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

WEST LINN
CITY COUNCIL MEETING
NOTES
June 20, 2023

Swearing-In Ceremony for Mayor Rory Bialostosky
Oath of Office
Judge Bernstein swore in Rory Bialostosky as Mayor of West Linn.

Call to Order Special Meeting [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, Planning Manager Darren Wyss, Finance Director Lauren Breithaupt, Interim City Engineer Erich Lais, Library Director Doug Erickson, Assistant to the City Manager Dylan Digby, and Administrative Assistant Janene Richards.

Approval of Agenda [6:05 pm/5 min]
Mayor Rory Bialostosky moved to approve the agenda for the June 20, 2023, West Linn City Council Meeting. 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]
Public Comment - Maria Blanc-Gonnet
Public Comment - Alice Richmond
Public Comment - Russ Axelrod
Public Comment - Teri Cummings

Maria Luisa Blanc Gonnet spoke about unresolved issues on her property resulting from construction of the dead-end street to accommodate the roundabout on Willamette Falls Drive.

Elizabeth Smolens, West Linn Historical Society, provided Council with a complimentary copy of the society's new magazine, *The Meteor*.

Veronica Esagui spoke about her desire to start Human Kind Day in West Linn.

Alice Richmond spoke about the camping ordinance and voting issues.

Russ Axelrod spoke about issues regarding his appeal over the City's decision in WAP-22-04.

Ashley Makowski spoke about communication from the City regarding construction on 10th Street.

Eric Allphin spoke about overnight camping in West Linn.

Teri Cummings spoke about the written minutes for the May 2, 2023, meeting, asking Council to withdraw them to be properly completed according to Council rules.

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

Old Time Ambassador Proclamations
Proclamations
President Baumgardner read the proclamation declaring Princess Hallie Jones, Princess Lily Tribou, Princess Laynie Moore, Prince Caio Cobb Rodridgues, and Queen Violet Gowdy as 2023 Old Time Fair Ambassadors.

National Pollinator Week Proclamation

Proclamation

Councilor Erwin read the proclamation declaring June 20-24, 2023, as National Pollinator Week.

Consent Agenda [6:30 pm/5 min]

Agenda Bill 2023-06-20-01: Meeting Notes for May 2, 2023

Draft Notes Information

Agenda Bill 2023-06-20-02: Personal Services Agreement for Insurance Brokerage Services - Brown and Brown Northwest

Brown & Brown Information

Council President Mary Baumgardner moved to approve the Consent Agenda for the June 20, 2023 West Linn City Council Meeting which includes the Personal Services Agreement for insurance brokerage services Brown and Brown Northwest, and not including the minutes for the May 2, 2023 meeting pending adjustments per request. 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 2023-06-20-03: Continuation of Public Hearing Appeal of Planning Manager Decision in WAP-23-01/WRG-23-01/FMA-23-01

Link to June 6 Council Meeting

Click here to access Appeal of Planning Manager Decision in WAP-23-01/WRG-23-01/FMA-23-01

Public Comment - Teri Cummings

Mayor Bialostosky opened the continuation of Appeal AP-23-02 from June 6, 2023, explaining the public hearing portion was left open for final rebuttal by Applicant and no new additional oral testimony would be heard. All written testimony received had been added to the record.

City Attorney Monahan discussed criteria to be addressed during the hearing and confirmed no Councilor had conflicts of interest or bias. Regarding site visits or ex parte contacts since the June 6, 2023, hearing, the following were reported:

- President Baumgardner reported she regularly walked at Falls Bridge Park and had visited the site in that capacity. She also had a telephone conversation with John van Staveren today to clarify questions about materials Council had been provided, and no new information was provided. In her park visits, she did not notice anything contrary to the record that was necessary to be put before Council so it could decide tonight.
- Councilor Groner walked his dog at the Park today and observed the construction but did not make any observations that complicated the record.
- Mayor Bialostosky drove by the Park during the baseball tournament and saw the parking but did not make any observations contradictory to the record.

City Attorney Monahan confirmed no members of the audience challenged the jurisdiction of Council to hear this matter. Regarding challenges to conflict of interest, impartiality, or ex parte contacts, Karie Oakes challenged the ex parte contact of President Baumgardner, asking for the specific questions and clarifications she had with Mr. van Staveren, the Pacific Habitat Services (PHS) consultant for the School District.

President Baumgardner responded she had asked about the new map Council received in the Applicant's submittal starting on Page 1 of the PHS report, which was Pages 5 through 13 of the June 13, 2023 submittal packet linked on the agenda. She confirmed her questions were to clarify the location of the restoration areas in the new mitigation plans the Applicant submitted.

Ms. Oakes questioned why President Baumgardner would reach out to Mr. van Staveren rather than City Staff. President Baumgardner responded because Mr. van Staveren authored the report. Ms. Oakes believed going off the record to communicate with someone who provided a report in the record was a highly unusual circumstance.

Mayor Bialostosky explained that the requirement was disclosure of ex parte contact and the substance of the contact, which President Baumgardner had provided. The real issue was whether new evidence was talked about in the record. President Baumgardner confirmed she had not learned any new evidence that was not already in the record from the conversation.

Ms. Oakes responded the challenge was to ex parte contact, and President Baumgardner had provided the maps discussed but not the substance of the discussion aside from the fact of some areas for clarification.

President Baumgardner noted that was the substance of the discussion.

Ms. Oakes said she accepted the explanation, but maintained the challenge and expected a vote.

President Baumgardner confirmed she was able to hear the matter at hand.

Councilor Scott Erwin moved to Deny the challenge to President Baumgardner's impartiality and ex parte contact. Councilor Leo Groner seconded the motion.

Ayes: Mayor Rory Bialostosky, Councilor Scott Erwin, and Councilor Leo Groner.
Nays: None.
The motion carried 3 - 0

Peter Watts, Attorney, provided the Applicant's final rebuttal, noting Interim City Engineer Erich Lais was available for questions. The Applicant attempted to either verify or get more specific information on what was missing or needed more specificity and to make sure the standards they were putting out were appropriate.

- Addressing issues about the proposed mitigation plan raised by President Baumgardner, they sent in an expert team to independently verify information and make sure the mitigation plan was correct. They learned President Baumgardner was correct, resulting in a better mitigation plan, increasing the mitigation area by 1,400 square feet, a total of 1,538 square feet more than the former habitat area. Specific information had been provided regarding the species to be planted and exactly how the area would look and meet the community priorities as articulated.
- The cut/fill balance was addressed before, with the cut exceeding the fill by eight percent.
- Another issue was lack of specificity on the retaining walls, so an additional 10 slides were provided to show a variety of heights. Some retaining walls were now a little bit higher than originally anticipated to accommodate the increase in cut/fill balance, community goals, and to comply with both community and Code standards.
- He had been concerned the Appellant had cited the wrong Code section regarding roads constructed in the Habitat Conservation Area (HCA). The specific Code section is 28.110(L), which is for roads, driveways, utilities, or passive use recreation facilities. The rebuttal included additional information related to both Code Sections 32.060(F) and 28.110(L) that govern this, which have substantially identical language. In both sections, the standard is no practical alternative exists, that the road is the minimum width possible to achieve safety objectives. This is an existing road identified in the Transportation System Plan (TSP) and Willamette Falls Drive Concept Plan that needed to be widened to address congestion and safety concerns There was testimony that alternatives to the roundabout were not considered. He confirmed a variety of options were considered, but the roundabout was the only choice traffic engineers believed would meet the standard.
- He noted the need to clarify some of his own previous statements about the trees. There was still uncertainty about how many trees had been removed or exactly where, but he did confirm some trees and shrubs were removed prior to the application, which was authorized by the City. So, this would be an enforcement matter for the City Manager.

- Due to how the City measured trees, he was still unclear on exactly how many of the cut trees were qualified and when, but whether erroneously authorized or not, cutting the trees was authorized.
- He commended Mr. van Staveren for his thorough review and the new habitat mitigation plan, which reflected the community's expectations. He felt good advocating for the plan and believed the product was much better because of the concerns expressed by President Baumgardner.
- He tried to be responsive to the Appellant's concerns in his rebuttal. He had time to review what the Appellant's submitted today, and he had understood the Applicant's responsive submissions were only going to address the Code sections the opposing party had raised during the first seven-day period, which was why his submission related to the two standards that had been raised. He was concerned that some of the Appellant's submittal was not at all responsive to what he provided in his initial submission.
- He stated he did hear concerns about decisions and promises made by prior Councils that had not been kept, or things that were implied that did not happen. He understood the frustration, noting the criteria he and Staff believed was applicable regarded the cut/fill balance, which had been met because the cut exceeded the fill, and whether revegetation would exceed the seven trees cut as part of the application, which it would with 195 new trees being planted. A list was provided of the specific trees and shrubs to be planted and the mitigation size for the different areas was on Page 2.
- When walking through the park on Saturday, he noticed a lot more than eight cars were parked on the side of the road with games on both fields, so people were parking illegally. He noted Staff was willing to offer a condition of removing the eight parking spots on Willamette Falls Drive if that would be beneficial for the natural resources in the park.

Responses by the Applicant team to Council's questions and concerns were as follows:

- The existing street parking spaces act as overflow parking for all the park's activities and as a calming device, forcing drivers to slow down coming out of the roundabout. Given the baseball fields, playground, and garden activities available, the park parking seems insufficient. At the last hearing, comments were heard that the parking is not necessary, so the Applicant discussed offering its removal as a condition to Council.
- Removing the on-street parking would affect the budget, because the project would have to be redesigned; that amount was unknown. The project would have less of an impact, but it would still be in the HCA. The quantity of cut and fill differences were also unknown.
- The School District would likely be willing to consider redesigning or rethinking the parking spaces, though ideas about utilizing the parking area for another use were new and something to consider.
- The District's main concern would be not having to pull people off the site and then redeploy people due to construction equipment being present, which was discussed in the District's IGA with the City.

- The District did not indicate that a redesign would be a substantial cost, but no figures were provided, perhaps because projects were coming in 20% to 30% above previous bids.
- The driving force for the retaining walls was the cut/fill balance, not the parking; making sure the cut of the earth exceeded the amount of fill, so the need for the retaining wall would not change based on the parking.
- If the road was not widened, the retaining wall might not be needed, but that could not be answered with certainty at this time. The TSP and concept plan showed the sidewalk and bike lane on both sides for the improvements, which was why the City partnered with the School District.
- The additional ten slides that were submitted to clarify where the retaining wall would go along the existing slope from the corner of the park entrance along the park frontage where the parking is to the back of the baseball field where the scoreboard was located, which would have a small, 3-foot retaining wall. A series of walls would be along the other driveway down to the path along to the river. The Applicant was trying to determine a more natural finish given the wall's type. The height of the wall at its tallest point would be 19 feet.
- The wall height increased from the original plans incorporated with the school because of the cut-and-fill. That area was identified as an area of cut, so the retaining wall had to increase in height.
- Retaining walls were also needed because of the power lines, which had already been relocated. Areas to balance the cut-and-fill were limited and were noted in the original submittal.
- Mr. Watt's understood the road was shifting to accommodate the sidewalk for the school and lessen the impact on the school property. Originally, this was to be a half-street improvement on the school side, but the change was made to a full-street improvement because of the TSP and to save costs.
- Interim City Engineer Lais added the shift was made to the park side to limit the size of the retaining walls on the school side. The retaining wall was originally balanced 50/50 but shifted more to the park given the environmental impact of the cut and fill. There was no wall along the park fields, other than on the corner and a small one behind the ballfield.

President Baumgardner stated she did not need the very technical slides to envision the retaining wall impacts. The 20-foot-tall wall was in the more natural area of the park adjacent to the wetland and the river where a lot of wildlife habitat existed, including undergrowth that provides habitat for songbirds, and replacing that with a wall was concerning. She understood that was the reason for identifying the mitigation and planting, but a lot needed to happen. An adequately implemented restoration plan is expensive.

The Applicant team's responses to questions continued:

- The School District was responsible for the restoration plan, and they were fully bonded, guaranteeing the project would happen. If the School District did not complete the project, the bond would be called.
- The Applicant developed the restoration plan and followed up with a restoration contractor regarding the planting and maintaining of native species. They did not believe the District had hired a restoration specialist yet.
- Council could add a condition of approval regarding the restoration contractors hired by the School District to complete the restoration project. Local contracting rules and procedures would have to be followed.
- City Attorney Monahan assured standard procedures would be followed, meaning the City would reach out to qualified applicants and hope to obtain at least three proposals. As both the Applicant and regulatory agency, the City would be in control of determining the qualifications of a proper consultant.
- The parking spots would be the length of a standard parallel parking space. The final striping plan could be tailored to Council's specifications regarding the number of parking spaces to make it easier for drivers to pull in and out and not disturb the flow of traffic.
- The nearly 20-ft retaining wall was not right next to the sidewalk, but a safety barrier of some sort would be included. With the redesign of the retaining wall, the final plan had not been determined. Requiring a railing could be added as a condition of approval.
- On Sheet 1, Figure 1, the aerial map in the Applicant's June 13th submittal, Wall C is the highest wall. Wall F is the 3-ft, smaller wall along the back of the baseball field. The area between Walls F and B, near the driveway and existing parking lot had no wall and was the area where the on-street parking was proposed. The area was currently sloped.
- No on-street parking was proposed near Wall C; it was farther up the road near Everly.
- Regardless of what is done with the parking, Wall C, the 19-ft wall, would still be installed.
- The on-street parking would be between Walls B and F, and east of the other driveway, passed Wall C toward Everly.
- The Applicant's June 13th submittals showed Wall F also showed the right-of-way line, which got muddled with the contour lines of the park. The right-of-way was shown on every sheet.
- The HCA was already disturbed with the existing road and a sloped area of different heights that had a mix of gravel and vegetation spots. People were already parking in nonpaved areas next to the road.
- Sheet 6B of the Habitat Report showed the construction limits of the road project area as designed with a red, dashed line and the HCA line in blue. The team was uncertain much the project area boundary would change if the parking area was eliminated; however, the project would still be in the HCA.

Mayor Bialostosky confirmed there were no further questions for the Applicant or City Staff and closed the public hearing.

Ms. Oakes asked whether Council had received her submission regarding the opportunity for the public to provide rebuttal this last week. She expected that to be part of the public process as it is a Chapter 99 requirement of the Applicant. Regarding the process now, she asked if the process was to allow questions of the Applicant following final rebuttal.

City Attorney Monahan advised that the Applicant was giving final argument and was addressing the rebuttal comments received as well as clarifying what they had submitted on June 13. Council then asked clarifying questions and proposed a potential condition of approval, which the Applicant had the right to comment on. The Applicant responded and gave additional information to help construct a condition of approval. Nothing new was added to the record, so there was no opportunity for the public to comment on the Applicant's final word, as the Applicant gets the final word. On the issue of rebuttal, the process was laid out at the end of the hearing on June 6, where there was the opportunity for submission of information by any parties by the 13th, and then rebuttal of that information up to this date.

Ms. Oakes stated the public was not allowed to rebut per Chapter 99. City Attorney Monahan responded the City was not aware of any members of the public who raised a question of whether they could submit any additional information, so he was not aware of anyone's substantial rights being prejudiced by not being able to provide rebuttal. The Applicant and Appellant had provided full rebuttal, so unless someone had raised the issue to Staff during that week, there was no substantial prejudice. If there was and Staff missed it, there would be an opportunity to raise it on appeal.

Ms. Oakes responded that was contrary to Council's motion and City Attorney Monahan's advice that anyone could provide rebuttal. City Attorney Monahan clarified he was suggesting he was not aware of anyone who was denied their rights.

Mayor Bialostosky confirmed no rebuttal comments from the public had been received for the June 20 hearing.

President Baumgardner asked if the matter had been satisfied. City Attorney Monahan believed the hearing process issues were resolved, but it was up to Council if they wished to allow additional testimony. He had not heard a request for comment made that needed to be addressed, only clarifying questions from Council to determine whether a condition of approval was added. He did not believe any new information needed to be made available for the public to comment on, so in his opinion, the hearing process issues had been resolved.

Mayor Bialostosky called for deliberation.

Councilor Erwin believed it would be a significant cost to re-engineer the project, resulting in very little change, and that the plan did balance cut and fill. His overarching concern was regarding safety with the number of retaining wall areas with immediate drop-offs exceeding 6 feet. He favored adding a modification to require adding railings to guarantee safety for pedestrians in case someone lost control of their vehicle.

President Baumgardner said she was very uncomfortable with the plan, even though some aspects did not pertain to the appeal. She wished there was an option to not have a widened area requiring the wall, specifically the taller portions of Wall C, or to not have the sidewalk. She was also concerned about disruption to park habitat with a restoration project in areas that were already being impacted by construction from the adjacent property and with various runoff incidents of construction sediment-filled water filling the wetlands several times last year. She questioned whether the plan was a good idea. She counted 40 cars parked along the edge of the road at one point this weekend, and parking potential was being removed. If the area alongside the road was wide enough so tires were not over the white fog line, parking there was legal. She reiterated that community members had been told Fields Bridge Park would be a passive nature park, and with the addition of the wall and the restoration project, she could not confidently say the park would be improved.

Councilor Groner stated considering the history of decisions regarding the park, he was loathe to revise previously approved plans for the park. He believed some improvements had been discussed tonight, adding he liked that cuts exceeded fills and that more trees were being planted than had been cut down. He had concerns about the height of the retaining wall since children play in the park, so he believed a fence was required to prevent children from falling off the 19-ft wall. Alternate parking was available at the school, which eliminated the need for special parking spaces along the road, which he would like to discourage due to safety issues.

Councilor Erwin said he did not favor reengineering the road project due to the increased cost for a nominal return. If Council did not want parking due to safety factors, the space could be converted to something else such as extended sidewalks or seating. If the point was to reclaim ground, it would be a costly adjustment.

President Baumgardner believed the parking spaces were a potential hazard because the current posted speed of 30 miles per hour was exceeded on a regular basis. She was also concerned about potential diversion traffic when tolling was implemented and believed Council should be planning for that scenario. She was concerned for the safety of those who would park on the road and walk, though adding a sidewalk would make it less dangerous than it is now. Parking spaces would not benefit because of the number of cars that need to be accommodated and any benefit would not offset the risk the project posed.

Mayor Bialostosky believed a better plan had resulted from the additional public review. He had mixed feelings about the parking as he lived nearby, so he cared about the area as well. He wanted safe, designated spaces for parking along the road, but at the same time impacts on the HCA could be reduced by removing the parking. He also had safety concerns because it was a major thoroughfare, and the seven or eight additional parking spaces would not meet the demand. He recognized the concerns stated about the increasing costs of reengineering the project and appreciated the Applicant offering that as a potential option. He was not sure removing the parking would result in what people expected for the park, as there would still be retaining walls and impacts.

President Baumgardner suggested removing the parking because it was not enough to measurably accommodate the need.

Councilor Scott Erwin moved to Deny Appeal AP-23-02, upholding the Planning Manager's approval of WAP-23-01/WRG-23-01/FMA-23-01 with the following modifications: 1) That there is no allocation of parking spaces on Willamette Falls Drive; and 2) That safety railing is put along the retaining walls exceeding 4 feet in height for pedestrian and vehicular safety; and direct Staff to bring back findings for adoption on July 10, 2023. Councilor Leo Groner seconded the motion.

President Baumgardner asked if it was possible to also request that any review of wall height and possible reduction in wall height be entertained.

City Manager Williams replied that it could be reviewed with an eye to minimizing it wherever possible, which he assumed was already being done. Council could add it as a condition or give direction to Staff.

City Attorney Monahan understood the plans that had been drafted were based on the City's engineering design standards, so any potential to modify the wall height to lessen the impact based on the changes to be made, Council could direct Staff to take that into consideration and make sure it was minimized while still meeting standards.

City Manager Williams clarified the City had authority over approval of designs through the application of the Public Work standards, adding a review process was still to come.

President Baumgardner stated that wherever possible, the City should exercise restraint with the built environment, especially in a riparian zone in a passive nature park, to have the least impact possible. She wanted that as a third condition of approval.

Mayor Bialostosky suggested adding a condition or at least ensure that the City pursue a potential partnership with the School District for use of the parking lot for baseball games and park use, since the project would remove parking.

City Attorney Monahan responded that would be a good outside conversation to have with the School District, as solving the parking situation for the baseball fields and use of the park was not part of the application. He suggested giving direction to Staff to pursue the suggestion after the hearing concluded.

City Attorney Monahan advised that the maker of the original motion could withdraw the motion and make a new motion to add the following condition, which had been discussed with the City's Engineering and Planning Staff, "Evaluate design of the built environment, i.e. the retaining walls, during the required redesign of the road improvements which will remove on-street parking."

Councilor Erwin withdrew his initial motion.

City Attorney Monahan advised that the Applicant should be given the opportunity to respond to the new condition of approval to avoid a potential circuit court filing.

Attorney Watts stated he was comfortable with the language, and that Staff understood what Council wanted them to achieve if possible. Since this was a relatively minor change, Council could adopt the project tonight with the condition in place, negating the need to return to Council on July 7th. Council would adopt the findings as amended, including the new condition.

City Attorney Monahan explained the Applicant was asking Council to finalize the set of conditions at tonight's meeting with directions for Staff to return with findings that address the issues raised during the hearing and that substantiate the conditions of approval.

Attorney Watts clarified that Applicant was asking Council to adopt the conditions as amended tonight, negating the need to bring it back as another agenda item because it would have been adopted with that condition tonight.

Councilor Scott Erwin moved to make a tentative decision to deny Appeal AP-23-02 and uphold the Planning Manager's approval of WAP-23-01/WRG-23-01/FMA-23-01 with the following additional conditions: add a safety barrier along the retaining wall that exceeds 4 feet in height for pedestrian safety; remove on-street parking on Willamette Falls Drive, and evaluate the design of the built environment, i.e. the retaining walls, during the required redesign of the road improvements which will remove on-street parking, and adopt the conditions as amended and direct Staff to bring back findings on July 10, 2023. Councilor Leo Groner seconded the motion.

Mayor Bialostosky expressed his appreciation for everyone willingness to come to consensus on the parking to move the project along, adding the proposed condition to evaluate the design would result in reconsideration of the retaining wall heights.

President Baumgardner stated she appreciated everyone's flexibility and respect of the community's wishes.

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

Mayor Bialostosky thanked everyone for their participation which resulted in additional public vetting, resulting in a positive outcome. He reiterated his desire for the City to work with the

School District on overflow parking for the park and baseball fields. He read the rules of appeal into the record.

Agenda Bill 2023-06-20-04: Public Hearing: FY 2024-2025 Budget Adoption
Agenda Bill

RESOLUTION 2023-04, DECLARING THE CITY OF WEST LINN'S ELECTION TO RECEIVE STATE REVENUE SHARING FUNDS (GENERAL FUNDS OF THE STATE) IN THE 2024-2025 BIENNIUM
RES 2023-04 SSR Funds
City Manager Williams noted the budget followed an extensive development and consideration process, which included Budget Committee meetings.

Finance Director Breithaupt presented the Staff report, noting the first public hearing was held before the Budget Committee on June 1, 2023, and a second public hearing was required tonight to discuss proposed uses of the funds. The City's estimated share was $340,000 in both FY 2024 and FY 2025, and it had been budgeted for use within the Planning Fund.

Mayor Bialostosky opened the public hearing for Resolution 2023-04. He confirmed there were no public comments and closed the public hearing.

Council President Mary Baumgardner moved to approve Resolution 2023-04, declaring the City of West Linn's election to receive State Revenue Sharing Funds (General Funds of the State) in the 2024-2025 Budget Biennium. 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

RESOLUTION 2023-05, CERTIFYING THE CITY OF WEST LINN IS ELIGIBLE IN THE 2024-2025 BIENNIUM TO RECEIVE STATE SHARED REVENUES (CIGARETTES, LIQUOR, 911, AND HIGHWAY GAS TAXES) BECAUSE IT PROVIDES FOUR OR MORE MUNICIPAL SERVICES
RES 2023-05 Eligible for SSR Funds
Finance Director Breithaupt explained the City was eligible to receive these funds because it provided required services, namely Police; Street Construction; Maintenance, and Lighting; Sanitary Sewer; Storm Sewer; Planning, Zoning, and Subdivision Control; and Water Utility Services. The City would use these revenues to support the Public Safety and Street Funds. Funds would be distributed based on population within eligible cities.

Mayor Bialostosky opened the public hearing for Resolution 2023-05, confirmed there were no public comments, and closed the public hearing.

Council President Mary Baumgardner moved to approve Resolution 2023-05, certifying the City of West Linn is eligible to receive State Shared Revenues because it offers four or more required municipal services. Councilor Scott Erwin seconded the motion.

In response to Councilor Groner's question, Finance Director Breithaupt stated there are multiple sources for these funds and they are seen throughout the budget; for example, the Street Gas Tax under the Street Fund and multiple sources in the Police Fund.

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

RESOLUTION 2023-06, REVISING FEES AND CHARGES AS SHOWN IN ATTACHMENT A AND UPDATING THE MASTER FEES AND CHARGES DOCUMENT OF THE CITY OF WEST LINN
RES 2023-06 MF&C
Finance Director Breithaupt stated this resolution regarded the annual update to the Master Fees and Charges document for the City, with an effective date of July 1, 2023. As discussed during the Budget Committee meetings, several changes to the document, denoted in red text, were used to balance the budget. She highlighted several key fee revisions.

Mayor Bialostosky opened the public hearing for Resolution 2023-06. He confirmed there were no public comments and closed the public hearing.

Finance Director Breithaupt confirmed the Budget Committee had discussed whether parking fines at the Cedar Oak Boat Ramp were too small to discourage parking of larger, non-boat vehicles such as RVs, and concluded that the parking fines range of $40 to $440 covered the issue. Later, the Council could discuss if the fee should be increased.

Councilor Erwin said increasing the fee was not a good idea because everyone would think that was how the City was paying for the parking lot, which was not the case.

Mayor Bialostosky clarified he raised the matter due to concerns from the neighborhood association about non boat users using the boat parking spaces. He was not suggesting the fee be raised, but that Council have further discussion, perhaps on a future agenda.

Council President Mary Baumgardner moved to approve Resolution 2023-06, revising fees and charges as shown in the revised Master Fees and Charges document. 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

RESOLUTION 2023-07, ADOPTING THE CITY OF WEST LINN BUDGET AND CAPITAL IMPROVEMENT PLAN FOR THE BIENNIUM COMMENCING JULY 1, 2023 (2023-2024 BIENNIUM), MAKING APPROPRIATIONS, LEVYING AD VALOREM TAXES, AND CLASSIFYING THE LEVY PURSUANT TO SECTION 11B, ARTICLE XI OF THE OREGON CONSTITUTION.
RES 2023-07 CIP
Finance Director Breithaupt reported the Budget Committee met on May 30 and June 1 to receive, discuss, and consider for approval the biennium budget. Changes were made to the proposed budget and approved by the Budget Committee. Staff respectfully requested Council adopt the budget of $182,413,000, with said appropriations, along with the levy of a property tax rate for 2024-25 biennium. The permanent tax rate would be $2.12 per $1,000 for each fiscal year of the biennium and the bonded debt levy would be $1,713,000 and $1,724,000 for fiscal years 2024 and 2025, respectively.

Mayor Bialostosky opened the public hearing for Resolution 2023-07.

Public Comments
Karie Oakes spoke about changes to the organization chart and lack of oversight for the Community Development Director position.

City Manager Williams confirmed he was directly overseeing those departments for maximum oversight and maximum contacts to Council. Council had been apprised of the organizational changes, even discussing them in the budget process.

Kathie Halicki, Willamette Neighborhood Association President, spoke about raising the Neighborhood Association (NA) stipends to $20,000 total each year.

Mayor Bialostosky noted the City had received comments from several Neighborhood Associations expressing support for the funding request.

Mayor Bialostosky closed the public hearing for Resolution 2023-07.

President Baumgardner asked about the proper procedures to address the Neighborhood Association stipend.

Finance Director Breithaupt advised the motion would need to be to adopt the approved budget with the increase of X amount of dollars for two years for the NA stipends out of the Non-Departmental Materials and Services of the General Fund.

President Baumgardner was concerned about unspent fund balances sitting in accounts year after year for NAs that are not as active.

Mayor Bialostosky agreed.

City Manager Williams advised Council could approve the funding increase tonight and hold a policy discussion at a later time.

Councilor Erwin noted only one person on the Budget Committee had voted to increase the stipends, and he was unsure if it would be appropriate for Council to take this action separate from the Committee, which included citizen members.

Mayor Bialostosky replied that the Committee proposed the budget, but Council had the opportunity to modify that recommendation.

Council discussed and reached consensus to increase NA stipends by $5,000.

Council President Mary Baumgardner moved to approve Resolution 2023-07, adopting the City of West Linn Budget and Capital Improvement Plan, making appropriations and levying property tax for the 2024-2025 Biennium, with the changes to the approved budget as follows: increase General Fund Non-Departmental Materials and Services by $10,000 for the biennium and decrease the General Fund Contingency by $10,000 for the biennium for the total appropriation of $182,413,000, remains the same with the permanent tax is $2.12 per $1,000 for each fiscal year of the biennium. The bonded debt levy is $1,713,000 and $1,724,000 for fiscal years 2024 and 2025, respectively. 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

Agenda Bill 2023-06-20-05: Public Hearing: RESOLUTION 2023-08, ADJUSTING THE BUDGET FOR THE 2021-22 BIENNIUM BY ADOPTING THIS SUPPLEMENTAL BUDGET AND REVISING APPROPRIATIONS AND BONDED DEBT PROPERTY TAX LEVY

RES 2023-08 Supplemental

Finance Director Breithaupt reviewed proposed changes to the current biennium budget, increasing the total supplement by $575,000, bringing the budget to $137,860,000. She clarified the City was able to absorb this increase without additional deficit due to offsets with non-departmental money that was not spent and increases in related revenues.

Mayor Bialostosky opened the public hearing for Resolution 2023-08. He confirmed there were no public comments and closed the public hearing.

Council President Mary Baumgardner moved to approve Resolution 2023-08, adjusting the budget for the 2022-23 biennium by adopting this supplemental budget and revising appropriations and bonded debt property tax levy. 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

Agenda Bill 2023-06-20-06: ORDINANCE 1744, RELATING TO REPEAL OF CAMPING PROVISIONS IN MUNICIPAL CODE SECTIONS 5.115, 5.120, AND 5.565
ORD 1744 Information
City Manager Williams noted the proposed ordinance reflected what Council and community members wanted in response to State mandates regarding camping codes.

City Attorney Monahan commented that Council had provided input on time, place, and manner issues on June 12, 2023. The two gaps remaining were to determine the time that a person could camp overnight and violations. After consulting with Police Chief Mahuna, the Ordinance was written to allow camping from 7:00 p.m. to 7:00 a.m. The Violations Section, found in Item 5.119 on Page 5, was written after consulting Court Staff.

Director Erickson added the fine for violating the Camping Code matched the lowest fine in the City, as requested by Councilor Erwin. He clarified he was looking for Council direction on the task force, noting he had provided a list of names, and at Council's direction, he could work off those or other names. To present findings by mid-August, the task force needed to be established quickly.

City Attorney Monahan clarified that Section 4 of the Ordinance established the task force on camping for the purpose of considering specific city-owned property for permitted camping sites. The Code also changed the camp removal requirements that were already within the Code. Council could have adopted that by policy after July 1, but since it was in current Code, modifications were necessary to comply with the mandates.

Council and Staff discussed the composition and activities of the task force, noting it could start with creating a white paper discussing where the City was at and how it had gotten there, the City's challenges, and addressing some of the questions Council had asked. Council favored having representation from each Neighborhood Association (NA). Director Erickson had identified Staff for the task force, including Police Chief Mahuna or a captain, Behavioral Health Specialist Amber Hambrick, and himself.

Mayor Bialostosky suggested Director Erickson forward his recommendations to Council, with

Council being able to suggest additional members.

City Attorney Monahan clarified this was an emergency Ordinance so it could go into effect on July 1, 2023. The emergency clause was at the very end of the Ordinance in Item 7.

Council President Mary Baumgardner moved 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. Councilor Leo Groner seconded the motion.

Mayor Bialostosky confirmed there were no public comments.

In response to Council questions and concerns, Staff responded as follows:

- Item 5.120 on Page 6 was a provision referring to removal of campsites. The City had to provide 72-hour notice before removing an established campsite, defined within the Ordinance as one that was in place for at least 24 hours. In order to remove an established campsite, the City had to post a written notice at all entrances to the campsite to the extent that the entrances could be reasonably identified. Language regarding the notice being in both Spanish and English and citations were in the current Ordinance.
- In Item 13b, an "exceptional emergency" required a true emergency, such as a public safety issue, not just an emergency due to complaints. The term had not been addressed by the courts. City Attorney Monahan advised this language was used in Item 7 of House Bill 3124. The local Ordinance used language from the House Bill to demonstrate compliance and avoid liability.

Mayor Bialostosky acknowledged the City had received public comment earlier related to restrictions at an established campsite and suggested the task force consider activity restrictions.

Director Erickson noted the question was about drug use in a public space, which was already illegal by State statutes. Enforcement could and would occur wherever it occurred within the City.

Council President Mary Baumgardner moved 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 set the adoption of the Ordinance. 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

Agenda Bill 2023-06-20-07: Declare Council Vacancy

Mayor Bialostosky stated he had submitted a letter of resignation for the City Council position earlier today, effective on his being sworn in as mayor. Pursuant to Chapter 31 of the Charter, Council shall declare the seat vacant, but it did not have to specify the process for filling the seat tonight.

City Attorney Monahan advised Council would fill the seat for a portion of the term, but because more than one year remained in the term, an election at the November election was required.

Council President Mary Baumgardner moved to Declare the Council Seat vacancy due to the Mayor's resignation of his Council seat. 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

Council agreed to table discussion of the procedure to fill the vacancy until July 10 and to cancel the July 3 meeting.

Adjourn Special Meeting [8:05 pm]

Notes approved 8-7-23.

Call to Order Work Session [8:05 pm/10 min]

ADU Code Amendment Discussion [8:15 pm/30 min]

ADU Code Information

Mayor and Council Reports [8:45 pm/15 min]

Reports from Community Advisory Groups

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

City Attorney Report [9:05 pm/5 min]

Adjourn [9:10 pm]

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

CITY COUNCIL AGENDA

Tuesday, June 20, 2023

5:00 p.m. - Swearing-In Ceremony for Mayor Rory Bialostosky

6:00 p.m. – Special Meeting & Work Session – Council Chambers & Virtual*

---

1. Call to Order Special Meeting [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. Old Time Ambassador Proclamations
    b. National Pollinator Week Proclamation
5. Consent Agenda [6:30 pm/5 min]
    a. Agenda Bill 2023-06-20-01: Meeting Notes for May 2, 2023
    b. Agenda Bill 2023-06-20-02: Personal Services Agreement for Insurance Brokerage Services - Brown and Brown Northwest
6. Business Meeting [6:35 pm/90 min]
    a. Agenda Bill 2023-06-20-03: ***Continuation of Public Hearing*:** Appeal of Planning Manager Decision in WAP-23-01/WRG-23-01/FMA-23-01
    b. Agenda Bill 2023-06-20-04: ***Public Hearing:*** FY 2024-2025 Budget Adoption
        I. RESOLUTION 2023-04, DECLARING THE CITY OF WEST LINN'S ELECTION TO RECEIVE STATE REVENUE SHARING FUNDS (GENERAL FUNDS OF THE STATE) IN THE 2024-2025 BIENNIUM
        II. RESOLUTION 2023-05, CERTIFYING THE CITY OF WEST LINN IS ELIGIBLE IN THE 2024-2025 BIENNIUM TO RECEIVE STATE SHARED REVENUES (CIGARETTES, LIQUOR, 911,

AND HIGHWAY GAS TAXES) BECAUSE IT PROVIDES FOUR OR MORE MUNICIPAL SERVICES

III. RESOLUTION 2023-06, REVISING FEES AND CHARGES AS SHOWN IN ATTACHMENT A AND UPDATING THE MASTER FEES AND CHARGES DOCUMENT OF THE CITY OF WEST LINN

IV. RESOLUTION 2023-07, ADOPTING THE CITY OF WEST LINN BUDGET AND CAPITAL IMPROVEMENT PLAN FOR THE BIENNIUM COMMENCING JULY 1, 2023 (2023-2024 BIENNIUM), MAKING APPROPRIATIONS, LEVYING AD VALOREM TAXES, AND CLASSIFYING THE LEVY PURSUANT TO SECTION 11B, ARTICLE XI OF THE OREGON CONSTITUTION.

c. Agenda Bill 2023-06-20-05: ***Public Hearing:*** RESOLUTION 2023-08, ADJUSTING THE BUDGET FOR THE 2021-22 BIENNIUM BY ADOPTING THIS SUPPLEMENTAL BUDGET AND REVISING APPROPRIATIONS AND BONDED DEBT PROPERTY TAX LEVY

d. Agenda Bill 2023-06-20-06**:** ORDINANCE 1744, RELATING TO REPEAL OF CAMPING PROVISIONS IN MUNICIPAL CODE SECTIONS 5.115, 5.120, AND 5.565

e. Agenda Bill 2023-06-20-07: Declare Council Vacancy

7. Adjourn Special Meeting [8:05 pm]

---

8. Call to Order Work Session [8:05 pm/10 min]
9. ADU Code Amendment Discussion [8:15 pm/30 min]
10. Mayor and Council Reports [8:45 pm/15 min]
    a. Reports from Community Advisory Groups
11. City Manager Report [9:00 pm/5 min]
12. City Attorney Report [9:05 pm/5 min]
13. Adjourn [9:10 pm]

**City Council and Planning Commission meetings will be conducted in a hybrid format with some Councilors, staff, presenters, and members of the public attending virtually and others attending in person. The public can watch all meetings online via https://westlinnoregon.gov/meetings or on Cable Channel 30.*

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

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

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

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

PROCLAMATION

WHEREAS, the City of West Linn has a policy of recognizing excellence in achievement; and

WHEREAS, a *West Linn Old Time Fair Ambassador* must distinguish themselves by their service to the community, their skill to communicate before an audience, and their commitment to promoting the tradition of the Old Time Fair, and

WHEREAS, an Ambassador serves as a leader and role model for their peers, exemplifying the finest of West Linn's youth and the next generation of leaders.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST LINN ON BEHALF OF THE COMMUNITY WISH TO HONOR AND CONGRATULATE

Queen Violet Gowdy

For her successful competition and appointment as a 2023 West Linn Old Time Fair Ambassador.

Dated this 20th day of June, 2023

_____

RORY BIALOSTOSKY, MAYOR

_____

KATHY MOLLUSKY, CITY RECORDER

PROCLAMATION

WHEREAS, the City of West Linn has a policy of recognizing excellence in achievement; and

WHEREAS, a *West Linn Old Time Fair Ambassador* must distinguish themselves by their service to the community, their skill to communicate before an audience, and their commitment to promoting the tradition of the Old Time Fair, and

WHEREAS, an Ambassador serves as a leader and role model for their peers, exemplifying the finest of West Linn's youth and the next generation of leaders.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST LINN ON BEHALF OF THE COMMUNITY WISH TO HONOR AND CONGRATULATE

Princess Lilly Tribou

For her successful competition and appointment as a 2023 West Linn Old Time Fair Ambassador.

Dated this 20th day of June, 2023

_____

RORY BIALOSTOSKY, MAYOR

_____

KATHY MOLLUSKY, CITY RECORDER

PROCLAMATION

WHEREAS, the City of West Linn has a policy of recognizing excellence in achievement; and

WHEREAS, a *West Linn Old Time Fair Ambassador* must distinguish themselves by their service to the community, their skill to communicate before an audience, and their commitment to promoting the tradition of the Old Time Fair, and

WHEREAS, an Ambassador serves as a leader and role model for their peers, exemplifying the finest of West Linn's youth and the next generation of leaders.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST LINN ON BEHALF OF THE COMMUNITY WISH TO HONOR AND CONGRATULATE

Prince Caio Cobb Rodrigues

For her successful competition and appointment as a 2023 West Linn Old Time Fair Ambassador.

Dated this 20th day of June, 2023

_____

RORY BIALOSTOSKY, MAYOR

_____

KATHY MOLLUSKY, CITY RECORDER

PROCLAMATION

WHEREAS, the City of West Linn has a policy of recognizing excellence in achievement; and

WHEREAS, a *West Linn Old Time Fair Ambassador* must distinguish themselves by their service to the community, their skill to communicate before an audience, and their commitment to promoting the tradition of the Old Time Fair, and

WHEREAS, an Ambassador serves as a leader and role model for their peers, exemplifying the finest of West Linn's youth and the next generation of leaders.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST LINN ON BEHALF OF THE COMMUNITY WISH TO HONOR AND CONGRATULATE

Princess Hallie Jones

For her successful competition and appointment as a 2023 West Linn Old Time Fair Ambassador.

Dated this 20th day of June, 2023

_____

RORY BIALOSTOSKY, MAYOR

_____

KATHY MOLLUSKY, CITY RECORDER

PROCLAMATION

WHEREAS, the City of West Linn has a policy of recognizing excellence in achievement; and

WHEREAS, a *West Linn Old Time Fair Ambassador* must distinguish themselves by their service to the community, their skill to communicate before an audience, and their commitment to promoting the tradition of the Old Time Fair, and

WHEREAS, an Ambassador serves as a leader and role model for their peers, exemplifying the finest of West Linn's youth and the next generation of leaders.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST LINN ON BEHALF OF THE COMMUNITY WISH TO HONOR AND CONGRATULATE

Princess Laynie Moore

For her successful competition and appointment as a 2023 West Linn Old Time Fair Ambassador.

Dated this 20th day of June, 2023

_____

RORY BIALOSTOSKY, MAYOR

_____

KATHY MOLLUSKY, CITY RECORDER

PROCLAMATION

West Linn, Oregon

WHEREAS, pollinator species such as thousands of species of bees are essential partners in producing much of our food supply; and

WHEREAS, pollinator species provide significant environmental benefits that are necessary for maintaining healthy, biodiverse urban and suburban ecosystems; and

WHEREAS, pollination plays a vital role for the trees and plants of our community, enhancing our quality of life, and creating recreational and economic development opportunities; and

WHEREAS, for decades the City of West Linn has managed urban landscapes and public lands that include many municipal parks and greenways as well as wildlife habitats; and

WHEREAS, the City of West Linn provides recommendations to developers and residents regarding landscaping to promote wise conservation stewardship, including the protection of pollinators and maintenance of their habitats in urban and suburban environments.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF WEST LINN, that the month of June is Pollinator Month, and June 19 through 25 is

NATIONAL POLLINATOR WEEK

The City of West Linn is an affiliate of

Bee City USA®

And we urge all citizens to recognize this observance.

DATED THIS 20th DAY OF JUNE, 2023

_____

RORY BIALOSTOSKY, MAYOR

ATTEST:

_____

KATHY MOLLUSKY, CITY RECORDER

City of West Linn

Agenda Bill 2023-06-20-01

Date: June 13, 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. May 2, 2023 Council Meeting Notes

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

WEST LINN CITY COUNCIL
MEETING NOTES
MAY 2, 2023

1. Call to Order at 7:30 p.m.

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

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

2. Approval of Agenda

   Councilor Leo Groner moved to approve the agenda. Council President Baumgardner seconded the motion.

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

   Nays: None.

   The motion carried 5 – 0

3. Public Comments [7:40 pm]

   Karie Oakes

4. Discussion of Planning Manager Decision in WAP-23-01/WRG-23-01/FMA-23-0 [7:43 pm]

   City Attorney Monahan explained Council has the authority to call up for review decisions of the Planning Manager under Community Development Code (CDC) 99.240. If Council does not call the decision up, people who have standing to appeal the decision have until Thursday, May 4 to file an appeal. If there is an appeal, the matter will go

DRAFT

before the Council. Council wants to avoid deliberating on the merits of the application and whether the application meets the criteria in this discussion. These items would occur during the hearing.

In response to councilors questions, staff replied:

- There are four individuals and one organization who have standing, they are listed in the decision.
- In 2018, Conditional Use Permit for Marylhurst School on Old River Drive to install sidewalks is the only decision staff is aware of that Council pulled up.
- If called up, Council is restricted to reviewing the application in front of the city. It is not to look at if Council like's the design, only if the application meets the approval criteria.
- The design of the roundabout was part of the Athey Creek Middle School application. The Planning Commission made specific conditions on the design of the roundabout. This permit is required to implement the roundabout.
- The Planning Manager evaluated the impact of the roundabout and street improvements on the natural resource areas in the park. This application is to assess its conformance with the natural resource area standards and look at mitigation if necessary. It is not to evaluate the existence of the roundabout which was completed through the school application.
- By conducting a public process on the application that the Planning Manager has decided, Council is saying they would want to discuss the environmental impacts of the roundabout. It is like Council filing an appeal of the staff decision. The application would come to Council to decide based on the criteria in the CDC. There is (1) the Flood Management Area Permit, CDC Chapter 27; (2) Tualatin River Greenway Permit, CDC Chapter 28; and (3) the Water Resource Area permit, CDC Chapter 32.
- The roundabout was approved as part of the middle school application. There was discussion about it and the design was very detailed. It was part of the traffic study and was part of the basis of the approval of the school. The Planning Commission added a condition to the design of the cross walk related to the roundabout. The application for the school has already been approved and construction is nearing completion.
- There is a process in the CDC to modify a decision. Council can approach the school district about modifying the roundabout, it can be done through a modification of approval and the conditions of approval can also be modified. The school district, as the applicant, would have to bring that forward. This would be a land use application. The modification of approval goes to the original decision authority so it would go to the Planning Commission and could be appealed to Council.
- The application was submitted in 2021; it included the street improvements and roundabout. The Planning Commission added the condition to make Brandon Place emergency access only. The original application and all the materials are still on the website.
- The Concept Plan process started in 2018. The Transportation Advisory Board (TAB) was the working group. It was finalized and went through the legislative process at the Planning Commission in April and May 2021. Council had a work session in June 2021 and held a Public Hearing in July 2021. The Concept Plan was adopted as an Appendix to the Transportation System Plan (TSP).
- Shortly after that the public process began for the Athey Creek Middle School. It went through the public hearings at the Planning Commission and was appealed and went through the public process at City Council. The school district was conditioned to do half street improvements

DRAFT

along Dollar Street, were required to construct the Brandon Place extension with the north end being emergency access only, and to complete half street improvements on Willamette Falls Drive. The City partnered with the school district to do both sides of the street on Willamette Falls Drive. That decision triggered the need to get the environmental review. This is what is being discussed tonight, if Council wants to call this decision up. It is regarding impacts in the flood management area, Tualatin River Greenway area, and water resource area on the eastern end of Fields Bridge Park.

- Before the Planning Commission, there were community meetings and an open house on the Willamette Falls Concept Plan and the TAB discussed it numerous times at their meetings.
- The refinement of the roundabout happened during the middle school application. That is when development review and traffic impacts were looked at and there was extensive public attention on that application.
- The City website has the land use application for the school, the Planning Commission conditions of approval, the applicant submittal, the traffic study, and all of those documents refer to the roundabout.
- The Willamette Falls Concept Plan was in the works for a couple of years. It was happening at the same time as the approval of the school site.
- The development review for the school application and the Concept Plan are not required one before the other. The Concept Plain was in development, in the approval process while school was also in review and development. The school project took that intersection and made a decision about it. It may have been before the Plan was adopted. The roundabout was thoroughly discussed in the application. There is a Planning Commission condition of approval regarding the roundabout.
- The Willamette Falls Drive Concept Plan was approved by Council August 2, 2021. The Planning Commission Final Decision and Order for construction of the middle school and improvements was signed August 23, 2021.
- The Planning Commission had a lengthy discussion about the roundabout - not just about markings and signs but flashing lights so drivers would see pedestrians were crossing the road, the curbs in the design, and the safety median. There was a condition associated with it about the pedestrian crosswalks.
- If Council wants to discuss the design of the street and how it is impacting the park, the proposed retaining walls, and character of the park – for instance seeing the large stone retaining wall, there is a mechanism in the Code to do this. Council could have a conversation with the school district regarding modification of the approval of the design of the street improvements. There would have to be an analysis done regarding modifying the intersection to function differently then what the roundabout was modeled for. If the City and school decide something needs to be done, they will have to go through the process to modify the conditions.

Councilor Erwin stated the application meets the Code. The Planning Department has been working on this and coordinating with the school. If the end product is not meeting Council's preference, like the large concrete retaining wall, the City can do secondary mitigation, such as growing vines on it to make it more aesthetically pleasing.

Council President Baumgardner stated the park was proposed as a passive park, that it would be left in a natural state, but it has athletic fields on it. Staff can beautify the retaining wall, but the natural habitat is lost. This is a riparian zone with wildlife that we will not even know how have impacted. The natural character of what was designed to be passive park, now has baseball field with artificial turf on it.

Mayor Bialostosky stated Council is deciding if they want to pull up this decision. Members of the community are concerned about the public process, public involvement, compliance with the Charter, and if the ballot measure language concurred with and approved the construction that is going on. People are not feeling heard, that public involvement is not happening at the appropriate steps. Calling up this decision would not address these issues as this would be a quasi-judicial hearing. Council would be limited to if this application meets the Code and other concerns could not be addressed. He is not supportive of calling it up. Council can talk to the school district; however, they are trying to open the school in three months.

Councilor Erwin concurs. If something needs to be improved upon regarding communication about major projects, Council can address it. If the Code is unsatisfactory, Council can change the Code. This decision is based on the Code as it exists and Council cannot change the decision as if the Code were changed.

Councilor Groner agrees. We want public engagement early in the process not through appeals. Appeals are very disruptive and expensive.

Mayor Bialostosky noted those with standing have a few days left to appeal if Council does not call this decision up.

Council President Baumgardner reiterated that a public member could call this up even if Council decides not to. The public tries to engage and are not invited into the process when it would make a difference. The public is frustrated, there is an unmet need. This is a transformation of the character of Fields Bridge Park and that street section. The school is a huge change from what is there prior and she wants to make sure it is done in a thoughtful way and thinking of the wildlife habitat. The word mitigation is used a lot, ornamental shrubs do not replace habitat.

Mayor Bialostosky stated Council has reached consensus. They hear the need for public regarding engagement, especially related to transportation projects. If Council called up this decision, they would just be talking the technical aspects, not general public engagement.

City Manager Williams stated in this case, the roundabout had thorough public discussions and consideration with a detailed design. The City is working on increasing public engagement on Capital projects and are doing better with the addition of a staff member who is focused on communication.

Mayor Bialostosky stated Council can discuss if they want to work in conjunction with the school district and should have a general town hall regarding public engagement and seek feedback about how to improve.

City Manager Williams stated if Council is interested in exploring the Brandon Place decision, staff would reach out to the neighborhood and the school district. The Planning Commission closed Brandon Place in response to the neighborhood's concern about through traffic.

Mayor Bialostosky thanked everyone for showing up such short notice. Council will work on public engagement on capital projects.

DRAFT

Council President Baumgardner thanked the public and stated we will find a way forward to work together.

5. Adjourn at 8:15 pm.

DRAFT

City of West Linn

Agenda Bill 2023-06-20-02

Date Prepared: June 6, 2023

For Meeting Date: June 20, 2023

To: Rory Bialotosky, Mayor
West Linn City Council

From: Lauren Breithaupt, Finance Director

Through: John Williams, City Manager *JW*

Subject: Personal Services Agreement for Insurance Brokerage Services – Brown and Brown Northwest

---

Purpose
Approval of Personal Services Agreement with Brown and Brown Northwest for Insurance Brokerage Services.

Question(s) for Council:
Does Council wish to continue contracting with Brown and Brown Northwest?

Public Hearing Required:
None required.

Background & Discussion:
The City began contracting with Brown and Brown Northwest over 20 years ago. Prior to fiscal year 2022, the City paid Brown and Brown Northwest on a commission basis via our City Insurance Company City County Insurance (CIS). By changing to a direct contract with Brown and Brown Northwest and paying a flat fee in lieu of commission, the City saves approximately $10k a year. Clackamas County did a Request for Proposals in 2020 and awarded Brown and Brown NW as the agent of record. West Linn has used the cooperative purchasing statement in Clackamas County's contract/RFP for FY 2022 and FY 2023. At this point we would like to extend our agreement through FY 2027 (the last full FY in Clackamas County's contract).

Budget Impact:

$32,480 for FY 2023-24
$35,514 for FY 2024-25
$36,579 for FY 2025-26
$37,676 for FY 2026-27

Sustainability Impact:
N/A

Council Options:

1. Approve the proposed Personal Services Agreement with Brown and Brown Northwest, or
2. Do not the proposed Personal Services Agreement with Brown and Brown Northwest and issue an RFP for an insurance broker.

Staff Recommendation:
Staff recommends approval of the Personal Services Agreement.

Potential Motion:
Move to approve the Personal Services Agreement between the City of West Linn and Brown and Brown Northwest for FY 2024 – 2027.

Attachments:

1. Personal Services Agreement

PERSONAL SERVICES AGREEMENT
FOR BROKERAGE SERVICES

City: City of West Linn, a municipal corporation of the State of Oregon
Contractor: Brown & Brown of Oregon, LLC d/b/a Brown & Brown Northwest
601 SW 2nd Avenue
Portland, OR 97204
Term: July 1, 2023 – June 30, 2027
Compensation: Not to exceed $34,480 in Fiscal Year 2023-2024 and an increase of 3% in any contract year, not to exceed four years in duration

RECITALS

1. City has need for the services of a person or an entity with particular training, ability, knowledge, and experience as possessed by Contractor, and

2. Contractor has contracted with Clackamas County to provide the desired services; and

3. The personal services contract between Clackamas County and the Contractor specifically permits and consents to other public agencies to use the contract to obtain services from Contractor on the condition that the public agency makes and pursues contact, purchase order, delivery arrangements and all contractual remedies directly with Contractor;

4. City has determined that Contractor is qualified and capable of performing the professional services the City require, under the terms and conditions in this Personal Services Agreement ("Agreement").

THEREFORE, the Parties agree as follows:

1. <u>SERVICES TO BE PROVIDED</u>

Contractor shall provide services as specified in the Scope of Work, a copy of which is attached and incorporated in Exhibit A. Contractor shall initiate services immediately upon receipt of City's notice to proceed, together with an executed copy of this Agreement.

2. <u>EFFECTIVE DATE AND DURATION</u>

This Agreement shall become effective upon the date of execution, and shall expire, unless otherwise terminated or extended, on **June 30, 2027**.All work under this Agreement shall be completed prior to the expiration of this Agreement.

3. <u>COMPENSATION</u>

City agrees to pay Contractor for performance of those services described in the attached Scope of Work not to exceed:

1. $32,480 for FY 2023-24
2. $35,514 for FY 2024-25
3. $36,579 for FY 2025-26
4. $37,676 for FY 2026-27

Payment shall be based upon the following applicable terms:

A. Payment by City to Contractor for performance of services under this Agreement includes all expenses incurred by Contractor, with the exception of expenses, if any identified in this Agreement as separately reimbursable.

B. Payment will be made in installments based on Contractor's invoice, subject to the approval of the City Manager, or designee, and not more frequently than monthly. Payment shall be made only for work actually completed as of the date of invoice.

C. Payment by City shall release City from any further obligation for payment to Contractor, for services performed or expenses incurred as of the date of the invoice. Payment shall not be considered acceptance or approval of any work or waiver of any defects in the work.

D. The City certifies that sufficient funds are available and authorized for expenditure to finance costs of this contract.

4. <u>OWNERSHIP OF WORK PRODUCT</u>

City shall be the owner of and shall be entitled to possession of any and all work products of Contractor which result from this Agreement, including any computations, plans, correspondence or pertinent data and information gathered by or computed by Contractor prior to termination of this Agreement by Contractor or upon completion of the work pursuant to this Agreement.

5. <u>ASSIGNMENT/DELEGATION</u>

Neither party shall assign, sublet or transfer any interest in or duty under this Agreement without the written consent of the other and no assignment shall be of any force or effect whatsoever unless and until the other party has so consented. If City agrees to assignment of tasks to a subcontract, Contractor shall be fully responsible for the acts or omissions of any subcontractors and of all persons employed by them, and neither the approval by City of any subcontractor nor anything contained in this Agreement shall be deemed to create any contractual relation between the subcontractor and City.

6. <u>STATUS OF CONTRACTOR AS INDEPENDENT CONTRACTOR</u>

Contractor certifies that:

A. Contractor acknowledges that for all purposes related to this Agreement, Contractor is and shall be deemed to be an independent contractor as defined by ORS 670.700 and not an employee of City, shall not be entitled to benefits of any kind to which an employee of City is entitled and shall be solely responsible for all payments and taxes required by law. Furthermore, in the event that Contractor is found by a court of law or any administrative agency to be an employee of City for any purpose, City shall be entitled to offset compensation due, or to demand repayment of any amounts paid to Contractor under the terms of this Agreement, to the full extent of any benefits or other remuneration Contractor receives (from City or third party) as a result of said finding and to the full extent of any

payments that City is required to make (to Contractor or to a third party) as a result of said finding.

B. The undersigned Contractor hereby represents that no employee of the City, or any partnership or corporation in which a City employee has an interest, has or will receive any remuneration of any description from Contractor, either directly or indirectly, in connection with the letting or performance of this Agreement, except as specifically declared in writing.

C. If this payment is to be charged against Federal funds, Contractor certifies that he/she is not currently employed by the Federal Government and the amount charged does not exceed his or her normal charge for the type of service provided.

D. Contractor and its employees, if any, are not active members of the Oregon Public Employees Retirement System and are not employed for a total of 600 hours or more in the calendar year by any public employer participating in the Retirement System.

E. Contractor certifies that it currently has a City business license or will obtain one prior to delivering services under this Agreement.

F. Contractor is not an officer, employee, or agent of the City as those terms are used in ORS 30.265

7. INDEMNIFICATION

City has relied upon the professional ability and training of Contractor as a material inducement to enter into this Agreement. Contractor warrants that all its work will be performed in accordance with generally accepted professional practices and standards as well as the requirements of applicable federal, state and local laws, it being understood that acceptance of a contractor's work by City shall not operate as a waiver or release.

Contractor agrees to indemnify and defend the City, its officers, agents, employees and volunteers and hold them harmless from any and all liability, causes of action, claims, losses, damages, judgments or other costs or expenses including attorney's fees and witness costs and (at both trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity which in any way arise from, during or in connection with the performance of the work described in this contract, except to the extent that the liability arises out of the sole negligence, willful misconduct, and/or act of omissions of the City and its employees. 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. INSURANCE

Contractor and its subcontractors shall maintain insurance acceptable to City in full force and effect throughout the term of this contract. Contractor's auto liability and general liability insurance shall cover all activities of the contractor arising directly or indirectly out of Contractor's work performed hereunder, including the operations of its subcontractors of any tier. Such insurance shall be primary and non-contributory.

The policy or policies of insurance maintained by the Contractor and its subcontractor shall provide at least the following limits and coverages:

A. Commercial General Liability Insurance

Contractor shall obtain, at contractor's expense, and keep in effect during the term of this contract, Commercial General Liability Insurance covering Bodily Injury and Property Damage on an "occurrence" form. This coverage shall include Contractual Liability insurance for the indemnity provided under this contract. The following insurance will be carried:

Coverage	Limit
General Aggregate	2,000,000
Products-Completed Operations Aggregate	2,000,000
Personal & Advertising Injury	2,000,000
Each Occurrence	1,000,000

B. Commercial Automobile Insurance

Contractor shall also obtain, at contractor's expense, and keep in effect during the term of this contract, Commercial Automobile Liability coverage including coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than $1,000,000.

C. Professional Liability Insurance

Contractor shall obtain, at Contractor's expense, and keep in effect during the term of this contract, Professional Liability Insurance covering any damages caused by an error, omission or any negligent acts. Combined single limit per occurrence shall not be less than $1,000,000. Annual aggregate limit shall not be less than $3,000,000.

D. Workers' Compensation Insurance

The Contractor, its subcontractors, if any, and all employers providing work, labor or materials under this Contract who are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage that satisfies Oregon law for all their subject workers. Out-of-state employers must provide workers' compensation coverage for their workers that complies with ORS 656.126. Employer's Liability Insurance with coverage limits of not less than $500,000 each accident shall be included.

E. Cyber Liability Insurance

Contractor shall obtain, at Contractor's expense, and keep in effect during the term of this contract, Cyber Liability Insurance coverage for network security (including data breach), privacy, interruption of business, media liability, and errors and omissions. Combined single limit per occurrence shall not be less than $1,000,000.

F. Additional Insured Provision

The Commercial General Liability Insurance policy and other policies the City deems necessary, with the exclusion of Commercial Automobile, Professional Liability and Workers' Compensation Insurance, shall include the City, its officers, directors,

employees and volunteers as additional insureds with respect to this contract.

G. Notice of Cancellation

There shall be no cancellation, material change, exhaustion of aggregate limits or intent not to renew insurance coverage without 30 days written notice to the City by Contractor. Any failure to comply with this provision will not affect the insurance coverage provided to the City.

H. Insurance Carrier Rating

Coverages provided by the Contractor must be underwritten by an insurance company deemed acceptable by the City. The City reserves the right to reject all or any insurance carrier(s) with an unacceptable financial rating.

I. Certificates of Insurance

As evidence of the insurance coverage required by the contract, the Contractor shall furnish a Certificate of Insurance to the City. No contract shall be effected until the required certificates have been received and approved by the City. The certificate will specify and document all provisions within this contract. A renewal certificate will be sent to the above address 30 days prior to coverage expiration.

Certificates of Insurance should read "Insurance certificate pertaining to contract for Brokeager Services**.** The City of West Linn, its officers, directors and employees shall be added as additional insureds with respects to this contract (except for professional liability and workers' compensation insurance)." A notation stating that "Insured coverage is primary" shall appear in the description portion of certificate.

J. Independent Contractor Status

The service or services to be rendered under this contract are those of an independent contractor. Contractor is not an officer, employee or agent of the City as those terms are used in ORS 30.265.

K. Primary Coverage Clarification

The parties agree that Contractor's insurance coverage shall be primary to the extent permitted by law. The parties further agree that insurance maintained by the City is excess and not contributory insurance with the insurance required in this section.

L. Cross-Liability Clause

A cross-liability clause or separation of insureds clause will be included in the general liability policy.

A copy of each insurance policy, certified as a true copy by an authorized representative of the issuing insurance company, or at the discretion of City, in lieu thereof, a certificate in form satisfactory to City certifying to the issuance of such insurance shall be forwarded to:

Finance Department City of West Linn 22500 Salamo Road	Ph: 503-742-6125 Fax: 503-656-0319 Email: acctspayable@westlinnoregon.gov

West Linn, OR 97068	

Such policies or certificates must be delivered prior to commencement of the work.

The procuring of such required insurance shall not be construed to limit contractor's liability hereunder. Notwithstanding said insurance, Contractor shall be obligated for the total amount of any damage, injury, or loss caused by negligence or neglect connected with this contract.

9. METHOD & PLACE OF SUBMITTING NOTICE, BILLS AND PAYMENTS

All notices, bills and payments shall be made in writing and may be given by personal delivery, mail or by fax. Payments may be made by personal delivery, mail, or electronic transfer. The following addresses shall be used to transmit notices, bills, payments, and other information:

City of West Linn	**Brown & Brown of Oregon, LLC d/b/a Brown & Brown Northwest**
Attn: Finance Department	Attn: Jessica Getman
22500 Salamo Road West Linn, OR 97068	Address: 601 SW 2nd Avenue Portland, OR 97204
Phone: 503- 657-0331	Phone:
Fax: 503-650-9041	Fax:
Email: acctspayable@westlinnoregon.gov	Email: jessica.getman@bbrown.com

and when so addressed, shall be deemed given upon deposit in the United States mail, postage prepaid, or when so faxed, shall be deemed given upon successful fax. In all other instances, notices, bills and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses of the person to who notices, bills and payments are to be given by giving written notice pursuant to this paragraph.

10. MERGER

This writing is intended both as a 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.

11. TERMINATION WITHOUT CAUSE

At any time and without cause, either Party shall have the right, in its sole discretion, to terminate this Agreement by giving no less than 30 days' notice to the other Party. If City terminates the contract pursuant to this paragraph, it shall pay Contractor for services rendered to the date of termination.

12. TERMINATION WITH CAUSE

A. City may terminate this Agreement effective upon delivery of written notice to Contractor, or at such later date as may be established by City, under any of the following conditions:

1) If City funding from federal, state, local, or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quantity of services. This Agreement may be modified to accommodate a reduction in funds.
2) If federal or state regulations or guidelines are modified, changed, or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Agreement.
3) If any license or certificate required by law or regulation to be held by Contractor, its subcontractors, agents, and employees to provide the services required by this Agreement is for any reason denied, revoked, or not renewed.
4) If Contractor becomes insolvent, if voluntary or involuntary petition in bankruptcy is filed by or against Contractor, if a receiver or trustee is appointed for Contractor, or if there is an assignment for the benefit of creditors of Contractor.

Any such termination of this agreement under paragraph (A) shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.

B. City, by written notice of default (including breach of contract) to Contractor, may terminate the whole or any part of this Agreement:

1) If Contractor fails to provide services called for by this Agreement within the time specified in this Agreement or any extension thereof, or
2) If Contractor fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from City, fails to correct such failures within thirty (30) days or such other period as City may authorize.

The rights and remedies of City provided in the above clause related to defaults (including breach of contract) by Contractor shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

If City terminates this Agreement under paragraph (B), Contractor shall be entitled to receive as full payment for all services satisfactorily rendered and expenses incurred, an amount which bears the same ratio to the total fees specified in this Agreement as the services satisfactorily rendered by Contractor bear to the total services otherwise required to be performed for such total fee; provided, that there shall be deducted from such amount the amount of damages, if any, sustained by City due to breach of contract by Contractor. Damages for breach of contract shall be those allowed by Oregon law, reasonable and necessary attorney fees, and other costs of litigation at trial and upon appeal.

13. <u>ACCESS TO RECORDS</u>

City shall have access to such books, documents, papers and records of Contractor as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts and transcripts.

14. <u>FORCE MAJEURE</u>

Neither City nor Contractor shall be considered in default because of any delays in completion and responsibilities hereunder due to causes beyond the control and without fault or negligence on the

part of the parties so disenabled, including but not restricted to, an act of God or of a public enemy, civil unrest, volcano, earthquake, fire, flood, epidemic, pandemic, quarantine restriction, area-wide strike, freight embargo, unusually severe weather or delay of subcontractor or supplies due to such cause; provided that the parties so disenabled shall within ten (10) days from the beginning of such delay, notify the other party in writing of the cause of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation. Each party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligation under the Agreement.

15. NON-WAIVER

The failure of City to insist upon or enforce strict performance by Contractor of any of the terms of this Agreement or to exercise any rights hereunder should not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights on any future occasion.

16. NON-DISCRIMINATION

Contractor agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statues, rules, and regulations. Contractor also shall comply with the Americans with Disabilities Act of 1990, ORS 659A.142, and all regulations and administrative rules established pursuant to those laws.

17. ERRORS

Contractor shall perform such additional work as may be necessary to correct errors in the work required under this Agreement without undue delays and without additional cost.

18. EXTRA (CHANGES) WORK

Only **City Manager or designee** may authorize extra (and/or change) work. Failure of Contractor to secure authorization for extra work shall constitute a waiver of all right to adjustment in the contract price or contract time due to such unauthorized extra work and Contractor thereafter shall be entitled to no compensation whatsoever for the performance of such work.

19. WARRANTIES

All work shall be guaranteed by Contractor for a period of one year after the date of final acceptance of the work by the owner. Contractor warrants that all practices and procedures, workmanship and materials shall be the best available unless otherwise specified in the profession. Neither acceptance of the work nor payment therefore shall relieve Contractor from liability under warranties contained in or implied by this Agreement.

20. ATTORNEY'S FEES

In case suit or action is instituted to enforce the provisions of this contract, the parties agree that the losing party shall pay such sum as the court may adjudge reasonable attorney fees and court costs, including attorney's fees and court costs on appeal.

21. GOVERNING LAW

The provisions of this Agreement shall be construed in accordance with the provisions of the laws of the State of Oregon. Any action or suits involving any question arising under this Agreement must be brought in the appropriate court of the State of Oregon.

22. CONFIDENTIALITY

Contractor acknowledges that it and its employees and agents may, in the course of performing their obligations under this Agreement, be exposed to or acquire information that the City desires or is required to maintain as confidential. All information of any form obtained by Contractor or its employees or agents in the performance of this Agreement, including but not limited to Personal Information (as "Personal Information" is defined in ORS 646A.602 (11), shall be deemed to be confidential information of the City ("Confidential Information"). Any reports or other documents or items (including software) which result from the use of the Confidential Information by Contractor shall be treated with respect to confidentiality in the same manner as the Confidential Information.

Contractor agrees to hold Confidential Information in strict confidence, using at least the same degree of care that Contractor uses in maintaining the confidentiality of its own confidential information, and not to copy, reproduce, sell, assign, license, market, transfer or otherwise dispose of, give or disclose Confidential Information to third parties or use Confidential Information for any purposes whatsoever (other than in the performance of this Agreement), and to advise each of its employees and agents of their obligations to keep Confidential Information confidential.

Contractor agrees that, except as directed by the City, Contractor will not at any time during or after the term of this Agreement, disclose, directly or indirectly, any Confidential Information to any person, and that upon termination or expiration of this Agreement or the City's request, Contractor will turn over to the City all documents, papers, records and other materials in Contractor's possession which embody Confidential Information. Contractor acknowledges that breach of this Agreement, including disclosure of any Confidential Information, or disclosure of other information that, at law or in good conscience or equity, ought to remain confidential, will give rise to irreparable injury to the City that cannot adequately be compensated in damages. Accordingly, the City may seek and obtain injunctive relief against the breach or threatened breach of the foregoing undertakings, in addition to any other legal remedies that may be available. Contractor acknowledges and agrees that the covenants contained herein are necessary for the protection of the legitimate business interests of the City and are reasonable in scope and content.

Contractor agrees to comply with all reasonable requests by the City to ensure the confidentiality and nondisclosure of the Confidential Information, including if requested and without limitation: (a) obtaining nondisclosure agreements, in a form approved by the City, from each of Contractor's employees and agents who are performing services, and providing copies of such agreements to the City; and (b) performing criminal background checks on each of Contractor's employees and agents who are performing services, and providing a copy of the results to the City.

Contractor shall report, either orally or in writing, to the City any use or disclosure of Confidential Information not authorized by this Agreement or in writing by the City, including any reasonable belief that an unauthorized individual has accessed Confidential Information. Contractor shall make the report to the City immediately upon discovery of the unauthorized disclosure, but in no event

more than two (2) business days after Contractor reasonably believes there has been such unauthorized use or disclosure. Contractor's report shall identify: (i) the nature of the unauthorized use or disclosure, (ii) the Confidential Information used or disclosed, (iii) who made the unauthorized use or received the unauthorized disclosure, (iv) what Contractor has done or shall do to mitigate any deleterious effect of the unauthorized use or disclosure, and (v) what corrective action Contractor has taken or shall take to prevent future similar unauthorized use or disclosure. Contractor shall provide such other information, including a written report, as reasonably requested by the City.

Notwithstanding any other provision in this Agreement, Contractor will be responsible for all damages, fines and corrective action (including credit monitoring services) arising from disclosure of such Confidential Information caused by a breach of its data security or the confidentiality provisions hereunder.

The provisions in this Section shall operate in addition to, and not as limitation of, the confidentiality and similar requirements set forth in the rest of the Agreement, as it may otherwise be amended. Contractor's obligations under this Agreement shall survive the expiration or termination of the Contract, as amended, and shall be perpetual.

23. <u>COMPLIANCE WITH STATE AND FEDERAL LAWS/RULES</u>

Contractor shall comply with all applicable federal, state and local laws, rules and regulations, including, but not limited to, the requirements concerning working hours, overtime, medical care, and workers compensation insurance, the provisions of which are hereby made a part of this agreement.

24. <u>CONFLICT BETWEEN TERMS</u>

It is further expressly agreed by and between the parties that should there be any conflict between the terms of this Agreement and the Contractor's proposed contract terms, scope of work, or any other document provided by the Contractor, this Agreement shall control and nothing in this Agreement shall be considered as an acceptance of any conflicting terms in the Contractor's proposal.

25. <u>AUDIT</u>

Contractor shall maintain records to assure conformance with the terms and conditions of this Agreement, and to assure adequate performance and accurate expenditures within the contract period. Contractor agrees to permit City, the State of Oregon, the federal government, or their duly authorized representatives to audit all records pertaining to this Agreement to assure the accurate expenditure of funds.

26. <u>SEVERABILITY</u>

In the event any provision or portion of this Agreement is held to be unenforceable or invalid by any court of competent jurisdiction, the validity of the remaining terms and provisions shall not be affected to the extent that it did not materially affect the intent of the parties when they entered into the agreement.

27. AMENDMENT AND COMPLETE AGREEMENT

This Agreement and attached exhibits constitute the entire Agreement between the parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change if made, shall be effective only in specific instances and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified in this Agreement regarding this Agreement. Contractor, by the signature of its authorized representative, acknowledges that he has read this Agreement, understands it and agrees to be bound by its terms and conditions.

INTENDING TO BE BOUND, City has caused this Agreement to be executed by its duly authorized undersigned officer and Contractor has executed this Agreement on the date written below.

CONTRACTOR	**CITY OF WEST LINN**
_____	_____
Signature	*Signature*
_____	_____
Printed Name & Title	*Printed Name & Title*
_____	_____
Date	*Date*

APPROVED AS TO FORM:

_____

LEGAL

EXHIBIT A

BROKERAGE SERVICES

Subject to the terms of this Agreement, Contractor shall provide the Services listed below, but only in relation to the following Lines of Insurance: (a) Commercial Property; (b) Earthquake; (c) Flood (other than NFIP Placements); (d) Boiler & Machinery/Equipment Breakdown; (e) Inland Marine; (f) Crime; (g) General Liability/Excess Liability; (h) Directors & Officers Liability; (i) Professional Liability; (j) Employment Practices Liability; (k) Commercial Automobile

Services are as follows:

a. Evaluate City's business practices with regard to risk and possible transfer of risk to third parties and conduct regular, scheduled meetings with City to review City's risk management program.

b. Review and analyze City's existing insurance coverage and identify potential lines of coverage or coverage enhancements to improve City's insurance program.

c. Analyze current insurance market conditions and advise City of significant implications for City's insurance program.

d. Facilitate, market, and procure quotations from carriers; review and analyze quotations and provide proposals for review by City.

e. Secure and bind all coverage accepted by City.

f. Coordinate loss prevention services provided by any insurance City with those services provided by Contractor.

g. Analyze past and current claim and loss history information and advise City of significant implications for City's insurance program.

For Continuation of Public Hearing: Appeal of Planning Manager Decision in WAP-23-01/WRG-23-01/FMA-23-01 – Please see Planning Page:

City of West Linn

Agenda Report 2023-06-20-04

Date: June 13, 2023

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

From: Lauren Breithaupt, Finance Director LB

Through: John Williams, City Manager JW

Subject: Adopting the Four 2024-2025 Budget Resolutions

Purpose
To adopt the four annual 2024-2025 budget resolutions, making appropriations and levying ad valorem taxes.

Question(s) for Council:
Should the City Council adopt the budget and CIP as approved by the Citizens' Budget Committee?

Public Hearing Required: Yes

Background & Discussion:
The City of West Linn Budget Committee held public meetings on May 30 and June 1, 2023. At these meetings, the committee received and discussed the City Manager's 2024-2025 Proposed Budget. On Thursday, June 1, 2023, the Citizens' Budget Committee approved the budget with certain changes identified as "Budget Committee Approved" changes as shown in the attachments to this report.

Budget Impact:
- $182,413,000 Biennium Budget

Summary:

1. Hold a public hearing to consider proposed uses of State Revenue Sharing funds (i.e., general funds of the State) for the 2024-2025 biennium.

2. Consider a resolution to certify that the City of West Linn is eligible to receive State Shared Revenues (i.e., liquor, cigarette, 911, and gas taxes) because the City provides four or more of the municipal services required.

3. Consider a resolution that modifies the Master Fees & Charges schedule to reflect the updates in the 2024-2025 biennium budget.

4. Hold a public hearing to consider a resolution that adopts the 2024-2025 budget and capital improvement plan, makes appropriations, levies the tax rate and bonded debt levies.

Council Options:

1. Approve the four resolutions as proposed;

2. Approve the resolutions, but with certain stated changes; or

3. Do not approve the resolution and provide direction to balance the budget otherwise.

Staff Recommendation: Staff recommends approval of the attached four resolutions.

Potential Motions (4):

Proposed Motion #1

- *I move to approve Resolution 2023-04 declaring that the City continues its election to receive State Revenue Sharing funds for the 2024-2025 budget biennium.*

Proposed Motion #2

- *I move to approve Resolution 2023-05 certifying that the City is eligible to receive State Shared Revenues because it offers four or more required municipal services.*

Proposed Motion #3

- *I move to approve Resolution 2023-06 revising fees and charges as shown revised Master Fees and Charges document.*

Proposed Motion #4

- *I move to approve Resolution 2023-07 adopting the City's budget and CIP, making appropriations and levying a property tax for the 2024-2025 biennium. The permanent tax rate is $2.1200 per $1,000 for each fiscal year of the biennium. The bonded debt levy is $1,713,000 and $1,724,000 for fiscal years 2024 and 2025 respectively.*

Attachments: Approved Budget (changed pages only) and four related budget resolutions

RESOLUTION NO. 2023-04

A RESOLUTION OF THE CITY OF WEST LINN DECLARING THE CITY OF WEST LINN'S ELECTION TO RECEIVE STATE REVENUE SHARING FUNDS (GENERAL FUNDS OF THE STATE) IN THE 2024-2025 BIENNIUM

WHEREAS, the Legislature of the State of Oregon has provided for the apportionment of certain revenues to the cities of the State of Oregon; and

WHEREAS, such legislation provides that a city, in order to participate in the sharing of those certain revenues, must express an election to receive such funds, which election must be made prior to July 31 of the fiscal year; and

WHEREAS, the City of West Linn desires to receive a portion of such funds.

NOW, THEREFORE, THE CITY OF WEST LINN RESOLVES AS FOLLOWS: Pursuant to ORS 221.770, the City of West Linn does hereby elect to receive its proportionate share of the revenues to be apportioned to the cities by the State of Oregon for the 2022-2023 biennium, and the City Manager of the City of West Linn is directed to take such steps as are necessary to carry out the intent of this resolution.

This resolution was PASSED and ADOPTED this 20th day of June, 2023, and takes effect upon passage.

_____
RORY BIALOSTOSKY, MAYOR

ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

I, John Williams, City Manager, certify that a public hearing before the Citizens' Budget Committee was held on June 1, 2023 and a public hearing before the City Council on June 20, 2023, giving citizens the opportunity to comment on the use state revenue sharing funds.

_____
JOHN WILLIAMS, CITY MANAGER

APPROVED AS TO FORM:

_____
CITY ATTORNEY

RESOLUTION NO. 2023-05

A RESOLUTION CERTIFYING THE CITY OF WEST LINN IS ELIGIBLE IN THE 2022-2023 BIENNIUM TO RECEIVE STATE SHARED REVENUES (CIGARETTES, LIQUOR, 911, AND HIGHWAY GAS TAXES) BECAUSE IT PROVIDES FOUR OR MORE MUNICIPAL SERVICES.

WHEREAS, ORS 221.760 provides as follows:

Section 1: The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services: police protection; fire protection; street construction, maintenance, and lighting; sanitary sewer; storm sewers; planning, zoning, and subdivision control; one or more utility services.

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

NOW, THEREFORE, THE CITY OF WEST LINN RESOLVES AS FOLLOWS: The City of West Linn hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

1. Police protection
2. Street construction, maintenance, and lighting
3. Sanitary sewer
4. Storm sewer
5. Planning, zoning, and subdivision control
6. Water utility service

This resolution was PASSED and ADOPTED this 20th day of June, 2023 and takes effect upon passage.

_____
RORY BIALOSTOSKY, MAYOR

ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

_____
CITY ATTORNEY

RESOLUTION NO. 2023-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST LINN REVISING FEES AND CHARGES AS SHOWN IN ATTACHMENT A AND UPDATING THE MASTER FEES AND CHARGES DOCUMENT OF THE CITY OF WEST LINN

WHEREAS, it is the policy of the City of West Linn to require the discernment and recovery of certain City costs from fees and charges levied in providing City services, products and regulations; and

WHEREAS, the City Manager shall periodically cause a review of City fees and charges to recover the percentage of City costs in providing City services, products and regulations and recommend adjustments to the City Council; and

WHEREAS, West Linn advisory boards, commission, and committees periodically provide recommended adjustments to the fees and charges levied in providing City services, products and regulations; and

WHEREAS, the City Manager has caused a review of all City fees and charges, has received guidance from advisory boards, commissions, and committees, and has determined the cost for such fees and charges.

NOW, THEREFORE, THE CITY OF WEST LINN RESOLVES AS FOLLOWS: The City of West Linn "Master Fees and Charges" document, included as Attachment A to this resolution, is hereby adopted.

This resolution was PASSED and ADOPTED this 20th day of June, 2023 and takes effect upon passage.

_____
RORY BIALOSTOSKY, MAYOR

ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Master Fees and Charges Document

Adopted:

Effective: July 1, 2023
(Unless otherwise noted)

Attachment A

Table of Contents

		Page No.
1.	General Information	1
1.1.	Overview	1
1.2.	Fee Variance & Waiver Statement	1
1.3.	Statement of Hourly Rates	1
2.	Utility and City Services Fees	2
2.1.	Water Rates	2
2.2.	Water Service Shut Off	2
2.3.	Water Service Turn On	2
2.4.	Delinquent Services Bill Accounts	2
2.5.	Bulk Water Rates	3
2.6.	Reduced Water Rates for Qualifying Low-Income Households	3
2.7.	Water Meter Installation Services	3
2.8.	Sanitary Sewer Collection Rates	4
2.9.	Surface Water Management Rates	5
2.10.	Street Permit Fee	5
2.11.	Roadway Maintenance Fee	5
2.12.	Park Maintenance Fee (see Parks Section 6.10.)	6
2.13.	Fees for Utility Services	7
3.	Administrative Fees	8
3.1.	City Facility Deposits	8
3.2.	Special Events (permit)	8
3.3.	Overstreet Banner (permit)	8
3.4.	Business License and Home Occupation	8
3.5.	Liquor License	9
3.6.	Dog License	9
3.7.	Public Record Requests	9
3.8.	Photocopying Fees	10
3.9.	Non-sufficient Funds (NSF) Charge	10
3.10.	Finance Charges	10
3.11.	Municipal Court Fees and Charges	11
3.12.	Administrative Appeal Fee	11
3.13.	Sidewalk café permit (annual)	11
4.	GIS/Mapping Fees	12
4.1.	Map Printouts	12
4.2.	City Atlas	12
4.3.	Custom Request Maps	12
4.4.	Large Format Copies	12
4.5.	Digital Data	12
4.6.	GIS Digital Layers	12

Table of Contents

		Page No.
5.	Library Fees	13
5.1.	Overdue Items	13
5.2.	Media Storage	13
5.3.	Facility Use - Community Room	13
5.4.	Replacement Cards	13
5.5.	Lost or Damaged Items	13
5.6.	Photocopying, Printing, Scanning and Faxing Fees	13
6.	Parks, Recreation and Facility Fees	14
6.1.	Picnic Facility Fees - Residents	14
6.2.	Picnic Facility Fees - Non-residents	14
6.3.	Athletic Field Permits	14
6.4.	Tournament & Camp Fees	14
6.5.	Adult Community Center Fees	14
6.6.	McLean House Fees	15
6.7.	Sunset Fire Hall Community Room Fees	15
6.8.	Robinwood Station Room Fees	15
6.9.	Street Trees	16
6.10.	Park Maintenance Fee	16
6.11.	Commercial filming and Tree Removal	17
6.12.	Grubbing	17
6.13.	Tree Review	17
7.	Police Fees	18
7.1.	Police Public Record Request Services	18
7.2.	Photocopying, Printing, Scanning and Faxing Fees	18
7.3.	Release of Impounded Vehicles	18
7.4.	Security Alarm Permits	18
7.5.	False Alarm System Fees	18
7.6.	Fingerprinting Services	18
8.	Public Works Fees	19
8.1.	Public Works Construction Permit	19
8.2.	Public Improvement Permit	19
8.3.	Blasting Permits	19
8.4.	Erosion Control	19
8.5.	Building Site Cleanup Deposits	19
8.6.	Vacations	19
8.7.	Building Relocation Through Public Right-Of-Way (ROW)	19
8.8.	Asbuilts	19
8.9.	Right-of-Way Use Permits	19
8.10.	Third party development review services	19
8.11.	Grading Plan Review Fee	20
8.12.	Grading Permit Fee	20
8.13.	Public Works Review and Inspection	20
8.14.	Dye Test	20

Table of Contents

		Page No.
8.15.	Utility License Fees	20
9.	Planning Fees	21
9.1.	Annexation	21
9.2.	Appeal Fees	21
9.3.	Code Interpretation	21
9.4.	Conditional Use Permit	21
9.5.	Design Review	21
9.6.	Enlarge/Alter Non-Conforming Use/Structure	21
9.7.	Environmental Overlay Zones	21
9.8.	Historic Review	22
9.9.	Land Division	22
9.10.	Pre-Application Conference	22
9.11.	Sign Review	22
9.12.	Street Name Change	22
9.13.	Temporary Use Permit	22
9.14.	Vacations	23
9.15.	Variance	23
9.16.	Zone Change	23
9.17.	Land Use Declaration	23
9.18.	Development Agreement	23
9.19.	Final Plats	23
9.20.	Addressing	23
10.	Building Fees	24
10.1.	Building and Solar Permit Fees	24
10.2.	Plan Reviews	24
10.3.	Deferred Submittals Plan Review	24
10.4.	Phased Plan Review	24
10.5.	Permit Reinstatement Fee	24
10.6.	Permit Refund Processing Fees	24
10.7.	Investigation Fee	24
10.8.	Inspection Fees - All Disciplines	25
10.9.	Demolition	25
10.10.	Consultation	25
10.11.	Fire Suppression Fee	26
10.12.	Medical Gas	26

Table of Contents

		Page No.
10.	Building Fees (continued)	
10.13.	Occupancy Certificate	26
10.14.	Plumbing Permit Fees	26
10.15.	Site Utility Fees - Commercial and Residential	26
10.16.	Fixture or Item - Commercial and Residential	27
10.17.	Mechanical Permit Fees - Residential	27
10.18.	Solar Permit Fee	28
10.19.	Manufacture Dwelling Placement Fee	28
10.20.	Manufactured Dwelling/RV parks - Area Development Permit (ADP)	28
11.	West Linn Refuse and Recycling Service Rates	29
11.1.	Residential Service	29
11.2.	Commercial Service	29
11.3.	Extra Hauling	29
11.4.	Mobile Home Courts and Apartments	29
11.5.	Container Service - Loose	30
11.6.	Cleanup Containers	30
11.7.	Additional Recycling (Recycle Plus)	30
12.	Keller Drop Box dba Allied Waste Services/Republic Services Solid Waste Rates	31
12.1.	Drop Box Services	31
12.2.	Compactor Services	31
13.	Systems Development Charges (SDC)	32
13.1.	General SDC Information	32
13.2.	Street SDC	33
13.3.	Bike/Ped SDC	33
13.4.	Water SDC	34
13.5.	Surface Water SDC	35
13.6.	Park SDC	35
13.7.	Sewer SDC	36
	Transportation SDC/New Methodology and Fees	37
	Attachments	1-3

1. General Information

1.1. Overview

The City of West Linn provides a full range of municipal services to the community, which includes police protection, traffic control and improvement, street maintenance and improvement, water, sewer, and surface water management services, planning and zoning regulation, building inspection and regulation, parks and recreational activities, and community library services. This Master Fees Schedule consolidates all City fees and charges, adopted by City Council resolution, for the various services that the City provides. Typically, it is updated annually and reflects all fee resolutions passed by Council during the year. For easy reference, the current Master Fees Schedule booklet is available online at: http://westlinnoregon.gov/finance.

1.2. Fee Variance & Waiver Statement

Based upon an unusual circumstance or event, past practices, demonstrated hardship, or public benefit, the City Manager is authorized to waive or decrease a fee(s) or charge(s) in a particular matter. The request for a waiver or reduction may be in writing. If the City Manager or his designee agrees to said waiver or reduction, he/she may inform the City Council, in writing, of the request and his/her decision, except in minor matters (defined as waivers or reductions valued at $500 or less). Establishment of a new fee, not yet authorized in this schedule, shall be approved by City Council and included and specified during the next update to this document.

1.3. Statement of Hourly Rates

Unless otherwise specified, the City employee hourly rate shall be calculated as three times the employee's hourly pay rate, to the nearest $5 increment. This calculation shall be used to recover costs for those services billed on an hourly basis, including but not limited to professional services such as planning, engineering, public works, utility, financial, legal, parks, and police services. The use of a multiplier of three is intended to recover all overhead, training, benefits, and other costs associated with a City employee's time. Any work performed during overtime hours shall be billed the calculated three times hourly rate multiplied by 125 percent. A schedule of hourly billing rates will be maintained. The City Manager or Department Directors are authorized to adjust calculated billings to reflect the impact of unusual circumstances or situations.

2. Utility and City Services Fees

Increased 5.00%

2.1. Water Rates	Effective January 1, 2022 First 700 Cubic Feet	Effective January 1, 2022 Over 700 Cubic Feet; Per 100 Cubic Feet	Effective January 1, 2023 First 700 Cubic Feet	Effective January 1, 2023 Over 700 Cubic Feet; Per 100 Cubic Feet	Effective January 1, 2024 First 700 Cubic Feet	Effective January 1, 2024 Over 700 Cubic Feet; Per 100 Cubic Feet
5/8"x 3/4" meter	$ 27.39	$ 3.15	$ 28.76	$ 3.31	$ 30.20	$ 3.48
3/4" meter	27.39	3.15	28.76	3.31	30.20	3.48
1" meter	32.51	3.15	34.14	3.31	35.85	3.48
Multi-family rate per dwelling	27.39	3.15	28.76	3.31	30.20	3.48
1-1/4" to 1-1/2" meter	37.20	3.15	39.06	3.31	41.01	3.48
2" meter	47.64	3.15	50.02	3.31	52.52	3.48
3" meter	59.80	3.15	62.79	3.31	65.93	3.48
6" meter	119.66	3.15	125.64	3.31	131.92	3.48

Note: for water users outside of City limits, a factor of 1.5 is applied to applicable utility rates.

2.2. Water Service Shut Off	Fee	
Shut off fee for non-payment	$ 30	Pursuant to Code 4.235 (2)
Shut off fees pursuant to request from customer:		
Shut off fee for a period of less than 15 days	$ 20	Pursuant to Code 4.185 (2)
Shut off fee for a period of not less than 15 days	$ -	Pursuant to Code 4.185 (1)

Note: a onetime fee of $30 will be charged for shut off due to non-payment. Water shall not be returned to service until the customer pays their account balance in full and the $30 fee. A onetime fee of $20 will be charged to a water customer that wishes to have their service discontinued for a period of less than 15 days. Water shall not be returned to service until the customer pays their account balance in full and the $20 fee. No shut off fee will be charged for having service discontinued for a period of not less than 15 days. Please also refer to the section below as "turn on" fees may or may not apply as well.

2.3. Water Service Turn On	Fee
Turn on fee when service is performed after regular working hours	$ 110
Turn on fee when service is performed during regular working hours:	
Turn on for a period of less than 15 days	$ 25
Turn on for a period of not less than 15 days	$ -

Note: a onetime fee of $100, in addition to shut off fees, will be charged to turn on water service after hours. A onetime fee of $20 dollars will be charged to turn on water and set up an active billing account for less than 15 days. No fee will be charged for turn on of water service for a period of not less than 15 days.

2.4. Delinquent Services Bill Accounts	Fee
Interest: monthly interest rate on delinquent balances due	2.00%
Ten-day Notice fee (sent out for 3 months past due and over $200)	$ 7.50
Door Hanger Shut-off fee (received at least 2 days prior to shut-off)	$ 15.00
Door Hanger Shut-off fee- repeat occurrence (i.e. each additional door hanger after one is received for the year)	$ 25.00

				Increased 5.00%
2.5.	**Bulk Water Rates (per 1,000 gallons)**	eff. 1/1/22	eff. 1/1/23	eff. 1/1/24
	5/8"x 3/4" meter	$ 5.25	$ 5.51	$ 5.79

A special bulk water charge shall be charged to bulk users, such as commercial cleaning services, commercial spraying businesses, contractors and other commercial bulk users of water recognized by the city. Each bulk user shall obtain a permit from the public works department, which shall be free of charge, and the user may be required to pay a refundable cash deposit of one hundred dollars or more before the permit is granted.

2.6. Reduced Utility Bill Rates for Qualifying Low-income Households

	Effective January 1, 2022		Effective January 1, 2023		Increased 5.00% Effective January 1, 2024	
	First 700 Cubic Feet	Over 700 Cubic Feet; Per 100 Cubic Feet	First 700 Cubic Feet	Over 700 Cubic Feet; Per 100 Cubic Feet	First 700 Cubic Feet	Over 700 Cubic Feet; Per 100 Cubic Feet
5/8"x 3/4" meter	$ 13.70	$ 3.15	$ 14.38	$ 3.31	$ 15.10	$ 3.48
3/4" meter	13.70	3.15	14.38	3.31	15.10	3.48

Monthly water service charges to the principal residence of low income citizens as defined in this section shall be as follows: for 5/8-inch or ¾-inch water meter; the first 700 cubic feet of water use shall be charged at one-half the regular consumption rate; water used in excess of the first seven hundred cubic feet of water used shall be charged at the regular consumption rate. There shall be no reduced water service charge for meters in excess of those described above.

Only principal residences occupied by a person(s) having an annual income(s) that does not exceed 185% of the federal poverty low income guidelines (as established for both single and multiple person households, by the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).), are eligible for reduced utility bill rates renewable July 1st of every fiscal year.

2.7. Water Meter Installation Services

	Effective January 1, 2022		Effective January 1, 2023		Increased 5.00% Effective January 1, 2024	
	Dig-In Service	Drop-In Service	Dig-In Service	Drop-In Service	Dig-In Service	Drop-In Service
5/8"x 3/4" meter	$ 3,339	$ 448	$ 3,506	$ 470	$ 3,681	$ 494
3/4" meter	3,421	529	3,592	555	3,772	583
1" meter	3,502	611	3,677	642	3,861	674
1" to 1-1/2" meter	5,864	937	6,157	984	6,465	1,033
2" meter	6,190	1,547	6,500	1,624	6,824	1,706

All other connection and installation charges for water meters in excess of two-inches shall be determined after the City has performed the work and the actual cost has been determined. Such cost shall include labor, materials and services, equipment and indirect overhead costs. An advance cash deposit shall be required at the time that a building permit is issued for water meters in excess of 2-inches: for each three-inch meter, $10,000; four-inch meter, $10,000; six-inch meter, $15,000; and eight-inch meter $15,000.

When the amount of the cash deposit exceeds the City's actual cost, the difference shall be refunded. When the City's actual cost exceeds the cash deposit, the difference shall be due immediately; if the difference is not paid within 30 days of the billing date, interest and finance charges shall accrue at the rates stated in Section 2.4. The price structure has been calculated to recover costs associated with dig-in service piping installations up to and including 40 linear feet.

Any service installation requiring piping extensions ranging from 40 linear feet up to 125 linear feet will be charged an additional $50 per linear foot, in addition to the charge listed above. Service installations requiring piping extensions longer than 125 linear feet shall be negotiated. The West Linn Public Works Department will provide a written estimate detailing the work to be performed, and the applicant shall agree and make a cash deposit prior to the commencement of work. Final billings for this work shall be consistent with this fee schedule.

Service Definitions:

Dig-in Service: Condition where the City or its agent must physically tap into a main water line to extend water service to the property.

Drop-in Service: An existing condition where a developer of a residential subdivision or commercial complex has installed water services to each serviceable and buildable lot in accordance with City specifications.

							Increased 5.00%	
2.8.	**Sanitary Sewer Collection Rates**	Effective January 1, 2022		Effective January 1, 2023		Effective January 1, 2024	
		Residential	Commercial	Residential	Commercial	Residential	Commercial
	City of West Linn	$ 24.03	$ 24.03 plus $2.40 per CCF over 10 per month	$ 25.23	$ 25.23 plus $2.52 per CCF over 10 per month	$ 26.49	$ 26.49 plus $2.65 per CCF over 10 per month
		Effective July 1, 2021		Effective July 1, 2022		Effective July 1, 2023	
		Residential	Commercial	Residential	Commercial	Residential	Commercial
	Tri-City Service District	$ 25.30	$ 25.30 plus $2.53 per CCF over 10 per month	$ 26.55	$ 26.55 $ 2.66 per CCF over 10 per month	$ 27.90	$ 27.90 $ 2.79 per CCF over 10 per month

Tri-City Service District is the separate entity that treats City of West Linn sewage and accordingly, the City passes through their charges to West Linn citizens. These pass-through charges are not determined by the City, but rather by the Tri-City Service District and historically have changed every July 1st, as opposed to January 1st when the City's charges have historically changed.

The above sewer rates for Tri-City Service District are actually stated on a per "Equivalent Dwelling Unit (EDU) basis, which should be based on water consumption". So in converting their EDU rates over to CCFs which are used for billing commercial properties in West Linn, if for residential units, every residence is deemed to have 1 EDU and therefore 1 base fee charge applies, then for commercial property, West Linn has historically (since at least 1999) determined that since 1 EDU = 1 residence = which is also about 10 CCFs. Therefore, for commercial billing purposes in West Linn, bill one of Tri-City's base fee which would include 10 CCFs, as a minimum charge for all commercial properties, and then one-tenth of the same base rate per CCF for water consumption used over 10 CCFs per month.

2.9. **Surface Water Management Rates**	Effective January 1, 2022 Equivalent Service Units (ESUs)	Effective January 1, 2023 Equivalent Service Units (ESUs)	Increased 5.00% Effective January 1, 2024 Equivalent Service Units (ESUs)
Monthly charge per ESU	$ 8.24	$ 8.65	$ 9.08
Single family residential	1 ESU	1 ESU	1 ESU
Apartments (per unit)	$ 8.24	$ 8.65	$ 9.08
Duplex	2 ESU	2 ESU	2 ESU
Triplex	3 ESU	3 ESU	3 ESU

Total equivalent service units are based on measured impervious area. The rate for "All Other Improved Premises" shall be computed by dividing the total measured impervious area by 2,914 square feet. The quotient is rounded to the nearest whole number and multiplied by the base equivalent service unit rate.

The City Council determines that the fees imposed upon by this resolution are not taxes subject to the property tax limitations of Article XI, section 11of the Constitution.

2.10. **Street Permit Fee**	**Permit Fee**
Permit per project or contract	$ 60

Street permit fees are charged on a per project or per contract basis.

2.11. **Roadway Maintenance Fee** *(or commonly referred to as Street Maintenance Fee)*	Effective July 1, 2021 Charge per Month	Effective July 1, 2022 Charge per Month	Increased 5.00% Effective July 1, 2023 Charge per Month
Residential:			
Single family residence	$ 15.25 per month	$ 16.01 per month	$ 16.81 per month
Multi-family residence	14.45 per month	15.17 per month	15.93 per month
Commercial, Public Properties:			
Home-based businesses	$ 8.28 per month	$ 8.69 per month	$ 9.12 per month
0 to 50 trips	8.28 per month	8.69 per month	9.12 per month
51 to 250 trips	0.92 per trip	0.97 per trip	1.02 per trip
251 to 500 trips	1.11 per trip	1.17 per trip	1.23 per trip
501+ trips	1.28 per trip	1.34 per trip	1.41 per trip
Maximums and Caps:			
Commercial maximum	$1,098	$1,131	$1,165
Commercial yearly increase max	3%	3%	3%
Public institution maximum	$300	$300	$300

A residence is defined by the presence of any size water meter, for the roadway maintenance fee. The system and structure of fees for roadway maintenance can be controlled through the vacancy of a residence and turning off water service to the vacant residence. The City Council determines that the roadway maintenance fees imposed upon residences are not taxes subject to the property tax limitations of Article XI, section 11(b) of the Oregon Constitution.

A multi-family housing unit is defined as a residential structure with multiple dwelling units in the same building that share one water meter. Because multi-family housing units cannot define vacancy based on the absence of water service, a multi-family rate can apply to eligible multi-family housing units. The multi-family housing rate is discounted based on the city-wide vacancy rate as determined by the City of West Linn Planning Department in effect for a one-year period as of July 1 of each fiscal year.

Per trip calculation for business establishments shall be calculated using trip generation rates for various types of development as provided in the Trip Generation Manual of the Institute of Traffic Engineers. Business establishments shall have the opportunity to review and modify data used in the trip calculation formula.

Monthly roadway maintenance fees to the principal residence of low income citizens as defined in this section shall be as follows: low income citizens shall be charged at one-half the regular rate. Any citizen currently receiving the reduced water service charge for low-income citizens shall automatically receive the reduced roadway maintenance fee. Principal residences occupied by a person(s) having an annual income(s) that does not exceed one hundred eighty-five percent (185%) of the most recently published federal poverty low income guidelines (as established by the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).), are eligible for reduced roadway maintenance fees.

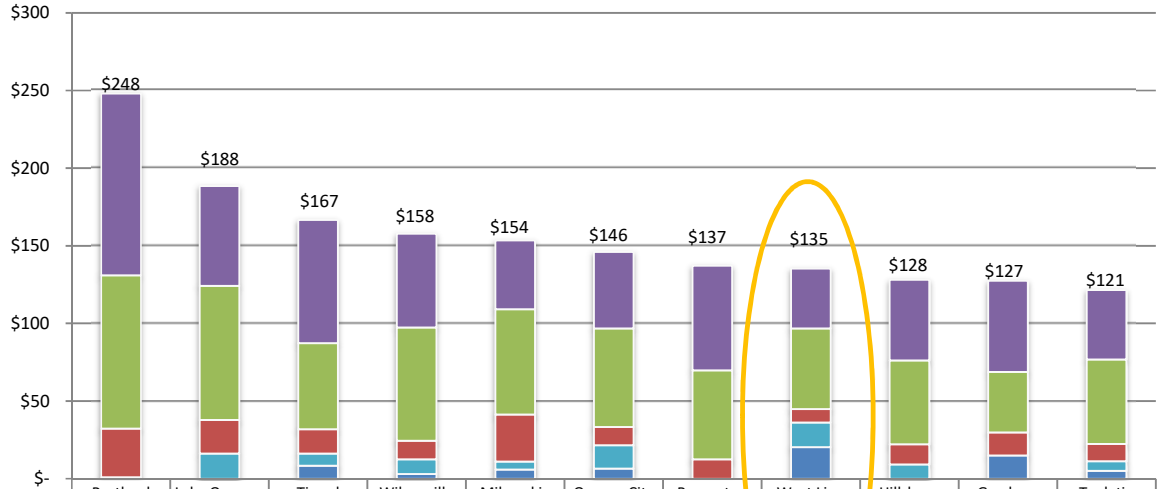
2.12. Park Maintenance Fee

[refer to Section 6.10 of the Parks Fee and Charges]

2.13. Fees for Utility Services

Comparing Fees on Monthly Utility Bills

(Based on a recent survey of typical single-family homes)



	Portland	Lake Oswego	Tigard	Wilsonville	Milwaukie	Oregon City	Beavertor	West Linn	Hillsboro	Gresham	Tualatin
Water	117.01	64.22	79.34	60.43	44.31	49.28	67.40	38.69	51.86	58.74	44.62
Sewer	98.80	86.32	55.47	72.94	67.90	63.51	57.24	51.78	54.13	38.84	54.44
Surface Water	31.20	21.60	15.64	11.90	30.20	11.72	12.46	8.65	13.00	14.86	11.11
Streets	0	16.24	7.96	9.64	5.25	15.07	0	16.01	9.11	0	6.22
Parks/Other	0.97	0	8.28	2.89	5.84	6.50	0	20.22	0	15.00	5.00

This above graph compares the typical (i.e. median) utility bill for the neighboring cities surrounding West Linn. As some cities bill monthly, some bill every two months, and some bill every three months, these amounts are converted to typcial monthly amounts so they are comparable to West Linn. Also, cities increase different rates at different times during the year; therefore, this graph is simply a picture in time reflecting the rates at the time that the survey was conducted. And finally, cities have different typical water consumption amounts per household; so for the sake of this comparison, these rates are computed using an average 10ccfs of water used per month so as to be most comparable.

									Increased 5.00%		
Typical City Services Bill (residential)	eff. January 1, 2023			eff. July 1, 2023				eff. January 1, 2024			
	proposed		median	proposed		median		proposed		median	
Water Service Fee											
Base (includes up to 7ccf)	5%	1.37	$ 28.76			$ 28.76		5%	1.44	$ 30.20	
Sewer Service Fee											
Base fee to West Linn	5%	1.20	25.23			25.23		5%	1.26	26.49	
Tri-City portion of sewer fee (est.)			26.55	5%	1.31	27.90	*est.*			27.90	
Avg sewer per house			51.78			53.13				54.39	
Surface Water Management Fee	5%	0.41	8.65			8.65		5%	0.43	9.08	
Fees for Utility Services			89.19			90.54				93.67	
Fees for Other City Services											
Street Maintenance Fee			16.01	5%	0.76	16.81				16.81	
Parks Maintenance Fee			20.22	5%	1.01	21.23				21.23	
Total City Services		$ 2.98	$ 125.42		$ 3.08	$ 128.58			$ 3.13	$ 131.71	
Usage rate per 1ccf over 7ccf	5%	0.14	3.15			3.15		5%	0.16	3.31	

3. Administrative Fees

3.1. City Facility Deposits

Deposits for the use of City facilities may be made via check/credit card to be cashed/charged immediately with any potential refund returned later at the applicable time.

If the City facility is left clean with no work required on behalf of City staff or contractor, the total amount of the deposit shall be refunded. If work is required by City staff or contractor, the actual costs as provided in the section above will be ascertained and subtracted from the deposit. If the deposit exceeds the costs, then any monies remaining shall be refunded; should costs exceed the deposit, the event organizer shall be billed for the difference. All refunds will be in compliance with Ordinance No. 1493, Section 7.870 and shall be made in no more than 30 days.

3.2. Special Events (permit)	**Fee**
Filing fee	$ 100
Deposit	[see Section 3.1. above for deposit policy]

All special events must file for a special event permit. Barricade rental will be a pass through from the Public Works Department. City personnel costs will be charged based on services required using the methodology described in Section 1.3.

3.3. Overstreet Banner (permit)	**Fee**
Filing fee	$ 50

Note: all applicants must file for an Overstreet Banner permit and only City sponsored events may be advertised on a overstreet banner.

	Business License Fees				Plus Home Occupation Fees	
3.4. Business License Fee	Annual fee [inside City]		Annual Fee (outside City)		Initial annual fee	$140
1 to 2 employees	$ 65	~~$ 59~~	$ 86	~~$ 78~~		~~$125~~
3 to 5 employees	86	~~78~~	117	~~106~~	Annual renewal fee	$ 35
6 to 10 employees	107	~~97~~	157	~~142~~		~~$ 30~~
over 10 employees	123	~~111~~	183	~~166~~		

Note: License fees will be prorated to 50% for licenses beginning after January 1st of the fiscal year.

Persons having a fixed place of business within the City of West Linn and who are subject to being licensed under the provisions of Sections 7.00 to 7.08 shall pay a business license fee.
Note: Non-profit organizations are required to obtain a license, but are exempt from the fees.

For an apartment house as defined in sections 7.000 to 7.080, with ten dwelling units or less, a business license fee of $87 per year shall be assessed, and an additional amount of $2.00 per dwelling unit shall be assessed for every dwelling unit in an apartment house in excess of ten (10).

Metro Business License versus City Business License or Both?:
Instead of getting separate business licenses within each Portland-area city that you conduct business in, you can get a single license from Metro to construct, alter and repair structures in 20 cities that have licensing requirements in the metropolitan area. The license covers all construction trades, both commercial and residential, as well as all landscape contractors. The Metro license allows contractors or landscapers to operate in 20 cities surrounding Portland having licensing requirements in the metropolitan area, excluding Portland. Exception: if your principal place of business is inside the City of West Linn, the business is required to apply for a City of West Linn Business License in addition to the Metro License. For Metro applications, contact Metro at 503-797-1710 or visit their website at: *http://www.oregonmetro.gov/index.cfm/go/by.web/id=24216* .

The City Council finds that certain trades, shops, businesses or callings are carried on in the City by persons from regular places of business and by persons from vehicles who have not regular places of business within the City; that persons with regular places of business in the City pay City ad valorem property taxes upon real and personal property which is used in and belongs to their business and that persons who do not have regular places of business in the City escape such ad valorem taxation.

Both receive the benefit of police and fire protection, public utilities and sidewalks, streetlights, health services and other public facilities and services of the City. Therefore, in order that each shall pay as nearly as may be not a discriminatory share, but a share in proportion to benefits received of the burden supporting such facilities and services of the City, such businesses not operating from regular places of business in the City shall pay one and one-half times the license fee previously designated herein for businesses operating from a fixed place of business within the City.

Maximum annual business license fee

Based on the criteria set forth in Section 6(d) of Resolution No. 94-42, no business shall be charged an annual business license fee greater that two hundred dollars ($200).

Adult Businesses

The application fee for a permit to own, maintain, operate or conduct an adult business (Section 7.115(1) of the West Linn Municipal Code), shall be five hundred dollars ($500) and non-refundable.

The application fee for a permit to entertain in, or be employed by any adult business (Section 7.115 (2) of the West Linn Municipal Code), shall be fifty dollars ($50) and non-refundable.

3.5. Liquor License

	Application Fee
Original application	$ 100
Change in ownership or management	75
Renewal or temporary application	35

[These fee apply for applications of a liquor license per Section 7.715 of the WL Municipal Code.]

3.6. Dog License

Ordinance 1595 transfers dog licensing and fee collection over to Clackamas County effective 7/14/2010.

3.7. Public Record Requests

Every person has a right to inspect any public record of a public body in this state, except as otherwise provided by ORS 192. Please understand that the documents or records requested may not be immediately available for review and that an appointment to review the documents or records may be necessary. There may be a cost for the research time to retrieve the requested records and costs for duplication of requested documents. If research time is required, the requestor will be notified of the estimated cost prior to retrieving the documents or records. Prepayment for research time and copies may be required. Any documents or records made available for review may not be disassembled. Copies may be made by the requestor directly, through digital means, such as digital photography or a city supplied flash drive. Please note, the City will not create a new document in response to a records request.

1. Public record request must be in writing. Please use the following form to submit your request to the City Recorder via e-mail at cwl_records@westlinnoregon.gov, by fax at 503-650-9041, mail, or bring to 22500 Salamo Rd., West Linn, Oregon, 97068: https://westlinnoregon.gov/citymanager/public-records-request-online-form

2. For Police record requests, please contact the Police Department directly at http://westlinnoregon.gov/police/police-report-request.

3. The City shall respond to all requests as soon as practical and without unreasonable delay. Generally, responses will be made within five (5) business days.

4. If inspection of documents is preferred over copies, such inspection shall occur during normal business hours. An acceptable inspection time and place will be arranged between the requestor and the staff person. Space is provided for up to two persons to inspect records per request.

5. The City will submit a cost estimate to the requestor to provide the requested documents, including copying charges, research time (if required), and separating exempt from non-exempt materials.

6. If the estimated cost is $35 or more, the City shall require a deposit for the full amount of the estimate before fulfilling the request. If the actual cost exceeds the estimate, the City will not release the documents until the fee is received in full.

Public Record Request services:	**Fee**
Photocopying or PDF creation records service - first page up to 10 page	Free
Photocopying or PDF creation records service - over 10 pages	See per page photocopying fees below
Records research fee:	Staff hourly wage, plus benefits (first 30 minutes free) $100/hr. for incurred legal research costs
CD Duplication (per event/meeting, and or documents)	$20 and $15 for each additional
City Budget, City Audit, or City CIP document	Available on City's Finance Page & Printed Copies available for review at ACC, Library, & City Hall

3.8. Photocopying, Printing, PDF Creation, Scanning and Faxing Fees

	Per page fee
8.5" x 11" (per page charge)	$ 0.25
8.5" x 14" (per page charge)	0.30
11" x 17" (per page charge)	0.35

3.9. Non-sufficient Funds (NSF) Charge

	Fee
Relating to returned payments for NSF (pursuant to West Linn Code Section 4.015 and 4.235)	$ 25

3.10. Finance Charges

[refer interest rates and applicable fees under Section 2.4. Delinquent Utility Bill Accounts]

3.11. Municipal Court Fees and Charges	Fee	
Civil Compromise Fee	$ 200	
Bench Probation / Probation Violation Fee	100	
Violation Compliance Citation ("Fix-It ticket")	35	
Local DUII Conviction Fee	45	
File Review Fee	25	
Fee for fine payment agreements	20	
Suspension Fee	15	
Deferral Fees:		
Criminal Deferred Sentence	$ 200	
Seat-Belt Deferral Fee	Range $75 to $115	
Safe Driving Deferral Fee (Students)	Range $75 to $440	
Safe Driving Deferral Fee (Adults)	Range $75 to $440	
Parking Fines	**Range $30 to $440**	(Includes disabled parking)

Fine schedule relating to infractions — See separate conviction schedule of fines maintained by the Municipal Court Judge as summarized below pursuant to ORS 153:

Penalty class	Presumptive Fine	Special Zone Fine	Minimum Fine	Maximum Fine
Class A	$ 440	$ 875	$ 225	$ 2,000
Class B	265	525	135	1,000
Class C	165	325	85	500
Class D	115	225	65	250
Class E	**100**		**100**	**100**

Note: Special Zones include highway work, school, and safety

3.12 Administrative Appeal Fee	Fee
Appeal to Hearings Officer pursuant to WLMC 1.400 for all municipal code appeals without a designated appeal fee	$ 400

3.13 Sidewalk Café Permit (Annual)		
Annual permit for operation of outdoor café service within the City's ROW	$ 110	~~100~~

4. GIS/Mapping Fees

4.1. Map Printouts

	Per Copy	
First five laser copies - 8.5” x 11”, full color (A Size Letter)	$ 0.25	
Each laser copy thereafter - 8.5” x 11”, full color (A Size Letter)	0.25	
Up to 11”x17”, full color or black and white (B Size Tabloid)	0.35	
Over 11”x17”, up to 24”x36”, full color or black and white (C & D Sizes)	18.00	~~16.00~~
Over 24”x36” up to 36”x48”, full color or black and white (E Size)	23.00	~~21.00~~
Over 36”x48” up to 50”x60” (two map sheets), full color or b&w (Oversized)	35.00	~~32.00~~

4.2. City Atlas **Available on City website in digital format at no cost**

Road Maps:	Per Copy
11x17 black & white OR color	$ 0.35

4.3. Custom Request Maps

Approved hourly billing rate per Section 1.3. plus map printout fees, limited to staff availability

4.4. Large Format Copies

	Black & White		Color	
Wide Format Scan and print (36” maximum width)	$ 18	~~$ 16~~	$ 30	~~$ 27~~

Plus approved hourly billing rate per section 1.3

4.5. Digital Data

	Per Section		Full City (15 sections)	
1999 Ortho-rectified Aerial Photography, Color or Black and White, 1-foot pixels	$ 58	~~$ 53~~	$ 583	~~$ 530~~

- Digital data may not be redistributed or resold.
- Other years of photography are not available for public distribution. Contact Metro DRC to purchase.
- Available in ESRI format.
- DXF conversion or non-standard requests: data cost plus staff time
- Some data layers are not available for public distribution due to licensing constraints and must be obtained through Metro’s Data Resource Center or Clackamas County.
- All GIS digital data requests must go through the West Linn GIS Coordinator.
- A Release of Information Form must be filled out and signed prior to transfer of data.

4.6. GIS Digital Layers

	Per Layer		All City Layers	
GIS Digital Data Layers	$ 30	~~$ 27~~	$ 292	~~$ 265~~

Approved hourly billing rate per section 1.3 plus layer fees, limited to staff availability

5. Library Fees

5.1. Overdue items	Per Day	Maximum
Adult items	$ 0.25	$ 5.00
Children's items	$ 0.15	$ 3.00
Children's AV materials	$ 0.25	$ 3.00
Library of Things items	$ 1.00	Cost of item
Physical Cultural Pass	$ 5.00	Cost of pass

5.2. Media Storage	Per Item
USB	$3.00
Blank CD/DVD	1.00

5.3. Community Room	Per Hour
Deposit	$30.00

5.4. Lost & Damaged	Per Item
Item	Retail cost of item
Miscellaneous missing part	$ 1.00

5.5. Photocopying, Printing, Scanning and Faxing Fees

Black and White copying/printing		$0.10 per page
Color copying/printing		$0.25 per page
Faxing		$0.25 per page
Scanning		No charge
3D printing	$3 - $9 per project, depending upon length of print	
	~~$3.00-$5.00 per project, depending on material~~	
Glowforge engraving	$5 to $10 per project, depending on whether we supply material	

6. Parks, Recreation, and Facility Fees

6.1. Picnic Facility Fees - Residents

Size of Group	Shelter/Stage	
1-49	$60	~~50~~
50-99	100	~~85~~
100-199	175	~~150~~
200-300	325	~~300~~

Groups of 300+ must utilize a Special Event permit.

6.2. Picnic Facility Fees - Nonresidents

Size of Group	Shelter/Stage	
1-49	$135	~~115~~
50-99	200	~~175~~
100-199	400	~~350~~
200-300	600	~~500~~

Groups of 300+ must utilize a Special Event permit.

Special Event fees for the use of infrastructure facilities, right of ways, streets, open space, trails, or groups areas necessary for event. Current fees for reservation of specific shelters and fields would still apply

Application Fee $ 150 (also located under Section 3.2) ~~100~~

Size of Event	Non Profit	Commercial/Private	Non Profit	Commercial/Private
Event Size 1-199	$ 150	$ 250	~~$ 100~~	~~$ 150~~
Event Size 200-499	$ 200	$ 350	~~$ 150~~	~~$ 250~~
Event Size 500-999	$ 300	$ 500	~~$ 250~~	~~$ 400~~
Event Size 1000 - 1999	$ 500	$ 850	~~$ 400~~	~~$ 700~~
Event Size 2000-4999	$ 850	$ 1,250	~~$ 750~~	~~$ 1,000~~
~~Event Size over 5000~~	~~$ 900~~	~~$ 1,500~~		

* City personnel costs will be charged based on services required using the methodology described in Section 1.3.

6.3. Athletic Field Permits

	With Picnic Permit per hour	Field Permit Only per hour
Grass Field	$ 15	$ 20
Artificial Turf	$ 20	$ 40
Field set-up	$50/hour	$50/hour

6.4. Tournament & Camp Fees

Adult & Youth Sports Camp Fee

West Linn Resident or Non-Profit	$20 hour per field	~~$10 hour per field~~
Non-Resident or For Profit	$40 hour per field	~~$15 hour per field~~
Field Set up	$50 per hour	

Adult & Youth Sports Tournament Fees

Fee to offset incurred costs for hosting tournaments (utilities, supplies and materials, and staff time)

1 - 5 teams in tournament	$200
6 - 10 teams in tournament	$400
11 - 20 teams in tournament	$500
20+ teams in tournament	$750

6.5. Adult Community Center Fees

	Non Profit Meeting Application fees	Charges per hour		
		Non-profits Events	Residents	Non-Residents
Facility Rental (All rooms except kitchen)	NA	175	$225	275
Grand Fir	$90	75	100	115
Cedar Room (Dining Room)	$48	50	60	70
Cedar Room (Dining Room) w/ Kitchen	$72	60	75	$90
Oak Room (back left)	84	40	80	90
~~Pine (back right)~~	~~$42~~	~~30~~	~~40~~	~~45~~
Hemlock Room (front classroom)	$36	25	30	35
Maple Room (back classroom)	$36	25	30	35
Alcohol Fee	75 - Flat	75 - Flat	75 - Flat	75 - Flat

6.6. McLean House Fees

	Group A			Group B			Group C		
	1-20	40 max.	100 max.	1-40	75 max.	100 max.	1-12	40 max.	100 max.
Alcohol Fee	N/A	N/A	N/A	$75	$75	$75	$75	$75	$75
Use fee - high season (May-Sept).	$50/hr	$75/hr	$150/hr	$450 - 4 hrs	$700 - 4 hrs	$900 - 4 hrs	$300 - 3 hrs	$1200 - 4 hrs	$3300 - 8 hrs
Use fee - low season (Oct – April)	$50/hr	$75/hr	$150/hr	$300 - 4 hrs	N/A	N/A	$300 - 3 hrs	$750 - 4 hrs	N/A

Group A - Meetings, Seminars, Classes, Photos sessions. No/Minimal use of kitchen. No Alcohol.
Group B: Social Gatherings such as Birthday & Anniversary parties, Celebrations of Life, Baby/Wedding showers
Group C: Weddings and Receptions
Special rates may apply under certain circumstances for civic groups and/or non-profit groups.
Military Discount 15%

6.7. Sunset Fire Hall Community Room Fees

Standardized fee structure in line with Adult Community Center
Allow Alcohol with fee

	Charges per hour							
Civic Groups	Non Profit Meeting fees	Non Profit Events	Residents	Non-Residents	Non Profit Meeting fees	Non Profit Events	Residents	Non-Residents
Up to 49 people	40	45	65	75	~~$30~~	~~$35~~	~~$50~~	~~$65~~
50 to 99 people	60	65	85	100	~~50~~	~~50~~	~~$75~~	~~$90~~
Required - Alcohol Fee (If served)	75 - Flat	75 - Flat	75 - Flat	75 - Flat				

** Meetings are 2 hours maximum
Maximum number of attendees must be kept under 100.
No amplified music allowed.
[See also Section 3.1 for facility deposit information.]

6.8. Robinwood Station Room Fees

	Charges per hour
For West Linn based private businesses and private parties	$20
For all other individual users outside West Linn	$40
For institutional and corporate users*	$60
Special facility rates apply on Saturdays from noon to closing:	
For West Linn civic, non-profit, and youth groups	$20
For all other individual users	$40

Additional facility fees:	Single Charge
AV System Fee	$20
Stage Lighting Fee	$20
Alcohol fee	$75

*Special facility rate on Saturday afternoons do not apply to institutional / corporate users.

6.9. Street Trees

New Subdivisions:

Option #1 - The developer shall pay the cost of street trees at the time public improvements are bonded, prior to final plat approval. The fee shall be based on the number of trees required multiplied by $380 ~~300~~ (the cost per tree) unless the developer chooses Option 2. This fee includes the purchase cost of the tree, labor and equipment for original placement, regular maintenance following the City's schedule for two years, and a two-year replacement warranty.

Option #2 - At the developer's option, the street tree plan may be executed privately. In this case, a fee of $75 per tree shall be charged prior to issuance of a final plat approval. If this option is exercised, trees shall be planted prior to an occupancy permit. This fee shall include permit and inspection fees, two-year maintenance fee, and a two-year replacement warranty.

All trees planted by the developer shall conform to types, grade, size, and planting specifications as specified by the City's street tree plan.

In special cases, a developer may choose to plant a larger tree than standard, or plant outside the normal planting periods, in which instance an additional fee may be agreed upon with the City to cover the costs of special order trees.

Existing Subdivisions/Older established Areas:

Landowners in existing subdivisions or other established areas might choose to initiate a beautification or replacement project by planting street trees. In which case, fees will be as listed above in option #1 or based on all or any combination of: permit and inspection fees, the actual cost of the tree, the actual cost of original placement, the projected cost of maintenance, and replacement warranty.

These fees shall be set and agreed upon prior to a permit being issued.

6.10. Park Maintenance Fee

Increased 5.00%

	Effective July 1, 2021		Effective July 1, 2022		Effective July 1, 2023	
	Charge per month		Charge per month		Charge per month	
	Residential	Commercial	Residential	Commercial	Residential	Commercial
Single family residence	$ 19.26	n/a	$ 20.22	n/a	$ 21.23	n/a
Multi-family residence	18.29	n/a	19.20	n/a	20.16	n/a

For the park maintenance fee, a residence is defined by the presence of any size water meter. The system and structure of fees for parks maintenance can be controlled through the vacancy of a residence and turning off water service to the vacant residence. The City Council determines that the park maintenance fees imposed upon residences are not taxes subject to the property tax limitations of Article XI, section 11(b) of the Oregon Constitution.

A multi-family housing unit is defined as a residential structure with multiple dwelling units in the same building with that share one water meter. Because multi-family housing units cannot define vacancy based on the absence of water service, a multi-family rate can apply to eligible multi-family housing units. The multi-family housing rate is discounted based on the City-wide vacancy rate as determined by the City of West Linn Planning Department in effect for a one-year period as of July 1 of each fiscal year.

Monthly park maintenance fees to the principal residence of low income citizens as defined in this section shall be as follows: low income citizens shall be charged at one-half the regular rate. Any citizen currently receiving the reduced water service charge for low-income citizens shall automatically receive the reduced roadway maintenance fee. Principal residences occupied by a person(s) having an annual income(s) that does not exceed one hundred eighty-five percent (185%) of the most recently published federal poverty low income guidelines (as established by the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).), are eligible for reduced park maintenance fees.

6.11. Commercial Filming

Film/video one day fee - no park closure	$100	~~$50~~
Film/video one day fee - Park Closure	$ 1,000 or more depending on park/area to be utilized or closed.	
Still Photography per day	$75	~~$25~~

Tree Removal Permit Fee

Requires a change to Municipal Code prior to being enacted.

	Fee		
Tier 1	$50	$25	When Permit approval processed in office
Tier 2	$100	$65	When Permit approval requires site visit to address
Tier 3	$175	$185	When Permit approval requires site visit to address and mailing of notifications

Appeal Fee	$400	Applies to Administrative appeals pursuant to WLMC 1.400 (ties to Section 3.12 under Administration section)

6.12. Grubbing	**Fee**
Fee	$155

6.13. Tree Review	**Fee**	
Fee	$150	~~$116~~

Associated with residential permit - $116 flat fee

7. Police Fees

7.1. **Police Public Record Request Services** ~~See Section 3.7 Public Records Req~~	**Fee**
Photocopy or PDF creation each **police case report or incident** - first page up to ten pages per case/incident	$15
Photocopy or PDF creation each **police case report or incident** - over ten pages per case/incident	See section 7.2 for applicable fee
Photocopy or PDF creation of other police documents (not related to case/incident)- first page up to ten pages	Free
Photocopying or PDF creation of police documents (not related to case/incident) - over ten pages	See per page photocopying fees below
Digital files produced to USB flash drive/CD duplication for each **police case report or incident**	$20 and $15 for each additional
Records Research, preparation, redaction and review fees	Staff hourly wage, plus benefits (first 30 minutes free)
	$100/hr. for legal review/research

7.2. **Photocopying, Printing, Scanning and Faxing Fees**	**Per page fee**
8.5" x 11" (per page charge)	$ 0.25
8.5" x 14" (per page charge)	0.30
11" x 17" (per page charge)	0.35

7.3. **Release of Impounded Vehicles**	**Per Vehicle**
Administrative Cost on tows resulting from violations, hazards/community care taking	$ 200

Whereas, state law and West Linn municipal codes authorize police officers to impound an abandoned vehicle or a vehicle that is disabled, abandoned, parked or left standing unattended on a road or highway right of way and creates a hazard or obstruction to traffic or is unlawfully parked; and whereas, ORS 809.716 and 809.720 were adopted by the state legislature in 1997 to promote public safety and financial responsibility by authorizing police officers to impound vehicles, without prior notice for the following offenses; Driving an uninsured vehicle in violation of ORS 806.010, Driving while suspended or revoked in violation of ORS 811.175 or 811.182, Driving while under the influence of intoxicants in violation of ORS 813.010; Operating without driving privileges or in violation of license restriction in violation of ORS 807.010; and whereas, such state statutes allow payment to a police agency of an administrative fee determined by the agency to be sufficient to recover its actual administrative cost for the impoundment.

Criminal vehicle impound fees apply to DUII, attempts to elude police, reckless driving, driving while felony suspended, hit and run felony.

7.4. **Security Alarm Permits**	**Fee**
Annual new permit	$ 40
Annual renewal fee	40
Failure to obtain a permit or delinquent renewal	25

7.5. **False Alarm System Fees**	**Fee**
First false alarm	$ 25
Second false alarm	50
Third false alarm	75
Fourth false alarm	100
Fifth false alarm and additional false alarm(s)	150
False alarm late fee	25

Alarm monitoring & installation business non-compliance fee	25

* First false alarm fee waived if citizen completes online alarm school

Any alarm system, as defined in WLMC 7.230(3) and WLMC 7.230(5), that has false alarm(s) within any permit year are subject to fees or actions.

~~7.6. Fingerprinting Services~~	~~Fee~~
~~Per service fee amount~~	~~$ 15~~

8. Public Works Fees

8.1. Public Works Construction Permit

	Fee/Deposit		
Flat permit fee	$ 105	~~$ 95~~	
Construction services deposit	500	Pursuant to City Code Section 3.255	
Required deposit if street is cut	$500 plus $50 per lineal foot of street cut		

8.2. Public Improvement Permit

	Fee/Deposit	
Flat permit fee	$ 105	~~$ 95~~
Construction services deposit	6% of estimated construction costs	

Pursuant to City Code Section 3.255 and West Linn Community Development Code 91.010(2)

8.3. Blasting Permits

	Fee	
Blasting permit fee	$ 1,750	~~$ 1,590~~
	Pursuant to City Code Section 5.785	
	Plus $2.00 per cubic yard of material	

8.4. Erosion Control

	Fee	
Erosion Control Permit Application and Inspection Fees - under 1/2 Acre	$ 525	~~$ 477~~
($150 - Application and $300 - first year annual fee)		
Erosion Control Application Fees - over 1/2 Acre but under 1 acre	1,020	~~928~~
($375 - Application and $500 - first year annual fee)		
Erosion Control Application Fees - over 1 acre (Over 5 acres - DEQ 1200C also is required)	1,900	~~1,733~~

($890 ~~$816~~ - Application and $,1010 ~~$917~~ - first year annual fee. Every 1 acre or portion there of over 5 acres inspection fees increase $90 ~~$80~~)

One charge per plan review/inspection; additional charge for each inspection.

Pursuant to Chapter 31 of the West Linn Community Development Code

8.5. Building Site Cleanup Deposits

	Deposit	
Building site cleanup deposit	$ 350	Pursuant to City Code Section 8.110

8.6. Vacations

	Fee	
Easement	$ 1,750	~~$ 1,590~~

8.7. Building Relocation Through Public Right-Of-Way (ROW)

	Fee	
Flat permit fee	$ 1,750	~~$ 1,590~~

Pursuant to Section 8.255 of the West Linn Municipal Code

8.8. Asbuilts

	Fee
Reconciliation of development project asbuilts if not provided in ESRI file format	Hourly billing rate per Section 1.3

8.9. Right-of-Way Use Permits

	Fee	
Flat permit fee	$ 105	~~$ 95~~

8.10. Third party development review services

	Fee
Pass through charge from third party to developer	Third party fees plus 15% to cover City administrative costs

Reconcilation of development project asbuilts per approved hourly billing rate in Section 1.3 if not provided

8.11. Grading Plan Review Fee

Cubic Yards (CY):	Fee for first 10,000 Cubic Yards	Plus fee for each additional CY over 10,000 Cubic Yards

0 to 50	No fee, no permit required			n/a	
51 to 100	$ 50		~~$ 44~~	n/a	
101 to 1,000	80	(for 1st 100 CY)	~~71~~	n/a	
1,001 to 10,000	105	(for 1st 1,000 CY)	~~94~~	n/a	
10,001 to 100,000	105	(for 1st 10,000 CY)	~~94~~	$50 (each additional 10,000 CY)	~~47~~
100,001 to 200,000	560	(for 1st 100,000 CY)	~~508~~	25 (each additional 10,000 CY)	~~24~~
Over 200,000	840	(for 1st 200,000 CY)	~~761~~	15 (each additional 10,000 CY)	~~14~~

8.12. Grading Permit Fee

Cubic Yards (CY):	Fee for first 1,000 of Cubic Yards			Plus fee for each additional CY over 1,000 (or fraction thereof)	
0 to 50	No fee, no permit required			n/a	
51 to 100	$ 80		~~$ 71~~	n/a	
101 to 1,000	80	(for 1st 100 CY)	~~71~~	$ 35 (each additional 100 CY)	~~33~~
1,001 to 10,000	405	(for 1st 1,000 CY)	~~368~~	30 (each additional 1,000 CY)	~~28~~
10,001 to 100,000	680	(for 1st 10,000 CY)	~~616~~	140 (each additional 10,000 CY)	~~125~~
Over 100,000	1,915	(for 1st 100,000 CY)	~~1,740~~	75 (each additional 10,000 CY)	~~70~~

8.13. Public Works Review and Inspection

	Fee	
General review associated with residential permit	$ 550	~~$ 501~~
All others, see Public Works Department fee schedule.		
Stormwater Management Facility Review and Inspection	235	~~215~~

8.14. Dye Test

	Fee	
Residential	$ 85	~~$ 75~~
Commercial	Charged an hourly rate (see Section 1.3. for hourly rate information).	

8.15. Utility License Fees

	Fee	
Utility License Fee (Annual)	$ 165	~~150~~

Utlity Service	Annual Right of Way Usage Fee
Electric	3.5% of gross revenue (+1.5% privilege tax)
Natural Gas	5% of gross revenue
Cable	5% of gross revenue
Communications	7% of gross revenue
Water	$0
Stormwater	$0
Wastewater	$0
Other utilities that do not earn gross revenue within the City	$0

8.16. Fees in Lieu of Construction

	Fee
Transportation Frontage Improvements	$385/Linear Foot Based on historical costs to construct facility per linear foot of frontage.

9. Planning Fees

9.1.	Addressing	Fee
	Change of existing address	$ 200
	Assign single-family	$50 + $10 per lot
	Assign multi-family less than 50 units	$50 + $10 per unit
	Assign multi-family with 50+ units	$50 + $5 per unit
	Non-Residential (suite assignment)	$50 for address + $25 per suite

9.2.	Annexation	Fee
	(excludes election costs)	$8,000 base fee + $1,000 per acre above 1.0 acre

9.3.	Appeal		Fee
	Appeal to City Council	~~Planning Director decision~~	$ 400
	Expedited land division to Referee per ORS 197.375		300
	~~Expedite partition/subdivision to Hearing Officer~~		~~400~~
	~~Planning Commission decision~~		~~400~~
	Appeal fee through Neighborhood Association		no charge

9.4.	Comprehensive Plan/Zoning Amendments	Deposit
	Map Amendment	$4,500
	Plan/Code Text Amendment	4,500

9.5.	Code Interpretation	Fee
		$ 850

9.6.	Conditional Use Permit	Deposit/Fee	
	Deposit	$ 4,500	
	Inspection Fee	500	~~200~~

9.7.	Design Review	Fee	
	Class I	$ 2,800	~~$ 2,100~~

		Deposit	~~Fee~~
Class II	~~Based on Construction Value (CV):~~	$ 4,500	
~~Less than $100,000 of CV~~	~~4% of CV ($2,000 minimum deposit)~~		
~~$100,000 < $500,000 of CV~~	~~4% of CV ($8,000 maximum deposit)~~		
~~$500,000+ of CV~~	~~$4,000 plus 4% of CV ($20,000 maximum deposit)~~		
Inspection Fee		500	~~$ 300~~

9.8.	Determination of Unlisted Use	Fee
		$ 850

9.9.	Enlarge/Alter Non-conforming Use/ Structure		Fee	
	Without Public Hearing	~~Single family residence~~	$ 1,200	~~$ 1,000~~
	With Public Hearing	~~Other~~	3,300	~~$ 3,000~~

9.10. Environmental Overlay Zones	Fee
Dock Approval	$ 3,000
~~Drainage /Wetland Protection Single Dwelling~~	~~2,600~~
~~Re-vegetation Plan/Inspection~~	~~250~~
Water Resource Area Permit	2,850
Floodplain Management Area Permit	2,850
Willamette/Tualatin River Greenway Permit	2,850
Combination of 2 Permits	4,275
Combination of 3 Permits	5,700
~~Other Drainage/Wetland Protection determined by the Planning Director and~~	~~**Deposit**~~
~~Less than $5,000 in value~~	~~$ 1,000~~
~~In excess of $5,000 in value~~	~~1,850~~
~~Flood Plain~~	~~1,050~~
~~Tualatin River~~	~~1,700~~
~~Willamette River Greenway~~	~~1,700~~

9.11. Extensions of Approval	Fee
Historic Review Board Decision	
Residential	$ 100
Commercial	500
Planning Director Decision	1,760
Planning Commission Decision	3,700

9.12. Historic Resources ~~Review~~	Fee		
~~Minor alterations and maintenance (subject to Section 25.100 or 26.060B)~~	~~no charge~~		
Residential			
Class I or II Design Review - Alterations/Additions	$ 100		
~~Residential minor/major remodel or alteration (subject to Section 25.070 or 26.060C)~~	~~100~~		
Class II Design Review - New Construction	1,500		
Commerical			
Class I Commerical Design Review - Alterations/Additions	250		
Class II Commerical Design Review - Alterations/Additions	500		
Class II Commerical Design Review - New Construction	4,500	(deposit)	~~see design review fees~~
Demoliton Permit	4,500	~~250~~	
Relocation Permit	1,500	~~600~~	
Landmark or District Designation	no charge		
Removal of Historic Resource Designation	4,500		

9.13. Land Division	Fee	
Expedited Land Division	$ 4,900	
Minor Partition	4,400	
Property Line Adjustment (includes plat review fee)	1,200	
Final Plat Review		
Minor Partition	1,500	
Subdivision	2,000	
	Deposit	
Subdivision	$ 4,500	
Planned Unit Development (PUD)	4,500	
Subdivision/PUD Inspection Fee	500	(fee)
~~Lot Line Adjustment~~	~~$ 800~~	~~Fee~~
~~Final Plats Lot Line Adjustment~~	~~200~~	~~Fee~~
~~Partition (includes expedited review)~~	~~$2,800 deposit~~	
~~Subdivision~~	~~$4,200 plus $200 per lot~~	
~~Inspection~~	~~500~~	~~Fee~~
~~Expedited Subdivision~~	~~$4,000 plus $300 per lot plus referee costs~~	
~~Modification to approval~~	~~50% original deposit~~	
~~Planned Unit Development (PUD)~~	~~$4,200 plus $400 AC deposit~~	
~~Inspection~~	~~500~~	~~Fee~~

9.14. Modification of Approval	Fee
Historic Review Board Decision	
Alterations/Additions	$ 100
New Construction	500
Planning Director Decision	1,400
Planning Commission Decision	3,700

9.15. Pre-Application Conference	Fee	
Level I (Planning review only)	$ 420	~~350~~
Level II (City-wide departmental review)	1,200	~~1,000~~
Historic Review	no charge	

9.16. Sign Review	Fee
Face change	$ 50
Temporary	50
Permanent	250

9.17. Street Name Change	Fee
~~Deposit~~	$ 940

9.18. Temporary Use Permit	**Fee**	
Planning Director Decision	$ 330	~~280~~
Planning Commission Decision	3,500	
Special Event	no charge	

9.19. Vacations	**Fee**
Street	$ 6,000
Tree Easement	1,000

9.20. Variance	**Fee**	
Class I	$ 1,000	~~825~~
Class II	3,450	~~2,900~~

After the initial charge for the first variance, subsequent variances will be charged one-half the fee when processed as one application.

~~9.21. Zone Change~~	~~Deposit~~
~~Plan Map Amendment~~	~~3,000~~

9.21. Willamette Falls Drive Commercial Design District	**Fee**
Class I Design Review to Change Paint Color	No Charge

9.22. Zoning Verification ~~**Land Use Declaration**~~	**Fee**
Information Requests	$ 150
Land Use Compatibility Statements	150
~~Responding to land use information requests~~	~~100~~

9.23. Development Agreement	**Deposit**
	$ 2,500

9.24. Building Permit Review	**Fee**
Residential	$ 150
Commerical	300

~~**9.24. Final Plats**~~	~~**Fee**~~
~~Final Plats Partition~~	~~$ 1,500~~
~~Final Plats Subdivision~~	~~2,000~~

~~Pursuant to Section 89.080 of the West Linn Community Development Code~~

~~**9.20. Addressing**~~	~~**Fee**~~
~~Change of existing address~~	~~$ 200~~
~~Assign single-family~~	~~$50 + $10 per lot~~
~~Assign multi-family less than 50 units~~	~~$50 + $10 per unit~~
~~Assign multi-family with 50+ units~~	~~$50 + $5 per unit~~
~~Non-Residential (suite assignment)~~	~~$50 for address + $25 per suite~~

10. Building Fees

10.1. Building and Solar Permit Fees

Building Valuation (BV):	Minimum base fee		Plus each additional $1K of BV	
$0 up to $2,000	$ 171	~~$ 155~~	$ -	
$2,001 up to $25,000	171	~~$ 155~~	24	~~22~~
$25,001 up to $50,000	730	~~$ 661~~	19	~~17~~
$50,001 up to $100,000	1,200	~~$ 1,086~~	11	~~10~~
Over $100,000	1,753	~~$ 1,586~~	9	~~8~~

These fees are based on building valuation (BV) and the methodology is determined by Oregon State Building Codes. When applicable, structural permits use valuation as determined by ICC Valuation Table current as of April 1 of each year, as per OAR 918-050-0100.

10.2. Plan Reviews

	Fee	Fee	
Structural	65% of permit fee		
Fire, Life, and Safety	45% of permit fee (Commercial only/when applicable)		
Hourly Plan Review Rate	$171/hour	~~155~~	(Hourly review rate is the same for all disciplines)
Commercial Mechanical Plan Review	40% of permit fee		
Commercial Plumbing Plan Review	40% of permit fee		
Residential Plumbing or Mechanical Review	$171/hour	~~155~~	
Seismic Surcharge	1% of permit fee	(Plan Review on Essential Structures)	

10.3. Deferred Submittals Plan Review

65% of the building permit fee calculated using the value of the deferred portion with a $250 minimum — $ 276 — ~~250~~

10.4. Phased Plan Review

$388 minimum phasing (application) fee plus 10% of the TOTAL project building permit fee not to exceed $1500.00 per phase

10.5. Permit Reinstatement Fee — $ 171 — ~~155~~

	Fee	
10.6. Permit Refund Processing Fees	$ 83	~~75~~
Permit retention fees	varies dependent on work completed	

	Fee	
10.7. Investigation Fee		
Hourly Rate	$ 171	~~155~~
Minimum two hours		

10.8.	**Inspection Fees - All Disciplines**	**Fee**	
	Reinspection Fee	$171/each	~~155~~
	Inspection outside normal business hours (Minimimum two hours)	$257/hour	~~233~~
	Inspection for which no fee is indicated	$171/hour	~~155~~
	Additional inspection, above allowable	$171/each	~~155~~

10.9.	**Demolition**	**Fee**	
	Residential	$ 171	~~155~~
	Commercial	Based on valuation. Apply contract price to building permit table.	

10.10.	**Consultation**	**Fee**	
	Fee	$171/hour	~~155~~

10.11. Fire Suppression Fee

	Fee	
Standalone and Continuous loop/Multipurpose fire		
Square Footage of Area to be Covered: Includes plan review		
0 to 2,000	$ 171	~~155~~
2,001 to 3,600	214	~~194~~
3,601 to 7,200	257	~~233~~
Over 7,200	343	~~310~~
Commercial Fire Suppression	Based on the valuation of the work, applied to the Structural Permit Fee schedule 10.1	

10.12. Medical Gas

Based on the valuation of the work, applied to the Building Permit Fee schedule.

10.13. Occupancy Certificate

	Fee		
Commercial	$ 515	~~$ 466~~	(Temporary certificate of occupancy)
Residential	515	~~$ 466~~	(Temporary certificate of occupancy)

10.14. Plumbing Permit Fees

New 1&2 Family Dwelling – includes one kitchen, first 100 feet each of site utilities, hose bibbs, icemakers, underfloor low-point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system.

Half bath counted as whole		
SFR (1) Bath	$ 672	~~608~~
SFR (2) Bath	891	~~806~~
SFR (3) Bath	1,086	~~983~~
Each additional ½ bath/kitchen	117	~~106~~

10.15. Site Utility Fees - Commercial and Residential

	Fee	
Catch basin/area drain	$ 31	~~28~~
Trench drain	31	~~28~~
Manholes	31	~~28~~
Sanitary sewer (Per 100' or fraction)	130	~~118~~
Storm sewer (Per 100' or fraction)	130	~~118~~
Water services (Per 100' or fraction)	130	~~118~~
~~Interior Repipe (Per 100' or fraction)~~	~~130~~	~~118~~

10.16.	**Fixture or Item - Commercial and Residential**		
	Absorption valve	$ 31	~~28~~
	Back flow preventer (irrigation)	31	~~28~~
	Backwater valve	31	~~28~~
	Basins/lavatory	31	~~28~~
	Clothes washer	31	~~28~~
	Dishwasher	31	~~28~~
	Drinking fountain(s)	31	~~28~~
	Ejectors/sump	31	~~28~~
	Expansion tank	31	~~28~~
	Fixture/sewer cap	31	~~28~~
	Floor drains/floor sinks/hub	31	~~28~~
	Garbage disposal	31	~~28~~
	Hose bib	31	~~28~~
	Ice maker	31	~~28~~
	Interceptor/grease trap	31	~~28~~
	Primer(s)	31	~~28~~
	Roof drain (commercial)	31	~~28~~
	Sink(s), basin(s), lav(s)	31	~~28~~
	Swimming Pool Piping	31	~~28~~
	Tubs/shower/shower pan	31	~~28~~
	Urinal	31	~~28~~
	Water closet	31	~~28~~
	Water heater	31	~~28~~
	Interior Repipe Water Piping	118	
	~~Interior Repipe DWV Piping~~	~~118~~	
	Other Plumbing Fixture	31	~~28~~
	Minimum	171	~~155~~

		Fee	
10.17.	**Mechanical Permit Fees - Residential**		
	Duct Work - no appliance/ fixture	$ 33	~~30~~
	Air Conditioning	43	~~39~~
	Air handling unit of up to 10,000 cfm	43	~~39~~
	Air handling unit 10,001 cfm and over	43	~~39~~
	Attic/ crawl space fans	33	~~30~~
	Chimney/ liner/ flue/ vent	33	~~30~~
	Evaporative cooler other than portable	33	~~30~~
	Floor furnace, including vent	53	~~48~~
	Furnace - greater than 100,000 BTU	53	~~48~~
	Furnace - up to 100,000 BTU	53	~~48~~
	Furnace/burner including duct work/vent/liner	53	~~48~~
	Flue vent for water heater or gas fireplace	33	~~30~~
	Hood served by mechanical exhaust, including ducts for hood	33	~~30~~
	Mini split system	43	~~39~~
	Heat Pumps	43	~~39~~
	Suspended heater, recessed wall heater, or floor mounted unit heater	43	~~39~~
	Appliance Vent	33	~~30~~
	Dryer Vent	33	~~30~~
	Kit. Hood	33	~~30~~
	Ventilation fan connected to single duct	23	~~21~~

10.17.	**Mechanical Permit Fees - Residential (continued)**		
	Fuel Piping (4 outlets)	$ 15	~~14~~
	Fuel Piping (each above 4)	3	
	Pool or spa heater	33	~~30~~
	Decorative Fireplace (manufactured)	53	~~48~~
	Gas or wood fireplace/ Insert	53	~~48~~
	Wood Stove/ Pellet Stove	53	~~48~~
	Hydronic hot water system	53	~~48~~
	Gas clothes dryer	33	~~30~~
	Other fuel appliance	33	~~30~~
	Other environment exhuast/ ventilation	33	~~30~~
	Other heating/cooling	33	~~30~~
	Ventilation system not a portion of heating or air-conditioning system authorized by permit	33	~~30~~
	Appliance vent installation, relocation or replacement not included in an appliance permit	33	~~30~~
	Minimum permit fee	171	~~155~~
	Commercial Mechanical Fees	See section 10.1	

10.18.	**Solar Permit Fee**	**Fee**	
	Prescriptive installation (includes Plan Review)	$ 254	~~230~~
	Non-prescriptive installation	**See section 10.1**	

		Fee	
10.19.	**Manufacture Dwelling Placement Fee ***	$ 505	~~457~~
	State (Cabana) Fee	33	~~30~~

**** Includes the concrete slab, runners or foundations that are prescriptive, electrical feeder and plumbing connections and all cross-over connections and up to 30 lineal feet of site utilities. Decks, other accessory structures, and foundations that are not prescriptive, utility connections beyond 30 lineal feet, new electrical services or additional branch circuits, and new plumbing - may require separate permits (see site utility fees above). All decks, carports, garages, porches, and patios are based on valuation and may also require separate permits.***

10.20. **Manufactured Dwelling/RV parks - Area Development Permit (ADP)**

The Area Development Permit fee to be calculated based on the valuations shown in Table 2 of OAR 918-600-0030 for Manufactured Dwelling/Mobile Home Parks and Table 2 of OAR 918-650-0030 for Recreational Park & Organizational Camp – and applying the valuation amount to Table 1 as referenced for each.

11. Solid Waste - West Linn Refuse and Recycling

Rates as of July 1, 2023 - Charged Directly by WL Refuse and Recycling

11.1 Residential Service (recycling and yard debris included in rate):

Service Type	Current Rate	Method	
21-gallon cart weekly curbside	$ 28.80	Residential	~~$ 27.00~~
21-gallon cart weekly w/in 50' of road	$ 33.71	Residential	~~$ 31.61~~
35-gallon cart weekly curbside	$ 34.32	Residential	~~$ 32.18~~
35-gallon cart weekly w/in 50' of road	$ 40.19	Residential	~~$ 37.68~~
35-gallon cart monthly curbside	$ 17.18	Residential	~~$ 16.11~~
35-gallon cart monthly w/in 50' of road	$ 20.11	Residential	~~$ 18.86~~
65-gallon cart weekly curbside	$ 54.97	Residential	~~$ 51.54~~
65-gallon cart weekly w/in 50' of road	$ 64.30	Residential	~~$ 60.29~~
95-gallon cart weekly curbside	$ 60.44	Residential	~~$ 56.57~~
95-gallon cart weekly w/in 50' of road	$ 70.71	Residential	~~$ 66.30~~

11.2 Commercial Service:

Service Type	Current Rate	Method	
35-gallon cart weekly curbside	$ 34.32	Commercial	~~$ 32.18~~
35-gallon cart weekly w/in 50' of road	$ 40.19	Commercial	~~$ 37.68~~
65-gallon cart weekly curbside	$ 54.97	Commercial	~~$ 51.54~~
65-gallon cart weekly w/in 50' of road	$ 64.30	Commercial	~~$ 60.00~~
			~~$ 29.00~~
95-gallon cart weekly curbside	$ 60.44	Commercial	~~$ 56.67~~
95-gallon cart weekly w/in 50' of road	$ 70.71	Commercial	~~$ 66.30~~

11.3 Extra Hauling:

Service Type	Current Rate	Method	
35-gallon cart worth	$ 11.44	Residential	~~$ 10.73~~

11.4 Mobile Home Courts and Apartments (yard debris service is not included in this rate):

Service Type	Current Rate	Method	
21-gallon cart weekly curbside	$ 21.31	Residential	~~$ 27.00~~
21-gallon cart weekly w/in 50' of road	$ 24.35	Residential	~~$ 31.61~~
35-gallon cart weekly curbside	$ 25.40	Residential	~~$ 32.18~~
35-gallon cart weekly w/in 50' of road	$ 29.73	Residential	~~$ 37.68~~
65-gallon cart weekly curbside	$ 40.66	Residential	~~$ 51.54~~
65-gallon cart weekly w/in 50' of road	$ 47.57	Residential	~~$ 60.29~~
95-gallon cart weekly curbside	$ 44.75	Residential	~~$ 56.67~~
95-gallon cart weekly w/in 50' of road	$ 52.31	Residential	~~$ 66.30~~

11.5 Container Service - Loose:

Service Type	Current Rate	Method	
1-yard picked up 1x/week	$ 135.56	Commercial	~~$ 127.11~~
1.5-yard picked up 1x/week	$ 207.06	Commercial	~~$ 194.15~~
2-yard picked up 1x/week	$ 248.46	Commercial	~~$ 232.97~~
3-yard picked up 1x/week	$ 372.69	Commercial	~~$ 349.45~~
4-yard picked up 1x/week	$ 496.94	Commercial	~~$ 465.95~~
6-yard picked up 1x/week	$ 819.50	Commercial	~~$ 768.82~~
Additional 1-yard picked up 1x/week	$ 149.10	Commercial	~~$ 139.80~~
Additional 1.5-yard picked up 1x/week	$ 227.75	Commercial	~~$ 213.55~~
Additional 2-yard picked up 1x/week	$ 273.34	Commercial	~~$ 256.30~~
Additional 3-yard picked up 1x/week	$ 409.98	Commercial	~~$ 384.42~~
Additional 4-yard picked up 1x/week	$ 546.65	Commercial	~~$ 512.56~~
Additional 6-yard picked up 1x/week	$ 901.91	Commercial	~~$ 845.67~~

**Note: Compacted container rates shall be 2/5 times the loose rate*

Source Separated Food Waste:

11.6 Cleanup Containers:

Service Type	Current Rate	Method	
3-yard container	$ 122.18	Commercial	~~$ 114.56~~
4-yard container	$ 153.26	Commercial	~~$ 143.70~~

**Note: Price is per dump*

11.7 Additional Recycling (Recycle Plus) NEW SERVICE

Service Type	
Monthly Charge	$ 2.50
20-gallon pickup	$ 9.25
20-gallon non-curb w/in 150' of road	$ 11.70
20-gallon non-curb greater than 150' of road	$ 13.00

**Note: Price is per pickup*

Monthly Collection Rate Adjustment Methodology

The monthly Collection Rate shall be adjusted upward or downward to reflect eighty percent (80%) of the change in the All Items in WEST - Size Class B/C, all urban; Consumer Price Index All Consumers; Series ID

* See West Linn Refuse & Recycling Franchise Agreement (Section 7.3) for additional information.

12. Solid Waste - Keller Drop Box dba Allied Waste Services/Republic Services

Rates as of July 1, 2023 - Charged Directly by Allied Waste Services/Republic Services

12.1 Drop Box Services

Size	Commodity	Delivery	Haul	Scale Fee	Rent
10 yd	Concrete	$ 37.20	$ 165.33	$ -	$95.08/month or $9.50/day
10 yd	Concrete w/ Rebar	$ 37.20	$ 165.33	$ -	$95.08/month or $9.50/day
10 yd	Dirt	$ 37.20	$ 165.33	$ -	$95.08/month or $9.50/day
10 yd	Sod	$ 37.20	$ 165.33	$ -	$95.08/month or $9.50/day
20 yd	Yard Debris	$ 37.20	$ 165.33	$ -	$95.08/month or $9.50/day
30 yd	Yard Debris	$ 37.20	$ 190.14	$ -	$95.08/month or $9.50/day
40 yd	Yard Debris	$ 37.20	$ 216.32	$ -	$95.08/month or $9.50/day
20 yd	Wood	$ 37.20	$ 165.33	$ -	$95.08/month or $9.50/day
30 yd	Wood	$ 37.20	$ 190.14	$ -	$95.08/month or $9.50/day
40 yd	Wood	$ 37.20	$ 216.32	$ -	$95.08/month or $9.50/day
20 yd	Trash/Mixed/C&D	$ 37.20	$ 165.33	$ 3.00	$95.08/month or $9.50/day
30 yd	Trash/Mixed/C&D	$ 37.20	$ 190.14	$ 3.00	$95.08/month or $9.50/day
40 yd	Trash/Mixed/C&D	$ 37.20	$ 216.32	$ 3.00	$95.08/month or $9.50/day

12.2 Compactor Services

Compactor	Haul	
~~<19 Yard~~	~~$ -~~	~~$ 179.79~~
20 Yard	$ 187.72	~~$ 179.79~~
30 Yard	$ 254.18	~~$ 243.44~~
40 Yard	$ 286.87	~~$ 274.75~~

Monthly Collection Rate Adjustment Methodology

The monthly Collection Rate shall be adjusted in alignment with the most recently concluded calendar year of the U.S Bureau of Labor Statistics, Consumer Price Index for All Urban Consumers: Water and Sewer and Trash Collection Services in U.S City Average (CUSR0000SEHG).

* See Keller Drop Box dba Allied Waste Services/Republic Services Franchise Agreement (Section 7.3) for additional information.

13. Systems Development Charges (SDCs)

City SDCs Increased for ENR CCI Index at

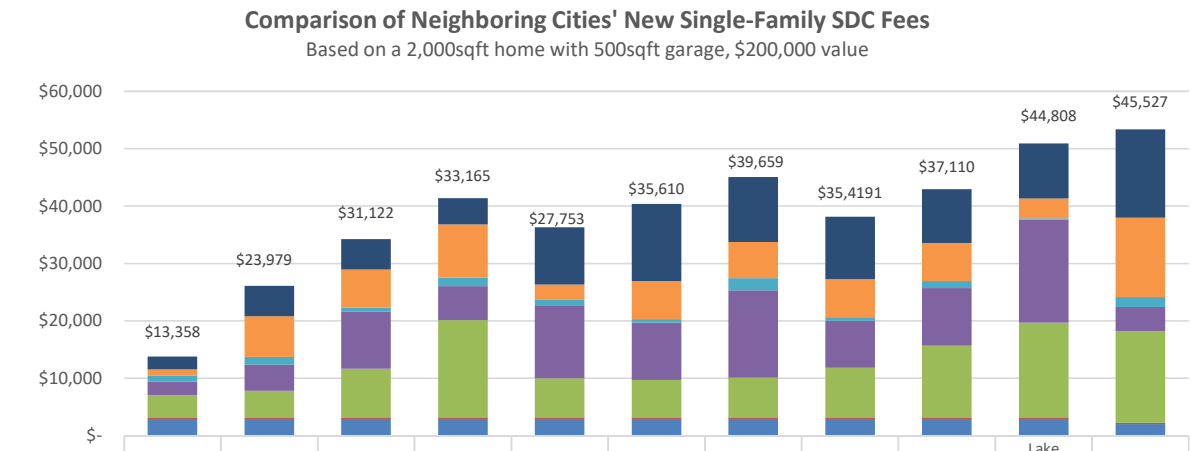
13.1. General SDC Information

West Linn SDC fees shall be indexed for inflation annually using the Engineering News – Record Construction Cost Index (Seattle) for the most recent 12-month period per Code Section 4.415(3).

Below is a summary table of all SDC charges for a Single Family Dwelling (effective July 1, 2023):

Per Single Family Dwelling:	Reimbursement	Improvement	Administrative	Total
Street SDC	$ 1,970	$ 209	$ 133	$ 2,312
	~~$ 1,783~~	~~$ 189~~	~~$ 121~~	~~$ 2,093~~
Bike/Ped SDC	1,844	24	-	1,867
	~~1,668~~	~~22~~		~~1,690~~
Water SDC	940	11,197	316	12,453
	~~799~~	~~9,510~~	~~267~~	~~10,576~~
Surface Water SDC	1,274	382	85	1,741
	~~1,082~~	~~325~~	~~72~~	~~1,479~~
Parks SDC	-	15,588	420	16,008
	~~-~~	~~13,428~~	~~363~~	~~13,791~~
Sewer SDC	982	3,831	183	4,996
	~~834~~	~~3,254~~	~~155~~	~~4,243~~
Sub-total, SDCs to City	$ 7,010	$ 31,230	$ 1,137	$ 39,378
Plus Water SDC collected for South Fork Water Board (updated effective January 1, 2023)				2,932
				~~2,654~~
Plus Sewer SDC collected for Tri-City Service District (est. - 3% inc.)				8,860
				~~8,600~~
Plus Excise Tax collected for Metro on valuations over $100,000				240
Plus Excise Tax collected for School District on new construction or additions				2,000
Total SDCs due for Single Family Dwelling				$ 53,410

Notes:



	Milwaukie	Gresham	Tualatin	Portland	Oregon City	Hillsboro	Wilsonville	Tigard	Beaverton	Lake Oswego	West Linn
Water	2,197	5,305	5,306	4,563	9,989	13,395	11,283	10,853	9,354	9,571	15,385
Sewer	1,065	7,055	6,625	9,274	2,681	6,625	6,289	6,625	6,625	3,484	13,856
Surface Water	1,039	1,344	641	1,507	1,070	641	2,112	641	1,252	190	1,741
Streets	2,362	4,589	9,998	5,882	12,569	9,998	15,264	8,208	9,998	17,984	4,180
Parks	3,985	4,694	8,548	17,048	6,905	6,577	6,969	8,699	12,583	16,565	16,008
METRO Excise	240	240	240	240	240	240	240	240	240	240	240
School Excise	2,900	2,900	2,900	2,900	2,900	2,900	2,900	2,900	2,900	2,900	2,000

13.2. Street SDC

Effective July 1, 2009

~~Effective July 1, 2022 [see updated 7/1/2022 table attached]~~

Effective July 1, 2023 [see updated 7/1/2023 table attached]

13.3. Bike/Ped SDC

Effective January 26, 2010 - Phase I

~~Effective July 1, 2022 [see updated 7/1/2022 table attached]~~

Effective July 1, 2023 [see updated 7/1/2023 table attached]

13.4. Water SDC

Note: see also the additional SDC collected on behalf of South Fork Water Board

[SFWB Water SDC for 5/8" meter is currently = $2,350 for 2022 and $2,350 for 2021 ~~$2,350 for 2021 and $2,238 for 2020~~]

Effective July 1, 2022 [ENR CCI increase 6.56%]

Size of Meter	Meter Equivalency	Reimbursement	Improvement	Administrative	Total
per factor of 1	1.00	$851	$10,134	$285	$11,270
5/8”	1	$851	$10,134	$285	$11,270
3/4”	1.5	$1,277	$15,201	$427	$16,905
1”	2.5	$2,128	$25,335	$712	$28,175
1.5”	5	$4,255	$50,670	$1,425	$56,350
2”	8	$6,808	$81,072	$2,280	$90,160
3”	16	$13,616	$162,144	$4,560	$180,320
4”	25	$21,275	$253,350	$7,125	$281,750
6”	50	$42,550	$506,700	$14,250	$563,500
8”	80	$68,080	$810,720	$22,800	$901,600
10”	125	$106,375	$1,266,750	$35,625	$1,408,750

Effective July 1, 2023 [ENR CCI increase 10.5%]

Size of Meter	Meter Equivalency	Reimbursement	Improvement	Administrative	Total
per factor of 1	1.00	$940	$11,197	$316	$12,453
5/8”	1	$940	$11,197	$316	$12,453
3/4”	1.5	$1,410	$16,796	$474	$18,680
1”	2.5	$2,350	$27,993	$790	$31,133
1.5”	5	$4,700	$55,985	$1,580	$62,265
2”	8	$7,520	$89,576	$2,528	$99,624
3”	16	$15,040	$179,152	$5,056	$199,248
4”	25	$23,500	$279,925	$7,900	$311,325
6”	50	$47,000	$559,850	$15,800	$622,650
8”	80	$75,200	$895,760	$25,280	$996,240
10”	125	$117,500	$1,399,625	$39,500	$1,556,625

13.5. Surface Water SDC

The surface water SDC is based on impervious surface area. For "Single Family" applications, surface water SDC's are based on an assumed average equivalent service unit (1 ESU = 2,914sqft). For "All Other" applications, surface water SDC's are based on actual, total impervious surface area ($1,741 per 2,914sqft)

Effective July 1, 2022 [ENR CCI increase 6.56%]

Unit		Reimbursement	Improvement	Administrative	Total
per factor of 1	1.00	$1,153	$346	$77	$1,576
Single family	1.00	$1,153	$346	$77	$1,576

Effective July 1, 2023 [ENR CCI increase 10.5%]

Unit		Reimbursement	Improvement	Administrative	Total
per factor of 1	1.00	$1,274	$382	$85	$1,741
Single family	1.00	$1,274	$382	$85	$1,741
All Other	1.00	$1,274	$382	$85	$1,741

13.6. Park SDC

Effective July 1, 2022 [ENR CCI increase 6.56%]

Unit		Reimbursement	Improvement	Administrative	Total
per factor of 1	1.00	$0	$5,067	$137	$5,204
Single family	2.65	$0	$13,428	$363	$13,791
Multi-family	1.874	$0	$9,494	$256	$9,750

Effective July 1, 2023 [ENR CCI increase 10.5%]

Unit		Reimbursement	Improvement	Administrative	Total
per factor of 1	1.00	$0	$5,599	$151	$5,750
Single family	2.784	$0	$15,588	$420	$16,008
Townhouse	2.784	$0	$15,588	$420	$16,008
Cottage Cluster, Separate	2.425	$0	$13,578	$366	$13,944
Cottage Cluster, Shared	2.425	$0	$13,578	$366	$13,944
2-4 Units, Separate	2.067	$0	$11,573	$312	$11,885
2-4 Units, Shared	2.067	$0	$11,573	$312	$11,885
Multi-family	1.874	$0	$10,490	$283	$10,773

13.7. Sewer SDC

Note: see also the additional SDC collected on behalf of Tri-City Service District
[Tri-City Service District Sewer SDC is currently 1 EDU = $7,850]

Effective July 1, 2022 [ENR CCI increase 6.56%]

Unit	Meter Size	Factor	Reimbursement	Improvement	Administrative	Total
per factor of 1		1.00	$889	$3,467	$165	$4,521
Single family	-	-	$889	$3,467	$165	$4,521
Multi-family	-	-	$495	$1,931	$92	$2,518
Commercial	5/8"	1	$889	$3,467	$165	$4,521
Commercial	3/4"	1.5	$1,334	$5,201	$247	$6,782
Commercial	1"	2.5	$2,223	$8,668	$412	$11,303
Commercial	1.5"	5	$4,445	$17,335	$825	$22,605
Commercial	2"	8	$7,112	$27,736	$1,320	$36,168
Commercial	3"	16	$14,224	$55,472	$2,640	$72,336
Commercial	4"	25	$22,225	$86,675	$4,125	$113,025
Commercial	6"	50	$44,450	$173,350	$8,250	$226,050
Commercial	8"	80	$71,120	$277,360	$13,200	$361,680
Commercial	10"	125	$111,125	$433,375	$20,625	$565,125

Effective July 1, 2023 [ENR CCI increase 10.5%]

Unit	Meter Size	Factor	Reimbursement	Improvement	Administrative	Total
per factor of 1		1.00	$982	$3,831	$183	$4,996
Single family	-	-	$982	$3,831	$183	$4,996
Townhouse	-	-	$982	$3,831	$183	$4,996
Cottage Cluster, Separate	-	-	$855	$3,337	$159	$4,351
Cottage Cluster, Shared	-	-	$855	$3,337	$159	$4,351
2-4 Units, Separate	-	-	$729	$2,844	$136	$3,709
2-4 Units, Shared	-	-	$729	$2,844	$136	$3,709
Multi-family	-	-	$547	$2,134	$102	$2,783
Commercial	5/8"	1	$982	$3,831	$183	$4,996
Commercial	3/4"	1.5	$1,473	$5,747	$274	$7,494
Commercial	1"	2.5	$2,455	$9,578	$457	$12,490
Commercial	1.5"	5	$4,910	$19,155	$915	$24,980
Commercial	2"	8	$7,856	$30,648	$1,464	$39,968
Commercial	3"	16	$15,712	$61,296	$2,928	$79,936
Commercial	4"	25	$24,550	$95,775	$4,575	$124,900
Commercial	6"	50	$49,100	$191,550	$9,150	$249,800
Commercial	8"	80	$78,560	$306,480	$14,640	$399,680
Commercial	10"	125	$122,750	$478,875	$22,875	$624,500

City of West Linn

SDC per Land Use

New Methodology and Fees Adopted Effective July 1, 2015
[ENR CCI increased all SDC Fees by 10.5% ~~6.56%~~ Effective July 1, 2023 ~~22~~]

ITE Code	Land Use	Unit	ITE Average Daily Trips	Number of Person Trips[1]	% Primary Trips	New Person Trip Ends	Effective July 1, 2023 ~~2022~~ Improvement Cost Bike/Ped	Improvement Cost Street	Reimbursement Cost Bike/Ped	Reimbursement Cost Street	Admin
21	Commercial Airport	CFD	123.1	206.8	100%	206.8					
30	Intermodal Truck Terminal	Acre	62.5	105.0	100%	105.0					
110	General Light Industrial	1,000 SFGFA	5.3	8.8	100%	8.8					
130	Industrial Park	1,000 SFGFA	5.3	9.0	100%	9.0					
140	Manufacturing	1,000 SFGFA	3.0	5.1	100%	5.1					
151	Mini-Warehouse	1,000 SFGFA	2.4	4.0	100%	4.0					
160	Data Center	1,000 SFGFA	1.0	1.7	100%	1.7					
210	Single-Family Detached Housing	Dwelling unit	9.4	15.7	100%	15.7					
215	Townhouse	Dwelling unit	7.4	9.8	100%	9.8					
Hybrid	Cottage Cluster, Separate	Dwelling unit	6.7	8.1	100%	8.1					
Hybrid	Cottage Cluster, Shared	Dwelling unit	6.7	8.1	100%	8.1					
Hybrid	2-4 Units, Separate	Dwelling unit	6.7	8.1	100%	8.1					
Hybrid	2-4 Units, Shared	Dwelling unit	6.7	8.1	100%	8.1					
220	Apartment	Dwelling unit	6.5	10.9	100%	10.9					
~~230~~	~~Residential Condominium/Townhouse~~	~~Dwelling unit~~	~~5.7~~	~~9.5~~	~~100%~~	~~9.5~~					
240	Mobile Home Park	ODU	4.9	8.2	100%	8.2					
254	Assisted Living	Bed	2.6	4.3	100%	4.3					
310	Hotel	Room	7.9	13.2	100%	13.2					
320	Motel	Room	5.6	9.5	100%	9.5					
411	City Park	Acre	6.1	10.3	100%	10.3					
417	Regional Park	Acre	5.0	8.4	100%	8.4					
430	Golf Course	Acre	5.3	8.9	100%	8.9					
444	Movie Theater with Matinee	Movie screen	387.0	650.2	100%	650.2					
492	Health/Fitness Club	1,000 SFGFA	30.3	50.9	100%	50.9					
495	Recreational Community Center	1,000 SFGFA	27.4	46.0	100%	46.0					
520	Elementary School	1,000 SFGFA	7.1	12.0	59%	7.1					
522	Middle School/Junior High School	1,000 SFGFA	6.4	10.7	59%	6.3					
530	High School	1,000 SFGFA	6.0	10.0	59%	5.9					
540	Junior/Community College	1,000 SFGFA	21.4	36.0	100%	36.0					
560	Church	1,000 SFGFA	13.2	22.2	100%	22.2					
565	Day Care Center	1,000 SFGFA	18.0	30.3	33%	10.0					
590	Library	1,000 SFGFA	50.5	84.8	100%	84.8					
610	Hospital	1,000 SFGFA	12.2	20.4	100%	20.4					
620	Nursing Home	1,000 SFGFA	7.2	12.1	100%	12.1					
710	General Office Building	1,000 SFGFA	8.4	14.1	100%	14.1					
720	Medical-Dental Office Building	1,000 SFGFA	27.3	45.9	100%	45.9					
731	State Motor Vehicles Department	1,000 SFGFA	120.9	203.1	100%	203.1					
732	United States Post Office	1,000 SFGFA	88.4	148.4	100%	148.4					
750	Office Park	1,000 SFGFA	8.5	14.3	100%	14.3					
760	Research and Development Center	1,000 SFGFA	6.2	10.5	100%	10.5					
770	Business Park	1,000 SFGFA	9.4	15.9	100%	15.9					
812	Building Materials and Lumber Store	1,000 SFGFA	43.1	72.5	100%	72.5					
813	Free-Standing Discount Superstore	1,000 SFGFA	38.5	64.6	72%	46.5					
814	Variety Store	1,000 SFGFA	30.6	51.4	48%	24.5					
815	Free-Standing Discount Store	1,000 SFGFA	28.2	47.4	48%	22.6					
816	Hardware/Paint Store	1,000 SFGFA	25.9	43.5	45%	19.4					
817	Nursery (Garden Center)	1,000 SFGFA	82.9	139.2	100%	139.2					
820	Shopping Center	1,000 SFGLA	20.7	34.7	50%	17.4					
826	Specialty Retail Center	1,000 SFGLA	40.6	68.2	100%	68.2					
841	Automobile Sales	1,000 SFGFA	29.3	49.2	100%	49.2					
843	Automobile Parts Sales	1,000 SFGFA	27.2	45.8	44%	20.1					
848	Tire Store	1,000 SFGFA	17.1	28.7	69%	19.7					
850	Supermarket	1,000 SFGFA	47.3	79.5	39%	30.8					
851	Convenience Market (Open 24 Hours)	1,000 SFGFA	246.8	414.6	33%	134.9					
857	Discount Club	1,000 SFGFA	42.3	71.1	100%	71.1					
862	Home Improvement Superstore	1,000 SFGFA	16.7	28.1	44%	12.4					
880	Pharmacy/Drugstore without Drive-Thro	1,000 SFGFA	38.1	64.1	42%	27.1					
881	Pharmacy/Drugstore with Drive-Through	1,000 SFGFA	36.8	61.9	38%	23.5					
890	Furniture Store	1,000 SFGFA	1.8	3.1	37%	1.1					
911	Walk-in Bank	1,000 SFGFA	121.3	203.8	100%	203.8					
912	Drive-in Bank	1,000 SFGFA	33.5	56.3	27%	15.4					
925	Drinking Place	1,000 SFGFA	154.9	260.2	100%	260.2					
931	Quality Restaurant	1,000 SFGFA	37.4	62.9	43%	26.7					
932	High-Turnover (Sit-Down) Restaurant	1,000 SFGFA	52.6	88.3	40%	35.1					
933	Fast-Food Restaurant without Drive-Thro	1,000 SFGFA	208.3	349.9	40%	139.1					
934	Fast-Food Restaurant with Drive-Through	1,000 SFGFA	219.1	368.0	41%	150.7					
936	Coffee/Donut Shop without Drive-Throu	1,000 SFGFA	102.6	172.4	40%	68.5					
937	Coffee/Donut Shop with Drive-Through	1,000 SFGFA	335.2	563.1	41%	230.5					
938	Coffee/Donut Kiosk	1,000 SFGFA	306.0	514.1	17%	87.4					
944	Gasoline/Service Station	VFP	59.0	99.1	35%	34.7					
945	Gasoline/Service Station with Convenie	VFP	20.8	34.9	13%	4.5					
946	Gasoline/Service Station with Car Wash	VFP	36.5	61.3	24%	14.7					
***	Other (median)		27.2	45.8	100%	45.8					
***	Other (average)		54.0	90.7	77%	70.3					
	Per Average Daily Person Trip-End Unit SDC Fee (eff. 7/1/23)						$117.43	$125.50	$1.51	$13.29	$8.50
	~~Per Average Daily Person Trip-End Unit SDC Fee (eff. 7/1/22)~~						~~$106.27~~	~~$113.58~~	~~$1.37~~	~~$12.03~~	~~$7.69~~

Source: ITE Trip Generation Manual, 9th Edition, compiled by FCS GROUP

1.68 [1]Person trip conversion rate of 1.68 derived from 2009 U.S. National Household Transportation Survey findings

Abbreviations

CFD - commercial flights per day

ODU - occupied dwelling unit

SFGFA - square feet of gross floor area

SFGLA - square feet of gross leasable area

VFP - vehicle fueling position

Attachments

1. Fees of other entities that the City of West Linn is required to pass through
    1.1. METRO - Construction Excise Tax
    1.2. WLWSD - Construction Excise Tax
    1.3. LOSD - Construction Excise Tax
    1.4. Water SDC - South Fork Water Board water SDC charges
    1.5. Sewer SDC - Tri-City Service District sewer SDC charges

2. Copy of Resolution adopting Master Fees and Charges booklet

3. Copies of the three Construction Excise Tax agreements and provisions

Attachments

1. Construction Excise Tax agreement with other entities

1.1. METRO - Construction Excise Tax

		Fee	
Tax percentage to be assessed on value of construction		0.12%	of construction
City's administrative fee retained to cover collection costs		5%	of tax amount
Maximum amount of tax assessed	$	12,000	
Exempt construction projects that are under this value	$	100,000	
Date the tax first went into effect		July 1, 2006	

http://www.metro-region.org/index.cfm/go/by.web/id=18459

1.2. WLWSD - Construction Excise Tax

Residential - tax amount on value of construction	$	1.39	per square foot
Nonresidential - tax amount on value of construction	$	0.69	per square foot
City's administrative fee retained to cover collection costs		4%	of tax amount
Date the tax first went into effect		June 17, 2017	

1.3. LOSD - Construction Excise Tax [increased for CCI eff. 10/01/2010]

Residential - tax amount on value of construction	$	1.05	per square foot
Nonresidential - tax amount on value of construction	$	0.53	per square foot
City's administrative fee retained to cover collection costs		4%	of tax amount
Date the tax first went into effect		April 1, 2010	

1.4. South Fork Water Board - Water SDC Fee

Meter Size	Equivalent Meter Factor (EMF)	Water SDC Fee (eff. 1/1/21)	Water SDC Fee (eff. 1/1/22)	Water SDC Fee (eff. 1/1/23)
5/8" x 3/4"	1	$ 2,491	$ 2,654	$ 2,932
3/4"	1.5	$ 3,736	$ 3,982	$ 4,398
1"	2.5	$ 6,227	$ 6,636	$ 7,331
1.5"	5	$ 12,455	$ 13,272	$ 14,661
2"	8	$ 19,928	$ 21,235	$ 23,458
3"	16	$ 39,855	$ 42,470	$ 46,916
4"	25	$ 62,274	$ 66,359	$ 73,307
6"	50	$ 124,547	$ 132,717	$ 146,613
8"	80	$ 199,276	$ 212,348	$ 234,581
10"	115	$ 286,459	$ 305,250	$ 337,211

1.5. Tri-City Service District - Sewer SDC Fee

[see next page for table, details, and information]

1.5. Tri-City Service District Sewer SDC Fee

1 EDU = $8,860 proposed

Class of Service	System Development Charge	Sewer Use Charge
Residential		
01. Single Family Dwelling	1 EDU	1 EDU
02. Duplex	0.8 EDU per dwelling unit	1 EDU per dwelling unit
03. Triplex	0.8 EDU per dwelling unit	1 EDU per dwelling unit
04. Multi-Family (Four Plex and Up)	0.8 EDU per dwelling unit	1 EDU per dwelling unit
05. Trailer/Mobile Home Parks	0.8 EDU per dwelling unit	1 EDU per rental space provided sewer service
06. Adult Foster Care Homes1	1 EDU	1 EDU per five occupants
Institutional		
10. High Schools	1 EDU per 29 students (ADA)2	1 EDU per each 1,000 cu. Ft. or fraction thereof per month of metered water consumption
11. Junior High Schools	1 EDU per 29 students (ADA)2	Same as 10. (above)
12. Elementary and Pre Schools	1 EDU per 65 students (ADA)2	Same as 10. (above)
13. Community Colleges	1 EDU per 29 students (ADA)2	Same as 10. (above)
14. Churches	1 EDU per 180 seats (ADA)3	Same as 10. (above)
-if parsonage	1 EDU per 29 students (ADA)2	Same as 10. (above)
-if weekday child care or church school	1 EDU per 65 additional students	Same as 10. (above)
-if full time business officer	1 EDU per 1,900 sq. ft. additional meeting area	Same as 10. (above)
-if evening programs conducted three night or more per week	1 EDU per 1,900 sq. ft. additional meeting area	Same as 10. (above)
15. Hospitals - General	1 EDU per bed	Same as 10. (above)
16. Convalescent/Rest Homes	1 EDU per two beds	Same as 10. (above)
17. Adult Foster Care Homes4	1 EDU per two beds	Same as 10. (above)
Commercial		
20. Hotels, Motels	1 EDU per two rooms	1 EDU per two rooms5
-if quality restaurant	1 EDU per 10 seats, 1 EDU per 10 additional seats	1 EDU per 10 seats5
21. Restaurants	1 EDU per 11 seats	1 EDU per 11 seats5
22. Fast Food	1 EDU per 18 seats	1 EDU per 18 seats5
23. Tavern/Lounge	1 EDU per 18 seats	1 EDU per 18 seats5
24. Service Stations (without car wash)	1.7 EDU	1 EDU per each 1,000 cu. Ft. or fraction thereof per month of metered water consumption
25. Car Wash	UEDUs per stall	Same as 24. (above)
26. Rollover (with service station)	5.6 EDUs	Same as 24. (above)
27. Tunnel (with service station)	16 EDUs	Same as 24. (above)
28. Laundromats	1 EDU per machine	Same as 24. (above)
29. Other Commercial (shall include all classes not otherwise included in this table)	The lesser of 1 EDU per 1,900 sq. ft. or less of floor space or 1 EDU per quarter acre or fraction thereof of land acre but not less than 50 percent of maximum charge resulting from the two options.	Same as 24. (above)
Industrial		
30. Light Industrial Waste6	Same as 29. (above)	1 EDU per each 1,000 cu. Ft. or fraction thereof per month of metered water consumption and actual cost to District for removal of SS and BOD per pound for amount resulting from sewage strength in excess of domestic sewage strength. Based on District cost per pound for removal off BOD and SS and cost per gallon for processing sewage flow.
31. Heavy Industrial Waste7	Based on actual cost to District but not less than 16. (above)	
Public Authorities		
40. Cities	See applicable agreements	See applicable agreements

Note: For the purpose of equivalent dwelling units for connection charge purposes, the quotient will be carried to two decimal places.

1 Adult foster care homes having an occupancy capacity of five or fewer persons for whom the owner/operator of the facility receives renumeration of any kind shall be charged for one EDU.

2 ADA = Average Daily Attendance

3 Where seating is on benches or pews, the number of seats shall be computer on the basis of one seat for each 18 inches of bench or pews length.

4 Adult foster care homes having an occupancy capacity in excess of five persons for whom the owner/operator of the facility receives renumeration of any kind.

5 First year of service is based on seating capacity as shown. Subsequent service based on one EDU per 1,000 cubic feet or fraction thereof of metered water consumption.

6 With 30 pounds to 200 pounds of SS per day; 30 pounds to 200 pounds of BOD per day; and less than 10,000 gallons per day

7 With more than 200 pounds of SS per day; 200 pounds of BOD per day; and 10,000 gallons or more per day

SDCs for Middle Housing

INTRODUCTION

The City of West Linn (City) anticipates receiving development applications for housing unit types that are new to the City and may not be equitably treated by the City's system development charge (SDC) schedules. These housing unit types are "middle housing" units that share characteristics with both single-family dwellings and multi-family dwellings but are really neither. The City contracted with FCS GROUP to determine how these dwelling unit types might be charged SDCs in a manner that is:

- Equitable
- Defensible
- Consistent with the City's existing SDC methodologies

MIDDLE HOUSING TYPES

We collaborated with City staff to determine that there are five distinct types of middle housing for which SDCs should be calculated.

The first type is the **townhouse**, which is the middle housing type that most resembles a single-family residence. In fact, some sources of housing data refer to this housing type as "single-family attached" (rather than "detached"). A townhouse is a dwelling unit that lies on its own parcel but shares a common wall with another townhouse that lies on its own parcel.

A development of multiple dwelling units no larger than 1,200 square feet that share a central courtyard is a **cottage cluster**. The second type of middle housing is a cottage cluster whose dwelling units lie on their own parcels. The third type is a cottage cluster whose dwelling units share a parcel.

Developments that consist of two, three, or four dwelling units and do not fit the definition of a cottage cluster are gathered under the category of **2-4 units**. As with cottage clusters, developments of 2-4 units can either have separate parcels (the fourth type) or share a common parcel (the fifth type).

The distinction between separate parcels and shared parcels is important. In West Linn, separate parcels require separate utility connections, but multiple dwelling units on a single parcel can share a utility connection.

The table below summarizes these five middle housing types:

Middle Housing Types	Description	Separate Parcels, Separate Utilities	One Parcel, Shared Utilities
Townhouse	Common wall dwelling units with each on its own parcel	✓	✗
Cottage Cluster	Multiple dwelling units no larger than 1,200 square feet that share a central courtyard	✓	✓
2-4 Units	2-4 dwelling units, which may be attached or detached, that do not qualify as a cottage cluster	✓	✓

Source *: Darren Wyss, e-mail, 03/14/2023.*

WATER SDC

The City currently imposes a water SDC based on meter size, as shown below:

Water SDC		Rate	Per
Reimbursement	$	940	5/8" meter equivalent
Improvement		11,198	5/8" meter equivalent
Administration		315	5/8" meter equivalent
Total	$	12,453	5/8" meter equivalent

Source *: City of West Linn,* Master Fees and Charges Document*, effective July 1, 2022, page 34. Increased by 10.5 percent per City staff.*

Although this table presents the SDC for a 5/8" meter to be consistent with the Master Fees and Charges Document, in practice the City does not allow installation of any domestic water meter smaller than 3/4" (Public Works Design Standards Section 4.0050 C).

Because meter size is the best measure of the water capacity to which a new development will have access, we cannot recommend any alternative method for charging middle housing types. Whether a middle housing development is on a single parcel (with a single meter) or multiple parcels (with multiple meters), these developments should continue to be charged based on the number and size of their water meters.

SEWER SDC

The City currently imposes a sewer SDC on residential developments based on number and type of dwelling units. However, as shown below, the City currently recognizes only two dwelling unit types, single-family and multi-family:

Sewer SDC	Rate	Per
Single-Family	$ 4,996	dwelling unit
Multi-Family	2,782	dwelling unit
Commercial	4,996	5/8" meter equivalent

Source *: City of West Linn,* Master Fees and Charges Document*, effective July 1, 2022, page 36. Increased by 10.5 percent per City staff*

We believe that the maximum sewer flow of a dwelling unit is related to the number of people who occupy that dwelling unit. It therefore seems reasonable to vary a residential sewer SDC by the estimated occupancy of different dwelling unit types based on data from the U. S. Census Bureau. As shown in the table below, average occupancy of dwelling units in West Linn ranges from 1.305 for multi-family developments with more than four dwelling units to 2.784 for single-family residences:

Occupancy by Dwelling Unit Type	Residents	Dwelling Units	Occupancy
Single-family residence	24,361	8,751	2.784
2 to 4 units	1,205	583	2.067
5 or more units	1,318	1,010	1.305
Mobile home	109	48	2.271
Total	26,993	10,392	2.597

Source *: U.S. Census Bureau, 2021 American Community Survey 5-Year Estimates for West Linn, tables B25033 (residents) and B25024 (dwelling units).*

To adapt these data to the middle housing types being analyzed, we make the following assumptions. First, a townhouse has the same occupancy as a single-family residence. Second, the occupancy of a cottage cluster dwelling unit lies at the midpoint between a single-family residence and a 2-4 unit development. Applying these assumptions results in the proposed sewer SDC schedule shown below:

Proposed Sewer SDC	SDC per Occupant	Occupants per Dwelling Unit	Total SDC per Dwelling Unit
Single-family residence	$ 1,795	2.784	$ 4,996
Townhouse	1,795	2.784	4,996
Cottage Cluster, Separate	1,795	2.425	4,352
Cottage Cluster, Shared	1,795	2.425	4,352
2-4 Units, Separate	1,795	2.067	3,709
2-4 Units, Shared	1,795	2.067	3,709

Source *: U.S. Census Bureau, 2021 American Community Survey 5-Year Estimates for West Linn, tables B25033 (residents) and B25024 (dwelling units).*

SURFACE WATER SDC

The City currently imposes a surface water SDC based on impervious surface area, as shown below:

Surface Water SDC		Rate	Per
Single-Family	$	1,741	dwelling unit
All Other		1,741	2,914 sq. ft. impervious

***Source**: City of West Linn,* Master Fees and Charges Document*, effective July 1, 2022, page 35. Increased by 10.5 percent per City staff.*

The surface water SDC for a single-family residence is based on an associated average impervious surface area of 2,914 square feet. All other developments (multi-family residential and non-residential) pay for the actual impervious surface area of the development.

Charging a surface water SDC based on actual impervious surface area is the gold standard for equity and defensibility. We therefore recommend charging middle housing types as the City would for all developments except single-family residences.

TRANSPORTATION SDC

The City currently imposes transportation SDCs (consisting of five distinct layers described in the "Master Fees and Charges Document") based on average daily person trip-ends, as shown for residential developments below:

Transportation SDCs per Dwelling Unit	ITE Code	Average Daily Person Trip-Ends		Total SDC
Single-Family Detached Housing	210	15.7	$	4,180
Apartment	220	10.9	$	2,902
Residential Condominium/Townhouse	230	9.5	$	2,529
Mobile Home	240	8.2	$	2,183

***Source**: City of West Linn,* Master Fees and Charges Document*, effective July 1, 2022, page 37. Increased by 10.5 percent per City staff.*

To calculate an equitable transportation SDC, we make use of (and ultimately average) two land uses from the 11th edition of *Trip Generation*, published by the Institute of Transportation Engineers (ITE): "townhouse" (code 215) and "multifamily housing (low rise)" (code 220). The "townhouse" land use corresponds very closely to the middle housing type of the same name. The other middle housing types seem to be a hybrid of these ITE land uses. The table below shows relevant trip estimates for these two ITE land uses and their hybrid:

Hybrid Middle Housing Type	ITE Code	Average Daily Vehicle Trip-Ends per Dwelling Unit	Person Trip Conversion Factor	Average Daily Person Trip-Ends per Dwelling Unit
Townhouse	215	7.42	1.32	9.76
Multifamily Housing (Low-Rise)	220	6.02	1.06	6.37
Hybrid				8.07

Source *: ITE,* Trip Generation*, 11th edition.*

Applying this hybrid to the middle housing types other than townhouse results in the following schedule:

Proposed Transportation SDCs	ITE Code	Average Daily Person Trip-Ends per Dwelling Unit	Total SDC per Dwelling Unit
Townhouse	215	9.76	$ 2,599
Cottage Cluster, Separate	Hybrid	8.07	2,147
Cottage Cluster, Shared	Hybrid	8.07	2,147
2-4 Units, Separate	Hybrid	8.07	2,147
2-4 Units, Shared	Hybrid	8.07	2,147

Source *: ITE,* Trip Generation*, 11th edition.*

We recommend deleting the "Residential Condominium/Townhouse" land use on the City's current transportation SDC schedule and replacing it with the five middle housing types shown above.

PARK SDC

The City currently imposes a park SDC based on estimated occupancy, as shown below:

Park SDC	SDC per Occupant	Occupants per Dwelling Unit	Total SDC
Single-Family	$ 5,750	2.650	$ 15,239
Multi-Family	5,750	1.874	10,776

Source *: City of West Linn,* Master Fees and Charges Document*, effective July 1, 2022, page 35. Increased by 10.5 percent per City staff.*

Since this SDC is explicitly occupancy-based (as we would recommend), it is a good candidate for the same approach taken on the sewer SDC. Using the same census data shown above in the "Sewer SDC" section, the following table of occupancy-based park SDCs for middle housing types would result:

Proposed Park SDC	SDC per Occupant	Occupants per Dwelling Unit	Total SDC per Dwelling Unit
Single-family residence	$ 5,750	2.784	$ 16,008
Townhouse	5,750	2.784	16,008
Cottage Cluster, Separate	5,750	2.425	13,947
Cottage Cluster, Shared	5,750	2.425	13,947
2-4 Units, Separate	5,750	2.067	11,886
2-4 Units, Shared	5,750	2.067	11,886

Source *: U.S. Census Bureau, 2021 American Community Survey 5-Year Estimates for West Linn, tables B25033 (residents) and B25024 (dwelling units).*

The census data used to estimate occupancy for the two residential types on the existing schedule is from 2002 (or earlier). The census data used to estimate occupancy for middle housing types is from 2021. Unfortunately, using multiple data sources can create counter-intuitive outcomes. For example, the occupancy of a single-family residence is 2.65 with a resulting park SDC of $15,239. Meanwhile, the occupancy of a townhouse is 2.78 with a resulting park SDC of $16,008.

One solution to this is to bring all occupancy estimates up to current data. Unfortunately, this would involve raising the park SDC for single-family residences and would be considered a change in methodology, which would trigger requirements for a public hearing and a 90-day notice. If the City were willing to shoulder those requirements, it should consider updating all the calculations for the park SDC. In fact, considering that the park SDC methodology is over 20 years old, a comprehensive recalculation is recommended.

For now, we recommend adding the occupancy-based middle housing park SDCs calculated above until a full methodology update can be performed.

RESOLUTION NO. 2023-07

A RESOLUTION ADOPTING THE CITY OF WEST LINN BUDGET AND CAPITAL IMPROVEMENT PLAN FOR THE BIENNIUM COMMENCING JULY 1, 2023 (2024-2025 BIENNIUM), MAKING APPROPRIATIONS, LEVYING AD VALOREM TAXES, AND CLASSIFYING THE LEVY PURSUANT TO SECTION 11b, ARTICLE XI OF THE OREGON CONSTITUTION.

BE IT RESOLVED by the City Council of the City of West Linn that:

Section 1. The City Council hereby adopts the budget and capital improvement plan approved by the Citizens Bu Committee for the 2024-2025 Biennium in the sum of $182,413,000 now on file at West Linn City Hall (Finance Department) 22500 Salamo Road, West Linn, Oregon 97068.

Section 2. The amounts listed below are hereby appropriated for the biennium beginning July 1, 2023 for the purposes stated.

GENERAL FUND

City Attorney Department	$	1,538,000
City Council Department		265,000
City Management Department		2,862,000
Economic Development Department		269,000
Human Resources Department		1,092,000
Finance Department		2,456,000
Information Technology Department		3,288,000
City Facilities Department		1,539,000
Municipal Court Department		1,063,000
Public Works Support Services Department		3,857,000
Vehicle & Equipment Maintenance Department		936,000
Nondepartmental Materials & Services		1,688,000
Nondepartmental Debt Service		303,000
Transfers to Other Funds		1,725,000
Contingency		5,025,000
Total Appropriations	$	27,906,000

PUBLIC SAFETY FUND

Public Safety	$	15,230,000
Transfers to Other Funds		4,172,000
Contingency		770,000
Total Appropriations	$	20,172,000

LIBRARY FUND

Library	$	4,566,000
Transfers to Other Funds		2,065,000
Contingency		243,000
Total Appropriations	$	6,874,000

PARKS & RECREATION FUND

Parks & Recreation	$	13,313,000
Debt Service		781,000
Transfers to Other Funds		2,119,000
Contingency		1,204,000
Total Appropriations	$	17,417,000

BUILDING INSPECTIONS FUND

Building Inspections	$	1,230,000
Debt Service		28,000
Transfers to Other Funds		651,000
Contingency		592,000
Total Appropriations	$	2,501,000

PLANNING FUND

Planning	$	2,045,000
Transfers to Other Funds		698,000
Contingency		107,000
Total Appropriations	$	2,850,000

STREETS FUND

Streets	$	16,638,000
Debt Service		888,000
Transfers to Other Funds		2,157,000
Contingency		3,623,000
Total Appropriations	$	23,306,000

WATER FUND

Water	$	27,132,000
Debt Service		2,674,000
Transfers to Other Funds		2,569,000
Contingency		2,559,000
Total Appropriations	$	34,934,000

ENVIRONMENTAL SERVICES FUND

Environmental Services	$	19,764,000
Debt Service		1,286,000
Transfers to Other Funds		3,439,000
Contingency		270,000
Total Appropriations	$	24,759,000

SYSTEMS DEVELOPMENT CHARGES FUND

System Development Charges	$	3,365,000
Contingency	$	1,741,000
Total Appropriations	$	5,106,000

CITY FACILITIES, PARKS, & TRANSPORTATION BOND FUND

City Facilities, Parks, & Transportation	$	7,407,000
Contingency		642,000
Total Appropriations	$	8,049,000

DEBT SERVICE FUND

Debt Service	$	3,401,000
Total Appropriations	$	3,401,000

Summary Totals for All Funds

Appropriated Expenditures	$	160,499,000
Appropriated Contingency		16,776,000
Total Appropriations		177,275,000
Total Unappropriated		5,138,000
TOTAL ADOPTED BUDGET for 2024-25	$	182,413,000

Section 3. BE IT RESOLVED that the City Council of the City of West Linn hereby imposes the taxes provided for in the adopted budget at the rate of, for FY 2023-24, $2.1200 per $1,000 of assessed value for operations and in the amount of $1,713,000 for bonds, and for FY 2024-25, $2.1200 per $1,000 of assessed value for operations and in the amount of $1,724,000 for bonds, and that taxes are hereby imposed for FY 2023-24 and FY 2024-25 tax years upon the assessed value of all taxable property; and classified pursuant to the categories and subject to the limits of section 11b, Article XI of the Oregon Constitution as follows:

	FY 2023-24	FY 2024-25
Subject to the General Government Limitation:		
Permanent Rate Tax per $1,000 Taxable Assessed Value	$2.1200	$2.1200
Excluded from Limitation:		
General Obligation Bonded Debt Service	$ 1,713,000	$ 1,724,000

Section 4. The City Manager or his designee shall certify, file with and give notice to the County Assessors of Clackamas County and the Department of Revenue information as required by the Oregon Revised Statutes.

This resolution was PASSED and ADOPTED this 20th day of June, 2023, and takes effect upon passage.

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

City of West Linn

Agenda Bill 2023-06-20-05

Date: June 7, 2023

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

From: Lauren Breithaupt, Finance Director LB

Through: John Williams, City Manager (initials)

Subject: Supplemental Budget Adjustment for the 2022-2023 Biennium

---

Purpose
The purpose of this report is to request the approval of resolution 2023-08 A resolution adjusting the budget for the 2022-2023 biennium by adopting this supplemental budget.

Question(s) for Council:
Should the City Council approve the changes to the current budget as noted herein?

Public Hearing Required:
Yes – a Public Hearing is required.

Background & Discussion:
ORS 294 allows for supplemental budget adjustments when conditions arise which were not known at the time the budget was adopted. It requires a public hearing which is scheduled at the June 20, 2023 Council meeting.

In June 2021, the City Council adopted the 2022-2023 biennial budget in the amount of $137,285,000. With the impending close of the fiscal year, it is necessary to make the following adjustments to ensure budgetary compliance at the end of the biennium.

Budget Adjustments:
The attached resolution reflects the requested budget changes by functional area. Below is a summary of these adjustments:

- In the General Fund: We expect to incur approximately $222,000 of additional legal costs in the City Council Department. We also expect to incur approximately an additional $130,000 in the Finance Department due to the payroll position moving from Human Resources to Finance. Information Technology (IT) and NonDepartmental Debt Service is expected to increase approximately $300,000 with the implementation of Governmental Accounting Standards Board (GASB) 96 for Subscription Based IT Agreements. The City Facilities department is expected to spend approximately $36,000 more than budgeted due to increased cost of repairs and maintenance. We also will be increasing the Transfers to Other Funds in the General Fund to account for the correction of interest allocation to the Debt Service fund of $52,000. Decrease of $1,040,000 in Nondepartmental – Materials and Services to balance.

- Increase in Parks and Recreation appropriation by $575,000 to fund the capital work done on Mary S. Young and Cedar Oak Boat Ramp parking lots. This will be offset by an increase in Intergovernmental Revenue for funds received from Federal Emergency Management Fund and grants to do the projects.
- Increase in Library appropriation of $60,000 with an offset of Contingency, to fund the increase in salary and benefit costs that were unexpected.

Budget Impact:
The attached resolution 2023-08 reflects the budget change to increase the overall budget by $575,000.

Sustainability Impact:
Not applicable.

Council Options:
1. Approve the proposed resolution.
2. Reject the proposed resolution.
3. Request additional information or revisions.

Staff Recommendation:
Staff recommends the approval of the proposed resolution.

Potential Motion:
Move to approve resolution 2023-08 adjusting the budget for the 2022-2023 biennium by adopting this supplemental budget and revising appropriations and bonded debt property tax levy.

Attachments:
Resolution 2023-08 - A resolution adjusting the budget for the 2022-2023 biennium by adopting this supplemental budget and revising appropriations and bonded debt property tax levy.

RESOLUTION NO. 2023-08

A RESOLUTION ADJUSTING THE BUDGET FOR THE 2022-2023 BIENNIUM BY ADOPTING THIS SUPPLEMENTAL BUDGET AND REVISING APPROPRIATIONS AND BONDED DEBT PROPERTY TAX LEVY.

WHEREAS, certain conditions and situations have arisen since the initial preparation of the 2022-2023 biennium budget and necessitate changes in financial planning; and

WHEREAS, a public hearing discussing the supplemental budget adjustments was held before the City Council on June 20, 2022.

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

SECTION 1. The City Council adjusts the budget for the 2022-2023 biennium as detailed in Section 2 below.

SECTION 2. The City Council authorizes adjusting the budget for the 2022-2023 biennium as follows:

A) The appropriation of the resources and requirements listed in Attachment A; and

B) The transfers of funds and transfers of fund appropriations listed in Attachment A.

SECTION 3. The City Manager or his designee shall certify, file with, and give notice to the County Clerks and County Assessors of Clackamas County, Oregon and the Oregon Department of Revenue, information as required by ORS 294.458.

SECTION 4. Effective Date. This Resolution shall take effect upon passage.

This resolution was PASSED and ADOPTED this 20th day of June, 2023, and takes effect upon passage.

_____

RORY BIALOSTOSKY, MAYOR

ATTEST:

_____

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

_____
CITY ATTORNEY

City of West Linn
Supplemental Budget (ALTERNATIVE FORMAT)
Adopted: June __, 2023

	Adopted Appropriated Budget Line	Revised Appropriated Budget Line	Increase (decrease) to Budget Resources
1 General Fund			
Requirements:			
City Council	$ 1,148,000	$ 1,370,000	$ 222,000
Finance Department	1,643,000	1,773,000	130,000
Information Technology Department	2,798,000	3,098,000	300,000
City Facilities Department	1,344,000	1,380,000	36,000
Nondepartmental - Materials & Services	5,900,000	4,860,000	(1,040,000)
Nondepartmental - Debt Service	290,000	590,000	300,000
Transfers to Other Funds	945,000	997,000	52,000
			$ -

REASON: Increase City Council budget due to overage in legal costs.
Increase Finance department due to increase in payroll due to moving Payroll position from HR to Finance.
Increase Information Technology (IT) and Nondepartmental - Debt Service due to potential overages related to implementation of Governmental Accounting Standards Board (GASB) 96, for Subscription Based IT Agreements (SBITA).
Increase in Facilities budget due to increased cost of repairs and maintenance.
Increase in Transfers to other funds to correct interest allocation.
Decrease in Nondepartmental - Materials & Services to balance.

2 Parks & Recreation Fund			
Resources:			
Intergovernmental	$ -	$ 575,000	$575,000
			$ 575,000
Requirements:			
Parks & Recreation	$ 6,807,000	$ 7,382,000	$ 575,000
			$ 575,000

REASON: Increase Intergovernmental Revenue for Federal Emergency Management Act (FEMA) funds received for 2021 Ice Storm.
Increase Parks & Recreation for Capital Work on 2 parking lots Mary S. Young - reimbursed through FEMA and Cedar Oak Boat Ramp Parking paid through grant funds.

3 Library Fund			
Requirements:			
Library	$ 3,974,000	$ 4,034,000	$60,000
Contingency	571,000	511,000	(60,000)
			$ -

REASON: Increase Library funds for increase in Salaries and Benefits. Offset with Contingency.

Total Supplemental Budget | Total Increases (Decrease) to Biennium Budget	$ 575,000
ORIGINAL: Total Biennium Budget as Adopted	$ 137,285,000
REVISED: Total Biennium Budget as Revised	$ 137,860,000

City of West Linn

Agenda Bill 2023-06-20-06

Date Prepared: June 13, 2023

For Meeting Date: June 20, 2023

To: John Williams City Manager *JW*

From: Doug Erickson Library and Community Services Director *DME*

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: N/A

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: With Council direction from the June 12, 2023, meeting to change the language of the present codes that are now deemed illegal as of July 1, 2023. The Budget impact is not known currently known at this time. Council has given direction to put in time, place, and manner restrictions into the code. 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 below.) 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 12, ,2023, Council directed that the City Attorney and Staff to compose an ordinance around option 2) Revise Modification of Municipal Codes 5.115, 5.120, and 5.565 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.

Staff Recommendation: Modification of Municipal Codes 5.115, 5.120, and 5.565 is needed to follow new state law by Municipal Code, 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, 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 will show our community that we want to work together as a community on this issue, and look for the best possible outcomes for the City of West Linn and all our community.

Potential Motion:
I move to approve Ordinance 1744.

Attachment:

1. Ordinance 1744 – Redlined
2. Ordinance 1744 – Clean Version

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~~ modified 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 Council desires to create a task force for the purpose of considering specific City owned property for recommendation to Council as a list of potential permitted camping sites ~~West Linn's City Council has been unable to fully developed such objectively reasonable regulations prior to the effective date of ORS 195.530~~.

WHEREAS, West Linn's ~~City~~ Council desires to comply with HB 3115 and ORS 195.530 by adopting ~~revise~~ revisions to its municipal code to ~~remove~~ set forth reasonable time, place, and manner ~~modify~~ regulations concerning camping on public property ~~while it~~and ~~continues to consider~~ future ~~potentially objectively reasonable regulations~~.

~~**WHEREAS,** West Linn Council will create a task force directed to develop additional city owned property to recommend a list of potential camping sites at the City Council.~~

WHEREAS, West Linn's Council further desires to ~~replace~~ comply with HB 3124 and ORS 195.505 by adopting revisions to its municipal code to ensure the most humane treatment for removal of homeless individuals from camping sites on public property ~~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**~~ **Revise** **Section 5.115.** West Linn Municipal Code Section 5.115 Overnight Camping on Public Property Prohibited is ~~repealed in its entirety~~revised as follows. Any municipal code provisions in conflict with the provisions in this ordinance are also ~~repealed~~revised.

5.115 ~~**Overnight**~~ Camping on Public Property ~~**Prohibited**~~

~~**(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.~~

(1) **The purpose of this section is to regulate the use of the City Property to protect and preserve public property for its designed and 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.**

(4) As used in ~~this~~ sections 5.115 through 5.120 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) "City property" means any public lands, premises and buildings, including but not limited, to any building used in connection with the transaction of public business or any lands, premises or buildings owned or leased by the City.

(d) "City right-of-way" means all City owned or controlled rights-of-way, whether in fee title or as holder of a public easement for right-of-way or public access purposes.

(e) "Established campsite" means a location on City property or in the City right-of-way where a campsite has been set up for 24 hours or more.

(f) "Keeping warm and dry" means using measures necessary for an individual to survive outdoors given the environmental conditions. This does not include any measure that involves the use of fire or flame.

(g) "Motor vehicle" has the meaning given that term in ORS 801.360.

(h~~c~~) "Overnight" means occurring anytime during hours of closure or between the hours of **~~12:00~~ 7:00 p~~a~~**.m. and 7~~6~~:00 a.m.

(i) "Personal Property" means any items that can reasonably be identified as belonging to an individual and that has apparent value or utility.

~~**(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) It is unlawful for any individual to camp at an established campsite, unless otherwise specifically authorized by this section or City council. Any campsite may not create a physical impediment to emergency or nonemergency access to City property or private property. Any campsite may not be set up on City property on a sidewalk that obstructs accessibility, passage, or otherwise interferes with the use of the sidewalk for its designed and intended purpose.

~~(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.~~

(6) Nothing in this section makes it unlawful for an individual to camp at a campsite for less than 24 hours.

(7) Nothing in this section makes it unlawful for an individual to camp on City property overnight excluding parks unless there is a designated camping area.

(8) An established campsite may be authorized, notwithstanding subsection (__) of this section, when:

(a) the City Manager has declared an emergency.

(b) the City has issued an individual a parks permit or special event permit allowing camping in accordance with stated terms and conditions of the permit.

(9) It is unlawful at all times for an individual to camp in the City right-of-way. It is unlawful at all times for an individual to camp within any City owned or leased building.

(10) A campsite may not obstruct access to fire hydrants, utility poles, or public infrastructure.

(11) A campsite may not be located within 10 feet of building entrance, exit, driveway, loading dock, or established park trail.

(12) A campsite may not be located within 300 feet of any school or licensed, certified, or authorized child care center.

(13) A campsite may not be located on or within 50 feet of a river or stream.

(14) Any campsite must be limited in size to 10 feet by 10 feet.

(15) Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other materials of no apparent utility on City property or in City right-of-way.

(16) Individuals at a campsite may not connect to electrical or other utilities and may not violate any building, fire, or other City codes and standards.

(17) Individuals at a campsite may use cooking stoves or other devices to keep warm and dry; however, open flames, recreational fires, burning of garbage, bonfires or other fires are strictly prohibited.

(18) Individuals may not dump gray water (i.e., wastewater from baths or sinks) or black water (i.e., sewage water) onto City property or any other facility, including storm drains, not intended for gray water or black water disposal.

(19) Individuals at a campsite may keep dogs; however, dogs must be leashed or crated at all times.

5.116 [CAMPING ON PRIVATE PROPERTY]

(1) Nothing in this section makes it unlawful for an owner of commercial or industrial property, or property owned or leased by religious institution or nonprofit, to authorize camping on its property to the extent that:

(a) camping is restricted to an on-premises parking lot or non-porous surface,

(b) no more than three motor vehicles or campsites, in total, are located on the premisesin the authorized area,

(c) all materials are stored within the motor vehicles or campsite and out of the view of adjacent properties or any City right-of-way,

(d) property owner or lessee provides individuals camping with access to sanitary facilities, including, but not limited to, toilet, handwashing, and trash disposal.

(e) there is no monetary obligation or performance of valuable service in exchange to camp.

(2)(f) The property owner or lessee may revoke the camping authorization at any time for any reason. Once such authorization is revoked, the individual(s) camping on the property must vacate and remove all personal property from the premises with four (4) hours of receiving notice to vacate.

5.117 CAMPING IN [VEHICLES] ON CITY PROPERTY

(1) Individuals may use motor vehicles for shelter and to keep warm and dry on City right-of-way to the extent the use complies with the requirements in this section.

(a) Motor vehicles are in compliance with the parking regulations set forth in Chapter 6 of the code.

(b) Per WLMC 6.280, Motor vehicles may not be parked at any time upon the southwesterly right of way of Portland Avenue (Oregon State Highway Route 43) within the corporate limits of the City, from a point located at mile post 10.52 (directly opposite the intersection of Holmes Street and Highway 43) to mile post 11.12 (directly opposite the intersection of Holly Street and Highway 43).

(c) Motor vehicles must be operational, i.e., capable of being started and driven under their own power, or ready to be towed if designed to be towed, and may not be discarded or left inoperable in the City right-of-way.

(d) Individuals may not attach or connect any structures to the motor vehicle, unless such structures are designed for such purposes.

(e) Individuals may use cooking stoves or other devices to keep warm and dry; however, open flames, recreational fires, burning of garbage, bonfires or other fires in, on, or around motor vehicles are strictly prohibited.

(f) Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other materials of no apparent utility around motor vehicles.

(g) Individuals may not dump gray water (i.e., wastewater from baths or sinks) or black water (i.e., sewage water) onto City property or any other facility, including storm drains, not intended for gray water or black water disposal.

5.119 ~~[~~VIOLATIONS~~]~~

(1) Any violation of ~~this~~ section 5.115 through 5.118 is ~~a Class ___ violation~~punishable by a fine not to exceed $30. The amount imposed shall be at the discretion of the judge. The judge may reduce or eliminate the fine if the person cited demonstrates they have meaningfully engaged with a local social services provider within 14 days of receiving a citation under any provision of this Code. Each day that violation occurs will be considered a separate offense. Citations will be issued only when other means of achieving compliance have been unsuccessful or are not practicable for the given circumstances. This includes offering individuals assistance in contacting Clackamas County's Coordinated Housing Access

(2) Any established campsite, including any personal property contained therein, shall be removed in accordance with Section 5.120.

SECTION 3. Amend Section 5.120. West Linn Municipal Code Section 5.120 Removal of Campsite is revised as follows. Any municipal code provisions in conflict with the provisions in this ordinance are also revised.

5.120 Removal of **Established** Campsite

(1) **Except as provided in subsection ___ of this section, at least 72 hours before** ~~**Prior to**~~ removing **homeless individuals from an established** ~~a~~ campsite, the City shall post a **written** notice, ~~**24 hours in advance**~~ **at all entrances to the campsite to the extent that the entrances can be reasonably be identified**. 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**~~ **When a 72-hour** notice is posted, the City shall inform a local agency that delivers social services to homeless individuals **as to** 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**~~ **that is subject to the notice** to assess the need for social service assistance in arranging shelter and other assistance.

(4) All personal property **at the campsite that remains unclaimed after removal** shall be given to the Police Department**, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation** whether ~~**24-hour**~~ notice is required **under subsection (1)** 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 unclaimed personal property must be stored in a facility within the City limits.

(6) Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the campsite.

(7) Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to or retained by the Police Department.

(8) The written notice required under subsection (1) of this section will state, at a minimum:

(a) Where unclaimed personal property will be stored;

(b) A phone number that individuals may call to find out where the property will be stored; or

(c) If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.

(9) The unclaimed personal property shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.

(10) The property shall be stored for a minimum of 30 days during which it shall be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed after 30 days may be disposed of or donated to a corporation described in section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020.

(11) Following the removal of homeless individuals from 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.

(12) As used in this section, "personal property" means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

(~~5~~**13**) The ~~24~~ **72**-hour notice **requirement**~~d~~ under subsection (~~4~~**1**) of this section ~~shall~~ **does** not apply:

(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring **at an established campsite**;

(b) In the event of an exceptional emergency ~~such as~~ **at an established campsite, including, but not limited to,** possible site contamination by hazardous materials ~~or when there is~~ **a public health emergency, or other** 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.**~~

5.565 Camping Prohibited

(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. Task Force. The Task Force on Camping is hereby created for the purpose of considering specific City owned property for recommendation to Council as a list of potential permitted camping sites.

SECTION ~~4~~5. 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~~6. 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~~7. 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 ~~12~~20th 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

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 *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 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 modified 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 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 Council desires to create a task force for the purpose of considering specific City owned property for recommendation to Council as a list of potential permitted camping sites.

WHEREAS, West Linn's Council desires to comply with HB 3115 and ORS 195.530 by adopting revisions to its municipal code to set forth reasonable time, place, and manner regulations concerning camping on public property.

WHEREAS, West Linn's Council further desires to comply with HB 3124 and ORS 195.505 by adopting revisions to its municipal code to ensure the most humane treatment for removal of homeless individuals from camping sites on public property.

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

SECTION 1. Revise Section 5.115. West Linn Municipal Code Section 5.115 Overnight Camping on Public Property Prohibited is revised as follows. Any municipal code provisions in conflict with the provisions in this ordinance are also revised.

5.115 ~~**Overnight**~~ Camping on Public Property ~~**Prohibited**~~

(1) **The purpose of this section is to regulate the use of the City Property to protect and preserve public property for its designed and 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.**

(2) As used in Sections 5.115 through 5.120 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) "City property" means any public lands, premises and buildings, including but not limited, to any building used in connection with the transaction of public business or any lands, premises or buildings owned or leased by the City.

(d) "City right-of-way" means all City owned or controlled rights-of-way, whether in fee title or as holder of a public easement for right-of-way or public access purposes.

(e) "Established campsite" means a location on City property or in the City right-of-way where a campsite has been set up for 24 hours or more.

(f) "Keeping warm and dry" means using measures necessary for an individual to survive outdoors given the environmental conditions. This does not include any measure that involves the use of fire or flame.

(g) "Motor vehicle" has the meaning given that term in ORS 801.360.

(h) "Overnight" means occurring anytime during hours of closure or between the hours of ~~**12:00**~~ **7:00 p**.m. and 7:00 a.m.

(i) "Personal Property" means any items that can reasonably be identified as belonging to an individual and that has apparent value or utility.

(5) It is unlawful for any individual to camp at an established campsite, unless otherwise specifically authorized by this section or City council. Any campsite may not create a physical impediment to emergency or nonemergency access to City property or private property. Any campsite may not be set up on City property on a sidewalk that obstructs accessibility, passage, or otherwise interferes with the use of the sidewalk for its designed and intended purpose.

(6) Nothing in this section makes it unlawful for an individual to camp at a campsite for less than 24 hours.

(7) Nothing in this section makes it unlawful for an individual to camp on City property overnight excluding parks unless there is a designated camping area.

(8) An established campsite may be authorized, notwithstanding subsection (5) of this section, when:

(a) the City Manager has declared an emergency.

(b) the City has issued an individual a parks permit or special event permit allowing camping in accordance with stated terms and conditions of the permit.

(9) It is unlawful at all times for an individual to camp in the City right-of-way. It is unlawful at all times for an individual to camp within any City owned or leased building.

(10) A campsite may not obstruct access to fire hydrants, utility poles, or public infrastructure.

(11) A campsite may not be located within 10 feet of building entrance, exit, driveway, loading dock, or established park trail.

(12) A campsite may not be located within 300 feet of any school or licensed, certified, or authorized childcare center.

(13) A campsite may not be located on or within 50 feet of a river or stream.

(14) Any campsite must be limited in size to 10 feet by 10 feet.

(15) Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other materials of no apparent utility on City property or in City right-of-way.

(16) Individuals at a campsite may not connect to electrical or other utilities and may not violate any building, fire, or other City codes and standards.

(17) Individuals at a campsite may use cooking stoves or other devices to keep warm and dry; however, open flames, recreational fires, burning of garbage, bonfires or other fires are strictly prohibited.

(18) Individuals may not dump gray water (i.e., wastewater from baths or sinks) or black water (i.e., sewage water) onto City property or any other facility, including storm drains, not intended for gray water or black water disposal.

5.116 CAMPING ON PRIVATE PROPERTY

(1) Nothing in this section makes it unlawful for an owner of commercial or industrial property, or property owned or leased by religious institution or nonprofit, to authorize camping on its property to the extent that:

(a) camping is restricted to an on-premises parking lot or non-porous surface,

(b) no more than three motor vehicles or campsites, in total, are located in the authorized area,

(c) all materials are stored within the motor vehicles or campsite and out of the view of adjacent properties or any City right-of-way,

(d) property owner or lessee provides individuals camping with access to sanitary facilities, including, but not limited to, toilet, handwashing, and trash disposal.

(e) there is no monetary obligation or performance of valuable service in exchange to camp.

(2) The property owner or lessee may revoke the camping authorization at any time for any reason. Once such authorization is revoked, individuals camping on the property must vacate and remove all personal property from the premises within four (4) hours of receiving notice to vacate.

5.117 CAMPING IN VEHICLES ON CITY PROPERTY

(1) Individuals may use motor vehicles for shelter and to keep warm and dry on City right-of-way to the extent the use complies with the requirements in this section.

(a) Motor vehicles are in compliance with the parking regulations set forth in Chapter 6 of the code.

(b) Per Section 6.280, Motor vehicles may not be parked at any time upon the southwesterly right of way of Portland Avenue (Oregon State Highway Route 43) within the corporate limits of the City, from a point located at mile post 10.52 (directly opposite the intersection of Holmes Street and Highway 43) to mile post 11.12 (directly opposite the intersection of Holly Street and Highway 43).

(c) Motor vehicles must be operational, i.e., capable of being started and driven under their own power, or ready to be towed if designed to be towed, and may not be discarded or left inoperable in the City right-of-way.

(d) Individuals may not attach or connect any structures to the motor vehicle, unless such structures are designed for such purposes.

(e) Individuals may use cooking stoves or other devices to keep warm and dry; however, open flames, recreational fires, burning of garbage, bonfires or other fires in, on, or around motor vehicles are strictly prohibited.

(f) Individuals may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other materials of no apparent utility around motor vehicles.

(g) Individuals may not dump gray water (i.e., wastewater from baths or sinks) or black water (i.e., sewage water) onto City property or any other facility, including storm drains, not intended for gray water or black water disposal.

5.119 VIOLATIONS

(1) Any violation of Section 5.115 through 5.118 is punishable by a fine not to exceed $30. The amount imposed shall be at the discretion of the judge. The judge may reduce or eliminate the fine if the person cited demonstrates they have meaningfully engaged with a local social services provider within 14 days of receiving a citation under any provision of this Code. Each day that violation occurs will be considered a separate offense. Citations will be issued only when other means of achieving compliance have been unsuccessful or are not practicable for the given circumstances. This includes offering individuals assistance in contacting Clackamas County's Coordinated Housing Access

(2) Any established campsite, including any personal property contained therein, shall be removed in accordance with Section 5.120.

SECTION 3. Amend Section 5.120. West Linn Municipal Code Section 5.120 Removal of Campsite is revised as follows. Any municipal code provisions in conflict with the provisions in this ordinance are also revised.

5.120 Removal of **Established** Campsite

(1) **Except as provided in subsection 13 of this section, at least 72 hours before** removing **homeless individuals from an established** campsite, the City shall post a **written** notice, **at all entrances to the campsite to the extent that the entrances can be reasonably be identified**. 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) **When a 72-hour** notice is posted, the City shall inform a local agency that delivers social services to homeless individuals **as to** where the notice has been posted.

(3) The local agency may arrange for outreach workers to visit the campsite **that is subject to the notice** to assess the need for social service assistance in arranging shelter and other assistance.

(4) All personal property **at the campsite that remains unclaimed after removal** shall be given to the Police Department**, a local agency that delivers social services to homeless individuals, an outreach worker, a local agency official or a person authorized to issue a citation** whether notice is required **under subsection (1)** or not.

(5) The unclaimed personal property must be stored in a facility within the City limits.

(6) Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the campsite.

(7) Weapons, controlled substances other than prescription medication and items that appear to be either stolen or evidence of a crime shall be given to or retained by the Police Department.

(8) The written notice required under subsection (1) of this section will state, at a minimum:

(a) Where unclaimed personal property will be stored;

(b) A phone number that individuals may call to find out where the property will be stored; or

(c) If a permanent storage location has not yet been determined, the address and phone number of an agency that will have the information when available.

(9) The unclaimed personal property shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined.

(10) The property shall be stored for a minimum of 30 days during which it shall be reasonably available to any individual claiming ownership. Any personal property that

remains unclaimed after 30 days may be disposed of or donated to a corporation described in section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2020.

(11) Following the removal of homeless individuals from 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.

(12) As used in this section, "personal property" means any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

(**13**) The -**72**-hour notice **requirement** under subsection (**1**) of this section **does** not apply:

(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring **at an established campsite**;

(b) In the event of an exceptional emergency **at an established campsite, including, but not limited to,** possible site contamination by hazardous materials **a public health emergency, or other** 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.

5.565 Camping Prohibited

(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.

(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. Task Force. The Task Force on Camping is hereby created for the purpose of considering specific City owned property for recommendation to Council as a list of potential permitted camping sites.

SECTION 5. 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 6. 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 7. 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 20th 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

Work Session Agenda Bill

Date: June 13, 2023

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

Through: John Williams, City Manager JRW

From: Darren Wyss, Planning Manager DSW

Subject: Accessory Dwelling Unit (ADU) Code Amendment Package Work Session

---

Purpose:
Receive an overview and ask clarifying questions about proposed code amendments to the siting and design standards for ADUs as recommended by the Planning Commission.

Question(s) for Council:
Does Council have any clarifying questions or need additional information prior to the July 10, 2023 legislative public hearing?

Background & Discussion:
Council placed and prioritized a policy review of the City's accessory dwelling unit (ADU) regulations on the Planning Docket and directed staff to work with the West Linn Planning Commission to review and recommend a code amendment package. Staff had found several the ADU siting and design standards were not clear and objective, as required by state statute, and were prohibitive to the construction of ADUs.

The Commission held five work sessions from November 2022 to April 2023 to review 11 policy questions related to siting and design standards for ADUs (see Attachment 1 for more details, including links to project materials). The Commission recommended to remove the majority of requirements that were prohibitive. The Commission maintained, with amendments, the maximum size and height of detached ADUs to provide additional flexibility for property owners.

The Planning Commission reached consensus on April 5, 2023 on a proposed ADU Code Amendment Package and directed staff to bring it forward into the legislative adoption process. The Commission held its legislative public hearing on May 17, 2023 and voted unanimously to recommend amendments to Community Development Code Chapter 34 (see Attachment 2). The amendments are intended to remove barriers to the construction of ADUs within the City.

At the June 20th work session, Council will be able to ask clarifying questions and/or request more information about the recommended ADU Code Amendment Package.

Council will then hold its public hearing on July 10th to make the final decision on adopting the recommended ADU Code Amendment Package with or without further adjustments.

Council Options:

1. Receive briefing and hold Public Hearing on July 10, 2023
2. Receive briefing and direct staff to provide any additional information needed before the Public Hearing on July 10, 2023.

Staff Recommendation:

Request any additional needed information and make a final decision at the Public Hearing scheduled on July 10, 2023.

Attachments:

1. Staff Memorandum – City of West Linn ADU Code Amendment Process
2. ORD 1742 – Planning Commission Recommended ADU Code Amendment Package

City of West Linn

Memorandum

Date: June 13, 2023

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

From: Darren Wyss, Planning Manager

Subject: ADU Code Amendment Process

The Accessory Dwelling Unit (ADU) Code Amendments project is a policy analysis to review the City's current ADU code (*CDC Chapter 34: Accessory Structures, Accessory Dwelling Units, and Accessory Uses*) and make recommended changes based on whether the City wishes to facilitate or complicate the construction of ADUs. The West Linn City Council directed Planning staff to undertake this project by prioritizing it on the Planning Docket.

ADUs have been traditionally utilized to provide alternative housing options that in turn foster opportunities for a greater diversity of more accessible and affordable living arrangements (HUD Case Study). ADUs are commonly identified as a viable way to help facilitate multigenerational housing, 'aging in place', and independent living for family members and renters, as well as housing for caregivers, individuals with disabilities, and individuals with special care requirements, among others. Typically, ADUs are a more affordable housing option in communities because of their smaller living area and the fact they are located on a property that has a primary structure. West Linn Comprehensive Plan Goal 10: Housing contains the following housing goal, which aligns well with promoting construction of ADUs as an affordable housing option.

Goal 10: Housing
Goal 3. Encourage the development of affordable housing for West Linn residents of all income levels.

The City's current code requirements have made constructing an ADU within West Linn challenging for several reasons. One of the primary reasons was the requirement to install half-street improvements with the construction of an ADU. This requirement was eliminated as part of the CDC Chapter 96 Code Amendments (Ordinance 1739). However, many of the siting and design standards found in CDC Chapter 34 have proved to be a hindrance to the development of ADUs. The goal of this project is to develop the City's policy position by reviewing current regulations found in CDC Chapter 34, and amending some, or all, of the requirements as necessary to align with the desired policy position.

City Council, at its September 19, 2022 meeting, directed the Planning Commission to act in the role of the working group on this project. Staff developed a scope of work for the project and identified 11 policy questions for the Planning Commission (PC) to discuss through a series of four work sessions. The outcome of the work sessions would be Planning Commission consensus on proposed amendments to CDC Chapter 34 regulations based on a recommended policy position.

Below are recaps of the work sessions, including the 11 policy questions discussed and the associated recommendations:

WORK SESSION 1 RECAP:
At Work Session 1, held on November 16, 2023, staff presented the first four policy questions for review and discussion by the PC. The discussion for policy questions 1 and 4 were continued to Work Session 2 (January 18, 2023) as PC members requested further information from staff.

Policy Question 1: Should the visual design of ADUs be regulated in relation to the existing dwelling?
Currently, ADUs need to meet a number of requirements matching them to the exact visual design of the existing dwelling (i.e. trim, roof pitch, windows, eaves, etc.).

The Commission requested additional information from staff and continued the discussion to Work Session 2.

Policy Question 2: Should the placement of stairs on ADUs be limited?
Currently, exterior stairs serving ADUs are prohibited from facing the front property line.

The Commission agreed to eliminate this requirement at its November 16, 2022 work session.

Policy Question 3: Should the location of the entrances on ADUs be limited?
Currently, exterior entrances of ADUs are required to be located on their rear or side. Other comparable structures do not have such restrictions.

The Commission agreed to eliminate this requirement at its November 16, 2022 work session.

Policy Question 4: Should the placement of ADUs be limited in relation to the primary dwelling?
Currently, detached ADUs are required to be at least 10 feet behind the front of the primary structure.

The Commission requested additional information from staff and continued the discussion to Work Session 2.

Link to PC Work Session 1 Memo
Link to PC ADU Work Session 1 Video
Link to PC Work Session 1 Meeting Notes

WORK SESSION 2 RECAP:
At Work Session 2, held on January 18, 2023, staff provided further information for policy questions 1 and 4. Staff also presented policy questions 5 through 7. The discussion for policy question 4 was continued to Work Session 3 (February 15, 2023) as PC members requested further information from staff.

The question was posed if the City can require parking for ADUs. The City cannot require off-street parking for ADUs per ORS 197.312.5.b.B

ORS 197.312 Limitations on city and county prohibitions

(B) "Reasonable local regulations relating to siting and design" does not include owner-occupancy requirements of either the primary or accessory structure ***or requirements to construct additional off-street parking.***

Policy Question 1: Should the visual design of ADUs be regulated in relation to the existing dwelling?
Currently, ADUs need to meet a number of requirements matching them to the exact visual design of the existing dwelling (i.e. trim, roof pitch, windows, eaves, etc.).

After further discussion, the Commission agreed to eliminate design standards at its January 18, 2023 work session.

Policy Question 4: Should the placement of ADUs be limited in relation to the primary dwelling?
Currently, detached ADUs are required to be at least 10 feet behind the front of the primary structure.

After further discussion, the Commission requested additional information from staff and continued the discussion to Work Session 3.

Policy Question 5: Should the number of bedrooms in ADUs be limited?
Currently, ADUs cannot exceed one bedroom.

The Commission agreed to eliminate this requirement at its January 18, 2023 work session.

Policy Question 6: Should the size of ADUs be limited on a per-person basis?
Currently, if one person is living in an ADU, the minimum area standard is 250 sq. ft., whereas if two people are living in an ADU, the minimum area standard is 500 sq. ft.

The Commission agreed to eliminate this requirement at its January 18, 2023 work session.

Policy Question 7: Should we limit the number of ADUs per residence? If so, should this limit apply to the residence or the overall property?
Currently, no more than one ADU is allowed per primary dwelling.

The Commission agreed to retain this requirement at its January 18, 2023 work session. The proposed language is found in CDC Chapter 34.030(A).

Link to PC Work Session 2 Memo
Link to PC ADU Work Session 2 Video
Link to PC Work Session 2 Meeting Notes

WORK SESSION 3 RECAP:
At Work Session 3, held on February 15, 2023, staff provided further information for policy question 4. Staff also presented policy questions 8 through 11. The discussion for policy questions 9 and 11 was continued to Work Session 4 (March 15, 2023) as PC members requested further information from staff.

Policy Question 4: Should the placement of ADUs be limited in relation to the primary dwelling?
Currently, detached ADUs are required to be at least 10 feet behind the front of the primary structure.

After further discussion, the Commission agreed to eliminate this requirement at its February 15, 2023 work session.

Policy Question 8: Should ADUs have a minimum size?
Currently, the minimum ADU size is 250 square feet.

The Commission agreed to eliminate this requirement at its February 15, 2023 work session.

Policy Question 9: Should ADUs have a maximum size in relation to the primary dwelling?
Currently, ADUs cannot exceed 1000 sq. ft. in size, and if they are in an accessory structure, they cannot exceed 30% of the gross square footage of the primary dwelling.

The Commission requested additional information from staff and continued the discussion to Work Session 4.

Policy Question 10: Should attached ADUs have a maximum height separate from the height standard already in place for the applicable zone?
Currently, attached ADUs cannot exceed the height of the existing primary dwelling.

The Commission agreed to eliminate this requirement at its February 15, 2023 work session.

Policy Question 11: Should detached ADUs have a maximum height separate from the height standard already in place for the applicable zone?
Currently, detached ADUs are limited to an 18 ft. maximum height.

The Commission requested additional information from staff and continued the discussion to Work Session 4.

Link to PC Work Session 3 Memo
Link to PC Work Session 3 Video
Link to PC Work Session 3 Meeting Notes

WORK SESSION 4 RECAP:
At Work Session 4, held on March 15, 2023, staff provided further information for policy questions 9 and 11. With consensus on the last two policy questions, the Commission completed the work session component of the project and directed staff to bring the proposed code amendment package into the legislative hearing process.

Policy Question 9: Should ADUs have a maximum size in relation to the primary dwelling?
Currently, ADUs cannot exceed 1000 sq. ft. in size, and if they are in an accessory structure, they cannot exceed 30% of the gross square footage of the primary dwelling.

The Commission agreed to retain the 1,000 sq. ft. maximum size and increase the cap for detached accessory structures to 75 percent of gross square footage. The proposed language is found in CDC Chapter 34.030.A(2).

Policy Question 11: Should detached ADUs have a maximum height separate from the height standard already in place for the applicable zone?
Currently, detached ADUs are limited to an 18 ft. maximum height.

The Commission agreed to retain a maximum height for detached ADUs, but increased it to the greater of either the height of the primary structure or 26 feet. The proposed language is found in CDC Chapter 34.030.A(4).

Link to PC Work Session 4 Memo
Link to PC Work Session 4 Video
Link to PC Work Session 4 Meeting Notes

Staff returned to the Planning Commission on April 5, 2023 for a final review of the proposed language and final consensus that the proposed code amendment package was ready for a legislative public hearing.

The Planning Commission held its legislative public hearing on May 17, 2023 and voted unanimously to recommend City Council adopt the proposed ADU Code Amendment Package.

If you have questions about the meeting or materials, please feel free to email or call me at dwyss@westlinnoregon.gov or 503-742-6064.

ORDINANCE NO. 1742

AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE WEST LINN COMMUNITY DEVELOPMENT CODE CHAPTER 34: ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~lined through~~ and additions are underlined in red font**.**

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides: Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, the City Council initiated a review of the City's accessory dwelling unit (ADU) regulations by placing a prioritized project on the Planning Document; and

WHEREAS, the City Council appointed the West Linn Planning Commission (PC) on September 19, 2022 to act as the working group and work with staff evaluate policy positions and to review and recommend a proposed code amendment package; and

WHEREAS, the PC held five work sessions from November 2022 to April 2023; and

WHEREAS, the PC held a public hearing, which was noticed in accordance with City standards, on May 17, 2023, and recommended approval of the proposed ADU Code Amendment Package; and

WHEREAS, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on July 10, 2023, to consider the Planning Commission recommendation, receive public testimony, and evaluate the decision-making criteria; and

WHEREAS, the Council's decision is based on the findings contained in these Whereas Clauses, together with findings, conclusions, and substantial evidence found in the associated land use record file CDC-23-01, which is incorporated by this reference.

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

SECTION 1. Amendments. The West Linn Community Development Code Chapter 34 is amended to include new text and rescind existing text as shown in Exhibit A.

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

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

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-4) need not be codified and the City Recorder or the designee is authorized to correct any cross-references and any typographical errors.

SECTION 9. Effective Date. This ordinance shall take effect on the 30th day after its passage.

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

_____
RORY BIALOSTOSKY, MAYOR

ATTEST:

_____
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Chapter 34
Accessory Structures, Accessory Dwelling Units, and Accessory Uses

Sections:

34.020 ACCESSORY USES
34.030 ACCESSORY DWELLING UNITS (ADUs)
34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ~~ACCESSORY USES~~ **EQUIPMENT**
34.050 BOAT HOUSES AND DOCKS
34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

34.020 ACCESSORY USES

Accessory uses are permitted uses which are customary and incidental to principal uses permitted in the zone and shall be permitted outright, or by prescribed conditions as identified below, and may be either attached or separated from the principal dwelling. Accessory uses on designated historic resources are subject to additional regulations in CDC 25.060(B).

A. A greenhouse may be a maintained accessory to a dwelling provided the activity does not exceed that which requires a license under Chapter 571 of the Oregon Revised Statutes, Nurseries.

B. A television disk or satellite dish larger than three feet in diameter, and any other non-commercial antennas over three feet in height (minor utility), may be a maintained accessory to a dwelling provided it is not located within the front yard or side yard abutting a street, it is mounted on the ground, is screened from view, as practical, with landscaping, and otherwise meets the requirements of CDC 34.060. The satellite dish shall not exceed a maximum height of 18 feet.

Where it can be demonstrated that these restrictions impose unreasonable limitations to the extent that the antenna/satellite dish's reception or transmitting capability is significantly reduced, then roof-mounted (provided it is powder-coated with mesh or perforated construction) or alternate locations for the antenna/satellite dish may be allowed. (Ord. 1350, 1993; Ord. 1463, 2000; Ord. 1614 § 8, 2013)

34.030 ACCESSORY DWELLING UNITS (ADUs)

A. ~~An~~ **One** accessory dwelling unit (ADU)**, either attached or detached,** may be allowed in conjunction with an existing primary single-family **detached** dwelling **(excluding duplexes, triplexes and quadplexes)** by conversion of existing space inside the primary dwelling; by means of an addition to an existing dwelling; by means of an addition as an accessory structure; or by converting or adding to an existing accessory structure, such as a garage, on the same lot with an existing primary dwelling, when the following conditions are met:

~~1. One off-street parking space for the ADU shall be provided in addition to the required parking for the primary dwelling except in those cases where the abutting street has a paved width of 28 feet or more and allows on-street parking.~~

~~2.~~**1.** Public services can serve both dwelling units.

~~3. The number of occupants is limited to no more than one family as defined by the Community Development Code.~~

~~4. The ADU does not exceed one bedroom and has an area between 250 and 1,000 square feet. If the ADU is located in an accessory structure, then it shall not exceed 30 percent of the gross square footage of the primary dwelling, except that an ADU may be a minimum of 250 square feet in size regardless of the size of the primary dwelling. No more than one ADU is allowed.~~

2. The maximum size of an ADU shall be:

a. 1,000 square feet when attached to the primary dwelling.

b. 1,000 square foot or 75 percent of gross square footage of the primary dwelling, whichever is less, when contained in a detached accessory structure.

~~5.~~**3.** The ADU is in conformance with the setback and lot coverage requirements of the underlying zone.

~~6. The following minimum area standards shall be met:~~

~~1 person – 250 square feet~~

~~2 persons – 500 square feet~~

~~7. Existing accessory structures such as large workshops, offices, garages, etc., constructed prior to January 2000, that exceed dimensional standards prescribed above for ADUs may be converted into ADUs in the future so long as the occupied or inhabited area is restricted to less than 1,000 square feet or less. Existing structures are not required to meet the design standards of subsections (B)(1) through (9) of this section, but shall conform to them to the greatest extent feasible.~~

~~B. Design standards for both attached and detached ADUs are as follows:~~

~~1. Exterior finish materials. The exterior finish material must be the same, or visually match in type, size, and placement, the exterior finish material of the primary dwelling.~~

~~2. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.~~

~~3. Trim. Trim on edges of elements on the addition must be the same in type, size, and location as the trim used on the rest of the primary dwelling.~~

~~4. Windows. Windows must match those in the primary dwelling in proportion (relationship of width to height). Second-floor windows on the ADU should be placed and sized so as to achieve a reasonable amount of privacy for the abutting property owner(s).~~

~~5. Eaves. Eaves must project from the building walls the same distance as the eaves on the rest of the primary dwelling.~~

~~6. Setbacks. The detached ADU shall be at least 10 feet behind the front building line of the primary dwelling so as to maintain the primary status of the single-family home. The only exception allowed shall be for an ADU which is located above a detached garage, in which case, the setback of the ADU may be the same as that of the garage below.~~

~~7.~~ **4.** ~~Height.~~ The maximum height ~~allowed for~~ **of** a detached ADU **shall be the greater of:**

a. the height of the primary structure; or
b. 26 feet.

~~is 18 feet (as measured using Building Codes methodology). Attached ADUs may be higher than 18 feet, but cannot exceed the height of the existing primary dwelling.~~

~~8. The main exterior entrance of the ADU shall be located on either the rear or side of the ADU so that the main entrance to the primary dwelling will not be in competition with the entrance to the ADU.~~

~~9. Exterior stairs serving the ADU shall not face the front property line.~~ (Ord. 1463, 2000)

34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ~~ACCESSORY USES~~ **EQUIPMENT**

Noise-producing ~~accessory uses~~ **equipment** (for example: heat pumps, swimming pool motors or filter pumps) may be placed within the side, front or rear yard setback, but no closer than three feet to the property line. (Ord. 1675 § 34, 2018)

34.050 BOAT HOUSES AND DOCKS

Only side yard setback requirements apply to boat houses and docks.

34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

A. Accessory structures shall comply with all requirements for the principal use except as provided in CDC 34.040 and where specifically modified by this code as follows.

B. A side yard or rear yard requirement may be reduced to three feet for an accessory structure except for a side or rear yard abutting a street, with the exception of alleys platted and dedicated prior to September 30, 1984, as defined in this code; provided, that:

1. The structure is erected more than 60 feet from the front lot line;

2. The structure does not exceed one story or 15 feet in height;

3. The structure does not exceed an area of 500 square feet; and

4. The structure does not violate any existing utility easements.

C. Attached accessory structures. When an accessory structure is attached to the main structure (wall to wall or by any permanent attachment), including via a covered walkway, such accessory structure shall be considered as part of the main structure. (Ord. 1604 § 38, 2011)

CITY OF
West Linn

Public Comment Form ✓

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

Please specify topic (*required*): 2057 WILLAMETTE FALLS DR

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

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

_____

Please print:

Name: MARIA LUISA BLANC-GONNET

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 2057 WILLAMETTE FALLS DR.

City: WEST LINN State: OR Zip: 97068

Email (Optional): LUISABLANC3@YAHOO.COM Phone (Optional): 503-317-3598

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

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

CITY OF
West Linn

Public Comment Form

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

Please specify topic (*required*): WEST LINN HISTORICAL SOCIETY

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

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

_____

Please print:

Name: Elizabeth (Beth) Smolens

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 1852 4th Ave

City: West Linn State: OR Zip: 97068

Email (Optional): WLHBETH@gmail.com Phone (Optional): _____

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

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

CITY OF
West Linn

Public Comment Form

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

Please specify topic (*required*): HUMANKIND DAY

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

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

IN RESPONSE TO EMAIL FROM DYLAN

Please print:

Name: DR VERONICA ESAGUI

Phonetic spelling, if difficult to pronounce:

Address (Optional): 21860 WILLAMETTE DRIVE

City: WEST LINN State: OR Zip: 97068

Email (Optional): HANDSON13@HOTMAIL.COM Phone (Optional): 503-913-6006

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

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

CITY OF
West Linn

Public Comment Form

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

Please specify topic (*required*):_____

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

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

_____

Please print:

Name: ALICE

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: _____ State: _____ Zip: _____

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

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

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

CITY OF
West Linn

Public Comment Form

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

Please specify topic (*required*): AP-23-01

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

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

_____

Please print:

Name: Russell Axelrod

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 19648 Wildwood Drive

City: West Linn State: OR Zip: 97068

Email (Optional): rbaxelrod@yahoo.com Phone (Optional): 503-312-8414

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

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

CITY OF
West Linn

Public Comment Form

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

Please specify topic (*required*): 10th Street Construction

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

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

_____

Please print:

Name: Ashley Natowski

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): 1523 10th Street

City: West Linn State: OR Zip: 97068

Email (Optional): ashleyclayton@gmail.com Phone (Optional): 209-505-9745

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

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

CITY OF
West Linn

Public Comment Form

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

Please specify topic (*required*): OVERNIGHT CAMPING

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

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

_____

Please print:

Name: Eric Allphin

Phonetic spelling, if difficult to pronounce: ALL-FIN

Address (Optional): _____

City: West Linn State: OR Zip: 97068

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

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

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

CITY OF
West Linn

Public Comment Form

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

Please specify topic (*required*): written minutes - non discriminatory

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

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

AP 23-02

Please print:

Name: Teri Cummings

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): on file

City: _____ State: _____ Zip: _____

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

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

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

CITY OF
West Linn

Public Comment Form

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

Please specify topic (*required*): Budget Adoption 2023-06-20-04

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

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

_____

Please print:

Name: Kathie Halicki, WNA President

Phonetic spelling, if difficult to pronounce: _____

Address (Optional): _____

City: on file State: _____ Zip: _____

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

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

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

4

just so it does not get out of hand by then

PMG PHOTOS: JONATHAN HOUSE

the class of 2023

With looming deadline to change camping code, city likely to take 'wait-and-see' approach

Outright ban on camping will be removed as city considers other rules

By HOLLY BARTHOLOMEW
Pamplin Media Group

Facing a July 1 deadline to update its homeless camping code, the city of West Linn is likely to take a "wait-and-see" approach to specific restrictions of overnight camping on city property.

The West Linn City Council held its third discussion Tuesday, June 6, to strategize code changes in response to state legislation and court rulings that prohibit local governments from punishing people for sitting, sleeping or lying on public property when there is nowhere else for them to go.

A majority of councilors at last week's meeting seemed inclined to wait and see how code changes in other jurisdictions, as well as looming legal challenges to some of those changes play out.

In the meantime, the city will remove language currently in the code that bans overnight camping as it continues to weigh its own possible time, place and manner restrictions for camping after the July 1 deadline.

Interim Mayor Rory Bialostosky appeared to be the only council member in favor of a more proactive approach to restrictions.

"I just want the record to reflect (that) I don't agree with the approach, but I support what the council wants," Bialostosky said of the wait- and- see strategy.

The changes in law stem from a pair of bills passed by the Oregon Legislature in 2021 in response to federal court rulings regarding the rights of people to camp in public spaces when adequate shelter is not available for them.

House Bill 3115 required that any city or

See CAMPING / A3

Injustice Served by City of West Linn – Testimony to WL City Council, June 20, 2023

Mayor Bialostosky and Council Members,

I'm Russ Axelrod, former Mayor and 32-year resident of West Linn at 19648 Wildwood Drive.

First, congratulations Rory on your election. As you know my door is always open, and I expect continued collaboration on matters important to our City and community. And thank you Councilors Erwin and Groner for stepping up to serve our community.

On a more concerning note, I want to inform all Council of yet additional failures of our City and the resulting injustice served on our community regarding the recent Water Resource Area (WRA) matter recognized as AP-23-01.

As you know I filed a Notice of Intent to Appeal (NITA) the City's Final Decision RE AP-23-01 WRA matter at LUBA by 5pm on May 9, and it was served to nearly 50 persons of record using addresses the City provided to me for this purpose, including for City Attorney Monahan.

On May 22 I received an "ORDER" from LUBA stating that they received an undeliverable response for City Attorney Monahan using the address in my NITA, and that I needed to refile my entire NITA with a corrected address for Mr. Monahan to all parties within 14 days or my appeal would be dismissed.

LUBA would not respond to my inquiries to clarify/correct the address issue and it took several days to learn from the City that they changed their attorney of record for the appeal matter sometime after my NITA submission; However, the address I used for Jordan Ramis in my NITA was actually correct for both attorneys, except it did not contain "27th Floor" in the address line, because "27th Floor" was not in the address the City provided me.

As a result of the City providing an incorrect address for their City Attorney, I had to refile my entire NITA (Amended NITA) on June 5 at significant additional cost and time for the rather involved process.

On May 23, the Applicant's attorney (Wendie Kellington) filed a Motion To Intervene in the appeal on behalf of her client which was expected.

On May 31, the Intervenor (Ms. Kellington) filed a Motion To Dismiss my appeal claiming that my original NITA was filed a day late - 22 days vs 21 days required by LUBA after the City's Final Decision.

The City's Final Decision was signed on April 17 and mailed to the public on May 18, and the City stated in their **Notice of Final Decision** and **Final Decision And Order** documents that any appeal to LUBA had to be filed within 21 days of the date the decision was mailed (noticed) to the community - which was stated as **5pm on May 9** in both documents. I followed these exact instructions and met this criteria the City (your City Attorney) provided in your Final Decision documents.

In doing so, the City (each of you) misrepresented the actual appeal deadline to the community, which by LUBA rules should have been 5pm on May 8 (the date signed, not the date mailed or noticed to the public). It turns out there is established precedent on this 21-day filing in case law that basically says that LUBA's deadline doesn't toll other dates, even if you are improperly instructed by your local government when you need to file by - our City Attorney should have known the difference.

There are some other nuances/details we don't have time for here, but the fact is the City erred (yet again), and under the City's specific quasi-judicial hearing procedures followed there was essentially no recourse at LUBA for me (and our community) for the City's error in noticing an incorrect date/time to appeal your Final Decision – injustice served again.

After much consideration and professional advice on the situation, I was left with no viable option but to withdraw my appeal, and on June 14 I filed a Stipulated Motion to Dismiss my appeal (and signed by all parties) to avoid potential additional costs and fees.

I cannot express here in public my frustration with the City's dysfunction at so many steps in this WRA permit appeal process - some of it seemingly intentional or accidental - I don't know, but it is absolutely unacceptable conduct, and things must change, and that change must come from you Council and with strong leadership exercised by our City Manager.

After filing my appeal, I sought additional expertise/advice and learned I had a strong case for reversal at LUBA in my draft Petition (legal brief) for violations of code and Comprehensive Plan goals and policies framed in previous testimony to Council, but in my professional opinion not adequately/responsibly vetted by the 3-member Council at the time.

I can assure you that I'm not simply walking away from these WRA matters and the serious missteps, misrepresentations and violations our City made in issuing the WRA permit in my appeal case.

But I'm here tonight to give this short message because I see that you are yet again engaged in another WRA hearing/matter that is unnecessary if our WRA program was being managed responsibly. This mismanagement is costing our City not only financial resources, but its degrading faith in our governance - and I can't overemphasize today how important it is that we work hard to build trust and partnership with our local governance, and we need your help to do that.

I'm compelled to leave you with one important/relevant clarification of the standards Council must follow in its decision-making. I have heard the legal script being read in your evidentiary hearings with the message that if the application meets code Council must approve it. While this is a basic standard for the Planning Commission in its quasi-judicial proceedings and decision-making, it is not the same for City Council. The decision-making criteria is more expansive/inclusive for City Council and it's not so limiting - and it's critical that you not only understand these procedures, but that you exercise your authority properly and fairly.

I stated this in my recent appeal to the Council (then only 1 of 3 members had experience in such proceedings and decision-making), and it bears repeating again here because it wasn't heard by all Council members before - Our Comprehensive Plan is the law of the land in our City – and, only Council has the authority by Charter to use Comp Plan Goals, Policies, and Action Measures in its decision-making. Thus, you are not restricted to only the "code" in your decision-making, and the City Attorney knows this and should be properly advising you to understand your jurisdictional rights and boundaries as our elected officials.

Thank you for the opportunity to comment.

Respectfully,

Russell B. Axelrod
Former Mayor
19648 Wildwood Drive, West Linn, OR 97068
[redacted]

Mollusky, Kathy

From: Maria Blanc-gonnet <[redacted]>
Sent: Tuesday, June 20, 2023 4:34 PM
To: City Council
Subject: Fwd: City council meeting

Some people who received this message don't often get email from luisablanc3@yahoo.com. Learn why this is important

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Sent from my iPad

Begin forwarded message:

From: Maria Blanc-gonnet <[redacted]>
Date: June 20, 2023 at 2:15:28 PM PDT
To: Maria Blanc-Gonnet <[redacted]>
Subject: City council meeting

I've decided to write to try and be a little less emotional. Usually when I talk about this subject , I end up in tears. The city of WL is building a roundabout in front of my home at 2057 Willamette Falls Dr and because my driveway needs to be used partially to accommodate this roundabout, the city bought a 20 ft strip on the back of my property and 3 other neighboring properties and built a dead end street on the back of our houses. My home is also where I've been running my licensed daycare for the past 17 years. As Part of the negotiation, the city agreed to build a 100 ft driveway from the alley to the back door and keep the $8000.00 dollars they were offering me to build the driveway myself. I was here at the city council meeting a couple of weeks back to talk about lighting in the dead end street at what is going to be now the front of my home and entrance to my daycare. After meeting at the site with Luke and Clark from the city and a few of my neighbors, lights were promised and I was so relieved that a safety issue had been addressed and was going to be resolved. The driveway was put in and I voiced my concerns about drainage and the fact that it slopped towards my house. The first Oregon drizzle on June 09, Friday before last, just happened to be on the day I had requested to meet with Luke and Clark again and take a look at the new driveway that had been built and it was clear to everyone that it wasn't properly built. Not only it wasn't draining properly but I found out that my shed had no power. And after further investigation, I realized the contractors had ripped the conduit and electrical wire that brought power from my house to my shed when they dug for the driveway and the wire was sticking out of the ground like a plant in the middle of all the weeds. The circuit breaker had been tripped but the live wire was still buried under the new driveway.
I talked to Luke about it, and again was promised that they would fix it when they redid the driveway and as long as nobody touched the circuit breaker that would be no problem…I explained it would be

absolutely unacceptable if they broke the front and the back driveways of my house at the same time,where about a dozen parents drop their kids off Mo-Fr from 7 AM to 6 Pm and how would an ambulance be able to reach us in an emergency? Again I was promised nothing would start in the front until the back was fixed. Last Friday (16th)things changed .I was told by the construction crew at the front of my house that I needed to remove the plants if I wanted to keep them and that starting on Monday, the parents would have to use the back entrance because they were going to close the access to my perfectly functional front driveway. That is when I decided I needed an attorney and I sent an email to John and Rory saying I didn't want the city to do anything else to my property without talking to him.I have an 11 hrs a day job Mo-Fr and I don't have the time or the energy anymore to be supervising the construction going on at the front and back of my house and I realized that the health and safety of myself, the parents and the children under my care are not being taken seriously. Every concern I have,was brought to the city and resolved with a promise, and only a promise. I care for the children of people from this community. The errors in the construction and the lack of urgency in the part of the city to address the problems they have caused to my property are making impossible for me to keep the kids safe. I don't have a real fence to separate the playground from the driveway because the driveway needs to be redone. I have electrical wires coming out of the ground and a lost live wire under the driveway and other problems that are going to be addressed by my attorney. I decided to come here one more time because I think it's important for the council to know what is happening and because I feel really horrible taking action against the city. I never thought I would have to protect myself from the people that are supposed to be serving our community. This should be simple. Health and safety of the children should not be taken so lightly . I shouldn't have to be fighting for simple things to be done right so I can keep on leaving my life and caring for OUR children in a safe place. Please, take this seriously and in a timely manner. Let's not wait for someone, adult or child, to get hurt before you do something. Thank you

Sent from my iPad