



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

WEST LINN CITY COUNCIL MEETING NOTES September 9, 2019

[Call to Order and Pledge of Allegiance to the Flag](#)

Council Present:

Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Staff Present:

Deputy City Manager John Williams, City Recorder Kathy Mollusky, City Attorney Tim Ramis, Parks & Recreation Director Ken Worcester, Associate Planner Jennifer Arnold, Planning Manager John Boyd, Associate Planner Darren Wyss, and Assistant Parks and Recreation Director Ken Warner.

[Approval of Agenda](#)

Council President Teri Cummings moved to approve the agenda for the September 9, 2019, West Linn City Council Meeting. Councilor Bill Relyea seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Public Comments \[10 min\]](#)

[Public Comment](#)

Tom Meier expressed concern about the premier sport court and a structure to cover the pickle ball court.

Tom Widden expressed concern about tennis and pickle ball court maintenance.

Kathie Halicki, Willamette Neighborhood Association, expressed concern about the potential school on Dollar Street, traffic, fields with lights, seismic retrofitting, and kids' safety. She also expressed concern about parking at the high school and Fields Bridge Park.

Mary Baumgardner expressed concern about properties by the settling ponds, animals there, flooding, and the environment.

[Announcements, Proclamations, and Recognitions](#)

[National Preparedness Month Proclamation](#)

[Proclamation](#)

Councilor Walters read the proclamation.

Mayor Axelrod added that Map Your Neighborhood is on the website and encouraged citizens to join the program.

[Consent Agenda \[5 min\]](#)

[Agenda Bill 2019-09-09-01: Approve Draft Notes for July 22 and August 5, 2019](#)

[Draft Notes](#)

Council President Teri Cummings moved to approve the Consent Agenda for the September 9, 2019, West Linn City Council Meeting, which includes the meeting notes for July 22 and August 5, 2019 as revised. Councilor Richard Sakelik seconded the motion.

Council President Cummings stated that she will be voting no because she only wants to approve one set of meeting notes at a time.

Ayes: Mayor Russ Axelrod, Councilor Bill Relyea, and Councilor Jules Walters.

Nays: Council President Teri Cummings and Councilor Richard Sakelik.

The motion carried 3 - 2

[Business Meeting \[60-90 min\]](#)

[Agenda Bill 2019-09-09-02: ORDINANCE 1699, RELATING TO NUISANCES, INCLUDING NOXIOUS VEGETATION, VIOLATIONS, POSTING NOTICE, AND ABATEMENT, AMENDING WLMC SECTIONS 5.470, 5.495 - 5.515, AND 5.525](#) " Second Reading

[ORD 1699 Information](#)

Deputy City Manager Williams gave the staff report stating that Council had a work session on this in June. This updates the process to make it more efficient to pursue nuisances. Staff works cooperatively with citizens to inform them of what the rules are and how they can abate the nuisances. The text changes suggested at the work session were incorporated. Staff reached out to the neighborhood associations and that did not result in any additional feedback. August 5th was the first reading of this ordinance, staff recommends approval and second reading tonight.

Council President Teri Cummings moved to approve Second Reading for Ordinance 1699, relating to nuisances, Including Noxious Vegetation, Violations, Posting Notice, and Abatement, Amending WLMC Sections 5.470, 5.495 - 5.515, and 5.525, and adopt the ordinance. Councilor Bill Relyea seconded the motion.

Councilor Sakelik agrees with this second reading. He reiterated the need for staff to bring the map of the outlier properties that are causing problems for some residents. These rules apply to 90 percent of the citizens.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2019-09-09-03: Public Hearing \(continued from 8/5/19\): Parks Master Plan Update and Adoption](#)

[Agenda Bill](#)

[Parks Master Plan](#)

[Staff Presentation](#)

[Public Comment](#)

[Public Comment rec'd at meeting](#)

ORDINANCE 1693, ADOPTING THE WEST LINN PARKS, RECREATION, AND OPEN SPACE PLAN UPDATE AS AN ATTACHMENT AND SUPPORTING DOCUMENT OF THE WEST LINN COMPREHENSIVE PLAN; AND AMENDING THE WEST LINN COMPREHENSIVE PLAN GOALS 2, 5, AND 8.

[ORD 1693](#)

ORDINANCE 1694, AMENDING THE COMMUNITY DEVELOPMENT CODE CHAPTERS 2 AND 56.

[ORD 1694](#)

Mayor Axelrod stated that this is a public hearing on a proposal to consider adoption of the West Linn Parks, Recreation, and Open Space Plan update along with proposed amendments to Comprehensive Plan Goals 2, 5, and 8; and Community Development Code Chapters 2 and 56. The testimony and arguments we hear will be used to come to a decision on the proposed interpretation either tonight or at a later date. He explained how the hearing would proceed and opened the public hearing.

City Attorney Ramis stated that the Council's decision must be based on consideration on the City's comprehensive plan and what is in the public's best interest. This item is not required to meet all the requirements of a comprehensive plan amendment and therefore, it is in Council's discretion to make the judgment.

Associate Planner Arnold gave the staff presentation reviewing what has been discussed previously, community concerns, and the process followed.

Assistant Parks and Recreation Director Warner stated that after the last work session, Council asked staff to change some words. 1) Oak Savanna has been changed to a passive park. 2) Appendix D-3 and D-6 regarding the satellite and community centers have been changed per Council direction.

City Attorney Ramis stated that the Council's decision must be based on consideration of 1) the statewide planning goals and administrative rules adopted under ORS Chapter 197, 2) applicable federal or state statutes or rules, 3) applicable plans and rules adopted by Metro, and 4) on the City's comprehensive plan and development code. The Council may consider any relevant testimony received. Failure to raise an issue during the City's hearing on this matter precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue. Any party with standing may appeal the decision of the City Council to the State Land Use Board of Appeals according to the rules adopted by that Board. Persons with standing include those who submit written comments or present oral arguments.

He asked if any members of the Council wish to declare a potential or actual conflict of interest? There were none.

He asked if any member of the audience wish to challenge the ability of any member of the Council to participate in this decision? There were none.

Councilor Relyea stated that it would be beneficial for the public if staff showed the phases and steps of this project and who is included in approving a plan like this. The public was confused as to what were the roles of the Planning Commission, the Parks and Recreation Advisory Board, consultants, and staff were. When is there opportunity for public comment and what is the value of their comments. The agenda bill lists the process and steps; however, it could also

reflect more of that language to use as a lesson learned on how do we get better.

Mayor Axelrod added there is a section in the packet of the comments that came before council and the public record of when it was before the planning commission. The Committee for Citizen Involvement (CCI) could take up item to improve process.

Councilor Relyea asked staff if they were willing to address this.

Deputy City Manager Williams replied yes.

Public Comment

Karie Oakes noticed the process was not included in the agenda bill or in the ordinance because this process did not follow legislative process in Chapter 98. The process was for the Planning Commission (PC) to take a recommendation from the Parks and Recreation Advisory Board (PRAB). Council sent it back to the PRAB rather than PC; however, that is not process in the Code. She could not track the project. The project page has not been updated since 2018 and the supporting documents just has the PC meetings. The meeting notice states a copy of the amendment and staff report will be available 10 days prior to the meeting on the website. This item was previously continued because the neighborhood associations were not noticed. Citizens need an open, transparent, convenient, easy way to get complete information. The notice states Planning Commission, this is the notice for the Council Meeting, not Planning Commission.

Dan Dunston spoke in support of the plan. This process has been going on since April 2018. There has been a lot of opportunity for input and he has heard a lot of support for this plan. The PC and Council's concerns were addressed. This plan reflects what the community wants to see happen. It is a visionary document and does not lock us into anything. He encouraged Council to adopt this and move forward.

Chris Dunston is in support of this plan. Rosemont Middle School students hang out for hours at Safeway and the church because they are the most interesting place for them to go; however, they were harassed. He is most fond of the part of the plan that speaks about a recreation facility. Sports are a dominant part of the culture in West Linn. Every sport program is filled to occupancy. There are over 60 basketball leagues and soccer leagues, all the drivers education programs are full, everything is full. He emphasized the importance of having a recreation facility with options for athletics and swimming and options for children of all ages. We have good parks; however, there are limited options for swimming and indoor sports. He recommends Council pursue an extensive parks and recreation facility.

Council President Cummings stated we have had issues in the past about procedures. She asked if Council could meet in executive session about that.

City Attorney Ramis explained Council would need threatened or pending litigation to have an executive session. He has not heard a threat of litigation. The rule is if the notice is

defective, is there prejudice? Those who read the notice and appeared at the hearing cannot claim harm because despite the defects, they arrived and delivered testimony. The problem is for those who read the notice and may have been misled or are confused. To the extent there is a risk of that, you would want to issue a correct notice.

Council President Cummings stated proper notice is one of those procedural things. It does seem odd that the whereas statement does not acknowledge this was heard at the PC.

City Attorney Ramis stated Council can continue the proceeding, revise the ordinance, and send out additional notice.

Councilor Sakelik stated the notice is not correct, he wants to go back and do it correctly.

Council Walters stated it has been belabored enough and she wants to move forward.

Councilor Relyea suggested making a conditional approval with recommendations for corrections.

City Attorney Ramis stated Council could make a tentative decision, continue the meeting for the purpose of making corrections, come back at the next proceeding, open the record for anyone who did not have an opportunity to testify and finalize your deliberation.

Mayor Axelrod stated this notice was not fully, clearly, properly noticed. Were the original ones? There has been sufficient information and notice in the community about the plan. He agrees from a technical process standpoint there are some things to clean up in the notification and language. We have been debating this in the community for the last year or two. He would be shocked if someone did not know about this plan. He does not think there is bias. He wants to get this notification process straightened out; however, still move forward with the approval of the plan.

City Attorney Ramis stated as long as the motion was a tentative one subject to getting the repair done and hearing any testimony that may result from it. Council cannot do a final decision prior to the close of the hearing. He suggests continuing the hearing and do a conditional approval.

Council President Cummings asked if Council could do that, make the whereas statements more complete, and correct the notice.

City Attorney Ramis stated a motion could direct staff to do that if Council majority supports it.

Council President Cummings wants the website updated to provide complete information.

Deputy City Manager Williams stated the website will be updated to reflect the process.

Councilor Sakelik asked if it makes sense to have fire mitigation for all parks in this plan? It makes sense to have a long term plan.

Assistant Parks and Recreation Director Warner stated the City has mitigation plans in place for those items and works with Clackamas County. If Council wants to put in a paragraph that mentions something; however, it is not the best place for a complete plan - to have a plan within the plan.

Council President Cummings stated that the City has Capital Improvement Plans (CIP) and a Parks Master Plan for developing parks, what about maintaining them? What is the balance between maintaining tennis courts, sports fields, playgrounds, and natural resources? Where is the maintenance plan found?

Assistant Parks and Recreation Director Warner stated that a lot of this is tracked through the finance department. The Parks staff records where they are and what they are doing. This information is used for grants and what it costs to maintain our parks. Some are regulated with inspections that have to be done, it is not a lack of knowledge issue; however, it can be a lack of funding issue. The master plan talks about standards of maintenance. There are also daily, weekly, monthly, and annual schedules of how different parks, open spaces and facilities are maintained.

Council President Cummings stated Council has been hearing concerns about flammable materials. The Hazard Mitigation Plan shows the risks of fires. Volunteers pull ivy, what is cities roll in this?

Mayor Axelrod stated that the City Manager sent an email regarding her meeting with the department heads and they are preparing this type of plan.

Deputy City Manager Williams stated staff are working with TVF&R to coordinate those types of responses. In general, funding for maintenance of open space areas are a challenge and balancing that with active parks use. The amount of funding the City has per acre is very minimal.

Parks and Recreation Director Worcester stated the Hazard Mitigation Plan outlines areas of concern and establishes priorities. The City is prioritizing the dollars we have to go to leverage areas, we have about \$55 per acre to maintain these wild areas. We take care of one area and then move to the next. We have incredible success with the volunteers. We have between 300 to 400 acres. The Natural Mitigation Plan identifies areas of concern (woodlands) like Wilderness Park, Hidden Springs open space, Maddox Woods, and Burnside Park where we have people living all around them. The open fields are less of a concern than these forested areas. We have some resources, like the Northwest Youth Corp, that cost \$5,000 per week. There is around \$25,000 in the Parks Budget to manage the open space areas. It is more of a resource issue than lack of knowing what to do.

Councilor Walters stated the Parks Master Plan was presented to Council prior to her running for office. She has been on Council nine months and this has been presented several times. Each time there has been a request for changes, staff have made them and come back to Council. She wonders if there is a desire to not pass the plan. This is a visionary plan on one of the most appreciated parts of our City, she would like to pass the plan and move forward.

Councilor Relyea stated that he has had discussions with the Planning Commission, Committee for Citizen Involvement, and Transportation group, there is a gap between master plans and maintenance. It has to do with right-of-way areas, detention ponds, storm, and surface water. All the groups are trying to come up with a solution for these concerns. The City does not have a plan where this information is available. There is GIS information; however, it requires quite a bit of work to find the information. It does not give a member of the public the information like, how much work is put into the detention pond by my house, and how many times a year does it get mowed. We need to pull that information out and make it available to the public and Council to be more customer oriented.

Mayor Axelrod stated there is a recommendation from counsel to continue the public hearing and make sure there is proper notice to avoid a LUBA appeal. He would like to see this move forward, we have a great plan and the community likes it.

City Attorney Ramis stated the motion to continue should include the date it is being continued to and any other instructions in regards to the revised notice and any changes to the ordinance, if any. Council could do a tentative approval of the ordinance subject to (1) a revised notice being sent out, (2) a continuation to allow additional testimony to anyone who has not had an opportunity to testify, and (3) a revision to ordinance, if any.

Council President Teri Cummings moved to Proceed with a tentative approval subject to notice, to extend the meeting to a date certain of October 14, and in which case we will continue to receive public testimony, and we will revise the ordinance, and we will update the website to give more complete information. Councilor Bill Relyea seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Councilor Sakelik is concerned about the advisory vote language in (d), he does not believe it is strong enough.

Assistant Parks and Recreation Director Warner read the language: An aquatic center is desired by a majority of the West Linn community; however, the cost to build an aquatic center has not been strongly supported. An investment of this scale would require a more extensive planning process which may include an advisory vote by West Linn residents.

Councilor Sakelik stated that it leaves out the community center, the advisory vote is for the community center and aquatic center. He wants to get the advisory vote from the citizens before the City moves forward with even putting together basic plans for those two items where they would potentially get knocked down from the voters.

Councilor Walters thinks staff clearly and accurately responded to Council's request and the language encompasses exactly what Council is looking for.

Mayor Axelrod stated that the language is fine. A rec center is not going to be built unless the community wants it and approves the money for it and there is a process for that. This is a general plan, he would like to stop wordsmithing this document, get the noticing and procedural steps taken care of, and move on.

Council President Cummings sees this as being suggestive language, not mandatory. It does not hurt to put it in there. They are both very big projects, it does not hurt to put them both in there, and it will be up to the decision makers when the day comes.

Councilor Relyea does not have any concerns.

Councilor Sakelik finds the statement that a majority of the community desires an aquatic center is not accurate. You could say a majority of the community surveyed, that would be accurate. There are 18,000 voters, only 2,000 to 3,000 people were surveyed.

Council President Cummings agrees it would not be accurate to not acknowledge that the term majority comes from a survey, not a vote.

Councilor Sakelik asked Council if they wanted to change the verbiage to majority surveyed so it is not misleading.

Councilor Walters is comfortable as it is.

Council President Cummings, Councilor Sakelik, and Councilor Relyea would like to add the word survey.

Deputy City Manager Williams will bring back it back for Council's final decision in October.

[Agenda Bill 2019-09-09-04: Public Hearing: ORDINANCE 1695, ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN GOAL 11, PUBLIC FACILITIES AND SERVICES AND REPEALING AND REPLACING THE SANITARY SEWER MASTER PLAN MARCH 2019, AND AMENDING CHAPTER 85 OF THE COMMUNITY DEVLEOPMENT CODE](#)

[ORD 1695 Information](#)

[ORD 1695 Edits 8-29-19 Redlined & Clean Versions](#)

[Staff Presentation](#)

[ORD 1695 - Updated 9-5-19 due to Work Session Discussion](#)

Mayor Axelrod opened the public hearing.

City Attorney Ramis explained the Council's decision must be based on consideration of: 1) the statewide planning goals and administrative rules adopted under ORS Chapter 197, 2) applicable federal or state statutes or rules, 3) applicable plans and rules adopted by Metro, and 4) on the City's comprehensive plan and development code. The Council may consider any relevant testimony received. Failure to raise an issue during the City's hearing on this matter precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue. Any party with standing may appeal the decision of the City Council to LUBA according to the rules adopted by that Board. Persons with standing include those who submit written comments or present oral arguments.

He asked if any members of the Council wish to declare a potential or actual conflict of interest? There were none; however, Councilor Sakelik stepped out of the room so the question will need to be asked again to him.

He asked if any member of the audience wish to challenge the ability of any member of the Council to participate in this decision? There were none.

Planning Manager Boyd gave the staff presentation reminding Council the options are to:

1. Accept the Planning Commission recommendation to adopt the proposed Comprehensive Plan text amendment and Community Development Code amendments found in Land Use File PLN-19-01 and identified in Ordinance 1695.
2. Modify the Planning Commission recommendation and adopt the proposed Comprehensive Plan text amendment and Community Development Code amendments found in Land Use File PLN-19-01 and identified in Ordinance 1695.
3. Overturn the Planning Commission recommendation, provide comments and return it to the Planning Commission for further evaluation.

Mayor Axelrod would like to confirm that all residents in the City should be hooked up to the sewer. In the Code, it states if you are within 200 feet. Now we are looking at 300 feet which is more consistent with other cities in the region. He wants to make sure the policy is clear that residents in the City limits should be hooked up to sewer.

Deputy Director Williams stated based Council's discussion at the work session, staff proposed

two future policy amendments that might result in Code amendments. (1) Septic and (2) other non-conforming situations and how we address those. Staff is expecting to bring those back to Council in the coming months. Since they are Code issues, staff suggests keeping them out of the Master Plan to keep the process clean.

There was not any public testimony.

City Attorney Ramis asked Councilor Sakelik if he wished to declare a potential or actual conflict of interest? He does not.

He asked if any member of the audience wish to challenge the ability of Councilor to participate in this decision? There were none.

Mayor Axelrod summarized for Councilor Sakelik what occurred while he was out.

Mayor Axelrod closed the public hearing.

Council President Teri Cummings moved to approve first reading of Ordinance 1695, adopting the March 2019 Sanitary Sewer Master Plan, amending The Comprehensive Plan Goal 11, Public Facilities and Services, and amending Chapter 85 of The Community Development Code and set the matter for second reading. Councilor Jules Walters seconded the motion.

Councilor Relyea listed the items that Council discussed at the Work Session and added to the ordinance: The Tri City Water Pollution Control Plant, nonconforming sewer connection policies, septic sewer policies, and encouragement related to development annexation using wastewater systems.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Council President Teri Cummings moved to approve second reading of Ordinance 1695, adopting the March 2019 Sanitary Sewer Master Plan, amending The Comprehensive Plan Goal 11, Public Facilities and Services, and amending Chapter 85 of The Community Development Code. Councilor Jules Walters seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2019-09-09-05: Public Hearing: Annexation of 0.93 acres at 1480 Rosemont Road](#)

[Annexation Information](#)

[Staff Presentation](#)

[Letter received and staff response](#)

Mayor Axelrod stated that the City has received a petition for the annexation of property at 1480 Rosemont Road to the City. Tonight is the public hearing regarding application ANX-19-01 for the annexation of property at 1480 Rosemont Road to the City. He explained that quasi-judicial rulings must be grounded in the relevant Code, and if the application meets the Code, the Council must approve it. He explained how the hearing would proceed. He called to order the public hearing.

City Attorney Ramis explained the two-step process. The Council determines whether the proposed annexation is consistent with the intent of the West Linn Comprehensive Plan and CDC Chapter 81 and will designate a zone for the property. The legislative or policy decision applies the standards of WLMC 2.930. Council, in its discretion, may: 1) decide to set a public hearing for the annexation request; 2) delay a public hearing on the requested annexation; or, 3) pass a resolution placing the annexation request on a ballot for an advisory vote. Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application. The applicant has the burden of proving that the application is consistent with the approval criteria of ORS 222.111, West Linn Municipal Code 2.930, Community Development Code (CDC) Chapter 81 and Metro Code Section 3.09. As the City Council is sitting quasi-judicially, any testimony, argument or evidence that speakers give the Council must be directed at these criteria. Only those who have appeared before the City Council, in person or in writing, will have standing to appeal this item to the Land Use Board of Appeals (LUBA). Anyone who takes part in the hearing, may request a continuance or ask that the record be left open to present additional information. If there is such a request, the Council will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument or testimony. Failure to raise an issue accompanied by statements or evidence sufficient to allow the Council and the parties an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

He asked if any members of the City Council wish to declare a potential or actual conflict of interest or bias? There were none.

He asked if any members of the City Council wish to report any site visits or ex parte contacts?

Councilors Sakelik and Cummings and Mayor Axelrod have driven by the site.

City Attorney Ramis asked if any member of the audience wish to challenge the jurisdiction of the City Council to hear this matter? There were none.

He asked if any member of the audience wish to challenge the impartiality or ex parte disclosures of any member of the Council? There were none.

Associate Planner Wyss gave the staff report and entered the letter received from the Fair Housing Counsel into the record.

Councilor Relyea asked the City Attorney to discuss the letter received from the Fair Housing Counsel.

City Attorney Ramis reviewed the staff memo in response to the letter. If the City would annex land and then change the zoning from residential to industrial, it would have a Goal 10 issue. This land is residential and is being brought into the City as residential. Goal 10 was satisfied by designating this land residential and by receiving acknowledgement of the Comp Plan by the state.

Applicant's Presentation

Shirley and Ralph Henson put their house on the market and found out their septic system was failing so they had to hook up to the City's sewer system. The City will not let them hook up to the system unless they are annexed into the City. They are asking Council to approve the annexation.

Public Testimony

There was none.

Councilor Sakelik thanked Associate Planner Wyss for the financial information.

Mayor Axelrod closed the public hearing.

ORDINANCE 1700, ESTABLISHING THE ZONING DESIGNATION AS R-10 UPON ANNEXATION OF TAXLOTS 1300 AND 1400, CLACKAMAS COUNTY ASSESSOR MAP 25 1E 25CA

[ORD 1700](#)

Council President Teri Cummings moved to approve first reading of Ordinance 1700, establishing the zoning designation as R-10 upon annexation of Tax Lots 1300 And 1400, Clackamas County Assessor Map 2S 1E 25CA and set the matter for second reading. Councilor Bill Relyea seconded the motion.

Mayor Axelrod stated that Council has been through a number of these small island annexations. He is pleased to see them come into the City since they are in the City limits. He thanked staff and the property owners. He is in favor of this moving forward.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Council President Teri Cummings moved to approve second reading of Ordinance 1700, establishing the zoning designation as R-10 upon annexation of Tax Lots 1300 And 1400, Clackamas County Assessor Map 2S 1E 25CA. Councilor Bill Relyea seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

ORDINANCE 1701, APPROVING THE ANNEXATION OF REAL PROPERTY LOCATED IN TAXLOTS 1300 AND 1400, CLACKAMAS COUNTY ASSESSOR MAP 2S 1E 25CA; REMOVING THE PROPERTY FROM SPECIAL DEISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS

[ORD 1701](#)

Council President Teri Cummings moved to approve first reading of Ordinance 1701, approving the annexation of real property located in Tax Lots 1300 and 1400, Clackamas County Assessor Map 2S 1E 25CA; removing the property from special districts; and adding the property to special districts and set the matter for second reading. Councilor Bill Relyea seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Council President Teri Cummings moved to approve second reading of Ordinance 1701, approving the annexation of real property located in Tax Lots 1300 and 1400, Clackamas County Assessor Map 2S 1E 25CA; removing the property from special districts; and adding the property to special districts. Councilor Richard Sakelik seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Mayor Axelrod thanked all who testified. He let the audience know if they would like to appeal this decision to LUBA, they must file an appeal in accordance with the Rules of LUBA and any applicable provisions in the Community Development Code.

[Mayor and City Council Reports \[20 min\]](#)

[Citizen Advisory Group Appointment\(s\)](#)

Mayor Axelrod stated that someone had to leave the Public Safety Advisory Board due to a scheduling contract. There are openings on the Public Safety Advisory Board, Transportation Advisory Board, and the Committee for Citizen Involvement.

Mayor Axelrod placed before Council the following appointment: Mark Adams to the Economic Development Committee

Council President Teri Cummings moved to approve the Mayor's appointment. Councilor Jules Walters seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Mayor Axelrod stated the locks legislative members had a fairly large meeting today including the house speaker and Councilor Walters and they did a quick tour of the locks. The next meeting is Wednesday from 1:00 - 4:30 pm at City Hall. They are moving forward in preparing a governance and business plan to reopen the locks. They are working to get a bill ready for the legislature's short session. The commission is meeting monthly through end of year to get the work done. This weekend he partook in the Clackamas River Cleanup. So many people are actively picking up things on the river that it is actually in really good shape.

Councilor Sakelik thanked the Public Works Department, South Fork Water Board, and Oregon City Public Works for repairing the 30 inch water main break a couple of days ago. Last month there was testimony from Ms. Perry regarding comments on executive session violations. Based on the District Attorney, she is misinformed. Mr. Bialostosky also felt Council violated executive sessions. Ms. Bartholomew did public records request for an executive session that was denied. He read Council's press release.

[Council's Public Statement](#)

Councilor Walters clarified this is a public statement written by the City Attorney regarding the District Attorney's findings.

Councilor Sakelik stated he and Council President Cummings requested a work session for fire

mitigation in the next week or two regarding Savanna Oaks. There is still a hazard there as called out by TVF&R.

Mayor Axelrod wants to wait until the City Manager comes back. Council received an email from staff that area has been cleared and with the wet weather, we are okay. Let staff put their ideas together and come back to Council.

Council President Cummings stated this is a request from two Councilors to get on the agenda within a month.

Mayor Axelrod asked the councilors to list the specific item of what they are addressing and send it in an email. Is this just Savanna Oaks or is it a broader issue?

Council President Cummings wants to take a look at how this happened and move forward differently. The request to handle the fire hazard was made in June and there was something in writing from TVF&R. In addition, there are concerns that Chapter 32 was not addressed with the Bernert Creek issue. What is going on with this park? What is the problem and how can we make this go in a better direction?

Mayor Axelrod stated that it is a much broader issue. He suggested Council submit that in writing to make clear what is being asked and then we will address it.

Councilor Walters thanked the school district for their bond and levy presentation and for their back to school. She thanked the police for making sure kids are getting to and from school safely. On Saturday she went to coffee and conversation with Representative Prusak and Senator Wagner. Several officials from different cities attended. They talked about I-205 and the Abernathy Bridge. She went on the locks tour with the Mayor. After the last Council meeting, she was led to believe we might reconvene the budget committee to discuss the high school robotics. Councilors Sakelik and Cummings directed we not do that. She just wanted to let the robotics team and all the other high school clubs that are not funded with school and OSAA dollars that they matters, they are important. They can reach out to her and she will help them fundraise.

Council President Cummings stated that she and her husband went to the Adult Community Center dance. She thanked the parks staff and volunteers for this special dance. It is for people with cognitive and physical disabilities. The next one is semiformal and will be December 13, from 7:00 to 9:00 pm at the Adult Community Center. The Multi-city Equity Summit is coming up Saturday, October 19, from 8:00 am to 4:00 pm at Lake Oswego High School. It is a multi-city event that includes school districts, police departments, and other agencies. She read the postcard.

[Equity Summit Postcard](#)

Mayor Axelrod stated that the 9-11 ceremony is being held at TVF&R Station 55 on Hidden Springs Road starting at 6:00 pm. The Equity Summit email from William Houst will be circulated and Council can decide who can be on panel. There is an ice cream social on Wednesday at the Lake Oswego-Tigard Water Treatment Plant for the community from 4:30 to 6:30 pm. In the break we had Friday night that was repaired by Sunday morning, they quickly switched to the intertie. This is one of the benefits of being connected, the City was provided water without a hitch.

[City Manager Report \[10 min\]](#)

[Grant Support Letter](#)

Deputy City Manager Williams asked for Council support on the grant letter related to the waterfront project. These are technical assistance funds the Legislature has directed to be used for economic development opportunities. We are proposing a \$60,000 grant request to the state which requires a letter of support from the governing body. The \$60,000 was chosen from a review of previous award winners. This would fund the next stage of work in the old city hall area, looking at design standards and zoning regulations.

Council President Teri Cummings moved to Authorize the Mayor to sign a letter of support for a \$60,000 Technical Assistance Grant from DLCD to fund development of appropriate zoning changes and design standards in the Old City Hall District of West Linn's Waterfront Project Councilor Jules Walters seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[City Attorney Report \[5 min\]](#)

[Legal Services Tracking List](#)

[Legal Project List](#)

City Attorney Ramis stated his office staff has been implementing the tracking system. There are four categories: (1) Items of immediate priority; (2) Ongoing items that may or may not have a specific date; (3) Long-term items that have not received a specific assignment or deadline; and (4) Items that need additional information.

[Legal Project List](#)

[Adjourn](#)

Notes approved 10-14-19

ENGAGE, LEARN, DISCUSS, TAKE ACTION

Participate in educational presentations, facilitated dialog workshops, and action planning sessions focused on developing plans for deeper coordination between our communities.



breakout themes to explore:

Looking at Oregon History through a DEI Lens (Educational)

What is Equity, and How Does it Differ from Equality? (Educational)

Unconscious Bias - We All Have It and Need to Learn to Recognize It (Educational)

How to Build Inclusion, Wellbeing, and Trust in a Community (Facilitated Dialog)

Barriers to Equity: Structural and Cultural (Facilitated Dialog)

Micro-Aggressions and Implicit Bias (Facilitated Dialog)

Equity in Education (Facilitated Dialog)

Where Are We Now? - A panel discussion focused on the current state of affairs in our communities

Community and Schools Working Together (Development of Action Plans)

Community and City Governments Working Together (Development of Action Plans)

Program details are still evolving and growing, but as the program further develops, we will post updates on our website:

www.multicityequity.org

save the date



MULTI-CITY EQUITY SUMMIT

PLANTING THE SEEDS FOR POSITIVE CHANGE.

WHEN:

Saturday
October 19, 2019
8:00 a.m. to 4:00 p.m.

WHERE:

Lake Oswego High School
2501 Country Club Road Lake
Oswego, OR 97034

Join us for the inaugural Multi-City Equity Summit as we learn together and identify ways to support diversity, equity, and inclusion in our communities.

For more information, contact David Salerno Owens at salernod@loswego.k12.or.us or visit the website at: <http://multicityequity.org/>

SPONSORS:



WEST LINN HIGH SCHOOL STADIUM IMPROVEMENTS AND PARKING

Location	West Linn High School
Project Summary	<p>The community of West Linn has demonstrated strong support of District athletics. A capacity increase has been identified as a need for the West Linn High School stadium. This project will include expanded covered home-side seating, as well as additional visitor bleachers. The new seating will accommodate more than <u>1,000 additional</u> spectators.</p> <p>In order to accommodate the additional stadium capacity, as well as address concerns regarding the availability of off-street parking for students, this project will also include an expansion of the existing south parking lot. The lot will be furnished with appropriate storm-water management, pedestrian paths, landscape, and site lighting. The new lot will accommodate <u>120 vehicles</u>.</p>
<p>Conceptual estimate for stadium expansion: \$4.8 million Conceptual estimate for additional parking: \$3.5 million Total conceptual estimate: \$8.3 million</p>	



Mollusky, Kathy

From: Kathie Halicki <[REDACTED]>
Sent: Monday, September 9, 2019 7:35 PM
To: City Council
Subject: correction

Just got back to the house and found an email. I misspoke, the Dollar St. was talked about as an elementary school in the early 90's (and before). When the school district needed to build a middle school they wanted to put it at the Dollar St. property. The city deemed the property unfit and not safe. (What has changed in the last 30ish years?) Only the traffic, the safety issues still persist. Please correct my testimony to stipulate that the property was "spoken of as an elementary school" and then was turned down in the late 90's as a middle school.

Thank you,
Kathie Halicki

Mollusky, Kathy

From: Thomas MEIER <[REDACTED]>
Sent: Monday, September 09, 2019 2:12 PM
To: City Manager; City Council; Axelrod, Russell
Subject: Tanner Creek Project Update Request at tonight's Council Meeting
Attachments: Candoo Tents Bid 9-23-2018 \$85,000.pdf; City Council Meeting 9-9-2019.pdf; Tanner Creek Park Options for Sports Shelter.pdf; Web Steel 4-25-2019 \$58,900 and \$50,472.pdf; Web Steel Buildings Northwest Examples.pdf; Tanner Creek Park Options for Sports Shelter.pdf; scan0059.pdf

I hope to address the Council tonight on both GO Bond Projects at Tanner Creek Park. Here's an advance copy for your review to enable you to prepare any questions you might have of me.

Thanks.

Tom Meier

West Linn Pickleball Ambassador

Parker Crest Neighborhood Association VP

"Start by doing what's necessary; then do what's possible; and suddenly you are doing the impossible." St. Francis of Assisi

Tanner Creek Park GO Bond Projects - City Council Meeting 9-8-2019

I. Premier Outdoor Sports Court (#BD1809)

- I came before the Council on 9-18-2018 requesting a review and stoppage of this project, as it appeared to me to be a worthless and expensive project. The first inauguration was scheduled on October 20, 2018, 10am. We're almost a year overdue, with no accountability for precious taxpayer funds spent on an experiment that other Oregon cities have tried and founding wanting, and project management that was replete with excuses and no Council or City Manager oversight or accountability.
- GO Bond **dashboard** documents a cost of \$83,215, while the true cost including SDC expenditures is almost double that including \$50,000 SDC Funding and 3 months of staff time to assemble the project. So much said for project transparency! A Neighborhood Association is mandatory for such medium size projects, yet none has occurred for either GO Bond project.
- **No mention** of an Outdoor Fitness Court in surveys of public. Nobody knew what a Fitness Court was, and public interest was non-existent.
- **No visitation** by Parks Department to Parker Crest NA to obtain public input as required by Medium Sized Projects or discussions at Council. The Parks Department was invited to the August 2, 2019 NA and Pickleball Expo and did not appear as promised to answer questions regarding both Tanner Creek GO Bond Projects.
- A citation in a weekly memo(April 5, 2019) of the City Manager acknowledged that there were no requirements for a land use permit with regard to the Sports Court, but no mention is made of a requirement for review by the PCNA.

II. Tensile Structure/Pickleball Covered Courts

- As the fastest growing sport in America, the Parks Department has recognized the demand, and has provided for funding of a covered Pickleball structure and four dedicated courts at Tanner Creek Park.
- From the 9-18-2018 Council meeting (28:35) recording it appears as though Tanner Creek Park falls under the **1991 SDC methodology regarding per capita and rate calculations**, and is eligible for SDC funding. Given the current growth of Pickleball other municipalities in the area have all provided dedicated Pickleball courts in lieu of multi-striping old and neglected tennis courts.
- Three bids have been obtained and three types of coverings have been proposed by the West Linn Pickleball Club, including a polypropylene covering, a metal enclosure, and a nursery style building. Bids range from \$85,000 to \$150,000 to cover the Eastern tennis court at Tanner Creek Park providing rain/sun protection.
- The lowest bid from Candoo Tents of Stayton was obtained on **9/23/2018** for \$84,528. Two bids for a metal structure were obtained from Web Steel Buildings Northwest (<https://wsbnw.com/vaulted-clearspan-truss/>) for \$50,472 and \$58,900, exclusive of the cement work. Finally a nursery style building bid for \$98,000 was obtained by Jna Millworks pending further specification updates. Despite these bids, the only project accomplishment to date is the completion of a one page Pre-Application with the Planning Department on **7/18/2019**.
- I'm asking that the Council take appropriate measures to ensure the completion of the covered PB structure as step one in providing a permanent indoor recreation center, which is clearly the most requested of all projects outlined in the twenty year Park's Master Plan. This structure can be used for other sports, trade shows, skating rink, or used by the Community Garden for early spring starts.
- **Transparency** both in project costs, project deadlines and implementation have all been lacking and I ask the Council to step in and intervene such that both projects can be completed this year.
- WLPC stands ready to help facilitate this project in any way possible.

METRO | NORTHWEST

No love for tennis at Portland Parks & Rec



STEVE DUIN
COMMENTARY

Somewhere between Creston Park, Mt. Scott Park and the padlocked wasteland behind the Jefferson High bleachers, I figured it out.

Somewhere on the endless tour of Portland's pockmarked, weed-eaten, orphaned monuments to Arthur Ashe and Andre Agassi, I finally relaxed. When it comes to tennis, it isn't that complicated:

Portland Parks & Rec has retired from the game. Parks & Rec doesn't care if city kids have safe places to play tennis, and it doesn't care that outdoor courts are embarrassing eyesores at dozens of the city's celebrated parks.

The bureau's \$100 million annual operating budget, and 3,000 "permanent and seasonal employees," apparently aren't enough to keep a fresh ball in play.

And Portlanders, by and large, are curiously fine with that.

Over the years, there have been task forces and "tennis visions" and the occasional bucket set out to catch the rain drizzling through the roof at the 42-year-old Portland Tennis Center.

Why, now and then, the city even slips an Argay Park resurfacing project into the \$68 million parks replacement bond to maintain the illusion that east Portland gets its due.

But Mike Stone, the bureau's former tennis coordinator, argues that 27 of the city's 109 outdoor courts are abandoned or unplayable. Another two dozen merit special caution and a seeing-eye dog if you believe in reliable footing or line calls.

In his 11 years with the city, Stone assures me, his job description didn't allow him to coordinate much of anything beyond damage control at PTC. He spent time on the city's public courts (and cataloged them on his website, tennisinportland.com). He made recommendations on the theory the sport is amenable to young and old alike and the public-court network worth saving.

"The recommendations



STEVE DUIN/STAFF

The tennis court at Mt. Scott Park in Southeast Portland sports a holey net.

went nowhere," says Scott, now coaching tennis at La Salle Catholic College Preparatory. "That's one of the reasons I left the city.

"Take Washington Park. How embarrassing is it at a tourist attraction like Washington Park to have those courts and that fencing? Those promises that the courts would be resurfaced? Jesuit refused to play a match there because of the conditions of the courts."

The outdoor courts at Washington Park are Elysian fields compared with tennis brownfields around the city.

The Creston Park court on Southeast Foster is, like the tarmac at Jeff, utterly abandoned. At the otherwise elegant heart of Mt. Scott Park, the court's sagging net is all but destroyed. There's no such thing as a true bounce at Woodstock or Kenilworth or Lents or Rose City.

Are there keepers in the mix? Of course. Gabriel Park ... in Southwest. Hamilton Park ... in Southwest. Portland Heights ... in Southwest.

The renovated showpieces at Berkeley Park, at Southeast Bybee and Cesar Chavez. Of course, those courts — the Alex Rovello Memorial Courts — were financed entirely with \$150,000 in private donations following Rovello's death in a

2013 diving accident on the McKenzie River.

Jim Rovello played with his son on those courts for 20 years. Best he can recall, he told me Monday, the courts were never resurfaced. Now and then, Parks & Rec would come by with a power washer. That's it.

When you have only \$100 million to operate, you do what you can.

Wayne Pickard, the tennis manager at the Multnomah Athletic Club, was part of the city's 2009 tennis task force. He remembers the blood, sweat and promises: "I thought we made inroads. Within two years, it was almost like that thing never happened. It was like magic. In hindsight, I would say Parks & Rec were masters at this. Masters at moving this thing off to the side."

Maybe they're waiting for Nike to show up. Didn't Phil Knight revamp the city's basketball courts and turf fields? What's the holdup, guys, in bringing Portland tennis back to life?

You're right. Satire is hard. I don't know why I bother.

In the meantime, Mark Ross at Parks & Rec tells me the bureau has more than \$200 million in unfunded maintenance, and there are only funds available to resurface "two courts every few years."

In the meantime, there's a waiting list of more than 600 to become members at the Portland Tennis Center. If the facility's \$1.2 million renovation is running too late to host the state high-school championships, Ross said Parks & Rec will direct any future profits to system improvements.

In the meantime, Stone notes, you can reserve a picnic table on the Parks & Rec website but not an outdoor tennis court.

And Portlanders, who generally love sports and the outdoors, abide this. They pass new parks bonds and trust all is well. All the while, youth tennis programs suffer, outdoor courts go to seed — or bike polo — and visitors to our sumptuous parks wonder what tennis ever did to Portland to earn such enduring contempt.

Tanner Creek Park Options for Sports Shelter

General Conditions

City of West Linn Park and Recreation has passed bond renewal and purports to have funds to pursue a tensile covering over Tanner Creek Park tennis courts. Timeframe was stated by Director as desired within Fall 2019 timeframe. Work providing covered structure would commence before resurfacing of courts is initiated to prevent redo or damage to courts .

Layout Parameters

The east side tennis court would be abandoned and posts removed; these are set in deteriorated concrete which needed replacement anyway. This area is approximately 120' long N-South and 60' wide E-West. Entry to covered area would be via existing gate and a 6' wide alleyway dual fence would be erected with entry gates out of this passageway onto the courts both ends...play orientation would be across existing configuration which would disappear after resurfacing and only present pickleball lines. The tensile structure would have approximate 20-25' height in center of "tent " sloped to 16' sidewalls, which would be outside existing cyclone fencing. Concrete footings would vary depending upon the surface covering in light of updraft pressures of varying coverings.

The central alleyway would open into uncovered west side court with existing tennis court moved west approximately 30" to accommodate exit/entry gates.

Resurfacing Data

Elastomeric crack filler would be used to fill existing cracks wherever feasible in cracks up to ½" wide. Others in excess of ½" would be filled with epoxy techniques and then surfaced with elastomeric flushing technique before entire surface would receive two layers polymer-modified specialty coating Sportsmaster/Chevron equivalent resurfacing agent then 4 coats colormatched on playing surfaces and two coats area boundaries. Courts layouts for tennis are white and California Red on pickleball courts inlaid as "double-stripe" as is done now. Total reconfiguration would be 2 courts outdoors and 4 courts inside tensile structure. Tensile structure could use fixed or new hybrid aluminum insert system with flip-lids when not in play.

Parking

Parking should not present any more issues that those presented by existing tennis/Pickleball traffic, even if aggravated by occasional soccer games in Henderson Field adjacent to the tennis courts. If parking becomes an issue, the area adjacent to the western tennis court could be covered with gravel with possible access at either the existing stub just south of the western tennis court, or via the driveway used by the summer concert series.

Surface Covering Options

- 1) **Vinyl Structure** – A vinyl covering would probably be the least expensive, but would present maintenance, longevity, and vandalism concerns. The projected cost with concrete footings and courts dividers is about \$85,000. The cost of the four dedicated posts and nets are an additional expense. The western tennis court will remain a tennis court, stripped for

Salesman: R. Jarvis		Quote # : 0		Date: 4/25/2019		1	
Job County: Clackamas		Business Name:				2	
Customer: Tom Widdin		Phone: H: 503-718-4496		W: #VALUE!		3	
Address: 18188 S.W. Pineer Ct		City: Lake Oswego		State: OR ZIP: 97034		4	
Job Address: 0		City: 0		State: 0 ZIP: 0		5	
Truss Type*: VAULTED		Fax: 0		E-Mail: wibblecompany@msn.co		6	
Building Size:		Width: 60	Length: 128	Eave: 16	Per Unit	Extension	7
Roof Pitch: 3/12		Snow Load: 25		Wind Load: 135 B	Soil PSF: 1500		8
Purlin Size: 2x10 24" O/C		Square Feet: 7680				1.13	\$8,678
Girt Size: 2x6 24" O/C		Square Feet: 6016				0.00	\$0
Bay Spacing:		# Of Bays:					11
Add Truss: 0		Purpose:				0.00	\$0
Metal:		Roof: 29ga Metallion Magna Rib		29ga thru-fastener panels are included in the base cost shown on Line 8. 26ga panels require an upgrade cost.		0.00	\$0
		Walls: 29ga Metallion Magna Rib				0.00	\$0
Insulation:		Roof: 2" CCB WMP-VR				0.47	\$3,610
		Walls: By Others					\$0
Item		Quantity	Size	Description			17
Entry Doors		1	3/o x 6/8	Series 94 Steel/Steel (1 each included)		556.00	\$0
Overhead Doors				Trimmed Opening			\$0
				Trimmed Opening		192.00	\$0
				Low-E Vinyl Slider			\$0
		0	Wx'H	Series 2400 Insulated w/Poly Backing		0.00	\$0
Misc.		0	4/o x 3/o	Window Framed Openings			\$0
Eave & Rake Extensions are Optional			Lin. Ft.	18" Eave Extension	\$7.90	0.00	\$0
			Lin. Ft.	18" Rake Extension	\$7.13	0.00	\$0
		0	Lin. Ft.	24" Eave Lights w/Trim	\$4.28	0.00	\$0
Engineering		5	Hrs	Standard Eng. Package w/Foundation Design		80.00	Included
Truss Up-grade**		# of trusses:	Stress Fact:	SPF:	X.8:	0.00	0.00
Other: Siding Weather Closure Kit						316.00	Included
a) RB material from stock							\$5,300
b)							
c)							
d)							
e)							\$0
f)							\$0
g)							\$0
*Factory assembled, pre-engineered ASTM A-36 steel truss with complete structural plan; stamped by state licensed engineer.						Sub-Total:	\$58,300
						Freight:	\$600
**Snow and or Wind Load, material up-grade to trusses						TOTAL FOB Sandy OR:	\$58,900
						TERMS:	20% Plan Fee \$11,780
						Fabrication	40% \$23,560
						At Delivery	40% +/- Chge Orders \$23,560
						Total	\$58,900
37396 Ruben Lane, Sandy, Oregon 97055 • 855-668-7211 • 503-668-37211 • www.wsbw.com							

Salesman: R. Jarvis		Quote # : 0		Date: 4/25/2019		1		
Job County: Clackamas		Business Name:				2		
Customer: Tom Widdin		Phone: H: 503-718-4496		W: #VALUE!		3		
Address: 18188 S.W. Pineer Ct		City: Lake Oswego		State: OR		ZIP: 97034		
Job Address: 0		City: 0		State: 0		ZIP: 0		
Truss Type*: VAULTED		Fax: 0		E-Mail: wibblecompany@msn.co		6		
Building Size:		Width: 50	Length: 128	Eave: 16	Per Unit	Extension	7	
Roof Pitch: 3/12		Snow Load: 25	Wind Load: 135 B	Soil PSF: 1500		\$35,044	8	
Purlin Size: 2x10		24" O/C	Square Feet: 6400		1.13	\$7,232	9	
Girt Size: 2x6		24" O/C	Square Feet: 5696		0.00	\$0	10	
Bay Spacing:		# Of Bays:					11	
Add Truss: 0		Purpose:			0.00	\$0	12	
Metal:		Roof: 29ga Metalion Magna Rib		29ga thru-fastener panels are included in the base cos; shown on Line 8. 26ga panels require an upgrade cost.	0.00	\$0	13	
		Walls: 29ga Metalion Magna Rib			0.00	\$0	14	
Insulation:		Roof: 2" CCB WMP-VR			0.47	\$3,008	15	
		Walls: By Others				\$0	16	
Item		Quantity	Size	Description			17	
Entry Doors		1	3/o x 6/8	Series 94 Steel/Steel (1 each included)	556.00	\$0	18	
Overhead Doors				Trimmed Opening		\$0	19	
				Trimmed Opening	192.00	\$0	20	
				Low-E Vinyl Slider		\$0	21	
		0	Wx'H	Series 2400 Insulated w/Poly Backing	0.00	\$0	22	
Misc.		0	4/o x 3/o	Window Framed Openings		\$0	23	
Eave & Rake Extensions are Optional			Lin. Ft.	18" Eave Extension	\$7.90	0.00	\$0	
			Lin. Ft.	18" Rake Extension	\$7.13	0.00	\$0	
		0	Lin. Ft.	24" Eave Lights w/Trim	\$4.28	0.00	\$0	
Engineering		5	Hrs	Standard Eng. Package w/Foundation Design	80.00	Included	27	
Truss Up-grade**		# of trusses:	Stress Fact:	SPF:	X.8:	0.00	0.00	
Other: Siding Weather Closure Kit					306.00	Included	29	
a) RB material from stock						\$4,588	30	
b)							31	
c)							32	
d)							33	
e)						\$0	34	
f)						\$0	35	
g)						\$0	36	
*Factory assembled, pre-engineered ASTM A-36 steel truss with complete structural plan; stamped by state licensed engineer.					Sub-Total:	\$49,872	37	
					Freight:	\$600	38	
**Snow and or Wind Load, material up-grade to trusses					TOTAL FOB Sandy OR:	\$50,472	39	
37396 Ruben Lane, Sandy, Oregon 97055 • 855-668-7211 • 503-668-37211 • www.wsbnw.com					TERMS:	20% Plan Fee	\$10,094	40
					Fabrication	40%	\$20,189	41
					At Delivery	40% <small>*Chge Orders</small>	\$20,189	42
					Total		\$50,472	43

A concrete bid from Layton Leland is currently being prepared to include concrete footings on 16' centers between the east and west tennis courts. A stem wall on the eastern, northern and southern portion of the east court will be extended above the existing asphalt to permit the use of the facility as a skating rink during the Christmas holidays, similar to the

festivities at the Oregon Garden. No other municipality has such a festival at Christmas time, and it is seen as a substantial revenue stream for the city. The chain link fence surrounding the eastern court will be eliminated, and a 6' fence between the courts will prevent ball drift from either court to pass between the adjacent courts. The tennis net on the eastern court will be eliminated and existing concrete footing will be excavated or shortened, and the area resurfaced with asphalt. Layton Leland's contact information is 503.969.2288.

- 3) Nursery Style Structure** – A bid is currently being sought for a nursery style building which has the advantages of greater illumination, possible greater esthetic appeal to the neighborhood, has built-in fire retardation, and is possibly the most economical of all choices. We have a tentative bid of \$98,000 without specifics. The plastic sides and roof are strong and capable of withstanding the weight of a man, are easily replaceable, if damaged, and can withstand a snow load of six feet. This structure would require a stem wall or footings equal to that of a metal structure. As with the metal structure, it would be delivered in a kit format and assembled onsite. The sides and roof could be easily opened or closed automatically to control ambient temperatures in the structure. A heater and fans could easily be installed at ceiling height to avoid freezing temperatures and increase circulation of heat in winter. Since the venue will be used for athletics, the expense of heating would be minimal and offset with the electricity generated by the solar system on the adjacent picnic shelter. As with the other structures this structure could be used for trade shows, sporting events, weddings, and even ice skating during the Christmas season.





4) City-Private Partnership with Venture Capitalists

Several Pickleball venues in the area will consolidate funding to provide an indoor recreation facility for Pickleball on the adjacent 7 acres adjoining Tanner Creek Park. The city will provide free perpetual use of the land for the erection of a facility and parking. The existing funding of \$115,000 for a Tensile Structure plus SDC funds will provide the seed money for the project. The revenue derived from the use of the facility by multiple sports will be split 70% for the Venture capitalists and 30% for the city. The various Pickleball clubs will provide volunteer staffers to insure that safety and security are maintained during open hours. Payments for use of the facility will be online and no cash transactions will be accepted. The city can offer classes in various disciplines and sports with online registration and payment of dues, as they currently do for their offerings in the seasonal catalogs. The city will handle the scheduling and collection of funds for all non-pickleball teams who wish to use the facility, coordinating them with the WL Pickleball club..

Since SDC funding is possible (perhaps the park can be enlarged to include the 7 acres adjacent to the park (Henderson Field) and the 10 year annual SDC payments of Icon can be monetized to provide a bond to pay for additional funds for the indoor recreation center to include a multiple assortment of indoor and outdoor sports, including a Christmas festival

featuring a frozen skating rink and vendor booths similar to the Oregon Garden, providing city revenue for enhancements for Tanner Creek maintenance and future enhancements.

Another option is for the city to donate \$1,500,000 to the West Linn Pickleball Club (similar to the donations provided for the renovation of the old City Hall) to enable the 501(C)(3) to engage in more competitive bids for the construction of an indoor recreation center without the impediments of the Davis-Bacon minimum wage constraints. A bond will be provided to protect funds transferred and to ensure timely completion. I also have wealthy donors who are prepared to donate funds, labor and/or materials to the endeavor once city commitment is secured. As a grant writer I'm also prepared to seek all Federal, State and County grants to help fund the project.

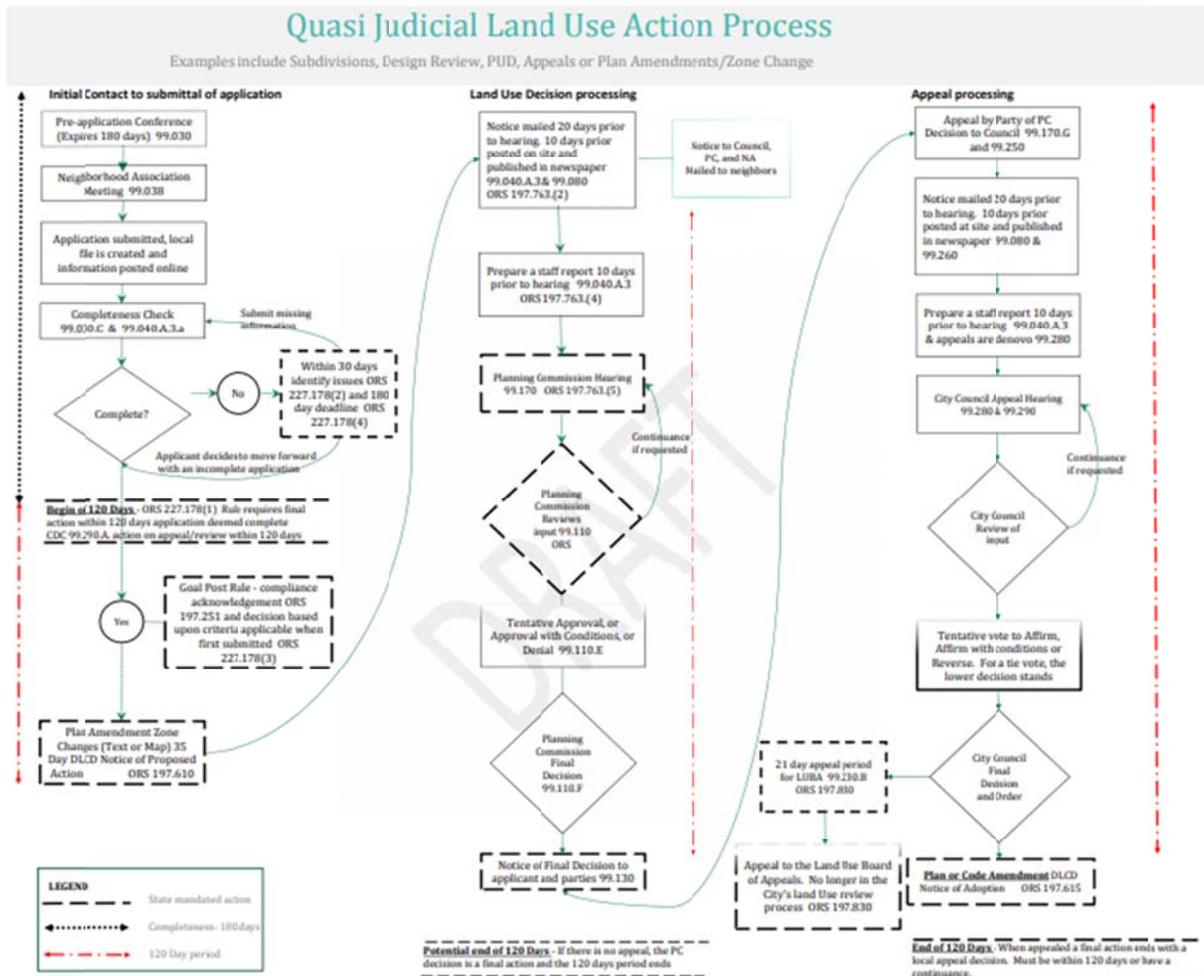
I'm sure there are other legal contingencies that will have to be reviewed by the city attorney and the WL Planning Department.

<https://www.irs.gov/pub/irs-pdf/p3676bsp.pdf>

<https://www.shiptacenter.org/>

<https://www.aarp.org/food/entertaining/info-2017/senior-discounts-restaurants-fd.html>

<https://www.thepennyhoarder.com/life/college/free-college-courses-for-senior-citizens/>



Lake Oswego Girls Softball
awareness of comparable venues and play equality
Consent opportunity
Title IX
Senior Equality
ADA all ages and disabilities
\$110,000
Volunteer
Oregon City ...to club and supervised project

Salesman: R. Jarvis		Quote # : 0		Date: 4/25/2019		1	
Job County: Clackamas		Business Name:				2	
Customer: Tom Widdin		Phone: H: 503-718-4496		W: #VALUE!		3	
Address: 18188 S.W. Pineer Ct		City: Lake Oswego		State: OR ZIP: 97034		4	
Job Address: 0		City: 0		State: 0 ZIP: 0		5	
Truss Type*: VAULTED		Fax: 0		E-Mail: wibblecompany@msn.cc		6	
Building Size:		Width: 60		Length: 128		Eave: 16	
Roof Pitch: 3/12		Snow Load: 25		Wind Load: 135 B		Soil PSF: 1500	
Purlin Size: 2x10 24" O/C		Square Feet: 7680		Per Unit: 1.13		Extension: \$8,678	
Girt Size: 2x6 24" O/C		Square Feet: 6016		Per Unit: 0.00		Extension: \$0	
Bay Spacing:		# Of Bays:				11	
Add Truss: 0		Purpose:				0.00 \$0	
Metal:		Roof: 29ga Metallion Magna Rib		29ga thru-fastener panels are included in the base cost shown on Line 8. 26ga panels require an upgrade cost.		0.00 \$0	
		Walls: 29ga Metallion Magna Rib				0.00 \$0	
Insulation:		Roof: 2" CCB WMP-VR		Per Unit: 0.47		Extension: \$3,610	
		Walls: By Others				0.00 \$0	
Item		Quantity		Size		Description	
Entry Doors		1		3/o x 6/8		Series 94 Steel/Steel (1 each included)	
Overhead Doors						Trimmed Opening	
						Trimmed Opening	
						Low-E Vinyl Slider	
		0		Wx'H		Series 2400 Insulated w/Poly Backing	
Misc.		0		4/o x 3/o		Window Framed Openings	
Eave & Rake Extensions are Optional				Lin. Ft.		18" Eave Extension	
				Lin. Ft.		18" Rake Extension	
		0		Lin. Ft.		24" Eave Lights w/Trim	
Engineering		5		Hrs		Standard Eng. Package w/Foundation Design	
Truss Up-grade**		# of trusses:		Stress Fact:		SPF: X.8:	
Other: Siding Weather Closure Kit						316.00 Included	
a) RB material from stock						\$5,300	
b)							
c)							
d)							
e)						\$0	
f)						\$0	
g)						\$0	
*Factory assembled, pre-engineered ASTM A-36 steel truss with complete structural plan; stamped by state licensed engineer.						Sub-Total: \$58,300	
**Snow and or Wind Load, material up-grade to trusses						Freight: \$600	
						TOTAL FOB Sandy OR: \$58,900	
						TERMS: 20% Plan Fee \$11,780	
						Fabrication 40% \$23,560	
						At Delivery 40% +/- Chge Orders \$23,560	
37396 Ruben Lane, Sandy, Oregon 97055 • 855-668-7211 • 503-668-37211 • www.wsbnw.com						Total \$58,900	

Salesman: R. Jarvis	Quote # : 0	Date: 4/25/2019	1				
Job County: Clackamas	Business Name:		2				
Customer: Tom Widdin	Phone: H: 503-718-4496	W: #VALUE!	3				
Address: 18188 S.W. Pineer Ct	City: Lake Oswego	State: OR ZIP: 97034	4				
Job Address: 0	City: 0	State: 0 ZIP: 0	5				
Truss Type*: VAULTED	Fax: 0	E-Mail: wibblecompany@msn.cc	6				
Building Size:	Width: 50	Length: 128	Eave: 16	Per Unit	Extension	7	
Roof Pitch:	3/12	Snow Load: 25	Wind Load: 135 B	Soil PSF: 1500		\$35,044	8
Purlin Size:	2x10	24" O/C	Square Feet: 6400		1.13	\$7,232	9
Girt Size:	2x6	24" O/C	Square Feet: 5696		0.00	\$0	10
Bay Spacing:		# Of Bays:					11
Add Truss:	0	Purpose:			0.00	\$0	12
Metal:	Roof: 29ga Metallion Magna Rib		29ga thru-fastener panels are included in the base cost shown on Line 8. 26ga panels require an upgrade cost.	0.00	\$0	13	
	Walls: 29ga Metallion Magna Rib			0.00	\$0	14	
Insulation:	Roof: 2" CCB WMP-VR			0.47	\$3,008	15	
	Walls: By Others				\$0	16	
Item	Quantity	Size	Description				17
Entry Doors	1	3/o x 6/8	Series 94 Steel/Steel (1 each included)	556.00	\$0	18	
Overhead Doors			Trimmed Opening		\$0	19	
			Trimmed Opening	192.00	\$0	20	
			Low-E Vinyl Slider		\$0	21	
	0	Wx'H	Series 2400 Insulated w/Poly Backing	0.00	\$0	22	
Misc.	0	4/o x 3/o	Window Framed Openings		\$0	23	
Eave & Rake Extensions are Optional		Lin. Ft.	18" Eave Extension	\$7.90	0.00	\$0	24
		Lin. Ft.	18" Rake Extension	\$7.13	0.00	\$0	25
	0	Lin. Ft.	24" Eave Lights w/Trim	\$4.28	0.00	\$0	26
Engineering	5	Hrs	Standard Eng. Package w/Foundation Design	80.00	Included	27	
Truss Up-grade**	# of trusses:	Stress Fact:	SPF:	X.8:	0.00	0.00	28
Other: Siding Weather Closure Kit				306.00	Included	29	
a) RB material from stock					\$4,588	30	
b)						31	
c)						32	
d)						33	
e)					\$0	34	
f)					\$0	35	
g)					\$0	36	
*Factory assembled, pre-engineered ASTM A-36 steel truss with complete structural plan; stamped by state licensed engineer.				Sub-Total:	\$49,872	37	
				Freight:	\$600	38	
**Snow and or Wind Load, material up-grade to trusses				TOTAL FOB Sandy OR:	\$50,472	39	
37396 Ruben Lane, Sandy, Oregon 97055 • 855-668-7211 • 503-668-37211 • www.wsbnw.com				TERMS:	20% Plan Fee	\$10,094	40
				Fabrication	40%	\$20,189	41
				At Delivery	40% +/- Chge Orders	\$20,189	42
				Total		\$50,472	43

tact Us



Web Steel Buildings Northwest LLC

Feel free to give us a call with questions anytime: **1-855-668-7211 | 503-668-7211**

Vaulted Clearspan Truss

Wide Open Spaces

Looking for a building that offers maximum overhead clearance and wide open, column-free spaces? The Web Steel Building Northwest's Vaulted Clearspan Truss may be the solution you need.

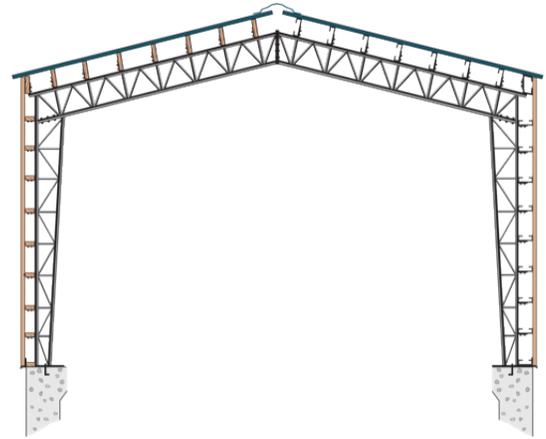
Engineered to distribute the weight and thrust of the roof downwards for increased stability and strength, the Vaulted Clearspan Truss eliminates the need for massive truss assemblies and beams required by load bearing walls in traditional wood construction. Our more efficient building system allows greater distances between frames and wider overhead doors in the sidewalls.

High Strength, Low Maintenance

Steel is stronger than wood, dimensionally stable and non organic. In other words, it won't rot, warp, split, crack, creep, expand or contract with moisture content. Say good-bye to wood posts! With our Web Steel Building Northwest frames you'll never have to worry about termites or dry rot. All of this adds up to a more cost-effective and stable building over a long period of time. There is another long-term benefit with steel: It is a sustainable building material. Steel indefinitely maintains its strength and integrity, meaning it can be recycled again and again.

Solid Choices

The size and type of girts (horizontal stud wall onto which siding is fastened), or purlins (onto which roofing is fastened), depends on the physical loads, current building codes, environment and purpose associated with your building. Wood girts and purlins are more economical and take advantage of conventional framing techniques for



Custom-engineered structures ideally suited for:

- Buildings 24'-80' wide
- Maximum headroom clearance
- Column-free interior spaces
- Virtually any type of door
- Extensive customization
- Airplane hangars, auto shops, warehouses, churches, fire stations, playground covers, RV

doors, windows, insulation and interior walls. Optional steel girts and purlins will provide additional strength and resistance if you need to comply with rigid fire codes and insurance requirements. Talk with a Web Steel Buildings Northwest project manager to determine which option is best for you.

Easy Assembly

Web Steel Buildings Northwest buildings are precision designed and manufactured for quick and easy bolt-together assembly. They include complete comprehensive structural plans stamped by our licensed engineers, along with concrete foundation design and building calculations. This makes permit approval and communication with contractors easier. Your building will be engineered specifically for your site to the most recent International Building Code (IBC). Whether you decide to construct your own building or hire a contractor, you'll have the structural plans you need to apply for your permit. Next, you or your contractor provide the concrete foundation according to the foundation plan. Finally, your building package will ship direct from our Sandy, Oregon plant, with everything you need to construct your Web Steel Building Northwest building, from frames to fasteners.

Popular Options Include Additional entry doors • Awnings • Custom concrete foundation design • Custom roof pitch • Double glaze window • Eave lights • Extended eaves • Fire rated doors • Gable end vents • Loft/mezzanine • Oversized entry doors • Skylights • Soffits • Steel canister doors • Steel overhead doors • Steel slider doors • Vinyl windows

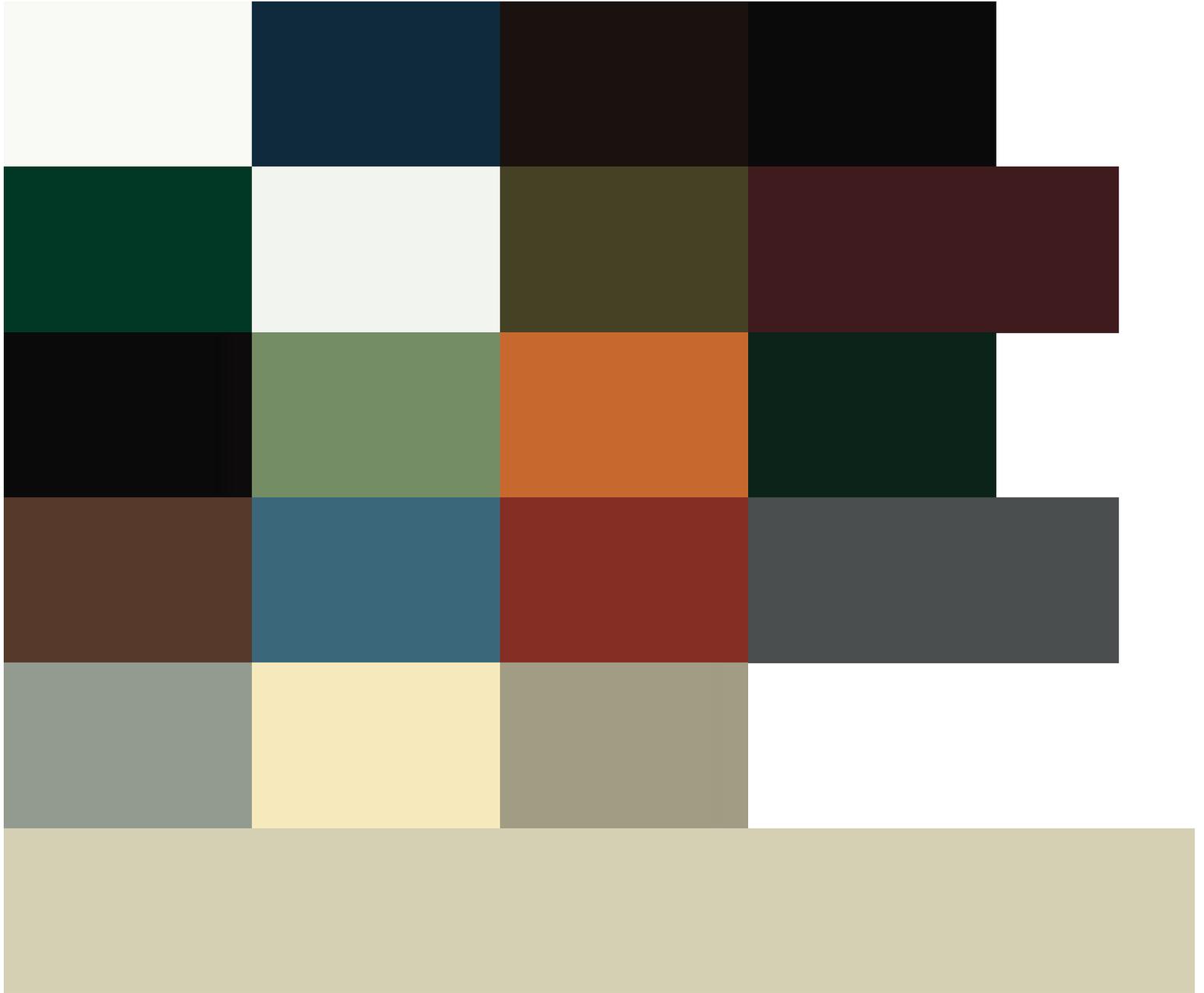
storage, veterinary clinics, and wineries.

• **Roof Pitch:** 2/12 • **Roof:** 29 gauge painted steel with trim • **Siding:** 29 gauge painted steel with trim - Both include a limited life-time warranty • **Insulation:** Condensation Control Blanket (CCB) with reinforced vapor barrier in roof • **Purlins:** (Roof) 2" X 8", #2 Doug Fir Lumber or better. Spaced 24" on center • **Girts:** (Walls) 2" X 6", #2 Doug Fir Lumber or better. Spaced 24" on center - Makes construction and interior finish easier • **Engineering:** Stamped and signed structural steel and concrete foundation plans • **Doors: Entry doors:** (1) 3' X 6'8" series 95 steel clad insulated door - **Large doors:** We feature Wayne-Dalton doors. Contact us for sizes and pricing • **Other:** Formed closure and eave trim - Complete matching trim package is included - Easy to follow construction manual written for the do-it yourselfer in mind - All pricing F.O.B. Sandy, Oregon (Weld inspection included)





Available Colors



[CONTACT US \(click here \)](#)

Brands That Build With Us:



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**CITY OF WEST LINN
CITY COUNCIL PUBLIC HEARING
PLN-18-01**

TO ADOPT THE WEST LINN PARKS MASTER PLAN UPDATE AND ASSOCIATED AMENDMENTS TO COMPREHENSIVE PLAN GOALS 2, 5, AND 8; AND COMMUNITY DEVELOPMENT CODE CHAPTERS 2 AND 56.

The West Linn City Council will hold a public hearing on **Monday, September 9, 2019 starting at 6:00 p.m.**, in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider adoption of the West Linn Parks Master Plan (PMP) update. The PMP is a supporting document of the West Linn Comprehensive Plan. The Commission will also consider amendments to West Linn Comprehensive Plan Goals 2, 5, and 8 and West Linn Community Development Code (CDC) Chapters 2 and 56 to address regulatory changes.

The hearing will be conducted in accordance with the rules of CDC Chapter 98, 100 and 105. Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff presentation, and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and make a recommendation on the request as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue. At least 10 days prior to the hearing, a copy of the proposed amendment and associated staff report will be available for inspection and also on the City's web site at <https://westlinnoregon.gov/planning/parks-master-plan-update>. In addition, the file, PLN-18-01, Parks Master Plan Update, containing the proposed amendments and related information is available for review at the Planning Department.

For further information, please contact Jennifer Arnold, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, or 503-742-6057, or jarnold@westlinnoregon.gov.

Files:

- [Application Submittal \(14 MB\)](#)
- [DLCD Notice Form 1 \(19 MB\)](#)
- [Staff Memo for PC Work Session 4/13/18 \(4 MB\)](#)
- [Applicant's Presentation \(5 MB\)](#)
- [Planning Commission Public Hearing Notice 5/15/18 \(287 KB\)](#)
- [Staff Report for PC Hearing 5/15/18 \(21 MB\)](#)
- [Public Testimony Received as of 5/15/18 \(4 MB\)](#)
- [Public Testimony Received Prior to the 5/15/18 Hearing \(2 MB\)](#)
- [Public Testimony Provided at the 5/15/18 Hearing \(1 MB\)](#)
- [Staff Presentation \(3 MB\)](#)
- [Revised City Council Public Hearing Notice 5/15/18 \(288 KB\)](#)
- [Revised City Council Public Hearing Notice 5/18/18 - New start time \(288 KB\)](#)
- [City Council Agenda Packet 5/18/18 \(10 MB\)](#)
- [Parks and Recreation Board Recommendation on Proposed Changes to the Plan Update \(109 KB\)](#)
- [Public Testimony \(2 MB\)](#)
- [PowerPoint Presentation \(4 MB\)](#)
- [Staff Memo from Ken Worcester to the Planning Commission \(625 KB\)](#)
- [Parks Recreation and Open Space Plan - Redline Version \(9 MB\)](#)
- [Parks Recreation and Open Space Plan Appendices - Redline Version \(5 MB\)](#)
- [Vacant City Buildings \(1017 KB\)](#)
- [1997 Community Facilities Plan with Ordinances \(18 MB\)](#)
- [Angela Dwyer Submittal 12/12/18 \(521 KB\)](#)
- [Roberta Schwarz Submittal 12/12/18 \(1 MB\)](#)
- [City Council Public Notice 2/5/19 \(77 KB\)](#)
- [City Council Public Notice 9/5/19 \(77 KB\)](#)
- [Map \(722 KB\)](#)

Related Meetings:

- Planning Commission Meeting - 04/18/2018 - 6:00pm
- Planning Commission Meeting - 05/16/2018 - 6:30pm
- Planning Commission Special Meeting - 12/12/2018 - 6:30pm

Disclaimer

Disclaimer notice regarding the project information on this site: The City of West Linn is pleased to provide as much information as possible on our website for the benefit of the public. This information is updated by staff on a periodic (not daily) basis. However, please be aware of the following: The information on this site is not the official file of record and there may be additional project information in the file of record that is not posted on this site. The information on this site may not include the latest submittals or changes to an application. Interested parties are encouraged to call the City project manager with any inquiries on a project. The official file of record is kept in the City Department managing the project and is available for public review during regular office hours at City Hall located at 22500 Salamo Road, West Linn, Or 97068. Any questions related to any project should be directed to the project manager listed in the file, or by calling City Hall at 503-657-0231.

Parks Master Plan Update

Return to Project

Project ID: PLN-18-01

Submission Date: 01/04/2018

Project Type:

Public Notice Deadline:

Comp Plan Amendment or Supplement (PLN)

Mail: 4/26/18 Tidings: 4/26/18

Project Status: In Process

Notice Type: A***

Deadline Type: none

Project Manager:

Jennifer Arnold

This is an update to the 2007 Parks Master Plan. It will provide renewed direction for West Linn's parks and recreation system through a comprehensive look at City priorities today to create a committed and sustainable approach to building the system of tomorrow.

The Planning Commission will hold a work session on April 18, 2018 at 6:00 p.m. in the Council Chambers at City Hall.

The Planning Commission will hold a public hearing on May 16, 2018 at 6:30 p.m. in the Council Chambers at City Hall.

The City Council will hold a work session on June 4, 2018 at 4:00 p.m. in the Council Chambers at City Hall.

The City Council will hold a public hearing on June 18, 2018 at 5:30 p.m. in the Council Chambers at City Hall.

NOTE: This public hearing was originally scheduled for June 11, 2018. It will now be held on June 18, 2018.

The Planning Commission will review the redline version of the plan at their Special Meeting on 12/12/18



September 5, 2019

City of West Linn Planning Commission
22500 Salamo Road #1000
West Linn, OR 97068

Re: Annexation of 0.93 acres at 1480 Rosemont Road (ANX-19-01)

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

The staff report for the proposed annexation and zoning for 1480 Rosemont Road (Single-Family Residential Detached with a 10,000 square foot minimum lot size) recommends its approval. However, the staff report does not include findings for Statewide Goal 10, describing the effects of this annexation and zoning on the housing supply within the City. Goal 10 findings must be provided to demonstrate that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of*



Eugene, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Further, since these changes will increase the City's supply of residential land, the report should reference how these changes will affect needed housing as dictated by the City's HNA. In other words, is one single family home, and the potential for two more, truly what the City needs? Only with a complete analysis showing any gain/loss in needed housing as dictated by the HNA and compared to the BLI, can housing advocates and planners understand whether the City is achieving its goals through this annexation and corresponding zoning.

HLA and FHCO urge the Commission to defer approval of the ANX-19-01 until Goal 10 findings can be made, and the proposal evaluated under the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

A handwritten signature in blue ink that reads "Jennifer Bragar".

Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)



Memorandum

Date: September 9, 2019

To: Russ Axelrod, Mayor
West Linn City Council

From: Darren Wyss, Associate Planner

Subject: Response to Comments (ANX-19-01)

At its September 9, 2019 meeting, the West Linn City Council will hold a public hearing on the proposed annexation of 0.93 acres at 1980 Rosemont Road. On September 5, 2019, City staff received a comment letter submitted jointly by the Fair Housing Council of Oregon (FHCO) and the Housing Land Advocates (HLA). The letter asserted the staff report did not adequately address Statewide Planning Goal 10: Housing. Staff has provided responses below.

"...all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a)".

Staff Response: The City of West Linn has an acknowledged Comprehensive Plan, including a Housing Needs Analysis and Buildable Lands Inventory. The two properties proposed for annexation have been designated as Low Density Residential on the City of West Linn Comprehensive Plan Map (Plan Map) since July 2000 (Ordinance 1457). The Plan Map was reviewed by the Oregon Department of Land Conservation and Development and was found to be in compliance with Goal 10. Designating the two properties with the City's R-10 zoning, as part of the annexation, will implement the City's Plan Map.

"Goal 10 findings must be provided to demonstrate that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges. See Mulford v. Town of Lakeview...(rezoning residential land for industrial uses: Gresham v. Fairview...(same); see also, Home Builders Assn. of Land Cty. v. City of Eugene (subjecting Goal 10 inventories to tree and waterway protection zones...)"

Staff Response: The City of West Linn has an acknowledged Comprehensive Plan, including a Housing Needs Analysis and Buildable Lands Inventory. The three Land Use Board of Appeals cases referenced were all reducing the amount of buildable residential land available in a community. The two properties proposed for annexation will increase the amount of buildable land within the West Linn city limits. The two properties have been designated as Low Density Residential on the City of West Linn Comprehensive Plan Map (Plan Map) since July 2000 (Ordinance 1457). The Plan Map was reviewed by the Oregon Department of Land Conservation and Development and was found to be in compliance with Goal 10. Designating the two properties with the City's R-10 zoning, as part of the annexation, will implement the City's Plan Map.

Public Statement

Re: H. Bartholomew Public Records Appeal.

On Wednesday, August 28, 2019, the Clackamas County District Attorney's office confirmed the Oregon Attorney General's position that city councils may meet with their attorneys in executive session to discuss and receive legal advice subject to the same lawyer-client privilege enjoyed by any other party seeking confidential legal advice. As the representatives of the City and its taxpayers, the Council has the duty to zealously protect the City in any litigation. This necessarily includes the right and duty not to divulge its strategies to the opposing party in ongoing litigation. The decision of the District Attorney rejects the effort of a newspaper reporter to obtain confidential information from a City Council meeting with its legal counsel.

On April 1st of this year, the West Linn City Council met in executive session with its attorney to discuss the City's response to a lawsuit filed by Rory Bialostosky against Councilor Teri Cummings with the Clackamas County Circuit Court. It bears noting that Councilor Cummings was not sued in her individual capacity, but rather expressly "in her official capacity as a West Linn City Councilor." On August 16, 2019, the Clackamas County Circuit Court entered a *General Judgment* dismissing Mr. Bialostosky's lawsuit. Mr. Bialostosky has indicated that he plans to appeal the *General Judgment*, and, as of today, this proceeding is still pending before the Oregon courts.

On July 25, 2019, reporter Holly Bartholomew, made a public records request to the City, seeking a copy of the audio-recording of the April 1, 2019, executive session meeting. On July 30, 2019, the City denied Ms. Bartholomew's request, advising her that the recording was protected by the City Council's lawyer-client privilege. On August 15, 2019, Ms. Bartholomew sought review by the Clackamas County District Attorney. Ms. Bartholomew argued that the true nature of the executive session was to "approve the expenditure of public funds" for the defense of Mr. Bialostosky's lawsuit against Councilor Cummings. Ms. Bartholomew further argued that the Council had made a "final decision" or "final action" on the issue of defending the Bialostosky lawsuit, contrary rules providing that such decisions or actions are impermissible in executive session.

The Oregon Attorney General has provided advice, in the form of a published Public Records and Meetings Manual, on the ability of governing bodies to consult with legal counsel in executive session when litigation is involved: ". . . this provision is intended to put public bodies on an equal footing with private litigants. This means that the governing body shall be able to engage in private and candid discussion with counsel about the legal issues raised by the litigation." The Attorney General also has advised that executive session discussion with counsel regarding a pending case, "may proceed even to the point at which the governing body has reached an informal consensus as to its course of action."

Based on the Attorney General's Manual, the District Attorney has now rejected Ms. Bartholomew's claims, determining that each of them is unfounded. The decision confirmed that the April 1st executive session is protected communication and that the City is not required to disclose the recording. The District Attorney also found that all discussions between the City Council and its legal counsel fell squarely within the allowed subjects of a valid executive session. In addition, the decision ruled that because the matter involved a case naming a City Council member in her official capacity, the litigation was appropriately the business of the City, and not a private matter.

Mollusky, Kathy

From: Williams, John
Sent: Thursday, September 05, 2019 10:14 AM
To: Axelrod, Russell; Cummings, Teri; Sakelik, Richard; Walters, Jules; Relyea, William
Cc: Stein, Eileen; Mollusky, Kathy; Digby, Dylan; Breithaupt, Lauren; Wyss, Darren
Subject: Proposed addition to Sept. 9 Council Meeting - letter of support for grant application
Attachments: DLCDC TA Grant Council Letter of Support.docx

Mayor Axelrod and Council,

We've recently identified a State of Oregon grant opportunity that could provide additional funding for the next phase of West Linn's Waterfront Project. The grant application requires a letter of support from the Council, and applications are due October 1. Thus, we are requesting your approval to add consideration of the attached letter to your September 9 agenda, under "City Manager Report."

Details:

The Oregon Department of Land Conservation and Development is offering Technical Assistance grant awards for land use planning projects during the 2019-2021 biennium. As directed by the Legislature, the top priority for awarding these grants is funding projects that promote economic development. As a result, staff recommends submitting a \$60,000 application allowing expert consultant support for the upcoming zoning regulation and design standards work for the Old City Hall District of the West Linn's Waterfront Project. This area has the most immediate opportunity for development in coming years, and expert design and citizen engagement work is needed to ensure community goals are implemented and realized. City staff time would be used as match for the project so no additional City funds would be expended should funds be awarded.

The project implements City Council Goals:

Guiding Principle #2: Land Use and Quality of Life

A. Planning and Community & Economic Development

7. Continue West Linn's Waterfront Project with community and stakeholder engagement.

Guiding Principle #3: Sustainability

A. Fiscal Sustainability

Should you support this application, a potential motion would be:

"I move to authorize the Mayor to sign a letter of support for a \$60,000 Technical Assistance Grant from DLCDC to fund development of appropriate zoning changes and design standards in the Old City Hall District of West Linn's Waterfront Project".

Thank you, and please contact me if you have any questions about this proposal.

JRW

John Williams

Deputy City Manager / Community Development Director
Community Development

[#6063](#)





CITY OF
West Linn

September 9, 2019

Grants Administrative Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

Greetings,

The West Linn City Council is pleased to support the City's application for Technical Assistance grant funds and appreciates the financial resources approved by the Legislature to help communities plan for the future. Any funds awarded would be utilized to help complete West Linn's Waterfront Project planning efforts.

West Linn's Waterfront Project is an effort to create a master plan along the Willamette River, from the Arch Bridge to the Willamette Neighborhood. The area has been underutilized and the community and property owners are looking for land use changes that will provide new economic development and community enhancement opportunities. The goal of the project is to find consensus on a vision for future land uses and activities, as well as the framework to implement the vision.

The City has been engaging the community for two years on transportation changes and the future vision. The City is now ready to turn that feedback into updated zoning codes and design standards to help promote redevelopment opportunities. Technical Assistance grant funds would allow the City to partner with design professionals and complete the project more efficiently.

The West Linn City Council is excited to see this project move to completion and values the opportunity to apply for the grant funds.

Sincerely,

Russel B. Axelrod
Mayor
City of West Linn



CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (required): TANNER CREEK GO BOND PROJECTS

I wish to speak on the agenda item listed below (comments are limited to five minutes):

Please specify agenda report number(s) or topic(s) (required):
(3) PUBLIC COMMENTS

Please print:

Name: TOM MEIER

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 1356 ROSEMONT RD

City: WEST LINN State: OR Zip: _____

Email (Optional): _____ Phone (Optional): _____

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

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



CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (required): PICKLEBALL COURTS @ TANNER CREEK

I wish to speak on the agenda item listed below (comments are limited to five minutes):

Please specify agenda report number(s) or topic(s) (required):
3

Please print:

Name: TOM WIDDEN

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 18188- SW PIONEER CT

City: LAKE OSWEGO State: OR Zip: 97034

Email (Optional): _____ Phone (Optional): _____

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

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CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (required): 4th Street flooding issue near Willamette wetland.

I wish to speak on the agenda item listed below (comments are limited to five minutes):

Please specify agenda report number(s) or topic(s) (required):

Beaver protection

Please print:

Name: Mary Baumgardner

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: West Linn

State: _____

Zip: _____

Email (Optional): _____

Phone (Optional): _____

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CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (required): School Bond

I wish to speak on the agenda item listed below (comments are limited to five minutes):

Please specify agenda report number(s) or topic(s) (required):

Please print:

Name: Kathie Halicki Willamette Neighborhood Assoc

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 2307 Falcon Dr.

City: West Linn

State: Or.

Zip: 97068

Email (Optional): _____

Phone (Optional): _____

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CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (required): West Linn Parks Master Plan Adoption

I wish to speak on the agenda item listed below (comments are limited to five minutes):

Please specify agenda report number(s) or topic(s) (required):

Agenda Bill 2019-09-09-03

Please print:

Name: Dan Dunstan

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: West Linn State: OR Zip: 97068

Email (Optional): _____ Phone (Optional): _____

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CITY OF

West Linn

Public Comment Form

I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (required): West Linn Parks Master Plan

I wish to speak on the agenda item listed below (comments are limited to five minutes):

Please specify agenda report number(s) or topic(s) (required):

Please print:

Name: Chris Dunstan

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: WLA State: _____ Zip: _____

Email (Optional): _____ Phone (Optional): _____

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I wish to speak during Public Comment on a topic not related to an agenda item (comments are limited to five minutes):

Please specify topic (required): Parks Master Plan

I wish to speak on the agenda item listed below (comments are limited to five minutes):

Please specify agenda report number(s) or topic(s) (required):

Please print:

Name: Karrie Oakes

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): WL

City: WL State: _____ Zip: _____

Email (Optional): _____ Phone (Optional): _____

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

CITY COUNCIL AGENDA

Monday, September 9, 2019

5:00 p.m. – Pre-Meeting Work Session – Rosemont Room

6:30 p.m. – Business Meeting – Council Chambers

-
1. Call to Order and Pledge of Allegiance to the Flag
 2. Approval of Agenda
 3. Public Comments [10 min]
 4. Announcements, Proclamations, and Recognitions
 - a. National Preparedness Month Proclamation
 5. Consent Agenda [5 min]
 - a. Agenda Bill 2019-09-09-01: Approve Draft Notes for July 22 and August 5, 2019
 6. Business Meeting [60-90 min]
 - a. Agenda Bill 2019-09-09-02: ORDINANCE 1699, RELATING TO NUISANCES, INCLUDING NOXIOUS VEGETATION, VIOLATIONS, POSTING NOTICE, AND ABATEMENT, AMENDING WLMC SECTIONS 5.470, 5.495 - 5.515, AND 5.525 – *Second Reading*
 - b. Agenda Bill 2019-09-09-03: **Public Hearing (continued from 8/5/19)**: Parks Master Plan Update and Adoption
 - i. ORDINANCE 1693, ADOPTING THE WEST LINN PARKS, RECREATION, AND OPEN SPACE PLAN UPDATE AS AN ATTACHMENT AND SUPPORTING DOCUMENT OF THE WEST LINN COMPREHENSIVE PLAN; AND AMENDING THE WEST LINN COMPREHENSIVE PLAN GOALS 2, 5, AND 8.
 - ii. ORDINANCE 1694, AMENDING THE COMMUNITY DEVELOPMENT CODE CHAPTERS 2 AND 56.
 - c. Agenda Bill 2019-09-09-04: **Public Hearing**: Sanitary Sewer Master Plan Update and Adoption
 - i. ORDINANCE 1695, ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN GOAL 11, PUBLIC FACILITIES AND SERVICES AND REPEALING AND REPLACING

THE SANITARY SEWER MASTER PLAN MARCH 2019, AND AMENDING CHAPTER
85 OF THE COMMUNITY DEVELOPMENT CODE

- d. Agenda Bill 2019-09-09-05: **Public Hearing:** Annexation of 0.93 acres at 1480 Rosemont Road
 - i. ORDINANCE 1700, ESTABLISHING THE ZONING DESIGNATION AS R-10 UPON ANNEXATION OF TAXLOTS 1300 AND 1400, CLACKAMAS COUNTY ASSESSOR MAP 25 1E 25CA
 - ii. ORDINANCE 1701, APPROVING THE ANNEXATION OF REAL PROPERTY LOCATED IN TAXLOTS 1300 AND 1400, CLACKAMAS COUNTY ASSESSOR MAP 25 1E 25CA; REMOVING THE PROPERTY FROM SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS
7. Mayor and City Council Reports [20 min]
 - a. Citizen Advisory Group Appointment(s)
8. City Manager Report [10 min]
9. City Attorney Report [5 min]
 - a. Legal Services Tracking List
10. Adjourn

PROCLAMATION

West Linn, Oregon

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

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

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

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

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

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

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

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

NATIONAL PREPAREDNESS MONTH

We encourage West Linn residents to promote family and community disaster and emergency preparedness now and throughout the year, to *“be prepared, not scared.”* We also pay tribute to the courageous individuals who rush to the scene of disaster and respond to catastrophic emergencies for their dedication to our safety and security. We honor them with our renewed commitment to ourselves be prepared and self-reliant as we possibly can be.

DATED THIS 9TH DAY OF SEPTEMBER 2019

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

Agenda Bill 2019-09-09-01

Date: August 27, 2019

To: Russ Axelrod, Mayor
Members, West Linn City Council

From: Kathy Mollusky, City Recorder *KM*

Through: Eileen Stein, City Manager *ES*

Subject: Draft Meeting Notes

Purpose:

Approval of City Council Meeting Notes.

Question(s) for Council:

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

Public Hearing Required: None required.

Background & Discussion:

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

Budget Impact: N/A

Sustainability Impact:

Council continues to present its meeting notes online, reducing paper waste.

Council Goal/Priority:

Guiding Principle #0: Core Services of West Linn City Government. Continue to record and document the proceedings of the West Linn City Council. Guiding Principle #3: Sustainability. Incorporate environmentally sustainable practices in City activities and decision making, including reducing waste generation and energy consumption.

Council Options:

1. Approve the Council Meeting Notes.
2. Revise and approve the Council Meeting Notes.

Staff Recommendation:

Approve Council Meeting Notes.

Potential Motions:

I move to approve the July 22 and August 5, 2019 Council Meeting Notes.

Attachments:

1. July 22, 2019 Council Meeting Notes
2. August 5, 2019 Council Meeting Notes



CITY OF
West Linn

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

WEST LINN CITY COUNCIL MEETING NOTES July 22, 2019

Call to Order

Council Present:

Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Staff Present:

City Manager Eileen Stein, City Recorder Kathy Mollusky, City Attorney Tim Ramis, Assistant Parks and Recreation Director Ken Warner, and Associate Planner Darren Wyss.

Approval of Agenda

Councilor Bill Relyea moved to approve the agenda. Councilor Jules Walters seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

Public Comment [10 min]

There were none.

Council Business [90 min]

2019 Legislative Wrap-up

End of Legislative Session Report

Doug Riggs summarized the End of Session Report stating that this was the first time in many years that it was a super majority in both the House and the Senate. That gave the leadership a clear path on what they wanted to get done and they set an aggressive agenda. They had four to five main priorities and all except the Climate Change Bill passed. The Republicans walked out twice over the Cap and Invest Bill. When they came back, they passed one of the most significant bills, House Bill 3427, the Educational Success - Student Health bill. This will raise about \$2 billion per-biennium to be used for school issues. They plowed through about 136 bills in two days. Ninety percent of the bills that are passed, pass almost unanimously. Eighty-one passed with zero no votes.

This was a challenging session for cities. The legislators think they know what is best for cities. This Council and the League of Oregon Cities (LOC) believe the local citizens know what is best for their city. West Linn's priorities were: (1) The Willamette Falls Locks, House Bill 2405 and (2) I-205 - Abernethy Bridge, House Bill 3209.

In 2017, there were three projects in: (1) I-5 Rose Quarter project, (2) Highway 217, and (3) I-205 and the Abernethy Bridge. They were not far enough along in these projects to allocate the money so they took all three of these projects out and the Oregon Department of Transportation (ODOT) stated they would come back in 2019 with designs ready to fund. Since ODOT was not ready in 2019, the City and Clackamas County introduced their own bill, House Bill 3209. In this session, big items like this were delayed due to the walkouts and some legislatures want to toll this even though we know tolling will not be available until 2026. This bill did not pass, sometimes bills take a session or two. Also ODOT's director retired so there was a lack of strong direction at the senior level to take on any challenging issue.

Councilor Relyea stated that Council has heard from ODOT about the length of time it is going to take even after funding is approved to actually make those roadway improvements due to environmental impacts that go along with building a bridge so no one should expect improvement in the next five years. It is imperative the legislators do something to address the fact that we do need funding. The picture being created about how we toll roads is wrong, it should be a public/private partnership where we have toll lanes for those willing to pay the costs to use those lanes and the rest of the roadway is open. Everyone is against all lanes being tolled.

Mr. Riggs explained tolls are mostly done by a reader in your window or on your license plate and people move along quickly, the technology is progressing along rapidly. He is hoping ODOT will sit down with Council and go over those ideas.

Mayor Axelrod stated that we did argue that tolling is not the answer and if they are

considering it, it needs to get vetted and other issues need to be resolved. This is a matter of direct funding that should be leveraged with federal funding because of the nature of the highway, so bonding coupled with federal funds, and get it going before five years.

Councilor Walters heard the management change at ODOT opened up a vacuum and with the leadership change, hopefully it will be faster.

Mr. Riggs has heard from ODOT that they want to sit down with us and become better partners. They have a national search going on for the new director and they have had a lot of interest. Hopefully the new person will have a new perspective and will want to be a good partner with the cities and counties. We had 13 bipartisan cosponsors on the bill, it was the entire Clackamas County delegation and they set this as their top priority.

Mayor Axelrod noted that the Environmental Impact Study (EIS) work has all been done so they are pretty close to being ready to go and that is one reason they do not want to tweak the design. If they do, they will have to go back to the EIS.

Mr. Riggs stated that the next issue is Willamette Falls Locks. The commission hired Lisa Naito and Michele Giguere to take the lead on that issue. We expected the governor's office to be in line with us on the funding idea and the path forward for ownership. They were not and it took a couple of months for them to get their arms around what they wanted the future locks to take. By the time this decision was made, it was late in the session and it was too late to get a vote through. They put a note in the budget directing the Willamette Falls Locks Commission to come back in 2020 with a proposal implementing a public corporation model for administering the locks. Although they did not appropriate the dollars for the proposal this session, they set aside an amount of money to be able to be appropriated in 2020.

Most cities value water conservation including West Linn. He worked with the LOC and Central Oregon cities to push back on Senate Bill 935 that would have eliminated water conservation in many communities by eliminating the education and certification requirements that landscape irrigation installers must comply with to become certified on landscape systems. In some areas, 80 percent of their water loss is through irrigation systems so the certification is pretty important. We were successful in the House in getting that language stripped.

House Bill 3427, Educational Success - Student Health raises enough money to put into things like making sure we have enough teachers in the classroom, have a long enough school year, dealing with CTE and STEM issues, and putting money into student health, including mental health. This combined with House Bill 3165 allows schools to provide for grants to open school based health centers.

Councilor Walters stated that she thinks it would be wonderful for West Linn-Wilsonville schools to have these health centers. Suicide is the number two leading cause of death in teenagers. Anything we can do to support them to make that statistic better, it is our moral

imperative to do so.

Councilor Relyea thinks this is an important issue dealing with the health of our teenagers. We need more school counselors and psychiatrists. Our teenagers need a place to go to when they have a crisis.

Councilor Sakelik stated that mental health needs to be addressed now and it needs to be addressed seriously. So many of our problems are exasperated by poor mental health and we have not focused on it. The more we can advocate for it, the healthier people will be and our country will be.

Mr. Riggs quickly touched on the rest of the bills in the handout.

Councilor Walters wants to make sure Council is proactive in deciding what this missing middle housing looks like and fits in with the character of the town. She asked how long before this is implemented. She wants to make sure we are not excluding people of color or from different economic classes.

Mr. Riggs believes it is an 18 month process, so by 2021.

City Manager Stein stated that Deputy City Manager John Williams has been working on this.

City Attorney Ramis stated that two attorneys in his office are working on this and will work with staff to come up with the parameters of what you can and cannot do and answer some of the questions.

[Agenda Bill 2019-07-22-01: RESOLUTION 2019-13 Charter Amendment](#)

[Charter Amendment Information](#)

[Mayor Axelrod's Comments on Charter Amendment](#)

[Charter Amendment Information REVISED 7-18-19](#)

City Attorney Ramis stated this is the time for Council and the public to consider the question of whether the Council should adopt a resolution that would place a Charter amendment on the ballot to address the question of Council authority over the appointment of all legal advisors. There are two different versions. One focuses on the section that was previously in the Code which says, "The Council may retain legal advisors as it deems prudent. The legal advisors shall report to and serve at the discretion of the Council." The second version includes that language plus additional language that would make parallel applicable to the City Attorney the language that is applicable to the Municipal Judge regarding the limited authority of the City Manager in Section 23(c)(3). The significant changes were recommendations from the Secretary of State's office to ensure the language put on the ballot is neutral. The Secretary of State's office often focuses on the verbs that are used and often suggest using "provides" or "adds" because those are non-judgmental verbs. They were less comfortable with words like

"establish" and "restore." They had a divided opinion on references of history. They were okay with references to if language being replaced had earlier been removed. They were uncomfortable with characterizations of the process for removing that. The Secretary of State's advice is advisory, not mandatory. The advantage is if we use that language in publications in the future, we are in a Safe Harbor if someone challenges it for lack of neutrality. Verbs are subjective and you can make other choices. Those choices are subject to challenge and if they were challenged, a circuit court judge would make that judgment. There is also a redline version submitted by the Mayor that emphasizes the concept of confirmation of previous policy and language rather than new establishment.

Mayor Axelrod suggested to focus the Council on considering all the resolutions and the statement, his sense was Council was moving forward with the alternative. If that is the case, Council can focus the discussion on the alternative. If Council wants to consider both, we can consider both.

Councilor Relyea's understanding was that it was the alternative Council wants to move forward. Mayor Axelrod wants this measure moved to 2020 because of the cost, he asked what happens if it moves to 2020 because there may be an election that changes direction and different people on Council would have to go through this process all over again. He wants to make sure Council is not wasting their time discussing something that is never going to be utilized.

Council President Cummings is okay with either of them, she does not see a huge difference between them. One of them speaks clearly to the City Manager, that language is inherent because the office of the City Attorney has been established and the reporting structure for it and there is a structure for the judge. She is open to it if people feel strongly about the simple one. She had a conversation with Clackamas County elections. The costs are related to each item put on the ballot, cities are charged for each item they put on the ballot, not just per City. Our costs were on the high side in 2017 because we had six things on the ballot. With the two Charters we had, one that passed, one that did not, and the ones that had to do with the use of park property for the upcoming street work. Normally it would be \$0.75 to \$1.00 per voter unless other things are coming forward. In this election, they are anticipating a measure from Metro and one from Clackamas County so the cost would be around \$8,000 or \$0.25 per voter. That is a lot less than what we were hearing. There is a cost when you put something on the ballot unless we wait until next year. Going through all this all over again after going through it in 2017 and all this year, she does not know how much more city time, city staff time, paper, ink, everything. We identified that we wanted to do this so she believes we should. We also need to look at the cost of not making this clear. There is an interest on the part of the City Manager to have a separate attorney. We need to look at the cost of having two separate attorneys, we wound up doubling our attorney costs. That is a lot more than \$8,500 or so.

Mayor Axelrod wants to focus on if we are considering both or the simpler version versus the alternative.

Councilor Sakelik prefers focusing on the draft alternative and getting it on the ballot this year

makes the most sense.

Councilor Walters does not want either.

Mayor Axelrod stated that he prefers the simple one that is simply restoring what was there before, Councilors Relyea and Sakelik prefer the alternate, and Council President Cummings is neutral.

Councilor Walters agrees that the original draft is the best choice; however, she does not support either.

Council President Cummings wants to hear more about subtleties of the alternative.

Councilor Relyea explained the alternative answers the question about the City Manager's powers and duties. The first resolution just answers the question about City Council's powers and duties. So it provides more clarification. There is a specific section that talks about the judicial authority of the judge. It originally said the City Manager shall have no control of the strictly judicial activities of the municipal judge, it was silent on control of the City Attorney. He wants to have this clearly defined so the public understands what it is that they are voting on. He thinks this language provides clarification.

Councilor Cummings agrees. It is important to be clear with the voters what the purpose and intent is and it is to clear up the reporting authority so there is no more ambiguity. We have the resolution that clarifies it, so you can always go back to the resolution. That is one of the problems that happened in 2013. The resolution said one thing, the ballot did not show that was what was being done so people felt tricked.

Mayor Axelrod stated that to focus their effort and time, he suggests limiting the discussion to the alternative. He had submitted the draft before we received the feedback from the Secretary of State. He thought he was submitting his comments to the final language of the alternative, what we received back was slightly different. He had indicated in the resolution that if this was to move forward, we should put in the regular election. We can sign the resolution now and set it up. It is not something that needed to be further discussed next year, we would take care of it in the election in November. He read there is an election next May that would not cost additional money.

City Attorney Ramis and City Manager Stein are not sure, they will check or have staff check.

Mayor Axelrod stated that it could be \$8,000 to \$21,000. It is not going to change the way we operate. If we sign the resolution and advance it in the election next year, he sees not setback by doing that.

City Manager Stein stated that the Primary and General elections in even numbered years are

free.

Mayor Axelrod stated then we could do it in May or November of next year for free. He recommends moving it forward and do it for free. The problem he has with the alternative is that it is misleading to use verbs that imply that the power is not already vested in the Charter and the Council as it is described. He suggests using "confirm" where says "established" or "provides" or "place" because all those assume that the powers are not there. We have had two legal opinions on this, the powers are there. All this does is to help establish language that helps to confirm the interpretation. There is some language he suggested on the bullets and in the text using the word "confirm" to replace "establishes" or "provides" or "places." He feels strongly about that because he thinks it is misleading to the voters to imply that we do not have this unless they approve this. We do have the powers, all it is doing is confirming it for the reader. It clarifies or removes the unclear part of the language. His revisions were pretty consistent with the Secretary of State's and he can accept those. He is not willing to approve it with these other verbs.

Council President Cummings reiterated the advice received from Attorney Jeff Condit. The last sentence of his advice is, "If the Council wishes to permanently prohibit an in-house City Attorney position appointed by the manager or wishes to appoint or supervise that position itself, then the Council needs to refer a Charter amendment to the voters." Until Council does this, this is still left hanging. She held up a graph showing the costs over the years. In 2011, having an outside contracted attorney cost \$146,000. In 2012 the costs started going up after an assistant city attorney was hired that we paid for in addition to the contracted attorney. In 2013 - \$196,000, up until \$322,000. It was projected to go up to \$346,000 and \$362,000 by 2021. If we would have followed the direction of a contracted City Attorney, in this last year, if we would have operated with just a contracted City Attorney, this number is \$200,000. This is why \$8,000 or \$8,500 is not worth talking about. Every time we have these meetings it costs money, to have staff, to have a staff report, and the recordings, and everything we do, paying for the attorney to be here. We have beat this issue to death. It is time to take care of this while the iron is still hot.

Mayor Axelrod stated those numbers direct more towards the structure of the attorney services that we have already addressed. We are following a different structure for City Attorney services, we are not looking at this model.

Council President Cummings does not want this misinterpreted. As it stands with Mr. Condit's advice, this can happen. There is nothing in our Charter to stop the City Manager from hiring another staff attorney if there is money in the budget. This was discussed during the budget process. The only thing that will really direct whether that is going to happen or not is the voters.

Councilor Richard Sakelik moved to adopt Resolution 2019-13, the alternative version, submitting a measure to voters to amend West Linn City's Charter for the November 2019 election. Councilor Bill Relyea seconded the motion.

Mayor Axelrod asked for clarification. If he means the alternative that has been amended? How do we refer to the specific redlined version?

City Attorney Ramis stated that the alternative version is the one that includes amendment of two Charter sections.

Mayor Axelrod asked if that would be with all the redlines that are here accepted.

City Attorney Ramis stated that he understands the sense of the motion would be to include all the amendments shown in the redline which are primarily the Secretary of States. The maker of the motion can describe which version and the seconder could agree to it.

Councilor Sakelik stated that the redlines were put into alternative two.

Councilor Richard Sakelik moved to amend to Adopt Resolution 2019-13 version two, submitting a measure to voters to amend West Linn City's Charter for the November 2019 election. Councilor Bill Relyea seconded the motion.

Councilor Walters thinks it is redundant, not necessary when the changes were made in the legal structure. It is an additional cost to our people, they have already voted on this twice, and she does not support it.

Mayor Axelrod is in support of the clarification elements, there is going to be no difference in how we run and have changed the attorney services structure in the future. There is no consequence about putting in before the voters in May when it would be free. Every dollar we can save is valuable to our citizens and taxpayers. If it could save us \$10,000 or \$20,000, that is \$10,000 or \$20,000 that could go to other good causes. From that standpoint, he would not support it for ahead of time.

Councilor Relyea concurs with Council President Cummings, that this is a stop gap measure that prevents us from excessive spending. There is the potential for those costs to increase up to \$200,000. To have to spend \$10,000 or \$15,000 now and not have to worry about the potential for expenditures of \$200,000 are well worth the money spent.

Councilor Sakelik stated in addition to the cost of it, hopefully we will be getting to it later, but we are clearly going to have savings to our budget of close to a quarter million dollars if we adopt the current proposed City Attorney contract. \$10,000 is a small amount. Hopefully we will go through those numbers later and it is based on actual data. The cost of it a year and a half ago, cost was not a factor whatsoever in bringing something forward to the voters even

though two councilors did not see the need to bring anything to the voters similar to what is being stated today. It is a small cost considering we have over budgeted and over spent on facilitation cost for recent Council Goals and Council Rules. We spent close to \$40,000 to \$50,000 that we had not planned on. This is the correct thing to do.

Councilor Walters stated that if anybody has time to go back and look at the legal structure meeting Council had on June 4, Councilor Sakelik had his numbers. She cannot say the numbers are fully born out, she does not feel that the data is accurate. She stated people can contact the City Manager if they want more information, if this passes, before going to the ballot box, to get a broader understanding of what costs we are talking about.

Council President Cummings held up her graph to make sure everyone got a good look at what it looks like, how much the cost went up, and the blue line is how much the cost went down when we returned to a single contracted attorney services model. Until we do this Charter amendment, it is entirely possible to see that shoot back up, unless we take it to the voters and give them a chance to have a voice in this and she thinks the time is now.

Councilor Sakelik called the question.

City Attorney Ramis asked if there is anyone from the public here to testify on this issue?

There is none.

Mayor Axelrod asked if there was consensus from Council to end the debate.

There was consensus to end the debate.

Ayes: Council President Teri Cummings, Councilor Bill Relyea, and Councilor Richard Sakelik.

Nays: Mayor Russ Axelrod, and Councilor Jules Walters.

The motion carried 3 - 2

[Citizen Advisory Board Appointments](#)

Mayor Axelrod stated Council is not ready make these appointments, a couple of applications just came in this afternoon while they were meeting so they have not had a chance to look at them. Council is still looking for applicants for the Committee for Citizen Involvement (CCI).

[Adjourn](#)

Draft Notes

[Work Session \(approx. 8 p.m.\) \[60 min\]](#)

[Call to Order](#)

[Park Master Plan - Final Review Before Adoption](#)

[Parks Master Plan Agenda Bill](#)

[Parks Master Plan](#)

[Parks Master Plan - Redlined](#)

[CDC Figures](#)

Ken Warner, Assistant Parks and Recreation Director; Vicky Handy and Stacy Epstein, Parks and Recreation Advisory Board Members, discussed the Parks and Recreation Master Plan process with Council.

[Public Comment](#)

Roberta Schwarz

[Public Comment](#)

[Waterfront Plan Update](#)

[Waterfront Plan](#)

[Information](#)

Associate Planner Wyss gave the staff presentation.

Eric Underwood, Local Government Affairs Manager for PGE, gave the Waterfront Community Engagement Results Presentation.

[Waterfront Community Engagement Results Presentation](#)

Councilor Richard Sakelik moved to Extend the meeting to 10:00 p.m. Council President Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[City Attorney Contract](#)

[*Agenda item added 7-15-19*](#)

[City Attorney Contract](#)

[City Attorney Contract Compare Document](#)

[City Attorney Tracking Log](#)

[LCRB Rules re: Personal Services Contract](#)

Council discussed the City Attorney contract with City Attorney Ramis.

[Council/Manager/Attorney Reports \[15 min\]](#)

Councilor Walters brought forward and Council discussed funding the High School Robotics Team.

City Manager Stein discussed the letter to the West Linn-Wilsonville district with Council.
[West Linn-Wilsonville Letter](#)

[Adjourn](#)

DRAFT



CITY OF
West Linn

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

WEST LINN CITY COUNCIL MEETING NOTES August 5, 2019

Call to Order and Pledge of Allegiance to the Flag

Council Present:

Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Staff Present:

City Manager Eileen Stein, Assistant to the City Manager Dylan Digby, Public Works Director Lance Calvert, and City Attorney Tim Ramis.

Approval of Agenda

Council President Teri Cummings moved to approve the agenda for August 5, 2019, West Linn City Council Meeting moving item g to the first item of business. Councilor Richard Sakelik seconded the motion.

Ayes: Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: Mayor Russ Axelrod.

The motion carried 4 - 1

Mayor Axelrod stated that the Parks hearing is going to be extended to a date certain of September 9.

Public Comments [10 min]

Brenda Perry expressed concerns about the City Attorney representing Council President Cummings in her quest to keep her notes private. She quoted Council rules regarding using the City Attorney that state if it will take more than 15 minutes, it needs Council approval. She asked when this decision was made as there was no public discussion. It must have happened at one of the executive sessions on this topic. The text read at the beginning of every executive session states that no final decisions may be made in executive session. Council's failure to follow this guideline is a clear ethics violation and undermines the principles of transparency. The Oregon Government Ethics Commission stated a review of this would be warranted if she submitted a complaint. The way this has been handled and the thousands of dollars this is costing, filing a complaint seems to be an appropriate course of action. She is concerned that filing a complaint would result in more legal fees. Council needs to stop hiding behind the title of executive session and provide some answers. She is not asking that the executive session tapes be released, but citizens have a right to know who wanted to go down this path and why. Councilors are trained that all notes are public record and Council Rules at the time stated this fact. This item should be added to an agenda and give the citizens a chance to get some answers. The executive session was held under consulting with counsel concerning the rights and duties of a public body; however, Councilor Cummings stated in the lawsuit that she is not a public body, she is an individual and therefore exempt. This attitude of money is no object needs to stop, the costs are over \$17,000 and will increase during the appeal of this decision. She responded to Councilor Sakelik's comment in the Tidings, many of the city staff live in West Linn, running the City is a team effort, there is no them and us.

Councilor Walters stated that she did not support the decision for this case to go to court.

David Baker stated that 16 volunteers completed over 40 hours of fire hazard mitigation, removing over 123 piles of dry, woody, vegetative material at White Oak Savanna park. These brush piles were constructed as bird habitats by other volunteers. He supports creation of habitat at parks; however believes these put the park and neighborhood at risk due to the fire hazard. They did not find any evidence of birds using these piles. Volunteers were instructed to look for animal evidence before disturbing. They selected 25 brush piles to remain that were spaced apart and away from trees, dry grass and Tannler Drive. He recognized the volunteer efforts and the City Manager for supporting the removal of the fire hazard during the current dry weather. Volunteer projects need to be vetted and approved by staff.

Seaneen Rudkin-Manning has spoken with many West Linn residents and business owners regarding crosswalk and pedestrian safety in the Willamette area. The Historic Willamette/Main Street sent out a survey where 61 percent of the respondents said that newer, safer crosswalks was their number one concern and street lighting is important. West Linn needs better, historically correct street lights and more obvious crosswalks. This be done

during the initial phase of the project and not put off to be retrofitted later. Citizens need the City to take these concerns seriously and to allocate enough money to address this safety concern.

Councilor Relyea mentioned that in Washington, there are yellow flags on each side of the street and citizens can carry a flag if they feel traffic is moving too quickly and leave it on the other side of the street. It worked to slow traffic down.

Mayor Axelrod stated that he has been wanting to do that on Salamo and Day Road since he has come here. City Manager Stein will follow up with staff on this.

Council President Cummings stated that Council should not do back and forth during public comments, they should do it after they have heard them all due to Council Rules.

Jennifer Eustaquio is surprised to hear that the habitats at White Oak Savanna were destroyed. A lot of the charm and appeal of West Linn is the natural beauty and professionals should have been consulted. A new organization is forming for the support of the renovation of Bolton Fire Hall into a community based facility called the West Linn Collaborative. They have elected board members, are meeting, and are working on bylaws. She is the president. She is also the president of the West Linn Community Preschool, which would like to lease space at Bolton Fire Hall. She is dedicated to creating a community center for the long run. She asked for funds for architectural plans so they can move forward with this project.

Jerry Offer agrees about the need for pedestrian safety and lighting in Willamette Historic/Main Street. The City needs to slow down the design process for the street improvements. City staff and the consultants are letting the Transportation System Plan (TSP) drive the process, with little concern for pedestrian safety and the businesses. The process needs to be opened up more and staff needs to take citizens' concerns seriously and not forge ahead with what the TSP says. There needs to be plenty of input and peer review on the plan for Willamette Falls/Main Street.

Shannen Knight had a board meeting that was supposed to be an update from Public Works Director Calvert that turned into over a two hour meeting. She sent out two surveys - one for residents and one for businesses. They had over one hundred responses. We lobbied to improve the street lighting and get larger sidewalks for outdoor dining. It does not make sense to have bike lanes where they can go 30 miles per hour. We need to slow the bicyclists down and make it more pedestrian friendly. Also, the reverse in angle parking was controversial, but only 20 percent of the people who took the resident survey said they absolutely hate it. There are concerns about exhaust from engines, other cities have made rules that you cannot leave your car running. For the business survey respondents, 28 percent of the businesses hated the reverse in parking. The compromise is to create a multiuse path for bikes and pedestrians.

[Public Comment - Surveys](#)

Council President Cummings stated that when Brenda Perry was facing an ethics violation, all the parties named in the ethics violation obtained the services of an attorney to defend them. There was no public meeting to decide that they would do that or how much it cost. When Council is faced with litigation, we meet in an executive session to consult with an attorney or to talk about hiring one, that is the usual process. She is surprised Ms. Perry does not remember that for the complaint filed against her. In terms of her hiding notes, it is important for people to understand that the original request was for any and all notes in their original form, it was not possible to fulfill that request, she has a volume of records. One time she took a wheelbarrow of notes to a meeting to show how much material she had read for the Urban Growth Boundary (UGB) discussion and she still has most of that because the Stafford stuff is not over. Normally when somebody makes an overly broad request, they are asked to narrow the request scope and are expected to agree that the records need to be redacted due to exempt information. The City does not hand over records in their original form if there is information that needs to be redacted. When you do a records request, the agency asks the requestor to choose a topic. All three of those things were attempted to be mediated on to narrow the scope of the request and accept redactions. This was denied, the requester wanted to take it to court, we were forced to go to court. The ruling from Judge Breithaupt is the result of that.

Councilor Sakelik stated that they have tried find out from the City Manager as to how that occurred. Council was never asked if City money could be allocated to defend Mayor Axelrod and Councilors Perry and Martin in the ethics complaint. They did not know until they saw the response online from the Oregon Government Ethics Commission.

City Attorney Ramis stated that the decisions relating to litigation for the city are matters of attorney-client privilege. The purpose of the exception from Public Meeting Law that allows executive sessions is to permit Council and clients to discuss what approach to take and that is why those decisions, if there are decisions, or if there is a consensus, are done in the context of an executive session because it is privileged communication.

Councilor Sakelik suggests that everyone who reads the Tidings or Oregonian or listens to people and their ideas to do their due diligence and go the experts and not just listen to media. Our national politics are affected by that and hopefully we can avoid that in West Linn. He is willing to talk to anyone within his purview related to executive sessions where he should not be talking about it. He will provide proof to back up his assertions. He encourages people to do their due diligence, whatever the subject is.

Councilor Walters stated that Councilor Sakelik understands the big bucks are the tax payer dollars and not Council's money.

[Announcements, Proclamations, and Recognitions](#)

[City Bee Name Proclamation](#)

[City Bee Proclamation](#)

Council President Cummings recognized Dylan Pakes because he was the one who came up with the bee's name and she read the proclamation.

[Consent Agenda \[5 min\]](#)

[Agenda Bill 2019-08-05-01: Draft Notes for June 24 and July 8, 2019](#)

[Draft Notes Information](#)

[Agenda Bill 2019-08-05-02: Arts and Culture Commission Missions and Goals](#)

[Arts & Culture Information](#)

Council President Teri Cummings moved to approve the Consent Agenda for the August 5, 2019, West Linn City Council Meeting, which includes the Arts and Culture Commission Mission Statement and Goals and meeting notes as amended for June 24 and July 8, 2019. Councilor Richard Sakelik seconded the motion.

Ayes: Mayor Russ Axelrod, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: Council President Teri Cummings.

The motion carried 4 - 1

[Business Meeting \[90 min\]](#)

[Agenda Bill 2019-08-05-07: City Attorney Contract Renewal](#)

[City Attorney Contract Information](#)

[Councilor Sakelik Submittal - *updated 7/31/19](#)

[City Attorney Ramis Submittal - *updated 8/1/19](#)

[Mayor Axelrod Submittal - Aug. 5, 2019](#)

Mayor Axelrod went through the documents posted stating that there is a redline and clean version of the contract. City Attorney Ramis addressed the concerns Council had last time regarding insurance. Councilor Sakelik updated his analysis on the summary of financial data. City Attorney Ramis submitted a table with cost information. Mayor Axelrod submitted a summary of his findings and recommendations.

Councilor Sakelik explained his submittal stating that he took worst case hours numbers from actual billable hours from the last fiscal year (through June 30) from the attorney invoices. He took out 144 hours because the attorney is not attending Planning Commission meetings or

Council Work Sessions. He took the percentage of hours for legal versus paralegal last year to get 68 percent for legal and 32 percent for paralegal services. Based on those numbers, he projects Council will spend \$200,000 this fiscal year. Last fiscal year Council spent \$199,000. He projects \$224,000 for fiscal year 2021. Based on his data, he is expecting a savings of \$270,000. He discussed City Attorney Ramis' firms years of service and depth of experience in his firm. There have been issues to timeliness of services so City Attorney Ramis created a tracking sheet to follow, so we have actual data to look at and will review quarterly.

City Attorney Ramis explained the tracking sheet. The idea is to force the lawyers and staff to prioritize items to be clear about when items are due. It sets up categories, some are immediate priority, like if staff needs a report reviewed before a meeting tonight. There are high priority items identified by staff or Council that need quick review, long term priorities with no particular deadlines, and a category with shifting priorities. The idea is to keep track of items over time and show how service is being provided.

Councilor Relyea went over the process where Council came up with a new structure for legal services. There were numerous meetings, they reviewed many records, did a needs assessment, and new positions were brought into the legal services portfolio, like risk managers and paralegals and utilizing their services at a lower cost than attorney fees to assist the City. This is a completely new system to conduct legal services on behalf of the community. This is expected to decrease legal costs over the next three to four years. There is a termination clause in the contract if we do not feel our needs are being met, also the contractor can step away from the contract if they like. This is a good contract we have put together and he encourages Council to approve it.

Councilor Walters is concerned Council has not done a request for proposal (RFP) and they do not have comparative numbers from other firms in the Portland area who provide municipal legal services. They have not done their due diligence on rates and this concerns her.

Councilor Sakelik stated he took attorney Jeff Condit's rates from Miller Nash who charges \$365 an hour, attorney Ron Guerra's rates of \$250 an hour, and our facilitator who charges \$275 an hour.

Councilor Walters stated it would be helpful to have these numbers in writing. She has not hired someone for a project without getting multiple bids and she want to make an informed decision.

Mayor Axelrod has the highest respect for City Attorney Ramis; however, he wants to look at other options for attorney services. Even if Council hired another firm or had an in-house attorney, Jordan Ramis would always be on Council's list as needed. Mr. Condit's rate is a specialized rate. If you look at other cities they are below \$300 per hour. Council needs to look at other options when facing tough budget constraints. He looked at the hours of usage of attorney services for the last year. On average, the City uses the City Attorney for 56 hours a month and 25 hours on average for paralegals. The cost for the last five years is different than

the last seven months. The average cost per month was \$12,847, for the last seven months, the cost is up to \$21,831. Applying the annual rate to the number of hours used is the simple, most direct way to do an estimate. There will be an increase in costs due to risk management services that are being given to the City Attorney. That level of effort equates to a full time employee. Whether we go in-house or consider other firms, it is critical to do an RFP to see what firms and individuals are out there and what their rates are. He does not want to jump to \$345 an hour in 2021, he wants to do proper due diligence. He recommends Council commit to \$265 per hour for next year and issue a RFP focused on municipal legal services. There is a lot of mundane, routine services the City does. The City does not always need specialized attorney services. He wants to issue the RFP and review the additional costs and services. The proposed contract commits the City into 2021 and ends at City Attorney services at \$345 an hour. He thinks that is poor fiscal management. He explained how there can be an in-house City Attorney who reports to Council and the benefits of having an in-house attorney. The City Attorney will no longer be available for all Council Work Session, Planning Commission meetings, and other meetings. He wants the City Attorney connected to the City Manager, staff, and Council. He went over key benefits of an in-house counsel from his document and some of the items they would take care of so there would not be additional legal costs to the City. It will be posted and he will send it to anyone who asks. Several cities have switched to in-house counsel, it has worked for them, it is saving money, and they are getting great service.

Council President Cummings stated that we have already decided to the question of having outside or inside legal counsel, we do not usually re-litigate. She showed her chart about the legal services increasing since 2011, until 2018 when they stopped using the hybrid model. She discussed the chart provided by City Attorney Ramis that shows West Linn as the only city that uses the hybrid model. In-house City Attorneys are not less expensive, it usually includes having support staff. Most of them are general practitioners and they still need to hire expensive specialists. Going in-house does not pencil out.

Councilor Richard Sakelik moved to approve the City Attorney contract as proposed by Jordan Ramis as written. Council President Teri Cummings seconded the motion.

Mayor Axelrod stated that he is not proposing the hybrid model, he is just talking about an in-house attorney. This chart has a lot of issues that are not understood, for instance, how many attorneys Beaverton has, they have four attorneys and have significant commercial practice and business.

Council President Cummings realizes how many attorneys Beaverton has; however, this bar chart is cost per thousand.

Mayor Axelrod stated that it does not pertain to the type of services required for West Linn. A lot of cities are lower with an in-house attorney. This chart is not relative to do a cost comparison approach. He is not talking about a hybrid model, just an in-house attorney.

Councilor Relyea stated that this contract does not preclude Council from moving forward with an RFP or seeking other service models, what it does do is gives us a projection of costs if we decide to keep current counsel for 2020 and 2021. This argument that we cannot go out for an RFP or are not doing our due diligence is erroneous, we have worked on this for half a year, probably 70 to 80 hours. It is time to move forward with the contract, move onto other issues, and if we need to revisit the topic, we have the opportunity to do so.

Council President Cummings congratulated Milwaukie for their new rate with the new attorney on staff, but these things change over time, the need for other legal advice, the need for legal support, and costs go up over time.

Councilor Walters stated that the 70 to 80 hours was the discussion of the legal services structure, the City Attorney contract issue has not been discussed that long, it came out of the June 4 meeting when Councilor Sakelik decided to take it on. It is relevant to talk about RFPs and comparing different law firms.

Councilor Sakelik stated that approving the contract does not stop Councilor Walters or Mayor Axelrod from doing research like he has done. If they want to do an RFP and bring the information back while Council moves forward, they can. We do not have any more than a one day commitment. It closes this question and gives some respect to City Attorney Ramis who has been waiting since last October for us to finalize this.

Councilor Relyea stated that structure and cost are directly related. This contract talks about training of non-legal personnel to reduce legal expenses and includes other provisions as far as risk management to help us reduce costs. We know that someone who is in business to provide legal services for a community is charging an hourly rate that is consistent with what the going rate is an it is all governed by the State Bar Association. You can go to the State Bar's website and they provide all of that information. We are on the low end of the spectrum. He does not see it moving higher and it is Council's responsibility to manage the contract and make sure it works effectively to lower costs.

Mayor Axelrod stated that he cannot do an RFP on his own, he need Council to authorize the work to move that forward.

Council President Cummings called the question.

Ayes: Council President Teri Cummings, Councilor Bill Relyea, and Councilor Richard Sakelik.

Nays: Mayor Russ Axelrod and Councilor Jules Walters.

The motion carried 3 - 2

City Attorney Ramis clarified that a formal RFP process would have to be authorized by Council. Informal research and obtaining bids and quotes is something individuals can do.

[Agenda Bill 2019-08-05-03: Public Hearing: Parks Master Plan](#)

[Agenda Bill](#)

[Parks Master Plan](#)

[Public Testimony - *updated 8/1/19](#)

[Staff Presentation - *updated 8/5/19](#)

ORDINANCE 1693, ADOPTING THE WEST LINN PARKS, RECREATION, AND OPEN SPACE PLAN UPDATE AS AN ATTACHMENT AND SUPPORTING DOCUMENT OF THE WEST LINN COMPREHENSIVE PLAN; AND AMENDING THE WEST LINN COMPREHENSIVE PLAN GOALS 2, 5, AND 8.

[ORD 1693](#)

ORDINANCE 1694, AMENDING THE COMMUNITY DEVELOPMENT CODE CHAPTERS 2 AND 56.

[ORD 1694](#)

Mayor Axelrod opened the hearing on a proposal to consider adoption of the West Linn Parks, Recreation, and Open Space Plan update along with proposed amendments to Comprehensive Plan Goals 2, 5, and 8; and Community Development Code Chapters 2 and 56 and continued it to September 9, 2019 at 6:30 pm in order to address a couple of process elements.

[Agenda Bill 2019-08-05-04: Nuisance Code Changes](#)

ORDINANCE 1699, RELATING TO NUISANCES, INCLUDING NOXIOUS VEGETATION, VIOLATIONS, POSTING NOTICE, AND ABATEMENT, AMENDING WLMC SECTIONS 5.470, 5.495 - 5.515, AND 5.525

[ORD 1699](#)

Public Works Director Calvert gave the staff report reminding Council of the June 17 Council Work Session about right-of-way (ROW) management. The City's Municipal Code needs to be updated regarding nuisances and Code enforcement. Council comments have been incorporated into the ordinance. The Neighborhood Association Presidents were asked to offer any comments by July 19, to date, we have not received any comments. He read the summary of changes from the agenda bill. Updates on unimproved ROW are still pending, this will be a big project on the Planning Department docket. The Police Chief and his staff have given their stamp of approval on these Code changes.

Councilor Sakelik stated that the language about a "person in charge" is confusing because it is not clear who that is in the ROW. It is confusing to the citizens adjacent to Kelly Street.

Public Works Director Calvert read 5.470 and explained the definition, sometimes the person in charge might be a renter. In all the Clackamas County and Portland Metro communities, all of the property owners are responsible for the maintenance of the ROW adjacent to their property. In the case of Kelly Street, there are five property owners adjacent to that parcel. It is each property owner adjacent to the link that is responsible for it. The question with unimproved ROW is, is it native vegetation or mowed, maintained grass. Native vegetation is exempt from mowing unless there is a hazard, such as a fire hazard. This is being done to make the Code more understandable and defensible with the City Attorney and Municipal Court Judge. Public Works assists the homeowners to get the ROW to a state where they can maintain it.

Councilor Relyea wants additional information and maps on the outliers and unimproved ROWS.

Public Works Director Calvert stated that unimproved maps will be done after September. Each one is unique; however, Council could receive additional testimony from citizens and staff will work directly with Kelly Street residents to get their input. The goal is no surprises and staff tries to keep everyone informed.

Councilor Walters appreciates the clarity. There are groups out there that can help citizens maintain the ROW. She wants this information on the website so people know what their responsibilities are.

Mayor Axelrod asked about 5.470(2)(d). It talks about vegetation being a fire hazard. He would like to insert at the end "likely cause or to exasperate (or accelerate)" a fire. In 5.500(3)(e) instead of "shall" be a lien, should it be "may be" a lien against the property? What if it is not gregarious? Can we put in a fine option? Section (4) talks about the lien.

City Attorney Ramis stated that the idea is to be unambiguous about creating authority to be sure we had the lien. We can create language that gives the City the option to lien. If the City is going to have an option, we need to have a process by which that gets decided. One of the reasons Public Works Director Calvert did this work was to streamline the process. We are trying to not have discretionary points in the ordinance.

Public Works Director Calvert clarified that Section (4) is about the posting and mailing of the notice. When you go down into the sections about abatement, that is when there is leeway, particularly if there is an appeal or an issue. Staff does not lien a person's property, there has not been a lien on a person's property since he has worked here. It is rare to see something move forward in that way. The notice is to let people know there are consequences to not following up on nuisances, particularly if it is a health hazard.

City Attorney Ramis stated that Section (4) that has the "shall" language, this relates to a situation where the City Manager has determined the person responsible for the nuisance is

not going to be capable or not going to be trusted to do the abatement. There is process to protect that person from that finding; however, once that finding is made and the City goes out and spends the money to abate, the lien attaches.

Mayor Axelrod asked if 5.515(1)(d) is the only hardship clause, it only talks about income hardship. What about elderly citizens not having the physical means to do the work? On Mapleton and Nixon, the property is too steep so the property owner tried to get professionals to the work; however, they could not do it at a reasonable cost. Maybe we could have a community volunteer event or some other solution to address this. He is going to speak with the property owner to get some clarity about what needs to be done.

City Manager Stein agreed there could be a community or church group that would help; however, we do not want to accumulate fire hazards because someone is at a certain age or ability.

Public Works Director Calvert stated that specifically with (d) Council directed in cases with financial hardship, staff wanted to be able to provide some type of mechanism to help those citizens. This section is only talking about the cost to abate if the City has cleared the nuisance because all the other means have been exhausted. This is stating the City would absorb half of the cost in this instance. There is not any City that gives a pass on an age, handicap, or ability basis. If you are a property owner, it is a financial item, you are paying to own and upkeep that property. If you have a special situation the City Manager or Municipal Court Judge have the ability to help in those instances. There are steep slopes that can have native vegetation. Blackberries are only an issue when they extend into the public ROW or cross into someone else's property.

Council President Cummings appreciates the clarity, detail, and work done on this and the additional language to clear up the edges of our streets and sidewalks which should make a difference in walkability. She wants to get the word out that this is our new Code. The City already has a program for assistance for low income on their utility bills she wants the same for this.

Council President Teri Cummings moved to approve first reading of Ordinance 1699, an ordinance relating to nuisances, including noxious vegetation, violations, posting notice, and abatement, amending West Linn Municipal Code Sections 5.470, 5.495 through 5.515, and 5.525, and set the matter for second reading at the September 9 meeting. Councilor Bill Relyea seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2019-08-05-05: Neighborhood Association Grant Policy](#)

RESOLUTION 2019-14, ESTABLISHING A POLICY AND PROCEDURES FOR MAKING NEIGHBORHOOD ASSOCIATION GRANTS

[RES 2019-14 Information](#)

City Manager Stein gave the staff report reminding Council of the previous discussion regarding this resolution and that staff has received feedback from the Neighborhood Association Presidents (NAP) group which is in the packet. There was a question from Council regarding if NA grant spending "should" or "shall" be approved by the membership.

Mayor Axelrod stated the NAP group thinks it should be "should" because there are sometimes small expenditures made that is difficult to get approval from the entire membership. He asked if it could be stated "unless under \$100" to address this concern. What if it said, "NA grant spending shall be approved by the membership according to their bylaws."

Karie Oakes, Neighborhood Association President's Vice President, stated that the bylaws of the neighborhood associations have voting requirements for expenditures in them and that would meet that requirement. The NAP discussed this revision and decided that "should" is strong enough language. The Mayor's suggested language is fine with her; however, she is only representing what the NAP discussed. She could take that suggestion back to them.

Councilor Relyea stated that there were not any violations of spending and the NAP comments were if there have not been any violations, why is there suddenly this concern.

Mayor Axelrod is fine with either word "should" or "shall".

City Attorney Ramis stated the question is what is the intent. If it says "shall" it is an absolute requirement, if it says "should" it is discretionary, not mandatory.

Councilor Sakelik suggested leaving it at "should" to move this along.

Council President Cummings stated that the request is to have language returning the unused funds to the neighborhood reserve. She asked what the language was for when then balance was too large.

Ms. Oakes stated they would strike the sixth bullet under 4 except for the sentence, "NAs may choose to carry a balance from prior years." There is a requirement of the NAs to report yearly about their finances. Deleting all that language brings it back to the original language of this policy. At the bottom of the page it states that the policy was originally created September 16, 1993 with amendment dates. She does not believe it was amended June 28, 2012 so it should be struck.

City Attorney Ramis stated that if we find that to be incorrect, we can correct it as a Scribner's error.

Council President Teri Cummings moved to approve Resolution 2019-14, A Resolution establishing a policy and procedures for making neighborhood association grants with the revision of in Section 2 Policy, the language shall be should and in Section 4, the sixth bullet, everything shall be struck except for the first sentence. Councilor Bill Relyea seconded the motion.

Councilor Walters stated it is important when discussing tax payer dollars to have oversight over how that money is spent and believes safeguards should be in place should it become an issue and then there is room for discretion so she believes it should be "shall". The other sentence could be if the City believes the balance is too large, the City can limit further balance accrual. When NAs have balances over \$10,000, the City should be able to discuss that with them and have discretion over what to do because it is the taxpayers money and we need to be fiscally responsible.

Council President Cummings does not believe the word "shall" needs to be in there because each NA has its own spending limits spelled out. Her concern is "shall" creates an overbearing rule that could be seen as superseding the NA bylaws. Small expenditures may not need to be approved by the NA membership. Regarding large balances, Council wants them to be more clear and explain what their intention is - what their budget is, what their plan is, and what their goal is.

Mayor Axelrod stated that he is comfortable knowing it is in their bylaws.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, and Councilor Richard Sakelik.

Nays: Councilor Jules Walters.

The motion carried 4 - 1

[Agenda Bill 2019-08-05-06: Willamette Main Street Streetscape Project: Supplemental Allocation of GO Bond Funds](#)

[GO Bond Information](#)

[Public Comment](#)

Public Works Director Calvert gave the staff report. He showed the City's website that has all the bond project information, including financial information. Oregon Department of Transportation (ODOT) has moved the Highway 43 project back a year. There is no construction funding for the remainder of Highway 43; however, the design positions us for grant and funding opportunities. Staff submitted a proposal to Metro for another section of Highway 43 from Hidden Springs past Pimlico. The Transportation Advisory Board (TAB) has

endorsed the Safe Routes to School prioritization list. We have received feedback from some neighborhood associations and parent teacher associations and staff is trying to get on the agendas of the rest of them. The City has tried the flagged crosswalks, if they are not nailed down then they walk away, it is a bit of a challenge; however, we could try this again if there is a desire. Safe Routes construction will start next summer. Sunset Road improvements have not started yet. Willamette Falls Drive improvements from 10th Street to Highway 43 open house is on August 8th. Staff is moving ahead with the design from 16th Street to Fields Bridge Park. Willamette Main Street and 10th Street projects are interconnected so the designs need to work consistently throughout the corridor. This work is being done by HHPR. Historic Willamette Main Street is really being pushed forward from 10th Street to 16th Street. The City has some bond funds for the 10th Street interchange project and we are trying to match these bond funds with System Development Charge (SDC) funds; however, the City is struggling to getting enough SDC revenue because there is not a lot of development going on in West Linn. The street fund and utility funds will pay for street paving and utility work when possible to supplement bond funds. There is planning for four traffic signals in this corridor (Salamo, on and off ramps to I-205, 10th Street and Willamette Falls Drive intersection), these are expensive and are regulated by state and federal standards. Decorative street lighting and burying power lines were not budgeted in this bond project. There has been a lot of outreach and engagement on the 10th Street and Historic Main Street projects that can be viewed on the project webpage. The project follows the Historic Main Street Concept Plan for safety and mobility for all forms of travel. The cycle track is designed for families, not experienced cyclists. Back in angle parking is still being debated, it has pros and cons. The main part of this project is engagement, the Main Street group has been engaged and has done a survey. There are a lot of people getting information and misinformation from Facebook and the West Linn Community Page. Staff is looking for guidance in utility relocations and decorative street lighting. Portland General Electric (PGE) will relocate the overhead utilities at their cost. Historic Main Street asked for, and the TAB supports, relocating the power lines to the alley or 8th Street and PGE will pay for most of that cost. Historic Main Street also asked for the addition of decorative street lighting which will cost \$35 per month per post versus \$8 per month per post for standard lighting. The City does not have a definitive cost from the consultant or PGE because this is new information; however, we estimate this will be \$500,000 in additional capital cost as well as ongoing additional costs per month for electricity at \$12,912. It is estimated to be well over one million dollars to do decorative streetlights and to underground the street lights. He asked Council if they want to put an additional half a million dollars into this project and if so, where that money would come from.

Mayor Axelrod asked about an additional \$400,000 that could be available.

City Manager Stein explained the City has realized additional interest earnings of approximately \$400,000 on the GO Bond money that could be applied to this project.

Public Comment

Jody Carson stated that the initial reason for this plan was to accomplish four things: (1) install historic style lights, (2) increase pedestrian safety, (3) move the utilities underground and

install outdoor electrical outlets; and (4) wider sidewalks for restaurant seating and ADA access improvement. This new proposal addresses two of these items. The committee is in support of the proposal of doing the utilities in the alley and having historical lighting. She encouraged Council to support the additional funding.

Kathie Halicki stated that the cost of the undergrounding would go to businesses, it should go to the landowners. Postcards were not sent to the Willamette Neighborhood Association.

Councilor Sakelik asked if the \$400,000 in interest could be spent any way Council desires or if it is subject to the GO bond project rules. He is in agreement with the undergrounding of the utilities and the street lighting. He would like to have a work session in September for the business owners to state what they prefer.

City Manager Stein would have to check; however, it would be a disservice if they were not used in accordance with the GO Bond project guidelines.

Councilor Relyea agrees Council needs a work session and he wants property owners to get information on what kind of costs they could be incurring.

Public Works Director Calvert explained if Council wants to underground the utility lines, there will be a cost to the property owners; however, if they just relocate the aerial utilities to the alley there is no additional cost to property owners. Unless Council wanted to charge the ongoing costs of operating and maintaining the decorative streetlights. The decorative lights are very expensive.

Council President Cummings stated that decorative streetlights are part of the hopes and dreams of the Main Street group. She would like to proceed with that and see what can be worked out with PGE.

Councilor Walters is excited to see the area revitalized. She thanked Historic Main Street for their work. Decorative street lighting would be an enhancement; however, it is an additional cost. If most businesses are comfortable with moving the utilities to the alley, that will enhance the area. She is concerned about delays to the project timeline, how that could affect construction, and how it could impact summer business. She would also like to have a work session on this as soon as possible.

Mayor Axelrod stated that it is really important to get this right. We should not even consider standard lighting, it should be historic. Undergrounding utilities is a goal we have for every area of the City. He wants to do it right and bury them even though it costs money to do it. He is a big proponent of cycle track; however, the design should shift in the Main Street area to accommodate the needs of the area. He wants to look at the design options for the area and wants to cater to businesses in the area.

Public Works Director Calvert will move forward with the plan endorsed by the TAB and

Historic Main Street to relocate utilities and install decorative streetlights utilizing the bond funds to cover the additional cost. He will get more detailed cost as the City gets further along in the process. Our Citizen Outreach Coordinator will be out in person and will continue other engagement. The goal is to start construction in January which means he needs Council approval no later than the first meeting in December, preferably in November. Staff need to educate people on the cycle track, he encourages people to check out the one on Rosemont Road. They are designed for traveling at 10 miles per hour. If bicyclists want to go faster, they will be in the street. Staff wants to stay on the timeline so not they are affecting the businesses during peak season.

Mayor Axelrod asked if this could be pushed to next year. He does not want to be rushed into something, he wants to get it right.

Public Works Director Calvert stated it is always an option to do in 2021 instead of 2020; however the costs will go up. Small details can be handled; however, big changes will cause it to be pushed into the future. Staff does not want any surprises going into September or October.

Mayor Axelrod asked if the additional cost of Main Street lighting should be on the business area or on all of the City, because all of West Linn residents enjoy the lighting. It is special for everyone.

City Manager Stein does not have the answer to this tonight; however, staff does need to know if we should increase the budget for this project to spend the additional \$500,000.

Councilor Sakelik is concerned about Safe Routes to School being severely underfunded. He gives a tentative okay to the \$400,000; however, he would like to see the bids for this work and what it comes out to. There is also a potential savings on 10th Street and Salamo on if the sidewalks have to be done or can be put off to later. He is all for the underground utilities and the lighting. He does not mind waiting another year, even if there is increased cost, to get this project right.

All the Councilors gave a thumbs up for this budget increase.

[Mayor and Council Reports \[20 min\]](#)

Council President Teri Cummings moved to Extend the meeting to 10:00 p.m. The motion did not receive a second and was lost.

[Citizen Advisory Group Appointments](#)

Mayor Axelrod placed before Council the following appointments:

To the Public Safety Advisory Board (PSAB) Michael Selvaggio and to the Economic Development Committee (EDC) Drew Hanson

Councilor Jules Walters moved to Approve the Mayor's appointments. President Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Teri Cummings, Councilor Bill Relyea, Councilor Richard Sakelik, and Councilor Jules Walters.

Nays: None.

The motion carried 5 - 0

[City Volunteer Recognition BBQ Event Update](#)

Mayor Axelrod understands that the recognition barbeque is to be coordinated with the opening of Sunset Park.

City Manager Stein stated that will be in early October.

Councilor Sakelik stated that Council agreed to one big event to include volunteers and all staff.

City Manager Stein stated if it were during the day, staff would be happy to come to a barbeque; however, she could not commit staff to attend during off hours. She clarified that Council means all 125 City staff members.

Councilor Sakelik stated that would be over 200 people.

Mayor Axelrod volunteered to haul trash, flip burgers, and pick up dog poop if they need to.

[September Town Hall Topic](#)

Councilor Sakelik stated that Council should find a different way to communicate with citizens other than Town Halls. The only one that successful was about emergency preparedness.

Councilor Relyea asked if Council could do a Post Office status update, that brings people in.

Mayor Axelrod and Councilor Sakelik had separate positive meetings with the Post Office and City Staff. They are making progress with Gramor and the adjacent property owners. The Post Office received a definite no on Haggen's property.

Councilor Walters stated it was a great rally to save the Post Office, it is an important issue for our citizens. She presented the proposal for the Robotics Team. She would like Council to approve the original amount of \$1,480 or at least the scholarship portion of \$900.

Councilor President Cummings commended Councilor Walters for her persistence and she

shares her enthusiasm for the Robotics Team. There are so many school clubs and Council cannot help them all. She reminded Council that Council Rules state that once Council has made a decision, unless someone who was on the prevailing vote side wants to change their vote, Council needs to move on and not keep bringing prior votes back on things that have already been decided.

[Councilor Walter's submittal for Robotics](#)

[City Manager Report \[10 min\]](#)

City Manager Stein would like to get a date scheduled for her evaluation. The two remaining dates are September 4th or 16th at 3:00 p.m.

[City Attorney Report \[5 min\]](#)

City Attorney Ramis gave his report in executive session.

[Adjourn](#)

Draft Notes

DRAFT

Agenda Bill 2019-09-09-02

Date: September 9, 2019

To: Russ Axelrod, Mayor
Members, West Linn City Council

From: Morgan Coffie, Public Works Management Analyst

Through: Lance Calvert, P.E., City Engineer/Public Works Director **LEC**
Eileen Stein, City Manager **ES**

Subject: Nuisance Code Changes 2nd Reading

Purpose

Approval of second (2nd) reading of Ordinance No. 1699 to amend the Nuisance section of the City's Municipal Code.

Question(s) for Council:

Does the Council wish to adopt the updated Nuisance section of the City's Municipal Code?

Public Hearing Required: No.

Background & Discussion:

At the June 17, 2019 City Council Work Session, staff provided an update to Council about right-of-way management. An outcome of this discussion was identifying the need to update the City's Municipal Code regarding nuisances and code enforcement.

A draft ordinance to update the City's nuisance section of the Municipal Code was provided to Council for review and comment at the June 17th meeting. The attached draft ordinance was reviewed and approved by the City Attorney. The code update will address needed improvements in the current code with revisions to the code enforcement process as it relates to: landscape items, enforcement, and abatement costs/process.

At Council direction, staff provided this information to Neighborhood Association Presidents (NAP) and requested written comments by July 19th. No specific comments, concerns, or suggestions were provided by the Neighborhood Association presidents or members. Attached is the single correspondence received to date.

On August 5, 2019 a first (1st) reading was conducted at the City Council meeting and a summary was provided by staff. City staff has received no additional comments to date.

Budget Impact:

Simplifying and clarifying the code enforcement process related to nuisances will ultimately produce budget savings, by how much is unknown at this point.

Sustainability Impact:

Allows for native landscaping and supports the City’s sustainability (environmental and fiscal) goals.

Council Goal/Priority:

This action supports City Council Goals related to Land Use and Quality of Life; and Fiscal Sustainability.

Council Options:

1. Conduct the 2nd reading of Ordinance No. 1699 to adopt the updated Nuisance section of the Municipal Code and motion for approval/adoption.
2. Do not proceed with the 2nd reading of Ordinance No. 1699 and request further work on the ordinance.

Staff Recommendation:

Conduct 2nd reading of Ordinance No. 1699 to adopt the updated Nuisance section of the Municipal Code.

Potential Motion:

I move to conduct the 2nd reading of Ordinance No. 1699 and approve adoption of the updated Nuisance section of the Municipal Code as attached.

Attachments:

1. Proposed Ordinance No. 1699
2. Email from Savanna Oaks Neighborhood Association

ORDINANCE NO. 1699

AN ORDINANCE RELATING TO NUISANCES, INCLUDING NOXIOUS VEGETATION,
VIOLATIONS, POSTING NOTICE, AND ABATEMENT,
AMENDING WLMC SECTIONS 5.470, 5.495 - 5.515, AND 5.525

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

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides: Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, the above referenced grant of power has been broadly interpreted as affording all legislative powers that home rule constitutional provisions can grant to Oregon Cities, City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop, 20 Or. App. 293, 531 P 2d 730, 734 (1975); and

WHEREAS, City policies and regulations related to invasive noxious vegetation need to evolve to be more responsive to citizen's requests; and

WHEREAS, enforcement relating to nuisances identified in the City Code needs to be timely in response to citizen requests; and

WHEREAS, the City Council finds it necessary to amend the nuisance code to clarify the standards for noxious vegetation and amend the enforcement of the nuisance section of the City Code.

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

SECTION 1. West Linn Municipal Code Section 5.470 [Noxious Vegetation] is amended to read as follows:

5.470 Noxious Vegetation.

No owner or person in charge of any property, **improved or unimproved**, shall permit noxious vegetation upon ~~public or private~~ **the** property **and the adjacent right of way**.

(1) The term "noxious vegetation" does not include vegetation that constitutes an agricultural crop **or native landscape**, unless that vegetation is **deemed a fire hazard**, ~~a health hazard or a traffic hazard and it is vegetation within the meaning of~~ subsection (2) of this section. The term "noxious vegetation" does not include vegetation that is part of the natural topographic condition of City or state parks and **open space**. ~~greenway areas.~~

(2) The term “noxious vegetation” includes:

(a) Weeds **listed under any weed category in the Oregon State Noxious Weed List maintained by the Oregon State Weed Board and lawn grass** more than ~~10~~ **8** inches high **and any poison oak, poison ivy or similar poisonous vegetation**;

(b) **Tree and bush limbs 11 feet or less from the sidewalk surface or 14 feet or less from the street surface**; ~~Grass more than 10 inches high and not within the exceptions stated in subsection (1) of this section;~~

(c) **Hedges, shrubs, bush limbs, or debris encroaching into the edge of the street or sidewalk**; ~~Poison oak, poison ivy or similar vegetation;~~

~~(d) Dead trees, dead bushes, stumps and any other thing likely to cause a fire;~~

~~(e)~~ Vegetation that is a fire hazard **including dead or dying trees, dead bushes, stumps and any other combustible material likely to cause a fire**;

~~(f)~~ Blackberry ~~bushes~~ **vines or thickets and other invasive species** that extend into a public thoroughfare **right of way** or across a property line, **or conceal trash/debris, or create harborage for potential criminal activity**;

~~(g)~~ Vegetation that is a health hazard **because it impairs the view of a public right of way or interferes with the adjoining street or sidewalk traffic or creates rodent harborage**;

~~(h) Vegetation that is a health hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous;~~

~~(i) Trees, bushes, weeds, grass or debris on property, or on the adjoining street or public right of way, which interfere with street or sidewalk traffic. This includes:~~

~~(i) Trees and bushes on the property and on the adjoining right of way which are not trimmed to a height of not less than seven and one half feet above the sidewalk level, over the street area at an elevation of not less than 11 feet above the street level and to a height of not less than 14 feet above the street level on any street designated as an arterial or one-way street, and where parking has been prohibited.~~

~~(ii) Hedges, shrubs, etc., which are not trimmed to allow a minimum of three feet of horizontal clearance between the edge of pavement and the hedges, shrubs, or other vegetation.~~

SECTION 2. West Linn Municipal Code Section 5.500 [Notice – Posting and Mailing – Contents] is amended to read as follows:

5.500 Notice – Posting and Mailing – Contents.

(1) Upon determination by the City Manager that a nuisance exists **as defined in this or any other ordinance of the City** ~~Sections 5.400 to 5.527~~, a notice shall be posted on the premises where the nuisance exists, ~~declaring and describing the nuisance, providing information regarding protest rights, and informing whether an opportunity to abate will be provided.~~ The persons responsible for the nuisance include the owners of the property, **and** any person in charge of the property, ~~and any person who created the nuisance whether or not the person had the approval of the owner or person in charge of the property. A person who purchases real property from a person responsible for the nuisance shall also be considered a person responsible for the nuisance if:~~

~~(a) The nuisance was in whole or in part on the property;~~

~~(b) The nuisance was created to benefit the property being purchased; or~~

~~(c) The new owner purchased with actual or implied knowledge that the seller was responsible for the nuisance.~~

(2) At the time of posting, the City Manager shall cause a copy of the notice to be forwarded by registered or certified mail, postage prepaid, to the owner, **and/or** the person in charge of the property **at the last known address of such owner or other person.** ~~any person with an ownership or security interest in the property, and any other person responsible for the nuisance at the last known address of the owner or other person. The City Manager may cause a copy of the notice to be recorded with the county recorder in the property records of any real property owned by all persons responsible for the nuisance. Any person purchasing property for which a notice has been recorded shall be deemed to have knowledge that the seller was responsible for the nuisance. In determining in which property records, if any, the notice should be filed, the City Manager shall consider the City's needs to adequately secure any lien that may be filed if the City abates the nuisance.~~

(3) The **posted and mailed** notice declaring the nuisance shall contain:

(a) A description of the real property by street address or otherwise, on which such nuisance exists;

(b) A description of the nuisance **and a statement that failure to abate a nuisance may warrant imposition of fines, jail or additional penalties;**

(c) A statement that the owner, ~~or other person~~ **and any** other person in charge of the property ~~or other person~~ responsible for the nuisance may protest the abatement by giving notice to the City Manager within 10 days from the date of the notice;

(d) A direction to the persons responsible for the nuisance to abate the nuisance within 10 days from the date of the notice; and

(e) A statement that unless such nuisance is removed to the satisfaction of the City, the City may abate the nuisance and the cost of abatement shall be a lien against the property and against property of any person responsible for the nuisance **plus any fines, jail or additional penalties;**

(f) Any additional conditions relating to the abatement, including conditions that the work be performed by qualified persons, conditions disqualifying certain individuals from performing the work, conditions that necessary permits be obtained, or other conditions intended to ensure that the nuisance will be properly abated.

(4) In the event that the City Manager determines that the person responsible for the nuisance should not be given the opportunity to abate the nuisance; the notice shall not include the statements required by subsections (3)(d) and (e) of this section and shall instead include a statement that the City Manager has determined that the person responsible for the nuisance should not be given the opportunity to abate the nuisance and a statement that unless a protest is filed within 10 days from the date of the notice, the City shall abate the nuisance and the cost of abatement shall be a lien against the property and against property of any person responsible for the nuisance.

~~(5) The notice may also contain conditions relating to the abatement, including conditions that the work be performed by qualified persons, conditions disqualifying certain individuals from performing the work, conditions that necessary permits be obtained, or other conditions intended to ensure that the nuisance will be properly abated.~~

~~(6)~~ Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the date and place of such mailing and posting.

~~(7)~~ An error in the name or address of any person entitled to notice shall not make the notice void and in such a case the posted notice shall be sufficient.

~~(8)~~ The City Manager may determine that the person responsible for the nuisance should not be given the opportunity to abate only if the City Manager finds that the person responsible for the nuisance is unlikely to properly abate the nuisance **or if**

Summary Abatement is necessary. The determination that a person is unlikely to properly abate the nuisance shall be based on findings as to one of the following:

- (a) Whether the person acted intentionally and whether the nuisance is egregious; or
- (b) Whether the person had knowledge that the action was a violation of state law, or city code; or
- (c) Whether the person has the professional expertise to perform the abatement.

SECTION 3. West Linn Municipal Code Section 5.505 [Abatement – By Owner or Other Person Responsible for the Nuisance] is amended to read as follows:

5.505 Abatement – By Owner or Other Person Responsible for the Nuisance.

(1) Unless the City Manager has determined that the person responsible for the nuisance should not be given the opportunity to abate the nuisance, within 10 days after the posting and mailing of the notice as provided in Section 5.500, the owner, person in charge of the property or other person responsible for the nuisance shall remove the nuisance in accordance with the notice or show that no nuisance exists. Any person removing the nuisance shall notify the City Manager before removing the notice and shall allow the City to inspect during and on completion of the removal. ~~The notification shall state how the nuisance will be removed, when it will be removed, and who will be performing the removal.~~

(2) A person protesting that no nuisance exists shall file with the city manager a written statement specifying the basis for the protest within 10 days of the posting of the notice.

(3) The statement shall be referred to the **Municipal Court Council** ~~as a part of the Council's regular agenda at the Council's next regularly scheduled meeting. If the protest is received less than four days before the next regularly scheduled meeting, the City Manager may schedule the protest to be heard at a subsequent council meeting.~~ At the time set for consideration of the protest, the person protesting the notice of nuisance may appear and be heard by the **Municipal Court Council**, and the **Municipal Court Council** shall thereupon determine whether or not a nuisance in fact exists ~~and whether a person other than the property owner is responsible for the nuisance. Such determination shall be entered in the official minutes of the Council.~~ The **Municipal Court Council** may impose conditions relating to the abatement, ~~including conditions that the work be performed by qualified persons, conditions disqualifying certain individuals from performing the work, conditions that necessary permits be obtained, or other conditions intended to ensure that the nuisance will be properly abated.~~

(4) ~~Council~~ **Municipal Court** determination shall be required only in those cases where a written statement of protest has been filed.

(5) If the **Municipal Court** ~~Council~~ determines that a nuisance does in fact exist, the person responsible for the nuisance shall, within 10 days after such ~~Council~~ determination, abate such nuisance, unless the **Municipal Court** ~~Council~~ determines that the person responsible for the nuisance should not be given the opportunity to abate ~~or unless the Council decision allows a period of time greater than 10 days. The Council may determine that the person responsible for the nuisance should not be given the opportunity to abate only if the Council finds that the person responsible for the nuisance is unlikely to properly abate the nuisance.~~ **The determination that a person should not be given the opportunity to** ~~is unlikely to properly abate the nuisance shall be based on findings~~ **related to Section 5.500 Section 7. In the event the person responsible fails to abate the nuisance within ten days, the city may, without further proceedings, have the nuisance abated.** ~~as to one of the following:~~

~~(a) Whether the person acted intentionally and whether the nuisance is egregious; or~~

~~(b) Whether the person had knowledge that the action was a violation of State law or City code; or~~

~~(c) Whether the person has the professional expertise to perform the abatement.~~

(6) If no protest is filed with the City Manager within the time allowed, a nuisance shall be deemed to exist and the City may proceed to abate said nuisance and collect the costs incurred by the City in abating the nuisance by the methods set forth in Sections 5.510 to 5.525 **plus any fines, jail or additional penalties.**

SECTION 4. West Linn Municipal Code Section 5.515 [Abatement – Assessment of Costs] is amended to read as follows:

5.515 Abatement – Assessment of Costs.

(1) The City Manager **or designee** by registered or certified mail, postage prepaid, shall forward to all persons responsible for the nuisance, a notice stating:

(a) The total cost of declaring and abating the nuisance, including administrative overhead;

(b) That the cost as indicated will be assessed to and become a lien against property of persons responsible for the nuisance unless paid within 30 days from the date of the notice;

(c) That any person responsible for the costs may file a notice of objection to the costs with the City Manager not more than 10 days from the date of the notice.

(d) The City Manager or Municipal Court may provide financial assistance for up to half of the cost of abatement to a low-income resident who meets the qualifying income limits identified in Section 4.155 of this code.

(2) Upon the expiration of 10 days after the date of the notice, the **Municipal Court** ~~Council in the regular course of business~~ shall hear and determine the costs to be assessed. If no objections are received, the **Municipal Court** ~~Council~~ shall adopt the City Manager's statement of costs.

(3) If the costs are not paid within 30 days from the date of the notice, an assessment of the costs ~~as stated or as determined by the Council shall be made by resolution and shall thereupon be entered in the docket of City liens and, upon such entry being made,~~ shall constitute a lien upon property of all persons responsible for the nuisance. ~~The City Council may, as part of its determination of the costs, order that the costs shall not become a lien on certain property if it finds that the property and the property owner should not be responsible for payment of the abatement costs.~~

(4) The lien shall be enforced in the same manner as liens for street improvements are enforced and shall bear interest at the rate of nine percent per year. Such interest shall commence to run from date of the entry of the lien in the lien docket.

(5) An error in the name of any person to whom notice is sent shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against property of the person responsible for the nuisance.

SECTION 5. West Linn Municipal Code Section 5.525 [Summary Abatement] is amended to read as follows:

5.525 Summary Abatement.

The procedure provided by Sections 5.400 to 5.527 is not exclusive but is in addition to procedure provided by other ordinances, and the **City Manager or designee** ~~Health Officer, the Chief of the Fire Department or Chief of Police~~ may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

SECTION 6. West Linn Municipal Code Section 5.535 [Judicial Review] is amended to read as follows:

5.535 Judicial Review

Judicial review of the decision of the ~~Municipal Court Council~~ **Municipal Court** declaring a nuisance shall be on the record by writ of review pursuant to ORS Chapter 34 and not otherwise.

SECTION 7. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 8. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 9. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 10. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was given a first and second reading by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 5th day of August, 2019, and duly PASSED and ADOPTED this 9th day of September, 2019.

RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

From: [Savanna Oaks Neighborhood Association](#)
To: [Coffie, Morgan](#)
Cc: [Calvert, Lance](#); [Williams, John](#); [#Committee - Neighborhood Association Presidents](#)
Subject: RE: City Council amendments to Nuisance Code
Date: Friday, June 28, 2019 2:10:18 PM

Morgan,

At its meeting last evening, the NAP reviewed the Summary of Proposed Amendments to the city's Nuisance Code. The NAP members did not have any specific comments at this time but will be taking the proposed amendments to their respective NAs for discussion over the next several weeks.

If, after these meetings, any individual NA has comments for you, they will email you directly.

Regards,
Ed

From: Savanna Oaks Neighborhood Association <savannaoaksna@westlinnoregon.gov>
Sent: Thursday, June 27, 2019 11:27 AM
To: Coffie, Morgan <mcoffie@westlinnoregon.gov>; #Committee - Neighborhood Association Presidents <NeighborhoodAssociations@westlinnoregon.gov>
Cc: Calvert, Lance <lcalvert@westlinnoregon.gov>; Williams, John <JWilliams@westlinnoregon.gov>
Subject: RE: City Council amendments to Nuisance Code

Morgan,

Thank you for the information.

We will discuss this item at tonight's NAP meeting, and I will encourage each NA to get back to the city with any comments. In addition, I will forward any comments from the NAP committee as a whole.

Regards,
Ed

From: Coffie, Morgan <mcoffie@westlinnoregon.gov>
Sent: Thursday, June 27, 2019 10:53 AM
To: #Committee - Neighborhood Association Presidents <NeighborhoodAssociations@westlinnoregon.gov>
Cc: Calvert, Lance <lcalvert@westlinnoregon.gov>; Williams, John <JWilliams@westlinnoregon.gov>
Subject: City Council amendments to Nuisance Code

Good afternoon,

To better respond to citizen needs and requests for timely code enforcement, the City Council is updating our nuisance code. At the June 17, 2019 City Council Work Session, the City Council

reviewed and discussed proposed amendments to the West Linn Municipal Code sections addressing noxious vegetation, violations, posting notice, and abatement (sections 5.470, 5.495-5.515, and 5.525). Below is a summary of the proposed changes and the ordinance (with proposed amendments) is attached in its entirety. The City Council is tentatively scheduled to have first reading to adopt the ordinance and code revisions at the August 5, 2019 Council meeting. At Council's direction, we are providing this information to NA's in order to receive input via email comments back to staff by 5:00pm on July 19th so that any comments can be addressed by Council.

Summary of Proposed Amendments:

- Clarification of term "noxious vegetation" which includes: reducing maximum grass height from 10 inches to 8 inches, increasing tree and bush limb distances from street surfaces, and clarification of the terms "fire hazard" and "health hazard" in order to be more responsive to citizen requests.
- Notice, posting, and mailing requirements are simplified and parties of responsibility are clarified.
- Determination of a nuisance will be determined by the City Court rather than the City Council in order to be more timely.
- Abatement will be through the Municipal Court rather than the City Council in order to be more responsive and consistent with other enforcement actions like traffic enforcement is now.
- The City Manager, or designee may proceed to abate health and/or other nuisances that present imminent danger to life or property rather than the "Health Officer, the Chief of Police, or Chief of the Fire Department" since this is old language and the City doesn't have a staff Health Officer or Fire Department.

Please contact Lance Calvert or I with any questions, concerns, or comments. While we know this doesn't provide you with a lot of time to review with NA members prior to the August 5th 1st reading, we hope you can provide feedback. All section changes have been reviewed by the City Attorney and Police Chief and are consistent with best practices of surrounding communities.

Best regards,
Morgan

Morgan Coffie
Management Analyst
Public Works Support
[#3431](#)



Please consider the impact on the environment before printing a paper copy of this email.

Agenda Bill 2019-09-09-03

Date: August 27, 2019

To: Russ Axelrod, Mayor
Members, West Linn City Council

From: Ken Worcester, Parks and Recreation Director *KW*

Through: Eileen Stein, City Manager *ES*

Subject: Parks Master Plan Update and Adoption

Purpose

To consider adoption of the West Linn Parks, Recreation, and Open Space Plan update along with proposed amendments to Comprehensive Plan Goals 2, 5, and 8; and Community Development Code Chapters 2 and 56.

Question(s) for Council:

Is the Council ready to finally adopt the West Linn Parks, Recreation, and Open Space Plan update?

Public Hearing Required: Yes. A public hearing was opened on August 5 and continued to September 9.

Background & Discussion:

The adoption process has been underway for over a year and there is now a significant amount of meeting material and background available (link: <https://westlinnoregon.gov/planning/parks-master-plan-update>). In this time, the Planning Commission (PC) and the Parks and Recreation Advisory Board (PRAB) have each held discussions with the City Council about the wording of the Plan.

On March 18, 2019, the City Council held a work session with the PRAB members, where the Board presented a re-worked version of the draft plan with language designed to resolve prior concerns from identified by both the PC and the PRAB. The Planning Commission also received a copy of the re-worked version. Specific items to be resolved were:

- Community Centers – Language that help envision what are they and how should Parks and Recreation be operating them e.g. Community Resource Centers and other options that meet the recreational needs of the entire community.
- Aquatic Facility - There is a minor mention of aquatics in the plan that discusses a potential long-range phasing scenario to possibly enter into partnerships and develop an operations plan that could result in the potential construction of future pool in West Linn.

At a City Council work session on July 22, 2019, the Council made recommendations to change The White Oak Savanna park classification from Active-Orientated Park to Passive-Orientated Park. The Council also asked for wording change in Appendix D, Section B. at the 5th bullet in regards to the three other small buildings owned by the City.

The plan was presented to the City Council for adoption at its August 5, 2019 regular meeting. At that meeting, the public hearing was open and extended to September 9 at 6:30 p.m. in order to address process elements (i.e. notice) that had been pointed out prior to the August 5 meeting.

Proposed Comprehensive Plan Amendments

In addition to adopting the West Linn Parks, Recreation, and Open Space Plan, a number of amendments are proposed to the West Linn Comprehensive Plan. The proposed amendments will ensure consistency and compliance with regional and state plans and policies, and include the following:

- Update to Exhibit Figure 2-1 (map) in Goal 2- Land Use Planning
- Update to Exhibit Figure 5-3 (map) in Goal 5- Intergovernmental Coordination
- Update language in the Background and Findings section of Goal 8- Parks and Recreation
- Update language in the Policies section of Goal 8- Parks and Recreation
- Update language in the Recommended Action Measures section of Goal 8- Parks and Recreation
- Update to Exhibit Figure 8-1 (map) in Goal 8- Parks and Recreation

Proposed Community Development Code Amendments

Amendments are proposed for the West Linn Community Development Code definitions. The purpose of the proposed amendments are to eliminate inconsistencies within the code. The proposed amendments include:

- Update 02.030 Specific Words and Terms – Passive-oriented parks definition and title
- Update 56.015 Categories of Parks and Natural Resource Facilities – park categories and renumbering
- Update definition of Active-oriented parks – 56.015 Categories of Parks and Natural Resource Facilities
- Update definition and title of Passive-oriented parks – 56.015 Categories of Parks and Natural Resource Facilities
- Update definition and title of Special use parks – 56.015 Categories of Parks and Natural Resource Facilities
- Add Multi-use parks category and definition – 56.015 Categories of Parks and Natural Resource Facilities

Budget Impact:

This is a master plan and does not serve as a budget document. As such, there is no budget impact in the adoption of this plan or code changes. As projects are envisioned and moved forward, they will be incorporated into the City's Capital Improvement Plan and Biennial Budget.

Sustainability Impact:

Similar to budget impact, specific projects will be designed with the City sustainability goals in mind.

Council Goal/Priority:

Guiding Principle #2: Land Use & Quality of Life and Guiding Principle #4: Sustainability. This action supports these guiding principles.

Council Options:

1. Accept the current draft plan, language, and code changes as they exist, and move for adoption.

2. Suggest any final language or other suggestions before adoption.
3. Reject the current draft plan and refer it back to the PRAB with suggestions for final format, language etc.

Staff Recommendation:

Staff recommends Option 1. There has been considerable public review and comment on this plan over the last couple of years. It is time to bring this project to conclusion.

Potential Motion(s):

1. Move to adopt Ordinance 1693 adopting the West Linn Parks, Recreation, and Open Space Plan and amendments to the Comprehensive Plan Goals 2, 5, and 8.
2. Move to adopt Ordinance 1694 adopting the amendments to the Community Development Code Chapters 2 and 56.

Attachments:

1. Ordinance No. 1693
2. Ordinance No. 1694
3. Parks Master Plan Clean Version
4. Proposed Exhibit Figure 2-1 (map) in Goal 2- Land Use Planning
5. Proposed Figure 5-3 (map) in Goal 5- Intergovernmental Coordination
6. Proposed Exhibit Figure 8-1 (map) in Goal 8- Parks and Recreation
7. All public testimony received on the record for PLN-18-01 as of August 29, 2019



CITY OF
**West
Linn**

City Council

PLN-18-01

Parks, Recreation, and Open Space Plan update

September 9, 2019



Parks, Recreation, and Open Space Plan Goals

- ◆ Goal 1: Re-envision West Linn's water experience
- ◆ Goal 2: Create social hubs that provide year-round gathering places for all West Linn Residents
- ◆ Goal 3: Create parks and open spaces that show off West Linn's unique qualities
- ◆ Goal 4: Provide new and extraordinary experiences in West Linn's Parks
- ◆ Goal 5: Re-imagine West Linn's future indoor recreation opportunities
- ◆ Goal 6: Activate parks with recreation programs and events that encourage social interaction and a sense of community
- ◆ Goal 7: Create a more connected and accessible environment for pedestrians, bicyclists and other recreation uses

Comp Plan Amendments



Goal 2: Land Use Planning

- Comprehensive Plan Exhibit: Figure 2-1 does not show the most up to date park land parcels and needs to be replaced with an updated version.

Goal 5: Intergovernmental coordination

- Comprehensive Plan Exhibit; Figure 5-3 does not show the most up to date park land parcels and needs to be replaced with an updated version.

Goal 8: Parks and Recreation

- Update Background and Findings
- Update Policies
- Update Recommended Action Measures
- Comprehensive Plan Exhibit: Figure 8-1 does not show the most up to date park land parcels and needs to be replaced with an updated version.



Marylhurst Heights Park (Active-Oriented)



Fields Bridge Park (Multi-Use)



Tualatin River Open Space (Passive-Oriented)

FIGURE 2-1 NEW

FIGURE 2-1 OLD

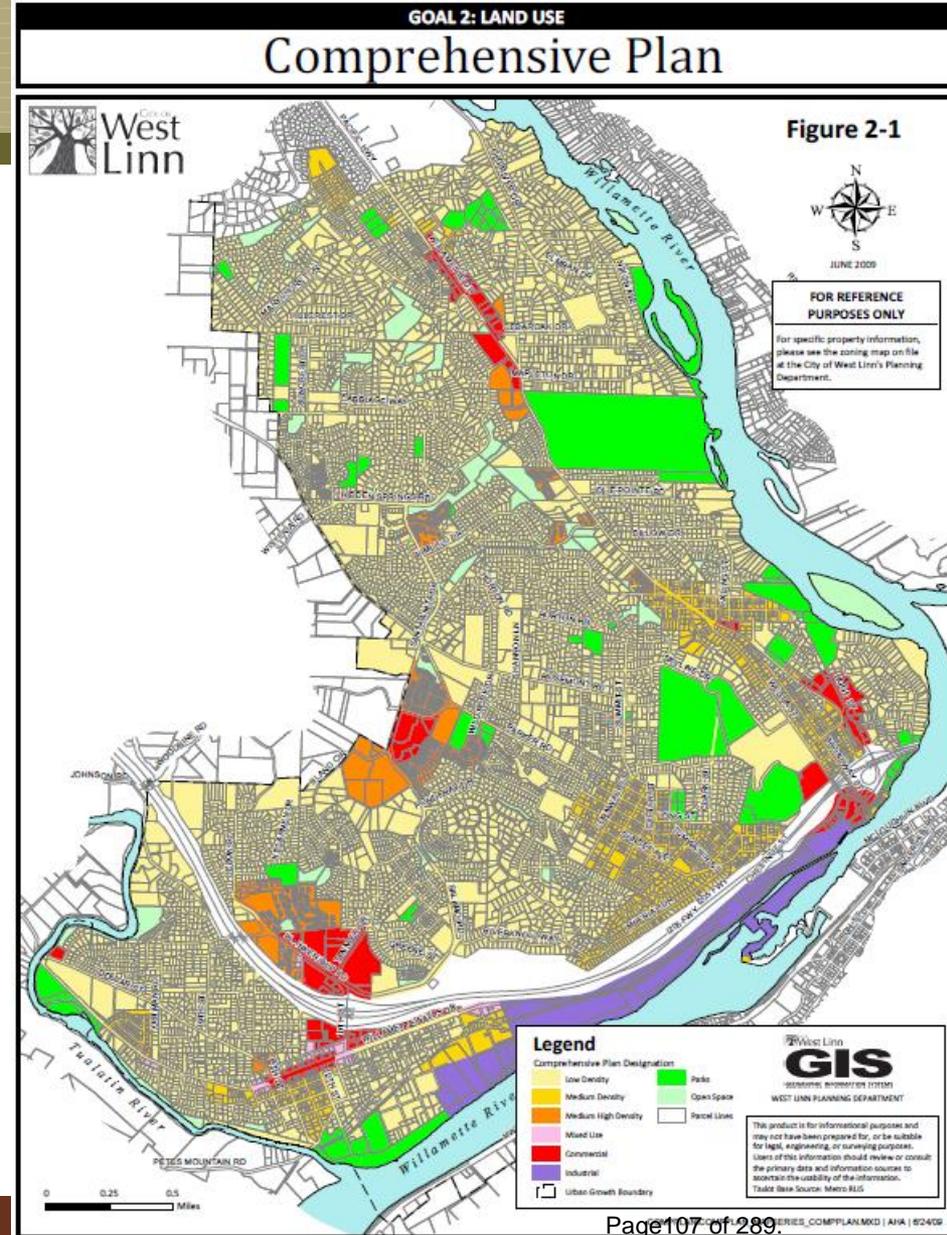
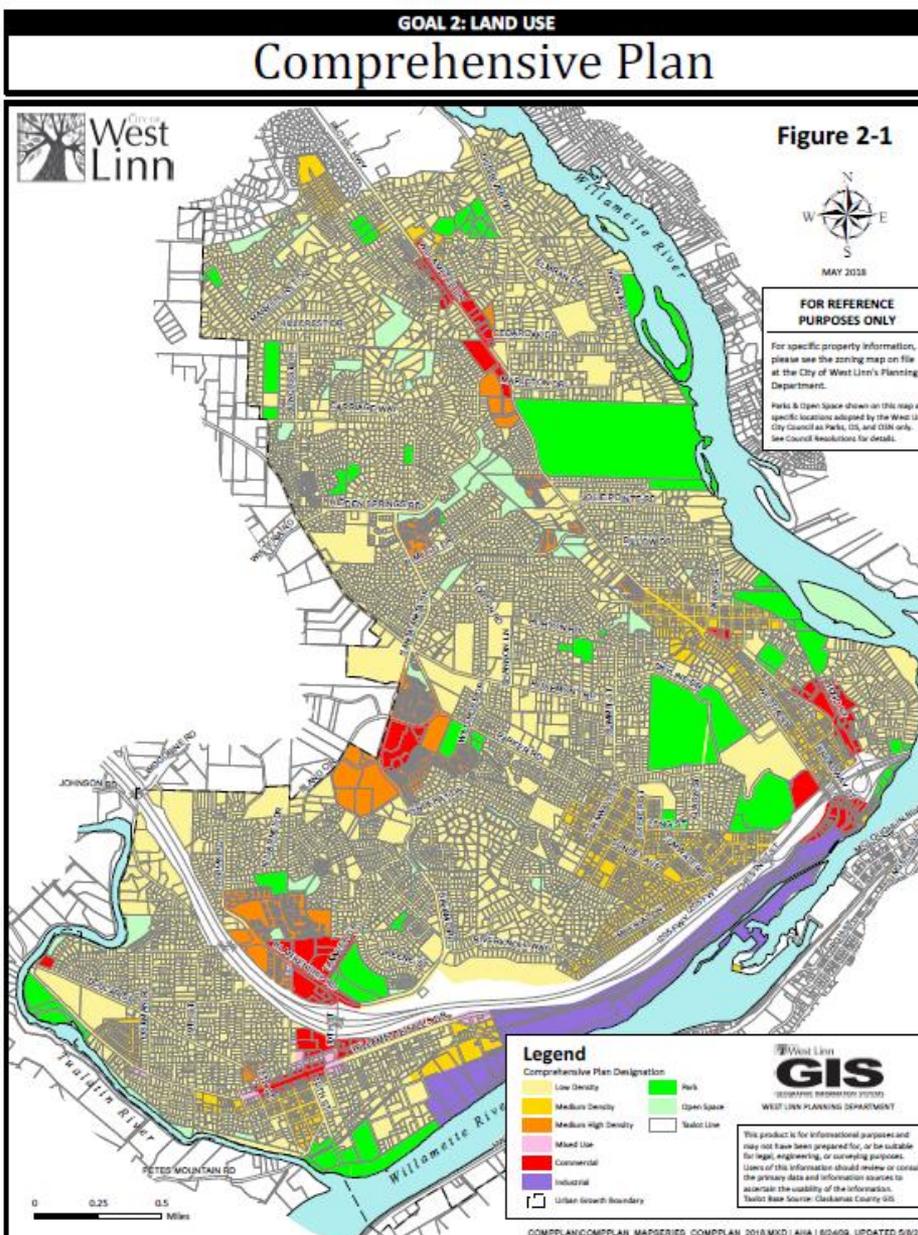


FIGURE 5-3 NEW

FIGURE 5-3 OLD

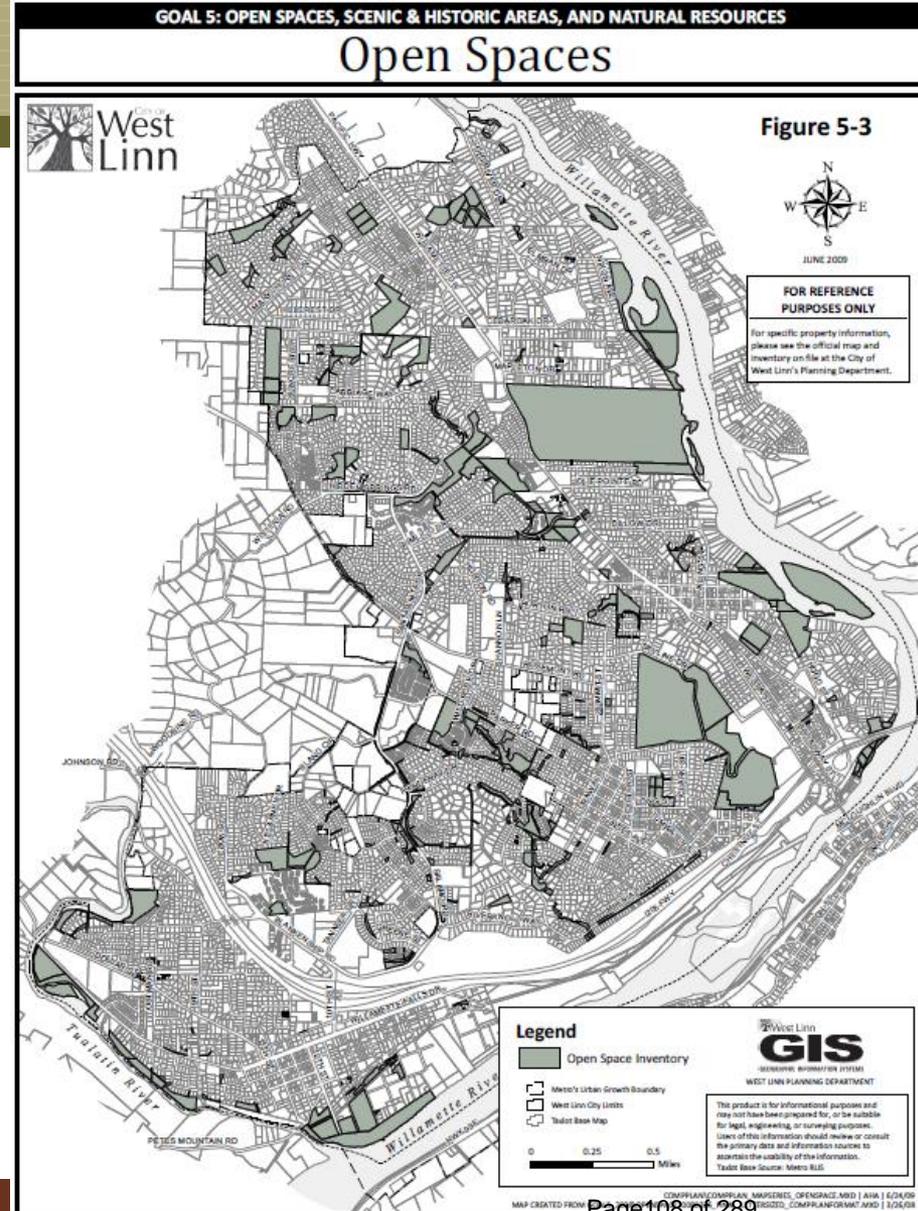
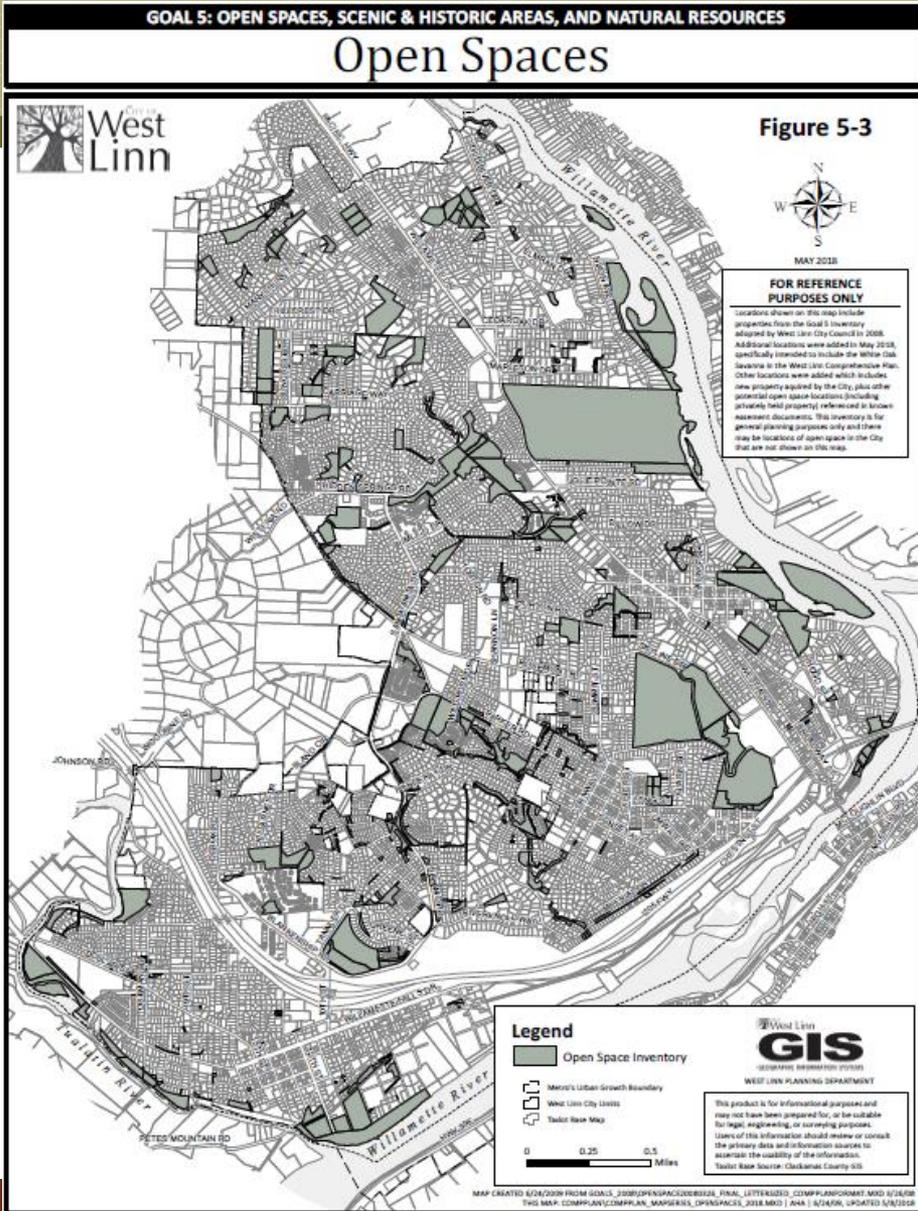


FIGURE 8-1 NEW

FIGURE 8-1 OLD



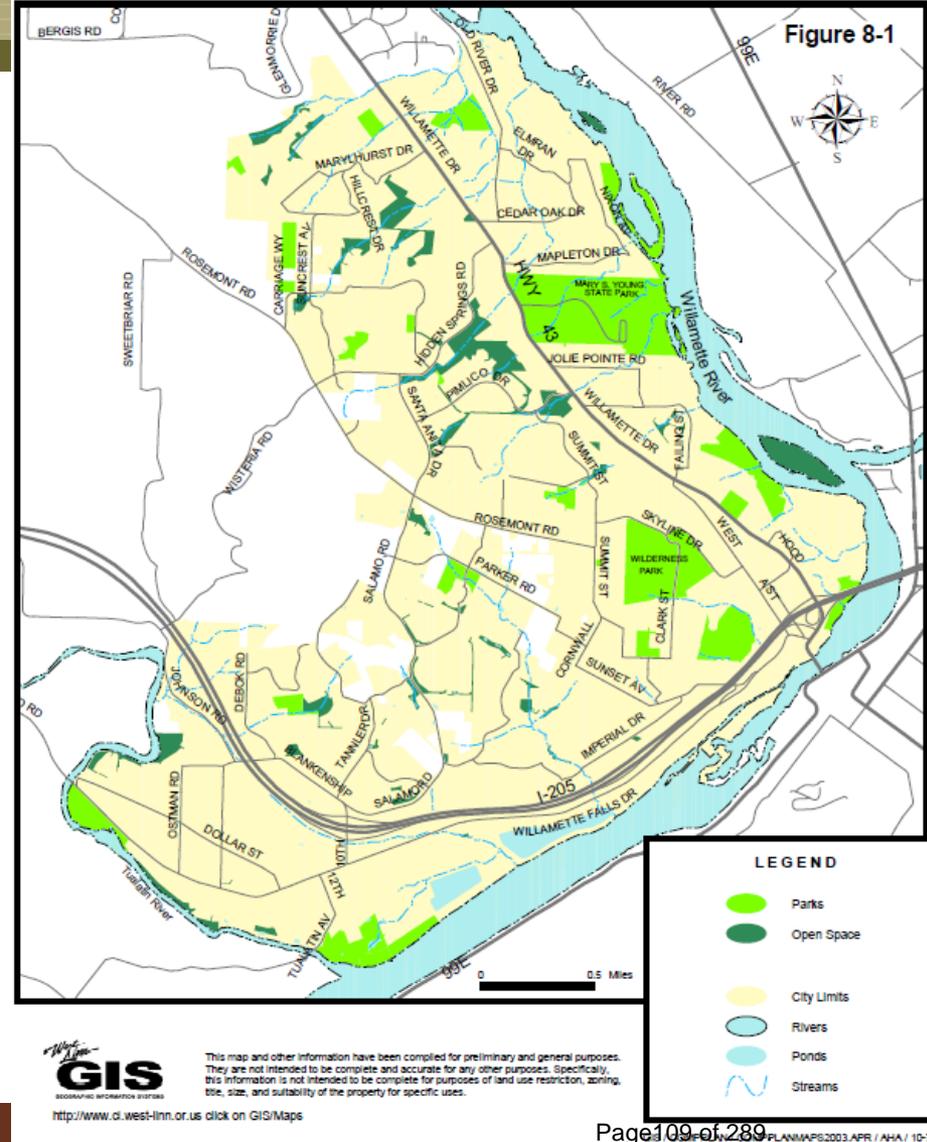
GOAL 8: PARKS AND RECREATION

Parks and Open Space



GOAL 8: PARKS AND RECREATION

Parks and Open Space



Community Development Code Amendments

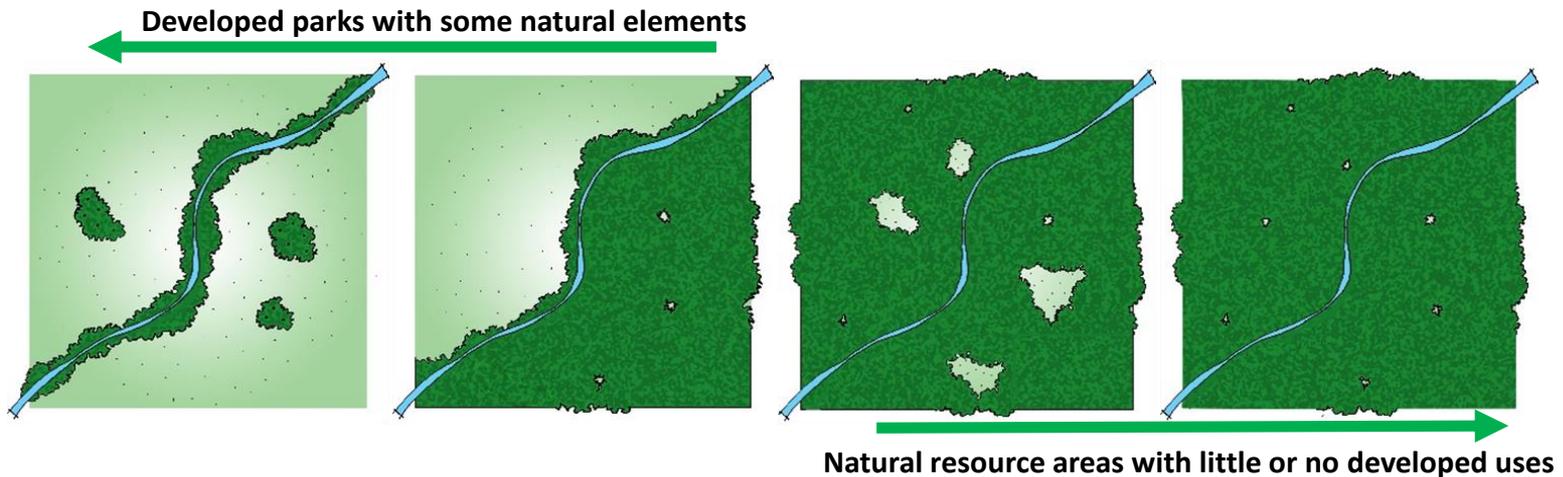


Chapter 2 – Definitions

- 02.030 Specific Words and Terms
 - Update definition of Passive-Oriented Parks

Chapter 56 – Parks and Natural Area Design Review

- 56.015 Categories of Parks and Natural Resource Facilities
 - Purpose Language Cleanup for park categories and definitions



Community Concerns



CDC 98.110 Approval Process and Authority

- *“A. The Planning Commission shall, after notice and a public hearing, formulate a recommendation to the Council to approve, to deny, or to approve with modifications.”*
 - **Planning Commission hearing noticed in the West Linn Tidings April 26, 2018 for the May 16, 2018 hearing**
 - **Memorandum in the record signed by Planning Commission Chair, Mr. Walvatne dated May 22, 2018 recommending approval with an amendment to the proposed plan to add financial consideration for satellite community centers.**
- *“B. Any member of the Commission who voted in opposition to a recommendation by the Commission on a proposed change may file a written statement of opposition with the Director prior to any Council hearing on the proposed change, and the Director shall transmit a copy to each member of the Council and place a copy in the record.”*
 - **Planning Commission voted 7-0 unanimously recommending adoption with minor change for satellite community centers.**
- *“C. If the Commission fails to recommend approval or denial or approval with modifications of the proposed legislative change within 60 days of its first hearing on the proposed change, the Director shall report the failure, together with the proposed change to the Council. The Council may then choose to either refer the proposed change back to the Planning Commission with specific instructions, or may direct the Planning Director to place the proposed change on the Council agenda and cause notice to be given, hold a public hearing, and make a decision on the proposed change.”*
 - **No failure occurred because of the signed recommendation of the Planning Commission Chair.**

Community Concerns



CDC 98.110 Approval Process and Authority

- “D. The Council shall:
 - *1. Have the sole authority to approve, deny, or approve with modifications a proposal for a legislative change or to remand to the Commission for rehearing and reconsideration all or part of a proposal transmitted to it under this chapter;”*
 - **Notice was published for a City Council public hearing on June 7, 2018 for the June 18, 2018 hearing**
 - *“2. Consider the recommendation of the Planning Commission; however, it is not bound by the Commission’s recommendation; and*
 - *“3. Act by ordinance, which shall be signed by the Mayor within 10 days after the Council’s adoption of the ordinance.”*
 - **Proposed ordinances have been provided to Council for this noticed hearing along with the Planning Commission’s original recommendation.**

Community Concerns



CDC 98.110 Approval Process and Authority

- *“4. If the Council determines that the proposed amendments being considered for adoption include issues not raised before the Planning Commission during its deliberations, the Council shall remand the legislative change back to the Planning Commission for its review and recommendation regarding the new issues.*
- *5. When making a determination pursuant to subsection (D)(4) of this section, the Council shall deem an issue not to have been raised only if an issue bears no reasonable relation to the proposed amendments previously considered by the Commission. Furthermore, for the purposes of subsection (D)(4) of this section, when an entire code chapter is being considered for amendment, all issues contained in that chapter shall be considered to have been raised by the Commission in its deliberations. (Ord. 1474, 2001; Ord. 1590 § 1, 2009)”*
 - **At the June 18, 2018 Public Hearing a redlined version was requested showing how the Planning Commission’s recommendation had been incorporated into the proposed plan**
 - **A motion to remand the plan back to the Planning Commission was not reflected in approved meeting summary notes**
 - **The hearing was continued by the City Council but no date certain was specified, thus notice for tonight’s hearing was published in the West Linn Tidings (7/18/19)**



QUESTIONS OF STAFF?



CITY OF West Linn

Memorandum

Date: September 3, 2019

To: West Linn City Council

From: Jennifer Arnold, Associate Planner

Subject: Public Testimony Summary submitted for the Parks, Recreation and Open Space Plan update (PLN-18-01)

The following is a summary of all testimony Planning Staff received during the length of this project. All testimony described below has been presented to the West Linn City Council in previous meetings.

On May 14, 2018 Staff received written testimony from Rebecca Adams expressing concern about draft Parks, Recreation and Open Space Plan presented. This was presented to the Planning Commission prior to the initial public hearing.

On May 14, 2018 Staff received written testimony from Alan Smith requesting the plan be presented to each Neighborhood Association prior to making a decision or approval.

On May 15, 2018 Staff received written testimony from Roberta Schwarz expressing concern about the draft Parks, Recreation and Open Space Plan as presented. Mrs. Schwarz also requests that the plan be presented to each neighborhood association and requests support for smaller community centers to be added to this plan. This was presented to the Planning Commission prior to the initial public hearing.

On May 15, 2018 Staff received written testimony from Ed Schwarz expressing concern about the draft Parks, Recreation and Open Space Plan as presented. Mr. Schwarz also expressed concern over the expense related to a community center/aquatic center. This was presented to the Planning Commission prior to the initial public hearing.

On June 5, 2018 Staff received written testimony from Rebecca Adams expressing concern about draft Parks, Recreation and Open Space Plan presented and if the Planning Commission's recommendation was received by City Council.

On June 15, 2018 Staff received written testimony from Rebecca Adams expressing concern about the draft Parks, Recreation, and Open Space Plan as presented to City Council. Adams



CITY OF West Linn

also mentions concerns about the Meeting Notes details and video from the Planning Commission's May 16, 2018 public hearing. On June 16, 2018 Staff received further testimony from Rebecca Adams clarifying her June 15, 2018 testimony.

On June 15, 2018 Staff received written testimony from Roberta Schwarz expressing concern about the draft Parks, Recreation, and Open Space Plan as presented, the lack of public outreach to the Neighborhood Associations, and expressed opposition to the community center/aquatic center.

On June 16, 2018 Staff received written testimony from Alan Smith expressing concern about the draft Parks, Recreation, and Open Space Plan as presented to City Council. Smith asked for a clearer comparison from the plan presented to the City Council and the plan with corrections recommended by the Planning Commission. Smith also requests serious consideration to the financial challenges facing the City.

On June 18, 2018 Staff received testimony presented at the City Council public hearing from Stacy Epsteen. Ms. Epsteen wanted to express support for the plan.

On June 18, 2018 Staff received written testimony from David Kleinke expressing support for the plan.

July 22, 2019 Staff received written testimony from Ed and Roberta Schwarz expressing concern regarding the pool/aquatic center in the Parks Master Plan. Mr. and Mrs. Schwarz request that the Parks Master Plan no move forward with the existing references to the pool/aquatic center.

On July 31, 2019 Staff received written testimony from Karie Oakes expressing concern regarding the legislative process the Parks Master Plan has taken. Ms. Oakes also raised many questions in her letter.

Arnold, Jennifer

From: R Adams <radams014@gmail.com>
Sent: Monday, May 14, 2018 3:57 PM
To: Arnold, Jennifer
Subject: Fwd: WRITTEN TESTIMONY FOR Parks Master Plan...a few concerning things

----- Forwarded message -----

From: R Adams <radams014@gmail.com>
Date: Mon, May 14, 2018 at 3:47 PM
Subject: WRITTEN TESTIMONY FOR Parks Master Plan...a few concerning things
To: planningcommission@westlinnoregon.gov
Cc: City Council <citycouncil@westlinnoregon.gov>

PLEASE ADD AS WRITTEN TESTIMONY FOR FOR THE PLANNING COMMISSION HEARING ON THE PARKS MASTER PLAN: MAY 16TH , 2018

Dear Planning Commission,

There is much good in this Parks Master Plan, but also some odd things about it. I hope you can improve the draft. Please look at it with a critical eye to detail. Here are some things that are troubling. General page references provided for your convenience:

Concessions

page 69 Staff and concessions

page 77 concessionaires

page 79 riverfront regional cost generation...

page 51 potential commercialization of use in parks

There is quite a lot of mention of the possibility of bringing concessions into the Parks, but no Mention of Chapter XI, Section 46 of the the West Linn Charter which states a prohibition in leasing of parks, except for some grandfathered instances. It may be that concessions of some sort really are going to be appropriate in a future Riverfront Park, but it seems this rental use would need to go to a vote of the people given the way our Charter reads. Since concession is mentioned so much in the Master Plan, what I suggest is just a simple mention that concessions may require a vote of the people per the Charter. Maybe also adding the idea that presence of Concessions significantly alters the feel of a public space, so should be approached in a space by space manner.

Encroachments and Importance of Rights of Way, especially near Parks

Page 7. State goal 5 and goal 6 and goal 7

page 8 goal 12....connectivity Transportation

page 52 Encroachment policy

page 55 goal seven connectivity insure ROW vacation considers use

While getting serious about the Encroachment Policy is long over due since it would allow completion of Public Resources such as the Palomino loop and address the private building and excavation that is going on in the ROWs adjacent to Burnside Park and other parks. I think it would be useful to also create a vigorous policy that any vacation of Right of Way is reviewed with respect to its impact on Parks and on the Trails Master Plan. The recent vacation of the Willson Street Right of Way was recommended for approval by staff WITHOUT any written provision for the ongoing pedestrian access specifically planned for in the Master Trails Plan. Having watched a number of vacations now, not only is the city routinely giving away public land for free, but often the larger questions of whether a vacation contradicts some of our Planning Goals are not being fully explored by staff in the lead up to the Council Hearing which decides the matter. The donor of the Burnside Park, E.G. Caufield, had asked that adjacent ROWs be included in the park, though did not require it. It still has not happened, so those green buffers to the park are vulnerable to our lax vacation policy.

What I suggest is that the Parks Master Plan contain a line stating that ROWs adjacent to Parks should not be vacated, and that all ROW vacation requests be reviewed with respect to our Goal 5 aspirations and Master trails Plans, as well as our overall vision for connectivity of habitat and transportation. We can do better with state goal 5 and goal 6 and goal 7 by stopping the practice of flagrantly giving away ROWs.

Bias against Smaller Community Recreation Centers should be left out of document

page 34 On map Bolton is an indoor facility

page 35 indoor uses are scheduled to capacity

page 42 improved indoor space, very flexible concept

page 50 Goal 2 Social Hubs

page 53 problematic revisioning to exclude small community centers

page 54 goal six importance of community focus

page 78 biasing language about not funding neighborhood projects

page 79

annual prioritizing process will be pre-biased if criteria are not allowed to be applied to worthy satellite community centers

This part of the proposal was not subject to much, if any, citizen engagement. It comes late in the game, and was surprisingly the subject of some recent misinformation in a Tidings article. That was very surprising article with political undertones given the Bond election now going on.

It has long been staff's policy not support local satellite Community Centers such as Robinwood Station, Sunset Fire hall and the proposed Community Resource Center at Bolton Fire Hall, *despite these things being part of our Neighborhood Plans which are part of the Comprehensive Plan*. The only way Robinwood was able to move forward was by creating a non-profit to run it, as Bolton has been also pressured to do. This is in contrast to many cities that would just run the community centers themselves, like our Sunset Fire Hall model, which is the model that makes the most sense to me. But in West Linn, staff has been able to create what I think is a tradition of artificial exclusion of smaller centers which in fact could supply more indoor capacity at very low cost.

There is much public support for these local facilities and I think it is a mistake to embed staff's bias against smaller centers in a long range planning document such as this. I disagree with staff's assessment that these facilities are unsuitable for recreation use, though they do all need upgrades to be optimally usable. It is noteworthy that while the city budgeted for the evaluation and planning of both Robinwood and Bolton Fire hall upgrades over a year ago, this money has gone unspent, despite these projects being in the City's Capital

Improvement Plan. It is possible that once upgraded (especially with the ADA upgrades) these facilities could be very valuable to extend the indoor capacity for activities, but I am not seeing that in this Plan at all.

It is unfortunate to see such as deliberate attempt in this document to denigrate the recreational and community hub potential of the satellite Centers. If one looked at the Parks survey about Bolton, for example, the question was framed as "do you support rehabilitation the Bolton Fire Hall?", but no description of the intended new use was given, or why one might support it. Imagine if the question had been to rehabilitate it to provide meeting and class space, as well as provide a permanent home for the Food Pantry, the Community Pre-school and a coordinated base of food and medical stores for emergency preparedness. Of course, the support would be greater. What I suggest is a more open ended, fair and measured treatment of the entire community center idea so as not to lock into this current staff bias.

Bias toward a big gym style Rec Center should be toned down

page 70 Cost associated with big rec center

Page 70 Final words seem to be missing on page

page 74 numbers are very high

Support for funding a big Gym style Rec center is an unknown. We know from the Aquatic Center that while people want a swimming facility, the capital costs and the operating cost (staff heavy) were prohibitive. A big Rec Center may have some of the same issue. At \$13 million estimate and the need to hire staff to run it, this is untested territory with the voters. It is only very recently that this idea is being called a Rec/Community Center, probably due to the overall support for community centers that is growing because of the efforts of the supporters of the smaller community centers. I think this whole topic should be treated in a more speculative manner in the document. If Gym space is the real need, then partnering with the School District to access some of the newly built facilities is probably much more reasonable and affordable, given that the population now carries about \$226 million in Bonded indebtedness for building those beautiful new school facilities. It is not unreasonable for voters to expect some partnering from WLWV School District to provide more Gym access. The very large cost for the proposed Rec Center and the ongoing staffing needs seem to be skewing the total Park needs financial figures very high and should not be approved for that one reason alone. In contrast the modest expense to the smaller city facilities could really deliver a lot of bang for the buck with no staff requirement if the non-profit model continues to be the way things are done in West Linn.

Spelling of Maddax

page 3

Maddax is spelled with and "ax" in it. It would be nice to honor the generous donors of the entire park, Dorothy and Virgil Maddax, by correcting their name on page 3.

Lack of Specific Mention of State and Federal Historic Area Status which may someday provide funding opportunities

page 51 Goal 3

The document should more clearly articulate our goals to integrate interpretive aspects of cultural history and natural history by stating an interest in coordinating with the Heritage Area efforts at state and federal levels. Such larger initiatives may provide important grant money for interpretive amendments to our Park, especially the potential Riverfront Regional Park.

Thank you for your careful consideration of this Master Plan as well as for considering my ideas,

Rebecca Adams
Address on file

p.s. Planning Commission email is not functioning, by the way. Please forward to them and to Record for meeting.



Virus-free. www.avast.com

Boyd, John

From: Mollusky, Kathy
Sent: Monday, May 14, 2018 7:37 PM
To: Boyd, John; Shroyer, Shauna
Subject: FW: PLEASE ADD AS WRITTEN TESTIMONY FOR FOR THE PLANNING COMMISSION HEARING ON THE PARKS MASTER PLAN: MAY 16TH , 2018

From: Alan Smith [mailto:aalansmith57@gmail.com]
Sent: Monday, May 14, 2018 7:36 PM
To: Mollusky, Kathy <kmollusky@westlinnoregon.gov>; Flynn, Courtney <cflynn@westlinnoregon.gov>; Digby, Dylan <ddigby@westlinnoregon.gov>
Subject: Fwd: PLEASE ADD AS WRITTEN TESTIMONY FOR FOR THE PLANNING COMMISSION HEARING ON THE PARKS MASTER PLAN: MAY 16TH , 2018

Hi,
Will you please include this in the testimony for the Planning Commission on Wednesday May 16?
Thank you.

----- Forwarded message -----

From: **Alan Smith** <aalansmith57@gmail.com>
Date: Mon, May 14, 2018 at 7:19 PM
Subject: PLEASE ADD AS WRITTEN TESTIMONY FOR FOR THE PLANNING COMMISSION HEARING ON THE PARKS MASTER PLAN: MAY 16TH , 2018
To: planningcommission@westlinnoregon.gov

Dear Planning Commission,

When I was a youth heavily involved in my home city sports programs back east, we played all our basketball games in the high schools in the city. I do not see anywhere in this plan utilizing the good will between the WLWSD and the City to open up the gyms for use. The only thing this Plan offers is a \$13 million dollar recreation center. Many problems with that:

- 1) No such gym is in any of the City's Master Plans.
- 2) We have a beautiful and a complete gym at the high school that can be used. If people want to swim go support the Clackamas swim center. The voters just in 2014 voted down a swim center in West Linn. Why is Ken pushing that idea again? Very suspicious to me.
- 3) Whatever parks programs they now offer can be done with one tenth the cost of a new center, with the old fire stations. There are a lot of people who appreciate the historic value AND structurally fit stations.
- 4) The Council gave the Parks Department money to study the old fire stations, but they have not done that. Until that happens then and only then can we have an honest discussion about a \$13 million dollar gym.
- 5) The Bolton Neighborhood Master Plan calls for a local recreation center.

Please push Ken's Master Plan back to the Parks Department with the caveat that it will not be voted on until they have gone to all Neighborhood Associations with it. All other City Departments have visited NAs. This Plan is about our future and without serious vetting, our children will get swindled into a \$13 million dollar tax bill.

Thank you for your service and consideration.

Alan Smith
VP Bolton Neighborhood Association

Arnold, Jennifer

From: Boyd, John
Sent: Tuesday, May 15, 2018 7:16 PM
To: Arnold, Jennifer; Shroyer, Shauna
Subject: FW: Regarding Public Hearing: Parks Master Plan Update, PLN-18-01

From: Ed Schwarz [mailto:ed.schwarz@gmail.com]
Sent: Tuesday, May 15, 2018 5:51 PM
To: Boyd, John <jboyd@westlinnoregon.gov>
Cc: Zak, Teresa <tzak@westlinnoregon.gov>
Subject: FW: Regarding Public Hearing: Parks Master Plan Update, PLN-18-01

Resending.

Please add the below email to the Planning Commission packet for tomorrow evening's meeting.

Thank you.

Ed

From: Ed Schwarz <ed.schwarz@gmail.com>
Sent: Tuesday, May 15, 2018 5:42 PM
To: Planning Commission (planningcommission@westlinnoregon.gov) <planningcommission@westlinnoregon.gov>
Cc: West Linn City Council (citycouncil@westlinnoregon.gov) <citycouncil@westlinnoregon.gov>
Subject: Regarding Public Hearing: Parks Master Plan Update, PLN-18-01

Please add this email to the public record for the subject Planning Commission agenda item.

Dear Planning Commission,

I am concerned about two items in the staff report for the Parks Master Plan Update:

1. Support of a large community center/aquatic center and
2. Lack of support for smaller, community centers.

I would like to remind the commission that the aquatic center idea has already been "floated" and it sank like a rock. Measure 3-432 was voted on by West Linn citizens in 2013 and it failed miserably with 76 percent voting against. This measure asked if West Linn should "sell bonds to refinance land and construct, equip and furnish a new indoor aquatic and community center." The most recent community survey conducted in preparation for this master plan update also saw scant support (22% of those polled) for a community center. And, I would like to point out that the survey did not include the initial construction and ongoing maintenance costs of such a facility. I believe that if costs had been included in the survey, the "support" would have been even lower. I know that there are some vocal citizens who would like to see an aquatic/community center, but the overall West Linn community has shown, time and again, that it is opposed to this idea. Please remove consideration of the aquatic/community center from the master plan update.

What I do support and hope you will consider in the master plan update, are smaller, local community centers using already existing buildings. Constructing new facilities from scratch is prohibitively expensive so why not better use what we already have in our community? Currently, we have three building which could be converted to fully ADA-compliant

community centers for much less than new construction – I am speaking of Robinwood, Bolton, and Sunset. These buildings are former fire stations and are well-dispersed across West Linn making them easily accessible to all our residents, whether or not they live in Robinwood, Bolton, or Sunset Neighborhood Associations. There is significant neighborhood support to finish what the citizens have already started – converting these three building into community centers.

I ask that you please change the focus of the master plan update from one, large, expensive aquatic/community center to smaller, more financially-friendly facilities.

Thank you for your consideration.

Ed Schwarz
West Linn

Arnold, Jennifer

From: Boyd, John
Sent: Tuesday, May 15, 2018 7:16 PM
To: Arnold, Jennifer; Shroyer, Shauna
Subject: FW: Planning Commission May 16th Meeting testimony for the public record regarding Parks Master Plan Update PLN-18-01

From: Roberta Schwarz [mailto:roberta.schwarz@comcast.net]
Sent: Tuesday, May 15, 2018 6:42 PM
To: #Board - Planning Commission <PlanningCommission@westlinnoregon.gov>; City Council <citycouncil@westlinnoregon.gov>; Boyd, John <jboyd@westlinnoregon.gov>; Zak, Teresa <tzak@westlinnoregon.gov>
Subject: Planning Commission May 16th Meeting testimony for the public record regarding Parks Master Plan Update PLN-18-01

Please enter this email into the Public Record for the Planning Commission agenda item listed as Parks Master Plan Update PLN-18-01

Dear Planning Commission,

I just reviewed the information available online for the Parks, Recreation, and Open Space Plan. There has been very little citizen input on this plan because there has not been much outreach. This should have been discussed at all eleven Neighborhood Associations and at the most recent meeting of the NAP since it will impact all of the people who live in West Linn.

I am very much opposed to the large community center/aquatic center which is once again being proposed in West Linn. Check page 156 for this proposed 16,500 square feet of pool space. How many times does a unified "No" need to be heard? In November of 2013 the people of our city spoke very forcefully when they voted "No" on this idea on Measure 3-432. In an article the Tidings headlined "Pool Measure Sinks by Large Margin" the 76 percent vote against spoke volumes. A recent Poll done by the City in December of 2017 and January of 2018 once again showed support of only 22 percent. That makes it twice in the past 5 years that the people have said that they oppose this idea and by almost exactly the same numbers.

In the past nine years more than 2,000 pools have closed throughout the US. This is according to Mike Nelson, facilities development director for USA Swimming. The substantial expenses that accompany public pools include lifeguard wages, training, and insurance. Construction, maintenance and PERS contributions are also major costs.

Instead, I am in support of smaller community centers which are already existing facilities that just need to be updated and made ADA compliant. The three that fit the bill are Robinwood, Bolton Fire House, and Sunset Fire Hall.

Neighborhood support for all three of these facilities is solid.

I respectfully ask that you who will vote on this Parks Master Plan reflect the vote of the people and say "No" to the large community center and pool. Please say "Yes" to reusing what we already have in the three community centers.

Thank you for considering this request,

Roberta Schwarz
West Linn

Arnold, Jennifer

From: R Adams <radams014@gmail.com>
Sent: Tuesday, June 05, 2018 3:04 PM
To: Walvatne, Gary; Arnold, Jennifer
Cc: City Council
Subject: The PC Recommendation about the Parks Master Plan appear to be absent

Hi Chair Walvatne,

I thought the PC members should be aware that last night was the night that the Planning Consultant and Parks Director presented the Parks Master Plan to the City Council for the first time. I hope each of the PC members were able to watch, but understand that you all already invest a lot of time and can't watch everything. Anyway, I thought it was surprising to see that what was presented appeared to be the exact plan presented to you. What I mean was I was not able to see or hear any reference or note referring to the actual PC recommendations, nor was I able to see that the plan had been altered, though I did not check every alteration you required such as in the budget lines which I cannot actually read due to the small print. I did have to miss 3 minutes of Planner Arnold's introduction. I was playing close attention to the language excluding smaller community centers from the Master Plan, a topic I wrote to you all about a few weeks ago. Interestingly the consultant, who is a very skilled communicator, also explicitly supported this idea of exclusion from both planning and budget without any reference to the PC's objections.

So, I do not quite know what to make of this absence of your recommendations since I think that is actually part of the required process. I definitely got the impression there were some councilpersons who likely had not watched how thoroughly your Commission had considered the plan over those 2.5 hours of your hearing. Luckily Council has not voted on it yet, and they did express some concerns similar to yours, especially about the massive expense of the "Rec Center" which the Director has in the last year renamed as a "Community Center" as more and more support has grown from the smaller Community Centers.

In any case from a legislative stand point, I just do not know what to make of this when your recommendation is nowhere to be seen in the packet or in the testimony given to Council, and yet the Plan is forwarded as if the PC hearing recommendations did not occur. Of course there's lots of good in the Plan, but the consultant actually pushed the very part that you all objected to, and the Director emphasized a few times this is the Parks Board's vision and the PC as if all parks board members endorse it all, and of course no mention of the PC ideas. I understand the Council does not have to follow your recommendation, but for them to not even see/hear your recommendations while the Director and Consultant argue their exclusionary angle seemed a bit like gaming the process.

The Planning Commission not "closing the door" on the smaller centers really meant a lot to the growing number of citizens who value what the smaller centers offer. Our city has recently lost one important non-profit (The Friends of the Library) due to a space/facility issue, and we really may also lose the Community Pre-school and the Food Pantry if nothing is done. To me the non-profits not only help people in need, but provide the opportunity to meaningfully help others. These types of venues for volunteerism are very important to the fabric of our community. So keeping the "door open" as you all discussed with the visionary document really made sense to me.

Possibly, if staff is just not up to the task of forwarding your recommendations, your group could just forward something itself. Or perhaps since the recommendations were apparently skipped, the PC hearing should just be reopened so that your role in the process can be fully completed with recommendations specifically noted in a

transparent record. Possibly this should be discussed at CCI also since it does really have implications for legitimate engagement and due process in Planning if the PC recommendations can be left out like this. Going through the proper steps (due process) is a "technical adequacy" issue that has actual implications for citizen engagement.

Thank you for such time and care devoted to citizens' issues.

I'm really sorry to have to alert you to this puzzling occurrence, but we will be living with this plan for a very long time,

Rebecca Adams
Address on Record

From: R Adams <radams014@gmail.com>
Sent: Saturday, June 16, 2018 3:07 PM
To: City Council
Subject: Re: Missing Video from recent Planning Commission Hearing about Parks Master Plan

UPDATE AND CLARIFICATION REGARDING PLANNING COMMISSION HEARING VIDEO LINK:

Dear City Council,

City Manger Stein informed me that one must click on *only* the word "video" to bring up the video record. This actually did work today.

For the record, both Karie Oakes and I previously tried to view the Planning Commission Hearing video and failed, myself trying about four or five times. It seemed to me to be functioning as one link, but it is certainly possible I was not zeroed in quite correctly on the exact spot to get the proper effect. I'm afraid the subtlety of this split link would be lost on the typical citizen if both Ms. Oakes and I were completely stumped by it given that we are both regular users of the city records system. Why this matters is there appears to be a lot of politically motivated misinformation swirling around this entire topic of community centers including a particularly vicious maligning of the Bolton proposal as a private "clubhouse" by a disgruntled former staffer, a characterization quite unfair with respect to the actual proposal which renders benefits to citizens citywide if you believe in things like emergency food services for families and school kids, early childhood education, as well as meeting and classroom space. The electioneering energy around this topic is really getting quite intense and the thoughtful approach of the Planning Commission was something that transcended the political rhetoric in a way respectful of our Comprehensive Plan/s and the general values of the population. It appears the Parks Board is unaware of that a Community Center in Bolton has been part of the Neighborhood Comprehensive plan sine 2006 or 2008, or the citywide value of the current proposal.

The great irony is the plan submitted by the Bolton Taskforce was crafted with much input from the Director of Parks, following his advice and respecting what I think is an informal and arbitrary framework where the community center would not be part of parks at all. I say informal and arbitrary since Sunset and the Adult Community Center are part of Parks, and Bolton Fire Hall for quite a few years now has been used extensively for the storage needs of the Parks Director and some non-profits of his choice, not that those aren't very nice non-profits, but the place in the last two years really looks like a firetrap with combustibles strewn everywhere inside and out. I think we as a city can do better to provide for these favored non-profits and can save the Community Pre-school and Food Pantry as well. With a little wise investment in taking care of what we have we can foster all these non-profits that strengthen the fabric of our community. Or we can turn our backs on some of them and watch them disappear as has recently happened to "The Friends of the Library" which was founded in 1978 and was recently terminally displaced leaving a void in our community.

Whether through Parks or through the Bond I hope we can somehow take care of what we have and extend that care to the various non-profits that add value to our community. It is small minded to pit one non-profit against another, just as it is small minded to pit one neighborhood against another. This only serves those who would profit from contrived political wedge issues. The Planning Commission was right, explicit exclusion of the community centers does not belong in our Parks Master Plan. Also, beware the plan's curiously inflated Budget is not at all "just numbers", so please be careful about the phrasing of the three stage Aquatic Rec Center

Gymnasium idea, as the proposed phrasing is far too leading, too defining of what is likely a fiscally disastrous path.

Again, please require a readable final draft before you sign anything. A page and a half single spaced does not give you the chance to really see the changes in context and the typographic errors to be corrected were not even presented to you, meaning if you agree to this, we have no idea what the final may contain. We are paying a consultant to handle this, surely drafts showing revisions would be part of any professional service worth it's paycheck, so please do not accept anything less than an actual final draft for approval.

Thank you again for your time,

Rebecca Adams
address on file

On Fri, Jun 15, 2018 at 12:24 AM, R Adams <radams014@gmail.com> wrote:

PLEASE ADD AS TESTIMONY FOR CITY COUNCIL HEARING ON THE PARKS MASTER PLAN

Dear Council,

Once again there is something odd to report about our public record. I think this is a Council and CCI matter since without adequate information it is hard for citizens to engage in the Parks Master Planning. As you prepare for the hearing on the Parks Master Plan, I bet some of you will want to review the Planning Commission's hearing. After all we have a well-versed Planning Commission that spent two and a half hours discussing the plan and making specific recommendations. I was just today going to review the tape for the section on community centers. I know Commissioner Farrell said something quite eloquent about them being part of our heritage and he added some reference to this being a mill town historically, a reference I wanted to hear again. Each commissioner said something supportive and interesting, and Commissioner Melten came up with the defining phrase of the evening by suggesting we "keep the door open," a beautiful metaphor when you consider it.

Well, the Planning Commission video is no longer posted at all! Instead are some of those thoroughly aggravating "Meeting notes" that the one staffer does which are so unfairly selective in what is included, in this case the entire substance of citizen testimony is excluded. The four verbal citizen comments are noted in totality this way:

"Kevin Bryck, Alan Smith, Vicki Handy and Don Kingsborough spoke."

Zero substance was related, and Commissioner Farrell's statements about our heritage and the mill town idea which I was trying to review were completely absent. What else could be missing? Commissioner Metlen's complaint that the financial figures did not actually add up is soft-pedaled. I thought he might have actually said he could not in good conscience vote for something which would pass forward such numerical errors. The universal concern about the financial tables being microscopically small so as to be unreadable, that's missing too. This begs the question of whether we as a community were supposed to read the numbers at all.

So these "meeting notes" is the official record that the public or a councilperson will see on the eve of what might be the final hearing or when reviewing the matter into the future. I hope you will ask yourselves why the shorting of the public record is allowed to regularly occur in our town, and how these "meeting notes" have an odd way of spinning things to staff's advantage by marginalizing citizens' ideas and obscuring staff's mistakes or indiscretions, at least those of you keeping up with CCI know about the disappearance of mention of various

staff mistakes that gummed up the land-use process and how the concept of insuring "technical adequacy" arose from the problematic examples which were then missing.

And speaking of staff indiscretions I am only going to say this about the staff's "Proposed Revisions for the Parks Master Plan," the revisions have managed to partially honor your instructions and partly dishonor them by a bit of slippery phraseology which reads like it is probably intended to commit the city to making this Mega Rec Center happen. Look carefully at the proposed language changes and how much it commits to. What I heard you saying in the work session is if the city *were* to consider the various phases of such a large Rec Center, it would need to evaluate very carefully the financial matters because PERS will soon strain our budgets and the voters have not at all wanted to pay for the two or three aquatic Centers proposed before and the staff to run such things.

From public testimony I assume most of you are aware that there is a lot of what looks like political electioneering centering around the denigration of the smaller Community Centers and the posturing over the big Rec idea. This began with the last election and is sure to continue into the next. I just do not see the voters agreeing to the \$65 million dollar money loser, or even a \$13 gymnasium when our district has plenty of gyms. I think it would be cheaper to persuade the School District to rent at a favorable rate those school gyms which we are already paying for via taxes. As skeptical as I am about any money guzzling albatros, I am humbled by Metlen's idea of keeping the door open. I only hope you will discard staff's leading language and use subjunctive phrasing on the matter as in *"If the we someday look into a gymnasium complex, we must really be sure the financials pencil out."*

One last thing, please do not approve this until an actual final finished draft is put in front of you so that you are assured you know what you are approving. The proposed revisions are just not very readable, and are missing the normal features to help you see changes in context. The list of typographical errors is not even included. How are you to know they actually know where the typos are? And what if the numbers still don't add up in the final?

Thank you for consideration of these ideas, and I sincerely hope each of you had the chance to view the Planning Commission Hearing since there was much substance to it.

Rebecca Adams
Address on file

From: Roberta Schwarz <roberta.schwarz@comcast.net>
Sent: Friday, June 15, 2018 9:17 AM
To: Axelrod, Russell; Cummings, Teri; Sakelik, Richard; Martin, Bob; Perry, Brenda; City Council
Subject: Community Comments on the proposed Parks Master Plan
Attachments: Community Comments on the proposed Parks Master Plan.docx

Please enter the attached comments as part of the public record for the West Linn City Council hearing on the proposed Parks Master Plan update, PLN-18-01.

Thank you,
Roberta Schwarz

Please enter this email into the Public Record for the City Council Hearing on the agenda item on the Parks Master Plan Update PLN-18-01

Dear Mayor Axelrod and West Linn City Council,

I just reviewed the information available online for the Parks, Recreation, and Open Space Plan. There has been very little citizen input on this plan because there has not been much outreach. This should have been discussed at all eleven Neighborhood Associations and at the most recent meeting of the NAP since it will impact all the people who live in West Linn.

I am very much opposed to the large community center/aquatic center which is once again being proposed in West Linn. Check page 156 for this proposed 16,500 square feet of pool space. How many times does a unified "No" need to be heard? In November of 2013 the people of our city spoke very forcefully when they voted "No" on this idea on Measure 3-432. In an article the Tidings headlined "Pool Measure Sinks by Large Margin" the 76 percent vote against spoke volumes. A recent Poll done by the City in December of 2017 and January of 2018 once again showed support of only 22 percent. That makes it twice in the past 5 years that the people have said that they oppose this idea and by almost the same numbers.

In the past nine years more than 2,000 pools have closed throughout the US. This is according to Mike Nelson, facilities development director for USA Swimming. The substantial expenses that accompany public pools include lifeguard wages, training, and insurance. Construction, maintenance and PERS contributions are also major costs.

Instead, I am in support of smaller community centers which have already been built. They just need to be updated and made ADA compliant. The three that fit the bill are Robinwood, Bolton Fire House, and Sunset Fire Hall.

Neighborhood support for all three of these facilities is solid. Most citizens want you use the three community centers that have already been built in this town and have withstood the test of time. Please do not waste money on new construction when all you need to do is upgrade what we already have in West Linn. I noticed in one of the recent articles on this in the Tidings that there are volunteers ready and willing to help with the needed upgrades.

I respectfully ask that you who will vote on this Parks Master Plan reflect the actual vote of the people and say "No" to the large community center and pool. Please say "Yes" to reusing what we already have in the three community centers.

Thank you for considering this request,

Roberta Schwarz
West Linn

From: Alan Smith <aalansmith57@gmail.com>
Sent: Saturday, June 16, 2018 8:26 PM
To: City Council
Subject: Concern when reading the proposed changes written by the Parks staff

Dear Honorable City of West Linn Council,

I read the summation of changes written by the Parks staff as recommended by the Planning Commission, and passed out at the Parks Board meeting. Astonishingly they passed a resolution 4-1 to approve the Master Plan AS WRITTEN!

As far as I know, the majority never even asked for a draft that incorporated the PC recommendations! Unbelievable that the Parks Staff chose to do a half truth on the Parks Board. Presenting only a summation of the PC recommendations to the Parks Board was at best disingenuous.

Three things I ask you to please seriously implement:

- 1) The production of the full plan in a side by side format, with the PC recommendations, be made available to you BEFORE you discuss the fate of the Master Plan.
- 2) The production of the full plan in a side by side format, with the PC recommendations be made available on the front page of the city's web site.
- 3) That PERS is a huge challenge and the city needs to work out the full financial burden to the tax payer before any proposed aquatic/gymnasium be included in this Parks Master Plan.

Given the thousands of tax dollars spent on this plan the professional arrangers of the document should be held to the highest standard. When working with important documents, a production of a side by side draft is common practice. I don't know if there is already one, and the Parks Staff chose to withhold it from the Parks Board.

It is my hope that City Council can find their way to agree to implement the Planning Commission recommendations *in toto*.

Thank you for your service,

Sincerely,
Alan Smith
West Linn Resident
address on file



CITY OF West Linn

1

PLEASE PRINT

ANY INFORMATION PROVIDED MAY BE CONSIDERED PUBLIC RECORD AND SUBJECT TO DISCLOSURE

I wish to speak during **Public Comments** on a non-agenda related item (limited to five minutes):

Please specify topic (required):

I wish to speak during the **Business Meeting** on the agenda item listed below (limited to five minutes):

Please specify agenda report number(s) or topic(s) (required):

PARKS/REC

I wish to speak on the **Public Hearing** on the item listed below (limited to five minutes):

Please specify 22864 and 22870 Weatherhill Road and/or the Parks Master Plan.

I do not wish to speak however; I would like to have standing on this item.

Issue:

Failure to raise an issue during the City's hearing on this matter precludes an appeal to the Land Use Board of Appeals based on that issue. Any party with standing may appeal the decision of the City Council to the State Land Use Board of Appeals according to the rules adopted by that Board.

In Support Neither for nor against In Opposition

Please print:

Name: STACY EPSTEIN

Address: 3258 FOREST CT

City: WEST LINN State OR Zip 97068

Email (optional): SEPSTEIN@COMCAST.NET Phone (optional): _____

My name is Stacy Epstein and I live in Robinwood.

While I am a member of the Parks and Rec Advisory Council I do not represent them tonight.

I have 3 generations of family members living in West Linn and the parks and open spaces are an important component of our quality of life. We have had birthday parties in the shelters, and watch baseball games at the fields. We hike the trails, use the spray pads and the playground equipment. I believe that our parks and open spaces are the true jewels of West Linn.

The Master plan represents hours of work certainly. But additionally it represents hours of soliciting citizen input and vision. Most importantly it represents a work product that has been transparent, and has integrity AND the positive intentions of all who were involved. While I appreciate that it is impossible to please 100% of our citizens I believe that the vision of his plan represents a majority of our citizens.

I feel strongly that it is critically important to maintain and improve the parks and open spaces as we move into the future. Having a 10 year plan provides several things: firstly it lays a framework for prioritizing the work at hand today and tomorrow. Secondly it is flexible enough to allow for any future financial opportunities. And finally, it is impossible to move forward if you don't know where you are going.

I encourage you to trust the expertise and commitment of the parks staff and volunteers. To that end, I strongly urge the City Council to adopt this plan as we look toward the future.

Thank you

Arnold, Jennifer

From: Stein, Eileen
Sent: Monday, June 18, 2018 3:41 PM
To: Zak, Teresa; Digby, Dylan; Arnold, Jennifer
Subject: FW: Parks Master Plan

Follow Up Flag: Follow up
Flag Status: Completed

FYI. Here is one more letter re the Parks Master Plan that went to the Council today. Eileen

From: dakleinke@comcast.net [mailto:dakleinke@comcast.net]
Sent: Monday, June 18, 2018 2:06 PM
To: City Council
Cc: Worcester, Ken ; Kingsborough, Don ; Stacy Epstein ; 'Dave Kleinke'
Subject: Parks Master Plan

Dear Mayor Axelrod and members of the City Council,

Thank you for taking on the important role of governing our community and giving up so much of your valuable time. I don't envy your position which requires taking sincere input on so many topics which set the direction for our community for years to come. I am a member of the Parks Advisory Board but I'm writing this letter as a citizen and not as a representative of the board.

I've been a member of the parks advisory board for only a short period. I came in towards the end of the parks master planning process but had a chance to see the high quality and solid professionalism in both the city parks staff and members of the board. I was and still am very impressed with the caring and thoughtful way the staff and board worked through the process with the consultants. It was clear to me that the consultants and board worked hard to collect community-wide input in crafting the best possible parks plan for our city. There are many ways we could go but in a resource constrained environment with competing agendas I believe we have come up with the best option for our city. I strongly support the Parks Master Plan as submitted.

As a council I ask that you sincerely consider the expert advice from our consultants, strong and broad-based feedback via a community-wide survey which formed the foundation for the boards work, and the many hours of review and discussion between our parks staff and citizens on our parks advisory board who represent many neighborhoods within the community. It's clear we cannot meet all individual and neighborhood specific interests but we can serve the broader interests of our community which the Master Parks Plan does accomplish.

Thank you for taking the time to hear my perspective.

Most respectfully,

David

David Kleinke
4130 Horton Road
West Linn, Oregon 97068
503 799-1777

Please include this in the Public Record.

**Testimony on July 22nd, 2019 on Latest Version of the Proposed West Linn Parks
Master Plan**

Tonight, you are discussing the newest version of the proposed Parks Master Plan. I have testified previously at the Planning Commission meetings about this topic.

I have new information to add to what I previously testified about in front of that body:

1. Lake Oswego is now planning to have a recreational center and pool built just **3.7 miles** from where we are sitting tonight. It will be at the Municipal Golf Course and the current 18-hole course will be reduced to 9 holes. People who would like to swim and who live in West Linn will have the choice to go to that facility or to the already existing pool, the North Clackamas Aquatic Park. which is just **9.2 miles** away in Milwaukie. There are also several non-government funded pools to choose from in the area. **There is no need to spend our money to have a pool in West Linn when there are several nearby.**
2. At a recent Portland City Council meeting it was voted to close Columbia Pool as of July of next year because of a budgetary shortfall. It is important to note that **in the past nine years more than 2,000 pools have been closed throughout the U.S.** according to Mike Nelson, Facilities Development Director for USA Swimming. The substantial expenses that accompany public pools include lifeguard wages, training, and insurance. PERS contributions, employee salaries and benefits, construction, maintenance, chemicals, and equipment are some of the additional costs.
3. The estimate for a West Linn aquatic facility has been lowered to **\$18 to \$20 million** in this new Park Master Plan on page 111 because the costs of the Recreation Center which would house it are not listed in this update. They were listed in the previous version. The previous estimate for both the pool and rec center was approximately \$60 million. This omission is worrisome. The people of West Linn deserve to know the total costs of a pool.

4. This brings me to the next information that is pertinent tonight. **The survey results that are quoted in the Executive Summary beginning on page 9 are not based on scientific methodology.** This was not a random sampling of West Linn citizens. In fact, people could vote as many times as they wanted if they used different computers to do so. This skews the results. The estimated costs of an aquatic center were not even included in the survey questions. Having that information would have greatly reduced the number of people who support building a pool in West Linn
5. In fact, the voters of West Linn already had a ballot measure for a pool placed before them. They overwhelmingly opposed it. **In November of 2013 Measure 3-432 was placed before the voting public and the result was 76% against. A scientific poll done for GO Bond funding showed only 22% support for a pool in December 2017-January 2018. That is twice the people have said "No".**
6. **Please do not allow this Parks Master Plan to go forward with the aquatic center included.** If you do allow it to stay in, please add that there shall be **an Advisory Vote of the people of West Linn** to decide if they are willing to pay for the costs of a pool before one can ever be built that uses any of our money.

There is one other item in the proposed Park Master Plan that I would like to address tonight. It concerns the White Oak Savanna.

Please have the White Oak Savanna listed as a **passive park** which is what it was referred to when grants were being sought and were eventually obtained for acquisition of that park. Please see map on page 30 which appears to list the White Oak Savanna as an Active Park. The color differentiation on the map is very hard to determine. Please also list it as such on the list on page 25. It is not listed there at all currently and it needs to be so it cannot be changed without notice to the people who worked so hard to raise the money to acquire it and to do the work to restore it.

Thank you,

 Roberta Schwarz

Arnold, Jennifer

From: Digby, Dylan
Sent: Wednesday, July 31, 2019 5:20 PM
To: Warner, Kenneth; Worcester, Ken; Arnold, Jennifer
Subject: Fwd: Parks Master Plan Amendment Procedures

Follow Up Flag: Follow up
Flag Status: Flagged

FYI

From: Karie Oakes
Sent: Wednesday, July 31, 2019 5:16 PM
To: Axelrod, Russell
Cc: City Council
Subject: Parks Master Plan Amendment Procedures

Dear Mayor Axelrod,

I ask you to reschedule the hearing to amend the Parks Master Plan, Comprehensive Plan and Community Development Code on your August 5 agenda until a date when the procedures for adoption are in accordance with CDC 100.090 and CDC 98.00. At this point I can not determine if the plan has significantly changed to warrant another Planning Commission hearing.

I know this has been a long and arduous process, largely because the 2018 Council deviated from mandatory procedures (98.110) when it asked the Planning Commission and Parks and Recreation Advisory Board to work out differences in their recommendations to Council. Evidently this occurred because the director of Parks and Recreation and his assistant, in their roles as staff liaisons to the PRAB, lead the PRAB to believe it's recommendations should be elevated above the Planning Commission's recommendations, contrary to our land-use laws. Even the community development director thought it was a good idea and the city manager didn't act in her professional capacity to advise him and Council otherwise. The problem snowballed when the parks director refused Council's request for a red-lined copy of the Planning Commission recommendation. I lost track of what the PC did subsequently. It went south when the PRAB continued to make revisions and degraded people who did not agree with their recommendations.

The most concerning thing to me about this fiasco is how detrimental it was to public involvement. It is a matter for the Committee for Citizen Involvement to take up. The update process began in December 2016 and the PC hearing was 16 months ago. I don't recall when was the first Council hearing? It has been an impossible process for any member of the public to follow. So I remind you of this as I ask you to delay the hearing slightly longer in order to comply with the law for public involvement.

There are many particular parts of the above codes that are unmet and the project page information hasn't been updated since December. To begin with, notice was not given or at least that is the best I can surmise. This alone would be enough to reschedule. A copy of the notice and affidavits are not posted on the project page. I did not receive written notice as MNA President. I couldn't find notice in the Tidings. As far as I recall, Council continued a hearing it had sometime after the PC hearing, but did not continue it to a date certain.

I am not going to point out all of the other deficiencies of this application, but you can be sure I will at the hearing if any remain. I would suggest you try clearing your head of what you know about the project, set aside all the materials you've collected as Mayor and go to the agenda as a member of the public would do to prepare to participate. There are 6 links: AB, Plan, Testimony, Staff Presentation, ORDs. You'll find a link to the project page which hasn't be updated since December 2018 on the AB prepared by the city manager. Now you have all the information available to the public unless you were to make an appointment to wade through the planning file.

With this information available to you today, 5 days before the hearing, I ask you would you be able to understand the deliberations and decisions of the public bodies (PRAB, PC and CC) ? Would you as a member of the public seeing it for the first time? Would you as a member of the public who dropped out of participating, having been discouraged by the distorted proceedings and degradative culture perpetrated by the administration? Would you as a president of a neighborhood association, moreover, a newly elected one?

Many questions arise as one tries to make sense of the mass of information and upon reading it one realizes there is another mass of missing information. What are the standards and procedure for a decision? Where is the staff report for Council evidencing applicable criteria are met? Where is it evident in the ORDs that the criteria were met (see ORD 1649 "whereas" statements as example) ? What were the meetings of the PRAB; meeting(s) of the PC subsequent to it's hearing; and meetings of Council subsequent to it's first hearing? Was the public testimony given at these various meetings included in the record before me? One question leads to another. If only the information was complete and organized.

The purpose of Chapters 100 and 98 is to provide consistent legislative proceedings that give equal opportunity for all to participate and meet Oregon's policy for the public to know and understand the deliberations and decisions of government. The public must be able to rely upon it. Transparency depends on it. The proceedings are really quite simple: PRAB recommends to PC and PC recommends to Council. It is better understood and followed than this application where there are numerous back and forth meetings, special meetings, joint meetings and work sessions between hearings. Who wouldn't have a hard time keeping track? No wonder the record is a mess. This animal grew to huge proportions, wasting time and money.

Please excuse me if my frustration is apparent, but the proceedings of this application is second to that of "Cut the Red Tape" for being the worst legislative application I've seen. It placed second only because I believe Council's intention here was to involve the public. It causes me to think that this application was handled differently because it was an in-house application.

I hope you'll find my concerns helpful not only to this application, but for improving citizen engagement in land-use. Mr. Mayor, I trust with your experience as a former PC member, you might appreciate it. Is this application acceptable to you? Does Council understand all the criteria to make this decision considering the level of support from staff? I would suggest reading CDC chapters 100 and 98 to fully appreciate what I write.

Please submit this email to the record for PLN 18-01 Parks Master Plan Update. Please also let me know if you remove the plan from your agenda. I hope you will utilize all means of communication to inform the public if you revise the agenda. Thank you. Thanks to all who have taken the time to read and consider my concerns.

Sincerely,

Karie Oakes

Dylan Digby

Assistant to the City Manager

Administration

[#6011](#)



Please consider the impact on the environment before printing a paper copy of this email.

This e-mail is subject to the State Retention Schedule and may be made available to the public

ORDINANCE 1693

AN ORDINANCE ADOPTING THE WEST LINN PARKS, RECREATION, AND OPEN SPACE PLAN UPDATE AS AN ATTACHMENT AND SUPPORTING DOCUMENT OF THE WEST LINN COMPREHENSIVE PLAN; AND AMENDING THE WEST LINN COMPREHENSIVE PLAN GOALS 2, 5, AND 8.

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

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides: Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers; and

WHEREAS, Information was distributed throughout the process via the project website, through social media and email, a stakeholder open house, public survey, and discussions at Parks Advisory Board meetings; and

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

SECTION 1. West Linn Parks, Recreation, and Open Space Plan. The West Linn Parks, Recreation, and Open Space Plan, attached as Exhibit A, is adopted as an attachment and a supporting document of the West Linn Comprehensive Plan.

SECTION 2. West Linn Comprehensive Plan amendment. West Linn Comprehensive Plan Goal 8: Parks and Recreation, is amended to read as follows:

BACKGROUND AND FINDINGS

A variety of recreational opportunities exist in the City of West Linn. Over time, the Willamette and Tualatin Rivers have created bluffs that provide many spectacular view-points; water flowing from higher elevations to these rivers has, in turn, created scenic view corridors. There are over nine miles of shoreline in West Linn along the Willamette and Tualatin Rivers. There are eight public access points to the water, some of which have beaches and boat ramps. Some of the best sports fishing on the Willamette are found near the Willamette's confluence with the Clackamas River.

West Linn contains a hierarchy of parks, each type offering a specific mix of recreational opportunities. The park system includes neighborhood, community, regional, and linear parks, mini-parks, and special use facilities, landscaped areas, and natural and open space areas. The City owns and/or manages **approximately 373 over 500** acres of parks and natural open spaces ~~the state and the Nature Conservancy own an additional 168.6 acres~~ within the City limits (Figure 8-1). ~~The state-owned Mary S. Young Park consists of 128 acres.~~

~~Results from a survey conducted for the 1998 Park, Recreation and Open Space Plan noted that walking, jogging, nature walks, and hiking participation were rated higher among West Linn residents than the average in the Pacific Northwest. Currently, the City has trail systems within five major parks, but no pedestrian linkages between them. The 2013 West Linn Trails Plan: A 50 Year Vision for the Future identifies gaps in the City's existing trails network and recommends solutions to eliminate these gaps.~~

The City's natural beauty and parks system afford residents access to a rich variety of recreation resources, including boating, athletics, hiking, biking, and ample opportunities for naturalists and photographers. Despite West Linn's increased urban development in recent years, wooded hillsides and the preservation of natural areas continue to give City neighborhoods a park-like setting.

...

POLICIES

...

4. Provide a range of active/passive and structured/non-structured recreation experiences.
 5. Provide for specialized recreation needs such as soccer fields, baseball diamonds, tennis courts, swimming pools, senior centers, and other facilities that have City-wide demand, based on the ~~2007~~ Parks, Recreation and Open Space Plan and the ~~2013~~ West Linn Trails Plan.
 6. Design City parks to encourage best use consistent with their natural features and carrying capacity.
 7. Reduce noxious weeds and vegetation, as appropriate, on City-owned land.
 8. Require land divisions and major developments to set aside or dedicate land based on standards that provide for:
 - a. An area composed of developable lands that may provide active recreational space;
 - b. An adequate passive open space area to protect natural resources at the site and protect development from hazard areas; and,
 - c. A link between existing public-owned parks or open space areas and/or public rights-of-way.
- ~~3.9.~~ Plan for park usage of a quiet, contemplative nature as well as for more active uses such as athletics.

RECOMMENDED ACTION MEASURES

1. Continue an aggressive program for acquisition and development of a park and open space system to provide an adequate supply of usable open space and recreational facilities, directly related to the specific needs of the local residents, based on the park classification system and standards in the ~~2007~~ Parks, Recreation and Open Space Plan and the ~~2013~~ West Linn Trails Plan.
2. Continue cooperation between the West Linn-Wilsonville School District and the City's Parks and Recreation Department.

3. Update the City's Community Development Code to ensure implantation of the ~~2007~~ Parks, Recreation and Open Space Plan and the ~~2013~~ West Linn Trails Plan, consistent with industry best standards.
 4. Integrate those trail recommendations from the ~~2013~~ West Linn Trails Plan that occur within the public right-of-way or that serve primarily a transportation function, into the analysis and evaluation of pedestrian, bicycle, transit and other non-motor vehicle alternatives in the City's Transportation System Plan.
- ...

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

SECTION 4. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of September 2019, and duly PASSED and ADOPTED this _____ day of _____, 2019.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

ORDINANCE 1694

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE CHAPTERS 2 AND 56.

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

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides: Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers; and

WHEREAS, Information was distributed throughout the process via the project website, through social media and email, a stakeholder open house, public survey, and discussions at Parks Advisory Board meetings; and

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

SECTION 1. Amendment. West Linn Community Development Code Chapter 2 Definitions, section 2.030 Specific Words and Terms is amended to read as follows:

02.030 SPECIFIC WORDS AND TERMS

~~Passive-oriented recreation and parks. The focus is upon unstructured play, relaxation, environmental interpretation, family picnics and similar activities. Support facilities, such as covered picnic, play structures or playing fields, etc. are discouraged or limited. Restrooms, trails and interpretive facilities would be appropriate.~~ **Passive-oriented parks are more natural sites that provide trail-related recreation opportunities and passive outdoor activities such as wildlife watching, nature interpretation and picnicking. Accessory uses can also be (but not limited to) provided in this type of park, such as picnic areas, nature play features, trailheads, and environmental education facilities, provided they are accessory to the park's passive uses. Amenities should be limited to those appropriate for the numbers and types of visitors the area can accommodate, while retaining its resource value, natural character, and the intended level of solitude.**

SECTION 2. Amendment. West Linn Community Development Code Chapter 56, Parks and Natural Area Design Review, section 56.015 Categories of Parks and Natural Resource Facilities is amended to read as follows:

56.015 CATEGORIES OF PARKS AND NATURAL RESOURCE FACILITIES

There are eight categories of park and natural resource facilities as established in the Parks Master Plan. The categories are:

1. Active-oriented parks.
2. Passive-oriented parks.
- ~~3. Mini parks.~~
- ~~4.~~ 3. Special use areas parks.
- ~~5.~~ 4. Linear parks/open space.
- ~~6.~~ 5. City beautification areas.
- ~~7.~~ 6. Pathways and trails.
- ~~8.~~ 7. Natural resource areas.
8. Multi-use parks.

Active-oriented parks. ~~An active-oriented park's primary focus is providing playing fields and other facilities that can be used for team and individual sports and activities. An active-oriented park is intended to serve a large area. As a result, it will require more support facilities such as restrooms, playgrounds, shelters and parking.~~ Active-oriented parks are park's primary focus is providing playing fields and other facilities that can be used for team and individual sports and activities. An active-oriented park is intended to serve a large area. As a result, it will require more support facilities such as restrooms, playgrounds, shelters and parking. developed sites that support recreation opportunities including sports and play with facilities, often featuring restrooms, picnic shelters and tables.

Passive-oriented parks. ~~Passive-oriented parks' focus is upon unstructured play, relaxation, family picnics and similar activities. These parks are often within walking or biking distance of most users; the activities they support often become a daily pastime for neighborhood children. Support facilities, such as covered picnic or play areas, etc. are discouraged unless the facilities of a more community-wide nature are included at the park. are more natural sites that provide trail-related recreation opportunities and passive outdoor activities such as wildlife watching, nature interpretation and picnicking. Several sites also provide river views or river access.~~

Special use ~~parks~~ areas. ~~Special use parks areas are public recreation areas occupied by a single purpose facility or containing activities that do not fall into the other categories. In West Linn, typical examples include the McLean House and the City's boat ramps. Another example might be an enclosed leash-free dog park. Design of these facilities should be specific to the needs of that facility and intended user group. These uses are not considered essential to the development of a basic parks inventory and should only be considered when full cost benefit analysis and understanding of operation and maintenance costs are understood and justified.~~ Special use parks areas are public recreation areas occupied by a single purpose facility or containing activities that do not fall into the other categories. In West Linn, typical examples include the McLean House and the City's boat ramps. Another example might be an enclosed leash-free dog park. Design of these facilities should be specific to the needs of that facility and intended user group. These uses are not considered essential to the development of a basic parks inventory and should only be considered when full cost benefit analysis and understanding of operation and maintenance costs are understood and justified. are single-purpose developed sites that include specialized facilities such as a community center, boat ramp, or fishing dock or other unique use.

Linear parks/Open space. Linear parks are open space areas that often bring together patchworks of City-owned lands, stream corridors, and rights-of-way to create a linear facility whose primary goal is to provide a passive recreation experience.

...

Since the emphasis is upon the protection of the resource, the facilities should be limited. Typically, these facilities include interpretive centers, restrooms, trails, vehicular access, and parking lots. Active recreation facilities, such as organized playing fields, are discouraged. They should only be accommodated if the park is large enough and there is adequate separation between the activity area and the natural resource. At all times, the central philosophy is deference to the natural resource over human needs. (Ord. 1604 § 54, 2011)

Multi-use parks. Multi-use parks mix developed and natural areas and offer both active and passive recreation opportunities, ranging from active sports to quiet nature strolls. Several of these parks also have amenities and facilities to support large group gatherings and events.

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

SECTION 4. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of September 2019, and duly PASSED and ADOPTED this _____ day of _____, 2019.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Comprehensive Plan



Figure 2-1

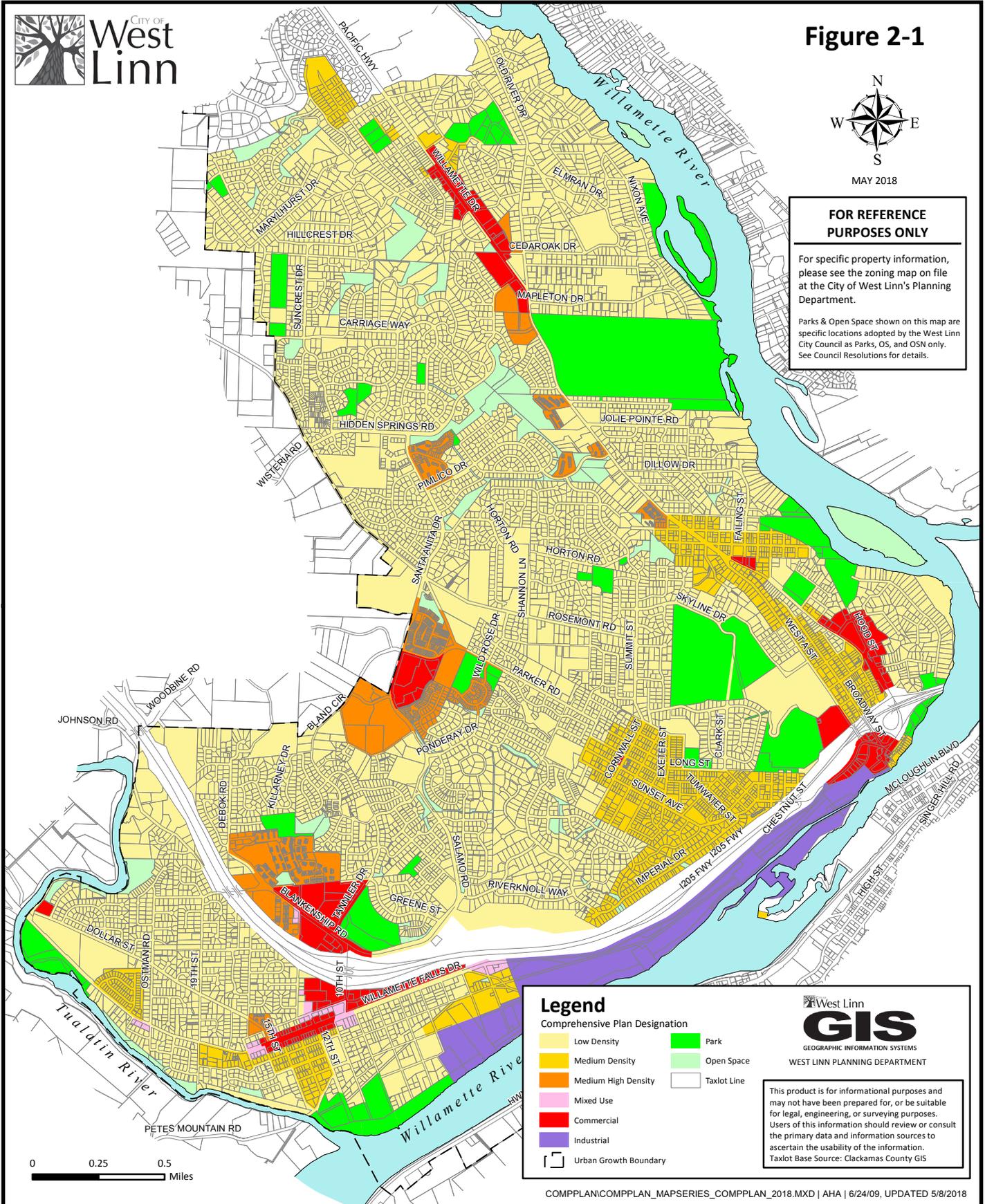


MAY 2018

**FOR REFERENCE
PURPOSES ONLY**

For specific property information, please see the zoning map on file at the City of West Linn's Planning Department.

Parks & Open Space shown on this map are specific locations adopted by the West Linn City Council as Parks, OS, and OSN only. See Council Resolutions for details.



Legend

- Comprehensive Plan Designation
- Low Density
 - Medium Density
 - Medium High Density
 - Mixed Use
 - Industrial
 - Park
 - Open Space
 - Taxlot Line
 - Urban Growth Boundary



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Taxlot Base Source: Clackamas County GIS

0 0.25 0.5 Miles

Open Spaces



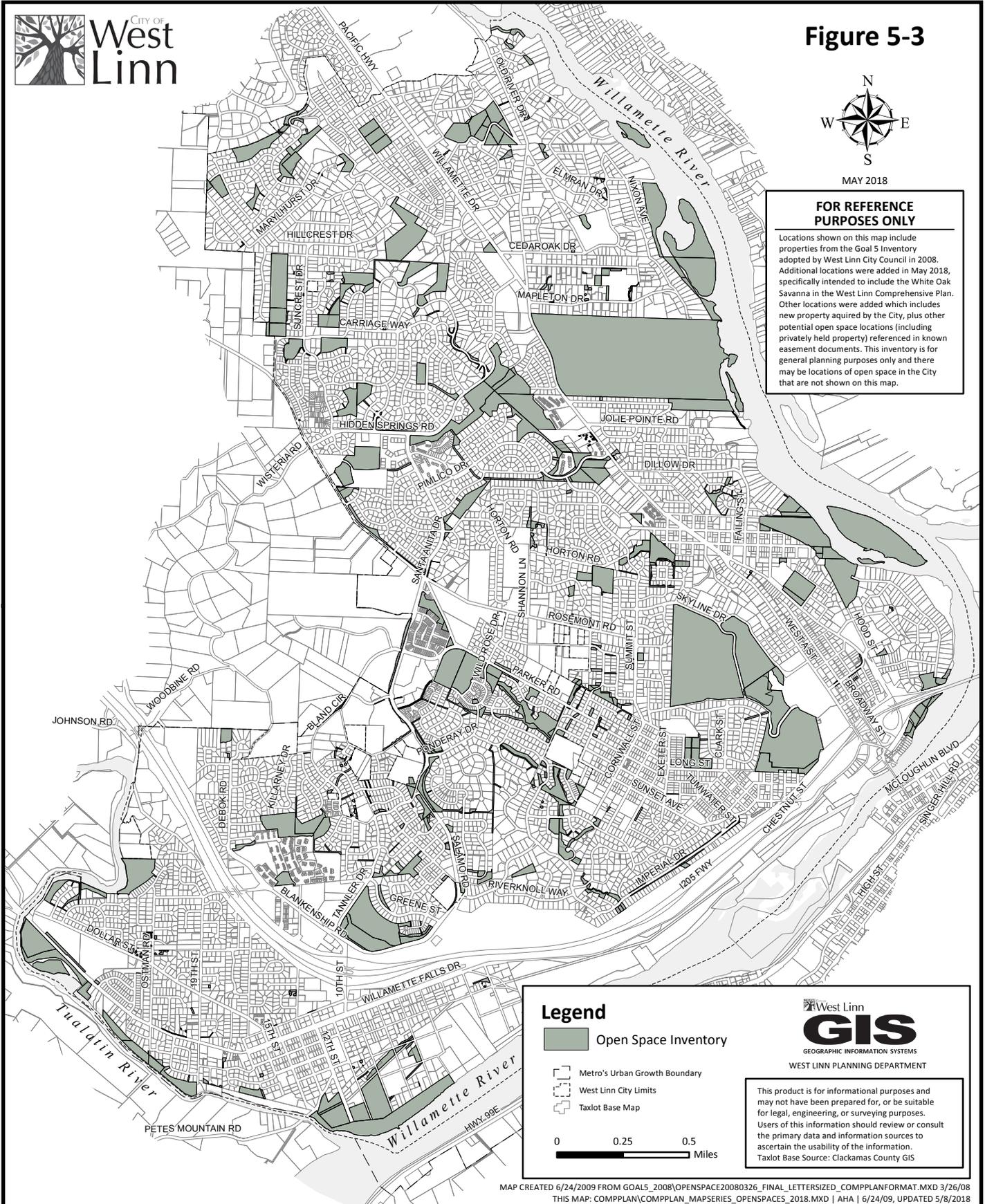
Figure 5-3



MAY 2018

FOR REFERENCE PURPOSES ONLY

Locations shown on this map include properties from the Goal 5 Inventory adopted by West Linn City Council in 2008. Additional locations were added in May 2018, specifically intended to include the White Oak Savanna in the West Linn Comprehensive Plan. Other locations were added which includes new property acquired by the City, plus other potential open space locations (including privately held property) referenced in known easement documents. This inventory is for general planning purposes only and there may be locations of open space in the City that are not shown on this map.



Legend

Open Space Inventory

Metro's Urban Growth Boundary

West Linn City Limits

Taxlot Base Map

0 0.25 0.5 Miles



WEST LINN PLANNING DEPARTMENT

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Taxlot Base Source: Clackamas County GIS

Parks and Open Space

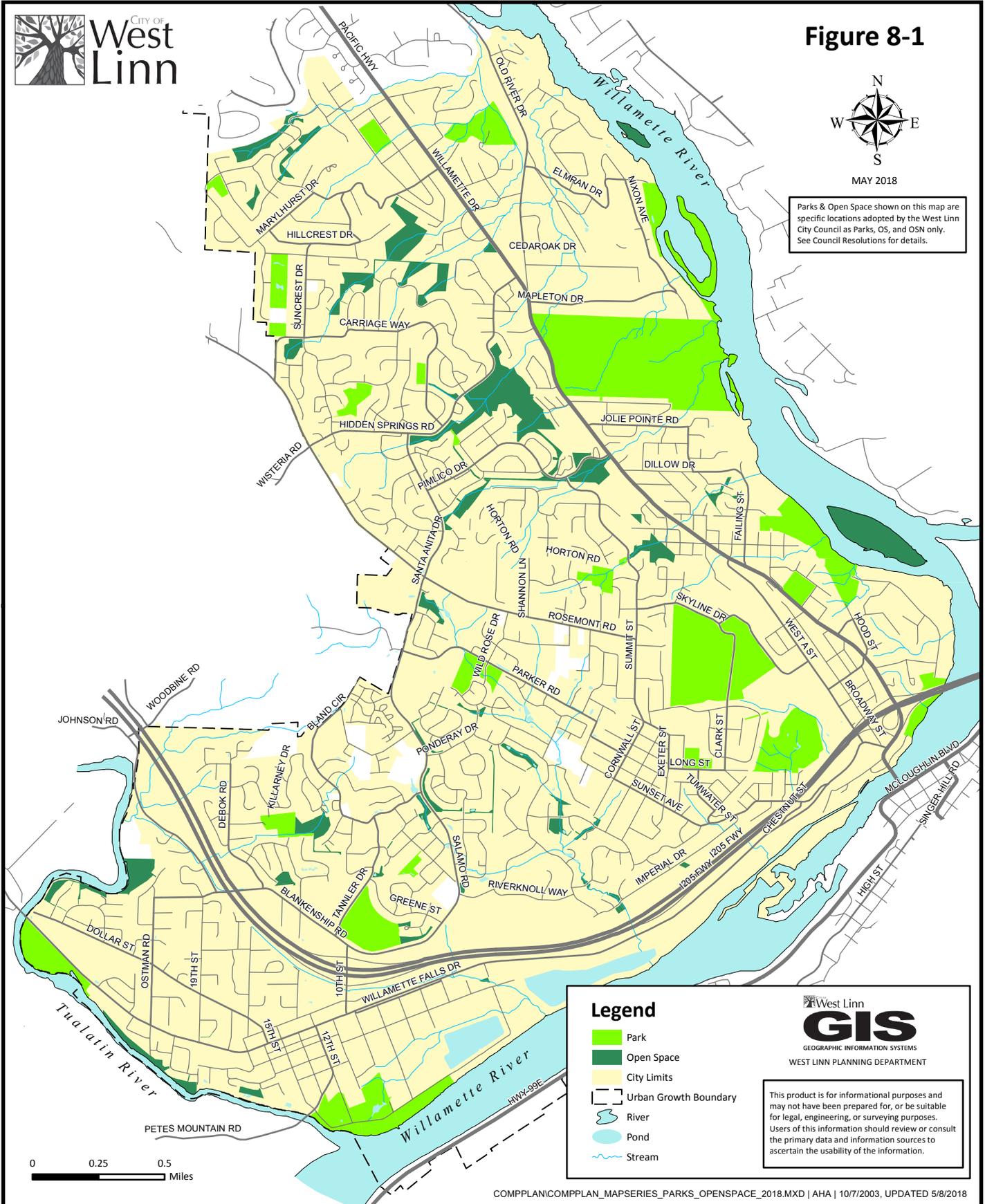


Figure 8-1



MAY 2018

Parks & Open Space shown on this map are specific locations adopted by the West Linn City Council as Parks, OS, and OSN only. See Council Resolutions for details.



Agenda Bill 2019-09-09-04

Date Prepared: August 23, 2019

For Meeting Date: September 9, 2019

To: Russ Axelrod, Mayor
West Linn City Council

From: John Boyd, Planning Manager, Community Development *JJB*

Through: John Williams, Deputy City Manager/Community Development Director *JRW*
Eileen Stein, City Manager *ES*

Subject: Sanitary Sewer Master Plan Update and Adoption

Purpose

To consider adoption of the West Linn Sanitary Sewer Master Plan following recommendation by the Planning Commission and review by the City Council in work session.

Question(s) for Council:

Is the Council ready to adopt the West Linn Sanitary Sewer Master Plan as recommended by Planning Commission by approving the proposed Comprehensive Plan text amendment and Community Development Code amendments found in Land Use File PLN-19-01 and identified in Ordinance 1695?

Public Hearing Required: Yes.

Background & Discussion:

The West Linn Sanitary Sewer Master Plan (SSMP) was first adopted in 1989. An update was completed in 1999. In 2016, the City of West Linn began the process to update the SSMP by drafting the new plan and involving citizens and agency stakeholders. The 2019 SSMP intends to repeal and replace the 1999 SSMP. The 2019 SSMP maintains the original plan's objectives and basis of planning. The update includes review of facilities constructed since 1999, and consideration of aging facilities, regulatory changes, and population trends, utilizing the current best practices of the industry.

On June 19, 2019, the proposed plan was presented to the Planning Commission in a work session and the Commission held a public hearing on July 17, 2019. The SSMP and the associated code changes were reviewed by the City Council at a work session on September 3, 2019.

The proposed amendments to the Comprehensive Plan and Community Development Code are found in Exhibit PC-3 of the Staff Report. Adoption of the proposed plan will ensure goals and policies, and land use development criteria, are aligned with the vision outlined in the SSMP for an efficient sanitary sewer collection system to meet community needs into the future. The primary intent of this legislative action is to ensure the City's SSMP and the Comprehensive Plan and Community Development Code remain viable tools for decision-makers. By adopting the amendments, the City will also ensure continued compliance with applicable laws, rules, regulations, plans, and programs.

Budget Impact:

For the update to the Comprehensive Plan and Community Development Code, none. As projects in the master plan are proposed they will be incorporated into the City’s Six Year Capital Improvement Plan and into the biennial budget for the period in which they will be undertaken.

Sustainability Impact:

The City’s sustainability goals are not directly applicable to the Sanitary Sewer Master Plan update, however Goal 2 could apply; it notes on page 54 “By 2040, all community members will enjoy a high quality of life with access to community services, facilities, and economic and educational attainment.”

Council Goal/Priority:

Guiding Principle #3 and Goal 15, to continue to engage Clackamas County Water & Environmental Services (WES), and partner cities to address governance framework and to protect West Linn ratepayer interests for wastewater services.

Council Options:

1. Accept the Planning Commission recommendation to adopt the proposed Comprehensive Plan text amendment and Community Development Code amendments found in Land Use File PLN-19-01 and identified in Ordinance 1695, or
2. Modify the Planning Commission recommendation and adopt the proposed Comprehensive Plan text amendment and Community Development Code amendments found in Land Use File PLN-19-01 and identified in Ordinance 1695.
3. Overturn the Planning Commission recommendation, provide comments and return it to the Planning Commission for further evaluation.

Staff Recommendation:

Staff recommends that Council adopt amendments to the Comprehensive Plan and Community Development Code that are modified from the draft ordinance that was reviewed by the Planning Commission. The modifications proposed by staff remove the specific date of the document. As master plans are living documents and routinely updated, including the date requires updates to the Comprehensive Plan and Community Development Code each time the plans are updated. Making the modifications proposed by staff does not alter the requirement found in CDC Chapter 100 for all supporting documents of the comprehensive plan to have a public hearing before the Planning Commission and City Council, maintaining the public involvement component of adopting new master plans.

Potential Motion:

I move to adopt Ordinance 1695 adopting an amendment to the Comprehensive Plan Goal 11, Public Facilities and Services and repealing and replacing the Sanitary Sewer Master Plan March 2019, and amending Chapter 85 of the Community Development Code, *as recommended by staff on 9/3/19.*

Attachments:

1. Memorandum dated July 18, 2019 transmitting the Planning Commission recommendation to City Council
2. Staff Report presented to the Planning Commission at the July 17, 2019 hearing with attachments.

3. The following project page contains the staff report attachments and additional documentation including the full Sanitary Sewer Master Plan with Technical Appendices (420 pages). The project page may be found at: <https://westlinnoregon.gov/planning/sanitary-sewer-master-plan-update-0>



CITY OF
West Linn

Memorandum

Date: July 18, 2019
To: West Linn City Council
From: West Linn Planning Commission
Subject: PLN-19-01 Sanitary Sewer Master Plan update - Recommendation

The Planning Commission held a public hearing on July 17, 2019, for the purpose of making a recommendation to the City Council on the adoption of the proposed Comprehensive Plan text amendment and Community Development Code amendments found in Land Use File PLN-19-01 and identified in Ordinance 1695. The proposal was previously discussed at a Planning Commission worksession on June 19, 2018.

After conducting the public hearing, the Commission deliberated and voted unanimously (6 to 0) to recommend City Council adoption of the proposed Comprehensive Plan Text and Community Development Code Text amendments as identified in Ordinance 1695. No public testimony was received at the hearing and prior to the hearing one written submittal unrelated to the Sanitary Sewer Master Plan was entered into the record and attached to the staff report.

Respectfully,

A handwritten signature in blue ink that reads "Gary Walvatne". The signature is fluid and cursive.

Gary Walvatne
Chair, West Linn Planning Commission

ORDINANCE NO. 1695

AN ORDINANCE ADOPTING AN AMENDMENT TO THE COMPREHENSIVE PLAN GOAL 11, PUBLIC FACILITIES AND SERVICES AND REPEALING AND REPLACING THE SANITARY SEWER MASTER PLAN MARCH 2019, AND AMENDING CHAPTER 85 OF THE COMMUNITY DEVELOPMENT CODE.

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

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

WHEREAS, the above referenced grant of power has been broadly interpreted to allow local governments to decide upon the scope of their powers in their charter so that specific statutory authorization is not required for a city to exercise its powers, LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978), aff'd on reh'g 284 Or 173 (1978); and

WHEREAS, the City's Sanitary Sewer Master Plan ("SSMP") was last updated in 1999;

WHEREAS, the SSMP complies with state law and addresses state requirements to periodically review and update its policies and land needs; and

WHEREAS, the Planning Commission (PC) held public hearings and recommended approval of the SSMP at its July 17, 2019, meeting;

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

SECTION 1. Adoption of Master Plan. The March 2019 City of West Linn Sanitary Sewer Master Plan, attached as Exhibit A, is adopted as a supporting document to the West Linn Comprehensive Plan and the new plan governing Sanitary Sewer planning policy.

SECTION 2. Amendment. West Linn Comprehensive Plan, Goal 11, Public Facilities and Services, page PS-4 "SECTION 1: SEWER SYSTEM" "BACKGROUND AND FINDINGS" is amended to read as follows:

The City of West Linn operates and maintains several ~~has 110~~ miles of public sanitary sewers, **mains and several pump stations.** ~~ranging in diameter from 6 to 24 inches.~~ **Wastewater is conveyed through the City sanitary sewer system to the Tri-City Plant for treatment. The Tri-City Water Pollution Control Plan belongs to the** ~~The Water Environment Services~~ **partnership** Department (**WES**) of Clackamas County is responsible for providing wastewater treatment services for the cities of West Linn, Oregon City, and Gladstone. ~~Eleven pumping stations, eight City owned and three owned by Clackamas County, carry the City's wastewater to Clackamas County's Tri-City Wastewater Treatment Plant. The Water Environment Services~~ Department of Clackamas County operates under a master plan adopted for the Tri-City

~~Wastewater Treatment Plant. The sanitary sewer system is separate from the storm sewer system and untreated storm water drains directly to surface streams.~~

In 1999, the City contracted with Bookman-Edmonston Engineering to update the 1989 Sanitary Sewer System Master Plan. The study determined expansion and rehabilitation needs of the current system, and identified a comprehensive schedule for improvements. **The City's Sanitary Sewer Master Plan, dated March 2019, provides an in-depth analysis of existing system conditions and incorporates hydraulic modeling of the system to identify hydraulic capacity deficiencies in the sewer collection system for both existing and future planning needs.**

SECTION 3. Amendment. West Linn Comprehensive Plan, Goal 11, Public Facilities and Services, page PS-5 "GOALS, POLICIES, AND RECOMMENDED ACTION MEASURES" "GOAL" is amended to read as follows:

Provide ~~adequate,~~ **reliable and** environmentally sound wastewater collection and treatment for all West Linn residents and businesses.

POLICIES

- ~~1. Coordinate sanitary sewer service to existing and future residents to allow for the most efficient provision of service within the City and subsequent expansion of the service area.~~ **Encourage development and annexation that makes orderly and efficient use of the wastewater collection systems.**
2. Require the installation of new sanitary sewer collection facilities to be the responsibility of property owners who will receive direct benefit from those facilities. The City may participate in the development of those facilities to the extent that they benefit residents or businesses in addition to those directly involved.
3. Maintain and operate the sanitary sewer system to meet all federal and state permitting requirements.

RECOMMENDED ACTION MEASURES

- ~~1. Participate~~ **Coordinate** with the Clackamas County Department of Water Environment Services in meeting the City's sanitary sewer ~~requirements~~ **needs**.
2. Work with Clackamas County and other affected agencies to plan major waste water treatment facilities. The City recognizes and assumes its responsibility for operation, planning, and regulating ~~the waste water~~ **sanitary sewer** systems as designated in the City's ~~1999~~ Sanitary Sewer System Master Plan **dated March 2019**, which is a supporting document of the Comprehensive Plan.
3. Encourage residents with septic systems to connect to the City sanitary sewer system.
- 4. Continue efforts to reduce inflow and infiltration into the wastewater collection system to the extent such reduction are documented to be cost-effective and/or required by State or Federal regulation.**

SECTION 4. Amendment. West Linn Community Development Code, Chapter 85 General Provisions, Section 85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN is amended and renumbered where needed to read as follows:

E. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the ~~current~~ **City of West Linn** Sanitary Sewer Master Plan **dated March 2019** ~~and subsequent updates and amendments~~. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is efficient. The sewer system must be in the correct zone.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depths. Show how each lot or parcel would be sewered.
3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
6. The sanitary sewer line shall minimize disturbance of natural areas and, in those cases where that is unavoidable, disturbance shall be mitigated pursuant to the appropriate chapters (e.g., Chapter 32 CDC, Water Resource Area Protection).
7. Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.
8. The sanitary sewer system shall be built pursuant to Department of Environmental Quality (DEQ), City, and Tri-City Service District sewer standards. This report should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.

SECTION 5. Amendment. West Linn Community Development Code, Chapter 85 General Provisions, Section 85.200 APPROVAL CRITERIA is amended and renumbered where needed to read as follows:

G. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan ~~(July 1989)~~ **(March 2019)**. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-

efficient. The sewer system must be in the correct basin and should allow for full gravity service.

2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.
3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
6. The sanitary sewer line shall avoid disturbance of wetland and drainageways. In those cases where that is unavoidable, disturbance shall be mitigated pursuant to Chapter 32 CDC, Water Resource Area Protection, all trees replaced, and proper permits obtained. Dual sewer lines may be required so the drainageway is not disturbed.
7. Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.
8. The sanitary sewer system shall be built pursuant to DEQ, City, and Tri-City Service District sewer standards. The design of the sewer system should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.
9. A written statement, signed by the City Engineer, that sanitary sewers with sufficient capacity to serve the proposed development and that adequate sewage treatment plant capacity is available to the City to serve the proposed development.

SECTION 6. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 7. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 8. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 9. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII,

Section 33(c) of the City Charter on the _____ day of _____, 2019,
and duly PASSED and ADOPTED this _____ day of _____, 2019.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

DRAFT



CITY OF West Linn

Memorandum

Date: July 3, 2019
To: Planning Commission
From: John Boyd, Planning Manager
Subject: Submittals by Roberta Schwarz, June 19, 2019

On June 19, 2019 Roberta Schwarz asked that four emails all dated June 19, 2019 with the following subject lines:

Email # Subject:

- 1 - June 19th PC Meeting on Storm Water – Please include as part of Public Record.
- 2 - Hydrology Report by John J Rhodes and his C.V. (two attachments)
- 3 - Bernet Creek Daylighting Project – Updated Cost Estimates and Feasibility Assessment (one attachment)
- 4 - Testimony for June 17th CC Worksession and reason for urgency (one attachment)

Community Development Director John Williams also on June 19, 2019 responded to Email 1 from Roberta Schwarz to clarify “Tonight’s PC meeting is discussing the Sanitary Sewer Master Plan, not the Surface Water Plan. As far as I know, the Sanitary System Plan is unrelated to the Bernert Basin issue, so there is more time to work all this out.

This is only a clarification that this issue related to Bernet Creek and storm water was requested to be entered into the public record for the West Linn Sanitary Sewer Master Plan hearing.

This memo is provided to clarify that these submittals have no bearing on the Sanitary Sewer Master Plan and have been submitted into the record as requested by Roberta Schwarz.

Boyd, John

From: Williams, John
Sent: Wednesday, June 19, 2019 11:03 AM
To: 'Roberta Schwarz'; Planning Commission (Public); Axelrod, Russell; Cummings, Teri; Sakelik, Richard; Relyea, William; Walters, Julianna
Cc: Boyd, John; Savanna Oaks Neighborhood Association
Subject: RE: June 19th PC Meeting on Storm Water-Please include as part of Public Record

Roberta,

Tonight's [PC meeting](#) is discussing the Sanitary Sewer Master Plan, not the Surface Water Plan. As far as I know, the Sanitary System Plan is unrelated to the Bernert Basin issue, so there is more time to work all this out.

With that clarification, please let me know if you would still like to have any information provided to the Planning Commission this evening.

Thank you,
 John

From: Roberta Schwarz [mailto:roberta.schwarz@comcast.net]
Sent: Wednesday, June 19, 2019 10:57 AM
To: Planning Commission (Public) ; Axelrod, Russell ; Cummings, Teri ; Sakelik, Richard ; Relyea, William ; Walters, Julianna
Cc: Williams, John ; Boyd, John ; Savanna Oaks Neighborhood Association
Subject: June 19th PC Meeting on Storm Water-Please include as part of Public Record

Hello City Council, City Planning Commission, John Williams, and John Boyd,

We would like to have standing in the Planning Commission's meeting tonight on the Storm Water Master Plan. Daylighting Bernert Creek is a park project and not a storm water project. It should be done with half of the funds from the Natural Play Area \$600,000 SDC funds. Please include the documents that we are going to send you today (including this email) in to the Public Record for this meeting and for the June 17th Work Session of the City Council on Bernert Creek Daylighting as well. There will be several documents sent to you today in three additional emails regarding Daylighting Bernert Creek. Please read each of them. The first will be the Hydrology Report by Jon J Rhodes. The second will be the Feasibility Study and Cost estimate, and the third will be the Testimony and Goal 5 attachments of Savanna Oaks Neighborhood Association President Edward Schwarz submitted on June 17th at the CC Work Session. We request that all of these documents be submitted to the Planning Commission tonight along with this email. This is the time to correct a serious mistake that was made in August of 2017.

Please note that when the Planning Commission heard the **application submitted by the City of West Linn Park Department for the City of West Linn** on the Natural Play Area in the White Oak Savanna in August of 2017, it should have considered CDC 32.020 and 32.060 as listed

below and highlighted. There is a piped stream in the White Oak Savanna. It is called Bernert Creek. This part of the CDC was not considered even though it is applicable. Documents we have recently reviewed that are part of the public record show that these Chapters were not included in the final application. The application did not consider this Chapter and that was not in keeping with our CDC code. We did not know this at the time because we are citizens and not professional land use planners.

Chapter 32 of the West Linn Community Development Code supports Bernert Creek being daylighted as part of the play area being constructed and it should have been included in that application. It states the following:

32.020 APPLICABILITY

A. This chapter applies to all development, activity or uses within WRAs identified on the WRA Map. It also applies to all verified, unmapped WRAs. The WRA Map shall be amended to include the previously unmapped WRAs.

32.060 APPROVAL CRITERIA (STANDARD PROCESS)

H. Daylighting Piped Streams.

1. As part of any application, covered or piped stream sections shown on the WRA Map are encouraged to be "daylighted" or opened. Once it is daylighted, the WRA will be limited to 15 feet on either side of the stream. Within that WRA, water quality measures are required which may include a storm water treatment system (e.g., vegetated bioswales), continuous vegetative ground cover (e.g., native grasses) at least 15 feet in width that provides year-round efficacy, or a combination thereof.
2. The re-opened stream does not have to align with the original piped route but may take a different route on the subject property so long as it makes the appropriate upstream and downstream connections and meet the standards of subsections (H)(3) and (4) of this section.

We ask that you correct this serious error and insure that the Daylighting Bernert Creek project is done as part of the Natural Play Area **park project**. It should have been done this way from the very beginning and would have been if the CDC above had been properly included as per the code. We further ask that the Natural Play Area project play structures be completely reviewed by you as it has been found that more than half of them are not compatible in the White Oak Savanna. There are grossly inappropriate items included in the current list and we request that these items all be reconsidered. A few examples include a xylophone, drums, an outdoor shower, a fort, water play (when extra water is very bad for oak trees), a full restroom (when an ADA porta toilet which does not require extra water is all that is necessary). These among other items do not belong in a Significant Natural Habitat.

The Savanna and Bernert Creek are both listed in West Linn's Goal 5 Inventory-Wetland, Riparian, and Wildlife Habitat Inventory. This was approved by the Oregon Department of

State Lands in 2005. This is a Significant Natural Habitat. The Inventory lists Bernert Creek as a Wetland. Upper Bernert Creek was given an Enhanced Score of 58 on the Habitat Assessment Summary. Bernert Creek is listed on the National Wetlands Inventory and on the Clackamas County Surveyor's map as well.

Please look for the final three emails. This is important to the citizens. You have the ability to right a wrong.

Thank you,
Ed and Roberta Schwarz
President and Secretary
Savanna Oaks Neighborhood Association

Boyd, John

From: Roberta Schwarz <roberta.schwarz@comcast.net>
Sent: Wednesday, June 19, 2019 11:30 AM
To: Planning Commission (Public); Axelrod, Russell; Cummings, Teri; Sakelik, Richard; Relyea, William; Walters, Julianna
Cc: Williams, John; Boyd, John; Savanna Oaks Neighborhood Association
Subject: Hydrology Report by Jon J Rhodes and his C.V.
Attachments: WOS-Final3-18-19 Bernert Creek Jonathan Rhodes 2019 Update.pdf; NWI West Linn OR Bernert Creek 1 to 9K.pdf

Hello PC, CC, and Mr. Williams and Mr. Boyd,

Here is the Hydrology Report by Jon J Rhodes and his CV. This is the second of a total of four emails we will be sending today.

Ed and Roberta Schwarz
President and Secretary
Savanna Oaks Neighborhood Association

An evaluation of the benefits of daylighting Bernert Creek in the White Oak Savanna Park, West Linn, OR

By: Jonathan J. Rhodes, Hydrologist

Introduction

This report updates my previous written evaluation of hydrologic values in the White Oak Savanna Park,¹ dated Aug. 8, 2007, based on my field evaluation of July 31, 2007. This update provides an evaluation of the benefits of daylighting a section of Bernert Creek in the Park, based on my second field review of the area on March 9, 2019 and review of additional information. This evaluation only assesses the hydrologic effects and some environmental effects of daylighting Bernert Creek. The logistics, design, implementation, feasibility, and/or costs of daylighting are outside of the scope of this evaluation.

My evaluation is also based on my education and experience. The latter includes more than 35 years of professional experience, with about 25 of those years in the Pacific Northwest. Most of my work has focused on how land use and stream conditions affect water quality and quantity. My curriculum vitae, attached to this report, provides additional detail on my professional experience.

Existing and historic stream conditions

Prior to development, a segment of Bernert Creek, a tributary to the Willamette River, historically existed in the area now occupied by the stretch of Tannler Drive that runs along the westerly boundary of the Park, as other assessments have noted (Harris Stream Services, 2013; Herrera, 2017). This historic natural reach of Bernert Creek and associated floodplain were eliminated as part of the construction of Tannler Drive. As part of development, runoff from the watershed upstream of this segment of Bernert Creek is now routed into piped drainage buried underneath an existing vestigial stream channel in the Park, which runs easterly along Tannler Drive in the Park downstream towards Blankenship Road. The runoff is piped into lower Bernert Creek and discharges into the Willamette River. Photo 1 shows the existing alignment of Bernert Creek in the Park.

¹ At the time of my 2007 report, the area that is now the White Oak Savanna Park (hereinafter: "Park") was an undeveloped area that had not been established as a park.

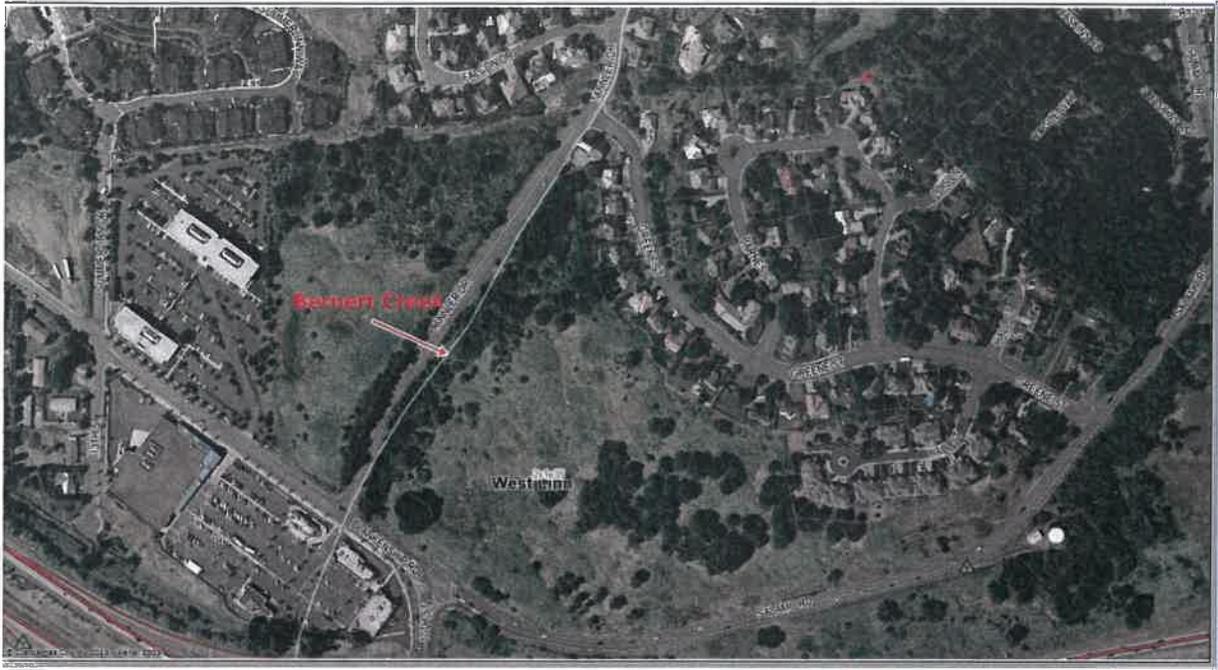


Photo 1. 2005 aerial photo from Clackamas County Surveyor's Office, showing the current alignment of Bernert Creek (delineated by the blue line in photo), now in underground conveyance structures, in the Park along Tannler Drive. I added the red arrow and "Bernert Creek" text in red font for identification purposes.

As discussed in my previous 2007 evaluation, local topography and vegetation indicate that the existing stream channel in the Park is a vestige of a natural stream segment. The shunting of runoff, including stormwater, from the upper part of the watershed to the buried drainage infrastructure has disconnected the vestigial segment of Bernert Creek and remaining riparian area in the Park from runoff from the upper watershed. This diversion of runoff to piped drainage has greatly reduced the frequency and duration of streamflow in the existing remnant stream segment of Bernert Creek along Tannler Drive in the Park. It has also likely contributed to drying out riparian area soils along the vestigial channel in the Park, relative to historic conditions. This, in turn, has likely contributed to reducing and/or thwarting the development of riparian vegetation, which requires moist soils, in the area along the existing channel remnant of Bernert Creek in the Park.

The soils along the remnant Bernert Creek stream channel and the slopes flanking it in the Park still store, transmit, and release water to the vestigial channel in the Park, despite the diminution of runoff and the contributing watershed area. During my field review on March 9, 2019, I observed that subsurface water was percolating through the soil and seeping out of shallow excavation at the downstream end of the existing stream channel near the junction of Tannler Drive and Blankenship Road (Photo 2).



Photo 2. Water seeping from soil in the existing channel into a shallow excavation (bottom center of photo) near the junction of Tannler Drive and Blankenship Road on March 9, 2019. Photo taken looking upstream from near the road junction along the channel axis. The seepage indicates that the channel continues to transmit subsurface water despite the disconnection of the channel from upstream runoff.

Benefits of daylighting the Bernert Creek in the Park and reconnecting it to runoff from the upstream watershed

Daylighting Bernert Creek in the Park, including reconnecting it to runoff from its watershed, would have several environmental benefits. Very importantly, these benefits would be self-sustaining and perennial with daylighting.

First, it would help reduce the volume of discharge of urban runoff to the downstream reaches of Bernert Creek and Willamette River. This would occur because some of the water flowing in the stream will infiltrate into the channel beds, banks, and soils flanking the channel. While some of the infiltrated water may ultimately be transmitted back to stream, some of it would be taken up by riparian vegetation, particularly during the warmer growing season. Research has documented that riparian vegetation takes up a sizable fraction of the water delivered to riparian soils (Rhodes and Frissell, 2015). The reduction of urban runoff volume via uptake by vegetation is likely to increase for a period of time after daylighting because the vigor and density of riparian vegetation is likely to increase after daylighting.

In contrast to this benefit of daylighting the stream, the current situation precludes significant attenuation of urban runoff transmitted into the buried drainage pipes and then to the Willamette River. The water flowing in the pipes is not subject to significant soil infiltration, storage, and uptake by riparian vegetation.

The reduction in runoff volumes from daylighting would benefit conditions downstream. Urban runoff impacts are already a well-documented problem in the Willamette River. Reducing the volume of urban runoff would help ameliorate the downstream water quality impacts on the Willamette River.

This is a significant benefit because efforts to reduce urban runoff volumes have considerable fiscal costs. For instance, large sums are spent annually in nearby Portland on efforts to reduce the volume of urban runoff delivered to the Willamette River and its tributaries. The benefits from storm runoff volume reduction would be self-sustaining and continual after daylighting Bernert Creek in the Park and reconnecting it with its upstream watershed.

Second, restoring watershed connectivity and daylighting Bernert Creek in the Park would likely improve water quality and help reduce pollutant loads delivered to downstream reaches of Bernert Creek and the Willamette River. Infiltration of streamflow and flow through bank and riparian soils typically reduces pollutant loads. Bank vegetation helps remove particulates in streamflow, including constituents attached to the particulates.

Therefore, daylighting the stream would likely improve downstream water quality, providing benefits to the Willamette River. Other independent assessments (Herrera, 2013; Harris, 2017) also concluded that the daylighting of Bernert Creek would improve downstream water quality. This is an important benefit, because urban runoff contributes to existing, well-documented water quality problems in the Willamette River.

The current situation has little or no water quality benefits, because piped flow effectively precludes the interaction of runoff with soil and riparian vegetation. Therefore, daylighting the stream would likely convey significant water quality benefits relative to current conditions.

Third, daylighting the stream channel would likely benefit biodiversity because it would likely contribute to the re-establishment of riparian vegetation, as Harris (2013) and Herrera (2017) also noted. It is well-documented that riparian zones are critically important for biodiversity (Beschta et al. 2013). Healthy riparian areas provide a variety of functions and habitats that benefit a wide

array of species, including birds, amphibians, other vertebrates, and invertebrates, such as insects. Notably, invertebrates are important components of foodwebs for many species, including amphibians and birds. Thus, the riparian zone restoration that is likely to occur with stream daylighting would likely benefit the biodiversity of Park and surrounding areas.

Fourth, daylighting the stream would likely reduce the long-term costs of maintaining the drainage infrastructure that now conveys runoff from Bernert Creek's upper watershed. Nothing lasts forever. Drainage infrastructure eventually requires periodic replacement, which involves not only the direct costs of the infrastructure, but also the costs associated with excavation and reburial. Daylighting the stream would obviate these long-term recurring costs associated with maintaining the drainage infrastructure that currently routes runoff downstream.

In aggregate, daylighting Bernert Creek would provide several long-term, self-sustaining benefits to the environment.

Literature Cited

Beschta, R.L., Donahue, D.L., DellaSala, D.A., Rhodes, J.J., et al., 2013. Adapting to climate change on western public lands: Addressing the ecological effects of domestic, wild, and feral ungulates. *Env. Manage.*, 51: 474-491 DOI 10.1007/s00267-012-9964-9

Herrera, 2017. Technical Memorandum: Bernert Creek Daylighting Preliminary Feasibility and Cost Analysis, from A. Rhode, PE to R. Schwarz. Herrera, Portland, OR.

Harris Stream Services, 2013. Report to Nature in Neighborhoods Grant Committee from A. Harris. Harris Stream Services, LLC, West Linn, OR

Rhodes, J.J., and C.A. Frissell. 2015. The High Costs and Low Benefits of Attempting to Increase Water Yield by Forest Removal in the Sierra Nevada. 108 pp. *Environment Now*, 12400 Wilshire Blvd, Suite 650, Los Angeles, CA 90025.

Curriculum Vitae: Jonathan J. Rhodes
Hydrologist

EDUCATION

1989: Doctoral candidacy degree in forest hydrology at the Univ. of Wash. Completed all requirements but dissertation.

1985: M.S. in Hydrology and Hydrogeology at the Univ. of Nev.-Reno. Thesis topic: The influence of seasonal stream runoff patterns on water quality.

1981: B.S. in Hydrology and Water Resources at the Univ. of Ariz.

PROFESSIONAL HISTORY

Sept. 2001 -- present. Principal Hydrologist, Planeto Azul Hydrology. Main duties: Analysis of water and land use effects on streams and aquatic resources, including native salmonids and their habitats; diagnosis of watershed and stream conditions; stream monitoring; development of programmatic and site-specific watershed and stream protection measures; project management. Some recent projects (and clients): Analysis of potential effects of groundwater pumping on streamflow (Conf. Tribes of the Umatilla Indian Reservation, OR); diagnosis of watershed and stream conditions in an urbanized watershed (West Multnomah Soil and Water Conservation District, OR); analysis of data on sediment effects on ESA-listed salmon in the South Fork Stillaguamish River, WA (Snohomish County, WA).

Aug. 1990 -- Sept. 2001. Consulting hydrologist for non-profit organizations. Past projects (and clients) include: hydrologic characterization of remnant marsh proposed as urban wildlife refuge/greenspace (Multnomah Co. Parks Dept, OR); review of aquatic effects of: quarry expansion (Friends of Forest Park, OR), urban construction (homeowners consortium, W. Linn, OR); forest manipulations on streamflow (Pacific Rivers Council).

Apr. 1989 -- Sept. 2001. Senior Fishery Scientist-Hydrologist, Columbia River Inter-Tribal Fish Commission. Main duties: Administration and implementation of projects monitoring channel change from land use; development of programmatic and site-specific land management plans to ensure protection of watershed integrity, water quality and aquatic resources; development of restoration plans for watersheds degraded by grazing, roads, logging, and mining; design of plans for monitoring watershed and stream erosion, sedimentation, water quality, and habitat conditions; review of land management plans for adequacy of protection of aquatic resources; field evaluation of watershed and channel conditions throughout the Columbia Basin; expert witness testimony; development of technical recommendations for policy staff for protection of natal habitat for anadromous fish; review of state and federal aquatic resource monitoring plans; report and proposal writing; and, participation in various state and federal technical work groups.

Aug. '84 -- Apr. '89. Research assistant, College of Forestry, Univ. of Wash. Main duties: analysis and interpretation of water quality-quantity data; technical report writing; design and maintenance of water chemistry and quantity monitoring network in a coastal forested watershed; training in data acquisition techniques; public presentation of findings.

July -- Oct. 1987 and May -- Oct. 1988. Consulting hydrologist, Tahoe Regional Planning Association, CA and NV. Main duties: field delineation and mapping of riparian zones, wetlands, and erosion-prone areas.

June -- Sept. 1985 and July 1986. Research assistant, Dept. of Geophysics, Univ of Wash. Main duties: operation of field station for glacier research on Mt. Olympus, Wash.; measurement of snow and glacier melt rates; mapping of supra- and extra- glacial streams contributing to basal sub-glacial flow rates on surging and non-surging glaciers in the Alaska Range, Alaska.

Jan. 1984. Consultant with C.M. Skau, Reno, NV. Main duties: field evaluation of logging roads for erosion potential and sedimentation risk; recommendations for placement of future roads to minimize erosion and sediment delivery to fish-bearing streams in coastal Northern California.

Oct. 1983 -- June 1984. Hydrologic Tech., USGS, Carson City, NV. Main duties: aid in development and calibration of predictive water quality model for the Truckee River; statistical analysis of water quality data; identification and quantification of non-point sources of nutrients to Truckee River, NV.

Aug. 1981 -- Sept. 1983. Research Assistant, Univ. of Nev.-Reno. Main duties: design and installation of instrument network to monitor water chemistry and quantity in a small, forested alpine watershed in the Sierra Nevada; water quality sampling; data interpretation and management; preparation of reports, grant proposals, and publications, computer programming for data reduction and storage; mapping of geology, soils and runoff-producing areas; and, training of field technicians.

Feb. -- May 1981. Water Quality Intern, Pima Assoc. of Gov'ts., Tucson, AZ. Main duties: water quality sampling of agricultural production wells; mapping of groundwater levels; and, coordination of sampling efforts.

PROFESSIONAL SERVICE

May 2009 – present. Peer Reviewer for the scholarly journal, Open Forest Science Journal, for papers related to hydrology and forest and watershed responses to disturbance.

Feb. 2010. Invited Guest Lecturer, Lewis and Clark School of Law course on public lands law: "PACFISH and INFISH and Imperiled Salmonids on Public Lands" Portland, OR.

Feb. 2009. Invited Guest Lecturer, Lewis and Clark School of Law course on public lands law: "PACFISH and INFISH and Imperiled Salmonids on Public Lands" Portland, OR.

Feb. 2008. Invited Guest Lecturer, Lewis and Clark School of Law course on public lands law: "PACFISH and INFISH and Imperiled Salmonids on Public Lands" Portland, OR.

Mar. 2007. Invited Panel Speaker, International Environmental Law Conference: "Fuel Treatments & Thinning: Its Impacts and Low Priority Relative to Other Needed Restoration Measures," Univ. of OR, Eugene, OR.

Mar. 2007. Invited Panel Speaker, International Environmental Law Conference: "The Impacts of Livestock Grazing on Water Quality and Trout Habitats," Univ. of OR, Eugene, OR.

Feb. 2005. Invited Guest Lecturer, Lewis and Clark School of Law course on public lands law: "Postfire Watershed Management on Western Public Lands" Portland, OR.

Mar. 2004. Invited Panel Speaker, International Environmental Law Conference: "Postfire Watershed Restoration," Univ. of OR, Eugene, OR.

Curriculum Vitae: J.J. Rhodes

page 3 Professional Service (cont'd)

April 2002. Invited Speaker, Restoring Public Lands Conference: Reclaiming the Concept of Forest Restoration, "Watersheds and Fisheries: Restoration Needs for Trout Habitats," Univ. of CO, Boulder, CO

Mar 2002. Invited Panel Speaker, International Environmental Law Conference: "Soils, Impacts and Effects on Trout Habitat," Univ. of OR, Eugene, OR

Mar. 2001. Invited Panel Speaker, International Environmental Law Conference: "NFMA and Salmon Habitat Protection," Univ. of OR, Eugene, OR.

May 2000. Invited speaker, 5th National Tribal Conf. on Environmental Management: "Federal Land Management's Effects on Critical Habitat for Endangered Salmon," Lincoln City, OR

July 1998-2000. Peer Reviewer for the scholarly journal, N. Amer. J. Fish, for papers related to the sedimentation of fish habitat in response to erosion from land uses and fire.

Feb. 1998. Invited Speaker, Oregon AFS Annual meeting: "Adaptive management: Is it really adaptive?" Sunriver, OR

May 1996-2000. Guest lecturer, Oregon State Univ. graduate course on riparian and wetland ecology, Corvallis, OR

Apr.-May 1996. Peer-reviewer for Proceedings of Forest-Fish Conference: Land Management Affecting Aquatic Ecosystems. Proc. Forest-Fish Conf., May 1-4, 1996, Calgary, Alberta, Canada. Nat. Resour. Can., Can. For. Serv. Nort. For. Cent., Edmonton, Alberta. Inf. Rep. NOR-X-356.

Apr. 1995. Invited speaker, Pacific Rivers Council Workshop on Watershed Analysis and Salvage Logging, Wenatchee, Wash.

Apr. 1995. Invited speaker, Oregon State Univ. Dept of Fisheries and Wildlife Seminar, Corvallis, OR

Apr. 1995. Invited speaker, American Fisheries Society North Pacific International Chapter, Annual Meeting, Vancouver B.C., Can.

Mar. 1995. Invited speaker, American Fisheries Society Idaho Chapter Annual Meeting, Boise, ID.

Nov. 1994. Invited speaker, President's Council on Sustainable Development Workshop, Yakima, WA.

Sept. 1994. Invited speaker, Oregon Water Resources Research Institute Streambank Restoration Conference: "Biological Methods to Stabilize Streambanks--From Theory to Practice," Portland, OR.

Mar.-April, 1994. Peer-reviewer for Henjum et al., 1994. Interim Protection for Late Successional Forests, Fisheries, and Watersheds: National Forests East of The Cascade Crest, Oregon and Washington. The Wildlife Soc., Bethesda, MD.

Jan. 1993-Sept. 1995. Member, Oregon Department of Environmental Quality's (ODEQ) Technical Advisory Committee for Triennial Review of the State Water Temperature Standard.

Mar. 1993. Invited speaker, Northwest Scientific Association Symposium: "Cumulative Effects of Land Management Practices on Anadromous Salmonids," La Grande, OR.

Curriculum Vitae: J.J. Rhodes
page 4 Professional Service (cont'd)

Aug. 1992 - Sept. 1992. Member, Ad Hoc Consultant Selection Committee for Portland Water Bureau Study of Future Water Supply Needs.

May 1992. Invited Speaker, US Forest Service, Pacific Northwest Region, Regional Workshop on Monitoring Soil and Water Resources, Bend, OR.

May 1992. Invited Speaker, Northern Arizona University, School of Forestry, Graduate Seminar Series, Flagstaff, AZ.

Jan. 1991 - Mar. 1995. Member, Technical Work Group: Upper Grande Ronde River Anadromous Fish Habitat Protection, Restoration and Monitoring Plan.

Aug. 1989 - Feb. 1990. Member, Technical Advisory Committee to ODEQ for development of definitions for level of beneficial use impairment by nonpoint sources.

May 1989 - Jan. 1991. Member, Nonpoint Source Technical Advisory Committee to Idaho Department of Environmental Quality: Coordinated Nonpoint Source Monitoring Program For Idaho.

PUBLICATIONS

Peer-Reviewed:

Rhodes, J.J., C.M. Skau, and W.M. Melgin, 1984. Nitrate-nitrogen flux in a forested watershed -- Lake Tahoe, USA. In: Recent Investigations in the Zone of Aeration, Proc. of Inter. Symp., Munich, West Germany, 1984, P. Udluft, B. Merkel, and K. Prosl (Eds), pp. 671-680.

Rhodes, J.J., 1985. A Reconnaissance of Hydrologic Transport of Nitrate in An Undisturbed Forested Watershed Near Lake Tahoe. M.S. thesis, Univ. of Nev. Reno, 254 pp.

Rhodes, J.J., C.M. Skau, and J.C. Brown, 1985. An areally intensive approach to hydrologic nutrient transport in forested watersheds. In: The Forest-Atmosphere Interaction, B.A. Hutchison and B.B. Hicks (Eds), pp. 255-270.

Rhodes, J.J., C.M. Skau, D. Greenlee, and D.L. Brown, 1985. Quantification of nitrate uptake by riparian forests and wetlands in an undisturbed headwaters watershed. US Forest Service Gen. Tech. Rept. RM-120.

Rhodes, J.J., C.M. Skau, and D. Greenlee, 1986. The role of snowcover on diurnal nitrate concentration patterns in streamflow from a forested watershed in the Sierra Nevada, Nevada, USA. In: Proc. of AWRA Symposium: Cold Regions Hydrology, Fairbanks Alaska, 1986, D.L. Kane (Editor), pp. 157-166.

Rhodes, J.J., R.L. Armstrong, and S.G. Warren, 1987. Mode of formation of "ablation hollows" controlled by dirt content of snow. J. Glaciology, 33: 135-139.

Edmonds, R.L., T.B. Thomas, and J.J. Rhodes, 1991. Canopy and soil modification of precipitation chemistry in a temperate rain forest. Soil Soc. of Amer. J., **55**: 1685-1693.

Rhodes, J.J., McCullough, D.A., and Espinosa Jr., F.A., 1994. A Coarse Screening Process for Evaluation of the Effects of Land Management Activities on Salmon Spawning and Rearing Habitat in ESA Consultations. CRITFC Tech. Rept. 94-4, Portland, OR <http://www.critfc.org/tech/94-4report.htm>

Curriculum Vitae: **J.J. Rhodes**
page 5 **Publications** (cont'd)

Rhodes, J.J. 1995. A Comparison and Evaluation of Existing Land Management Plans Affecting Spawning and Rearing Habitat of Snake River Basin Salmon Species Listed Under the Endangered Species Act. CRITFC Tech. Rept. 95-4, Portland, OR <http://www.critfc.org/tech/95-4report.htm>

Rhodes, J.J. 1996. Description and Evaluation of Some Available Models for Estimating the Effects of Land Management Plans on Sediment Delivery, Channel Substrate, and Water Temperature, CRITFC, Portland, OR

Espinosa, F.A., Rhodes, J.J., and McCullough, D. A. 1997. The failure of existing plans to protect salmon habitat on the Clearwater National Forest in Idaho. J. Env. Management **49**: 205-230.

Rhodes, J.J., and Purser, M.D., 1998. Overwinter sedimentation of clean gravels in simulated redds in the upper Grande Ronde River and nearby streams in northeastern Oregon, USA: Implications for the survival of threatened spring chinook salmon, Forest-Fish Conference: Land Management Affecting Aquatic Ecosystems, Proc. Forest-Fish Conf., May 1-4, 1996, Calgary, Alberta, Canada. Nat. Resour. Can., Can. For. Serv. Nort. For. Cent., Edmonton, Alberta. Inf. Rep. NOR-X-356, pp: 403-412.

Beschta, R.L., Rhodes, J.J., Kauffman, J.B., Gresswell, R.E, Minshall, G.W., Karr, J.R, Perry, D.A., Hauer, F.R., and Frissell, C.A., 2004. Postfire Management on Forested Public Lands of the Western USA. Cons. Bio., **18**: 957-967. <http://pacificrivers.org/files/post-fire-management-and-sound-science/Beschta-et-al2004.pdf>

Karr, J.R., Rhodes, J.J., Minshall, G.W., Hauer, F.R., Beschta, R.L., Frissell, C.A. Perry, D.A, 2004. Postfire Salvage Logging's Effects on Aquatic Ecosystems in the American West. BioScience, **54**: 1029-1033. <http://www.earthjustice.org/library/reports/the-effects-of-positive-salvage-logging.pdf>

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Technical Reports:

1986. Annual Report on Watershed Studies at Olympic National Park. College of Forestry, Univ. of Wash., Seattle, Wash. (Co-authors: R.L. Edmonds, T.B. Thomas, T.W. Cundy)

1987. Annual Report on Watershed Studies at Olympic National Park. College of Forestry, Univ. of Wash., Seattle, Wash. (Co-authors: R.L. Edmonds, T.B. Thomas, T.W. Cundy)

Curriculum Vitae: J.J. Rhodes

page 6 Publications (cont'd)

1988. Annual Report on Watershed Studies at Olympic National Park. College of Forestry, Univ. of Wash., Seattle, Wash. (Co-authors: R.L. Edmonds, T.B. Thomas, T.W. Cundy)

1989. Annual Report on Watershed Studies at Olympic National Park. College of Forestry, Univ. of Wash., Seattle, Wash. (Co-authors: R.L. Edmonds, T.B. Thomas, T.W. Cundy)

1990. Coordinated Nonpoint Source Monitoring Program For Idaho. Idaho Dept. of Environmental Quality, Boise, Idaho. (Co-authors: B. Clark, D. McGreer, W. Reid, T. Burton, W. Low, I. Urnovitz, D. McCullough, T. Litke)

1992. The Upper Grande Ronde River Anadromous Fish Habitat Protection, Restoration and Monitoring Plan. Wallowa-Whitman National Forest, Baker, OR (Co-authors: M. Purser, P. Boehne, R.E. Gill, R.L. Beschta, J.R. Sedell, B. McIntosh, J. Zakel, J.W. Anderson, D. Bryson, S. Howes, R. George).

1992. Salmon Recovery Program for the Columbia River Basin: An Advisory Report for the US Congress. Col. Riv. Inter-Tribal Fish Comm., Portland, OR (Co-authors: P.R. Mundy, D.A. McCullough, M.L. Cuenco, T.W. Backman, D. Dompier, P. O'Toole, S. Whitman, E. Larson, B. Watson, G. James).

1993. A comprehensive approach to restoring habitat conditions needed to protect threatened salmon species in a severely degraded river--The Upper Grande Ronde River Anadromous Fish Habitat Protection, Restoration and Monitoring Plan. USFS Gen. Tech. Rept RM-226, pp. 175-179. (Co-authors: J.W. Anderson, R.L. Beschta, P. Boehne, D. Bryson, R.E. Gill, S. Howes, B. McIntosh, M.D. Purser and J. Zakel).

1993. Dante's Video Guide to Habitat Conditions for Wild Spring Chinook Salmon, Steelhead and Bull Trout in the John Day Basin, Oregon. (Video) Presented at AFS National Meeting, Portland, Or, Aug. 29-31. (Co-authors: R. Taylor and M. Purser).

1995. Wildfire and Salvage Logging: Recommendations for Ecologically Sound Post-Fire Salvage Logging and Other Post-Fire Treatments on Federal Lands in the West. Pacific Rivers Council, Portland, OR (Co-authors: R. Beschta, C. Frissell, R. Gresswell, R. Hauer, J. Karr, G. Minshall, D. Perry).

1998. Adaptive management: Is it really adaptive? Abstracts: Oregon AFS Annual Meeting, Feb. 11-13, 1998, p. 31.

1998. Thinning For Increased Water Yield in the Sierra Nevada: Free Lunch or Pie in the Sky? Pacific Rivers Council, Eugene, OR. (Co-author: M. Purser)

1999. Annual Project Report: Watershed Evaluation and Aquatic Habitat Response to Recent Storms. Bonneville Power Administration (BPA), Portland, OR. (Co-author: C. Huntington)

1999. Annual Project Report: Monitoring Fine Sediment in Salmon Habitat in John Day and Grande Ronde Rivers. BPA, Portland, OR (Co-author: M. Purser)

2000. Annual Project Report: Watershed Evaluation and Aquatic Habitat Response to Recent Storms. BPA, Portland, OR. (Co-author: C. Huntington)

2000. Annual Project Report: Monitoring Fine Sediment in Salmon Habitat in John Day and Grande Ronde Rivers. (Co-author: M. J. Greene)

Curriculum Vitae: J.J. Rhodes
page 7 Publications (cont'd)

2001. Annual Project Report: Monitoring Fine Sediment in Salmon Habitat in John Day and Grande Ronde Rivers. BPA, Portland, OR. (Co-author: M. J. Greene)

2001. Imperiled Western Trout and the Importance of Roadless Areas. Western Native Trout Campaign, Center for Biological Diversity, Tucson, Az. (Co-authors: J. Kessler, C. Bradley, and J. Wood)

2002. Tryon Creek Watershed: Overview of Existing Conditions, Data Gaps, and Recommendations for the Protection and Restoration of Aquatic Resources. West Multnomah Soil and Water Conservation District, Portland, OR

2002. An Analysis of Trout and Salmon Status and Conservation Values of Potential Wilderness Candidates in Idaho and Eastern Washington. Western Native Trout Campaign, Center for Biological Diversity, Tucson, AZ. (Co-authors: C. Bradley, J. Kessler, C. Frissell)

2003. Stream and Fish Habitat Conditions in Tryon Creek: Their Likely Causes and Ramifications for Salmonids. Proceedings of Urban Ecology and Conservation Symposium, January 24, 2003, Portland, OR. Portland State University, Environmental Sciences and Resources, Portland, OR

2008. Primary Sources of Fine Sediment in the South Fork Stillaguamish River. Interim progress report for Washington State Salmon Recovery Funding Board, Olympia, WA. Snohomish County Public Works Surface Water Management, Everett, WA. (Co-authors: M. Purser, B. Gaddis, S. Britton, T. Coburn, and M. Rustay)

2009. Primary Sources of Fine Sediment in the South Fork Stillaguamish River. Project completion report for Washington State Salmon Recovery Funding Board, Olympia, WA. Snohomish County Public Works Surface Water Management, Everett, WA. (Co-authors: M. Purser, B. Gaddis)

2015. The High Costs and Low Benefits of Attempting to Increase Water Yield by Forest Removal in the Sierra Nevada. 108 pp. Environment Now, 12400 Wilshire Blvd, Suite 650, Los Angeles, CA 90025. (Co-author: CA. Frissell)

Semi-Technical Publications:

1993. Dam the analysis--heal streams instead. The Assoc. of Forest Service Employees for Env. Ethics Inner Voice, 5(6): 1, 4-5.

1994. Invited Preface to Northwest Science Special Issue--Environmental History of River Basins in Eastern Oregon and Washington. Northwest Sci., 68.

PROJECT MANAGEMENT

1993-1996. Technical Assistance Contract with NMFS to produce technical guidance for ESA consultations for effects of land management on critical habitat for Columbia basin salmon. Main duties: Primary Investigator; primary author of peer-reviewed reports including proposed guidelines for salmon habitat effects assessment (Rhodes et al., 1994), evaluation of land management plans' protection of critical salmon habitat (Rhodes, 1995), and evaluation of models for estimating land management effects on salmon habitat (Rhodes, 1996); available scientific literature review; budget tracking; project coordination. Total budget: \$230,000.

Curriculum Vitae: J.J. Rhodes
page 8 Proj. Management (cont'd)

1998-2000. Watershed Evaluation and Aquatic Habitat Response to Recent Storms. Main duties: Primary Investigator; design and implementation of monitoring methods, coordination of technical staff in 10 watersheds with differing levels of grazing and logging in 3 subbasins in Idaho, Washington, and Oregon; technical training; data analysis; contract administration; proposal development; report preparation; budget development and tracking; coordination with grantor representatives. Total budget: \$164,000.

1998-2000. Evaluation of Effects of Grazing on Rate of Salmon Habitat Recovery. Main duties: Primary Investigator; design and implementation of monitoring methods, training of field technician; data analysis and synthesis; proposal development; preparation of progress reports; budget development and tracking; coordination with grantor representatives. Total budget: \$73,000.

1998-2001. Monitoring Fine Sediment Levels in Salmon Habitat in Grande Ronde and John Day Rivers. Main duties: Primary Investigator; design and implementation of methods for monitoring fine sediment levels in four rivers; field technician training; data analysis and synthesis; subcontract administration; proposal development; progress and technical report preparation; budget development and tracking; coordination with grantor representatives. Total budget: \$128,000.

2001-2002. Western Native Trout Campaign, Aquatic Scientist and Coordinator. Main duties: Oversight and assurance of scientific integrity of all reports and work products; coordinate conservation efforts among campaign member organizations and other groups working to protect and restore trout habitats and populations; budget tracking; technical and progress report preparation.

HONORS AND AWARDS

1996. Leadership and Excellence. Col. River Inter-Tribal Fish Comm., Portland, OR

1991. Employee of the Year. Col. River Inter-Tribal Fish Comm., Portland, OR

1984. Academic Recruitment Scholarship for Outstanding Graduate Prospect. Univ. of Wash, Seattle, Wash.

1982. Maxey Award -- Outstanding Graduate Student Paper in Hydrology. Univ. of Nev.-Reno.

1980. Winslow and Myron Reuben Scholarship for Outstanding Undergraduate in the Earth Sciences. Univ. of Ariz., Tucson, Az.

ADDITIONAL TRAINING

1993. USFWS Water Temperature Modeling via SNTMP

1991. USFWS Introduction to IFIM Investigations

Boyd, John

From: Roberta Schwarz <roberta.schwarz@comcast.net>
Sent: Wednesday, June 19, 2019 11:36 AM
To: Planning Commission (Public); Axelrod, Russell; Cummings, Teri; Sakelik, Richard; Relyea, William
Cc: Williams, John; Boyd, John; Savanna Oaks Neighborhood Association
Subject: Bernert Creek Daylighting Project - Updated Cost Estimates and Feasibility Assessment
Attachments: BernertCreekDaylighting_FeasibilityMemo_Final-signed.pdf

Hello again all,

This is the third of four emails that will come to you from us today.
Attached you will find the Feasibility Study and Cost Estimates of daylighting Bernert Creek.

Thank you,
Ed and Roberta Schwarz
President and Secretary Savanna Oaks Neighborhood Association



Roberta Schwarz
Neighbors for a Livable West Linn
2206 Tannler Drive
West Linn, Oregon 97068

RE: Feasibility Assessment and Conceptual Cost Estimate of Bernert Creek Daylighting Project

Dear Ms. Schwarz:

Please find attached the 2017 Bernert Creek Daylighting Preliminary Feasibility and Cost Analysis Technical Memorandum and an updated cost estimate. The feasibility assessment is supplemented with the information in this letter that provides additional detail on project permitting requirements and depth of the existing pipe. We have also prepared an updated cost estimate that includes geotechnical investigation and survey services, adjustments to the unit costs of the some of the construction line items in the estimate, a reduced contingency (from 50% to 25%), and updated earthwork and imported material quantities based on additional information reviewed and gathered since 2017. Our current cost estimate is \$320,000 for the entire project as conceived, accounting for survey and geotechnical services, design, permitting, construction oversight, and construction contracting. This exceeds the approximately \$250,000 that you have indicated is available for design and construction. We have also provided a second budget estimate for a reduced project scale, which indicates what we think is attainable within the available budget but eliminates some of the project scope. Assumptions include:

- The length of daylighted stream channel is assumed to be reduced to 600 feet, which would reduce stream channel excavation, reduce the volume of excavated soil to be reused and require lesser amounts of imported materials (streambed aggregate, boulders and logs).
- The assumed cost for a stream crossing (pedestrian bridge) is reduced from \$40,000 to \$5,000, assuming a single prefabricated bridge with handrails is installed, with materials and labor donated. The \$5,000 cost of this item covers coordination, permitting, and procurement.

The updated cost estimates for the larger project as conceived, and for a reduced project scale, do not currently include any assumptions regarding donated time by either engineers or contractors, since per our discussion you anticipate that the design work and thereafter the construction work will be competitively bid by the City of West Linn. We do not advise proceeding with the project assuming that the selected design and permitting consultant or the selected construction contractor will be able or willing to donate some of their time to the project. There may be opportunities through the procurement process to achieve cost savings, and to make it clear to bidders what the available budget is to see if that encourages lower cost bids, but that would be at the City's discretion.



Permitting

To refine our estimate of permitting costs, our land use planner, Kristina Gifford, did a preliminary review of zoning. Daylighting Bernert Creek within the White Oak Savanna site will likely need design review and approval and permits from the City of West Linn. Because the creek is within a stormwater pipe, it may not be considered a wetland or water of the US or Oregon; therefore, wetland removal/fill permits may not be required, but that would need to be confirmed through consultation with regulatory agencies. If there are wetlands along the project alignment that would be affected, state and federal permits would be necessary. According to the City’s zoning map, the site is zoned Office Business Center (OBC) and most of the site is designated as Parks. The existing storm drain pipe and proposed daylighted creek also cross a property that is not within the Parks designation. Based on a review of the City’s community development code (CDC), we believe the project is likely subject to design review (CDC Chapter 55) and Parks and Natural Area design review (CDC Chapter 56). It is unclear how the City would define the proposed land use: it could be a minor utility, major utility, or special use area (defined in CDC Chapter 56). Special use areas and minor utilities are allowed outright in the OBC zone; a major utility may be allowed as a conditional use.

Our updated cost estimate assumes the permit application and coordination effort will cost \$40,000, which may be high given the likely absence of wetlands. However, the budget and schedule for permitting will depend on information from the project pre-application conference with the City. At the conference, the City would confirm a definition of the proposed site use, whether it would be allowed in the OBC zone, whether the proposed development would require Class I or Class II design review, and the materials required for submittal to the City.

Existing Pipe Condition and Depth

To confirm the feasibility of daylighting the existing pipe and to update quantities of excavation for cost estimating purposes, Alex Svendsen, a Herrera scientist, inspected the existing pipe by accessing four manholes along the alignment. At manhole BEJ7 (upstream). The pipe is approximately 6.5 feet deep (ground surface to pipe invert). Baseflow was observed in the pipe during the visit, which occurred on May 10, 2019. The pipe appears to be made of corrugated metal.



MH BEJ7, Upstream MH along Proposed Daylight Section

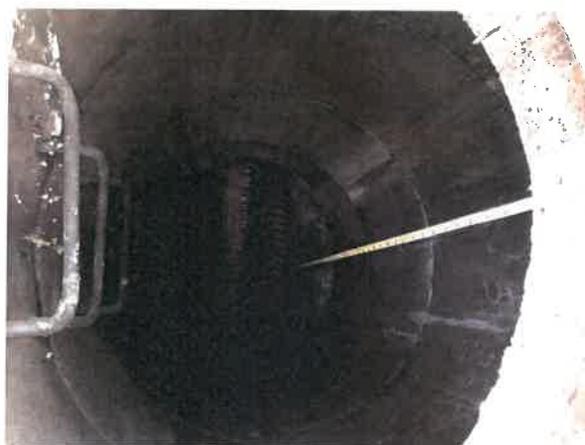
There is a live sewer line approximately 50 feet southeast of Manhole BEJ7 near the base of the adjacent hillside. It appears to be a 12-inch diameter pipe approximately 15 feet below the ground surface; discharge in the pipe was flowing north.

Approximately 200 feet downgradient from MH BEJ7, the pipe was observed approximately 4.5 feet below ground surface. A tree root has grown around the manhole lid at that location.



MH Approximately 200 feet Downgradient from MH BEJ7

Approximately 60 feet downgradient from the main trail, the pipe is at a depth of approximately 10.5 feet below ground surface.



MH Approximately 60 feet Downgradient from main trail

At MH BEJ6, the pipe is at a depth of approximately 5.5 feet below ground surface.



MH BEJ6, Downstream Structure Along Proposed Daylight Alignment

The observed depths of the existing storm drain line are consistent with the concept proposed in the 2017 technical memorandum. Given that the pipe starts in Manhole BEJ7 at a depth of approximately 6.5 feet, constructing a culvert at a slope of approximately 2 percent from this structure that extends approximately 90 feet would allow the culvert to outfall to a splash pad that starts the daylighted stream channel as described in the technical memorandum. Flows from the daylighted stream channel could re-enter the storm drain system via a ditch inlet constructed upstream of Structure MH BEJ6, as described in the technical memorandum.

Thank you for the opportunity to assist you in advancing the conceptual planning for this project. Please feel free to contact us if you have additional questions.

Kate Forester, PLA, Project Manager

971.200.8876

Mary Larkin, PE, Engineer

**WEST LINN OAK SAVANNAH
WEST LINN, OR**

Project: Bernert Creek Daylighting
Construction Cost Estimate: Conceptual Planning Level
Level of Confidence: Medium

Description: Daylight Bernert Creek segment along historic alignment and decommission existing pipe

Prepared by:

M. Larkin

5/10/2019

Checked/Revised by:

M. Ewbank

5/14/2019

NO.	ITEMS OF WORK AND MATERIALS	ESTIMATED QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	NOTES
1	Mobilization	1	LS	10%	\$7,190.80	Assumed 10% total construction cost
2	Traffic Control, Temporary	1	LS	\$5,000.00	\$5,000.00	Temporary single-lane traffic
3	Erosion and Sediment Control and Tree Protection	1	LS	\$5,000.00	\$5,000.00	
4	Clearing and Grubbing	1	LS	\$5,000.00	\$5,000.00	Minimal clearing and grubbing - preserve habitat
5	Temporary Flow Bypass During Construction	1	LS	\$3,000.00	\$3,000.00	Minimal pumping - diversion will use gravity
6	Boulders 24"-36" (nominal diameter)	100	EA	\$150.00	\$15,000.00	To be placed along alignment /provide grade control
7	Streambed aggregate	482	CY	\$60.00	\$28,908.00	To be placed along alignment - cobble assumed
8	Log Without Rootwad - 15' length	10	EA	\$500.00	\$5,000.00	Includes procurement and and surface installation
9	Salvaged Woody Debris	1	LS	\$5,000.00	\$5,000.00	Salvage any downed trees or pruned branches for use in channel
10	Stream Channel Excavation and Reuse	1,170	CY	\$25.00	\$29,250.00	Assumes soil reuse on site to reduce costs
11	Decommission Existing Pipe in Place	1	LS	\$5,000.00	\$5,000.00	Fill with CDF (115 CY)
12	New Pipe Outfall	1	LS	\$1,500.00	\$1,500.00	Connect to BEJ7 manhole
13	New Ditch Inlet	1	LS	\$2,500.00	\$2,500.00	Connect to BEJ6 manhole
14	Driveway Culvert and Gravel Bedding	1	LS	\$25,000.00	\$25,000.00	Arch Culvert - 12' span with compacted gravel bedding
15	Pedestrian Crossing	1	LS	\$15,000.00	\$15,000.00	Assume a simple prefab bridge with handrails
16	Interpretive Signage	2	EA	\$500.00	\$1,000.00	Installation only; estimate assumes that signs are donated.
17	Seeding/Planting	1	LS	\$1,000.00	\$1,000.00	Cost is for contractor effort associated with coordination/inspection only. Seeding is to be done by others.
	Construction Subtotal				\$160,000.00	
	Construction Contingency			25%	\$40,000.00	
	Survey and basemapping	1	LS	\$10,000.00	\$10,000.00	
	Geotechnical Investigation	1	LS	\$15,000.00	\$15,000.00	Assumes shallow hand auger borings to characterize soils and assess groundwater elevations.
	Modeling and Design	1	LS	\$50,000.00	\$50,000.00	
	Permitting	1	LS	\$40,000.00	\$40,000.00	
	Construction Oversight	1	LS	\$15,000.00	\$15,000.00	Engineering oversight
	Total				\$320,000.00	

**WEST LINN OAK SAVANNAH
WEST LINN, OR**

**Project: Bernert Creek Daylighting - Reduced Stream Length and Eliminated Services and Bid Items
Construction Cost Estimate: Conceptual Planning Level
Level of Confidence: Medium**

Description: Daylight Bernert Creek segment along historic alignment and decommission existing pipe

Prepared by: M. Larkin 5/10/2019
Checked/Revised by: M. Ewbank 5/14/2019

NO.	ITEMS OF WORK AND MATERIALS	ESTIMATED QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	NOTES
1	Mobilization	1	LS	10%	\$5,082.20	Assumed 10% total construction cost
2	Traffic Control, Temporary	1	LS	\$5,000.00	\$5,000.00	Temporary single-lane traffic
3	Erosion and Sediment Control and Tree Protection	1	LS	\$5,000.00	\$5,000.00	
4	Clearing and Grubbing	1	LS	\$5,000.00	\$0.00	Minimal clearing and grubbing - preserve habitat
5	Temporary Flow Bypass During Construction	1	LS	\$3,000.00	\$3,000.00	Minimal pumping - diversion will use gravity
6	Boulders 24"-36" (nominal diameter)	67	EA	\$150.00	\$10,050.00	To be placed along alignment /provide grade control Assumed quantity reduced by 30% due to reduced daylight channel length
7	Streambed aggregate	321	CY	\$60.00	\$19,272.00	To be placed along alignment - cobble assumed Assumed quantity reduced by 30% due to reduced daylight channel length
8	Log Without Rootwad - 15' length	7	EA	\$500.00	\$3,500.00	Includes procurement and and surface installation. Assumed quantity reduced by 30% due to reduced daylight channel length
9	Salvaged Woody Debris	1	LS	\$5,000.00	\$5,000.00	Salvage any downed trees or pruned branches for use in channel
10	Stream Channel Excavation and Reuse	780	CY	\$25.00	\$19,500.00	Assumes soil reuse on site to reduce costs. Assumed quantity reduced by 30% due to reduced daylight channel length.
11	Decommission Existing Pipe In Place	1	LS	\$5,000.00	\$5,000.00	Fill with CDF (115 CY)
12	New Pipe Outfall	1	LS	\$1,500.00	\$1,500.00	Connect to BEJ7 manhole
13	New Ditch Inlet	1	LS	\$2,500.00	\$2,500.00	Connect to BEJ6 manhole
14	Driveway Culvert and Gravel Bedding	0	LS	\$25,000.00	\$0.00	Eliminated and assumed to be constructed as future contract.
15	Pedestrian Crossing	1	LS	\$5,000.00	\$5,000.00	Assume a simple prefab bridge with handrails. Assume that labor and materials are donated.
16	Interpretive Signage	2	EA	\$500.00	\$1,000.00	Installation only; estimate assumes that signs are donated.
17	Seeding/Planting	1	LS	\$1,000.00	\$1,000.00	Cost is for contractor effort associated with coordination/inspection only. Seeding is to be done by others.
	Construction Subtotal				\$92,000.00	
	Construction Contingency			25%	\$23,000.00	
	Survey and basemapping	1	LS	\$10,000.00	\$10,000.00	
	Geotechnical Investigation	1	LS	\$15,000.00	\$15,000.00	Assumes shallow hand auger borings to characterize soils and assess groundwater elevations.
	Modeling and Design	1	LS	\$50,000.00	\$50,000.00	
	Permitting	1	LS	\$40,000.00	\$40,000.00	
	Construction Oversight	1	LS	\$15,000.00	\$15,000.00	Engineering oversight
	Total				\$250,000.00	

TECHNICAL MEMORANDUM

Date: March 27, 2017
To: Roberta Schwartz
From: Abbey Rhode, PE
Subject: Bernert Creek Daylighting Preliminary Feasibility and Cost Analysis

BACKGROUND

Bernert Creek is a tributary to the Willamette River that historically flowed southward along what is now Tannler Drive and then east to the river. Around 1977, the creek was piped as part of a stormwater drainage network to support development. Neighbors for a Livable West Linn (NLWL) and the Trust for Public Land partnered together for over 12 years to raise \$3.5 million and acquire 20 acres of property along and adjacent to the historical creek to preserve ecologically important oak savanna. The park is now a public West Linn Park, owned by the City of West Linn, and officially called The White Oak Savanna. Thousands of volunteer hours, including many classes of students, have volunteered to help restore the site. There is now an opportunity to “daylight” the segment of Bernert Creek that runs along the preserved oak savanna to further enhance the ecological and educational benefits of this important park.

As shown in Figure 1, the existing pipe alignment along the proposed stream channel daylighting corridor consists of a 24-inch concrete pipe (BER6-7) that connects an upstream manhole structure (BEJ7) to a downstream manhole structure (BEJ6). The pipe is approximately 900 feet long with a slope of 0.128 feet/foot (West Linn Public Works 2006).

PROPOSED STREAM CHANNEL DAYLIGHTING

Description

A proposed conceptual alignment for the daylighted stream channel is shown in Figure 1. The upstream end of the new/restored channel would be near structure BEJ7 via a new outfall that discharges piped flow to the channel. The channel would extend southward along the forested area east of Tannler Drive, and at its downstream end would convey flow into a pipe coincident with the existing pipe alignment at or near structure BEJ6 via a new ditch inlet structure. One pedestrian bridge and one drivable culvert crossing would provide public access to the West Linn Oak Savanna along the length of the channel. These crossings would encourage access to the stream to serve as a public demonstration of ecological restoration, and could readily



include interpretive signage to educate visitors on the benefits of stream habitat on water quality and fish.

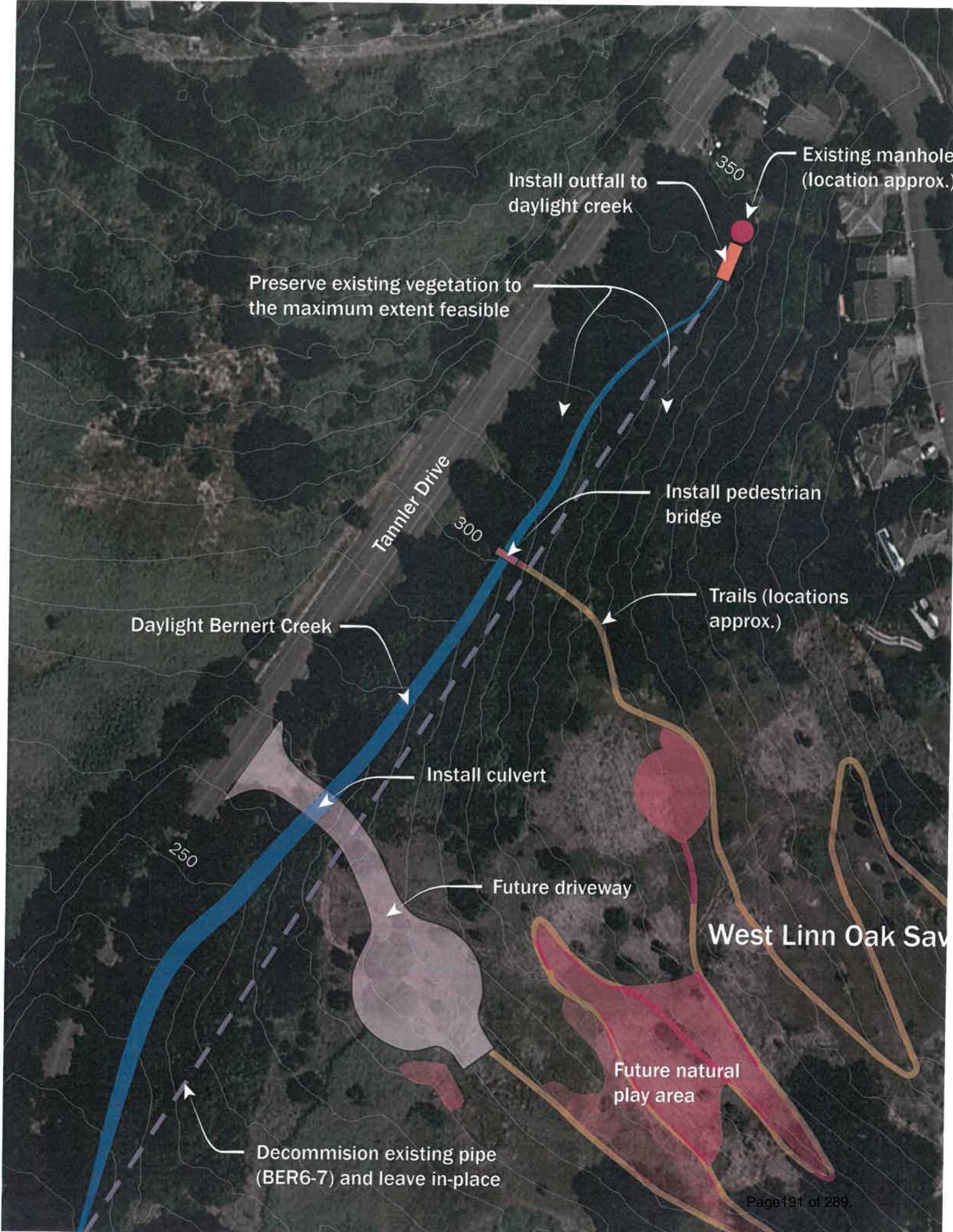
Provided that adequate freeboard is achievable (i.e., additional channel depth above estimated peak flow levels), the proposed concept would decommission the existing BER6-7 pipe and leave it buried in place to reduce cost. One possible design alternative would be to instead retain the pipe for functional flow conveyance, with a new overflow structure or a flow splitter installed in structure BEJ7 that would direct flow into the pipe during high storm flows. Diverting higher flows into the existing pipe could help to minimize the potential for an extreme storm event causing damage to the new/restored channel habitat, though the overflow structure or flow splitter included in this alternative would require an added level of inspection and maintenance attention for the long term to be sure it continues to function as intended.

Benefits

Land development in the Bernert Creek watershed impacts fish habitat downstream by increasing water temperatures and increasing peak storm flows that can erode and otherwise adversely affect fish habitat. Daylighting and enhancing the creek channel would provide shade and increase hyporheic interaction with the soil to decrease water temperatures. While it is assumed that the creek historically provided habitat for salmonid fish species, existing downstream barriers to fish passage are likely preventing access for these species in the oak Savanna site area. In addition, a well-designed channel would provide much more hydraulic roughness than the existing concrete pipe in which Bernert Creek flows, which would slow down flow velocities and provide a modest amount of peak flow attenuation, thereby providing a minor benefit for downstream portions of the creek system.

The proposed channel alignment currently provides a valuable habitat corridor for a wide range of wildlife species. Over 100 vertebrate species have been identified on the property (Mishaga 2014) and it has been estimated that daylighting of the creek would substantially increase the species diversity even further (Mishaga 2013), providing a unique opportunity for residents and visitors to encounter these rarer species in their community setting. As development in the Portland Metro Area continues at a rapid pace to meet the demands of an increasing population, preserved habitats such as the West Linn Oak Savanna are increasingly important to provide vital habitat, and the refuge it provides, for local wildlife.

West Linn Oak Savanna is a preeminent example of how the community can be involved to increase education and awareness of local habitat. One goal for this stream channel daylighting project would be to serve as an accessible demonstration site to educate the community on the importance of healthy streams and the many important functions of riparian corridors. Most visitors to the oak Savanna would enter and/or exit via a route over the creek, where interpretive signage could be placed for their benefit. In addition, many classes of children participate in volunteer efforts at the park and this would be an opportunity for children to learn about the stream in a safe, easily accessible environment.



Existing manhole (location approx.)

Install outfall to daylight creek

Preserve existing vegetation to the maximum extent feasible

Install pedestrian bridge

Trails (locations approx.)

Daylight Bernert Creek

Install culvert

Future driveway

West Linn Oak Sav

Future natural play area

Decommission existing pipe (BER6-7) and leave in-place

Feasibility and Design Recommendations

Feasibility considerations for daylighting Bernert Creek amid the oak Savanna area include conveyance capacity for flood prevention and site constraints. This memo is intended to provide an overview of feasibility considerations. Further analysis is recommended to inform design.

The hydraulic feasibility analysis for this memo is based on hydrologic modeling completed by the City of West Linn in 2006 (West Linn Public Works 2006), which included analysis of hydraulic capacity needs for watershed “build-out” conditions. The City’s report calculated peak storm flow rates at the upstream and downstream drainage structures shown on Figure 1. Table 1 lists the results. However, it should be noted that when this analysis was conducted, West Linn Oak Savanna was zoned for development, and so the calculated build-out flows were likely based on the assumption that many of the preserved areas in the Savanna would have included more impervious area than will now be the case. Thus, the City’s peak flow estimates are slightly higher than they would have been if their modeling work accounted for the site as a park space instead of another form of land development.

Table 1. Bernert Creek Drainage Structure Storm Peak Flow Estimates^a

Storm Frequency	BEJ7 (upstream structure)		BEJ6 (downstream structure)	
	2006	Build-out	2006	Build-out
2-Year	7.45	7.93	18.48	18.89
5-Year	8.82	11.13	22.97	23.43
10-Year	9.49	13.98	25.16	25.68
25-Year	15.15	23.67	31.64	33.62
50-Year	17.42	26.00	33.36	37.90
100-Year	20.59	29.57	35.88	44.19
500-Year	25.55	34.04	40.04	54.58

^a Hydrologic modeling performed with HEC-HMS with detention facilities (West Linn Public Works 2006).

Topographic survey was not available for this area, but the information on the existing pipe alignment enables a good estimate of the overall slope of the stream. Due to the steep slopes in the area, it is estimated that an approximate channel cross section area would need to be a minimum of 7.5 square feet to meet conveyance requirements and provide freeboard to prevent flooding of adjacent ground. For the purpose of developing a planning-level cost estimate, a simplified trapezoidal cross section was assumed with a base width of 2 feet, a depth of 1.5 feet, and a bank full width of 8 feet. However, it is recommended that the channel design not be a uniformly simple trapezoidal geometry, incorporating lateral and vertical (deeper than 1.5 feet) variation and complexity as space allows for increased habitat value. Where feasible, the channel should be allowed to spread as much as possible within a floodplain to distribute energy. The potential stream corridor width is estimated to range between 30 and 50 feet, which should be more than adequate for peak flow conveyance purposes, however, it would result in a narrow riparian corridor between the creek and the road in some places. It is recommended that the

riparian understory be actively maintained to supplement solar shading in areas where the canopy is narrow.

The primary constraints for this project are the steepness of the site and construction access due to the existing native vegetation on the site, which should be preserved to the maximum extent feasible. The overall daylighted channel slope would be approximately 12% on average, which is steep relative to most other stream channels in the region. Due to the steepness, it is recommended that the stream design incorporate grade control elements to prevent large scale erosion and channel bed incision. However, the steepness of the channel would be consistent with the historical channel character. The soils along the proposed daylighting alignment are mapped as part of the Witzel series, which are characterized by slopes up to 40 percent and have a depth to bedrock of 12 to 20 inches (NRCS 2017). This soil type is resistant to long-term erosion. However, grade control may be required in areas where native bedrock was excavated and disturbed during the installation of the pipe alignment, in the form of large boulder weirs, log weirs, and/or placing larger boulders and cobbles throughout the length of the channel, to prevent incision. Depending on the way in which grade control is accomplished, this could greatly impact the overall cost of construction, as well as increase the overall construction impact. Hydraulic modeling of the corridor should be conducted to determine the extent of grade control required, and to aid in sizing grade control components. Furthermore, hydraulic roughness (via cobbles and boulders and/or large woody debris) and vegetation will be important for minimizing erosion at the site following construction. As mentioned previously, if high flows are diverted into the existing pipe then the need for grade control and hydraulic roughness would be somewhat lessened.

Construction access to the site would occur via Tannler Road, which runs alongside the proposed creek corridor. The planning-level cost estimate prepared to accompany this memo includes costs for traffic control. Project construction may require temporary closures of one lane of traffic on Tannler Road. Most of the proposed stream corridor contains mature, native vegetation. Both the design and construction of the creek should be targeted to minimize impacts to established native vegetation along the creek corridor. Significant trees and vegetation should be surveyed along the full width of the future riparian corridor to inform design and identify high priority preservation areas. Construction techniques should include use of low ground pressure equipment and fencing of protected root zones.

Cost

Appendix A contains a planning-level cost estimate for stream daylighting is attached. This estimate includes costs for design, including further analysis such as modeling and surveying to support design, and construction. Due to the limited available information, this estimate includes a 100% contingency for construction, to account for unknown and unforeseen issues that could complicate construction.

Figure 2 shows a rendering of the potential future of daylighting Bernert Creek.



Figure 2. Daylighted Bernert Creek.

References

- Mishaga, Richard. 2013. Support for the Acquisition and Restoration of Additional Lands in the White Oak Savanna Area. Letter to Nature in Neighborhoods Grant Committee. January 28, 2013.
- Mishaga, Richard. 2014. Vertebrate Wildlife Observed on the ODOT-Administered Oak Savanna Habitat 1995 - 2009. Prepared by Richard Mishaga, Ph.D., Retired Wildlife Ecologist. February 24, 2014.
- Natural Resources Conservation Service (NRCS), United States Department of Agriculture. 2017. Web Soil Survey. Available online at <https://websoilsurvey.sc.egov.usda.gov/>. Accessed January 25, 2017.
- West Linn Public Works. 2006. West Linn Surface Water Management Plan. City of West Linn. West Linn, Oregon. December 11, 2006.

APPENDIX A

Cost Estimate

**WEST LINN OAK SAVANNAH
WEST LINN, OR**

Project: Bernert Creek Daylighting
Construction Cost Estimate: Conceptual Planning Level
Level of Confidence: Low

Description: Daylight Bernert Creek segment along historic alignment and decommission existing pipe

Prepared by: A.Rhode 3/27/2017
Checked/Revised by: M. Ewbank 3/27/2017

NO.	ITEMS OF WORK AND MATERIALS	ESTIMATED QUANTITY	UNIT	UNIT PRICE	TOTAL AMOUNT	NOTES
1	Mobilization	1	LS	10%	\$5,740.00	Assumed 10% total construction cost
2	Traffic Control, Temporary	1	LS	\$10,000.00	\$10,000.00	Temporary single-lane traffic
3	Erosion and Sediment Control	1	LS	\$3,000.00	\$3,000.00	Engineer's estimate
5	Tree Protection	1	LS	\$5,000.00	\$5,000.00	Many trees to be preserved
6	Clearing and Grubbing	1	LS	\$5,000.00	\$1,000.00	Minimal clearing and grubbing - preserve habitat
7	Temporary Flow Bypass During Construction	1	LS	\$3,000.00	\$3,000.00	Minimal pumping - diversion will use gravity
8	Boulders 24"-36" (nominal diameter)	100	TN	\$150.00	\$15,000.00	To be placed along alignment /provide grade control
9	Cobbles	130	TN	\$80.00	\$10,400.00	To be placed along alignment - large cobble assumed
10	Log Without Rootwad - 15' length	10	EA	\$500.00	\$5,000.00	Includes procurement and surface installation
11	Salvaged Woody Debris	1	LS	\$5,000.00	\$5,000.00	Salvage any downed trees or pruned branches for use in channel
12	Stream Channel Excavation and Offsite Haul	450	CY	\$50.00	\$22,500.00	High unit cost to account for low-impact excavation. Look into soil reuse on site to reduce costs
13	Decommission Existing Pipe in Place	1	LS	\$5,000.00	\$5,000.00	Fill with CDF (115 CY)
14	New Pipe Outfall	1	LS	\$3,000.00	\$3,000.00	Connect to BEJ7 manhole
15	New Ditch Inlet	1	LS	\$4,000.00	\$4,000.00	Connect to BEJ6 manhole
16	Driveway Culvert and Gravel Bedding	1	LS	\$25,000.00	\$25,000.00	Arch Culvert - 12' span with compacted gravel bedding
17	Pedestrian Crossing	1	LS	\$15,000.00	\$15,000.00	Assume a simple prefab bridge with handrails
18	Interpretive Signage	2	EA	\$2,500.00	\$5,000.00	
19	Seeding/Planting	0	LS	\$0.00	\$0.00	Not included in estimate - to be done by NLWL
20	Construction Oversight	1	LS	\$15,000.00	\$15,000.00	Engineering oversight
	Construction Subtotal				\$143,000.00	
	Construction Contingency			100%	\$143,000.00	
	Modeling and Design	1	LS	\$50,000.00	\$50,000.00	
	Permitting	1	LS	\$40,000.00	\$40,000.00	
	Total				\$380,000.00	

Boyd, John

From: Roberta Schwarz <roberta.schwarz@comcast.net>
Sent: Wednesday, June 19, 2019 11:53 AM
To: Planning Commission (Public); Axelrod, Russell; Cummings, Teri; Sakelik, Richard; Relyea, William; Walters, Julianna
Cc: Williams, John; Boyd, John; Savanna Oaks Neighborhood Association
Subject: Testimony for June 17th CC Work Session and reason for urgency
Attachments: Testimony for June 17th CC Work Session.pdf

Hello again,

This is the fourth and final of four emails for you today. In his testimony Ed makes reference to a US Fish and Wildlife Service National Wetlands Inventory map which you have already received with the Hydrology report. He also makes reference to several pages from the Goal 5 Inventory and a photo of the Bernert family. We do not have access to those today but will send them later if anyone would like to see them. They are also a part of the Public Record from Ed's testimony submitted at the CC meeting on June 17th.

Mr. Williams let us know that this PC meeting tonight is the Sanitary Sewer Master Plan, not the Surface Water Plan. It was suggested to us to submit information today and we have done so.

Like the testimony that Roberta submitted on June 17th about the lack of fire protection in the White Oak Savanna and the subsequent site tour and written information she obtained from Lt Raeburn of the TVFR, we consider this mistake made in the Planning process of the City of West Linn, to be an issue which must be corrected as soon as possible.

Thank you,
Ed and Roberta Schwarz
President and Secretary
Savanna Oaks N.A.

June 17, 2019

My name is Ed Schwarz and I am President of the Savanna Oaks Neighborhood Association. I am a resident of West Linn. Thank you for placing on the agenda tonight the “daylighting” or redirecting of Bernert Creek to flow above ground once again as it did before being put in a culvert in the 1970s when Tannler Drive was constructed. We have included in your packet tonight 12 relevant pages from West Linn’s Goal 5 Wetland, Riparian, and Wildlife Habitat Inventory completed in 2003 by Winterbrook Planning and paid for by the City of West Linn. This was approved by the Oregon Department of State Lands in 2005. We have also included Community Development Code information.

The White Oak Savanna is a Significant Natural Habitat. The Inventory lists Bernert Creek as a Wetland. Upper Bernert Creek was given an Enhanced Score of 58 on the Habitat Assessment Summary.

This area is listed as a Significant Natural Resource on West Linn’s Goal 5. Bernert Creek is listed on the US Fish and Wildlife Service National Wetlands Inventory map (included in your packet) and on the Clackamas County Surveyor’s map as well.

Hydrologist Jon Rhodes wrote a report which you have been sent previously and which lists the numerous benefits of daylighting Bernert Creek. They include:

1. Helping to reduce the volume of discharge of urban runoff to the downstream reaches of Bernert Creek and the Willamette River.
2. Likely improving water quality and reducing pollutant loads delivered to Bernert Creek and the Willamette River.
3. Likely benefiting biodiversity because it would contribute to the re-establishment of riparian vegetation. Riparian zones are critically important for biodiversity. Healthy riparian areas benefit a wide array of species including birds, amphibians, other vertebrates, and invertebrates including insects.
4. Likely reduce the long-term costs of maintaining the drainage infrastructure that now conveys runoff from Bernert Creek’s upper watershed. Daylighting the stream would obviate the long-term recurring costs associated with maintaining the drainage infrastructure that currently routes runoff downstream. West Linn’s Engineer estimated that the work needed on the pipe would cost approximately \$160,000. That is in the public record for tonight’s meeting.

Chapter 32 of the CDC supports Bernert Creek being daylighted:

32.020 APPLICABILITY

A. This chapter applies to all development, activity or uses within WRAs identified on the WRA Map. It also applies to all verified, unmapped WRAs. The WRA Map shall be amended to include the previously unmapped WRAs.

32.060 APPROVAL CRITERIA (STANDARD PROCESS)

H. Daylighting Piped Streams.

1. As part of any application, covered or piped stream sections shown on the WRA Map are encouraged to be “daylighted” or opened.

When we last presented to the City Council on daylighting Bernert Creek we were asked for a Feasibility Study and Cost Estimate. We have had both completed by Herrera and have emailed them to you within the past week. The cost is approximately \$320,000 and includes design, further analysis such as modeling and surveying to support design, permitting and approval, and construction.

The benefits listed in the Feasibility Study include providing shade and increasing hyporheic interaction with the soil to decrease water temperatures. Also, species diversity would increase, thereby providing a unique opportunity for visitors to encounter rarer species in this setting. As development in the Portland Metro Area continues at a rapid pace, preserved habitats like the White Oak Savanna are increasingly important to provide vital habitat. And the refuge it provides for local wildlife.

One goal for this stream channel daylighting project would be to serve as an accessible demonstration site to educate the community on the importance of healthy streams and the many important functions of riparian corridors. Most visitors to the Savanna would enter and/or exit via a route over the creek, where interpretive signage could be placed for their benefit. Many classes of children participate in volunteer efforts at the park and this would be an opportunity for children to learn about the stream in a safe, easily accessible environment. We were also asked to make a presentation about this project to the residents of a local Assisted Living Facility and they were very happy to hear that a place so close would be available to them as a spot to sit and listen to birds and hear the creek flowing. The nearby VA Clinic will have patients and staff who will be able to come and enjoy this daylighted stream as well.

We have included Letters of Support from five different Conservation groups who endorse this daylighting of Bernert Creek.

Six hundred thousand dollars (\$600,000) has already been budgeted and approved for a natural play area in the White Oak Savanna. The design of the natural play area could have been handled better by the Park Department. No members of the NA were invited to any design meetings. We were only provided finished maps with small print. We feel that several of the proposed features are not compatible with the White Oak Savanna's habitat. Therefore, we respectfully ask that approximately half of the budgeted amount instead be used to daylight Bernert Creek and the other half be used for construction of a scaled-down Natural Play Area.

This is something that the community has been requesting for many years. Jon Rhodes did his first report on Bernert Creek for us in 2007. The Girl Scouts made this model as part of the 2013 celebration when we acquired the first 14 acres of the park. Look how they have Bernert Creek daylighted. Please do this for the community. The community did the heavy lifting and raised the \$3.5 million and have volunteered over 16,167 hours so far in restoration. You can support them by leaving this Bernert Creek legacy. The Bernert family has said they will donate the riparian plants for the banks of the Creek. This is local history coming back to life. The last page of your packet is a photo of the Bernert family.

Thank you for the opportunity to present this information.

Respectfully submitted,

Ed Schwarz, President
Savanna Oaks Neighborhood Association



CITY OF West Linn

STAFF REPORT FOR THE PLANNING COMMISSION

FILE NUMBER: PLN-19-01

HEARING DATE: July 17, 2019

REQUEST: For the Planning Commission to consider a recommendation for City Council regarding the adoption of the West Linn Sanitary Sewer Master Plan update along with proposed amendments to Comprehensive Plan Goals 11; and Community Development Code Chapters 85.

APPROVAL

CRITERIA: Community Development Code (CDC) Chapters 98, 100, and 105

STAFF REPORT

PREPARED BY: John Boyd, Planning Manager

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GENERAL INFORMATION

- APPLICANT:** City of West Linn Public Works Department
- DESCRIPTION:** For the Planning Commission to consider a recommendation for City Council regarding the adoption of the West Linn Sanitary Sewer Master Plan update along with proposed amendments to Comprehensive Plan Goals 11; and Community Development Code Chapters 85.
- APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 98 provides administrative procedures for legislative amendments to the Comprehensive Plan. Section 98.100 of the CDC lists the factors upon which a decision shall be based. These are briefly described below and addressed in greater detail in a separate Section of this report:
1. The Statewide Planning Goals and rules adopted under ORS Chapter 197 and other applicable state statutes;
 2. Any federal or state statutes or rules found applicable;
 3. Applicable plans and rules adopted by the Metropolitan Service District (Metro);
 4. The applicable Comprehensive Plan policies and map; and,
 5. The applicable provisions of implementing ordinances.
- Chapter 100 provides Procedures for adoption or amendment Of Supporting Plans. Section 100.050 describes the required hearing and recommendation to City Council.
- Chapter 105 provides direction for Amendments to the Code and Map. Section 105.030 provides direction for legislative amendments to the code and map.
- PUBLIC NOTICE:** Legal notice was published in the West Linn Tidings on June 27, 2019 and provided to required public agencies and persons who requested notice in writing on June 24, 2019.
- ORS 227.186 NOTICE:** A Measure 56 notice is not required because no zone changes or new regulations are proposed.
- 120-DAY RULE:** Not applicable to this legislative action.

EXECUTIVE SUMMARY

In 1989 the City adopted a Sanitary Sewer Master Plan. That plan was updated in 1999. In 2016, the City of West Linn engaged in a planning process involving citizens and agency stakeholders to update the Sanitary Sewer Master Plan (SSMP). While this is an update to the 1999 SSMP, the 2019 SSMP completely replaces the old plan. The 2019 SSMP maintains the original plan's objectives and basis of planning. The update includes review of facilities constructed since 1999, and consideration of aging facilities, regulatory changes, and population trends, utilizing the current best practices of the industry.

The proposed amendments to the Comprehensive Plan and Community Development Code are found in Exhibit PC-3. Adoption of the proposal will ensure goals and policies, and land use development criteria, are aligned with the vision outlined in the SSMP for an efficient sanitary sewer collection system to meet community needs into the future. The primary intent of this legislative action is to ensure the City's SSMP and the Comprehensive Plan and Community Development Code remain viable tools for decision-makers. By adopting the amendments, the City will also ensure continued compliance with applicable laws, rules, regulations, plans, and programs.

RECOMMENDATION

Staff recommends the Planning Commission finds this request to meet the necessary approval criteria. Therefore, staff recommends the Planning Commission **RECOMMEND** to the West Linn City Council that it adopt the Sanitary Sewer Master Plan, adopt amendments to West Linn Comprehensive Plan, and West Linn Community Development Code as provided in Exhibits PC-2 and PC-3.

Planning Background

To better understand the process, a short primer on the Oregon Land Use System is provided.

Oregon's Planning Program History - Senate Bill 100

Senate Bill 100:

- Created Land Conservation and Development Commission (LCDC) and Department of Land Conservation and Development (DLCD)
- Directed LCDC to develop statewide planning goals
- Required all cities and counties to adopt comprehensive plans
- Gave LCDC the authority to approve or reject comprehensive plans
- Required state agencies to comply with comprehensive plans

Land Conservation & Development Commission (LCDC)

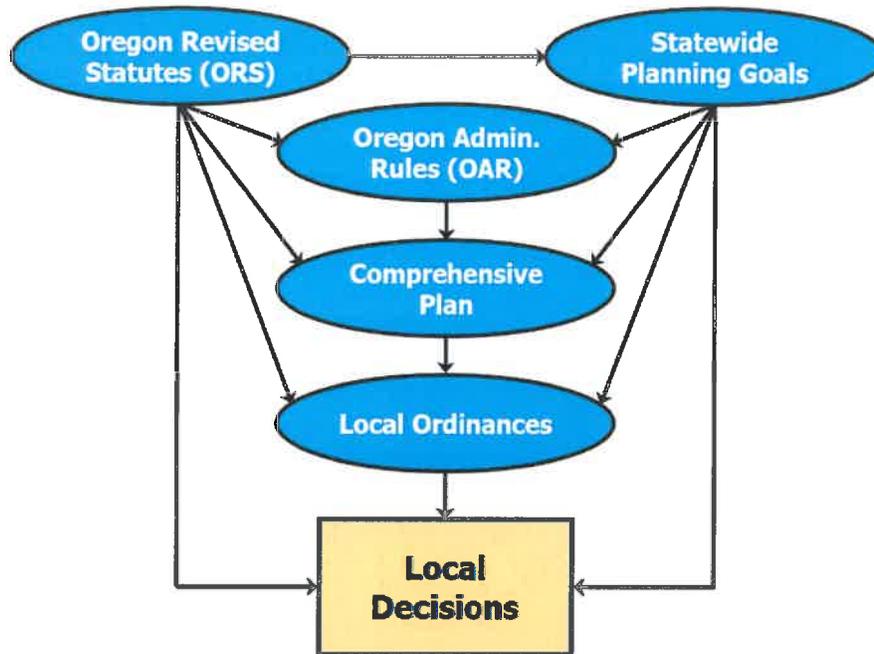
- Seven citizen volunteers appointed by the Governor and approved by the Senate
- Geographic representation
- Adopts state land use goals and rules
- Ensures local plan compliance with goals
- Hears certain land use cases

Land Use Board of Appeals

- Created in 1979
- Designated body for land use appeals
- Three "referees" appointed by Governor, confirmed by the Senate
- OAR 661: "...intended to promote the speediest practicable review of land use decisions..."

The City of West Linn's Comprehensive Plan adopted on December 31, 1983 was developed in accordance with the Oregon Land Use System and was acknowledged by LCDC, DLCD and Governor on May 31, 1984.

Land Use Regulation Hierarchy



The City's acknowledged Comprehensive Plan (Plan) is a guiding land use document for local government. The Plan is the document that guides land use, infrastructure development, conservation of natural resources, economic development, public services, and was acknowledged because it addressed all 12 base goals and the applicable natural resource goals. The Plan is the basis for and implemented by zoning regulations. Plan policies can sometimes be regulatory ("shall" statements) and are often organized consistently with statewide planning goals, but not always.

The 1983 Comprehensive Plan Inventories document Section 11 Public Facilities and Services (page 36) noted "In 1977, CRAG (now MSD), adopted an area wide Wastewater Treatment Manager Plan for Clackamas, Washington and Multnomah Counties." The inventory report also notes "The City of West Linn owns and operates the wastewater collection system which serves all residential, commercial and industrial users within city limits." The current Comprehensive Plan notes (Page PS-4) "In 1999, the City contracted with Bookman-Edmonston Engineering to update the 1989 Sanitary Sewer System Master Plan. The study determined expansion and rehabilitation needs of the current system, and identified a comprehensive schedule for improvements."

The proposed Sanitary Sewer Master Plan (SSMP) is an update to the 1999 Sanitary Sewer Master Plan. This series of plans have been in effect over 40 years. The proposed SSMP is consistent with the existing plan, is a required update that is consistent with existing information and reformats the plan to be more

contemporary. As you review this plan consider this has been previously reviewed and adopted by Council and is a minor update to the Master Plan.

Project Background

The City of West Linn owns, operates and maintains the sanitary sewer collection system within the City, and transports the wastewater to the Tri-City Water Pollution Control Plant for treatment. The Tri-City Water Pollution Control Plant belongs to the Water Environment Services partnership of Clackamas County (WES). The City's Sanitary Sewer Master Plan provides an in-depth analysis of existing system conditions and incorporates hydraulic modeling of the system to identify hydraulic capacity deficiencies in the sewer collection system for both existing and future planning needs. The SSMP is considered a living document that is inherently flexible to allow the City to respond to opportunities and changing conditions as they develop.

The main topics covered in the SSMP include the following:

- Identify the basis of planning and performance criteria
- Describe the existing system
- Hydraulic model development and calibration
- Capacity evaluation
- Inflow/infiltration reduction
- Develop a capital improvement program
- Identify planning level cost estimates for identified projects

The SSMP defines the capacity needs of the sanitary sewer collection system to meet current and future populations within the twenty-year planning period based upon population projects, underlying zones, past wastewater flow data, existing conditions and regulatory requirements. The projects identified are conceptual, and future work will be required to design, permit and construct the improvements.

Proposed Comprehensive Plan Amendments (see Exhibit PC-3)

In addition to adopting the West Linn SSMP Update, a number of amendments are proposed to goals, policies, and action measures found in the West Linn Comprehensive Plan. The proposed amendments will ensure consistency and compliance with regional and state plans and policies, and includes the following:

- Update to the narrative for Goal 11 Public Facilities and Services – Section 1 Sanitary Sewers
- Update the goal to provide reliable and environmentally sound wastewater collection.
- Update policy to encourage development and annexation that makes orderly and efficient use of the wastewater collection system.
- Update action measures to:
 - Edit measure #1 to coordinate with WES with regard to sanitary sewer needs.
 - Edit measure #2 to refer to the sanitary sewer system.
 - Add measure #4 continue to make an effort to reduce inflow and infiltration into the collection system.

These changes are more fully shown in the in attachment A of the application.

Proposed CDC Amendments

In addition to adopting the West Linn SSMP, one amendment is proposed to the CDC. The proposed amendment will ensure consistency and compliance with regional and state plans and policies, and includes the following:

- Update chapter 85 to refer to the "SSMP dated March 2019" instead of the "SSMP".

ADDENDUM
PLANNING COMMISSION STAFF REPORT
May 16, 2018

APPLICABLE CRITERIA AND COMMISSION FINDINGS

West Linn Community Development Code

Chapter 98 - Procedures for Decision Making: Legislative

CDC 98.040 Duties of Director

A. The Director shall:

- 1. If appropriate, or if directed by the City Council or Planning Commission in their motion, consolidate several legislative proposals into a single file for consideration;*

Finding 1: The proposed legislative amendments to the West Linn Comprehensive Plan and Chapter 85 of the Community Development Code have been consolidated into one file as allowed. The consolidation is appropriate as all proposed amendments are the result of recent planning efforts conducted within the City and are necessary to ensure the documents remain viable tools for decision-makers.

2. Upon the initiation of a legislative change, pursuant to this chapter:

a. Give notice of the Planning Commission hearing as provided by CDC 98.070 and 98.080;

b. Prepare a staff report that shall include:

1) The facts found relevant to the proposal and found by the Director to be true;

2) The Statewide planning goals and rules adopted under Chapter 197 ORS found to be applicable and the reasons why any other goal or rule is not applicable to the proposal except that goals 16 through 19 which are not applicable to the City of West Linn need not be addressed;

3) Any federal or State statutes or rules the Director found applicable;

4) Metro plans and rules the Director found to be applicable;

5) Those portions of the Comprehensive Plan found to be applicable, and if any portion of the plan appears to be reasonably related to the proposals and is not applied, the Director shall explain the reasons why such portions are not applicable;

6) Those portions of the implementing ordinances relevant to the proposal, and if the provisions are not considered, the Director shall explain the reasons why such portions of the ordinances were not considered; and

7) An analysis relating the facts found to be true by the Director to the applicable criteria and a statement of the alternatives; a recommendation for approval, denial, or approval with modifications; and at the Director's option, an alternative recommendation;

Finding 2: The Planning Commission public hearing will be held on July 17, 2019, with the City Council public hearing tentatively scheduled for September 9, 2019. Legislative notice was provided as required and affidavit documentation can be found in Exhibit PC-1.

Finding 3: Relevant facts and associated analysis for applicable Statewide Planning Goals, federal and state statutes/rules, Metro plans/rules, West Linn Comprehensive Plan goals and policies, and West Linn Community Development Code criteria are found in the sections of the Staff Report below.

c. *Make the staff report and all case file materials available 10 days prior to the scheduled date of the public hearing under CDC 98.070;*

Finding 4: The staff report, proposed amendments, and all other associated project materials were made available on July 3, 2019.

d. *Cause a public hearing to be held pursuant to CDC 98.070;*

Finding 5: The West Linn Planning Commission is scheduled to hold the first evidentiary public hearing on July 17, 2018 with the West Linn City Council tentatively scheduled to hold its public hearing and make a final decision on September 9, 2019.

CDC 98.100 Standards for Decision

A. *The recommendation of the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:*

1. *The Statewide planning goals and rules adopted under Chapter 197 ORS and other applicable State statutes;*

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for the adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Finding 6:

This goal was addressed with the following steps. The City has maintained a project website tracking the project development since inception in November 2016. The SSMP was introduced to the public at the November 2018 Utility Advisory Board with a more detailed presentation in March of 2019. The draft SSMP has been posted to the City website for public comment since April 2, 2019. Additionally, a public hearing before the Planning Commission and City Council will occur prior to final adoption of the SSMP pursuant to CDC Chapter 98. As a result, the SSMP is in compliance with Goal 1.

No goal or policy changes are recommended.

As part of the legislative process, public notice of the Planning Commission public hearing was sent to affected government agencies, and was published in the June 27, 2018 issue of the West Linn Tidings. Notice will be published again prior to the City Council public hearing. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of proposed amendments could be viewed.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.

Finding 7: The City of West Linn has an acknowledged Comprehensive Plan and enabling ordinances. The SSMP was developed to maintain that support the underlying land use zones and the populations

anticipated. Therefore, the SSMP continues to support the land use and zoning policies. Goal 2 references carrying capacity, but the only reference to the sanitary system is the overall quality of life. The SSMP recommendations are aimed at properly sizing sanitary facilities and thus helps to maintain the overall quality of life. The amendments will be processed in accordance with City's adopted procedures, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations or plans, comprehensive plan policies, and the City's implementing ordinances be addressed as part of the decision-making process. This amendment will be processed as a post-acknowledgement plan amendment (PAPA) and noticing requirements will be met. All applicable review criteria has been addressed within this application; therefore, the requirements of Goal 2 have been met.

No goal or policy changes are recommended.

Statewide Planning Goal 5 – Natural Resources:

This goal requires the inventory and protection of natural resources, open spaces, historic sites and areas.

Finding 8: The City is currently in compliance with the State's Goal 5 program and Metro's Title 13: Nature in Neighborhoods program, which implements Goal 5. The SSMP does not alter the City's acknowledged Goal 5 inventories or associated land use programs. No changes will occur to current natural resource protections. As a result, the amendments are in compliance with Goal 5 process requirements.

No goal or policy changes are recommended.

Statewide Planning Goal 6 – Air, Water, and Land Resource Quality:

To maintain and improve the quality of air, water, and land resources of the state.

Finding 9: The City is currently in compliance with Metro's Title 3: Water Quality and Flood Management program, which implements Goal 6. The SSMP does not alter the City's acknowledged land use programs regarding water quality and flood management protections. The City is included in the Metro Area Airshed, which is in compliance with Federal Clean Air Act regulations. As a result, the SSMP is in compliance with Goal 6.

No goal or policy changes are recommended

Statewide Planning Goal 7 – Areas Subject to Natural Hazards:

To protect people and property from natural hazards.

Finding 10: The City is currently in compliance with Goal 7 and Metro's Title 3: Water Quality and Flood Management program. The amendments do not alter the City's acknowledged Goal 7 land use programs. No changes will occur to current natural hazard protections. As a result, the amendments are in compliance with Goal 7.

No goal or policy changes are recommended

Statewide Planning Goal 8 – Recreational Needs:

This goal requires the satisfaction of the recreational needs of the citizens of the state and visitors.

Finding 11: West Linn provides a robust range of recreational facilities throughout the community, and has an adopted Parks Master Plan and is in the process of updating that plan. The SSMP does not alter the Parks Master Plan. The SSMP is in compliance with Goal 8.

No goal or policy changes are recommended.

Statewide Planning Goal 9 – Economic Development:

To provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

Finding 12: The City is currently in compliance with Goal 9 and Metro’s Title 1: Requirements for Housing an Employment Accommodation and Title 4: Industrial and Other Employment Areas. The SSMP does not alter the City’s compliance with Goal 9. The SSMP recommendations are aimed at properly sizing sanitary facilities and thus help to support economic growth. The requirements of Goal 9 have been met.

No goal or policy changes are recommended.

Statewide Planning Goal 10 – Housing:

To provide adequate housing for the needs of the community, region and state.

Finding 13: The City is currently in compliance with Goal 10 and the Metropolitan Housing Rule (OAR 660-007/Division 7), and Metro’s Title 1: Requirements for Housing an Employment Accommodation. The SSMP does not alter the City’s compliance with Goal 10. The SSMP recommendations are aimed at properly sizing sanitary facilities and thus help to accommodate housing needs. The requirements of Goal 10 have been met.

No goal or policy changes are recommended.

Statewide Planning Goal 11 – Public Facilities and Services:

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as framework for urban and rural development.

Finding 14: The City is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. This includes an adopted Public Facility Plan as required by Oregon Revised Statute 197.712 and Oregon Administrative Rule (OAR) 660-011. The purpose of facility planning per OAR 660-011 is to help assure that urban development “is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced”. The SSMP will update the sanitary sewer component of the Public Facility Plan as allowed by Oregon Administrative Rule 660-011-0010-0045. As a result, the SSMP is in compliance with Goal 11.

West Linn Comprehensive Plan Goal 11: Public Facilities and Services, Section 1 should be amended to read as provided in Attachment A.

Sections 2: Water System; 3: Storm Drainage; 4: Fire and Police; 5: Government Administration Facilities; 6: Libraries; 7: Schools; 8: Private Utilities and Telecommunications; and 9: Health Services are not affected by the SSMP and no changes in goals or policies are required.

Statewide Planning Goal 12 – Transportation:

To provide and encourage a safe, convenient, and economic transportation system.

Finding 15: The City is currently in compliance with Goal 12 and Metro’s Regional Transportation Plan through its acknowledged Comprehensive Plan and TSP as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule). The SSMP does not alter the City’s compliance with Goal 12. The SSMP recommendations are aimed at properly sizing sanitary facilities which does not affect the transportation system. The requirements of Goal 12 have been met.

No goal or policy changes are recommended

Statewide Planning Goal 13 – Energy Conservation:

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Finding 16: The City is currently in compliance with Goal 13 through its acknowledged Comprehensive Plan. The adoption of the SSMP does not alter the City’s compliance with Goal 13. The SSMP includes a plan to reduce inflow and infiltration into the collections system which would reduce the energy cost to transport wastewater through the pump stations, which supports energy conservation. The requirements of Goal 13 have been met.

No goal or policy changes are recommended.

Statewide Planning Goal 14 – Urbanization:

To provide for orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding 17: The City is currently in compliance with Goal 14 and Metro’s Title 11: Planning for New Urban Areas through its acknowledged Comprehensive Plan and land use regulations. The City also has a signed Urban Growth Management Agreement with Clackamas County as required by ORS 195.065. The SSMP does not alter the City’s compliance with Goal 14. The SSMP recommendations are aimed at properly sizing sanitary facilities and thus helps to promote orderly growth. The requirements of Goal 14 have been met.

No goal or policy changes are recommended.

Statewide Planning Goal 15 – Willamette River Greenway:

To provide for keeping the land green along the banks of the river and providing for recreation access.

Finding 18: The City is currently in compliance with Goal 15 through its acknowledged Comprehensive Plan and land use regulations. The SSMP does not alter the City’s compliance with Goal 15 and is consistent with this goal. The requirements of Goal 15 have been met.

No goal or policy changes are recommended.

Conclusion: Based on the analysis above, the proposed SSMP is consistent with applicable

Statewide Planning Goals.

2. Any federal or State statutes or rules found applicable;

Oregon Administrative Rule 660-011

Finding 19: The Land Conservation and Development Commission adopted Oregon Administrative Rule 660-011 (Public Facility Planning Rule) to implement Statewide Planning Goal 11. The proposed SSMP describes the sewer facilities necessary to support the land use designated in the City's acknowledged comprehensive plan within the City's urban growth boundary, one component of the City's overall Public Facilities Plan. See the material above which addresses State Wide Planning.

Oregon Administrative Rule 340-041-0009 (7) (DEQ Bacterial Rule)

Finding 20: The requirement generally prohibits the sanitary sewer overflow during the summer except in storms greater than a one in ten-year event, and in winter to a one in five year event. Planning and sizing of sanitary sewers must be based upon this criteria. The SSMP uses the five year 24 hour storm event with an adjustment for climate change to model the system and size the facilities. The City has not had any documented overflows in the past. The SSMP is in compliance with the rule.

Oregon Administrative Rule 340-045

Finding 21: This rule requires a discharge permit (NPDES or WPCF) for wastewater. The City of West Linn transports the wastewater to the Tri-City Water Pollution Control Plant managed by Water Environment Services (WES). Therefore, the City of West Linn does not discharge wastewater and is not required to have a discharge permit. The SSMP is in compliance with the rule.

Oregon Administrative Rule 340-050

Finding 22: This rule defines the requirement for land application of biosolids. The City of West Linn transports the wastewater to the Tri-City Water Pollution Control Plant managed by Water Environment Services. Therefore, the City of West Linn does not manage biosolids, so this rule does not pertain. The SSMP is in compliance with the rule.

Conclusion: Based on the analysis above, the proposed SSMP is consistent with applicable federal or state statutes or rules.

3. Applicable plans and rules adopted by the Metropolitan Service District;

Finding 23: Metro's responsibility includes management of the boundary that separates urban and rural lands with regard to land use and development, coordinate and plan investments in the transportation system for the three-county area, act a regional clearinghouse for land information, manage regional parks and natural areas, operate regional visitor venues, and oversee the regions solid waste system. Their responsibility does not extend to sanitary sewer collection or treatment.

Under the land use goals 2, 5 and 8 earlier in this document a response has been provided addressing land use planning, natural areas and recreational areas. The SSMP does not affect the Metro plans and rules.

Conclusion: Based on the analysis above, the SSMP is consistent with applicable plans and rules adopted by Metro.

4. The applicable Comprehensive Plan policies and map; and

Goal 1: Citizen Involvement

Policy 4. Provide timely and adequate notice of proposed land use matters to the public to ensure that all citizens have an opportunity to be heard on issues and actions that affect them.

Policy 5. Communicate with citizens through a variety of print and broadcast media early in and throughout the decision-making process.

Finding 24: Notice was provided to affected agencies and Neighborhood Agencies 20 days prior to the scheduled hearings. Notice was also published in the West Linn Tidings 20 days prior to the land use hearing.

Goal 2: Land Use Planning

Section 5: Intergovernmental Coordination

Policy 1. Maintain effective coordination with other local governments, special districts, state and federal agencies, Metro, the West Linn-Wilsonville School District, and other governmental and quasi-public organizations.

Policy 2. Coordinate the City's plans and programs with affected governmental units in the developing solutions to environmental quality problems, hazardous physical conditions, natural resource management programs, public facilities and services programs, transportation planning, annexation proceedings, and other municipal concerns with intergovernmental implications.

Goal 6: Air, Water, and Land Resources Quality

Section 1: Air Quality

Policy 1. Coordinate with DEQ, Metro, and other relevant agencies to reduce air pollution emission levels in West Linn and the Portland area.

Finding 25: The development of the West Linn Sanitary Sewer Master Plan was coordinated with the Oregon Department of Land Conservation and Development (DLCD), Metro, DEQ and Clackamas County to ensure consistency across jurisdictions' plans and compliance with federal, state, and regional requirements. They were provided notice, the opportunity to review and comment on all work leading up to the documents proposed for adoption.

Section 2: Water Quality

Section 3: Land Resources

Section 4: Noise Control

Finding 26: The proposal to update the Sanitary Sewer Master Plan, amendments to the Comprehensive Plan, and Community Development Code do not change regulations regarding improved water quality, landfills or noise control.

Goal 7: Areas Subject to Natural Disasters and Hazards

Policy 11. Meet the goals of Title 3 of the Metro Urban Growth Management Functional Plan to protect floodplains and other hazard areas.

Finding 27: The City is currently in compliance with Metro’s Title 3: Water Quality and Flood Management program, which implements Goal 7. The amendment does not alter the City’s acknowledged land use programs regarding water quality and flood management protections. The amendments do not alter the City’s compliance with Metro’s Title 3, therefore this does not apply to the proposed amendments.

Goal 8: Parks and Recreation

Goal 9: Economic Development

Goal 10: Housing

Finding 28: The City is currently updating the Park and Recreation Master Plan as a separate process. The City has an updated Economic Development Plan. The City is currently in compliance with Goal 10 and the Metropolitan Housing Rule (OAR 660-007/Division 7), and Metro’s Title 1: Requirements for Housing an Employment Accommodation. The SSMP amendment does not alter these Goal 8, 9 or 10, therefore these Goals do not apply to the proposed amendments.

Goal 11: Public Facilities and Services

Policy 13. Adopt, maintain, and periodically update, as supporting documents to this Plan, a Public Facilities Plan for the development of public services and facilities in conformance with the policies of the Comprehensive Plan. The Public Facilities Plan shall include a summary. The summary, but not any other part of the Public Facilities Plan, is hereby incorporated as part of this Comprehensive Plan. The Public Facilities Plan Summary shall list the planned water, sewer, storm drainage, and transportation projects by title; shall provide a map or written description of the locations of the projects or their service areas; and shall list the service providers for each project. In establishing the priorities and preparing the CIP, the City will consider the following:

- a. The health, safety, and general welfare of the citizens.*
- b. The projected population and employment levels stated in the Comprehensive Plan.*
- c. The need to equitably distribute the cost based on the benefit received from the facility.*
- d. The existing plans and programs which have provided the basis for decision-making (e.g., sewer plans, water service plans, and drainage plans).*
- e. Timing, coordination, and available dedicated funding.*

Finding 29: The City is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. This includes an adopted Public Facility Plan as required by Oregon Revised Statute 197.712 and Oregon Administrative Rule 660-011. The amendments update information but do not alter the sanitary sewer component of the Public Facility Plan. As a result, the amendments to update information are in compliance with Goal 11 and consistent with this policy.

Goal 12: Transportation

Goal 13: Energy Conservation

Finding 30: The Comprehensive Plan amendments that result from the proposed update to the Sanitary Sewer Master Plan will not impact regulations regarding transportation or energy conservation. There are no proposed changes to the transportation policies. Therefore this does not apply to the proposed amendments.

Goal 14: Urbanization

Policy 1. Promote cooperation between the City, County, and regional agencies to ensure that urban development is coordinated with public facilities and services within the Urban Growth Boundary.

Recommended Action Measure 4. Pursue intergovernmental agreements with adjoining jurisdictions to assure coordination of public facilities, services, and other land use planning issues.

Finding 31: The development of the West Linn Sanitary Sewer Master Plan was coordinated with West Linn residents, the Oregon Department of Land Conservation and Development (DLCD), Metro, and Clackamas County to ensure consistency across jurisdictions' plans and compliance with federal, state, and regional requirements. They were provided the opportunity to review and comment on all work leading up to the documents proposed for adoption.

Finding 32: Comprehensive policies have been addressed in this application under the Statewide Planning Goals. Amendments to Goal 11 Public Facilities and Services Section 1: Sanitary Sewer have been recommended. The Comprehensive Plan does not include maps pertaining to the sanitary sewer system. Therefore, there are no map changes required.

Conclusion: Based on the analysis above, the proposed SSMP is consistent with the Comprehensive Plan policies and map

5. *The applicable provisions of the implementing ordinances.*

Finding 33: The applicant is not aware of any additional applicable provisions, which are not found above. Implementing ordinances include:

- *CDC Chapter 55.100 I 4 – Design Review Approval Standards: Public Facilities, Sanitary Sewers.*
- *CDC Chapter 60.070 A 4 – Conditional Uses Approval Standards and Conditions, Adequate Public Facilities.*
- *CDC Chapter 85.170 – General Provisions Submittal Requirements for Tentative Plan, and Supplemental Submittal Requirements for Tentative Subdivision or Partition Plan.*
- *CDC Chapter 85.200 G - General Provisions Submittal Requirements for Tentative Plan, and Approval Criteria, Sanitary Sewers.*

Finding 34: These chapters require design engineers to demonstrate sufficient capacity available in the sanitary sewer system to serve the proposed development. The proposed SSMP provides updated capacity information, but does not alter this requirement. CDC Chapter 85.170.E.1 and 85.200.G.1 references SSMP, but not a specific SSMP, therefore that section of the CDC should be modified as proposed in Attachment A.

Chapter 92.010 F – Required Improvements, Public Improvements for all Development, Sanitary Sewer.

Finding 35: This requires that sanitary sewers shall be installed to City standards to serve the subdivision and to connect the subdivision to existing mains. The SSMP does not affect this requirement.

Conclusion: Based on the analysis above, Chapter 85.170.E.1 and Chapter 85.200.G.1 of the CDC is proposed to be amended to be consistent with the SSMP. Otherwise the proposed SSMP is consistent with the CDC.

100.050 PROCESS

The Planning Commission shall hold at least one public hearing and shall make a recommendation to the City Council. The City Council shall hold at least one public hearing before adopting or amending any supporting plan. The City Council shall adopt any amendments or new supporting plan by resolution, but may deny a requested amendment or supporting plan by motion.

100.070 NOTICE

Notice shall be given in a newspaper of general circulation in the City at least 10 days prior to the initial hearing of the Planning Commission and at least 10 days prior to the initial hearing of the City Council.

Finding 36: The Planning Commission scheduled a public hearing on July 17, 2019 and the City Council has set a date to hold a public hearing on September 9, 2019. A 20 day notice was provided for the Planning Commission hearing and a 10 day notice will be provided for the City Council hearing. This meets the requirements of 100.050 and 100.070

105.030 LEGISLATIVE AMENDMENTS TO THIS CODE AND MAP

Legislative amendments to this code and to the map shall be in accordance with the procedures and standards set forth in Chapter 98 CDC.

Finding 37: The above findings address the compliance with Chapter 98 for this legislative hearing process.

PC – 1 AFFIDAVIT OF NOTICE AND MAILING PACKET

AFFIDAVIT OF NOTICE

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

Complete 5/29/19

GENERAL

File No. PLN-19-01 Applicant's Name AMY PEPPER COWL
Development Name Engineering
Scheduled Meeting/Decision Date PC WS 6/19/19 HC 7/17/19 CC WS 9/2/19 14 9/9/19

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) 6/24/19 (signed) [Signature]
- B. Affected property owners (date) N/A 6/24/19 (signed) [Signature]
- C. School District/Board (date) N/A (signed) _____
- D. Other affected gov't. agencies (date) 6/24/19 (signed) [Signature]
- E. Affected neighborhood assns. (date) DCCO, DEC, CLACKAMAS COUNTY, WES, METRO (signed) [Signature]
- F. All parties to an appeal or review (date) 6/24/19 (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 6/27/19 (signed) [Signature]
City's website (posted date) 6/24/19 (signed) [Signature]

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) LEGISLATURE - NA (signed) [Signature]

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B _____

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) _____ (signed) _____

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

**CITY OF WEST LINN
PUBLIC HEARING PLN-19-01**

TO ADOPT COMPREHENSIVE PLAN AMENDMENTS TO GOAL 11 PUBLIC FACILITIES AND SERVICES, TO REPEAL EXISTING SANITARY SEWER MASTER PLAN (SSMP) AND REPLACE WITH SSMP DATED MARCH 2019 AND AMEND CHAPTER 85 OF COMMUNITY DEVELOPMENT CODE

The West Linn Planning Commission will hold a public hearing on **Wednesday July 17, 2019, at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider adoption of Ordinance Number 1695 "An Ordinance Adopting an Amendment to the Comprehensive Plan Goal 11, Public Facilities And Services and Repealing and Replacing the Sanitary Sewer Master Plan March 2019, and amending Chapter 85 of the Community Development Code." Following the hearing, the Planning Commission will make a recommendation to the City Council.

The Council will make a final decision regarding the Planning Commission recommendation following its own public hearing on **Monday, September 9, 2019 at 6:30 p.m.**, in the Council Chambers of City Hall, 22500 Salamo Road, West Linn.

The hearing will be conducted in accordance with the rules of CDC Chapter 98, Chapter 100, and Chapter 105. Anyone wishing to present written testimony on this proposed action may do so prior to, or at the public hearings. Oral testimony may be presented at the public hearings. At the public hearing(s), the Planning Commission and City Council will receive a staff presentation, and invite both oral and written testimony. The Commission or Council may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the proposed amendments as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

At least 10 days prior to the hearing, a copy of Ordinance 1695 and associated staff report will be available for inspection or purchase at a cost of \$0.25 a page after the first five pages at the Planning Department, 22500 Salamo Road. The information is also available on the West Linn website at <https://westlinnoregon.gov/planning/sanitary-sewer-master-plan-update-0>

For further information, please contact John Boyd, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, phone (503) 503-742-6058, or via e-mail at jboyd@westlinnoregon.gov.

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PORTLAND OR 97232

MIKE MCCALLISTER
CLACKAMAS COUNTY PLANNING
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OREGON CITY OR 97045

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LAUREN BEENEY
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WEST LINN CHAMBER OF
COMMERCE
21420 WILLAMETTE DR, STE B
WEST LINN OR 97068

COWL - PUBLIC WORKS DEPT.

ORDINANCE NO. 1695

AN ORDINANCE ADOPTING THE MARCH 2019 SANITARY SEWER MASTER PLAN, AMENDING THE COMPREHENSIVE PLAN GOAL 11, PUBLIC FACILITIES AND SERVICES, , AND AMENDING CHAPTER 85 OF THE COMMUNITY DEVELOPMENT CODE.

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

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

WHEREAS, the above referenced grant of power has been broadly interpreted to allow local governments to decide upon the scope of their powers in their charter so that specific statutory authorization is not required for a city to exercise its powers, LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978), aff'd on reh'g 284 Or 173 (1978); and

WHEREAS, the City's Sanitary Sewer Master Plan ("SSMP") was last updated in 1999;

WHEREAS, the SSMP complies with state law and addresses state requirements to periodically review and update its policies and land needs; and

WHEREAS, the Planning Commission (PC) held a public hearing and recommended approval of the SSMP at its July 17, 2019, meeting;

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

SECTION 1. Adoption of Master Plan. The March 2019 City of West Linn Sanitary Sewer Master Plan, attached as Exhibit A, is adopted as a supporting document to the West Linn Comprehensive Plan and the new plan governing Sanitary Sewer planning policy.

SECTION 2. Amendment. West Linn Comprehensive Plan, Goal 11, Public Facilities and Services, page PS-4 "SECTION 1: SEWER SYSTEM" "BACKGROUND AND FINDINGS" is amended to read as follows:

The City of West Linn operates and maintains several ~~has 110~~ miles of public sanitary sewers, mains and several pump stations. ~~ranging in diameter from 6 to 24 inches.~~ **Wastewater is conveyed through the City sanitary sewer system to the Tri-City Plant for treatment. The Tri-City Water Pollution Control Plant belongs to the ~~The Water Environment Services~~ **partnership** ~~Department (WES).~~ ~~of Clackamas County is responsible for providing wastewater treatment services for the cities of West Linn, Oregon City, and Gladstone. Eleven pumping stations, eight City owned and three owned by Clackamas County, carry the City's wastewater to Clackamas County's Tri-City Wastewater Treatment Plant. The Water Environment Services Department of Clackamas County operates under a master plan adopted for the Tri-City Wastewater Treatment Plant.~~ The sanitary sewer system is separate from the storm sewer system and untreated storm water drains directly to surface streams.**

In 1999, the City contracted with Bookman-Edmonston Engineering to update the 1989 Sanitary Sewer System Master Plan. The study determined expansion and rehabilitation needs of the current system, and identified a comprehensive schedule for improvements. **The City's Sanitary Sewer Master Plan provides an in-depth analysis of existing system conditions and incorporates hydraulic modeling of the system to identify hydraulic capacity deficiencies in the sewer collection system for both existing and future planning needs.**

SECTION 3. Amendment. West Linn Comprehensive Plan, Goal 11, Public Facilities and Services, page PS-5 "GOALS, POLICIES, AND RECOMMENDED ACTION MEASURES" "GOAL" is amended to read as follows:

Provide adequate, **reliable and** environmentally sound wastewater collection and treatment for all West Linn residents and businesses.

POLICIES

1. ~~Coordinate sanitary sewer service to existing and future residents to allow for the most efficient provision of service within the City and subsequent expansion of the service area.~~ **Ensure that development and annexation makes orderly and efficient use of the wastewater collection systems.**
2. Require the installation of new sanitary sewer collection facilities to be the responsibility of property owners who will receive direct benefit from those facilities. The City may participate in the development of those facilities to the extent that they benefit residents or businesses in addition to those directly involved.
3. Maintain and operate the sanitary sewer system to meet all federal and state permitting requirements.
4. **Non-conforming conditions shall be addressed equitably according to code.**

RECOMMENDED ACTION MEASURES

1. ~~Participate~~ **Coordinate** with the Clackamas County Department of Water Environment Services in meeting the City's sanitary sewer ~~requirements~~ **needs**.
2. Work with Clackamas County and other affected agencies to plan major waste water treatment facilities. The City recognizes and assumes its responsibility for operation, planning, and regulating ~~the waste water~~ **sanitary sewer** systems as designated in the City's 1999 ~~current~~ Sanitary Sewer System Master Plan **and subsequent updates and amendments** which is a supporting document of the Comprehensive Plan.
3. **Require** ~~Encourage~~ residents with septic systems to connect to the City sanitary sewer system **in accordance with the municipal code.**
4. **Continue efforts to reduce inflow and infiltration into the wastewater collection system to the extent such reduction are documented to be cost-effective and/or required by State or Federal regulation.**

SECTION 4. Amendment. West Linn Community Development Code, Chapter 85 General Provisions, Section 85.200 APPROVAL CRITERIA is amended and renumbered where needed to read as follows:

G. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the **current Sanitary Sewer Master Plan and subsequent updates and amendments applicable at the time the proposal is submitted (July 1989)**. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and should allow for full gravity service.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.
3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
6. The sanitary sewer line shall avoid disturbance of wetland and drainageways. In those cases where that is unavoidable, disturbance shall be mitigated pursuant to Chapter 32 CDC, Water Resource Area Protection, all trees replaced, and proper permits obtained. Dual sewer lines may be required so the drainageway is not disturbed.
7. Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.
8. The sanitary sewer system shall be built pursuant to DEQ, City, and Tri-City Service District sewer standards. The design of the sewer system should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.
9. A written statement, signed by the City Engineer, that sanitary sewers with sufficient capacity to serve the proposed development and that adequate sewage treatment plant capacity is available to the City to serve the proposed development.

SECTION 6. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 7. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 8. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 9. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of September, 2019, and duly PASSED and ADOPTED this _____ day of _____, 2019.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Agenda Bill 2019-09-09-05

Date Prepared: August 23, 2019

For Meeting Date: September 9, 2019

To: Russ Axelrod, Mayor
West Linn City Council

From: Darren Wyss, Community Development Department *DSW*

Through: John R. Williams, Community Development Director *JRW*
Eileen Stein, City Manager *ES*

Subject: Annexation of 0.93 acres at 1480 Rosemont Road

Purpose

The owners of two properties (Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1e 25CA) have petitioned for annexation to the City of West Linn.

Question(s) for Council:

Step 1: Land Use Decision

1. Does the petition for annexation meet the criteria in CDC Chapter 81 for approval of the land use decision to assign a zoning designation of R-10, Single-Family Residential Detached?

Step 2: Policy Decision

1. Does the City Council wish to annex the properties (Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1e 25CA)?
2. Does the City Council wish to hold an advisory vote prior to annexation?

Public Hearing Required:

Yes

Background & Discussion:

The applicants have petitioned for the annexation of two properties (Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1e 25CA) into the West Linn city limits. The two properties total 0.93 acres and form one of several "islands" surrounded by properties already annexed into the city limits. The properties are located within the Metro Urban Growth Boundary.

The applicants have requested a City zoning designation of R-10, which is consistent with the surrounding neighborhood of single-family homes. Taxlot 1300 (1480 Rosemont Road) contains an existing single-family home. Taxlot 1400 is currently vacant and has the potential for a maximum of two new single-family homes with the requested R-10 zoning. All necessary utilities are available to serve the properties. In addition, all adopted long-range utility and transportation plans account for the existing and potential development on the properties.

Annexations require a two-step process. Both steps can occur at the same public hearing date. Step 1 is a land use decision where City Council applies a City zoning designation to the properties. Step 2 is a policy decision where the City Council has discretion to approve/deny the petition for annexation, either with or without sending the request to an advisory vote.

Budget Impact:

The annexation would bring the properties onto the City tax roll and make them subject to City fees and assessments.

Sustainability Impact:

The annexed properties would contribute to the City tax base and existing residents on Taxlot 1300 would begin paying for services they may already be using (streets, parks, etc.).

Council Goal/Priority:

Guiding Principle #2: Land Use and Quality of Life

- A. Planning and Community & Economic Development

Guiding Principle #3: Sustainability

- A. Fiscal Sustainability

Council Options:

Step 1: Land Use Decision

1. Approve the land use application for annexation with R-10 zoning designation.
2. Deny the land use application and end consideration of annexation of the properties.

Step 2: Policy Decision

1. Approve the petition for annexation of Taxlots 1300 and 1400.
2. Decline the petition for annexation of Taxlots 1300 and 1400.
3. Consider a resolution placing the annexation petition on a ballot for an advisory vote.

Staff Recommendation:

Step 1: Land Use Decision

Staff recommends the Council approve the land use application for annexation with R-10 zoning designation.

Step 2: Policy Decision

Staff recommends the Council approve the annexation petition, without an advisory vote consistent with recent Council decisions on small island annexations, and bring the two properties into both the West Linn City Limits and the Tri-City Service District, and withdraw the two properties from the Clackamas County Enhanced Law Enforcement District.

Potential Motion:

Step 1: Land Use Decision

“I move to approve First Reading for Ordinance 1700, “An Ordinance Establishing the Zoning Designation as R-10 Upon Annexation of Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1E 25CA”, and set the matter for Second Reading.

If approved unanimously, please complete the Second Reading.

"I move to approve Second Reading for Ordinance 1700, "An Ordinance Establishing the Zoning Designation as R-10 Upon Annexation of Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1E 25CA", and adopt the ordinance.

Step 2: Policy Decision

"I move to approve First Reading for Ordinance 1701, "An Ordinance Approving the Annexation of Real Property Located in Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1E 25CA; Removing the Property from Special Districts; and Adding the Property to Special Districts", and set the matter for Second Reading.

If approved unanimously, please complete the Second Reading.

"I move to approve Second Reading for Ordinance 1701, "An Ordinance Approving the Annexation of Real Property Located in Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1E 25CA; Removing the Property from Special Districts; and Adding the Property to Special Districts", and adopt the ordinance.

Attachments:

1. Ordinance 1700 – Establishing Zoning Designation of R-10
2. Ordinance 1701 – Approving Annexation of Real Property
3. Staff Report and Findings (ANX-19-01)

**STAFF REPORT
FOR THE CITY COUNCIL**

FILE NUMBER: ANX-19-01

HEARING DATE: September 9, 2019

REQUEST: Annexation of 0.93 acres at 1480 Rosemont Road

**APPROVAL
CRITERIA:** Community Development Code (CDC) Chapter 81, West Linn
Municipal Code (WLMC) 2.920-2.930 and Metro Code 3.09.

**STAFF REPORT
PREPARED BY:** Darren Wyss, Associate Planner

Planning Manager Initials 

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GENERAL INFORMATION

OWNERS/ APPLICANTS:	Ashley and Jerry Rhea 1480 Rosemont Road West Linn, OR 97068	Ralph and Shirley Hanson 19540 Renee Way Oregon City, OR 97045
SITE LOCATION:	1480 Rosemont Road	
DESCRIPTION:	Clackamas County Assessor Map 2S 1E 25CA tax lot 1300	2S 1E 25CA tax lot 1400
SITE SIZE:	0.45 acres	0.48 acres
COUNTY ZONING:	FU-10: Future Urban 10 Acre	
COMPREHENSIVE PLAN DESIGNATION:	Low Density Residential	
PROPOSED ZONING DESIGNATION:	R-10 (Single-Family Residential Detached: 10,000 square foot minimum lot size)	
PUBLIC NOTICE:	<p>Per ORS 197.763.2.a(A), notice was mailed on August 16, 2019 to satisfy the 20 day notice to all property owners within 500 feet (ORS only requires 100 feet), all West Linn Neighborhood Associations, DLCD, and all "Necessary Parties" as defined by Metro Code 3.09.020(J). The properties were posted with a sign on August 19, 2019. Notice was published in the West Linn Tidings on August 29, 2019 and September 5, 2019.</p> <p>The affidavit of notice (Exhibit CC-3) validates the notice requirements of Metro Code, CDC, WLMC and Oregon State statutes have been met.</p>	
PROCESS:	<p>Annexations go through a two-step process. At Council discretion, both steps can be completed on the same hearing date. Step one is a land use decision, as outlined in WLMC 2.920, and determines whether the proposed annexation is consistent with the intent of the West Linn Comprehensive Plan, CDC Chapter 81 and Metro Code 3.09. Step one includes Council assignment a zoning designation for the property at this time.</p>	

Step two review is a legislative or policy decision that applies the standards of WLMC 2.930. During step two, the Council, in its discretion may: 1) decide to set a public hearing for the annexation request; 2) delay a public hearing on the requested annexation; or, 3) pass a resolution placing the annexation request on a ballot for an advisory vote.

At the conclusion of step two, the Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application.

The Council may deny an annexation acting in its legislative capacity even after it has approved the annexation application through the step one process.

PUBLIC COMMENTS: As of August 23, 2019, there have been no comments submitted.

EXECUTIVE SUMMARY

The hearing is to consider the request for annexation of 0.93 acres at 1480 Rosemont Road (tax lots 1300 and 1400 of Clackamas County Assessor Map 2S 1E 25CA). The properties are located within the Urban Growth Boundary (UGB) and form an “island” surrounded by properties already annexed into West Linn City Limits. Taxlot 1300 currently contains one single-family home and Taxlot 1400 is currently vacant and has the potential to be developed with a maximum of two single-family homes in the future.

The step one process will be evaluated at the September 9th public hearing. The applicant has requested a West Linn zoning designation of R-10, which is consistent with the Comprehensive Plan designation and the surrounding neighborhood. The properties are suitable for development and can be serviced with City utilities. The current County zoning designation of Future Urban (FU-10) signifies both the City and County have anticipated the annexation/development of these properties.

Council has the option to also complete Step 2 at the September 9th hearing. If Council chooses to delay the Step 2 hearing, a date must be selected for that action.

Approval of the annexation will also annex the properties into the Tri-City Service District and remove them from the Clackamas County Enhanced Law Enforcement District.

RECOMMENDATION

Staff recommends approval of both the Step One “Land Use Decision” (Ordinance 1700) and the Step Two “Policy Decision” (Ordinance 1701) to annex 0.93 acres at 1480 Rosemont Road into the West Linn City Limits, establish a West Linn zoning designation of R-10 per the applicant’s request, annex the properties into the Tri-City Service District, and remove the properties from the Clackamas County Enhanced Law Enforcement District.

ADDENDUM
APPLICABLE REGULATIONS AND ASSOCIATED FINDINGS

STEP ONE: LAND USE DECISION

*West Linn Municipal Code
Chapter 2, Government and Administration*

2.920 Step 1: Land Use Decision.

When an annexation application has been properly initiated pursuant to ORS 222.111, 222.125, 222.170, or 222.840, Step 1 shall include review of the land use aspect of the petition pursuant to Community Development Code Chapter 81. If the application receives Council approval through the Step 1 process, the Council shall proceed to Step 2. A determination that the application meets the land use requirements does not obligate the City to approve the annexation application.

Finding 1: The annexation petition was properly initiated by the owners of real property in the territory to be annexed (Tax Lots 1300 and 1400), pursuant to ORS 222.111(2). Please see Findings 2 to 6 for review of the land use aspect pursuant to CDC Chapter 81. The petitioners are aware of the two step process. The criteria are met.

*West Linn Community Development Code
Chapter 81, Boundary Changes
81.050 Approval Criteria*

The City Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D) and:

Metro Code Section 3.09.050(D). To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045.

Metro Code Section 3.09.045(D). To approve a boundary change through an expedited process, the city shall:

- 1. Find that the change is consistent with expressly applicable provisions in:*
 - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;*
 - b. Any applicable annexation plan adopted pursuant to ORS 195.205;*
 - c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;*
 - d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;*
 - e. Any applicable comprehensive plan;*
 - f. Any applicable concept plan; and*

Finding 2: The properties are located within the adopted Urban Growth Boundary (UGB), which is acknowledged and approved by Metro and the State of Oregon. The UGB is

recognized as the means of identifying lands that are appropriate and serviceable for annexation and urban level development.

The City of West Linn and Clackamas County have a signed Urban Growth Management Agreement (UGMA). The UGMA establishes a cooperative planning agreement outlining the responsibility for comprehensive planning activities, public facility planning, annexation proposals, and noticing and coordination requirements.

The City of West Linn is responsible for public facility planning, per the UGMA, and has adopted master plans for water, sanitary sewer, surface water management, and transportation. The master plans anticipate the future annexation and development of unincorporated lands within the UGB, including the properties subject to this petition. The annexation proposal is consistent with the public facility plans and the UGMA.

The petitioners have requested a West Linn zoning designation of R-10 (Single-Family Residential, Detached), which is consistent with the West Linn Comprehensive Plan designation of Low Density Residential. The criteria are met.

2. Consider whether the boundary change would:
 - a. Promote the timely, orderly and economic provision of public facilities and services;
 - b. Affect the quality and quantity of urban services; and
 - c. Eliminate or avoid unnecessary duplication of facilities or services.

Finding 3: The City of West Linn and Clackamas County have a signed Urban Growth Management Agreement (UGMA). The UGMA establishes a cooperative planning agreement that identifies the City as responsible for public facility planning. The City has adopted master plans for water, sanitary sewer, surface water management, and transportation. The master plans anticipate the future annexation and development of unincorporated lands within the UGB, including the properties subject to this petition and no upgrades in capacity are needed.

Annexation of the properties will eliminate the need for Clackamas County Sheriff's officers to respond to calls at the properties, which are well within the city limits. West Linn Police are better positioned to provide coverage and eliminate duplication of services, thus promoting a more efficient economic provision of public safety services. The criteria are met.

- E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Finding 4: The properties under petition for annexation are located within the adopted Urban Growth Boundary (UGB). The criteria are met.

- A. West Linn Municipal Code Section 2.920, Step 1: Land Use Decision.
 1. The application of the zoning designation shall follow the criteria in CDC [81.055](#).

81.055 Zoning Designation

A decision on annexation shall also incorporate a decision on a zoning designation. The applicant may concurrently apply for a comprehensive plan amendment if desired. Any approval of an annexation shall designate the City zone to be applied if the annexation is approved by the voters. The City zone shall be designated based upon the existing West Linn comprehensive plan/land use designation, pursuant to the following table:

COMPREHENSIVE PLAN/LAND USE DESIGNATION	ASSIGNED ZONING DISTRICT
Low Density Residential	R-40, R-20, R-15, R-10 or R-7
Medium Density Residential	R-5 or R-4.5
Medium High Density Residential	R-3 or R-2.1
Mixed Use	MU
Commercial	NC, GC, or OBC
Industrial	GI or CI
Other	FU-10

Finding 5: The West Linn Comprehensive Plan designation for the properties, and all adjacent properties, is Low Density Residential. The petitioners have requested a West Linn zoning designation of R-10 (Single-Family Residential, Detached) for the properties. The zoning request is consistent with the Low Density Residential designation and no comprehensive plan amendment is required. The criteria are met.

Where the Council has discretion to apply zoning, the Council shall consider the following factors in making its decision:

- A. Specific site characteristics such as topography, drainage, and existing vegetation.*
- B. The existing zoning and development patterns of surrounding properties.*
- C. The capacity of the City to provide road, sanitary sewer, storm drainage, and water service to the site.*

Finding 6: The properties under petition for annexation slope from the northwest to southeast at an average of 5.8 percent. There are no drainage channels, wetlands, or significant vegetation on site. All surrounding properties are zoned R-10 and contain single-family detached housing. Please see Findings 3 and 4 for information on the capacity of public facilities to service the site. The criteria are met.

STEP TWO: LEGISLATIVE/POLICY DECISION

West Linn Municipal Code Chapter 2, Government and Administration

2.930 Step 2: Policy Decision.

(1) Step 2 of the annexation process is a policy decision and shall follow the steps in the subsections below.

(2) If the annexation is approved in the Step 1 process, the Planning Director shall prepare a report which includes the following information:

(a) General information on the property or properties, including but not limited to location, size, access to infrastructure, recommended zone, protected resource areas and infrastructure status;

Finding 7: The two properties under petition for annexation (Taxlot 1300 is 0.45 acres, Taxlot 1400 is 0.48 acres) are “island” properties that are surrounded by property already annexed into the City. The properties are located within the adopted Urban Growth Boundary (UGB), which is acknowledged and approved by Metro and the State of Oregon. There are no protected resource areas (drainage channels, wetlands, floodplain, or significant vegetation) on site. All surrounding properties are zoned R-10 and contain single-family detached housing. It is recommended to assign a zoning designation of R-10 as requested by the petitioners.



Taxlot 1300 contains an existing single-family home that takes access from Rosemont Road and is connected to City water service in Rosemont Road. The home was connected to City sanitary sewer service in Ireland Lane, in early 2019, due to a septic system failure. Taxlot 1400 is currently vacant and has the potential to be partitioned for the construction of two new single-family homes. Taxlot 1400 has frontage on the undeveloped Ridge Lane right-of-way and will be required to construct a portion of Ridge Lane to gain access, as well as extend the sanitary sewer infrastructure from Ireland Lane to the property boundary. The 2016 West Linn Transportation Plan recommends Ridge Lane to connect from Ireland Lane to the developed portion of Ridge Lane 150 feet west of Taxlot 1400. The Ridge Lane right-of-way contains an existing water service line. All public facilities have the capacity to serve the properties (see Findings 3 and 4).

(b) Impact on the school district, including but not limited to impacted schools, taxes, and anticipated number of additional students;

Finding 8: The two properties under petition for annexation are located within the catchment boundaries of Sunset Primary School, Rosemont Ridge Middle School, and West Linn High School. Taxlot 1300 contains an existing single-family home and currently pays school district taxes. Taxlot 1400 is currently vacant and has potential for a maximum of two new single-family homes. It is anticipated that two new homes would add 0.57 primary school students, 0.22 middle school students, and 0.25 high school students (WLWV 2019 Long Range Facility Plan).

In regards to impact on school district taxes, Tim Woodley, WLWV Director of Operations, states *“The school district is not bounded by city limits and we serve all children in the district regardless of location or address. There are nearly 10,000 students enrolled in 16 schools; a few more, or less, has minimal impact. Financial impact is also negligible because funding for education is collected at the state level and then evenly distributed to all districts in the state based enrollment. Capital bonds and the local option levy are voted on by the patrons of the district with each property tax payer paying their share regardless of where they live. Thus, annexation of property from county to city is only a function of density from the school district perspective. If population is increased by annexation and more children are enrolled in schools, state funding for education is provided for each; and each property owner pays their county-calculated share of the local option and capital bond”*.

In addition to annual school district taxes of approximately \$4,200 per single-family home (\$500,000 assessed value), the construction of two new homes on Taxlot 1400 would generate a one-time school district Construction Excise Tax of approximately \$4,000 per home (3,200 sq. ft. home).

(c) *Cost to City of infrastructure that is not funded by SDCs; and*

Finding 9: West Linn has the highest SDC rates and among the lowest property tax rates in the metro area. SDCs are fees specifically levied on new development to help fund capital projects/infrastructure, capacity increasing projects, and facility upgrades, etc. By covering a significant share of projects associated with growth, SDCs reduce the reliance on general fund monies (property taxes, voter approved bonds, and monthly water, waste water, storm water, parks fees) as a funding source.

This part of the analysis focuses on non-SDC funded infrastructure costs directly associated with new home development on annexed properties. Infrastructure costs are defined as the “brick and mortar” or the constructed facility only. Infrastructure costs do not include the long term maintenance of the facility or the cost of operation and staffing.

For the discussion of infrastructure costs, staff relied on the West Linn Six Year Capital Improvement Plan 2020-2025 (2020 CIP) and City Master Plans to identify needed projects and funding sources.

Parks

According to the 2020 CIP, parks projects are funded from four sources.

1. Bond Funds – 63 percent
2. Parks Systems Development Charges – 24 percent
3. Grant Funds – 7 percent
4. Fees – 6 percent

The existing home on Taxlot 1300, and potential new homes on Taxlot 1400, would add new contributions to the monthly parks maintenance fee and payment of bond debt through property taxes. Potential new homes on Taxlot 1400 would also pay the one-time Parks SDC during the construction phase.

Except for new parks and park facilities (which are paid for largely by SDCs and regional/state grants), existing facilities constitute “sunk costs” in that their maintenance would be required regardless of whether the properties were annexed or not.

Environmental Fund

The existing home on Taxlot 1300 currently pays monthly wastewater and surface water fees. Potential new homes on Taxlot 1400, would add new contributions to the monthly wastewater and surface water fee for the maintenance and operation of the City’s systems. No new infrastructure is required for Taxlot 1300. If Taxlot 1400 were to develop, it would be required to construct a sanitary sewer line from Ireland Lane to the west edge of the property. This new line could then be extended in the future if necessary.

The West Linn sanitary sewer and storm water facilities have sufficient capacity to serve the properties, as does the Tri-City system. Homes on both properties would contribute to the long-term maintenance, operation, and facility upgrades of Tri-City infrastructure through payment of a monthly fee.

The existing single-family home on Taxlot 1300 recently connected to the City's sanitary sewer system and paid the one-time sanitary sewer SDC. Potential new homes on Taxlot 1400 would be required to do the same.

Water

No future storage or transmission upgrades are needed to serve the properties. All water lines near the proposed annexation are relatively new, so most of the monthly fee revenue paid by homes on the properties are expected to go to older neighborhoods for infrastructure maintenance or upgrades.

The existing single-family home on Taxlot 1300 is connected to City water service and paid the one-time SDC fee to the City and South Fork Water Board. Potential new homes on Taxlot 1400 would be required to pay the SDC fees upon connection to the City system.

Streets Fund

The proposed annexation has the potential to generate 19 new trips per day (2 new homes X 9.4 ADT), distributed over the City, Regional, and State road network. The proposed annexation will not modify programmed or future capital upgrades to those facilities as the West Linn Transportation System Plan (TSP), the Metro Regional Transportation Plan (RTP), and the Statewide Transportation Improvement Program (STIP) anticipate future population growth, including the development of unincorporated urban islands, including these properties.

Taxlot 1300 requires no new street infrastructure. If new homes were built on Taxlot 1400, the developer would be responsible for their proportional share of costs to construct half-street improvements from Ireland Lane to the west edge of the property. Long term maintenance of streets would be applicable, however all single-family homes pay a monthly street maintenance fee and any new homes constructed would pay one-time street and pedestrian/bicycle SDCs.

Significant capital improvements projects on Highway 43 (North City Limits to Mary S Young Park) are 91 percent covered by Federal Transportation grants and SDCs. The City GO Bond and fees are expected to contribute to these improvements, as well as other transportation projects around the community. Approval of this annexation request will fractionally accelerate the retirement of GO Bond obligations.

Previous studies on the cost of annexation had assigned the cost of I-205 and Highway 43 improvements to the future residents of annexed properties. That approach doesn't acknowledge that these projects are "sunk costs" and would be undertaken regardless of the

annexation. Also, most future residents already live in the State of Oregon and pay both state and federal taxes, Oregon gas tax, and vehicle title/registration fees. All of which contribute to the principal sources of funding for upgrades to I-205 and Highway 43. Other future residents, who are not currently Oregon residents, but live elsewhere in the United States, are already contributing their federal taxes towards those projects.

(d) Tax implications for the City.

Finding 10: The permanent property tax rate for the City of West Linn is currently \$2.12 per \$1,000 of taxable assessed value. Bonds currently require \$0.42 per \$1,000 of assessed value. According to the City of West Linn Finance department website, that tax rate is “the lowest property tax rate for cities in the surrounding area”.

For a house and land with an assessed valuation of \$500,000, the City tax and bond share would be \$1,270. Three homes (existing home on Taxlot 1300 and two potential new homes on Taxlot 1400) would yield \$3,810 in taxes annually towards needed City infrastructure, operations, maintenance and programs, as well as retirement of the bonds, which would fractionally reduce existing City of West Linn property owner costs.

Potential Revenue from Annexation (ANX-19-01)	
Tax and Revenue Source	Amount
Potential City Tax Value*	\$3810 (annual)
Potential Parks Maintenance Fees*	\$569 (annual)
Potential Sewer and Storm Fees**	\$1,260 (annual)
Potential Water Fees**	\$591 (annual)
Potential Street Maintenance Fees*	\$498 (annual)
Total	\$6,728 (annual)
Potential Park SDC Revenue**	\$23,070
Potential Sewer and Storm SDC Revenue**	\$10,198
Potential Street SDC Revenue**	\$6,336
Potential Water SDC Revenue**	\$18,850
Total	\$58,454

*Assuming 3 homes (1 existing, 2 new)

** Assuming 2 new homes

All homes assumed valuation of \$500,000

As part of the Step 1 process, the applicant shall provide to the Planning Director the information required above at the applicant's cost.

(3) Following delivery of the report and consideration of the report by the City Council at a public meeting, the Council may, in its discretion, decide to set a public hearing for the annexation request, delay a public hearing on the requested annexation or pass a resolution placing the annexation request on a ballot for an advisory vote, at any election. At the public meeting, any person may appear and be heard on the questions of whether the annexation should proceed and whether the request should be placed on the ballot for an advisory vote.

(4) If City Council decides to proceed to a public hearing on the requested annexation without an advisory vote, a public hearing will be scheduled. Notice of the Step 2 public hearing shall be published in accordance with State law and the Metro Code.

(5) The City Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application.

(6) The City Council may deny an annexation acting in its legislative capacity even after it has approved the annexation application through the Step 1 process. A decision to deny an annexation in Step 2 shall be specifically stated in the record and noted as a legislative act separate and apart from the land use decision in Step 1.

Finding 11: Staff recommends approval of both the Step One "Land Use Decision" (Ordinance 1700) and the Step Two "Policy Decision" (Ordinance 1701) to annex 0.93 acres at 1480 Rosemont Road into the West Linn City Limits, establish a West Linn zoning designation of R-10 per the applicant's request, annex the properties into the Tri-City Service District, and remove the properties from the Clackamas County Enhanced Law Enforcement District.

EXHIBIT CC-1: APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Darren Wyss</i>	PROJECT NO(S). <i>ANX-19-01</i>	
NON-REFUNDABLE FEE(S) <i>1500.00</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>15,000.00</i>

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) * | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) */** | <input type="checkbox"/> Time Extension * |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) */** | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: <i>1480 Rosemont Rd West Linn, Or 97068</i>	Assessor's Map No.: <i>21E25CA</i>
	Tax Lot(s): <i>1300, 1400</i>
	Total Land Area: <i>.93</i>

Brief Description of Proposal:

*Annexation of two tax lots, one which has a home
The property is an island property in West Linn*

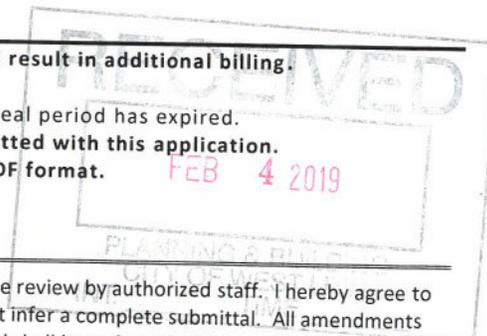
Applicant Name: <i>Ralph + Shirley Hanson</i> <small>(please print)</small>	Phone: <i>503-656-5355</i>
Address: <i>1480 Rosemont Rd</i>	Email: <i>rasah2@comcast.net</i>
City State Zip: <i>West Linn, Or 97068</i>	
Owner Name: <i>Ralph + Shirley Hanson</i> <small>(please print)</small>	Phone: <i>503-656-5355</i>
Address: <i>1480 Rosemont Rd</i>	Email: <i>rasah2@comcast.net</i>
City State Zip: <i>WEST LINN, OR 97068</i>	
Consultant Name: <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

- All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**
One (1) complete set of digital application materials must also be submitted on CD in PDF format.
If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

Shirley + Ralph Hanson 1/28/19 *Shirley Hanson* 1/28/19
Applicant's Signature Date Owner's signature (required) Date



DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT NO(S).	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) * | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) */** | <input type="checkbox"/> Time Extension * |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) */** | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: 1480 Rosemont Rd West Linn, OR 97068	Assessor's Map No.: <hr/> Tax Lot(s): <hr/> Total Land Area: <hr/>
--	--

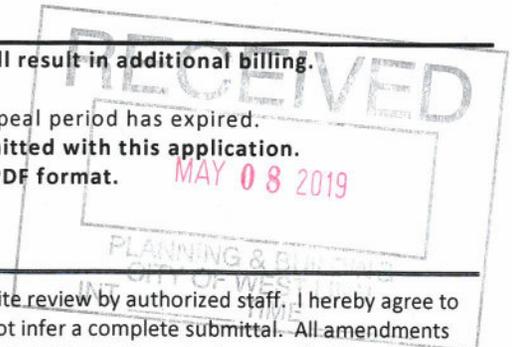
Brief Description of Proposal:

Applicant Name: Ashley Rhea <small>(please print)</small> Address: 1480 Rosemont Rd City State Zip: West Linn, OR 97068	Phone: 971-645-6164 Email: ashley@barnardcommercial.com
Owner Name (required): Ashley & Jerry Rhea <small>(please print)</small> Address: 1480 Rosemont Rd. City State Zip: West Linn, OR 97068	Phone: 971-645-6164 Email: ashley@barnardcommercial.com
Consultant Name: <small>(please print)</small> Address: City State Zip:	Phone: Email:

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**
 One (1) complete set of digital application materials must also be submitted on CD in PDF format.
 If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.



 Applicant's signature	4-8-19 Date	 Owner's signature (required)	4-8-19 Date
---------------------------	----------------	----------------------------------	----------------

To: West Linn Planning and City Council
Re: 1480 Rosemont Rd annexation
Owners: Ralph and Shirley Hanson

January 29th, 2019

This cover letter is submitted to the City of West Linn in an effort to expedite an **"Island Property"** annexation to the city. We are Ralph and Shirley Hanson, West Linn residents since purchasing .93 acres on two tax lots at 1480 Rosemont Rd in 1967.

After 51 years in the 3 story home we had built, and both of us in our 80's... it is time to downsize to a single level home. Our home has never been on the market since 1967, and as part of the home sale process, we were pro-active and had our original septic system tested as required by the DEQ.

Unfortunately, the septic system failed inspection and cannot be repaired, but **MUST** be connected to the city sewer system as soon as feasible out of necessity.

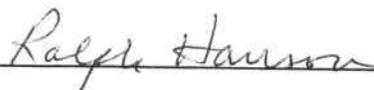
However, as part of connecting to the City sewer, the property **MUST** be annexed to receive sewer services. We certainly agree to apply and pay for annexation to receive permits to begin the sewer connection process, which we have applied and submitted.

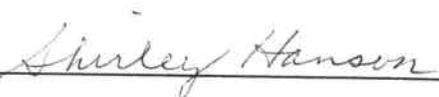
It is our hope and desire to expedite whatever process that must occur in order to begin the sewer connection and avoid any further leaking into the surrounding soil area.

We have signed a contract with American On-site to begin the permitting process, however, we need City approval to issue the proper permits in order to provide a safe and proper sanitary system for the home we have enjoyed here in West Linn since 1967

Cordially,

Ralph and Shirley Hanson





Introduction

General Proposal:

This application and responses to criteria is for an annexation into the City of West Linn of 1480 Rosemont Rd. The applicants have been residents of this property since 1967 and since then the property has become one of many “Island” properties in the area. They require this annexation in order to connect to feasible sanitary services.

Site Conditions:

This Property is referred to as Parcel #21E25CA01400. The parcel is a flat tract of land in Clackamas County with a less than 10% grade on the back portion of the property sloping west to east.

Surrounding Land Uses:

The surrounding area is comprised of residential lots of similar size all zoned R-10. Other “Island” properties are located south and east of the property. Several of these are in process for annexation. Wilderness park lies 3 blocks to the south.

Why you believe the application should be approved as you propose it:

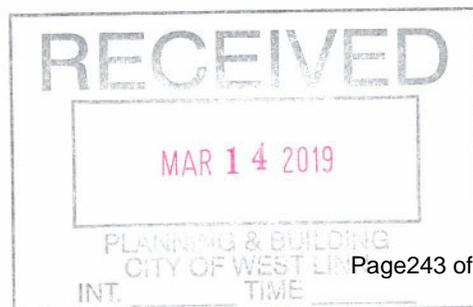
The applicants have been long-standing members of the community and have lived in this house since 1967. They have recently been told that the current septic system is inoperable and unable to be repaired. Therefore, they must connect to City sanitary services in order to maintain acceptable standards of public hygiene and safety. In order to connect to City services, the property must be annexed into the City.

81.040 PETITION

A. A petition to annex to the City of West Linn may be initiated by a property owner(s) of the area to be annexed, or the City, as set forth in Section 2.950(1) of the City Code.

Applicant’s Finding:

The applicant has submitted the petition for annexation into the City of West Linn. Please see project #ANX-19-01.



A prerequisite to the filing of an annexation petition is a pre-application conference at which time the Director shall explain the requirements and provide the appropriate forms as specified in CDC 99.030(B) and (C).

Applicant’s Finding:

Client has completed all necessary pre-application requirements and has been provided the necessary forms. Please see file #PA-18-35.

B. A petition to annex shall include the completed petition form and three copies of each of the following, except for each drawing submitted, there shall be three copies at the original scale and three copies reduced to a paper size not greater than 11 inches by 17 inches.

- 1. The minimum petition requirements of Metro Code Section 3.09.040.*
- 2. A narrative which addresses the approval criteria set forth in Municipal Code Section 2.920 and Metro Code Sections 3.09.050(d) and, if applicable, (e).*
- 3. Vicinity, legal, and other descriptive maps necessary to show compliance with Municipal Code Section 2.920 and Metro Code 3.09.040.*

Applicant’s Finding:

The applicant has completed all petition forms and provided all required copies as requested.

C. A petition of any type of boundary change, other than annexation, shall be processed as provided by State law and Metro Code Chapter 3.09.

Applicant’s Finding:

This petition for annexation is proposed in accordance with all applicable sections of the CDC and metro chapter 3.09

D. The applicant shall pay the requisite fee. The fee for a boundary change shall be established by resolution of the City Council. (Ord. 1442, 1999)

Applicant’s Finding:

Appropriate fees are included with this application.

81.050 APPROVAL CRITERIA

The City Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D) and:

A. West Linn Municipal Code Section 2.920, Step 1: Land Use Decision.

- 1. The application of the zoning designation shall follow the criteria in CDC 81.055.*

Applicant’s Finding:

See below for responses to applicable criteria to Metro Code sections.

B. *West Linn Municipal Code Section 2.930, Step 2: Policy Decision. (Ord. 1442, 1999; Ord. 1635 § 29, 2014; Ord. 1675 § 52, 2018)*

Applicant’s Finding:

See below for responses to applicable Sections of the West Linn Municipal Code.

81.055 ZONING DESIGNATION

A decision on annexation shall also incorporate a decision on a zoning designation. The applicant may concurrently apply for a comprehensive plan amendment if desired. Any approval of an annexation shall designate the City zone to be applied if the annexation is approved by the voters. The City zone shall be designated based upon the existing West Linn comprehensive plan/land use designation, pursuant to the following table:

COMPREHENSIVE PLAN/LAND USE DESIGNATION	ASSIGNED ZONING DISTRICT
Low Density Residential	R-40, R-20, R-15, R-10 or R-7

Where the City Council has discretion to apply zoning, the Council shall consider the following factors in making its decision:

A. *Specific site characteristics such as topography, drainage, and existing vegetation.*

Applicant’s Finding:

The site is well suited for a R-10 designation. The topography is flat with minimal vegetation. Site slopes west to east at not more than 10% grade. A small stand of trees is located at the rear of the property.

B. *The existing zoning and development patterns of surrounding properties.*

Applicant’s Finding:

The surrounding properties in all directions are zoned R-10 and are developed with single-family homes. There are several properties to the west which are also zoned FU-10 and are future candidates for annexation. Other “Island” properties within the City are going through similar processes. Additionally, this site is designated as low density residential. This criteria is met.

C. *The capacity of the City to provide road, sanitary sewer, storm drainage, and water service to the site. (Ord. 1442, 1999; Ord. 1528, 2005; Ord. 1590 § 1, 2009;*

Ord. 1635 § 30, 2014)

Applicant's Finding:

The property is on a main road with City services being provided to adjacent properties. There is an 8" water main as well as sanitary line at the rear of the property. Stormwater connection is 100' from the rear of the property.

105.050 QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION

A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

A. The standards set forth in CDC 99.110(A), which provide that the decision shall be based on consideration of the following factors:

1. The applicable Comprehensive Plan policies as identified in subsection C of this section and map designation.

2. The applicable standards of any provision of this code or other applicable implementing ordinance.

B. The standards set forth in CDC 99.110(B), which provide that, in making the decision, consideration may also be given to the following:

1. Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.

2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in sub-section A or (B)(1) of this section.

C. The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4, which provides that the decision shall be based on consideration of the following criteria:

1. Conformance with the Comprehensive Plan policies and criteria.

2. There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.

3. The changes will not adversely affect the health, safety and welfare of the community.

Applicant's Finding:

A. The Comprehensive Plan Designation for this property is R-10 Low Density Residential. This request for assignment to zone R-10 is consistent with the goals of the Comprehensive Plan.

B. This request for annexation is consistent with the surrounding neighborhood and no mistakes have been found with the Comprehensive

Plan as it relates to this property.

- C. This application conforms to the requirements of the Comprehensive Plan. Furthermore, it is in the public's best interest to annex these "island" properties into the City. This will provide neighborhood cohesion, uniform access to services and will add to the land use cohesion of the area.

D. *Transportation Planning Rule compliance.*

1. *Review of applications for effect on transportation facilities. When a development application, whether initiated by the City or by a private interest, includes a proposed comprehensive plan amendment zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule: "TPR"). "Significant" means the proposal would:*

a. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

b. *Change standards implementing a functional classification system;*
or

c. *As measured at the end of the planning period identified in the adopted transportation system plan:*

1) *Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

2) *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*

3) *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

Applicant's Finding:

In accordance with Oregon Administrative Rule (OAR) 660-012-0060, all concerns are met because the annexation of this property and designation as R-10 conforms to the City of West Linn Comprehensive Plan and therefore will not, (i) change the functional classification of an existing or planned transportation facility, (ii) *Change standards implementing a functional classification system,* and (iii) *allow land uses that would produce traffic inconsistent* with the classification, reduce or worsen the performance of existing or planned transportation facility. This annexation and subsequent rezoning to R-10 will not significantly affect a transportation facility and is consistent with the City of West Linn Comprehensive Plan.

Chapter 2 GOVERNMENT AND ADMINISTRATION

2.915 Annexation Purpose Statement.

(1) *The purpose of Sections 2.915 to 2.940 is to establish a two-step process for annexation applications. The first step is a land use decision. The second step is a policy decision by the City Council to determine if the annexation should be approved. The Step 1 and Step 2 decisions can occur at the same meeting. An annexation to the City shall not be effective unless it is approved by the City Council at its discretion and by Metro pursuant to its authority regarding annexations within its boundaries.*

Applicant's Finding:

The applicant/owner of the subject site has reviewed the section and is aware of the process prescribed in the above section.

(2) *The procedures and standards established in this chapter are required for review of proposed annexations in order to:*

(a) *Provide adequate public notice, information and sufficient time for public review before annexation hearings and elections;*

(b) *Maximize citizen involvement in the annexation review process; and*

(c) *Provide information to the public concerning the physical, environmental, financial and related social effects of annexation.*

Applicant's Finding:

The applicant/owner of the subject site has reviewed above section and has met this provision by providing the City required information and analysis in this application.

2.920 Step 1: Land Use Decision.

When an annexation application has been properly initiated pursuant to ORS 222.111, 222.125, 222.170, or 222.840, Step 1 shall include review of the land use aspect of the petition pursuant to Community Development Code Chapter 81. If the application receives Council approval through the Step 1 process, the Council shall proceed to Step 2. A determination that the application meets the land use requirements does not obligate the City to approve the annexation application.

Applicant's Finding:

Acknowledged. The annexation application/or the subject site has been initiated and the application follows the land use designation of the applicable CDC.

2.930 Step 2: Policy Decision.

(1) Step 2 of the annexation process is a policy decision and shall follow the steps in the subsections below.

(2) If the annexation is approved in the Step 1 process, the Planning Director shall prepare a report which includes the following information:

(a) General information on the property or properties, including but not limited to location, size, access to infrastructure, recommended zone, protected resource areas and infrastructure status;

(b) Impact on the school district, including but not limited to impacted schools, taxes, and anticipated number of additional students;

(c) Cost to City of infrastructure that is not funded by SDCs; and

(d) Tax implications for the City.

(e)

(3) Following delivery of the report and consideration of the report by the City Council at a public meeting, the Council may, in its discretion, decide to set a public hearing for the annexation request, delay a public hearing on the requested annexation or pass a resolution placing the annexation request on a ballot for an advisory vote, at any election. At the public meeting, any person may appear and be heard on the questions of whether the annexation should proceed and whether the request should be placed on the ballot for an advisory vote.

(4) If City Council decides to proceed to a public hearing on the requested annexation without an advisory vote, a public hearing will be scheduled. Notice of the Step 2 public hearing shall be published in accordance with State law and the Metro Code.

(5) The City Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application.

(6) The City Council may deny an annexation acting in its legislative capacity even after it has approved the annexation application through the Step 1 process. A decision to deny an annexation in Step 2 shall be specifically stated in the record and noted as a legislative act separate and apart from the land use decision in Step 1.

Applicant's Finding:

Section 2.930 is met with the following response:

Applicant acknowledges the implications considered in weighing this decision for annexation and has responded to such concerns. The applicant agrees to the process as required by the City Council. This property conforms to surrounding zoning characteristics and therefore is a good candidate for annexation.

West Linn's Comprehensive Plan

The following Goals and Policies within the City of West Linn's Comprehensive Plan are applicable and provide guidance regarding the annexation of properties into the City. The City's Comprehensive Plan provides a series of over-arching guidance for growth and development within the City. Structured as a goal setting and policy document, the guidance provided by the Comprehensive plan is meant to inform decisions and create a framework for the Community Development Code, which implements the visions, goals, and policies of the Plan.

Goal 2: Land Use Planning

Goal 11: Public Facilities and Services

Goal 14: Urbanization

Applicant's Finding:

Goal 2: Land Use Planning (Residential Development, Comprehensive Plan) calls for "low density residential" zoning in "Areas with limited capacity for development because of existing facilities such as sewer, water and drainage and/or development limitations due to topography, soil characteristics, drainage, high water table, and flooding."

Goal 11: Annexation will allow this property to access City services including sanitary and stormwater which are both accessible from the back of the property.

Goal 14: This property is within the UGB. With no infrastructure limitations and few site constraints. Annexation will bring this property more into conformity with the City and the surrounding neighborhood. Due to the site conforming to the Comprehensive Plan, R-10 zone is appropriate for the site.

Metro Code:

3.09.040 Requirements for Petitions

A. A petition for a boundary change must contain the following information:

4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.

Applicant's Finding:

Pursuant to ORS 222.125, the applicant submitted certificates of consent signed by 100% of the owners of the property. The criteria are met.

3.09.045 Expedited Decisions

A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written

consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

B. The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.

C. At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:

- 1. The extent to which urban services are available to serve the affected territory, including any extra- territorial extensions of service;*
- 2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and*
- 3. The proposed effective date of the boundary change.*

D. To approve a boundary change through an expedited process, the city shall:

- 1. Find that the change is consistent with expressly applicable provisions in:*
 - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;*
 - b. Any applicable annexation plan adopted pursuant to ORS 195.205;*
 - c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;*
 - d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;*
 - e. Any applicable comprehensive plan;*
 - f. Any applicable concept plan; and*
- 2. Consider whether the boundary change would:*
 - a. Promote the timely, orderly and economic provision of public facilities and services;*
 - b. Affect the quality and quantity of urban services; and*
 - c. Eliminate or avoid unnecessary duplication of facilities or services.*

E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Applicant's Finding:

Although this application does not intend to ask for an expedited decision, if the subject site is qualified, and if such a process is initiated at the City's discretion, the applicant/owner is willing to cooperate with the City for all proper procedures prescribed in this Metro Code Section. This property lies within the UGB.

Summary/Conclusion

This request for annexation into the City of West Linn conforms to all applicable codes, urban growth planning, and the West Linn Comprehensive Plan. This site has been a long-established residence and is one of a handful of “Island” properties within the City limits. Furthermore, the current infrastructure of the property has decayed to the point that connection to City services is essential. It is in the best interest of the community and neighborhood for this annexation to be approved without delay. We respectfully request you approve our request for annexation into the City of West Linn.

CITY OF WEST LINN

CERTIFICATION OF PROPERTY OWNERSHIP

I hereby certify that the attached petition for annexation of the territory described herein to the City of West Linn contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.



NAME CRAIG FERRIS *Craig Ferris*
TITLE CARTOGRAPHER III
DEPARTMENT ASSESSMENT & TAX
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 1-28-2019



* "Owner" means the owner of the title to real property or the contract purchaser of real property.

* * * * *

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of West Linn contains the names of at least a majority of the electors registered in the territory to be annexed.



NAME Rebekah Stern Doll *Rebekah Stern Doll*
TITLE Deputy Clerk
DEPARTMENT Elections
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 1/29/2019

No Registered Voters at this address

CITY OF WEST LINN

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 21E25CA) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME CRAIG FERRIS *Craig Ferris*
TITLE CARTOGRAPHER III
DEPARTMENT ASSESSMENT & TAX
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 1-28-2019



CITY OF WEST LINN

CERTIFICATION OF PROPERTY OWNERSHIP

I hereby certify that the attached petition for annexation of the territory described herein to the City of West Linn contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.



NAME JOSHUA BOLL
TITLE GIS CARTOGRAPHER 2
DEPARTMENT ASSESSMENT & TAX
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 5/8/19

* "Owner" means the owner of the title to real property or the contract purchaser of real property.

* * * * *

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of West Linn contains the names of at least a majority of the electors registered in the territory to be annexed.



NAME Jennifer wessels
TITLE Deputy Clerk
DEPARTMENT Elections
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 5-8-19

CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK

BY: [Signature]

CITY OF WEST LINN

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 21E25CA) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME JOSHUA BOLL

TITLE GIS CARTOGRAPHER 2

DEPARTMENT ASSESSMENT & TAX
CLACKAMAS COUNTY ASSESSOR'S OFFICE

DATE 5/18/19



Annexation Description

LEGAL DESCRIPTION

PROPERTY DESCRIPTION: Tax Lots 1300 & 1400 – 21E25CA

Date: January 28, 2019

Annexation

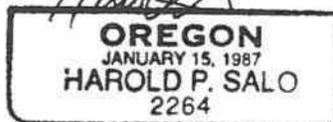
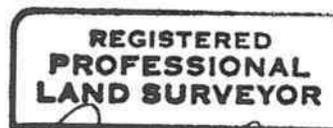
FOR USE ON LEGAL INSTRUMENT

EXHIBIT "A"

A tract of land situated in the Southwest one-quarter of Section 25, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, being a part of Lots 34 and 35, "Shannon Acre Tracts, being more particularly described as follows:

Beginning at the northeast corner of that certain tract of land conveyed to Ralph A. Hanson and Shirley A. Hanson, trustees of the Ralph A. Hanson and Shirley A. Hanson Trust as recorded in Fee No. 2000-054801, Clackamas County deed records, said northeast corner being on the southerly right of way line of Rosemont Road; thence leaving said southerly right of way line, South 00°04'18" East along the westerly line of Partition Plat No. 2000-063, Clackamas County Plat records, a distance of 302.01 feet to the southeast corner of that certain tract of land conveyed to Ralph A. Hanson and Shirley A. Hanson, trustees of the Ralph A. Hanson and Shirley A. Hanson Trust as recorded in Fee No. 2000-054802, Clackamas County deed records, said southeast corner being on the northerly right of way line of Ridge Lane; thence South 89°42'20" West along said northerly right of way line, a distance of 129.60 feet to the southwest corner of said Hanson tract; thence leaving the northerly right of way line of Ridge Lane, North 00°08'06" East along the westerly line of said Hanson tracts, a distance of 324.53 feet to the southerly right of way line of said Rosemont Road; thence South 80°20'31" East along said right of way line, a distance of 130.30 feet to the Point of Beginning.

Containing 40,423 square feet, more or less.



Expires: 6/30/20

ANNEXATION MAP

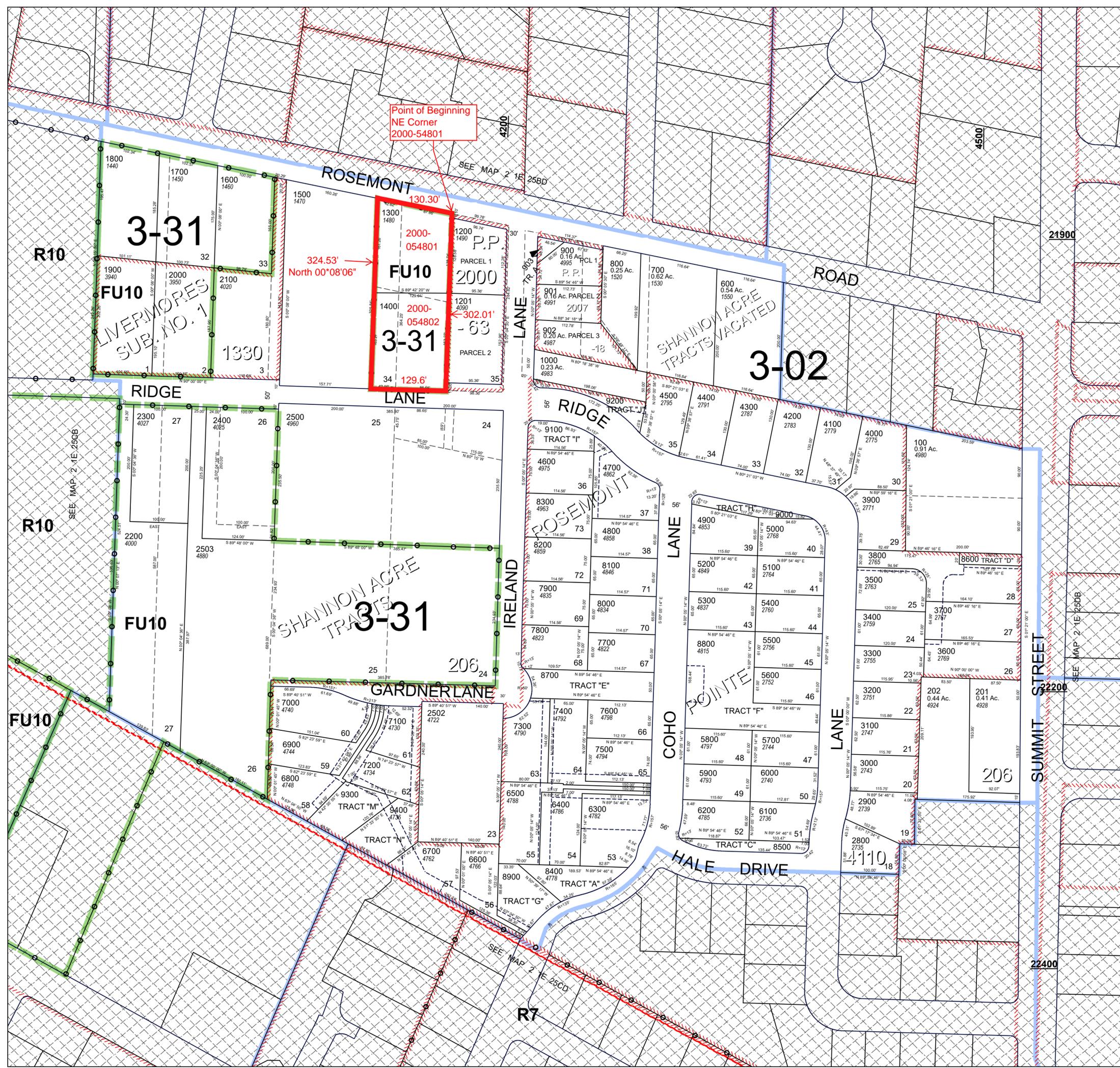
2 1 E 25CA
WEST LINN

N.E. 1/4 S.W. 1/4 SEC. 25 T. 2S. R. 1E. W.M.
CLACKAMAS COUNTY
1" = 100'

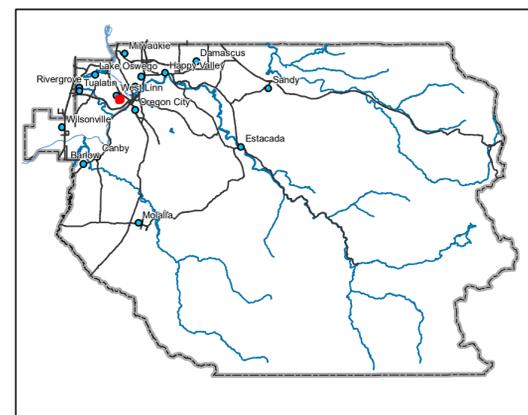
D. L. C.
SAMUEL W. SHANNON NO. 70

Cancelled Taxlots

- 1101
- 300
- 2600
- 2700
- 200
- 500
- 1100
- 2501



- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

4/24/2019

2 1 E 25CA
WEST LINN

EXHIBIT CC-2: COMPLETENESS LETTER



CITY OF West Linn

July 15, 2019

Ralph and Shirley Hanson
Ashley and Jerry Rhea
1480 Rosemont Road
West Linn, OR 97068

SUBJECT: ANX-19-01 application for the annexation of Taxlots 1300 and 1400 of Clackamas County Assessor Map 2S-1E-25CA (1480 Rosemont Road)

Greetings:

You submitted this application on February 4, 2019. You submitted additional information on March 14, 2019, May 8, 2019, and June 11, 2019. The City finds that this application is now **complete**.

We are determining, with our City Council, the best date to schedule your application for a public hearing. You will receive notice of the hearing date.

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

Sincerely,

A handwritten signature in blue ink that reads "Darren Wyss".

Darren Wyss
Associate Planner

EXHIBIT CC-3: AFFIDAVIT OF NOTICE AND MAILING PACKET

AFFIDAVIT OF NOTICE

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

GENERAL

File No. AVX-19-01 Applicant's Name Ralph & Shirley Hanson / Ashley & Jerry Rhee
Development Name 1480 Rosemont Rd Annexation
Scheduled Meeting/Decision Date 9-9-2019

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) 8-16-2019 (signed) [Signature]
- B. Affected property owners (date) 8-16-2019 (signed) [Signature]
- C. School District/Board (date) 8-16-2019 (signed) [Signature]
- D. Other affected gov't. agencies (date) 8-16-2019 (signed) [Signature]
- E. Affected neighborhood assns. (date) 8-16-2019 (signed) [Signature]
- F. All parties to an appeal or review (date) _____ (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 8-29-2019 & 9-5-2019 (signed) [Signature]
City's website (posted date) 8-16-2019 (signed) [Signature]

SIGN

At least ²⁰10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) 8-19-2019 (signed) [Signature]

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing. Available 15 days prior to public hearing

(date) 8-23-2019 (signed) [Signature]

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

**CITY OF WEST LINN
CITY COUNCIL
PUBLIC HEARING NOTICE**

**ANNEXATION OF 0.93 ACRES AT 1480 Rosemont Road
FILE NO. ANX-19-01**

The West Linn City Council will hold a public hearing on **Monday, September 9, 2019, starting at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider an annexation request for 0.93 acres at 1480 Rosemont Road. The applicants are requesting an R-10 zone designation, single-family residential detached with a 10,000 square foot minimum lot size. The area is identified by Clackamas County as assessor's map 2S 1E 25CA tax lots 1300 and 1400. The decision will be based on the criteria of Community Development Code (CDC), Chapter 81, West Linn Municipal Code 2.920-2.930 and Metro Code 3.09.045 and 3.09.050(D). The approval criteria from the CDC and Municipal Code are available for review at City Hall, at the City Library, and at <http://www.codepublishing.com/OR/WestLinn/CDC.html>.

Metro Code "LOCAL GOVERNMENT BOUNDARY CHANGES" may be found at https://www.oregonmetro.gov/sites/default/files/2014/06/05/309_eff_071112_final.pdf.

This annexation petition is subject to the expedited process unless a "necessary party" gives written notice of its objection to the boundary change. A "necessary party" is defined as any county, city, district, or unit of local government that includes any part of the affected territory: 1) in its jurisdictional boundary or adopted urban service area; or 2) in any agreement providing an urban service. All "Necessary parties" have been noticed.

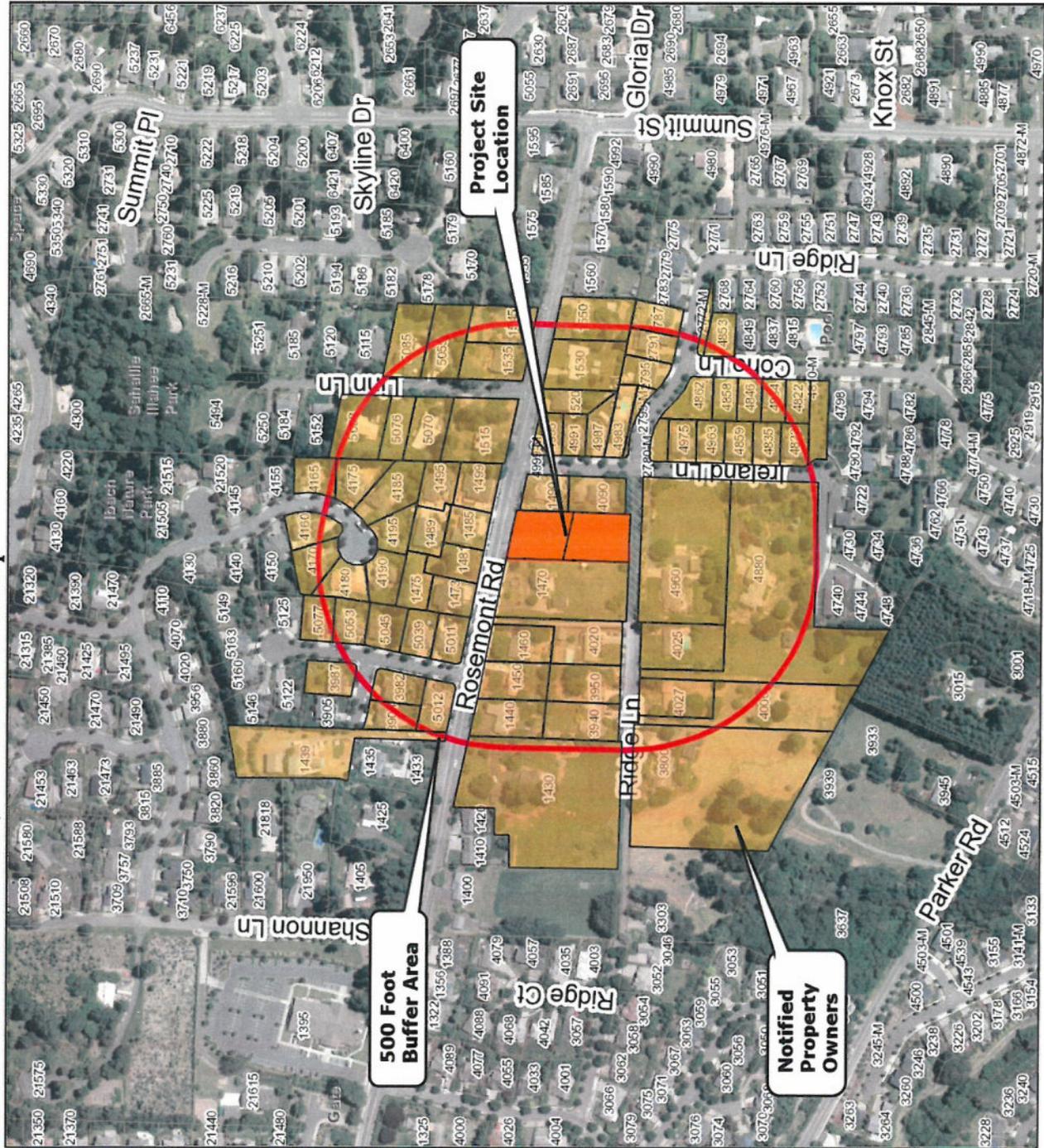
Annexations go through a two-step hearing process. Step one is a land use decision. The Council determines whether the proposed annexation is consistent with the intent of the West Linn Comprehensive Plan and CDC Chapter 81. The Council will assign a zone for the property. At the conclusion of step one, the Council may, in its discretion: 1) decide to set a public hearing for the annexation request (step two), 2) delay a public hearing on the requested annexation or 3) pass a resolution placing the annexation request on a ballot for an advisory vote.

Step two review for annexation proposals is a policy decision that applies the standards of WLMC 2.930. Both Step 1 and Step 2 can occur on the same night.

The annexation application is available for inspection at City Hall or via the web site at <https://westlinnoregon.gov/planning/1480-rosemont-road-annexation-93-acres>. Copies of the annexation application can be obtained for a minimal charge per page. At least 15 days prior to the City Council meeting, a copy of the staff report will be available for inspection at no cost. For further information, please contact Darren Wyss at 503-742-6064 or at dwyss@westlinnoregon.gov

Failure to raise an issue in person or by letter at some point prior to the close of the meeting, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the appellant body with jurisdiction based on that issue.

1480 Rosemont Road, Public Notice Map



Map created by: DWYSS
Date Created: 14-Aug-19 04:54 PM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.



**NOTICE OF UPCOMING
CITY COUNCIL DECISION**

**PROJECT # ANX-19-01
MAIL: 8/16/2019 TIDINGS: 8/29/2019 and 9/5/2019**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.



CITY OF
**West
Linn**

City Council

1480 Rosemont Road Annexation

Public Hearing: ANX-19-01

September 9, 2019



Decision Before the City Council

Annexation is Two-Step Process

- Step 1 (Ordinance 1700)
 - Quasi-Judicial Decision
 - City Zoning Designation
 - Petitioners Requested R-10
 - Staff Recommends R-10
- Step 2 (Ordinance 1701)
 - Policy/Legislative Decision
 - Advisory Vote Decision
 - Public Hearing Tonight vs. Later Date
 - Approve/Deny Annexation Petition

To the Council of the City of West Linn, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location and give consent to, annexation of said property to the City of West Linn. We understand that the City will review this request in accordance with ORS Chapter 222, and applicable regional and local policies prior to approving or denying the request for annexation.

Signature	Printed Name	I am a			Address	Property Description			Date
		PO	RV	OV		Township/Section	Map	Tax Lot	
<i>Ralph Hanson</i>	Ralph Hanson	X			1480 Rainier rd West Linn, OR 97148	21623CA		1400	1/25/19
<i>Shirley Hanson</i>	Shirley Hanson	X			1480 Rainier rd West Linn, OR 97148	" "		1400	1/25/19
<i>Ashley Rhea</i>	Ashley Rhea	X			1480 Lexington rd West Linn, OR 97148			1300	4/8/19
<i>Joey Rhea</i>	Joey Rhea	X			1480 Lexington rd West Linn, OR 97148			1300	4/8/19

PO Property Owner
 RV Registered Voter
 OV Property Owner & Registered Voter

A legal description of the property must be submitted with this petition

City Council Agenda Packet



- 🍃 Agenda Bill
 - Background Information
- 🍃 Attachments
 - Step 1: Proposed Zoning Designation (ORD 1700)
 - Step 2: Proposed Annexation Approval (ORD 1701)
 - Staff Report
 - Applicable Criteria/Findings
 - Applicant Annexation Petition/Materials
 - Completeness Letter
 - Affidavit of Notice
 - Public Comment

	
STAFF REPORT FOR THE CITY COUNCIL	
FILE NUMBER:	ANX-19-01
HEARING DATE:	September 9, 2019
REQUEST:	Annexation of 0.93 acres at 1480 Rosemont Road
APPROVAL CRITERIA:	Community Development Code (CDC) Chapter 81, West Linn Municipal Code (WLMC) 2.920-2.930 and Metro Code 3.09.
STAFF REPORT PREPARED BY:	Darren Wyss, Associate Planner
Planning Manager Initials <i>DR</i>	
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Property Location and Details

- ✦ Taxlot 1300 (Assessor Map 2S 1E 25CA)
 - 0.45 Acres
 - Existing Single-Family Home
 - City Sewer/Water Service
 - Petitioners
 - Ashley and Jerry Rhea
- ✦ Taxlot 1400 (Assessor Map 2S 1E 25CA)
 - 0.48 Acres
 - Currently Vacant
 - Potential for 2 New Single-Family Homes
 - Petitioners
 - Shirley and Ralph Hanson (former owners of Taxlot 1300)





Property Location and Details





Property Location and Details

- Taxlot 1300 (Assessor Map 2S 1E 25CA)
 - West Linn Comp Plan Designation
 - *Low Density Residential*
 - Current Zoning
 - Clackamas County FU-10
 - Requested Zoning
 - R-10: Single-Family Residential Detached

- Taxlot 1400 (Assessor Map 2S 1E 25CA)
 - West Linn Comp Plan Designation
 - *Low Density Residential*
 - Current Zoning
 - Clackamas County FU-10
 - Requested Zoning
 - R-10: Single-Family Residential Detached





Compliance with West Linn Resolution No. 06-09

2005 Conditions



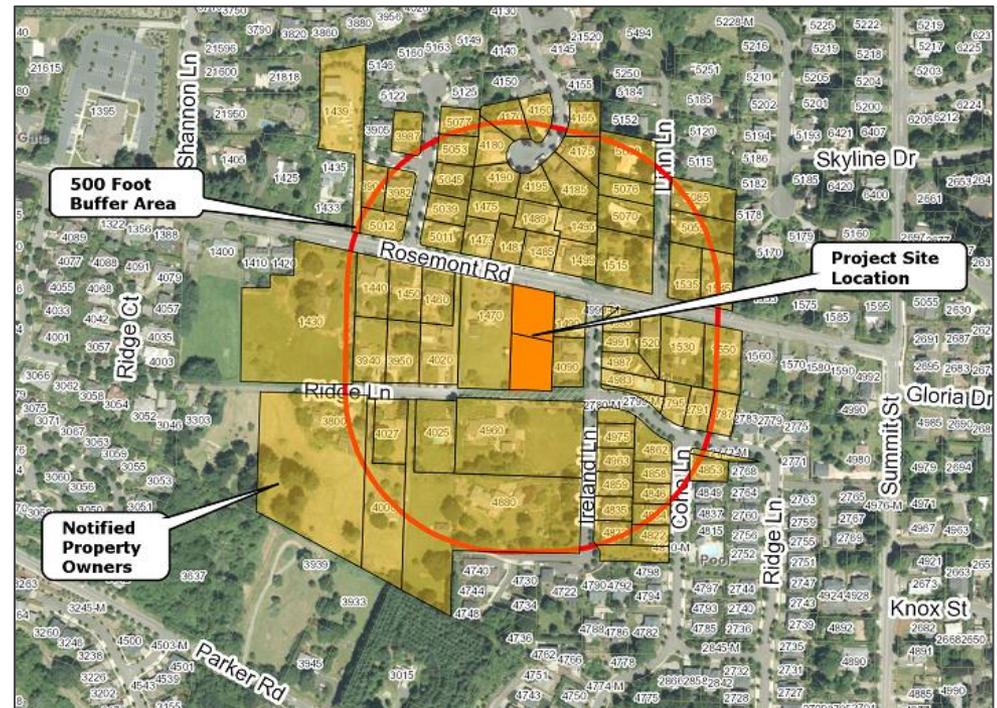
2017 Conditions



ANX-19-01 Public Notice



- Property Owners within 500 feet
- West Linn Tidings (8/29 & 9/5)
- All Neighborhood Associations
- All Necessary Parties
 - WLWV School District
 - Clackamas County
 - Metro
 - Department of Revenue
 - Utility Providers
 - DLCD



ANX-19-01 Staff Recommendation



Step 1: Land Use Decision

- Staff recommends the Council approve the land use application for annexation with R-10 zoning designation.

Step 2: Policy Decision

- Staff recommends the Council approve the annexation petition, without an advisory vote consistent with recent Council decisions on small island annexations, and bring the two properties into both the West Linn City Limits and the Tri-City Service District, and withdraw the two properties from the Clackamas County Enhanced Law Enforcement District.





QUESTIONS OF STAFF?

ORDINANCE NO. 1700

**AN ORDINANCE ESTABLISHING THE ZONING DESIGNATION AS R-10
UPON ANNEXATION OF TAXLOTS 1300 AND 1400, CLACKAMAS COUNTY ASSESSOR MAP 2S 1E 25CA**

WHEREAS, the 0.93 acres of real property in Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1e 25CA ("Property"), and further described in Exhibit A, which is attached and incorporated by this reference, are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn; and

WHEREAS, the Applicants sought annexation of the Property into West Linn, Oregon, with a designation of R-10; and

WHEREAS, the West Linn Comprehensive Plan contemplates the annexation of the Property and designates it as low density residential; and

WHEREAS, the West Linn City Council conducted a public hearing to consider the land use issues associated with preparing the property for annexation; and

WHEREAS, the addition of property to the City requires modifying the Zoning Map, which must be done by ordinance; and

WHEREAS, the City Council may choose not to annex the Property during Step 2, the policy decision regarding the proposed annexation, negating the need for this Ordinance to become effective.

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

SECTION 1. Zoning designation and map amendment. The Property shall be zoned R-10, Single-Family Residential Detached. The Zoning Map shall be amended to include the Property within the City limits and depict the Property with an R-10 zoning designation, as shown on Exhibit B, which is attached and incorporated by this reference.

SECTION 2. Effective Date. This ordinance shall only take effect on the 30th day after the passage of Ordinance (step 2) 1701 approving the annexation of the Property.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of September, 2019, and duly PASSED and ADOPTED this _____ day of _____, 2019.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A
ORDINANCE NO. 1700

Annexation Description

LEGAL DESCRIPTION

PROPERTY DESCRIPTION: Tax Lots 1300 & 1400 – 21E25CA

Date: January 28, 2019

Annexation

FOR USE ON LEGAL INSTRUMENT

EXHIBIT "A"

A tract of land situated in the Southwest one-quarter of Section 25, Township 2 South, Range 1 East of the Willamette Meridian, Clackamas County, Oregon, being a part of Lots 34 and 35, "Shannon Acre Tracts, being more particularly described as follows:

Beginning at the northeast corner of that certain tract of land conveyed to Ralph A. Hanson and Shirley A. Hanson, trustees of the Ralph A. Hanson and Shirley A. Hanson Trust as recorded in Fee No. 2000-054801, Clackamas County deed records, said northeast corner being on the southerly right of way line of Rosemont Road; thence leaving said southerly right of way line, South 00°04'18" East along the westerly line of Partition Plat No. 2000-063, Clackamas County Plat records, a distance of 302.01 feet to the southeast corner of that certain tract of land conveyed to Ralph A. Hanson and Shirley A. Hanson, trustees of the Ralph A. Hanson and Shirley A. Hanson Trust as recorded in Fee No. 2000-054802, Clackamas County deed records, said southeast corner being on the northerly right of way line of Ridge Lane; thence South 89°42'20" West along said northerly right of way line, a distance of 129.60 feet to the southwest corner of said Hanson tract; thence leaving the northerly right of way line of Ridge Lane, North 00°08'06" East along the westerly line of said Hanson tracts, a distance of 324.53 feet to the southerly right of way line of said Rosemont Road; thence South 80°20'31" East along said right of way line, a distance of 130.30 feet to the Point of Beginning.

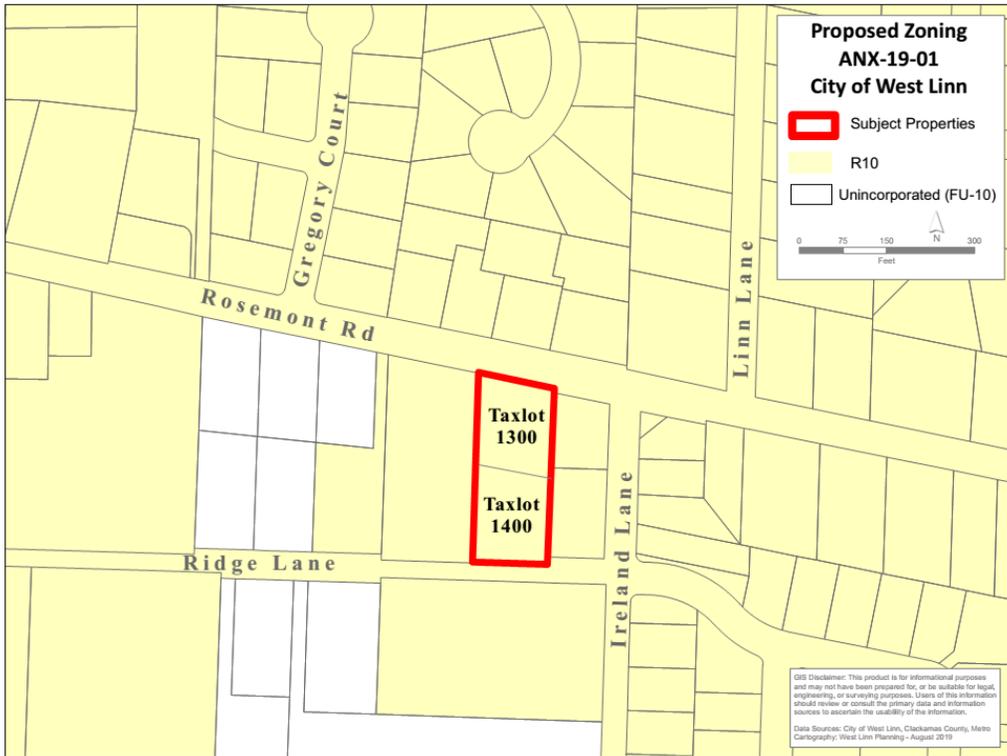
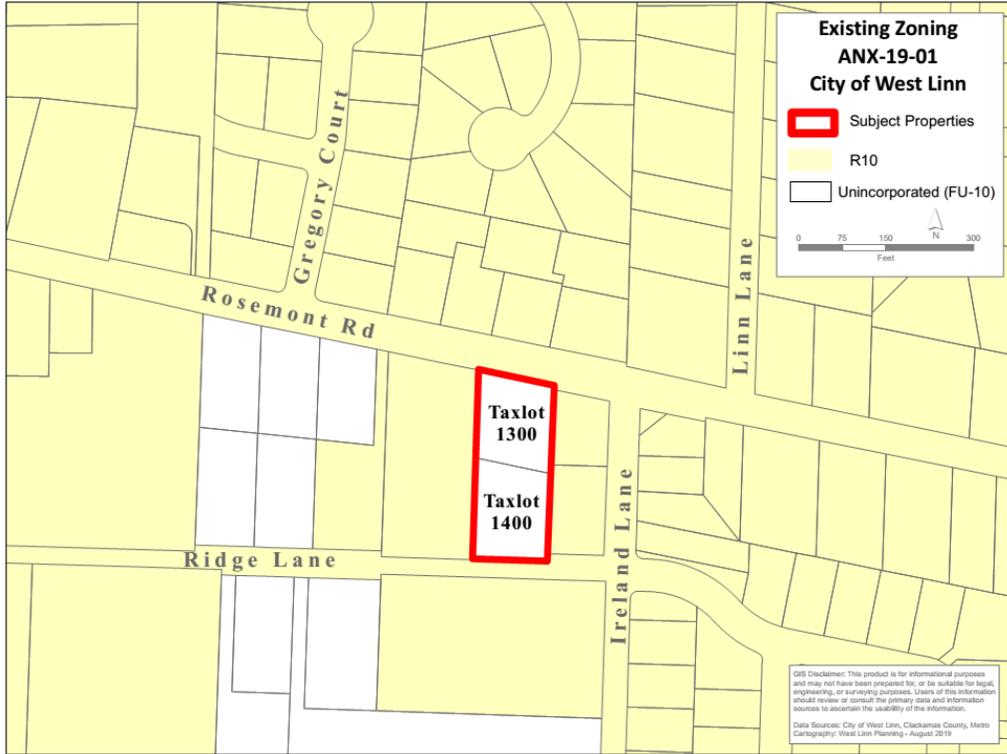
Containing 40,423 square feet, more or less.



EXPIRES: 6/30/20



EXHIBIT B
ORDINANCE NO. 1700



ORDINANCE NO. 1701

AN ORDINANCE APPROVING THE ANNEXATION OF REAL PROPERTY LOCATED IN TAXLOTS 1300 AND 1400, CLACKAMAS COUNTY ASSESSOR MAP 2S 1E 25CA; REMOVING THE PROPERTY FROM SPECIAL DISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS

WHEREAS, the 0.93 acres of real property in Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1e 25CA ("Property") are located within the Metro Urban Growth Boundary and are eligible for annexation into the City of West Linn; and

WHEREAS, the Applicants sought annexation of the Property into West Linn, Oregon, with a designation of R-10; and

WHEREAS, Ordinance 1700 establishes a Property zoning designation of R-10, Single-Family Residential Detached and amends the Zoning Map upon passage of this Ordinance; and

WHEREAS, the City of West Linn public facility plans anticipate annexation of this area and can accommodate serving the Property;

WHEREAS, the West Linn City Council approved Step 1, the land use decision relating to annexation and zoning of the real property; and

WHEREAS, the West Linn City Council approved Step 2, the policy decision relating to an annexation of the Property; and

WHEREAS, annexation of the Property into the City will allow it to be served by the Tri-City Service District, which provides sewer service to all properties connected to the public sewer system in the City; and

WHEREAS, annexation of the Property into the City will result in the West Linn Police Department providing law enforcement services, eliminating the need for Clackamas County Enhanced Law Enforcement District to serve the Property.

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

SECTION 1. Annexation. The City approves the annexation of Taxlots 1300 and 1400, Clackamas County Assessor Map 2S 1e 25CA ("Property") and further described in Exhibit A, which is attached and incorporated by this reference.

SECTION 2. Annexation to Tri-City Service District. The City requests and approves of the annexation of the Property into the Tri-City Service District.

SECTION 3. Removal from Law Enforcement District. The City requests and approves of the removal of the Property from the Clackamas County Enhanced Law Enforcement District.

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

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

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 9th day of September, 2019, and duly PASSED and ADOPTED this _____ day of _____, 2019.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A
ORDINANCE NO. 1701

Annexation Description

LEGAL DESCRIPTION

PROPERTY DESCRIPTION: Tax Lots 1300 & 1400 – 21E25CA

Date: January 28, 2019

Annexation

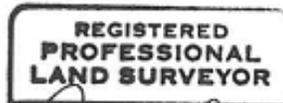
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Containing 40,423 square feet, more or less.



EXPIRES: 6/30/20



West Linn Project Tracking List

	A	B	C	D	E	F	G	H
1	Eileen	Project/Department	Description of Task	Deadline	Assigned to	Status	Contact	Notes
2	Immediate Priority							
3	2/10/2019	Towing Contracts	Review process for adding additional towing company to provide service in city.		Bill Monahan	Drafted Agreement and Statement of Qualifications, meet with Peter Mahuna this week.	Terry Kruger	Last update 9/9/19
4	4/3/2019	19145 View Drive	Negotiate driveway contract, draft contract for Matton Excavation, negotiate deposit/estimate.		Tim Ramis	Active	Morgan Coffie, Lance Calvert	Tim to prepare letter to their attorney.
5		Bialostosky Public Records Litigation	Executive Session		Tim Ramis	Ongoing	Eileen Stein	Possible appeal to Court of Appeals
6		Gassack Litigation	Collections, judgement issued		Tim Ramis, Chris Dolan	Ongoing	??	
7		Council Goals	Develop process for examining sexual harassment claims.		Tim Ramis	Discuss with Matthew 8/26/19.	City Council	
8	7/25/2019	Bartholomew Records Request	Request for copy of 4/1/19 executive session recording.		Tim Ramis, Kelly Burgess, Chris Dolan	Request denied 8/7/19. Appeal to DA filed, response to appeal 8/20/19. DA denied appeal 8/28/19. Draft press release email 9/4/19.	Eileen Stein	
9	8/7/2019	Audit Committee Agenda and Minutes	Is Audit Committee subject to public records law?		Tim Ramis, Kelly Burgess	Advised yes and replied city manager's suggestions would be compliant.	Eileen Stein	Last update 8/15/19
10	8/14/2019	September Agenda Priorities	ORD Council Code of Conduct		Tim Ramis, Bill Monahan	Pending, attorney to attend executive session and possible work session.	Eileen Stein	
11	8/14/2019	September Agenda Priorities	Council Records Retention Policy		Tim Ramis	Pending	Eileen Stein	
12	8/20/2019	Neighborhood Associations and D&O Coverage	Are neighborhood associations agents of city and covered by city insurances?		Tim Ramis	Tim to prepare brief presentation and review with staff at meeting.	Eileen Stein	Last update 8/22/19
13	8/22/2019	TIA Weatherhill Neighborhood	Is PC asking city to undertake traffic impact study or opinion from public works?		Bill Monahan, Matthew Kahl	Meet with staff to advise on PC questions.	Eileen Stein, Lance Calvert	Last update 8/26/19
14	8/26/2019	Email System Security Addition	Okay to implement footer message in email as cyber security measure?		Tim Ramis, Matthew Kahl	Pending	Shane Boyle	Assigned to Matthew 8/26/19
15	8/26/2019	Potential Purchase WES Property	Review draft report and attachments to provide recommendation to Council.		Tim Ramis	Pending	John Williams Eileen Stein	
16	8/27/2019	Sam Workman CIS Claim	Automobile drove through crack sealing project.		Tim Ramis	Pending	Kathy Mollusky	Suzan Hoyt CIS Claims Specialist 503-763-3877
17	9/4/2019	Percentage for Arts, Public Utility / Transportation Projects	Concern regarding Council discussion on proposed changes to percentage for arts code update. Utility/Transportation only allows public art installations when connected to operation of system.		Tim Ramis	Pending	Lance Calvert	
18	9/5/2019	August Invoice Discrepancy	Review invoice and adjust if necessary.		Tim Ramis, Kelly Burgess	City did not receive invoice for Biolostosky matter, we need to write of \$203.50 for attendance at July Department Head meeting.	Lauren Breithaupt	9/9/18 emailed Lauren findings, requested updated invoice from accounting.
19								
20								
21	Ongoing / Specified Due Date							
22	3/7/2019	ROW Management / Small Cell	Review email from Shane Boyle, monitor code changes.		Bill Monahan	Agreement with Reba. Waiting for Shane to respond.	Shane Boyle	Standby
23		Mclmetro (Verizon) Franchise	Franchise approval		Bill Monahan	Dan Olsen drafted acceptance, Bill attended meeting w/Shane.	Kathy Mollusky	Updated 6/10, council to approve.
24	4/4/2019	Gramor / Post Office Property	Temporary stay demand?		Tim Ramis		Russ Axelrod John Williams	

West Linn Project Tracking List

	A	B	C	D	E	F	G	H
1	Eileen	Project/Department	Description of Task	Deadline	Assigned to	Status	Contact	Notes
25		Personal Service Agreement	Rework 2012 PSA		Bill Monahan	Sent revisions to John 5/24/19.	Kathy Mollusky	Standby
26	8/1/2019	Public Works - Street Seats/Sidewalk Café	HHPR to assist in program/policy development. Businesses using ROW without permit for dining, seating, etc.	Multiple phases	Bill Monahan	Pending	Amy Pepper	First draft of materials due end of Sept. WLMC revisions due Nov.
27								
28								
29	Longterm							
30	3/8/2019	Code Changes Chapters 98 & 100, possibly 105	Review code, CDC, plan changes to confirm if on track.		Tim Ramis, Matthew Kahl	Matthew working with John.	John Boyd	Last update 7/24/19
31	5/23/2019	NW Natural Franchise	Review/approve updated franchise agreement.		Bill Monahan, Matthew Kahl	Pending	Morgan Coffie	
32	8/19/2019	Sanitary Sewer Master Plan	Revised language associated with comp plan amendment for Sanitary Sewer Master Plan.		Tim Ramis	John Boyd drafting ordinance for legal review.	Amy Pepper	Last update 8/26/19
33	9/9/2019	I-205 Regulatory Framework	Develop process for permitting, etc.		Tim Ramis	Pending	John Williams Lance Calvert	
34								
35								
36	Consider Revised Schedule							
37	3/3/2019	Bolton Fire Hall Use	Renewed interest by daycare.		Tim Ramis	Haven't heard anything for sometime, deadlines for commencing expenditures. Follow up.	Eileen Stein	Dan Olsen updated status 6/24/19
38		Public Works Contracts	Respond to insurance limits, tort claim limits, CIS input.		Bill Monahan	Responded to Lance asking questions, waiting for response.	Lance Calvert	Standby
39		Springcrest Townhouses	Easement dedication		Bill Monahan	Lance to set up survey.	Morgan Coffie, Lance Calvert	Standby
40		Pump Station Contract	Respond to contractor's comments.		Tim Ramis	Listed on prior tracking but cannot find any notations or emails relating.	Morgan Coffie	??
41								

2019 Completed Projects - West Linn

	A	B	C	D	E	F	G	H
1	Date	Project	Task	Deadline	Assigned to	Status	Contact	Notes
2	4/3/2019	EcoNW Contract	Revise proposal for UR study.		Tim Ramis	John to provide final for Tim to sign.	John Williams	
3	4/3/2019	PRR - 1st Quarter	Review list for privileged/redaction		Tim Ramis		Kathy Mollusky	
4	4/8/2019	COI	Contract / liability insurance requirement question.		Tim Ramis		Morgan Coffie	Completed 4/19/19
5	4/18/2019	Drone Regulation	Prepare summary memorandum.		Armand Resto-Spotts		Terry Kruger	
6	3/18/2019	Kantara Way Easements	Assist with easements in a private ROW.		Dan Olsen	Drafted easements, staff working w/property owners.	Amy Pepper	Completed 5/21/19
7		Contract Templates	Simplify approval process		Bill Monahan		John Williams	Completed 5/24/19
8		I-205 LUCS Response	Review LUBA case, clarify comments when LUCs signed.		Tim Ramis		John Boyd	Completed 5/9/19
9	4/23/2019	Marylhurst School	Letter of credit, question on conditional extension and assumption of risk.		Tim Ramis	Conferred w/John Boyd 5/21/19.	John Williams	Completed
10	5/2/2019	Savanna Trail Request	Easement question		Tim Ramis	Replied via email to Eileen 5/6/19, questions.	Eileen Stein	Completed
11	5/9/2019	I-205 LUCs Response	Review LUBA case and clarification of comments.		Tim Ramis		John Boyd	Completed
12	5/29/2019	Ord 1595	Transferred dog licensing to county, does remainder of WLMC regarding dogs need to be transferred or repealed?		Matthew Kahl	Emailed proposed ordinance to repeal WLMC, suggested revisions to section 5.275 on 7/12/19. Chief Kruger replied w/edits 7/22/19.	Peggy Jones, Cole Bateman	Completed 7/25/19
13		Camera Additions	Contract review		Tim Ramis, Bill Monahan	Contract reviewed, advised.	Shane Boyle	Completed 6/11/19
14		Architectural Services Agreement	Review draft architectural services agreement with Iselin against draft/standard template.		Bill Monahan	Reviewed insurance coverage against recommended limits, emailed comments, edits and suggestions.	Ken Worcester	Completed 6/12/19
15		Symposium on Digital Transformation	Legal opinion on free offer to attend symposium.		Bill Monahan	Reviewed and advised.	Shane Boyle	Completed 6/17/19
16		SHI Contract	Review SHI contract for IT		Bill Monahan	Reviewed and suggested changes.	Shane Boyle	Completed 6/19/19
17	6/18/2019	Sidewalk Café HHRP	Review professional service contract for review of programs, possible amendment to code.		Bill Monahan	Responded via email with concerns.	Morgan Coffie	Completed 6/23/19
18	6/18/2019	Resolution for 7/8 Meeting	Review proposed resolution to adopt transportation SDC fees.		Tim Ramis	Responded via email with edits.	Morgan Coffie	Completed 6/20/19
19		Press Statement	Prepare statement RE Teri Cummings PRR litigation		Tim Ramis		City Council	
20	6/18/2019	Public Records Request	Review Kathy's response to Karie Oakes PRR regarding 1/21/19 email to Mayor & City Manager RE OGEC policy.		Tim Ramis, Kelly Burgess	Replied to Kathy, response okay to send.	Kathy Mollusky	Completed 6/18/19
21	7/2/2019	Hyas Group Contract	Review contract, confirm okay for city manager to sign.		Tim Ramis	Replied suggesting memo regarding findings, meet during office hours to discuss findings.	Elissa Preston	Completed 7/15/19

2019 Completed Projects - West Linn

	A	B	C	D	E	F	G	H
1	Date	Project	Task	Deadline	Assigned to	Status	Contact	Notes
22	7/8/2019	Ballot Title	Write explanatory statement regarding ambiguity of reinstating (8)(f).	7/15/19	Tim Ramis, Kelly Burgess	Drafting Explanatory Statement	City Council	Ballot title and resolution drafted 7/8
23	7/9/2019	RFP and Plan Design for 457 Deferred Comp.	Review contracts, forms and agreements.	7/23/2019	Tim Ramis, Bill Monahan		Elissa Preston	Completed 7/23/19
24	7/10/2019	Review Photography Notice	Review sign to post when events are being photographed/recorded.		Tim Ramis		Dylan Digby	Completed 7/18/19
25	7/22/2019	Surface Water Master Plan	Legal opinion whether project qualifies as utility or parks project, daylighting storm pipe along Tannler.	8/7/2019	Tim Ramis	Will meet 8/5/19 to discuss.	Amy Pepper, Lance Calvert	Completed 8/5/19
26	7/23/2019	PERS Legislation Changes	Confirm endorsement to continue work with Peck Rubanoff & Hatfield.		Tim Ramis	Replied yes, keep working with Peck firm on this issue.	Elissa Preston	Completed 8/6/19
27	7/24/2019	ORD 1694 Parks CDC Changes	Legal review of CDC Chapter 2 to align with Master Plan.		Bill Monahan	Approved revised language.	Ken Warner	Completed 7/24/19
28	7/24/2019	Robinwood Park Easement	Review for adverse possession of public property as it pertains to easement.		Bill Monahan	Replied via email for city ot send letter to property owner.	Ken Warner	Completed 7/24/19
29	7/24/2019	Mary S. Young Park field turf drainage	Review requested items, contract modification if appropriate.		Bill Monahan	Reviewed and emailed comments.	Ken Warner	Completed 7/25/19
30	7/30/2019	GO Bond Projects	Calculate percentage to capitalize Public Art Trust Fund.		Bill Monahan	Prepared draft revisions and emailed 7/30, attend Art & Culture	Doug Erickson, Lauren Breithaupt	Completed 8/7/19
31	6/11/2019	LCRB Rules	Review memo to Mayor and proposed changes.		Bill Monahan	No need to modify at this time, look again next time Legislature modifies statue related to public purchasing.	Kathy Mollusky	Completed 8/21/19
32	8/6/2019	Public Records Request	Gavrish, requesting records of properties with open code violations and properties with water and electricity shut off for non payment.		Tim Ramis, Kelly Burgess	Records not disclosed due to personal privacy exemption.	Kathy Mollusky	Completed 8/7/19
33	8/7/2019	Public Records Request	3166 Winkel Way - request for plans submitted for review.		Tim Ramis, Kelly Burgess	Okay to release but note plans are being reviewed and not final.	Kathy Mollusky	Completed 8/12/19
34	8/20/2019	T-Mobile Consent Request	Review paperwork regarding equipment on Rosemont Water Reservoir.		Bill Monahan	Replied with comments and concerns via email 8/23/19.	Amy Pepper	Completed 8/23/19
35	8/22/2019	22844 Weatherhill	Answer questions RE contractor, issue temp certificate of occupancy?		Bill Monahan	Contract reviewed, advised.	Erich Lais, Jim Clark	Completed 8/23/19
36	7/24/2019	Business & Travel Expense Policies	Review policies to insure IRS guidelines are covered.		Tim Ramis, Matthew Kahl	Memo, clean and redline versions sent 8/27/19.	Lauren Breithaupt	Completed 8/27/19
37		Locating Services	Can the city purchase locating services through the City of Tigard with contract and Tigard's RFP?		Tim Ramis, Matthew Kahl	Memo and PSA prepared and emailed 8/27/19.	Morgan Coffie	Completed 8/27/19
38	9/4/2019	Endorsement Question	Councilor Walters asked if appropriate to endorse WLWVSD's upcoming ballot measures.		Tim Ramis	Responded yes, but cannot say speaking on behalf of council or city or use city staff or supplies to prepare endorsement.	Julianna Walters	Completed 9/4/19
39	9/5/2019	ORD 1695 Comp Plan Changes	Review revisions based upon Council feedback.		Tim Ramis	Reviewed and email back suggestion regarding Section G(1) 9/5/19.	Amy Pepper	Completed 9/5/19