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

WEST LINN
CITY COUNCIL MEETING
NOTES
June 12, 2023

Pre-Meeting

Call to Order and Pledge of Allegiance [6:00 pm/5 min]

Council Present:
Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Scott Erwin, and Councilor Leo Groner.

Staff Present:
City Manager John Williams, City Attorney Bill Monahan, City Recorder Kathy Mollusky, and Library Director Doug Erickson.

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

Council President Mary Baumgardner moved to approve the agenda for the June 12, 2023, West Linn City Council Meeting, removing 4.b LGBTQ+ Pride month as it was read last week, and adding Community Advisory Group appointments as Item 7.c and the Police Review & Recommend Committee Appointments as Item 7.c. under Mayor & Council Reports. Councilor Leo Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Scott Erwin, and Councilor Leo Groner.
Nays: None.
The motion carried 4 - 0

Public Comments [6:10 pm/10 min]
Michael Carlson & Greg Smith, Chairs of the Sustainability Advisory Group, re: West Linn Tree Code.

Randall Fastabend re: Robinwood Station.

Announcements, Proclamations, and Recognitions [6:20 pm/10 min]

Juneteenth Proclamation
Proclamation 2023-06-12 Juneteenth
Councilor Groner read the Juneteenth Proclamation recognize June 19th as Juneteenth and encouraged all community members to join in this observance.

~~b. LGBTQ+ Pride Month Proclamation~~
Proclamation 2023-06-12 LGBT Pride Month
This proclamation was read at the June 6 Council Meeting.

Consent Agenda [6:30 pm/5 min]

Agenda Bill 2023-06-12-01: RESOLUTION 2023-03, CERTIFYING THE RESULTS OF THE MAY 16, 2023 PRIMARY ELECTION (If available)
RES 2023-03 Information

Agenda Bill 2023-06-12-02: Meeting Notes for January 3, April 10, and 17, 2023
2023-01-03 Draft Notes

Agenda Bill 2023-06-12-03: Clackamas County Regional Advanced Transportation Controller & Signal Optimization Project Intergovernmental Agreement
Traffic Signal Contract Information

Agenda Bill 2023-06-12-04: Oregon City Emergency Wastewater Operator Services Intergovernmental Agreement
Wastewater Emergency Services Information

Council President Mary Baumgardner moved to approve the Consent Agenda for the June 12, 2023 West Linn City Council Meeting which includes Resolution 2023-03 Certifying the results of the May 16, 2023 Primary Election; the meeting notes for January 3, April 10 & 17, 2023; the Clackamas County Regional Advanced Transportation Controller & Signal Optimization Project Intergovernmental Agreement; and the Oregon City Emergency Wastewater Operator Services Intergovernmental Agreement. Councilor Scott Erwin seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Scott Erwin, and Councilor Leo Groner.
Nays: None.
The motion carried 4 - 0

Business Meeting [6:35 pm/90 min]

Agenda Bill 2023-06-12-05: Public Hearing: ORDINANCE 1743, West Linn Willamette Riverfront Tax Increment Finance Area Plan
ORD 1743 TIF Information
Public Comment - Erika Schettler Huberty
Public Comment - Frank & Lori Carini
Public Comment - John McCabe
Public Comment - Rita Burton
Public Comment - Ed & Roberta Schwarz
Public Comment - Ross Stout
Public Comment - Steven Miesen
Public Comment - Thomas Neff
Public Comment - Victoria Steele
City Manager Williams reminded Council they approved direction and funding for a feasibility study, created a Tax Increment Financing (TIF) advisory committee, and adopted Ordinance 1738 creating the TIF agency. Staff mailed out over 10,000 postcards to West Linn property owners notifying them of this hearing, placed the notice in the West Linn Tidings, on the City website, and on social media. The question for Council is would you like to create West Linn's first TIF district to fund infrastructure in this area. The community began a vision and master plan for the waterfront area that is along the Willamette River from the Arch Bridge to Willamette Falls Drive down into the Willamette District. The TIF funds infrastructure for streets, sewer, and storm drains. There is a misconception that this creates a new vision and development plan for the area. This is simply an infrastructure finance tool that will deliver the infrastructure that the community wants.

Nick Popenik, Elaine Howard Consulting, gave the presentation.
Presentation

In response to Councilor's questions, staff responded:

- Receiving no comment is customary. The taxing districts most impacted are (1) the cities themselves, (2) the County who had opportunity to provide feedback at their board meeting, and (3) the fire district who were involved in the task force. One of the proposed provisions is to have a 30-year duration limit that was a suggestion from the fire district so there are other ways to make the comments known. The majority of other taxing districts have large boundaries (i.e., Metro, Vector Control, or the Port) who have overlapping districts. This doesn't rise to their radar as to something they want to participate in, the numerous urban renewals all over their jurisdiction. Schools are not directly impacted and don't typically have any comment.

- Often when talking to other taxing districts, they are interested in what sort of projects are being proposed and making sure those projects will contribute to increased tax revenue down the road. If the projects will improve the community and stimulate growth, the district is large enough that they can take a small percentage hit for the promise of revenue down the road.

- The project list came out of the Capital Improvement Plan (CIP). Staff looked at the transportation, wastewater, and storm projects and brought them to the advisory committee. There were discussions about the projects and which priority tier they should be in. The members met with different groups (i.e., Neighborhood Associations and historic main street) who made some small changes to the project list and prioritization of the projects.

- The Planning Commission recommendation is attached to the Plan.

<u>Public Comment</u>
Russell Radcliffe found the committee was diligent, conscientious, and took their time to judge the impacts on people and property. He urged Council to move forward with the TIF district plan.

Spencer Crandall supports the district. He's advocating for combined product making and retail spaces that the community and tourists can experience that will also create jobs.

Alice Richmond is worried that someone who is paid is telling Council that this is good for the City since he doesn't pay West Linn taxes and she doesn't care that all our neighbors are doing this.

Matt Lorenzen stated Wilsonville's TIF district increased the tax base from $70 million 30 years ago to a tax base of $570 million today for an increase of about 800% in the tax base. He recommends Council consider adopting this Plan.

Vicki Handy believes infrastructure is critical. She supports the intent and tool of using urban renewal. She is concerned about the limited access to the riverfront since the City doesn't own

it. She urged Council to not move forward without first drafting an executive summary to explain what this is to the public and is concerned about staff capacity.

Anastasia Gianopoulos is concerned the community of West Linn is going to have to pay for this and she doesn't see the items on the list benefiting the City. She would like more time to consider the breadth and depth of this proposal and would like to see it on a ballet.

City Manager Williams stated it is challenging to communicate the structure of how this works. When the community sees this tax line, it is inevitable that they will think their taxes went up. This is one of the few tools that we have in the City and you can see how limited the City is in its ability to fund projects in this area. Willamette Falls Dr. is unacceptable, there is two miles of waterfront the community cannot get to, and other projects the City would like to do to improve the City. This is a long-term plan. He appreciates improvements can be made about communicating. The City has time, we are not going to be spending money for a while since we need to build up funds to participate in projects. Urban renewal is unlikely to be sole funding source, it is going to be a tool. For example, the City may use this to provide a match with federal or state grants. The City has time to improve communications and explain how it works should Council take this step forward tonight. He is always happy to talk to anyone in the community who wants to know more.

Mr. Popenik clarified there will be no impact on taxpayers - on households, property owners, or businesses. There are impacts to the money on the overlapping taxing districts who will be foregoing their tax revenue so this area can receive the money. This is not going to add to West Linn's tax bill, it will divide from the existing tax bill. The overlapping taxing districts, including the City general fund, will be foregoing the money.

In response to Council questions, Mr. Popenik explained there are two kinds of failures: (1) a district that never gets off the ground. You create an area that is truly blighted and has a low accessed value, and it never has any new construction take place. Maybe the property values languish and don't grow by the 3% allowed and so it doesn't generate enough money to fund the project so cannot make the investment needed nor make improvements to attract development. This way of failing mitigates the impacts. It is not generating revenue and no overlapping taxing district is forgoing revenue. It is a failure that results in the status quo. (2) Another way is when the districts are established without a vision that resonates with the community. If the overall goals and objectives of the plan are not things the community wants to see take place, if the projects identified are not high priorities, and the urban agency invest money in these projects that the community feels are not in their best interests, the community can have an uproar that leads to electing new leaders or the plan can be closed down early. If the City adopts the plan, it doesn't mean they cannot unwind it. The Community can close down the plan early.

Mr. Popenik is not a public involvement expert. A lot of communities use an advisory committee to review the conditions of the area and its financial capacity, and they make

recommendations to Council. Others do it on an ad hoc bases and when they need a decision, they convene the group to help them make decisions. There are no decisions to be made in the next five years. Once the money is collected, Council can ask the community how they want to spend the money.

Public Comment

In response to Mary Lou Burton's comments, staff replied:

- The City starts saving money in order to build up enough to do projects or to take on a loan to do a project.

- If were to adopt the plan, it takes a while for the County assessor to recognize the plan and to get set up in system. In 2024, they would apply it to 24/25 FY. In the fall of 24, they will send out tax bills recognizing that this urban area exists. They will start to collect money and it will be dedicated specifically to this area. It is a separate legal entity from the City, there is no comingling.

- The growth of property value will start to accumulate and accrue in this area. It will start very small because there is not a lot of construction in this area so it will just be the 3% growth and appreciation. The collection gets a little bigger every year.

- The City will not spend small amounts on small projects, it will wait to accumulate enough to complete large projects. If the City is successful in pursuing grants or other funding sources, the projects could be accelerated.

- There are modest overhead expenses, they have to have a budget and audit every year.

- If this was voted down, the dollars would go to all of the overlapping taxing districts - the City's General Fund, TVF&R, the County, Metro, and the Port, etc.

Mayor Bialostosky closed the public hearing.

Council President Mary Baumgardner moved to approve First Reading for Ordinance 1743, making certain determinations and findings relating to and approving the West Linn Willamette Riverfront Tax Increment Finance Area Plan and directing that notice of approval be published, and set the matter for Second Reading. Councilor Leo Groner seconded the motion.

Council President Baumgardner understands the community's concern when hearing the word taxes and not putting it to a vote. She expressed confidence in this process and Councils' ability to continue having an open dialogue and community input on the visioning on how they want this to work going forward. It will be an overall benefit to the City.

Councilor Erwin stated this is a slow process and it will take several years before the City has money to spend. There is time to communicate with the public and make sure Council is doing things that public wants. If after a couple of years, it doesn't feel good, Council can steer it or end it.

Councilor Groner stated the project list is a proposal that is looking 30 years in the future. Over that time priorities may change, and Council has the ability to make those changes.

Mr. Popenik inserted that Council has the ability to make changes to the plan. Amending the project list is a minor amendment that would require a public meeting to adopt the changes. It is common to amend the project list.

Mayor Bialostosky stated the plan benefits the City and residents, and it is not raising taxes. It is a tool to possibly complete infrastructure projects (i.e., Willamette Falls Dr and the riverfront park) that are needed. The City cannot carry out the vision plan and have it come to fruition unless there is infrastructure. The City needs to use every tool available to improve the City and community. We just went through a budget process, and the City doesn't have extra or discretionary money to spend on projects. He supports the plan and this doesn't mean the public process ends. The City will continue to communicate, especially when the tax bill comes and there is a line item that says urban renewal area, that taxes will not increase.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Scott Erwin, and Councilor Leo Groner.
Nays: None.
The motion carried 4 - 0

Council President Mary Baumgardner moved to approve Second Reading for Ordinance 1743, making certain determinations and findings relating to and approving the West Linn Willamette Riverfront Tax Increment Finance Area Plan and directing that notice of approval be published, and adopt the ordinance. Councilor Scott Erwin seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Scott Erwin, and Councilor Leo Groner.
Nays: None.
The motion carried 4 - 0

Agenda Bill 2023-06-12-06: ORDINANCE 1744, Relating to Updating the Municipal Code regarding Camping (to be posted after the June 6 Meeting)
ORD 1744 Information
Public Comment - Julie de Vries
Public Comment - Laura Greyerbiehl

Public Comment - Matt Brown
Public Comment - Peggy Watters
Public Comment - Shannen Knight

City Manager Williams stated this is a continuation of discussion Council has had at several recent meetings. This is a difficult situation Council is facing resulting from federal court rulings and new state laws that have put local governments in a difficult situation without any funding to achieve results. Council has been discussing the deadline coming up to comply with state law on removing certain portions of the municipal code. He explained neighboring cities are having the same conversations with their communities. Council has an ordinance in front of them related to the discussions Council has been having.

City Attorney Monahan stated Council has had at least three meetings where they were briefed on the requirements based on the house bills enacted by the Oregon legislature. Should the City continue to regulate camping, it is necessity to make sure the language in the Code is compliant with the statutes by July 1. Council gave direction to bring a draft of some language Council might want to put in an ordinance. If Council wants to regulate camping time, place, and manner, it will need specific language. That is not the language in the packet tonight although it was in the packet at the last meeting. The language that is in the packet tonight is to remove camping entirely and wait out the process to see what happens in other jurisdictions. Different approaches are being taken both to eliminate regulations entirely and address the requirements of the statute. Some communities are identifying one property that would allow camping and creating regulations that apply to that one property. Some cities are installing facilities for campers to wash, use restrooms and to dispose of trash. Other communities are creating restrictions that are going to apply specifically saying this is where camping cannot take place (i.e., parks, proximity to residential areas, rivers or natural habitats). We cannot tell you that an ordinance that does not have a specific location identified is as defensible as the approach that has a specific location that has facilities to accommodate the needs of the campers. We need direction from Council as to do we want to go in a direction of regulating comping, but modifying our regulations so they are clear and fit West Linn or the alternative approach which is what the draft ordinance would do. The draft tonight is showing what it would look like if Council wanted to repeal all regulations. The earlier packet had language to change Code Section 5.116, but that needs additional work. Staff needs direction on which direction to go then will bring the ordinance that needs to be posted seven days in advance of Council's first reading. If Ordinance 1744 meets the needs, it could be posted tomorrow.

Library Director Erickson stated staff worked to take out the offensive language to comply with state law. No matter what the City puts on the map as far as regulations, there is a finite amount of City owned places people can be placed (i.e., in the parks, City buildings, and the rights-of-way). Regarding the concerns about fire and permanency of buildings, those laws are already prohibited in the Code and will not be removed. They do not have to do with standing, sitting, or lying down.

Public Comment

Beth Staus moved here from Portland because the parks are clean, schools are good, the sidewalks are clean, and she wants it to stay that way. She does not want to see things deteriorate (like the restrooms). She recommends a designated space for camping, with a reasonable time limit, and restrictions of not by the river.

Mayor Bialostosky stated this is the third or fourth meeting Council has had on this topic and Council has received a lot of comments from the public. Their comments have influenced his opinion on this topic.

Council President Baumgardner stated cities are being put into a really difficult situation without proper funding, support, or staff. The City is being tasked to be social services providers, to manage a problem that is a generational system failure. Big pharma has been unregulated and allowed to addict people. This is being seen in the schools where there are children in homes that are not supporting them. She understands the garbage and health related impacts. She wants Council to do what they can within the law and also within our human necessity and duty to help people. The City needs to push back to our state legislatures and county to provide funding to help deal with this problem. She supports this code change. It is important to set a few restrictions and not have an ordinance that just repeals any restriction and leaves it open.

Councilor Groner agrees there are systemic failures in the areas of mental illness, drugs, and housing. Many are victims of hard luck or abuse. These are problems we don't have the power in West Linn to solve on our own. It is important to not over-react and make drastic restrictions we may have difficulty enforcing and defending legally. He wants to be careful in what manner and places they restrict.

Councilor Erwin wished there was a spot where Council could say there is room, we will provide sanitation, and it is not near houses or schools or will damage parks; however, this does not exist in West Linn. He wants to appoint a task force to help resolve this issue. Private individuals can do it on their property. With basic restrictions, Council can do somethings - like you cannot camp on a sidewalk or within 6 feet of a driveway. The simplest thing would be to ban everywhere except for a particular spot; however, we don't have a spot and it needs to be done before July 1. He wants to establish the task force and change the proposed ordinance to make it more what Council and the community want.

Mayor Bialostosky stated everyone is in agreement that they want to find a space and will need a process to find it. He likes the proposal of a task force made up of impacted neighbors, community leaders, and council to come up with objective criteria like what sites could work and have ease of access to main thoroughfare. The City doesn't have services but have proximity to services in neighboring areas. It is important to have regulations, most of our neighbors have restrictions or regulations in place. Some haven't had to go through the

process because they don't have a camping ban. He agrees with no camping on sidewalks and would go further to include parks. He is concerned with environmental areas, garbage, and staff's ability to clean up sites. He wants to have a way to address situations that pop up by having regulations in place so they don't have to do a piece meal approach as problems come up. He wants no camping in parks or near a river, wants to regulate how big a campsite can be, and create a task force.

In response to Councilors questions, staff replied:

- The City has the ability to create standards that would say where camping can and cannot occur, ideally it would identify locations. It is more defendable if the City has identified specific properties with a known time, place, manner. Some jurisdictions identify what properties cannot be used then create time, place, manner restrictions that would apply to any other property and gave some examples of restrictions and public properties where camping could occur. It is more objectively reasonable to identify specific properties so when a camper arrives, they have some guidance of where might be able to camp. Examples of what surrounding cities are doing was discussed.

- The City is not aware of any homeless camping in the City as of last week. Where other communities see camping is along railroad tracks which aren't in the cities jurisdiction. Just like the camper in Camassia, it is not our park so not in our jurisdiction. Traditionally, the City sees homeless between the bridges in West Bridge Park. If Council does restrict camping, it is important staff knows where they are going to permanently or semi-permanently allow camping. Where they are camping is very steep and hard to get to and difficult for vehicles to access.

- If Council is going to a designate place where people can stay, sit, and sleep for a period of time, it needs to be reasonably accessible according to the law. Due to the topography of West Linn, they could argue it is difficult to get to and we don't have transportation.

- Time, place, and manner is the goal. The City is being required to create social services without resources or the expertise. The legislatures placed this burden on everyone. We are not helping anyone when they are just moved from one place to another. It would be great if we could partner with the county or other non-profits across the Willamette region like we are doing with Bagby Lakes, but that doesn't exist in West Linn and with this new law, becomes really restrictive with what we can and cannot do legally.

Council President Baumgardner does not think Council can find a place tonight. They have to expedite this code change without having a shelter or camping site designated. There needs to be some restrictions in this code.

Mayor Bialostosky thinks the best approach is to figure out what Council has consensus on. He is hesitant to offer up a site and wants an evaluation of inventory using objective criteria done through a community process.

Councilor Groner wants the neighborhood where this is going to be located in to have input. It will take time to determine a site and have a task force evaluate it. It is a very difficult decision and he wonders how many people would want to volunteer for this.

City Manager Williams thinks a task force makes a lot of sense. There is a lot of interest in the community and Council can create ad hoc task force.

Councilor Erwin wants the task force to find a designated location or locations. He wants to place restrictions on camping like no camping on sidewalks, driveways, streets, or bike lanes or within six feet of them so there is good clearance and visibility.

City Attorney Monahan clarified Council wants to utilize the draft ordinance in the packet and also place restrictions. We need to have camping regulations that address time, place, and manner or we don't have regulations. If Council states they are not going to have regulations, but add those restrictions, they are regulating camping. Staff could use the draft language from the last meeting. If we do, we can list the places camping cannot take place. If camping does take place, Council would give ideas about how far from access drives, rivers, etc., Council cannot mix the two. He asked Council to give direction tonight on time, place, and manner so staff can draft the ordinance.

City Attorney Monahan explained the May 31 memo. The first attachment 5.115 is the ordinance as it exists today. Section 5.116 is the redline version taking the language from 5.115 and adding places where staff needs direction. Some of the definitions are in the existing code and some are new. There are blanks where staff needs input on the time, place, and manner.

Council discussed what would be a reasonable set up and tear down time for campsites and inviting the police department to help iron out the details, including enforcement capability.

Library Director Erickson suggested if overnight camping is the parameter, staff can come back with what a reasonable time period is.

Council discussed not allowing camping on driveways, sidewalks, hiking trails, in parks (that don't have a designated camping site in them), near schools, near water, the distance camping could occur near these places, the distance camp sites need to have between each other, and how large the campsite could be.

City Attorney Monahan read another cities ordinance that stated no camping within 100 yards of any school or lawfully existing school related use, to address private schools and daycares.

Council concurs with 10' x 10' campsite, 50' from the river, that any violation would be the least class violation. Council discussed items to give to the task force, for instance: if dogs should be leashed or always crated and using vehicles as shelters and how they must comply

with parking regulations.

Council discussed private property owners providing camping sites. When the private property owner wishes to revoke this for any reason, Council agrees they camper should vacate within four hours after receiving the actual notice to vacate and that camping can occur on a non-porous service.

Staff will prepare the ordinance for Council's June 20, 2023 meeting.

Mayor and Council Reports [8:05 pm/10 min]

Reports from Community Advisory Groups

Councilor Erwin reported that the Historic Review Board is having a hearing tomorrow regarding a potential demolition on Willamette Falls Drive.

Councilor Groner reported that the Planning Commission is working on Comprehensive Plan Amendments. The Economic Development Committee reported that the Wednesday Market is doing well.

Council President Baumgardner represented West Linn on the Willamette Falls Trust Board Retreat which was participating in the Treaty Days with the Yakima tribe. The Tribal Elders spoke about cultural aspects, their observances of Willamette Falls, and their traditional eel harvest.

Mayor Bialostosky reported the Youth Advisory Council is meeting Tuesday to discuss a potential appointment of a member to serve on the recreation center advisory board. He sent a letter to the Oregon Department of Transportation (ODOT) relating to the traffic issues that stem from their closing the onramp from Highway 43. ODOT put some measures in place. Council wants to hear from the public about how it is working and if they have any other suggestions.

CAG Appointment

Mayor Bialostosky placed before Council appointing Kevin Bonnington to the Planning Commission.

Council President Mary Baumgardner moved to approve the Mayor's appointment. Councilor Scott Erwin seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Scott Erwin, and Councilor Leo Groner.

Nays: None.

The motion carried 4 - 0

City Manager Williams stated the Police Review and Recommend Committee has been extensively discussed by Council. It was created to provide greater community transparency and confidence in the operations and investigations conducted in response to complaints received. The Committee will be advisory to staff and will have the ability to communicate with Council and the community. Some information will be confidential, and some can be discussed openly. Staff is looking forward to working with them on and are working on a startup proposal that includes training and group discussions.

Mayor Bialostosky placed before Council the following Police Review & Recommend Committee Appointments:

Dr Joy Mutare
Michael Harper
Sara Werboff
Mary Carlson
Keisha Omlid
Steve Kraemer
Michael Selvaggio
Kate McKenzie alternate

Council President Mary Baumgardner moved to approve the Mayor's appointments. Councilor Scott Erwin seconded the motion.

Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Scott Erwin, and Councilor Leo Groner.
Nays: None.
The motion carried 4 - 0

City Manager Report [8:15 pm/5 min]
City Manager Williams discussed the next Council Agenda.

City Attorney Report [8:20 pm/5 min]
Legal Project List
Project List
City Attorney Monahan discussed the legal project list.

Adjourn [8:25 pm]
Notes approved 8-7-23.

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

CITY COUNCIL AGENDA

Monday, June 12, 2023

5:00 p.m. – Pre-Meeting – Bolton Room & Virtual*

6:00 p.m. – Business Meeting – Council Chambers & Virtual*

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1. Call to Order and Pledge of Allegiance [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/10 min]
    a. Juneteenth Proclamation
    b. LGBTQ+ Pride Month Proclamation
5. Consent Agenda [6:30 pm/5 min]
    a. Agenda Bill 2023-06-12-01: RESOLUTION 2023-03, CERTIFYING THE RESULTS OF THE MAY 16, 2023 PRIMARY ELECTION (If available)
    b. Agenda Bill 2023-06-12-02: Meeting Notes for January 3, April 10, and 17, 2023
    c. Agenda Bill 2023-06-12-03: Clackamas County Regional Advanced Transportation Controller & Signal Optimization Project Intergovernmental Agreement
    d. Agenda Bill 2023-06-12-04: Oregon City Emergency Wastewater Operator Services Intergovernmental Agreement
6. Business Meeting [6:35 pm/90 min]
    a. Agenda Bill 2023-06-12-05: ***Public Hearing***: ORDINANCE 1743, West Linn Willamette Riverfront Tax Increment Finance Area Plan
    b. Agenda Bill 2023-06-12-06**:** ORDINANCE 1744, Relating to Updating the Municipal Code regarding Camping (to be posted after the June 6 Meeting)
7. Mayor and Council Reports [8:05 pm/10 min]
    a. Reports from Community Advisory Groups

8. City Manager Report [8:15 pm/5 min]
9. City Attorney Report [8:20 pm/5 min]
    a. Legal Project List
10. Adjourn [8:25 pm]

PROCLAMATION
City of West Linn, Oregon

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, formally abolishing slavery in the United States of America; and

WHEREAS, word about the signing of the Emancipation Proclamation was delayed some two and one half years, to June 19, 1865, in reaching authorities and African Americans in the South and Southwestern United States; and

WHEREAS, Emancipation Day observations are held on different days in different states in the South and Southwest, and in other parts of the nation; and

WHEREAS, June 19th is "JUNETEENTH", combining the words June and Nineteenth, and has been celebrated as one of the oldest known commemorations of the ending of slavery in the United States, and also focuses on promoting and cultivating knowledge and appreciation of African American history and culture; and

WHEREAS, In 1997, the United States Congress passed Senate Joint Resolution 11 and House Resolution 56, officially recognizing Juneteenth Independence Day; and

WHEREAS, the City of West Linn will observe June 19th each year as part of our commitment to anti-racism and social justice, encouraging a day of recognition, reflection, education, and celebration.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN, to recognize June 19th as:

JUNETEENTH

in West Linn, and to encourage all community members to join in this observance.

DATED THIS 13TH DAY OF JUNE, 2023

_____
MAYOR RORY BIALOSTOSKY

ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

City of West Linn

Agenda Bill 2023-06-12-01

Date: May 31, 2023

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

From: Kathy Mollusky, City Recorder KM

Through: John Williams, City Manager *JRW*

Subject: Consent Agenda – Certification of the May 16, 2023 Primary Election Results

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Purpose
Certifying the results of the May 16, 2023 Primary Election.

Question(s) for Council:
Does Council wish to certify the election results of the May 16, 2023 Primary Election?

Public Hearing Required: None required.

Background & Discussion:

- The City is required to certify election results. Council certifies the election results by adopting a resolution.
- The election included electing the Mayor.

Budget Impact: N/A

Sustainability Impact: N/A

Council Options:

1. Certify the election results.

Staff Recommendation:
Adopt the resolution certifying the election results.

Potential Motions:
Approval of the Consent Agenda will adopt the resolution certifying the election results.

Attachments:

1. Resolution 2023-03, Certifying May Election Results.

RESOLUTION NO. 2023-03
WEST LINN, OREGON

A RESOLUTION OF THE WEST LINN CITY COUNCIL CERTIFYING THE RESULTS OF THE MAY 16, 2023 PRIMARY ELECTION

WHEREAS, at the Primary Election held on May 16, 2023, in and for the City of West Linn, Clackamas County, Oregon; the Candidates for Mayor were submitted to the voters; and

WHEREAS, the election was conducted by mail in ballot by the Clackamas County Elections Department, which established polling places, precincts, and election boards for the election; and

WHEREAS, the precincts for said election constituted all of the territory included within the corporate limits of the City of West Linn; and

WHEREAS, the City is required to certify the election results.

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

SECTION 1. The abstract of votes certified by the Office of the Clackamas County Clerk are attached as Exhibit A. The City certifies and declares Exhibit A to be the total from the abstracts of the votes on the City of West Linn ballot for the May 16, 2023, Primary Election from Clackamas County.

SECTION 2. Rory Bialostosky was elected to Mayor for the term through December 31, 2024.

This resolution was PASSED and ADOPTED this 12th day of June 2023 and takes effect upon passage.

_____
RORY BIALOSTOSKY, MAYOR

ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Canvass Results Report

Official Ballots

Run Time 9:00 AM

Run Date 06/12/2023

Clackamas County

May 16, 2023 Special District Election

5/16/2023

Official Results

Registered Voters

90030 of 307970 = 29.23%

Precincts Reporting

114 of 114 = 100.00%

City of West Linn Mayor Unexpired term - Vote for one

Precinct	William S Relyea	Rory Bialostosky	Misc. Write-ins (W)	Cast Votes	Undervotes	Overvotes	Vote by Mail Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
131	505	1,931	8	2,444	112	1	2,557	2,557	6,946	36.81%
132	324	1,626	9	1,959	77	0	2,036	2,036	5,074	40.13%
133	185	607	3	795	26	0	821	821	2,165	37.92%
135	404	1,880	10	2,294	94	0	2,388	2,388	5,783	41.29%
Totals	**1,418**	**6,044**	**30**	**7,492**	**309**	**1**	**7,802**	**7,802**	**19,968**	**39.07%**

CERTIFIED COPY OF THE ORIGINAL

CATHERINE MCMULLEN, COUNTY CLERK

BY: _____

City of West Linn

Agenda Bill 2023-06-12-02

Date: May 25, 2023

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

From: Kathy Mollusky, City Recorder *KM*

Through: John Williams, City Manager *JRW*

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. January 3, 2023 Council Meeting Notes
2. April 10, 2023 Council Meeting Notes
3. April 17, 2023 Council Meeting Notes

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

WEST LINN CITY COUNCIL MEETING NOTES January 3, 2023

DRAFT

Call to Order and Pledge of Allegiance [6:00 pm/5 min]

Council Present:
Council President Rory Bialostosky, Councilor Mary Baumgardner, and Councilor Bill Relyea.

Staff Present:
City Manager John Williams, City Attorney Ed Trompke, and Assistant to the City Manager Dylan Digby.

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

Councilor Mary Baumgardner moved to approve the agenda for the January 3, 2023, West Linn City Council Meeting, adding item 4 Public Comment after the Oath of Office and removing item 3 from the work session regarding updating Historic City Hall as it will be added to next week's agenda. Councilor Bill Relyea seconded the motion.

Ayes: Rory Bialostosky, Bill Relyea, and Mary Baumgardner.

Nays: None.

The motion carried 3 - 0

Oath of Office for Municipal Court Judge Bernstein [6:10 pm/5 min]

Council President Bialostosky administered the oath of office for Judge Bernstein.

Public Comment

Abby Farber spoke in support of Council President Bialostosky as Mayor to fill out the term. She is impressed with Bialostosky's dedication and ability to listen and really appreciates it. He's willing to meet with people and go to meetings as is all of Council.

Filling Vacant Mayor Position [6:15 pm/15 min]

Councilor Mary Baumgardner moved to Appoint Council President Bialostosky as Interim Mayor until the May election. Councilor Bill Relyea seconded the motion.

Councilor Baumgardner has known Council President Bialostosky for years. It has been a privilege to serve with him. His dedication to the community, even mindedness, and legal acumen as a pre-law student are assets to the community. His perspectives are measured, and he has unimpeachable integrity.

Councilor Relyea agrees that while a current member of the Council would make a good interim mayor, he believes they should look outside the current Council. This is because Council is short two positions and will be short three positions if someone moves to that role. He would like to open the position to applicants and have Council review those candidates.

Councilor Baumgardner appreciates Councilor Relyea's perspective and considered it herself. Council is in a unique vacancy situation due to the election typically being held in November; however, likes the continuity of a current councilor as interim mayor.

Councilor Relyea would like to move to appoint the Council President then move towards appointing two interim councilor positions and let a full council decide on who should be interim mayor.

Council President Bialostosky shared his opinion that the interim mayor should be someone on the current Council as the City has many pressing issues.

Ayes: Council President Rory Bialostosky and Councilor Mary Baumgardner.

Nays: Councilor Bill Relyea.

The motion carried 2 - 1

DRAFT

Interim Mayor Bialostosky stated he was looking forward to continuing to serve the community; he hopes to make Council proud and foster dialogue where all feel heard and have collaborative discussions.

Filling Vacant Councilor Position [6:30 pm/15 min]

City Attorney Trompke opened by noting that only having three members makes it difficult from a public meetings standpoint. Councilors cannot meet to consult with each other without notice of a public meeting. He noted that it is a good plan to appoint someone to the position of the soon-to-be-declared vacant seat. Section 30(b)(6) of the Charter provides that a seat becomes vacant upon declaration by the Council of the vacancy, following resignation of a Councilor from office. It does take the resignation and the Council's recognition of it to declare it vacant, which can be done by motion tonight. The Council can seek input from the public and accept applications. This can be done within the next 4 to 6 weeks on an expedited basis but is up to Council's schedule and decision. Interim Mayor Bialostosky will now be in his current position as Interim Mayor until the May election. Bialostosky's Councilor position stays unfilled but does not become vacant for filling until the May election. This is how it has been dealt with historically. Interim Mayor Bialostosky could revert back to his Council position in May or could run for, and be elected Mayor, at which point there would be a resignation and filling of his Council position. Council could declare the seat open by motion tonight and seek applications and give ten days to two weeks and at the next meeting after that could select and appoint someone.

Interim Mayor Bialostosky said they could review applications at the third Council meeting of the month.

City Manager Williams stated we could post open applications and meet Council's schedule at their discretion.

Councilor Relyea wanted to move forward with declaring the vacancy first then discuss filling or leaving it vacant.

Councilor Bill Relyea moved to Declare that the position held by Councilor Jones be declared vacant as provided by City Charter section 30. Councilor Mary Baumgardner seconded the motion.

Ayes: Rory Bialostosky, Bill Relyea, and Mary Baumgardner.

Nays: None.

The motion carried 3 - 0

DRAFT

Interim Mayor Bialostosky thanked Todd Jones for his tremendous service to the community. He is an amazing public servant and teacher and will be missed greatly by the community.

Councilor Baumgardner echoed those sentiments and thanked Todd Jones for all he has given to the community. He was tireless and a very positive influence.

Councilor Relyea read the statement that Councilor Jones provided to the West Linn Tidings in the December 28, 2022, edition: "I am grateful for two years on the Council, I learned a lot, worked with great people and can only hope the City is better for our efforts. I leave with confidence the City is in good hands under your leadership and with gratitude for your service to our community." He thanked Councilor Jones for his support, assistance, and leadership throughout his term of service on Council, as member of the community, and a teacher.

Interim Mayor Bialostosky said a big part of the reason he is on Council is due to being inspired by Mr. Jones' Government Class and he thanked former Councilor Jones. He sees the merits of not appointing someone into the vacant role for a short period of time. But also having four Councilors versus only three for quorum issues has merit, as does filling some Council liaison appointments.

Councilor Relyea said his big concern is the time-frame, by the time they get to appointments it would likely be middle of February and the election is in March. They could open applications and see the interest level. Maybe a Council-elect might like to step up and fill that position. There is significant time for Council and staff to go through the process.

Councilor Baumgardner recalled when the City was in this process two years ago and the influence there could be in appointing a candidate that is running in the election for the role. She was concerned it would have the effect of favoring a potential candidate. The election is March 16 so the person would only be in the interim position for a few weeks. She is comfortable not appointing someone but is also open to other ideas.

Interim Mayor Bialostosky asked legal if Council could decide to not appoint given the Charter "shall" language.

City Attorney Trompke mentioned this issue has come up under the Oregon State Constitution in state processes, but it doesn't mandate that it be done. Council is authorized to do it and should do it if Council believes it is in the best interest of the city. No court can mandate that a judgement be one way or the other as this is ultimately a political decision, structurally it is up to Council.

Councilor Relyea agreed with Councilor Baumgardner's assessment that if they were to select a candidate that is running for Council it would act as an endorsement, which would be unfair to others running for office.

DRAFT

Interim Mayor Bialostosky noted that he hadn't really wrapped his mind around the short time-frame, that it could only be 45 days in an interim Councilor position. Council could appoint the apparent winner in March before the election is certified.

Councilor Relyea said this has historically happened in the past, including to himself, so new Councilors get prepped on issues and can "hit the ground running."

Mayor Bialostosky said they will be talking about Council liaison appointments later in the work session portion.

City Attorney Trompke provided legal advice that because there are only three Councilors if two attend a community advisory or neighborhood association meeting and are asked for a comment they shouldn't give one because that could be seen as deliberation on an issue that could come before Council. Councilors should listen, but not speak at meetings if there are two Councilors present and explain the situation to the community group. One Councilor could also leave and the other could stay and have a discussion.

Election of City Council President [6:45 pm/5 min]

Councilor Bill Relyea moved to Appoint Councilor Baumgardner as the Council President. Council President Rory Bialostosky seconded the motion.

Ayes: Rory Bialostosky, Bill Relyea, and Mary Baumgardner.
Nays: None.
The motion carried 3 - 0

Adjourn to Work Session

Community Survey Results Presentation [6:50 pm/30 min]
NLC Report
NLC Presentation

Public Works Operations Building Design [7:20 pm/30 min]

~~**Update on Historic City Hall [7:50 pm/15 min]**~~

Discussion of Meeting with Community Advisory Groups [8:05 pm/10 min]

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Discussion of Council Goal Setting Retreat [8:15 pm /15 min]

Community Advisory Group Appointments [8:30 pm/15 min]

Council Liaison Appointments [8:45 pm/15 min]

Review January 9 Agenda [9:00 pm/10 min]

January 9 Council Agenda

Adjourn [9:10 pm]

Draft Notes.

DRAFT

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

WEST LINN CITY COUNCIL MEETING NOTES April 10, 2023

DRAFT

Pre-meeting

Call to Order and Pledge of Allegiance [6:00 pm/5 min]

Council Present:
Interim Mayor Rory Bialostosky, Council President Mary Baumgardner, and Councilor Bill Relyea.

Staff Present:
City Manager John Williams, City Recorder Kathy Mollusky, City Attorney Bill Monahan, and Planning Manager Darren Wyss.

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

Council President Mary Baumgardner moved to approve the agenda for the April 10, 2023, West Linn City Council Meeting, adding Senate Bill 933, Tolling Limitation Bill under City Attorney Report as Item 8b. Councilor Bill Relyea seconded the motion.

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

Nays: **None.**

The motion carried 3 - 0

Public Comments [6:10 pm/10 min]

Alice Richmond re: she appreciates Council working harmoniously together and spoke against the two tolls on I-205 that ODOT decided to do.

Anthony Bracco re: the Robinwood Station is having a grand opening.

Randall Fastabend re: the grand opening of the Robinwood Station is June 4 at noon.

Consent Agenda [6:20 pm/5 min]

Agenda Bill 2023-04-10-01: RESOLUTION 2023-02 CERTIFYING THE RESULTS OF THE MARCH 14, 2023 SPECIAL ELECTION (if available)

RES 2023-02 Information

Council President Mary Baumgardner moved to approve the Consent Agenda. Councilor Bill Relyea seconded the motion.

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

Nays: None.

The motion carried 3 - 0

Business Meeting [6:25 pm/45 min]

Agenda Bill 2023-04-10-03: Appeal (AP-23-01) of a Water Resource Area Permit (WAP-22-02) Decision

Appeal Information

Mayor Bialostosky called the appeal continuation meeting to order and read the procedure into the record. No further public testimony was permitted.

City Attorney Monahan cited the applicable approval criteria and confirmed no Councilor had any conflict of interest. He asked if Councilors had any ex parte contacts to declare.

Council President Baumgardner confirmed she drove past the site, but she did not make any observations different than what she had seen in the record.

City Attorney Monahan confirmed that no member of the audience challenged the jurisdiction of Council to hear the matter. He then asked if any member of the audience challenged the impartiality of any member of Council.

Karie Oakes asked if there had been clarification from the Staff regarding similar applications

DRAFT

requested by the Appellant because the submission stated that Council could contact Staff with any questions, and she believed the communications regarding previous applications could create an opportunity for influencing Council.

City Attorney Monahan responded that any communication with Staff after receiving the information regarding similar applications would not be an ex parte contact. He believed she was asking for factual information from Council even though the relevance of it was questionable, unless in fact, Staff made an effort to influence a Council member's decision.

Council President Baumgardner stated she had not spoken to anyone from the Planning Department on this issue.

Mayor Bialostosky confirmed he had asked Planning Manager Wyss some questions about the application as invited to do so by the City Manager.

Councilor Relyea said he did not believe this required a response.

Ms. Oakes stated she was challenging the impartiality of Mayor Bialostosky, because she did not know what he and Planning Manager Wyss spoke about or how the Mayor may have been influenced.

City Attorney Monahan explained proper procedure, according to Council Rules, Quasi-judicial Land Use Matters, Section D, Item 1, Bias and Disqualification, would be to turn this portion of the meeting over to Council President Baumgardner for discussion and a vote.

Council President Baumgardner presided over the discussion and vote regarding Mayor Bialostosky's impartiality.

Mayor Bialostosky explained his communication with Staff, stating the Code in question was highly technical. As he was not very familiar with Environmental Protection or Water Resource Area Codes, he contacted Mr. Wyss regarding his determinations and the record. Mr. Wyss responded without influencing his decision in any way. He stated that he felt he could come to a conclusion on his own, and in fact, he had come to a conclusion about how he thinks the facts apply to this Code interpretation.

Council President Mary Baumgardner moved to Deny the challenge. Councilor Bill Relyea seconded the motion.

Mayor Bialostosky confirmed he had not relied upon any other information, other than what was in the record to make his decision.

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

Nays: None.

The motion carried 3 - 0

Mayor Bialostosky resumed chairing the meeting and confirmed Staff had no further questions or clarifications regarding the appeal record.

In response to Council's questions, Staff responded the Applicant's original submittal included analysis from his consultant team that looked at the current function of the Water Resource Area versus the reduced buffer and compared those functions in its existing state versus what the condition would be after proposed mitigation plantings. The Applicant's consultant provided additional written comments during the March 20th information exchange Council had requested. Staff relied on the consultant's report, included in the record, to make their decision.

Mayor Bialostosky opened the floor for deliberation.

Council President Mary Baumgardner moved to Make a tentative decision to deny the appeal (AP-23-01) and uphold the Planning Manager decision for approval of WAP-22-02, based on findings in the record, and direct Staff to prepare a Final Decision and Order for Council adoption on a date certain of April 17, 2023. Interim Mayor Rory Bialostosky seconded the motion.

Councilor Relyea believed protection of Water Resource Areas was an important part of the City's commitment as stewards of the land, water, and watershed. In 2014, certain sections of the Community Development Code (CDC) were substantially changed. Since that time, there had been adequate time to address provisions that provide for this Alternative Review process, but he had not seen anybody call for a pause to action. He was disappointed that Council had an opportunity to address the issue but had allowed it to go on for so long with an area of the Code that he did not support and would have changed if he had been given the opportunity.

- He believed EPA and other documentation called for a much broader analysis of the area rather than just site-specific fragmentation, including a broader comprehensive view of what was happening in source Water Protection Areas and the water shed. Development codes should be formulated so that they would all work in a positive manner for protection of Water Resource Areas, and he did see that happening within the City.
- He believed the Applicant had made a strong case in the matter, but the CDC says the burden would be on the property owner to persuade the decision-making authority that all aspects of the CDC had been met. He did not feel the CDC had been met

because the mitigations were minimal proposed protections rather than substantial proposed protections. He would move to deny the application and side with the Appellant.

Council President Baumgardner commented that specifically the matter being decided was not the importance of protecting the environment but whether this particular application satisfied Code. She always supported environmental conservation, especially water way protection, riparian zones, and water sheds. She had seen massive degradation of the environment in her lifetime living in West Linn because West Linn is on a hill, and most development had happened above Highway 43, causing impacts.

- She pointed out Council was put in a position of making a ruling on matters that they are not subject matter experts in, so she was interested in finding out as much information as she could. To the best of her ability, she believed the Planning Director had made a decision that upholds requirements in this case of the Code.
- She was sorry for the people who would perceive this as not being in support of the environment, but they needed to do things to protect the environment within the Code without arbitrarily punishing an individual person because the Code was not quite what they would want it to be. She advocated for hearing about any opportunities to change the Code language going forward. Moving forward on this particular process and this particular property, she believed Planning would do what it could to protect the environment within the Code.

Mayor Bialostosky thanked all members of the public, the Applicant, Staff, for the collaborative way they had gone about the process and acknowledged opinions on both sides of the issue. He reiterated members of Council were not geologists, so this was a new area of Code they had not looked at before, and each of them were doing their best to do what they thought was right. And reasonable minds could differ on Code interpretation, which is why they were there today, especially as this section of the Code is technical. He asked that they maintain a respectful environment in Council chambers, no matter what the decision may be, with the understanding that if someone disagreed with Council's decision, they had the right to seek review of the decision at the Land Use Board of Appeals.

- He stated he had spent a lot of time looking at all the testimony and read through everything received. What struck him the most in the actual Code language was that the Alternative Review process was open-ended, basically establishing a review and approval process an Applicant can use when there was reason to believe the width of the WRA as prescribed under the standard process is larger than necessary to protect the function. He had asked at the hearing a couple weeks ago what reason does there need to be, and it was really any reason because it's not defined. It then proceeds to say that the Code allowed a qualified professional to determine what water resources and associated functions existed at the site and the width needed to maintain those functions.

- He believed feel that the Code punted a lot to someone outside the City to apply it, basically saying a qualified professional could set the boundary of the WRA. Under the plain language of the Code, whether they liked it or not, it was the qualified professional that makes the determination as to the WRA width needed to maintain the function. He believed this could be problematic, inviting the potential for abuse, not that that happened in this case. He stated they could certainly look at potential changes to the Code to make it a little clearer because he did not find this Code language to be very clear and objective.
- He addressed whether the stream was ephemeral or intermittent, reading the definitions of each type. An ephemeral steam is a steam or reach of a stream which flows only in direct response to precipitation and whose channels are always above groundwater or water table levels. An intermittent stream is a stream that flows only during certain times of the year when it receives water from springs or precipitation. He believed there was gray area as to what constituted ephemeral and intermittent streams, acknowledging differences of opinion on that point. As someone who was not qualified to weigh in on methodology, the Applicant's consultant's site visit reports and photographs taken over a long period time made him conclude that it was more likely ephemeral at this site. He did not see evidence that it received water from springs, and in his opinion, evidence supported affirming the ephemeral finding.
- He acknowledged that community members who he respected would disagree, and added he did the best he could to come up with his own decision on the matter. He also believed the proposed mitigation plan would enhance the site because right now, it was degraded and had storm water infrastructure built by the city a long time ago. He believed the plantings would help, based on what he read in the report.
- He also addressed the riparian corridor issue, stating Code 32.060D had several different setbacks for different types of WRAs. For riparian corridors, the setback was 100 feet, and for ephemeral streams, 15 feet. But in his interpretation of the Alternative Review process, it says except for applications that are using the Alternative Review process, the table in section 32.060D applies. He understood that the 100-foot buffer for a riparian corridor does not apply because the Code specifically says that this section does not apply when the Alternative Review process was in play.
- He was open to discussion with Council and the community to whether that Code needs to be tightened up and changed to make it clearer if they would like the riparian corridor setbacks to apply when the Alternative Review process was used. He stated they all cared about the environment and having healthy riparian corridors, but they were just trying to do their best to work within the Code that they had and that he had not looked at until a few weeks ago when this came up.

Councilor Relyea discussed what would equate to substantial improvements to the aquatic and/or terrestrial habitat of the WRA for providing permanent improvements to the site hydrology that would improve water resource functions. He noted Section 32.080 of the Code talked about how Metro developed Title 3 and Title 13 in its urban growth management functional plan that addressed development in the riparian corridor, and that specifically, Title

DRAFT

3 prohibited new development within specified established buffers and provided replanting requirements for unavoidable new development.

- He commented that looking at those requirements within the CDC and the information the Applicant provided, he did not see a full discussion about substantial improvements, but they were minimal improvements. He would ask that this Council apply conditions of approval and ask the Council elect to further look at this section of the CDC together with existing Council members and make the necessary improvements to the language so that this type of application is not allowed in the future.
- He acknowledged one of the things the Appellant brought forward was a concern about this being used as a precedent-setting type of application, and believed they had the opportunity to take some corrective action, and even if this application is approved, there was still an opportunity to make improvements.

City Attorney Monahan confirmed Council had the ability to place conditions on the approval, but they should have been discussed earlier in the meeting, so the Applicant would have the opportunity to exercise his constitutional rights to ask clarifying questions and potentially object to those conditions.

Council President Baumgardner asked if Council could get to the point of adding conditions if she withdrew her motion.

City Attorney Monahan explained that for new conditions of approval, Council would have to reopen the public hearing to allow Applicant to make comments on those conditions.

Councilor Relyea commented that as the application discussed mitigation plan requirements, he did not believe they needed to open the hearing. He wanted to make sure those conditions were in place and that these areas he was discussing were a part of the permit, and he believed they were. He wanted to make sure the public knew those mitigation plans and those additional conditions were already part of the record and would be utilized as part of the permitting process.

City Attorney Monahan confirmed Council did not intend to introduce new conditions but wanted to emphasize and make sure that those conditions were clear within the decision and would be an obligation for the Applicant, if approved, adding this would be appropriate without opening the hearing.

Council President Baumgardner stated hopefully the conditions that were already in the application and the way it would go forward in the process would inherently put in protections to address the environmental concerns brought up through the process. She was confident they would be addressed.

City Attorney Monahan explained that within the motion, Council had an opportunity to ask

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Staff to return with the conditions of approval to get one more chance to look at them before taking final action. They could set a special meeting with 24-hour notice at any time within the next few days. An alternative would be to come back for adoption on the motion on April 17th, which was also the transition date for the new City Council members. If they wished, Council could schedule a meeting shortly before the regular Council meeting to have this body of three, if all three were able to attend, to meet to consider and adopt the final order prior to commencement of the regular Council meeting.

Councilor Relyea reminded the Appellant had asked for the reimbursement of funds he had personally paid and asked if that was being considered as part of this decision.

City Attorney Monahan explained that would be a separate process question, which could be addressed after finalizing the decision, adding it could be added to the agenda tonight or addressed as a separate action.

Mayor Bialostosky added that as part of the deliberation, he did look at the mitigation plan and reasoned that looking at the photos of the site and how it had degraded, adding new native vegetation would not help substantially in terms of improving the habitat. He called for the vote.

City Attorney Monahan asked for clarification that the motion included directing Staff to bring back findings for adoption at a specific date and for Council to determine whether that was April 17 or another date.

Council President Baumgardner understood it to be April 17, 2023.

Staff confirmed they would have enough time to prepare the findings.

Ayes: Interim Mayor Rory Bialostosky, and Council President Mary Baumgardner.
Nays: Councilor Bill Relyea.
The motion carried 2 - 1

Mayor Bialostosky suggested Council schedule a future discussion to ensure the Code is being applied in the way they want it applied based on policy preferences and to talk about the appeal fee issue.

Mayor and Council Reports [7:10 pm/20 min]

Community Advisory Group Appointments

Mayor Bialostosky placed before Council the following appointment: Tanner Woody to the Economic Development Committee and will ask if he is still interested in serving on the Committee for Community Involvement.

Council President Mary Baumgardner moved to approve the appointment Tanner Woody to the Economic Development Committee. Councilor Bill Relyea seconded the motion.

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

Nays: None.

The motion carried 3 - 0

Reports from Community Advisory Groups

Council President Baumgardner reported the Arts & Culture Commission met in-person at the McLean House. They discussed future use of the McLean House for cultural and/or artistic events. She noted that Mayor Bialostosky arranged for a meeting with Representative Susan McLain this morning in Salem. He was unable to attend at the last minute, but she attended along with Mayor Frank Bubenik from Tualatin and Mayor Joe Buck from Lake Oswego. They discussed tolling with Representative McLain, who was a significant member and co-chair of the Transportation Committee. She has spoken in support of tolling a funding mechanism. The three of them made a very united front that if they wanted support of tolling, they needed to give us something we could work with. They are working on this, and they are very concerned about the impacts of tolling economically on drivers and community members, on business in the community, and the equity of tolling. They will continue to work on this matter. She also noted the Sustainability Advisory Board would love a good turnout to their Earth Day Celebration next Saturday, April 22, at the Willamette Ale House, where they will have information available.

Councilor Relyea gave a shout out to the Planning Commissioners, who recently discussed the use of consultants to review the CDC. The Commission was hard at work and has been trying to make changes. He suggested adding Section 32 of the CDC to the review.

Mayor Bialostosky noted the Youth Advisory Council was meeting tomorrow, where they would talk about I-205 tolling and potentially submitting a comment on the environmental assessment. Anyone wishing to comment on the tolling environmental assessment may do so on ODOT's website as well as the City's website dedicated to tolling.

City Manager Williams clarified that there is an information page on tolling, but it is a pass-through on that topic to ODOT. He encouraged people to talk to ODOT and their State legislators about this topic.

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City Manager Report [7:30 pm/5 min]

City Manager Williams presented his report, highlighting this would be Councilor Relyea's last meeting except for the special meeting next Monday and thanked him for his time on the Council. He thanked everyone for their work on the land use application and commented that it was clear to him that they did their homework, studying the Code in detail. At a future City Council and Planning Commission joint meeting, they could address the idea of adding Code updates on this topic if they would like. Currently, there is no date set for that joint meeting, but he was certain one would be scheduled before the summer break once the new Council was in place. He noted the goal setting retreat would be next week. He was working on the agenda and asked them to let him know if they had topics they wanted to cover during the retreat.

City Attorney Report [7:35 pm/5 min]

Discussion of I-205 Tolling Comment Letter

Draft Letter

David Rabbino, Attorney, Jordan Ramis, gave a presentation on the letter. He noted the draft report from Transpo was more in draft form because of delays in getting the models they had been asked to review and evaluate from ODOT. They are now having issues getting the models up and running, so they were trying to get back to the originators of the model. They have provided preliminary feedback, noting some significant deficiencies with the model.

- He had been coordinating Clackamas County's Council and consultants and Oregon City on a weekly basis, resulting in a successful collaboration. The comments the County would put forward were in line with the comments proposed for the City of West Linn, highlighting the same issues. They believe ODOT was just check boxing and not complying with National Environmental Policy Act (NEPA) requirements. The public comment period was very truncated, giving 45 days to review over 3,000 pages of material and very complex models, which he believed was woefully deficient.
- Additionally, they have been putting together comments that address the failure to propose meaningful and committed mitigation measures. ODOT has discussed mitigation concepts but have failed to identify specific mitigation measures they would propose, who it would fund, and how it would be implemented. He believed ODOT has not adequately discussed or addressed the mitigation issues as required by NEPA.
- From an environmental justice perspective, ODOT's analysis was woefully deficient. They have not put any hard analysis to it. They feel very strongly that the comments would address those issues.
- He noted the letter is about seven pages, and they are trying to incorporate, by reference, the reports, one of which is 25 pages. He believed the letter would cover the issues that need to be covered and addressed the City's concerns based on the information they have been provided.

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Mayor Bialostosky noted they had not had time to thoroughly review the letter and supporting materials, so no one had questions yet. Council, including the incoming members, would review these before next week's meeting and have questions at that time.

Mr. Rabbino noted the sooner they receive questions, the sooner they can be addressed and he offered to walk through the letter at this time if Council wished.

Council President Baumgardner thanked him for providing information reinforcing her concerns, as she was not an expert in traffic engineering and tolling.

Mr. Rabbino reviewed the letter, starting with the second page.

Council President Baumgardner noted it was disturbing how much time and cost the City was having to spend on this issue, but she valued what he was doing. She was frustrated, especially when ODOT delayed giving a report they knew they had.

Mayor Bialostosky agreed with the frustrations and noted the loss of ten days in a truncated public comment process was unacceptable and acknowledged the only thing the City could do at this point was to include that in the letter so that it would be included in the record. He noted Council could call a special meeting next week if need to finalize the comments.

Councilor Relyea commented he had not seen anything related to current diversion issues with restraints leading up to Abernathy Bridge. He highlighted the roadways with current traffic issues and was concerned those conditions would worsen once tolling was implemented from people trying to avoid that section of the roadway just to get past the tolling booths. He asked where ODOT had discussions about current conditions.

Mr. Rabbino believed there was a lack of analysis on those points. ODOT acknowledges that there would be extensive increase in local road use because of the tolls, but they are not addressing it. He invited Council members to send emails with specific comments that they would like to have incorporated into the letter.

Mayor Bialostosky questioned the selection of intersections studied, believing ODOT chose not to study high-traffic intersections that would be impacted by tolling.

City Manager Williams noted that ODOT had added a tabling session on Wednesday from 11:00 to 1:00 at the West Linn Adult Community Center. He would promote it on social media and encourage the community to attend and provide comments.

Mr. Rabbino explained that concerns about lack of events and the timing, such as being held in the middle of the workday, have already been included in the letter.

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SB 933

City Manager Williams noted the language is very technical. Staff has spent hundreds of hours responding to the 1,000-page environmental assessment. The Tolling Bill was currently in the Joint Committee on Transportation and sponsored by Senator Meek, Representative Bynum, and others. In simple language, it states, "The Oregon Transportation Commission (OTC) may not assess a toll on I-205 or I-5." It also proposes that ODOT must conduct a review of any possible alternative funding sources for Boone Bridge, Abernathy Bridge, and the Tualatin River Bridge, requiring the report by the end of the year.

- He explained that this was just one of many approaches being considered in Salem and there was still a way to go for legislative leadership and the Governor to be on board with delaying or preventing tolling. When speaking to ODOT, you are speaking to ODOT staff working from legislative direction. The entire environmental assessment was done from the viewpoint of we were told to build a tolling program, and that is what we are doing. He believed that until ODOT is told to do otherwise, they would not do otherwise.
- Consideration for West Linn's support for various approaches was being discussed in Salem. Council's continued participation as Councilors and Mayor, appearing in Salem and talking directly to legislators is the only way things could change. No hearings have been scheduled, so they do not know what the next step would be or if there would be consensus around it.

Councilor Relyea commented that given that hearings were not currently scheduled, and written testimony was not being accepted directly on the measure, it appeared that any action written on the City's behalf should be directly to the sponsors or sub-sponsors of the measure. He suggested that each Council member write a letter and as a City also write a letter letting them know how important this was to them and how they felt railroaded by ODOT's actions based on direction they received from the OTC and the legislature to toll I-205. He cited his experience as an ODOT consultant building bridges and roads, never using tolls or even discussing tolls for funding. He felt that the City had no say in whether the tolling section would be in their area even though they would be impacted with the effects of it.

Mayor Bialostosky commented that he supported the bill in principle and was concerned about the impacts of tolling. He also supported some of the other bills and would like to hear from Doug Riggs soon about which bills have the best chance of passing and what amendments they would like to see to those bills. The mayors sent a letter to all members of the Transportation Committee and the Clackamas delegation focused on holding a big public hearing on all the bills because they believed it was important for everybody had an opportunity to share their opinion on the bills. He was disappointed that there had not been an opportunity to even comment, and felt the bills were being killed by not even scheduling a hearing.

Council President Baumgardner suggested adding the co-chairs of the Joint Transportation

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Committee to the mailing list, which would be Senator Lee Byer and Representative Susan McLain. They should have very frank conversations and come with impact data. When she met with Representative McLain, she sensed a genuine surprise at the way West Linn was being treated by ODOT.

City Manager Williams confirmed that his direction was to work on supportive testimony for Senate Bill 933, find out when it would need to be submitted, and invite Doug Riggs to give a status update on the bills.

Mayor Bialostosky suggested inviting Mr. Riggs to the goal-setting retreat to discuss the legislative session.

Adjourn to West Linn Redevelopment Agency Meeting [7:40 pm/45 min]

Redevelopment Agency Information

Presentation

Mayor Bialostosky called the West Linn Redevelopment Agency meeting to order.

City Manager Williams noted the City had created the West Linn Redevelopment Agency to consider the creation of a Tax Increment Finance (TIF) Plan. The agency exists within City Code. It has not met since that date because they had been working on several things, including meeting with the Advisory Committee Council had appointed last fall. Ms. Howard, City Planner Wyss and he had met with the Committee to review the tax increment financing proposal that Council had previously reviewed and consider whether it was in the best interest of the City. The Advisory Committee voted to recommend approval.

- The creation of a tax increment finance district in Oregon is controlled by State law, which talks about exactly what shall be done to adopt it. Several steps have already been completed, including a draft plan and Advisory Committee recommendation on that plan. The next step would be for the Agency to meet and decide whether to recommend the plan be forwarded through the next steps of the process, which were included in the packet.
- He noted that Mayor Bialostosky and Council members were members of the Redevelopment Agency. In the adopting ordinance, they adopted Council's bylaws as operating procedures, but the remaining steps to be taken is to appoint officers of the Redevelopment Agency. He suggested appointing officers of this group so they could make motions and run the proceedings tonight, keeping the same roles. This could be reconsidered when the new Council is seated.

City Attorney Monahan advised that an Agency Chair and Vice-Chair would be necessary, and then new Council members would automatically become members of the Agency.

Appoint Officers

Council President Mary Baumgardner moved to Appoint Mayor Bialostosky as Chair and herself as Vice Chair of the Agency, for the time being Councilor Bill Relyea seconded the motion.

Ayes: Interim Mayor Rory Bialostosky, Council President Mary Baumgardner, and Councilor Bill Relyea.

Nays: None.

The motion carried 3 - 0

Review Draft Redevelopment Plan

Elaine Howard, Elaine Howard Consulting, reviewed the role of the Agency, history of the Advisory Committee for the development of the Urban Renewal Plan, proposed boundary, project priorities, financing, and process and next steps.

In response to Councilor questions, Ms. Howard responded as follows:

- Tax increment funds are best used if leveraged with other funding sources, such as Metro grants, other Federal grants, or State resources because then the Agency would get more money for what it does. Grant applications would be looked on more favorably if they show tax increment funding was available because that would be a very secure funding source.
- The funds shall be used to pay for projects that are identified within the plan, but the plan does not specify the order of funding priority, which could be done through the annual budgeting process. If a grant comes up for a project within the plan, the Agency could decide to change priorities to reflect the opportunity, using those funds in a different way or leveraging those funds.
- The funds shall be used within the district.

City Manager Williams explained the difference between this plan and the Waterfront Visioning Plan. He noted that this is an infrastructure finance mechanism. All the projects were taken out of existing City infrastructure plans, including the main ones such as improving Willamette Falls Drive. The plan would create a financing tool to help the City build the projects it wants. The Waterfront Visioning plan was complementary but different. The Tax Increment Finance (TIF) Plan would not change zoning, the comprehensive plan, natural resource area protections, or anything about the current vision for the entire area.

- He noted Planning Manager Wyss would be coming back in May for Council adoption of a contract for the Waterfront Visioning Plan. Fundamental infrastructure is needed in

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this area, no matter what the vision is, and they would need to partner with other funding sources.

- He then recognized the work of the Advisory Committee appointed by Council. They met three times with a long break between the second and third meetings so they could go out and get feedback, which prompted changes to the recommendation.

Questions from Council were addressed as follows:

- Staff had not surveyed interest from households and businesses in the district at this point, but an online survey could be conducted through SurveyMonkey, which would include information about the boundary and proposed projects. The survey would also ask if any important projects had been missed and ask for additional input for City Council. The survey could be advertised on the City website.
- Tualatin Valley Fire & Rescue (TVF&R) will not receive tax for that time period, that is why they are invited to be on the advisory committee. TVF&R typically supports infrastructure heavy plans and will benefit eventually.
- No TIF District has failed financially. Complaints about Urban Renewal usually would relate to displacement or gentrification. The Committee discussed that, and one of the reasons the storefront loan program was important in the Historic Willamette area was because it would help those existing businesses stay healthy.
- The Committee also discussed having one of the principals be to look at and understand potential displacement issues as part of the plan, and they did do some things to address those issues.
- A lot of the social problems affiliated with the term Urban Renewal have come from very large districts in very large cities.
- The other way a TIF District could get in trouble was politically, which could be prevented by having Agency projects stay very closely aligned with community wants, desires, and goals. This plan was founded on those goals, so if the City and Agency are aligned, they should stay in good shape.
- The plan's guiding principles included the principle of historic character, which addressed involving tribes with historical and cultural ties to the area.
- Regarding public notice, two big meetings were coming up, the Planning Commission review and the City Council public hearing. The Planning Commission's notice would be done by normal procedure, but the City Council meeting was required to be done by reaching all residents in one of four different ways. The relevant statute gave prescribed requirements for that notice, which could go out to postal patrons, utility customers, voters, or to property owners, at the City's discretion. Many cities use utility customers because it would be less expensive, and the notice could be sent directly with the utility bill.
- The meetings were scheduled for June, and the notices should be received at least two weeks before that actual hearing. Additional items could be added to the notice if all legally required specific information was included.
- Oregon City was one of the few cities in the State to have a restriction for borrowing, which came about through a citizen initiative put on the ballot requiring the Urban

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Renewal Agency (URA) to get voter approval before issuing any debt. That question came up to West Linn's Advisory Committee as a potential motion, but the Committee declined the recommendation because this debt would not increase property taxes.

- The City could borrow funds to complete projects, but it would have to wait until they have enough money to pay the debt. The report projected when the area would have sufficient revenues to pay debt, and that borrowing would allow the City to do that Willamette Falls Drive project earlier than if they just waited for the money to come in, which could take 20 years.

Mayor Bialostosky suggested a workshop session to discuss what should be included in the notice.

Jody Carson, representing the Willamette Falls & Landings Heritage Area Coalition, spoke in favor of the Tax Increment Financing District.

Vice Chair Mary Baumgardner moved that the West Linn Urban Renewal Agency forward the West Linn Willamette Riverfront Tax Increment Finance Area Plan to the overlapping taxing districts for the consult and confer time period, to the West Linn Planning Commission for its review of the Plan's conformance to the West Linn Comprehensive Plan, to the Clackamas County Commission for briefing, and then to the West Linn City Council for its review and vote on adoption. Councilor Bill Relyea seconded the motion.

Ayes: Vice Chair Mary Baumgardner, Councilor Bill Relyea, Chair Rory Bialostosky
Nays: None
The motion carried 3 – 0

City Manager Williams explained that if the City was requested to attend meetings of the affected taxing districts, protocol requests one or more elected officials attend the meeting.

Adjourn [8:25 pm]

Draft Notes.

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

WEST LINN
CITY COUNCIL MEETING
NOTES
April 17, 2023

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

Council Present:
Interim Mayor Rory Bialostosky, Council President Mary Baumgardner, and Councilor Bill Relyea.

Staff Present:
City Manager John Williams, City Attorney Bill Monahan, City Recorder Kathy Mollusky, Administrative Assistant Janene Richards, Planning Manager Darren Wyss, and Parks & Recreation Director Ken Warner.

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

Councilor Bill Relyea moved to approve Agenda for the April 17, 2023, Special Meeting. Council President Mary Baumgardner seconded the motion.

Public Comments
Anthony Bracco regarding internet at Robinwood Station

Business Meeting [6:10 pm/15 min]

Approval of Final Decision and Order for AP-23-01, an appeal of a Water Resource Area Permit (WAP-22-02) at 19679 Wildwood Drive

Final Decision

City Attorney Monahan stated Council has made a tentative decision to deny the appeal and gave directions to Staff to prepare the findings. Nothing within the Community Development Code requires public comment on findings; however, the City may allow public comment. If so, the City is able to set time, place, manner, and any limitations. Council is also able to make modifications as the findings are to reflect Council's decision.

Councilor Relyea asked Council to consider passing a resolution to place a hold on Section 32.060D, 32.070, and 32.080 until Council has an opportunity to review the Code and determine if it is something Council wants to promote as part of City's land use development process. Council did not know about this alternative review process prior to this decision.

Council President Baumgardner stated the Code should be reviewed because it is not serving the community needs; however, the review cannot be done during the decision-making process. She confirmed with staff that the Code needs to be reviewed. She can propose making a resolution now or wait to discuss it during the Council retreat.

City Attorney Monahan stated Council should decide on the application before giving any direction on what to do with the Code. Council should act and then give staff direction to include this Code review in their work plan. Staff has been working on developing a list of potential Code reviews for council. A "hold" implies the possibility of a moratorium. Under ORS 197.500+ there is requirement for a process to make a determination to do a moratorium and that requires a public hearing after earlier giving notification to the Department of Land Conservation and Development (DLCD) at least 45 days before the public hearing. It is a very significant process and could slow down or deter development. The state of Oregon is in the process of promoting more housing development. Anything that would be done cannot run afoul of promoting housing. Council could review the Code language to make sure it does what is intended, and it is fully understandable by Council, the staff, and the community.

Council directed staff to start reviewing the Code.

Council President Mary Baumgardner moved to Reject the appeal, affirm the Planning Manager decision, and approve the Final Decision and Order for AP-23-01, a Water Resource Area Permit (WAP-22-02) at 19679 Wildwood Drive. Councilor Bill Relyea seconded the motion.

Ayes: Interim Mayor Rory Bialostosky, Council President Mary Baumgardner, and Councilor Bill Relyea.

Nays: None.

The motion carried 3 - 0

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Adjourn [6:25]
Draft Notes

Swearing-In Ceremony [6:30 pm/15 min]
Leo Groner
Oath of Office

Scott Erwin
Oath of Office

Call to Order Work Session [6:45 pm/5 min]

Approval of Agenda [6:50 pm/5 min]

Public Comments [6:55 pm/10 min]

Tualatin Valley Fire & Rescue State of the District Presentation [7:05 pm/30 min]
Deputy Chief Frentress
Presentation

Pickleball Options Discussion [7:35 pm/30 min]
Pickleball Information

Mayor and City Council Reports [8:05 pm/20 min]
Reports from Community Advisory Groups
Approve I-205 Tolling Comment Letter

City Manager Report [8:25 pm/5 min]

Adjourn [8:30 pm]

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Agenda Bill 2023-06-12-03

Date Prepared:	May 24, 2023
For Meeting Date:	June 12, 2023
To:	Rory Bialostosky, Mayor West Linn City Council
Through:	John Williams, City Manager *JRW*
From:	Erich Lais, PE – Interim Public Works Director *EL*
Subject:	Clackamas County Intergovernmental Agreement – Traffic Signal Optimization

Purpose:
To receive Council approval to enter into an Intergovernmental Agreement (IGA) with Clackamas County which is upgrading traffic signal controllers throughout the County.

Question(s) for Council:
Does Council wish to enter into an IGA with Clackamas County?

Public Hearing Required:
None Required.

Background & Discussion:
Clackamas County has applied for and has been awarded federal funding through the Federal Transportation System Management and Operations (TMSO). Supported by this grant, the County will be upgrading traffic signal controllers throughout its jurisdiction. The City of West Linn has one (1) Clackamas County maintained signal located at the intersection of Santa Anita and Rosemont roads. The proposed IGA defines obligations between the City of West Linn and Clackamas County and requests allocation of City funds to cover its portion of the grant's 10.27% local match requirement as outlined in Exhibits C & D.

Budget Impact:
$ 850.75 from the Streets Fund.

Sustainability Impact:
Signal optimization can positively impact traffic flow by reducing queued traffic and congestion.

Council Options:
1. Approve IGA with Clackamas County to allow for project to proceed.
2. Deny IGA with Clackamas County and request that West Linn signal be excluded from County wide upgrades.

Staff Recommendation:

1. Approve IGA with Clackamas County to allow for project to proceed.

Potential Motion:

I move to approve the Intergovernmental Agreement between the City of West Linn and Clackamas County for the Signal Optimization Project and request the City Manager sign the IGA.

Attachments:

1. West Linn Clackamas County IGA for Signal Optimization

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WEST LINN AND CLACKAMAS COUNTY RELATED TO THE CLACKAMAS COUNTY REGIONAL ADVANCED TRANSPORTATION CONTROLLER (ATC) AND SIGNAL OPTIMIZATION PROJECT

This agreement (the "Agreement") is made on the date all required signatures have been obtained, between the West Linn ("CITY"), a municipal corporation of the State of Oregon, and Clackamas County ("COUNTY"), a political subdivision of the State of Oregon, pursuant to ORS Chapter 190 (Intergovernmental Cooperation), collectively referred to as the "PARITES" and each a "PARTY."

RECITALS

WHEREAS, ORS Chapter 190 authorizes local governments to enter into intergovernmental agreements for the performance of any or all functions and activities that a local government, its officers or agencies, have the authority to perform;

WHERAS, the County applied for, and was awarded, federal funding through the Federal Transportation System Management and Operations ("TSMO") to install and program advanced transportation controller ("ATC") signal controllers at 99 intersections across the County in those locations generally depicted in Exhibit "A" which is attached hereto and incorporated herein;

WHEREAS, the 99 intersections that will be impacted by this project are spread across various jurisdictions in the County. The total cost of the project and the portion of project work attributable to each individual jurisdiction is set forth in Exhibit "C" which is attached hereto and incorporated herein;

WHEREAS, the County is administering the Clackamas County Regional ATC and Signal Optimization Project, described in the recital above, pursuant to Oregon Department of Transportation Agreement No. 34925/73000-00004353;

WHEREAS, a portion of the work to be completed under the above-described project includes the replacement of one (1) existing traffic signal at an intersection on a roadway under the City's jurisdiction with upgraded ATC equipment. Along with the controller, local software, and central signal system upgrade, intersection signal timing will be optimized for all users. The portion of the work to be completed under the above-described project at an intersection on a roadway under the City's jurisdiction shall be referred to herein as the "City Project." The location which is part of the City Project is shown on the map attached hereto, marked "Exhibit A," and specifically listed in "Exhibit B"; and

WHEREAS, the Parties desire to define their respective obligations with regards to the City Project described herein, with the City primarily responsible for contributing funds to cover certain cost associated with the City Project, and with the County primarily responsible for completing and delivering the City Project as herein described.

AGREEMENT

NOW, THEREFORE**,** in consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Term.** This Agreement becomes effective as of the last date of signature by a Party indicated below. Unless terminated earlier pursuant to Section 4 of this Agreement, this Agreement will expire upon the completion of the Project by the County and the final payment by the City pursuant to the terms of this Agreement, or by December 31, 2024, whichever is sooner.

2. **City Responsibilities.**

   A. The City agrees to the scope of work set forth in Exhibit "D" which is attached hereto and incorporated herein.

   B. The City agrees to allow the County and its employees, contractors and agents access to the right of way and intersection signal equipment for purposes of completing the scope of work set forth in Exhibit "D."

   C. Within 30 days of full execution of this Agreement, the City agrees to transfer to the County the sum of $850.75, which represents the City's proportional share of the County's match of eligible costs related to the entire Clackamas County Regional ATC and Signal Optimization Project, as set forth in Oregon Department of Transportation Agreement No. 34925/73000-00004353. The proportional share calculation of all jurisdictions involved in the entire Clackamas County Regional ATC and Signal Optimization Project is set forth in Exhibit "C".

   D. The City shall have the ultimate responsibility to approve the plans in writing for signal phasing, timing, and coordination. The County, or its consultants, shall provide a recommendation to the City, and the City shall not unreasonably withhold such written approval so long as the recommendation conforms to International Municipal Signal Association (IMSA) and Institute of Transportation Engineers (ITE) industry standards, as well as the State of Oregon guidelines and specifications.

   E. Within 30 days of receiving the County's notice of completion, the City agrees to promptly contact the County if any signal issues related to the City Project are witnessed or reported to ensure timely repairs can be made. After such 30 day period, the City shall be obligated to remedy any and all signal issues moving forward.

3. **County Responsibilities.**

   A. The County agrees to the scope of work set forth in Exhibit "D" which is attached hereto and incorporated herein.

   B. Work shall be performed to IMSA and ITE industry standards, as well as the State of Oregon guidelines and specifications. IMSA Certified Technicians shall perform the traffic signal controller installation, configuration, and setup of the City's signal system. Certification level shall be commensurate with the task performed in accordance with IMSA specifications.

C. After execution of this Agreement and payment in the amount specified in Section 2.C, the County agrees to complete the City Project on or before June 30, 2024. Upon completion, the County shall provide the City a written notice of completion.

D. The County, or its consultants, shall provide a recommendation to the City for signal phasing, timing, and coordination. Any such recommendation shall conform to International Municipal Signal Association (IMSA) and Institute of Transportation Engineers (ITE) industry standards, as well as the State of Oregon guidelines and specifications.

E. Within 30 days of providing the City the notice of completion, the County agrees to promptly respond to any signal issues related to the City Project that are identified by the City and that the County is made aware of. Costs to remedy any such issues shall be the responsibility of the County.

4. **Termination**.

A. The County and the City, by mutual written agreement, may terminate this Agreement at any time.

B. Either the County or the City may terminate this Agreement in the event of a breach of the Agreement by the other. Prior to such termination however, the Party seeking the termination shall give the other Party written notice of the breach and of the Party's intent to terminate. If the breaching Party has not entirely cured the breach within fifteen (15) days of deemed or actual receipt of the notice, then the Party giving notice may terminate the Agreement at any time thereafter by giving written notice of termination stating the effective date of the termination. If the default is of such a nature that it cannot be completely remedied within such fifteen (15) day period, this provision shall be complied with if the breaching Party begins correction of the default within the fifteen (15) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable. The Party giving notice shall not be required to give more than one (1) notice for a similar default in any twelve (12) month period.

C. The County or the City shall not be deemed to have waived any breach of this Agreement by the other Party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach is of the same nature as that waived.

D. Nothing herein shall prevent the Parties from meeting to mutually discuss the Project. Each Party shall use best efforts to coordinate with the other to minimize conflicts.

E. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

5. **Indemnification**.

A. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the County agrees to indemnify, save harmless and defend the City, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof (including legal and other professional fees) arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the County or

its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the County has a right to control.

B. Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, the City agrees to indemnify, save harmless and defend the County, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof (including legal and other professional fees) arising out of or based upon damages or injuries to persons or property caused by the negligent or willful acts of the City or its officers, elected officials, owners, employees, agents, or its subcontractors or anyone over which the City has a right to control.

6. **General Provisions**

A. **Oregon Law and Forum.** This Agreement shall be construed according to the laws of the State of Oregon, without giving effect to the conflict of law provisions thereof.

B. **Applicable Law**. The Parties hereto agree to comply in all ways with applicable local, state and federal ordinances, statutes, laws and regulations.

C. **Non-Exclusive Rights and Remedies**. Except as otherwise expressly provided herein, the rights and remedies expressly afforded under the provisions of this Agreement shall not be deemed exclusive and shall be in addition to and cumulative with any and all rights and remedies otherwise available at law or in equity. The exercise by either Party of any one or more of such remedies shall not preclude the exercise by it, at the same or different times, of any other remedies for the same default or breach, or for any other default or breach, by the other Party.

D. **Access to Records**. The Parties acknowledge and agree that each Party, the federal government, and their duly authorized representatives shall have access to each Party's books, documents, papers, and records which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request. The cost of such inspection shall be borne by the inspecting Party.

E. **Debt Limitation.** This Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated therefore. Any provisions herein which would conflict with law are deemed inoperative to that extent.

F. **Severability.** If any provision of this Agreement is found to be unconstitutional, illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken. The Court or other authorized body finding such provision unconstitutional, illegal or unenforceable shall construe this Agreement

without such provision to give effect to the maximum extent possible the intentions of the Parties.

G. **Integration, Amendment and Waiver.** Except as otherwise set forth herein, this Agreement constitutes the entire agreement between the Parties on the matter of the Project. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of either Party to enforce any provision of this Agreement shall not constitute a waiver by such Party of that or any other provision.

H. **Interpretation**. The titles of the sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

I. **Independent Contractor**. Each of the Parties hereto shall be deemed an independent contractor for purposes of this Agreement. No representative, agent, employee or contractor of one Party shall be deemed to be a representative, agent, employee or contractor of the other Party for any purpose, except to the extent specifically provided herein. Nothing herein is intended, nor shall it be construed, to create between the Parties any relationship of principal and agent, partnership, joint venture or any similar relationship, and each Party hereby specifically disclaims any such relationship.

J. **No Third-Party Beneficiary.** Neither Party intends that this Agreement benefit, or create any right or cause of action in, or on behalf of, any person or entity other than the County or the City.

K. **No Assignment**. No Party shall have the right to assign its interest in this Agreement (or any portion thereof) without the prior written consent of the other Party, which consent may be withheld for any reason. The benefits conferred by this Agreement, and the obligations assumed hereunder, shall inure to the benefit of and bind the successors of the Parties.

L. **Counterparts**. This Agreement may be executed in any number of counterparts (electronic, facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

M. **Authority**. Each Party represents that it has the authority to enter into this Agreement on its behalf and the individual signatory for a Party represents that it has been authorized by that Party to execute and deliver this Agreement.

N. **Necessary Acts.** Each Party shall execute and deliver to the others all such further instruments and documents as may be reasonably necessary to carry out this Agreement.

CLACKAMAS COUNTY	**CITY OF WEST LINN**
_____	_____
Chair	Mayor
_____	_____
Date	Date
_____	_____
Recording Secretary	Recording Secretary

Exhibit A

Clackamas County Regional ATC and Signal Optimization Project Map

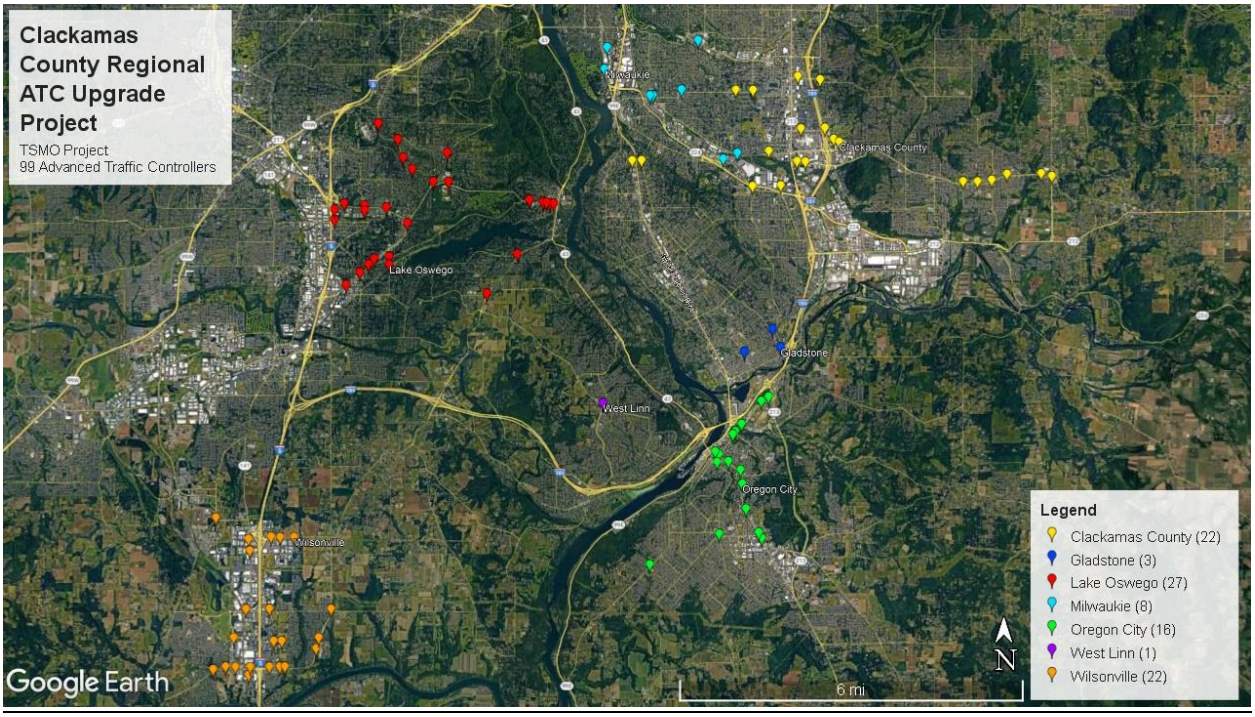

Exhibit B

City Project Specific Location List

ID#	Location	City Partner	Quantity
7550	Rosemont @ Salamo/Santa Anita	West Linn	1

Exhibit C

Proportional Share Table

Fed Funds:	$ 735,878.42
Local Match (10.27%)	$ 84,224.58
Total Project Cost:	$ 820,103.00

	Controllers	**Proportional Share**	**Local Match**
Clackamas County	22	22.22%	$ 18,716.57
Lake Oswego	27	27.27%	$ 22,970.34
Oregon City	16	16.16%	$ 13,612.05
Wilsonville	22	22.22%	$ 18,716.57
Milwaukie	8	8.08%	$ 6,806.03
Gladstone	3	3.03%	$ 2,552.26
West Linn	1	1.01%	$ 850.75
Total Controllers:	99		

Exhibit D

Scope of Work

The Clackamas County Regional ATC Controller & Signal Optimization Project includes the following elements:

- Procurement of 99 Advanced Traffic Controllers (ATCs) to upgrade older traffic signals controllers that are no longer supported and do not provide the functionality desired for current signal operations. This includes locations owned by Clackamas County, City of Lake Oswego, City of Oregon City, City of Wilsonville, City of Milwaukie, City of Gladstone, and City of West Linn
- Consultant support in signal timing conversions and optimizations
- Clackamas County signal timing testing and deployment
- New central signal system server for maintenance and operation of the traffic signals

Agenda Bill 2023-06-12-04

Date Prepared:	May 31, 2023
For Meeting Date:	June 12, 2023
To:	Rory Bialostosky, Mayor West Linn City Council
Through:	John Williams, City Manager *JRW*
From:	Erich Lais, PE – Interim Public Works Director *EL*
Subject:	Oregon City West Linn Intergovernmental Agreement – Emergency Wastewater Operator Services

---

Purpose:
To receive Council approval to enter into an Intergovernmental Agreement (IGA) with the City of Oregon City for emergency wastewater operator services.

Question(s) for Council:
Does Council wish to enter into an IGA with the City of Oregon City ?

Public Hearing Required:
None Required.

Background & Discussion:
Oregon law requires owners of wastewater systems to have their systems under responsible control and direction of certified operators. West Linn needs a Direct Responsible Charge (DRC) who is accountable for and performance of active, daily on-site operation of the collection system. The City requires a Designated Wastewater Operator at level 3 certification or higher in order to meet Department Environmental Services (DEQ) requirements for wastewater emergency response. The City's previously designated wastewater operator is currently out for extended leave and thus the City of West Linn is lacking experienced personnel to respond in the event of a wastewater emergency.

ORS Chapter 190.010 authorizes governmental entities such as West Linn and Oregon City to enter into written agreements for the performance of any or all functions and activities that either entity has the authority to perform on its own. The City of Oregon City has agreed to enter into agreement with the City of West Linn and allow Oregon City employee Eric Hand to be designated to respond to West Linn in the event of a wastewater emergency. Terms, conditions, and compensation of the proposed IGA is attached to this report.

Budget Impact:
To be determined based on need. Hourly wages are defined and attached to this report. Funds will be expended from the City's Environmental Services Fund as required.

Sustainability Impact:
Not applicable.

Council Options:

1. Approve IGA with Oregon City to allow the City to be compliant with DEQ wastewater operations regulations.
2. Deny IGA with Oregon City and direct staff to research other methods of meeting DEQ wastewater compliance.

Staff Recommendation:

1. Approve IGA with Oregon City to allow the City to be compliant with DEQ wastewater operations regulations.

Potential Motion:
I move to approve the Intergovernmental Agreement between the City of West Linn and Oregon City for Emergency Wastewater Services

Attachments:

1. West Linn Oregon City IGA for Emergency Wastewater Services

INTERGOVERNMENTAL AGREEMENT

TO PROVIDE

PROFESSIONAL WASTEWATER EMERGENCY SERVICES

PARTIES:

West Linn: City of West Linn, an Oregon municipal corporation
Oregon City: City of Oregon City, an Oregon municipal corporation
Duration: August 30, 2023, unless otherwise terminated or extended

RECITALS:

A. ORS Chapter 190.010 authorizes governmental entities such as West Linn and Oregon City to enter into written agreements for the performance of any or all functions and activities that either entity has the authority to perform on its own.
B. West Linn is in need of professional services of a Designated Wastewater Operator at level 3 certification or higher in order to meet Department Environmental Services (DEQ) requirements for wastewater emergency response. ("Wastewater Emergency Services").

WEST LINN AND OREGON CITY, COLLECTIVELY PARTIES, MUTALLY AGREE AS FOLLOWS:

1. **DURATION.** This Agreement shall begin on or around June 12, 2023, and shall continue until August 30, 2023, unless otherwise terminated or extended. This agreement may be extended by request in writing by the City of West Linn. Extension of agreement must be mutually agreed upon by both parties.
2. **DESCRIPTION OF SERVICES TO BE PROVIDED.** Oregon City shall provide professional wastewater emergency services for the City of West Linn.
   2.1 The identified qualified "Designated Wastewater Operator" shall be **Eric Hand** and shall be the sole person approved to respond to West Linn in the event of a wastewater emergency. Description of services is further identified in the incorporated Exhibit A.
3. **HOURS OF WORK & COMPENSATION**
   3.1 There is no estimate or guarantee of hours worked as any work tasks will arise out of an identified West Linn wastewater emergency.
   3.2 Compensation will be paid hourly based on the schedule of rates incorporated as Exhibit A.
4. **STAFFING.** Parties shall continue to serve as employer over their respective employees. No employees will formally be transferred pursuant to this Agreement. Oregon City will continue to pay employees that provide services under this Agreement, and West Linn will be invoiced monthly for services rendered. Oregon City and West Linn are subject employers under ORS Chapter 656 and shall maintain current valid workers compensation insurance coverage throughout the period of this Agreement.

5. **TERMINATION OF AGREEMENT.** Either Party may terminate this agreement providing 30 days' written notice to the City Manager of the other City. In the event of termination of the Agreement, West Linn shall pay for all services rendered up until the date of termination. Termination shall be without prejudice to any obligations or liabilities of either party that accrues prior to termination.
6. **AMENDMENT PROVISIONS.** The terms of this Agreement may be amended by mutual agreement of the Parties. Any amendment shall:
   6.1 Be in writing.
   6.2 Refer specifically to this Agreement; and
   6.3 Be executed by both Parties.
7. **DEFENCE AND INDEMNIFICATION.** West Linn shall be solely responsible for the actions of Oregon City employees while acting within their authority pursuant to this Agreement for the sole benefits of West Linn. Subject to the Oregon Constitution and the limits of the Oregon Tort Claims Act, West Linn agrees to hold harmless, defend, and indemnify Oregon City, and it's identified employees and agents against any and all claims, demands, actions or suits (including all attorneys' fees and costs) arising from this Agreement where the claim, suit, action, loss, damage, injury or liability is attributable to the acts or omissions of the Designated Wastewater Operator in the performance of their duties under the terms of this Agreement. It is further agreed and understood that neither party is, by virtue of this agreement, a partner or joint venture with the other party, and neither party shall have any obligation with respect to the other party's debts or liabilities of whatever kind or nature. If any aspect of this indemnity shall be found to be illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of this indemnification.
8. **NOTICE.** Any notice under this Agreement shall be in writing and shall be effective when actually delivered or when deposited in the mail, addressed to the parties as follows:

WEST LINN:	City Manager City of West Linn 22500 Salamo Road West Linn, OR 97068
OREGON CITY:	City Manager City of Oregon City 625 Center Street Oregon City, OR 97045

9. **ATTORNEY FEES.** In the event an action, lawsuit, or proceeding, including appeal there from, is brought for failure to fulfill or comply with any of the terms of this Agreement, including any applicable State, or Federal laws, each party shall be responsible for their own attorney fees, expenses, costs, and disbursements for said action, lawsuit, proceeding or appeal.

10. **NO WAIVER.** The failure by any party to enforce any provision of this Agreement shall not constitute a waiver by that party of that provision or of any other provision of this Agreement.
11. **SEVERABILITY.** Should any provision or provisions of this Agreement be construed by a court of competent jurisdiction to be void, invalid or unenforceable, such construction shall affect only the provision or provisions so construed, and shall not affect, impair, or invalidate any of the other provisions of this Agreement which shall remain in full force and effect.
12. **HEADINGS.** The headings of this Agreement are for convenience only and shall not be used to construe or interpret any provisions of this Agreement.
13. **APPLICABLE LAW.** This agreement shall be governed by and interpreted in accordance with the laws of the State of Oregon.
14. **ASSIGNMENT/DELEGATION.** Oregon City shall not delegate the responsibility for providing services hereunder to any other individual or agency. Neither this Agreement nor any of the rights granted by this Agreement may be assigned or transferred by either party.
15. **MERGER.** This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement. No modification of this Agreement shall be effective unless and until it is made in writing and signed by both parties.

16. **BINDING EFFECT.** The terms of this Agreement shall be binding upon and inure to the benefit of each of the parties and each of their respective administrators, agents, representatives, successors, and assigns.

CITY OF WEST LINN	CITY OF OREGON CITY
By:_____	By:_____
Title:_____	Title:_____
Date:_____	Date:_____

STATE OF OREGON)

) SS.

County of _____)

On this_____day of_____,2023, personally appeared _____ _____, the City Manager of West Linn and acknowledged execution of this Agreement.

_____

Notary Public for Oregon

My Commission Expires:_____

STATE OF OREGON)

) SS.

County of _____)

On this_____day of_____,2023, personally appeared _____ _____, the City Manager of Oregon City and acknowledged execution of this Agreement.

_____

Notary Public for Oregon

My Commission Expires:_____

Wastewater Operator Emergency Services Provided by Oregon City to West Linn

EXHIBIT A

Designated Wastewater Operator Services

1. Eric Hand shall be identified as the sole "Designated Operator" with the Oregon Department of Environmental Quality to respond to West Linn wastewater emergencies on an interim basis.
2. Eric Hand will be available via phone or in person in the event of a Wastewater emergency.
3. City of West Linn will compensate City of Oregon City at the rate agreed upon and described below if and/or when emergency services are requested from the City of West Linn and require response from the Designated Operator.

Schedule of Rates

1. $85.59/Hour

Agenda Bill 2023-06-12-05

Date Prepared: May 31, 2023

For Meeting Date: June 12, 2023

To: Rory Bialostosky, Mayor
West Linn City Council

From: John Williams, City Manager *JRW*

Subject: Ordinance 1743: Potential Adoption of West Linn Tax Increment Finance District

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Purpose:
The West Linn City Council will hold a hearing on June 12, 2023 to gain input regarding the Council's consideration and potential adoption of the proposed West Linn Willamette Riverfront Tax Increment Finance (TIF) Area Plan ("Plan") and to vote on the ordinance to adopt the Plan. This is a non-emergency ordinance.

Question(s) for Council:
Does Council wish to create West Linn's first TIF District to fund critical infrastructure in the Waterfront area?

Public Hearing Required:
Yes.

Background & Discussion:
The West Linn City Council has consistently prioritized planning and infrastructure finance efforts for the Willamette Riverfront Area in recent years, and has provided direction to study and subsequently move forward with adoption of a TIF District. The TIF District would collect tax revenues from development and invest those revenues into critically needed infrastructure to enable further development, revitalization, and implementation of community goals.

The City Council has previously provided direction and funding for a TIF feasibility study; appointed a TIF Advisory Committee; adopted Ordinance 1738 which found that blight exists in this area and created a TIF Agency made up of the Mayor and City Council members; and provided direction to move the plan forward through public review and adoption proceedings. The plan has been reviewed by the Planning Commission for conformance with the West Linn Comprehensive Plan.

The final step in the adoption process is consideration of Ordinance 1743, which was drafted and reviewed by our TIF Consultant and the City Attorney. The findings proposed in the Ordinance confirm that the review process met the requirements of state law and that the proposed District meets the requirements of state law, and provides direction to staff to complete the adoption process with administrative actions.

The Waterfront area has been the subject of various planning, visioning, and analysis efforts over at least the previous 30 years. Throughout the years the list of capital projects has been somewhat consistent, focusing on critical transportation and utility infrastructure. As the City embarks on the Waterfront visioning plan, if changes are needed to reflect the resulting community vision, the project list can be changed through a minor amendment to the Plan as specified in Section VII of this Plan.

The West Linn Willamette TIF Area Plan Area (Area) comprises approximately 334 acres, composed of 161 individual parcels encompassing 197.41 acres, and an additional 136.30 acres in public rights-of-way. It is anticipated that the West Linn Willamette TIF Area Plan (Plan) will take thirty years of tax increment collections to implement. Detailed financial analysis, project lists, and many more considerations are provided in the TIF Plan and the Report Accompanying the Plan, which are both attachments to the Ordinance.

Public Notice
Notice to citizens of consideration of an ordinance was printed and delivered by physical mail to all 10,177 owners of real property located in West Linn. Notice was also placed in the West Linn Tidings, on the City of West Linn website, and distributed through social media.

Proposal
The purpose of urban renewal is to improve specific areas of a city that are poorly developed or underdeveloped. These areas can have old, deteriorated buildings, public spaces which need improvements, a lack of investment, streets and utilities in poor condition or they can lack streets and utilities altogether. The Area has many properties that are undeveloped or underdeveloped and the Area lacks sufficient infrastructure to achieve community goals. The projects proposed in this Plan are outlined in Section VI of the Plan and include the following categories: Transportation, Economic Development, Parks, Land Acquisition/Disposition, Developer Incentives and Rebates and Administration.

Urban renewal is unique in that it brings its own financing source: tax increment financing (TIF). Tax increment revenues - the amount of property taxes generated by the increase in total assessed values in the urban renewal area from the time the urban renewal area is first established – are used to repay borrowed funds. The funds borrowed are used to pay for tax increment area projects.

Tax Increment Areas are put into effect by the local government (the city in this case) adopting a tax increment plan. The plan defines the area, states guiding principles for the area, lists projects and programs that can be undertaken, provides a dollar limit on the funds borrowed for projects, and states how the plan may be changed in the future.

The guiding principles of the Plan were defined by community process in 2018 and 2019 and include River Access, Historic Character, Reinvestment Opportunity, and Transportation Improvements, as listed in Section IV of the attached Plan.

Process
The process for approval has included the following steps, in accordance with ORS 457.

1. Preparation of a plan including opportunity for citizen involvement.
2. April 10, 2023 West Linn Redevelopment Agency review of the proposed Plan and accompanying Report and motion to forward it to the Public Review process.

3. Review and recommendation by the West Linn Planning Commission. The Planning Commission reviewed the Plan on May 3, 2023 and voted that the Plan conformed to the West Linn Comprehensive Plan.
4. Mailed notice to all property owners in West Linn of a hearing before the City Council.
5. Forwarding a copy of the proposed Plan and the Report to the governing body of each taxing district. The formal taxing districts letters were sent out on April 11, 2023.
6. The required briefing to Clackamas County occurred on May 17, 2023.
7. Hearing by City Council and adoption of the proposed Plan and accompanying Report by a non-emergency ordinance. The ordinance must be a non-emergency ordinance, which means that the ordinance does not take effect until 30 days after its approval and during that period of time may be referred to West Linn voters if a sufficient number of signatures are obtained on a referral petition.

Ordinance Publication

The ordinance also calls for publication of a notice that the Council has adopted the ordinance, for the recording of the Plan by the Clackamas County Clerk and for transmitting the Plan to the Clackamas County Assessor.

Budget Impact:
A significant majority of funds that the District will collect over 30 years would otherwise have gone to other taxing entities, including Clackamas County, TVF&R, Metro, and education services. However, some funds would also have been received by the City of West Linn as general government revenues. Overall, of course, additional revenues to the City for infrastructure projects far outweigh the impact of taxes lost by the City. Projected impacts to all entities including the City are provided in Tables 14 and 15 of the Report on the Plan.

Council Options/Staff Recommendation:
Based on the consistent City Council direction over time to move the TIF process forward, and on the TIF Advisory Committee's positive recommendation, and on the Planning Commission's finding that the plan is consistent with the West Linn Comprehensive Plan, staff recommends that the City Council:

1. Review and discuss the West Linn Willamette Riverfront Tax Increment Finance Area Plan;
2. Take testimony on the Plan at the public hearing;
3. Vote on the non-emergency ordinance.

Potential Motion:
I move the City Council adopt Ordinance 1743 and direct staff to take all necessary steps to implement the adoption as described in the ordinance.

Attachments:

1. Ordinance 1743 with attachments:
    A. West Linn Tax Willamette Riverfront Increment Finance Area Plan
    B. Report on West Linn Willamette Riverfront Tax Increment Finance Area Plan
    C. West Linn Planning Commission Recommendation

ORDINANCE 1743

AN ORDINANCE MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE WEST LINN WILLAMETTE RIVERFRONT TAX INCREMENT FINANCE AREA PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED

WHEREAS, the West Linn Redevelopment Agency ("Agency"), as the duly authorized and acting urban renewal agency of the City of West Linn, Oregon, is proposing to undertake certain urban renewal activities in a designated area within the City pursuant to ORS Chapter 457; and

WHEREAS, the Agency, pursuant to the requirements of ORS Chapter 457, has caused the preparation of the West Linn Willamette Riverfront Tax Increment Finance Area Plan attached hereto as Attachment A (the "Plan"). The Plan authorizes certain urban renewal activities within the West Linn Willamette Riverfront Tax Increment Finance Area Plan (the "Area"); and

WHEREAS, the Agency has caused the preparation of a certain Report on the West Linn Willamette Riverfront Tax Increment Finance Area Plan which will be effective July 12, 2023 attached hereto as Attachment B (the "Report") to accompany the Plan as required under ORS 457.087; and

WHEREAS, the Agency forwarded the Plan and Report to the West Linn Planning Commission (the "Planning Commission") for review and recommendation. The Planning Commission considered the Plan and Report on May 3, 2023, adopted a finding that the Plan conformed with the West Linn Comprehensive Plan, and adopted a recommendation that the City Council adopt the Plan, attached hereto as Attachment C (the "Recommendation"); and

WHEREAS, the Plan and the Report were forwarded on April 11, 2023, with a revised Plan and Report sent April 26, 2023, to the governing body of each taxing district affected (Clackamas County; County Extension & 4H, Clackamas County Library District; County Soil & Water Conservation District; Tualatin Valley Fire & Rescue; Port of Portland; Metro; Vector Control; Clackamas Community College; Clackamas County Education Service District; West Linn-Wilsonville School District; and the City of West Linn) by the Plan, and Agency has thereafter consulted and conferred with each taxing district; and

WHEREAS, on May 17, 2023 the City met with representatives of Clackamas County to review the Plan, including proposed maximum indebtedness for the Plan; and

WHEREAS, the City Council has not received any written recommendation from the governing bodies of the affected taxing districts; and

WHEREAS, on May 11, 2023 the City caused notice of the hearing to be held before the Council on the Plan, including the required statements of ORS 457.120(3), to be mailed to sewer, water, electric, or other utility customers within City's incorporated limits; and

WHEREAS, on June 12, 2023 the City Council held a public hearing to review and consider the Plan, the Report, the Recommendation, and the public testimony received on or before that date and to receive additional public testimony; and

WHEREAS, after consideration of the record presented through this date, the City Council does by this Ordinance desire to approve the Plan.

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

Section 1. The Plan complies with all applicable requirements of ORS Chapter 457 and the specific criteria of 457.095, in that, based on the information provided in the Report, the West Linn Planning Commission Recommendation, and the public testimony before the City Council:

1. The process for the adoption of the Plan has been conducted in accordance with the applicable provisions of Chapter 457 of the Oregon Revised Statutes and all other applicable legal requirements.
2. The area designated in the Plan as the West Linn Willamette Riverfront Tax Increment Finance Area ("Area") is blighted, as defined by ORS 457.010(1) and is eligible for inclusion within the Plan because of conditions described in the Report in Section XI "Existing Physical, Social, and Economic Conditions and Impacts on Municipal Services", including the existence of inadequate streets and other rights of way, open spaces and utilities and underdevelopment of property within the Area (ORS 457.010(1)(e) and (h).
3. The rehabilitation and redevelopment described in the Plan to be undertaken by the Agency is necessary to protect the public health, safety or welfare of the City because absent the completion of urban renewal projects, the Area will fail to contribute its fair share of property tax revenues to support City services and will fail to develop and/or redevelop according to the goals of the City's Comprehensive Plan.
4. The Plan conforms to the West Linn Comprehensive Plan and provides an outline for accomplishing the projects proposed in the Plan.
5. No residential displacement will occur as a result of the acquisition and disposition of land and redevelopment activities proposed in the Plan and therefore the Plan does not include provisions to house displaced persons.
6. Adoption and carrying out the Plan is economically sound and feasible in that eligible projects and activities will be funded by urban renewal tax revenues derived from a division of taxes pursuant to section 1c, Article IX of the Oregon Constitution and ORS 457.440 and other available funding as more fully described in the Sections of the Report.
7. Acquisition of property is necessary in the future to complete projects within the Plan.
8. The City shall assume and complete any activities prescribed it by the Plan.
9. Agency consulted and conferred with affected overlapping taxing districts prior to the Plan being forwarded to the City Council.

Section 2. The West Linn Willamette Riverfront Tax Increment Finance Area Plan is hereby approved based upon review and consideration by the City Council of the Plan and Report, the West Linn Planning Commission Recommendations, each of which is hereby accepted, and the public testimony in the record.

Section 3. The City Manager shall forward forthwith to the Agency a copy of this Ordinance.

Section 4. The Agency shall thereafter cause a copy of the Plan to be recorded in the Records of Clackamas County, Oregon.

Section 5: City Manager, in accordance with ORS 457.115, shall publish notice of the adoption of the Ordinance approving the Plan including the provisions of ORS 457.135, in the West Linn Tidings and the Oregonian no later than four days following adoption of this Ordinance.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 12th day of June, 2023, and duly PASSED and ADOPTED this _____ day of _____, 2023.

_____

RORY BIALOSTOSKY, MAYOR

ATTEST:

_____

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

_____

CITY ATTORNEY

Attachment

Attachment A: West Linn Willamette Riverfront Tax Increment Finance Area Plan

Attachment B: Report on the West Linn Willamette Riverfront Tax Increment Finance Area Plan

Attachment C: West Linn Planning Commission Report and Recommendation on the West Linn Willamette Riverfront Tax Increment Finance Area Plan

The West Linn Willamette Riverfront Tax Increment Finance (TIF) Area Plan

West Linn Willamette TIF Area Plan

Approved by the City of West Linn

June 12, 2023

Ordinance No. 2023 –

If Amendments are made to the Plan, the Resolution or Ordinance Number and date will be listed here. The amendment will be incorporated into the Plan and noted through a footnote.

LIST OF PARTICIPANTS

Mayor

Rory Bialostosky

City Council

Mary Baumgardner, Council President
Scott Erwin
Leo (Lou) Groner

Planning Commission

John Carr, Chair
Joel Metlen, Vice Chair
Charles Mathews
Gary Walvatne
Scott Erwin
Bayley Boggness Knutson
Tom Watton

City of West Linn Staff

John Williams, City Manager
Lauren Breithaupt, Finance Director
Darren Wyss, Planning Manager
Lynn Schroder, Administrative Assistant

Consulting Team

Elaine Howard Consulting, LLC
Elaine Howard
Scott Vanden Bos

Tiberius Solutions, LLC
Nick Popenuk
Ali Danko
Rob Wyman

ECONorthwest
Emily Picha
Jade Aguilar

Tax Increment Finance Advisory Committee

Bolton Neighborhood Association
Tanner Woody
Willamette Neighborhood Association
Greg Smith
West Linn Planning Commission
Joel Metlen
Gary Walvatne
West Linn Budget Committee
Ed Schwarz
West Linn Economic Development Committee
Michael Bernert
Tualatin Valley Fire and Rescue District
Cassandra Ulven
West Linn-Wilsonville School District
Pat McGough
Historic Willamette Main Street
Brad Hulquist
Willamette Falls and Landings Heritage Area Coalition
Jody Carson
Portland General Electric
Melissa Rogers
Belgravia
Kevin Johnson
Citizen at large
Jim Edwards

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I. DEFINITIONS

“Agency” means the West Linn Redevelopment Agency (Agency). The Agency is responsible for administration of the tax increment plan.

“Area” means the properties and rights-of-way located with the West Linn Willamette Riverfront TIF area boundary.

“Blight” is defined in ORS 457.010(1)(A-E) and identified in the ordinance adopting the tax increment plan.

“City” means the City of West Linn, Oregon.

“City Council” or “Council” means the West Linn City Council.

“Comprehensive Plan” means the City of West Linn comprehensive land use plan and its implementing ordinances, policies, and standards.

“County” means Clackamas County, Oregon.

“Fiscal year ending” means the year commencing on July 1 and closing on June 30 of the next year.

“Frozen base” means the total assessed value including all real, personal, manufactured, and utility values within a tax increment area at the time of adoption. The county assessor certifies the assessed value after the adoption of a tax increment plan.

“Increment” means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an tax increment area, or portion thereof, over the assessed value specified in the certified statement.

“Maximum indebtedness” means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness.

“ORS” means the Oregon Revised Statutes. Chapter 457 specifically relates to urban renewal, also called tax increment in this document.

“Planning Commission” means the West Linn Planning Commission.

“Revenue sharing” means under-levying tax increment proceeds to effectively share a portion of the revenue with the other taxing districts who levy permanent rate taxes in the tax increment area as defined in ORS 457.470.

“Tax increment financing (TIF)” is a method of funding tax increment projects and programs through incurring debt that is repaid by the division of taxes accomplished through the adoption of a tax increment plan.

“Tax increment finance revenues” means the funds allocated by the assessor to a tax increment area due to increases in assessed value over the frozen base within the area.

“UGB” means urban growth boundary.

“Tax increment area” (TIA) or “Tax Increment Finance Area” means a blighted area included in an tax increment plan or an area included in an tax increment plan under ORS 457.160.

“Tax increment plan” or “Plan” or “Tax Increment Finance Plan” means a plan, as it exists or is changed or modified from time to time, for one or more tax increment areas, as provided in ORS 457.085, 457.095, 457.105, 457.115, 457.120, 457.125, 457.135 and 457.220.

“Tax increment project” or “Tax Increment Project” or “Project” means any work or undertaking carried out under ORS 457 in a tax increment or tax increment finance area.

“Tax increment report” or “Tax Increment Report” or “Report” means the official report that accompanies the tax increment plan pursuant to ORS 457.087.

II. INTRODUCTION

A. Plan Background

The Willamette Riverfront Area (Area) has been the subject of various planning, visioning, and analysis over at least the previous 30 years. As part of the Waterfront visioning conducted by the City of West Linn (City) in 2019, staff reviewed these previous efforts and used the common themes to develop draft guiding principles for the master plan process. The draft guiding principles in turn were evaluated against goal and policy statements in the City's current Comprehensive Plan. The Comprehensive Plan analysis is shown in Section XIII of this Plan.

Throughout the review of the planning for the Willamette Riverfront Area, the list of capital projects has been consistent. Even with continued visioning for the Area, the capital projects are not expected to change. If they do, the projects in the Plan can be changed through a minor amendment to the Plan as specified in Section VII of this Plan.

The West Linn Willamette TIF Area Plan Area (Area), shown in Figure 1, consists of approximately 333.8 total acres: 197.41 acres of land in tax lots and 136.39 acres of public rights-of-way. It is anticipated that the West Linn Willamette TIF Area Plan (Plan) will take thirty years of tax increment collections to implement. The maximum amount of indebtedness that may be issued for the Plan is not to exceed $76,100,000 (Seventy-Six million One Hundred Thousand dollars). Detailed financial analysis is in the Report Accompanying the West Linn Willamette Riverfront Tax Increment Plan (Report).

Detailed principles developed for the Plan are intended to guide tax increment finance (TIF) revenue investment in the Area over the life of the Plan. The project category descriptions and list of projects are similarly intended to aid future decision makers when considering how best to expend TIF revenue. The Plan is to be administered by the West Linn Redevelopment Agency (Agency). Substantial amendments to the Plan must be approved by City Council as outlined in Section VII. All amendments to the Plan are to be listed numerically on the inside of the front page of the Plan and then incorporated into the Plan document and noted by footnote with an amendment number and adoption date.

The relationship between the sections of the Plan and the Oregon Revised Statutes (ORS) 457.085 requirements is shown in Table 1. The specific reference in the table below is the section of this Plan that primarily addresses the statutory reference. There may be other sections of the Plan that also address the statute.

Table 1 - Statutory References

Statutory Requirement	Plan Section
ORS 457.085(1)	I, XIII
ORS 457.085(2)(a)	V, VI
ORS 457.085(2)(b)	V, VI
ORS 457.085(2)(c)	XIV
ORS 457.085(2)(d)	XIII
ORS 457.085(2)(e)	XIII
ORS 457.085(2)(f)	IX
ORS 457.085(2)(g)	VIII
ORS 457.085(2)(h)	III
ORS 457.085(2)(i)	VII
ORS 457.085(2)(j)	Not applicable

B. Ad Hoc Advisory Committee Input

The Advisory Committee (AC) met four times to review information on the proposed TIF Area and to provide input on the planning for the Area.

Meeting one: The AC reviewed the proposed boundary and considered the pros and cons of the entire boundary.

Meeting two: The AC, through an informal vote, voted unanimously to move forward with the proposed boundary. The AC was briefed on the potential projects to be considered in the proposed boundary and received information on diversity equity and inclusion provided by ECONorthwest.

Meeting three: The AC reviewed the projects list again and several members stated they would like to go through the list and get feedback from the communities they represent. The AC was briefed on the financial assumptions used and the amount of potential TIF revenue.

Meeting four: The AC presented feedback from their meetings with their stakeholders The communities providing input were:

List of community organizations which received briefings:

- Bolton Neighborhood Association
- Sunset Neighborhood Association
- Willamette Neighborhood Association
- Historic Willamette Main Street
- Savannah Neighborhood Association

The boundary was confirmed. The project list was reviewed and approved. The AC also made recommendations for:

- The projects should be reviewed under an equity lens. This often includes things such as access to public spaces, parks, transit, affordable housing, preventing business displacement.
- One of the goals or principles of the Plan should include the protection of natural resources. This will also be addressed in the section of the Plan that deals with conformance to the Comprehensive Plan as Goal 5, Section 2 of the Comprehensive Plan applies to natural resource protection.
- The Plan should include requirements for financial review at set time frames i.e. 15 years, 20 years to understand whether the Area is performing as expected. This review should be shared with the overlapping taxing districts.

C. Additional Public Outreach

Additional opportunity for public input and information was provided at the following:

- West Linn Redevelopment Agency (Agency) meeting on April 10, 2023
- West Linn Planning Commission briefing on August 3 and October 5, 2022 and the hearing on May 3, 2023
- Clackamas County briefing on May 17, 2023
- West Linn City Council public hearing on June 12, 2023 and vote. The City Council public hearing was noticed to utility customers of the City of West Linn.

D. Tax Increment Finance Overview

ORS 457 allows for the use of tax increment financing to fund its projects. Tax increment revenues - the amount of property taxes generated by the increase in total assessed values in the tax increment area from the time the tax increment area is first established - are used to repay borrowed funds. The borrowed funds are used to pay for projects and cannot exceed the maximum indebtedness amount set by the tax increment plan.

The purpose of tax increment financing is to improve specific areas of a city that are poorly developed or underdeveloped, called blighted areas in (ORS) 457.010. These areas can have streets and utilities in poor condition, a complete lack of streets and utilities altogether, or other obstacles to development. In general, tax increment projects can include construction or improvement of streets, utilities, and other public facilities; assistance for rehabilitation or redevelopment of property; acquisition and re-sale of property (site assembly) from willing sellers; and improvements to public spaces. This Area meets the definition of blight due to its transportation system infrastructure deficiencies, utility infrastructure deficiencies, and underdeveloped and undeveloped properties. These blighted conditions are specifically cited in the ordinance adopting the Plan and described in detail in the Report.

The Report contains the information required by ORS 457.087, including:

- A description of the physical, social, and economic conditions in the area;
- Expected impact of the Plan, including fiscal impact in light of increased services;
- Reasons for selection of the Plan area;
- The relationship between each project to be undertaken and the existing conditions;
- The estimated total cost of each project and the source of funds to pay such costs;
- The estimated completion date of each project;
- The estimated amount of funds required in the Area and the anticipated year in which the debt will be retired;
- A financial analysis of the Plan;
- A fiscal impact statement that estimates the impact of tax increment financing upon all entities levying taxes upon property in the area; and
- A relocation report.

III. MAXIMUM INDEBTEDNESS

Maximum indebtedness is the amount of indebtedness secured by a pledge of tax increment revenue that can be spent on projects, programs and administration throughout the life of the Plan. The maximum amount of indebtedness that may be issued or incurred under the Plan, based upon good faith estimates of the scope and costs of projects in the Plan and the schedule for their completion is $76,100,000 (Seventy-Six Million One Hundred Thousand dollars). This amount is the principal of such indebtedness and does not include interest or indebtedness incurred to refund or refinance existing indebtedness or interest earned on bond proceeds. The method of establishing the maximum indebtedness is shown in the Report.

IV. PLAN GUIDING PRINCIPLES

The guiding principles were developed as part of the West Linn Waterfront Project in the 2018/19 update. The tax increment projects identified in Sections V and VI of the Plan are the specific means of implementing the principles. The goals and objectives will be pursued as economically as is feasible and at the discretion of the Agency. The guiding principles are not listed in any order of importance or priority. A matrix of how the projects align with the goals and objectives is shown in Table 2.

Much of the following is directly from the Guiding Principles developed for the West Linn Waterfront Project in 2019 with some added specific language to address the Willamette Main Street and adjacent commercial/mixed use areas and deleted language if not relevant to this Area.

A. Guiding Principle: River Access

The community and visitors will have enhanced visual and physical opportunities to enjoy the river and falls through trails, open spaces both natural and within the built environment, and aquatic recreation.

Key Elements

- Public and private spaces woven together in a singular experience
- Views of the Willamette River and Falls
- Continuous trail network
- Physical access to the river's edge

B. Guiding Principle: Historic Character

The community and visitors will experience a revitalized and vibrant waterfront area, while experiencing and celebrating the working and historic industrial uses and important natural, historic, and cultural resources of the area.

Key Elements

- Natural, historic, and cultural values and resources are protected and embraced
- Collaboration with other regional efforts
- Support business viability and vitality
- Maximize economic connections to Willamette Main Street
- Respect Native American rights and traditions along the Willamette River and Falls

C. Guiding Principle: Reinvestment Opportunity

The area will maintain its long history of a working waterfront, while creating opportunities for reinvestment in the historic heart of the community. The Willamette Main Street and adjacent commercial/mixed use areas will be supported as a vital part of community services and small business opportunities. Projects should be reviewed with a diversity, equity and inclusion lens to ensure that all communities are included and to prevent displacement.

Key Elements

- Provide opportunities for reinvestment in the three planning districts identified in the West Linn Waterfront Project in 2019.

- Land use decisions support community vision and market principles
- Encourage and enable private sector investment to build high quality places
- Adaptive reuse of existing buildings
- Public and private owners work together on timing of land use transitions
- Establish a review process for diversity, equity and inclusion standards

D. Guiding Principle: Transportation Improvements

Through public and private investment, the waterfront area, Willamette Main Street area and the adjacent commercial uses will safely accommodate pedestrians, bicyclists, motorists, and truck traffic through improved facilities and turning movements, while reducing conflicts and supporting land uses.

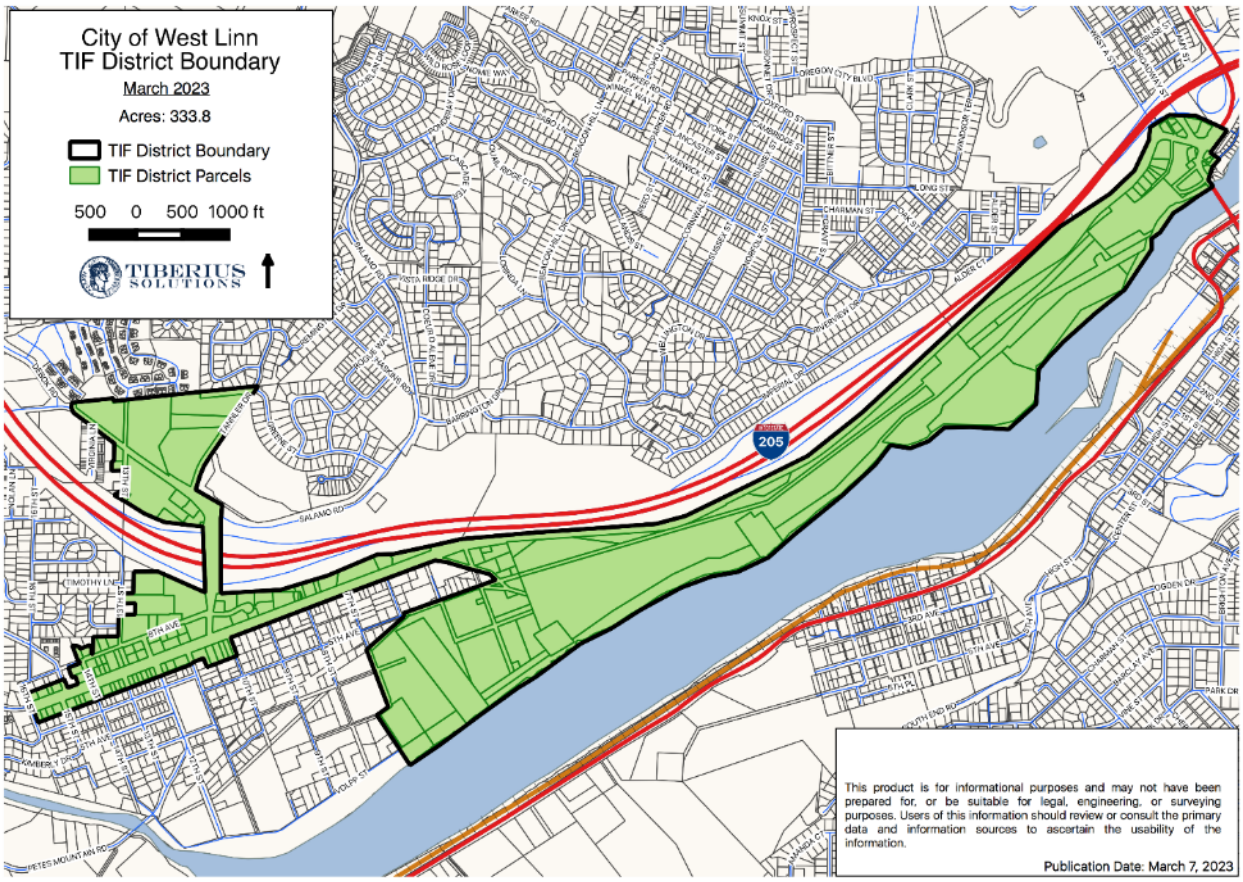
Key Elements

- Balanced land use and transportation design
- Livability and accessibility of nearby neighborhoods
- Preserve truck access as needed to support commercial and industrial activity
- Leverage public funds with private investment for safety and capacity improvements
- Improved local access through the area
- Creative solutions for multi-modal improvements
- Protection of natural resources

Table 2 – Relationship of Projects to West Linn Willamette TIF Area Plan Principles

Project Category	Guiding Principles
Transportation	D
Economic Development	A,B,C,D
Parks	A
Land Acquisition/Disposition	C,D
Developer Incentives/Rebates	C
Administration	A,B,C,D

Figure 1 – West Linn Willamette TIF Area Boundary



Source: Tiberius Solutions

V. TAX INCREMENT PROJECT CATEGORIES

The projects within the Area fall into the following categories:

A. Transportation

B. Economic Development

C. Parks

D. Land Acquisition/Disposition

E. Developer Incentives and Rebates

F. Administration

VI. TAX INCREMENT PROJECTS

Tax increment projects authorized by the Plan are described below. They are not listed in any priority order. The Agency will determine the order of the projects and may add projects in the future through the amendment process defined in Section VII of this Plan.

A. Transportation

Multi-modal transportation improvements in the Area including but not limited to:

1. Willamette Falls Drive (WFD)10th Street to Sunset Avenue
   Provide WFD improvements including enhanced pedestrian and bicycle facilities per the Willamette Falls Drive Conceptual Design Plan

2. WFD Sunset Avenue to I-205
   Provide WFD improvements including enhanced pedestrian and bicycle facilities per the Willamette Falls Drive Conceptual Design Plan

3. Tannler Street Realignment
   Realign Tannler Street at Blankenship Road to align with the driveway located approximately 350 feet west. Realign as part of private development

4. 8th Avenue Connection
   Modify Dollar Street connection to reconnect to 8th Avenue and provide alternative route for local trips

5. 8th Avenue Improvements
   Upgrade from 10th Street to 14th Streets

6. Historic City Hall Parking
   Construct a public/private parking structure

7. Historic City Hall Public Plaza
   Design and construct a public gathering space

8. Willamette Falls Drive/12th Street
   Install a traffic signal when warranted

9. 10th Street/Blankenship Road
   Widen 10th Street between Blankenship-Salamo Road and Willamette Falls Drive to provide two lanes in each direction. This project includes completing sidewalks, enhanced bicycle facilities and adds additional turn lanes

10. Historic Willamette Parking
    Public parking lot/structure to support development in the Historic Willamette Area.

B. ECONOMIC DEVELOPMENT

1. Façade Improvement Program
   Provide financial resources in the Historic Willamette Area to update and modernize existing facilities through capital improvements.

2. Streetscape Beautification Program
   Install streetscape features in the Historic Willamette Area (benches, lights, sidewalks, ADA access)

C. Parks

1. Riverfront Trail
   Construct a pedestrian/bike trail through Waterfront Vision Area

2. Riverfront Trail Amenities
   Install benches, viewpoints, interpretive signage

3. Willamette River Fishing Dock/Ladder
   Provide public access to the river near Historic City Hall

4. Riverfront Park
   Design and construct a new park with non-motorized boat and swimming access, interpretive signage, parking, trail access, and restoration

D. Land Acquisition/Disposition

Acquisition/Disposition are allowed in the Plan. Based on sales comparables of notable vacant land, these will be used in accordance with land acquisition to assist with targeted development based on submitted request for proposals.

E. Developer Incentives And Rebates

Facilitate development and redevelopment on sites in the Area, stimulating growth and providing new employment opportunities and additional mixed use and commercial growth in the Area.

F. Administration

Authorizes expenditures for the administrative costs associated with managing the Area including budgeting and annual reporting, planning and the implementation of projects in the Area.

VII. AMENDMENTS TO PLAN

The Plan may be amended as described in this section. Adding other properties to the Developer Incentives Program does not require an amendment to the Plan.

A. Substantial Amendments

Substantial Amendments, in accordance with ORS 457.085(2)(i), shall require the same notice, hearing, and approval procedure required of the original Plan, under ORS 457.095, including public involvement, consultation with taxing districts, presentation to the Agency, the Planning Commission, the County and adoption by the City Council by non-emergency ordinance after a hearing.

Notice of such hearing shall be provided to individuals or households within the City of West Linn, as required by ORS 457.120.

Notice of adoption of a Substantial Amendment shall be provided in accordance with ORS 457.095 and 457.115.

Substantial Amendments are amendments that:

1. Add land to the tax increment area, except for an addition of land that totals not more than a cumulative 1% of the existing area of the tax increment area; or
2. Increase the maximum amount of indebtedness that can be issued or incurred under the Plan.

B. Minor Amendments

Minor Amendments are amendments that are not Substantial Amendments as defined in this Plan and in ORS 457. Minor Amendments require approval by the Agency by resolution.

C. Amendments to the West Linn Comprehensive Plan and/or West Linn Municipal and Community Development Code.

Amendments to the West Linn Comprehensive Plan and/or West Linn Municipal and Community Development Code that affect the Plan and/or the Area shall be incorporated automatically within the Plan without any separate action required by the Agency or City Council. If a Substantial Amendment is prepared, the Section of this Plan on Relationship to Local Objectives should be updated at that time.

VIII. PROPERTY ACQUISITION AND DISPOSITION

The Plan authorizes the acquisition and disposition of property as described in this section. Property includes any and all interests in property, including fee simple ownership, lease, easements, licenses, or other rights to use. If property is acquired it will be identified in the Plan through a Minor Amendment, as described in Section VII. Identification of property to be acquired and its anticipated disposition is required by ORS 457.085(g). If property acquisition includes a public building, how that public building serves and benefits the Area must be identified per ORS 457.085(2)(j).

A. Property acquisition for public improvements

The Agency may acquire any property within the Area for the public improvement projects undertaken pursuant to the Plan by all legal means.

B. Property acquisition from willing sellers

The Plan authorizes Agency acquisition of any interest in property within the Area that the Agency finds is necessary for private redevelopment, but only in those cases where the property owner wishes to convey such interest to the Agency. The Plan does not authorize the Agency to use the power of eminent domain to acquire property from a private party to transfer property to another private party for private redevelopment. Property acquisition from willing sellers may be required to support development of projects within the Area.

C. Land disposition

The Agency will dispose of property acquired for a public improvement project by conveyance to the appropriate public agency responsible for the construction and/or maintenance of the public improvement. The Agency may retain such property during the construction of the public improvement.

The Agency may dispose of property acquired under Subsection B of this Section VIII by conveying any interest in property acquired. Property shall be conveyed at its fair reuse value. Fair reuse value is the value, whether expressed in terms of rental or capital price, at which the Agency, in its discretion, determines such land should be made available in order that it may be developed, redeveloped, cleared, conserved, or rehabilitated for the purposes specified in the Plan. Because fair reuse value reflects limitations on the use of the property to those purposes specified in the Plan, the value may be lower than the property's fair market value.

Where land is sold or leased, the purchaser or lessee must agree to use the land for the purposes designated in the Plan and to begin and complete the building of its improvements within a period of time that the Agency determines is reasonable.

D. Properties to be acquired

This Plan must provide an indication of which real property may be acquired and the anticipated disposition of said real property whether by retention, resale, lease or other legal use, together with an estimated time schedule for such acquisition and disposition. This may be added at a date when the property is identified and may be added through a Minor Amendment.

IX. RELOCATION METHODS

When the Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance, as required under applicable state law. Prior to such acquisition, the Agency shall adopt rules and regulations, as necessary, for the administration of relocation assistance. The Agency will comply with all applicable state law in providing these potential benefits.

X. TAX INCREMENT FINANCING OF PLAN

Tax increment financing consists of using annual tax increment revenues to make payments on debt, usually in the form of bank loans or revenue bonds. The proceeds of the debt are used to finance the tax increment projects authorized in the Plan. Debt may be either long-term or short-term.

Tax increment revenues equal most of the annual property taxes imposed on the cumulative increase in assessed value within an tax increment area over the frozen base value (i.e., total assessed value at the time an tax increment plan is adopted). The property taxes for general obligation (GO) bonds and local option levies approved after October 6, 2001 are not part of the tax increment revenues.

A. General description of the proposed financing methods

The Plan will be financed using a combination of revenue sources. These include:

- Tax increment revenues;
- Advances, loans, grants, and any other form of financial assistance from federal, state, or local governments, or other public bodies;
- Loans, grants, dedications, or other contributions from private developers and property owners, including, but not limited to, assessment districts; and
- Any other public or private source.

Revenues obtained by the Agency will be used to pay or repay the costs, expenses, advancements, and indebtedness incurred in (1) planning or undertaking project activities, or (2) otherwise exercising any of the powers granted by ORS Chapter 457 in connection with the implementation of this Plan, including costs associated with the preparation of the Plan.

B. Tax increment financing

The Plan may be financed, in whole or in part, by tax increment revenues allocated to the Agency, as provided in ORS Chapter 457. The ad valorem taxes, if any, levied by a taxing district in which all or a portion of the Area is located, shall be divided as provided in Section 1c, Article IX of the Oregon Constitution, and ORS 457.440. Amounts collected pursuant to ORS 457.440 shall be deposited into the unsegregated tax collections account and distributed to the Agency based upon the distribution schedule established under ORS 311.390.

C. Duration

The Agency intends not to collect tax increment revenues for the Area after thirty years of tax increment collections. The Agency shall not initiate any Projects in the Area unless the Agency reasonably projects it will be able to pay for those Projects from the proceeds of indebtedness issued on or before FYE 2054, and from other funds available to the Agency. Except as provided in the next sentence, all indebtedness that is secured by the tax increment revenues of the Area shall mature no later than FYE 2054, and the Agency shall structure all its

indebtedness so that it can be paid in full from the tax increment revenues of the Area that the Agency reasonably projects it will receive on or before FYE 2054. The Agency may issue refunding indebtedness that matures after FYE 2054, only if issuing that refunding indebtedness is necessary to avoid a default on previously-issued indebtedness.

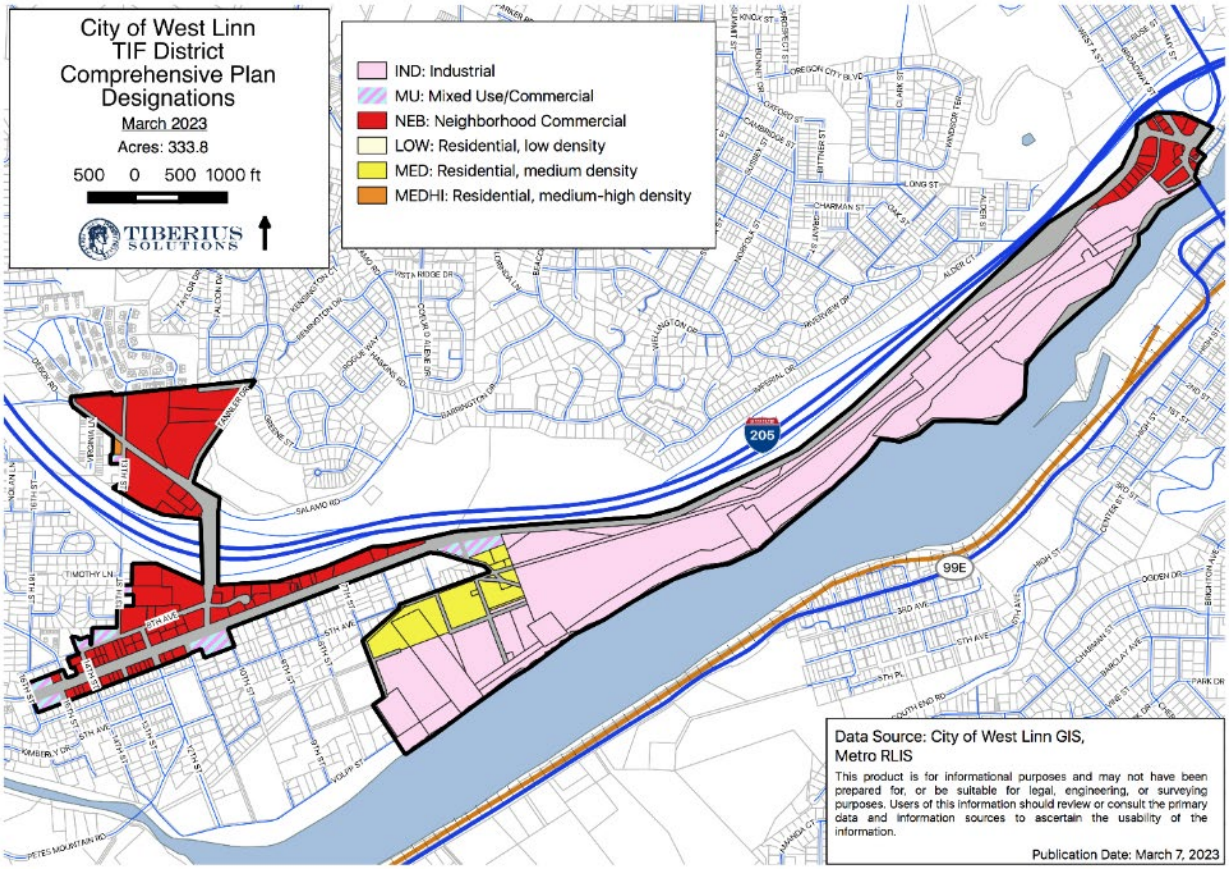
XI. VALIDITY

Should a court of competent jurisdiction find any work, clause, sentence, section or part of this Plan to be invalid, the remaining words, clauses, sentences, sections or parts shall be unaffected by such findings and shall remain in full force and effect for the duration of this Plan.

XII. ANNUAL REPORT AND FINANCIAL REVIEW

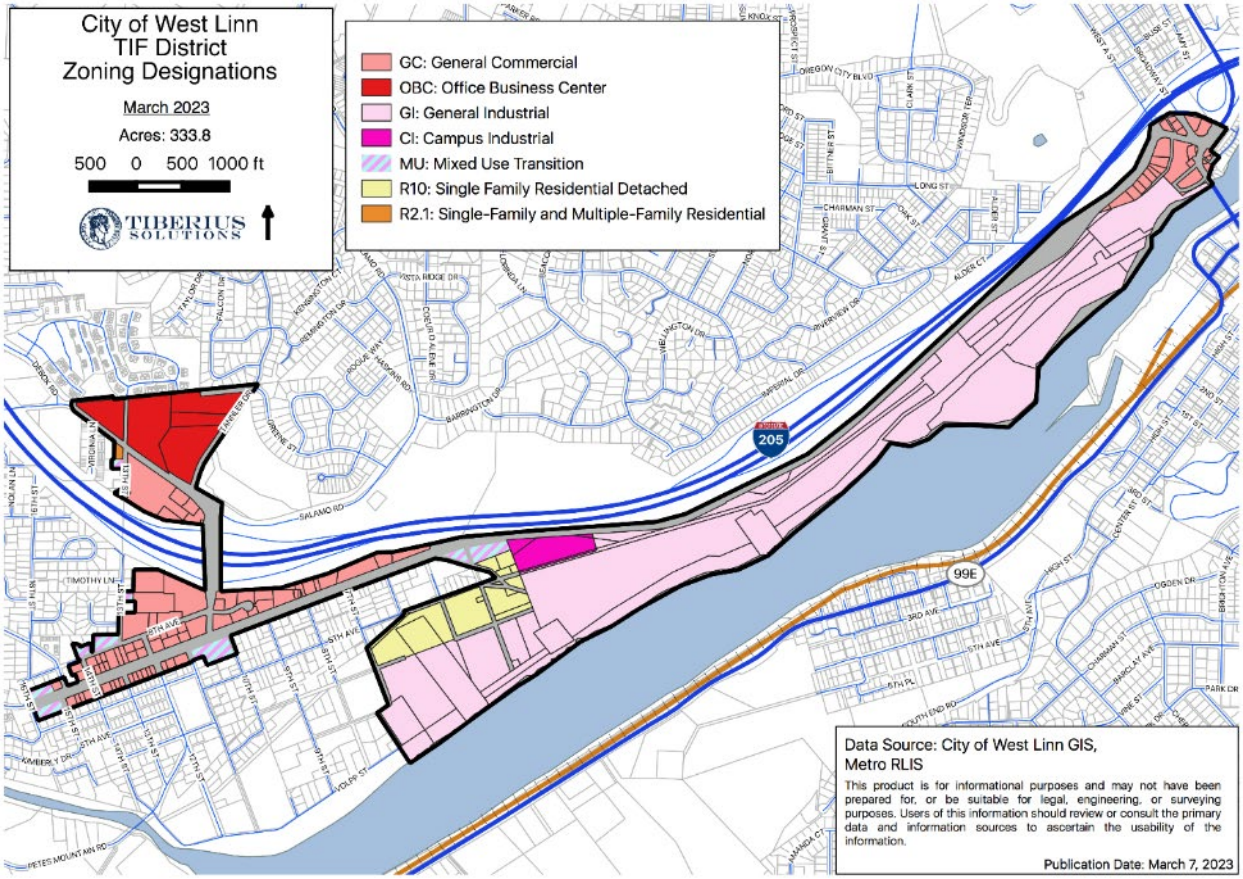
The Agency shall file an Annual Report in compliance with ORS 457.460. Along with the Annual Report, the Agency will undertake a financial analysis of the Plan, including updated projections in years 15 and 20 for tax increment finance revenues and evaluating the ability of the revenues to achieve or exceed the Plan's maximum indebtedness by the anticipated expiration date in FYE 2053. The Agency shall also review the project list for potential changes. The Agency shall consult and confer with affected taxing districts regarding the results of this financial and project update and will consider revenue sharing or shortening the time frame of the Plan if revenues are exceeding projections.

Figure 2 – Comprehensive Plan Designations



Source: Tiberius Solutions

Figure 3 – Zoning Designations



Source: Tiberius Solution

XIII. RELATIONSHIP TO LOCAL OBJECTIVES

ORS 457.085 requires that the Plan conform to local objectives including the comprehensive plan and economic development plan of a locality. This section provides that analysis. Relevant local planning and development objectives are contained within the following documents:

- City of West Linn Comprehensive Plan (Comprehensive Plan)
- West Linn Transportation System Plan
- West Linn City Center and Waterfront Development Report
- City of West Linn 20 Year Master Plan for West Linn Parks, Recreation and Open Space
- West Linn Willamette Falls Drive Concept Plan
- City of West Linn Economic Strategic Plan 2014 Update
- Imagine West Linn Update (2008)
- Blue Heron Pond Redevelopment Analysis
- Bolton Neighborhood Plan
- Sunset Neighborhood Plan
- Arch Bridge/Bolton Concept Plan (2014)
- West Linn Municipal and Community Development Code.

The following section describes the purpose and intent of these plans, the main applicable goals and policies within each plan, and an explanation of how the Plan relates to the applicable goals and policies. The analysis covers the most relevant sections of the documents but may not cover every section of the documents that relate to the Plan.

The numbering of the goals and policies within this section reflects the numbering that occurs in the original document. Italicized text is text that has been taken directly from an original document and therefore cannot be changed. Some verbiage may say “complies with”, which, in this document is synonymous with “conforms to” as stated in ORS 457.095.

Comprehensive Plan designations for all land in the Area are shown in Figure 2. All proposed land uses conform to Figure 2. Maximum densities and building requirements for all land in the Area are contained in the West Linn Municipal Code.

A. West Linn Comprehensive Plan

Goal 1: Citizen Involvement

GOALS

1. Provide the opportunity for broadly based, ongoing citizen participation, including opportunities for two-way dialogue between citizens and City elected and appointed officials.

2. Provide opportunities for citizens to shape City government and other West Linn institutions into exemplary organizations that foster trust, respect, courage, and honor.

4. Provide clear, simple, user-friendly information about how the planning process works and how citizens can be involved in land use and other City policy decisions.

FINDING: An ad Hoc Advisory Committee was formed to guide the development of the Plan. They met four times and recommended the boundary, projects and financing to the Agency. Committee members who represented specific organizations like neighborhoods met with those groups to receive input on the Plan and reported that input back to the full committee. The

committees specifically voted on whether the Plan or issuing debt for implementation of the Plan should be referred to voters and did not make that recommendation for either issue.

Land Use Goal 2: Land Use Planning

SECTION 1: RESIDENTIAL DEVELOPMENT

GOALS

1. Maintain land use and zoning policies that continue to provide for a variety of living environments and densities within the city limits.

2. Allow a mix of residential and commercial uses in Commercial Districts and ensure compatibility of these districts with the residential character of existing neighborhoods and adopted neighborhood plans.

3. Consideration of the concept of carrying capacity should also include the transportation network, storm water management, air quality, and overall quality of life.

4. Encourage energy efficient-housing (e.g., housing with solar energy, adequate insulation, weatherproofing, etc.).

FINDING: The TIF Plan does not change any existing zoning in the Area. The Planning Commission and City Council will still retain their full authority regarding zoning changes. The Plan will provide infrastructure and public spaces that will encourage the development of new residential units and commercial spaces that provide services for those residents in the Area. The TIF Plan is in conformance with the Residential Development section.

SECTION 2: NEIGHBORHOOD COMMERCIAL DEVELOPMENT

GOAL

Provide convenient shopping opportunities and services adjacent to, or within residential neighborhoods, reducing the need to travel by automobile and increasing opportunities to walk to shopping for frequently needed items.

FINDING: The Plan will provide infrastructure and public spaces that will encourage the development of new mixed use and commercial spaces and provide assistance to existing neighborhood commercial businesses in the Area. The TIF Plan is in conformance with the Neighborhood Commercial Development section.

SECTION 3: MIXED USE/COMMERCIAL DEVELOPMENT

GOALS

1. Develop/redevelop commercial areas as mixed use/commercial districts that blend housing and commercial uses to: enhance the community's identity; encourage strong neighborhoods; increase housing choices; promote socioeconomic diversity; promote alternative modes of transportation; promote civic uses; and improve community interaction and involvement.

2. Consider the development of commercial and office facilities in West Linn that will increase employment opportunities, reduce dependence on services outside of the City, and promote energy-efficient travel and land use patterns, while recognizing that there will be limits imposed by West Linn's topography and limited available land.

3. Encourage retail commercial uses to be located in centers that facilitate one-stop shopping and discourage strip commercial development.

6. Provide for multi-modal connections to, and interconnections between, mixed use/commercial centers via automobile, transit, bicycle and pedestrian facilities, or other means.

7. Require standards for mixed-use commercial districts to promote safe access into and within these areas for walking, biking, and transit use from surrounding neighborhoods and that also create livable areas compatible with existing neighborhood character.

FINDING: The Plan will provide infrastructure and public spaces that will encourage the development of new mixed use and commercial spaces and provide assistance to existing neighborhood commercial businesses in the Area. The TIF Plan is in conformance with the Mixed Use/Commercial Development section.

Land Use Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Areas

SECTION 1: SCENIC AND HISTORIC AREAS

GOAL

Identify and preserve the historic and archaeological resources of West Linn.

Historic Areas Policy 2. Protect the historic quality of the Willamette Falls Locks through design review of all new developments proposed for that area.

GOAL

Preserve and enhance scenic views and sites.

Scenic Environment Policy 2. Preserve prominent scenic views as seen from public streets, parks, and open spaces in a manner consistent with other goals and policies to protect natural resources.

FINDING: The Plan will be implemented with respect for the scenic and historic areas as required by the Comprehensive Plan. The Planning Commission's review of any new development will require conformance with these goals. The TIF Plan is in conformance with the Scenic and Historic Areas section.

SECTION 2: NATURAL RESOURCES

GOALS

1. Encourage and assist in the preservation of permanent natural areas for fish and wildlife habitat in suitable, scientific/ecological areas.

2. Protect sensitive environmental features such as steep slopes, wetlands, and riparian lands, including their contributory watersheds.

3. Preserve trees in park lands, natural areas, and open space wherever possible.

FINDING: The Plan will be implemented with respect for the natural resources as required by the Comprehensive Plan. The Planning Commission's review of any new development will require conformance with these goals. The TIF Plan is in conformance with the Natural Resources section.

GOAL 6: AIR, WATER, AND LAND RESOURCES QUALITY

SECTION 1: AIR QUALITY

GOAL

Maintain or improve West Linn's air quality.

Goal 6: Air, Water, and Land Resources Quality AWL-3

FINDING: The Plan will be implemented in conformance with air quality standards as required by the Comprehensive Plan. The Planning Commission's review of any new development will require conformance with these goals. The TIF Plan is in conformance with the Air Quality section.

SECTION 2: WATER QUALITY

GOAL

Maintain or improve the quality of West Linn's water resources.

FINDING: The Plan will be implemented in conformance with water quality standards as required by the Comprehensive Plan. The Planning Commission's review of any new development will require conformance with these goals. The TIF Plan is in conformance with the Water Quality section.

SECTION 3: LAND RESOURCES (SOLID WASTE MANAGEMENT)

GOALS

1. Decrease the amount of solid waste that is discarded and put in a landfill.

2. Provide cost-effective solid waste and recycling services to the City's residents, businesses, and public facilities.

FINDING: The Plan will be implemented in conformance with land resources (solid waste management) standards as required by the Comprehensive Plan. The Planning Commission's review of any new development will require conformance with these goals. The TIF Plan is in conformance with the Land Resources(Solid Waste Management) section.

SECTION 4: NOISE CONTROL

GOAL

Maintain and promote a quiet and healthful environment for the citizens of West Linn.

FINDING: The Plan will be implemented in conformance with noise standards as required by the Comprehensive Plan. The Planning Commission's review of any new development will require conformance with these goals. The TIF Plan is in conformance with the Noise Control section.

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

GOAL

Protect life and property from flood, earthquake, other geological hazards, and terrorist threats or attacks.

FINDING: The Plan will be implemented in conformance with natural disasters and hazards goal as required by the Comprehensive Plan. The Planning Commission's review of any new

development will require conformance with these goals. The TIF Plan is in conformance with the Areas subject to Natural Disasters and Hazards section.

GOAL 8: PARKS & RECREATION

GOALS

1. Provide all citizens with a range of recreational facilities.

2. Provide park and recreational areas convenient to each of West Linn's neighborhoods.

3. Assure the availability and the reasonable accessibility of recreational lands and facilities to all West Linn residents.

4. Promote connections between parks and recreation areas throughout the City.

5. Use recreation areas as non-motorized connections between streets and neighborhoods.

6. Encourage the use of non-City owned community resources (e.g., churches, schools, etc.) for recreational uses through cooperative arrangements and joint use agreements.

FINDING: The Plan contains specific funding for a riverfront park and trails and trail amenities within the area. The Plan will be implemented in conformance with parks and recreation goals as required by the Comprehensive Plan. The Planning Commission's review of any new development will require conformance with these goals. The TIF Plan is in conformance with the Parks and Recreation section.

GOAL 9: ECONOMIC DEVELOPMENT

Goal 1: Encourage the recruitment, retention, expansion, and economic viability of West Linn business and industry.

Policy 6. Adopt City regulations that are easy to understand and contain development standards that can be uniformly applied.

Policy 7. Consider, when appropriate, encouraging economic development through streamlined permitting processes and development fees.

Policy 10. Consider incentives such as reduced system development charges (SDCs) and shared parking districts to encourage commercial and mixed-use development.

Goal 2. Support tourist-related business and services.

Policy 1. Support efforts and programs that promote tourism in the City.

Policy 2. Enhance recreation based tourism in the City focused on parcels constrained by the Willamette River floodplain or other environmental constraints.

Policy 3. Work with interested property owners to attract and accommodate and to attract a significant new hotel(s).

Goal 3. Promote the efficient use of commercial and industrial land adequate to serve a range of employment opportunities in the City.

Policy 1. Preserve employment (commercial and industrial) land to ensure an appropriate mix of uses and jobs-housing balance.

Policy 2. Inventory and maintain a list of vacant and redevelopable sites for new or expanding businesses.

Policy 3. Ensure the City has adequate public facilities and infrastructure to support economic activities, especially transportation. Maximize the use of regional, state, and federal funding for infrastructure planning and development. Work with ODOT to realize the full potential of the I-205 maintenance parcel.

FINDING: The Plan is intended to provide infrastructure and amenities to help support development on parcels within the Area. The Plan also contains programs for assistance to small, existing businesses in the Area. The TIF Plan is in conformance with the Economic Development section.

GOAL 10: HOUSING

GOALS

1. Preserve the character and identity of established neighborhoods.

2. Assure good functional and aesthetic design of multi-family and clustered single-family developments.

3. Encourage the development of affordable housing for West Linn residents of all income levels.

Policy 8. Adhere to clear and objective standards to promote timely and predictable plan review.

FINDING: The Plan is intended to provide infrastructure and amenities to help support development including housing development on parcels within the Area. The TIF Plan is in conformance with the Housing section.

GOAL 11: PUBLIC FACILITIES & SERVICES

GOAL

Require that essential public facilities and services (transportation, storm drainage, sewer, and water service) be in place before new development occurs and encourage the provision of other public facilities and services.

FINDING: The Plan will provide infrastructure that will encourage the development of new mixed use and commercial spaces in the Area. All new development will be reviewed through the City of West Linn established protocol. The TIF Plan is in conformance with the Public Facilities and Services section.

SECTION 1: SEWER SYSTEM

GOAL

Provide adequate, environmentally sound wastewater collection and treatment for all West Linn residents and businesses.

FINDING: The Plan will provide infrastructure that will encourage the development of new mixed use and commercial spaces in the Area. The TIF Plan is in conformance with the Public Facilities and Services Section 1 Sewer System.

SECTION 2: WATER SYSTEM

GOAL

Provide municipal potable water service for public, commercial, and domestic uses within the city limits of West Linn.

FINDING: The Plan will provide infrastructure that will encourage the development of new mixed use and commercial spaces in the Area. The TIF Plan is in conformance with the Public Facilities and Services Section 2 Water System.

SECTION 3: STORM DRAINAGE

GOAL

Create and maintain a drainage management system that manages the amount and rate of surface water runoff; eliminates interbasin transfers of storm drainage; minimizes property damage from runoff; and controls pollution entering receiving streams.

FINDING: The Plan will provide infrastructure that will encourage the development of new mixed use and commercial spaces in the Area. The TIF Plan is in conformance with the Public Facilities and Services Section 3 Storm Drainage System.

SECTION 4: FIRE AND POLICE

GOAL

Provide a high level of fire, emergency, and police services to protect life and property within the City.

FINDING: The Plan will provide infrastructure that will allow for more safe and efficient transportation routes within the Area and improved water supplies for firefighting. The TIF Plan is in conformance with the Public Facilities and Services Section 4 Fire and Police.

SECTION 7: SCHOOLS

GOAL

Coordinate with the West Linn-Wilsonville School District and Clackamas County to provide school services and related recreational facilities for West Linn residents.

FINDING: The West Linn/Wilsonville School District was represented on the Advisory Committee that provided input on the development of the Plan. If new students live in any of the newly creating housing, this will supply increased funding for the schools as they are funded on a per pupil basis. In addition. Local option levies and bonds are not impacted by TIF Plans, so any increased assessed value will add to the capacity to pay for any local option levies or bonds approved for the school district. The TIF Plan is in conformance with the Schools section.

SECTION 8: PRIVATE UTILITIES AND TELECOMMUNICATIONS

GOALS

1. Coordinate land use planning for the City with private utility companies to assure the availability of services when needed.

2. Coordinate construction and maintenance of private utilities and public infrastructure to minimize disruption and improve efficiency and cost-effectiveness.

3. Ensure that utility companies do the following:

a. Provide services as needed to all classes of customers.

b. Maintain and update, as required, a long range system plan as a condition of

franchise.

c. Provide preventive maintenance practices.

d. Compensate the City for use of the public right-of-way.

4. Be one of the leading cities in Oregon with respect to state-of-the-art communications infrastructure.

FINDING: The Plan will be implemented in conformance with Private Utilities and Telecommunications goal as required by the Comprehensive Plan. The Planning Commission's review of any new development will require conformance with these goals. The TIF Plan is in conformance with the Private Utilities and Telecommunications section.

GOAL 12: Transportation

GOALS

1. Provide a transportation system for the City of West Linn that:

a. Provides for maximum mobility while encouraging modes of transportation other than the automobile.

b. Provides for connectivity within and between neighborhoods, developments and community centers, using new and existing transportation services consistent with Metro's street and walkway spacing standards, the 2008 West Linn Transportation System Plan and 2013 West Linn Trails Plan.

c. Is convenient, safe, and efficient.

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

e. Is built with consideration for community priorities and affordability.

f. Respects and preserves the natural environment on both a neighborhood and City-wide basis.

2. Provide a cost-effective balanced transportation system, incorporating all modes of transportation (including motor vehicle, bicycle, pedestrian, transit, and other modes).

3. Develop transportation facilities that are accessible to all members of the community and minimize out-of-direction travel.

FINDING: The Plan will provide infrastructure that will encourage the development of new mixed use and commercial spaces in the Area. Many of the projects identified in the Plan are transportation projects that will enhance the ability of the Area to develop in the future. The TIF Plan is in conformance with the Public Facilities and Services section.

Goal 13: Energy Conservation

GOALS

1. Promote energy efficient provision of public facilities and services.

2. Promote the retrofitting of homes, businesses, and industry for energy conservation.

3. Promote the use of renewable energy sources.

FINDING: The Plan will be implemented in conformance with Energy Conservation goal as required by the Comprehensive Plan. There is a program included in the Plan for business assistance that could include retrofitting of businesses In addition, this much of this Area is in the city limits and is largely undeveloped. Providing public services to the Area will help promote more intense development using the upgraded infrastructure and the adjacent business district to provide services.

The Planning Commission's review of any new development will require conformance with these goals. The TIF Plan is in conformance with the Energy Conservation section.

GOAL 14: URBANIZATION

GOALS

Promote an orderly growth pattern within the UGB to preserve and enhance the natural and developed character of West Linn.

FINDING: The Plan will be implemented in conformance with Urbanization goal as required by the Comprehensive Plan. By providing infrastructure within the city limits, the city is promoting orderly growth within the existing UGB. The TIF Plan is in conformance with the Urbanization section.

Goal 15: Willamette River Greenway

GOALS

1. Protect and enhance the valuable natural resource provided by the Willamette River, its islands, shores, and natural habitat.

2. Continue to improve public access and recreation opportunities along the Willamette River Greenway.

3. Promote creation of a Willamette River Greenway trial paralleling the river through West Linn.

Policy 7. Preserve identified scenic qualities and views.

Policy 8. Protect the natural vegetative fringe along the river.

FINDING: The Plan contains specific funding for a riverfront park, trails and trail amenities within the Area. The Plan will be implemented in conformance with Willamette River Greenway goals as required by the Comprehensive Plan. The Planning Commission's review of any new development will require conformance with these goals. The TIF Plan is in conformance with the Willamette River Greenway section.

B. West Linn Transportation Systems Plan Update 2016

The Transportation Systems Plan was updated in 2016 to incorporate the recommendations from the West Linn Willamette Falls Concept Plan. Those recommendations are for the projects for which funding is allocated in the TIF Plan. Specific deficiencies were identified in the

- Pedestrian system including no or gaps in sidewalks (Figure 5 of the TSP), proposed trails, (Figure 6 of the TSP), with Willamette Falls Drive identified as a high priority pedestrian project (Figure 7 of the TSP)
- Bicycle system including no bike lane on Willamette Falls Drive (Figure 9 of the TSP), the bike lane on WFD and 12th Street identified as a high priority project (Figure 10 of the TSP)
- Motor Vehicle system including Tannler Street Realignment, Willamette Falls Drive Falls traffic signal at 12th and at 14th Streets.(Table 24 of the TSP)

FINDING: The Plan will provide infrastructure that will encourage the development of new mixed use and commercial spaces in the Area. Many of the projects identified in the Plan are transportation projects which come from the TSP and will enhance the ability of the Area to develop in the future. The TIF Plan is in conformance with the TSP.

C. West Linn City Center and Waterfront Development Report (1986)

Goals:

1. To develop a strong City image through a clear definition of its center, reflecting an orientation toward the river and other natural features.

2. To take advantage of the economic, social and aesthetic opportunities of the City's waterfront.

3. To capitalize on an opportunity to expand the City's commercial tax base.

Design Concepts:

1. Create public focal points and spaces on the hilltop and riverfront.

2. Establish pedestrian and visual links with the river.

3. Reduce the dominance of the automobile and highway system on this area of the City.

4. Resolve or lessen existing traffic conflicts and hazards.

5. Expand the buildable area along the waterfront.

6. Respond to existing and proposed features and landmarks on the Oregon City side of the river.

7. Create an architectural landmark that conveys town center and has freeway visibility.

8. Provide a mixed use development with many activities.

9. Encourage diversity in architectural styles, materials, forms and colors.

10. Recognize and enhance natural features on the site (i.e. basalt rock outcroppings, mature oak trees).

11. Provide transitions into surrounding development in terms of scale, use and design.

12. Provide space and facilities for public market activities (i.e. produce, food, crafts, etc.).

FINDING: The Plan's focus is on providing a vibrant mixed-use community and asset to the city along the Willamette Riverfront and adjacent neighborhoods. The projects include infrastructure to help provide a development atmosphere taking advantage of the economic, social and aesthetic opportunities of the waterfront and expand the commercial tax base in the city. There are projects identified to provide riverfront amenities and trails and assistance for existing businesses and business development. The TIF Plan is in conformance with the West Linn City Center and Waterfront Development Report.

This document is incorporated into the West Linn Comprehensive Plan and is included in the transportation section above.

D. West Linn Parks, Recreation and Open Space Plan (2007)

Proposed Primary Trails:

Willamette River Greenway – follows the river from its confluence with the Tualatin River to the West Linn – Lake Oswego city limits. Significant pieces are in place, but acquisition of the remaining mileage will require time, patience, and funding.

FINDING: The Plan's focus is on providing a vibrant mixed-use community and asset to the city along the Willamette Riverfront and adjacent neighborhoods. There are projects identified to provide a riverfront park, riverfront amenities and trails in the Area. The TIF Plan is in conformance with the West Linn City Center and Waterfront Development Report.

E. West Linn Willamette Falls Drive Concept Plan

The West Linn Willamette Falls Drive (WFD) 2021 Conceptual Design Plan is an outcome of a multimodal corridor planning effort to develop continuous bicycle and pedestrian facilities along the Lake Oswego Highway (OR 43) and Willamette Falls Drive (WFD). The Concept Plan made changes to the TSP as identified in the TSP analysis in Sub-Section B of this Section.

FINDING: The Plan will provide infrastructure that will encourage the development of new mixed use and commercial spaces in the Area. Many of the projects identified in the Plan are transportation projects which come from the TSP which were incorporated as a result of the WFD Concept Plan and will enhance the ability of the Area to develop in the future. The TIF Plan is in conformance with the West Linn Willamette Falls Drive Concept Plan.

F. City of West Linn Economic Strategic Plan 2014 Update

The changes made in this document were incorporated into the West Linn Comprehensive Plan and are included in the economy section above.

G. Imagine West Linn Update

Preferred Future With A Vision (excerpt):

Through a participatory process that includes the property owners, the surrounding neighbors and the City, a master plan was created for the mill site that supports the existing business and provides for effective transitions to the surrounding uses. As a result, the site is now a successful gathering place with offices, civic facilities, commercial buildings and multifamily housing, known as the "Willamette Falls Center". The Center houses City Hall, several large

meeting spaces and exhibit halls and a large public plaza, opening out to the activities and beauty of the river. The Center also features river taxis which link Portland and Salem via the Willamette River. Trailheads radiate out from the center and along the river. The new center coincides with the old West Linn downtown that existed before the I-205 construction.

Sense of Community Action Items:

2. Continue to build on the network of parks, natural areas, walkways and bike paths in the community, and create a river walkway or promenade, a town square, community center, a permanent farmer's market space, community gardens, and amphitheater and a multitude of parks connected by greenways.

4. Implement the Comprehensive Pathway and Trails Master Plan to assure all eleven neighborhoods, schools, city parks, neighborhood centers and the Willamette Falls Center are all interconnected by safe pedestrian and bicycle pathways.

Housing Action Items:

1. Periodically update the City's Comprehensive Plan and Development Code to ensure an adequate supply of appropriately zoned land for needed housing.

2. Respond to increasing housing costs with proactive land use planning and regulatory tools, as well as incentives to meet the full range of housing needs in the community.

4. Adopt land use policies and regulations that allow for flexibility in housing types to meet the needs of the elderly with alternative lifestyle needs. These policies should provide for affordable housing, close to needed services and should encourage modes of transportation beyond the single occupancy vehicle.

7. Consider adopting land use policy and code amendments supporting an incentive or performance based approach to housing density bonuses and affordable housing.

Commercial Development Action Items:

1. Periodically update the City's Comprehensive Plan and Development Code to ensure an adequate supply of appropriately zoned land for employment uses.

2. Continue to plan for mixed use development and increased development densities along transit corridors.

Historic Resources Action Items:

3. Work jointly with Oregon City in promoting the Willamette Falls Heritage Site; pursue landmark status for the property.

Recreation Action Items:

3. Continue requiring dedication of trail corridors in an aggressive fashion. Developers should be required to construct the trails in those corridors and obtain UO easements from existing property owners. Trails along Willamette and Tualatin Rivers in the Master Plan should be a priority.

FINDING: The Plan's focus is on providing a vibrant mixed-use community and asset to the city along the Willamette Riverfront and adjacent neighborhoods in the historic heart of the city. The projects include infrastructure to help provide a development atmosphere in the Area, including mixed-use, residential and commercial development. There are projects identified to provide

safe pedestrian routes including riverfront amenities and trails and assistance for existing businesses and business development. The TIF Plan is in conformance with the Imagine West Linn Update

H. Blue Heron Pond Redevelopment Analysis (2013)

Identified Constraints:

1. Remediation Costs

a. Low intensity end uses (e.g. open field, dog park, outdoor storage): ~$6.2 million

b. Medium intensity end uses (e.g. baseball/soccer field, restroom/picnic shelter): ~$7 million

c. High intensity end uses (e.g. residential/commercial/industrial development): ~$17 million

2. Need to certify levee/berm for removal from 100-year floodplain

3. Substandard access streets

4. Environmental Overlays

Recommended Redevelopment Concepts (Blue Heron Task Force):

1. Passive Park

2. Interpretive Center

3. Community Center

4. Active Park I (playing fields/sports complex or disc golf course)

5. Active Park II (one field, skate park, picnic shelter, playground)

6. Campground

7. Relocate public works/environmental services buildings

8. Housing I (high end estate lots)

9. Housing II (model green housing/mixed income/affordable units)

10. Housing III (high rise condos for senior living)

11. Commercial

FINDING: The Plan's focus is on providing a vibrant mixed-use community and asset to the city along the Willamette Riverfront and adjacent neighborhoods in the historic heart of the city. The projects include infrastructure to help provide a development atmosphere in the Area. There are projects identified to develop a Riverfront Park, provide safe pedestrian routes including riverfront amenities and trails and assistance for existing businesses and business development. The TIF Plan is in conformance with the Blue Heron Pond Analysis.

I. Bolton Neighborhood Plan (2006)

Goals:

2. The historic heart of West Linn shall once again become a center for the entire city.

Policies:

2.1. Restore the historic heart of West Linn along the Willamette River in the vicinity of Willamette Locks.

2.2. Develop a design theme for the Willamette Locks area incorporating the architectural style of existing historic landmarks and buildings.

2.3. Explore reconfiguration of the I-205/State Highway 43 interchange.

2.4. Preserve existing historic buildings in the area.

2.5. Encourage redevelopment of the area north of Willamette Falls Drive and west of Willamette Drive.

2.6. Redesign area streets to encourage non-vehicular use and increase traffic safety.

2.7. Provide safe pedestrian routes for both transportation and recreation.

FINDING: The Plan's focus is on providing a vibrant mixed-use community and asset to the city along the Willamette Riverfront and adjacent neighborhoods in the historic heart of the city. The projects include infrastructure to help provide a development atmosphere in the Area. There are projects identified to provide safe pedestrian routes including riverfront amenities and trails and assistance for existing businesses and business development. The TIF Plan is in conformance with the Bolton Neighborhood Plan

J. Sunset Neighborhood Plan (2008)

Goals:

6. Develop a plan for the future of Sunset's Willamette River waterfront.

Policies:

6.1. Collaborate with other neighborhoods in planning for the future of the waterfront.

FINDING: The Plan's focus is on providing a vibrant mixed-use community and asset to the city along the Willamette Riverfront and adjacent neighborhoods in the historic heart of the city. The projects include infrastructure to help provide a development atmosphere in the Area. There are projects identified to provide safe pedestrian routes including riverfront amenities and trails and assistance for existing businesses and business development. The TIF Plan is in conformance with the Sunset Neighborhood Plan.

K. Arch Bridge/Bolton Concept Plan (2014)

Objectives:

1. Build on the rich natural and cultural history of West Linn and its relationship to the environment, particularly the Willamette River.

2. Create a town center that serves as a focus of community activity, commerce, recreation, and housing opportunities.

3. Ensure that the evolving town center respects the scale and character of the community while introducing any increased density and height and new building forms.

4. Establish the alignment of the trail from Willamette Park.

5. Improve the street network and waterway connections to provide for better and safer pedestrian access, bicycle and transit use, and to establish a strong, clear identity for the town center.

Principles:

1. Recognize regional planning efforts to create mixed-use centers connected by transit.

2. Build upon the vision and directions set forth in the City's planning and vision documents, including the Comprehensive Plan.

3. Encourage the attraction of new forms of commercial and residential development that will provide positive economic benefits to the City and broader choices to residents and visitors.

4. Develop a town center that serves the residents of West Linn and welcomes visitors to enjoy the place and its natural and cultural features.

5. Examine traffic calming methods that can make the arterial streets safer, more attractive and accommodating to transit, pedestrians, and other forms of movement.

6. Enhance the network of parks, trails, public spaces and natural areas that contribute to the unique, verdant character of West Linn.

7. Identify strategic public investments, regulatory changes and market strategies that can strengthen the town center as a place and attract corresponding private investment.

8. Work with ODOT to determine whether the I-205 on/off ramps or right-of-way as well as Highway 43 could be reconfigured in order to open up land for development while making traffic flow smoothly.

9. Explore catalyst development sites that could convey opportunities for infill and redevelopment that is sensitive to the community context.

10. Coordinate the planning of the town center with the Willamette Falls Legacy Project to adapt the former Blue Heron mill site to new uses.

11. Employ multiple ways of informing and engaging the community throughout this planning process.

12. Instill an enthusiasm for the future of the town center among the public and existing and potential private sector partners.

13. Examine ways of visually and functionally connecting portions of the town center together, particularly the parts north and south of the freeway.

14. Create a gateway from the Arch Bridge and I-205 into the heart of the town center.

15. Future development in the area is to consider and take appropriate measures to enhance and honor the cultural and historic value of the area.

Recommendations for the South Village Area:

1. Create a new urban intersection

2. Convert the right-of-way of Broadway into a terraced park with parking underneath

3. The City should partner with a nonprofit to build workforce/senior housing on publicly owned property

4. Create a new Mill Street

5. Build a new central "Market Square"

6. Encourage multi-story, mixed-use development in the core, including higher density residential development

7. Encourage residential development of moderate density outside the core

8. Construct multi-use trails

FINDING: The Plan Area intersects the eastern edge of the Bolton Neighborhood. There are identified proejcts in the Plan specific to this neighborhood:

- transportation projects including trail projects
- developer incentives to promote multi-story mixed-use development
- historic city hall structured parking
- historic city hall public plaza
- park and trail projects throughout the Area in proximity to the Bolton neighborhood

The TIF Plan is in conformance with the Arch Bridge/Bolton Concept Plan.

L. West Linn Municipal & Community Development Code

The land uses in the Area will conform to the zoning designations in the West Linn Municipal & Community Development Code (CDC), including the maximum densities and building requirements, and are incorporated by reference herein. The existing zoning is shown in Figure 3.

The development is expected to conform to the zoning requirements. As the Municipal Code is updated, this document will be automatically updated. If a substantial amendment is completed in the future, this section will be updated to match the current zoning designations.

The zoning categories at the time of the West Linn Willamette TIF Area Plan preparation follow. They are in the order that they occur in the Development Code.

Existing Zoning Categories

R10 Residential 10

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and to public facilities and public transportation. This zone is intended to implement the Comprehensive Plan policies and locational criteria, and is applicable to areas designated as Low Density Residential on the Comprehensive Plan Map and Type I and Type II lands identified under the Buildable Lands Policy.

R2.1 Residential R 2.1

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and public facilities and public transportation, and to the surrounding development pattern. This zone is intended to carry out the intent of the Comprehensive Plan which is to provide for a choice in housing types and is intended to implement the policies and locational criteria in the Comprehensive Plan for high density residential housing.

GC General Commercial

The purpose of this zone is to provide for the concentration of major retail goods and services at centers. The intent is to provide for the provision of a variety of goods and services and for comparison shopping, to accommodate new businesses and employment opportunities, to promote a suitable mix of commercial uses, to contribute to community identity and to assure that the commercial development is scaled to blend with nearby residential areas, and that the residential areas are protected from noise, glare of lights, traffic congestion and other possible adverse effects. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.

OBC Office Business Center

The purpose of this zone is to provide for manufacturing, processing and assembling uses which are of a size and scale which makes them generally incompatible with other adjoining non-industrial uses. The uses included in this zone are generally characterized by large buildings and large storage areas and have off-site effects from smoke, odor, noise, dust, lights

or other externalities. The zone is intended to implement the policies and locational criteria in the Comprehensive Plan.

CI

The purpose of the Campus Industrial zoning district is to provide a mix of clean, employee intensive industries, offices, and retail commercial uses which have no off-site impacts in terms of noise, odor, glare, lights, vibration, smoke, dust or other types of off-site impacts. The zone provides for combining parking, landscaping and other design features which physically and visually link structures and uses within one development.

GI General Industrial

The purpose of this zone is to provide for manufacturing, processing and assembling uses which are of a size and scale which makes them generally incompatible with other adjoining non-industrial uses. The uses included in this zone are generally characterized by large buildings and large storage areas and have off-site effects from smoke, odor, noise, dust, lights or other externalities. The zone is intended to implement the policies and locational criteria in the Comprehensive Plan.

MU Willamette Neighborhood Mixed Use Transition Zone

The purpose of the mixed use/transitional zone is to provide for a transitional area between commercial and residential zones with a desirable mix of residential land uses with limited commercial land uses. The limited commercial uses allowed in this district are selected for their compatibility with residential uses and their ability to meet the needs of the neighborhood. Uses in this district are intended to be compatible with the design and aesthetic qualities of the adjacent neighborhood. This zone is intended to implement the Willamette neighborhood plan as authorized by the policies set forth in the Comprehensive Plan.

Overlay zones

Historic

A. Foster community and neighborhood pride and sense of community identity based on recognition and use of historic and cultural resources.

B. Identify, protect, repair and maintain the City's historic resources (see Chapter 2 CDC, Definitions), including the diverse architectural styles that reflect the phases of the City's history.

C. Encourage preservation and use of historic sites, structures, and districts within the City that reflect special elements of its historical, architectural, archaeological, artistic, cultural, and engineering heritage.

D. Provide procedures and establish approval criteria for all reviews of proposed alterations to the exterior of historic structures and sites and other development in historic districts.

E. Increase economic and financial benefits to historic property owners and the community.

F. Ensure that changes to designated historic resources protect the integrity of the resource and the significant aspects of the area's heritage.

G. Provide regulations that will ensure the preservation of the quality and historic integrity of historic resources and their sites and, if applicable, ensure compatibility and consistency with the qualities of the respective historic district its nomination was intended to preserve.

H. Provide for creation of new historic districts and designation of new landmarks, as appropriate, and to allow removal of such designations if they are no longer appropriate.

I. Provide a process to enable thoughtful consideration of the proposed demolition of historic structures.

FINDING: The TIF Plan contains the zoning districts identified above and is in conformance with the Community Development Code. .

XIV. LEGAL DESCRIPTION

City of West Linn
Urban Renewal Area Description

A tract of land and road rights-of-way, located in the Southwest and Southeast One-Quarters of Section 35, in the Northeast, Southwest, and Southeast One-Quarters of Section 36, Township 2 South, Range 1 East, in the Southwest and Southeast One-Quarters of Section 30, in the Northeast, Northwest, and Southwest One-Quarters of Section 31, Township 2 South, Range 2 East, in the Northwest One-Quarter of Section 1, and in the Northeast and Northwest One-Quarters of Section 2, Township 3 South, Range 1 East, Willamette Meridian, City of West Linn, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the southeast corner of Lot 5 of the plat "Tenth Street Centre", Plat No. 3400, Clackamas County Plat Records, also being on the northeasterly right-of-way line of Interstate 205 (Assessor's Map 2.1E.35C);

1. Thence along said northeasterly right-of-way line, Westerly 1,043 feet, more or less, to the westerly right-of-way line 13th Street (Assessor's Map 2.1E.35CC);
2. Thence along said westerly right-of-way line, Northerly 318 feet, more or less, to the southerly line of Document Number 2021-085503, Clackamas County Deed Records (Assessor's Map 2.1E.35CB);
3. Thence along said southerly line, Westerly 120 feet, more or less, to the westerly line of said Deed (Assessor's Map 2.1E.35CB);
4. Thence along said westerly line, Northerly 102 feet, more or less, to the southerly line of Lot 13 of the plat "Parsons Addition", Plat No. 1076, Clackamas County Plat Records (Assessor's Map 2.1E.35CB);
5. Thence along said southerly line, Easterly 22 feet, more or less, to the easterly line of said Lot 13 (Assessor's Map 2.1E.35CB);
6. Thence along said easterly line, Northerly 194 feet, more or less, to the southwesterly right-of-way line of Blankenship Road (Assessor's Map 2.13.35CB);
7. Thence along said southwesterly right-of-way line and the northwesterly extension thereof, Northwesterly 628 feet, more or less, to the northeasterly corner of Lot A, Tract 9 of the plat "Willamette Tracts", Plat No. 0147, Clackamas County Plat Records (Assessor's Map 2.1E.35CB);
8. Thence leaving said southwesterly right-of-way line, Northeasterly 86 feet, more or less, to the intersection of the northeasterly right-of-way line of Blankenship Road and the northerly line of Document Number 2017-039841, Clackamas County Deed Records (Assessor's Map 2.1E.35CB);
9. Thence along the northerly line of said Deed, Easterly 470 feet, more or less, to the north line of the Marshall K. Perrin Donation Land Claim (D.L.C.) No. 66 (Assessor's Map 2.1E.35CB);
10. Thence along said north line, Easterly 1,584 feet, more or less, to the southwesterly corner of Tract 'A' of the plat "Renaissance Heights", Plat No. 3299, Clackamas

County Plat Records, also being on the southeasterly right-of-way line of Tannler Drive (Assessor's Map 2.1E.35AC);

11. Thence along said southeasterly right-of-way line, Southwesterly 1,326 feet, more or less, to the northeasterly right-of-way line of Blankenship Road (Assessor's Map 2.1E.35D);
12. Thence along said northeasterly right-of-way line, Southeasterly 315 feet, more or less, to an angle point on the southwesterly line of Parcel 3 of Partition Plat No. 2009-075, Clackamas County Plat Records (Assessor's Map 2.1E.35D);
13. Thence leaving said northeasterly right-of-way line, Southerly 969 feet, more or less, to a point on the southerly right-of-way line of Interstate 205, said point bears Easterly 47 feet, more or less, from the intersection of the easterly right-of-way line of 10th Street and the northerly line of the plat "Willamette Commercial Park", Plat No. 3202, Clackamas County Plat Records (Assessor's Map 2.1E.35D);
14. Thence along said southerly right-of-way line, Easterly 2,402 feet, more or less, to the northwesterly right-of-way line of Willamette Falls Drive (Assessor's Map 2.1E.35DD);
15. Thence along said northwesterly right-of-way line, Northeasterly 9,600 feet, more or less, to the most westerly corner of Document Number 2007-052460, Clackamas County Deed Records, also being on the southeasterly right-of-way line of Interstate 205 (Assessor's Map 2.2E.30CD);
16. Thence along said southeasterly right-of-way line, Easterly 623 feet, more or less, to the most easterly corner of Document Number 74-11996, Clackamas County Deed Records (Assessor's Map 2.2E.30CD);
17. Thence leaving said southeasterly right-of-way line, Southeasterly 191 feet, more or less, to the southeasterly right-of-way line of Willamette Drive (Assessor's Map 2.2E.30DC);
18. Thence along said southeasterly right-of-way line, Southwesterly 274 feet, more or less, to the southwesterly line of Parcel B of Book 669, Page 29, Clackamas County Deed Records (Assessor's Map 2.2E.30DC);
19. Thence along said southwesterly line, Southeasterly 16 feet, more or less, to the northwesterly line of Parcel A of said Deed (Assessor's Map 2.2E.30DC);
20. Thence along said northwesterly line and the northwesterly line of Document Number 2015-051607, Clackamas County Deed Records, Southwesterly 97 feet, more or less, to the southwesterly line of said Document Number 2015-051607 (Assessor's Map 2.2E.30DC);
21. Thence along said southwesterly line, Southeasterly 38 feet, more or less, to the northwesterly right-of-way line of Territorial Drive (Assessor's Map 2.2E.30DC);
22. Thence along said northwesterly right-of-way line, Southerly 115 feet, more or less, to the northeasterly right-of-way line of Willamette Drive (Assessor's Map 2.2E.30DC);
23. Thence leaving said northeasterly right-of-way line, Southerly 55 feet, more or less, to the centerline of Willamette Drive (Assessor's Map 2.2E.31BA);
24. Thence along said centerline, Southeasterly 97 feet, more or less, to the ordinary high water mark of the northwesterly bank of the Willamette River (Assessor's Map 2.2E.31BA);

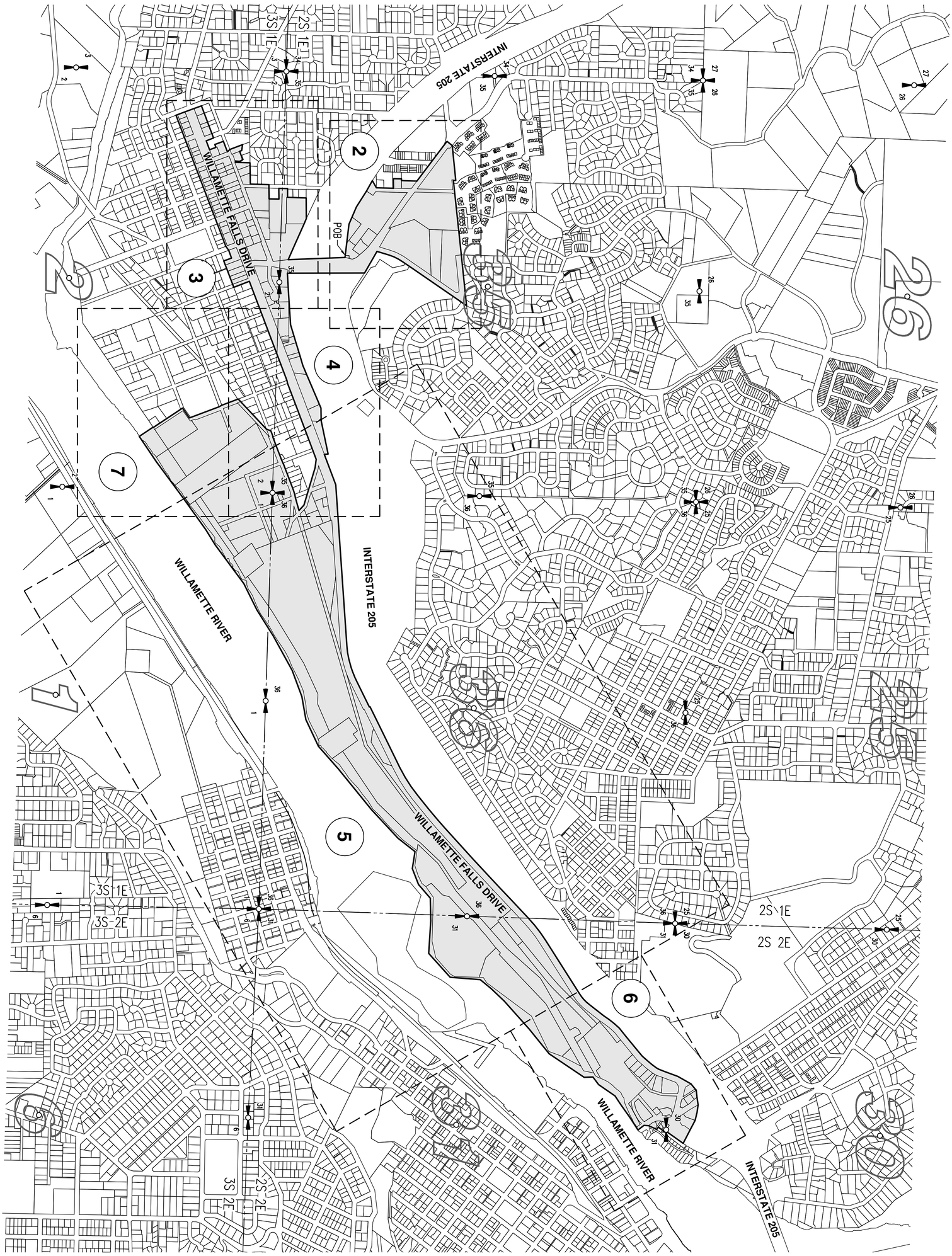
25. Thence along said the ordinary high water mark on said northwesterly bank, Southwesterly 11,631 feet, more or less, to the southwesterly line of Document Number 2018-041969, Clackamas County Deed Records (Assessor's Map 3.1E.02);
26. Thence along said southwesterly line, Northwesterly 210 feet, more or less, to the northwesterly line of said Deed (Assessor's Map 3.1E.02);
27. Thence along said northwesterly line, Northeasterly 4 feet, more or less, to the southwesterly right-of-way line of Public Road, dedicated per Document Number 70-28681, Clackamas County Deed Records (Assessor's Map 3.1E.02AC);
28. Thence along said southwesterly right-of-way line and the northwesterly extension thereof, Northwesterly 440 feet, more or less, to the centerline of 3rd Avenue (Assessor's Map 3.1E.02AA);
29. Thence along said centerline, Northeasterly 150 feet, more or less, to the southerly extension of the westerly right-of-way line of 7th Street (Assessor's Map 3.1E.02AA);
30. Thence along said southerly extension and said westerly right-of-way line, Northerly 658 feet, more or less, to the southwesterly extension of the southeasterly line of Tract 12 of the plat "Willamette & Tualatin Tracts", Plat No. 0198, Clackamas County Plat Records (Assessor's Map 3.1E.02AA);
31. Thence along said southwesterly extension and the southeasterly line of said Tract 12, Northeasterly 518 feet, more or less, to the southerly right-of-way line of 5th Avenue (Assessor's Map 3.1E.02AA);
32. Thence leaving said southerly right-of-way line, Northeasterly 60 feet, more or less, to the southerly southwest corner of Parcel 2 of Partition Plat No. 1992-068, Clackamas County Plat Records, also being on the northerly right-of-way line of 5th Street (Assessor's Map 2.1E.35DD);
33. Thence along said northerly right-of-way line, Easterly 1,070 feet, more or less, to the southerly right-of-way line of Moehnke Street (Assessor's Map 2.1E.36CC);
34. Thence along said southerly right-of-way line, Westerly 689 feet, more or less, to the southerly right-of-way line of Willamette Falls Drive (Assessor's Map 2.1E.35DD);
35. Thence along said southerly right-of-way line, Westerly 2,390 feet, more or less, to the easterly right-of-way line of 10th Street (Assessor's Map 3.1E.02AB);
36. Thence along said easterly right-of-way line, Southerly 209 feet, more or less, to the easterly extension of the northerly line of Lot C, Tract 57 of the plat "Willamette Tracts", Plat No. 0147, Clackamas County Plat Records (Assessor's Map 3.1E.02AB);
37. Thence along said easterly extension and the northerly line of said Lot C and Lot D of said plat, Westerly 353 feet, more or less, to the easterly line of Document Number 95-033120, Clackamas County Deed Records (Assessor's Map 3.1E.02BA);
38. Thence along said easterly line, Northerly 104 feet, more or less, to the northerly line of said Deed (Assessor's Map 3.1E.02BA);
39. Thence along said northerly line, Westerly 104 feet, more or less, to the easterly right-of-way line of 11th Street (Assessor's Map 3.1E.02BA);
40. Thence leaving said easterly right-of-way line, Southwesterly 62 feet, more or less, to the intersection of the westerly right-of-way line of 11th Street and the northerly line of Lot 12, Block 10 of the plat "Willamette Falls", Plat No. 0121, Clackamas County Plat Records (Assessor's Map 3.1E.02BA);

41. Thence along said northerly line and the westerly extension thereof, Westerly 1,762 feet, more or less, to the easterly right-of-way line of 16th Street (Assessor's Map 3.1E.02BC);
42. Thence along said easterly right-of-way line, Northerly 340 feet, more or less, to the northerly line of Document Number 2021-041205, Clackamas County Deed Records (Assessor's Map 3.1E.02BB);
43. Thence along said northerly line and the easterly extension thereof, Easterly 433 feet, more or less, to the easterly right-of-way line of Dollar Street (Assessor's Map 3.1E.02BB);
44. Thence along said easterly right-of-way line, Southerly 100 feet, more or less, to the northerly right-of-way line of Willamette Falls Drive (Assessor's Map 3.1E.02BB);
45. Thence along said northerly right-of-way line, Easterly 120 feet, more or less, to the easterly line of Document Number 98-044221, Clackamas County Deed Records (Assessor's Map 3.1E.02BB);
46. Thence along said easterly line, Northerly 238 feet, more or less, to the southerly right-of-way line of 8th Avenue (Assessor's Map 3.1E.02BB);
47. Thence along said southerly right-of-way line, Easterly 142 feet, more or less, to the westerly right-of-way line of 14th Street (Assessor's Map 3.1E.02BB);
48. Thence leaving said westerly right-of-way line, Northwesterly 44 feet, more or less, to the intersection of the northerly right-of-way line of 8th Avenue and the westerly line of Parcel 5 of Partition Plat No. 2016-020, Clackamas County Plat Records (Assessor's Map 3.1E.02BB);
49. Thence along said westerly line, Northerly 171 feet, more or less, to the southerly line of Parcel 4 of said Partition Plat No. 2016-020 (Assessor's Map 3.1E.02BB);
50. Thence along said southerly line, Easterly 102 feet, more or less, to the southerly line of said Partition Plat No. 2016-020 (Assessor's Map 3.1E.02BB);
51. Thence along said southerly line, Southeasterly 211 feet, more or less, to the northerly right-of-way line of 8th Avenue (Assessor's Map 3.1E.02BB);
52. Thence along said northerly right-of-way line, Easterly 17 feet, more or less, to the easterly line of Parcel 3 of said Partition Plat No. 2016-020 (Assessor's Map 3.1E.02BB);
53. Thence along said easterly line, Northerly 180 feet, more or less, to the southerly line of the plat "Christy Addition", Plat No. 2528, Clackamas County Plat Records (Assessor's Map 3.1E.02BB);
54. Thence along said southerly line, Easterly 267 feet, more or less, to the westerly right-of-way line of 13th Street (Assessor's Map 3.1E.02BB);
55. Thence along said westerly right-of-way line, Northerly 234 feet, more or less, to the westerly extension of the southerly line of Document Number 78-46285, Clackamas County Deed Records (Assessor's Map 3.1E.02BB);
56. Thence along said westerly extension and the southerly line of said Deed, Easterly 179 feet, more or less, to the easterly line of said Deed (Assessor's Map 2.1E.35C);
57. Thence along said easterly line, Northerly 123 feet, more or less, to the northerly line of said Deed (Assessor's Map 2.1E.35C);
58. Thence along said northerly line, Westerly 135 feet, more or less, to the easterly right-of-way line of 13th Street (Assessor's Map 2.1E.35C);

59. Thence along said easterly right-of-way line, Northerly 110 feet, more or less, to the northerly line of Parcel 2 of Partition Plat No. 2008-068, Clackamas County Plat Records (Assessor's Map 2.1E.35C);
60. Thence along said northerly line, Easterly 110 feet, more or less, to the westerly line of Document Number 2011-075380, Clackamas County Deed Records (Assessor's Map 2.1E.35C);
61. Thence along said westerly line, Northerly 233 feet, more or less, to the northerly line of said Deed (Assessor's Map 2.1E.35C);
62. Thence along said northerly line, Easterly 260 feet, more or less, to the southerly right-of-way line of Interstate 205 (Assessor's Map 2.1E.35C);
63. Thence along said southerly right-of-way line, Southeasterly 564 feet, more or less, to the westerly right-of-way line of 10th Street (Assessor's Map 2.1E.35C);
64. Thence leaving said southerly right-of-way line and said westerly right-of-way line, Northerly 716 feet, more or less, to the intersection of the westerly right-of-way line of 10th Street and the northerly right-of-way line of Interstate 205 (Assessor's Map 2.1E.35C);
65. Thence along said northerly right-of-way line, Westerly 25 feet, more or less, to the Point of Beginning.

The above described tracts of land contain 329 acres, more or less.

5/25/2023



LEGEND

X - SEE SHEET X

SCALE: 1"=600' FEET

0 150 300 600

TOTAL AREA = 329 ACRES±

DESIGNED BY:	
DRAWN BY:	WCB
MANAGED BY:	MSK
CHECKED BY:	MSK
DATE: 5/25/2023	

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON JANUARY 12, 2018 MICHAEL S. KALINA 89538PLS RENEWS: 6/30/25

REVISIONS

JOB NUMBER 10254

SHEET 1

MAP OF URBAN RENEWAL AREA COVER SHEET

CITY OF WEST LINN URBAN RENEWAL AREA

WEST LINN OREGON

CLACKAMAS COUNTY

AKS ENGINEERING & FORESTRY, LLC
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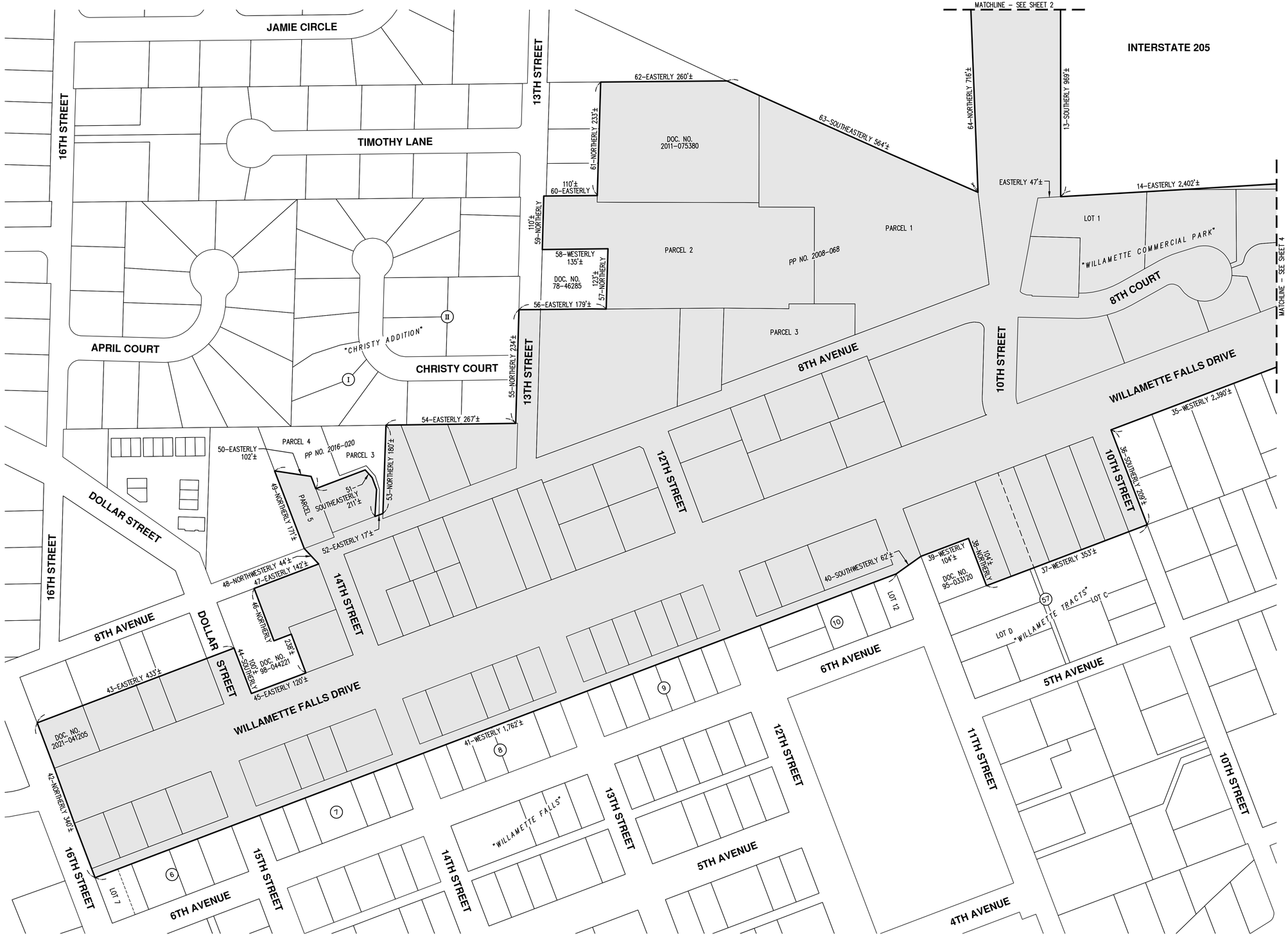

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CITY OF WEST LINN URBAN RENEWAL AREA

WEST LINN OREGON
CLACKAMAS COUNTY

MAP OF URBAN RENEWAL AREA

DESIGNED BY:	
DRAWN BY:	WCB
MANAGED BY:	MSK
CHECKED BY:	MSK

DATE: 5/25/2023

REGISTERED PROFESSIONAL LAND SURVEYOR

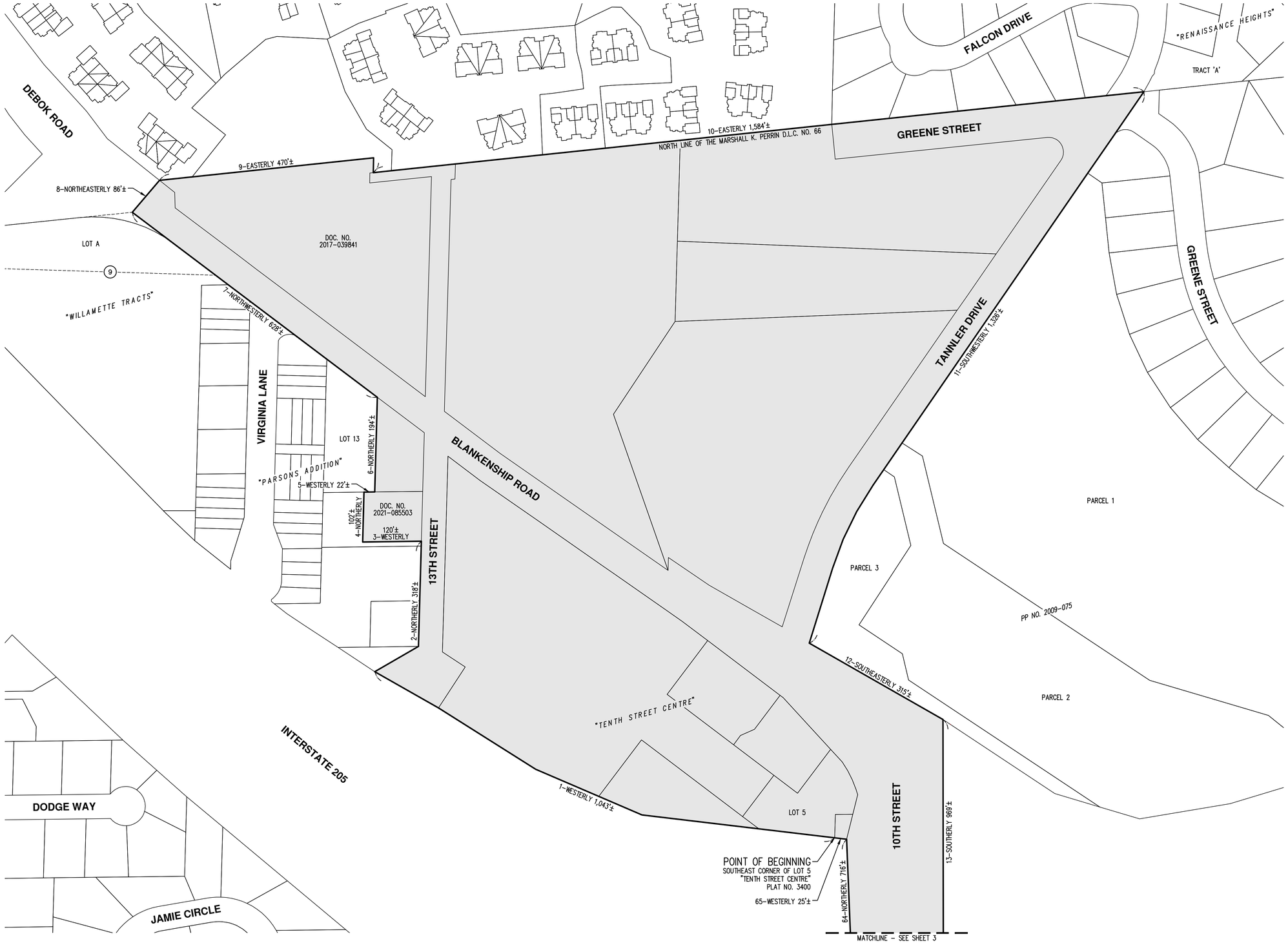
OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/25

REVISIONS

JOB NUMBER
10254

SHEET
3

AKS DRAWING FILE: 10254 URA MAP.DWG | LAYOUT: 3



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CITY OF WEST LINN URBAN RENEWAL AREA

WEST LINN OREGON
CLACKAMAS COUNTY

MAP OF URBAN RENEWAL AREA

DESIGNED BY:
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MANAGED BY: MSK
CHECKED BY: MSK
DATE: 5/25/2023

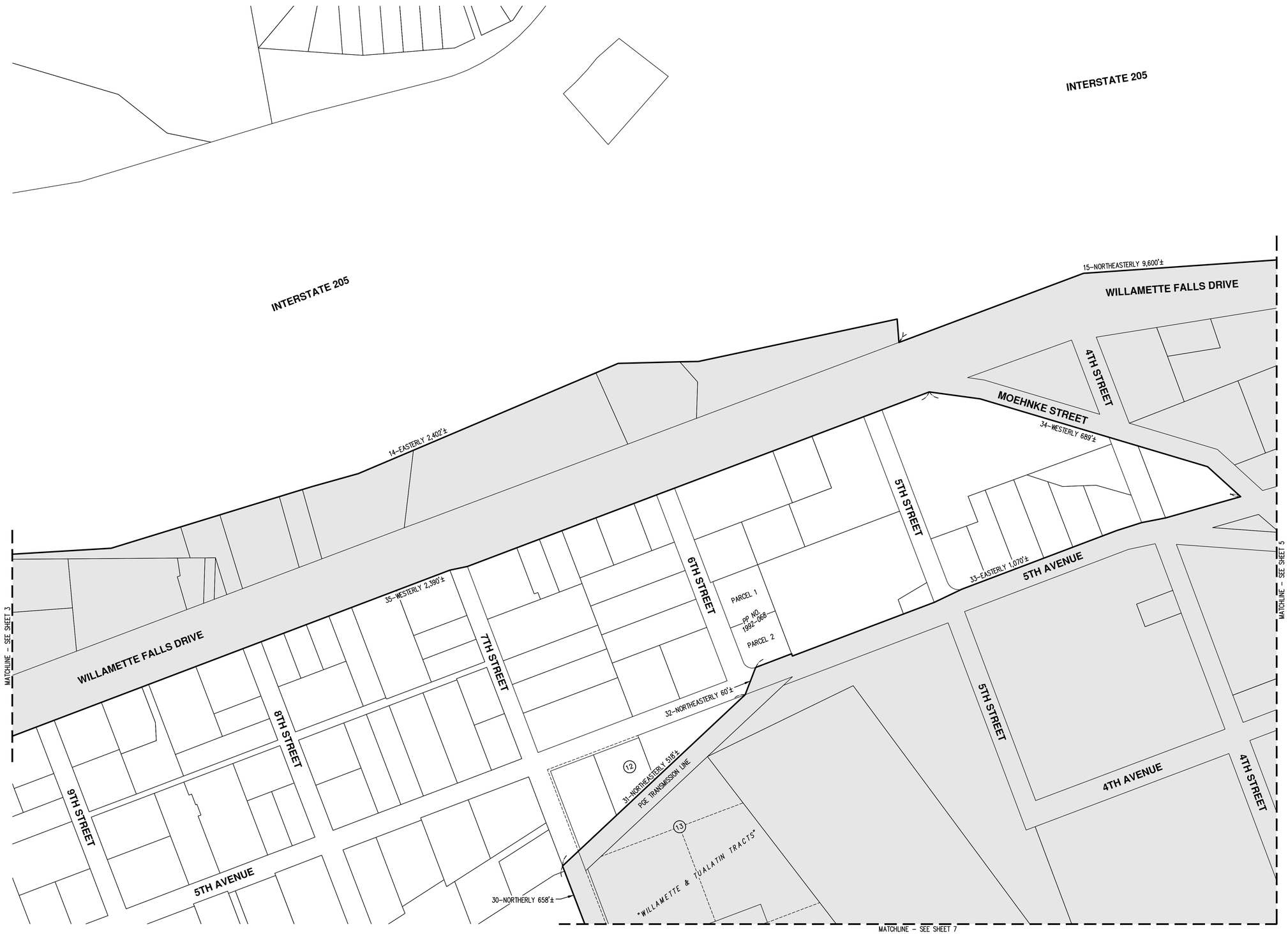
REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/25

REVISIONS

JOB NUMBER
10254

SHEET
2

AKS DRAWING FILE: 10254 URA MAP.DWG | LAYOUT: 2



N

SCALE: 1"=100 FEET

100 0 20 50 100

TOTAL AREA = 329 ACRES±

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CITY OF WEST LINN URBAN RENEWAL AREA

WEST LINN OREGON
CLACKAMAS COUNTY

MAP OF URBAN RENEWAL AREA

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DRAWN BY:	WCB
MANAGED BY:	MSK
CHECKED BY:	MSK

DATE: 5/25/2023

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

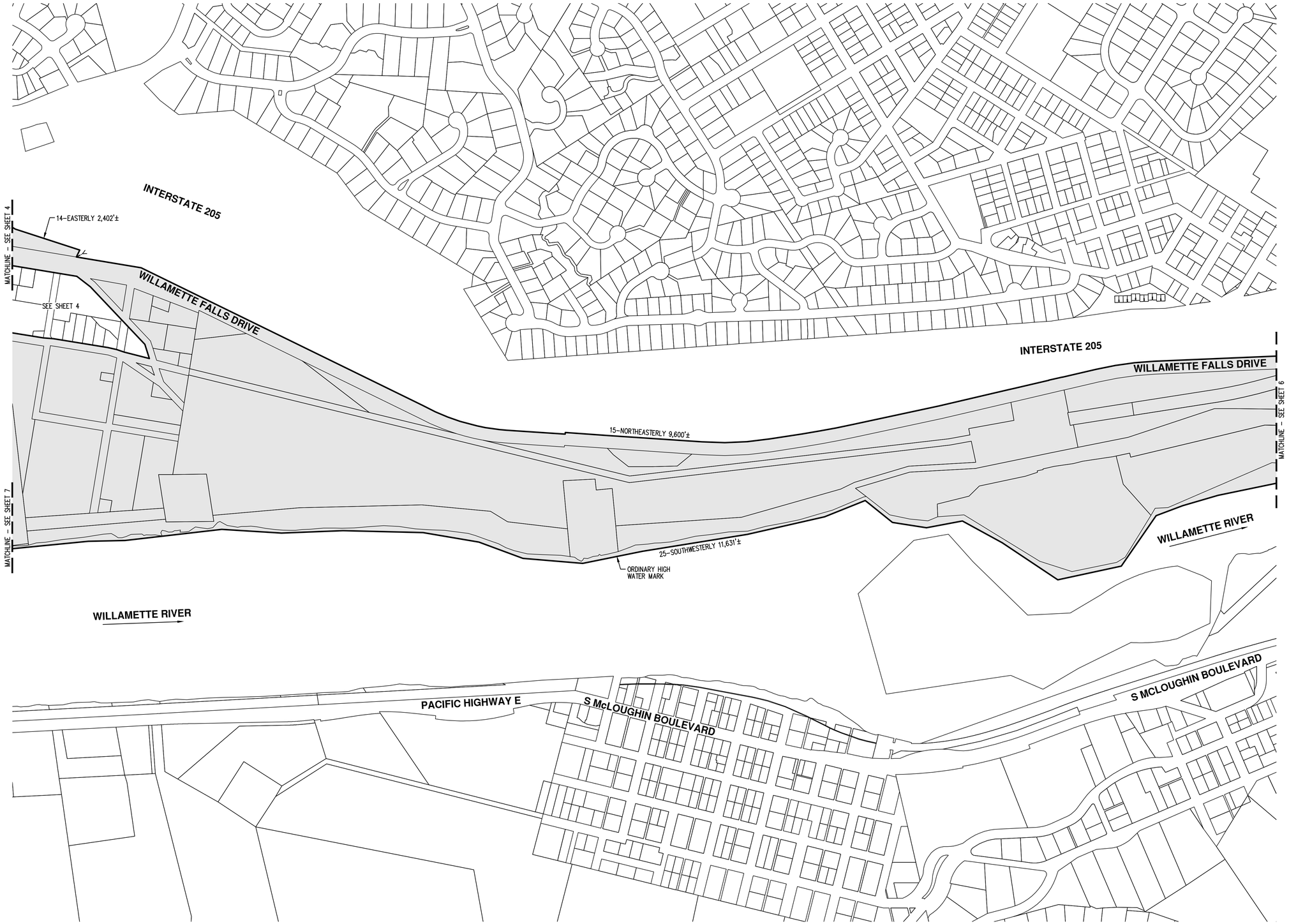
RENEWS: 6/30/25

REVISIONS

JOB NUMBER
10254

SHEET
4

AKS DRAWING FILE: 10254 URA MAP.DWG | LAYOUT: 4



SCALE: 1"= 300 FEET

300 0 60 150 300

TOTAL AREA = 329 ACRES±

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CITY OF WEST LINN
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CLACKAMAS COUNTY

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MANAGED BY:	MSK
CHECKED BY:	MSK

DATE: 5/25/2023

REGISTERED PROFESSIONAL LAND SURVEYOR

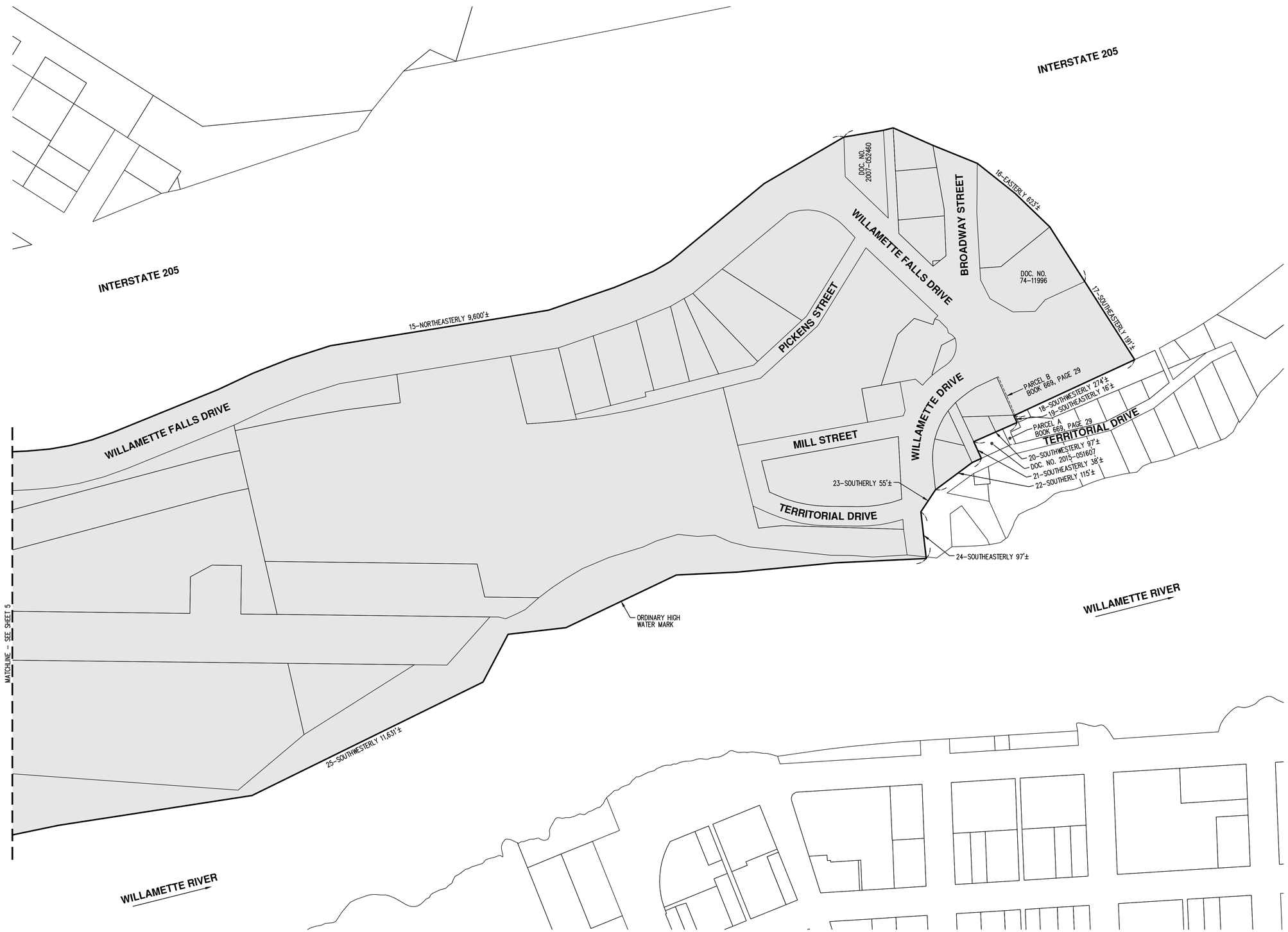
OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/25

REVISIONS

JOB NUMBER
10254

SHEET
5

AKS DRAWING FILE: 10254 URA MAP.DWG | LAYOUT: 5



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CLACKAMAS COUNTY

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CHECKED BY:	MSK

DATE: 5/25/2023

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JANUARY 12, 2016
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89558PLS
RENEWS: 6/30/25

REVISIONS

JOB NUMBER
10254

SHEET
6

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CITY OF WEST LINN URBAN RENEWAL AREA

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OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS
RENEWS: 6/30/25

REVISIONS

JOB NUMBER
10254

SHEET
7

AKS DRAWING FILE: 10254 URA MAP.DWG | LAYOUT: 7

Report Accompanying the West Linn Willamette Riverfront TIF Area Plan

West Linn Willamette Riverfront TIF Area Plan

approved by the City of West Linn

June 12, 2023

Ordinance No. 2023-

LIST OF PARTICIPANTS

Mayor

Rory Bialostosky

City Council

Mary Baumgardner, Council President
Scott Erwin
Leo (Lou) Groner

Planning Commission

John Carr, Chair
Joel Metlen, Vice Chair
Charles Mathews
Gary Walvatne
Scott Erwin
Bayley Boggness Knutson
Tom Watton

City of West Linn Staff

John Williams, City Manager
Lauren Breithaupt, Finance Director
Darren Wyss, Planning Manager
Lynn Schroder, Administrative Assistant

Consulting Team

Elaine Howard Consulting, LLC
Elaine Howard
Scott Vanden Bos

Tiberius Solutions, LLC
Nick Popenuk
Ali Danko
Rob Wyman

ECONorthwest
Emily Picha
Jade Aguilar

Tax Increment Finance Advisory Committee

Bolton Neighborhood Association
Tanner Woody
Willamette Neighborhood Association
Greg Smith
West Linn Planning Commission
Joel Metlen
Gary Walvatne
West Linn Budget Committee
Ed Schwarz
West Linn Economic Development Committee
Michael Bernert
Tualatin Valley Fire and Rescue District
Cassandra Ulven
West Linn-Wilsonville School District
Pat McGough
Historic Willamette Main Street
Brad Hulquist
Willamette Falls and Landings Heritage Area Coalition
Jody Carson
Portland General Electric
Melissa Rogers
Belgravia
Kevin Johnson
Citizen at large
Jim Edwards

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I. DEFINITIONS

"Agency" means the West Linn Redevelopment Agency (Agency). The Agency is responsible for administration of the tax increment plan.

"Area" means the properties and rights-of-way located with the West Linn Willamette Riverfront TIF area boundary.

"Blight" is defined in ORS 457.010(1)(A-E) and identified in the ordinance adopting the tax increment plan.

"City" means the City of West Linn, Oregon.

"City Council" or "Council" means the West Linn City Council.

"Comprehensive Plan" means the City of West Linn comprehensive land use plan and its implementing ordinances, policies, and standards.

"County" means Clackamas County, Oregon.

"Fiscal year ending" means the year commencing on July 1 and closing on June 30 of the next year.

"Frozen base" means the total assessed value including all real, personal, manufactured, and utility values within a tax increment area at the time of adoption. The county assessor certifies the assessed value after the adoption of a tax increment plan.

"Increment" means that part of the assessed value of a taxing district attributable to any increase in the assessed value of the property located in an tax increment area, or portion thereof, over the assessed value specified in the certified statement.

"Maximum indebtedness" means the amount of the principal of indebtedness included in a plan pursuant to ORS 457.190 and does not include indebtedness incurred to refund or refinance existing indebtedness.

"ORS" means the Oregon Revised Statutes. Chapter 457 specifically relates to urban renewal, also called tax increment in this document.

"Planning Commission" means the West Linn Planning Commission.

"Revenue sharing" means under-levying tax increment proceeds to effectively share a portion of the revenue with the other taxing districts who levy permanent rate taxes in the tax increment area as defined in ORS 457.470.

"Tax increment financing (TIF)" is a method of funding tax increment projects and programs through incurring debt that is repaid by the division of taxes accomplished through the adoption of a tax increment plan.

"Tax increment finance revenues" means the funds allocated by the assessor to a tax increment area due to increases in assessed value over the frozen base within the area.

"UGB" means urban growth boundary.

“Tax increment area” (TIA) or “Tax Increment Finance Area” means a blighted area included in an tax increment plan or an area included in an tax increment plan under ORS 457.160.

“Tax increment plan” or “Plan” or “Tax Increment Finance Plan” means a plan, as it exists or is changed or modified from time to time, for one or more tax increment areas, as provided in ORS 457.085, 457.095, 457.105, 457.115, 457.120, 457.125, 457.135 and 457.220.

“Tax increment project” or “Tax Increment Project” or “Project” means any work or undertaking carried out under ORS 457 in a tax increment or tax increment finance area.

“Tax increment report” or “Tax Increment Report” or “Report” means the official report that accompanies the tax increment plan pursuant to ORS 457.087.

.

II. INTRODUCTION

The Report Accompanying the West Linn Willamette Riverfront TIF Area Plan (Report) contains background information and project details that pertain to the West Linn Riverfront TIF Area Plan (Plan). The Report is not a legal part of the Plan but is intended to provide public information and support the findings made by the West Linn City Council as part of the approval of the Plan.

The Report provides the analysis required to meet the standards of ORS 457.087, including financial feasibility. The Report accompanying the Plan contains the information required by ORS 457.087, including:

- A description of the physical, social, and economic conditions in the area and expected impact of the plan, including fiscal impact in light of increased services; (ORS 457.087(1))
- Reasons for selection of the plan Area; (ORS 457.087(2))
- The relationship between each project to be undertaken and the existing conditions; (ORS 457.087(3))
- The estimated total cost of each project and the source of funds to pay such costs; (ORS 457.087(4))
- The estimated completion date of each project; (ORS 457.087(5))
- The estimated amount of funds required in the Area and the anticipated year in which the debt will be retired; (ORS 457.087(6))
- A financial analysis of the plan; (ORS 457.087(7))
- A fiscal impact statement that estimates the impact of tax increment financing (TIF) upon all entities levying taxes upon property in the urban renewal area; (ORS 457.087(8))
- A relocation report. (ORS 457.087(9))

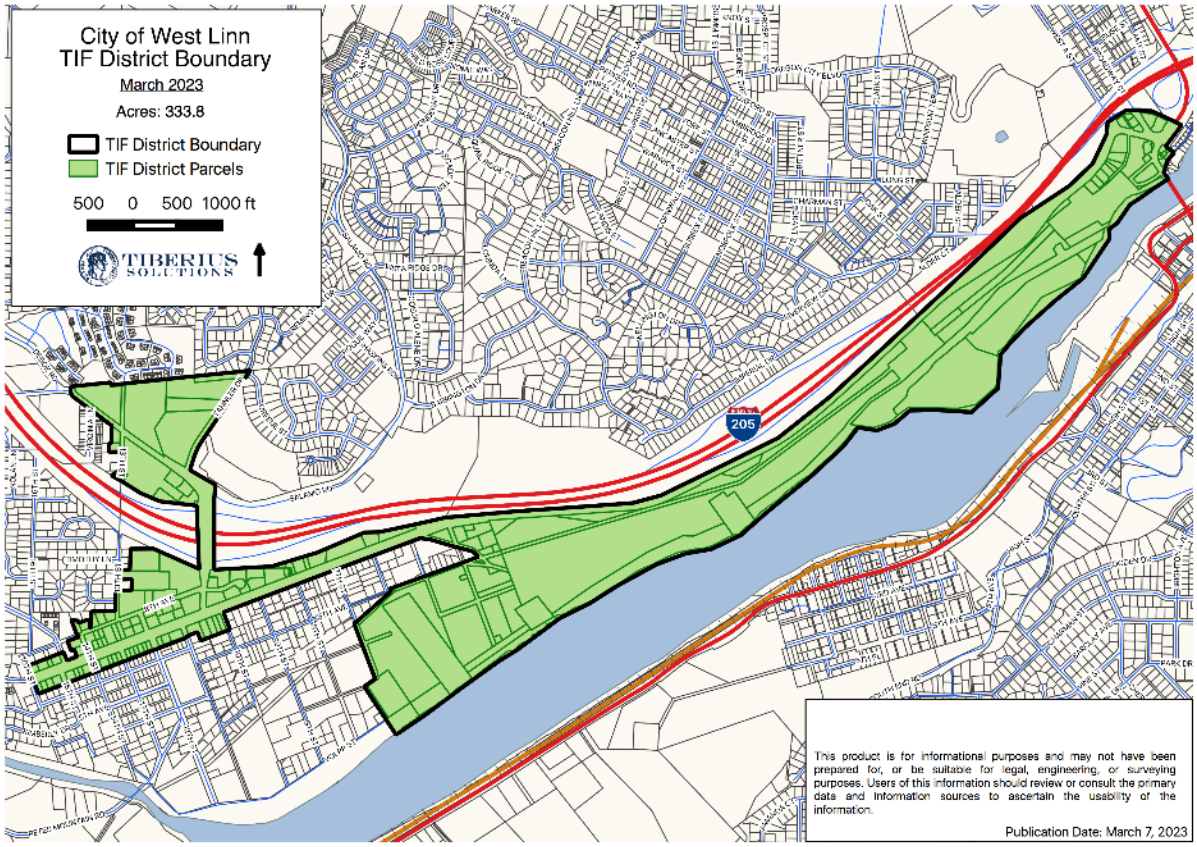
The relationship between the sections of the Report and the ORS 457.087 requirements is shown in Table 1. The specific reference in the table below is the section of this Report that most addresses the statutory reference. There may be other sections of the Report that also address the statute.

Table 1. Statutory References

Statutory Requirement	Report Section
ORS 457.087 (1)	XI
ORS 457.087 (2)	XII
ORS 457.087 (3)	III
ORS 457.087 (4)	IV
ORS 457.087 (5)	VII
ORS 457.087 (6)	V,VI
ORS 457.087 (7)	V,VI
ORS 457.087 (8)	IX
ORS 457.087 (9)	XIII

The Report provides guidance on how the Plan might be implemented. As the West Linn Development Commission (Agency) reviews revenues and potential projects each year, it has the authority to make adjustments to the implementation assumptions in this Report. The Agency may allocate budgets differently, adjust the timing of the projects, decide to incur debt at different timeframes than projected in this Report, and make other adjustments to the financials as determined by the Agency. The Agency may also make changes as allowed in the Amendments section of the Plan. These adjustments must stay within the confines of the overall maximum indebtedness of the Plan.

Figure 1. West Linn Willamette Riverfront TIF Area Boundary



Source: Tiberius Solutions

III. THE PROJECTS IN THE AREA AND THE RELATIONSHIP BETWEEN URBAN RENEWAL PROJECTS AND THE EXISTING CONDITIONS IN THE URBAN RENEWAL AREA

The projects identified for the Area are described below, including how they relate to the existing conditions in the Area.

A. Transportation

Multi-modal transportation improvements in the Area including but not limited to:

1. Willamette Falls Drive (WFD)10th Street to Sunset Avenue
   Provide WFD improvements including enhanced pedestrian and bicycle facilities per the Willamette Falls Drive Conceptual Design Plan

2. WFD Sunset Avenue to I-205
   Provide WFD improvements including enhanced pedestrian and bicycle facilities per the Willamette Falls Drive Conceptual Design Plan

   Existing conditions:

   "WFD is currently an automobile-focused roadway. It is missing many pieces to be fully pedestrian connected. One of the primary changes associated with the 2021 Plan is to implement a consistent pedestrian walkway from the Tualatin River to I- 205. Pedestrian and bike facilities in the project area are defined as substandard or completely lacking in the 2014 Metro Regional Transportation Plan and deficiencies are also noted in the City's TSP."[1]

   Existing Traffic Conditions

   "The existing traffic conditions analysis identifies the current physical and operational characteristics of the study intersections. The analysis is based on data collected in June 2019 when school was in session and no inclement weather was present that affected typical traffic patterns. The results of the analysis indicate the following:

   - All the study intersections currently operate acceptably (below capacity with relatively low delay) during the weekday AM and PM peak hours except the West A Street/WFD and OR 43/WFD intersections.
   - The southbound approach to the West A Street/WFD intersection currently operates at LOS F during the weekday AM peak hour due to delay; however, the intersection operates below capacity and does not meet signal warrants.
   - The eastbound approach to the OR 43/WFD intersection currently operates at LOS F during the weekday AM and PM peak hours due to delay and above capacity during the weekday PM peak hour. The intersection currently meets signal warrants."[2]

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[1] West Linn Willamette Falls Drive Concept Plan, Section II, p 7

[2] West Linn Willamette Falls Drive Concept Plan, Section IV, p 48

Willamette Falls Drive Concept Plan Projects listed as project WFD 1,2,3,4 and are high priority. P 94

3. Tannler Street Realignment

   Realign Tannler Street at Blankenship Road to align with the driveway located approximately 350 feet west. Realign as part of private development

   Existing conditions:

   The City of West Linn Transportation Systems Plan was prepared in March 28, 2016 for the City of West Linn by Kittelson & Associates.

   This project is listed as project M2, Medium priority in Motor Vehicle Plan, p 93.

4. 8th Avenue Connection

   Modify Dollar Street connection to reconnect to 8th Avenue and provide alternative route for local trips

   Existing conditions:

   This project is listed as project M6, Low priority in Motor Vehicle Plan, p 93.

5. 8th Avenue Improvements

   Upgrade from 10th Street to 14th Streets

   Existing conditions:

   This project is listed as project M7, Low priority in Motor Vehicle Plan, p 93.

6. Historic City Hall Parking

   Public/Private Parking Structure

   Existing conditions:

   There is no parking structure in this vicinity to support future development.

7. Historic City Hall Public Plaza

   Public gathering space

   Existing conditions:

   This does not exist but is identified in the planning documents as covered in Section VII.

8. Willamette Falls Drive/12th Street

   Install a traffic signal when warranted

   Existing conditions:

   This project is listed as project M3 in TSP, medium priority, p 93.

9. 10th Street/Blankenship Road

Widen 10th Street between Blankenship-Salamo Road and Willamette Falls Drive to provide two lanes in each direction. This project includes completing sidewalks and enhanced bicycle facilities. Add additional turn lanes.[3]

Existing conditions:

This project is listed as project M23 in TSP, medium priority, p 94.

10. Historic Willamette Parking

Public Parking Lot/Structure to support development in the Historic Willamette Area.

Existing conditions:

This does not exist but is identified in the planning documents as covered in Section VII.

B. Economic Development

1. Façade Improvement Program

Provide financial resources in the Historic Willamette Area to update and modernize existing facilities through capital improvements.

Existing conditions:

One of the recommendations in the Equity Plan that was developed to guide implementation of this Plan is to provide assistance to existing local businesses to enable them to remain in the community and to grow. This program will provide that assistance to small businesses within the Area.

2. Streetscape Beautification Program

Historic Willamette Area (benches, lights, sidewalks, ADA access)

Existing conditions:

The Historic Willamette Area is an existing commercial area that serves the community. Providing streetscape will help keep the commercial district active and vibrant.

[3] Transportation Systems Plan p 91

C. Parks

1. Riverfront Trail

Pedestrian/Bike Trail through Waterfront Vision Area

Existing conditions:

This trail bike system does not exist. One of the recommendations in the Parks Master Plan is:

"Improve Willamette Falls Drive to include a separated bike/pedestrian route. Build trails and pathways within existing parks and natural areas to increase access to and interaction with natural areas, where appropriate." [4]

"Prioritize trail improvements near or along rivers or connecting to riverfront parks."

"Establish an esplanade along the river near Riverfront Park where people can walk, bike, shop, and view the Willamette Falls."

"Increase awareness of riverfront sites by adding consistent wayfinding signage that depicts the different features offered at each site.[5]

2. Riverfront Trail Amenities

Benches, viewpoints, interpretive signage

Existing conditions:

The trail system does not exist, therefore the amenities do not exist. Recommendations in the Parks Master Plan are:

"Design gathering spaces to shelter from the elements. Consider wind breaks, shade and shelters, and fire pits with defensible space from vegetation and structures.

Improve connections and signage to encourage use of nearby park sites. Develop parks near schools to generate more activity from kids and families."[6]

3. Willamette River Fishing Dock/Ladder

Public Access to River near Historic City Hall

Existing conditions:

Recommendations in the Parks Master Plan are:

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[4] City of West Linn 20 Year Master Plan for West Linn Parks, Recreation and Open Space March 2019 MIG and Ballard King & Associates
[5] Ibid, Goal 1. P 10.
[6] Ibid, p 39

"Enhance the existing fishing dock by improving parking and access and by increasing use throughout the shoulder seasons." [7]

And

"Fields Bridge Park - Enhance fishing dock as needed." p C-1

4. Riverfront Park

New park with non-motorized boat and swimming access, interpretive signage, parking, trail access, and restoration

Existing conditions:

This park does not exist. The recommendations in the Parks Master Plan are:

"Create a community destination and year-round social hub that provides an extraordinary riverfront experience. Acquire and adaptively reuse the Tri-City Sewer District Property into a new regional park that enhances the character of West Linn's riverfront. Include attractive plazas, a swimming dock, a non-motorized boat launch, a boathouse, a reservable shelter with gathering and social spaces and connect to nearby parks via a riverfront esplanade. This park will connect to the portion of the waterfront that is currently owned by PGE."

"Design and develop new trailheads and support facilities as gateways to popular or prioritized future land and water trails. Focus on the new Riverfront Park, as well as existing Special Use and Multi-Use Parks with the largest demand or need for improved access, including the future Riverfront Trail."[8]

D. Land Acquisition/Disposition

Acquistion/Dispostion are allowed in the Plan. Based on sales comparables of notable vacant land, these will be used in accordance with land acquisition to assist with targeted development based on submitted request for proposals.

Existing conditions:

There is not presently a funding source for land acquisition. This will allow for parcels to be acquired and grouped together for future development. Acquisitions for future private development will be from willing sellers only.

E. Developer Incentives and Rebates

Facilitate development and redevelopment on sites in the Area, stimulating growth and providing new employment opportunities and additional mixed use and commercial growth in the Area.

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[7] Ibid. p 58
[8] Ibid. p 57

Existing conditions:

This program does not exist. This is an undeveloped area because the infrastructure is not complete and the cost of development include additional land preparation costs**.** The ability of the Agency to provide incentives will help spur development.

F. Administration

Authorizes expenditures for the administrative costs associated with managing the Area including budgeting and annual reporting, planning and the implementation of projects in the Area.

Existing conditions:

This Area does not presently exist. Once formed, the Agency needs to allocate sufficient resources to the administration of the Area to allow for implementation of the projects and administration of the Area.

IV. THE ESTIMATED TOTAL COST OF EACH PROJECT AND THE SOURCES OF MONEYS TO PAY SUCH COSTS

The total cost estimates for projects are shown in Table 2 below. Table 2 presents the estimated costs of the projects today (FYE 2023 constant dollars) and the estimated cost of those projects in the future (year of expenditure dollars). The year of expenditure dollars assumes annual 3% inflation rates. These are all estimates acknowledging that the urban renewal portions of these project activities must fit within the maximum indebtedness. If the City is able to jumpstart the Area by providing alternative funding sources which are repaid when tax increment revenues are available, the timing on projects can be moved up.

The Plan assumes that the Agency/City will use other funds to assist in the completion of the projects within the Area. The Agency/City may pursue regional, county, state, and federal funding, private developer contributions, and any other sources of funding that may assist in the implementation of the projects or programs.

The Agency will be able to review and update fund expenditures and allocations on an annual basis when the annual budget is prepared.

Table 2. Estimated Cost of Each Project

Project Title	Constant FYE 2023	Year of Expenditure Project Cost
8th Ave	($400,000)	($680,960)
Blankenship	($2,000,000)	($3,962,000)
City Hall Parking/Public Plaza	($5,500,000)	($9,320,350)
Façade Improvement Program	($2,000,000)	($3,468,020)
Historic Willamette Parking	($4,000,000)	($8,626,400)
Riverfront	($9,742,619)	($22,607,148)
Streetscape Beautification	($1,000,000)	($1,734,010)
Tannler Drive	($450,000)	($789,075)
Willamette Falls Drive [9]	($15,860,000)	($21,172,032)
Willamette River Fishing Dock/Ladder	($60,000)	($129,396)
Financing Fees	($405,386)	($631,000)
Administration	($670,000)	($1,173,053)
TOTAL	($42,088,005)	($74,293,444)

Source: City of West Linn and Tiberius Solutions

[9] Murraysmith design project report dated 2020

V. FINANCIAL ANALYSIS OF THE PLAN

The estimated tax increment revenues through FYE 2054 are calculated based on projections of growth in assessed value due to new development and appreciation within the Area and the consolidated tax rate that will apply in the Area.

The long-term projections for FYE 2025 and beyond assume an annual growth rate of 4.0% for real, personal and utility assessed value in the Area (equal to 3% maximum annual appreciation for existing property plus 1% exception value from new development). These projections of growth are the basis for the projections in the Area.

These projections of growth were informed by conversations with City staff and City Council, based on the amount of development potential within the Area. If actual assessed value growth is less than forecast, then it would reduce the financial capacity of the URA to fund projects listed in the Plan.

Table 3 and Figure 2 show the incremental assessed value, tax rates, and tax increment revenues each year, adjusted for discounts, and delinquencies.

The first year of tax increment collections is anticipated to be fiscal year ending (FYE) 2025. Gross tax increment financing (TIF) [10] is calculated by multiplying the tax rate times the assessed value used. The tax rate is per thousand dollars of assessed value, so the calculation is "tax rate times assessed value used divided by one thousand." The consolidated tax rate includes permanent tax rates only, and excludes general obligation bonds and local option levies, which will not be impacted by this Plan.

Figure 2 shows expected TIF revenues over time and the projected tax revenues after termination of the Area. Definitions for Table 4 are shown below:

- Gross tax increment financing revenue (TIF)[11] is calculated by multiplying the tax rate times the assessed value used. The tax rate is per thousand dollars of assessed value, so the calculation is "tax rate times assessed value used divided by one thousand." The consolidated tax rate includes only permanent tax rates. General obligation bonds and local option levies are excluded, and will not be impacted by this Plan. Total AV is the projected total assessed value.
- Frozen base is the estimate of the assessed value of the Area at its formation.
- Increment used is the total assessed value minus the frozen base.
- Increment shared is the amount that will be distributed to all taxing districts according to their permanent rate due to revenue sharing.
- Tax rate is the total permanent rate levy for the Area.
- Gross tax increment financing revenue (TIF)is calculated by multiplying the tax rate times the assessed value used. The tax rate is per thousand dollars of assessed value, so the calculation is "tax rate times assessed value used divided by one thousand."
- Adjustments are calculated at 5% of the Gross TIF and are for discounts, delinquencies, and rate truncation.
- TIF Current Year reflects subtracting the 5% adjustment factor from Gross TIF.

[10] TIF is also used to signify tax increment revenues

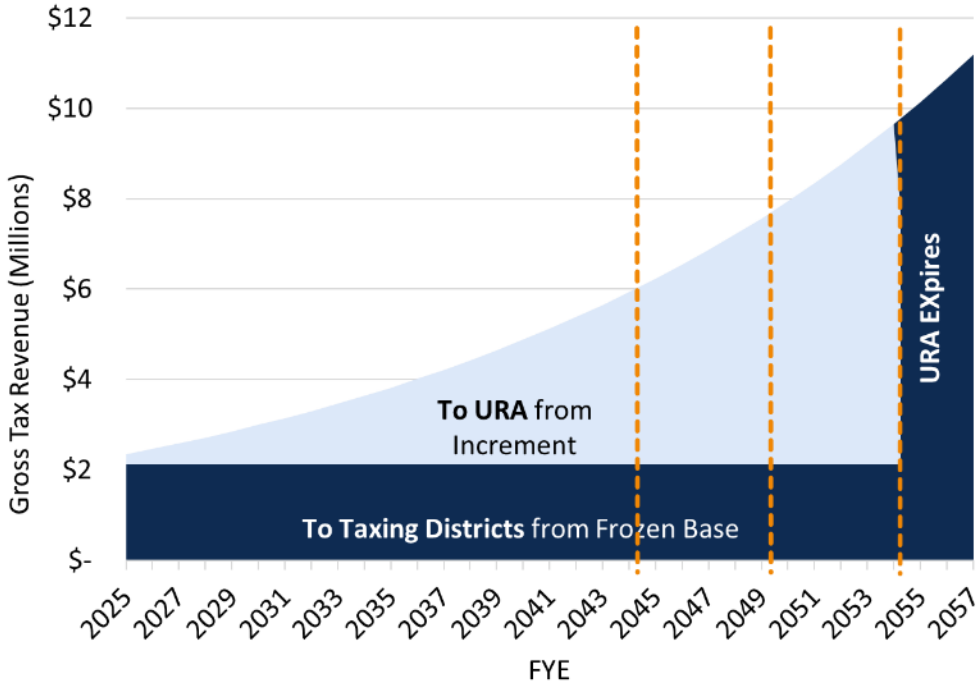
- TIF Prior Years is the tax increment revenue that was delinquent the prior year and is paid by the assessor's office once it is received. It is estimated that this amount is 1.5% of total TIF.
- Net TIF is the amount of tax increment revenues estimated to be received by the Agency.

Table 3. Projected Incremental Assessed Value, Tax Rates, and Tax Increment Revenues, page 1

FYE	Total AV	Frozen Base AV	Increment Applied	Tax Rate	Gross TIF	Adjustments	Current Year Net	Prior Year Net	Total TIF
2025	$187,486,603	$170,055,875	$17,430,728	$ 12.5153	$218,151	($10,908)	$207,243	$0	$207,243
2026	$196,860,934	$170,055,875	$26,805,059	$ 12.5153	$335,473	($16,774)	$318,700	$3,109	$321,808
2027	$206,703,981	$170,055,875	$36,648,106	$ 12.5153	$458,662	($22,933)	$435,729	$4,781	$440,509
2028	$217,039,180	$170,055,875	$46,983,305	$ 12.5153	$588,010	($29,401)	$558,610	$6,536	$565,146
2029	$227,891,138	$170,055,875	$57,835,263	$ 12.5153	$723,826	($36,191)	$687,634	$8,379	$696,014
2030	$239,285,695	$170,055,875	$69,229,820	$ 12.5153	$866,432	($43,322)	$823,110	$10,315	$833,425
2031	$251,249,980	$170,055,875	$81,194,105	$ 12.5153	$1,016,169	($50,808)	$965,360	$12,347	$977,707
2032	$263,812,480	$170,055,875	$93,756,605	$ 12.5153	$1,173,392	($58,670)	$1,114,722	$14,480	$1,129,203
2033	$277,003,105	$170,055,875	$106,947,230	$ 12.5153	$1,338,477	($66,924)	$1,271,553	$16,721	$1,288,274
2034	$290,853,260	$170,055,875	$120,797,385	$ 12.5153	$1,511,816	($75,591)	$1,436,225	$19,073	$1,455,298
2035	$305,395,922	$170,055,875	$135,340,047	$ 12.5153	$1,693,821	($84,691)	$1,609,130	$21,543	$1,630,674
2036	$320,665,717	$170,055,875	$150,609,842	$ 12.5153	$1,884,927	($94,246)	$1,790,681	$24,137	$1,814,818
2037	$336,699,002	$170,055,875	$166,643,127	$ 12.5153	$2,085,589	($104,279)	$1,981,309	$26,860	$2,008,170
2038	$353,533,952	$170,055,875	$183,478,077	$ 12.5153	$2,296,283	($114,814)	$2,181,469	$29,720	$2,211,189
2039	$371,210,650	$170,055,875	$201,154,775	$ 12.5153	$2,517,512	($125,876)	$2,391,637	$32,722	$2,424,359
2040	$389,771,183	$170,055,875	$219,715,308	$ 12.5153	$2,749,803	($137,490)	$2,612,313	$35,875	$2,648,187
2041	$409,259,742	$170,055,875	$239,203,867	$ 12.5153	$2,993,708	($149,685)	$2,844,023	$39,185	$2,883,207
2042	$429,722,729	$170,055,875	$259,666,854	$ 12.5153	$3,249,809	($162,490)	$3,087,318	$42,660	$3,129,978
2043	$451,208,865	$170,055,875	$281,152,990	$ 12.5153	$3,518,714	($175,936)	$3,342,778	$46,310	$3,389,088
2044	$473,769,308	$170,055,875	$303,713,433	$ 12.5153	$3,801,065	($190,053)	$3,611,011	$50,142	$3,661,153
2045	$497,457,773	$170,055,875	$327,401,898	$ 12.5153	$4,097,533	($204,877)	$3,892,656	$54,165	$3,946,821
2046	$522,330,663	$170,055,875	$352,274,788	$ 12.5153	$4,408,825	($220,441)	$4,188,383	$58,390	$4,246,773
2047	$548,447,196	$170,055,875	$378,391,321	$ 12.5153	$4,735,681	($236,784)	$4,498,897	$62,826	$4,561,723
2048	$575,869,556	$170,055,875	$405,813,681	$ 12.5153	$5,078,880	($253,944)	$4,824,936	$67,483	$4,892,419
2049	$604,663,034	$170,055,875	$434,607,159	$ 12.5153	$5,439,239	($271,962)	$5,167,277	$72,374	$5,239,651
2050	$634,896,186	$170,055,875	$464,840,311	$ 12.5153	$5,817,616	($290,881)	$5,526,735	$77,509	$5,604,244
2051	$666,640,995	$170,055,875	$496,585,120	$ 12.5153	$6,214,912	($310,746)	$5,904,166	$82,901	$5,987,067
2052	$699,973,045	$170,055,875	$529,917,170	$ 12.5153	$6,632,072	($331,604)	$6,300,469	$88,562	$6,389,031
2053	$734,971,698	$170,055,875	$564,915,823	$ 12.5153	$7,070,091	($353,505)	$6,716,586	$94,507	$6,811,093
2054	$771,720,283	$170,055,875	$601,664,408	$ 12.5153	$7,530,011	($376,501)	$7,153,510	$100,749	$7,254,259
TOTAL					**$92,046,497**	**($4,602,325)**	**$87,444,172**	**$1,204,360**	**$88,648,532**

Source: Tiberius Solution

Figure 2. TIF Projections



Source: Tiberius Solutions

VI. THE ESTIMATED AMOUNT OF TAX INCREMENT REVENUES REQUIRED AND THE ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED

Table 4 shows a summary of the financial capacity of the URA, including how the total TIF revenue translates to the ability to fund urban renewal projects in constant FYE 2023 dollars in five-year increments. Table 6, Table 7, Table 8 and Table 9 show more detailed tables on the allocation of tax revenues to projects, programs, and administration over time.

The Area is anticipated to complete all projects and have sufficient tax increment finance revenue to terminate the URA in FYE 2054, a 30-year urban renewal plan. The time frame of urban renewal is not absolute; it may vary depending on the actual ability to meet the maximum indebtedness. If growth in assessed value is slower than projected, the Agency may take division of taxes for a longer time period. If growth in assessed value is more robust than the projections, the Agency may take division of taxes for a shorter time period. These assumptions show one scenario for financing and that this scenario is financially feasible.

The maximum indebtedness is $76,100,000 (Seventy Six Mllion One Hundred Thousand dollars). The estimated total amount of tax increment revenues required to service the maximum indebtedness of $76,100,000 is rounded to $88,600,000 in the table below and is from permanent rate levies. The increase over the maximum indebtedness is due to the projected cost of the interest on borrowings. The financial capacity shows zero dollars in the initial five years. That is because those funds are expected to be “banked” until there are sufficient funds to undertake the Willamette Falls Drive project.

Table 4. TIF Capacity of the Area in FYE 2023 Constant Rounded Numbers

Total Net TIF	**$88,600,000**
Maximum Indebtedness	**$76,100,000**
Capacity (2021$)	**$42,100,000**
Years 1-5	$0
Years 6-10	$9,400,000
Years 11-15	$7,900,000
Years 16-20	$9,100,000
Years 21-25	$6,800,000
Years 26-30	$8,900,000

Source: Tiberius Solutions

This financial analysis shows borrowings as identified in Table 5. This is only one scenario for how the Agency may decide to implement this Plan, and this scenario is financially feasible. The Agency may decide to do borrowings at different times or for different amounts, depending on their analysis at the time. The timeframes on these borrowings are designed to have all borrowings repaid at the termination of the Area in FYE 2054. The amounts shown are the principal amounts of the borrowings. The total amounts, including interest, are shown in the second column of Table 6.

Table 5. Estimated Borrowings and Amounts

Loan	Loan A	Loan B	Loan C	Loan D	Loan E
Principal Amount	$8,500,000	$7,500,000	$4,900,000	$4,400,000	$6,250,000
Interest Rate	5.00%	5.00%	5.00%	5.00%	5.00%
Loan Term	20	20	15	12	6
Loan Year	2031	2035	2040	2043	2049
Interest Payment Start	2031	2035	2040	2043	2049
Principal Payment Start	2031	2035	2040	2043	2049
Annual Payment	($682,062)	($601,819)	($472,077)	($496,432)	($1,231,359)

Source: Tiberius Solutions

Table 6. Tax Increment Revenues and Allocations to Debt Service, page 1

	Total	FYE 2025	FYE 2026	FYE 2027	FYE 2028	FYE 2029	FYE 2030	FYE 2031
Resources								
Beginning Balance		-	-	-	-	-	-	-
Interest Earnings	-	-	-	-	-	-	-	-
TIF: Current Year	87,444,172	207,243	318,700	435,729	558,610	687,634	823,110	965,360
TIF: Prior Years	1,204,360	-	3,109	4,781	6,536	8,379	10,315	12,347
Total Resources	88,648,532	207,243	321,808	440,509	565,146	696,014	833,425	977,707
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(13,641,240)	-	-	-	-	-	-	(682,062)
Loan B	(12,036,388)	-	-	-	-	-	-	-
Loan C	(7,081,158)	-	-	-	-	-	-	-
Loan D	(5,957,182)	-	-	-	-	-	-	-
Loan E	(7,388,155)	-	-	-	-	-	-	-
Total Debt Service	(46,104,123)	-	-	-	-	-	-	(682,062)
Debt Service Coverage Ratio								1.43
Transfer to URA Projects Fund	(42,544,410)	(207,243)	(321,808)	(440,509)	(565,146)	(696,014)	(833,425)	(295,645)
Total Expenditures	(88,648,532)	(207,243)	(321,808)	(440,509)	(565,146)	(696,014)	(833,425)	(977,707)
Ending Balance		-	-	-	-	-	-	-

Source: Tiberius Solutions

Table 7. Tax Increment Revenues and Allocations to Debt Service, page 2

	FYE 2032	FYE 2033	FYE 2034	FYE 2035	FYE 2036	FYE 2037	FYE 2038	FYE 2039
Resources								
Beginning Balance	-	-	-	-	-	-	-	-
Interest Earnings	-	-	-	-	-	-	-	-
TIF: Current Year	1,114,722	1,271,553	1,436,225	1,609,130	1,790,681	1,981,309	2,181,469	2,391,637
TIF: Prior Years	14,480	16,721	19,073	21,543	24,137	26,860	29,720	32,722
Total Resources	1,129,203	1,288,274	1,455,298	1,630,674	1,814,818	2,008,170	2,211,189	2,424,359
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(682,062)	(682,062)	(682,062)	(682,062)	(682,062)	(682,062)	(682,062)	(682,062)
Loan B	-	-	-	(601,819)	(601,819)	(601,819)	(601,819)	(601,819)
Loan C	-	-	-	-	-	-	-	-
Loan D	-	-	-	-	-	-	-	-
Loan E	-	-	-	-	-	-	-	-
Total Debt Service	(682,062)	(682,062)	(682,062)	(1,283,881)	(1,283,881)	(1,283,881)	(1,283,881)	(1,283,881)
Debt Service Coverage Ratio	1.66	1.89	2.13	1.27	1.41	1.56	1.72	1.89
Transfer to URA Projects Fund	(447,141)	(606,212)	(773,236)	(346,792)	(530,937)	(724,288)	(927,307)	(1,140,477)
Total Expenditures	(1,129,203)	(1,288,274)	(1,455,298)	(1,630,674)	(1,814,818)	(2,008,170)	(2,211,189)	(2,424,359)
Ending Balance	-	-	-	-	-	-	-	-

Source: Tiberius Solutions

Table 8. Tax Increment Revenues and Allocations to Debt Service, page 3

	FYE 2040	FYE 2041	FYE 2042	FYE 2043	FYE 2044	FYE 2045	FYE 2046	FYE 2047
Resources								
Beginning Balance	-	-	-	-	-	-	-	-
Interest Earnings	-	-	-	-	-	-	-	-
TIF: Current Year	2,612,313	2,844,023	3,087,318	3,342,778	3,611,011	3,892,656	4,188,383	4,498,897
TIF: Prior Years	35,875	39,185	42,660	46,310	50,142	54,165	58,390	62,826
Total Resources	2,648,187	2,883,207	3,129,978	3,389,088	3,661,153	3,946,821	4,246,773	4,561,723
Expenditures								
Debt Service								
Scheduled Payments								
Loan A	(521,577)	(521,577)	(521,577)	(521,577)	(521,577)	(521,577)	(521,577)	(521,577)
Loan B	(505,528)	(505,528)	(505,528)	(505,528)	(505,528)	(505,528)	(505,528)	(505,528)
Loan C	(606,956)	(606,956)	(606,956)	(606,956)	(606,956)	(606,956)	(606,956)	(606,956)
Loan D	-	-	-	(372,324)	(372,324)	(372,324)	(372,324)	(372,324)
Loan E	-	-	-	-	-	-	-	-
Total Debt Service	(1,634,062)	(1,634,062)	(1,634,062)	(2,006,385)	(2,006,385)	(2,006,385)	(2,006,385)	(2,006,385)
Debt Service Coverage Ratio	1.62	1.76	1.92	1.69	1.82	1.97	2.12	2.27
Transfer to URA Projects Fund	(1,014,126)	(1,249,146)	(1,495,917)	(1,382,703)	(1,654,768)	(1,940,436)	(2,240,388)	(2,555,337)
Total Expenditures	(2,648,187)	(2,883,207)	(3,129,978)	(3,389,088)	(3,661,153)	(3,946,821)	(4,246,773)	(4,561,723)
Ending Balance	-	-	-	-	-	-	-	-

Source: Tiberius Solutions

Table 9. Tax Increment Revenues and Allocations, page 4

	FYE 2048	FYE 2049	FYE 2050	FYE 2051	FYE 2052	FYE 2053	FYE 2054
Resources							
Beginning Balance	-	-	-	-	-	-	-
Interest Earnings	-	-	-	-	-	-	-
TIF: Current Year	4,824,936	5,167,277	5,526,735	5,904,166	6,300,469	6,716,586	7,153,510
TIF: Prior Years	67,483	72,374	77,509	82,901	88,562	94,507	100,749
Total Resources	4,892,419	5,239,651	5,604,244	5,987,067	6,389,031	6,811,093	7,254,259
Expenditures							
Debt Service							
Scheduled Payments							
Loan A	(682,062)	(682,062)	(682,062)	-	-	-	-
Loan B	(601,819)	(601,819)	(601,819)	(601,819)	(601,819)	(601,819)	(601,819)
Loan C	(472,077)	(472,077)	(472,077)	(472,077)	(472,077)	(472,077)	(472,077)
Loan D	(496,432)	(496,432)	(496,432)	(496,432)	(496,432)	(496,432)	(496,432)
Loan E	-	(1,231,359)	(1,231,359)	(1,231,359)	(1,231,359)	(1,231,359)	(1,231,359)
Total Debt Service	(2,252,390)	(3,483,750)	(3,483,750)	(2,801,688)	(2,801,688)	(2,801,688)	(2,801,688)
Debt Service Coverage Ratio	2.17	1.50	1.61	2.14	2.28	2.43	2.59
Transfer to URA Projects Fund	(2,640,029)	(1,755,901)	(2,120,495)	(3,185,380)	(3,587,344)	(4,009,406)	(4,452,571)
Total Expenditures	(4,892,419)	(5,239,651)	(5,604,244)	(5,987,067)	(6,389,031)	(6,811,093)	(7,254,259)
Ending Balance	-	-	-	-	-	-	-

Source: Tiberius Solutions

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VII. THE ANTICIPATED COMPLETION DATE FOR EACH PROJECT

The schedule for construction of projects will be based on the availability of funding. The projects will be ongoing and will be completed as directed by the Agency. Annual expenditures for program administration are also shown, and are predicated on the fact that urban renewal activities will start off slowly in the beginning years and increase in the later years of the Area.

The Area is anticipated to complete all projects and have sufficient tax increment finance revenue to terminate the Area in FYE 2054, a 30-year program.

The amount of money available for projects in 2023 constant dollars for the Area is $42,088,005 See Table 2 for the individual project analysis. This is calculated by reflecting the maximum indebtedness of $76,100,000 in constant 2023 dollars. This is done as the Agency's cost estimates are typically in constant dollars, so understanding how that relates to the overall MI over 30 years is important to help the Agency to make projections on the allocation of funds throughout the life of the Area.

Table 10, Table 11, Table 12 and Table 13 show the $42,088,005 of 2023 project dollars inflated over the life of the Area including administrative expenses. All costs shown in Table 10, Table 11, Table 12 and Table 13 show are in year-of-expenditure dollars, which are adjusted by 3.0% annually to account for inflation. The projected year of expenditure total cost is $74,293,444.

The 3% inflation rate is the rate to use in the future if any amendment to increase maximum indebtedness is pursued in accordance with ORS 457.470.The Agency may change the completion dates in their annual budgeting process or as project decisions are made in administering the Plan. The following tables are prepared to show that the Area is financially feasible as required by ORS 457. It assumes completion of projects as funding becomes available.

Table 10. Programs and Costs in Year of Expenditure Dollars, Page 1

	Total	FYE 2025	FYE 2026	FYE 2027	FYE 2028	FYE 2029	FYE 2030	FYE 2031
Resources								
Beginning Balance		-	201,938	519,293	956,770	1,520,903	2,194,668	3,008,318
Interest Earnings	199,034	-	1,010	2,596	4,784	7,605	10,973	15,042
Transfer from TIF Fund	42,544,410	207,243	321,808	440,509	565,146	696,014	833,425	295,645
Bond/Loan Proceeds	31,550,000	-	-	-	-	-	-	8,500,000
Total Resources	74,293,444	207,243	524,757	962,398	1,526,700	2,224,521	3,039,066	11,819,005
Expenditures (YOE $)								
8th Ave	(680,960)	-	-	-	-	-	-	-
Blankenship	(3,962,000)	-	-	-	-	-	-	-
City Hall Parking/Public Plaza	(9,320,350)	-	-	-	-	-	-	-
Façade Improvement Program	(3,468,020)	-	-	-	-	-	-	-
Historic Willamette Parking	(8,626,400)	-	-	-	-	-	-	-
Riverfront	(22,607,148)	-	-	-	-	-	-	-
Streetscape Beautification	(1,734,010)	-	-	-	-	-	-	-
Tannler	(789,075)	-	-	-	-	-	-	-
WFD	(21,172,032)	-	-	-	-	-	-	(11,527,880)
Willamette River Fishing Dock/Ladder	(129,396)	-	-	-	-	-	-	-
Financing Fees	(631,000)	-	-	-	-	-	-	(170,000)
Administration	(1,173,053)	(5,305)	(5,464)	(5,628)	(5,797)	(29,853)	(30,748)	(31,670)
Total Expenditures	(74,293,444)	(5,305)	(5,464)	(5,628)	(5,797)	(29,853)	(30,748)	(11,729,550)
Ending Balance		201,938	519,293	956,770	1,520,903	2,194,668	3,008,318	89,455

Source: Tiberius Solutions

Table 11. Programs and Costs in Year of Expenditure Dollars, Page 2

	FYE 2032	FYE 2033	FYE 2034	FYE 2035	FYE 2036	FYE 2037	FYE 2038	FYE 2039
Resources								
Beginning Balance	89,455	504,423	1,079,558	1,823,587	69,978	344,276	578,690	1,002,540
Interest Earnings	447	2,522	5,398	9,118	350	1,721	2,893	5,013
Transfer from TIF Fund	447,141	606,212	773,236	346,792	530,937	724,288	927,307	1,140,477
Bond/Loan Proceeds	-	-	-	7,500,000	-	-	-	-
Total Resources	537,043	1,113,156	1,858,192	9,679,498	601,264	1,070,285	1,508,890	2,148,031
Expenditures (YOE $)								
8th Ave	-	-	-	-	-	-	-	-
Blankenship	-	-	-	-	-	-	-	-
City Hall Parking/Public Plaza	-	-	-	-	-	-	-	-
Façade Improvement Program	-	-	-	-	-	(302,520)	(311,600)	(320,940)
Historic Willamette Parking	-	-	-	-	-	-	-	-
Riverfront	-	-	-	-	-	-	-	-
Streetscape Beautification	-	-	-	-	-	(151,260)	(155,800)	(160,470)
Tannler	-	-	-	-	-	-	-	-
WFD	-	-	-	(9,423,877)	(220,275)	-	-	-
Willamette River Fishing Dock/Ladder	-	-	-	-	-	-	-	-
Financing Fees	-	-	-	(150,000)	-	-	-	-
Administration	(32,620)	(33,598)	(34,605)	(35,643)	(36,713)	(37,815)	(38,950)	(40,118)
Total Expenditures	(32,620)	(33,598)	(34,605)	(9,609,520)	(256,988)	(491,595)	(506,350)	(521,528)
Ending Balance	504,423	1,079,558	1,823,587	69,978	344,276	578,690	1,002,540	1,626,503

Source: Tiberius Solutions

Table 12. Programs and Costs in Year of Expenditure Dollars, Page 3

	FYE 2040	FYE 2041	FYE 2042	FYE 2043	FYE 2044	FYE 2045	FYE 2046	FYE 2047
Resources								
Beginning Balance	1,626,503	180,505	74,416	89,845	436,759	1,243,108	2,321,022	231,790
Interest Earnings	8,133	903	372	449	2,184	6,216	11,605	1,159
Transfer from TIF Fund	892,229	1,127,249	1,374,020	1,136,698	1,408,763	1,694,431	1,994,383	2,309,332
Bond/Loan Proceeds	4,900,000	-	-	4,400,000	-	-	-	-
Total Resources	7,426,865	1,308,656	1,448,808	5,626,992	1,847,706	2,943,755	4,327,010	2,542,281
Expenditures (YOE $)								
8th Ave	-	(680,960)	-	-	-	-	-	-
Blankenship	-	-	-	-	-	-	(3,453,800)	(508,200)
City Hall Parking/Public Plaza	(6,611,200)	-	-	(2,709,150)	-	-	-	-
Façade Improvement Program	(330,560)	(340,480)	(350,700)	(361,220)	(372,060)	(383,220)	(394,720)	-
Historic Willamette Parking	-	-	-	-	-	-	-	-
Riverfront	-	-	-	(1,806,100)	-	-	-	-
Streetscape Beautification	(165,280)	(170,240)	(175,350)	(180,610)	(186,030)	(191,610)	(197,360)	-
Tannler	-	-	(789,075)	-	-	-	-	-
WFD	-	-	-	-	-	-	-	-
Willamette River Fishing Dock/Ladder	-	-	-	-	-	-	-	-
Financing Fees	(98,000)	-	-	(88,000)	-	-	-	-
Administration	(41,320)	(42,560)	(43,838)	(45,153)	(46,508)	(47,903)	(49,340)	(50,820)
Total Expenditures	(7,246,360)	(1,234,240)	(1,358,963)	(5,190,233)	(604,598)	(622,733)	(4,095,220)	(559,020)
Ending Balance	180,505	74,416	89,845	436,759	1,243,108	2,321,022	231,790	1,983,261

Source: Tiberius Solutions

Table 13. Programs and Costs in Year of Expenditure Dollars, Page 4

	FYE 2048	FYE 2049	FYE 2050	FYE 2051	FYE 2052	FYE 2053	FYE 2054
Resources							
Beginning Balance	1,983,261	4,580,861	3,674,955	205,042	3,334,249	988,100	4,941,767
Interest Earnings	9,916	22,904	18,375	1,025	16,671	4,941	24,709
Transfer from TIF Fund	2,640,029	1,755,901	2,120,495	3,185,380	3,587,344	4,009,406	4,452,571
Bond/Loan Proceeds	-	6,250,000	-	-	-	-	-
Total Resources	4,633,206	12,609,666	5,813,825	3,391,447	6,938,263	5,002,447	9,419,048
Expenditures (YOE $)							
8th Ave	-	-	-	-	-	-	-
Blankenship	-	-	-	-	-	-	-
City Hall Parking/Public Plaza	-	-	-	-	-	-	-
Façade Improvement Program	-	-	-	-	-	-	-
Historic Willamette Parking	-	(8,626,400)	-	-	-	-	-
Riverfront	-	-	(5,553,250)	-	(5,891,250)	-	(9,356,548)
Streetscape Beautification	-	-	-	-	-	-	-
Tannler	-	-	-	-	-	-	-
WFD	-	-	-	-	-	-	-
Willamette River Fishing Dock/Ladder	-	(129,396)	-	-	-	-	-
Financing Fees	-	(125,000)	-	-	-	-	-
Administration	(52,345)	(53,915)	(55,533)	(57,198)	(58,913)	(60,680)	(62,500)
Total Expenditures	(52,345)	(8,934,711)	(5,608,783)	(57,198)	(5,950,163)	(60,680)	(9,419,048)
Ending Balance	4,580,861	3,674,955	205,042	3,334,249	988,100	4,941,767	-

Source: Tiberius Solutions

VIII. REVENUE SHARING

Revenue sharing thresholds are expected to begin as the threshold set in ORS 457 (annual tax increment revenues in excess of 10 percent of the maximum indebtedness) is not expected to be met during the life of the Plan.

Revenue sharing means that at thresholds defined in ORS 457.470, the impacted taxing jurisdictions will receive a share of the incremental growth in the Area. The first threshold is when annual tax increment finance revenues exceed 10% of the original maximum indebtedness of the Plan ($7,610,000). At the 10% threshold, the Agency will receive the full 10% of the initial maximum indebtedness plus 25% of the increment above the 10% threshold, and the taxing jurisdictions will receive 75% of the increment above the 10% threshold.

The second threshold is set at 12.5% of the maximum indebtedness ($9,512,500). If this threshold is met, revenue for the area would be capped at 12.5% of the maximum indebtedness, with all additional tax revenue being shared with affected taxing districts.

If assessed value in the Area grows more quickly than projected, the revenue sharing thresholds could be reached earlier. If assessed value grows more slowly, they could be reached later.

IX. IMPACT OF THE TAX INCREMENT FINANCING

This section describes the impact of tax increment financing of the maximum indebtedness, both until and after the indebtedness is repaid, upon all entities levying taxes upon property in the Area.

The impact of tax increment financing on overlapping taxing districts consists primarily of the property tax revenues foregone on permanent rate levies as applied to the growth in assessed value in the Area. These projections are for impacts estimated through FYE 2054 and are shown in Table 14 and Table 15.

The West Linn/ Wilsonville School District and the Northwest Regional Education Service District are not *directly* affected by the tax increment financing, but the amounts of their taxes divided for the urban renewal plan are shown in the following tables. Under current school funding law, property tax revenues are combined with State School Fund revenues to achieve per-student funding targets. Under this system, property taxes foregone, due to the use of tax increment financing, are substantially replaced with State School Fund revenues, as determined by a funding formula at the state level.

Table 14 and Table 15 show the projected impacts to permanent rate levies of taxing districts as a result of this Plan. Table 14 shows the general government levies, and Table 15 shows the education levies.

Table 14. Projected Impact on Taxing District Permanent Rate Levies - General Government, page 1

FYE	City of West Linn	Clackamas County	County Extension & 4H	County Library	County Soil Conservation	TVF&R	Port of Portland	Srv 2 Metro	Vector Control	Subtotal
2025	($35,105)	($39,812)	($828)	($6,581)	($828)	($25,256)	($1,161)	($1,600)	($108)	($111,278)
2026	($54,512)	($61,820)	($1,286)	($10,218)	($1,286)	($39,218)	($1,802)	($2,484)	($167)	($172,793)
2027	($74,619)	($84,622)	($1,760)	($13,988)	($1,760)	($53,683)	($2,467)	($3,400)	($229)	($236,528)
2028	($95,732)	($108,565)	($2,258)	($17,945)	($2,258)	($68,873)	($3,165)	($4,362)	($294)	($303,451)
2029	($117,900)	($133,705)	($2,781)	($22,101)	($2,781)	($84,821)	($3,898)	($5,372)	($361)	($373,719)
2030	($141,176)	($160,102)	($3,330)	($26,464)	($3,330)	($101,567)	($4,668)	($6,433)	($433)	($447,501)
2031	($165,616)	($187,818)	($3,906)	($31,045)	($3,906)	($119,150)	($5,476)	($7,546)	($508)	($524,973)
2032	($191,279)	($216,921)	($4,511)	($35,856)	($4,511)	($137,612)	($6,325)	($8,716)	($586)	($606,317)
2033	($218,224)	($247,478)	($5,147)	($40,907)	($5,147)	($156,998)	($7,216)	($9,944)	($669)	($691,729)
2034	($246,517)	($279,564)	($5,814)	($46,210)	($5,814)	($177,353)	($8,151)	($11,233)	($756)	($781,412)
2035	($276,224)	($313,254)	($6,515)	($51,779)	($6,515)	($198,725)	($9,134)	($12,586)	($847)	($875,578)
2036	($307,417)	($348,628)	($7,250)	($57,626)	($7,250)	($221,166)	($10,165)	($14,008)	($943)	($974,453)
2037	($340,169)	($385,771)	($8,023)	($63,766)	($8,023)	($244,729)	($11,248)	($15,500)	($1,043)	($1,078,272)
2038	($374,559)	($424,771)	($8,834)	($70,212)	($8,834)	($269,471)	($12,385)	($17,067)	($1,148)	($1,187,282)
2039	($410,669)	($465,721)	($9,686)	($76,981)	($9,686)	($295,449)	($13,579)	($18,713)	($1,259)	($1,301,742)
2040	($448,584)	($508,719)	($10,580)	($84,088)	($10,580)	($322,726)	($14,833)	($20,440)	($1,375)	($1,421,925)
2041	($488,394)	($553,867)	($11,519)	($91,551)	($11,519)	($351,367)	($16,149)	($22,254)	($1,497)	($1,548,117)
2042	($530,195)	($601,272)	($12,505)	($99,387)	($12,505)	($381,441)	($17,531)	($24,159)	($1,626)	($1,680,619)
2043	($574,087)	($651,047)	($13,540)	($107,614)	($13,540)	($413,017)	($18,983)	($26,159)	($1,760)	($1,819,746)
2044	($620,172)	($703,311)	($14,627)	($116,253)	($14,627)	($446,173)	($20,507)	($28,259)	($1,901)	($1,965,830)
2045	($668,563)	($758,188)	($15,768)	($125,324)	($15,768)	($480,987)	($22,107)	($30,464)	($2,050)	($2,119,217)
2046	($719,372)	($815,809)	($16,966)	($134,848)	($16,966)	($517,541)	($23,787)	($32,779)	($2,206)	($2,280,274)
2047	($772,722)	($876,311)	($18,225)	($144,849)	($18,225)	($555,923)	($25,551)	($35,210)	($2,369)	($2,449,384)
2048	($828,740)	($939,838)	($19,546)	($155,350)	($19,546)	($596,224)	($27,403)	($37,762)	($2,541)	($2,626,949)
2049	($887,558)	($1,006,542)	($20,933)	($166,375)	($20,933)	($638,540)	($29,348)	($40,443)	($2,721)	($2,813,393)
2050	($949,318)	($1,076,580)	($22,390)	($177,952)	($22,390)	($682,972)	($31,390)	($43,257)	($2,911)	($3,009,159)
2051	($1,014,165)	($1,150,121)	($23,919)	($190,108)	($23,919)	($729,625)	($33,534)	($46,211)	($3,109)	($3,214,713)
2052	($1,082,255)	($1,227,338)	($25,525)	($202,872)	($25,525)	($778,611)	($35,786)	($49,314)	($3,318)	($3,430,544)
2053	($1,153,749)	($1,308,417)	($27,211)	($216,274)	($27,211)	($830,046)	($38,150)	($52,572)	($3,537)	($3,657,167)
2054	($1,228,818)	($1,393,549)	($28,982)	($230,345)	($28,982)	($884,054)	($40,632)	($55,992)	($3,768)	($3,895,122)
TOTAL	($15,016,411)	($17,029,460)	($354,161)	($2,814,869)	($354,161)	($10,803,316)	($496,533)	($684,238)	($46,041)	($47,599,190)

Source: Tiberius Solutions

Table 15. Projected Impact on Taxing District Permanent Rate Levies – Education

FYE	Clackamas Community College	ESD Clackamas	West Linn/Wilsonville School District	Subtotal	Total
2025	($9,243)	($6,105)	($80,617)	($95,965)	($207,243)
2026	($14,353)	($9,480)	($125,182)	($149,016)	($321,808)
2027	($19,647)	($12,977)	($171,356)	($203,981)	($440,509)
2028	($25,206)	($16,649)	($219,839)	($261,695)	($565,146)
2029	($31,043)	($20,505)	($270,746)	($322,294)	($696,014)
2030	($37,172)	($24,553)	($324,199)	($385,923)	($833,425)
2031	($43,607)	($28,803)	($380,324)	($452,734)	($977,707)
2032	($50,364)	($33,266)	($439,255)	($522,886)	($1,129,203)
2033	($57,459)	($37,952)	($501,133)	($596,544)	($1,288,274)
2034	($64,908)	($42,873)	($566,105)	($673,886)	($1,455,298)
2035	($72,730)	($48,040)	($634,325)	($755,095)	($1,630,674)
2036	($80,943)	($53,464)	($705,957)	($840,365)	($1,814,818)
2037	($89,567)	($59,161)	($781,170)	($929,897)	($2,008,170)
2038	($98,622)	($65,141)	($860,143)	($1,023,907)	($2,211,189)
2039	($108,130)	($71,421)	($943,066)	($1,122,617)	($2,424,359)
2040	($118,113)	($78,015)	($1,030,134)	($1,226,262)	($2,648,187)
2041	($128,595)	($84,939)	($1,121,556)	($1,335,090)	($2,883,207)
2042	($139,601)	($92,209)	($1,217,549)	($1,449,359)	($3,129,978)
2043	($151,158)	($99,842)	($1,318,341)	($1,569,342)	($3,389,088)
2044	($163,293)	($107,857)	($1,424,173)	($1,695,323)	($3,661,153)
2045	($176,034)	($116,273)	($1,535,297)	($1,827,604)	($3,946,822)
2046	($189,412)	($125,110)	($1,651,977)	($1,966,499)	($4,246,773)
2047	($203,459)	($134,388)	($1,774,491)	($2,112,339)	($4,561,723)
2048	($218,209)	($144,130)	($1,903,131)	($2,265,470)	($4,892,419)
2049	($233,696)	($154,360)	($2,038,203)	($2,426,258)	($5,239,651)
2050	($249,957)	($165,101)	($2,180,028)	($2,595,086)	($5,604,244)
2051	($267,032)	($176,379)	($2,328,944)	($2,772,355)	($5,987,067)
2052	($284,960)	($188,220)	($2,485,307)	($2,958,487)	($6,389,031)
2053	($303,784)	($200,654)	($2,649,487)	($3,153,926)	($6,811,093)
2054	($323,550)	($213,710)	($2,821,877)	($3,359,137)	($7,254,259)
TOTAL	($3,953,849)	($2,611,581)	($34,483,913)	($41,049,343)	($88,648,532)

Source: Tiberius Solutions Please refer to the explanation of the schools funding in the preceding section .

Table 16 shows the projected increased revenue to the taxing jurisdictions after tax increment proceeds are projected to be terminated. These projections are for FYE 2055.The Frozen Base is the assessed value of the Area established by the county assessor at the time the Area is established. Excess Value is the increased assessed value in the Area above the Frozen Base.

Table 16. Additional Revenues Obtained after Termination of Tax Increment Financing – FYE 2055

Taxing District	Tax Rate	From Frozen Base	From Excess Value	Total
General Government				
City of West Linn	2.1200	$360,518	$1,357,331	$1,717,849
Clackamas County City	2.4042	$408,848	$1,539,290	$1,948,138
County Extension & 4H	0.0500	$8,503	$32,013	$40,516
County Library	0.3974	$67,580	$254,436	$322,016
County Soil Conservation	0.0500	$8,503	$32,013	$40,516
TVF&R	1.5252	$259,369	$976,510	$1,235,879
Port of Portland	0.0701	$11,921	$44,882	$56,803
Road District 2 WL	0.0000	$0	$0	$0
Srv 2 Metro	0.0966	$16,427	$61,848	$78,275
Vector Control	0.0065	$1,105	$4,162	$5,267
Subtotal	***6.7200***	***$1,142,774***	***$4,302,485***	***$5,445,259***
Education				
Clackamas Community College	0.5582	$94,925	$357,388	$452,313
ESD Clackamas	0.3687	$62,700	$236,060	$298,760
West Linn/Wilsonville School District	4.8684	$827,900	$3,116,995	$3,944,895
Subtotal	***5.7953***	***$985,525***	***$3,710,443***	***$4,695,968***
TOTAL	**12.5153**	**$2,128,299**	**$8,012,928**	**$10,141,227**

Source: Tiberius Solutions

X. COMPLIANCE WITH STATUTORY LIMITS ON ASSESSED VALUE AND SIZE OF URBAN RENEWAL AREA

State law limits the percentage of both a municipality's total assessed value and the total land area that can be contained in an urban renewal area at the time of its establishment to 25% for municipalities under 50,000 in population. As noted below, the frozen base (assumed to be FYE 2023 values), including all real, personal, personal, manufactured, and utility properties in the Area, is projected to be $170,055,875. The Clackamas County Assessors will certify the frozen base once the urban renewal plan is adopted.

The total assessed value of the City of West Linn in FYE 2023 is $4,308,325,558. The percentage of total City assessed value in the urban renewal area is 3.9%, below the 25% threshold.

The Area contains 333.8 acres, including public rights-of-way, and the City of West Linn contains 5,184 acres. This puts 6.4 % of the City's acreage in an urban renewal area, which is below the 25% threshold.

Table 17. Urban Renewal Area Conformance with Assessed Value and Acreage Limits

	Acreage	Assessed Value
West Linn Willamette Riverfront TIF Area	333.8	$170,055,875
City of West Linn	5,184	$4,308,325,558
% of City	6.4%	3.9%

Source: Compiled by Elaine Howard Consulting, LLC with data from Tiberius Solutions LLC, City of West Linn, Clackamas County Department of Assessment and Taxation (FYE 2023)
*Estimated value, exact value will be set by the Clackamas County Assessor upon adoption of the Plan.

XI. EXISTING PHYSICAL, SOCIAL, AND ECONOMIC CONDITIONS AND IMPACTS ON MUNICIPAL SERVICES

This section of the Report describes existing conditions within the West Linn Riverfront TIF Area and documents the occurrence of "blighted areas," as defined by ORS 457.010(1).

A. Physical Conditions

1. Land Use

The Area is 333.8 acres, which is composed of 161 individual parcels encompassing 197.41 acres, and an additional 136.30 acres in public rights-of-way. An analysis of FYE 2023 property classification data from the Clackamas County Assessor's Office were used to determine the land use designation of parcels in the Area. By acreage, Industrial accounts for the most prevalent land use within the area (44%) . This was followed by Commercial (29%). Detailed land use designations in the Area are shown in Table 18.

Table 18. Land Use in the Area

Land Use	Tax Lots	Acres	Percent of Acres
Industrial	21	85.93	43.53%
Commercial	75	57.62	29.19%
Miscellaneous	6	31.61	16.01%
Residential	54	17.56	8.90%
Manufactured	1	3.89	1.97%
Multi family	4	0.8	0.41%
TOTAL	161	197.41	100.00%

Source: Compiled by Elaine Howard Consulting with data from the Clackamas County Assessor's Office (FYE 2023)

2. Comprehensive Plan Designations

The most prevalent comprehensive plan designation by acreage in the Area is Industrial (60%) followed by Neighborhood Commercial (32%). Detailed comprehensive plan designations in the Area are shown in **Table 19**.

Table 19. Comprehensive Plan Designations in the Area

Comprehensive Plan Designation	Tax Lots	Acres	Percent of Acres
Industrial	27	116.74	60.05%
Commercial	103	62.53	32.16%
Residential	9	8.59	4.42%
Mixed Use/Commercial	22	6.55	3.37%
TOTAL	231	194.41	100.00%

Source: Compiled by Elaine Howard Consulting with data from the Clackamas County Assessor's Office (FYE 2023)

3. Zoning Designations

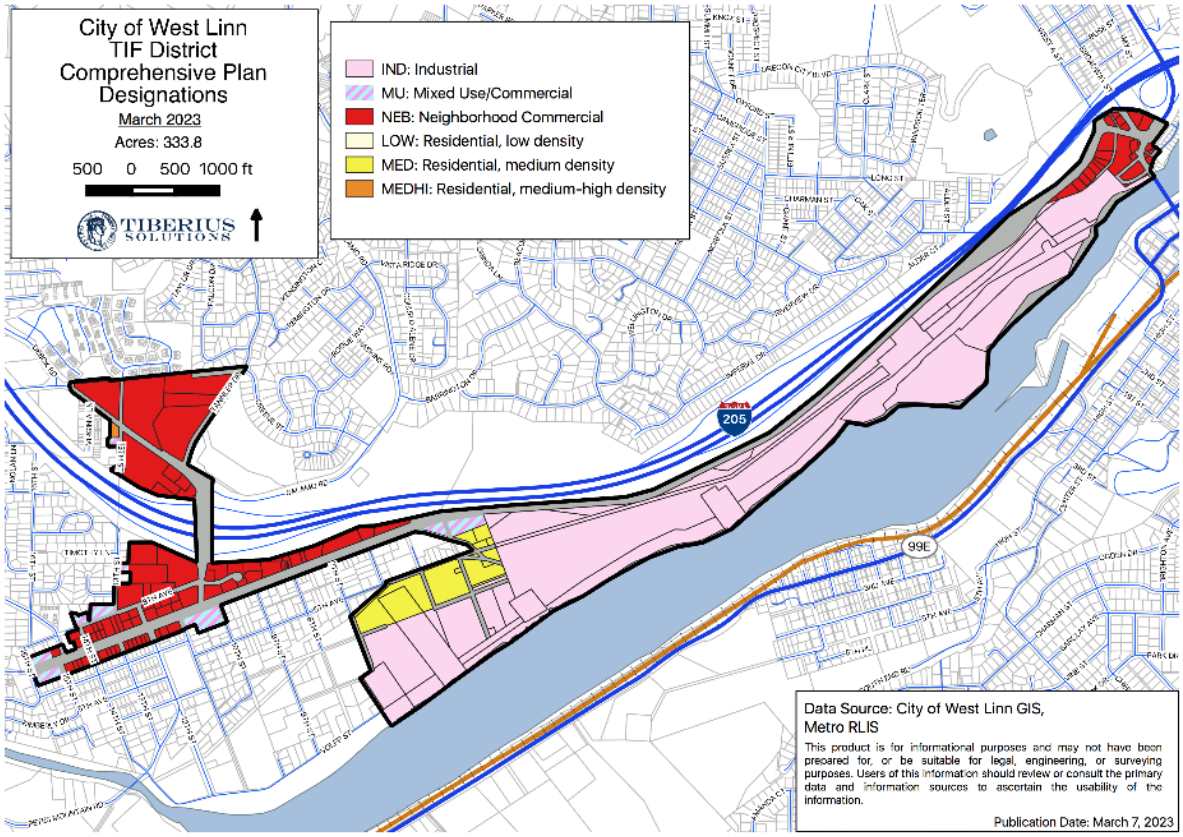
The most prevalent zoning designation by acreage in the Area is General Industrial (56%) followed by General Commercial (22%). Detailed zoning designations in the Area are shown in Table 20.

Table 20. Zoning Designations in the Area

Zoning Designations	Tax Lots	Acres	Percent of Acres
General Industrial	24	110.8	56.13%
General Commercial	98	43.86	22.22%
Office Business	5	21.37	10.83%
Residential10	7	7.64	3.87%
Mixed Use	22	6.55	3.32%
Campus Industrial	2	5.66	2.87%
Residential 7	2	1.17	0.59%
Residential 2.1	1	0.35	0.18%
TOTAL	161	197.4	100.00%

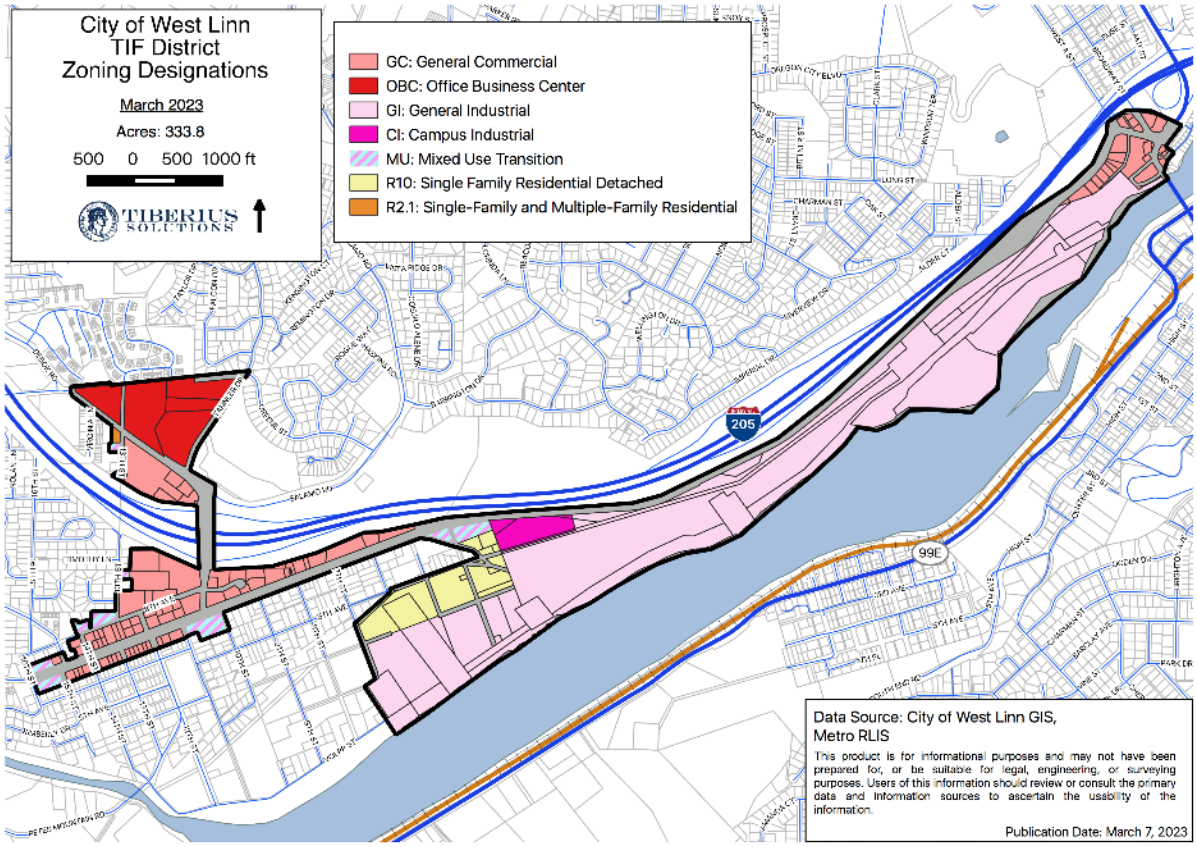
Source: Compiled by Elaine Howard Consulting with data from the Clackamas County Assessor's Office (FYE 2023)

Figure 3. West Linn Urban Renewal Area Comprehensive Plan Designations



Source: Tiberius Solutions

Figure 4. West Linn Urban Renewal Area Zoning Designations



Source: Tiberius Solutions

B. Infrastructure

This section identifies the existing conditions in the Area to assist in **establishing blight in the ordinance adopting the urban renewal plan.** There are projects listed in several City of West Linn's infrastructure master plans that relate to these existing conditions. The projects below are a compilation by West Linn staff of these projects. **This does not mean that all of these projects are included in the urban renewal plan.** The specific projects that are included in the Plan are listed in Sections II and III of this Report.

1. Transportation

Document /Project Name	Description
Willamette Falls Drive Concept Plan	
Pedestrian Plan, Project P56	Project P56 involves installing sidewalks on WFD from West A Street to Sunset Avenue. This segment of WFD is addressed by Segment 4 of the WFD Concept Plan
Pedestrian Plan Project, P57	Project P57 involves installing sidewalks on WFD from Sunset Avenue to 10th Street. This segment of WFD is addressed by Segment 3 of the WFD Concept Plan;
Bicycle Plan, B12	Project B12 involves installing cycle tracks on WFD from Willamette Drive to Sunset Avenue. This segment of the WFD is addressed by Segment 4 of the WFD Concept
Bicycle Plan, B13	Project B13 involves installing cycle tracks on WFD from Sunset Avenue to 10th Street. This segment of WFD is addressed by Segment 3 of the WFD Concept Plan; therefore, this project should be removed from the TSP.
Bicycle Plan, B38	Install two-way cycle track on north side of the roadway from Tannler Drive to Barrington Drive
Motor Vehicle Plan, M17	Project M17 involves installing a traffic signal at the WFD/Sunset Avenue intersection. The location and orientation of the WFD/Sunset Avenue intersection will be reconfigured as part of the WFD Concept Plan; therefore, this project should be removed from the TSP.
Motor Vehicle Plan, M33	Project M33 involves installing a traffic signal at the WFD/Willamette Drive intersection. The location and orientation of the WFD/Willamette Drive intersection will be reconfigured as part of the WFD Concept Plan; therefore, this project should be removed from the TSP and the City should refer to the WFD Concept plan.

Transportation Systems Plan	
P2 5th Avenue Sidewalks	Install sidewalks on the north side of the roadway from 11th Street to 7th Street
P4 8th Avenue Sidewalks	Install sidewalks on the south side of the roadway from 12th Street to 400 feet east of 12th Street
P 96 Tannler Drive Sidewalks	Install sidewalks on both sides of the roadway from Blankenship Road to Greene Street
LSC	8th Avenue extension from 14th Street to Dollar Street Local Street Low
M2 Tannler Street Realignment	Realign Tannler Street at Blankenship Road to align with the driveway located approximately 350 feet west
M3Willamette Falls Drive/12th Street	Install a traffic signal when warranted
M4 Willamette Falls Drive/14th Street	Install all way stop control when warranted
M7 8th Avenue	Upgrade from 10th Street to 14th Street
M19 8th Court	Establish a crossover easement from the 8th Court terminus to Willamette Falls Drive when development occurs to preserve ingress and egress for existing and future development and provide relief to the 8th Court/10th Street intersection and secondary emergency access.
M20 10th Street	Install dual eastbound left-turn lanes at the 10th Street/Willamette Falls Drive intersection.
M22 10th Street/8th Avenue-Court	Install channelization at the intersection to restrict the eastbound left, eastbound-through, northbound left, and westbound-through movements.
M23 Street/Blankenship Road	Widen Blankenship-Salamo Road to provide dual left-turnlanes at the westbound and northbound approaches to the intersection. Also, add a second exclusive right-turn lane at the eastbound approach to the intersection to address queuing.
M24 10th Street/ Willamette Falls Drive	Install a traffic signal when warranted

2. Storm Water

West Linn Storm Drainage Master Plan	
P1	Tannler Drive/Bernert Creek Basin Feasibility Study
R-9	Public Pond #18 Retrofit X
C-2	5th Avenue Culvert Replacement
C-3	Sunset Creek at Willamette Falls Drive Culvert Replacement

3. Sanitary Sewer

West Linn Sanitary Sewer Master Plan Update	
5.3.1.3 Willamette Drive (P-3)	Project P-3 is located in wastewater basin 2B and consists of upsizing 614 feet of existing 12-inch gravity main to 15-inch gravity main along Willamette Drive between Magone Lane and Pimlico Drive. In addition, 69 feet of 15-inch gravity main is to be upsized to 18-inch gravity main along Dillow Drive from Willamette Drive to Tulane Street. This project resolves deficiencies identified under existing conditions due to relatively flat slopes for both sections of pipe. Both sections of pipe are surrounded by steeper sections upstream and downstream, a configuration that typically triggers the HGL to rise in the flat portions of the system. This is a medium priority project and is estimated to cost $269,000. Note, this project is located in a basin (wastewater basin 2B), where an I/I reduction program might mitigate the need for this improvement.

4. Water

West Linn Water System Master Plan	
ES 9 - Plate 1 in Appendix	Water Main and replacement of existing main
1	Willamette Falls Dr. from PRV to Pump Station Willamette 10 20 1 3,710 75% 320
2	Willamette Falls Dr. from Britton to Ostman Willamette 3, 4 12 2 1,686 56% 185
5	12th St. from Tualatin Ave. to Volpp St. on to 9th St. up to 5th Ave. Willamette 6 8 5 2,845 0%
6	10th St. from 5th Ave. to Leslies Way Willamette 2 8 5 678 0% 125

5. Parks and Recreation

Parks and Recreation	FROM TABLE G-1 2019 P&R Master Plan
Willamette River Fishing Dock/Ladder	Add permanent parking area, improve signage and access, provide covered area, connect to trail
Planned Willamette River Riverfront Trail	Acquire trail corridor property or easements and connect trail from Bernert Landing to Arch Bridge. Cost is a percentage of full $1,825,000 cost in plan, which includes area outside of TIF District
Future Riverfront Park	Acquire property and transform into regional park to potentially include interpretation, swimming dock, plaza, heated shelter for events, tables, non-motorized boat launch, protect and restore natural resources, integrate extraordinary play opportunities, create trailhead, parking areas.

C. Social Conditions

The following social conditions were taken from the American Community Survey 2015-2019 Five Year Estimates. The most common age bracket in the Area is under 45 to 54 years at 16%, followed by 55 to 64 years at 15%.

Table 21. Age in the Area

Age	Number	Percent
Under 5 years	1,365	5%
5 to 9 years	2,026	8%
10 to 14 years	2,060	8%
15 to 17 years	1,352	5%
18 to 24 years	1,814	7%
25 to 34 years	2,035	8%
35 to 44 years	3,231	12%
45 to 54 years	4,411	16%
55 to 64 years	4,120	15%
65 to 74 years	2,906	11%
75 to 84 years	1,015	4%
85 years and over	429	2%
TOTAL	26,764	100%

Source: American Community Survey 2016-2020 Five Year Estimates

According to the US Census Bureau, American Community Survey 2016-2020 Five Year Estimates, the block groups have 26,764 residents, 87% of whom identify as White alone. The analysis of race and origin are shown in the table below.

Table 22. Hispanic or Latino Origin by Race in the Area

Race	Number	Percent
White alone	23,206	86.7%
Black or African American alone	451	1.7%
American Indian and Alaska Native alone	94	0.4%
Asian alone	1,500	5.6%
Native Hawaiian and Other Pacific Islander alone	8	0.0%
Some other race alone	340	1.3%
Two or more races	1,165	4.4%
TOTAL	26,764	100%

Source: American Community Survey 2016-2020 Five Year Estimates

In the block groups, 62% of adult residents have earned a bachelor's degree or higher compared to 34% of Oregon residents. Another 25% have some college education without a degree. Ten percent have graduated from high school with no college experience.

Table 23. Education in the Area

Education	Number	Percent
Less than high school	486	3%
High school graduate (includes equivalency)	1,797	10%
Some college	3,307	18%
Associate's degree	1,271	7%
Bachelor's degree	7,078	39%
Master's degree	2,972	16%
Professional school degree	817	5%
Doctorate degree	419	2%
TOTAL	18,147	100%

Source: American Community Survey 2016-2020 Five Year Estimates

Of the means of transportation used to travel to work, the majority, 70%, drove alone with 8% carpooling.

Table 24. Means of Transportation to Work in the Area

Means of Transportation	Number	Percent
Drove alone	8,391	70%
Carpooled	988	8%
Public transportation (includes taxicab)	337	3%
Motorcycle	-	0%
Bicycle	102	1%
Walked	109	1%
Other means	9	0%
Worked at home	2,076	17%
TOTAL	12,012	100%

Source: American Community Survey 2016-2020 Five Year Estimates

Thirty-three percent of the incomes in the Area are below$75,000. The median income for Oregon is $65,667. Twenty-three percent of the family income in West Linn exceeds $200,000 while for the State only 7.2% have incomes over $200,000.

Table 25. Income in the Area

Income Range	Number	Percentage
Less than $10,000	382	4%
$10,000 to $19,999	468	5%
$20,000 to $29,999	355	4%
$30,000 to $39,999	382	4%
$40,000 to $49,999	582	6%
$50,000 to $59,999	495	5%
$60,000 to $74,999	630	6%
$75,000 to $99,999	991	10%
$100,000 to $124,999	793	8%
$125,000 to $149,999	1,199	12%
$150,000 to $199,999	1,305	13%
$200,000 or more	2,305	23%
TOTAL		

Source: American Community Survey 2016-2020 Five Year Estimates

D. Economic Conditions

1. Taxable Value of Property within the Area

The estimated total assessed value of the Area calculated with data from the Clackamas County Departments of Assessment and Taxation for FYE 2023, including all real, personal, manufactured, and utility properties, is estimated to be $179,055,875.The County Assessor will certify the frozen base if the ordinacce for the approval of the Plan is adopted by the City Council.

2. Building to Land Value Ratio

An analysis of property values can be used to evaluate the economic condition of real estate investments in a given area. The relationship of a property's improvement value (the value of buildings and other improvements to the property) to its land value is generally an accurate indicator of the condition of real estate investments. This relationship is referred to as the "Improvement to Land Value Ratio," or "I:L." The values used are real market values. In urban renewal areas, the I:L is often used to measure the intensity of development or the extent to which an area has achieved its short- and long-term development objectives.

Table 26 shows the improvement to land ratios (I:L) for properties within the Area. Seven percent of the tax lots are exempt, which means they do not pay taxes. These are typically government, utility or non-profit owned properties. Forty-two tax lots representing 42% of the acreage have no improvement value. For properties with improvements, fifty-two percent have I:L ratios less than 1.0. In other words, the improvements on these properties are worth less than the land they sit on. A reasonable I:L ratio for properties in the Area is 2.0. Only 46 of the 161 tax lots in the Area, totaling 37% of the acreage have I:L ratios of 2.0 or more in FYE 2023. In summary, the area is underdeveloped and not contributing significantly to the tax base in West Linn.

Table 26. Improvement to Land Ratios in the Area

Improvement to Land Ratio	Parcels	Acres	Percent of Acres
Exempt	7	31.82	16.12%
No Improvement Value	42	82.61	41.85%
0.01-0.50	9	19.48	23.48%
0.51-1.00	26	23.95	28.87%
1.01-1.50	17	5.65	6.81%
1.51-2.00	14	3.43	4.13%
2.01-2.50	4	3.76	4.53%
2.51-3.00	9	14.45	17.42%
3.01-4.00	10	4.66	5.62%
> 4.00	23	7.59	9.15%
TOTAL:	161	197.4	

E. Impact on Municipal Services

The fiscal impact of tax increment financing on taxing districts that levy taxes within the Area (affected taxing districts) is described in Section VIII of this Report. This subsection discusses the fiscal impacts resulting from potential increases in demand for municipal services.

The projects being considered for future use of urban renewal funding are for blight remediation and include transportation improvements, facilitating development of properties including mixed use and housing development, recreational improvements, economic development assistance to local businesses and plan administration. The use of tax increment allows the City to add an additional funding source to the City of West Linn general fund or system development charges funds to allow these projects to be completed.

It is anticipated that these improvements will catalyze development on the undeveloped and underdeveloped parcels in the Area. This development will require city services. However, as the property is within the city limits, the city has anticipated the need to provide services to the Area. As the development will be new construction or rehabilitation, it will be up to current building code which will aid in any fire protection needs. The transportation projects will also assist in fire protection needs in the Area.

The financial impacts from tax increment collections will be countered by future economic development, and, in the future, adding increases in assessed value to the tax base for all taxing jurisdictions, including the City. The Area encompasses 3.9% of the City of West Linn's assessed value. There will be an impact on the city budget as shown in Table 14. The City will need to address the impact as they do future budgets and revenue forecasting.

XII. REASONS FOR SELECTION OF EACH URBAN RENEWAL AREA IN THE PLAN

The reason for selecting the Area is to provide the ability to fund projects and programs necessary to cure blight within the Area. There are large parcels within the Area that are undeveloped or underdeveloped. There are also transportation deficiencies which impact the residents in West Linn.

The outcome of implementing these projects is anticipated to be substantial increase to the economic growth in West Linn by providing improved multi modal transportation access, new mixed used and housing development, additional recreational opportunities and providing tools inside the Area to assist with economic development.

XIII. RELOCATION REPORT

When the Agency acquires occupied property under the Plan, residential or commercial occupants of such property shall be offered relocation assistance, as required under applicable state law. Prior to such acquisition, the Agency shall adopt rules and regulations, as necessary, for the administration of relocation assistance. The Agency will comply with all applicable state law in providing these potential benefits.

City of West Linn

Memorandum

Date: May 3, 2023

To: West Linn City Council

From: West Linn Planning Commission

Subject: Willamette Riverfront Tax Increment Finance Area Plan Recommendation

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The Planning Commission held a public hearing on May 3, 2023, to make a recommendation to the City Council on the proposed West Linn Willamette Riverfront Tax Increment Finance Area Plan (TIF Plan) conformance with the West Linn Comprehensive Plan.

The Commission did not receive any written testimony. One community member testified at the public hearing. The primary topics of the testimony included:

- Concern that the 2017 Comprehensive Plan and other planning documents needed to be updated more frequently in order to proceed with the TIF Plan.
- The need for a waterfront plan.
- The difficulty of developing portions of the waterfront area.
- Refocusing TIF area commercial development from office space to small start-up and emerging product and manufacturing companies. In testimony it was noted that the Portland Metro area lacks adequate incubator space for small businesses and manufacturers that can make communities more vibrant.

After closing the public hearing, Commissioners deliberated on the following topics:

- The revenue impact on existing government services, the City's general fund, and the community located outside of the TIF area.
- The identified transportation projects for the TIF Plan and Willamette Falls Drive Concept Plan.
- TIF Plan considerations surrounding potentially contaminated soil on proposed redevelopment costs.

The Commission voted five in favor (Boggess, Carr, Metlen, Walvatne, Watton) and one opposed (Mathews) that the TIF Plan conforms with the West Linn Comprehensive Plan and recommended City Council adopt the proposed West Linn Willamette Riverfront Tax Increment Finance Area Plan.

Respectfully,

John Carr
Chair, West Linn Planning Commission

CITY OF West Linn

Agenda Bill 2023-06-12-06

Date Prepared: June 7, 2023

For Meeting Date: June 12, 2023

To: Mayor Rory Bialostosky and West Linn City Council

From: Doug Erickson, Community Services and Library Director *DE*

Through: John Williams, City Manager *JRW*

Subject: Change of Municipal Codes 5.115, 5.120, and 5.565

Purpose: To address the new state law (ORS 195.530) regarding camping on public property, which requires municipalities to change existing municipal code by July 1, 2023.

Question(s) for Council: Should City Council change Municipal Codes 5.115, 5.120, and 5.565 by taking out language about camping on public property and the removal of campsites to be compliant with House Bill 3115 and House Bill 3124 (ORS 195.530) by July 1, 2023?

Public Hearing Required: None required. City Council held public work session discussions with extensive community input received on May 8 and May 15.

Background & Discussion:
In 2021, to comply with federal rulings (Martin v. Boise and Blake v. Grants Pass), the State of Oregon enacted House Bills 3115 and 3124, which change how cities may regulate camping and homelessness. Aimed at providing increased compassionate protections for those experiencing homelessness, these rulings and laws require any Camping on Public Property Ordinances in City code to be modified to comply with new standards. West Linn's code currently prohibits camping on public property, so it must be brought into legal compliance with the new standards before July 1, 2023. Camping ordinances are local rules about camping. They are part of municipal code in many cities, including West Linn. "Camping" can refer to persons experiencing homelessness who may sleep outside on public property. West Linn's City codes which address and prohibit camping on public property without a permit in Chapter 5 (5.115, 5.120, 5.565) must be modified or removed in accordance with new state law (ORS 195.530).

Budget Impact: TBD- With Council direction from the June 6th, 2023, meeting to change the language of the present codes that are now deemed illegal as of July 1, 2023 the budget impact will be minimal. When and if Council decides to put in time, place, and manner restrictions there will be budgetary implications depending on chosen site(s) and amenities needed. No budget has been identified for resources.

Sustainability Impact: TBD- Depending on the location and amenities provided – this will impact the sustainability aspects.

Council Goal/Priority. N/A

Council Options:
To adhere to State Laws, the City must revise or take out the city code referencing camping. West Linn's City code currently prohibits camping on public property without a permit in Chapter 5.115 & 5.565, and must be modified in accordance with new state law. There are two potential options for Council to consider: 1) removal of any reference to camping in the municipal code (5.115) with no regulation in place for camping, or 2) revise Municipal Code 5.115 with legal advised draft proposal 5.116 to include regulations on use of City properties with intended purposes while also providing objectively reasonable regulations concerning the time, place, and manner for shelter and sleeping by people without any other options for shelter or sleeping. (See redline version of 5.116 which will replace 5.115 in its entirety, if adopted.)

If adopting new Municipal Code with regulations regarding camping, Municipal Code 5.120 will also need to be revised. (See attached redline version of 5.120.) Decisions will need to be made in this revision regarding spacing between campsites, as some jurisdictions have created code to stipulate there may not be more than 3 campsites per block or within 150 feet of each other. Others have included language of not permitting campsites within 50 ft of a waterway; within 15 ft of railroad tracks; or within 20 ft of residential structures. Municipal Code 5.565 will also have to be removed.

On June 6, 2023, Council requested that the City Attorney and Staff compose an ordinance around option 1) removal of any reference to camping in the municipal code (5.115) with no regulation in place for camping.

Staff Recommendation: Modification of Municipal Codes 5.115, 5.120, and 5.565 needed to follow new state law by removing all restrictions and language around camping from the Municipal Code, to adhere to new state legal regulations by July 1, 2023. Creating a community involved camping ordinance task force to help us going forward with time, place and manner regulations is imperative. Staff suggests inviting key community leaders from Civic, Faith, and Schools, some NA Presidents, impacted residents, and other key community stake holders to work on this issue. This will show our community that we want to work together and look for the best possible outcomes for the City of West Linn and all our community.

Potential Motion:

1. I move to approve First Reading for Ordinance 1744 relating to repeal of camping provisions in municipal code sections 5.115, 5.120, and 5.565 and set the matter for Second Reading.

2. I move to approve Second Reading for Ordinance 1744 relating to repeal of camping provisions in municipal code sections 5.115, 5.120, and 5.565 and adopt the ordinance.

Attachment:
ORDINANCE 1744 AN ORDINANCE RELATING TO REPEAL OF CAMPING PROVISIONS IN MUNICIPAL CODE SECTIONS 5.115, 5.120, AND 5.565

ORDINANCE 1744

AN ORDINANCE RELATING TO REPEAL OF CAMPING PROVISIONS IN MUNICIPAL CODE SECTIONS 5.115, 5.120, AND 5.565

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

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

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

WHEREAS, in *Martin v. City of Boise*, a 2018 decision by the U.S. Court of Appeals for the Ninth Circuit, the court held that the Eighth Amendment to the U.S. Constitution precludes a local government from enforcing anti-camping ordinances (those which criminalize the sitting, sleeping, or lying outside in public places) when there are no shelters available for the homeless individuals.

WHEREAS, in its 2022 decision in *Johnson v. City of Grants Pass* (formerly *Blake v. City of Grants Pass*), the U.S. Court of Appeals for the Ninth Circuit affirmed and expanded its decision in *Martin v. Boise*, holding that the *Martin* decision also applied to civil citations where the civil and criminal punishments were closely intertwined.

WHEREAS, in response to the *Martin* and *Johnson* decisions, the State of Oregon enacted House Bill 3115 (ORS 195.530), effective as of July 1, 2023, requiring any city or county laws regulating the acts of sitting, lying, sleeping, or keeping warm and dry outside on public property be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.

WHEREAS, the State of Oregon also enacted House Bill 3124 which updates ORS 195.505 by requiring cities to revise any policies concerning the removal of homeless individuals from an established campsite to provide written notice at least 72 hours before such removal.

WHEREAS, West Linn's code currently prohibits camping on public property and provides the process by which the City must follow to remove a campsite.

WHEREAS, West Linn's City Council and Staff have undertaken certain measures and actions over the past several months to gather information from the residents of West Linn in order to develop objectively reasonable regulations as to time, place and manner with regards to persons experiencing homelessness.

WHEREAS, West Linn's City Council has been unable to fully develop such objectively reasonable regulations prior to the effective date of ORS 195.530.

WHEREAS, West Linn's City Council desires to revise its municipal code to remove regulations concerning camping on public property while it continues to consider potentially objectively reasonable regulations.

WHEREAS, West Linn's Council further desires to replace the existing code provisions applying to the removal of a campsite with a policy that complies with ORS 195.505.

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

SECTION 1. Repeal Section 5.115. West Linn Municipal Code Section 5.115 Overnight Camping on Public Property Prohibited is repealed in its entirety. Any municipal code provisions in conflict with the provisions in this ordinance are also repealed.

~~**(1) Except as provided in subsection (2) of this section, no person shall establish a campsite to camp overnight or sleep overnight on any public property. Overnight camping on public property prohibited is a Class C misdemeanor.**~~

~~**(2) Exceptions. Overnight camping is allowed when:**~~

> ~~**(a) The City Manager authorizes overnight camping during a declared emergency; the City Manager may waive any permit requirements for camping in the emergency order.**~~
>
> ~~**(b) The property involved complies with all applicable State laws, is appropriately zoned, and has all necessary approvals for the proposed use of overnight camping.**~~
>
> ~~**(c) A parks permit or special event permit authorizes overnight camping in accordance with the limitations, terms and conditions of the permit.**~~

~~**Nothing in this subsection creates any duty on the part of the city or its agents to ensure the protection of persons or property with regard to permitted overnight camping or overnight sleeping.**~~

~~**(3) Camping equipment used in violation of subsection (1) of this section may be seized as evidence of the violation and, after seizure, shall be held by the police until further order of the applicable court. In addition to any other penalties that may be imposed, any campsite used in violation of this section or other provisions of this code shall constitute a nuisance and may be removed pursuant to Section 5.120.**~~

~~**(4) As used in this section the following definitions apply:**~~

> ~~**(a) "Camping" or "to camp" means to set up or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary place to live.**~~

~~(b) "Campsite" means any place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part of a vehicle.~~

~~(c) "Overnight" means occurring anytime during hours of closure or between the hours of 12:00 a.m. and 6:00 a.m.~~

~~(d) "Public property" means any real property, whether privately or publicly owned, that by its physical nature, function, custom, usage, notice, lack of notice, or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required, including but not limited to streets, sidewalks, parks, open spaces, and parking lots.~~

~~(5) Nothing in this section prohibits prosecution for criminal trespass when a person enters or remains on public property or other premises open to the public during hours of closure or in violation of an exclusion notice or trespass order, including but not limited to those issued under Section 5.555.~~

SECTION 2. Repeal Section 5.120. West Linn Municipal Code Section 5.120 Removal of Campsite is repealed in its entirety. Any municipal code provisions in conflict with the provisions in this ordinance are also repealed.

~~(1) Prior to removing a campsite, the City shall post a notice, 24 hours in advance. All posted notices shall be in English and Spanish. A City official shall not issue a citation for violation of Section 5.115 if the citation would be issued within 200 feet of the notice and within two hours before or after the notice required by this subsection was posted.~~

~~(2) At the time that a 24-hour notice is posted, the City shall inform a local agency that delivers social services to homeless individuals where the notice has been posted.~~

~~(3) The local agency may arrange for outreach workers to visit the campsite where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.~~

~~(4) All personal property shall be given to the Police Department whether 24-hour notice is required or not. The property shall be stored for a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 30 days may be disposed of consistent with State law and City procedures for disposition of found, lost, unclaimed or abandoned property, as applicable. For purposes of this subsection, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent value or utility or are in an unsanitary or putrescent condition may be immediately discarded. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to the Police Department.~~

~~(5) The 24-hour notice required under subsection (4) of this section shall not apply:~~

~~**(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring;**~~

~~**(b) In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety;**~~

~~**(c) The location of the campsite is public property designated for day use recreation; and**~~

~~**(d) The campsite is on public property occupied by an individual pursuant to a permit issued by the City.**~~

~~**(6) Following the removal of a campsite on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes are needed to this policy.**~~

SECTION 3. Repeal Section 5.565. West Linn Municipal Code Section 5.565 Camping Prohibited is repealed in its entirety. Any municipal code provisions in conflict with the provisions in this ordinance are also repealed.

~~**(1) No person shall camp in a tent, shelter, camper, vehicle or trailer in any park or open space, including park roads or parking lots, at any time, except as provided in subsection (2) of this section. The definitions in Section 5.115 apply to this section. Prohibited camping is a Class C misdemeanor.**~~

~~**(2) Exceptions. The Parks and Recreation Director may allow camping in parks and open spaces by:**~~

~~**(a) Issuing a permit that authorizes camping, not to exceed five days, in accordance with any limitations, terms, and conditions of the permit; or**~~

~~**(b) Authorizing an event as part of the Parks and Recreation Department's programming.**~~

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

SECTION 6. Emergency Clause. Although the city has undertaken an extensive community process to address changes in state law relating to camping regulations, this ordinance is necessary to comply with operation of ORS 195.530, and, as a result, an emergency is declared to exist to have a code in effect by July 1, 2023 that conforms to state law, and this ordinance shall take effect upon 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 12th day of June, 2023, and duly PASSED and ADOPTED this _____ day of _____, 2023.

_____
RORY BIALOSTOSKY, MAYOR

ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

_____
CITY ATTORNEY

West Linn Project Tracking List
6/8/2023

	A	B	C	D	E	G	H
1	**Date**	**Project/Department**	**Description of Task**	**Deadline**	**Assigned to**	**Contact**	**Notes**
2	**Immediate Priortiy**						
3	11/17/2021 36845	Maddax Woods Caretaker Agreement Update	Current agreement is from 2002, pandemic may allow City to make changes with tenant, need legal review and/or a more current agreement to update with tenant.		Pete Hicks/Robyn Stein	Ken Warner	Last update 5/23/2023
4	4/19/2022 36803	WFD at Tualatin River Stormwater Pond Transfer	Review transfer and prepare resolution to vacate easement on property where city is maintaining stormwater facility.		Pete Hicks	Erich Lais	Last update 6/8/2022
5	5/23/2022 36808	Old River Road Presbyterian Church	Meeting to discuss ROW acquisition		Ed Trompke	John Williams	Last update May 2023
6	5/27/2022 36839	Senate Bill 458	Can the city require an expedited land division to go to the PC for approval?		Ed Trompke	Darren Wyss	Last update 6/6/2022
7	8/10/2022 36808	Marine Board Permanent Sound Limits	Ongoing issue with a citizen complaining to the City and marine board regarding noise generated by jet skis.		Bill Monahan	Peter Mahuna	Last update 8/30/2022
8	8/18/2022 36842	Municipal Code Changes for Added City Protections	Language of the ordinances shared with the Mayor for the city to consider if something similar is needed.		Pete Hicks	John Williams	Request received 8/18/2022
9	10/19/2022 36839	Questions Related to Extension Procedures	Questions from John Floyd and Darren regarding two provisions of project extension requirements. Relevant to PC hearing on November 2nd.		Ed Trompke	John Floyd	Last update 10/24/2022
10	11/2/2022 36845	View Easement Tree Removal	Review to ensure it is still valid. If valid does that mean city has authority to remove tree?		Jeff Kapp	Ken Warner	Last update 11/4/2022
11	11/3/2022 36839	Extension Procedures	Extension application - extension given and approved in 2020 and now applied for 2nd extension, is it allowed?		Ed Trompke	Darren Wyss	Last update 11/4/2022
12	11/10/2022 36808	OSHA Complaint 209462409	Upper Midhill OSHA Complaint		Pete Hicks	Lance Calvert	Last update 11/15/2022
13	1/17/2023 36808	Hold Harmless Agreement	Request from Pacific West Bank for hold harmless agreement to release standby letter of credit.		David Bowser	Morgan Coffie	Request received 1/17/2023
14	1/19/2023 36839	Camping Code	Work with city regarding houselessness and required municipal code changes and communications strategy.		Bill Monahan, Matthew Kahl	Doug Erickson	Last update 6/8/2023
15	2/4/2023 36841	Transient Lodging Tax Administration	City would like to enter an IGA to have state begin collecting TLT.		Matthew Kahl	Lauren Breithaupt	Lat update 2/23/2023
16	2/14/2023 36842	Noise Exception Research	Research noise standards to see if exception to allow noise from play. Details in Bill's email from 2/14/2023		Matthew Kahl	City Council	Last update 2/20/2023
17	2/14/2023 36839	Contract Amendment	Review requested contract amendments for waterfront project.		David Bowser	John Floyd	Last update 2/22/2023
18	2/22/2023 36808	Change of Contractor for Previously Approved Work	Issues with developer, city would like to transition contract to contractor so the work can proceed. Developer hasn't signed contract.		David Bowser	Morgan Coffie	Last update 2/27/2023
19	2/22/2023 36839	Urban Renewal	Draft set of rules sent to city for review.		Ed Trompke	John Williams	Last update 2/23/2023
20	3/1/2023 36842	Contract Templates	Request to update templates and correct odd issues.		Pete Hicks, David Bowser	Kathy Mollusky	Request received 3/1/2023
21	3/6/2023 36808	T-Mobile Agreement	Request from T-Mobile to modify existing lease agreement.		Bill Monahan	Morgan Coffie	Last update 5/11/2023
22	3/8/2023 36839	Needed Code Amendment	Propose four code amedment projects Council should place/prioritize on the planning docket.		Bill Monahan	Darren Wyss	Last update 4/12/2023
23	3/8/2023 36808	PGE Traiff	PGE says per tariff the City is responsible to underground service but if this is required, it will delay the project as work was not bid. This requirement is inconsistent with past projects.		Matthew Kahl	Erich Lais	Last update 3/9/2023
24	5/10/2023 36808	TSMO Grant for ATC traffic signal control	Review proposed IGA		Bill Monahan	Morgan Coffie	Last update 5/14/2023
25	5/15/2023 36839	Contract Amendment Request	McLean House National Register PSC for review.		David Bowser	Lynn Schroder	Request received 5/15/2023
26	5/17/2023 36839	Homeless Camping Ordinances	City reviewing nearby cities and working to update homeless camping update to stay in compliance with state law.		Bill Monahan, Matthew Kahl	Doug Erickson	Last update 6/8/2023
27	5/17/2023 38920	Public Records Request - Relloque Emails	Emails and attachments from City in response to public records request.		Pete Hicks	Kathy Mollusky	Last update 5/15/2023
28	5/19/2023 36808	Proposed IGA for Wastewater	Review agreement for Council to make decision.		David Bowser	Erich Lais	Request received 5/19/2023
29							

West Linn Project Tracking List
6/8/2023

	A	B	C	D	E	G	H
1	**Date**	**Project/Department**	**Description of Task**	**Deadline**	**Assigned to**	**Contact**	**Notes**
30	**Ongoing / Specified Due Date**						
31	9/9/2019 36839	I-205 Regulatory Framework	Develop process for permitting, etc.			John Williams, Lance Calvert	Last update, email sent 10/14/2021
32	?36845	Community Center Management Agreement	Revise agreement between City and Friends of Robinwood Station (FORS).		Matthew Kahl	Ken Warner	Last update 9/30/2022
33	1/21/2022 35841	Transient Lodging Tax Administration	What code needs to be updated and implemented so city can begin collecting taxes?		Matthew Kahl	Lauren Breithaupt	Last update 3/14/2022
34							
35	**Longterm**						
36	3/8/2019 36839	Code Changes Chapters 98 & 100, possibly 105	Review code, CDC, plan changes to confirm if on track.		Matthew Kahl	Darren Wyss	Last update 4/26/2021