

WEST LINN CITY COUNCIL MEETING MINUTES December 14, 2009

Council Present:

Mayor Patti Galle, Council President Jody Carson, Councilor Scott Burgess, Councilor Teri Cummings, and Councilor John Kovash

Council Absent:

None

Staff Present:

Chris Jordan, City Manager; Peter Spir, City Attorney Tim Ramis; and Shirley Richardson, Minute Taker

Call to Order/Pledge of Allegiance:

Mayor Galle called the meeting to order at 6:48 p.m. and led the flag salute.

Proclamations, Recognitions and Presentations:

Community Comments:

Thomas Boes, President of Robinwood Neighborhood Association read a statement into the record. At the regular monthly meeting of the City of West Linn Robinwood Neighborhood Association, Tuesday, December 8, 2009 the topic of discussion once again focused on the future use of the Cedar Oak Fire Station. It was therefore decided that the neighborhood association should issue to the City a formal declaration of its desires regarding this matter. Pursuant to the policy recommendations in section 3.10 of the Robinwood Neighborhood Plan, the Robinwood Neighborhood Association endorses their remediation and repurposing

the City owned buildings and property of the Cedar Oak Fire Station for use by said neighborhood public purpose as a community center or similar function.

The Robinwood Neighborhood Association further recommends the City approve the creation of an independent committee charged with evaluating options and providing recommendations to that purpose. Further we seek support and assistance from the City of West Linn, the County of Clackamas and other local groups and organizations that might likewise benefit from the use of this potentially valuable public resource.

Given the sites prominent central location in this community, its proximity near both Cedar Oak Park Primary School and the Chamber on Highway 43 and its history of use as a public service note, the Neighborhood Association believes it to be an asset worth maintaining by restoring its historic use as a neighborhood center.

Kevin Bryck, 18840 Nixon Avenue stated he is here speaking on behalf of the Robinwood Neighborhood Note. They are the committee that has been working on this project for about 2-3 years. There will be an open house this Saturday, December 19, 2009. He invited all to come from 11:00 a.m. to 1:00 p.m. There will be cookies, cocoa and plays.

The committee has drafted bylaws to enter into an agreement to run the Cedar Oak Fire Station as a community center. They want it to function like Sunset Fire Hall as open community space. It will be operated by volunteers like McLean House; that way it will save city staff resources that would be used for scheduling.

The Cedar Oak Fire Station was built and paid for by the citizens of Robinwood around 1964 when this area was unincorporated Clackamas County. When Robinwood was annexed to the City it became a fire station, then it was used as an ambulance station and now it is being used simply to store the extra Tualatin Valley Fire and Rescue truck and antique fire truck. Until the new Bolton Fire Station is done, those pieces of equipment can be stored up at Rosemont.

Over the years the facilities generated in our neighborhood plan policy 3.10 it talks about beautifying it and removing its eyesore status in the neighborhood, re-purpose it, and fix up the grounds and make it a center for education and recreation and other endeavors. The goal is for a spectrum of use that will include kids, mommy and I groups, teenagers, seniors, civic organizations like neighborhood meetings, and a rally point and depot for neighborhood emergency preparedness plan and emergency supplies.

The Neighborhood is asking Council to work with them for a memorandum of agreement in principle before their committee invests any more time in preparing for this proposed community center. This was the Robinwood Neighborhood center when this area was part

of the unincorporated county and they would like to restore that historical status for this facility.

Mayor Galle asked if Mr. Waters would like to speak tonight. He stated that he had submitted a letter and that would suffice.

Steve Garner, 3525 River Knoll Way stated he is President of the Barrington Heights Hidden Creek Estates, Tanner Woods Neighborhood Association. He is back again to request the City reverse its decision regarding the support for the solar highway by ODOT just below the Barrington Heights Neighborhood.

One of three reasons for his request is of financial soundness. This is 20 million dollar installation that will take 104 years to pay back at 6 cents a kilowatt hour. Financially this is a terrible use of taxpayer money. It will be totally supported through BETC credits and other DOE credits that come out of the Oregon taxpayer's pocket. The money is not spent here, it is spent somewhere else; to him this is a \$20 million waste.

There are health and safety issues that Dr. Chang (neighborhood resident) has found that deal with low frequency test magnetic field radiation and its association with childhood Leukemia. There are children that live within 200 meters of this installation of 17,000 solar panels and inverters. This is not a good guinea pig study. This has never been done this close to permanent residences.

Mr. Garner stated he wanted to address the letter that Tualatin Valley Fire and Rescue Fire Marshall sent to the City and to ODOT on October 18, 2009 stated they thought this was a great use for the property because it would lower fire hazard. One of the neighborhood residents requested Tualatin Valley Fire and Rescue provide them with the basis for which they came to this conclusion. Mr. Jordan has been provided a copy of the response letter.

Mr. Garner read one paragraph from the letter into the record: With regard to your specific requests there seems to contain an assumption that our assessment was substantially more comprehensive and scientific than it was. We are not in possession of a map of the area that includes the placement of the solar project and the bordering trail. We did not conduct a survey of all plant species, their type and density with their designation prohibited fire prone appropriate native, etc. and we have no standing to impose a maintenance plan or irrigation requirements on this ODOT installation.

Tualatin Valley and Rescue basically repudiated themselves. Mr. Garner asked the City to reverse itself based on these facts.

Michael Jones, 22860 Oregon City Loop stated they are aware that recall petitions are being circulated in West Linn. These petitions are asking for the recall of Councilors Burgess,

Carson, and Kovash. He and others will not sign this petition for the following reasons: (1) West Linn has been acknowledged as one of the most livable cities in the United States. This is in large part due to the fine efforts of City Staff and the work of Councilors Burgess, Carson and Kovash. (2) The time, cost and effort required for the recall distracts and takes away valuable resources that could be utilized to keep the City moving forward and free. (3) This effort is being pushed by a very small number of individuals and does not reflect their desire for healthy, respectful debate that reflects all of the opinions in the community.

Mr. Jones asked that the Mayor and Councilor Cummings do the following: show respect and support for the City Council as a diverse elected body including Councilors Burgess, Carson and Kovash and support city staff in the extraordinary efforts they continue to take to deal both with the day to day operations of city and time consuming and distracting requirements of dealing with this needless recall. They think West Linn is a great place to live; this is in no small part due to the efforts of City staff and those councilors that support the staff's efforts. The signatures to this petition respectfully request that the recall is stopped. The petition is being circulated by Work Together West Linn, Committee members Mike Jones, Malinda Robinson, Dean Suhr, Jill Thorne and Dianne Wastruck. He submitted the petition to the Council with over 250 signatures from citizens of West Linn for the record.

Jennifer and Dan Hartung, 19448 Wilderness Drive. Mr. Hartung stated he wanted to make comments about some of the parking issues in Mary S Young Park. With all the sports practices between 4:00 and 7:00 p.m. there is an incredible amount of traffic that goes in and out of the park. The road in is very narrow and there is a gravel parking lot of public use; unfortunately not everyone uses it and there is parking along the side of the road. This creates a hazard because you have to swerve around and there are constantly kids and dogs along this part of the road. There are "no parking" signs every ten feet so he doesn't know what the potential solution is; but it is a chronic problem.

Ms. Hartung stated she didn't know if this was an enforcement issue or what; the signs are there. Their car is large; they have three dogs. They cannot go around people who are waiting. She has stopped the car, honked, rolled down the window and informed the person parked that she can't get around and has been told they are not parked, they are just waiting. The signs aren't working.

Ken Pryor, 2119 Green Street stated he is here tonight to get clarification of the State Public Meeting Statutes and whether or not there was a violation committed by the City from November through May of this year regarding the meetings that took place with the wastewater treatment agreement that was being formulated and constituted.

These meetings had little if any records; there was no public notification. Theoretically these should have all been public meetings. He asked what was done to address this issue

or is this a big misunderstanding on the part of the people in the city that the meetings were not properly noticed and reported. He asked if there were there members of the Council that received a briefing from the City staff and City Manager that attended these meetings. If not, why haven't citizens been made aware of it? It is all about transparency, trust, involvement and engagement by citizens. A lot of polarization could have been averted if there was some advance notice.

Mr. Pryor asked to what extent do citizens have guarantees or what processes are in place that makes sure this doesn't occur in the future. If this was, in fact, a violation he asked if individuals been properly noticed and documented in their personnel files. If it was just one big misunderstanding, let the citizens know.

Bob Thomas, 2563 Pimlico Drive stated he made a request to the City Manager and at this point in time has not received a response. He submitted a copy of the request to the Council.

Mr. Thomas stated he received a four-page document regarding the Wastewater Treatment Capacity Advisory Committee that was left for him yesterday at City Hall. The handwritten notes made on that document was illegible and he finds the corrections made in the text confusing. He had asked for a copy of the information that was before Council when they made their decision on the Wastewater Treatment Capacity Advisory Committee. Mr. Thomas was given a copy of the Advisory Committee Bylaws that were available when the Council made their decision and the final Provisional Advisory Committee Recommended Bylaws dated November 5, 2009.

Mr. Thomas stated he disagrees with the evaluation of the council and what Mayor and Councilor Cummings should do to correspond with the other three councilors. Previous testimony talked about stopping a recall. He has been in West Linn since 1989 and has worked hard to get a good council. He feels the first good council was under Mayor David Dodds; since then, he feels the King Council was a total disaster. He has known Councilor Burgess since 1993 and watched his performance and was disappointed as he was not serving the citizens of West Linn but serving the developers. He has the same opinion about Councilor Carson since she has been on the Planning Commission. He has been very disappointed in Councilor Kovash. He has a different perspective entirely from Mr. Jones and disagrees with his evaluation of things. A recall cannot be stopped; so his request to do so is off-base.

Consent Agenda

- a. Agenda Bill 09-12-14A Wastewater Committee Bylaws

Council President Carson moved to approve the Consent Agenda consisting of Agenda Bill 09-11-14A, Wastewater Committee Bylaws. Councilor Kovash seconded the motion.

Ayes: Carson, Burgess, Kovash

Nays: Cummings, Galle

The motion carried 3-2.

Report from the City Manager -- None.

Business from the City Council

Council President Carson asked the City Manager to put the Robinwood Neighborhood Association request on agenda for a work session. She feels this request would be valuable to have as a community center.

Mayor Galle noted she would like to see the Lions Club be involved with the parking situation at Robinwood Community Center site. Mr. Jordan stated the City has not been in conversations with both the Lions and the Robinwood NA for a while now; they were strongly encouraged to work together to bring a proposal to the City outlining what they could do together.

Both organizations have now submitted a proposal and Mr. Jordan suggested that both groups sit down with Ken Worcester, Parks and Recreation to see if there is a way to work something out together and bring either a single proposal or both proposals to City Council for discussion.

Councilor Burgess stated he would like information from staff as to what issues and limitations the City has on this property. Mr. Jordan stated he will keep the Council informed on whatever issues come up (money, land use, building problems, etc) at their work session.

Council President Carson asked staff to review the parking issue at Mary S. Young Park. She has heard several people complain about that situation. Hopefully potential solutions can come out of Council discussion. On the solar highway issue raised, she asked that staff forward all of these concerns to ODOT since the City's only approval was for ODOT to continue research to determine whether or not this would be an appropriate site. It would be helpful to the City and citizens as to ODOT's response to those issues. Mr. Jordan

reported ODOT has received all of the concerns raised and is in the process of developing a list of frequently asked questions in response to the issues raised.

In response to the need for a resolution to the parking at Mary S. Young Park Mayor Galle stated she talked to Ken Worcester about the area behind the new bathrooms, maybe turning some of that into parking. The Planning Department could review the possibility. Mr. Jordan stated he views this as a staff issue to say what is the best use and design of parking on that property. He would prefer to resolve the problem rather than enforcement. Possibly scheduling can be offset so that not all games or practices start at the same time; it might help rotate the parking issues throughout the day.

Councilor Cummings responded to Mr. Jones' request to stop the recall effort. She explained that Council has nothing to do with the recall whatsoever. It is not under Council jurisdiction, it is a citizen initiative.

In response to Mr. Pryor's concerns about the City meeting the public meeting requirements during the wastewater treatment meetings Councilor Cummings stated she too is concerned about having a fair and equitable access to information. She agrees a better job can be done with communication; everyone should have access to information.

Councilor Cummings stated she supports looking into the best use of the fire station facility.

Councilor Burgess asked for a work session and executive session as necessary to complete the evaluation of the City Manager.

Councilor Kovash stated in response to Mr. Pryor's concerns about city meetings, the wastewater treatment agreement meetings were actually a County meeting. They decided how the meeting would be held and it was their attorneys that determined the parameters under which that meeting would be held. The City did not conduct those meetings.

Mayor Galle stated she asked the County attorney about the wastewater treatment agreement meetings not being held as open public meetings, he responded that they were not defined as open public meetings. When she asked the city attorney for his opinion on the same issue, she was told they were considered opened public meetings. After contacting State Ethics they informed her that general meetings do not have enforcement. They do not have staff or anyone to enforce that the city or county is not abiding by the ORS (only on executive sessions). What they look to is the agency making a correction and in this case the County now has made them open public meetings. There is no disciplinary action the State takes on these issues.

Mayor Galle stated Mr. Jones' request to stop the recall is not a Council action. It is a citizen effort. She and Councilor Cummings have been as supportive as possible of staff and their

extraordinary efforts they continue to take to both deal with the day-to-day operations of the City and the very time consuming requirements of dealing with this needless recall. This recall is egregious, petty and brings everyone down. There are five people on this Council and all show each other respect.

Business Meeting

Agenda Bill 09-12-14B

Public Hearing, Ordinance No. 1589, CDC-09-04 – Final
Platting Extension 2-year Extensions to Land use
Appeals

Mayor Galle opened the meeting to discussion of 2-year extension to land use appeals at 7:33 p.m. and asked for a staff report.

Peter Spir, City Planner reported this is an examination of the feasibility of providing two-year extensions on land use approvals. This is a pattern that has evolved over the last few years in response to the economic downturn. Funds have been drying up on all levels of development, large and small. The lack of funds for infrastructure, sewers and streets has made it difficult developers.

Other jurisdictions are providing these types of extensions with the hope of coming improvement in the economic conditions. Currently the City of West Linn offers a three-year approval period. There are about 20 projects that have lapsed in the last six months. These broad range of projects include subdivisions, historic remodels, boat docks and Marylhurst Park. Other cities have approved extensions ranging from multiple one-year extensions, five year-extensions and some seven-year extension.

The Planning Commission hearing resulted in a recommendation of a two-year extension process. The applicants would be required to go through a hearing before the extension would be allowed. Criteria must be met or the extension will be denied. The City Council recently held a work session and the following four options were offered:

- Leave the Community Development Code as it is (provide no extensions)
- Planning Commission's recommendation (two-year extension with criteria)
- Limited De Novo (new code amendments applied to original application)
- De Novo (start the hearing over again)

Staff recommends the limited De Novo which focuses on the errors, emissions and changes in the development code.

Questions of Staff

Councilor Burgess asked for clarification of how the process will deal with lapsed or soon-to-be lapsed projects. Mr. Spir stated there was an ordinance crafted today that states, "Whereas City Council held a public hearing on December 14th and determined that allowing for extension for local land use approval is retroactive to August 1, 2009 is a value to the City and allow any prior land use application that would have expired between August 1, 2009 and the effective date of this ordinance shall be eligible for extensions if a complete one-year extension application is submitted within 90 days of the effective date of this ordinance.

Councilor Burgess asked if this ordinance has an emergency clause. Mr. Spir said there is no emergency clause.

Councilor Burgess asked staff to explain the reasoning behind not having a hearing body approve the first extension and the second request being subject to the Planning Director. Mr. Spir stated a two-year extension would be beneficial to the applicant because they would only have to go through the process once; the decision-making body would be relieved of the burden of having to hear the entire matter more than once.

Public Comments

Alice Richmond, 3939 Parker Road, stated she is here to speak about 2-year extension. If it is good for so many cities around us, it should be good for this city. The economy has not recovered; two years is not a long time when the economy that is such a pressing the issue. Whatever time is needed should be respected.

Michael Robinson, 1120 NW Couch Street, Portland, OR 97205 stated he is here on behalf of Jeff Smith. They have had several hearings in front of the Planning Commission and he was pleased when then they recommended an extension ordinance was to be considered. They have worked with staff and feel they have taken into account comments and testimony not only by Jeff Smith and others supporting this ordinance but also those in the community who thought it should be tightened up or perhaps not adopted at all.

He agrees with Ms. Richmond that this ordinance is important and warranted. This provision can have a sunset clause. The people in support of this ordinance would be satisfied with a limited extension ordinance. There has been a severe economic downturn and it has lasted for a long time. Possibly if the ordinance is adopted, a sunset clause would end in two years and decide to re-evaluate whether to continue.

If this ordinance is adopted and people take the opportunity to apply, there is nothing that requires the applicant is granted for two years. The City would have the ability to grant a lesser time than two years.

He agrees with Councilor Cummings that a simpler ordinance is best. Something that is easy for the public to understand, easy for applicants to work with, easy for staff to do and it makes the decision-makers job easier.

Mr. Robinson stated he feels staff has done a good job on the staff report. A number of cities allow extensions. It is possible to have an ordinance that serves both the public and is transparent and simple. They came to council over a year ago because they thought it was important to have this extension initiated. They agree that any of the options before Council tonight would work.

Jeff Smith, 23600 Salamo Road, stated it was a year ago when he came in and asked for this extension. His request is to ask for a little more time to complete his project. Without an extension all of the projects staff listed will not make it. Coming back and reapplying cost money. Developers have been beat up enough over the last couple of years; it is time to give developers a little help. That help is an extension of time. Developers are not the only ones having problems. People who are remodeling or adding on to their homes are having the same problems.

Tony Marnella, P.O.B. 1988, Lake Oswego, 97035 stated he currently has a project as well called Tamerisk that will be effected by this ordinance potentially. He thanked the Council for allowing this to make it to the agenda. He agrees with Ms. Richmond as well; the economy has affected everyone in some manner or another whether it is a kitchen remodel or a housing project. He feels the testimony has been targeted towards the developer; they are getting away with something. This doesn't just affect developers; it affects everyone with a permit.

Most of jurisdictions around West Linn have done extensions and some have even reduced fees and have seen increase in permitting because it has assisted and promoted business. If there is a change in regulations from time of approval the extension will be denied or existing conditions of approval reworked for this new extension. He applauds Council decision to bring this forward and hope it is approved.

Bob Thomas, 2563 Pimlico Drive is opposed to these extensions. He remembers when Jeff Smith stated he was in love with vineyards and the land use would stay that way for a long time. It wasn't long after that he applied for annexation so he could have city services to develop houses on that land.

West Linn does not have to follow suit with other jurisdictions. Three years is plenty of time; these applicants can reapply again, these are not real hardships. People are losing their houses because they can't pay their mortgages, taxes, etc. Those people are not getting breaks. City staff and the Planning Commission are accustomed to thinking in terms of growth and looking forward to growth. Growth makes jobs for city staff. He feels they have been led around with growth in this town since 1993. He can't be persuasive like developers who do this all the time. However, this is not something that they should be crying about or wanting an extension for. When conditions improve and they want to develop they can reapply.

Mr. Thomas stated the developers are asking for an extension so they don't have to reapply in case the economy improves within two years. They will be back for more extension at the end of that timeframe. Let developers wait on their own and when they are ready to develop maybe there can be adequate SDCs from the development so the existing residents are not footing the bill for development like they have been for a long time. The developers are in business and they take the risk of being in business.

Jeff Parker, stated he is here tonight representing Black Hawk. About three years ago they spent about two years getting a project approved. It was for 290 sf of office space on Tannler and Blankenship Streets. It took a lot of staff time and Council time to get that project approved. He would not like to go through that again. It is not the city's fault or the developer's fault that the economy is in the situation that it is in right now. He feels it would be a total waste of the city's time to have to go through this process.

Council President Carson stated in Council work session there was a lengthy discussion about additional changes on the recommendation from the Planning Commission. She suggested the ordinance be continued to January 11, 2010 to allow time for a work session discussion to come to a consensus on how to move forward.

Council President Carson moved to continue Ordinance No. 1589 – CDC 09-04, Final Platting Extension 2-year Extensions to Land Use Appeals per Agenda Bill 09-11-23D to January 11, 2009. Councilor Kovash seconded the motion.

Mayor Galle left the public comment portion of the hearing open since it is being continued to January 11, 2009. She asked that council members submit their changes and concerns to staff so they have time to prepare for the work session discussion.

Councilor Cummings stated she would prefer to vote on this issue tonight. This item has been under consideration for about two years and devoted quite a bit of staff and council time. The original language was much simpler, approval of the condition shall be void after one year or such lesser time as approval "might fail unless substantial construction has taken place." It goes on to say there has to be a finding that there are no changes in the

facts the approval was based on or no changes in the policy or applicable standards. What is developed in this town is not just for the bad economic times, it is what the citizens have to live with. It is important that every assurance is given that the City is developing properly and correctly.

Councilor Cummings moved to amend the main motion to deny Ordinance No. 1589 – CDC 09-04, Final Platting Extension 2-year Extensions to Land Use Appeals per Agenda Bill 09-11-23D.

The motion died for lack of a second.

Mayor Galle stated she too feels this issue has gone on and on and on. She would love to see voting on it tonight, but there are yet things to be resolved. It is imperative to continue to work together with developers because West Linn wants beautiful appropriate development. There hasn't been good planning and mistakes have been made. She feels the first line of responsibility falls on the City to adhere to the codes and see that developers adhere to code.

There is a serious problem that is affecting developers, citizens and the City in the terms of finances. It is very difficult to get a loan these days. That is a very good reason to move forward on this. Wanting to move forward is this is a vote of confidence of the new Planning Director. It is her hope that as these extensions came up, things that are wrong will be resolved. Hopefully the final solution will be good for the developers and the City.

Ayes: Burgess, Kovash, Carson, Galle

Nays: Cummings,

The motion carried 4-1.

Recess was taken at 8:15 p.m. and the meeting reconvened at 8:25 p.m.

Agenda Bill 09-12-14C

Public Hearing – Step One Annexation – Parker Road

Mayor Galle opened the meeting to discussion of Parker Road annexation at 8:26 p.m.

Chris Kerr, Senior Planner reported this is a step one quasi judicial hearing. The approval criteria for the step one hearing are laid out in the Municipal Code, the Community Development Code as well as in Metro Standards. Council will be required to determine the zoning district for the property if it is indeed annexed. Should this Step One Annexation request be approved tonight, a final decision must be adopted and formally ask staff to schedule a Step Two Hearing. At the Step Two Hearing Council will vote on whether or not to place the item on the ballot for city-wide resident vote.

The site is approximately 7.5 acres (one tax lot) and includes a small portion of Parker Road. When Parker Road was realigned all the other areas along Parker was brought into the City. This portion of property, owned by West Linn Wilsonville School District was not included in that annexation. The Comprehensive Plan designation with the property is medium-high density residential. All properties within the Metro Urban Growth Boundary have a comprehensive plan land use designation even though it does not have a zoning designation. The medium-high density land use designation offers two options, R2.1 or R3, both multi-family residential zoning districts.

The code is specific about which factors are to be considered when looking at the zoning for the property such as existing site characteristics, surrounding zoning/development patterns, and capacity to provide road, sanitary sewer, storm drainage, and water service to the site.

Staff is recommending that Council approve the final order for the Step One Annexation with the determination that the site should be zoned R-3. Further that Council provides direction to staff to schedule a Step Two hearing to consider placing this annexation on the Spring Ballot.

Correspondence was received today dated December 14, 2009 from the Parker Crest Neighborhood Association and it has been submitted to Council for review. Mr. Spir read the introduction of the letter to the audience. The Parker Crest Neighborhood Association is seeking Council's assistance in reviewing the proposed annexation and asking the zoning designation be changed to R-5 or R7.5. Their reasons for this zoning designation include public facilities, transportation constraints on Parker Road, and the relationship they have with the Parker Crest Neighborhood Plan (to be developed as a school site). Their goal is to maintain a balance of land use and its intensity in the neighborhood through planning efforts identified and limited issues before they impact the community. To this end they seek Council's wisdom insuring the community's interests are preserved.

Mr. Spir reported he had a meeting with the president of the Parker Crest Neighborhood Association and talked about the site and some of their issues. They varied from concern about the fact that the sidewalk hasn't been completed on Parker Road (not located within the city) and appropriate pedestrian access through the site (trails systems). The request to be zoned R-5 to R-7.5 is not compatible with the Comprehensive Plan. The Council does have a choice between R-3 and R-2.1. R-3 is the lesser zoning district of the two.

Questions to Staff

Councilor Cummings asked why the zoning choices are limited to R-3 and R-2.1. Mr. Spir stated there is an existing comprehensive plan land use designation on the property (medium high density residential). Every zoning district that gets applied within that land use designation has to be consistent with it. In this case, for medium high density

residential land use the zoning options are laid out in both the Municipal Code and Community Development Code are specifically spelled out. The two applicable zoning districts would be R-3 or R-2.1. The only way to change land use designation would be if the land use designation on the property were changed.

Councilor Carson asked for clarification of Finding 3, related to the water deficiency. Mr. Kerr stated the Water Master Plan identifies the Rosemont pressure zone is currently deficient under emergency conditions. That deficiency will have to be addressed prior to development of this or another site within that Rosemont zone. It is currently called out in the Water Master Plan as a specific improvement within that plan. It will have to be addressed prior to development.

Councilor Burgess pointed out a possible mapping error and asked the City attorney to review its designation.

Mayor asked if there is a timeline regarding the use of the property. Mr. Jordan stated there will be a better sense of understanding regarding the use of this property prior to the step two hearing.

Public Testimony

Alice Richmond, 3939 Parker Road stated this is a good example of property that is not in the city but is surrounded by city properties with water facilities wanting to be annexed. This is only the first step hearing and the second step will reveal how valuable this property will be to the City. The City is trying to build within the city and not go into the Stafford Hamlet. Every vacant lot in the city needs to be annexed. There is an issue with the sidewalk and this will give this neighborhood the opportunity to improve the sidewalk. By annexing this property it will lead to improvements. What is before Council today is the annexation; use of the property can be discussed at the second hearing.

Bob Thomas, 2563 Pimlico Drive, stated he takes offence to people talking about having to develop everything in the city so as to not go into triangle. The City has developed more than they need and have satisfied more than Metro required years ago. There is no need to keep on developing.

If this were to be annexed maybe the best use would be for a city park; it would adjoin the present park for baseball or soccer. The idea of putting in an aquatic center would cause a lot of congestion on Parker Road and Salamo Road. He has never seen an aquatic center that has been a success. The Clackamas Aquatic Center is subsidized by the County, the Oregon City swimming pool has been on life support for years, and the huge Mountain Park Olympic-size pool has been shut down because of no funds for repairs. Aquatic centers are costly to build and operate. If you like open space, not houses, or more commercial, he

suggests this property if it were to be annexed that it be used for a park. It is his understanding that Step two is a political process.

Joanne Pinelli, 3068 Rocksbury Court stated this is where Music in the Park takes place which has been really successful. On Thursday evenings there are hundreds of people that come out and enjoy the activities. She feels this is the perfect location for public use.

Mayor Galle closed the public comment portion of the hearing and opened the meeting to discussion and decision by Council.

Council President Carson moved to adopt the final decision approving Step One of the proposed annexation 09-01 which includes a finding that the R-3 zoning district is the appropriate zoning for the property if it is ultimately annexed into the City per Agenda Bill 2009-12-14C. Councilor Kovash seconded the motion.

Councilor Cummings voiced concerned about bringing this annexation forward with this density that it is what the people want to see there. It is currently being enjoyed as a public use area and one of the last pieces of property in town that has amazing views. She doesn't like the idea of annexing this property with the recommended zoning; she feels it should be zoned specifically for a public benefit. It doesn't make sense to her to be zoning this property R-1 or R-3.

Mayor Galle stated it is her desire to take all the un-annexed pieces of property in the City and have thoughtful ideas, discussion and planning in terms of what is the best use of these properties so the citizens get the best use of this property.

Councilor Carson noted this is step one of the process of annexation. There is still time to continue land use discussions on how this property will be used prior to the step two annexation. Even after a property is annexed with a certain designation that can be changed based on how the property is proposed to be developed. This is only step one.

Councilor Cummings asked for clarification if step one is approved is the zoning designation set in stone. Mr. Kerr stated that the zoning is established if the property is annexed. Mr. Ramis stated the approval would determine the zoning for purposes of the annexation decision but the Council would retain jurisdiction to change the Comprehensive Plan or the zoning on the property through planning processes; the Council does not give up that authority.

Councilor Burgess stated the zone does not change unless it is annexed.

Councilor Burgess called for the question.

Ayes: Kovash, Carson, Burgess,

Nays: Cummings, Galle

The motion carried 3-2.

Mayor Galle announced that Agenda Bill 09-12-14d has been cancelled and moved to a special meeting on January 4, 2010.

Adjournment of the Business Meeting

Mayor Galle adjourned the December 14, 2009 West Linn City Council meeting at 8:59 p.m.

RESPECTFULLY SUBMITTED,

Tina Lynch /s/

Tina Lynch
City Recorder

APPROVED BY THE CITY COUNCIL
ON FEBRUARY 22, 2010

Patti Galle /s/
Patti Galle, Mayor