



Memorandum

Date: May 9, 2014

To: John Kovash, Mayor
Members, West Linn City Council

From: Chris Jordan, City Manager

Subject: Miscellaneous Items

Council Meeting Agendas

Staff has been reviewing the Council's tentative agenda listing for the next several months and we've come to one conclusion: the Council has a very full schedule through the middle of July. And that list does not currently include the times from the regulatory streamlining package that the Council plans to table on Monday evening. Some of the important initiatives requiring Council meeting time during this period include:

- Public hearing on the regulatory streamlining package;
- Public hearing on the water resource area amendments;
- Public hearings on any annexation applications received, as well as proposed changes to the Municipal Code;
- Several Public Works projects that need to be approved, such as , the Bolton Reservoir design contract, trails/pathways Capital Improvement Plan, Bland Pump Station contract, Street maintenance program, etc., and
- Scheduled meetings for an update on the Lake Oswego-Tigard (LOT) project, a joint meeting with the Planning Commission and the first meeting of the Commission for Citizen Involvement.

If the Council has anything specific that it needs to address by mid-Summer that is not currently on the list, or if the Council sees items on the tentative agenda list it would like to consider delaying, please let me know as soon as possible.

Oregon City Franchise Fee

Attached is a letter we sent today to Clackamas County concerning Oregon City's recently implemented franchise fee. Also attached is Oregon City's response denying our request for a fee waiver.

Possible Missed Opportunity

Although the current City Council has been making tremendous strides in creating a more efficient City government that can be nimble and manage projects quickly and effectively, at times our processes still get in the way of opportunities. How often does this happen? We'll never know, but one occurred this past week.

The City Council has been encouraging the Lake Oswego-Tigard Water Partnership to explore ways to reduce noise and vibratory impacts on the neighbors surrounding the LOT project. Recently, LOT management contacted the City about a possible change to the approved project that LOT was confident would be beneficial to the neighborhood. Specifically, LOT proposed the idea of an open cut crossing of Trillium Creek rather than “pipe ramming” which is currently the approved plan. LOT’s contractor was confident that this method would reduce both noise and vibrations to the neighbors.

Our staff reviewed our Community Development Code to determine the process for such a change and concluded that this would require a Planning Commission hearing (either initially or, almost certainly, on appeal) and, possibly, be appealed beyond that level. While staff would likely be supportive of the change, LOT immediately concluded that this process would be too time consuming and instead will use the original approved method.

Although close scrutiny of any project impacting water resource areas is critical, this is an example where process sometimes gets in the way of what might have been a very good idea. We know of some other possible proposals that were nixed by applicants due to the prospect of public hearings and the lengthy appeals process, but this is one that we believed could be very beneficial to the neighbors that won’t be happening.

Attachment



CITY OF West Linn

May 9, 2014

Board of County Commissioners
Don Krupp, County Administrator
Clackamas County
2051 Kaen Road
Oregon City, OR 97045

Dear Chair Ludlow, Commissioners and County Administrator Krupp:

The City of West Linn understands that Clackamas County has requested Oregon City to consider waiving or reducing its right of way fees imposed on Tri City Service District infrastructure. To date, Oregon City has denied this request which could result in increased rates for Tri City customers.

The City of West Linn would like to inform the Clackamas County Board of Commissioners that it does not support a Tri City rate increase to our residents and businesses to compensate for the new right of way fee implemented by Oregon City Ordinance 13-1014. The West Linn City Council continues to believe that low utility rates for its citizens are a priority.

Thank you for your consideration of this request and your attention to Tri City ratepayer concerns.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Jordan", is written over the typed name and title. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chris Jordan
City Manager



May 8, 2014

City of West Linn
West Linn Mayor and Council Members
Chris Jordan, City Manager
22500 Salamo Road
West Linn, OR 97068

Dear Mayor, Council Members, and Mr. Jordan:

Thank you for your letter dated April 17, 2014 in which you request that Oregon City waive or vary the requirements of its right of way ordinance. As you may know, Oregon City's ordinance is based upon the model right of way ordinance sponsored by the League of Oregon Cities and was designed as a best-practices approach under which cities in Oregon might better manage public rights of way while leveling the playing field for all entities, public or private, who utilize city rights of way.

Oregon City applauds West Linn's efforts to manage its right of way assets and respectfully suggests that all cities in Oregon extend such support to one another as a proper use of home rule authority for the benefit of those we serve. As you know, it is common for public entities to charge one another reasonable fees for use of individual assets whether those assets are rights of way, office space, water, police, fire or other public spaces or services. In most cases, this is not only fair to the affected entities but also advances greater transparency and accountability on behalf of the general public.

Accordingly, the Oregon City Commission has respectfully declined to take any action that would treat West Linn differently than the nearly two dozen other entities using Oregon City rights of way pursuant to City Ordinance. While the Commission was not able to grant your request, please know that Oregon City places great value on maintaining a positive relationship, and indeed a friendship, with the City of West Linn. Oregon City looks forward to working with West Linn now, and in the future, as we strive to improve our communities for the common good.

Respectfully,

David W. Frasher
City Manager