From: Ed Schwarz <ed.schwarz@gmail.com>
Sent: Friday, January 30, 2026 5:44 PM
To: Planning Commission (Public) <askthepc@westlinnoregon.gov>
Cc: roberta.schwarz@comcast.net
Subject: Public Testimony for CUP-25-02 / DR-25-02 / WAP-25-01

CAUTION: External Email – Confirm legitimacy before clicking, opening attachments, or following instructions.

Please add the attached letters and exhibits to the public record for the February 4, 2026 Planning Commission hearing on the above-referenced application (agenda item 3).

Please acknowledge receipt of this email.

Thank you.

Ed and Roberta Schwarz

Steve Koper
Community Development Director
Community Development

#6058

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

January 30, 2026

Subject: CUP-25-02 / DR-25-02 / WAP-25-01

To the West Linn Planning Commissioners,

Please add this testimony from Ed and Roberta Schwarz to the public record for this application.

The Operations Complex proposal, which is being heard tonight by this Planning Commission, is going to cost $45 million dollars as per the local newspaper. You need to know the details of the proposal and the history of this area before you can decide if this is the safest and best place to build such an expensive development in West Linn with the people's money.

This piece of land, on the east side of Salamo at the intersection of Salamo and Greene St, received a rating of very high landslide susceptibility in the Natural Hazard Mitigation Plan. This is not a good place to develop. We spoke to the former City Councilor who spearheaded the purchase of this property, and he said that it was meant to be used for storing felled trees and other organic debris so that Mary S Young Park would not have to be used again in the event of future ice storms or other major events. It was not intended to be developed. West Linn purchased this land from ODOT for $396,000. It had been offered to State of Oregon Departments that might want it. No one did. Apparently, the extreme slope and the landslide history of this area are the reasons why.

This proposal is for three buildings totaling 40,000 square feet on 33.02 acres zoned for R-10 residential with a stream and a wetland on it. The site contains areas of slopes greater than 25%. It has been identified in the maps that we have included (SLIDO) (exhibit 1), (DOGAMI) (exhibit 2), DOGAMI Deep Landslide Susceptibility Map update from 2013 (exhibit 3), and Landslide Susceptibility Exposure Map (exhibit 4) from the West Linn Natural Hazard Mitigation Plan document (page 43, https://westlinnoregon.gov/sites/default/files/fileattachments/planning/page/6219/west_linn_nhmp_addendum_091224_1.pdf) as having very high potential for a landslide.

The landslide history: eight miles of the second section of I-205 between Tualatin and West Linn began construction in 1968 and was completed on 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 reservoir, destroyed three homes, and delayed the opening of this section for months. After several months of water rationing, the reservoir was replaced with state funding the following year. All these facts are supported in four articles printed in "The Oregonian" and "The Oregon Journal" from 1968 through 1971. There is also a November 10, 1969 letter in the staff's 732-page report that was submitted to the City of West Linn by CH2M (exhibit 5). It is page 707 of the staff report. It is included in our packet of information to you today and was emailed to you on Friday.

This large map from the Department of Geology and Mineral Industries (DOGAMI) was given to us many years ago by the former President of the Barrington Heights NA before he moved. He asked that we keep it handy in case it was ever needed. After the pre-application meeting for this proposal in May of last year, we found it, located a copy store that could make prints the size of Plat maps, and presented copies to the City of West Linn, and the current President of Barrington Heights NA, and the President of Willamette NA. We have also given each of you a copy of the relevant part of the

map and one of the Statewide Landslide Information Layer for Oregon (SLIDO). Both show this area being considered for the Operations Complex proposed development. Both show that there is landslide susceptibility. It is rated as very high in West Linn Natural Hazard Mitigation Plan. Please see the maps we have given you. They are not in the 732-page staff report and they should be.

You are here tonight to represent the best interests of the people of West Linn. We are requesting that you not approve this proposal. This is an unacceptable risk to take. All the Oregon State Departments that said “No” to this piece of land knew this to be true. You know it now, too. Deny this application. Let the City find another, safer, spot for building the Operations Center.

Several codes are not being complied with in this application and that will be covered in the next part of our testimony.

Thank you,
Ed and Roberta Schwarz
West Linn

January 30, 2026

To: West Linn Planning Commission

Regarding: CUP-25-02 / DR-25-02 / WAP-25-01

To the West Linn Planning Commission,

Please add this testimony from Ed and Roberta Schwarz to the public record for this application.

We do not oppose the construction of a new Operations Complex in West Linn. We do, however, strenuously object to the location chosen for it. We are not sure that the city could have chosen a worse site. We encourage you to deny this application and request that the location of the complex be changed to a safer location outside of the hazardous area where it is currently proposed.

Please consider the following concerns we have with the proposed complex. Our concerns include its location in a geologic hazard area as well as several areas where we believe the proposed complex does not meet West Linn Community Development Code requirements.

First, we disagree with staff's finding that Goal 7 of the West Linn Comprehensive Plan is met. Goal 7 states that, "Landslide areas are known hazards to safety." The city admits in their application that the complex will be built in a landslide area. Further, Policy 1 of Goal 7 states, "Require development and associated alterations to the surrounding land to be directed away from hazardous areas." As you have already heard in previous testimony tonight, the area where the complex is to be built has been deemed a hazardous area.

Please find that Comprehensive Plan Goal 7 and, specifically, Policy 1, have not been met by this application. The application should be denied.

In addition to the failure to meet the Comprehensive Plan, the application also fails to meet sections of the Community Development Code, specifically, sections 2.030, 55.100(B)(4), 55.100(I)(3), and 85.170(B)(2)(c)(1)(C).

The city has applied for a Conditional Use Permit for this residentially zoned site. Citing CDC 11.060, the city has identified this complex as falling under section 4, Public Support Facility. According to CDC 2.030, public support facilities are defined 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." There are two parts of this section where the application does not meet the code.

First, note the phrase "Public services that deal directly with citizens…" Staff finding 65 of the staff report states, "Although the proposed facility is not intended to be directly used by the public on a daily basis…" This staff finding directly conflicts with CDC 2.030. The Operations Complex is not intended to deal with the public on a daily basis. It does not meet the definition of a Public Support Facility. The application does not meet CDC 2.030 and should be denied.

Second, note the phrase "incidental storage and maintenance of necessary vehicles". "Incidental" is defined by the Oxford English Dictionary as "accompanying but not a major part of something".

Per the application for a Conditional Use Permit, under the section Project Description, the city states that, "The project includes construction of two primary buildings…that includes **primary fleet repair facilities**, ancillary part storage, a sign shop, ancillary storage and general use spaces…" Note the use of the word "primary" when it comes to the fleet repair facilities. As demonstrated above, CDC 2.030 only allows "incidental storage and maintenance of necessary vehicles". Therefore, the city's intended use of this building for "primary fleet repair facilities" conflicts with the definition under CDC 2.030. The application fails to meet the definition of allowed uses for this residentially zoned property and should be denied.

CDC 55.010 states, "The purpose of the design review provisions is to establish a process and standards for the review of development proposals in order to conserve and enhance the appearance of the City and to **promote functional, safe, and innovative site development.**" Given that this complex is proposed to be developed on a steep, landslide-prone hillside and situated on a steep, very busy street, we do not see how it can be deemed to be either functional or safe. It will only be a matter of time before a serious traffic incident occurs between the high-speed traffic on Salamo and large city vehicles turning into, and out of, the complex. The application fails to meet CDC 55.010 and should be denied.

CDC 55.100(B)(4) states, “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.” As you have heard tonight, the structures are proposed to be placed in a hazard zone which is subject to landslides which would include slumping and sliding. Therefore, this application does not meet CDC 55.100(B)(4) and should be denied.

CDC 55.100(I)(3) states, “…the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.” We encourage the Planning Commission to review this code and determine if the application truly meets its requirements.

Lastly, CDC 85.170(B)(2)(c)(1)(C) requires a traffic impact analysis if:

> (C) **The development shall cause one or more of the following effects**, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual, and information and studies provided by the local reviewing jurisdiction and/or ODOT:
>
> (1) **An increase in site traffic volume generation by 250 average daily trips** (ADT) or more (or as required by the City Engineer); or
>
> (2) **An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day**;

A Traffic Impact Analysis (TIA) was not performed for this application. Instead, staff accepted a “Trip Generation Report” from 2025 prepared by Kittelson and Associates. The Kittelson report did not study the actual location of the Operations Complex. It consisted of a daily trip count from the existing Public Works facility on Norfolk and Sussex streets.

This daily trip count average of 256 trips per day exceeded the 250 trips per day average to trigger a TIA. Additionally, the report did not consider the added traffic which will result from the additional city staff who will be housed in these new buildings (including Parks

Department staff who will have their offices in the complex). In fact, the report incorrectly states that “Given that (1) the proposed Public Works Operations Facility will replace the existing facility without expanding operational capacity, staffing, or fleet size…” The Kittelson report does not account for these additional staff trips and should not be accepted in place of a TIA.

Additionally, the Kittelson report did not provide an actual count as required in (2) above regarding the addition of vehicles exceeding 20,000 pounds to adjacent streets. Since Kittelson did not take an actual count of vehicles of this size, there is no way, without a TIA, to know for sure if this number of large vehicle trips will be exceeded.

Our code is clear, a Traffic Impact Analysis should have been performed. Therefore, the application does not meet CDC 85.170 and should be denied.

In summation, we ask that the Planning Commission deny the application on non-compliance with the CDC and the other grounds stated above. The city should be directed to find a safer, more accessible location for the Operations Complex.

Respectfully submitted,
Ed and Roberta Schwarz
West Linn


SLIDO: Statewide Landslide Information Layer for Oregon
Oregon Department of Geology and Mineral Industries
HELP
Data
West Linn, Oregon
Layers Currently Showing
Landslide Inventory (areas and points; various sources)
Historic Landslide Records (points)
Deposits
Talus-Colluvium
Fan
Landslide
Landslide Susceptibility
Detailed Susceptibility Reference Maps
Susceptibility to Shallow Landslides (less than 15 feet below ground surface; available only for areas mapped in detail)
Low susceptibility to shallow landslides
Moderate susceptibility to shallow landslides
High susceptibility to shallow landslides
Susceptibility to Deep Landslides (greater than or equal to 15 feet below ground surface; available only for areas mapped in detail)
Low susceptibility to deep landslides
Moderate susceptibility to deep landlides
High susceptibility to deep landslides
Regional Landslide Susceptibility (scale at 1:500,000)
Low
Moderate
High
Barrington Dr
Riverknoll Way
Salamo Rd
Willamette Falls Dr
205
5th Ave
Moehnke St
Esri Community Maps Contributors, Orego
300ft
-122.641 45.350 Degrees



PLATE 1

SCALE 1:8,000

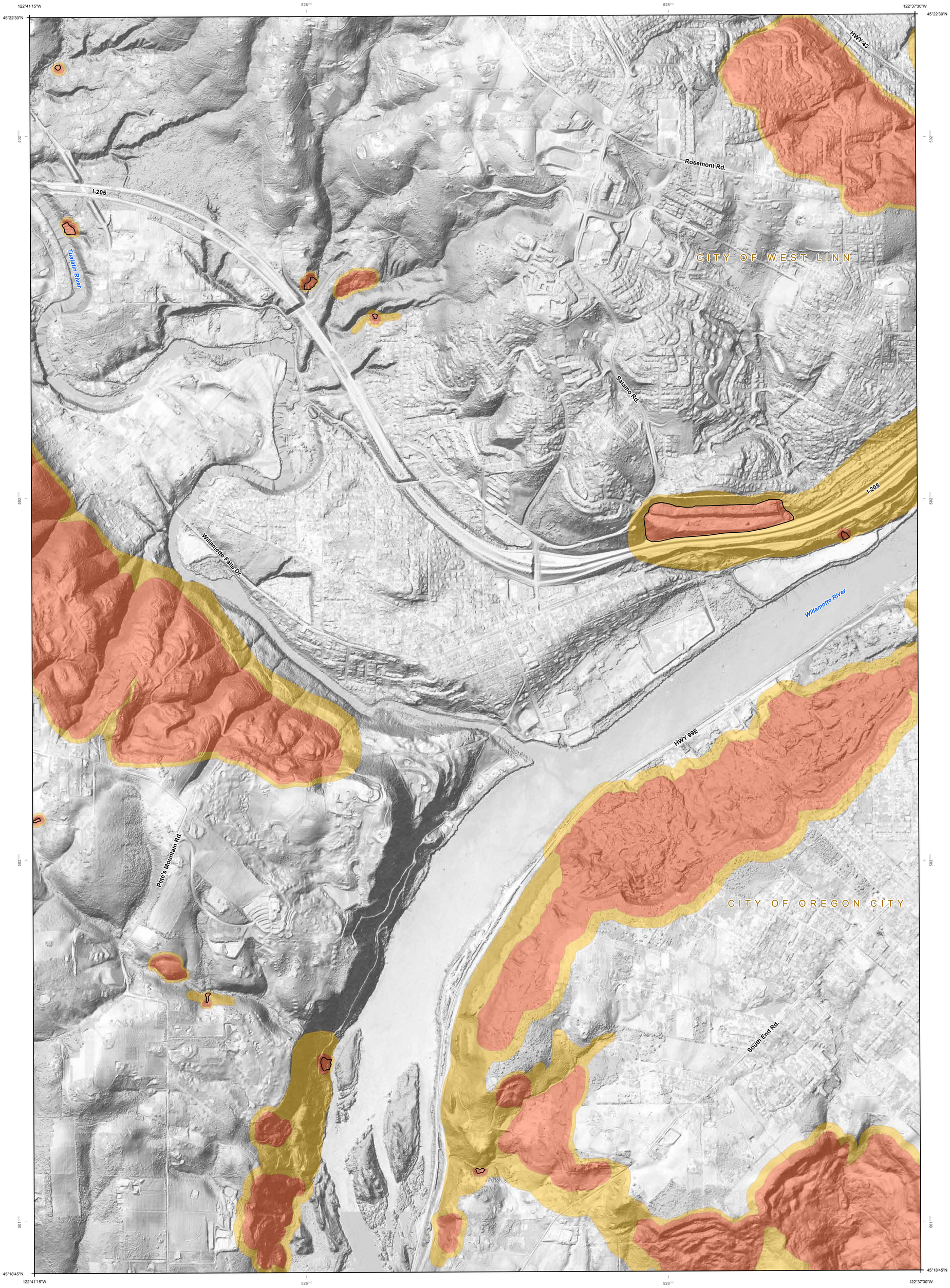
IMPORTANT NOTICE

OREGON

STATE OF OREGON
DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES
www.OregonGeology.org
W. Lawrence Givens, Governing Board Chair
Vicki S. McConnell, Director and State Geologist
Andre V. Pollock, Assistant Director, Geologic Survey and Services
Rachel L. Smith, Project Operations Manager
Ian P. Madin, Chief Scientist

Deep-Landslide Susceptibility Map of the Northeast Quarter of the Canby Quadrangle, Clackamas County, Oregon

2013



Base map for plates in this publication:

Lidar data from DOGAMI Lidar Data Quadrangle LDQ-2009-45122C3-Estacada, LDQ-2009-45122C4-Redland, LDQ-2009-45122C5-Oregon City, LDQ-2009-45122C6-Canby, LDQ-2009-45122C7-Sherwood, LDQ-2009-45122D3-Sandy, LDQ-2009-45122D4-Damascus, LDQ-2009-45122D5-Gladstone, LDQ-2009-45122D6-Lake Oswego.
Digital elevation model (DEM) consists of a 3-foot-square elevation grid that was converted into a hillshade image with sun angle at 315 degrees at a 60-degree angle from horizontal. The DEM was multiplied by 5 (vertical exaggeration) to enhance slope areas.

2005 orthophoto imagery is from Oregon Geospatial Enterprise Office and is draped over the hillshade image with transparency.

Projection: North American Datum 1983, UTM zone 10 North.

Software: Esri ArcMap 10, Adobe Illustrator CS2.

Source File: Project\Clackamas Landslide\ClackamasStudy.mxd

APPROXIMATE MEAN DECLINATION, 2012
16½°
TRUE NORTH
MAGNETIC NORTH

SCALE 1:8,000

1,300 650 0 1,300 2,600 3,900 5,200 Feet
0.25 0.125 0 0.25 0.5 0.75 1 Miles
0.25 0.125 0 0.25 0.5 0.75 1 Kilometers

Cartography by William J. Burns and Katherine A. Mickelson, Oregon Department of Geology and Mineral Industries.

This map also benefited from internal review and comments by Ian Madin, DOGAMI Chief Scientist.

IMPORTANT NOTICE

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. This publication cannot substitute for site-specific investigations by qualified practitioners. Site-specific data may give results that differ from the results shown in the publication. See the accompanying text report for more details on the limitations of the methods and data used to prepare this publication.

OPEN-FILE REPORT O-13-08

Landslide Hazard and Risk Study of Northwestern Clackamas County, Oregon

by William J. Burns, Katherine A. Mickelson, Cullen B. Jones, Sean G. Pickner, and Kaleena L. B. Hughes
Oregon Department of Geology and Mineral Industries, Portland, Oregon
Rachel Sleeter
U.S. Geological Survey, Menlo Park, California

The project described in this publication was supported in part by Intergovernmental Agreement IGS 11-21-2011 from Clackamas County, Oregon

PLATE 46

EXPLANATION

This map depicts susceptibility to deep landslides in this area. For the purpose of this map, deep landslides are defined as those with a depth to the failure plane of greater than 15 ft (4.5 m) (Burns and Madin, 2009).

This susceptibility map was prepared by combining four factors: 1) landslide inventory data taken from the corresponding inventory map, 2) head scarp buffers, 3) moderate zone buffer, and 4) geologic factors (susceptible geologic units and contacts, slope angles, and preferred direction of movement). The combinations of these factors comprise the relative susceptibility hazard zones: high, moderate, and low as shown in the Hazard Zone Matrix below. The deep-landslide susceptibility data are displayed on top of a base map that consists of an aerial photograph (orthorectified) overlain on the lidar-derived digital elevation model. For additional detail on how this map was developed see Burns (2008).

DEEP-LANDSLIDE SUSCEPTIBILITY CLASSIFICATION

Each landslide susceptibility hazard zone shown on this map has been developed according to a classification scheme using a number of specific factors. The classification scheme was developed by the Oregon Department of Geology and Mineral Industries; see accompanying text report. The symbology used to display these hazard zones is explained below.

Deep-Landslide Susceptibility Zones: This map uses color to show the relative degree of hazard. Each zone is a combination of several factors (see Hazard Zone Matrix, below).

HIGH: High susceptibility to deep landslides. Deposits mapped as historical and/or active are outlined in black.

MODERATE: Moderate susceptibility to deep landslides.

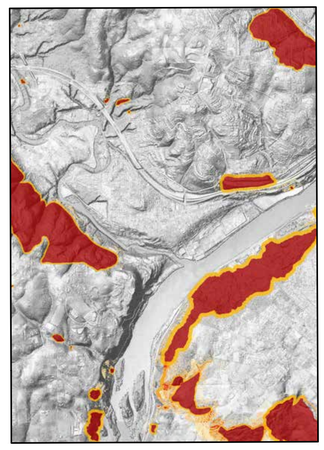
LOW: Low susceptibility to deep landslides.

Deep-Landslide Susceptibility Hazard Zone Matrix

Contributing Factors*	Final Hazard Zone		
	High	Moderate	Low
1 Landslides, Head Scarp-Flanks, Buffers	included	—	—
2 Geologic Factors, High Zone Buffer	—	included	—
3 Minimal Geologic Factors	—	—	included

*See explanation of corresponding contributing factors below.

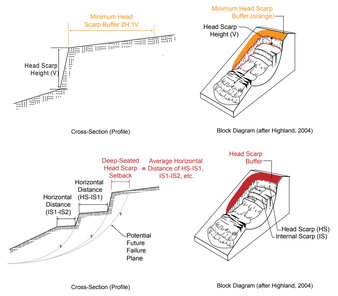
1 Landslide Inventory



Landslide Inventory: This map is an inventory of existing deep-landslide deposits and head scarps in this area. This inventory map was prepared by compiling all previously mapped landslides from published and unpublished geologic and landslide mapping, lidar-based geomorphic analysis, and review of aerial photographs. Each landslide was also attributed with classifications for activity, depth of failure, movement type, and confidence of interpretation using the protocol developed by Burns and Madin (2009). This map uses color to show different landslide features as explained below.

EXPLANATION
- Landslide Head Scarps
- Deep-Landslide Deposits

2 Head Scarp Buffers



Head Scarp Buffers: Buffers were applied to all head scarps from the landslide inventory. In most cases the first buffer results in a minimum buffer distance and the second buffer (described below) results in the maximum buffer distance. In all cases the greater of the two was used.

The first buffer (orange on diagram) consists of a 2:1 horizontal to vertical distance (2H:1V). This buffer is different for each head scarp and is dependent on head scarp height. For example, a head scarp height of 6.5 ft (2 m) has a 2H:1V buffer equal to 13 ft (4 m).

The second buffer (red on diagram) is different for each head scarp and is dependent on the average of the horizontal distance between internal scarps. For example, an average horizontal distance of 150 ft (50 m) has a 2H:1V buffer equal to 300 ft (100 m).

3 Geologic Factors and Buffers

Moderate Susceptibility Zone: This map displays the scores of the relative geologic susceptibility zone factors, a moderate zone buffer applied around the high susceptibility zone, and the mapped deep-landslide deposits in this area.

A moderate zone buffer was applied around the high-susceptibility zone of each landslide deposit. This buffer is different for each landslide deposit and is dependent on head scarp height.

Each geologic zone factor was given a score of 0, 1, or 2. Thus, if all factors have the highest score at some particular location, the final factor score is 8. A minimal combined factor score threshold between 3 and 5 along with educated judgment was used to delineate the boundary between the low and moderate zones. The geologic zone factors are:

1) Susceptible geologic units
2) Susceptible geologic contacts
3) Susceptible slope angles for each engineering geology unit polygon
4) Susceptible direction of movement for each engineering geology unit polygon

The geologic susceptibility zone factors and the moderate zone buffer data sets along with professional judgment were used to create the boundary between the moderate and low deep-landslide susceptibility zones.

EXPLANATION
- Deep-Landslide Deposits
- Moderate Zone Buffer

Geologic Susceptibility Zone Factors Score
- 1 (low)
- 2
- 3
- 4
- 5
- 6
- 7
- 8 (high)

LIMITATIONS

The deep-landslide susceptibility map was developed following an established protocol (Burns, 2008) that incorporates several types of data. Several limitations are worth noting and underscore that any regional hazard map can be useful for regional applications but should not be used as an alternative to site-specific studies in critical areas. Limitations include the following.

1) Every effort has been made to ensure the accuracy of the GIS and tabular database, but it is not feasible to completely verify all of the original input data.

2) As discussed in the Explanation section, the protocol to develop deep-landslide susceptibility maps is based on four factors: 1) landslide inventory data taken from the corresponding inventory map, 2) head scarp buffers, 3) moderate zone buffer, and 4) geologic factors (susceptible geologic units and contacts, slope angles, and preferred direction of movement). All of these parameters can affect the level of detail and accuracy of the final susceptibility map. Because the maps are based on a combination of factors, all of which

a. Limitations of the landslide inventory, which are discussed by Burns and Madin (2009).

b. Calculation of head scarp buffers is limited based on the head scarp height (first buffer) and an average of the horizontal widths of previous or downslope blocks (second buffer). It is assumed that most large deep landslides have the potential to fail retrogressively upslope; however, this is not always the case.

c. The additional factors used to delineate the moderate susceptibility zone include susceptible geologic units, susceptible geologic contacts, susceptible slope angles for each engineering geology unit polygon, and susceptible direction of movement for each engineering geology unit polygon. These factors are combined and a final score is produced, but the delineation of the final moderate zone is based on visual overlap of these four factors; therefore, the accuracy and resolution of the output data can be overestimated or underestimated.

3) The susceptibility maps are based on the topographic and landslide inventory data available as of the date of publication. Future new landslides may render this map locally inaccurate.

4) The lidar-based digital elevation model does not distinguish elevation changes that may be due to the construction of structures like retaining walls. Because it would require extensive GIS and field work to locate all of these existing structures and remove them or adjust the material properties in the model, such features have been included as a conservative approach and therefore must be examined on a site-specific basis.

5) Some landslides in the inventory may have been mitigated, thereby reducing their level of susceptibility. Because it is not feasible to collect detailed site-specific information on every landslide, potential mitigation has been ignored.

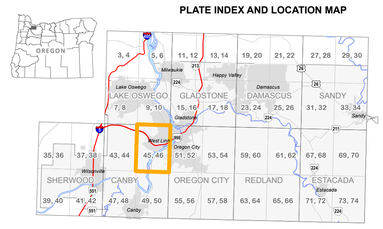
REFERENCES

Burns, W.J., 2008, Regional landslide hazard maps of the southwest quarter of the Beaverton quadrangle, West Bull Mountain Planning Area, Washington County, Oregon: Oregon Department of Geology and Mineral Industries Open-File Report O-08-09, 17 p., scale 1:8,000.

Burns, W.J., and Madin, I.P., 2009, Protocol for inventory mapping of landslide deposits from light detection and ranging (lidar) imagery: Oregon Department of Geology and Mineral Industries Special Paper 42, 30 p.

Highland, L., compiler, 2004, Landslide types and processes: U.S. Geological Survey Fact Sheet 2004-3072 (ver. 1.1), 4 p.

PLATE INDEX AND LOCATION MAP

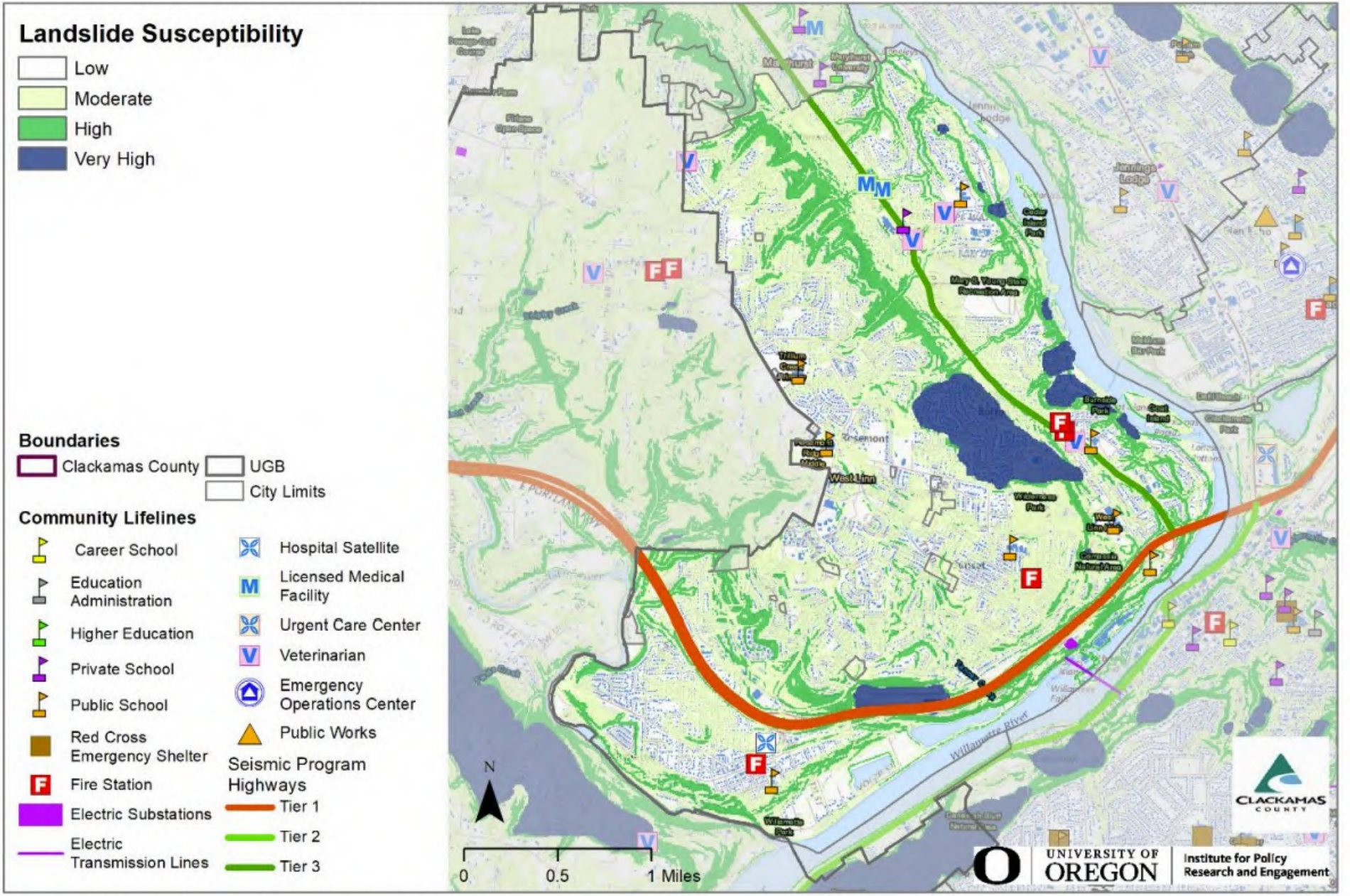


U.S. Geological Survey 7.5-minute quadrangle maps are divided into quarter quadrangles. Each quarter quadrangle has two plate numbers; the first plate number indicates the shallow-landslide susceptibility map, and the second plate number indicates the corresponding deep-landslide susceptibility map. Plates 1 and 2 (not shown here) are overview maps for this publication.

Nature of the Northwest

For copies of this publication contact:
Nature of the Northwest Information Center
800 NE Oregon Street, #28, Ste. 965
Portland, Oregon 97232
telephone (971) 673-2331
http://www.naturenw.org

Figure WL-5 Landslide Susceptibility Exposure



Source: Map created by Oregon Partnership for Disaster Resilience.

Data: Oregon Department of Geology and Mineral Industries. Preparedness Framework Implementation Team (IRIS v3).

Note: To view hazard detail click this link to access Oregon HazVu

CORNELL, HOWLAND, HAYES & MERRYFIELD
ENGINEERS AND PLANNERS

1600 WESTERN AVENUE • CORVALLIS, OREGON 97330
TELEPHONE: AREA CODE 503/752-4271
OTHER OFFICES IN: SEATTLE • BOISE • PORTLAND

10 November 1969

Project No. P5572.0

City of West Linn
West Linn, Oregon 97068

Attention: Mr. Richard W. Dippner, City Administrator

Gentlemen: Willamette Reservoir and FAI-205 Landslide

This letter presents our investigation of the condition of the Willamette Reservoir. The landslide associated with the construction of FAI-205 disrupted the reservoir and the distribution pipelines, as well as damaged several houses and other property located above the work area. This investigation was authorized in September, 1969, to examine the condition of the reservoir and to recommend its repair or abandonment. Conclusions and recommendations are presented at the end of this letter.

INTRODUCTION

Willamette Reservoir is located on the hills above the Cities of West Linn and Willamette, with a water surface elevation of 387. FAI-205 is under construction below the reservoir at about elevation 220, in a side hill excavation with designed slopes of 1 on 1.5 and three benches in the cut slope. On the evening of 10 June 1969, an Oregon State Highway Department (OSHD) inspector discovered cracks in the street and ground in the vicinity of the reservoir.

On 12 June 1969, the inflow and outflow pipes of the reservoir were closed, and the water level in the reservoir dropped 0.75-feet in 2-hours. The reservoir leakage at this time was 320-gallons per minue (gpm). The reservoir inflow and outflow pipes were then opened, but the water surface continued to drop and the reservoir could not be filled. One of the reservoir joints was observed to open 0.01-feet (1/8-inch) in a 24-hour period. On 14 June, 1969, the reservoir was drained and has been out of service since. Construction of a water main to bypass the reservoir area was authorized by the OSHD, and completed one month later on 14 July 1969. The same day the bypass main was placed in service, the 8-inch main serving the City of Willamette was pulled apart by slide movements just below the reservoir.

The condition of the reservoir prior to the June landslide activity is known to be good. In March 1969, the City water superintendent commented that the reservoir leakage had recently increased because of FAI-205 construction blasting.

From: Ed Schwarz <ed.schwarz@gmail.com>
Sent: Friday, January 30, 2026 5:40 PM
To: Planning Commission (Public) <askthepc@westlinnoregon.gov>
Cc: roberta.schwarz@comcast.net
Subject: Public Testimony for CUP-25-02 / DR-25-02 / WAP-25-01

CAUTION: External Email – Confirm legitimacy before clicking, opening attachments, or following instructions.

Please add the attached letters and exhibits to the public record for the February 4, 2026 Planning Commission hearing on the above-referenced application (agenda item 3).

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Thank you.

Ed and Roberta Schwarz

Steve Koper
Community Development Director
Community Development

#6058



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

January 30, 2026

Subject: CUP-25-02 / DR-25-02 / WAP-25-01

To the West Linn Planning Commissioners,

Please add this testimony from Ed and Roberta Schwarz to the public record for this application.

The Operations Complex proposal, which is being heard tonight by this Planning Commission, is going to cost $45 million dollars as per the local newspaper. You need to know the details of the proposal and the history of this area before you can decide if this is the safest and best place to build such an expensive development in West Linn with the people's money.

This piece of land, on the east side of Salamo at the intersection of Salamo and Greene St, received a rating of very high landslide susceptibility in the Natural Hazard Mitigation Plan. This is not a good place to develop. We spoke to the former City Councilor who spearheaded the purchase of this property, and he said that it was meant to be used for storing felled trees and other organic debris so that Mary S Young Park would not have to be used again in the event of future ice storms or other major events. It was not intended to be developed. West Linn purchased this land from ODOT for $396,000. It had been offered to State of Oregon Departments that might want it. No one did. Apparently, the extreme slope and the landslide history of this area are the reasons why.

This proposal is for three buildings totaling 40,000 square feet on 33.02 acres zoned for R-10 residential with a stream and a wetland on it. The site contains areas of slopes greater than 25%. It has been identified in the maps that we have included (SLIDO) (exhibit 1), (DOGAMI) (exhibit 2), DOGAMI Deep Landslide Susceptibility Map update from 2013 (exhibit 3), and Landslide Susceptibility Exposure Map (exhibit 4) from the West Linn Natural Hazard Mitigation Plan document (page 43, https://westlinnoregon.gov/sites/default/files/fileattachments/planning/page/6219/west_linn_nhmp_addendum_091224_1.pdf) as having very high potential for a landslide.

The landslide history: eight miles of the second section of I-205 between Tualatin and West Linn began construction in 1968 and was completed on 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 reservoir, destroyed three homes, and delayed the opening of this section for months. After several months of water rationing, the reservoir was replaced with state funding the following year. All these facts are supported in four articles printed in "The Oregonian" and "The Oregon Journal" from 1968 through 1971. There is also a November 10, 1969 letter in the staff's 732-page report that was submitted to the City of West Linn by CH2M (exhibit 5). It is page 707 of the staff report. It is included in our packet of information to you today and was emailed to you on Friday.

This large map from the Department of Geology and Mineral Industries (DOGAMI) was given to us many years ago by the former President of the Barrington Heights NA before he moved. He asked that we keep it handy in case it was ever needed. After the pre-application meeting for this proposal in May of last year, we found it, located a copy store that could make prints the size of Plat maps, and presented copies to the City of West Linn, and the current President of Barrington Heights NA, and the President of Willamette NA. We have also given each of you a copy of the relevant part of the

map and one of the Statewide Landslide Information Layer for Oregon (SLIDO). Both show this area being considered for the Operations Complex proposed development. Both show that there is landslide susceptibility. It is rated as very high in West Linn Natural Hazard Mitigation Plan. Please see the maps we have given you. They are not in the 732-page staff report and they should be.

You are here tonight to represent the best interests of the people of West Linn. We are requesting that you not approve this proposal. This is an unacceptable risk to take. All the Oregon State Departments that said “No” to this piece of land knew this to be true. You know it now, too. Deny this application. Let the City find another, safer, spot for building the Operations Center.

Several codes are not being complied with in this application and that will be covered in the next part of our testimony.

Thank you,
Ed and Roberta Schwarz
West Linn

January 30, 2026

To: West Linn Planning Commission

Regarding: CUP-25-02 / DR-25-02 / WAP-25-01

To the West Linn Planning Commission,

Please add this testimony from Ed and Roberta Schwarz to the public record for this application.

We do not oppose the construction of a new Operations Complex in West Linn. We do, however, strenuously object to the location chosen for it. We are not sure that the city could have chosen a worse site. We encourage you to deny this application and request that the location of the complex be changed to a safer location outside of the hazardous area where it is currently proposed.

Please consider the following concerns we have with the proposed complex. Our concerns include its location in a geologic hazard area as well as several areas where we believe the proposed complex does not meet West Linn Community Development Code requirements.

First, we disagree with staff's finding that Goal 7 of the West Linn Comprehensive Plan is met. Goal 7 states that, "Landslide areas are known hazards to safety." The city admits in their application that the complex will be built in a landslide area. Further, Policy 1 of Goal 7 states, "Require development and associated alterations to the surrounding land to be directed away from hazardous areas." As you have already heard in previous testimony tonight, the area where the complex is to be built has been deemed a hazardous area.

Please find that Comprehensive Plan Goal 7 and, specifically, Policy 1, have not been met by this application. The application should be denied.

In addition to the failure to meet the Comprehensive Plan, the application also fails to meet sections of the Community Development Code, specifically, sections 2.030, 55.100(B)(4), 55.100(I)(3), and 85.170(B)(2)(c)(1)(C).

The city has applied for a Conditional Use Permit for this residentially zoned site. Citing CDC 11.060, the city has identified this complex as falling under section 4, Public Support Facility. According to CDC 2.030, public support facilities are defined 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." There are two parts of this section where the application does not meet the code.

First, note the phrase "Public services that deal directly with citizens…" Staff finding 65 of the staff report states, "Although the proposed facility is not intended to be directly used by the public on a daily basis…" This staff finding directly conflicts with CDC 2.030. The Operations Complex is not intended to deal with the public on a daily basis. It does not meet the definition of a Public Support Facility. The application does not meet CDC 2.030 and should be denied.

Second, note the phrase "incidental storage and maintenance of necessary vehicles". "Incidental" is defined by the Oxford English Dictionary as "accompanying but not a major part of something".

Per the application for a Conditional Use Permit, under the section Project Description, the city states that, "The project includes construction of two primary buildings…that includes **primary fleet repair facilities**, ancillary part storage, a sign shop, ancillary storage and general use spaces…" Note the use of the word "primary" when it comes to the fleet repair facilities. As demonstrated above, CDC 2.030 only allows "incidental storage and maintenance of necessary vehicles". Therefore, the city's intended use of this building for "primary fleet repair facilities" conflicts with the definition under CDC 2.030. The application fails to meet the definition of allowed uses for this residentially zoned property and should be denied.

CDC 55.010 states, "The purpose of the design review provisions is to establish a process and standards for the review of development proposals in order to conserve and enhance the appearance of the City and to **promote functional, safe, and innovative site development.**" Given that this complex is proposed to be developed on a steep, landslide-prone hillside and situated on a steep, very busy street, we do not see how it can be deemed to be either functional or safe. It will only be a matter of time before a serious traffic incident occurs between the high-speed traffic on Salamo and large city vehicles turning into, and out of, the complex. The application fails to meet CDC 55.010 and should be denied.

CDC 55.100(B)(4) states, “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.” As you have heard tonight, the structures are proposed to be placed in a hazard zone which is subject to landslides which would include slumping and sliding. Therefore, this application does not meet CDC 55.100(B)(4) and should be denied.

CDC 55.100(I)(3) states, “…the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.” We encourage the Planning Commission to review this code and determine if the application truly meets its requirements.

Lastly, CDC 85.170(B)(2)(c)(1)(C) requires a traffic impact analysis if:

> (C) **The development shall cause one or more of the following effects**, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual, and information and studies provided by the local reviewing jurisdiction and/or ODOT:
>
> (1) **An increase in site traffic volume generation by 250 average daily trips** (ADT) or more (or as required by the City Engineer); or
>
> (2) **An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day**;

A Traffic Impact Analysis (TIA) was not performed for this application. Instead, staff accepted a “Trip Generation Report” from 2025 prepared by Kittelson and Associates. The Kittelson report did not study the actual location of the Operations Complex. It consisted of a daily trip count from the existing Public Works facility on Norfolk and Sussex streets.

This daily trip count average of 256 trips per day exceeded the 250 trips per day average to trigger a TIA. Additionally, the report did not consider the added traffic which will result from the additional city staff who will be housed in these new buildings (including Parks

Department staff who will have their offices in the complex). In fact, the report incorrectly states that “Given that (1) the proposed Public Works Operations Facility will replace the existing facility without expanding operational capacity, staffing, or fleet size…” The Kittelson report does not account for these additional staff trips and should not be accepted in place of a TIA.

Additionally, the Kittelson report did not provide an actual count as required in (2) above regarding the addition of vehicles exceeding 20,000 pounds to adjacent streets. Since Kittelson did not take an actual count of vehicles of this size, there is no way, without a TIA, to know for sure if this number of large vehicle trips will be exceeded.

Our code is clear, a Traffic Impact Analysis should have been performed. Therefore, the application does not meet CDC 85.170 and should be denied.

In summation, we ask that the Planning Commission deny the application on non-compliance with the CDC and the other grounds stated above. The city should be directed to find a safer, more accessible location for the Operations Complex.

Respectfully submitted,
Ed and Roberta Schwarz
West Linn


SLIDO: Statewide Landslide Information Layer for Oregon
Oregon Department of Geology and Mineral Industries
HELP
Data
West Linn, Oregon
Layers Currently Showing
Landslide Inventory (areas and points; various sources)
Historic Landslide Records (points)
Deposits
Talus-Colluvium
Fan
Landslide
Landslide Susceptibility
Detailed Susceptibility Reference Maps
Susceptibility to Shallow Landslides (less than 15 feet below ground surface; available only for areas mapped in detail)
Low susceptibility to shallow landslides
Moderate susceptibility to shallow landslides
High susceptibility to shallow landslides
Susceptibility to Deep Landslides (greater than or equal to 15 feet below ground surface; available only for areas mapped in detail)
Low susceptibility to deep landslides
Moderate susceptibility to deep landlides
High susceptibility to deep landslides
Regional Landslide Susceptibility (scale at 1:500,000)
Low
Moderate
High
Barrington Dr
Riverknoll Way
Salamo Rd
Willamette Falls Dr
205
5th Ave
Moehnke St
Esri Community Maps Contributors, Orego
300ft
-122.641 45.350 Degrees



PLATE 1

SCALE 1:8,000

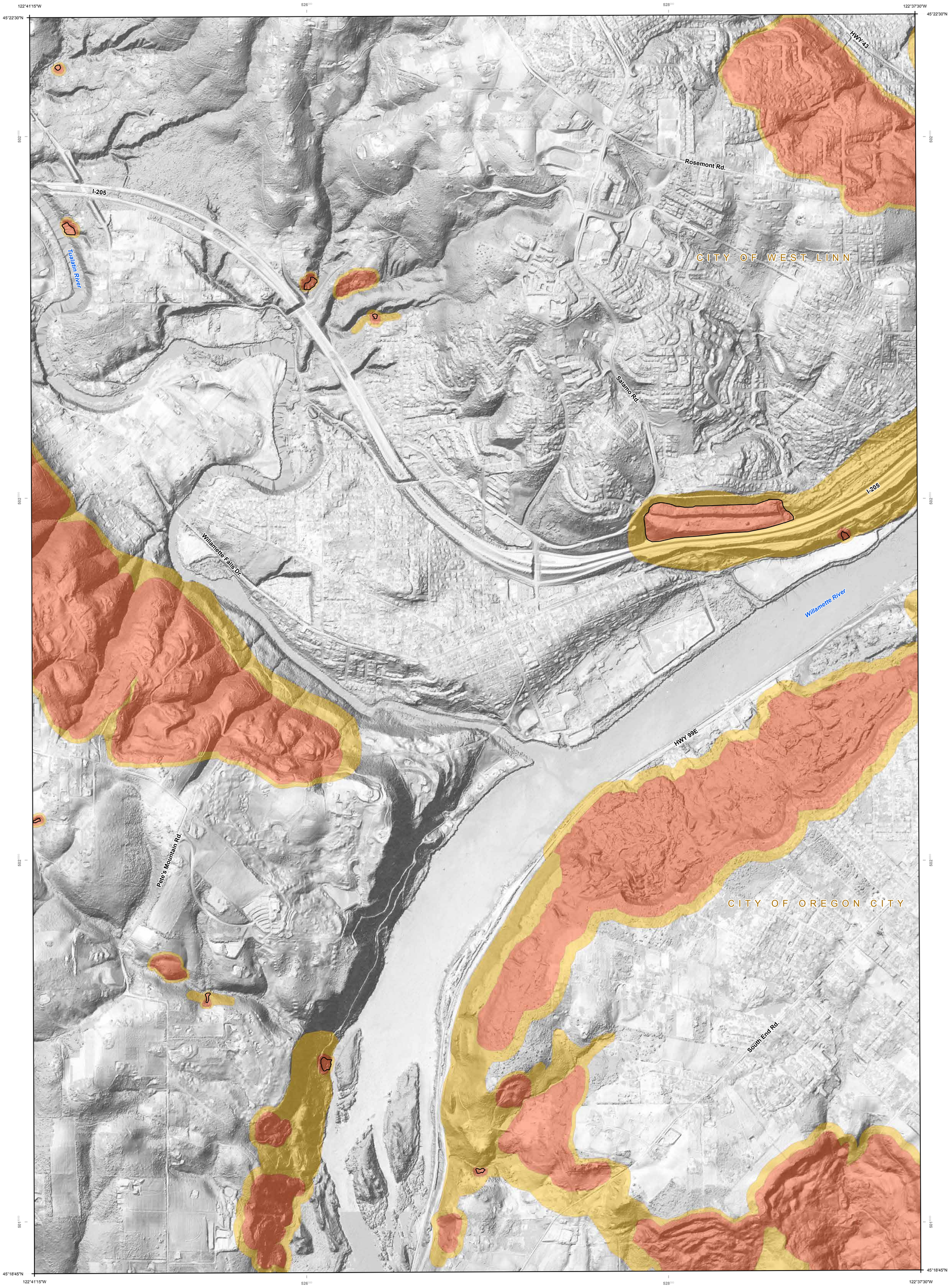
IMPORTANT NOTICE

OREGON

STATE OF OREGON
DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES
www.OregonGeology.org
W. Lawrence Givens, Governing Board Chair
Vicki S. McConnell, Director and State Geologist
Andre V. Pollock, Assistant Director, Geologic Survey and Services
Rachel L. Smith, Project Operations Manager
Ian P. Madin, Chief Scientist

Deep-Landslide Susceptibility Map of the Northeast Quarter of the Canby Quadrangle, Clackamas County, Oregon

2013



Base map for plates in this publication:

Lidar data from DOGAMI Lidar Data Quadrangle LDQ-2009-45122C3-Estacada, LDQ-2009-45122C4-Redland, LDQ-2009-45122C5-Oregon City, LDQ-2009-45122C6-Canby, LDQ-2009-45122C7-Sherwood, LDQ-2009-45122D3-Sandy, LDQ-2009-45122D4-Damascus, LDQ-2009-45122D5-Gladstone, LDQ-2009-45122D6-Lake Oswego.
Digital elevation model (DEM) consists of a 3-foot-square elevation grid that was converted into a hillshade image with sun angle at 315 degrees at a 60-degree angle from horizontal. The DEM was multiplied by 5 (vertical exaggeration) to enhance slope areas.

2005 orthophoto imagery is from Oregon Geospatial Enterprise Office and is draped over the hillshade image with transparency.

Projection: North American Datum 1983, UTM zone 10 North.

Software: Esri ArcMap 10, Adobe Illustrator CS2.

Source File: Project\Clackamas Landslide\ClackamasStudy.mxd

APPROXIMATE MEAN DECLINATION, 2012
16½°
TRUE NORTH
MAGNETIC NORTH

SCALE 1:8,000

1,300 650 0 1,300 2,600 3,900 5,200 Feet
0.25 0.125 0 0.25 0.5 0.75 1 Miles
0.25 0.125 0 0.25 0.5 0.75 1 Kilometers

Cartography by William J. Burns and Katherine A. Mickelson, Oregon Department of Geology and Mineral Industries.

This map also benefited from internal review and comments by Ian Madin, DOGAMI Chief Scientist.

IMPORTANT NOTICE

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. This publication cannot substitute for site-specific investigations by qualified practitioners. Site-specific data may give results that differ from the results shown in the publication. See the accompanying text report for more details on the limitations of the methods and data used to prepare this publication.

OPEN-FILE REPORT O-13-08

Landslide Hazard and Risk Study of Northwestern Clackamas County, Oregon

by William J. Burns, Katherine A. Mickelson, Cullen B. Jones, Sean G. Pickner, and Kaleena L. B. Hughes
Oregon Department of Geology and Mineral Industries, Portland, Oregon
Rachel Sleeter
U.S. Geological Survey, Menlo Park, California

The project described in this publication was supported in part by Intergovernmental Agreement IGS 11-21-2011 from Clackamas County, Oregon

PLATE 46

EXPLANATION

This map depicts susceptibility to deep landslides in this area. For the purpose of this map, deep landslides are defined as those with a depth to the failure plane of greater than 15 ft (4.5 m) (Burns and Madin, 2009).

This susceptibility map was prepared by combining four factors: 1) landslide inventory data taken from the corresponding inventory map, 2) head scarp buffers, 3) moderate zone buffer, and 4) geologic factors (susceptible geologic units and contacts, slope angles, and preferred direction of movement). The combinations of these factors comprise the relative susceptibility hazard zones: high, moderate, and low as shown in the Hazard Zone Matrix below. The deep-landslide susceptibility data are displayed on top of a base map that consists of an aerial photograph (orthorectified) overlain on the lidar-derived digital elevation model. For additional detail on how this map was developed see Burns (2008).

DEEP-LANDSLIDE SUSCEPTIBILITY CLASSIFICATION

Each landslide susceptibility hazard zone shown on this map has been developed according to a classification scheme using a number of specific factors. The classification scheme was developed by the Oregon Department of Geology and Mineral Industries; see accompanying text report. The symbology used to display these hazard zones is explained below.

Deep-Landslide Susceptibility Zones: This map uses color to show the relative degree of hazard. Each zone is a combination of several factors (see Hazard Zone Matrix, below).

HIGH: High susceptibility to deep landslides. Deposits mapped as historical and/or active are outlined in black.

MODERATE: Moderate susceptibility to deep landslides.

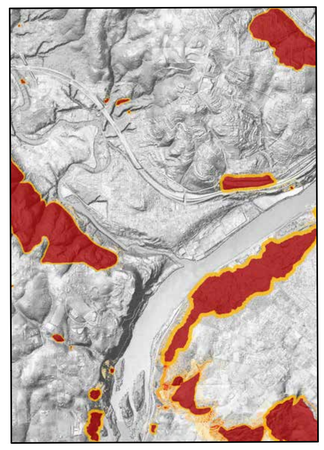
LOW: Low susceptibility to deep landslides.

Deep-Landslide Susceptibility Hazard Zone Matrix

Contributing Factors*	Final Hazard Zone		
	High	Moderate	Low
1 Landslides, Head Scarp-Flanks, Buffers	included	—	—
2 Geologic Factors, High Zone Buffer	—	included	—
3 Minimal Geologic Factors	—	—	included

*See explanation of corresponding contributing factors below.

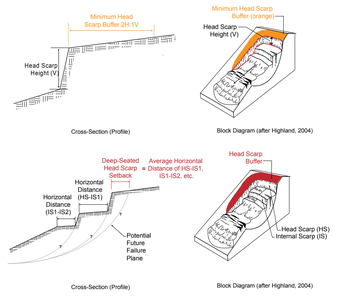
1 Landslide Inventory



Landslide Inventory: This map is an inventory of existing deep-landslide deposits and head scarps in this area. This inventory map was prepared by compiling all previously mapped landslides from published and unpublished geologic and landslide mapping, lidar-based geomorphic analysis, and review of aerial photographs. Each landslide was also attributed with classifications for activity, depth of failure, movement type, and confidence of interpretation using the protocol developed by Burns and Madin (2009). This map uses color to show different landslide features as explained below.

EXPLANATION
- Landslide Head Scarps
- Deep-Landslide Deposits

2 Head Scarp Buffers



Head Scarp Buffers: Buffers were applied to all head scarps from the landslide inventory. In most cases the first buffer results in a minimum buffer distance and the second buffer (described below) results in the maximum buffer distance. In all cases the greater of the two was used.

The first buffer (orange on diagram) consists of a 2:1 horizontal to vertical distance (2H:1V). This buffer is different for each head scarp and is dependent on head scarp height. For example, a head scarp height of 6.5 ft (2 m) has a 2H:1V buffer equal to 13 ft (4 m).

The second buffer (red on diagram) is different for each head scarp and is dependent on the average of the horizontal distance between internal scarps. For example, an average horizontal distance of 150 ft (50 m) has a 2H:1V buffer equal to 300 ft (100 m).

3 Geologic Factors and Buffers

Moderate Susceptibility Zone: This map displays the scores of the relative geologic susceptibility zone factors, a moderate zone buffer applied around the high susceptibility zone, and the mapped deep-landslide deposits in this area.

A moderate zone buffer was applied around the high-susceptibility zone of each landslide deposit. This buffer is different for each landslide deposit and is dependent on head scarp height.

Each geologic zone factor was given a score of 0, 1, or 2. Thus, if all factors have the highest score at some particular location, the final factor score is 8. A minimal combined factor score threshold between 3 and 5 along with educated judgment was used to delineate the boundary between the low and moderate zones. The geologic zone factors are:

1) Susceptible geologic units
2) Susceptible geologic contacts
3) Susceptible slope angles for each engineering geology unit polygon
4) Susceptible direction of movement for each engineering geology unit polygon

The geologic susceptibility zone factors and the moderate zone buffer data sets along with professional judgment were used to create the boundary between the moderate and low deep-landslide susceptibility zones.

EXPLANATION
- Deep-Landslide Deposits
- Moderate Zone Buffer

Geologic Susceptibility Zone Factors Score
- 1 (low)
- 2
- 3
- 4
- 5
- 6
- 7
- 8 (high)

LIMITATIONS

The deep-landslide susceptibility map was developed following an established protocol (Burns, 2008) that incorporates several types of data. Several limitations are worth noting and underscore that any regional hazard map can be useful for regional applications but should not be used as an alternative to site-specific studies in critical areas. Limitations include the following.

1) Every effort has been made to ensure the accuracy of the GIS and tabular database, but it is not feasible to completely verify all of the original input data.

2) As discussed in the Explanation section, the protocol to develop deep-landslide susceptibility maps is based on four factors: 1) landslide inventory data taken from the corresponding inventory map, 2) head scarp buffers, 3) moderate zone buffer, and 4) geologic factors (susceptible geologic units and contacts, slope angles, and preferred direction of movement). All of these parameters can affect the level of detail and accuracy of the final susceptibility map. Because the maps are based on a combination of factors, all of which

a. Limitations of the landslide inventory, which are discussed by Burns and Madin (2009).

b. Calculation of head scarp buffers is limited based on the head scarp height (first buffer) and an average of the horizontal widths of previous or downslope blocks (second buffer). It is assumed that most large deep landslides have the potential to fail retrogressively upslope; however, this is not always the case.

c. The additional factors used to delineate the moderate susceptibility zone include susceptible geologic units, susceptible geologic contacts, susceptible slope angles for each engineering geology unit polygon, and susceptible direction of movement for each engineering geology unit polygon. These factors are combined and a final score is produced, but the delineation of the final moderate zone is based on visual overlap of these four factors; therefore, the accuracy and resolution of the output data can be overestimated or underestimated.

3) The susceptibility maps are based on the topographic and landslide inventory data available as of the date of publication. Future new landslides may render this map locally inaccurate.

4) The lidar-based digital elevation model does not distinguish elevation changes that may be due to the construction of structures like retaining walls. Because it would require extensive GIS and field work to locate all of these existing structures and remove them or adjust the material properties in the model, such features have been included as a conservative approach and therefore must be examined on a site-specific basis.

5) Some landslides in the inventory may have been mitigated, thereby reducing their level of susceptibility. Because it is not feasible to collect detailed site-specific information on every landslide, potential mitigation has been ignored.

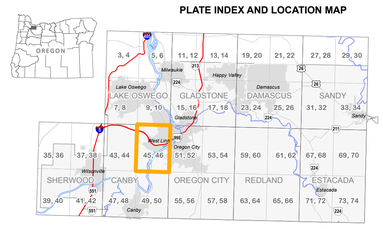
REFERENCES

Burns, W.J., 2008, Regional landslide hazard maps of the southwest quarter of the Beaverton quadrangle, West Bull Mountain Planning Area, Washington County, Oregon: Oregon Department of Geology and Mineral Industries Open-File Report O-08-09, 17 p., scale 1:8,000.

Burns, W.J., and Madin, I.P., 2009, Protocol for inventory mapping of landslide deposits from light detection and ranging (lidar) imagery: Oregon Department of Geology and Mineral Industries Special Paper 42, 30 p.

Highland, L., compiler, 2004, Landslide types and processes: U.S. Geological Survey Fact Sheet 2004-3072 (ver. 1.1), 4 p.

PLATE INDEX AND LOCATION MAP

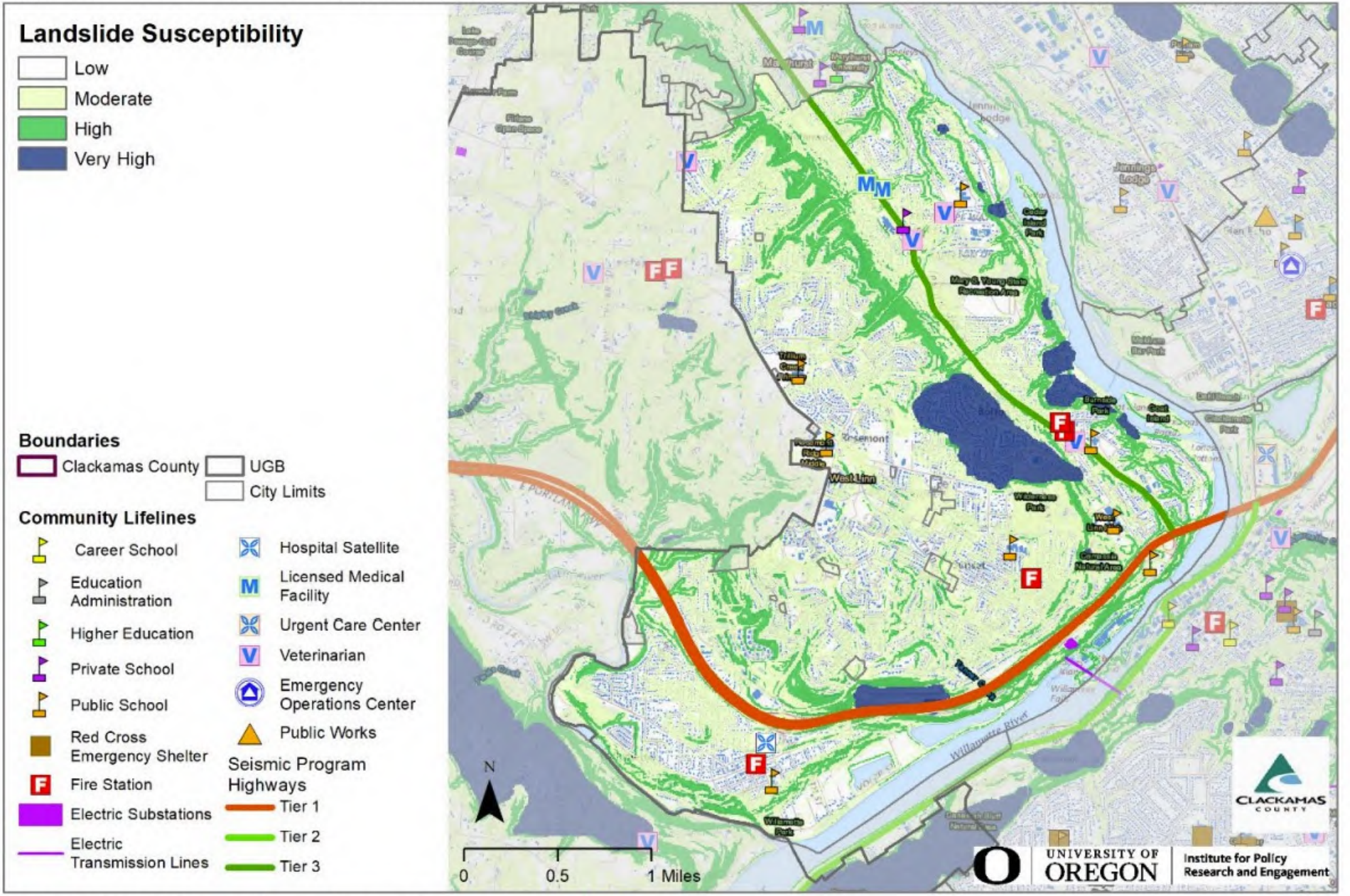


U.S. Geological Survey 7.5-minute quadrangle maps are divided into quarter quadrangles. Each quarter quadrangle has two plate numbers; the first plate number indicates the shallow-landslide susceptibility map, and the second plate number indicates the corresponding deep-landslide susceptibility map. Plates 1 and 2 (not shown here) are overview maps for this publication.

Nature of the Northwest

For copies of this publication contact:
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Figure WL-5 Landslide Susceptibility Exposure



Source: Map created by Oregon Partnership for Disaster Resilience.

Data: Oregon Department of Geology and Mineral Industries. Preparedness Framework Implementation Team (IRIS v3).

Note: To view hazard detail click this link to access Oregon HazVu

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TELEPHONE: AREA CODE 503/752-4271
OTHER OFFICES IN: SEATTLE • BOISE • PORTLAND

10 November 1969

Project No. P5572.0

City of West Linn
West Linn, Oregon 97068

Attention: Mr. Richard W. Dippner, City Administrator

Gentlemen: Willamette Reservoir and FAI-205 Landslide

This letter presents our investigation of the condition of the Willamette Reservoir. The landslide associated with the construction of FAI-205 disrupted the reservoir and the distribution pipelines, as well as damaged several houses and other property located above the work area. This investigation was authorized in September, 1969, to examine the condition of the reservoir and to recommend its repair or abandonment. Conclusions and recommendations are presented at the end of this letter.

INTRODUCTION

Willamette Reservoir is located on the hills above the Cities of West Linn and Willamette, with a water surface elevation of 387. FAI-205 is under construction below the reservoir at about elevation 220, in a side hill excavation with designed slopes of 1 on 1.5 and three benches in the cut slope. On the evening of 10 June 1969, an Oregon State Highway Department (OSHD) inspector discovered cracks in the street and ground in the vicinity of the reservoir.

On 12 June 1969, the inflow and outflow pipes of the reservoir were closed, and the water level in the reservoir dropped 0.75-feet in 2-hours. The reservoir leakage at this time was 320-gallons per minue (gpm). The reservoir inflow and outflow pipes were then opened, but the water surface continued to drop and the reservoir could not be filled. One of the reservoir joints was observed to open 0.01-feet (1/8-inch) in a 24-hour period. On 14 June, 1969, the reservoir was drained and has been out of service since. Construction of a water main to bypass the reservoir area was authorized by the OSHD, and completed one month later on 14 July 1969. The same day the bypass main was placed in service, the 8-inch main serving the City of Willamette was pulled apart by slide movements just below the reservoir.

The condition of the reservoir prior to the June landslide activity is known to be good. In March 1969, the City water superintendent commented that the reservoir leakage had recently increased because of FAI-205 construction blasting.

CAUTION: External Email – Confirm legitimacy before clicking, opening attachments, or following instructions.

Aaron and others,

Please find attached updated copies of our testimony for tonight's Planning Commission meeting on the city Operations Complex. Please note that we are representing the Savanna Oaks Neighborhood Association.

We have also included summaries of our testimony for your convenience. There are also two location maps included also that were not included in our first submittal. For easy reference of all exhibits, we will also have a packet for each of you tonight.

Thank you all for your work for the community,
Roberta and Ed Schwarz
Savanna Oaks NA
West Linn

From: Gudelj, Aaron <agudelj@westlinnoregon.gov>
Sent: Monday, February 2, 2026 8:14 AM
To: Koper, Steve <skoper@westlinnoregon.gov>; Schwarz, Ed <ed.schwarz@gmail.com>; 'Roberta Schwarz' <roberta.schwarz@comcast.net>; Planning Commission (Public) <askthepc@westlinnoregon.gov>
Cc: Wyss, Darren <dwyss@westlinnoregon.gov>; Schroder, Lynn <LSchroder@westlinnoregon.gov>
Subject: RE: Public Testimony for CUP-25-02 / DR-25-02 / WAP-25-01

Ed and Roberta Schwarz-

Thank you for your comments. This is to confirm receipt of the second email and attachments. Please reach out if there is anything else,

Aaron Gudelj; Associate Planner
agudelj@westlinnoregon.gov; (503) 742-6057
https://westlinnoregon.gov/

From: Ed Schwarz <ed.schwarz@gmail.com>
Sent: Friday, January 30, 2026 5:40 PM
To: Planning Commission (Public) <askthepc@westlinnoregon.gov>
Cc: roberta.schwarz@comcast.net
Subject: Public Testimony for CUP-25-02 / DR-25-02 / WAP-25-01

CAUTION: External Email – Confirm legitimacy before clicking, opening attachments, or following instructions.

Please add the attached letters and exhibits to the public record for the February 4, 2026 Planning Commission hearing on the above-referenced application (agenda item 3).

Please acknowledge receipt of this email.

Thank you.

Ed and Roberta Schwarz

Steve Koper
Community Development Director
Community Development

#6058

Please consider the impact on the environment before printing a paper copy of this email.
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Aaron Gudelj
Associate Planner
Planning

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West Linn, Oregon 97068
agudelj@westlinnoregon.gov
westlinnoregon.gov
503-742-6057

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February 4, 2026

To: West Linn Planning Commission

Regarding: CUP-25-02 / DR-25-02 / WAP-25-01

To the West Linn Planning Commission,

My name is Ed Schwarz and I am the Treasurer of the Savanna Oaks Neighborhood Association. I am here tonight representing SONA as requested by our members.

SONA does not oppose the construction of a new Operations Complex in West Linn. We do, however, object to the location chosen for it. We encourage you to deny this application and request that the location of the complex be changed to a safer location outside of the hazardous area where it is currently proposed.

Please consider the following concerns we have with the proposed complex. Our concerns include its location in a geologic hazard area as well as several areas where we believe the application does not meet West Linn Community Development Code requirements.

First, we disagree with staff's finding that Goal 7 of the West Linn Comprehensive Plan is met. Goal 7 states that, "Landslide areas are known hazards to safety." The city admits in their application that the complex will be built in a landslide area. Further, Policy 1 of Goal 7 states, "Require development and associated alterations to the surrounding land to be directed away from hazardous areas." As you have already heard in previous testimony tonight, the area where the complex is to be built has been deemed a hazardous area.

Please find that Comprehensive Plan Goal 7 and, specifically, Policy 1, have not been met by this application. The application should be denied.

In addition to the failure to meet the Comprehensive Plan, the application also fails to meet sections of the Community Development Code, specifically, sections 2.030, 55.100(B)(4), 55.100(I)(3), and 85.170(B)(2)(c)(1)(C).

The city has applied for a Conditional Use Permit for this partially residentially zoned site. Citing CDC 11.060, the city has identified this complex as falling under section 4, Public Support Facility. According to CDC 2.030, public support facilities are defined 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." There are two parts of this section where the application does not meet the code.

First, note the phrase "Public services that deal directly with citizens…" Staff finding 65 of the staff report states, "Although the proposed facility is not intended to be directly used by the public on a daily basis…" This staff finding directly conflicts with CDC 2.030. The Operations Complex is not intended to deal with the public on a daily basis. It does not meet the definition of a Public Support Facility. The application does not meet CDC 2.030 and should be denied.

Second, note the phrase "incidental storage and maintenance of necessary vehicles". "Incidental" is defined by the Oxford English Dictionary as "accompanying but not a major part of something".

Per the application for a Conditional Use Permit, under the section Project Description, the city states that, "The project includes construction of two primary buildings…that includes **primary fleet repair facilities**, ancillary part storage, a sign shop, ancillary storage and general use spaces…" Note the use of the word "primary" when it comes to the fleet repair facilities. As demonstrated above, CDC 2.030 only allows "incidental storage and maintenance of necessary vehicles". Therefore, the city's intended use of this building for "primary fleet repair facilities" conflicts with the definition under CDC 2.030. The application fails to meet the definition of allowed uses for this partially residentially zoned property and should be denied.

CDC 55.010 states, "The purpose of the design review provisions is to establish a process and standards for the review of development proposals in order to conserve and enhance the appearance of the City and to **promote functional, safe, and innovative site development.**" Given that this complex is proposed to be developed on a steep, landslide-prone hillside and situated on a steep, very busy street, we do not see how it can be deemed to be either functional or safe. It will only be a matter of time before a serious traffic incident occurs between the high-speed traffic on Salamo and large city vehicles turning into, and out of, the complex. The application fails to meet CDC 55.010 and should be denied.

CDC 55.100(B)(4) states, "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." As you have heard tonight, the structures are proposed to be placed in a hazard zone which is subject to landslides which would include slumping and sliding. Therefore, this application does not meet CDC 55.100(B)(4) and should be denied.

CDC 55.100(I)(3) states, "…the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage." We encourage the Planning Commission to review this code and determine if the application truly meets its requirements.

Lastly, CDC 85.170(B)(2)(c)(1)(C) requires a traffic impact analysis if:

> (C) **The development shall cause one or more of the following effects**, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual, and information and studies provided by the local reviewing jurisdiction and/or ODOT:
>
> (1) **An increase in site traffic volume generation by 250 average daily trips** (ADT) or more (or as required by the City Engineer); or
>
> (2) **An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day**;

A Traffic Impact Analysis (TIA) was not performed for this application. Instead, staff accepted a "Trip Generation Report" from 2025 prepared by Kittelson and Associates. The Kittelson report did not study the actual location of the Operations Complex. It consisted of a daily trip count from the existing Public Works facility on Norfolk and Sussex streets.

This daily trip count average of 256 trips per day exceeded the 250 trips per day average to trigger a TIA. Additionally, the report did not consider the added traffic which will result from the additional city staff who will be housed in these new buildings (including Parks Department staff who will have their offices in the complex). In fact, the report incorrectly states that "Given that (1) the proposed Public Works Operations Facility will replace the

existing facility without expanding operational capacity, staffing, or fleet size…" The Kittelson report does not account for these additional staff trips and should not be accepted in place of a TIA.

Additionally, the Kittelson report did not provide an actual count as required in (2) above regarding the addition of vehicles exceeding 20,000 pounds to adjacent streets. Since Kittelson did not take an actual count of vehicles of this size, there is no way, without a TIA, to know for sure if this number of large vehicle trips will be exceeded.

Our code is clear, a Traffic Impact Analysis should have been performed. Therefore, the application does not meet CDC 85.170 and should be denied.

In summation, we ask that the Planning Commission deny the application on non-compliance with the CDC and the other grounds stated above. The city should be directed to find a safer, more accessible location for the Operations Complex.

Respectfully submitted,
Ed and Roberta Schwarz
Savanna Oaks Neighborhood Association
West Linn

February 4, 2026

Subject: CUP-25-02 / DR-25-02 / WAP-25-01

To the West Linn Planning Commissioners,

Please add this testimony from Savanna Oaks Neighborhood Association Officers, Ed and Roberta Schwarz to the public record for this application. They are representing the members of this NA.

The Operations Complex proposal, which is being heard tonight by this Planning Commission, is going to cost $45 million dollars as per the local newspaper. You need to know the details of the proposal and the history of this area before you can decide if this is the safest and best place to build such an expensive development in West Linn with the people's money.

This piece of land, on the east side of Salamo at the intersection of Salamo and Greene St, received a rating of very high landslide susceptibility in the Natural Hazard Mitigation Plan. This is not a good place to develop. West Linn purchased this land from ODOT for $396,000. It had been offered to federal and state agencies as part of the ODOT sales process to see if anyone else might want it. No one did. Apparently, the extreme slope and the landslide history of this area are the reasons why.

This proposal is for three buildings totaling 40,000 square feet on 33.02 acres zoned for R-10 residential with a stream and a wetland on it. The site contains areas of slopes greater than 25%. It has been identified in the maps that we have included (SLIDO) (exhibit 1), (DOGAMI) (exhibit 2), DOGAMI Deep Landslide Susceptibility Map update from 2013 (exhibit 3), and Landslide Susceptibility Exposure Map (exhibit 4) from the West Linn Natural Hazard Mitigation Plan document (page 43, https://westlinnoregon.gov/sites/default/files/fileattachments/planning/page/6219/west_linn_nhmp_addendum_091224_1.pdf) as having very high potential for a landslide.

The recent landslide history: eight miles of the second section of I-205 between Tualatin and West Linn began construction in 1968 and was completed on 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 reservoir, destroyed three homes, and delayed the opening of this section for months. After several months of water rationing, the reservoir was replaced with state funding the following year. All these facts are supported in four articles printed in "The Oregonian" and "The Oregon Journal" from 1968 through 1971. There is also a November 10, 1969 letter in the staff's 732-page report that was submitted to the City of West Linn by CH2M (exhibit 5). It is page 707 of the staff report. It is included in our packet of information to you today and was emailed to you on Friday.

This large map from the Department of Geology and Mineral Industries (DOGAMI) was given to us many years ago by the former President of the Barrington Heights NA before he moved. He asked that we keep it handy in case it was ever needed. After the pre-application meeting for this proposal in May of last year, we found it, located a copy store that could make prints the size of Plat maps, and presented copies to the City of West Linn, and the current President of Barrington Heights NA, and the President of Willamette NA. We have also given each of you a copy of the relevant part of the map and one of the Statewide Landslide Information Layer for Oregon (SLIDO). Both show this area being considered for the Operations Complex proposed development. Both show that there is

landslide susceptibility. It is rated as very high in West Linn Natural Hazard Mitigation Plan. Please see the maps we have given you. They are not in the 732-page staff report and they should be.

You are here tonight to represent the best interests of the people of West Linn. We are requesting that you do not approve this proposal. This is an unacceptable risk to take. All the federal and state agencies that said “No” to this piece of land apparently knew this to be true. You know it now, too. Deny this application. Let the City find another, safer, spot for building the Operations Center.

Several codes are not being complied with in this application and that will be covered in the next part of our testimony.

Thank you,
Ed and Roberta Schwarz
Savanna Oaks Neighborhood Association
West Linn

February 4, 2026

To: West Linn Planning Commission

Regarding: CUP-25-02 / DR-25-02 / WAP-25-01

To the West Linn Planning Commission,

My name is Ed Schwarz and I am the Treasurer of the Savanna Oaks Neighborhood Association. I am here tonight representing SONA as requested by our members.

SONA does not oppose the construction of a new Operations Complex in West Linn. We do, however, object to the location chosen for it. We encourage you to deny this application and request that the location of the complex be changed to a safer location outside of the hazardous area where it is currently proposed.

In addition to concerns regarding its location in a geologic hazard area, SONA members expressed concerns about several areas where we believe the proposed complex does not meet West Linn Comprehensive Plan and Community Development Code requirements.

First, we disagree with staff's finding that Goal 7 of the West Linn Comprehensive Plan is met. Goal 7 states that, "Landslide areas are known hazards to safety." The city admits in their application that the complex will be built in a landslide area. Further, Policy 1 of Goal 7 states, "Require development and associated alterations to the surrounding land to be directed away from hazardous areas."

Please find that Comprehensive Plan Goal 7 and, specifically, Policy 1, have not been met by this application. The application should be denied.

In addition to the failure to meet the Comprehensive Plan, the application also fails to meet several sections of the Community Development Code.

The chosen site is partially zoned residential and the city has applied for a Conditional Use Permit. Citing CDC 11.060, the city has identified this complex as falling under section 4, Public Support Facility. As described in my written testimony, this application does not meet the definition of a public support facility as defined in CDC 2.030.

Also, the staff findings themselves directly contradict the requirement of CDC 2.030 that the development support "Public services that deal directly with citizens…"

The application further violates CDC 2.030 by stating that the complex will support primary fleet repair facilities. This is not allowed under CDC 2.030 which only allows "incidental storage and maintenance of necessary vehicles". Therefore, the city's intended use of this building for "primary fleet repair facilities" conflicts with the definition under CDC 2.030. The application fails to meet the definition of allowed uses for this partially residentially zoned property and should be denied.

The application also violates CDC 55.010 which states, "The purpose of the design review provisions is to…**promote functional, safe, and innovative site development.**" Given that this complex is proposed to be developed on a steep, landslide-prone hillside and situated on a steep, very busy street, we do not see how it can be deemed to be either functional or safe. The application fails to meet CDC 55.010 and should be denied.

CDC 55.100(B)(4) states, "The structures shall not be located in areas subject to slumping and sliding." As you have heard tonight, the structures are proposed to be placed in a hazard zone which is subject to landslides which would include slumping and sliding. Therefore, this application does not meet CDC 55.100(B)(4) and should be denied.

CDC 55.100(I)(3) states, "…the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage." We encourage the Planning Commission to review this code and determine if the application truly meets its requirements.

Lastly, as described in detail in my written testimony, the application violates CDC 85.170(B)(2)(c)(1)(C) because it did not include a Traffic Impact Analysis. A perfunctory trip generation report was instead used by staff to find compliance with 85.170. However, review of the requirements of this CDC section and a reading of the trip generation report shows that, based on the average number of vehicle trips per day, the report indicated that a Traffic Impact Analysis should have been performed.

Our code is clear; a Traffic Impact Analysis should have been performed. Therefore, the application does not meet CDC 85.170 and should be denied.

In summation, the members of Savanna Oaks NA ask that the Planning Commission deny the application on non-compliance with the CDC and the other grounds stated above. The city should be directed to find a safer, more accessible location for its Operations Complex.

Respectfully submitted,
Ed and Roberta Schwarz
Savanna Oaks Neighborhood Association
West Linn

Summary of Testimony- February 4, 2026, on CUP-25-02 / DR -25-02 /WAP- 25-01

We are here tonight representing the Savanna Oaks Neighborhood Association and have received the approval of the SONA members to do so through a unanimous vote at a Special Meeting of SONA. We request that this summary be placed in the Public Record along with the maps and exhibits previously submitted.

#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.

#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.

#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.

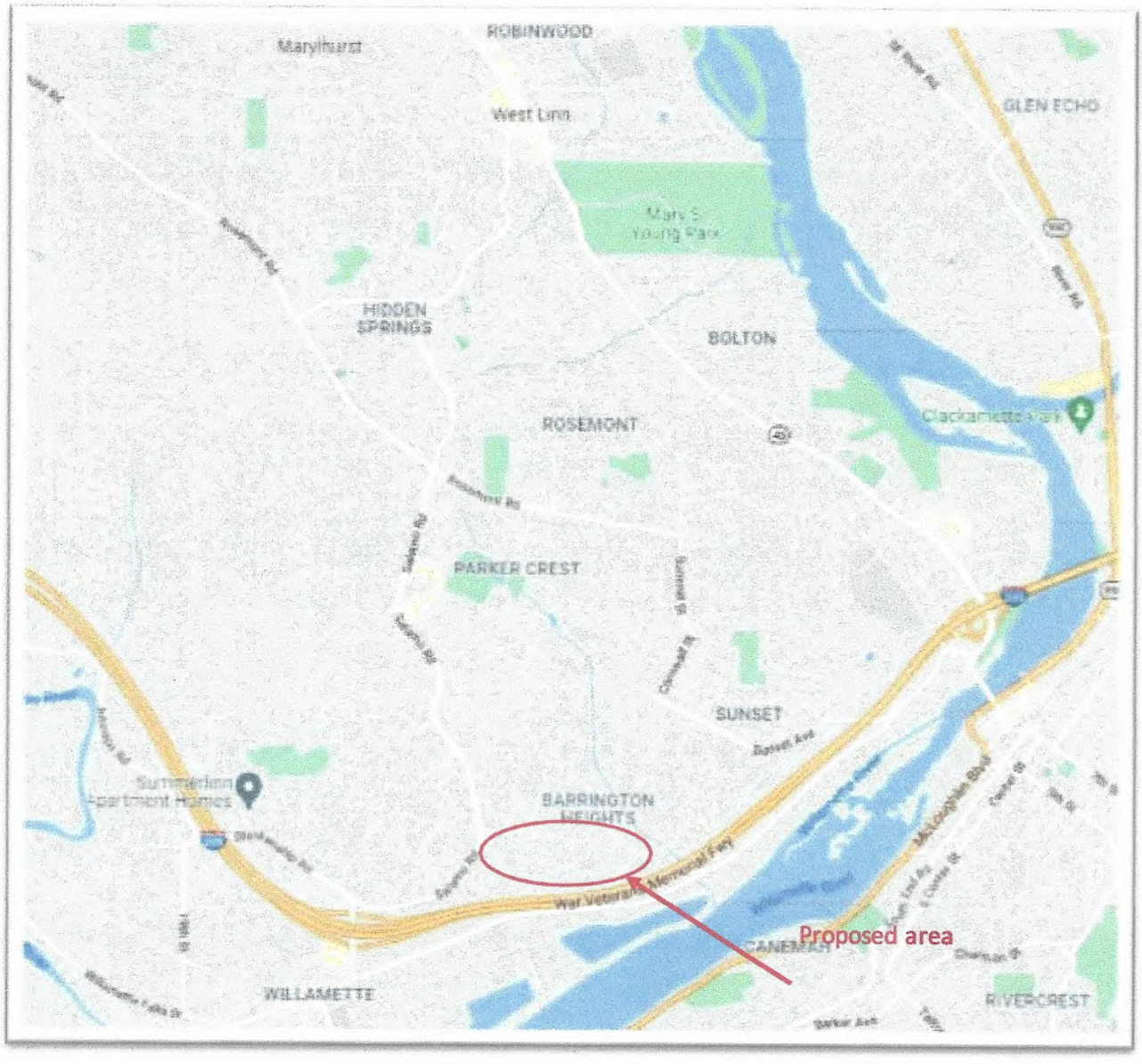
#8. Tonight, you, the Planning Commission, and later, the City Council, will be holding hearings on whether to approve this Operations Complex proposal. In light of our many days of research, we believe that this is an unacceptable risk to take. The federal and state agencies that were asked if they wanted this piece of land, all declined. We believe that the city should find another, safer, location for this to be built. We don't believe that it is wise to store and maintain the very public works equipment that we rely on in severe weather and hazardous conditions, in an area which is subject to a landslide which could destroy it or make it unavailable to use in an emergency. In this case it is not a question of **if** such a landslide could occur, but **when**.

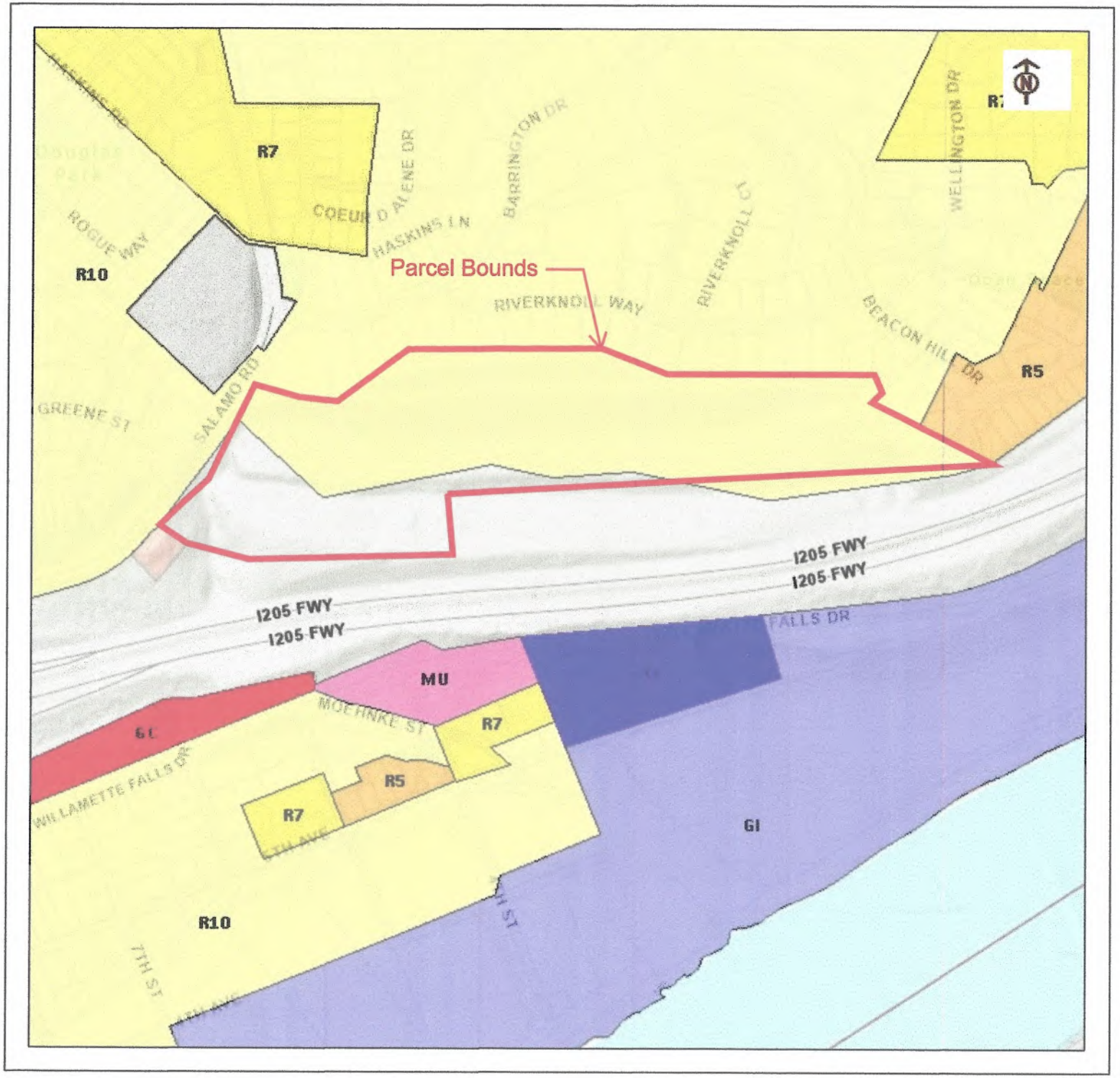
Roberta and Ed Schwarz

Savanna Oak Neighborhood Association

West Linn

Figure 1: City-Wide Map





City of West Linn

Legend

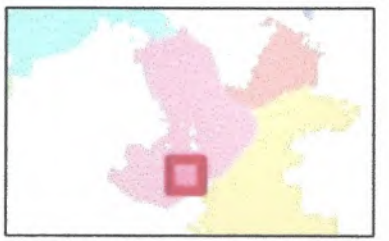
Zoning

- Single and Multi Family R-2.1
- Single and Multi Family R-3
- Single-Family R-4.5
- Single-Family R-5
- Single-Family R-7
- Single-Family R-10
- Single-Family R-15
- Single-Family R-20
- Single-Family R-40
- Mixed Use
- Neighborhood Commercial
- General Commercial
- Office Business Center
- Campus Industrial
- General Industrial

Unofficial Tax Lots
City Limit
Parks and Open Space
City Owned Property

0 0.11 0.23 Miles

1: 9,028



Notes

This map was automatically generated using Geocortex Essentials.

p51 Exec Summary

Greetings,

Attached, please find information / testimony that I am submitting for the PC Meeting that was left open for additional testimony.

This is regarding Agenda Item: 3
Public Hearing (Quasi-Judicial): CUP-25-02/DR-25-02/WAP-25-01 Proposal for New City of West Linn Operations Support Facility at the vacant parcel east of the Salamo Road/Greene Street intersection

Best regards, Bill

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Multnomah County
DEPARTMENT OF County Assets

William Relyea, JD
Construction Project Manager
Facilities & Property Management
Tel: 971-469-4199
Email: william.relyea@multco.us

Agenda Bill 2021-07-12-05: I-205 Property Acquisition

I-205 Property Information

Public Comment - Alan Smith

Public Comment - Vince Miles

Public Works Director Calvert stated this property acquisition had been in progress for quite some time. The property was owned by ODOT and located along I-205. It would potentially be used for construction of a new City operations facility to replace the small, outdated facility. The total acquisition cost was $396,000 for the 32.9 acre site. He provided the history to-date, further details about the site, and steps to be taken after its purchase.

Public Comment

Teri Cummings, West Linn, noted the map detail was insufficient and did not provide any sense of the topography or hazards on the site. She recalled that a project considered earlier for the site had potential impacts to a riparian area. She requested additional information, especially concerning the high cost. She was pleased that Public Works would possibly have a bigger site, and perhaps the Parks Department would also have additional storage space.

Councilor Baumgardner inquired if the subject acquisition could be addressed in a Council executive session, perhaps in conjunction with ODOT to discuss combining uses and the potential for a lower price for the property.

Public Works Director Calvert clarified access to the site would be off of Salamo Rd near Green St and no direct access would be allowed from I-205. About 10 acres of usable space was available and the rest would provide a buffer to the surrounding residential area. It would be extremely beneficial and efficient for special uses such as storage of wood chips, ice storm debris, equipment, etc. A future intragovernmental agreement (IGA) with ODOT about shared usage was possible, but negotiation on the sale price was not possible due to the strict federal rules for such transactions. No riparian corridors existed on the property.

Councilor Jones received confirmation that the $396,000 was the total cost for 33 acres and noted $12,000 per acre was very reasonable based on local real estate prices.

Public Works Director Calvert confirmed that the current two-acre property for Public Works could be sold.

Mayor Walters spoke to the current site's limited space and noted costs were increased in some

cases due to the City's inability to store larger quantities of supplies.

Councilor Bialostosky expressed some concern about the proposed site being in a landslide zone, but trusted the issue could be addressed before and during construction. He believed the site was important to the City.

Public Works Director Calvert added that geotechnical work would be done once the City got access to ensure the site was the right fit for the anticipated uses and needs.

- He confirmed the system development charge (SDC) funding was in place and the cost would be shared through SDCs and utility fees.
- He clarified ODOT would continue to use the yard directly accessible from I-205 and it would remain ODOT's property. He acknowledged that access to the new site would be a challenge. Preliminary consideration had been given to the matter, and retaining walls would likely be needed at an additional cost.

Council President Bill Relyea moved to authorize the City Manager to acquire the designated property from the Oregon Department of Transportation in the total amount of $396,000 for the future purpose of a City operations facility on the site. Councilor Rory Bialostosky seconded the motion.

Ayes: Mayor Jules Walters, Council President Bill Relyea, Councilor Mary Baumgardner, Councilor Rory Bialostosky, and Councilor Todd Jones.

Nays: None.

The motion carried 5 - 0

CITY OF West Linn

Agenda Bill 2021-07-12-05

Date Prepared: June 23, 2021

For Meeting Date: July 12, 2021

To: Jules Walters, Mayor
West Linn City Council

From: Morgan Coffie, Public Works Management Analyst

Through: Lance Calvert, PE, Public Works Director/City Engineer *LEC*
Jerry Gabrielatos, City Manager *JG*

Subject: Oregon Department of Transportation Surplus Property Acquisition

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Purpose
To receive Council approval to acquire surplus property owned by the Oregon Department of Transportation (ODOT) to be used for future construction of a new Operations Facility.

Question(s) for Council:
Does Council wish to expend funds in order to acquire the ODOT property for the purpose of basic city utility operations?

Public Hearing Required:
None required.

Background & Discussion:
For decades, Public Works and Parks operations have been constrained by a lack of space for city maintenance activities. Over several years, staff researched any and all available opportunities for improved space for this type of use. A number of constraints limited options and resulted in the continued use of the existing 2.07 acre facility. This is by far the smallest and most decaying operations facility of any comparable city in the Portland metro area. The existing facility has not changed in size since it was original acquired in 1937 with structures well beyond their useful life, many of which don't meet current building and safety codes or requirements. In addition, none of the existing facilities are seismically resilient at all.

After considerable review and discussion with ODOT staff, the City began the process of acquiring unused ODOT/I-205 right of way for this future purpose. Following federal and state regulations/requirements, the City needed to come to agreement with ODOT on the details of the property, complete survey of the property, appraisal of the property, allow other state and federal agencies to consider their own potential use of the property, and finally purchase the property from ODOT after approval from FHWA due to adjacency to the interstate freeway. Once acquired from ODOT, the city will still need to go through the land use and regulatory process for future use of the property.

In 2020, the City hired an acquisition consultant, Universal Field Services, to oversee survey and appraisal for the 32.98 acre ODOT owned property located north of the I-205/10th St. exit & east of Riverknoll Way (see attached map and appraisal summary). The appraisal was conducted by an Oregon state-certified appraiser and conforms to state and federal standards. While this is a large parcel, a majority of the parcel is not useable due to steep slopes. In addition, the property has several limitations for any private use due to the nature of the location which results in a lower appraisal value than traditional privately held developable property within the city. Future access to the property would be taken from Salamo Road (near Greene Street) with a considerable buffer maintained to any adjacent existing residential use. No plans have been developed for the site as staff awaits final property acquisition.

After consultation with the City's Attorney, staff has authorized a refundable deposit payment for the property in the amount of $39,600.00. These funds were issued from Storm, Sewer, Streets, and Water SDC funds. These funds were allocated within the City's Budget and Capital Improvement Plan.

Budget Impact:
Total acquisition cost is $396,000, with remaining $356,400 balance due to ODOT. These funds are budgeted within Storm, Sewer, Water, and Street SDC funds and will be split evenly for payment.

Sustainability Impact:
N/A. However, any future facility constructed on the site is anticipated to be completed in accordance with the latest sustainable and energy saving building practices.

Council Goal/Priority:
This action relates to Guiding Principal #0: Core Services of West Linn City Government.

Council Options:
1. Approve expenditure of SDC funds in order to procure the ODOT property so that work can continue on a future Operations Facility at this location.
2. Deny procurement of the property and direct staff to remain in the City's current facility while looking elsewhere for a future facility/property.

Staff Recommendation:
Approve expenditure of budgeted SDC funds in order to procure the ODOT surplus property.

Potential Motion:
I move to authorize the City Manager to acquire the designated property from the Oregon Department of Transportation in the total amount of $396,000 for the future purpose of a City operations facility on the site.

Attachments:

1. Property Appraisal Summary & Map

ODOT Property Acquisition Appraisal Summary

1. Property Owner
State of Oregon
Oregon Department of Transportation
Right-of-Way Section
417 Transportation Building
Salem, Oregon 97310

File/Name:	N/A
Section:	West Linn
Highway:	Interstate 205
County:	Clackamas
Description Dated:	June 10, 2020
Appraiser:	David E. Balfour, MAI
Inspection Date:	December 2, 2020

2. Location of Property
Unimproved land located immediately north of (and within) Interstate 205 and east of Salamo Road in the City of West Linn, Oregon. The Barrington Heights development (84 residential lots) adjoins the subject property to the north and east. The situs of the first Barrington Heights lot adjoining the subject property directly east of Salamo Road is 3320 Barrington Drive, West Linn, OR 97068. An (approximate) aerial of the subject has been provided below:



3. Tenancy
None – unimproved land. The site is significantly sloped and the proposed surplus property area represents unimproved land with natural vegetation. Subject ownership (Oregon Department of Transportation) utilized a +/-7.5-acre area south of the subject surplus land tract identified herein as a maintenance yard.

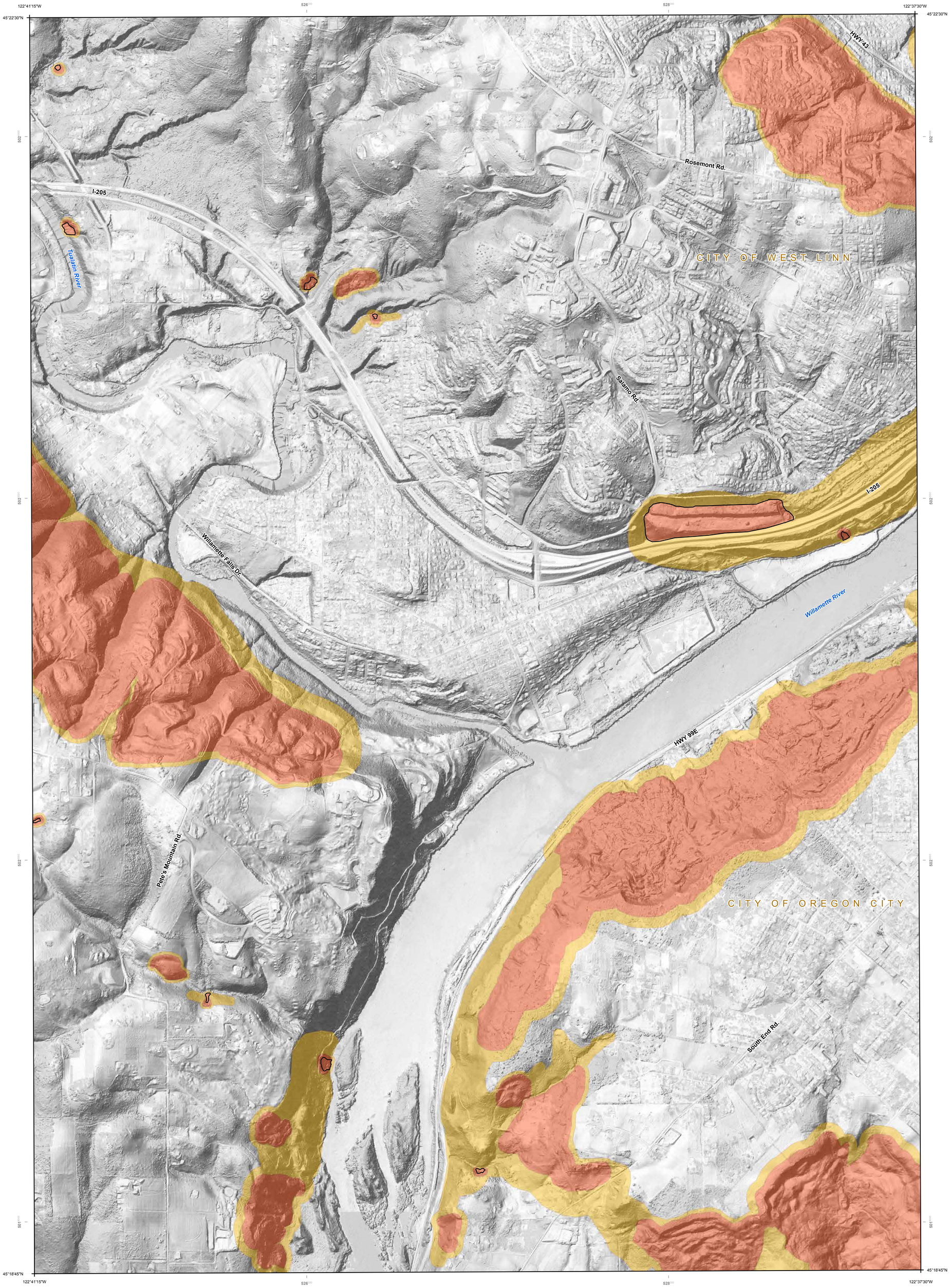
4. Area (size) of Surplus Property
As to the subject (surplus) land tract analyzed herein, the appraiser(s) have relied upon a metes and bounds legal description and survey prepared by Centerline Concepts Land Surveying, Inc. dated June 10, 2020. The subject surplus property totals approximately 32.98 acreas in size.

5. Value Summary
Independent Site: $396,000
Assemblage Value: $396,000

STATE OF OREGON
DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES
www.OregonGeology.org
W. Lawrence Givens, Governing Board Chair
Vicki S. McConnell, Director and State Geologist
Andre V. Pollock, Assistant Director, Geologic Survey and Services
Rachel L. Smith, Project Operations Manager
Ian P. Madin, Chief Scientist

Deep-Landslide Susceptibility Map of the Northeast Quarter of the Canby Quadrangle, Clackamas County, Oregon

2013



Base map for plates in this publication:

Lidar data from DOGAMI Lidar Data Quadrangle LDQ-2009-45122C3-Estacada, LDQ-2009-45122C4-Redland, LDQ-2009-45122C5-Oregon City, LDQ-2009-45122C6-Canby, LDQ-2009-45122C7-Sherwood, LDQ-2009-45122D3-Sandy, LDQ-2009-45122D4-Damascus, LDQ-2009-45122D5-Gladstone, LDQ-2009-45122D6-Lake Oswego.
Digital elevation model (DEM) consists of a 3-foot-square elevation grid that was converted into a hillshade image with sun angle at 315 degrees at a 60-degree angle from horizontal. The DEM was multiplied by 5 (vertical exaggeration) to enhance slope areas.

2005 orthophoto imagery is from Oregon Geospatial Enterprise Office and is draped over the hillshade image with transparency.

Projection: North American Datum 1983, UTM zone 10 North.

Software: Esri ArcMap 10, Adobe Illustrator CS2.

Source File: Project\Clackamas Landslide\ClackamasStudy.mxd

APPROXIMATE MEAN DECLINATION, 2012
16½°
TRUE NORTH
MAGNETIC NORTH

SCALE 1:8,000

1,300 650 0 1,300 2,600 3,900 5,200 Feet
0.25 0.125 0 0.25 0.5 0.75 1 Miles
0.25 0.125 0 0.25 0.5 0.75 1 Kilometers

Cartography by William J. Burns and Katherine A. Mickelson, Oregon Department of Geology and Mineral Industries.

This map also benefited from internal review and comments by Ian Madin, DOGAMI Chief Scientist.

IMPORTANT NOTICE

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. This publication cannot substitute for site-specific investigations by qualified practitioners. Site-specific data may give results that differ from the results shown in the publication. See the accompanying text report for more details on the limitations of the methods and data used to prepare this publication.

OPEN-FILE REPORT O-13-08

Landslide Hazard and Risk Study of Northwestern Clackamas County, Oregon

by William J. Burns, Katherine A. Mickelson, Cullen B. Jones, Sean G. Pickner, and Kaleena L. B. Hughes
Oregon Department of Geology and Mineral Industries, Portland, Oregon
Rachel Sleeter
U.S. Geological Survey, Menlo Park, California

The project described in this publication was supported in part by Intergovernmental Agreement IGS 11-21-2011 from Clackamas County, Oregon

PLATE 46

EXPLANATION

This map depicts susceptibility to deep landslides in this area. For the purpose of this map, deep landslides are defined as those with a depth to the failure plane of greater than 15 ft (4.5 m) (Burns and Madin, 2009).

This susceptibility map was prepared by combining four factors: 1) landslide inventory data taken from the corresponding inventory map, 2) head scarp buffers, 3) moderate zone buffer, and 4) geologic factors (susceptible geologic units and contacts, slope angles, and preferred direction of movement). The combinations of these factors comprise the relative susceptibility hazard zones: high, moderate, and low as shown in the Hazard Zone Matrix below. The deep-landslide susceptibility data are displayed on top of a base map that consists of an aerial photograph (orthorectified) overlain on the lidar-derived digital elevation model. For additional detail on how this map was developed see Burns (2008).

DEEP-LANDSLIDE SUSCEPTIBILITY CLASSIFICATION

Each landslide susceptibility hazard zone shown on this map has been developed according to a classification scheme using a number of specific factors. The classification scheme was developed by the Oregon Department of Geology and Mineral Industries; see accompanying text report. The symbology used to display these hazard zones is explained below.

Deep-Landslide Susceptibility Zones: This map uses color to show the relative degree of hazard. Each zone is a combination of several factors (see Hazard Zone Matrix, below).

HIGH: High susceptibility to deep landslides. Deposits mapped as historical and/or active are outlined in black.

MODERATE: Moderate susceptibility to deep landslides.

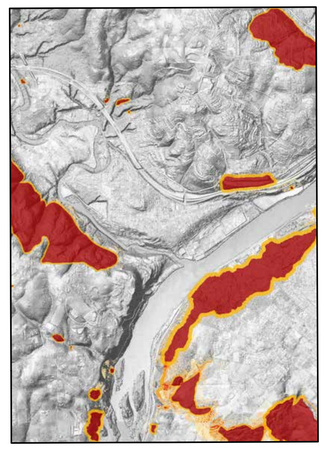
LOW: Low susceptibility to deep landslides.

Deep-Landslide Susceptibility Hazard Zone Matrix

Contributing Factors*	Final Hazard Zone		
	High	Moderate	Low
1 Landslides, Head Scarp-Flanks, Buffers	included	—	—
2 Geologic Factors, High Zone Buffer	—	included	—
3 Minimal Geologic Factors	—	—	included

*See explanation of corresponding contributing factors below.

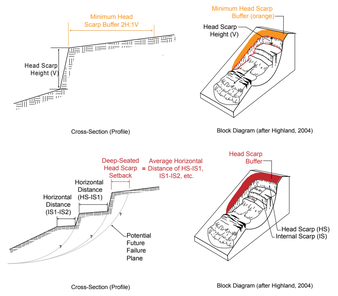
1 Landslide Inventory



Landslide Inventory: This map is an inventory of existing deep-landslide deposits and head scarps in this area. This inventory map was prepared by compiling all previously mapped landslides from published and unpublished geologic and landslide mapping, lidar-based geomorphic analysis, and review of aerial photographs. Each landslide was also attributed with classifications for activity, depth of failure, movement type, and confidence of interpretation using the protocol developed by Burns and Madin (2009). This map uses color to show different landslide features as explained below.

EXPLANATION
- Landslide Head Scarps
- Deep-Landslide Deposits

2 Head Scarp Buffers



Head Scarp Buffers: Buffers were applied to all head scarps from the landslide inventory. In most cases the first buffer results in a minimum buffer distance and the second buffer (described below) results in the maximum buffer distance. In all cases the greater of the two was used.

The first buffer (orange on diagram) consists of a 2:1 horizontal to vertical distance (2H:1V). This buffer is different for each head scarp and is dependent on head scarp height. For example, a head scarp height of 6.5 ft (2 m) has a 2H:1V buffer equal to 13 ft (4 m).

The second buffer (red on diagram) is different for each head scarp and is dependent on the average of the horizontal distance between internal scarps. For example, an average horizontal distance of 150 ft (50 m) has a 2H:1V buffer equal to 300 ft (100 m).

3 Geologic Factors and Buffers

Moderate Susceptibility Zone: This map displays the scores of the relative geologic susceptibility zone factors, a moderate zone buffer applied around the high susceptibility zone, and the mapped deep-landslide deposits in this area.

A moderate zone buffer was applied around the high-susceptibility zone of each landslide deposit. This buffer is different for each landslide deposit and is dependent on head scarp height.

Each geologic zone factor was given a score of 0, 1, or 2. Thus, if all factors have the highest score at some particular location, the final factor score is 8. A minimal combined factor score threshold between 3 and 5 along with educated judgment was used to delineate the boundary between the low and moderate zones. The geologic zone factors are:

1) Susceptible geologic units
2) Susceptible geologic contacts
3) Susceptible slope angles for each engineering geology unit polygon
4) Susceptible direction of movement for each engineering geology unit polygon

The geologic susceptibility zone factors and the moderate zone buffer data sets along with professional judgment were used to create the boundary between the moderate and low deep-landslide susceptibility zones.

EXPLANATION
- Deep-Landslide Deposits
- Moderate Zone Buffer

Geologic Susceptibility Zone Factors Score
- 1 (low)
- 2
- 3
- 4
- 5
- 6
- 7
- 8 (high)

LIMITATIONS

The deep-landslide susceptibility map was developed following an established protocol (Burns, 2008) that incorporates several types of data. Several limitations are worth noting and underscore that any regional hazard map can be useful for regional applications but should not be used as an alternative to site-specific studies in critical areas. Limitations include the following.

1) Every effort has been made to ensure the accuracy of the GIS and tabular database, but it is not feasible to completely verify all of the original input data.

2) As discussed in the Explanation section, the protocol to develop deep-landslide susceptibility maps is based on four factors: 1) landslide inventory data taken from the corresponding inventory map, 2) head scarp buffers, 3) moderate zone buffer, and 4) geologic factors (susceptible geologic units and contacts, slope angles, and preferred direction of movement). All of these parameters can affect the level of detail and accuracy of the final susceptibility map. Because the maps are based on a combination of factors, all of which

a. Limitations of the landslide inventory, which are discussed by Burns and Madin (2009).

b. Calculation of head scarp buffers is limited based on the head scarp height (first buffer) and an average of the horizontal widths of previous or downslope blocks (second buffer). It is assumed that most large deep landslides have the potential to fail retrogressively upslope; however, this is not always the case.

c. The additional factors used to delineate the moderate susceptibility zone include susceptible geologic units, susceptible geologic contacts, susceptible slope angles for each engineering geology unit polygon, and susceptible direction of movement for each engineering geology unit polygon. These factors are combined and a final score is produced, but the delineation of the final moderate zone is based on visual overlap of these four factors; therefore, the accuracy and resolution of the output data can be overestimated or underestimated.

3) The susceptibility maps are based on the topographic and landslide inventory data available as of the date of publication. Future new landslides may render this map locally inaccurate.

4) The lidar-based digital elevation model does not distinguish elevation changes that may be due to the construction of structures like retaining walls. Because it would require extensive GIS and field work to locate all of these existing structures and remove them or adjust the material properties in the model, such features have been included as a conservative approach and therefore must be examined on a site-specific basis.

5) Some landslides in the inventory may have been mitigated, thereby reducing their level of susceptibility. Because it is not feasible to collect detailed site-specific information on every landslide, potential mitigation has been ignored.

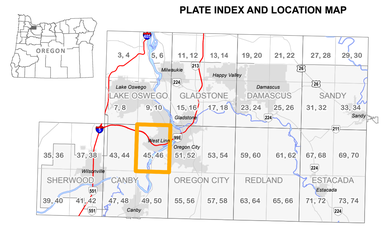
REFERENCES

Burns, W.J., 2008, Regional landslide hazard maps of the southwest quarter of the Beaverton quadrangle, West Bull Mountain Planning Area, Washington County, Oregon: Oregon Department of Geology and Mineral Industries Open-File Report O-08-09, 17 p., scale 1:8,000.

Burns, W.J., and Madin, I.P., 2009, Protocol for inventory mapping of landslide deposits from light detection and ranging (lidar) imagery: Oregon Department of Geology and Mineral Industries Special Paper 42, 30 p.

Highland, L., compiler, 2004, Landslide types and processes: U.S. Geological Survey Fact Sheet 2004-3072 (ver. 1.1), 4 p.

PLATE INDEX AND LOCATION MAP



U.S. Geological Survey 7.5-minute quadrangle maps are divided into quarter quadrangles. Each quarter quadrangle has two plate numbers; the first plate number indicates the shallow-landslide susceptibility map, and the second plate number indicates the corresponding deep-landslide susceptibility map. Plates 1 and 2 (not shown here) are overview maps for this publication.

Nature of the Northwest

For copies of this publication contact:
Nature of the Northwest Information Center
800 NE Oregon Street, #28, Ste. 965
Portland, Oregon 97232
telephone (971) 673-2331
http://www.naturenw.org

Mollusky, Kathy

From: Bialostosky, Rory
Sent: Monday, July 12, 2021 12:40 PM
To: Mollusky, Kathy
Subject: Fwd: ODOT Site acquisition proposal

Follow Up Flag: Follow up
Flag Status: Flagged

FYI for the record

Sent from my iPhone

Begin forwarded message:

> **From:** Alan Smith <[redacted]
> **Date:** July 12, 2021 at 11:36:45 AM PDT
> **To:** "Relyea, William" <WRelyea@westlinnoregon.gov>, "Baumgardner, Mary" <MBaumgardner@westlinnoregon.gov>, "Bialostosky, Rory" <RBialostosky@westlinnoregon.gov>
> **Subject: ODOT Site acquisition proposal**
>
> West Linn City Council
> 22500 Salamo Road
> West Linn Oregon 97068
>
> Council President William Relyea
> Councilors Mary Baumgardner, Rory Bialostosky
>
> re: City Council Meeting for July 12, 2021
>
> Agenda Item: 6) Business Meeting
> d) Agenda Bill 2021-07-12-05: I-205 Property Acquisition
>
> I request the following letter be entered into the record for today's meeting.
>
> Before approval and allocation of SDC funds to acquire property owned by the Oregon Department of Transportation, members of Council as well as residents need to be reminded that much of the 32.98-acre site considered for a potential Operational Facility for the City's Public Works and Parks & Recreation Departments is identified by the Oregon Department of Geology and Mineral Industries as susceptible to landslides.
>
> Furthermore, Council should also obtain answers to the following questions:
>
> 1. Who will direct the prescribed burns in that area if purchased?
>
> 2. How many acres does the Public Works and Parks & Recreation Departments require for an Operational Facility?

3. The request to receive Council's approval to acquire surplus property owned by ODOT states that "While this is a large parcel, a majority of the parcel is not usable due to steep slopes." Would it be prudent to identify more accurately where an Operational Facility would be established in relation to the 32.98-acre site and base the purchase on the approximate acreage needed rather than purchase the entire, steeply-sloped parcel?

4. What will become of the under-utilized, "unusable" portion of the 32.98-acre site if it is acquired by the City of West Linn?

5. At what point will residents be made aware that the land acquisition is a precursor to a multimillion dollar Operational Facility?

6. How much will a new Operational Facility cost and how will it be funded (bond measure, increases in street and water fees, increase in System Development Charges) ?

7. Is the City of West Linn required to purchase the entire 32.98-acre site for an Operational Facility that may only occupy less than half of the land area?

8. Numerous mature trees are established throughout the 32.98-acre site. How many trees will be removed to accommodate a new Operational Facility?

9. How will Council and residents be assured that the land on which an Operational Facility is to be established is relatively stable and not susceptible to failure due to gravity, overwhelmed field moisture capacity, slope angles exceeding the angle of repose, and/or seismic events?

Sincerely,
Alan Smith
1941 Buck Street

Mollusky, Kathy

From: vince miles <[redacted]>
Sent: Monday, July 12, 2021 1:26 AM
To: City Council; Baumgardner, Mary; Bolton Neighborhood Association President
Subject: Agenda Bill 2021-07-12-05 / I-205 Property Acquisition
Attachments: ODOT land acquisition (3).jpg; IMS-29 PLATE 2 (3).jpg; 0-10-08 2.JPG; 0-10-08 2.JPG

Follow Up Flag: Follow up
Flag Status: Flagged

This letter is to be introduced into the public record as Public Comment for the City Council Meeting on Monday, July 12, 2021

West Linn City Council
22500 Salamo Road
West Linn Oregon 97068

Mayor Jules Walters
Council President William Relyea
Councilors Mary Baumgardner, Rory Bialostosky, and Todd Jones

re: City Council Meeting for July 12, 2021

Agenda Item: 6) Business Meeting
d) Agenda Bill 2021-07-12-05: I-205 Property Acquisition

Before approval and allocation of SDC funds to acquire property owned by the Oregon Department of Transportation, members of Council as well as residents need to be reminded that much of the 32.98-acre site considered for a potential Operational Facility for the City's Public Works and Parks & Recreation Departments is identified by the Oregon Department of Geology and Mineral Industries as susceptible to landslides (see attached map excerpts).

Furthermore, Council should also obtain answers to the following questions:

1. How many acres does the Public Works and Parks & Recreation Departments require for an Operational Facility?

2. The request to receive Council's approval to acquire surplus property owned by ODOT states that "While this is a large parcel, a majority of the parcel is not usable due to steep slopes." Would it be prudent to identify more accurately where an Operational Facility would be established in relation to the 32.98-acre site and base the purchase on the approximate acreage needed rather than purchase the entire, steeply-sloped parcel?

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Deep-Landslide Susceptibility Map of the Northeast Quarter of the Canby Quadrangle, Clackamas County, Oregon 2013
https://westlinnoregon.gov/sites/default/files/fileattachments/maps_gis/page/5190/o-13-08_plate46_ne_canbydeep_onscreen.pdf

Landslide Inventory Map of the Northeast Quarter of the Canby Quadrangle, Clackamas County, Oregon 2009
https://westlinnoregon.gov/sites/default/files/fileattachments/maps_gis/page/5190/ims-29_canby_ne_lsinventory.pdf

- Vince Miles

51-year resident of West Linn

Make West Linn
UNAFFORDABLE
Park Maintenance Fee 2021-2022 $231.12/yr
Park Maintenance Fee 2026-2027 $ 485.40/yr

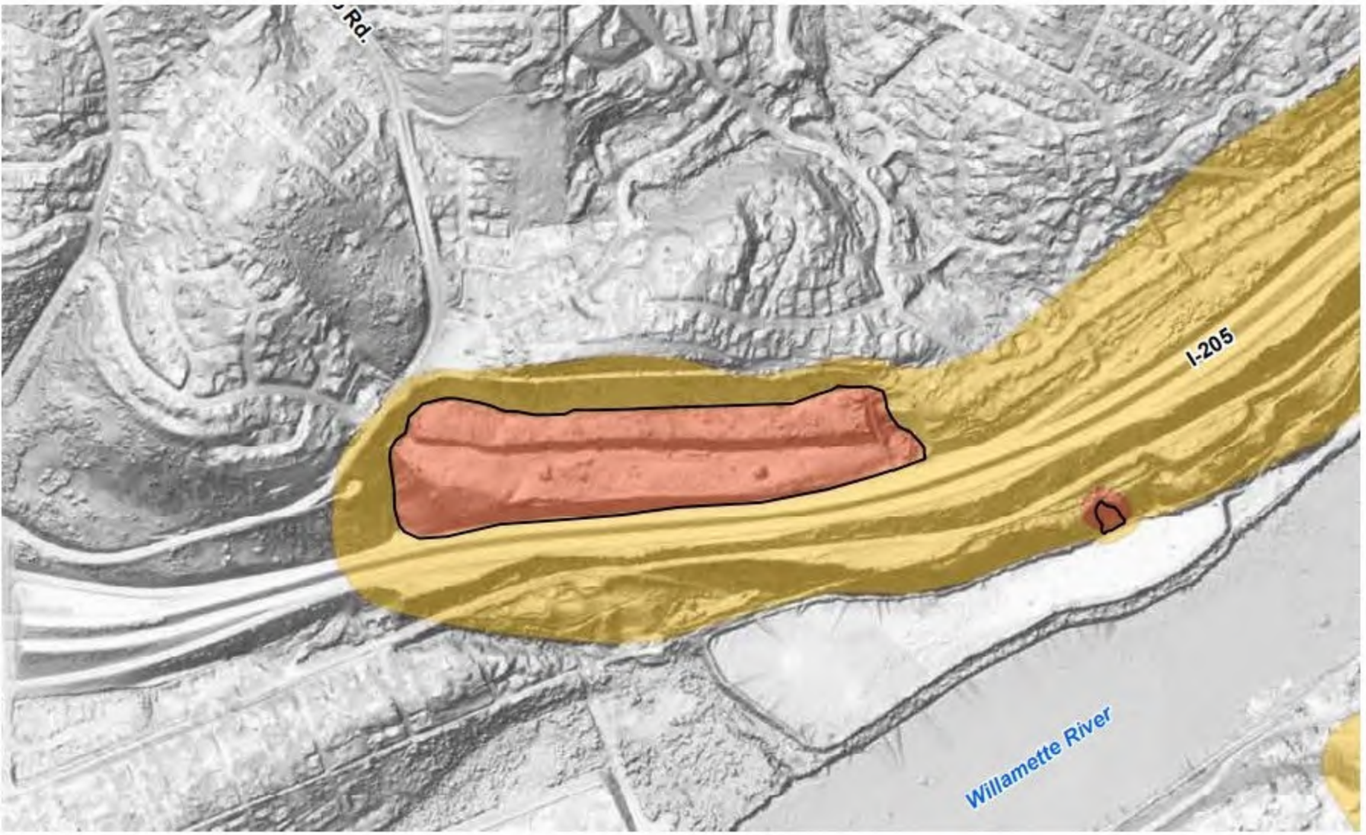


Deep-Landslide Susceptibility Map of the Northeast Quarter of the Canby Quadrangle, Clackamas County, Oregon

2013

OPEN-FILE REPORT O-13-08

Landslide Hazard and Risk Study of Northwestern Clackamas County, Oregon



EXPLANATION

This map depicts susceptibility to deep landslides in this area. For the purpose of this map, deep landslides are defined as those with a depth to the failure plane of greater than 15 ft (4.5 m) (Burns and Madin, 2009).

This susceptibility map was prepared by combining four factors: 1) landslide inventory data taken from the corresponding inventory map, 2) head scarp buffers, 3) moderate zone buffer, and 4) geologic factors (susceptible geologic units and contacts, slope angles, and preferred direction of movement). The combinations of these factors comprise the relative susceptibility hazard zones: high, moderate, and low as shown in the Hazard Zone Matrix below. The deep-landslide susceptibility data are displayed on top of a base map that consists of an aerial photograph (orthorectified) overlain on the lidar-derived digital elevation model. For additional detail on how this map was developed see Burns (2008).

DEEP-LANDSLIDE SUSCEPTIBILITY CLASSIFICATION

Each landslide susceptibility hazard zone shown on this map has been developed according to a classification scheme using a number of specific factors. The classification scheme was developed by the Oregon Department of Geology and Mineral Industries; see accompanying text report. The symbology used to display these hazard zones is explained below.

Deep-Landslide Susceptibility Zones: This map uses color to show the relative degree of hazard. Each zone is a combination of several factors (see Hazard Zone Matrix, below).

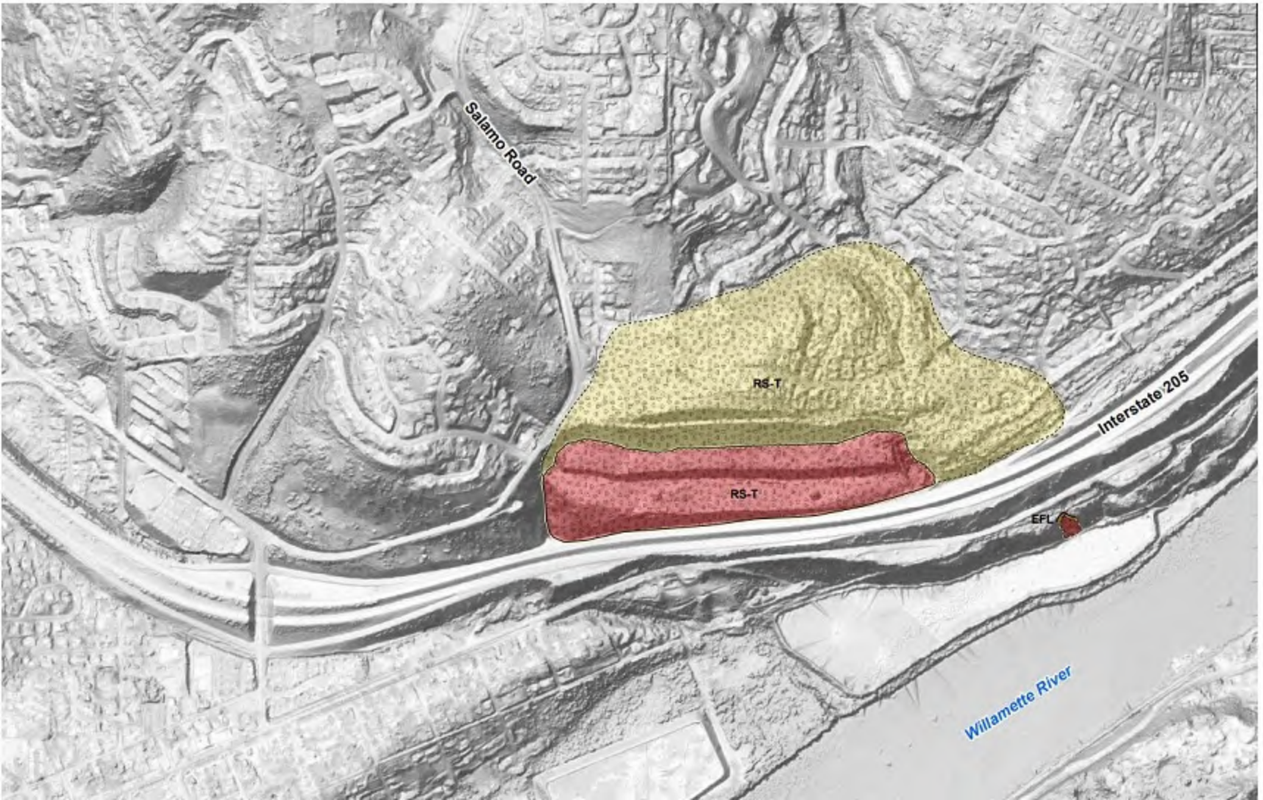
HIGH: High susceptibility to deep landslides. Deposits mapped as historical and/or active are outlined in black.

MODERATE: Moderate susceptibility to deep landslides.

LOW: Low susceptibility to deep landslides.

Landslide Inventory Map of the Northeast Quarter of the Canby Quadrangle, Clackamas County, Oregon

2009



IMS-29

INTERPRETIVE MAP SERIES

Landslide Inventory Maps of the Canby Quadrangle, Clackamas, Marion, and Washington Counties, Oregon

LANDSLIDE CLASSIFICATION

Each landslide shown on this map has been classified according to a number of specific characteristics identified at the time recorded in the GIS database. The classification scheme was developed by the Oregon Department of Geology and Mineral Industries (Burns and Madin, 2009). Several significant landslide characteristics recorded in the database are portrayed with symbology on this map. The specific characteristics shown for each landslide are the activity of landsliding, landslide features, deep or shallow failure, type of landslide movement, and confidence of landslide interpretation. These landslide characteristics are determined primarily on the basis of geomorphic features, or landforms, observed for each landslide. The symbology used to display these characteristics is explained below.

LANDSLIDE ACTIVITY: Each landslide has been classified according to the relative age of last movement. This map display uses color to show the activity.

HISTORIC and/or ACTIVE (movement less than 150 years ago): The landslide appears to have moved within historic time or is currently moving (active).

PREHISTORIC or ANCIENT (movement greater than 150 years ago): Landslide features are slightly eroded and there is no evidence of historic movement. In some cases, the observed landslide features have been greatly eroded and/or covered with deposits that result in smoothed and subdued morphology.


Salamo Rd
Riverknoll Way
Riverknoll Ct
Wellington Dr
Wellington Ct
Beacon Hill Dr
Chef Steves
Takeout
Imperial Dr
Aqua Green ORAganics
Garden center
Hall Ct
Greene St
205
War Veterans Memorial Fwy
Willamette Falls Dr
4th St
The Treatment Room

Schroder, Lynn

From: City of West Linn <webmaster@westlinnoregon.gov>
Sent: Tuesday, February 3, 2026 8:30 AM
To: Schroder, Lynn
Subject: City of West Linn Website submission: Meeting Request to Speak Signup

(1)

Submitted on Tuesday, February 3, 2026 - 8:29am

Submitted by anonymous user: 76.105.231.120

Submitted values are:

Full Name Rob Cozzi
Email Address Cccuda@comcast.net
Cell Phone Number 9715335554
Home Phone Number 5035571735
Street Address 4151 Norfolk St.
City West linn
State Oregon
Item you would like to speak on New Operations Center CUP
Board Uncertain
Meeting Date Wed, 02/04/2026

The results of this submission may be viewed at:

https://westlinnoregon.gov/node/45911/submission/91179

CITY OF West Linn

Planning Commission Request to Speak

Any information provided may be considered a public record and subject to disclosure.
Each agenda item requires a separate testimony form.

□ I request to speak during **General Public Comments** – (3 minutes). Please specify topic (*required*):

_____

□ I request to testify on **CUP-25-02/DR-25-02/WAP-25-01 Proposal for New City of West Linn Operations Support Facility at the vacant parcel east of the Salamo Road/Greene Street intersection (** (5 minutes for all speakers).

□ **In Support** ☒ **Neither for nor against** □ **In Opposition**

Failure to raise an issue by written comment or at the hearing, or failure to provide sufficient specificity to respond to the issue, precludes raising the issue on appeal before the Land Use Board of Appeals. Parties with standing may appeal this decision to the West Linn City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city or its designee to respond to the issue precludes an action for damages in circuit court.

□ I do not wish to speak; however, I would like to **have standing on CUP-25-02:**

□ **In Support** □ **Neither for nor against** □ **In Opposition**

REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02 PLEASE PRINT:

Name: Rob Cozzi

Name of Organization (if applicable): N/A

Address: 4151 Norfolk St

City: West Linn State OR Zip 97068

Email (optional): ccuda@comcast.net

February 4, 2026

STREET

At their meeting of July 20, 2011, the West Linn Planning Commission held a public hearing to consider the request by the City of West Linn Public Works Department to approve a proposed shed, proposed carport, and proposed new fuel tanks, and to approve existing unpermitted walls and fill at the Department's operations site at 4100 Norfolk Street. This required a Conditional Use Permit and Class I Design Review permit. The approval criteria for Conditional Use Permit are found in Chapter 60 of the CDC. The approval criteria for Design Review are found in Chapter 55 of the CDC. The approval criteria for the R-10 zone are found in Chapter 11 of the CDC. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Tom Soppe, Associate Planner. Mike Cardwell of the Public Works Department presented for the applicant. Lisa Cozzi spoke neutrally on the application. Nobody spoke in favor of or opposed to the application. Mr. Cardwell provided further comments for the applicant.

A motion was made, seconded, and passed to approve the application with two new findings, and with modification to staff's proposed conditions of approval 2 and 3. The additional findings are as follows:

Additional Finding 1:
Some of the existing arbor vitae screening the site are in poor condition. Also, there should be a guarantee of appropriate maintenance to ensure the continued health and life of the arbor vitae required to be planted by Condition of Approval 2. Therefore the condition should address the replacement of dead or dying existing vegetation and should address the continued maintenance of new and existing vegetation.

Additional Finding 2:
Staff's proposed Condition of Approval 3 is correct to remove the arbor vitae within the clear vision areas of site driveways off of Sussex Street. However to ensure the most screening possible while meeting clear vision area provisions, these shall be replaced with other vegetation that will not grow over 3 feet high.

The approved conditions of approval are as follows:

1/172

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the site plan labeled "Proposed Building Location and Landscape Buffer" located on Page 81 of Exhibit PC-3.

2. Vegetative Screening. The area along the Sussex Street right-of-way between the existing arbor vitae and the south property line shall be planted with arbor vitae at the same spacing as the existing arbor vitae along the remainder of the site's west edge.


Wed, Feb 4
Google July 2016
Aerial
61 Norfolk St
ears ago · See more dates


Google · Oct 2012
61 Norfolk St


Tue Feb 3
Google
Norfolk St
41 Norfolk St


Wed, Feb 4
Google
Aerial
Norfolk St
41 Norfolk St
ears ago · See more dates >



in the meeting, its not a good use of tax payer dollars to invest in landscaping that is going to be removed in two years when we move into the new building. I'm sorry that the conditions of approval were not followed by the last director and supervisor that left the screening and vegetation unmaintained. Unfortunately, we don't have the time for adequate screening to grow.

From your notes:

Street parking: staff has been talked to and will continue to be talked to as summer seasonal workers report.
Headlights at gas pump: The Interim Police Chief has been notified of the neighbors concerns when PD fills up at night. He has spoken to his team and said he would give them another reminder.

CITY OF West Linn

Planning Commission Request to Speak

Any information provided may be considered a public record and subject to disclosure.
Each agenda item requires a separate testimony form.

☒ I request to speak during **General Public Comments –** (3 minutes). Please specify topic (*required*):
traffic control, land stability noise.

☐ I request to testify on **CUP-25-02/DR-25-02/WAP-25-01 Proposal for New City of West Linn Operations Support Facility at the vacant parcel east of the Salamo Road/Greene Street intersection (** (5 minutes for all speakers).

☐ **In Support** ☒ **Neither for nor against** ☐ **In Opposition**

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☐ I do not wish to speak; however, I would like to **have standing on CUP-25-02:**

☐ **In Support** ☐ **Neither for nor against** ☐ **In Opposition**

REQUIRED INFORMATION TO HAVE STANDING ~~FOR CUP-25-02~~ PLEASE PRINT:

Name: Robert Jester

Name of Organization (if applicable): BHTNA

Address: 3475 Riverlenort Way

City: West Linn State Or Zip 97068

Email (optional): jjtjester@comcast.net

February 4, 2026

CITY OF West Linn

Planning Commission Request to Speak

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☒ I request to testify on **CUP-25-02/DR-25-02/WAP-25-01 Proposal for New City of West Linn Operations Support Facility at the vacant parcel east of the Salamo Road/Greene Street intersection (** (5 minutes for all speakers).

☐ **In Support** ☒ **Neither for nor against** ☐ **In Opposition**

Failure to raise an issue by written comment or at the hearing, or failure to provide sufficient specificity to respond to the issue, precludes raising the issue on appeal before the Land Use Board of Appeals. Parties with standing may appeal this decision to the West Linn City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city or its designee to respond to the issue precludes an action for damages in circuit court.

☐ I do not wish to speak; however, I would like to **have standing on CUP-25-02:**

☐ **In Support** ☐ **Neither for nor against** ☐ **In Opposition**

REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02 PLEASE PRINT:

Name: William Relyea

Name of Organization (if applicable): Parker Crest H.A

Address: 3016 Salamo Ln

City: West Linn State OR Zip 97068

Email (optional): wrelyea@comcast.net

February 4, 2026

CITY OF West Linn

Planning Commission Request to Speak

Any information provided may be considered a public record and subject to disclosure.
Each agenda item requires a separate testimony form.

☐ I request to speak during **General Public Comments** – (3 minutes). Please specify topic (*required*):

_____

☒ I request to testify on **CUP-25-02/DR-25-02/WAP-25-01 Proposal for New City of West Linn Operations Support Facility at the vacant parcel east of the Salamo Road/Greene Street intersection (** (5 minutes for all speakers).

☐ **In Support** ☐ **Neither for nor against** ☐ **In Opposition**

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☐ I do not wish to speak; however, I would like to **have standing on CUP-25-02:**

☐ **In Support** ☐ **Neither for nor against** ☒ **In Opposition**

REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02 PLEASE PRINT:

Name: Teri Cummings

Name of Organization (if applicable): _____

Address: 2190 Valley Ct.

City: West Linn State OR Zip 97068

Email (optional): on file

February 4, 2026

Public Testimony for CUP 25-02/Dr-25-02/WAP 25-01

February 4, 2026

Dear honorable Planning Commissioners,

Our need for an updated public works facility is indisputable. It is in fact Long Overdue.

The safety and livability of our City depends on having a public works department that is adequately equipped to build and maintain safe streets, water and sewer lines. Furthermore, the personal safety of each one of us depends on whether our public works department will be able to immediately respond to floods, landslides, earthquakes and other disasters.

The record indicates very little public outreach was done prior to this application. So I doubt most people know that the proposed site for West Linn's new Operations Support facility is situated on one of West Linn's most historically dangerous natural hazard areas.

This discretionary decision before us tonight hinges on the question of whether it makes sense to locate a critically necessary disaster management facility on a significantly high risk steep slope, which includes a ravine, wetlands and a stream; historically known and mapped as a natural disaster prone area?

If another landslide or an earthquake occurs on this site that makes it impossible to get critically needed equipment and personnel in or out of the site, will that be a benefit or will it pose an unreasonable risk to the City?

I am curious to know if an independent comparative analysis of potential site alternatives was conducted prior to committing to this particular site.

If an alternative sites study was not done, please exercise your right and the responsibility to deny this application and demand an independent study weighing the pros and cons of four or more alternative sites or configurations, including acquisition of land. The cost of the site constraints alone to develop this property might easily be offset by purchasing property in a better location and more suitable to meet the needs of our City.

The discretionary nature of this decision requires you to question whether this particular site makes sense. It is not enough to hear the applicant claim that it "understands" the criteria. The applicant must meet all criteria.

We are counting on you to rule in favor of protecting the health and safety of our community.

Thank you for your service,

Teri Cummings

West Linn resident, address on file

CITY OF West Linn

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☐ I do not wish to speak; however, I would like to **have standing on CUP-25-02:**

☐ **In Support** ☐ **Neither for nor against** ☒ **In Opposition**

REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02 PLEASE PRINT:

Name: Cary Cummings

Name of Organization (if applicable): _____

Address: 2190 Valley Ct.

City: West Linn State OR Zip 97068

Email (optional): _____

February 4, 2026

February 4, 2026

CUP-25-02 / DR-25-02 / WAP 25-01

Falling rock suit upheld

SALEM (AP) — A $40,000 judgment for the estate of a man killed by a falling rock has been affirmed by the Oregon Supreme Court.

Steven Rader was killed in mid-1969 when a rock penetrated the windshield of his car and struck him on the head as he was driving on Oregon Highway 212 in Clackamas County.

The rock fell from a service road constructed on a hillside above Highway 212 in connection with construction of a new highway in the area by Gibbons and Reed Co.

Gibbons and Reed contended it was error for Circuit Court Judge Winston Bradshaw of Clackamas County to admit testimony that other persons had seen rocks on or falling to the highway on previous occasions.

But the Supreme Court held that evidence of prior similar occurrences is admissible to prove the existence of a continuing defect or a continuing course of negligent conduct.

Chief Justice Kenneth O'Connell dissented from the majority opinion.

A young man was killed by a rock falling from the hillside above Hwy 212 in 1969, due to unstable conditions in the vicinity of the proposed site.

A year later, two landslides occurred at the same site, which destroyed the city's water reservoir and two homes and then an adjacent slide carried off one more home. An estimated total of 3 million cubic yards of earth and rock was removed to help stabelize the hill, located at the proposed site.

Meanwhile, residents were subjected to water rationing and a lack of adequate fire protection in the Willamette area for over a year.

It is highly questionable that locating a facility, critically necessary for responding to disasters, in area constrained by significant, historical natural hazards, would provide a meaningful sense of safety and an overall benefit to the city.

This application fails to meet the criteria of:

60.070 Approval Standards and Conditions

A. 2. The characteristics of the site are unsuitable for the proposed use (considering topography, natural features and location.

3. The granting of the proposal will not provide an overall benefit to the City as it may instead put the City at risk of failure to respond to disasters and financial loss

Submitted by: Cara Cummings, resident of West Linn since 1992

Slides Plague I-205 Project At West Linn

By LEONARD BACON
Staff Writer, The Oregonian

WEST LINN (Special) — West Linn's problems with a slide-plagued portion of Interstate 205 continue as the road still heads towards a November opening date.

Last July a section of the hill above a 150-foot deep cut on I-205 gave way — destroying the city's Willamette Reservoir and two homes.

After the first slide had been stabilized with the removal of 225,000 cubic yards of material, an adjacent side of the hill gave way carrying off one more home.

Highway engineers now estimate the removal job at more than 2.5 million cubic yards.

West Linn's latest problem with the road is noise — giant diesel powered earthmoving equipment began hauling off the unstable material.

Swamp Filled

The material is being trucked to the second phase of construction, the Oregon City-Gladstone section, and used as fill across a swampy area known as Kelly Field.

Wanting to beat winter rains and to get most of the material in place to permit construction of overpasses and other structures during winter months, Gordon H. Ball Co. of California, the contractor, began moving trucks through the city on a round-the-clock basis.

Ball's trucks enter the city on Sunset Avenue, travel through the main portion of town, cross the river on the new Willamette River bridge of I-205, and head out to the dumping site east of Oregon city.

Residents along Sunset Avenue raised a howl of protest when hauling began. They reported trucks were moving through the area at a rate of one per minute — 24 hours a day.

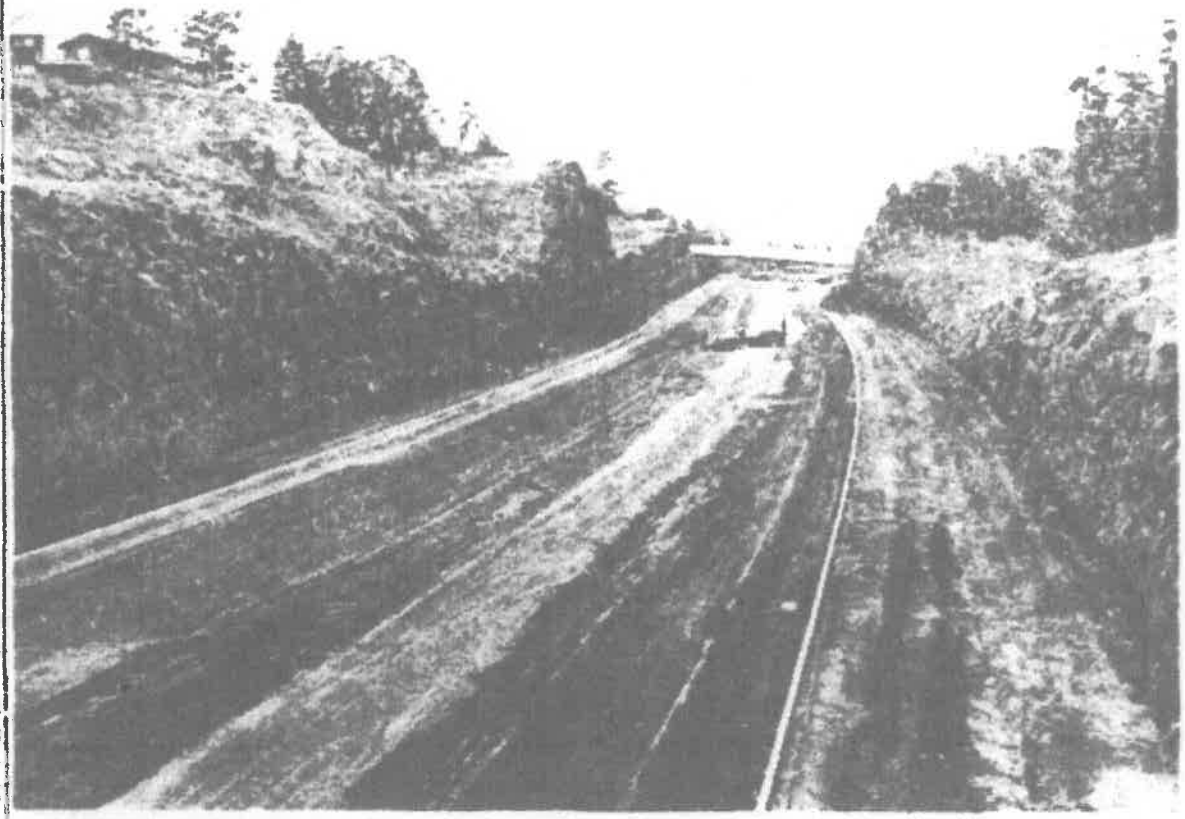
On Sept. 9, the city banned hauling between 11 p.m. and 6 a.m.

The next day, the city was served a restraining order that permitted the trucks to begin round-the-clock operations again.

On Sept. 16, Judge Winston Bradshaw, upheld the city's authority to ban the hauling — and the contractor had to shut down again between 11 p.m. and 6 a.m.

Larry Ruien, division highway engineer, says the ban will not affect the November opening date of the highway. He says material being removed is above I-205 right-of-way and is not interfering with paving of the first section of the road.

He added that once the new superhighway is opened in November, the contractor's trucks may again start round-the-clock operations — using the freeway.



MASSIVE CUT out of solid rock through the center of West Linn nears readiness for paving. Ramps leading to new Willamette River Bridge begin at overpasses in rear.

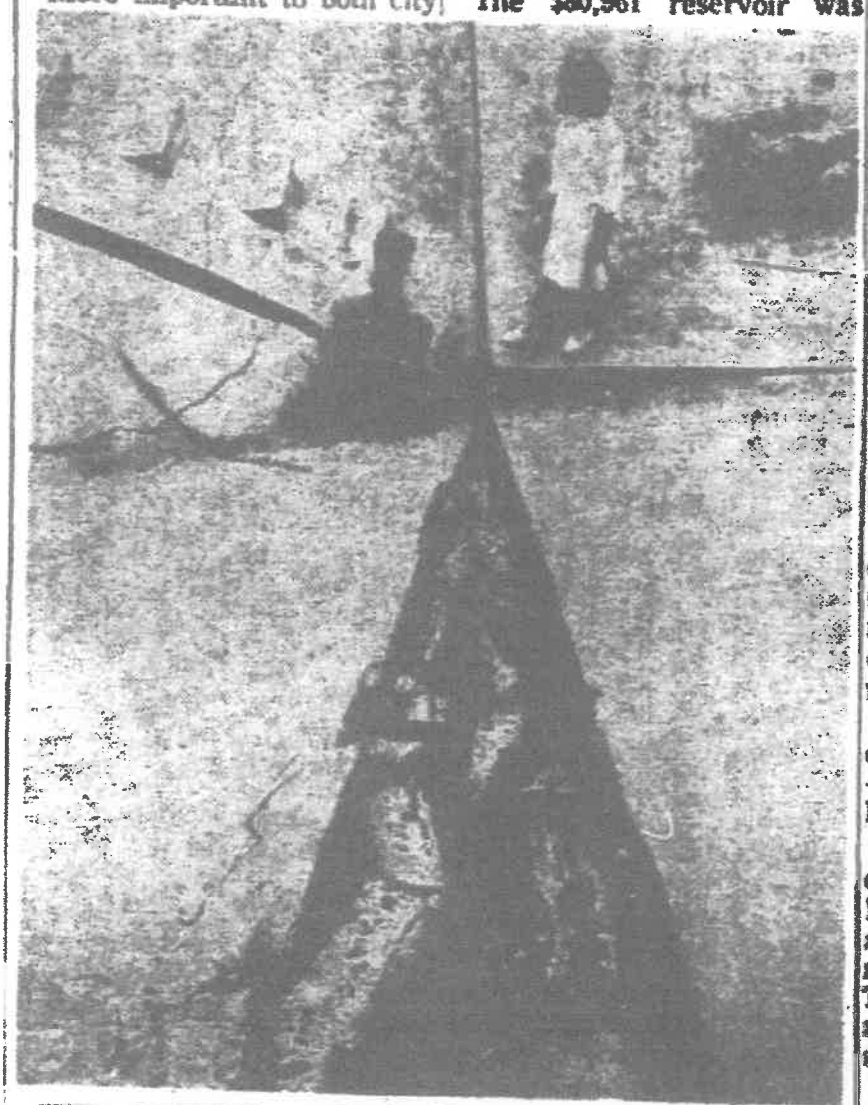
New 600,000 Gallon Reservoir To End West Linn Water Rationing

By LEONARD BACON
Staff Writer, The Oregonian

WEST LINN (Special) — Water rationing in West Linn will end July 15 when a new 600,000 gallon reservoir is filled and put to use.

More important to both city officials and residents, there will be water available to fight a major fire, should one happen, in the Willamette area of the city — something the city hasn't had in more than a year.

The $80,961 reservoir was built for West Linn by the Sate Highway Commission to replace the city's 500,000 gallon Willamette Reservoir, broken by an earth slide. The slide developed during construction of Interstate 205 when the side of a 150 foot deep cut first gave way in June, 1963.



STILL MOVING, cracks in old nearby reservoir continue to widen as hill still moves. Three nearby homes have been destroyed. Checking movement are Merle Irvin, city engineer, and Mrs. Bernice Bean, city councilwoman.

Also carried away in the slide were two homes. A month later, a second and larger slide developed east of the first, carrying away a third home.

The new reservoir has been built on highway department right-of-way, just west of the old reservoir site. Water mains, being laid down the hill, under the new freeway, and into the Willamette area, are expected to be completed by next week.

Water rationing in the city came this spring for the first time when hot weather placed more of a demand for water on the city's only remaining reservoir than it could handle.

The new reservoir is well out of the slide area of the hill — since neither slide has stabilized and both are still moving.

Following the first slide, engineers claimed that about 175,000 cubic yards of earth and rock would have to be removed to stabilize the hill. They now estimate the removal job at more than 3 million cubic yards.

Testing of the new upright steel tank built by Pacific Tank Company of Portland is scheduled to begin this Friday.

The State Highway Commission must still furnish the city of West Linn with a site for another reservoir in the area. The city had owned enough property on the hillside to build a larger one to handle projected needs of the area.

Interstate 205, which connects Oregon City with I-5 near Tualatin, is scheduled to open this October.

Unitarians Drop Support Of Black Affairs Council

By FRANK WETZEL
Associated Press Writer

SEATTLE (AP) — The Unitarian Universalist Association voted Thursday against declared ascendant over the board of trustees. This fight grew out of the board's action in drastically cutting the 1969 budget that had been approved

CITY OF West Linn

Planning Commission Request to Speak

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☒ I request to testify on **CUP-25-02/DR-25-02/WAP-25-01 Proposal for New City of West Linn Operations Support Facility at the vacant parcel east of the Salamo Road/Greene Street intersection (** (5 minutes for all speakers).

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☐ I do not wish to speak; however, I would like to **have standing on CUP-25-02:**

☐ **In Support** ☐ **Neither for nor against** ☐ **In Opposition**

REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02 PLEASE PRINT:

Name: ROBERTA SCHWARZ Jr/Sr

Name of Organization (if applicable): SAVANNA OAKS NEIGHBORHOOD ASSOC.

Address: 2206 TANNER DR

City: WEST LINN State OR Zip 97068

Email (optional): savannaoaksna@westlinnoregon.gov

February 4, 2026

~~Terry Cummings~~ Schwab

Summary of Testimony- February 4, 2026, on CUP-25-02 / DR -25-02 /WAP- 25-01

We are here tonight representing the Savanna Oaks Neighborhood Association and have received the approval of the SONA members to do so through a unanimous vote at a Special Meeting of SONA. We request that this summary be placed in the Public Record along with the maps and exhibits previously submitted.

#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.

#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.

#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.

February 4, 2026

Subject: CUP-25-02 / DR-25-02 / WAP-25-01

To the West Linn Planning Commissioners,

Please add this testimony from Savanna Oaks Neighborhood Association Officers, Ed and Roberta Schwarz to the public record for this application. They are representing the members of this NA.

The Operations Complex proposal, which is being heard tonight by this Planning Commission, is going to cost $45 million dollars as per the local newspaper. You need to know the details of the proposal and the history of this area before you can decide if this is the safest and best place to build such an expensive development in West Linn with the people's money.

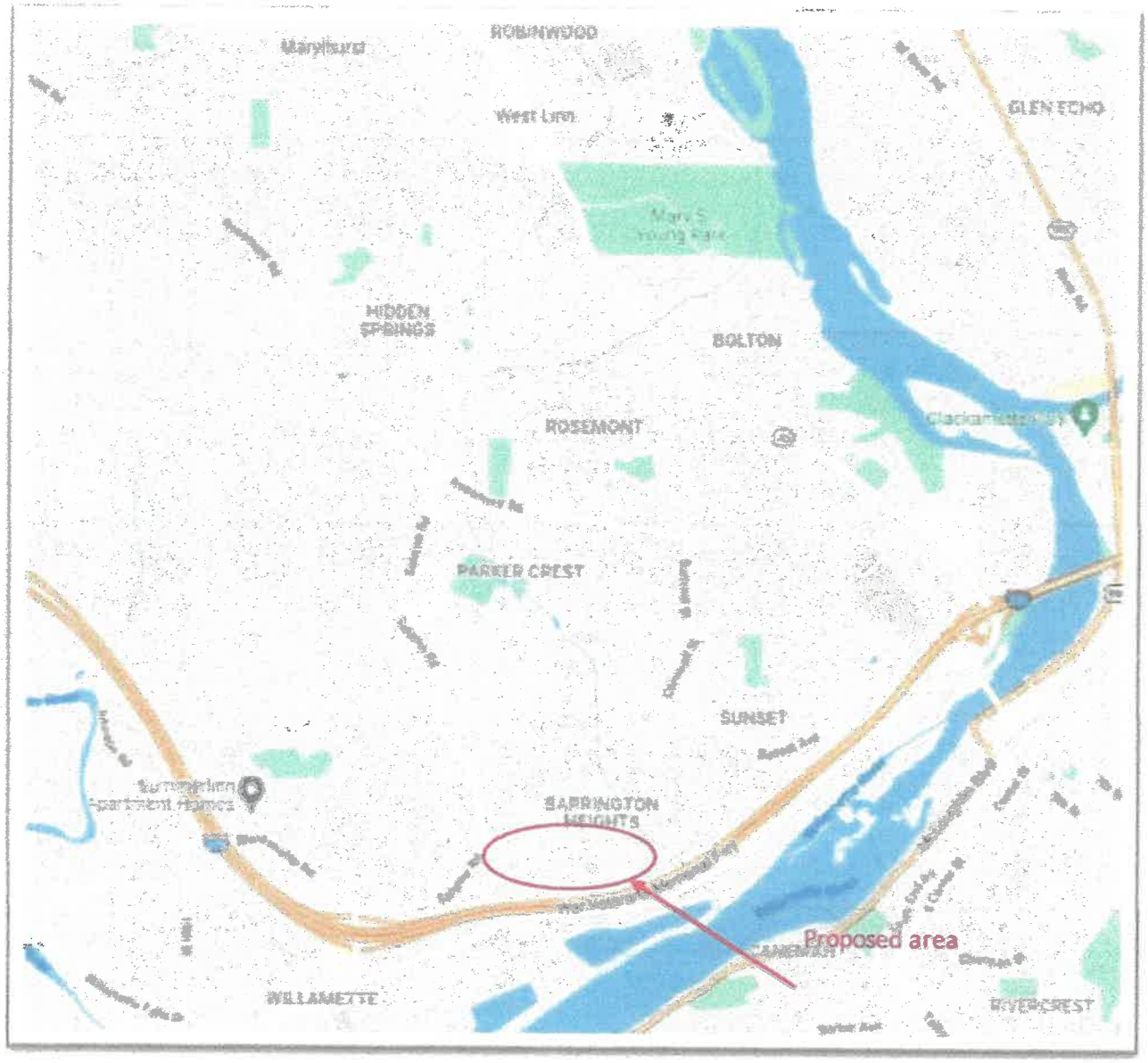
This piece of land, on the east side of Salamo at the intersection of Salamo and Greene St, received a rating of very high landslide susceptibility in the Natural Hazard Mitigation Plan. This is not a good place to develop. West Linn purchased this land from ODOT for $396,000. It had been offered to federal and state agencies as part of the ODOT sales process to see if anyone else might want it. No one did. Apparently, the extreme slope and the landslide history of this area are the reasons why.

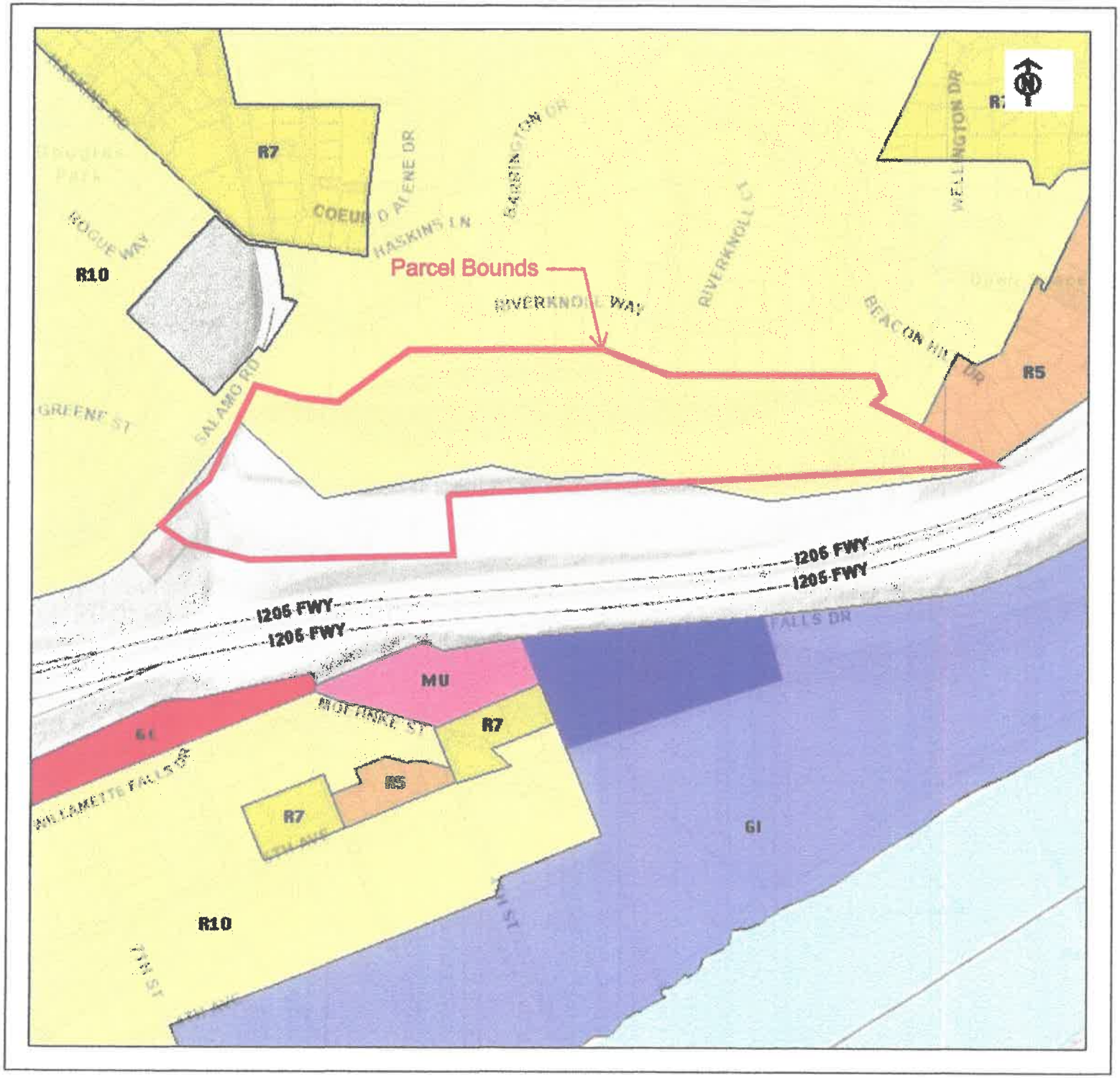
This proposal is for three buildings totaling 40,000 square feet on 33.02 acres zoned for R-10 residential with a stream and a wetland on it. The site contains areas of slopes greater than 25%. It has been identified in the maps that we have included (SLIDO) (exhibit 1), (DOGAMI) (exhibit 2), DOGAMI Deep Landslide Susceptibility Map update from 2013 (exhibit 3), and Landslide Susceptibility Exposure Map (exhibit 4) from the West Linn Natural Hazard Mitigation Plan document (page 43, https://westlinnoregon.gov/sites/default/files/fileattachments/planning/page/6219/west_linn_nhmp_addendum_091224_1.pdf) as having very high potential for a landslide.

The recent landslide history: eight miles of the second section of I-205 between Tualatin and West Linn began construction in 1968 and was completed on 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 reservoir, destroyed three homes, and delayed the opening of this section for months. After several months of water rationing, the reservoir was replaced with state funding the following year. All these facts are supported in four articles printed in "The Oregonian" and "The Oregon Journal" from 1968 through 1971. There is also a November 10, 1969 letter in the staff's 732-page report that was submitted to the City of West Linn by CH2M (exhibit 5). It is page 707 of the staff report. It is included in our packet of information to you today and was emailed to you on Friday.

This large map from the Department of Geology and Mineral Industries (DOGAMI) was given to us many years ago by the former President of the Barrington Heights NA before he moved. He asked that we keep it handy in case it was ever needed. After the pre-application meeting for this proposal in May of last year, we found it, located a copy store that could make prints the size of Plat maps, and presented copies to the City of West Linn, and the current President of Barrington Heights NA, and the President of Willamette NA. We have also given each of you a copy of the relevant part of the map and one of the Statewide Landslide Information Layer for Oregon (SLIDO). Both show this area being considered for the Operations Complex proposed development. Both show that there is

Figure 1: City-Wide Map





City of West Linn

Legend

Zoning

- Single and Multi Family R-2.1
- Single and Multi Family R-3
- Single-Family R-4.5
- Single-Family R-6
- Single-Family R-7
- Single-Family R-10
- Single-Family R-15
- Single-Family R-20
- Single-Family R-40
- Mixed Use
- Neighborhood Commercial
- General Commercial
- Office Business Center
- Campus Industrial
- General Industrial

Unofficial Tax Lots

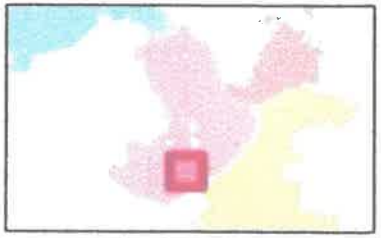
City Limit

Parks and Open Space

City Owned Property

0 0.11 0.23 Miles

1: 9,028



Notes

This map was automatically generated using Geocortex Essentials.

D51 Exh. Summary

SUMMARY

February 4, 2026

To: West Linn Planning Commission

Regarding: CUP-25-02 / DR-25-02 / WAP-25-01

To the West Linn Planning Commission,

My name is Ed Schwarz and I am the Treasurer of the Savanna Oaks Neighborhood Association. I am here tonight representing SONA as requested by our members.

SONA does not oppose the construction of a new Operations Complex in West Linn. We do, however, object to the location chosen for it. We encourage you to deny this application and request that the location of the complex be changed to a safer location outside of the hazardous area where it is currently proposed.

In addition to concerns regarding its location in a geologic hazard area, SONA members expressed concerns about several areas where we believe the proposed complex does not meet West Linn Comprehensive Plan and Community Development Code requirements.

First, we disagree with staff's finding that Goal 7 of the West Linn Comprehensive Plan is met. Goal 7 states that, "Landslide areas are known hazards to safety." The city admits in their application that the complex will be built in a landslide area. Further, Policy 1 of Goal 7 states, "Require development and associated alterations to the surrounding land to be directed away from hazardous areas."

Please find that Comprehensive Plan Goal 7 and, specifically, Policy 1, have not been met by this application. The application should be denied.

In addition to the failure to meet the Comprehensive Plan, the application also fails to meet several sections of the Community Development Code.

The chosen site is partially zoned residential and the city has applied for a Conditional Use Permit. Citing CDC 11.060, the city has identified this complex as falling under section 4, Public Support Facility. As described in my written testimony, this application does not meet the definition of a public support facility as defined in CDC 2.030.

In summation, the members of Savanna Oaks NA ask that the Planning Commission deny the application on non-compliance with the CDC and the other grounds stated above. The city should be directed to find a safer, more accessible location for its Operations Complex.

Respectfully submitted,
Ed and Roberta Schwarz
Savanna Oaks Neighborhood Association
West Linn

February 4, 2026

To: West Linn Planning Commission

Regarding: CUP-25-02 / DR-25-02 / WAP-25-01

To the West Linn Planning Commission,

My name is Ed Schwarz and I am the Treasurer of the Savanna Oaks Neighborhood Association. I am here tonight representing SONA as requested by our members.

SONA does not oppose the construction of a new Operations Complex in West Linn. We do, however, object to the location chosen for it. We encourage you to deny this application and request that the location of the complex be changed to a safer location outside of the hazardous area where it is currently proposed.

Please consider the following concerns we have with the proposed complex. Our concerns include its location in a geologic hazard area as well as several areas where we believe the application does not meet West Linn Community Development Code requirements.

First, we disagree with staff's finding that Goal 7 of the West Linn Comprehensive Plan is met. Goal 7 states that, "Landslide areas are known hazards to safety." The city admits in their application that the complex will be built in a landslide area. Further, Policy 1 of Goal 7 states, "Require development and associated alterations to the surrounding land to be directed away from hazardous areas." As you have already heard in previous testimony tonight, the area where the complex is to be built has been deemed a hazardous area.

Please find that Comprehensive Plan Goal 7 and, specifically, Policy 1, have not been met by this application. The application should be denied.

In addition to the failure to meet the Comprehensive Plan, the application also fails to meet sections of the Community Development Code, specifically, sections 2.030, 55.100(B)(4), 55.100(I)(3), and 85.170(B)(2)(c)(1)(C).

The city has applied for a Conditional Use Permit for this partially residentially zoned site. Citing CDC 11.060, the city has identified this complex as falling under section 4, Public Support Facility. According to CDC 2.030, public support facilities are defined as "**Public services that deal directly with citizens**, to include meeting and hearing rooms, together

material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination." As you have heard tonight, the structures are proposed to be placed in a hazard zone which is subject to landslides which would include slumping and sliding. Therefore, this application does not meet CDC 55.100(B)(4) and should be denied.

CDC 55.100(I)(3) states, "...the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage." We encourage the Planning Commission to review this code and determine if the application truly meets its requirements.

Lastly, CDC 85.170(B)(2)(c)(1)(C) requires a traffic impact analysis if:

> (C) **The development shall cause one or more of the following effects**, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual, and information and studies provided by the local reviewing jurisdiction and/or ODOT:
>
> (1) **An increase in site traffic volume generation by 250 average daily trips** (ADT) or more (or as required by the City Engineer); or
>
> (2) **An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;**

A Traffic Impact Analysis (TIA) was not performed for this application. Instead, staff accepted a "Trip Generation Report" from 2025 prepared by Kittelson and Associates. The Kittelson report did not study the actual location of the Operations Complex. It consisted of a daily trip count from the existing Public Works facility on Norfolk and Sussex streets.

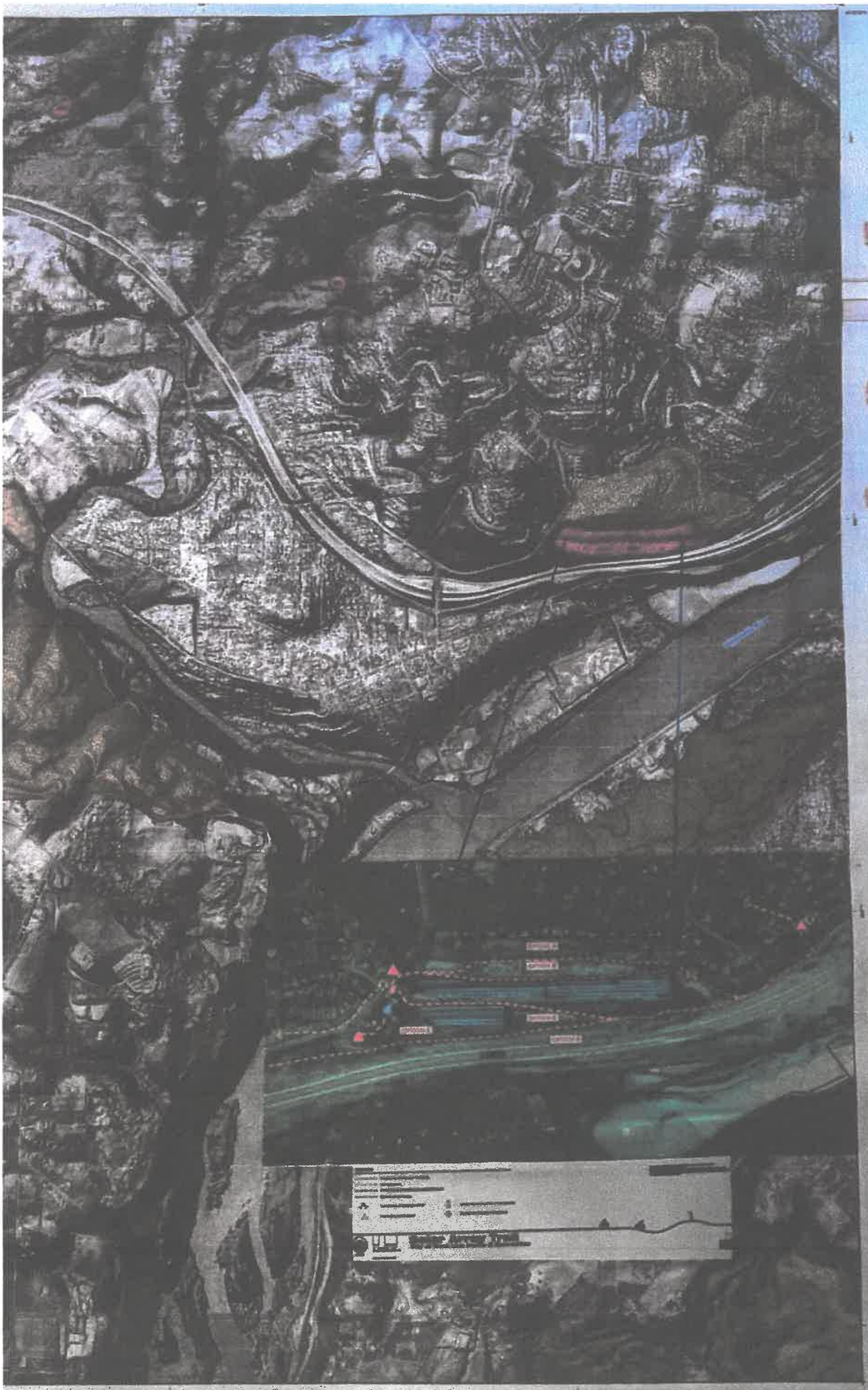
This daily trip count average of 256 trips per day exceeded the 250 trips per day average to trigger a TIA. Additionally, the report did not consider the added traffic which will result from the additional city staff who will be housed in these new buildings (including Parks Department staff who will have their offices in the complex). In fact, the report incorrectly states that "Given that (1) the proposed Public Works Operations Facility will replace the

Exhibit 1

SLIDO: Statewide Landslide Information Layer for Oregon

Oregon Department of Geology and Mineral Industries HELP Data





SCALE 1:8,000

Exhibit 3

STATE OF OREGON
DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES
www.OregonGeology.org
W. Lawrence Givens, Governing Board Chair
Vicki J. McConnell, Director and State Geologist
Andrew V. Pollock, Assistant Director, Geologic Survey and Services
Rachel L. Smith, Project Operations Manager
Ian P. Madin, Chief Scientist

Deep-Landslide Susceptibility Map of the Northeast Quarter of the Canby Quadrangle, Clackamas County, Oregon

2018

OPEN-FILE REPORT O-13-08

Landslide Hazard and Risk Study of
Northwestern Clackamas County, Oregon

by William J. Burns, Katherine A. Mickelson, Cullen B. Jones,
Sean G. Fleming, and Kaleena L. B. Hughes
Oregon Department of Geology and Mineral Industries, Portland, Oregon
Rachel Sinclair
U.S. Geological Survey, Menlo Park, California

The project described in this publication was supported in part by Intergovernmental Agreement 928 1345-2011 from Clackamas County, Oregon

PLATE 46

EXPLANATION

The deep-landslide susceptibility in deep landslides in this area. For the purposes of this map, deep landslides are defined as those with a depth to the failure plane of greater than 15 ft (4.6 m) (Burns and Madin, 2009).

The susceptibility map was prepared by combining four factors: 1) landslide inventory data taken from the surrounding inventory map, 2) head scarp buffers, 3) moderate zone buffers, and 4) geologic factors (topographic analysis, units and contacts, slope angles, and structural attitudes of sandstone). The combinations of these factors generate the relative susceptibility hazard zones: high, moderate, and low as shown in the Deep-Landslide Susceptibility Zone Matrix below. The deep-landslide susceptibility data are displayed on top of a hillshade map that consists of an overlay of semi-transparent multidirectional, 45-degree sun-angle hillshades derived from a 1-meter digital elevation model. An additional depth to bedrock map was developed (see Burns 2018).

DEEP-LANDSLIDE SUSCEPTIBILITY CLASSIFICATION

High landslide susceptibility hazard zone shown on this map has been developed according to a classification scheme using a number of specific factors. The classification scheme was developed by the Oregon Department of Geology and Mineral Industries, and accompanying text report. The terminology used to display these hazard zones is explained below.

Deep-Landslide Susceptibility Zones: This map zone color is shown the relative degree of hazard that zone is a combination of several factors (see Hazard Zone Matrix, below).

HIGH: High susceptibility to deep landslides. Regions mapped as historical landslide units are outlined in black.

MODERATE: Moderate susceptibility to deep landslides.

LOW: Low susceptibility to deep landslides.

Deep-Landslide Susceptibility Hazard Zone Matrix

Contributing Factors*	Final Hazard Zone		
	High	Moderate	Low
Landslides, Head Zone+Scarp, Buffers	Included	--	--
Geologic Factors, High Zone Buffer	--	Included	--
Mapped Moderate Polygons	--	--	Included

*Zone combinations of unacceptable uncertainty factors taken.

1 Landslide Inventory



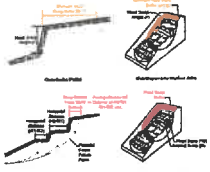
Landslide Inventory: This map is an inventory of existing landslides that have occurred in the past. The inventory was first prepared by grouping all previously mapped landslides from published and unpublished sources and landslide maps, interpretation of aerial photographs and analysis of recent and historical landslide databases. In preparing depth distributions, for example, depth of failure, movement type, and evidence of reactivation were the primary data developed by Burns and Madin (2009). This zone also refers to other different landslide features or explained below.

EXPLANATION

Landslide Head Scarps

Deep-Landslide Deposits

2 Head Scarp Buffers



Head Scarp Buffers: These buffers are developed to assist in the identification of deep landslides. The first buffer results in a minimum buffer distance and the second buffer extended 100 ft results in the maximum buffer distance. In all cases the purpose of the two was zones.

The first buffer consists an expected minimum of a 2.5 increment, or vertical distance (SEE FT). This buffer is different for each head scarp and is dependent on head scarp height. For example, a head scarp height of 45 ft (3 m) has a 300 FT buffer and at 15 ft (4 m).

The second buffer that is designated is referred to as such head scarp and is dependent on the contour of the landslide and the different associated scarps. For example, an average horizontal distance of 200 ft (60 m) for a 100 FT buffer equal to 600 ft (200 m).

3 Geologic Factors and Buffers



Moderate Susceptibility Zone: This map displays the extent of the relative hazard zone. Moderate zones were applied around the high-susceptibility zone of each landslide deposit. This buffer distance on most landslide present and is dependent on head scarp height.

Each geologic zone factor was given a score of 0, 1, or 3. Three of the factors for the highest score or zone polygons within the final hazard zone is 2, 3. Additional statistical factor were developed to assist in the delineation of moderate hazard zone used to delineate boundary between the low and moderate zones. The geologic zone factors are:

1) Susceptible contacts units
2) Susceptible geologic contacts
3) Susceptible slope angles for each sedimentary geologic unit polygon
4) Susceptible direction of movement for each sedimentary geologic unit polygon

The geologic susceptibility zone factors and the moderate zone buffer data were along with professional judgment were used to create the boundary between the moderate and low deep-landslide susceptibility zones.

EXPLANATION

Deep Landslide Deposits

Moderate Zone Buffer

Geologic Susceptibility Zone Factors Score

1 (low)	
2	
3	
4	
5	
6 (high)	

LIMITATIONS

The deep-landslide susceptibility map was developed following an established protocol (Burns, 2009) that incorporates several types of data. Several limitations are worth noting and understood that this map should not be used as an alternative to site-specific studies at individual sites. Limitations include the following:

1) Scope effort has been made to ensure the accuracy of the GIS and tabular database, but it is not feasible to completely verify all of the compiled input data.

2) As discussed in the explanation section, the process to develop deep-landslide susceptibility zones is based on four factors: 1) landslide inventory data taken from the surrounding inventory map, 2) head scarp buffers, 3) moderate zone buffers, and 4) geologic factors (susceptible geologic units and contacts, slope angles, and preferred direction of movement). All of these parameters are subjective, the level of detail and accuracy of the final susceptibility zone. Because the scope of the hazard zone is a combination of factors, all of which

a. Limitations of the landslide inventory, which are discussed by Burns and Madin (2009).

b. Delineation of head scarp buffers is limited based on the head scarp height (first buffer) and an average of the horizontal visibility of previous or subsequent blocks (second buffer). It is assumed that most large deep landslides have also potential to fail retrogressively upslope; however, while it can always be seen.

c. The additional factors used to delineate the moderate susceptibility zone include susceptible geologic units, susceptible geologic contacts, susceptible slope angles for each sedimentary geologic unit polygon, and susceptible direction of movement for each sedimentary geologic unit polygon. Where Canyon are mentioned and a fault trace is produced, but the delineation of the final sedimentary unit is based on overall overlay of these four factors therefore, the accuracy and precision of the subject data can be overestimated or underestimated.

3) The susceptibility zones are based on the topographic and landslide inventory data available as of the date of publication. Future new landslides may occur that were not mapped or inventoried.

4) The bare-bound digital elevation model data was downloaded statistics changes that may be due to the minimization of extraneous or non-existing cells. Because 3 small number cells (less than 1% of total cell) were found, all of the cells were retained and not removed or merged the natural progression to the model, such features have been included as a conservative approach and therefore must be considered as a site-specific basis.

5) Some landslides in the inventory may have been mitigated, thereby reducing their level of susceptibility. Because it is not feasible to collect detailed site-specific information on every landslide, potential mitigation has been ignored.

REFERENCES

Burns, W.J., 2009, Regional landslide hazard maps of the southwest quarter of the Beaverton quadrangle, West Bull Mountain Planning Area, Washington County, Oregon: Oregon Department of Geology and Mineral Industries Open-File Report O-09-06, 17 p., scale 1:8,000.

Burns, W.J., and Madin, I.P., 2009, Protocol for inventory mapping of landslide deposits from light detection and ranging (lidar) imagery: Oregon Department of Geology and Mineral Industries Special Paper 42, 30 p.

Highland, L., compiler, 2006, Landslide types and processes: U.S. Geological Survey Fact Sheet 2004-3072 (rev. 1.1), 4 p.

PLATE INDEX AND LOCATION MAP



For more of this publication contact:
Nature of the Northwest Information Center
800 NE Oregon Street, Suite 965
Portland, Oregon 97232
Telephone: (971) 673-1555
nwinfo@dogami.oregon.gov

This map was digitized from original source and compiled by Ian Madin, DOGAMI Chief Scientist.

Cartography by William J. Burns and Katherine A. Mickelson, Oregon Department of Geology and Mineral Industries.

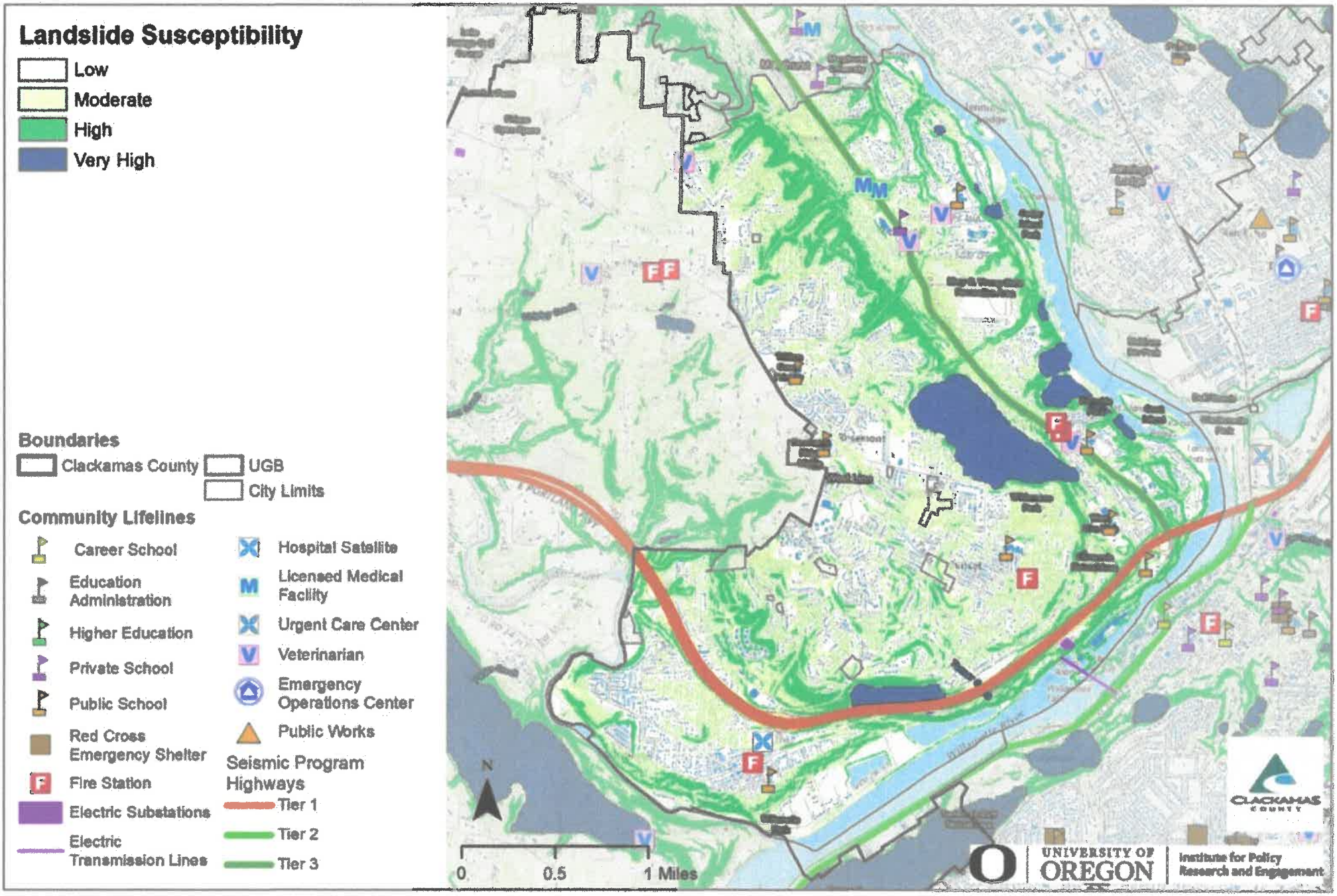
SCALE 1:8,000

IMPORTANT NOTICE

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. This publication cannot substitute for site-specific investigations by qualified practitioners. Site-specific data may give results that differ from the results shown in the publication. See the accompanying text report for more details on the limitations of the methods and data used to prepare this publication.

Figure WL-5 Landslide Susceptibility Exposure

Exhibit 4



Source: Map created by Oregon Partnership for Disaster Resilience.

Data: Oregon Department of Geology and Mineral Industries. Preparedness Framework Implementation Team (IRIS v3).

Note: To view hazard detail click this link to access Oregon HazVu

P. 633 P. 707 of staff report

Exhibit 5

CORNELL, HOWLAND, HAYES & MERRYFIELD
ENGINEERS AND PLANNERS

1600 WESTERN AVENUE • CORVALLIS, OREGON 97330
TELEPHONE: AREA CODE 503/752-4271
OTHER OFFICES IN: SEATTLE • BOISE • PORTLAND

10 November 1969

P. 707

Project No. P5572.0

City of West Linn
West Linn, Oregon 97068

Attention: Mr. Richard W. Dippner, City Administrator

Gentlemen: Willamette Reservoir and FAI-205 Landslide

This letter presents our investigation of the condition of the Willamette Reservoir. The landslide associated with the construction of FAI-205 disrupted the reservoir and the distribution pipelines, as well as damaged several houses and other property located above the work area. This investigation was authorized in September, 1969, to examine the condition of the reservoir and to recommend its repair or abandonment. Conclusions and recommendations are presented at the end of this letter.

INTRODUCTION

Willamette Reservoir is located on the hills above the Cities of West Linn and Willamette, with a water surface elevation of 387. FAI-205 is under construction below the reservoir at about elevation 220, in a side hill excavation with designed slopes of 1 on 1.5 and three benches in the cut slope. On the evening of 10 June 1969, an Oregon State Highway Department (OSHD) inspector discovered cracks in the street and ground in the vicinity of the reservoir.

On 12 June 1969, the inflow and outflow pipes of the reservoir were closed, and the water level in the reservoir dropped 0.75-feet in 2-hours. The reservoir leakage at this time was 320-gallons per minue (gpm). The reservoir inflow and outflow pipes were then opened, but the water surface continued to drop and the reservoir could not be filled. One of the reservoir joints was observed to open 0.01-feet (1/8-inch) in a 24-hour period. On 14 June, 1969, the reservoir was drained and has been out of service since. Construction of a water main to bypass the reservoir area was authorized by the OSHD, and completed one month later on 14 July 1969. The same day the bypass main was placed in service, the 8-inch main serving the City of Willamette was pulled apart by slide movements just below the reservoir.

The condition of the reservoir prior to the June landslide activity is known to be good. In March 1969, the City water superintendent commented that the reservoir leakage had recently increased because of FAI-205 construction blasting.

CITY OF West Linn

Planning Commission Request to Speak

Any information provided may be considered a public record and subject to disclosure.
Each agenda item requires a separate testimony form.

☐ I request to speak during **General Public Comments** – (3 minutes). Please specify topic (*required*):

_____

☒ I request to testify on **CUP-25-02/DR-25-02/WAP-25-01 Proposal for New City of West Linn Operations Support Facility at the vacant parcel east of the Salamo Road/Greene Street intersection (** (5 minutes for all speakers).

☐ **In Support** ☐ **Neither for nor against** ☒ **In Opposition**

Failure to raise an issue by written comment or at the hearing, or failure to provide sufficient specificity to respond to the issue, precludes raising the issue on appeal before the Land Use Board of Appeals. Parties with standing may appeal this decision to the West Linn City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city or its designee to respond to the issue precludes an action for damages in circuit court.

☐ I do not wish to speak; however, I would like to **have standing on CUP-25-02:**

☐ **In Support** ☐ **Neither for nor against** ☐ **In Opposition**

REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02 PLEASE PRINT:

Name: EDWARD SCHWARZ

Name of Organization (if applicable): _____

Address: 2206 TANNLER DR.

City: WEST LINN State OR Zip 97068

Email (optional): _____

CITY OF West Linn

Planning Commission Request to Speak

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□ I do not wish to speak; however, I would like to **have standing on CUP-25-02:**

□ **In Support** □ **Neither for nor against** □ **In Opposition**

REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02 PLEASE PRINT:

Name: Karie Oakes

Name of Organization (if applicable): _____

Address: 1125 Maryhurst DR.

City: West Linn State OR Zip 97068

Email (optional): _____

February 4, 2026

CITY OF West Linn

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_____

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☐ I do not wish to speak; however, I would like to **have standing on CUP-25-02:**

☐ **In Support** ☐ **Neither for nor against** ☐ **In Opposition**

REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02 PLEASE PRINT:

Name: DAVID DODDS

Name of Organization (if applicable): _____

Address: 18931 Old River

City: West Linn State Oregon Zip 97068

Email (optional): _____

CITY OF West Linn

Planning Commission Request to Speak

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☐ I request to speak during **General Public Comments –** (3 minutes). Please specify topic (*required*):

_____

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☑ I do not wish to speak; however, I would like to **have standing on CUP-25-02:**

☐ **In Support** ☐ **Neither for nor against** ☐ **In Opposition**

REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02 PLEASE PRINT:

Name: DAVID DODDS

Name of Organization (if applicable): _____

Address: 18931 Old River Dr.

City: West Linn State Oregon Zip 97068

Email (optional): WLDGDC@comcast.net

February 4, 2026

CITY OF West Linn

Planning Commission Request to Speak

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□ I request to speak during **General Public Comments** – (3 minutes). Please specify topic (*required*):

_____

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□ **In Support** □ **Neither for nor against** X **In Opposition**

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□ I do not wish to speak; however, I would like to **have standing on CUP-25-02:**

□ **In Support** □ **Neither for nor against** □ **In Opposition**

REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02 PLEASE PRINT:

Name: Beth Carr

Name of Organization (if applicable): _____

Address: Hall Ct West Linn

City: _____ State OR Zip 97068

Email (optional): _____

February 4, 2026

CITY OF West Linn

Planning Commission Request to Speak

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Each agenda item requires a separate testimony form.

☒ I request to speak during **General Public Comments** – (3 minutes). Please specify topic (*required*):

Michael Kapigian C.U.P. OPC comments

☒ I request to testify on **CUP-25-02/DR-25-02/WAP-25-01 Proposal for New City of West Linn Operations Support Facility at the vacant parcel east of the Salamo Road/Greene Street intersection (** (5 minutes for all speakers).

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☐ I do not wish to speak; however, I would like to **have standing on CUP-25-02:**

☐ **In Support** ☐ **Neither for nor against** ☐ **In Opposition**

REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02 PLEASE PRINT:

Name: Michael Kapigian

Name of Organization (if applicable): _____

Address: 19500 View DR.

City: West Linn State OR Zip 97068

Email (optional): _____

February 4, 2026

Public Comments from 2/4/2026 until 2/18/2026

CITY OF West Linn

submitted by the applicant at the 2/4/25 PC hearing

Agenda Bill 2021-07-12-05

Date Prepared:	June 23, 2021
For Meeting Date:	July 12, 2021
To:	Jules Walters, Mayor West Linn City Council
From:	Morgan Coffie, Public Works Management Analyst
Through:	Lance Calvert, PE, Public Works Director/City Engineer *LEC* Jerry Gabrielatos, City Manager *JG*
Subject:	Oregon Department of Transportation Surplus Property Acquisition

Purpose
To receive Council approval to acquire surplus property owned by the Oregon Department of Transportation (ODOT) to be used for future construction of a new Operations Facility.

Question(s) for Council:
Does Council wish to expend funds in order to acquire the ODOT property for the purpose of basic city utility operations?

Public Hearing Required:
None required.

Background & Discussion:
For decades, Public Works and Parks operations have been constrained by a lack of space for city maintenance activities. Over several years, staff researched any and all available opportunities for improved space for this type of use. A number of constraints limited options and resulted in the continued use of the existing 2.07 acre facility. This is by far the smallest and most decaying operations facility of any comparable city in the Portland metro area. The existing facility has not changed in size since it was original acquired in 1937 with structures well beyond their useful life, many of which don't meet current building and safety codes or requirements. In addition, none of the existing facilities are seismically resilient at all.

After considerable review and discussion with ODOT staff, the City began the process of acquiring unused ODOT/I-205 right of way for this future purpose. Following federal and state regulations/requirements, the City needed to come to agreement with ODOT on the details of the property, complete survey of the property, appraisal of the property, allow other state and federal agencies to consider their own potential use of the property, and finally purchase the property from ODOT after approval from FHWA due to adjacency to the interstate freeway. Once acquired from ODOT, the city will still need to go through the land use and regulatory process for future use of the property.

Schroder, Lynn

From: Ed Schwarz <ed.schwarz@gmail.com>
Sent: Tuesday, February 17, 2026 6:35 PM
To: Planning Commission (Public)
Cc: Gudelj, Aaron; roberta.schwarz@comcast.net
Subject: Testimony for 2/18/2026 Planning Commission Hearing
Attachments: Additional Testimony to PC Regarding Operations Complex.pdf; Exhibit A - Ordinance Table.pdf; Exhibit B - Ord1653.pdf; Exhibit C - ODOT Internal Email.pdf; Exhibit D - GeoHydroHazmat_Recommendation_8-17-20_with_reports__1_.pdf; Exhibit E - West_Linn_Slide_1969_1972.pdf; Exhibit F - Dr Richard Mishaga List of Vertebrate Species.pdf; Exhibit G - GeoHydroHazmat_Recommendation_8-17-20_with_reports__1_.pdf

CAUTION: External Email – Confirm legitimacy before clicking, opening attachments, or following instructions.

Please add the attached written testimony and exhibits to the public record for the February 18, 2026 Planning Commission Hearing for Item 3. Public Hearing (Quasi-Judicial) Continued from Feb. 4, 2026: CUP-25-02/DR-25-02/WAP-25-01 Proposal for New City of West Linn Operations Support Facility at the vacant parcel east of the Salamo Road/Greene Street intersection.

Thank you.
Ed and Roberta Schwarz
West Linn

February 17, 2026

To: West Linn Planning Commission

Regarding: CUP-25-02 / DR-25-02 / WAP-25-01

To the West Linn Planning Commission,

This is additional testimony submitted by Ed and Roberta Schwarz representing the Savanna Oaks Neighborhood Association. Based on a recent public records request to ODOT, and their response, we have some new information, photos, and documents that are included.

Please add this testimony to the public record for CUP-25-02 / DR-25-02 / WAP-25-01.

Traffic Impact Analysis – CDC 85.170(B)(2)(c)(1)(C)
A Traffic Impact Analysis is required to be submitted with the application, not as a later condition of approval. The Planning Commission needs the TIA to be submitted with the application so it can be taken into account in the decision-making process. Requesting a TIA as a condition of approval is useless as the application will have already been approved.

As it currently stands, the applicant only performed a perfunctory trip generation report at the existing public works facility. **This report was flawed** because it did not take into account all of the trips that will be generated by this new facility. This new Operations Complex will house not just the Public Works Department but also the Parks and Recreation Department, Water Services Department, and Water and Streets Division as per page 3 of the 650-page application. It will also be located on the much busier Salamo Road.

Sound Study – CDC 55.070(2)(h)
This land use proposal is expected to generate noise that may exceed DEQ standards, so the application needs to include a noise study conducted by a licensed acoustical engineer. The noise study should be included with the application, not as a condition of approval.

The Planning Commission needs the noise study to be submitted with the application so it can be considered in the decision-making process. Requesting a noise study as a condition of approval is useless as the application will have already been approved.

Zoning Map – CDC 5.030(C)

Zoning of this property was not done correctly. It was not done until after the purchase of the property by West Linn from ODOT, as per Planner Aaron Gudelj's remarks at 02:50:40 of the video of the February 4, 2026 Planning Commission hearing. He stated, "I know that this property didn't have a zoning designation until we purchased it and then it went through the process of recognizing the zoning at that point and then I believe it was the testimony of Michael Kapigan about the changes in zoning. There was a previous zoning map that was applied to this to apply that R-10 zone seeing that it is in an R-10 area and the surrounding properties are that it was determined that that was an appropriate zone." **This description by Mr. Gudelj is not in keeping with the process used in West Linn to zone property**. The city's Ordinance Table shows no proof that this zoning was done correctly. The proper procedure for zoning property includes a public hearing before the Planning Commission and City Council and includes notification of the affected Neighborhood Associations. It is our contention that this property was not properly zoned and that the zoning should go through the normal process as described above. If the Planning Commission agrees with our contention, the application must be denied until the zoning has been completed using the proper procedure.

Attached are the first three pages of the West Linn Ordinance Table (Exhibit A) and an example of a zoning map change ordinance (Exhibit B) which show the process which should have been used prior to this application and ends in an ordinance being created.

Approval Standards and Conditions – CDC 60.070(A)(3)

Approval of this application will not provide an overall benefit to the city. As evidence submitted in the form of four SLIDO, DOGAMI, and West Linn Natural Hazard Mitigation Plan maps (Exhibits 1-4 of our previous testimony) clearly shows, there is a **very high** landslide susceptibility threat on this property. Geologically recent landslide history also shows that this is a very unstable piece of land that was sold "as-is" as per the sales information from the ODOT documents as submitted in the application. No other state or federal agency wanted to purchase this property. West Linn should not have purchased it either. It makes no sense to house a critical 40,000 sq. ft. Operations Center in such a high risk for landslide area.

Due to a Public Records request recently made to ODOT, and the documents subsequently obtained by us, we wish to add the following information.

In an ODOT document dated July 20, 2020 (Exhibit C) the question came up about what West Linn planned to do with the property. The answer was "**they will be building a city shop—they know about the slope issues**". This 40,000 sq ft Operations Complex with 3 large buildings is not a "city shop". And a very high landslide susceptibility threat is not just "slope issues".

In a Geotechnical Memorandum dated August 17, 2020 (Exhibit D), regarding this surplus property request, it states under the "Discussion" section that "**There is significant uncertainty regarding the landslide**, the construction of the buttress and extent of the buttress. **As previously noted, the existing construction records were deemed incomplete in 1991. The location or disposition of these records is presently unknown**. The landslide likely has a low factor of safety against instability under static conditions. **The seismic stability of this landslide has not been evaluated.**"

And in the next paragraph "….**The seismic stability of the landslide is unknown, but likely marginal at best. No development that could potentially contribute to the seismic instability of the landslide should be allowed**." And in the following paragraph "A significant amount of property was acquired to mitigate the 1969 landslide. Although not a formal policy, **it is ODOT's practice to retain control of properties within landslides that are owned by ODOT, especially where landslide mitigation has been constructed**."

Under the "Recommendations" section, it states: "**We recommend this property be retained by ODOT**. The numerous considerations informing this recommendation are discussed above."

Also see the ODOT map and photos from January 1973 (Exhibit E).

Water Resource Area Protection – CDC 32.010(E)

This proposed 40,000 sq. ft. Operations Complex does not sufficiently "protect and improve the…functions and values" of this WRA that "enhance(s) the value of fish and wildlife habitat." This area should be avoided by the development. Since the creek that is located on the property has a name (Bernert Creek) this is evidence that it was once a fish-bearing body of water. A list of the "Vertebrate Wildlife Observed on the ODOT-Administered Oak Savanna Habitat" (Exhibit F), which was compiled by Dr. Richard Mishaga, retired wildlife ecologist, over an 18-year period (1995-2013) at this area shows 108 species, some of which are noted as federally threatened or as a species of concern.

In an ODOT document dated August 20, 2020, from a staff person from ODOT Region 1 Haz Mat to another staff person at ODOT Region 1Right of Way (Exhibit G) it states "should this property be determined to be more useful as surplus property, the following drainage concerns will need to be addressed: "… the drainage system…is limited, as was demonstrated in 2009 when flooding occurred along the ditchline of I-205 SB, 10th Street and various parcels along Willamette Falls Drive…This deficient system was identified in the West Linn 2006 Surface Water management Plan (2006 SWMP). Any improvements to the property that involves increases to the existing rates of rainfall runoff would necessitate either improving the downstream storm sewer system to facilitate that additional runoff or detention or retention facilities, per the ODOT Hydraulic Manual and Oregon drainage law."

There is no other access besides the one entrance/exit road onto Salamo Rd. This proposal does not meet the criteria for a WRA permit. It has not been shown that there isn't a better location or plan for this Operations Complex.

Summary

In summation, we ask that the Planning Commission deny the application based on non-compliance with the CDC and the other grounds stated above and in our previous testimony on this application. The city should be directed to find a safer, more accessible location for the Operations Complex.

Respectfully submitted,
Ed and Roberta Schwarz
Savanna Oaks Neighborhood Association
West Linn

ORDINANCE TABLE

Link to ordinances passed but not yet codified

Ordinance Number	Passage Date	Description
1768	2025-12-09	Annexation (Special)
1767	2025-12-09	Annexation zoning (Special)
1766	2025-12-09	Amends comprehensive plan (Special)
1765	2025-09-08	Amends §§ 8.500, 8.510, 8.520, 8.530, 8.535, 8.540, 8.560, 8.570, 8.610, 8.620, 8.630, 8.640, 8.650, 8.710, 8.720, 8.730, 8.740, 8.750, 8.760, 8.795, 8.797, 8.798, community tree code and tree removal (8)
1764	2025-07-14	Amends § 7.465, transient lodging tax (7)
1763	2025-10-14	Adds Community Development Code § 05.025; amends Community Development Code §§ 02.030, 24.110(B), 24.120, 55.105(C)(2), 85.170(A)(7), 85.200(A)(3), (A)(5)(b), (B)(3), (B)(6) and (J)(7) and 99.080, density calculations and exemptions and shape of newly created lots (CDC)
1762	2025-06-16	Adds § 6.148, fines for parking violations (6)
1761	2025-06-16	Amends § 6.105, prohibited parking and standing of vehicles, commercial vehicles, trailers, and containers (6)
1760	2025-06-16	Adds § 6.102, painted curb parking prohibition (6)
1759	2025-07-14	Repeals and replaces Ch. 10, utility license and use of the right-of-way (10)
1758	2025-03-17	Adds § 4.071, stormwater management manual (4)
1757		(Number not used)
1756	2025-02-10	Adds § 5.407, attracting or feeding wild animals (5)
1755	2024-12-09	Adds Community Development Code §§ 85.220 and 85.230; amends Community Development Code §§ 02.010, 02.030, 37.010, 37.020, 37.030, 85.070, 99.060, 99.080, 99.250 and 99.325, home occupations and land divisions (CDC)

Ordinance Number	Passage Date	Description
1754	2024-11-12	Amends Community Development Code §§ 01.030(C) and (D), 02.030, 22.060(A), 22.080(C), 32.110(F), 35.030(A)(1)(a), 36.030(D)(5), 41.010, 46.020(A), (C) and (D), 46.030, 46.050, 46.060, 46.070(B), 46.090, 46.150, 48.030(F), 54.020(A), 55.170(C), 56.020(C), 56.100(H), 75.010, 75.030, 96.010(B) and 99.120(A); repeals §§ 46.080, 46.100, 46.140, 56.170 and 75.020(A)(3) [75.020(A)(2)], climate friendly and equitable communities parking reform requirements (CDC)
1753	2024-03-11	Amends §§ 7.450 and 7.467, transient lodging tax (7)
1752	2024-02-12	Right-of-way vacation (Special)
1751	2024-07-08	Amends § 6.105, prohibited parking and standing of commercial vehicles and trailers (6)
1750	2023-09-11	Amends §§ 7.450 through 7.492, transient lodging tax (7)
1749	2023-10-09	Amends zoning map (Special)
1748	2023-10-09	Amends comprehensive plan map (Special)
1747	2023-10-09	Amends comprehensive plan (Special)
1746	2023-07-10	Right-of-way vacation (Special)
1745	2023-09-18	Amends Community Development Code Chs. 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 21, 22, 23, 24, 36, 38, 41, 43, 46, 48, 54, 55, 58, 59, 60, 85, 91, 92 and 99, cleanup ordinance (CDC)
1744	2023-06-20	Adds §§ 5.116, 5.117 and 5.119; amends §§ 5.115, 5.120 and 5.565, camping (5)
1743	2023-06-12	Approves Willamette riverfront tax increment finance area plan (Special)
1742	2023-07-10	Amends Community Development Code Ch. 34, accessory structures, accessory dwelling units, and accessory uses (CDC)
1741	2022-12-05	Adds §§ 2.250, 2.255, 2.260, 2.265, 2.270, 2.275, 2.280, 2.285 and 2.290, police review and recommend committee (2)
1740	2022-09-12	Right-of-way vacation (Special)
1739	2022-12-12	Amends Community Development Code Chs. 2 and 96, street improvement construction (CDC)
1738	2022-06-13	Adds § 2.098, urban renewal agency (2)
1737	2022-04-11	Amends §§ 8.280, 8.285 and 8.295; repeals § 8.290, addresses (8)

Ordinance Number	Passage Date	Description
1736	2022-06-21	Amends Community Development Code §§ 02.030, 08.030, 08.070, 08.090(B), 09.030, 09.070, 09.090(B), 10.030, 10.070, 10.090(B), 11.030, 11.070, 11.090(B), 12.030, 12.070, 12.090(B), 13.030, 13.070, 13.090(B), 14.030, 14.070, 14.090(B), 15.030, 15.070, 15.090(B), 16.030, 16.060, 16.070, 16.090(B), 18.030(6), 19.050(1), 19.060(12), 19.090(B), 21.060(9), 21.090(B), 24.090(A)(1), 24.100(A), 24.130(B), 24.140(A)(3), 24.180(B) and (D)(4), 46.070, 46.090(A) and (F), 46.150(A)(6) and (8), 55.025(C), 59.030, 59.070 and 60.030(B), statutory compliance updates (CDC)
1735	2022-05-16	Amends Community Development Code § 02.030, Chs. 25, 58 and § 99.060, design review (CDC)
1734	2022-02-14	Right-of-way vacation (Special)
1733	2022-01-18	Amends §§ 7.200 through 7.250, alarm systems (7)
1732	2022-02-14	Amends Community Development Code Chs. 2 and 27, flood management areas (CDC)
1731		(Not used)
1730	2021-10-11	Right-of-way vacation (Special)
1729	2021-09-20	Assigns franchise for solid waste, recycling and yard debris collection services from West Linn Refuse and Recycling, Inc. to Kahut Companies Holdings, Inc. (Special)
1728	2021-09-13	Amends §§ 2.005 through 2.075 and 2.085, community advisory groups (2)
1727	2021-07-12	Public utility easement vacation (Special)
1726	2021-08-02	Adopts West Linn Willamette Falls Drive 2021 Conceptual Design Plan (Special)
1725	2021-03-08	Amends §§ 7.450 through 7.488, transient lodging tax (7)
1724		(Not used)
1723	2021-04-12	Adds Ch. 10, utility license and use of the rights-of-way (Repealed by 1759)
1722	2021-02-08	Annexation (Special)
1721	2021-02-08	Annexation (Special)
1720	2020-11-09	Public utility easement vacation (Special)
1719	2020-10-12	Adds § 1.075, gender-neutral language (1)

After Recorder: Please Return to:
City of West Linn – Administration
22500 Salamo Rd.
West Linn, OR 97068
Attn: City Recorder

ORDINANCE NO. 1653

AN ORDINANCE AMENDING THE WEST LINN ZONING MAP FROM R-10 TO R-7 FOR THE PROPERTIES LOCATED AT 1943 AND 1983 13TH STREET

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides: "Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;" and

WHEREAS, the City of West Linn Community Development Code (CDC) Chapter 99 provides approval criteria for quasi-judicial decision-making and Chapter 105 provides approval criteria for amendments to the CDC and maps; and

WHEREAS, the Applicants sought approval for a zoning map amendment at 1943 and 1983 13th Street (Clackamas County Assessor Map 2S-1E-35C, Taxlots 1600 and 1603) to change the zoning from R-10 to R-7; and

WHEREAS, the zoning map amendment requires a modification to the West Linn Zoning Map, which requires a West Linn Planning Commission recommendation and the West Linn City Council to approve by ordinance; and

WHEREAS, the West Linn Planning Commission (PC) held a public hearing, which was noticed in accordance with City standards, on August 17, 2016, and unanimously recommended approval of the Applicants' request; and

WHEREAS, the West Linn City Council held a public hearing, which was noticed in accordance with City standards, on October 10, 2016, to consider the PC recommendation, receive public testimony, and evaluate the decision-making criteria; and

WHEREAS, the Council's decision is based on the findings contained in these Whereas Clauses, together with the findings, conclusions, and substantial evidence found in the associated land use record file ZC-16-01, which is incorporated by this reference.

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. West Linn Zoning Map Amendment. The West Linn Zoning Map shall be amended to show the R-7 boundary as depicted in "Exhibit A: Amended Zoning Map," which is incorporated by this reference, for the properties identified at 1943 and 1983 13th Street and shown on Clackamas County Assessor Map 2S-1E-35C, as Taxlots 1600 and 1603.

Clackamas County Official Records
Sherry Hall, County Clerk
2021-102795
$128.00
02521303202101027950040045
11/22/2021 10:14:34 AM
D-ORD Cnt=1 Stn=53 TIFFANY
$20.00 $16.00 $62.00 $10.00 $20.00

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 3. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 10th day of October, 2016, and duly PASSED and ADOPTED this 10th day of October, 2016.

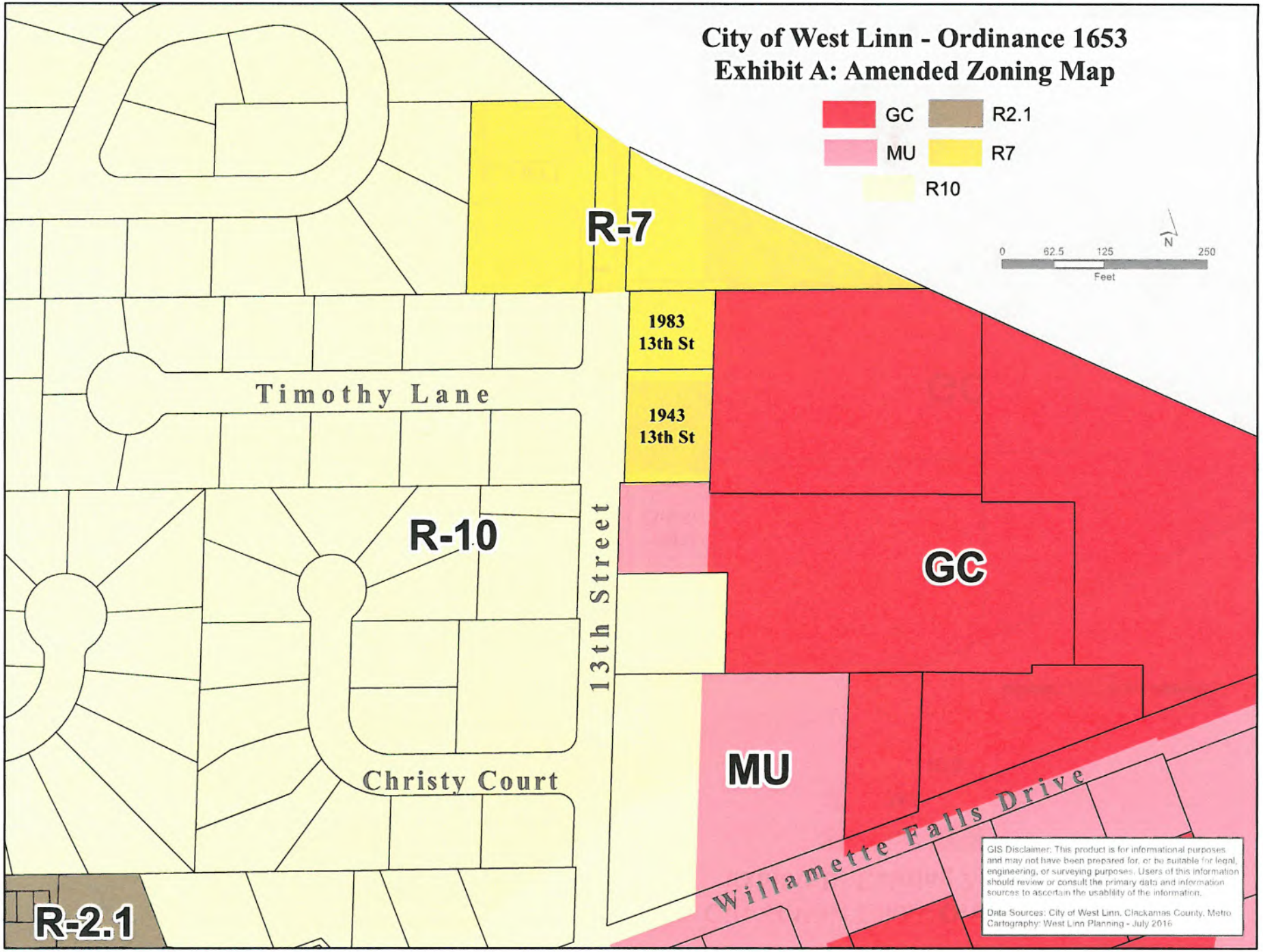
RUSSELL B. AXELROD, MAYOR

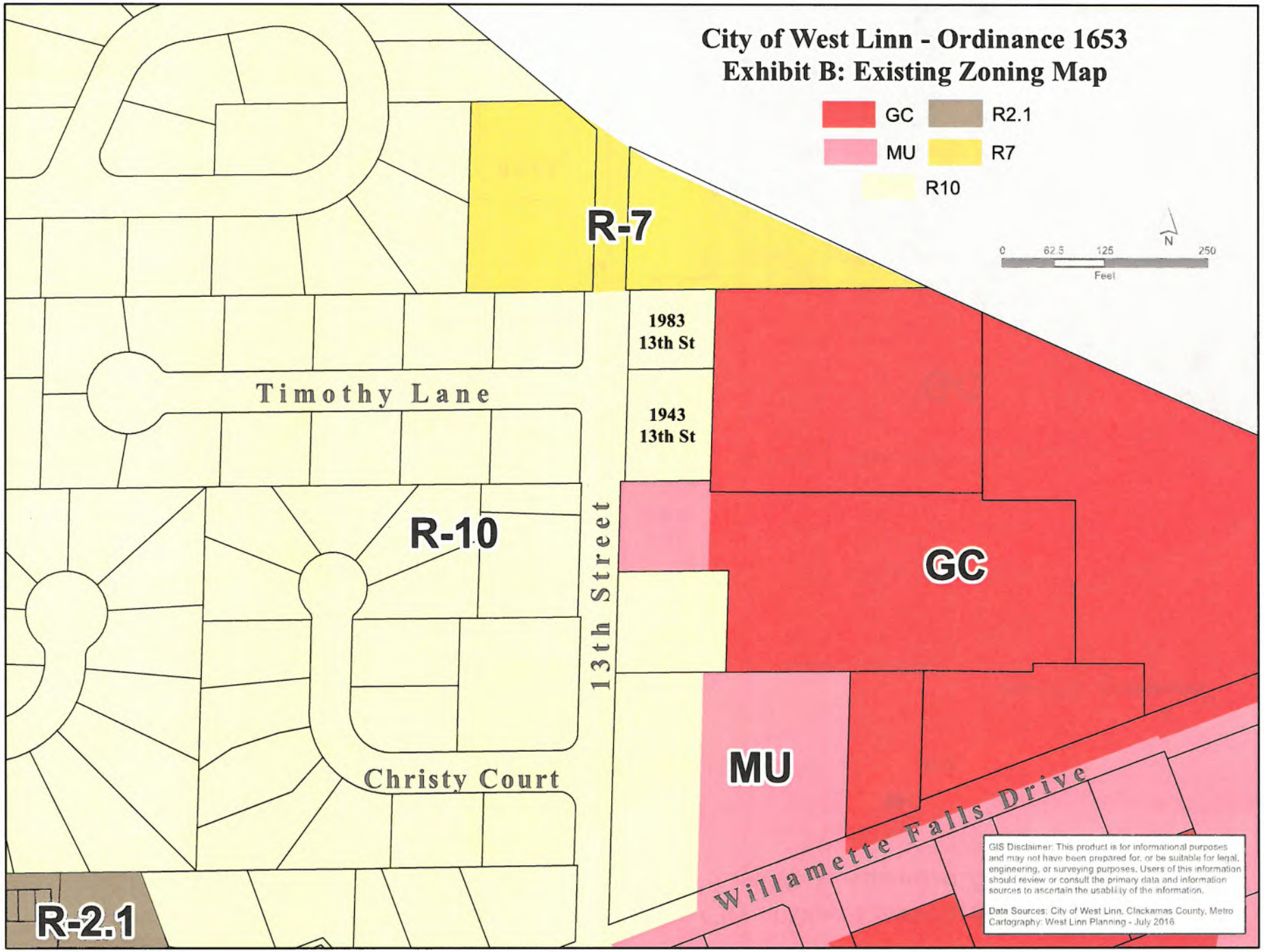
ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY


City of West Linn - Ordinance 1653
Exhibit A: Amended Zoning Map
GC
R2.1
MU
R7
R10
N
0 62.5 125 250
Feet
R-7
1983
13th St
1943
13th St
Timothy Lane
R-10
13th Street
GC
MU
Christy Court
Willamette Falls Drive
R-2.1
GIS Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.
Data Sources: City of West Linn, Clackamas County, Metro
Cartography: West Linn Planning - July 2016


City of West Linn - Ordinance 1653
Exhibit B: Existing Zoning Map
GC
R2.1
MU
R7
R10
N
0 62.5 125 250
Feet
R-7
1983
13th St
1943
13th St
Timothy Lane
R-10
13th Street
GC
MU
Christy Court
Willamette Falls Drive
R-2.1
GIS Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.
Data Sources: City of West Linn, Clackamas County, Metro
Cartography: West Linn Planning - July 2016

Roberta Schwarz

From: MILLER Theodore C
Sent: Monday, July 20, 2020 4:04 PM
To: PATRICK Tamara S * ODOT
Subject: Re: New form for West Linn Surplus Request - GeoHydro form.docx

Follow Up Flag: Follow up
Flag Status: Flagged

They will be building a city shop - they know about the slope issues

---

On: 20 July 2020 15:47,
"PATRICK Tamara S * ODOT" <Tamara.S.PATRICK@odot.state.or.us> wrote:

Will you let Stephen know what the city's plans are for this property? I don't recall what options they were looking at.

Thanks,
--Tamara

From: HAY Stephen <Stephen.HAY@odot.state.or.us>
Sent: Monday, July 20, 2020 3:36 PM
To: PATRICK Tamara S * ODOT <Tamara.S.PATRICK@odot.state.or.us>
Subject: RE: New form for West Linn Surplus Request - GeoHydro form.docx

Tamara –

I just distributed the request to my team. My Geo asked if we know what the City of West Linn would do with the property. This area has a history of slope instability so any information is appreciated.

Thanks.

Stephen Hay, R.G., C.E.G., OPMA
Geo-Hydro-Hazmat Unit Manager
OREGON DEPARTMENT OF TRANSPORTATION, Region 1
123 NW Flanders Street, Portland, Oregon 97209-4012
office: (503) 731-8306 | mobile: (503) 780-2354

From: PATRICK Tamara S * ODOT <Tamara.S.PATRICK@odot.state.or.us>
Sent: Monday, July 20, 2020 2:36 PM

To: HAY Stephen <Stephen.HAY@odot.state.or.us>
Subject: New form for West Linn Surplus Request - GeoHydro form.docx

Please use this form instead of the one for environmental that I previously sent you.

Thanks,
--Tamara

<< File: GeoHydro form.docx >>

Oregon
Kate Brown, Governor

Department of Transportation
Region 1 Geo/Hydro/Hazmat Unit
123 NW Flanders Street
Portland, OR 97209-4012
Phone: (503) 731-3095

GEOTECHNICAL MEMORANDUM
ODOT Region 1 Geo/Hydro/Hazmat Unit

Date: August 17, 2020

To: Tamara Patrick, Senior Property Agent

From: Michael Zimmerman, PE, GE, CEG; Region 1 Senior Engineering Geologist

RE: Surplus Property Request
Highway 064 – East Portland Freeway (I-205), MP 6.75 TO 7.40
41611 – I-205 Slope

A request has been made that ODOT declare surplus a property in the City of West Linn, Oregon. If sold, the property would be transferred to the City of West Linn. The property being requested is located within the area of a large landslide that moved as a result of grading for construction of I-205 in 1969 and includes a significant portion of the buttress and hillside grading constructed to mitigate the 1969 landslide. This memorandum summarizes the geotechnical/geologic considerations for the site and provides our recommendation regarding sale of the property.

Background
The property is located within the area of a large landslide. A portion of this landslide was mobilized in 1969 during the original grading for construction of I-205. As shown on Figure 1, geologic mapping published by Oregon Department of Geology and Mineral Industries (DOGAMI) indicates the pre-historic landslide is significantly larger and extends uphill into the neighborhood to the north (Burns, 2009).

Approximately one-third of the excavation for I-205 had been made when the first indications of landslide movement were observed in June 1969. The landslide is approximately 2,400 ft wide (east to west) and extends about 800 ft upslope to the north of I-205. The landslide movement affected a City of West Linn water reservoir and several residential properties. The affected properties and some surrounding properties needed for the extensive hillside grading required to mitigate the landslide were obtained by the State. The landslide movement was mitigated by re-grading a significant portion of the hillside and constructing a buttress fill in 1971-72. The buttress is about 2,400 ft long (east to west), extending the width of the landslide, and about 400 ft wide (north to south). The acquired land remains State property.

The City of West Linn previously requested to purchase this property between 1988 and 1990 with the intent to construct a 1.75 MG reservoir on the landslide site. A January 9, 1991, memorandum from the ODOT Region 1 Geologist discussing the transfer of the property to the City of West Linn is attached as Appendix A. As discussed in the 1991 memorandum;

1) The buttress was designed with a low margin of stability;
2) There had been no apparent indication of ongoing landslide movement as of 1991; and
3) Existing construction records were incomplete and little was known of the buttress dimensions.

The memorandum also includes discussion of recommendations provided by by Dale Horman, State Attorney, regarding the legal liabilities of transferring the property.

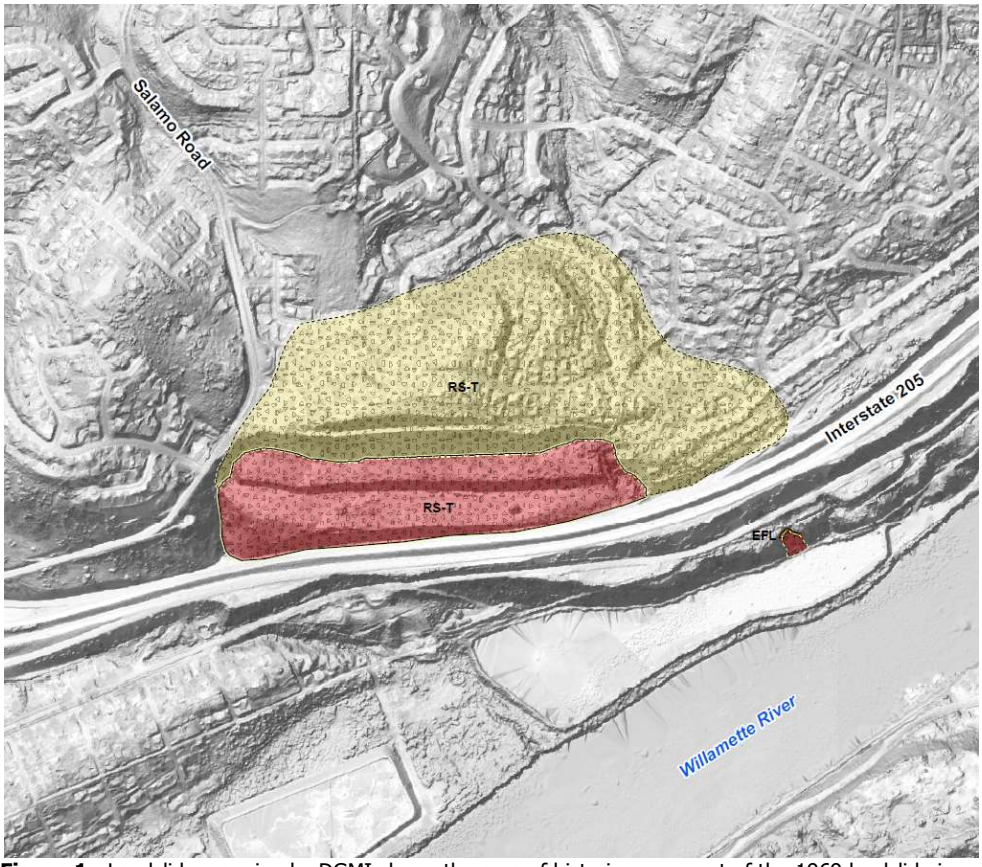


Figure 1. Landslide mapping by DGMI shows the area of historic movement of the 1969 landslide in red and the extent of the larger ancient landslide is shown in yellow (from Burns, 2009)

To our knowledge, there has been no apparent movement of the landslide since 1991. However, there is no ongoing monitoring of the landslide for movement, such as inclinometer casings established in geotechnical borings.

Discussion

There is significant uncertainty regarding the landslide, the construction of the buttress and extent of the buttress. As previously noted, the existing construction records were deemed incomplete in 1991. The location or disposition of these records is presently unknown. The landslide likely has a low factor of safety against instability under static conditions. The seismic stability of this landslide has not been evaluated. Extensive geotechnical and geologic investigations and analyses would be required to evaluate the stability of the landslide.

I-205 is the primary north-south seismic lifeline for the region and significant investment is being made to improve the seismic resilience of this highway. The seismic stability of the landslide is unknown, but likely marginal at best. No development that could potentially contribute to seismic instability of the landslide should be allowed.

A significant amount of property was acquired to mitigate the 1969 landslide. Although not a formal policy, it is ODOT's practice to retain control of properties within landslides that are owned by ODOT, especially areas where landslide mitigation has been constructed.

Grading for construction of I-205 initiated the historic landslide movement. As the responsible party for initiating landslide movement, it is legally difficult to transfer responsibilities for geohazard liabilities to another party. Sale of this property would transfer control of use and development of the landslide mitigation area, while the State would likely remain liable to some extent if movement of this landslide were to occur sometime in the future.

ODOT would retain control of a portion of the landslide mitigation area. This portion is currently used by ODOT Maintenance for laydown and material storage. Partial ownership of the landslide mitigation area would further complicate assignment of responsibility for repair and mitigation if landslide movement resumes at some time in the future.

From a practical perspective, the cost for repairing any future damage to I-205 or adjacent properties associated with this landslide will fall to the State. Legal resolution of landslide related disputes can be protracted. Reaching agreement on the cause of movement can be contentious; making assignment of liability difficult. Repair to I-205 would need to proceed ahead of any resolution. In the event the 1969 landslide were to require further mitigation and repair due to resumed landslide movement, it is unlikely the City or their insurance policy could cover the cost of repairing this landslide. The cost to mitigate the landslide would therefore default to the State.

Before any sale of the requested property, ODOT would need to be assured the landslide will remain stable and that legal provisions contained in the property transfer agreement will completely relieve ODOT of all legal responsibilities for landslide instability resulting from development on this site. However, evaluation of the landslide will be difficult and effective transfer of legal liabilities could be unlikely. Without those assurances, ODOT should retain control of this property.

Recommendations
We recommend this property be retained by ODOT. The numerous considerations informing this recommendation are discussed above.

At most, Region 1 Geo could consider a lease of this property. This would allow ODOT to retain control over development of the site. Development of the leased property would be contingent on an extensive geotechnical/geologic investigation of the landslide to evaluate the effects the proposed development would have on stability of the landslide.

Disclaimer
The discussion of legal liabilities provided in this memorandum is a summary of our understanding and should not be considered to be professional legal advice, or even entirely correct. If sale of this property is considered further, we recommend consulting the State's Attorney regarding the State's potential legal liabilities if landslide movement occurs after the property is sold.

Submitted for ODOT Region 1 Geo/Hydro/Hazmat Unit

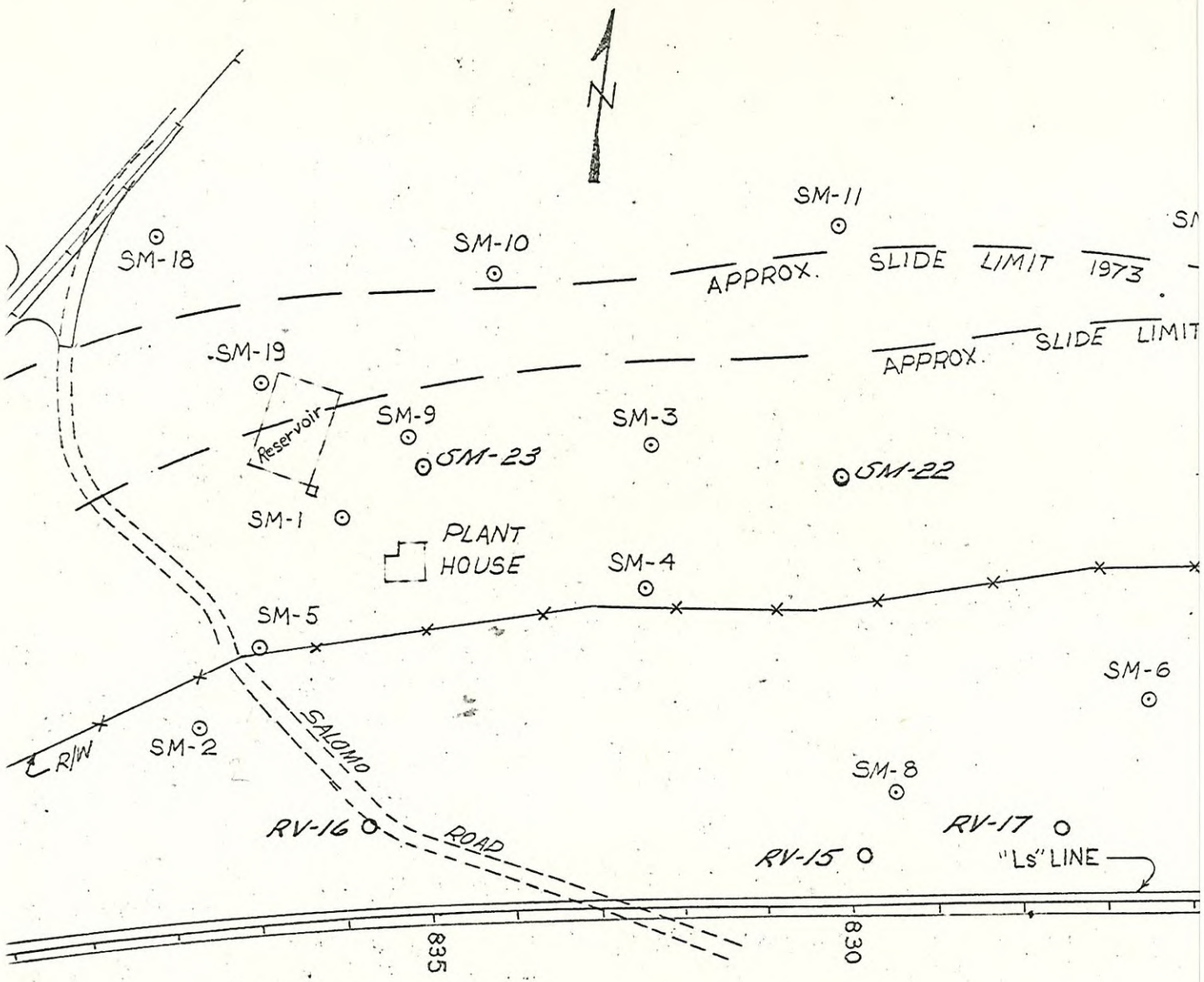
Michael J. Zimmerman, PE, GE, CEG



Senior Engineering Geologist

<u>References:</u>
Burns, W.J., 2009, Landslide inventory maps for the Canby quadrangle, Clackamas, Marion, and Washington counties, Oregon, Oregon Department of Geology and Mineral Industries, Interpretive Map Series IMS-29.

Van Vickle, B., 1991, Siting of City Reservoir, West Linn Slide, I-205, M.P. 7.0, Clackamas County, State of Oregon Geotechnical Engineering Group, Interoffice memo from ODOT Region 1 Geologist.



PLAN
WEST LINN LANDSLIDE

Showing Slide Boundaries
and Test Boring Locations
1" = 200'

PHOTO NO. 1



Plant residence showing effects of the initial slide activity.

PHOTO NO. 2



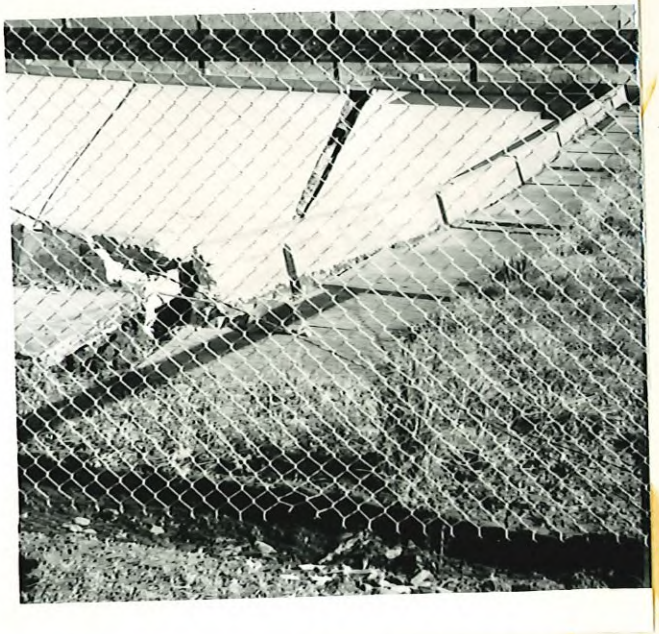
Early stages of slide activity. Slide cracks and vertical displacement near out buildings in vicinity of the Plant residence.

PHOTO NO. 3



Slide cracks and vertical displacement along the top of planned cut slope during early stages of slide activity.

PHOTO NO. 4



Damage to old West Linn Reservoir caused by slide activity

PHOTO NO. 5



Looking S.W. at basalt in base final buttress

PHOTO NO. 6



Looking northeast from completed base of final buttress. Foundation preparation not completed to northeast.

PHOTO No. 7



Looking at slip plane north easterly Portion of slide. Slip plane in greenish area. Water running from zone 2-3 feet above shear zone.

PHOTO NO. 8



Excavation of rock for final buttress West Linn slide.

VERTEBRATE WILDLIFE OBSERVED
ON THE ODOT- ADMINISTERED OAK SAVANNA HABITAT

This list is the compilation of qualitative, casual records of over 100 species of vertebrate wildlife observed on the public lands administered by the Oregon Department of Transportation located between Barrington Drive/ Riverknoll Way and I-205 in West Linn over a 18-yr period (1995-2013).

Prepared by Richard Mishaga, Ph.D., Retired Wildlife Ecologist
3320 Barrington Drive, West Linn, Oregon

No.	SCIENTIFIC NAME	COMMON NAME	STATUS REMARKS
	AMPHIBIANS		
1	*Pseudacris regilla*	Pacific chorus frog	
2	*Plethodon vehiculum*	Western redback salamander	
	REPTILES		
3	*Sceloporus occidentalis*	Western fence lizard	
4	*Charina bottae*	Northern rubber boa	
5	*Pituophis catenifer catenifer*	Pacific gopher snake	
6	*Thamnophis ordinoides*	Northwestern garter snake	
	BIRDS		
7	*Branta canadensis*	Canada goose	
8	*Anas platyrhynchos*	Mallard	
9	*Phasianus colchicus*	Ringed-neck pheasant	
10	*Callipepla californica*	California quail	
11	*Ardea herodias*	Great blue heron	
12	*Cathartes aura*	Turkey vulture	
13	*Pandion haliaetus*	Osprey	
14	*Haliaeetus leucocephalus*	Bald eagle	Delisted Federally Threatened Species
15	*Circus cyaneus*	Northern harrier	
16	*Accipiter striatus*	Sharp-shinned hawk	
17	*Accipiter cooperii*	Cooper's hawk	
18	*Buteo jamaicensis*	Red-tailed hawk	
19	*Falco sparverius*	American kestrel	
20	*Falco peregrinus anatum*	American peregrine falcon	Delisted Federally Endangered Species
21	Charadrius vociferus	Killdeer	
22	*Gallinago delicata*	Wilson's snipe	
23	*Larus canus*	Mew gull	
24	*Larus delawarensis*	Ring-billed gull	
25	*Larus argentatus*	Herring gull	
26	*Patagioenas fasciata*	Band-tailed pigeon	Federal Species of Concern
27	*Zenaida macroura*	Mourning dove	
28	*Tyto alba*	Barn owl	
29	*Megascopis kennicottii*	Western screech owl	
30	*Bubo virginianus*	Great horned owl	
31	*Asio flammeus*	Short-eared owl	Audubon Watch List: Oregon birds critically imperiled
32	*Chordeiles minor*	Common nighthawk	State Critically Sensitive Species in the Willamette Valley
33	*Chaetura vauxi*	Vaux's swift	
34	*Calypte anna*	Anna's hummingbird	

35	*Selasphorus rufus*	Rufous hummingbird	
36	*Melanerpes formicivorus*	Acorn woodpecker	Federal Species of Concern
37	*Picoides pubescens*	Downy woodpecker	
38	*Colaptes auratus*	Northern flicker	
39	*Contopus sordidulus*	Western wood-pewee	
40	*Empidonax traillii brewsteri*	Little willow flycatcher	State Vulnerable Sensitive Species &
			Audubon Watch List: Oregon birds critically imperiled
41	*Tyrannus verticalis*	Western kingbird	
42	*Verio huttoni*	Hutton's vireo	
43	*Vireo gilvus*	Warbling vireo	
44	*Cyanocitta stelleri*	Steller's jay	
45	*Aphelocoma californica*	Western scrub jay	
46	*Corvus brachyrhynchos*	American crow	
47	*Eremophila alpestris*	Horned lark	State Critically Sensitive Species in the Willamette Valley
48	*Tachycineta thalassina*	Violet-green swallow	
49	*Stelgidopteryx serripennis*	Northern rough-winged swallow	
50	*Hirundo rustica*	Barn swallow	
51	*Poecile atricapillus*	Black-capped chickadee	
52	*Psaltriparus minimus*	Bushtit	
53	*Sitta carolinensis*	White-breasted nuthatch	
54	*Certhia americana*	Brown creeper	
55	*Thryomanes bewickii*	Bewick's wren	
56	*Troglodytes aedon*	House wren	
57	*Catharus ustulatus*	Swainson's thrush	
58	*Turdus migratorius*	American robin	
59	*Bombycilla cedrorum*	Cedar waxwing	
60	*Vermivora celata*	Orange-crowned warbler	
61	*Dendroica nigrescens*	Black-throated gray warbler	
62	*Dendroica townsendi*	Townsend's warbler	
63	*Oporornis tolmiei*	MacGillivray's warbler	
64	*Piranga ludoviciana*	Western tanager	
65	*Pipilo maculatus*	Spotted (Rufous-sided) towhee	
66	*Pooecetes gramineus affinis*	Oregon vesper sparrow	Federal Species of Concern &
			State Critically Sensitive Species
67	*Passerculus sandwichensis*	Savannah sparrow	
68	*Melospiza melodia*	Song sparrow	
69	*Zonotrichia leucophrys*	White-crowned sparrow	
70	*Zonotrichia atricapilla*	Golden-crowned sparrow	
71	*Junco hyemalis*	Dark-eyed junco	
72	*Pheucticus melanocephalus*	Black-headed grosbeak	
73	*Passerina amoena*	Lazuli bunting	
74	*Agelaius phoeniceus*	Red-winged blackbird	
75	*Sturnella neglecta*	Western meadowlark	State Critically Sensitive Species in the Willamette Valley
76	*Euphagus cyanocephalus*	Brewer's blackbird	
77	*Molothrus ater*	Brown-headed cowbird	
78	*Carpodacus mexicanus*	House finch	
79	*Carduelis pinus*	Pine siskin	
80	*Carduelis psaltria*	Lesser goldfinch	
81	*Carduelis tristis*	American goldfinch	
82	*Coccothraustes vespertinus*	Evening grosbeak	
	MAMMALS		
83	*Sorex vagrans*	Vagrant shrew	

Vertebrate Species Observed:
ODOT West Linn Property
1995 - 2009

2/24/2014
Richard Mishaga

84	*Scapanus orarius*	Coast mole	
85	*Myotis lucifugus*	Little brown bat	
86	*Sylvilagus bachmani*	Brush rabbit	
87	*Sciurus griseus*	Western gray squirrel	State Potentially Sensitive Species: Status Undetermined
88	*Tamiasciurus douglasii*	Douglas' squirrel	
89	*Spermophilus beecheyi*	California ground squirrel	
90	*Tamias townsendii*	Townsend's chipmunk	
91	*Microtus canicaudus*	Gray-tailed vole	
92	*Peromyscus maniculatus*	Deer mouse	
93	*Canis latrans*	Coyote	
94	*Vulpes vulpes*	Red fox	
95	*Procyon lotor*	Northern raccoon	
96	*Mustela frenata*	Long-tailed weasel	
97	*Mephitis mephitis*	Striped skunk	
98	*Odocoileus hemionus columbianus*	Black-tailed deer	
	INTRODUCED AND/OR INVASIVE SPECIES		
99	*Rana catesbeiana*	Bullfrog	
100	*Didelphus virginiana*	Opossum	
101	*Sylvilagus floridanus*	Eastern cottontail	
102	*Sciurus niger*	Eastern fox squirrel	
103	*Rattus norvegicus*	Norway rat	
104	*Mus musculus*	House mouse	
105	*Felis catus*	Feral house cat	
106	*Colinus virginianus*	Northern bob-white	
107	*Sturnus vulgaris*	European starling	
108	*Passer domesticus*	House sparrow	

Additionally, it might be worthwhile to check with whoever is now employed in Lynn Averbeck's position to see if anyone in upper management believes there is any valid future within ODOT for the development of the Solar Array previously investigated for this site. If so, it would be a shame to surplus this property when It could be put to good use in preserving the environment of our beautiful state.

Now should this property be determined to be more useful as surplus property, the following drainage concerns will need to be addressed:

- At present the drainage system that conveys runoff from the property outlined and/or highlighted on the attached map (see *COWLSWMPfig7.3.JPG* at end of this document) is limited, as was demonstrated in 2009 when flooding occurred along the ditchline of I-205 SB, 10th Street and on various parcels along Willamette Falls Drive.
    - This deficient system was identified in the West Linn 2006 Surface Water Management Plan (2006 SWMP).
- Any improvements to the property that involves increases to the existing rates of rainfall runoff would necessitate either improving the downstream storm sewer system to facilitate that additional runoff or detention or retention facilities, per the ODOT Hydraulic Manual and Oregon drainage law.
- The construction or installation of detention and/or retention facilities may be complicated by the fact that this area appears to have been an unstable slope that was mitigated for during the original construction of the interstate in the 1960s, per information contained in the drainage report (*Stormwater Drainage Report ODOT Solar Array in West Linn*).
- This property has been used extensively over the years by District and others within ODOT to store large objects, e.g., the zipper barrier (between projects)
- The West Linn Solar Array project in 2019-10, as mentioned above I believe Lyn Averbeck was the lead

CITY OF West Linn

Planning Commission Request to Speak

Any information provided may be considered a public record and subject to disclosure.
Each agenda item requires a separate testimony form.

☐ I request to speak during **General Public Comments** – (3 minutes). Please specify topic (*required*):

_____

☒ I request to testify on **CUP-25-02/DR-25-02/WAP-25-01 Proposal for New City of West Linn Operations Support Facility at the vacant parcel east of the Salamo Road/Greene Street intersection** (5 minutes for all speakers).

☒ **In Support** ☐ **In Opposition** ☐ **Neither for nor against**

Failure to raise an issue by written comment or at the hearing, or failure to provide sufficient specificity to respond to the issue, precludes raising the issue on appeal before the Land Use Board of Appeals. Parties with standing may appeal this decision to the West Linn City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city or its designee to respond to the issue precludes an action for damages in circuit court.

REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02. PLEASE PRINT:

Name: Jim Edwards

Name of Organization (if applicable): _____

Address: 19390 Bellevue Way

City: West Linn State OR Zip _____

Email (optional): _____

February 18, 2026

CITY OF West Linn

Planning Commission Request to Speak

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REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02. PLEASE PRINT:

Name: DAVID DODDS

Name of Organization (if applicable): _____

Address: 1893 Old River Dr

City: West Linn State Oregon Zip 97068

Email (optional): _____

February 18, 2026

CITY OF West Linn

Planning Commission Request to Speak

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☐ I request to speak during **General Public Comments** – (3 minutes). Please specify topic (*required*):

OP Center

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REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02. PLEASE PRINT:

Name: Michael KAPLOW

Name of Organization (if applicable): _____

Address: 19500 View DR.

City: West Linn State OR Zip 97068

Email (optional): _____

February 18, 2026

Commissioners:

After review of File No. CUP-25-02/DR-25-02/WAP-25-01 (hereafter CUP) and other relevant City documents I has severe concerns that the proposed CUP development application has not followed relevant and required provisions of the CDC, Comp plan and applicable State law (in particular ORS 197.610) as relates to zoning.

I believe strongly that it is incumbent on the City to follow the highest standards of compliance to Its' own codes when processing its own land-use applications lest public confidence in the entire planning process be compromised and eroded.

Either (or both) the applicant or the City planning staff have failed to address the zoning requirements of CDC Chapter 5 and in particular CDC 5.030(B) and (C) as pertains to the un-zoned portion of the property that occupies the southern area of the application. Those provisions explain that the zone boundaries and designations on the zoning map control (CDC 5.030(B)), and that amendments to the City Zoning Map "may be made in accordance with the provisions of Chapters 98 and 99 CDC" (CDC 5.030(C)).

When this property went through a planning process to create a legal lot of record (File No MIP-21-03, Attached as Exhibit ***) it was repeatedly stated in the Planning Director decision that the southern portion of the property was not zoned or "undesignated;" the decision explains that the property was only "partially zoned." See MIP-21-03 Decision, Executive Summary. In the Staff Finding 14, the City concluded, "no residential development is proposed at this time, future anticipated uses are expected to be non-residential in nature and the property is not fully zoned." Staff Finding 21 states, "the proposed parcel is only partially zoned making the ultimate density standard indeterminate at this time."

Most tellingly the City concluded in Staff Finding 45 "[a]s discussed in Staff Finding 21, the proposed parcel is only partly zoned making the ultimate density standard indeterminable at this time. Future development of the parcel is not anticipated to be residential in nature, and compliance with density standards will be ensured through future development applications that *are likely to include a comprehensive and zoning map amendment*." (emphasis added)

So to restate, the City and its Planning Staff anticipated that this property would go through a zoning and comp plan amendment upon future development.

Turning to the CUP the states on page 7 "The site (tax lots 21E35D5400 and 21E3602300 is not currently zoned, but it was noted in the pre-application conference that the property has a zoning designation given by the City Council on December 14, 1983 of low density residential"

I am at a loss to understand what City Council actions 43 years ago have to do with the current application. Any zoning from 1983 has been subsequently updated and removed. The current, and up to date, City zoning map clearly shows that the southern portion of the property is not zoned and that part of the development proposal will occur directly in that un-zoned portion. Whether or not this property had a zoning map designation in 1983 is immaterial since somewhere between then and now the official zoning map and comp plan have changed. Land use applications must comply with current code and zoning. The applicant might as well try submit the CUP under the CDC as it existed in 1983 or 1997 or 2005. Chapter 5 of the CDC clearly states that the Planning Director must maintain an up to date zoning map. Chapter 5 of the CDC also explains that the current zoning map controls.

Without a zoning designation I asserts that it is impossible to ascertain whether the proposed use is in compliance with relevant CDC zone requirement. Furthermore, since the proposed use is clearly not residential a nonresidential zone such as light industrial might be more appropriate.

I suggests that the applicant withdraw the application and resubmit it with a comprehensive and zoning map amendment. It is clearly acknowledged by both the planning staff in the MIP decision and the applicant in the CUP application that a portion of the property is not zoned. The solution is straight forward include a zoning map amendment as part of the application. I has not at this time filed a complaint with the Land Conservation and Development Commission pursuant to ORS 197.610, but if the application proceeds as it is currently constituted then that will be the next logical step.

Please see in exhibits 1,2 and 3 respectively a copy of the current City zoning map, City comp plan map and CUP site plan.

Thank you,

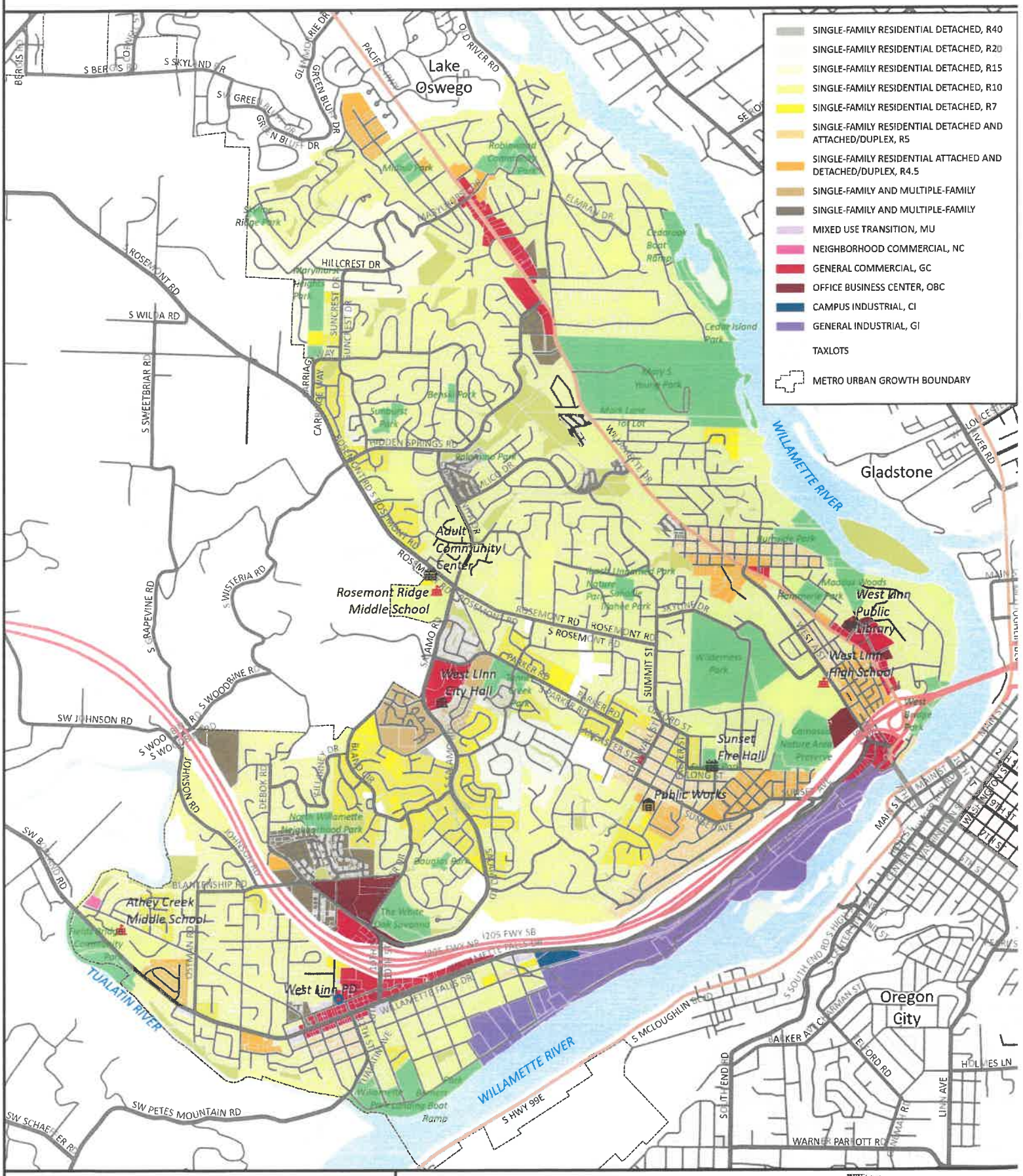
Mike Kapigian 2-18-2026

City of West Linn

Zoning

EX #1

November 2023



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

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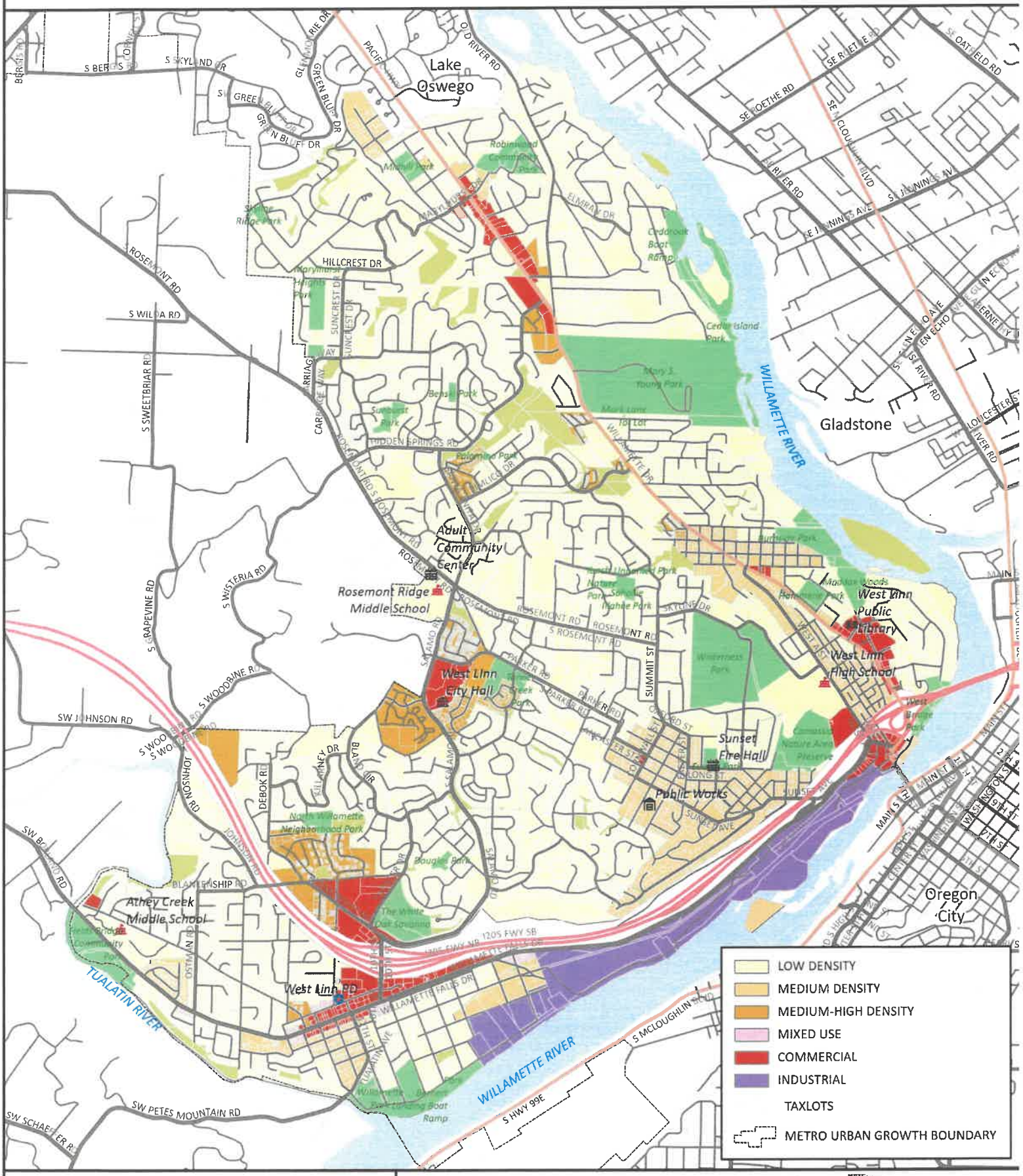
West Linn GIS GEOGRAPHIC INFORMATION SYSTEMS

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EX #2

City of West Linn Comprehensive Plan

November 2023



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

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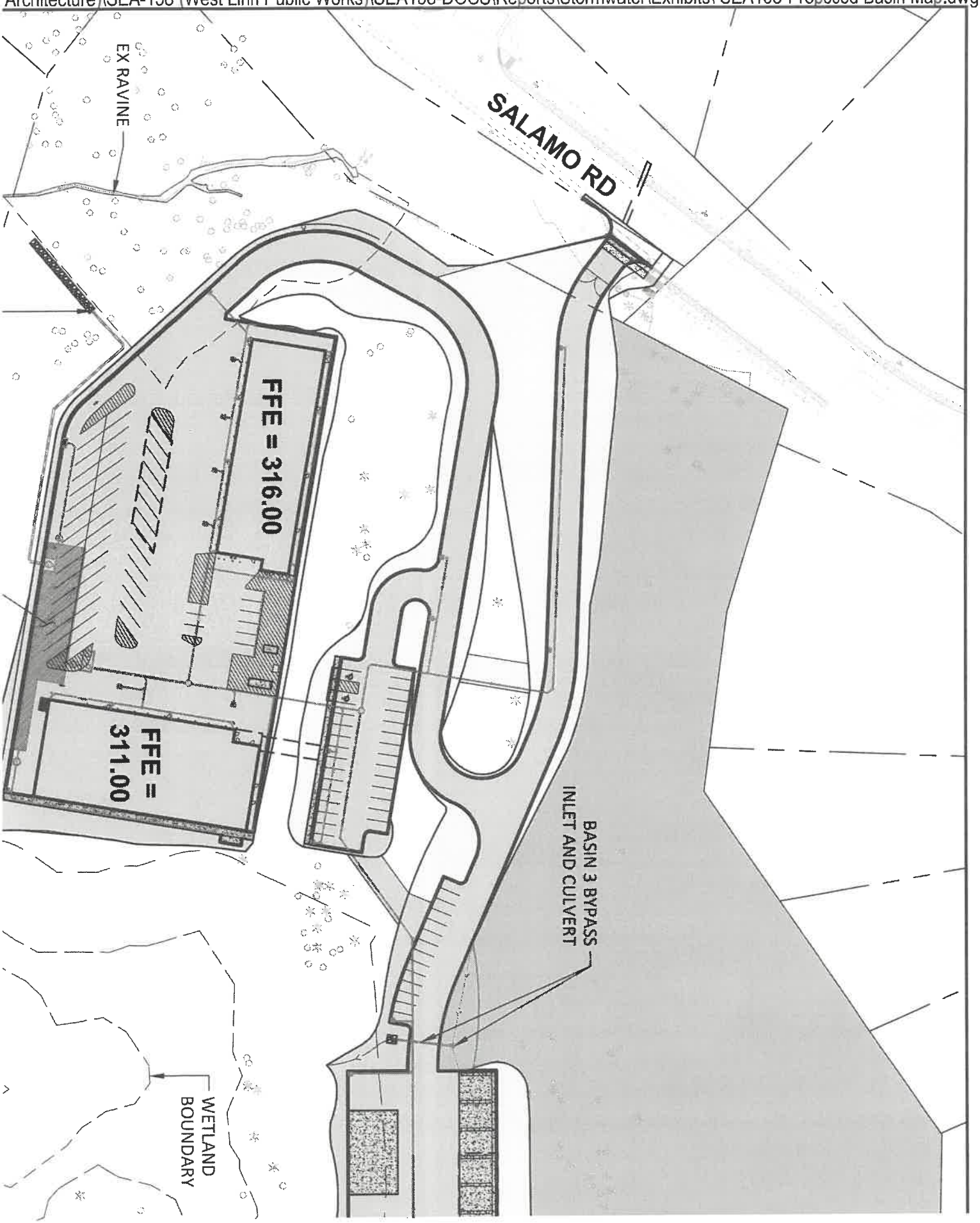
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West Linn GIS GEOGRAPHIC INFORMATION SYSTEMS

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EX #3

Architecture)\SEA-158 (West Linn Public Works)\SEA158-DOCS\Reports\Stormwater\Exhibits\ SEA158-Proposed Basin Map.dwg



EX 4

West Linn

WEST LINN PLANNING DIRECTOR
NOTICE OF FINAL DECISION
FILE NO. MIP-21-03

On January 7, 2022, the West Linn Planning Manager approved a request to create a legal lot of record out of existing Oregon Department of Transportation (ODOT) right of way located northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights. The purpose of the action is to facilitate the transfer of approximately 32.98 acres land from ODOT to the City of West Linn. No development is proposed as part of this application.

The Final Decision and Order and application for MIS-21-03 are posted on the City's website, https://westlinnoregon.gov/planning/odot-row-east-salamo-drive-and-north-i-205-minor-partition. Alternatively, the Final Decision and Order, complete application, and all documents or evidence are available for inspection at City Hall at no cost. Copies may be obtained at a reasonable cost.

Persons who have established standing in this matter may appeal this decision to the West Linn City Council within 14 days of the Final Decision Notice mailing date pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes.

Appeals must be filed with the West Linn Community Development Department with the $400 appeal fee by 5:00 pm. An appeal must include:

- The $400 appeal fee;
- A reference to the decision (project number) to be appealed;
- The name, address, and signature of the appellant; and
- A statement explaining how the petitioner qualifies as a party of standing, as provided by CDC 99.140.
- The appeal application may state the grounds for appeal.

Any questions should be directed to John Floyd, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-6058 or jfloyd@westlinnoregon.gov.

Mailed January 7, 2022.

Therefore, this decision becomes effective at 5 p.m., January 21, 2022.

Mailing List for Parties of Record for MIP-21-03

Casey Thompson
ODOT Property Management
Tpbu G. Bolden
Joshua Dodson
Karie Oaks

GENERAL INFORMATION

APPLICANT:	City of West Linn Attn: Casey Thompson 22500 Salamo Road West Linn, OR 97068
OWNER:	ODOT Property Management 4040 Fairview Industrial Drive SE, MS#@ Salem, OR 97302-1145
SITE LOCATION:	Approximately 32.98 acres northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights.
SITE SIZE:	32.98 Acres
LEGAL DESCRIPTION:	Approximately 32.98 acres of ODOT right of way located within S.E. ¼ Section 35 and S.W. ¼ Section 36, T.2S, R.1E, W.M. City of West Linn, Clackamas County, Oregon
COMP PLAN DESIGNATION:	Low-Density Residential and partially undesignated
ZONING:	R-10, Single-Family Residential Detached (10,000 sq. ft. min. lot size) and partially undesignated
APPROVAL CRITERIA:	Community Development Code (CDC) Chapter 11: Single-Family Residential Detached, R-10 Chapter 32: Water Resource Area Protection Chapter 48: Access, Egress and Circulation Chapter 85: Land Division, General Provisions Chapter 92: Required Improvements Chapter 99: Procedures for Decision Making: Quasi-Judicial.
120-DAY RULE:	The application became complete on December 14, 2021. The 120-day period ends April 13, 2022.
PUBLIC NOTICE:	Notice was mailed to property owners within 500 feet of the subject property, the Savanna Oaks and BHT neighborhood associations, Clackamas County, and potentially affected state agencies December 14, 2021. A sign was placed on the property on December 14, 2021. The notice was also posted on the City's website on December 14, 2022. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant, City of West Linn, is seeking approval for a single-lot partition to create a legal lot of record out of existing Oregon Department of Transportation (ODOT) right of way. The location of the proposed parcel is northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights. The purpose of the action is to facilitate the transfer of approximately 32.98 acres of surplus land from ODOT to the City of West Linn, to be used for the future construction of a new Operations Facility under a separate development application (Exhibit PD-1).

The proposed parcel is undeveloped and steeply sloped with a relatively flat bench of land at the lower (southern) portion of the property, with an approximate 200 foot elevation difference from top to bottom. Vegetation consists of scattered tree cover. Bernert creek, an inventoried stream on the City's Water Resource Area Map, flows across the southwest corner of the proposed parcel.

The western boundary of the proposed parcel is Salamo Road, with approximately 653 linear frontage providing for future utility and transportation access. The northern and eastern boundaries of the proposed parcel adjoin single-family homes in Barrington Heights, and the southern boundary will abut I-205 right of way.

Due to the long status of this land as I-205 right of way, only a portion of the proposed parcel has a Comprehensive Plan and Zoning designation. The northerly part of the proposed parcel is designated for low density residential and zoned R-10, while the lower and most developable part of the parcel is undesignated.

No development is proposed as part of this application. Any future development of the property will be considered under a future application. As the affected land is only partially zoned, future development applications are likely to include a request to amend the City's Comprehensive Plan Map and Zoning Map to apply land use designations and applicable zoning to the entirety of the parcel.

Public Comments:

Two public comments were received by email (Exhibit PD-4).

The first comment was submitted by Joshua Dodson in an email dated December 22, 2021. The email expressed concern regarding the implementation of HB 2001 and potential residential development of the property. The comment then proposes the transfer of a portion of the new parcel to the adjoining homeowners to "preserve good relations, good views, and eliminate future development in this wild natural open space along the top ridge."

In response, the Planning Manager (designee) notes that the northerly portion of this property is currently zoned for residential development or uses deemed to be compatible with residential development in the R-10 zone (CDC 11.030-060), and no specific conflict with relevant approval criterion or standard for a minor land partition was cited. Additionally, no development is proposed at this time and any future development is likely to be a public facility at the lower portion of the property and will proceed under a separate application.

The second comment was submitted by Karie Oaks in an email dated January 3, 2022. The email expressed concern that statutory requirements were not met regarding the content of the public notice and the application materials submitted. Specifically, Ms. Oakes stated a concern that the earliest date of decision by the Planning Director was not included in the notice, and that the application materials lacked an existing conditions map.

In response to the second comment, staff will note that the notice documents specify a deadline of 4pm on January 3, 2022 for comments to be considered by the Planning Manager as part of the decision-making process (Exhibit PD-3). As for the existing conditions map, the Planning Manager finds the large scale GIS maps to satisfy the requirement as no development is proposed at this time, and the GIS maps provided with the application provide a sufficient level of detail regarding the location of the riparian resource on a small portion of the 32.98 acre parcel (Exhibit PD-1). This decision is consistent with CDC 99.035(B) that permits the Planning Director or designee to waive a specific requirement if that information is not necessary to evaluate the application. Such information will be required at the time of development and an existing conditions map will be required as part of the future application when the information is more directly relevant.

DECISION

The Planning Manager (designee) approves this application (MIP-21-03), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan. With the exception of modifications required by these conditions, the final plat shall conform to the Record of Survey dated June 11, 2020 and included in Exhibit PD-1 of this decision.**

2. **Undergrounding of Utility Lines. Future development on the proposed parcel shall underground existing overhead utilities along the Salamo Road frontage prior to final inspection, consistent with CDC 85.200(J)(6).**

The provisions of the Community Development Code Chapter 99 have been met.

John M. Floyd

John Floyd, Associate Planner

January 7, 2022
Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is $400. An appeal to City Council of a decision by the Planning Director shall be heard on the record. The appeal must be filed by an individual who has established standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 7TH day of January 2022.

Therefore, the 14-day appeal period ends at 5 p.m., on January 21, 2022.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-21-03

This decision adopts the findings for approval contained within the applicant's submittal, with the following exceptions and additions:

CHAPTER 11, SINGLE FAMILY RESIDENTIAL DETACHED, R-10
11.060 CONDITIONAL USES
(...)
3. Public safety facilities.
4. Public support facilities.
(...)

Staff Finding 1: The existing property is undeveloped. No new development is proposed, however, the future use of the property for a city operations facility would be allowed subject to conditional use review. The application states this review will occur as part of a future and separate application. This standard is not applicable.

11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
1. The minimum lot size shall be 10,000 square feet for a single-family detached unit:
2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
3. The average minimum lot width shall be 50 feet.
(...)

Staff Finding 2: Staff incorporates the applicant's findings regarding lot dimensions: *"The proposed parcel is 1,436,402 square feet, which exceeds the minimum requirement. The survey demonstrates the proposed parcel will have 653.83 feet of frontage on Salamo Road, which exceeds the minimum requirement. The survey demonstrates the proposed parcel is variable in width, and will have an average width of approximately 500 feet, which exceeds the minimum requirement."*
Dimensional standards applicable to buildings or structures are not applicable as no development is proposed at this time. Therefore the applicable standards are met.

CHAPTER 32, WATER RESOURCE AREA PROTECTION
32.020 APPLICABILITY
A. THIS CHAPTER APPLIES TO ALL DEVELOPMENT, ACTIVITY OR USES WITHIN WRAS IDENTIFIED ON THE WRA MAP. IT ALSO APPLIES TO ALL VERIFIED, UNMAPPED WRAS. THE WRA MAP SHALL BE AMENDED TO INCLUDE THE PREVIOUSLY UNMAPPED WRAS.
(...)

Staff Finding 3: Staff incorporates the applicant's findings: *"This chapter is applicable as a mapped stream lies within the project boundary. Applicant is looking to create a legal lot of record from surplus ODOT property used as right-ofway. All new development and future uses of the property will require a new land use Application."*
As no development is proposed at this time, this chapter is not applicable.

CHAPTER 48, ACCESS CONTROL
48.020 APPLICABILITY AND GENERAL PROVISIONS
(...)
B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.
C. No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and circulation requirements are to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.
(...)

Staff Finding 4: The proposed lot will have over 650 linear feet of frontage along Salamo Road. No development is proposed at this time, and future development applications will provide scaled plans demonstrating how access, egress, and circulation requirements of CDC Chapter 48 are to be fulfilled. These standards are met or will be met at the time of future development.

48.025 ACCESS CONTROL
A. Purpose. The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the West Linn Transportation System Plan.
B. Access Control Standards
(...)

Staff Finding 5: The proposed application is to create one legal lot of record and no development is proposed at this time, but will be met through a future development application. Therefore, these standards do not apply.

C. Street connectivity and formation of blocks required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:
1. Block length and perimeter. The maximum block length shall not exceed 800 feet or 1,800 feet along an arterial.
2. Street standards. Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.

3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of CDC 85.200(C), Pedestrian and Bicycle Trails, or cases where extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations preclude implementation, not just inconveniences or design challenges.

Staff Finding 6: The proposed single-lot partition does not include development or the formation of blocks or any new public or private streets or access ways. No through-street connections are possible due to existing development, and the steep slopes of the property and presence of Bernert Creek will limit the future development of new blocks. The requirements of CDC Chapter 92 are address in Staff Finding 47 below. These standards are met or not applicable.

CHAPTER 85, GENERAL PROVISIONS
85.140 PRE-APPLICATION CONFERENCE REQUIRED
A. An applicant shall participate in a pre-application conference with staff prior to the submission of a complete tentative plan.
B. The Planning staff shall explain the applicable plan policies, ordinance provisions, opportunities, and constraints which may be applicable to the site and type of proposed land division.
C. The City Engineering staff shall explain the public improvement requirements which may be applicable to the site and type of proposed land division, including potential for the applicant to apply for a waiver of street improvements.

Staff Finding 7: A pre-application meeting was held on October 21, 2021 under PA-21-17. This standard is met.

85.160 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN
A. A City-wide map shall identify the site. A vicinity map covering one-quarter-mile radius from the development site shall be provided in the application showing existing subdivisions, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

Staff Finding 8: The tentative plan (labelled record of survey) included with the application provides a vicinity view and includes adjacent subdivisions and streets (Exhibit PD-1). This standard is met.

B. The tentative subdivision plan shall be prepared by a registered civil engineer and/or a licensed land surveyor. A stamp and signature of the engineer or surveyor shall be included on the tentative subdivision plan. A tentative minor partition plan (three lots or less) is only required to be drawn to scale and does not have to be prepared by an engineer or surveyor.

Staff Finding 9: The tentative plan included with the application for a single-lot partition was prepared, stamped, and signed by Centerline Concepts, a licensed land surveyor in the State of Oregon. This standard is met.

C. The tentative plan of a subdivision or partition shall be drawn at a scale not smaller than one inch equals 100 feet, or, for areas over 100 acres, one inch equals 200 feet.

Staff Finding 10: The tentative plan included with the application for a single-lot partition was drawn at scales between 1inch equals 60 feet to one-inch equals 200 feet. This standard is met.

D. The following general information shall be shown on the tentative plan of subdivision or partition:

1. Proposed name of the subdivision and streets; these names shall not duplicate nor resemble the name of any other subdivision or street in the City and shall be determined by the City Manager or designee. Street names should be easily spelled, pronounced, and of limited length. All new street names must, to the greatest extent possible, respect and be representative of the surrounding geography and existing street names. Street names should consider any prominent historical City figures or neighborhood themes that exist. Subdivision street names may not reference names of the builder or developer.

2. Date, north arrow, scale of drawing, and graphic bar scale.

3. Appropriate identification clearly stating the drawing as a tentative plan.

4. Location of the proposed division of land, with a tie to the City coordinate system, where established, and a description sufficient to define its location and boundaries, and a legal description of the tract boundaries.

5. Names and addresses of the owner, developer, and engineer or surveyor.

Staff Finding 11: The proposed single-lot partition is not a subdivision nor are new streets proposed or required at this time, therefore names for either are not required. All other submittal requirements are present on the proposed drawing by Centerline concepts that describes the parcel to be created. These standards are met.

E. The following existing conditions shall be shown on the tentative plan of a subdivision or partition:

1. The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements and other important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments.

2. Contour lines related to the U.S. Geological Survey datum or some other established benchmark, or other datum approved by the Planning Director and having the following minimum intervals:

- *a. Two-foot contour intervals for ground slopes less than 20 percent.*
- *b. Five-foot contour intervals for ground slopes exceeding 20 percent.*

3. The location of any control points that are the basis for the applicant's mapping.

4. The location, by survey, and direction of all watercourses and areas subject to periodic inundation or storm drainageway overflow or flooding, including boundaries of flood hazard areas as established by the U.S. Army Corps of Engineers or the City zoning ordinance.
5. Natural features such as rock outcroppings, wetlands tied by survey, wooded areas, heritage trees, and isolated trees (six-inch diameter at five feet above grade) identified by size, type, and location. All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2), and all heritage trees, shall be delineated. Trees on non-Type I and II lands shall have their "dripline plus 10 feet" protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area.
6. Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after platting.
7. Identify the size and location of existing sewers, water mains, culverts, drain pipes, gas, electric, and other utility lines within the site, and in the adjoining streets and property.
8. Zoning on and adjacent to the tract.
9. Existing uses to remain on the adjoining property and their scaled location.
10. The location of any existing bicycle or pedestrian ways.
11. The location of adjacent transit stops.

Staff Finding 12: The proposed plan for the single-lot partition includes all adjacent subdivisions, streets, and survey information as required above. No existing structures or land uses are present on the proposed parcel, no bicycle or pedestrian ways adjoin the property, and no tri-met stops are proximate, therefore those standards are not applicable. Due to the size of the property and the fact that the application exists to create a legal lot of record to facilitate a land transfer of interstate right-of-way from the state to the city and future development of the property will proceed under a separate application, the applicant has provided maps created by the City of West Linn GIS system that demonstrate existing contours, an existing watercourse, zoning, and an aerial photograph indicating general tree cover. The Planning Director finds the scale sufficient per CDC 99.035(B) and proportionate to the action being proposed. This standard is met.

F. The following proposed improvements shall be shown on the tentative plan or supplemental drawings:
1. The street – street location, proposed name, right-of-way width, and approximate radius of curves of each proposed street and street grades. Proposed street names shall comply with the street naming method explained in CDC 85.200(A)(12).
2. The type, method, and location of any erosion prevention and sediment control measures and/or facilities in accordance with the most current version of Clackamas County's Erosion/Sedimentation Control Plans Technical Guidance Handbook, which are necessary to prevent and control visible or measurable erosion as determined by the following criteria:
(...)
3. Any proposed infrastructure improvements that address those identified in the City Transportation System Plan.
4. Any proposed bicycle or pedestrian paths. The location of proposed transit stops.
5. Any easement(s) – location, width, and purpose of the easement(s).

6. The configuration including location and approximate dimensions and area of each lot or parcel, and in the case of a subdivision, the proposed lot and block number.
7. A street tree planting plan and schedule approved by the Parks Department.
8. Any land area to be dedicated to the City or put in common ownership.
9. Phase boundaries shall be shown.

Staff Finding 13: The application does not propose or require any development or dedication listed above. These standards do not apply.

85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN
A. General.
1. Narrative stating how the plan meets each of the applicable approval criteria and each subsection below.
2. Statement or affidavit of ownership of the tract (County Assessor's map and tax lot number).
3. A legal description of the tract.
4. If the project is intended to be phased, then such a proposal shall be submitted at this time with drawing and explanation as to when each phase will occur and which lots will be in each phase.
5. Where the land to be subdivided or partitioned contains only a part of the contiguous land owned by the developer, the Commission or Planning Director, as applicable, shall require a master plan of the remaining portion illustrating how the remainder of the property may suitably be subdivided.
6. Where the proposed subdivision site includes hillsides, as defined in CDC 02.030 Type I and II lands, or any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the requirements for erosion control as described in CDC 85.160(F)(2) shall be addressed in a narrative.
7. Table and calculations showing the allowable number of lots under the zone and how many lots are proposed.
8. Map and table showing square footage of site comprising slopes by various classifications as identified in CDC 55.110(B)(3).

Staff Finding 14: The application materials in Exhibit PD-1 include a narrative, a sales contract for purchase of the land from ODOT, and a legal description of the tract. No phasing is proposed and the remainder of the ODOT property not being transferred will remain in use by the agency for interstate highway purposes. No development is proposed or required as part of this application, therefore no erosion control measures are proposed required. No residential development is proposed at this time, future anticipated uses are expected to be non-residential in nature, and the property is not fully zoned. Therefore the allowable number of lots is neither known nor relevant. Pursuant to CDC 99.035(B), the Planning Director has found that a map and table of slopes by various classifications is not relevant or applicable to this project whose purpose is to create a legal lot of record to facilitate a surplus land transfer from the state, and does not include or require any physical development

B. Transportation.

1. Centerline profiles with extensions shall be provided beyond the limits of the proposed subdivision to the point where grades meet, showing the finished grade of streets and the nature and extent of street construction. Where street connections are not proposed within or beyond the limits of the proposed subdivision on blocks exceeding 330 feet, or for cul-de-sacs, the tentative plat or partition shall indicate the location of easements that provide connectivity for bicycle and pedestrian use to accessible public rights-of-way.

Staff Finding 15: No street construction is proposed or required. This standard does not apply.

2. Traffic Impact Analysis (TIA).

(...)

c. When required. A Traffic Impact Analysis may be required to be submitted to the City with a land use application, when the following conditions apply:

1) The development application involves one or more of the following actions:

(A) A change in zoning or a plan amendment designation; or

(B) Any proposed development or land use action that ODOT states may have operational or safety concerns along a State highway; and

(C) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

(1) An increase in site traffic volume generation by 250 average daily trips (ADT) or more (or as required by the City Engineer); or

(2) An increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day; or

(3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or

(4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or

(5) A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area.

Staff Finding 16: The application does not include a change in zoning. ODOT did not comment on the application or otherwise expressed operational or safety concerns related to the transfer of surplus land. As no development or change of use is proposed, none of the listed effects are triggered. Therefore, these standards do not apply.

C. Grading.

1. If areas are to be graded, a plan showing the location of cuts, fill, and retaining walls, and information on the character of soils, shall be provided. The grading plan shall show proposed and existing contours at intervals per CDC 85.160(E)(2).

Staff Finding 17: No grading is proposed or required. These standards do not apply.

D. Water.
1. A plan for domestic potable water supply lines and related water service facilities, such as reservoirs, etc., shall be prepared by a licensed engineer consistent with the adopted Comprehensive Water System Plan and most recently adopted updates and amendments.
2. Location and sizing of the water lines within the development and off-site extensions. Show on-site water line extensions in street stubouts to the edge of the site, or as needed to complete a loop in the system.
3. Adequate looping system of water lines to enhance water quality.
4. For all non-single-family developments, calculate fire flow demand of the site and demonstrate to the Fire Chief. Demonstrate to the City Engineer how the system can meet the demand.

Staff Finding 18: Staff adopts the applicant's findings: *"There is an existing 10" ductile iron water main in Salamo Road with adequate capacity to serve the proposed parcel and future development thereof. The engineer's memo on this topic is attached as Exhibit C."*
The memo referenced was prepared by Amy Pepper, P.E., Senior Project Engineer for City of West Linn and is contained in Exhibit PD-1. This standard is met.

E. Sewer.
1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan and subsequent updates and amendments. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is efficient. The sewer system must be in the correct zone.
(...)

Staff Finding 19: Staff adopts the applicant's findings: *"There is an existing 8" sanitary sewer main in Salamo Road with adequate capacity to serve the proposed development. The written statement of the City Engineer is attached as Exhibit C."*
The memo referenced was prepared by Amy Pepper, P.E., Senior Project Engineer for City of West Linn and is contained in Exhibit PD-1. This standard is met.

F. Storm. A storm detention and treatment plan and narrative compliant with CDC 92.010(E) must be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the most recently adopted Storm Drainage Master Plan.

Staff Finding 20: Staff adopts the applicant's findings: *"Stormwater quality and quantity controls will be installed upon future development to offset the impacts of all impervious*

areas from the proposed future development. Sizing of those facilities will be part of future facility planning efforts." **This standard is met.**

85.180 REDIVISION PLAN REQUIREMENT
A redivision plan shall be required for a partition or subdivision, where the property could be developed at a higher density, under existing/proposed zoning, if all services were available and adequate to serve the use.
(...)

Staff Finding 21: Staff adopts the applicant's findings: *"The proposed new parcel will remain in public ownership and is not intended for residential development. Therefore, this provision is not applicable."* In addition, the proposed parcel is only partially zoned making the ultimate density standard indeterminable at this time. This standard does not apply.

85.200 APPROVAL CRITERIA
No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.
A. Streets.
1. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets...Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan (TSP) and any adopted updated plans.
2. Right-of-way widths shall depend upon which classification of street is proposed. The right-of-way widths are established in the adopted TSP.
3. Street widths. Street widths shall depend upon which classification of street is proposed. The classifications and required cross sections are established in the adopted TSP...
(...)
8. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision...
(...)

Staff Finding 22: Staff incorporates the applicant's findings: *"The application is for creation of a new parcel, but does not include any construction or development on the site. The proposed new parcel will remain in public ownership and is not intended for residential development. Therefore, new streets will not be developed, and the subsections for this provision regarding new streets are not applicable. Access to the property in the future from Salamo Road will be via a driveway approach new the intersection of Greene Street and street improvements along Salamo will be made to minor arterial standards".* In addition to the applicant's

findings, the provision of through streets is not possible due to existing residential development (Barrington Heights) and Interstate 205. These criteria do not apply.

16. Sidewalks. Sidewalks shall be installed per CDC 92.010(H), Sidewalks. The residential sidewalk width is six feet plus planter strip as specified below. Sidewalks in commercial zones shall be constructed per subsection (A)(3) of this section. See also subsection C of this section. Sidewalk width may be reduced with City Engineer approval to the minimum amount (e.g., four feet wide) necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or to match existing sidewalks or right-of-way limitations..
17. Planter strip. The planter strip is between the curb and sidewalk providing space for a grassed or landscaped area and street trees. The planter strip shall be at least 6 feet wide to accommodate a fully matured tree without the boughs interfering with pedestrians on the sidewalk or vehicles along the curbline. Planter strip width may be reduced or eliminated, with City Engineer approval, when it cannot be corrected by site plan, to the minimum amount necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or in response to right-of-way limitations.

Staff Finding 23: Upon future development, including the location and construction of a new access point, the city will be required to comply with this section along Salamo Road to minor arterial standards, including a 5.5-foot sidewalk and a 5 foot wide landscape buffer strip. Per staff finding 47, these criteria do not apply at this time.

18. Streets and roads shall be dedicated without any reservations or restrictions.

Staff Finding 24: Staff adopts the applicant's findings: *"Upon future development, the City will be required to comply with this section, as to street improvements on Salamo Road to the minor arterial standards, which include a 60-foot right-of-way. The Salamo Road right-of-way currently varies in width, and any necessary dedications to provide the minimum 30-foot half-street width will be provided upon development of the new parcel."* This criterion will be met at the time of future development.

19. All lots in a subdivision shall have access to a public street. Lots created by partition may have access to a public street via an access easement pursuant to the standards and limitations set forth for such accessways in Chapter 48 CDC.

Staff Finding 25: Staff adopts the applicant's findings for this standard:
"The proposed new parcel has frontage on Salamo Road, and a driveway to Salamo Road will be constructed upon development of the parcel as noted above. In the interim, access to Salamo Road will be across tax lot 5200, also owned by the city. No easement is required (nor would an easement be valid) because the properties will be under common, city ownership."
This criterion is met.

20. Gated streets. Gated streets are prohibited in all residential areas on both public and private streets. A driveway to an individual home may be gated.

21. Entryway treatments and street isle design...

Staff Finding 26: Gated streets and entryway treatments are not proposed. These criteria do not apply.

22. Based upon the determination of the City Manager or the Manager's designee, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC 85.170(B)(2) that are required to mitigate impacts from the proposed subdivision...

Staff Finding 27: The proposal is not a subdivision. This criterion does not apply.

B. Blocks and Lots
1. General. The length, width, and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated; consideration of the need for traffic safety, convenience, access, circulation, and control; and recognition of limitations and opportunities of topography and solar access.
2. Sizes. The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines... Block sizes and proposed accesses must be consistent with the adopted TSP.
3. Lot size and shape. Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition... Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.
4. Access. Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter 48 CDC, Access, Egress and Circulation.

Staff Finding 28: Staff adopts the applicant's findings for this standard: *"The application is for creation of a new parcel, but does not include any construction or development of the site. The proposed new parcel will remain in public ownership and is not intended for residential development. Therefore, new blocks with lots are not proposed and will not be developed, and the subsections of this provision regarding new blocks and lots are not applicable."* Additionally, existing development patterns preclude a new street connection across the subject property. These criteria do not apply.

5. Double frontage lots and parcels. Double frontage lots and parcels have frontage on a street at the front and rear property lines. Double frontage lots and parcels shall be avoided except where they are essential to provide separation of residential development from arterial streets or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen or impact mitigation easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

Staff Finding 29: The proposal does not create a double frontage lot. This criterion does not apply.

6. Lot and parcel side lines. The lines of lots and parcels, as far as is practicable, should run at right angles to the street upon which they face, except that on curved streets they should be radial to the curve.

Staff Finding 30: The proposed lot lines so far as practical run at right angles to Salamo Road and are largely determined by pre-existing lots along the Salamo Road frontage to the north and south. This criterion is met.

7. Flag lots.

Staff Finding 31: The proposal does not create a flag-lot. This criterion does not apply.

8. Large lots or parcels. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may:
a. Require that the blocks be of such size and shape, and be so divided into building sites, and contain such easements and site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size; or
b. Alternately, in order to prevent further subdivision or partition of oversized and constrained lots or parcels, restrictions may be imposed on the subdivision or partition plat.

Staff Finding 32: See staff finding 28. These criteria are not applicable.

C. Pedestrian and bicycle trails.
1. Trails or multi-use pathways shall be installed, consistent and compatible with federal ADA requirements and with the Oregon Transportation Planning Rule, between subdivisions, cul-de-sacs, and streets that would otherwise not be connected by streets due to excessive grades, significant tree(s), and other constraints natural or human-made. Trails shall also accommodate bicycle or pedestrian traffic between neighborhoods and activity areas such as schools, libraries, parks, or commercial districts. Trails shall also be required where designated by the Parks Master Plan.
(...)

Staff Finding 33: Existing development patterns preclude the provision of a trail or multi-use pathway as the parcel will adjoin existing residential development that does not provide a through connection, or I-205 right of way. No trail connections are show across the proposed parcel in the Parks Master Plan. This criterion does not apply.

D. Transit facilities.
1. The applicant shall consult with Tri-Met and the City Engineer to determine the appropriate location of transit stops, bus pullouts, future bus routes, etc., contiguous to or within the

development site. If transit service is planned to be provided within the next two years, then facilities such as pullouts shall be constructed per Tri-Met standards at the time of development. More elaborate facilities, like shelters, need only be built when service is existing or imminent. Additional rights-of-way may be required of developers to accommodate buses.
(...)

Staff Finding 34: Staff adopts the applicant's findings: *"There is no existing transit service, or service proposed within two years, along or near Salamo Road."* This provision is not applicable.

E. Grading. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:
(...)

Staff Finding 35: This application does not include any new buildings or other development, and no grading of the site is proposed or required. The provisions of this section are not applicable.

F. Water.
1. A plan for domestic water supply lines or related water service facilities shall be prepared consistent with the adopted Comprehensive Water System Plan, plan update, March 1987, and subsequent superseding revisions or updates.
2. Adequate location and sizing of the water lines.
3. Adequate looping system of water lines to enhance water quality.
4. For all non-single-family developments, there shall be a demonstration of adequate fire flow to serve the site.
5. A written statement, signed by the City Engineer, that water service can be made available to the site by the construction of on-site and off-site improvements and that such water service has sufficient volume and pressure to serve the proposed development's domestic, commercial, industrial, and fire flows.

Staff Finding 36: Staff adopts the applicant's findings: *"There is an existing 10" ductile iron water main in Salamo Road with adequate capacity to serve the proposed development. The written statement of the City Engineer is attached as Exhibit C."* The referenced statement is included in Exhibit PD-1 of this decision. This criterion is met.

G. Sewer.
1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the current Sanitary Sewer Master Plan and subsequent updates and amendments applicable at the time the proposal is submitted. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and should allow for full gravity service.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.

3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
6. The sanitary sewer line shall avoid disturbance of wetland and drainageways. In those cases where that is unavoidable, disturbance shall be mitigated pursuant to Chapter 32 CDC, Water Resource Area Protection, all trees replaced, and proper permits obtained. Dual sewer lines may be required so the drainageway is not disturbed.
7. Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.
8. The sanitary sewer system shall be built pursuant to DEQ, City, and Tri-City Service District sewer standards. The design of the sewer system should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.
9. A written statement, signed by the City Engineer, that sanitary sewers with sufficient capacity to serve the proposed development and that adequate sewage treatment plant capacity is available to the City to serve the proposed development.

Staff Finding 37: Staff adopts the applicant's findings: *"There is an existing 8" sanitary sewer main in Salamo Road with adequate capacity to serve the proposed development. The written statement of the City Engineer is attached as Exhibit C."* The referenced statement is included in Exhibit PD-1 of this decision. This criterion is met.

H. Storm detention and treatment. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and there is sufficient factual data to support the conclusions of the submitted plan.

Staff Finding 38: Staff adopts the applicant's findings: *"Stormwater quality and quantity controls will be installed upon future development to offset the impacts of all impervious areas from the proposed future development. Sizing of those facilities will be part of future facility planning efforts."* This criterion is met.

I. Utility Easements. Subdivisions and partitions shall establish utility easements to accommodate the required service providers as determined by the City Engineer. The developer of the subdivision shall make accommodation for cable television wire in all utility trenches and easements so that cable can fully serve the subdivision.

Staff Finding 39: Staff adopts the applicant's findings: *"The proposed new parcel is adjacent to I-205, which precludes extension of most utilities across the site. Therefore, no new utility easements will be created on the proposed parcel, and this provision is not applicable. Due to city ownership, any easements in favor of the city are not needed."* This criterion is met.

J. Supplemental Provisions
1. Wetland and Natural Drainage Ways. Wetlands and natural drainageways shall be protected as required by Chapter 32 CDC, Water Resource Area Protection. Utilities may be routed through the protected corridor as a last resort, but impact mitigation is required.

Staff Finding 40: The West Linn Local Wetland Inventory does not indicate the presence of wetlands on the site, but the adopted West Linn Water Resource Area Map indicates the site is traversed by Bernert Creek at the southwest corner. As discussed in Staff Finding 3, no development is proposed at this time, therefore Chapter 32 is not applicable. Future development on the proposed parcel will be subject to CDC Chapter 32 and compliance will be ensured through a separate development application. This criterion does not apply.

2. Willamette and Tualatin Greenways. The Willamette and Tualatin River Greenways shall be protected as required by Chapter 28 CDC, Willamette and Tualatin River Protection.

Staff Finding 41: The Willamette and Tualatin River Greenways do not extend onto the proposed parcel. This criterion does not apply.

3. Street trees. Street trees are required as identified in the appropriate section of the municipal code and Chapter 54 CDC.
4. Lighting. All subdivision or alley lights shall meet West Linn Public Works Design Standards.

Staff Finding 42: Street trees and lighting will be provided upon the future development of the parcel, including the construction of site access and frontage improvements consistent with minor arterial street standards. This standard is not applicable.

5. Dedications and exactions.
The City may require an applicant to dedicate land and/or construct a public improvement that provides a benefit to property or persons outside the property that is the subject of the application when the exaction is roughly proportional. No exaction shall be imposed unless supported by a determination that the exaction is roughly proportional to the impact of development.

Staff Finding 43: Staff adopts the applicant's findings: *"Upon future development, the City will be required to comply with this section as to street improvements on Salamo Road to the minor arterial standards, which include a 60-foot right-of-way. The Salamo Road right-of-way currently varies in width, and any necessary dedications to provide the minimum 30-foot half street width will be provided upon development of the new parcel."* The current proposal will not create impacts to existing off-site facilities that would trigger the need for additional

improvements. The City's sanitary sewer and water systems have sufficient capacity to serve the site. The criteria is met.

6. Underground utilities.
All utilities, such as electrical, telephone, and television cable, that may at times be above ground or overhead shall be buried underground in the case of new development. The exception would be in those cases where the area is substantially built out and adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre. High voltage transmission lines, as classified by Portland General Electric or electric service provider, would also be exempted. Where adjacent future development is expected or imminent, conduits may be required at the direction of the City Engineer. All services shall be underground with the exception of standard above-grade equipment such as some meters, etc.

Staff Finding 44: The subject property will result in over 200 linear feet of frontage and is over one acre in size. Condition of Approval No. 2 has been added requiring the undergrounding of overhead utilities along the Salamo Road frontage at the time of future development. As conditioned, this standard will be met.

7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would not apply when density is transferred from Type I and II lands as defined in CDC 02.030. Development of Type I or II lands are exempt from these provisions. Land divisions of three lots or less would also be exempt.

Staff Finding 45: As discussed in Staff Finding 21, the proposed parcel is only partly zoned making the ultimate density standard indeterminable at this time. Future development of the parcel is not anticipated to be residential in nature, and compliance with density standards will be ensured through future development applications that are likely to include a comprehensive and zoning map amendment. Therefore, this criterion is not applicable at this time.

9. Heritage trees/significant tree and tree cluster protection.
All heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping drip line; however, native oaks need not have an overlapping drip line) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC 55.100(B)(2). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk.

Staff Finding 46: As no development is proposed at this time, the City Arborist has determined that no significant trees or tree clusters will be impacted by the project. This criterion is not applicable.

CHAPTER 92 REQUIRED IMPROVEMENTS
92.020 IMPROVEMENTS IN PARTITIONS
The same improvements shall be installed to serve each lot of a partition as are required of a subdivision. However, if the approval authority finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, at the written request of the applicant those improvements may be waived. If the street improvement requirements are waived, the applicant shall pay an in-lieu fee for off-site street improvements, pursuant to the provisions of CDC 85.200(A)(1).

In lieu of accepting an improvement, the Planning Director may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

Staff Finding 47: The request is to create a single legal lot of record from existing ODOT right of way in order to facilitate a surplus property transfer, and is not increasing the development capacity of the site or proposing new development at this time. Public improvements required by CDC 92 will be provided at the time of future development. This criterion is not applicable at this time.

PD-1 APPLICANT SUBMITTAL

City of West Linn
Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068
Telephone 503.656.4211 • Fax 503.656.4106 • westlinnoregon.gov

DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT JOHN FLOYD	PROJECT NO(S). MIP-21-03		PRE-APPLICATION NO. PA-21-17
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL $0	

Type of Review (Please check all that apply):

- ☐ Annexation (ANX)
- ☐ Appeal and Review (AP)
- ☐ Conditional Use (CUP)
- ☐ Design Review (DR)
- ☐ Easement Vacation
- ☐ Extraterritorial Ext. of Utilities
- ☐ Final Plat or Plan (FP)
- ☐ Flood Management Area
- ☐ Hillside Protection & Erosion Control
- ☐ Historic Review
- ☐ Legislative Plan or Change
- ☐ Lot Line Adjustment (LLA)
- ☒ Minor Partition (MIP) (Preliminary Plat or Plan)
- ☐ Non-Conforming Lots, Uses & Structures
- ☐ Planned Unit Development (PUD)
- ☐ Pre-Application Conference (PA)
- ☐ Street Vacation
- ☐ Subdivision (SUB)
- ☐ Temporary Uses
- ☐ Time Extension
- ☐ Variance (VAR)
- ☐ Water Resource Area Protection/Single Lot (WAP)
- ☐ Water Resource Area Protection/Wetland (WAP)
- ☐ Willamette & Tualatin River Greenway (WRG)
- ☐ Zone Change

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address:
S.E 1/4 SECTION 35 AND S.W. 1/4 SECTION 36, T.2S, R.1E, W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

Assessor's Map No.: 2019-040
Tax Lot(s):
Total Land Area: 1,436,402'

Brief Description of Proposal:
FOR CREATION OF ONE ADDITIONAL TAXLOT AT THE ABOVE LOCATION.

Applicant Name: (please print) CASEY THOMPSON — Phone: 503-722-3435
Address: 22500 SALAMO ROAD — Email: cthompson@westlinnoregon.gov
City State Zip: WEST LINN, OR 97068

Owner Name (required): (please print) ODOT PROPERTY MANAGEMENT — Phone:
Address: 4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2 — Email:
City State Zip: SALEM, OR 97302-1142

Consultant Name: (please print) CENTERLINE CONCEPTS — Phone: 503-650-0188
Address: 19376 MOLALLA AVE, STE. 120 — Email:
City State Zip: OREGON CITY, OR 97045

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
4. The City accepts electronic (.pdf) land use applications and project submissions from applicants. Applicants should submit this form and supporting documents through the Submit a Land Use Application web page: https://westlinnoregon.gov/planning/submit-land-use-application

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

Applicant's signature — 12/02/21 Date — See Attached Contract Owner's signature ***(required)*** — Date

ODOT Property Acquisition
Minor Partition
December 1, 2021

APPLICATION SUMMARY

For approval of a one parcel minor partition of surplus land within the I-205 right-of-way that is owned by the Oregon Department of Transportation.

GENERAL INFORMATION

Location

S.E. ¼ SECTION 35 AND S.W. ¼ SECTION 36, T.2S, R.1E, W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

Comprehensive Plan and Zoning Designations

The Comprehensive Plan designation is Low Density Residential.
Consistent with the Comprehensive plan, the property is zoned Single Family Residential Detached (R-10).

Property Owner

ODOT Property Management
4040 Fairview Industrial Drive SE, MS#2
Salem, OR 97302-1142

Applicant's Surveyor

Centerline Concepts
19376 Molalla Ave, Ste. 120
Oregon City, OR 97045
503-650-0188

Figure 1: City-Wide Map

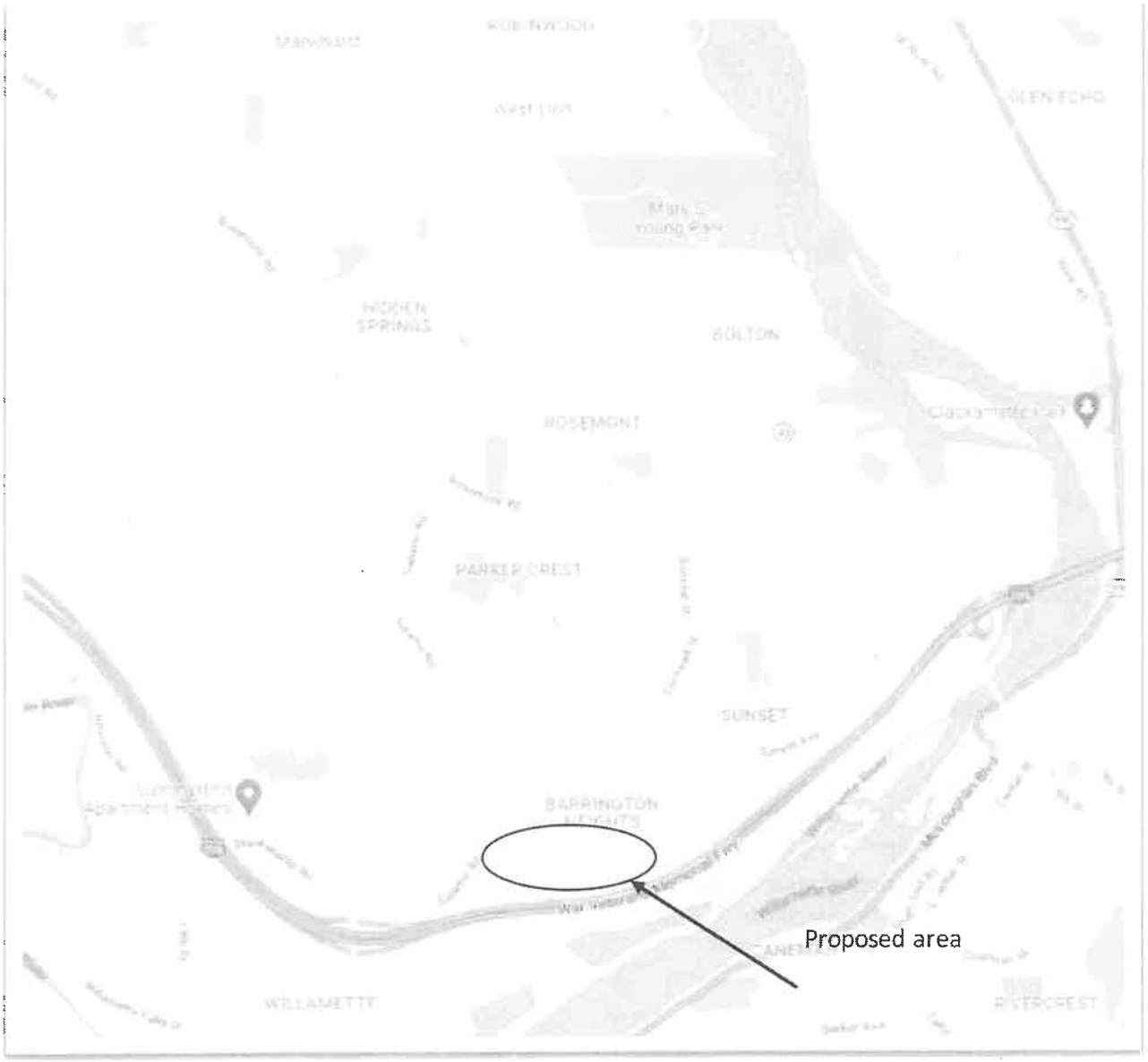
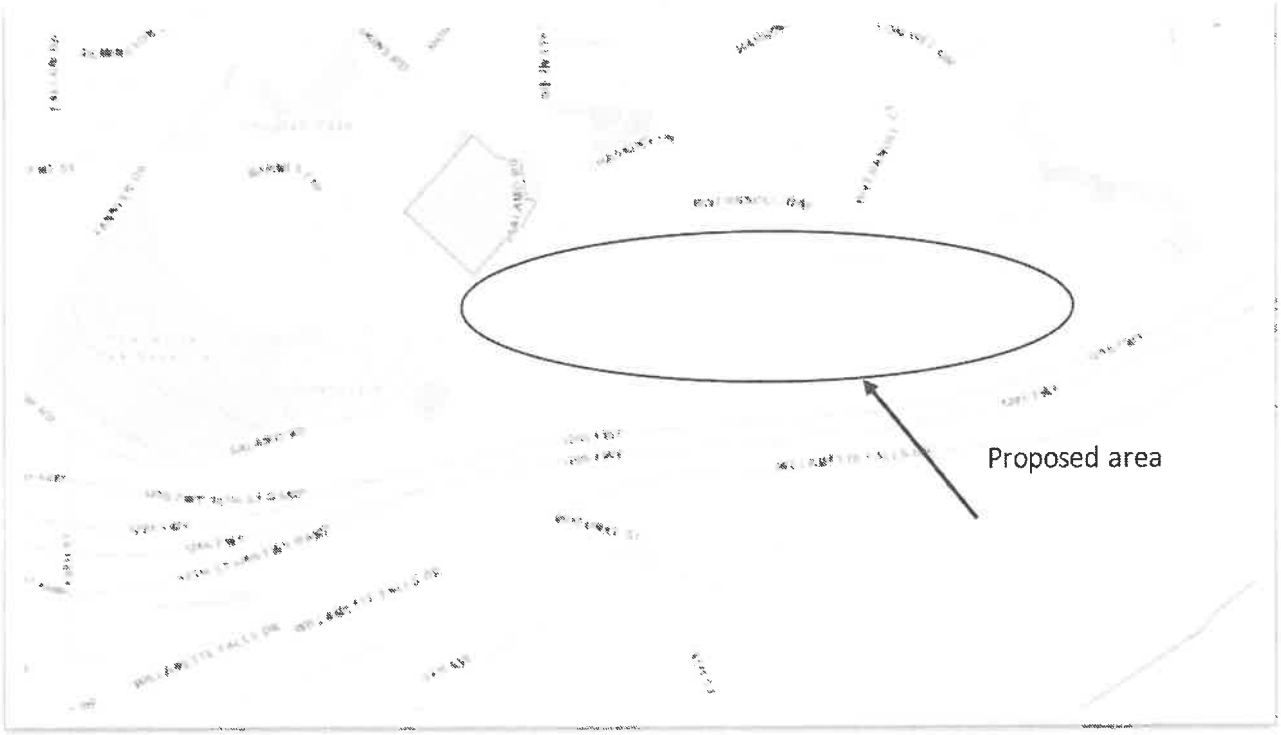


Figure 2: Vicinity Map



BACKGROUND INFORMATION

Site Description

The proposed parcel is undeveloped with the property measuring 1,436,402 square feet (32.9753 acres), with frontage on Solamo Road. The property is currently owned by the Oregon Department of Transportation. The City of West Linn is purchasing this land for the future development of a city operations facility.

Vicinity Information

The zoning designations and current land use of the surrounding area to the west, north and east is Single Family Residential, R-10. To the south is I-205.

PROPOSED MINOR PARTITION

This request to create a one-lot minor partition will enable future development by the city for uses not directly related to maintenance of the I-205 right-of-way. West Linn Community Development Code (CDC) Chapters 11, 32, 48, 85, 92, 99 allow for an application, such as this minor partition. The criteria are addressed below. This one-lot partition will not require the extension or improvement of streets, or prompt the need to supplemental utilities. The proposed partition plat is shown as Exhibit A.

Chapter 11: Single-Family Residential detached, R-10

11.060 Conditional Uses

Response: Future use of the property falls under conditional uses; however, this application does not request a conditional use approval for any specific use. Section 11.060 does not apply.

11.070 Dimensional Requirements

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.

Response: *The proposed parcel is 1,436,402 square feet, which exceeds the minimum requirement.*

2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

Response: *The survey demonstrates the proposed parcel will have 653.83 feet of frontage on Salamo Road, which exceeds the minimum requirement.*

3. The average minimum lot width shall be 50 feet.

Response: *The survey demonstrates the proposed parcel is variable in width, and will have an average width of approximately 500 feet, which exceeds the minimum requirement.*

4. Repealed by Ord. 1622.

5-10. Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:

Response: *No buildings or structures are proposed, so these standards do not apply.*

11.090 Other Applicable Development Standards

Response: *Applicant is looking to create a legal lot of record from existing surplus ODOT property, which is used as right-of-way. No changes to the site are proposed, such as "the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards" and therefore, the application is*

not classified as "development". All new development and future uses of the property will require a new, future land use application.

Chapter 32: Water Resource Area Protection (For Building)

Response: *This chapter is applicable as a mapped stream lies within the project boundary. Applicant is looking to create a legal lot of record from surplus ODOT property used as right-of-way. All new development and future uses of the property will require a new land use application.*

Chapter 48: Access, Egress and Circulation

Response: *Applicant is looking to create a legal lot of record from surplus ODOT property. All future new development and uses of the property will require a new land use application.*

Chapter 85: General Provisions, Land Division

85.020 Scope – Conformity Required

B. No person shall subdivide or create a partition except in conformity with the provisions of this code and Chapter 92 ORS. Chapter 92 ORS states that all partitions and subdivisions of land require a final plat to be prepared by a registered professional land surveyor; all corners must be monumented, the partition or subdivision plat must be approved by the City and County surveyor, as appropriate, and recorded with the County recorder.

Response: *This plan will conform to the code provisions in ORS Chapter 92 upon approval from the City of West Linn and recording with the county.*

85.170 Supplemental Submittal Requirements for Tentative Subdivision or Partition Plan

The following information shall be submitted to supplement the tentative subdivision plan:

A. General

1. Narrative stating how the plan meets each of the applicable approval criteria and each subsection below.

Response: *This document is the narrative that explains conformance with the applicable code provisions.*

2. Statement or affidavit of ownership of the tract (County Assessor's map and tax lot number).

Response: *The property is part of the I-205 right-of-way, which is owned by ODOT in fee simple.*

3. A legal description of the tract.

Response: *The metes and bounds legal description of the proposed new parcel is provided as Exhibit A.*

4. If the project is intended to be phased, then such a proposal shall be submitted at this time with drawing and explanation as to when each phase will occur and which lots will be in each phase.

Response: *This is not a phased project, so this provision is not applicable.*

5. Where the land to be subdivided or partitioned contains only a part of the contiguous land owned by the developer, the Commission or Planning Director, as applicable, shall require a master plan of the remaining portion illustrating how the remainder of the property may suitably be subdivided.

Response: *The remainder of the property is the I-205 right-of-way, which is not zoned and therefore not suitable for future subdivision, so this provision is not applicable.*

6. Where the proposed subdivision site includes hillsides, as defined in CDC 02.030 Type I and II lands, or any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the requirements for erosion control as described in CDC 85.160(F)(2) shall be addressed in a narrative.

Response: *No construction is proposed for the property, and therefore the erosion control provisions are not applicable.*

7. Table and calculations showing the allowable number of lots under the zone and how many lots are proposed.

Response: *The property will remain in public ownership, and not be subdivided for residential purposes, and therefore this provision is not applicable.*

8. Map and table showing square footage of site comprising slopes by various classifications as identified in CDC 55.110(B)(3).

Response: *Applicant is looking to create a legal lot of record from surplus ODOT property. All future new development and uses of the property will require a new land use application.*

B. Transportation

Response: *A traffic impact analysis is required when there is a change in the existing traffic conditions, such as an increase of 250 or more daily trips. This application is only for creation of a new parcel and does not include any new access driveways, or development that will generate new vehicle trips. Therefore, a traffic impact analysis is not required.*

C. Grading

Response: *Grading is not proposed with this application, and therefore this provision is not applicable.*

D. Water

Response: *There is an existing 10" ductile iron water main in Salamo Road with adequate capacity to serve the proposed parcel and future development thereof. The engineer's memo on this topic is attached as Exhibit C.*

E. Sewer

Response: *There is an existing 8" sanitary sewer main in Salamo Road with adequate capacity to serve the proposed parcel and future development thereof. The engineer's memo on this topic is attached as Exhibit C.*

F. Stormwater

Response: *This application is for creation of a new parcel, but does not include any construction or development on the site. Stormwater plans will be provided when new development is proposed.*

85.180 Redivision Plan Requirement

Response: *The proposed new parcel will remain in public ownership and is not intended for residential development. Therefore, this provision is not applicable.*

85.190 Additional Information Required and Waiver of Requirements

Response: *The applicant proposes to create a new parcel, and does not propose any construction or development of that parcel. It therefore requests a waiver of any requirements that are not directly related to the new parcel creation and boundary. The other requirements can be applied at a later stage when an application proposes any development of, or construction on the new parcel.*

85.200 Approval Criteria

A. Streets

1. General

Response: *This application is for creation of a new parcel, but does not include any construction or development on the site. The proposed new parcel will remain in public ownership and is not intended for residential development. Therefore, new streets will not be developed, and the subsections of this provision regarding new streets are not applicable. Access to the property in the future from Salamo Road will be via a driveway approach near the intersection of Greene Street. With the future development plans, when funding is available, the City will be required to comply with this section, as to street improvements to the minor arterial standards (WL-RD0010).*

16. Sidewalks

Response: *Upon future development, the City will be required comply with this section, as to street improvements on Salamo Road to the minor arterial standards, which include a 5.5-foot wide sidewalk.*

17. Planter Strip

Response: *Upon future development, the City will be required to comply with this section, as to street improvements on Salamo Road to the minor arterial standards, which include a 5-foot wide landscape buffer strip.*

18. Dedications

Response: *Upon future development, the City will be required to comply with this section, as to street improvements on Salamo Road to the minor arterial standards, which include a 60-foot wide right-of-way. The Salamo Road right-of-way currently varies in width, and any necessary dedications to provide the minimum 30-foot half street width will be provided upon development of the new parcel.*

19. Public Road Access

Response: *The proposed new parcel has frontage on Salamo Road, and a driveway to Salamo Road will be constructed upon development of the parcel as noted above. In the interim, access to Salamo Road will be across tax lot 5200, also owned by the city. No easement is required (nor would an easement be valid) because the properties will be under common, city, ownership.*

B. Blocks and Lots

Response: *This application is for creation of a new parcel, but does not include any construction or development on the site. The proposed new parcel will remain in public ownership and is not intended for residential development. Therefore, new blocks with lots are not proposed and will not be developed, and the subsections of this provision regarding new blocks and lots are not applicable.*

C. Pedestrian and Bicycle Trails

Response: *The proposed new parcel is adjacent to I-205, which prohibits a direct connection with any pedestrian or bicycle trails. Therefore, no new trails will be created on the proposed parcel, and this provision is not applicable.*

D. Transit facilities

Response: *There is no existing transit service, or proposed within two years, along or near Salamo Road. Therefore, this provision is not applicable.*

E. Grading

Response: *This application does not include any new buildings or other development, and therefore no grading of the site is proposed. Therefore, this provision is not applicable.*

F. Water

Response: *There is an existing 10" ductile iron water main in Salamo Road with adequate capacity and fire flow to serve the proposed future development. The written statement of the City Engineer is attached as Exhibit C.*

G. Sewer

Response: *There is an existing 8" sanitary sewer main in Salamo Road with adequate capacity to serve the proposed future development. The written statement of the City Engineer is attached as Exhibit C.*

H. Storm detention and treatment

Response: *Stormwater quality and quantity controls will be installed upon future development to offset the impacts of all impervious areas from the proposed future development. Sizing of those facilities will be part of future facility planning efforts.*

I. Utility easements

Response: *The proposed new parcel is adjacent to I-205, which precludes extension of most utilities across the site. Therefore, no new utility easements will be created on the proposed parcel, and this provision is not applicable. Due to city ownership, any easements in favor of the city are not needed.*

J. Supplemental Provisions

1. Wetland and natural Drainage Ways

Response: *There are no identified wetlands or natural drainageways on the proposed new parcel, so this provision is not applicable.*

2. Willamette and Tualatin Greenways

Response: *The site is not within a greenway and this provision is not applicable.*

3. Street Trees

Response: *Street trees will be provided along the Salamo road frontage consistent with the standard requirements for a minor arterial upon development of the new parcel.*

4. Lighting

Response: *Street lights will be provided along the Salamo road frontage consistent with the standard requirements for a minor arterial upon development of the new parcel.*

5. Dedications and Exactions

Response: *Upon future development, the City will be required to comply with this section as to street improvements on Salamo Road to the minor arterial standards, which include a 60-foot wide right-of-way. The Salamo Road right-of-way currently varies in width, and any necessary dedications to provide the minimum 30-foot half street width will be provided upon development of the new parcel.*

6. Underground Utilities

Response: *Upon future development, the utilities required to serve the development will be buried underground.*

7. Density Requirement

Response: *Land divisions of three lots or less are exempt from this provision, which therefore does not apply to this partition to create one new parcel.*

8. Mix Requirement

Response: *This provision applies to residential development, which is not proposed. Therefore the provision is not applicable.*

9. Heritage Trees/Significant Tree and Tree Cluster Protection

Response: *There are no heritage trees on the proposed new parcel, although there are clusters of trees, including trees that are larger than 6 inches DBH that are considered significant. The majority of these trees are located on step slopes in areas that will not be developed.*

CDC 5.100(B)(2)(e) and (f) recognize that arterial street improvements and grading for streets may require tree removal. In the event of tree removal, mitigation will be provided consistent with CDC 5.100(B)(2)(f).

Chapter 92: Required Improvements

Response: *Applicant is looking to create a legal lot of record from existing ODOT right-of-way. All future uses of the property will require a new land use application.*

Chapter 99: Procedures for Decision Making: Quasi-Judicial

99.030 Application Process: Who May Apply, Pre-Application Conference, Requirements, Refusal of Application, Fees

A. Who May Apply

Response: *This application is submitted by the purchaser, who will submit a duly executed agreement with ODOT, the property owner, authorizing purchaser to submit the application.*

EXHIBIT A

MINOR PARTITION SURVEY

RECORD OF SURVEY

A TRACT OF LAND LOCATED IN THE
S.E. 1/4 SECTION 35 AND S.W. 1/4 SECTION 36,
T.2S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
MAY 19, 2020 SCALE 1"=200'
SHEET 1 OF 2

SURVEY PERFORMED FOR: O.D.O.T.

CLACKAMAS COUNTY SURVEYOR

RECEIVED: _____

ACCEPTED FOR FILING: _____

SURVEY NUMBER: _____

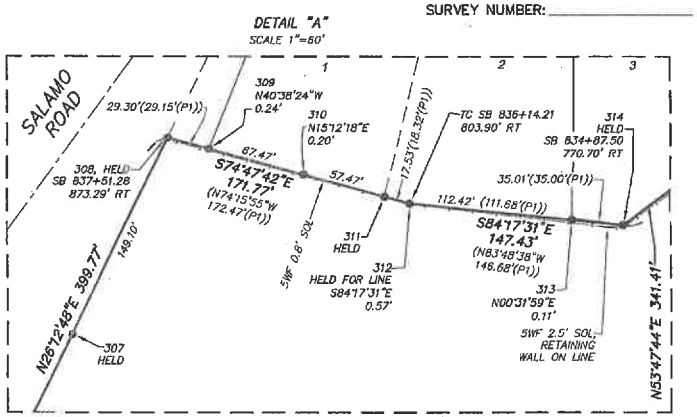
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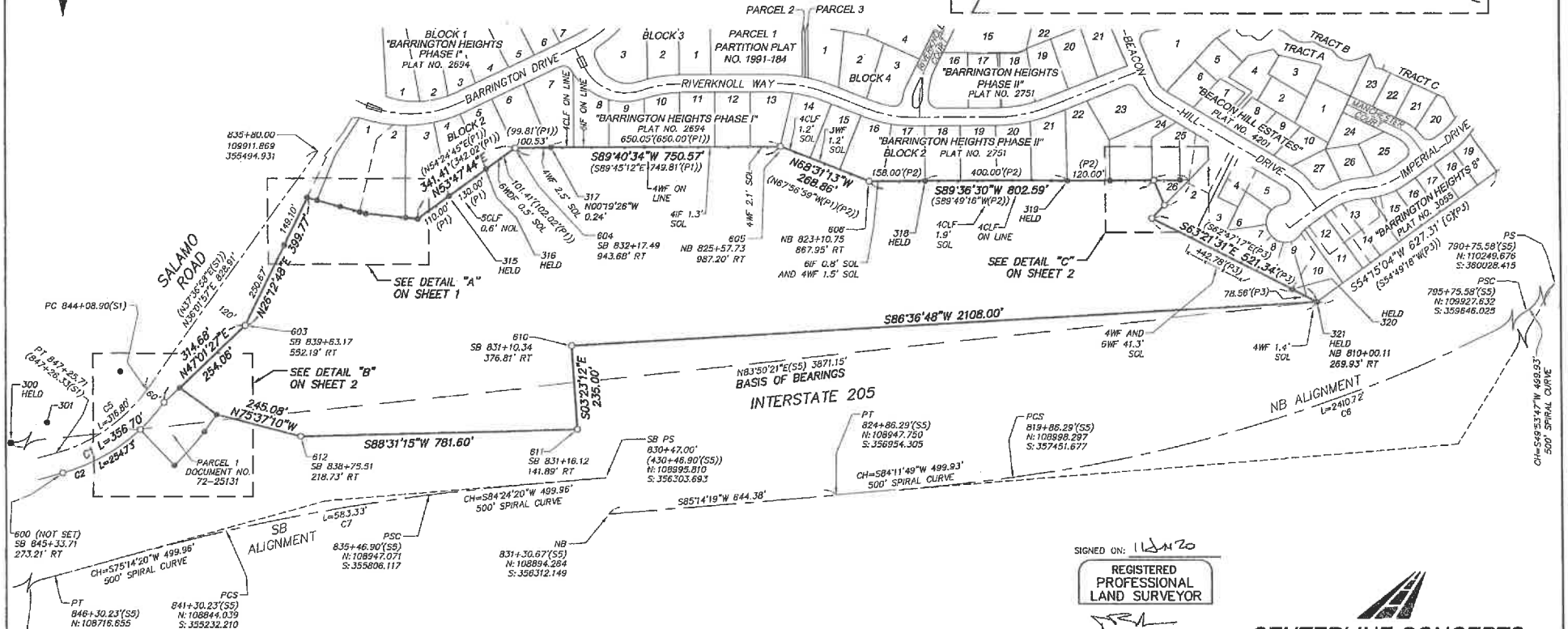
- ○ SET MONUMENT AS NOTED IN SET MONUMENT TABLE ON SHEET 2. SET ON _____, 2020
- ● FOUND MONUMENT AS NOTED

( ) = RECORD DISTANCES & BEARINGS
IR = IRON ROD IP = IRON PIPE
FD = FOUND W/ = WITH
YPC = YELLOW PLASTIC CAP
RPC = RED PLASTIC CAP
RWP = RIGHT OF WAY PADDLE
TAB = TIED AT BASE
[C] = CALCULATED DISTANCES
OU = ORIGIN UNKNOWN
R/W = RIGHT OF WAY
DOCUMENT NO. = DEED DOCUMENT NUMBER, CLACKAMAS COUNTY DEED RECORDS
SN = SURVEY NUMBER, CLACKAMAS COUNTY SURVEYOR'S OFFICE
S1 = SN 1971-024
S2 = SN 17289
S3 = SN 27477
S4 = SN 2003-346
S5 = SN 2019-040
S6 = SN 22282
S7 = SN 1979-015
D1 = DOCUMENT NO. 72-25131
D2 = DOCUMENT NO. 78-51018
P1 = "BARRINGTON HEIGHTS PHASE I" PLAT NO. 2694
P2 = "BARRINGTON HEIGHTS PHASE II" PLAT NO. 2751
P3 = "BARRINGTON HEIGHTS 8" PLAT NO. 3055

3WF = 3' WIRE FENCE
4WF = 4' WIRE FENCE
5WF = 5' WIRE FENCE
6WDF = 6' WOOD FENCE
4CLF = 4' CHAINLINK FENCE
5CLF = 5' CHAINLINK FENCE
4IF = 4' IRON FENCE
6IF = 6' IRON FENCE
SOL = SOUTH OF LINE
NOL = NORTH OF LINE
NB = NORTHBOUND
SB = SOUTHBOUND
TC = TRUE CORNER STATION/OFFSET

GRAPHIC SCALE
200 0 100 200 400
(IN FEET)
1 INCH = 200FT.





SIGNED ON: 11 JUN '20

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

RENEWS: DECEMBER 31, 2021

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M:\PROJECTS\ODOT PROPERTY-SALAMO RD\DWG\ROS-C3D.dwg

RECORD OF SURVEY

A TRACT OF LAND LOCATED IN THE
S.E. 1/4 SECTION 35 AND S.W. 1/4 SECTION 36,,
T.2S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
MAY 19, 2020
SHEET 2 OF 2

SURVEY PERFORMED FOR: O.D.O.T.

CLACKAMAS COUNTY SURVEYOR
RECEIVED: _____
ACCEPTED FOR FILING: _____
SURVEY NUMBER: _____

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE NORTHERN MOST BOUNDARY OF ODOT PROPERTY ALONG THE NORTHERLY SIDE OF I-205, BETWEEN THE SOUTHERN MOST CORNER OF THE PLAT OF BARRINGTON HEIGHTS 8, PLAT NO. 2751, TO THE EAST, AND THE SOUTHERLY RIGHT OF WAY OF SALAMO ROAD TO THE WEST.

FOR MY BASIS OF BEARINGS, I HELD NORTH 83°50'21" EAST BETWEEN FOUND MONUMENTS 306 AND 321, PER SURVEY NO. 2019-040. SAID SURVEY WAS PERFORMED ON BEHALF OF ODOT FOR THE PURPOSE OF RETRACING THE RIGHT OF WAY AND ALIGNMENT OF I-205 IN THIS AREA. I HELD FOUND MONUMENTS 300, 321, AND 302, AND RECORD ALIGNMENT, STATION AND OFFSET DATA, AND COORDINATE DATA PER SAID SURVEY TO RETRACE THE SOUTHBOUND AND NORTHBOUND ALIGNMENTS OF I-205, AS WELL AS THE CENTERLINE ALIGNMENT OF SALAMO ROAD. I HELD RECORD STATION AND OFFSET DATA ALONG THE ALIGNMENT OF SALAMO ROAD TO ESTABLISH THE SOUTHEASTERLY RIGHT OF WAY THEREOF, PER SURVEY NO. 1971-024, BEING ODOT DRAWING NO. 9B-1-8, DATED DECEMBER 1967.

THE NORTHERLY LINE OF THE ODOT PROPERTY IN THIS AREA IS DEFINED BY THE SOUTHERLY LINES OF THE PLATS OF "BARRINGTON HEIGHTS 1", PLAT NO. 2694, "BARRINTON HEIGHTS 2", PLAT NO. 2751, AND SAID PLAT OF "BARRINGTON HEIGHTS 8".

FOR THE WESTERLY SEGMENT OF THE SOUTHERLY LINE OF SAID PLAT OF "BARRINGTON HEIGHTS 1", I HELD FOUND MONUMENTS 308, 311, 312, 314, 315, AND 316.

FOR THE SOUTHERLY LINE OF SAID PLAT OF "BARRINGTON HEIGHTS 2", I HELD FOUND MONUMENTS 324, 319, AND 318, AND RECORD PLAT BEARINGS AND DISTANCES PER SAID PLAT. I THEN HELD FOUND MONUMENTS 321 AND 320 AND RECORD PLAT BEARINGS AND DISTANCES FOR THE SOUTHWESTERLY LINE OF SAID PLAT OF "BARRINGTON HEIGHTS 8", PER SAID PLAT.

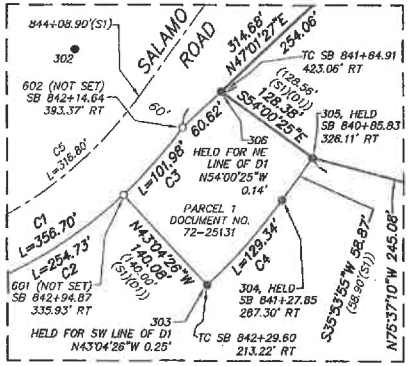
FOR THE BOUNDARIES OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN AND DESCRIBED AS PARCEL 1 IN DEED RECORDED AS DOCUMENT NO. 72-25131, I HELD FOUND MONUMENTS 305, 305, 304, AND 303, AND RECORD DEED DATA PER SAID DEED AND SURVEY NO. 1971-024, BEING ODOT DRAWING NO. 9B-1-6.

FOR THE BOUNDARIES OF THAT TRACT OF LAND CONVEYED BY DEED RECORDED IN DOCUMENT NO. 78-51018, I HELD RECORD DEED DISTANCES FROM THE SOUTHERLY AND WESTERLY BOUNDARIES OF SAID PLATS OF "BARRINGTON HEIGHTS 2" AND "BARRINGTON HEIGHTS 8", PER SAID DEED AND SURVEY NO. 1979-015.

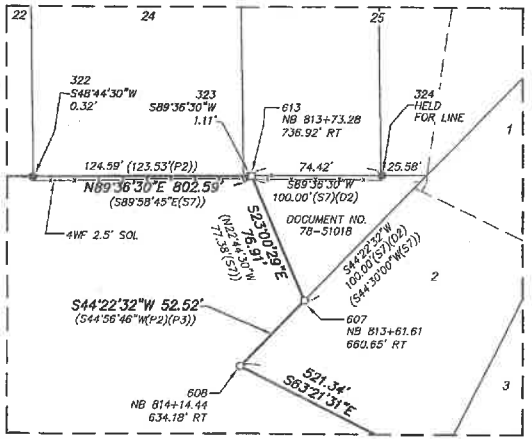
SET MONUMENT POINT TABLE – COORDINATES ARE LOCAL DATUM PLANE

POINT#	NORTHING	EASTING	DESCRIPTION
600	109005.822	354768.715	NO MONUMENT SET, COORDINATE FOR REFERENCE ONLY
601	109129.960	354988.406	NO MONUMENT SET, COORDINATE FOR REFERENCE ONLY
602	109206.247	355055.850	NO MONUMENT SET, COORDINATE FOR REFERENCE ONLY
603	109420.764	355286.088	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
604	109921.373	356050.608	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
605	109925.616	356801.170	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
606	109827.168	357051.357	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
607	109761.862	357883.990	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
608	109724.322	357847.260	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
609	INTENTIONALLY DELETED		
610	109366.021	356208.931	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
611	109131.432	356222.814	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
612	109111.254	355441.473	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
613	109832.655	357853.928	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"

DETAIL "B"
SCALE 1"=100'



DETAIL "C"
SCALE 1"=50'



FOUND MONUMENT POINT TABLE – COORDINATES ARE LOCAL DATUM PLANE

POINT#	NORTHING	EASTING	DESCRIPTION	SOURCE
300	109075.100	354464.440	FD 5/8" IR, NO CAP, UP 0.40', W/ RWP	S1
301	109150.296	354727.857	FD 5/8" IR, NO CAP, UP 0.60', LEANING, TAB, W/ RWP	S1
302	109294.482	354934.302	FD 5/8" IR, NO CAP, UP 0.50', W/ RWP	S1
303	109027.819	355083.901	FD 5/8" IR, NO CAP, UP 0.10', W/ RWP	S1
304	109124.438	355169.557	FD 5/8" IR, NO CAP, UP 0.10', LEANING, TAB, W/ RWP	S1
305	109172.123	355204.073	FD 5/8" IR, NO CAP, UP 0.20', W/ RWP	S1
306	109247.653	355100.089	FD 5/8" IR, NO CAP, UP 0.20', W/ RWP	S1
307	109645.655	355396.810	FD 5/8" IR W/ YPC "REPPETO PLS 657"	S6
308	109779.425	355462.672	FD 5/8" IR, NO CAP, UP 0.20'	S1
309	109771.922	355490.785	FD 5/8" IR W/ YPC "W.B. WELLS & ASSOC INC"	P1
310	109754.236	355556.101	FD 3/4" IP, UP 0.10'	OU, FD IN S2
311	109738.975	355611.503	FD 5/8" IR, NO CAP	P1
312	109734.319	355828.993	FD 3/4" IP, UP 1.20', TAB	OU, FD IN S2
313	109723.306	355740.289	FD 5/8" IR W/ RPC, UNREADABLE	S4
314	109719.712	355775.120	FD 5/8" IR W/ RPC "THURSTON & ASSOC. INC."	S4
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320	109525.777	358243.030	FD 5/8" IR W/ YPC, "LS 1978"	P3
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323	109832.647	357852.817	FD 5/8" IR, NO CAP, DOWN 0.50'	OU, FD IN P2
324	109833.164	357928.349	FD 5/8" IR W/ YPC, UNREADABLE	S3

SIGNED ON: 11 JUNE 20

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

RENEWS: DECEMBER 31, 2021

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M: \PROJECTS\ODOT PROPERTY-SALAMO RD\DWG\ROS-C3D.dwg

RECORD OF SURVEY

SUPPLEMENTAL SURVEY
A TRACT OF LAND LOCATED IN THE
S.E. 1/4 SECTION 35, T.2S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
MAY 19, 2020 SCALE 1"=200'
SHEET 1 OF 1

SURVEY PERFORMED FOR: O.D.O.T.

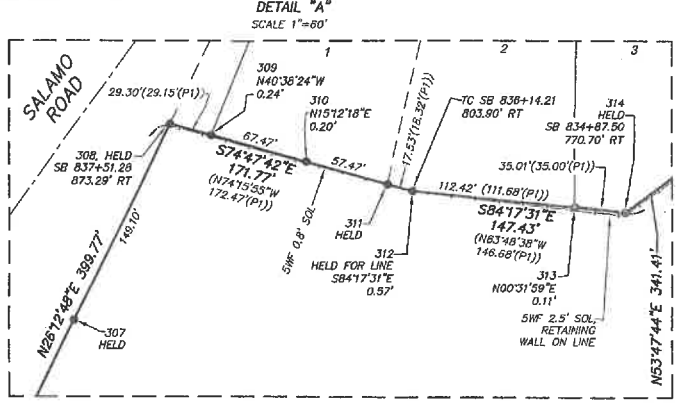
CLACKAMAS COUNTY SURVEYOR
RECEIVED: _____
ACCEPTED FOR FILING: _____
SURVEY NUMBER: _____

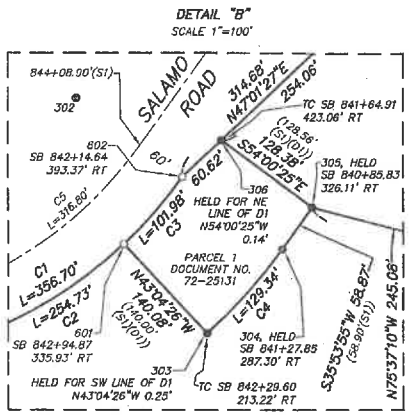
LEGEND:

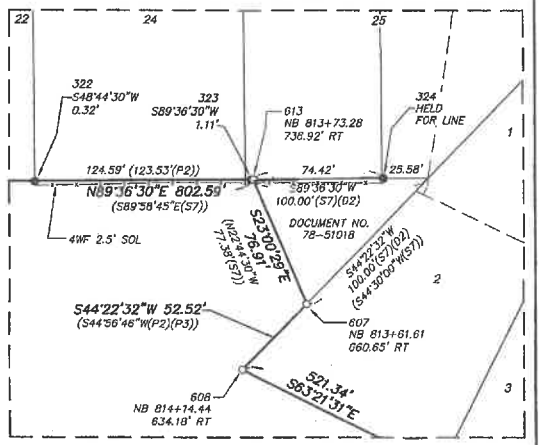
- O SET MONUMENT AS NOTED IN SET MONUMENT TABLE ON SHEET 2. SET ON _____, 2020
- ■ FOUND MONUMENT AS NOTED

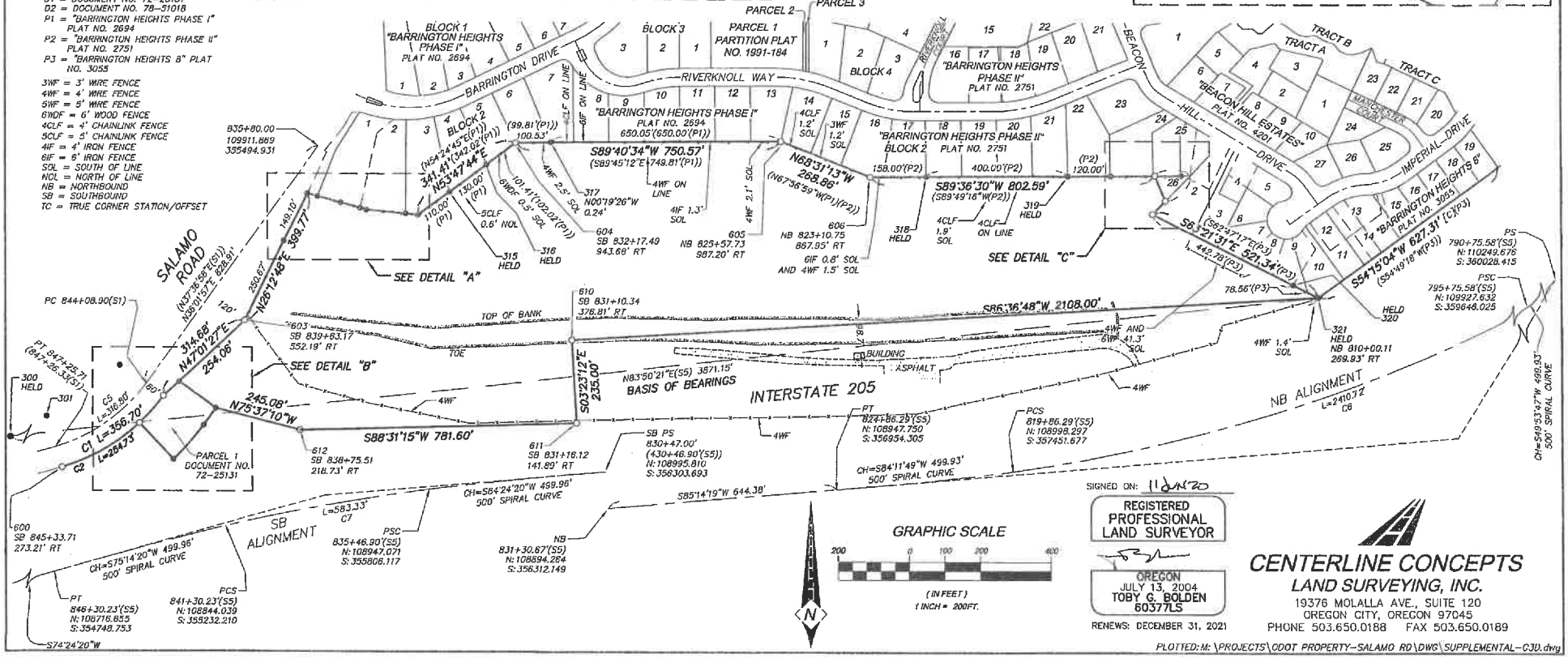
( ) = RECORD DISTANCES & BEARINGS
IR = IRON ROD IP = IRON PIPE
FD = FOUND W/ = WITH
YPC = YELLOW PLASTIC CAP
RPC = RED PLASTIC CAP
RWP = RIGHT OF WAY PADDLE
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[C] = CALCULATED DISTANCES
OU = ORIGIN UNKNOWN
R/W = RIGHT OF WAY
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S1 = SN 1971-024
S2 = SN 17289
S3 = SN 27477
S4 = SN 2003-346
S5 = SN 2019-040
S6 = SN 22282
S7 = SN 1979-015
D1 = DOCUMENT NO. 72-25131
D2 = DOCUMENT NO. 78-51018
P1 = "BARRINGTON HEIGHTS PHASE I" PLAT NO. 2694
P2 = "BARRINGTON HEIGHTS PHASE II" PLAT NO. 2751
P3 = "BARRINGTON HEIGHTS 8" PLAT NO. 3055

3WF = 3' WIRE FENCE
4WF = 4' WIRE FENCE
5WF = 5' WIRE FENCE
6WDF = 6' WOOD FENCE
4CLF = 4' CHAINLINK FENCE
5CLF = 5' CHAINLINK FENCE
4IF = 4' IRON FENCE
6IF = 6' IRON FENCE
SOL = SOUTH OF LINE
NOL = NORTH OF LINE
NB = NORTHBOUND
SB = SOUTHBOUND
TC = TRUE CORNER STATION/OFFSET









SIGNED ON: 11 JAN 20

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS
RENEWS: DECEMBER 31, 2021

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M:\PROJECTS\CDOT PROPERTY-SALAMO RD\DWG\SUPPLEMENTAL-C3D.dwg

PARTITION PLAT NO. 2022-____

A PARTITION LOCATED IN THE S.E. 1/4 SECTION 35 AND S.W. 1/4 SECTION 36, T.2S., R.1E., W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
MARCH 29, 2022 SCALE 1"=200' SHEET 1 OF 3

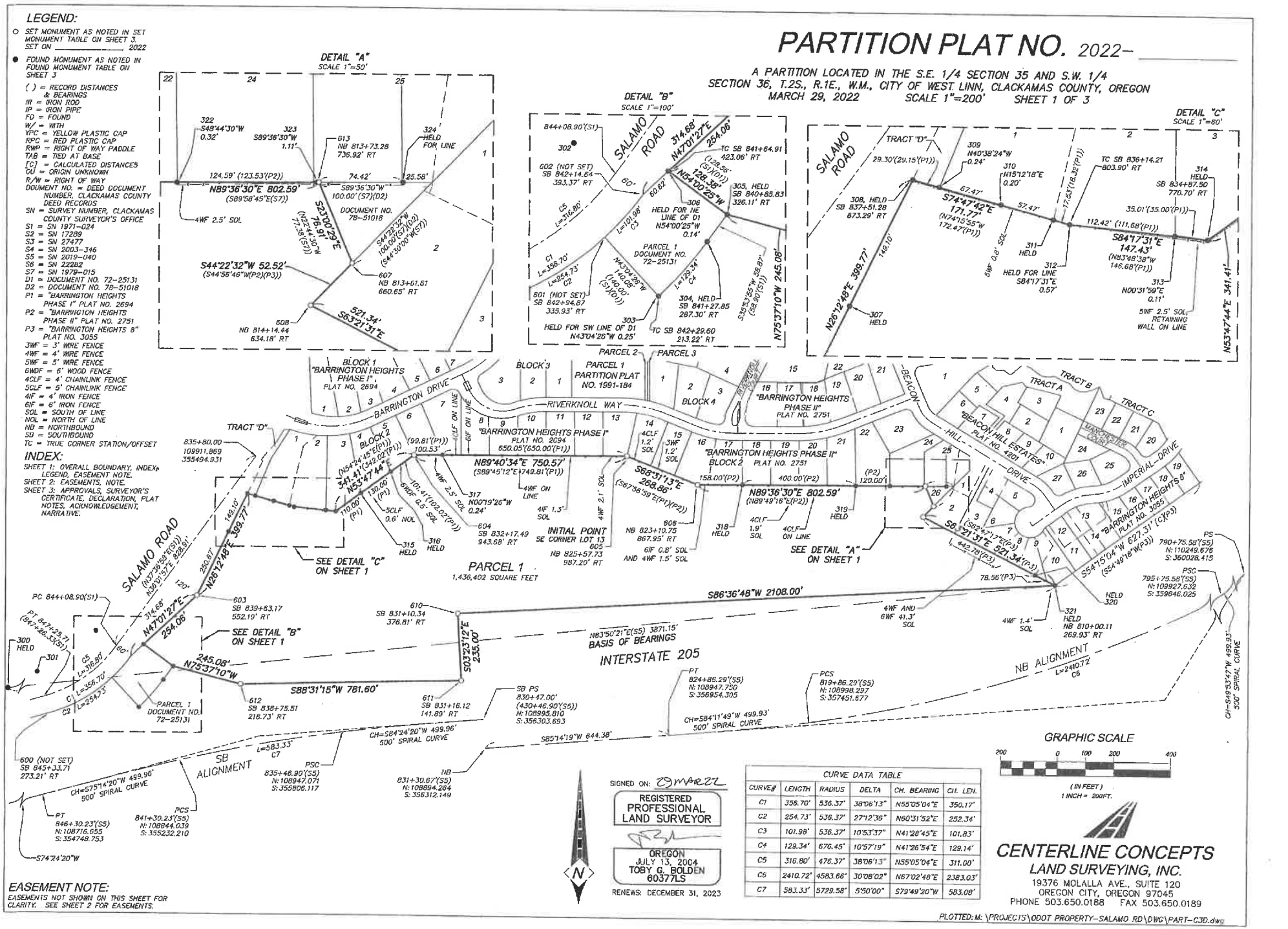
LEGEND:

- ○ SET MONUMENT AS NOTED IN SET MONUMENT TABLE ON SHEET 3. SET ON _____, 2022
- ● FOUND MONUMENT AS NOTED IN FOUND MONUMENT TABLE ON SHEET 3

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INDEX:

SHEET 1: OVERALL BOUNDARY, INDEX, LEGEND, EASEMENT NOTE.
SHEET 2: EASEMENTS, NOTE.
SHEET 3: APPROVALS, SURVEYOR'S CERTIFICATE, DECLARATION, PLAT NOTES, ACKNOWLEDGEMENT, NARRATIVE.



CURVE DATA TABLE					
CURVE#	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LEN.
C1	356.70'	536.37'	38°06'13"	N55°05'04"E	350.17'
C2	254.73'	536.37'	27°12'36"	N60°31'52"E	252.34'
C3	101.98'	536.37'	10°53'37"	N41°26'45"E	101.83'
C4	129.34'	676.45'	10°57'19"	N41°26'54"E	129.14'
C5	316.80'	476.37'	38°06'13"	N55°05'04"E	311.00'
C6	2410.72'	4583.66'	30°08'02"	N67°02'48"E	2383.03'
C7	583.33'	5729.58'	5°50'00"	S79°49'20"W	583.08'

SIGNED ON: 3/MARCH

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

RENEWS: DECEMBER 31, 2023

EASEMENT NOTE:

EASEMENTS NOT SHOWN ON THIS SHEET FOR CLARITY. SEE SHEET 2 FOR EASEMENTS.

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
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OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M:\PROJECTS\ODOT PROPERTY-SALAMO RD\DWG\PART-C3D.dwg

NOTE:
THE SOLE PURPOSE OF THIS SHEET IS TO CLEARLY DEPICT THE EASEMENTS AFFECTING THIS PROPERTY. FOR ALL OTHER INFORMATION, INCLUDING FOUND MONUMENTS, SEE SHEETS 1 AND 3.

SIGNED ON: 25 MARCH 22

REGISTERED PROFESSIONAL LAND SURVEYOR

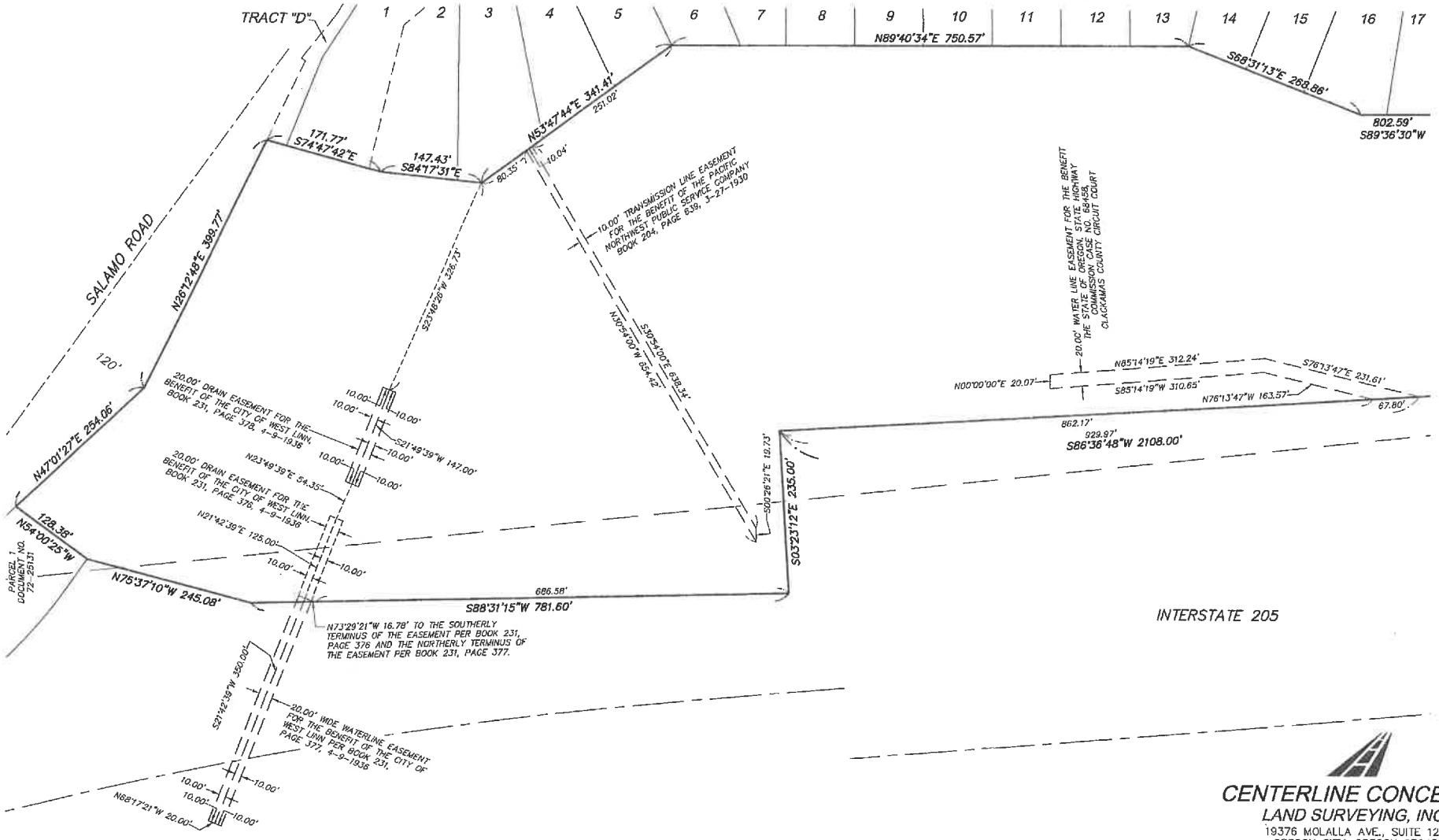
OREGON
JULY 13, 2004
TOBY C. BOLDEN
60377LS

RENEWS: DECEMBER 31, 2023

PARTITION PLAT NO. 2022-_____

A PARTITION LOCATED IN THE S.E. 1/4 SECTION 35 AND S.W. 1/4
SECTION 36, T.2S., R.1E., W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
MARCH 29, 2022 SCALE 1"=100' SHEET 2 OF 3

GRAPHIC SCALE
100 0 50 100 200
(IN FEET)
1 INCH = 100FT.



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PARTITION PLAT NO. 2022-_____

A PARTITION LOCATED IN THE S.E. 1/4 SECTION 35 AND S.W. 1/4 SECTION 36, T.2S., R.1E., W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
MARCH 29, 2022 SHEET 3 OF 3

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO PARTITION THE NORTHERN MOST BOUNDARY OF ODOT PROPERTY ALONG THE NORTHERLY SIDE OF I-205, BETWEEN THE SOUTHERN MOST CORNER OF THE PLAT OF BARRINGTON HEIGHTS 8, PLAT NO. 2751, TO THE EAST, AND THE SOUTHERLY RIGHT OF WAY OF SALAMO ROAD TO THE WEST.

FOR MY BASIS OF BEARINGS, I HELD NORTH 83°50'21" EAST BETWEEN FOUND MONUMENTS 300 AND 321, PER SURVEY NO. 2019-040. SAID SURVEY WAS PERFORMED ON BEHALF OF ODOT FOR THE PURPOSE OF RETRACING THE RIGHT OF WAY AND ALIGNMENT OF I-205 IN THIS AREA. I HELD FOUND MONUMENTS 300, 321, AND 302, AND RECORD ALIGNMENT, STATION AND OFFSET DATA, AND COORDINATE DATA PER SAID SURVEY TO RETRACE THE SOUTHBOUND AND NORTHBOUND ALIGNMENTS OF I-205, AS WELL AS THE CENTERLINE ALIGNMENT OF SALAMO ROAD. I HELD RECORD STATION AND OFFSET DATA ALONG THE ALIGNMENT OF SALAMO ROAD TO ESTABLISH THE SOUTHEASTERLY RIGHT OF WAY THEREOF, PER SURVEY NO. 1971-024, BEING ODOT DRAWING NO. 9B-1-6, DATED DECEMBER 1967.

THE NORTHERLY LINE OF THE ODOT PROPERTY IN THIS AREA IS DEFINED BY THE SOUTHERLY LINES OF THE PLATS OF "BARRINGTON HEIGHTS 1", PLAT NO. 2694, "BARRINTON HEIGHTS 2", PLAT NO. 2751, AND SAID PLAT OF "BARRINGTON HEIGHTS 8".

FOR THE WESTERLY SEGMENT OF THE SOUTHERLY LINE OF SAID PLAT OF "BARRINGTON HEIGHTS 1", I HELD FOUND MONUMENTS 308, 311, 312, 314, 315, AND 316.

FOR THE SOUTHERLY LINE OF SAID PLAT OF "BARRINGTON HEIGHTS 2", I HELD FOUND MONUMENTS 324, 319, AND 318, AND RECORD PLAT BEARINGS AND DISTANCES PER SAID PLAT. I THEN HELD FOUND MONUMENTS 321 AND 320 AND RECORD PLAT BEARINGS AND DISTANCES FOR THE SOUTHWESTERLY LINE OF SAID PLAT OF "BARRINGTON HEIGHTS 8", PER SAID PLAT.

FOR THE BOUNDARIES OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN AND DESCRIBED AS PARCEL 1 IN DEED RECORDED AS DOCUMENT NO. 72-25131, I HELD FOUND MONUMENTS 306, 305, 304, AND 303, AND RECORD DEED DATA PER SAID DEED AND SURVEY NO. 1971-024, BEING ODOT DRAWING NO. 9B-1-6.

FOR THE BOUNDARIES OF THAT TRACT OF LAND CONVEYED BY DEED RECORDED IN DOCUMENT NO. 78-51018, I HELD RECORD DEED DISTANCES FROM THE SOUTHERLY AND WESTERLY BOUNDARIES OF SAID PLATS OF "BARRINGTON HEIGHTS 2" AND "BARRINGTON HEIGHTS 8", PER SAID DEED AND SURVEY NO. 1979-015.

PLAT NOTES:

1. THIS PLAT IS SUBJECT TO THE CONDITIONS OF CITY OF WEST LINN IN CASE FILE NO. _____ MAP-21-03

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, THE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, DOES HEREBY DECLARE THE ANNEXED MAP TO BE A CORRECT MAP OF THE PARTITION OF SAID PROPERTY AND HAS CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED AS SHOWN IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF OREGON REVISED STATUTES AND FURTHERMORE DOES NOT CLAIM ANY PROPERTY BEYOND THE BOUNDARY AS SHOWN HEREON. THIS PLAT IS SUBJECT TO RESTRICTIONS AS NOTED HEREON.

THE STATE OF OREGON
DEPARTMENT OF TRANSPORTATION

_____
BY JOHN BOALS, STATE RIGHT OF WAY MANAGER

ACKNOWLEDGEMENT:

STATE OF)
COUNTY OF) SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON

_____ BY JOHN BOALS, STATE RIGHT OF WAY MANAGER, OREGON DEPARTMENT OF TRANSPORTATION.

_____
NOTARY SIGNATURE

_____
NOTARY PUBLIC - OREGON

COMMISSION NO.: _____

MY COMMISSION EXPIRES: _____

APPROVALS:

APPROVED THIS _____DAY OF _____, 2022

_____
CITY OF WEST LINN - PLANNING DIRECTOR

APPROVED THIS _____DAY OF _____, 2022

_____
CITY OF WEST LINN - CITY ENGINEER

APPROVED THIS _____DAY OF _____, 2022

_____
CLACKAMAS COUNTY SURVEYOR

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID THROUGH JUNE 30, _____

APPROVED THIS _____DAY OF _____, 2022

CLACKAMAS COUNTY ASSESSOR AND TAX COLLECTOR

BY:_____
DEPUTY

STATE OF OREGON)
) SS
COUNTY OF CLACKAMAS)

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS RECEIVED FOR RECORD ON THE ____ DAY OF _____, 2022

AT _____O'CLOCK __M.,

AS PARTITION PLAT NO. _____

DOCUMENT NO. _____

SHERRY HALL, CLACKAMAS COUNTY CLERK

BY:_____
DEPUTY

SURVEYOR'S CERTIFICATE:

I, TOBY G. BOLDEN, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP, SAID LAND BEING DESCRIBED AS FOLLOWS:

A PARTITION LOCATED IN THE S.E. 1/4 OF SECTION 35 AND THE S.W. 1/4 OF SECTION 36, T.2S., R.1E., W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING A 5/8" IRON ROD WITH A RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" SET AT THE SOUTHEAST CORNER OF ADJOINING LOT 13, BLOCK 2, "BARRINGTON HEIGHTS PHASE I", PLAT NO. 2694, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG THE SOUTH LINE OF ADJOINING LOT 14 OF SAID BLOCK 2 OF SAID PLAT NO. 2694, AND CONTINUING ALONG THE SOUTH LINES OF ADJOINING LOTS 15 AND 16 OF BLOCK 2, "BARRINGTON HEIGHTS PHASE II", PLAT NO. 2751, CLACKAMAS COUNTY PLAT RECORDS, SOUTH 88°31'13" EAST, 268.86 FEET TO AN ANGLE POINT THEREON; THENCE ALONG THE SOUTH LINE OF SAID ADJOINING BLOCK 2 OF PLAT NO. 2751, NORTH 89°36'30" EAST, 802.59 FEET TO THE NORTHWEST CORNER OF THAT ADJOINING TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 78-51018, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE SOUTHWEST LINE OF SAID ADJOINING TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 78-51018, SOUTH 23°00'29" EAST, 76.91 FEET TO THE SOUTH CORNER THEREOF; THENCE ALONG THE NORTHWEST LINE OF ADJOINING LOT 2, "BARRINGTON HEIGHTS 8", PLAT NO. 3055, CLACKAMAS COUNTY PLAT RECORDS, SOUTH 44°22'32" WEST, 52.52 FEET TO THE WEST CORNER THEREOF; THENCE ALONG THE SOUTHWEST LINE OF SAID ADJOINING PLAT NO. 3055, SOUTH 63°21'31" EAST, 521.34 FEET TO THE MOST SOUTHERLY CORNER THEREOF; THENCE LEAVING SAID MOST SOUTHERLY CORNER, SOUTH 86°30'48" WEST, 2108.00 FEET; THENCE SOUTH 03°23'12" EAST, 235.00 FEET; THENCE SOUTH 88°31'15" WEST, 781.60 FEET; THENCE NORTH 75°37'10" WEST, 245.08 FEET TO THE MOST EASTERLY CORNER OF THAT ADJOINING TRACT OF LAND DESCRIBED AS PARCEL 1 IN DEED RECORDED AS DOCUMENT NO. 72-25131, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE NORTHEAST LINE OF SAID TRACT OF LAND DESCRIBED AS PARCEL 1, NORTH 54°00'25" WEST, 128.38 FEET TO THE NORTH CORNER THEREOF; THENCE ALONG THE SOUTHEAST RIGHT OF WAY LINE OF SALAMO ROAD (A VARIABLE WIDTH RIGHT OF WAY), NORTH 47°01'27" EAST, 254.06 FEET TO AN ANGLE POINT THAT IS 120.00 FEET SOUTHEAST OF THE CENTERLINE THEREOF WHEN MEASURED AT RIGHT ANGLES; THENCE CONTINUING ALONG SAID SOUTHEAST RIGHT OF WAY LINE, THE WIDE FROM SAID CENTERLINE VARYING, NORTH 26°12'48" EAST, 399.77 FEET TO THE SOUTHWEST CORNER OF ADJOINING BLOCK 2 OF SAID PLAT NO. 2694; THENCE ALONG THE SOUTH LINE OF SAID ADJOINING BLOCK 2 OF PLAT NO. 2694, SOUTH 74°47'42" EAST, 171.77 FEET TO AN ANGLE POINT THEREON; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID ADJOINING BLOCK 2 OF SAID PLAT NO. 2694, SOUTH 84°17'31" EAST, 147.43 FEET TO THE MOST SOUTHERLY CORNER OF ADJOINING LOT 3 OF BLOCK 2 OF PLAT NO. 2694; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID ADJOINING BLOCK 2 OF PLAT NO. 2694, NORTH 53°47'44" EAST, 341.41 FEET TO THE SOUTHEAST CORNER OF ADJOINING LOT 5 OF SAID BLOCK 2 OF SAID PLAT NO. 2694; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID ADJOINING BLOCK 2 OF SAID PLAT NO. 2694, NORTH 89°40'34" EAST, 750.57 FEET TO THE INITIAL POINT.

CONTAINING 1,436,402 SQUARE FEET.

SIGNED ON: 3/31/2022

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

RENEWS: DECEMBER 31, 2023

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324	109833.164	357928.349	FD 5/8" IR W/ YPC, UNREADABLE	S3

SET MONUMENT POINT TABLE - COORDINATES ARE LOCAL DATUM PLANE

POINT#	NORTHING	EASTING	DESCRIPTION
600	109005.822	354768.715	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
601	109129.980	354988.406	NO MONUMENT SET, COORDINATE FOR REFERENCE ONLY
602	109206.247	355055.850	NO MONUMENT SET, COORDINATE FOR REFERENCE ONLY
603	109420.764	355286.086	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
604	109921.373	356050.608	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
605	109925.616	356891.170	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
606	109827.168	357051.357	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
607	109761.862	357883.990	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
608	109724.322	357847.260	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
609	INTENTIONALLY DELETED		
610	109366.021	356208.931	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
611	109131.432	356222.814	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
612	109111.254	355441.473	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
613	109832.655	357853.928	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M: \PROJECTS\ODOT PROPERTY-SALAMO RD\DWG\PART-C3D.dwg

EXHIBIT B
SALES AGREEMENT

Oregon Department of Transportation

BID FORM AND SALES AGREEMENT

Property Location/Address:
as described on Exhibit A (the "Property")

PM FILE:	PM203A-014
ACQ FILES:	H2539-41611; H2539-41609; H2539-41739; H2539-42417; H2539-43703; H2539-43737; H2539-43906; H2539-44078; H2539-44127; H2539-44267; H2539-45230
SECTION:	West Linn - Pacific Hwy Section (Part 1 of 2)
HIGHWAY:	064 - EAST PORTLAND FREEWAY
COUNTY:	Clackamas
MAP NO(s):	9B-1-6
MILEPOINT:	6.75 - 7.40
EA:	R41b11/002/L31

☐ PUBLIC AUCTION

☐ OPEN BID

☒ DIRECT SALE

SALE PRICE: $396,000 ☒ **CASH** ☐ **CONTRACT**

BID TO PURCHASE

BID AMOUNT		$396,000
EARNEST MONEY DEPOSIT (include check for this amount)	–	$ 39,600
TOTAL BALANCE DUE FOR PURCHASE PRICE	=	$356,400

The Bid Amount indicated above is hereby submitted for the purchase of the Property. Upon written acceptance of this Bid Form and Sales Agreement by the STATE OF OREGON, by and through its Department of Transportation, hereinafter referred to as "State," the undersigned as bidder, hereinafter referred to as "Purchaser," agrees to purchase the Property on the terms and conditions in the "Terms of Sale" set forth below, with the Bid Amount being the Purchase Price for the Property.

Accompanying this Bid Form and Sales Agreement is an Earnest Money Deposit in the form of a check payable to the Oregon Department of Transportation, in the amount of the Earnest Money Deposit set forth above.

THE STATE RESERVES THE RIGHT TO REJECT ANY AND ALL BIDS AT ANY TIME PRIOR TO ITS WRITTEN ACCEPTANCE OF THIS BID. If the State rejects this bid, it will return the Earnest Money Deposit to Purchaser, without any accrued interest.

Oregon Department of Transportation

TERMS OF SALE

Purchaser agrees to purchase the Property from the State on the following terms and conditions:

1. The Purchase Price for the Property is:

   $396,000.00 (Bid Amount)

2. Purchasers are submitting an Earnest Money Deposit with this Agreement in the amount of $39,600. IN THE EVENT THE STATE WITHDRAWS SALE OF THE PROPERTY AFTER A BID IS ACCEPTED, THE EARNEST MONEY DEPOSIT SHALL BE RETURNED TO PURCHASER WITHOUT ANY ACCRUED INTEREST.

3. Purchaser will purchase the Property on a ☒ Cash ☐ Contract basis.

CASH PURCHASE

Purchaser will pay the State the balance of the Purchase Price (the Purchase Price less the Earnest Money Deposit) in the form of a cashier's check payable to the Oregon Department of Transportation, to be paid no later than 60 days after acceptance by State.

The Property will be conveyed by Bargain and Sale Deed. The State will record the Deed only after the full Purchase Price has been paid and all other conditions of sale have been satisfied.

In the event Purchaser fails to pay the balance of the Purchase Price due in the time specified, all rights of Purchaser in the Property shall cease and all right, title and interest in said real property shall continue to remain vested in the State, free of any claim or equity in the undersigned Purchaser or those claiming through Purchaser, and the State shall retain the Earnest Money Deposit and any interest thereon.
JG *(Purchaser's Initials)*

Unless and until the Bargain and Sale Deed is executed, Purchaser acquires no right, title, interest or equity in or to the Property and may not take possession of the Property.

~~CONTRACT PURCHASE~~

~~State and Purchaser shall enter into a Land Sale Contract in the State's standard form for the purchase of the Property. The State may record the executed Land Sale Contract or a memorandum thereof.~~

~~Interest under the Land Sale Contract shall be _____% per year. Monthly payment will calculated based on a _____ year amortization, with the entire unpaid balance due within _____year(s).~~

~~Unless and until the Land Sale Contract is executed, Purchaser acquires no right, title, interest or equity in or to the Property and may not take possession of the Property.~~

4. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

5. The state will convey and Purchaser will acquire the Property AS IS, with all defects, if any. The State will convey only such right, title and interest in the Property as is now vested in the State. Conveyance will be by Bargain and Sale Deed in the State's standard form and will be subject to (a) all standard conditions, restrictions and reservations contained therein, (b) all conditions, restrictions and reservations contained within the Land Sale Contract, if applicable; and (c) the following conditions:

- Property is to be sold "AS IS."
- The Oregon Transportation Commission's use restrictions on signboards.
- The Oregon Transportation Commission's use restrictions on all types of junkyards.
- Noise and Air Pollution clause.
- Special Assessments, existing restrictions, reservations, and easements, if any.
- Subject to the rights of any utilities located within said property and further subject to the rights of said existing facilities, if any there be, to operate, reconstruct, and maintain their utility facilities presently located within said property.
- Property shall not be used for the operation of any garbage dump or landfill.
- Access to EAST PORTLAND FREEWAY Highway is completely restricted.
- At the purchaser's sole expense, within 180 days of ODOT's acceptance of purchaser's bid, the purchaser is to apply for and obtain a lot line adjustment or any other land use action that may be required of the local authority. The deed will not be recorded or delivered to the purchaser until ODOT receives written notification from the local authority that the lot line adjustment process or other required land use action has been completed.

6. Unless specifically provided for herein, **the State will not provide title insurance.** If Purchaser wishes to obtain title insurance or use an escrow agent in connection with the purchase of the Property, Purchaser may do so at Purchaser's sole expense.

7. Any real property taxes shall be prorated to the date of recording or other date agreed upon by the State and Purchaser.

[remainder of this page intentionally left blank]

Oregon Department of Transportation

PURCHASER'S BID SUBMISSION (if applicable) AND ACCEPTANCE OF TERMS OF SALE

City of West Linn
(PRINT NAME OF PURCHASER)

By: _____
(Signature of Purchaser)

Name: Jerry Gabrielatos
(Print Name of Person Signing)

Title: City Manager
(Print Title, if any, of Person Signing)

Date: 6.23.21
(Print Date)

PURCHASER CONTACT INFORMATION

22500 Salamo Rd. — *Mailing Address*
West Linn, OR 97068 — *City, State, ZIP*

503.742.6025 — *Phone Number*
jgabrielatos@westlinnoregon.gov — *Email Address*

DEED INFORMATION

CITY OF WEST LINN
Please print name(s) exactly as it should be printed on Deed

22500 SALAMO RD. — *Mailing Address for Tax Statements*
WEST LINN, OR 97068 — *City, State, ZIP*

STATE'S ACCEPTANCE OR REJECTION OF BID FORM AND SALES AGREEMENT

☒ STATE Accepts

☐ STATE rejects and submits Counter Offer

☐ STATE rejects

By: _____
STATE RIGHT-OF WAY MANAGER

7/29/21
DATE

CENTERLINE CONCEPTS
LAND SURVEYING, INC.

19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045
P. 503-650-0188 F. 503-650-0189

Exhibit "A"
Tract 1
Legal Description

A Tract of land located in the Southeast one-quarter of Section 35 and the Southwest one-quarter of Section 36, Township 2 South, Range 1 East of the Willamette Meridian, City of West Linn, County of Clackamas, State of Oregon, being more particularly described as follows:

BEGINNING at a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at the southwest corner of Lot 14, Block 2, "BARRINGTON HEIGHTS PHASE I", Clackamas County Plat Records, being at I-205 NB station 825+57.73, 987.20 feet Right; thence along south line of said Block 2, and continuing along the south line of Block 2, "BARRINGTON HEIGHTS PHASE II", Clackamas County Plat Records, South 68°31'13" East, 268.86 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at the most southerly corner of Lot 16, being at NB station 823+10.75, 867.95 feet Right; thence continuing along the south line of said Block 2, "BARRINGTON HEIGHTS PHASE II", North 89°36'30" East, 802.59 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at the northwest corner of that Tract of land described in Deed recorded as Document No. 78-51018, Clackamas County Deed Records, being at NB station 813+73.28, 736.92 feet Right; thence along the southwest line of said Tract of land described in Deed recorded as Document No. 78-51018, South 23°00'29" East, 76.91 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at the most southerly corner thereof, being at NB station 813+61.61, 660.65, feet Right; thence along the northwest line of Lot 2, "BARRINGTON HEIGHTS 8", Clackamas County Plat Records, South 44°22'32" West, 52.52 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at the most westerly corner thereof, being at NB station 814+14.44 634.18 feet Right; thence along the southwest line of said "BARRINGTON HEIGHTS 8", South 63°21'31" East, 521.34 feet to a 5/8" iron rod with no cap with a right of way paddle at the most southerly corner thereof, being at NB station 810+00.11 269.93 feet Right; thence leaving said most southerly corner of "BARRINGTON HEIGHTS 8", South 86°36'48" West, 2108.00 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS", being at I-205 SB station 831+10.34 376.81 feet Right; thence South 03°23'12" East, 235.00 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS", being at SB station 831+16.12 141.89 feet Right; thence South 88°31'15" West, 781.60 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS", being at SB station 838+75.51 218.73 feet Right; thence North 75°37'10" West, 245.08 feet to a

5/8" iron rod with no cap found at the most easterly corner of that Tract of land described as Parcel 1 in Deed recorded as Document No. 72-25131, Clackamas County Deed Records, being at SB station 840+85.83 326.11 feet Right; thence along the northeast line of said Tract of land described as Parcel 1, North 54°00'25" West, 128.38 feet to the southeast right of way line of Salamo Road, a variable width right of way, being at SB station 841+64.91 423.06 feet Right; thence along said southeast right of way, North 47°01'27" East, 254.06 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at an angle point thereon, at SB station 839+63.17, 552.19 feet Right; thence continuing along said right of way line, North 26°12'48" East, 399.77 feet to a 5/8" iron rod with no cap, being at SB station 837+51.28 873.29 feet Right; thence along the south line of said Block 2, "BARRINGTON HEIGHTS PHASE I", South 74°47'42" East, 171.77 feet to a 3/4" iron pipe at an angle point thereon, being at SB station 836+14.21 893.90 feet Right; thence along said south line, South 84°17'31" East, 147.43 feet to a 5/8" iron rod with a red plastic cap marked "THURSTON & ASSOC. INC." found at the most southerly corner of Lot 3 of said Block 2, "BARRINGTON HEIGHTS PHASE I", being at SB station 834+87.50 770.70 feet Right; thence along said south line, North 53°47'44" East, 341.41 feet to a 5/8" iron rod with a red plastic cap marked "CENTERLINE CONCEPTS" set at the southeast corner of Lot 5 of said Block 2, "BARRINGTON HEIGHTS PHASE I", being at SB station 832+17.49 943.68 feet Right; thence along said south line, North 89°40'34" East, 750.57 feet to the ***POINT OF BEGINNING.***

Contains 1,436,402 square feet, more or less.

The Basis of Bearings and the source of the I-205 Alignment, Stationing, and Offsets is per Survey No. 2019-040, Clackamas County Survey Records.

10 JUN 20

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

RENEWS: 31DEC21

EXHIBIT C
CITY ENGINEER WRITTEN STATEMENT

City of West Linn

Memorandum

To: John Floyd, Associate Planner

From: Amy Pepper, P.E., Senior Project Engineer

Re: Creation of legal of lot of record from existing ODOT right-of-way

---

At their June 12, 2021 meeting, the West Linn City Council voted to approval to acquire surplus property owned by the Oregon Department of Transportation (ODOT), to be used for future construction of a new Operations Facility. At this time, the City is interested in only creating a legal lot of record to allow for the final real estate transaction to be completed. When funding is available, the City will pursue a land use application for the actual construction of the future facility/use of the property.

The property is 32.98 acres of ODOT owned property located north of the I-205/10th Street exit and east of Riverknoll Way. While the parcel is large, a majority of the parcel is not useable due to steep slopes. The development potential and specific details for the future operations facility will be decided when funding is available.

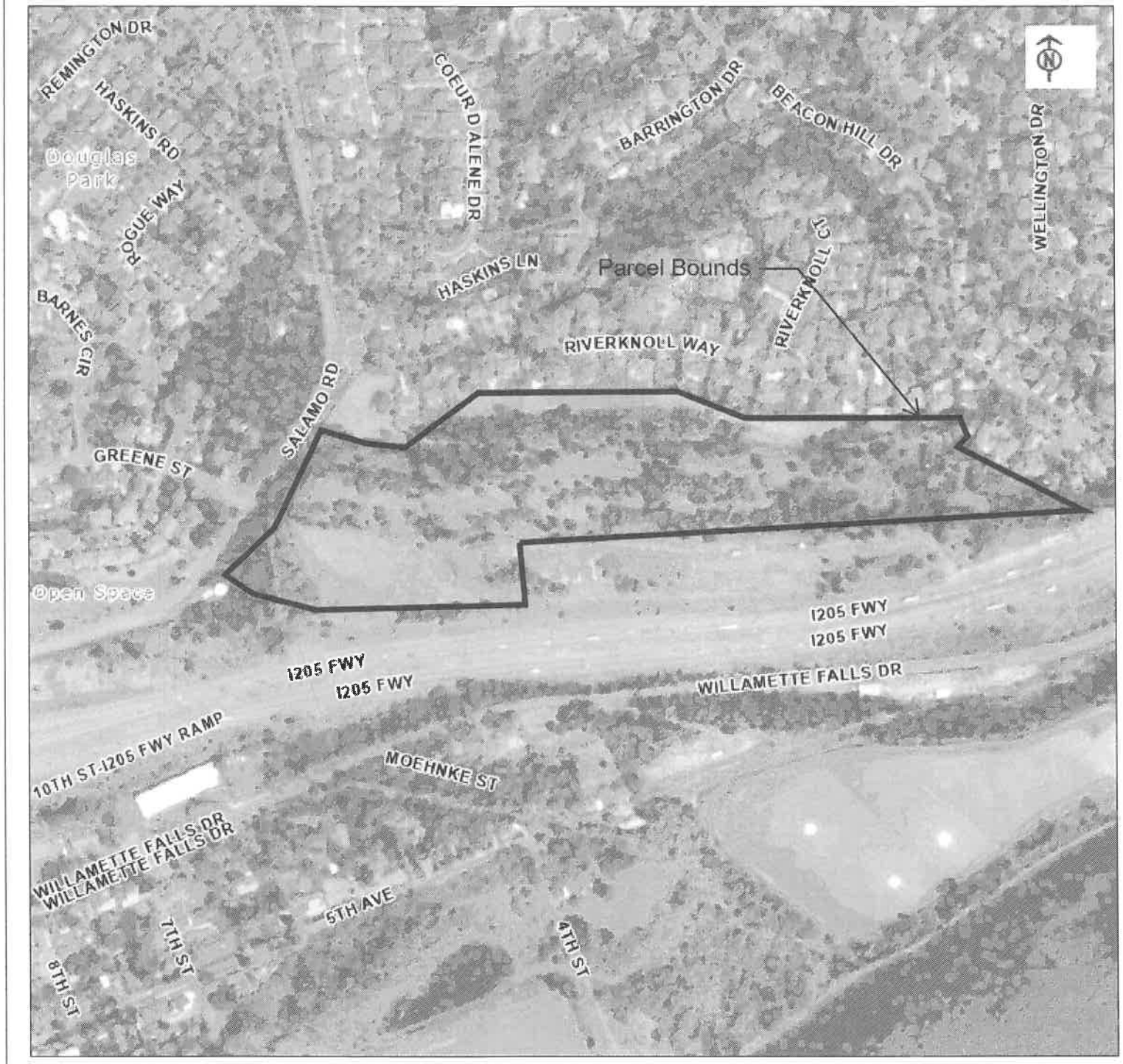
Access to the property in the future will from Salamo Road will be via a driveway approach near the intersection of Greene Street. With the future development plans, when funding is available, the City will be required to install street improvements to the minor arterial standards (WL-RD0010).

There is an existing 10" ductile iron water main in Salamo Road with adequate capacity to serve the proposed future development.

There is an existing 8" sanitary sewer main in Salamo Road with adequate capacity to serve the proposed future development.

Stormwater quality and quantity controls will be installed to offset the impacts of all impervious areas from the proposed future development. Sizing of those facilities will be part of future facility planning efforts.

EXHIBIT D
EXISTING CONDITIONS MAPS



West Linn

Legend

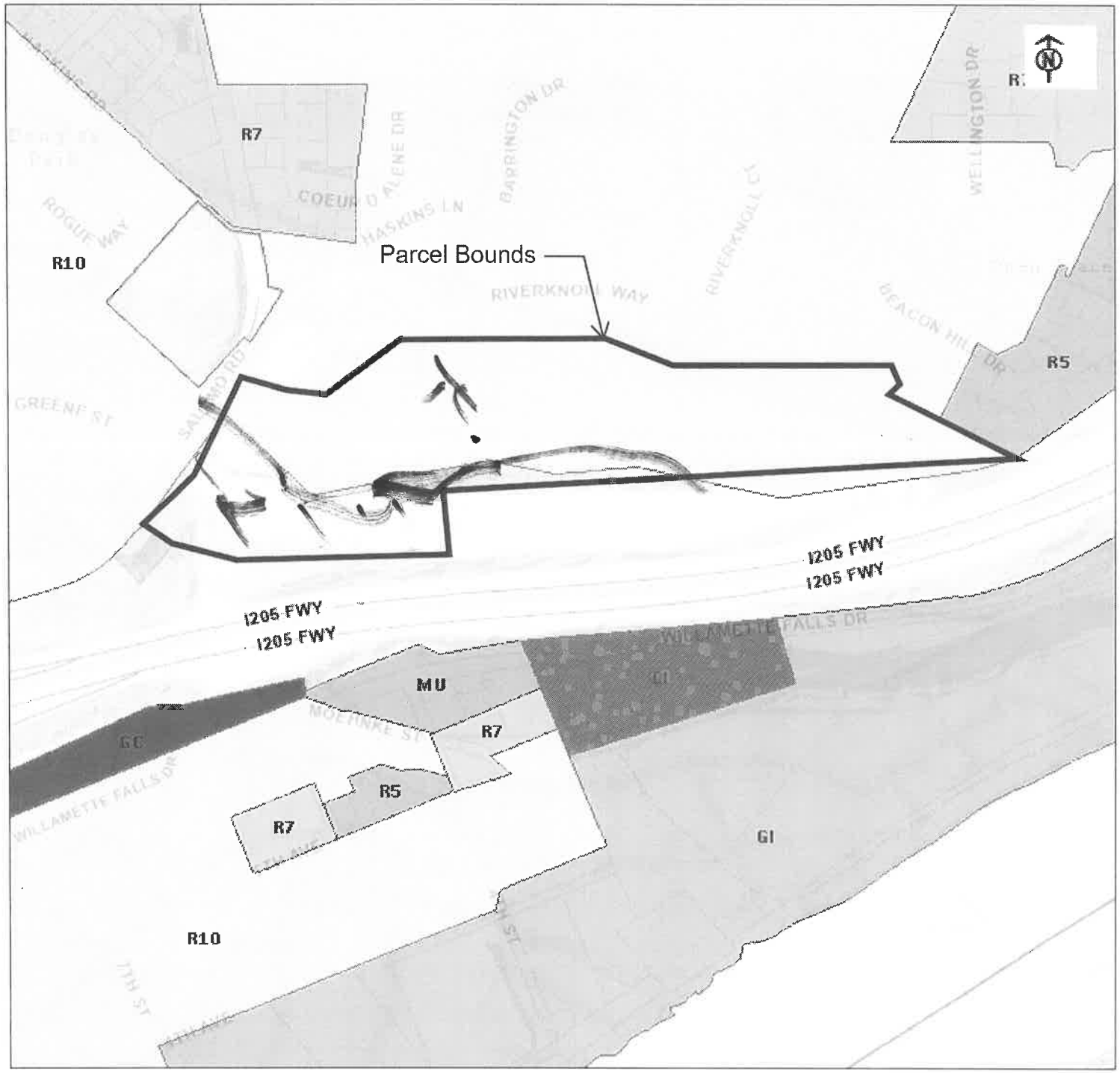
Unofficial Tax Lots

0 0.11 0.23 Miles

1: 9,028

Notes

This map was automatically generated using Geocortex Essentials.



West Linn

Legend

Zoning

- Single and Multi Family R-2.1
- Single and Multi Family R-3
- Single-Family R-4.5
- Single-Family R-5
- Single-Family R-7
- Single-Family R-10
- Single-Family R-15
- Single-Family R-20
- Single-Family R-40
- Mixed Use
- Neighborhood Commercial
- General Commercial
- Office Business Center
- Campus Industrial
- General Industrial

Unofficial Tax Lots

City Limit

Parks and Open Space

City Owned Property

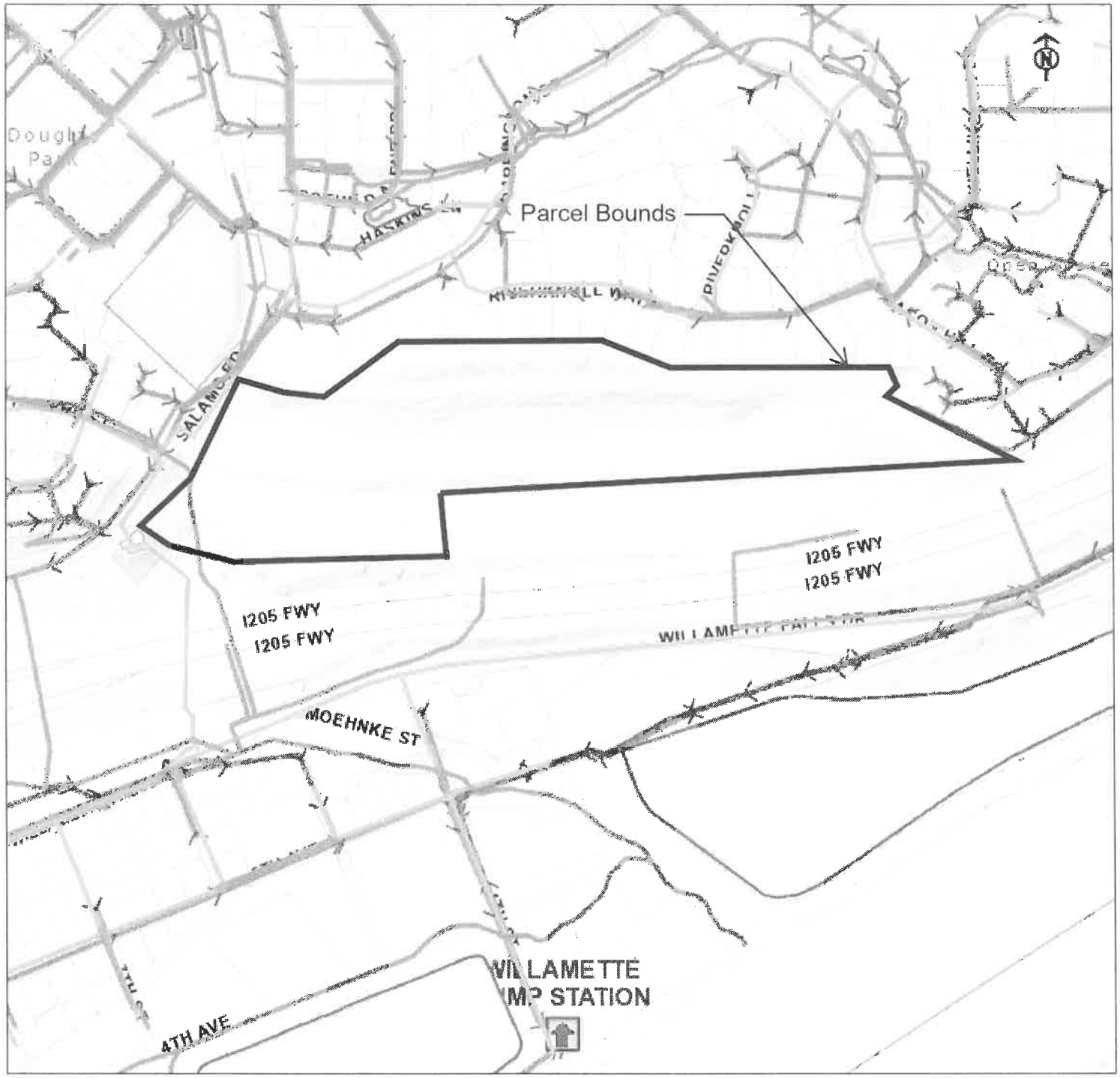
0 0.11 0.23 Miles

1: 9,028



Notes

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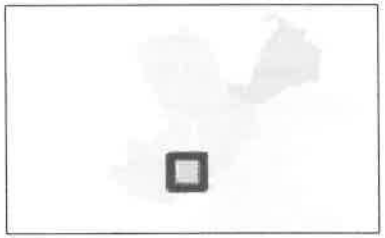
West Linn

Legend

- Stormwater Main
  - Pipe
  - Open Ditch
- Stormwater Facility
- Water Main Labels
- Water Main
- Water Reservoir
- Sewer Pump Station
- Sewer Main
  - Pressure
  - Gravity
- Unofficial Tax Lots
- City Limit
- Parks and Open Space
- City Owned Property

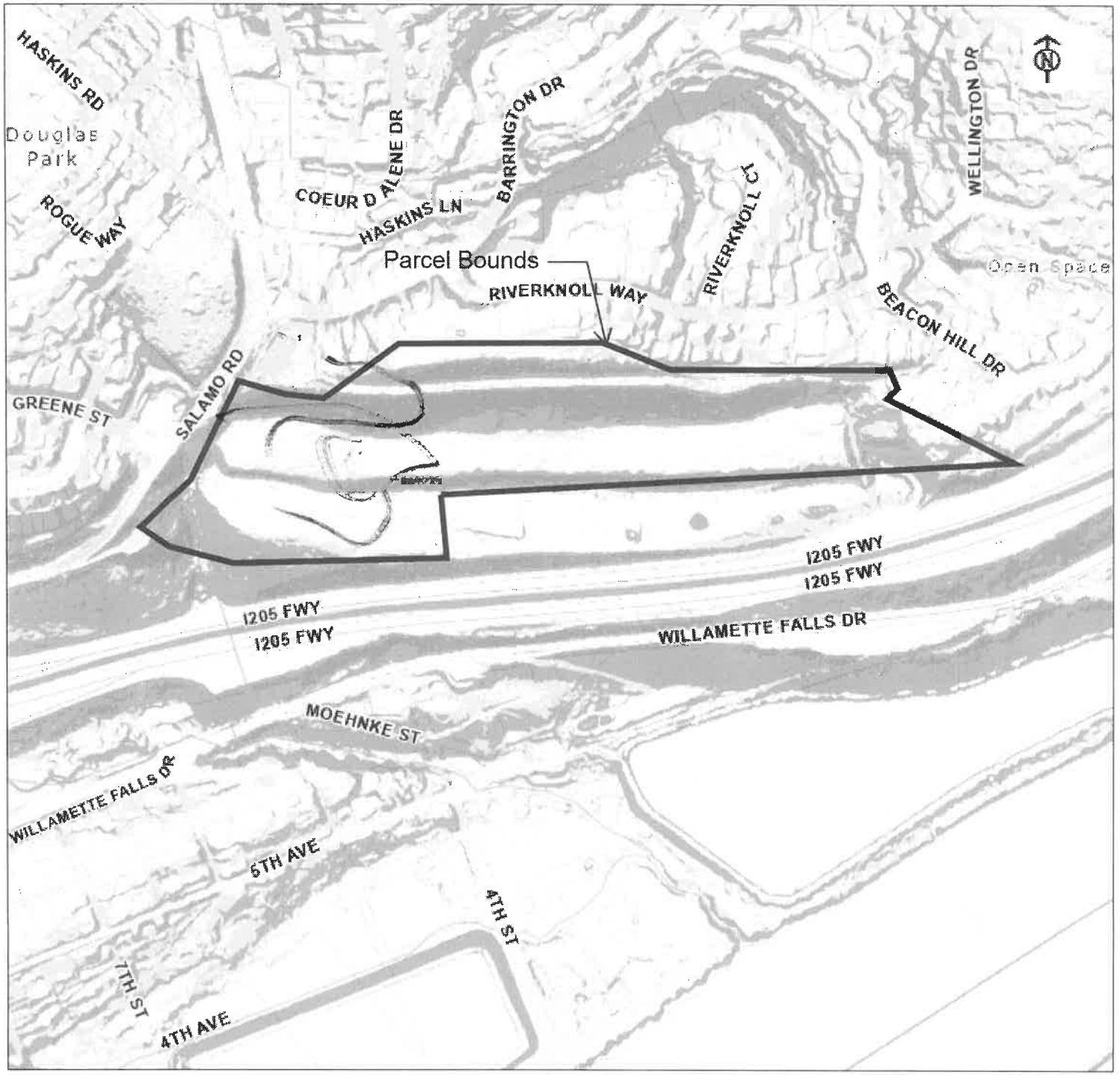
0 0.11 0.23 Miles

1: 9,028



Notes

This map was automatically generated using Geocortex Essentials.



West Linn

Legend

- Unofficial Tax Lots
- City Limit
- Parks and Open Space
- City Owned Property
- Approximate Stream Locations

0 0.11 0.23 Miles

1: 9,028

Notes

This map was automatically generated using Geocortex Essentials.

PD-2 COMPLETENESS LETTER

Chapter 55

DESIGN REVIEW 55.085 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS

A. For applications subject to discretionary review, the Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A).

B. For applications subject to discretionary review, the Planning Director may waive any requirements for the application subject to the provisions of CDC 99.035(B) and (C). (Ord. 1745 § 1 (Exh. A), 2023)

55.070 SUBMITTAL REQUIREMENTS

A. The design review application shall be initiated by the property owner or the owner's agent, or condemnor.

B. A pre-application conference, per CDC 99.030(B), shall be a prerequisite to the filing of an application.

C. Documentation of any required meeting with the respective City-recognized neighborhood association per CDC 99.038.

D. The applicant shall submit a completed application form and:

1. The development plan for a Class I design review shall contain the following elements:

   a. A site analysis (CDC 55.110) only if the site is undeveloped;

   b. A site plan (CDC 55.120);

   c. Architectural drawings, including building envelopes and all elevations (CDC 55.140) only if exterior architectural construction, remodeling, or changes are proposed;

   d. Tualatin Valley Fire and Rescue service provider permit; and

   e. Pursuant to CDC 55.085, additional submittal material may be required.

One original application form must be submitted. One copy at the original scale and one copy reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. One copy of all other items must be submitted. The applicant shall also submit one copy of the complete application in a digital format acceptable to the City. When the application submittal is determined to be complete, additional copies may be required as determined by the Community Development Department.

2. The development plan for a Class II design review shall contain the following elements:

   a. A site analysis (CDC 55.110);

   b. A site plan (CDC 55.120);

   c. A grading plan (CDC 55.130);

   d. Architectural drawings, indicating floor plan and elevation (CDC 55.140);

   e. A landscape plan (CDC 55.150);

   f. A utility plan appropriate to respond to the approval criteria of CDC 55.100(I)(1) through (5) relating to streets, drainage, municipal water, sanitary sewers, solid waste, and recycling storage;

   g. A light coverage plan with photometric data, including the location and type of outdoor lighting, with specific consideration given to compliance with CDC 55.100(J) pertaining to crime prevention and, if applicable, CDC 46.150(A)(13) pertaining to parking lot lighting;

h. If staff determines before or during the pre-application conference that the land use is expected to generate noise that may exceed DEQ standards, the application shall include a noise study conducted by a licensed acoustical engineer that demonstrates that the application and associated noise sources will meet DEQ standards. Typical noise sources of concern include, but are not limited to, vehicle drive-throughs, parking lots, HVAC units, and public address systems; and

i. Documents as required per the Tree Technical Manual.

j. Tualatin Valley Fire and Rescue service provider permit.

3. A narrative, based on the standards contained in this code, which supports any requested exceptions as provided under CDC 55.170.

99.040 DUTIES OF DIRECTOR

A. The Director shall:

1. Prepare application forms made pursuant to the standards contained in the applicable State law, Comprehensive Plan and implementing ordinance provisions;

2. Accept all development applications that comply with the provisions of CDC 99.030;

3. After accepting an application pursuant to this chapter:

   a. Determine whether an application is complete, and comply with State statutes governing the completeness determination for applications. The determination of the Director is subject to review by the approval authority in its deliberation on the application;

   b. Give notice as provided by CDC 99.080 and 99.090;

   c. Prepare a staff report which shall include findings as to whether or not the application meets the approval criteria of the applicable Community Development Code sections as presented in the application, and whether or not the criteria can be met with conditions;

   d. Make the application, all documents or evidence relied upon by the applicant and applicable criteria available at least 20 days prior to the hearing or date of the Director's decision. Make the staff report available at least 10 days prior to the scheduled date of the public hearing(s);

   e. Act on the development application pursuant to CDC 99.060(A) and 99.160 or cause a hearing to be held pursuant to CDC 99.060(B) through (D) and CDC 99.170 through 99.230, unless the applicant has requested or consented to a delay;

99.110 DECISION-MAKING PROCESS OF APPROVAL AUTHORITY

A. The decision shall be based on proof by the applicant that the application fully complies with:

1. The applicable standards of any provision of this code or other applicable implementing ordinance.

99.190 CONTINUATION OF HEARING – NOTICE

An approval authority may continue the hearing from time to time to gather additional evidence, to consider the application fully**, to comply with State statutes,** or to give notice to additional persons. Unless otherwise provided by the approval authority, no additional notice need be given of the continued hearing if the matter is continued to a date certain. (Ord. 1568, 2008; Ord. 1745 § 1 (Exh. A), 2023

99.035 ADDITIONAL INFORMATION REQUIRED, WAIVER OF REQUIREMENTS AND REPORT REQUIRED

A. The Planning Director may require information in addition to that required by a specific chapter in the Community Development Code; provided, that:

1. The chapter expressly authorizes that additional information may be required;

2. The information is needed to properly evaluate the proposed site plan or proposal;

3. The requirement for additional information is communicated to the applicant during the pre-application conference or prior to application submittal; and

4. The need can be justified on the basis of a special or unforeseen circumstance.

B. The Planning Director may waive a specific requirement for information or a requirement to address a certain approval standard subject to the provisions of subsection C of this section provided:

1. The Planning Director finds that specific information is not necessary to properly evaluate the application; or

2. The Planning Director finds that a specific approval standard is not applicable to the application.

C. Where a requirement is waived, the Planning Director shall cite in the staff report on the application the specific requirements waived and the reasons for the waiver. The decision of the Planning Director to waive the requirement is subject to review and denial by the approval authority or the appeal authority. (Ord. 1568, 2008; Ord. 1745 § 1 (Exh. A), 2023)

EX 1

West Linn

REVISED STAFF REPORT
FOR THE PLANNING COMMISSION (PC)

****Deletions are identified with ~~strikethrough~~ and additions are identified with **gray color shading, bold and underline text******

FILE NUMBER:	CUP-25-02 / DR-25-02 / WAP-25-01
HEARING DATE:	February 18, 2026 (Continued from 02/04/2026 PC Hearing)
REQUEST:	The applicant is requesting approval for a Conditional Use Permit, Class II Design Review, and a Water Resource Area Permit, to construct an operations complex serving the City of West Linn's Public Works, Environmental Services, Parks and Recreation, and Water and Streets Departments. The complex includes landscaping, paved parking, fueling, vehicle wash, dewatering and decant functions at 23800 and 23834 Salamo Road.
APPROVAL CRITERIA:	Community Development Code (CDC) Chapters 11, 32, 41, 42, 46, 48, 55, 60, 96, and 99
STAFF REPORT PREPARED BY:	Aaron Gudelj, Associate Planner

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PUBLIC COMMENTS 8
RECOMMENDATION 9
ADDENDUM 10

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PC-B CIVIL AND LANDSCAPE DRAWINGS .....
PC-C TREE PRESERVATION PLAN AND ARBORIST REPORT .....
PC-D STORMWATER AND GRADING PLAN .....

PC-E TRANSPORTATION ASSESSMENT.....
PC-F WATER RESOURCES AREA REVIEW .....
PC-G WETLAND DELINEATION REPORT(2025) AND ODOT SOLAR PROJECT (2009) .....
PC-H LIGHTING PLAN AND SERVICE PROVIDER PERMIT .....
PC-I NEIGHBORHOOD MEETING OUTREACH .....
PC-J GEOTECHNICAL ENGINEERING REPORT .....
PC-K COMPLETENESS LETTER .....
PC-L AFFIDAVIT AND NOTICE PACKET.....
PC-M STAFF SUPPLEMENTAL MEMO (02.04.2026) .....
PC-N PUBLIC COMMENTS .....
PC-O APPLICANT CALRIFICATIONS MEMO 02.13.2026.....
PC-P CITY OF WEST LINN COMPREHENSIVE PLAN MAP NOVEMBER 2023.....
PC-Q CITY OF WEST LINN ZONING MAP NOVEMBER 2023.....
PC-R CITY COUNCIL AGENDA BILL 2021-07-12-05.....
PC-S STAFF SUPPLEMENTAL MEMO 02.13.2026.....

West Linn

STAFF REPORT
PLANNING MANAGER DECISION

DATE: January 5, 2022

FILE NO.: MIP-21-03

REQUEST: Approval of a single-lot partition to create a legal lot of record out of existing Oregon Department of Transportation (ODOT) right of way located northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights. The purpose of the action is to facilitate the transfer of approximately 32.98 acres of surplus land from ODOT to the City of West Linn. No development is proposed as part of this application.

PLANNER: John Floyd, Associate Planner

Planning Manager DSW

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West Linn, OR 97068
Salem, OR 97302-1142
Oregon City, OR 97045
West Linn, OR 97068

From: Karie Oakes
To: Floyd, John
Subject: MIP-21-03
Date: Monday, January 3, 2022 3:58:57 PM

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

Dear Mr. Floyd,

Please submit this testimony for consideration of the request for a minor partition of ODOT ROW to create a lot of record.

The notice did not properly inform persons entitled to mailed notice and the general public of the earliest date by which the Planning Director or his designee will make a decision pursuant to:

99.090 CONTENTS OF NOTICE

A. Notices mailed pursuant to this code shall comply with applicable provisions of the Oregon Revised Statutes (ORS). Except for expedited land division review, for which Chapter 197 ORS shall apply, notice given to persons entitled to mailed or published notice pursuant to CDC 99.060 shall:

...

4. State the date, time, and location of hearing or, for the Planning Director's decisions, the earliest date upon which the Director will make a decision.

Secondly, the applicant notes that there is a water resource area on the property, stating that there is a mapped stream on the property which will have to be protected when development occurs pursuant to Chapter 32. Without an existing conditions map that shows the stream, it is not possible to determine if this minor partition will serve the City's future plans for the property and protect the stream.

Karie Oakes

CITY OF West Linn

Planning Commission Request to Speak

Any information provided may be considered a public record and subject to disclosure.
Each agenda item requires a separate testimony form.

☒ I request to speak during **General Public Comments** – (3 minutes). Please specify topic (*required*):
CUP-25-02/DR-25-02-WAP-25-01

☐ I request to testify on **CUP-25-02/DR-25-02/WAP-25-01 Proposal for New City of West Linn Operations Support Facility at the vacant parcel east of the Salamo Road/Greene Street intersection** (5 minutes for all speakers).

☐ **In Support** ☐ **In Opposition** ☒ **Neither for nor against**

Failure to raise an issue by written comment or at the hearing, or failure to provide sufficient specificity to respond to the issue, precludes raising the issue on appeal before the Land Use Board of Appeals. Parties with standing may appeal this decision to the West Linn City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city or its designee to respond to the issue precludes an action for damages in circuit court.

REQUIRED INFORMATION TO HAVE STANDING FOR CUP-25-02. PLEASE PRINT:

Name: William Relyea

Name of Organization (if applicable):

Address: 3016 Salamo Lane

City: West Linn State OR Zip 97068

Email (optional): wrelyea@comcast.net

February 18, 2026

Schroder, Lynn

From: City of West Linn <webmaster@westlinnoregon.gov>
Sent: Tuesday, February 17, 2026 3:13 PM
To: Schroder, Lynn
Subject: City of West Linn Website submission: Meeting Request to Speak Signup

Submitted on Tuesday, February 17, 2026 - 3:13pm

Submitted by anonymous user: 73.190.123.9

Submitted values are:

Full Name Jeannie Thompson
Email Address Jeanniet1@gmail.com
Cell Phone Number 5034904169
Home Phone Number 5034904169
Street Address 2616 SW Missy Brae Rd
City West Linn
State Oregon
Item you would like to speak on Observation only
Board Planning Commission
Meeting Date Tue, 02/17/2026

The results of this submission may be viewed at:

https://westlinnoregon.gov/node/45911/submission/91317

CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. MIP-21-03

The West Linn Planning Manager is considering MIP-21-23, a single-lot partition to create a legal lot of record out of existing Oregon Department of Transportation (ODOT) right of way located northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights. The purpose of the action is to facilitate the transfer of approximately 32.98 acres land from ODOT to the City of West Linn. No development is proposed as part of this application.

The Planning Manager will decide the application based on criteria in Chapters 11, 32, 48, 85, and 99 of the Community Development Code (CDC). The approval criteria from the CDC are available for review on the City website http://www.westlinnoregon.gov/cdc or at City Hall and the City Library.

The application is posted on the City's website, https://westlinnoregon.gov/planning/odot-row-east-salamo-drive-and-north-i-205-minor-partition. Alternatively, the application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost.

A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration shall submit all material before 4:00 p.m. on January 3, 2022 to jfloyd@westlinnoregon.gov or mail them to City Hall. All comments must be received by the deadline.**

It is important to submit all testimony in response to this notice. All comments submitted for consideration of this appeal should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue.

The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC 99.240.

Contact John Floyd, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-6058, jfloyd@westlinnoregon.gov for additional information.

West Linn

December 14, 2021

Casey Thomson
City of West Linn Engineering Division
22500 Salamo Road
West Linn, OR 97068

SUBJECT: MIP-21-03 application for a Minor Partition to create a create one legal lot of record out of existing ODOT right of way located northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights

Dear Mr. Thompson,

You submitted this application on December 6, 2021 and provided supplemental information on December 14, 2021. The Planning and Engineering Departments find that this application is now complete as of December 14, 2021. The city has 120 days to exhaust all local review; that period ends April 13, 2022.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Director to render a decision on your proposal.

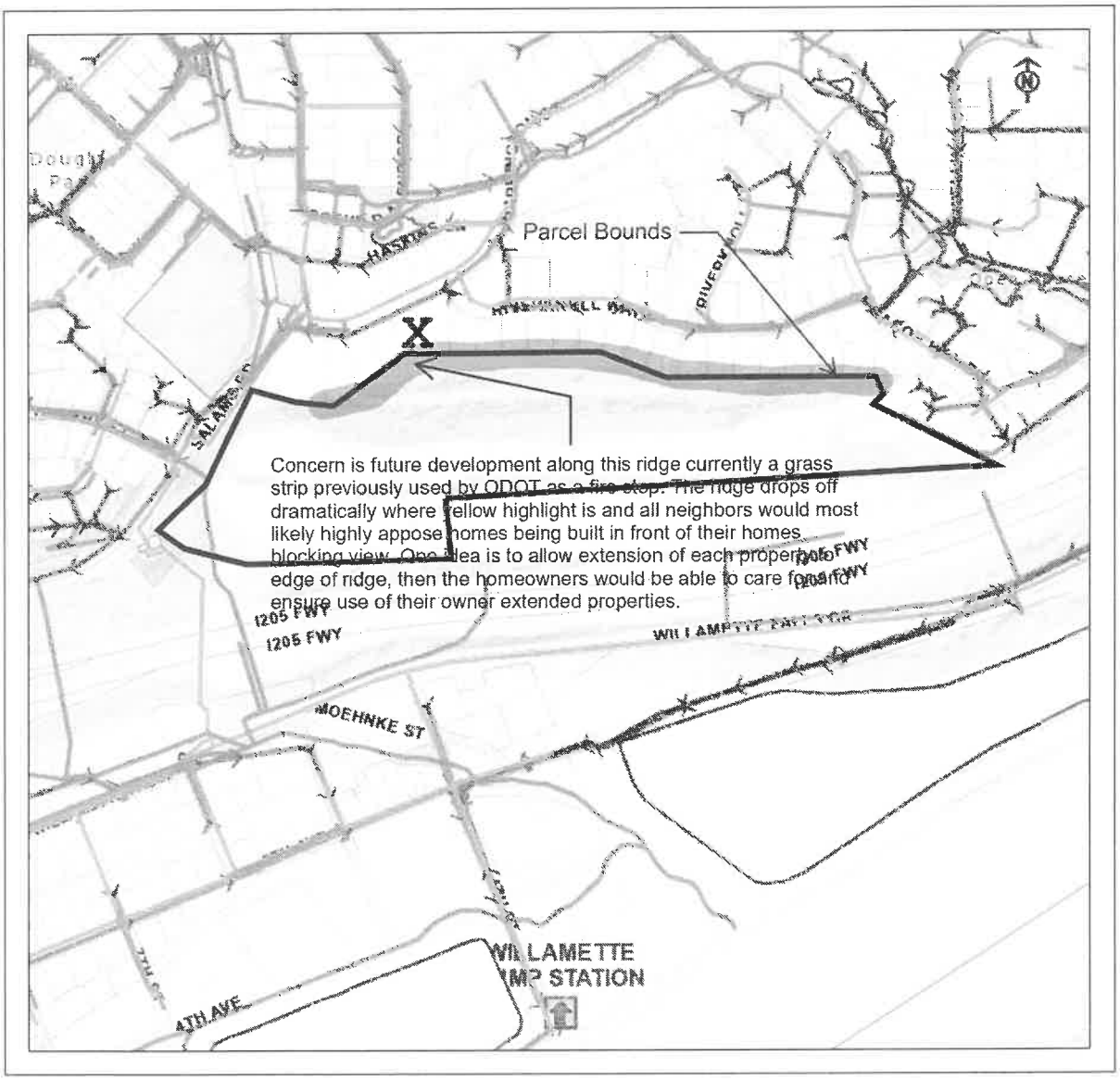
A 20-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

Please contact me at 503-742-6058, or by email at jfloyd@westlinnoregon.gov if you have any questions or comments.

Sincerely,

John Floyd

Associate Planner



West Linn

Legend

- Stormwater Main
  - Pipe
  - Open Ditch
- Stormwater Facility
- Water Main Labels
- Water Main
- Water Reservoir
- Sewer Pump Station
- Sewer Main
  - Pressure
  - Gravity
- Unofficial Tax Lots
- City Limit
- Parks and Open Space
- City Owned Property

0 0.11 0.23 Miles

1: 9,028

Notes

This map was automatically generated using Geocortex Essentials.

December 22, 2021

Dodson, Joshua & Alyssa
3350 Barrington Drive
West Linn, OR 97068
(503)754-2546 cell
joshua@dpmco.us

RE: MIP-21-03- Concern for future development

Dear Mr. John Floyd,

It was informative to speak with you on 12/16/2021 regarding the notice we received in the mail regarding the recently purchased 33 acres below our property location. The intent and purpose for the City's purchase of the property from ODOT seems reasonable in terms of desire for public use and potential public works and maintenance facility, preferable located at the lower flat parcel.

Our concern is related to HB2001 and potential future development or sale to a developer who may develop at all tiers of the 33 acres including the current ODOT grass fire strip located along the ridge line behind our homes, noted in the attached exhibit. Even though it would seem difficult to develop at this location developers would figure a way. This would create quite the uproar from these homeowners affected.

One idea would be to deed that current grass strip to each homeowner who would want it from their current property line out to the ridge. This would preserve good relations, good views and eliminate future development in this wild natural space along the top ridge.

I am interested in keeping in the loop with this project and how I can be a part of its decisions and if there are any options for parceling out the spaces for those living along Barrington and Riverknoll Drives.

Appreciate the opportunity to express some thoughts.

Sincerely,

Joshua Dodson

Attachments: December 14, 2021 letter to Engineering Division from John Floyd
City Notice of upcoming planning manager decision File No. MIP-21-03
Parcel boundary with noted area of interest

City of West Linn

December 14, 2021

Casey Thomson
City of West Linn Engineering Division
22500 Salamo Road
West Linn, OR 97068

SUBJECT: MIP-21-03 application for a Minor Partition to create a create one legal lot of record out of existing ODOT right of way located northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights

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Please contact me at 503-742-6058, or by email at jfloyd@westlinnoregon.gov if you have any questions or comments.

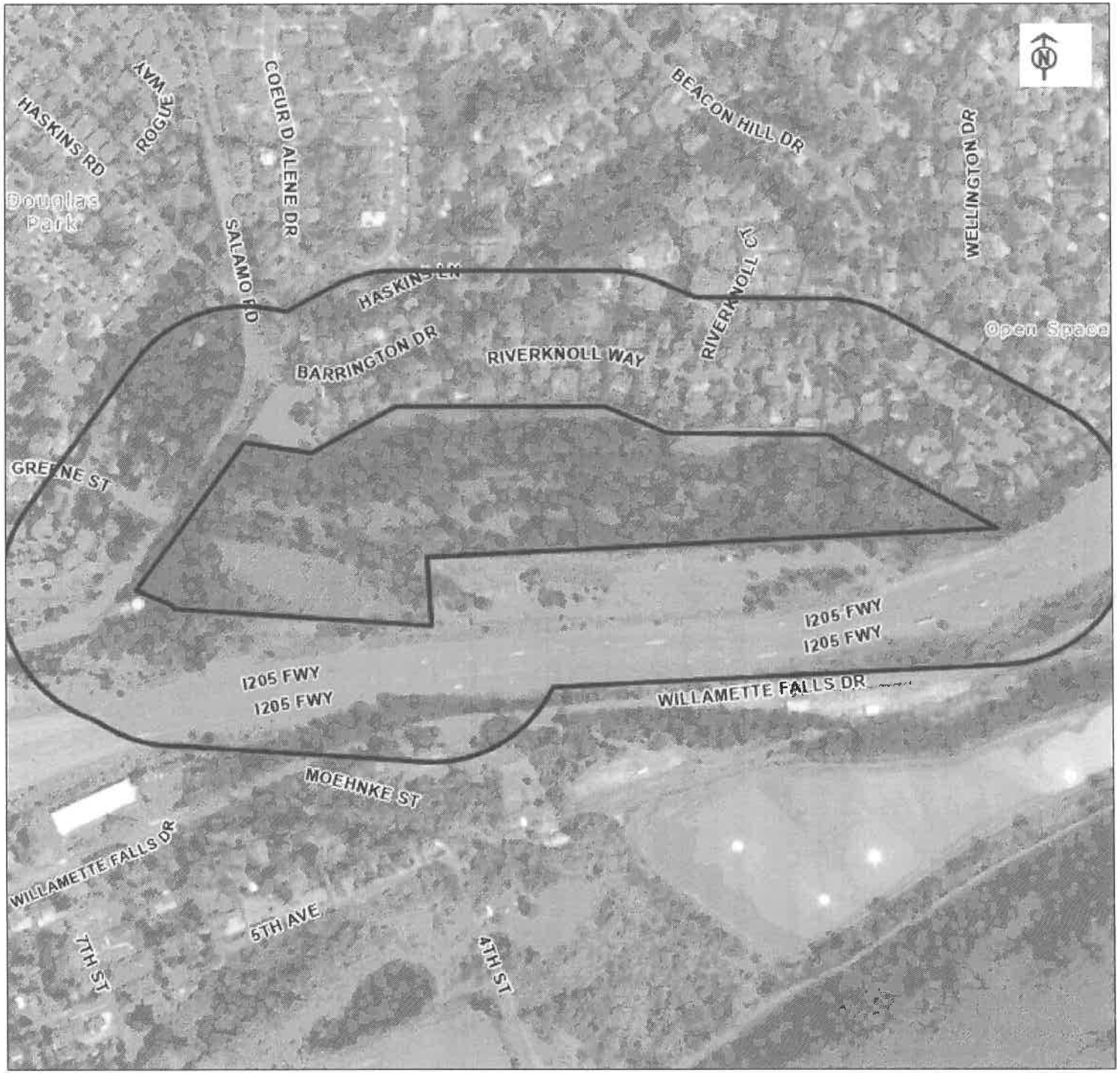
Sincerely,

John Floyd

Associate Planner

PD-3 AFFADAVIT AND NOTICE PACKET

MIP-21-03 ODOT ROW MINOR PARTITION 500-FOOT BUFFER PROPERTIES



West Linn

Legend

Unofficial Tax Lots

0 0.11 0.23 Miles

1: 9,028

Notes

This map was automatically generated using Geocortex Essentials.

CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. MIP-21-03

The West Linn Planning Manager is considering MIP-21-23, a single-lot partition to create a legal lot of record out of existing Oregon Department of Transportation (ODOT) right of way located northerly of the I-205 freeway, easterly of Salamo Road, and southerly of Barrington Heights. The purpose of the action is to facilitate the transfer of approximately 32.98 acres land from ODOT to the City of West Linn. No development is proposed as part of this application.

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Contact John Floyd, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-6058, jfloyd@westlinnoregon.gov for additional information.

CITY OF West Linn
COMMUNITY DEVELOPMENT

NOTICE OF UPCOMING
PLANNING COMMISSION DECISION

PROJECT # MIP-21-03
MAIL: 12/14/2021

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

CITY OF West Linn

AFFIDAVIT OF NOTICE
Type A

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

PROJECT
File No.: **MIP-21-03** Applicant's Name: **COWL**
Development Name: **Oregon Department of Transportation right of way**
Scheduled Decision Date: **Planning Manager Decision no earlier than 1/4/22**

APPLICATION
The application, all documents or evidence relied upon by the applicant, and applicable criteria were posted on the website at least 20 days prior to the hearing or decision date per Section 99.040 of the Community Development Code.

12/14/21	*Lynn Schroder*

MAILED NOTICE
Notices were mailed at least 20 days prior to the scheduled hearing date per Section 99.080 of the Community Development Code to:

COWL, applicant	**12/14/21**	*Lynn Schroder*
Clackamas County	**12/14/21**	*Lynn Schroder*
Oregon Dept of Fish & Wildlife	**12/14/21**	*Lynn Schroder*
Division of State Lands	**12/14/21**	*Lynn Schroder*
ODOT	**12/14/21**	*Lynn Schroder*
Property owners of record within 500 feet	**12/14/21**	*Lynn Schroder*
Savanna Oaks & BHT Neighborhood Associations	**12/14/21**	*Lynn Schroder*

TIDINGS
No Tidings notice.

WEBSITE
Notice was posted on the City's website at least 20 days prior to the scheduled hearing date.

12/14/21	*Lynn Schroder*

SIGN
At least 10 days prior to the schedule hearing, a sign was posted on the property per Section 99.080 of the Community Development Code.

12/15/21	*John Floyd*

FINAL DECISION
Notice of final decision was mailed to the applicant, all other parties with standing, and posted on the City's website per Section 99.040 of the Community Development Code.

1/7/22	*Lynn Schroder*

From:	Joshua Dodson
To:	Floyd, John
Cc:	dodsonhome@comcast.net
Subject:	MIP-21-03 DODSON Concern 12.22.2021
Date:	Wednesday, December 22, 2021 2:32:10 PM
Attachments:	image001.png Dodson 3350 Barrington Drive MIP-21-03 12.22.2021.pdf

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

John- attached you will find my comment in compliance with the official notice that was mailed to us and due by January 3, 2022. As I mentioned on the phone even though this is regarding our non-business concern, I am a project manager/owner's representative who managed both the City of Wilsonville SMART Ops facility and the City of Lake Oswego's public works facilities as well as other public projects, so I am interested on a professional level on helping the City out with the future project on said property. I was an owner and partner with Mike Day for DAY CPM then we sold to OTAK in 2017 and now I am venturing out on my own doing the same thing. I would like to meet you and the City Manager if you'd like sometime between or after the Holidays so let me know.

Have a wonderful Christmas and Happy New Year John.

DPM Co.
DODSON PROJECT MANAGEMENT
Joshua Dodson
503.754.2546
joshua@dpmco.us

PD-4 PUBLIC COMMENTS

Mailing Address	Mailing Cit	Mailing Sta	Mailing Zip Code
0841 SW GAINES ST UNIT 1908	PORTLAND	OR	97239
123 SW 12TH AVE APT 930	PORTLAND	OR	97209
1804 HALL CT	WEST LINN	OR	97068
1814 HALL CT	WEST LINN	OR	97068
1816 HALL CT	WEST LINN	OR	97068
1818 HALL CT	WEST LINN	OR	97068
1818 MANCHESTER CT	WEST LINN	OR	97068
1820 HALL CT	WEST LINN	OR	97068
1834 MANCHESTER CT	WEST LINN	OR	97068
1848 MANCHESTER CT	WEST LINN	OR	97068
1900 HALL ST	WEST LINN	OR	97068
1901 HALL ST	WEST LINN	OR	97068
1904 HALL ST	WEST LINN	OR	97068
1910 HALL ST	WEST LINN	OR	97068
1914 HALL ST	WEST LINN	OR	97068
1920 HALL ST	WEST LINN	OR	97068
1925 HALL ST	WEST LINN	OR	97068
1930 HALL ST	WEST LINN	OR	97068
1935 HALL ST	WEST LINN	OR	97068
1940 HALL ST	WEST LINN	OR	97068
1945 HALL ST	WEST LINN	OR	97068
1950 HALL ST	WEST LINN	OR	97068
1955 HALL ST	WEST LINN	OR	97068
1960 HALL ST	WEST LINN	OR	97068
1964 HALL ST	WEST LINN	OR	97068
198 N CYPRESS AVE	SANTA CLA	CA	95050
2000 RIVERKNOLL CT	WEST LINN	OR	97068
2010 RIVERKNOLL CT	WEST LINN	OR	97068
2017 RIVERKNOLL CT	WEST LINN	OR	97068
2020 RIVERKNOLL CT	WEST LINN	OR	97068
2027 RIVERKNOLL CT	WEST LINN	OR	97068
2245 GREENE ST	WEST LINN	OR	97068
2304 GREENE ST	WEST LINN	OR	97068
2305 GREENE ST	WEST LINN	OR	97068
2306 GREENE ST	WEST LINN	OR	97068
23900 SALAMO RD	WEST LINN	OR	97068
244 CHESHAM AVE	SAN CARLC	CA	94070
24850 SW STAFFORD SUMMIT CT	WEST LINN	OR	97068
24850 SW STAFFORD SUMMIT CT	WEST LINN	OR	97068
25 SHERIDAN ST	HAVERHILL	MA	1830
2680 COEUR D ALENE DR	WEST LINN	OR	97068
2681 WILLAMETTE FALLS DR	WEST LINN	OR	97068
2690 COEUR D ALENE DR	WEST LINN	OR	97068
2715 WILLAMETTE FALLS DR	WEST LINN	OR	97068
2881 BEACON HILL DR	WEST LINN	OR	97068
2900 BEACON HILL DR	WEST LINN	OR	97068

2901 WILLAMETTE FALLS DR	WEST LINN OR	97068
2908 BEACON HILL DR	WEST LINN OR	97068
2912 BEACON HILL DR	WEST LINN OR	97068
2919 BEACON HILL DR	WEST LINN OR	97068
2924 BEACON HILL DR	WEST LINN OR	97068
2931 BEACON HILL DR	WEST LINN OR	97068
2936 BEACON HILL DR	WEST LINN OR	97068
2941 BEACON HILL DR	WEST LINN OR	97068
2951 BEACON HILL DR	WEST LINN OR	97068
2952 BEACON HILL DR	WEST LINN OR	97068
2961 BEACON HILL DR	WEST LINN OR	97068
2964 BEACON HILL DR	WEST LINN OR	97068
2976 BEACON HILL DR	WEST LINN OR	97068
2981 BEACON HILL DR	WEST LINN OR	97068
2988 BEACON HILL DR	WEST LINN OR	97068
2990 BEACON HILL DR	WEST LINN OR	97068
3200 S HASKINS RD	WEST LINN OR	97068
3300 BARRINGTON DR	WEST LINN OR	97068
3305 BARRINGTON DR	WEST LINN OR	97068
3310 BARRINGTON DR	WEST LINN OR	97068
3315 BARRINGTON DR	WEST LINN OR	97068
3320 BARRINGTON DR	WEST LINN OR	97068
3325 BARRINGTON DR	WEST LINN OR	97068
3330 BARRINGTON DR	WEST LINN OR	97068
3335 BARRINGTON DR	WEST LINN OR	97068
3340 BARRINGTON DR	WEST LINN OR	97068
3345 BARRINGTON DR	WEST LINN OR	97068
3350 BARRINGTON DR	WEST LINN OR	97068
3355 BARRINGTON DR	WEST LINN OR	97068
3360 BARRINGTON DR	WEST LINN OR	97068
3365 BARRINGTON DR	WEST LINN OR	97068
3375 BARRINGTON DR	WEST LINN OR	97068
3380 BARRINGTON DR	WEST LINN OR	97068
3383 BARRINGTON DR	WEST LINN OR	97068
3405 RIVERKNOLL WAY	WEST LINN OR	97068
3410 RIVERKNOLL WAY	WEST LINN OR	97068
3415 RIVERKNOLL WAY	WEST LINN OR	97068
3420 RIVERKNOLL WAY	WEST LINN OR	97068
3425 RIVERKNOLL WAY	WEST LINN OR	97068
3430 RIVERKNOLL WAY	WEST LINN OR	97068
3440 RIVERKNOLL WAY	WEST LINN OR	97068
3450 RIVERKNOLL WAY	WEST LINN OR	97068
3455 RIVERKNOLL WAY	WEST LINN OR	97068
3460 RIVERKNOLL WAY	WEST LINN OR	97068
3461 RIVERKNOLL WAY	WEST LINN OR	97068
3463 RIVERKNOLL WAY	WEST LINN OR	97068
3465 RIVERKNOLL WAY	WEST LINN OR	97068

3470 RIVERKNOLL WAY	WEST LINN	OR	97068
3475 RIVERKNOLL WAY	WEST LINN	OR	97068
3480 RIVERKNOLL WAY	WEST LINN	OR	97068
3485 RIVERKNOLL WAY	WEST LINN	OR	97068
3490 RIVERKNOLL WAY	WEST LINN	OR	97068
3500 RIVERKNOLL WAY	WEST LINN	OR	97068
3520 RIVERKNOLL WAY	WEST LINN	OR	97068
3525 RIVERKNOLL WAY	WEST LINN	OR	97068
3540 RIVERKNOLL WAY	WEST LINN	OR	97068
3540 RIVERKNOLL WAY	WEST LINN	OR	97068
3545 RIVERKNOLL WAY	WEST LINN	OR	97068
3560 RIVERKNOLL WAY	WEST LINN	OR	97068
3560 RIVERKNOLL WAY	WEST LINN	OR	97068
3565 RIVERKNOLL WAY	WEST LINN	OR	97068
3565 RIVERKNOLL WAY	WEST LINN	OR	97068
3580 RIVERKNOLL WAY	WEST LINN	OR	97068
3580 RIVERKNOLL WAY	WEST LINN	OR	97068
3585 RIVERKNOLL WAY	WEST LINN	OR	97068
3585 RIVERKNOLL WAY	WEST LINN	OR	97068
3590 RIVERKNOLL WAY	WEST LINN	OR	97068
3595 RIVERKNOLL WAY	WEST LINN	OR	97068
4011 IMPERIAL DR	WEST LINN	OR	97068
4013 IMPERIAL DR	WEST LINN	OR	97068
4023 IMPERIAL DR	WEST LINN	OR	97068
4037 IMPERIAL DR	WEST LINN	OR	97068
4040 IMPERIAL DR	WEST LINN	OR	97068
4041 IMPERIAL DR	WEST LINN	OR	97068
4047 IMPERIAL DR	WEST LINN	OR	97068
4051 IMPERIAL DR	WEST LINN	OR	97068
4063 IMPERIAL DR	WEST LINN	OR	97068
4071 IMPERIAL DR	WEST LINN	OR	97068
417 TRANSPORTATION BLDG	SALEM	OR	97310
4224 LAKESHORE LN	CHATTANO	TN	37415
452 VIA STRETTO	HENDERSO	NV	89011
6400 ROSEWOOD ST	LAKE OSWI	OR	97035
8388 SW METOLIUS LOOP	WILSONVIL	OR	97070
3475 Riverknoll Way	WEST LINN	OR	97068
PO BOX 1727	LAKE OSWI	OR	97035
PO BOX 277	WELCHES	OR	97067
PO BOX 555	WEST LINN	OR	97068
4027 Imperial Drive	WEST LINN	OR	97068
3400 RiverKnoll Way	West Linn	OR	97068
2725 WILLAMETTE FALLS DR	West Linn	OR	97068
150 BEAVERCREEK RD	OREGON C	OR	97045
18330 NW SAUVIE ISLAND RD	PORTLAND	OR	97231
775 SUMMER ST NE	Salem	OR	97301
123 NW FLANDERS	PORTLAND,	OR	97209-4307

417 TRANSPORTATION BLDG	SALEM	OR	97310
2206 Tannler Dr	WEST LINN	OR	97068

BEUCKENS JOHN K
JESTER ROBERT S & JAN T
ARSANJANI ERFAN CO-TRUSTEE
Resident
ENGS FAMILY LONE PINE LLC
HANNA FRANCES A TRUSTEE
SHOKOHIAN SAROOSH
SHENG ZHIQIANG & MEI
PHILLIPS GARY JAY & J DONNELLY-PHILLIPS
Resident
Resident
HENDERSON RICHARD & MICHELLE
Resident
CARGNI DAVID C TRUSTEE
Resident
YU HONGGANG
Resident
ESNOZ MARK A TRUSTEE
Resident
RODRIGUEZ ANTHONY R & CARLY F
WOOD JEREMY & ROBIN
UNDERWOOD FRED L TRUSTEE
FOGG ZACHARY J
DAVIS CHANDLER L
Resident
SMITH CODY M & ANGELA
VONLEH NOAH
MCGEE JOHN
Resident
JAHANGIRI ESMAEIL & MASOOMEH
VANACKER MARIA E & TYLER
STATE OF OREGON
CARKNER JEFFRY M
BANASKY STEPHEN & JAY DEE
HUMPHREY DAVID K & KULANI MAHIKOA
TRUONG TAI
BHTNA
SCHWAB OGC LLC
KING SHERRIN
LAWRENCE DAVID J
Resident
Resident
Resident
MIKE MCCALLISTER

OREGON DIVISION OF STATE LANDS
ODOT REGION 1

CLACKAMAS COUNTY PLANNING
OREGON DEPT OF FISH & WILDLIFE
ATTN: TAMI HUBERT
DEVELOPMENT REVIEW

STATE OF OREGON
Ed Schwarz

Savanna Oaks NA

Tax Payer
NOURI AFAGH TRUSTEE
KOSHTI SUSHIM & SONIA RAJPUT
SOLHEIM JEFFREY A
STRIPE JAMES L & SANDRA L
PASHLEY CHRISTINE M & GREGORY R
RUTTEN MICHAEL J & LAYNE M LINDQUIST
JOHNSON JOSEPH F TRUSTEE
COVERSTONE SEAN P & AMANDA K
JOHNSON BRETT L TRUSTEE
FULCHER CLINTON D & NANCY J
SCHOEN BRYAN N
ZADAN ZENA
IZADIAN MAJDODDIN & SAEIDEH
SHUART DAVID K TRUSTEE
CARTER JEFF T & FATEMEH Z
Resident
GASPAR IVAN SIMOES
SHETTLER CHRISTOPHER W & KIMBERLY A
STEIN GARY D TRUSTEE
ALLSUP JOYCE
PICKETT ED & LINDA
Resident
HANSON JONATHAN G TRUSTEE
Resident
CHAI XUEFENG
DUNCAN DOUGLAS SCOTT TRUSTEE
Resident
WEILER CLINTON B TRUSTEE
Resident
SMITH AARON D & CHARLENE C
JONES JEFFRY A & ELIZABETH A
SORENSEN DAVID & HOLLY
FOX JUSTIN & ALLISON
QIU JIAHAO
ACRE SCOTT T TRUSTEE
Resident
LIKENS DOUGLAS B TRUSTEE
CHANG CHI-WEI 1/2
CHANG TABON C & SOOLYNN
NEUMANN RICHARD JOHN
BOLIN KENNETH W & JENNIFER LYNN
HANSCHAR HARRY A TRUSTEE
DREW JENNIFER S & STEPHEN L
BRENNER LESLIE D & LAURENE K
NEWPORT CHRISTIAN & IVETTE
Resident

STEINKAMP TIM A
Resident
WILLIAMS KRISTIN L
KHAN SOHAIL TRUSTEE
BEVACQUA HALEY & MATTHEW A
TONEY TYLER C
JOHNSTON JEFFREY G & KELLI L
Resident
AINSLIE DOUGLAS S & R J MONTPLAISIR
CASPER CARRIE L & MATTHEW D HANSELL
BAERTSCHI SVEN
MAIURO ANTHONY J & SUSAN D MEADOWS
Resident
SCHIELE SCOTT W & JENNIFER A
MCGLASSON BRUCE E & MARY A
MCVICKER BRENDAN J & GLORIA
Resident
Resident
LOEBNER NEIL R TRUSTEE
Resident
ZARO RENEE M
BENDA CAROL L TRUSTEE
HUTTULA DORIS A
CLAUSEN THOMAS B TRUSTEE
GALE GORDON T TRUSTEE
LUO WEN
JUAREZ FRANCISCO J & HELEN BOLTZ
DODSON JOSHUA A & ALYSSA A
LASH MICHAEL EUGENE
FREDRICKSON KNUTE A CO-TRUSTEE
HINES PAULINE
YANG TAO
EMAMI DAVID
CHRISTENSEN STEVEN J & KRYSTI A
FONG VALERIE & JOHN CHAN
TOLAN MARGARET CHILTON
SKAFI MIKE A TRUSTEE
PLUNKETT DEAN E
STICKNEY JANE M
CARNAHAN DAVID A & GAIL L
LIN CHENG-YEE & WOAN-RU CHEN
VOSSEN MICHAEL E & SUZANNE M TREBNICK
GLAUNERT PAUL CO-TRUSTEE
HERMAN LINDA A
ENGLERT RODNEY D & PENNY S
MEYER JUDITH P TRUSTEE
LEMBERT CHRISTINE M TRUSTEE

Public comments after 2/18/2026 hearing and prior to 2/25/2026

From:	Roberta Schwarz
Sent:	Wednesday, February 25, 2026 11:07 AM
To:	Planning Commission (Public)
Cc:	Gudelj, Aaron; Schwarz, Ed
Subject:	Additional Testimony for CUP-25-02 / DR-25-02 / WAP-25-01
Attachments:	Natural Hazard Mitigation Plan.pdf

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Please add this testimony to the public record for CUP-25-02 / DR-25-02 / WAP-25-01.

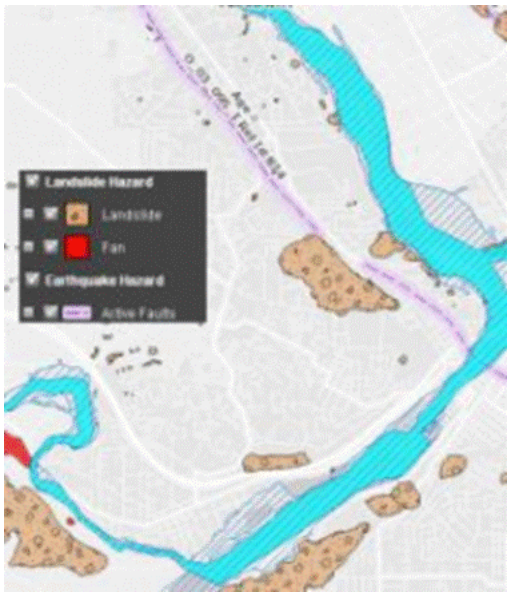
Please notify us that this has been received.

Dear Planning Commission,

One of the major items that has not been directly addressed in our testimony yet is the likelihood of an earthquake in West Linn. The applicant and staff have testified that this was a man-made landslide in the late 1960's and you shouldn't take the landslide maps as proof of landslide susceptibility. But if you read what we received from our Public Records Request from ODOT it speaks directly of the likelihood of an earthquake causing a landslide in the area that they sold to West Linn. Further, ODOT did not know the actual plan for large scale development of the Operations Complex at this site. And, finally, it is not ODOT's practice to sell areas that have had landslides that they have done construction on to anyone. But important construction information has been lost by ODOT and that, too, is in the material received from our Public Records Request to ODOT. Is this loss of material information by ODOT why the land was sold to West Linn? Perhaps we will never know.

The Cascadia Subduction Zone (CSZ) poses a major risk to West Linn, with potential for a magnitude 9.0+ earthquake, causing 5–7 minutes of intense shaking, landslides, and infrastructure failure. While not on the coast, West Linn will experience severe damage, including potential building collapse, bridge closures, and prolonged power outages.

The map and information below were taken directly from **West Linn's own Haz Vu Geohazards Viewer in the Maps section of its website**. It shows the area on which you are considering building a 40,000 sq. ft., three-building, Operations Center.



"Oregon HazVu: Statewide Geohazards Viewer provides a way to view many different geohazards in the state of Oregon.
You can enter the address for your home, school, business, or public buildings in your area to see what hazards might affect you. You can print the map you create.

Geohazards include 100-year flooding, Cascadia Subduction Zone earthquake shaking and tsunami, coastal erosion, volcano, landslide, active faults, earthquake soft soil, and more. Assets include state-owned/leased facilities and public buildings such as schools, police and fire stations, and hospitals, as well as links to seismic assessment reports for these public buildings.

Please be aware that not all geohazards have been completely mapped, but this viewer shows the best available data from DOGAMI."

And the below information from ODOT discussing the I-205 Improvement Project outlines the reason for a seismic upgrade for the Abernethy Bridge which is located in this very area:

"The I-205 improvements project, specifically in the vicinity of the 10th Street interchange in West Linn, is part of a massive, multi-phase seismic upgrade designed to turn this section of I-205 into a "lifeline" route capable of withstanding a major earthquake.
Key details regarding the seismic study and improvements include:

- **Project Scope:** The project includes the seismic retrofit of all bridges carrying I-205 from 10th Street in West Linn to Stafford Road.
- **10th Street Specifics:** Included in the improvements are foundation upgrades and substructure improvements for the **I-205 Northbound over 10th Street (West Linn)** at Mile Post 6.40, as well as the **I-205 Southbound over 10th Street**.
- **Abernethy Bridge Context:** The 10th Street work is part of the larger Abernethy Bridge construction (I-205 Improvements Project), which involves seismic retrofitting to allow for three lanes in each direction and better resilience against earthquakes.
- **Timeline:** The first phase of these improvements, including significant seismic work on the bridges near 10th Street and the Abernethy Bridge, is planned for completion in 2025.
- **Seismic Design:** The upgrades are based on state-of-the-art seismic principles, addressing vulnerabilities from structures built in the 1950s and 1960s over potentially unstable soils.

The project aims to ensure that these key bridges remain functional and reliable for emergency response and economic recovery after a Cascadia Subduction Zone earthquake."

The review draft of the new City of West Linn Addendum to the National Hazard Mitigation Plan lists as Action Item #1: **Reduce threat to critical and essential public facilities** (see attached Exhibit). **A critical and essential public facility is exactly what the Operations Center is defined as being.**

If hundreds of millions of dollars are being spent to ensure that the nearest bridge is safe from an earthquake, why should West Linn be rolling the dice to bet that a new 40,000 sq. ft. Operations Center will be safe on the exact spot of an historic landslide site that has experienced a major landslide in the recent past?

Once again, we ask that you please deny this application and request that the city find a new location for the Operations Center.

Thank you,
Roberta and Ed Schwarz
West Linn

Table WL-1 Action Items

		Impacted Hazard									Implementation and Maintenance			
Action Item #	Statement	Drought	Earthquake	Extreme Heat	Flood	Landslide	Volcanic Event	Wildfire	Windstorm	Winter Storm	Lead/ Partners	Timeline	Potential Funding Source	Estimated Cost
1	Reduce threat to critical and essential public facilities.	X	X	X	X	X	X	X	X	X	Parks and Recreation/ Public Works, Engineering	Ongoing	Local Resources. DLCD TA, FEMA HMA	Low to High
2	Enhance recognition of hazards, and appropriate mitigation and response activities through public education. Identify, improve, and sustain public and private partnerships and collaborations focused on natural hazard mitigation and risk reduction.	X	X	X	X	X	X	X	X	X	Administration/ Public Works, Parks and Recreation, Building, Planning	Ongoing	Local Resources, FEMA HMA	Low
3	Maintain a public awareness campaign regarding severe weather mitigation measures and the importance of personal safety.			X					X	X	Administration/ Public Works, Parks and Recreation, Building, Planning	Ongoing	Local Resources, FEMA HMA	Low
4	Integrate the goals and action items from the Natural Hazards Mitigation Plan into existing regulatory documents and programs, where appropriate.	X	X	X	X	X	X	X	X	X	Planning/ Public Works, Building, City Council	Ongoing	Local, State, Federal Grants and BRIC	Low
5	Conduct seismic evaluations on identified critical and essential facilities and infrastructure and implement appropriate structural and non-structural mitigation strategies. (e.g., reservoirs) – Bolton complete since previous NHMP.		X								Public Working – Engineering/ Planning	Long	Local, State and Federal Grants and BRIC	High

REVIEW DRAFT

From: Wyss, Darren
Sent: Tuesday, February 24, 2026 11:25 AM
To: Gudelj, Aaron
Subject: FW: the operations center proposed location

-----Original Message-----
From: CHARLES MATHEWS <robarmat@aol.com>
Sent: Tuesday, February 24, 2026 11:24 AM
To: Planning Commission (Public) <askthepc@westlinnoregon.gov>
Subject: the operations center proposed location

[Some people who received this message don't often get email from robarmat@aol.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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I wish to state my opposition to the planned location of the new operations center off of Salamo road.

Darren Wyss
Principal Planner
Planning

#6064<ciscotel://6064>

[https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwestlinnoregon.gov%2Fsites%2Fall%2Fthemes%2Faha_responsive_2016%2Flogo.png&data=05%7C02%7Cagudelj%40westlinnoregon.gov%7C14daa3c38f72459aa0da08de73da70b4%7C10a0cb315f98400fbaf49eb21e6a413f%7C0%7C0%7C639075579210986656%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=v8nAijAHguEHhuT7Fq%2BzEHPYk7u0eUQ3yKN7scRmHsA%3D&reserved=0]
<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwestlinnoregon.gov%2F&data=05%7C02%7Cagudelj%40westlinnoregon.gov%7C14daa3c38f72459aa0da08de73da70b4%7C10a0cb315f98400fbaf49eb21e6a413f%7C0%7C0%7C639075579211016384%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=HznN2mx647aEIF46F61GheXgCdE0ea1A0rbXKKV%2Btl0%3D&reserved=0>

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From: Roberta Schwarz
Sent: Tuesday, February 24, 2026 9:14 AM
To: Planning Commission (Public)
Cc: Gudelj, Aaron; Schwarz, Ed
Subject: Final testimony to Planning Commission on Operation Center

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Please add this testimony to the public record for CUP-25-02 / DR-25-02 / WAP-25-01.
Traffic Impact Analysis – CDC 85.170(B)(2)(c)(1)(C)

Please notify us that this has been received.

Dear Planning Commission,

We know that you are busy and have had a lot of reading to do on this application proposal for the Operations Center.
Please read just the highlighted sections below for a final summary of why this needs to be placed in a different location in West Linn.
ODOT itself is saying in the documents we gained access to though a Public Records Request that:

1. **they (ODOT) have lost important records relevant to this issue,**
2. **they believed that WL was building a "city shop" not a 40,000 sq ft Operations Center**
3. **a very high landslide susceptibility threat is different from "slope issues"**
4. **the seismic stability of the landslide is likely marginal at best**
5. **no development that could potentially contribute to the seismic instability of the landslide should be allowed,**
6. **it is ODOT's practice to retain control of properties within landslides that are owned by ODOT, especially where landslide mitigation has been constructed and**
7. **under the "Recommendations" section, it states: "We recommend this property be retained by ODOT. The numerous considerations informing this recommendation are discussed above."**

A Traffic Impact Analysis is required to be submitted with the application, not as a later condition of approval. The Planning Commission needs the TIA to be submitted with the

application so it can be taken into account in the decision-making process. Requesting a TIA as a condition of approval is useless as the application will have already been approved.

As it currently stands, the applicant only performed a perfunctory trip generation report at the existing public works facility. This report was flawed because it did not take into account all of the trips that will be generated by this new facility. This new Operations Complex will house not just the Public Works Department but also the Parks and Recreation Department, Water Services Department, and Water and Streets Division as per page 3 of the 650-page application. It will also be located on the much busier Salamo Road.

Sound Study – CDC 55.070(2)(h)

This land use proposal is expected to generate noise that may exceed DEQ standards, so the application needs to include a noise study conducted by a licensed acoustical engineer. The noise study should be included with the application, not as a condition of approval.

The Planning Commission needs the noise study to be submitted with the application so it can be considered in the decision-making process. Requesting a noise study as a condition of approval is useless as the application will have already been approved.

Zoning Map – CDC 5.030(C)

Zoning of this property was not done correctly. It was not done until after the purchase of the property by West Linn from ODOT, as per Planner Aaron Gudelj's remarks at 02:50:40 of the video of the February 4, 2026 Planning Commission hearing. He stated, "I know that this property didn't have a zoning designation until we purchased it and then it went through the process of recognizing the zoning at that point and then I believe it was the

testimony of Michael Kapigan about the changes in zoning. There was a previous zoning map that was applied to this to apply that R-10 zone seeing that it is in an R-10 area and the surrounding properties are that it was determined that that was an appropriate zone." This description by Mr. Gudelj is not in keeping with the process used in West Linn to zone property. The city's Ordinance Table shows no proof that this zoning was done correctly. The proper procedure for zoning property includes a public hearing before the Planning Commission and City Council and includes notification of the affected Neighborhood Associations. It is our contention that this property was not properly zoned and that the zoning should go through the normal process as described above. If the Planning Commission agrees with our contention, the application must be denied until the zoning has been completed using the proper procedure.

Attached are the first three pages of the West Linn Ordinance Table (Exhibit A) and an example of a zoning map change ordinance (Exhibit B) which show the process which should have been used prior to this application and ends in an ordinance being created.

Approval Standards and Conditions – CDC 60.070(A)(3)

Approval of this application will not provide an overall benefit to the city. As evidence submitted in the form of four SLIDO, DOGAMI, and West Linn Natural Hazard Mitigation Plan maps (Exhibits 1-4 of our previous testimony) clearly shows, there is a very high landslide susceptibility threat on this property. Geologically recent landslide history also shows that this is a very unstable piece of land that was sold "as-is" as per the sales information from the ODOT documents as submitted in the application. No other state or federal agency wanted to purchase this property. West Linn should not have purchased it

either. It makes no sense to house a critical 40,000 sq. ft. Operations Center in such a high risk for landslide area.

Due to a Public Records request recently made to ODOT, and the documents subsequently obtained by us, we wish to add the following information.

In an ODOT document dated July 20, 2020 (Exhibit C) the question came up about what West Linn planned to do with the property. The answer was "they will be building a city shop—they know about the slope issues". This 40,000 sq ft Operations Complex with 3 large buildings is not a "city shop". And a very high landslide susceptibility threat is not just "slope issues".

In a Geotechnical Memorandum dated August 17, 2020 (Exhibit D), regarding this surplus property request, it states under the "Discussion" section that "There is significant uncertainty regarding the landslide, the construction of the buttress and extent of the buttress. As previously noted, the existing construction records were deemed incomplete in 1991. The location or disposition of these records is presently unknown.

The landslide likely has a low factor of safety against instability under static conditions. The seismic stability of this landslide has not been evaluated."

And in the next paragraph "….The seismic stability of the landslide is unknown, but likely marginal at best. No development that could potentially contribute to the seismic instability of the landslide should be allowed." And in the following paragraph "A significant amount of property was acquired to mitigate the 1969 landslide. Although not a formal policy, it is ODOT's practice to retain control of properties within landslides that are owned by ODOT, especially where landslide mitigation has been constructed."

Under the "Recommendations" section, it states: "We recommend this property be

retained by ODOT. The numerous considerations informing this recommendation are discussed above."

Also see the ODOT map and photos from January 1973 (Exhibit E).

Water Resource Area Protection – CDC 32.010(E)

This proposed 40,000 sq. ft. Operations Complex does not sufficiently "protect and improve the…functions and values" of this WRA that "enhance(s) the value of fish and wildlife habitat." This area should be avoided by the development. Since the creek that is located on the property has a name (Bernert Creek) this is evidence that it was once a fish bearing body of water. A list of the "Vertebrate Wildlife Observed on the ODO Administered Oak Savanna Habitat" (Exhibit F), which was compiled by Dr. Richard Mishaga, retired wildlife ecologist, over an 18-year period (1995-2013) at this area shows 108 species, some of which are noted as federally threatened or as a species of concern.

In an ODOT document dated August 20, 2020, from a staff person from ODOT Region 1 Haz Mat to another staff person at ODOT Region 1Right of Way (Exhibit G) it states "should this property be determined to be more useful as surplus property, the following drainage concerns will need to be addressed: "… the drainage system…is limited, as was demonstrated in 2009 when flooding occurred along the ditch line of I-205 SB, 10th Street and various parcels along Willamette Falls Drive…This deficient system was identified in the West Linn 2006 Surface Water management Plan (2006 SWMP). Any improvements to the property that involves increases to the existing rates of rainfall runoff would necessitate either improving the downstream storm sewer system to facilitate that additional runoff or detention or retention facilities, per the ODOT Hydraulic Manual and Oregon drainage law."

There is no other access besides the one entrance/exit road onto Salamo Rd. This proposal

does not meet the criteria for a WRA permit. It has not been shown that there isn't a better location or plan for this Operations Complex.

Summary

In summation, we ask that the Planning Commission deny the application based on noncompliance with the CDC and the other grounds stated above and in our previous testimony on this application. The city should be directed to find a safer, more accessible location for the Operations Complex.

Respectfully submitted,

Ed and Roberta Schwarz

Savanna Oaks Neighborhood Association

West Linn

Public Works Project CUP-25-02/DR-25-02/WAP-25-01

2/24/2026

Dear Planning Commissioners,

I am writing to you, this opinion, based on common sense. I will leave the codes to those better versed.

1). Commissioner Evans – you are correct to be concerned about the storm water run-off. We have seen twice, in the not to distant past, how the "engineered" capacity was insufficient. A). Once in 2009 when 10th Street and properties downhill from this project were flooded. B). The second would be when the current Athey Creek Middle was built. We saw flooding again (twice). Willamette Falls Dr. was flooded all the way from ACMS to the Willamette River resulting in fines to the city and others. The capacity of said storm water retention should be double what is necessary, to make sure that the stream, wetlands, and wildlife on this property are never affected. Just because it is engineered does not make it practical, just look at Athey Creek, and Willamette Main St. upgrade project. We alerted city staff of tripping hazards but were told that it was engineered, so it was good. Well, many people fell and public works had to go in and rectify the situation.

2). Is it not the City's, Commission's, and citizens' responsibility to provide a safe, healthy workplace for city staff? Office/meeting space within/above a garage poses a health risk. The fine particulates of asbestos and carbon monoxide cannot be filtered away. These particulates will filter through the air through the walls, ceiling, and windows of any office/meeting spaces. These are carcinogen products. This does not even include the fumes of a toxic leak/spill (antifreeze, oil). There is also a probability of the tanks of diesel and gasoline leaking sending more toxins into the stream or waterway, plus being a health issue for those working on site. The foul smell of diesel and gasoline exhaust (when inside the garage) can trigger an employee's health issue. Pregnant women probably should not work at this site and those with breathing issues (asthma etc.) due to health concerns. I would imagine that the city could be held liable for knowingly having unsafe/unhealthy working conditions and the health issue that would bring forth. You need to also consider, during an air stagnation, the effect of the pollution being emitted, to both employees and residents in the surrounding neighborhoods. If you look, repair shops, DEQ shops, etc. do not have meeting/office space above the garage, for these reasons. This project should be redesigned for the maintenance and safety of the staff/visitors of this project.

3). How are heavy vehicles (snowplow etc.) to get up the steep grade to plow/de-ice the streets during a storm, especially a “surprise” storm, earthquake? This is when citizens need these vehicles most.

4). As we have seen, just because you issue a CUP with conditions does not mean that conditions will be followed. There are numerous projects where the conditions were ignored.

5). There will be many significant trees removed. These trees provide habitat for endangered species and help to mitigate the flooding issues. The significant trees should be preserved. This project should be re-worked around them.

6). Yes, the landslide was due to construction. What is there to prevent another landslide during this construction? Highway 205 is a major thoroughfare for millions of people and commercial goods. A landslide could prove to be costly and devastating to many.

There is much to be considered, and I don’t feel that enough thought/public input has gone into this project. There are numerous issues that, most likely, will occur. Yes, West Linn does need a new Public Works Lot but is this the right place? (The Willamette Neighborhood Association included at the last moment on this discussion).

I feel that this project needs more time, citizen input, and a redesign before going ahead with this project. Please deny CUP-25-02/DR-25-02/WAP-25-01 for these reasons.

Respectfully submitted,

Kathie Halicki

West Linn resident

From: mikekap007@aol.com
Sent: Tuesday, February 24, 2026 11:53 PM
To: Gudelj, Aaron
Subject: Fw: West Linn city operation center cup-25-02/dr-25-02/wap-25-01

You don't often get email from mikekap007@aol.com. Learn why this is important

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----- Forwarded Message -----
From: mikekap007 (null) <mikekap007@aol.com>
To: Mike Kapigian <mikekap007@aol.com>
Sent: Tuesday, February 24, 2026 at 11:48:17 PM PST
Subject: West Linn city operation center

West Linn city operation center

CUP-25-02/DR-25-02/WAP -25-01

Planning commissioners,

I had a few final thoughts that I wanted to communicate with you. First, thank you for volunteering to sit on the planning commission, having myself sat on many commissions and boards, I understand the value of your time , as it relates to undertake such an important responsibility with no monetary compensation. The very important and seriousness of your responsibilities is in no way reflected in your monetary compensation.
I believe it is of the upmost importance for the planning department to strive for high ethical and professional standards. To do anything less would send the clear message that it's OK not to be thorough and complete in preparing development applications for the planning commission to review.
Please note in my written submittals some of my observations where I believe the planting staff has errored in implementing the community development code. Some of my observations are minor and simple, but nonetheless should not be overlooked. For example, the covered trash containers, or the Portland cement concrete pad underneath them, likely could be remedied with a condition of approval to correct those errors. The idea of not requiring landscaping in the parking lot per the code as it is required for more than 12 contiguous parking spaces I would think could be corrected on the upper and middle parking area by a condition of approval as well. My understanding is that the community development

code does not allow for an “in lieu of” option for the developer as it relates to the required planting in the parking lot.
Please note from my previously written testimony, I identified what I believe to be the appropriate sections of the development code in chapter 60, as it relates to the conditional use, and this criteria specifically stating that the policies within the comprehensive plan will be met. And if you note the comprehensive plan requires a letter from an acoustical engineer as part of the submittal of the application which states that the DEQ Noise standard can be met. I strongly feel that without a letter from an acoustical engineer in the record, the applicant fails to meet their burden of proof that they can meet all the applicable criteria in chapters 55 and 60, which would include, because it is a conditional use, the policies in the comp plan as it relates to ensuring that the development can meet the DEQ Noise standards. Therefore, this application needs to be denied or be put on hold until a letter from an acoustical engineer is submitted as proof that the application can meet the DEQ Noise standard. It is completely unacceptable to me, and I would hope the planning commission, to accept a voluntary condition of approval for a noise study as a way to compensate for a lack of following the code. I see it more as an acknowledgment that this is a noise generating use, which must require a letter from an acoustic engineer as part of the application for the decision-maker to have on record to make a finding that this application can meet the appropriate Noise standards. I see this attempted voluntary condition of approval as an attempt to push this application forward without correctly following the comprehensive plan policies. I believe that it is crucial that an acoustical engineer makes this determination of compliance before you can grant an approval. (for the planning commission to make a finding that this application can meet the DEQ, municipal code and community development code’s criteria as it relates to noise without any expert testimony or substantial evidence would be in error and without merit).
It is imperative as part of the hearing process for the public to be able to comment on any letter provided by an acoustic engineer before an approval of this application. My guess as to why there is no letter being provided, as required , but instead a voluntary noise study being offered, after their approval of this application, is because they likely cannot get a letter. It is not that easy for an acoustic engineer to know if this will or will not meet the DEQ Noise standard without doing an actual noise study to evaluate the activities associated with the operation center,i.e. truck washing, loading / unloading of bulk materials, removal of the 40 yard dumpsters, late night activities such as snow removal equipment refueling, gasoline deliveries etc. etc. Please do not send the message to the planning staff that it is OK to not follow the community development code and the comprehensive plan as it relates to these type of noise generating uses or any uses for that matter. Please do not allow the applicant or the city staff, or both, because of their failure to adequately address this issue earlier on in their application process, to be rewarded by allowing for a condition of approval. Their oversight, whether intentional or by mistake, should not be a reason or excuse for them to not fulfill their required obligation to you and the public. It would be a mistake and an injustice, and as I believe the planning staff could possibly see it as a wink and a nod to go ahead and do as they please, because there is no one to hold them to account. Again to restate., I believe the correct decision would be to ask the applicant to put in the record, before any approval is granted, a statement from an acoustic engineer that their design and use can meet the DEQ noise standard before you can approve their application. Please read my previously submitted written testimony, and listen to my oral testimony for specific code citations.
Please understand that I do not believe a condition of approval, regarding the noise standard will have any material effect on the quality of life of the citizens of Wes Linn, if we are only going to allow staff to be the final arbiter as it relates to noise and ameliorating the impacts on the quality of life for West Linn residence. If it is not put into the record before the approval, the applicant may as well save our money rather then it be wasted on some document / study, that would likely never be utilized for its intended purpose. Thank you for your consideration.

Mike Kapigian

Sent from my iPhone

Noise standards:

The comprehensive plan requirements in Goal 6 for noise is copied below for your reference. I believe the policies numbered 3 and 4 directly apply to the development application. Specifically policy number 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."

It is important to require this statement before any approval can be granted. A condition of approval requiring such a statement would be inadequate in part because it would forgo the opportunity for the public to commit on the statement. A condition of approval requiring such a statement would be inadequate because the plain language says" As part of the land use application submittal"

Chapter 60 in the community development code is where the criteria for approval requirements are. Please refer to approval criteria number seven which requires that the application comply with comp plan policies.

While the cdc and municipal code reference noise standards, I believe the comp plan is the paramount document .Please refer to the "Baker" standard as it relates to luba case law in regards to the comp plan being paramount, if there is a conflict between the cdc and comp plan.

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in CDC 36.030, or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide:

a. Adequate area for the needs of the proposed use; and

b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.

3. The granting of the proposal will produce a facility that provides an overall benefit to the City.

4. Adequate public facilities will be available to provide service to the property at the time of occupancy. In situations where the level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard at a date determined within a traffic impact analysis, and an improvement project is not programmed, the development shall avoid further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.

5. The applicable requirements of the zone are met, except as modified by this chapter.

6. The supplementary requirements set forth in Chapters 52 to 55 CDC and CDC 92.010(E) are met, if applicable.

7. The use will comply with the applicable policies of the Comprehensive Plan.

SECTION 4: NOISE CONTROL (comp plan) Background and Findings

Local jurisdictions have the primary responsibility for regulating noise and preventing noise problems. Noise problems are difficult and costly to solve after an area has been developed. Consequently, local governments evaluate potential noise problems as part of planning and zoning decisions.

The Oregon DEQ does not take an active role in monitoring and enforcing noise regulations, though the agency has established standards for measuring noise. In 1998, the City conducted a noise study to assess current noise levels in West Linn. DEQ standards were used to develop the West Linn Noise Level Map that describes average day and night noise levels in the City (Figures 6-1 and 6-2). Noise levels were assessed at 23 key locations in the City. Noise measurements are represented by an "L," which stands for level, and a number, which represents a percentile. For example, "L50" represents a reading taken for 50 percent of an hour, or 30 minutes. The numbers on the West Linn Noise Level Map represent an average day reading and an average night reading. The readings are decibel levels recorded during a 15-(day) or 9-(night) hour period. This study indicates that average noise levels in residential areas are well within acceptable levels. The study also confirmed that motor vehicle traffic is the primary contributor to ambient noise in West Linn, with the highest noise levels experienced near I-205, primarily in areas north of the freeway. Other noise in West Linn is caused by watercraft such as boats, jet-skis and seaplanes, and other gas-powered equipment, particularly in the summer months.

Goals, Policies, and Recommended Action Measures

Goal

Maintain and promote a quiet and healthful environment for the citizens of West Linn.

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.

Recommended Action Measures

1. Coordinate with DEQ in its noise regulation program and comply with requirements of the DEQ Land Use Compatibility Program.

2. Monitor and enforce conditions of approval for new development related to noise impacts.

3. Develop and implement a comprehensive noise ordinance that meets or exceeds DEQ standards.

55.070 SUBMITTAL REQUIREMENTS

D. The applicant shall submit a completed application form and:

1. The development plan for a Class I design review shall contain the following elements:

a. A site analysis (CDC 55.110) only if the site is undeveloped;

b. A site plan (CDC 55.120);

c. Architectural drawings, including building envelopes and all elevations (CDC 55.140) only if exterior architectural construction, remodeling, or changes are proposed;

d. Tualatin Valley Fire and Rescue service provider permit; and

e. Pursuant to CDC 55.085, additional submittal material may be required.

One original application form must be submitted. One copy at the original scale and one copy reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. One copy of all other items must be submitted. The applicant shall also submit one copy of the complete application in a digital format acceptable to the City. When the application submittal is determined to be complete, additional copies may be required as determined by the Community Development Department.

2. The development plan for a Class II design review shall contain the following elements:

a. A site analysis (CDC 55.110);

b. A site plan (CDC 55.120);

c. A grading plan (CDC 55.130);

d. Architectural drawings, indicating floor pla Dn and elevation (CDC 55.140);

e. A landscape plan (CDC 55.150);

f. A utility plan appropriate to respond to the approval criteria of CDC 55.100(I)(1) through (5) relating to streets, drainage, municipal water, sanitary sewers, solid waste, and recycling storage;

g. A light coverage plan with photometric data, including the location and type of outdoor lighting, with specific consideration given to compliance with CDC 55.100(J) pertaining to crime prevention and, if applicable, CDC 46.150(A)(13) pertaining to parking lot lighting;

h. If staff determines before or during the pre-application conference that the land use is expected to generate noise that may exceed DEQ standards, the application shall include a noise study conducted by a licensed acoustical engineer that demonstrates that the application and associated noise sources will meet DEQ standards. Typical noise sources of concern include, but are not limited to, vehicle drive-throughs, parking lots, HVAC units, and public address systems; and

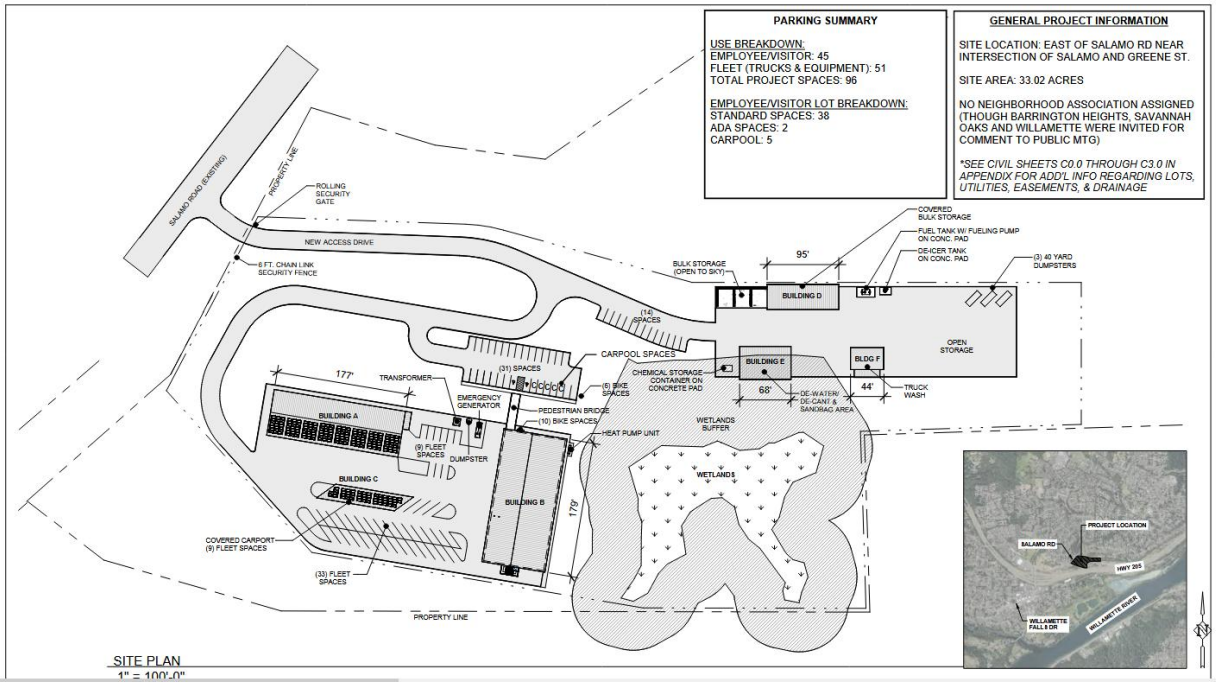
I believe staff failed to require this standard. Clearly this should have been required (see typical noise souses noted 55.070 D (2) (h)). I believe the planning commission can still require this noise study to be done, in fact, without a noise study the applicant cannot meet their burden of proof that they can comply with the applicable noise standards in chapter 55, 60 and the comp plan prior to an approval (not as a condition of approval). Regardless the comp plan policy section 4 policy #4 applies.

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". Note that it says "As part of the land use application submittal"

PARKING LANDSCAPING REQUIREMENTS

Staff finding 23 is incorrect because cdc 46.150 19 (a) requires landscaping at a minimum, at the upper two lots, per 12 spaces and does not allow for "in-lieu of" exception, as well as these parking lots are not in the wra.

Staff Finding 23: The lowest paved area (surrounding Building A) shows striping for a number of surface parking spaces. However, this entire lower area will be used as storage, laydown, and fleet maneuvering spaces. Parking striping is shown to outline occasional use for city vehicle, trailer, and/or truck parking; the flexibility of this area – including large vehicle turning movement, staging, and other associated activities - is an essential component to the function of the public works facility. Therefore, landscape strips, planting, or trees are not proposed in this area
For the upper lot, existing trees are preserved on the edges of the lot to provide tree canopy and shading in-lieu of a planting strip.
Required bicycle parking is equal to:
Building A (warehouse): 11,073 sq. ft.
11,073/1,000 x 0.1 = 1 bike space
Building B 1st floor (warehouse): 14,106 sq. ft.
14,106/1,000 x 0.1 = 1 bike space
Building B 2nd Floor (office use): 14,900 sq. ft.
14,090/1,000 x 0.5* = 7 bike spaces
***The office portion of the building operates at a less dense staff expectation than the above "libraries, museums, government office" designation, therefore the 'Office' category has been applied.**
Bike spaces total = 9
The proposed drive aisle width for the 90 degree parking spaces is 24-ft and is compliant with the 23-ft minimum standard outlined above in the West Linn CDC.
The criteria are met.



SITE PLAN
1" = 100'-0"

Staff finding 59 is in direct violation of cdc code 55 O(2) (concrete) not asphalt (see below). Cdc 55 O (3) c requires to "be covered by a roof"

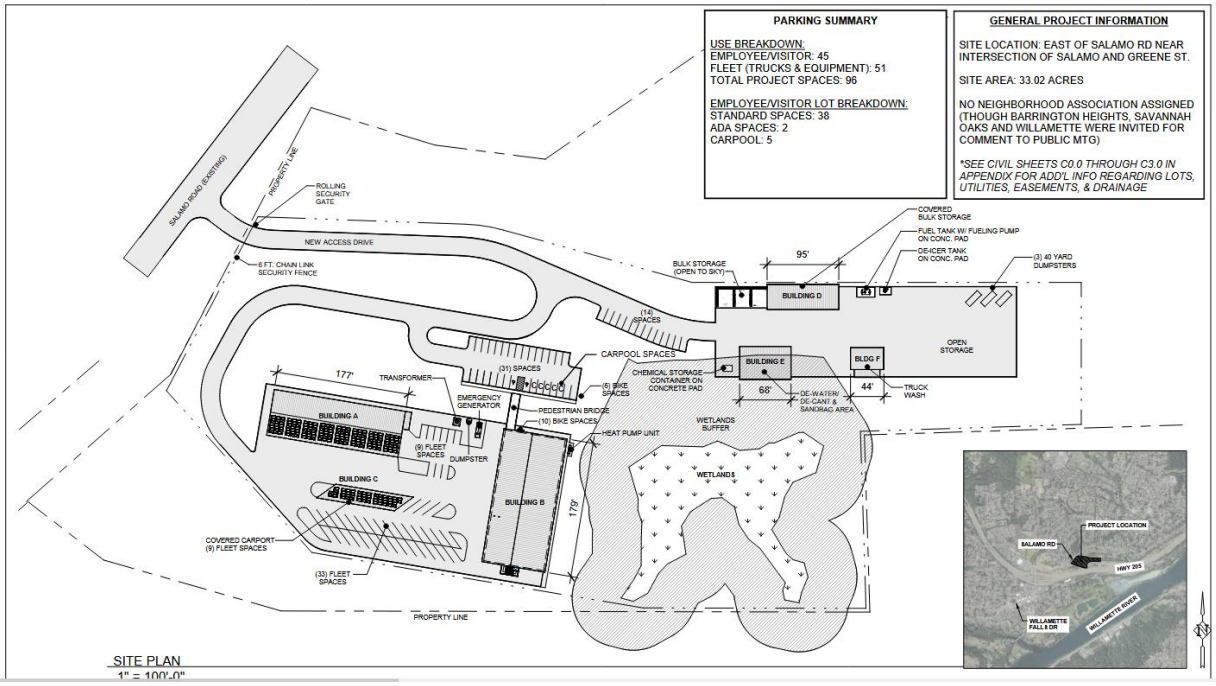
2. Compactors, containers, **and drop boxes shall be located on a level Portland cement concrete**
pad, a minimum of four inches thick, at ground elevation or other location compatible with the
local franchise collection firm's equipment at the time of construction. The pad shall be designed to discharge surface water runoff to avoid ponding.
3. Recycling and solid waste service areas.
a. Recycling receptacles shall be designed and located to serve the collection requirements for the specific type of material.
b. The recycling area shall be located in close proximity to the garbage container areas and be accessible to the local franchised collection firm's equipment.
c**. Recycling receptacles or shelters located outside a structure shall have lids and be covered by a roof constructed of water and insect-resistive material.** The maintenance of enclosures,
receptacles and shelters is the responsibility of the property owner.
d. The location of the recycling area and method of storage shall be approved by the local fire marshal.

Staff Finding 59: The project will have (3) 40-yard containers for solid waste and/or recycling locate [d]on a flat, drained, level asphalt pad. The criteria are met.

Mike Kapigian 2-17-2026

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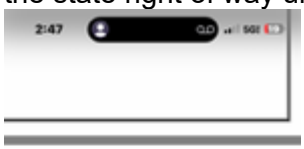
SITE PLAN
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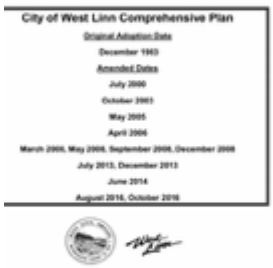
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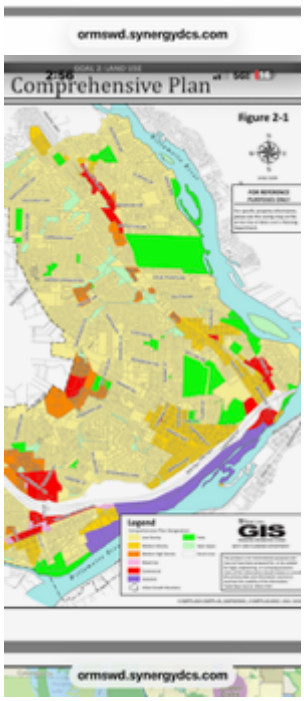
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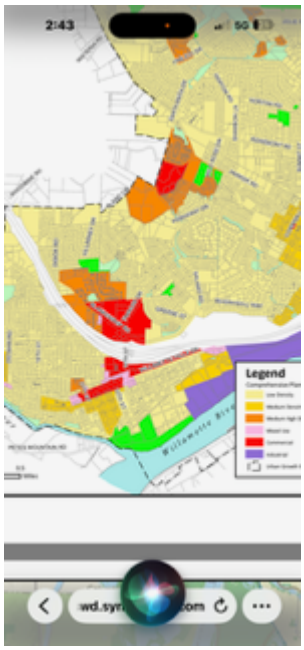
CAUTION: External Email – Confirm legitimacy before clicking, opening attachments, or following instructions.

Please add this copy of the comprehensive plan zoning map from 2018 that clearly shows the state right of way un zoned to the record thank you









Sent from my iPhone