

July 16, 2025

To: West Linn Planning Commission Members

From: Russ Axelrod, Former Mayor, Planning Commissioner, and 34-year resident of West Linn

Cc: West Linn City Council Members

Subject: Concerns with Items 4 (Proposed CDC Clean-Up Amendments) and 5 (West Linn Waterfront Vision Plan) of the Planning Commission's July 16, 2025 Agenda

In the limited time available before your July 16 meeting, I'm offering brief comments underlying serious concerns with Agenda Items 4 and 5, and the public process associated with these separate, but related items of significant importance to our community.

Agenda Item 4 – Proposed CDC Clean-Up Amendments

The proposed CDC amendments are described by staff as being required in response to Senate Bill 1537 passed by the Oregon Legislature in 2024. The intent of SB1537 was to provide guidelines to cities to increase housing production, affordability, and choice where existing land use planning practices, and notably the 120-day application review process, was precluding such community development.

If any cities' existing land use practices are reasonably fair, equitable and not significantly contributing to their housing production, affordability and choice factors, cities can apply for exemptions to the mandatory provisions of SB1537. Several cities have so far applied for these exemptions, including at least Lake Oswego, North Bend, Milwaukie, Salem, Sandy, and Tualatin. From my limited review of the public record, it appears West Linn staff may have started an exemption petition, but failed to thoroughly and aggressively pursue the effort. If so, none of this information is explained in the staff documentation, and the PC has also (unfortunately) not been informed or engaged in this process.

West Linn does not have a problematic record in meeting the 120-day development application review and approval process. In addition, our planning review and approval process is not a critical factor limiting housing production, affordability, and choice. Arguably, the principal factor limiting alternative housing options in West Linn is land cost and other complicated market and financial factors not in West Linn's control, and all completely unrelated to our existing planning review and development process.

In these so-called "CDC Clean-Up Amendments," staff is proposing to remove the Planning Commission (PC) from all Class II Design Review and Permitting applications/projects – essentially eliminating the core and essential function of our PC, and eliminating our citizens' rights to shape our community in compliance with their best interests and West Linn's Comprehensive Plan. If these so-called "amendments" are allowed to move forward, all critical development and permitting projects in West Linn will be determined by the Planning Director with no more public hearings before the PC for citizen engagement and input in the project planning process. This is completely unacceptable proposal for West Linn residents and is equally troubling and offensive to our community for staff to try and pass such a profound change in the middle of summer when most folks are taking a break from their complicated lives, and to essentially hide the proposal by describing them as "CDC Clean-Up Amendments."

I urge the PC to put an end to this proposal here and now and for the PC to work closely with staff to develop the appropriate evidence and documentation, as necessary, to demonstrate a qualified exemption from such mandatory provisions of SB1537 that would eliminate the PC from Class II Design Review and Permitting applications.

Agenda Item 5 – West Linn Waterfront Vision Plan

The effort to Master Plan our Waterfront area was one of the principal goals I championed as Mayor in 2016. Staff did an excellent job pursuing an effective public engagement process before the Covid-19 pandemic shut things down for 2-3 years. I was grateful to see the process resurrected by the new Council, however, this later phase of this project managed by our Planning Director has been a complete failure from a public engagement and objective community planning perspective. The waterfront plan still contains key elements in direct conflict with our CDC and Comprehensive Plan (and notably critical environmental protection measures), is sometimes internally in conflict with its own design principles and framework (notably for the Ponds District), and is overwhelmingly in conflict with community sentiment for the Ponds District presented in the plan.

As one personal example of the recent failed process, I submitted two sets of comments to planning to be distributed to Working Group (WG) members in December 2024 and April 2025, and none of my comments were shared with all WG members. I have heard from other community members that their comments were also apparently not shared with all WG members.

In my April comments I noted to staff that not distributing public comments to WG members violates Item 14 of their own WG Guidelines, and still my comments and other public comments were filtered by staff and not distributed to WG members. This is totally unacceptable practice by our staff. It is important to this process that all community members are heard and all public comments are received and considered by WG members, and also retained in the public written record of the WG's conduct.

I submitted written comments because I found the online survey approach used by the city consultants too general and flawed, and completely ineffective at documenting and conveying important issues and details. I also wanted to be sure my comments would not get filtered from the WG or others in future decision-making. I realize the waterfront plan is intended to be more conceptual and subject to certain changes in the future; however, from my experience participating in and at times approving such plans for our City, it is critical to get the planning document as accurate as possible. This helps to prevent or limit community misunderstandings, minimize legal proceedings, and reduce stress for the community and staff in the future when actual land and project decisions are made and implemented.

Based on these WG failures, and the many public concerns with the existing draft plan, I urge the city and PC to pause the schedule for advancing the plan to Council, and take the time to engage with our community members to prepare a revised draft plan later in 2025 or 2026 depending on other priorities of the PC docket.

While many aspects of the draft plan are appropriate and fitting for West Linn's future, the PC will need to revise the current draft plan to address items not discussed or adequately vetted by WG members and to better reflect West Linn community comments, certain CDC criteria, and our Comprehensive Plan. At this stage at minimum, the following aspects of the plan should be addressed by the PC before a draft plan is submitted to Council:

1. Historic City Hall District. The plan should acknowledge the vision of the Willamette Falls & Landings Heritage Area Coalition (Coalition) to establish a 56-river mile region that includes West Linn's waterfront area as Oregon's first National Heritage Area (NHA), with Historic City Hall restored as a cultural center and gateway to the NHA in partnership with the City of West Linn. The U.S. National Parks Service has approved the Coalition's application meeting NHA criteria and for the non-profit Coalition to be the managing entity for the NHA.

2. Cultural Heritage District. The plan commits a large area of Moore's Island (currently owned by PGE) to "The Willamette Falls Inter-Tribal Public Access Project," when an actual project or plan for the property has not yet been developed, proposed, and vetted at any level by the WG or the West Linn community. The Oregon legislature recently awarded the Willamette Falls Trust (now a Columbia Basin Tribal based entity) \$45m toward the future purchase of the island area, and the Trust has apparently envisioned (I believe perhaps internally?) a concept for Tribal use/access of the land in the future; however, there is much uncertainty about what all this means for possible future use and by whom? As a concept, I applaud the goal for enhancing public access to the Willamette River and Falls area; however, at this point there is no actual "Project" that has been proposed or vetted in the West Linn community to understand what this means and whom/where the land/area would be accessible to? I suggest the plan include further context and clarity on the intended future use of the property, and recognition of the public engagement and approval process any future project will be subject to in accordance with West Linn planning and development protocols.

3. Ponds District. The plan should remove the depiction of dense housing construction shown within the wetland and 100-yr floodplain along 5th street which is inappropriately presented in this manner by staff as an acceptable/desired land use for WG member Mr. Bob Schultz, owner of SDG-2 LLC. Such use conflicts with the plan framework to place the "natural and cultural assets" of the district "at its core." It also conflicts with the plans 'Design Principles for Environmental Stewardship' intended to "*ensure resiliency with land uses that can withstand flooding and are appropriate within the 100-yr floodplain*" and to "*safeguard natural and sensitive areas through wetland, habitat, and shoreline restoration.*" Staff's depiction of dense housing at this location in this manner as a defacto acceptable land use is offensive to the community and further violates aspects of West Linn's Comprehensive Plan and Community Development Code.

An initial application to partition land and vacate rights-of-ways for possible future development was withdrawn last February after significant community testimony in opposition to the project and its underlying concept for future land use. In addition, no development project for this location has actually been filed with the City, so it's depiction on the plan map as a project "currently in the planning stage" is technically and legally inaccurate, and further inappropriate and the depiction should be removed from the vision plan. I fully support the need for dense housing opportunities in the waterfront plan and area, but they must be located at the right location(s) and the wetland property is a completely unacceptable location for such housing. In addition, already more than 3,000 community members have expressed their opposition to this development concept.

In learning more about Mr. Schultz's intended housing project invasive to the wetlands, I also became aware of serious concerns with the status of the adjacent contaminated ponds area of this property, also owned by Mr. Schultz. These matters should be generally understood and of concern for any party/group tasked with recommending future land use(s) for our community's highly valued waterfront area. I have

worked professionally for more than 40 years on similar cleanup matters in Oregon and across the country. I have also since met with the DEQ on behalf of Friends of Willamette Wetlands (FOWW) to learn more about the project status, and recently discussed with DEQ potential leakage concerns at the waste pond and the fact that they have not followed State and Federal cleanup rules in their process which has allowed the situation and property/conditions to flounder (more than 10 years) and degrade with the potential to impact Bernert Creek and the Willamette River, and in the process also compromised city/community planning efforts. FOWW is committed to seeing that cleanup rules are followed and that the cleanup plan be properly assessed by completing a Feasibility Study (FS) and implementing cleanup before any further development of the ponds property/area is considered. In accordance with state and federal cleanup rules, the cleanup plan process/approach must also involve public engagement. Based on this understanding of technical issues and potential leakage of contamination from the ponds area recently, the PC should make a similar recommendation to Council.

4. Recommendation to ban casino operations. In my prior written comments to the WG that were never provided by staff, I recommended that our waterfront plan include a clear statement prohibiting any form of casino/gambling operations in the future. Given the complications associated with some Tribal entities around casino matters, and the potential uncertainty of State control of casino operations in Oregon in the future, I feel this clarification is appropriate for the West Linn community and neighboring cities. This represents another key comment not responded to by staff or WG members.

5. Other 'housekeeping' plans not vetted by WG members. There were several staff memos and other planning related documents included in recent agenda packets of the WG that did not appear to be discussed/considered at any meaningful level by WG members or by the public. Therefore, from a planning and public perspective the status of these items remains unclear and should be clarified by staff as they will also require review by the PC, and perhaps further public input, before approving the draft waterfront plan for Council review.

Date: July 15, 2025

To: West Linn Planning Commission Members

Cc: West Linn City Council Members

Re: Items 4 & 5 of Planning Commission July 16 meeting agenda

Subject: Item 4 - Formal Objection to Bypass of Planning Commission Review

I am writing to formally express my strong opposition to the proposed amendments to the Community Development Code (CDC) that would remove the Planning Commission from its essential role in oversight by reviewing and providing recommendations on key development applications—including **Permitting, Subdivisions and Class II Design Reviews**.

This proposal represents a significant structural change rather than a mere “cleanup” of the code. It would fundamentally alter how decisions regarding design, planning, and permitting processes are made within West Linn. I respectfully urge you to reconsider this approach for the following reasons:

1. Public Oversight and Transparency Would Be Diminished

The Planning Commission currently serves as the primary avenue for consistent public participation in land use matters. Its hearings afford residents an opportunity to engage by asking questions, offering input, and suggesting modifications prior to final approvals. Eliminating this forum would curtail public involvement and erode trust in local governance.

2. Authority Would Shift to Unelected Staff with Limited Accountability

If implemented, the changes would allocate critical decision-making authority exclusively to staff, bypassing public deliberation and open hearings. The sole remedy for concerned residents—filing a formal appeal—is often impractical due to associated costs and complexities. This change would reduce meaningful citizen involvement and concentrate significant power among a limited group.

3. Removal Undermines a Proven and Effective System

Such extensive reorganization is typically reserved for jurisdictions facing dysfunctional planning mechanisms. In contrast, West Linn’s Planning Commission remains engaged, active, and effective. There is no substantive justification for dismantling this valuable layer of oversight and community representation.

4. Process Lacks Sufficient Transparency and Accountability

Presenting this proposal as a minor “CDC cleanup measure” is misrepresentative given its potential impact. Any initiative to eliminate the Planning Commission’s responsibilities should be fully disclosed, transparently explained, and subject to thorough public scrutiny.

I want to emphasize the importance of the **exemption offered under SB 1537**, which allows cities like West Linn to **retain Planning Commission involvement** in land use decisions.

It is concerning that this option was **not mentioned** in the prior public discussion or staff memo. Other cities, including Salem and Tualatin, have explored or applied for this exemption to protect local review processes. West Linn should do the same.

Please keep the Planning Commission's oversight intact and urge the City to pursue the SB 1537 exemption rather than bypass public involvement.

5. Undermining Local Democratic Principles and Community Values

Local planning should reflect the will and values of residents. Removing the Planning Commission would exclude citizen volunteers from participating in crucial decisions that shape our city's future. Such a move would diminish the community's influence on growth, development, and neighborhood character.

6. Contrary to Principles of Good Governance

Major modifications to land use procedures should not be concealed within technical amendments or expedited without proper discourse. Instead, they warrant transparent discussion, evidence-based justification, and robust public engagement.

Given these concerns, I respectfully request that the Commission reject any amendment that would bypass or eliminate its own role in land use decisions. At a minimum, I urge you to defer action on this proposal and conduct a transparent, inclusive process to evaluate its necessity and consequences.

Subject: Item 5 - Waterfront Vision Plan – Ponds District Concerns

I urge you to revise the Waterfront Vision Plan to **remove the depiction of dense housing within the wetland and 100-year floodplain along 5th Street.**

This proposal conflicts with the plan's own environmental stewardship goals to protect natural assets, ensure appropriate floodplain uses, and restore wetlands and habitat. Including dense housing here sends the wrong signal and violates West Linn's Comprehensive Plan and Community Development Code.

There is no current development application for this site—the last proposal was withdrawn after strong public opposition. Listing it as “in planning” is inaccurate and should be removed.

I also want to highlight **serious contamination concerns** in the adjacent ponds area, which have been unresolved for over a decade. Cleanup planning must follow state rules, include public engagement, and be completed before any development is considered.

Please recommend removing this inappropriate housing depiction and ensure cleanup planning is addressed first.

Thank you for your attention to these matters. I appreciate your dedication to maintaining an open, participatory, and transparent government for the residents of West Linn.

Sincerely,

Jennifer Aberg

35 Year Resident

Concerns for Planning Commission Meeting Agenda - July 16, 2025

Dear Planning Commissioners,

As a resident who was born and raised in West Linn, I ask you to please consider the following written concerns after my initial review and research on Agenda Items #4 and #5 for tonight's work session meeting. Due to limited time, these comments below may not fully encompass the concerns with each item. Additional details may be provided in the coming weeks to ensure the commission has a complete understanding of these concerns.

Agenda Item #4: Proposed CDC changes:

First, I wish to echo the remarks made by Russ Axelrod in his written testimony and urge the Planning Commission to pursue the exemption that is clearly outlined in SB 1537. As a citizen, I am quite concerned that city staff made no mention of this option at the previous meeting on June 18th, thus requiring members of the community to provide testimony to ensure all options are considered and the PC's role remains intact. Many surrounding cities have pursued the exemption under SB 1537, including Salem, Tualatin, and Milwaukie.

Additionally, I wish to express my concern for the proposed changes to street vacations. The current agenda lacks any details except for removing it from CDC 99.080. Unless I am misinterpreting this change, this action, combined with limited details, feels highly suspect after recent the Right-Of-Way Vacation application ([VAC-24-01](#)) in the Willamette Wetlands was revoked in March, due in part to 130 pages of written testimony from the community opposing the proposed ROW Vacation, citing prejudice to public interest, which is part of the approval criteria in ORS 271.120.

Agenda Item #5: West Linn Waterfront Vision Plan

It would be difficult to overemphasize the many concerns and flaws with the current draft of the Waterfront Vision Plan.

In **January 2025**, Friends of Willamette Wetlands provided an open letter to the Waterfront Working Group and City Council, highlighting both the concerns with the December 2024 "Final Review Survey" shared with the community and the existing issues with the Vision Plan that would **not** allow for clear, objective and accurate

feedback that would result in a “community vision” for the waterfront (this letter can be found in [Comments on Final Draft Vision Plan from December 2024 to May 2025](#), pages 19-28/87). Further, the previous community feedback that has been summarized in the Community Engagement Summary for the Ponds District feels largely ignored and not adequately incorporated into the actual draft Vision Plan.

The [Community Engagement Summary](#) documents substantial community feedback highlighting a *strong consensus* of opinion for the Pond District (on pages 16-18). However, this is not accurately reflected in the Final Draft Vision Plan or the Final Review Survey.

- “The **overwhelming majority** of comments in this area were to retain and **enhance this as a natural area with minimal development.**” (page 16/37)
- “There was limited support for more intense development in the area because of the potential impact on natural areas and wetlands. There was **little support** and **significant opposition** to a hotel and **to residential development.** There were concerns that these uses would contribute **significant traffic to the narrow streets** in the area and would also need to be resilient to flooding in this area.” (page 16/37)

To reiterate the key concerns with the **December 2024 Final Review Survey**:

- The Final Review Survey consisted entirely of “**double-barreled**” survey questions, essentially addressing two topics in one question, but only allowing respondents to provide a single answer. This is an unacceptable format for surveying the community.
- Most notably, **Question 6** of the **Final Review Survey** combined two conflicting issues (the preservation of natural areas *and* development) into what *should be* two separate questions. Further, it only offers response options on a sliding scale from strongly agree to strongly disagree, with no ability to provide context for what a respondent may disagree with. Not only is this a poorly written survey question, but it is a flawed method of collecting responses that **will not yield** objective and meaningful results. If the City and Working Group want accurate community feedback, this survey question, along with the rest of the survey questions, would need to be rewritten into two questions. Therefore, a new survey of the community needs to be conducted.

To reiterate a few key flaws in the drafted **Waterfront Vision Plan**:

- In the visual depiction of the Pond District on page 36 of the **Final Draft Vision Plan** and in Question 7 of the Final Review Survey, the map key omits **important elements**, including the Ecological Corridor and the 100 Year Floodplain boundary, *which prevents survey respondents from having an accurate depiction of the environment*. Further, West Linn's largest remaining wetland is **not properly delineated** nor does it note the [Natural Hazards](#) of the area, including landslide and earthquake risk. In fact, most of the properties included in the Vision Plan have the **highest number of Natural Hazards by property**. I encourage all of you to review the [Level of Property Vulnerability Map](#) on the City's website.
- The **Final Draft Vision Plan** includes a substantial number of contradictions and does not adequately incorporate feedback from the **Community Engagement Summary** to preserve the Ponds District as a natural area with minimal development. Notably:
 - The Environmental Stewardship guidelines include: "**Safeguard natural and sensitive areas** through wetland, habitat, and shoreline restoration," and, "Do not over program districts and **adversely impact natural areas and wildlife habitat**" (page 23/42).

How will this be achieved when the map for the Ponds District includes placing a "Priority Development Area" for "Medium-Density Residential Currently in the Planning Stage" along West Linn's largest wetland and documented Beaver Habitat? *Undoubtedly, this development will adversely impact the natural areas and wildlife habitat.*

FEMA Model Code Adoption – Implementation Before Finalizing Waterfront Vision Plan

- At the **March 5, 2025** Planning Commission Meeting, the [2025 Planning Docket](#) included the FEMA Model Code Adoption, to "adopt an updated flood hazard area code to ensure compliance with the Endangered Species Act regarding fish habitat. The city needs to adopt the FEMA model code **by July 31**. The PC will consider the FEMA updates in late spring" (page 1).

- At the **May 21, 2025** Planning Commission Meeting - Darren Wyss states in the [meeting minutes](#) “Due to a lack of agenda items, Wyss recommended canceling the June 4 meeting, as well as the July 2 meeting due to its proximity to the holiday.” (page 3)
- Now, for the **July 16, 2025** Planning Commission Meeting, with a looming deadline of July 31 approaching, there is **no mention on the agenda to address the FEMA Model Code Adoption.**
 - FEMA Model Code Adoption should be addressed first **before** the Waterfront Vision Plan is finalized and adopted, as a large portion of the Vision Plan area is in the 100-year floodplain. The last thing we need is a natural disaster harming members of our community and our wildlife by ignoring the new Oregon FEMA requirements.
 - This is especially concerning given recent flooding events in Asheville and Texas Hill Country. We must be extremely cautious in how we develop flood-prone areas in our community.

Meaningful changes **must** be made to the Waterfront Vision Plan and the FEMA Model Code Adoption **must** be adopted into the CDC and reflected in the Vision Plan before final adoption by the Planning Commission and City Council. This has to be done to ensure the safety of our community, our natural resources and our wildlife.

While I realize these comments are lengthy, there are many important factors to address in addition to the ones listed above, including the current risks of the Blue Heron Settling Pond and the lack of progress on clean-up and remediation for over 10 years.

Thank you for your time in reading and considering my concerns outlined above. I hope to see the Planning Commission’s role preserved by applying for an exemption in SB 1537 and I hope that with your guidance, the Waterfront Vision Plan can be reworked to better represent the community’s aspirations for the area.

Sincerely,

Nicole Jackson
West Linn Resident

Wyss, Darren

From: Wyss, Darren
Sent: Wednesday, July 16, 2025 1:53 PM
To: Wyss, Darren
Cc: Schroder, Lynn
Subject: FW: PC Agenda for this evening

Planning Commissioners,
Please find below testimony for tonight's work session.

From: A Sight for Sport Eyes <sporteyes@yahoo.com>
Sent: Wednesday, July 16, 2025 1:49 PM
To: Planning Commission (Public) <askthepec@westlinnoregon.gov>
Cc: City Council <citycouncil@westlinnoregon.gov>; Wyss, Darren <dwyss@westlinnoregon.gov>; #Committee - Citizen Involvement <ima_cci@westlinnoregon.gov>; Choi, Danielle <DChoi@westlinnoregon.gov>; lshroder@westlinnoregon.gov
Subject: RE: PC Agenda for this evening

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I was forwarded these comments made by former Mayor Russel Axelrod as a member of the CCI (Committee for Community Involvement). I am speaking as an individual, not on behalf of the CCI. However, CCI did add a discussion of these code changes to our next meeting this coming Tuesday. (I will add that I am pleased that this part of the public process is working as I received these comments immediately without filtering because CCI members were CC'd on the email. This part of the public process is working.)

While reading the initial staff report on this, I just assumed that these were required changes by state law and thus did not offer any testimony at that time. It is very concerning to now hear that there is a way to essentially "opt out" of these requirements. This should at the very least been offered up to the Planning Commission as an option. I don't recall staff ever mentioning that there was this option, only that this was mandated. Again, this is very concerning to me and we will be discussing this transparency issue at the next CCI meeting.

Also added to the CCI agenda was the working group process for the Waterfront project. It was concerning to hear during the public testimony portion of the meeting that the citizen's letter to the working group was never actually given to the working group. At least that is how I understood the comments, and I believe Russ Axelrod alluded to this in his testimony. . Likewise, public testimony given during the survey was "summarized" instead of given in full . I understand summarizing in a report for brevity, but full comments should also be accessible to the working group members. This is why as a member of CCI, I asked this to be discussed in our next meeting as well

Likewise of concern is this "consensus" idea. The working group did not "vote" on what was being sent to council. Rather they just came to a consensus. There was clear dissension by some members of the working group against the plan as proposed. But with this "consensus" idea, I don't think that the PC or Council will have as clear of idea of that the decision wasn't unanimous. With a vote, you can clearly see that there were members that didn't agree. The Working Group thankfully ensured that in the staff report, this was clearly noted for you. If it was not for great leadership in that working group, the Planning Commission (and subsequently Council) may have

not known that the members were in disagreement on some issues. As a result, CCI will be discussing if the working group process needs some tweaking as well.

The other thing that came out of that last Waterfront email is the lack of access the working group had to full public comments. This was another concern that the group smartly addressed insuring PC would have access to those full comments in the survey rather than the abbreviated ones they got. Hopefully what is in your packet is the full comments, though I still don't see any "letters" included that it sounds like both Russ Axelrod and others sent to the working group. Perhaps they were added in this table format but seems like the full letters should be included per the working group's instructions to staff. Just thought I'd point that out. Perhaps I'm just not seeing them.

Part of CCI's role is to be a "watchdog" on how the community input process goes in these big planning projects, and to review what went well and didn't go well for future recommendations. I feel like there were some failures in the public process on this Waterfront planning project that we can hopefully address for the future.

As always thank you for your service to our community. I cannot attend tonight but will listen to the replay tomorrow, and hopefully a representative of the Planning Commission can attend our CCI meeting Tuesday night to give input on our discussion.

Shannen Knight
West Linn

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From: Russell Axelrod <rbaxelrod@yahoo.com>

Sent: Wednesday, July 16, 2025 11:22 AM

To: lsroder@westlinnoregon.gov

Cc: West Linn City Council <citycouncil@westlinnoregon.gov>; askthepc@westlinnoregon.gov; Darren Wyss <dwyss@westlinnoregon.gov>; citizensinvolvementcommittee@westlinnoregon.gov; Danielle Choi <dchoi@westlinnoregon.gov>

Subject: My comments/testimony for PC Agenda Items 4 and 5 at today's meeting

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Hi Lynn,

Could you please see that my comments (pdf attached) are added to the record and distributed to our Planning Commission (PC) members at your earliest convenience for the PC meeting tonight. I intend to provide public comment on these items at the PC meeting and will fill out forms then.

Thanks so much, and stay cool in this hot weather.

Russ Axelrod

Former Mayor and Planning Commissioner
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Date: July 15, 2025

To: West Linn Planning Commission Members

From: Terence Shumaker, Former chair Sustainability Advisory Board, 11-year resident of West Linn

Cc: West Linn City Council Members

Re: Items 4 & 5 of Planning Commission July 16 meeting agenda

ITEM 4 – CDC Clean-Up Amendments

A key item in these proposed changes is the revision of CDC Chapter 85.070. You can see these in the July 9, 2025 memo from Darren Wyss, specifically on [P. 5 of the Proposed CDC Amendments](#).

This change removes the Planning Commission from the deny/approval process on applications for a tentative plan for a subdivision. According to the information Darren Wyss provided in the previously linked document, this satisfies a state requirement of ORS 197.195 that says:

“If a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision by the city or county or on appeal from that decision.”

My questions to you are:

1. In what city regulations or codes is the [function of the Planning Commission](#) given?
2. Isn't West Linn's planning, regulatory and permitting process based on solid ground and functioning as required by the state?
3. Does West Linn's land use regulations incorporate its comprehensive plan provisions?
4. If the answer is Yes, and those regulations specify giving the Planning Commission power to approve or deny subdivision proposals, then is the city in compliance with state law and retains the Planning Commission's responsibilities?
5. If the answer to #3 is No, can the city file an exemption petition in response to SB 1537 in order to be in compliance with state requirements?

At issue here is the possibility of removing the Planning Commission from the process of carefully examining subdivision proposals and permitting applications, hence removing an important level of public input on the issue of expanded new development in our city. Giving approval/denial authority to one person, the Planning Dept. Director (Darren Wyss), appears to set up the possibility of extreme conflict of interest, and influence of outside interests.

Eliminating the Planning Commission from structured planning review can lead to unintended consequences. This unnecessary and drastic change would galvanize opposition, eliminate public trust in the city, lead to legal action against the city, scare off developers, erase years of effort and resources and create long-lasting negative impacts on environmental quality and the quality of life of West Linn residents

The city needs to maintain the purpose and integrity of the Planning Commission to be an integral part of land use decisions and permitting applications, for that is their area of expertise. We also need to maintain the ability to receive and hear public comment on all issues related to land use. To surrender this important responsibility to a single person is not a wise decision. Therefore, I urge the PC to deny the “Proposed CDC Clean-Up Amendments.”

ITEM 5 – West Linn Waterfront Vision Plan

A concerning issue with the survey results for the Waterfront Vision Plan is the survey questions themselves. The survey questions were classic double-barreled, meaning respondents must answer two questions with one answer. This is flawed because it assumes that a single answer will suffice for both parts of the question. This type of question leads to confusion because it lacks precision and can make it difficult for the respondent to provide a clear and accurate answer. This type of flawed question can also introduce bias, or assume a connection between unrelated topics.

For this reason alone, the survey results for the Waterfront Vision Plan are themselves flawed, and would be discarded by anyone with basic knowledge of creating surveys.

Overwhelming community feedback stressed the need to preserve the Ponds District as a natural area, in addition to seeing environmental cleanup of the ponds to help restore wetlands and species habitat. This is stated clearly on [p. 15 of the West Linn Waterfront Master Plan – Community Engagement Summary](#). Wetland trails and viewing platforms is at the top of the list in all categories.

In spite of community concerns, there appears to be no confirmation of this majority concern, and clear protections are not reflected in the document. Why is this? I feel that this topic is related to the issues in agenda topic 4. By choosing the three development options specified in the plan, and removing ROW vacations, the city would ease the process to approve a highly destructive subdivision proposal soon to be released by SDG-2 LLC, the development company of Robert Schultz.

Most disturbing of all is that the three land use options shown on pages 27 – 28 of the Community Engagement Summary linked above, completely ignores the majority community preference for wetland trails and viewing platforms. Instead, all three options specify high-density residential in the west pond area. It is mysterious how city staff came up with these options based on the majority community feedback. What is also concerning is that the pond area in question that is owned by Robert Schultz, is the site of an inactive toxic waste lagoon that has not been maintained according to state and DEQ requirements. Coupled with the fact that the property lies within the 100-year floodplain, building on this site violates the plan’s principles for environmental stewardship.

Research, studies and meetings with DEQ by the group [Friends of Willamette Wetlands](#) (FOWW), has revealed more than ten years of negligence in the maintenance and testing of the former Blue Heron waste lagoon, in addition to possible breaching of the lagoon levees by burrowing animals discovered in aerial surveys by the FOWW. This may have led to contamination of the wetlands by toxic chemicals, hence Bernert Creek and the Willamette River. A thorough study of this site, and cleanup of the toxic waste should be completed prior to any kind of development.

Therefore, I feel that the Planning Commission should demand a thorough review of the flaws in the plan, since in its present state it ignores public preferences, assumes high-density residential development in an area for which no proposal has been submitted, and ignores the inconsistencies and contradictions in the plan.