeting Date Mon, 04/21/2025

The results of this submission may be viewed at:

<https://westlinnoregon.gov/node/45911/submission/88499>



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): G. Draft Right of Way Code

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

Please specify agenda item (required):

G. Draft Right of Way Code

Please print:

Name: Lelah Vaga, Wireless Policy Group for Verizon

Phonetic spelling, if difficult to pronounce: Lee Lah - Vah Gah

Address (Optional): _____

City: Portland

State: OR

Zip: 97215

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.