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

CITY COUNCIL AGENDA

Monday, March 6, 2023

5:00 p.m. – Executive Session – Bolton Room & Webex*

Per ORS 192.660(2) (e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions and (h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

6:00 p.m. – Work Session – Council Chambers & Webex*

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1. Call to Order [6:00 pm/5 min]
2. Approval of Agenda [6:05 pm/5 min]
3. Public Comments [6:10 pm/10 min]
4. Announcements, Proclamations, and Recognitions [6:20 pm/15 min]
    a. National Drug & Alcohol Facts Week Proclamation
    b. Women's History Month Proclamation
    c. Arbor Month Proclamation
5. Committee for Citizen Involvement Proposed Bylaws [6:35 pm/30 min]
6. Update on Review of ODOT Environmental Assessment [7:05 pm/30 min]
7. Review March 13 Agenda [7:35 pm/30 min]
8. Mayor and Council Reports [8:05 pm/10 min]
    a. Reports from Community Advisory Groups
9. City Manager Report [8:15 pm/5 min]
10. Adjourn [8:20 pm]

**City Council and Planning Commission meetings 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. The public can watch all meetings online via https://westlinnoregon.gov/meetings or on Cable Channel 30.*

Submit written comments by email to City Council at citycouncil@westlinnoregon.gov or to Planning Commission at askthepc@westlinnoregon.gov. We ask that written comments be provided before noon on the day of the meeting to allow City Council and Planning Commission members time to review your comments.

If you cannot attend the meeting in person and would like to speak live at a public meeting by videoconferencing software or by phone, please complete the form located at: https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup by 4:00 pm the day of the meeting to be input into our system. Instructions on how to access the virtual meeting will then be provided to you by email prior to the meeting. If you miss the deadline and would like to speak at the meeting, please fill out the form and staff will send you a link as time allows.

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

When needed, the Council will meet in Executive Session pursuant to ORS 192.660(2).

PROCLAMATION

West Linn, Oregon

WHEREAS, National Drug and Alcohol Facts Week® is sponsored by the National Institute on Drug Abuse (NIDA) and the National Institute on Alcohol Abuse and Alcoholism (NIAAA), to encourage teens to ask questions about drugs, drug abuse, alcohol, and alcoholism, and receive scientifically-based facts and answers in return; and

WHEREAS, it is an annual, week-long heath observance that provides high school students across the United States with the opportunity to ask questions and get answers from the Nation's leading experts in the field of substance use/misuse/dependence and disorders via a web chat; and

WHEREAS, it is a celebration of the inquisitive minds of teens and encourages them to ask questions about substances, drug abuse/misuse, alcohol, and alcoholism and get scientifically based answers without judgment or biased comment; and

WHEREAS, it celebrates the efforts of national and community organizations working with teens to encourage science-based conversations about drugs, drug misuse/abuse, alcohol, and alcoholism; and

WHEREAS, National Drug and Alcohol Facts Week attempts to inform teens about the impact and risk of substance abuse.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN that March 20-26 is

National Drug and Alcohol Facts Week

In the City of West Linn and we urge all community members to participate in the activities planned.

DATED THIS 6TH DAY OF MARCH 2023

_____

RORY BIALOSTOSKY, INTERIM MAYOR

ATTEST:

_____

KATHY MOLLUSKY, CITY RECORDER

PROCLAMATION

West Linn, Oregon

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play critical economic, cultural, and social roles in every sphere of the life of our Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women have played a unique role throughout the history of our Nation by providing the majority of the volunteer labor force of the Nation; and

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, American women have served our country courageously in the military; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the literature, teaching, and study of American history;

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN, that March 2023 is designated as

WOMEN'S HISTORY MONTH

and we urge all citizens to celebrate with appropriate programs, ceremonies, and activities that honor the history, accomplishments, and contributions of American women.

DATED THIS 6TH DAY OF MARCH, 2023

_____

RORY BIALOSTOSKY, INTERIM MAYOR

ATTEST:

_____

KATHY MOLLUSKY, CITY RECORDER

PROCLAMATION

West Linn, Oregon

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday now called Arbor Month, was first observed with the planting of more than a million trees in Nebraska, is now observed throughout the nation and the world; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, by planting trees we emphasize views, direct pedestrian traffic and complement or enhance architecture; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy, peace, and spiritual renewal; and

WHEREAS, the City of West Linn is recognized as a Tree City USA by the National Arbor Day Foundation and desires to expand its tree-planting and stewardship practices.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN that April 2023 is

Arbor Month

In West Linn, Oregon, and we call upon all community members and civic organizations to celebrate trees by planting, maintaining, studying, and enjoying trees in our community. The City will celebrate Arbor Month by offering many community events focused towards the maintenance of existing trees and the planting of new trees.

DATED THIS 6TH DAY OF MARCH, 2023

_____

RORY BIALOSTOSKY, INTERIM MAYOR

ATTEST:

_____

KATHY MOLLUSKY, CITY RECORDER

Work Session Agenda Bill

Date: March 6, 2023

To: Rory Bialostosky, Interim Mayor
Members, West Linn City Council

Through: John Williams, City Manager JRW

From: Darren Wyss, Planning Manager DSW

Subject: Committee for Community Involvement (CCI) Bylaws Work Session

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Purpose:
Hold a work session to discuss and provide direction on proposed CCI bylaw amendments.

Question(s) for Council:
What is the preferred structure for the CCI and should its role expand beyond Statewide Land Use Planning Goal 1 activities?

Background & Discussion:
The West Linn Committee for Community Involvement (CCI) discussed and voted in August 2022 to recommend the City Council amend the CCI bylaws. Cities and counties in Oregon are required to have a CCI per Statewide Land Use Planning Goal 1. The CCI is to monitor and encourage public participation in planning. The proposed bylaw amendments (see Attachment 2) would expand the role outside of land use planning and also remove the mandate for the chair or vice-chair of the Planning Commission and Neighborhood Association Presidents Group to be members. Staff fully supports removing the membership mandates as it could lead to City volunteers not seeking leadership positions because of the additional required time commitment.

The CCI and its bylaws were created by Resolution 2014-07 in 2014, with the latest update being Resolution 2020-04 (see Attachment 1). The West Linn Planning Commission acted as the CCI from 2008 to 2016, until City Council appointed a separate CCI.

City Council briefly discussed the CCI proposal in January 2023 and requested staff bring it back for a work session. Staff agrees with the CCI that its role needs to be clearly defined and direction provided on the top priorities to be addressed. Currently, staff works with the CCI on two primary objectives: 1. recommendations to Council on land use working group membership as required by Community Development Code Chapter 98.035; and 2. reviewing community engagement plans for Council prioritized Planning Dockets Projects.

To help with the discussion, staff has provided Council several alternatives that could be considered. Expansion of the CCI role should not overlap with the City's other Community Advisory Groups (CAG) that provide recommendations to Council, nor overlap with Council and City Manager authority. CAG members volunteer valuable personal hours and the City should strive to align that time with Council priorities. The alternatives are found below.

Council Options:

1. Minor changes to the bylaws to improve functionality and retain members, and CCI remains focused on land use planning
2. Amend the bylaws as recommended by the CCI to expand its role
3. Reorganize the CCI to focus on other priority topics, perhaps DEI, and appoint the Planning Commission as the CCI (this was the case from 2008 to 2016)
4. Dissolve the CCI and appoint the Planning Commission as the CCI

Staff Recommendation:

Staff recommends the CCI remain focused on land use planning, with consideration of the Planning Commission acting as the CCI, as the other Council appointed CAGs provide the opportunity for input on a variety of subjects. The proposal the CCI is bringing to Council includes a dramatically enhanced scope and level of authority that staff believes could require a dedicated staff position to support, and in some cases overlaps with Council and City Manager authority.

Attachments:

1. Existing CCI Bylaws (Resolution 2020-04)
2. Proposed Amendments to CCI Bylaws.

RESOLUTION NO. 2020-04

A RESOLUTION ESTABLISHING REVISED BYLAWS FOR THE WEST LINN COMMITTEE FOR CITIZEN INVOLVEMENT

WHEREAS, citizen involvement and two-way communication with residents is a West Linn priority;

WHEREAS, State law requires the City maintain a citizen involvement program that ensures the opportunity for citizens to be actively involved in the land use process;

WHEREAS, Goal 1 of Oregon's Statewide Planning Goals & Guidelines states that governing bodies shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process;

WHEREAS, effective citizen involvement is essential to good government and responsible land use decisions;

WHEREAS, the following guiding principles are the cornerstones to West Linn's citizen involvement program:

- We believe active citizen involvement is essential to the future of West Linn.
- We respect and consider all citizen input.
- We encourage involvement opportunities that reflect our diversity.
- We promote participation, based on citizen involvement opportunities, of individuals and of community, business, and special interest groups.
- We provide communications to encourage citizen participation in city processes that are understandable, timely and broadly distributed.
- We organize involvement activities to make the best use of citizens' time and effort.
- We assure that citizens feel valued and respected through the process.
- We strive to achieve the highest value and efficient use of taxpayer dollars.

WHEREAS, prior to 2008 there are no City records indicating that the City Council of West Linn delegated the duties of the City's Committee for Citizen Involvement ("CCI") to any body;

WHEREAS, the City Council recognized the West Linn Planning Commission as the City's CCI in September 2008 thereby delegating the duties of complying with Goal 1 to the Planning Commission;

WHEREAS, the City Council reevaluated its program for citizen involvement at the beginning of 2014;

WHEREAS, the City Council decided that the importance of citizen involvement required a broader cross-section of interests be represented on the CCI;

WHEREAS, the City Council adopted Resolution 2014-07 on August 11, 2014, which established Bylaws for the Committee for Citizen Involvement;

WHEREAS, the City Council repealed Resolution 2014-07 and adopted Resolution 2016-05 on May 9, 2016, to better establish the purpose, work and representation of the CCI;

WHEREAS, the City Council repealed Resolution 2016-05 and adopted Resolution 2017-02 on February 6, 2017, to modify the committee's composition to reduce the frequency of meeting cancellations due to lack of quorum.

WHEREAS, the City Council repealed Resolution 2017-02 and adopted Resolution 2018-08 on May 14, 2018, to modify the Committee's Bylaws to clarify how certain members are selected and who constitutes a voting member.

WHEREAS, the City Council established a 2019 Council Goal to further reformat the CCI to have only citizen members and only one Council liaison who is not a voting member.

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

SECTION 1. Resolution 2018-08 is repealed.

SECTION 2. The City of West Linn formally recognizes the CCI in accordance with Attachment A, the City of West Linn CCI Bylaws.

SECTION 3. The City of West Linn CCI Bylaws are adopted.

This resolution was PASSED and ADOPTED this 12th day of October 2020, and takes effect upon passage.

RUSSELL B. AXELROD, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

ATTACHMENT A
BYLAWS FOR THE COMMITTEE FOR CITIZEN INVOLVEMENT FOR THE CITY OF WEST LINN, OREGON

ARTICLE I - NAME
The name of this organization shall be the Committee for Citizen Involvement of West Linn, Oregon; hereinafter called the CCI.

ARTICLE II - PURPOSE
The CCI is an independent body intended to function as a watchdog and advocate for citizen involvement. It is responsible for advising the City Council and other bodies on the development, implementation, and evaluation of a Citizen Involvement Plan that:

1. Promotes and enhances citizen involvement in land use planning as required by Oregon State Planning Goal 1 (OAR 660-015-000(1));
2. Evaluates the citizen involvement process; and
3. Makes recommendations to the City Council to improve the citizen involvement process.

ARTICLE III - MEMBERSHIP
The Committee shall consist of:

1. The chair or vice chair of the Planning Commission.
2. Four citizens appointed at large.
3. A business community member appointed at large.
4. The chair or vice chair of the Neighborhood Association Presidents Committee.

At large members of the CCI are appointed by the City Council.

ARTICLE IV - TERM OF OFFICE
The membership term shall be for the duration of the term of service on the Planning Commission or as the Neighborhood Association President Committee Chair for such members. The four at large citizen members and the at large business community member shall each serve a two year term.

ARTICLE V - VOTING
A quorum shall be a majority of the current CCI members. A vote shall be decided by a majority of the CCI members present at a meeting at which a quorum is present.

ARTICLE VI - MEETINGS
Meetings of the CCI shall be publicized in advance of the meeting date and conducted in accordance with applicable state and local law. The CCI shall meet at least once a month at a designated time and place.

ARTICLE VII - PRESIDING OFFICER
The Chair and the Vice Chair of the CCI shall be elected from its membership as soon as practicable each calendar year. The Chair, and when appropriate the Vice Chair or designee selected by the CCI, will preside over all CCI meetings.

ATTACHMENT A
BYLAWS FOR THE COMMITTEE FOR CITIZEN INVOLVEMENT FOR THE CITY OF WEST LINN, OREGON

ARTICLE I - NAME

The name of this organization shall be the Committee for Citizen Involvement of West Linn, Oregon; hereinafter called the CCI.

ARTICLE II - PURPOSE

The purpose of the CCI is as follows:

- The CCI is an independent body intended to function as a watchdog and advocate for citizen involvement.
- The CCI serves to facilitate portions of the community's role mandated by the Oregon Land Conservation and Development Commission, Goal 1 (OAR 660-015-000(1), relating to public involvement in all phases of the planning process. This is done by:
  - Promoting and enhancing involvement in land use planning as required by Oregon State Planning Goal 1;
  - Evaluating the citizen involvement process; and
  - Making recommendations to the City Council to improve the citizen involvement process.
- The CCI assists the City Council in developing methods by which West Linn residents can participate in the decision-making process of City government.
- The CCI shall also serve as a resource, liaison, and conduit for the City's officially established Neighborhood Associations (hereafter referred to as NAs) by providing support for individual and collective NA's activities and concerns.
- CCI will also consider a broad range of issues affecting the livability and quality of the City's neighborhoods as they relate to the West Linn Comprehensive Plan (WLCP).
- The CCI is an advisory board and makes recommended actions to the City Council, Planning Commission, and other Community Advisory Groups (CAG's). The CCI is not a decision making body.

ARTICLE III - MEMBERSHIP

The CCI shall consist of seven members, with one member of the City Council and one member of the Planning Commission serving as liaisons to the committee. Liaisons will not be voting members and will not be needed for a quorum.

Members of the CCI are appointed by the City Council. Per Goal 1, committee members shall represent a broad range of demographics for the city, and having interests related to land use and land-use decisions. Members shall be selected in an open, well publicized process . When at all possible, members should include a Neighborhood Association representative and a member of the business community.

ARTICLE IV - TERM OF OFFICE

Members shall each serve a two-year term. Liaisons can be appointed on an annual basis or as needed.

ARTICLE V - VOTING

A quorum shall be a majority of the current CCI members. A vote shall be decided by a majority of the CCI members present at a meeting at which a quorum is present.

ARTICLE VI - MEETINGS

Meetings of the CCI shall be publicized in advance of the meeting date and conducted in accordance with applicable state and local law. The CCI will meet at least once a month at a designated time and place. All members shall regularly attend meetings. A member may be removed from the CCI for unexcused absences for more than 50% of the meetings held in a calendar year. An absence is "unexcused" if the member does not notify the chair, vice-chair, or the staff liaison about an absence prior to the meeting.

ARTICLE VII - PRESIDING OFFICER

The Chair and the Vice Chair of the CCI shall be elected from its membership as soon as practicable each calendar year. The Chair, and when appropriate the Vice Chair or designee selected by the CCI, will preside over all CCI meetings.

Article VIII: Duties

The duties of CCI shall include, but not be limited to, the following:

1. Per Goal #1, Assist the City in developing, implementing and

evaluating a broad community involvement program that ensures the opportunity for individuals, including communities of color and other traditionally disenfranchised communities, to be involved in all phases of the City's land use planning and civic decision-making process.

2. Perform the duties per State Goal 1 Section C which states "the general public, through the local citizen involvement programs, should have the opportunity to":
    a. Data Collection: be involved in inventorying, recording, mapping, describing, analyzing and evaluating the elements necessary for the development of the plans
    b. Plan Preparation: assist in developing a body of sound information to identify public goals and policy guidelines and evaluate land conservation and development plans in preparation of the comprehensive land use plans.
    c. Adoption Process: review and recommend changes to the proposed comprehensive land use plans prior to the public hearing process to adopt land use plans.
    d. Implementation: participate in the development, adoption, and application of legislation needed to carry out a comprehensive land use plan. This includes reviewing each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.
    e. Evaluation: evaluate comprehensive land use plans.
    f. Revision: Review and make recommendations on proposed changes in comprehensive land use plans prior to the public hearing process.
3. Ensure that the City is in compliance with Goal 1. This includes monitoring and evaluating the following:
    a. Per Goal 1, #2 and #5 and E. 1, ensure there is a clear and effective mechanism for communication between residents and elected and appointed officials. This includes making sure there is a plan for how and when electronic mail is forwarded to a CAG, Planning Commission or City Council member, and the timeline for which the resident should expect to see a response. Ensure that the public record includes feedback from the community on land use issues and the rationale for reaching a decision is in written form.
    b. Per Goal 1, #3: Ensure residents have the opportunity to be involved in all the phases of the planning process, including

minor changes to any plans, and the implementation of such plans.

c. Per Goal 1, #4 Ensure that technical information is available to the broad community in an understandable form, including an emphasis on communicating in the City's priority languages, and ensuring those with disabilities or without internet access have the same access to information.
d. Per Goal 1, #6 and F.1, Ensure the city has adequate human, financial, and informational resources allocated for the citizen involvement program.
e. Per Goal 1, D. 1. Ensure that other agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and one changes) are providing assistance to the citizen involvement program. The roles, responsibilities and timeline in the planning process of these agencies should be clearly defined and publicized.

4. Make recommendations to the City Council, City staff and other City committees, on practices and programs likely to ensure the continuous opportunity for the exchange of ideas and information between the City government and residents, business owners and property owners, and in making recommendations ensuring that our diverse community is considered and ensuring strategies are used to ensure broad participation.
5. Perform other related duties as directed by the Mayor or City Council.
6. Actively promote the mission of the CCI to NA's and community members.
7. Propose methods for access to information for residents, members of appointed bodies, and neighborhood groups.
8. Encourage public participation in other government activities as they impact neighborhood programs or as they relate to the Comprehensive Plan.
9. Report back to the City Council. This shall include:
    a. An annual report prepared at the end of each calendar year to present a summary of activities conducted during that year.
    b. A report to the City Council on a regular basis, either as a standing committee periodically on the City Council's agenda, or through public comments.

City of West Linn

Work Session Agenda Bill

Date Prepared:	March 2, 2023
For Meeting Date:	March 6, 2023
To:	Rory Bialostosky, Interim Mayor Members, West Linn City Council
From:	John Williams, City Manager *JRW*
Subject:	Update on Review of ODOT I-205 Tolling Environmental Assessment

Purpose
Update on City of West Linn review of Environmental Assessment.

Question(s) for Council:
Whether to submit comments to ODOT as described below.

Background & Discussion:
At the March 6 meeting City staff and Jordan Ramis legal counsel will be providing an update on our ongoing review of ODOT's I-205 Tolling Environmental Assessment. Council previously approved Jordan Ramis work on this topic and they will be describing the review process and options moving forward.

Review of the very lengthy assessment is perhaps the City's highest priority at this time. We are working with other local governments to coordinate our understanding of the assessment and to coordinate comment development. Comments are due by April 7, 2023. We have invited ODOT to present at an upcoming Council meeting.

On the 6th we will present an overview of our work on this review and will also discuss two letters (attached) we propose to send to ODOT while the work continues:

- Attachment 1: A formal request to extend the public comment period by an additional 45 days to allow a thorough review and to facilitate public understanding of the document and its importance. Similar letters are being drafted/approved by many of our partner agencies (Lake Oswego and Clackamas County approved sending similar requests in the past couple of days). We considered requesting even more time but the regional consensus is that would not be considered, and that a consistent ask from all partners would be best.

- Attachment 2: Formal comments to ODOT on whether the statewide tolling program should be added to the list of "Programs Affecting Land Use" under Oregon Administrative Rules 731, division 015. More information on this question may be found at ODOT's web site.

Council Options/Staff Recommendation:
Staff recommends that the City submit these comments, with any amendments directed by Council.

Attachments:
1. Draft letter to ODOT requesting extension of public comment period.

2. Draft comments to ODOT regarding tolling program being added to “Programs Affecting Land Use.”

March 7, 2023

Mandy Putney
Oregon Department of Transportation
Via email
CC: Keith Lynch, FHWA, Kris Strickler, ODOT

Dear Ms. Putney,

On behalf of the West Linn City Council, I am writing to request an extension to the public comment period for the I-205 Toll Project Environmental Assessment (EA), which began on February 21, 2023. After initial review of the voluminous materials that have just been released, we request more than 45 days to complete our work and provide you with specific, concise, and well-reasoned comments. The Environmental Assessment includes thousands of pages of information that must be reviewed and analyzed before comments can be developed. For a smaller city like ours, this review must be conducted at the same time as a multitude of other projects. We then need to work our comments through local review, particularly our City Council meeting schedule.

We are also concerned about the lack of opportunities for public engagement. Two webinars, one three-hour public hearing, and a survey all set to occur within 45 days will not provide sufficient opportunity for our community members to become informed and have the opportunity to provide feedback. More time and more opportunities are needed.

Specifically, we request that ODOT present directly to the West Linn City Council at an upcoming Council meeting within the public comment period timeline, and request that you reach out to our Neighborhood Associations and local business organizations with a similar offer. West Linn will be perhaps the most impacted community by the tolling proposal and we would appreciate that ODOT conduct public outreach accordingly.

In summary, as a participating agency for the I-205 Toll Project Environmental Assessment, we **formally request an additional 45 days be added to the public comment period for the I-205 Toll Project Environmental Assessment** which will result in a 90 day public comment period. We could certainly make good use of even more time but understand you are working within limitations as well. A 90 day comment period will allow much-needed time for review and public engagement.

Thank you for your consideration.

Sincerely,

John Williams, City Manager

City of West Linn

Attachment 2: Proposed comments to ODOT on Programs Affecting Land Use

March 7, 2023

Erik Havig, Statewide Planning Section Manager
Oregon Department of Transportation

Sent via email

Dear Mr. Havig:

Thank you for the opportunity to comment on the Tolling Notice to the Department of Land Conservation and Development ("Notice") on the question of whether the statewide tolling program should be added to the list of "Programs Affecting Land Use" under OAR 731, Division 015. The City of West Linn requests that you enter these comments into the record of this proceeding.

Using the definition of "Toll Program"[1] provided in the notice as being limited to "the necessary processes and systems to set toll rates, establish toll user accounts, collect toll revenue, manage toll equity programs (such as low income and other programs that may provide discounts or exemptions to certain users), enforcement and other functions necessary to run a toll system" (Notice, at pg. 2-3), to the extent that ODOT is proclaiming that the adoption of what it calls the "back room" functions of the tolling program is exempt from land use regulations, the City believes that this may be technically correct. As ODOT concedes, the "Toll Program *does not include any of the physical infrastructure on a highway necessary to implement an electronic toll collection system*…"(emphasis added). (Notice, at pg. 3).[2]

The current question that is the subject of this notice and pending decision cannot apply to the actual implementation of any tolling. Clearly the purpose of the technical, "back room" functions of the tolling program is to institute it on a specific project, for example on I-205. This implementation will create diversionary trips and other impacts that most certainly implicate Goal 12, the City of West Linn's transportation system plan, and plans of neighboring jurisdictions. Therefore, this future implementation should be subject to land use review.

ODOT should clearly state that it understands that the implementation of the Tolling Program will most certainly have a cascading effect on the land use system and therefore will work within Oregon's land use system and rules to ensure that impacts from that implementation are considered.

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[1] The City of West Linn would note that the Notice discusses the "Toll Program" (Notice, at pg. 2, 3) and the "tolling program" (Notice, at pgs 1, 3, 5 – 12) interchangeably throughout the Notice. The City of West Linn, therefore, presents these comments with the understanding that the definition cited above applies to both terms.

[2] Pursuant to the Notice, physical infrastructure to implement an electronic toll collection system includes "signs or other structures necessary to install transponder readers, cameras or other features," (Notice, at pg. 3). West Linn believes this would also include gantries and any other physical equipment that would be required to be installed.

We appreciate the opportunity to comment on this item.

Sincerely,

John Williams, City Manager
City of West Linn

CITY OF
West Linn

Public Comment Form

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

Please specify topic (*required*): Robinwood Station RNA Hwy 43 committee

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

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

Public Comments

Please print:

Name: Anthony (Tony) Bracco

Phonetic spelling, if difficult to pronounce:

Address (Optional): 2716 Robinwood Way

City: Westlinn State: OR Zip: 97068

Email (Optional): 503-675-1773 Phone (Optional): anthonymbracco@yahoo.com

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

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

CITY OF
West Linn

Public Comment Form

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

Please specify topic (*required*): TAB Proclamation

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

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

NDAFW Proclamation

Please print:

Name: Alexa Z, Josie P, Finola C

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: _____ State: _____ Zip: _____

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

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

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CITY OF
West Linn

Public Comment Form

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

Please specify topic (*required*): Trees illicitly removed in Field's Bridge Park + ROW

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

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

#5. Proposed CCI Bylaws

Please print:

Name: Karie Oakes

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 1125 Marylhurst DR

City: West Linn State: OR Zip: 97068

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

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

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CITY OF
West Linn

Public Comment Form

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

Please specify topic (*required*): CCI #5

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

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

CCI #5

Please print:

Name: Shannon Knight

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: _____ State: _____ Zip: _____

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

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CITY OF
West Linn

Public Comment Form

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

Please specify topic (*required*): Agenda Item 5, CCI bylaws

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

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

_____

Please print:

Name: Gary Walvatne

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: West Linn State: _____ Zip: _____

Email (Optional): gwalvatne@comcast.net Phone (Optional): _____

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Mollusky, Kathy

From: ed.schwarz[redacted]
Sent: Sunday, March 5, 2023 10:41 AM
To: City Council
Cc: Knight, Shannen
Subject: March 6, 2023 City Council Work Session -- Public Comment on Agenda Item 5. Committee for Citizen Involvement Proposed Bylaws

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Dear Mayor and City Council,

The below comments are intended for item 5. Committee for Citizen Involvement Proposed Bylaws on your March 6, 2023 Work Session agenda.

As a former Chair of the Neighborhood Association Presidents Committee, I served on the CCI for several years. I am writing to you in support of Option 2 from Mr. Wyss's memorandum. I think it is very important that CCI remain a separate entity and not again be made a part of the Planning Commission. Please remember that it was a previous City Council which removed the CCI role from the Planning Commission. Mr. Wyss mentions this in his memorandum but does not explain why this was done. My recollection is that both the City Council and the Planning Commission at that time felt it was preferable to have a committee of citizens provide additional input to the Planning Commission and City Council on land use in the City of West Linn. Having the Planning Commission serve as CCI reduces the number of citizens who review, and provide input on, land use decisions in the city. Therefore, I think it is critical that the CCI remain a separate committee and be independent of the Planning Commission.

While serving on the CCI I voted in favor of the updated CCI by-laws which expand the role of the CCI to include topics other than land-use. This decision was not made lightly. Much discussion was held and revisions to the updated by-laws were discussed in detail. The CCI felt that its role should be expanded so that citizens have a committee they can come to when the have issues with how the city is operating. Under the proposed by-laws, the CCI will be unique in that it does not address just one topic for the citizens but can cover any topic of concern they may have. I look at this as an omnibus committee where citizens can bring any topic that concerns them. I think it is very important for West Linn to have a committee like this. I do not agree with Mr. Wyss's contention that expanding the role of the committee would require hiring an additional staff member. If Mr. Wyss feels overwhelmed by his current duties perhaps someone else from city staff could be appointed to take over as the liaison to CCI.

In his memorandum Mr. Wyss also discusses (without providing any examples) of "overlap" that would occur between the newly expanded CCI and other community advisory groups (CAGs). I do not agree with this assessment but, even if there were to be some overlap, I think that West Linn citizens could decide to which committee they want to take their issue. In addition, I fully expect that CCI would not take up an issue which clearly would be best served by being heard by a different committee.

The decision by CCI to request an expanded role through these new by-laws was not made because the CCI wanted or needed additional work. The decision was made because there were issues in the city which arose but were not being addressed by any other CAG. Therefore, the CCI saw a need to take on an expanded role in order to help our citizens have their issues heard and addressed. More public input is never a bad thing. Please support the CCI in taking on this expanded role and allow for this additional avenue for public input by our citizens.

Lastly, I disagree with Mr. Wyss's contention that the expanded by-laws "includes a dramatically enhanced scope and level of authority" for CCI. Through these new by-laws the CCI seeks to be able to address citizen concerns that are not presently being addressed by any other CAG. I do not see where CCI is expanding its "level of authority." The CCI will still bring any citizen concerns that it hears to the appropriate party, be it the City Manager, Planning Commission, or City Council. There is no "authority" being granted to CCI in these by-laws. I think that, perhaps, Mr. Wyss is being a bit dramatic in his assessment of these new by-laws.

In summary, please support the request by the CCI for an expanded role by choosing option 2 from the four presented in Mr. Wyss's memorandum. This option will provide the best role for CCI and allow West Linn citizens to have their concerns heard.

Thank you.

Ed Schwarz
West Linn

Mollusky, Kathy

From: Russell Axelrod <[redacted]>
Sent: Monday, March 6, 2023 10:52 AM
To: Bialostosky, Rory; Baumgardner, Mary; Relyea, William; Williams, John; Wyss, Darren
Cc: Mollusky, Kathy; Knight, Shannen; Gary Walvatne; Russell Axelrod
Subject: My testimony to support an independent CCI and accept the CCI's recommended amendments

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City Council Members and Planning Staff,

Our City only functions when Staff and Council effectively engage and listen to the community they are tasked to manage and govern. This also requires that the community engage in a respectful, constructive manner. This is how we build trust and livability in our community and its governance - and this is the overriding objective of the Committee for Citizen Involvement (CCI) envisioned in Goal 1 by our legislature.

Without this trust and collaborative spirit we all fail, and the City and its community will be forever locked in frustration and dysfunction. The community seeks trust, accountability, and an effective, responsible relationship with our Staff and Council that oversee their governance - help build this trust and accountability for the livable City we all desire.

I urge you to maintain an independent CCI to support citizen engagement in all aspects of our Comprehensive Plan - our Plan which guides the foundation of our City's vitality and livability. I urge Council and Staff to listen to the voice of the CCI and not be afraid to engage, and to sometimes accept change that at first might feel a little uncomfortable. If Staff cannot find a way to constructively engage with its CCI, then our City's governance will fail its community. I encourage you all to work together to improve our City's function, and help build the trust and accountability we all seek.

I was encouraged to read the testimony submitted by Shannon Knight for tonight's work session. I recommend that Council adopt the amendments the CCI is suggesting (Option 2 on the Staff Memo) to support its independent function and improve the collaboration between community and our governance.

With deep respect to all,

Russell Axelrod
Former Mayor, City of West Linn

Mollusky, Kathy

From: A Sight for Sport Eyes <sporteyes@yahoo.com>
Sent: Saturday, March 4, 2023 11:04 PM
To: City Council
Subject: Testimony for 3/6 Meeting

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Hi Council!

Thanks again for getting the CCI bylaw changes on to your schedule. I really appreciate you moving this forward. I am testifying for myself and not on behalf of CCI.

We are here because there seems to be a disconnect between staff and myself when I was CCI chair. I respect Darren, and as a planner, I completely understand why he prefers CCI's role to be land use specific. However, from my understanding, this is not what previous councils intended CCI to be, nor how CCI was run under different staff liaisons. In looking back, the communications person was the liaison for first iteration of the CCI which makes more sense to me than a planner.

After listening to the council meetings back in 2014, the consultant hired was clear: the minimum work CCI needs to do is what Goal 1 states, but council can set up the CCI to really be anything they want. The 2014 council felt compelled to create the CCI to encourage more citizen participation. In establishing the CCI in 2014, the fifth "whereas" states "the following guiding principles are the cornerstones to West Linn's citizen involvement program" and goes on to list all of them. Not a single one of those statements is specific to land use. It also goes on to say in the 9th whereas "that the importance of citizen involvement required a broader cross section of interests be represented on the CCI" in referring to the previous format of the Planning Commission being the CCI.

In 2016, the role of CCI was further expanded under Resolution 2016- 05 which states "to better establish the purpose, work and representation of the CCI". I spoke to members of CCI by then (Russ Axelrod and Michael Babbitt). Both remembered the work done by that CCI was specifically the role of CCI beyond land use. Also, only one of the purpose statements in the current bylaws specifically states land use. Thus, I believe that it is clear that the CCI as currently constructed is not limited only to land use engagement.

Like I said, I respect Darren, and if I'm wrong, I'll admit I'm wrong. For clarification, spoke to DLCD. The two ladies I met with (Kelly and Sadie) really gave me some perspective. To some extent, they agreed with Darren's position as the state's Goal 1 only extends to land use. However, they said this is the minimum requirement. What is required for each jurisdiction depends on each city or county's Comprehensive Plan. They said whatever the West Linn Comprehensive Plan states, that is what CCI needs to be doing. If I look at the city's Comprehensive Plan Goal 1 for citizen involvement, it is much broader than just land use. (pg 20-25) https://westlinnoregon.gov/sites/default/files/fileattachments/planning/page/6526/west_linn_comp_plan_-_updated_07-31-2017.pdf

The DLCD representatives also looked at the city's website page for the CCI, https://westlinnoregon.gov/community/committee-community-involvement . Our website specifically states :"The CCI welcomes input from the community on engagement opportunities for current and future policies and programs." From this statement, it was clear to the DCLD representatives that the West Linn's CCI is set up engage in just more than just land use issues. They said when citizens go to this page on the website, there is an expectation that if they were to attend a CCI meeting, that they could give testimony on anything related to "current and future policies and programs", not just land use issues. This really gave me the validation I needed to feel confident in recommending these CCI bylaw changes to you.

The DLCD representatives also pointed out that if you change CCI to be the PC, then per Goal 1 you need to let DLCD know "the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program" The DLCD representatives said that if you do the opposite, create a CCI separate from the PC, then they don't care or need to know. The DLCD representatives said that usually the PC as CCI is only an option for smaller cities that don't have enough volunteers or staff to have a separate CCI. There has to be a clear reason why the city feels that they can't have a separate CCI.

Thus, staff's options of #3 and #4 should not be considered as this is not what the state recommends for a city our size. In my opinion, staff has taken it a step too far by even recommending options #3 and #4 in their memo. First, it is my understanding that Planning Commission has not even been consulted about this. Secondly, this recommendation goes completely against the intent of Goal 1. Instead of letting citizens have a voice, staff is circumventing public input and recommending what they personally want instead.

Thus, I request that council choose option #2. Option #1 again, is staff changing what the role of CCI should be to meet their personal needs instead of letting that come from a public process. As mentioned, per the current bylaws, the city's Comprehensive Plan, and our CCI webpage, the current West Linn's CCI allows for engagement beyond just land use. Picking option #1, #3 or #4 let's staff decide the fate of the CCI without engaging the public first. It sets us back a decade in public engagement.

I also disagree with staff's assertion that the bylaw updates "dramatically enhanced scope and level of authority that staff believes could require a dedicated staff position to support, and in some cases overlaps with Council and City Manager authority." I would like staff to clearly explain why he believes this is so. All the bylaws do is clarify the authority already given to the CCI by previous councils.

In the Purpose statement, CCI specifically added the language "The CCI is an advisory board and makes recommended actions" and that "The CCI is not a decision making body.". So I don't understand how staff believes that these bylaw changes somehow will have "overlap on Council and City Manager authority". It specifically says CCI has no authority. All they can do is recommend and Council and the City Manager can do what they want with the information.

Just like any CAG, CCI cannot give staff work to do. CCI would need to take any proposals to council, and council would have to approve it before any staff time could be devoted to anything. CCI with these updates is simply clarifying that their duties include engaging citizens on more than just land use issues.

The current bylaws specifically state "The CCI shall meet at least once a month". Shall means must. However, with the limited scope given to CCI currently, staff cancels meetings because they don't have anything for CCI to discuss. This would happen if option #1 was chosen as well. CCI has

topics they want to discuss, and citizens who send in testimony. But since they are not land use code related, CCI is not allowed to hold a meeting about it. Expanding topics will ensure a meeting is held every month. I guess in that way, it is increasing staff time for meetings. However, month meetings are already required by the current bylaws, and should not be canceled. I will also mention that State Goal 1 requires sufficient financial support in the form of human resources be given to the citizen involvement program in order to make it successful.

Many of the bylaw updates have to do specifically with Goal 1. Duties #1 through #3 are direct quotes from the State Goal 1. I literally copy and pasted those duties directly from Goal 1 per Councilor Jones' request when I created the draft bylaws. This is what is required by the state. If #1 through 3 increases staff time, that means that up until this point then, we have not been meeting Goal 1 with current staffing and per Goal 1 must increase staffing.

#4 was included as our DEI piece to ensure that all members of the community are given opportunities to be heard on issues that affect livability, and allows us to share that information with various groups. As a private citizen, I could just go and give testimony to council, the city manager, staff or a CAG. I don't know how giving a recommendation from CCI is any different than a private citizen sending testimony directly these groups.

#5 just allows Council to give us work to do, something we do now.

#6 Allows us to work with NA's to encourage more public participation. Per the current bylaws, a member of the CCI is the NAP so we are already doing this.

#7 uses the word "Propose". Again, we are not making decisions. We are just giving council ideas and council can decide to do them or not.

#8 This is the one that expands our reach to policy issue engagement, but again, as I pointed out earlier, the CCI website already states that is within our purview so it was part of what CCI should already be doing.

#9 Report to council. Again, we already do this.

I will also mention most of these changes came from other cities CCI bylaws. If other cities work this way, then again, I don't know why we can't figure out how to likewise just make it easier for the public to get involved in more than just land use. That is all these bylaws updates do. They give no power to the CCI. They don't increase any staff time. They don't usurp any authority. It just allows the CCI to listen to and discus resident concerns, within the confines of the regularly scheduled meeting, regardless if they are land use related or not.

As far as overlap with other CAG's, there is already overlap. I mentioned this at the EDC meeting and again at our last CCI meeting. All the CAG's should be working together. Sometimes EDC has crossover with planning like with the food cart or mixed use zoning for instance. Working together creates more synergy in the community. More public engagement allows CAG's to give better recommendations to you. I don't really understand why staff believes this is problematic. Again, CCI would just be giving recommendations, not requirements.

Likewise, these bylaw updates are just a recommendation as well. If staff or council believes any of the wording needs to be changed to better fit what works the city, please feel free to redline the document. I'm not beholden to every word of the document. The goal is to engage as many people as possible on anything that affects the quality of life in West Linn. I believe that was the intent when

council created the CCI, it is what many other cities do, and I think what every city should strive to do. If changes need to be made but the document still accomplishes this goal, I'll be a happy camper.

Sorry for being so long winded. There was just so much in the staff memo that I felt I needed to address. I appreciate your time, and thanks again for taking the time to put this on your agenda.

Shannen Knight
West Linn

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