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Memorandum

Date: February 4, 2026

To: Planning Commission Chair Schulte-Hillen
West Linn Planning Commission

From: Aaron Gudelj, Associate Planner

Subject: Comments Received for CUP-25-02/DR-25-02/WAP-25-01

Comments were submitted after the publication of the staff report and before the expiration of the written comment period at noon February 4, 2026. The comments are from Ed and Roberta Schwarz received on January 30, 2026 and February 4, 2026 and are attached for the Planning Commission's consideration. Staff has provided responses to the comments and are included as attachments as well.

Please contact me with any questions at agudelj@westlinnoregon.gov or 503-742-6057



Staff received written comments from Ed and Roberta Schwarz on January 30, 2026. These comments focus on compliance with the following standards, which staff addresses in turn below: (1) Goal 7 of the West Linn Comprehensive Plan, (2) WLDC 2.030, (3) WLDC 55.010, (4) WLDC 55.100(B)(4), (5) WLDC 55.100(I)(3), and (6) WLDC 85.170(B)(2)(c)(1)(C).

1. Goal 7 Compliance.

The Schwarz's argue that the City's application fails to comply with Goal 7 because it involves development in an area that is prone to landslides. The Schwarz's point to Policy 1 of Goal 7, which states "require development and associated alterations to the surrounding land to be directed away from hazardous areas."

- Taken in the context of the remaining policies on Goal 7, however, it is clear that the City contemplates some development in hazardous areas, provided that the developer sufficiently mitigates the risk. For example, Policy 3 requires soil and geologic studies for development in hazardous areas and Policy 4 requires a developer to promote slope and soil stability in areas with landslide potential. As evidenced by findings under WLDC 55.100(B)(4), the supplied geotechnical report is substantial evidence that provides a reasonable basis to reach a conclusion that the proposed facility is not located on an area subject to landslide hazards and is therefore directed away from hazardous areas.

2. WLDC 11.060 and 2.030.

WLDC 11.060.4 permits public support facilities in the R-10 zone as a conditional use. WLDC 2.030 defines a public support facility as "Public services that deal directly with citizens, to include meeting and hearing rooms, together with incidental storage and maintenance of necessary vehicles, and exclude commercial use type "professional and administrative services." Typical use types are associated with governmental offices." The Schwarz's argue that the proposed Operations Complex is not intended to deal directly with citizens and includes primary fleet repair facilities rather than "incidental storage and maintenance of necessary vehicles." Therefore, the Schwarz's claim that the proposed Operations Complex is not a public support facility and is not a permitted conditional use in this zone.

- The proposed operations facility is comprised of three buildings totaling approximately 39,269 square feet with associated landscaped and hardscaped areas. The purpose of the facility is to support public citywide public operations. In other words, the use is a facility that provides support to public services. These public services include parks and facility maintenance and road and public utility maintenance. These public services are primarily provided directly to the public, without intermediary, rather than indirectly. Therefore, the use of the facility includes provision of public services that deal directly with citizens. Although the list of features of a public support facility, includes certain functions, such



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as meeting rooms and incidental maintenance and storage of necessary vehicles, the list is not read to be exclusive except to the extent that “professional and administrative services” (which is a separate land use category for private offices) is not allowed. The proposed operations facility does include as part of building B a public lobby, a reception area, and two conference or meeting rooms (as indicated on Plan Sheet A2.3). The proposed operations facility does also include a fleet repair area which is approximately 4,000 square feet, or approximately 10% of the total building area on the site. Applying the Oxford English Dictionary definition for “incidental,” which is an “accompanying but not a major part of something,” it is reasonable to conclude the fleet repair area at 10% of the total building area is an accompanying but not major part of the operations. Further, looking at other municipalities, a vehicle and equipment maintenance function is a customary and accessory use to a public support facility, while the primary purpose of that facility is to maintain public infrastructure which is directly used by the public. Therefore, the substantial evidence in the record provides a reasonable basis to reach a conclusion that the proposed facility is a public support facility under the WLDC.

3. WLDC 55.010.

The Schwarz's argue that the application violates WLDC 55.010 because it fails to promote functional, safe, and innovative site development.

- Chapter 55.010 is a purpose statement that is not an approval criterion and is rather implemented through the approval standards in Chapter 55. Specific responses to approval standards raised by the Schwarz's are included below and provide a reasonable basis to support approval of the proposed application.

4. WLDC 55.100(B)(4).

The Schwarz's argue that the application violates WLDC 55.100(B)(4) because the project is within an area subject to slumping and sliding.

- WLDC 55.100(B)(4) states that “The structures shall not be located in areas subject to slumping and sliding. The Comprehensive Plan Background Report’s Hazard Map, or updated material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination.” Comprehensive Plan Map 7-1 does not identify the site as being an area subject to slumping and sliding. The record includes several undated reference maps that appear to identify the site as potentially either having been the site of a previous landslide or being potentially susceptible to landslide hazard, although as noted in the SLIDO map, this determination is only available for areas mapped in detail, and there is no evidence to indicate the site was mapped in detail. Conversely, the applicant’s geotechnical report, which included site specific conclusions and recommendations based on site observation and several exploratory borings and test



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pits concluded that “based on soil and groundwater conditions at the site, liquefaction and lateral spreading are not design considerations at the site.” Pages 9-13 of the geotechnical report provide further and more specific slope stability analysis and indicates “We completed a site-specific seismic hazard evaluation in accordance with the 2022 SOSSC and ASCE 7-16. A detailed discussion of seismic-induced geologic hazards is presented in Appendix E. The sections below highlight key considerations associated with seismic hazards at the site...based on depth to groundwater as measured in the VWPs installed at the site and the soil conditions encountered in our explorations, liquefaction and cyclic softening are not considered design considerations for the project... liquefaction and cyclic softening are not considered design considerations, and our explorations did not encounter thick deposits of very loose to loose, cohesionless soil beneath the site that is susceptible to seismic densification. Widespread seismic settlement is not a design consideration for this project. Differential settlement between portions of the administration building bearing on undocumented fill and basalt is addressed in Section 6.3 (Shallow Foundations) and Section 6.4 (Ground Improvement). 5.5.4 Lateral Spreading Materials that comprise the slopes at the site are not subject to significant strength loss during or after an earthquake; therefore, lateral spreading is not a design consideration for this project.” Therefore, there is no evidence in the record that the area is subject to slumping and sliding, and the site-specific geotechnical analysis is substantial evidence that provides a reasonable basis to reach a conclusion that the site is not subject to landslide hazards.

5. WLDC 55.100(I)(3).

The Schwarz's do not make an argument for denial based on this criterion but rather encourage the Planning Commission to review this section.

- Staff finds that this criterion is met, as provided in its findings, and recommends that the Planning Commission approve this application. WLDC 55.100(I) indicates that an application may only be approved if adequate public facilities, as defined in CDC [2.030](#), will be available to provide service to the property prior to occupancy. Effectively this standard serves as a concurrency standard. As addressed under the supplemental findings for WLDC 85.170(B), the existing and proposed transportation facilities are adequate. Regarding subsection (3), the applicant has provided a preliminary stormwater report and provided evidence to satisfy WLDC 55.130 and 92.010(E). Further, the applicant's geotechnical report contains evidence addressing stormwater requirements relative to the site and the proposed improvements. Therefore, there is substantial evidence in the record to provide a reasonable basis to reach a conclusion that the proposed facility does or will be able to meet the requirements of WLDC 55.100(I).



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6. WLDC 85.170(B)(2)(c)(1)(C).

The Schwarz's claim that the City's Trip Generation Report is not sufficient to address WLDC 85.170(B)(2)(c) because it studies the existing public works facility rather than the proposed project site. In addition, the Schwarz's argue that the daily trip count averages 256 per day, which exceeds the code's stated threshold of 250 trips per day average. Further, the Schwarz's argue that the new Operations Complex would add additional trips beyond the existing public works facility, though they do not explain the rationale for this argument. Finally, the Schwarz's argue that the City's report does not provide an actual count as required by subsection (2) of this development code section regarding the addition of vehicles exceeding 20,000 pounds to adjacent streets.

- Per WLDC 85.170(B)(2), the purpose of a traffic study is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. Per WLDC 85.170(B)(2)(c), for development applications that do not propose any new dwelling units, a traffic impact analysis *may* be required to be submitted to the City with a land use application, when certain conditions a present. Therefore, provision of a TIA is discretionary, when there is reason to believe that it is needed to minimize adverse impacts to and protect transportation facilities. Further, a TIA may be required when (1) [a]n increase in site traffic volume generation by 250 average daily trips (ADT) or more (or as required by the City Engineer). Therefore, the City Engineer has the discretion to require or not require a TIA.
- The applicant provided a transportation assessment, provided by Kittleson & Associates, prepared by Matt Bell, an Associate Transportation Planner. While the observed trip generation rates at the existing facility indicate that the proposed facility could exceed the City's threshold for requiring a TIA, a formal TIA is not recommended to support the development application given that (1) the trips associated with the existing facility did not meet the City's threshold on two of the three count days, (2) the three day average was only six trips above the threshold, and (3) the weekday PM peak hour trips would have a negligible impact on traffic operations along Salamo Road. In addition, the proposed facility will replace the existing facility and is expected to generate similar daily, weekday AM, and weekday PM peak hour trips.
- As noted in the staff report, Salamo Road is a fully developed Minor Arterial facility which includes a southbound left-hand center turn lane into the site. No additional improvements to Salamo are identified in the City's Transportation System Plan. The TSP indicates that Salamo had approximately 9,500 average daily vehicle trips in 2006 and assumed that rate would grow by 42 percent by 2040. Therefore, in 2026, it can be assumed that Salamo has approximately 11,846 average daily trips. Further, Salamo Road at the intersection with Barrington Road, which is the closest controlled intersection is



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indicated as operating at a Level of Service A, both as an existing condition and anticipated in the future year condition (2040), with LOS D being an acceptable level of service without the need for mitigation. Adding +/- 250 average daily trips to the facility which is fully developed as a Minor Arterial would not result in a significant degradation of the facility, nor would the PM peak trips of 8-10 vehicles warrant additional improvements to Salamo Road or exceed the established Level of Service for the City.

- The applicant also notes that the existing site will likely return to single-family residential use consistent with surrounding properties. Because single-family homes are substantially lower trip generators than the existing public works facility, the proposed relocation is not expected to result in a significant increase in trips onto the broader transportation system. As such, a formal TIA would not provide additional value or change the conclusions regarding transportation impacts. It should be noted that while the trip generation data does not distinguish between heavy and non-heavy vehicles, anecdotal information provided by the City indicates that the proposed facility will not generate 10 or more heavy vehicles (20,000 pounds) per day based on existing operations. This, too, is below the thresholds established in Chapter 85.170(B)(2) of the West Linn Community Development Code for requiring a TIA.
- Therefore, with or without a TIA, there is substantial evidence in the record to provide a reasonable basis to reach a conclusion that the proposed facility would be able to minimize adverse impacts and protect transportation facilities.

Staff also wishes to provide supplemental findings to address Comprehensive Plan Chapter 6 and WLDC 55.100(D)

Chapter 6: Air, Water, and Land Resources Quality

Section 4: Noise Control

Policies

1. Require measures to adequately buffer residential developments and other noise sensitive uses that are proposed to be located in noise-congested areas.
2. Require development proposals that are expected to generate noise to incorporate landscaping and other techniques to reduce noise impacts to levels compatible with surrounding land uses.
3. Require new commercial, industrial, and public facilities to be designed and landscaped to meet Department of Environmental Quality (DEQ) and City noise standards.
4. As part of the land use application submittal for a noise-generating use, require the applicant to include a statement from a licensed acoustical engineer, and, if necessary, from DEQ, declaring that all applicable standards can be met.
5. Encourage future buildings along high traffic corridors to be of a size, scale, and orientation that minimizes noise impacts from motorized traffic to surrounding neighborhoods.



Staff finds that the proposed use, which is developed several hundred feet from the nearest noise sensitive uses (residential dwellings), and includes landscaping, as well as the natural hillside, together act as techniques to reduce noise impacts to levels compatible with surrounding land uses. As noted in the applicant's narrative (pp 69-70), there are multiple preexisting natural buffers between the project building site and residences to the north and roadway to the west. First, there is a roughly 60-foot drop in grade between the closest road (Salamo Rd) and the building pad. Beyond that, there is a grade difference of over 100 feet vertically between the proposed building pad and residences to the north. These grades are shown on C2.0. Second, the buildings are over 200 feet from Salamo Road and over 350 feet from the closest residential property line to the north. Third, there are many large, mature trees between the proposed buildings and Salamo Rd and the residences to the north. These trees are shown on L1.0 as well as additional trees that exist on the adjacent properties. This forms substantial evidence to form a reasonable basis to conclude that the proposed facility is designed and landscaped to meet DEQ and City noise standards. Further staff notes, that while not an approval criterion, the foregoing substantial evidence provides a basis to conclude that the proposed facility is not a noise-generating use and therefore did not merit, as part of the land use application, an additional statement from a licensed acoustical engineering, declaring all applicable standards can be met.

WLDC 55.100**D. Privacy and noise.**

[...]

3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.

4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section [5.487](#) shall undertake and submit appropriate noise studies and mitigate as necessary to comply with the code. (See CDC [55.110](#)(B)(11) and [55.120](#)(M).)

If the decision-making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the municipal code, then the authority may require the applicant to supply professional noise studies from time to time during the user's first year of operation to monitor compliance with City standards and permit requirements.

- Staff finds that the proposed use, which is developed several hundred feet from the nearest noise sensitive uses (residential dwellings), and includes landscaping, as well as the natural hillside, together act as techniques to reduce noise impacts to levels compatible with surrounding land uses. As noted in the applicant's narrative (pp 69-70), there are multiple preexisting natural buffers between the project building site and



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Staff received additional written comments from Ed and Roberta Schwarz on February 4, 2026. These comments focus on the cost of the project, water resource areas at the project site, Statewide Landslide Information Layer for Oregon mapping of the project site, and media reports related to the landslide at the project site in the 1960's, which staff addresses in turn below: (1) WLDC 55.100(B)(4), (2) WLDC 32.

The Schwarzs state that "#1. The Operation Complex is going to cost \$45 million and will be located on a piece of land at the east side of Salano at the intersection of Salamo and Greene St. Please see location maps included in your packets that you were given tonight. #2. It was purchased by West Linn from ODOT in 2021 for \$396,000. As part of the ODOT sales process, this parcel was first offered to federal and state agencies. None of them were interested."

- The approval criteria for the subject Conditional Use Permit, Class II Design Review, and Water Resource Area Permit does not require cost analysis, therefore they do not apply to the subject application.

The Schwarzs state that "#3. The proposal being heard tonight by the WL Planning Commission is for three buildings totaling 40,000 square feet. This land has a wetland and a stream on it. The stream is called Bernert Creek."

- The subject application provides total building square feet to be approximately 40,000 square feet.
- The applicant provided a Wetland Delineation Report and Water Resource Report that details the existing Wetland (Wetland A) and stream (Stream 1) location, existing habitat/conditions. Staff Findings #4-#17 of the Staff Report provide findings for the Water Resource Area Permit.



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The Schwarz state that "#4. The site contains areas of slopes greater than 25%. This area has been identified in the landslide maps we have included including SLIDO (Statewide Landslide Information Layer for Oregon) map (exhibit 1), DOGAMI (Department of Geology and Mineral Industries maps dated 2009 (exhibit 2) and 2013 (exhibit 3) and the map from the West Linn Natural Hazard Mitigation Plan (exhibit 4). All of these maps show this area to have landslide susceptibility and in West Linn's own Landslide Susceptibility Exposure map, from its Hazard Mitigation Plan, it is listed as very high. #5. There is a geologically recent landslide history that goes along with these maps which dates to the construction of the I-205 freeway. Eight miles of the second section of this freeway between Tualatin and West Linn began in 1968 and was completed by January 12, 1971. The work included the blasting of the basalt cliffs. Excavation for the project caused a series of landslides in 1969 that severely damaged the city's water reservoir, destroyed three homes, and delayed the opening of this section for months. After several months of water rationing, the 500,000-gallon reservoir was replaced with one with a 600,000-gallon capacity. These facts are recorded in four articles we have discovered in the archives of the Oregonian and the Oregon Journal from 1968 to 1971. There was also an article about a high school senior, Stephen Rader, who was killed in June of 1968 near the Sunset area because of a rock falling during the construction. We have several articles about this young man's death and the family's suit for negligence which went all the way to the State Supreme Court and was won by his family in 1972. #6. There is also a letter on the investigation of the reservoir and the landslide that was submitted to the city from CH2M (exhibit 5). It was dated November 10, 1969, and can be found in the staff report for this Operations Complex proposal on page 707 of the 732-page report. #7. You will not find these maps or newspaper articles in that lengthy staff report. It took hours of investigation, discussions with experts, and speaking with long time West Linn residents for Ed and me, two Savanna Oaks NA officers, to put this information together for you. We even gave the city a copy of the 2009 DOGMA map, paid for with our own money, but it was not included in the 732-page staff report, just referenced."

- The applicant submitted a Geotechnical Engineering Services Report that discusses the landslide in the 1960's and acknowledges the shallow landslide deposits stemming from the slope failure that occurred in the 1960's as documented (Burns, 2013). As evidenced by findings under WLDC 55.100(B)(4), the supplied geotechnical report is substantial evidence that provides a reasonable basis to reach a conclusion that the proposed facility is not located on an area subject to landslide hazards and is therefore directed away from hazardous areas.