

**West Linn City Council Meeting Minutes
February 25, 2008**

Council Present: Mayor Norman B. King, Council President Michele Eberle; Councilor Scott A. Burgess, Councilor Jody Carson

Council Absent: Councilor Mike Gates

Staff Present: Chris Jordan, City Manager; Bryan Brown, Planning Director; Peter Spir, Planner; Christine Siegel, Library Director; City Attorney Bill Monahan; and Shirley Richardson, Minute Taker

Call to Order/Pledge of Allegiance

Mayor King called the meeting to order at 6:37 and Councilor Burgess led the flag salute.

Proclamations / Recognitions and Presentations - None

Community Comments

Roberta Schwarz, 2206 Tannler Drive, informed the audience of events to be put on by the Tanner Basin Neighborhood Association. She also discussed Measure 49 and upcoming annexation measures on the May ballot.

Alice Richmond, 3939 Parker Road, stated that she is speaking tonight on shredding and discarding of documents. Bales Market is making preparations for free shredding. It should be starting real soon. Shredding is around the corner, free for all the citizens.

Ms. Richmond reminded everyone to fill out their ballot and vote.

Bob Thomas, 2563 Pimlico Drive, passed out information to the Council. He stated that at February 11th Council meeting he was accused by Councilor Burgess of passing on a rumor in regards to conversations at the February 4th Council work session. He has reviewed the recording and found the Council was engaged in fashioning clarifying ordinances, which they obviously intend to use to essentially circumvent the requirements of Section 3 of Chapter 1 of the Charter and Section 46 of Chapter XI of the Charter. The obvious intention in each case is as follows. Item one is the annexation charter amendments that took place in May 1998. Councilor Burgess was then City Manager and Chief City Elections Officer. It was his duty under ORS 254.565, Subsection 3, to proclaim which of the competing measures (the citizen's initiative measure on annexations or the City's measure on annexations) was paramount. The votes determined that the City was the ruling and

paramount measure and won on every basis overwhelmingly. Councilor Burgess should not be engaging in trying to draft these clarifying ordinances because he was the City Manager at the time, and it was his job to declare the citizens' initiative for annexations the paramount or ruling paragraph.

All of the things that took place at the February 4th work session (quoting Mayor King, Councilors Burgess and Carson in his information submitted) and everything that Mayor King said was not in accordance with the facts, and he said a lot of things that were false. You cannot interbreed those two. The City is not paramount.

Mayor King informed Mr. Thomas his time was up. Mr. Thomas continued, saying it is the citizens' initiative that is paramount. He referred the Council to ORS 254.565 Subparagraph 3, which provides that the chief city elections officer shall proclaim which competing measure was paramount, and he declared that paramount.

Mayor King asked Mr. Thomas to end his testimony. Mr. Thomas stated that he declared that paramount, and the Council cannot be considering what you are considering and so should the City Attorney not be considering what was being considered because he should be familiar with the ORS that are provided in this letter from the Secretary of State.

Consent Agenda

1. Agenda Bill 08-02-18 Approve City Council Meeting Minutes of 01-28-08
2. Agenda Bill 08-02-19 Approve City Council Meeting Minutes of 02-04-08
3. Agenda Bill 08-02-20 Motion to Recommend Approval of Liquor License Application for New Outlet – Full On-Premises Sales [Blue Sage Café of West Linn, 21900 Willamette Drive #209]

Council President Eberle moved to adopt the consent agenda consisting of the minutes of January 28, 2008, February 4, 2008, and a motion to recommend approval of a liquor license application for a New Outlet-Full On-Premises Sales for Blue Sage Cafe. Councilor Burgess seconded the motion.

Ayes: Burgess, Eberle, Carson, King

Nays: None

The motion to approve the consent agenda carried 4-0.

Report from the City Manager - None

Business from the City Council

Councilor Burgess reported that Councilor Carson, Councilor Gates and himself attended the annual dinner of the Chamber of Commerce. Patti Galle was named Citizen of the Year; Randy Sebastian was named Business Person of the Year; and other awards and recognitions were given throughout the evening. It was very nice and well attended.

Councilor Burgess discussed the Tri-City Service District, which is a county service district that serves the cities of West Linn, Oregon City and Gladstone. The other sewage service district in the county is Clackamas County Service District 1. They are responsible for both of these sewer districts. There have been discussions of the Clearwater Project in terms of the future. Clackamas Service District 1 is out of capacity and has been sending sewerage to Tri-Cities for a number of years under an interim diversion agreement. They will continue that agreement with increasing levels because Tri-Cities does have capacity to handle their needs. It has been in the citizens' best interests to do that because it has kept rates low.

This is a short-term fix, as eventually Tri-Cities will need to expand as well. The interim diversion is only a temporary measure. The Clackamas County Commission is trying to avoid implementing a moratorium on growth and making sure communities like Damascus and Milwaukie continue to provide for their citizens. It is under consideration to put everything at the Tri-Cities plant; however, there are some problems with that in terms of participation and equity issues.

The Clackamas County Commission has created a Community Partners Wastewater Task Force on which he was asked to serve on behalf of West Linn. Also represented are other cities in Clackamas County, as well as representatives of Clackamas Service District 1 and the Oak Lodge Service District. They met for the first time last Wednesday, February 20th, and will be meeting again this Thursday, February 28th.

The specific issues the County has asked the group to look at by the end of April are the cost benefits (collectively or individually) of dealing with waste water in the future; what are the equity issues involved (capacity, land, facilities); and what would be the mutual understandings between the entities (governance, financial interest). There is also a group of city managers and the Oak Lodge general manager, who are working on these issues, as well, and providing that information to this policy group.

This issue has been discussed for the last 15 years. It is time to move on and there is now a short time frame. There are two premises the county has put in place; one is the Kellogg Treatment Facility for Service District 1 located on the river in Milwaukie will be decommissioned. When, how, and who pays for it remains to be seen. The second premise is that the Service District 1 Citizens Committee wants to pursue a new plant somewhere else. The County Commission has said no; that they want to look at this collective approach first. They are not going to pursue a new site at this point but in this process there may be a plan B. A new facility does not look

reasonable when considering the cost of building a new plant with environmental restrictions, limitations on land, and the fact that there is an investment already in facilities. He will keep citizens informed and updated on these issues.

Agenda Items

1. Agenda Bill 08-02-22 PUBLIC HEARING to Consider CDC Amendment to the Willamette River Greenway and Tualatin River Protection Area Language to be More Compatible with the Water Resource Area Standards
ORDINANCE - Amending the Willamette River Greenway and Tualatin River Protection Chapters of the Community Development Code

Mayor King opened the meeting to agenda items. He asked for a motion to continue Agenda Bill 08-02-22.

Council President Eberle moved to continue Agenda Bill 08-02-22, a public hearing and ordinance to consider CDC Amendment to the Willamette River Greenway and Tualatin River Protection Area language to be more compatible with the Water Resource Area Standards to April 14, 2008. Councilor Carson seconded the motion.

Ayes: Eberle, Carson, Burgess, King

Nays: None

The motion carried 4-0.

2. Agenda Bill 08-02-25 Final Decision to Deny the Request to Vacate Part of Hood Street Right-of-way

Mayor King asked for a motion to continue the final order for the Hood Street vacation to the March 10, 2008, City Council meeting.

Mr. Monahan stated that staff needs more time to prepare the final order on the action on the request to vacate part of the Hood Street right-of-way. The applicant has also asked for more time before adoption of the final order. It would be best to continue this issue to the upcoming meeting of March 10, 2008.

Councilor Carson moved to continue a decision on the Final Order on the action on MISC 07-02, request to vacate part of the Hood Street Right-of-Way, to the March 10, 2008, Council meeting. Council President Eberle seconded the motion.

Ayes: Eberle, Carson, Burgess, King

Nays: None

The motion carried 4-0.

Mr. Monahan noted that this item was not on the agenda tonight. It was something being announced because of the statements that were made at the last meeting about when the item would be adopted.

3. Agenda Bill 08-02-21 PUBLIC HEARING on Proposed Adoption of
 Tanner Basin Neighborhood Plan
 ORDINANCE - Amending the Comprehensive Plan
 by Adopting and Adding the Tanner Basin
 Neighborhood Plan (MISC-06-53)

Mayor King opened the public hearing on a proposal to adopt the Tanner Basin Neighborhood Plan as part of the West Linn Comprehensive Plan (MISC-06-53) at 7:03 p.m. The Planning Commission recommended approval of the Plan. Bill Monahan explained the hearing purpose and procedure. He indicated the applicable standards to be considered are in Chapter 98 of the Community Development Code for Legislative Plan Amendments.

Mayor King explained the hearing conduct. He asked if there were any ex parte contacts or conflicts of interest to declare. There were none. He asked if there were any members of the audience who wished to make any challenge to any Council member's ability to participate in this decision or the Council's ability to make a decision on these issues. There were none. Mayor King asked for the staff report.

Peter Spir provided a staff report. He reported the Neighborhood Plan was prepared in 2006 and 2007 by the neighborhood planning team drawn from the Tanner Basin Neighborhood Association. The consultant firm of Cogan Owens and Cogan helped the team provide a vision, set goals, provide policies, and suggest implementation measures for the Tanner Basin neighborhood. The Plan will be a subset of the West Linn Comprehensive Plan applicable to the Tanner Basin neighborhood.

This Plan was reviewed by the Planning Commission at a January 23, 2008, hearing. The Planning Commission took public testimony, considered the staff report, and voted to recommend the Tanner Basin Neighborhood Plan as it was submitted with the one revision. One of the Tanner Basin Neighborhood action plan policies was to eliminate flag lots; however, the Planning Commission's decision included the continuation of allowing flag lots.

The Planning Commission's action was consistent with the staff recommendation against the elimination of flag lots; however, they allowed a range of residential zones. Staff viewed the proposal by the Tanner Basin Neighborhood Association to deny densities below R-10 to be inappropriate.

Reviewing the pattern of development in Tanner Basin, the zoning is quite diverse. There are all the elements that one aspires to achieve in terms of balanced zoning in a traditional neighborhood; commercial in the core, higher density around that, and then graduating to lower density as you work away. Staff felt it was important to continue that mix of densities.

Staff supports a level of service of D at the intersection of Blankenship and Tenth Streets. The Tanner Basin Neighborhood Association was calling for a service level of C. The City planning and engineering departments found difficulty with that based upon the fact that the Transportation System Plan (TSP) allows a level of service of D at that intersection. The West Linn Comprehensive Plan explicitly allows a level of service of D.

The divergence of the Tanner Basin Neighborhood Plan from both the TSP and the City's Comprehensive Plan was enough to require it be drawn back and staff's recommendation against that item. Staff supports the plan and would like to see the continued allowance for flag lots, a broad range of residential densities, and supporting level of service of D at the intersection. The Comprehensive Plan indicates the level of service of D is intended to be city-wide as the minimum.

Questions from the Council

Councilor Burgess asked if the Growth Management Agreement and previous land use laws are still in effect and is it incorporated in the Plan. Mr. Spir stated that the blueprint for the development of Tanner Basin has been eclipsed by the City's imposition of its Comprehensive Plan designation for the Tanner Basin area and the zoning districts for that area. It did provide guidance in the early 90's but those policies have been eclipsed. This is an issue that he would have to review and get back to the Council on.

The Department of Land Conservation and Development (DLCD) reviewed the Plan and thought it was a great product. They pointed out the same three items that staff had concerns with. They did not bring up the subject of the Tanner Basin Master Plan of 1990.

Councilor Burgess voiced concern about a statement on circled page 15. The second sentence under Other Goals says there are no commercial agricultural lands in this neighborhood. This may be definitional in terms of what a commercial agricultural land is. His concern is with the vineyard. Now that it has been approved, he believes this is still functioning as commercial agriculture. There is no proposal in the neighborhood plan to do anything different.

On circled page 16, Councilor Burgess asked for clarification of the statement that staff finds there is a healthy mix of housing types, multi-family housing, town homes, apartments, etc., although the rental structure would not be considered affordable by

definition. Mr. Spir stated that affordability is a relative term in the City of West Linn. These housing opportunities represent affordable housing. Metro-wide, these would be considered unaffordable or out of the reach of people of lower incomes. This refers to the non-single family, as well.

Councilor Burgess referred to circled page 17, Goal Eight, "The Tanner Basin Neighborhood Plan encourages meeting a 15-acre per thousand population standard," and asked if this is the City's standard for the Parks and Open Space Plan or a standard the neighborhood is aspiring to. Mr. Spir stated that he would have to verify that statement.

Mayor King asked if there was any correspondence on this matter other than those items included in the packet. Mr. Spir stated that there was no correspondence received.

Mayor King asked that staff provide Council with a copy of the minutes from the Planning Commission and a copy of the written testimony that was submitted during that hearing.

Testimony in Favor

Council President Eberle called Roberta Schwarz to testify. Ms. Schwarz asked that those that were on the committee sit down together and make their testimony at the same time. Mayor King agreed.

David Rittenhouse, 2101 Greene Street, stated that he is the President of the Tanner Basin Neighborhood Association. He introduced all the members of his panel present for comments: Ken Pryor, 2119 Greene Street; Ken Snow, 2125 Fircrest Drive; and Roberta Schwarz, 2206 Tannler Drive.

Mr. Rittenhouse thanked all the people who worked really hard on this project. This project was done on time; unfortunately, that was a long time ago. This has been sitting on the shelf for 16 months and they are glad that it is at a public hearing.

Ken Pryor stated that the issue with zoning and requesting R-10 was related to the fact that it seems the City is striving for a goal/objective established by Metro in terms of density for the entire City. They don't know exactly where they stand on a neighborhood by neighborhood basis. The older neighborhoods are less dense than some of the newer neighborhoods. This may disproportionately burden density requirements into newer parts of West Linn. Staff was not able to give them a figure as to how close they were to reaching that established goal of Metro. Contributing to that is the lack of parks in the area. The more housing density that can be put into the neighborhood impacts livability. The same with traffic; that is, there are very few arteries. The more cars in the neighborhood, there is no ability to ameliorate that

process. The task force was questioning why the urgency of an R-7 when the neighborhood has supported the density goals under R-10.

Mr. Rittenhouse stated that they need parks in their neighborhood. He asked if Douglas Park is officially City property. Mr. Jordan stated that the property will not be officially City property until the final plat is approved.

Mr. Rittenhouse stated that, because of the R-7 zoning around Douglas Park, it was designed specifically for seniors with very little play area. The need for a park in this neighborhood was great. There is the same issue up the hill, as well. There is a lot of R-7 being approved there now; potentially more R-7 coming in and no potential for a park. They see no park in the future and they would like to see one. Right now, there is no funding for anything except a grassy knoll. The children in the upper parts of Tanner Basin are using the streets to play in. If they go with more R-7, the same issue comes up again. R-10 at least gives children a back yard to play in.

Roberta Schwarz submitted information from a University of Portland professor, Mojie Takallou, who came and talked to the task force about the difference between level C and level D. The difference is 15 to 20 seconds more waiting per vehicle per time that they have to stop at a light. Bryan Brown comes from a place where nothing worse than a C is allowed in the whole town. That is what should be strived for. They were told at the Planning Commission and for the months and months they worked on this project that this is an aspirational document. If it is, they would like to have the big 3; R-10 zoning, C level, and the elimination of flag lots. Since the Planning Commission met with their neighborhood, they have met with Robinwood and allowed them to have the following language, "To ameliorate the negative impacts of the use of flag lot designs in the subdividing of existing lots." They would like to have the same language as Robinwood included in their Plan.

There is one such flag lot in the City that is under consideration; 13 to 14 homes on a flag lot. There is no ability to have major emergency vehicles turn around. What happens if there is a fire or emergency requiring the local paramedics to come? If this is an aspirational document, she asked that they be able to aspire to have something that is worthy of all the hard work that has been put into this, worthy of all the tax dollars that they all spend, and worthy of the fine people that live in their neighborhood.

They are the neighborhood association that has had the Secretary of State come and talk about global warming. They have hosted several debates at election time and they are the ones that have fought the big fights and fought them well with a majority of people behind them. She asked that they be allowed to aspire to be something great, which is what they are all hoping the town of West Linn will be.

Mr. Rittenhouse stated that a lot of children live in Tanner Basin and go to Willamette Elementary School. The school is on the other side of Highway 205. There are not

a lot of parents that send their children under the freeway, as it is not safe now at all. A level C is the least the City can do to make that area safe. He lives on Tannler and he sees kids all the time going down Tannler. He hopes that they don't go past Albertsons. Level C is justifiable, but level D is unacceptable.

Mr. Rittenhouse stated that Tanner Basin is ill-suited for low income housing. There is no public transportation in the area. Low income areas need public transportation, level ground that can be walked or biked, and Tanner Basin has none of that. Probably in the long-term they will never have it.

Mr. Pryor noted that the traffic problems are not only at the intersection of Tannler and Blankenship. This is an intersection within a neighborhood; however, there are other intersections within the neighborhood and they would like to see all of them at a level C.

Council President Eberle noted that there was testimony that the Plan was presented 16 months ago. The document she has indicates that it was endorsed by the Tanner Basin Neighborhood Association on February 7, 2007. Mr. Rittenhouse stated that their deadline to finish the work was October 2006. It was endorsed later than that. The Plan went before the Planning Commission in February of this year.

Mayor King asked if this Plan was adopted by a majority of the Neighborhood. Ms. Schwarz said the vote was unanimous. The neighborhood had a barbeque and those who were interested came and reviewed the document and voted. It was a unanimous vote to approve the Plan before the Council tonight. Mr. Rittenhouse stated that two mass mailings were sent out at Association cost to inform the residents.

Councilor Burgess noted on circled page 36 it mentions the Traffic Safety Commission. He asked if this is referring to the Traffic Safety Board (staff) or the Traffic Advisory Committee. Mr. Rittenhouse stated that the Traffic Safety Commission existed at the time the document was prepared. There have been several changes since this was prepared.

Councilor Burgess asked for clarification of the turnouts on Salamo Road referred to on circled page 38, Policy 6.2. Mr. Rittenhouse stated the turnouts were discussed at a meeting with Bryan Brown present. There are a lot of problems with going up Salamo Road in the winter, especially for large trucks and emergency vehicles. He contacted the Fire Department and they indicated that the current fire trucks are not that great but in a few years there will be new vehicles. There is room for turn-outs and it was brought out as a solution to fire trucks, police cars, etc., getting up the hill in times of emergency.

Councilor Burgess noted there is mention of fireproof homes on circled page 39, number two. He asked if this was carried out somewhere else. Mr. Rittenhouse

stated the fire code for the south side of Greene Street has changed. It is beyond the fire break (Greene Street), and a lot of people on Greene Street are not fireproof. Because of the lack of maintenance of Tannler, it is a huge fire danger. Their intent is to encourage people to make their homes more fire resistant. Mr. Pryor noted that his home is a shake roof and the next roof will not be shake because of fire hazards. People on the south side of the hill should know there is nothing to stop a fire. Ms. Schwarz stated that there are plans for a neighborhood meeting with Fire Inspector Renfro to suggest good fire prevention ideas.

Ms. Schwarz stated that this is one of the things to help forward the idea of the white oak savannah. Metro is very interested in this aspect. Getting rid of the non-natives will help to prevent a fire. She discussed funding for the white oak savannah.

Mayor King asked if this is a requirement that the City fireproof the homes. Mr. Rittenhouse said this is an encouragement to the City that they will do what they can to help with the fireproofing with information, organizing, community awareness, etc.

Councilor Burgess suggested adding Metro under Goal 4. Ms. Schwarz discussed Metro being added on page 27 of the original document under Goal 4, Natural Resources.

Councilor Carson noted that the fireproofed homes do not show up anywhere else in the document except on the short list. She suggested that this be added to other portions of the document. Mr. Rittenhouse stated this is an open-ended Plan, and they will be adding many things as they come up. It is a living document.

Councilor Carson asked if the 10th Street Plan has been addressed thoroughly in Policy 2.2, action step No. 1. Mr. Rittenhouse stated that some of this may be incorporated in the 10th Street Plan. At that time they were still trying to get a task force together to get people to recognize the problem. Some of these ideas may be used as ideas for the 10th Street Task Force.

Mayor King asked if the language needed to be updated to reflect the fact that one park has been added on circled page 29. Mr. Rittenhouse stated that the City has not acquired the property for that park yet.

Mayor King asked where the area is that the document refers to as "ponds and a wildlife area which are fenced from public." Ms. Schwarz stated that there is a wildlife facility at the corner of Salamo and Bland. There is a holding facility where ducks come on a regular basis. This is being considered a wildlife area. Mr. Rittenhouse stated that there are reserves set aside as open space, but not available for public access.

Mayor King referred to Policy 1.2 on circled page 35, "Provide turnouts on Salamo grade for slow-moving vehicles, emergency fire/rescue and police." He asked if "and

other improvements" should be added to allow for other types of improvements that might improve the flow of traffic. Ms. Schwarz stated that Fire Inspector Renfro suggested this as a good idea; not to facilitate regular transportation but in order to get the emergency vehicles up quickly and safely. Mr. Rittenhouse stated there are a lot of failing intersections at the bottom of 10th Street and they don't want to encourage more traffic, but encourage safe traffic.

Mayor King asked if the language "provide representation from TBNA" means that Tanner Basin Neighborhood Association will provide a voting member on the advisory board. Mr. Rittenhouse said yes.

Mayor King asked for clarification of Policy 2.1, "Work with the City to review concurrency-related policies." Mr. Rittenhouse stated that they are trying to make sure that, when things start developing, that everything develops together and not one in lieu of the other. The thought was to make sure that all the pieces are planned and put together in a manner that takes into effect the entire neighborhood, not just the property being developed.

Mayor King asked for clarification of Policy 2.4, No. 4, "Enforce zoning regulations with special emphasis on maintaining minimum lot sizes as they currently exist upon annexation into the City." Ms. Schwarz noted that in May there will be five to six annexations coming up. When they were heard, she asked that the current zoning be reviewed before these parcels are added to the zoning mix. There are a lot of people living in R-3 in their neighborhood association. When the annexations come up, they would like be given credit for all of the R-3 so there can be some R-10 added to the neighborhood.

Mr. Pryor stated that this speaks to the issue of concurrency. The impact of the growth cannot be accounted for in the roads because of the creeping congestion. One more car and one more house does make a difference.

Mayor King asked what is the target mentioned in Policy 3.1, "Develop a timeline, process and mechanisms for achieving target." Mr. Rittenhouse stated the target is parks. At the time this document was being prepared, there was no proposed Douglas Park. A park was a huge wish of people in the neighborhood. They are trying to find some way of making sure there are parks in their area. They are running out of land and places to put a park. The Master Plan has two to three parks in Tanner Basin. The target is a park of so many acres within walking distance.

Discussion followed on the possibility of parks. It was suggested that the use of the flag lot itself could be used as a miniature park for a number of the surrounding homes that are being built in that area. There could be several of these pocket parks in areas that are yet to be developed rather than having a massive large park. The Plan has designs on pocket parks that were prepared for them.

Mayor King asked about Policy 6.2, No. 3, "Work with Tualatin Valley Fire and Rescue (TVF&R) and other first responders to improve response time and level of service." This neighborhood is close to a fire station; therefore, is response time a problem? Mr. Pryor said it is if the intersection continues to grow. There is massive congestion at Blankenship, 10th Street and Tannler. There is an assisted living settlement on top of the hill, as well. There will be emergency vehicles traveling that intersection and up Salamo Road.

Councilor Carson noted on circled page 28, it says, "The City owns 49 unimproved parcels." Ms. Schwarz stated that 16 months ago there were 49 City-owned parcels. This was determined when Cogan Owens and Cogan reviewed the area for potential open space or parks. Mr. Rittenhouse stated that included in the count were the impound facilities mentioned earlier. Even though they are owned by the City and open, they are not accessible by the public.

Councilor Carson stated that she appreciates all the work that went into this document. It shows that the association spent a lot of time and discussions to make it possible.

Councilor Eberle noted that Salamo Road goes right through and divides the neighborhood. She asked if this creates any barriers for the neighborhood association coming together. Ms. Schwarz stated that mitigation was done on traffic and residents came up with bump-outs that have helped their situation. Where there is an issue, they have come to the neighborhood on several occasions. Salamo Road does not create any type of barrier.

Councilor Eberle asked for comments on the possibility of moving the boundary westward to incorporate part of Willamette that is cut off by the highway. Ms. Schwarz stated that Jack and Julia Simpson did a survey of some of the people who lived in that area of the neighborhood. It seems to have more in common with Tanner Basin than Willamette, and they expressed a desire to be a part of Tanner Basin. Mr. Rittenhouse stated that the association did not instigate these residents wanting to change associations. A lot of people, because of the lack of markings, don't know what neighborhood association they belong to. He has fielded a lot of calls from people who are not in their association.

Councilor Burgess noted that City-owned parcels include detention facilities, open space, etc.; it is not as if they are developable parcels. He added that there is a large bit of R-3; however, there is also the largest portion in the neighborhood of R-20, as well.

Neutral Testimony

Mark Buser, 1960 Alpine Drive, stated that he is a resident of the Willamette Neighborhood; however, most of the use he has at home is from the Tanner Basin

Neighborhood. He shops in Cascade Summit and walks his dog in surrounding streets and neighborhoods. He and his son were jogging on Bland Circle heading up to Cascade Summit. There is a very narrow and dangerous road that connects to Weatherhill Road. Countless times he, his son, and dog have almost been run over. He would encourage as part of this Plan that this road be improved, widened and sidewalks added. It is a nice place to walk.

As his son and he were running, he indicated to his son what was City land and county land. There were about six times that they crossed from the City into county lands. They came to the conclusion that the City was safer because there were sidewalks. The unincorporated areas that they went through put them in the way of traffic or blackberry bushes. He commended the neighborhood association for the work they did. This is one of the most challenging neighborhoods in the City of West Linn. There is a crosswalk at Bland Circle and Salamo, which he refers to as a death walk. It is adjacent to the area that was talked about as the fenced pond and wildlife preserve. To him this is just a drainage area that should be kept closed, as it would be dangerous to open it. He suggested that the City look at this crosswalk; it is very dangerous. He is not sure a traffic light is the way to go; however, cars do not stop for pedestrians.

Testimony in Favor

Teri Cummings, 2190 Valley Court, submitted to the councilors an article on the subject of how West Linn offered to exceed Metro's Urban Growth Boundary numbers for density by almost doubling the numbers that the cities were requested to provide. West Linn was asked to provide 2,577 housing units and they responded to that number claiming that it would be reasonable to add 4,427. This was done without any public involvement. Councilors that she inquired of about this have said that this was some figures that were come to by the Planning Director Mike Butts and the City Manager Scott Burgess. This was done without the City having completed Goal 5 to decide what natural and historical resources they needed to protect.

She hears that there is a concern about flag lots and a need for flag lots, according to the City. There is a push back from the neighborhoods for it. It is reasonable for neighborhoods to be concerned about this type of thing because it is not an orderly development of streets. The neighborhoods don't want the City to become a City built by variances and with private driveways. Private driveways, driveways, flag lots, etc., are not an orderly development and, if there is a system of private streets, who then fixes them later. It is entirely reasonable to ameliorate the use of flag lots. A lot of the neighborhood associations are asking for it and she hopes the Council can see the logic in that.

Council President Eberle noted that the article submitted is dated June 2, 1996. She asked Ms. Cummings if she had any current housing data. Ms. Cummings stated that the Planning Department could be asked to show Council historical information

and current housing data. The only thing she has seen recently was in the Hazard Mitigation Plan. When this Plan talks about housing, there is a reference in there that says West Linn has exceeded Metro's numbers for housing. When she hears this notion that the City should increase density, she has a sense of outrage because Goal 5 has not been completed. This is a state mandate and it is due this fall. West Linn is one of the few cities left that has not finished it.

Hearing no further testimony, Mayor King stated that Council will stop the hearing and continue this item to a future date. Chris Jordan suggested continuation for Council discussion and a work session on March 3rd for additional information from staff and to provide feedback. From there Council can decide if they want to proceed on March 10th or a later date.

Mr. Monahan suggested that Council set a specific date that the legislative public hearing is continued to. March 10th can be the date set and at the worksession of March 3rd recognize whether to stick with that date of March 10th or continue it again to another date certain.

Councilor Burgess moved to continue this issue to March 10, 2008. Councilor Carson seconded the motion.

Ayes: Carson, Burgess, Eberle, King

Nays: None

The motion to continue the issue of the adoption of the Tanner Basin Neighborhood Plan to March 10, 2008, carried 4-0.

4. Agenda Bill 08-02-23 RESOLUTION No. 08-17 Approving a Clackamas County Order to Initiate the Formation of the Clackamas County Library Service District

Mayor King opened the meeting to discussion of the Clackamas County formation of the Clackamas County Library Service District. He called for a staff report.

Chris Jordan introduced Christine Siegel, Library Director, and Dan Zinzer, Clackamas County. In February Council held a worksession on this issue. Dan Zinzer, Martha Schrader, and Lynn Peterson participated in the discussions.

Christine Siegel reviewed the staff report with the Council. The Board of County Commissioners is proposing the formation of a county-wide library district for the November 2008 ballot. If approved by voters, the district will have a permanent tax rate of 39 cents per \$1,000 of assessed value. A new service district will continue to provide library network services for cities and enhance services by creating a capital improvement fund for libraries. Each City must pass a resolution to be included in the district.

In the February 4th worksession as previously mentioned, Council was provided with information regarding the resolution. Clackamas County has provided funding for City and county libraries for decades; however, over the past decades, these funds have decreased. Currently the West Linn Library receives approximately 34% of its funding (half a million dollars) from the county. The county has committed that, regardless of whether the district receives voter approval, county funding of libraries will be decreasing by approximately 20% each year over the next five years, zeroing out in the year 2014. This will have a significant impact on the West Linn Library and other Clackamas County libraries.

The library district is proposed to provide a stable and dedicated source of funding as well as ensure quality library services throughout the county. Should the district be approved by the voters, West Linn would experience a significant increase in funding from the county. Currently it is estimated that West Linn would see an increase of \$1.1 million for library services, which will be used to enhance services at the library and used to offset a potential reduction in City funds as the City prioritizes scarce resources.

The recommendation before Council tonight is to approve the resolution thereby including West Linn in the library district and giving West Linn voters the opportunity to vote on the district in November 2008. Also included in the resolution is a City contribution of \$10,000 toward providing educational materials to the public about the formation of the district.

If Council does not approve the resolution, the West Linn Library will not be included in the library district. County funding for the West Linn Library will decrease over five years if the district is not approved, or could be reduced even more in 2010 should the district pass in the rest of the county. Staff recommends Council make a motion to approve the resolution to be included in the formation of a county-wide library district.

Councilor Burgess thanked Ms. Siegel for being here tonight and making the presentation.

Mayor King stated that he is in support of the district and he will be voting in favor; however, he feels very strongly that the draft intergovernmental agreement (IGA) which is not a part of this resolution but would be signed after, was not in the best interest of West Linn. He asked if there will be an opportunity to make changes to the IGA. Mr. Jordan stated that the county has stated before that they are open to suggestions from the cities as to different things that might be included in the IGAs. The one thing that the cities have suggested is that all the cities in the end adopt an IGA without addendums specific to certain libraries. That way everyone knows exactly what every library is getting and it is agreed to collectively.

Mayor King voiced concern and stated that he did not agree with the governance; the City is going back a second time for the same amount of money and he questions whether they should have the same governance since the cities do not have a voice on the Board of Directors.

Testimony in Favor

Mark Buser, 1960 Alpine Drive, stated he is not here to discuss the merits of a public library system; however, he is here to give a voice to the merit of the proposed resolution regarding the Clackamas County Library Services District. In a letter he wrote last year, published in the *Tidings*, he urged the City to pay for essential services like police from the City general fund and ask voters to pass popular services such as parks and libraries. In other words, sell people what they want and not what they need.

A district has many benefits to a City that restricts the use of funds for district purposes that relieves the City general fund, which is strictly limited by a state legislated permanent tax rate that allows voters to decide on what level of services they desire. It would be in Council's interest to pay close attention to the process of how the county is moving toward passage of the library services district for there may be a time in our not-so-distant future when they look to neighboring cities like Lake Oswego, Tualatin, and Wilsonville to create a parks district freeing up additional City general funds for the deteriorating infrastructure of the roads and public safety buildings. Clackamas County citizens love parks and not only want to sustain them, but also they want to expand them.

"If you love something, set it free." He asked that Council set free the library system and next consider the parks.

Mayor King asked if Mr. Buser was suggesting that there be a West Side Parks District instead of a Library District. Mr. Buser stated that he is not making suggestions. He thinks that popular services such as parks and libraries are easy to sell to voters. It may be prudent to relieve the City budget of parks, if possible, and it should be explored.

Testimony in Opposition - None

Neutral Testimony - None

Councilor Burgess asked if the IGA will come before Council for approval. Mr. Jordan said yes.

Councilor Burgess stated that he shares the Mayor's concerns in terms of the details of the proposed IGA. He is in support of a resolution in the form of this measure before Council tonight, as he sees this as a benefit to the citizens. The county is

putting this measure forward. If it doesn't pass, they will move out of the library system. There may be other options for cities to pursue in terms of a West Side District; however, the ability to make that happen will be difficult. Libraries are very important to this community and have been supported; however, the citizens need to be aware of the situation. If this measure does not pass, the community will have to look for another solution.

Additional Staff Comments - None

Hearing no further comments, Mayor King closed the public testimony portion of the hearing and moved to discussion and decision by the Council.

Councilor Burgess moved to approve Resolution No. 08-17 approving a Clackamas County Order to initiate the formation of the Clackamas County Library Service District per Agenda Bill 08-02-23. Councilor Carson seconded the motion.

Councilor Carson stated that she supports the formation of the district and hopes that the public can be informed and can recognize how important this measure is. She, too, has the same concerns related to the IGA. She asked if there can be some kind of a worksession to discuss proposed changes to the IGA in time to get that input to the county. Mayor King explained that this is an issue for the November ballot so there is time to have a worksession discussion on the IGA.

Ayes: Burgess, Eberle, Carson, King

Nays: None

The motion carried 4-0.

- | | |
|------------------------------|--|
| 5. Agenda Bill 08-02-24 | RESOLUTION No. 08-18 Approving a Clackamas County Order to Initiate the Formation of the Clackamas County Extension Service and 4-H District |
|------------------------------|--|

Mayor King opened the meeting to discussion of the Clackamas County Extension Service and 4-H District.

Chris Jordan introduced Mike Bondi, Clackamas County Extension Service and 4-H District. He briefed the Council earlier this month on this topic and he will be giving a brief overview.

Mike Bondi reported that he made a presentation to Council on February 4, 2008, about the proposed formation of a County Extension and 4-H Special District. That district, if West Linn chooses to be included, will provide citizens of this community an opportunity to receive those services. The maximum rate per thousand that could be taxed within this district is specified as 5 cents. Since his visit on February 4th,

information on this service district was circulated throughout the county. This proposed service district is an opportunity that the County Commissioners see to continue the services into the future and create a way to, not only support, but also to grow the programs as the community grows.

Councilor Carson stated that she was not present at the worksession where he made his presentation and asked what happens if this measure does not pass. Mr. Bondi stated the extension services are non-mandated services. They commissioners each year go for general fund appropriations. The trend over the last 20 years has been a flat-line and, as those resources become more strained, the chances of seeing additional growth in that budget declines. They have not been told they will be written out of the budget; however, the County Commissioners are looking for a way to create a stable, long-term funding source that would grow as the community grows over the next 30, 40, 60 years.

Councilor Burgess asked, if this service district does not pass in West Linn, the district will be short by the City of West Linn. Mr. Bondi said yes, exactly. What he is doing now is going to all the cities to ask if they would like to be included by supporting a resolution to be included in this district. If a City chooses not to be included, then if the commissioners go forward with their plan, they would draw the boundary around that City and, therefore, those residents would not have an opportunity to vote on this issue nor be included in the district, nor pay taxes, nor receive services. The vote that will be cast by all of the communities that choose to be included in the district will be a majority vote. It will not be a vote dependent on the City itself.

Approval of the resolution provides an opportunity for the citizens of that community to vote and have their voice heard. If the district does not include that community and the district is voted in a favorable way, the community would be excluded from the services.

Testimony in Favor

Alice Richmond, 3939 Parker Road, stated that in the 60's and 70's she was a 4-H leader for West Linn, Lake Oswego, and others in horsemanship, sewing and forest leader. She felt that being a forest leader was excellent. She doesn't remember anyone having to pay to participate. She supports 4-H for a lot of reasons; however, she is concerned that the citizens already pay for this service through education (universities and colleges). She does not want that to be a barrier for this 4-H service district to go through because it offers recreation and education for sports, reading, writing, sewing, etc. It keeps the youngsters out of mischief in the streets.

This service district is not a City issue because these services are available to children outside the City limits. She does not want to be excluded from a vote. 4-H has been beneficial in preparing youngsters of any age, whether they go to school or

not, to learn what life and reality is in all sorts of avenues. She feels this is an extension of education. Not only are these children judged by the leaders, they compete at the county fair.

Councilor Burgess asked Mr. Bondi to respond to the issue in terms of paying for community colleges and universities. Why is there a district to raise additional funds? Mr. Bondi stated that resources are short in many programs today. The Congressional act that formed the extension about 100 years ago requires federal, state, and local (county) funding to be in place in order for there to be extension services provided in the community. Years ago this was called the Cooperative Extension Service. Cooperative meant that there would be federal dollars, state dollars, and county dollars in order to have the program in a local area. As a result, in Oregon today there are 36 counties, and 35 of those counties have county extension programs. Multnomah County does not have extension programs because five years ago Multnomah County Commissioners pulled the funding from their general fund that supported extension in that community.

The proposed district provides an opportunity to create a permanent, stable source of funding using a permanent tax base with a maximum of 5 cents per thousand as the funding source for extension in the county. Federal dollars go to the university to support the research and that becomes the information that goes out into the communities. State dollars provide the resources to fund the facility for people that live and work in the community. It is the county dollars that historically have come from the general fund, and the county is saying that these funds are getting tighter and tighter. They would like to take this service and provide the voters of this county an opportunity to support this so it is not taken out of the county general fund.

Additional Staff Comments - None

Hearing no further comments, Mayor King closed the public testimony portion of the hearing and opened it up to discussion and decision by the Council.

Council President Eberle moved to adopt Resolution No. 08-18 approving a Clackamas County order to initiate the formation of the Clackamas County Extension Service and 4-H District per Agenda Bill 08-02-24. Councilor Burgess seconded the motion.

Council President Eberle stated that she wanted to acknowledge her support for this program. All of these programs are very valuable for the community as a whole. Forming a service district for sustainable funding for this program in the long run is a very good idea.

Councilor Burgess noted that Council members received an e-mail from Don Kingsborough on Nixon Avenue in support of this resolution.

Ayes: Eberle, Carson, Burgess, King
Nays: None
The motion carried 4-0.

Adjournment

The meeting adjourned at 8:52 p.m.

CITY OF WEST LINN
CITY COUNCIL MEETING

TESTIMONY FORM

Date: 2/25/2008

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Please print clearly

Name: Teri Cummings

Address: 2190 Valley Gl. West Linn

☐ I wish to speak during Community Comments.

☒ I wish to speak on Agenda Bill 08- 02 - 21
(any non-consent items)

☒ In Support

☐ Neutral

☐ In Opposition

All remarks should be addressed to Council as a body. Questions on an agenda item shall be asked of and through the Mayor, who has the authority to preserve order. Anyone who makes personal, offensive or slanderous remarks while addressing Council is subject to removal. (*Council Rules and Attorney General's Public Records and Meetings Manual*)

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CITY COUNCIL MEETING

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Please print clearly

Name: Mark Buser

Address: 1960 Alpine Dr.

☐ I wish to speak during Community Comments.

☒ I wish to speak on Agenda Bill 08- 02 - 21
(any non-consent items)

☐ In Support

☒ Neutral

☐ In Opposition

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CITY OF WEST LINN
CITY COUNCIL MEETING

TESTIMONY FORM

Date: _____

2/25/08

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Please print clearly

Name: _____

KEN FRYOR

Address: _____

2119 GREENE

_____ I wish to speak during Community Comments.

☒ I wish to speak on Agenda Bill 08- 02 - 21
(any non-consent items)

☒ In Support

_____ Neutral

_____ In Opposition

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CITY OF WEST LINN
CITY COUNCIL MEETING

TESTIMONY FORM

Date: 2-25-08

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Please print clearly

Name: Alice Richmond

Address: 3939 Parker Rd

☐ I wish to speak during Community Comments.

☒ I wish to speak on Agenda Bill 08- 02 - 24
(any non-consent items)

☒ In Support

☐ Neutral

☐ In Opposition

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CITY OF WEST LINN
CITY COUNCIL MEETING

TESTIMONY FORM

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Please print clearly

Name: Alice Richmond

Address: 3939 Parker Rd

☒ I wish to speak during Community Comments.

☐ I wish to speak on Agenda Bill 08- _____ - _____
(any non-consent items)

☐ In Support

☐ Neutral

☐ In Opposition

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CITY OF WEST LINN
CITY COUNCIL MEETING

TESTIMONY FORM

Date: Feb. 25, 2008

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Please print clearly

Name: Bob Thomas

Address: 2563 Pimlico Drive
West Linn, OR

☒ I wish to speak during Community Comments.

☐ I wish to speak on Agenda Bill 08- _____ - _____
(any non-consent items)

☐ In Support

☐ Neutral

☐ In Opposition

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Please print clearly

Name: Robert A. Schurz

Address: 2206 Tanner Dr

☐ I wish to speak during Community Comments.

☒ I wish to speak on Agenda Bill 08- 02 - 21
(any non-consent items)

☒ In Support Please approve

☐ Neutral

☐ In Opposition

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Please print clearly

Name: Rebecca Schwarz

Address: 2206 Tanner Dr

☒ I wish to speak during Community Comments.

☐ I wish to speak on Agenda Bill 08- _____ - _____
(any non-consent items)

☐ In Support

☐ Neutral

☐ In Opposition

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Please print clearly

Name: KEN SNOW

Address: 2125 FINCREST DRIVE

☐ I wish to speak during Community Comments.

☒ I wish to speak on Agenda Bill 08- 07 - 21
(any non-consent items)

☒ In Support

☐ Neutral

☐ In Opposition

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CITY OF WEST LINN
CITY COUNCIL MEETING

TESTIMONY FORM

Date: 2/25/2007

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Please print clearly

Name: Mark Bauer

Address: 1960 Alpine Dr.

☐ I wish to speak during Community Comments.

☒ I wish to speak on Agenda Bill 08- 02 - 23
(any non-consent items)

☒ In Support

☐ Neutral

☐ In Opposition

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CITY OF WEST LINN
CITY COUNCIL MEETING

TESTIMONY FORM

Date: 08-02-2 FEB 25 2008

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Please print clearly

Name: DAVID RITTENHOUSE

Address: 2101 GREENE ST 97068

☐ I wish to speak during Community Comments.

☐ I wish to speak on Agenda Bill 08- 02 - 21
(any non-consent items)

☐ In Support

☐ Neutral

☐ In Opposition

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June 2 '96

June 2 '96

All's mostly quiet on Metro's urban growth boundary front

CLACKAMAS COUNTY ZERO OPTION TARGETS

The 24 cities and three counties within the Portland area's urban growth boundary report enough room to house an additional 500,000 people during the next 20 years without expanding the boundary, but a shortage of land for jobs. Below are Metro's zero-expansion housing and jobs targets for Clackamas County communities, followed by community responses. The figures are tentative and subject to adjustment after being measured against market trends for housing.

Jurisdiction	2017 Target		Response	
	Housing units	Jobs	Housing units	Jobs
Unincorporated	19,530	42,685	16,851	40,359
Gladstone	600	1,530	346	1,420
Happy Valley	2,030	1,767	1,382	206
Johnson City	168	180	144	168
Lake Oswego	3,353	8,179	3,353	8,179
Milwaukie	3,514	7,478	3,514	7,478
Oregon City	6,157	8,185	5,896	8,185
Portland	70,704	158,503	80,769	158,503
Rivergrove	-15	41	-20	39
Tualatin	3,635	9,794	3,635	12,842
West Linn	2,577	2,114	4,427	1,582
Wilsonville	4,425	15,030	4,367	15,030

Note: Metro calculates an average of 2.3 people per housing unit, although it varies throughout the region.

Source: Metro

The Oregonian

The public has its first opportunity to say what it thinks of proposed changes but for the most part stays home

By R. GREGORY NOKES
of The Oregonian staff

The public had its first opportunity to tell Metro what it thinks of the proposed zoning and other changes that will influence where people live, work and shop for the next 20 years in the Portland area.

But mostly, the public stayed home.

Testimony at a public hearing Wednesday night on how to accommodate growth came primarily from groups with specific interests. About half of the 20 witnesses supported strong protection for waterways and wildlife. And supermarket representatives criticized proposed limits on parking.

"I didn't hear anybody there trying to address anything beyond a small circle," said Jeannine Murrell, a member of the Cornelius City Council who sits on the Metro Pol-

cy Advisory Committee. "People only get involved when it becomes a moral or pocketbook issue, and right now it hasn't hit a nerve in either of those two areas."

The hearing focused on a draft of the "urban growth management functional plan." This is a document to instruct communities on how to meet goals for more housing and jobs that — for the moment at least — would require little or no expansion of the urban growth boundary.

The plan doesn't dictate how individual parcels of land should be zoned, but focuses on results. For example, it says communities "must demonstrate that their zoning and other regulations will permit" the housing and jobs targets to be achieved.

Those targets for jobs and housing are being negotiated by Metro with each of the 24 cities and three counties in the Portland area. The communities, so far, are telling Metro they have room to house all of an additional half-million people within the existing urban growth boundary.

But senior Metro officials expect

that the finished plan and targets will require an expansion of about 4,000 acres. It would be the first general expansion since the boundary was drawn in 1979 to protect surrounding farm and forestland from urban development.

Final approval by the Metro Council isn't scheduled until October, following additional public hearings. Each city or county would then have two years to comply. They could be granted exemptions for unmet targets, although they would have to recommend "where the unaccommodated growth could be located adjacent to the city or county."

Witnesses at Wednesday's hearing spoke passionately about their issues.

Tasha Harmon of the Community Development Network wanted more said about providing affordable housing. Mike Houck of the Audubon Society of Portland endorsed the plan's protections for water quality. And Mary Kyle McCurdy of 1000 Friends of Oregon said the urban growth boundary should not expand.

2-25-08

TO: West Linn City Council and Staff

FROM: Bob Thomas

SUBJECT: Comments about content of Council's work session on Feb. 4, 2008

At the last council meeting on Feb. 11, 2008, Councilor Burgess essentially said I was passing on a rumor that wasn't true in regard to conversations the council had at its Feb. 4 work session, and told me to go look at the recording of that work session and see that I was passing on a false rumor. Incidentally, the council barely had a quorum at that work session because the only council members present were Mayor King and Councilors Burgess and Carson, with Councilors Gates and Eberle being absent.

Well, I've gone back and looked at the recording of that Feb. 4 work session and see that the council was engaged in fashioning ordinances which they obviously intend to use to essentially circumvent the requirements of Section 3 of Chapter 1 and Section 46 of Chapter X1 of our city charter. Their obvious intentions in each case are as follows:

Item (1)

They think they can do an end run around the ruling requirement in the first paragraph of Section 3 of Chapter 1 of the city charter, which requires that all lands proposed for annexation to the City of West Linn be referred to West Linn voters for their approval or denial of such proposed annexations. They revealed that they believe they can do such an end run by fashioning a so-called clarifying ordinance to make their own interpretation of that section of the charter that allows them, without referral to the voters, to initiate invasion of the Stafford Triangle's 373 acre Area 30 adjacent to West Linn with public facilities. That will be a foot in the door to later open it up for urban expansion of West Linn into the Triangle. This will be their way to effectively scrap the ruling first paragraph in that section of the charter without having to go out for a public vote to approve such a change to the charter. They don't want to take the risk that the public might vote against such a change of the charter, so they think they can cleverly get around the charter by adopting this gimmick of a clarifying ordinance. It takes a lot of audacity to engage in such a device to circumvent the charter, but as usual they've had no compunction or chagrin about acting in similar ways on a range of important matters. It's typical of their having led the public to believe they would act in certain ways, as they did during their campaigns for office, but acted otherwise once in office.

Item (2)

They also think they can do an end run around the requirements of Section 46 of Chapter X1 of the city charter regarding prohibitions against the City engaging in the lease, sale, exchange or nonauthorized use of City owned park or open space without first receiving voter approval for such lease, sale, exchange or nonauthorized use. They revealed that they believe they can do such an end run by again fashioning a so-called clarifying ordinance that allows them to make their own interpretation of that section of the charter so they can use parkland or open space for purposes of their own choosing. They would, of course, be violating that section of the charter through using such an ordinance in that way, but it's obvious they don't want to take the risk of going out to the public with a proposed charter change because they realize that the public might vote against such a change of the charter. Again, it takes a lot of audacity to engage in such a device to circumvent the charter.

So what I said at the Feb. 11 council meeting about the council's Feb. 4 work session concerning their musings to effectively change the city charter without referring charter changes to the voters wasn't very far afield, and not just a non-factual rumor as Councilor Burgess claimed. They don't propose changing the present wording in each of the above sections of the city charter, but intend to circumvent them with these conjured ordinances, which they claim are needed to clarify the meaning of these sections of the charter, which is of course sheer baloney. It appears quite obvious they plan to use such ordinances to achieve their own private undeclared goals, while trying to convince the public that such ordinances are necessary to clarify the meaning of the wording in each case.

Concerning Item (1) above

At the work session, the council went into much back and forth mumbling about the Charter's Section 3 of Chapter 1 regarding annexation requirements. Their muddled coded banter would be unintelligible to average listeners who aren't familiar with the coded foreign language in which they talk and with the history, background and origin of that Section 3 of Chapter 1 of the charter. The council members present revealed an intent to deliberately muddy the waters and dilute the requirements in the first paragraph regarding annexations, which is the ruling paragraph of that charter section, by improperly giving the second paragraph more weight (which shouldn't have even been placed in the charter to begin with) and scrambling the two paragraphs together in a way to satisfy their self-appointed desire to fashion some kind of new so-called clarification ordinance, presumably to be written by the city attorney, which they claim is necessary in order to properly interpret that charter section. It's a way for this council to use such an ordinance, which they falsely claim is necessary, as a way to skirt the requirements of the first paragraph of in the Charter's Section 3 of its Chapter 1. That first paragraph does not allow placement and annexation of public facilities such as schools, senior centers, parks, water reservoirs, water transmission lines, water pump stations, sewage lines and sewage pump stations, new roadways, police stations, fire stations, etc. outside our Urban Growth Boundary without referral to and approval by a majority of the city's electorate, whereas the second paragraph (which shouldn't be in the charter) allows such public facilities to be placed outside our UGB and annexed without approval by the voters of West Linn. This council's emphasis on the second paragraph of that charter section makes it clear they want to initiate invasion of the Stafford Triangle adjacent to West Linn with public facilities and use that as a foot in the door to justify further expansion of West Linn through urban density development into the Stafford Triangle, beginning with the Triangle's 373 acres in Area 37 adjacent to West Linn. It's clear they will use their anticipated clarification ordinance as a way to accomplish their desired initiation of expanding West Linn into the Stafford Triangle.

I'm very acquainted, first hand, with the history and origin of the contents of the above Section 3 of Chapter 1 of the West Linn charter. Its first paragraph was legitimately placed there in May 1998 as a result of voter approval of a citizens' initiative petition. The chief petitioners were David Dodds and Pam Williams, long before Dodds became mayor of West Linn in 2001. I and my wife were among the signature gatherers on the petition, with my wife gathering more signatures than any other signature gatherer. She did so by asking for signatures while standing outside the post office entrance in extremely cold and wet winter weather. It upsets her considerably, and me too, to find out now, 10 years later, that this council is planning to interfere with and circumvent that hard won charter provision.

The city council at that time headed by Mayor Thorn with Scott Burgess as city manager, was requested by citizens to put such a measure on the ballot, but they refused. Later when they saw the initiative petition would be successful, they hurriedly put together a different ballot measure,

3.

represented by the wording in the second paragraph of that Section 3. Its wording was primarily fashioned by Councilors Dee Burch and John Jackley in conjunction with city manager Scott Burgess. The voters passed both the citizens' initiative petition ballot measure and the city's hurriedly fashioned ballot measure with each getting more "yes" votes than "no" votes. However the initiative petition ballot measure passed with considerably more "yes" votes and with a greater majority of "yes" votes than the city's measure. The Secretary of State's office ruled that the one receiving the most "yes" votes took precedence and was the ruling or paramount measure.

I'm attaching a letter from the Secretary of State's Operations Manager, Scott S. Tighe, to Pam Williams, one of the chief petitioners on the citizens' initiative petition, which verifies what I've just said about the citizens' initiative petition measure being the ruling or paramount measure. Mr. Tighe cited ORS 254.565 (2) (He mistakenly cited a subsection 2 instead of correctly subsection 3), a copy of which is also attached, that requires the chief city elections officer (who was city manager **Scott Burgess** at the time) **proclaim**, in the case where two measures contain conflicting provisions, **which measure is paramount**. The procedure for determining which measure is paramount is also cited in ORS 254.065 (2), a copy of which is also attached, as referenced in Tighe's letter. Again, it says that the measure receiving the greatest number of affirmative votes shall be paramount even though the measure may not have received the greatest majority of affirmative votes. But the citizens' initiative measure also received the greatest majority of affirmative votes.

In the May 1998 election, the citizens' initiative measure 3-8 entitled "Initiative Measure Charter Amendment regarding annexation" received 2,951 "yes" votes and 1,135 "no" votes. The city's measure 3-9 entitled "Land annexation outside current Urban Growth Boundary" received 2,307 "yes" votes and 1,497 "no" votes. The city's measure therefore received 644 fewer "yes" votes than the citizens' measure and the city's measure received 362 more "no" votes than citizens' measure. For the citizens' measure there were 1,816 more yes than no votes. For the city's measure there were only 810 more yes than no votes. The citizens' measure had a ratio of yes to no votes of 2.60 and the city's measure had a ratio of yes to no votes of only 1.54. **So the citizens' measure won significantly on all counts.**

Our city attorney should also be aware of the provisions of ORS 254.565 (3) and ORS. 254.065 (2), and thereby know that he shouldn't assist or do the bidding of this council to write a so-called clarifying ordinance that the council wants to use to circumvent the requirements of the ruling or paramount status of the first paragraph of Section 3 of Chapter 1 of the city charter.

The city's measure should never have been placed in the charter because it was not the paramount measure, but the Thorn Council and City Manager Scott Burgess were in control and they wrongly placed the city's measure in the charter in the form of the second paragraph of Section 3 of Chapter 1. Now our present council under Mayor King (with Scott Burgess as a councilor) wants to wrongly use that second paragraph to effectively refashion and misinterpret all of Section 3 of Chapter 1 of the charter through its self-serving "clarifying ordinance" without approval by the voters. **If anyone on the council should know better than to try this, it's Scott Burgess**, seeing that he, as city manager and chief city elections officer under Mayor Thorn in May 1998 had to proclaim, in accord with ORS 254.565 (3) that the citizens' initiative measure was paramount based on the May 1998 election outcome.

One of the comments Mayor King made on this subject was that the second paragraph says the same as the first but has some exceptions to it (namely that no elections are required for placement and annexation of public facilities outside the UGB). **No, the second paragraph doesn't say the same as the first by far. King's statement is grossly not in accord with the facts.** There are very important differences between the two. The second paragraph only talks about voter approval required to annex

land outside of the UGB as it existed as of May 19, 1998, (the date the first paragraph took effect) but that no voter referral and approval is required for annexation of lands outside the UGB upon which public facilities will be placed or built. That so-called provision in the second paragraph about not requiring voter approval for annexation of lands outside the UGB on which public facilities are placed or built is not applicable because the ruling first paragraph requires referral to the voters for their approval or denial of all lands proposed for annexation outside of the UGB, regardless of whether or not they will have public facilities placed or built upon them. Also, the second paragraph doesn't require voter approval also for lands within the UGB, as does the ruling first paragraph. **That's another important difference between the two that King doesn't openly recognize.**

King also says that our current ordinance implements the first paragraph and that it also implements the second paragraph. It shouldn't also implement the second paragraph because the first paragraph is the only one that applies since it rules and takes precedence. **Incidentally, I've never heard that there is a current ordinance that King refers to. Is this something the King council slipped in unbeknown and unnoticed to the public, so that this council is already set to violate the charter with such an ordinance that's already in place?**

King also carried on with more very odd muddled banter in regard to what the first paragraph implements but lacks compared to the second paragraph. It should lack what the second paragraph says about not requiring voter approval to annex lands outside the UGB on which public facilities are placed or built because the first paragraph requires voter approval to annex any and all lands outside of the UGB **regardless of whether or not they have public facilities placed or built upon them.**

And King says that the second paragraph indicates we also **don't** need to get voter approval for annexing lands within the UGB. **King is also very wrong in claiming that.** It's pure malarkey. The city surely does need to get such voter approval for annexing lands within the UGB because the first paragraph requires that. King should know that. **So King is making many nonfactual and mixed up statements about annexation requirements.**

King also says that the second paragraph's exemption of voter approval for annexation of lands outside the UGB upon which public facilities will be placed or built is consistent with Metro language. **Metro language is irrelevant, just like the second paragraph is irrelevant** in the case of West Linn because neither that second paragraph nor Metro language can override the requirements of the first paragraph, which is the ruling paragraph in our charter's section 3 of its Chapter 1. **It requires that the city refer to voters and get their approval to annex any lands proposed for annexation within the city's UGB, and also refer to voters and get their approval to annex any lands outside the UGB, including those upon which public facilities will be placed or built.**

King is trying to be clever, but he doesn't fool anyone who has watched his generally non-salutary performance during the seven years he's been on the council.

Burgess also chimed in with similar double talk about the need for such a clarifying ordinance. A give away that he also intends to thereby do an end run around this section of the charter with such an ordinance is when he said. "I think we need to clarify. I'm not sure it's a charter change because that raises a lot more obstacles than we're intending to raise." **No kidding!** He goes on to say, "We're not suggesting that we go out and annex it ("it" can only refer to the Stafford Triangle's Area 37 adjacent to West Linn), but we can't just sort of sit with our heads in the sand while the county has a discussion of what's going on around us." To my mind, I believe that's code for, "The charter be damned, we've got to initiate invasion of Area 37 of the Stafford Triangle to preempt anyone else getting there first or suggesting or determining what its future will be."

Concerning Item (2) above

King says, "Well some adjustments to the ordinances to the municipal code would be much easier to do in terms of expenditures." I must admit, I can't confidently crack his secret code language here unless he's effectively saying it costs a lot less to fashion an ordinance to do an end run around the charter as it exists rather than ask voters for a charter change.

Then Burgess chimes in with, "On that same topic I thought we had also discussed perhaps having some ordinance language or whatever to define the issue in terms of sale of land for parks or city open space or whatever the language was because, you know, it's been an issue in terms of what just does that mean (no it's never been an issue, it's perfectly clear what it means) -- when's a bridge a bridge and when is it holding a pipe, and you know those kind of things." This is goofy and irrelevant talk. He goes on to say, "I mean it doesn't change the park, it's still a park, but you're using it to put a pipe through it to serve the public -- you know -- so that discussion." He's clearly referring to the pipe this council wrongly routed through Wilderness Park without getting prior approval to do so from the voters, as the charter requires. This illegal routing of the pipe did not serve the public at all; it only served to considerably reduce the cost to developers in developer paid water SDCs. He went on to say, "It seems to me we thought we had some discussion perhaps getting the language in an ordinance that would clarify that -- keeping the intent -- but being clear that you've got to run a city and serve the people." **You don't serve the people by violating this section of the charter, such as by putting a water pipe illegally through Wilderness Park without first getting voter approval. You serve the people by honoring this section of the charter, which protects their parkland and open space from improper use, sale or lease without voter approval.**

But again, it's clear that this council isn't concerned about serving the public, but in using a so-called clarification ordinance to do an end run around the section of the charter that protects the public's park and open space land from arbitrary misuse and abuse.

So these obvious schemes by this council to circumvent the city charter sections referred to above is another link in the long chain of this council's wrong-headed actions and policies to placate, serve and subsidize growth and development interests at the expense of the public. It's clearly pursuing this as its own agenda.

Under our present form of city government, the only way to stop these abuses is to elect a new council majority who will truly serve and protect the citizens' interests. This means replacing Mayor King and Councilors Gates and Eberle with such properly oriented people in this November's election. Unfortunately, we can't also replace councilors Burgess and Carson, because they have two more years to serve before they come up for election due to the unwise charter amendment that citizens approved to stagger the terms of councilors.

The only other solution is to do a charter amendment to change the form of government we have, because the one we have clearly has its own agenda to serve the above special interests instead of always serving the financial and livability interests of the vast majority of West Linn's residents.

Bob Thomas

PHIL KEISLING
SECRETARY OF STATE



ELECTIONS DIVISION
COLLEEN SEALOCK
DIRECTOR
141 STATE CAPITOL
SALEM, OREGON 97310-0722
ELECTIONS — (503) 986-1518

April 7, 1998

Pam Williams
Citizens (for choice in) Annexations Now
2067 Wellington Drive
West Linn, OR 97068

Dear Ms. Williams:

This letter is in response to your inquiry received March 13, 1998. In your letter you state that two competing measures have been placed on the May primary election ballot, one by initiative, and one submitted by the City of West Linn. You asked which measure would take precedence and be implemented if both are approved by the voters.

In a situation where two measures have conflicting provisions ORS 254.565 (2) provides the chief city elections officer:

Not later than the 30th day after any election, shall canvass the vote on each city measure, and if two or more of the approved measures contain conflicting provisions, proclaim which is paramount.

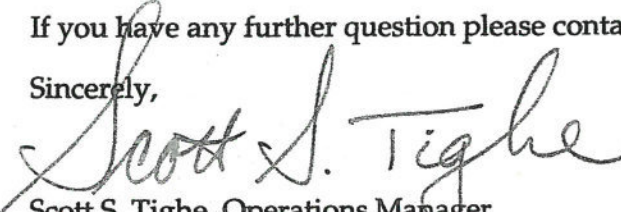
Also, ORS 254.065 (2) provides:

No measure shall be adopted unless it receives an affirmative majority of the total votes cast on the measure. If two or more conflicting laws, or amendments to the Constitution or charter, are approved at the same election, the law, or amendment, receiving the greatest number of affirmative votes shall be paramount regarding each conflict, even though the law, or amendment, may not have received the greatest majority of affirmative votes.

As noted above, the chief city elections officer is the authorized officer who shall proclaim which conflicting provision(s), if any, are paramount.

If you have any further question please contact me.

Sincerely,

*city manger
Scott Burgess
at the time*

Scott S. Tighe, Operations Manager

shall sign the certificate under the seal of the state.

(d) Issue a proclamation declaring the election of candidates to the offices.

(2) Not later than the 30th day after the election:

(a) The Secretary of State, regarding measures for which the secretary as the filing officer, shall canvass the votes for each measure.

(b) The Governor shall issue a proclamation giving the number of votes cast for or against each such measure, and declaring the approved measures as the law on the effective date of the measure. If two or more approved measures contain conflicting provisions, the Governor shall proclaim which is paramount. [1979 c.190 §277; 1987 c.267 §53; 1995 c.712 §67; 1997 c.249 §76; 1999 c.999 §56; 2005 c.157 §3]

254.560 [Repealed by 1979 c.190 §431]

254.565 Duties of city elections officer after election. Subject to ORS 254.548, the chief city elections officer:

(1) After the primary election, shall enter in a register of nominations:

(a) The name of each candidate for city office nominated at the primary election.

(b) The office for which the candidate is nominated.

(c) If applicable, the name of the major political party nominating the candidate.

(d) The date of the entry.

(2) After the general election, shall prepare and deliver a certificate of election to each qualified candidate having the most votes for election to a city office.

(3) Not later than the 30th day after any election, shall canvass the vote on each city measure, and if two or more of the approved measures contain conflicting provisions, proclaim which is paramount. [Formerly 249.491; 1987 c.267 §54; 1995 c.712 §68; 1999 c.318 §39; 2005 c.157 §4]

254.568 Certificate of election required before taking oath of office. When a candidate elected to public office is required by law to take, file, subscribe or indorse an oath of office before entering upon the duties of the office, the candidate shall not take, file, subscribe or indorse the oath until the candidate has been granted a certificate of election. [1993 c.493 §101]

254.570 [Repealed by 1979 c.190 §431]

254.575 Procedure when tie vote. When two or more candidates for the same office, after a full recount of votes, have an equal and the highest number of votes:

(1) For election to state Senator or Representative, a party office, or a public office for which the elections officer is other than the Secretary of State, the elections officer shall have the candidates meet publicly to decide by lot who is elected.

(2) For election to a public office other than Governor or those referred to in subsection (1) of this section, the Secretary of State by proclamation shall order a new election to fill the office.

(3) For election to Governor, the Legislative Assembly at the beginning of the next regular session shall meet jointly and elect one of the candidates.

(4) For nomination by one major political party to an office, the elections officer who receives filings for nomination to the office shall have the candidates meet publicly to decide by lot who is nominated. [1979 c.190 §279; 2001 c.965 §43]

254.580 [Amended by 1957 c.608 §188; 1979 c.190 §378; renumbered 260.575]

254.590 [Amended by 1979 c.190 §377; renumbered 260.565]

254.600 [Amended by 1975 c.683 §5; 1977 c.178 §1; 1979 c.190 §379; 1979 c.519 §28; renumbered 260.585]

SPECIAL ELECTION IN CASE OF DEATH OF NOMINEE

254.650 Special election in case of death of nominee of major political party within 30 days of general election. (1) If the Secretary of State determines that a vacancy exists in the nomination of a candidate of a major political party for state office, that the vacancy is due to the death of the candidate and that the vacancy occurred after the 30th day before the date of the general election:

(a) The election for that state office may not be held at the general election;

(b) The county clerks may not count ballots cast for candidates for that state office at the general election; and

(c) The Secretary of State shall order a special election as provided in ORS 254.655.

(2) The candidates listed on the ballot at the special election shall be:

(a) The candidates who were listed on the general election ballot, other than the candidate whose nomination became vacant; and

(b) The candidate selected to fill the vacancy in the nomination as provided in ORS 249.190 or 249.205.

(3) As used in this section "state office" means the office of Governor, Secretary of State, State Treasurer, Attorney General, state Senator or state Representative. [2003 c.542 §2]

the same time and place as elections for state and county officers. The election boards for state and county elections shall be the election boards for the city elections. Unless a city charter or ordinance provides otherwise, the ballots and ballot labels used for state and county elections, if the county clerk considers it practicable, shall be arranged to include city offices and measures. [Formerly 250.230]

254.040 [Amended by 1957 c.608 §168; 1959 c.177 §2; 1967 c.141 §1; 1969 c.42 §2; repealed by 1973 c.392 §1 (254.042 enacted in lieu of 254.040)]

254.042 [1973 c.392 §2 (enacted in lieu of 254.040); 1975 c.627 §1; 1977 c.487 §2; repealed by 1979 c.190 §431]

254.045 [1967 c.141 §§3,4; repealed by 1973 c.392 §4]

254.046 Expense of city election. If a city holds a special election on a date other than the primary election or general election, it shall bear the expense of the election. [1979 c.190 §228; 1987 c.267 §38; 1995 c.712 §52]

254.050 [Repealed by 1957 c.608 §231]

254.055 [1973 c.481 §2; 1979 c.190 §145; 1979 c.345 §3; renumbered 250.065]

254.056 Date and purpose of general election and primary election. (1) The general election shall be held on the first Tuesday after the first Monday in November of each even-numbered year. Except as provided in ORS 254.650, at the general election officers of the state and subdivisions of the state, members of Congress and electors of President and Vice President of the United States as are to be elected in that year shall be elected.

(2) The primary election shall be held on the third Tuesday in May of each even-numbered year. At the primary election precinct committee persons shall be elected and major political party candidates shall be nominated for offices to be filled at the general election held in that year. [1979 c.190 §229; 1979 c.316 §20a; 1987 c.267 §1; 1995 c.712 §1; 1999 c.59 §64; 1999 c.999 §28; 2001 c.965 §12; 2003 c.542 §7]

254.060 [Amended by 1953 c.359 §4; 1957 c.608 §169; 1967 c.364 §1; 1967 s.s. c.3 §1; 1973 c.481 §1; repealed by 1979 c.190 §431]

254.065 Person receiving most votes nominated or elected; measure adopted by majority of votes; when measure conflicts. (1) When one person is to be nominated for or elected to an office, the person receiving the highest number of votes shall be nominated or elected. When more than one person is to be nominated for or elected to a single office, the persons receiving the higher number of votes shall be nominated or elected. This subsection does not apply to a candidate for election to an office at a general election if the election for the office must be held at a special election as described in ORS 254.650.

(2) No measure shall be adopted unless it receives an affirmative majority of the total votes cast on the measure. If two or more conflicting laws, or amendments to the Constitution or charter, are approved at the same election, the law, or amendment, receiving the greatest number of affirmative votes shall be paramount regarding each conflict, even though the law, or amendment, may not have received the greatest majority of affirmative votes. [1979 c.190 §230; 2003 c.542 §8]

254.068 Simulated election for individuals under 18 years of age. On the date of any election, the county clerk may conduct a simulated election. As used in this section, "simulated election" means a demonstration election held for individuals under 18 years of age for the purpose of encouraging future voter participation. [1991 c.436 §2]

254.069 Participation in more than one nominating process for partisan public office. (1) An elector may not participate in more than one nominating process for each partisan public office to be filled at the general election.

(2) An elector is considered to have participated in the nominating process for each partisan public office listed on the ballot at a primary election if the elector returned a ballot of a major political party at the primary election.

(3) An elector is considered to have participated in the nominating process for a partisan public office listed on the ballot at the general election if:

(a) A minor political party nominated a candidate for that office in the manner specified by the party in documents filed under ORS 248.009 and the elector participated in the nominating process; or

(b) The elector participated in the nominating process for that office by signing the minutes of an assembly of electors under ORS 249.735 or by signing a certificate of nomination made by individual electors under ORS 249.740.

(4) If a filing officer described in ORS 249.722 determines that an elector who has signed the minutes of an assembly of electors under ORS 249.735 or a certificate of nomination under ORS 249.740 has attempted to participate in more than one nominating process for the same office to be filled at the general election, the signature of the elector may not be considered for purposes of ORS 249.735 or 249.740. [2005 c.593 §2]

254.070 [Amended by 1953 c.359 §4; 1957 c.608 §170; 1967 c.634 §7; 1973 c.481 §3; 1977 c.468 §1; repealed by 1979 c.190 §431]

WEST LINN CITY COUNCIL PUBLIC MEETING AGENDA

(The order of business is subject to change at Council discretion)

February 25, 2008

West Linn City Hall - Council Chambers - 22500 Salamo Road

6:00 p.m. Agenda Work Session (Rosemont Room) The regular meeting will be preceded by a one-half hour work session wherein the agenda items will be discussed on an informational basis.

6:30 p.m. Regular Session

- Call to Order / Pledge of Allegiance
- Proclamations, Recognitions and Presentations
- Community Comments -- **[30 Minutes]** The Council President will call for statements from citizens regarding issues related to City government, properly the subject of Council consideration, and not issues on this agenda. Persons wishing to speak shall be allowed to do so only after completing forms provided in the foyer in advance of Community Comments. All remarks should be addressed to Council as a body. **Council will not engage in discussion with those making comments. The time limit for each participant will be determined by the Mayor.**
- Consent Agenda -- Items appearing below are routine and will not be allotted individual hearing time. The items may be passed upon by Council in one blanket motion. Any Council member may remove an item for discussion or questions by requesting such action prior to consideration.
 1. Agenda Bill 08-02-18 Approve City Council Meeting Minutes of 01-28-08
 2. Agenda Bill 08-02-19 Approve City Council Meeting Minutes of 02-04-08
 3. Agenda Bill 08-02-20 Motion to Recommend Approval of Liquor License Application for New Outlet - Full On-Premises Sales [Blue Sage Cafe of West Linn, 21900 Willamette Drive #209]
- Report from the City Manager
- Business from the City Council

- Business Meeting -- For items marked with an asterisk (*), the City Council expects to receive public testimony. All other items are expected to be for Council discussion and decision only. Persons wishing to speak on agenda items shall be allowed to do so only after completing forms provided in the foyer and turning them in to the Council prior to the item being called for discussion. A separate speaker slip must be turned in for each item. Time limit – 3 minutes for each participant, unless the Mayor decides prior to the item to allocate more or less time.

***PUBLIC
HEARING**

1. Agenda Bill 08-02-21 PUBLIC HEARING - Proposed Adoption of Tanner Basin Neighborhood Plan
ORDINANCE - Amending the Comprehensive Plan by Adopting and Adding the Tanner Basin Neighborhood Plan (MISC-06-53)

***PUBLIC
HEARING**

2. Agenda Bill 08-02-22 PUBLIC HEARING - Consider CDC Amendment to the Willamette River Greenway and Tualatin River Protection Area Language to be More Compatible with the Water Resource Area Standards
ORDINANCE - Amending the Willamette River Greenway and Tualatin River Protection Chapters of the Community Development Code
3. Agenda Bill 08-02-23 RESOLUTION - Approving a Clackamas County Order to Initiate the Formation of the Clackamas County Library Service District
4. Agenda Bill 08-02-24 RESOLUTION - Approving a Clackamas County Order to Initiate the Formation of the Clackamas County Extension Service and 4-H District

- Executive Session pursuant to ORS 192.660, if needed
- Adjournment

AGENDA BILL
08-02-18

For Council: February 25, 2008

Department: Administration

Subject: Approval of the City Council
Meeting Minutes of
January 28, 2008

City Manager's Initials: ef

Attachments: Yes - Minutes

Budget Impact:

Expenditures
Required: 0

Amount
Budgeted: 0

Appropriation
Needed: 0

Summary:

Draft minutes of the January 28, 2008, City Council meeting have been prepared for your approval.

Recommended Action:

Motion to approve minutes.

Council Action Taken:

Approved:

Denied:

Continued:

AGENDA BILL
08-02-20

For Council: February 25, 2007

Public Hearing: Yes__ No__ X

Subject: Liquor License
Application

Department: Administration

City Manager's Initials: ef

Attachments:

Staff Memo 2-11-08; e-mail to
neighborhood assns.; application

Budget Impact:

Expenditures	Amount	Appropriation
Required: \$0	Budgeted: \$0	Needed: \$0

Summary:

OSF International, Inc., dba Blue Sage Cafe has applied for a liquor license for Full On-Premises Sales - New Outlet - to the Oregon Liquor Control Commission. Blue Sage Cafe of West Linn is to be located at 21900 SW Willamette Drive, Suite 209.

The City Manager has reviewed the application materials and recommends approval by the City Council.

Recommended Action:

Make a motion to approve the application.

Council Action Taken:

Approved:
Denied:
Continued:

**West Linn Police
Department**

Detective Division

Memo

Date: Monday, February 11, 2008

To: City Manager Chris Jordan

From: Detective Sergeant Michael Boyd

CC:

Re: Liquor License Application – New Business 

OSF International, Inc., dba as Blue Sage Café of West Linn has applied for a new OLCC Full On-Premises Sales license for their business, located at 21900 Willamette Drive #209 in West Linn. On 02-06-08, OLCC received the liquor license application and James J. Damis, representing OSF International, Inc., submitted an application to the City as per West Linn Municipal Code 7.715. Oregon Revised Statute 471.166 provides that the Commission may take into consideration a local government's timely written recommendation on initial and renewing licenses.

I have completed a background investigation and a criminal history check on, James J. Damis, Chris E. Dussin, Harlan D. Griffith, Gary W. Shepard, and Sally F. Dussin and found no valid grounds (as listed in ORS 471.313, OAR 845-005-0320, OAR 845-005-0325, or OAR 845-005-0326) to warrant unfavorable recommendations. Additionally, I checked the computer databases and found the West Linn Police Department has had no negative contacts with or regarding James J. Damis, Chris E. Dussin, Harlan D. Griffith, Gary W. Shepard, and Sally F. Dussin. This is a new business and as such there is no history of contacts with the West Linn Police Department.

I have notified all West Linn Neighborhood associations by e-mail regarding my investigation and informing them of the expected date that the City Council is likely to consider this recommendation.

I recommend this application be submitted to the City Council with a recommendation for approval.

Boyd, Mike,

From: Boyd, Mike,
Sent: Monday, February 11, 2008 11:24 AM
To: Brock, Mitch; Fox, Lynn; Grelewicz, David; Johansson, Alice; Kapigian, Mike; Offer, Ruth; Relyea, Bill; Rittenhouse, David; Suhr, Dean; Vokes, Doug; Wesson, Frank
Cc: Davis, Nancy
Subject: olcc permit for Blue Sage Cafe

OSF International, Inc., dba as Blue Sage Café of West Linn has applied for a new OLCC Full On-Premises Sales license for their business, located at 21900 Willamette Drive #209 in West Linn. On 02-06-08, OLCC received the liquor license application and James J. Damis, representing OSF International, Inc., submitted an application to the City as per West Linn Municipal Code 7.715. Oregon Revised Statute 471.166 provides that the Commission may take into consideration a local government's timely written recommendation on initial and renewing licenses.

I have completed a background investigation and a criminal history check on, James J. Damis, Chris E. Dussin, Harlan D. Griffith, Gary W. Shepard, and Sally F. Dussin and found no valid grounds (as listed in ORS 471.313, OAR 845-005-0320, OAR 845-005-0325, or OAR 845-005-0326) to warrant unfavorable recommendations. Additionally, I checked the computer databases and found the West Linn Police Department has had no negative contacts with or regarding James J. Damis, Chris E. Dussin, Harlan D. Griffith, Gary W. Shepard, and Sally F. Dussin. This is a new business and as such there is no history of contacts with the West Linn Police Department.

This matter will be heard on the consent agenda of the City Council scheduled for 02-25-08.



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES	ACTIONS
<input checked="" type="checkbox"/> Full On-Premises Sales (\$402.60/yr)	<input type="checkbox"/> Change Ownership
<input checked="" type="checkbox"/> Commercial Establishment	<input checked="" type="checkbox"/> New Outlet
<input type="checkbox"/> Caterer	<input type="checkbox"/> Greater Privilege
<input type="checkbox"/> Passenger Carrier	<input type="checkbox"/> Additional Privilege
<input type="checkbox"/> Other Public Location	<input type="checkbox"/> Other _____
<input type="checkbox"/> Private Club	
<input type="checkbox"/> Limited On-Premises Sales (\$202.60/yr)	
<input type="checkbox"/> Off-Premises Sales (\$100/yr)	
<input type="checkbox"/> with Fuel Pumps	
<input type="checkbox"/> Brewery Public House (\$252.60)	
<input type="checkbox"/> Winery (\$250/yr)	
<input type="checkbox"/> Other: _____	

Applying as:

☐ Limited Partnership ☒ Corporation ☐ Limited Liability Company ☐ Individuals

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: _____

(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: R. Cotton

Date: 2/6/08

90-day authority: ☐ Yes ☒ No

- Entity or Individuals applying for the license: [See SECTION 1 of the Guide]
 ① OSF International, Inc., an Oregon ③ _____
 corporation ④ _____
- Trade Name (dba): Blue Sage Cafe & West Linn
- Business Location: 21900 SW Willamette Dr. - #209 West Linn Clackamas OR 97068
 (number, street, rural route) (city) (county) (state) (ZIP code)
- Business Mailing Address: 0715 SW Bancroft Portland Oregon 97239
 (PO box, number, street, rural route) (city) (state) (ZIP code)
- Business Numbers: (503) 722-0077
 (phone) (fax)
- Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No
- If yes to whom: _____ Type of License: _____
- Former Business Name: _____
- Will you have a manager? ☒ Yes ☐ No Name: Garv Shepard
 (manager must fill out an individual history form)
- What is the local governing body where your business is located? City of West Linn
 (name of city or county)
- Contact person for this application: James J. Damis 503-226-7644
 (name) (phone number(s))
620 SW Fifth Ave., #1010, Portland, OR 97204 503-226-3072 jdamis@spiritone.com
 (address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

by James J. Damis, Sec. Date 1/9/08 ③ _____ Date _____
OSF International, Inc. by its corporate secretary,
 ② James J. Damis Date _____ ④ _____ Date _____

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: OSF INTERNATIONAL, INC. ^{RESTAURANT} Phone: 503 722-0077
 Trade Name (dba): Blue Sage Cafe
 Business Location Address: 21900 Willamette Dr. Suite 209
 City: West Linn OR ZIP Code: 97068

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 7 to 10
 Monday 1130 to 10
 Tuesday 1130 to 10
 Wednesday 1130 to 10
 Thursday 1130 to 10
 Friday 1130 to 11
 Saturday 7 to 11

Outdoor Area Hours:

Sunday 7 to 10
 Monday 1130 to 10
 Tuesday 1130 to 10
 Wednesday 1130 to 10
 Thursday 1130 to 10
 Friday 1130 to 11
 Saturday 7 to 11

The outdoor area is used for:

☒ Food service Hours: SAME AS ^{OUTDOOR}
☒ Alcohol service Hours: SAME AS ^{MRS OUTDOOR}
☐ Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: ☒ Yes ☐ No If yes, explain: weather permitting

ENTERTAINMENT

Check all that apply:

- ☐ Live Music ☐ Karaoke
☒ Recorded Music ☐ Coin-operated Games
☐ DJ Music ☐ Video Lottery Machines
☐ Dancing ☐ Social Gaming
☐ Nude Entertainers ☐ Pool Tables
☐ Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday N/A
 Monday to
 Tuesday to
 Wednesday to
 Thursday to
 Friday to
 Saturday to

SEATING COUNT

Restaurant: 145 Outdoor: 15
 Lounge: N/A Other (explain): INCLUDES BAR SEATS
 Banquet: N/A Total Seating: 160

OLCC USE ONLY

Investigator Verified Seating: (Y) (N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: OSF INTERNATIONAL, INC.
by James J. Damis, Sec. Date: 1/9/08

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Administration

February 26, 2008

Oregon Liquor Control Commission
P.O. Box 22297
Milwaukie, Oregon 97269-2297

Re: New Outlet / Full On-Premises Sales

To Whom It May Concern:

Enclosed please find an original liquor license application pertaining to Blue Sage Cafe. The West Linn City Council recommended approval of this application on February 25, 2008. The City Manager has signed the recommendation on behalf of the City.

If you have any questions, please call me at 503-722-3430.

Sincerely,

Nancy L. Davis

Nancy L. Davis
Assistant to the City Manager

Encs.

c: Detective Sgt. Mike Boyd
James J. Damis



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☒ Full On-Premises Sales (\$402.60/yr)
☒ Commercial Establishment
☐ Caterer
☐ Passenger Carrier
☐ Other Public Location
☐ Private Club
☐ Limited On-Premises Sales (\$202.60/yr)
☐ Off-Premises Sales (\$100/yr)
☐ with Fuel Pumps
☐ Brewery Public House (\$252.60)
☐ Winery (\$250/yr)
☐ Other: _____

ACTIONS

- ☐ Change Ownership
☒ New Outlet
☐ Greater Privilege
☐ Additional Privilege
☐ Other _____

Applying as:

- ☐ Limited Partnership
☒ Corporation
☐ Limited Liability Company
☐ Individuals

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

City of West Linn

(name of city or county)

recommends that this license be:

Granted ☒ Denied ☐

By: [Signature] 2/26/08
(signature) (date)

Name: Christopher A. Jordan

Title: City Manager

OLCC USE ONLY

Application Rec'd by: R. Cotton

Date: 2/6/08

90-day authority: ☐ Yes ☒ No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① OSF International, Inc., an Oregon corporation
② _____ ③ _____
④ _____

2. Trade Name (dba): Blue Sage Cafe of West Linn

3. Business Location: 21900 SW Willamette Dr. - #209 West Linn Clackamas OR 97068
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 0715 SW Bancroft Portland Oregon 97239
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (503) 722-0077
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: _____

9. Will you have a manager? ☒ Yes ☐ No Name: Garv Shepard
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? City of West Linn
(name of city or county)

11. Contact person for this application: James J. Damis 503-226-7644
(name) (phone number(s))
620 SW Fifth Ave., #1010, Portland, OR 97204 503-226-3072 jdamis@spiritone.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

by James J. Damis, Sec. Date 1/9/08 ③ _____ Date _____

OSF International, Inc. by its corporate secretary,

④ James J. Damis Date _____ ④ _____ Date _____

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OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): Blue Sage Cafe City: West Linn

1. Name: Dussin Chris Edward
(last) (first) (middle)

2. Other names used (maiden, other): _____

3. Residence Address: 01710 S.W. Military Road Portland Oregon 97219
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 636-6101 Business Phone: (503) 225-0433

5. *SSN: 535 - 60-9273 Place of Birth: Oregon/USA DOB: 11 / 29 / 1955 Sex: M ☒ F _____
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: 1921445 State: Oregon Spouse's name: Tyenne Dussin

7. List all states, other than Oregon, where you have lived during the past ten years:
None

8. Do you currently hold, or have you ever held a liquor license in this or any other state? ___ Yes ☒ No
If yes, when, where and name of premises? _____

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? ___ Yes ☒ No
If yes, what, when and where? (other than non-oriented traffic citations)

10. Have you ever entered into a diversion agreement? ___ Yes ☒ No
If yes, when and where? _____

11. Do you have any arrests or citations that have not been resolved? ___ Yes ☒ No
If yes, arrested/cited for: _____ Date _____ County/City/State/ _____

12. If you are applying for a retail liquor license:
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ___ Yes ☒ No If yes, what and where: _____
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ___ Yes ☒ No If yes, who? _____

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? ___ Yes ☒ No If yes, when: _____ where: _____

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Chris Dussin Date: 1-9-08

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Chris Dussin Date: 1-9-08

OSP/DMV
Search Completed

JAN 11 2008

INITIALS: [Signature]



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OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): Blue Sage Cafe City: West Linn

1. Name: Griffith Harlan Dean
(last) (first) (middle)

2. Other names used (maiden, other): none

3. Residence Address: 11400 SW Military Rd Portland Oregon 97219
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 697-3594 Business Phone: (503) 225-0433

5. *SSN: 524 - 41 - 6068 Place of Birth: OR / US DOB: 03 / 12 / 1969 Sex: M X F
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: 5723962 State: OR Spouse's name: Kirsten

7. List all states, other than Oregon, where you have lived during the past ten years:
none

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes X No
If yes, when, where and name of premises?

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? Yes X No
If yes, what, when and where? (other than 2 speeding tickets not involving liquor)

10. Have you ever entered into a diversion agreement? Yes X No
If yes, when and where?

11. Do you have any arrests or citations that have not been resolved? Yes X No
If yes, arrested/cited for: Date County/City/State/

OSP/DMV
Search Completed

JAN 11 2008

12. If you are applying for a retail liquor license:
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? Yes X No If yes, what and where:
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes X No If yes, who?

INITIALS: [Signature]

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes X No If yes, when: where:

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: [Signature] Date: 1/9/08

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [Signature] Date: 1/9/08



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OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE.
ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): Blue Sage Cafe City: West Linn

1. Name: Damis James John
(last) (first) (middle)

2. Other names used (maiden, other): _____

3. Residence Address: 3601 N.E. Maltby Portland Oregon 97212
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 281-2626 Business Phone: (503) 226-7644

5. *SSN: 540 - 34 - 8488 Place of Birth: Oregon/USA DOB 06 / 29 / 1935 Sex: M F
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: 912775 State: Oregon Spouse's name: Carolyn Damis

7. List all states, other than Oregon, where you have lived during the past ten years:
None

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes XX No
If yes, when, where and name of premises? _____

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? Yes X No
If yes, what, when and where? (other than non-traffic citations)

10. Have you ever entered into a diversion agreement? Yes X No
If yes, when and where? _____

11. Do you have any arrests or citations that have not been resolved? Yes X No
If yes, arrested/cited for: _____ Date: _____ County/City/State/ _____

12. If you are applying for a retail liquor license:
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? Yes X No If yes, what and where: _____
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes X No If yes, who? _____

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes X No If yes, when: _____ where: _____

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: [Signature] Date: 1/9/08

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [Signature] Date: 1/9/08



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(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE.
ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): Blue Sage Cafe City: West Linn

1. Name: SHEPHERD GARY WAYNE
(last) (first) (middle)

2. Other names used (maiden, other): N/A

3. Residence Address: 6029 NW School TER Portland, OR 97229
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 531-6383 Business Phone: (503) 956-7182

5. *SSN: 540-04-3118 Place of Birth: Reno, Nevada DOB: 01 / 01 / 1967 Sex: M X F
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: 3785717 State: OR Spouse's name: Tricia

7. List all states, other than Oregon, where you have lived during the past ten years:
Utah

8. Do you currently hold, or have you ever held a liquor license in this or any other state? Yes X No
If yes, when, where and name of premises?

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? Yes X No
If yes, what, when and where?

10. Have you ever entered into a diversion agreement? Yes X No
If yes, when and where?

11. Do you have any arrests or citations that have not been resolved? Yes X No
If yes, arrested/cited for: Date County/City/State/

OSP/DMV
Search Completed

JAN 11 2008

12. If you are applying for a retail liquor license:
a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? Yes X No If yes, what and where: INITIALS: gl
b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? Yes X No If yes, who?

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? Yes X No If yes, when: where:

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: [Signature] Date: 1-7-08

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 656(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [Signature] Date: 1-7-08



451001A1

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(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): Blue Sage Cafe City: West Linn

1. Name: Dussin Sally Farris
(last) (first) (middle)

2. Other names used (maiden, other): Maiden Name: Sally Groman

3. Residence Address: 01710 S.W. Military Road Portland Oregon 97219
(number and street) (city) (state) (ZIP code)

4. Home Phone: (503) 635-8231 Business Phone: ()

5. *SSN: 467 - 34 - 5021 Place of Birth: Texas USA DOB: 08 / 21 / 1928 Sex: M ☐ F ☒
(State/Country) (mm) (dd) (yyyy)

6. Driver License or State ID #: 516595 State: Oregon Spouse's name: (deceased)

7. List all states, other than Oregon, where you have lived during the past ten years:
None

8. Do you currently hold, or have you ever held a liquor license in this or any other state? ☐ Yes ☒ No
If yes, when, where and name of premises?

9. In the past twelve years, have you been convicted of any violation, misdemeanor or felony? ☐ Yes ☒ No
If yes, what, when and where?

10. Have you ever entered into a diversion agreement? ☐ Yes ☒ No
If yes, when and where?

11. Do you have any arrests or citations that have not been resolved? ☐ Yes ☒ No
If yes, arrested/cited for: Date County/City/State/

OSP/DMV
Search Completed

JAN 11 2008

12. If you are applying for a retail liquor license:

a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ☐ Yes ☒ No If yes, what and where:

INITIALS: [Signature]

b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ☐ Yes ☒ No If yes, who?

13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? ☐ Yes ☒ No If yes, when: where:

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: Sally Farris Dussin Date: 1/9/08

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: Sally F. Dussin Date: 1/9/08



4 5 1 0 0 1 A 1

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: OSF INTERNATIONAL, INC. ^{RESTAURANT} Phone: 503 722-0077
 Trade Name (dba): Blue Sage Cafe
 Business Location Address: 21900 Willamette Dr. Suite 209
 City: West Linn OR ZIP Code: 97068

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 7 to 10
 Monday 1130 to 10
 Tuesday 1130 to 10
 Wednesday 1130 to 10
 Thursday 1130 to 10
 Friday 1130 to 11
 Saturday 7 to 11

Outdoor Area Hours:

Sunday 7 to 10
 Monday 1130 to 10
 Tuesday 1130 to 10
 Wednesday 1130 to 10
 Thursday 1130 to 10
 Friday 1130 to 11
 Saturday 7 to 11

The outdoor area is used for:

☒ Food service Hours: SAME AS ^{OUTDOOR}
☒ Alcohol service Hours: SAME AS ^{MRS OUTDOOR}
☐ Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: ☒ Yes ☐ No If yes, explain: weather permitting

ENTERTAINMENT

Check all that apply:

- ☐ Live Music ☐ Karaoke
☒ Recorded Music ☐ Coin-operated Games
☐ DJ Music ☐ Video Lottery Machines
☐ Dancing ☐ Social Gaming
☐ Nude Entertainers ☐ Pool Tables
☐ Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday N/A
 Monday to
 Tuesday to
 Wednesday to
 Thursday to
 Friday to
 Saturday to

SEATING COUNT

Restaurant: 145 Outdoor: 15
 Lounge: N/A Other (explain): INCLUDES BAR SEATING
 Banquet: N/A Total Seating: 160

OLCC USE ONLY

Investigator Verified Seating: (Y) (N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: OSF INTERNATIONAL, INC.
by James J. Damis, Sec. Date: 1/9/08

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)

**AGENDA BILL
#08-02-25
REVISED**

For Council: March 10, 2008

Department: Planning

Dept. Head Initials: BeB

Subject: MISC-07-02

City Council is to sign the Final Decision to deny the request to vacate part of Hood Street Right of Way.

City Manager's Initials: ef

Attachments:
Final Decision

Budget Impact: None

**Expenditures
Required \$ -0-**

**Amount
Budgeted \$ -0-**

**Appropriation
Needed \$ -0-**

Summary:

At a public hearing on February 11, 2008 the City Council voted to deny the request to vacate an undeveloped portion of the Hood Street Right of Way. Staff has prepared the Final Decision document for Council approval. The paragraph highlighted in bold was suggested by Councilor Burgess and Mayor King at the March 3, 2008 work session.

Recommended Action:

Approve the final decision.

Council Action Taken:

Approved:

Denied:

Continued:

FINAL DECISION NOTICE

FILE NO. MISC-07-02

CITY COUNCIL DECISION ON VACATION OF PORTION OF HOOD STREET RIGHT OF WAY

At the meeting on February 11, 2008, the West Linn City Council held a public hearing to consider the application by Jason Hess to vacate a portion of the Hood Street Right of Way extending generally north 206 feet from Holly Street to the southern edge of the Key Bank property comprising 6,807 square feet.

The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The decision was based upon the approval criteria of ORS 271.120 which asks:

whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.

After staff report and the applicant's testimony City Council took public testimony which centered primarily on traffic concerns. Public testimony was closed. City Council made findings as follows:

1. The applicant has the consent of property owners per ORS 271.
2. The required public notice was duly given per ORS 271.
3. The burden is on the applicant for the street vacation to establish that the public interest will not be prejudiced by the vacation of the portion of the Hood Street Right of way under consideration for vacation. The applicant failed to establish that the proposed street vacation would not prejudice the public interest.
4. The vacation of the right of way will facilitate the construction of an office building which will generate hundreds of trips per day. The intersection at Willamette Drive and Holly Street currently has an acceptable level of service per Oregon Department of Transportation but is expected to decline to unacceptable levels with the additional trips and over time.
5. There is a high and reasonable probability that drivers will become frustrated at delays caused by the additional traffic within the area or will be unable to make left turns from Holly Street onto Willamette Drive. The anticipated result is that drivers will choose an alternative route and drive down Holly Street to River Street and up Burns Street to get to the traffic lights at Willamette Drive and McKillican Street. The use of this alternative route would introduce a large volume of commercial based traffic into a primarily residential street system that otherwise would not receive this level and type of traffic. Traffic safety for the residents of the area would be degraded to an unacceptable level.

6. The speed of vehicles on the aforementioned neighborhood streets is expected to increase since detouring drivers will want to make the loop back to Willamette Drive quickly. This detour traffic and associated speed and noise will have an adverse impact on the safety of other drivers, pedestrians as well as children playing in these streets. The City Council heard and accepted as valid first hand accounts from area residents who expressed safety concerns related to the neighborhood transportation system under the present level of traffic before the introduction of drivers who would be generated by a commercial development. River Street is also a hiking and recreation corridor from Maddox Woods to the McLean House parks. Spillover traffic will diminish safety and the recreation experience for these user groups.
7. Use of Holly Street, River Street and Burns Street as a detour for traffic generated ultimately as a result of vacation of the Right of Way will be prejudicial to the public interest in terms of neighborhood public safety and quietude on those streets.
8. **There is a legitimate concern that traffic turning off Willamette Drive to access the proposed office building will be backed up behind other traffic trying to make the same turn movement into the access driveway and thus obstruct Holly Street near Willamette Drive and result in reduced traffic safety.**
9. Parking by office employees and visitors, and customers is expected to overflow onto Holly Street. Many homeowners will experience having that overflow parking in front of their homes. This overflow will be generated ultimately as a result of vacation of the Right of Way and will be prejudicial to the public interest in terms of neighborhood public safety and quietude on Holly Street.
10. The right of way has value and to vacate 6,807 square feet for the exclusive benefit of a single property owner is not in the public interest which may be better served by developing the site as a park, community entryway, or holding onto it until a use that is not prejudicial to the public interest is proposed. The City Council desires to avoid the potential that the City might have a future need for the right of way to accommodate future road expansion or pedestrian improvements. If the City vacates the property and then needs to reacquire some or all of the area in the future, the public trust will not be served as the citizens of the community will be required to pay for right of way that the City gave away without compensation.
11. That a mistake was made in 1976 when the northern portion of the Hood Street Right of Way was vacated at the Key Bank site and the public interest is better served by retaining the Right of Way. Discussion was held concerning the potential need to redesign access to the applicant's property from the north. The public interest may be best served by retaining the subject right of way in case the right of way can be used as part of an exchange or other arrangement that helps secure a more appropriate access for the applicant's property.
12. Denial of the vacation does not prevent reasonable development and use of the applicant's property. Access to that property is still available using the Hood Street right of way, use of an access easement across an abutting property or combinations thereof. Staff has identified possible modifications to the applicant's design that can accommodate development of the applicant's site and still not require a design review amendment per CDC 55.050.

Council President Michael Gates moved that the vacation be denied, seconded by Councilor Carson. The vote was 4-0 in favor of the motion to deny.

NORMAN B. KING, MAYOR

DATE

Mailed this _____ day of _____, 2008

p:\devrvw\final decisions\CCfin dec MISC-07-02-Hood St VAC in 2008 file

AGENDA BILL
#08-02-25

For Council: February 25, 2008

Department: Planning

Dept. Head Initials: SCA

Subject: MISC-07-02

Applicant proposes that City Council postpone signing the Final Decision to deny the request to vacate part of the Hood Street Right of Way.

City Manager's Initials: ef

Attachments:

Staff Memorandum

Final Decision

Applicant's letter

Budget Impact: None

Expenditures
Required \$ -0-

Amount
Budgeted \$ -0-

Appropriation
Needed \$ -0-

Summary:

At a public hearing on February 11, 2008 the City Council denied the request to vacate an undeveloped portion of the Hood Street Right of Way. Staff has prepared the Final Decision document for the Mayor's signature which was expected to be signed on February 25, 2008. The applicant's attorney, Phillip Grillo, has submitted a letter dated February 19, 2008 wherein he requests that the signing of the final decision be delayed. The next available date to consider the request would be April 14, 2008. Staff sees no rationale for such a delay.

Recommended Action:

Staff recommends signing the final decision on February 25, 2008 as originally planned.

Council Action Taken:

Approved:

Denied:

Continued:

**City of West Linn
PLANNING & BUILDING DEPT.
MEMORANDUM**

TO: Chris Jordan, City Manager
FROM: Peter Spir, Associate Planner
DATE: February 21, 2008
SUBJECT: Proposal to delay signing Final Decision
denying vacation of part of Hood Street.

Purpose

The applicant's attorney proposes that the signing of the final decision be delayed until the next available City Council date of April 14, 2008.

Background

City Council held a hearing on February 11, 2008 and unanimously voted to deny the street vacation. The Mayor was expected to sign the final decision on February 25, 2008. To give the applicant time to explore the impacts of this denial on his client's project, the applicant's attorney has requested that the signing be delayed until April 14, 2008. It is not known what new information the applicant and his attorney hopes will come to light as a result of this delay. Certainly staff is willing to participate in any discussions but those discussions could come after the signing of the final decision.

Discussion

Staff has explored design options for the proposed office project which was approved earlier by the Planning Commission. Although not vacating the Hood Street Right of Way will mean that the office site plan has to be reduced in size and a re-design of the office undertaken, staff is satisfied that an office building could be built. The re-design may or may not require a new Planning Commission hearing depending on the provisions of CDC 55.050.

Staff also spoke with Gail Curtis, Oregon Department of Transportation (ODOT) planner, on February 21, 2008 and learned that ODOT will not permit a new curb cut providing access from the site directly onto Willamette Drive. ODOT will however support access via the Ameriprise parking lot as originally proposed. In the event that the Ameriprise easement was no longer available, ODOT would support access via Hood Street but would want a traffic study done for the Hood Street, Holly Street and Willamette Drive

intersection. The latter option was considered the least desirable by ODOT but it would still be permitted in one form or another. ODOT will not deny access to the site.

Options

- A.) Sign the Final Decision: It is not expected that any new information exists which could influence the decision to sign the final decision document. While additional information gathered by the applicant during the delay period may be relevant to the design review approval and the need to modify that design, staff does not anticipate that the information will be applicable to the approval criteria of the proposed street vacation or lead to a reversal or change in the decision to deny the vacation.

- B.) Delay the signing of the Final Decision: Delaying the signing is not expected to have any adverse impact on the application or the City and neighborhood's interests. In this period, the applicant and staff will be able to collaborate on available options.

Recommendation

Staff recommends option A and to proceed with signing the final decision on February 25, 2008.

FINAL DECISION NOTICE

FILE NO. MISC-07-02

CITY COUNCIL DECISION ON VACATION OF PORTION

OF HOOD STREET RIGHT OF WAY

At the meeting on February 11, 2008, the West Linn City Council held a public hearing to consider the application by Jason Hess to vacate a portion of the Hood Street Right of Way extending generally north 206 feet from Holly Street to the southern edge of the Key Bank property comprising 6,807 square feet.

The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The decision was based upon the approval criteria of ORS 271.120 which asks:

whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.

After staff report and the applicant's testimony City Council took public testimony which centered primarily on traffic concerns. Public testimony was closed. City Council made findings as follows:

1. The applicant has the consent of property owners per ORS 271.
2. The required public notice was duly given per ORS 271.
3. The burden is on the applicant for the street vacation to establish that the public interest will not be prejudiced by the vacation of the portion of the Hood Street Right of way under consideration for vacation. The applicant failed to establish that the proposed street vacation would not prejudice the public interest.
4. The vacation of the right of way will facilitate the construction of an office building which will generate hundreds of trips per day. The intersection at Willamette Drive and Holly Street currently has an acceptable level of service per Oregon Department of Transportation but is expected to decline to unacceptable levels with the additional trips and over time.
5. There is a high and reasonable probability that drivers will become frustrated at delays caused by the additional traffic within the area or will be unable to make left turns from Holly Street onto Willamette Drive. The anticipated result is that drivers will choose an alternative route and drive down Holly Street to River Street and up Burns Street to get to the traffic lights at Willamette Drive and McKillican Street. The use of this alternative route would introduce a large volume of commercial based traffic into a primarily residential street system that otherwise would not receive this level and type of traffic. Traffic safety for the residents of the area would be degraded to an unacceptable level.

6. The speed of vehicles on the aforementioned neighborhood streets is expected to increase since detouring drivers will want to make the loop back to Willamette Drive quickly. This detour traffic and associated speed and noise will have an adverse impact on the safety of other drivers, pedestrians as well as children playing in these streets. The City Council heard and accepted as valid first hand accounts from area residents who expressed safety concerns related to the neighborhood transportation system under the present level of traffic before the introduction of drivers who would be generated by a commercial development. River Street is also a hiking and recreation corridor from Maddox Woods to the McLean House parks. Spillover traffic will diminish safety and the recreation experience for these user groups.
7. Use of Holly Street, River Street and Burns Street as a detour for traffic generated ultimately as a result of vacation of the Right of Way will be prejudicial to the public interest in terms of neighborhood public safety and quietude on those streets.
8. Parking by office employees and visitors, and customers is expected to overflow onto Holly Street. Many homeowners will experience having that overflow parking in front of their homes. This overflow will be generated ultimately as a result of vacation of the Right of Way and will be prejudicial to the public interest in terms of neighborhood public safety and quietude on Holly Street.
9. The right of way has value and to vacate 6,807 square feet for the exclusive benefit of a single property owner is not in the public interest which may be better served by developing the site as a park, community entryway, or holding onto it until a use that is not prejudicial to the public interest is proposed. The City Council desires to avoid the potential that the City might have a future need for the right of way to accommodate future road expansion or pedestrian improvements. If the City vacates the property and then needs to reacquire some or all of the area in the future, the public trust will not be served as the citizens of the community will be required to pay for right of way that the City gave away without compensation.
10. That a mistake was made in 1976 when the northern portion of the Hood Street Right of Way was vacated at the Key Bank site and the public interest is better served by retaining the Right of Way. Discussion was held concerning the potential need to redesign access to the applicant's property from the north. The public interest may be best served by retaining the subject right of way in case the right of way can be used as part of an exchange or other arrangement that helps secure a more appropriate access for the applicant's property.
11. Denial of the vacation does not prevent reasonable development and use of the applicant's property. Access to that property is still available using the Hood Street right of way, use of an access easement across an abutting property or combinations thereof. Staff has identified possible modifications to the applicant's design that can accommodate development of the applicant's site and still not require a design review amendment per CDC 55.050.

Council President Michael Gates moved that the vacation be denied, seconded by Councilor Carson. The vote was 4-0 in favor of the motion to deny.

This decision will become effective 21 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearing, or signed in on the attendance sheet at the hearing, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the Land Use Board of Appeals within 21 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code.

NORMAN B. KING, MAYOR

DATE

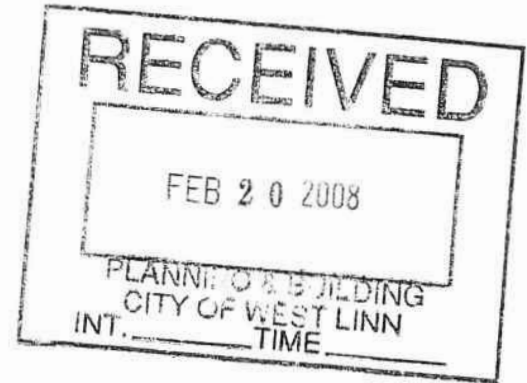
Mailed this _____ day of _____, 2008

Therefore, this decision becomes final at 5 p.m., _____, 2008



Phillip E. Grillo
phil.grillo@millernash.com
(503) 205-2311 direct line

February 19, 2008



VIA MAIL AND FACSIMILE

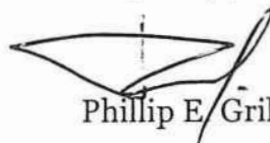
Mr. Bryan Brown
Planning Director
City of West Linn
22500 Salamo Road #1000
West Linn, Oregon 97068

Subject: Misc 07-02 (Street Vacation)

Dear Bryan:

Pursuant to our recent discussion, I am writing on behalf of the applicant, Jason Hess, to request a brief delay in issuing the final written order in the above-mentioned street vacation request. Please feel free to contact me if you have any questions. Thank you.

Very truly yours,


Phillip E. Grillo

cc: Mr. Jason Hess
Mr. Bill Monahan, City Attorney

7

AGENDA BILL
#08-02-21

For Council: February 25, 2008

Department: Planning

Dept. Head Initials: BCA

Subject:

Hearing for Tanner Basin
Neighborhood Plan
MISC-06-53

City Manager's Initials: BJ

Attachments:

Staff Report
Ordinance
TBN Plan

Budget Impact: None

Expenditures
Required \$ -0-

Amount
Budgeted \$ -0-

Appropriation
Needed \$ -0-

Summary:

The Tanner Basin Neighborhood Plan (TBNP) was prepared in 2006 and 2007 by the Neighborhood Planning Team and the consultant firm of Cogan Owens and Cogan. It is intended to present a vision, set goals, provide policies, and suggest implementation measures for the Tanner Basin Neighborhood.

The plan would be a subset of the West Linn Comprehensive Plan, applicable to the Tanner Basin Neighborhood. It would not prevail over or eclipse the City of West Linn Comprehensive Plan in the event of conflicting policies or plan language.

The plan was reviewed by the Planning Commission at a January 23, 2008 hearing. The Planning Commission took public testimony, considered the staff report and voted to recommend the TBNP as it was submitted except that he proposed staff changes that would continue to allow flag lots should be added.

Recommended Action:

The Planning Commission recommends approval with one change. Hold public hearing. Make motion to adopt proposed ordinance. If unanimous, hold second reading.

Council Action Taken:

Approved:

Denied:

Continued: 3-10-08

PLACEHOLDER FOR
AGENDA BILL

#08-02-21

RECORD FILE
PLANNING

DEPARTMENT PROJECT

#MISC-06-53

PLACEHOLDER FOR
AGENDA BILL

#08-02-22

RECORD FILE
PLANNING

DEPARTMENT PROJECT

#CDC-07-04

AGENDA BILL

#08-02-22

For Council: February 25, 2008

Department: Planning

Dept. Head Initials: ACH

City Manager's Initials: ef

Subject:

Public hearing to consider CDC amendment (CDC-07-04) to the Willamette River Greenway and Tualatin River Protection Area language to be more compatible with the Water Resource Area standards.

Attachments:

Staff Memorandum

Ordinance

Proposed CDC Amendments

Budget Impact: None

Expenditures
Required \$ -0-

Amount
Budgeted \$ -0-

Appropriation
Needed \$ -0-

Summary:

The passage of the Water Resource Area (WRA) code amendments in Community Development Code (CDC) Chapter 32 increased protection for the City's natural drainageways. The two bodies of water of statewide significance: the Willamette and Tualatin Rivers-are not covered by the WRA standards. At City Council's direction, staff prepared amendments to the Willamette River Greenway (WRG) and the Tualatin River Protection chapters of the Community Development Code by overlaying or adding elements of the CDC Chapter 32: Water Resource Area (WRA).

At the January 23, 2008 Planning Commission hearing, strong public testimony argued against the amendments and that the proposed changes, and the process that led to them, did not fully appreciate or represent the constituency most impacted by these changes.

Recommended Action:

The Planning Commission voted unanimously to recommend against the proposed amendment. Staff agrees.

Council Action Taken:

Approved:

Denied:

Continued:

p:/devrvw/CCagenda bills2007-ccagenda-bill-CDC-07-04WRA-WRG

AGENDA BILL
08-02-23

For Council: February 25, 2008

Department: Administration

Subject: Resolution re Clackamas
County Library Service District

City Manager's Initials: CF

Attachments: Yes

Budget Impact:

Expenditures	Amount	Appropriation
Required: \$10,000	Budgeted: \$	Needed: \$10,000

Summary:

The Board of County Commissioners is proposing formation of a county wide library district for the November 2008 ballot. A new service district will continue to provide network services for the cities and will enhance services by creating a capital improvement fund for library improvements. Each city must sign a resolution to be included within the district. If approved by the voters, the district would have a permanent tax rate of 39 cents per \$1,000 of assessed value.

Recommended Action:

- Staff recommends Council make a motion to approve the attached resolution.

Council Action Taken:

Approved:

Denied:

Continued:



CITY MANAGER'S OFFICE

COUNCIL REPORT

TO: Norm King, Mayor
Members, West Linn City Council

FROM: Chris Jordan, City Manager

SUBJECT: Resolution to be Included in the Formation of a County-wide Library District

DATE: February 14, 2008

Purpose

The Clackamas County Board of County Commissioners has requested the City of West Linn consider the attached resolution which provides for the inclusion of the city in the formation of a new library district. The County intends to place this item before the voters in November 2008.

Background

Clackamas County has for decades provided funding for libraries in the county, whether the libraries are operated by the county or by cities. Over the last decade these funds have decreased. Attached is a history of Clackamas County funds for the West Linn library. Currently the West Linn library receives 34% (\$510,000) of its funding from the County.

The County has also committed that, should the district fail to receive approval from the voters, the County will be decreasing its funding of libraries by approximately 20% each year for the next five years. It is anticipated that by 2014 the County will no longer be providing any direct operating funds for libraries.

The New District - What it means to West Linn

Should the new district be approved by the voters, West Linn would experience a significant increase in its funding from the County. Currently, it is estimated

that West Linn would see an increase to \$1.1 million for library services. This additional funding would be used to enhance services at the library, and my also be used to offset a potential reduction in city funds as the City constantly re-prioritizes the use of its scarce resources.

For the property owners of West Linn, the District would set a permanent tax rate of \$0.39/1,000 of assessed value on all real property in the District.

The details of the new district would still need to be discussed and approved as part of an Intergovernmental Agreement between the cities and the county.

Options

1. Approve the resolution. This will include West Linn in the county library district giving West Linn voters the opportunity to vote on the district in November 2008. Also included in the resolution is a City contribution of \$10,000 toward providing educational materials to the public about the formation of the district.
2. Do not approve the resolution. County funding for the West Linn library will decrease over five years if the district is not approved, or could be reduced even more in FY 2010 should the district pass in the rest of the County.

Recommendation

Approve the resolution.

Attachment

RESOLUTION NO. _____

A RESOLUTION APPROVING A CLACKAMAS COUNTY ORDER TO INITIATE THE FORMATION OF THE CLACKAMAS COUNTY LIBRARY SERVICE DISTRICT

WHEREAS, Clackamas County intends to form the Clackamas County Library Service District (the "Proposed Library District") under the authority of ORS 451.010(k). The Proposed Library District would have authority to fund libraries within the district; and

WHEREAS, the Clackamas County Board of County Commissioners may initiate consideration of formation of the Proposed Library District by adopting an order under authority of ORS 198.835. Clackamas County would like to include the territory of the City of West Linn within the boundaries of the Proposed Library District; and

WHEREAS, the territory of the City of West Linn may only be included within the boundaries of the Proposed Library District if we, the West Linn City Council, adopt a resolution consenting to inclusion of the territory within the proposed boundaries as described in the order initiating consideration of formation of the Proposed Library District; and

WHEREAS, the West Linn City Council believes the Proposed Library District will be better positioned to provide fair and sustainable funding for the City's library and create a mechanism to recognize that the City's library serves residents of the county outside the City's boundary as well as City citizens. The City, County, and District will enter into an intergovernmental agreement as soon as practical upon the formation of the District; and

WHEREAS, pursuant to this end, the West Linn City Council authorizes the transfer of ten thousand dollars (\$10,000) to an intergovernmental fund, to be administered by Clackamas County, for the purpose of disseminating information about the Proposed Library District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WEST LINN, CLACKAMAS COUNTY, OREGON, as follows:

Section 1. The City Council of West Linn hereby consents to the inclusion of all the territory of the City that is in Clackamas County within the proposed boundaries of the Proposed Library District, supports and approves the formation of said district and authorizes the transfer of ten thousand dollars (\$10,000) to an intergovernmental fund, to be administered by Clackamas County, for the purpose of disseminating information about the Proposed Library District.

THIS RESOLUTION ADOPTED BY THE WEST LINN CITY COUNCIL THIS 25TH DAY OF
FEBRUARY 2008.

NORMAN B. KING, MAYOR

Attest:

STATE OF OREGON)
) ss.
County of Clackamas)

I certify that the foregoing is a true copy of the original resolution on file in the office of the
City Manager.

Assistant to the City Manager



BOARD OF COUNTY COMMISSIONERS

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

January 8, 2008

Norm King, Mayor
Mike Gates, City Councilor
Scott Burgess, City Councilor
Jody Carson, City Councilor
Michele Eberle, City Councilor
City of West Linn
22500 Salamo Road
West Linn, OR 97068

08 JAN 10 2:11:33
CLACKAMAS COUNTY

Dear Mayor and City Councilors:

Over the past few years, Clackamas County has been engaged in a dialogue with our cities regarding the creation of a stable funding source for libraries. The County General Fund has been the source for the majority of library funding for several years. Beginning in 2007 the financial position of the County has changed dramatically. There is a pending reduction or possible elimination of the Federal Secure Rural Schools funding and we have encountered other urgent issues such as creating more detention capacity. As a result the Board of County Commissioners has had to make some difficult prioritization decisions.

Beginning July of 2009, the three County operated libraries will no longer receive General Fund support, and the County contributions to city libraries will be reduced by approximately 20%. The County General Fund contributions to city libraries will continue to reduce for the following four fiscal years until General Fund support is eliminated in June 2014. The County General Fund will continue to support the Library Network operation at its present level, and be adjusted for inflation.

It is important to note that although funding to the County libraries will be eliminated, the service areas and residents supported by those libraries will be provided for through the gained efficiency and consolidation of library operations. An example of these efficiencies would be a new and enlarged facility anticipated for the Gladstone and Oak Lodge service areas.

The Board of County Commissioners requested that staff work with the cities and the Library Network Intergovernmental Board (LNIB) to develop a plan for a county wide service district to give the citizens of the county the opportunity to continue library services.

Based on input from staff and LNIB, the Board of County Commissioners is proposing formation of a county wide library district for the November 2008 ballot. The district will

include any city that adopts a resolution and intergovernmental agreement to join the district. The tax rate for the district will be 39 cents per thousand dollars of assessed value. A rate of \$.39 per thousand will allow every city that provides library service to achieve the Oregon Library Association's "threshold" level of service.

If the library service district is successful, the county will continue to provide the network services for the cities and will create a capital improvement fund for library improvements from the funds slated for operations from 2010-2014. This will provide approximately \$1,000,000 to each of the cities that provide library services in Clackamas County.

Enclosed in this packet is a draft resolution for inclusion in the service district. Each city must sign a resolution to be included within the district. There is also a draft intergovernmental agreement that lays out distribution formulas, service area boundaries, service requirements, a contribution to an information campaign and capital improvement plans.

The County would like to have a representative meet with your city council in January to discuss the proposal and answer questions. Our staff will contact you shortly to make arrangements.

We are looking forward to proceeding with the district and hope that you are as excited as we are to give the citizens of Clackamas County the chance to support and enhance their library services.

Sincerely,

CLACKAMAS COUNTY BOARD OF COMMISSIONERS



Lynn Peterson
Chair



Bill Kennemer
Vice-Chair



Martha Schrader
Commissioner

Library District Discussion

City Councils of Clackamas County
January 2008

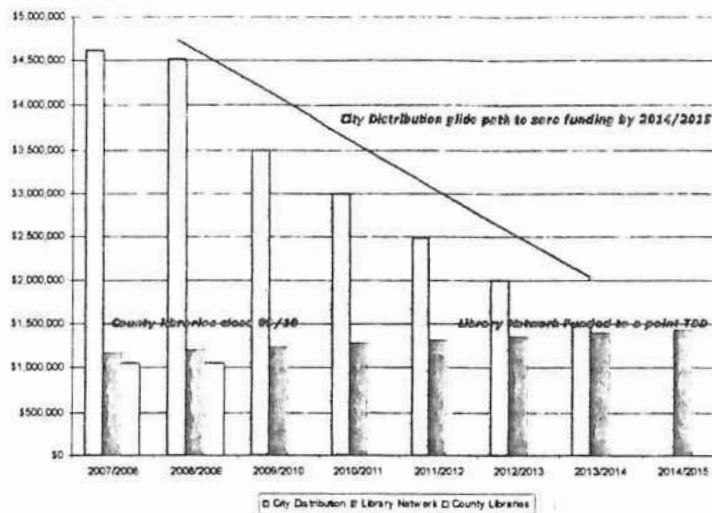
History of Library Levies & Funding

Includes funding of County run libraries and the Library Network

Funding Source	Budget Year	Funding	
		Per Thousand	Levy Revenue/General Fund
Three-year levy 91/92 – 93/94	91/92	\$0.29	\$4.1MM (est.)
	92/93		\$4.5MM (est.)
	93/94		\$5.1MM (est.)
Three-year levy 94/95 – 96/97	95/96	\$0.35	\$6.2MM
	96/97		\$7.2MM
Five-year levy 97/98 – 01/02 <i>Received a majority YES vote but did not achieve 80% voter turn-out</i>		\$0.35	N/A
1998 – Board of County Commissioners adopts a five-year Tax Apportionment Policy 14% targeted apportionment for libraries	97/98	General Fund	\$7.5MM
	98/99		\$7.3MM
	99/00		\$7.9MM
	00/01		\$8.3MM
	01/02		\$8.7MM
Continued General Fund Contribution	02/03	General Fund	\$7.6MM
	03/04		\$7.6MM
	04/05		\$7.6MM
	05/06		\$6.4MM
	06/07		\$6.8MM
	07/08		\$6.8MM

Glide Path Reduction

If District Formation Fails

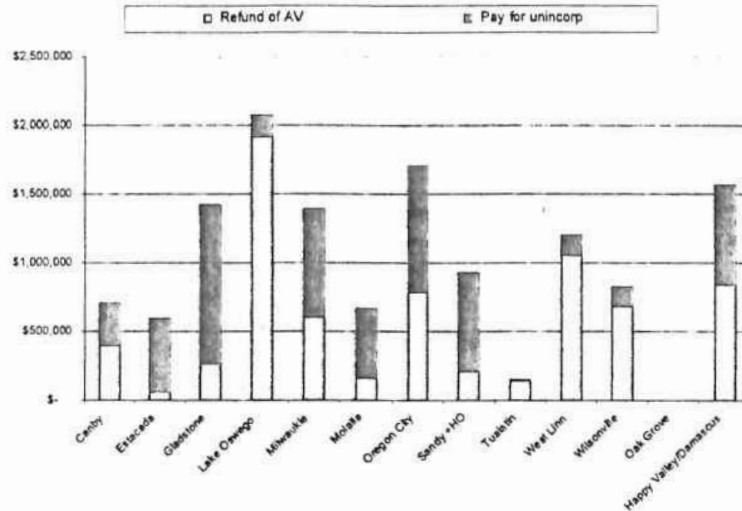


If District Passes

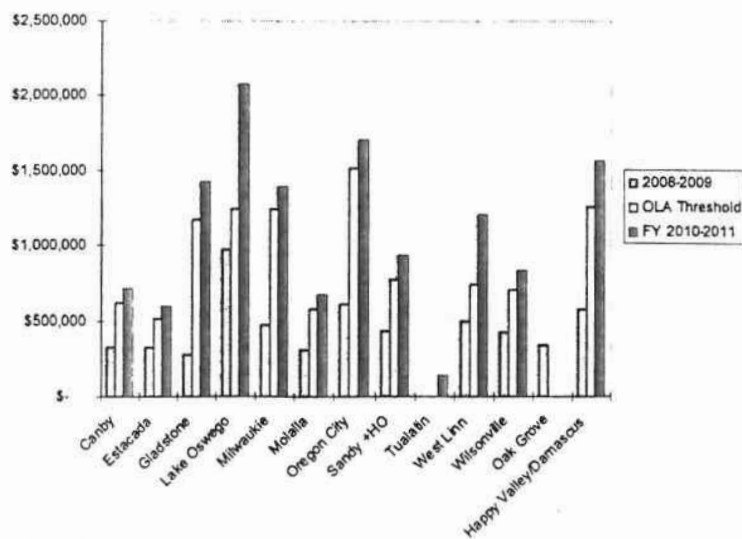
Operating Funds
at \$0.3974/\$1,000 assessed value

2010-2011 Funding Breakdown

Based on AV and Population Served



Funding Projections Vs. OLA Standard With District Passage

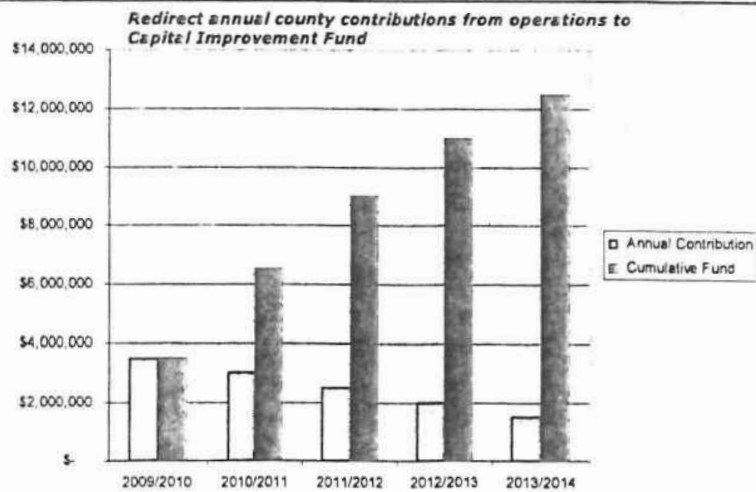


If District Passes

Capital Fund

Capital Improvement Fund

If District Passes



Steps to Formation of the Library District

The Library Services District ("District") would be governed by Oregon Revised Statutes 451. A brief summary of the applicable steps are as follows:

- Define the proposed District boundaries.
- Obtain resolutions from cities within the proposed District boundaries approving inclusion within the District.
- Initiate formation of the District by The Board of County Commissioners adopting a Board Order describing the district by name and boundary and holding a public hearing between 30-50 days after Board Order
- Proceed with legal steps required to place District formation on the November 2008 general election ballot
 - *Election required since District is to be funded by a permanent tax rate limit for operations.*
- Vote on the proposed District and tax rate of the District during the November 4, 2008 general election
- If the vote is affirmative, the Board acknowledges the vote and forms the District within 30 days after the election.
- Funding begins with the 2009/2010 tax year.

Information Sharing Initiative

- Purpose – to provide facts regarding the proposed formation of a county-wide Library District.
- Proposed funding required for information sharing:
 - Total \$170K
 - Clackamas County \$ 50K
 - 12 cities @ \$10K each \$120K

**Public Information Schedule for Library District Election
2008**

Date	Activity	Costs
January	Produce PowerPoint presentation and prepare and print handouts for City Councils and library patrons	\$ 1,600
	Coordinate Information - establish speakers bureau, create and compile information for public, create website	\$20,000
	Photograph individual library sites	\$ 500
February	Produce and distribute bookmarks to libraries	\$600
April through spring	Prepare article for <i>Citizens News</i>	\$1,500
	Produce library Information video segment and Public Service Announcement (PSA) for Clackamas County Government Channel	\$6,000
July through summer	Develop and produce comprehensive Information Brochure to be distributed through libraries	\$68,000
	Produce and mail countywide Library District information publication Printing and postage for 170,000 county residences @ \$0.50/piece	\$70,000
September	Produce and mail countywide Library District information postcard Printing and postage for 170,000 residences @ \$0.42/piece	\$20,000
October 13th	Reminder-to-Vote mailing Postcard mailed to coincide with arrival of ballots	\$8,000
October	Reminder-to-Vote newspaper advertising The Oregonian, Clackamas Review, local community papers	
Campaign Total		\$216,200

9a

History of LINCC Funding Distribution to Member Libraries						
	89/90			90/91		
	base	equalization	total	base	equalization	total
Canby	\$ 38,521	\$ 28,988	\$ 67,509	\$ 36,610	\$ 35,785	\$ 72,395
Estacada	\$ 9,477	\$ 38,829	\$ 48,306	\$ 8,331	\$ 70,956	\$ 79,287
Gladstone	\$ 43,107	\$ 62,145	\$ 105,252	\$ 40,126	\$ 77,292	\$ 117,418
Lake Oswego	\$ 251,839	\$ 74,838	\$ 326,677	\$ 266,284	\$ 96,604	\$ 362,888
Milwaukie	\$ 113,652	\$ 135,903	\$ 249,555	\$ 109,143	\$ 203,031	\$ 312,174
Molalla	\$ 14,598	\$ 51,049	\$ 65,647	\$ 12,917	\$ 66,964	\$ 79,881
Oregon City	\$ 81,398	\$ 119,258	\$ 200,656	\$ 74,520	\$ 171,986	\$ 246,506
Sandy	\$ 19,719	\$ 61,362	\$ 81,081	\$ 19,108	\$ 95,663	\$ 114,771
Tualatin						
West Linn	\$ 103,410	\$ 9,493	\$ 112,903	\$ 100,506	\$ 30,289	\$ 130,795
Wilsonville	\$ 74,596	\$ 17,066	\$ 91,662	\$ 81,704	\$ 21,726	\$ 103,430
County	\$ 795,809		\$ 795,809	\$ 798,733		\$ 798,733
Total			\$ 2,145,057			\$ 2,418,278
NT/MIX cost						
total from Levy/or						
CO general fund						
2/5/2008 jkr	<p>A two year serial levy was passed in 1989. Money was distributed on the basis of a partial "base refund" of taxes collected by assessed value and "equalization" which was also a partial reimbursement to cities based on circs to unincorporated residents.</p> <p>The Library Network Office was established/ funded in FY 89/90 by moving staff from County Library</p> <p>No payment was made for circulation to out-of-county residents</p> <p>The BCC preferred to go with a 2 year levy because they wanted to develop other funding options for the county-wide library system.</p>					

(12)

History of LINCC Funding Distribution to Member Libraries			
	94/95	95/96	96/97
	total	total	total
Canby	\$ 159,039	\$ 177,211	\$ 203,001
Estacada	\$ 158,833	\$ 183,456	\$ 235,325
Gladstone	\$ 232,790	\$ 246,413	\$ 260,527
Lake Oswego	\$ 831,880	\$ 877,889	\$ 1,034,799
Milwaukie	\$ 510,230	\$ 505,413	\$ 561,903
Molalla	\$ 143,512	\$ 158,519	\$ 172,056
Oregon City	\$ 422,704	\$ 468,503	\$ 581,457
Sandy	\$ 214,931	\$ 254,084	\$ 315,271
West Linn	\$ 357,670	\$ 392,782	\$ 455,675
Wilsonville	\$ 283,518	\$ 311,443	\$ 364,425
County	\$ 1,379,215	\$ 1,511,816	\$ 1,525,776
Total to libraries	\$ 4,694,322	\$ 5,087,529	\$ 5,710,215
NT/MIX cost	\$1,382,094	\$1,119,135	\$1,445,719
total from Levy/or CO general fund	\$ 6,076,416	\$ 6,206,664	\$ 7,155,934
2/5/2008 jkr	<p>A three year levy was passed in 1994 at .35/1,000. A decision was made at that point to change the language in the ballot title so the proposed ley was now rate-based instead of a fixed-dollar amount. The distribution formula was also changed so that cities received a full "base refund" (i.e. the entire amount of taxes collected based on their AV) and then also received a per circ payment from the County Library as payment for service to the unincorporated residents. This payment was constructed to be a sliding scale so that libraries whose unincorporated circ was the highest percentage were re-imbursed at a higher per circulation rate.</p> <p>94-95 rate varied from 1.45 to 1.85 per circ - NOTE: AV increased approx 9-11 % per year during these years</p> <p>95-96 rate varied from 1.65 to 2.05 per circ</p> <p>96-97 rate varied from 1.85 to 2.25 per circ</p> <p>No payment was made for circulation to out-of-county residents during this time period.</p>		

History of LINCC Funding Distribution to Member Libraries

	REVISED	REVISED	REVISED	REVISED	REVISED
	97/98	98/99	99/00	00/01	01/02
	total	total	total	total	total
Canby	\$ 222,121	\$ 232,312	\$ 312,600	\$ 323,426	\$ 314,893
Estacada	\$ 256,793	\$ 293,901	\$ 331,345	\$ 415,864	\$ 432,341
Gladstone	\$ 332,012	\$ 348,458	\$ 327,669	\$ 331,927	\$ 355,702
Lake Oswego	\$ 1,217,535	\$ 1,222,079	\$ 1,269,153	\$ 1,324,679	\$ 1,391,278
Milwaukie	\$ 561,903	\$ 534,259	\$ 602,006	\$ 620,628	\$ 633,347
Molalla	\$ 190,386	\$ 217,850	\$ 230,311	\$ 260,868	\$ 309,333
Oregon City	\$ 600,316	\$ 582,326	\$ 633,067	\$ 653,643	\$ 715,538
Sandy	\$ 332,239	\$ 337,170	\$ 343,007	\$ 343,892	\$ 341,589
	\$ 61,760	\$ 64,230	\$ 68,600	\$ 72,990	\$ 75,749
West Linn	\$ 532,644	\$ 531,129	\$ 561,106	\$ 555,242	\$ 569,633
Wilsonville	\$ 364,425	\$ 380,598	\$ 411,260	\$ 448,853	\$ 501,627
County	\$ 1,525,776	\$ 1,587,037	\$ 1,678,302	\$ 1,761,430	\$ 1,830,809
Total to libraries	\$ 6,197,910	\$ 6,331,350	\$ 6,768,426	\$ 7,113,444	\$ 7,471,840
total NT MIX budget	\$ 1,343,524	\$ 1,017,766	\$ 1,129,904	\$ 1,193,539	\$ 1,183,392
NT debt to distrib	\$ 189,258	\$ 507,766	\$ 559,904	\$ 693,539	\$ 716,161
total from Levy/or	\$ 6,387,168	\$ 6,839,116	\$ 7,328,330	\$ 7,806,983	\$ 8,188,001
CO general fund					
2/5/2008 jkr	A new three year levy was approved by voters 3/1997 but failed to get the double majority mandated by M47. Measure 50 converted the prior library levy into part of the County General Fund. Also, the distribution formula was modified at the recommendation of LNIB so that AV was no longer a part of the model 100% of all funds were distributed on the basis of circulation. All circs were counted, including those to non-county residents, but a 25% "ratchet" or compression factor was implemented on all circs over a baseline of 200,000 annually. All circs up to 200% are counted but only 75% of those over 200,000 were counted. Another factor was added to reimburse the Net ILLs from library to library within LINCC. NET loans were added and NET borrows were subtracted from circ after the "ratcheting process was calculated - so NET ILLs were not compressed. Distribution to the County Library was increased annually by the same % as the County-wide AV. The BCC promised that the County Library would move on to the circulation model at the end of the agreed-upon 5 year period (02-03). The BCC distributed a fixed percentage 14% of all property tax revenue collected to libraries, including annual AV growth in the total.				

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History of LINCC Funding Distribution to Member Libraries									
	02/03	03/04	04/05	05/06		06/07	07/08	08/09	
	total	total	total	total		total	total	projected total	
Canby	\$ 328,137	\$ 318,628	\$ 332,425	\$ 299,287	Canby	\$ 332,690	\$ 335,106	\$ 328,386	
Estacada	\$ 402,827	\$ 395,061	\$ 385,249	\$ 306,630	Estacada	\$ 300,578	\$ 314,606	\$ 305,403	
Gladstone	\$ 325,575	\$ 327,744	\$ 329,791	\$ 268,125	Gladstone	\$ 292,230	\$ 289,780	\$ 285,660	
Lake Oswego	\$ 1,325,083	\$ 1,212,882	\$ 1,242,686	\$ 993,111	Lake Oswego	\$ 978,853	\$ 968,911	\$ 947,135	
Milwaukie	\$ 610,027	\$ 619,077	\$ 575,481	\$ 477,194	Milwaukie	\$ 495,735	\$ 489,896	\$ 486,574	
Molalla	\$ 313,162	\$ 323,322	\$ 298,337	\$ 262,644	Molalla	\$ 296,191	\$ 307,548	\$ 307,602	
Oregon City	\$ 716,334	\$ 680,546	\$ 656,272	\$ 569,315	Oregon City	\$ 608,481	\$ 617,738	\$ 609,044	
Sandy	\$ 349,850	\$ 373,465	\$ 387,893	\$ 316,436	Sandy	\$ 325,797	\$ 341,131	\$ 340,864	
Tualatin	\$ 33,444								
West Linn	\$ 552,324	\$ 592,259	\$ 617,188	\$ 525,420	West Linn	\$ 514,466	\$ 508,794	\$ 502,154	
Wilsonville	\$ 507,423	\$ 526,754	\$ 533,110	\$ 437,455	Wilsonville	\$ 447,526	\$ 434,444	\$ 423,304	
County	\$ 1,316,815	\$ 1,274,358	\$ 1,251,090	\$ 1,020,883	County	\$ 1,080,069	\$ 1,056,918	\$ 1,085,136	
Total to libraries	\$ 6,781,000	\$ 6,644,096	\$ 6,609,523	\$ 5,476,500	Total to libraries	\$ 5,672,617	\$ 5,664,873	\$ 5,621,261	
2/5/2008 jkr	90/10 circ/pop srvd	85/15 circ/pop srvd	85/15 circ/pop srvd	85/15 circ/pop srvd		60/40 circ/pop srvd	55/45 circ/pop srvd	55/45 circ/pop srvd	
NT/MIX cost	\$ 858,000	\$ 1,084,225	\$ 1,121,354	\$ 999,669	NT cost/MIX**	\$ 1,248,643	\$ 1,287,336	\$ 1,322,879	
Total from Levy/	\$ 7,600,000	\$ 7,600,000	\$ 7,600,000	\$ 6,385,000	Total from County	\$ 6,785,000	\$ 6,785,000	\$ 6,785,000	
CO general fund					general fund				
Decline in state-wide economic prosperity and the end of the prior 5 year agreement to share 14% of property tax with libraries led the county to convert library funding to a fixed dollar amount in FY 02-03. \$7.6 million was allocated annually for a 3-year period and the BCC directed LNIB to prepare a report on stable funding. The Libraries for Tomorrow (LTP) report recommended a 5 year local option levy at .29/1,000 to go on the Nov 2004 ballot. This levy failed with 42% yes vote and funding was reduced to the amount rolled into the GF in FY 97-98 (6.385 million) in 05-06 . In addition, a "population served" element was introduced into the formula in 02-03. That first year 10% of the funds were distributed based on population served (see % listed above in box under totals) The County Library was moved to the circ model in 02-03.					2-5-2008 jkr	As the result of recommendations from the Himmel & Wilson report from Feb 2006, the formula was gradually moved from 85/15 to 60/40 to 55/45 circ/pop. In order to make this change equitable, the County increased the allocation from the GF to 6.785 in 06-07 with few or no increases thereafter. Again the BCC asked for ideas on stable funding for libraries and in 2007 a County Service District for libraries has been proposed for the Nov 2008 election. The proposed permanent rate is .39/1,000.			
						** NT budget in this period includes extra capital funds for Envisionware and other migration expenses. 06/07 was last year of MIX payments.			

AGENDA BILL
08-02-24

For Council: February 25, 2008

Department: Administration

Subject: Resolution re Clackamas
County Extension Service and 4-H District

City Manager's Initials: 

Attachments: Yes

Budget Impact:

Expenditures
Required: \$0

Amount
Budgeted: \$0

Appropriation
Needed: \$0

Summary:

The Board of County Commissioners is proposing formation of a county-wide service district for the OSU Extension Service in Clackamas County for the November 2008 ballot. The Extension Service is the off-campus outreach arm of Oregon State University. It includes such programs as 4-H and the Clackamas County Fair, Master Gardeners, Master Watershed Stewards and Family Food Educators. Each city must sign a resolution to be included within the district.

Recommended Action:

- Staff recommends Council make a motion to approve the attached resolution.

Council Action Taken:

Approved:

Denied:

Continued:

RESOLUTION NO. _____

A RESOLUTION APPROVING A CLACKAMAS COUNTY ORDER TO INITIATE THE FORMATION OF THE CLACKAMAS COUNTY EXTENSION SERVICE AND 4-H DISTRICT

WHEREAS, Clackamas County intends to form a county Extension Service and 4-H District under the authority of ORS 451.010(i). A county Extension Service and 4-H District would have authority to fund informal education outreach programs for all county residents; and

WHEREAS, Clackamas County may initiate the formation of a county Extension Service and 4-H District by adopting an order under authority of ORS 198.835. Clackamas County would like to include all county territory within the boundaries of the Clackamas County Extension Service and 4-H District; and

WHEREAS, the territory of the City of West Linn may only be included within the boundaries of the Clackamas County Extension Service and 4-H District if the West Linn City Council adopts a resolution approving the County order initiating the formation of the Clackamas County Extension Service and 4-H District; and

WHEREAS, the West Linn City Council believes a Clackamas County Extension Service and 4-H District will be better positioned to provide outreach education to youth and families, homeowners and businesses, farm and forest owners, as well as urban and rural residents, throughout our community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WEST LINN, CLACKAMAS COUNTY, OREGON, as follows:

Section 1. The City Council of West Linn hereby consents to the inclusion of all the territory of the City that is in Clackamas County within the proposed boundaries of the Clackamas County Extension Service and 4-H District, and supports and approves the Clackamas County order initiating the formation of said district.

THIS RESOLUTION ADOPTED BY THE WEST LINN CITY COUNCIL THIS 25TH DAY OF FEBRUARY 2008.

NORMAN B. KING, MAYOR

Attest:

STATE OF OREGON)
) ss.
County of Clackamas)

I certify that the foregoing is a true copy of the original resolution on file in the office of the City Manager.

Assistant to the City Manager

The Honorable Mayor Norman King
and City Council Members
22500 Salamo Rd. #100
West Linn, Oregon 97068

08 JAN 28 PM 4:38

CITY OF WEST LINN

Dear Mayor and City Councilors:

Michael Bondi, OSU Extension Staff Chair, will be coming to one of your next council meetings regarding the formation of a Clackamas County Extension and 4-H Special District. We are asking for your support in allowing this resolution to be placed on the November, 2008 ballot so that citizens of your community can be given the opportunity to vote on this issue. Formation of an education service district will give Extension a stable, secure and more significant pool of resources. With stable funding Extension will be able to grow programs into the future as the area's population continues to expand.

We support Extension because it's presence in the County has helped residents increase the productivity and profitability of their farms, ranches, forests and gardens, provided new life skills and changes in behaviors of children, teens, adults and their families, as well as improved the health of our environment.

Oregon agricultural sales hit a new high in 2006 at \$4.4 billion, logging a fourth straight year of growth. The OSU Agricultural Experiment Station in Clackamas County functions as the principal agricultural research agency in the state. It has been a tremendous resource for local farmers, ranchers, gardeners and nursery owners and operators.

Clackamas County 4-H has the largest club enrollment in Oregon and has more than 400 adult leaders in over 150 clubs. Clubs provide experience in the four essential elements of belonging, generosity, mastery and independence. These elements have proven to be necessary for youth to develop into contributing adults in our society.

In addition, Clackamas County has the largest Master Gardener program in Oregon. This program expands the University's research-based information regarding home gardening and landscaping to our county. The Master Gardeners sponsor the annual Spring Garden Fair in Canby each year allowing local growers to showcase their products.

Thank you for helping to get this resolution on the ballot.

Respectfully,



Joe Casales, President

Clackamas County Farm Bureau

Extension Service News Update

Extension...we're
about kids,
communities &
the environment.

December 31, 2007

Commissioners move district idea forward

Last April the Clackamas County Board of Commissioners publicly announced their desire to form a special county-wide service district for the OSU Extension Service in Clackamas County.

The next step in the process of district formation is to present the idea to each of the 17 incorporated cities in the county and seek approval of a resolution allowing the voters in each city to decide on the district's ballot measure in an election planned for November 2008.

Extension Staff Chair Mike Bondi, a 29 year veteran Extension Agent in Clackamas County said, "This proposed district and its funding plan

would be the biggest change for Extension in the county since our inception in 1917. The district would provide a stable funding level for Extension now and into the coming years."

The Extension Service is the off-campus outreach arm of Oregon State University—the state's only designated Land

Grant university.

Extension education is informal, not-for-credit, practical learning that is designed to address questions of local people. The power of Extension is its connection to the university and the strength of their research base.

"We really value research-based information, proven and credible sources of knowledge," said Bondi.

Not all Extension education is done in a classroom. Many of Extension's events are held in the field, forest and at farm locations throughout the county and feature hands-on learning for both youth and adults.



**Extension Service
Clackamas County**

Extension has helped shape county...

Extension's long history in Clackamas County started in the agricultural roots of the region. In the early 1900s the emphasis of Extension's education was to improve farming practices. Early work with families at the time was to bring the latest informa-

tion about food preservation and canning to homemakers.

Today, agriculture continues to be Extension's dominant program and is responsible for supporting farmers growing nursery crops, vegetables and produce, a multitude of seed crops in the area, live-

stock, and small acreage farmers working with niche markets. Clackamas County's position as the **state's second largest agricultural county** in Oregon is evidence to the importance of farming to the region.

Inside this Issue...

Commissioners move
district idea forward **1**

Extension has helped
shape county **1**

So, how is Extension
currently funded? **2**

Why a special district
for Extension? **2**

Extension programs
well-known in county **3**

Extension makes differ-
ence for people **3**

Volunteers multiple
program **3**

Next step...speaking
to each city **4**

Extension shapes county, continued

Back in the 1920s a common site in the Willamette Valley was railcar canning kitchens that would travel from community to community and teach food preservation methods. Early Extension Agents of the day found this mode of transportation a practical way to reach rural Oregonians.

Today, the Clackamas County Extension Service is still the leading source of the latest government guidelines on food safety and preservation. Hundreds of consumers come to Extension every year for tips

on canning, freezing and drying. Trained Extension volunteers, called **Family Food Educators**, share information at local Farmers Markets. By the way, the **Farmers Market** movement in Oregon had its start with Extension more than 30 years ago.

But, one of Extension's most identifiable programs is youth education—called **4-H**.

Early Extension Agents realized that working with children was a very effective way to bring new ideas and concepts into a



Extension's 4-H clover represents head, heart, hands and health—the key ingredients to a productive life for young people.

family setting. Today, Clackamas County has the largest 4-H club program of any county in the state. Nearly 1500 youth in grades kindergarten to 12th grade participate in a wide variety of projects from animals and cooking to computer technology, GPS and robotics.

...a service
district for
Extension
(could)
provide the
resources to
grow the
programs for
county residents
in the coming
years as the
area's
population
grows...

So, how is Extension currently funded?

In 1914 Congress passed the Morrill Act creating the **Cooperative Extension Service**. From those very early days the funding design for the agency has always included **federal, state and local support**.

In fact, according to the enabling legislation, Extension can not exist in a state or in a county unless all three partners participate financially.

Federal dollars come to the states to provide monies for research at the Land Grant institution. Also, federal dollars have historically been used for faculty medical and retirement benefits.

State contributions to Extension's budget provide dollars for faculty salaries, state program coordination, and more recently, faculty benefits.

County financial contributions for Extension come from the general fund budget and pay all of the support activities of the Extension office in the county. That includes: office building and maintenance costs, clerical salaries and benefits, local program delivery costs, and travel expenses for faculty.

Also, private contributions and grants support local programs.

Why a county service district for Extension?

In the early 1980s, counties in Oregon began creating local service districts for Extension as an approach to providing more adequate funding for Extension—and, to ensure that quality local programs would continue to be available.

Today, **16 of Oregon's 36 counties have Extension service districts**.

The Clackamas County Commissioners have proposed

forming a service district for Extension to provide the resources to grow the programs for county residents in the coming years as the area's population grows—projected to increase by 50% in the next 20 years.

If successful, Clackamas County would become the first Oregon county in an urban area to have a district and permanent tax funding for Extension.

Increased funding provided by an Extension service district and tax base would be used to increase food and nutrition education for children to battle child obesity, work with local farmers to improve profitability while increasing locally available food supplies, address water quality concerns in cities, towns and rural areas, tackle invasive plant and aquatic species, and expand the county's well-recognized 4-H program.



Extension programs known in county

About **50,000 county residents participate in Extension education each year.** Many attend classes, demonstrations and tours conducted by Extension faculty. Others, visit the Extension office in Oregon City to pick up Extension publications. Extension produces hundreds of practical, easy-to-read fact sheets, publications, videos and software programs on a wide range of topics. Still, other county residents call the Extension office or use its website looking for help.

Many residents in Clackamas County have accessed the Extension Service and their assistance at one time or another. You know Extension if you know...

- 4-H and the Clackamas County Fair
- Master Gardeners and the Spring Garden Fair in Canby
- Family Food Educators (formerly Master Food Preservers)
- Master Woodland Managers
- Master Watershed Stewards

- 4-H Wildlife Stewards
- Oregon Food and Nutrition Program (OFNP)
- Tree School
- Hopkins Demonstration Forest (Beavercreek)
- North Willamette Research and Extension Center (Charbonneau)



Extension makes difference for people...

So, what difference do Extension programs make in people's lives?

Ask many of the county's successful farming operations and you'll find that most got their start with help from Extension.

In a recent national study, Extension's 4-H youth program was described as "America's most successful youth pro-

gram" for having a positive influence on children's lives.

4-H was noted for the impact it has on shaping the decisions children make as adults, as well as, 4-H's role in building strong life skills including leadership.

For years Extension has prided itself in being a leader in environmental stewardship. Not a regulatory agency, Extension

seeks to increase landowner's understanding—through education—as the long term solution to changes in behavior and practices on the ground.

Extension programs teach healthy life habits through food and nutrition education. We provide information on food safety—making sure people use proper canning techniques and preventing serious health risks.

Volunteers multiply program efforts

One of the keys to success for reaching more people with information and education are Extension's unique volunteer programs. For years, Extension has trained and supported hundreds of volunteers who partner with Extension to be hands, feet and ears in the community.

4-H has more than 400 adults who lead youth clubs throughout the county. In addition,



there are nearly 400 Master Gardeners—many working at the Extension office to staff a daily clinic for gardening ques-

tions. With a host of other smaller volunteer programs, the Clackamas County Extension office trains and supports nearly 1,500 volunteers.

Collectively, these volunteers contribute more than 125,000 hours of service annually worth an estimated nearly \$2,500,000 of time to the community.

Extension's cadre of trained volunteers help make the county a livable community.

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Oregon State UNIVERSITY

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**Extension...we're
about kids,
communities &
the environment.**

The Oregon State University Extension Service is the off-campus outreach portion of the state's Land Grant institution. Our mission is to bring the knowledge and research base of the university to communities to solve local problems. University faculty are housed in each county according to the needs and priorities identified by citizens and the financial support of local government.

In Clackamas County, the OSU Extension Service offers education and outreach programs in Agriculture (commercial farm crops, livestock and small farms), 4-H and Youth Development, Family and Community Development (nutrition education and food preservation and safety), Forestry and Christmas Trees, and Aquatic Health.

Next step...speaking to each city in the county

Extension has been a county-wide service from its beginnings in the early 1900s. As a result, all cities in Clackamas County will be asked to consider a resolution supporting the formation of an Extension county service district.

City approval of the resolution will allow voters in that jurisdiction the opportunity to cast their voice on the proposed district's formation and a permanent tax rate—\$0.05 per thousand dollars of assessed valuation.

Mike Bondi, Extension Staff Chair in Clackamas County, will contact each city during the coming weeks to set ap-

pointments for further discussions with city governing bodies. The goal is to complete the city visits by early 2008.

Or, cities can contact Bondi at OSU's Clackamas County Extension office in Oregon City. His desk phone is 503-557-5880.

If city approvals can be completed by the proposed timeline, the Clackamas County Board of Commissioners would hold public hearings in the spring to

take citizen input regarding the district formation and the establishment of the permanent tax rate.

If the district formation is approved, voters would see the issue on their ballot in November 2008.

