

**West Linn City Council Meeting Minutes  
December 8, 2008**

Council Present: Mayor Norman B. King, Council President Michele S. Eberle, Councilor Scott A. Burgess, Councilor Jody Carson and Councilor Mike Jones

Council Absent: None

Staff Present: Chris Jordan, City Manager; Dennis Wright, Engineering Manager; Chris Kerr, Senior Planner; City Attorney Bill Monahan; and Shirley Richardson, Minute Taker

Call to Order/Pledge of Allegiance

Mayor King called the meeting to order at 6:32 p.m. and Council President Eberle led the flag salute.

Mayor King announced the consent agenda and Item #2, Agenda Bill 08-12-03, Resolution Number 08-50 – Tanner Basin NA Name change have been pulled from the Agenda and will not be heard tonight.

Proclamations, Recognitions and Presentations -- None

Community Comments

Robert Stowell, 2606 Maria Court, stated he testified at the November 28, 2008 meeting and requested the neighborhood plans be updated to include an agreed upon design and requirements for all future development and updating of old areas of sidewalks and storm drains along Highway 43. He was just informed that the City is now looking into the matter.

This is a very important issue. This is a chance to keep the design of Highway 43 the way the residents want. There have been two recent developments in the area that has not been cleaned up. He has been a resident since 1970 and is an original founding member of the Robinwood Neighborhood Association. He felt this matter should have been addressed quickly and he was ignored. He was not contacted and told the issue was being reviewed.

This issue was brought before the Robinwood Neighborhood Association meeting and voted was taken to present this issue to Council and he came as a representing member of the Association. He asked that Council continue their review into this matter.

Councilor Burgess explained Community Comment is a time when issues are brought before the Council. Councilors can then ask staff to look into the matter under Business from the Council. At the last meeting Mr. Stowell had left the meeting and it was at that time that Council asked staff to look into the matter. He apologized that staff had not informed him that the matter was under consideration.

Tom Stiglitch, 6591 Failing Street, asked Council to modify the Final Order for MIS-06-26, a land use decision regarding his application requesting a boat dock, boathouse and fishing shelter. He would like to have an answer as to why his application was not approved when history shows that 19 boathouses applied for have been approved. He presented new information on previous applications and stated a reason given for the denial was preservation of significant views. The Master Plan states, "...preserve identified scenic qualities and views." There were no such viewpoints or vistas identified during review of his application. He feels that he was not treated fairly on his boathouse application because the code was not followed.

Linn Fox, President of the Hidden Springs Neighborhood Association, thanked Council for the new process for the annexation. The pre-application meeting for the Suncrest property allowed the community to participate early, become informed and form a constructive relationship with the developers, representatives and city staff. This sharing of information is very important and productive to citizens.

Ms. Fox voiced concern that she was not notified of the pre-annexation meeting regarding the Ericson property site (School District). She missed the meeting because no one informed her that it was being held. She asked in the future when there are developments in Hidden Springs that the citizens are allowed to participate in the pre-annexation meeting.

Gary Heitzman, 2118 Club House Drive stated he is here tonight to commend the Planning Commission and staff for their efforts to improve the Transportation System Plan. He commended Councilor Jody Carson for her published articles regarding the state of affairs on neighborhood associations. These articles were productive in finding a solution to molding associations in a format that is useful to more people in West Linn.

Mr. Heitzman voiced concern about the relationship between the Hidden Springs Association and Council, staff and their neighbors. The annexation issue has left concerned and affected residents without a due process. He hopes that as this issue goes forward there is some way for Hidden Springs to protect their collective self interests and advocate for a better community.

Consent Agenda - None

Report from the City Manager

Chris Jordan reminded Council there will be a joint meeting with Tualatin, Wilsonville, and West Linn hosted by Lake Oswego on December 11, 2008 at 6:00 p.m. at the West End Building in Lake Oswego to discuss the Metro Local Aspiration Report and the Stafford Area.

Mr. Jordan announced that the West Linn Annual Holiday Parade will be held on December 13, 2008 at 10:00 a.m.

#### Business from the City Council

Mayor King asked for an update on the review of Mr. Stowell's concerns about Highway 43. Mr. Jordan reported staff is looking into the matter. When he received the letter, staff began review of the issue. He apologized that staff did not get back to Mr. Stowell.

Mayor King asked when the Municipal Code changes would be coming before Council. Mr. Jordan stated there was no schedule for Municipal Code changes at this time.

Councilor Burgess noted that Mr. Stiglitch left the meeting. The City Manager has written Mr. Stiglitch outlining the position of the Council. There was an appeal hearing before Council and Council ruled to deny the boathouse and fishing platform and approve the dock. Mr. Stiglitch appealed to LUBA (Land Use Board of Appeal) and he chose to withdraw that appeal. Mr. Jordan has indicated in the letter that Mr. Stiglitch's option is to file another application and go through the land use process again.

Councilor Burgess asked staff to comment on the status of the Ericson property application. Mr. Jordan stated there is a three-step process for the community on annexation applications. Step one process will be heard on January 12 and the second step will be held in February in front of Council. Both of these hearings are open to the public. The third step, if the second step is approved, is a vote from the community whether or not to annex the property.

#### Business Meeting

1.     Agenda Bill 08-12-02                                     Ordinance No. 1584 – Transportation System Plan

Mayor King called to order the public hearing to consider the Transportation System Plan at 6:55 p.m. Mr. Monahan explained the process and procedures the City will use in considering this matter. The Council's decision must be based on consideration of the consistency of the supporting documents with the City's

Comprehensive Plan and Development Code. Mayor King explained the hearing conduct.

Mayor King asked if any member of Council wished to declare any conflicts of interest or ex-parte contacts. There were none.

Mayor King asked if there were any members of the audience who wished to make any challenge to any Council member's ability to participate in this decision or the Council's ability to make a decision on these issues. There were none. He asked for a staff report.

Chris Kerr, Senior Planner reviewed the staff report with Council. The proposed amendments to the City of West Linn Comprehensive Plan and Community Development Code with a new Transportation System Plan are intended to accomplish three specific purposes:

- Replace the City's current 2000 West Linn Transportation System Plan (TSP)
- Amend Goal 12 (Transportation) of the City's Comprehensive Plan "Plan" to address the new TSP and new state transportation requirements
- Amend applicable portions of the City's Community Development (CDC) to implement the new TSP, Plan and State TPR requirements

The proposed 2008 TSP is proposed for adoption as a "Supporting Document" to the Comprehensive Plan. The City Engineering Dept. utilized the professional consulting firms of DKS Associates, Inc. to prepare the TSP and Angelo Planning Group for guidance and assistance with the Plan and CDEC amendments. He introduced D. J. Heckman, Angelo Planning Group and Carl Springer with DKS Associates, Inc.

Carl Springer made a presentation on the elements of the Transportation System Plan. The most important elements of the TSP are the master plan for each travel mode, the pedestrian, bike and transit motor vehicles, local street connectivity and implementing policies. The key outcome of their process has been a new TSP, code changes and amendments. The challenges ahead include dealing with through traffic on Highway 43, diverted traffic from I-205, shrinking funds and the natural constraints of the city.

The Master Plan builds off the Highway 43 Concept Plan and identifies a number of off-street trails and infill projects on the sidewalks. The focus was for pedestrian crossings on Highway 43. Special solutions were developed for the steeper streets when addressing bike lanes. The most important action plan projects are on Rosemont Road and pieces of Salamo Road.

The Motor Vehicle Master Plan is a culmination of the Highway 43 Concept Plan and 10<sup>th</sup> Street Corridor Plan. Solutions include a parallel route and extensions in the 10<sup>th</sup> Street area, better options for traffic control along Willamette Falls, Upgrading

19<sup>th</sup> Street, and completing the improvements on 8<sup>th</sup> Avenue to current City standards.

Local street connectivity is a required piece to comply with the State Transportation Planning Rule. Emphasis was placed on providing staff better tools to implement this piece. Connections reviewed included Carriage Way (Kapteyns Street), Sun Crest Drive, Bland Circle, Horton, Shannon Street, 8<sup>th</sup> Street and the extension of 8<sup>th</sup> Court. There was specific focus about better connections between Route 54 circulator bus and other services and looking for a greater level of local service of those that are not served by Tri-met or Lift services.

Chris Kerr stated the Planning Commission unanimously passed a motion to recommend approval of the requested ordinance with all the modifications presented except for the Kapteyns Street and the Sunset Avenue issue. There was a consensus among the Commissioners that additional study and public input regarding the ramifications of these two street issues were required before they could reach an informed decision. The Commission was evenly split (3-3 vote) as to where or not to accept or delete the proposed language in transit policy 11(b).

Mr. Kerr summarized the recommended changes staff is proposing to be included in the Final Ordinance as detailed in his memo of December 5, 2008.

Mayor King asked if there was any other correspondence received on the matter other than those items included in the packet. Mr. Kerr stated there were items presented to Council; two items related to the Sunset/Parker connection and the remainder all have to do with the connectivity issue.

Councilor Carson thanked staff for the thoroughness of explaining the changes and asked for clarification of the Planning Commission's changes regarding the Parker/Lancaster/Cornwall connection and Kapteyns Street connection. Mr. Kerr stated the Planning Commission was in agreement on all of the elements except for the three issues. Rather than hold up the entire TSP, it was their recommendation to hold back and review these two street issues for further study and possible resolution in the future.

Councilor Carson asked if in the process in the overall plan where there is an opportunity at a later date for modifications to address sidewalk and bike path issues. Mr. Kerr stated later modifications are possible.

Councilor Burgess asked if the 10<sup>th</sup> Street Study and Highway 43 Concept Plan were included as part of the TSP. Dennis Wright, Engineering Manager, stated both the 10<sup>th</sup> Street Study and the Highway 43 Concept Plan are not incorporated but are attachments to the TSP.

Councilor Burgess voiced concern about several connection streets that were in the previous TSP that are not mentioned in the proposed TSP:

- Consistency of TPR on Highway 43
- **Parrin** Street and the Robert Moore Street in Bolton area not on proposed TSP
- Debock Road cul-de-sac connection to **Wisteria**
- Connection from Nixon to **Calaroga**
- Downtown central business district
- Are references to the Willamette Community Center related to the Willamette Commercial area
- Definition for Transit Break Room
- Bike path versus a bike lane
- Change the name “Old Oregon City Bridge” to “West Linn/Oregon City Bridge”

Mayor King asked for clarification if the process gave the Planning Staff more authority than the Planning Commission. Mr. Heckman explained the transportation improvements are classified into two categories, type I and type II. Type I improvements are listed in the TSP, include a public process and identified in the TSP and Development Code as outright permitted uses in their zone. They are approvable through an administrative process. Type II projects are those that are not specifically identified in the TSP, have not been vetted through a public adoption process and are subject to conditional use approval. A type II approval process includes review from the neighborhood and a Planning Commission hearing.

Mr. Wright stated the intent was to make is possible for the City Engineer and the Planning Director to recommend a constrained arterial or provide for green street treatments. A review body (Commission, etc.) could review the recommendation for comments or approval.

Mr. Wright suggested a change in the language from “...may be implemented by at the discretion of the City Engineer...” to “...may be recommended by the City Engineer and Planning Director to the Planning Commission.”

Council President Eberle noted staff’s memo dated December 5, 2008, “...advocate for West Linn’s interest in transit connections to Milwaukie and Lake Oswego” and asked if Tualatin should also include access to light rail. Mr. Kerr stated changes will e made to the language to include Tualatin.

Mayor King suggested the following changes to the TSP:

- First sentence in Comprehensive Plan Section, “The City of West Linn is divided by two major regional...” Change the word “divided” to “served.”
- Change name “Old Oregon City Bridge” to “West Linn/Oregon City Bridge.”
- Page 1-4, second line mentions Bolton being served by Route 154. Route 154 does not go into Bolton.

- Under Goals (b), "...Provides for connectivity within and between neighborhoods and community centers..." Connectivity includes more than connectivity between neighborhood and community centers, there are connections between subdivisions, developments and streets. There are a lot of levels of connectivity and it is important to have the pathways, walkways and bicycle paths included in this connectivity.
- General policies do not include connectivity language. He suggested the language, "The City's transportation and planning efforts shall consider and promote energy, conservation and enhancement of air quality."

Mayor King questioned why this language is included on Page 1-8, Number 6, "Develop and implement a process to systematically retrofit existing roadway lighting to meet Community Development Code (CDC) requirements and City engineering standards." Mr. Kerr stated this reference makes clear there are required standards and specifications required in the CDC.

Mayor questioned why there is a reference to North Clackamas Parks and Recreation District and the North Clackamas School District on Page 1-13. Mr. Wright noted these are potential partners for project funding and financing. Mr. Kerr suggested changing the language to reference Clackamas County and City of Portland.

- Consistency of the term "zones" to "zoning districts"
- Page 2-13 references "...Traffic Impact Analysis prepared by a professional engineer..." The professional should be a current registered engineer. Mr. Wright stated this will be corrected.
- Suggested a pathway/connection between Lazy River over to Fairview; a link between the end of Kenthorpe and Mapleton; and a connection off of Marylhurst Street out of the City limits into the County
- Page 3-3, "...sidewalk connectivity is generally adequate in the downtown area and near most schools." This statement is not true; there are no sidewalks at Sunset School.
- Add sidewalks to the list on Lazy River, Burns and Fairview.

Councilor Carson suggested that Willamette Falls Drive be added to the list on Page 1-5 under Pedestrians.

Councilor Burgess suggested adding street connectivity from Fairview/Robinwood Park to the light onto Highway 43.

### Public Testimony

#### Testimony in Support

Troy Bowers stated he feels the Transportation System Plan goals is a balance between travel demand and maintaining livable, viable community. It is a matter of

efficiency versus equity. One of the key elements of Sunset Neighborhood Plan is to the livability of the neighborhood. He feels the standard details do not allow the flexibility to address implementing sidewalks and bike paths in the existing established neighborhoods. Sunset has been identified as an arterial and he suggested that it be considered a connector. He suggested that some neighborhoods be allowed to use the available right-of-way and save some of it for parking on one side of the road.

In his opinion arterial means moving traffic through an area. History shows that these types of streets are classified as highways (Highway 43, Willamette Falls Drive, I-205). He would like Sunset to be classified as a collector street. He encourages the adoption of the TSP with the stipulation the neighborhood works with the Transportation Advisory Board, Sunset Neighborhood Association and the City to address this issue of whether the traffic will be solely on Sunset or Lancaster.

Mike **Zermocian** stated he is in support of the TSP to include the most recent recommendations of the Planning Commission. A Commission recommendation was to delete the proposed connection at Carriage as well as Cornwall and he asked that the Council accept this recommendation.

#### Neutral Testimony

Robert Stowell, 2606 Maria Court, stated his property backs up against the highway. He is concerned about 11(b); he is concerned about increasing densities and whether those densities will affect residential properties. Mayor King stated there is no intent to change the zoning in his area.

David Rittenhouse, 2101 Green Street, stated he is President, Tanner Basin Neighborhood Association, and member of the 10<sup>th</sup> Street Task Force. One of their concerns is the bike route on Salamo that now dead-ends. It was their recommendation in their Plan to have people cut off at Bland Circle and use Tannler as their bike route down the hill. People feel that Tannler is a much safer route to get up and down the hill than Salamo. Salamo has a high grade, a blind corner, and speeding autos. He asked that Council reconsider the area of Salamo being used as proposed for cyclists.

Mr. **Rittenhouse** suggested a hill-climb along Salamo with a view point, to get pedestrians up the hill. This hill climb could be from the Robinwood area up to Hidden Springs. If there was a place with landings and appropriate grade of stairs, people could get from lower West Linn to Upper West Linn.

On the issue of the break room, unions require break rooms. If the goal is to increase transportation in West Linn and bring in more bus drivers, there needs to be a break room for them. Possibly the police station could have a break room.

In regards to the issue of 11(b), there are portions of the Willamette area where density may not be wanted. There should be discussions with these neighborhoods about density so as to have more of a consensus about how this area develops.

Gary Heitzman, 2188 Club House Drive, read into the record a statement regarding the connectivity plan. He feels the TSP should reflect the aspiration of promoting alternative modes of transportation that connect the city other than adding roadways placed to assist future development. Suggestions included:

- Deleting the connectivity lane on Bland Circle at 10<sup>th</sup> Street
- Improving bike and pedestrian paths intersecting Highway 43
- Using and creating new trails through existing open space
- Connectivity Plan more inclusive of alternative modes of connection
- Bike and pedestrian connection only to Kapteyns
- Bike and pedestrian path through Ericson property, not automotive
- No extension off Debock
- Kapteyns should remain a dead-end to autos
- Parks should retaliate parking configuration and auto access
- Parker Road should be declassified as an arterial, making the Sunset Avenue functional class discussion mute.
- Parker Road classification supports development of the Stafford Basin
- Convert Parker Road into a collector
- Pedestrian and bike thoroughfare with sidewalks and landscaping
- Declassify Santa Anita as an arterial
- Pimlico should be designated a bike boulevard
- In full support of hill-climbs

Kevin Brick, 18840 Nixon Avenue stated here is here speaking on behalf of Robinwood Neighborhood Association. The NA has adopted resolutions and forwarded them to the City. They were concerned about the change in the language in Comprehensive Plan (11(b)), "...support more intense zoning designations and areas around the Oregon Highway 43 corridor." They have asked the Planning Commission to eliminate the entire provision and to add language that it should be construed to supersede the wishes expressed in the neighborhood plan to not have any extension to the commercial zoning and not to have oversized large buildings even in the commercial area. A letter was drafted to the Council expressing the views of the neighborhood that they feel there has not been enough time reviewing this language.

Mr. Brick gave some history of some of the connections in his neighborhood:

- Nixon/Calaroga was an undeveloped public right-of-way until the 60's. The right-of-way was abandoned and the City/County only retained an easement for utilities. This was an informal open path used to connect the two streets until the 80's when it was closed by the owner. The owner has indicated he is not interested in re-opening this pathway.

- People are advocating the Willamette Greenway Trail be officially designated as Nixon Avenue. This connection would be critical to get the trail on the roadway because of the impossibility of the trail being on the river in people's back yards due to the rising water and topography.

Mr. Brick asked for more time. Mayor King allowed Mr. Brick an additional minute.

- Both of the road connections were inserted into their neighborhood plan and were discussed by the residents at length. There were objections to connecting Fairview to Lazy River by the people who live on Fairview. The alternative is to have access to the light on Lazy River; however, part of the previous TSP language was aligning Walling Way, adding a light and cross walk in that area. There is not a pedestrian cross walk from Cedar Oak to Lazy River.
- There was previously a path from Kenthorpe to Mapleton and at some point the City of Lake Oswego closed it off. The residents have been trying to get that re-opened. This would allow people to get from Kenthorpe to Cedar Oak and the school. Putting the connection on the fair east side would make the connection least useful in terms of connecting from the center of street to center of street. The residents are asking the City to work with the City of Lake Oswego to get the connection as far west as possible so it will align with the middle of Mapleton, Kenthorpe and the connection with Oley's path to the Cedar Oaks School.

Clark Park, 19546 Kapteyns Street stated he is here to ask Council to remove the Kapteyns/Carriage connection listed in the future local street connectivity improvements. He gave the following reasons for his request:

1. A Kapteyns/Carriage connection would result in a connection between two connectors (Carriage Way and Marylhurst Drive), not a local connection.
2. This connection would shift the neighborhood collector from Suncrest to Kapteyns. This connection would create a shorter route with fewer turns and no speed bumps from Rosemont to Highway 43. This traffic would travel through the steep, hairpin turns of Marylhurst Drive where there is no room for a shoulder or sidewalk. There is limited visibility.
3. Kapteyns Street is not the longest dead-end street in the City. There are three other dead-end streets in West Linn that are longer and three others that are approximately the same length. None of these dead-end streets have proposed connections in the TSP.
4. The Kapteyns cul-de-sac was not designed to be connected to Carriage or Suncrest. The original plat shows that Kapteyns was designed as a cul-de-sac surrounded by private 15,000 sq.ft. lots, park property and ODOT property.
5. A Kapteyns/Carriage connection would not benefit the neighborhood. It would destroy the only flat local street in the neighborhood for children and adults to walk, run, ride bikes, scooters, etc. A

bike/pedestrian connection currently exists in the same area an automobile connection would have to be placed.

Bill Ridge, 19699 Kapteyns Street stated he opposes the Kapteyns/Carriage connection. He did not see any signs notifying the neighborhood that this proposed connection was to take place. There is a lot of social activity that goes on this street such as people walking, kids on skateboards, bikes, mothers with baby strollers, etc. This activity will stop if automobiles are allowed here; it will make it dangerous for people to be walking on Kapteyns.

Mr. Ridge asked if the City has made study as to where the traffic will come. If you take the traffic from one area and put it in another it moves the problem to a different area. It does not solve the problems. Mayor King stated there would not be a study at this time in the process.

Alice Richmond, 3939 Parker Road reminded the Council of the time when Image West Linn meeting were being held, there was a proposal to construct a road under her home. That was corrected. She voiced concern about the process of letting the engineers determine the level of traffic on the roads. She noted that Parker Road was never to be an arterial. It was to be a collector for the subdivisions on Parker Road. Parker Road is traveled by children going to school, stores, their friend's homes, etc. She is also concerned there is no emergency preparedness route to get down from Parker Road to the Willamette area.

Mary Ann Anderson, P.O. Box 23593, Tigard, Oregon stated she is the great, great, great grand-daughter of William Armstrong, the original donation land claim person on the hill by Kapteyns of Crest. Her grandmother sold the City the property that is to become Marylhurst Park. She was to going to comment tonight; however, the history does reflect that it was intended to be a roadway through there. It is reflected on the plat map and reflected in the fact that when her grandmother was asked by the City to sign an easement for water to go through the easement on the bottom portion of what is now going to be the park property in the mid 1970's. On the plat map, Tract A, connect directly to an existing easement that goes over to Carriage Way.

Should the possibility for a connection be completely removed, they object because that action would land-lock their only remaining parcel that is up there.

#### Testimony in Opposition

Jennifer Huntsman, 19390 Kapteyns Street submitted for the record a copy of her testimony and a letter written 2-1/2 years ago from the Marylhurst Neighborhood Association requesting the City remove the possible connection between Kapteyns and Carriage. A group statement signed by many neighbors was submitted for the Planning Commission meeting on the third.

More than 50 residents on her street urge the Council to modify the new TSP as currently proposed to remove the possible connection between Kapteyns and Carriage. She highlighted major points:

- A Kapteyns/Carriage connection would turn this into a connector street which is two steps higher than its current designation. Non-local and truck traffic will use it as a speedy way to cut through their neighborhood. There is no data the current collectors are inadequate for current traffic flow or an additional collector street is needed.
- Unlike the other proposed connections in the TSP, the Kapteyns/Carriage connection is far from a priority for the City of West Linn. All the other proposed connections are on buildable, residential or commercial property. This connection does not fit with the other proposed connections in that it is a quiet street that has been fully developed for over 30 years. With the current economy the neighborhood does feel this expensive connection would be a wise priority at this time.
- She noted the importance of sustainability and the focus on pedestrian connections in the TSP are going to be key issues for the City of West Linn remaining the green and livable place that it is today. If a vehicular connection is constructed in this spot the neighborhood will lose a very valuable pedestrian and bicycle connection.

There is question as to whether Kapteyns and Carriage was ever meant to be connected in the first place. She personally feels it is more important to look at a current and relevant cost benefit analysis rather than what was intended 30 years ago.

Ms. Huntsman asked for an additional 30 seconds to complete her testimony. Mayor King granted the additional time.

In conclusion, Ms. Huntsman urged the Council to give full weight to the voice of the residents of this neighborhood and the unanimous recommendation of the Planning Commission to at least postpone the possible Kapteyns/Carriage connection until it can be discussed and analyzed further. The City Attorney and staff have assured the residents that connectivity issues are solely within the authority of the City and that future changes can be made without going back through the State process.

John Sramek, 2738 Sunset Avenue stated that his concern is the Sunset/Parker area. The map displayed does not do justice to some of the great issues and elevation differences between the houses and the right-of-way. His concerns have to do with the parameters, classifications, and review that brought about this designation. In talking with the consultant at the TSP open-house he indicated that this area had not been reviewed. This proposed designation has not been professionally reviewed since 2001. He asked the Council remove Sunset/Parker be removed as an arterial designation.

At a spring neighborhood meeting, a developer showed a proposed development of a 6-lot parcel on Sunset. It is proposed that all six parcels will travel on Warwick between Sunset and Landcaster. This proposal includes a wide roads, streets, sidewalks and planter boxes. The developer indicated that staff suggested this type of roadway as what would be wanted. When Mr. Sramek talked to the City regarding this development, he was told that Sunset is designated as an arterial and the development is based on the arterial.

He and his close neighbors will be sandwiched between this full development, where he lives and from Cornwall on. When will they be able to develop the rest of the road? Will it be a burden on the residents or the City? He feels this area has developed into an entirely different style road than he would have imagined.

Mr. Sramek voiced concern that if the road is widened it will cause concerns with drainage problems downhill on Reed Street. Also, because of setback issues there are two houses that would have to be condemned for safety reasons. People have purchased these homes and are investing in remodeling and renovation.

At the Commission meeting he testified on how this level of traffic should be focused on Lancaster and Parker. Cornwall is a superior route; it is flatter, open and will require no need for new construction. The Council has the opportunity to fulfill the Sunset Neighborhood Plan by implementing ways to keep the same style of homes of existing feel of the community. The Sunset might be an area that the 2008 vision fits. Bike paths and pedestrian walkways are important and the one-way area between Sunset to Parker has turned into a walkway and bike path. He is in support of part of Sunset have a portion of one-way in both directions. He would not like to see the City justify a plan at the expense of someone's home.

Lynn Fox, P.O. Box 236, Marylhurst, Oregon stated she is speaking on behalf of the Hidden Springs Neighborhood Association. She is representing 3,800 people and some of them would like to see some portions of the TSP go forward and some would not. She agrees with Mr. Bowers' view on the re-designation of collector streets and higher order arterials. The Association's Traffic Safety Advisory Board has reviewed the TSP and one of their concerns was the justification and rationale for re-defining arterials and collectors. Concerns were raised about how this will affect the livability and quality of life in their neighborhood.

Concerns have been raised about Hidden Springs starting to experience large truck traffic in their neighborhood as trucks are accessing Highway 43 going down Pimlico. She asked how the TSP addresses these concerns, protect the neighborhood's property values and keep their children safe.

Once you have the designation of bicycle boulevard on Pimlico, the bicycles have primary use and automobiles have secondary use of the street. The traffic that

would normally go up and down Pimlico will no be going up and down Palomino Way on either side. There are people on Palomino Way who are adamantly against the bicycle boulevard designation for Pimlico. The people on Pimlico who would like to see some of their traffic go away are starting to think the bicycle boulevard would relief traffic. She feels this issue needs more public discussion. There were letters from other residents in Hidden Springs who don't live on Palomino Way or Pimlico to Mr. Wright with concerns about the bicycle boulevard and what more appropriate routes could be used. Pimlico was pulled from the bicycle boulevard designation at the Planning Commission hearing; however, this was put back into the Plan on circled page 8.

Another concern brought forward is the non-conforming use for the development along Santa Anita near the 1065 Rosemont Road. A parcel that goes along Santa Anita is questionable whether it is being developed in accordance with the TSP. Because of its proximity to the middle school, she would like to see the City review this concern before the TSP is approved to make sure the appropriate protections are being applied on this street.

Kapteyns Street is a non-conforming cul-de-sac and it has shunted its responsibility for carrying traffic onto other streets for many years. People have sold their homes on Suncrest because they are bearing such a heavy traffic burden. It will be beneficial and build a atmosphere of trust with the citizens if the City honor their Association's code and acknowledge that this is a non-conforming cul-de-sac that was opened up to Rosemont. If this was opened up people would then have access to Rosemont and other bicycling opportunities.

The Association's Traffic Safety Committee felt they did not have enough time to understand the ramifications were for the Highway 43 proposal (Section 11(b)).

Recess was taken at 9:25 p.m. and the meeting reconvened at 9:45 p.m.

There were no further comments from staff.

Councilor Carson noted there was testimony of people wanting to study further the Kapteyns connection and there were several other issues identified. She asked if the document could be approved and then making amendments in the future to address some of these issues. Mr. Kerr stated that modifications can be made in the future to address economic, priority or situation changes that may happen over time.

Councilor Carson stated there is no indication this Council or the City has a desire to demolish any houses or making plans that do not honor existing homes. This TSP is a document indicating what things may happen in the future. It may be 10 years, 20 years, 30 years or may not happen at all.

Hearing no further questions from Council and no further response from staff, Mayor King closed the public hearing portion of the meeting.

**On the first reading, by title only, Councilor Burgess moved to adopt Ordinance No. 1584, An Ordinance Approving A New Transportation System Plan With Amendments To Goal 12 Of The Comprehensive Plan And The Community Development Code per Agenda Bill 08-12-02 with the following exceptions:**

- **Include December 5, 2008 recommendations of staff with the clarification that the City does not have a central business district or a downtown, there are four commercial areas. Willamette Community Center would be Willamette Commercial area**
- **Delete language on circled page 15 referencing landscape strips removed by City Engineer**
- **Energy efficiency language for transportation reducing trips in number and miles traveled.**

**Councilor Carson seconded the motion.**

Councilor Burgess stated he is not sure connectivity has been addressed adequately. He would like to see some issues come back (Aaron, Robert, Moore, Debock, Nixon, Elm Rim, Fairview, Lazy River, and Miles Shannon Streets). He is also concerned about the Sunset, Cornwall, Landcaster, Parker connections. These are classic areas to take an in-depth look. These issues are something he would like to see reviewed in the future. When the Parks and Recreation Plan is done, there is a goal to do a Trail Plan. This will address some of these connectivity issues.

Mayor King stated he came tonight ready to vote in opposition because the connectivity and pedestrian/walkway areas are so deficient. He now feels its best to pass with all the amendments and then ask staff to prepare an amendment to the plan upgrading specific elements. There needs to be more in the TSP having to do with pedestrian and trails. The pathways and trail map should be included in the TSP.

Councilor Jones stated he supports this motion. He is a member of the Sunset neighborhood but doesn't feel it will affect his decision. The issue that surrounds the Landcaster/Sunset corridor is a very valid issue. He is in support of changing that area to a collector. He voiced disappointment that Council brought so many changes to the meeting tonight when there has been worksessions with Commissions and Committees for over a year.

Council President Eberle noted there were several comments on Section 11(b). She feels the statement in (a), "...locating transit-oriented development around transit stations along major transit routes and in designated town center areas.." encourages more intense and mixed used zoning, etc.

**Council President Eberle moved to amend the main motion to eliminate 11(b). Councilor Carson seconded the motion.**

Councilor Burgess stated that he will not be voting in favor of this motion. Section (a) does not talk about land use changes. When future land use changes or rezoning is considered transit should be reviewed. There may be reasons to encourage higher density. Section (b) goes further than (a) in that it addresses consideration of transit in land use issues.

Mayor King stated he does not want to encourage rezoning; however, he would like to encourage the redevelopment of currently zoned commercial areas into higher density use. Highway 43 Neighborhood Association made it a goal to develop more densely into mixed use.

Councilor Jones suggested changing the language in (b) to replace the word “supporting” with “evaluating.”

Mayor King suggested changing the language in (b) to replace “mixed use designation” with “more intense mixed zone use.”

Councilor Carson suggested changing the language in (b) to replace the word “will result and increase” with “may result and increase.”

**Council President Eberle stated she is comfortable with the suggested changes and withdrew her original motion. Councilor Carson, the second, concurred.**

**Councilor Jones moved to amend the main motion changing the language in Section 11, Paragraph (b):**

- **“Supporting” changed to “evaluating”**
- **First sentence, replace “mixed-use zoning” with “mixed zone use”**
- **Fourth line from the bottom replace “will” with “may”**

**Council President Eberle seconded the motion.**

Councilor Burgess suggested removing the term “mixed zone use” as this is an excepted planning term. Councilor Jones, motion maker, agreed to remove that change and Council President Eberle, the second, agreed.

**Poll on the motion to amend the main motion changing the language in Section 11, Paragraph (b):**

- **“Supporting” changed to “evaluating”**
- **Fourth line from the bottom replace “will” with “may”**

**Ayes: Burgess, Jones, Eberle, Carson, King**

**Nays: None**

**The amendment to the main motion carried 5-0.**

**Council President Eberle moved to eliminate the Kapteyns Street connection. The motion died for lack of a second.**

**Poll on the main motion to adopt Ordinance No. 1584, An Ordinance Approving A New Transportation System Plan With Amendments To Goal 12 Of The Comprehensive Plan And The Community Development Code per Agenda Bill 08-12-02 with the following exceptions:**

- **Include December 5, 2008 recommendations of staff with the clarification that the City does not have a central business district or a downtown, there are four commercial areas. Willamette Community Center would be Willamette Commercial area**
- **Delete language on circled page 15 referencing landscape strips removed by City Engineer**
- **Energy efficiency language for transportation reducing trips in number and miles traveled.**
- **Change the language in Section 11, Paragraph (b) by replacing “supporting” to “evaluating,” and in the fourth line from the bottom replace “will” with “may”**

**Ayes: Jones, Eberle, Carson, Burgess, King**

**Nays: None**

**The motion carried 5-0.**

**Councilor Burgess read the Ordinance for the second time and moved to adopt Ordinance No. 1584, An Ordinance Approving A New Transportation System Plan With Amendments To Goal 12 Of The Comprehensive Plan And The Community Development Code per Agenda Bill 08-12-02 with the following exceptions:**

- **Include December 5, 2008 recommendations of staff with the clarification that the City does not have a central business district or a downtown, there are four commercial areas. Willamette Community Center would be Willamette Commercial area**
- **Delete language on circled page 15 referencing landscape strips removed by City Engineer**
- **Energy efficiency language for transportation reducing trips in number and miles traveled.**
- **Change the language in Section 11, Paragraph (b) by replacing “supporting” to “evaluating,” and in the fourth line from the bottom replace “will” with “may”**

**Councilor Carson seconded the motion.**

**Ayes: Eberle, Carson, Burgess, Jones, King**

**Nays: None**

**The motion carried 5-0.**

**Mayor King moved to direct staff to review the areas of connectivity, pedestrian and pathway use in the TSP and accompanying ordinances to strengthen the pedestrians of the Transportation Plan. Councilor Burgess seconded the motion.**

**Ayes: Carson, Burgess, Jones, Eberle, King**

**Nays: None**

**The motion carried 5-0.**

**Councilor Burgess moved to direct staff to prepare a process and plan for the transportation elements of Sunset, Cornwall, Landcaster, and Parker Roads. Councilor Carson seconded the motion.**

Councilor Burgess noted this is not just a neighborhood effort; the arterials/collectors are broader than the immediate area. People are moving from Willamette Falls Drive to Rosemont, Santa Anita, Parker Road, etc. This is a significant part of the interior of the City in terms of transportation.

Mayor King stated additional study will occur when a project is proposed. Whether a street is classified as an arterial, collector or local street, if it is being used in a certain way, individuals driving from point A to point B will use the road. Changing the classification with the standards that accompany the change will cause the street to become unsafe. Most drivers do not have an idea what the street is classified, it is the shortest and best route they feel to take.

Councilor Carson stated it is important to study these traffic areas and some recommendations made by staff. If a developer came in and the city staff was not familiar with these discussions may see that the road is an arterial and develop the road to that standard not taking into consideration the wishes of the area. The recommendation from staff can be documented so people in the future know the intent of the designation.

**Ayes: Burgess, Jones, Eberle, Carson, King**

**Nays: None**

**The motion carried 5-0.**

**Councilor Burgess moved to extend the meeting to 11:00 p.m. Councilor Jones seconded the motion.**

**Ayes: Jones, Eberle, Carson, Burgess King**

**Nays: None**

**The motion carried 5-0.**

Re-designation of City-owned  
Properties located at Evah Lane,  
Carriage Way, Haskins road and  
Cedaroak Drive

Mayor King called to order the public hearing to consider the appropriateness of the current designations of two City owned properties and bring forth a corrective resolution, and to designate recently acquired properties. He asked for a staff report.

Chris Jordan reported staff has identified two City owned properties that seemingly have been mistakenly been designated as either park or open space, when it is clear that at the time of dedication to the City the properties were intended to be used for utilities and/or access to other properties. Two other properties were recently acquired by the City and have yet to be designated.

Council was provided with a memo from him this afternoon with all of the correspondence received in the past 48 hours. Also submitted were documents from 1976 indicating the original intent of the parcel at the end of Kapteyns.

Ken Worcester stated the property on Evah Lane was platted specifically for utility use and ended up receiving a park designation. There was no process at that time to make sure the correct designations were made. In this instance, the property owner's rights were taken away for the use of their property. The only way these property owners can get utilities to their property is through a property that was platted utility easement that has now been designated as a park.

The Carriage Way property was basically the same situation. The City landlocked a piece of property without really studying all the issues around it before the designation was made. The proposed resolution will allow people reasonable use of their own property without changing its use as an open space or park.

The Haskins Road property was acquired for Douglas Park and the Cedaroak Drive property was acquired via the storm fund and the goal is to designate this as City owned property.

None of these parcels were purchased out of a park fund. The intent of getting these properties never was for a park purpose. They were contiguous and designated park property because there was no set process at the time. The City has previously changed designations.

Tract A in the Kapteyns Krest Subdivision has a couple of easements throughout the property; however, none of them have a configuration that would work as access for the landowners. There is one landlocked parcel. It was decided to access this property off Carriage because it is the most efficient and cost effective way to access the property.

Councilor Jones asked if the Haskins road property that is being proposed for a park was paid for in part with park SDC funds. Mr. Worcester stated that it was paid for in total with park SDC funds. This is the only acquisition out of the four being considered tonight that was intended to be a park.

### Public Testimony

Jennifer Huntsman was called but had left the meeting.

Clark Park, 19546 Kapteyns Street stated he came tonight not completely understanding this issue. After listening to the staff report, he feels there is no need to convert the entire Haskins road property to City owned property. The best use of this land is a park. He understands the need of the landlocked property to have access to the Kapteyns cul-de-sac and he would like to see the necessary portion so that access is granted to that property on the northern end re-designated as necessary but there is no need to re-designate the entire site.

Bill Ridge and Mike Zumocian was called but had left the meeting.

Marian Anderson, P.O.B. 23593, Tigard, Oregon stated with respect to a collector through there, if done, the City would have to undesignated the 2-acre park property would have to be re-designated. This change of designation back to City owned to acknowledge the access that should have always been there does not automatically mean there will be a connection through there, it just means that there will be access which was what was always intended.

Currently this property is zoned for one house on the 1.65-acre parcel. It is outside the County, outside the Urban Growth Boundary, and if the owner wanted to have more than one house, they would have to go through a partition/subdivision process in order to determine what kind of road access to be done.

Mr. Monahan stated the section of the Charter that comes into question is Chapter 11, Section 46, “The City shall not engage in the least sale, exchange, or non-authorized use of City owned park or open space, etc. without getting voter approval.” A similar Court of Appeals case was decided in September this year where the Court determined the challenge of the City’s re-designation was not appropriate. This was not a decision that was appealable to the Court; it is a decision that rests with the City Council. Re-designation is totally within Council’s authority as an administrative decision.

Hearing no further questions from Council and no further response from staff, Mayor King closed the public hearing portion of the meeting.

**Councilor Jones moved to adopt Resolution 08-48, A Resolution of the West Linn City Council Designating Properties per Agenda Bill 08-12-04. Councilor Carson seconded the motion.**

Councilor Burgess noted this designation of City owned does not necessarily mean the property won't be a park. Whether it is access or how it will be developed is not known. This designation does not mean it will not be a park.

**Ayes: Eberle, Carson, Burgess, Jones, King**

**Nays: None**

**The motion carried 5-0.**

Mayor King voiced concern that several months ago he made a motion that was adopted by the Council to refer two items to staff in Chapter 99 connected to Neighborhoods with the expectation that these items would come back to the Council. These items have not been presented to Council and he called for these items to come forward.

Mr. Monahan explained Council had concluded the notification. The work that was noticed to Department of Land Conservation Division (DLCD) indicated the City was going to review specific sections of the code. A final order was sent to DLCD saying the City had adopted. The Planning Director may have additional information.

Mr. Jordan stated these two amendments were put on the back burner because there were other issues that were more pressing at the time. Council was informed in August of the status of this project. It was suggested that these items be reviewed later as to where they would fall on Council's priority list.

**Councilor Burgess moved to extend the meeting to 11:15 p.m. Councilor Jones seconded the motion.**

**Ayes: Carson, burgess, Jones, Eberle, King**

**Nays: None**

**The motion carried 5-0.**

Adjournment

The meeting adjourned at 11:13 p.m.