



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

# WEST LINN CITY COUNCIL

## MEETING NOTES

### MAY 2, 2023

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

Council Present

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

Staff Present

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

2. Approval of Agenda

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

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

**Nays: None.**

**The motion carried 5 – 0**

3. Public Comments [7:40 pm]

Karie Oakes thanked the City Council for calling a special meeting and noted she sent in an email to the Council on the topic. Ms. Oakes commented on the potential timeline for conducting a hearing on the land use item if the Council were to call it up and described potential dates and factors based on her review of the CDC. She noted that a continuance should be planned for in the timeline of the hearing. Ms. Oakes continued to describe the process and timeline she felt should be followed by the Council if a review were ordered. Ms. Oakes concluded by urging the Council to vote to order a review of the Planning Manager Decision.

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

City Attorney Monahan explained Council has the authority to call up for review decisions of the Planning Manager under Community Development Code (CDC) 99.240. If Council does not call the decision up, people who have standing to appeal the decision have until Thursday, May 4 to file an appeal. If there is an appeal, the matter will go before the Council. Council wants to avoid deliberating on the merits of the application and whether the application meets the criteria in this discussion. These items would occur during the hearing.

In response to councilors questions, staff replied:

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

Commission in April and May 2021. Council had a work session in June 2021 and held a Public Hearing in July 2021. The Concept Plan was adopted as an Appendix to the Transportation System Plan (TSP).

- Shortly after that the public process began for the Athey Creek Middle School. It went through the public hearings at the Planning Commission and was appealed and went through the public process at City Council. The school district was conditioned to do half street improvements along Dollar Street, were required to construct the Brandon Place extension with the north end being emergency access only, and to complete half street improvements on Willamette Falls Drive. The City partnered with the school district to do both sides of the street on Willamette Falls Drive. That decision triggered the need to get the environmental review. This is what is being discussed tonight, if Council wants to call this decision up. It is regarding impacts in the flood management area, Tualatin River Greenway area, and water resource area on the eastern end of Fields Bridge Park.
- Before the Planning Commission, there were community meetings and an open house on the Willamette Falls Concept Plan and the TAB discussed it numerous times at their meetings.
- The refinement of the roundabout happened during the middle school application. That is when development review and traffic impacts were looked at and there was extensive public attention on that application.
- The City website has the land use application for the school, the Planning Commission conditions of approval, the applicant submittal, the traffic study, and all of those documents refer to the roundabout.
- The Willamette Falls Concept Plan was in the works for a couple of years. It was happening at the same time as the approval of the school site.
- The development review for the school application and the Concept Plan are not required one before the other. The Concept Plan was in development, in the approval process while school was also in review and development. The school project took that intersection and made a decision about it. It may have been before the Plan was adopted. The roundabout was thoroughly discussed in the application. There is a Planning Commission condition of approval regarding the roundabout.
- The Willamette Falls Drive Concept Plan was approved by Council August 2, 2021. The Planning Commission Final Decision and Order for construction of the middle school and improvements was signed August 23, 2021.
- The Planning Commission had a lengthy discussion about the roundabout - not just about markings and signs but flashing lights so drivers would see pedestrians were crossing the road, the curbs in the design, and the safety median. There was a condition associated with it about the pedestrian crosswalks.
- If Council wants to discuss the design of the street and how it is impacting the park, the proposed retaining walls, and character of the park – for instance seeing the large stone retaining wall, there is a mechanism in the Code to do this. Council could have a conversation with the school district regarding modification of the approval of the design of the street improvements. There would have to be an analysis done regarding modifying the intersection to function differently than what the roundabout was modeled for. If the City and school decide something needs to be done, they will have to go through the process to modify the conditions.

Councilor Erwin stated the application meets the Code. The Planning Department has been working on this and coordinating with the school. If the end product is not meeting Council's preference, like the

large concrete retaining wall, the City can do secondary mitigation, such as growing vines on it to make it more aesthetically pleasing.

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

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

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

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

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

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

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

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

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

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

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

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

5. Adjourn at 8:15 pm.

Notes approved 7-10-23