



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

WEST LINN CITY COUNCIL MEETING NOTES October 11, 2021

[Pre-Meeting](#)

[Call to Order \[6:00 pm/5 min\]](#)

Council Present:

Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Staff Present:

City Manager Jerry Gabrielatos, City Recorder Kathy Mollusky, Planning Manager Darren Wyss, Emergency Management Coordinator Brenna Cruz, and City Attorney Bill Monahan.

[Approval of Agenda \[6:05 pm/5 min\]](#)

Council President Bill Relyea moved to approve the October 11, 2021, West Linn City Council Meeting Agenda with the following corrections and adjustments:

- Change the label of Agenda Item 6d to 6c, Agenda Bill 2021-10-11-04;
- Remove Agenda Item 6d, Agenda Bill 2021-10-11-05, originally labeled 6e;
- Remove Agenda Item 9, City Attorney Report.

Councilor Mary Baumgardner seconded the motion.

City Attorney Monahan explained Agenda Item 6d, the Final Decision on the Appeal of the New Athey Creek Middle School, would be removed because at the October 7th continuation hearing Council had given staff until October 18th to prepare the final decision and findings.

Ayes: Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 4 - 0

[Public Comments \[6:10 pm/10 min\]](#)

Ed Schwarz, West Linn, was present tonight at the request of the members of the Savannah Oaks Neighborhood Association (SONA) to address the recent approval processes for various applications from ODOT for the I-205 project. He expressed concern about the lack of opportunity for public input, the impact of the work on West Linn residents during construction, and that the applications were allowed to be approved by the Planning Manager instead of the Planning Director. He requested that Council call up the decisions on those applications for review to allow for additional public input.

City Manager Gabrielatos noted he had emailed Mr. Schwarz earlier today and he and Deputy City Manager Williams would be meeting with Mr. Schwarz on Thursday. He would send Mr. Schwarz a Webex invite and follow up about the tree issue.

[Announcements, Proclamations, and Recognitions \[6:20 pm/20 min\]](#)

[Indigenous Peoples Day Proclamation](#)

[Proclamation](#)

Councilor Baumgardner read the Proclamation, declaring Monday, October 11, 2021, Indigenous Peoples Day in the City of West Linn.

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

[Proclamation](#)

Councilor Bialostosky read the Proclamation, declaring October 28, 2021, as Oregon City-West Linn Rivalry Day in the City of West Linn.

[Neighborhood Associations and Northwest Youth Corps Proclamation](#)

[Proclamation](#)

Councilor Jones read the Proclamation, commending the Rosemont Summit Neighborhood Association, Hidden Springs Neighborhood Association, Savanna Oaks Neighborhood

Association, and Northwest Youth Corps for their commitment to helping others and bettering the community.

Ed Schwarz thanked the many volunteers who worked to maintain White Oak Savannah Park including the Northwest Youth Corps.

[Public Comment - Ed Schwarz](#)

Abby Farber, President, Rosemont Neighborhood Association (RNA), expressed her gratitude for the recognition on behalf of the RNA and thanked the Parks and Recreation Department, Bartlett Tree Experts, and the Northwest Youth Corps among others for their assistance.

[National Long-Term Care Resident's Rights Proclamation Proclamation](#)

Councilor Baumgardner read the Proclamation, declaring October 2021 as National Long-Term Care Resident's Rights Month in the City of West Linn.

[Consent Agenda \[6:40 pm/5 min\]](#)

Agenda Bill 2021-10-11-01: Approval of Meeting Notes for September 13, 2021

[Draft Notes Information](#)

Council President Bill Relyea moved to approve the Consent Agenda for the October 11, 2021, West Linn City Council Meeting which includes the September 13, 2021, meeting notes. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Business Meeting \[6:45 pm/90 min\]](#)

Agenda Bill 2021-10-11-02: Public Hearing: ORD 1730, VACATING AND REDEDICATING A PORTION OF THE SKYLINE DRIVE RIGHT-OF-WAY TO CENTER THE EXISTING STREET IN THE RIGHT-OF-WAY WITHIN THE CITY OF WEST LINN, OREGON

[ORD 1730 Skyline Information](#)

Mayor Walters introduced application number MISC-21-08, a City-initiated request to vacate and rededicate the public right-of-way (ROW) along Skyline Drive adjacent to the West Linn High School property and read the conduct of hearing format for a quasi-judicial decision. She then opened the public hearing.

City Attorney Monahan addressed the preliminary legal matters for the hearing and listed the applicable Oregon Revised Statutes (ORS) and approval criteria. He then asked if any members of the City Council wished to declare a conflict of interest, bias, site visits, or ex parte contacts. Council President Relyea stated he drove regularly on Skyline Dr but that did not influence his ability to hear the matter. No other declarations were made. No members of the audience challenged any member of Council to hear the matter.

Planning Manager Wyss presented the agenda bill and the staff report with findings. He described the matter as a housekeeping item to center Skyline Dr in the ROW, make sure all of the City infrastructure was within the ROW, and that all city school infrastructure assets were on private property such as a portion of the high school's new parking lot and the high school stadium project across the street. Staff recommended Council approve the ordinance.

Public Testimony

There was none.

Mayor Walters confirmed there were no further questions or comments and closed the public hearing.

Council President Bill Relyea moved to approve approve MISC-21-08 and conduct first reading for Ordinance 1730, vacating and rededicating a portion of the Skyline Drive right-of-way to center the existing street in the right-of-way within the City of West Linn and set the matter for second reading. Councilor Rory Bialostosky seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

Council President Bill Relyea moved to approve second reading for Ordinance 1730, vacating and rededicating a portion of the Skyline Drive right-of-way to center the existing street in the right-of-way within the City of West Linn and adopt the ordinance. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

[Agenda Bill 2021-10-11-03: Community Development Code Chapter 98.035 – Citizen Engagement in Legislative Changes](#)

CDC Chapter 98 Information

Planning Manager Wyss presented the staff report for this Agenda Bill. Staff was seeking direction from Council on whether to set up a working group for four projects:

- Public engagement for House Bill 2001 implementation;
- Clear and objective standards for housing in order to comply with state statute;
- Ensure the City's floodplain ordinance is in compliance with Federal Emergency Management Agency (FEMA) rules and regulations;
- Update the Community Development Code (CDC) Chapter 96 which was tied to HB 2001.

Due to the complexities of writing and understanding the Code, staff recommended utilizing the Planning Commission as the working group for the four projects.

Council President Relyea noted the Planning Commission had recommended establishing a working group to assist with reviewing the applicable Code and ensuring State Goal 1, Citizen Involvement, was met. The Commission sought staff's recommendation on whether the Committee for Citizen Involvement (CCI) could fill the role. He would be in favor of polling the Planning Commission before Council made a decision on this matter.

Planning Manager Wyss clarified that timing rather than the budget was a greater concern. The FEMA Code amendments needed to be completed by February 14th which would mean a public hearing for the Planning Commission and Council late this year or early next year. Putting together a working group would likely take at least two months. HB 2001 would require a lot of outreach to neighborhoods and other organizations this year to begin the legislative process with the Planning Commission early next year, and the Code amendment package needed to be adopted by June 2022.

Council discussed the timing concerns, the role of the CCI, and other related issues.

Public Comment

Karie Oakes, West Linn, provided the history leading up to the use of working groups. She expressed a number of concerns, among them staff's recommendation that the Planning Commission be the working group, because that group was supposed to make recommendations to the Commission. The recommendations usually came from an advisory committee. The City had been aware of HB 2001 for a long time, and she was surprised it was now coming before Council with some urgency. Finally, the last paragraph on Page 1 of the agenda bill said that certain types of planning efforts benefitted from community input on a future vision, but she did not believe that was the working group's intent, rather that staff would develop code language and the working group would review it.

Council continued to discuss whether to set up a working group with the key concern being timing. Planning Director Wyss confirmed the process to set up a working group and the time needed for it to make a recommendation could take months. Council decided to separate and

prioritize the four projects with the FEMA floodplain ordinance being first, but it also recognized the other projects were time sensitive. The clear and objectives standards project also needed to happen as soon as possible to avoid the possibility of Council's ability being limited to apply the Code to an application for residential development, as had happened in January. Ultimately, Council decided to accept staff's recommendation to utilize the Planning Commission as a working group initially for project three, the FEMA floodplain ordinance.

Council President Bill Relyea moved to direct staff to work with the Planning Commission on the FEMA project. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

Council would discuss the remaining three projects at its next work session, followed by a decision at a special meeting. Staff would poll the Planning Commission for its preference for a CCI subcommittee or to be directly tasked to work with staff on the remaining three projects.

Councilor Bialostosky requested that the City Recorder provide the legislative history of the working group ordinance in time for next Monday's Council meeting and the minutes from the meeting where it was adopted or to direct him where to find that information.

Councilor Jones confirmed Planning Manager Wyss would inform Council next week whether the three remaining projects could be dealt with simultaneously by a working group and what a possible timeframe for that process would be.

[Agenda Bill 2021-10-11-04: Intergovernmental Agreement for Intra-County Mutual Aid During Emergencies](#)

[IGA Information](#)

[Staff Presentation](#)

Emergency Management Coordinator Cruz provided an overview of her work with staff and in identifying priority areas for her role in emergency management and response. She updated on the priorities in the next few months, which included the mutual aid agreement before Council this evening. In response to questions and comments from Council, she spoke to the need for a communication plan in the event of an emergency and the option of activating community partnerships in the case of having to go door-to-door to communicate. She would be meeting with the school district's operations director to discuss and plan actions to take and how to communicate in the event of an earthquake during school hours. Councilor suggestions for further emergency management included procurement of additional forms of radio communications and mutual aid agreements with community partners for shelter options and for stockpiling food.

She presented the proposed intra-county mutual aid agreement, describing its advantages and processes for resource requests and financial reimbursements. She clarified that the common practice and standards for financial reimbursement mentioned in her presentation meant setting a standard for which costs could be evaluated and how they would be calculated. The first 12 hours of donation of staff or equipment time would be considered volunteer, and the rates would go into effect after that.

Council President Bill Relyea moved to approve the Intra-County Mutual Aid Agreement with Clackamas County, and other cities and special districts within Clackamas County and authorize the City Manager to execute the agreement Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

~~**d. Agenda Bill 2021-10-11-05: Approve Final Decision of appeal of new Athey Creek Middle School * To be posted after Council's decision on 10-4-21***~~

This agenda item was removed during tonight's pre-meeting.

[Mayor and Council Reports \[8:15 pm/15 min\]](#)

Council President Relyea raised the possibility of revising the Code language in the case of a tied Council vote. CDC 99.300 stated, "...if no majority is in favor of any motion, then the previous decision shall be considered affirmed," and Section B continued, "Unless a decision be deferred, in the event of a tie, the decision which is the subject of appeal or review shall stand." That was a bit different than the process at an initial Planning Commission hearing when a majority opinion was not reached. As noted in legal counsel's memo, the Commission could decide to continue the hearing and the matter would revert to the previous body's decision. It seemed the Code was inconsistent, and if a Council member was not aware of what would happen in the event of a tie, they might not realize they were placing a matter in that type of jeopardy.

City Attorney Monahan confirmed the Planning Commission's process in a tied vote differed from Council's. He had reviewed the history of actions taken on the ordinance but could not determine why the language was added to the Code. It was not seen in many other cities' codes, and he believed it would be reasonable for Council to consider a better way to resolve a tied vote. The City Attorney's Office could guide Council through a review of its options and provide additional training on the Code.

[Reports from Community Advisory Groups](#)

Councilor Baumgardner reported on last week's Arts and Culture Commission meeting where a report was given about Clackamas County's new Arts Alliances and their planned activities. Erich Lais from Public Works updated at the meeting on the water fountain proposed for installation on Willamette Falls Dr, noting no artistic aspects nor the proposed statue would be added while additional public process on the final design was underway. An art inventory mapping project was in progress in West Linn. The Sustainability Advisory Board's (SAB) second education series would take place tomorrow evening at the public library at 7 pm. The topic would be weatherization and the November 9th topic would be compositing. The library's website had more information and those interested could also register there.

Councilor Bialostosky reported that he attended the recent Youth Advisory Council (YAC) meeting. He was excited about the YAC's work and their level of engagement. The first issue the YAC would address was related to COVID-19 in the school and more enforcement of regulations for masking, among others. He recommended a Council work session to discuss providing guidance on City issues, so the YAC was not just working on the issues related to the school district. He had reached out to Senator Wagner and discussed a number of City issues, including the Abernethy Bridge water pipe funding. Senator Wyden, his staff, and lobbyist Doug Riggs were looking into the possibility of state funding to offset the \$9 million expense the City received from ODOT. The Public Safety Advisory Board (PSAB) met in September, but he had been unable to attend. He reminded of his suggestion for a Council discussion on PSAB's request for guidance on its priorities.

Councilor Jones reported on the Historic Review Board's (HRB) meeting on September 21st. HRB would be carefully considering the HB 2001 updates and the FEMA floodplain regulation updates in the coming month. The Utility Advisory Board (UAB) would meet tomorrow to consider the Abernethy Bridge project, and the Economic Development Committee (EDC) would meet on Thursday.

[City Manager Report \[8:30 pm/5 min\]](#)

[Diversity, Equity, and Inclusion Update](#)

City Manager Gabrielatos reported on his attendance at the International City/County Management Association (ICMA) conference last week in Portland where he had attended sessions on 21st century policing and diversity, equity, and inclusion (DEI). Tribal Councilor Jon George gave the invocation at the beginning of the conference, and it was nice to see West Linn represented on stage. The City had submitted an application to become part of the Government Alliance on Race and Equity, a group that provided a framework and a network for cities to reach their DEI goals. He had met today with Monique Claiborne, formerly of The Kenley Group, and Public Library Director Erickson to discuss DEI in Portland and West Linn.

[City Attorney Report \[8:35 pm/5 min\]](#)

[~~a. Project List~~](#)

[Project List](#)

This item was removed during the pre-meeting tonight.

[Adjourn \[8:40 pm\]](#)

Approved Notes 12-13-21.



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CITY COUNCIL AGENDA

Monday, October 11, 2021

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

6:00 p.m. – Business Meeting – Webex*

1. Call to Order [6:00 pm/5 min]
2. Approval of Agenda [6:05 pm/5 min]
3. Public Comments [6:10 pm/10 min]
4. Announcements, Proclamations, and Recognitions [6:20 pm/20 min]
 - a. Indigenous Peoples Day Proclamation
 - b. Oregon City-West Linn Rivalry Day Proclamation
 - c. Neighborhood Associations and Northwest Youth Corps Proclamation
 - d. National Long-Term Care Resident’s Rights Proclamation
5. Consent Agenda [6:40 pm/5 min]
 - a. Agenda Bill 2021-10-11-01: Approval of Meeting Notes for September 13, 2021
6. Business Meeting [6:45 pm/90 min]
 - a. Agenda Bill 2021-10-11-02: **Public Hearing**: ORD 1730, VACATING AND REDEDICATING A PORTION OF THE SKYLINE DRIVE RIGHT-OF-WAY TO CENTER THE EXISTING STREET IN THE RIGHT-OF-WAY WITHIN THE CITY OF WEST LINN, OREGON
 - b. Agenda Bill 2021-10-11-03: Community Development Code Chapter 98.035 – Citizen Engagement in Legislative Changes
 - c. Agenda Bill 2021-10-11-04: Intergovernmental Agreement for Intra-County Mutual Aid During Emergencies
 - d. Agenda Bill 2021-10-11-05: Approve Final Decision of appeal of new Athey Creek Middle School * *To be posted after Council’s decision on 10-4-21**
7. Mayor and Council Reports [8:15 pm/15 min]
 - a. Reports from Community Advisory Groups

- | | |
|--|-----------------|
| 8. City Manager Report | [8:30 pm/5 min] |
| a. Diversity, Equity, and Inclusion Update | |
| 9. City Attorney Report | [8:35 pm/5 min] |
| a. Project List | |
| 10. Adjourn | [8:40 pm] |

PROCLAMATION

West Linn, Oregon

WHEREAS, the City of West Linn recognizes that the Indigenous People of the lands that would later become known as the Americas have occupied these lands since time immemorial; and

WHEREAS, the City recognizes the fact that West Linn is built upon the homelands and villages of the Indigenous Peoples' of this region, without whom the building of the city would not be possible; and

WHEREAS, the City recognizes the value of many contributions made to our community through Indigenous Peoples' knowledge, labor, spirituality, technology, science, philosophy, arts and the deep cultural contribution that substantially shaped the character of West Linn; and

WHEREAS, the City has a responsibility to oppose the systematic racism towards Indigenous Peoples in the United States, which perpetuates high rates of poverty and income inequality, exacerbates disproportionate health, education, and social stability; and

WHEREAS, the City promotes the closing of the equity gap for Indigenous Peoples through policies and practices that reflect the experiences of Indigenous Peoples, ensuring greater access and opportunity, and honoring our nation's Indigenous history and contributions; and

WHEREAS, Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native Nations to the United Nations sponsored International Conference on Discrimination against Indigenous Populations in the Americas; and

WHEREAS, the United States endorsed the United Nations Declaration on the Rights of Indigenous Peoples (the "Declaration") on December 16, 2010 and the Declaration recognizes that "indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources"; and

WHEREAS, Article 15 of the Declaration recognizes the right of indigenous peoples "to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information" and places an obligation on States to "take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society".

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN, that Monday, October 11 2021, is

INDIGENOUS PEOPLES' DAY

in the City of West Linn and we encourage all residents, businesses, organizations, and public institutions to acknowledge, honor, value, and celebrate Indigenous Peoples' historic and current contributions locally and beyond, while also recognizing the ongoing and interconnected struggles of all Indigenous communities locally and beyond.

DATED THIS 11TH DAY OF OCTOBER, 2021

MAYOR JULES WALTERS

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

P R O C L A M A T I O N

“Oregon City - West Linn Rivalry Day”

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

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

Whereas, Oregon City High School and West Linn High School, formerly known as Union High School, have competed valiantly in the sport of football continuously since 1921 (except during the pandemic of 2020); and

Whereas, on October 28, 2021, the teams representing these schools will renew their annual rivalry for the 101st time; and

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

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

Now Therefore, we, the City Commission of Oregon City and the City Council of West Linn, hereby recognize and commend all citizens who have participated in this annual gridiron classic, and support the efforts of the current teams by proclaiming October 28, 2021, to be “Oregon City-West Linn Rivalry Day.” We further recommend, in the spirit of the day, that all citizens wear clothing of the appropriate colors, and refrain from crossing the river, unless business requires, until game time.

The Honorable Rachel Smith, Mayor
City of Oregon City

The Honorable Jules Walters, Mayor
City of West Linn

October 2021

PROCLAMATION

West Linn, Oregon

WHEREAS, in February 2021, the City of West Linn was hit with an ice storm that took out hundreds of trees and power to residents; and

WHEREAS, City Staff have been working tirelessly on storm debris cleanup; and

WHEREAS, the Rosemont Summit Neighborhood Association, Hidden Springs Neighborhood Association and Savanna Oaks Neighborhood Association funded and partnered with Northwest Youth Corps who worked in the White Oak Savanna, Renaissance and Pimlico Green Spaces to save trees, remove invasive species, do fire mitigation; and

WHEREAS, together they rescued over 700 trees by removing ivy that were threatening the trees. One of the City's biggest assets are our parks and green spaces. The quality and upkeep of these parks and green spaces can increase or decrease the value of our property and quality of life; and

WHEREAS, they performed fuels reduction projects and removed many piles of ice storm debris that were potential fire hazards; and

WHEREAS, they mowed tall grass that may have become a fire hazard to neighbors of the parks and open spaces; and

WHEREAS, they removed Japanese Knotweed, one of the world's worst invasive species and other invasive species from parks and open spaces; and

WHEREAS, they planted 1,500 native plants in the last year restoring our green space.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST LINN, commends the Rosemont Summit Neighborhood Association, Hidden Springs Neighborhood Association, Savanna Oaks Neighborhood Association and Northwest Youth Corps for their commitment to helping others and bettering the community.

DATED THIS 11TH DAY OF OCTOBER, 2021.

MAYOR JULES WALTERS

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

PROCLAMATION

West Linn, Oregon

WHEREAS, there are 1.3 million individuals living in 15,600 nursing homes; and over 800,000 individuals living in 28,900 assisted living/residential care facilities in the U.S.; and

WHEREAS, there are -approximately 70 individuals living in 1 nursing home; and approximately 124 individuals living in 3 assisted living/residential care facilities in West Linn; and

WHEREAS, the federal Nursing Home Reform Act of 1987 guarantees residents their individual rights in order to promote and maintain their dignity and autonomy; and

WHEREAS, all residents should be aware of their rights so they may be empowered to live with dignity and self-determination; and

WHEREAS, we wish to honor and celebrate these citizens, to recognize their rich individuality, and to reaffirm their right to vote and participate politically, including the right to have a say in their care; and

WHEREAS, individuals and groups across the country will be celebrating Residents' Rights Month with the theme "**Reclaiming My Rights, My Home, My Life**" to highlight the need for residents' rights to be recognized, recovered, and reasserted. The theme emphasizes the recognition of the long-term care facility as the residents' home, and the importance of residents reclaiming their own lives.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN, that October 2021 is:

NATIONAL LONG-TERM CARE RESIDENTS' RIGHTS MONTH

In the City of West Linn and we encourage all citizens to join us in this important observance.

DATED THIS 11TH DAY OF OCTOBER, 2021

MAYOR JULES WALTERS

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

Agenda Bill 2021-10-11-01

Date: September 29, 2021

To: Jules Walters, 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:

Approving the Consent Agenda will approve these notes.

Attachments:

1. September 13, 2021 Council Meeting Notes



22500 Salamo Road
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<http://westlinnoregon.gov>

WEST LINN CITY COUNCIL MEETING NOTES September 13, 2021

[Pre-Meeting](#)

[Call to Order \[6:00 pm/5 min\]](#)

Council Present:

Mayor Jules Walters, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Council Absent:

Council President Bill Relyea.

Staff Present:

City Manager Jerry Gabrielatos, City Recorder Kathy Mollusky, Assistant City Engineer Erich Lais, and City Attorney Bill Monahan.

[Approval of Agenda \[6:05 pm/5 min\]](#)

Councilor Mary Baumgardner moved to approve the agenda for the September 13, 2021, West Linn City Council Meeting with the following changes: removing agenda items 7b and 9a. Councilor Rory Bialostosky seconded the motion.

Mayor Walters explained that Agenda Item 7b, Citizen Advisory Group Appointments would wait until the entire Council was present at a future meeting, and Agenda Item 9a, Legal Tracking Log would wait until City Attorney Ramis was present at a meeting.

Ayes: Mayor Jules Walters, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 4 - 0

[Public Comments \[6:10 pm/10 min\]](#)

City Attorney Monahan cautioned Council to avoid the appearance of giving input on the merits of a pending land use application that would apparently be the subject of some public comment at this meeting. Any comments about the potential alleyway must be confined to the area from 9th St to 10th St, which was not part of the land use application, and no decision would be made by the Council on the extension from 9th St to 10th St at this meeting. He clarified that the land use application was before Planning staff for a decision but, if an appeal took place, Council had to be sure to declare any ex parte contacts and to avoid any comments that might be misconstrued and put Council in an awkward position in its ability to hear the matter later.

Jennifer Aberg, West Linn, stated she lived on 9th St and her driveway was part of the right-of-way (ROW) between 9th and 10th St, where the 20-ft wide alley was proposed. She expressed concerns about the varying narrow widths of the ROW, especially with the City requiring curbing on both sides. She requested a traffic impact analysis (TIA) be done and that pedestrian safety be reviewed, noting her concern about the possible increase in traffic. She did not believe the development of the 4th St alley fit with the Transportation System Plan (TSP) safety goals. Many other roads in the city needed maintenance and deferring that to build this alley that the neighborhood did not want was wrong. Also, the City had not discussed the alley with the homeowners.

Michelle Joslin, West Linn, noted the City's TSP stated that safety was the number one goal. Extending 4th Ave would be very unsafe for pedestrians due to the lack of sidewalks and the narrow streets. A lot of children live in the neighborhood and Willamette Primary is located near the proposed extension. Spending money on this unwanted project was concerning, as was the lack of notification to the neighbors. Lastly, she was concerned about the environmental impacts of the proposed extension.

Samantha Faile, West Linn, stated she was concerned about no requirements being in place to notify the residents about a new road. She had two kids who attended Willamette Primary and loved to be outside, and she was troubled by the existing truck traffic on the steep, narrow streets. She asked Council to consider a TIA because of the safety issues, and that the project be paused for consideration of the human element that would play into it. She suggested that a footpath be built instead to connect 9th St to 10th St.

Riley Cook, West Linn, testified about the connection between 9th and 10th St, also known as 4th Ave. The streets were narrow and more traffic would not be safe to bike riders, kids, and pedestrians. Two cars could barely pass each other there currently. A petition had been started and had already gathered 72 signatures, indicating no one in the neighborhood wanted the extension.

Catherine Johnson, West Linn, stated other improvements, such as sidewalks, would be more important than extending 4th Ave and would provide greater safety. The extension would be a risk to those driving on the narrow and steep 9th St and 10th St. It was already difficult for cars to navigate the narrow streets to avoid pedestrians, and it was particularly difficult to get out of her driveway due to the steepness and other traffic. The younger population loved that their children could safely play and walk in their neighborhood and the extension did not seem to benefit that in any way.

Travis Cook, West Linn, stated he lived on 10th St and had bought his home because of the lovely community and the feeling of safety for his children and their school. The punch through between 9th St and 10th St would be only 35 to 40 ft from a 90-degree blind turn with another turn coming in on a slope, creating a safety issue for pedestrians. It was already necessary for cars to stop and wait for another car to clear 10th St before continuing. The issue was also one of quality of life for those in the community. He asked that the proper studies be done to determine if the road made sense.

Derek Hines, West Linn, stated he lived on 10th St and agreed with the statements made so far. The street was so narrow two cars could not pass in front of his house. Adding more traffic to the road would imperil kids and others. 5th Ave was nearby and was a perfect connector between 9th St and 10th St. Punching through 4th Ave to 10th St might attract traffic from 5th Ave to 4th Ave increasing the traffic problems. Sidewalks and a footpath for connectivity were better ideas. The project was not a good use of tax dollars and was unnecessary.

Martin Heinemann, West Linn, stated he lived on 9th St and the driveway to his home was currently the unimproved 4th Ave ROW. He agreed with the concerns of his neighbors about the construction and was very disturbed that he had not been given notice, especially because access to his home would be limited during construction and his utilities might be interrupted. He was also concerned about drainage issues and the potential loss of trees. The proposed stormwater facility would completely change the look and feel of his home and the access to it.

Phyllis Koessler, West Linn, described the problems with traffic on 10th St and the inconveniences she endured during its construction. She was troubled by the way the City approached street development and was surprised 10th St was 5 ft narrower than allowed by Code. 4th Ave was a blackberry gully and she would benefit significantly from its development, but she was vehemently opposed to it. Development of the street would put residents and drivers at risk due to the steepness and narrowness of the streets. She was appalled that the City provided no notice of the construction and she saw no benefit to anybody from the project.

[Announcements, Proclamations, and Recognitions \[6:20 pm/5 min\]](#)

[Friends of McLean House Proclamation & Recognition](#)

[Proclamation](#)

Councilor Jones read the Proclamation, declaring September 18, 2021 as the 40th Anniversary of the Friends of McLean House and Park in the City of West Linn. A plaque would be presented in person to Mike Watters, representing the Friends of McLean House, when possible.

[Consent Agenda \[6:25 min/5 min\]](#)

Agenda Bill 2021-09-13-01: Approval of Meeting Notes for August 2, 2021

[Draft Notes Information](#)

Agenda Bill 2021-09-13-02: Renewal of USGS Joint Funding Agreement

[USGS Joint Funding Agreement](#)

Councilor Rory Bialostosky moved to approve the Consent Agenda as posted. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 4 - 0

[Business Meeting \[6:30 min/60 min\]](#)

Agenda Bill 2021-09-13-03: ORDINANCE 1728, AMENDING WEST LINN MUNICIPAL CODE CHAPTER 2 TO MODIFY THE LANGUAGE TO BE MORE INCLUSIVE CHANGING CITIZEN ADVISORY GROUPS TO COMMUNITY ADVISORY GROUPS

[ORD 1728 Information](#)

Councilor Mary Baumgardner moved to approve First Reading for Ordinance 1728, amending West Linn Municipal Code Chapter 2 to modify the language to be more inclusive changing Citizen Advisory Groups to Community Advisory Groups, and set the matter for Second Reading. Councilor Rory Bialostosky seconded the motion.

Councilor Bialostosky clarified that the change was in name only for inclusivity and would not affect the function of the community advisory groups.

Councilor Baumgardner noted that although many were comfortable with the use of the word "citizen," she was aware that some people found it to be a potential barrier.

Ayes: Mayor Jules Walters, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 4 - 0

Councilor Mary Baumgardner moved to approve Second Reading for Ordinance 1728, amending West Linn Municipal Code Chapter 2 to modify the language to be more inclusive changing Citizen Advisory Groups to Community Advisory Groups and adopt the ordinance. Councilor Todd Jones seconded the motion.

Ayes: Mayor Jules Walters, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 4 - 0

[Agenda Bill 2021-09-13-04: Bittner Street Sewer Replacement Award Bittner Street Information](#)

Assistant City Engineer Lais presented the Agenda Bill for the Bittner St sewer replacement project. The existing sewer line was substandard and structurally damaged. Bids were sought virtually on August 25th and the lowest responsive and responsible bidder was Icon Construction at \$194,224. He answered clarifying questions from Council as follows:

- Extensive outreach was done with neighbors to the project and right-of-entry had been acquired from each resident for work on their property.
- The City would typically repair or replace sewer lines, but new construction was the developer's responsibility. The Code stated that the homeowners were responsible for their sewer laterals to the main line.
- Room would be available at the site for one-way traffic. The City had been in contact with First Student regarding busing and had confirmed full pickup and drop-off would be available. They are also in contact with the school district.
- The extension of the sidewalk at the site had been evaluated and fell to number 18 on the list of priorities for the Safe Routes to School project, so it would not be done as part of the sewer upgrade.

Councilor Rory Bialostosky moved to Authorize the City Manager to sign a contract with Icon Construction and Development in the amount of \$194,224.00 for the Bittner Street Sanitary Sewer Replacement project. Councilor Mary Baumgardner seconded the motion.

Ayes: Mayor Jules Walters, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 4 - 0

[Agenda Bill 2021-09-13-05: Temporary Easements for Abernethy Bridge Construction](#)

[Temporary Easements Information](#)

City Manager Gabrielatos presented the agenda bill, noting ODOT was requesting approval of a temporary easement for three City-owned properties adjacent to I-205 and the Abernethy Bridge to allow construction related to the I-205 widening and bridge seismic improvements. Most of the work that significantly impacted traffic would be done during the evening hours.

Allen Hendy, ODOT, referred to a slide displaying the Abernethy Bridge construction area, and indicated the locations of the three parcels and requested easements. Construction would start next spring or summer and part of the project required a lot of deep foundation work which necessitated the easements for access. ODOT was scheduling work to minimize impacts to the public and to work within environmental regulations. Traffic control, detour plans, etc. have been reviewed regularly by the City of West Linn and the City of Oregon City. He answered clarifying questions from Council as follows:

- Residents south of the Abernethy Bridge, specifically on Territorial Dr, would not see any traffic related to the construction. However, impacts to residents coming in and out of the area were likely due to the construction of a roundabout and its effect on Hwy 43 during the construction.
- Time limits on the easements depended upon the individual properties' environmental compliance categories and could range from 180 days to the life of the project. ODOT would be very specific in the contract regarding the time frame that the contractor could occupy the 180-day area.
- \$5,000 would be paid to the City by ODOT for allowing the easements. The amount was based upon the value of three parcels provided by the appraiser hired by ODOT and seemed low.
- The issue of people possibly camping under the bridge would receive follow-up, and ODOT would work with the City and Clackamas County to address the problem.

Mr. Hendy stated some trees would be removed in the next month or two on both sides of the river near the bridge. The timing of their removal was necessary due to the water work period and migratory birds.

City Manager Gabrielatos confirmed he would follow-up on who would take responsibility for providing assistance to any individuals camping under the bridge and report back to Council.

Mayor Walters stated the City would partner with the County to assist any people camping under the bridge in finding support. She noted that the camping issue was new, but not brand

new. The City was limited by certain laws from removing people.

City Attorney Monahan confirmed he had reviewed the easement documents and found them approvable as to form. Any discussion about preserving the trees and other environmental activities were all negotiated and not part of the easement.

Mr. Hendy verified the trees to be removed would be replanted. He described the efforts that would be made to keep the public informed on the construction project. The goal was to have a plan in place by the end of the year and to review the details with both West Linn and Oregon City in time for full construction next spring.

Councilor Mary Baumgardner moved to Authorize the City Manager to approve temporary easement documents to allow ODOT to perform construction work on City-owned property for the I-205 Widening and Seismic Improvements Project. Councilor Rory Bialostosky seconded the motion.

Ayes: Mayor Jules Walters, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 4 - 0

[Mayor and Council Reports \[7:30 pm/15 min\]](#)

[Declaration of Emergency for Ice Storm Recovery Efforts](#)

[Declaration of Emergency Information](#)

City Manager Gabrielatos reported he had heard from Public Works Director Calvert that the tree trimming work could be done for presumably less than \$100,000. Staff could come back to Council with a menu of big ticket items they would like to take to the residents in the fall and spring for their evaluation, including Oppenlander Field, the Operations Building, a recreation center, water infrastructure, Abernethy Bridge, and the potential for replanting some of the trees.

City Attorney Monahan concurred that tree trimming could proceed as a City project using funds in the City's budget without an emergency declaration.

b. Citizen Advisory Group Appointments

This item was moved during tonight's pre-meeting to next week's Council meeting.

Reports from Citizen Advisory Groups

Councilor Jones reported on the Economic Development Committee (EDC) meeting last Thursday. The EDC discussed the golf tournament to be held this weekend at Oregon Golf Club

and recognized that a number of residents were concerned about the potential traffic challenges, but also acknowledged that it would be an economic opportunity for the small businesses in the area. Some disappointment was expressed by members of the EDC that the City had not taken advantage of having such an event, though the decision to move the tournament to West Linn was made very late. The EDC also acknowledged the City was in the process of hiring a business support specialist and that the tournament was an example of how that individual could be of assistance to the City, its residents, and its small businesses by foreseeing such opportunities. He would like staff to confirm if the Ladies Professional Golf Association (LPGA) had signed a three-year contract to hold the event at Oregon Golf Club.

Councilor Baumgardner reminded that the first seminar of the Sustainability Advisory Board's Education Series would be held virtually Tuesday night beginning at 7 pm and would be on water usage. Registration could be done through the City's website under Library Events by anyone interested in attending.

Councilor Bialostosky said that he had learned from the Public Safety Advisory Board Chair that a presentation would be held on September 22nd on human trafficking and prevention. Interested community members were welcome to attend.

Mayor Walters reported on the Parks and Recreation Advisory Board (PRAB) meeting last Thursday. Some discussion focused on the continuing storm cleanup in Mary S. Young Park, and Parks Director Warner updated on various bond projects. She had inquired on her own behalf and not as a representative from Council about the possibility of holding an event for Pride Month next June. The PRAB seemed to welcome that idea and would look into it. She had attended a 9/11 event with Councilor Baumgardner and Councilor Jones to honor first responders and essential workers. One of Senator Wyden's staff members had presented to West Linn a flag that had flown over the U.S. Capitol in recognition of the city's exemplary service and dedication, and in commemoration of the 20th anniversary of 9/11. She expressed gratitude to Senator Wyden for the flag, and to Dean Suhr for organizing the city's 9/11 event. She had met with the Locks Commission which would be nominating people to serve on the Locks Authority, the body that would guide locks repair, restoration, and reopening. In response to an inquiry from Councilor Baumgardner, she said she would connect with Mayor Beaty in Beaverton to see if assistance could be provided to Afghani refugees.

[City Manager Report \[7:45 pm/5 min\]](#)

[City of West Linn Response to COVID-19 Public Health Emergency](#)

City Manager Gabrielatos reported President Biden mandated employers of over a hundred people have employees vaccinated or do weekly COVID-19 testing of those who were not vaccinated. Staff would monitor the evolving situation and prepare as best as possible.

[Diversity, Equity, and Inclusion Update](#)

City Manager Gabrielatos reported that he had met last week with Doug Erickson and some members of the Portland State University staff. A great deal of internship opportunities were offered through the university, many focused on city management, and provided room for partnership.

[Storm Recovery Update](#)

City Manager Gabrielatos updated that the funding sought for the city's trees would go out to the public via a survey or other means, along with all of the other needs due to the storm. Council briefly discussed the curb separating the sidewalk from the bike path on Willamette Falls Drive which had generated a bit of public discussion due to trips and falls. The issue would be rectified at a cost of \$35,000 to be paid from the General Obligation (GO) Bond or from the Street Fund. Staff would also seek an estimate on the cost of painting the curb for visibility.

Council discussed the format of future Council meetings and decided the September 20th meeting would be virtual via Webex and the October 4th meeting would be a hybrid of virtual and in-person. State mandates regarding masking would be followed and all attendees, including Councilors, had the option to choose to attend virtually or in-person.

City Manager Gabrielatos stated he would reach out to other cities for input on how they have handled the logistics of in-person meetings, mask-wearing, and security at meetings.

[City Attorney Report \[7:50 pm/5 min\]](#)

a. Legal Tracking Log

[Tracking Log Information](#)

This item was removed from the agenda during the pre-meeting and would be addressed at a future Council meeting when City Attorney Ramis was present.

[Adjourn \[7:55 pm\]](#)

Draft Notes.



Agenda Bill 2021-10-11-02

Date Prepared: September 28, 2021

For Meeting Date: October 11, 2021

To: Jules Walters, Mayor
West Linn City Council

From: Darren Wyss, Community Development Department *DSW*

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

Subject: Public Hearing on City-Initiated Right-of-Way Vacation/Rededication of Skyline Drive adjacent to West Linn High School

Purpose

To consider a proposal from the City of West Linn to vacate 49,997 square feet of Skyline Drive right-of-way adjacent to West Linn High School and rededicate 41,952 square feet of Skyline Drive right-of-way to align the street in center of the right-of-way and remove portions of the right-of-way from areas containing existing or approved private improvements.

Question(s) for Council:

Should Council approve the proposal and adopt Ordinance 1730?

Public Hearing Required:

Yes

Background & Discussion:

The City of West Linn has initiated a right-of-way vacation and rededication for the portion of Skyline Drive adjacent to the West Linn High School property. The purpose of the proposed vacation and rededication of the right-of-way is to align Skyline Drive in the center of the right-of-way. The proposal will also remove portions of the right-of-way from areas containing existing or approved private improvements. The proposal will "clean-up" historic surveys for better management of assets for both the City and the West Linn-Wilsonville School District.

ROW vacations and rededications are reviewed and decided by City Council, acting as the City's "Governing Body", under the authority granted in Oregon Revised Statute (ORS) Chapter 271. The proposal and decision are governed by ORS 271.130, while noticing requirements are governed by ORS 271.110.

Notice of the public hearing was posted for two consecutive weeks in the West Linn Tidings and posted at both ends of the proposed vacation. The proposal will have no impacts to the transportation system or surrounding properties. An eight-foot easement will be dedicated along both sides of the realigned right-of-way to ensure access to existing utilities and the future installation of any needed utilities.

City staff received no comments or objections to the proposal as of September 28, 2021.

Budget Impact:

Negligible as there will be approximately 8,000 square feet less right-of-way for the City to maintain.

Sustainability Impact:

None

Council Goal/Priority:

Not related to a Council Goal other than 4.1.b which mentions strengthening relationships with the school district.

Council Options:

1. Adopt Ordinance 1730 as presented in Attachment 1;
2. Adopt Ordinance 1730 with changes;
3. Do not adopt Ordinance 1730.

Staff Recommendation:

Adopt Ordinance 1730 as presented

Potential Motion:

1. Move to adopt Ordinance 1730 and vacate and rededicate a portion of Skyline Drive as described in Exhibits A and B of the ordinance
2. Move to adopt Ordinance 1730 with the following changes (list changes)
3. Move to not adopt Ordinance 1730 (list reasons)

Attachments:

1. Ordinance 1730
2. MIS-21-08 Staff Report to City Council

ORDINANCE NO. 1730

**AN ORDINANCE VACATING AND REDEDICATING A PORTION OF THE
SKYLINE DRIVE RIGHT-OF-WAY TO CENTER THE EXISTING STREET IN THE RIGHT-OF-WAY
WITHIN THE CITY OF WEST LINN, OREGON**

WHEREAS, the City of West Linn submitted an application, pursuant to Oregon Revised Statute (ORS) 271.130, to vacate and rededicate a portion of the Skyline Drive right-of-way, adjacent to the West Linn High School property, on July 23, 2021; and,

WHEREAS, the City fixed a time pursuant to Oregon Revised Statute (ORS) 271.130 on October 11, 2021, for a public hearing on the proposed vacation and rededication; and,

WHEREAS, the City published notice of the proposed right-of-way vacation and rededication in the West Linn Tidings on September 22, 2021 and September 29, 2021; and,

WHEREAS, City staff posted a copy of the notice on September 27, 2021, with all required information, at two conspicuous places near each end of the proposed vacation and rededication area; and,

WHEREAS, the City Council held a public hearing on the proposed vacation on October 11, 2021; and,

WHEREAS, the City Council found that the proposal complied with all requirements of ORS 271, the notice was complete, no objections were submitted, and the public interest will not be prejudiced by the vacation and rededication.

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

SECTION 1. Vacation. The portion of Skyline Drive right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lot 800 of Assessor Map 22E30, as more particularly described and attached in Exhibit A (legal description and map), which is incorporated by this reference.

SECTION 2. Rededication. The portion of Skyline Drive right-of-way is rededicated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lot 800 of Assessor Map 22E30, as more particularly described and attached in Exhibit B (legal description and map), which is incorporated by this reference.

SECTION 3. Establish Public Utility Easement. The rededicated right-of-way is subject to dedication of an adjacent eight-foot public utility easement, as depicted in Exhibit B for the entirety.

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 11th day of October, 2021, and duly PASSED and ADOPTED this _____ day of _____, 2021.

JULES WALTERS, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY



LEGAL DESCRIPTION
 PROPOSED VACATION OF A PORTION OF SKYLINE DRIVE,
 WEST LINN, OR

EXHIBIT "A", PAGE 1 OF 2

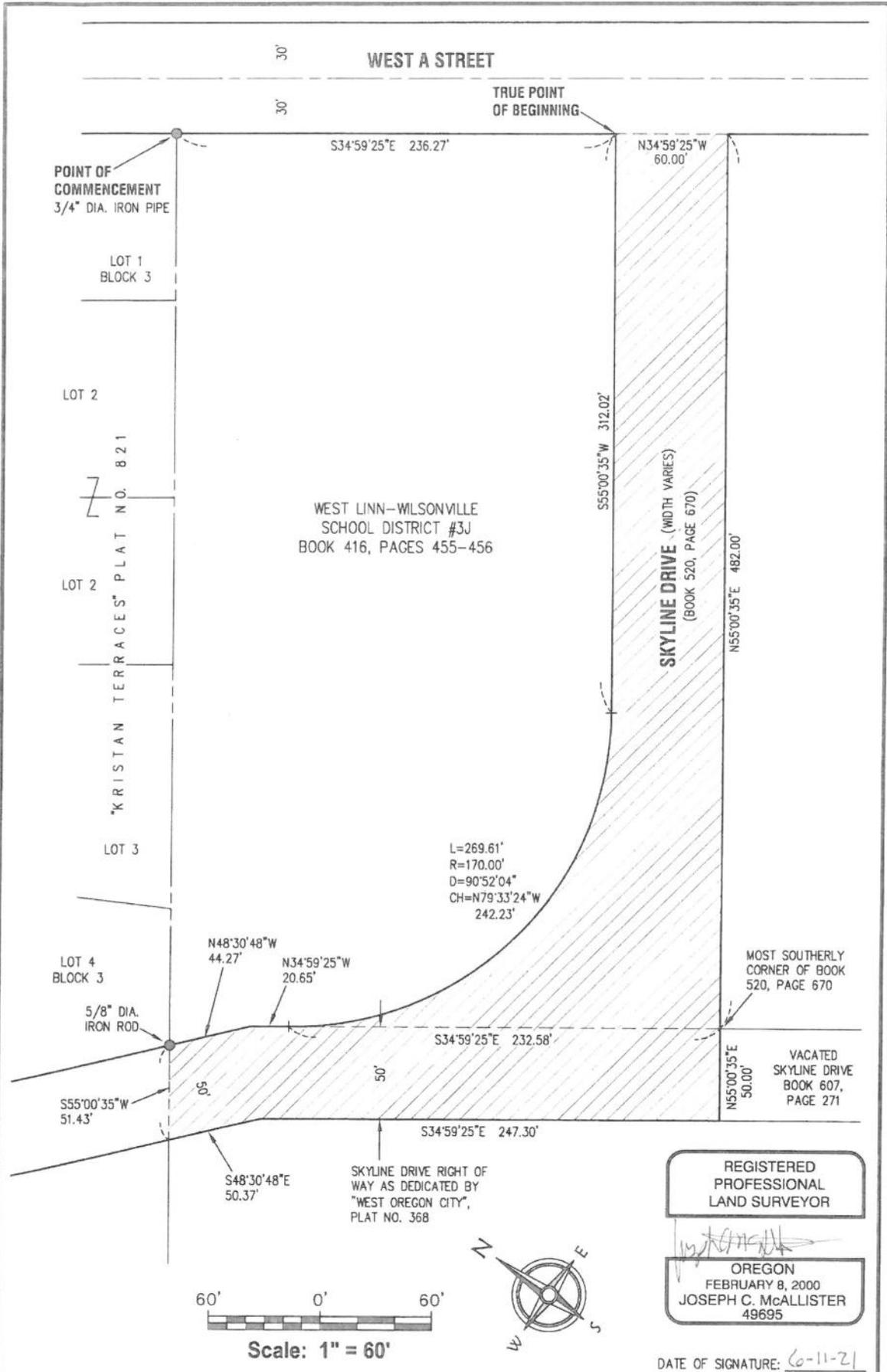
A PORTION OF SKYLINE DRIVE, (WIDTH VARIES), BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING ALL THAT PORTION OF SKYLINE DRIVE AS DESCRIBED IN DEED BOOK 520, PAGE 670, CLACKAMAS COUNTY DEED RECORDS AND A PORTION OF SKYLINE DRIVE AS DEDICATED BY "WEST OREGON CITY", PLAT NO. 368, CLACKAMAS COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING A 3/4" DIAMETER IRON PIPE, FOUND AT THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE WEST LINN-WILSONVILLE SCHOOL DISTRICT #3J, RECORDED IN BOOK 416, PAGES 455-456, CLACKAMAS COUNTY DEED RECORDS, SAID POINT ALSO BEING THE MOST EASTERLY CORNER OF LOT 1, BLOCK 3, "KRISTAN TERRACES", PLAT NO. 821, BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF WEST "A" STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, S 34°59'25"E., 236.27 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF SKYLINE DRIVE (60.00 FEET WIDE) AS RECORDED IN AFORESAID DEED BOOK 520, PAGE 670, AND THE TRUE POINT OF BEGINNING, THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID SKYLINE DRIVE (60.00 FEET WIDE), S 55°00'35"W., 312.02 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, 269.61 FEET ALONG THE ARC OF A 170.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°52'04", (THE CHORD OF WHICH BEARS N 79°33'24"W., 242.23 FEET) TO THE EASTERLY RIGHT OF WAY LINE OF SKYLINE DRIVE (50.00 FEET WIDE) AS DEDICATED BY AFORESAID "WEST OREGON CITY", PLAT NO. 368; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, N 34°59'25"W., 20.65 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, N 48°30'48"W., 44.27 FEET TO A 5/8" DIAMETER IRON ROD FOUND AT THE MOST SOUTHERLY CORNER OF LOT 4, BLOCK 3 OF AFORESAID "KRISTAN TERRACES"; THENCE ALONG THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF SAID "KRISTAN TERRACES", SAID EXTENSION BEING THE NORTHWESTERLY LINE OF AFORESAID SCHOOL TRACT, S 55°00'35"W., 51.43 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID SKYLINE DRIVE (50.00 FEET WIDE); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, S 48°30'48"E., 50.37 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, S 34°59'25"E., 247.30 FEET TO THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF SKYLINE DRIVE AS DESCRIBED IN AFORESAID BOOK 520, PAGE 670; THENCE ALONG SAID EXTENSION, N 00°00'E., 50.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID BOOK 520, PAGE 670; THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, N 55°00'35"E., 482.00 FEET TO THE AFORESAID SOUTHWESTERLY RIGHT OF WAY LINE OF WEST "A" STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, N 34°59'25"W., 60.00 FEET TO THE POINT-OF-BEGINNING, CONTAINING 49,997 SQUARE FEET, MORE OR LESS.



DATE OF SIGNATURE c/nlu
 EXPIRES: 12/31/2022





5358 Skyline Vacation.dwg

EXHIBIT "A"

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

VACATION OF A PORTION OF SKYLINE DRIVE
IN THE SW 1/4 SECTION 30, T.2S., R.2E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OR

2
2



LEGAL DESCRIPTION
 PROPOSED SKYLINE DRIVE,
 WEST LINN, OR

EXHIBIT "A", PAGE 1 OF 2,

A 58.00 FOOT WIDE STRIP OF LAND, BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING A 3/4" DIAMETER IRON PIPE, FOUND AT THE NORTHERLY CORNER THAT TRACT OF LAND DESCRIBED IN DEED TO THE WEST LINN-WILSONVILLE SCHOOL DISTRICT #3J, RECORDED IN BOOK 416, PAGES 455-456, CLACKAMAS COUNTY DEED RECORDS, SAID POINT ALSO BEING THE EASTERLY CORNER OF LOT 1, BLOCK 3, "KRISTAN TERRACES", PLAT NO. 821, BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF WEST "A" STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, S.34059'25"E., 266.27 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG THE CENTERLINE OF A 58.00 FOOT WIDE STRIP, S.55°00'35"W., 401.49 FEET; THENCE 137.70 FEET ALONG THE ARC OF A 95.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 83°03'04", (THE CHORD OF WHICH BEARS N.83°27'53"W., 125.96 FEET); THENCE N.41°56'21"W., 184.12 FEET TO THE TERMINUS OF SAID CENTERLINE, BEING A POINT ON THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF AFORE SAID "KRISTAN TERRACES", S.55°00'35"W., 25.71 FEET FROM THE 5/8" IRON ROD FOUND AT THE SOUTHERLY CORNER OF LOT 4, BLOCK 3, OF AFORE SAID PLAT "KRISTAN TERRACES", SAID EXTENSION ALSO BEING THE NORTHWESTERLY LINE OF AFORE SAID SCHOOL TRACT; THE RIGHT AND LEFT SIDES OF SAID 58.00 FOOT WIDE STRIP, ARE 29.00 FEET RIGHT AND LEFT OF AND PARALLEL WITH SAID CENTERLINE; SAID STRIP CONTAINING 41,952 SQUARE FEET, MORE OR LESS.

INCLUDING A 8.00 FOOT WIDE PUBLIC UTILITY EASEMENT PARALLELING THE RIGHT AND LEFT SIDES OF SAID 58.00 FOOT WIDE STRIP, THE OUTER RIGHT AND LEFT SIDES THEREOF BEING 37.00 FEET RIGHT AND LEFT OF AND PARALLEL WITH THE AFORE SAID DESCRIBED CENTERLINE.



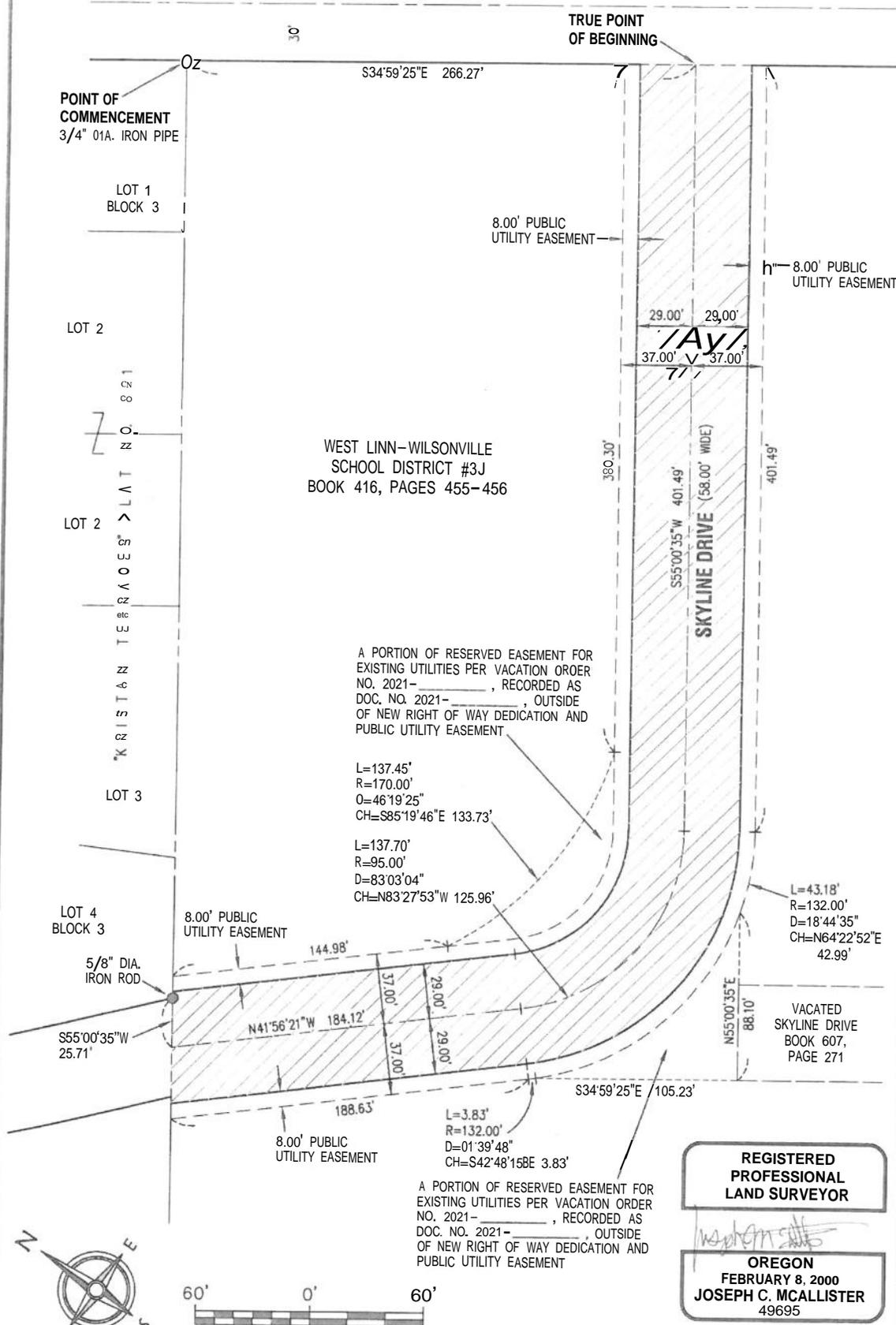
DATE OF SIGNATURE: 6/1/2022

EXPIRES: 12/31/2022



4107 SE International Way, Suite 705, Milwaukie, Oregon 97222
 Phone 503.653.9093 Fax 503.653.9095 Email: joem@compass-landsurveyors.com

WEST A STREET



POINT OF COMMENCEMENT
3/4" 01A. IRON PIPE

TRUE POINT OF BEGINNING

LOT 1
BLOCK 3

LOT 2

LOT 2

K R I S T I A N T E R R A C O S S ' S > L A T N O. 8 2 1

LOT 3

LOT 4
BLOCK 3

WEST LINN-WILSONVILLE
SCHOOL DISTRICT #3J
BOOK 416, PAGES 455-456

A PORTION OF RESERVED EASEMENT FOR EXISTING UTILITIES PER VACATION ORDER NO. 2021-_____, RECORDED AS DOC. NO. 2021-_____, OUTSIDE OF NEW RIGHT OF WAY DEDICATION AND PUBLIC UTILITY EASEMENT

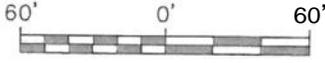
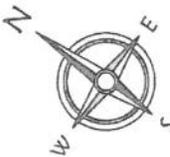
L=137.45'
R=170.00'
O=46°19'25"
CH=S85°19'46"E 133.73'

L=137.70'
R=95.00'
D=83°03'04"
CH=N83°27'53"W 125.96'

L=43.18'
R=132.00'
D=18°44'35"
CH=N64°22'52"E 42.99'

L=3.83'
R=132.00'
D=01°39'48"
CH=S42°48'15BE 3.83'

A PORTION OF RESERVED EASEMENT FOR EXISTING UTILITIES PER VACATION ORDER NO. 2021-_____, RECORDED AS DOC. NO. 2021-_____, OUTSIDE OF NEW RIGHT OF WAY DEDICATION AND PUBLIC UTILITY EASEMENT



Scale: 1" = 60'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
FEBRUARY 8, 2000
JOSEPH C. MCALLISTER
49695

DATE OF SIGNATURE: 6-11-21
EXPIRES: 12/31/2022

5358 Skyline Dedication.dwg

EXHIBIT "A"

O&MPASS Land Surveyors
4107 SE International Way, Suite 705
MilwauScSe, Oregon 97222 503-653-9093

SKYLINE DRIVE DEDICATION
IN SW 1/4 SECTION 30, T.2S., R.2E., W.3E.,
CITY OF WEST LINN, CLACKAMAS COUNTY, OR

2
2



CITY OF
West Linn

**STAFF REPORT
FOR THE CITY COUNCIL**

FILE NUMBER: MIS-21-08

HEARING DATE: October 11, 2021

REQUEST: City initiated request to vacate and rededicate the public right-of-way along Skyline Drive adjacent to the West Linn High School property

STAFF REPORT PREPARED BY: Darren Wyss, Planning Manager

Community Development Director *JRW*

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GENERAL INFORMATION

APPLICANT: City of West Linn
22500 Salamo Road
West Linn, OR 91068

SITE LOCATION: 49,997 square feet of improved Skyline Drive right-of-way adjacent to taxlot 800 of Assessor's Map 22E30.

DESCRIPTION: Proposed vacation and rededication to align Skyline Drive in center of right-of-way.

SITE SIZE: 49,997 square feet will be vacated and 41,952 square feet will be rededicated.

ZONING: R-10 (Single-Family Residential Detached, 10,000 square foot minimum lot size)

PLAN DESIGNATION: Low Density Residential

APPROVAL CRITERIA: Oregon Revised Statute (ORS) 271. Hearing conducted per the procedures of Community Development Code (CDC) Chapter 99.

PUBLIC NOTICE: Notice was completed per CDC 99.080 and ORS 271.110

EXECUTIVE SUMMARY

The City of West Linn has initiated a right-of-way vacation and rededication for the portion of Skyline Drive adjacent to the West Linn High School property (see Exhibit CC-1). The purpose of the proposed vacation and rededication of the right-of-way is to align Skyline Drive in the center of the right-of-way. The proposal will also remove portions of the right-of-way from areas containing existing or approved private improvements. The proposal will “clean-up” historic surveys for better management of assets for both the City and the West Linn-Wilsonville School District.

ROW vacations and rededications are reviewed and decided by City Council, acting as the City’s “*Governing Body*”, under the authority granted in Oregon Revised Statute (ORS) Chapter 271. The proposal and decision are governed by ORS 271.130, while noticing requirements are governed by ORS 271.110.

Notice of the public hearing was posted for two consecutive weeks in the West Linn Tidings and posted at both ends of the proposed vacation (see Exhibit CC-4). The proposal will have no impacts to the transportation system or surrounding properties. An eight-foot easement will be dedicated along both sides of the realigned right-of-way to ensure access to existing utilities and the future installation of any needed utilities.

RECOMMENDATION

Staff recommends the City Council approves the right-of-way vacation/rededication proposal.

PUBLIC COMMENTS:

No comments have been received as of the publication of this Staff Report.

ADDENDUM APPROVAL CRITERIA AND FINDINGS

ORS 271.130 Vacation on city governing body's own motion.

(1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners.

Staff Finding 1: The City of West Linn Public Works Department initiated vacation proceedings for a street right-of-way as authorized by ORS.271.080. Neither a petition nor consent of affected property owners is required. The criteria are met.

Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

Staff Finding 2: The notice provisions of ORS 271.110 have been met (see Staff Findings 5 to 7). The notice set the date for the public hearing as October 11, 2021. No decision on the proposal was made before the noticed public hearing. The City has not received a written objection to the proposal by a majority of property owners in the affected area. The abutting property owner, the West-Linn Wilsonville School District, is a partner in this proposal and has not claimed a substantial effect to the market value of the abutting property. The criteria are met.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

Staff Finding 3: Only one street, a portion of Skyline Drive adjacent to the West Linn High School property, is part of the proposal. The criteria are met.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases.

Staff Finding 4: The proposal does not include the vacation of all or part of a plat. The City of West Linn understands the right to an appeal and the process to file. The criteria are met.

271.110 Notice of hearing.

(1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

Staff Finding 5: Public notice was published in the West Linn Tidings newspaper once each week for two consecutive weeks prior to the hearing (publish dates: September 22, 2021 and September 29, 2021). The notice included the ground covered by the vacation/rededication proposal, the date it was filed by the City of West Linn, the process to submit written or oral comment, and the date and time of the hearing. The criteria are met. 017 and December 28, 2017). Staff posted a “Notice of Street Vacation” at each end of the unimproved ROWs proposed for vacation on December 21, 2017. Both the sign posting and first day of publication in the newspaper were at least 14 days prior to the hearing date. The criteria is met.

(2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, “Notice of Street Vacation,” “Notice of Plat Vacation” or “Notice of Plat and Street Vacation,” as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

Staff Finding 6: The first day of publication of the notice was September 22, 2021. Staff posted a “Notice of Street Vacation and Rededication” at each end of the section of Skyline Drive in the proposal on September 27, 2021. Both the sign posting and first day of publication in the newspaper were at least 14 days prior to the hearing date. The criteria are met.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.

Staff Finding 7: The proposal is City-initiated and all notices were funded by the City. The criteria are met.

EXHIBIT CC-1: LOCATION MAP

Legend

 Unofficial Tax Lots

0 0.06 0.11 Miles

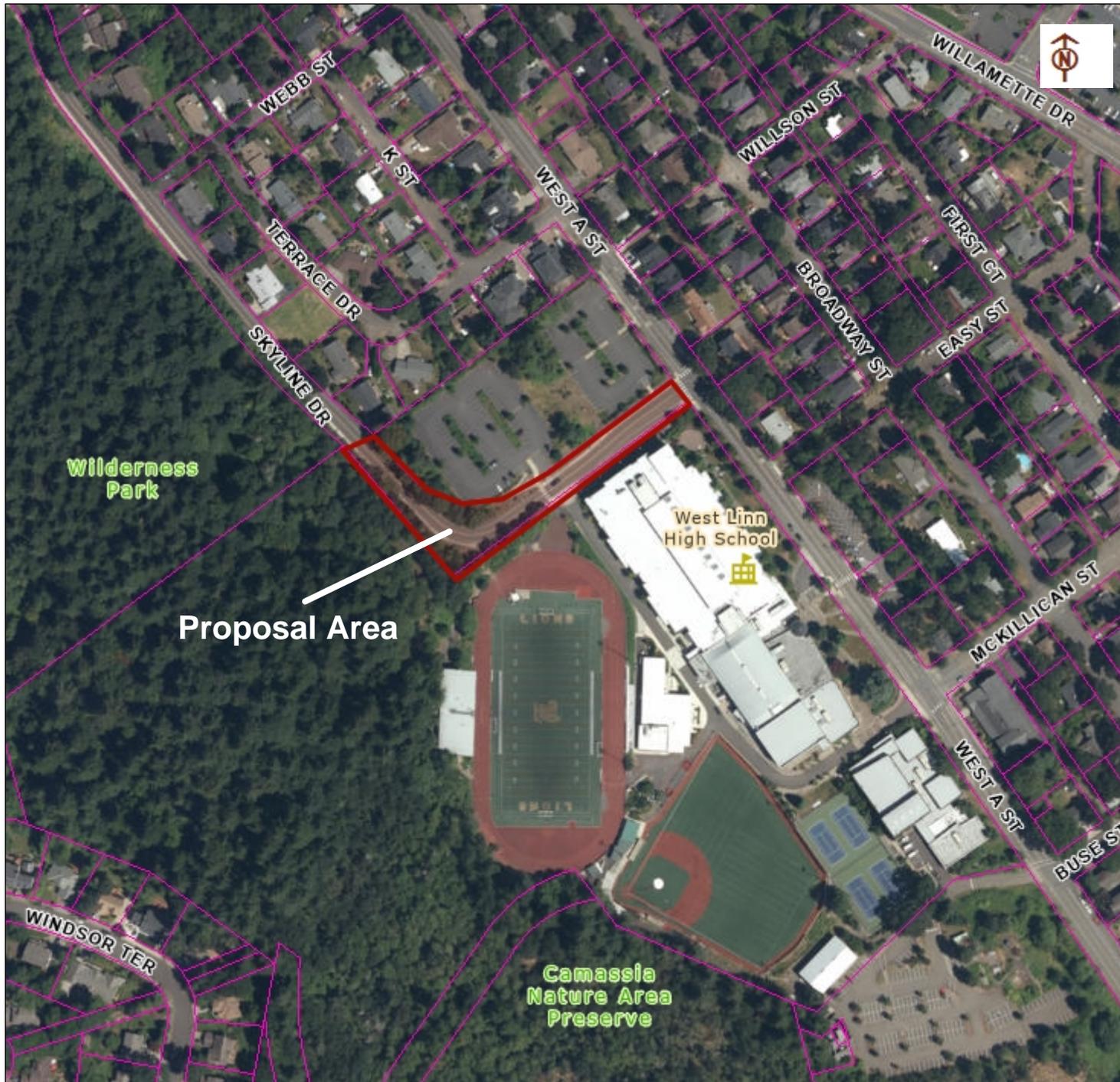


1: 4,514



Notes

This map was automatically generated using Geocortex Essentials.
Staff Report



Proposal Area

EXHIBIT CC-2: APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT <i>WYSS</i>	PROJECT NO(s). <i>Misc -21-08</i>	PRE-APPLICATION NO. <i>n/a</i>
NON-REFUNDABLE FEE(s) \$0	REFUNDABLE DEPOSIT(s)	TOTAL \$0

Type of Review (Please check all that apply):

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

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

Site Location/Address: SKYLINE DRIVE	Assessor's Map No.: 22E30
	Tax Lot(s): N/A
	Total Land Area: N/A

Brief Description of Proposal: CITY INITIATED RIGHT-OF-WAY VACATION OF SKYLINE DRIVE, DEDICATION OF PUE ON VACATED RIGHT-OF-WAY AND DEDICATION OF NEW SKYLINE DRIVE RIGHT-OF-WAY ADJACENT TO 5464 WEST A STREET

Applicant Name: AMY PEPPER <small>(please print)</small>	Phone: 503-722-3437
Address: 22500 SALAMO ROAD	Email: apepper@westlinnoregon.gov
City State Zip: WEST LINN, OR 97068	

Owner Name (required): CITY OF WEST LINN <small>(please print)</small>	Phone:
Address: 22500 SALAMO ROAD	Email:
City State Zip: WEST LINN, OR 97068	

Consultant Name: N/A <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

- All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
- The owner/applicant or their representative should be present at all public hearings.
- A decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
- The City accepts electronic (.pdf) land use applications and project submissions from applicants. Applicants should submit this form and supporting documents through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page: <https://westlinnoregon.gov/planning/submit-land-use-application>

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    Owner's signature (required) Date **7.23.21**

ATTACHMENT A:

PROPOSED RIGHT-OF-WAY VACATION, PUBLIC UTILITY EASEMENT DEDICATION

LEGAL DESCRIPTION
PROPOSED VACATION OF A PORTION OF SKYLINE DRIVE,
WEST LINN, OR

EXHIBIT "A", PAGE 1 OF 2

A PORTION OF SKYLINE DRIVE, (WIDTH VARIES), BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING ALL THAT PORTION OF SKYLINE DRIVE AS DESCRIBED IN DEED BOOK 520, PAGE 670, CLACKAMAS COUNTY DEED RECORDS AND A PORTION OF SKYLINE DRIVE AS DEDICATED BY "WEST OREGON CITY", PLAT NO. 368, CLACKAMAS COUNTY PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

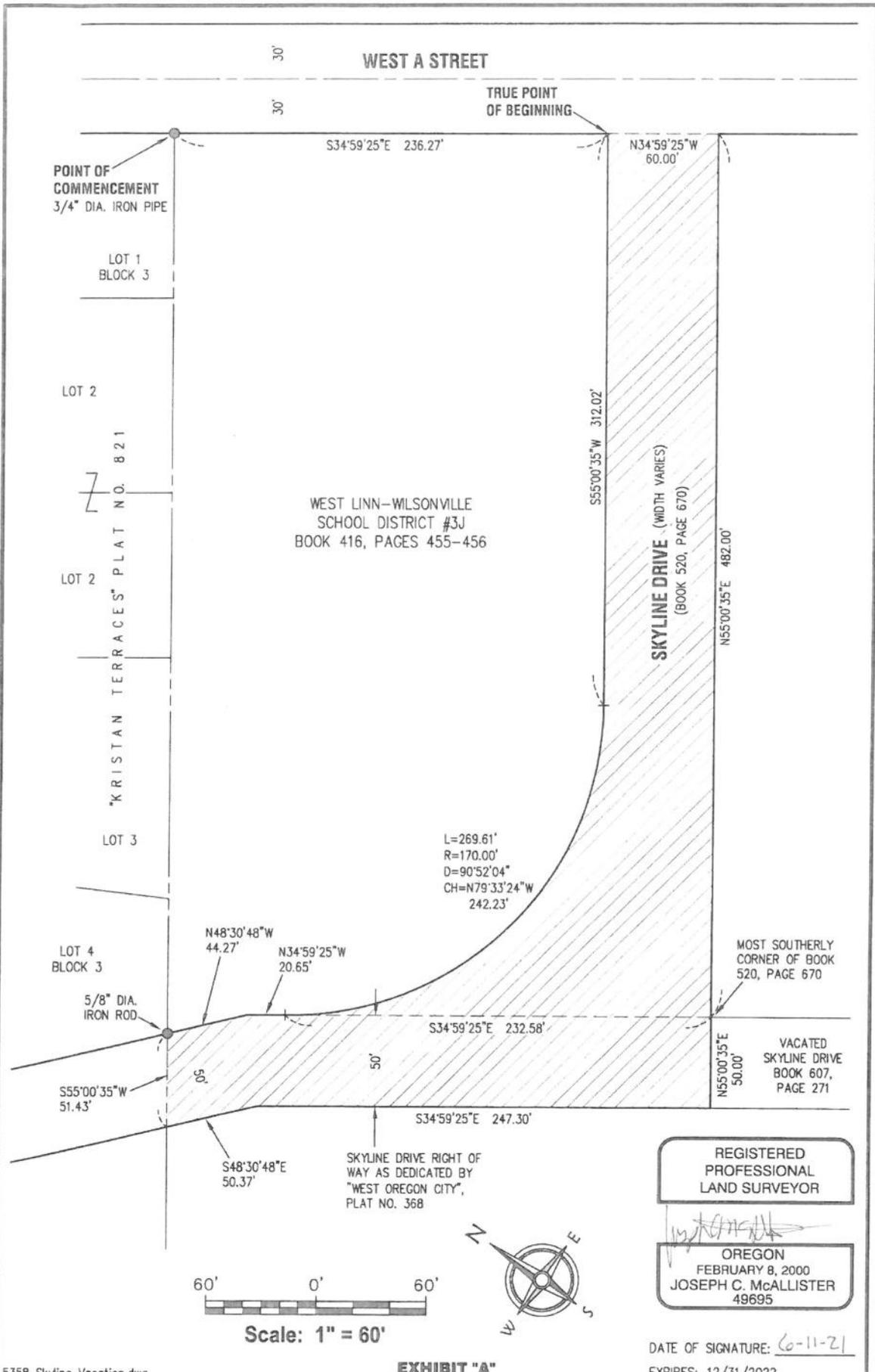
COMMENCING A 3/4" DIAMETER IRON PIPE, FOUND AT THE MOST NORTHERLY CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO THE WEST LINN-WILSONVILLE SCHOOL DISTRICT #3J, RECORDED IN BOOK 416, PAGES 455-456, CLACKAMAS COUNTY DEED RECORDS, SAID POINT ALSO BEING THE MOST EASTERLY CORNER OF LOT 1, BLOCK 3, "KRISTAN TERRACES", PLAT NO. 821, BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF WEST "A" STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, S 34°59'25"E., 236.27 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF SKYLINE DRIVE (60.00 FEET WIDE) AS RECORDED IN AFORESAID DEED BOOK 520, PAGE 670, AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID SKYLINE DRIVE (60.00 FEET WIDE), S 55°00'35"W., 312.02 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, 269.61 FEET ALONG THE ARC OF A 170.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°52'04", (THE CHORD OF WHICH BEARS N 79°33'24"W., 242.23 FEET) TO THE EASTERLY RIGHT OF WAY LINE OF SKYLINE DRIVE (50.00 FEET WIDE) AS DEDICATED BY AFORESAID "WEST OREGON CITY", PLAT NO. 368; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, N 34°59'25"W., 20.65 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, N 48°30'48"W., 44.27 FEET TO A 5/8" DIAMETER IRON ROD FOUND AT THE MOST SOUTHERLY CORNER OF LOT 4, BLOCK 3 OF AFORESAID "KRISTAN TERRACES"; THENCE ALONG THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF SAID "KRISTAN TERRACES", SAID EXTENSION BEING THE NORTHWESTERLY LINE OF AFORESAID SCHOOL TRACT, S 55°00'35"W., 51.43 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID SKYLINE DRIVE (50.00 FEET WIDE); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, S 48°30'48"E., 50.37 FEET; THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, S 34°59'25"E., 247.30 FEET TO THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF SKYLINE DRIVE AS DESCRIBED IN AFORESAID BOOK 520, PAGE 670; THENCE ALONG SAID EXTENSION, N 00°00'E., 50.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID BOOK 520, PAGE 670; THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, N 55°00'35"E., 482.00 FEET TO THE AFORESAID SOUTHWESTERLY RIGHT OF WAY LINE OF WEST "A" STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, N 34°59'25"W., 60.00 FEET TO THE POINT-OF-BEGINNING, CONTAINING 49,997 SQUARE FEET, MORE OR LESS.



DATE OF SIGNATURE c/nlu
EXPIRES: 12/31/2022



4107 SE International Way, Suite 705, Milwaukie, Oregon 97222
Phone: 503.653.9093 Fax: 503.653.9095 Email: joem@compass-landsurveyors.com



5358 Skyline Vacation.dwg

EXHIBIT "A"

COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

VACATION OF A PORTION OF SKYLINE DRIVE
IN THE SW 1/4 SECTION 30, T.2S., R.2E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OR

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ATTACHMENT B:
PROPOSED RIGHT-OF-WAY DEDICATION

LEGAL DESCRIPTION
PROPOSED SKYLINE DRIVE,
WEST LINN, OR

EXHIBIT "A", PAGE 1 OF 2,

A 58.00 FOOT WIDE STRIP OF LAND, BEING LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING A 3/4" DIAMETER IRON PIPE, FOUND AT THE NORTHERLY CORNER THAT TRACT OF LAND DESCRIBED IN DEED TO THE WEST LINN-WILSONVILLE SCHOOL DISTRICT #3J, RECORDED IN BOOK 416, PAGES 455-456, CLACKAMAS COUNTY DEED RECORDS, SAID POINT ALSO BEING THE EASTERLY CORNER OF LOT 1, BLOCK 3, "KRISTAN TERRACES", PLAT NO. 821, BEING ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF WEST "A" STREET (30.00 FEET FROM CENTERLINE); THENCE ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, S.34059'25"E., 266.27 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG THE CENTERLINE OF A 58.00 FOOT WIDE STRIP, S.55°00'35"W., 401.49 FEET; THENCE 137.70 FEET ALONG THE ARC OF A 95.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 83°03'04", (THE CHORD OF WHICH BEARS N.83°27'53"W., 125.96 FEET); THENCE N.41°56'21"W., 184.12 FEET TO THE TERMINUS OF SAID CENTERLINE, BEING A POINT ON THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF AFORE SAID "KRISTAN TERRACES", S.55°00'35"W., 25.71 FEET FROM THE 5/8" IRON ROD FOUND AT THE SOUTHERLY CORNER OF LOT 4, BLOCK 3, OF AFORE SAID PLAT "KRISTAN TERRACES", SAID EXTENSION ALSO BEING THE NORTHWESTERLY LINE OF AFORE SAID SCHOOL TRACT; THE RIGHT AND LEFT SIDES OF SAID 58.00 FOOT WIDE STRIP, ARE 29.00 FEET RIGHT AND LEFT OF AND PARALLEL WITH SAID CENTERLINE; SAID STRIP CONTAINING 41,952 SQUARE FEET, MORE OR LESS.

INCLUDING A 8.00 FOOT WIDE PUBLIC UTILITY EASEMENT PARALLELING THE RIGHT AND LEFT SIDES OF SAID 58.00 FOOT WIDE STRIP, THE OUTER RIGHT AND LEFT SIDES THEREOF BEING 37.00 FEET RIGHT AND LEFT OF AND PARALLEL WITH THE AFORE SAID DESCRIBED CENTERLINE.



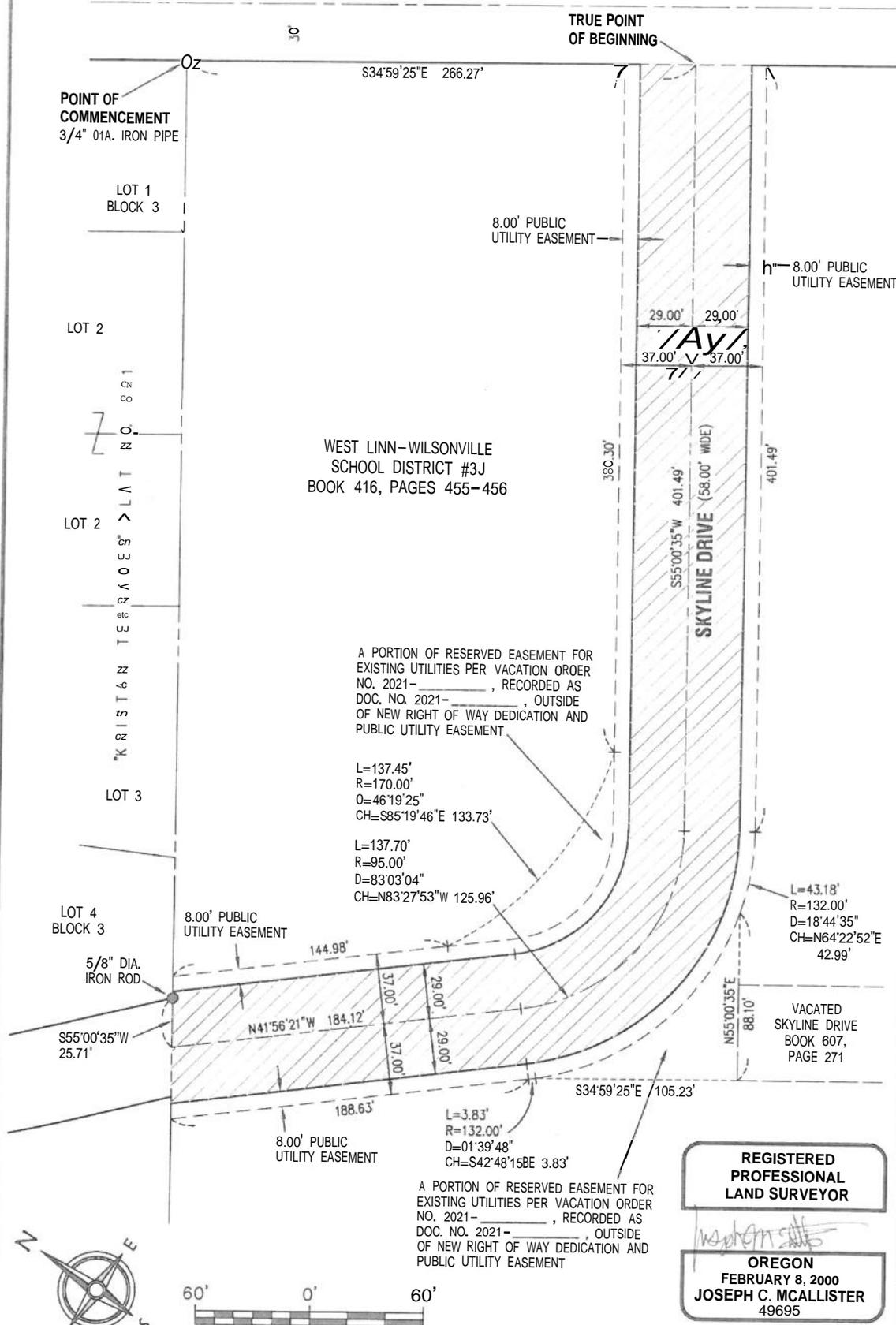
DATE OF SIGNATURE: 6/1/2022

EXPIRES: 12/31/2022



4107 SE International Way, Suite 705, Milwaukie, Oregon 97222
Phone 503.653.9093 Fax 503.653.9095 Email: joem@compass-landsurveyors.com

WEST A STREET



POINT OF COMMENCEMENT
3/4" 01A. IRON PIPE

TRUE POINT OF BEGINNING

LOT 1
BLOCK 3

LOT 2

LOT 2

K R I S T I A N T E R N A O S S ' > L A T N O. 8 2 1

LOT 3

LOT 4
BLOCK 3

WEST LINN-WILSONVILLE
SCHOOL DISTRICT #3J
BOOK 416, PAGES 455-456

A PORTION OF RESERVED EASEMENT FOR EXISTING UTILITIES PER VACATION ORDER NO. 2021-_____, RECORDED AS DOC. NO. 2021-_____, OUTSIDE OF NEW RIGHT OF WAY DEDICATION AND PUBLIC UTILITY EASEMENT

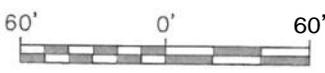
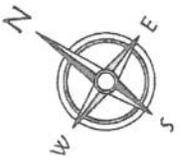
L=137.45'
R=170.00'
O=46°19'25"
CH=S85°19'46"E 133.73'

L=137.70'
R=95.00'
D=83°03'04"
CH=N83°27'53"W 125.96'

L=43.18'
R=132.00'
D=18°44'35"
CH=N64°22'52"E 42.99'

5/8" DIA. IRON ROD

S55°00'35"W 25.71'



Scale: 1" = 60'

A PORTION OF RESERVED EASEMENT FOR EXISTING UTILITIES PER VACATION ORDER NO. 2021-_____, RECORDED AS DOC. NO. 2021-_____, OUTSIDE OF NEW RIGHT OF WAY DEDICATION AND PUBLIC UTILITY EASEMENT

REGISTERED PROFESSIONAL LAND SURVEYOR

Joseph C. McAllister

OREGON
FEBRUARY 8, 2000
JOSEPH C. MCALLISTER
49695

DATE OF SIGNATURE: 6-11-21
EXPIRES: 12/31/2022

5358 Skyline Dedication.dwg

EXHIBIT "A"

O&MPASS Land Surveyors
4107 SE International Way, Suite 705
MilwauScSe, Oregon 97222 503-653-9093

SKYLINE DRIVE DEDICATION
IN SW 1/4 SECTION 30, T.2S., R.2E., W.3.
CITY OF WEST LINN, CLACKAMAS COUNTY, OR

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EXHIBIT CC-3: COMPLETENESS LETTER



CITY OF West Linn

August 3, 2021

Amy Pepper
City of West Linn
22500 Salamo Road
West Linn, OR 97068

SUBJECT: MISC-21-08 Application for Skyline Drive right-of-way vacation and rededication adjacent to the West Linn High School properties

Ms. Pepper:

You submitted this application on July 23, 2021. The Planning Department has reviewed the materials and found you have satisfied submittal requirements found in Oregon Revised Statute 271.130. The Planning Department finds that this application is **complete**. This is a legislative action and therefore the 120-day rule does not apply.

Please be aware that a 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 West Linn City Council to render a decision on your proposal.

Public notice will be prepared per Oregon Revised Statute 271.110. The tentative public hearing date before the West Linn City Council is scheduled for October 11, 2021.

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

Sincerely,

Darren Wyss
Planning Manager

EXHIBIT CC-4: AFFIDAVIT OF NOTICE

AFFIDAVIT OF NOTICE

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

PROJECT

File No.: **MISC-21-08** Applicant's Name: **City of West Linn**
 Development Name: **Street Vacation of Skyline DR, Dedication of PUE on Vacated ROW, and Dedication of New Skyline DR**
 Scheduled Decision Date: **City Council Decision No Earlier than 10/11/21**

TIDINGS

Notice was posted in the West Linn Tidings once each week for two consecutive weeks prior to the hearing per ORS 271.110.

9/22/21	<i>Lynn Schroder</i>
9/29/21	<i>Lynn Schroder</i>

WEBSITE

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

9/28/2021	<i>Dave S Wagon</i>
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SIGN

Within 5 days after the first day of publication signs were as posted at each end of the proposed vacation per ORS 271.110.

9/27/2021	<i>Dave S Wagon</i>
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STAFF REPORT was posted on the website and provided to City Councilors at least 10 days prior to the scheduled date of the public hearing.

9/30/2021	<i>Dave S Wagon</i>
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FINAL DECISION notice mailed to applicant, parties with standing, and the County surveyor's office.

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**WEST LINN CITY COUNCIL
PUBLIC HEARING NOTICE
FILE NO. MISC-21-08**

The West Linn City Council will hold a hybrid public hearing on **Monday, October 11, 2021 at 6:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a City initiated request to vacate and rededicate the public right-of-way along Skyline Drive adjacent to the West Linn High School Property (tax lot 800 of Assessor's Map 22E30. The application was filed on July 23, 2021.

The City Council hearing shall be conducted per CDC Chapter 99 and the decision shall be based upon the approval criteria found in Oregon Revised Statute 271. All written or oral comments must relate specifically to the applicable approval criteria.

All relevant materials in the above noted file are available on the City website <https://westlinnoregon.gov/planning/skyline-drive-street-vacation> or for inspection at no cost at City Hall. Alternately, or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available. For further information, please contact Darren Wyss, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, dwyss@westlinnoregon.gov, or 503-742-6064.

Anyone wishing to present written testimony for consideration on this matter may submit their concerns before 12:00 pm on October 11, 2021 to dwyss@westlinnoregon.gov or mail to City Hall. The City cannot accept *emailed* testimony after 12:00 pm on October 11, 2021. The City Council will also accept written testimony in person at the public hearing.

The City Council meeting will be conducted in a hybrid format with some Councilors, staff, presenters, and members of the public attending remotely via Webex and others attending in-person at City Hall. Those who wish to participate remotely should complete the speaker form <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> **before 12:00 pm on the meeting day** to receive an invitation to join the meeting. Virtual participants can log in through a computer, mobile device, or call-in.

The City Council will receive a staff presentation and invite both virtual and in-person oral testimony from the public. Previously submitted written testimony is included as part of the record. The City Council may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the review as provided by state law. Failure to raise an issue during the hearing or in writing before the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals based on that issue.

Publish: West Linn Tidings, September 22 and September 29, 2021

NOTICE OF PROPOSED STREET VACATION AND REDEDICATION

WEST LINN CITY COUNCIL PUBLIC HEARING NOTICE FILE NO. MISC-21-08

The West Linn City Council will hold a hybrid public hearing on **Monday, October 11, 2021, at 6:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a City initiated request to vacate and rededicate the public right-of-way along Skyline Drive adjacent to the West Linn High School Property (tax lot 800 of Assessor's Map 22E30. The application was filed on July 23, 2021.

The City Council hearing shall be conducted per CDC Chapter 99 and the decision shall be based upon the approval criteria found in Oregon Revised Statute 271. All written or oral comments must relate specifically to the applicable approval criteria.

All relevant materials in the above noted file are available on the City website <https://westlinnoregon.gov/planning/skyline-drive-street-vacation> or for inspection at no cost at City Hall. Alternately, or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available. For further information, please contact Darren Wyss, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, dwyss@westlinnoregon.gov, or 503-742-6064.

Anyone wishing to present written testimony for consideration on this matter may submit their concerns before 12:00 pm on October 11, 2021 to dwyss@westlinnoregon.gov or mail to City Hall. The City cannot accept *emailed* testimony after 12:00 pm on October 11, 2021. The City Council will also accept written testimony in person at the public hearing.

The City Council meeting will be conducted in a hybrid format with some Councilors, staff, presenters, and members of the public attending remotely via Webex and others attending in-person at City Hall. Those who wish to participate remotely should complete the speaker form <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> **before 12:00 pm on the meeting day** to receive an invitation to join the meeting. Virtual participants can log in through a computer, mobile device, or call-in.

The City Council will receive a staff presentation and invite both virtual and in-person oral testimony from the public. Previously submitted written testimony is included as part of the record. The City Council may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the review as provided by state law. Failure to raise an issue during the hearing or in writing before the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals based on that issue.



Agenda Bill 2021-10-11-03

Date Prepared: September 28, 2021

For Meeting Date: October 11, 2021

To: Jules Walters, Mayor
West Linn City Council

From: Darren Wyss, Community Development Department *DSW*

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

Subject: Community Development Code Chapter 98.035 – Citizen Engagement in Legislative Changes

Purpose

West Linn Planning staff have four code amendment projects that will be brought through the legislative process over the next year. Staff is looking for a determination from Council, per Community Development Code (CDC) Chapter 98.035, on whether a working group is needed for any of the four projects or if the Planning Commission will act in that capacity.

Question(s) for Council:

Should the Council direct staff to follow the process for appointing a working group for one or more of the projects or direct staff to work with the Planning Commission on the projects?

Public Hearing Required:

No

Background & Discussion:

West Linn Planning staff needs direction from City Council on four code amendment projects:

1. HB2001 Implementation (required by State Statute/Administrative Rules to be adopted by June 30, 2022)
2. Clear and Objective Standards for Housing (required by State Statute and needs adopted as soon as possible to ensure the code can be effectively implemented)
3. FEMA Floodplain Ordinance Updates (required by Federal Law, must be adopted by February 14, 2022)
4. CDC Chapter 96 (Street Improvements) Updates (proposed to be adopted along with HB2001)

CDC Chapter 98.035 (see Attachment 1) requires a working group be created for land use legislative change proposals, unless Council determines that one is not necessary. The primary purpose is to get a representative group from the community to provide input on large land use changes that will impact the future of West Linn. This is pretty typical in the planning world for proposals to rezone properties,

develop a new vision for underutilized land, or update transportation plans. These types of planning efforts benefit from having a cross-section of the community weigh in on the future vision. Some good examples in West Linn would be the Waterfront Project and any potential re-imagining of what the Highway 43 corridor could look like 20 years from now.

Once the longer term vision is adopted through a process of community engagement, the second phase is typically to flush out the details in the form of codes to implement the vision. In the case of West Linn, this is the Community Development Code. Writing effective code is a difficult and time-consuming task that benefits from subject matter experience and expertise as there is a lot of nuance and interconnectedness to development codes. For this reason, City staff recommends using the Planning Commission as the working group for the four projects as they are familiar with the CDC and have gained the knowledge and experience with the code to provide pointed and effective feedback on proposed amendments.

Budget Impact:

Setting up separate advisory committees would greatly increase staff time requirements for these projects, particularly as all of these projects need to go through the Planning Commission eventually per West Linn CDC.

Sustainability Impact:

None

Council Goal/Priority:

Initiative 2.3. Make improvements to the Community Development Code

Council Options:

1. Utilize the Planning Commission as the working group
2. Direct staff to use the process to create a working group for one or more of the projects

Staff Recommendation:

Direct staff to work with the Planning Commission on the four code amendment projects

Potential Motion:

1. Move to direct staff to work with the Planning Commission on the four code amendment projects
2. Move to direct staff to follow the process to appoint a working group for the four projects
3. Move to direct staff to follow the process to appoint a working group for the following projects (name the projects) and work with the Planning Commission on the remaining projects

Attachments:

1. Community Development Code Chapter 98.035

98.035 CITIZEN ENGAGEMENT IN LEGISLATIVE CHANGES

- A. Purpose. The purpose of a legislative working group is to provide a forum to discuss different points of view on a proposed land use legislative change.
- B. Creation of working group. New and modified land use legislative changes to this code will be developed by a representative working group of citizens and assisted by planning staff, unless the City Council determines that a working group is not necessary.
1. After receiving direction from the City Council, the Committee for Citizen Involvement shall recommend a purpose, goals, and a list of appointees for each proposed working group to the City Council for approval.
 2. The working group will contain interested stakeholders, a member of the Planning Commission, and a staff representative.
 3. The working group shall comply with WLMC 2.060 regarding the selection of officers and the other generally applicable citizen advisory group provisions.
- C. Conduct of working group meetings.
1. Staff will prepare a suggested draft of the proposed changes. This draft will provide a starting point for discussion and education.
 2. The working group will use the draft as a starting point for discussion, but then reconcile the implications of the draft with the goals established by the Council for the working group.
 3. After each working group meeting staff will incorporate approved changes and prepare an updated working draft.
 4. All working group meetings will be public meetings with an opportunity for anyone in attendance to provide public comment. The meetings and minutes will be conducted in accordance with the Council Rules, West Linn Municipal Code, City Charter, and State law.
 5. In the event a consensus cannot be reached on an issue, the working group will prepare alternatives. Each alternative and its rationale will be presented to the Planning Commission.
 6. Prior to submission to the Planning Commission, proposed code changes will be submitted to the City Attorney for review. The review should be limited to the identification of areas where the proposed language conflicts with other parts of this code, State law or Federal law. As an alternative, legal counsel may attend and advise during the creation of the draft.

D. Presentation to the Planning Commission. When the working group reaches consensus that the code changes are ready, the proposed code changes will be presented by the Director to the Planning Commission pursuant to CDC 98.040(A)(2). If the working group fails to reach a consensus on the code changes, all proposals will be presented to the Planning Commission. Pursuant to CDC 98.110(A), the Planning Commission shall recommend approval, denial, or approval with modifications to the Council. (Ord. 1655 § 8, 2016)



Agenda Bill 2021-10-11-04

Date Prepared: September 27, 2021

For Meeting Date: October 11, 2021

To: Jules Walters, Mayor
West Linn City Council

From: Brenna Cruz, Administration

Through: Jerry Gabrielatos, City Manager JG

Subject: IGA for Intra-County Mutual Aid During Emergencies

Purpose:

The primary purpose of this IGA is to enable West Linn to provide and receive emergency assistance during an emergency from Clackamas County and other cities and special districts within Clackamas County.

Question(s) for Council:

Should the West Linn City Council enter into the current IGA with Clackamas County, and the other cities and special districts who have signed the agreement, to allow the sharing and receiving of emergency assistance in the form of supplemental personnel, equipment, materials and other support during an emergency?

Public Hearing Required:

None.

Background & Discussion:

The original intra-county mutual aid agreement was originally executed in 2006, and the current format has been in effect since 2011. The City of West Linn has not previously been a signing partner of the agreement along with one other city in Clackamas County. Signing the agreement would enable the city to formally establish working relationships between Clackamas County, and the other cities and special districts within Clackamas County to receive emergency assistance and facilitate efficient local emergency response through a variety of methods including supplemental personnel, equipment, materials, and other identified support. By joining the signing parties to the agreement, the City of West Linn will also be able to provide resources upon request to expand the region's capacity for local emergency response. In the event of a significant emergency or disaster within city limits, the agreement would also enable more efficient emergency response as Clackamas County would be able to facilitate elevated resource requests from the Oregon Office of Emergency Management for state and/or federal support. Signing the agreement does not obligate the city to fulfill emergency assistance requests submitted by other parties to the agreement. The agreement formally outlines a process for financial reimbursement of the resources provided by the city and demonstrates a pattern of practice needed for reimbursement from future state and federal grants dedicated to disaster response and/or hazard mitigation.

Budget Impact:

None, there is no direct budget impact.

Sustainability Impact:

None, there is no direct sustainability impact.

Council Goal/Priority:

Principal #0: Core Services of West Linn City Government

Principal #4: Thrive and Move Forward Under Community/Stakeholder Direction

- Council Initiative #1A: Partner with the County to improve access to services

Council Options:

- 1) Approve the IGA, allowing the City of West Linn to provide and receive emergency assistance, materials, and services with regional county, city, and special district partners within Clackamas County during and responding to an emergency or disaster.
- 2) Do not approve the IGA, potentially creating challenges in delivery of emergency services and resources during and responding to an emergency or disaster.

Staff Recommendation:

Staff recommends approving the IGA. This IGA will assist city staff with providing emergency response personnel, resources, and services to better serve the community of West Linn, while fostering continued relationships and bolstering emergency response with local partners in Clackamas County.

Potential Motion:

Move to approve the Intra-County Mutual Aid Agreement with Clackamas County, and other cities and special districts within Clackamas County and authorize the City Manager to execute the agreement.

Attachments:

1. Clackamas County Intra-County Mutual Aid Agreement

INTRA-COUNTY MUTUAL AID AGREEMENT

Omnibus Agreement 2011 Revision

This OMNIBUS AGREEMENT is made and entered into by the undersigned cities and special districts (hereinafter referred to as "Participants") to enable them to provide Emergency Assistance to each other during an Emergency.

WHEREAS, the Participants have expressed mutual interest in the establishment of an Omnibus Agreement to facilitate and encourage Emergency Assistance within Clackamas County; and

WHEREAS, in the event of an Emergency, a Participant who has executed this Omnibus Agreement may need Emergency Assistance in the form of supplemental personnel, equipment, materials or other support; and

WHEREAS, each Participant may own and maintain equipment, supplies, and materials and employ trained personnel for a variety of public services and is willing, under certain conditions, to lend its supplies, materials, equipment, and/or personnel to other Participants in the event of an emergency; and

WHEREAS, the original version of this Omnibus Agreement became effective in 2006; and

WHEREAS, based on subsequent use and review of the Omnibus Agreement, representatives of the Participants have drafted revised language to clarify the agreement's terms and conditions.

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, each undersigned city and special district agrees as follows:

Article I – APPLICABILITY

This Omnibus Agreement is available for execution by all cities and special districts in Clackamas County. Execution of the Omnibus Agreement by a Participant will occur when the Participant signs an identical version of this Omnibus Agreement.

Article II – DEFINITIONS

- A. "Assistance Costs" are the costs associated with providing Emergency Assistance and include costs for equipment, personnel, services, materials, and supplies. For loaned equipment and personnel, Assistance Costs are those that extend beyond the first twelve (12) hours (usual and customary costs) incurred by the Lender in providing any asset requested. Further agreements regarding Assistance Costs appear in Articles X, XI and XII, which address loans of equipment, materials and supplies, and personnel respectively.

- B. "Borrower" means a Participant who has made a request for Emergency Assistance and has received a commitment(s) from another Participant to deliver Emergency Assistance pursuant to the terms of this Omnibus Agreement.
- C. "Emergency Assistance Contact Person(s)" means the person or persons designated by each Participant to request Emergency Assistance from or grant Emergency Assistance to another Participant pursuant to the terms of this Omnibus Agreement.
- D. "Emergency" includes, but is not limited to, a human-caused or natural event or circumstances within the area of operation of any Participant causing or threatening loss of life, damage to the environment, injury to person or property, and/or human suffering or financial loss, such as: fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of hazardous materials, contamination, utility or transportation emergencies, disease, infestation, civil disturbance, riots, acts of terrorism or sabotage, and use of weapons of mass destruction; and said event or circumstance is or is likely to be beyond the capacity of an affected Participant in terms of personnel, equipment, materials, and/or supplies, thereby requiring Emergency Assistance.
- E. "Emergency Assistance" means personnel, services, equipment, materials, and/or supplies offered during an Emergency by a Lender and accepted by a Borrower to assist in providing or restoring county government services when those services have been disrupted by the Emergency.
- F. "Emergency Contact Information Form" is the form to be submitted by each Participant that lists names, addresses, and 24-hour numbers for the Contact Person(s). The phone number of a dispatch office, or other facility staffed 24 hours-a-day that is capable of contacting the Contact Person(s) is also acceptable.
- G. "Lender" means a Participant who has agreed to deliver Emergency Assistance to another Participant pursuant to the terms and conditions of this Omnibus Agreement.
- H. "Omnibus Agreement" means this Intra-County Mutual Aid Agreement, which includes identical agreements executed in counterparts binding the executing Participant to its terms and conditions to provide and receive Emergency Assistance. To be effective for purposes of receiving Emergency Assistance, this Omnibus Agreement must be fully executed by the Subscribing Participant's Board of Commissioners, City Council or Executive Board.
- I. "Participant" means the entire county government and signatory cities and special districts. Through the Point of Contact all functions or resources of Participants are implicated in this Omnibus Agreement. Emergency Assistance could be provided to any function or agency including, but not limited to law enforcement, public works, health services, social services, building officials, engineers, information technology, adult detention, and craft or tradesmen.

- J. "Termination Date" is the date upon which this Omnibus Agreement terminates pursuant to Articles V and XVI.

Article III – PARTICIPATION

Participation in this Omnibus Agreement is purely voluntary as is the provision of Emergency Assistance. No Participant shall be liable to another Participant, or be considered to be in breach of or default under this Omnibus Agreement, on account of any delay in or failure to perform any obligation, except to make payment as specified in this Omnibus Agreement. However, each Participant who executes this Omnibus Agreement is expected to:

- A. Ensure that every other Participant is provided the most current Emergency Contact Information Form in a timely manner;
- B. Participate in scheduled meetings to coordinate operational and administrative issues to the maximum extent possible; and
- C. Participate in exercises intended to test and evaluate the operational and administrative procedures developed to implement this Omnibus Agreement.

Article IV – ROLES OF OMNIBUS AGREEMENT ADMINISTRATION

Participant Emergency Assistance Manager

- A. Each Participant agrees to designate an Emergency Assistance Manager to serve as its representative in any meeting to address administration and implementation of this Omnibus Agreement.
- B. Ensure appropriate Participant staff is informed of pertinent implementation and coordination decisions and procedures.
- C. The Emergency Assistance Managers shall together:
 - 1. Meet annually or more often as necessary to review this Omnibus Agreement, develop and maintain procedures for implementation and administration, and evaluate lessons learned from actual use of this Omnibus Agreement.
 - 2. Identify industry standard rates pursuant to Article X of this Omnibus Agreement.
 - 3. Develop planning details associated with being a Borrower or Lender under the terms of this Omnibus Agreement.
 - 4. Exercise annually to test procedures and protocols.
- D. County Emergency Management – lead administrator

1. Maintain a manual containing a master copy of this Omnibus Agreement (as amended or revised), a list of Participants, and a copy of each Participant's Emergency Contact Information Form.
2. Provide Participant Emergency Assistance Managers or designee selected to serve as the administrator of this Omnibus Agreement with a copy of each Participant's Emergency Contact Information Form at the annual meeting or whenever information in the form changes.
3. Notify all Participants if a Participant terminates its participation in this Omnibus Agreement.
4. Notify all Participants whenever a new Participant executes the Omnibus Agreement.
5. Provide each Participant with a copy of the signature page of each newly executed Omnibus Agreement.
6. Provide each Participant with a copy of any new or updated Emergency Contact Information Form submitted by a Participant.
7. Maintain and distribute checklists and other implementing procedures developed by the Participant Emergency Assistance Managers to assist Participants with the details of being a Borrower or Lender under the terms of this Omnibus Agreement.
8. Organize and facilitate the annual meetings and exercise for the Participant Emergency Assistance Managers.
9. Maintain a record of official documents associated with the development, adoption, implementation, and maintenance of this Omnibus Agreement including signed original agreements, Emergency Contact Information Forms, implementing procedures, and meeting agendas and minutes.

Article V – TERMS AND TERMINATION

- A. This Omnibus Agreement, which is the first revision of the original agreement, is effective upon execution by two-thirds of the Participants party to the original Omnibus Agreement as outlined in Article XVI, Modifications.
- B. A Participant opting to terminate its participation in this Omnibus Agreement shall provide written notice to County Emergency Management and the Emergency Assistance Manager for each of the Participant agencies. Notice of termination becomes effective upon receipt by County Emergency Management. Any Participant terminating its participation remains liable for all obligations incurred during its period of participation, until the obligation is satisfied.

Article VI – PAYMENT FOR EMERGENCY ASSISTANCE

- A. A Borrower shall pay a Lender for all valid and invoiced costs associated with Emergency Assistance provided by the Lender within sixty (60) days of receipt of the Lender's invoice. The Lender, in its sole discretion, may elect to extend the repayment deadline upon written request of the Borrower.
- B. In the event a Lender provides equipment, supplies or materials, the Lender shall have the option to accept cash or in-kind payment for the equipment, supplies or materials provided.

Article VII – INDEPENDENT CONTRACTOR

- A. Each Lender shall be and operate as an independent contractor of the Borrower in the provision of any Emergency Assistance. Employees of the Lender shall, at all times while performing Emergency Assistance, continue to be employees of the Lender and shall not be deemed employees of the Borrower for any purpose. Wages, hours, and other terms and conditions of employment of the Lender shall remain applicable to all of its employees who perform Emergency Assistance. Each Lender shall be solely responsible for payment of its employees' wages, any required payroll taxes and any benefits or other compensation. A Borrower shall not be responsible for paying any wages, benefits, taxes, or other compensation directly to a Lender's employees. The costs associated with borrowed employees are subject to the reimbursement process outlined in Article XII.
- B. In no event shall a Lender or its officers, employees, agents, or representatives be authorized (or represent that they are authorized) to make any representation, enter into any agreement, waive any right, or incur any obligation in the name of, on behalf of or as agent for a Borrower under or by virtue of this Omnibus Agreement.

Article VIII – REQUESTS FOR EMERGENCY ASSISTANCE

There is an expectation that Participants will attempt to locate resources laterally from other Omnibus Participants and other local mutual aid agreements to the extent practical prior to requesting resources from the County.

Requests for Emergency Assistance shall be directed to the designated Contact Person(s) on the Emergency Contact Information Forms provided by the Participants. The extent to which a Lender provides any Emergency Assistance shall be at the Lender's sole discretion. In the event an Emergency impacts a large geographical area that activates either federal or state emergency laws, this Omnibus Agreement shall remain in effect until or unless it conflicts with such federal and/or state laws.

After all reasonable efforts to obtain local mutual aid assistance have been exhausted outstanding requests for assistance will be submitted to the County. The County will act in a facilitation role by elevating requests to Oregon Office of Emergency Management for state and/or federal support. Typically there is an associated cost share that is directed to the local requesting agency.

Article IX – GENERAL NATURE OF EMERGENCY ASSISTANCE

Emergency Assistance will be in the form of resources, such as equipment, supplies, materials, and personnel or the direct provision of services. Execution of the Omnibus Agreement shall not create any duty to respond on the part of any Participant. A Participant shall not be held liable for failing to provide Emergency Assistance. A Participant has the absolute discretion to decline to provide any requested Emergency Assistance and to withdraw resources it has provided at any time without incurring any liability. Resources are “loaned” and “borrowed” with reimbursement and terms of exchange varying with the type of resource as defined in Articles X through XII. The Participants recognize that time is critical during an Emergency and diligent efforts will be made to respond to a request for resources as rapidly as possible, including any notification(s) that requested resources are not available.

Article X – LOANS OF EQUIPMENT

At the sole discretion of the Lender, equipment such as construction equipment, vehicles, tools, pumps, motors, etc., may be made available upon request of a Participant. The first twelve (12) hours of use will be without cost to the Borrower. After the first twelve (12) hours, the cost to the Borrower for use of equipment shall be the Lender’s actual costs or the Lender’s costs based on current equipment rates. If no written rates have been established, the cost to the Borrower shall be based on the hourly operating costs set forth in an industry standard publication as selected by the Participant Emergency Assistance Managers, or as mutually agreed between the Borrower and Lender. For this Omnibus Agreement, equipment use begins at a time mutually agreed to by the Borrower and the Lender.

Equipment loans are subject to the following conditions:

- A. At the option of the Lender, equipment may be loaned with an operator. See Article XII for terms and conditions applicable to use of borrowed personnel.
- B. Each Lender shall endeavor to provide equipment in good working order. All equipment is provided “as is,” with no representations or warranties as to its fitness for a particular purpose or its general condition.
- C. Each Borrower shall, at its own expense, supply all fuel, lubrication and necessary maintenance for loaned equipment. The Borrower will take proper precaution in the operation, storage and maintenance of the Lender’s equipment.
- D. Loaned equipment shall be returned to the Lender upon release by the Borrower, or immediately upon the Borrower’s receipt of an oral or written request from the Lender for the return of the equipment. When requested to return equipment to the Lender, the Borrower shall make every effort to return the equipment to the Lender within 24 hours of the request. In all cases, the Borrower shall notify the Lender when the Lender’s equipment is released.
- E. Lender’s costs related to the transportation, handling, and loading/unloading of equipment shall be chargeable to the Borrower. Lender shall provide copies of

invoices for such charges where provided by outside sources and shall provide hourly accounting of charges for the Lender's employees who perform such services.

- F. Without prejudice to a Lender's right to indemnification under Article XIV, in the event loaned equipment is lost or damaged while in the custody and/or use of the Borrower, or while being returned by the Borrower to the Lender, the Borrower shall reimburse the Lender for the reasonable cost of replacing or repairing said equipment. If the damaged equipment cannot be repaired within a time period specified by the Lender, then the Borrower shall reimburse the Lender for the cost of replacing such equipment with equipment which is of equal condition and capability. Any determinations of what constitutes "equal condition and capability" shall be at the discretion of the Lender. If the Lender must lease or rent a piece of equipment while its equipment is being repaired or replaced, the Borrower shall reimburse the Lender for such costs. The Borrower shall have the right of subrogation for all claims against persons other than parties to this Omnibus Agreement who may be responsible in whole or in part for damage to the equipment. The Borrower shall not be liable for damage caused by the sole negligence of the Lender's operators.

Article XI – LOANS OF MATERIALS AND SUPPLIES

A Borrower shall reimburse a Lender in-kind or at the Lender's actual replacement cost, plus handling charges, for use of partially consumed or non-returnable materials and supplies, as mutually agreed between the Borrower and Lender. Other reusable materials and supplies, which are returned (unused) to the Lender in clean, damage-free, condition, shall not be charged to the Borrower and no rental fee will be charged. The Lender shall determine whether items returned are "clean and damage-free" and items shall be treated as partially consumed or non-returnable if they are found to be damaged.

Article XII – LOANS OF PERSONNEL

- A. A Lender may, at its option, make its employees available to a Borrower. Employees will be provided without cost to the Borrower for the first twelve (12) hours of service, after which they will be loaned at the Borrower's expense equal to the Lender's full costs, including employee salary or hourly wages, call back or overtime costs, benefits, and overhead. For this Omnibus Agreement, employee service begins at a time mutually agreed to by the Borrower and the Lender. All costs shall be consistent with Lender's personnel union contracts, if any, or other conditions of employment. Costs to feed and house loaned employees, if necessary, shall be chargeable to and paid by the Borrower. The Borrower is responsible for assuring arrangements are made, as necessary, to provide for the safety, housing, meals, and transportation to and from job sites/housing sites for loaned employees.
- B. Loaned employees shall remain under the administrative control of the Lender, but will be under the operational control of the emergency management authorities of the Borrower. The Lender shall not be liable for cessation or slowdown of work if the Lender's employees decline or are reluctant to perform

any assigned task if said employees judge such task to be unsafe. A request for loaned employees to direct the activities of others during a particular response operation does not relieve the Borrower of any responsibility or create any liability on the part of the Lender for decisions and/or consequences of the response operation. When supervisory employees are loaned, the Lender may make stipulations on the scope and duties of those employees.

- C. Any valid licenses issued to loaned employees by the Lender relating to the skills required for the emergency work may be recognized by the Borrower during the period of the Emergency and for purposes related to the Emergency.
- D. When requested to return employees to the Lender, the Borrower shall make every effort to return the employees to the Lender immediately upon receipt of the request. The Borrower shall notify the Lender when the Lender's employees are released.

Article XIII – RECORD KEEPING

Time sheets and/or daily logs showing hours worked and equipment, supplies and materials used or provided by the Lender will be recorded on a shift-by-shift basis by the Lender and/or the loaned employee(s) and will be provided to the Borrower as needed. If no employees are loaned, the Lender will provide shipping records for materials, supplies and equipment, and the Borrower is responsible for any required documentation of use of materials, supplies and equipment for state or federal reimbursement. Under all circumstances, the Borrower remains responsible for ensuring that the amount and quality of all documentation is adequate to enable disaster reimbursement.

Article XIV – INDEMNIFICATION AND LIMITATION OF LIABILITY

- A. INDEMNIFICATION. Except as provided in Paragraph B below, to the fullest extent permitted by applicable law, the Borrower releases and shall indemnify, hold harmless and defend each Lender and its officers, employees and agents from and against any and all costs, including costs of defense, claims, judgments, or awards of damages asserted or arising directly or indirectly from, on account of, or in connection with providing Emergency Assistance to the Borrower, whether arising before, during or after performance of the Emergency Assistance and whether suffered by any of the Participants or any person or entity.

The Borrower agrees that its obligation under this section extends to any claim, demand and/or cause of action brought by or on behalf of any of its employees or agents. For this purpose, the Borrower, hereby waives, as respects any indemnity only, any immunity that would otherwise be available against such claims under the workers' compensation coverage requirements of ORS Chapter 656.

- B. ACTIVITIES IN BAD FAITH OR BEYOND SCOPE. No Participant shall be required under this Omnibus Agreement to indemnify, hold harmless and

defend any other Participant from any claim, loss, harm, liability, damage, cost, or expense caused by or resulting from the activities of any Participant's officers, employees, or agents acting in bad faith or performing activities beyond the scope of the duties assigned by the Borrower or a person granted supervisory authority by the Borrower.

- C. **LIABILITY FOR PARTICIPATION.** In the event of any liability, claim, demand, action, or proceeding, of whatever kind or nature, arising from the rendering of Emergency Assistance through this Omnibus Agreement, the Borrower agrees to indemnify, hold harmless, and defend, to the fullest extent of the law, each signatory to this Omnibus Agreement whose only involvement in the transaction or occurrence, which is the subject of such claim, action, demand, or proceeding, is the execution and approval of this Omnibus Agreement.
- D. **DELAY/FAILURE TO RESPOND.** No Participant shall be liable to another Participant for, or be considered in breach of or default under this Omnibus Agreement on account of any delay in or failure to perform any obligation under this Omnibus Agreement, except to make payment as specified in this Omnibus Agreement.
- E. **LITIGATION PROCEDURES.** Each Participant seeking to be released, indemnified, held harmless, or defended under this article with respect to any claim shall promptly notify the Borrower of such claim and shall not settle such claim without prior consent of the Borrower, which consent shall not be unreasonably withheld. Such Participant shall have the right to participate in the defense of said claim to the extent of its own interest. Participant personnel shall cooperate and participate in legal proceedings if requested by the Borrower and/or required by a court of competent jurisdiction.

Article XV – WORKERS' COMPENSATION AND EMPLOYEE CLAIMS

All Lender employees made available to a Borrower shall remain the general employees of the Lender while engaged in and carrying out duties, functions or activities pursuant to this Omnibus Agreement, and each Participant shall remain fully responsible as the employer for all taxes, assessments, fees, premiums, wages, withholdings, workers' compensation, and other direct and indirect compensation, benefits, and related obligations with respect to its employees. Likewise, each Participant shall provide workers' compensation in compliance with statutory requirements of the State of Oregon.

Article XVI – MODIFICATIONS

No provision of this Omnibus Agreement may be modified, altered, or rescinded by a Participant without two-thirds concurrence of the Participants. Proposed modifications to this Omnibus Agreement must be made in writing and will not become effective until approved by two-thirds of the Participants. Each Participant must either approve a modification or notify all other Participants of its decision not to approve the modification. Approved modifications must be signed by an authorized representative of each Participant. The currently approved version of the Omnibus Agreement remains in force if a proposed modification is not ratified by two-thirds of the Participants. If and

when a proposed modification is ratified by two-thirds of the Participants, the prior version of the agreement is terminated.

Article XVII – NON-EXCLUSIVENESS AND OTHER AGREEMENTS

- A. This Omnibus Agreement is not intended to be exclusive among the Participants. Any Participant may enter into separate Emergency Assistance agreements with any other entity. No such separate agreement shall terminate any responsibility under this Omnibus Agreement.
- B. Other agreements for Emergency Assistance between any Participants are unaffected by this Omnibus Agreement and remain in effect until separately terminated. When another agreement exists at the time a request for Emergency Assistance is made, the Borrower and Lender should be clear about the agreement under which the request is being made and by which the Assistance Costs will be paid.
- C. Any Participant may donate resources to or share resources with any other Participant outside the terms of this Omnibus Agreement subject to any terms or conditions negotiated by the Participants at the time the resources are provided.

Article XVIII – GOVERNMENTAL AUTHORITY

This Omnibus Agreement is subject to the laws, rules, regulations, orders, and other requirements, now or as amended, of all governmental authorities having jurisdiction over any Emergency covered by this Omnibus Agreement.

Article XIX – NO DEDICATION OF FACILITIES

- A. No undertaking by a Participant to another Participant under any provision of this Omnibus Agreement shall constitute a dedication of the facilities or assets of such Participant, or any portion thereof, to the public or to the other Participant.
- B. Nothing in this Omnibus Agreement shall be construed to give a Participant any right of ownership, possession, use, or control of the facilities or assets of another Participant.

Article XX – NO PARTNERSHIP

This Omnibus Agreement shall not be interpreted or construed to create an association, joint venture or partnership among the Participants or to impose any partnership obligation or liability upon any Participant. Further, no Participant shall be considered an agent of any other Participant or otherwise have authority to bind any other Participant.

Article XXI – NO THIRD PARTY BENEFICIARY

Nothing in this Omnibus Agreement shall be construed to create any rights in or duties to any third party, nor any liability to or standard of care in reference to any third party.

This Omnibus Agreement shall not confer any right or remedy upon any person other than the Participants. This Omnibus Agreement shall not release or discharge any obligation or liability of any third party to any Participant.

Article XXII – ENTIRE AGREEMENT

This Omnibus Agreement constitutes the entire agreement, though other existing agreements of the Participants may take precedence over certain concepts outlined in this Omnibus Agreement.

Article XXIII – SUCCESSORS AND ASSIGNS

This Omnibus Agreement is not transferable or assignable, in whole or in part, and any Participant may terminate its participation in this Omnibus Agreement subject to Article V.

Article XXIV – GOVERNING LAW

This Omnibus Agreement shall be interpreted, construed, and enforced in accordance with the laws of the state of Oregon.

Article XXV – TORT CLAIMS

It is not the intention of this Omnibus Agreement to remove from any of the Participants any protection provided by applicable tort claims laws. However, between a Borrower and a Lender, the Borrower retains full liability to the Lender for any claims brought against the Lender as described in other provisions of this Omnibus Agreement.

Article XXVI – WAIVER OF RIGHTS

Any waiver at any time by any Participant of its rights with respect to a default under this Omnibus Agreement, or with respect to any other matter arising in connection with this Omnibus Agreement, shall not constitute or be deemed a waiver with respect to any subsequent default or other matter arising in connection with this Omnibus Agreement. Any delay in asserting or enforcing any right, except those related to the statutes of limitations, shall not constitute or be deemed a waiver.

Article XXVII – INVALID PROVISION

The invalidity or unenforceability of any provision of this Omnibus Agreement shall be construed in all respects as if such invalid or unenforceable provision was omitted.

Article XXVIII – NOTICES

Any notice, demand, information, report, or item otherwise required, authorized, or provided for in this Omnibus Agreement shall be given in writing and shall be deemed properly given if (i) delivered personally, (ii) transmitted and received by telephone facsimile device, or electronically, and confirmed by telephone, or (iii) sent by United States Mail, postage prepaid, to the Participant Emergency Assistance Managers at the address designated in each Participant's Emergency Contact Information Form.



CITY OF
**West
Linn**

City of West Linn Emergency Management Updates

City Council Business Meeting

October 11, 2021



Emergency Management Priority Areas

- 🍃 On-going Priorities
- 🍃 Initial Priorities (3mos)
- 🍃 Secondary Priorities (6mos-1yr)



On-going Priorities

- ◆ FEMA Public Assistance grant – Feb 2021 Ice storm
 - Continuing to meet with various teams to debrief the winter storm
 - Joining weekly meetings with FEMA for a status update and to support Finance with remaining work needed
- ◆ Network internally and within the community to understand the priority areas of focus and the city’s capacity to respond to emergencies
- ◆ Develop preparedness plans to implement emergency services to respond to upcoming emergency needs and/or extreme weather events
- ◆ Understand the city’s internal inclement weather policy
 - When and how decisions are made
 - Which staff does this impact
- ◆ Participate on the internal safety committee to evaluate internal emergency readiness needs and OSHA guidance



Initial Priorities (3mos)

- ◆ Signed mutual aid agreement with Clackamas County
 - 10/11 presenting to council for approval
- ◆ Update the Emergency Operations Plan (starting now, but this will take at least 6mos to complete)
 - Evaluate city code changes that need to be made in alignment with EOP changes
- ◆ Evaluate the current EOC chart for assigned personnel
 - Evaluate equipment needs to support localized and remote activation of EOC
 - Evaluate current and on-going training for personnel assigned to EOC roles – ensure timely completion
- ◆ Develop list of temporary shelter locations – public and private
- ◆ Develop list of vulnerable facilities
- ◆ Understand the city's shelter/temp use code language regarding permitting needs for shelter/evacuation locations



Secondary Priorities (6mos-1yr)

- 🍃 Update city webpage with current areas of focus and accurate web links for community preparedness planning
- 🍃 Develop template messaging for the website, social media, etc. to use during emergency events
- 🍃 Develop list of vendors for advance contracts to support emergency response needs
- 🍃 Tree code updates
 - Include provisions for emergency response, debris removal, etc.
- 🍃 Develop/expand on current debris management plan
 - Submit for FEMA approval
- 🍃 Determine ability to host/support 2022 community emergency preparedness fair

Questions



- ◆ Areas of focus or priorities council would like staff to discuss or focus on?

Agenda Bill 2021-10-11-04: Intergovernmental Agreement for Intra-County Mutual Aid During Emergencies



- ◆ Intra-county mutual aid agreement was originally executed in 2006
- ◆ The City of West Linn not a signing party, along with three cities in Clackamas County
- ◆ Signing the agreement enables formal relationships between Clackamas County, neighboring cities and special districts within Clackamas County
 - Increases the region’s ability and capacity to respond to emergencies and disasters
 - Enables the city to provide and receive emergency assistance from all signing parties
 - Outlines a process for financial reimbursement of resources provided by the city
 - *Sets a common practice and standard for all parties*
 - *This documentation is significant for future state and federal grant reimbursement*
 - Enables efficient escalation for resource requests
 - *Clackamas County would facilitate resource requests from the Oregon Office of Emergency Management for state and/or federal support*

West Linn Project Tracking List
10/5/2021

	A	B	C	D	E	G	H
1	Date	Project/Department	Description of Task	Deadline	Assigned to	Contact	Notes
2	Immediate Priority						
3	4/3/2019 36808	19145 View Drive	Negotiate driveway contract, draft contract for Matton Excavation, negotiate deposit/estimate.		Tim Ramis	Morgan Coffie, Lance Calvert	Tim to prepare letter to their attorney.
4	12/19/2019 36841	Facility Use Agreements	Discuss facility use agreements and decision on funding for the buildings.		Tim Ramis/Bill Monahan/Matthew Kahl	John Williams, Ken Warner, Dylan Digby	Last update 3/8/2021 (same as FORS) (move to long term or ongoing)
5	1/22/2019 36845	Cedar Island Dredging Cedar Oak Boat Ramp	Map review and memorandum of understanding.		Tim Ramis/Matthew Kahl	Ken Warner	Last update 9/28/2021
6	2/26/2020 39479	Alarm Permit Ordinance & Master Fee Schedule	Can the city add verbiage to fee schedule that sets penalty for not paying false alarm charge on time?		Tim Ramis/Matthew Kahl	Shane Boyle	Last update 9/28/2021
7	3/2/2020 36842	Amendments to Historic City Hall Letter of Commitment	Review, amend or create new LOC. Specifically section 2 & 3. 7/16/2020 request for parking lease agreement template to go with LOC.		Tim Ramis/Bill Monahan/Matthew Kahl	John Williams	Last update 4/16/2021
8	4/6/2020 36844	Zoning Violation 1435 Rosemont Road	Resident violating zoning code, discuss options including revoking permit.		Tim Ramis/Matthew Kahl	Chris Myers, Lindsay Barney, John Millar	Last update 9/28/2021
9	4/10/2020 36839	Closure Youth Music Project Driveway	Review YMP's concerns and try to find solutions to mitigate negative impacts on YMP's property.		Tim Ramis/Matthew Kahl	Lance Calvert	Last update 5/25/2021
10	6/4/2020 36845 36838	Dangerous Alder Tree	Citizen notification of dangerous tree, what are necessary steps in situation? HOA owns tree in green space.		Tim Ramis/Kelly Burgess	Dylan Digby Ken Warner	Last update 4/15/2021
11	6/11/2020 36845	Release of Liability/Waiver	Create document to be utilized by outside groups that wish to use city facilities (fields, picnic shelters, rooms etc.)		Tim Ramis/Matthew Kahl	Ken Warner	Last update 9/28/2021
12	7/10/2020 36839	2196 Tannler Drive	Discuss memo regarding amendment to approval.		Tim Ramis	Jennifer Arnold Amy Pepper	Last update 8/27/2020
13	7/14/2020 36839	SUB 20-01 Street Alternative	Review email from Peter Watts and assist with response.		Tim Ramis	Jennifer Arnold	Email received 7/14/2020
14	10/8/2020 36842	Agreement for Event Funding	Prepare memorandum of agreement for city funding of events by an outside organization.		Tim Ramis/Matthew Kahl	Jerry Gabrielatos	Last update 10/9/2020
15	10/21/2020 36837	Renewed Harassment Complaint	Tom Meier email complaint.		Tim Ramis	Elissa Preston Jerry Gabrielatos	Last update 10/22/2020
16	12/7/2020 36808	Procurement Legal Review Lightship Master Services Agreement	Review agreement and subscription addendum for procurement of GIS based asset management system.		Tim Ramis/Matthew Kahl	Morgan Coffie	Last update 1/6/2021
17	12/21/2020 36838	ORS 30.275 Attachment	Tom Meier BOLI complaint/tort notice.		Tim Ramis/Kelly Burgess	Elissa Preston	Last update 12/23/2020
18	1/4/2021 36844	Police misconduct lawsuit	Complaint regarding police use of force and violation of the 4th amendment. Complainant has been trying to get accountability for almost a year.		Tim Ramis	Chief Mahuna, Elissa Preston, Jerry Gabrielatos	Last update 1/6/2021
19	01/06/2021 36845?	Questions on Behavior Policy	Library Advisory Board reviewing policy and looking to make adjustments based on recommendations.		Bill Monahan	Doug Erickson	Last update 4/16/2021
20	01/29/2021 36845	Robinwood Station Renovation	Questions regarding next steps.		Tim Ramis/Bill Monahan	Ken Warner	Last update 9/23/2021
21	2/5/2021 36842	Freedom of Information Act Request	Public Records Request to USPS to review records regarding Post Office in City closing, possibly permanently or relocating.		Tim Ramis/Chris Dolan	City Council	Last update 4/26/2021

**West Linn Project Tracking List
10/5/2021**

	A	B	C	D	E	G	H
1	Date	Project/Department	Description of Task	Deadline	Assigned to	Contact	Notes
22	2/16/2021 36808	ACWA Legal Committee Bond Concurrence	Follow Oregon City LUBA case for West Linn regarding the City's adoption of a new Stormwater Master Plan and Design Standards		Tim Ramis/Ed Trompke	Amy Pepper	Last update 2/17/2021
23	3/5/2021 36808 36841?	FEMA Contract Compliance for Disaster Relief Funding	Joshua will be sending emails as they prepare to request federal relief funding. Current drafts of contracts are lacking clauses and need to be reviewed from a legal perspective to ensure the proposed language is appropriate.		Tim Ramis/Bill Monahan/Matthew Kahl	Joshua Kam Morgan Coffie	Last update 3/9/2021
24	03/19/2021 36808	WES Proposed Rules/ Standards Updates	Review the rules and standards updates proposed by WES.	30 days	Tim Ramis/Bill Monahan	Lance Calvert, Amy Pepper	Last update 10/4/2021
25	3/19/2021 36839	22150 Willamette Drive Questions	Legal assistance requested, two main components: regulating access to properties and altering established conservation easement. All to develop new roadway access options for commercial properties. Questions in email from JW.		Tim Ramis	John Williams Lance Calvert	Last update 4/6/2021
26	4/29/2021 36808	WAP-20-04/WRG-20-02/MIS-20-08 Completeness Letter	Review code section relied on to see if adopted after client's application was filed.		Tim Ramis	Amy Pepper	Last update 5/3/2021
27	5/4/2021 36845	Robinwood Station Correction	Questions forwarded from the FORS group.		Tim Ramis	Ken Warner	Last update 5/10/2021 Complete?
28	5/5/2021 36839	Ridwell Recycling Company Operation	Review WLRR franchise regarding for profit company's request to operate in West Linn.		Tim Ramis/Matthew Kahl/Bill Monahan	Dylan Digby	Last update 5/12/2021
29	5/5/2021 39479	Insurance Policy question due to IT cybersecurity event	Does policy not allow for recovery of lost wages other than overtime? If not, could an argument be made that government entity wages are tantamount to "revenue" since staff wages equate to work product delivering and operating municipal services for citizen supplied tax dollars?		Tim Ramis	Shane Boyle	Last update 8/3/2021
30	5/24/2021 36838	Mouktabis Summons - Complaint	Summons - Clackamas County, West Linn and Oregon City - alleging false imprisonment and malicious prosecution. (note: this is the same person as 5/1/2020 under Potential or Pending Litigation section below)		Tim Ramis	Chief Mahuna, City Council	Last update 5/25/2021
31	5/28/2021 36808	WFD Ballot Measures	Assist with creating two ballot measures for November election to request voter approval to impact city-owned parks for road/bike improvements along Willamette Falls Drive and the I-205 Interchange area.	6/13/2021	Tim Ramis/Matthew Kahl	Morgan Coffie	Last update 6/3/2021 Complete?
32	6/1/2021 36841	CIS Insurance Renewal	Review contract with Brown and Brown for assistance with CIS insurance renewal.	6/29/2021	Tim Ramis/Matthew Kahl	Lauren Breithaupt	Last update 6/3/2021
33	7/19/2021 36808	I-205 Project Impacts to IGA	Review IGA submitted by ODOT and then schedule meeting to discuss.		Tim Ramis	Lance Calvert	Last update 9/21/2021
34	7/20/2021 36841	Street Maintenance Fees	Review options to verify there are no issues adding to utility bills. Lauren to reach out to Bond Counsel regarding GO Bond funds for this purpose.		Tim Ramis/Bill Monahan	Lauren Breithaupt	Last update 7/21/2021
35	7/23/2021 36838	Ordinance 1704 and ORS 124.100 Elder Abuse	Additional demandes from Tom Meier.		Tim Ramis/Kelly Burgess	Jerry Gabrielatos	Last update 7/23/2021
36	7/15/2021 36842	2955 Cedaroak Drive	Sale of surplus property - review memo and materials for posting to City's website. City would also like a title report to add to materials.		Tim Ramis	City Council	Last update 7/23/2021
37	8/2/2021 36844	BHS IGA	Review IGA for the BHS with LO PD.	8/20/2021	Tim Ramis/Matthew Kahl	Chief Mahuna	Last update 8/19/2021
38	8/12/2021 36839	Special Waiver Provisions in CDC	Client interested in Parker property corner of Tanner & Blankenship. Review special waiver section of CDC Chapter 75.	9/1/2021	Tim Ramis	Darren Wyss	Last update 8/19/2021
39	8/19/2021 36808	Asphalt Berms	Is City liable for damage from flooding where they have an asphalt berm? They're on select streets that don't have concrete curb, usually on the low side or bottom of a hill.		Tim Ramis	Erich Lais	Request received 8/19/2021

**West Linn Project Tracking List
10/5/2021**

	A	B	C	D	E	G	H
1	Date	Project/Department	Description of Task	Deadline	Assigned to	Contact	Notes
40	8/21/2021 78936	New Emergency Declaration	Prepare emergency declaration for clean up from storm damage. Detail the extent of the damage.		Tim Ramis/Matthew Kahl	City Council	Last update 9/2/2021
41	8/30/2021 36842	Protest Approval Request	The city would like guidance regarding Tom Pope requesting help to peaceful protest under local and federal law as he is disabled. See email which details the protest he would like to hold.		Tim Ramis	Chief Mahuna, Mayor Walters	Complete 9/7/2021
42	9/2/2021 36838	Attorney Client Privilege	Report of sexual harassment from City Parks employee by volunteer.		Tim Ramis	Elissa Preston	Last update 9/17/2021
43	9/16/2021 36841	Code Compliance Issue - Tree Removal	Property owner had cherry tree in ROW, city paid for removal and intended to invoice property owner based on 5.470(2)(b), property owner said tree was marked by city for removal, however that tree was not marked for removal. Review letter to be sent to property owner.	9/21/2021	Tim Ramis/Bill Monahan	Josh Kam	Last update 9/17/2021
44	9/21/2021 39479	Financial Contract Support	Assistance negotiating the terms and conditions with Tyler Technologies.		Tim Ramis/Bill Monahan	Shane Boyle	Last update 9/27/2021
45	9/21/2021 36839	Creation of Parcel on ODOT Property	Guidance on the process to re-create parcel of land for future operation facility.	9/29/2021	Tim Ramis	Darren Wyss	Last update 9/22/2021
46	9/23/2021 36842	Memo on Special Waiver	Draft memo on special use issue (mixed use in a building required by chapter?)		Tim Ramis/Bill Monahan	Darren Wyss	Last update 9/23/2021
47							
48							
49	Ongoing / Specified Due Date						
50	2/14/2019 36842	Bialostosky Public Records Litigation	Executive Session		Tim Ramis, Chris Dolan	John Williams	Appealed to Court of Appeals.
51	9/9/2019 36839	I-205 Regulatory Framework	Develop process for permitting, etc.		Tim Ramis	John Williams, Lance Calvert	
52	10/14/2019 36841	Negotiate NW Natural Franchise	Pull NW Natural franchise out of ROW to renew and renegotiate.		Tim Ramis, Bill Monahan	Lance Calvert	Last update 10/28/19
53	?36845	Community Center Management Agreement	Revise agreement between City and Friends of Robinwood Station (FORS).		Tim Ramis/Matthew Kahl	Ken Warner	Last update 7/31/2020
54	9/22/2020 36844	Task Force	Assist with developing policies and reform.		Tim Ramis/Shannon Lee Erskine/Matthew Kahl/Kelly Burgess	Jerry Gabrielatos	Last update 10/1/2020
55	12/4/2020 36842	New Councilors	Request to schedule full debrief of all litigation and legal issues the City is currently involved in to bring new Council up to speed.		Tim Ramis/Chris Dolan/Kelly Burgess	City Council Jerry Gabrielatos	Updated 4/26/2021
56							
57	Longterm						
58	3/8/2019 36839	Code Changes Chapters 98 & 100, possibly 105	Review code, CDC, plan changes to confirm if on track.		Tim Ramis, Matthew Kahl	Darren Wyss	Last update 4/26/2021
59							
60							
61							
62	Consider Revised Schedule						
63							
64							
65	Potential or Pending Litigation						
66	36842	Gossack Litigation	Collections, judgement issued		Tim Ramis, Chris Dolan	City Council	Per CKD need to follow up in a few months. Last update 11/21/19
67	5/1/2020 36844	Possible Tort Claim	Demand letter to WLPD regarding stolen legal document.		Tim Ramis	Peter Mahuna	Last update 5/5/2020
68	7/28/2020 36838	Philip Meier Tort Claim	Tort Claim regarding use of Roundup.		Tim Ramis/Kelly Burgess	Lauren Breithaupt	Last update 04/26/2021

**West Linn Project Tracking List
10/5/2021**

	A	B	C	D	E	G	H
1	Date	Project/Department	Description of Task	Deadline	Assigned to	Contact	Notes
69	10/5/2020 36838	Tort Claim Notice - Tony Reeves	Tort claim notice and preservation letter received.		Tim Ramis/Kelly Burgess	Jerry Gabrielatos	Last update 10/6/2020
70	10/22/2020 36837	Ethics Complaint	Tom Meier ethics complaint to Metro and City via online submittals. Complaints are against Ken Warner, Mayor Axelrod and Councilor Walters, alleging discrimination against his religious and political beliefs.		Tim Ramis	Elissa Preston Jerry Gabrielatos	Last update 10/30/2020
71	12/21/2020 36838	ORS 30.275 Attachment	Tom Meier BOLI complaint/tort notice		Tim Ramis/Kelly Burgess	Elissa Preston	Last update 12/23/2020
72	01/04/2021 36844	Police misconduct lawsuit	Complaint regarding police use of force and violation of the 4th amendment. Complainant has been trying to get accountability for almost a year.		Tim Ramis/Kelly Burgess	Chief Mahuna, Elissa Preston, Jerry Gabrielatos	Last update 1/6/2021
73	6/18/2021 36844	Potential Claim	Individuals living near pickleball courts complaining biterly about the effects of noise from the games on the quiet enjoyment of their homes. One person threatened legal action for nuisance.		Tim Ramis	City Council	Last update 6/18/2021
74	7/23/2021 36838	Ordinance 1704 and ORS 124.100 Elder Abuse	Additional demandes from Tom Meier.		Tim Ramis/Kelly Burgess	Jerry Gabrielatos	Last update 7/23/2021
75	9/2/2021 36838	Attorney Client Privilege	Report of sexual harassment from City Parks employee by volunteer.		Tim Ramis	Elissa Preston	Last update 9/17/2021

**Comments to City Council Regarding the Planning Manager Decision
on WAP-21-01/WRG-21-01/MISC-21-02**

October 11, 2021

Dear Mayor Walters and City Councilors,

My name is Ed Schwarz and I live in West Linn. I come before you tonight at the request of the members of Savanna Oaks Neighborhood Association. I want to address the recent process whereby the various applications from the Oregon Department of Transportation for the I-205 project were approved this past Friday by the city's Planning Manager. My main concern is that there was a lack of opportunity for public input and Planning Commission review in the approval process. I also have concerns about the process used to approve the applications.

First, I want to review the scope of the applications. These ODOT applications are nearly 700 pages in length and include the following items:

- widening I-205 by adding a lane of traffic in each direction between the 10th Street intersection and the Abernathy Bridge,
- seismic retrofit of the Abernathy Bridge which carries West Linn's main water supply,
- reconfiguration of Hwy 43/I-205 off ramps,
- blasting of rock along I-205,
- and the removal of the Broadway St. bridge.

The project covered by these applications will impact West Linn residents in many ways over the course of its construction and on into the future through its significant changes to I-205 and the Abernathy Bridge.

Presently, West Linn's Community Development Code allows this project to be reviewed, and approved, by the city Planning Director. Minimal public notice of this review is made and there are no public hearings where residents can voice their concerns. Public comment is limited to written submittals. The fact that the application was approved by the Planning Manager without a statement from the Planning Director delegating his authority to the Planning Manager confuses me. I am also confused by the lack of a statement from the Planning Director, as required by CDC 99.160(B)(7), "stating the nature of any past or present involvement with the applicant, other interested persons or the property if the Director makes a decision, and if there could reasonably be expected to be a challenge to the fairness of the decision."

A project of this magnitude, with its significant effects on city residents, should receive a hearing by the Planning Commission instead of being reviewed and approved solely by the Planning Manager. Such a hearing allows for greater opportunity for public input while providing the opportunity for review by the entire city Planning Commission who have been appointed by you for exactly this purpose. Planning staff, including the Planning Manager, would still have an opportunity to review and comment on the application. Having the application heard by the entire Planning Commission simply enlarges the opportunity for review and public comment.

Oregon's Goal 1: Citizen Involvement calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program that addresses opportunities for widespread public involvement. Planning Manager review of an application of this magnitude does not meet the requirements of Oregon's Goal 1. The fact that my letter to you is listed as the only public comment on this application is proof positive that a Planning Manager decision does not provide enough opportunity for a proper public review of an application of this magnitude.

CDC 55.030(C)(2) states that "A decision by the Planning Director may be reviewed by the City Council." I request that the Council call up this decision for review. Doing so would allow for additional public input on the application and would help to remedy the Goal 1 shortcoming I mentioned earlier.

Lastly, I would also like to point out that at their upcoming October 12th meeting, the Utility Advisory Board will hear a presentation from ODOT on the I-205 Water Line Project. Wouldn't it have been more sensible to have this presentation before the Planning Manager decision in case any issues arise from the UAB? The timeline on approval of this project and UAB presentation, and lack of citizen input, greatly concerns me.

In closing, I request that the city consider the impacts on residents of projects such as these when deciding the process by which they should be reviewed. My reading of city code is that there is no prohibition against having applications such as this one heard by the Planning Commission. Doing so will only expand the opportunity for thorough review and for citizens to provide public comment. I request that the Council call up this decision for review to allow for additional public input.

Thank you for your consideration of my request.

Ed Schwarz, President
Savanna Oaks Neighborhood Association

Comments to City Council re: 12/11/2021 Proclamation

October 11, 2021

Dear Mayor Walters and City Council,

My name is Ed Schwarz and I live in West Linn. I am also the President of Savanna Oaks Neighborhood Association, one of the NAs you are commending tonight with your proclamation.

On behalf of SONA, I would like to thank you for recognizing the work of our members in the White Oak Savanna Park. The White Oak Savanna is a special place and our members have consistently recognized that fact through their unwavering commitment to supporting the park, either through volunteer time working at the park or through monetary donations to purchase needed equipment or for hiring groups such as the Northwest Youth Corps to perform work in the park.

Since the ice storm on February 14 of this year, members of SONA, the larger West Linn community, and other organizations have invested over 717 hours in remediating ice storm damage, removing invasive species, and mowing tall grass which poses a fire hazard. In addition, SONA partnered with the city's Parks and Recreation Department to hire a company to mow a portion of the park for fire remediation. Savanna Oaks NA is a Firewise Community and we take fire prevention very seriously.

I would like to thank the members of SONA who have worked so hard this year on keeping the Savanna a special place. In addition, SONA thanks the Northwest Youth Corps, the Parks and Recreation Department, Bartlett Tree Experts who volunteered to remove many hanging branches after the ice storm, and, especially, my wife Roberta, without whose many, many hours of hard work this park would not even exist or be in the condition it is in today.

Thank you again for recognizing the work of SONA members and others.

Regards,
Ed Schwarz, President
Savanna Oaks NA