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

WEST LINN
CITY COUNCIL MEETING
NOTES
November 9, 2020

Pre-Meeting

Call to Order [6:00 pm/5 min]

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

Staff Present:
City Manager Jerry Gabrielatos, City Recorder Kathy Mollusky, Associate Planner Chris Myers, Acting Planning Manager Darren Wyss, Parks & Recreation Director Ken Warner, and City Attorney Bill Monahan.

This meeting was conducted via Webex due to COVID-19 and federal and state restrictions on public gatherings.

Mayor Axelrod encouraged people to physically distance and wear masks due to the pandemic. He was unable to make the Governor's conference call this evening, but noted Clackamas County was now included in the pause order.

Approval of Agenda [6:05 pm/5 min]

Council President Richard Sakelik moved to approve the agenda for the November 9, 2020 West Linn City Council Meeting with the following changes: Add the Small Business and Veterans Proclamations as Items 4.a. and 4.b. and renumber subsequent items; Move Item 8.a. HB2001-2003 Advisory Committee Appointments to the November 16th Council Meeting; Add to Item 6.e. a discussion of the White Oak Savanna plaque. Councilor Teri Cummings seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Public Comments [6:10 pm/15 min]

Vince Miles Public Comment

Public Comment - MNA

Nathan Bronson, West Linn, voiced his concern about Clackamas County's approval of the C800 Tower and expressed support for annexing the property at Marylhurst Heights Park. He encouraged the City to work with the C800 Group to find an alternate location.

Mayor Axelrod reiterated that Council was interested in annexing the property and was opposed to the tower construction, but he had not heard about further developments.

City Manager Gabrielatos stated John Williams, former Interim City Manager, had reached out to the manager of the Clackamas C800 Radio Group and Gary Schmidt via email. A meeting had been proposed for tomorrow with two members of the Marylhurst Neighborhood Association (MNA), himself, and Mr. Williams for a check-in.

Mayor Axelrod noted Vince Miles had submitted a very long public comment inquiring about future development of the West A Street Plan as discussed years ago. The Public Works Director followed up with Mr. Miles with information about the status of the project and Council indicated it would insert his comments into the official record. In summary, Mr. Miles was interested in seeing the improvements on West A St. The Transportation System Plan (TSP) and the community discussed parking improvements for West A St where concern was over too much traffic and inadequate safety around the high school on West A St. The general response from staff was that no specific project existed in the queue but, depending on what transportation projects were approved in the future, West A St was one of the areas identified for needed safety and transportation improvements.

Announcements, Proclamations, and Recognitions

Veterans Day Proclamation

Small Business Saturday Proclamation

Councilor Cummings read the proclamation declaring Wednesday, November 11, 2020 a day to salute and give special honor and recognition to those who served in the Armed Forces. She also encouraged people to visit the City's website for information about Virtual Veterans Day celebrations this year due to COVID-19 restrictions. For veterans and others in need of assistance, Lines for Life, linesforlife.org or 1-800-273-8255, was an organization which could help.

Councilor Walters read the proclamation declaring November 28, 2020 as Small Business Saturday in the City of West Linn.

Consent Agenda [6:25 pm/5 min]

Agenda Bill 2020-11-09-01: Approve Draft Notes for September 21, 2020
Draft Notes Information

Council President Richard Sakelik moved to approve the Consent Agenda. Councilor Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.
Nays: None.
The motion carried 5 - 0

Business Meeting [6:30 pm/120 min]

Agenda Bill 2020-11-09-02: Public Hearing: Amending the Comprehensive Plan Map and Zoning Maps for 1791 Blankenship Road
Blankenship Information
Presentation

ORDINANCE 1716, AMENDING THE WEST LINN COMPREHENSIVE PLAN MAP FROM MIXED-USE TO MEDIUM-HIGH DENSITY RESIDENTIAL FOR THE PROPERTY LOCATED AT 1791 BLANKENSHIP ROAD

ORDINANCE 1717, AMENDING THE WEST LINN ZONING MAP FROM WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL TO R-2.1 FOR THE PROPERTY LOCATED AT 1791 BLANKENSHIP ROAD
Mayor Axelrod called the public hearing to order.

City Attorney Monahan outlined the parameters of the quasi-judicial hearing. No Councilors declared bias, ex parte contact, or conflict of interest. Mayor Axelrod clarified he was familiar

with the site and its location, but had not visited it for this action.

Associate Planner Myers presented the Staff Report for two items: A Zoning Map Amendment at 1791 Blankenship Rd to change the zone from the Willamette Neighborhood Mixed-Use Transitional Zone (MU) to the R-2.1 single- and multi-family residential zone; and a Comprehensive Plan Map amendment to change the site from mixed-use to medium-high-density residential. He provided context for the site and surrounding area, briefly described the past zoning, and noted recommendations from the MU Working Group, and said public testimony submitted for the Planning Commission meeting on October 21st was available in the staff report, as was the applicable approval criteria from Chapters 99 and 105 of the Community Development Code (CDC). Staff recommended approval of the amendments.

Councilor Relyea stated the commercial zoning appeared misleading because the entrance to the property was off 13th St, noting the grade on the property made it inaccessible from Blankenship Rd. He inquired if Council with this action could change the address of the property and whether that would have an impact on the property values.

Associate Planner Myers responded that the topography made access from Blankenship Rd nearly impossible. The property was also very close to the intersection. He was uncertain of the procedures for changing the address tonight and of any financial implications of such action.

Mayor Axelrod noted the typical MU zone had commercial at street-level and residential units above. He asked if it would be possible to have business at the street level on Blankenship Rd and living below and above.

Associate Planner Myers replied that the property had setbacks and a business would not be allowed to be built up to the sidewalk on Blankenship Rd. He clarified the CDC allowed variances limited to a certain distance. In this case, a variance could be requested to reduce the 20-ft setback to 16-ft, but that would be the limit. He deferred to the applicant to answer whether the building could be redesigned to allow for an adequate setback.

Acting Planning Manager Wyss explained Council had tasked the MU Working Group and they had identified allowing a zero lot line front yard setback but the City had not yet followed up, so the applicant must operate under the current Code which required a 20-ft front-yard setback, and a 15-ft side street-setback. He further clarified that a variance was not typically used to completely eliminate a Code requirement. A Class 1 Variance would allow for a small reduction in setbacks but, typically, setbacks were applied as written in the Code for the zone. He also deferred to the applicant to address redesigning the building to allow for a setback.

Mayor Axelrod confirmed the zone allowed five units to be built on the property. He was very interested in maximizing future commercial development and providing more opportunities for small businesses while still offering living units. However, if the corner property was rezoned, the option of commercial development would also be eliminated because an island would have been made of the other little property. He asked for staff's rationale on that action.

Acting Planning Manager Wyss replied that the MU Working Group had discussed whether various properties made sense within the MU transitional zone whose stated purpose was to buffer the neighborhood from the Historic Willamette Commercial Area downtown. The Working Group's idea was for the City to evaluate those properties to determine if it made sense to change the zone. He believed staff would have included the second property in their evaluation, but had not received direction to do so. Now, with the application for a zone change, staff was taking the property through the process. He agreed it made more sense to change both at one time, but the applicant was not obligated to bring the other property owner on board for that.

Mayor Axelrod confirmed there were no further questions for staff and called for the applicant's testimony.

Bob Price, representing Jeremy Barnett, owner of the property under consideration, stated Mr. Barnett could not attend the hearing due to a pressing personal matter. Mr. Price noted the property had been zoned R-2.1 until 2004, but nothing had happened since then in terms of commercial development. The existing single-family dwelling on the property would be removed and the applicant proposed to build up to six units. One issue was that the property as zoned as MU still allowed for some residential development, but the physical circumstances of the property and the requirements of the MU zone for residential development according to the project architect would allow only four units on the property. The applicant was unsure if they would receive approval for the six units they would request in the future because the site was difficult, and with no viable frontage on Blankenship Rd, the address of the site created problems. He would discuss readdressing the property with the owner, but it was not an issue at this point.

- The MU Working Group recommended rezoning the property to R-2.1 or something similar; the MU zone was not effective there in that too many adverse elements existed for the property to be commercial. The lack of visibility and the location were two factors. It was necessary to turn onto 13th St in order to access the property, and no adequate landing existed at the intersection of 13th St and Blankenship Rd to allow vehicles larger than a pickup truck to access Blankenship Rd.
- The view from the property was of the back side of the River Falls Commercial Center where activities included truck traffic, loading and unloading, and storing pallets, etc., so the view was not very attractive. The owner was willing to take the chance with the property on the premise that he could build units that were attractive enough for people to want to live there in spite of the view to the east.
- Regarding the Mayor's comments about living space below and commercial on top with access from Blankenship Rd, the issue was the property was only 15,315 sq ft and the parking requirements for both commercial and residential would eat up much of the property. Even tuck-under parking, which was relatively expensive, and residential on top of the parking and commercial on top of the residential would not be feasible. The owner had never considered a commercial use for the property because parking would

not be satisfactory. Receipt of a variance to the parking standard was probably a long shot, and he was not sure a variance would meet the needs. The applicant was uncertain about the parking even for the residential units. The development standards for the MU zone would also make it difficult to develop four or five residential units on the property. On-site stormwater detention, on-site parking, landscaping, etc., would need to be done, though that was not part of this application.

- The applicant had attended two meetings of the Willamette Neighborhood Association (WNA) held at the park in June and July and they along with MU Working Group suggested that the property needed to be residential rather than commercial.
- He had been in the land use planning and land development business for 45 years and he would not build any kind of commercial development on the property. The retaining wall on the north side along Blankenship Rd was a roadblock for many issues, and he appreciated the idea of building upward and having a pedestrian access from Blankenship Rd to the front of the building, but parking was not available on Blankenship Rd and the alternative would be to park elsewhere and walk down Blankenship Rd to reach the front door of the commercial operation. He did not believe that would work.
- Most of the objections raised during the Planning Commission meeting dealt with development standards and not with the criteria for the Comprehensive Plan Map amendment and the zone change. The items were more appropriate for consideration during a Class 2 design review, which left no viable opposition. The proper criteria from CDC Chapters 99 and 106 were not addressed by the opposition. He believed the applicant had addressed the proper criteria and believed that was sufficient to go forward. The applicant would review the record during the Class 2 review and address any opposition if necessary. The zone change and Comprehensive Plan Map amendment would not take away from the commercial opportunity to the City given that 16 years had passed with no proposal for any kind of commercial development. The interest was for residential development

Mayor Axelrod noted the applicant was equating commercial with MU transitional but it was not intended for typical commercial use but rather for MU transitional. He was concerned that the applicant had raised the challenge of parking even if the property was rezoned residential. He believed those issues needed to be thought through for a change like the one proposed.

Mr. Price replied that at the pre-application conference, staff's opinion was that the applications be done in two parts: First, the application tonight and, second, the Class 2 design review which was why only conceptual sketches were submitted for the property. The emphasis was that this was not a development application; that would be the second stage.

Mayor Axelrod confirmed the property contained an unoccupied home and noted demands existed for small business operations in the city, particularly those that did not want to operate in their home.

Mr. Price clarified the owner had owned the property since 2018. When he purchased the

property, he understood no interest had been expressed in commercial development and the property had been marketed since 2004. The existing tenant left the location after the property was purchased. The site was not popular for single-family or commercial.

Mayor Axelrod confirmed there was no public comment or further staff comments, acknowledged the applicant had no rebuttal, and closed the public hearing.

Council President Richard Sakelik moved to approve first reading for Ordinance 1716 amending the West Linn Comprehensive Plan Map from mixed-use to medium-high density residential for the property located at 1791 Blankenship Road and set the matter for second reading. Councilor Bill Relyea seconded the motion.

Mayor Axelrod stated he understood the challenges of the site. Mixed-use transitional was an opportunity for residential living but also to offer a commercial or business component different from the standard commercial. The rentals on Main St were ridiculously high, but a lot of interest was expressed for small business space in the city, and the City had been trying to promote the available space, but it seemed like the small business opportunities were being eliminated and filled with residential development. This area along Blankenship Rd was underutilized and undervalued and he questioned whether it would be successful because of its layout and the current business climate, but he believed opportunity existed for mixing small business and residential in such transitional areas. He would prefer to look for ways to better maximize the potential for integrating small business opportunities with residential close-in, particularly in an area that was close to transportation in a way that would not require a car.

Councilor Cummings believed a lot of the struggles for the property were due to the complexity of the 13th St exit but, on the other hand, Blankenship Rd was heavily trafficked and had the potential for prominent frontage due to its location. A bus stop was close by, and the property could be walkable if the site was to be mixed-use. It also offered very quick and accessible freeway access for a business and also for the residents. West Linn had always struggled with a disproportionate amount of residential and the disparity of commercial and mixed-use properties, which she believed made the commercial and business community suffer. Sufficient cohesiveness was necessary and she recognized the site was awkward. Another property along Blankenship Rd had also struggled for about 16 years, but that was not enough in her opinion to turn it into a mostly residential/business property and she believed the same about the applicant's site. If the City continued to chip away at mixed-use or transitional types of properties, it would not have much left.

Ayes: Council President Richard Sakelik, Councilor Bill Relyea, and Councilor Jules Walters.
Nays: Mayor Russ Axelrod and Councilor Teri Cummings.
The motion carried 3 - 2

Mayor Axelrod noted that because the vote was not unanimous, the second reading could not be conducted tonight.

Council President Richard Sakelik moved to approve first reading for Ordinance 1717 amending the West Linn Zoning Map from Willamette Neighborhood Mixed-Use Transitional to R-2.1 for the property located at 1791 Blankenship Road and set the matter for second reading. Councilor Bill Relyea seconded the motion.

Ayes: Council President Richard Sakelik, Councilor Bill Relyea, and Councilor Jules Walters.
Nays: Mayor Russ Axelrod and Councilor Teri Cummings.
The motion carried 3 - 2

Council President Richard Sakelik moved to set the second readings for Ordinances 1716 and 1717 to November 16, 2020, date certain. Councilor Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.
Nays: None.
The motion carried 5 - 0

Agenda Bill 2020-11-09-03: ORDINANCE 1720, RELATING TO VACATION OF A PUBLIC UTILITY EASEMENT

ORD 1720 Vacation of PUE Information

Acting Planning Manager Wyss presented the agenda bill which was an application for the vacation of a public utility easement (PUE) across 3rd Ave and 10th St in the Willamette neighborhood. The unimproved rights-of-way were originally vacated by Ordinance 1655 in November of 2017 and, as part of that vacation, the City's private utility franchise agreements required placement of the PUE across the vacated rights-of-way. The applicant had not been able to contact all of the public utility providers at the time, so the easement was placed over the two rights-of-way vacation areas. The property owner had now requested to vacate the PUE and had provided support from all four of the private utilities, PGE, Northwest Natural Gas, CenturyLink, and Comcast. The City had accepted the application for vacation of the easement and the Public Works Director also supported the vacation of the PUE. The City Attorney determined that because the PUE was created by ordinance, it must be vacated by ordinance.

Councilor Relyea asked if this request was being made due to utilities moving underground and above-ground utility connections no longer being needed.

Acting Planning Manager Wyss replied the two rights-of-way had no utilities in them, but were platted long ago. Many natural resources were an issue there including wetlands and a

floodplain. The rights-of-way were never used for any purpose and the easements were no longer needed.

Council President Richard Sakelik moved to approve first reading for Ordinance 1720 relating to vacation of a public utility easement and set the matter for second reading. Councilor Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.
Nays: None.
The motion carried 5 - 0

Council President Richard Sakelik moved to approve second reading for Ordinance 1720 relating to vacation of a public utility easement and adopt the ordinance. Councilor Teri Cummings seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.
Nays: None.
The motion carried 5 - 0

Agenda Bill 2020-11-09-04: HB2001 Rulemaking Comment Letter from Council to the Department of Land Conservation and Development (LCDC)

HB 2001 Rulemaking Letter from Council (*added 11/4)

Acting Planning Manager Wyss stated for this item, staff had drafted a brief letter for Council to review and edit. The City had already signed off on a letter from the League of Oregon Cities (LOC) along with a number of other jurisdictions, and this letter was the Council's chance to submit its own specifics related to issues that affect the City of West Linn directly. The letter would be submitted to the Land Conservation and Development Commission (LCDC) for the public hearing later this week.

Councilor Cummings believed other cities and municipalities would be in agreement on the problem with homeowners' associations (HOAs). The letter stated: "Homeowners Associations: This topic has been discussed throughout the process, but there has been no clarity on whether the Declaration of Covenants, Conditions, and Restrictions will impact the ability of a jurisdiction to implement HB2001 effectively. We encourage you to clarify this issue and the impact on implementation." Clarity was needed on the legal question of how HB2001 would work with the fact that HOAs existed with CC&Rs that restricted the properties to single-family use only. If the City would have to choose areas with no CC&Rs, those areas would have to be identified before any zoning was done. She asked that LCDC provide some financial assistance for the burden the task would place on staff and public resources because West Linn had many

CC&Rs and HOAs.

Acting Planning Manager Wyss confirmed the LCDC hearings would be held later this week, and staff would like any language for the letter from Council as soon as possible.

Councilor Relyea said he was unhappy about the language in the letter concerning HOAs and CC&Rs. He noted an email was received through Mr. Wyss indicating that the Department of Land Use Conservation and Development (DLCD) did not believe it had the authority to regulate HOAs that had CC&Rs on file with the County that restricted how the properties could be used and developed. He did not know how the state could legally retroactively state that existing HOAs would have to change in order to accommodate HB2001 to create the efficiency that was outlined in the letter. City Attorney Ramis had encouraged Council to wait until it received the advice of legal counsel to clearly lay out its position in the letter so it was protecting the rights of the community members. Councilor Relyea confirmed his concerns were strictly about the HOA issue.

City Attorney Monahan understood HB2001 to state that if a governing document such as CC&Rs had a restriction on building a type of housing different than that built within a development prior to the enactment of HB2001, that restriction as a contract matter was still enforceable. The law's language seemed clear that any modifications or efforts made thereto to place restrictions within an existing set of CC&Rs or new CCR&s written because of new development after the date in which HB2001 was adopted would be prohibited. For the second question regarding whether the City had the authority to create, revise, or remove language within those CC&Rs, counsel's advice was that such action was within the authority of the HOAs as always if its CC&Rs had been accepted, but the concern was over any City involvement in activities that might appear to be an attempt to influence a HOA to take an act that might appear contrary to HB2001. If the City was put in a position of granting, for example, a denser development because the law provided for middle housing but such density conflicted with a HOA's CC&Rs, the homeowners might believe that the City was allowing something contrary to their private interests. Under HB2001, the City might be required to take such an action. The letter was an appropriate route to raise the concern that the City had no control over CC&Rs, nor did it have any control over whether or not a HOA attempted to make a change to its provisions after the effective date. A general inquiry from Council about how DCLD envisioned addressing those instances in the rulemaking was appropriate, because DLCD might come up with an interpretation or a nuance within the language applicable to CC&Rs that might be different than the Council's.

Mayor Axelrod confirmed with the other Councilors that they supported making the inquiry.

Mayor Axelrod suggested mentioning the lack of alternative modes of transit and other transit limitations in West Linn. The rulemaking suggested allowing one parked car per unit which would be fewer parking spaces than what was known would be typically used in the city. Also, West Linn used an approach in its street designs to minimize parking. It almost appeared to be a taking and he was concerned about the lack of fairness in forcing the City to provide parking

for future developments on its streets.

Acting Planning Manager Wyss clarified the four items in the draft letter were raised already by Council through their support of the LOC letter. A section on parking spoke to the need for flexibility in implementing HB2001, because some of the issues the city had were due to substandard streets with no sidewalks and other constraints.

Mayor Axelrod suggested adding comments to the section on parking about its possible conflict with sustainability goals around transportation.

Council President Sakelik believed the parking paragraph was sufficient and recommended Council take City Attorney's Monahan's suggestion on the HOA topic, finalize the letter, and send it in the next day or two. He confirmed that the other parts of the letter should be retained as well.

Councilor Cummings suggested that, in the second sentence of the parking clause describing the problems of the streets in older neighborhoods, adding language to state, "..lack of intercity transit or core transit service." It was important to note because increasing housing and density within cities would add to the traffic congestion and automobile use thereby having an impact on sustainability goals and affordability because it was forcing people to have cars.

Acting Planning Manager Wyss confirmed he had added the language regarding inadequate transit in West Linn, and he would work with City Attorney Monahan to upgrade the paragraph about HOAs and return the letter to Mayor Axelrod who would sign it on behalf of Council.

Council President Richard Sakelik moved to approve the HB2001 rulemaking letter with changes as discussed and authorize the Mayor to sign the letter. Councilor Bill Relyea seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Agenda Bill 2020-11-09-05: Fields Bridge Contract Award for Artificial Turf Replacement

Fields Bridge Information

Fields Bridge Contract (*added 11/3)

Parks & Recreation Director Warner presented the staff report on the contract award for the West Linn Baseball Association (WLBA), noting Council would be acting as the Local Contract Review Board and would potentially adopt the findings in support of the exemption to the public bidding process. The project was for the replacement of the two artificial turf fields at

Fields Bridge Park as part of the 2018 GO Bond projects. The WLBA through fundraising and donations offered to provide the new turf for the baseball fields which would save the City a minimum of $30,000. The same process was used in 2018 when partnering with the West Linn Softball Association. The City had also partnered with WLBA on the original installation in 2009.

Councilor Walters thanked WLBA and its Board, noting she was aware it had been a tough year for area sports. She was looking forward to watching the kids play.

Director Warner agreed the WLBA had done a great job in a tough year from a revenue standpoint for all youth sports. He hoped to have the turf replacement completed during this down time to be ready for use when the pandemic allowed.

Council President Richard Sakelik moved to adopt the Local Public Contracting Rules Exemption Findings and that the contract for the Fields Bridge Park Artificial Turf Replacement Project be awarded to the West Linn Baseball Association. Councilor Jules Walters seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.
Nays: None.
The motion carried 5 - 0

Agenda Bill 2020-11-09-06: White Oak Savanna Nature Play Area
White Oak Savanna Information
White Oak Savanna Playscape Cost Estimate (*added 11/3)
Ed Schwarz Public Comment
Director Warner presented the staff report and updated on the history and status of the White Oak Savanna Nature Play Area, noting most recently Council had requested staff return to the consultants and come up with estimates minimizing the costs of potential ADA parking, and to consider other surfaces that could possibly be used to keep the cost as low as possible. The cost estimate before Council tonight was for $423,000 for one ADA parking space, pathways, mobilization, grading, and all amenities to have the play area designed by the Savanna Oaks Neighborhood Association (SONA) installed at the White Oak Savanna Park. A possibility existed to time this project with another Public Works project on Salamo Rd which could save $25,000. He confirmed an ADA parking space would add $4,300 for a total of $427,988 and that it would not be necessary to seek further Planning Commission approval because a additional space was already approved.

Mayor Axelrod supported having two ADA parking spaces for the minimal cost adjustment. If a cost savings of approximately $25,000 was anticipated if coordinating with another project, he inquired if Council should approve up to $400,000 to keep costs below that amount.

Director Warner replied that Council could make that stipulation if it wished, but pointed out

the project would have to go out to bid and if Council specified a limit, all bids over that amount would not be accepted.

Mayor Axelrod called for public comments.

Ed Schwarz stated he was President of SONA and was speaking on its behalf. He noted the staff report did not originally include an estimated cost for the Nature Play Area which was against Council Rules Section T.3., which stated the agenda packet needed to be available ten calendar days before a regular Council meeting. The omission of the estimated cost put SONA at a disadvantage for preparing the information for Council tonight. The decision Council would make tonight would determine whether the kids in West Linn who have been waiting for over three years would get a Nature Play Area in the White Oak Savanna as they were promised. At the last meeting, Council approved the SONA option with the seasonal ADA porta-toilet as long as the cost would not exceed $350,000. The estimated cost now including the ADA parking space was approximately $423,000. A $5,000 reduction should be made to that amount because a grant was awarded by Patagonia for the ADA pathway. The funds were in a City account as per the Finance Department. A potential cost reduction was possible for asphalt paving listed on the cost estimate sheet, but the specific amount was not listed. The Nature Play Area should be constructed using GO Bond funds where the $3.5 million allocated for park projects had not all been used, and none had been used for the White Oak Savanna. Included in the staff report in the packet was an excerpt from an email from Mark Cowan, Grant Program Coordinator for Oregon State Parks, to the West Linn Parks Director and cc'd to Roberta Schwarz. SONA had included the entire email in its materials for Council to understand in context. Mr. Cowan had stated, "The project was likely awarded by the Advisory Committee based on, to some degree, the future development of: Habitat Restoration, Trail Construction, and a Nature Play Area." In other words, the City was awarded the grant for acquisition of the park partially because of the stated intention to build the Nature Play Area. SONA asked Council to approve an amount not to exceed the $418,000 from the GO Bond funds for the SONA option of the Nature Play Area, with a seasonal ADA porta-toilet and ADA parking space, and that it be completed months by November 2021.

Stacy Epstein stated she was the Chair of the Parks and Recreation Advisory Board (PRAB) and noted that at their last meeting and at several other past meetings, PRAB had discussed the White Oak Savanna at length, and approved recommending to Council that no additional financial investment be made into the park and the playground at this time. The White Oak Savanna had been on the PRAB's agenda for discussion almost every month for several years, so this was not a hastily-devised conclusion. About one year ago, Ms. Schwarz demanded Council change the designation of White Oak Savanna from an active park to a passive park due to her concern about the disruption of what she described as hundreds of species living there. Council complied and noted a playground would not be consistent with the decision for a passive park and would disrupt those species. Also, a playground would not add anything substantial to the park, and three playgrounds existed within one mile of White Oak Savanna. Use of the area was minimal which protected the species living there, and the topography also made it highly unlikely that hordes of children would descend on such a playground. She had

testified before Council numerous times over the past few years, the park had dominated the PRAB agenda for several years, and had dominated resources from the Park staff. PRAB needed to move on to other projects and goals and asked that Council not authorize any additional expenditures for a playground at White Oak Savanna because of its belief that it was not fiscally responsible.

Director Warner acknowledged Mr. Schwarz's point that the item had not been available in the agenda packet 10 days prior to the Council meeting, explaining the cost estimates had been received from the two consultants as soon as it was possible in a limited timeframe. A survey of the community showed 86 percent of the respondents were in favor of Option 3 for the Nature Play Area. Council requested Option 3 as a compromise to be sent to the community, and the SONA option was a much smaller option than the community was asked to consider. He had sent an email to Council today showing that the cost estimate had one sentence that stated an extra cost reduction in the asphalt category was a possibility. When he saw that yesterday, he emailed the consultant who clarified it was an old statement that they had failed to remove. The City was no longer obligated to the Oregon Parks and Recreation Department for anything at this time. The grant was closed. He clarified the survey asked generally whether people were in favor of Option 3 as shown in a picture. That option had slides, a net, a fort, and was much different from what would be designed for the SONA plan which offered less amenities at less cost.

Councilor Walters asked how accessible the SONA option was for play for those with mobility differences and if he believed the current plan for the boulder and log climbing met ADA standards. She knew the Parks Department was dedicated to making sure that playground equipment or other items that were equitable and accessible and asked if the current plan rose to the same level of accessibility.

Director Warner replied that each option and the cost estimates were for ADA accessible parking, the pathways would be accessible down to the play area, and the play area would meet ADA requirements, though not every piece was required to be accessible. He stated that, working with the consultant, Parks would make sure the option was as accessible as possible for the amenities that were there.

Councilor Cummings said she appreciated that all of the city's parks were unique. Unfortunately, all of the parks had some features that could not be enjoyed by people of all abilities. She received confirmation that the survey did not ask respondents if they believed nothing could be done at White Oak Savanna, though some believed it should remain natural. Because 86 percent of the respondents showed an interest in the play equipment for Option 3, it told her more about the interest in a play area than about the interest in the specifics of the play area. She had been in the White Oak Savanna for a number of different events with students of many ages and noted it was appropriate for all ages. Adding the amenities and having ADA accessible paths would make the park more available to the general population and more available to people with accessibility issues to enjoy the oaks and the view and activities. A huge crowd gathered at the 2017 ribbon-cutting ceremony for the park and other

events drew hundreds. Even though no legal obligation existed, when Council accepted the money, the idea was that the City would put in a play area, and she believed that obligation should be met. In 2017, Council was told that $600,000 was available for the play area which was now gone and Council was being told $200,000 remained. Council had planned on this work long before launching into the GO Bond ideas and one of the reasons the play area was not spoken about much during the GO Bond process was because Council was assuming it would happen. She believed it was not fair to bring other GO Bond projects forward without taking care of the White Oak Savanna Nature Play area.

Council President Sakelik noted one of the first actions in which he participated on Council in early 2017 was to approve $600,000 for Learning Landscapes' proposal for White Oak Savanna Park. As a novice Councilor, he approved it without having the specific details other than that a nature play area would be installed. The substrate in the area was insufficient, so the plans were changed and alternatives were discussed for a long time. Former Parks Director Worcester twice came before Council and confirmed at least once that the $600,000 was still available to work with as discussions took place on where to move the play area. The monies then disappeared and, in the meantime, the GO Bond process was in progress during which the Parks Department brought forward 37 projects excluding White Oak Savanna. Council did not raise an issue because it believed the project was still moving forward with the $600,000. He recommended the project, which was now almost four years behind the original funding discussions, start immediately with GO Bond funds remaining from the $1,080,000 allocated to Waterfront projects BD 1816, 1817, and 1818, and to then use system development charges (SDCs) to complete all three projects as the SDCs became available in one or two years from now. White Oak Savanna had not received anything additional in his almost four years on Council other than a water line.

Councilor Relyea noted a commitment from the City Council had been made to fund up to $350,000 for White Oak Savanna Park. The question now was whether to spend another $75,000 to ensure adequate ADA parking. A variety of parks were available throughout the city, and each was created to the vision of the many community members who served on various boards and at different levels within community associations. The current plan envisioned the hopes of many who had planned and volunteered and built strong ties within the community of the end result of the park. He hoped that fulfilling those dreams would enable community members to draw closer because it would provide a unique place to gather and share in the joys of the park's setting. He hoped the PRAB would join in the efforts to support the various measures necessary to make the park a place of joy for everybody, to make it successful, and to help create that vision for the future that all community members hope to receive from the PRAB.

Councilor Walters acknowledged that White Oak Savanna was an important part of the parks system, but was concerned about moving money away from GO Bond projects that were already vetted and approved by the public. Another public process would be necessary if funds were to be moved around.

Mayor Axelrod recalled attending the ground-breaking celebration for the Nature Play Area. A lot of excitement was shown for the project, but at this point he was glad what had been proposed was not built. Revisiting the design was one of the smartest things the City had done. The SONA proposal was at the limit of any scale of development he would like to see at the park, but it had some essential elements. He appreciated the PRAB not wanting to spend any money on the project, but also understood the need and interest for a limited nature play area. Based on testimony received, it appeared an assumption always existed that some kind of nature play area would be created and he believed that should be honored. Council had found the $350,000 cost acceptable last time and had asked for consideration to be given to the ADA parking. He agreed that the ADA parking should be offered and was in favor of moving forward with the scaled-down version. He was not in favor of directing staff to pull other projects right now, but would like Council to commit to the project tonight, ask staff to return to Council to explain and provide a framework for completing the project, and supported going back to the community for input, if necessary. COVID-19 necessitated some flexibility, so he was against setting a concrete due date.

Councilor Cummings stated it was necessary to realize this project was put off repeatedly and silently for the last three years. No public process was held and the project kept losing priority. A huge crowd had attended the groundbreaking including people from Metro, Clackamas County, and Senator Merkley's office. During the State of the City address in 2018, Mayor Axelrod told the crowd that the project would be starting that year. A deadline was necessary to keep the project from being delayed further and never completed. The project should be set as a priority and GO Bond funds used. Other projects could wait as this project was already on the table and approved and needed to be completed.

Council President Sakelik reiterated his point about the Waterfront projects and noted that GO Bond funds were readily available. He inquired if the SONA option would have to go out to bid or if the bid from Learning Landscapes could be used.

Director Warner clarified that the previous project that was required to go out to bid was four times as big as the current proposal. When a project was estimated to cost over $100,000, the City was required to go out for a bid, so the current proposal would have to go through the formal competitive pricing process because the City did not know who would be building the project. He further clarified that in his discussions with Public Works Director Calvert about a month ago, he learned the 10th St project would be taking place in the fall of 2021, but it was not a firm date. Fill dirt could be moved from that project across the field to the Nature Play Area project, and staff believed about $25,000 could be saved by piggybacking on that portion of the Public Works Contract.

Mayor Axelrod stated he preferred to direct staff to get the project done as cheaply as possible and to coordinate with the other projects and come back to Council with a detailed timeline.

Council President Richard Sakelik moved to approve the White Oak Savanna Nature Play Area as a GO Bond project replacing BD 1816, 1817, and 1818. Furthermore, the Parks Department shall issue immediately requests for bids to provide to Council on or before December 15, 2020. Once a contract was approved, then work on the White Oak Savanna Nature Play Area shall start immediately with a completion date no later than July 1, 2021 Councilor Teri Cummings seconded the motion.

Councilor Walters requested a definition of the word "replacing" in the motion. Council President Sakelik stated that would be clarified in a follow-on motion.

Council President Richard Sakelik moved to have the GO Bond projects BD 1816, 1817, and 1818 be brought back to Council for formal approval after the White Oak Savanna Nature Play Area was started, once additional GO Bond and SDC funds are identified that could be utilized for the original or modified projects totaling up to the original $1,080,000 estimates as shown currently on the City's Financial Dashboard for those three projects. The motion did not receive a second and was lost.

Councilor Walters noted many people would be unhappy that Council was putting on hold or replacing the Waterfront projects which the community had very much wanted, including the non-motorized watercraft launch. The current launch location was jammed every season. She was troubled by making a decision without input from the citizens.

Mayor Axelrod expressed concern about the hard dates in the motion. The request for bid would allow only about 30 days and the pandemic and the holidays complicated matters. The July 1, 2021 completion date also seemed impractical. Staff could be directed to expedite the project and report back to Council.

Director Warner shared the Mayor's concern and believed the timeline was impossible. A cost estimate was available, but the designers of the play area have barely created a plan. The specifications needed to be written and construction documents created. The cost estimate took three weeks. Traditionally when a bid was invited, it had to be published in a journal, and the City usually gave 20 to 30 days for responses. Within that timeframe would probably be a pre-bid meeting, and once the contract was awarded, it would be about two weeks before it reached Council to allow for a notice to be posted. It was not realistic to have all that done by December 5th, less than a month. The exact cost was not part of the motion, and the guaranteed start and completion dates were difficult to set. Delaying some of the Waterfront projects was problematic because some were in progress.

Councilor Cummings stated what the Council was hearing and doing was unusual and spoke volumes about how the project had been treated. She appreciated the feedback on the difficulty of meeting hard project dates, and noted more cooperation in the first place might have made setting a timeline possible. She was willing to be flexible with the dates, but really wanted to hear that the project would be done. Many community members had been told the

project would be started. She wanted reassurance that the priority the project was given in 2017 would finally be carried out and that Council would not delay such projects again.

Councilor Relyea expressed concerns about the artificial timeline which he believed was not attainable or reasonable. An artificial deadline for completing a project usually increased the cost because contractors were then under an obligation to complete tasks within a certain timeframe and could not use their flexibility and availability of their subcontractors. Also, it put City staff in a situation where it was not feasible to take a conceptual design through constructability review, develop the specifications, and go out for bid.

Council President Sakelik said he fully realized it was a very aggressive schedule, but he assumed Learning Landscapes had already provided some drawings by now. He understood the process was not easy, but also understood that after four years of being on Council, it was very difficult to get plans for projects. He was happy to withdraw and change the motion, but would like Director Warner, staff, and City Manager Gabrielatos to return to Council next Monday with a plan on how the project could be accomplished and that staff would follow specifically. Extenuating circumstances might change the due dates, but working towards a plan would keep the project from languishing and would also encourage the new Council to follow through on the project. He withdrew his motion.

Council President Richard Sakelik moved to approve the White Oak Savanna Nature Play Area as a GO Bond project with a plan to be provided by staff by November 16th as to how the project can be accomplished. Councilor Teri Cummings seconded the motion.

City Manager Gabrielatos pointed out the complexity of arranging financial components, timelines, contractors, and a request for proposals (RFP) in a short time.

Director Warner noted the pandemic created complications with the bidding process which was traditionally in-person. He also was dependent upon the consultants' schedules and how fast they could produce documents. He could create a bid document in a couple of weeks and a project management timeline for Council with date ranges, but not specific dates. Inviting bids might be possible in January or February.

Council President Sakelik said he had forgotten to include the ADA parking specifically in his motion, but had included it in the dollar figure. He would like to see a timeline that included issuing an RFP, receiving proposals, contract review, approval by Council, and potential start dates for construction. The City was the customer of the companies who would submit bids and he believed they should try to accommodate it as much as possible, especially ones like Learning Landscapes which had already done business with the City.

Councilor Walters notified via text that her connection to the meeting was inconsistent and she was not hearing this discussion.

Director Warner pointed out the difficulty of specifying an ending date for the project. Timelines could be placed on some tasks, but eventually negotiations would be taking place with a contractor. For full transparency, he wanted Council to know that he did not control the entire process.

Council President Sakelik withdrew his motion.

Council President Richard Sakelik moved to approve the White Oak Savanna Nature Play Area as a GO Bond project and direct staff to bring a thorough implementation plan and target schedule to Council on December 7, 2020. Councilor Teri Cummings seconded the motion.

Ayes: Council President Richard Sakelik, Councilor Teri Cummings, and Councilor Bill Relyea.
Nays: Mayor Russ Axelrod and Councilor Jules Walters.
The motion carried 3 - 2

Due to the late hour, Council decided to defer the discussion on the White Oak Savanna plaque, the USPS letter, and the Advisory Committee appointments for HB2001 until the November 16th meeting. Council President Sakelik said he would provide the City Manager with a picture and information for the plaque for posting.

City of West Linn Response to COVID-19 Public Health Emergency [8:30 pm/5 min]
State of Emergency Declaration Extension
Emergency Declaration to Jan. 11, 2021 (*added 11/3)
Council President Richard Sakelik moved to extend the state of emergency enacted at the March 19, 2020 City Council meeting and extended at the April 20th, May 18th, July 6th, and September 14th meetings to January 11, 2021. Councilor Jules Walters seconded the motion.

Ayes: Mayor Russ Axelrod, Council President Richard Sakelik, Councilor Teri Cummings, Councilor Bill Relyea, and Councilor Jules Walters.
Nays: None.
The motion carried 5 - 0

Diversity, Equity, and Inclusion Update [8:35 pm/5 min]
City Manager Gabrielatos reported a revised version of the contract from The Kenley Group was received and he intended to move forward on it this week. After discussions with Council and staff, the City would return to the original amount of $40,000 to use as a starting point for the DEI work.

Mayor Axelrod reported he had spoken with the OIR Group today and they were still on track for having a draft report ready for Council by the end of the month.

Mayor and Council Reports [8:40 pm/15 min]

~~**a. HB2001/03 Advisory Committee Appointments**~~

Advisory Committee Information

Letter to USPS from Council (*added 11/4)

Councilor Sakelik submittal

The HB2001/03 Advisory Committee Appointments item was moved to the next Council meeting.

City Manager Gabrielatos would update Council on Monday regarding communications about upcoming vacancies on boards and commissions.

Council President Sakelik requested that those who wished to remain in their positions on boards or commissions also apply.

Councilor Relyea offered clarification on multiple questions he had raised in the pre-meeting. He noted the Charter did not have specific language that allowed a Council member to run for position of Mayor. It stated that a Council member was obligated to fulfill the four-year term unless they resign and, in this instance, no resignation was submitted. Section 31 stated Council's ability to appoint only applied to the specific instances called out in Section 30, and Section 30 did not speak to a Council member running for mayor, so Section 31 would not apply. Some provisions would allow an existing Council member to maintain their current seat on Council until a successor runs for office and was appointed or selected for that position. His request was to give consideration to all of the applicable issues, craft language to close the gap, and for advice on how to move forward in a manner consistent with the Charter.

Mayor Axelrod asked Councilor Relyea to put his request in writing.

Councilor Cummings clarified that Council was agreeing to allow the use of more than 15 minutes of legal time. Another consideration for Council was whether to release the information about the workplace harassment complaint.

City Attorney Monahan stated he would bring the matter of the complaint to City Attorney Ramis' attention, and provide information to Council at its next meeting.

Council President Richard Sakelik reported that at the last SONA meeting, Debbie Meyers from the West Linn Food Pantry stated donations were desperately needed because the schools and other institutions that usually did food drives were closed. Donations of money were also welcome.

City Manager Report [8:55 pm/5 min]

No further information was presented.

City Attorney Report [9:00 pm/5 min]

City Attorney Monahan noted Council had asked at the last meeting for the status of the preparation of the self-assessment for a performance review. City Attorney Ramis was working on the self-assessment which would be ready for the date specified in December.

Adjourn [9:05 pm]

Notes approved 1/11/21.

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

CITY COUNCIL AGENDA

Monday, November 9, 2020

4:00 p.m. – Executive Session – Webex*

Per ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection

5:00 p.m. – Pre-Meeting Work Session – Webex*

6:00 p.m. – Business Meeting – Webex*

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1. Call to Order [6:00 pm/5 min]
2. Approval of Agenda [6:05 pm/5 min]
3. Public Comments [6:10 pm/15 min]
4. Consent Agenda [6:25 pm/5 min]
    a. Agenda Bill 2020-11-09-01: Approve Draft Notes for September 21, 2020
5. Business Meeting [6:30 pm/120 min]
    a. Agenda Bill 2020-11-09-02: *Public Hearing:* Amending the Comprehensive Plan Map and Zoning Maps for 1791 Blankenship Road
        ii. ORDINANCE 1716, AMENDING THE WEST LINN COMPREHENSIVE PLAN MAP FROM MIXED-USE TO MEDIUM-HIGH DENSITY RESIDENTIAL FOR THE PROPERTY LOCATED AT 1791 BLANKENSHIP ROAD
        iii. ORDINANCE 1717, AMENDING THE WEST LINN ZONING MAP FROM WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL TO R-2.1 FOR THE PROPERTY LOCATED AT 1791 BLANKENSHIP ROAD
    b. Agenda Bill 2020-11-09-03: ORDINANCE 1720, RELATING TO VACATION OF A PUBLIC UTILITY EASEMENT
    c. Agenda Bill 2020-11-09-04: HB2001 Rulemaking Comment Letter from Council to the Department of Land Conservation and Development (LCDC)
    d. Agenda Bill 2020-11-09-05: Fields Bridge Contract Award for Artificial Turf Replacement
    e. Agenda Bill 2020-11-09-06: White Oak Savanna Nature Play Area
6. City of West Linn Response to COVID-19 Public Health Emergency [8:30 pm/5 min]

a. State of Emergency Declaration Extension

7. Diversity, Equity, and Inclusion Update [8:35 pm/5 min]
8. Mayor and Council Reports [8:40 pm/15 min]
    a. HB2001/03 Advisory Committee Appointments
9. City Manager Report [8:55 pm/5 min]
10. City Attorney Report [9:00 pm/5 min]
11. Adjourn [9:05 pm]

**Due to federal and state restrictions on public gatherings, City hall is temporarily closed to the public until further notice. All City Council and Citizen Advisory Board meetings will be conducted virtually via WebEx. The public can watch all meetings online via www.westlinnoregon.gov/meetings. City Council and Planning Commission meetings are also shown on Cable Channel 30.*

Submit written comments by email to citycouncil@westlinnoregon.gov, Planning Commission askthepc@westlinnoregon.gov, or the staff liaison for other citizen advisory groups. All comments must be received prior to 12:00 pm on the meeting day.

To speak during the meeting, please complete the form located at: https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup by noon the day of the meeting to be input into our system. Instructions on how to access the virtual meeting will then be provided to you by email prior to the meeting.

If you require special assistance under the Americans with Disabilities Act, please call City Hall 48 hours before the meeting date, 503-657-0331.

PROCLAMATION

West Linn, Oregon

WHEREAS, the greatest acknowledgement of our freedom is to honor our armed forces veterans who have sacrificed and in many instances paid the ultimate price for our freedom; and

WHEREAS, West Linn recognizes and respects all the veterans throughout our City and the Country for their many contributions; and

WHEREAS, all our armed forces continue to be an inspiration to all of us through their demonstration of courage, leadership and commitment in service to our community and country; and

WHEREAS, it is up to us to ensure that every veteran feels that his or her service to this country is appreciated by their fellow Americans; and

WHEREAS, regardless of how one feels about policies that lead to war, let there be no doubt that veterans serve with honor. They serve to make life better for others; and

WHEREAS, war is never anything to celebrate, but peace is. The peace in between wars and conflicts is brought to you mainly by our veterans; and

WHEREAS, West Linn is dedicated to remembering the legacy of all veterans and recognizes and honors veterans who have served and are still serving our country so that all may pursue life, liberty, and the pursuit of happiness.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN:

That in observance of Veterans Day on Wednesday, November 11, 2020, West Linn proudly joins the rest of our nation to salute and give special honor and recognition to all those who served us in our armed forces and ask all those in West Linn to take this time to recognize those around them that have served.

DATED THIS 9th DAY OF NOVEMBER, 2020

_____

MAYOR RUSSELL B. AXELROD

ATTEST:

_____

KATHY MOLLUSKY, CITY RECORDER

PROCLAMATION

West Linn, Oregon

WHEREAS, the City of West Linn celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are currently 30.7 million small businesses in the United States, they represent 99.7 percent of all businesses with employees in the United States, are responsible for 64.9 percent of net new jobs created from 2000 to 2018; and

WHEREAS small businesses employ 47.3 percent of the employees in the private sector in the United States, 62% of U.S. small businesses reported that they need to see consumer spending return to pre-COVID levels by the end of 2020 in order to stay in business, 65% of U.S. small business owners said it would be most helpful to their business to have their "regulars" return and start making purchases again, and three-quarters of U.S. consumers are currently looking for ways to Shop Small® and support their community; and

WHEREAS, 96 percent of consumers who shopped on Small Business Saturday® agree that shopping at small, independently-owned businesses supports their commitment to making purchases that have a positive social, economic, and environmental impact and 97 percent of consumers who shopped on Small Business Saturday agree that small businesses are essential to their community; and

WHEREAS, 95 percent of consumers who shopped on Small Business Saturday reported the day makes them want to shop or eat at small, independently-owned businesses all year long, not just during the holiday season; and

WHEREAS, the City of West Linn supports our local businesses that create jobs, boost our local economy and preserve our communities; and

WHEREAS, advocacy groups as well as public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday®.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY OF WEST LINN, that Saturday, November 28, 2020 is:

SMALL BUSINESS SATURDAY®

and we urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday® and throughout the year.

DATED THIS 9TH DAY OF NOVEMBER, 2020.

_____
RUSSELL B. AXELROD, MAYOR

ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

WHAT IS SMALL BUSINESS SATURDAY®?

Since its inception in 2010, Small Business Saturday, proudly backed by American Express, has illuminated the significance of supporting small, independently owned businesses across the country. Falling between Black Friday and Cyber Monday, it's a day dedicated to supporting the diverse range of local businesses that help create jobs, boost the economy, and keep communities thriving across the country.

WHY SUPPORT SMALL BUSINESS SATURDAY?

- Demonstrates a conscious commitment to the communities in which we live.
- Creates goodwill within the communities.
- When we support small businesses, we help create jobs and local communities preserve their unique culture.

2019 SMALL BUSINESS SATURDAY FACTS:

- In 2019, U.S. consumers reported spending a record high total of an estimated $19.6 billion at independent retailers and restaurants on Small Business Saturday.[1]

- On average for every dollar spent at local small businesses 67 cents stays in the local community.[2]

- Elected officials in all 50 states, Washington, D.C., Puerto Rico, and other U.S. territories championed Small Business Saturday.

[1] The 2019 *Small Business Saturday Consumer Insights Survey* was conducted by Teneo on behalf of American Express and the National Federation of Independent Business (NFIB). The study is a nationally representative sample of 2,287 U.S. adults 18 years of age or older. The sample was collected using an email invitation and an online survey. The study gathered self-reported data and does not reflect actual receipts or sales. It was conducted anonymously on December 1, 2019. The survey has an overall margin of error of +/- 2.0%, at the 95% level of confidence. Projections are based on the current U.S. Census estimates of the U.S. adult population, age 18 years and over.

[2] The 2018 Small Business Economic Impact Study was conducted by Econsult Solutions, Inc. (ESI) on behalf of American Express. ESI calculated the share of national Gross Domestic Product (GDP), employment and employee compensation that small businesses with under 100 employees provide to the economy based on an analysis used by the U.S. Small Business Administration. ESI also estimated how much of each dollar spent at the average small business remains in their local community and used input-output analysis across 100 representative U.S. counties to calculate the additional impact that is generated locally as the result of the spending of employees and the spending of the small business with local suppliers and service providers.

- 802 local governments issued proclamations in support of Small Business Saturday covering all 50 states and Washington, D.C.

- American Express enlisted the support of nearly 100 large companies, known as Corporate Supporters, to help drive excitement for and promote Small Business Saturday.

- The Small Business Saturday Coalition, comprised of national, state and local associations that help coordinate activities for Small Business Saturday with small business owners and consumers, had 627 organizations help spread the Shop Small® message.

- According to the 2019 Small Business Saturday Consumer Insights Survey, 95% of consumers who shopped on Small Business Saturday reported the day makes them want to shop or eat at small, independently-owned businesses all year long, not just during the holiday season.[3]

JOIN THE COALITION:

Building on the success of previous years, the Coalition of supporters are more committed than ever. This includes support from advocacy organizations that join the initiative to motivate constituents through incentives and offers to not only Shop Small on November 28, 2020 but Shop Small all year long.

The coalition will be led by Women Impacting Public Policy, a business advocacy organization representing small businesses. Join Us!

Contact Info:
Small Business Saturday Program
Women Impacting Public Policy
Phone: (415) 434-4314 |Email: sbscoalition@wipp.org

[3] The 2019 *Small Business Saturday Consumer Insights Survey* was conducted by Teneo on behalf of American Express and the National Federation of Independent Business (NFIB). The study is a nationally representative sample of 2,287 U.S. adults 18 years of age or older. The sample was collected using an email invitation and an online survey. The study gathered self-reported data and does not reflect actual receipts or sales. It was conducted anonymously on December 1, 2019. The survey has an overall margin of error of +/- 2.0%, at the 95% level of confidence. Projections are based on the current U.S. Census estimates of the U.S. adult population, age 18 years and over.

CITY OF West Linn

Agenda Bill 2020-11-09-01

Date: October 29, 2020

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

From: Kathy Mollusky, City Recorder *KM*

Through: Jerry Gabrielatos, City Manager *JG*

Subject: Draft Meeting Notes

Purpose: Approval of City Council Meeting Notes.

Question(s) for Council:
Does Council wish to approve the attached City Council Meeting Notes?

Public Hearing Required: None required.

Background & Discussion:
The attached City Council Meeting Notes are ready for Council approval.

Budget Impact: N/A

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

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

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

Staff Recommendation:
Approve Council Meeting Notes.

Potential Motions:
I move to approve the September 21, 2020 Council Meeting Notes.

Attachment:
1. September 21, 2020 Council Meeting Notes

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

WEST LINN
CITY COUNCIL MEETING
NOTES
September 21, 2020

Call to Order [2:00 pm/5 min]

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

Staff Present:
City Manager Jerry Gabrielatos, Public Works Director Lance Calvert, Finance Director Lauren Breithaupt, Library Director Doug Erickson, Assistant to the City Manager Dylan Digby, IT Director Shane Boyle, City Recorder Kathy Mollusky, and City Attorney Tim Ramis.

This meeting was conducted via Webex due to COVID-19 and federal and state restrictions on public gatherings.

Approval of Agenda [2:05 pm/5 min]

Council President Richard Sakelik moved to approve the agenda for the September 21, 2020 West Linn City Council Meeting with the change of moving Item 5, 10th St and Salamo Project Update to Item 4, 2021 Budget Update and Forecast. Item 4 would become Item 5. Councilor Teri Cummings seconded the motion.

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

Nays: None.

The motion carried 5 - 0

Public Comment {2:10 pm/10 min]

Public Comment - Rebecca Adams

Council President Sakelik read statements from John McCabe, Ed and Roberta Schwarz, and Kathy Selvaggio, West Linn residents, into the record. The statements were also included in the meeting materials. In summary, John McCabe's statement spoke to harassment due to age, about people of older age and their contributions to the city, and his dissatisfaction with increasing City taxes; the Schwarz's statement requested release of the June 9th City Council meeting video along with the workplace harassment complaint against Councilor Walters; and Kathy Selvaggio also asked for the release of the workplace harassment complaint and a transcript or video of the June 9th City Council Executive Session so the public could be informed before choosing new City leadership.

Public Comment - John McCabe

Public Comment - Kathy Selvaggio

Public Comment - Roberta Schwarz

Karie Oakes, West Linn, requested release of the workplace harassment complaint filed against Councilor Walters as well as the portion of the video from the June 9th Executive Session so the public could be informed before selecting a new mayor.

Public Comment - Karie Oakes

Mayor Axelrod confirmed an investigation was ongoing and he understood it would be concluded by the end of the month. Council should not discuss details until then.

Councilor Walters clarified the results of the investigation would be available on September 28th. She stated she would always stand up to bigotry and hatred and would always protect protected classes of people, especially those her children belonged to.

10th Street/Salamo Project Update [3:10 pm/20 min]

10th St and Salamo Project Update Information

Public Works Director Calvert presented the Agenda Report which was included in the meeting packet. The report included background information, a timeline, and current status of the project. Using PowerPoint slides, he reviewed the history of the project and detailed the key features. The project was proceeding as planned and would not be mitigating for future tolling. Cost models for the project were in progress based on the amount of mass grading that would

occur, plus any additional input to be received from the Oregon Department of Transportation (ODOT). He believed the cost was still close to the original budgeted amount of $5.3 million; the pandemic issues were impacting prices in the construction industry making cost estimating more difficult. The project was hoped to go out to bid in the spring or early summer and construction would start next year, depending upon the right-of-way (ROW) acquisition still needed at the 10th St intersection and a few other details. He clarified that what was before the Council was a concept sketch. The details of the traffic work were still underway with ODOT, the survey was completed, and the engineering drawing specifics were being gathered. He hoped to have more detailed cost estimates by the end of the year and those estimates would continue to be refined as the project moved forward.

Ben Austin, Harper Houf Peterson Righellis Inc. (HHPR), Project Manager for the Main Street and the 10th St/Salamo Rd Project, stated that the approval process with ODOT for the larger roundabout at the interchange was still in progress and it was possible it could be a signal similar to the original concept. The cost differential between the two was not significant. The roundabout had a bigger footprint but had less expensive equipment associated with it.

Director Calvert clarified that roundabouts were cost effective compared to traffic signals, though the cost difference could be a wash depending upon how elaborate the roundabout was. The sheer grade at Salamo Rd was so great a roundabout would not work. A roundabout was preferred at 8th Ave and 8th Ct because it would allow drivers to more easily get into and out of those streets rather than having to make a difficult left turn at peak rush hour.

Councilor Relyea stated that typically the driver behind the design of an interchange was the Federal Highway Administration (FHWA). He asked if ODOT or the consultant had contacted the FHWA for their input on the interchange design.

Mr. Austin replied the team had discussed such issues. The diagrams in the slides appeared complicated, but were high-level graphics with a level of detail that would convey the number of lanes. ODOT was considering the traffic analysis currently underway including everyday vehicle movements and single-trip permit loads through the interchange. ODOT had become the liaison for the FHWA approval. Several steps were necessary to receive approval for a roundabout within the state highway system. The roundabout achieved many positive results for the city's street network and for the state as well, and had few drawbacks.

Director Calvert clarified that the team worked with ODOT Region 1 staff who then approached their FHWA liaison for any kind of interchange work in Salem. The intersection and the interchange had been considered several times with approvals in the TSP as well as during the grant request to ODOT and to Metro. He did not anticipate any problems with FHWA. ODOT's main concern was vehicle queuing and how many cars stack up on the ramps because they wanted to maintain through movement on I-205. He confirmed a left turn into the McDonald's would be possible from 8th Ct. Under consideration was whether to allow a left turn movement going out or to make a right turn mandatory. Regarding the maneuverability of emergency vehicles through the roundabouts, he noted the base vehicle used in the design of the mini

roundabout was Tualatin Valley Fire & Rescue's (TVF&R) fire engine. He acknowledged that a signal in combination with a roundabout could add complications. The traffic engineer was studying the interaction of a signal and a roundabout through the modeling data. The goal generally was to move away from traffic signals. The steep topography would not allow for a roundabout at the southbound on- and off-ramp nor could one be accommodated at the Salamo Rd and Blankenship Rd so a traffic signal would be used there, along with a double left and streamlining the through movements but preserving the signals as they currently exist with some efficiency modifications. In conclusion, he stated he was available to answer any questions and that people were welcome to attend the upcoming Transportation Advisory Board meeting (TAB).

2021 Budget Update and Forecast [2:20 pm/50 min]

Financial Forecast Information

WLPD v. Contract with County

Finance Director Breithaupt stated the budget cycle for the next biennium would start in April 2021 and updates and conversations would begin in January. The updated budget forecast looked better than it had before COVID-19. Significant declines were seen in a lot of the revenue sources, but fortunately some significant declines were seen in expenditures as well. She detailed revenues and deficits shown in the staff report, noting consideration was being given to how to fill the deficit for the next biennium and ideas for revenue possibilities were listed in the staff report. The second attachment in the meeting packet was the estimated FY20 Budget-to-Actual. Estimated expenditures were about $40.6 million which left a difference of about $10.8 million from the approximately $51 million budget. She noted $8.2 million of that amount was capital and was already earmarked. The number of GO Bond projects was unknown for FY21 when the budget was set, so those were overbudgeted. An idea was raised regarding using the GO Bond for staffing, but it would be necessary to approach Bond Council on that issue. If allowed, the funds would be spent on existing City staff working on GO Bond projects.

Councilor Cummings confirmed the Deputy City Recorder position was not filled and believed that was why the minutes were not received in a timely matter. She noted when the City Recorder was out of the office on vacation, public records requests were also not filled in a timely matter. It was affecting the City's ability to be transparent. Investing in compliance with the public records laws was a need and not just a want like some other programs, like recreation.

Director Breithaupt responded that not filling the three positions was a temporary solution for the significant deficit in the last budget cycle. The early attrition program saved the City a lot of money. The goal was to fill those positions for the next biennium, but not filling them would likely help solve the upcoming budget problem.

Council President Sakelik inquired about the reserves for each fund and asked for further explanation of the $10.8 million that was under budget of which $8.2 million was for capital

projects and $3.4 million for GO Bond projects.

Director Breithaupt explained the numbers presented included the 15 percent of reserves set by a policy requirement. The ending fund balance including that percentage was $1.181 million. The actual total ending fund balance was $478,000, and $703,000 represented the reserve ending fund balance that would not be met. The $10.8 million shown in the FY20 Budget-to-Actual did not include emergency reserves and did not represent the ending fund balance. The timeline and schedule of the GO Bond projects was not available when the budget was set for the current biennium, so the budget was not exact. The desire was to complete the projects on a three-year timeline, so staff put the majority of the budgets in the first two years. $8.1 million was set aside for the first year of the GO Bond fund projects, and $3.4 million was the unexpended capital. Unexpended capital in other funds totaled $642,000 for Parks, $1.169 million for Streets, a little under $1 million in SDC funds, about $200,000 for Water, and about $1.8 million for Environmental Services. The $8 million that was not spent was moved forward into FY21 as if it would be spent then so it would still play into the forecast. When the original budgeting was done for the five-year forecast last biennium, a deficit of $2.3 million was expected by the end of the current biennium. However, some money had been saved this year. Some of the expenses would be pushed to next year, and the expenses that were not pushed forward would be savings which reduced the deficit from $2.3 million to $700,000. The savings in the budget this year helped for four years out.

Council President Sakelik responded that his confusion resulted from what appeared to be constantly rolling deficits into future budget years. The budget number did not represent what actually could be spent. If the funds were spent, it would result in large negatives in the next few years. His concern was why budget amounts were not closer to the anticipated amount to be spent by the City.

Director Breithaupt replied that with the capital this year, budgeting was accurate. COVID-19 had impacted the work actually done. She recommended focusing on the $2.6 million that was underspent across 12 funds. Staff had been making a big effort this year to reduce spending knowing the City would be coming up against a $2.4 million deficit in the next biennium and anything saved this year would help reduce the deficit. Unfortunately, even though that money was saved, decreases in revenue were seen in certain areas. Another component of why $2.6 million was saved was due to a reduced number of events; for example, few people were traveling or conducting trainings. Staff did the best it could at the beginning of the year to make realistic estimates and give a bit of cushion, but there was no way of knowing what would happen as was seen this year with COVID-19.

Council President Sakelik was concerned that the public understood the reason for the big differences in the numbers. He suggested a way be found to further inform them when they view the financial dashboard. He noted FY20 was highlighted in yellow as a projection, but understood FY20 was almost 100 percent actual by this point.

Director Breithaupt confirmed he was correct, and explained she had set it as a projection

because the audit adjustments were mostly complete on the expenditure side, but the revenue side still needed some accruals and adjustments before the audit at the end of October. The work was being done now, and she did not want to say the numbers were actual until they were finalized and audited. She hoped by January to have FY21 projected as well as a five-year projection.

Council President Sakelik referred to the potential deficits in the coming years, and asked for an analysis of the impact of changing the policing model to the Clackamas County Sheriff so the numbers were available for Council's review to avoid having to put them together at the last minute.

Director Breithaupt responded that she had reached out to the City of Wilsonville who contracted police service with the county and had created a spreadsheet of her understanding of their costs versus those of the City of West Linn. She would share the spreadsheet with Council. Wilsonville spent less money, but they had fewer officers.

Councilor Cummings asked about the City's approach to furloughs and what was anticipated in that regard.

Director Breithaupt replied it had not been necessary to furlough anyone because it was not a huge cost savings over the long term and impacted all employees. It was a last resort, and not filling a position would likely be the first step. Staff was running extremely lean, especially during these times, and had been for years. If any kind of staffing reduction was done, it would probably need to be followed by a service reduction in some area.

Mayor Axelrod stated while he was reviewing the Public Safety Fund he was trying to understand the police budget and not enough information was provided. Clearly, the majority of the budget was personnel-related. He believed a robust review of police services and the Wilsonville model, which was portrayed as half the cost, would be necessary as would bringing the information to the Task Force as policies and approaches to policing were reached. Regarding the three unfilled positions, he encouraged staff to have a robust evaluation of how business would be done differently in the next few years. COVID-19 had led to discovery of some efficiencies, such as meeting virtually, and some inefficiencies. He hoped to think out of the box through the analysis to creatively try and meet the goals more effectively by, for example, sharing resources with neighboring cities. Perhaps West Linn could team up with Oregon City to utilize some of their staff on an hourly basis to help with the City's projects rather than taking on the burden of an FTE. He anticipated the Public Employees Retirement System (PERS) numbers to be problematic next year.

Director Breithaupt noted that at the beginning of COVID-19, a discussion took place on ways to help the community with one idea being to stop water shut-offs. Staff was requesting to have the ability to reinstate water shut-offs and to charge interest. The utility delinquency list had grown by 36 customers which totaled about $32,000, and it had been a struggle getting people to pay due to a lack of incentive. Door hangers continued to be sent but not charged

for, and attempted contact through letters and by phone did not have much success. Staff was aware people were still struggling and would work with those who could not pay as long as they made an attempt at payment plans. Utility assistance funds were still in place that could be used to help write off certain balances for those struggling to pay. Every year, $5,000 was added to an Emergency Assistance Fund and the City rarely got close to spending that amount. If it did get close, staff would request another $5,000 from Council, but it would be more doable if the $5,000 was being collected through interest and penalties to help people who actually needed it.

Mayor Axelrod suggested to not cut water off over the holidays and have an outreach in the utility bills encouraging people to contact the City to work out a plan to avoid cut-offs starting next year.

Director Breithaupt preferred to do the outreach before January as it was one of the harder months to collect because it was shortly after the holidays and was one of the larger shut off months. She suggested shut-offs start the first week of November or December, or to at least do the outreach to inform people of the option of working out a plan with the City.

Councilor Cummings appreciated staff's personal work with people and noted the issue was also one of fairness to the faithful ratepayers. Also, the infrastructure needed to be kept sustainable. She suggested targeting November 9th as a shut-off date because Council's Emergency Declaration went until that date.

Director Breithaupt suggested a Tuesday or Thursday after November 9th to begin shut-offs. The City would send a 10-day notice before that date with an additional explanation that shut-offs were beginning again in the next month and to call the City to discuss any issues as the City would make every attempt to work with them.

Mayor Axelrod stated he would work with City Manager Gabrielatos regarding the rest of the Council calendar and to touch base on the budget with Council in about 1 ½ months, particularly as the PERS numbers came in.

Director Breithaupt suggested an early January meeting though the final numbers for June 2021 would not be available, but the work could be done alongside with Council goals and new Council goal setting.

Main Street Project Update [3:30 pm/20 min]

Public Works Director Calvert updated on the new back-in angle parking. Striping was being done and paving of most of the cycle track would be done next week. PGE had pulled away from the project due to the fires and the fire response in other parts of their service district. He had planned to have the project substantially completed by now, but delays continued because of the fires and business impacts from COVID-19.

Councilor Walters had heard from some business owners who were very concerned about the back-in parking. She told them that the decision had been made based on data showing it was safer way to park, but people did not seem convinced. Another concern she heard regarding the Americans with Disabilities Act (ADA) parking locations. She requested the Director Calvert provide more explanation so people could be informed of the reasons for the location.

Director Calvert explained that temporary striping was done in preparation for the back-in parking, which added a little extra cost to the overall project but was believed to be important to view in place before the final surface lift scheduled for October. Signage was being installed in coordination with the Police Department and staff. Direction from Council was needed before the final surface was put down because removing the striping involved removing and replacing some of the asphalt at a considerable expense. He would work with staff to make sure the signage and striping was in its permit configuration. One difficulty was that almost none of the parking spaces on Willamette Falls Drive as it previously existed met any of the ADA requirements because of its slope even though they were striped ADA. Some of the ADA stalls were being shifted to side streets on each block where the surface was much more level, more accessible, and met ADA requirements. The previous ramps did not meet ADA requirements but all new ramps would, and any exceptions would be documented and would likely be exempt due to the steepness of the terrain. He welcomed people to contact the City with concerns through City staff or the Willamette Falls Drive project website at wfdproject.com or through Ms. Hollenbeck at Historic Willamette Main Street (HWMS).

Councilor Cummings said Council had listened carefully to the pros and cons of the back-in angle parking. Installing the parking was a bold move because it involved changing people's habits. The public was owed a chance to try it. She asked if it was possible to install the permanent paving with some temporary striping.

Director Calvert replied that would not be practical because snowplows would rip the temporary striping off the pavement. The time for experimenting with the parking could be from now through October and then the final surface lift of asphalt could be done. If a much longer window was desired the existing surface condition with some minor improvements could be used and the top layer of asphalt and the final striping would be done in the spring.

Councilor Cummings recalled hearing Director Calvert say several times that if the parking did not work it could be changed because it was just the striping. Circumstances were unusual right now with COVID-19 and a parking change could take a while to get used to. Communities that had tried the back-in parking did not want to give it up.

Rebecca Hollenbeck, Executive Director, Historic Willamette Main Street, addressed the possibility of parking spaces being used for outdoor restaurant seating. Out of the 12 restaurants on Willamette Falls Drive, she was aware of only four who were interested in the possibility. She had also polled all of the businesses on Willamette Falls Drive to learn how using parking areas for seating might impact them. She had not heard back from all of them, but the responses so far slightly leaned toward allowing street seating. With the upcoming

winter weather, the restaurants wanted to know if they could put up tents with heaters to provide more seating. One business stated that it would be necessary to start laying off staff if they could not use tents because they would not have enough seating capacity to keep all of their staff on with the indoor seating available. She clarified a lot of business owners were very happy with the expanded seating on the sidewalks, but three of them in one block would like to take advantage of extra seating if parking spaces could be made available. Other restaurant owners did not want to participate.

Councilor Relyea proposed allowing each business to make a decision whether to use street seating. If Council allocated spaces to storefront businesses, it needed input and buy-in from adjacent property owners. A plan was needed to be used jointly with a physical map to determine what made sense in each instance for the business owners. Everything that could be done needed to be done to support those businesses, but it needed to be done in a planned manner.

Director Calvert said staff was anticipating potentially starting demonstration projects of outdoor dining with some of the restaurants who were interested in pursuing the option of using parking for seating using the guidance developed based on surrounding communities and other areas. The information was shared with the HWMS project, and plans were to meet with the Building Department and other regulatory bodies regarding covered sidewalk spaces and how to accommodate them in the existing ROW permitting so outdoor dining could continue on the sidewalk. Other considerations included heaters, working with TVF&R, fire and life safety, addressing questions regarding enclosures and whether it was an expansion of indoor dining, and the spacing requirements necessary.

Mayor Axelrod supported the use of heaters and covered seating to work with the businesses in any way possible to make it easier for them. He also supported those businesses who wanted to expand into the street and was open to working up a plan to assist them. He would consider backing off from some of the standards to the extent possible while still remaining safe. Council could also consider Code changes to help those businesses.

Ms. Hollenbeck stated an application had been submitted to the Planning Department because HWMS would like to put up at least temporary 15-minute parking spaces in each block to allow easier pick up of take-out items for the restaurants and other businesses. The Planning Department was working through some existing Codes because the plan did not exactly meet the conditions. She announced the Walkabout Wednesdays on Willamette campaign beginning on September 30th to encourage people to support local businesses. Thank you cards would be available at the Wednesday Market for people to sign for the first responders in West Linn.

Council President Sakelik recalled that Council had already agreed on its support for 15-minute parking stalls. Helping businesses in any way would be worthwhile.

Agenda Bill 2020-09-21-01: Percentage for the Arts: Decision on FY 19-21 Impact [3:50 pm/20 min]

Percentage for Arts Transportation Funding Information

ORD 1702 Arts & Culture

Finance Director Breithaupt reminded Council of their discussion a few months ago regarding the percentage for the arts and applying it for the transportation GO Bond projects. Council had stated they would like to accrue a 1.5 percent liability of what was spent in FY19 and in FY20. The request was taken to the Arts and Culture Commission to discuss their definition of art for transportation. A definition was available in the Code, but the Commission had discussed making an exception due to the projects already budgeted. The Commission wrote a recommendation stating their hope that the Council transportation projects funded in FY19 or FY20 could be exempt from the 1.5 percent art liability, and that any FY21 transportation projects that already had an approved detailed budget and might be put at risk due to the arts liability could also be exempt. She was asking that a decision be made regarding that recommendation today because the work needed to be completed for the upcoming audit.

Councilor Cummings said it was a slippery slope for Council to come up with its own definition for art when one already existed. The Percent for the Arts Program was intended to be for original art; decorations and aesthetics were not original art. The percentage for the arts was one way Council supported creativity and artists in the community. She noted Council had passed Ordinance 1702 in June and she expressed some frustration about the difficulty she had finding it and about it not being included in the meeting materials. She read the following portion of Ordinance 1702 into the record: "Total Cost" means the entire amount of the City's contribution toward the price for construction of a project. "Total Cost" does not include costs for design and engineering, administration, fees and permits, building demolition, relocation of tenants, contingency funds, change order costs, environmental testing, environmental remediation, non-construction contingency or indirect costs, such as interest during construction, advertising, public outreach and engagement, land acquisition and legal fees. "Total Cost" also does not include private development revenue, federal and state grants that preclude Public Art as an object for expenditure, local improvement district revenue, utility and other City funds which are restricted by ordinance to preclude Public Art as an object for expenditure and revenue from any other funding source subject to legal restrictions, or generally accepted accounting standards restrictions, which preclude Public Art as an object for expenditure, including but not limited to statutory system development charges, state gas tax revenues and "Business type activities." These include the SDC, Street, Water and Environmental Services Funds. Any bond proceeds included within Total Cost must be spent in compliance with the bond's purposes.

Director Breithaupt further clarified that the percentage for the arts liability accrued at the end of each fiscal year. At that time, she reviewed all of the projects on which the City had spent money over the year to determine what was or was not eligible. It was straightforward until last year when transportation was not included. Currently all the Utility, SDC, Water, Environmental, and Streets Funds projects were not eligible. Projects that were eligible were in

the Parks, Library, General, and GO Bond Funds and some might be excluded based on their revenue sources. Originally, discussion was that all Parks and Facilities projects would accrue the 1.5 percent liability. This year Council directed that the GO Bond for transportation be included and it also wanted to add the 1.5 percent to FY19 projects. The total net qualifying project cost of about $5.2 million equated to about $78,000 to be spent on art. A liability of $18,000 existed at the beginning of the year to which the $78,000 would be added to reach $96,000. Staff had asked the Arts and Culture Commission to follow up on whether aesthetics would be eligible for the transportation projects that were not originally budgeted with art. The recommendation included in the meeting materials was that the transportation projects from last year and this year be exempt from the percent for the arts and the liabilities not be incurred. That would result in a reduction of $6,789 for last year and almost $50,000 for this year. She had not combed through every expenditure on the list to determine if anything was spent on art, so the liability might be reduced if funds were already spent for art this year. The liability would be either $96,000 at the end of the year, or $39,700 depending on whether Council decided to exempt the GO Bond transportation projects from the art requirement. She confirmed that if Council did not take the Arts and Culture Commission's recommendation, FY19 and FY20 projects would be subject to the 1.5 percent which would generate $96,000.

She noted the liability had not been accrued yet and FY20 numbers would change after the audit process. She confirmed that if Council did not exempt transportation for the last two fiscal years, the percentage would be based on the full amount of the Bond and would total approximately $292,000 for art. If the transportation projects were exempt for the last two fiscal years, that amount would be reduced by approximately $57,000.

Council President Sakelik responded that based on that, and because it had taken an extra two years to establish the Arts and Culture Commission, he believed that none should be exempt and the Arts and Culture Commission should have the $292,000 to work with over the years. It had only accrued $96,000 at this point. The 10th St/Salamo roundabouts, if they came to fruition, would be perfect places for art that would be beneficial for the city. Downtown Main Street could probably benefit from some art as well.

Library Director Erickson clarified that the principal reason the Arts and Culture Commission did not want to put a liability against the projects that were already in progress was to avoid unexpected expenditures that had not been built into those projects' budgets.

Director Calvert noted that ODOT did not allow free-standing art in a state ROW. The art in the roundabouts in Stafford that contained art were county-owned. On-off ramps also would not be allowed to have any kind of freestanding art. The transportation GO Bond funds were all fully allocated, so a reduction of 1.5 percent would be borne by future transportation projects, fewer projects would be done, or money would have to be moved from the General Fund or from the Utility Funds to cover the cost of the additional expenditures. Public Works had asked staff to clarify the definition of art, wanting to know if public art referred to that produced by somebody who was defined by their primary job as an artist or if it could be produced by anyone.

Councilor Relyea believed enough flexibility existed in the language to cover art that might have been incorporated into the construction effort, but Council needed to see it on a list and have it submitted to the Arts and Culture Commission for their decision on whether or not to accept it as art. Regarding the Commission's concern over capital dollars and wanting to stay within estimates previously provided, he was unsure whether or not art had been incorporated into those projects. He believed the Commission was trying to be respectful of existing budgets and understood that projects did not have much flexibility regarding costs, but he also knew that projects were subject to price increases and decreases, for example, if the costs of materials fluctuated. The cost of a project was not always known until production was started. Council needed to see the projects as they moved forward to help decide whether it made sense to do the project now to avoid costs increasing to the point where doing the project no longer made sense. The Arts and Culture Commission also needed to be engaged in what qualified as art and whether future projects would be earmarked for the percentage for the arts funds.

Councilor Walters stated she had advocated for the arts because they were important to her. However, based on the surveys done for the GO Bond, the transportation projects were the most important to the public. Because Council was talking about taxpayer money, it should honor its commitment to those projects at the full amount budgeted. She was concerned Council was not listening to the public when making these decisions.

Councilor Cummings stated that when the Arts and Culture Commission met, they did not have Ordinance 1702 in front of them and it was not until the end of the meeting that she was able to ask them to look at Municipal Codes 2.210 and 2.215. So, what the Code stated had not been fully discussed and Council could not discuss it tonight because the ordinance was not included in the meeting materials. The Percent for the Arts Program affected things across the board, and Director Calvert's points about shifting money at the expense of other projects could be heard by Parks and any other City facilities. Council had identified value in being involved in a Percent for the Arts Program. The Arts and Culture Commission had been put on hold in 2008 with plans to revive it the following year, but that did not happen. Even when Council voted to re-establish the Commission in 2016, it did not happen for a couple of years. A lot of resistance had been seen from staff and it had been frustrating, but members of the community also asked why public art was not available.

Council President Sakelik referred to previous discussions about roundabouts at the bottom of Hwy 43 and I-205 and received confirmation no art could be installed there as it was ODOT ROW. If the Arts and Culture Commission had been together two years ago, allocations would have been factored into the GO Bond, and locations of art installations would have been taken into consideration. He considered that a major failing. Other programs could be reduced by a bit to enable funds for art, the addition of which would be an improvement to the city. He did not support exemptions. The $292,000 provided by the percentage for the arts could be spent over the next several years and would not have an immediate effect on potential projects based on the Arts and Culture Commission's decisions.

Director Erickson clarified that the Arts and Culture Commission hoped to have funds provided by future transportation projects and were concerned about the impact on projects already completed. Ultimately, they wanted to do what Council wished.

Director Breithaupt confirmed that applying the 1.5 percent to non-transportation GO Bond projects would generate about $97,000. Also to be considered were the non-GO Bond projects that were not part of restricted funds. Currently $18,480 was in the liability account from last year. If transportation projects were not included from FY19 and FY20, another $21,221 would be put into the liability account to total $39,701 for the arts fund at the end of the year with some slight adjustments due to the numbers not being final. Some of the $97,000 was already included in the liability, including $12,000 from the Parks GO Bond from last year and a little under $5,000 in Facilities from last year.

Mayor Axelrod understood that if the Arts and Culture Commission's recommendation was to have the percentage apply to all Parks and Facilities projects and possibly transportation projects from FY21 onward, Council should accept the recommendation based on the community's transportation needs.

Councilor Cummings supported exempting FY19 and FY20 projects from the percentage for the arts liability in order to avoid moving the goalposts. Exploring the Percent for the Arts and re-establishing an Arts and Culture Commission had been delayed, and Council was unable to pass the ordinance until June. Because the process could have been done sooner, out of fairness she did not agree with extending the exemptions to FY21.

Council President Sakelik supported allowing the Arts and Culture Commission to utilize the funds available to them over the next several years versus having them struggle with limited funds in the future. The $292,000 could potentially fund the Commission for several years.

Council President Richard Sakelik moved to approve not exempt any transportation projects from FY19 and FY20 percentage for the arts and to keep the current allocations to the Arts and Culture Commission as is. The motion did not receive a second and was lost.

Councilor Teri Cummings moved to approve accept the Arts and Culture Commission's recommendation to exempt transportation projects in FY19 and FY20 from the percentage for the arts and to not exempt projects in FY21. Councilor Bill Relyea seconded the motion.

Ayes: Mayor Russ Axelrod, Councilor Teri Cummings, and Councilor Bill Relyea.
Nays: Council President Richard Sakelik and Councilor Jules Walters.
The motion carried 3 - 2

Councilor Cummings clarified that Ordinance 1702 and the Municipal Code Section 2.215 established that a certain amount, up to 5 percent, must be used for costs associated with administration of the public art program. The rest of it was for the acquisition of the art itself. She believed it would be wise to establish two separate funds. She had heard concerns about the two amounts being muddied in the past.

Director Breithaupt responded that she segregated those amounts though that was not shown on the spreadsheet. Each fund had two separate liability accounts. At least 1 percent would always go to the purchase of art with administration being the other component.

City of West Linn Response to COVID-19 and Wildfire Emergencies [4:10 pm/10 min]
Wildfire Emergency Declaration

Wildfire Emergency Declaration

City Manager Gabrielatos asked for Council's consideration of Section 5 of the Wildfire Emergency Declaration which concerned open burning restrictions.

Councilor Relyea inquired about the process of following through on Council's actions. For example, he wanted to know who would enforce a ban on leaf blowers and other lawn maintenance equipment implemented by Council. He had noticed people in his neighborhood using such equipment, and they claimed they were unaware of the ban. He explained to one neighbor that Council's concern was for people's health and the neighbor responded with concern about their grass. He clarified that Council had not banned people from working on their lawns, but had banned the use of certain types of equipment. Upon speaking with police dispatch via the non-emergency number, he learned they, too, were unaware of the ban. The police had not responded to his request for a call back.

City Manager Gabrielatos believed a process was in place in which all departments were notified about the restrictions Council enacted. He had been in discussion with the IT department about a process constituents could use to submit concerns over the web.

City Attorney Ramis stated that at Council's request the emergency declaration was modified to specifically reference enforcement under the Municipal Code, and his position was that the City's citation process could be used for enforcement. It would be necessary to implement it in combination with the police and providing education to the public. He suggested adding a provision to the Nuisance section of the Code that expressly stated a ban in an emergency declaration by the Council could be enforced as a nuisance. He would report back to Council with the language to be included for future situations.

Councilor Relyea suggested a letter be written and postings and media announcements be made in the future. A list could be maintained of local lawn maintenance companies who could be notified in the case of any equipment bans. He noted other types of equipment could be used instead such as that run by electricity so Council would not be limiting the ability of lawn maintenance people to earn an income and meet their contractual obligations.

Public Works Director Calvert believed it would be helpful for the City to work on better preparation and responsiveness internally. Because staff was already running leanly, it was difficult to get information out and follow through on enforcement in a timely manner. Better internal procedures could avoid the complexity of involving other agencies such as police dispatch and enforcement. Emergencies could impact emergency responders as much as the citizenry.

City Attorney Ramis confirmed the City Manager had the discretion to enforce or take down an emergency declaration as needed and was not required to enforce every provision of an emergency declaration just because it had been declared.

Council President Sakelik suggested removing Section 5 of the emergency declaration due to the expected rain but to leave in place the language which addressed open burning and allow the City Manager to determine whether the emergency declaration could be lifted before Council's October 5th meeting.

Mayor Axelrod preferred to leave the declaration as is in case the warmer, drier weather following the rain created unfavorable conditions. The City Manager could put out clarifying statements about any changes or operational suggestions, if needed.

Councilor Cummings noted the ordinance used the word "may" quite a bit which provided a lot of discretion except for Section 5 where the language sounded stronger. It seemed reasonable to continue to prohibit open burning, but to recommend refraining from the other activities. She pointed out that people doing lawn care might not have any other equipment to use than that which was gas powered. She saw an opportunity for education regarding choices of equipment and its effect on the environment.

City Manager Gabrielatos stated he would give consideration to the strongest of the restrictions that bar open flames and not emphasize the other items as much. He would then issue a public statement using the various methods of outreach available.

Diversity, Equity, and Inclusion Update [4:20 pm/10 min]

City Manager Gabrielatos updated that he and Deputy City Manager Williams met with two members of the Kenley Group who had responded to the request for qualifications (RFQ) in May. Staff was examining what was meant by an audit versus an assessment and were looking further into the work that would be done. The City as an organization would receive a thorough consideration and an inventory would be taken of existing mission and vision statements. They planned to meet again the week of September 23rd.

Councilor Walters reported that she and Councilor Relyea would meet with Erin Ruff from the County who would help facilitate the first meeting of the Police Accountability Task Force on Wednesday night. They would discuss their roles as Council liaisons and set a course for how the meetings would run.

Council President Sakelik alerted Councilor Relyea and Councilor Walters to his conversations with Jay Resnicki-Isaacson who lives in West Linn. The conversations concerned a negative, inappropriate experience the young man had several weeks ago with the West Linn Police Department. A lot of extenuating circumstances were involved and Council President Sakelik had asked him to attend the Council meeting today to give public testimony on the incident and suggested the possibility of having someone from the WLPD attend the meeting. He chose not to take the opportunity, but was also invited to the Task Force's September 23rd meeting. Council President Sakelik also followed up with Kiki Karlstrom who expressed to him that she would like to offer her services to help other Black youth in the city.

Mayor and Council Reports [4:30 pm/20 min]

Council Request Tracking Log

Council Tracking Log

Mayor Axelrod provided updates to the Council Tracking Log, noting he had contacted the Department of Environmental Quality (DEQ) regarding the gas station on Willamette Falls Drive. He was expecting a report by email soon. He would let Council and City Manager Gabrielatos know when he received the information and whether it provided any dates for activities planned at the gas station. He also updated on the West Linn Post Office, noting he had asked for clarification on the packaging and retail operations. A discussion had taken place between Senator Merkley and a USPS representative where some inaccurate claims were made, but they worked around the issues, discussed deficiencies, and encouraged the USPS to move forward on issues that needed to be addressed. Further clarification from the Post Office was expected in the next week or so, and the real estate representative from the Post Office would contact Deputy City Manager Williams to consider options. Regarding tolling on I-205, Council comments had been submitted and an extension was given on the date for the tolling. A letter from the mayors of several cities would combine a lot of the common interests regarding tolling and would be circulated soon. He concluded by noting the City of Tualatin scheduled an October 13th meeting to discuss its interest in Stafford. He understood neither West Linn nor Lake Oswego were interested in moving forward now, but would learn more about Tualatin's interests at the meeting.

Councilor Cummings thanked Mayor Axelrod for representing the City during the Oregon Government Ethics Commission (OGEC) on Friday. She reported that an ethics complaint had been filed on the Mayor and all five Councilors by Rory Bialostosky and Brenda Perry, and the OGEC had voted 7 to 2 to dismiss the two complaints. She did not have information on the dissenting opinions.

City Attorney Ramis clarified the complaints regarded the subject matter of an Executive Session which staff had conceded early on was improper. The hearing on the second matter concerned whether a vote was taken in Executive Session, but the record did not reflect a vote. The outcome is that the City's process for conducting its Executive Sessions in this case was fully vindicated. He further clarified that the Councilors named in the ethics complaint were represented separately and individually by Attorney Ken Montoya. The City Attorney's

Office participated in the case only to the extent of trying to protect the City Council and the City's interest in protecting its privilege, but were not involved in the individual defense. The Attorney General's manual which provided guidance on conducting Executive Sessions stated clearly that local governments and their legal counsel were to be put in a parity position with the plaintiffs who were suing them. That meant legal counsel and members of the Council needed to be able to consult and develop strategy and determine what approach to take in the case. The OGEC pointed out that if this properly-conducted executive session were found to be in violation of the rules, no jurisdiction would be able to operate at parity with those who might be suing them. He confirmed the OGEC ruling was final and that he would check into whether legal fees could be recouped. Some Citycounty Insurance Services (CIS) insurance coverage was involved which was a critical part of the cost. He would also check the status of whether court costs were collected from Mr. Bialostosky's earlier unsuccessful case against Councilor Cummings. He recognized the possibility that it might cost more to recover the costs from Mr. Bialostosky than the fees themselves.

City Manager Gabrielatos confirmed he would follow up with Deputy City Manager Williams to set up a meeting with the Willamette Falls and Landings Heritage Area Coalition (WFLHAC). He also would follow up on adding the contact information for the new Code Enforcement Officer to the City's website so people knew who to contact about illegal political signs in the ROW.

Mayor Axelrod mentioned the upcoming Council meeting for October 5th at which a public hearing would be held on an appeal of a land-use decision regarding the Midhill development.

Tentative Agenda
Tentative Agenda

City Manager and City Attorney Reports [4:50 pm/10 min]
City Manager Gabrielatos reported that he had attended multiple virtual community meetings last week to introduce himself. He had stayed for most of the Sustainability Advisory Board (SAB) meeting, met with the Neighborhood Association President, and had been meeting with staff individually for tours. On Wednesday, he would be going out to some sites of interest with Public Works Director Calvert.

City Attorney Ramis stated he had nothing further to report. In response to a request by Councilor Cummings, he would prepare information about the ethics complaint case to be posted on the City's website.

Adjourn [5:00 p.m.]
Draft Notes

Agenda Bill 2020-11-09-02

Date: October 28, 2020

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

From: Chris Myers, Associate Planner, Community Development Department *CJM*

Through: John Williams, Community Development Director *JRW*
Jerry Gabrielatos, City Manager *JG*

Subject: November 9, 2020 Public Hearing for ZC-20-01

Purpose
To consider a request to amend the West Linn Comprehensive Plan and Zoning Maps for the property located at 1791 Blankenship Road.

Question(s) for Council:
Should the Council approve the requested zone change as recommended by the Planning Commission?

Public Hearing Required:
Yes

Background & Discussion:
The applicant is proposing a Comprehensive Plan Map amendment from Mixed-Use to Medium-High Density Residential and a corresponding Zoning Map amendment from Willamette Neighborhood Mixed-Use Transitional to R-2.1: Single-Family and Multiple-Family Residential.

The property currently contains a single-family home and is 15,315 square feet. The property is relatively flat with an approximate four percent slope from north to south. There are no environmental overlays, such as floodplain, water resource areas, habitat conservation, or wetlands. Access is from 13th Street, which dead ends to the north at the I-205 freeway.

Directly across 13th street to the east from the applicant's property is the backside of the Parkrose Hardware building as well as Dutch Bros Coffee, Subway, Chase Bank, Biscuits Café, and a few smaller businesses. The property directly south of the applicant's property is a zoned Mixed-Use. To the north, across Blankenship Road, is an Office Business Center. To the west is a residential neighborhood zoned R-2.1. In 2004, the City rezoned this property from R-2.1 to the current zone of Mixed-Use.

The West Linn Planning Commission held a public hearing on October 21, 2020 for the purpose of making a recommendation to the City Council on the requested zone change. After conducting the public hearing, the Commission deliberated and voted 4-1 to recommend City Council approve the proposed map

amendments as presented. Major topics of discussion included: the physical challenges of the site, the zoning for surrounding properties, and commercial versus residential needs of the City.

Five letters were received prior to the hearing. All letters and any concerns contained within those letters were addressed by staff and sent to Planning Commission members prior to the public hearing. Three community members provided oral testimony at the public hearing.

Budget Impact:
None

Council Options:

1. Approve the zone change and amend the West Linn Zoning Map and Comprehensive Plan Map as recommended by Planning Commission.
2. Deny the zone change and do not amend the West Linn Zoning Map and Comprehensive Plan Map as recommended by the Planning Commission.

Staff Recommendation:
Staff supports the Planning Commission recommendation and recommends Council approve Motion 1 below.

Potential Motions:

1. Move to adopt Ordinances 1716 and 1717 as recommended by the Planning Commission.

Attachments:

1. Ordinance 1716
2. Ordinance 1717
3. Planning Commission Recommendation
4. Planning Commission Staff Report, dated October 21, 2020
5. Public Hearing Notice Affidavits for November 9, 2020 Public Hearing

ORDINANCE NO. 1716

AN ORDINANCE AMENDING THE WEST LINN COMPREHENSIVE PLAN MAP FROM MIXED-USE TO MEDIUM-HIGH DENSITY RESIDENTIAL FOR THE PROPERTY LOCATED AT 1791 BLANKENSHIP ROAD

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 City of West Linn Community Development Code (CDC) Chapter 99 provides approval criteria for quasi-judicial decision-making and Chapter 105 provides approval criteria for amendments to the CDC and maps; and

WHEREAS, the Applicant sought approval for a comprehensive plan map amendment at 1791 Blankenship Road (Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600) to change the plan designation from Mixed-Use to Medium-High Density Residential; and

WHEREAS, the map amendment requires a modification to the West Linn Comprehensive Plan Map, which requires a West Linn Planning Commission recommendation and the West Linn City Council to approve by ordinance; and

WHEREAS, the West Linn Planning Commission (PC) held a public hearing, which was noticed in accordance with City standards, on October 21, 2020, and with a 4-1 vote recommended approval of the Applicant request ; and

WHEREAS, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on November 9, 2020, to consider the PC recommendation, receive public testimony, and evaluate the decision-making criteria; and

WHEREAS, the Council decision is based on the findings contained in these Whereas Clauses, together with the findings, conclusions, and substantial evidence found in the associated land use record file ZC-20-01, which is incorporated by this reference.

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

SECTION 1. West Linn Comprehensive Plan Map Amendment. The West Linn Comprehensive Plan Map shall be amended to show the Medium-High Density Residential and Mixed-Use boundaries as depicted in Exhibit A for the Property identified on Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600 (1791 Blankenship Road).

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 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 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 _____, 2020, and duly PASSED and ADOPTED this _____ day of _____, 2020.

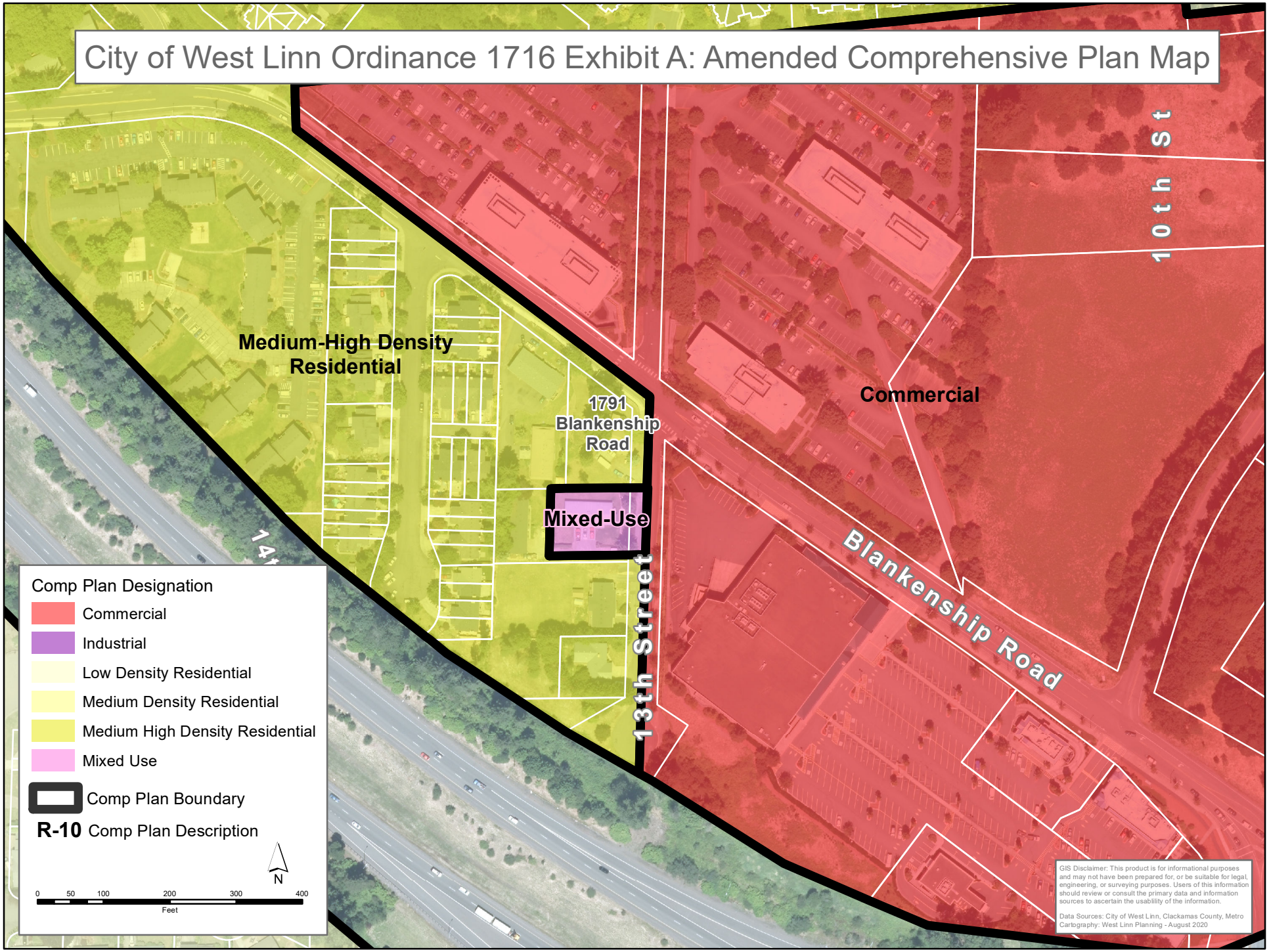
_____
RUSSELL B. AXELROD, MAYOR

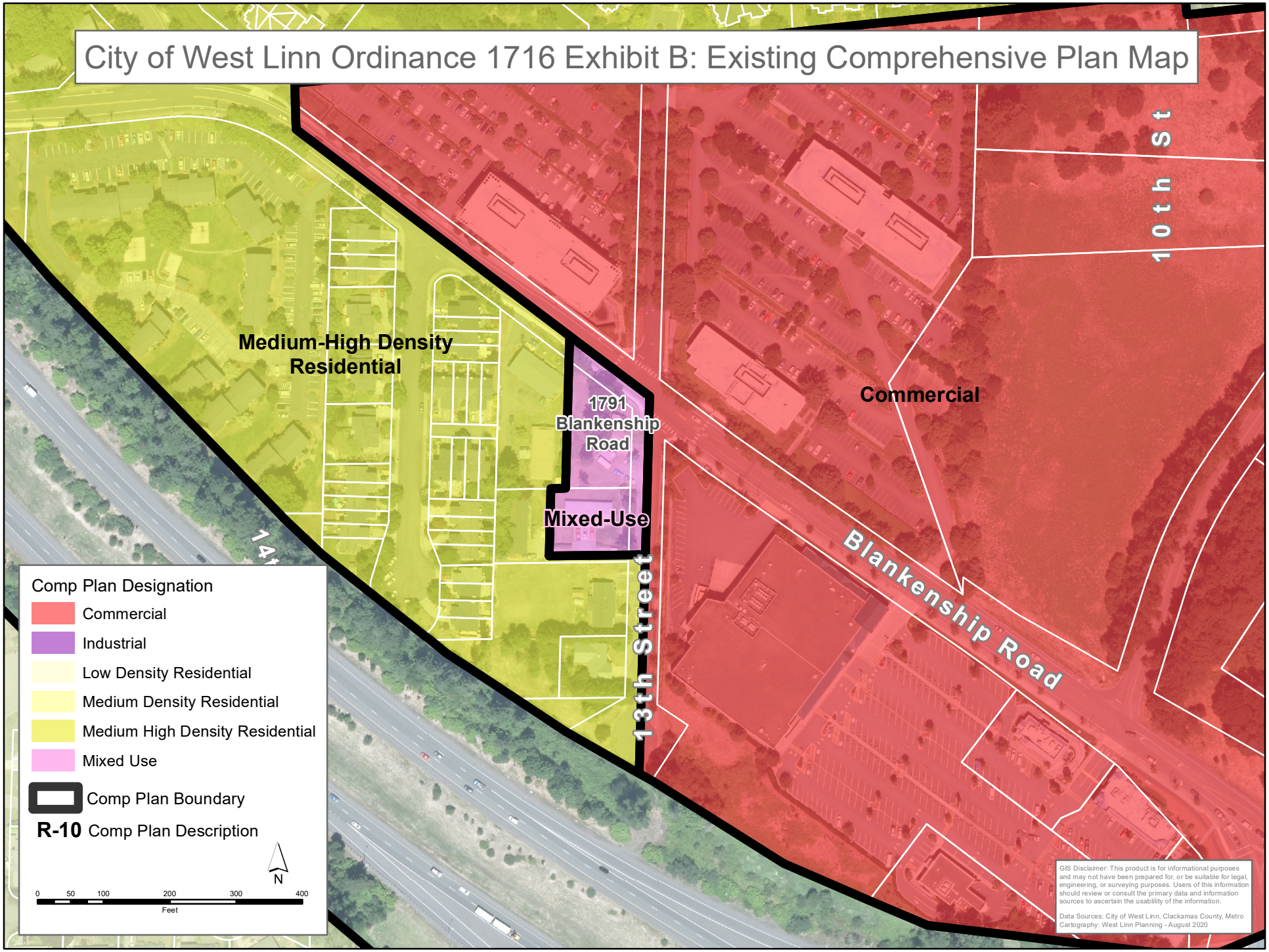
ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

_____
CITY ATTORNEY


City of West Linn Ordinance 1716 Exhibit A: Amended Comprehensive Plan Map
Medium-High Density Residential
1791 Blankenship Road
Mixed-Use
Commercial
10th St
13th Street
Blankenship Road
14t
Comp Plan Designation
Commercial
Industrial
Low Density Residential
Medium Density Residential
Medium High Density Residential
Mixed Use
Comp Plan Boundary
R-10 Comp Plan Description
N
0 50 100 200 300 400
Feet
GIS Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.
Data Sources: City of West Linn, Clackamas County, Metro
Cartography: West Linn Planning - August 2020


City of West Linn Ordinance 1716 Exhibit B: Existing Comprehensive Plan Map
Medium-High Density Residential
1791 Blankenship Road
Mixed-Use
Commercial
10th St
13th Street
Blankenship Road
14t
Comp Plan Designation
Commercial
Industrial
Low Density Residential
Medium Density Residential
Medium High Density Residential
Mixed Use
Comp Plan Boundary
R-10 Comp Plan Description
N
0 50 100 200 300 400
Feet
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Data Sources: City of West Linn, Clackamas County, Metro
Cartography: West Linn Planning - August 2020

ORDINANCE NO. 1717

AN ORDINANCE AMENDING THE WEST LINN ZONING MAP FROM WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL TO R-2.1 FOR THE PROPERTY LOCATED AT 1791 BLANKENSHIP ROAD

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 City of West Linn Community Development Code (CDC) Chapter 99 provides approval criteria for quasi-judicial decision-making and Chapter 105 provides approval criteria for amendments to the CDC and maps; and

WHEREAS, the Applicant sought approval for a zoning map amendment at 1791 Blankenship Road (Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600) to change the zoning from Willamette Neighborhood Mixed-Use Transitional to R-2.1; and

WHEREAS, the zoning map amendment requires a modification to the West Linn Zoning Map, which requires a West Linn Planning Commission recommendation and the West Linn City Council to approve by ordinance; and

WHEREAS, the West Linn Planning Commission (PC) held a public hearing, which was noticed in accordance with City standards, on October 21, 2020, and with a 4-1 vote recommended approval of the Applicants request ; and

WHEREAS, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on November 9, 2020, to consider the PC recommendation, receive public testimony, and evaluate the decision-making criteria; and

WHEREAS, the Council decision is based on the findings contained in these Whereas Clauses, together with the findings, conclusions, and substantial evidence found in the associated land use record file ZC-20-01, which is incorporated by this reference.

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

SECTION 1. West Linn Zoning Map Amendment. The West Linn Zoning Map shall be amended to show the Willamette Neighborhood Mixed-Use Transitional and R-2.1 boundaries as depicted in Exhibit A for the Property identified on Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600 (1791 Blankenship Road).

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 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 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 _____, 2020, and duly PASSED and ADOPTED this _____ day of _____, 2020.

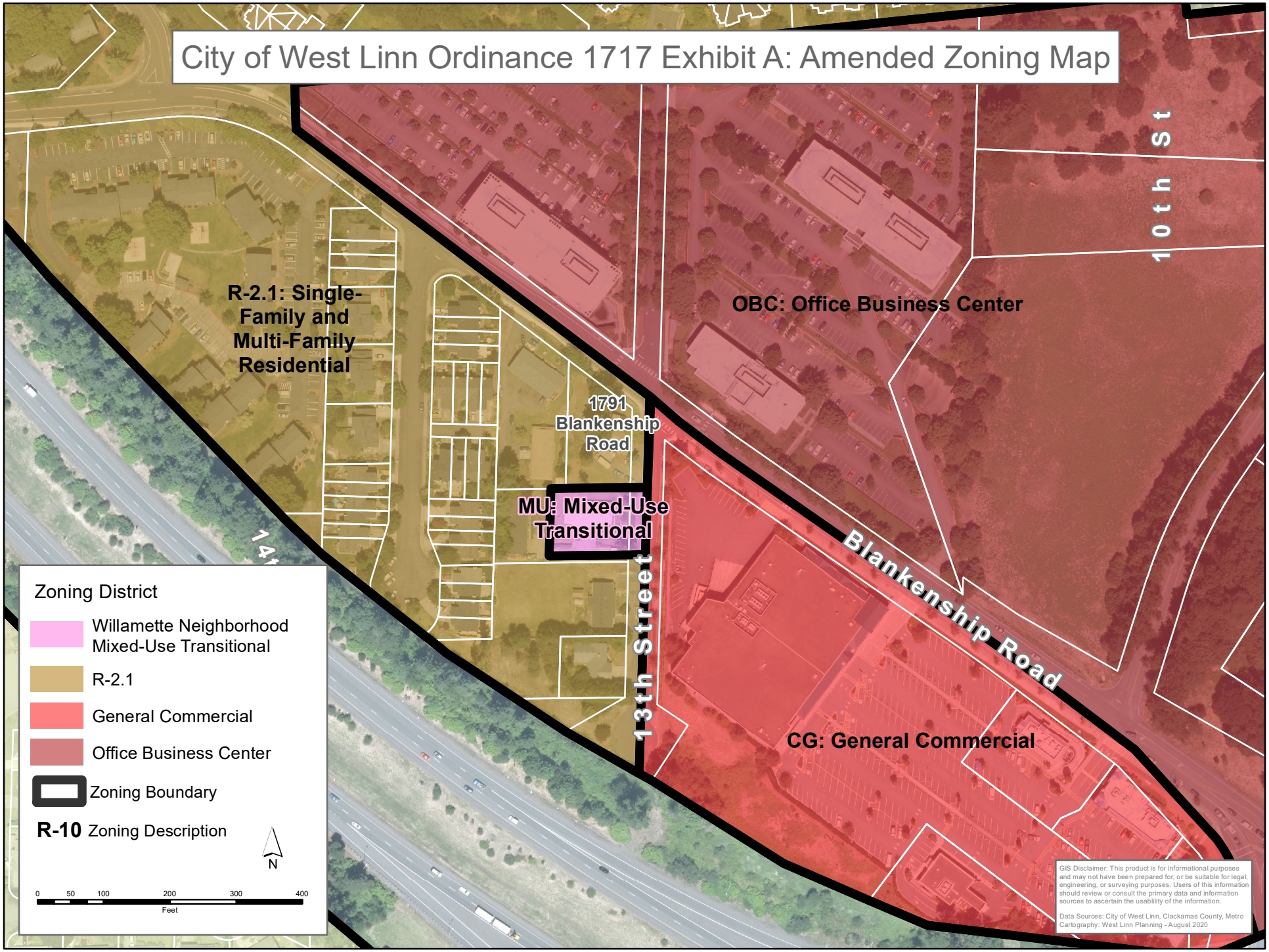
_____
RUSSELL B. AXELROD, MAYOR

ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

_____
CITY ATTORNEY


City of West Linn Ordinance 1717 Exhibit A: Amended Zoning Map
R-2.1: Single-Family and Multi-Family Residential
OBC: Office Business Center
1791 Blankenship Road
MU: Mixed-Use Transitional
CG: General Commercial
10th St
13th Street
Blankenship Road
Zoning District
Willamette Neighborhood Mixed-Use Transitional
R-2.1
General Commercial
Office Business Center
Zoning Boundary
R-10 Zoning Description
N
0 50 100 200 300 400
Feet
GIS Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.
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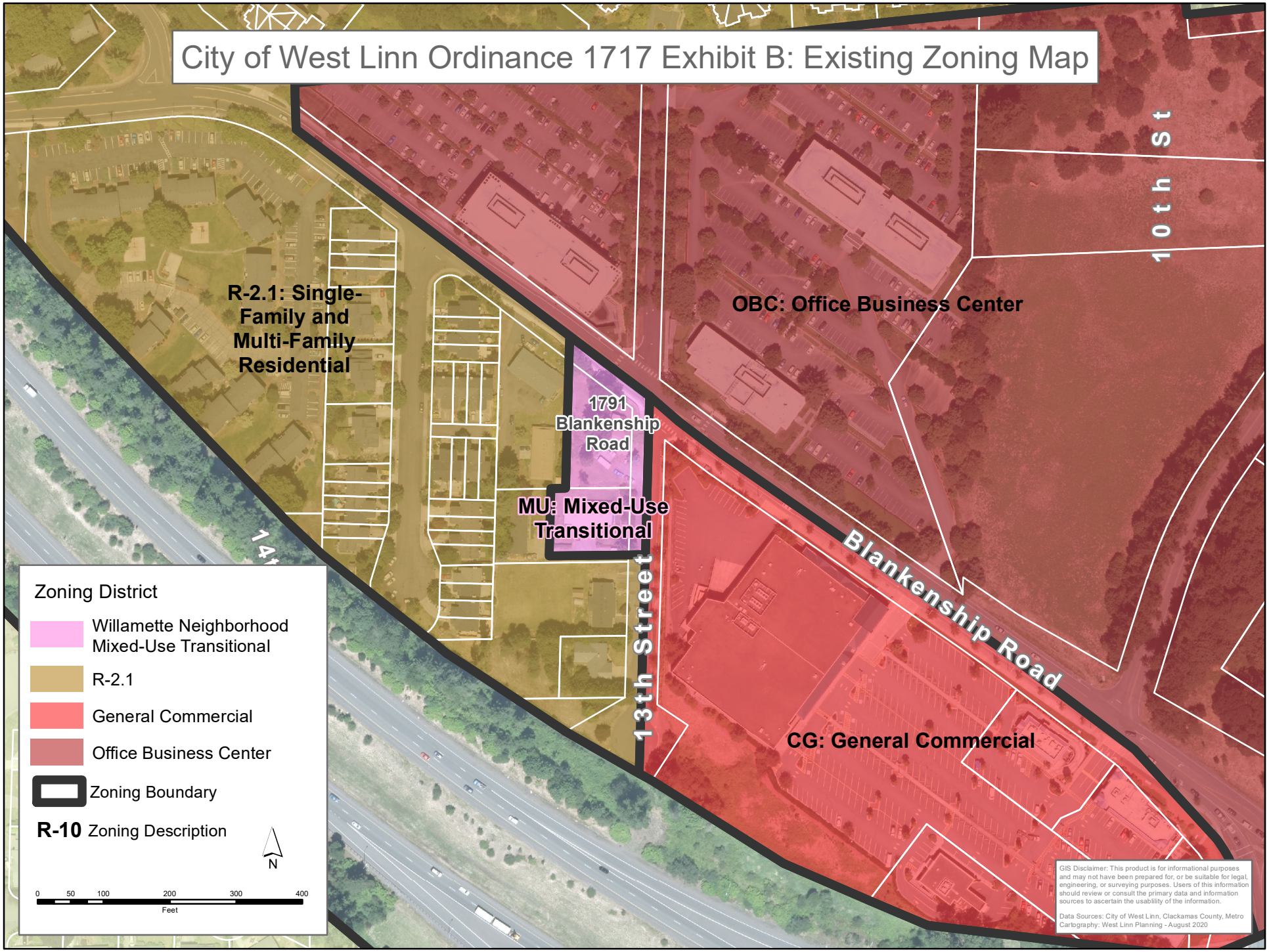
City of West Linn Ordinance 1717 Exhibit B: Existing Zoning Map
R-2.1: Single-Family and Multi-Family Residential
OBC: Office Business Center
1791 Blankenship Road
MU: Mixed-Use Transitional
CG: General Commercial
Blankenship Road
13th Street
10th St
14t
Zoning District
Willamette Neighborhood Mixed-Use Transitional
R-2.1
General Commercial
Office Business Center
Zoning Boundary
R-10 Zoning Description
N
0 50 100 200 300 400
Feet
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Data Sources: City of West Linn, Clackamas County, Metro
Cartography: West Linn Planning - August 2020

CITY OF West Linn

Memorandum

Date: October 22, 2020

To: West Linn City Council

From: West Linn Planning Commission

Subject: ZC-20-01 Recommendation

The Planning Commission held a public hearing on October 21, 2020, for the purpose of making a recommendation to the City Council regarding a request for Comprehensive Plan Map and Zoning Map amendments at 1791 Blankenship Road. If approved, the amendments would rezone the property from Willamette Neighborhood Mixed-Use Transitional to R-2.1: Single-Family and Multiple-Family Residential. Detailed information can be found in Land Use File ZC-20-01.

After conducting the public hearing, the Commission deliberated and voted 4-1 to recommend City Council approve the proposed map amendments as presented. Major topics of discussion included: the physical challenges of the site, the zoning for surrounding properties, and commercial versus residential needs of the City.

Five letters were received prior to the hearing. All letters and any concerns contained within those letters were addressed by staff and sent to Planning Commission members prior to the public hearing. Three community members provided oral testimony at the public hearing.

On behalf of the Planning Commission, we would like to thank City Council for the opportunity to develop this recommendation for consideration.

Respectfully,

Gary Walvatne
Chair, West Linn Planning Commission

STAFF REPORT
FOR THE PLANNING COMMISSION

FILE NUMBER:	ZC-20-01
HEARING DATE:	October 21, 2020
REQUEST:	Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1 at 1791 Blankenship Road
APPROVAL CRITERIA:	Community Development Code (CDC) Chapters 99 and 105.
STAFF REPORT PREPARED BY:	Chris Myers, Associate Planner

Planning Manager's Initials DSW

TABLE OF CONTENTS

GENERAL INFORMATION

OWNER/APPLICANT:	Jeremy Barnett 19363 Willamette Drive, #111 West Linn, OR 97068
CONSULTANT:	Robert Price 3935 NE 72nd Avenue Portland, OR 97213
SITE LOCATION:	1791 Blankenship Road
LEGAL DESCRIPTION:	Clackamas County Assessor's Map T2S R1E 35CB Taxlot 2600
SITE SIZE:	15,315 square feet
ZONING:	Willamette Neighborhood Mixed-Use Transitional Zone
COMP PLAN DESIGNATION:	Mixed-Use
120-DAY PERIOD:	This application became complete on August 18, 2020. The 120-day maximum application-processing period ends on December 16, 2020
PUBLIC NOTICE:	Public notice was mailed to the all neighborhood associations and affected property owners on September 30, 2020. The property was posted with a notice sign on October 8, 2020. The notice was published in the West Linn Tidings on October 7, 2020. The notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant is proposing a Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1 at 1791 at 1791 Blankenship Road. The property is 15,315 square feet and takes access from 13th Street. Access directly to Blankenship is prohibited by a large structural retaining wall. Currently the site has one single-family dwelling that is vacant. The property contains no environmental overlays.

The applicant has requested the zone change to correct a zoning mistake and utilize the property to its highest and best use. The property was previously zoned R-2.1, until 2004 when the City initiated a zone change to Mixed-Use. If the zone change is approved, the applicant plans to construct multi-family housing on the property. The Willamette Neighborhood Mixed-Use Working Group, appointed by City Council in November 2018, recommended the City evaluate this property (as well as several others) for a potential rezone. The reason for the recommendation was the property location away from the commercial core does not meet the transitional purpose of the Mixed-Use zone (see Exhibit PC-2). The West Linn Planning Commission is tasked with making a recommendation to the West Linn City Council on the proposed Comprehensive Plan and Zoning Map Amendments.

Site Conditions:
The property has a slope of approximately 9% from north to south. There are no environmental overlays, such as floodplain, water resource areas, habitat conservation, or wetlands. Access is from 13th Street, which dead ends to the south at the I-205 freeway.

The rear of the property (western property lines) abuts an R-2.1 Single-Family and Multiple-Family Residential zone. The front of the property (eastern property lines) are adjacent to a General Commercial (GC) zone that currently contains a Parkrose Hardware Store (50,000 square feet of retail space) and other smaller retailers such as Dutch Bros Coffee and Subway Sandwiches. South of the proposed zone change is one additional property zoned Mixed-Use and an area zoned R-2.1 Single-Family and Multiple-Family Residential. To the north of the property, across Blankenship Road, is zoned Office Business Center (OBC) with various office related businesses on site.

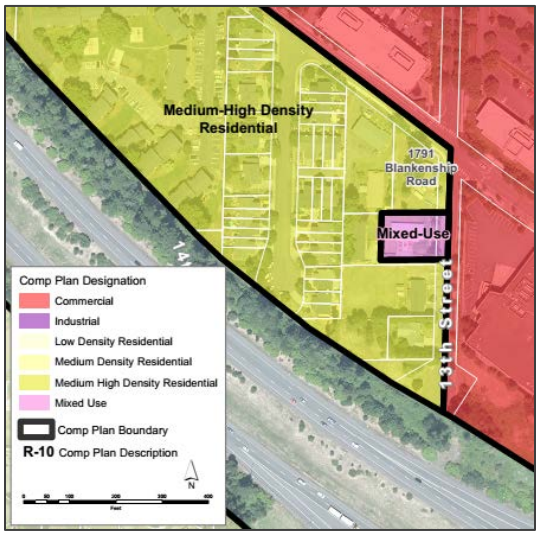
Surrounding Land Use and Zoning: The subject property is zoned Willamette Neighborhood Mixed-Use Transitional Zone. Adjacent land uses and zoning include:

Direction From Site	Zoning	Land Use
North	OBC	Office Business Center
South	MU/R-2.1	Mixed-Use and SF/MF Residential
East	GC	Commercial (Parkrose Hardware)
West	R-2.1	Single-Family and Multiple-Family Residential

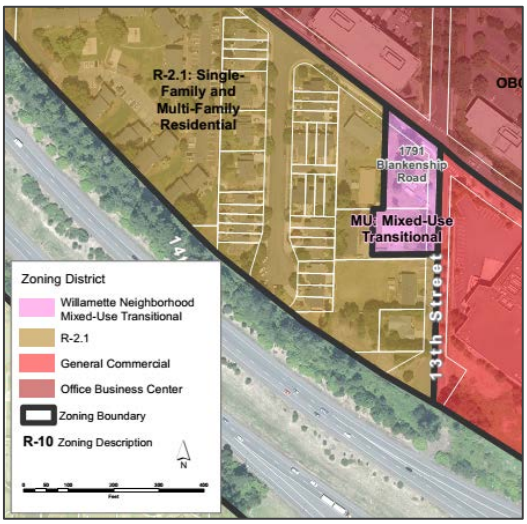
Project Description: Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1 at 1791 Blankenship Road, as it was zoned prior to 2004. With the City's continued investment in the Willamette Falls Drive "Main Street" area and the consistent vacancies within the River Falls Plaza (location of the Parkrose Hardware Store), the applicant asserts that the commercial viability of the site has been diminished and therefore to achieve the highest and best use the site should be reverted back to R-2.1.

The Willamette Neighborhood Mixed-Use Working Group, appointed by City Council in November 2018, recommended the City evaluate this property (as well as several others) for a potential rezone. The reason for the recommendation was the property location away from the commercial core does not meet the transitional purpose of the Mixed-Use zone (see Exhibit PC-2).

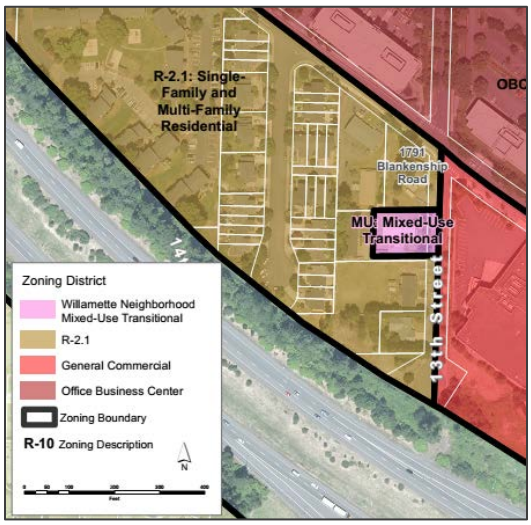
Existing Comp Plan Designations



Proposed Comp Plan Designations



Existing Zoning Boundaries



Proposed Zoning Boundaries

Applicable Community Development Code Approval Criteria:

- Chapter 99, Procedures for Decision Making: Quasi-Judicial; and
- Chapter 105, Amendments to the Code and Map

Public comments:

As of the publication date of this report, staff has not received any public comments for the Planning Commission review of ZC-20-01.

RECOMMENDATION

Staff recommends the Planning Commission recommend approval of application ZC-20-01, based on: 1) the findings submitted by the applicant, which are incorporated by this reference, and 2) supplementary staff findings included in the Addendum below. With these findings, the applicable approval criteria are met.

ADDENDUM

PLANNING COMMISSION STAFF REPORT

October 21, 2020

STAFF EVALUATION OF THE PROPOSAL'S COMPLIANCE WITH APPLICABLE CODE CRITERIA

I. CHAPTER 105, AMENDMENTS TO THE CODE AND MAP

105.040 QUASI-JUDICIAL AMENDMENTS AND PROCEDURES

Quasi-judicial amendments to this code and to the map shall be in accordance with the procedures set forth in this code and the following:

(…)

C. The Planning Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a Comprehensive Plan Map amendment. The Council shall decide the applications on the record as provided by CDC 99.060(C).

Staff Finding 1: The applicant proposes a Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1**. The Planning Commission will hold a public hearing on October 21, 2020 for the purpose of making a recommendation to City Council on the proposal. City Council is tentatively scheduled to hold a public hearing and make a decision on November 9, 2020. The criteria are met.**

105.050 QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION

A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

A. The standards set forth in CDC 99.110(A), which provide that the decision shall be based on consideration of the following factors:

1. The applicable Comprehensive Plan policies as identified in subsection C of this section and map designation.

Staff Finding 2: Applicable policies from the Comprehensive Plan are included and responded to below (See Staff Finding 6).

2. The applicable standards of any provision of this code or other applicable implementing ordinance.

Staff Finding 3: Applicable criteria related to a Comprehensive Plan or Zoning Map Amendment are found in CDC Chapters 99 and 105. Both chapters are addressed in this Addendum.

B. The standards set forth in CDC 99.110(B), which provide that, in making the decision, consideration may also be given to the following:
1. Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.

Staff Finding 4: The applicant does not argue that a mistake was made in the change of zone to this site in 2004. Rather the applicant asserts that the zone change is inconsistent as it relates to the property. The 2004 zone change has not created a benefit to the site and therefore the site is sitting in a "limbo" type status in which commercial enterprises have shown no interest in the past sixteen years. The applicant further asserts that the site has too many adverse characteristics and too few strengths to be an attractive commercial site, thus re-establishing the medium-high density designation and zoning to the property will eliminate the inconsistency.

Further assertions made by the applicant highlight the challenge of this site as a commercial space. Although the site has a Blankenship Road address, access is taken from 13th Street, thus making access difficult for delivery trucks due to the angle and slope of 13th Street. Additionally, visually the site is partially hidden from Blankenship Road which is less than ideal for a commercial business.

The Willamette Neighborhood Mixed-Use Working Group, appointed by City Council in November 2018, recommended the City evaluate this property (as well as several others) for a potential rezone. The reason for the recommendation was the property location away from the commercial core does not meet the transitional purpose of the Mixed-Use zone (see Exhibit PC-2).

2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in sub-section A or (B)(1) of this section.

Staff Finding 5: The applicant submittal is found in Exhibit PC-1. The Mixed-Use Working Group recommendation to evaluate rezoning this property is found in Exhibit PC-2. No other written comments were submitted prior to the publishing of this Staff Report. The opportunity for oral statements and written testimony will be offered at the Planning Commission hearing on October 21, 2020.

C. The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4, which provides that the decision shall be based on consideration of the following criteria:
1. Conformance with the Comprehensive Plan policies and criteria.

Staff Finding 6: Applicable policies from the West Linn Comprehensive Plan include:

- ***Goal 1: Citizen Involvement, Policy 2***
- ***Support neighborhood associations as a forum for discussion and advice on issues affecting the community.***
- ***Goal 1: Citizen Involvement, Policy 4***
  Provide timely and adequate notice of proposed land use matters to the public to ensure that all citizens have an opportunity to be heard on issues and actions that affect them.

As required by CDC Chapter 99, the applicants held a pre-application conference and neighborhood meeting with the Willamette Neighborhood Association. The City mailed notice of the public hearing to all affected parties 20 days in advance of the hearing, and posted a notice of the hearing on the site and in the West Linn Tidings 10 days in advance. Prior to and during the hearing before the Planning Commission, interested parties have the opportunity to submit evidence and testimony and again before the City Council. A public notice and hearing will also be conducted before the City Council.

- ***Goal 2: Land Use Planning, Section 1, Policy 7.***
  The following are criteria that shall be used when designating residential areas. This list is not exhaustive, but helps determine what types of residential densities are appropriate, given topographical constraints, available public facilities, etc.
  c. Medium-high density residential lands will meet all of the following criteria:
  i) Areas that do not rely solely on local streets for the provision of access;
  ii) Areas that are not subject to development limitations such as topography, flooding, or poor drainage;
  iii) Areas where the existing facilities have the capacity for additional development;
  iv) Areas within one-quarter mile of public transit;
  v) Areas within short distances of general commercial shopping center or office-business centers;
  vi) Areas in close proximity to parks and schools.

The applicant asserts that the subject site does not have development limitations such as topography, flooding, or poor drainage. The subject site, and surrounding development, have existing services and facilities. The services and facilities have adequate capacity to accommodate additional dwelling units. Additionally, the subject property is within one-quarter mile of public transportation on Blankenship Road. Furthermore, the subject site across the street from both a commercial center as well as an office business center.

- ***Goal 6: Air, Water, and Land Resources Quality, Section 1, Policies 3 and 4***
  3. Reduce pollution from vehicle emissions by pursuing an energy efficient urban form that provides for connectivity and reduces the number of vehicle miles traveled.
  4. Encourage the use of alternative modes of transportation, including mass transit, walking, and bicycling.

The proposed Comprehensive Plan and Zoning Map Amendments would reduce average daily trips to the site. This reduction includes delivery trucks, customers, and other commercial traffic. The Amendments are an opportunity to reduce commercial traffic thus resulting in a consistent urban form and more efficient residential development of the site. The subject site is within one-quarter mile of public transportation, is adjacent to a bike lane on Blankenship Road, and is within walking distance of several shops, restaurants, a salon, a bank, and an office business center.

- ***Goal 9: Economic Development, Goal 1***
  Encourage the recruitment, retention, expansion, and economic viability of West Linn business and industry.
- ***Goal 9: Economic Development, Policy 1 and 2***
  Recruit and encourage businesses, particularly those that provide family-wage jobs, to locate in West Linn.
  Support retail businesses and services that enhance the community and provide wanted goods and services.

The subject site as a Mixed-Use zone property will likely never generate commercial business, as shown by the 16 year absence of any commercial venture on this site. The difficult access and lack of visibility will make it difficult to recruit commercial businesses to the subject property. The type of business that a property of this size and location will typically attract, would generate very few jobs and are generally not family-wage occupations. Furthermore, the number of jobs generated by small retail services are typically few.

- ***Goal 10: Housing, Goal 2***
  Assure good functional and aesthetic design of multi-family and clustered single-family developments.

The applicant asserts the proposal for a zone change would assure that Goal 2 is achieved through the Class II Design Review process.

- ***Goal 10: Housing, Goal 3***
  Encourage the development of affordable housing for West Linn residents of all income levels.
- ***Goal 10: Housing, Policy 2***
  Provide the opportunity for development of detached and attached single-family units, duplexes, garden apartments, town houses, row houses, multiplex units and boarding houses, lodging or rooming houses, and manufactured housing.

The proposed Comprehensive Plan and Zoning Map Amendments would help satisfy Goal 3 and Policy 2. The site was originally planned to develop as multi-family housing before the zone change to Mixed-Use in 2004. Re-establishing the medium-high density residential designation will afford the opportunity to replace one single-family house with upwards of six

rental units. Previous staff evaluations of buildable lands in the community identified the subject site as one with redevelopment potential.

- ***Goal 11: Public Facilities and Services, General Goal***
  Require that essential public facilities and services (transportation, storm drainage, sewer, and water service) be in place before new development occurs and encourage the provision of other public facilities and services.

The proposed Comprehensive Plan and Zoning Map Amendments are located in an existing neighborhood with water, sewer, and stormwater infrastructure available adjacent to the property in 13th Street. The City Engineer has confirmed there is adequate capacity to service new development. Transportation facilities are also in place, including access to public transportation within one-quarter mile of the proposal.

- ***Goal 12: Transportation, Goal 1 (d)***
  Maintains the cohesiveness of the City's neighborhoods.

The proposed Comprehensive Plan and Zoning Map Amendments would allow for a more appropriate type and amount of traffic along 13th Street. Commercial development on the subject site will generate commercial vehicle traffic, as well as an increase in overall traffic volumes to the site. The letter prepared by Morrison Transportation Consulting, dated June 20, 2020 (see Exhibit PC-1) provides technical data that commercial use of the site will create higher traffic counts than any type of residential development. Lower levels of site generated traffic will help to promote the cohesiveness of the existing neighborhood.

- ***Goal 13: Energy Conservation, Policies 4 and 5***
  4. Encourage mass transit use.
  5. Promote location of housing, shopping, and employment uses in close proximity to each other and well connected by transit consistent with policies included in Chapter 2 of this Plan.

The proposed Comprehensive Plan and Zoning Map Amendments would allow subsequent multi-family development at 1791 Blankenship Road. These actions would encourage mass transit use because of the proximity to available bus service on Blankenship Road. The rezone would also promote the location of housing within walking and biking distance of shopping and employment opportunities.

2. There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.

Staff Finding 7: The physical characteristics of the site make the potential for commercial use difficult, causing an inconsistency when the rezone to Mixed-Use occurred in 2004. Access is taken from a local street (13th Street) not from Blankenship Road, which is classified as a collector. The retaining wall along Blankenship Road and the steep slope on 13th Street make

this an unlikely space for successful commercial development. Re-establishing the property to medium-high density residential, as it was zoned before the 2004 change, would allow the property to redevelop to its highest and best use. The rezone would also allow the efficient and effective use of existing water, sewer, stormwater, public transit, and transportation infrastructure. The proximity of the properties to employment and commercial services will allow for reduced vehicle trips and emissions as walking and biking will be a viable option.

3. The changes will not adversely affect the health, safety and welfare of the community.

Staff Finding 8: Because adequate public facilities, including police and fire protection, are available to serve the properties and because of the proximity to employment, commercial services, and public transit, staff believes the proposal will not adversely affect the health, safety, or welfare of the community.

D. Transportation Planning Rule compliance.
1. Review of applications for effect on transportation facilities. When a development application, whether initiated by the City or by a private interest, includes a proposed comprehensive plan amendment zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule: "TPR"). "Significant" means the proposal would:
a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
b. Change standards implementing a functional classification system; or
c. As measured at the end of the planning period identified in the adopted transportation system plan:
1) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
3) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Staff Finding 9:

The applicant submitted a Transportation Impact Study by Morrison Transportation Consulting dated July 20, 2020 (see Exhibit PC-1). The study concluded the proposed Comprehensive Plan and Zoning Map amendments would potentially decrease peak hour traffic volumes. This conclusion was based on a transition from potential commercial development on the site to a maximum of seven dwelling units allowed after approval of the amendments. The City finds there is no significant change caused by the proposal. Neither the functional classification nor the standards implementing the functional classification will

change. Levels of travel or access will remain consistent with the functional classifications and the proposal will not reduce or worsen the performance of an existing or planned transportation facility below the minimum acceptable performance standard.

2. Amendments that affect transportation facilities. Amendments to the Comprehensive Plan and land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
b. Amending the TSP or Comprehensive Plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR 660-012-0060 of the TPR.
c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.
d. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

Staff Finding 10: The City has determined, through review of the applicant submittal of a Transportation Impact Study (See Staff Finding 9), the proposal will not significantly affect a transportation facility and therefore is not subject to these standards.

3. Traffic impact analysis. A traffic impact analysis shall be submitted with a plan amendment or land use district change application.

Staff Finding 11: The applicant submitted a Transportation Impact Study that addressed the State Transportation Planning Rule requirements (See Staff Finding 9). The study found the proposal would not significantly affect a transportation facility.

II. CHAPTER 99, PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES
(…)
B. Pre-application conferences.
1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:
(…)
b. Amendments to the Comprehensive Plan
c. Amendments to the Zoning Map.
(…)

Staff Finding 12: The applicant attended a pre-application conference with City staff on February 6, 2020. The criteria are met.

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS
Prior to submittal of an application for any subdivision, conditional use permit, multi-family project, planned unit development of four or more lots, non-residential buildings over 1,500 square feet, or a zone change that requires a Comprehensive Plan amendment, the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section. (...)
E. An application shall not be accepted as complete unless and until the applicant demonstrates compliance with this section by including with the application:

1. A copy of the certified letter to the neighborhood association with a copy of return receipt;

2. A copy of the letter to officers of the association and to property owners within 500 feet, including an affidavit of mailing and a copy of the mailing list containing the names and addresses of such owners and residents;

3. A copy of the required posted notice, along with an affidavit of posting;

4. A copy of the minutes of the meetings, produced by the neighborhood association, which shall include a record of any verbal comments received, and copies of any written comments from property owners, residents, and neighborhood association members. If there are no minutes, the applicant may provide a summary of the meeting comments. The applicant shall also send a copy of the summary to the chair of the neighborhood association. The chair shall be allowed to supplement the summary with any additional comments regarding the content of the meeting, as long as such comments are filed before the record is closed;

5. An audiotape of the meeting; and

6. In the event that it is discovered by staff that the aforementioned procedures of this section were not followed, or that a review of the audio tape and meeting minutes show the applicant has made a material misrepresentation of the project at the neighborhood meeting, the application shall be deemed incomplete until the applicant demonstrates compliance with this section.

Staff Finding 13: The applicant attended a Willamette Neighborhood Association meeting on July 8. 2020. The applicant submitted all required materials and they are found in Exhibit PC-1. The criteria are met.

99.060 APPROVAL AUTHORITY
B. Planning Commission authority. The Planning Commission shall have the authority to:
1. Make a recommendation to approve, deny, or approve with conditions to the Council:

a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).
b. A quasi-judicial zone change application pursuant to Chapter 105 CDC, excluding applications requesting the designation or removal of a designation for a historic resource.
(…)
C. City Council Authority. The Council shall have the authority to:
1. Approve, deny, or approve with conditions applications for the following development applications:

a. A quasi-judicial Comprehensive Plan Map amendment (Chapter 105 CDC).
b. A quasi-judicial zone change application pursuant to Chapter 105 CDC.
(…)

Staff Finding 14: The proposal will be heard by the West Linn Planning Commission at a public hearing on October 21, 2020 for the purposes of making a recommendation to the West Linn City Council on the proposed Zoning Map Amendment. The City Council is tentatively scheduled to hold a public hearing and make a final decision on November 9, 2020.The criteria are met.

99.080 NOTICE
Notice shall be given in the following ways:
A. Class A Notice. (…)

Staff Finding 15: The applicant proposal has been properly noticed by the City. Please see Staff Report for the Planning Commission Exhibit PC-4 below. The criteria are met.

EXHIBIT PC-1 APPLICANT SUBMITTAL

City of West Linn
Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068
Telephone 503.656.4211 • Fax 503.656.4106 • westlinnoregon.gov

DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT: Wyss	PROJECT NO(S).: ZC-20-01		PRE-APPLICATION NO.: PA-20-01
NON-REFUNDABLE FEE(S):	REFUNDABLE DEPOSIT(S): $3,000	TOTAL: $3,000	

Type of Review (Please check all that apply):

- ☐ Annexation (ANX)
- ☐ Appeal and Review (AP)
- ☐ Conditional Use (CUP)
- ☐ Design Review (DR)
- ☐ Easement Vacation
- ☐ Extraterritorial Ext. of Utilities
- ☐ Final Plat or Plan (FP)
- ☐ Flood Management Area
- ☐ Hillside Protection & Erosion Control
- ☐ Historic Review
- ☐ Legislative Plan or Change
- ☐ Lot Line Adjustment (LLA)
- ☐ Minor Partition (MIP) (Preliminary Plat or Plan)
- ☐ Non-Conforming Lots, Uses & Structures
- ☐ Planned Unit Development (PUD)
- ☐ Pre-Application Conference (PA)
- ☐ Street Vacation
- ☐ Subdivision (SUB)
- ☐ Temporary Uses
- ☐ Time Extension
- ☐ Variance (VAR)
- ☐ Water Resource Area Protection/Single Lot (WAP)
- ☐ Water Resource Area Protection/Wetland (WAP)
- ☐ Willamette & Tualatin River Greenway (WRG)
- ☒ Zone Change

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address:	Assessor's Map No.: **T2S, R1E, Sec. 35CB**
1791 BLANKENSHIP ROAD	Tax Lot(s): 2600
	Total Land Area: **15,315 +/- sf**

Brief Description of Proposal: **Zone change from MU (Mixed Use) to R-2.1 (Single-Family and Multi-Family Residential) on full site of 15,315 +/- sf**

Applicant Name: (please print)	**JEREMY BARNETT**	Phone: 971-404-5141
Address:	19363 Willamette Drive, #111	Email: **localbarnett@gmail.com**
City State Zip:	West Linn, OR 97068	
Owner Name (required): (please print)	Jeremy Barnett	Phone: 971-404-5141
Address:	19363 Willamette Drive, #111	Email: localbnarnett@gmail.com
City State Zip:	West Linn, OR 97068	
Consultant Name: (please print)	Robert Price	Phone: 503-807-4009
Address:	**3935 NE 72ND AVENUE**	Email: rprice1145@gmail.com
City State Zip:	Portland, OR 97213	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **One complete hard-copy set of application materials must be submitted with this application.**
   One complete digital set of application materials must also be submitted electronically in PDF format.
   If large sets of plans are required in application please submit one set.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

Applicant's signature _____ Date 7/20/2020 Owner's signature **(required)** _____ Date 7/20/2020

I. Introduction

Seventeen Ninety One (1791) Blankenship Road is a relatively small site located on the southeasterly corner of the intersection of Blankenship Road and 13th Street. The legal description is Township 2 South, Range 1 East, Section 35CB, Tax Lot 2600 (T2S R1E 35CB – 2600). The site is 15,315 square feet, or approximately 0.35 acre in size. The site currently supports one single family dwelling that is vacant. Vehicle access is gained by a driveway on 13th Street, on the easterly side of the site. However, technical frontage is on Blankenship Road, although direct access from the subject site to Blankenship Road is impossible based on the existing retaining wall along the Blankenship Road frontage. This retaining wall is approximately eight (8) feet in height, at its maximum point. Due to the topographic slope of the general vicinity, the site slopes from north to south, from Blankenship Road south to the cul-de-sac end of 13th Street. Beyond the cul-de-sac is the I-205 right-of-way. North of Blankenship Road 13th Street is named as Summerlinn Drive.

This site is owned by Jeremy Barnett, who is also the applicant for the Zone Change from MU (Mixed Use) to R-2.1 (Single-Family and Multi-Family Residential). Jeremy purchased the site in August 2017, and has made some attempts to sell the site as a "commercial" property. However, based on the physical circumstances of the site, and the relationship between the site and the shopping center located directly adjacent to the east, across 13th Street, the subject site is not viewed by any prospective purchasers as a viable commercial site. At least one interested party has asked about residential development on the site.

The land uses in the immediate vicinity is a mix of several different types of land uses. To the east, across 13th Street, is the former "Albertson's" store and several other business in free-standing structures, as well as some in-line row shops. While the Albertson's store has long since closed, other smaller businesses have come and gone in the shopping center, indicating that there may be some instability in the site as a major commercial center. Recent reports indicate that Parkrose Hardware may be taking over the former Albertson's store.

To the south along the westerly side of 13th, development is single level single family homes. All dwellings are occupied. There are four (4) additional dwellings on 13th Street, south of the subject site. To the north, across Blankenship Road, development is a combination of residential on Summerlinn Drive and office buildings fronting on Blankenship Road. Uphill of these office structures on Blankenship Road, there are several large residential developments, comprised primarily of rental and condominium units in multi-unit structures. To the west, along Virginia Street, there are numerous dwellings on lots of varying size. These dwellings are either duplexes or single family dwellings.

Land use and zoning in the immediate vicinity is a mix of residential and commercial. The subject site is zoned MU (Mixed Use), while other dwellings downhill on 13th Street are zoned R-2.1. Zoning to the east is commercial in recognition of the shopping center. Zoning to the west along Virginia Street is R2.1. In all, there appear to be only two or three properties in the vicinity that are zoned MU.

There are no documented environmental overlays in this area of the Willamette Neighborhood.

All required and necessary services and utilities are available to properties in the area. This includes domestic and fire suppression water supply, sanitary sewer, storm drainage, police and fire protection, and other traditional urban services and utilities.

Jeremy Barnett proposes to amend the zoning of the subject site from MU to R-2.1, followed by a Class II Design Review action to approve the design of the six (6) units that Jeremy is proposing to develop on the subject site. Because these two land use actions are distinctly different and subject to slightly different standards, it was determined, at the suggestion of city staff, that these two land use actions be applied for separately. Therefore, this first application will be for the zone change from the existing MU (Mixed Use) to R-2.1 (Single-Family and Multi-Family Residential). Assuming success with the zone change, the second application will be for Class II Design Review II obtain approval of the design of the project.

The project Jeremy proposes is a six-unit multi-family development, possibly in two structures separated by parking and recreation areas. While the preliminary design of the project is entirely conceptual, Jeremy envisions six units, each with three (3) bedrooms and 2.0 to 2.5 bathrooms. The size of the units will allow for flexibility in the types of residents, and all units will be for rent at market rates. None of the units will be for subsidized or rent-controlled circumstances. The project will be architecturally designed and will include a variety of amenities to make the units even more attractive.

The proposed zone change from MU to R-2.1 will address the approval criteria contained in Chapter 105 (*Amendments to the Code and Map*), specifically 105.040, *Quasi-Judicial Amendments and Procedures* and Section 105.050, *Quasi-Judicial Amendments and Standards for Decision-Making*. Sections 105.040 and 105.050 make reference back to Chapter 99, *Procedures for Decision Making: Quasi-Judicial*. As such, there are a variety of standards and criteria that must be suitably addressed to support the zone change. Section II of this narrative, *II. Addressing the West Linn Community Development Code*, contains all of the supporting information for the proposed zone change from MU to R-2.1.

As required under 99.038, "neighborhood contact" is required for "any . . . . multi-family project". Because this project is a multi-family project, contact with the Willamette Neighborhood is necessary. Jeremy and his land use consultant, Robert Price, attended the monthly meeting of the WNA on June 10, 2020. However, because of the COVID-19 pandemic, this particular meeting of WNA was not properly advertised. For the July 8, 2020 meeting, Jeremy and Robert returned to the WNA for its properly advertised July monthly meeting for a second presentation. Therefore, the requirements for the required neighborhood contact in 99.038 of the West Linn Community Development Code have been fully satisfied. Meeting minutes produced by WNA for both meetings have been included in the application package, as well as the attendance roster for both meetings. An audio recording of the July 8, 2020 meeting is also included.

II. West Linn Community Development Code (CDC)

This application for a Zone Change from the existing MU (Mixed Use) to R-2.1 (Single-Family and Multi-Family Residential) on the subject site located at 1791 Blankenship Road is submitted as the first step in a dual step process to amend the zoning on the subject site, and the obtain approval for a Class II Design Review for a six unit multi-family development. This two-step approach was advised by city staff, and agreed to by the property owner and applicant, Jeremy Barnett.

The purpose of the proposed zone change is to re-acquire the R-2.1 zoning that was the zoning of the subject site until 2004. At that time, a judicial zone change, instituted by the City of West Linn, was completed based largely on the assumption that there may be a market for small ancillary and adjacent parcels to the Albertson's Shopping Center. However, since 2004, circumstances have changed considerably. Albertson's has vacated that large anchor space in the shopping center, and other smaller business have "come and gone" from various other retail commercial spaces in the shopping center. In the end, the viability of the shopping center has generally been diminished. In addition, the improvement of the Willamette commercial area, across the I-205 freeway, has likely had a significant impact on similar development on the north side of the I-205 freeway. That, coupled with the uncertainty of the future of the former Albertson's shopping center, will result in a better use of the subject site as a residential site than for commercial purposes.

There are several Chapters of the West Linn Community Development Code (CDC) that are appropriate and applicable to the proposed zone change. These Chapters of the CDC are:

- **Chapter 105 – Amendments to the Code and Map**
- **Chapter 99 – Procedures for Decision Making: Quasi Judicial**
- **Chapter 16 – Single-Family and Multiple-Family Residential, R-2.1**
- **Chapter 59 – Willamette Neighborhood Mixed Use Transitional Zone**

These four (4) Chapters are addressed below, in the order listed above. Any other Chapters or specific items, standards, criteria, requirements, etc. that surface during the addressing of the four (4) Chapters listed above will be addressed following the addressing of the four (4) Chapters. Other "*Applicable CDC Chapters*" as listed on page 1 of the "*Pre-Application Conference Meeting – Summary Notes, February 6, 2020*" will apply to the second of the land use applications that will be submitted by the applicant, for a Class II Design Review. These include, but may not be limited to, Chapters 46, 48, 54, 55, and 92.

Chapter 105 – Amendments to the Code and Map

- *105.010 Purpose*

Finding: This subchapter sets out the basic Purpose of this Chapter, which is to provide the standards and procedures for ". . . . . *the quasi-judicial changes to the map as provided by code chapters setting forth the procedures and by the Comprehensive Plan.*" It is also noted that "*Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes or to address changes in the law.*" This application does not argue that any mistakes have occurred, or that there have been changes in the law. Rather, we believe that there have been changes in community conditions, needs and desires relative to the subject site that render it of little value for commercial development. The changing character of the Albertson's Shopping Center, plus the continuing need for multi-family housing, and the property owner's desire to be able to develop the property in a manner that will be a benefit to the community, the Willamette Neighborhood, and the property owner/applicant.

- *105.040 Quasi-Judicial Amendments and Procedures*

Finding: While A. of this Chapter applies to the subject application for zone change from MU (Mixed Use) to R-2.1 (Single-Family and Multi-Family Residential) without an application for a concurrent Comprehensive Plan Map amendment, other parts of this Chapter, specifically, B. and C. do not apply because they do not match the land use action required for this particular zone change.

105.040.A states, "*The Planning Commission shall make a recommendation to the Council, on a zone change application which does not involve Comprehensive Plan amendments as provided by CDC 99.060-(B).*" Because this application requires a public hearing before the West Linn Planning Commission (WLPC), and the application does not involve an amendment of the Comprehensive Plan, the Planning Commission will take all information, evidence, testimony, etc. into consideration, then make a recommendation to the City Council on what action the Council should consider taking.

The applicant understands this process and agrees to it

- *105.050 Quasi-Judicial Amendments and Standards for Making Decision*

A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

A. The standards set forth in CDC 99.110(A), which provide that the decision shall be based on consideration of the following factors:

1. The applicable Comprehensive Plan Policies as identified in subsection C of this section and map designation.

Finding: The appropriate and applicable policies of the Comprehensive Plan are identified and addressed below, in subsection C. of this subchapter 105.050;

2. The applicable standards of any provision of this code or other applicable implementing ordinance.

Finding: As part of the Pre-Application Conference meeting between the applicant and city staff, the "applicable CDC Chapters" were provided by staff as part of the conference process, and as part of the "*Summary Notes, dated February 6, 2020, page 1*". No other sections of the CDC or other city codes appear to have any applicability to this application. Therefore, with the addressing of appropriate and applicable chapters of the CDC, this standard or factor, has been satisfied.

B. The standards set forth in CDC 99.110(B), which provide that, in making the decision, consideration may also be given to the following:

1. Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.

Finding: In the past two decades, there has been significant change in the local neighborhood, on both sides of the I-205 corridor. There have been new residential developments, new commercial buildings, a significant increase in commercial opportunities on the south side of the I-205 corridor, and an apparent reduced interest in commercial/retail development and activities on the north side of the corridor. The residential character of the northerly side of the corridor of the Willamette Neighborhood has been strengthened by recent residential developments uphill from Blankenship Road, while the commercial character appears to have largely shifted to the south side of the corridor.

The applicant does not argue that a "mistake" was made in the zoning of the site to MU, but, in retrospect, the change of zoning from R-2.1 to MU in 2004 has not benefitted the subject site, causing it to be in somewhat of a "limbo" status – too many adverse characteristics of the site and immediate surrounding vicinity, not enough "strengths" to be attractive as a commercial site. At this point, the site really "needs" to be returned to the original R-2.1 zoning to allow it to develop to its fullest potential as a residential site.

Maintaining the site in the MU zoning creates somewhat of an "inconsistency" in the zoning pattern because the subject site is one of only two sites zoned MU on the south side of the corridor. This inconsistency creates an issue of development and build-out of the local neighborhood, considering there has been significant development within the Willamette Neighborhood since 2004. The applicant wishes to shed this inconsistency that adversely impacts the developability of his site. While the site is not vacant, it has a vacant single family dwelling built in 1944, and this existing dwelling has deteriorated to the point that it would require a significant investment to bring it to current standards. The applicant believes it would be money better spent in re-developing the site with multi-family residential housing units.

When these considerations are paired with the physical circumstances of the site which do not promote commercial development, it appears that the logical conclusion to is re-zone the site to R-2.1. It should be noted that, although the site has frontage and is addressed on Blankenship Road, the site has no practical or usable frontage on

Blankenship Road. Access is taken from frontage on 13th Street, with one curb cut, or driveway. It should be noted that 13th Street is sloping downhill from the intersection with Blankenship Road, and the intersection has no "landing" on 13th Street, making it difficult to access and merge onto Blankenship Road. This may be especially true of trucks, regardless of size.

Finally, a commercial/industrial real estate broker viewed the subject site and concluded, within ten seconds, that the subject site is not at all suitable for any type of commercial development. He noted that there is no "connection" or "relationship" between the subject site and the Albertson's Shopping Center, thus making the MU zoning largely inappropriate for any commercial development.

All of this combines together to emphasize the concept that the site and the immediate vicinity in the neighborhood may well have changed in character such that the subject site is best suited for residential development. Commercial use of the subject site would continue the apparent "inconsistency" in the current zoning and the potential "highest and best use" of the subject site.

2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in sub-section A or B(1) of this section.

Finding: Oral statements and written testimonials will be offered at the Planning Commission hearing.

C. The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4 which provides that the decision shall be based on considerations of the following criteria:

1. Conformance with the Comprehensive Plan policies and criteria.

Finding: The West Linn Comprehensive Plan ("Comp Plan") is separated into several Goals, Policies and Recommended Action Measures for a variety of subjects. The proposed zone change from MU to R-2.1 must remain in conformance with the various applicable and appropriate Goals. For example, **Goal 1 is "Citizen Involvement"**. The proposed zone change must contact the Willamette Neighborhood Association (WNA) and provide the opportunities for citizen review, input, and comment. This has been done through two meetings with WNA by the applicant, on June 10th and July 8th, 2020. Public hearings before the West Linn Planning Commission and the West Linn City Council will provide the opportunities for citizen input to the planning process. Therefore, the proposed zone change is consistent with Goal 1.

For **Goal 2: Land Use Planning**, under Section 1: Residential Development, Goals 1 and 2 seek "*to provide for a variety of living environments and densities*", and to "*allow a mix of residential and commercial uses in Commercial Districts and ensure compatibility of these districts with the residential character of existing neighborhoods*". The subject

site is capable of supporting either residential or retail commercial uses, but this area of the Willamette Neighborhood is a mix of both residential and commercial uses and, more specifically, a mix of single family and multi-family housing. The site will continue to meet this character if developed for residential use rather than for commercial use. It appears that 13th Street is the current limit of commercial development west of the 10th Street/I-205 interchange. For protection of existing residential uses in the local neighborhood, it may be best if the subject site is developed for residential purposes in order to maintain this separation.

As a medium-high density area, this local neighborhood area may have some limitations, the slope at Blankenship Road is such that direct vehicle access from Blankenship Road to the subject site is not possible. Rather, access is taken only from 13th Street, a sloping street taking intersection with Blankenship Road at a somewhat awkward location. With regard to traffic, access to the site from 13th Street can be problematic for delivery trucks.

According to the 2013 "*Existing Residential Units and Buildable Lands Summary*", the Willamette Neighborhood is the largest of all neighborhoods in West Linn, and contains the largest number of residential dwelling units. This large number of residential units likely reflects the size of the neighborhood as well as the development potential of vacant lands and lands that can be re-developed. For the criteria contained under Goal 2, Policy 7, sub item c., the subject site may not meet all of the stated criteria, but certainly meets most of the six (6) criteria. Further, Policy 8 states "*Protect residentially zoned areas from the negative impacts of commercial, civic, and mixed use development, and other potentially incompatible land uses*". With local development on the southerly side of Blankenship Road being almost exclusively residential west of 13th Street, the subject site is an outlier when it comes to potential non-residential development. In order to protect the residential character of this local area, residential development of the subject site certainly promotes, strengthens and satisfies this Goal.

Under Section 3: Mixed Use/Commercial Development, the historic Willamette District has been, is, and will remain one of the first and most prominent commercial areas in West Linn. The Albertson's Shopping Center on the north side of I-205, and the "mirror-image" commercial center on the south side of I-205, plus the historic Willamette Falls area which is currently being upgraded and improved to provide even more commercial development opportunities. Based on this focus of commercial development, the subject site is not and should not be a focus for commercial development. 13th Street provides an excellent opportunity to limit future commercial development to existing commercial areas.

Goal 3 states "*Encourage retail commercial uses to be located in centers that facilitate one-stop shopping and discourage strip commercial development.*" In this particular case, development of the subject site for any type of commercial use will be counter to this Goal and will extend commercial development across 13th Street, thus extending

"strip commercial development" into an area where it is not appropriate. Therefore, the subject site simply does not support compliance and compatibility with this Goal, or with Goal 4. In fact, any commercial development on the subject site may not comply or promote any of the eight (8) Goals in this Section.

In reviewing the **Goal 2: Land Use, Comprehensive Plan** (Figure 2-1), it is noted that the subject site and the site located directly adjacent to the south on the west side of 13th Street are the only two (2) properties designated for "Mixed Use" development. No such Mixed Used development has taken place since re-designation of these two properties in 2003. As two small properties that may have been intended as commercial extensions of the Albertson's Shopping Center, they simply have not drawn any interest for commercial or mixed use development. Because they are outliers, they will promote strip commercial development into a residential area with which the commercial uses will not be fully compatible. It would appear best that these two parcels be re-designated back to R-2.1, which is in keeping with the rest of the local neighborhood south of Blankenship Road.

Under **Goal 6: Air, Water, and Land Resources Quality**, Section 1: Air Quality has an important Policy that reads "*3. Reduce pollution from vehicle emissions by pursuing an energy efficient urban form that provides for connectivity and reduces the number of vehicle miles traveled.*" This is an important Policy because maintaining the site under MU zoning where commercial development is possible, it will encourage use of delivery trucks to the site where traffic access is difficult and vehicle miles traveled, for both trucks and personal vehicles, are likely to increase rather than decrease. This would be in conflict with this Policy. This is an opportunity to limit potential commercial growth to being east of 13th Street, resulting in a better urban form and a more efficient residential development of the subject site.

For **Goal 9: Economic Development**, Policies 1 and 2, respectively, state "*Recruit and encourage businesses, particularly those that provide family-wage jobs to locate in West Linn", and "Support retail businesses and services that enhance the community and provide wanted goods and services."* The MU zone provides for retail commercial uses that may not provide the type of family wage jobs the city is seeking. Small convenience retail uses likely will not provide the family-wage jobs, and the "wanted goods and services" that are the target of these two Policies. On that basis, perhaps it is not best to maintain the MU zoning on the subject site, waiting for the "silver bullet" use to come along that will develop a significant economic base on this 15,315 square foot (0.35 acre) site. Whatever commercial use that may be established on the subject site will be at lower employment densities, and may not be family-wage jobs. It would appear that such development opportunities will not satisfy or fulfill this Goal, and the appropriate Policies.

Goal 10: Housing provides Goals and Policies that support and promote housing in West Linn, both single family and multiple family housing. Because West Linn is a

growing community, a variety of housing types, styles, sizes and economic levels are necessary. While the MU zoning on the subject site may allow for residential development, the allowed density of development under the MU zoning is less than what the site is able to support. The density under the MU zoning is four (4) multi-family units, while under the R-2.1 zone; the maximum potential development is seven (7) multi-family units. Although the site is small, the difference of three (3) units can be significant. With fewer units, development costs of the site are generally higher and, thus rent levels may also be higher. With more units under the R-2.1 zoning, as the applicant proposes to build, there will be more housing opportunities for a wider variety of people at a greater range of income levels. It is noted in the "*Background and Findings*" portion of the narrative for this Goal that "*Housing affordability is an issue in West Linn.*" Any commercial development of the subject site under the MU zoning will take away potential housing, thus leading to a potential issue of contributing to the future housing affordability for the city. Residential development would help to address this issue.

Goal 2, "*Assure good functional and aesthetic design of multi-family and clustered single-family developments*", will be guaranteed through the required Class II Design Review process. Goal 3, "*Encourage the development of affordable housing for West Linn Residents of all income levels*", will be supported if the subject site is developed for residential purposes, but will not be supported at all if the site remains zoned MU and allows potential commercial development. The proposed multi-family development under the R-2.,1 zoning that is proposed for the subject site by the applicant will definitely contribute to satisfying Goal 3 through rental housing that is affordable while being an asset for the Willamette Neighborhood and the City of West Linn as a whole. Figure 10-3, "Buildable Lands Inventory" identifies this specific site as one with "Infill Potential, which is definitely true. That is the proposal by the applicant, to re-develop the subject site, which serves the vision of the Comp Plan.

Under **Goal 12: Transportation**, the "sub goal" 1.d. states "*Provide a transportation system for the City of West Linn that:*

d. Maintains the cohesiveness of the City's neighborhoods."

Use of the subject site for commercial development will cause site generated commercial traffic to extend onto 13th Street, where such traffic has not been before. Such heavier traffic, at greater levels than at the current time, will not contribute to the cohesiveness of the local neighborhood. The "opinion letter" prepared by Morrison Transportation Consulting dated June 20, 2020 provides technical information that site generated commercial traffic will create considerably more traffic than any type of residential development. Such lower level of site generated traffic will definitely promote the cohesiveness of the existing local neighborhood and will protect the existing residential development from conflicting and "non-conforming" traffic, especially on 13th Street. Because 13th Street is a "Local" street, which will ". . . . . have the sole function of providing access to immediate, adjacent land", commercial development will cause 13th Street to be used for an unintended traffic use. Further, it appears that the commercial

development of the subject site will not fulfill one or more of the Streets Policies 1. through 12.

Finally, the "Vision Statement and Action Plan for the Willamette Neighborhood of West Linn" has been specifically built for the Willamette Neighborhood. However, this local area plan is very general and does not address residential development specifically. Instead, it is more general in terms of what the neighborhood seeks. Comparing the future of the subject site under the current MU zoning versus the proposed R-2.1 zoning, the future of the subject site appears to be more favorable to the local neighborhood under a residential infill plan than if developed for commercial use. One sub-goal under Goal #6 states "*Development needs to be consistent with the value of the area*". The area west of 13th Street and to the south of Blankenship Road is entirely residential and should remain that way in order to maintain consistency, compatibility, and non-conflicting. Commercial development of the subject site will not be consistent with Goal #6, and will not improve the value of the local area. It is the applicant's conclusion that residential development is much more consistent with the local neighborhood and, thus, the Willamette Neighborhood Plan.

2. *There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.*

Finding: Because of the physical characteristics of the site, use of the site for commercial purposes is questionable. The slope of the site, the retaining wall along the entire northerly side of the site that effectively separates the site from any access to Blankenship Road, the 13th Street access is on a sloping street which could make truck access difficult, the proximity of the site to the "backside" of the Albertson's Shopping Center, and the size and shape of the lot all combine together to "create" a site that does not meet the real estate mantra of "location, location, location". The site is truly separated from other viable commercial areas, and has no attribute(s) that would make the site attractive to someone who wishes to develop a commercial use that is in keeping with the "uses permitted outright" in the somewhat limited list contained in subchapter 16.030. The lack of visible frontage along Blankenship Road makes the site potentially difficult to locate because it is addressed on Blankenship Road, and the person unfamiliar with neighborhood could have difficulty in even finding the site. While a sign on Blankenship Road could direct people to the site, an advertising sign may add nothing to the local neighborhood.

3. *The changes will not adversely affect the health, safety and welfare of the community.*

Finding: There is no indication that a change of the zone from MU to R-2.1 would, in itself, adversely impact the local health, safety, and welfare of the community. In terms of safety, the proposed zone change from MU to R-2.1 would result in less impact on local traffic and transportation systems, because the potential future commercial development in the MU zone would exceed the site generated traffic from a development of up to seven (7) multi-family residential units. Also, with less truck traffic resulting from

the lack of deliveries to a potential commercial use on the subject site, potential health impacts seem unlikely.

With regard to welfare of the community, housing is always in demand, especially multi-family housing, and the potential of the site under the proposed R-2.1 zoning for seven (7) units exceeds the potential of the site if continuing to be zoned MU is only four (4) units. The advantage of three (3) units additional on the site may not appear to be significant, but that is relative. If the site remains zoned MU where a commercial use could be established, any potential for housing would be completely lost.

D. Transportation Planning Rule compliance

Finding: It has been determined by qualified professional transportation consultants that there is no need for a Traffic Impact Study (TIS) because the change of level of use will be less with the proposed R-2.1 zoning over the existing MU zoning. Because this will be the case, only an "opinion letter" from the team's transportation consultant will be required, according to city staff. This "opinion letter" is included as part of this application package. With this opinion letter, compliance with the Transportation Planning Rule will continue without change or interruption with the proposed zoning of R-2.1. And because there will be less site generated traffic on the site under the R-2.1 zoning, as opposed to the existing MU zoning, there will be no adverse impact on local transportation facilities (105.050.D.1). There will be no needed amendments that will affect transportation facilities (105.050.D.2) as a result of the proposed zone change. Again, no TIS is needed or required because of the "direction" of change in site generated traffic resulting from the proposed R-2.1 zoning rather than the existing MU zoning (105.050.D.3).

- *105.060 Condition of Approval*

Finding: The applicant understands that the Planning Commission may make a recommendation of: approval; approval with conditions; or denial based on the record of the proceedings. The City Council may then take the recommendation of the Planning Commission and either: concur with the Planning Commission's recommendation; concur with the Planning Commission's recommendation with conditions, but with one or more of the conditions modified; remand the recommendation to the Planning Commission for additional review and consideration.

Chapter 99 – Procedures for Decision Making: Quasi-Judicial

- *99.010 Purpose*

Finding: The applicant understands the Purpose of this Chapter, and agrees with the subchapters/sections that are appropriate and applicable to this particular application.

- *99.030 Application Process: . . . . . .*

Finding: Under the provisions of 99.030.A, this application for zone change has been submitted by Jeremy Barnett, the owner of the subject property. The applicant is assisted by Robert Price, Consultant and his duly authorized representative.

Under the requirements of 99.030.B.1.c, a Pre-Application Conference was held with city staff on February 6, 2020. Summary Notes from that conference are included with this application package.

- *99.033 Fees*

Finding: The required deposit of $3,000, as noted on page 2 of the Summary Notes, has been paid by the applicant who understands that additional charges may be applicable, and that this $3,000 is only a deposit against an as-yet undetermined total fee for the zone change.

- *99.038 Neighborhood Contact Required for Certain Applications*

Finding: As noted in the initial paragraph for this subchapter, any "multi-family project" requires contact and discussion with the appropriate neighborhood organization prior to submitting the application. Because this project is a two part project involving first a zone change, followed by a Class II Design Review, the applicant is required to interact with the Willamette Neighborhood. While a zone change without a Comprehensive Plan amendment does not technically require this neighborhood meeting, the applicant, himself a resident of the Willamette Neighborhood agreed to meet with the WNA early on.

The applicant and his representative have met with WNA twice in the months of June and July. This was required because the June meeting was adversely impacted by the COVID-19 pandemic in that the notice of that meeting was not sent out by the neighborhood until June 2, 2020, thus not meeting the meeting notification requirements. The applicant agreed to return to the WNA for its July meeting for a "do over", this time with proper notice. All letters, notices, etc. connected or related to these two meetings are included with this application package. Thus this requirement has been fully and completely satisfied.

While this initial zone change application is not a: 1.) subdivision; 2.) conditional use permit; 3.) multi-family project; 4.) planned unit development of four or more lots; 5.) non-residential buildings over 1,500 square feet; or, 6.) a zone change that requires a Comprehensive Plan amendment, it appears that no neighborhood contact is actually required. The requirement for the neighborhood contact is actually for the Class II Design Review for a multi-family project, or the second of the two (2) applications. However, the applicant determined that the neighborhood contact (meetings) would be held BEFORE submittal of either of the two applications needed for this total project.

For purposes of this subchapter, the following neighborhood contact related items are included:

1. A letter to Kathie Halicki, President of the WNA, sent by registered mail, return receipt requested;
2. No letter(s) were sent to "one designee" of the WNA, based on Kathie Halicki's direction that no such letters to "one designee" was needed;
3. Copy of the mailing list for all properties within 500 feet of the subject site, based on the current GIS roster maintained by Clackamas County;
4. A map of the notification area, with the subject site at the epicenter;
5. A photo of the posted notice on the subject site.
6. Affidavits of posting of the site, and mailing of the notices to properties within 500 feet of the subject site;
7. Copies of minutes for both the June 10th and July 8th WNA meetings;
8. Copies of the sign-in sheets for attendance at both the June 10th and July 8th meetings of WNA;
9. An audiotape of the July 8th meeting.

It should be noted that the required registered letter to Kathie Halicki, the notification letters to property owners within 500 feet, and the posting of the site were all accomplished on June 18, 2020, thus meeting the 20-day requirement for the July 8th meeting. Therefore, this specific requirement for notification and neighborhood contact has been fully satisfied.

- *99.040 through 99.330*

Finding: The balance of this Chapter is largely given to the city's administrative functions, duties and obligations. It is incumbent upon the City of West Linn to fulfill these requirements, standards, etc.

Chapter 16 – Single-Family and Multiple-Family Residential, R-2.1

- *16.010 Purpose*

Finding: The R-2.1 zone is a medium high density residential zone that provides for either single family or multi-family development within the limits of the allowable density for the zone. In the *Purpose* description for this zone, it states that this zone "*. . . is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and public facilities and public transportation, and to the surrounding development pattern.*" This zone is also intended for higher density residential development. Based on the local neighborhood area, the R-2.1 zone fits with the current development patterns, considering the local site development patterns, the availability of public facilities and services, and the proximity to transportation facilities. As such, the proposed zone change to R-2.1 from the existing MU will serve the stated purpose o the R-2.1 zone.

- *16.020 Procedures and Approval Process*

Finding: Because the proposed future development of the subject site is a permitted use under the R-2.1 zone, the R-2.1 zone is the proper and appropriate zone for the subject site. This was recognized by the city which zoned the subject site R-2.1 until 2004, when it was determined that the site ought to be zoned MU. Now, returning

to the R-2.1 zone will bring the site back into conformance with what it was zoned in the past which, the applicant argues, was the appropriate zone for the site to begin with. The lack of development opportunities for commercial development is the reason for returning to the historic R-2.1 zone. Under the current city processes and procedures, review and approval by the West Linn Planning Commission , with concurrence by the West Linn City Council. It should be noted that none of the code sections referenced in 16.020.D (1 through 5) will be applicable to the proposed zone change, or the proposed development of the site.

- *16.030 Permitted Uses*

Finding: Under 16.030, the proposed future development and use of the site for "multiple-family residential unit" is an allowed use permitted outright.

- *16.040 Accessory Uses*
- *16.050 Uses and Development Permitted Under Prescribed Conditions*
- *16.060 Conditional Uses*

Finding: These three (3) subchapters do not apply to the proposed future development of the site for multi-family residential purposes. However, as part of the R-2.1 zone, there are numerous "uses and development permitted under prescribed conditions" and also numerous "conditional uses". While the applicant does not propose any "accessory uses", "uses and development permitted under prescribed conditions", or "conditional uses", they would all be possible under the R-2.1 zone.

- *16.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted under Prescribed Conditions.*

Finding: Under the provisions of 16.070.A. of this subchapter, the subject site could be available for:

1. development as a single-family detached unit,
2. attached single-family unit,
3. duplex,
4. boarding, lodging or rooming house, or
5. multiple-family unit.

Based on the description of each residential development opportunity above, the following development densities are available for the respective type of housing, given the subject site is 15,315 square feet in total area:

1. at 4,000 square feet per single family detached units – 3.8 units;
2. at 2,700 square feet per attached single-family unit – 5.7 units;
3. at 7,000 square feet per duplex, or 3,500 square feet per unit – 2.19 duplexes;
4. at 7,000 square feet per boarding, lodging or rooming house – 2.19 units;
5. at 2,100 square feet per multi-family unit – 7.3 units.

Under the provisions of 16.070.B. and C. of this subchapter, the existing minimum front lot line length exceeds the required minimum dimension of 35 feet, and the minimum average lot width of the site exceeds the required minimum of 35 feet. With regards to 16.070.E., F., and G., the minimum yard dimension or minimum building setback of the various yards listed in 1. through 4. can be met for several of the potential development uses listed above under 16.070.A., including multi-family development.

For the height provision under 16.070.F.1, 35 feet can be accommodated for "garden apartment low rise unit".

Under 16.070.G., lot coverage for all types of residential development is limited to 50 percent. This dimension can be accommodated on the subject site for most of the types of residential development allowed under 16.070.A., above.

16.070.H and I. may be applicable depending on the type and size of residential units proposed for the subject site as part of the Class II Design Review which will follow the successful zone change.

- *16.080 Dimensional Requirements, Conditional Uses*

Finding: While the applicant ultimately proposes a 6-unit multi-family development, other potential Conditional Uses may be development on the subject site. If that is to be the case (which is not what the applicant is proposing), the proposed Conditional Use carries other additional dimensional requirements that must be adhered to.

- *16.090 Other Applicable Development Standards*

Finding: These "other development standards", as listed in 16.090.A., 1. through 10. do not apply directly to the proposed zone change, but are to be considered as part of the Class II Design Review.

Under 16.090.B., the provisions of Chapter 55 of the West Linn CDC will apply to the proposed project, but only as part of the Class II Design Review, not the proposed zone change.

Chapter 59 – Willamette Neighborhood Mixed Use Transitional Zone

- *59.010 Purpose*

Finding: The Willamette Neighborhood Mixed Use Transitional Zone, designated MU in the code, has been "built" specifically for the Willamette Neighborhood as a transitional zone between commercial and residential zones. This MU zone attempts to act as a "buffer" between the residential and commercial uses in the local neighborhood. Permitted Uses as listed in 59.030 are a mix of various residentially oriented uses and what might be called "lightweight" commercial retail uses, usually less than warehouse uses. This zone will experience a different level of site generated traffic, meaning that suitable public transportation facilities are needed.

- *59.020 Procedures and Approval Process*

Finding: Residential development, including multi-family development, is permitted outright in the existing MU zone. However, because some commercial retail uses are also part of the uses permitted outright. Because the proposed future development of the subject site is a permitted use under the MU zone, but at a lesser density level than in other residential zones, including the R-2.1 zone, the MU zone may not be the best zoning for the subject site. Until 2004, the subject site was zoned R-2.1 at which time the city initiated a zone change for this specific site (amongst others) to MU Now, returning to the R-2.1 zone will bring the site back into conformance with what it was zoned in the past which, the applicant argues, was the appropriate zone for the site to begin with. The lack of development opportunities for commercial development is the reason for returning to the historic R-2.1 zone. Under the current city processes and procedures, review and approval by the West Linn Planning Commission , with concurrence by the West Linn City Council. It should be noted that none of the code sections referenced in 59.020.D (1 through 5) will be applicable to the proposed zone change, or the proposed development of the site.

- *59.030 Permitted Uses*

Finding: Under 59.030, the proposed future development and use of the site for "multi-family dwelling" is an allowed use permitted outright. Although worded slightly differently than for the permitted use "multiple-family residential unit" in 16.030, they are the same uses.

- *59.040 Accessory Uses*
- *59.050 Uses and Development Permitted Under Prescribed Conditions*
- *59.060 Conditional Uses*

Finding: These three (3) subchapters generally do not apply to the proposed future development of the site for multi-family residential purposes. However, as part of the MU zone, there are numerous "uses and development permitted under prescribed conditions" and also numerous "conditional uses". While the applicant does not propose any "accessory uses", "uses and development permitted under prescribed conditions", or "conditional uses", they would all be possible under the MU zone. These uses listed in 59.040.2 and 59.050,1. through 8. Tend to be focused more on commercial uses than residential uses. While the applicant does not propose any "accessory uses", "uses and development permitted under prescribed conditions", or "conditional uses", they would all be possible under the MU zone.

- *59.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted under Prescribed Conditions.*

Finding: Under 59.070.A, the dimensions stated will apply to the subject site regardless of the type of proposed development, whether residential or commercial. The front lot line is required to be 35 feet (59.070.A.1.), which is met by the subject site. Average minimum lot width is 50 feet (59.070.A.2.) which is satisfied by the dimensions of this site. Minimum lot depth shall be not less than 90 feet (59.070.A.3.), which is

fulfilled by the subject site yard dimensions and setbacks (59.070.A.4.) will be reviewed as part of the Class II Design Review, but can be met on this site. The same applies to the maximum building height of 35 feet (59.070.A.5.). Maximum building size for all floors shall not exceed 6,000 square feet (59.070.A.6.). This will be determined at the Class II Design Review.

Based on the stated building floor area ratio not to exceed 0.4 except that the ground floor shall not exceed 5,000 square feet, the maximum potential development for the subject site will be five (5) units, at most.

Finally, the minimum lot size is to range between 4,500 square feet and 10,000 square feet. However, because the site is an existing lot of record at 15,315 square feet, the site legally may be developed in accordance with the MU standards.

Under 59.070.B., the Design Standards will be set when the project is reviewed as a Class II Design Review.

- *59.080 Additional Use Requirements*

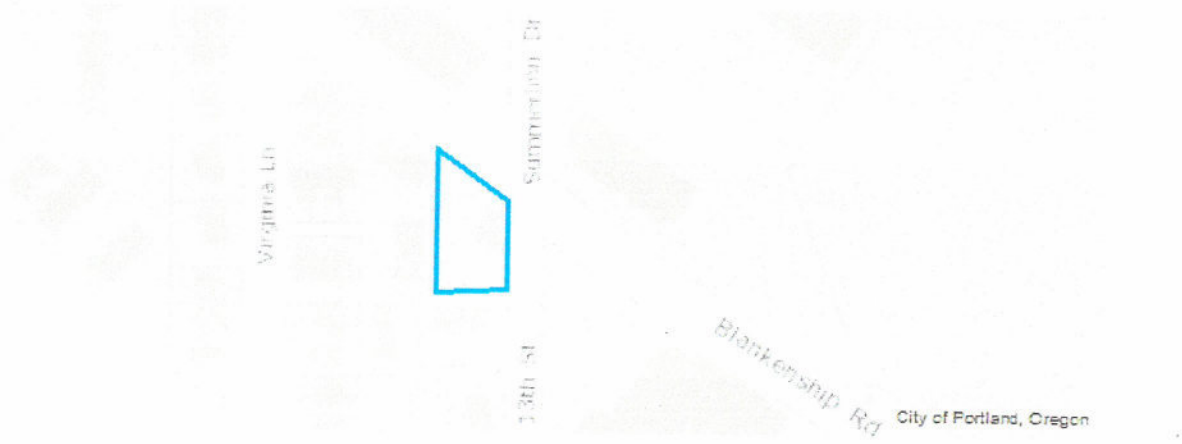
Finding: These additional use requirements are focused on commercial uses and will not apply to residential uses.

- *59.090 Dimensional Requirements, Conditional Uses*

Finding: This criteria does not apply to consideration of a zone change for the subject site.

- *59.100 Other Applicable Development Standards*

Finding: The listed standards in 59.100.1. through 15. Will not apply directly to the proposed zone change from MU to R-2.1. These standards will be reviewed during the Class II Design Review process for whatever use(s) might be proposed for the site under the existing MU zoning.



1791 BLANKENSHIP RD

WEST LINN

PROPERTY

⚠ This property is not within the City of Portland or its service districts. The data below may not be complete. Please refer to your jurisdiction for more information.

Year Built	1944
Building Area	3,392 sq ft
Neighborhood	WILLAMETTE
Jurisdiction	West Linn / Clackamas
Elevation	188 ft (approximate)

Assessor

Last Sale

Price	$0.00
Date	11/01/2004

Property Values (2017)

Market Value	$303,026.00
Assessed Value	$0.00

City of West Linn

PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES

February 6, 2020

SUBJECT:	Proposed multi-family housing (two triplexes) at 1791 Blankenship Road with potential zone change to R-2.1	
FILE:	PA-20-01	
ATTENDEES:	Applicant:	Jeremy Barnett, Jerry Lawson
	Public:	Kathie Halicki (Willamette NA)
	Staff:	Darren Wyss (Planning), Amy Pepper (Engineering)

The following is a summary of the meeting discussion. Additional information may be provided to address any "follow-up" items identified during the meeting. These are PRELIMINARY comments. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note the disclaimer statement below.

Project Details

Site Address:	1791 Blankenship Road
Tax Not No.:	2S 1E 35CB tax lot 2600
Site Area:	15,315 sq. ft.
Neighborhood:	Willamette Neighborhood Association
Comp. Plan:	Mixed-Use
Zoning:	Willamette Neighborhood Mixed-Use Transitional
Environmental Overlays:	None
Applicable CDC Chapters:	Chapter 46: Off-Street Parking, Loading and Reservoir Areas
	Chapter 48: Access, Egress, and Circulation
	Chapter 54: Landscaping
	Chapter 55: Design Review
	Chapter 59: Willamette Neighborhood Mixed-Use Transitional Zone
	Chapter 92: Required Improvements
	Chapter 105: Amendments to the Code and Map

Summary

The applicant proposes to construct multi-family housing (two triplexes) at 1791 Blankenship Road. The development would take access from one curb cut on 13th Street. An eight-foot public utility easement will be dedicated along the street frontages. Blankenship Road is fully developed, and no street improvements are required. 13th Street has a functional classification of Local Street and has sufficient right-of-way width for required half-street improvements to include a parking lane. Water, stormwater, and sanitary sewer lines are available under 13th Street. Please contact the City Arborist to identify significant trees on the property.

The Mixed-Use (MU) zoning has a maximum building size of 6,000 square feet. A zone change to R-2.1 (previous zoning before the change to MU in 2004) would eliminate the maximum floor-to-area ratio for multi-family housing. Parking requirements for multi-family housing are found in Chapter 46, including exceptions to transfer spaces to public right-of-way or decrease minimum requirements for access to transit. Twenty-five percent of the site will require landscaping. Multi-family housing requires a shared outdoor space (play or picnic area, tennis/basketball court, etc.).

City Arborist: contact Mike Perkins at mperkins@westlinnoregon.gov or 503-742-6046

Engineering Comments: contact Amy Pepper at apepper@westlinnoregon.gov or 503-722-3437

Tualatin Valley Fire & Rescue Comments: contact Jason Arn at jason.arn@tvfr.com or 503-259-1510

Process

Multi-family housing requires a Class II Design Review and public hearing before the Planning Commission. Address the submittal requirements and respond to the criteria of CDC Chapter 55 and associated/referenced regulations in Chapters 46, 48, 54, 59, and 92. "Not applicable" is not an acceptable response to the approval criteria.

The Planning Manager may waive the submittal requirements if the applicant submits a written request. Such a request must identify the specific grounds for the waiver and must be submitted in letter form (email is acceptable).

A neighborhood meeting is required per 99.038. Contact the Willamette Neighborhood Association to request a meeting.

A zone change requires a public hearing before the Planning Commission, who makes a recommendation, and a public hearing before the City Council for a final decision. Address the submittal requirements and respond to the criteria in CDC Chapter 105.

The deposit for a Class II Design Review is four percent of construction value with a maximum of $20,000, plus a $300 inspection fee. A zone change application requires a $3,000 deposit. The City recommends pursuing the zone change application before applying for design review.

You may access the West Linn Community Development Code (CDC) online at http://westlinnoregon.gov/cdc. Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete. If the City determines that the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

Once the application is declared complete, staff will prepare a staff report and schedule a date for the Planning Commission public hearing (for either a zone change or design review) and City Council public hearing for a zone change. There is a 14-day appeal period following the decision. Appeals for design review decisions are made to the City Council. Appeals for zone change decisions are made to the Oregon Land Use Board of Appeals. If no appeal is received by the close of the appeal period, the decision is final, and the applicant may move forward with the development.

Pre-application notes expire after 18 months. After 18 months, if no application is approved or in process, a new pre-application conference is required.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application ***or provide any assurance of potential outcomes***. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application develops. Pre-application notes expire after 18 months. After 18 months, if no application is approved or in process, a new pre-application conference is required. Any changes to the CDC standards may require a different design or submittal.

Robert Price Planning Consultant

3935 N.E. 72nd Avenue
Portland, OR 97213-5711

503-281-1037
Cell 503-807-4009
rprice1145@gmail.com

June 17, 2020

Ms Kathie Halicki, President
Willamette Neighborhood Association
2307 Falcon Drive
West Linn, OR 97068

Subject: Appearance at monthly WNA meeting in July

Dear Kathie:

As is required under Chapter 99.038.C. of the City of West Linn Community Development Code (CDC), this letter is being sent to you via Registered Mail – Return Receipt Requested as a means of notifying the Willamette Neighborhood Association of our interest in making an appearance before the Willamette Neighborhood Association (WNA) to discuss our project. While we made an appearance and presentation before the WNA on June 10th, the COVID-19 issues resulted in that meeting not being properly noticed to the public. As such, we have sent letters of notice to neighbors within 500 feet of the subject site, reminding those residents/neighbors of the upcoming meeting on July 8th. A copy of that generic letter is attached.

Based on our earlier discussions, the WNA will provide an agenda spot for Jeremy Barnhart and I to make a similar presentation on July 8th to the one we made at the June 10th meeting. We will discuss both the zone change from MU to R-2.1, as well as the Design Review II for the general site plan for the six (6) multi-family units to be developed on the subject site.

It is also noted that there is no additional "designee" for the WNA to whom a similar letter should be sent. 99.038.C notes that this letter "shall be sent to the president of the neighborhood association, *and to one designee as submitted to the City by the neighborhood association . . . . .*" Since there is no other "designee", no additional letter will be sent.

With this letter to you, our obligation under 99.038 regarding notification of the WNA is complete. Thank you for your help and advice during this process, in spite of the "roadblocks" placed by the COVID-19 pandemic. We will see you on July 8th at 7:00 PM.

Sincerely,

Robert Price

Robert Price
Planning Consultant
3935 N.E. 72nd Avenue
Portland, OR 97213-5711

UNITED STATES POSTAL SERVICE®
REGISTERED MAIL™

RE 041 619 875 US

Label 200, August 2005 PSN 7690-03-000-9311

1029

97068

U.S. POSTAGE PAID
FCM LETTER
PORTLAND, OR
97238
JUN 18, 20
AMOUNT
$16.00
R2304E104753-12

RETURN RECEIPT
REQUESTED

VIA REG. MAIL
RETURN RECEIPT

Ms. KATHIE HALICKI, PRES.
WILLAMETTE NEIGHBORHOOD ASSN.
2307 FALCON DRIVE
WEST LINN, OR 97068

RETURN RECEIPT
REQUESTED

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

KATHIE HALICKI, PRES.
WILLAMETTE NEIGHBORHOOD ASSN.
2307 FALCON DRIVE
WEST LINN, OR 97068

9590 9402 5641 9308 3809 17

2. Article Number *(Transfer from service label)*

RE 041 619 875 US

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☒ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 — Domestic Return Receipt

Registered No. RE041619875US

Date Stamp

0039
12

AMF RETAIL PORTLAND OR 97238
JUN 18 2020
USPS

To Be Completed By Post Office

Postage $ $0.55	Extra Services & Fees (continued)
Extra Services & Fees $12.40	☐ Signature Confirmation $
☐ Registered Mail $	☐ Signature Confirmation Restricted Delivery $
☐ Return Receipt (hardcopy) $ $2.85 $0.00	Total Postage & Fees $15.95
☐ Return Receipt (electronic) $ $0.00	
☐ Restricted Delivery $	
Customer Must Declare Full Value $ 0.00	Received by: JUN 18/2020

Domestic Insurance up to $50,000 is included based upon the **declared value**. International Indemnity is limited. (See Reverse).

PORTLAND, OR 97238 — OFFICIAL USE

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed

FROM
ROBERT PRICE
3935 NE 72ND
PORTLAND, OR 97213

TO
KATHIE HALICKI, PRES.
WILLAMETTE NEIGHBORHOOD ASSN.
2307 FALCON DRIVE
WEST LINN, OR 97068

PS Form **3806, Registered Mail Receipt** — *Copy 1 - Customer*
April 2015, PSN 7530-02-000-9051 — *(See Information on Reverse)*
For domestic delivery information, visit our website at *www.usps.com*®

Robert Price Planning Consultant

3935 N.E. 72nd Avenue
Portland, OR 97213-5711

503-281-1037
Cell 503-807-4009
rprice1145@gmail.com

June 17, 2020

Dear Willamette Neighborhood resident and neighbor:

Jeremy Barnett has purchased the property located at 1791 Blankenship Road on the north side of I-205 in the Willamette Neighborhood. The site sits just west (across 13th) from the former Albertson's shopping center, on the corner of 13th and Blankenship. At the present time, there is a single family dwelling on the site that Jeremy occupies. His plan is to rezone the property, obtain Design Review II approval, and develop a 6-unit multi-family complex on the site. Six units is the maximum allowable on the subject site after the proposed rezone.

At the present time, the site is zoned MU (Mixed Use Transitional) that allows residential development on a limited basis. Jeremy is proposing that the site be re-zoned to R-2.1 (Single Family and Multiple Family Residential). The site was zoned R-2.1 until 2004 when the city decided that the MU zoning might be more useful based on the development of the shopping center directly to the east. Unfortunately, the shopping center has struggled and there is little to no call for the MU zoning on the subject site. Under the MU zoning, only five (5) units would be possible using the floor area ration used for that zone. Under the R-2.1 zoning, maximum density will be six (6) units.

Although we have already made an appearance before the Willamette Neighborhood on Wednesday, June 10th to explain our project, that meeting was not properly noticed to the public because of the COVID-19, so we must re-appear before the WNA again on July 8th at the WNA's regularly scheduled monthly meeting to be held in Willamette Park. At the July meeting, there may be other items on the agenda for this regularly scheduled monthly neighborhood meeting.

When: **Wednesday, July 8, 2020 at 7:00 PM**

Where: **Willamette Park, near the stage/gazebo**

Who: **Willamette Neighborhood Association and applicant Jeremy Barnett**

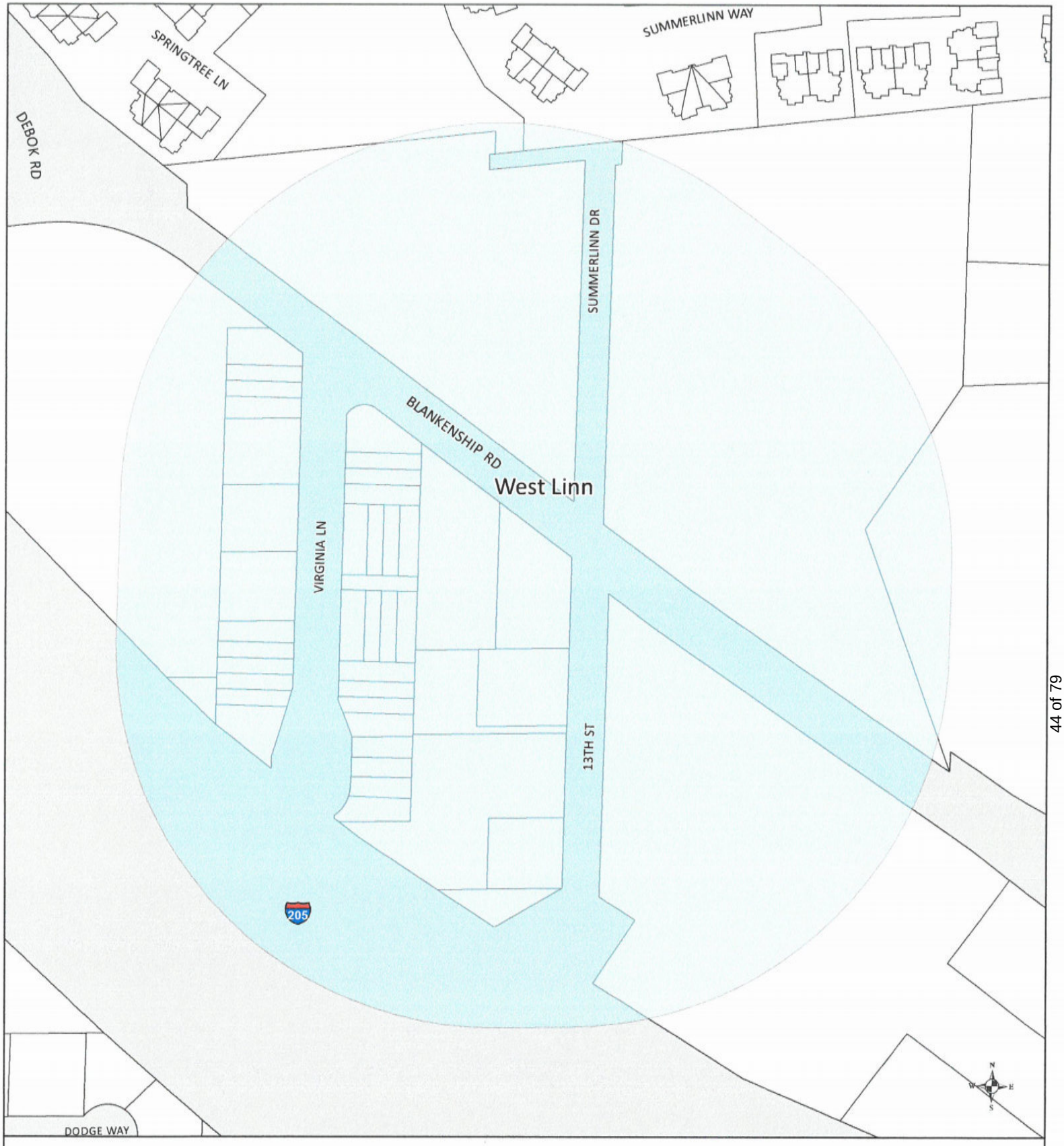
We encourage all neighbors to review this proposed zone change and development plan, and provide your comments, either in person at the July 8th meeting or by written comments to either the City of West Linn (Darren Wyss), Kathie Halicki, President of the WNA, or the applicant Jeremy Barnett or his consultant Robert Price. The zone change will be heard in public hearing first before the West Linn Planning Commission, hopefully in September 2020. Following that approval, there will be another hearing before the West Linn Planning Commission to review the development plan, likely later in the year.

Thank you and we look forward to seeing you at the WNA meeting on July 8th.

PARCEL_NUMBER	TLNO	TAXPAYER
00407768	21E35BC03100	CITY OF WEST LINN
00407884	21E35CB01200	S & G SUMMERLINN LLC
01553376	21E35CB01301	BROWN WILLIAM T
01553385	21E35CB01302	COTO LINDA K
00407544	21E35C 00200	WILT DIANE M TRUSTEE
01553394	21E35CB01303	BERGGREN DOUGLAS WAYNE TRUSTEE
01553401	21E35CB01304	RUSHFORTH LESSLI
00407919	21E35CB01400	CHS INVESTMENT CO
00408026	21E35CB02500	AAKT ENTERPRISES LLC
01553651	21E35CB01329	SOTTILARE ANGELICA
01553642	21E35CB01328	LABUNSKY TIMOTHY
01553633	21E35CB01327	JENKINS JEFFREY S & ALLENA F
00407928	21E35CB01500	CHS INVESTMENT CO
00408035	21E35CB02600	BARNETT JEREMY
01553624	21E35CB01326	LIEBOWITZ HEIDI
01553615	21E35CB01325	BORDEN DAVID P
01553606	21E35CB01324	INAMA ANTHONY
01553599	21E35CB01323	HENRIOT LILIAN NADHIM
00407937	21E35CB01600	CHS INVESTMENT CO
01553679	21E35CB01331	VIRGINIA LANE HOMEOWNERS LTS 5-12
01553553	21E35CB01319	STENBERG CORNELIA A M & ERIK G
01553562	21E35CB01320	SPARWASSER SHANNON R
01553571	21E35CB01321	FLEMING NICOLE E
01553580	21E35CB01322	HENRIOT DIANE
01810491	21E35C 00802	SO LINN LLC
01553410	21E35CB01305	EGAN KAITLIN M
01553429	21E35CB01306	HAGEMENAS KATHLEEN F
00408044	21E35CB02700	WILBERSCHEID JACK R
00408053	21E35CB02800	MURRAY PETER TRUSTEE
01553438	21E35CB01307	ARONE DANIEL & JESSICA
01553544	21E35CB01318	XIE JAMES YANG
01553447	21E35CB01308	WHITE AMY & DELEON
00407857	21E35CB00900	STATE OF OREGON
01553535	21E35CB01317	CHS INVESTMENTS COMPANY
01553456	21E35CB01309	SHAMROCK SEVEN LLC
01553526	21E35CB01316	HFR LLC
01553465	21E35CB01310	NOLAN SIDNEY D JR & MARY L
01553517	21E35CB01315	GRUBBE CORA JANE TRUSTEE
05022054	21E35CB02901	ENGS FAMILY LONE PINE LLC
01553508	21E35CB01314	SIMPSON TRAVIS I
01553492	21E35CB01313	HANG MALIVANN
00408080	21E35CB03000	CITY OF WEST LINN
00408062	21E35CB02900	ENGS FAMILY LONE PINE LLC
00407599	21E35C 00801	BLACKHAWK NEVADA LLC
05002363	21E35BC90000	KG INVESTMENT CO LLC
00407866	21E35CB01000	WILLAMETTE TERRACE-76 LLC
01553660	21E35CB01330	ROBY JEANNE
01553474	21E35CB01311	LEWIS MATTHEW J
01553483	21E35CB01312	FRITTS KARLA C

MAILADDR	MAILCITY	.S'IAILZI	SITUS_CITY	SITUS_ZIP
22500 SALAMO RD #600	WEST LINN	O 9706(	ADDRESS	
16731 GREENBRIAR RD	LAKE OSWEGO	O 9703-	WEST LINN	97068
1997 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
1999 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
27050 SW PETES MOUNTAIN RD	WEST LINN	O 9706(	WEST LINN	97068
2051 BAY MEADOWS DR	WEST LINN	O 9706(	WEST LINN	97068
2003 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
2009 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
4960 IRELAND LN	WEST LINN	O 9706(	WEST LINN	97068
2002 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
22791 SW ULSKY RD	WEST LINN	O 9706(	WEST LINN	97068
12019 RIVERFRONT PARK DR	BAKERSFIELD	C, 9331'	WEST LINN	97068
2009 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
19363 WILLAMETTE DR #111	WEST LINN	O 9706(	WEST LINN	97068
2008 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
2010 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
2012 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
1826 BARNES CIR	WEST LINN	O 9706(	WEST LINN	97068
2009 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
NO MAILING ADDRESS	AVAILABLE		ADDRESS	
2022 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
2020 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
2018 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
1826 BARNES CIR	WEST LINN	O 9706(	WEST LINN	97068
108 KINGS CT	SAN CARLOS	C, 9407(	WEST LINN	97068
2021 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
2023 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
PO BOX 1524	HOOD RIVER	O 9703'	WEST LINN	97068
20175 MARSH RD	BEND	O 9770:	WEST LINN	97068
2025 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
2024 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
2027 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
TRANSPORTATION BLDG	SALEM	O 9731(	ADDRESS	
2009 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
3494 CHELAN DR	WEST LINN	O 9706(	WEST LINN	97068
1045 DOLLAR ST	WEST LINN	O 9706(	WEST LINN	97068
2775 NW GLENWOOD DR	CORVALLIS	O 9733(	WEST LINN	97068
1405 N MERIDIAN	NEWBERG	O 9713:	WEST LINN	97068
3490 RIVERKNOLL WAY	WEST LINN	O 9706(	WEST LINN	97068
2032 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
2034 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
22500 SALAMO RD #600	WEST LINN	O 9706(	ADDRESS	
3490 RIVERKNOLL WAY	WEST LINN	O 9706(	WEST LINN	97068
1800 BLANKENSHIP RD STE 325	WEST LINN	O 9706(	WEST LINN	97068
1502 SW MONTGOMERY	PORTLAND	O 9720'	ADDRESS	
2 CENTERPOINTE DR STE 210	LAKE OSWEGO	O 9703(	WEST LINN	97068
2000 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
2038 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068
2036 VIRGINIA LN	WEST LINN	O 9706(	WEST LINN	97068

SITUS
NO SITUS
1730 BLANKENSHIP RD
1997 VIRGINIA LN
1999 VIRGINIA LN
2444 TANNLER DR
2001 VIRGINIA LN
2003 VIRGINIA LN
2005 VIRGINIA LN
1771 BLANKENSHIP RD
2002 VIRGINIA LN
2004 VIRGINIA LN
2006 VIRGINIA LN
2009 VIRGINIA LN
1791 BLANKENSHIP RD
2008 VIRGINIA LN
2010 VIRGINIA LN
2012 VIRGINIA LN
2014 VIRGINIA LN
2013 VIRGINIA LN
NO SITUS
2022 VIRGINIA LN
2020 VIRGINIA LN
2018 VIRGINIA LN
2016 VIRGINIA LN
1855 BLANKENSHIP RD
2021 VIRGINIA LN
2023 VIRGINIA LN
2180 13TH ST
2176 13TH ST
2025 VIRGINIA LN
2024 VIRGINIA LN
2027 VIRGINIA LN
NO SITUS
2026 VIRGINIA LN
2029 VIRGINIA LN
2028 VIRGINIA LN
2031 VIRGINIA LN
2030 VIRGINIA LN
2150 13TH ST
2032 VIRGINIA LN
2034 VIRGINIA LN
NO SITUS
2170 13TH ST
1800 BLANKENSHIP RD
NO SITUS
1709 BLANKENSHIP RD
2000 VIRGINIA LN
2038 VIRGINIA LN
2036 VIRGINIA LN



Address Notification Map

Railroads
City Boundaries Line
500' Buffer
Streets
Parcels

170 85 0 170 Feet

CLACKAMAS COUNTY
GEOGRAPHIC INFORMATION SYSTEMS

CLACKAMAS COUNTY GIS | P:\Storefront\Address Notification Maps\AddressNotificationMap.mxd | jonmod | 6/18/2020

ZC-20-01


MEETING NOTICE
PROPOSAL: ZONE CHANGE FROM MU TO R-2.1; DESIGN REVIEW II FOR 6-UNIT MULTI-FAMILY COMPLEX.
MEETING DATE: WEDNESDAY, JULY 8, 2020
TIME: 7:00 PM
PLACE: WILLAMETTE PARK
CONTACT PERSON: JEREMY BARNETT 971-404-5141
OR
PHONE NUMBER: ROBERT PRICE 503-807-4009


MEETING NOTICE
PROPOSAL: ZONE CHANGE FROM MU TO R-2.1;
DESIGN REVIEW II FOR 6-UNIT MULTI-FAMILY COMPLEX.
MEETING DATE: WEDNESDAY, JULY 8, 2020
TIME: 7:00 PM
PLACE: WILLAMETTE PARK
CONTACT PERSON: JEREMY BARNETT 971-404-5141
OR
PHONE NUMBER: ROBERT PRICE 503-807-4009
SAMPLE ONLY
NOT TO SCALE.

APPLICANT NOTE:
Upon completion, submit this form with your Current Planning development application

NEIGHBORHOOD MEETING
AFFIDAVIT OF MAILING

STATE OF OREGON)
) ss
County of Washington)

I, ROBERT PRICE, being duly sworn, depose and say that on the 18th day of JUNE, 2020 I caused to have mailed to each of the persons on the attached list a notice of a meeting to discuss a proposed development at 1791 BLANKENSHIP ROAD, WEST LINN 97068 copy of which notice so mailed is attached hereto and made a part hereof.

I further state that said notices were enclosed in envelopes plainly addressed to said persons and were deposited on the date indicated above in the United States Post Office with postage prepaid thereon.

Robert M Price
Signature

Subscribed and sworn to, or affirmed, before me this 9th day of July, 2020.

OFFICIAL STAMP
RONDA JOHNSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 988780
MY COMMISSION EXPIRES JUNE 23, 2023

Ronda Johnson
Notary Public for the State of Oregon
County of Multnomah

My Commission expires: June 23, 2023

Updated September 16, 2019

11

APPLICANT NOTE:
Upon completion, submit this form with your Current Planning development application

NEIGHBORHOOD MEETING AFFIDAVIT OF POSTING NOTICE

Name of Applicant JERRAY BARNETT
Subject Property: Tax Lot(s) 2600 Tax Map(s) T2S, R1E, 35CB
Address or General Location: 1791 BLANKENSHIP ROAD, WEST LINN

I, ROBERT PRICE, do swear or affirm that I am (represent) the party initiating interest in a proposed REZONING FROM MU to R-2.1
affecting the land located at 1791 BLANKENSHIP ROAD, WEST LINN,
and that pursuant to , did on the 18th day of JUNE, 2020
personally post the notice indicating that the site may be proposed for a ZONE CHANGE AND CLASS II DESIGN REVIEW application.

The sign was posted at ON 13TH STREET FRONTAGE
(Location of sign on property)

☐ Map attached showing approximate sign notice location. (check if attached)

This 9th day of JULY, 2020

Robert Price
Signature

Subscribed and sworn to, or affirmed, before me this 9 day of July, 2020

Ronda Johnson
Notary Public for the State of Oregon
County of Multnomah

My Commission expires: June 23, 2023

OFFICIAL STAMP
RONDA JOHNSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 988780
MY COMMISSION EXPIRES JUNE 23, 2023

Willamette Neighborhood Association Draft Meeting Minutes June 10, 2020

Kathie Halicki brought the meeting to order at 7:02 p.m.
WNA Board present: Kathie Halicki, President, Julia Simpson, Vice President, Elizabeth Rocchia, Treasurer and Mary Baumgardner, Secretary.
The quorum was met.
Treasurer report: Elizabeth R. reported a balance of $2,567.72
Approval of minutes from 3/11/20 meeting: Unanimous approval

New Business:

Nominations were opened. Dick Bany moved to maintain the current board members.
Near the end of the meeting, a person who had arrived after the nominations, requested to nominate Steve Fearing for Vice President. No vote was taken at that time.

Bob Price, developer and Jeremy Barnett, property owner, gave an informational presentation on proposed 6-plex which will require a zone change from MU to R 2.1.
They will be coming back to the July WNA meeting for update.

Keisha Brewster presented the latest information: The timing was suggested for 1 sign per year for the next 2 years. It was determined that the cost is still prohibitive at this time.
It was voted on and approved for $300 to be allocated from association funds for sign permit & postcards.

It was suggested to hold future meetings in Willamette Park, weather allowing, due to Covid concerns.

There was a unanimous vote to approve an Eagle Scout project involving Mason Bee houses to be installed in the community.

ODOT RealTime sign project will be closing I-205 periodically between I-5 and Abernethy Bridge. Polling continues online.

Willamette Falls construction is ongoing and updates are available on City of West Linn/Public Works. Contact Lance or Danielle with Public Works with questions or concerns about construction and GO Bond projects.

Post Office lease has been extended thru 7/31/20, Gramor will extend through end of 2020.

City Manager interviews are ongoing.

The Clackamas County DA is reviewing the Fesser case and released findings will be available on the city website. The City Council is discussing the ongoing issues relating to the WLPD. Officer Tony Reeves, aka Daniel "Tony" Poitras' termination has since been announced by John Williams, Acting City Manager as of June 2020.

City council election applications are now available.

This document is posted on WNA page.

Meeting adjourned at 8:29pm
Submitted by Mary Baumgardner

Willamette Neighborhood Association Agenda 7/8/2020 @ 7:00pm

At Willamette Park (stage area)

Please remember to bring your chairs and masks, we will be social distancing

Welcome

Minutes = Mary

Treasurer = Elizabeth

- Election of WNA officers: President = Kathie Halicki, V.P. = Julia Simpson or Steve Fearing, Treasurer = Elizabeth Rocchia, Secretary = Mary Baumgardner

- Land Use – 1791 Blankenship – 10 minutes, pre-ap qualification, zone change from MU to R 2.1 and then to build 6 apartment units.

- Gateway signs - Keisha

- Updates

- Public testimony/concerns

Willamette Neighborhood Association Draft Meeting Minutes July 8, 2020

Kathie Halicki brought the meeting to order at 7:00 p.m.
WNA Board present: Kathie Halicki, President, Julia Simpson, Vice President, Elizabeth Rocchia, Treasurer and Mary Baumgardner, Secretary.
The quorum was met.
Approval of minutes from 6/10/20 meeting: Unanimous approval
Treasurer report: Elizabeth R. reported a balance of $2,567.72

New Business:

Board officer elections resulted in re-election of all existing officers.

Main Street update: New Director, Rebecca Hollenbeck was introduced by Pauline Beatty.
Ms. Hollenbeck let us know that they have hired a new Wednesday Market manager and that the market has commenced its season; every Wednesday afternoon from 3:30-7:30 with support from Willamette Ale and Cider House generously allowing the market to occupy their property and adjacent side street for the purpose. There has also been outreach to local area businesses and restaurants in coordination with the city also, to support them during the stressful time of the construction and Covid 19. A site called West Linn To Go is being supported on the city's website for updates on current operations and to go food options. "Open For Business" signs have been distributed and Locable.com site has been created for local event updates. Finally, a grant to relieve restaurants of the permit fee to seek additional café seating on sidewalks is being written.

Bob Price, developer and Jeremy Barnett, property owner, gave a 2nd informational presentation on proposed 6-plex which will require a zone change from MU to R 2.1.
Several neighbors to the property in question were present to receive clarification and voice concerns about changing setbacks and height of proposed construction.

Willamette Falls main street update: There will be no median at this time. Future consideration is possible. The old benches were discussed to be given to the McLean House after minor reburbishment. The new benches will be black metal and will coordinate with the bollards and bike racks, also black. The Centennial Bricks have been relocated to a more prominent placement per popular demand. It was noted that the old Stein gas station is now in receivership and that a call to brainstorm potential uses be made.

The White Oak Savannah play area was discussed per request from PRAB. The SONA resolution to keep the play area simple, with natural elements and a portapotty rather than built bathroom with shower was discussed and residents in attendance all voiced their agreement for this preference as well.

There was a sign-up sheet made available for those interested in having a mason bee house located on their property for the Eagle Scout project discussed last month.

Post Office lease has been extended thru 7/31/20, Gramor is expected to extend through end of 2020.

City Manager finalist panel interview is available to view on City website.

City council election applications are now available.

This document is posted on WNA page.

Meeting adjourned at 8:40pm
Submitted by Mary Baumgardner

WNA Sign-in Sheet: 6/10/20

Kathie Halicki

Julia Simpson

Elizabeth Rocchia

Mary Baumgardner

Bob Price

Jeremy Barnett

Terence Shumaker

Lonnie Shumaker

Mary O'Malley

Shannon Campagna

Jennifer Abery

Ken Bietschek

Dick Bailey

Shirley Bailey

Vicki Hood

Jeff Hood

Terry Meyers

Debbie Meyers

Steve Fearing

Jo McMahon

Nicole Mitchell

Eric Roleau

John McCabe

Keisha Brewster

Monika Diner

Daphne Wysham

WNA Sign-in Sheet: 7/8/20

Members:

Kathie Halicki

Julia Simpson

Elizabeth Rocchia

Mary Baumgardner

Jeremy Barnett

Terry Meyers

Debbie Meyers

Pauline Beatty

Dick Bailey

Shirley Bailey

Vicki Hood

Jeff Hood

Ron Mobley

Jan Mobley

John Hansen

Amy Dickson

Mark Poitz

Kaitlyn Poitz

Siu Eng

Nicole Mitchell

Jen Aberg

John McCabe

Guest:

Bob Price

Rebecca Hollenbeck

July 20, 2020

Morrison Transportation Consulting

Sean Morrison, P.E.
6911 NE Willowgrove St.
Hillsboro, OR 97124
503 250-2378
503 547-0674
sean.morrison@comcast.net

City of West Linn Public Works Department
Attention: Amy Pepper, Senior Project Engineer
22500 Salamo Road
West Linn, Oregon 97068

Re: **1791 Blankenship Road Zone Change – West Linn, Oregon**

Transportation Impact Study (TIS)

West Linn File Number PA-20-01
MTC Project Number 2020-11

Dear Ms. Pepper,

This Transportation Impact Study (TIS) supports the proposed property rezoning summarized by the February 6, 2020 West Linn Pre-Application conference for File Number PA-20-01. The following items are specifically addressed:

1. Property Description and Proposed Land Use Actions
2. Trip Generation
3. Summary

1. PROPERTY DESCRIPTION AND PROPOSED LAND USE ACTIONS

The subject property is located at 1791 Blankenship Road and is described as Clackamas County Assessor's map and tax lot 2S 1E 35CB 2600. The property is 0.35 acres in size. The property location is illustrated in the attached Figure 1.

Tax lot 2600 is currently developed with a single-family residence and has direct access to 13th Street. The proposed land use action contemplates a Zone Change from Willamette Neighborhood Mixed-Use Transitional (MU) to Single-Family and Multiple-Family Residential (R-2.1). Based on communication by West Linn engineering staff and pre-application conference notes, a transportation impact study (TIS) is necessary to address Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060 in addition to West Linn Community Development Code (CDC) criteria as applicable.

2. TRIP GENERATION

Transportation Planning Rule Analysis

The Zone Change land use action requires a TIS to address TPR requirements, including a comparison of reasonable worst-case development scenarios based on allowed uses in both the current and proposed zone designations. Scenario assumptions are as follows:

Current			
West Linn Mixed Use Transitional (MU)	0.35 Acres 15,315 SF	Per City of West Linn Pre-Application conference meeting summary notes and CDC Section 59.030, assume 6,000 SF medical/dental services.	6,000 SF
Proposed			
West Linn Single-Family and Multiple-Family Residential (R-2.1)	0.35 Acres 15,315 SF	Per West Linn CDC Section 16.030, the R-2.1 zone allows numerous residential uses. Assume 2,100 SF per dwelling unit.	7 DU

Trip generation estimates for the reasonable worst-case development scenarios in the current and proposed zone designations are generated using data from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition, and are summarized in the following table.

Current MU Zone Designation					
Medical-Dental Office Building	720	6,000 SF	6	15	21
Proposed R-2.1 Zone Designation					
Multi-Family Low Rise	220	7 DU	2	2	4
Change in Trip Generation with Zone Change			**(4)**	**(13)**	**(17)**

[1] Trip generation estimated using the *Average Rate* for ITE Codes 220 and 720 per recommended practice in the ITE *Trip Generation Handbook*, 3rd Edition.

As identified in the table above, reasonable worst-case development in the proposed R-2.1 zone designation generates 17 fewer PM peak hour trips over the existing MU zone designation.

Because the trip generation is anticipated to decrease with the proposed R-2.1 zone, additional transportation analysis is not necessary for TPR evaluation purposes.

3. SUMMARY

Based on the analysis materials presented in this TIS for the proposed Zone Change, reasonable worst-case development in the proposed R-2.1 zone designation generates 17 fewer PM peak hour trips than in the existing MU zone designation.

Because trip generation potential decreases in the PM peak hour, the proposed re-zone results in less transportation system impact. As such, additional transportation analysis is not necessary to address Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060 or West Linn Community Development Code (CDC) approval criteria.

Sincerely,

Sean Morrison

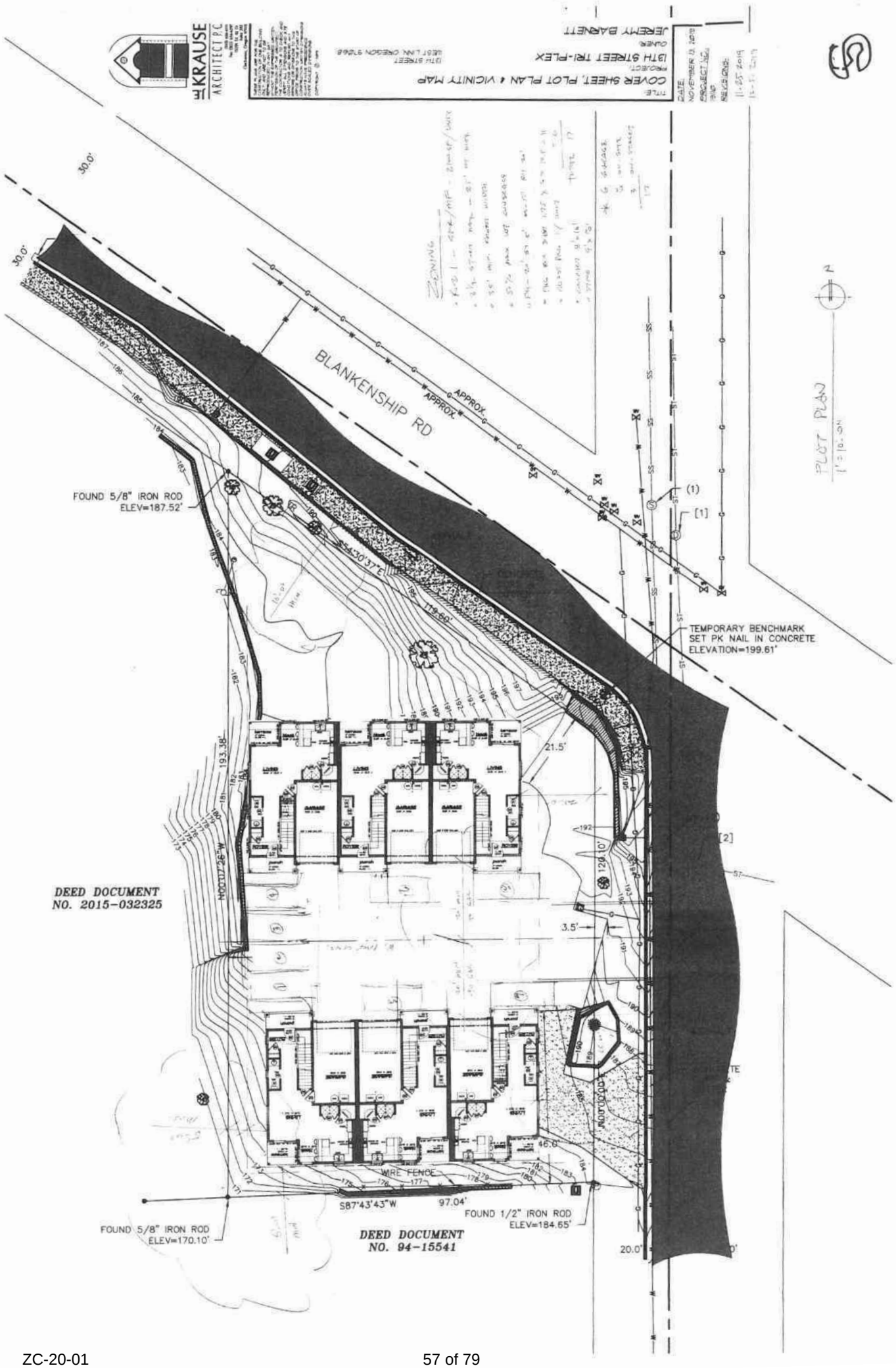
Transportation Analyst

Christopher M. Clemow, PE. PTOE

Transportation Engineer

REGISTERED PROFESSIONAL ENGINEER
18300 PE
OREGON
Jan. 16, 1996
CHRISTOPHER M CLEMOW
RENEWS 31 DEC 2021

Attachments: Figure 1 – Site Location


KRAUSE ARCHITECT P.C.
COVER SHEET, PLOT PLAN & VICINITY MAP
13TH 9TREET TRI-PLEX
JEREMY BARNETT
BLANKENSHIP RD
APPROX.
APPROX.
30.0'
30.0'
FOUND 5/8" IRON ROD
ELEV=187.52'
S43°30'37"E
179.60'
TEMPORARY BENCHMARK
SET PK NAIL IN CONCRETE
ELEVATION=199.61'
PLOT PLAN
1" = 10'-0"
193.38'
N00°07'26"W
21.5'
120.10'
3.5'
46.0'
N00°00'00"E
WIRE FENCE
S87°43'43"W
97.04'
FOUND 1/2" IRON ROD
ELEV=184.65'
FOUND 5/8" IRON ROD
ELEV=170.10'
20.0'
DEED DOCUMENT
NO. 2015-032325
DEED DOCUMENT
NO. 94-15541
[1]
[2]
(1)

FRONT ELEVATION

SCALE: 1/4" = 1'-0"

BUILDING FACADE OFFSETS (2'MIN WIDE) RECESSED ENTRANCES (AT 20' INTERVALS MIN.) AT EACH DWELLING UNIT (8FT MIN WIDE) W/ 30% REDUCTION ALLOWED = 6'-6" PROVIDED

NOTE:
EXTEND ALL FLUES A MIN. OF 2'-0" ABOVE ANY PART OF THE BLDG'S 10' IN A 10'-0" HORIZONTAL RADIUS

NOTE:
ALL GRADES SHOWN ARE APPROXIMATE CONTRACTOR SHALL VERIFY ALL EXISTING AND FINISH GRADES

"ARCH. 30" COMPOSITION SHINGLES

7" X 8" HP. LAP SIDING

1" X 4" R/S CEDAR TRIM

LEFT-SIDE ELEVATION

SCALE: 1/4" = 1'-0"

REGISTERED ARCHITECT
STATE OF OREGON

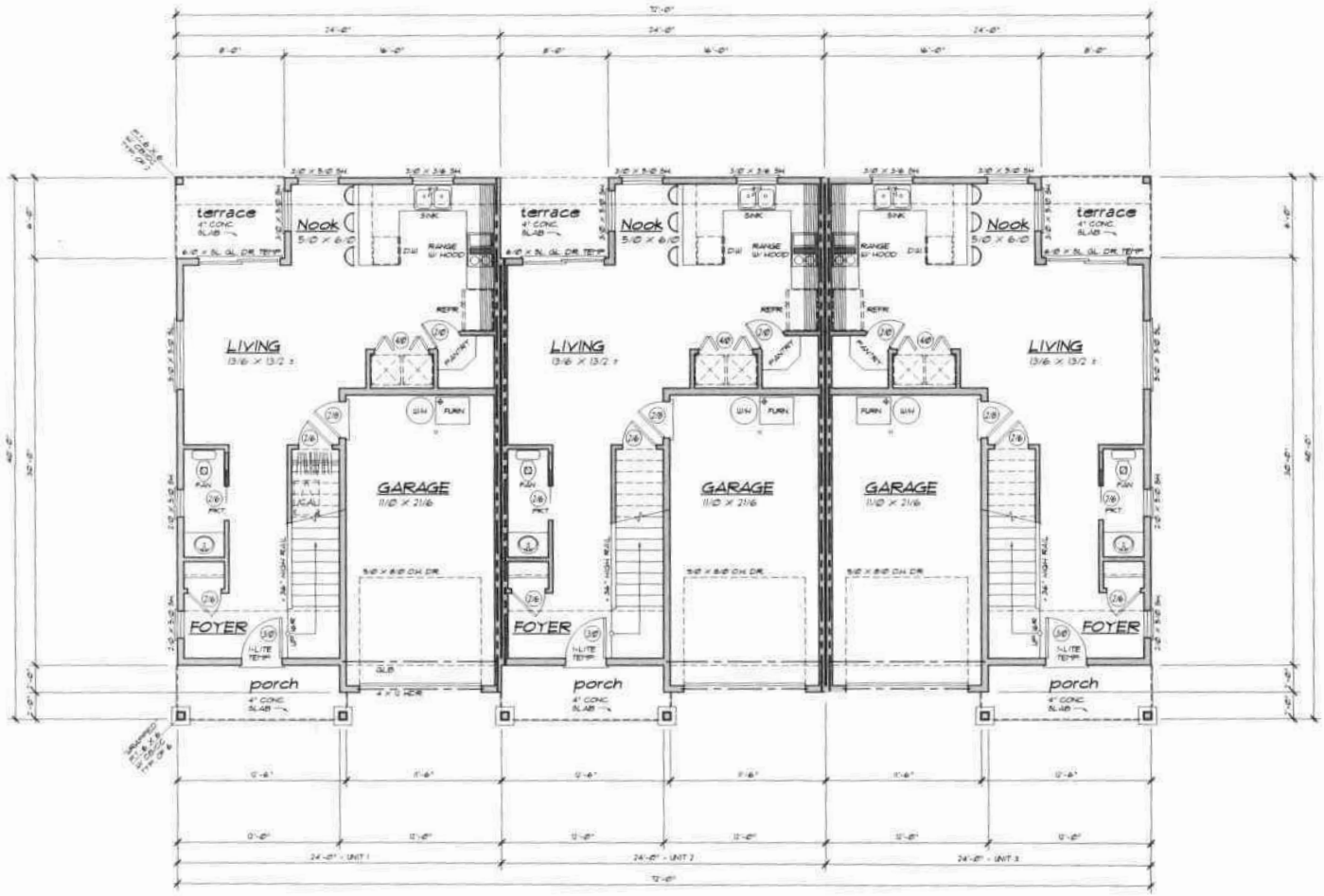
J.E. KRAUSE
ARCHITECT P.C.

TITLE: EXTERIOR ELEVATIONS - FRONT & LEFT
PROJECT: 13TH STREET TRI-PLEX
13TH STREET
WEST LINN, OREGON 97068
OWNER: JEREMY BARNETT

DATE: NOVEMBER 13, 2019
PROJECT NO: 1910
REVISIONS: 1-16-2019

NO. A2 OF NINE

ZC-20-01



MAIN FLOOR PLAN — EACH UNIT
SCALE: 1/4" = 1'-0" — 586 S.F.

GENERAL NOTES:

1. ALL EXTERIOR WALLS TO BE 2 x 6 STUDS AT 16" O.C. (TYP. U.N.O.)
2. ALL INTERIOR WALLS TO BE 2 x 4 STUDS AT 16" O.C. (TYP. U.N.O.)
3. ABAFE A MINIMUM OF (3) 2 x 4 STUDS AS BEAM SUPPORTS AT BEARING WALLS.
4. ALL WINDOW AND SLIDING GLASS DOOR SHOWN ARE TO BE VINYL SASH (VERIFY ALL ROUGH OPENINGS)
5. [redacted] DENOTES INTERIOR BEARING WALL(S)
6. PROVIDE OUTSIDE COMBUSTION AIR FOR ALL FIREPLACES AND FURNACE.
7. CONNECT ALL SMOKE DETECTORS TOGETHER AND TO HOUSE POWER SOURCE.
8. PROVIDE 5/8" TYPE 'X' GWB AT ALL ACCESSIBLE AREAS UNDER STAIRS.
9. PROVIDE ALL LISTED FLUES AT ALL FURNACE AND METAL FIREPLACE LOCATIONS AS REQUIRED BY MANUFACTURER.
10. PROVIDE 18" HIGH NON-COMBUSTIBLE PLATFORM FOR ALL GAS FIRED APPLIANCES LOCATED IN GARAGE.
11. PROVIDE 3" DIA. x 5'-0" CONCRETE FILLED STEEL PIPE BOLLARD IN GARAGE FOR PROTECTION OF FURNACE AND WATER HEATER (SPIRED IN 9" DIA. x 24" CONCRETE FOOTING)
12. PROVIDE WATER HEATER SEISMIC ATTACHMENT STRAPPING AS PER MECHANICAL CODE 11 (M/C)
13. STRUCTURES OVER 3600 SQUARE FEET SHALL BE SPRINKLED WITH A D.D. SYSTEM OR EQUAL AS PER FIRE CODES
14. FIRE BLOCKING REQUIRED AT CONSTRUCTION VOIDS AND WALL CAVITIES EXCEEDING 8'-0" IN HEIGHT, AS PER 1011 ORSC R602.8
15. PROVIDE 2" x 2" x ¼" PLATE WASHERS ON ALL LENGTH OF BRACED WALL LINES PER ORSC 1611 R602.11
16. ALL ROOFS CONTAINING BATHING OR SPA FACILITIES SHALL BE PROVIDED A MECHANICAL VENTILATION SYSTEM CONTROLLED BY A DEHUMIDISTAT THEN OR APPLIAR TIMER OR AUTOMATIC CONTROL AS PER 1011 ORSC M1507.4
17. PROVIDE CARBON MONOXIDE ALARMS PER R314
18. ALL ATTIC ACCESS DOORS/HATCHES TO BE INSULATED PER R402.2.3
19. ALL SHOWN IN OR-WAY TO BE PER TABLE R602.3(A) (GRADE 1 CEDAR)

REGISTERED ARCHITECT — STATE OF OREGON

JE KRAUSE ARCHITECT P.C.

13TH STREET
WEST LINN, OREGON 97068

TITLE: MAIN FLOOR PLAN
PROJECT: 13TH STREET TRI-PLEX
OWNER: JEREMY BARNETT

DATE: NOVEMBER 13, 2019
PROJECT NO.: 1910
REVISIONS: 11-18-2019

NO. A4 OF NINE

PC-2 MU WORKING GROUP RECOMMENDATION

CITY OF West Linn

Memorandum

Date: April 16, 2018

To: West Linn Planning Commission

From: Willamette Neighborhood Mixed-Use Transitional Zone Working Group

Subject: Final Recommendations

The Willamette Neighborhood Mixed-Use Transitional Zone Working Group (MU Working Group), appointed by the West Linn City Council on November 7, 2017, has reached consensus on a final recommendation related to the two purposes assigned by City Council:

1. To review and update as necessary the list of permitted and conditional uses in the Willamette Neighborhood Transitional Zone (Chapter 59: MU Zone).
2. Consider a definition of mixed-use.

The MU Working Group met four times from early January to late March 2018. The meetings were well organized and the discussions efficient and effective. A good number of property owners attended the meetings, which was not only helpful to them, but assisted the group in further understanding the current limitations of the zone. The full text of recommendations for the two purposes are attached, but here is a brief description of what is ready to proceed through the legislative process:

- Minor amendment to definition of "mixed-use" that is located in the West Linn Comprehensive Plan and add this amended definition to the West Linn Community Development Code (CDC) Chapter 2: Definitions.
- Amendments to the Permitted, Accessory, Permitted with Prescribed Conditions, and Conditional Uses found in CDC Chapter 59: MU Zone.
- Minor amendments to four current use definitions, and the addition of one new use definition, into CDC Chapter 2: Definitions.
- Addition of a new accessory use in CDC Chapter 19: General Commercial Zone to provide consistency with the recommendation to CDC Chapter 59: MU Zone.

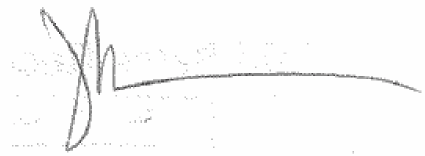
In addition, the MU Working Group discussed other changes related to Chapter 59: MU Zone. These discussions were a natural extension of the group's purpose and intended to identify additional measures to improve the function and economic potential of the zone. The topics were tied to the location of all 30 properties currently in the MU Zone, the transitional purpose of the zone, and the design/dimensional restrictions in the zone.

Based on the discussions, the MU Working Group reached consensus on a set of recommendations for future consideration by City Council. The group proposes these recommendations be added to the planning docket for further evaluation and potential changes in the near future. They are as follows:

- Consider rezoning the properties along 8th Avenue, between 10th and 13th Streets, from Mixed-Use to General Commercial as they don't meet the transitional purpose of the zone. Staff contacted the property owners for feedback and seven of the eight responded in support of a potential change.
- Consider rezoning the properties along 8th Avenue, between 13th and 14th Streets, from R-10: Single-Family Detached Residential to at least Mixed-Use, if not some to General Commercial as these properties actually meet the transitional purpose of the zone. Staff contacted the property owners for feedback and four of the six on the south side responded in support and one each responded in support and not in support out of the five properties on the north side of 8th Avenue.
- Evaluate more appropriate zoning for MU Zone properties separated from the historic commercial core (Properties 1-2, 3-4, and 27-30 on attached map) as they do not meet the transitional purpose of the zone. This could be undertaken at the same time as 8th Avenue.
- Consider changes to the dimensional/design standards for Chap. 59: MU Zone to make them more flexible for potential redevelopment of properties in the future. Some ideas for potential changes: allowing a zero lot line at the front yard and side yard abutting a street, move from maximum building size to lot coverage standard, making maximum FAR 0.45, eliminating maximum lot size, and removing the residential style design standards.
- Consider evaluating how parking is managed in the Willamette Main Street area, especially the on-site parking exemptions found in CDC Chapter 58: Willamette Falls Drive Commercial Design District.

On behalf of the MU Working Group, we would like to thank City Council for the opportunity to develop these recommendations for consideration.

Respectfully,



Shannen Knight
Chair, MU Working Group

PC-3 COMPLETENESS LETTER

August 18, 2020

Jeremy Barnett
19363 Willamette Drive #111
West Linn, OR 97068

SUBJECT: Application for Zone Change at 1791 Blankenship Road (ZC-20-01)

Dear Mr. Barnett:

Your application submitted on July 23, 2020 has been deemed **complete**. The City has 120 days to exhaust all local review; that period ends December 16, 2020.

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

A 20-day notice of public hearing before the Planning Commission (tentatively scheduled for October 7 or 21, 2020) to make a recommendation to the City Council on the proposal will be prepared and mailed. City Council is the final decision-maker for this application (tentatively scheduled for November 9, 2020).

The staff report will be available 10 days before the hearing. You should attend the hearing.

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

Sincerely,

Darren Wyss
Acting Planning Manager

EXHIBIT PC-4 AFFIDAVIT AND NOTICE PACKET

CITY OF West Linn

AFFIDAVIT OF NOTICE
Type A

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

PROJECT
File No.: ZC-20-01 Applicant's Name: Jeremy Barnett
Development Name: 1791 Blankenship Road
Scheduled Decision Date: Planning Commission recommendation on October 21, 2020

MAILED NOTICE
Notices were mailed at least 20 days prior to the decision date per Section 99.080 of the Community Development Code to:

1	**Jeremy Barnett, Applicant**	**9/30/20**	*Lynn Schroder*
2	**Robert Price, Applicant Consultant**	**9/30/20**	*Lynn Schroder*
3	**Metro**	**9/30/20**	*Lynn Schroder*
4	**Clackamas County**	**9/30/20**	*Lynn Schroder*
5	**ODOT**	**9/30/20**	*Lynn Schroder*
6	**Property Owners within 500 feet**	**9/30/20**	*Lynn Schroder*
7	**All Neighborhood Associations**	**9/30/20**	*Lynn Schroder*
8	**City of Lake Oswego**	**9/30/20**	*Lynn Schroder*

TIDINGS
Notice was posted in the West Linn Tidings at least 10 days prior to the decision date.

10/7/20	*Lynn Schroder*

WEBSITE
Notice was posted on the City's website at least 10 days prior to the decision date.

9/30/20	*Lynn Schroder*

SIGN
At least 10 days prior to the decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

10/8/20	*Chris Myers*

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the decision date.

10/8/20	*Chris Myers*

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

CITY OF WEST LINN PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. ZC-20-01

The West Linn Planning Commission will hold a virtual public hearing, on **Wednesday, October 21, 2020, starting at 6:30 p.m.** to consider a request for a Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1 at 1791 Blankenship Road. The purpose of the public hearing is to make a recommendation to the West Linn City Council on the proposal.

A recommendation by the Planning Commission to approve or deny this request will be based upon the applicable criteria found in Chapters 99 and 105 of the Community Development Code (CDC). The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the affected site on Clackamas County Assessor Map 21E35CB, Tax Lot 2600 or as required by Chapter 99 of the CDC.

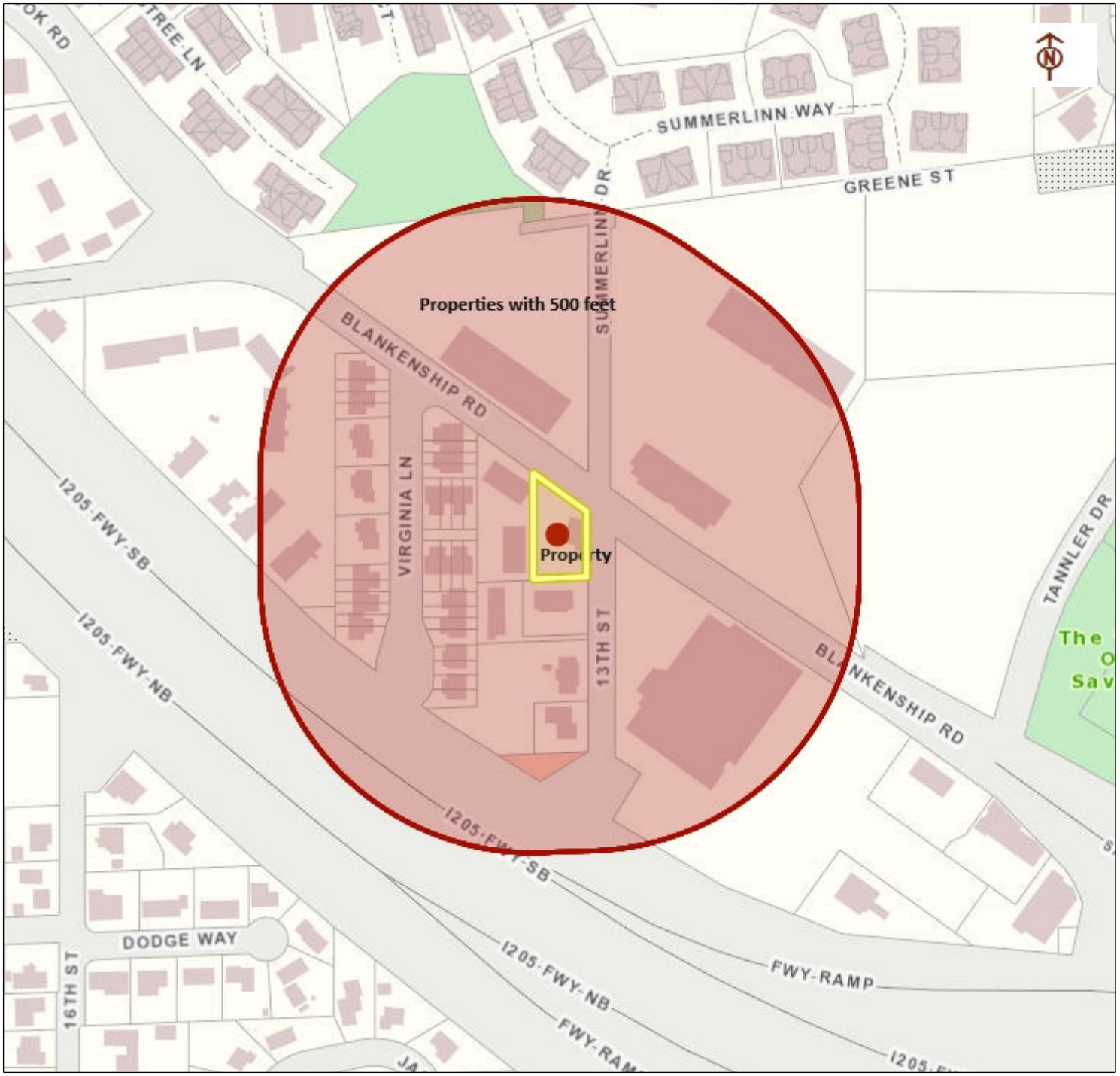
The complete application is available for inspection at no cost or via the web site at https://westlinnoregon.gov/planning/1791-blankenship-road-zone-change or copies can be obtained for a minimal charge per page. The staff report will be posted on the website ten days before the hearing and available for inspection at City Hall. For further information, please contact Associate Planner Chris Myers, City Hall, 22500 Salamo Road, West Linn, OR 97068, or cmyers@westlinnoregon.gov or 503-742-6063.

Anyone wishing to present written testimony for consideration shall submit all materials before 12:00 pm on October 21, 2020. Written comments can be emailed to cmyers@westlinnoregon.gov or mailed to City Hall.

The public can watch the meetings online at www.westlinnoregon.gov/meetings or on Cable Channel 30. To speak during the meeting, go to https:// westlinnoregon.gov/citycouncil/meeting-request-speak-signup to **complete the speaker sign-up form before 12:00 pm on the day of the meeting.** Instructions on how to access the virtual meeting will be emailed before the meeting. If you do not have email access or need assistant under the American with Disabilities Act, please call 503-742-6061 for assistance 48 hours before the meeting.

It is important to submit all testimony in response to this notice. All comments submitted for consideration should relate specifically to the applicable criteria. Failure to raise an issue at the hearing or by written comment, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes raising the issue on appeal to the Land Use Board of Appeals.

ZC-20-01 Properties within 500 feet of Site Property



Legend

- City Limit
- Unimproved ROW
- Parks and Open Space
- City Owned Property

0 0.06 0.11 Miles

1: 4,514

Notes

This map was automatically generated using Geocortex Essentials.

CITY OF West Linn
COMMUNITY DEVELOPMENT

NOTICE OF UPCOMING
PLANNING COMMISSION DECISION

PROJECT # ZC-20-01
MAIL: 09/30/20 TIDINGS: 10/7/20

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

EXHIBIT PC-5 ORDINANCE 1716 COMP PLAN MAP AMENDMENT

ORDINANCE NO. 1716

AN ORDINANCE AMENDING THE WEST LINN COMPREHENSIVE PLAN MAP FROM MIXED-USE TO MEDIUM-HIGH DENSITY RESIDENTIAL FOR THE PROPERTY LOCATED AT 1791 BLANKENSHIP ROAD

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 City of West Linn Community Development Code (CDC) Chapter 99 provides approval criteria for quasi-judicial decision-making and Chapter 105 provides approval criteria for amendments to the CDC and maps; and

WHEREAS, the Applicant sought approval for a comprehensive plan map amendment at 1791 Blankenship Road (Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600) to change the plan designation from Mixed-Use to Medium-High Density Residential; and

WHEREAS, the map amendment requires a modification to the West Linn Comprehensive Plan Map, which requires a West Linn Planning Commission recommendation and the West Linn City Council to approve by ordinance; and

WHEREAS, the West Linn Planning Commission (PC) held a public hearing, which was noticed in accordance with City standards, on October 21, 2020, and unanimously recommended approval of the Applicant request ; and

WHEREAS, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on November 9, 2020, to consider the PC recommendation, receive public testimony, and evaluate the decision-making criteria; and

WHEREAS, the Council decision is based on the findings contained in these Whereas Clauses, together with the findings, conclusions, and substantial evidence found in the associated land use record file ZC-20-01, which is incorporated by this reference.

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

SECTION 1. West Linn Comprehensive Plan Map Amendment. The West Linn Comprehensive Plan Map shall be amended to show the Medium-High Density Residential and Mixed-Use boundaries as depicted in Exhibit A for the Property identified on Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600 (1791 Blankenship Road).

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 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 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 _____, 2020, and duly PASSED and ADOPTED this _____ day of _____, 2020.

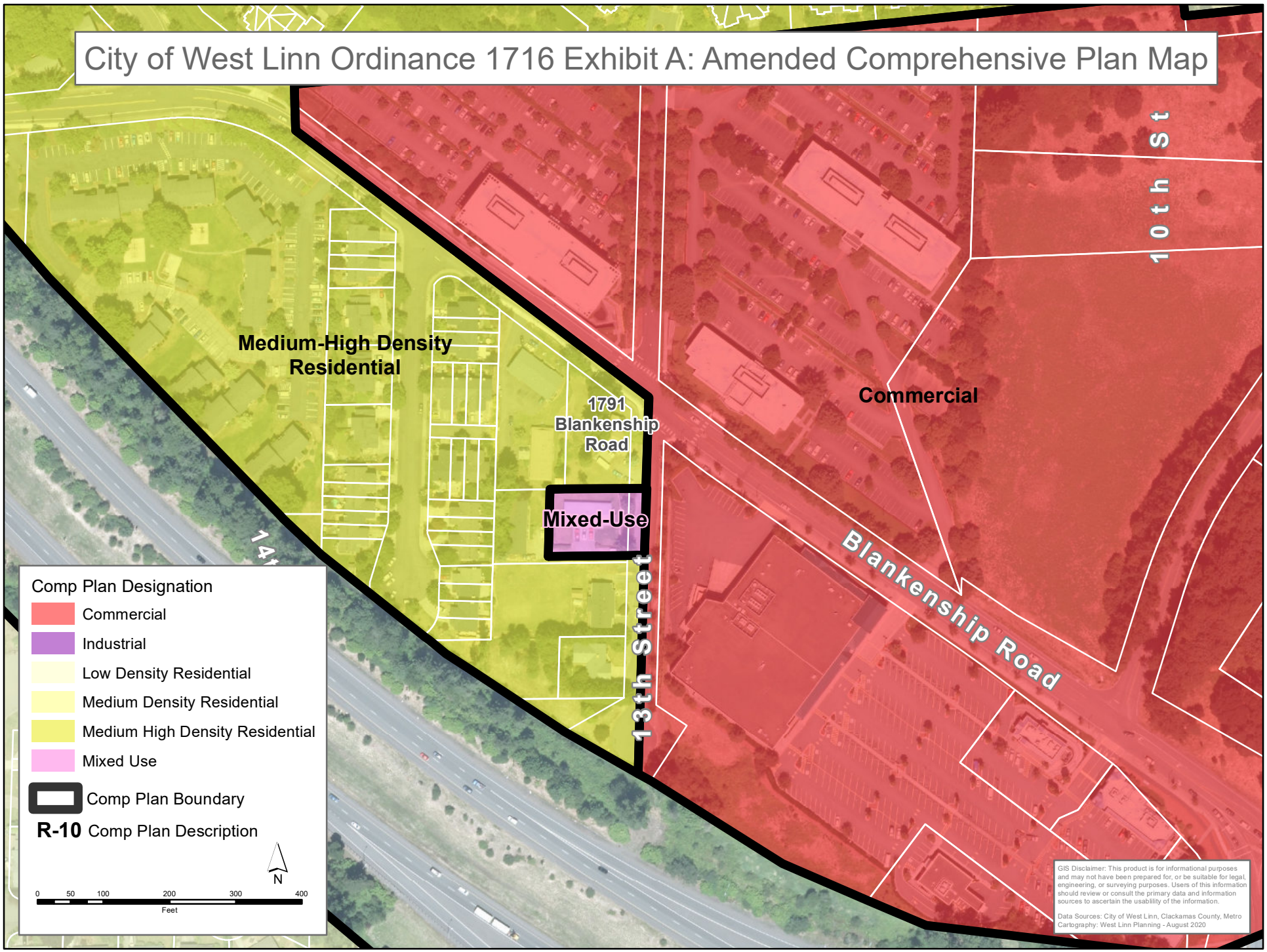
_____
RUSSELL B. AXELROD, MAYOR

ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

_____
CITY ATTORNEY


City of West Linn Ordinance 1716 Exhibit A: Amended Comprehensive Plan Map
Medium-High Density Residential
1791 Blankenship Road
Mixed-Use
Commercial
10th St
13th Street
Blankenship Road
14t
Comp Plan Designation
Commercial
Industrial
Low Density Residential
Medium Density Residential
Medium High Density Residential
Mixed Use
Comp Plan Boundary
R-10 Comp Plan Description
N
0 50 100 200 300 400
Feet
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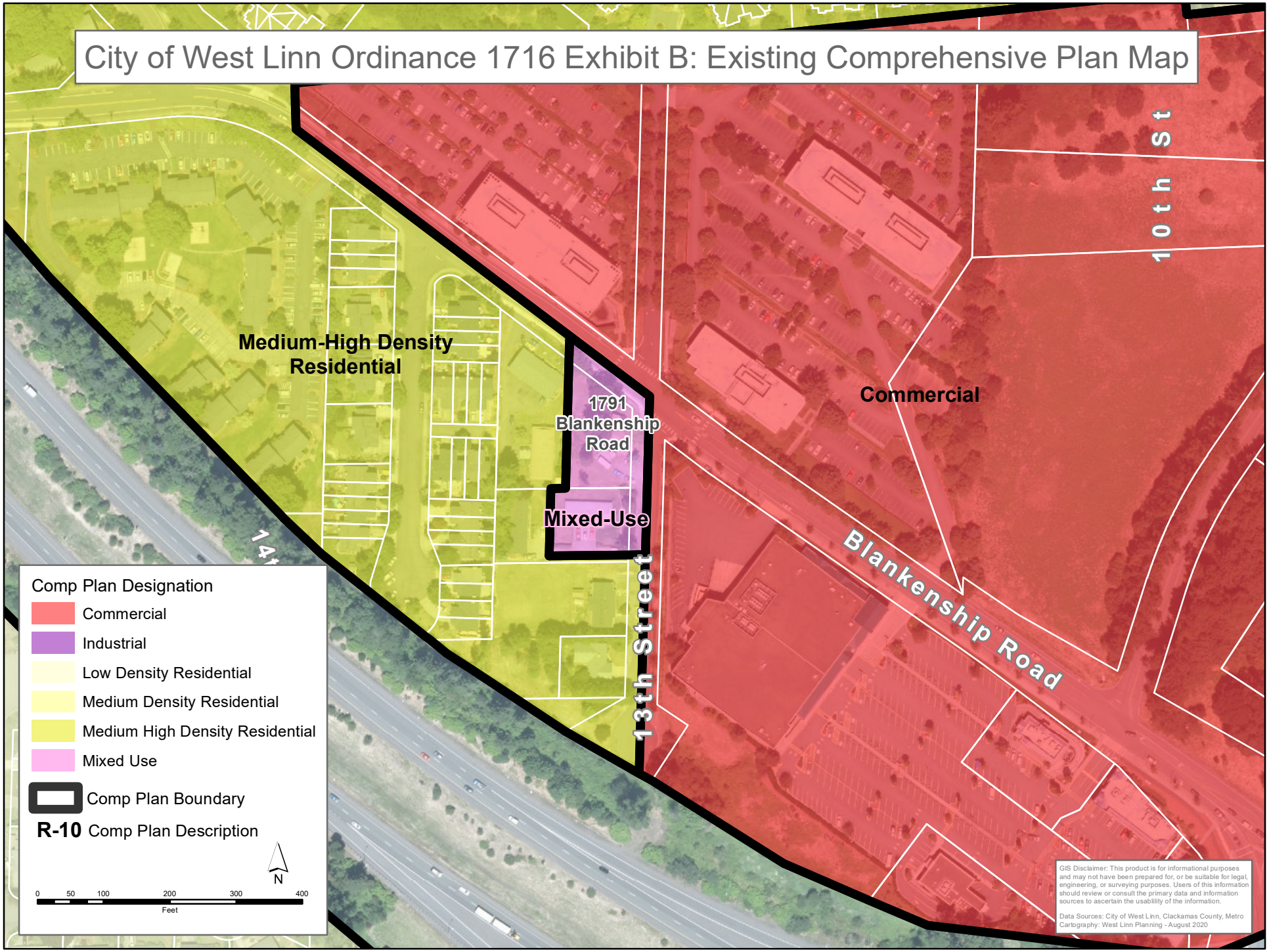
Data Sources: City of West Linn, Clackamas County, Metro
Cartography: West Linn Planning - August 2020


City of West Linn Ordinance 1716 Exhibit B: Existing Comprehensive Plan Map
Medium-High Density Residential
1791 Blankenship Road
Mixed-Use
Commercial
10th St
13th Street
Blankenship Road
14t
Comp Plan Designation
Commercial
Industrial
Low Density Residential
Medium Density Residential
Medium High Density Residential
Mixed Use
Comp Plan Boundary
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Cartography: West Linn Planning - August 2020

EXHIBIT PC-6 ORDINANCE 1717 ZONING MAP AMENDMENT

ORDINANCE NO. 1717

AN ORDINANCE AMENDING THE WEST LINN ZONING MAP FROM WILLAMETTE NEIGHBORHOOD MIXED-USE TRANSITIONAL TO R-2.1 FOR THE PROPERTY LOCATED AT 1791 BLANKENSHIP ROAD

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 City of West Linn Community Development Code (CDC) Chapter 99 provides approval criteria for quasi-judicial decision-making and Chapter 105 provides approval criteria for amendments to the CDC and maps; and

WHEREAS, the Applicant sought approval for a zoning map amendment at 1791 Blankenship Road (Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600) to change the zoning from Willamette Neighborhood Mixed-Use Transitional to R-2.1; and

WHEREAS, the zoning map amendment requires a modification to the West Linn Zoning Map, which requires a West Linn Planning Commission recommendation and the West Linn City Council to approve by ordinance; and

WHEREAS, the West Linn Planning Commission (PC) held a public hearing, which was noticed in accordance with City standards, on October 21, 2020, and unanimously recommended approval of the Applicants request ; and

WHEREAS, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on November 9, 2020, to consider the PC recommendation, receive public testimony, and evaluate the decision-making criteria; and

WHEREAS, the Council decision is based on the findings contained in these Whereas Clauses, together with the findings, conclusions, and substantial evidence found in the associated land use record file ZC-20-01, which is incorporated by this reference.

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

SECTION 1. West Linn Zoning Map Amendment. The West Linn Zoning Map shall be amended to show the Willamette Neighborhood Mixed-Use Transitional and R-2.1 boundaries as depicted in Exhibit A for the Property identified on Clackamas County Assessor Map 2S-1E-35CB, Taxlot 2600 (1791 Blankenship Road).

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 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 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 _____, 2020, and duly PASSED and ADOPTED this _____ day of _____, 2020.

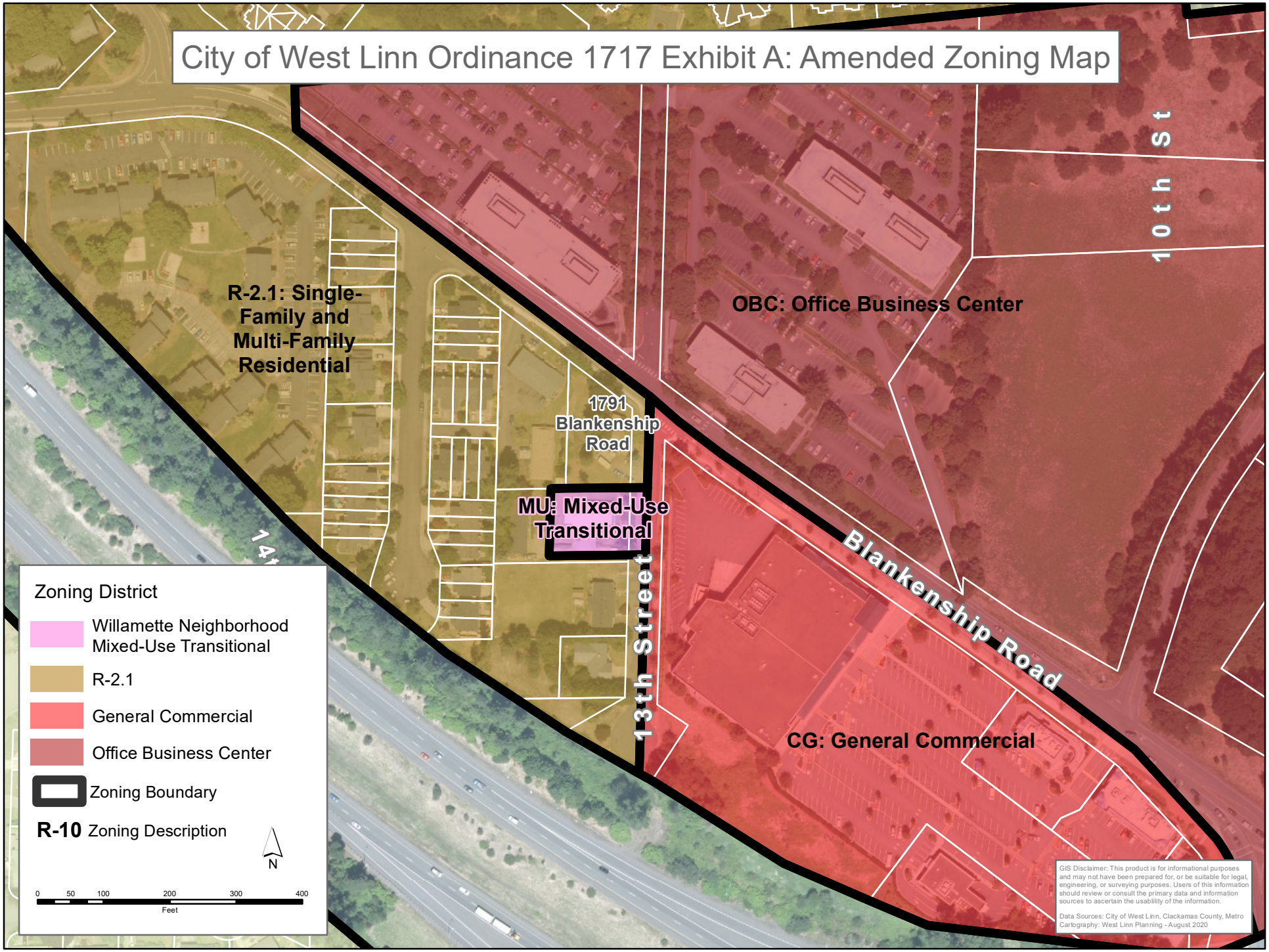
_____
RUSSELL B. AXELROD, MAYOR

ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

_____
CITY ATTORNEY


City of West Linn Ordinance 1717 Exhibit A: Amended Zoning Map
R-2.1: Single-Family and Multi-Family Residential
OBC: Office Business Center
1791 Blankenship Road
MU: Mixed-Use Transitional
CG: General Commercial
10th St
13th Street
Blankenship Road
Zoning District
Willamette Neighborhood Mixed-Use Transitional
R-2.1
General Commercial
Office Business Center
Zoning Boundary
R-10 Zoning Description
N
0 50 100 200 300 400
Feet
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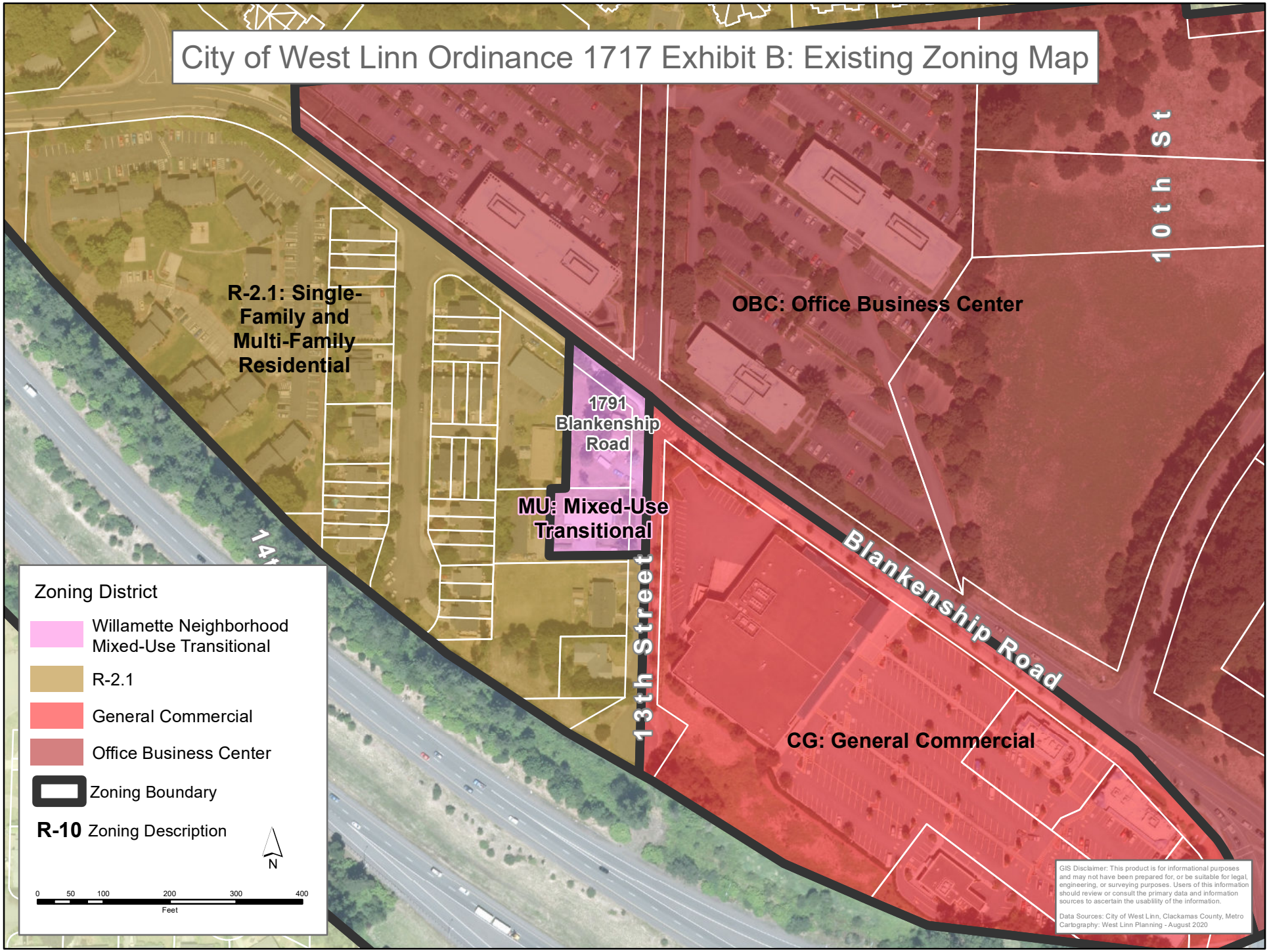
City of West Linn Ordinance 1717 Exhibit B: Existing Zoning Map
R-2.1: Single-Family and Multi-Family Residential
OBC: Office Business Center
1791 Blankenship Road
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CG: General Commercial
10th St
13th Street
Blankenship Road
Zoning District
Willamette Neighborhood Mixed-Use Transitional
R-2.1
General Commercial
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Zoning Boundary
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Cartography: West Linn Planning - August 2020

CITY HALL 22500 Salamo Rd, West Linn, OR 97068 Telephone: (503) 742-6060 Fax: (503) 742-8655

City of West Linn

Memorandum

Date: October 16, 2020

To: Planning Commission

From: Chris Myers, Associate Planner

Subject: ZC-20-01 Public Comment and Staff Response

On Wednesday, October 21, 2020 the Planning Commission will be holding a public hearing on land use application ZC 20-01. Subsequent to the publishing of the staff report on October 8, 2020, Planning staff has received four public comments regarding ZC 20-01. The comments are attached to this memo. Below you will find a brief synopsis of each comment and the staff response.

Alice Richmond (Parker Crest Neighborhood Association, President)
Ms. Richmond expressed support for the Zone Change application.

John Hansen (Citizen)
Comment 1- Mr. Hansen expressed he doesn't feel that *CDC Chapter 59.100 Other Applicable Development Standards* is being applied correctly to this application.

Staff Response – Land use application ZC 20-01 is a proposal to amend the West Linn Comprehensive Plan and Zoning Maps. The applicable approval standards are *Chapters 99: Procedures for Decision Making Quasi-Judicial and Chapter 105: Amendments to the Code and Map.* CDC Chapter 59 is not part of the approval standards for the Zone Change and therefore the comments by Mr. Hansen do not apply to land use application ZC-20-01.

Comment 2 - Mr. Hansen expressed he objects to the applicant's setback requirements listed in the applicant submittal.

Staff Response – Land use application ZC 20-01 is a proposal to amend the West Linn Comprehensive Plan and Zoning Maps. The applicable approval standards are *Chapters 99: Procedures for Decision Making Quasi-Judicial and Chapter 105: Amendments to the Code and Map.* The setbacks on a potential proposal by the applicant do not apply to the land use application ZC-20-01. The applicant, although not required, included a potential proposal for the site if the map and zone change is granted. Setback requirements will be reviewed by the

Planning Commission as part of a subsequent design review application from the applicant and therefore the comments by Mr. Hansen do not apply to land use application ZC-20-01.

Jean Dahlquist (Fair Housing Council of Oregon)
Comment 1 – Ms. Dahlquist requested a copy of the staff report, indicated the organization would be reviewing Goal 10 findings, but did not submit comment at this time.

Staff Response – The staff report for land use application ZC 20-01 contained findings for relevant goals and policies in West Linn Comprehensive Plan Chapter: Goal 10. The proposal increases the amount of residentially zoned land in the community and has no negative impact on the City's buildable lands inventory nor compliance with Goal 10. The City has also started a project to update its Housing Needs Analysis, which is a requirement of Goal 10. The updated HNA will identify policies and strategies the City can implement to accommodate needed housing types in the community.

Shannen Knight (Citizen)
Comment 1- Ms. Knight expressed that the City of West Linn has roughly 10% of the commercial land as "most cities." The need for more commercial properties should be a reason not to approve this Zone Change.

Staff Response – The City does have limited commercial, mixed-use, and industrial zoned lands (eight percent within city limits). However, the subject property currently allows both single-family and multi-family development without any requirement to include a commercial component. There is no guarantee the subject property would be used for commercial purposes. As part of the Council appointed Mixed-Use Working Group, Comprehensive Plan and Zoning Map amendments were adopted in 2019 along 8th Avenue that changed nine properties from Mixed-Use zoning to General Commercial zoning and changed six properties from R-10 zoning to General Commercial zoning, thus requiring new development to include a commercial use on all 15 properties. The amendments also changed five properties from R-10 zoning to Mixed-Use zoning, thus allowing commercial uses on these properties. With the amendments, the City increased commercially available property. The subject property was originally zoned R-2.1, never contained a commercial use, and does not require commercial use of the property.

Comment 2 – The property owner (applicant) claims they could not sell the property as commercial, but the reason is likely that the asking price was far too high.

Staff Response – Land use application ZC 20-01 is a proposal to amend the West Linn Comprehensive Plan and Zoning Maps. The applicable approval standards are *Chapters 99:*

Procedures for Decision Making Quasi-Judicial and Chapter 105: Amendments to the Code and Map. **The asking price for the property is not part of the approval criteria.**

Comment 3 – The applicant claims the property is not conducive to commercial use, but they are looking at it as a General Commercial property. Rather it is Mixed-Use property and could be used for office space.

Staff Response – The subject property was originally zoned R-2.1, never contained a commercial use, and does not require commercial use of the property. The applicant states the property was marketed for commercial use and they were unable to find an interested party.

Comment 4 – The Mixed-Use zoning allows for commercial on first floor with multi-family above. The applicant could accomplish their goal of multi-family housing and still preserve the commercial use of land.

Staff Response – The subject property was originally zoned R-2.1, never contained a commercial use, and does not require commercial use of the property. The Mixed-Use zone has a maximum building size of 6,000 sq. ft., restrictive design standards, and setback provisions that are a limiting factor in being able to redevelop Mixed-Use zoned properties with a true mixed-use building. The Council appointed Mixed-Use Working Group recommended the City consider changes to the dimensional/design standards to make them more flexible for potential redevelopment of properties in the future. The City has not prioritized this recommendation and the applicant is requesting, as allowed by the Community Development Code, West Linn Comprehensive Plan and Zoning Map amendments to utilize the property to what they believe is the highest and best use.

Comment 5 – The applicant makes a Goal 12 argument that 13th Street is not conducive to commercial traffic. This would be relevant if the property was General Commercial, but it is Mixed-Use that is specifically designed to limit traffic.

Staff Response – The subject property was originally zoned R-2.1, never contained a commercial use, and does not require commercial use of the property. The Mixed-Use zone allows a range of uses from single-family residential to general retail services. Depending on the type of commercial use, the steep approach of 13th Street to Blankenship Road could be problematic for delivery truck access, as well as increase in overall traffic volumes to the site. The letter prepared by Morrison Transportation Consulting, dated June 20, 2020 provides technical data that commercial use of the site will create higher traffic counts than any type of residential development.

Comment 6 – Approving the zone change would leave an island of one Mixed-Use property. As Chair of the Mixed-Use Working Group referenced in the staff report, our job was to increase business opportunities.

Staff Response – The subject property was originally zoned R-2.1, never contained a commercial use, and does not require commercial use of the property. The applicant states the property was marketed for commercial use and they were unable to find an interested party. The Mixed-Use Working Group was tasked with updating the permitted/conditional uses of the Mixed-Use zone. Part of the group's recommendation was to evaluate more appropriate zoning for Mixed-Use zoned properties separated from the historic commercial core (including the subject property) as they do not meet the transitional purposes of the zone. The City has not prioritized this recommendation and the applicant is requesting, as allowed by the Community Development Code, West Linn Comprehensive Plan and Zoning Map amendments as a result of an evaluation as recommended by the group.

Comment 7 – If the current zone was General Commercial then it would be a zoning error and a zone change would be acceptable. However, the Mixed-Use zone does allow for residential as well as commercial development. It just doesn't allow a six-plex the property owner wants to build without the zone change.

Staff Response – The subject property was originally zoned R-2.1, never contained a commercial use, and does not require commercial use of the property. The current Mixed-Use zoning does allow the development of a six-plex as there is no maximum density identified for the zone. The applicant could construct a multi-family housing project on the subject property with as many units as could be approved with the limiting factors being parking requirements, the maximum building size of 6,000 sq. ft., and the dimensional/design standards.

The applicant does not argue a mistake was made in the change of zone to this site in 2004. Rather the applicant asserts that the zone change is inconsistent as it relates to the property. The 2004 zone change has not created a benefit to the site and therefore the site is sitting in a "limbo" type status in which commercial enterprises have shown no interest in the past sixteen years. The applicant further asserts that the site has too many adverse characteristics and too few strengths to be an attractive commercial site, thus re-establishing the medium-high density designation and zoning to the property will eliminate the inconsistency.

see below

FROM:

ALICE RICHMOND
PARKER CREST NA
3939 PARKER RD
WEST LINN, OR 97068

CITY OF WEST LINN PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. ZC-20-01

The West Linn Planning Commission will hold a virtual public hearing, on **Wednesday, October 21, 2020, starting at 6:30 p.m.** to consider a request for a Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1 at 1791 Blankenship Road. The purpose of the public hearing is to make a recommendation to the West Linn City Council on the proposal.

A recommendation by the Planning Commission to approve or deny this request will be based upon the applicable criteria found in Chapters 99 and 105 of the Community Development Code (CDC). The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the affected site on Clackamas County Assessor Map 21E35CB, Tax Lot 2600 or as required by Chapter 99 of the CDC.

The complete application is available for inspection at no cost or via the web site at https://westlinnoregon.gov/planning/1791-blankenship-road-zone-change or copies can be obtained for a minimal charge per page. The staff report will be posted on the website ten days before the hearing and available for inspection at City Hall. For further information, please contact Associate Planner Chris Myers, City Hall, 22500 Salamo Road, West Linn, OR 97068, or cmyers@westlinnoregon.gov or 503-742-6063.

Anyone wishing to present written testimony for consideration shall submit all materials before 12:00 pm on October 21, 2020. Written comments can be emailed to cmyers@westlinnoregon.gov or mailed to City Hall.

The public can watch the meetings online at www.westlinnoregon.gov/meetings or on Cable Channel 30. To speak during the meeting, go to https:// westlinnoregon.gov/citycouncil/meeting-request-speak-signup to **complete the speaker sign-up form before 12:00 pm on the day of the meeting.** Instructions on how to access the virtual meeting will be emailed before the meeting. If you do not have email access or need assistant under the American with Disabilities Act, please call 503-742-6061 for assistance 48 hours before the meeting.

It is important to submit all testimony in response to this notice. All comments submitted for consideration should relate specifically to the applicable criteria. Failure to raise an issue at the hearing or by written comment, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes raising the issue on appeal to the Land Use Board of Appeals.

* This site is within density residence to serve lower income citizens, needed in W.L., so it imports the request and it is appropriately mixed-used units. —— Yes!

Alice Richmond PCNA – pres.
Oct 15 – 2020 –

October 11, 2020

John Hansen
2180 13th Street
West Linn, OR 97068

Re: 1791 Blankenship Road Zoning Change
Project ID ZC-20-01

Dear Mr. Chris Myers, Associate Planner:

I object to the following statement in the applicants request to the zoning change from MU to R-2.1:

(Reference Staff Report: zc_20_01_report.pdf)

59.100 Other Applicable Standards

<u>Finding:</u> The listed standards in 59.100 1 through 15 will not apply directly to the proposed zone change from MU to R-2.1. These standards will be reviewed during the Class II Design Review process for whatever use(s) might be proposed for the site under the existing MU zoning.

This language seems to give the applicant permission to use whatever zoning code will benefit him. It appears that the applicant will have the ability to choose between two different zoning regulations. This is not appropriate. I suggest the planning department change the language in this section by deleting "These standards will be reviewed during the Class II Design Review process for whatever use(s) might be proposed for the site under the existing MU zoning." The following statement should be added in its place. "R-2-1 zoning codes will be followed during the Class II Design Review."

I object to the applicants set back requirements shown on his submittal. He has shown the front of the property as 13th Street. See the attached table below that compares the applicants set back requirements as compared to the West Linn set back requirements for an R-2.1.

Applicant's Plan vs. Rqmts.	Front	Rear	Interior Side	Street Side
Applicant's Plan	20'	5'	5'	15'
West Linn Rqmts	20'	20'	5'	15'
Difference		15'		

I also bring the following to The Planning Department's attention for consideration:

- The existing home on the west side of applicant's property faces Blankenship Road. Its interior side yard is west of the applicant's property.

- The existing home on the south side of applicant's property has a rear property line that adjoins the applicant's property.

In order to fit any proposed building on the applicant's property with the existing homes, the front of applicant's property should be considered Blankenship Road. The interior lot line should be considered the west side of applicant's property, 13th Street should be considered Street Side, and the south of applicant's property should be considered the rear property. If you look at the shape of the property on page 34 of 79 PDF of zc_20_01_report.pdf, the zoning set back requirements favor Blankenship Road as the front of the property. I believe the applicants submitted planned use of setback requirements will disrupt the character of the neighborhood for the existing homes. Blankenship Road should be the front of the property instead of 13th Street for setback requirements.

I respectively submit my review of the applicant's plan and thank the West Linn Planning Department for allowing me to contribute to the planning process for our community.

Respectively,

John W. Hansen

From: Jean Dahlquist
To: Wyss, Darren
Subject: PAPA ZC-20-01
Date: Friday, October 9, 2020 12:45:50 PM

Good morning,

My name is Jean Dahlquist and I am conducting some research for the Fair Housing Council of Oregon (FHCO). I was hoping to obtain the staff report and all corresponding attachments for ZC-20-01 the “quasi-judicial land use application to amend the City's Comprehensive Plan Map and Zoning Map for the property at 1791 Blankenship Road" when available. We will be reviewing Goal 10 findings specifically, and submitting positive or negative comment letters when appropriate. The goal of the Goal 10 project is to ensure cities/counties are fulfilling their Statewide Planning Goal obligation in regards to Goal 10.
Thus, I just wanted to introduce myself and let you know that I am available for any questions or staff report review. I'm hoping this can be a collaborative process where we can both learn from each other. In the meantime, we have obtained the following resource to help guide future staff reports: https://www.housinglandadvocates.org/wp-content/uploads/2018/04/Goal-10-Guidance-Letter-to-Cities-and-Counties-signed.pdf.
Please confirm receipt of this e-mail, and I look forward to hearing from you soon,
Very Respectfully,

Jean Dahlquist
Fair Housing Council of Oregon
Phone: (414) 477-1567
E-mail: jdahlqu1@gmail.com
Linkedin

From: A Sight for Sport Eyes
To: Planning Commission (Public)
Subject: Public testimony for ZC-20-01
Date: Friday, October 9, 2020 12:13:19 PM

I'm writing to give public testimony for the property on 1791 Blankenship Road. I am writing as an individual, not as my position of the chair of the Economic Development Committee. We have very limited land that is zoned commercial or mixed use. Our work on the EDC recently has been focused on increasing the mixed use and/or commercial property because our city has so few properties. While most cities have about 30% of land devoted to commercial uses, last time I heard, West Linn only has about 3% of commercial land. Thus, I'm always going to be against changing zone away from commercial uses in favor or residential. We need more commercial property, not less.

As a business owner, I am always looking for property to put my business in. If I look at this application, the applicant claims that they tried to sell the property as commercial and could not sell it. I don't remember seeing this come up as a property on my commercial watches or I would have gone and checked it out. So it could be the fault of the realtor hired to sell the property. Also, if I look at the Zillow history on this property, https://www.zillow.com/homedetails/1791-Blankenship-Rd-West-Linn-OR-97068/48242626_zpid/ , I believe the reason the property owner has had trouble selling this property is purely based on price. If you look at the Zillow estimate, it shows value around $332K. With it zoned as commercial, it may get a little bump for this. Maybe $40K to $50K. But the applicant also mentions that the property in need of a lot of repairs to get it up to code to be a commercial property. So the commercial "bump" is negated by the fact that the property is not "ready to go" for commercial use. Thus, I think a buyer like myself would be willing to pay no more than $350K for this property. However, if you look at the listing history for this, the property owner has been trying to sell this property for $449,900. This is $100K over what I think is market value. This is why the owner has been unable to sell it, in my opinion, as commercial. Should the owner ask a fair market price, I believe, the property could be sold as mixed use and not require a zone change.

I agree looking at the Google Earth of the property that the way it is oriented on the slope doesn't make a great option for traditional commercial development. But this is not zoned " general commercial". The applicant makes all these statements that the property slope, etc. would make it difficult for trucks, etc. But again, the owner is looking at this as "general commercial" property. Mixed use prohibits activities that would create many trips and large trucks. Mixed Use, is designed for low impact things like offices that create very little traffic so as to blend with the existing residential neighborhood. Thus, the argument that it is not fit for "commercial development" is misleading. It is not intended to be a traditional commercial space. Those like me who are looking for an office type space, do not care if the entrance is on 13th and if big trucks can get in and out.

The applicant also argues that for Goal 9 that the property would not create living wage jobs. I will

go back to office space. Office space is limited. We have many home based businesses, who often grow out of their home and need a space to rent. I know, because I rent my current space to those business owners. Again, if it was sold as "office space" rather than "commercial", I believe there would be no issue renting the property if brought up to code and in good repair. Office spaces here go quickly. I just rented my back office 2 months ago. I had it on the market for less than a week before someone snatched it up. There is demand for office space and this spot is a perfect spot for office type uses.

Also, the mixed use zoning does allow for the owner to build an office unit on the bottom floor and keep their plan of having multi-family residential use on the top floor. Thus, residential multi-family use could be accomplished without a zone change as long as the lower level remains for commercial use. Again, my concern is to preserve commercial use of land since we have so little commercial land. This would then satisfy both Goal 9 and 10 in the comprehensive plan.

Again, the applicant tries with Goal 12 to make you believe this would be a "general commercial" development, not mixed use as zone. Mixed use is specifically designed to limit traffic. Thus the argument that keeping commercial brings traffic on to 13th is not a valid argument. Most of the arguments made in the application is because the property owner is thinking of this as "general commercial" zoning, not Mixed Use zoning. They refer to "location, location, location" which again, is for retail general commercial areas, not mixed use. Mixed use, if properly utilized, combines low traffic and quite office locations that provide a buffer to residential neighborhoods. The "buffer" intent is that it is low noise, low traffic, not a lot of deliveries, and location, orientation, size, access, is all less important for these type of office uses.

Looking at the zoning map, by changing this property, you leave an island property that will be sandwiched between residential zoning. This won't make any sense. If this zone change were to take place, that adjacent parcel should also be rezoned, or we again have this splotchy zoning in the area. I was actually the chair of that working group that looked at this zoning referred to in the staff report. The whole purpose of this working group was to make it easier to do business in West Linn. The previous mixed use code had very little actual allowable uses. The goal of this group was to increase business opportunities in West Linn, not to decrease them. I do remember briefly discussing this property. It has been a few years. My recollection was concern for a few of the island parcels, but I don't really remember having a discussion of moving them to residential specifically. It was more to evaluate the overall zoning of those properties and what may work better. I was mostly concerned about some of the properties on Willamette Falls Dr. that had been "downgraded" from commercial to mixed use, less concerned about this particular property's zoning. But I was also going with what the group consensus was. My personal point of view is different. I also have since learned how little commercial land we have since then. Once I learned how we compare to other cities as far as commercial land, my goal as a business owner, is to make sure we increase our commercial land, not decrease it.

Bottom line, if this property was indeed zoned "general commercial", I would agree it is a zoning error. But mixed use allows residential use of the property, and it also allows multi-family use similar to 2.1 use as long as the ground floor is utilized for business purposes. Under mixed use zoning, the property could still be torn down and built as a single family home as well I believe. Or if they hold

on for another year, they can probably do up to a 4-plex under HB2001/2003. Thus, the property doesn't have to have "commercial" viability just because it is a mixed use zone. There are many things it could be with existing zoning. It just can't be a 6-plex right now without the zone change. Thus, I don't agree this is a zoning error. It sounds like that the owner may not have properly explored the market for mixed use opportunities, or may have priced the property too high. While the property is oriented so that it may not make sense for many businesses, I do believe it would be easily rentable as office space if brought up to code or rebuilt into a true mixed use building. If there was a way to preserve this, and do a building with office on bottom and residential on top, this would be my preference to preserve our commercial land.

Sincerely,
Shannen Knght
1291 11th St.

CITY HALL 22500 Salamo Rd, West Linn, OR 97068 Telephone: (503) 742-6060 Fax: (503) 742-8655

City of West Linn

Memorandum

Date: October 21, 2020

To: Planning Commission

From: Darren Wyss, Acting Planning Manager

Subject: ZC-20-01 Public Comment and Staff Response

On Wednesday, October 21, 2020 the Planning Commission (PC) will be holding a public hearing on land use application ZC 20-01. Subsequent to the publishing of the staff report, Planning staff sent the PC a memorandum with four comments and staff response on October 16, 2020. One additional comment was submitted on October20, 2020 and it is attached. Below you will find the staff response.

Fair Housing Council of Oregon

Comment 1 – The City must refer to its Housing Needs Analysis and Buildable Lands Inventory

Staff Response – The City's last acknowledged Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) was adopted in 1999. The information included in the HNA and BLI is woefully out of date and does not accurately represent current conditions in the City of West Linn. The City has received grant funding from the state to update its HNA and BLI, both of which will be complete in June 2021 and adopted thereafter. In the meantime, the best data available to the City is the 2019 Clackamas County Regional Housing Needs Analysis (2019 RHNA). Please see staff responses to specific comments below, which are based on this best available data.

Comment 2 – The staff report does not address how the additional multi-family units will alleviate the housing need within the City.

Staff Response – The 2019 RHNA identified a need for 250 multi-family units in the Medium-High Density (MHD) comprehensive plan designation (see page 402 attached). The 2019 RHNA also conducted a BLI that identified a total of four buildable acres available in the MHD designation (see pages 392-393 attached). The maximum density allowed in the MHD designation is approximately 20 units per acres, which equates to a deficit of 170 (250 needed units minus 80 potential units) needed units. The zone change will increase the buildable land within the MHD designation and help to meet the identified need in the 2019 RHNA. Additionally, the largest buildable property located in the MHD designation is under

ownership of Tanner Springs Assisted Living facility and anticipated to be used for expansion of the facility.

Comment 3 – The staff report does not address how the zone change will not leave the City with less than adequate residential land supplies in the affordability ranges affected.

Staff Response – The 2019 RHNA identified the future need for new households based on median family income (see page 404 attached). The largest identified need is for households earning greater than 80 percent of the median family income (63 percent). The 2019 RHNA also identified only 15 percent of current households in West Linn are within multi-family units compared to 32 percent of the housing in the Portland Region being multi-family. There is an identified need for multi-family housing in West Linn across the spectrum of affordability ranges. Depending on the size, number of bedrooms, and other amenities, the zone change will create an opportunity to address the need for multi-family housing within one of the needed affordability ranges.

Comment 4 – Defer the approval until adequate Goal 10 findings can be made.

Staff Response – The Planning Commission does not approve the proposed zone change, but makes a recommendation to City Council. City Council is the decision-maker on zone change proposals. Staff has addressed the needed housing, buildable lands inventory, and affordability analysis asked for in the comment letter. The 2019 RHNA clearly identifies a need for multi-family housing in the City of West Linn across a range of income levels. The 2019 RHNA also clearly identifies the lack of buildable land that allows for the construction of multi-family units. Recommending this zone change addresses identified need and increases the amount of multi-family residential land for development. Staff maintains its recommendation for the Planning Commission to recommend approval and move the zone change to a decision before the City Council.

October 21, 2020

City of West Linn Planning Commission
22500 Salamo Rd.
West Linn, OR 97068

Re: Comprehensive Plan Map Amendment and associated Zoning Map Amendment at 1791 Blankenship Road (ZC-20-01)

Dear Planning Commission Members:

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

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

The staff report for local file number ZC-20-01 recommends its approval. This recommendation is contingent on the Goal 10 findings contained within the report, stating that since "there will be more housing opportunities for a wider variety of people at a greater range of income levels" it complies with Goal 10. However, the statement "more housing opportunities" does not inform concerned citizens what the housing needs of the City are, nor quantifies how the additional multifamily units will help alleviate that need. While some of this information is contained in separate sections of the staff report, a factual basis for Goal 10 findings must be either contained or referenced within the Goal 10 findings of the staff report. Goal 10 findings must demonstrate

that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Further, since the purpose of the amendment is to provide additional units for the City, the City should reference its HNA in order to showcase a need for the amendment. Only with a complete analysis showing any gain in needed housing as dictated by the HNA and compared to the BLI, can the public understand whether the City is achieving its goals through local planning file number ZC-20-01.

HLA and FHCO urge the Commission to defer approval of local file number ZC-20-01 until adequate Goal 10 findings can be made, and the proposal fully evaluated under the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org or reach her by phone at (541) 951-0667.

Thank you for your consideration.

Louise Dix

/s/ Jennifer Bragar

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

Jennifer Bragar
President
Housing Land Advocates

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

Buildable Land Inventory Results

This section provides a summary of the residential buildable lands inventory (BLI) for the West Linn city limits. This buildable land inventory analysis complies with statewide planning Goal 10 policies that govern planning for residential uses. This section presents a summary of vacant and partially vacant land in West Linn that excludes land with constraints that limit or prohibit development such as slopes over 25% or floodplains. **The full results of the Buildable Land Inventory and the methodology are presented in detail in Appendix A.**[212]

Exhibit 390 shows that West Linn has 84 acres of residentially zoned land and nine acres of vacant commercially zoned land (where housing is an outright permitted use). About 30% of West Linn's unconstrained buildable residential land is vacant and 70% are in tax lots classified as partially vacant. About 82% of West Linn's unconstrained buildable residential land is in the Low-Density Residential Plan Designation.

Exhibit 390. Unconstrained buildable acres in vacant and partially vacant tax lots by Plan Designation, West Linn city limits, 2019

Source: ECONorthwest *Note: The numbers in the table may not sum to the total as a result of rounding.*

Generalized Plan Designation	Total buildable acres	Buildable acres on vacant lots	Buildable acres on partially vacant lots
Residential			
Low Density Residential	77	18	60
Medium Density Residential	3	1	2
Medium-High Density Residential	4	0	4
Commercial			
Commercial	9	9	0
Total	**94**	**28**	**66**

[212] Appendix A of the Clackamas County Housing Needs Analysis provides an overview of the structure of the buildable land (supply) analysis based on the DLCD HB 2709 workbook "Planning for Residential Growth – A Workbook for Oregon's Urban Areas," which specifically addresses residential lands. Appendix A also discusses the buildable lands inventory methods and definitions, consistent with Goal 10/OAR 660-008.

Exhibit 391 shows buildable acres by size of parcels (e.g., acres in tax lots after constraints are deducted) for vacant and partially vacant land by Plan Designation. Of West Linn's 94 unconstrained buildable residential acres, about 57% are in tax lots larger than one acre.

Exhibit 391. Buildable acres, by size of parcel, in vacant and partially vacant tax lots by Plan Designation, West Linn city limits, 2019

Source: ECONorthwest *Note: The numbers in the table may not sum to the total as a result of rounding.*

Plan Designation	Buildable Acres			
	Tax Lots Smaller than 0.38 acre	Tax Lots ≥ 0.38 and ≤ 1.0 acre	Tax Lots larger than 1.0 acre	Total
Residential				
Low Density Residential	11	26	41	77
Medium Density Residential	2	1	0	3
Medium-High Density Residential	0	0	3	4
Commercial				
Commercial	0	0	9	9
Total	**14**	**27**	**53**	**94**

Exhibit 392 shows the results of West Linn's buildable lands inventory. The inventory show lands with and without constraints (such as floodplains). Vacant land without constraints is considered buildable. While vacant land with constraints is not considered buildable in the HNA, cities may allow development to occur in constrained areas, such as floodplains. West Linn has approved development (that is not yet been built) on some land shown in Exhibit 392 as constrained.

Exhibit 396. Allocation of housing by housing type and plan designation, West Linn city limits, 2019 to 2039
Source: ECONorthwest.

Plan Designations	Residential Plan Designations			Total
	Low Density	Medium Density	Medium High Density	
Dwelling Units				
Single-family detached	403	70	25	498
Single-family attached	20	150	80	250
Multifamily	-	-	250	250
Total	423	220	355	998
Percent of Units				
Single-family detached	40%	7%	3%	50%
Single-family attached	2%	15%	8%	25%
Multifamily	0%	0%	25%	25%
Total	42%	22%	36%	100%

Exhibit 340 shows an estimate of baseline densities for future development. If the City conducts a full HNA, the City may need to evaluate assumptions about future densities to determine whether the City is meeting the requirements of OAR 660-007 to provide opportunity.

Exhibit 340 also converts between net acres and gross acres[224] to account for land needed for rights-of-way by plan designation in West Linn, based on Metro's methodology of existing rights-of-way.[225]

- **Low Density Residential:** Average density in this Plan Designation was historically 4.1 dwelling units per gross acre in tax lots smaller than 0.38 acres and no land is needed for rights-of-ways based on Metro's assumptions. For lots between 0.38 and 1.0 acres the future density will be 3.7 dwelling units per gross acre and for lots larger than 1.0 acres the future density will be 3.3 dwelling units per gross acre.

[224] OAR 660-024-0010(6) uses the following definition of net buildable acre. "Net Buildable Acre" "…consists of 43,560 square feet of residentially designated buildable land after excluding future rights-of-way for streets and roads." While the administrative rule does not include a definition of a gross buildable acre, using the definition above, a gross buildable acre will include areas used for rights-of-way for streets and roads. Areas used for rights-of-way are considered unbuildable.

[225] Metro's methodology about net-to-gross assumptions are that: (1) tax lots under 3/8 acre assume 0% set aside for future streets; (2) tax lots between 3/8 acre and 1 acre assume a 10% set aside for future streets; and (3) tax lots greater than an acre assumes an 18.5% set aside for future streets. The analysis assumes an 18.5% assumption for future streets.

Housing Need by Income Level

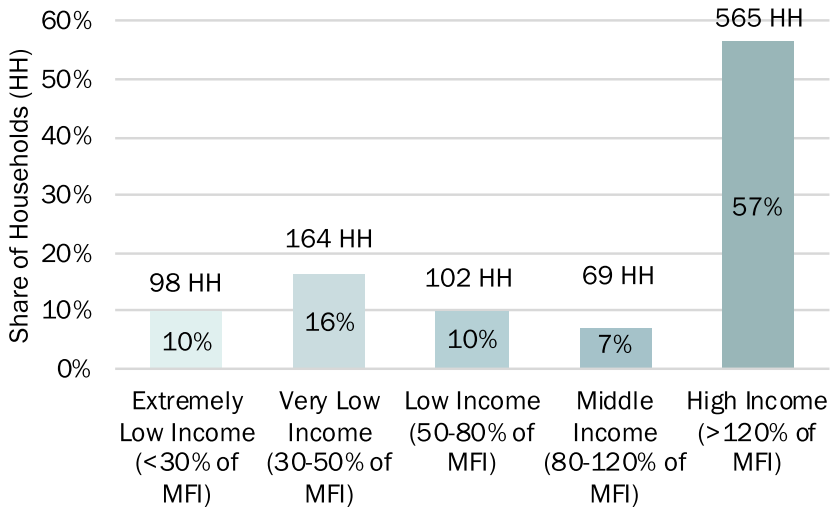
The next step in the housing needs analysis is to develop an estimate of need for housing by income and housing type. This analysis requires an estimate of the income distribution of current and future households in the community. Estimates presented in this section are based on (1) secondary data from the Census, and (2) analysis by ECONorthwest.

The analysis in Exhibit 79 is based on American Community Survey data about income levels for existing households in West Linn. Income is categorized into market segments consistent with HUD income level categories, using Clackamas County's 2018 Median Family Income (MFI) of $81,400. Exhibit 79 is based on current household income distribution, assuming that approximately the same percentage of households will be in each market segment in the future.[227]

About 26% of West Linn's future households will have income below 50% of Clackamas County's median family income (less than $40,700 in 2016 dollars) and about 17% will have incomes between 50% and 120% of the county's MFI (between $40,700 and $97,680).

Exhibit 398. Future (New) Households, by Median Family Income (MFI) for Clackamas County ($81,400), West Linn, 2019 to 2039

Source: U.S. Department of Housing and Urban Development. U.S. Census Bureau, 2012-2016 ACS Table 19001.



[227] For example, 57% of West Linn's households had income above 120% of the Clackamas County Median Family Income in 2012-2016. This analysis assumes that 57% of the 998 new households that grow in West Linn over the 2019-2039 analysis period will have incomes over 120% of the Clackamas County Median Family Income.

CITY OF West Linn

AFFIDAVIT OF NOTICE
Type A

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

PROJECT
File No.: ZC-20-01 Applicant's Name: Jeremy Barnett
Development Name: 1791 Blankenship Road
Scheduled Decision Date: City Council decision on November 9, 2020

MAILED NOTICE
Notices were mailed at least 20 days prior to the decision date per Section 99.080 of the Community Development Code to:

1	**Jeremy Barnett, Applicant**	**10/20/20**	*Lynn Schroder*
2	**Robert Price, Applicant Consultant**	**10/20/20**	*Lynn Schroder*
3	**Metro**	**10/20/20**	*Lynn Schroder*
4	**Clackamas County**	**10/20/20**	*Lynn Schroder*
5	**ODOT**	**10/20/20**	*Lynn Schroder*
6	**Property Owners within 500 feet**	**10/20/20**	*Lynn Schroder*
7	**All Neighborhood Associations**	**10/20/20**	*Lynn Schroder*
8	**City of Lake Oswego**	**10/20/20**	*Lynn Schroder*

TIDINGS
Notice was posted in the West Linn Tidings at least 10 days prior to the decision date.

10/28/20	*Lynn Schroder*

WEBSITE
Notice was posted on the City's website at least 10 days prior to the decision date.

10/20/20	*Lynn Schroder*

SIGN
At least 10 days prior to the decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

10/30/20	*Chris Myers*

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the decision date.

10/30/20	*Chris Myers*

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

CITY OF WEST LINN CITY COUNCIL
PUBLIC HEARING NOTICE
FILE NO. ZC-20-01

The West Linn City Council will hold a virtual public hearing, on **Monday, November 9, 2020 at 6:00 p.m.** to consider a Comprehensive Plan Map Amendment from Mixed-Use to Medium-High Density Residential and associated Zoning Map Amendment from Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1 at 1791 Blankenship Road.

The City Council will decide the zone change request based upon the applicable criteria found in Chapters 99 and 105 of the Community Development Code (CDC). The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the affected site on Clackamas County Assessor Map 21E35CB, Tax Lot 2600 or as required by Chapter 99 of the CDC.

It is important to submit all testimony in response to this notice. All comments submitted for consideration of the application should relate specifically to the applicable criteria. Failure to raise an issue at the hearing or by written comment, or failure to provide sufficient specificity to respond to the issue, precludes raising the issue on appeal or before the Land Use Board of Appeals.

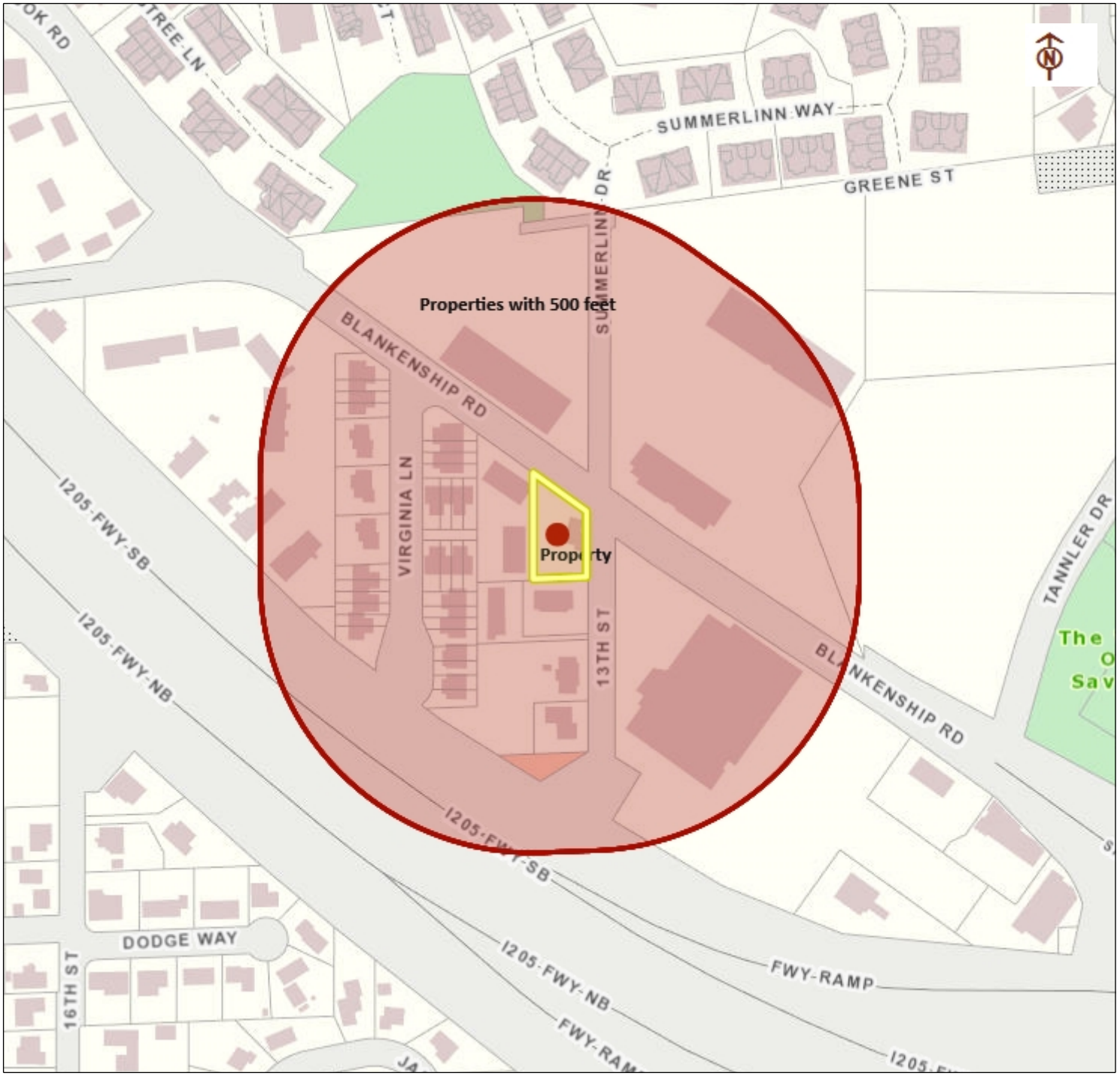
The complete application posted on the City website https://westlinnoregon.gov/planning/1791-blankenship-road-zone-change. Alternatively, the complete application is available for inspection at no cost at City Hall or copies can be obtained for a minimal charge. The staff report will be posted on the website ten days before the hearing and available for inspection at City Hall.

The hearing will be conducted according to CDC Section 99.170. **Anyone wishing to present written testimony for consideration shall submit all materials before 12:00 pm on November 9, 2020.** Written comments should be submitted to cmyers@westlinnoregon.gov or mailed to City Hall. **All comments must be received before 12:00 pm on the meeting day**.

The public can watch the meetings online at www.westlinnoregon.gov/meetings or on Cable Channel 30. To speak during the meeting, go to https:// westlinnoregon.gov/citycouncil/meeting-request-speak-signup to **complete the speaker sign-up form before 12:00 pm on the day of the meeting.** Instructions on how to access the virtual meeting will be emailed before the meeting. If you do not have email access or need assistant under the American with Disabilities Act, please call 503-742-6061 for assistance 48 hours before the meeting.

Contact: Associate Planner Chris Myers, City Hall, 22500 Salamo Road, West Linn, OR 97068, or cmyers@westlinnoregon.gov or 503-742-6063.

ZC-20-01 Properties within 500 feet of Site Property



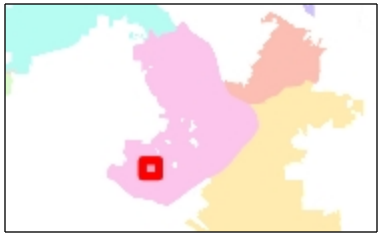
City of West Linn

Legend

- City Limit
- Unimproved ROW
- Parks and Open Space
- City Owned Property

0 0.06 0.11 Miles

1: 4,514



Notes

This map was automatically generated using Geocortex Essentials.

CITY OF West Linn

COMMUNITY DEVELOPMENT

NOTICE OF UPCOMING
CITY COUNCIL DECISION

PROJECT # ZC-20-01
MAIL: 10/20/20 TIDINGS: 10/28/20

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

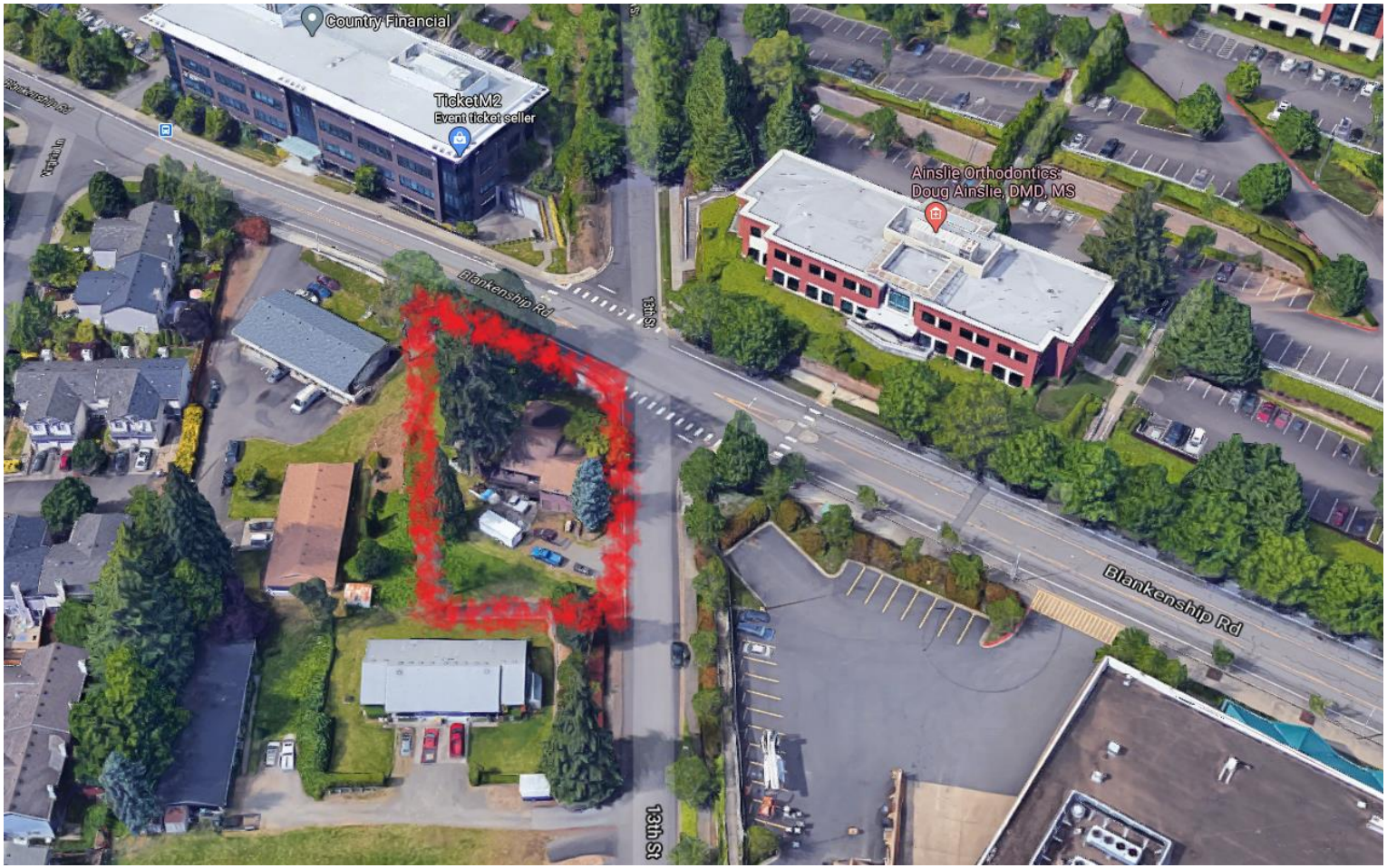
City Council

Zone Change ZC 20-01

1791 Blankenship Road

Zone Change ZC 20-01

Zone Change ZC 20-01



Zone Change ZC 20-01

Street View #1

Street View #2

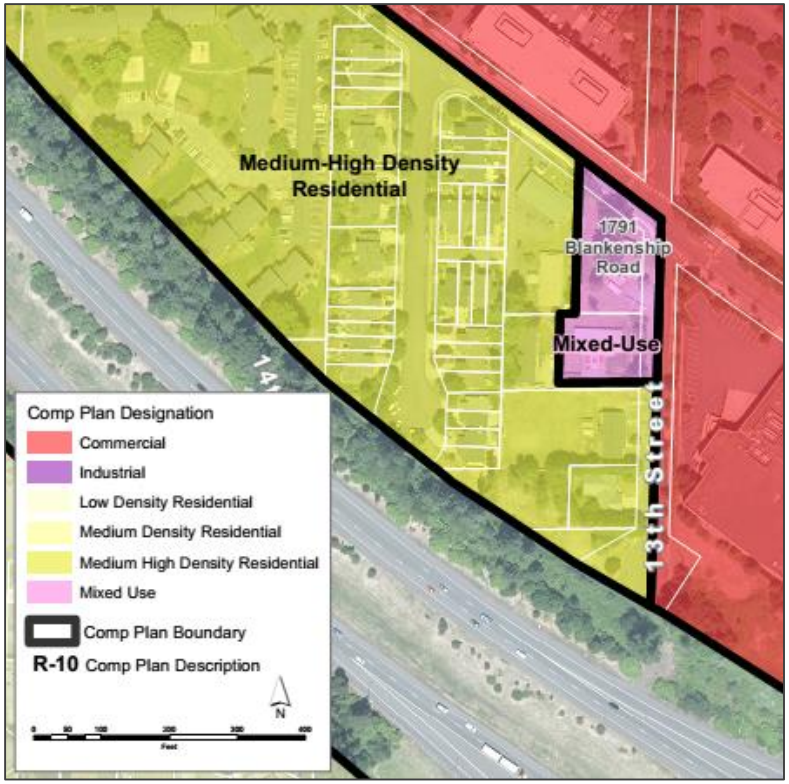
Zone Change ZC 20-01

Street View #3

Street View #4

Zone Change ZC 20-01

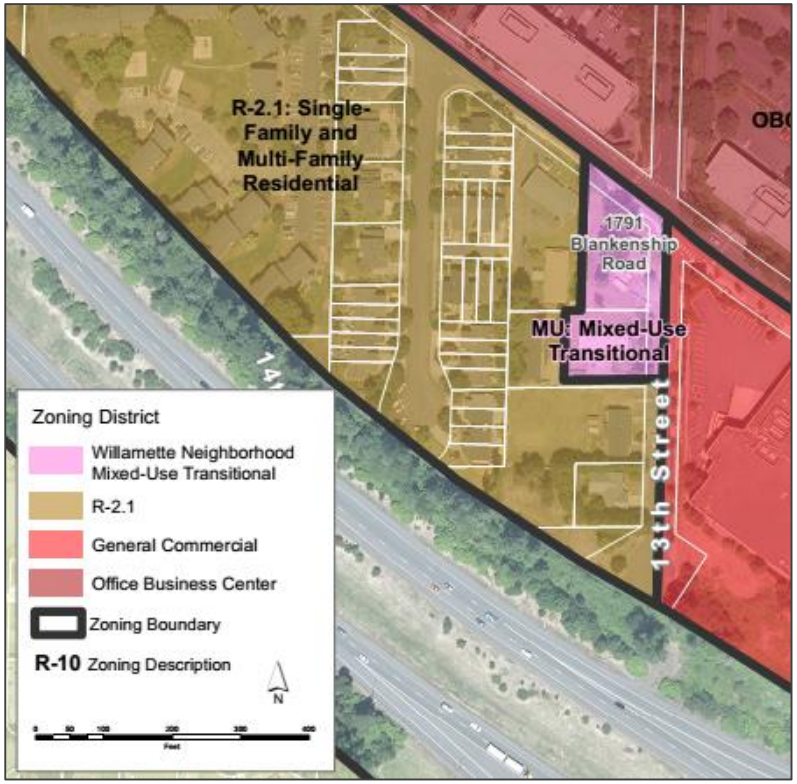
Existing Comprehensive Plan Designations



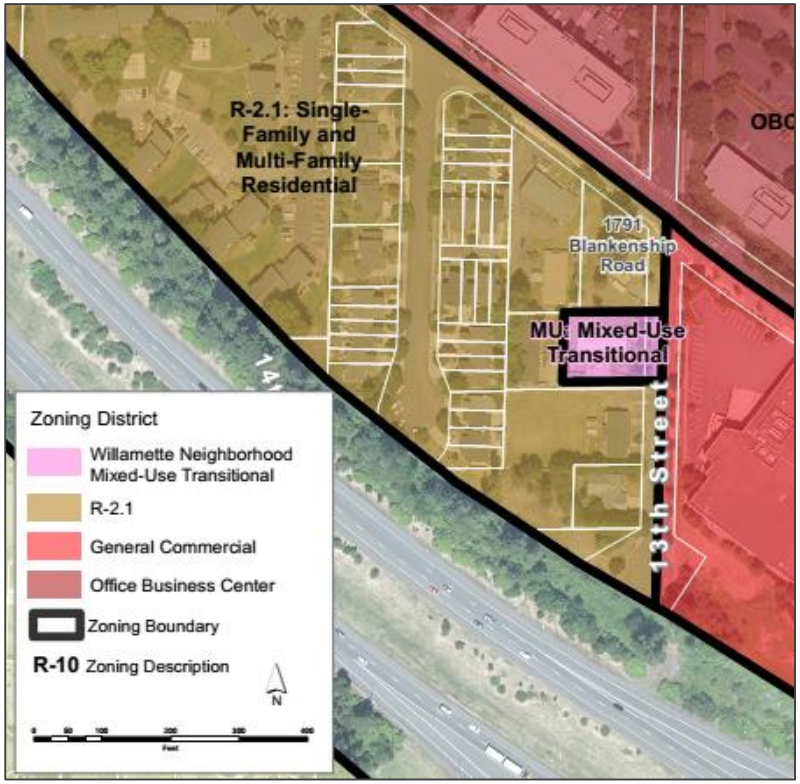
Proposed Comprehensive Plan Designations

Zone Change ZC 20-01

Existing Zoning Designation and Boundaries



Proposed Zoning Designation and Boundaries

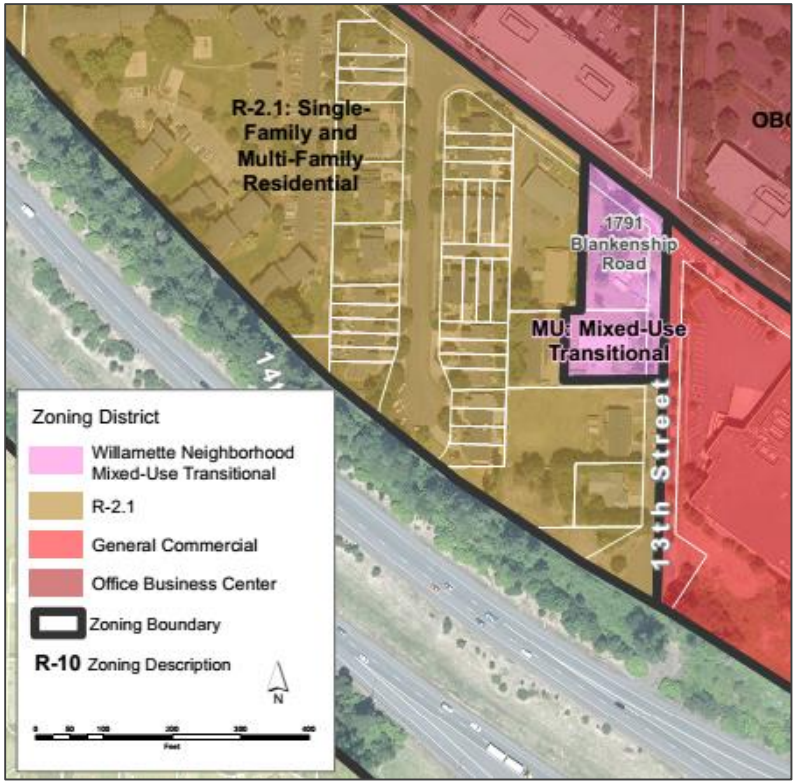


Zone Change ZC 20-01

Zone Table

Direction From Site	Zoning	Land Use
North	OBC	Office Business Center
South	MU/R-2.1	Mixed-Use and SF/MF Residential
East	GC	Commercial (Parkrose Hardware)
West	R-2.1	Single-Family and Multiple-Family Residential

Zone Map



Zone Change ZC 20-01

- Proposed Comprehensive Plan Map Amendment
  - Mixed-use to medium high density residential
- Proposed Zoning Map Amendment
  - Willamette Neighborhood Mixed-Use Transitional Zone to R-2.1
- Previously zoned R-2.1 in 2004, has never contained a commercial use
- In 2018 the Willamette Neighborhood Mixed-Use Working Group, appointed by council, recommended City evaluation of this property and others
- The MU Working Group recommended:
  - This property is too far from the commercial core
  - Does not meet the transitional purposes of the Mixed-Use zone
  - Attachment PC-2 MU Working Group Recommendation in the Staff Report

Zone Change ZC 20-01

- **Received 5 comments (letters)**
  - All 5 letters were addressed by staff
  - First 4 were addressed last week in a memo
  - The 5th letter was received late yesterday so the staff comment letter didn't get to commissioners until this afternoon.

Received 3 public comments via testimony at Planning Commission

- All 3 comments were related to the potential project on the site and not the criteria related to a Zone Change.

Zone Change ZC 20-01

- **Chapter 99 Procedures for Decision Making: Quasi-Judicial**
- - 99.038 Neighborhood Contact Required
- - 99.060 Approval Authority (Planning Commission Recommends to City Council)
- - 99.080 Notice (page 2 of staff report)

Zone Change 20-01

Chapter 105 Amendments to the Code Map

- Proof of change in the neighborhood, community, or a mistake or inconsistency in the Comp Plan or Zoning Map.
- Conformance with the Comp Plan policies and criteria
- Need for a public change or change is in the interest of the present or future community
- Changes will not adversely affect the health, safety, and welfare of the community

Zone Change 20-01

- **Recommendation**

- Staff recommends the Planning Commission recommend approval of application ZC-20-01.

- Based on applicant submittal, staff findings, the approval criteria are met.

Zone Change 20-01

- **Questions?**

Agenda Bill 2020-11-09-03

Date Prepared:

For Meeting Date: November 9, 2020

To: Russ Axelrod, Mayor
West Linn City Council

From: Darren Wyss, Acting Planning Manager *DW*

Through: John Williams, Community Development Director *JRW*
Jerry Gabrielatos, City Manager *JG*

Subject: Vacation of public utility easement adjacent to 1068 9th Street

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Purpose
To consider the request from Malibar Group, LLC to vacate 4,169 square feet of unused public utility easement adjacent to 1068 9th Street.

Question(s) for Council:
1. Does the Council wish to vacate the public utility easement as petitioned?

Public Hearing Required:
No.

Background & Discussion:
In 2017, by Ordinance 1655, undeveloped right-of-way along Third Avenue and 10th Street was vacated. In the same ordinance, a public utility easement was created over the vacated right-of-way to meet the City's obligations with private franchised utilities.

Malibar Group, LLC has petitioned the City now vacate that public utility easement. There are currently no public or private utilities located in this area. All private franchised utilities have provided support of this vacation. The Public Works Director supports this vacation.

As the public utility easement was created by Ordinance 1655, it must be vacated by Ordinance.

Budget Impact:
There are no budget impacts for this request.

Sustainability Impact:
This action does not impact the City's sustainability goals.

Council Goal/Priority:
This action relates to Guiding Principal #0: Core Services of West Linn City Government.

Council Options:

1. Conduct first reading of the proposed ordinance to approve the proposed public utility easement vacation and if unanimous, move to the second reading to approve adoption of the ordinance.
2. Take no action on the proposed ordinance and do not vacate the public utility easement.

Staff Recommendation:
Staff recommends that the Council approve the vacation request.

Potential Motion:
1. I move to approve the first reading of Ordinance 1720 vacating the public utility easement adjacent to 1068 9th Street; and if unanimous;
2. I move to approve the second reading of Ordinance 1720 vacating the public utility easement adjacent to 1068 9th Street.

Attachments:
1. Ordinance 1720

ORDINANCE NO. 1720

AN ORDINANCE RELATING TO VACATION OF A PUBLIC UTILITY EASEMENT

WHEREAS, the portions of Third Avenue and 10th Street right-of-way, located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lots 300 and 800 of Assessor's Map 31E2AC, were vacated by Ordinance No. 1665; and

WHEREAS, all of the vacated right-of-way, were subject to dedication of a public utility easement for their entirety by Ordinance No. 1665; and

WHEREAS, a property line adjustment was approved by the City in July 2018 and created the current configuration of tax lots 800 and 802 by recording of Partition Plat 2019-007; and

WHEREAS, Malibar Group LLC, Retirement Plan fbo Roy Marvin submitted a petition to vacate the public utility easements adjacent to tax lot 802 as described in Exhibits A and B; and

WHEREAS, the City Council found that the petition was complete with the consent of 100 percent of the private franchise utilities in support of the vacation.

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

SECTION 1. The public utility easement location in the City of West Linn, Clackamas County, Oregon, adjacent to tax lots 300 and 802 of Assessor's Map 31E2AC, as more particularly described in Exhibits A and B, is vacated.

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. 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 _____, 2020, and duly PASSED and ADOPTED this _____ day of _____, 2020.

_____
RUSSELL B. AXELROD, MAYOR

_____
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

_____
CITY ATTORNEY

AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 | www.aks-eng.com
AKS Job #5926
OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

EXHIBIT A

Public Utility Easement Vacation Description

A portion of Parcel 1 of Partition Plat 2019-007, Clackamas County Plat Records, located in the Northeast One-Quarter of Section 2, Township 3 South, Range 1 East, Willamette Meridian, City of West Linn, Clackamas County, Oregon, and being more particularly described as follows:

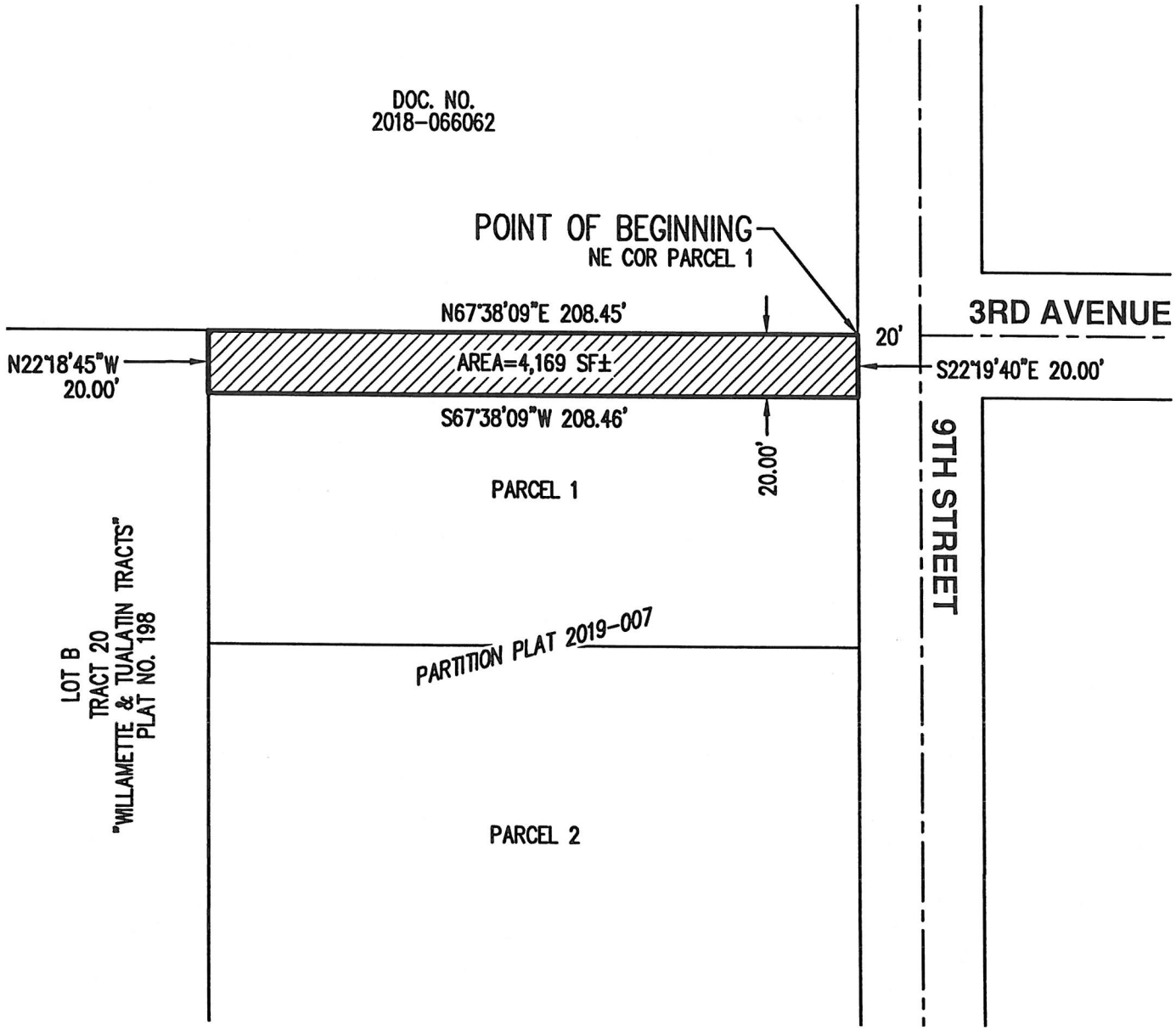
Beginning at the northeasterly corner of said Parcel 1, also being on the southwesterly right-of-way line of 9th Street (20.00 feet from centerline); thence along said southwesterly right-of-way line, South 22°19'40" East 20.00 feet to a line which is parallel with and 20.00 feet southeasterly of, when measured at right angles to, the northwesterly line of said Parcel 1; thence along said parallel line, South 67°38'09" West 208.46 feet to the southwesterly line of said Parcel 1; thence along said southwesterly line, North 22°18'45" West 20.00 feet to the northwesterly corner of said Parcel 1; thence along the northwesterly line of said Parcel 1, North 67°38'09" East 208.45 feet to the Point of Beginning.

The above described tract of land contains 4,169 square feet, more or less.

9/23/2019

EXHIBIT B

A PORTION OF PARCEL 1 OF PARTITION PLAT 2019-007, LOCATED IN THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON



9/23/2019

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS

RENEWS: 12/31/20

PREPARED FOR

THE MALIBAR GROUP, LLC
615 NW TERRITORAL ROAD
CANBY, OR 97013

SCALE: 1"=50 FEET

50 0 10 25 50

ORIGINAL PAGE SIZE: 8.5" x 11"

N

PUBLIC UTILITY EASEMENT VACATION MAP	EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM	DRWN: WCB CHKD: RDR AKS JOB: 5926

DWG: 5926 20190923 EXB | EXB

CITY HALL 22500 Salamo Rd, West Linn, OR 97068 Telephone: (503) 657-0331 Fax: (503) 650-9041

City of West Linn

November 9, 2020

Land Conservation and Development Commission
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

RE: House Bill 2001 Rulemaking

Dear Chair McArthur and Commissioners:

The West Linn City Council would like to thank LCDC for the opportunity to provide comment on the proposed administrative rules under consideration. We would also like to thank DLCD staff and the Rules Advisory Committee for the time and effort expended in addressing the complex rulemaking required to successfully implement the housing choice requirements of HB 2001.

As the proposed rules are evaluated, we encourage you to balance the goals of the legislation with the need to provide flexibility to jurisdictions in order for the goals to be achieved. Every jurisdiction is unique and the "one size fits all" solution is problematic for that reason. The characteristics of each jurisdiction, and the neighborhoods contained within them, provide a local context that is important to consider when striving to effectively and equitably increase the housing choices in a community.

With that said, we submit the following comments for your consideration.

"In areas": This has been one of the most challenging of the discussions during the rulemaking process. The need for a jurisdiction to have flexibility in establishing minimum lot sizes or density standards will provide the best opportunity to meet the unique challenges of differing neighborhoods and increase housing choices at the same time. We encourage you to adopt rules that provide meaningful flexibility for defining "areas".

Parking: Providing flexibility for a jurisdiction to require adequate parking is necessary in the rulemaking. Many older neighborhoods have streets with substandard width, no sidewalks, and other constraints that conflict with the ability to safely accommodate on-street parking. Strict adherence to the rules as proposed could result in serious safety conflicts with pedestrians and bicyclists.

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City of West Linn

Homeowners Associations: This topic has been discussed throughout the process, but there has been no clarity on whether the Declaration of Covenants, Conditions, and Restrictions will impact the ability of a jurisdiction to implement HB2001 effectively. We encourage you to clarify this issue and the impact on implementation.

Historic Districts: The rules currently do not provide enough clarity on the ability to regulate the protection of National Register listed districts that are strictly single-family detached residential. We encourage you to consider the impacts to these districts and provide the clarity necessary for a jurisdiction to comply with HB2001, while also providing the necessary protections for the district.

Sincerely,

<Mayor and Council signature block>

CITY OF West Linn

Agenda Bill 2020-11-09-05

Date Prepared:	October 28, 2020
For Meeting Date:	November 9, 2020
To:	Russ Axelrod, Mayor West Linn City Council
From:	Ken Warner, Parks & Recreation Director *KW*
Through:	Jerry Gabrielatos, City Manager *JG*
Subject:	Contract Award and Findings Supporting an Exemption to the Public Bidding Process for the Fields Bridge Park Artificial Turf Replacement Project

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Purpose: To award a Public Improvements Contract as the West Linn Local Public Contracting Review Board and adopt findings in support of an exemption to the public bidding process under the Local Public Contracting Rules, for the Fields Bridge Park Artificial Turf Replacement Project

Question(s) for Council:
Shall the Review Board grant this exemption and award the contract for the above mentioned project?

Public Hearing Required:
None required.

Background & Discussion:
During the development of the 2018 GO Bond Measure, the City Council adopted a category of projects identified as Athletic Field Improvements. One of the sub-projects within this category, was to provide replacement artificial turf for the two infields at Fields Bridge Park that have reached the end of the useful life. Using a process similar to the one used most recently with West Linn Softball Association at Willamette Park and previously with West Linn Baseball Association for initial installation of the artificial turf infields at Fields Bridge Park, we have developed a similar scope of work.

The West Linn Baseball Association (WLBA) through fundraising efforts and donations of materials and services onsite has offered to provide new turf on the existing artificial turf infields for the two baseball fields at Fields Bridge Park at a taxpayer cost savings approaching $30,000.

To move forward, an exemption to the Local Contracting Rules is necessary.

Budget Impact:
$ 138,000 to the 2018 Go Bond Fund

Sustainability Impact:
The artificial turf and system material is made of recycled plastics and rubber.

Council Goal/Priority:
Guiding Principle #1: Sense of Community. Utilized a process that considers community input.
Guideline #3: Sustainability. Fiscal Sustainability

Council Options:
Options for the Council to consider are.

- Adopt the findings and award the contract to West Linn Baseball Association.
- Do not adopt the findings and send the project out to bid under the City's bid templates.
- Do not adopt the findings and cancel the project.

Staff Recommendation:
Staff recommends the City Council Adopt the findings and award the contract to West Linn Baseball Association.

Potential Motion:
"I move that acting as the Local Contract Review Board, we adopt the Local Public Contracting Rules Exemption Findings and award the contract for the Fields Bridge Park Artificial Turf Replacement Project to the West Linn Baseball Association."

Attachments:

1. Findings of the West Linn Local Contract Review Board

CITY OF WEST LINN LOCAL CONTRACT REVIEW BOARD

Findings in support of an exemption to the public bidding process under West Linn Local Public Contracting Rule Board Local Public Contracting Rules

Background

The West Linn Baseball Association (WLBA) through fundraising efforts and donations of materials and services onsite has offered to provide new turf on the existing artificial turf infields for the two baseball fields at Fields Bridge Park at a taxpayer cost savings approaching $30,000. Previously, the City Council pledged Go Bond Funds for this project. To move forward, an exemption to the Local Contracting Rules is necessary.

Rules

PCR 10.000 COMPETITIVE PROCESS REQUIRED, EXEMPTIONS

10.010 Competitive Process, Exemptions and Definitions

A. All public improvement contracts shall be based upon competitive bidding and all other public contracts shall be based upon competitive bidding or competitive proposals (collectively "formal competitive process"), except the following:

10.070 Single Seller of Product or Service

A. General

The City may purchase without a formal competitive process if there is only one seller of a product or service of the quality required, or if the efficient utilization of existing equipment or supplies requires specification of a compatible product for which there is only one seller, The determination of a sole source must be based on written findings as required by ORS 279B.075. A sole source contract may be awarded only after approval of the findings by the City Manager or acting, interim or temporary City Manager. To the extent reasonably practical, the City shall negotiate with single sellers to obtain the best possible contract terms for the City.

Findings

1. The "product" that the City will be "buying" from the WLBA is replacement artificial turf infields for the two baseball fields at Fields Bridge Park, made possible due to the goodwill and volunteerism of supporters of the WLBA. The supporters of the WLBA will be providing about $30,000 worth of labor, materials and in – kind services at Fields Bridge Park which could not have been procured elsewhere. This offer is unlikely to affect competitive procurement and competition and thus, it is unlikely that this exemption will encourage favoritism or substantially diminish competition in the awarding of public contracts.

2. The awarding of this public contract pursuant to the exemption will result in substantial cost savings to the City. The cost to the City is about 85% of the total project cost.

3. This exemption otherwise substantially supports the public interest in a way that could not be achieved under existing rules. Without this exemption and agreement, this project would possibly not move forward.

4. The West Linn City Council therefore finds that it is in the City's best interest to grant this exemption and to award this project directly to the West Linn Baseball Association in the amount of a City contribution of $138,000

These findings adopted the 30th day of October, 2020

Jerry Gabrielatos, City Manager

CITY OF West Linn

Agenda Bill 2020-11-09-06

Date Prepared: October 28, 2020

For Meeting Date: November 9, 2020

To: Russ Axelrod, Mayor
West Linn City Council

From: Ken Warner, Parks & Recreation Director *KW*

Through: Jerry Gabrielatos, City Manager *JG*

Subject: White Oak Savanna Nature Playscape

Purpose
Per Council request, discuss White Oak Savanna design, development requirements and cost estimates of the Nature Playscape.

Question(s) for Council:
Does Council want to decide the specific future of the proposed nature playscape and restroom at the White Oak Savanna?

Public Hearing Required: No

Background & Discussion:
The nature play area at White Oak Savanna was approved in September of 2017 by the Planning Commission. The City went out for bid and contracted with a company to build the project but unfortunately the City and the Contractor could not agree on how to move the project forward within budget and the contract was cancelled.

In November of 2019 the approved plan for the White Oak Savanna went before City Council at a work session. At the conclusion of the work session City Council directed PRAB to design a community outreach process to re-affirm the community's desire as it relates to the size, amenities and features of the nature play area and restroom facilities. PRAB was asked to include in the input process the community, Savanna Oaks Neighborhood Association (SONA) and other stakeholders of interest.

In late 2019 and early 2020 PRAB was in the process of developing the groundwork for the community outreach process when Covid-19 canceled Citizen Advisory Group meetings. PRAB did not hold monthly meetings March through June 2020. At the July meeting the Nature Play project was discussed and PRAB decided that further discussion would occur at the August meeting.

At the PRAB meeting on August 20, 2020 the Board discussed the previous direction given by City Council and the process that could be utilized to move the project forward. The Board at that time had not completed the evaluation process of the scaled down versions provided by the consultant and/or compared these to the specific detailed list of desired amenities from SONA. PRAB passed the motion below at the meeting.

"We, the Parks and Recreational Parks Board Advisory Committee, recommend to proceed with a scaled down version of the play area at Savannah Oaks as created by our consultants. We appreciate the input from the Savannah Oaks Neighborhood Association but do not feel that this should come from one party or neighborhood association. When decided, this will be shared to all West Linn citizens as a whole as well as all neighborhood associations."

At the Works Session on September 8th City Council gave direction to the Parks & Recreation Advisory Board to move forward with a process for community input on the scaled down version of the original nature play area concept labeled "Option 3".

At the Parks and Recreation Advisory Board meeting on September 14th the Board made a motion of support for the same "Option 3" as presented to City Council and asked staff to solicit community feedback on the nature play area concept and restroom facilities desired.

On Thursday October 8th, 2020 the City of West Linn, Parks and Recreation Advisory Board held a meeting and passed the following motion in response to the survey results inquiring about "Option 3" (attached) and cost estimates. **"**Due to the added expense of required infrastructure the Parks and Recreation Advisory Board recommends to City Council that the City does not make additional investments in the White Oak Savanna Park at this time." (Attached)

At a City Council meeting on October 12 the nature playscape project was discussed. Direction from Council was to solicit new cost estimates from consultants for the construction of the Savana Oaks Neighborhood Association (SONA) nature playscape list of amenities (attached) with one off street ADA parking spot and also with two ADA parking spots. With required ADA parking City Staff investigated the possibility of a gravel surface but the findings indicate that ADA parking must be pavement and meet the requirements of Oregon State Structural Code. (Attached)

Grant Obligation
Confirmed by the State of Oregon on October 14, 2020, the City of West Linn has met all obligations of each Grant received for the White Oak Savanna Acquisition. Email from Mark Cowan, states "The Oak Savanna property was successfully acquired by the City for public use. From the perspective of the Local Government Grant Program, the project is considered complete and closed."

Budget Impact:
The current Six year Capital Improvement Plan has $720,000 budgeted and funded by System Development Funds (SDC) for Fiscal Years 2020 – 2024 for the project. This

budget developed a number of years ago was listed as funding needs for the nature play area as approved in 2017 and also includes the required parking and infrastructure costs. At the current time the Parks SDC Fund has $215,000 in funding available. SDC project budgets are developed based on anticipated revenue from development and a budgeted item does not guarantee funds will be available.

The estimated cost of the SONA nature play area currently designed is $ 423,688 (*provided by consultant on 11/3/20*). These costs for the project include one ADA and two ADA required parking space, asphalt pathways, mobilization, grading, drainage, water and all playscape amenities as listed in SONA plan and/or required to provide safe environment. Onsite. (Cost estimates do not include any type of permanent restroom or utilities to restroom.)

At the present time with the current balance of $215,000 and other immediate needs of funding from the Parks SDC fund if the decision is to move forward with this project it cannot be started until adequate funding is available.

One cost savings option, if SDC funds are available, would be to time the start of this project with the 10th Street/Salamo project in the fall of 2021. This savings opportunity is for the Parks Department to piggy back on the awarded contract for the 10th Street/Salamo project for mobilization, grading, drainage, concrete and asphalt work. At an absolute minimum the park project would save an estimated $24,000 in mobilization costs as the contractor would already be onsite. The 10th Street/Salamo project will include the removal of fill dirt that will be utilized locally on the Parks project that will result in savings for the 10th Street/Salamo project.

Sustainability Impact:
Discussion of how recommendation addresses the City's sustainability goals.

Council Goal/Priority:
Guiding Principle #1: Sense of Community. Utilized a process that considers community input.
Guideline #3: Sustainability. Fiscal Sustainability

Council Options:

1. Accept PRAB recommendation, that with confirmation that all Grant commitments have been met and considering current budgets and high costs associated with project decide to not place nature playscape onsite at the White oak Savanna.

2. Make a decision tonight on whether the SONA Nature Playscape area project will be moved forward, be cancelled or delayed until a certain/uncertain time in the future.

Staff Recommendation:

Staff recommends that a nature playscape not be constructed in the White Oak Savanna. Staff's recommendations is based on the high cost of infrastructure for the project in relation to actual playscape, the lack of current System Development Funds, the City has 3 other play areas in parks within 1 mile (not including Willamette Primary School) and supports the recommendation of the Parks & Recreation Advisory Board.

Potential Motion:
I move to not move forward with the nature playscape project at the White Oak Savanna due to the high cost of the infrastructure due to the high cost of the infrastructure and constructing the nature play area on the steep terrain in the natural area.

Attachments:

1. Summary White Oak Savanna Nature Playscape Survey
2. Parks & Recreation Advisory Board recommendation
3. SONA Nature Play Amenities
4. ADA Parking Standards for Surfacing

Community Input Survey - White Oak Savanna Nature Playscape

Do you like the Nature Playscape Concept?	Do you prefer a permanent restroom or porta potty?	Comments
No	Permanent Restroom	I'd like the area to be kept as natural as possible
No	Permanent Restroom	
No	Permanent Restroom	Where is the budget coming from for this project? The City can't afford more parks.
No	Permanent Restroom	
No	Permanent Restroom	Current play structure format would seem safer. Not sure how wood would hold up. A unique, natural water feature would be fantastic!
No	Permanent Restroom	
No	Permanent Restroom	
No	Permanent Restroom	
No	Porta Potty	Will there be picnic tables? seating for elderly people closer to parking area? bike rack? besides the amphitheater, will there be any interesting non-kid things like spotting scopes? shade structures?
No	Seasonal Porta Potty	Let the land be. No more development spent on a scrub oak piece of land. Ridiculous.
No	Seasonal Porta Potty	I support daylighting the creek. And keeping landscape more natural.
No	Seasonal Porta Potty	Amphitheater is a cool idea but a play structure takes away from the natural serenity of the park!
No	Seasonal Porta Potty	
No	Seasonal Porta Potty	This is unnecessary and just going to bring more traffic and trash. It's not helping to keep West Linn the great place to live as it used to be. Why must every open space be filled? Noise and pollution? No thanks. Leave it be, for nature.
No	Seasonal Porta Potty	Just leave it as natural as can be.
No		Nice hiking area. I prefer no play area or restroom facilities.

No		This is such a bad idea. Keeping the Savanna natural is far more important than creating play structures. Children need to see nature in its glory. If they'd like to play, they will be able to use their imaginations which, as a former teacher, I know is far more important than using man-made structures. For a city this size, there are plenty of parks that have play structures and landscaping. As an Oregon pioneer family member, I am horrified at the changes that show such a lack of respect of the beauty of our great state. Let's leave some natural spaces alone for the entire community to enjoy. In addition, spending tax dollars during these troubled times is a bad idea, and to consider this in times of a pandemic when we know how easily transmissible COVID is in playgrounds is not sensible. Those dollars can be spent to help people in need or to clean up existing parks that need blackberry and invasive weed eradication. Just because we can change the park does not mean we should! For all these reasons and more, please leave it as is.
No		No park. No bathrooms. Next to the freeway, this will attract unwanted drug use and bad behavior having a park here. The city also doesn't have money.
No		Our current parks are being under utilized by kids nowadays. We have enough parks and no money to build new ones.
No		West Linn has enough parks and we don't have "extra money" to spend on more parks and park maintenance. The park maintenance of current parks this Summer did not look well kept as years prior.
No		Why do we keep spending money on parks that do not get used or have the money to maintain. All of our walking trails and bridges are full of debris and falling apart right now.
Yes	Permanent Restroom	
Yes	Permanent Restroom	Keep the grasses cut for wildfires as we know now what winds and sparks do. Use the big rocks more than timber & no small sticks that could be used for bonfires. Lots of compost deep around all people places to retain moisture and keep upkeep easy. Maybe a poured cement area. Add meditation labyrinth path or two. Adults will love it. Add telescope. Add big sundial.
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	

Yes	Permanent Restroom	It would be great to have places for teens to feel welcome at this park as well. It seems to be an age group left out of park designs. Looks like a great place to add in mountain bike trails.
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	N/a
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	This would make the park more accessible and likely increase its usage which would be a benefit to all
Yes	Permanent Restroom	We'd love for this to come to fruition QUICKLY. There has been talking of this for years without any follow through. We are ready for this park!
Yes	Permanent Restroom	
Yes	Permanent Restroom	What is the ETA. Almost 5 years ago we attended the design event and now our kids are almost too old to care
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	I love the play scape and restroom ideas!
Yes	Permanent Restroom	
Yes	Permanent Restroom	Looks great! Excited for a more extensive nature based playground in West Linn. ❤
Yes	Permanent Restroom	Look great!!
Yes	Permanent Restroom	
Yes	Permanent Restroom	Love the concept! Would water features be included. Splash pads?
Yes	Permanent Restroom	beautiful idea - love the concept
Yes	Permanent Restroom	Permanent restrooms are needed for children, porta potties will no work.
Yes	Permanent Restroom	You should include a map that actually shows you where this is at in WL plus potential costs. Yes, I like the concept, but cost will determine how much I like it.

Yes	Permanent Restroom	This is beautiful. We love that it maintains the natural beauty of the area and incorporates the natural landscape within the play areas for children. Having a permanent restroom on site is such an asset for all.
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	I prefer to proceed with the plans that we had given input on several years ago at Willamette primary for the nature playground
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	I would like to be able to bring my leashed dogs when I visit this park, like every other park in the city.
Yes	Permanent Restroom	Restrooms are very very important, especially having a running water station to wash your hands!
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	There also needs to be an outdoor shower, like those on beaches.
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	Very supportive of making this area more accessible for the neighborhood residents
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	This looks like a really great direction to go in, and I like the examples of activities for the adventure area. I wish I had a place like this when I was growing up! All thumbs-up from our household.
Yes	Permanent Restroom	
Yes	Permanent Restroom	

Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	We love the Oak Savannah! It would be great for our 4 year old to have structures to clamber around on.
Yes	Permanent Restroom	So excited to see something like this, a natural play area, in West Linn!
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	The designs are well placed and matched for the area.
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	More info needed. How many, where placed if portapotty.
Yes	Permanent Restroom	A restroom is very important. But I wonder why city should have expense of a playground when it seems existing playgrounds are used fairly infrequently.
Yes	Permanent Restroom	Amphitheater, slide, and rock formations look good!
Yes	Permanent Restroom	
Yes	Permanent Restroom	Make it dog friendly for walkers (not a dog park)
Yes	Permanent Restroom	I'm not fond of "porta potties" as they can be smellier than permanent restrooms. Plus (I believe) permanent restrooms can be easier to use with small children (parent can accompany more easily) plus more amenities can be put inside such as a changing table. Porta-potties are also pretty ugly whereas a permanent restroom can be more esthically pleasing.
Yes	Permanent Restroom	That was c quick

Yes	Permanent Restroom	#4
Yes	Permanent Restroom	
Yes	Permanent Restroom	Can you do a fence or something to make it more secure for running toddlers? The busy road makes me nervous. Also, an off leash area for dogs.
Yes	Permanent Restroom	
Yes	Permanent Restroom	
Yes	Permanent Restroom	Is there a parking area for this park or is it neighborhood parking?
Yes	Permanent Restroom	Sunset Park is great! Except The water feature at sunset park would've been better as a splash park. That sand is very messy and I'm not sure what would keep cats and other animals from using it as a toilet.
Yes	Permanent Restroom	
Yes	Permanent Restroom	Will their be education like signage on Oregon white oak? It is such an important habitat. I'm so glad it has been protected there.
Yes	Permanent Restroom	It's such a unique park in West Linn, best to keep it so.
Yes	Permanent Restroom	I love the use of natural materials, and open-ended invitations to play
Yes	Permanent Restroom	Natural playgrounds are the best because it helps kids use their imagination more. Please consider that many kids will ride bikes to access this area, and there should be bicycle accommodations as well.
Yes	Permanent Restroom	Albeit, I like the natural landscape idea, I want to know who will use it. Why do we need to add a park to this natural area? Why can't we just leave it as it should be, a natural area, where dogs are not allowed, but kids are allowed to explore.
Yes	Permanent Restroom	x
Yes	Permanent Restroom	
Yes	Permanent Restroom	Love the slide idea the most
Yes	Permanent Restroom	Love the natural elements of the playground. I think the kids would love these play structures they look like a lot of fun to play on.
Yes	Permanent Restroom	So excited for this project! We live nearby and my 3 kids LOVE nature play. We will be frequent visitors
Yes	Permanent Restroom	I think the park just stay as natural as possible. Too much building is a bad thing
Yes	Permanent Restroom	A place to engage children in play will make this a destination for families that might otherwise not go to it.
Yes	Porta Potty	I think this is a great idea!!! A great idea!!! Thanks so much - Payton Heth
Yes	Porta Potty	
Yes	Porta Potty	

Yes	Porta Potty	I like the concept but maybe this park could remain a quiet park like Camassia (ie: no playground for kids) for those who want to enjoy nature without noise. There are plenty of playgrounds around that this concept could replace. There is a playground just up the hill at Douglas park (FYI - I am a parent with two kids age 9 and 11)
Yes	Porta Potty	
Yes	Porta Potty	
Yes	Seasonal Porta Potty	It is not a very big park, so I question the expense of a permanent restroom
Yes	Seasonal Porta Potty	
Yes	Seasonal Porta Potty	
Yes	Seasonal Porta Potty	
Yes	Seasonal Porta Potty	I live at 2205 Tannler and have small kids. I think this is a great idea and I know we would use it. While a permanent restroom would be nice, I dont think it is necessary and would take away the feeling of being in nature. I also doubt the park would be too heavily trafficked during winter, so seasonal porta potty seems sufficient.
Yes	Seasonal Porta Potty	
Yes	Seasonal Porta Potty	Must be completely handicap accessible including wheelchair and visual impaired.
Yes	Seasonal Porta Potty	
Yes	Seasonal Porta Potty	Please leave this area alone
Yes	Seasonal Porta Potty	Please keep this as natural as Possible in keeping with the original intent of the park.
Yes	Seasonal Porta Potty	
Yes	Seasonal Porta Potty	NA
	Porta Potty	When you click on the "here" part of this survey, it does not show you any pictures of equipment. This park should remain a Natural Park with little to play equipment, nothing metal or plastic.

SURVEY SUMMARIZED RESULTS

YES= 139 **Permanent 129**

NO = 21 **Porta Potty 8**

Seasonal Porta Potty 18

68 total written comments (a comment can be in morre than one category)	**Number of Comments**
Yes, like the idea of a natural playground	20
Questioning: Do we really need it? Does it need a playground, or should it stay the way it is?	14
Unsure, further questions or concerns	14
Concerned about inclusivity, seating, handicap accessibility, restroom accessibility.	11
No, playground is not needed, keep it the way it is.	10
Concerned about budget	6
Make it Dog Friendly	2
Would prefer traditional style playground	1

Parks and Recreation Advisory Board

White Oak Savanna Nature Playscape Recommendation to City Council.

On Thursday October 8th, 2020 the City of West Linn, Parks and Recreation Advisory Board held a regularly scheduled and advertised monthly meeting. On the agenda was item #6: White Oak Savanna Nature Play Community Input and Recommendation.

At the conclusion of the review, evaluation and discussion of the nature playscape project the Parks and Recreation Advisory Board passed the following motion.

"Due to the added expense of required infrastructure the Parks and Recreation Advisory Board recommends to City Council that the City does not make additional investments in the White Oak Savanna Park at this time."

Savanna Oaks Neighborhood Association

Items desired for White Oak Savanna Nature Play Area

Received via email on July 14th, 2020

Benches already onsite in park

Some benches to be relocated to provide seating near nature play area

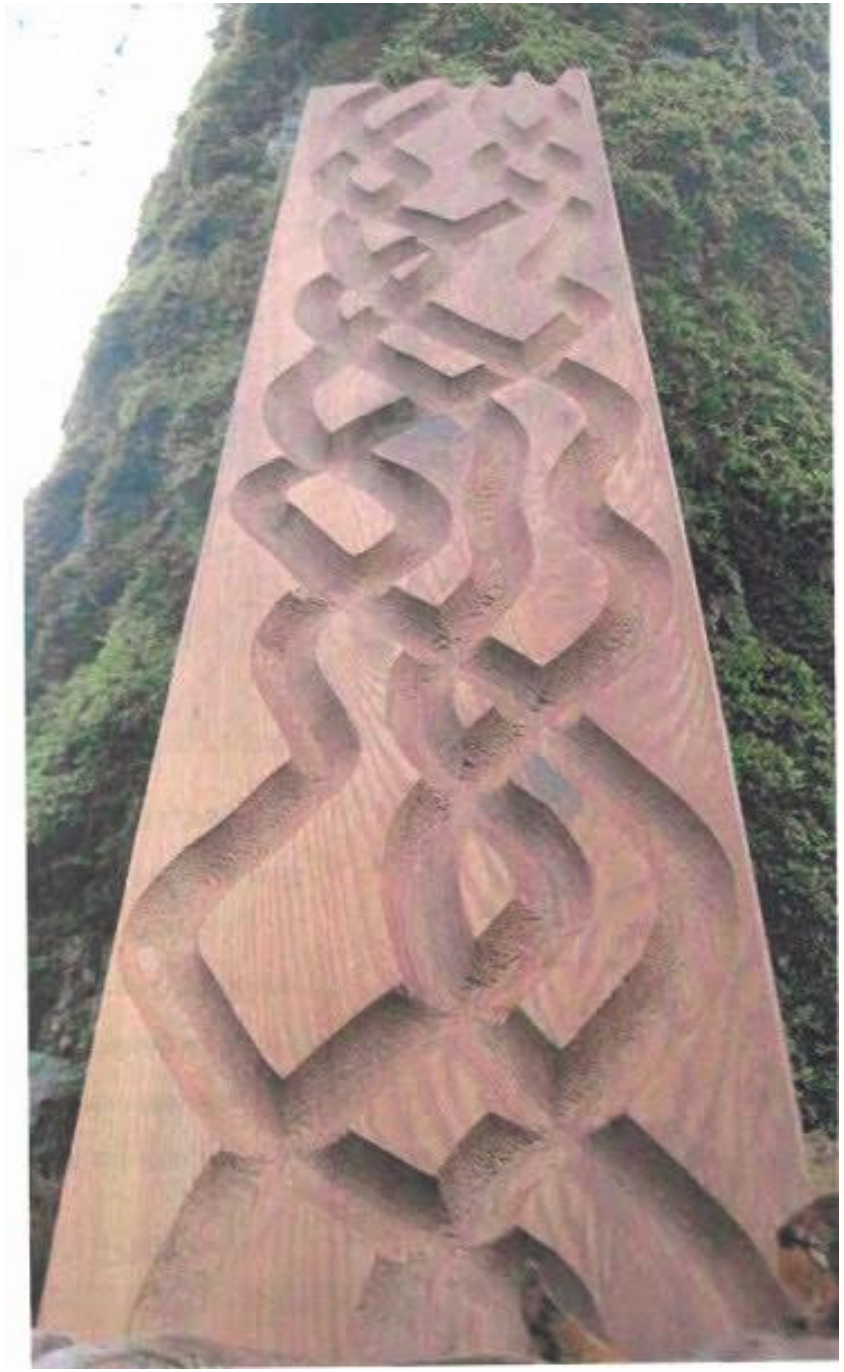
Boulder climbing area

Log Steppers

Horizontal log play area

Loose pieces building area

Amphitheatre



Acorn Run Board

Porta potty with decorative screen

Wed 10/14/2020 12:06 PM

Clark, James

RE: White Oak Savanna ADA Parking,

To Warner, Kenneth

Action Items + Get more apps

Hi Ken,

The plans you submitted actually comply with state building code, if you want to change the plans it would be appropriate for the changes to go through the architect.

As far as the surface it is required to be pavement, ie concrete, asphalt, or other approved material meeting the requirements of:

The Oregon State Structural Specialty Code chapter 11...
ICC ANSI A117.1 Section 502 ...
As well as Oregon Transportation Commission Standards for Accessible Parking Places...

Jim

From: Warner, Kenneth
Sent: Wednesday, October 14, 2020 9:37 AM
To: Clark, James <jclark@westlinnoregon.gov>
Subject: White Oak Savanna ADA Parking,

Jim,

At the meeting last Monday City Council inquired about required ADA parking for the White Oak Savanna project. City Council would like to minimize the costs of the required parking for ADA and have asked if the parking can be gravel or another surface that would be less expensive than the proposed asphalt/concrete.

Please respond with the requirements for an ADA parking area off Tannler Drive for the White Oak Savana Nature Playscape project.

Thanks
Ken

Ken Warner
Parks and Recreation Director
Parks and Recreation
Pronouns: he, him, his
#6047

DECLARATION OF FOURTH EMERGENCY EXTENSION
CITY OF WEST LINN, OREGON

WHEREAS, the City of West Linn has enacted a local Ordinance (West Linn Municipal Code Section 2.700 et seq.) pursuant to the authority granted by ORS Chapter 401 granting City Council to authority to declare a local state of emergency; and

WHEREAS, the following conditions have resulted in the need for a state of emergency:

On March 8, 2020, the Governor of the State of Oregon declared a statewide emergency due to COVID-19 under ORS 401.025(1) and requested all Oregonians to help in facing this challenge.

WHEREAS, the following damage to life and property can be expected from the above conditions:

COVID-19 is an emerging disease and requires a great deal of resources at the local level for response in order to keep the public informed and safe as possible. Resources related to contact tracing, disease investigation, community information and funding are expected to be exhausted.

WHEREAS, on January 31, 2020, the Secretary of the U.S. Department of Health and Human Services declared a public health emergency for the United States; and

WHEREAS, on March 2, 2020, Clackamas County, acting as an emergency management agency under ORS 401.305 and Clackamas County Code Chapter 6.03, declared a local state of emergency and declared emergency measures; and

WHEREAS, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, a declaration of state of emergency is necessary to ensure the City of West Linn has the appropriate resources to respond to COVID-19 public health emergency; and

WHEREAS, ORS 401.309 authorizes certain actions to be taken during a state of emergency when necessary for public safety or for the efficient conduct of activities to minimize or mitigate the effects of the emergency; and

WHEREAS, all local resources have, or will likely be, expended, and there is a need of the following additional resources from the State:

Assistance regarding consistent messages to the public and disease investigation.

WHEREAS, on March 19, 2020, the City Council of West Linn declared a state of emergency for the entire city of West Linn; and

WHEREAS, on April 20, 2020, the City Council of West Linn extended the state of emergency, declaring it shall remain in effect until May 31, 2020, unless sooner terminated by City Council; and

WHEREAS, on May 1, 2020, the Governor extended the state of emergency due to the continued threat for public health and safety from COVID-19 for additional 60 days, through July 6, 2020; and

WHEREAS, on May 18, 2020, the City Council of West Linn extended the state of emergency, declaring it shall remain in effect until June 30, 2020, unless sooner terminated by City Council; and

WHEREAS, on June 30, 2020, the Governor extended the state of emergency due to the continued threat for public health and safety from COVID-19 for additional 60 days, through September 4, 2020; and

WHEREAS, on July 6, 2020, the City Council of West Linn extended the state of emergency, declaring it shall remain in effect until September 14, 2020, unless sooner terminated by City Council; and

WHEREAS, on September 1, 2020, the Governor extended the state of emergency due to the continued threat for public health and safety from COVID-19 for an additional 60 days, through November 3, 2020; and

WHEREAS, on September 14, 2020, the City Council of West Linn extended the state of emergency, declaring it shall remain in effect until November 9, 2020, unless sooner terminated by City Council; and

WHEREAS, on October 27, 2020, the Governor extended the state of emergency due to the continued threat for public health and safety from COVID-19 for an additional 60 days, through November 3, 2020.

NOW, THEREFORE, BE IT DECLARED BY THE CITY COUNCIL OF THE CITY OF WEST LINN:

1. A state of emergency for the entire City of West Linn is extended and shall remain in effect until January 11, 2021, unless sooner terminated by the City Council, and may be further extended by the City Council if the conditions for the public health emergency continue to exist.

2. The City Manager remains empowered to carry out the appropriate functions and duties identified in Municipal Code 2.700 *Emergency Planning* during times of emergency and shall implement the Emergency Operations Plan.

3. The City Manager shall take all necessary steps authorized by law to coordinate response and recovery from this emergency, including, but not limited to, requesting public assistance from United States of America federal government as authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance

Act, as Amended (Stafford Act),Title 42 of the United States Code (U.S.C.) § 5121 et seq., the State of Oregon and Clackamas County.

4. The following measures are necessary, or may become necessary as determined for public safety or for the efficient conduct of activities to minimize or mitigate the effects of the emergency:

- Commit to mutual aid agreements;
- Redirect funds for emergency use;
- Order such other measures as are found to be immediately necessary for the protection of life and/or property.

DATED THIS 9TH DAY OF NOVEMBER, 2020.

_____
RUSSELL B. AXELROD, MAYOR

ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

_____
CITY ATTORNEY

City of West Linn

Agenda Bill 2020-11-09

Date Prepared:	October 27, 2020
For Meeting Date:	November 9, 2020
To:	Russ Axelrod, Mayor West Linn City Council
From:	Darren Wyss, Community Development Department DSW
Through:	Jerry Gabrielatos, City Manager JG John Williams, Deputy City Manager/Community Development Director JRW
Subject:	HB2001/2003 Project Advisory Committee Appointments

Purpose
To appoint a limited duration Project Advisory Committee for the grant funded HB2001 and HB2003 projects.

Question(s) for Council:
Should the Council appoint the limited duration HB2001/2003 Project Advisory Committee as recommended by the West Linn Committee for City Involvement (CCI) and which member of Council will sit on the committee?

Public Hearing Required:
No

Background & Discussion:
City Council directed staff to get a recommendation from the CCI on the membership of a limited duration Project Advisory Committee for the City's grant funded HB2001 and HB2003 projects (HB2001/2003 PAC). At its meeting on October 27, 2020, the CCI made its recommendation, which is included as Attachment 1.

HB2001, also known as the "housing choices" bill, and HB2003, which requires jurisdictions to update their Housing Needs Analysis and associated housing production strategy, were passed by the Oregon Legislature in 2019. The City of West Linn is required to implement both bills through compliance with the associated state administrative rules.

The City has commenced work on HB2001 and HB2003 and will treat both as two-phase projects. Phase 1 will be a technical exercise, while Phase 2 will be policy decisions and the legislative adoption process with the Planning Commission and City Council. To complete Phase 1, the City secured grant funding from the Department of Land Conservation and Development (DLCD) to conduct the technical analysis that will lead to recommendations on actions the City will need to take in order to meet the requirements put in place by HB2001 and HB2003. Angelo Planning will lead the consultant team working with the City on

HB2003 and MIG, Inc. will be the lead consultant on HB2001. Both grant funded projects will be complete by end of June 2021.

As part of the Phase 1 work, the City will need to appoint the HB2001/2003 PAC to review consultant work products and provide feedback. The consultant teams have agreed one committee will be sufficient for both projects as there is a direct connection between HB2001 and HB2003. The consultants, along with DLCD staff and City staff, identified and reached out to various stakeholders to participate based on their housing knowledge, familiarity with HB 2001 and HB2003, or their involvement with City policy making. Based on their availability, City staff received commitments from number of organizations/groups and recommended the CCI consider them in its recommendation to City Council.

Based on the CCI recommendation, staff proposes the following membership for the HB2001/2003 PAC:

1. TBA - City Council
2. Carrie Pellett (Margot Kelly as alternate) – Planning Commission
3. Vicki Olson (Dan Tedrow as alternate) – Committee for Citizen Involvement
4. Rich Nowacki – Historic Review Board
5. Drew Hanson – Economic Development Committee
6. CJ Koll – Neighborhood Association Presidents Group Member (Hidden Springs NA)
7. Noelle Brooks – West Linn Chamber of Commerce
8. Erin Maxey – Homeowner Services Manager, Habitat for Humanity
9. Jill Smith – Director of Housing and Housing Services, Clackamas County Health, Housing, and Human Services
10. Jean Dalquist – Fair Housing Council of Oregon
11. Darren Gusdorf – General Manager, ICON Construction and Development
12. Roseann Johnson – Asst. Director Government Affairs, Home Builders Association of Metro Portland
13. Erin Dey, Director of RE Development, DevNW
14. Jesse Knight – Real Estate Agent, Citizen at Large
15. Tim Young – Planning Consultant, Citizen at Large

Budget Impact:
Staff time associated with meeting logistics and attendance.

Sustainability Impact:
None

Council Goal/Priority:
Planning Docket Project: West Linn Response to HB2001 and HB2003. Project prioritized and underway.

Council Options:

1. Appoint the committee membership listed above (all have confirmed their participation and availability) to review materials and provide feedback to City staff and the consultant teams working on HB2001 and HB2003 projects funded by state grant monies.
2. Revise the committee membership listed above and direct staff to return with updated proposal for appointment.

Staff Recommendation:

Appoint the HB2001/2003 PAC with the membership listed above as recommended by the CCI.

Potential Motion:

1. Move to appoint the limited duration HB2001/2003 Project Advisory Committee, as recommended by the CCI, for the purpose of reviewing consultant materials and providing feedback on the grant funded HB2001 and HB2003 projects.
2. Move to revise the limited duration HB2001/2003 Project Advisory Committee membership and direct staff to return with an updated proposal

Attachments:

1. Committee for Citizen Involvement Recommendation

CITY HALL 22500 Salamo Rd, West Linn, OR 97068 Telephone: (503) 657-0331 Fax: (503) 650-9041

City of West Linn

October 27, 2020

West Linn City Council
West Linn, OR

RE: HB2001/2003 Project Advisory Committee Recommendations

Dear Mayor Axelrod and Members of City Council,

The Committee for Citizen Involvement (CCI) would like to thank Council for the opportunity to recommend membership on the limited duration HB2001/2003 Project Advisory Committee. The CCI would also like to thank the Department of Land Conservation and Development for awarding grant funding to the City for the completion of the Phase I technical exercises associated with HB2001 and HB2003.

With that said, the CCI recommends the advisory committee membership includes the stakeholders listed below. The CCI recommendation takes into account the stakeholders' housing knowledge, familiarity with HB2001 and HB2003, or their involvement with City policy making. City staff has also received confirmation from the stakeholders on their willingness and availability to participate.

- City Council Member
- Planning Commission Member
- Economic Development Committee Member
- Historic Review Board Member
- Committee for Citizen Involvement Member
- Neighborhood Association Presidents Group Member
- West Linn Chamber of Commerce Member
- Habitat for Humanity (Affordable Housing Provider)
- Clackamas County Health, Housing, and Human Services
- Fair Housing Council of Oregon
- ICON Construction and Development (Local Homebuilder)
- Home Builders Association of Metro Portland
- DevNW (Affordable Housing Advocate and Provider)
- Two Citizens at Large

The CCI appreciates Council's continued support of promoting public engagement and we feel by appointing the recommended stakeholders to the HB2001/2003 Project Advisory Committee that the City will be set up to successfully implement HB2001 and HB2003.

Sincerely,

Gary Walvatne
Chair, Committee for Citizen Involvement