



# CITY OF West Linn

## Memorandum

Date: June 13, 2023  
To: Mayor Bialostosky and City Council  
From: Darren Wyss, Planning Manager  
Subject: AP-23-02 Public Comments

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Between the City Council public hearing on June 6, 2023 and the June 13, 2023 deadline of 5:00pm to submit additional information, staff received six additional comments related to the appeal of WAP-23-01/WRG-23-01/FMA-23-01. The Applicant and Appellant will have until noon on June 20, 2023 to submit written rebuttal to new information.

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

## Wyss, Darren

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**From:** Mollusky, Kathy  
**Sent:** Wednesday, June 7, 2023 4:52 PM  
**To:** Wyss, Darren; Schroder, Lynn  
**Subject:** FW: Support for the appeal of WAP-23-01/WRG-23-01/FMA-23-01: Please encourage more public input.

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**From:** Carrie Pellett [REDACTED]  
**Sent:** Wednesday, June 7, 2023 4:49 PM  
**To:** City Council <citycouncil@westlinnoregon.gov>  
**Subject:** Support for the appeal of WAP-23-01/WRG-23-01/FMA-23-01: Please encourage more public input.

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Dear West Linn Mayor and Council Members,

I am writing in support of the appeal of the City's proposed Water Resource Area permit, Tualatin River Greenway permit and Flood Management Area permit for impacts related to constructing a roundabout and transportation improvements on the south side of Willamette Falls Drive.

We can do more than minimally comply with the code. Please support the appeal and encourage more public outreach on this matter.

Carrie Pellett  
West Linn

**Kathy Mollusky**  
*City Recorder*  
Administration

[#6013](#)



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## Wyss, Darren

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**From:** Rich Faith [REDACTED]  
**Sent:** Saturday, June 10, 2023 3:18 PM  
**To:** Wyss, Darren  
**Subject:** Comments for the Public Record, File No. AP-23-02

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With regard to the above reference planning file, Appeal of the Planning Manger's Decision on WAP-23-01, WRG-23-01 and FMA-23-01, I'd like to submit the following comments into the record.

I have been a member of the West Linn Transportation Advisory Board (TAB) for the past six years and currently serve as its Chairman. The TAB reviewed the Willamette Falls Drive (WFD) Concept Design Plan during its preparation in 2020 and 2021. The TAB was aware during the development of the plan that a roundabout was proposed for WFD at the east end of Fields Bridge at the planned intersection with the Dollar Street extension. We were briefed on the pros and cons of the proposed roundabout intersection in comparison to a standard intersection. The TAB voted in support of the Concept Plan in June 2021 -- a decision which included support for the proposed roundabout at the east end of Fields Bridge. Design details for the roundabout were not part of our discussions nor did we consider any potential environmental impacts associated with its construction.

I would like to add that at several of our meetings last year and even into this year the TAB has engaged in further discussions about roundabout intersections. Through the course of our discussions, we have come to the conclusion that roundabouts can be an appropriate alternative to conventional intersection design and can provide positive benefits for both traffic safety and functionality. The TAB has voted in support of giving higher priority to the use of roundabouts as part of the City's road system where appropriate.

Rich Faith, Chairman  
Transportation Advisory Board

Sent from [Mail](#) for Windows

## Wyss, Darren

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**From:** John J. McCabe [REDACTED]  
**Sent:** Monday, June 12, 2023 5:07 PM  
**To:** Gary Walvatne; Schroder, Lynn; City Council; Wyss, Darren; chris.wellander@wsp.com; McDermott, Nicole; Williams, John  
**Subject:** Fw: Fields Bridge permit  
**Attachments:** Image (468).jpg; 20230522\_182533.jpg; 20230607\_125614.jpg; 20230607\_125227.jpg; 20230607\_125441.jpg; 20230610\_144908.jpg

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**From:** John J. McCabe [REDACTED]  
**Sent:** Monday, June 12, 2023 5:04 PM  
**To:** Bialostosky, Rory <rbialostosky@westlinnoregon.gov>; Baumgardner, Mary <mbaumgardner@westlinnoregon.gov>; Igroner@westlinnoregon.gov <lgroner@westlinnoregon.gov>  
**Subject:** Fw: Fields Bridge permit

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**From:** John J. McCabe  
**Sent:** Monday, June 12, 2023 4:59 PM  
**To:**  
**Subject:** Fields Bridge permit

To have this item added to the record for the appeal for WAP-23-0.1/WRG-23-01/FMA-23-01.

Since Staff and the applicants have chosen to submit statements that are in violation of the CUP for WFD, the Council needs to remand the appeal back to the planning commission, unless any and all CUP's are allowed to be overridden by the City Staff.

Since Lewis and Clark was addressed as a roundabout, that is 89 Feet in diameter. There is a posted 15 MPH designation to enter the roundabout, with the necessary Yield signs. As for the City of Tualatin the Roundabouts are a 4-way stop. WFD is 20 feet wide, the roundabout is listed as 3 feet. This really leaves no room to navigate safely in this region. The CUP also listed that there would be cross walk with a flashing beacon. All Flashing Beacons are maintained by Clackamas County. There has been no contact with Clackamas County by any parties as to Fields Bridge. Is this just ignoring the CUP condition that even Councilor Erwin voted in favor of?

As of West Linn the planning commission was informed that there would be a posted speed of 20 MPH that went along with the reduction in the size of the Clackamas County Guardrail for the Fields Bridge. KPFF stated that there would be no reduction in speed, voiding out the Planning Commission Condition. It also voids out the Clackamas County Department to reduce the length of the Guardrail that was constructed for Safety and Federal Highway Regulations.

Then there is the "wall" in Fields Bridge Park. The 5 to 8 feet is a number. If the wall is to hold the fill for the "road" it would have to be at road level which is more than 12 feet. With no guardrail there is no safety for the cyclist who will just use the park or the North Side of the Road as the South Side is not safe with the changes that staff desires.

As for informing ODOT of any speed change, or even that a roundabout, along with a change of realigning WFD to the South was never provided to WSP or ODOT, even though it was supposed to during the tolling discussions, yet the staff did not participate as required.. The 10<sup>th</sup> Street roundabout was however informed.

As for the bike path at Fields Bridge, South Side, where are the utility poles to go? They were replaced within the last two years. Why would they have been replaced unless the City of West Linn, did not inform them properly.

As for WLWV, they may be unable to operate all of their school buildings. I have attached the 2023/24 budget that show that the Ending Fund Balance is close to being fully used by 6/30/25, unless buildings are closed, or not opened.

John McCabe  
503-351-5319









June 13, 2023

**Subject: Written Comments provided pursuant to Council Hearing for Appeal AP-23-02, Regarding the Planning Manager Decision for WAP-23-02 / WRG-23-01 / FMA-23-01, a Water Resource Area Permit, a Tualatin River Greenway Permit, and a Flood Management Area Permit to construct street improvements along Fields Bridge Park**

Mayor Bialostosky, Council President Baumgardner, and Councilors Erwin and Groner:

As a resident of West Linn, I have taken an interest in our City's government and, in particular, our land use process and decisions. I have been a member of the City's Planning Commission for over eight years, including six years as its Chair. That said, I am providing written comments regarding Appeal AP-23-02 as a City resident, not as a member of the Planning Commission. Also, my statement does not represent any consideration by the Planning Commission of this appeal or the Planning Manager Decision. Further, my comments are provided in light of the City Attorney's determination (during the March 13, 2023 Council hearing for Appeal AP-23-01) that the Council is the final decisionmaking body for appeals of Planning Manager Decisions in accordance with Community Development Code (CDC) Chapter 99.240(A) and, therefore, cannot remand Appeal AP-23-02 or the underlying application to the Planning Commission. Bearing this in mind, my comments present no conflict with my role as a Planning Commissioner.

**Ballot Measure 3-572, "Willamette Falls Drive Road Improvements in Fields Bridge Park"**

During the special election held on November 2, 2021, the City proposed Ballot Measure 3-572 for voter consent and approval to *"allow the frontage of Fields Bridge Park to be used for road improvements, including required grading to install sidewalks and separated bike lands along Willamette Falls Drive."* (Measure 3-572 Summary, see attached copy)

The information presented to the voters focused on pedestrian and bicycle improvements, including sidewalks and separated bike lanes that are referenced several times, yet there is no specific mention of a roundabout and street parking as part of the referenced "road improvements." The Measure 3-572 Explanatory Statement refers to the WFD Concept Plan, but otherwise provides no description of the road improvements, carefully avoiding mention of the proposed roundabout that would be the most prominent feature resulting from voter approval of the requested use of park land. Consequently, the voters are left to find and review the WFD Concept Plan on the City's website to understand the scope of the approval sought by this ballot measure. In short, the Explanatory Statement for Measure 3-572 focuses on sidewalks and bike lanes and does not provide any details regarding road improvements, including the roundabout and street parking. **This lack of transparency is in clear violation of ORS 251.345, which states in its entirety:**

**251.345 Explanatory statement.** Not later than the date specified by the Secretary of State, in a county that prepares a county voters' pamphlet, the governing body for any electoral district that has referred a measure to the voters shall submit an impartial, simple and understandable statement explaining the measure and its effect. [1989 c.1031 §6; 1991 c.48 §2] (underlining added)

The Explanatory Statement says, "*This measure is not a bond measure to fund road improvements.*" However, it is clear from the City Engineer-approved design that the major "effect" of Ballot Measure 3-572 was to seek approval for road improvements on park land, not the sidewalks and bike lanes touted in the Explanatory Statement. This violates the requirement of ORS 251.345 to present "*an impartial, simple and understandable statement explaining the measure and its effect.*" Without a clear presentation of the proposed road improvements in the Explanatory Statement, the voters of West Linn were not provided the opportunity to fully understand the "measure and its effect" on Fields Bridge Park, Willamette Falls Drive, and the community in general.

Accordingly, the voter approval of Fields Bridge Park land was obtained improperly through Measure 3-572. As necessary, the City Council should refer the entire process for voter consent of Measure 3-572 for review by the Secretary of State Election Division, which oversees elections in Oregon, including local ballot measures. Further, until such a review is conducted, the basis for this land use on park land is not supported by the vote for Measure 3-572 and, therefore, any further design, permitting, and construction should be halted.

Consequently, I am in full support of Appeal AP-23-02 and urge the Council to overturn the Planning Manager Decision for WAP-23-02 / WRG-23-01 / FMA-23-01.

I respectfully submit the above comments to the West Linn City Council.

Gary Walvatne  
West Linn, Oregon

# City of West Linn

## Measure 3-572

*Referred to the People by the City Council*

### **WILLAMETTE FALLS DRIVE ROAD IMPROVEMENTS IN FIELDS BRIDGE PARK**

**QUESTION:** Shall the City use a portion of Fields Bridge Park to construct road improvements to Willamette Falls Drive?

**SUMMARY:** If approved, this measure would allow the frontage of Fields Bridge Park to be used for road improvements, including required grading to install sidewalks and separated bike lanes along Willamette Falls Drive. Willamette Falls Drive road improvements are proposed in this area to provide improved facilities that are safer for pedestrians, cyclists, and motorists.

The 2016 West Linn Transportation System Plan ( " TSP " ) identified a need for bike and pedestrian routes that connect parks, schools, and retail. The TSP includes bicycle and pedestrian facilities along Willamette Falls Drive as high priorities. The City is putting this measure on the ballot because Section 46 of the City Charter requires West Linn voters to approve any use of City owned open space for a " non-authorized use, " including " construction of facilities that are not directly required for the use of the park or open space." If this measure passes, the City can impact a portion of Fields Bridge Park along Willamette Falls Drive to provide sidewalks, separated bike lanes, and road improvements.

### **EXPLANATORY STATEMENT:**

#### **About this Measure**

If approved, this measure would allow a portion of Fields Bride Park ("Park") along Willamette Falls Drive ("WFD") to be used to complete improvements to WFD, such as sidewalks and separated bike lanes (cycle tracks). Pedestrian and bike access is proposed in this area to provide safer facilities for pedestrians, cyclists, and motorists along WFD. The City is placing this measure on the ballot because the WFD 2021 Conceptual Design Plan ("WFD Concept Plan") would modify the TSP and result in the construction of transportation improvements that impact this location and, to comply with the West Linn Charter, voter approval is needed.

### **NO ARGUMENTS IN FAVOR/OPPOSITION TO THIS MEASURE WERE FILED**

### **This is not a Funding Measure**

This is not a funding measure for road, sidewalk and bike improvements along WFD. Chapter XI, Section 46 of the West Linn Charter states that "[o]nly facilities directly necessary for the use of Park shall be considered authorized." Therefore, to comply with the Charter there must be a public vote to determine if the Park should be used to construct transportation improvements along WFD. The WFD Concept Plan has been produced, but the final design is not complete; so, the exact location of the road improvements has not been determined.

### **Why this Measure is Proposed**

WFD is a road running through West Linn, connecting Highway 43 and West Linn City limits near the Tualatin River. Currently, there are sidewalks and bike lanes along parts of WFD, but many areas lack these facilities. Crossing opportunities are also limited. The goal of the WFD project is to add improvements along WFD in accordance with the Transportation System Plan (TSP) and concept plans to better connect commercial areas to the rest of the community and provide safer transportation facilities for all users, while improving access to City parks and open space.

To construct road, sidewalk and bike improvements along WFD would take additional limited city-owned park space. If this measure passes, the City will use a portion of the Park to grade and construct these improvements.

### **Research & Background**

The 2016 West Linn TSP and WFD Concept Plan resulted in a conceptual design that provides pedestrian and bike access along WFD so residents can safely travel by foot, bike, or vehicle. The TSP found that there is limited pedestrian and bike connectivity with significant gaps in the sidewalk network that results in residential areas that are not consistently connected to commercial centers, bus routes, or other pedestrian destinations. The TSP identifies sidewalks and bike lanes along WFD as a high priority.

### **If This Measure is Approved**

This measure is not a bond measure to fund road improvements. However, if this measure passes, road, sidewalk and bike facilities would be allowed along the frontage of Fields Bridge Park. More information on the WFD Concept Plan and the proposed locations of road, sidewalk and bike facilities are available online at: [www.WestLinnOregon.gov/elections](http://www.WestLinnOregon.gov/elections).

Submitted by:  
Jerry Gabrielatos  
City Manager

*The above information has not been verified for accuracy by the county.*

## Wyss, Darren

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**From:** Elizabeth Rocchia [REDACTED]  
**Sent:** Tuesday, June 13, 2023 5:56 AM  
**To:** Wyss, Darren; City Council  
**Cc:** Mollusky, Kathy; Jeff Hood; Kathie Halicki; Julia Simpson  
**Subject:** Fields Bridge retaining wall

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Hello Darren,

Once again I am urging you reconsider the parking and sidewalk along Fields Bridge Park. When the plan was first conceived , there was no school parking option. Now there is.

I can imagine the overflow using the school parking area on baseball tournament weekends. Someone coming for the whole day park at the school and take a shuttle to the park with all their gear.

This might free up a few parking slots in the park for non-baseballers.

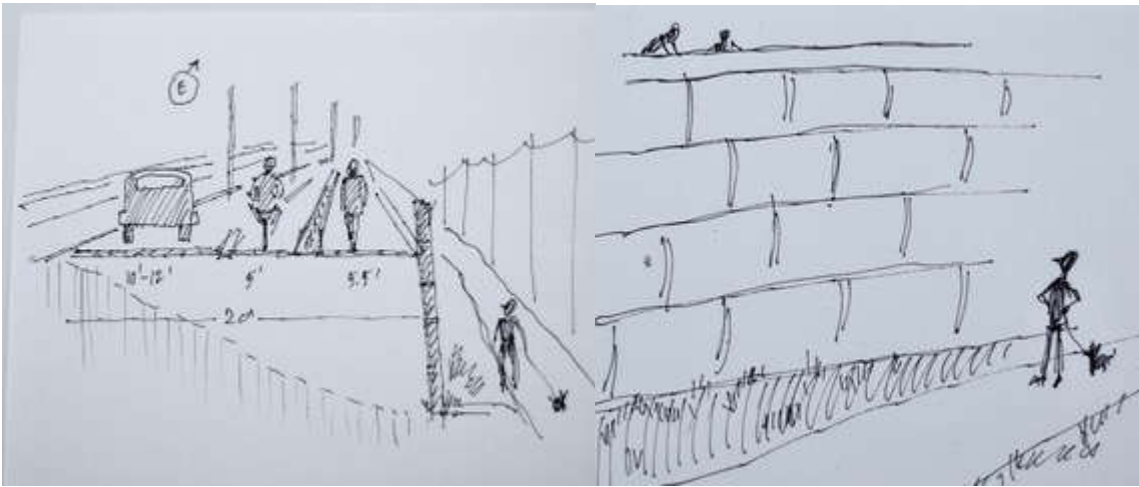
With no parking lane there is no need for the sidewalk. A bike lane could take foot traffic when needed and the huge wall would not be needed either. I fear current park users will be appalled at this intrusion of the wall.....just to accommodate a few cars for baseball.

At the east end of the park, there is space for perhaps 5 cars with angled parking. Please pause and reconsider this aspect of the WF Improvements.

Thank you,



Elizabeth Rocchia



Erocchia@comcast.net

## Wyss, Darren

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**From:** John J. McCabe [REDACTED]  
**Sent:** Tuesday, June 13, 2023 4:51 PM  
**To:** Wyss, Darren; City Council; Mollusky, Kathy  
**Subject:** Fw: [REDACTED]  
**Attachments:** 20230607\_125614.jpg; 20230610\_144908.jpg; 20230607\_125441.jpg; Image (468).jpg; 20230522\_182533.jpg

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To all;

Thank you for the time on this issue.

First there was a CUP for this area which was stated at the 6/6/23 meeting could be ignored. Who the firm Kittleson & Associates is representing is unknown by statement that were made by the firm.

WFD is from an original Highway in Oregon. The diameter on WFD at Fields Bridge has a diameter of 20 feet. The roundabout is 31 inches. This reduces a unsafe passing area to 17 feet or less. When accidents happen in this location the road needs to be closed until the vehicles involved are removed.

As for the CUP it was required that the speed limit be lowered to 20 MPH at all times. The employee of Kittleson made a statement that the CUP could be overridden and that the speed limit would not conform to the CUP. Problem is the decrease to the CUP required 20 MPH needs to be reviewed by ODOT and can take months. They have had over two years to begin the process.

Attached photo includes the roundabout at Lewis and Clark College that has a 15 MPH speed limit. The applicant addressed Lewis and Clark, and there is a reduction in the Speed limit. In Tualatin it is a 4 way stop.

A 4 Way Stop has not been approved by Clackamas County as they would be 1 of the 4 way stop points.

The removal of the Clackamas County Guard Rail at Fields Bridge was approved to be reduced in size due to the reduction of the speed limit. Since no decrease of speed limit under the Federal Highway Safety regulations all of the guardrail must remain.

There are the power poles on the South Side of WFD and the new fire hydrants on the Southside of WFD. Since design work is still occurring on the wall being taller than 8 feet, with no planned guardrail why are we sacrificing safety for supposed cost.

Based on how the contractor has performed to much activity has been how to make changes for the lower cost, not for quality performance.

Finally the WLWV budget for 2023/24. The school district has been spending more General Revenue expenses in 2022/23 and 2023/24 Due to the continued reduction with enrollments since prior to the pandemic has decreased the ending fund balance.

The school district can choose activity to the North of WFD, but it must be to the CUP. Brandon Place Extension to be emergency access only from Dollar Street. Also the need to file for a speed reduction if the Guardrail at the Fields Bridge is reduced. These two items are included in the CUP, but from testimony on 6/6/23 they have and will continue to be ignored.

John McCabe  
503-351-5319

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**From:** John J. McCabe [REDACTED]  
**Sent:** Tuesday, June 13, 2023 4:20 PM  
**To:** John J. McCabe <dbjmcm@msn.com>  
**Subject:** dbjmcm@msn.com

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# GENERAL FUND BUDGET AT A GLANCE

## Fiscal Year 2023-2024

Based on \$9.9 Billion Budget with a 49/51 split as of 7/22/2023 (sources from Oregon Department Education)

	REVENUE	FY2023-2024	PERCENTAGE
Property Taxes		44,048,763	34.93%
Common School Fund		1,253,828	0.99%
County School Fund		1,000	0.00%
State School Fund		61,590,314	48.83%
Local Option Taxes		12,929,931	10.25%
Tuition & Fees		729,717	0.58%
Investment Earnings		850,832	0.67%
Clackamas ESD		3,138,989	2.49%
Un-Restricted Grant High Cost Disability		1,089,552	0.86%
Others (including donation and building rental)		489,369	0.39%
<b>Total Revenue</b>		<b>\$ 126,122,295</b>	<b>100.00%</b>
<b>EXPENDITURES</b>			
Salaries		72,913,382	50.63%
Associated Payroll Costs		46,559,196	32.33%
Purchased Services		16,141,937	11.21%
Supplies and Materials		5,738,649	3.98%
Capital Outlay		150,000	0.10%
Other Dues and Professional Fees		1,366,458	0.95%
Pay back inter-fund 294 Loan		150,000	0.10%
Contingency		1,000,000	0.69%
<b>Total Expenditures</b>		<b>\$ 144,019,622</b>	<b>100.00%</b>
<b>REVENUE - EXPENDITURES</b>			
		(17,897,327)	
Estimate Beginning Fund Balance	\$	30,162,427	Est. as of 3.31.23
<b>EST. ENDING FUND BALANCE</b>	<b>\$</b>	<b>12,265,100</b>	<b>9.72%</b>





