



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

WEST LINN CITY COUNCIL MEETING NOTES October 14, 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, City Recorder Kathy Mollusky, City Attorney Tim Ramis, Parks & Recreation Director Ken Worcester, Assistant Parks & Recreation Director Ken Warner, and Police Captain Peter Mahuha.

[Approval of Agenda](#)

Council President Teri Cummings moved to approve the agenda for the October 14, 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 \[20 min\]](#)

Russel Williams was frustrated trying to get the permits he needed for his project from the City.

Mary Hill stated that the fire stations were not intended to be community centers; however, they have been used as such and are a vital part of the community.

Alice Richmond is going to vote no on measures 3-554 and 3-552. She expressed concern about Council having so many lawsuits against them because citizens have to pay for them.

Mary Baumgardner read a statement regarding Indigenous People from the climate website. She asked Council to continue to consult with the native people when they make decisions.

Randall Fastabend gave the history of the community garden and classes at Robinwood Station. On October 29, he is meeting with Todd Islan, architect, and City staff regarding the vision and remodeling of Robinwood Station.

[Announcements, Proclamations, and Recognitions](#)

[West Linn-Oregon City Rivalry Day Proclamation](#)

[Proclamation](#)

Mayor Axelrod read the proclamation.

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

[Agenda Bill 2019-10-14-01: Approve Draft Notes for September 9, 2019](#)

[Draft Notes Information](#)

Council President Teri Cummings moved to approve the Consent Agenda for the October 14, 2019, West Linn City Council Meeting, which includes the meeting notes for September 9, 2019. 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

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

[Agenda Bill 2019-10-14-02: Public Hearing \(continued from 8/5/19\): Parks Master Plan Adoption](#)

[Agenda Bill](#)

[Master Plan](#)

[Parks Master Plan Edits Email \(*added 10/10/19\)](#)

City Attorney Ramis explained how the hearing would proceed. 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 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 wished 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.

Assistant Parks and Recreation Director Warner gave the staff report explaining the word revisions discussed in the pre-meeting.

To Ordinance 1993, the Comprehensive Plan, Policy 5:

(1) the second whereas statement, insert "discussions at Planning Commission" in addition to the Parks and Recreation Advisory Board.

(2) wording change from "but not limited to" after "such as"

(3) replace "tennis" with "tennis and pickle ball"

(4) replace "swimming pool" with "aquatics."

Under Policy 7, replace "city-owned land" with "city-owned parks and open spaces"

To Ordinance 1694, the second whereas statement, insert "discussions at Planning Commission" in addition to the Parks and Recreation Advisory Board.

In the Master Plan, Appendix D, Page D3, fifth bullet delete the sentence "not suitable for programmed recreation". The paragraph reads, "The City also owns three other small properties with buildings that provide, or can support small-scale community service. However, they are not suitable for larger scaled programmed recreation, and are not managed for such recreational use. These include: Robinwood Station, Bolton Station, and the Old City Hall. Robinwood Station functions as a community resource center operated by a non-profit, Friends of Robinwood Station or FORS. The Bolton Station provides storage for certain City and Parks and Recreation equipment and is being evaluated for future potential uses and opportunities. The old City Hall is not currently used, but is in the planning phase of a proposed new regional tourism and heritage cultural center being managed by a non-profit Willamette Falls and Landings Heritage Area Coalition."

Page D6, last bullet. Council discussed "may" or "shall" require an advisory vote.

Public Comment

Peggy Kirkendall read a definition of recreation and asked that large scale recreation be defined. She believes the Bolton Fire Station can accommodate 150 people and even though the fire station was not built as recreational center, it is perfect for a community center. She discussed different types of recreation.

Karie Oakes testified last month about the notice that stated the Planning Commission was making a decision. This time notice took out planning, but it did not take out commission. It is still is confusing. Staff agreed to update the website; however, it has not been updated. It needs to show the Parks and Recreation Advisory Board and Council meetings. Council tentatively approved this project last month; however, tonight there are quite a few more revisions. Other ordinances state the dates of the meetings and what was decided. This is a record for people to understand the process and why the amendments were made. Council needs to include "shall" require an advisory vote as future Councils and staff may look at this as something to achieve, to plan for a pool where it is not supported.

Questions of Staff

Mayor Axelrod stated there is a request to put in more detail. He asked if the Plan has a record of all the hearings.

Assistant Parks and Recreation Director Warner stated it does not list all the steps in the process.

Councilor Relyea stated that there are three terms: (1) community resource centers, (2) community resource opportunities, and (3) indoor recreation facilities. This paragraph does not read very well and he does not think it is understood.

Mayor Axelrod explained these were added by the Planning Commission to recognize these other centers. Clarification was needed to recognize the value of these community centers as different from the traditional, larger scale, recreation center that is described in the broader plan. They all have varied uses, recreational or other community service. The language was revised to provide clarity on the status of the buildings and their current use. It is not intended to go into details, just acknowledge these other facilities and their importance to the community.

Councilor Relyea suggests Robinwood functions as a community resource center operated by a non-profit and the latter two are community resource facilities that have the opportunity to become recreational facilities.

Councilor Walters stated that this is an example of what happens when four different groups

spend over a year nitpicking at the wording, you end up with word soup. This wording is very clear and this is such a small part of the Plan, Council is being very myopic. Everyone's voice was heard and Council was inclusive with the language put into the document. She would like to move forward with what we have.

Mayor Axelrod wants to get this done, not rewrite the whole thing. He read the paragraph for Appendix D3 with all the changes and explained his reasoning: "The City also owns three other small properties with buildings that provide, or can support small-scale community services. However, they are not suitable for larger-scale programmed recreation, and are not managed for such recreational use. These include: Robinwood Station, Bolton Station and the Old City Hall. Robinwood Station functions as a community resource center operated by a non-profit (Friends of Robinwood Station or FORS). The Bolton Station provides storage for certain City and Parks & Recreation equipment, and is being evaluated for future potential uses and opportunities. The Old City Hall is also not currently used, but is in the planning phase as a proposed new regional Tourism and Heritage Cultural Center to be managed by a non-profit (Willamette Falls & Landings Heritage Area Coalition)."

Councilor Relyea stated that this language is fine, he is concerned with the other language.

Council President Cummings added that the Bolton Station provides storage for certain City and Parks and Recreation equipment, "in addition to storage for non-profits".

Mayor Axelrod stated that the Bolton Station provides storage for certain City, "non-profit" and Parks and Recreation equipment, and is being evaluated for future potential uses "and opportunities." Remove the "/" between uses/opportunities.

Council concurred with the paragraph.

Mayor Axelrod stated the other change is to make the advisory vote that is now a "may" to be required. He does not think the Master Plan should require an action of the City. If the community wants to do it in the future, they can decide whether to do a vote or not.

Councilor Sakelik recommended changing it from "may" to "shall" because he thinks it should be a definite.

Council President Cummings added the 2004 advisory vote about if the citizens wanted to construct and operate a community aquatic center to the record. She supports the word "shall".

[2004 Notice of Measure](#)

Mayor Axelrod asked if the word "shall" is in the document, does it require the City to do it?

City Attorney Ramis stated if the Plan calls for it, there is an obligation to follow it. A future

Council could amend the Plan to take that requirement out or modify it.

Councilor Relyea stated there are two sides to this, one side by a majority surveyed would like to have an aquatic center; however, no one wants to pay for it. The only way to address this dynamic would be by a vote of the people so he is in favor of the word "shall".

Councilor Walters stated an aquatic center cannot be built without voting on it because the City does not have the money to do it.

Council President Cummings agrees there will have to be a vote for a bond. In order to have a plan, know what property is going to be used, how it is going to be maintained and so forth, costs many thousands of dollars. This is about is there a strong interest to spend the funds on that. She asked staff how much the 2013 ballot measure cost for the aquatic center, the process for the plan and everything.

Assistant Parks and Recreation Director Warner stated the cost for the plan was around \$25,000, for the study to get to the point of going for a vote.

Council President Cummings heard coming out of the vote that there was not a plan.

Parks and Recreation Director Worcester stated the City did not have a management plan for the pool. Council was coerced into putting it on the ballot prematurely, against staff recommendation.

Councilor Walters stated at the last meeting, Council talked about Parks Master Plan and the Storm Master Plan. Council did not discuss details of the Storm Master Plan. No one commented on a word or phrase or asked for a vote for any capital outlay. She does not understand why Council is hammering this Parks Master Plan. She would like to pass it. It has great things for the City, it has been well vetted and everyone is excited about it except a few people in this room. Other master plans have gone through without this level of scrutiny.

Councilor Sakelik stated besides the dollar cost for the plan, there is a lot of staff and planning time. He also wants to move on.

Mayor Axelrod likes language that gives the option to the City, community, and Council to go in whatever direction they want to go, without having to modify the plan. He wonders when this required advisory vote is supposed to happen, it does not make clear where in the process it is supposed to be done. He agrees this plan is being nicked and dimed to death. In a broad based visionary plan, it should not be so specific. The community is capable of making this decision in the future. He wants to move on, he will not hold this plan up because of this; however, he disagrees with the approach.

Council President Cummings stated the idea of when is before embarking on an expensive, long process. She asked if he was more comfortable with the word "should".

Mayor Axelrod stated if it provides an option rather than a requirement, he prefers may. The history of this will come up, a pool run by City staff is not going to cover the costs. In the future, it is probably going to be a private or public-private partnership and he trust the community to make this decision.

City Attorney Ramis stated "should" is in-between "shall" and "may". It is not a requirement, it is short of being a requirement and leaves some discretion to the Council in the future.

Mayor Axelrod stated it "should consider" rather than "should require".

Councilor Sakelik stated there is consensus to move on, it is a visionary document that is not cast in concrete, he doubts this Council will have to deal with an aquatic center.

Councilor Walters disagreed that there is a consensus. Council is in the middle of a public hearing.

Councilor Relyea stated the plan says an investment of this scale would require more extensive planning process, this process is likely to be expensive. The reason people are asking for the word "shall" is that the City does not end up spending money on something that is not desired. The public needs to help Council make this decision, that is why he is in favor of the word "shall".

City Manager Stein asked if the Council and City are contemplating an aquatic center, there would be extensive planning process and Council would budget for a consultant. Where does the advisory vote fall in the process, before the budget is created or if Council approves the budget for an aquatic facility.

Councilor Relyea stated that Section F talks about facility development. It provides an action plan or phased approach. Perhaps there should have language here about where the advisory vote falls in the process.

Mayor Axelrod stated there are so many variables, Council does not need to get into the details here about the order of the process, leave it for the future.

Council President Cummings stated the concept of the advisory vote is to protect the budget from expending time and staff resources without knowing if the electorate is truly interested. A passionate group of people got it put on the ballot last time and it failed, there was not a strong understanding of the community interest.

Mayor Axelrod asked if Council has any questions on the ordinance changes. There was a request to include the Planning Commission meetings in both ordinances. This was the only change for Ordinance 1694. In Ordinance 1693, there is a reference to Policy 7, requesting

"city-owned land" be changed to "city-owned parks and open spaces". He thinks this policy should reflect on all city property, not just parks and open spaces, he suggests Council does not change the language.

Council President Cummings suggested this to avoid potential misunderstanding of noxious weeds on city-owned land because the City does not take care of the right-of-way.

Parks and Recreation Director Worcester stated that a lot of property is under the storm water fund, along trails, and the storm department maintains them. There are other open spaces that are not designated parks and open space, for example, all of the storm water facilities like the big pond on Salamo, a couple on Parker, and one along the trail in Cascade Summit.

Mayor Axelrod asked what about Bolton and Robinwood Stations. They are city-owned land where we would discourage noxious weeds. Is it better to leave it city-owned land, which is more inclusive? What if it just says reduce noxious weeds and vegetation?

Parks and Recreation Director Worcester stated they fall under Parks and Recreation. The right-of-way is city-owned, but we do not maintain some of them, for instance sidewalks; and Public Works maintains the center strips. These policy statements are in the Parks and Recreation Chapter in the Comprehensive Plan.

City Manager Stein clarified if Council is making changes to the Comprehensive Plan, then city-owned land is a broader term. The Comprehensive Plan takes into account all city-owned, parks, open space, right-of-way that the City controls.

Parks and Recreation Director Worcester added the Comprehensive Plan includes school properties, golf courses, cemeteries, etc. You would want to make it clear that it is city-owned.

Mayor Axelrod wants to use the broader term or keep it as reduce noxious weeds and vegetation. It would force schools to reduce noxious weeds and vegetation.

Parks and Recreation Director Worcester stated even if it is not city-owned, we would still enforce the maintenance of the right-of-way.

Mayor Axelrod asked if it would be ok to take out city-owned.

City Attorney Ramis stated that is acceptable as policy.

Councilor Relyea stated if it is in the Comprehensive Plan, it needs to be talked about in a broader perspective. If it is in the Parks and Recreation Plan, it should be what is under the purview of that department.

Mayor Axelrod asked about documenting the history of the process, can Council still approve this Plan and have staff put together some log or administrative record.

City Attorney Ramis stated that is Council's decision. If Council wants it to be part of the document, it will need to be drafted and incorporated into the document. If Council just wants it available, they could adopt the Plan and have staff complete the history later.

Mayor Axelrod wants staff to provide a summary for the record. He does not want to delay this Plan any longer.

Council President Cummings has lost track of the number of delays. She asked if it is appropriate to do as an addendum or appendix to the Plan.

City Attorney Ramis stated Council could do that. Council would have to come back and amend the Plan.

Council President Cummings asked if Ms. Oakes could come back up and clarify.

Ms. Oakes asked if the whereas statement in the ordinance could include the process that has taken place. That means the Planning Commission, Parks and Recreation Board, and Council meetings, including dates.

Council President Cummings stated they will not be able to accomplish this tonight if they take a break to add this. Could Council say refer to the appendix for the dates so person looking at it will know where to look.

City Manager Stein stated the ordinance for sanitary sewer approved last month had one whereas stating the Planning Commission held public hearings and recommended approved at their July 17 meeting.

Councilor Sakelik asked if Council can approve and amend the ordinance later.

City Attorney Ramis stated Council can tentatively adopt it subject to staff bringing back the amendment or Council could adopt tonight, continue the proceedings, and amend the ordinance at the meeting where it is continued to.

Councilor Relyea asked if the notice was adequate.

City Attorney Ramis stated standard puts someone on inquiry notice which is enough notice that someone could ask questions to find out more information. It does reference Council and puts someone on inquiry notice.

Mayor Axelrod closed the public hearing.

Councilor Richard Sakelik moved to Accept the revised D3 paragraph as written. Councilor Bill Relyea seconded the motion.

Mayor Axelrod read the new Plan language in Appendix D, Page D3, "The City also owns three other small properties with buildings that provide, or can support small-scale community services. However, they are not suitable for larger scaled programmed recreation, and are not managed for such recreational use. These include: Robinwood Station, Bolton Station and the Old City Hall. Robinwood Station functions as a community resource center operated by a non-profit (Friends of Robinwood Station or FORS). The Bolton Fire Station provides storage for certain City non-profit and Parks and Recreational equipment and is being evaluated for future potential uses and opportunities. The old City Hall is also not currently used, but is in the planning phase as a proposed new regional tourism and heritage cultural center to be managed by a non-profit (Willamette Falls and Landings Heritage Coalition)."

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 read the Plan language asking Council if the word "may" should be changed to "shall" in the Appendix D, Page D6. It currently states, "An investment of this scale would require a more extensive planning process, which may include an advisory vote by West Linn residents."

Councilor Richard Sakelik moved to Change Section D6 with regards to the aquatic center to change the word "may" include an advisory vote by West Linn residents to "shall" include an advisory vote by West Linn residents. Council President Teri Cummings seconded the motion.

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

[ORDINANCE 1694, AMENDING THE COMMUNITY DEVELOPMENT CODE CHAPTERS 2 AND 56.](#)

[ORD 1694](#)

Assistant Parks and Recreation Director Warner stated Ordinance 1694 had one change, in the second whereas, inserting discussions at the Planning Commission and Parks and Recreation Advisory Board.

Councilor Jules Walters moved to approve first reading of Ordinance 1694 with the changes as read into the record, an ordinance amending the Community Development Code Chapters 2 and 56 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

Councilor Jules Walters moved to approve second reading of Ordinance 1694 with the changes as read into the record, an ordinance amending the Community Development Code Chapters 2 and 56 and adopt the ordinance. 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 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](#)

Mayor Axelrod stated Council is adopting the revisions as proposed with the exception of Policy 7 to end the sentence at noxious weeds.

Assistant Parks and Recreation Director Warner replied that is correct, Policy 7 is to reduce noxious weeds and vegetation. He read the changes for Ordinance 1693, Comprehensive Plan, Goal 8:

(1) Policy 5. Provide for specialized recreation needs such as, but not limited to, soccer fields, baseball diamonds, tennis and pickle ball courts, aquatics, senior centers and other facilities that have city-wide demand based on the Parks, Recreation and Open Space Plan and the West Linn Trails Plan.

(2) Policy 7. Reduce noxious weeds and vegetation.

(3) The second whereas. Information was distributed throughout the process via the project website, through social media and email, a stakeholder open house, public survey, discussions at Parks Advisory Board and Planning Commission meetings, and public hearings.

Councilor Jules Walters moved to approve first reading of Ordinance 1693 with the changes as read into the record, 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, 7, and 8 and set the matter for second reading. 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

Councilor Jules Walters moved to approve second reading of Ordinance 1693 with changes as read into the record, 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, 7, and 8 and adopt the ordinance. 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

Councilor Richard Sakelik moved to Provide an amendment to Ordinance 1693 which would provide a record of all the meetings at the November 12 meeting. 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

[b. Agenda Bill 2019-10-14-03: ORDINANCE 1702, RELATING THE PERCENT FOR THE ARTS PROGRAM AND AMENDING WEST LINN MUNICIPAL CODE SECTIONS 2.200 THROUGH 2.235](#)

[ORD 1702](#)

[Arts and Culture Memo and Spreadsheet \(*added 10/10/19\)](#)

Mayor Axelrod stated in the pre-session Council discussed the need to gather additional information on the financing options and the significant implication to the budget. Council will discuss the information in a work session and come back when it is ready for a vote. Council wants to make sure contributions for the arts are continuing to be made for bond projects in progress, except for transportation which they can amend or adjust as they see fit. Council just wants to discuss it with staff to get more clarity. There is information in the packet that people can look at if they are interested.

Agenda Bill 2019-10-14-04: ORDINANCE 1703, RELATING TO DOG LICENSING PROVISIONS OF THE WEST LINN MUNICIPAL CODE TO ALIGN THEM WITH CLACKAMAS COUNTY'S LICENSING REQUIREMENTS, TO REPEAL IMPOUND PROVISIONS, AND TO REPLACE THE TERM "DOG CONTROL OFFICER" WITH "CODE ENFORCEMENT OFFICER"

ORD 1703

Police Captain Mahuna stated staff would like to update the West Linn Municipal Code to align with the dog licensing provisions run by the Clackamas County Code and replace the term "Dog Control Officer" with "Code Enforcement Officer".

Mayor Axelrod stated that this is pretty straight forward. There was some discussion in the pre-session about some other terms for code enforcement officer that are used; however, for the Code, Code Enforcement Officer is the correct terminology.

Council President Teri Cummings moved to approve first reading of Ordinance 1703, relating to dog licensing provisions of the West Linn Municipal Code to align them with Clackamas County's licensing requirements, to repeal impound provisions, and to replace the term "Dog Control Officer" with "Code Enforcement Officer" and set the matter for second reading. 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

Council President Teri Cummings moved to approve second reading of Ordinance 1703, relating to dog licensing provisions of the West Linn Municipal Code to align them with Clackamas County's licensing requirements, to repeal impound provisions, and to replace the term "Dog Control Officer" with "Code Enforcement Officer" and adopt the ordinance. 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

Agenda Bill 2019-10-14-05: Bernert Landing Contract Award

Bernert Information

Parks and Recreation Director Worcester gave the staff report stating that the City was awarded a grant for replacing the docks at Bernert Landing. The City received three bids with the low bid coming in about \$15,000 below the engineering estimate. The successful low bid was Topper Industries at \$105,000. Staff recommends awarding the contract to Topper

Industries. Staff will dismantle the existing floats and recycle them and then will slide the new docks into place. It should take about a day to install so there will be minimal disruption.

Council President Teri Cummings moved to Authorize the City Manager to enter into a contract with Topper Industries Inc. of Woodland, Washington, in the amount of \$105,000, the successful low bidder for the Bernert Landing Boarding Float Replacement Project. Councilor Richard Sakelik seconded the motion.

Mayor Axelrod asked if the City has a good experience working with Topper.

Parks and Recreation Director Worcester replied yes, from the current gangway at Bernert to the Cedar Island Bridge and Cedar Oak boat dock floats.

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

Councilor Relyea suggests in light of public testimony from Alice Richmond, he would like to train boards, committees, and commissions on the City Manager-City Council form of government, Roberts Rules of Order, and Council Rules and how they all work together. The comments he heard tonight were off base. Council needs to do a better job communicating with the public how things work, how we operate and why we do things the way we do.

Mayor Axelrod likes that idea and that is something we could incorporate into training.

Council President Cummings stated there are pages available for people when they come in that give advice on civility. Council cannot regulate civility or tell people what they can or cannot say. As offensive as some remarks may be, unless they go to the level of obscenities, we have to let people have their say. She hopes most people will chose more civil behavior. As far as Alice Richmond's allegations, public funds are not being used for Council President Cummings' benefit. The lawsuit of whether notes are public records or private affects other cities and organizations. This is commonly done, it was done in the case of other councilors who had tort claims filed against them. When acting in the capacity of a councilor, the city responds to it.

Councilor Walters received a message from former councilor Jenni Tan that she and School Board Commissioner Chelsea Martin have been participating in the American Council of Young Political Leaders. The delegation is coming to West Linn November 6, they asked if the City would host a dinner to welcome the delegation and show them how our government works. The Youth Advisory Council is planning to Trunk or Treat with other community organizations on Saturday, October 26. They are still fundraising for trip to Washington DC. The robotics

team invited Councilor Walters to talk about City planning, they are looking for a problem to solve. She spoke to them about the Abernathy Bridge and how our water source is attached to that bridge. She invited the other councilors to attend. The Multi Equity Summit is this Saturday, she encouraged everyone to get a ticket.

Councilor Sakelik addressed an October 10 citizen view in the West Linn Tidings by Anthony Perry entitled City Legal Services at a Crossroads. He stated the ballot measure is taking the Charter back to what was in place for 19 years. 1) Measure will remove all connections between the City Manager and the contract City Attorney and place all legal services under the purview of the City Council. This is incorrect, the City Manager will continue to work closely with the City Attorney. They have instituted a legal document log to make sure all legal is addressed based on priority. The Council will have the purview of all legal services; however, only as Charter, Section 8F stated. In 2013, nothing was mentioned about 8F being taken out, the voters were misled. 2) All legal decisions, which also include day-to-day legal questions on staff relations, union issues, contracts, and panning applications would be micromanaged by the City Council. The City Manager will still be involved in these issues, Council will only get involved when needed. The City Manager will continue to recommend legal advisors; however, will need Council approval to hire any specific attorney for a specific item. 3) There will be little to no oversight over the City Attorney by the City Manager. The City Manager receives the City Attorney invoices and sends copies the Council. If there are performance issues the City Manager is supposed to bring them up to City Council. 4) At the very least, Council should seek competitive bids for legal services. The Mayor and Councilor Walters expressed this concern. He told them to go ahead and investigate alternative legal representation. Mayor Axelrod stated he was too busy. 5) The opposition to this ballot measure stated this is in opposition to the City Attorney. Council can replace the City Attorney at their discretion. It is about the reporting structure of the legal advisors and Council authority.

Councilor Walters stated that the City Manager would have to get approval from Council to seek any legal advice in the running of the every day functions of the City and this is politicizing, what should not be a political situation. She has had trouble getting access to and answers from the City Attorney because she is a minority vote on this Council. She believes it is inappropriate to combat a letter to the editor on the dais, that it is not fair to the citizens. It is a problem, as a City Manager, to have to get Council's vote to seek legal advice.

Councilor Sakelik asked the City Attorney to state that it is okay to speak from the dais regarding items on the ballot.

City Attorney Ramis stated council meetings are a public forum. Citizen and councilors can speak on matters that are on the ballot. The limitations are they cannot use staff or city supplies to do that.

Council President Cummings stated that Councilor Walter's concern about getting legal advice has nothing to do with this measure. Council Rules require Council consensus if it will take more than 15 minutes of legal staff work. This measure is to bring back Charter Section 8F

because was removed in 2013. She can only think of a handful of times when the City Manager needed Council approval to hire an attorney and she gave the examples of this. Council cannot adopt an ordinance or resolution to state no attorney can be on staff, you have to do a Charter amendment. It is necessary to establish a clear line of reporting authority. Council does not get involved in day-to-day operations.

Councilor Walters is clear on Council Rules, she was looking for legal advice about the Bolton station that would take more than 15 minutes.

Mayor Axelrod never wants a councilor to feel they are not getting legal advice that they need. It is important all councilors have complete access to the City Attorney for decision making. Council is not going to use rules or other manners to separate or control how councilors seek legal advice. The statement from Councilor Sakelik that Mayor Axelrod could do an Request for Qualifications (RFQ) or proposal for City Attorney services is not an option he, an individual, could do, that is something Council would need to do.

Councilor Sakelik disagreed and told the Mayor to check the record.

Mayor Axelrod stated that restoring 8F to the Charter is not consequential, Council already has that right. The second part of the measure removes any authority the City Manager has over legal services. City Managers need to be able to hire attorneys to conduct the professional business of city operations, especially ones Council is not involved in. The ballot measure removes City Manager authority over those decisions, this is overstepping the balance of power. In November, he want to bring a proclamation to address improving building standards to lower the carbon footprint and to improve energy use. These are national and state building standards. Many cities are passing ordinances to approve building codes and design standards. The next Town Hall is on October 29 at the Adult Community Center at 6:00 pm. There has been discussion about a special district for WES, things have been moving in a positive direction.

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

City Manager Stein stated there is a challenge about PGE's new green tariff program the City is participating in. There is a hearing on that challenge on October 22 and PGE has asked the City to draft a letter in support that is due October 18. If Council is interested, staff will get a draft letter in support out and the Mayor will sign it. She reminded Council she will be out of the office and Deputy City Manager Williams will be acting in capacity at the October 21 meeting. It was stated that the City Manager had a conflict of interest relative to the legal services item, if anyone has a question about that, they can follow up with Council President Cummings or her, there was no conflict of interest in the City Manager's opinion.

Councilor Sakelik stated the Citizen Advisory Group openings will be advertised soon. He asked staff to let the public know to apply.

Mayor Axelrod asked staff to send an email to remind everyone to re-apply.

City Attorney Report [5 min]

City Attorney Ramis has nothing new to report.

City Manager Stein sent out an email to Council regarding the Stafford appeal.

Adjourn

Notes approved 11-12-19.

**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, October 14, 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 City Council will receive a staff presentation, and invite both oral and written testimony. The City Council may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and 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 exhibits 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.

for council meeting
Oct 14, 2019 -

Good evening West Linn residents!

I came this evening to ask you to join me to vote measures 3-554 and 3-555, NO - although I always support our school, these two measures, I am not - there are NO.

Now then, measure 3-552 is Vote NO! an imperative NO. - it is absolute to maintain and respect our charter section 23 A - as it reads for several decades and to continue such -

Since 1958 - I reside in West Linn = 61 years.

Our city is formed to have a city manager to operate and govern our city staff - including city attorney -

That said; never have I encounter such ego self absorbed & elected persons where their vein collide with their sworn elected public position and their conceit enters into their little intellect, and their vanity crashes into our city, dragging us into downfalls; i.e. so many personal lawsuits and our public staff attorney is used to piles debts - when they should pay from out their pockets -

Mrs Cummings is on a revenge type game only she is master / Mr. Sakelik acts as her protector and Mr Rylea, the newest comer to to group a puppet; even He will tell you, He quote. "~~■~~ tries to be neutral. etc. etc. etc.

I ask you W-L. Voters, you have a better comprehension of what a city should be - therefore, please ask yourselves !

I →

what kind of fabric these trio councilors are that they rally with Mrs Cummings' self indulge despotism, yet we have a Mayor, Russ Axelrod the name is, perhaps he is a bit too docile, letting Mrs Cummings run the show as she is the elected mayor, - no mistake here, Axelrod is our elected mayor.

So, my godd, W.L. friends and neighbors lets all join together and vote NO on measure 3 - 552 - and not give these trio their private attorney at our expenses.

We the residents pay the city attorney.

The City is established to be governed and managed city staffs, who are paid to serve us the payers. City attorney is not to be serving under the Councilors elected term.

We do not want these trio self attained to control with their power hungry performances. There was and still are reasons why our charter and city was created with this transparent democracy.

please vote NO - and God Bless you all.

I am

Alice Richmond

live in W.L. for 61 years

- ask me! -



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): 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):
6A

Please print:

Name: Peggy Kirkendall

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 1825 Webb St

City: West Linn State: Or Zip: 97068

Optional: [Redacted] Phone (Optional): [Redacted]

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): _____

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):
6a. AB 2019-10-14-02 Parks Master Plan adoption

Please print:

Name: Karie Oakes

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: West Linn State: _____ Zip: _____

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

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

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CITY OF

West Linn

Public Comment Form

1

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): Permits

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: Russel Williams

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: West Linn State: OR Zip: 97068

Email (Optional): _____ Phone (Optional): [REDACTED]

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

2

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): Community Comments on Parks - Community center/Fire station

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: Mary Hill

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 19050 Nixon West Linn

City: West Linn State: OR Zip: 97068

Email (Optional): [REDACTED] Phone (Optional): [REDACTED]

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

(3)

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): X

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: Alice Richmond

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: _____ State: _____ Zip: _____

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

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

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CITY OF

West Linn

Public Comment Form

(4)

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): Indigenous Peoples Day

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: Mary Baumgardner

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 1855 Joseph Fields St.

City: WL State: _____ Zip: _____

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

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

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



CITY OF

West Linn

Public Comment Form

5

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): update on Robinwood Station

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: Randall Fastabend

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): TALLUM Dr

City: West Linn State: _____ Zip: _____

Email (Optional): [REDACTED] 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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22500 Salamo Road
West Linn, Oregon 97068
<http://westlinnoregon.gov>

CITY COUNCIL AGENDA

Monday, October 14, 2019

5:00 p.m. – Pre-Meeting Work Session – Bolton 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 [20 min]
 4. Announcements, Proclamations, and Recognitions
 - a. West Linn-Oregon City Rivalry Day Proclamation
 5. Consent Agenda [5 min]
 - a. Agenda Bill 2019-10-14-01: Approve Draft Notes for September 9, 2019
 6. Business Meeting [60-90 min]
 - a. Agenda Bill 2019-10-14-02: **Public Hearing (continued from 8/5/19)**: Parks Master Plan 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.
 - b. Agenda Bill 2019-10-14-03: ORDINANCE 1702, RELATING THE PERCENT FOR THE ARTS PROGRAM AND AMENDING WEST LINN MUNICIPAL CODE SECTIONS 2.200 THROUGH 2.235
 - c. Agenda Bill 2019-10-14-04: ORDINANCE 1703, RELATING TO DOG LICENSING PROVISIONS OF THE WEST LINN MUNICIPAL CODE TO ALIGN THEM WITH CLACKAMAS COUNTY’S LICENSING REQUIREMENTS, TO REPEAL IMPOUND PROVISIONS, AND TO REPLACE THE TERM “DOG CONTROL OFFICER” WITH “CODE ENFORCEMENT OFFICER”

- d. Agenda Bill 2019-10-14-05: Bernert Landing Contract Award
- 7. Mayor and City Council Reports [20 min]
- 8. City Manager Report [10 min]
- 9. City Attorney Report [5 min]
- 10. Adjourn

PROCLAMATION

“Oregon City - West Linn Rivalry Day”

Whereas, the Cities of Oregon City and West Linn wish to recognize the efforts of their citizens to create and maintain a positive family environment where children can learn the value of constructive competition; and

Whereas, the Cities of Oregon City and West Linn value tradition and history as essential parts of their communities; and

Whereas, Oregon City High School and West Linn High School, formerly known as Union High School, have competed valiantly in the sport of football continuously since 1921; and

Whereas, on November 1, 2019, the teams representing these schools will renew their annual rivalry for the 99th time; and

Whereas, this is the longest continuously-played rivalry west of the Mississippi and therefore worthy of recognition; and

Whereas, the City Commission of Oregon City desires that the Pioneers again defeat the Lions and the City Council of West Linn desires that the Lions again defeat the Pioneers.

Now Therefore, we, the City Commission of Oregon City and the City Council of West Linn, hereby recognize and commend all citizens who have participated in this annual gridiron classic, and support the efforts of the current teams by proclaiming November 1, 2019, to be “Oregon City-West Linn Rivalry Day.” We further recommend, in the spirit of the day, that all citizens wear clothing of the appropriate colors, and refrain from crossing the river, unless business requires, until game time.

The Honorable Dan Holladay, Mayor
City of Oregon City

The Honorable Russell Axelrod, Mayor
City of West Linn

November 2019



CITY OF
West Linn

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](#)

Mr. Tom Meier expressed concern about the Premier Sport Court and a structure to cover the pickle ball court.

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

Ms. 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.

Ms. 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 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 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 John Williams gave the staff report and stated 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. The first reading of this ordinance was August 5, 2019. Staff recommends approval and second reading tonight.

Council President 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 Relyea seconded the motion.

Councilor Sakelik stated he 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 Tim 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 Jennifer Arnold gave the staff presentation reviewing what has been discussed previously, community concerns, and the process followed.

Assistant Parks and Recreation Director Ken 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. He asked 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 to improve process.

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

Ms. 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.

Mr. 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.

Mr. 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 long 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, he wondered. 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 a Capital Improvement Plan (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 the City's role in this?

Mayor Axelrod stated that City Manager Stein 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 Tualatin Valley Fire and Rescue (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 the 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 noted there is a recommendation from legal 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 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 continue to receive public testimony, and revise the ordinance, and update the website to give more complete information. Councilor 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 recreation 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 the 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. He suggested saying 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 majority surveyed.

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

[Agenda Bill 2019-09-04: 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 DEVELOPMENT 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 John 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 someone is 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 no public testimony.

City Attorney Ramis asked Councilor Sakelik if he wished to declare a potential or actual conflict of interest, as he had stepped out of the meeting when the question was asked earlier. Councilor Sakelik stated he does not have a potential or actual conflict of interest.

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

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

Mayor Axelrod closed the public hearing.

Council President 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 had discussed at the earlier pre-meeting 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 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 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. 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.

City Attorney Ramis 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, stated they had 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 Council into the record.

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

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 Comprehensive 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 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 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 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 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 25 1E 25CA; REMOVING THE PROPERTY FROM SPECIAL DEISTRICTS; AND ADDING THE PROPERTY TO SPECIAL DISTRICTS

[ORD 1701](#)

Council President 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 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 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 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 Cummings moved to approve the Mayor's appointment. Councilor 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 reported the Locks Commission had a fairly large meeting today including the Speaker of the Oregon House 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. He stated that, based on the District Attorney, Ms. Perry is misinformed. Mr. Bialostosky also felt Council violated executive sessions, he said. West Linn Tidings reporter, Heidi Bartholomew, did public records request for an executive session that was denied. Councilor Sakelik read a public statement from the City Council.

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, he stated.

Mayor Axelrod replied he wants to wait until the City Manager returns. Council received an email from staff that area has been cleared and with the wet weather, the fire hazard has abated. He asked the Council to 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, she asked? 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 councilors submit in writing what they request to be addressed for clarity about what is being asked of staff.

Councilor Walters thanked the WLWV School District for their bond and levy presentation and for their back to school. She also thanked the Police Department 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 went to the Adult Community Center dance. She thanked 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. She reported 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 Plan for the community from 4:30 to

6:30 pm. He discussed the recent South Fork waterline break and mentioned the ability to immediately switch to the LOT intertie. This is one of the benefits of being connected, the city's water supply was provided without a hitch.

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

[Grant Support Letter](#)

Deputy City Manager Williams asked for Council support on a 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 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 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 legal services 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.

[Adjourn](#)

Draft Notes

Agenda Bill 2019-10-14-10

Date: October 14, 2019

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

From: Ken Worcester, Parks and Recreation Director *KW*
John Williams, Deputy City Manager/Community Development Director *JRW*

Through: Eileen Stein, City Manager *ES*

Subject: Ordinance 1693 and 1694: Park Master Plan Adoption, Code and Comp Plan Changes

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:

Does the Council wish to adopt 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.

Public Hearing Required: Continued from September 9, 2019.

Background & Discussion:

This 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 that time, the Planning Commission (PC) and the Parks and Recreation Advisory Board (PRAB) have each held discussions 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.

On July 22, 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.

At the most recent Public Hearing on September 9th staff explained the updates to the plan as requested by Council at the July 22 work session.

1. Change Savannah Oaks to a "passive" designation. Page 24
2. On page 106, NOW APPEDIX D, D-3 in the 4th bullet: *"The City owns three other small buildings that provide, or can support small-scale community service. However, they are not suitable for programmed recreation, and are not managed for recreational use. These include: Robinwood Station, Bolton Station and the Old City Hall."* Then continue the rest of this paragraph as written.
3. On page 109, NOW APPENDIX D, D-6 in the secondary bullets: Delete "aquatics."
4. On page 109, NOW APPENDIX D, D-6 last bullet before F. in the primary bullets (right above "POTENTIAL NEW FACILITY), add *"An aquatics center is desired by a majority of the West Linn community. However, the cost to build an aquatics 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."*

Council made the recommendation to change the language in the paragraph below to add the word "of those surveyed".

1. APPENDIX D, D-6 last bullet before F. in the primary bullets (right above "POTENTIAL NEW FACILITY), add *"An aquatics center is desired by a majority of those surveyed in the West Linn community. However, the cost to build an aquatics 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."*

At this meeting, the Council voted to proceed with a tentative approval subject to notice, to extend the meeting to a date certain of October 14, and in which case continue to receive public testimony, and revise the ordinance, and update the website to give more complete information.

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 does not serve as a budget document. As such, there is no budget impact in the adoption of this plan or code changes.

Sustainability Impact:

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

Council Options:

1. Accept the current draft plan, language, and code changes as they exist, making no more changes in the final public hearing, and move for adoption.
2. Suggest any final language or other suggestions and move to adopt the plan in the final public hearing.
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.

Potential Motion:

1. Move to adopt Ordinance 1693, as recommended by Planning Commission, 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, as recommended by the Planning Commission, adopting the amendments to the Community Development Code Chapters 2 and 56.

Attachments:

1. Ordinance 1693
2. Ordinance 1694
3. Parks Master Plan Redline Information

4. Parks Master Plan Clean Version
5. Proposed Exhibit Figure 2-1 (map) in Goal 2- Land Use Planning
6. Proposed Figure 5-3 (map) in Goal 5- Intergovernmental Coordination
7. Proposed Exhibit Figure 8-1 (map) in Goal 8- Parks and Recreation

ORDINANCE NO. 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, discussions at Parks Advisory Board meetings, and public hearings; 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 ____ day of _____, 2018, and duly PASSED and ADOPTED this ____ day of _____, 2018.

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, discussions at Parks Advisory Board meetings, and hearings; 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 5th day of August 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

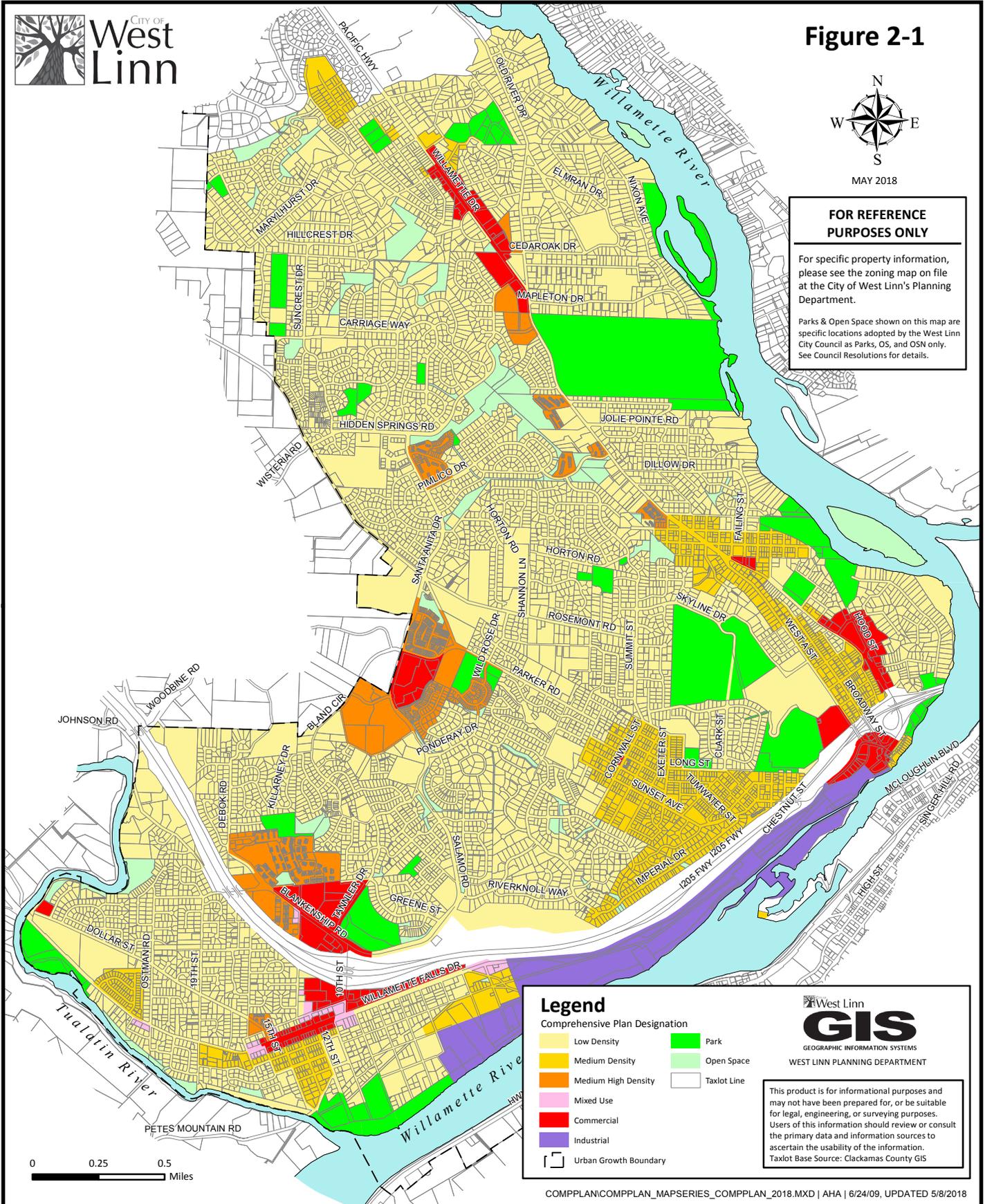


MAY 2018

**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



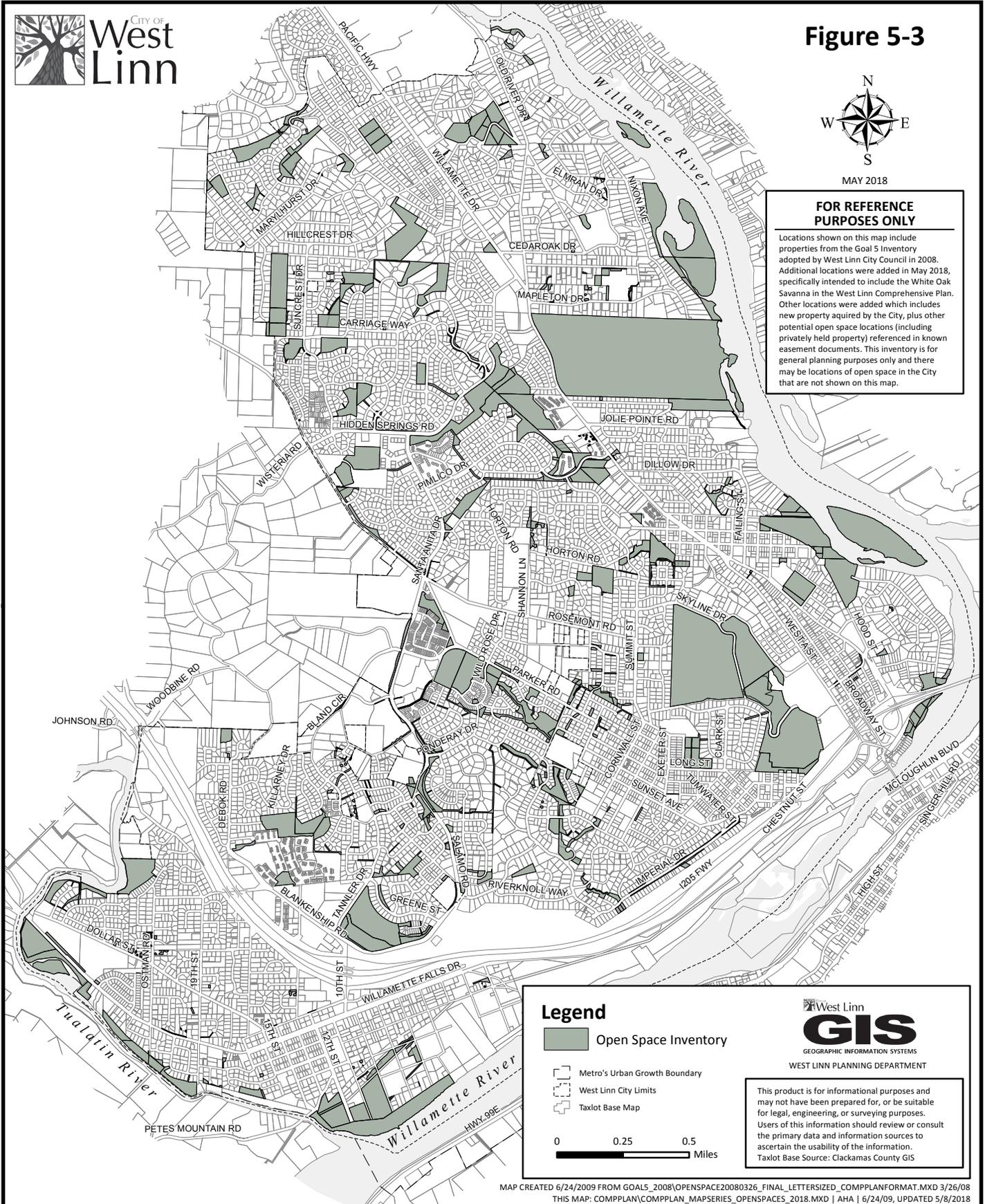
Figure 5-3



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



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

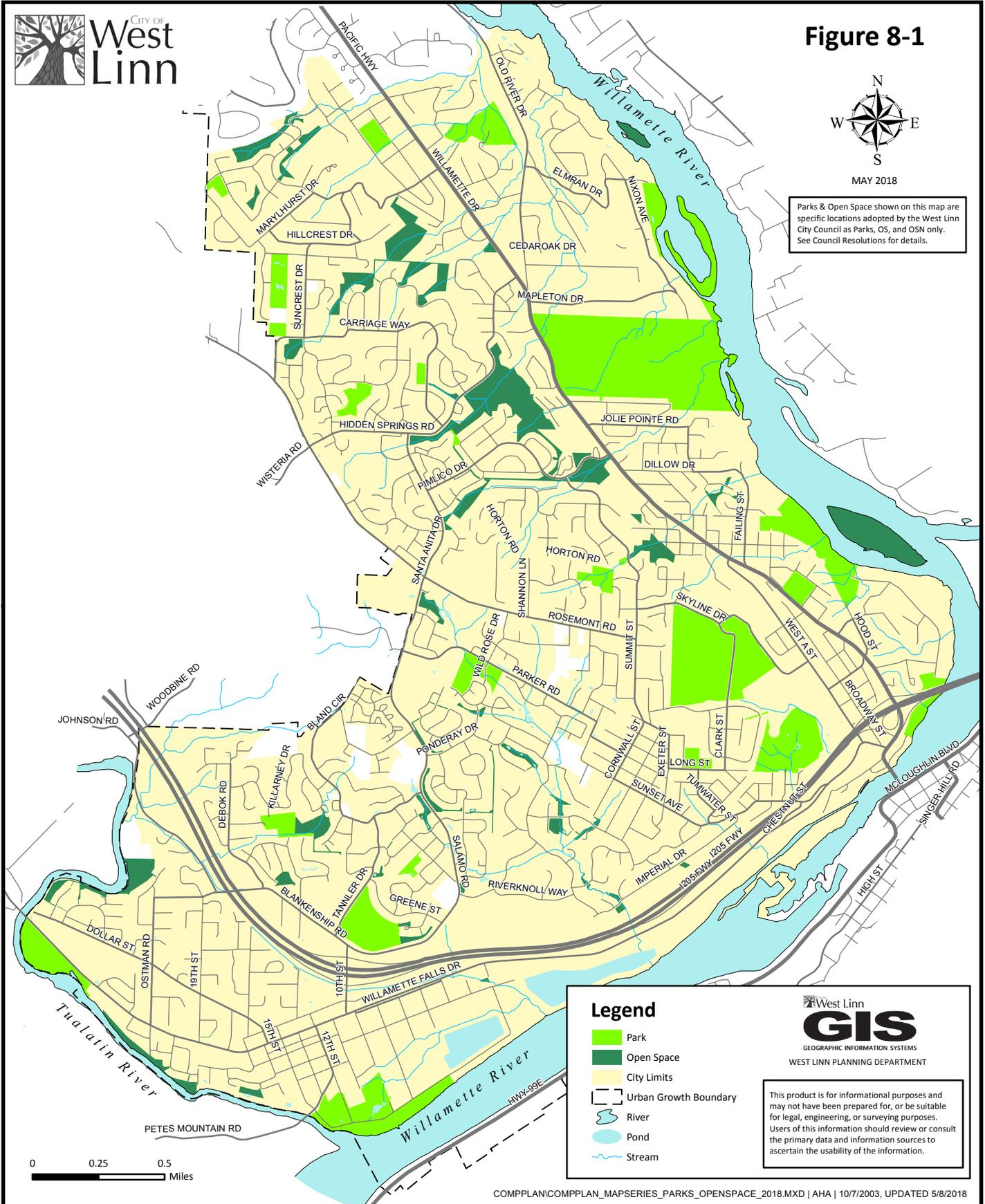


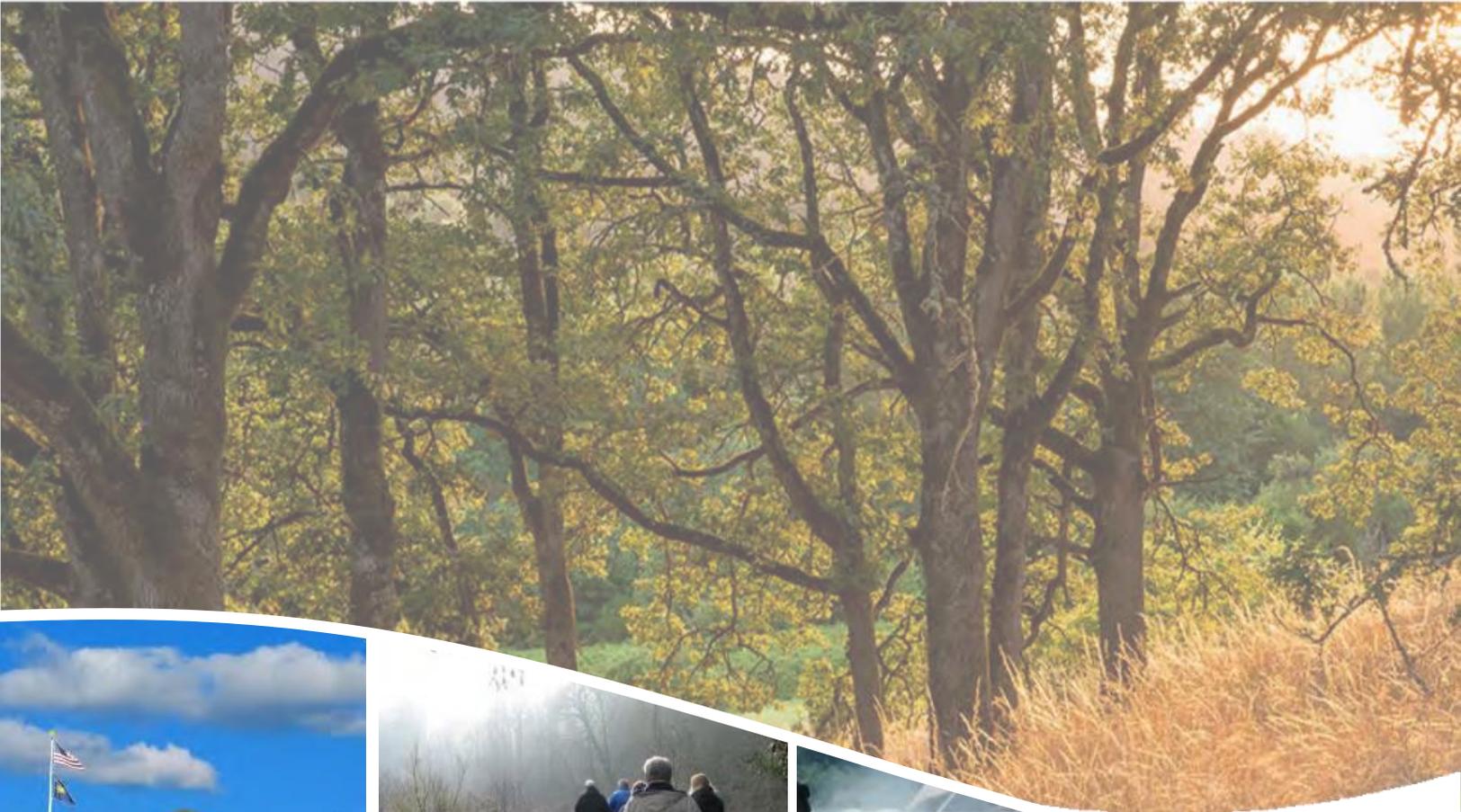
Figure 8-1



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.





City of
West Linn

**20 Year Master Plan for
West Linn Parks, Recreation and Open Space**





City of West Linn

20 Year Master Plan for West Linn Parks, Recreation and Open Space

| March 2019

Prepared by:



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In cooperation with:
Ballard*King & Associates

Acknowledgements

The City of West Linn greatly appreciates the efforts of community members and Advisory Board members, City staff, and other City leaders who contributed to this planning effort. Your interest and support will continue to foster the success of our park and recreation system.

City Council

Russ Axelrod, Mayor
Teri Cummings, Councilor
Brenda Perry, Council President
Richard Sakelik, Councilor
Bob Martin, Councilor

Parks and Recreation Advisory Board

Stacey Epsteen
Scott Etheridge
Vicky Handy
Don Kingsborough
David Kleinke
Steve Miesen
Sarah Silvernail

Project Management Team

Ken Worcester, Parks and Recreation Director
Ken Warner, Assistant Director Parks & Recreation

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Executive Summary

Executive Summary: 20 Year Master Plan for West Linn Parks, Recreation and Open Spaces

Introduction

What is a “Master Plan?”

A Master Plan is intended to be a long-term vision of the future based on community wants, analysis of current status and best practice management of Parks and Recreation to meet the needs of future. A Master Plan is not a project plan, a budget or a guaranteed list of actions; it articulates a hope for the future based on input, analysis and research. In any given year when a Parks and Recreation initiative is to be considered for implementation, the planning process will be followed, including an analysis of budgetary considerations, community engagement, feedback from impacted residents, environmental impact and best practice for that specific action.

This Master Plan provides a comprehensive look at the City’s current resources, citizen input for future directions and an outline of possible directions for investment and a sustainable approach to building the systems of tomorrow.

Methodology

Experts in planning for parks and recreation, MIG Consultants facilitated the planning process which included:

Part One: What do we have?

- Comprehensive analysis of current resources
- Comparisons of resources to like communities
- Analysis of trends in future planning for like communities

Part Two: What do we want?

- Multiple community forums engaging citizens envisioning what types of parks and recreation resources they want or see a need for the community
- Extensive community survey with close to 2000 respondents to narrow the vision for future investment

Part Three: Expert Report on Findings and Recommendations

- All findings and recommendations are found in the “20-Year Master Plan for West Linn Parks, Recreation, and Open Spaces” (Master Plan)
- Presentations to Parks and Rec. Advisory Committee
- Presentation to West Linn Planning Commission

Current State Analysis and Findings Executive Summary

Following extensive analysis, MIG provided in-depth descriptions of our current assets and their conclusions. This brief summary is expanded upon in the full Master Plan.

Table 1: Parks Summary by Classification

Classification	Size Range (in acres)	# of Existing Sites	Total Park Acreage	Examples
Active-Oriented Parks	0.1 - 9.1	12	45.1	Benski, Marylhurst Heights, Sunset, Tanner Creek
Special Use Parks	0.6 - 19.7	7	38.7	Adult Community Center, Bernert Landing Boat Ramp
Multi-Use Parks	5.2 - 136.0	6	207.5	Mary S. Young, Fields Bridge, Willamette
Passive-Oriented Parks	0.1 – 64.4	41	213.9	Maddox Woods, Swiftshore Park, Ibach Nature Park
Natural Resource Areas	0.2 – 13.1	25	43.1	Arran Open Space, Troon Open Space, many unnamed sites
Totals		91	548.30	

Table 2: City Recreation Facilities

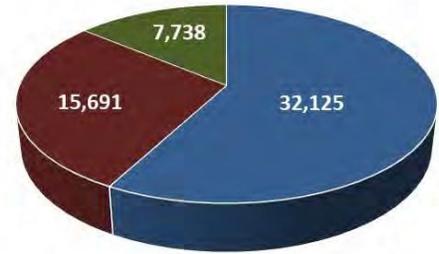
Facility Type	# of Existing Facilities
Outdoor Recreation	
Play Features	16
Flexible Use Lawn	22
Covered Picnic Shelter	6
Skate Park / Spots	2
Spray Parks / Water features	5
Athletic Facilities	
Rectangular Fields	8
Ball Fields	7
Basketball Courts (Outdoor)	12
Tennis Courts	5
Volleyball Court	2
Trails/Natural Features	
Natural Areas & Wildlife Viewing	25
Trails	52
River Access	14
Interpretive Features	3
Specialized	
Community Gardens	1
Boat Ramps	2
Special Use Buildings	3

West Linn’s current assets and activities are summarized in Tables 1 and 2. Analysis indicates the following conclusions:

1. West Linn’s parks currently emphasize trails and natural areas.
2. We have high usage and demand for athletic fields and facilities.
3. The parks with play features are heavily used.
4. Our total park acreage at 548 acres demonstrates a strong commitment to the park assets for our community.
5. The total staff per acre ratio is extremely low compared to like communities.
6. The Department has limited staff as well as limited space to support indoor programming. These factors affect the types and magnitude of recreation programs and services that are offered.
7. Indoor facilities are programmed to capacity.
8. Recreation programs and services are generally delivered out of the Adult Community Center (ACC), Sunset Firehouse, or West Linn/Wilsonville School District facilities.
9. Many of the community’s special events attract people from across the City, and in some cases beyond.
10. Survey results indicate the greatest need is indoor recreation and water sports.
11. Community events have the highest participation.

Table 3: Recreation Participation Rates by Category (FY 2016-2017)

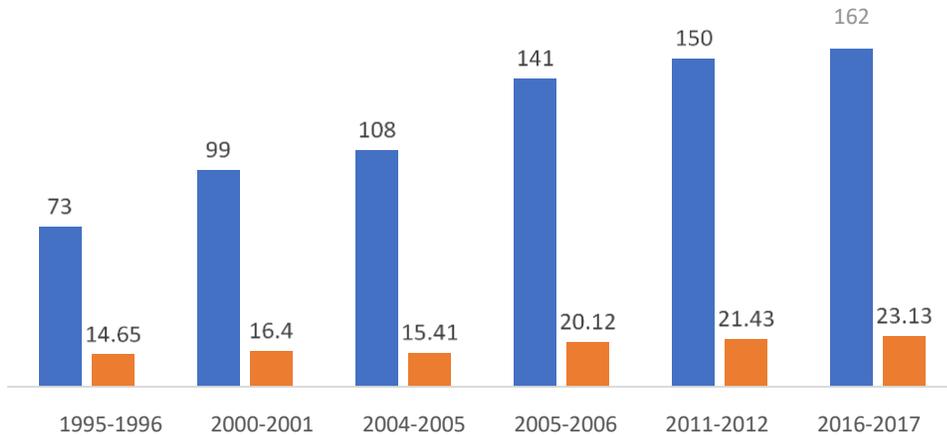
Area	Classes/Camps Offered	# of Participants
Recreation Programs	814 classes	4,117
Adult Volleyball	2 programs	1,115
Summer Camps	55 camps	780
Skyhawk's Sports Camps	38 camps	606
Youth Basketball	68 teams	730
Safety Town	2 sessions	120
Special Needs Dances	3 events	150
Drivers Education	4 classes	120
Special Events	13	32,125
ACC Adult and Senior Programs	Varied	15,691
Total		55,554



■ Special Events ■ ACC Programs ■ All other programs

Figure 3: Participants at City Programs and Events (FY 2016-2017)

Figure 4: Increase in Developed Acres and Maintained Acres per Staff Person Since 1995.



What do we want? Citizen Engagement Survey Results

1. Survey participants included all ages with 1900 respondents; 55% of respondents were over 45 years old; 60% have children under the age of 18 living with them; only 7.5% are K-12 school age.

2. What is currently seen as “excellent”?
 - a. 85% of respondents believe our parks and outdoor facilities are currently excellent/good.
 - b. 28% of respondents believe our indoor recreation facilities are currently excellent/good.
 - c. 83% of respondents believe our natural areas and open spaces and trails are currently excellent / good.

3. Suggestions for improvement prioritized:

Answer	Count
Provide indoor/all-season indoor center	220
Provide swimming pool / aquatic facilities	188
Improved maintenance/cleanliness	108
Improve, enhance and/or develop trails and sidewalks	98
Improve, enhance and/or develop recreation programs	92
Improve, enhance and/or develop sports fields/ courts	53
Improve, enhance and/or develop natural areas/ open space	52
Improve parks and recreation department and communication with residents	47
Provide more spaces for dog and/or enforce leash laws	32
Provide community events	31
Provide amenities (benches, lighting, parking, covered spaces, etc.)	28
Improve safety of parks and trails	25
Orient land uses away from housing and toward parks and economic development	18
Improve access to parks and trails	12
Improve West Linn’s offerings to meet or exceed neighboring communities	9

4. Actual Use: “Within the past year, did you or a family member participate in any of the recreation events, classes and programs listed below, offered by the City of West Linn or another provider? (Select all that apply)

Answer	Count	Percentage based on number of respondents
Community events and festivals	765	54.1%
Hiking or biking on trails	742	52.5%
Sports leagues, camps, classes, activities	623	44.1%
Music, concerts and cultural events (attending)	601	42.5%
River programs or activities (boating, fishing, paddleboarding, kayaking, etc.)	313	22.2%
Summer day camps and programs	288	20.4%
Nature programs or activities (gardening, wildlife watching, environmental education / interpretation, nature play, etc.)	193	13.7%
Fitness classes (yoga, Zumba, spin, weight lifting, etc.)	163	11.5%
Dance, theater or other performing arts (performing in)	141	10.0%
Before or after school programs	109	7.7%
Arts and crafts	97	6.9%
Programs for older adults and seniors	75	5.3%
Other*	56	4.0%

*"Other" comments include a variety of individual responses such as meditation, cooking classes, events at the library and volunteering.

5. What activities would you most like to see more of in West Linn’s parks, recreation and open space system? (Select your top two)

Answer	Count	Percentage based on number of respondents
Swimming or water play (indoor or outdoor)	525	39.7%
Walking/biking	410	31.0%
River access for activities (such as fishing, kayaking, scuba, paddleboarding, boating, etc.)	241	18.2%
Artistic or cultural expression (music, theatre, visual arts, public art, etc.)	207	15.7%
Nature observation and interpretation	176	13.3%
Fitness and wellness	171	12.9%
Social gathering (community events, picnics, parties, etc.)	161	12.2%

Adventure activities/programs (zipline, canopy tours, rafting)	143	10.8%
Playing (running, sliding, climbing, etc.)	131	9.9%
Organized team or individual sports	122	9.2%
Casual sports or games	88	6.7%
Skateboarding	9	0.7%

MIG Summary of Community Input from Survey and Focus Groups

Nearly 2,000 members of the community were involved in developing the plan, sharing their insights and preferences to help shape recommendations. Based on community input, the 2018 *Park, Recreation, and Open Space Plan* identifies new priorities for parks and recreation in West Linn. The following key themes emerged from public comments.

Activating the City’s Waterfront While Respecting Community Context

West Linn’s location along two rivers is a big part of the City’s identity and a major draw for recreation. To improve access and connectivity along the Willamette River between Willamette Park and West Bridge Park, nearly 70% of questionnaire respondents want an off-street multi-use path along the river. There is additional interest in an improved bike/pedestrian route along Willamette Falls Drive.

Participants in the Vision Workshop identified the river frontages as a major opportunity to enhance the City of West Linn’s identity. Participants suggested developing waterfront trails and facilities that support water sports and recreation such as kayaking, boating and jet skiing. Priorities included designing quality community gathering spaces along the river to provide social and economic benefits.

Participants suggested a community esplanade along the river where people can walk, bike, shop and gather. Some participants suggested small boat (non-motorized) launch facilities, swimming docks and rentals.

Protecting a System of Natural Areas

Opportunities to be outdoors or in nature was identified as a top benefit offered by West Linn’s parks and recreation system, as noted in Online Questionnaire results. Workshop participants emphasized the need to invest in natural area protection, especially in light of pressure from new development. Suggestions included acquiring natural areas near developing properties and restoring compromised wetlands and other environmentally sensitive areas.

Participants also emphasized that riparian habitat and sensitive natural areas along the water should be preserved.

Continuing to Connect Parks and Places with Trails

Trails and community connectivity continue to be a high priority for residents. Community members identified trails and connectivity as a primary reason for visiting parks or open space and expressed a need for better connectivity along the City’s riverfront. Adding nature trails and multi-purpose trails was also identified as a high priority according to questionnaire respondents.

Increasing Recreation Variety

Residents want to see a greater variety of outdoor recreation facilities in West Linn, especially those that engage residents of all ages and can be enjoyed year-round.

Participants suggested adding swimming opportunities, small entertainment venues, tennis or pickleball courts, and facilities that promote youth participation such as climbing walls, ziplines and bicycle courses. Other ideas included enhancing existing parks with community gardens, reservable shelters, dog parks and amenities that can be enjoyed by active families.

Desired park characteristics

Residents noted that their favorite parks have several things in common. These include attributes such as convenient locations, natural character, shade, high quality amenities in good condition, riverfront or water access, trails and dog-friendly spaces.

Improving Indoor Options

Community members voiced a need for more year-round and indoor activities. Less than 30% of questionnaire respondents felt that the current quality of indoor recreation facilities provided by the City is good or excellent.

When asked what could be improved, many respondents noted the desire for new indoor recreation/community space. Survey results include an aquatic facility at some point. Existing or repurposed multi-purpose spaces need to support indoor sports and activities for all age groups.

Popularity of Community Events

Public events are very popular in West Linn. Community members feel it’s important to continue or increase these activities. More than 54% of Online Questionnaire respondents or their family members participated in community events and festivals in 2016.

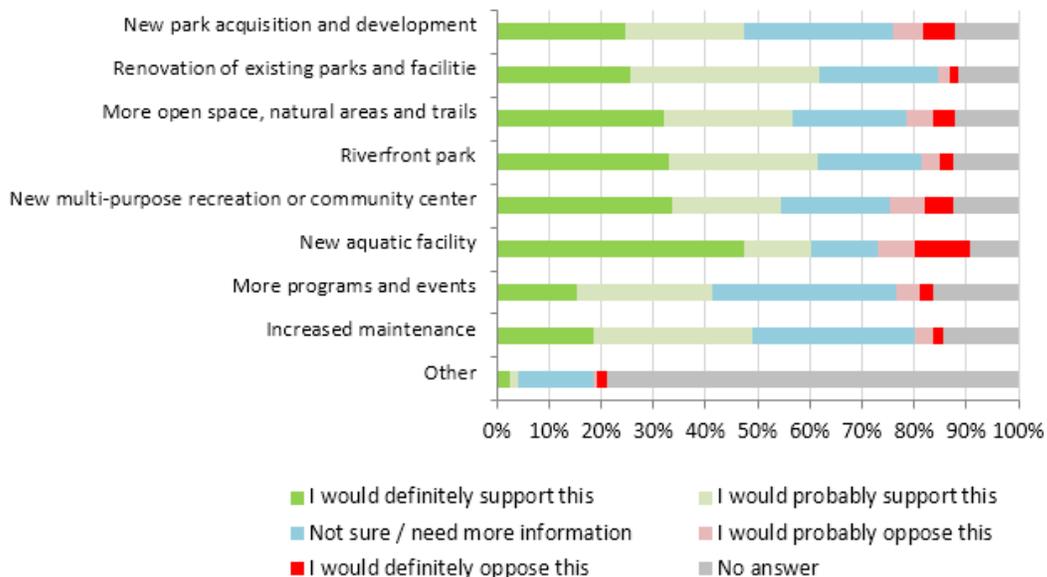
Offering Greater Flexibility in Recreation Classes and Programs

According to Online Questionnaire results, more programming options are needed.

Opportunities to increase program participation include providing more weekend programs, a greater variety of programs or events, more family-friendly options and flexible scheduling or drop-in opportunities. More activities for different age groups and better communication regarding upcoming opportunities would also be helpful. Overall, residents indicated that children (age 6-12), as well as older adults or seniors, had more recreation opportunities. However, other age groups need improved and a greater variety of recreation services.

Figure 7: Funding Preferences if the City Pursued a Future Tax Measure

Online questionnaire responses show some support for many different types of park and facility enhancements. While respondents showed the most definite support for an aquatic facility, this same facility also showed the most opposition. In comparison, renovating existing parks showed the most definite and probable support combined, along with the least opposition.



What do we envision for the future for West Linn Parks and Recreation?	
<p>Goal 1 Re-envision West Linn’s Water Experience</p>	<ol style="list-style-type: none"> 1. Prioritize trail improvements near or along rivers or connecting to riverfront parks. 2. Establish an esplanade along the river near Riverfront Park where people can walk, bike, shop, and view the Willamette Falls. 3. Develop non-motorized boat launches, swimming docks, boat rentals, and a boathouse with boat storage, lockers and concessionaire space. 4. Prioritize the preservation and restoration of riparian habitat and sensitive natural areas along waterfront and wetland areas. 5. Create designated fishing areas and enhance existing fishing opportunities, including waterfront near an eddy, near submerged trees or vegetation. 6. Enhance and maintain views of the rivers by maintaining breaks in vegetation and orienting viewpoints and seating areas towards river views. 7. Consider a riverfront access plan addressing parking management in conjunction with added amenities along the riverfront. 8. Identify properties that would increase water access, habitat and park land connectivity through an inventory of desirable properties and through conversations with willing property owners and potential partners. 9. Increase awareness of riverfront sites by adding consistent wayfinding signage that depicts the different features offered at each site. 10. Address increased programming needs associated with waterfront opportunities.
<p>Goal 2 Create social hubs that provide year-round gathering places for all West Linn Residents</p>	<ol style="list-style-type: none"> 1. Develop flexible-use programming areas, such as spaces for special events, different types of outdoor classes, programs and activity practice space throughout the city. 2. Integrate accessible seating and gathering areas in existing parks, including reservable picnic shelters and pavilions, lookouts along rivers, and dispersed tables and seating areas in parks and along trails. 3. Design gathering spaces to shelter from the elements. Consider wind breaks, shade and shelters, and fire pits with defensible space from vegetation and structures. 4. Continue to program existing indoor spaces in meeting needs of nearby residents. 5. Integrate permanent and temporary public restrooms in parks that attract a high level of community use or attract users for extended time. 6. Activate gathering spaces to attract and retain users. Consider concessionaires (e.g., coffee stands, small boat rentals), farmers’ markets and guided tours, classes and activities as part of site programming to contribute to livelier social or activity hubs 7. Improve connections and signage to encourage use of nearby park sites. Develop parks near schools to generate more activity from kids and families
<p>Goal 3 Create parks and open spaces that showcase West Linn’s unique qualities.</p>	<ol style="list-style-type: none"> 1. Identify priority sites for natural resources restoration and stewardship, including sites with high resource value, riparian corridors, wetlands, wildlife habitat, continuous tree canopy, and pollinator pathways. 2. Identify priority sites for natural resources restoration and stewardship, including sites with high resource value, riparian corridors, wetlands, wildlife habitat, continuous tree canopy, and pollinator pathways. 3. Support opportunities for historical, natural and cultural interpretation and wildlife viewing in parks. 4. Provide signage and facilities to support environmental education and interpretation in developed parks and natural areas, particularly at points of interest such as trailheads, waterfront sites, viewpoints and sensitive areas.

<h2 style="text-align: center;">What do we envision for the future for West Linn Parks and Recreation?</h2>	
	<ol style="list-style-type: none"> 5. Provide signage and facilities to support environmental education and interpretation in developed parks and natural areas, particularly at points of interest such as trailheads, waterfront sites, viewpoints and sensitive areas. 6. Facilities may include elements such as outdoor classrooms, kiosks, interactive and educational playfeatures. 7. For parks with steep slopes or hill sides, incorporate facilities that accentuate the topography. These may include switchback trails, slides, viewpoints, vistas, steps or seating areas. 8. Establish a tree health monitoring protocol and tree replacement plan for existing parks. Pursue pilot projects to test new or innovative facilities in parks. Encourage volunteer-driven initiatives and ideas through an annual improvement campaign. 9. Build opportunities and options for increasing art in parks to reflect local history and context. 10. Design new facilities for sustainable energy efficiency, water conservation, ease of maintenance and minimized impacts to the natural environment.
<p>Goal 4 Provide new and extraordinary experiences in West Linn’s parks</p>	<ol style="list-style-type: none"> 1. Support new and emerging recreational facilities across the city. Consider adding activities for young adults and teens, such as parkour, climbing walls, bike skills areas, zip lines, pump tracks, and outdoor ping-pong. 2. Enhance play areas to feature fun and unique play sites not found in nearby parks. Consider nature play in addition to or as an alternative to traditional play equipment when replacing aging or worn structures. Prioritize accessible design. 3. Design park features around a common theme or style that showcases West Linn’s unique natural areas and local history, providing settings that are comfortable, functional and engaging. 4. Open new or underused areas of parks where there is potential to add appropriate new recreational facilities, art installations, viewpoints, boardwalks or trails. 5. Increase low impact, social opportunities for adults and seniors in parks. Consider pickleball, lawn bowling, badminton, pentaquin, and outdoor exercise equipment. 6. Partner with schools to address sport field needs. Design synthetic-turf multipurpose fields suitable for traditional and newer emerging athletic activities. 7. Update the City’s policies on park encroachment and use boundary markers and maintenance to delineate park boundaries where they abut residential uses. Conduct annual GIS park boundary surveys. Develop an annual reporting database of encroachment violations and actively enforce violations.

What do we envision for the future for West Linn Parks and Recreation?

<p>Goal 5 Re-imagine West Linn’s future indoor recreation opportunities.</p>	<ol style="list-style-type: none"> 1. Invest in indoor facilities that provide a community-wide benefit and support multiple uses, including active and passive recreation. The highest need expressed is for a multipurpose recreation and community center. Continue to monitor the community’s willingness to pay increased taxes to fund the building of this nature. Models analyzed indicate a profitable, self-sustaining on-going operation. This structure does not necessarily include an aquatics center. However, community input would like to see an aquatics center at some point in the long-term plan. 2. Encourage co-location of public facilities to leverage infrastructure such as parking and restrooms. 3. For neighborhood-scale indoor facilities, continue to analyze cost-effective management and maintenance models with uses in alignment with the needs as described by community input. This does not replace the need for a multi-purpose recreation and community center. 4. Allow drop-in times or open use of indoor facilities during designated times, especially after school/work hours and on weekends. 5. Program indoor facilities for seasonal or year-round activities and exhibits, such as art shows, plays, neighborhood gatherings and movie nights.
<p>Goal 6 Active parks with recreation programs and events that encourage social interaction and a sense of community.</p>	<ol style="list-style-type: none"> 1. Consider testing new program options that provide a variety of choices, weekend options, flexible scheduling and drop-in opportunities. 2. Work with volunteers or private businesses to provide access to outdoor recreation programs and activities, including nature-based programs and environmental learning. 3. Offer additional programs catering to young adults and teens, including a greater variety of outdoor concerts and movies, as well as beginner classes and field trips to regional recreation and institutional destinations. 4. Direct resources to help recruit new program instructors or volunteers. Showcase providers when advertising events and programs to the public. 5. Promote West Linn’s parks and recreation opportunities, partnerships and programs to a higher degree. This will help increase participation and also inform people about the benefits that are being created with their tax dollars. Retain specialists in advertising and social media to promote the full range of opportunities offered by the City and its partners, using already popular events to showcase the park system and its supporters. 6. The City should continue to collaborate with a range of partners to put on public events. This strategy is cost effective and reduces demand on City resources. 7. As new facilities are developed, program and activate these spaces. For example, be prepared to staff a new swimming area with lifeguards during peak times.

What do we envision for the future for West Linn Parks and Recreation?

Goal 7
Create a more connected and accessible environment for pedestrians, bicyclists and other recreation uses

1. Using the Trails Plan for guidance, leverage the interconnected trail and greenway system as a major attraction, a recreation resource and a transportation asset. Prioritize pursuing a continuous multi-use path along the Willamette River (south of I-205).
2. Improve Willamette Falls Drive to include a separated bike/pedestrian route. Build trails and pathways within existing parks and natural areas to increase access to and interaction with natural areas, where appropriate.
3. Design chicanes or pockets alongside trails that include features for play, learning or relaxing. Consider natural or built materials to crawl under or climb over, engaging art pieces, seating and rest areas.
4. Create a comprehensive wayfinding system that is recognizable and understandable to all users. The system of signs should indicate where trails, bike routes and trailheads are located, distances between destinations, and safety and educational information. The system should conform to a consistent design theme that is durable and easy to maintain.
5. Locate park entrances and trailheads near transit stops, off-street parking areas, safe crossings and bike racks to promote connections to other transportation modes.



Chapter 1: Our Park and Recreation System



1 OUR PARK AND RECREATION SYSTEM

Purpose of the Plan

The people of West Linn are proud of their community and recognize parks and recreation are a major reason that residents enjoy such a high quality of life. There are over 500 acres of parkland that offer places to play, relax, learn and gather. Last year, more than 55,000 people took part in a City-sponsored special event or program. In addition, more than 2,000 community members, stakeholders and City leaders participated in developing this plan, providing new ideas and opportunities to consider for the future. Given the community's enthusiasm for parks and recreation, the *Parks, Recreation and Open Space Plan* (the Plan) provides a comprehensive look at City priorities today to create a committed and sustainable approach to building the system of tomorrow.

The *Parks, Recreation and Open Space Plan* provides renewed direction for West Linn's parks and recreation system. As an update to the 2006 Plan, this Plan continues the forward-thinking commitment to parks and recreation, by reassessing the City's park assets, revising the inventory to consider recent acquisitions and improvements and identifying current needs and future opportunities. This is a long-term plan, building on past planning and investment and looking into the two decades, outlining guidance to operate and sustain the envisioned system. This is a vision of the future based on analysis and community input. It is not a project plan, budget or guarantee of action.

A Planning Legacy

The City of West Linn has a long history of successfully planning park and recreation system improvements. Recommendations in the 1998 Plan led to a voter-approved bond measure that funded the acquisition and development of key park sites.

With priority projects completed, the 2007 Plan provided new direction for the enhancement of parks and facilities. Despite the Great Recession that followed, the City leveraged opportunities and prioritized investments by applying Plan policies and goals. Over time, the City carefully evaluated options for a recreation and aquatic facility in the 2011 *Recreation Center Concept Design and Operational Plan*. Plus, it adopted the 2013 *Trails Plan* to guide development of an integrated trail system.

Now a decade later, the people of West Linn continue to place a high value on parks and recreation as a primary ingredient in making West Linn a place to live and thrive. This 2018 Plan prioritizes park projects to address identified community needs.

Community Involvement and Plan Development

The public process for West Linn’s plan is built on multiple layers of input from the community, staff, neighborhood organizations and partner agencies. The process involved a combination of hands-on workshops, online questionnaires, website updates, and Neighborhood Association engagement.

Residents, stakeholders and community leaders have driven decisions throughout the planning process, resulting in a plan rooted in their vision, values and identity. The result is a community-driven plan that supports continued momentum and investment to create a unique park and open space system that is truly West Linn’s. Figure 1 highlights the key steps in the planning process, which included:

- **Identity**, establishing a plan foundation focused on the unique character of West Linn;
- **Assets**, inventorying and evaluating the parks and recreation system;
- **Placemaking and Activation**, identifying recommended improvements and opportunities;
- **Prioritization**, addressing costs, funding, management and operations; and
- **Implementation**, identifying strategies to carry out Plan recommendations.



Figure 1: Community Involvement and Plan Development



State of the Park and Recreation System Park Types

The City of West Linn provides parks on a spectrum from more developed to more natural park sites. These parks support different recreation opportunities ranging from active and specialized uses to passive recreation. The City also owns open space areas focused on natural resource protection, with no recreation opportunities. Each of the City’s parks integrate natural elements, ranging from developed parks with some natural elements, to natural resource areas with no developed uses.

City parks and open space are classified in five categories (Table 1). Most park acreage is provided in Passive-Oriented Parks that are primarily natural or in Multi-Use Parks that provide a mix of developed space and natural areas. Highly developed Active-Oriented Parks account for 8% of the City’s park acreage, and Special Use Parks account for another 7% of the City’s park acreage. The fact that only 15% of the system is highly developed for recreation affects recreation opportunities and the character of park sites.

Figure 2: Park Spectrum

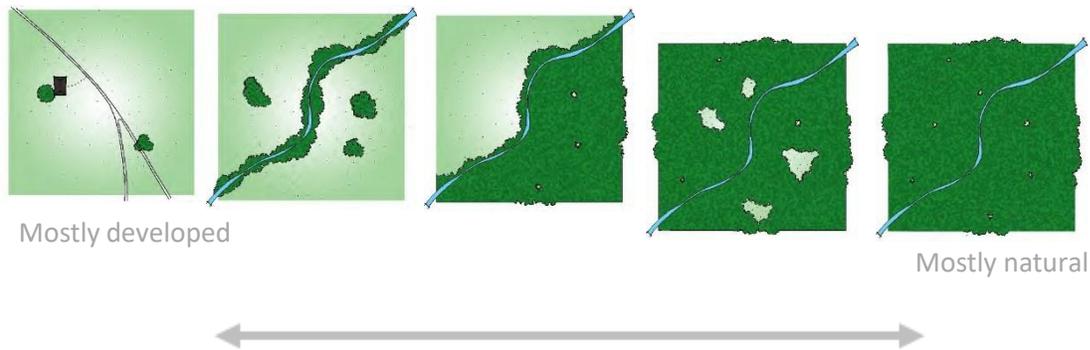


Table 1: Parks Summary by Classification

Classification	Size Range (in acres)	# of Existing Sites	Total Park Acreage	Examples
Active-Oriented Parks	0.1 - 9.1	12	45.1	Benski, Marylhurst Heights, Sunset, Tanner Creek
Special Use Parks	0.6 - 19.7	7	38.7	Adult Community Center, Bernert Landing Boat Ramp
Multi-Use Parks	5.2 - 136.0	6	207.5	Mary S. Young, Fields Bridge, Willamette
Passive-Oriented Parks	0.1 – 64.4	41	213.9	Maddox Woods, Swiftshore Park, Ibach Nature Park
Natural Resource Areas	0.2 – 13.1	25	43.1	Arran Open Space, Troon Open Space, many unnamed sites
Totals		91	548.30	

Note: See Appendix A for details.



Marylburst Heights Park (Active-Oriented)

Active-Oriented Parks are more developed sites that support recreation opportunities including sports and play with facilities, often featuring restrooms, picnic shelters and tables.



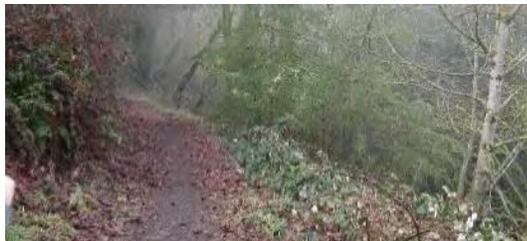
Adult Community Center (Special Use)

Special Use Parks are single-purpose developed sites that include specialized facilities such as a community center, boat ramp, or fishing dock or other unique use.



Fields Bridge Park (Multi-Use)

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.



Tualatin River Open Space (Passive-Oriented)

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. Several sites also provide river views or river access.



Natural Resource Area

Natural Resource Areas are undeveloped open space areas that are not intended to serve as recreation resources. Instead, these sites provide habitat, green buffers for developed areas, and ecological value such as stormwater filtration.

Park Distribution

The City of West Linn has parks and open space distributed across the City (Map 1). These sites are supplemented by school facilities and other recreation and open space resources, such as sites provided by the Nature Conservancy, State of Oregon, Oregon Department of Transportation, and others. (See Appendix A.)

Table 2: City Recreation Facilities

Facility Type	# of Existing Facilities
Outdoor Recreation	
Play Features	16
Flexible Use Lawn	22
Covered Picnic Shelter	6
Skate Park / Spots	2
Spray Parks / Water features	5
Athletic Facilities	
Rectangular Fields	8
Ball Fields	7
Basketball Courts (Outdoor)	12
Tennis Courts	5
Volleyball Court	2

Recreation Facilities

West Linn’s parks emphasize trails at 52 sites, along with facilities that provide access to natural areas. Many parks also support play, with open lawn areas, play features, picnic areas, and sports/recreation features, which makes some parks feel full of activities (Map 2).

Facility Type	# of Existing Facilities
Trails/Natural Features	
Natural Areas & Wildlife Viewing	25
Trails	52
River Access	14
Interpretive Features	3
Specialized	
Community Gardens	1
Boat Ramps	2
Special Use Buildings	3

Note: See Appendix A for detail



Park Differentiators

In January 2017, West Linn’s parks were evaluated as part of the planning process. Five overarching observations emerged from the tour about the uniqueness, condition and opportunities that differentiate City parks.

- **River Frontage:** Fourteen of the City’s parks are directly adjacent to the Willamette or Tualatin Rivers and provide river access. Two sites have boat ramps, two have fishing docks, and several have visual access to the water. Few cities can boast this type of water access.
- **Natural Features and Connectivity:** West Linn’s parks strongly connect residents to nature. Wildlife viewing areas, trails and interpretive features are common. Many sites are covered in trees, include changes in topography, and/or are set amidst wetlands. City parks support extraordinary wildlife programs, such as the West Linn Beaver Ambassadors.
- **Park Character and Homogeneity:** A few City parks have unique and defining features, such as the Meteorite Trail at Fields Bridge Park, the giant hill slide at Sahallie Illahee Park, the basalt water feature at Robinwood Park, and art at several parks. However, many parks have a similar level and type of development that makes them feel relatively homogenous.
- **Recreation and Play:** There are 16 play areas in City parks, but most playgrounds are similar off-the-shelf pieces that are outdated and need modernizing. With the exception of some water play areas, current play equipment does not encourage unstructured, open-ended play, which is an important component of a rich play experience. Few sites have active recreation and sports facilities to support health and fitness. Schools provide most of the city’s sports fields.

- **Maintenance and Facility Condition:** The City’s parks are well maintained and reflect pride in the park system. Some site furnishings and recreation facilities are aging or outdated, which will require replacement for continued use. Winter storms have taken a heavy toll in the last few years, requiring clean-up of fallen trees and branches. This has pulled resources away from other general park repair and updates.



Programs and Events

West Linn supports key recreation activities, even though the City does not offer expansive recreation programs. In 2016-17, the City of West Linn served more than 55,554 participants through City programs and events (Table 3). The Parks & Recreation Department focuses most of its programming efforts on special events, youth sports, cultural arts, education, older adult/senior programs, and summer camps. Most recreation programs (approximately 90%) are offered by contract instructors, who provide youth sports, fitness, cultural arts, and education.

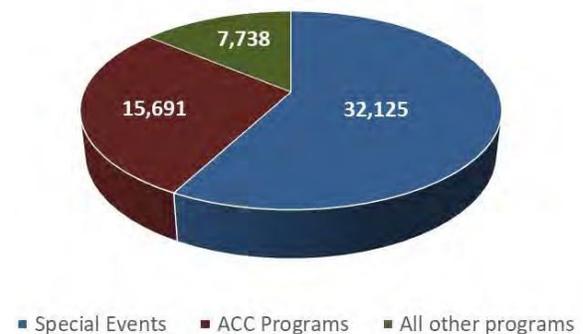
Table 3: Recreation Participation Rates by Category (FY 2016-2017)

Area	Classes/Camps Offered	# of Participants
Recreation Programs	814 classes	4,117
Adult Volleyball	2 programs	1,115
Summer Camps	55 camps	780
Skyhawk's Sports Camps	38 camps	606
Youth Basketball	68 teams	730
Safety Town	2 sessions	120
Special Needs Dances	3 events	150
Drivers Education	4 classes	120
Special Events	13	32,125
ACC Adult and Senior Programs	Varied	15,691
Total		55,554

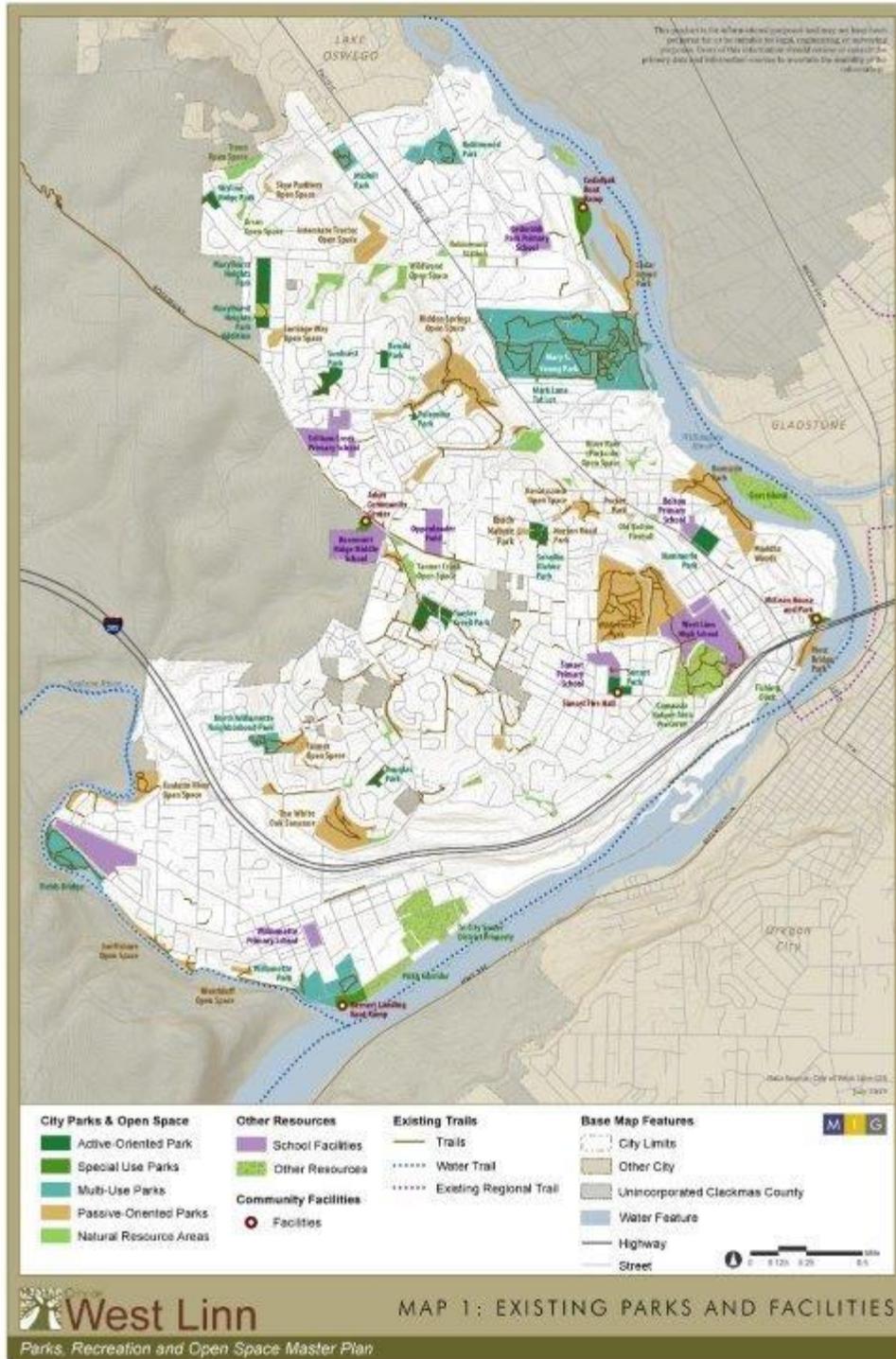
The Department has limited staff as well as limited space to support indoor programming. These factors affect the types and magnitude of recreation programs and services that are offered. Recreation programs and services are generally delivered out of the Adult Community Center (ACC), Sunset Firehouse, or West Linn/Wilsonville School District facilities. There has been a challenge in determining what types of programs to offer. Approximately 40% of classes last year had no registrants, and classes on average are 26% full. On the other hand, many of the community's special events attract people from across the City, and in some cases beyond. Indoor facilities are programmed to capacity.

Most of West Linn's residents have the resources to take advantage of private programs and programs offered in other areas. Based on expressed community interests and needs, it appears the City could attract residents with more outdoor recreation and nature programs, cultural arts, and fitness/wellness programs, as well as place a continued emphasis on special events and programs for older adults and seniors.

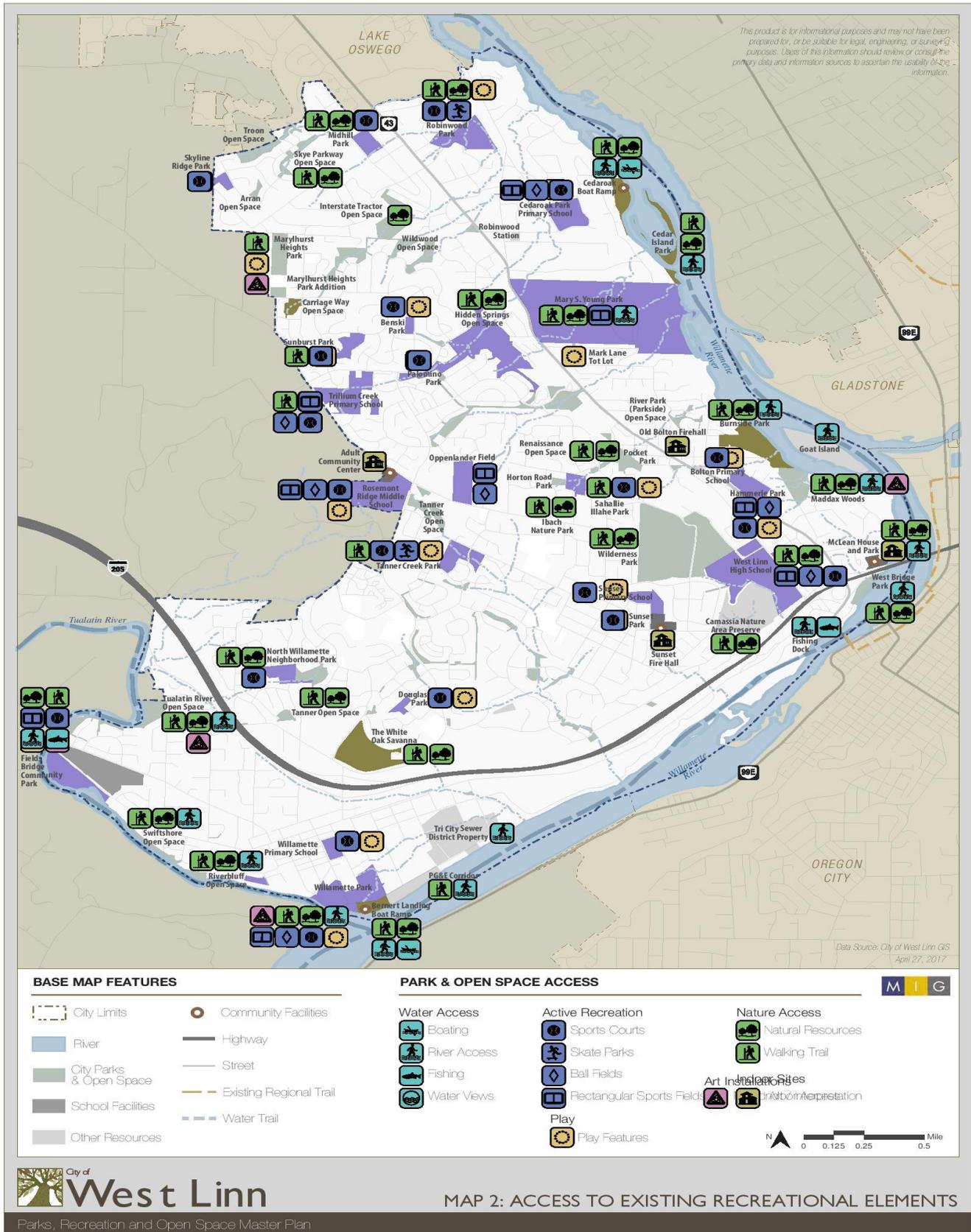
Figure 3: Participants at City Programs and Events (FY 2016-2017)



20 -Year Master Plan for West Linn Parks, Recreation and Open Space



20 -Year Master Plan for West Linn Parks, Recreation and Open Space







Chapter 2: Our Vision



2 OUR VISION



Our Community

The community of West Linn is highly regarded as a great place to live and raise a family, with engaged neighborhoods and a rich history connected to the Willamette and Tualatin Rivers.

A City of Growth and Change

West Linn is primarily a residential community, characterized by 11 neighborhood associations, each with its own unique goals. It's important to respect that diversity while also focusing on larger citywide needs. The City is experiencing modest population growth focused in four neighborhoods, generally those with multi-family housing. While the population of West

Linn was estimated at 25,615 in 2016, as many as 31,471 residents may live in the city by 2040, creating an increased demand for parks and recreation opportunities (data from the *Transportation System Plan*). More than a third of residents are new since the 2007 *Park, Recreation and Open Space Plan* was adopted, reflecting changing needs and priorities in the community.

More than one-quarter of residents are young, ages 19 or under. However, that percentage has decreased on the last 15 years, while the population of residents age 65+ has increased from 7.8% to 14.5%. This also suggests that priorities may have changed since the last Plan was completed (Table 4).

Table 4: West Linn Age Breakdown

Age of West Linn Residents	2000 Census	2015 Census
Under 5	6.6	3.7
5-9	8.2	7.6
10-19	16.5	14.4
20-34	13.7	13.4
35-64	47.4	46.4
65 years or older	7.8	14.5

A Community with Unique Needs and Opportunities

Socioeconomic and demographic data helps us better understand the changing priorities and market preferences of West Linn residents. Table 5 summarizes the six primary socio-economic segments of West Linn, using ESRI’s Tapestry data to categorize lifestyle choices, purchase options and recreation preferences. (See Appendix B for details.)

Overall, West Linn’s population is savvy with a higher than typical spending on recreation and entertainment. Residents tend to live active lifestyles, including participating in sports and exercise, and have time to spend on personal interests, including the arts and travel. Three of the top market segments are family-oriented, suggesting a stronger market for this demographic.



Figure 4: Savvy Suburbanites. These families with empty nests (or soon to be) are characterized as spending 84% above the national average on entertainment and recreation.

Tapestry Segmentation

Tapestry Segmentation™ classifies U.S. neighborhoods based on their socioeconomic and demographic compositions to identify 65 unique market segments. Neighborhoods are sorted by more than 60 attributes, including income, employment, home value, housing types, education, household composition, age and other key determinates of consumer behavior. These attributes help us understand the preferences of West Linn residents.

Table 5: West Linn Tapestry Segments

Segment Type	Percent	Median HH Income
Savvy Suburbanites	35.2%	\$104,000
In Style	27.0%	\$66,000
Soccer Moms	20.1%	\$84,000
Professional Pride	10.5%	\$127,000
Exurbanites	5.3%	\$98,000
Golden Years	1.8%	\$61,000



Figure 5: In Style. These professional couples without children engage in the arts and travel. While they spend 25% more than the national average on entertainment and recreation, they are less engaged in active activities.



Linn’s identity. Participants suggested developing waterfront trails and facilities that support water sports and recreation such as kayaking, boating and jet skiing. Priorities included designing quality community gathering spaces along the river to provide social and economic benefits.

Participants suggested a community esplanade along the river where people can walk, bike, shop and gather. Some participants suggested small boat (non-motorized) launch facilities, swimming docks and rentals.

Public Involvement and Key Themes

Nearly 2,000 members of the community were involved in developing the plan, sharing their insights and preferences to help shape recommendations. Based on community input, the 2018 *Park, Recreation, and Open Space Plan* identifies new priorities for parks and recreation in West Linn. The following key themes emerged from public comments.

Activating the City’s Waterfront While Respecting Community Context

West Linn’s location along two rivers is a big part of the City’s identity and a major draw for recreation. To improve access and connectivity along the Willamette River between Willamette Park and West Bridge Park, nearly 70% of questionnaire respondents want an off-street multi-use path along the river. There is additional interest in an improved bike/pedestrian route along Willamette Falls Drive.

Participants in the Vision Workshop identified the river frontages as a major opportunity to enhance the City of West

Protecting a System of Natural Areas

Opportunities to be outdoors or in nature was identified as a top benefit offered by West Linn’s parks and recreation system, as noted in Online Questionnaire results. Workshop participants emphasized the need to invest in natural area protection, especially in light of pressure from new development. Suggestions included acquiring natural areas near developing properties and restoring compromised wetlands and other environmentally sensitive areas.

Participants also emphasized that riparian habitat and sensitive natural areas along the water should be preserved.

Continuing to Connect Parks and Places with Trails

Trails and community connectivity continue to be a high priority for residents. Community members identified trails and connectivity as a primary reason for visiting parks or open space and expressed a need for better connectivity along the City’s riverfront. Adding nature trails and multi-purpose trails was also identified as a high priority according to questionnaire respondents.

Increasing Recreation Variety

Residents want to see a greater variety of outdoor recreation facilities in West Linn, especially those that engage residents of all ages and can be enjoyed year-round. Participants suggested adding swimming opportunities, small entertainment venues, tennis or pickleball courts, and facilities that promote youth participation such as climbing walls, ziplines and bicycle courses. Other ideas included enhancing existing parks with community gardens, reservable shelters, dog parks and amenities that can be enjoyed by active families.

Desired park characteristics

Residents noted that their favorite parks have several things in common. These include attributes such as convenient locations, natural character, shade, high quality amenities in good condition, riverfront or water access, trails and dog-friendly spaces.

Improving Indoor Options

Community members voiced a need for more year-round and indoor activities. Less than 30% of questionnaire respondents felt that the current quality of indoor recreation facilities provided by the City is good or excellent. When asked what could be improved, many respondents noted the desire for new indoor recreation/community space, potentially including an aquatic facility, or repurposed multi-purpose spaces to support indoor sports and activities for all age groups.

Popularity of Community Events

Public events are very popular in West Linn. Community members feel it's important to continue or increase these activities. More than 54% of Online

Questionnaire respondents or their family members participated in community events and festivals in 2016.

Offering Greater Flexibility in Recreation Classes and Programs

According to Online Questionnaire results, more programming options are needed. Opportunities to increase program participation include providing more weekend programs, a greater variety of programs or events, more family-friendly options and flexible scheduling or drop-in opportunities. More activities for different age groups and better communication regarding upcoming opportunities would also be helpful. Overall, residents indicated that children (age 6-12), as well as older adults or seniors, had more recreation opportunities. However, other age groups need improved and a greater variety of recreation services.

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Chapter 3: Goals for the Future



3 GOALS FOR THE FUTURE



Based on the ideas and needs summarized in Chapter 2, seven overarching goals and related recommendations provide direction for enhancements to the park system. Key themes and priorities from the extensive community involvement process directly informed the following goals:

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

Goal 1: Re-envision West Linn Water Experience

Overview

The Willamette and Tualatin Rivers are defining features of West Linn and important assets in the community. The rivers are also a big part of the City’s history and identity. Parks and recreation play a vital role in bringing people to water, with ten city parks located along the Willamette or Tualatin Rivers, and several more with a river view.

Water-based resources provide access to the rivers and diverse recreation experiences, such as wildlife viewing, fishing, boating, swimming and strolling along the river.

Access to the water is a tremendous differentiator for West Linn’s park system. Based on responses to the community questionnaire, parks near water are of the most popular park types in the city, including Mary S. Young, Willamette and Fields Bridge. Greater river access is desired. Equally important, sites with access to water have the potential to increase community identity, public interest and general park character, which are all important to residents.

Recommendations

1. Prioritize trail improvements near or along rivers or connecting to riverfront parks.
2. Establish an esplanade along the river near Riverfront Park where people can walk, bike, shop, and view the Willamette Falls.
3. Develop non-motorized boat launches, swimming docks, boat rentals, and a boathouse with boat storage, lockers and concessionaire space.
4. Prioritize the preservation and restoration of riparian habitat and sensitive natural areas along waterfront and wetland areas.
5. Create designated fishing areas and enhance existing fishing opportunities, including waterfront near an eddy, near submerged trees or vegetation.
6. Enhance and maintain views of the rivers by maintaining breaks in vegetation and orienting viewpoints and seating areas towards river views.
7. Consider a riverfront access plan addressing parking management in conjunction with added amenities along the riverfront.
8. Identify properties that would increase water access, habitat and park land connectivity through an inventory of desirable properties and through conversations with willing property owners and potential partners.
9. Increase awareness of riverfront sites by adding consistent wayfinding signage that depicts the different features offered at each site.
10. Address increased programming needs associated with waterfront opportunities.

Goal 2: Create social hubs that provide year-round gathering places for all West Linn residents

Overview Overview

Social interaction is one of the most fundamental and inherent benefits of public parks: places that provide a chance for unexpected encounters, social cohesion, demonstration and celebration.

Respondents of the questionnaire felt that parks are important for neighborhood and family gatherings, as well as for community events. Different scales of social spaces should be provided, ranging from smaller less-formal spaces (such as seat walls or open lawns), to larger-scale facilities (such as reservable shelters or amphitheaters). These social hubs will help create the types of environments where social interaction and gathering can occur and may support a network of indoor and outdoor gathering spaces for the community.

When outdoors, protection from rain, wind and sun are important considerations, such as at the six parks that provide a covered picnic shelter. Poor weather is one of the top reasons why people seldom use parks. Covered amphitheaters, program pavilions and community buildings are all facilities that provide year-round gathering spaces or serve as social hubs.

Recommendations

1. Develop flexible-use programming areas, such as spaces for special events, different types of outdoor classes, programs and activity practice space throughout the city.
2. Integrate accessible seating and gathering areas in existing parks, including reservable picnic shelters and pavilions, lookouts along rivers, and dispersed tables and seating areas in parks and along trails.
3. Design gathering spaces to shelter from the elements. Consider wind breaks, shade and shelters, and fire pits with defensible space from vegetation and structures.
4. Continue to program existing indoor spaces in meeting needs of nearby residents.
5. Integrate permanent and temporary public restrooms in parks that attract a high level of community use or attract users for extended time.
6. Activate gathering spaces to attract and retain users. Consider concessionaires (e.g., coffee stands, small boat rentals), farmers' markets and guided tours, classes and activities as part of site programming to contribute to livelier social or activity hubs
7. Improve connections and signage to encourage use of nearby park sites. Develop parks near schools to generate more activity from kids and families



Goal 3: Create parks and opens spaces that showcase West Linn’s unique qualities.

Overview

As public spaces, West Linn’s parks and open spaces should reflect the very best of the City and its people, showcasing an identity that is unique to West Linn and to each park. West Linn has many unique qualities that can shine through local parks, such as neighborhood character, natural features and site history. Most parks have some combination of open lawn area, wooded area, trails, play area, picnic area, and sports/recreation features, which makes the parks feel full of activities. However, this similarity also makes them feel relatively homogeneous, without distinct identities for each park.

A few parks have unique and defining features, such as the Meteorite Trail at Fields Bridge Park, the giant hill slide at Sahallie Illahee Park, the basalt water feature at Robinwood Park, and the new design features at Marylhurst Heights Park. Several parks have unique public art displays. There is an opportunity to create more site-specific, interpretive art outdoors.

Employing placemaking and park activation techniques in selected parks would help increase the variety of recreation experiences and would help transform these sites into distinctive, animated parks for all to enjoy.

Maintaining a more rustic, natural character at other sites would help differentiate park character in West Linn.

Recommendations:

1. Identify priority sites for natural resources restoration and stewardship, including cites with high resource value, riparian corridors, wetlands, wildlife habitat, continuous tree canopy, and pollinator pathways.
2. Identify priority sites for natural resources restoration and stewardship, including cites with high resource value, riparian corridors, wetlands, wildlife habitat, continuous tree canopy, and pollinator pathways.
3. Support opportunities for historical, natural and cultural interpretation and wildlife viewing in parks.
4. Provide signage and facilities to support environmental education and interpretation in developed parks and natural areas, particularly at points of interest such as trailheads, waterfront sites, viewpoints and sensitive areas.



Goal 4: Provide new and extraordinary experiences in West Linn’s parks.

Overview

West Linn’s parks offer incredible settings to support play, learning, exercise and relaxation. There are opportunities to maximize the full potential of parks to support a greater variety and diversity of recreation opportunities.

For example, most play areas are similar off-the-shelf pieces that do not encourage unstructured, open-ended play, which is an important component of a rich play experience.

Some parks lack defining features or memorable and unique recreation options. Parks also would benefit from a variety of facilities to serve youth, teens, young adults, adults, and older adults. Similarly, many sports fields and courts in parks are outdated, and additional active recreation opportunities are needed. In some parks, adjacent private property encroaches onto public space and detracts from the park character and erodes the necessary edge between public and private realms.

Recommendations

1. Support new and emerging recreational facilities across the city. Consider adding activities for young adults and teens, such as parkour, climbing walls, bike skills areas, zip lines, pump tracks, and outdoor ping-pong.
2. Enhance play areas to feature fun and unique play sites not found in nearby parks. Consider nature play in addition to or as an alternative to traditional play equipment when replacing aging or worn structures. Prioritize accessible design.
3. Design park features around a common theme or style that showcases West Linn’s unique natural areas and local history, providing settings that are comfortable, functional and engaging.
4. Open new or underused areas of parks where there is potential to add appropriate new recreational facilities, art installations, viewpoints, boardwalks or trails.
5. Increase low impact, social opportunities for adults and seniors in parks. Consider pickleball, lawn bowling, badminton, pentaquin, and outdoor exercise equipment.
6. Partner with schools to address sport field needs. Design synthetic-turf multipurpose fields suitable for traditional and newer emerging athletic activities.
7. Update the City’s policies on park encroachment and use boundary markers and maintenance to delineate park boundaries where they abut residential uses. Conduct annual GIS park boundary surveys. Develop an annual reporting database of encroachment violations and actively enforce violations.



Goal 5: Re-imagine West Linn’s future indoor recreation center.

Overview

West Linn residents desire indoor public spaces that have the potential to fulfill some of the top needs identified by the community, including opportunities for all ages, year-round recreation, health and fitness activities, and social gatherings.

As noted in the public comments received, many residents feel that existing indoor facilities are not meeting their needs. What’s lacking is a facility that supports indoor fitness, sports, recreation and drop-in community use. Questionnaire respondents indicated that a new indoor community/recreation center is one of their highest priorities. However, new indoor facilities are also costly—both for construction and ongoing operations. On the other hand, renovated indoor spaces are also costly, particularly if the resulting space lacks value for indoor recreation. The City needs a cohesive investment approach to evaluate indoor needs and create a strategic investment approach to capital improvements.

The City currently owns a mix of indoor facilities and buildings. Two function as current recreational assets supporting passive recreation programs and reservable space: Adult Community Center and Sunset Fire Hall. Two are considered Community Resource Centers that are operated by non-profits: the McLean House and the Robinwood Station. Two are not currently in use but represent Community Resource Opportunities if renovated and/or improved.

Recommendations

1. Invest in indoor facilities that provide a community-wide benefit and support multiple uses, including active and passive recreation. The highest need expressed is for a multipurpose recreation and community center. Continue to monitor the community’s willingness to pay increased taxes to fund the building of this nature. Models analyzed indicate a profitable, self-sustaining on-going operation. This structure does not necessarily include an aquatics center. However, community input would like to see an aquatics center at some point in the long-term plan.
2. Encourage co-location of public facilities to leverage infrastructure such as parking and restrooms.
3. For neighborhood-scale indoor facilities, continue to analyze cost-effective management and maintenance models with uses in alignment with the needs as described by community input. This does not replace the need for a multi-purpose recreation and community center.
4. Allow drop-in times or open use of indoor facilities during designated times, especially after school/work hours and on weekends.
5. Program indoor facilities for seasonal or year-round activities and exhibits, such as art shows, plays, neighborhood gatherings and movie nights.



Goal 6: Activate parks with recreation programs and events that encourage social interaction and a sense of community.

Overview

West Linn residents enjoy opportunities to come together, connect with friends and neighbors and spend time with family. Based on questionnaire responses, many respondents indicated that the City already provides great community events, and more than half attended community events and festivals. Yet, according to the questionnaire, respondents rated the recreation programs, classes and events for young adults and teens poorly. Overall, programs, classes and events for children (age 6-12) and older adults or seniors were rated better than programs and classes offered for other population groups.

Parks and recreation facilities provide great places to accommodate social gathering and serve as venues for learning, celebrating, demonstrating and playing, together. Open and flexible hours and locations are a starting point to encourage a greater variety of events and programs. The City should lead the effort to further improve social gathering opportunities, actively testing different times and types of opportunities to better meet the diverse needs of West Linn.

Existing and new partners are also key to building and sustaining this important part of the park and recreation system. Recreation programs offered by the City should be expanded to increase opportunities for residents to interact and gather.

Recommendations

1. Consider testing new program options that provide a variety of choices, weekend options, flexible scheduling and drop-in opportunities.
2. Work with volunteers or private businesses to provide access to outdoor recreation programs and activities, including nature-based programs and environmental learning.
3. Offer additional programs catering to young adults and teens, including a greater variety of outdoor concerts and movies, as well as beginner classes and field trips to regional recreation and institutional destinations.
4. Direct resources to help recruit new program instructors or volunteers. Showcase providers when advertising events and programs to the public.
5. Promote West Linn's parks and recreation opportunities, partnerships and programs to a higher degree. This will help increase participation and also inform people about the benefits that are being created with their tax dollars. Retain specialists in advertising and social media to promote the full range of opportunities offered by the City and its partners, using already popular events to showcase the park system and its supporters.
6. The City should continue to collaborate with a range of partners to put on public events. This strategy is cost effective and reduces demand on City resources.
7. As new facilities are developed, program and activate these spaces. For example, be prepared to staff a new swimming area with lifeguards during peak times.



Goal 7: Create a more connected and accessible environment for pedestrians, bicyclists and other recreation uses.

Overview

The City of West Linn has a long history planning for trails and non-motorized connections. The City's adopted Trails Plan outlines a network of 62 miles of trail routes, including on-and off-street facilities. A larger, more robust trail network envisioned by the plan would make the entire city more walkable/bikeable and would connect people to the waterfront, schools, neighborhoods, the regional trail network and other community destinations.

Based on more recent interests and needs identified from the Master Plan, trails continue to be a top priority. Respondents to the community questionnaire identified several trail priorities, including an off- street multi-use path to connect Willamette Park and West Bridge Park, plus an overall desire for more nature trails and multi- purpose trails for hiking or biking.

Trail corridors can provide many of the same experiences that residents would expect from a local park and further improve access to recreation, as well as non-motorized transportation. Trails also provide places to learn, reflect, explore and play. Seating and interactive or interpretive art, as well as boulders, downed trees or other natural materials for play, can all be added next to trails.

Recommendations

1. Using the Trails Plan for guidance, leverage the interconnected trail and greenway system as a major attraction, a recreation resource and a transportation asset. Prioritize pursuing a continuous multi-use path along the Willamette River (south of I-205).
2. Improve Willamette Falls Drive to include a separated bike/pedestrian route. Build trails and pathways within existing parks and natural areas to increase access to and interaction with natural areas, where appropriate.
3. Design chicanes or pockets alongside trails that include features for play, learning or relaxing. Consider natural or built materials to crawl under or climb over, engaging art pieces, seating and rest areas.
4. Create a comprehensive wayfinding system that is recognizable and understandable to all users. The system of signs should indicate where trails, bike routes and trailheads are located, distances between destinations, and safety and educational information. The system should conform to a consistent design theme that is durable and easy to maintain.
5. Locate park entrances and trailheads near transit stops, off-street parking areas, safe crossings and bike racks to promote connections to other transportation modes.



MAPS:

West Linn’s goals and recommendations can be achieved by enhancing and improving key park sites.

The following maps illustrate West Linn park sites where proposed improvements would support the Parks, Recreation and Open Space Master Plan goals detailed in this chapter. For more details on recommended improvement projects see Chapter 4.



Enhanced water experiences



Map 6: Potential Sites for Enhanced Park Experiences



Map 4: Potential Sites for Enhanced Social Hubs



Map 5: Potential Sites for Showcasing Unique Park Qualities



Map 7: Potential Sites for Programming Improvements



Map 8: Potential Sites for Enhanced Access and Connectivity



Chapter 4: Recommendations



RECOMMENDATIONS

West Linn’s goals for parks and recreation identify key moves to promote the community’s character through its park system. These moves together require a major investment in parks, facilities, programs and operations. Recent bond measures, however, have shown a reluctance to support some parks and recreation projects. For this reason, it’s important to understand what types of investment residents truly support.

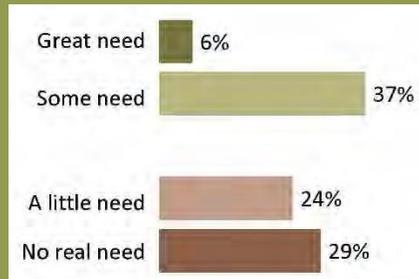
In December 2017 and January 2018, the City of West Linn surveyed 458 voters to identify priorities for a potential bond measure to improve to improve parks, trails, natural areas, streets, and community facilities. This chapter shares highlights from the West Linn Bond Measure Feasibility Study to define community support for parks projects. Considering these findings, the chapter also recommends site specific improvements and policies to enhance the development and management of West Linn’s park and recreation system.

High Satisfaction Ratings

West Linn residents appreciate City parks and facilities. In the 2017 Online Questionnaire conducted for the Master Plan process, 85% of respondents rated the City’s parks and facilities as good or excellent. The 2018 Bond Measure Feasibility Study survey also found high ratings for the Parks and Recreation Department (see sidebar). Because current satisfaction levels are

Bond Feasibility Study

- The Parks & Recreation Department has a stronger approval rating (85%) than the Streets Department, City Council, Neighborhood Associations and City management overall.
- Almost 70% of voters visit parks, natural areas and trails once a month or more.
- The Department does such a good job of maintaining sites that only 39% of respondents think that deteriorating and run-down parks are a serious problem. Parks issues overall are perceived to be less serious than other city issues.
- Fewer than half see a need for funding for neighborhood parks, trails, natural areas, and recreation facilities.



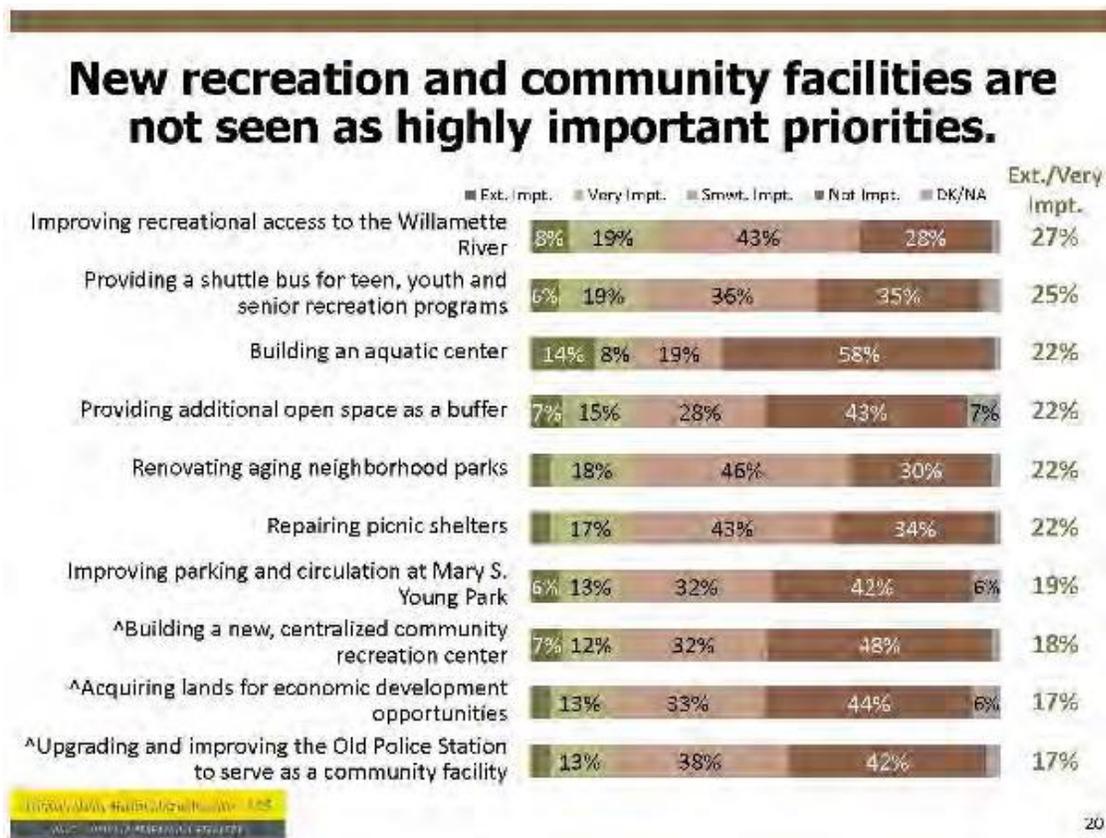
FM3: West Linn Bond Measure Feasibility Study

so high, however, few respondents saw a need for improved or new recreation and community facilities. Among a list of spending priorities tested, traffic/safety improvements are at the top (48-67% of respondents noting these as extremely or very important). Cycling, hiking, and park improvements are lower priorities, followed by new parks and facilities (Figure 8). However, one of the top reasons for supporting the bond measure is to invest in West Linn’s quality of life.

Quality of Life Investment

The third most important reason for supporting a bond measure is that parks, natural areas, and recreation and community facilities provide people of all ages opportunities to relax, exercise and appreciate nature. Investing in parks and recreation improves our quality of life.

Figure 8: Bond Measure Study Findings on Facility Priorities



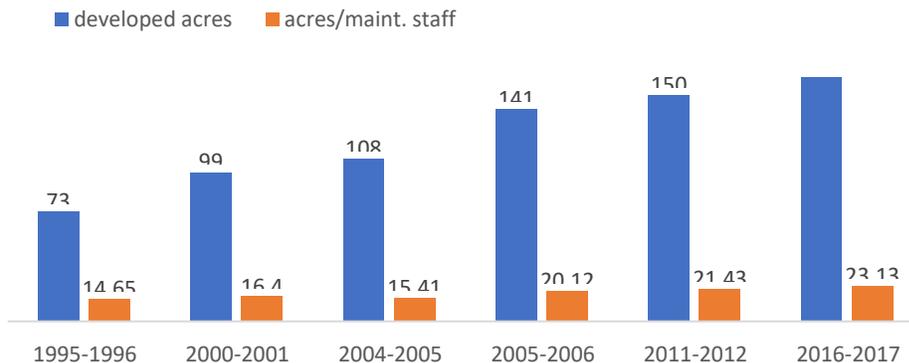
Increasing Maintenance and Operations Needs

The high satisfaction ratings mask the fact that the City’s parks and recreation facilities are at a critical junction. The City’s growing population is putting a greater demand on parks.

Recreation program participation also has increased in recent years. Department staff have been scrambling to take care of and operate its parks and facilities. Staffing has not kept pace with increases in the City’s population, developed park acreage and program participation through the years.

Currently, nine full time staff take care of 548.3 acres of City park land and natural areas, with some seasonal and volunteer support. Since there isn’t enough funding to maintain all parks, staff wisely focus resources on developed park areas only. However, more staff are needed as park to maintain the system as it grows. As the amount of developed park acreage has grown since 1995, the numbers of acres that each staff maintains has continued to grow as well (Figure 9). This FTE per maintained acre is not sustainable.

Figure 9: Increase in Developed Acres and Maintained Acres per Staff Person since 1995.



Needed Maintenance

The combination of deferred maintenance, storm-related maintenance issues, aging and worn facilities, increasing park and facility use, and added new facilities has pushed West Linn parks maintenance to a tipping point.

Without an increase in staffing and funds for site stewardship and asset replacement, the Parks & Recreation Department will be unable to maintain its parks adequately. If the City wants to sustain its high public approval ratings for parks and recreation, the Master Plan strongly recommends increasing funding to address maintenance needs.

While the Department has been able to keep things looking good and operational, staff know they are facing the perfect storm. Increased maintenance funding and staffing are critically needed. A higher level of maintenance is needed at 18 existing sites (Table 6).

Table 6: Numbers of Sites Needing Improved Maintenance and Reinvestment

Maintenance Classification	Definition	# of Existing Sites	# of Proposed Sites	Examples
Basic Maintenance	A basic level of maintenance includes routine monitoring, inspection and care of recreation facilities, natural areas and landscaping. At this level, the City provides routine maintenance for health and safety, but not specialized care for asset protection. All sites need at least basic maintenance.	50	8	All parks and natural areas
Standard Maintenance	More heavily or frequently-used sites require a higher standard of maintenance. These sites receive the types of maintenance provided at “basic” maintenance sites on a more frequent basis.	7	1	All boat ramps, Tanner Creek Park, White Oak Savanna, Mary S. Young Park, Midhill Park
Enhanced Maintenance	Enhanced maintenance is needed at sites that include specialized assets and are highly visible and heavily used. These sites are maintained at the highest level and receive priority during peak use times.	10	6	All indoor facilities, Fields Bridge Park, Willamette Park, proposed Riverfront Park
Reinvestment/Replacement	An allowance should be set aside annually to offset the costs of replacing facilities at the end of their lifecycles. In the timeframe of this plan, this applies to all sites.	41	9	All developed park sites

Note: See Appendix D for details.

Site Recommendations

The issue the City is facing is not just about park maintenance. To meet community expectations, aging parks and facilities need to be updated and refreshed, plus new recreation facilities should be developed to support changing recreation trends. The Master Plan includes a Park Site Recommendations Matrix that documents site by site needs for improvements and maintenance (Appendix C). It presents recommended capital projects for existing parks and potential future parks and facilities. It also identifies maintenance needs based on anticipated levels of site use. These recommendations are tied to Plan goals presented in Chapter 3 and consistent with the Design Use and Maintenance Standards presented in Appendix D.

Many existing sites need improvements (Table 7). Fortunately, most of them simply need minor facility enhancement and natural resource restorations. Deferred maintenance is a significant issue at nine sites.

Site Recommendations

There are five categories of recommendations for existing parks. Appendix G provides additional description of these terms.

- **Major Enhancement:** A feature that would affect roughly half of the developed portion of a site or add costly features.
- **Minor Enhancement:** A feature that would affect roughly one quarter of the developed portion of a site or add improvements with a moderate cost.
- **Added Facility:** A unique or specific feature recommended for a site.
- **Deferred Maintenance:** Providing upkeep to existing parks with known maintenance needs.
- **Natural Resource Restoration:** Attending to preservation, restoration or protection of natural resource areas of a site.

Table 7: Highlights of Recommendations for Existing Sites (# of sites needing improvements)

	Major Enhancement	Minor Enhancement	Added Facility	Deferred Maintenance	Natural Resource Restoration
Active-Oriented	2	5	4	2	0
Special Use	1	2	1	1	0
Multi-Use	2	4	0	5	1
Passive-Oriented	1	6	0	1	14
Natural Resource Areas	0	0	0	0	0
TOTAL Existing Parks	6	17	5	9	15

See Appendix C for all site recommendations.

Table 8 summarizes recommendations for proposed (new) sites that will add new recreation opportunities for West Linn residents and promote community livability. There are also opportunities to cost effectively partner at Oppenlander Field (potential partner site) to add sports capacity to West Linn. Map 9, on the next page, shows how these improvements advance the goals of this plan.

Table 8: Highlights of Recommendations for Proposed Sites (# of sites needing improvements)

	Acquire	Plan	Develop	Enhance	Sustain
Proposed park sites	6	6	6	3	1
Potential Partner Sites	0	0	0	1	0
Other Sites	0	0	0	1	0
TOTAL	6	6	6	5	1

See Appendix E for all site recommendations.

Project Types

Capital projects for proposed sites, potential partner sites and other sites include five types:

- **Acquire:** Obtain new land
- **Plan:** Create or revise a master plan, design or study
- **Develop:** Build a new park
- **Enhance:** Add a specialized feature or facility
- **Sustain:** Attend to the maintenance, restoration or preservation of site features

20-Year Master Plan for West Linn Parks, Recreation and Open Space

Map 9: Recommended Park Projects by Goal



RELATED PLAN GOALS

- Enhance Water Experience
- Create Social Hub
- Showcase Unique Qualities
- Create New & Extraordinary Experiences
- Create a Connected & Accessible Environment
- Activate Parks

Note: Proposed trails are based on recommendations in the adopted 2013 Trails Master Plan.

Top Community Projects

Since the Master Plan includes more projects than the community can fund, projects were screened according to Master Plan goals and the community priorities noted in the Online Questionnaire and Community Workshop. The following projects are important to achieving Plan goals. These are not noted in priority order and should be prioritized along with other capital projects as part of the City’s capital improvement planning process (see Chapter 5). Appendix E provides additional details for each top project.

Maddax Woods

Enhance Maddax Woods as a unique natural park site that better supports events and holiday festivals and provides opportunities for hiking, wildlife viewing, and environmental education.



Fields Bridge Park

Strengthen some of the best features of Fields Bridge Park to reinforce it as a one-of-a-kind destination park experience that offers a wide range of activities and environments for all ages and interests.

Sunset Park

Reinvest in Sunset Park by creating an outdoor neighborhood oasis that provides community spaces for play, gathering, and learning under the canopy of mature conifer trees.

Marylhurst Heights Park Addition

Develop the addition to Marylhurst Park to complete the overall park’s design and installation.

Oppenlander Field

Explore a partnership or joint-use agreement with the School District to improve and manage this site as a high-level sports facility with artificial turf and field lighting.



Cedar Oak Boat Ramp

Add to the recent boat ramp improvements by enhancing existing features and introducing new ones that improve user comfort.

Sports and Games Activation

Strengthen West Linn’s existing activity areas and sports facilities with diversified sports courts, challenge elements, and game features in two to three pilot sites. These outdoor sports courts and game areas should be designed to encourage community interaction, activate public spaces, promote play, and present opportunities for friendly competition and

intergenerational connection. Consider sites such as Tanner Creek Park, Hammerle Park, Marylhurst Heights Addition, and Robinwood Park.

Enhanced Play Experience at Targeted Sites

Target four to five sites to provide unique and extraordinary play experiences – ones that offer surprising, contextual, and open-ended experiences and that are designed for people of all ages and abilities.

User Comfort and Accessibility

Enhance user comfort and accessibility by providing a variety of accessible amenities with a special focus on priority projects. Clean, comfortable, and accessible parks are aesthetically pleasing and are a major contributor to the community’s general quality of life.



Riverfront Park

Create a community destination and year-round social hub that provides an extraordinary riverfront experience. Acquire and adaptively reuse the Tri-City Sewer District Property into a new regional park that enhances the character of West Linn’s riverfront. Include attractive plazas, a swimming dock, a non-motorized boat launch, a boathouse, a reservable shelter with

gathering and social spaces and connect to nearby parks via a riverfront esplanade. This park will connect to the portion of the waterfront that is currently owned by PGE.



Willamette Greenway Trail

As recommended in the adopted 2013 Trails Master Plan, develop a riverside trail that provides visual and physical water access, connects riverfront parks, highlights natural resources, and transforms the riverfront area into a lively, usable, valuable treasure for the entire city. Along the Willamette River, create a riverfront trail extending from Bernert Landing Boat Ramp to Cedaroak Boat Ramp. Connect to the new Riverfront Park esplanade, as well as to the West Linn Public Fishing Dock, West Bridge Park/ MacLean House, Maddax Woods, Cedar Island Park, and Mary S. Young Park as feasible.

Land and Water Trailheads

Design and develop new trailheads and support facilities as gateways to popular or prioritized future land and water trails. Focus on the new Riverfront Park, as well as existing Special Use and Multi-Use Parks with the largest demand or need for improved access, including the future Riverfront Trail.

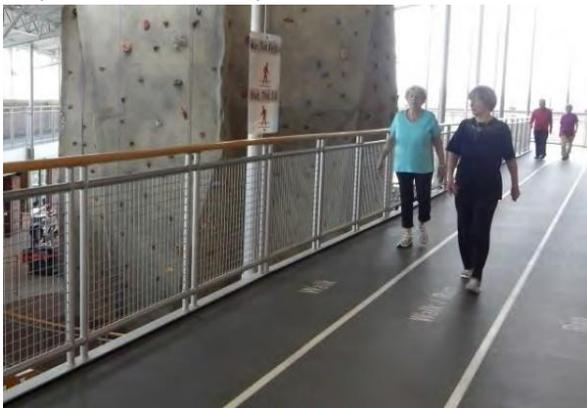
West Linn Fishing Dock

Enhance the existing fishing dock by improving parking and access and by increasing use throughout the shoulder seasons.



A Multi-Purpose Indoor Recreation Space

Strategically prioritize investments to move towards the long-term goal of building an indoor community hub that supports active programming and enrichment activities for residents of all ages. As noted in the indoor facility recommendations in Appendix F, consider a phased approach to develop a community recreation center with indoor/outdoor programming space that could later be expanded. Also, maintain and improve the Adult Community Center to continue its emphasis on senior programs and, after hours, on passive community activities and rentals.



Recognizing the importance of other City-owned buildings such as the Robinwood Station, Bolton Fire Hall, and Old City Hall, create a comprehensive Public Facilities Master Plan to evaluate long-term community needs and investment strategies for all indoor facilities.

Programming Recommendations

The development of a new indoor recreation facility will significantly change the business of the Parks and Recreation Department to emphasize more recreation programming. In the short-term, however, the City must carefully consider ways to invest in increasing recreation programs and events. Increased activities in parks will increase maintenance demands as well. Consequently, the Master Plan recommends that the City increase programming as a revenue-generating opportunity, responding to West Linn’s market considerations (see Appendix B). That includes focusing on cost recovery, specific types of programs, and a longer-term strategy for meeting indoor needs.

Cost Recovery and Program Reinvestment

Based on West Linn’s market profile, residents are well above the national average in the funds they spend annually on recreation and entertainment. That means residents have a strong capacity to “pay to play” for recreation services provided by public, private and non-profit groups. Given the City’s limited investment in recreation, the pricing policies and cost recovery established for programs and services is critical to being able to provide programming. Any revenues collected through City events and programs must be reallocated to the Parks and Recreation Department and re-invested in park maintenance and programs.

The City should revisit and update its pricing policies that define how fees are set for programs, events, and facility reservations. A comprehensive fee philosophy and cost recovery policy will:

- Ensure that facility reservation and use fees are based on time reserved and set to recover costs for labor and materials associated with staffing, equipment, janitorial services and utilities, plus some indirect costs as per market capacity.
- Increase fees to include a facility impact/capital replacement fee to offset the long-term impact of facility use.
- Address the different rates charged for City residents and non-residents and non-profits vs. other for-profit or private facility users.
- Address fees for special uses, such as vendors, alcohol and sound permit, special equipment rentals, application processing fees, reservation changes, added event monitors, etc., as well as deposits for cleaning and damage.
- Determine cost recovery rates based on the types of benefits provided. For example, activities that have individualized benefits have a higher cost recovery rate, potentially recovering 100% or more of direct costs. Events and programs with community-wide benefits, or provided by community partners in parks, may have lower cost recovery rates.

Revenues collected from all programs, as well as park and facility user fees, should be reinvested in the Parks and Recreation Department to support park maintenance, programs and operations.

Core Program Areas

Based on West Linn’s market profile and needs identified in the Online Questionnaire, City staff should expand programs in the following areas:

Programming Recommendations

- Revenues collected through City events and programs should be reallocated to the Parks and Recreation Department and re-invested in park maintenance, programs and operations.
- Facility use fees should include a facility impact charge to apply towards repair or replacement as facilities wear and age.
- Activities that have individualized benefits should recover 100% or more of direct costs, unless it involves services to a targeted underrepresented group. Events and programs with community-wide benefits, or provided by community partners in parks, may have lower cost recovery rates as defined in an updated cost recovery and fee philosophy.
- Outdoor programs should be expanded in the following areas: Outdoor Recreation/Nature Programs, Cultural Arts, and Fitness/Wellness.
- Special Events and Older Adult/Senior programs should be continued.
- Additional program staff should be hired to phase in new programs and expand the recreation business prior to investing in a new indoor recreation and community facility.
- Park concessions should be added to generate revenues and increase recreation opportunities in the city.

Outdoor Recreation/Nature Programs, Cultural Arts, and Fitness/Wellness. The City should continue providing Special Events and programs for Older Adults and Seniors. Recognizing that current indoor facilities are at capacity, most of these programs will be held outdoors in City parks.

Indoor Program Expansion

As the City considers the development and phasing of a new community recreation center, as discussed in Appendix F, it should consider partnership opportunities as well as operation needs. Program expansion and cost recovery should be addressed to generate revenue and offset the cost of facility operations. This may require a substantial change in Department operations. Prior to new facility development or renovation of other City-owned building, the City should explore opportunities to expand facility use agreements with the West Linn-Wilsonville School District to initiate pilot recreation programs. Additional dedicated program staff would be needed to phase in new programs and expand the recreation business prior to investing in a new indoor recreation and community facility.

Park Concessions

The City should explore opportunities to add concessionaires in parks to generate revenues and increase recreation opportunities in the city. Preceding the development of a new regional park, the City should evaluate revenue-generating options to help make the Riverfront Park cost-neutral. This would require planning and operating this site similar to an enterprise facility, with all revenues collected and kept by the Parks and Recreation Department to support operations.



Chapter 5: Plan of Action



4 PLAN OF ACTION



As noted in Chapter 4, the path towards Master Plan implementation requires a clear understanding of costs, community priorities, and funding options. Chapter 5 outlines these ingredients, as well as criteria to guide the timing of these projects and implementation steps for carrying out the plan.

Cost Summary

The City of West Linn must be prepared to invest in its park and recreation system in four different ways. Costs will include:

- **Capital Costs:** Land acquisition, planning, development, and park improvements.
- **Reinvestment/Replacement Costs:** Annual cost to sustain recreation facilities.

- **Maintenance Costs:** Annual maintenance cost scaled to match park characteristics.
- **Recreation and Facility Operations Costs:** Annual costs to support programming, events and operations of existing indoor recreation facilities.

Assuming a stronger cost recovery and reinvestment program is implemented for operations and programming, the City must still fund a higher level of maintenance, the replacement of aging and worn facilities, and improvements to existing parks. The community also values new park development to support community livability.

Table 9, on the next page, summarizes planning level costs for all capital projects, maintenance

and reinvestment/replacement presented in this Master Plan, based on a cost analysis presented in Appendix G.

Table 9: Cost Summary

	Total Capital Costs (10 Years)	Total Reinvest./ Replace. Costs (annual)	Total Maint. Costs (annual)
Active-Oriented	\$3,424,100	\$192,400	\$412,000
Special Use	\$2,186,400	\$93,200	\$348,300
Multi-Use	\$16,609,200	\$891,600	\$1,957,800
Passive-Oriented	\$3,084,000	\$124,000	\$340,600
Natural Resource Areas	\$0	\$0	\$66,400
Subtotal Existing Parks	\$25,303,600	\$1,301,100	\$3,125,200
Proposed Parks	\$47,990,000	\$328,800	\$606,500
Partner Sites/Other	\$4,500,000	\$0	\$120,500
TOTAL	\$77,793,700	\$1,630,000	\$3,852,100

See Appendix G for a complete summary of costs.

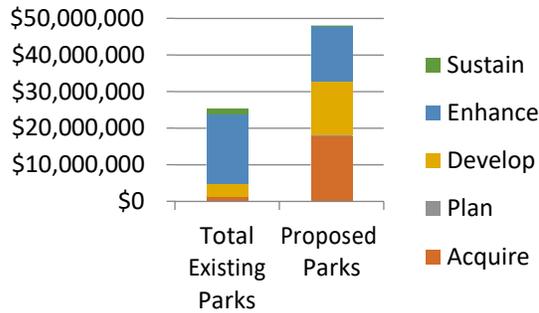
As shown above, if all Plan recommendations were implemented, approximately \$25.3 million would be needed to improve existing parks. An additional \$1.3 million would be needed annually for reinvestment and replacement, and \$3.1 million for annual maintenance.

Proposed parks would require approximately \$47.9 million for land acquisition, planning and development. If added, these sites would increase the funds needed annually for park maintenance by \$606,500. The annual set-aside allowance for facility reinvestment and replacement would increase by \$328,800. If the City invested in potential partner sites, improvements would cost approximately \$4.5

million, with \$120,500 in annual maintenance costs.

Figure 10 compares costs for existing parks with proposed parks.

Figure 10: Cost Distribution for Existing and Proposed Parks



Prioritization

While all these improvements are desired, the cost is more than the City can afford and more than the community is willing to pay. The envisioned parks and recreation system will take time, resources and adaptability to achieve over the long term. Not all recommendations will be carried out in 10 years. So how does the City decide what to advance?

Prioritization Criteria

The decision-making criteria noted below can be used in the City’s budgeting process to identify higher priority projects for funding. Projects that more closely meet the intent of these criteria should rise to the top of the list, while those that do not should be moved lower in the queue and considered at a later date. This process can also help decide what to include in citywide funding measures if put before voters for decision-making.

1. **Multiple Benefits:** Would the project help fulfill multiple plan goals?

2. **Community-Wide Value:** Does the project deliver high value for the cost or resource needed for the benefit of the greater community, relative to other projects?
3. **City Priority:** Does the project coincide with or support another City project, goal or City Council initiative that supports community wide services?
4. **Completing Connections:** Will the project result in improved connectivity as envisioned by this Plan and the Trails Master Plan?
5. **Replacement and Revitalization:** Will the project remove, replace or enhance facilities or landscaping in poor condition to ensure high quality parks and facilities compliant with current safety and ADA standards?
6. **Programming Options:** Will the project improve a facility or park area to support a program, class, camp, organized sport or event?
7. **New or Unique Opportunity:** Will the project add a new type of recreation facility to address changing recreation trends and support a greater variety of recreation opportunities in West Linn?
8. **All Ages, Abilities and Users:** Does the project serve several neighborhoods or the entire community, provide recreation opportunities for different age groups and people of all abilities and skill levels, and/or support activities targeting teens, young adults, and adults?
9. **Community Heritage and/or Natural Resources:** Does the project create engaging parks and facilities that reflect local heritage and history, and/or protect the urban forest, stream corridors, natural resources and open space?

10. **Sense of Community and Social Cohesiveness:** Does the project create social gathering places or respond to the City's demographic character, cultural diversity and community cohesion?

Project Sequencing

After identifying top community priorities using the prioritization criteria, the City should consider the following questions to determine when implementation is feasible. These questions will help decide which projects to include in the City's five-year CIP, which is updated annually, and which projects to implement when funding or other resources arise.

Capital and Resource Availability: Are there adequate resources to move the project forward and maintain it in the future?

Available Partnerships: Does the project have the committed support of one or more partners?

Timing: Is immediate action needed before the opportunity is lost?

Value: Is there potential to reduce costs or be more efficient by bundling projects?

Capacity: Is there adequate staff capacity to implement the project and support ongoing maintenance and operations?

- 11. **Local Economy:** Does the project increase opportunities to generate revenue or support community events and encourage tourism that indirectly supports local businesses?
- 12. **Sustainability:** Does the project reduce operations and maintenance costs or help achieve City sustainability goals?

survey seems unaware of the pressing need to fund park improvements. This highlights the need for voter education before a parks bond measure is put before voters for renewal.

The City should continue to consider the right mix of park and non-park projects, as well as timing of the bond measure, to ensure its passage. Even if the City goes forward with a transportation-focused bond measure in 2018, it should consider strategies to bolster support for the parks system and to build a larger constituency that supports a bond measure for parks in the future.

Best for funding: park enhancements, new parks

Funding Alternatives

The City primarily relies on the General Fund to pay for parks and recreation. Ultimately multiple funding sources will be needed to fund both capital projects and operations. Some of most strategic funding moves are noted here.

General Fund

The City’s General Fund budget is used to provide routine public services to the community. Given the role parks and recreation plays in supporting the City’s high approval ratings, the City should strive to maintain and increase its General Fund allocations for parks and recreation services. Any revenues collected from parks and programs should automatically be reinvested in Department services to ensure high quality services.

Best for funding: park maintenance, capital replacement, management, administration and programming

Bond Measure

By 2021, the City’s General Obligation Bond for parks will be fully paid off. Passage of a new bond with at least partial funds dedicated to parks projects could provide a major source of revenue to cover recommended capital improvements. While the Bond Measure Feasibility Study showed a reluctance to pass a May 2018 bond measure dedicated to parks projects alone, it did highlight the importance of community livability in voter decision-making. The voters who participated in the

System Development Charges

The City of West Linn should consider updating its parks and trails system development charges to ensure that any new development is paying their fair share for the increased demand and need for new facilities. Since residential growth is slowing, the City may consider whether charges for commercial and industrial impact fees may be warranted depending on plans for future growth.

Restricted for funding: capacity-enhancement capital projects

Operating Levy

Unlike the General Obligation Bond—which would only cover major construction projects—an operating levy would help pay for needed park maintenance and recreation operations over the lifetime of the levy. Maintenance and upkeep of parks and recreation assets are important to the public and such a levy could provide a valuable resource to pay for ongoing maintenance to the system. Additional operations funding is also needed to cover the additional community events and recreation services desired.

Best for funding: park maintenance and recreation events and programs

Maintenance Fee

The City should continue to rely on the park maintenance fee as part of the larger strategy to fund needed park maintenance. The City doesn't currently require a fee for commercial uses, though many businesses and workers in West Linn rely on nearby parks, trails and other recreation facilities during a lunch break or before or after work. The City should discuss the merits of assessing a fee to commercial uses to help offset the existing shortage of maintenance funding.

Best for funding: park maintenance

User Fees and Programming Fees

The City should redefine its pricing policies and cost recovery targets to increase revenues from programming fees, facility-use charges and where applicable, facility-entry fees. Facility use charges should cover all direct costs, and rates may also be set higher to subsidize parks maintenance and address the long-term impacts of facility use. Charges for programming should be based on a cost-recovery strategy or fee philosophy that identifies which programs and events can be subsidized, and where costs can be offset by revenue-generating programs that more than fully recover their cost. It's critical that these revenues return to the Parks and Recreation Department.

Best for funding: recreation programming and operations, maintenance

Concessions

Food, beverage and merchandise vendors or concessionaires that operate coffee kiosks, food carts, equipment rentals such as bicycles or kayaks or provide other revenue-generating facilities or services in parks can also generate

excess revenues to support the park system. The City can set-up specific arrangements with vendors and concessionaires for these services. Vendors are also required to obtain a license from the City.

Best for funding: park maintenance and operations

Foundation Support

A new parks foundation can be a valuable asset that can raise money and garner support for development and stewardship of the park and recreation system. A parks foundation can leverage its non-profit status to make the most of tax-deductible donations and can use its independence from the City to put on a range of fundraising events. The tapestry segmentation for West Linn (Appendix B) suggests potential support for a park's foundation, with higher median income and other demographic indicators in West Linn, including residents with a likelihood to support charitable organizations and recreation expenditures.

Best for funding: specific projects

Private Contributions and Endowments

Cash contributions from private organizations can add up when successfully managed. The program must be thoughtfully designed so that potential contributors can see the results of their donations. Options to purchase benches, playground equipment, trees and other items are great ways to show that donations are making a difference. The program should also be prepared for larger endowments for playgrounds, picnic structures or entire parks. The City should seek contributions from estates and trusts and have the resources needed to accommodate more complex transactions.

Best for funding: park maintenance, new parks, partner sites

Going Forward

The path to leverage Master Plan recommendations will require deliberate action. The Parks and Recreation Department staff should work with the City Manager, parks and Recreation Advisory Board and City Council to undertake the following:

1. Revise City funding policies to ensure that all revenues generated in parks and from recreation programs, events and activities are placed in a special fund for the Parks and Recreation Department.
2. Increase the General Fund budget for park maintenance to hire more staff to reduce the staff-per-developed acre ratio and improve maintenance quality. Ensure that all sites receive basic maintenance to ensure public safety and that high-use sites and higher value assets receive the attention they need.
3. Ensure that at least one significant parks project is part of the package for the 2018 bond funding measure. Studies show that having a mix of projects typically garners broader support. The role that parks play in supporting community livability tested as the third most powerful message to support a May 2018 bond passage.
4. Create a "Support the Parks" campaign to highlight the importance of parks and recreation to West Linn's quality of life and character, plus raise awareness of the need to take care of assets, improve aging and deteriorating facilities, and enhance sites. The campaign will provide the level of awareness and "buzz" needed to gather support for future funding measures and for attracting new partners and sponsors. Involve Parks and Recreation Advisory Board members in being ambassadors for the park and recreation system. Continue to publicize success and popular parks projects and programs to build community interest.
5. Fund parks and recreation as essential services. The City is facing several competing funding priorities, and staff and City Council will need to make some significant decisions on overarching priorities. Both the Parks and Recreation Master Plan outreach and Bond Measure Feasibility Study show the importance of taking care of park assets to ensure community support and a high level of satisfaction in City services. As the City seeks to increase other funds, ensure that parks remain part of the funding package for essential services.
6. Pursue an operations levy or utility fee to fund maintenance and recreation services. Ensure costs are recovered from recreation programs to have funding on hand to continue to re-invest in programming and operations.
7. Invest in priority projects that have the broadest benefit. Since funding is tight, the City must make strategic decisions to spend funds on critical projects and withhold funds from other requests to accumulate sufficient funding for larger priority projects.
8. Maintain a dedicated Parks and Recreation Department and staff. City parks are clearly valued assets. During transitions in park staff, it is important to ensure quality leadership and expertise in parks and recreation to guide the management and operations of West Linn's park and recreation system.
9. Acquire land for the riverfront regional park while the opportunity exists to do so. Create a master plan and market study to

develop the park as a cost-neutral site with revenue generation to offset operations.

10. Annually prioritize projects and update the Capital Projects List. Using the criteria listed in this chapter, review the capital projects and rank each project according to how well it meets the identified prioritization and sequencing criteria. Each year, as conditions, preferences and funding opportunities change, the City should readdress the project list and re-prioritize the project queue.



Appendix A: Site Recommendations Matrix

Appendix A: Site Recommendations Matrix

Appendix C presents recommendations for each site in West Linn’s park and open space systems.

A. MATRIX INTRODUCTION

The Park Recommendations Matrix provides a list of recommended capital projects for existing parks and potential future park sites and recreation facilities. These recommendations are tied to Plan goals presented in Chapter 3 and are the basis of the planning-level cost estimates presented in Appendix F.

B. MATRIX DEFINITIONS AND ASSUMPTIONS

Table C-1: Site Recommendations Matrix includes the following information:

CHARACTERISTICS AND SITE OVERVIEW

- **Acres:** Total acreage of site.
- **% To Be Developed or Programmed:** The area of the site that will be developed upon completion of recommended improvements. This percentage is an estimate that help account for the natural resources present on site.
- **Park Type:** One of the three categories of parks that define the general intent and purpose of the park. In general, recommendations for Type I parks will have a higher cost than Type II due to existing park assets in need of improvement and/or the level of use these sites receive and impact on maintenance. Type III parks are not City parks and are treated separately.
 - TYPE I: active-oriented, special use, multi-use parks
 - TYPE II: passive-oriented parks, natural areas/islands, natural resource areas"
 - TYPE III: schools, other partnership properties
- **Design Recommendations:** Summary of intended capital improvements for the site.
- **Site Opportunities + Vision:** Additional ideas to consider for the long-term future of the site.
- **Related Plan Goal:** Indicates which goals will be supported based on the recommended improvements.

CAPITAL PROJECTS/REINVESTMENT

- **Acquire:** Where appropriate, obtain new land for future park or trail development.
- **Plan:** Where appropriate, reexamine or revise existing Master Plans for park sites, develop new design concepts and/or conduct feasibility studies. This applies to proposed new parks and trails and to existing sites slated for significant enhancements.
- **Develop Park:** Develop a new park or trail on an existing or acquired piece of property.

Parks, Recreation and Open Space Plan

- **Major Enhancement:** Provide extensive level of improvements/upgrades to an existing park. Major renovations many include new, large-scale, signature park elements such as play areas, sports fields, extensive trails, considerable accessibility improvements, new picnic shelters, new restrooms, etc. Major renovations are anticipated to affect approximately half of the developed portion of the site, or add costly features and facilities to the site
- **Minor Enhancement:** Provide small to medium level of improvements/upgrades to an existing park. Minor renovations can include elements such as small park features, an enhanced play area, a seating area, trail, new/renovated sports court, small circulation adjustments, site furnishings, plantings, boat lockers, etc.
- **Other Added Facility or Improvement:** Provide unique or specific features at a site or make a specific improvement that does not involve further site enhancements or renovations.
- **Address Deferred Maintenance/Repair:** Attend to deferred tasks required to maintain, preserve, and enhance a park or building site to a level that is aesthetically pleasing, well-tended, and safe. Includes work such as turf care, refreshed plantings, repair/replacement of site furnishings, accessibility adjustments, building painting or residing, roof or infrastructure repairs, etc.
- **Natural Resource Stewardship/Restoration:** Attend to preservation, restoration or protection of natural resource areas as identified by the City.
- **Reinvestment/Replacement:** Set aside funds annually to offset the costs of replacing facilities at the end of their lifecycles. Funds can be used for major repairs, but these funds are not intended to support routine maintenance.

MAINTENANCE

The Design, Use and Maintenance Standards in Appendix D provide a complete summary of recommended park maintenance levels. All sites receive basic maintenance to take care of developed and natural areas. Some sites also receive a greater level of maintenance as noted below.

- **Basic:** The basic level of maintenance includes routine monitoring, inspection and care of recreation facilities, natural areas and landscaping. At a basic level of maintenance, the City provides routine maintenance for health and safety, but no specialized care for asset protection.
- **Standard:** More heavily or frequently- used sites require a higher standard of maintenance. These sites receive the types of maintenance provided at “basic” maintenance sites on a more frequent basis.
- **Enhanced:** Enhanced maintenance is needed at sites that include specialized assets and are highly visible and heavily used. These sites are maintained at the highest level and receive priority during peak use times.



Appendix B: Design, Use and Maintenance Standards

Appendix B: Design, Use and Maintenance Standards

A. PURPOSE

The following standards apply to the planning, design, development and ongoing maintenance of all new and redeveloped park sites in West Linn. These guidelines are intended to provide direction to the Park and Recreation Advisory Board, the City Council and City staff regarding future investments and park improvements. They include general guidelines for all park land, for the acquisition, development and renovation of parks by classification, for the provision of amenities and facilities in parks by classification, and for maintenance level of service.

Note that the design of future parks and renovation of existing sites will depend on site-specific characteristics, the envisioned use of the site as well as community interests and priorities. Site master plans or facility designs may be needed to provide additional design guidance, and all projects should adhere to national, State and local regulations. Additional guidance for trail corridors is provided in the *2013 West Linn Trails Plan: A 50-year Vision for the Future*.

B. GENERAL STANDARDS

- **Cutting-Edge Community:** West Linn has been at the leading edge of recreation trends and should continue to provide parks and facilities to exhibit new trends and innovations in recreation and park design.
- **Community Context and Sense of Place:** When redesigning or updating parks, the identification of design themes will help guide park design choices. Parks should connect to West Linn’s history and natural resources, take cues from the surrounding neighborhood and use art, color palettes, interpretive elements, and diverse amenities and facilities to tell a unique story and enliven play and recreation experiences.
- **Multi-Use and Flexible Use Facilities:** West Linn will maximize efficient use of park land by designing multi-use features and flexible-use facilities that can respond to changing community needs over time. Examples include sport field overlays, shared-use sports courts (e.g., futsal, pickleball and tennis), and shelters with movable tables for picnicking and programming.
- **Sustainable Design:** The City should maximize sustainable design, landscaping and water- and energy-conservation in its parks and facilities. Facility design should incorporate green building techniques and materials where feasible.
- **Design for Different Abilities, Skill Levels and Interests:** Parks improvements should maximize access for all, not only meeting ADA standards, but also providing varied recreation options to engage participants of all ages, different abilities, interests and skill levels to encourage recreation among as many residents as possible.
- **Shared Public Infrastructure:** When possible, improvements should utilize existing infrastructure or planned infrastructure development, such as street projects, to support new park, facility, and trail development. Consider joint development when possible.

C. ACTIVE-ORIENTED PARKS

Intent: Active-oriented parks provide nearby active recreation opportunities with facilities such as playgrounds, playing fields, sports courts and open turf areas to support a range of uses. The parks are typically small to medium in size and easily accessible to pedestrians and bicyclists. Sites are intended to serve residents locally, such as from the surrounding neighborhood(s). Depending on the size and scale of the park, these sites may include support amenities that allow people to stay and play longer, such as restrooms, picnic shelters, tables, benches and parking.

Size and Access

- Site should be at least 2 acres if feasible, but may range from one to 10 acres in size.
- The site should front a public street.
- Access to the site should be provided via a street with sidewalks. If access is via a collector or arterial street, the street should have bicycle lanes.
- The site should be relatively central to the area it is intended to serve.
- The site should be level or adequate to support intended active uses. Site character may be enhanced through topography or natural resources on less than one-quarter of the site.



Minimum Resources

The following amenities should be provided in every active-oriented park:

- Park identification sign
- ADA-compliant internal pathway system
- Playground or designed play features (may include nature play)
- Level flexible use lawn area (at least 20,000 sf in size for parks of two acres or more)
- Active use element (e.g., sports field or sports court) and/or small group activity hubs (e.g., skate spots, outdoor exercise equipment, outdoor ping pong, or shuffleboard)
- Small group social space (e.g., seating area, picnic area, shelter)
- Site furnishings (e.g., benches, picnic tables, trash receptacles, bike rack, shade, etc.)
- Additional support amenities to accommodate site uses (e.g., restrooms, off-street parking, drinking fountain)

D. SPECIAL USE PARKS

Intent: Special use parks include stand-alone, single- purpose or special-purpose sites. These sites are designed to serve a citywide audience and should provide support amenities and facilities in sufficient size and scale to accommodate visitation from beyond surrounding neighborhoods. The facilities may accommodate reservable or large group uses. Indoor or outdoor specialized facilities may be provided. Facilities may require a site operator or staffing, as identified in a financial feasibility and market study.

Size and Access

- Size depends on the type of use proposed. Site size should be adequate to accommodate facility and associated features.
- Site location is dependent upon the type of specialized use provided. For larger specialized facilities and indoor facilities, location criteria should be defined through a market study and business plan.
- Access should be provided from a collector or thoroughfare, or as recommended by a traffic study conducted for the special use.
- Pedestrian and bicycle access should be maximized where feasible.

Minimum Resources

The following amenities should be provided in every special-use park:

- Park identification sign
- ADA-compliant internal pathway system
- Primary specialized facility
- Unique elements to emphasize West Linn’s character
- Restrooms
- Off-street parking
- Additional site furnishings and support amenities to accommodate site uses (e.g., shade, benches, picnic tables, trash receptacles, bike rack, boat-trailer parking, kayak rack, life-jacket stations)
- Where applicable, revenue-generating options to support facility operations and use



E. MULTI-USE PARKS

Intent: Multi-use parks are medium or large sites that support both active and passive recreation uses. These parks provide both developed and natural areas to support a greater variety of recreation experiences, ranging from active sports to quiet nature strolls. Multi-use parks should provide amenities and facilities to support large group social gatherings and small or large-scale events and organized programs. Sites may attract users from a large part of the city or the entire city, and should have amenities to support longer site visits. These parks are designed to accommodate and/or protect natural resources, including the tree canopy.



Size and Access

- The site should have frontage on a public street.
- Access to the site should be provided via a street with sidewalks. If access is via a collector or arterial street, it should have bicycle lanes.
- Site size should be adequate to support a variety of uses, while protecting natural resources. New sites should be at least 10 acres where possible.



Minimum Resources

The following amenities should be provided in every multi-use park:

- Site identification signage
- ADA-compliant internal pathway system
- Unique elements to emphasize West Linn's character
- Unique or destination play areas (may include nature play, water play and universal play areas)
- Level flexible use lawn area (at least 20,000 sf. in size)
- Active use element (e.g., basketball, tennis, pickleball, futsal or another sports court or sportsfield)
- Small group activity hubs or specialized feature (e.g., skate spot, outdoor exercise equipment, off-leash dog area, fishing pier, swimming area, boat launch, community garden)
- Small group social and programming space (e.g., seating area, picnic area, shelter)
- For larger sites, large group social and programming space (e.g., amphitheater, picnic shelter, event space)

- Passive-oriented recreation uses (e.g., wildlife viewpoints, trails and nature paths, contemplative memorial, river access, cultural/historical/natural interpretive features)
- Natural resource area, such as forest, wetland or water feature
- Permanent restrooms
- Off-street parking
- Appropriate site furnishings for the intended scale and use of the park (e.g., picnic tables, benches, bike racks, drinking fountain, trash receptacles, etc.)

F. PASSIVE-ORIENTED PARKS

Intent: Passive-oriented parks focus on providing trail-related recreation opportunities and passive outdoor activities, such as bird and wildlife watching. Accessory uses can also be 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. As these sites are primarily natural, turf, ornamental plantings and active-oriented recreational facilities should be avoided. 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.

Size and Access

- Site size should be based on natural resource needs, with site size being the amount needed to preserve or protect the resource.
- Public access and use of natural open space areas should be encouraged through trails and other features, but environmentally sensitive areas should be protected from overuse.
- The site should have access to a public street.

Minimum Resources

The following amenities should be provided in every passive-oriented park:

- Site identification signage
- Hard or soft-surfaced trails and pathways (including accessible trails at sites as required to meet ADA standards)
- Appropriate site furnishings for the intended scale and use of the park (e.g., interpretive signage, picnic tables, benches, bike racks, drinking fountain, trash receptacles, etc.)



G. NATURAL RESOURCE AREAS AND NATURAL AREAS/ISLANDS

Intent: Natural resource areas and natural areas/islands are sites set aside for natural habitat preservation, protection or restoration. These sites may also offer low-impact public enjoyment of natural features, including trail use, picnicking and wildlife viewing.



Size and Access

- Site size should be based on natural resource needs, with site size being the amount needed to preserve or protect the resource.
- The dedication of any new site should consider surrounding land uses and proximity to other nearby sites with similar qualities to promote an integrated network of natural resource areas/natural areas/islands.
- Prior to the acceptance of a dedication of any new site, the property should be free of any hazards and invasive species.
- Public access and use of natural open space areas other than those described in **Intent** above should be restricted or not encouraged.

Minimum Resources

Nature resource areas typically do not provide resources to support public use.

H. FACILITY OR AMENITY GUIDELINES FOR ALL PARKS

The following table provides a list of compatible recreation facilities or amenities that should be considered for different park types.

Facility or Amenity Type	Active-Oriented Parks	Special-Use Parks	Multi-Use Parks	Passive-Oriented Parks	Natural Resource Areas
Additional special use facilities and features that support the primary special use		●			
Aquatic facility or swimming dock (indoor or outdoor)		●	●		
Basketball court, futsal, or other sports courts	●		●		
Bike skills area or pump track	●	●	●		
Bocce courts	●		●		
Climbing wall	●	●	●		
Community center or building		●	●		
Community garden		●	●	●	
Concessionaire		●	●		
Demonstration area (habitat improvements)		●	●	●	●
Disc Golf	●	●	●		
Horseshoe pits	●		●		
Interactive water feature/sprayground	●		●		
Interpretive or educational facilities or classrooms (indoor or outdoor)		●	●	●	
Interpretive signage	●	●	●	●	
Lighting	●	●	●	●	
Maintenance facilities/yard	●	●			
Natural area (if present on site)		●	●	●	●
Non-motorized boat launch		●	●	●	
Off-leash dog area	●	●	●		
On or off-street parking	●	●	●	●	

Facility or Amenity Type	Active-Oriented Parks	Special-Use Parks	Multi-Use Parks	Passive-Oriented Parks	Natural Resource Areas
Open turf area for unstructured play	●		●		
Parkour	●		●		
Performance space, such as a stage area or bandshell		●	●		
Permanent or portable restrooms	●	●	●	●	
Picnic areas	●	●	●	●	
Picnic shelters (able to accommodate 25 to 30 people)	●		●	●	
Picnic shelters (able to accommodate 75 to 100+ people)		●	●		
Play areas (ages 2-5 and 5-12)	●	●	●	●	
Play areas (destination, universal, water)		●	●		
Plaza	●	●	●	●	
Public art	●	●	●	●	
Seating areas	●	●	●	●	
Skate park or skate spot	●	●	●		
Sports field or complex	●		●		
Stage/amphitheater	●	●	●		
Stormwater feature	●	●	●	●	●
Tennis court or pickleball court	●		●		
Trail	●	●	●	●	●
Trailhead or entry kiosk	●	●	●	●	
Viewpoints or viewing blinds		●	●	●	●
Volleyball court or badminton court	●		●		
Warming shelter			●	●	

I. PARK MAINTENANCE LEVELS

The application of different maintenance levels should reflect the amount of maintenance needed at each site, rather than the amount of funding available. All sites need a basic level of maintenance to ensure public safety, even though the maintenance tasks will vary depending on the amount of developed vs. natural areas. Sites that are not designed for public access may still need periodic pruning and natural resource management for fire prevention, riverbank and slope stabilization, invasive removal and/or cleanup from unauthorized dumping or uses. In addition to this basic level of maintenance, heavily-used sites and sites with the most valuable assets should be maintained at higher levels.

There are three levels of maintenance for the City’s developed park land: basic, standard and enhanced. Table D1 identifies the recommended maintenance level for each park in West Linn.

Table D1: West Linn Park and Recreation Maintenance Levels

Maintenance Level	MAINTENANCE TASKS NEEDED		Example Site
	Routine	Occasional	
Basic (necessary for all sites)	Monitoring and inspection Hazard removal Litter removal Basic landscape maintenance (mowing, irrigation) Janitorial services where applicable	Park amenity repair and replacement Pest or invasive control Arbor care	All sites
Standard (for sites with heavier or more frequent use)	Moderate level of care Same as “basic” on a more frequent basis Sports field turf irrigation and management where applicable	More frequent amenity repair and replacement	Midhill Park Mary S. Young Park Maddax Woods
Enhanced (for sites with specialized assets, landscaping, and heavier/more frequent use)	Highest level of care Floral and botanical plantings, weeding, pruning where applicable Specialized facility maintenance (e.g., community center, water sprayground)	Repair or replacement of major facilities Natural area restoration where applicable	Fields Bridge Park Adult Community Center Willamette Park

BASIC

The basic level of maintenance includes routine monitoring, inspection and care of recreation facilities, natural areas and landscaping. It involves trash pick-up, hazard removal, and where applicable, mowing, restroom cleaning, repair of facilities for safety and irrigation management for selected turf areas. The sites do not have floral displays that require intense maintenance nor irrigation, since watering may be reduced in the summer at these sites as required to achieve water conservation. As a result, lawns may brown and become more stressed at these sites. At a basic level of maintenance, the City provides routine maintenance for health and safety, but no specialized care for asset protection. This level of maintenance typically does not budget for unanticipated circumstances, such as storms, vandalism or heavy use, which would require additional maintenance resources to address. Because the level of maintenance is not sufficient to address problems as they arise, capital maintenance needs may be accelerated.

STANDARD

More heavily or frequently-used sites require a higher standard of maintenance. Sites needing a standard level of care include popular or programmed facilities such as group picnic areas, sport fields and boat ramps (especially in the summer season). These sites receive the types of maintenance provided at “basic” maintenance sites on a more frequent basis. Emphasis is placed on both routine and preventative care. These sites also require more intensive repairs, such as infield repair, fencing upgrades or building repairs. Some limited floral areas may be provided. Other botanical displays are kept at a minimum. Irrigation at these sites also is reduced during water conservation periods in some park areas, but not throughout the entire site. Irrigation is not reduced for ball fields, picnicking areas, and turf play areas.

ENHANCED

Enhanced maintenance is needed at sites that include specialized assets and are highly visible and heavily used. These sites are maintained at the highest level and receive priority during peak use times and during the growing season for janitorial care, weeding, plantings, and irrigation. During periods of drought, floral and botanical areas in these parks continue to be watered to maintain plant health. Turf areas also are watered to accommodate public events and heavy use. Specialized facilities may require specialized maintenance tasks to ensure continued operations, revenue generation and/or programming.



Appendix C: Top Community Projects

Appendix C: Top Community Projects

Chapter 4 presents the top recommended projects that would help fulfill plan goals and community priorities. The following summaries design and program recommendations that are essential to carrying out each project or project type.

MADDAX WOODS

- Provide a restroom and an open-air shelter/outdoor classroom for events and nature studies.
- Create a site character that reflects the heritage of Virgil Maddax’s boats and the boat barn that was once located on this site.
- Provide a warming feature to extend the park’s use in the shoulder seasons.
- Enhance trails and wildlife viewing opportunities, including the viewing platform overlooking the heron rookery.
- Restore and enhance the natural habitat.

FIELDS BRIDGE PARK

- Develop a master plan that creates a vibrant social space in the northwest corner to invigorate the park, attract year-round use, and bolster programming and events.
- Create new experiences for older children, tweens, and teens including interactive or moveable features, musical instruments, seating and overlooks, climbing or challenge play and other elements.
- Provide a rentable warming shelter for hosting family reunions, birthday parties, environmental education classes, community garden classes/events, sports-related get-togethers, and occasional wedding receptions.
- Provide opportunities to host wedding ceremonies in the large, open lawn area along the Meteorite Trail.
- Enhance the play area by adding a picnic shelter, upgrading the play equipment/experience, and developing a climbing wall that connects play to the meteorite.
- Create a canoe/kayak boat launch along the Tualatin River.
- Enhance community garden area as needed.
- Enhance fishing dock as needed.

SUNSET PARK

- Provide a strong physical and programmatic connection to the neighboring Sunset Primary School.
- Upgrade all existing facilities to provide safe and modern features with a rustic character.
- Develop natural play areas and experiences.
- Provide opportunities for environmental education and outdoor learning.

MARYLHURST HEIGHTS PARK ADDITION

- Acquire 2.0-acre parcel (if still unobtained).
- Transform lower addition into a bike skills park and pump track for different ability levels.
- Provide additional parking and necessary site furnishings to support the new park amenities, such as seating, bike parking, bike repair stations, shade cover, etc.

OPPENLANDER FIELD

- Ensure access for public use and competitive play.
- Create clear responsibilities and roles for field maintenance and upkeep, as well as site improvements and maintenance to amenities and site circulation.

CEDAR OAK BOAT RAMP

- Provide seating area/benches for river viewing and boat watching.
- Improve the parking area and enhance the site as a trailhead that connects to the Riverfront Trail.

SPORTS AND GAMES ACTIVATION

- Develop spaces for challenge sports such as bike skills, parkour, and climbing.
- Create sports court areas for games such as pickleball, futsal, bocce ball, horseshoes, shuffleboard, and badminton.
- Create all-ages outdoor space and add equipment for different games including chess, badminton, dominoes, ping pong, and foosball.
- Create small, flexible, outdoor green spaces for putting and games such as kubb or bocce ball.
- Provide exercise stations along walking/jogging paths and trails to support outdoor fitness for novices and conditioned athletes across all ages.

ENHANCED PLAY EXPERIENCE AT TARGETED SITES

- Consider this approach at the new Riverfront Park, as well as Tanner Creek, Hammerle, and Sahallie Illahee parks as their play areas are renovated and improved.
- Include elements such as nature play, water play, ziplines, climbing features, and other elements that support play across all ages (from toddlers to young children, from older children to tweens, from teens to young adults, and from adults to older adults).

USER COMFORT AND ACCESSIBILITY

- Ensure that all renovated parks provide ADA accessibility and are designed to maximize use by people of varying ages and abilities.
- At sports courts and play areas, consider the use of shade sails, sun screens, and other features that create shade and protect from rain to encourage year-round use.
- Provide a range of amenities across the parks, including drinking fountains, foot washing stations, trash receptacles, benches, seating areas, picnic tables, community tables, bike racks, picnic shelters, restrooms, shade cover, warming features, and wifi.

RIVERFRONT PARK

- Interpret the site's historic, natural, and cultural history through art, architecture, landscaping, signage, and in the design of site amenities and infrastructure that tell the story of West Linn's history and natural resources.
- Provide a swimming dock and support amenities that attract both residents and visitors.
- Provide a multi-use plaza with soft and hardscape features, hookups, and infrastructure to support riverfront programs, events, and activities.
- Provide an attractive, reservable, heated, mid -size shelter with an adjacent programming lawn that supports both open-air and closed group gatherings throughout the year (such as citywide festivals, farmer's market, weddings, large group gatherings, and riverfront classes and programs).
- Provide moveable tables for multi-purpose use of the site.
- Create a 15- to 20-foot-wide waterside esplanade that extends north and south from the new Riverfront Park and connects to the trail system.
- Develop a non-motorized boat launch and boathouse with a concessionaire that offers boat rentals and storage, as well as dining/cafe, seating, and swimming areas.
- Enhance ecological systems and natural resources throughout the park.
- Coordinate with DEQ to ensure that water quality standards are met as part of the effort to protect and reveal natural resources both in and around the lagoon.
- Integrate extraordinary play opportunities, such as climbable art pieces, water play areas, and thematic/historic play pieces.

WILLAMETTE GREENWAY TRAIL AND TUALATIN RIVER GREENWAY TRAIL

- Implement riverfront trail recommendations as per the adopted 2013 Trails Master Plan. This may require the use of sidewalks or on-road pathways in certain areas.
- Provide opportunities for walking, biking, and gathering, including amenities such as benches, interpretive signage, and art.
- Develop an attractive wayfinding system that identifies trail distance, mileage, and direction to key destinations on and off the trail.
- Create/support trailheads at Special Use and Multi-Use Parks along these routes.

LAND AND WATER TRAILHEADS

- Identify a new trailhead on the west side of West Linn in conjunction with the planned trail development.
- Provide signage and water access information for non-motorized boaters that align with water trail stops.
- Co-locate supporting facilities at existing parks or larger trailhead sites with small play areas and plaza spaces to maximize the use of existing restrooms and parking.
- Showcase local history and green building in the design of trailhead facilities, including signage, seating, fencing, lighting, bike repair stations, gateway monuments, stormwater management, and parking areas.
- Incorporate trail information signage and interpretive displays/kiosks into the design of new trailheads.
- Locate park entrances and trailheads near transit stops, off-street parking areas, boat launches, safe crossings, and bike racks to promote connections to other transportation modes.
- Focus on Fields Bridge Park, Willamette Park, the new Riverfront Park, West Bridge Park, Cedaroak Boat Ramp, and a new trailhead on the west side.

WEST LINN FISHING DOCK

- Create a permanent parking area.
- Improve signage and access to the dock.
- Provide covered areas, fire pits, or small warming huts to improve user comfort and extend use throughout the year.

A MULTI-PURPOSE INDOOR RECREATION SPACE

- Evaluate facility development options in a new Public Facilities Master Plan that takes into account Community Resource Centers and Community Resources Opportunities. Be strategic in investments to meet community-wide needs and long-term goals.
- Re-evaluate programmatic needs for a potential community center, recreation center and aquatic center to consider the market and operational elements of completing a facility in phases.
- Identify a revenue-generating element to offset the operational subsidy and address community recreation and gathering needs.



Appendix D: MIG Consultant's Analysis for Indoor Facility

Appendix D: MIG Consultant’s Analysis for Indoor Recreation Facility

A. INTRODUCTION

West Linn residents desire indoor public space that supports community gatherings and recreation. The community’s need for this type of facility –potentially with amenities and facilities to support indoor swimming—has been discussed and studied for many years. The discussion has evolved and be continued in several different planning efforts, including:

- 1983 Aquatic Center Feasibility Study
- 2003 West Linn - Lake Oswego Aquatic Center Feasibility Study
- 2004 Advisory Ballot Concept Plan
- 2007 West Linn Parks, Recreation and Open Space Plan
- 2009 West Police Station and Aquatic Center Site Concept Studies
- 2010 West Linn Police Station Preliminary Design

In 1998, voters approved a ballot measure that including funding to purchase land for a recreation center and to study options for building and operating this facility. However, a 2013 ballot measure specifically for an aquatic and community center was rejected by nearly 75% of voters.

The 2018 Online Questionnaire conducted for this planning process revealed a strong interest in indoor facility space and an interest in swimming. Current swimming needs can be addressed by enhancing outdoor swimming opportunities. However, indoor facility space is needed immediately to increase the numbers and types of recreation programs and events offered.

Small neighborhood-serving buildings are insufficient to address desired and needed indoor recreation space and community-wide gathering spaces. A larger facility is needed. This recreation and community center may or may not include an indoor aquatic facility, depending on the level of public support. It is worth testing public support for an indoor recreation center separately from the aquatic facility.

This appendix summarizes a phased approach for addressing indoor recreation facility needs. Details are defined by Ballard*King & Associates, based on some of their original work in the 2011 West Linn Recreation Center Concept Design and Operational Plan, completed in conjunction with Opsis Architecture.

B. CURRENT SITUATION

- The West Linn Parks and Recreation Department has relied on neighborhood facilities (Sunset Fire Hall and McLean House) and the Adult Community Center to provide recreation services throughout the community. These facilities are the primary location for most of the recreation programs and services that are offered by the Department. These facilities also limit the types of

services provided and do not meet all the community-wide needs, specifically gym sports and large group gathering space.

- The two primary indoor facilities for recreation programs and services are the Adult Community Center and Sunset Firehall. The Adult Community Center has an emphasis on senior services, and also supports other adult and youth program demands and rentals. In the afternoon and evening hours, it also provides programming for youth. The Sunset Fire Hall is a renovated fire station, booked to full capacity for adult and youth programs. It has meeting rooms and a kitchen downstairs, as well as a larger ballroom upstairs. These spaces can be used for meetings and other recreation activities, such as dance classes.
- The McLean House is a restored residence that is utilized for social gatherings, weddings, special events, corporate functions and other activities by reservation. The house and grounds are operated by the Friends of McLean Park and House.
- The Department makes use of West Linn-Wilsonville School District facilities (primarily gymnasiums) for some recreation programs. School activities and events will always take precedence over any community use. They are heavily scheduled. The City uses school facilities when available for recreation and meetings. The school facilities are also used by other community groups, especially youth sports groups.
- The City also owns three other small buildings that provide, or can support small-scale community service. However, they are not suitable for programmed recreation, and are not managed for recreational use. These include: Robinwood Station, Bolton Station and the Old City Hall. The former functions as a community resource center (operated by a non-profit), and the latter two are community resource opportunities that are not currently in use. Other than the Adult Community Center and Sunset Firehall, none of the indoor recreation facilities were designed and built for recreation activities.

C. INDOOR RECREATION FACILITY TRENDS

The following is a brief analysis of public indoor recreation facility trends. This assessment has been broken down into three areas. General trends that are evident in facilities, trends in the active use areas of a facility and trends in passive use areas.

GENERAL

The following are general trends regarding the amenities found in recreation facilities and design issues that affect overall function and design.

- Communities (and even large cities) have been moving away from the concept of having smaller, more singular purposed, neighborhood-based recreation facilities to having one or two larger, more comprehensive, community recreation centers that serve a wide range of needs. This has resulted in operational cost savings, reduced maintenance/capital costs, and enhanced revenues.
- Facilities are typically supported by equity partners or through several smaller partnerships with other providers, health and wellness organizations, non-profits, school districts, and the private sector.
- Most comprehensive community recreation centers include four primary components: A) Community rooms and or classroom spaces; B) Multipurpose gymnasium space (often with an elevated track); C) Exercise and fitness rooms; and D) an aquatics area, usually with leisure amenities to increase revenue-generation.
- Comprehensive community recreation centers are continuing to grow, with the average center (nationally) now being between 60,000 and 70,000 square feet. These include facilities that

incorporate the following:

- The adoption of an open design concept with the use of natural light, sustainable materials, and green building concepts.
- Amenities and facilities with a strong multigenerational appeal.
- Multi-use and flexible spaces that can easily be converted for a variety of uses.
- Greater emphasis on revenue production and operational efficiency.
- Stronger appeal toward serving all ages, including active seniors and youth.
- Integration of indoor spaces with outdoor amenities.
- The need for more office and administrative space to house staff that is operating the facility.
- Expanded storage space to accommodate a variety of programs, services and events that occur at a center.
- Reduction in the size of conventional men's and women's locker rooms while increasing dramatically the number of universal changing rooms.
- Provision of drop-in child care rooms to support fitness related classes and programs.

ACTIVE RECREATION SPACE

Trends in the active use areas of a community recreation center are listed below. Most active use areas reflect:

- A steady increase in the size and magnitude of weight cardiovascular equipment areas.
- The development of a second group exercise studio that can support more specialty activities such as yoga, Pilates, and group cycling.
- The establishment of functional training areas as part of the overall fitness/weight/cardio area.
- The development of small group/individual fitness rooms where on-demand classes can be offered through video.
- Larger and more sophisticated climbing walls including bouldering walls.
- Longer, elevated, walk/jog tracks that have 10 laps or less to a mile.
- The development of multipurpose activity courts (MAC) to replace or be built in addition to conventional gyms. These courts have true multi-use flooring as well as walls that allow balls and other game instruments to be played from the surface. This allows for the more non-traditional sports to be played and most of these amenities have a strong youth orientation.
- Indoor fieldhouses with artificial turf to support field sports such as football, lacrosse, soccer, field hockey, and even softball and baseball.
- Specialty spaces for personal training, massage therapy, and fitness assessments.
- The conversion of indoor tennis and racquetball courts to other active spaces that can accommodate a larger number of users and generate a stronger income stream.
- Adjacent outdoor active recreation space including sports fields and courts to support indoor/outdoor camps, classes and programs.
- Increasingly larger and more sophisticated leisure pools with a variety of elements including slides, current channels/lazy rivers, interactive play features, zero depth entry, and other specialty features.
- The inclusion of water playgrounds either indoors in a center or immediately outdoors on the pool deck.
- The development of dedicated therapy pools to support medically based therapy programming and activities.

PASSIVE RECREATION SPACE

Trends in the passive use areas of a community recreation center are listed below. Most passive use areas reflect:

- Reservable multi-purpose rooms, ranging in size from rooms with a capacity of 40-50 to larger banquet rooms with movable tables, chairs and space to serve several hundred people. These rooms typically are technology-equipped with audio and video equipment and Wi-Fi. This includes:
 - Meeting rooms
 - High-end event space for rentals, community events and other activities.
- The provision of comfortable social hubs and gathering spaces with support amenities such as coffee carts, reading areas, and fireplaces.
- The inclusion of program space for all ages.
- The development of themed indoor playgrounds.
- The establishment of program space for youth activities, camps and other activities.
- Reservable rooms for private events, such as two or more birthday party rooms placed near an indoor leisure pool.

D. RECREATION FACILITY DEFINITIONS

Below are the descriptions for the three most common classifications of indoor recreation facilities found in most communities.

- **Community Center:** This title usually refers to a facility that has more of a passive use orientation. The center usually contains multi-purpose space, classroom and social gathering areas. These centers often have a senior focus. Costs to build are generally lower but the operational cost recovery level is also low. On a national basis, this type of facility is generally sized between 10,000 and 20,000 SF, but it could be larger. The Adult Community Center is this type of facility.
- **Recreation Center:** This type of center typically has a very stronger active use focus. It may contain elements such as a fitness center, gym and raised track, aquatic center and multi-purpose room. Centers with these types of amenities are typically larger and are often between 50,000 and 60,000 SF (on a national basis). Capital construction costs are much higher, but the operational cost recovery level is also generally much higher.
- **Community Recreation Center:** This type of center is a combination of the other two options as it provides both passive and active use elements in the same facility. Most municipal facilities developed today combine community gathering space with active recreation, sports and fitness space. As a result, these centers are often larger—in the range of 60,000 to 70,000 SF (on a national basis) but could be larger or smaller depending on demand. Capital costs are the highest and cost recovery is mid-range.

E. INDOOR FACILITY RECOMMENDATIONS

- The City's current method of providing indoor recreation facilities is not financially sustainable for the long term.

- Having a series of small, renovated buildings increases maintenance and operational costs. Revenue opportunities are also not maximized with this approach.
- Current facilities do not support active amenities that generally receive the most use and generate the greatest revenue.
- The City should routinely use a financial analysis of public facilities as they try to leverage City assets and meet the needs of the whole community. This is the fiduciary responsibility of City staff and all citizen advisory groups. In the financial analysis, capital costs for improvements and development, ongoing operating expenses and revenues (cost recovery) needs to be considered.
- The Adult Community Center and Sunset Firehall should be maintained and improved to continue the emphasis on programs and activities. These facilities should also be prime locations for community rentals.
- The City should consider a strategy of moving toward a phased approach to build a new community recreation center in the future. This center should ultimately serve a variety of indoor recreation needs, including active and passive elements. If desired by the community and affordable, it could eventually include an aquatics facility.
- A new community recreation center should have a focus on serving the following needs:
 - General
 - Adults
 - Youth
 - Active seniors
 - Families
 - Multi-generational activities
 - Program Areas
 - Fitness/Wellness
 - Youth and adult sports
 - Teens
 - General interest and arts
 - Social activities/indoor events
 - Recreation program partners
 - Youth sports groups
 - Community based recreation service providers
- Options for the McLean House should be re-evaluated when the I-205 Bridge is expanded, as this may affect site programming and use.
- An aquatics center is desired by a majority of those surveyed in the West Linn community. However, the cost to build an aquatics 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.

F. POTENTIAL NEW FACILITY DEVELOPMENT

The comprehensive Public Facilities Master Plan should propose an approach for potentially improving, renovating and developing new facilities to address long-term community needs. It will consider in more detail potential site uses for existing, improved or new facilities, as well as associated capital costs, operating expenses and cost recovery targets. That study will determine what steps—if any--should be taken in the development of a community recreation center. When the City is ready to move forward in developing a community recreation center, the following steps are intended to provide general guidance on the types of features to be considered and potential costs. Phasing, costs, facility elements, size, location, staffing, partnership opportunities and

operations should all be addressed in a business plan and master plan prior to construction to ensure the facility meets City expectations and desired level of subsidy.

Step 1 – Determine the Best Approach to Developing a Community Recreation Center

- Timeline is 1-3 years
- Test community priorities and willingness to pay for recreation center development
- If public support exists, update the current recreation center feasibility study to determine:
 - Community needs and expectations
 - Possible other sites for a center that support indoor/outdoor programming space
 - Facility program and phasing options
 - Capital cost estimates
 - Operational costs/revenues
 - Recreation programming plan and options
- Establish possible capital funding sources
- Determine possible equity partners
- Test potential bond measure language before submitting a measure for voter approval

Step 2 – Develop a First Phase Facility

- Timeline is 2-3 years
- Basic Program
 - Multi-Purpose Classrooms
 - Catering Kitchen
 - Gym Space
 - Group Exercise Rooms
 - Large Group Meeting Room
- Recreation Program Focus
 - Multigenerational programs
 - Passive uses
 - Fitness classes
 - Youth programming

Step 3 – Develop a Second Phase to the Facility

- Timeline 3 to 6 years
- Basic Program
 - Expanded Gymnasium
 - Walk/Jog Track
 - Additional Teen Space
- Recreation Program Focus
 - Multigenerational
 - Sports and active recreation
 - Youth activities

Step 4 – Develop a Final Phase to the Facility

- Timeline 7-9 years
- Basic Program

- Potential Aquatics Facility
- Aquatic Support Space
- Recreation Program Focus
 - Multigenerational
 - Aquatics
- Planning-Level Capital Cost Estimate (2018 dollars): \$18 to \$20 million (no site costs) (Capital costs by Opsis Architecture)
- Planning-level Operational Cost Estimate (2020 dollars): \$2,600,000 in expenses for Phases 1-3
- Note: Costs could vary substantially from these estimates depending on the types of amenities and programs offered and the size and type of facility provided

*Table F-5: Phase 3 – Community Recreation/Aquatic Center - Additional Space**

Space	Number of Spaces	Square Footage	Total SF
Support			
Conventional Locker Room Expansion	2	700	1,400
Unisex Change Room Expansion	4	100	400
Aquatics			
25-yard x 6 Lane Pool	1	7,500	7,500
Leisure Pool (4,500 SF water surface area)	1	9,000	9,000
Aquatic Staff and Support Spaces	1	1,500	1,500
Pool Storage	1	1,000	1,000
Party Rooms	2	300	600
Sub-Total			21,400
Net to Gross (25%)			5,350
Total			26,750

*Note: The actual size of the center, amenities/facilities, and capital costs would be identified in a revised feasibility study.

Agenda Bill 2019-10-14-03

Date Prepared: October 1, 2019

To: Russ Axelrod, Mayor
West Linn City Council

From: Doug Erickson, Library Director *DE*
Lance Calvert, Public Works Director/City Engineer *LC*
Lauren Breithaupt, Finance Director *LB*

Through: Eileen Stein, City Manager *ES*

Subject: Ordinance No. 1702: Relating to the Percent for the Arts Program

Purpose:

To consider changes to the West Linn Municipal Code relating to the Percent for the Arts Program (Municipal Code sections 2.20 through 2.235.)

Question(s) for Council:

Does the City Council desire to adopt changes to Municipal Code as recommended by the Arts and Culture Commission?

Public Hearing Required: None required.

Background & Discussion:

The City Council has invited the new Arts and Culture Commission to review the Percent for the Arts Program, specifically to clarify how public art will be applied to projects funded by the 2018 GO Bond. The Commission worked with the City Attorney's office and proposed numerous changes, many simply housekeeping in nature. Sections 2.20, 2.205, 2.210, 2.215, 2.220, 2.225, 2.230 and 2.235, were reviewed and amendments suggested for each of these sections.

The Commission presented proposed changes to the City Council in a work session on September 3. At that meeting there was discussion about the possibility of expanded the program to all types of City projects. The draft ordinance showed a proposed change to Code Section 2.210, Definitions, as follows:

City Project means any capital project in an amount over \$25,000 paid for wholly or in part by the City of West Linn to purchase, construct, rehabilitate or remodel any building, decorative or commemorative structure, park, parking facility or any portion thereof within the limits of the City of West Linn. ~~“Project” does not include street, pathway or utility construction, emergency work, minor alterations, ordinary repair or maintenance necessary to preserve a facility.~~ **“Project” does not include emergency work or maintenance necessary to preserve a facility.**

~~**Eligible funds means a source of funds for projects from which art is not precluded as an object of expenditure.**~~

Budget Impact:

There will be a significant budget impact if the new definition of “City Projects” is adopted for capital projects over \$25,000 that are transportation, street, pathway, and utility construction projects. Capital projects for streets and utilities for the current budget cycle (not including bond proceeds) include the following:

- 1) Street Fund \$3.5 million in capital. 1.5% to art = \$52,500.
- 2) Water Fund \$2 million in capital. 1.5% to art = \$30,500.
- 3) Environmental Fund \$5 million in capital. 1.5% to art = \$75,000.
- 4) SDC Funds \$3.5 million in capital. 1.5% to art = \$52,500.

Total impact to the street and utility funds would be \$210,500 in this biannual budget. At just over \$100,000 per year, this change would be equivalent to creating a \$1.10/month “public art” fee on the utility bill; or would reduce the expenditure for utility capital projects by just over \$100,000 per year.

Due to the impact on the City’s budget, staff requested further clarification from the Commission which met on October 2. The Commission decided to make some changes to their original edits after hearing about this budget impact on Public Works related capital budgets going forward. In the section that relates to “City Projects”, they took out the crossed out section they had made originally, and left it as originally adopted. The only section they left crossed out was the last sentence.

City Project means any capital project in an amount over \$25,000 paid for wholly or in part by the City of West Linn to purchase, construct, rehabilitate or remodel any building, decorative or commemorative structure, park, parking facility or any portion thereof within the limits of the City of West Linn. “Project” does not include street, pathway or utility construction, emergency work, minor alterations, ordinary repair or maintenance necessary to preserve a facility.

~~**Eligible funds means a source of funds for projects from which art is not precluded as an object of expenditure.**~~

In the section that addresses Total Costs, they revised their edits to now read:

Total eCost means the entire amount of the City’s contribution toward the price for construction of a project. “Total eCost” does not include costs for ~~design and engineering~~, administration, fees and permits, building demolition, relocation of tenants, contingency funds, change order costs, environmental testing or indirect costs, such as interest during construction, advertising and legal fees.

The Commission felt that design and engineering fees should be counted as eligible for “Percentage for the Arts” for qualifying projects.

Sustainability Impact:

The impact of the proposed new definition of “City Projects” would be both fiscal and environmental. If there is a desire to expand the applicability, it should not be at the expense of a project feature, but

rather be additive to the project budget. This will minimize the overall number of projects that can be done with GO Bond funds, however.

Without regard to the positive aesthetic impact of new public art in the community, financial resources from utility rate payers would be redirected toward public art. With utility rate controls in place in the City Charter, there would be less financial resources (as noted before) to make actual capital improvements to the City's infrastructure systems. It can be argued this would have a negative impact on environmental sustainability.

Council Options:

Options for Council consideration include:

- 1) Approve Ordinance 1702 with the changes presented on September 3. This option implies there would be a public art requirement for all City capital projects regardless of funding source. The implications of this decision are discussed in the Budget Impact section.
- 2) Approve Ordinance 1702 with the new changes proposed by the A&CC on October 2. The effect of this option is that there would not be a public art requirement for all City capital projects, but that design and engineering costs would be captured as part of the calculation of public art for projects for which the program is applicable.
- 3) Direct that the public art requirement will apply to the Transportation category of GO Bond projects *only*. Given the temporary nature of the 2018 GO Bond program, a code amendment is not recommended to reflect this direction, but rather by resolution or motion. This will reduce the amount of overall bond proceeds for projects, but will result in a new public art inventory that is at a more sustainable level of installation and maintenance given current staffing levels.

Staff Recommendation:

Staff will implement whichever version or option is ultimately approved by the City Council, however staff has significant concerns about the effect of the new definition on the City's street and utility funds, as noted, if the version reviewed on September 3 is approved.

Attachments:

1. Ordinance No. 1702 reviewed on September 3
2. Ordinance No. 1702 revised by the A&CC on October 2

ORDINANCE NO. 1702

AN ORDINANCE RELATING TO THE PERCENT FOR THE ARTS PROGRAM AND AMENDING WEST LINN MUNICIPAL CODE SECTIONS 2.200 THROUGH 2.235

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

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

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

WHEREAS, the City Council established during its meeting September 3, 2019 that West Linn Municipal Code (“WLMC”) 2.210 should be amended to provide a more expansive definition of eligible projects; and

WHEREAS, the City Council also requested an amendment to the WLCM to make edits in accordance with recommendations from the Arts & Culture Commission to update the Percent for Arts Program.

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

SECTION 1. Amendment. West Linn Municipal Code Section 2.210, Definitions, is amended to read as follows:

City Project means any capital project in an amount over \$25,000 paid for wholly or in part by the City of West Linn to purchase, construct, rehabilitate or remodel any building, decorative or commemorative structure, park, parking facility or any portion thereof within the limits of the City of West Linn. ~~“Project” does not include street, pathway or utility construction, emergency work, minor alterations, ordinary repair or maintenance necessary to preserve a facility.~~ **“Project” does not include emergency work or maintenance necessary to preserve a facility.**

~~**Eligible funds means a source of funds for projects from which art is not precluded as an object of expenditure.**~~

Participating Department means the department that is subject to this chapter by its sponsorship of a City ~~p~~**P**roject.

Percent for Art means the program established by this ordinance to set aside a percentage of the ~~t~~**T**~~e~~**C**~~o~~**s**~~t~~ of City ~~p~~**P**rojects for public art.

Public Art

f. Works reflecting the region’s cultural heritage, including events or installations serving an educational role to the community.

~~Selection Committee means the committee appointed pursuant to guidelines adopted by the City Council, and responsible for reviewing proposed public art and making recommendations on the selection of public art. The selection committee shall include a representative of the participating department, the project architect or engineer (where applicable), artists, a citizen and any other members designated in the guidelines.~~

Total eCost means the entire amount of the City’s contribution toward the price for construction of a project. “Total eCost” does not include costs for ~~design and engineering,~~ administration, fees and permits, building demolition, relocation of tenants, contingency funds, ~~change order costs,~~ environmental testing or indirect costs, such as interest during construction, advertising and legal fees.

SECTION 2. Amendment. West Linn Municipal Code Section 2.215, Dedication of 1.5% to Public Art, is amended to read as follows:

Any City official or employee who authorizes or appropriates expenditures on behalf of a ~~Pp~~ participating ~~De~~ department for a City ~~Pp~~ project shall, to the degree that the funds are eligible, include within the budget for the project a monetary contribution for ~~Pp~~ public ~~Aa~~ art equal to 1.5% of the ~~Tt~~ total ~~Cc~~ cost of the project.

(1) Restricted funds: If funding for a particular City ~~Pp~~ project is subject to legal restrictions that preclude ~~Pp~~ public ~~Aa~~ art as an object for expenditure, the portion of the City ~~Pp~~ project that is funded with the restricted funds shall be exempt from the requirements of this Chapter.

(2) Phased projects: As a general rule, where a City ~~Pp~~ project will be constructed in phases, the 1.5% dedication shall be applied to the estimated ~~Tt~~ total ~~Cc~~ cost of each phase of the project at the time that funds for the phase are appropriated and encumbered. Nothing in this section prevents the Council from deciding to set aside all or part of the entire dedication from the funds of a particular phase, however, as the Council deems appropriate. In determining when to set aside the funds for a phased project, the City shall encourage an overall ~~Pp~~ public ~~Aa~~ art plan for phased work to ensure that art is not located on a piecemeal basis

SECTION 3. Amendment. West Linn Municipal Code Section 2.220, Public Art Trust Fund, is amended to read as follows:

(1) 1.5% of the ~~Tt~~ total ~~Cc~~ cost of City ~~Pp~~ projects shall be dedicated to ~~Pp~~ public ~~Aa~~ art. Such funds shall be deposited into the Public Art Trust Fund by the City Official or employee acting on behalf of the ~~Pp~~ participating ~~De~~ department at the time that budgeted funds are encumbered for construction of the project. **The Percent for Art Program is intended to expand the experience of public art, so the allocation of funding is intended to maximize the use of monetary contributions. With this as a guide:**

- a. at least 1% of the ~~T~~total ~~C~~cost of City ~~P~~projects shall be earmarked and used for costs associated with the acquisition of ~~P~~public ~~A~~art including, but not limited to, the design, purchase and siting of ~~P~~public ~~A~~art.
- b. up to .5% of the ~~T~~total ~~C~~cost of City Projects shall be used for costs associated with administration of the ~~P~~public ~~A~~art program, including, but not limited to, costs of selection, conservation and maintenance of the collection, community education, de-accessioning and registration of ~~P~~public ~~A~~art.

c. the maximum of .5% of the Total Cost of City Projects may be exceeded for costs associated with administration if the City determines that administrative costs for a specific project are higher than typical projects due to anticipated levels of community participation.

d. Any unused project funds shall remain in the Public Art Trust Fund.

(2) Monetary contributions shall be deposited in separate accounts within the Public Art Trust Fund if separate accounting is deemed appropriate by the City Manager or is required by law. **If separate accounts are created for acquisition and administration, amounts carried over from year to year shall be reviewed each five years to determine if an imbalance exists. If excessive funds exist in the administration account at the time of review, the City shall determine whether to reallocate a portion of the funds to the acquisition account to expand the experience of public art.**

...

(4) Disbursements from the Public Art Trust Fund shall be made only after authorization of the City Manager or the Manager's designee, City Council and shall be made according to this chapter and any guidelines adopted hereunder.

SECTION 4. Amendment. West Linn Municipal Code Section 2.225, Siting of Art, is amended to read as follows:

(1) ~~P~~public ~~A~~art selected pursuant to this chapter may be sited in, on or about any City project or other property owned, leased or rented by or to the City of West Linn in accordance with any restrictions placed on siting by the ~~P~~participating ~~D~~department. Public ~~A~~art may be attached or detached within or about such property, and may be either temporary or permanent.

(2) The ~~P~~participating ~~D~~department shall consider the siting of ~~P~~public ~~A~~art as part of the design and engineering phase of any City ~~P~~project. If costs are incurred by the ~~P~~participating ~~D~~department to comply with this subsection prior to transfer of the 1.5 percent for the project to the Public Art Trust Fund, the department may deduct such costs from the applicable portion of the 1.5 percent at the time such funds are transferred.

SECTION 5. Amendment. West Linn Municipal Code Section 2.230, Guidelines, is amended to read as follows:

The City Council shall adopt guidelines for administration of the Percent for Art program. Such guidelines **will take into account the recommendations provided by the City of West Linn's Arts and Culture Commission (as established in Section 2.075) and** may:

- (1) Provide for an annual plan for **Public Art** based upon the CIP.
- (2) Provide for the appointment of representatives to **third-party** selection committees **as necessary. Selection committees may include representatives of the Participating Department, project architects or engineers, artists, and/or other community members as appropriate.**
- (3) Provide for a method or methods of selecting and contracting with artists for the design, execution and siting of **Public Art**.
- ...
- (5) Clarify the responsibility for maintenance of **Public Art**, including any extraordinary operations or maintenance costs associated with public art, prior to selection.
- ...

SECTION 6. Amendment. West Linn Municipal Code Section 2.235, Ownership, is amended to read as follows:

All **Public Art** acquired pursuant to this chapter shall be acquired in the name of the City of West Linn, and title shall vest in the City of West Linn.

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, 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 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

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

ORDINANCE NO. 1702

AN ORDINANCE RELATING TO CITIZEN ADVISORY GROUPS AND AMENDING WEST LINN MUNICIPAL CODE SECTIONS 2.200, 2.205, 2.210, 2.215, 2.220, 2.225, 2.230, AND 2.235

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

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

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

WHEREAS, the City Council established during its meeting September 3, 2019 that West Linn Municipal Code (“WLMC”) 2.210 should be amended to provide a more expansive definition of eligible projects; and

WHEREAS, the City Council also requested an amendment to the WLMC to make edits in accordance with recommendations from the Arts & Culture Commission to update the Percent for Arts Program.

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

SECTION 1. Amendment. West Linn Municipal Code Section 2.210, Definitions, is amended to read as follows:

City Project means any capital project in an amount over \$25,000 paid for wholly or in part by the City of West Linn to purchase, construct, rehabilitate or remodel any building, decorative or commemorative structure, park, parking facility or any portion thereof within the limits of the City of West Linn. “Project” does not include street, pathway or utility construction, emergency work, minor alterations, ordinary repair or maintenance necessary to preserve a facility.

~~Eligible funds means a source of funds for projects from which art is not precluded as an object of expenditure.~~

Participating Department means the department that is subject to this chapter by its sponsorship of a City ~~P~~Project.

Percent for Art means the program established by this ordinance to set aside a percentage of the ~~€Total €Cost of City p~~Projects for public art.

Public Art

f. Works reflecting the region’s cultural heritage, including events or installations serving an educational role to the community.

~~Selection Committee means the committee appointed pursuant to guidelines adopted by the City Council, and responsible for reviewing proposed public art and making recommendations on the selection of public art. The selection committee shall include a representative of the participating department, the project architect or engineer (where applicable), artists, a citizen and any other members designated in the guidelines.~~

Total eCost means the entire amount of the City’s contribution toward the price for construction of a project. “Total eCost” does not include costs for ~~design and engineering,~~ administration, fees and permits, building demolition, relocation of tenants, contingency funds, change order costs, environmental testing or indirect costs, such as interest during construction, advertising and legal fees.

SECTION 2. Amendment. West Linn Municipal Code Section 2.215, Dedication of 1.5% to Public Art, is amended to read as follows:

Any City official or employee who authorizes or appropriates expenditures on behalf of a ~~Pp~~participating ~~De~~department for a City ~~Pp~~project shall, to the degree that the funds are eligible, include within the budget for the project a monetary contribution for ~~Pp~~public ~~Aa~~art equal to 1.5% of the ~~Tt~~total ~~Cc~~cost of the project.

(1) Restricted funds: If funding for a particular City ~~Pp~~project is subject to legal restrictions that preclude ~~Pp~~public ~~Aa~~art as an object for expenditure, the portion of the City ~~Pp~~project that is funded with the restricted funds shall be exempt from the requirements of this Chapter.

(2) Phased projects: As a general rule, where a City ~~Pp~~project will be constructed in phases, the 1.5% dedication shall be applied to the estimated ~~Tt~~total ~~Cc~~cost of each phase of the project at the time that funds for the phase are appropriated and encumbered. Nothing in this section prevents the Council from deciding to set aside all or part of the entire dedication from the funds of a particular phase, however, as the Council deems appropriate. In determining when to set aside the funds for a phased project, the City shall encourage an overall ~~Pp~~public ~~Aa~~art plan for phased work to ensure that art is not located on a piecemeal basis

SECTION 3. Amendment. West Linn Municipal Code Section 2.220, Public Art Trust Fund, is amended to read as follows:

(1) 1.5% of the ~~Tt~~total ~~Cc~~cost of City ~~Pp~~projects shall be dedicated to ~~Pp~~public ~~Aa~~art. Such funds shall be deposited into the Public Art Trust Fund by the City Official or employee acting on behalf of the ~~Pp~~participating ~~De~~department at the time that budgeted funds are encumbered for construction of the project. **The Percent for Art Program is intended to expand the experience of public art, so the allocation of funding is intended to maximize the use of monetary contributions. With this as a guide:**

a. at least 1% of the ~~T~~total ~~C~~cost of City ~~P~~projects shall be earmarked and used for costs associated with the acquisition of ~~P~~public ~~A~~art including, but not limited to, the design, purchase and siting of ~~P~~public ~~A~~art.

b. up to .5% of the ~~T~~total ~~C~~cost of City Projects shall be used for costs associated with administration of the ~~P~~public ~~A~~art program, including, but not limited to, costs of selection, conservation and maintenance of the collection, community education, de-accessioning and registration of ~~P~~public ~~A~~art.

c. the maximum of .5% of the Total Cost of City Projects may be exceeded for costs associated with administration if the City determines that administrative costs for a specific project are higher than typical projects due to anticipated levels of community participation.

d. Any unused project funds shall remain in the Public Art Trust Fund.

(2) Monetary contributions shall be deposited in separate accounts within the Public Art Trust Fund if separate accounting is deemed appropriate by the City Manager or is required by law. **If separate accounts are created for acquisition and administration, amounts carried over from year to year shall be reviewed each five years to determine if an imbalance exists. If excessive funds exist in the administration account at the time of review, the City shall determine whether to reallocate a portion of the funds to the acquisition account to expand the experience of public art.**

...

(4) Disbursements from the Public Art Trust Fund shall be made only after authorization of the City Manager or the Manager's designee, City Council and shall be made according to this chapter and any guidelines adopted hereunder.

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(1) ~~P~~public ~~A~~art selected pursuant to this chapter may be sited in, on or about any City project or other property owned, leased or rented by or to the City of West Linn in accordance with any restrictions placed on siting by the ~~P~~participating ~~D~~department. Public ~~A~~art may be attached or detached within or about such property, and may be either temporary or permanent.

(2) The ~~P~~participating ~~D~~department shall consider the siting of ~~P~~public ~~A~~art as part of the design and engineering phase of any City ~~P~~project. If costs are incurred by the ~~P~~participating ~~D~~department to comply with this subsection prior to transfer of the 1.5 percent for the project to the Public Art Trust Fund, the department may deduct such costs from the applicable portion of the 1.5 percent at the time such funds are transferred.

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The City Council shall adopt guidelines for administration of the Percent for Art program. Such guidelines **will take into account the recommendations provided by the City of West Linn's Arts and Culture Commission (as established in Section 2.075) and** may:

- (1) Provide for an annual plan for **Public Art** based upon the CIP.
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- (5) Clarify the responsibility for maintenance of **Public Art**, including any extraordinary operations or maintenance costs associated with public art, prior to selection.

...

SECTION 6. Amendment. West Linn Municipal Code Section 2.235, Ownership, is amended to read as follows:

All **Public Art** acquired pursuant to this chapter shall be acquired in the name of the City of West Linn, and title shall vest in the City of West Linn.

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, 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 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

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Agenda Bill 2019-10-14-04

Date: October 1, 2019

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

From: Captain Peter Mahuna, Police Department

Through: Chief Terry Kruger, Police Department *TK*
Eileen Stein, City Manager *ES*

Subject: Ordinance No. 1703: Relating to Dog Licensing Provisions

Purpose:

To consider changes to the West Linn Municipal Code to align with the dog licensing provisions of the City's dog control program with Clackamas County's licensing requirements, and to replace the term "Dog Control Officer" with "Code Enforcement Officer".

Question(s) for Council:

Should West Linn Municipal Code be changed to reflect the transfer of dog licensing requirements to Clackamas County? Should West Linn replace the term "Dog Control Officer" with "Code Enforcement Officer"?

Public Hearing Required:

None required

Background & Discussion:

The West Linn Municipal Code currently provides requirements for dog licensing. Clackamas County currently operates the dog impound and maintains an online licensing database for all licensed dogs in Clackamas County.

Budget Impact:

No budget impact.

Sustainability Impact:

These changes bring the Municipal Code into compliance with current practices and operations, thus eliminates redundant operations.

Council Options:

1. Approve the amending of West Linn Municipal Code to align with licensing requirements of Clackamas County and approve the change from "Dog Control Officer" to "Code Enforcement Officer".
2. Do not approve the amending of West Linn Municipal Code to align with licensing requirements of Clackamas County and not approve the change from "Dog Control Officer" to "Code Enforcement Officer".

Staff Recommendation:

Staff recommends approval of the ordinance. These changes simply bring the Municipal Code into compliance with current practice and operations.

Potential Motion:

Move to conduct a first and second reading of Ordinance 1703 relating to dog licensing provisions of the West Linn Municipal Code to align them with Clackamas County’s licensing requirements, to repeal impound provisions, and to replace the term “Dog Control Officer” with “Code Enforcement Officer”

Attachments:

1. Ordinance 1703.

ORDINANCE 1703

AN ORDINANCE RELATING TO DOG LICENSING PROVISIONS OF THE WEST LINN MUNICIPAL CODE TO ALIGN THEM WITH CLACKAMAS COUNTY’S LICENSING REQUIREMENTS, TO REPEAL IMPOUND PROVISIONS, AND TO REPLACE THE TERM “DOG CONTROL OFFICER” WITH “CODE ENFORCEMENT OFFICER”

Annotated to show deletions and <u>additions</u> to the code sections being modified. Deletions are bold lined through and additions are <u>bold underlined</u> .
--

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 West Linn Municipal Code Chapter 5 (Public Protection) includes provisions for provides for dog control licensing requirements, in Sections 5.250 through 5.400; and

WHEREAS, Clackamas County currently operates the dog impound and maintains an online licensing database for all licensed dogs registered in Clackamas County; and

WHEREAS, the Council desires to continue enforcement of the Municipal Code relating to dog control and providing customer service to West Linn citizens and their dogs.

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

SECTION 1. Amendment(s). West Linn Municipal Code Chapter 5 [Public Protection] is amended to read as follows:

5.250 Definitions.

Running at large. Off or outside the premises belonging to the person having the control, custody or possession of the dog while the dog is not under the complete control of such person by means of an adequate leash, or ~~is~~ within a vehicle of such person.

5.255 Enforcement.

It shall be the duty of the Chief of Police or any other designated police officer, or the ~~Dog Control- Code Enforcement~~ Officer of the City to enforce the provisions of Sections 5.250 to 5.340.

5.275 Licensing.

Every person keeping a dog which has a set of permanent canine teeth **or is six months old, whichever comes first, or within thirty (30) days of acquiring the dog,** shall obtain from Clackamas County a license for the dog by paying to the county a license fee and furnishing a current certificate of rabies inoculation for the dog. **A dog owner who has moved to West Linn**

and does not have a current dog license from another Oregon city or county, shall obtain a dog license within unless the dog has not yet reached six months of age. A dog with a current dog license from another Oregon city or county shall not require licensing under this thirty (30) days of moving into West Linn section until expiration of the current license, if within thirty (30) days of moving into West Linn the owner notifies Clackamas County Dog Services of the dog's description, license number, city or county of issuance, and West Linn address.

The license fee shall be established periodically by Clackamas County. The keeper of the licensed dog shall attach the license tag issued for the dog to a collar, which collar shall be worn by the dog at all times when not in the immediate possession of the keeper of the dog. If the person fails to obtain the license, then the license fee shall be in an amount equivalent to the regular license fee, plus an additional amount equivalent to the penalty established by the county.

5.285 Impounding.

Any member of the Police Department or the ~~Dog Control~~ **Code Enforcement** Officer of the City is authorized to impound any dog found running at large as defined in Section 5.250 or that is found to be unlicensed.

5.290 Seizing Certain Dogs.

A dog found biting a person or which has bitten any person may be summarily seized by any person and promptly delivered to any member of the Police Department or the ~~Dog Control~~ **Code Enforcement** Officer for impounding. The West Linn Police Department or the ~~Dog Control~~ **Code Enforcement** Officer may allow impoundment of the dog in the keeper's home if the person is bitten on a part of the body below the neck.

5.305 Record of Impound.

The Police Department or the ~~Dog Control~~ **Code Enforcement** Officer shall make in triplicate a detailed record of each dog impounded showing the date and time impounded, description of the dog, name and address of the keeper, if known, and the name and address of the person to whom the dog is released, date of release, or date and method of other disposal. The original of such records shall be retained with the kennels, the duplicate copy shall be kept by the Police Department and the triplicate copy shall be filed with the City Manager.

5.315 Interference with Officers.

It is unlawful for any person to interfere in any way with any police officer or the ~~Dog Control~~ **Code Enforcement** Officer of the City engaged in seizing or impounding any dog under authority of Sections 5.250 to 5.340.

5.320 Injured or Sick Dogs.

(1) The member of the Police Department or the ~~Dog Control~~ **Code Enforcement** Officer of the City who impounds any dog which is in need of medical attention, may, at their discretion, authorize the necessary medical attention, or have the dog humanely killed.

(2) The member of the Police Department, or the ~~Dog Control~~ Code Enforcement Officer of the City, shall make a diligent effort to locate the keeper of a dog in need of medical attention before authorizing such medical attention or disposal of said dog.

(3) Should the member of the Police Department or the ~~Dog Control~~ Code Enforcement Officer of the City authorize the necessary medical attention, the keeper of the dog shall be liable for the costs of the medical treatment rendered to the animal.

SECTION 2. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 3. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (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 5. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the ____ day of _____, 2019, and duly PASSED and ADOPTED this ____ day of _____, 2019.

RUSSELL B. AXELROD, MAYOR

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

Agenda Bill 2019-10-14-05

Date: September 30, 2019

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

From: Ken Worcester *KW*

Through: Eileen Stein, City Manager *ES*

Subject: Contract Award for the Bernert Landing Boarding Float Replacement Project

Purpose

Staff has advertised for and received sealed bids for the Bernert Landing Boarding Float Replacement Construction Project. This project is primarily funded by a grant from the Oregon State Marine Board.

Question(s) for Council:

Shall the City move forward with this project?

Public Hearing Required:

None required.

Background & Discussion:

The current docks were of an experimental design and have served out their useful life. As such, we have been making temporary repairs for the last couple of years as we awaited funding for this project. Fortunately, we applied for and received a grant of \$113,250 towards the total anticipated project cost of \$157,250. Our goal is to provide as much flexibility into the schedule as possible as an effort to keep costs down, but we would like the project to be wrapped up by February 28, 2020.

Budget Impact

Total project budget is approximately \$157,250. Which includes soft costs of \$13,500 for elements of the project such as design, removal, recycling and disposal of the existing docks and installation of the new floats. This work will be performed by Parks and Recreation Department Staff. There is also a cash match of \$30,500 which is included in the current FY 19-20 budget.

Sustainability Impact:

We will re-cycle what we can of the demolished facilities. All of the new floats will be sourced locally and will be made of recycled materials where possible.

Council Options:

The only real options available are to award the contract or to not award the contract and close the facility.

Staff Recommendation:

Based on this favorable bid response, staff recommends proceeding with this project and awarding this contract.

Potential Motion:

“Acting as the Local Contract Review Board, I move the Council authorize the City Manager to enter into a contract with Topper Industries Inc. of Woodland, Washington, the successful low bidder for the Bernert Landing Boarding Float Replacement Project”.

Attachments:

1. Grant IGA
2. <https://bids.westlinnoregon.gov/rfp/aluminum-boarding-floats-fabrication-and-delivery-berner-landing-boat-ramp>
3. Bid Tab

BOATING FACILITY GRANT INTERGOVERNMENTAL AGREEMENT

Agreement No. 1641

This Agreement is between the State of Oregon acting by and through its State Marine Board (“OSMB”) and City of West Linn (“Recipient”), each a “Party” and, together, the “Parties”.

SECTION 1: AUTHORITY

This Agreement is authorized by ORS 190.110. OSMB is authorized to provide grants for boating facility projects under ORS 830.150 and OSMB has sufficient facility grant funds available within its current biennial budget and has authorized expenditure on the Recipient’s Project as defined below, and the Recipient agrees to comply with Boating Facility Grant Program rules in OAR 250-014 and other OSMB adopted policies and procedures.

SECTION 2: PURPOSE

The purpose of this Agreement is to set forth the obligations of both Parties in the development of recreational boating facilities at *Bernert Landing* for the *replacement of the boarding docks* hereinafter called the “Project,” as described in the Recipient’s Facility Grant Application *FG#1641* and Staff Report to OSMB. With this reference, the Facility Grant Application and Staff Report are made part of this Agreement. If a conflict exists between the Facility Grant Application, Staff Report and this Agreement, the Agreement will govern.

SECTION 3: EFFECTIVE DATE AND DURATION

- 3.1 Term.** This Agreement is effective on the date of the last signature and terminates on the date 20 years after the date of Project completion or the date of final payment issuance, whichever is later, unless terminated earlier in accordance with Section 16.
- 3.2 Project Completion.** The Project shall be completed, and final billing for the Project shall be submitted to OSMB, on or before June 30, 2020. Unless approved in writing, OSMB shall not be obligated to disburse any payments after this date.

SECTION 4: AUTHORIZED REPRESENTATIVES

- 4.1** OSMB’s Authorized Representative is:

Janine Belleque, Boating Facilities Program Manager
PO Box 14145, Salem OR 97309
435 Commercial Street NE Suite #400, Salem Oregon
(503) 378-2628 Office, Janine.Belleque@oregon.gov

- 4.2** Recipient’s Authorized Representative is:

Ken Worcester, Parks and Recreation Director
22500 Salamo Rd, West Linn, OR 97068
503-742-6049 Office, kworcester@westlinnoregon.gov

- 4.3** A Party may designate a new Authorized Representative by written notice to the other Party.

SECTION 5: RESPONSIBILITIES OF EACH PARTY

5.1 Responsibilities of Recipient:

5.1.1 Project Timeline. The Recipient is responsible for maintaining the project timeline for all dates and activities outlined as the Recipient's responsibility as identified in Attachment "A".

5.1.2 Matching Cash Funds. The Recipient shall contribute the total sum of *\$30,500.00* in cash as described in the Staff Report.

5.1.3 Matching Non-cash Resources. The Recipient shall contribute the total sum of *\$6,500.00* administrative match and *\$7,000.00* force account labor, materials and/or equipment to remove old docks and install new docks). These are non-reimbursable items.

5.1.4 Construction. The Recipient shall award, and monitor the contractor's performance under the construction contract or construction consultant contract in such a manner as to insure compliance with Project plans and specifications. The Recipient must notify OSMB immediately of any proposed change in Project design, cost modifications, proposed change orders or modification of scope. The Recipient shall be responsible for all costs associated with unauthorized changes or modifications unless otherwise specifically agreed to in writing by OSMB.

5.1.5 Commercial and Other Uses.

- a. For purposes of this Section 5, Commercial Use means any activity on or affecting the Project that was not described in the Facility Grant Application or Staff Report, or not approved pursuant to OSMB Policy 93-06 or 93-02, where the Recipient:
 1. has financial profit as a goal,
 2. charges any fees or receives any benefit to provide services, supplies or goods, or
 3. allows third parties to charge any fees or receive any benefit to provide services, supplies or goods.
- b. Commercial Use is prohibited.
- c. Recipient must have the capability to make an ordinance, rule, or other regulation to the effect that the Projects are for the benefit of recreational boaters, including, but not limited to prohibiting single cars from parking in boat trailer parking spots. If, in the sole discretion of OSMB, the use by non-recreational boaters such as swimmers, fishermen, divers, crabbers impact recreational boating uses or

diminishes the useful life of the Project, then the Recipient must establish and enforce its ordinance, rule, or other regulation.

- d. If Project funded a pumpout or dump station in a marina or short term tie-up dock, the Recipient must include language in its moorage agreement requiring use of the pumpout and/or dump station if a boat has a holding tank or marine toilet.
- e. Recipient must restrict use of the Project to only boats that comply with ORS 830.770 and 830.775.

5.1.6 Project Sign. The Recipient shall post in a conspicuous location at the site a sign identifying OSMB's participation in the Project. The sign will be maintained during the term of the Agreement.

5.1.7 Publications and Advertising. The Recipient shall include the following statement if publishing any report, news release or publication regarding the project: *"Partial funding was provided by the Oregon State Marine Board Boating Facility Grant Program, investing fees and taxes paid by motorized boaters for boating facility improvements."*

5.1.8 Public Access to Project. During the term of this Agreement the Recipient shall allow open and unencumbered public access to the Project to all persons without regard to race, color, religious or political beliefs, sex, national origin, or place of primary residence.

5.1.9 User Fees. Recipient shall notify and request written approval from OSMB of any user fees charged to recreational boaters for the use of the improvements described herein throughout the term of this Agreement. Fees charged shall be reasonable and are subject to review and approval by OSMB. If user fees are charged for the use of the completed Project, the Recipient shall maintain sufficient records and accounting procedures that demonstrate all of the gross income from the fees is used to defray direct operational costs (for example, maintenance and repair costs) for the Project. User fees may affect Maintenance Assistance Program, as described in OAR 250-014-0040 eligibility on publicly owned and operated Projects.

5.1.10 Maintenance. The Recipient shall at all times be responsible for the maintenance and operation of the Project and related facilities during the term of the Agreement. This does not restrict the Recipient's ability to subcontract for the performance of maintenance and operation services. Such subcontractors would be subject to Section 5.1.13, Indemnification by Subcontractors.

5.1.11 Payments. Recipient agrees to:

- a. Make payment promptly as due to all contractors, subcontractors, vendors or any other persons supplying labor or materials for the Project;

- b. All employers, including Recipient that employ subject workers as defined in ORS 656.027, shall comply with ORS 656.017 and shall provide workers' compensation insurance coverage for those workers, unless they meet the requirement for exemption under ORS 656.126(2). Recipient shall require and ensure that each of its subcontractors complies with these requirements (unless inapplicable as a matter of federal law); and
- c. Not permit any lien or claim to be filed or prosecuted against OSMB, due to any construction or maintenance activities at the Project.

5.1.12 Alternative Dispute Resolution. The Parties should attempt in good faith to resolve any dispute arising out of this agreement. This may be done at any management level, including at a level higher than persons directly responsible for administration of the agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

5.1.13 Indemnification by Subcontractors. The Recipient shall take all reasonable steps to cause its contractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon and its officers, employees and agents ("Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys' fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Recipient's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the Parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by the contractor from and against any and all Claims.

5.1.14 Boating Facility Operation. The Parties have entered into other grant agreement(s) 1070, 1170, 1211, which provide for the Recipient to operate boating facilities, including but not limited to, [restrooms, boat trailer parking, docks, boat ramps]. The Recipient shall continue to operate those boating facilities for the duration of this Agreement, even if the terms of the other grant agreement(s) have expired.

5.2 Responsibility of OSMB:

5.2.1 OSMB shall pay Recipient as described in Sections 6 and 7.

SECTION 6: CONDITIONS TO DISBURSEMENT

6.1 Conditions Precedent to Any Reimbursement. OSMB shall not be obligated to disburse any of the grant funds to reimburse the Recipient for Project costs hereunder unless OSMB has received from the Recipient:

- a. Prior to Project solicitation or construction, the final architectural and engineering plans, specifications, and cost estimate(s) , statement of

work, request for proposals or other documentation for the Project, documents must be in form and substance satisfactory to OSMB;

- b. Prior to Project construction a copy of all required, federal, state and local permits or approvals for the Project; and
- c. A copy of the contractor's, vendor's, supplier's bid pricing, unless the Recipient is completing the Project; and
- d. Reimbursement Requests must be submitted on the approved OSMB Boating Facility Grant Reimbursement form along with all supporting documentation. Reimbursements shall be prorated between the Parties based on the percentage of their respective cash contributions as set forth in Section 5 and Section 7.

6.2 Conditions Precedent to Partial Progress Payment(s). OSMB shall not be obligated to make partial progress reimbursement payment(s) hereunder until supporting documentation of the percentage of Project completion has been received, reviewed and approved by OSMB. In no event shall OSMB disburse more than ninety percent (90%) of the amount indicated in Section 7.1. as progress payments.

6.3 Conditions Precedent to Final Payment. OSMB shall not be obligated to make final payment hereunder until the following have been completed or supplied:

- a. Supporting documentation in form and content determined by OSMB, has been received reviewed and approved by OSMB; and
- b. Recipient provides a minimum of three photographs detailing the completed work. One photo must be of the installed sign crediting OSMB with funding the Project; and
- c. Inspection and approval of the Project by OSMB.

SECTION 7: COMPENSATION AND PAYMENT TERMS

7.1 Grant Funds. Upon approval by its governing body, OSMB shall provide grant funds in the amount of *\$113,250.00* to the Recipient to fund the Project. OSMB shall not provide to the Recipient, and the Recipient shall not use any funds described in this section for administrative or for accounting costs whether or not related to this Agreement.

7.2 Payments. After the Recipient awards the contract for the Project, and activities commence, OSMB shall, upon receipt of the Recipient's request for reimbursement and appropriate documentation all in form and substance satisfactory to OSMB, disburse funds to the Recipient in accordance with Section 6 "CONDITIONS TO DISBURSEMENT".

7.3 Overpayment. In the event that the aggregate amount of OSMB's interim progress payments to the Recipient exceeds the allowable reimbursable costs of the Recipient for the

Project, the Recipient agrees to refund to OSMB the amount paid in excess of such allowable expenses within thirty (30) days of final billing by the Recipient or the Project Completion Date, whichever is earlier.

7.4 Disallowed Costs. The Recipient agrees that payment(s) made by OSMB under this Agreement shall be subject to offset or reduction for any amounts previously paid hereunder that are found by OSMB not to constitute allowable costs under this Agreement based on the results of an audit examination. If such disallowed amount exceeds the payment(s), the Recipient shall pay OSMB the amount of such excess within 30 days after written notice of disallowed costs is provided by OSMB.

7.5 Cost Savings. Any cost savings realized on the Project shall be prorated between the Parties based on the percentage of their respective cash contributions as set forth in Section 7.1. "GRANT FUNDS" and Section 5.1 "RESPONSIBILITIES OF RECIPIENT."

SECTION 8: REPRESENTATIONS AND WARRANTIES

Recipient represents and warrants to OSMB that:

- 8.1** Recipient is a city, duly organized and validly existing. Recipient has the power and authority to enter into and perform this Agreement;
- 8.2** The making and performance by Recipient of this Agreement (a) have been duly authorized by Recipient, (b) do not and will not violate any provision of any applicable law, rule, regulation, or order of any court, regulatory commission, board, or other administrative agency or any provision of Recipient's charter or other organizational document and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Recipient is party or by which Recipient may be bound or affected. No authorization, consent, license, approval of, or filing or registration with or notification to any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Recipient of this Agreement, other than those that have already been obtained;
- 8.3** This Agreement has been duly executed and delivered by Recipient and constitutes a legal, valid and binding obligation of Recipient enforceable in accordance with its terms;
- 8.4** Recipient has the skill and knowledge possessed by well-informed members of the industry, trade or profession most closely involved in providing the services under this Agreement, and Recipient will apply that skill and knowledge with care and diligence to perform its obligations under this Agreement in a professional manner and in accordance with the highest standards prevalent in the related industry, trade or profession; and
- 8.5** Recipient shall, at all times during the term of this Agreement, be qualified, professionally competent, and duly licensed to perform its obligations under this Agreement.

The representations and warranties set forth in this section are in addition to, and not in lieu of, any other representations or warranties provided by Recipient.

SECTION 9: GOVERNING LAW, CONSENT TO JURISDICTION

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively "Claim") between OSMB or any other agency or department of the State of Oregon, or both, and Recipient that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or from the jurisdiction of any court. RECIPIENT, BY EXECUTION OF THIS AGREEMENT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS.

SECTION 10: OWNERSHIP OF WORK PRODUCT

10.1 As used in this Section 10 and elsewhere in this Agreement, the following terms have the meanings set forth below:

10.1.1 Project Ownership. OSMB acknowledges and agrees that the Project is the exclusive property of the Recipient. OSMB is neither responsible nor liable in any manner for the construction, operation or maintenance of the Project.

SECTION 11: NO DUPLICATE PAYMENT

The Recipient shall not be compensated for, or receive any other form of duplicate, overlapping or multiple payments for the same work performed under this Agreement from any agency of the State of Oregon, including, but not limited to, the Oregon Department of Fish and Wildlife, or the United States of America or any other party.

SECTION 12: CONTRIBUTION

12.1 If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 (a "Third Party Claim") against a Party (the "Notified Party") with respect to which the other Party (the "Other Party") may have liability, the Notified Party shall promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party, along with the written notice, a copy of the claim, process and all legal pleadings with respect to the Third Party Claim that have been received by the Notified Party. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this Section and a meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party's contribution obligation under this Section 12 with respect to the Third Party Claim.

12.2 With respect to a Third Party Claim for which OSMB is jointly liable with Recipient (or would be if joined in the Third Party Claim), OSMB shall contribute to the amount of expenses

(including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Recipient in such proportion as is appropriate to reflect the relative fault of OSMB on the one hand and of Recipient on the other hand in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of OSMB on the one hand and of Recipient on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. OSMB's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the State had sole liability in the proceeding.

- 12.3** With respect to a Third Party Claim for which Recipient is jointly liable with OSMB (or would be if joined in the Third Party Claim), Recipient shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by OSMB in such proportion as is appropriate to reflect the relative fault of Recipient on the one hand and of OSMB on the other hand in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Recipient on the one hand and of OSMB on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Recipient's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

SECTION 13: REMEDIES

- 13.1** In the event Recipient is in default under Section 16.3, OSMB may, at its option, pursue any or all of the remedies available to it under this Agreement and at law or in equity, including, but not limited to: (a) termination of this Agreement under Section 16, (b) reducing or withholding payment for work or Work Product that Recipient has failed to deliver within any scheduled completion dates or has performed inadequately or defectively, (c) requiring Recipient to perform, at Recipient's expense, additional work necessary to satisfy its performance obligations or meet performance standards under this Agreement, (d) initiation of an action or proceeding for damages, specific performance, or declaratory or injunctive relief, or (e) exercise of its right of recovery of overpayments under Section 14 (in addition to the remedies provided in Section 7.3) of this Agreement or setoff, or both. These remedies are cumulative to the extent the remedies are not inconsistent, and OSMB may pursue any remedy or remedies singly, collectively, successively or in any order whatsoever.
- 13.2** In the event OSMB is in default under Section 16.3 and whether or not Recipient elects to exercise its right to terminate this Agreement under Section 16, or in the event OSMB terminates this Agreement under Sections 16.1, 16.2, or 16.3, Recipient's sole monetary remedy will be (a) for work compensable at a stated rate, a claim for unpaid invoices for work completed and accepted by OSMB, for work completed and accepted by OSMB within any limits set forth in this Agreement but not yet invoiced, for authorized expenses incurred,

and for interest within the limits of ORS 293.462, less any claims OSMB has against Recipient, and (b) for deliverable-based work, a claim for the sum designated for completing the deliverable multiplied by the percentage of work completed on the deliverable and accepted by OSMB, for authorized expenses incurred, and for interest within the limits of ORS 293.462, less previous amounts paid for the deliverable and any claims that OSMB has against Recipient. In no event will OSMB be liable to Recipient for any expenses related to termination of this Agreement or for anticipated profits. If previous amounts paid to Recipient exceed the amount due to Recipient under this Section 13.2, Recipient shall promptly pay any excess to OSMB.

SECTION 14: RECOVERY OF OVERPAYMENTS

In addition to the remedies provided in Section 7.4, if payments to Recipient under this Agreement, or any other agreement between OSMB and Recipient, exceed the amount to which Recipient is entitled, OSMB may, after notifying Recipient in writing, withhold from payments due Recipient under this Agreement, such amounts, over such periods of times, as are necessary to recover the amount of the overpayment.

SECTION 15: LIMITATION OF LIABILITY

EXCEPT FOR LIABILITY ARISING UNDER OR RELATED TO SECTION 12, NEITHER PARTY WILL BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, OR OTHER INDIRECT DAMAGES ARISING OUT OF OR RELATED TO THIS AGREEMENT, REGARDLESS OF WHETHER THE LIABILITY CLAIM IS BASED IN CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY, PRODUCT LIABILITY OR OTHERWISE. NEITHER PARTY WILL BE LIABLE FOR ANY DAMAGES OF ANY SORT ARISING SOLELY FROM THE TERMINATION OF THIS AGREEMENT IN ACCORDANCE WITH ITS TERMS.

SECTION 16: TERMINATION

16.1 Termination for Convenience. The Recipient may terminate this Agreement at any time upon thirty (30) days prior written notice to OSMB; provided, however, that the Recipient shall, within thirty (30) days of such termination, reimburse OSMB for all funds contributed by OSMB to the Project; provided further that until the Recipient has fully reimbursed OSMB for such funds, the Recipient shall comply with the terms hereof. Delinquent payments shall bear interest at the rate of nine percent (0.9%) per annum, as authorized by ORS82.010 or, if such rate shall exceed the maximum rate allowed by law, then as such maximum rate, and shall be payable on demand. After ninety (90) days OSMB will turn any delinquent debt over to the Department of Revenue for collection per ORS293.231.

16.2 Termination Because of Non-Appropriation or Project Ineligibility. OSMB, as provided in Section 27 "FORCE MAJEURE," may modify or terminate this Agreement and at any time upon 30 days prior written notice to the Recipient, may modify or terminate this Agreement if:

- a. OSMB fails to receive funding or allotments, appropriations, limitations, or other expenditure authority at levels sufficient to pay for the allowable costs of the Project to be funded hereunder or should any state law, regulation or guideline be modified, changed or interpreted in such a way that the Project, or any portion of the Project, is no longer

eligible for facility grant funds as described in ORS 830.150.

- b. In the event insufficient funds are appropriated for the payments under this Agreement and the Recipient has no other lawfully available funds, then the Recipient may terminate this Agreement at the end of its current fiscal year, with no further liability to OSMB. The Recipient shall deliver written notice to OSMB of such termination no later than 30 days from the determination by the Recipient of the event of non-appropriation. OSMB shall pay for all authorized Project costs expended up to the date of written notice of termination.

16.3 Termination for Default. OSMB, at any time upon 30 days prior written notice of default to the Recipient, may modify or terminate this Agreement if:

- a. The design, permitting, or construction of the Project is not pursued with due diligence; or
- b. The Recipient's fee simple title to or other interest in the construction sites or Project is not sufficient, legal and valid; or
- c. The construction of the Project is not permissible under federal, state, or local law; or
- d. The Recipient, does not abide by the nondiscrimination and affirmative action provisions of this Agreement; or
- e. The Recipient, without the prior written approval of OSMB, uses the funds provided by OSMB hereunder to build any project other than the Project described in the final architectural and engineering drawings approved by OSMB; or
- f. The construction is not completed in a good and workmanlike manner or fails to comply with any required permits; or
- g. During the term of this Agreement, the Recipient fails to perform any obligation or requirement of this Agreement, including, but not limited to, exceeding the length of stay at a short term tie-up dock, allowing non-recreational boating use such as crabbing, fishing, swimming, diving or other activities to impact a recreational boaters ability to use the Project or coveys the Project or the Project property or any part thereof or converts the use of the Project or the Project property to a use that precludes free and unencumbered recreational public boating access.
- h. The Recipient defaults under any other agreement between the Parties.

16.4 Rights and Remedies. The Recipient shall, within 30 days of its receipt of a notice of default, cure the default or, if the default cannot be cured within 30 days reimburse OSMB for all funds contributed by OSMB to the Project. Further, OSMB shall have any and all rights and remedies available at law or in equity.

SECTION 17: NONAPPROPRIATION

OSMB's obligation to pay any amounts and otherwise perform its duties under this Agreement is conditioned upon OSMB receiving funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow OSMB, in the exercise of its reasonable administrative discretion, to meet its obligations under this Agreement. Nothing in this Agreement may be construed as permitting any violation of Article XI, section 7 of the Oregon Constitution or any other law limiting the activities, liabilities or monetary obligations of OSMB.

SECTION 18: AMENDMENTS

The terms of this Agreement may not be altered, modified, supplemented or otherwise amended, except by written agreement of the Parties.

SECTION 19: NOTICE

Except as otherwise expressly provided in this Agreement, any notices to be given relating to this Agreement must be given in writing by facsimile, email, personal delivery, or postage prepaid mail, to a Party's Authorized Representative at the physical address, fax number or email address set forth in this Agreement, or to such other addresses as either Party may indicate pursuant to this Section 19. Any notice so addressed and mailed becomes effective five (5) days after mailing. Any notice given by personal delivery becomes effective when actually delivered. Any notice given by email becomes effective upon the sender's receipt of confirmation generated by the recipient's email system that the notice has been received by the recipient's email system. Any notice given by facsimile becomes effective upon electronic confirmation of successful transmission to the designated fax number.

SECTION 20: SURVIVAL

All rights and obligations of the Parties under this Agreement will cease upon termination of this Agreement, other than the rights and obligations arising under Sections 9, 10, 12, 14, 15 and 20 hereof and those rights and obligations that by their express terms survive termination of this Agreement; provided, however, that termination of this Agreement will not prejudice any rights or obligations accrued to the Parties under this Agreement prior to termination.

SECTION 21: SEVERABILITY

The Parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the Parties will be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

SECTION 22: COUNTERPARTS

This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of the Agreement so executed constitutes an original.

SECTION 23: COMPLIANCE WITH LAW

23.1 Compliance with Law Generally. Recipient shall comply with all federal, state and local

laws, regulations, executive orders and ordinances applicable to Recipient and the Agreement. **Oregon False Claims Act.** Recipient acknowledges the Oregon False Claims Act, ORS 180.750 to 180.785, applies to any action by Recipient pertaining to this Agreement, including the procurement process relating to this Agreement that constitutes a "claim" (as defined by ORS 180.750(1)). By its execution of this Agreement, Recipient certifies the truthfulness, completeness, and accuracy of any statement or claim it has made, it makes, it may make, or causes to be made that pertains to this Agreement. In addition to other penalties that may be applicable, Recipient further acknowledges that if it makes, or causes to be made, a false claim or performs a prohibited act under the Oregon False Claims Act, the Oregon Attorney General may enforce the liabilities and penalties provided by the Oregon False Claims Act against Recipient. Recipient understands and agrees that any remedy that may be available under the Oregon False Claims Act is in addition to any other remedy available to the State or OSMB under this Contract or any other provision of law.

23.2 Tax Compliance. As set forth on Exhibit B, Recipient has complied with the tax laws of this state and the applicable tax laws of any political subdivision of this state. Recipient shall, throughout the duration of this Agreement and any extensions, comply with all tax laws of this state and all applicable tax laws of any political subdivision of this state. For the purposes of this Section, "tax laws" includes: (i) All tax laws of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317, and 318; (ii) Any tax provisions imposed by a political subdivision of this state that applied to Recipient, to Recipient's property, operations, receipts, or income, or to Recipient's performance of or compensation for any work performed by Recipient; (iii) Any tax provisions imposed by a political subdivision of this state that applied to Recipient, or to goods, services, or property, whether tangible or intangible, provided by Recipient; and (iv) Any rules, regulations, charter provisions, or ordinances that implemented or enforced any of the foregoing tax laws or provisions.

Any failure to comply with the provisions of this subsection 23.2 constitutes a material breach of this Agreement. Further, any failure to comply with Recipient's certifications set forth in Exhibit B also shall constitute a material breach of this Agreement. Any failure to comply shall entitle OSMB to terminate this Agreement, to pursue and recover any and all damages that arise from the breach and the termination of this Agreement, and to pursue any or all of the remedies available under this Agreement, at law, or in equity, including but not limited to:

23.2.1 Termination of this Agreement, in whole or in part;

23.2.2 Offsetting against any amount owed to Recipient, and withholding of amounts otherwise due and owing to Recipient, in an amount equal to State's setoff right, without penalty; and

23.2.3 Initiation of an action or proceeding for damages, specific performance, declaratory or injunctive relief. OSMB may recover any and all damages suffered as the result of Recipient's breach of this Agreement, including but not limited to direct, indirect, incidental and consequential damages, costs of cure, and costs incurred in securing replacement Services and applications.

In addition, this Agreement will be reported to the Oregon Department of Revenue. The Department of Revenue may take any and all actions permitted by law relative to the collection of taxes due to the State of Oregon or a political subdivision, including (i) garnishing the Recipient's compensation under this Agreement or (ii) exercising a right of setoff against Recipient's compensation under this Agreement for any amounts that may be due and unpaid to the State of Oregon or its political subdivisions for which the Department of Revenue collects debts.

These remedies are cumulative to the extent the remedies are not inconsistent, and OSMB may pursue any remedy or remedies singly, collectively, successively, or in any order whatsoever.

SECTION 24: INDEPENDENT CONTRACTORS

The Parties agree and acknowledge that their relationship is that of independent contracting parties and that Recipient is not an officer, employee, or agent of the State of Oregon as those terms are used in ORS 30.265 or otherwise.

SECTION 25: PERSONS NOT TO BENEFIT

No member of or delegate to Congress, resident commissioner, officer, agent or employee of the United States of America, member of the Oregon Legislative Assembly, elected official of the State of Oregon, or official, agent, or employee of the State of Oregon, or elected member, officer, agent, or employee of any political subdivision, municipality or municipal corporation of the State of Oregon shall be admitted to any share or part of this Agreement or derive any financial benefit that may arise therefrom.

SECTION 26: INTENDED BENEFICIARIES

OSMB and Recipient are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement provides, is intended to provide, or may be construed to provide any direct or indirect benefit or right to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of this Agreement.

SECTION 27: FORCE MAJEURE

Neither Party is responsible for any failure to perform or any delay in performance of any obligations under this Agreement caused by fire, civil unrest, labor unrest, natural causes, or war, which is beyond that Party's reasonable control. Each Party shall, however, make all reasonable efforts to remove or eliminate such cause of failure to perform or delay in performance and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this Agreement. OSMB may terminate this Agreement upon written notice to Recipient after reasonably determining that the failure or delay will likely prevent successful performance of this Agreement.

SECTION 28: ASSIGNMENT AND SUCCESSORS IN INTEREST

Recipient may not assign or transfer its interest in this Agreement without the prior written consent of OSMB and any attempt by Recipient to assign or transfer its interest in this Agreement without such consent will be void and of no force or effect. OSMB's consent to

Recipient's assignment or transfer of its interest in this Agreement will not relieve Recipient of any of its duties or obligations under this Agreement. The provisions of this Agreement will be binding upon and inure to the benefit of the Parties hereto, and their respective successors and permitted assigns.

SECTION 29: SUBCONTRACTS

Recipient shall not, without OSMB's prior written consent, enter into any subcontracts for any of the work required of Recipient under this Agreement. OSMB's consent to any subcontract will not relieve Recipient of any of its duties or obligations under this Agreement.

SECTION 30: TIME IS OF THE ESSENCE

Time is of the essence in Recipient's performance of its obligations under this Agreement.

SECTION 31: MERGER, WAIVER

This Agreement and all exhibits and attachments, if any, constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver or consent under this Agreement binds either Party unless in writing and signed by both Parties. Such waiver or consent, if made, is effective only in the specific instance and for the specific purpose given. EACH PARTY, BY SIGNATURE OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

SECTION 32: RECORDS MAINTENANCE AND ACCESS

Recipient shall maintain all financial records relating to this Agreement in accordance with generally accepted accounting principles. In addition, Recipient shall maintain any other records, books, documents, papers, plans, records of shipments and payments and writings of Recipient, whether in paper, electronic or other form, that are pertinent to this Agreement in such a manner as to clearly document Recipient's performance. All financial records, other records, books, documents, papers, plans, records of shipments and payments and writings of Recipient, whether in paper, electronic or other form, that are pertinent to this Agreement, are collectively referred to as "Records." Recipient acknowledges and agrees that OSMB and the Oregon Secretary of State's Office and the federal government and their duly authorized representatives will have access to all Records to perform examinations and audits and make excerpts and transcripts. Recipient shall retain and keep accessible all Records for a minimum of six (6) years, or such longer period as may be required by applicable law, following termination of this Agreement, or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later. Subject to foregoing minimum records retention requirement, Recipient shall maintain Records in accordance with the records retention schedules set forth in OAR Chapter 166.

SECTION 33: HEADINGS

The headings and captions to sections of this Agreement have been inserted for identification and reference purposes only and may not be used to construe the meaning or to interpret this Agreement.

SECTION 34: ADDITIONAL REQUIREMENTS

Recipient shall comply with the additional requirements set forth in Exhibit C, attached hereto and incorporated herein by this reference.

SECTION 35: AGREEMENT DOCUMENTS

This Agreement consists of the following documents, which are listed in descending order of precedence: this Agreement less all exhibits, the Facility Grant Application, Recipient Staff Report, attached Exhibit A (the Project Timeline), Exhibit B (Certificate of Tax Compliance), and Exhibit C (Additional Requirements).

SECTION 36: ATTORNEY FEES

In the event that either party to this Agreement shall take any action, judicial or otherwise, to enforce or interpret any of the terms of this Agreement each party shall be wholly responsible for its own expenses which it may incur in taking such action, including costs and attorney fees, whether incurred in a suit or action or appeal from a judgment or decree therein or in connection with any nonjudicial action.

SECTION 37: SIGNATURES

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below.

STATE OF OREGON acting by and through its State Marine Board.

Larry Warren, Director Date

City of West Linn

Signature Date

Eileen Stein, City Manager
Name: Title:

Approved for Legal Sufficiency in accordance with ORS 291.047

Approval Authorized by Letter August 2, 2017
Steven Marlowe, Assistant Attorney General Date

EXHIBIT A
PROJECT TIMELINE

Responsibility	Date	Description
Recipient	October 2019	Solicit for bids-prepare documents, bid opening, evaluate responses, award contract and manage the process.
Recipient	November 2019	Provide OSMB with a copy of bid document, bid results and awarded contract
Recipient	November-March 2020	Dock fabrication and delivery
Recipient	April 2020	Docks installed
OSMB	Ongoing	Provide assistance to Recipient throughout process
Recipient	May 2020	Receive contractor invoices, issue payment and request final reimbursement from OSMB.
OSMB	June 2020	Issue final reimbursement, close the grant and term of the grant begins.

EXHIBIT B

CERTIFICATION OF TAX COMPLIANCE

The individual signing on behalf of Recipient hereby certifies and swears under penalty of perjury to the best of the individual's knowledge that:

1. The number shown on this form is Recipient's correct taxpayer identification;

Federal Tax Number 93-6002277

Oregon Tax Number _____

Organizational DUNS 004069779

2. Recipient is not subject to backup withholding because:

(i) Recipient is exempt from backup withholding,

(ii) Recipient has not been notified by the IRS that Recipient is subject to backup withholding as a result of a failure to report all interest or dividends, or

(iii) the IRS has notified Recipient that Recipient is no longer subject to backup withholding.

3. S/he is authorized to act on behalf of Recipient; s/he has authority and knowledge regarding Recipient's payment of taxes,

4. For a period of no fewer than six calendar years preceding the Effective Date of this Contract, Recipient faithfully has complied with:

(i) All tax laws of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317, and 318;

(ii) Any tax provisions imposed by a political subdivision of this state that applied to Recipient, to Recipient's property, operations, receipts, or income, or to Recipient's performance of or compensation for any work performed by Recipient;

(iii) Any tax provisions imposed by a political subdivision of this state that applied to Recipient, or to goods, services, or property, whether tangible or intangible, provided by Recipient; and

(iv) Any rules, regulations, charter provisions, or ordinances that implemented or enforced any of the foregoing tax laws or provisions.

Recipient Signature _____ Date _____

EXHIBIT C
ADDITIONAL REQUIREMENTS

(Reserved)

BID RESULTS						
Owner:	City of West Linn					
Project Name:	Bernert Landing Boarding Float Replacement					
Project No.	JP - 1091					
Bid Opening Date:	110/03/2019					
Bid Opening Time:	2:00pm					
<i>Proposed Budget</i>	<i>\$125-\$150,000</i>					
Name of Bidder	Experience History	Bid Bond	Prevailing Wage Statement	Subcontractor List	Project Total	
Olson LLC.	X	X	X	X	\$ 231,472.00	
CR Fabrication Ltd.	X	X	X	X	\$ 135,000.53	
Topper Industries Inc.	X	X	X	X	\$ 105,699.00	