



Metro | Office of Metro Attorney

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March 30, 2015

Council President Thomas Frank
and City Councilors
City of West Linn
22500 Salamo Road
West Linn, OR 97068

Re: Metro IGA for Arch Bridge/Bolton Master Plan

Dear Council President Frank and City Councilors:

Thank you for the opportunity to appear at your work session on March 23 and to provide Metro's perspective on questions raised regarding the City's IGA with Metro and its relationship with Town Center designations. The meeting helped clarify my understanding of the concerns being raised, which this letter will attempt to address along with the specific question for Metro presented by Councilor Axelrod via email on March 24.

First, there appears to be a misunderstanding regarding the effect of the City's IGA with Metro. Questions presented at the work session and via email indicate a belief that by signing the IGA with Metro, the City somehow adopted or otherwise committed to Town Center designations for the Bolton and Willamette areas. This is entirely incorrect. All that is accomplished through the IGA is an agreement by the City to undertake certain steps toward adoption of a master plan, in exchange for Metro's disbursement of grant funds according to the milestones in the IGA. The City is under no legal obligation to adopt comprehensive plan and code amendments that would be necessary to implement the master plan or to designate a Town Center area. As explained in the memo from your city attorney, the IGA is merely a contractual agreement that cannot legally require any particular legislative action by the City Council. Designation of a Town Center or implementation of the master plan would require legislative amendments to the City plan and code, which would be discretionary City Council decisions creating new local law. This may only be accomplished by ordinance.

Stated differently, the IGA has no impact on the adoption or designation of any Town Center area in the City of West Linn. Any such action would require a formal legislative process, including notice and a public hearing, resulting in adoption of an ordinance by the City Council amending the City's comprehensive plan map to designate the location and boundaries of a Town Center area. This cannot be accomplished via contractual agreement, and is not required by the IGA in any event.

There is no legal significance to the fact that the City and Metro attached a copy of the City's CET grant request as an exhibit to the IGA, which request included a map identifying the location of Metro's "conceptual" Town Center boundaries for Bolton and Willamette. The existence of that map does not affect the City's existing comprehensive plan or maps, and does not create any binding obligations on the City regarding the designation of Town Centers. Similarly, the "whereas" clause in Resolution 2013-03 stating that Metro has designated the Arch Bridge/Bolton area as a Town Center is merely a statement of fact, which does not have any impact on what the West Linn City Council may or may not decide to do regarding the future establishment of Town Center areas.

There also appears to be confusion arising out of the fact that the City's comprehensive plan includes an outdated version of Metro's 2040 Growth Concept Map. The Metro map in the comprehensive plan at Figure 2-2 is the original version of the map from 1995, which did not show real boundaries for Town Centers, but only depicted their general locations as circles centered upon the cities where the centers were proposed to be located. Subsequent amendments to that map in 2010 resulted in the current version, which shows distinct boundary lines for both "actual" and "conceptual" Town Center boundaries across the Metro region. The current map of Centers, Corridors, Station Communities and Main Streets is located in Title 6 at Metro Code 3.07.650. I have attached a reproduction of the relevant portion of that map, which shows the conceptual Town Center boundaries for West Linn.

The difference between "actual" and "conceptual" boundaries on the Metro map is an important distinction for purposes of this discussion. That distinction on the map is based on whether or not each local jurisdiction has actually adopted its own Town Center boundaries. Where the Metro map shows "actual" boundaries, those cities have adopted ordinances amending their local comprehensive plan and zoning maps to designate the specific boundaries of Town Center areas. Where the map shows "conceptual" boundaries, as in West Linn, those are proposed locations identified by Metro that have not yet been designated by the City. I have reviewed the City comprehensive plan and map and conferred with your planning staff to confirm that the City does not have any adopted Town Center boundaries, which is the reason they are still shown as "conceptual" on the Metro map. As noted by Councilor Axelrod in his email of March 24, Goal 2 of the comprehensive plan expressly defers any City decision regarding the mapping of Town Center areas pending future resolution "through the neighborhood plan process."

Because the City has not adopted Town Centers or designated any Town Center boundaries, the "conceptual" boundaries shown on the Metro map remain conceptual, pending any future decisions by the City Council regarding the mapping of boundaries. In other words, the actual location of any future Town Center boundaries in West Linn is entirely up to the City. The City could choose to adopt a boundary for the Bolton Town Center area as part of the implementation of the master plan. The City may also choose not to adopt any specific Bolton Town Center boundary as part of the current process without being in conflict with any Metro requirements or with the IGA. Regarding the specific question for Metro in Councilor Axelrod's March 24 email, the West Linn City Council has not adopted any Town Center designation for Bolton, and therefore there is no City designation that could be revoked by Metro.

In summary, neither the IGA nor the City's potential implementation of the master plan has any direct impact on the designation of a Town Center. The City may choose to adopt its own designation as part of the master plan implementation process, but there is no requirement that it do so. If it does not, the area will simply remain as a "conceptual" Town Center on the Metro Title 6 map.

I hope this information helps the City Council with its discussions and direction to the planning commission. If you have any questions, please do not hesitate to contact me.

Sincerely,



Roger A. Alfred
Office of Metro Attorney

RAA:jw
Enclosure

cc: Peter Watts, City Attorney
John Williams, Metro Deputy Planning Director

Title 6 Map

Boundaries for Centers in West Linn and Oregon City

- Legend**
- City boundary
 - Urban growth boundary
- Conceptual Boundaries for:**
- Regional Center
 - Town Center



Location map

