



CITY OF West Linn

Memorandum

Date: June 6, 2023
To: Mayor Bialostosky and City Council
From: Darren Wyss, Planning Manager
Subject: AP-23-02 Public Comments

Between the publishing of the Council Packet on May 25, 2023 and 5:00pm on June 1, 2023, staff received one public comment regarding AP-23-02, which was previously distributed to Council. Since 5:00pm on June 1, 2023 and the deadline to submit written comments at noon on Tuesday, June 6, 2023, staff has received nine additional written comments (attached).

Please feel free to contact me at dwyss@westlinnoregon.gov or 503-742-6064 with any questions regarding the materials or process.

Richards, Janene

From: Mollusky, Kathy
Sent: Thursday, June 1, 2023 5:38 PM
To: Richards, Janene
Subject: Fwd: Letter for the record

Please pdf, put in the file, & post on Granicus.

Thank you.

From: DAVID TRIPP [REDACTED]
Sent: Thursday, June 1, 2023 5:20:21 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Letter for the record

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

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Good afternoon!
For the record I agree with the appeal WAP-23-01/WRG-23-01/FMA-23-01.
David Tripp

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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This e-mail is subject to the State Retention Schedule and may be made available to the public

From: [Debbie](#)
To: [City Council](#)
Subject: What are you people doing???
Date: Thursday, June 1, 2023 1:08:13 PM

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If I had known that approving ballot measure 3-572 would lead to so many trees being cut down without a permit, I never would have voted yes. I demand to know how many trees were cut down last summer before the permitting process began.

The full measure of justice should be levied for every single tree that was illegally cut down.

The natural area of Fields Bridge park is anything but natural. The wetlands are inundated with blackberries and a large portion of the so-called natural area is covered with grass that gets mowed instead of native vegetation for a natural habitat. The tree fine money could be used to remove invasives and replant as much area as possible throughout Fields Bridge Park with native vegetation.

We were never given another option to consider, other than a mini roundabout next to Fields Bridge.

The thought of middle school age children having to navigate through the crosswalks in such heavy traffic, and such poor visibility from the bridge railing and children darting in and out of cars parked in proposed parking spaces near the roundabout on Willamette Falls Drive is absolutely frightening. Please get rid of the parking spaces on Willamette Falls Dr. Please be absolutely sure that there will be a clear line of sight from the bridge railing to the crosswalk. Please provide more than adequate lighting and signage for a reduced speed

zone.

It is not OK that two areas carved out on Willamette Falls Dr. for proposed parking spaces encroach into environmentally sensitive Tualatin River Habitat Conservation Areas that are actually required to be protected to the greatest extent possible. Sacrificing environmental protection for the sake of cars does not fit with the original purpose and intent of this project, which is to provide protected bike and pedestrian paths on both sides of WFD.

STOP DOING THINGS BEHIND OUR BACKS!!!

SHAME ON YOU!!

**Debbie Spellecy
6440 Summerlinn Way
West Linn, OR
97069**

Wyss, Darren

From: Karie Oakes [REDACTED]
Sent: Friday, June 2, 2023 2:31 PM
To: City Council
Cc: Williams, John; Mollusky, Kathy; Wyss, Darren; Schroder, Lynn; teric518@gmail.com
Subject: AP-23-02 Noticing Complaint

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Dear Mayor Bialostosky, City Council President Mary Baumgardner, City Councilors Leo Groner and Scott Erwin,

cc: City Manager John Williams, City Recorder Kathy Mollusky, Planning Manager Darren Wyss and Administrative Assistant Lynn Schroder,

While much has been said about the importance of community engagement and transparency, members of the public are unfortunately experiencing the opposite when it comes to the City's approach to transportation planning, which has systematically left people out of the planning process.

Council Special Meeting on June 6, 2023, to hear our appeal, was insufficiently noticed on May 30 when the agenda was posted on the City Agenda/Meetings page, just 7 days before the meeting.

Council Rules state, "the agenda packet containing all agenda bills will be available for the Council and public ten calendar days before a regular Council meeting." (Section C.3) and

"Written notice of a special meeting shall be given to the Council, media and public, with as much advance (up to 10 days) notice as possible, and no less than 24 hours in advance of the meeting." (Section B.5)

To our knowledge, these Council Rules were not suspended by an affirmative vote of Council pursuant to Council Rules Section A.1.

West Linn's Agenda/Meetings page indicated for approximately two weeks that a City Council Special Meeting was scheduled **June 6, 2023**.

No information regarding the purpose of the **June 6, 2023 Special Meeting** was provided until seven days before the meeting instead of ten days before. More on that later.

The staff report for AP-23-02 was posted on the project page **Thursday, May 25, 2023**, however, this does not suffice as proper notice of the Council Special Meeting per Council Rules. Besides, it is not reasonable to expect members of the public to seek information about public meetings on the project page. The Agenda/Minutes page is the designated site for public meeting information.

The appellant's testimony was submitted to the record of AP-23-02 by Karie Oakes and Teri Cummings on the **morning of business day Friday, May 26, 2023** but was not similarly posted on the project page.

The agenda for the **June 6, 2023** Special Meeting was posted on **Tuesday, May 30th**, however, the appeal hearing information only included the staff report in favor of denying the appeal and failed to include the appellant's testimony which, as noted, was submitted **May 26, 2023**.

We hereby register a complaint against the City for:

- **Failing to post proper, timely notice of AP-23-02 ten days in advance of the appeal hearing.**

- **Failing to include appellant's testimony in information about AP-23-02 when the June 6, 2023 Special Meeting Agenda was posted May 30, 2023.**
- **Discriminating in favor of West Linn Planning Manager's position against the appeal by failing to post the appellant's testimony on the project page where the staff report on AP-23-02 was posted.**

When the City added appellant testimony to information about the appeal on Wednesday May 31, 2023, the window for proper timely notice was already closed.

Therefore, we hereby request that AP-23-02 be continued to a date certain whereupon proper public notice is provided.

Sincerely,

AP-32-02 appellants, Karie Oakes and Teri Cummings

Wyss, Darren

From: Robinson Foster [REDACTED]
Sent: Monday, June 5, 2023 11:18 AM
To: Wyss, Darren; Bialostosky, Rory; Baumgardner, Mary; Groner, Lou; Erwin, Scott; City Council
Cc: Teri Cummings; Karie Oakes; Leslie Foster
Subject: Land use appeal to protect the Tualatin River Greenway and trees in Fields Bridge Park WAP-23-01/WRG-23-01/FMA-23-01
Attachments: Appeal WAP_WRA_FMA PM decision.pdf

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Memo to: Darren Wyss, Planning Manager; Rory Bialostosky, Mayor; Mary Baumgartner, Council President; Leo Groner, City Councilor; Scott Erwin, City Councilor.
From: Robinson & Leslie Foster, 2375 Falcon Dr, West Linn, OR, 97068
Re: Land use appeal to protect the Tualatin River Greenway and trees in Fields Bridge Park

Leslie and I completely support what Karie Oakes and Teri Cummings detail in their appeal of the Planning Manager's final decision regarding protection of the Tualatin River, trees and habitat conservation areas in Fields Bridge Park, (WAP-23-01/WRG-23-01/FMA-23-01).

Please read the entire PDF, attached, and completely implement their conclusion and recommendations, (pages 19-20).

May 26, 2023

Letter for the record: AP 23-02- Appeal of Planning Manager decision on [WAP-23-01/WRG-23-01/FMA-23-01](#)

From: Appellants Karie Oakes and Teri Cummings

To: Mayor Rory Bialostosky, Council President Mary Baumgartner, City Councilors Leo Groner and Scott Erwin

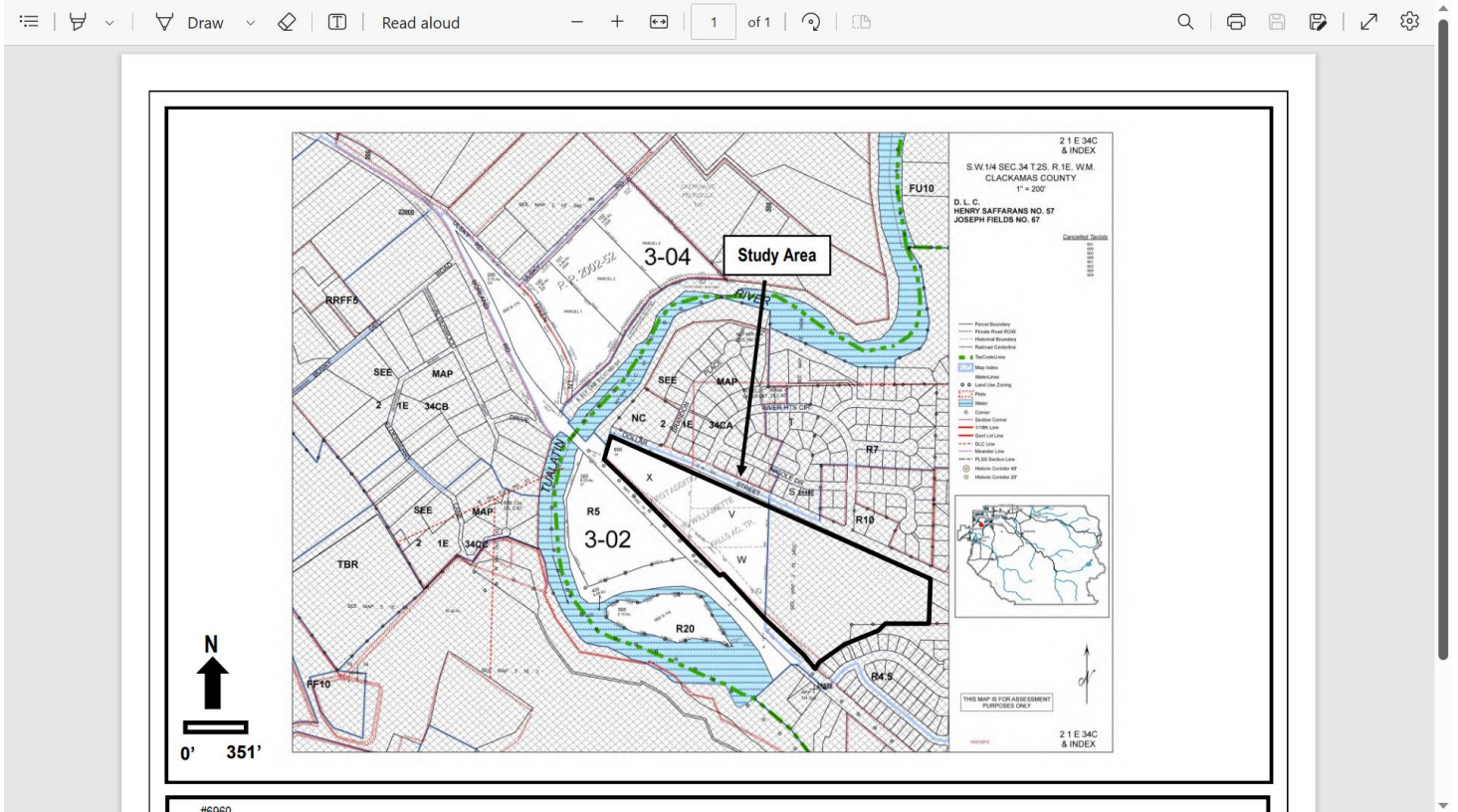
The purpose of this appeal is to ensure that the proposed plans for the Willamette Falls Drive (WFD) road improvements, including the roundabout, will cause the least adverse impacts possible to the Tualatin River, wetlands, flood zone and habitat conservation areas, and will mitigate the adverse impacts to the greatest extent possible and that the proposed improvements will not present safety hazards. Furthermore, this is an opportunity to correct some errors, pose questions and make recommendations on how to improve the plan.

Note: page numbers reference Planning Manager's WAP-23-01/WRG-23-01/FMA-23-01 decision

Question 1. Was the roundabout approved when the West Linn Wilsonville (WLWV) school application was approved?

No, the potential roundabout and proposed south side WFD improvements were not approved when the school application was approved according to the facts below.

- a. Drawings of the potential roundabout were presented in the record of WLWV's application for the new Athey Creek Middle School and adoption of Conditions of Approval regarding safety aspects of the potential intersection did not constitute an approval of the potential roundabout because the environmental review was limited to the school property site and half-street right of way on the north side of WFD. See Pacific Habitat Services Figure 2A below.



- b. DLCD Representative for Multnomah and Clackamas County, Kelly Reid’s November 4, 2022 email below, states that Darren Wyss was informed that the roundabout was not eligible to be approved without an environmental review as follows: “Since the roundabout project affects areas south of Willamette Falls Drive that were not accounted for in the previous land use review, additional land use review will be required...The nuance there is that the roundabout itself was included in the land use application for the new school – it was included on the site plans - but the impacts on natural resources were not addressed, which is why another land use review is required.”

From: REID Kelly • DLCD <Kelly.REID@dlcd.oregon.gov>

Sent: Friday, November 4, 2022 11:43 AM

To:

Subject: RE: Concerns re: Fields Bridge Roundabout, Willamette Falls Drive Construction Project, Tualatin River

Hello Ms. Reynolds,

Thank you for your patience on our response. I was able to speak with Darren Wyss at the City of West Linn about this project, and I would certainly encourage you to reach out to him with questions. Darren would be able to tell you which permits have been issued for this project already.

dwyss@westlinnoregon.gov

I was able to confirm that the land use review for the new middle school included review of overlay zones that address Goals 5, 6 and 7 for steep slopes, floodplain, and water resources/habitat conversation areas – these included areas on the north side of Willamette Falls Drive and on the project site itself. Since the roundabout project affects areas south of Willamette Falls Drive that were not accounted for in the previous land use review, additional land use review will be required. Darren informed me that an application for that review has not yet come before the City. When it does, public notice will be provided.

The nuance there is that the roundabout itself was included in the land use application for the new school – it was included on the site plans - but the impacts on natural resources were not addressed, which is why another land use review is required.

I will also note that an Intergovernmental Agreement is not a land use action, and therefore the statewide planning goals do not apply, meaning Intergovernmental Agreements would not require the same kind of public notice or outreach that land use actions require.

Please let me know if DLCD can be of further assistance.



Kelly Reid

Regional Representative for Multnomah and Clackamas Counties

Portland Metro Regional Solutions

Pronouns: She/her

Oregon Department of Land Conservation and Development

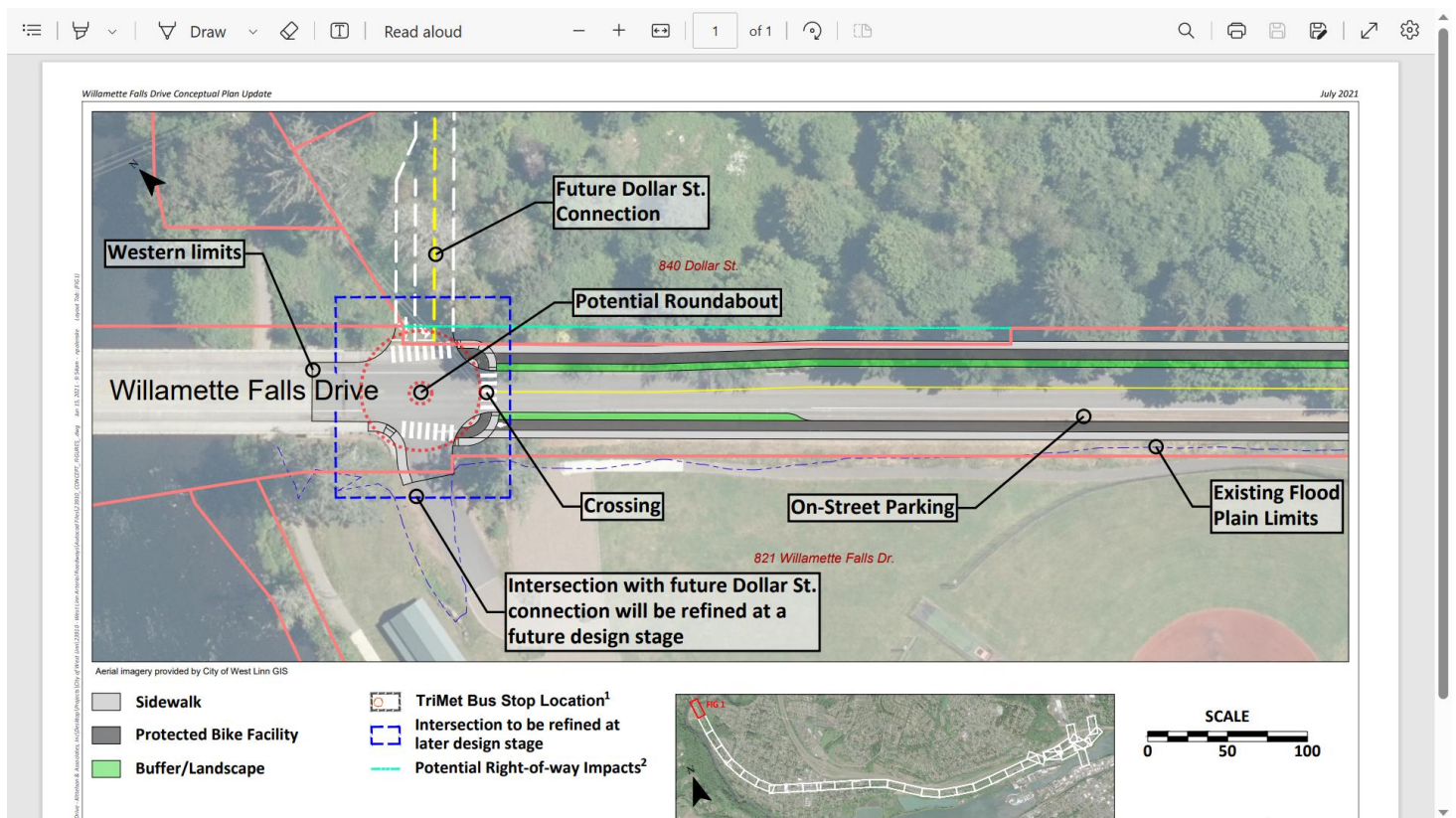
1600 SW Fourth Avenue, Suite 109 | Portland, OR 97201

Cell: 971-345-1987 | Main: 503-373-0050

kelly.reid@dlcd.oregon.gov | www.oregon.gov/LCD

Question 2. Was the roundabout approved when the WFD Concept Plan was approved?

- No, the WFD Concept Plan was adopted as an amendment to the 2016 Transportation System Plan by a legislative action, not a quasi-judicial land use decision. The 30% complete preliminary designs provide guidance for public involvement for transportation planning, whereupon the designs may be altered and refined in response to existing conditions and to meet the needs of the community.
- The roundabout next to Fields Bridge was identified as a “potential roundabout” in the WFD Concept Plan because it was still yet-to-be-determined whether the intersection near Fields Bridge would be better as a roundabout or a conventional crosswise intersection. The City Engineer also said the proposed parking spaces were optional, depending on available space. See WFD Concept Plan, Figure 1 below.

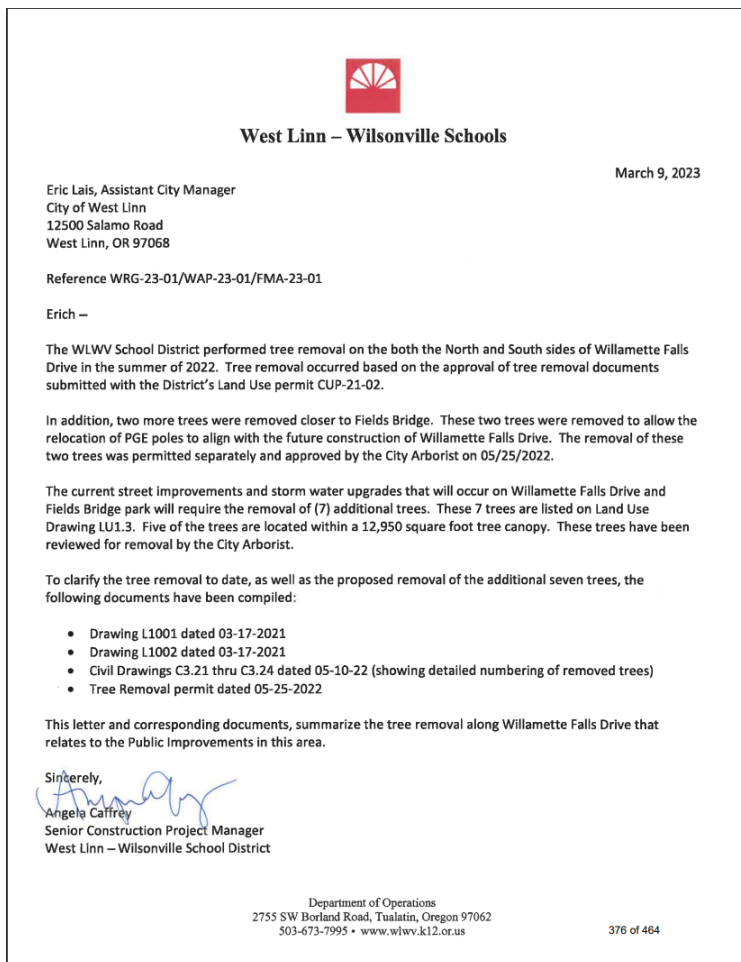


Question 3. Were there errors in the WFD transportation improvement process?

- Yes, staff made multiple promises at City Council, Planning Commission and Neighborhood Association meetings that there would be opportunities for public involvement to refine the 30% conceptual design for WFD. Those promises didn't materialize. Instead, a 100% engineered design was stamped as approved by the City Engineer on May 31, 2022, even though the required environmental review

process for WAP, WRA, FMA permits, per CDC Chapter 27, 28 and 32 was not done and as stated before, no public involvement meetings to discuss the aspects of the design took place.

- b. Contractors hired by WLWV proceeded to remove at least 41 trees in Fields Bridge Park and disturbed Habitat Conservation Areas (HCA) and Tualatin River Greenway areas last summer, shortly after the City Council signed an IGA with WLWV School District on July 11, 2023. That never should have happened because West Linn had not started the WAP, WRA and FMA permit process for environmental protections yet. Thus, members of the public were deprived of the right to participate in any meaningful way, regarding tree removal, environmental protection and mitigation before anything was removed or disturbed in Fields Bridge Park. The School District claimed the trees were permitted by approval of the school application. (See March 9, 2023 WLWV School District letter below or Pages 376-387.)



- c. The Planning Manager's staff response questions and concerns raised by members of the community failed to answer or acknowledge most of the issues raised.

For example, the questions and concerns Ms. Cummings raised about trees that were cut in the Water Resource Areas and Natural Resource Areas prior to this WAP/WRA/FMA application were not answered. Nor

did the response cite which CDC criteria permitted the tree cutting that occurred prior to this application, or why a Type II Design Review process should not be undertaken per Chapter 56 Parks and Natural Area Design Review criteria, to protect trees in environmentally sensitive areas pursuant to Chapter 55.100 (B) (2) criteria. (Page 446)

Staff Response: The only tree removal proposed with this application are for seven trees associated with the proposed stormwater treatment facility in the park. The removed trees will be mitigated as part of the 19,000 square feet of mitigation that includes 195 trees. The West Linn CDC permits this without performing an alternatives analysis. (Page 6)

Another example is when Karie Oakes asked if approval of the Athey Creek School application permitted the trees in the park and adjacent right of way to be removed. Instead of answering the question, Planning Manager Wyss responded, "Information about the Athey Creek School approval can be obtained through a public records request. You can submit a public records request online here." (Page 442)

Question 5. Do the proposed transportation improvements protect the environmental and public safety to the greatest extent possible?

- a. No, two proposed on-street parallel parking areas would cause WFD improvements to encroach into the Habitat Conservation Area (HCA) and flood plain. This avoidable option would fail to protect the environment to the greatest extent possible.
- b. The WFD improvement plan mirrors the WFD Concept Plan which proposes to widen WFD by approximately 8 ft. to accommodate on-street parallel parking in two areas; one near the proposed roundabout and one near the east entrance of Fields Bridge Park. No specific need or purpose for the proposed on-street parking is identified, nor is there any information about the number of parking spaces proposed or what criteria that might meet.
- c. The widened area pushes the adjacent pedestrian/bike pathway into moderate and high Habitat Conservation Areas (HCA) and pushes the existing park trail further into the flood plain area. A detailed environmental study for the proposed WFD improvements was not done when WFD Concept Plan was designed. However, PHS recent environmental report indicates where widened areas for optional parking spaces encroach into HCA areas and the flood plain. (See Figures 6F, 6H and 6I below)
- d. *Staff Finding 33 states: "The project was designed to have the least possible impact on HCAs by avoiding and minimizing development activities in HCAs to the extent possible. Given the proximity of HCAs to the existing Willamette Falls Drive right-of-way, some impacts from the proposed project were unavoidable if the purpose and need of the project is to be met. The purpose of the project is to improve safety for all modes of transportation, including installing grade-separated bicycle and pedestrian infrastructure, and constructing a roundabout at the new intersection created by the Brandon Place extension".*

Staff finding 33 does not mention the two significantly widened areas designed to accommodate proposed on-street parking encroach into medium and high HCAs and flood plain areas, nor does the finding state how many parking spaces are proposed, or for what purpose or CDC criteria.

- e. On-street parking is not an essential, unavoidable component of transportation in this area. It is not normally allowed on WFD outside of the Willamette Main Street commercial zone from 10th street to 16th street. And it is not justified for the multiple active uses of Fields Bridge Park. CDC Chapter 46 Off-Street Parking criteria require active use parks, such as Fields Bridge Park, to provide off-street parking.

On-street parking areas should be removed from the design to meet CDC 28.110 A.2. criteria, below, which calls for a design that avoids and minimizes development activities in HCAs to the greatest extent possible.

CDC Chapter 28.110 A.2. HCAs (Habitat Conservation Areas) shall be avoided to the greatest extent possible and development activities shall be instead directed to the areas not designated "Habitat Impact Areas not designated as HCAs, consistent with subsection (A) (3) of this section.

CDC Chapter 28.110 L. -Roads, driveways, utilities, or passive use recreation facilities. Roads, driveways, utilities, public paths, or passive use recreation facilities may be built in those portions of HCAs that include wetlands, riparian areas, and water resource areas when no other practical alternative exists but shall use water-permeable materials unless City engineering standards do not allow that. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation are required, with the applicant to submit a mitigation plan pursuant to CDC 32.070 and a revegetation plan pursuant to CDC 32.080.

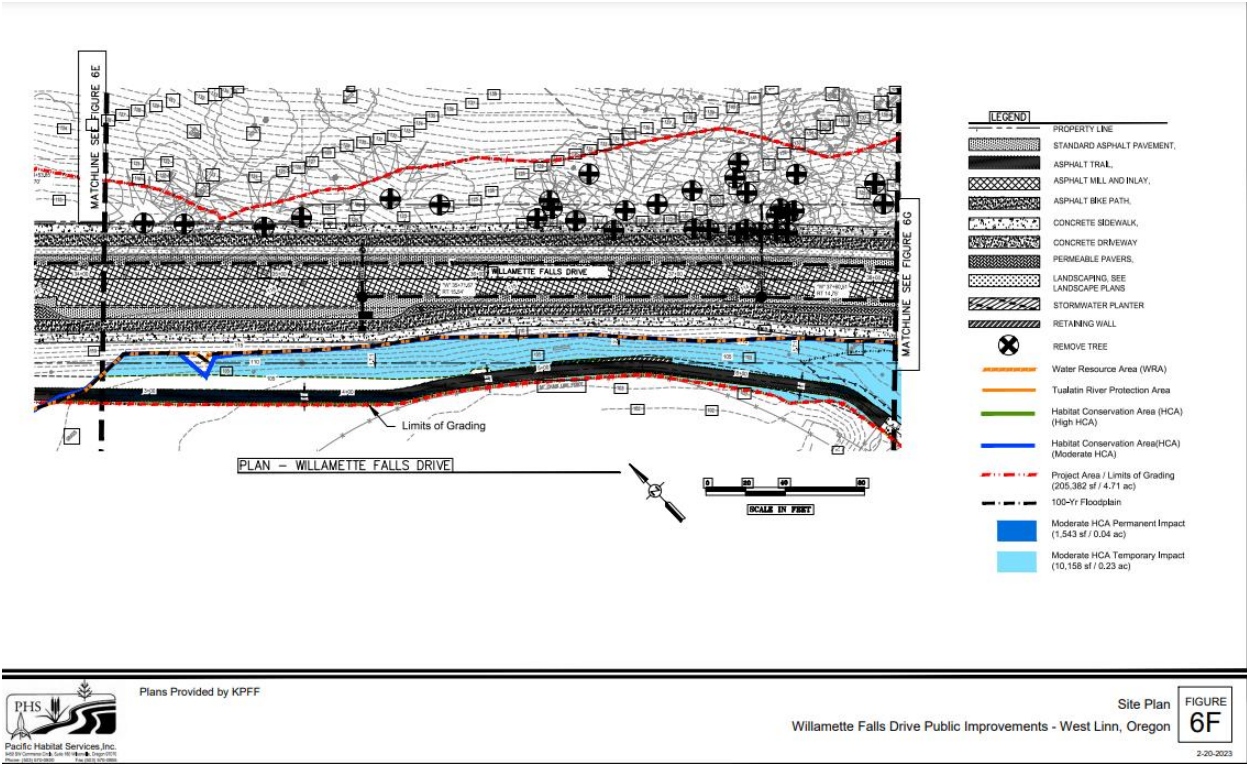
CDC Chapter 46- Off Street Parking (Parks)

11. Active parks

Playgrounds: 2 to 5 spaces for each acre of active use area other than athletic fields.

Athletic field, (baseball, soccer, etc.): 40 spaces per field.

The widened area for proposed parking on the left side in drawing below pushes ped/bike path into blue HCA area.



f. Figure 6 H below, shows on the right how the widened area for proposed parking near the proposed roundabout, pushes WFD improvements into the dark green High HCA area and four trees in the Tualatin River Protection Area marked with an **X** for removal.

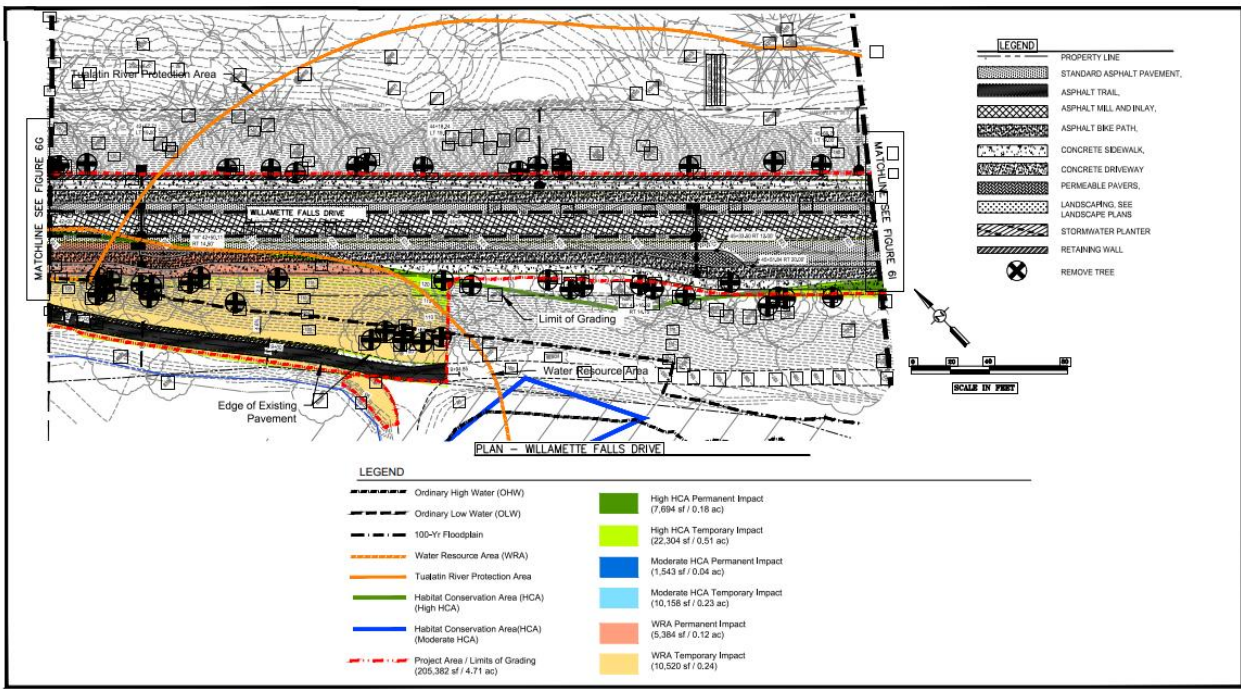
Figure 6I below, shows on the left how the widened area pushes the WFD improvements into the dark green High HCA area and five trees in the Tualatin River Protection Area marked with an **X** for removal.



Plans Provided by KPFF

Site Plan
Willamette Falls Drive Public Improvements - West Linn, Oregon
FIGURE 6F

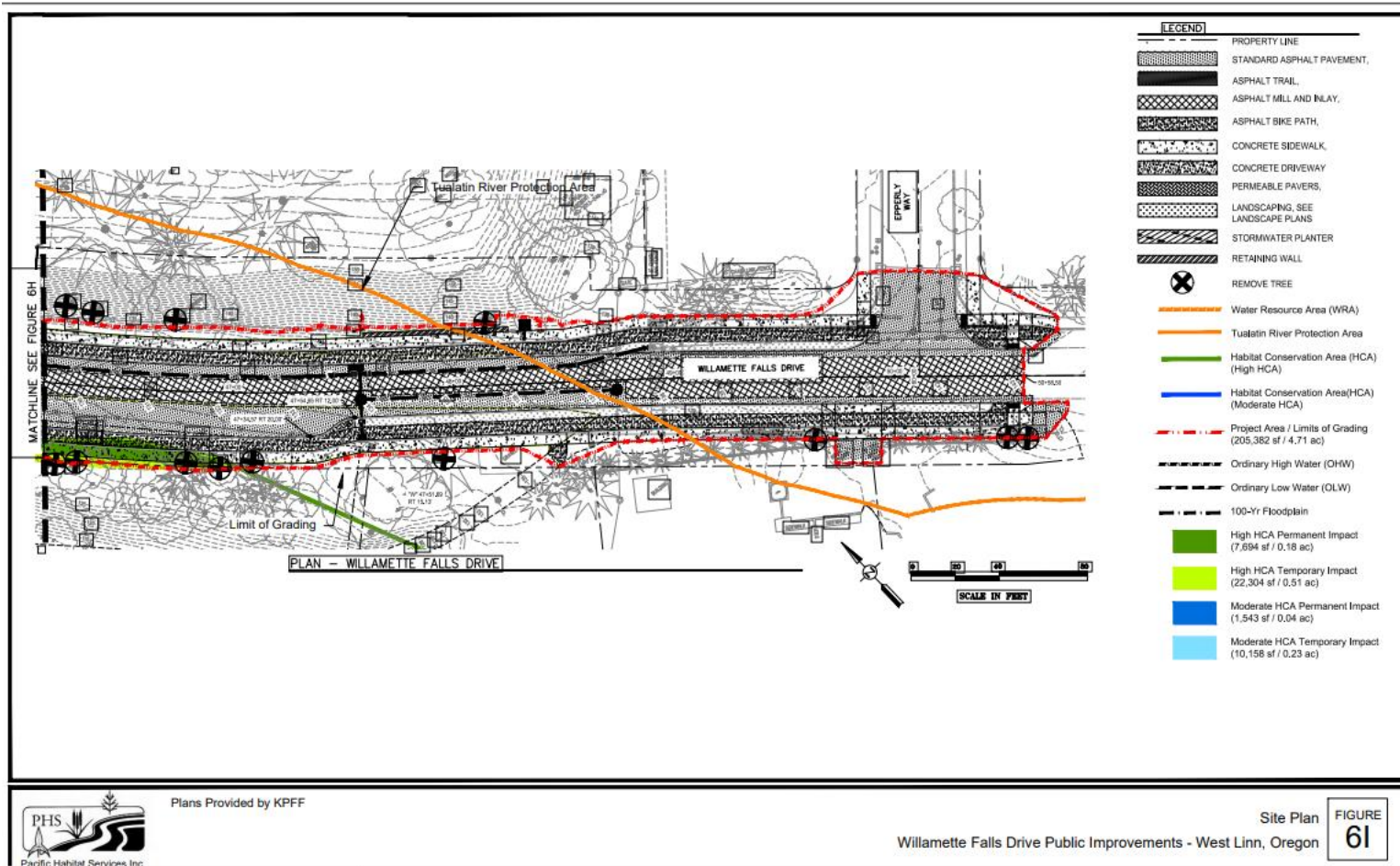
2-20-2023



Plans Provided by KPFF

Willamette Falls Drive Public Improvements - West Linn, Oregon

Site Plan
FIGURE 6H
 2-18-2023



Removing the parking areas would avoid encroachment into the HCA, the flood plain and trees to the greatest extent possible.

Question 6. Does the proposed roundabout design provide adequate public safety?

- a. That is yet to be determined. No alternatives to placing an intersection right next to Fields Bridge were offered or explored before Brandon Pl. was designated as an access road to Athey Creek Middle School. It is too late to discuss whether this configuration might be safer than other options.
- b. The solid concrete and iron guardrails and on Fields Bridge are at least five feet tall. This exceeds CDC 42.020 Clear Vision Area height limit of three feet tall, measured from the top of the curb.
- c. The distance from the southeastern guardrail to the corner of Fields Bridge Park driveway is approximately 27 feet. This falls short of the CDC 42.020 Clear Vision Area criteria (see below) for at least 30 feet of clear vision area from the corner of an intersection to a fence, wall or structure that may obstruct visibility. The steep downward slope of the driveway could also impair line-of-sight approaching the intersection. The other side of

Fields Bridge appears to pose a similar situation except the Brandon Pl. driveway to the north might not be as steep as the southern driveway. See photos of measurements below.







Inadequate clear vision areas put school children, bicyclers and others at risk of not seeing or being seen by oncoming traffic while crossing the intersection. Safety measures must be explored.

CDC 42.020 CLEAR VISION AREAS REQUIRED, USES PROHIBITED

A. A clear vision area shall be maintained on the corners of all property adjacent to an intersection as provided by CDC 42.040 and 42.050.

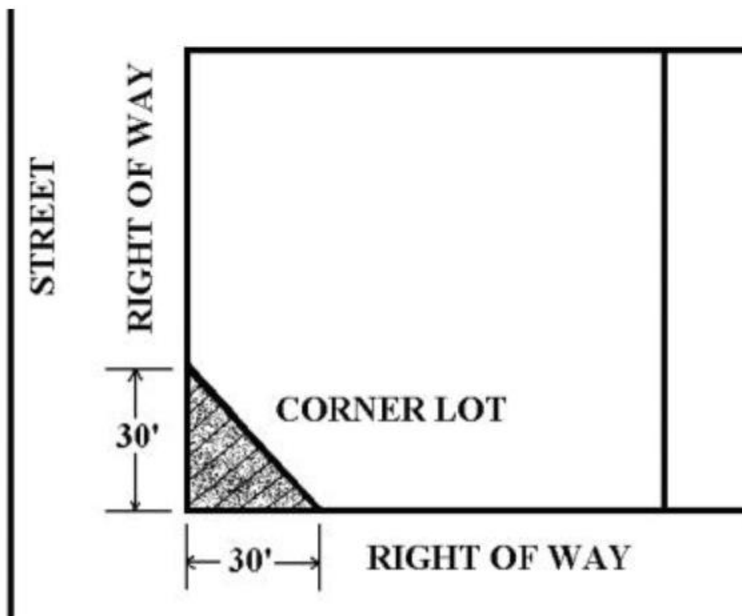
B. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction (except for an occasional utility pole or tree) exceeding three feet in height, measured from the top of the curb, or, where no curb exists, from the street centerline grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed. (Ord. 1192, 1987)

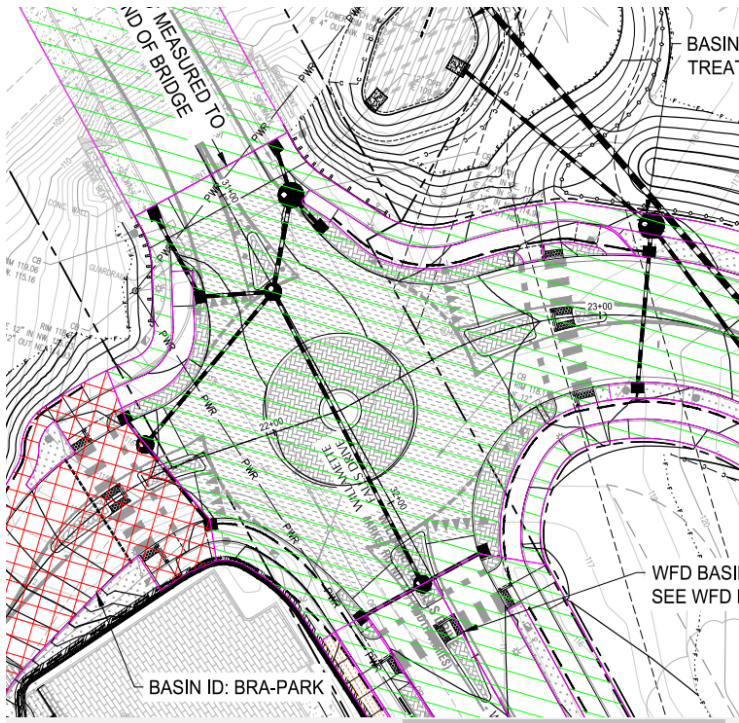
42.040 COMPUTATION; STREET AND ACCESSWAY 24 FEET OR MORE IN WIDTH

The clear vision area for all street intersections and street and accessway intersections (accessways having 24 feet or more in width) shall be that triangular area formed by the right-of-way or property lines along such lots and a straight

line joining the right-of-way or property line at points which are 30 feet distant from the intersection of the right-of-way line and measured along such lines.

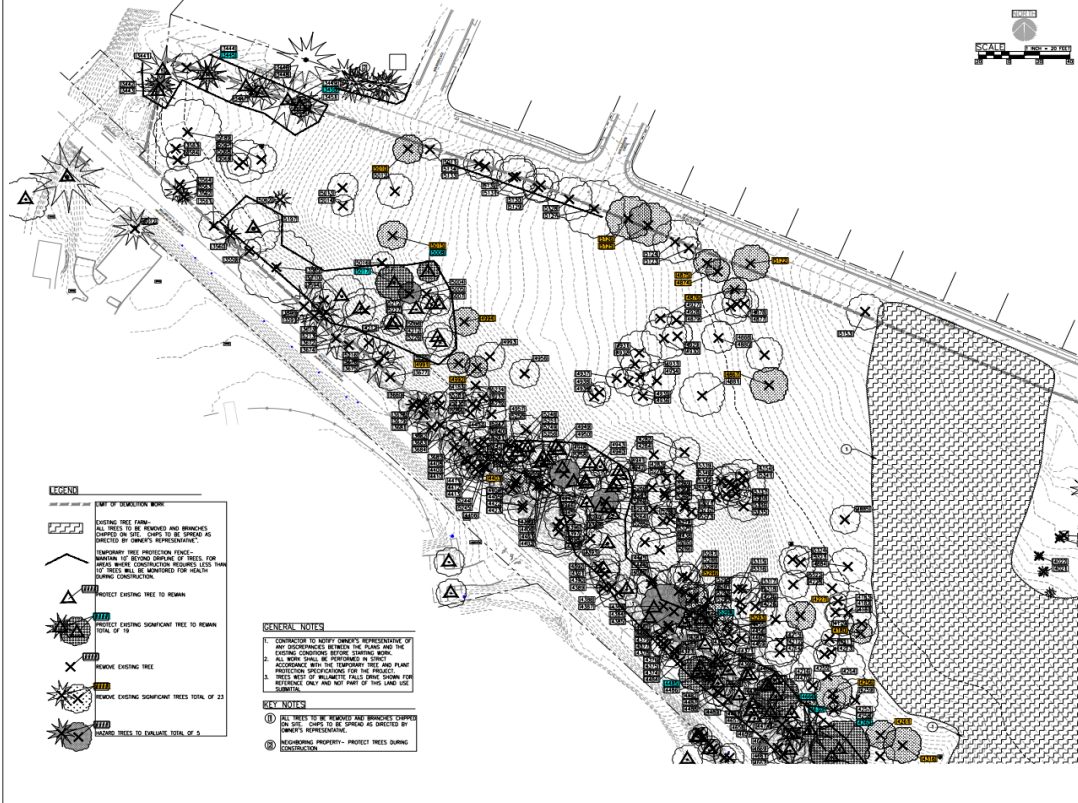
Clear vision area for corner lots and driveways 24 feet or more in width:





Question 6. Were trees and environmentally sensitive areas protected to the greatest extent possible and properly permitted?

- a. Apparently not. At least 41 trees were cut down in Fields Bridge Park in 2022 before the required WAP 23-01/WRG-23-01/FMA-23-01 permit process commenced. It is not clear why that occurred because WLWV’s new Athey Creek Middle School and West Linn’s Fields Bridge Park belong to two separate property owners. The proposed transportation improvements on the south side of WFD, including the roundabout, were not eligible for approval until after West Linn qualified for WAP, WRA and FMA permits, which would then help determine where WFD improvements could be made and how and where the loss of trees and natural resource area would be mitigated.
- b. A disclaimer in the General note on the New Athey Creek Middle School Tree Protection Plan project sheets L1001 and L1002, dated May 17, 2021, states in **General Note 3: TREES WEST OF WILLAMETTE FALLS DRIVE SHOWN FOR REFERENCE ONLY AND NOT PART OF THIS LAND USE SUBMITTAL**. Thus, there was no removal/protection plan in place before the City allowed at least 41 trees to be cut down in Fields Bridge Park. (See Tree Protection Plan Sheets L1001 and L1002 below or pages 377-378)



LEGEND

DATE OF DESTRUCTION WORK

EXISTING TREE DATA:
ALL TREES TO BE REMOVED AND BRANCHES CHIPPED ON SITE. CHIPS TO BE SPREAD AS DIRECTED BY OWNER'S REPRESENTATIVE.

TEMPORARY TREE PROTECTION FENCE:
MAINTAIN 10' BUFFER AROUND ALL TREES FOR HEALTH. WHILE CONSTRUCTION OCCURS TREES LOCATED BY THESE WILL BE MONITORED FOR HEALTH DURING CONSTRUCTION.

PROTECT EXISTING TREES TO REMAIN:

PROTECT EXISTING SIGNIFICANT TREE TO REMAIN TOTAL OF 19:

REMOVE EXISTING TREE:

REMOVE EXISTING SIGNIFICANT TREES TOTAL OF 23:

REMOVE TREES TO EVALUATE TOTAL OF 5:

GENERAL NOTES

CONTRACTOR TO NOTIFY OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES BETWEEN THE PLANS AND THE EXISTING CONDITIONS BEFORE STARTING WORK.

ALL WORK SHALL BE PERFORMED IN STRICT ACCORDANCE WITH THE TEMPORARY TREE AND PLANT PROTECTION SPECIFICATIONS FOR THE PROJECT.

TREES WEST OF WILLAMETTE FALLS DRIVE SHOWN FOR REFERENCE ONLY AND NOT PART OF THIS LAND USE SUBMITTAL.

KEY NOTES

1. ALL TREES TO BE REMOVED AND BRANCHES CHIPPED ON SITE. CHIPS TO BE SPREAD AS DIRECTED BY OWNER'S REPRESENTATIVE.

2. NEIGHBORING PROPERTY- PROTECT TREES DURING CONSTRUCTION.

West Linn-Waltonville School District

NOT FOR CONSTRUCTION

WALKER HANLEY

New Albany Creek Middle School
841 Center Street
West Linn, OR 97146

DATE: _____

DESIGNED BY: _____

DRAWN BY: _____

CHECKED BY: _____

APPROVED BY: _____

PROJECT NO: _____

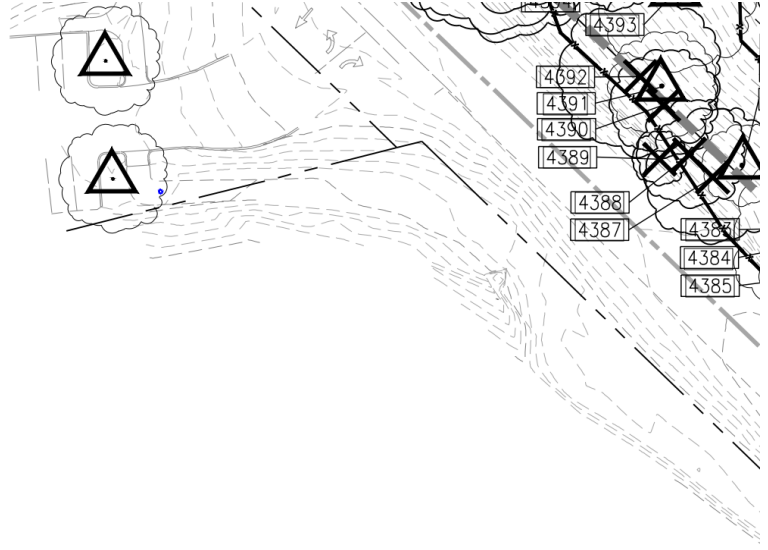
DATE: _____

TITLE: TREE PROTECTION PLAN

PROJECT NO: L1001

SCALE: _____

DATE: _____



GENERAL NOTES

1. CONTRACTOR TO NOTIFY OWNER'S REPRESENTATIVE OF ANY DISCREPANCIES BETWEEN THE PLANS AND THE EXISTING CONDITIONS BEFORE STARTING WORK.
2. ALL WORK SHALL BE PERFORMED IN STRICT ACCORDANCE WITH THE TEMPORARY TREE AND PLANT PROTECTION SPECIFICATIONS FOR THE PROJECT.
3. TREES WEST OF WILLAMETTE FALLS DRIVE SHOWN FOR REFERENCE ONLY AND NOT PART OF THIS LAND USE SUBMITTAL

KEY NOTES

1. ALL TREES TO BE REMOVED AND BRANCHES CHIPPED ON SITE. CHIPS TO BE SPREAD AS DIRECTED BY OWNER'S REPRESENTATIVE.
2. NEIGHBORING PROPERTY- PROTECT TREES DURING CONSTRUCTION

- c. The applicant submitted the March 9, 2023 letter with attachments from the WLWV School District that claims the trees were permitted to be removed to meet the approval criterion of CDC Chapter 28 prohibiting tree removal in the Tualatin River Protection area.

CDC 28.110. U. Protect riparian and adjacent vegetation. Vegetative ground cover and trees upon the site shall be preserved, conserved, and maintained according to the following provisions:

3. Tree cutting shall be prohibited in the protection area except that:

a. Diseased trees or trees in danger of falling may be removed with the City Arborist's approval; and

b. Tree cutting may be permitted in conjunction with those uses listed in CDC 28.030 with City Arborist approval; to the extent necessary to accommodate the listed uses;

Clearly, the trees in Fields Bridge Park were not permitted to be removed without the WAP, WRG and FMA permits this application requests. **This criterion is not met.**

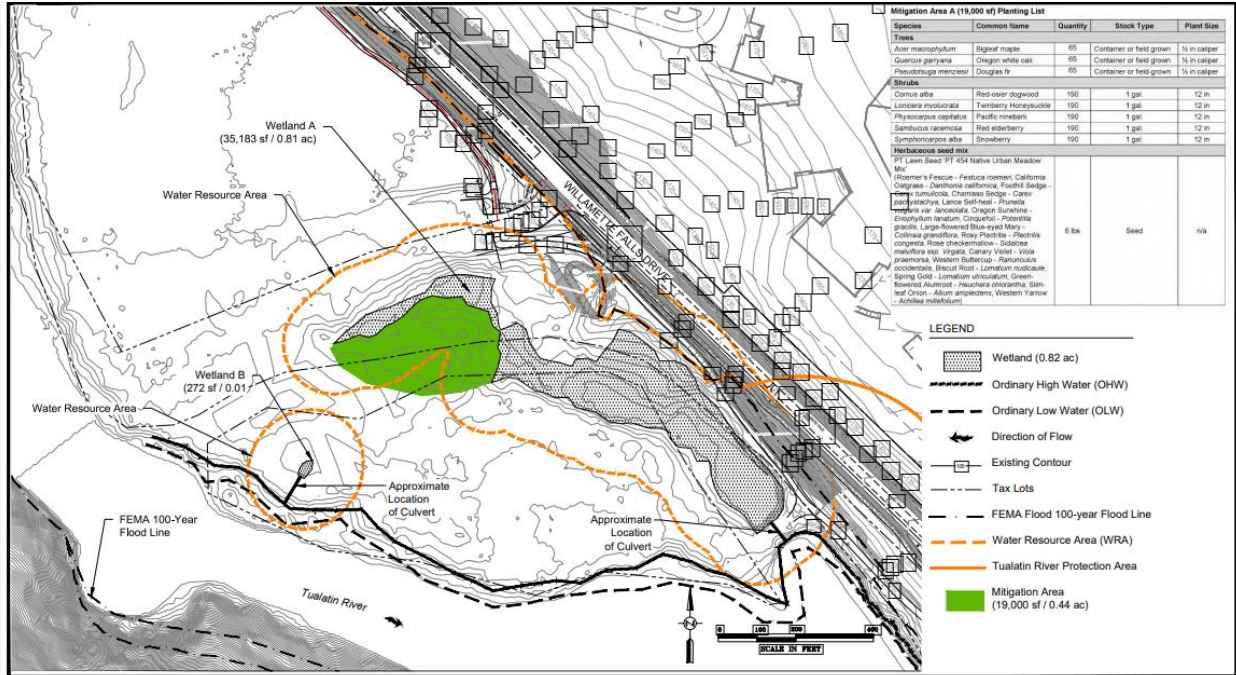
Question 7. Will measures be taken per Municipal Code Chapter 8 Community Tree Ordinance regarding trees that were removed prior to this application?

No, the application does not even acknowledge that approximately 41 trees in Fields Bridge Park were removed prior to this application!

Question 8. Will the mitigation plan and planting plan meet criteria?

- a. The inconsistencies between the mitigation plan and planting plan make it too difficult to determine.

- b. The Mitigation Plan for Willamette Falls Drive Improvements, Figure 10, dated 2/20/2023 (pg. 121), indicates that 65 Maple trees, 65 White Oak trees, 65 Douglas Fir trees, 950 shrubs and 6# of seed will be planted on 19,000 sq. Ft (.44 acres) in "Wetland A" (shown in green) but does not indicate where these things will be planted or the name of the person who created it.



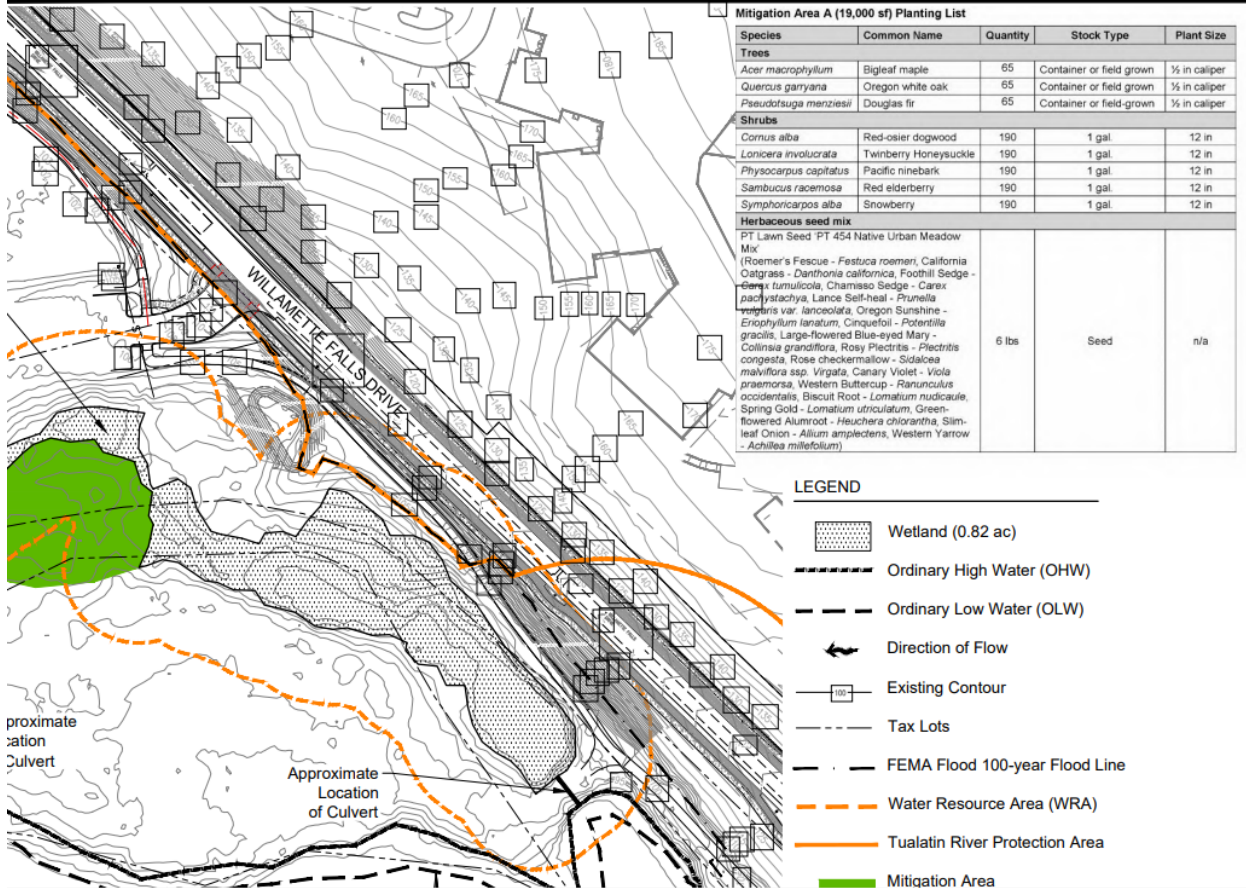
Mitigation Area A (19,000 sf) Planting List

Species	Common Name	Quantity	Stock Type	Plant Size
Trees				
<i>Acer macrophyllum</i>	Bigleaf maple	65	Container or field grown	½ in caliper
<i>Quercus garryana</i>	Oregon white oak	65	Container or field grown	½ in caliper
<i>Pseudotsuga menziesii</i>	Douglas fir	65	Container or field grown	½ in caliper
Shrubs				
<i>Cornus alba</i>	Red-osier dogwood	190	1 gal.	12 in
<i>Lonicera involucrata</i>	Twinberry Honeysuckle	190	1 gal.	12 in
<i>Physocarpus capitatus</i>	Pacific ninebark	190	1 gal.	12 in
<i>Sambucus racemosa</i>	Red elderberry	190	1 gal.	12 in
<i>Symphoricarpos alba</i>	Snowberry	190	1 gal.	12 in
Herbaceous seed mix				
PT Lawn Seed PT 454 Native Urban Meadow Mix (Roemer's Fescue - <i>Festuca roemerii</i> , California Oatgrass - <i>Danthonia californica</i> , Foothill Sedge - <i>Carex tumulicola</i> , Chamisso Sedge - <i>Carex pacystachya</i> , Lance Self-heal - <i>Prunella vulgaris</i> var. <i>lancoelata</i> , Oregon Sunshine - <i>Eriophyllum lanatum</i> , Cinquefoil - <i>Potentilla gracilis</i> , Large-flowered Blue-eyed Mary - <i>Collinsia grandiflora</i> , Rosy Plectritis - <i>Plectritis congesta</i> , Rose checkermallow - <i>Sidalcea malviflora</i> ssp. <i>virgata</i> , Canary Violet - <i>Viola praemorsora</i> , Western Buttercup - <i>Ranunculus occidentalis</i> , Biscuit Root - <i>Lomatium nudicaule</i> , Spring Gold - <i>Lomatium utriculatum</i> , Green-flowered Alumroot - <i>Heuchera chlorantha</i> , Slim-leaf Onion - <i>Allium amplexans</i> , Western Yarrow - <i>Achillea millefolium</i>)	6 lbs	Seed	n/a	

- LEGEND**
- Wetland (0.82 ac)
 - Ordinary High Water (OHW)
 - Ordinary Low Water (OLW)
 - Direction of Flow
 - Existing Contour
 - Tax Lots
 - FEMA Flood 100-year Flood Line
 - Water Resource Area (WRA)
 - Tualatin River Protection Area
 - Mitigation Area (19,000 sf / 0.44 ac)

PHS
Pacific Habitat Services, Inc.
Survey includes study area boundary, wetland boundary, contours and utilities provided by Compass Land Surveying. Survey and Sample point accuracy is sub-centimeter. Culverts were placed graphically and have an accuracy of sub-meter

Mitigation Plan **FIGURE 10**
Willamette Falls Drive Public Improvement - West Linn, Oregon
2-20-2023



Mitigation Area A (19,000 sf) Planting List

Species	Common Name	Quantity	Stock Type	Plant Size
Trees				
<i>Acer macrophyllum</i>	Bigleaf maple	65	Container or field grown	½ in caliper
<i>Quercus garryana</i>	Oregon white oak	65	Container or field grown	½ in caliper
<i>Pseudotsuga menziesii</i>	Douglas fir	65	Container or field grown	½ in caliper
Shrubs				
<i>Cornus alba</i>	Red-osier dogwood	190	1 gal.	12 in
<i>Lonicera involucrata</i>	Twinberry Honeysuckle	190	1 gal.	12 in
<i>Physocarpus capitatus</i>	Pacific ninebark	190	1 gal.	12 in
<i>Sambucus racemosa</i>	Red elderberry	190	1 gal.	12 in
<i>Symphoricarpos alba</i>	Snowberry	190	1 gal.	12 in
Herbaceous seed mix				
PT Lawn Seed PT 454 Native Urban Meadow Mix (Roemer's Fescue - <i>Festuca roemerii</i> , California Oatgrass - <i>Danthonia californica</i> , Foothill Sedge - <i>Carex tumulicola</i> , Chamisso Sedge - <i>Carex pacystachya</i> , Lance Self-heal - <i>Prunella vulgaris</i> var. <i>lancoelata</i> , Oregon Sunshine - <i>Eriophyllum lanatum</i> , Cinquefoil - <i>Potentilla gracilis</i> , Large-flowered Blue-eyed Mary - <i>Collinsia grandiflora</i> , Rosy Plectritis - <i>Plectritis congesta</i> , Rose checkermallow - <i>Sidalcea malviflora</i> ssp. <i>virgata</i> , Canary Violet - <i>Viola praemorsora</i> , Western Buttercup - <i>Ranunculus occidentalis</i> , Biscuit Root - <i>Lomatium nudicaule</i> , Spring Gold - <i>Lomatium utriculatum</i> , Green-flowered Alumroot - <i>Heuchera chlorantha</i> , Slim-leaf Onion - <i>Allium amplexans</i> , Western Yarrow - <i>Achillea millefolium</i>)	6 lbs	Seed	n/a	

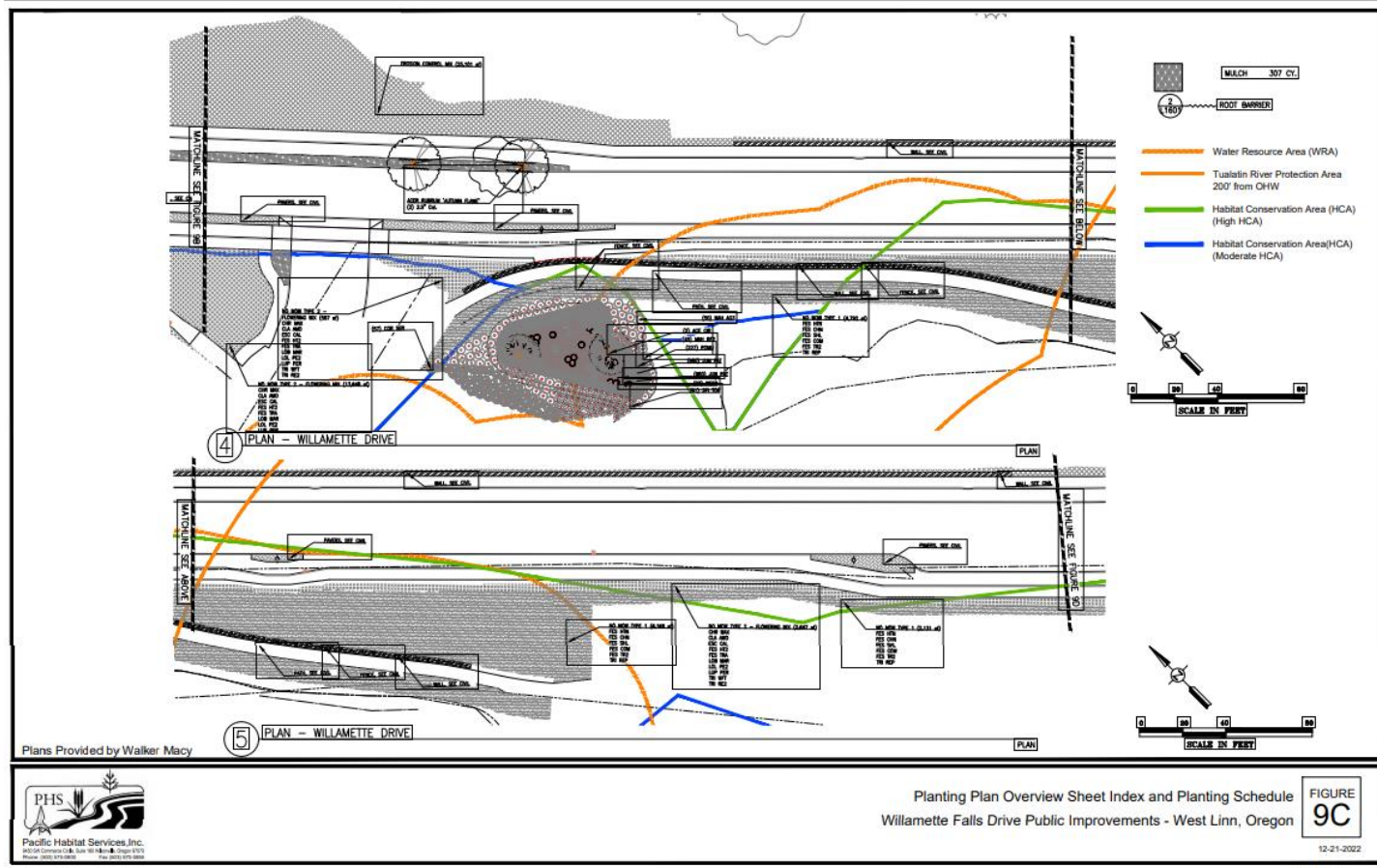
- LEGEND**
- Wetland (0.82 ac)
 - Ordinary High Water (OHW)
 - Ordinary Low Water (OLW)
 - Direction of Flow
 - Existing Contour
 - Tax Lots
 - FEMA Flood 100-year Flood Line
 - Water Resource Area (WRA)
 - Tualatin River Protection Area
 - Mitigation Area

proximate
ation
Culvert
Approximate
Location
of Culvert

The planting list on Figure 10 above for Mitigation Area A (Pg. 121) does not appear to be a feasible plan for a .44-acre site, due to the potential mature size of the 195 trees plus 950 shrubs and 6# of seed scheduled to be planted.

- c. Figure 9C, Planting Plan Overview sheet index, dated 12/21/22 (Page 119) below, clearly indicates where two maple trees and other vegetation will be planted but this is not located in the mitigation area shown in Figure 10 above.

There is a huge difference between the details in these two plans. We would like an explanation as to why they do not seem to coincide.



In conclusion, the evidence is clear that the proposed roundabout and road improvement design has not been approved and this fact was acknowledged by DLCD. Therefore, this is our opportunity to have a full discussion about the design to refine the plan as necessary to protect public safety and the environment to the greatest extent possible.

Recommended Conditions of Approval:

1. Parking shall be removed and roadway realigned as far away as possible from the HCA and flood plain areas.
2. Adequate Clear Vision Area from bridge railings to the intersection shall be established per CDC Chapter 42.
3. City of West Linn Municipal Code Chapter 8, Community Tree Ordinance shall be enforced for the alleged illicit tree removal.
4. City Council shall authorize the City Manager to work with the Committee for Community Involvement to develop a program to foster positive attitudes and skills for meaningful community engagement.
5. City Council shall form an ad hoc Fields Bridge Park Stewardship Committee to review and oversee tree removal, mitigation and ongoing health of trees and vegetation planted for at least four years. And evaluate the potential to replace non-native vegetation with native plants and trees in both the natural and active areas of Fields Bridge Park.
6. City Council shall authorize the Planning Commission to recommend an amendment to the CDC Chapter 99 that provides decision making authority to the Planning Commission for land-use applications submitted by the City of West Linn.
7. City Council shall authorize the Planning Commission to recommend an amendment to CDC Chapter 99 that provides decision making authority to the Planning Commission for WAP, WRG and FMA applications.

Wyss, Darren

From: Julia Simpson [REDACTED]
Sent: Monday, June 5, 2023 7:22 PM
To: City Council; Wyss, Darren
Subject: The Tualatin River, Fields Bridge Park, Parking on WFD, and the Roundabout

Some people who received this message don't often get email from juliasimpson.pdx@gmail.com. [Learn why this is important](#)

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City Council of West Linn, Oregon
22500 Salamo Roadit
West Linn, Oregon 97068

Concerns regarding the approved Planning Manager Decision WAP-23-01/WRG-23-01/FMA-23-01

Dear West Linn Mayor and City Council Members,

I am writing this letter with great concern about the recently approved project and the changes it allows at Fields Bridge Park, the Tualatin River, the trees in the Park, and what has been and will occur in the habitat conservation areas. These issues are outlined in detail in the Appeal filed by Teri Cummings and Karie Oakes

This Fields Bridge area project needs to be reviewed for its deviation from City codes, and its lack of following habitat conservation in Fields Bridge Park which is or should be a mostly natural habitat but instead has lost approximately 50 unpermitted trees. The planned additional parking on the edges of Willamette Falls Drive adds more damage to the park. Lastly, creating safe walking areas for students walking to and from the new Athey Creek Middle School and getting past the roundabout create very unsafe accessibility to the school, especially on dark winter days.

This whole situation should never have been allowed to happen. I ask for your particular attention to safety, protection, accessibility, and correction of areas where City code non-compliance exists to mitigate these problems.

In summary, West Linn should protect and restore every single tree and environmentally sensitive area to the greatest extent possible.

It is a shame that the remaining so-called "natural areas" in Fields Bridge Park are anything but natural. The wetland and habitat areas are inundated with blackberries and the rest is planted with grass that gets mowed. Please use this appeal as an opportunity to restore Fields Bridge Park Natural area as a native plant conservatory for birds, animals, and people to enjoy.

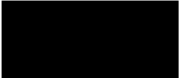
- Provide a complete accounting of every single "alleged" unpermitted tree cut down in Fields Bridge Park and HCA areas near the proposed roundabout. And fully enforce the penalties of Ordinance 1542, West Linn Municipal Tree Code (WLMT),
- Apply penalty money towards replacing blackberries and other invasives with native vegetation in wetlands and every other possible area in Fields Bridge Park, even the active areas, bearing in mind that the entire park is in the Tualatin River Flood zone.

- Remove proposed on-street parking in order to avoid encroachment into Tualatin River HCA and flood zone areas, which according to CDC Chapt 28 and 32, should be protected to the greatest extent possible. After all, on-street parking is not a necessary transportation component for WFD.
- Since the current TMDL fails to adequately address the need to protect the Tualatin River, please commit to updating the TMDL and fund restoration projects for better stewardship of the Tualatin River. Community involvement is what Citizens ask for and need in order to keep West Linn cared for, protected, and workable now and in the future.

Thank you for your consideration of these concerns.

Julia Simpson

Julia Simpson
1671 Killarney Dr.
West Linn, OR 97068



Wyss, Darren

From: Williams, John
Sent: Tuesday, June 6, 2023 12:09 PM
To: Wyss, Darren
Subject: FW: Tualatin River/Fields Bridge Park

From: Terence Shumaker [REDACTED]
Sent: Tuesday, June 6, 2023 11:33 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Tualatin River/Fields Bridge Park

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Dear Councilors,

I am deeply concerned about the unnecessary removal of many large trees along Willamette Falls Drive across from Fields Bridge Park. This is another example of valuable old trees being removed, as has been done (and is being done) on lot developments in West Linn. As a former chair of the West Linn Sustainability Advisory Board, the unregulated removal of (aka, clearcutting) of all trees on lots to be developed, is an issue we put before the council previously as a goal, and one which I am deeply concerned about.

A recent example of unnecessary large tree removal is the lot on the corner of Burns and Hood Streets near the library. Had there been a guiding principle in place regarding lot development and tree preservation, it would have taken only a modicum of design sense to create a structure that allowed some of the large trees to be protected. In light of the climate crisis we find ourselves in I would think that the city council would do everything in their power to see that we preserve our valuable tree canopy in West Linn, especially the larger legacy trees that provide habitat and aid in water retention.

In recognition of that oversight in the city's development codes, I ask you to please uphold Ms. Oakes' and Ms. Cumming's appeal of the Planning Manager's decision on this area of West Linn. This project is critical to the future of West Linn and should be able to be vetted and discussed by the people before any final plans are approved.

Thank you for your time and consideration.

Regards,

Terence Shumaker
[REDACTED]

John Williams

City Manager
Administration
Pronouns: he, him, his
[#6063](#)



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Comments: West Linn City Council Special Meeting 6-6-23
Agenda item 4, Public Hearing: Appeal of Planning Manager Decision in
WAP-23-01/WRG-23-01/FMA-23-01

Betty Reynolds, Ph.D.

Thank you for the opportunity of commenting on the Appeal of Planning Manager Decision in WAP-23-01/WRG-23-01/FMA-23-01.

Need for Policy Oversight, Citizen Involvement

As elected officials, you serve as the highest authority within West Linn government in deciding issues of public policy. In open public forums, you involve citizens in the governance of their communities and the welfare of citizens.

This project has substantial impact on the community, with major impacts on the safety and livability and the potential for irreversible harm to the environment. This project is too significant a matter to delegate to staff, The appeal should be approved, and the project should be called up for an open, public review by policy makers, with widespread citizen involvement, vs. a staff process which has lacked transparency.

By law and rule, Oregon's Statewide Planning Goal 1 is "Citizen Involvement," with components including widespread citizen involvement in all phases, assurance of effective two-way communication with citizens, and citizen influence.

Apparently, the City Council and Mayor welcome citizen input. The City website states, "Council is always open to hearing from citizens on topics and issues of importance to them," and the mayor states, "Please reach out if you have any suggestions or ideas. We want to hear from as many folks as possible about what you want to see the City working on." Given the significance of the impacts of this project, your commitment to listening to the public is critical.

Further, Oregon's public meetings and records laws require notice to interested persons: "ORS 192.640 Public notice required; special notice for executive sessions or special or emergency meetings. (1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons the public should have an opportunity to be heard..." In keeping with the spirit and letter of the law, notice should have been provided to interested persons who could reasonably be assumed to have an interest and should have the opportunity for "widespread citizen involvement," and input on the project.

There are indicators that was not the case by staff.

- A letter from Victoria Frankeny, Riverkeeper, and Staff Attorney for Tualatin Riverkeepers states, "The proposed project has significant impacts to the Tualatin National Water Trail and recreation. The Tualatin River is one of two federally-designated National Water Trails. As the holder of this designation, Tualatin Riverkeepers should have been notified of this project due to its potential impacts to the Tualatin River."

- Despite requests from Willamette Neighborhood association, information about the Intergovernmental Agreement (IGA) between the City and School District regarding the project was not provided until *after* the IGA was approved.
- My written comments to staff for the June 16, 2022 Pre-Application Conference Meeting for this project were rejected with the statement that comments won't be accepted until the application is submitted. (This is inconsistent with prior conferences, e.g., public comments from two people were accepted for the Pre-app 4096 Cornwall St. https://westlinnoregon.gov/sites/default/files/fileattachments/planning/meeting/38261/pa-19-11_staff_summary_cornwall.pdf.)
- Were all affected property owners, the writers of 53 letters and e-mails to the city and the 500 petitioners regarding the Dollar Street site notified?

Insular Process, Lack of Transparency

There are other examples of an insular process and lack of transparency and oversight by staff. For example, the staff Summary Notes of the June 16, 2022 Pre-Application Conference Meeting (attached) stated that only three permits would be sought: Flood Management Area Permit, Tualatin River Greenway Permit, Water Resource Area Permit. Recognizing that there were multiple federal, state, and local entities with applicable laws and requirements (see below), I reached out to several. Included was Kelly Reid, Regional Representative for Multnomah and Clackamas Counties, Oregon Department of Land Conservation and Development. She noted that the roundabout itself was included in the land use application for the new school, but the impacts on natural resources were not addressed, and another land use review is required.

In another example, in the staff analysis supporting the IGA, the roundabout was presented as approved, although it had not been approved.

An attachment to the IGA depicted a full roundabout and the staff report to the City Council prior to their approval of the IGA states, "The [Fields Bridge] roundabout construction was also approved in the land use decision and will proceed regardless of the approval of this IGA." The IGA agenda item attachments included a link to project details including detailed engineering plans [Link to project details including detailed engineering plans](https://westlinnoregon.gov/publicworks/athey-creek-middle-school-public-improvements)

<https://westlinnoregon.gov/publicworks/athey-creek-middle-school-public-improvements>

Volume 4 of the plans depict a detailed roundabout

https://westlinnoregon.gov/sites/default/files/fileattachments/public_works/project/54648/pi-21-01_athey_creek_middle_school_plans_approved_5-31-22_set_1_of_3_for_project_page.pdf

However, the plan that was in effect at the time of the Planning Commission's "Final Decision and Order on the Conditional Use Permit for the new Athey Creek Middle School" was the *West Linn Willamette Falls Drive 2021 Conceptual Design Plan* recommended for approval by the Planning Commission on June 16, 2021 and adopted by the City Council on July 12, 2021. As indicated by its title, the *Plan* was conceptual; only three WFD roundabouts are discussed in the narrative: at Sunset Drive, West A, and OR 43. A Fields Bridge roundabout is not mentioned in the narrative, and only one detailed layout depicts a small "potential roundabout," with one spoke as the "Future Dollar St. Connection," a pedestrian crossing. A notation states, "Dollar

Street connection *will be refined at a future design stage,*” and on p. 53, the need for more detail in the plan is identified as the plan is implemented.

Staff’s inclusion of the detailed engineering plans for the roundabout in the IGA and misstatement that it had been approved, circumvented Planning Commission review, City Council approval, and the opportunity for public involvement.

Multiple Environmental Protection Entities, Laws Apply

Once the most polluted river in Oregon, the Tualatin River is a carefully restored treasure and source of drinking water for many area residents. Many entities and countless community members have come together to protect and restore the Tualatin River watershed, in stewardship efforts to preserve healthy ecosystems. The US Environmental Protection Agency identified 20 governmental agencies and entities involved in the Tualatin River riparian restoration project and implementation of agricultural and urban best management practices.

Studies, plans, and reports all list threats to this environmentally fragile area. For example, strategies in the “Oregon Conservation Strategy Flowing Water and Riparian Habitats” apply to all naturally occurring flowing freshwater streams and rivers throughout Oregon as well as the adjacent riparian habitat. They are based upon such laws and government entities as Oregon Forest Practices Act, Northwest Forest Plan, and identifies the DEQ, Statewide Planning Goals #5, Senate Bill 1010, Agricultural Water Quality Management Area Plans and Rules, and US EPA, Oregon Department of Agriculture, Oregon Watershed Enhancement Board, and watershed councils. Multiple threats are identified, such as loss of riparian habitat, floodplain function, and habitat complexity, pollution, habitat degradation, passage barriers and channel complexity, water quality and quantity, temperature, sedimentation, etc.

<https://oregonconservationstrategy.org/strategy-habitat/riparian-habitats-and-flowing-water/>

Additional federal, state, local laws, rules, regulations, and ordinances apply, including the federal Clean Water Act, and Federal Emergency Management Agency Floodplain requirements. The Oregon Division of State Lands Fill and Removal requirements, Oregon Department of Environmental Quality and others have applicable requirements, and the Department of Geology and Mineral Industries, and Oregon Department of Fish and Wildlife may have requirements.

When FEMA regulations were modified to reflect settlement of the Endangered Species Act litigation, a Schwabe Williamson Wyatt attorney stated that areas subject to the regulations are part of riparian habitat zones extending 150 to 250 feet from high water, which is beyond the 100-year floodplain. New uses, such as athletic fields and parking lots, are restricted in favor of keeping the spaces open.

During consideration of a proposed trail along this section of the Tualatin River in 2011, Oregon Department of Fish and Wildlife District Habitat Biologist for the North Willamette Watershed District, Elizabeth J. Ruther, submitted a report to the City. The report identified the importance of riparian buffers, native vegetation, and protection of sensitive resources related to habitat, fish,

and wildlife and identified multiple species potentially impacted: herons and waterfowl, red legged frog habitat, pileated woodpeckers. and she stressed the importance of protection of habitat for nesting mammals as a dwindling and critical resource.

She said the river plays a critical role as a safe movement corridor, and the small buffer area is critical to the passage of a number of species. Further, a natural riparian buffer increases water quality to protect ESA listed fish species. She commented that, “*Not anywhere* in West Linn, on the Tualatin River, is a trail appropriate...*too small of a buffer area.*”

HCA's, Land Use Goals. The City of West Linn is ostensibly concerned about the environment through its Habitat Conservation Area (HCA) requirements. However, the School District's application identifies four different areas in the HCA which are in the area needed for the roundabout, and each will be impacted. The District acknowledges the HCA protection requirements in the CDC but flatly states that the "impacts cannot be avoided."

Further, the potential impacts appear to conflict with Statewide Planning Goal 7 – Areas Subject to Natural Hazards: To protect people and property from natural hazards. The proposed improvements, some of which were not included in the WFD Concept plan, will result in a negative impact on protected areas, and the KPFF design/drawings demonstrate multiple impacts on the environment: six retaining walls, a large roundabout, widening of WFD, etc., cannot be constructed *without* impacting the HCA.

The overwhelming intent of these requirements is protection of the environment. Was a good faith effort made by staff beyond perfunctorily “checking off the boxes,” e.g. were all interested agencies, entities and parties given the opportunity to review the Planning Manager decision? Again, the impact of this project is substantial, and you as policy makers are urged to review the decision, involve the public, and comply not only with the laws, but with their intent and spirit.

Environmental Harm

The roundabout, WFD improvements and school site are in an environmentally fragile area which needs protection, including habitat conservation areas, wetland and riparian areas, a greenway, the Tualatin River, floodplains, etc. Unfortunately, the reality of environmental harm and lax oversight have been demonstrated repeatedly during this project, including pollution of the Tualatin River and the irreparable damage of removal of trees.

Consultant reports and hazard mitigation lists show susceptibility of the area to earthquakes, landslides wildfires, and flooding, there are steep slopes, and there were toxin/pesticide findings, including lead.

Regardless, the District rushed ahead with construction before all required permits were in place. Despite promises by the District to preserve trees, create buffers, etc., and advice to avoid rainy season excavation, the District clearcut Dollar Woods in the fall of 2021, removed all stumps, and excavated. The result was a sedimentary flow, potentially containing lead, into the Tualatin River in late February and March. DEQ's found multiple class I violations – the worst category – in both March and *again* in May. The DEQ also found the city to be violating its stormwater

permit, and cited 11 violations regarding waste discharge, failure to properly implement a stormwater plan and failure to enforce permit requirements for the school construction.

Substantial fines and penalties were levied. In its notice letter, the DEQ stated that the resulting turbidity “can degrade water quality and harm aquatic life by covering up food sources, abrading fish gills, and smothering fish eggs and invertebrate organisms. Turbidity also tends to create a public nuisance and harm other uses of public waters of the state, and is considered “pollution” under Oregon environmental law.”

The unsanctioned removal of countless trees has caused further harm to the environment. In addition to the clearcutting of Dollar Woods by the District, an additional 40+ trees have been removed by the city, and the promised 96 trees have not been replanted. The view from Willamette Falls Drive is appalling, with fragile, slide-risk slopes and terrain denuded.

Safety

Safety of retaining walls in FEMA flood zone. Construction of multiple retaining walls up to 15 feet high will require extensive excavation, and a Division of State Lands permit would require mitigation of where to place the excavated fill.

It is concerning that the retaining walls are well within the 100 Year Flood Zone area that was inundated by floodwaters two years in a row: in 1996 and again in 1997. With climate change, catastrophic natural events such as these floods and landslides can be expected to occur more frequently. Construction of the new Fields Bridge reportedly involved drilling 45 to 60 ft down to reach bedrock to have solid support. How deep will the supporting structures for roundabout and retaining walls be?

Another concern is that adding or removing significant amounts of fill will cause downstream erosion that might adversely affect downstream property owners. With limited buffers and multiple riverfront homes, residents along the Tualatin River should have received notice and information and have had the opportunity for input.

Parking. Other questions are whether it would be safe and permissible to locate parking spaces near the roundabout on Willamette Falls Drive. In fact, the CDC prohibits such parking: “Chapter 85.200 Streets A. (5) d. -...On-street parking is not allowed unless part of a Street Master Plan.”

Inadequate Clear Vision. In several areas, concrete posts and guardrails exceed the CDC’s clear vision requirements. With extensive additional construction, the safety of school children, bicyclists, pedestrians, park users and drivers, may all be at risk.

Standards for roundabouts; Tualatin Valley Fire and Rescue. There is a lack of overall City of West Linn standards for roundabouts. In fact, the 2016 Transportation System Plan, Table 12 indicates that traffic circles do not belong on minor arterials (based on Tualatin Valley Fire and Rescue emergency vehicles and safety guidelines).

ODOT, Transportation Safety. Compliance with ODOT, transportation, and safety requirements is needed. Instead, the applicant's traffic study states, "The Willamette Falls Drive/Ostman Road intersection fails to meet the operating standard under all of the future scenarios," but that, "there is currently *no desire* to change the traffic control at Willamette Falls Drive/Ostman Road."

The impact of I-205 tolling and diversion to minor arterials like Willamette Falls Drive will exacerbate the problem and create the potential for gridlock at the roundabout. Discussions to date about mitigation of traffic diversion have failed to resolve the issue, resulting in a pause until 2026. Traffic problems will be likely exacerbated by I-205 tolling, but a traffic study to assess the impact of tolling has not been done.

Scope, Need

The roundabout and improvements appear to be beyond the scope of Ballot Measures. The City's Ballot Measure 3-572 re Fields Bridge Park only included sidewalks and bike lanes and failed to mention that City also intended to construct a roundabout next to Fields Bridge and make room for parking spaces not far from it. The Voters Pamphlet statement did not mention using park property for transportation, and it was not clear to voters that it encompassed a conservation area.

Likewise, the District's Ballot Measure 3-554 did not mention the Dollar Woods site, the roundabout, Willamette Falls Drive changes, any impacts on a conservation area, etc. Rather, the District's ballot measure language cited the need based on enrollment increases.

However, data shows that enrollment in the District has been declining, even before the Pandemic, and several schools are under capacity. Unfortunately, the District did not release enrollment data until immediately prior to the 2019 election. A Pamplin news article *after* the election showed that, in fact, none of the primary schools in West Linn and Wilsonville were over capacity, some were under-capacity, and overall, the District had 132 fewer students starting in 2019 than it did in fall of 2018. <https://pamplinmedia.com/wlt/109-education/444126-358713-new-data-shows-declining-enrollment>

That trend has been borne out by PSU's Population Research Center 2020 census data. In fact, current enrollment includes a large number of students who do not reside in the District. The District admitted 625 students under HB 3681 (open enrollment), which sunsetted on 7/1/2019. As of 9/30/21 the number of remaining open enrollment students was 425 students. The District opened enrollment again to more out of District students and advertised on billboards and in theaters outside the District to "come join us."

Rather than pave over a treasured, environmentally fragile area of the Tualatin River, as decision makers you are urged to look at the larger policy questions about the need for this project, and substantially scale back the scope of the project.

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
June 16, 2022

SUBJECT: Tualatin River Greenway, Water Resource Area, and Floodplain Management Area Permits for improvements to Willamette Falls Drive adjacent to Fields Bridge Park

FILE: PA-22-18

ATTENDEES: Applicant: Erich Lais, Maryna Asuncion (West Linn Public Works)
Staff: Darren Wyss, John Floyd, Chris Myers (Planning)
Public: John McCabe, Betty Reynolds, and Kathie Halicki (Willamette NA)

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Project Details

Site Address: Willamette Falls Drive adjacent to Fields Bridge Park
Tax Not No.: 2S 1E 34C tax lots 300 and 400, 2S 1E 03AB taxlot 1900
Site Area: Approximately 1,800 linear feet
Neighborhood: Willamette Neighborhood Association
Comp. Plan: Low and Medium Density Residential
Zoning: R-10 and R-5 Residential
Zoning Overlays: Water Resource Area, Tualatin River Greenway/Habitat Conservation Area, 100-year Floodplain

Applicable CDC Chapters: Chapter 27: Floodplain Management Areas
Chapter 28: Willamette and Tualatin River Protection
Chapter 32: Water Resource Area Protection
Chapter 99: Procedures for Decision-Making: Quasi-Judicial

Summary

The City of West Linn (applicant) proposes to construct street improvements (curb, gutter, sidewalk, cycle track, pavement improvements) on the south side of Willamette Falls Drive adjacent to Fields Bridge Park. The improvements will be in partnership with the school district required improvements on the north side of the road. The north/west end of Fields Bridge Park is covered by the 100-year floodplain, which moves away from the road at the south/east end. The applicant will need to submit verification of the base flood elevation and any associated impacts to it from the project, including potential fill. Any fill will require an equal cut. The Tualatin River Greenway shares the boundary with the 100-year floodplain (CDC 28.030). The City uses the Metro Habitat Conservation Areas (HCA) to regulate the greenway and verification of the correct map boundaries should be submitted based on the criteria found in Metro Functional Plan Title 3, Table 3.07-13a and Table 3.07-13d. Any impacts to verified HCA areas will need mitigated. A wetland, which is included in the West Linn Local Wetland Inventory, exists just south of the ball fields/parking area. A wetland delineation with concurrence from DSL will be required. Also include a map identifying the required 65-foot buffer (CDC 32.060 Table 32-2). If the proposed improvements are outside of the buffer, no Water Resource Area Permit is required. If the proposed improvements are within the buffer, an alternative review application is required (CDC 32.080), including a functional analysis report and mitigation plans.

Public Comments

Attendees asked several questions that were not specific to the pre-app discussion. These included: should the pre-app be rescheduled as the name of the park on the application was incorrect; is the baseball association aware of any

potential closures/impacts from project; will written comments be reviewed (Staff reply: any comments submitted that address the criteria after the development review application is submitted will be part of the record); what size of bond will the City secure to address potential DEQ violations.

Engineering Comments: contact Erich Lais at elais@westlinnoregon.gov or 503-722-3434

Tualatin Valley Fire & Rescue Comments: contact Jason Arn at jason.arn@tvfr.com or 503-259-1510

Process

For a Flood Management Area Permit, address submittal requirements found in CDC 27.060 and respond to criteria found in CDC 27.070, 27.080, 27.090, and 27.100 (if applicable).

For a Tualatin River Greenway Permit, address submittal requirements found in CDC 28.090 and respond to criteria in CDC 27.110 (specifically L, T, and U).

For a Water Resource Area Permit, address the submittal requirements found in CDC 32.050 and respond to criteria in CDC 32.080 and 32.090.

N/A is not an acceptable response to approval criteria. Submittal requirements may be waived by the Planning Manager following a request by the applicant. Such a request must identify the specific grounds for the waiver and must be submitted to the Planning Manager (or designee) in letter form (email is acceptable).

You may access the West Linn Community Development Code (CDC) online at <http://westlinnoregon.gov/cdc>.

A neighborhood meeting is not required per 99.038.

The deposit for a Floodplain Management Area Permit is \$1,050, for a Tualatin River Greenway Permit is \$1,700, and for a Water Resource Area Permit is \$1,850.

Once the application and fees are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

All three permits are Planning Manager decisions and do not require a public hearing. Once the submittal is declared complete, staff will send a 20-day public comment notice. Once the public comment period closes, staff will issue a decision. There is a 14-day window following the decision to appeal the decision to City Council. If no appeal has been received by the close of the appeal period, the decision is final and the applicant may move forward with the development of their proposal.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application **or provide any assurance of potential outcomes**. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required. Any changes to the CDC standards may require a different design or submittal.

**Testimony in Support of the Appeal of Planning Manager decision on
[WAP-23-01/WRG-23-01/FMA-23-01](#)**

June 6, 2023

Dear Mayor and Council,

My name is Ed Schwarz and next to me is my wife, Roberta. We are West Linn residents and have been for twenty-one years.

Thank you for allowing us to testify tonight. Two of you are new City Councilors. We hope that after listening to the appeal before the City Council tonight, which was paid for and researched by the people, you will find a way to vote for what is right and not “go along to get along.” We hope that Mayor Bialostosky and Councilor Baumgardner will do the same.

Please approve the appeal you are hearing tonight which is about protecting our environment and our right to a fair land use process. Here are our key concerns:

#1. When the voters of West Linn approved ballot measure 3-572 in November 2021 no one suspected that doing so would lead to so many trees being cut down without a permit. Had we been aware of the possibility that these trees would be removed without a permit we never would have voted yes. We would like to know exactly how many trees were cut down last summer before the permitting process began. Further, we would like to know how many of those trees were significant trees under West Linn code. The full measure of justice should be levied for every single tree that was illegally cut down.

#2. The natural area of Fields Bridge Park is anything but natural. The wetlands are inundated with blackberries and a large portion of the so-called natural area is covered with grass that gets mowed instead of native vegetation for a natural habitat. Any income from fines levied for the illegal tree cutting should be used to remove invasives and replant as much area as possible throughout Fields Bridge Park with native vegetation.

#3. The city should have presented its residents with a few different options to consider for this project. Instead, the only option presented was the mini roundabout next to Fields Bridge. The thought of middle school-age children having to navigate through the crosswalks in heavy traffic, and poor visibility from the bridge railing as well as children darting in and out of cars parked in the proposed parking spaces near the roundabout on Willamette Falls Drive is absolutely frightening. Please eliminate the parking spaces on Willamette Falls Drive. Please make sure that there will be a clear line of sight from the bridge railing to the crosswalk. Please provide lighting and signage well beyond the minimum requirements for the reduced speed zone.

#4. Two areas carved out on Willamette Falls Drive for proposed parking spaces encroach into environmentally sensitive Tualatin River Habitat Conservation Areas that are required to be protected to the greatest extent possible. This is not acceptable; the parking spaces should be eliminated. Sacrificing environmental protection for the sake of cars does not fit with the original purpose and intent of this project, which is to provide protected bike and pedestrian paths on both sides of WFD.

In closing, please uphold Ms. Oakes' and Ms. Cumming's appeal of the Planning Manager's decision. This project is critical to the future of

West Linn and should be able to be vetted and discussed by the people before any final plans are approved.

Thank you for your time.

**Ed and Roberta Schwarz
West Linn**

Wyss, Darren

From: Digby, Dylan
Sent: Tuesday, June 6, 2023 3:43 PM
To: Wyss, Darren
Subject: FW: 6/6 public comments

From: Elizabeth Rocchia [REDACTED]
Sent: Monday, June 5, 2023 5:53:00 PM
To: Mollusky, Kathy <kmollusky@westlinnoregon.gov>
Subject: 6/6 public comments

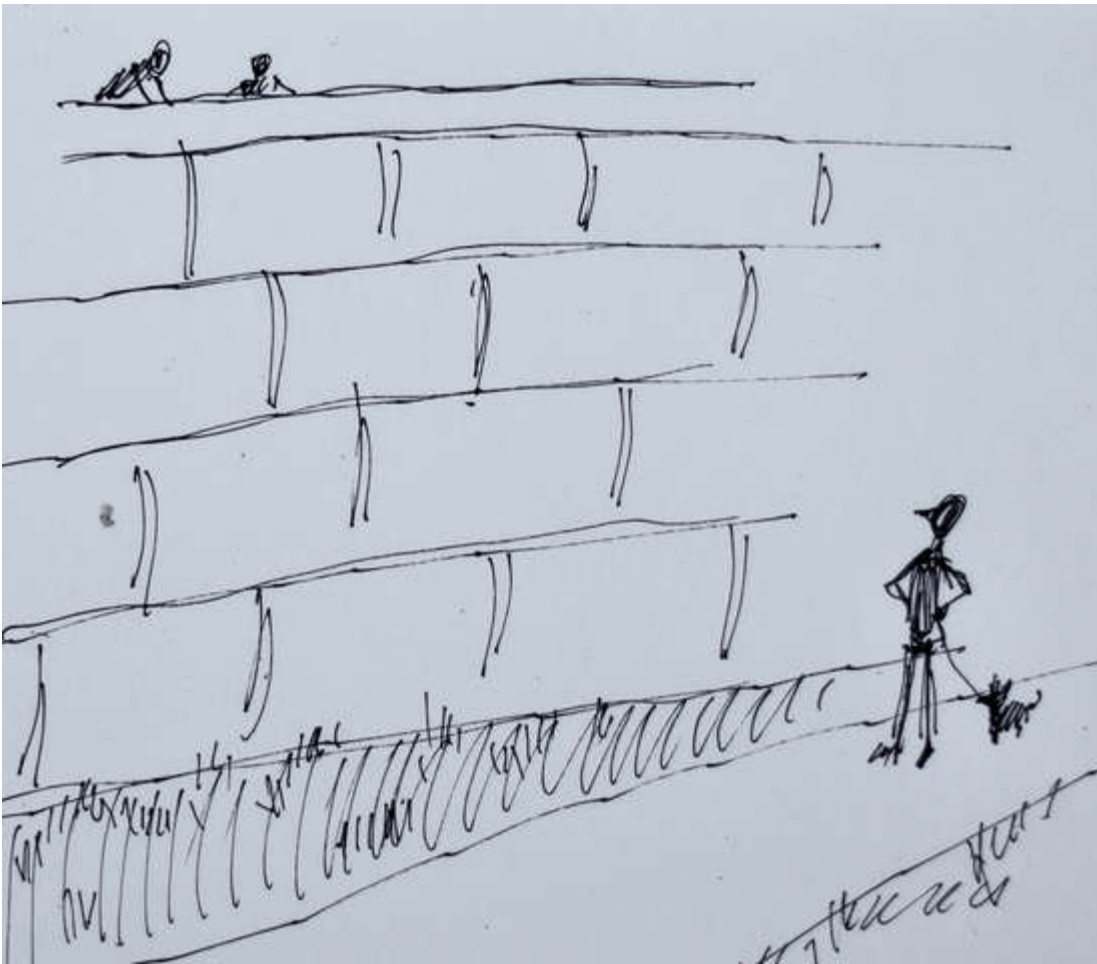
CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

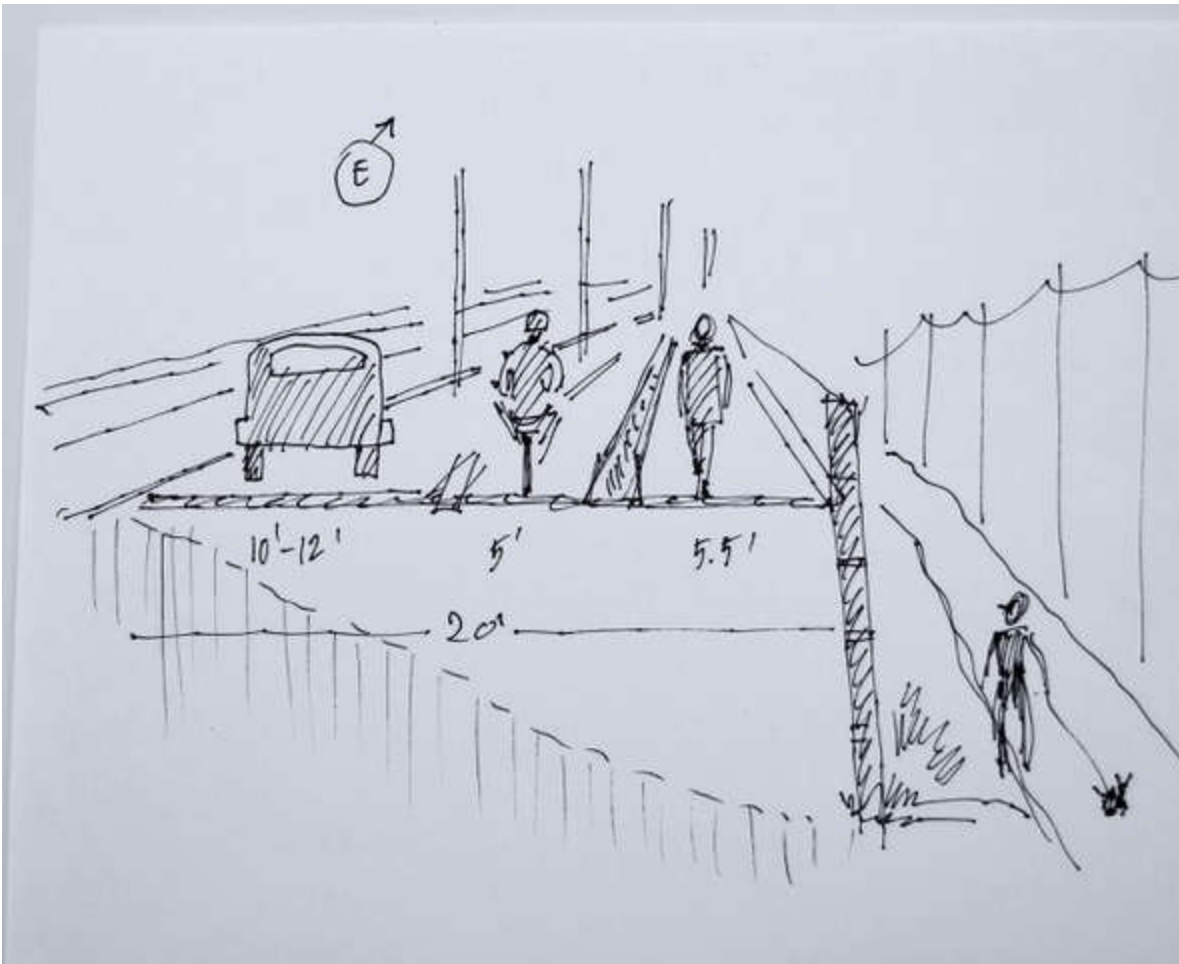
Hello Kathy,

I plan to speak up during public comments during city council on Tuesday 6/6 and hope these two sketches could pop up to illustrate my point.

Hope this works...many thanks.

Elizabeth Rocchia





Kathy Mollusky
City Recorder
Administration

[#6013](#)



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Dylan Digby
Assistant to the City Manager
Administration
Pronouns: he, him, his

[#6011](#)



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