



Memorandum

Date: March 3, 2025

To: West Linn City Council

From: Darren Wyss, Planning Commission

Subject: Public Comments Received for VAC-24-01

At its February 10, 2025, meeting, City Council closed the public hearing for VAC-24-01, a proposal to vacate portions of the 5th Street and 4th Avenue rights-of-way in the Willamette Neighborhood, and continued deliberations until March 17, 2025, at 6:00pm. Council left the record open for written comment until Monday, March 3, 2025, at noon (12:00pm). Staff received 47 public comments prior to the Council deadline, and they are attached. The applicant now has until Monday, March 10, 2025, at noon (12:00pm) to submit final written rebuttal.

If you have any questions, please contact me at dwyss@westlinnoregon.gov or 503-742-6064.

Date: March 2, 2025

To: West Linn City Council

Subject: Written Testimony for VAC-24-01

Dear Mayor and Councilors,

We, the abutting property owners to the 5th Street right-of-way, would kindly ask that you consider our sentiments on the issue of VAC-24-01.

The applicant did not attempt any form of communication to ask for our signatures on the application or consider our public interest in this right-of-way.

We would like to see all of these rights-of-way retained for both their natural utility, and opportunity to create viewing platform(s) and interpretive signs – particularly on the northernmost section of the 5th Street Right-Of-Way. This location offers an elevated view of the wetlands and the furthest buffer from critical wildlife habitat. Additional interpretive signs could also be placed by the 4th Avenue - East Right-Of-Way.

The loss of these ROWs will cause considerable harm to our neighborhood community.

For the reasons above, we ask that you deny VAC-24-01 on the basis of one of the three the approval criteria in ORS 271.120: prejudice to public interest.

Our signatures, which were not collected by the applicant, are provided below to oppose the vacation of these rights-of-way.

Respectfully,

The Neighbors of 5th Avenue

5th Street Right-Of-Way:

Printed Owner's Name	Owner's Signature	Address
<u>Jennifer DeMoso</u>	<u>Jennifer DeMoso</u>	<u>2638 5th Ave</u>
* <u>CHRIS CUMMINS</u>	<u>Chris Cummins</u>	<u>2470 5th Ave</u>
* <u>Leonardo Alvarez</u>	<u>Leonardo Alvarez</u>	<u>2475 5th Ave</u>
<u>Heather Harris</u>	<u>Heather Harris</u>	<u>2652 5th Ave</u>
<u>Christopher P. Williams</u>	<u>Christopher P. Williams</u>	<u>2622 5th Ave</u>
* <u>Connie Johnson</u>	<u>Connie Johnson</u>	<u>2678 5th Ave</u>
* <u>Angie Wistner</u>	<u>Angie Wistner</u>	<u>2692 5th Ave</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Note: Names indicated with an * are not considered abutting property owners to the 5th Street Right-Of-Way, but live in close proximity or adjacent to the abutting property owners.

Wyss, Darren

From: Mollusky, Kathy
Sent: Sunday, March 2, 2025 6:48 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Opposition to Right of Way VAC-24-001

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From: Jennifer Aberg <Jennifer.Aberg@vsp.com>
Sent: Saturday, March 1, 2025 10:23:21 AM
To: City Council <citycouncil@westlinnoregon.gov>
Cc: Jennifer Aberg <Jennifer.Aberg@VSP.com>; Jennifer Aberg <Jennifer.Aberg@VSP.com>
Subject: Opposition to Right of Way VAC-24-001

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Subject: Opposition to the Vacation of Rights-of-Way at 4th & 5th Ave and 5th & 7th St

Dear Mayor and City Council Members,

I am writing to express my strong opposition to the proposed vacation of the rights-of-way at 4th and 5th Avenue and 5th and 7th Street. However, I also want to emphasize an opportunity—rather than vacating these rights-of-way for development, I urge the City to consider partnering with the community to incorporate this ecologically rich area into West Linn’s park and trail system. Doing so would align with the City’s values of environmental stewardship, public safety, and forward-thinking urban planning.

A Shared Commitment to Environmental Preservation

West Linn has long been known for its commitment to preserving natural spaces, and these wetlands are a prime example of an area that deserves protection and enhancement. Wetlands provide essential ecological services, including water filtration, flood mitigation, and critical wildlife habitat. These services benefit not just the environment but the entire community. If these rights-of-way are vacated, the City loses control over how this sensitive area is managed. By contrast, retaining them would allow West Linn to incorporate these natural resources into a broader conservation and recreation strategy.

A Vision for Connectivity and Public Benefit

Rather than viewing these rights-of-way as surplus land, the City has an opportunity to enhance public access and connectivity. Many neighboring cities, including Oregon City, Portland, Lake Oswego, and Milwaukie, have recognized the long-term value of integrating public rights-of-way into trails and green spaces.

Imagine a scenic boardwalk or nature trail that allows residents to appreciate the wetlands' beauty while preserving their delicate ecosystem. Such a project would enhance recreational opportunities **within** the community and the natural world. This approach aligns with West Linn's goal of maintaining high-quality public spaces and preserving our shared environment for future generations.

Public Safety and Climate Resilience

As climate change increases the frequency of extreme weather events, it is critical to retain wetlands and floodplains as natural buffers against flooding. Preserving these rights-of-way would allow for thoughtful, resilient land management that prioritizes public safety and sustainability.

Smart Urban Planning for the Future

Vacating these rights-of-way would limit the City's ability to adapt to future needs. Smart urban planning prioritizes flexibility and long-term vision. Maintaining public access to this land ensures that West Linn remains an interconnected, environmentally conscious, and forward-thinking community.

Conclusion: A Collaborative Path Forward

Rather than relinquishing these rights-of-way to private development, I urge the City of West Linn to consider working with community groups, such as Friends of Willamette and other local organizations (High School Clubs), to integrate these wetlands into the City's Park and trail system. This would honor West Linn's commitment to conservation while providing lasting benefits for current and future residents.

Thank you for your thoughtful consideration of this matter. I hope we can work together to protect and enhance this valuable natural resource for the benefit of our entire community.

Sincerely,
Jennifer Aberg
30-year resident of West Linn

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Kathy Mollusky
City Recorder
Administration

[#6013](#)



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March 3, 2025

To: West Linn City Council

Subject: Additional Testimony to deny RE VAC-24-01 Application/Petition for Right-of-Way (ROW) Vacations

Mayor Bialostosky and Council Members,

This record supplements my written testimony of February 10, 2025 and my oral testimony offered at the first evidentiary hearing that same day. In my oral testimony I regret not speaking more off the script on the essential criteria and authority council must reconcile. I address this more directly in this testimony. You will also receive for the record today additional testimony from Mr. Gregory Hathaway, Partner with Hathaway Larson LLP, prepared on behalf of Nicole Jackson and myself.

1. Background and Legal Basis for Council Decision-Making

In the process of helping write our City's water resource regulations, then serving four years on the Planning Commission (PC) and six years as Mayor, I learned a lot about our planning framework and process, City laws and regulations, and their implementation in the "real world." One of the reasons I left the PC for Council was the realization that I could only effectively achieve real change in shaping our community by operating as a Council member under the authority of our City Charter.

On quasi-judicial matters, the PC is generally limited to ruling on compliance with specific code citations directly relevant or linked to the decision before it. In contrast, Council has much broader discretion and authority on quasi-judicial matters it hears. Council's decision-making is not limited to considering only code citations cited in the record. In this particular case (ROW Petition) where you are to rule on what may prejudice the public's best interest (ORS 271.120), Council has considerable discretion and authority. In fact, **Council (not Staff or any Applicant) is the final authority in determining what is in the public's best interest!** Our City Attorney touched on this aspect only briefly at the initial hearing, but I don't believe that all Council members fully understand the capacity and authority you have. I would encourage you to better understand this critical context and to responsibly rule on this matter more broadly to reflect the community's overwhelming desires so you do not prejudice the public's best interests that you were elected to represent.

So how do you responsibly and legally determine what is in the public's best interest? As a Council member elected with this authority, you should each be intimately familiar with West Linn's Comprehensive Plan (latest v. 10/9/23). Our Comprehensive Plan is essentially the "bible" that outlines our community's goals, policies, action items and aspirations that Council should factor **in all of its decision-making**. The Comprehensive Plan is essentially the legal document you can and should rely on in your rulings on such matters as this ROW case before you to determine the public's best interest and any prejudice from your decision. Below are some key quotes from the introduction of our Comprehensive Plan confirming its application to your decision-making:

"...West Linn's Comprehensive Plan provides guidelines and standards for decisionmakers, including City employees and officials..."

"All City plans and implementing ordinances must be consistent with the Plan."

"The goals and policies contained within this Plan have the force of law and the City is obligated to adhere to them."

By definition, the Comprehensive Plan is *"An official document of a local government that includes goals and policies that direct how the community will develop."*

2. Comprehensive Plan Elements to Support Denial of RE VAC-24-01 ROW Vacations

I have included below several specific elements of our Comprehensive Plan that you can use (individually or collectively) to legally support your decision to deny the ROW application/petition. These are essentially official declarations by West Linn residents about what our community has determined are the highest value aspirations and visions representing the public's best interest. I have put an asterisk (*) next to those declarations I believe are most relevant to this ROW matter, but all are relevant to the bigger picture implications of your decision. Aside from the testimony and petitions you have already received on this matter, these official public declarations, individually and/or collectively, provide the sound legal basis for Council to find this application would prejudice the City's public interests (ORS 270.120) and should be denied.

Goal 5, Section 2 Natural Resources

**Goal 1 - "Encourage and assist in the preservation of permanent natural areas for fish and wildlife habitat in suitable, scientific/ecological areas."*

**Goal 2 - "Protect environmental features such as steep slopes, wetlands, and riparian lands, including their contributing watersheds."*

**Goal 3 - "Preserve trees in park lands, natural areas, and open space wherever possible."*

**Policy 6 - "Restore, enhance, and expand the existing habitats found along rivers and streams, including planting native trees to reduce water temperatures."*

**Policy 10 - "Manage open space, habitat, and ecological/scientific areas as identified in the West Linn Goal 5 inventory and protection plan in order to preserve their unique qualities."*

**Policy 11 - "Control activities and uses within the areas identified above to maintain ecological values, while providing for compatible recreational and educational activities."*

Policy 12 - "Protect open space areas along hillsides and areas with potential erosion hazards through development controls and appropriate zoning."

**Policy 15 - "Preserve natural resource areas through public acquisition and other methods such as conservation easements."*

**Policy 16 - "Where practical, obtain dedication of wetlands and riparian areas to the City to assure protection and maintenance and to preserve locations for public facilities."*

Recommended Action Measure 1 - "Establish development strategies in the City's regulations for hillsides and flood plains that minimize or prevent loss of riparian habitat."

Goal 6, Section 2, Water Resources

**Principal Goal: "Maintain or improve the quality of West Linn's water resources."*

Goal 7, Areas Subject to Natural Disasters and Hazards

Regarding the future project plan to develop dense housing in the active Willamette River floodplain:

**Principal Goal: "Protect life and property from flood, earthquake, other geological hazards, and terrorist threats or attacks."*

*Policy 1 – “Require development and associated alterations to the surrounding land to be directed away from hazardous areas.”

*Policy 6 – “Retain storage capacity of flood waters by protecting flood plains.”

*Policy 8 – “Minimize impacts to natural vegetation within the flood plain by restricting development and related human activity.”

*Policy 9 – “Manage land within the Willamette and Tualatin River 100 year flood plains to protect its natural functions.”

Policy 11 – “Meet the goals of Title 3 of the Metro Urban Growth Management Functional Plan to protect floodplains and other hazard areas.”

Goal 8, Urbanization

*Principal Goal – “Promote an orderly growth pattern within the UGB to preserve and enhance the natural and developed character of West Linn.”

3. You Must Reject Arguments That It’s Premature to See/Rule on the Bigger Picture

The Applicant (and Staff) have argued that the ROW decision has nothing to do with any future development project and, therefore, Council cannot render a decision in consideration of future planning and development until a project application is actually submitted. This is simply hogwash (see also related Comment 1 above)! To the contrary, it is exactly your duty as Councilors to see and understand the big picture plan because it is the foundation of determining what is in the “public’s best interest” and whether that interest may be prejudiced. The need and understanding of this planning perspective is further substantiated in testimony being submitted by Gregory Hathaway, Partner with Hathaway Larson LLP prepared on behalf of Nicole Jackson and myself (see *Section I. of Mr. Hathaway’s 3/3/25 testimony*). Mr. Hathaway has clarified further legal basis on the requirement to identify the future land use “purpose” and “reason” on a petition to vacate under ORS 271.080, which the Applicant failed to include/describe.

It is Council’s role to be stewards of our community desires first and foremost. It is also Council’s role to see and understand the bigger picture and to protect and support the community’s clear and overwhelming desires to protect this unique landscape by seeing the ROW decision at its face value and purpose – which **in this case is to allow to move forward a dense housing development project to be located in West Linn’s most significant remaining wetlands (see pre-application file PA-24-07)**. This understanding on its own is a clear and compelling basis for denial in the public’s interest when you consider the context and record presented in this testimony, the testimony of Nicole Jackson and comments from many others, including more than 3,000 members from our community that have signed the petition (sponsored by Friends of Willamette Wetlands) to stop the housing development plan in the wetland.

You must also see and recognize the irony, and I would argue inappropriate bias, of the Applicant and Staff arguments on this timing and context. If it is premature and inappropriate for Council to look ahead and consider the future of this project, how is it acceptable that our planning Staff have purposely created future planning documents (i.e., Waterfront Vision Plan Final Draft, Dec 2024) **designating the Applicants actual wetland development area (PA-24-07) in the plan?** The Applicant and Staff are essentially doing what they say you cannot do, but your big picture oversight on this matter is exactly the role and duty that Council should be exercising as elected stewards of our community!

This also illustrates inappropriate Staff bias by “teeing-up” and essentially pre-approving this specific housing development project in our most valued wetlands as an acceptable land use. And by this action Staff have essentially endorsed and integrated this misguided project in the actual planning document that describes the community aspirations and vision for this Pond area to be the exact opposite of what the development project and Staff intends. This is an absurd and disrespectful approach/premise they support by these actions. I have seen such conflicts before in our City, and if the project is not stopped now it’s a setup for chaos and disaster in the community, and for Staff and Council. Council must end this misguided approach to our City’s planning and development conduct by simply denying this ROW application for its true intent which is clearly not in the public’s best interest.

4. Applicant’s Characterization that ROWs are Only for Roadways is Misleading and Erroneous.

The applicant has repeatedly characterized the public ROWs as having been established for future roadways and that they are of no use to the City because roadways are not planned in the subject area. Staff have essentially supported this limited, myopic interpretation. The truth is the City can use these ROWs for many other public purposes, including for example public pathways and boardwalks, viewing platforms, scientific and educational signage and displays and utilities conveyance, and these and other uses have been well documented in testimony from others in the record. The value of unimproved ROWs is also integrated in our City’s Parks Master Plan with the intent to retain and use such ROWs for public trails and related uses. It’s also worth mentioning that contrary to comments by the Applicant, utilities can be installed using underground isolation methods to protect surface features where construction may be near, along or beneath sensitive wetland areas.

Another key aspect potentially prejudiced by an approval on this matter is the uncertainty on the scope and approach to future remedial action(s) that will be required for the industrial pond and adjacent connected wetland complex. At this stage of great uncertainty, it’s in the City’s best interest to maintain as many control options as possible to ensure the best and most-effective approach or options are available in the future cleanup and restoration project. Abandoning these ROWs by approving this application further limits the options the City may have in the future management of these areas, and this would further prejudice the public’s interest in violation of ORS 271.120.

5. Additional Factor on Pond Construction Related to ROW Decision for Development Project

It has been brought to my attention by some in the community that one or more Council members may be operating under the assumption that the contaminated pond area mentioned in the record has a containment liner preventing contaminant migration. As you know the pond area, including a portion of the adjacent wetland subject to the ROW decision, is also subject to an uncertain future remedial/cleanup action. I can tell you that based on my expert review of previous investigation data (*CDM Smith 2014*), including multiple borings extended beneath the pond area, there is no evidence of a containment liner beneath the pond. I can confirm this as an expert geologist/hydrogeologist (recently retired) that has worked for more than 40 years on similar sites/projects. I’m also familiar with the consultants that previously worked on the pond characterization project and trust their site characterization conclusions in this regard. I mention this because there is more recent visual evidence of deterioration along the pond perimeter, and other uncertainties related to the adjacent cleanup plan/approach involving the adjacent wetlands, where the City’s ROWs could be of value to the City in the future. It is one more uncertainty which I believe Council should factor to deny the ROW application and not further prejudice the City’s public’s interest in violation of ORS 271.120.

In conclusion, Council has wide discretion and full legal authority to determine what is in the public’s best interest, and the West Linn Comprehensive Plan elements cited in this testimony are, on their own, a legally rigorous reflection of the community’s desires and aspirations to judge any prejudice. These elements by themselves are

more than sufficient to deny this ROW application because it is intended to allow for a future housing development project (PA-24-07) in the City's highest valued remaining wetlands that would, among other adverse impacts, clearly prejudice the City's public interest in violation of ORS 271.120. Also as noted above and in separate testimony from our attorney (Gregory Hathaway, Hathaway Larson LLP), the Applicant failed to clarify for our community the future "purpose" and "reason" for the ROW vacations in their petition as required under ORS 271.080.

The area subject to this ROW decision, and the future development plan (PA-24-07) that would move forward by approving this application/petition, is located in the most substantial wetland complex remaining in our City. This area requires restoration action, not dense housing construction that would critically impact the habitat characteristics and functions of this complex, environmentally sensitive area. The West Linn community has overwhelmingly concluded that the future vision for this area be centered on environmental stewardship and protecting/restoring the City's water resource areas. Based on this critical aspect alone, this ROW application is clearly not in the City's best interest and would prejudice the City's public interest in violation of ORS 271.120, and should be denied.

Council has the opportunity here to stand up for our community and put an end to a very inappropriate development plan, and in the process retain our City's valued ROWs for future use. Do not punt this responsibility and future project off to the PC to muddle through and create years of dissent and legal conflict that will distract all of us from the good work we need to work together on in community building. This is the authority you have been given as an elected official of our community, and this is one of those legacy decisions for Council and for each of you individually. I urge you to follow your heart, along with the law and authority you have on your side, and make the right decision to deny this application.

Finally, I'm kindly requesting again that you respond officially to my February 10, 2025 testimony to have the PC immediately address deficiencies in Chapter 32.080 (Alternative Review Process) that has been sitting idle on the PC docket for more than two years. It's time to close the loopholes and end the abuse of our valued Water Resource Area Protection code.

Thank you again for your service to our community!

Respectfully,

Russell B. Axelrod
Former Mayor and 34-year resident of West Linn
19648 Wildwood Drive, West Linn OR 97068
(503) 312-8464

References Cited:

CDM Smith 2014. Remedial Investigation and Risk Assessment, Blue Heron Paper Company, Aerated Stabilization Basin Site, CDM Smith and GSI Water Solutions Inc., Prepared for Clackamas County Environmental Services. April 7, 2014.

Date: March 1, 2025

To: West Linn City Council

Subject: Written Testimony for VAC-24-01

Dear Mayor and Councilors,

I, Peter Brown, am a resident of West Linn, in the Willamette neighborhood. I am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of one of the three approval criteria: prejudice to public interest.

As things stand currently, the rights-of-way in question are important to leave open future public access to a valuable, indeed unique asset: the Willamette wetlands. The wildlife associated with this wetlands is a major asset to life in West Linn. Over the last two days, for example, I have been witness to several flocks of geese circling over and landing in this area, enhancing the ambience of our neighborhood with their goose music.

I understand that there has been no comprehensive assessment of the condition of the settling pond in the area. It seems very much against the public interest to do anything in the direction of developing this land, including vacating the rights-of-way, without a thorough understanding of what remediation is required for the settling pond.

My overall impression is that the developer is attempting to move ahead with essentially no engagement with the abutting property owners. This is clearly not in the nature of a project guided by the public interest.

I also understand that, according to the City's 2019 Parks Master Plan, this area was intended to be developed as a public park. Because of its unique nature as a large wetland with many wildlife species, this would still seem to be the highest and best use of this land.

While the ROW vacation request does not, in and of itself, constitute a green light for the intended development of 52 dwelling units on 5th Avenue, it is an important step in that direction. No steps should be taken in that direction, primarily due to the fact that the streets in the area are totally unsuitable for the traffic that such a development would generate. It is only barely possible for two passenger cars to pass each other on 5th Avenue now, and entirely impossible for large construction

vehicle traffic to coexist with car traffic, as would be required for the entire period of construction.

It is abundantly clear to me that the public interest is served by keeping this land headed in the direction of park development, over whatever time period is required, and leaving it in its present condition during that time. Doing anything to move towards the density of housing envisioned by the developer's current plans is to materially degrade the quality of the Willamette neighborhood, and not in the public interest.

I therefore request that the City Council deny the petition to vacate the ROWs identified in VAC-24-01.

Respectfully yours,

Peter Brown

1307 9th St.

West Linn, OR 97068

Wyss, Darren

From: Mollusky, Kathy
Sent: Monday, February 17, 2025 12:06 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Written Testimony for VAC-24-01

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From: Rita Burton <rburton114@gmail.com>
Sent: Saturday, February 15, 2025 8:09:28 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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As a resident of West Linn, I am writing to implore you to deny the ROW application for the 4th and 5th ave in West Linn. In the public interest, I walk this route daily and want to continue this special walk with all the natural beauty, sounds and scenes I am privileged to enjoy. We need to safeguard these special environments for our present and future citizens.

Thank you,
Rita Burton
2323 Haskins Rd
West Linn 97068

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Kathy Mollusky
City Recorder
Administration

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Date: February 22, 2025
To: West Linn City Council
Subject: Written Testimony for VAC-24-01

Mayor and Councilors,

I, Rosanne Cejna, a resident of West Linn, am writing to ask you to **deny the right-of-way vacation (VAC-24-01), pursuant to ORS 271.120, on the basis of one of the three approval criteria: prejudice to public interest.**

- Public interest was established when the City planned to make this area a park (per the 2019 Parks Master Plan). The public interest is to protect the critical wetland habitat, which includes beavers, river otters, and 130+ bird species. The planned park should come to fruition with additional protections for West Linn's largest wetland, which includes wildlife within and beyond the wetland boundary.
- All of the ROWs proposed to be vacated are in the wetland boundary and floodplain. As a benefit to public safety, as informed by the Sustainable Strategic Plan and Natural Hazards Mitigation Plan, City Council should retain these ROWs as a natural utility for flood management and stormwater functions.
- There is also great concern for public safety as the integrity of the settling pond is questionable and could potentially be leaking, given the evidence from DEQ acknowledging the absence of any liner in the pond. Despite this evidence, the applicant was able to obtain approval to build prior to remediation of the settling pond. As a concern for public interest and safety, the City Council should require more testing and a thorough investigation of the settling pond, rather than vacate the ROWs.
- Additional resources:
<https://www.clackamas.us/wes/newsletters.html>
The Clackamas Water Environment Services January 2025 Newsletter has a section about Feb 2 being World Wetlands Day.
<https://www.un.org/en/observances/world-wetlands-day>
It includes a quote taken from the United Nations website:
“Although wetlands cover only around 6 per cent of the Earth’s land surface, 40 per cent of all plant and animal species live or breed in wetlands. Wetland biodiversity matters for our health, our food supply, for tourism and for jobs. Wetlands are vital for humans, for other ecosystems and for our climate, providing essential ecosystem services, such as water regulation, including flood control and water purification. “

Respectfully,
Rosanne Cejna

Wyss, Darren

From: Mollusky, Kathy
Sent: Monday, March 3, 2025 11:50 AM
To: Wyss, Darren; Schroder, Lynn
Subject: FW: Willamette Wetlands Testimony

From: Diane Dahlin <diane@page10accounting.com>
Sent: Monday, March 3, 2025 11:49 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Willamette Wetlands Testimony

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March 3, 2025
To: West Linn City Council
Subject: Written Testimony for VAC-24-01

Dear Mayor and City Councilors,

I Diane Dahlin, a resident of West Linn, am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 based on one of the three approval criteria: prejudice to public interest.

Please consider what is best for the quality of life of the residents of West Linn.

We treasure and support West Linn. The reason it is still such a comfortable and beautiful setting for our homes is due to the care and judgment that has been put into not only its growth but also its restrictions on growth.

Please don't rush into granting the requested ROW. As we know, once movement is made toward building homes in the Wetlands area there will be no going back, no making corrections, and ultimately the decline and destruction of the wetlands.

The Willamette Wetlands is a great benefit to the overall health of all living in West Linn. As well as the myriad wildlife that make it their homes. It's also a treasure that we could not reconstruct later if this affront is allowed to move forward.

The invaluable treasure of the Wetlands is not only a legacy to us, but our legacy to future generations. If we don't thoughtfully and respectfully care for it, it will be gone *forever*. There will be no removing roads and housing to reestablish it after the mistake is realized.

Please acknowledge all of the residents of West Linn, present and future. We need to preserve the profound treasure of the Willamette Wetlands. In the future I hope to see more pathways around and through the Wetlands and observation piers built in the Wetlands. If you preserve the Wetlands how many people over future generations will visit and enrich their lives by spending time in the Wetlands. They would come not just from West Linn but all interested in the beauty and richness of a preserved wetland would visit. We have a treasure that few communities have. How could we possibly consider forfeiting that for some fee dollars?

Lets rather consider how to improve and support the area and capitalize on this gem for reflection and learning in West Linn.

Lastly, please consider the wildlife that make their homes in the Wetlands. In this time of climate change and worldwide stress on our planet let us do our small part to work toward a balance. To acknowledge that our neighborhoods and our planet thrive on diversity. Anyone could bulldoze and build a sterile town. It takes a thoughtful and respectful and forward thinking populace to build a healthy, vibrant and beautiful community. Please let us continue to be that healthy, vibrant and beautiful community.

Respectfully
Diane Dahlin

Kathy Mollusky

Wyss, Darren

From: Mollusky, Kathy
Sent: Monday, February 24, 2025 11:08 AM
To: Wyss, Darren; Schroder, Lynn
Subject: FW: Written Testimony for VAC-24-01

From: Dianne Ensign <roughskinnednewt@hotmail.com>
Sent: Monday, February 24, 2025 11:07 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Mayor and Councilors,

I, Dianne Ensign, a resident of Portland, am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of **one** of the three approval criteria: **prejudice to public interest**. Public interest was established back in the 2010s when the City was planning to make this area a park. This planned park should come to fruition **with additional protections** for West Linn's largest wetland. Vacating the rights-of-way would greatly impede any future opportunities for community use.

The high value of wetlands as habitat is well documented. Wetlands are a value for all: plants, fish, birds, amphibians, animals, humans. Wetlands once covered 2.3 million acres in Oregon. Over the years, nearly a million acres have been lost to agricultural and urban development. The sole reason for this ROW vacation is so that a developer can place 26 duplexes on critical habitat and infringe on wetland buffer requirements. Not only did one of the applicant's representatives acknowledge the development plans during the hearing on February 10th, this same development is also outlined on the draft Waterfront Vision Plan as "Medium-Density Residential Currently in the Planning Stage". Despite these proposed plans, the public interest is to keep this critical wetland habitat protected, which includes beavers, river otters and 130+ bird species.

The representatives of the applicant argued that denying the right-of-way vacation would impede growth. The goal is not to impede growth, rather it is to protect the public interest in West Linn's largest wetland, which includes wildlife within and beyond the wetland boundary.

Given the reasons above, I ask that City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,

Dianne Ensign

Portland, OR

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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Wyss, Darren

From: Mollusky, Kathy
Sent: Monday, March 3, 2025 11:50 AM
To: Wyss, Darren; Schroder, Lynn
Subject: FW: Protecting West Linn's Largest Wetland – Opposition to Right-of-Way Vacation VAC-24-01

From: Amanda Ford <amanda@optimizetech.com>
Sent: Monday, March 3, 2025 11:39 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Protecting West Linn's Largest Wetland – Opposition to Right-of-Way Vacation VAC-24-01

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Dear Members of the West Linn City Council,

I strongly oppose the proposed vacation of sections of the unimproved rights-of-way of 4th Avenue, 5th Avenue, and 5th Street adjacent to 1317 7th Street (Project ID: VAC-24-01). This action would be a clear prejudice to the public interest, in violation of ORS 271.120, and would have lasting negative impacts on West Linn's largest and most ecologically significant wetland.

Preserving Public Access and Environmental Integrity

These rights-of-way, though unimproved, provide critical leverage for the City to safeguard this vital natural resource. They allow for future enhancements such as public viewing platforms, ensuring residents can continue to appreciate and connect with the wetland without disturbing its delicate ecosystem. Vacating these rights-of-way would permanently eliminate these possibilities, limiting both public access and conservation opportunities.

Ensuring the Future of West Linn's Largest Wetland

The wetland surrounding these rights-of-way is not just another piece of land—it is West Linn's **largest** wetland, home to diverse wildlife, a natural flood buffer, and an irreplaceable environmental asset. Maintaining public control in its current form helps prevent encroachment and protects the integrity of the ecosystem. Once lost, this protection **cannot** be restored.

The City's Role in Safeguarding Public Interest

Publicly held rights-of-way provide a layer of accountability and influence that benefits both the City and its residents. This is not about creating additional burdens but ensuring that critical public interests—such as environmental conservation, responsible land management, and future planning—are not compromised.

****If this wetland is not properly protected, the City will be responsible for the long-term consequences of allowing its degradation.****

The Expectation for Responsible Decision-Making

The community has made its position clear. Residents, environmental advocates, and local organizations are calling for the City to **deny this vacation** and preserve the oversight that ensures the wetland remains intact. A decision to vacate these rights-of-way would not be taken lightly by the public, and the City must recognize its duty to act in the best interest of its residents, both now and in the future.

The right decision is to **deny** VAC-24-01. We trust you will uphold your responsibility to protect West Linn's most significant natural resource.

Sincerely,

Amanda Ford
1566 6th St.
West Linn, OR 97068
amanda@optimizetech.com
971-221-8383

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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Wyss, Darren

From: Mollusky, Kathy
Sent: Friday, February 28, 2025 5:12 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Testimony for VAC-24-01

Sent from my Verizon, Samsung Galaxy smartphone
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From: Eric Griswold <griswold@nwlink.com>
Sent: Friday, February 28, 2025 4:38:23 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Testimony for VAC-24-01

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Dear Mayor and City Councilors,

I am requesting that you deny the right of way vacation VAC-24-01.

Wetlands, which provide habitat for so many wildlife species and also provide opportunities for humans to learn about and appreciate nature, have been greatly reduced due to human activity.

From [Oregon.gov](#) :

"In the Willamette Valley, approximately 57 percent of wetlands have been lost, and a recent study shows that the valley continues to lose more than 500 acres per year."

"Statewide, 29 percent of native wetland plant communities identified to date are ranked as "imperiled."

Our wetlands need to be protected, not only for humans but for their own sake.

Right now, the area is enjoyed by wildlife and humans and supports biodiversity and a healthy relationship between humans and our environment.

It is quite apparent that the only reason for the ROW VAC-24-01 is so that the developer can move forward with their project which will severely degrade the habitat and encroach on the wetlands, not to mention the harm to the area caused during construction. Additional homes would lead to more cars and more wildlife casualties.

It is in the public interest to protect this critical wetland.

Please deny the right of way vacation VAC-24-01.

Thank you,
Eric Griswold
22733 Johnson Road
West Linn, OR 97068

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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1/31/25

Protect Our Wetlands – Please Say NO to Development

Dear West Linn City Council Members,

We are writing to strongly oppose any plans to develop the West Linn wetlands. These areas are invaluable natural resources that provide essential benefits, including flood prevention, water purification, and habitat for countless plant and animal species such as beavers and herons. Destroying them for development would have lasting negative effects on our environment, local wildlife, and overall community well-being.

These precious wetlands help mitigate climate change, reduce stormwater runoff, and improve air and water quality. Once lost, they cannot be easily restored. Instead of allowing short-term economic interests to dictate land use, we urge you to prioritize conservation and sustainable development that protects West Linn's beautiful and natural heritage.

Beyond the environmental impact, this development would also significantly worsen traffic congestion in the area. Many of our roads are already struggling to handle current traffic volumes. Adding more development near sensitive wetlands will only increase strain on infrastructure. The city should be working toward smart, sustainable growth that does not compromise our quality of life.

We respectfully ask you to reject any proposals that would harm our wetlands and to explore alternative solutions that balance growth with environmental responsibility. Thank you for your time and for considering the voices of residents who want to see these vital ecosystems preserved for future generations.

Sincerely, *Carl Kordell* *Robert Powell* *Laura Sloan*

Concerned citizens at the Unitarian Universalist Congregation at Willamette Falls: *Audrey Sparks*

Karin Miller
Ann Wolf
Michelle D. Taylor *James Colquhoun* *Deann Lathrein*
Nancy Don
Lisa Westphal *James* *Matthew Deaton*
Fannie Seidelmeier

Alenda McCaskey

Eric Entwistle

Robert Powell

Jon Townsend

February 9, 2025

Protect Our Wetlands – Please Say NO to Development

Dear West Linn City Council Members,

We are writing to address the Waterfront Vision Plan and to strongly oppose the proposed development of the West Linn wetlands. These areas are invaluable natural resources that provide essential benefits, including flood prevention, water purification, and habitat for countless plant and animal species such as beavers and herons. Destroying them for development would have lasting negative effects on our environment, local wildlife, and overall community well-being.

These precious wetlands help mitigate climate change, reduce stormwater runoff, and improve air and water quality. Once lost, they cannot be easily restored. While there might be a “100 foot buffer zone” for the wetlands, that is still too close and will have dire impacts on the wetlands. Instead of allowing short-term economic interests to dictate land use, we urge you to prioritize conservation and sustainable development that protects West Linn’s beautiful and natural heritage.

Beyond the environmental impact, this development would also significantly worsen traffic congestion in the area. Many of our roads are already struggling to handle current traffic volumes. Adding more development near sensitive wetlands will only increase strain on infrastructure. The city should be working toward smart, sustainable growth that does not compromise our quality of life.

We respectfully ask you to reject any proposals that would harm our wetlands and to explore alternative solutions that balance growth with environmental responsibility. Thank you for your time and for considering the voices of residents who want to see these vital ecosystems preserved for future generations.

Sincerely,

Concerned citizens at the Unitarian Universalist Congregation at Willamette Falls:

Tom Beatty Bob Cordel Julia Marie
[Signature] Gail Cordell
[Signature] Virginia Coffey
Debra Matthew R
Scott Muck
Christa Amyly Demark
Jane Spry

February 9, 2025

Protect Our Wetlands – Please Say NO to Development

Dear West Linn City Council Members,

We are writing to address the Waterfront Vision Plan and to strongly oppose the proposed development of the West Linn wetlands. These areas are invaluable natural resources that provide essential benefits, including flood prevention, water purification, and habitat for countless plant and animal species such as beavers and herons. Destroying them for development would have lasting negative effects on our environment, local wildlife, and overall community well-being.

These precious wetlands help mitigate climate change, reduce stormwater runoff, and improve air and water quality. Once lost, they cannot be easily restored. While there might be a "100 foot buffer zone" for the wetlands, that is still too close and will have dire impacts on the wetlands. Instead of allowing short-term economic interests to dictate land use, we urge you to prioritize conservation and sustainable development that protects West Linn's beautiful and natural heritage.

Beyond the environmental impact, this development would also significantly worsen traffic congestion in the area. Many of our roads are already struggling to handle current traffic volumes. Adding more development near sensitive wetlands will only increase strain on infrastructure. The city should be working toward smart, sustainable growth that does not compromise our quality of life.

We respectfully ask you to reject any proposals that would harm our wetlands and to explore alternative solutions that balance growth with environmental responsibility. Thank you for your time and for considering the voices of residents who want to see these vital ecosystems preserved for future generations.

Sincerely,

Concerned citizens at the Unitarian Universalist Congregation at Willamette Falls:

A collection of handwritten signatures in blue ink, including names such as Nancy Brun, Azela Hill, Nathan Spear, Frank E. Melroy, Doug Heard, Kathleen Spear, and Kathy Chauhan.

Wyss, Darren

From: Mollusky, Kathy
Sent: Sunday, March 2, 2025 6:49 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Written Testimony for VAC-24-01

Sent from my Verizon, Samsung Galaxy smartphone
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From: Davida Hamilton <chickenqueen68@gmail.com>
Sent: Sunday, March 2, 2025 7:09:36 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Dear Mayor and City Councilors,

I, Davida Hamilton, a resident of West Linn, Or, am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of one of the three approval criteria: prejudice to public interest. Please do what is right for the wildlife that my neighbors and I love and the areas that they call home. Please protect the wetlands for all of us.

I ask that the City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,
[Davida Hamilton]

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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HATHAWAY LARSON

Koback · Connors · Heth

March 3, 2025

VIA EMAIL

Mayor Rory Bialostosky
rbialostosky@westlinnoregon.gov

Council President Mary Baumgardner
mbaumgardner@westlinnoregon.gov

Councilor Leo Groner
lgroner@westlinnoregon.gov

Councilor Carol Bryck
cbryck@westlinnoregon.gov

Councilor Kevin Bonnington
kbonnington@westlinnoregon.gov

22500 Salamo Road
West Linn, OR 97068

Re: VAC-24-01 Petition to Vacate

Dear Mayor Bialostosky and City Councilors:

I represent Ms. Nicole Jackson and former Mayor Russ Axelrod regarding the above entitled matter. Both Ms. Jackson and Mr. Axelrod testified in opposition to VAC-24-01 Petition to Vacate at your hearing on February 10, 2025.

Gregory S. Hathaway
1125 NW Couch Street, Suite 550
Portland, OR 97209
greg@hathawaylarson.com
(503) 303-3103 Direct
(503) 303-3101 Main

At the conclusion of your hearing, you advised that parties could submit written comments by noon on March 3, 2025. Please accept this correspondence as Ms. Jackson and Mr. Axelrod's written opposition to the Petition to Vacate in compliance with your deadline.

Ms. Jackson and Mr. Axelrod also intend to submit individual letters identifying the Public Interest that would be prejudiced if the Petition to Vacate was approved. I have reviewed their letters and agree with their comments and conclusions.

For sake of brevity, I have organized my correspondence into the following categories:

- (1) Brief Background of the issues before the City Council.
- (2) The Legal Standard governing the City Council's decision regarding the Petition to Vacate.
- (3) Identification of the Public Interest that would be prejudiced if the Petition to Vacate was approved by the City Council pursuant to ORS 271.120.
- (4) The City's liability should the City Council deny the Petition to Vacate.
- (5) Conclusion.

I.

Brief Background of the Issues Before the City Council

The Applicant owns property at 1313 7th Street ("Property") and is proposing the vacation of the unimproved portions of 4th Avenue and 5th Avenue ("Vacation Area") pursuant to ORS 271.080. The proposed Vacation

Mayor Rory Bialostosky & City Councilors

March 3, 2025

Page 3

Area is directly adjacent to the Applicant's Property. The Applicant intends to develop 26 duplexes/52 units on its Property and within portions of the proposed Vacation Area. The proposed Vacation Area is located within the Willamette Wetlands which are the most significant remaining wetlands in the City.

ORS 271.080(1) provides that a person can file a Petition to Vacate a public right-of-way but must describe the "purpose" for which the ground is proposed to be used. The Applicant's Petition to Vacate fails to describe the "purpose" for which the ground will be used if vacated.

ORS 271.080(1) also provides that a Petition to Vacate must describe the "reason" for the proposed vacation. The Applicant's Petition to Vacate states that the sole "reason" for the proposed vacation is because the right-of-way sections of the Vacation Area have been mapped as protected wetlands/flood hazard zones and associated habitat areas that would preclude development of these streets in the future.

The Petition to Vacate fails to address ORS 271.120 that identifies the legal standard upon which the City Council either approves or denies a Petition to Vacate:

The governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. (Emphasis Added).

The Petition to Vacate does not address how the Public Interest would not be prejudiced by the Petition to Vacate.

Mayor Rory Bialostosky & City Councilors

March 3, 2025

Page 4

Based on this statute, Mayor Bialostosky stated at the hearing that the “crux” of the City Council’s decision was whether the Public Interest would be prejudiced by the proposed Petition to Vacate. The attorney for the Applicant disagreed with the Mayor. He stated that the “crux” of the City Council’s decision, under ORS 271.120, was simply whether the City had an interest in keeping the rights-of-way for the purpose of building future roadways.

Your City attorney disagreed with the Applicant’s attorney stating that the City Council was not limited by the attorney’s narrow interpretation of ORS 271.120. Instead, the City Council could generally consider whether the Public Interest would be prejudiced by the proposed Petition to Vacate as stated by the Mayor.

The principal question before your City Council is whether the Public Interest would be prejudiced by the Petition to Vacate. As described below, and as further described in the aforementioned letters from Ms. Jackson and Mr. Axelrod, we believe that the Public Interest would be prejudiced if your City Council approved the Petition to Vacate.

II.

The Legal Standard Governing the City Council’s Decision Regarding the Petition to Vacate

ORS 271.120 defines the legal standard regarding the City Council’s review and decision of the Petition to Vacate. The statute grants the City Council broad discretion in determining whether the Public Interest would be prejudiced by the Petition to Vacate. That broad discretion, however, needs to be supported by substantial evidence. Under Oregon Law, substantial evidence is evidence that a reasonable person would rely upon in rendering a decision.

Your City Council heard from members of the public at your February 10th hearing stating that granting the Petition to Vacate would be prejudicial to the Public Interest. We offer reasons (below) why granting the Petition to Vacate would be prejudicial to the Public Interest. All of these reasons, and any additional reasons submitted by the public by your March 3rd deadline, constitute substantial evidence that your City Council can adopt to deny the Petition to Vacate based on the broad discretion granted you pursuant to ORS 271.120.

III.

Identification of the Public Interest that would be Prejudiced if the Petition to Vacate was Approved by the City Council Pursuant to ORS 271.120

Based on the above legal standard, and as described below, we offer the City Council “reasons” why granting the Petition to Vacate would be prejudicial to the Public Interest and should be denied. Please also review the letters submitted by Ms. Nicole Jackson and Mr. Russ Axelrod dated March 3, 2025, identifying the Public Interest that would be prejudiced if the Petition to Vacate was approved.

1. There is a substantial Public Interest in the protection of the wetlands that exist in the proposed Vacation Area.

As of February 28, 2025, Friends of Willamette Wetlands had received over 3,100 signatures in support of preserving the wetlands that exist in the proposed Vacation Area. The public has a vested interest in protecting these wetlands and surrounding habitat as a natural area. Approval of the Petition to Vacate would prejudice this Public Interest.

- 2. The public has an interest in the City's Waterfront Vision Plan. Losing the rights-of-way within the Vacation Area is contrary to the City's planning efforts for the Waterfront Vision Plan and eliminates opportunities for public enjoyment of the area.**

The proposed Vacation Area is located within the Ponds District of the Waterfront Vision Plan. The Vision Plan anticipates public enjoyment of the area, including the possibility of wetland viewing platforms which was the highest ranked option in the Community Engagement Summary of the Vision Plan. As a result, the public has an interest in preserving the Vacation Area consistent with the City's Vision Plan. Approval of the Petition to Vacate would prejudice this Public Interest.

- 3. The public has an interest in preserving the Public's enjoyment of the proposed Vacation Area pursuant to the City's Trails Master Plan.**

The City's Trails Master Plan highlights the importance of identifying unimproved right-of-way opportunities for trails. The Trails Master Plan prioritizes the use of existing public lands and rights-of-way for trails. There are over 10 examples of existing unimproved rights-of-way being used as trails within the City as an alternate form of connectivity.

As a result, the public has an interest in preserving the public's enjoyment of the Vacation Area consistent with the Trails Master Plan. Approval of the Petition to Vacate would prejudice this Public Interest.

- 4. The public has an interest in maintaining the Vacation Area to be able to engage with the unique wildlife viewing of West Linn's largest wetland.**

Potential viewing platforms can be designed within the Vacation Area allowing all members of the public to have access and enjoy the largest wetland in the City, including those subject to the American with Disabilities

Act (ADA). As a result, the public has an interest in maintaining the Vacation Area. Approval of the Petition to Vacate would prejudice this Public Interest.

5. There is a Public Interest in ensuring an effective approach with remediation of the Settling Pond within the Vacation Area.

There is a public safety concern with the existing condition of the Settling Pond within the Vacation Area and its remediation. At this stage, it is in the City's best interest to maintain as many options as possible to ensure the most effective approach is available for future cleanup and restoration within the Vacation Area. Approval of the Petition to Vacate would prejudice this Public Interest without sufficient assurances.

6. There is a Public Interest in ensuring that the Petition to Vacate is in compliance with the Goals and Policies of the City's Comprehensive Plan.

In order for the City Council to determine whether the Petition to Vacate would prejudice the Public Interest, it must address the City's Comprehensive Plan that guides how land within the City can and should be used.

It appears that the Petition to Vacate is not compliant with the following goals of the City's Comprehensive Plan: **Goal 5, Section 2, Natural Resources; Goal 6, Section 2, Water Resources; Goal 7, Areas Subject to Natural Disasters and Hazards; and Goal 8, Urbanization.**

Please see the letters from Ms. Nicole Jackson and Mr. Russ Axelrod dated March 3, 2025, that describe the violations of certain goals and policies of the City's Comprehensive Plan in more detail.

IV.

**The City's Liability Should the Applicant Appeal the City Council's
Decision to Deny the Petition to Vacate**

It is my opinion that any appeal by the Applicant of the City Councils' decision to deny its Petition to Vacate would be filed in Clackamas County Circuit Court via a Writ of Review pursuant to ORS Chapter 34. A Petition for a Writ of Review is required to be filed within 60 days of the City's decision.

The Circuit Court will affirm the City's decision if it complies with the standard of review (as described above) and is supported by substantial evidence in the record.

It is my opinion that the Circuit Court would affirm your City Council's decision to deny the Petition to Vacate based on the standard of review granting the City Council broad discretion and the substantial evidence in the record supporting a conclusion that the Public Interest would be prejudiced if the Petition to Vacate was granted.

V.

Conclusion

The Applicant has not met its burden of proof demonstrating that its Petition to Vacate would not prejudice the Public Interest pursuant to ORS 271.120. On the other hand, there is substantial evidence that clearly demonstrates that the Public Interest would be prejudiced if the Petition to Vacate was approved.

Based on the foregoing, and the broad discretion granted your City Council pursuant to ORS 271.120, Ms. Jackson and Mr. Axelrod respectfully request your City Council to deny the Petition to Vacate.

Mayor Rory Bialostosky & City Councilors
March 3, 2025
Page 9

It is our understanding that the Applicant will be given the opportunity to respond to written comments by March 10th. We assume that any written comment by the Applicant will not include any new evidence and will be limited to legal argument.

Very truly yours,

HATHAWAY LARSON LLP

/s/ Gregory S. Hathaway

Gregory S. Hathaway

GSH/ep

cc: Ms. Nicole Jackson, nicjac610@gmail.com
Mr. Russ Axelrod, rbaxelrod@yahoo.com
Mr. Darren Wyss, Planning Manager, dwyss@westlinnoregon.gov
Mr. Garrett Stephenson, Esq., GStephenson@SCHWABE.com

Wyss, Darren

From: Mollusky, Kathy
Sent: Sunday, March 2, 2025 6:48 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Written Testimony for VAC-24-01

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From: Martin Heinemann <martin.heinemann@gmail.com>
Sent: Saturday, March 1, 2025 10:28:49 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Dear Mayor and City Council Members,

I oppose the proposed vacation of the rights-of-way at 4th & 5th Ave and 5th & 7th St. Instead of private development, these spaces should be preserved for conservation, public safety, and future urban planning. This is a chance to integrate the wetlands into West Linn's parks and trails system.

Key Concerns:

- **Public Interest & Legal Compliance:** Oregon law (ORS 271.120) requires right-of-way vacations to serve the public. Community feedback shows strong support for environmental preservation.
- **Environmental Protection:** These wetlands filter water, prevent flooding, and provide wildlife habitat. Losing control risks long-term damage.
- **Public Safety & Connectivity:** Vacating these areas removes future trail and emergency access points. Cities like Oregon City and Portland have successfully integrated similar spaces into public use.
- **Sustainable Growth:** Preserving these pathways supports smart urban planning, ensuring long-term infrastructure for future generations.

A Better Alternative:

Partnering with community groups like Friends of Willamette to incorporate these wetlands into West Linn's park and trail system would provide lasting environmental and recreational benefits.

Conclusion:

I urge the City Council to reject this vacation and pursue alternatives that align with West Linn's values. Thank you for your time and leadership in protecting our shared natural resources.

Sincerely,

Martin Heinemann

35 year West Linn Resident

Kathy Mollusky

City Recorder

Administration

[#6013](#)



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Wyss, Darren

From: Mollusky, Kathy
Sent: Sunday, March 2, 2025 6:50 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Written Testimony for VAC-24-01

Sent from my Verizon, Samsung Galaxy smartphone
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From: Kathy Hinrichs <kathy-hinrichs@comcast.net>
Sent: Sunday, March 2, 2025 9:30:31 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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March 2, 2025

To: West Linn City Council
Subject: Written Testimony for VAC-24-01

Mayor and Councilors,

My name is Kathy Hinrichs and I am a resident of West Linn. I am submitting this written testimony to respectfully request that you deny the right-of-way vacation VAC-24-01 currently being considered. I believe it is in the best interest of our city and the public at large to retain these rights-of-way.

I appreciate that you have many factors to consider in making this decision. The owner's representatives made several arguments at the recent Council public hearing. However, I think it's clear that the best interest of the public lies in preserving and protecting the wetlands for the benefit and use of the public. These rights-of-way will enable the city to do just that. Retaining these rights-of-way will allow for access to both protect and enhance enjoyment of the wetlands with possible construction of public viewing platforms and/or pathways. The long held desire of the people of West Linn to preserve and protect our natural wildlife habitats and public park areas is documented in existing Park's Plans and the current draft Waterfront Vision Plan.

As a final note, please consider the responsibility we all share to protect and preserve our natural environmental and sensitive habitat areas not just for ourselves but for future generations. Through 40 years of being involved here in West Linn as a citizen and parent with environmental projects ranging from Boys and Girls Scouts to high school ecology club to Adopt a Park, this shared

responsibility for preserving habitat areas has been strongly reinforced. We owe it to future generations to continue to practice what we teach.

Thank you for your thoughtful consideration of all of the input you have received.

Respectfully,

Kathy Hinrichs

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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Wyss, Darren

From: Mollusky, Kathy
Sent: Thursday, February 20, 2025 11:16 AM
To: Wyss, Darren; Schroder, Lynn
Subject: FW: Stop Development of Wetlands

From: Carter Hunt <carterbhunt@gmail.com>
Sent: Thursday, February 20, 2025 11:07 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Stop Development of Wetlands

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Mayor and Councillors,

As a local resident of West Linn, I am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant of ORS 271.120 on the basis of one of the three approval criteria - prejudice to public interest.

The sole reason for this ROW vacation is so that a developer can place 26 duplexes on critical habitat and infringe on wetland buffer requirements. Not only did one of the applicant's representatives acknowledge the development plans during the hearing on February 10th, this same development is also outlined on the draft Waterfront Vision Plan as "Medium-Density Residential Currently in the Planning Stage". Despite these proposed plans, the public interest is to keep this critical wetland habitat protected, which includes beavers, river otters and 130+ bird species.

~ Friends of Willamette Wetlands petition now has over 3,000 signatures.

~ Members of the community have repeatedly shared their desires to keep this property as a natural area with minimal development, most recently with the Community Engagement Summary for the West Linn Waterfront Vision Plan. This Vision Plan puts the community's interests at the center of the process.

Given the reasons above, I ask that the City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,

Carter Hunt

Kathy Mollusky
City Recorder
Administration

[#6013](#)

Wyss, Darren

From: Mollusky, Kathy
Sent: Monday, February 17, 2025 12:09 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Written Testimony for VAC-24-01

Sent from my Verizon, Samsung Galaxy smartphone
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From: Jennifer Irving <irvingjm@yahoo.com>
Sent: Monday, February 17, 2025 11:37:17 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Hello, Mayor Bialostosky & City Councilors -

I've been a resident of West Linn for over 20 years and I am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of one of the three approval criteria: prejudice to public interest.

City Council has an opportunity with existing Rights-Of-Way to follow through on the promises of previous City Council by adding viewing platforms / boardwalks for West Linn's largest wetland (particularly on 5th St and 4th St - West rights-of-way). Thoughtfully designed access while respecting wildlife buffers will make this resource an even greater benefit to the public. Without these rights-of-way, the City could not pursue opportunities for viewing platforms.

The City Council is allowed a broad interpretation of "public interest" for a right-of-way vacation. Other cities, including Portland, consider whether a right-of-way is: identified in an adopted plan, for stormwater functions, a view corridor or viewpoint, for tree retention, for community use, etc. In this case, there is an opportunity for viewing platforms on two of the ROWs, existing natural stormwater management, and the property is already identified in the adopted Parks Master Plan to become a "planned riverfront park".

Finally, the applicant's representatives have been clear about their lack of interest in engaging with the abutting property owners, or with Friends of Willamette Wetlands, to consider the public interest for these ROWs. This confirms that the public interest is not being considered by the applicant.

Thank you so much for your consideration and service to West Linn,

Jennifer Irving

2638 5th Avenue
February 17, 2025

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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Wyss, Darren

From: Mollusky, Kathy
Sent: Monday, March 3, 2025 11:59 AM
To: Wyss, Darren; Schroder, Lynn
Subject: FW: Written Testimony for VAC-24-01

-----Original Message-----

From: Jennifer Jackson <jenbrunatnic@yahoo.com>
Sent: Monday, March 3, 2025 11:59 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Date: March 2, 2025
To: West Linn City Council
Subject: Written Testimony for VAC-24-01

Mayor and Councilors,

I, Jennifer A Jackson, a 31+ year resident am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of one of the three approval criteria: prejudice to public interest.

I quote from language used on League of Oregon Cities website whose mission and values are a trusted, go-to resource that helps Oregon city staff and elected leaders serve their cities well and speak with one voice:

"A right-of-way is public property and is held in trust by the government whether the state, a county or a city for the benefit of the public. Thus, cities have a legal obligation to manage their rights of way for the benefit of their citizens."

I realize that a typical VAC-24-01 is usually a formality in many applications and does not impact the public. In this specific instance and upon doing some research, I feel it would definitely NOT be in the best public interest and prejudice City of West Linn residents and many other citizens from outside the city who frequent the area being considered for vacation.

The three unimproved rights-of way of 4th Avenue and 5th Street adjacent to 1317 7th Street are located in the City of West Linn's largest wetland. An area thriving with wildlife and providing habitat for many species and a necessary respite for migratory birds. I frequent this area often as well as many others I encounter while there. Hearing from them and well as the over 3,000 signatures on petition to save/keep the area intact speak volumes. Not to mention the survey from Waterfront Vision Plan that support the same sentiment to keep it natural with WETLAND RESTORATION AND WETLAND TRAILS.

With that being said and trying desperately to keep this appeal to you short, I ask you truly listen to your community and keep the right-of-ways. We all know this is just the first step in sought after partial development of the property which would have irreversible affect on the wetland and its diverse inhabitants.

There is a golden opportunity here to preserve the right-of ways that the city owns to preserve the ability to create a wonderful environmental element.

Adding to the livability and diverse beautiful West Linn that prides itself on parks and open space. Allowing 'the public' to come explore and be educated on the importance of a wetland. Viewing platforms, interpretive signs, etc. would be a great asset to do such on LAND YOUR ALREADY HAVE RIGHTS TO that are perfect locations. Have learned as well that a right-of-way is not only for roads or utilities. Can be a trail or other ways to enhance public use. I personally have had the "benefit" of walking on many "public" trails here in the city that have been revealed to me. Let's keep that option open for future needs!

Mayor and Council, during your campaigns and now while in your respective office, it was and has been expressed as a major priority to listen to your community. Your community is speaking. I, as one of your residents amongst many, are not lawyers or have the way with words and sway. I can only come to you as you have encouraged and speak my voice to you. I feel it is a prejudice to public interest so I ask you once again to deny ROW vacation (VAC-24-01) Thank you so much for the time to read this letter and allowing the community to be heard on this issue.

Much Respect,

Jennifer A Jackson

Kathy Mollusky
City Recorder
Administration

#6013<ciscotel://6013>

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[<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwestlinnoregon.gov%2F&data=05%7C02%7Cdwys%40westlinnoregon.gov%7C46909664360b447a8f9e08dd5a8de2f3%7C10a0cb315f98400fbaf49eb21e6a413f%7C0%7C0%7C638766287630437038%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiwlLjAuMDAwMClslAIiOiJXaW4zMilslkFOljoiTWFpbCislldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=VwA5sfA4pbbvhr%2BeAkyXye2ctQvCB6RzF5ZF4DohAWk%3D&reserved=0>]

Date: March 3, 2025

To: West Linn City Council

Subject: Additional written testimony regarding concerns for VAC-24-01

Dear Mayor Bialostosky and Council Members,

First, I want to thank you all for granting a continuance to allow the public to present additional evidence and responses to the applicant's arguments made during the Right-Of-Way Vacation hearing on February 10th.

Included in this follow-up testimony are three key sections:

1. Reasons Why Public Interest Will Be Prejudiced
2. Responses to Applicant's Claims
3. Alternate Uses for Rights-of-Way

You will also receive for the record additional testimony from Gregory Hathaway, Partner with Hathaway Larson LLP, prepared on behalf of Russ Axelrod and myself.

Friends of Willamette Wetlands ultimate goal is protecting, preserving and *properly* restoring West Linn's largest wetland. As a member of this group, I would like to highlight at the end of this testimony key opportunities that align with both the City's goals (Waterfront Vision, Trails Master Plan, Sustainable Strategic Plan, Parks and Recreation Master Plan) and our organization's goals for the ultimate preservation of this vital resource in our community. **The significance of these existing policies will demonstrate the city's obligation to retain these existing rights-of-way for public benefit and ultimately, why the City Council must deny VAC-24-01 to prevent the prejudice of public interest, one of the three approval criteria in ORS 271.120.**

At the end of this testimony is a rough draft concept plan of future uses for these rights-of-way if retained by the City. This is simply a starting point and a way to provide visual context for possible design when referring to viewing platforms and interpretive signs. Should these ROWs be retained, a more thorough concept plan will be provided. The intent of this included draft is simply to show that the interest in viewing platforms is a serious one, and not something expected for the City to execute all on its own.

Section 1 - Reasons Why Public Interest Will Be Prejudiced:

1. **Public interest in the area existed prior to the applicant/developer purchasing the property.** From 2012 to 2019, the City was working with Clackamas WES to make the property a “Riverfront Park”. The public’s interest has already been prejudiced once, when the property was not purchased by the City to become a park, and instead sold to the applicant. It will be prejudiced again if the last remaining public rights-of-way are lost.
2. **There is substantial community interest in the protection of the wetlands on this property.** As of March 2, Friends of Willamette Wetlands [Change.org petition](#) has received over **3,150 signatures in support of preserving the wetlands**. The community has a vested interest in protecting these wetlands and surrounding habitat as a natural area.
3. **Losing these rights-of-way goes against City planning efforts for the Waterfront Vision Plan and eliminates opportunities for public enjoyment of the area.** These ROWs, which are located in the “Ponds District” of the Waterfront Vision Plan, have the opportunity to effectively meet the goals of the vision plan and match the community feedback for wetland viewing platforms – which was the **highest ranked option** in the [Community Engagement Summary](#) (page 16). Vacating the ROWs harms the public by eliminating existing opportunities to act on community needs and desires.
4. **Losing these rights-of-way goes against City planning efforts for the Trails Master Plan and eliminates opportunities for public enjoyment of the area.** The [West Linn Trails Master Plan](#) highlights the importance of “identifying unimproved right-of-way opportunities” for trails (page 88). Vacating the ROWs harms the public's ability to engage with West Linn’s largest wetland via viewing platforms and small trails.
 - a. “Implementation and Phasing: “the Plan **prioritizes the use of existing public lands and rights-of-way.**” (page 50)
 - b. “To **preserve land for future trail connections**, the City will consult this Plan during the review of future new- or re-development applications (see Appendix B for an explanation of the land use review process).” (page 50)
 - c. Route prioritization: “**Highest priority:** Alignments passing through City-owned property and within **public rights-of way; Second highest priority:** Alignments on City-owned and **publicly owned property, including easements.**” (page 52)

- d. Contrary to what the applicant’s attorney suggested, there are over 10 examples of existing unimproved rights-of-way being used as trails and alternate forms of connectivity.
- 5. **Vacating these rights-of-way harms all members of the community to be able to engage with this unique wildlife viewing area in West Linn’s largest wetland.** Potential viewing platforms can be designed to accommodate all users by being ADA accessible.
 - a. Accessibility: “Public trails should be designed to accommodate all users. The Americans with Disabilities Act (ADA) establishes design requirements for the construction and alteration of facilities in the private and public sectors.” (page 55 of Trails Master Plan)
- 6. **There is a public safety concern with delayed remediation of the settling pond.** There is uncertainty on the future remedial action(s) that will be required for the industrial pond and adjacent connected wetland complex. At this stage, it’s in the City’s best interest to maintain as many control options as possible to ensure the best and most-effective approach available for future cleanup and restoration. Abandoning these ROWs by approving this application further limits the options the City may have in the future management of these areas, and this would put public safety at risk, prejudicing the public’s interest in violation of ORS 271.120.
 - a. Please note: despite the Prospective Purchaser Agreement attached to the property, The developer was able to **circumvent having to remediate the settling pond before developing homes** via approval from DEQ in 2022.
- 7. **There is a public safety concern with the existing conditions of the settling pond.** The DEQ Remedial Investigation from 2014 states that there is no liner in the base of the settling pond. It also acknowledged a large presence of burrowing animals (nutria) since 2013. Further, any potential encapsulation of sludge on-site would need to ensure an impermeable barrier to prevent burrowing animals from breaching the contained sludge. However, nothing is being done **now** to prevent any possible burrowing by nutria into the settling pond, which would compromise the integrity of the existing berm.
- 8. **City staff excluded consideration of broad public interest in their completeness check and staff recommendation.**

- a. City staff does not need to agree with Friends of Willamette Wetlands or the general public, but they should at least acknowledge the existence of concern for the area and the previous intended use as a riverfront park. Otherwise it shows bias against the public, given how broadly public interest can be interpreted at the ORS statute level.

The applicant's attorney argued that the Comprehensive Plan is not relevant to this right-of-way petition, but **in order to determine public interest, the Comprehensive Plan must be addressed.**

9. **There is a natural utility provided by the wetlands and floodplain in these existing ROWs** and should be retained for the City and community in that capacity.

- a. Aligned with **Goal 7 Policies in Comprehensive Plan**
- b. *Policy 6 – “Retain storage capacity of flood waters by protecting flood plains.”
- c. *Policy 8 – “Minimize impacts to natural vegetation within the flood plain by restricting development and related human activity.”
- d. *Policy 9 – “Manage land within the Willamette and Tualatin River 100 year flood plains to protect its natural functions.”

10. **Vacating ROWs goes against Comprehensive Plan Goal 5, Section 2 Natural Resources**

- a. *Goal 1 - “Encourage and assist in the preservation of permanent natural areas for fish and wildlife habitat in suitable, scientific/ecological areas.”
- b. *Goal 2 – “Protect environmental features such as steep slopes, wetlands, and riparian lands, including their contributing watersheds.”
- c. *Goal 3 – “Preserve trees in park lands, natural areas, and open space wherever possible.”
- d. Policy 12 – “Protect open space areas along hillsides and areas with potential erosion hazards through development controls and appropriate zoning.”
- e. *Policy 15 – “Preserve natural resource areas through public acquisition and other methods such as conservation easements.”
- f. *Policy 16 – “Where practical, obtain dedication of wetlands and riparian areas to the City to assure protection and maintenance and to preserve locations for public facilities.”

- g. Recommended Action Measure 1 – “Establish development strategies in the City’s regulations for hillsides and flood plains that minimize or prevent loss of riparian habitat.”

11. Vacating ROWs goes against Comprehensive Plan Goal 6, Section 2, Water Resources

- a. *Principal Goal: “Maintain or improve the quality of West Linn’s water resources.”

12. Vacating ROWs goes against Comprehensive Plan Goal 7, Areas Subject to Natural Disasters and Hazards

Regarding the future project plan to develop dense housing in the active Willamette River floodplain:

- a. *Principal Goal: “Protect life and property from flood, earthquake, other geological hazards, and terrorist threats or attacks.”
- b. *Policy 1 – “Require development and associated alterations to the surrounding land to be directed away from hazardous areas.”
- a. *Policy 6 – “Retain storage capacity of flood waters by protecting flood plains.”
- b. *Policy 8 – “Minimize impacts to natural vegetation within the flood plain by restricting development and related human activity.”
- c. *Policy 9 – “Manage land within the Willamette and Tualatin River 100 year flood plains to protect its natural functions.”
- d. Policy 11 – “Meet the goals of Title 3 of the Metro Urban Growth Management Functional Plan to protect floodplains and other hazard areas.”

13. The big picture: The impetus for this Right-Of-Way Vacation hearing is so that the property owner can build 26 duplexes / 52 units on this property and within portions of the ROWs. Vacating these ROWs, without any conservation easements in place, gets the developer one step closer to their planned development. As written, the proposed development of duplexes will substantially infringe upon the documented boundary of the wetland, not to mention the removal of significant trees in the surrounding habitat. If this project moves forward, **we risk losing the integrity and function of West Linn's most valued remaining wetlands.**

- a. **This proposed development is inconsistent with community desire and vision to:**

- i. Preserve and restore our remaining water resources, in this case West Linn's largest wetland.
- ii. Demonstrate stewardship in environmental planning and provide for educational opportunities for our schools and park systems.
- iii. Prevent further housing within the active/hazardous floodplain of the Willamette River.
- iv. Build denser housing close to active transportation corridors to minimize adverse traffic impacts to safety, including Safe Routes to Schools.

14. The Applicant's attorney argued that potential development has nothing to do with this Right-Of-Way Vacation, however, **the proposed development (PA-24-07) cannot be decoupled from the petition to vacate (VAC-24-01).**

- a. The intent of this application is to allow for future development on the property and eliminate habitat that supports the wetland. Any mitigation efforts after development would still result in a net loss of critical habitat to support the wetland.

15. While any proposed development may have additional requirements and criteria to meet the burden of proof, **there are existing loopholes in alternate review methods and variances that allow circumvention of the city code.** Rather than provide an opportunity to degrade the property and then pursue punitive damages after the fact, the City Council can prevent the risk entirely. This is proactive consideration of Comprehensive Plan policies and the protection of public interest in West Linn's largest wetland.

Section 2: Responses to Applicant's Claims

Claim 1: The use of rights-of-ways are limited to streets and utilities.

Response: Despite the common practice of rights-of-way (ROWs) being used for transportation by means of a street, or for utilities, there are numerous examples of ROWs being utilized for other functions that benefit the public. In fact, **within the boundaries of the City of West Linn, there are over 10 notable examples of unimproved ROWs being used as trails** or alternate forms of connectivity. Further, the West Linn Trails Master Plan highlights the importance of **"identifying unimproved right-of-way opportunities"** for trails (page 88).

Claim 2: “The City doesn’t have a reason to keep these [rights-of-way] unless the City wants to **use these as a way to encumber or make more difficult development that would otherwise be allowed** under the code near the wetlands themselves.”

Response: New FEMA regulations that went into effect in 2024, which the City will officially adopt later this year, already significantly encumber any potential development on the property, given that the majority of this property is located within the floodplain. As the applicant’s attorney, Garrett Stephenson, stated in his January op-ed for the Daily Journal of Commerce, these FEMA regulations, **“will make most new developments in mapped floodplains substantially more difficult and costly, if not impossible.”** Retaining these ROWs, which are all located in the floodplain, would not encumber the property more than it already is with the new regulations from FEMA. This means that any decision to deny this petition is justified in the consideration of prejudice to public interest and could not be argued as a method to impede growth.

Claim 3: Any boardwalks or trails in the rights-of-way would require fill and be subject to a permit.

Response: The northernmost section of the 5th Street ROW provides an elevated viewpoint to observe the wetlands below. It also allows for the greatest buffer from wildlife as it is outside of the wetland delineation and at the edge of the floodplain boundary. This would be a fantastic location for a viewing platform and/or a small trail. Further, not all potential walkways would necessarily require fill, particularly floating trails.

Claim 4: Potential future development has nothing to do with this Right-Of-Way Vacation petition and must be decoupled.

Response: The sole reason for this ROW vacation is to get the developer one step closer to submitting a planned development application. The proposed development (PA-24-07) cannot be decoupled from these rights-of-way, as the current proposal will encroach upon West Linn’s largest wetland, eliminate critical supporting habitat and remove opportunities for public access via small trails and/or viewing platforms. Further, no “purpose for which the ground is proposed to be used” or “reason for such vacation” was indicated in the

applicant submittal, which is required as part of ORS 271.080 (see *Section I. of Testimony from Gregory Hathaway, Hathaway Larson LLP, prepared on behalf of Russ Axelrod and myself, dated March 3, 2025*). However, we know the purpose is for a future development, which as a result, ties the development to this petition. Finally, The Trails Master Plan requires the City to “consult [the] Plan during the review of future new- or re-development applications” to preserve land for future trail connections. In this case, the City Council must review the Trails Plan now to consider the value of these rights-of-way to the community, and how future development will impact these needs and desires of the public.

Claim 5: “This is not a land use case. This is a case about whether or not the City needs these roads for transportation purposes.”

Response: As the City Attorney Ashleigh Dougill stated during the February 10th hearing, the City has common practice of treating these vacations as land use regulations and holding quasi-judicial hearings. The City Council must decide whether or not to retain these ROWs for future use. Given the supporting documentation showing the need and use for ROWs as trails and connectivity, these ROWs should be retained.

Claim 6: “It does not require a finding that the proposed vacation is consistent with the Comprehensive Plan. It does not require a finding that is consistent with any zoning ordinance.”

Response: As part of ORS 271.120, the approval criteria **does require** whether there will be prejudice to public interest, and to determine public interest, Council must consider the Comprehensive Plan and supporting city policy.

Claim 7: “We’re not required to show that this is in the public interest. What we’re required to show is whether the public interest will be prejudiced. That is a meaningful difference. Because again, what this statute requires us to show is that nobody needs this right-of-way for access.”

Response: The community needs these ROWs for both their natural utility and the future opportunity to create viewing platforms to further connect the community with West Linn’s largest wetland. The Trails Master Plan already demonstrates the use of rights-of-way for trail access, and prioritizes retaining these rights-of-way for future trail use. The loss of these ROWs would cause

considerable harm to the public, who have already indicated interest in wetland trails and viewing platforms for this area in the Community Engagement Summary.

Claim 8: “Now I expect that there will be a proposal for development in front of you that will go through land use ordinances that get at all the things that the City intends us to talk about when we go in and do development. Things like the Comp Plan, the Zoning Code, the Parks Master Plan, the wetland protections both local, regional and state. But that’s not what’s at issue tonight.”

Response: Again, in order to consider potential prejudice to public interest as part of the approval criteria for this vacation petition, the Comprehensive Plan must be considered, along with the Trails Master Plan: “To preserve land for future trail connections, the City will consult this Plan during the review of future new- or re-development applications (see Appendix B for an explanation of the land use review process)” (page 50).

Claim 9: “The council has at its fingertips a voluminous land development code that has very, very strict growth controls for the City. That is what it is intended to be used to decide whether and how land is developed. **But the vacation question primarily is whether or not the City still needs this particular roadway for transportation.** We’ve shown that it does not, so we’ve met our burden of proof.”

Response: The principal question for this vacation is whether the public interest will be prejudiced by approving the petition. While there are strict guidelines in city code, there are also alternate review methods and variances that allow circumvention of the City Code. The pre-application of the proposed development fails to address numerous elements of code, so why allow progression of a plan that falls so short? Further, the op-ed referenced in response to Claim 2 by the applicant’s attorney highlights that any future development in FEMA floodplain **would be costly if not almost impossible to implement.** Arguing that the City’s only need for this ROW would be as a street is a moot point, considering existing City documentation and practice of using ROWs for trails and alternate forms of connectivity. Therefore, the burden of proof by the applicant has not been met.

Claim 10: The City had 100+ years to do something with the rights-of-way and never did.

Response: The City was planning to make this property a riverfront park from 2012-2019, as documented in the Parks Master Plan. For reasons still unknown by the general public, the property was not purchased by the City. However, this indicates that the City recognized the value of this property to the public.

Claim 11: “These areas are not identified on the City’s adopted plans for access.”

Response: This property is identified in the Parks and Recreation Master Plan as a “Planned Riverfront Park” (pages 61, 63, 99), and implicitly identified in the Trails Master Plan for being unimproved rights-of-way that are prioritized in the plan for potential trail development.

Claim 12: “It’s our position that the public interest ought to be informed by what the purpose of these rights-of-way originally was, which was to provide transportation facility.”

Response: Public interest cannot be informed by the supposed original purpose, given the documented practice of the City utilizing rights-of-way for trails. There are over 10 documented examples of ROWs currently used as trails, which will be provided as evidence. As stated before, ROWs are identified by the Trails Plan to be prioritized for future trail use for the public.

Section 3 - Alternate Uses for Rights-Of-Way

Despite the common practice of rights-of-way (ROWs) being used for transportation by means of a street or for utilities, there are numerous examples of ROWs being utilized for other functions that benefit the public. In fact, **within the boundaries of the City of West Linn, there are over 10 notable examples of unimproved ROWs being used as trails** or alternate forms of connectivity. Further, the West Linn Trails Master Plan highlights the importance of “identifying unimproved right-of-way opportunities” for trails (page 88).

“To preserve land for future trail connections, the City will consult this Plan during the review of future new- or re-development applications (see Appendix B for an explanation of the land use review process).” (page 50)

“Public trails should be designed to accommodate all users. The Americans with Disabilities Act (ADA) establishes design requirements for the construction and alteration of facilities in the private and public sectors.” (page 55)

There is a significant opportunity here to create an exceptional wildlife viewing area that is accessible and accommodating to all users. While other uneven or steep trails in the city are unable to meet ADA accommodations, this area offers unique connectivity via existing paved roads. Viewing platforms that are designed to meet the requirements in city code, the Parks Master Plan and additional ADA guidelines would further enhance access and public benefit. To start, the northernmost section of the 5th Street ROW would be a great location for a viewing platform to observe the wetlands below from an elevated viewpoint.

Examples of ROWs Used for Trails:

- Haskins Lane (between Salamo Rd and Barrington Drive)
- Former Parker Rd (paved trail between Salamo Rd and Rosemont Rd)
- Lazy River Drive (trail between Robinwood Park and Fairview Way)
- 11th Street (extends into baseball fields at Willamette Park to Volpp Street)
- Holmes Street and Randall Street (trail into Burnside Park)
- Camassia Nature Preserve (next to West Linn High School with trail connecting between Camassia and Wilderness Park)
- Gloria Drive (trail to Wilderness Park)
- Knox Street and Prospect Street (trail into Wilderness Park)
- Oregon City Boulevard to Sunset Primary School (paved trail to connect)
- Greene Street (trail near Tannler Drive and White Oak Savanna)
- Beacon Hill Drive and Beacon Hill Lane (trail connecting to open space)
- Beacon Hill Lane (trail connecting Parker Rd to Winkel Way)
- Island View Terrace (trail connecting Cedaroak Drive to Nixon Ave)

Sources: West Linn Tax Parcel [Base Map](#) (2018), West Linn [GIS](#), West Linn [Trail Maps](#)

Alignment with the Waterfront Vision Plan

At this time, the City of West Linn owns very little property identified in the outlined area for the Waterfront Vision. **Vacating these ROWs would further reduce the amount of influence and property that the City could use to meet the goals of the Vision Plan.** Further, these ROWs, which are located in the “Ponds District” of the plan, have the opportunity to effectively meet the goals and match the community feedback

for wetland viewing platforms - which was the ***highest ranked option*** in the Community Engagement Summary (page 16).

Alignment with the Parks and Rec Master Plan

From 2012 to 2019, there is documented evidence of the City of West Linn working with Clackamas Water Environment Services to make this property that includes these three ROWs, a Riverfront Park (pages 61, 63, 99) along with Tidings articles indicating future park use. While the documented plans from past visions of a park are quite elaborate, the City can start small with a few simple viewing platforms and interpretive trails. In fact, it is the least the City could do after the public lost the opportunity to have this area be a dedicated park. Friends of Willamette Wetlands would be more than happy to collaborate on this matter.

While the general public has yet to see documented evidence explaining why the City did not purchase the property from Clackamas WES sometime around 2019, the community should have had the opportunity to have a say in the acquisition of a planned park. I am aware that none of the current City Councilors were around when this issue occurred, but it only further emphasizes the point that the current council has the opportunity, and arguably, the obligation to follow through, on promises that were made by past councils. Retaining these existing ROWs would protect the City's options for future planning and management of this critical area.

Concluding Remarks

The crux of the issue for VAC-24-01 is whether or not the public interest will be prejudiced by the vacation of these rights-of-way. This is one of the three approval criteria in the statute (ORS 271.120). The applicant failed to reach out to abutting property owners or meet with Friends of Willamette Wetlands for this vacation, demonstrating no consideration or effort to meet criteria of prejudice to public interest.

As the City Attorney, Ashleigh Dougill, stated during the February 10th hearing, the City Council is allowed a broad interpretation of “public interest” for a right-of-way vacation. The City Council simply needs to look at the existing policies and master plans to recognize:

1. That **existing ROWs can be used for trails**, not just streets or utilities,

2. There is **significant public interest** in this property for preservation, public use and benefit, and,
3. The need to **retain these ROWs to remain in alignment with the City's existing policies** and master plans.

As both an individual citizen and a member of Friends of Willamette Wetlands, I would greatly appreciate the opportunity to explore and collaborate with the City on potential uses for these existing ROWs. We would be more than happy to provide volunteer hours and other cost-saving measures to ensure any associated costs would result in an economical, yet worthy investment that yields significant returns in terms of community use and benefit.

On a final note, one of the representatives of the applicant argued that denying the right-of-way vacation would be done as a means to impede growth. The goal is not to impede growth, rather it is to **protect the public interest in West Linn's largest wetland**, which includes wildlife within and beyond the wetland boundary. Given the substantial evidence provided above, in addition to other testimony you will receive, I strongly encourage you all to act on behalf of the community and **protect public interest by denying VAC-24-01**.

Respectfully,

Nicole Jackson

18+ year resident of West Linn, born and raised

References:

1. West Linn Parks and Rec Master Plan (2019)

- a. https://westlinnoregon.gov/sites/default/files/fileattachments/parks_and_recreation/page/5788/10_14_19_master_plan_in_word_final_final.pdf
 - Page 61: Planned Riverfront Park Map
 - Page 63: Riverfront Park details
 - Page 99: Riverfront Park details

2. Appendix A for Parks and Rec Master Plan (Draft 2018)

- a. https://westlinnparks.net/sites/default/files/fileattachments/parks_and_recreation/page/15541/draft_plan_appendices_030618.pdf
 - Page 38 - Future Riverfront Park (Future Regional Park @ Tri-City Sewer District Property)
 - “Negotiate use or acquire (if required) Tri-City Sewer District property and transform into regional park*, add historic/cultural/natural history interpretation, add swimming dock, add a multi-use plaza to support programs/events/activities, add mid-sized heated shelter, provide moveable tables, create a waterside esplanade connecting to riverfront trail system, add nonmotorized boat launch with a concessionaire (boat rental), protect and reveal natural resources, integrate extraordinary play opportunities, create trailhead”
 - Page 58: F. PASSIVE-ORIENTED PARKS (encourage this use!) and G. NATURAL RESOURCE AREAS AND NATURAL AREAS/ISLANDS
 - Page 63: RIVERFRONT PARK details
 - “Enhance ecological systems and natural resources throughout the park.
 - Coordinate with DEQ to ensure that water quality standards are met as part of the effort to protect and reveal natural resources both in and around the lagoon.”

3. West Linn Trails Master Plan (2013)

- a. https://westlinnoregon.gov/sites/default/files/fileattachments/parks_and_recreation/page/7697/westlinntrails_plan_12302013.pdf
 - Existing Trails System (page 33-34): “**Unimproved right-of-way trails** are city-owned areas with potential for trail development. These potential trail corridors follow local streets, or are along city-owned open spaces.”
 - Page 33: “Types of trail corridors:
 - Through parks
 - Along easements
 - Through City property
 - Residential Linkages
 - **Unimproved Right-of-Way**”

- Page 34: “Of existing trails, there are approximately 7.4 miles (29% of the total) that are along easements, unimproved rights-of-way and city property, or that link residential areas.”
- Page 34: “Many of these trails (7.4 miles) are discreet, short segments (less than 100 feet) that provide connections between land uses.”
- Implementation and Phasing (page 50): “the Plan prioritizes the use of existing public lands and rights-of-way.”
- Page 50: “To preserve land for future trail connections, the City will consult this Plan during the review of future new- or re-development applications (see Appendix B for an explanation of the land use review process).”
- Page 51: “Finally, in addition to advancing the trail routes that form the trail system, the TSP should include goals, policies, and standards that encourage and accommodate multiple modes safely and in a **context-sensitive** manner throughout West Linn.”
- Funding (page 51): “As with other public improvements, alternative sources of funding, such as bond measures and grants could also be considered as a means to fund trails improvements.”
- Route prioritization (page 52): “Highest priority: Alignments passing through City-owned property and within **public rights-of way**; Second highest priority: Alignments on City-owned and publicly owned property, including easements”
- Accessibility (page 55): “Public trails should be designed to accommodate all users. The Americans with Disabilities Act (ADA) establishes design requirements for the construction and alteration of facilities in the private and public sectors.”
- Environmental Impacts (page 55): “Impacts to the surrounding environment should be carefully considered when determining trail design. This includes potential impacts to vegetation, fish and wildlife habitat, creeks and rivers as well as private property. New trails should avoid impacts to fish and wildlife habitat, with alignments located at habitat edges, through elevated boardwalks, pervious trail materials and by avoiding stream, wetland and floodplain crossings when possible.”
- Table 5: Trail Cost Considerations (page 63)
- Table 6: Trail Surface Cost Summary (page 64) “Boardwalk (assume 12’ wide) includes minimum impact footings”
- MAP 2: PUBLIC INPUT - DESIRED TRAIL ROUTES (page 72)
- MAP 3: PUBLIC INPUT - INTENSITY OF INTEREST (page 75)
- MAP 6: TRAIL SCREENING - ENVIRONMENT (page 81)
- MAP 7: TRAIL SCREENING - CONNECTIVITY (page 83) school zones
- Page 86: “West Linn’s Comprehensive Plan provides the basis for other plans, ordinances, and other implementing documents that set forth more detailed

direction...Most critical include: Goal 2, Land Use Planning; Goal 8, Parks and Recreation; and Goal 12, Transportation.”

- Page 86: “Goals and policies related to the trail plan include: Promoting connections between parks and recreation areas.”
- Page 87-88: “Trail-related recommendations contained in the PROS Plan include: Identifying unimproved right-of-way opportunities”
- Land Use Review (page 93): “Proposed trails are first reviewed for conformance with the Community Development Code (CDC) for environmental impacts, zoning and design. CDC Chapters 28: Willamette and Tualatin River Protection, and 32: Water Resources, provide standards for development projects and protection of water resources. According to these code chapters, development and maintenance of permeable paths and trails are generally permitted in environmentally sensitive areas but must be constructed using low impact development techniques.”
- Table B.1: West Linn Trail and Pathway Design Standards (Page 99)
- Table 4: Proposed Trail Characteristics (page 102) - many trails listed “in r.o.w.”

4. **Waterfront Vision Community Engagement Summary (2024)**

- a. https://westlinnoregon.gov/sites/default/files/fileattachments/planning/page/16751/wlwf_vision_plan_appendix_a-12-09-24.pdf
- Page 16: Within the Ponds District, survey respondents strongly favored wetland trails with viewing platforms as the option that was ranked highest by the most respondents.”
- Page 16: “The overwhelming majority of comments in this area were to retain and enhance this as a natural area with minimal development. There was also a desire to see environmental clean-up of the ponds to help restore wetlands and species habitat.”

5. **West Linn GIS Map Examples of ROWs as Trails**

- a. Attached PDFs

6. **Waterfront Vision Plan - Final Draft (2024)**

- a. https://westlinnoregon.gov/sites/default/files/fileattachments/planning/page/16751/wlwf_vision_plan_12-09-24.pdf
- Page 39: Map - Potential Trails with Viewing Platforms

7. **DEQ Documents**

- a. May 2, 2022 Approval Letter for Development Prior to Remediation
- b. 2014 Final Blue Heron Remedial Investigation and Risk Assessment

8. Tidings Articles

- a. **“How should Blue Heron site be reused?”** September 13, 2012
https://www.westlinntidings.com/opinion/how-should-blue-heron-site-be-resused/article_f415253f-3d7f-54ad-b187-9a59a122e78b.html
- b. **“Task force presents options for Blue Heron site”** April 25, 2013
https://www.westlinntidings.com/news/task-force-presents-options-for-blue-heron-site/article_aedc200e-0cec-57e1-ab1b-cc913b232067.html
- c. **“A new place to play in West Linn?”** January 30, 2014
https://www.westlinntidings.com/news/a-new-place-to-play-in-west-linn/article_575d8b17-648a-5fc9-a8a0-07ea103aa9b9.html
- d. **“A drop in the pond”** February 2, 2017
https://www.westlinntidings.com/news/a-drop-in-the-pond/article_f6720aa0-a68f-5ba3-933e-555e2aaa2e10.html

9. Constructing Wetland Boardwalks and Trails (2006)

- a. https://www.nawm.org/pdf_lib/2_boardwalk_6_26_06.pdf

10. “OP-ED: Wading Through Changes: Floodplain Development in Oregon” January 17, 2025, Daily Journal of Commerce, Garrett Stephenson and Jesse Burgess

- a. <https://www.schwabe.com/publication/op-ed-wading-through-changes-floodplain-development-in-oregon/>

Willamette Wetland Viewing Platform & Interpretive Sign Ideas

Existing Rights-Of-Way (ROWS)



1. 5th Street ROW
2. 4th Avenue - West ROW
3. 4th Avenue - East ROW

Alignment with Existing Initiatives and Policy

1. West Linn Waterfront Vision Plan (2025)
 - a. Community Engagement Summary (2024)
2. Trails Master Plan (2013)
3. Transportation System Plan (2021)
4. Parks and Rec Master Plan (2019)
5. Sustainable Strategic Plan
6. Natural Hazards Mitigation Plan
7. Comprehensive Plan

Proposed Design & Use

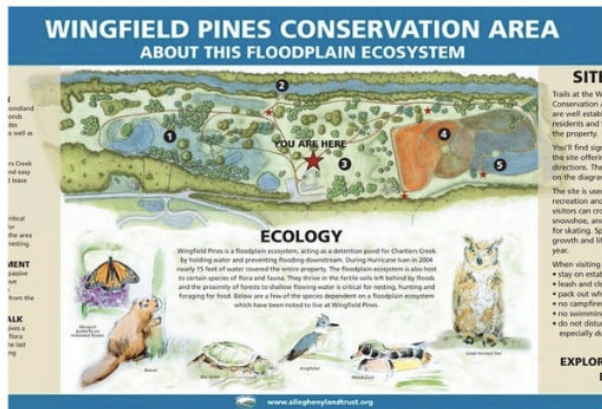
5th Street Right-Of-Way

General Features:

- Elevated viewpoint to observe the wetlands below
- ROW is almost entirely in the floodplain, with majority in the delineated wetland
- Northernmost section near 5th Avenue provides greatest buffer from wildlife

Opportunities:

- Viewing platform and benches for watching wildlife
- Viewfinder telescope
- Interpretive signs explaining the history of the property and current ecology
- Possibility for ADA accessible parking spot(s)



Clockwise, from left to right:

Image 1: Sawmill Ponds Overlook, Grand Teton National Park, Wyoming

Image 2: Observation Deck at Whistle Punk Trail near Carson, Washington

Image 3: Interpretive sign at Wingfield Pines Conservation Area, Pennsylvania

Image 4: Viewfinder at Overlook in Radnor Lake State Park, Nashville, Tennessee

Proposed Design & Use

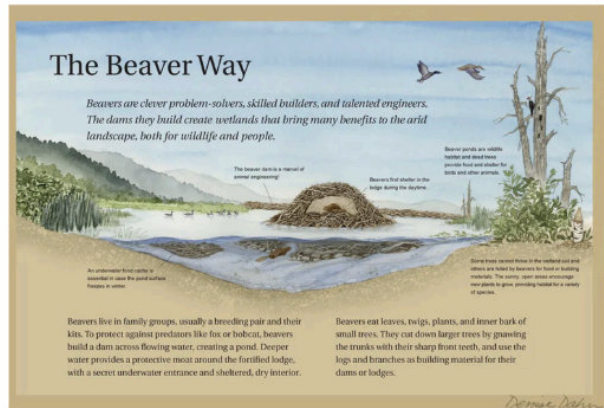
4th Avenue - East Right-Of-Way

General Features:

- Flat and accessible location for wildlife viewing
- Close proximity to beaver dam
- ROW is located within the delineated wetland and floodplain, appears to contain portion of Bernert Creek

Opportunities:

- Interpretive signs highlighting features of beaver dam and commonly spotted wildlife and birds (including river otters, herons, etc.)
- Small platform and bench for watching wildlife
- Retained for natural stormwater utility in the wetland and floodplain



Clockwise, from left to right:

Image 1: Example interpretive sign explaining importance of beavers

Image 2: Wetland Viewing Deck, Phil Hardberger Park, San Antonio, Texas

Image 3: Beaver interpretive sign by Denise Dahn

Image 4: Trenton Community Trail, near Trenton, Maine

Proposed Design & Use

4th Avenue - West Right-Of-Way

General Features:

- Access from forested area at the dead end of 7th Street
- Complementary viewpoint to the 4th Avenue - East ROW location
- ROW is located entirely within delineated wetland and floodplain, adjacent to Bernert Creek

Opportunities:

- Additional viewing platform or small boardwalk / floating trail
- **Remain undeveloped** and retained simply for its natural stormwater utility in the wetland and floodplain



Clockwise, from left to right:

Image 1: Wildlife viewing platform at the North Pikes Creek Wetlands in Wisconsin

Image 2: Interpretive sign at Rockaway Cedar Preserve


Image 3: Observation Deck at Whistle Punk Trail near Carson, Washington

Additional Inspiration: Wingfield Pines Conservation Area, Pennsylvania

WINGFIELD PINES CONSERVATION AREA ABOUT THIS FLOODPLAIN ECOSYSTEM

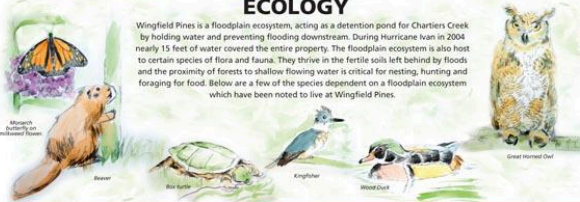
KEY

- 1 FOREST FLOODPLAIN**
The recovering woodland area, including ponds and forest, provides wildlife habitat as well as recreation.
- 2 WATER ACCESS**
Access to Chartiers Creek provides a safe and easy way to enter and leave the water.
- 3 MEADOW**
Open fields are critical wildlife habitat for species who use the area for feeding and nesting.
- 4 MINE WATER TREATMENT**
The system uses passive methods to remove abandoned mine drainage (AMD) from the water.
- 5 WETLAND BOARDWALK**
The boardwalk gives a close-up view of flora and fauna and the last step in the filtering process.



ECOLOGY

Wingfield Pines is a floodplain ecosystem, acting as a detention pond for Chartiers Creek by holding water and preventing flooding downstream. During Hurricane Ivan in 2004 nearly 15 feet of water covered the entire property. The floodplain ecosystem is also host to certain species of flora and fauna. They thrive in the fertile soils left behind by floods and the proximity of forests to shallow flowing water is critical for nesting, hunting and foraging for food. Below are a few of the species dependent on a floodplain ecosystem which have been noted to live at Wingfield Pines.



SITE USAGE

Trails at the Wingfield Pines Conservation Area are not marked, but are well established both by the animal residents and the many human users of the property.

You'll find signs of various sizes around the site offering information and directions. These are marked with a star on the diagram. ★

The site is used year-round for recreation and education. In the winter, visitors can cross-country ski and snowshoe, and the lower ponds freeze for skating. Spring is full of new growth and life and birds are active all year.


When visiting Wingfield Pines, please:

- stay on established trails
- leash and clean up after your pet
- pack out what you bring in
- no campfires
- no swimming
- do not disturb any resident wildlife, especially during nesting season.

EXPLORE, ENJOY AND BE SAFE

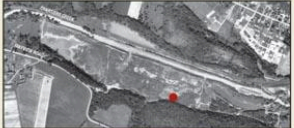
www.alleghenylandtrust.org

WINGFIELD PINES HISTORIC USES OF THE LAND




1939: AGRICULTURE

The deep, rich soil of a floodplain is plowed and planted as farmland. Note that Chartiers Creek meanders through the site from top left to bottom right.



1957: MINING

Chartiers Creek's channel has been straightened and the land is fairly barren with no notable vegetation. Open areas of bare soil and ponds can be seen, and the natural slope behind you has been cut back to create the highwall that exists today.

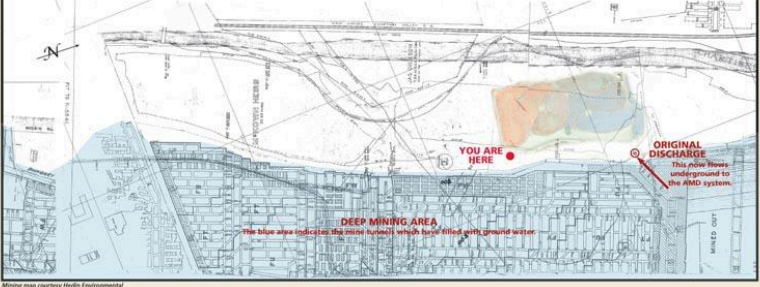


1967: RECREATION

The land is fairly well covered with vegetation and patches of trees can be seen, as well as vegetation along Chartiers Creek. From 1968 to 1983 a golf course and recreation facility, including a swimming pool and tennis courts, provided outdoor recreation for local residents under the name "Wingfield Pines".

WHERE IS THIS WATER COMING FROM?

This map at right is NOT a street map but a mining map, showing a portion of the Montour mine. The blue area shows the mine tunnels beneath the highwall, immediately behind you. All portals have been closed except the discharge, but the mine tunnels extend from the edge of the highwall underneath the neighborhoods atop, all the way into Bridgeville and Upper St. Clair. These tunnels fill with water and drain from the original discharge into the passive treatment system.



DEEP MINING AREA
This blue area indicates the mine tunnels which have all been filled with cement mortar.

ORIGINAL DISCHARGE
This now flows underground to the AMD system.

www.alleghenylandtrust.org

As a continuation of the interpretive signs by the Willamette Park boat ramp, an interpretive sign similar in style to the example above could be implemented at a viewing platform in the north section of the 5th Street ROW. This elevated view above the wetlands and the Willamette would provide visitors with a more informed context of past land uses and the evolution and ecology of the area. Moreover, an interpretive sign similar to the Wingfield Pines Conservation Area example above would greatly complement the Historic Uses example at the same 5th St ROW viewing area.

Legend

Addresses

dissolved 0-5K

Points of Interest

Fire Station

City Hall

Police Station

Public School

Named Parks and OS

Water Valve Program

Paths and Trails

River Label

City Limits Label

Outside City Label

— City Limit

Centerlines <13K

--- Private

— Drawing Exceptions

Parks and Open Space

City Owned Property

Building

Building

Unimproved ROW

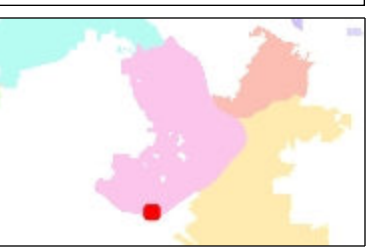
River

City Limits Poly white

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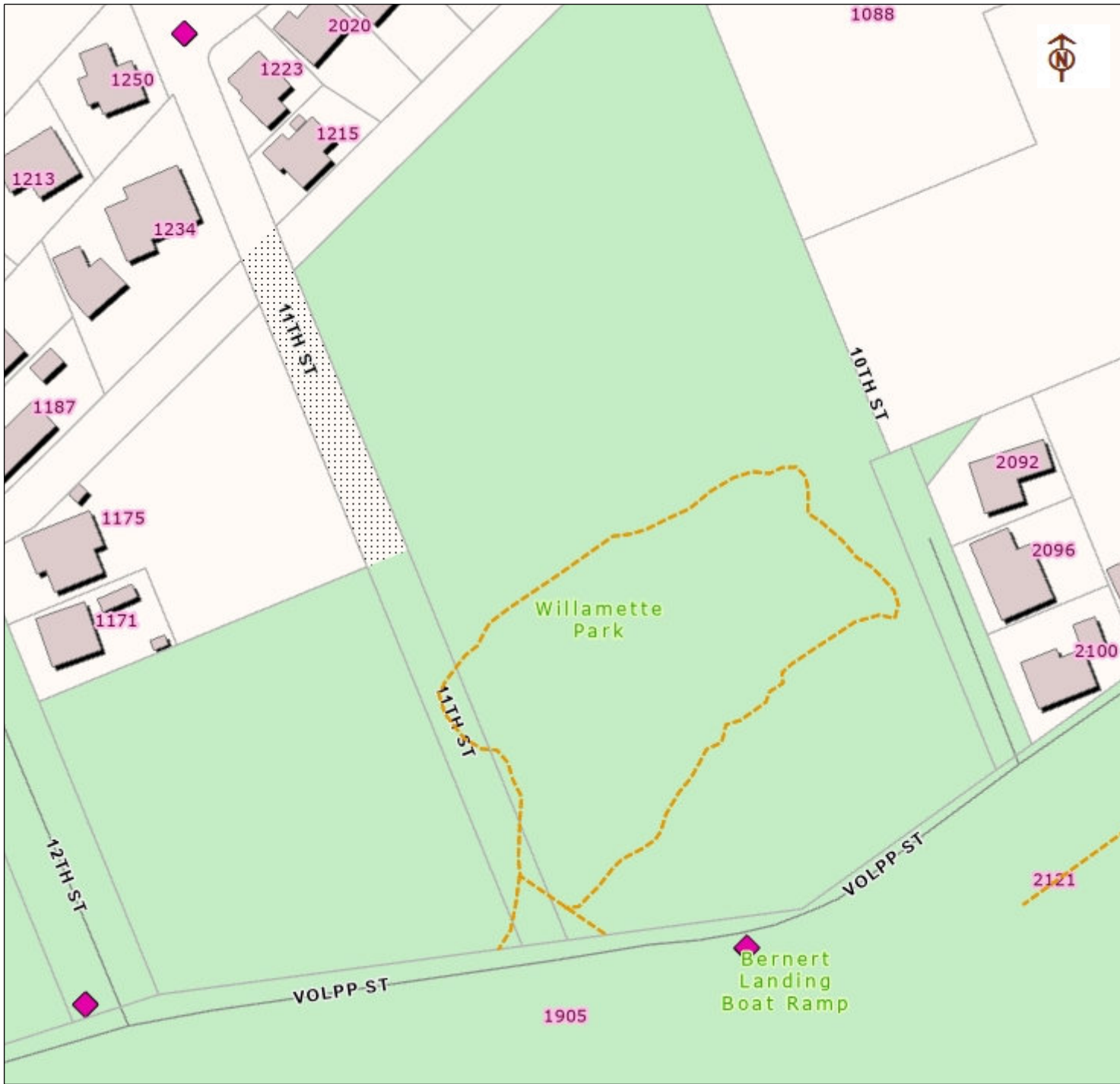


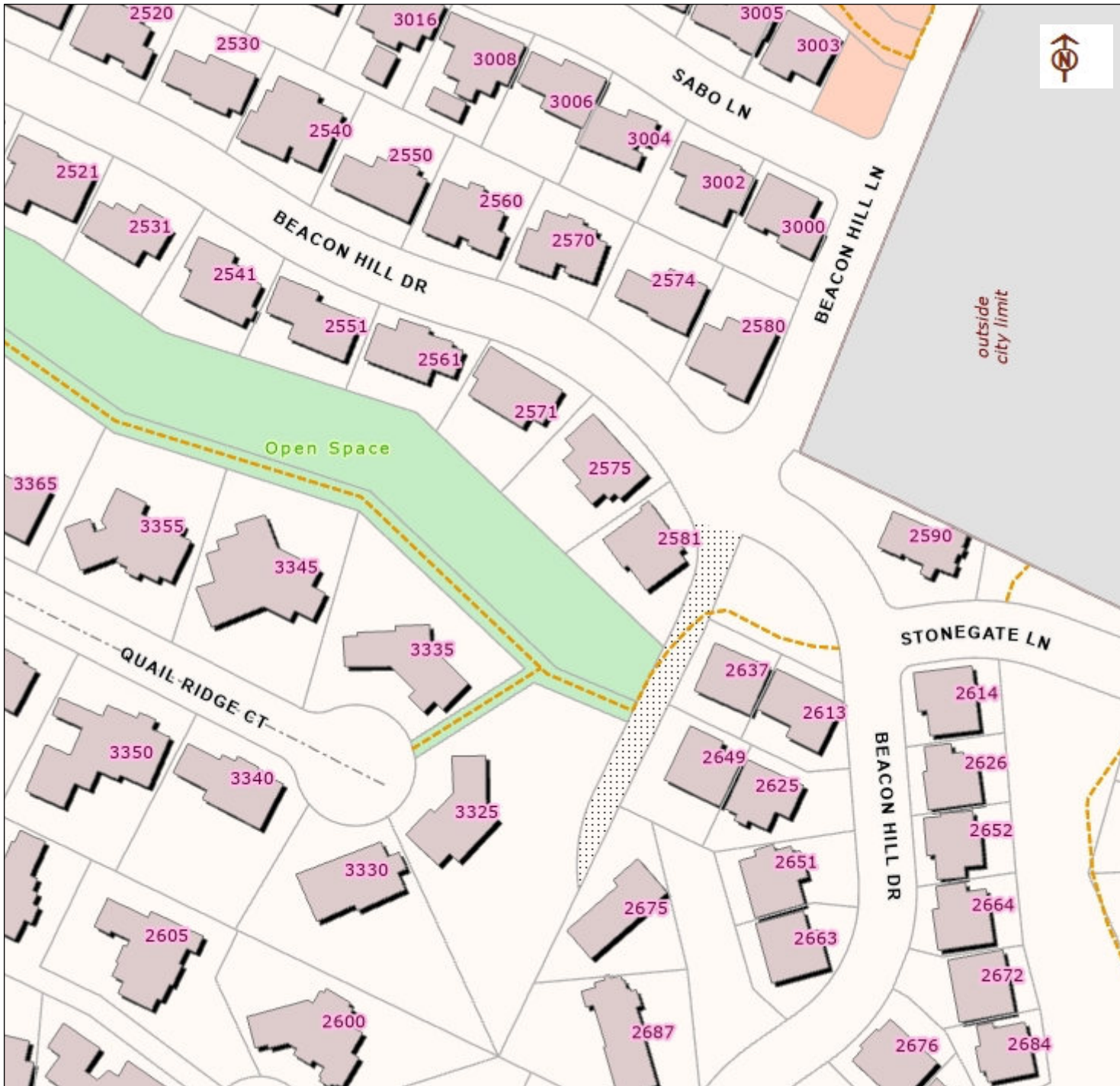
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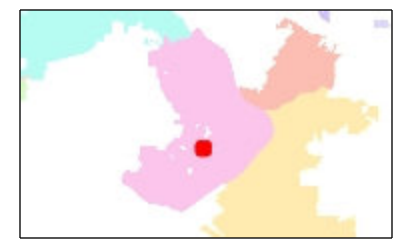


Legend

- Addresses
- dissolved 0-5K
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- Named Parks and OS
- Water Valve Program
- Paths and Trails
- River Label
- City Limits Label
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- City Limit
- Centerlines <13K
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- Parks and Open Space
- City Owned Property
- Building
- Building
- Unimproved ROW
- River
- City Limits Poly white



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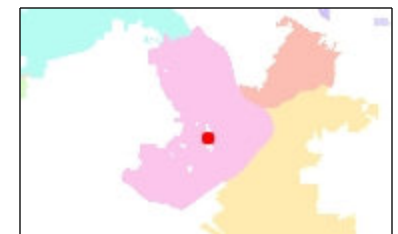
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- Building
- Unimproved ROW
- River
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Notes

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Legend

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Points of Interest

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City Hall

Police Station

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Water Valve Program

Paths and Trails

River Label

City Limits Label

Outside City Label

City Limit

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Private

Drawing Exceptions

Parks and Open Space

City Owned Property

Building

Building

Unimproved ROW

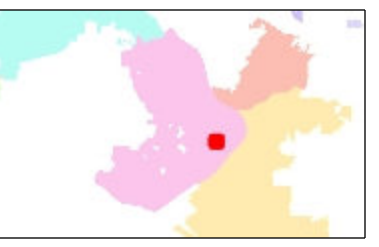
River

City Limits Poly white

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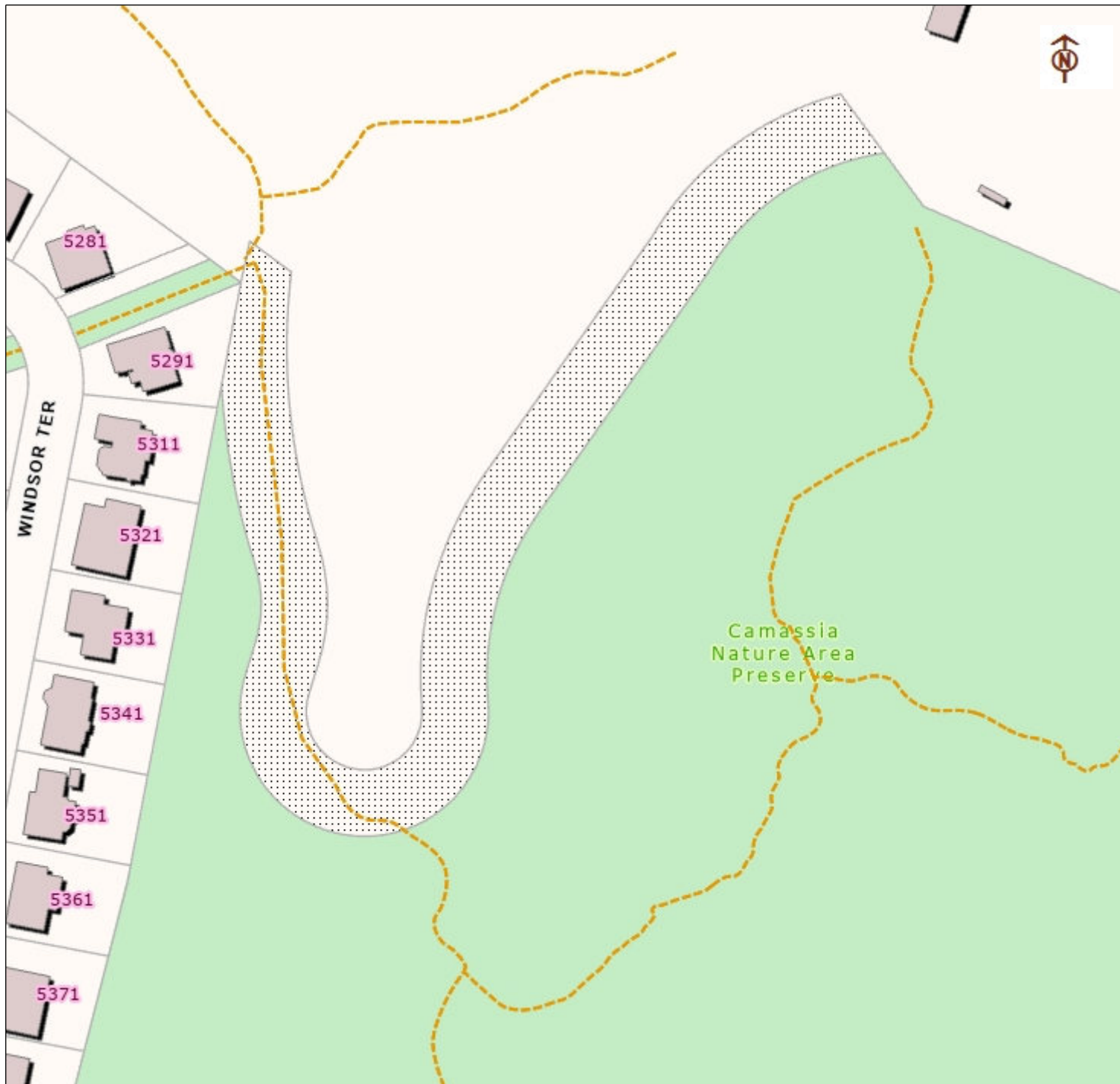


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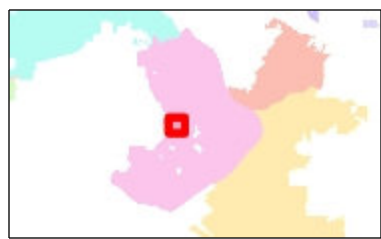


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- City Owned Property
- Building
- Unimproved ROW
- River
- City Limits Poly white
- City Limits Poly rose
- Surrounding Cities
 - Gladstone

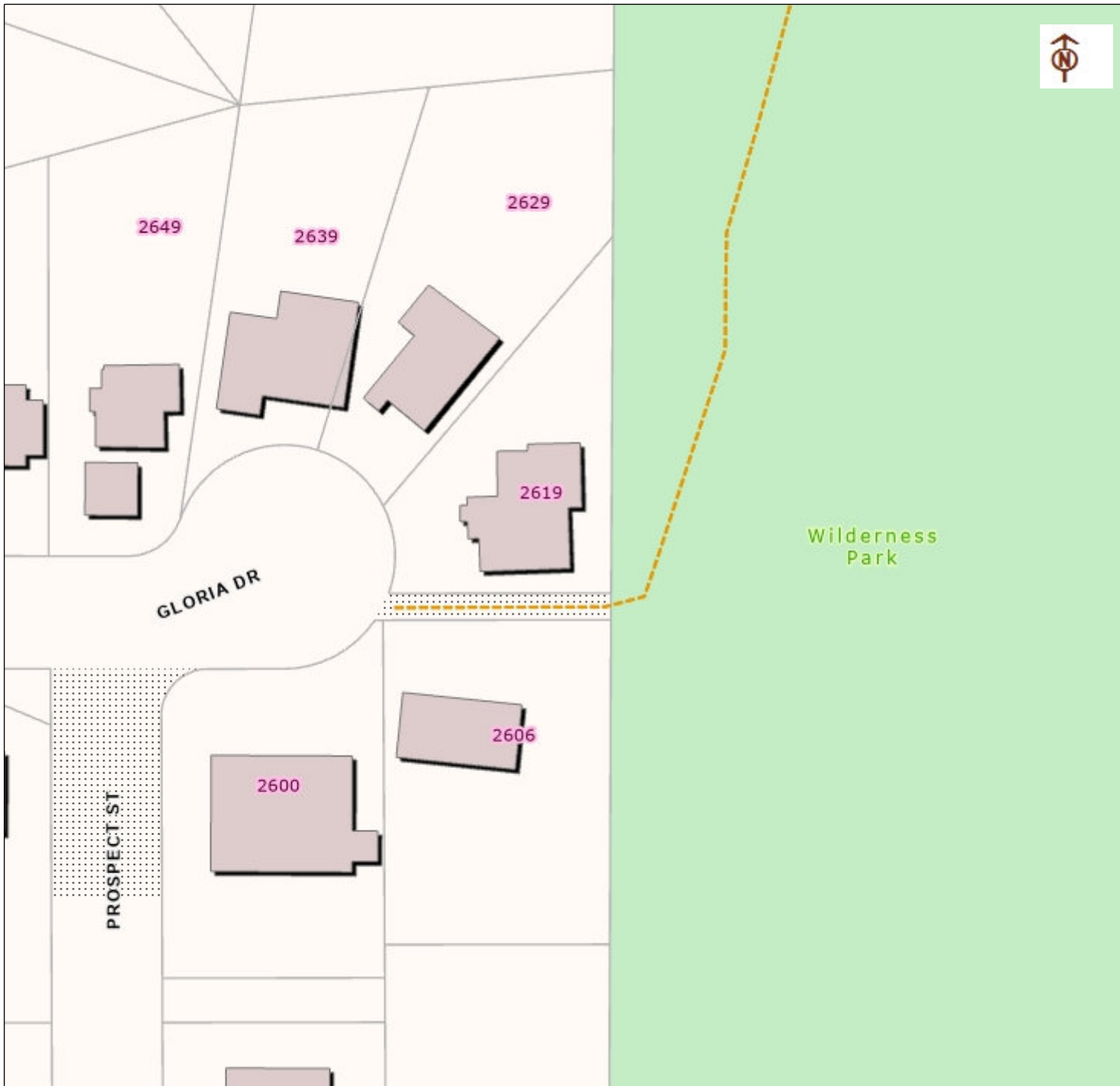


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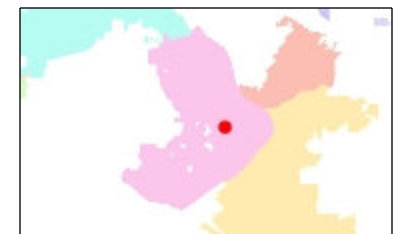
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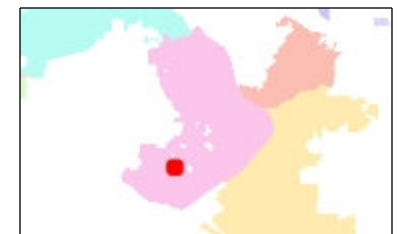
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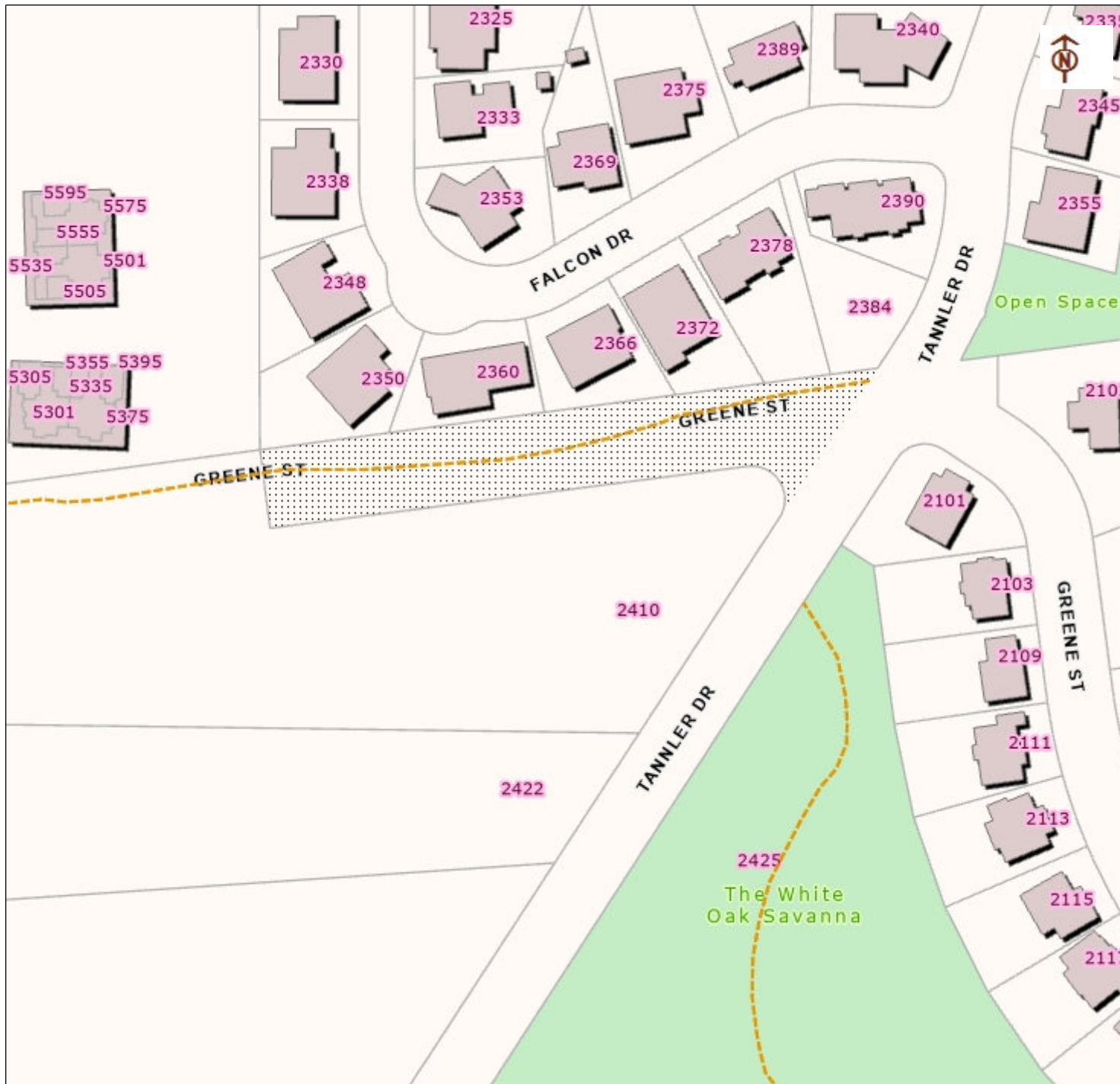


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


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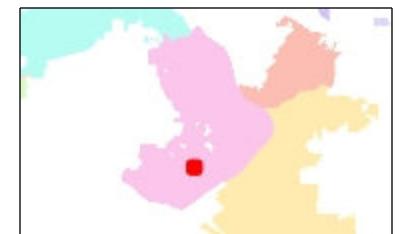
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-  Parks and Open Space
-  City Owned Property
-  Building
-  Building
-  Unimproved ROW
-  River
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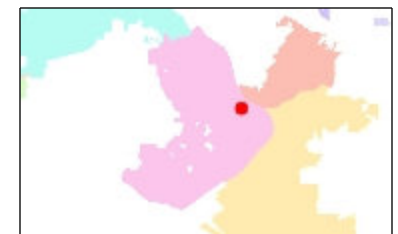
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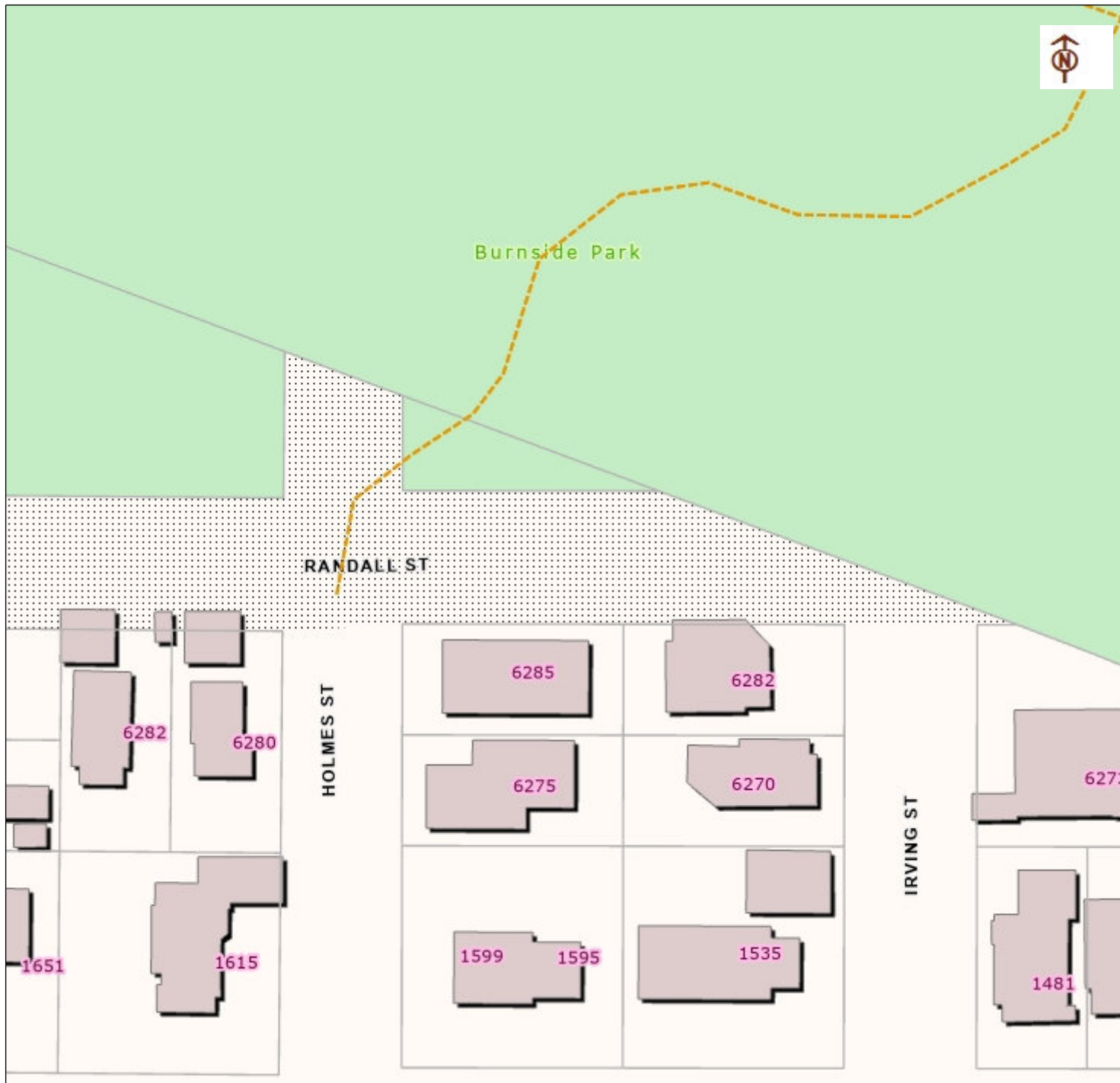


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



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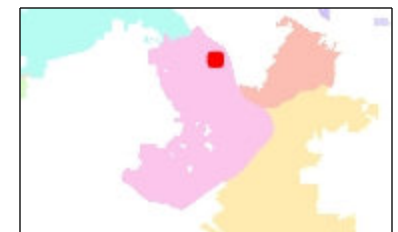
Legend

- Addresses
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- Points of Interest
 -  Fire Station
 -  City Hall
 -  Police Station
 -  Public School
- Named Parks and OS
-  Water Valve Program
-  Paths and Trails
- River Label
- City Limits Label
- Outside City Label
- City Limit
- Centerlines <13K
 -  Private
 -  Drawing Exceptions
-  Parks and Open Space
-  City Owned Property
-  Building
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-  Unimproved ROW
-  River
-  City Limits Poly white

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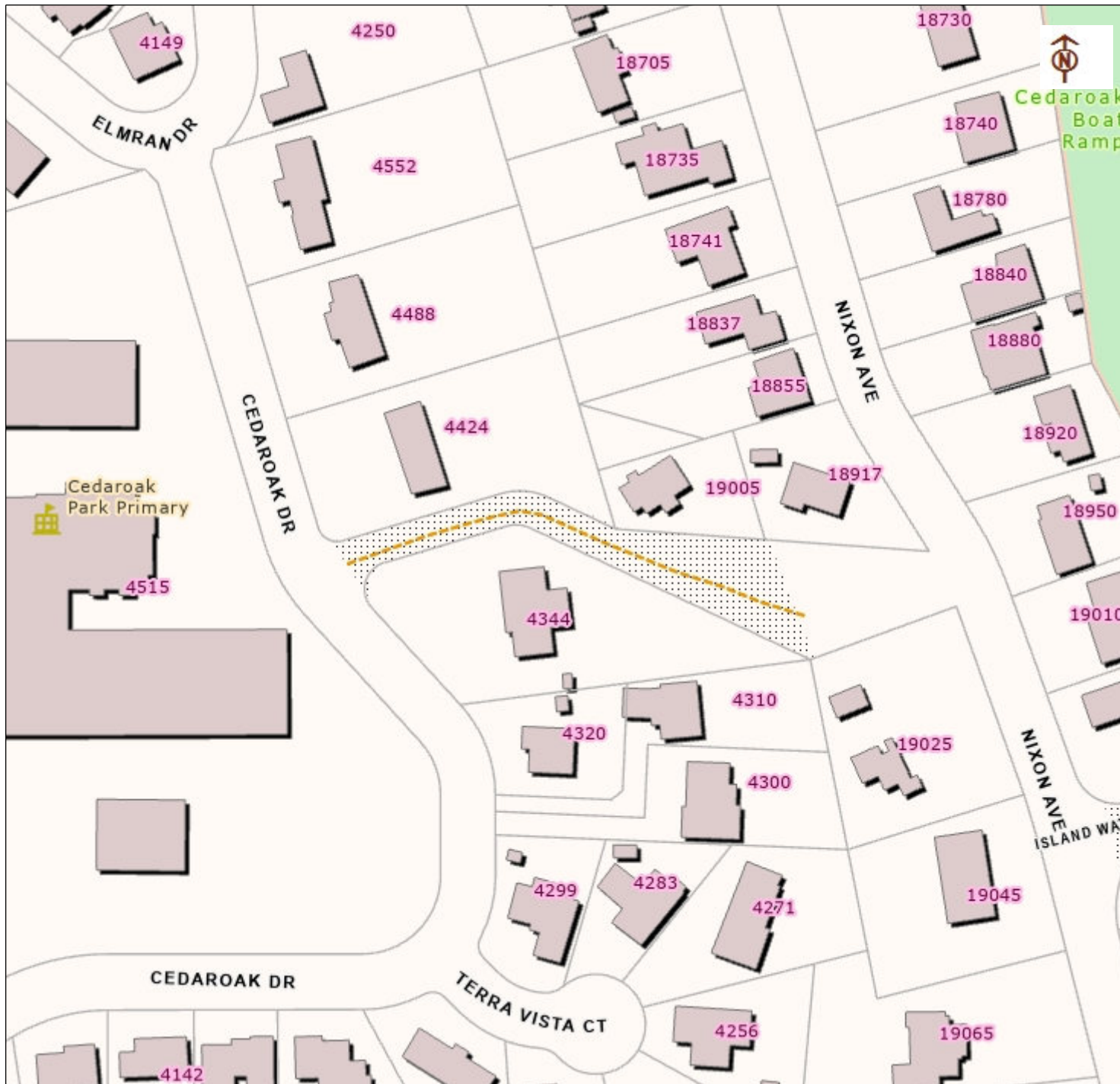


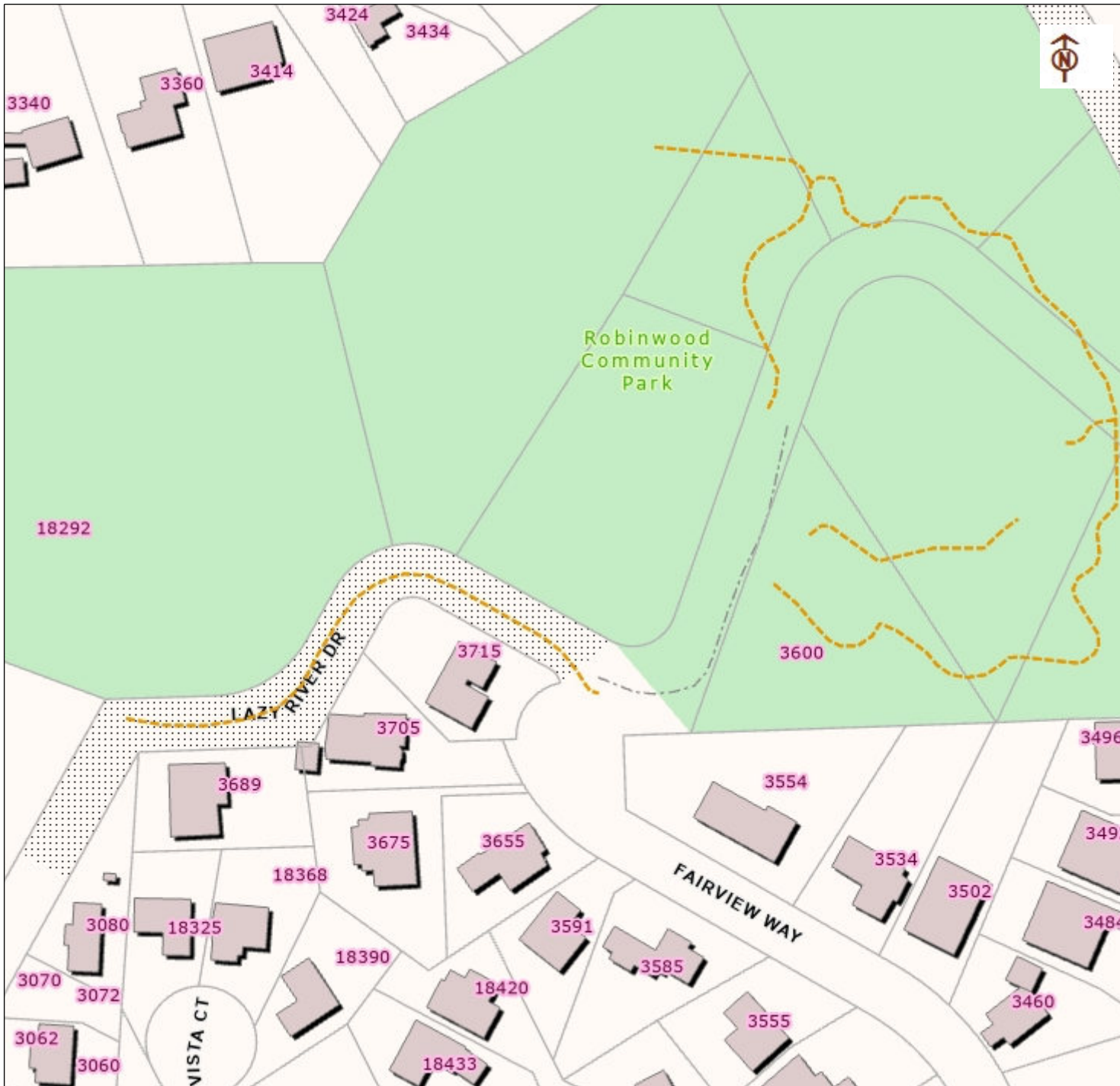
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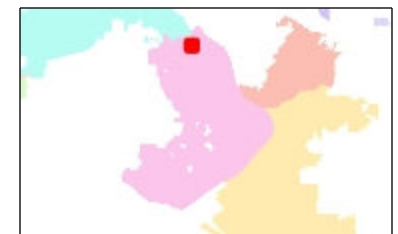
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






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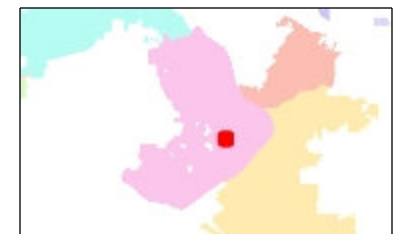
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 -  City Hall
 -  Police Station
 -  Public School
- Named Parks and OS
-  Water Valve Program
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- Outside City Label
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- Centerlines <13K
 -  Private
 -  Drawing Exceptions
-  Parks and Open Space
-  City Owned Property
-  Building
-  Building
-  Unimproved ROW
-  River
-  City Limits Poly white

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1: 2,257



Notes

This map was automatically generated using Geocortex Essentials.



Legend

Addresses

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Points of Interest

Fire Station

City Hall

Police Station

Public School

Named Parks and OS

Water Valve Program

Paths and Trails

River Label

City Limits Label

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Drawing Exceptions

Parks and Open Space

City Owned Property

Building

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Unimproved ROW

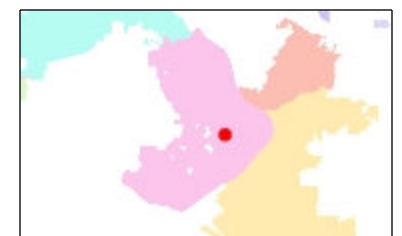
River

City Limits Poly white

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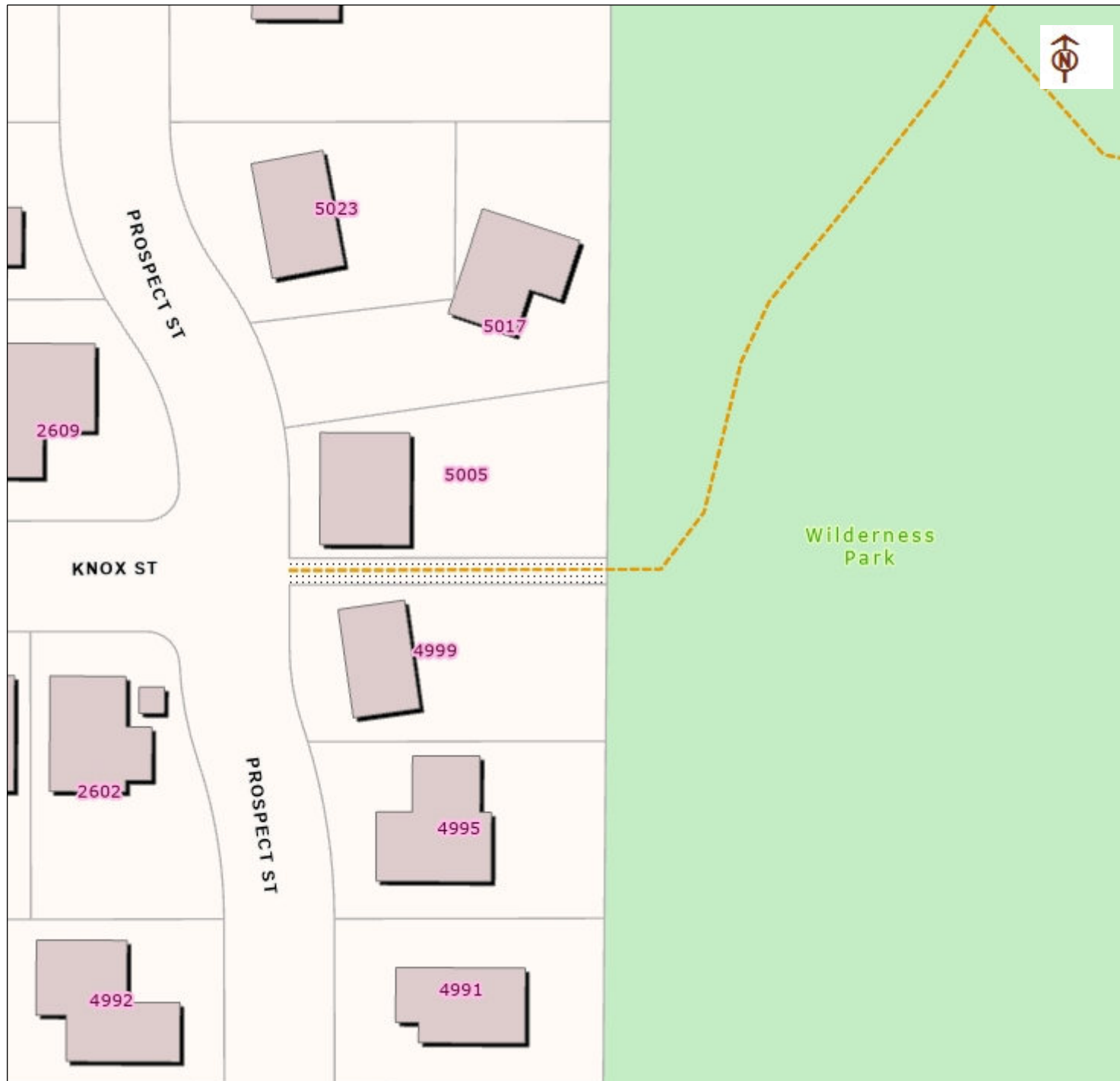


1: 1,128



Notes

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Date: March 3, 2025

To: West Linn City Council

Subject: Written testimony for VAC-24-01

Dear Mayor and City Councilors,

Thank you for continuing this Hearing in order to allow for expanded testimony. During my oral testimony, I said that the Elephant in the Room is the Settling Pond, and how it relates to this ROW Vacation hearing, but five minutes of oral testimony doesn't quite allow enough time to cover all of the issues, or to make connections between items. So the continuance is genuinely appreciated.

Why is the contamination of the Settling Pond important to vacating these Right of Ways, and arguably an impediment? That is simple: the cost to remediate *any kind* of industrial site of this size/type is *many* millions of dollars. How many millions is hard to say, but I am sure any potential developers have said “No thank you” to any opportunities to develop.

To briefly expand on this, and for clarity—the Vancouver (Washington) waterfront location which has been redeveloped—had been partially owned (as I understand it) by Boise Cascade, largely to the West end of the development. However, while the Boise property may have been a **Saw** mill, it was **never** a pulp and paper mill. *Please note that Boise Cascade has had a paper mill in St Helens, OR—but, IF it has been fairly recently decommissioned, I can confidently surmise that it has not been redeveloped into a strip mall.*

For clarification then, saw mills saw trees into lumber—there are no meaningful chemicals involved beyond perhaps fuel. In contrast, Pulp and Paper mills require a whole litany of nasty chemicals, depending on whether they are producing white office paper, toilet paper, or brown Kraft paper, the last of which is used in the creation of corrugated cardboard shipping boxes (what your Amazon orders typically ship in).

This happened despite the fact that, as other testimony will clearly point out and staff records already show, there were plans to have a wetlands **nature park** on this property—and certainly not just a wetlands that a developer would build homes, a hotel, or whatever, and in the process encroach on the Wetlands boundary and buffer—which are two different things. The boundary is exactly that, and the buffer is a 100 foot extension of the boundary.

So, this moves us back to the Elephant in the Room—the Settling Pond. Somehow, the DEQ gave approval to proceed with the applicant's **attempt** to develop this property at the North end without having to first remediate the Pond/Basin. **That said, while the developer may have an apparent “clear pathway” per the DEQ report, and additional related communication,**

there were caveats—potential future concerns—regarding the stability or integrity of the Settling Basin.

For example, one concern specifically identified by the DEQ report from 2014 addressed the potential damage that (breeding) Nutria could have on the soil berms which surround the pond. While I am not entirely clear on the ramifications from the point of view of the DEQ if the presence of Nutria was identified and/or appeared to become a problem, it is my understanding in reading some of the communications related to the Settling Pond that evidence of burrowing nutria could/would generate further DEQ investigation related to the Basin and its stability.

This is in some ways kind of a moot point, because the nutria are present in the Wetlands (photographic evidence provided by others), and it appears that areas at the base of the North side of the berm—the side of the berm directly adjacent to the Wetlands—is exhibiting possible evidence of burrowing. The photographic images achieved via drone have been compared to similar photos found online which are said to demonstrate evidence of nutria burrowing into comparable berms.

But let's stop for a moment, and address a reasonable question: **What would cause anyone to think that the Settling Pond is leaking?** Well, besides the aforementioned issue of Nutria borrowing into the earthen berms, the other factor is that the DEQ acknowledged in their 2014 report that they cored down 20 feet, deep into and through the Settling Pond sludge, and they found no liner.

Let's sidestep that for a moment. Does anyone think the DEQ would knowingly allow someone to put a pipeline across the bottom of the Willamette River so that the Oregon City mill could transfer their toxic waste over to this very same Settling Pond? Probably not. Why not? Because the pipeline would not last forever, and while 50 years ago, maybe they didn't worry as much about pipelines failing, nor about environmental issues, but also—what is out of sight is out of mind. But I do not see that happening now.

No matter, the DEQ did their investigation, **and they did not find any liner**. In the absence of other evidence to the contrary, then there is no liner. For that reason, coupled with potential burrowing by nutria, the stability of the pond would be tenuous at best.

I have been on 4th Street looking over at the Wetlands for 30-40 minutes at a time, by the culvert which functions as an outlet from the Wetlands, and which runs under 4th Street and becomes Bernert Creek on the opposite side. **This culvert has a constant and steady flow of water going through it, and contrary to what I thought I heard the applicant's consultant say, the culvert is not plugged.** So, on a beautiful day with no recent rain, why is there still a constant flow of water? Instead, why doesn't the water just all "run out" through the culvert? **And, for that matter, why has the Wetlands area actually been "growing"?** (i.e. there is a larger amount of square feet of surface water now than over the past several years—and this in the face of recent drought conditions).

Well, one thought is the fact that CWES continues to fill the Basin with water on a regular basis. Certainly much of this lost water level and the required replacement could be due to evaporation. There is no argument there. But beyond the idea of evaporation, **the other notion is that CWES are having to fill the Basin because it is leaking—and that would also explain the continuing flow of water even after a period of no rain through the 4th Street culvert, aka the Wetlands unofficial “Outlet”.** If you look on your map provided by City Staff, as well as provided by others in testimony, Bernert Creek “feeds” into the Willamette River. So, that is an issue unto itself. **But something else to note, the Wetlands have been growing in size, even in the face of some drought years. How can that be?**

I think there is no question that the Settling Pond would require remediation. I will suggest that in the absence of acceptable CURRENT test data (i.e. a more extensive and updated report—think of it as a 10 year follow-up from the 2014 report)-- **more evaluation by the DEQ is needed to address the CURRENT state of the berms, whether Nutria have compromised the integrity of said berms...AND...if so, or even if not, what is the plan for remediating this Basin in a manner that ensures containment for: 50 years? 100 years? More Years?..and, what language of the GUARANTEE of future containment can be provided,** such that the surrounding properties, as well as—and maybe even of greater concern—the residents of the proposed Duplex Development properties at the North End of the Applicant’s property—can be protected.

As a reminder: The flood plan boundary shows it to be (as per the City Staff’s own map) actually on the proposed duplex properties. Is the City of West Linn now allowing residential development in a flood plain? Beyond that, this would be no ordinary flood plain, **as this flood water would be the extension/expansion of water flow from the Wetlands onto these properties.** So, follow my logic here, if the settling pond berm fails, not only does a flood risk contaminating the wildlife (if it hasn’t done so already—and we don’t know for sure), but it also risks the safety of the residents in those proposed duplexes. **Now, the applicant’s attorney has already suggested that there is no development—though there could be one in the future. Well, if there is no development, then why is one already platted on the City Staff’s Map?** As much as I do not want to judge anyone, it is my human nature to observe and assess human behavior. **So, to suggest that there isn’t a planned development on the North end near 5th Street, then what is the need to vacate the Right Of Ways?**

West Linn residents need to be convinced that the remediation of the Settling Pond needs to be Nutria-proof and UV-resistant for, I don’t know, let’s say the next 100 years in order to take into account a 100 year flood. That said, **I am still confused as to how the should be able (be allowed?) to develop in a flood plain.**

Now, the Applicant’s attorney indicated that it is evidently undetermined as to when or why the Application needs to have these Right of Ways vacated. **However, ORS 271.080 indicates that any application requesting the vacation of a Right of Way requires an explanation as**

to why this vacation is needed. Therefore, evading the issue of “WHY?” is not compliant with Oregon Statute.

Finally, if we are not now building concrete foundation-type homes in flood plains, then what are we doing here? In sum, to the Settling Pond, when I say that it is the Elephant in the Room, then that is exactly what I mean.

As I proceed from here, I am going to be repeatedly citing ORS 271.120, which includes three criteria required to be met prior to allowing the vacation of a Right of Way. As you Councilors are well-aware, ALL THREE Approval Criteria are required to be met prior to Vacating a Right of Way. The Criterion which will be the focus of the balance of my transcript is whether vacating the Right of Way Prejudices the Public Interest. In this instance, “Prejudice means to Cause Harm to. So, restated, the question becomes, does the vacating of the Right of Way cause harm to the Public Interest.

The potential leaking of the Basin Prejudices against the Public Interest, where that Public Interest is safety for the Wetlands, safety for Bernert Creek, safety for the Willamette River, safety for surrounding low-land properties, and safety for any new West Linn residents—residents who in particular could have a just cause against the City for allowing either building in a flood plain, or for building in a potentially contaminated area.

Let’s go back to the liner topic. Without a liner, as determined by DEQ and communicated in their report based on finding no evidence of a liner, NOR even clay/bentonite, **what would someone need do to remediate the Basin in order to either prevent possible current or future leaking?** This issue may not seem to be City Council’s current concern—unless of course, it is leaking.

But think about this: The Nutria appear to be burrowing at the base of the berm. Do you think that someone can just drape a liner over the top of the Settling Pond, and then drape it down to, what—the waterline? Below the waterline? How far below? Do you think that nutria couldn’t swim underwater and then chew through a topical liner? How long of a warranty do you think you can get on a liner? And to that end, barring Nutria chewing, let’s think to the future, perhaps when all of us are gone: when the liner breaks down from UV or other physical damage, or whatever, **who is responsible (financially) for replacing this liner?**

Consider this—because it is not obvious from the street: **The Settling Pond is 15 acres.** A football field is 1.32 acres = 57,600 SF. In other words, **this Settling Pond is a little over 11.3 football fields.** And, that does not include the sloped area for the berms which would also require being covered, plus the area that would be underwater. Beside simply the size in SF that will have to be covered, I hope everyone understands that these pre-formed liners come in rolls which in turn need to be thermo-plastically (heat) welded. Where there are welds, there are seams. Where there are seams, there is the threat/potential for leaks. If the leaks occur down near the water, that is a starting point of egress. In short, remediation will not be easy, and maintenance will be expensive—especially since follow-up testing would/should be required

to verify whether the membrane is intact at those welded seams. At minimum, some cranes will be required for installation, and/or a floating work platform, and then the cranes. **Just visualize this endeavor: 11.3 football fields worth of liner.** I am sure that the applicant has envisioned it. What makes me so uncomfortable is, what happens if the developer or the GC decides to just walk-away after completing the duplexes? **Once again, the City could be strapped with future costs relating to the installation or maintenance of a new liner or cover. And so, I again cite ORS 271.120: Prejudice to the Public Interest—both in terms of safety and extraordinary cost—it could cause serious financial harm to the City, who would then have to push the cost onto the residents, or become insolvent—or both. Think long and hard about that possibility. The City needs to take the utmost care in any decision-making related to this property.** To that end, if vacating the Right of Ways advances the developer's progress towards this residential Duplex project, then that runs the risk of harming the future residents by literally (potentially) putting them in harm's way.

So, let's talk about those duplexes. Apparently, if you recall the testimony of the President of the Willamette Neighborhood Association, the consultant who was invited to their meeting about the proposed development. **She either couldn't or wouldn't answer any questions about the development, and the number of units—and yet—the presentation by City Staff at the hearing clearly shows the Duplexes platted on the City Staff's map. Why is that? This flies in the face of ORS 271.080. Is the City Council willing to ignore this reality? The map also shows another boundary which constitutes the required 100 foot buffer to protect wetlands from just this sort of issue. That buffer also extends onto several of the Duplex lots. Is the City Council willing to ignore this issue as well?**

Once again, in conflict with ORS 271.120—Prejudice to Public Interest—any residential development in that North portion of the property flies in the face of a stated public desire in favor of having a wildlife nature area at the Willamette Wetlands, **and I will note that this Wetland was rated much higher by the public versus the desire for a development of duplexes. And, let's not forget, The Friends of the Willamette Wetlands have a petition with roughly 3200 signatures in support of protecting these Wetlands.**

I have to stop again, because as I get to this point in my testimony, I have a mental reminder of the applicant's attorney, who if I may paraphrase said: ***This hearing is about vacating some Right of Ways on the property, but it has nothing to do with Land Use.***

In fact, **this hearing has EVERYTHING to do with Land Use.** First, the consultant finally admitted to Councilors Mary and Carol that (and again I paraphrase), *They need the Right of Ways vacated in order to complete a Minor Petition.* Umm, well, that is a Land-Use issue. Beyond that, per the Applicant's Attorney, this has nothing to do with land use—and yet, there is already a development of Duplexes showing boundaries platted on the CITY STAFF's MAP. Are you serious? Of course these Right Of Ways relate to a Land-Use issue. And regardless of whatever stage of the development process is at, the Applicant's attorney either does not understand this notion...or...is not willing to acknowledge it. But that doesn't change the truth, no matter how many ways he tries to parse the truth of the matter.

Hence, because this Right of Way Vacation does have to do with land use per the referenced Minor Partition as noted by the consultant, but in addition, because the proposed development is already platted on the City Staff's map, it has to do with a development. *As already identified, this development potentially causes harm to the Willamette Wetlands by being within the required 100 foot buffer zone, so it would jeopardize the integrity of the Wetlands, and thus cause harm to a Wildlife area.* To that end, the Right of Way vacation would directly relate to land-use, thus propelling this Duplex development forward, and therefore, per ORS 271.120, it causes harm or Prejudices the Public Interest by causing both a safety issue and a future encroachment issue of the Wetlands.

Let's go further with the Applicant Attorney's assertion that the denial of this ROW Vacation request is "impeding growth". He said this repeatedly, and each time he said it, he was equally wrong. It is NOT the City's responsibility to develop every inch of land that isn't already developed. As it is, the people of West Linn just lost a park because they said they did not have the budget to maintain it. That is absurd—it does not cost \$100K/year to maintain that property—as long as you just leave it as is. Mow the grass, and that is pretty much it. And yet, here we go with what will become yet another development.

In short, it is bad enough to relinquish a park that we can never get back, but now you want to start relinquishing the protection for these Wetlands in deference to a development next to a Settling Pond that has not yet been remediated. It is absolutely ridiculous to make the assertion that denying this ROW vacation is tantamount to impeding growth in what is already a virtually built-out community. Tell the applicant to go find 35 acres on Pete's Mountain for the same price, and build that out. Once again, the encroachment of the proposed development which REQUIRES these Right of Ways in order to proceed, as per ORS 271.120—prejudices the Public Interest by trying to force growth onto a piece of property that is contaminated, with a proposal that suggests (based on the City Planning map platting) a violation of floodplains and wetland buffer boundaries.

This brings us to the crux of the issue. Somehow, this developer found out about this property being available—presumably but necessarily—after the City turned down the opportunity, and despite there being a very large wetland and a very large contaminated Settling Pond and had a vision of his own to try and develop this property to whatever extent he is able to do so. He perhaps sees this as a developer's dream. In contrast, I see it at minimum as a lemon, and at worst, a "hot potato" that he knowingly took on at his own risk with intentional efforts to build upon the flood plain and encroach upon the Wetlands buffer zone, or both.

And again, I see the applicant's attorney saying, "that's not what this is about. This is about vacating a **transportation use** of these Right of Ways"—and he is right, but not in the way that HE thinks he is right. **Transportation is not limited to cars—and I have absolutely no doubt that the applicant's attorney knows this.** In fact, if you wanted to characterize all forms of transportation with one word, that word would simply be "Connectivity". The State Code

recognizes this term, and as it relates to this property, connectivity can be achieved with a viewing platform, with one of the best views being right where the 5th St Right of Way is. So, the applicant's attorney is again trying to foist development onto this property in an effort to mis-direct the fact that transportation can be viewing platforms and elevated trails actually into the Wetlands. Therefore, once again, as per ORS 271.120—Prejudice to the Public Interest, vacating these Right of Ways would deny access and connectivity to the Wetland areas as it relates to special viewpoints and elevated trails/pathways.

Beyond that, the applicant's attorney said that you will never get trails into the Wetlands, because they (not sure who "they" is) would never allow the "In-Fill". So, the applicant's attorney either is not very creative with regard to Right of Way uses, or he simply does not want to acknowledge what most of us in West Linn already know if we have been to the Camassia Conservancy—where visitors can unobtrusively traverse what? Traverse a WETLAND through the use of wooden elevated platform trails, where needed. It has been done, and it can be done in the Willamette Wetlands, even if it means creating floating wooden bridges. In fact, Seattle has a very large floating bridge (Hwy 520?) that people can even drive 50-55 MPH on. I think we can figure out something for the Willamette Wetlands with the goal of creating the same or similar access as so effectively demonstrated in Camassia.

Let's go back to a previously noted comment that the applicant's attorney made, and which I partially addressed above. He suggested that the ROW is for roads, and since it has never been used for roads, why deny the ROW vacation now? That should be simple. There is now a group which is sizable and which wants to protect the Willamette Wetlands in the face of efforts to damage, encroach upon and arguably destroy the adjacent habitat. In fact, West Linn has retained thirteen ROW's for the purpose of trail and pathway and pathway development—thirteen!!

Once again, the applicant's attorney could have found this information just as easily as we did, and perhaps chose not to present it. But, in the failure to do so, once again, as per ORS 271.120—Prejudice to the Public's Interest, trying to suggest that no trails could be built on or through the Wetlands is an effort to Prejudice the Public Interest by trying to convince the Council that something can't be done, but moreover, is to Prejudice against the Public's Interest because vacating these Right of Ways would deny or mitigate connectivity as it relates to the Wetlands area.

So, when the applicant's attorney tries to suggest that this grass-root resistance is to try to impede development, I would have to say in response, our goal is to DEVELOP...but not as a residential development, rather, as a Park, and if not a park, then as a nature area. So, forget the idea of in-fill being necessary for increasing connectivity—the applicant's attorney is absolutely wrong on that point, and Camassia is a beautiful example of how elevated pathways and viewpoints can work; forget the idea that ROW's are only for roads, because we have 13 examples of retaining ROW's for Pathways and/or Trails—which are absolutely transportation uses.

Finally, I want to quickly share an example on our own street (Line Lane), where the property at the end of the lane was up for sale, and there was reluctance by the City Council to purchase the land. However, the owner was willing to sell to the City at a reasonable price if they were will to buy. Instead, City Staff (Harumph!) had an idea of letting the owner either develop the land himself and/or have a contractor come in and build homes.

The concept of Connectivity was presented to the City Council, and they saw the merit. Interestingly, many years later, we have a narrow little street which connects walkers and bikers down to Sahalie Illahee Park, and across the park via pathways and a few bridges to Horton Road, as well as to the second of two little equipment/basketball court playgrounds. What they originally said they couldn't do, they somehow managed to do. Amazing!

Then perhaps 5-ish years ago, we complained about people driving too fast down our street while trying to get their kids to music lessons at the bottom of the street. We wanted to have a posted 15 MPH speed limit, City Council said, "Oh, I don't think we can go that low", and we were like, "Whaddya mean you can't do it?" So, we showed examples within West Linn and beyond where there are 15 MPH speed zones on narrow streets, we measured the street widths, we calculated the grade (16% near the bottom), and Voila! What could not be done led to a street that now has a 15 MPH posted Speed limit, and folks have slowed down.

But here is the bottom line: it is well within your authority, especially when there is a bounty of evidence, and where Prejudicing the Public Interest is such a broad category, that to deny the application to vacate the Right of Ways in the middle of the Willamette Wetlands actually prevents Prejudice to the Public Interest, as per ORS 271.120.

Thank you for your consideration!

Sincerely,

Bruce Jackson
5185 Linn Lane
West Linn

Wyss, Darren

From: Mollusky, Kathy
Sent: Sunday, March 2, 2025 6:51 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: VAC-24-01 written testimony

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From: Connie Johnson <onlycat@comcast.net>
Sent: Sunday, March 2, 2025 1:32:32 PM
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Subject: VAC-24-01 written testimony

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Date: March 2, 2025

To: West Linn City Council

Subject: Written Testimony for VAC-24-01

Mayor and Councilors,

I, Connie Johnson, a resident of the Willamette neighborhood in the city of West Linn, OR am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of **one** of the three approval criteria: **prejudice to public interest**. These properties have been set aside for the benefit and use of the public. Properties of this sort, within and adjacent to the largest and last wetland in West Linn should not be turned over to the hands of a private developer. It is truly a treasure for the public and the multitude of birds and animals that call it home.

I ask that the City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,

Connie K Johnson

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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Wyss, Darren

From: Mollusky, Kathy
Sent: Monday, February 17, 2025 12:06 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Written Testimony for VAC-24-01

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From: Rachel Konty <rachel@littlebirdms.com>
Sent: Saturday, February 15, 2025 5:50:41 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Mayor and Councilors,

I, Rachel Konty, a resident of the city of West Linn, am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of **one** of the three approval criteria: **prejudice to public interest**.

- Public interest was established back in the 2010s when the City was planning to make this area a park (documented in [2019 Parks Master Plan](#), page 61). This planned park should come to fruition **with additional protections** for West Linn's largest wetland. Vacating the rights-of-way would greatly impede any future opportunities for community use.
- City Council has an opportunity with existing Rights-Of-Way to follow through on the promises of previous City Council by adding viewing platforms / boardwalks for West Linn's largest wetland (particularly on [5th St](#) and [4th St - West](#) rights-of-way). Thoughtfully designed access while respecting wildlife buffers will make this resource an even greater benefit to the public. Without these rights-of-way, the City could not pursue opportunities for viewing platforms.
- The sole reason for this ROW vacation is so that a developer can place [26 duplexes](#) on critical habitat and infringe on wetland buffer requirements. Not only did one of the applicant's representatives acknowledge the development plans during the hearing on February 10th, this same development is also outlined on the draft [Waterfront Vision Plan](#) as "Medium-Density Residential Currently in the Planning Stage". Despite these proposed plans, the public interest is to keep this critical wetland habitat protected, which includes beavers, river otters and [130+ bird species](#).
 - Friends of Willamette Wetlands [petition](#) now has over 3,000 signatures.

- Members of the community have repeatedly shared their desires to keep this property as a natural area with minimal development, most recently with the [Community Engagement Summary](#) for the West Linn Waterfront Vision Plan. This Vision Plan puts the community's interests at the center of the process.
- The representatives of the applicant argued that denying the right-of-way vacation would impede growth. The goal is not to impede growth, rather it is to protect the public interest in West Linn's largest wetland, which includes wildlife within and beyond the wetland boundary.
- There is great concern for public safety as the integrity of the settling pond is questionable and could potentially be leaking, given the evidence from DEQ acknowledging the absence of any liner in the pond. Despite this evidence, the applicant was able to obtain approval to build prior to remediation of the settling pond. This ROW vacation gets them one step closer. As a concern for public interest and safety, the City Council should require more testing and a thorough investigation of the settling pond, rather than vacate the ROWs.
- All of the ROWs proposed to be vacated are in the wetland boundary and floodplain. As a benefit to public safety as informed by the [Sustainable Strategic Plan](#) and [Natural Hazards Mitigation Plan](#), City Council should retain these ROWs as a natural utility for flood management and stormwater functions.
- The City Council is allowed a broad interpretation of "public interest" for a right-of-way vacation. Other cities, including [Portland](#), consider whether a right-of-way is: identified in an adopted plan, for stormwater functions, a view corridor or viewpoint, for tree retention, for community use, etc. In this case, there is an opportunity for viewing platforms on two of the ROWs, existing natural stormwater management, and the property is already identified in the **adopted Parks Master Plan** to become a "**planned riverfront park**".
- It should be noted that the applicant's representatives acknowledged that there was no attempt to engage with the abutting property owners, nor with Friends of Willamette Wetlands, to consider the public interest for these ROWs. This shows that the public interest is not being considered by the applicant.

It is imperative that we as citizens of West Linn are not only given rights to dictate how the public lands of our neighborhoods are used but to also protect the wildlife species that cannot speak for themselves.

Given the reasons above, I ask that City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,
 Rachel Konty
 503.481.5384

Kathy Mollusky
 City Recorder
 Administration

[#6013](#)

Wyss, Darren

From: Mollusky, Kathy
Sent: Tuesday, February 25, 2025 7:32 AM
To: Wyss, Darren; Schroder, Lynn
Subject: FW: Written Testimony for VAC-24-01 - Deny development of Wetlands

From: Jennifer Larsen <jennifer.d.larsen@gmail.com>
Sent: Monday, February 24, 2025 7:56 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01 - Deny development of Wetlands

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Date: 2/24/2025

To: West Linn City Council

Subject: Written Testimony for VAC-24-01

Dear Mayor and City Councilors,

I, **Jennifer Larsen**, a resident of **Seattle**, WA, am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to **ORS 271.120** based on **one** of the three approval criteria: **prejudice to public interest**.

The reason is I feel that we need to protect wetlands and the species that live in these areas. As someone who appreciates Oregon and its beauty and has family in Oregon, I ask that the City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01. Keep Oregon beautiful.

Respectfully,
Jennifer Larsen

Kathy Mollusky
City Recorder
Administration

[#6013](#)

Wyss, Darren

From: Mollusky, Kathy
Sent: Saturday, March 1, 2025 8:49 AM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Save our wetlands!

Sent from my Verizon, Samsung Galaxy smartphone
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From: Olivia Latimer <omllatim@gmail.com>
Sent: Friday, February 28, 2025 7:48:49 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Save our wetlands!

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Date: 2/28/25
To: West Linn City Council
Subject: Written Testimony for VAC-24-01

Mayor and Councilors,
I, Olivia Latimer, a resident of Oregon City, am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of **one** of the three approval criteria: **prejudice to public interest**.

While I do not currently live in West Linn, I grew up there for nearly 20 years, currently work in old Willamette, and enjoy running past the wetlands on my runs.

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- Public
- interest was established back in the 2010s when the City was planning to make this area a park (documented in
- [2019](#)
- [Parks Master Plan](#),
- page 61). This planned park should come to fruition **with**
- **additional protections**
- for West Linn's largest wetland. Vacating the rights-of-way would greatly impede any future opportunities for community use.
-

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- City
- Council has an opportunity with existing Rights-Of-Way to follow through on the promises of previous City Council by adding viewing platforms / boardwalks for West Linn's largest wetland (particularly on 5th St and 4th St - West rights-of-way). Thoughtfully designed access while respecting wildlife buffers will make this resource an even greater benefit to the public. Without these rights-of-way, the City could not pursue opportunities for viewing platforms.
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- The
 - sole reason for this ROW vacation is so that a developer can place [26 duplexes](#) on critical habitat and infringe on wetland buffer requirements. Not only did one of the applicant's representatives acknowledge the development plans during the hearing on February 10th, this same development is also outlined on the draft [Waterfront Vision Plan](#) as "Medium-Density Residential Currently in the Planning Stage". Despite these proposed plans, the public interest is to keep this critical wetland habitat protected, which includes beavers, river otters and [130+ bird species](#).
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 - Friends of Willamette Wetlands [petition](#) now has over 3,000 signatures.
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 - Members of the community have repeatedly shared their desires to keep this property as a natural area with minimal development, most recently with the [Community Engagement Summary](#) for the West Linn Waterfront Vision Plan. This Vision Plan puts the community's interests at the center of the process.
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- The representatives of the applicant argued that denying the right-of-way vacation would impede growth. The goal is not to impede growth, rather it is to protect the public interest in West Linn's largest wetland, which includes wildlife within and beyond the wetland boundary.
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- There
- is great concern for public safety as the integrity of the settling pond is questionable and could potentially be leaking, given the evidence from DEQ acknowledging the absence of any liner in the pond. Despite this evidence, the applicant was able to obtain
- approval to build prior to remediation of the settling pond. This ROW vacation gets them one step closer. As a concern for public interest and safety, the City Council should require more testing and a thorough investigation of the settling pond, rather than
- vacate the ROWs.
-

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- All
- of the ROWs proposed to be vacated are in the wetland boundary and floodplain. As a benefit to public safety as informed by the
- [Sustainable](#)
- [Strategic Plan](#)
- and [Natural](#)
- [Hazards Mitigation Plan](#),
- City Council should retain these ROWs as a natural utility for flood management and stormwater functions.
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- The
- City Council is allowed a broad interpretation of “public interest” for a right-of-way vacation. Other cities, including
- [Portland](#),
- consider whether a right-of-way is: identified in an adopted plan, for stormwater functions, a view corridor or viewpoint, for tree retention, for community use, etc. In this case, there is an opportunity for viewing platforms on two of the ROWs, existing
- natural stormwater management, and the property is already identified in the
- **adopted**
- **Parks Master Plan**
- to become a “**planned**
- **riverfront park**”.
-

-
-
- It
- should be noted that the applicant’s representatives acknowledged that there was no attempt to engage with the abutting property owners, nor with Friends of Willamette Wetlands, to consider the public interest for these ROWs. This shows that the public interest
- is not being considered by the applicant.
-

Given the reasons above, I ask that City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,
Olivia Latimer

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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Wyss, Darren

From: Mollusky, Kathy
Sent: Tuesday, February 18, 2025 10:03 AM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Wetlands?

Sent from my Verizon, Samsung Galaxy smartphone

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From: Julia Marie <mariejul48@gmail.com>
Sent: Tuesday, February 18, 2025 10:02:02 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Wetlands?

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We would be doing a very poor job of protecting our values on saving wildlife and their habitat if permission is given that development can occur so close to an established area in full natural usage by the wild animals we all love. In Oregon, especially, noted for its beauty and wildlife livability, this move of harming more of our natural treasure would certainly set a precedent totally in the opposite direction of the way we should be headed.

Julia Marie

West Linn resident for 37 years

Sent from my iPad

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

Date: February 25, 2025

To: West Linn City Council

Subject: Written Testimony for VAC-24-01

Mayor and Councilors,

I, Georgia Mashayekh, a resident of West Linn am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of one of the three approval criteria: prejudice to public interest.

Public interest was established back in the 2010s when the City was planning to make this area a park (documented in [2019 Parks Master Plan](#), page 61). Reading page 1 reminds us why we make “Master Plans”. “...It articulates a hope for the future based on input, analysis and research”. This Master Plan for West Linn Parks, Recreation, and OPEN SPACES was published just a short 5 years ago.

This planned park should come to fruition **with additional protections** for West Linn’s largest wetland. Vacating the rights-of-way would greatly impede any future opportunities for community use. The community uses the existing park and the other roads for walking, biking, and enjoying nature. It is such a wonderful opportunity to see the wetland’s animals through the seasons.

The current City Council has an opportunity with existing Rights-Of-Way to follow through on the promises of previous City Councils by adding viewing platforms / boardwalks for West Linn’s largest wetland (particularly on 5th St and 4th St - West rights-of-way). Thoughtfully designed access while respecting wildlife buffers will make this resource an even greater benefit to the public.

The sole reason for this ROW vacation is so that a developer can place [26 duplexes](#) on critical habitat and infringe on wetland buffer requirements. Not only did one of the applicant’s representatives acknowledge the development plans during the hearing on February 10th, this same development is also outlined on the draft [Waterfront Vision Plan](#) as “Medium-Density Residential Currently in the Planning Stage”. Despite these proposed plans, the public interest is to keep this critical wetland habitat protected, which includes beavers, river otters and [130+ bird species](#).

Willamette is a beautiful part of West Linn with the diversity of the shops, restaurants, waterfront park, boat launch and the wetlands. To infringe on the wetlands and cause so much more traffic on the narrow streets in part of town would be a travesty. You can’t take it back if you vacate the public right-of-way and allow large development.

I am shocked at what has already been allowed with the current development so close to the wetlands. Members of the community have repeatedly shared their desires to keep this property as a natural area with minimal development, most recently with the [Community Engagement Summary](#) for the West Linn Waterfront Vision Plan. This Vision Plan puts the community’s interests at the center of the process.

All of the ROWs proposed to be vacated are in the wetland boundary and floodplain. As a benefit to public safety as informed by the [Sustainable Strategic Plan](#) and [Natural Hazards Mitigation Plan](#), City Council should retain these ROWs as a natural utility for flood management and stormwater functions. With all of the current weather changes and bigger storms, do you really want more stormwater issues?

Given the reasons above, and all of the reasons given by my neighbors, I ask that the current City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,

Georgia Mashayekh
11th Street
West Linn, OR 97068

Wyss, Darren

From: Mollusky, Kathy
Sent: Tuesday, February 18, 2025 10:39 AM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Right-Of-Way Vacation Hearing (VAC-24-01)

Sent from my Verizon, Samsung Galaxy smartphone
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From: Milly Matis <milly.matis@gmail.com>
Sent: Tuesday, February 18, 2025 10:12:08 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Right-Of-Way Vacation Hearing (VAC-24-01)

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Dear Council Members:

I have seen two programs about the wetlands area in the West Linn area by the falls and am extremely concerned -- we must protect the wetlands and discourage any new "development" which, to me, represents just destruction of valuable resources and places for wildlife to flourish. We all need the renewal that wild places provide, and so do the creatures that need it for their homes. We don't need to put new HUMAN homes where the animals need to live. Let's find some other place to develop.

Thank you for your consideration.

Mildred Matis,
local resident

Kathy Mollusky
City Recorder

Wyss, Darren

From: Mollusky, Kathy
Sent: Sunday, March 2, 2025 6:51 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Written Testimony for VAC-24-01

Sent from my Verizon, Samsung Galaxy smartphone
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From: Robert M <akrkmorse@gmail.com>
Sent: Sunday, March 2, 2025 11:33:58 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Dear Mayor and City Councilors,

I, Robert Morse, a resident of West Linn, am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of one of the three approval criteria: prejudice to public interest.

The Wetlands & Park areas are natural habitats of a wide variety of waterfowl and predator birds that really is a special asset of West Linn. This is part of my day to walk my dog through the area under review and simply enjoy the natural habitat of so much wildlife. Many of my friends actually come to West Linn specifically to enjoy the park and the wildlife in the area. Please honor and preserve this unique natural feature of West Linn so that future generations can either move here or visit here and enjoy one of the special things that makes West Linn such a great place to be!

I ask that the City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,
Robert Morse

Kathy Mollusky
City Recorder
Administration

[#6013](#)

Wyss, Darren

From: Mollusky, Kathy
Sent: Saturday, March 1, 2025 8:48 AM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: (3/1/25) Testimony regarding Right-Of-Way Vacation Hearing VAC-24-01

Sent from my Verizon, Samsung Galaxy smartphone

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From: Maxi M. <maxi.muessig@gmail.com>
Sent: Saturday, March 1, 2025 5:37:51 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: (3/1/25) Testimony regarding Right-Of-Way Vacation Hearing VAC-24-01

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Dear City Council,

I am writing in support of denying the Right-Of-Way Vacation VAC-24-01.

I, like many other people living in West Linn, are interested in seeing the area become a nature park at the waterfront as in the Parks Master Plan and think that not retaining the rights of way would be detrimental to the City's future options and the public's benefit.

The wetlands are ecologically important and I want to see them and their buffer habitats protected. I'm personally very interested in a park with the proposed viewing platforms and boardwalks to allow recreational access and wildlife viewing. There are better options for medium/high density residential development than in the buffers around the wetland. It's a special area and habitat type and I encourage protecting public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Thank you,
Maxi Muessig

Kathy Mollusky
City Recorder
Administration

[#6013](#)



Wyss, Darren

From: Mollusky, Kathy
Sent: Sunday, March 2, 2025 6:51 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Written Testimony for VAC-24-01

Sent from my Verizon, Samsung Galaxy smartphone

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From: Bobbee Murr <bobbeemurr@gmail.com>
Sent: Saturday, March 1, 2025 3:41:28 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Dear Mayor and City Councilors,

I, Bobbee Murr, a resident of Portland, am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of one of the three approval criteria: **prejudice to public interest**.

Both Friends of Willamette Wetlands and at least one area West Linn Neighborhood Association have presented you with multiple and cogent reasons for keeping these ROWs publicly-owned. I agree.

The City has more influence and authority on West Linn's largest wetland with the current rights-of-way in place. I ask that the City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,
Bobbee Murr,
Portland
Former National Marine Fisheries Services at-sea worker

Kathy Mollusky
City Recorder
Administration

[#6013](#)

Wyss, Darren

From: Digby, Dylan
Sent: Thursday, February 27, 2025 9:23 AM
To: Wyss, Darren
Subject: FW: Written Testimony for VAC-24-01

From: Nathan Oleson <oleson.nathan@gmail.com>
Sent: Wednesday, February 26, 2025 12:02 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Dear Mayors and City Councilors,

My name is Nathan Oleson, a resident of West Linn. I am writing to ask that you grant the right-of-way vacation (VAC-24-01) in support of much-needed additional housing units in the city of West Linn.

Protection of wetlands and sensitive areas is important, however all-too-often "environmental protection" is used as shield by NIMBYism to prevent change in specific neighborhoods and all the side effects that come with the transition from single family neighborhoods to more mixed-use & middle housing development-oriented neighborhoods.

If you go searching for an excuse not to build additional private sector housing in any area, you will find one. If every neighborhood dogmatically opposes change, then that's exactly what will happen. This is a primary reason why the metro region as a whole is short 81,000 homes for households making 50% or less of AMI (per Metro: <https://www.oregonmetro.gov/public-projects/affordable-housing-bond-program>).

When inflexible single-family zoning are combined with strict adherence to UGBs, the market will respond in the only way it knows how..by increasing price of an increasingly scarce resource. Land, and subsequently housing/rent prices, are no different in terms of supply, demand, and pricing.

The only solution to the affordability crisis is private sector construction at scale. Subsidizing units at a cost of \$150,000+ per unit when we're short 100's of thousands of units doesnt pencil and will never meet the regions housing needs.

More private-sector supply built en masse means price competition means lower relative prices overall.

To that end i support the proposed development at the site, combined with other changes city-wide to increase housing supply throughout every neighborhood in west linn. Thank you,

- Nathan

Nathan Oleson

503-936-0929 (Phone)

503-266-6115 (Fax)

oleson.nathan@gmail.com

Dylan Digby

Assistant to the City Manager

Administration

Pronouns: he, him, his

[#6011](#)



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Wyss, Darren

From: Mollusky, Kathy
Sent: Wednesday, February 26, 2025 6:32 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Willamette wetlands

Sent from my Verizon, Samsung Galaxy smartphone
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From: Chris Pedone <pedonechris2@gmail.com>
Sent: Tuesday, February 25, 2025 2:10:16 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Willamette wetlands

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This area needs to be protected for future generations. Thank you, Chris Pedone Golden CO

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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February 9, 2025

Protect Our Wetlands – Please Say NO to Development

Dear West Linn City Council Members,

We are writing to address the Waterfront Vision Plan and to strongly oppose the proposed development of the West Linn wetlands. These areas are invaluable natural resources that provide essential benefits, including flood prevention, water purification, and habitat for countless plant and animal species such as beavers and herons. Destroying them for development would have lasting negative effects on our environment, local wildlife, and overall community well-being.

These precious wetlands help mitigate climate change, reduce stormwater runoff, and improve air and water quality. Once lost, they cannot be easily restored. While there might be a "100 foot buffer zone" for the wetlands, that is still too close and will have dire impacts on the wetlands. Instead of allowing short-term economic interests to dictate land use, we urge you to prioritize conservation and sustainable development that protects West Linn's beautiful and natural heritage.

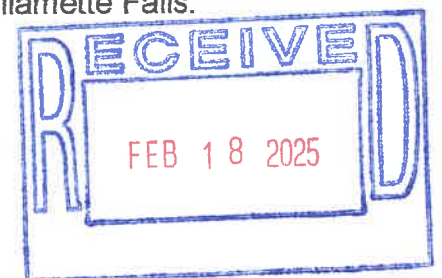
Beyond the environmental impact, this development would also significantly worsen traffic congestion in the area. Many of our roads are already struggling to handle current traffic volumes. Adding more development near sensitive wetlands will only increase strain on infrastructure. The city should be working toward smart, sustainable growth that does not compromise our quality of life.

We respectfully ask you to reject any proposals that would harm our wetlands and to explore alternative solutions that balance growth with environmental responsibility. Thank you for your time and for considering the voices of residents who want to see these vital ecosystems preserved for future generations.

Sincerely,

Concerned citizens at the Unitarian Universalist Congregation at Willamette Falls:

Chris Plaisted
22831 SW Johnson Rd.
West Linn



I have worked in the field of ecological restoration for decades, all over the U.S., and so much of our focus is restoring wetlands that have been degraded by development. This feels like such a step backward. Thanks for your consideration.

Wyss, Darren

From: Mollusky, Kathy
Sent: Monday, March 3, 2025 11:50 AM
To: Wyss, Darren; Schroder, Lynn
Subject: FW: Written Testimony for VAC-24-01

From: Kaycee Rado <klrado30@gmail.com>
Sent: Monday, March 3, 2025 11:40 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Dear Mayor and City Councilors,

I Kaycee Linn Rado, a resident of Oregon City, and former resident of 1317 7th Street (family Members occupied)from 1980-2020 am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of one of the three approval criteria: prejudice to public interest.

To put into one word growing up with my family Richard, Diana and James Howe living at 1317 7th Street would be very difficult to find. But if I had to choose one. It would be fortunate. Countless stories of wildlife encounters, learning about all the birds each season, watching the flowers bloom each season, caring for land around us never imaging that there could be a future where there were homes. Thinking of someone wanting to remove the species of plants and wildlife in that area is just absolutely gut wrenching. How it is not seen as a nature park and trails for the city of West Linn is devastating. Our family is so pleased with the photographs on the website by whomever has taken. They have absolutely captured the essence of the nature of the area. My father was so pleased and could honestly say he had seen every species listed.

I ask that the City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully, Kaycee Rado

Kathy Mollusky
City Recorder
Administration

[#6013](#)

Wyss, Darren

From: Mollusky, Kathy
Sent: Monday, February 24, 2025 8:02 AM
To: Schroder, Lynn; Wyss, Darren
Subject: FW: Written testimony for VAC-24-01

From: L R <4lread@msn.com>
Sent: Saturday, February 22, 2025 7:58 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written testimony for VAC-24-01

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Larry
Read
025
335 SW Tualatin Loop
West Linn, Oregon 97068
RE: VAC-24-01

2/22/2

To West Linn City Council and Mayor,

I am in opposition to the request by a private developer to vacate sections of right of ways of 4th Ave, 5th St adjacent to 1317 7th St property.

Right of Way property is for public benefit, if this is vacated, public use would be denied. This R/W property is an asset to the City of West Linn and the public. The city is under no obligation to sell, transfer or dispose of this R/W.

Those interested in vacating stated on the Feb 10, 2025 hearing that there are reasons that the public R/W property needed to be transferred to private ownership. One is it has not been used in the past, it is not a through transportation route. Another is that a no vote to vacate the R/W is a vote for no development. These points seem to be dictating a decision to vacate as the only outcome, yet the city is under no obligation to vacate, especially when the future holds a multitude of benefits for keeping the R/W for public interest.

The R/W property is within West Linn's largest wetlands. The city would lose control of this special feature, as wetlands are natural flood buffers, provide water purification, support a diversity of plants, and provide habitat for a variety of birds and other wildlife. Several days ago walking around the wetlands, ducks and egrets were spotted, and have seen blue herons, osprey, bald eagles and other species on other visits. The value for the city to retain the R/W for environmental reasons cannot be underestimated.

Another feature is the location close to Willamette Park, which is used by a lot of residents who enjoy open space and walking along the Willamette River. Currently, many who enjoy walking in this open space continue to the adjacent roads and around the wetland's property. The right of ways has the potential for connectivity and extending public use for viewing the wetlands such as boardwalk/viewing deck.

Retaining the R/W is also in the best interest of the public for the West Linn side of the Willamette River waterfront vision. It should be included as a comprehensive plan for the area along the river for connecting Willamette Park along the river to Willamette Falls. There are features in this vision plan that should be coordinated to provide the best outcome. Several of these that have relevance to the right of way property include:

- Providing open space and access for the public.
- Preserving plants, wildlife and habitat areas.
- Clean up the contaminated sludge pond and remove toxic sediment.
- Restoring the pond to its previous natural wetlands and providing better flood control and water purification.

In conclusion, there are many benefits to retaining the public R/W for the City of West Linn. Public use potential, environmental protection and sound planning for the Willamette River waterfront vision. I urge the city council to deny the vacation of right of ways for VAC-24-01.

Sincerely,
Larry Read

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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Wyss, Darren

From: Mollusky, Kathy
Sent: Sunday, March 2, 2025 6:50 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Written Testimony for VAC-24-01

Sent from my Verizon, Samsung Galaxy smartphone
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From: susan revak <shrevak@gmail.com>
Sent: Sunday, March 2, 2025 11:02:32 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Dear Mayor and City Councilors,

I, Susan Revak, a resident of West Linn, Oregon, am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of one of the three approval criteria: prejudice to public interest.

It would seem that a petition signed by over 2900 residents of West Linn, to protect the Wetland area should have some bearing on decisions made. West Linn has always asked for community input with Imagine Willamette.org and recent online surveys which have evoked a sense of community and belonging. Thank you for asking and opening dialogue allowing residents to have a place at the table and voice that is heard.

I ask that the City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,
Susan Revak

Kathy Mollusky
City Recorder
Administration

[#6013](#)



Wyss, Darren

From: Mollusky, Kathy
Sent: Thursday, February 27, 2025 7:36 AM
To: Wyss, Darren; Schroder, Lynn
Subject: FW:

From: Barbara Sandhorst <tetosmbox@gmail.com>
Sent: Thursday, February 27, 2025 7:29 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject:

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Date: 2/27/25
To: West Linn City Council
Subject: Written Testimony for VAC-24-01

Dear Mayor and City Councilors,

I, Barb Sandhorst, a resident of West Linn, am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 based on one of the three approval criteria: prejudice to public interest.

I ask that the City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs.

Sincerely,
Barb Sandhorst

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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Wyss, Darren

From: Mollusky, Kathy
Sent: Monday, February 24, 2025 10:37 AM
To: Wyss, Darren; Schroder, Lynn
Subject: FW: Thank you to our Council Members!

From: PHILIP D SANTILLI <lynnandphil2@msn.com>
Sent: Monday, February 24, 2025 10:32 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Thank you to our Council Members!

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Hello: As residents of West Linn for 23 years, we have watched the “ups and downs” of city government and we are very pleased and grateful for the current City council members. We are especially grateful that they are listening to the public and providing an opportunity to hear from the residents of West Linn regarding VAC-24-01.

There has been excellent testimony provided already from experts in land use, wildlife preservation, etc. It is very clear to us that the Right of Way vacation request should be denied for many reasons:

If approved, it would impede future opportunities for community use and prevent follow up on previous commitments for viewing platform and boardwalks

This request is made solely in the best interest of the developer. This does not benefit our city and certainly does not care for the wonderful wildlife that inhabits those wetlands

Please consider the interest of all the residents of our beautiful city and DENY THE PETITION to vacate the rows identified in VAC 24-01.

Respectfully,

Lynn and Phil Santilli

Kathy Mollusky
City Recorder
Administration

[#6013](#)



Wyss, Darren

From: Mollusky, Kathy
Sent: Sunday, March 2, 2025 6:48 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Written testimony for VAC-24-01

Sent from my Verizon, Samsung Galaxy smartphone

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From: Roberta Schwarz <roberta.schwarz@comcast.net>
Sent: Saturday, March 1, 2025 1:09:26 PM
To: City Council <citycouncil@westlinnoregon.gov>
Cc: Schwarz, Ed <ed.schwarz@gmail.com>
Subject: Written testimony for VAC-24-01

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Submitted: March 1, 2025
To: West Linn City Council
Subject: Written Testimony for VAC-24-01

Mayor and Councilors,

Please include this written testimony in the Community Comments and as part of the Public Record.

We, **Ed and Roberta Schwarz**, longtime residents of West Linn, are writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 based on **one** of the three approval criteria: **prejudice to public interest**. Please see below for details.

- Public interest was established back in the 2010s when the City was planning to make this area a park (documented in [2019 Parks Master Plan](#), page 61). This planned park should come to fruition **with additional protections** for West Linn's largest wetland. Vacating the rights-of-way would greatly impede any future opportunities for community use.
- City Council has an opportunity with existing Rights-Of-Way to **follow through on the promises** of previous City Council by adding viewing platforms / boardwalks for West Linn's largest wetland (particularly on 5th St and 4th St - West rights-of-way). Thoughtfully designed access while respecting wildlife buffers will make this resource an even greater benefit to the public. Without these rights-of-way, the City could not pursue opportunities for viewing platforms.
- The sole reason for this ROW vacation is so that a developer can place [26 duplexes](#) on critical habitat and infringe on wetland buffer requirements. Not only did one of the applicant's representatives acknowledge the development plans during the hearing on February 10th, this same development is also outlined on the draft [Waterfront Vision Plan](#) as "Medium-Density Residential Currently in the

Planning Stage”. Despite these proposed plans, **the public interest is to keep this critical wetland habitat protected**, which includes beavers, river otters and [130+ bird species](#).

- Friends of Willamette Wetlands [petition](#) now has over **3,000 signatures**.
- Members of the community have repeatedly shared their desires to keep this property as a natural area with minimal development, most recently with the [Community Engagement Summary](#) for the **West Linn Waterfront Vision Plan**. **This Vision Plan puts the community’s interests at the center of the process.**
- The representatives of the applicant argued that denying the right-of-way vacation would impede growth. **The goal is not to impede growth, rather it is to protect the public interest in West Linn’s largest wetland, which includes wildlife within and beyond the wetland boundary.**
- There is great concern for public safety as the integrity of the settling pond is questionable and could potentially be leaking, given the evidence from DEQ acknowledging the absence of any liner in the pond. Despite this evidence, the applicant was able to obtain approval to build prior to remediation of the settling pond. This ROW vacation gets them one step closer. **As a concern for public interest and safety, the City Council should require more testing and a thorough investigation of the settling pond, rather than vacate the ROWs.**
- All of the ROWs proposed to be vacated are in the wetland boundary and floodplain. **As a benefit to public safety as informed by the [Sustainable Strategic Plan](#) and [Natural Hazards Mitigation Plan](#), City Council should retain these ROWs as a natural utility for flood management and stormwater functions.**
- **The City Council is allowed a broad interpretation of “public interest” for a right-of-way vacation.** Other cities, including [Portland](#), consider whether a right-of-way is: identified in an adopted plan, for stormwater functions, a view corridor or viewpoint, for tree retention, for community use, etc. In this case, there is an opportunity for viewing platforms on two of the ROWs, existing natural stormwater management, and the property is already identified in the **adopted Parks Master Plan** to become a “**planned riverfront park**”.
- **It should be noted that the applicant’s representatives acknowledged that there was no attempt to engage with the abutting property owners, nor with Friends of Willamette Wetlands, to consider the public interest for these ROWs. This shows that the public interest is not being considered by the applicant.**

Given the reasons above, we ask that City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,

Ed and Roberta Schwarz

Kathy Mollusky
City Recorder
Administration

[#6013](#)



Wyss, Darren

From: Mollusky, Kathy
Sent: Monday, February 17, 2025 12:07 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Written Testimony for VAC-24-01

Sent from my Verizon, Samsung Galaxy smartphone
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From: Jim Sharpe <jimnsharpe@gmail.com>
Sent: Sunday, February 16, 2025 4:38:16 PM
To: City Council <citycouncil@westlinnoregon.gov>
Cc: Cindy Sharpe <cindyjsharpe@yahoo.com>
Subject: Written Testimony for VAC-24-01

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Date: 2/16/2025
To: West Linn City Council
Subject: Written Testimony for VAC-24-01

Mayor and Councilors,

I, **James N Sharpe**, a resident of **West Linn**, am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of **one** of the three approval criteria: **prejudice to public interest**.

Public interest was established back in the 2010s when the City was planning to make this area a park (documented in [2019 Parks Master Plan](#), page 61). This planned park should come to fruition **with additional protections** for West Linn's largest wetland. Vacating the rights-of-way would greatly impede any future opportunities for community use.

- City Council has an opportunity with existing Rights-Of-Way to follow through on the promises of previous City Council by adding viewing platforms / boardwalks for West Linn's largest wetland (particularly on [5th St](#) and [4th St - West](#) rights-of-way). Thoughtfully designed access while respecting wildlife buffers will make this resource an even greater benefit to the public. Without

these rights-of-way, the City could not pursue opportunities for viewing platforms.

- The sole reason for this ROW vacation is so that a developer can place [26 duplexes](#) on critical habitat and infringe on wetland buffer requirements. Not only did one of the applicant's representatives acknowledge the development plans during the hearing on February 10th, this same development is also outlined on the draft [Waterfront Vision Plan](#) as "Medium-Density Residential Currently in the Planning Stage". Despite these proposed plans, the public interest is to keep this critical wetland habitat protected, which includes beavers, river otters and [130+ bird species](#).
 - Friends of Willamette Wetlands [petition](#) now has over 3,000 signatures.
 - Members of the community have repeatedly shared their desires to keep this property as a natural area with minimal development, most recently with the [Community Engagement Summary](#) for the West Linn Waterfront Vision Plan. This Vision Plan puts the community's interests at the center of the process.
- The representatives of the applicant argued that denying the right-of-way vacation would impede growth. The goal is not to impede growth, rather it is to protect the public interest in West Linn's largest wetland, which includes wildlife within and beyond the wetland boundary.
- There is great concern for public safety as the integrity of the settling pond is questionable and could potentially be leaking, given the evidence from DEQ acknowledging the absence of any liner in the pond. Despite this evidence, the applicant was able to obtain approval to build prior to remediation of the settling pond. This ROW vacation gets them one step closer. As a concern for public interest and safety, the City Council should require more testing and a thorough investigation of the settling pond, rather than vacate the ROWs.
- All of the ROWs proposed to be vacated are in the wetland boundary and floodplain. As a benefit to public safety as informed by the [Sustainable Strategic Plan](#) and [Natural Hazards Mitigation Plan](#), City Council should retain these ROWs as a natural utility for flood management and stormwater functions.
- The City Council is allowed a broad interpretation of "public interest" for a right-of-way vacation. Other cities, including [Portland](#), consider whether a right-of-way is: identified in an adopted plan, for stormwater functions, a view corridor or viewpoint, for tree retention, for community use, etc. In this case, there is an opportunity for viewing platforms on two of the ROWs, existing natural stormwater management, and the property is already identified in the **adopted Parks Master Plan** to become a "**planned riverfront park**".
- It should be noted that the applicant's representatives acknowledged that there was no attempt to engage with the abutting property owners, nor with Friends of Willamette Wetlands, to consider the public interest for these ROWs. This shows that the public interest is not being considered by the applicant.

Given the reasons above, I ask that City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,

James N Sharpe
25435 Swiftshore Dr
West Linn

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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March 3, 2025

To: West Linn City Council

Subject: Written Testimony Re VAC-24-01 Right-of-Way Vacations (RVACs) to deny inappropriate future housing project in West Linn's largest wetlands

Mayor and Council Members,

I, Terence Shumaker, a resident of West Linn, Oregon, am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of one of the three approval criteria: prejudice to public interest.

I previously offered testimony at the February 10, 2025 city council meeting regarding the VAC-24-01 ROW vacations, and I would like to offer this additional testimony for the record.

Other citizens have provided you with detailed testimony regarding your power as city officials, and the voluminous legal backing you have in the city building codes, Sustainable West Linn Strategic Plan and the city Comprehensive Plan. I would like to add further comments based on the needs of the city and its citizens, your responsibilities as city leaders, and the environmental and health issues surrounding future building projects.

PURPOSE OF GOVERNMENT

First, I greatly appreciate your willingness to serve as city leaders, and I am fully aware of the responsibilities you have and the burden of documentation you must study in order to execute your positions in good faith. Therefore, much of what I will say are things that I am sure you know, but I feel the need to present them to you as reminders and review.

The purpose of government is to protect citizens from business. The purpose of business is to generate profit, and convince government to enable them in that quest. You all know that city building codes are written with the help of builders, developers and their lawyers. You all know that the more detailed, verbose and voluminous city codes become, the more they become riddled with loopholes, workarounds and interpretations.

But you all know that within our codes there are rules that guide responsible development based on the appropriateness of that development for the locale. And those codes and rules within the West Linn CDCs give you the power to deny the ROW vacation mentioned above, because you all already know that the impending development proposal will go against the grain of the health and safety of our citizens and environment.

RIGHT OF WAY VALUE

At the February 10, 2025 city council meeting, the lawyer for Bob Schultz, argued that ROWs are specifically for the use of transportation. He hammered this point as if these ROWs must be vacated because the city has no use for them as roadways. This is an extremely narrow interpretation of the value and use of ROWs, but you know that these properties serve as potential uses for many forms of activities, such as walkways, bike paths, wheelchair access to viewing platforms etc. These are all forms of transportation and the city should not be bullied into thinking they must vacate because the ROWs may not be used as streets for automobiles.

The veiled threat behind the lawyer's argument is that the city could be sued if it doesn't hold to his narrow interpretation of our ROWs. Please do not let the fear of litigation be an excuse for capitulation on this issue. The city has solid legal ground to stand on for denial of the ROW vacation.

HEALTH, SAFETY AND ENVIRONMENT

The obvious reason for the request to vacate the specified ROWs, is preparation for a subdivision to be built on a steep slope that encroaches into wetlands and flood plain, and destroys an established quiet neighborhood with narrow streets and no sidewalks. This proposed development will add pollutants to the wetlands, which should be subject to environmental mitigation, reclamation and development as a park and wetland as it was specified on previous maps and documents.

If the tasks and goals of the city are to provide safe and healthy environments and neighborhoods for its citizens, then the ROW vacation and future subdivision approval would inject great harm into the community and the wetland environment. The safety of the community in that area would be severely compromised because of the extremely limited access for emergency vehicles in the event of fire or flood.

Research conducted by the Friends of Willamette Wetlands, indicates the absence of a liner in the Blue Heron settling pond, and probable damage to the pond dikes which could mean leaking of pollutants into the wetlands. Given this information, and our goal to see this area reclaimed and returned to a natural park and wetland, it should also be the goal of the city to begin the process of acquiring this property for that purpose. And to begin your journey to that goal, it is imperative that you deny the application to vacate the ROWs in question.

This ROW application is not in the City's best interest and would prejudice the City's public interest in violation of ORS 271.120, and should be denied.

I ask that the City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,

Terence M. Shumaker
Former chair West Linn Sustainability Advisory Board
25430 Swiftshore Dr.
West Linn OR 97068
(503) 313-3910

Wyss, Darren

From: Mollusky, Kathy
Sent: Wednesday, February 19, 2025 6:09 AM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Written Testimony for VAC-24-01

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From: Amelia Sparks <ameliasparks96@gmail.com>
Sent: Tuesday, February 18, 2025 3:02:58 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Hello,

I would like to share my opposition of the Right-Of-Way Vacation for sections of three unimproved rights-of-way of 4th Avenue and 5th Street, adjacent to 1317 7th Street.

Development in these wetlands would take away the home of diverse wildlife that adds to much value to living south of Portland. Loss of habitat is one of the biggest threats to wildlife, and I want my kids to be able to grow up and see diverse species thriving around them, not driven out by “progress”.

Thank you for hearing my concerns and voting down VAC-24-01.

Amelia Sparks

Kathy Mollusky
City Recorder
Administration

[#6013](#)



Wyss, Darren

From: Mollusky, Kathy
Sent: Friday, February 28, 2025 2:58 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Fw: Written Testimony for VAC-24-01

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From: Katherine S. <kittykatkat10@gmail.com>
Sent: Friday, February 28, 2025 12:43:54 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Mayor and Councilors,

I, Katherine Stallard, a resident of West Linn, am writing to ask you to deny the right-of-way vacation (VAC-24-01) under ORS 271.120 based on **one** of the three approval criteria: **prejudice to the public interest**.

West Linn established public interest in the 2010s when it planned to make this area a park (documented in the [2019 Parks Master Plan](#), page 61). This planned park should come to fruition **with additional protections** for West Linn's largest wetland. Vacating the rights-of-way would impede any future opportunities for community use.

City Council has an opportunity with existing Rights-Of-Way to follow through on the promises of previous City Council by adding viewing platforms/boardwalks for the wetland (particularly on 5th St and 4th St - West rights-of-way). Thoughtfully designed access while respecting wildlife buffers will make this resource an even more significant benefit to the public. Without these rights-of-way, the city could not pursue opportunities for viewing platforms.

The sole reason for this ROW vacation is for a developer to place [26 duplexes](#) in critical habitat and infringe on wetland buffer requirements. Not only did one of the applicant's representatives acknowledge the development plans during the February 10th hearing, but this same development is also outlined on the draft [Waterfront Vision Plan](#) as "Medium-Density Residential Currently in the Planning Stage." Despite these proposed plans, the public interest is to keep this critical wetland habitat protected, which includes beavers, river otters, and [130+ bird species](#).

Community members have repeatedly shared their desires to keep this property as a natural area with minimal development, most recently with the [Community Engagement Summary](#) for the West Linn Waterfront Vision Plan. This Vision Plan puts community interests at the center of the process. Additionally, the Friends of Willamette Wetlands [petition](#) now has over 3,000 signatures.

Please also note that the applicant's representatives acknowledged that there was no attempt to engage with the abutting property owners, nor Friends of Willamette Wetlands to consider the public interest for these ROWs. The applicant is not considering or concerned with the public interest.

Given the reasons above, I ask the City Council to make an informed decision and exercise its duty to protect the public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,

Katherine Stallard

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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Wyss, Darren

From: Mollusky, Kathy
Sent: Sunday, March 2, 2025 6:49 PM
To: Schroder, Lynn; Wyss, Darren
Subject: Fw: Written Testimony for VAC-24-01

Sent from my Verizon, Samsung Galaxy smartphone
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From: Angela Thomas <angiemthomas@gmail.com>
Sent: Sunday, March 2, 2025 2:30:00 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Date: March 2, 2025
To: West Linn City Council

Mayor and Councilors,

I, Angela Thomas, a resident of West Linn, am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of one of the three approval criteria: prejudice to public interest.

Public interest was established back in the 2010s when the City was planning to make this area a park (documented in 2019 Parks Master Plan, page 61). This planned park should come to fruition with additional protections for West Linn's largest wetland.

Vacating the rights-of-way would greatly impede any future opportunities for community use. City Council has an opportunity with existing Rights-Of-Way to follow through on the promises of previous City Council by adding viewing platforms / boardwalks for West Linn's largest wetland (particularly on 5th St and 4th St - West rights-of-way). Thoughtfully designed access while respecting wildlife buffers will make this resource an even greater benefit to the public. Without these rights-of-way, the City could not pursue opportunities for viewing platforms.

The sole reason for this ROW vacation is so that a developer can place 26 duplexes on critical habitat and infringe on wetland buffer requirements. Not only did one of the applicant's representatives acknowledge the development plans during the hearing on February 10th, this same development is also outlined on the draft Waterfront Vision Plan as "Medium-Density Residential Currently in the Planning

Stage”. Despite these proposed plans, the public interest is to keep this critical wetland habitat protected, which includes beavers, river otters and 130+ bird species.

As you may know, the ducks, geese, and other wildlife in this area are dear to my heart and important that their natural habitat is not disturbed.

Friends of Willamette Wetlands petition now has over 3,000 signatures.

Members of the community have repeatedly shared their desires to keep this property as a natural area with minimal development, most recently with the Community Engagement Summary for the West Linn Waterfront Vision Plan. This Vision Plan puts the community’s interests at the center of the process. The representatives of the applicant argued that denying the right-of-way vacation would impede growth. The goal is not to impede growth, rather it is to protect the public interest in West Linn’s largest wetland, which includes wildlife within and beyond the wetland boundary.

There is great concern for public safety as the integrity of the settling pond is questionable and could potentially be leaking, given the evidence from DEQ acknowledging the absence of any liner in the pond. Despite this evidence, the applicant was able to obtain approval to build prior to remediation of the settling pond. This ROW vacation gets them one step closer. As a concern for public interest and safety, the City Council should require more testing and a thorough investigation of the settling pond, rather than vacate the ROWs.

All of the ROWs proposed to be vacated are in the wetland boundary and floodplain. As a benefit to public safety as informed by the Sustainable Strategic Plan and Natural Hazards Mitigation Plan, City Council should retain these ROWs as a natural utility for flood management and stormwater functions. The City Council is allowed a broad interpretation of “public interest” for a right-of-way vacation. Other cities, including Portland, consider whether a right-of-way is: identified in an adopted plan, for stormwater functions, a view corridor or viewpoint, for tree retention, for community use, etc. In this case, there is an opportunity for viewing platforms on two of the ROWs, existing natural stormwater management, and the property is already identified in the adopted Parks Master Plan to become a “planned riverfront park”.

It should be noted that the applicant’s representatives acknowledged that there was no attempt to engage with the abutting property owners, nor with Friends of Willamette Wetlands, to consider the public interest for these ROWs. This shows that the public interest is not being considered by the applicant.

Given the reasons above, I ask that City Council make the informed decision to protect public interest by denying the petition to vacate the ROWs identified in VAC-24-01.

Respectfully,
Angela Thomas

Kathy Mollusky
City Recorder
Administration

[#6013](#)



VAC-24-01 13177 7th St.

Dear City Council and City Planning Dept. (Darren Wyss)

Feb.29, 2025

Please make this letter part of the public record.

During the Willamette Neighborhood Association Feb. 12, 2025, meeting this topic was discussed. We would like to thank Chris Myers for coming to educate us on this (and other) topics. After his presentation the consensus of the WNA membership (that attended this meeting) was no one voiced support/approval of these vacations, some members were noncommittal, the majority were against the vacations. The members could not see the benefit to the city, of vacating these "streets". There were several different reasons given, including a precedence (10+ examples of existing unimproved ROW currently being used as trails). They did note that these vacations only benefit the developer. The question being: why should the city (we the taxpayers) give up land to a developer with no compensation to the city from the developer? What is the benefit to the citizens of the neighborhood/city?

When put before those in attendance, it was agreed upon that I am to write a letter on this subject, to you, on behalf of those present.

WNA asks that you please reject the requests for these vacations. Nobody knows what the future will bring, and we can see no value to the city in granting these vacations.

Thank you for taking the time to contemplate this.

Kathie Halicki, WNA President, WNA Board and WNA membership

Wyss, Darren

From: Mollusky, Kathy
Sent: Monday, March 3, 2025 12:00 PM
To: Wyss, Darren; Schroder, Lynn
Subject: FW: Right of Way Vacation Hearing VAC-24-01

From: Jenniann Workman <scjcworkman@gmail.com>
Sent: Monday, March 3, 2025 11:58 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Right of Way Vacation Hearing VAC-24-01

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Date: 03/03/2025
To: West Linn City Council
Subject: Written Testimony for VAC-24-01

Mayor and Councilors,

I am a resident of the Willamette neighborhood in West Linn. I am writing to ask you to deny the right-of-way vacation (VAC-24-01) pursuant to ORS 271.120 on the basis of approval criteria: **prejudice to public interest**. Allowing human actions which threaten declining wetland habitat is antithetical to public interest and the City's own policies and goals.

Wetlands are essential. They serve important ecological functions through providing vital habitat for mammals, amphibians, and reptiles, imperiled native plants, and nesting areas and homes for migrating waterfowl, shorebirds, songbirds, and local bird populations. (The State of Oregon warns "limited or degraded wetland habitat in the Pacific Flyway could potentially have large impacts on bird populations.") Floodplain wetlands and backwater sloughs and swamps are important rearing habitats for endangered juvenile salmon and other water species, and provide key safe passage corridors. Wetlands ecosystems provide crucial physical and emotional health benefits for community members who frequent these natural areas. Maintaining wetland ecosystems near communities also provides: improved water quality recharged aquifers, sequestered carbon, flood water storage and delay capacity, reducing flood severity, quality opportunities for infiltration and exposure which treat contaminants before reaching streams and ground water, and temperature regulation (when vegetation and shading are retained.) Indeed, wetlands located within urban areas provide benefits which "have the most value for humans and fish and wildlife."

Wetlands are threatened. Within the Willamette Valley, approximately 57 percent of wetlands have been lost; a recent study shows that the valley continues to lose more than 500 acres per year. Almost all remaining wetlands in the area have been degraded by altered water regimes, pollution, and invasive plants and animals. Statewide, 29 percent of native wetland plant communities

identified to date are ranked as “imperiled.” Twenty-four percent of wetland-dependent amphibians are also imperiled.

Wetlands are lost through urbanization and development. The main threats to wetland ecosystems are the unrelenting pressure to develop wetland areas, along with the impacts from human activities, including pollution, degradation, and urbanization. The State of Oregon declares “Existing regulatory programs have slowed wetland loss... but are not sufficient... to halt the loss of wetland acreage and functions.”

Please see: [Wetlands ~ The Oregon Conservation Strategy](#) and [Oregon Department of State Lands: Summary of Current Status and Health of Oregon’s Freshwater Wetlands](#).

The continued existence of wetlands is crucial to the public interest for the above reasons and many others. The City of West Linn stresses the vital importance of wetlands within the [Sustainable West Linn Strategic Plan](#), which is a “guiding document for West Linn operations.” *The Strategic Plan includes all of the following statements and goals:*

A specific City Council goal to **“protect and enhance the integrity, stability, and beauty of the natural environment,” acknowledging “community desire to reduce the negative impacts of growth and development on the City.”**

The original Sustainable West Linn Strategic Plan, lists the most important values of the City of West Linn. Value number one is: Natural features: Scenic landscapes, green spaces, parks, wildlife, trees, proximity to rivers, views of Mt. Hood

The Natural Step: The City of West Linn considers the “following thought-provoking questions for examining community under-takings.”

TAKE – Can Earth replace what we take?

MAKE – Are we poisoning the ground, water, or air?

RESPECT – Are we respecting the biodiversity of flora and fauna?

CHOOSE – Are the choices we make fair and equitable?

“It is necessary to identify, acquire, protect, restore, and improve natural areas for the benefit of people, land, flora, and fauna... We aim to...preserve and restore the integrity of ecosystems so they are supportive of biodiversity.”

Achieve no net loss of wetlands, streams, and riparian corridors...maintain current acreage

- Preserve and restore the integrity of ecosystems so that they are supportive of biodiversity.
- Localized cooling through tree canopy cover, green roofs or green walls
- Water management through wetlands, stream buffers, and permeable surfaces Recreation opportunities through parks and/or greenways.
- Protect, enhance, and restore natural ecosystems
- Adopt land-use regulations that establish appropriate wetland, stream, and shoreline buffer widths and adjacent land uses.
- Restore, maintain, and monitor conserved natural lands to increase natural resource resilience, adaptability, and biological integrity.
- Promote habitat management, restoration, and ongoing maintenance of private land by working with county and state officials to ensure the highest standards are being met including climate change projections

- Adopt land use strategies to incentivize permanent land conservation
- Work with partners to protect and restore the watershed

“A sustainable West Linn is made up of fully functioning and connected natural areas...While a single large parcel may be a sufficient habitat for one member of a species, connecting that parcel with others may create opportunities for interaction with other members of the species. Similarly, interconnected natural areas provide more recreational opportunities for people.”

- Design and maintain a network of green infrastructure features that integrate with the built environment to preserve ecosystem services and provide associated benefits to the West Linn community.
- Increase the area of land directly connected to regional natural systems to improve ecosystem functionality.

WATER: Less than 1% of Earth’s water resources are fresh and accessible for human use. West Linn is fortunate to be nourished by three watersheds: the Willamette River, the Tualatin River, and the Clackamas River. We acknowledge our role in ensuring their health as follows: we need to protect, manage, and improve all water resources to provide a dependable supply of healthy water to meet the long-term needs of people, land, flora, and fauna.

- Protect, enhance, and restore nature ecosystems and cultural landscapes in order to build resilience and to support clean water and air, our food supply, and public safety

“CIVIC ECOLOGY: Emphasizes the role of active citizens leading the processes of formulating sustainability goals, identifying existing limitations, and enacting practices that benefit the whole community. It fosters a grassroots collaboration that strengthens resiliency from the bottom up. It empowers citizens to make profound changes gradually while adapting to the ever-evolving needs of the community.”

- **Continue to work with partners to protect and restore the watershed.**
- **Encourage activism of volunteer organizations.**
- **Identify the interests and goals of volunteer organizations to help strengthen their watershed protection initiatives.**

The Willamette Wetland area is West Linn’s largest wetland. I urge the City Council to consider the City’s own policies and goals while making decisions that will affect this thriving ecosystem. As elected officials, we are relying on you to listen to the voices of citizens, who vehemently oppose development in this area. This habitat should be protected by the City, in every possible way, with the final goal of it becoming a treasured Metro area nature preserve. Please make decisions that support the City’s desired reputation of “City of trees, hills, and rivers.” Wetlands must be included in this ideal.

Thank you for your time and consideration.

Jenniann C. Workman

Friends of Willamette Wetlands

Wyss, Darren

From: Mollusky, Kathy
Sent: Wednesday, February 19, 2025 12:49 PM
To: Wyss, Darren; Schroder, Lynn
Subject: FW: Written Testimony for VAC-24-01

From: Katie Zabrocki <kzabrocki@gmail.com>
Sent: Wednesday, February 19, 2025 12:47 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Written Testimony for VAC-24-01

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Dear Mayor and Councilors,

I am a resident of West Linn and I am writing to ask you to deny the right-of-way vacation VAC-24-01 on the basis that it is a net detriment to the public. Approval of the vacation will result in a prejudice to public interest both as a standalone ROW consideration and more broadly in the context of the overall potential development on the property.

It truly is difficult to untangle the specific matter at hand, right-of-way vacation VAC-24-01, from the broader context of the impending land use proposal for a large housing development immediately adjacent to the wetlands. The point of this vacation request is to facilitate a larger land development process that will result, in my view, in a net detriment to public interest.

Broadly, I do understand that development creates potential benefits (primarily financial) by increasing West Linn housing stock, increasing property tax revenue and acquisition of SDC fees (which are the highest in the entire Metro), and possible WLWV school enrollment increases.

However, there are costs to these potential benefits which result in negative impacts to quality of life within the Willamette neighborhood (for people and creatures). With an influx of housing in **this specific location** there will be:

- Irreparable damage done to a unique wetlands ecosystem in our community. It is hard to overstate this. The development will have to pursue an alternative review method because the delineated wetlands are such a significant amount of the property area. The developer cannot physically comply with the prescriptive buffers in the CDC in most areas on the site. The houses won't literally be on the wetlands, but the wetlands will truly be in their backyards. Runoff, damage and depredation from pets, light and noise pollution are all major concerns that cannot be mitigated with adequate buffers

- Issues with neighborhood transportation infrastructure that will not be required to be addressed by the developer, The City will bear the burden at a future point to upgrade facilities. These upgrades will likely not be adequately funded by the acquired SDC fees. In the meantime, current residents will suffer, possibly for years.
- Risks to public safety and property damage due to a significant amount of new housing being constructed in a flood plain at a time when extreme climate events are increasing.

When weighed together, I would conclude the community costs and risks outpace the potential benefits.

More narrowly, there is still reason to consider the existing ROWs as they currently function as having a real value to the public.

- As stated during testimony, due to their location the ROWs facilitate stormwater management and could provide future public amenities in the form of paths and viewing platforms in the wetlands.
- Vacating the ROW forfeits these functions and opportunities while providing absolutely no immediate public benefit in return

Ashleigh Dougill, who acted as the city attorney during the previous meeting, noted the statute regarding this issue left room for **the council's discretion to interpret prejudice of the public interest**. I think that is important to consider and the Council should not be backed into a decision by defaulting to a developer's lawyer's narrow interpretation.

Sincerely,
Katie Zabrocki
West Linn Resident
Willamette Neighborhood

Kathy Mollusky
City Recorder
Administration

[#6013](#)



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