



CITY OF West Linn

STAFF SUPPLEMENTAL FINDINGS - MEMORANDUM

Date: February 18, 2026

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

From: Steve Koper, Community Development Director
Aaron Gudelj, Associate Planner

Comments were submitted after the publication of the staff report and before the expiration of the written comment period at noon February 18, 2026. The comments are from Ed and Roberta Schwarz received on February 17, 2026, and are attached for the Planning Commission's consideration. Staff has provided responses to the comments and are included as attachments as well.

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



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Staff received written comments from Ed and Roberta Schwarz on February 18, 2026. These comments focus on compliance with the following standards, which staff addresses in turn below: (1) CDC 85.170(B)(2)(c)(1)(C), (2) CDC 55.070(2)(h), (3) CDC 5.030(C), (4) CDC 60.070(A)(3), and (5) CDC 32.010(E).

1. Traffic Impact Analysis – CDC 85.170(B)(2)(c)(1)(C).

The Schwarzs argue that the City is required to submit a traffic impact analysis (TIA) with its application, not as a later condition of approval. The Schwarzs are correct that the TIA, if required, would be submitted within the application, but draw an incorrect conclusion from this requirement. Application criteria are distinct from approval criteria: City staff review application criteria to complete a completeness review, while the decision-maker reviews approval criteria to either approve or deny a land use application. If an application is not complete, the City must still proceed with reviewing the application for compliance with the approval criteria if requested by the applicant.

In this case, the code states that “a traffic impact analysis *may* be required to be submitted to the City *with a land use application...*” (emphasis added). Therefore, a TIA would be required as a component of the land use application, not as an approval criterion. Further, staff may choose to require or not require a TIA in connection with a land use application, based upon the conditions provided in this CDC 85.170(B)(2)(c)(1)(C). Staff did not require a TIA in this case, and the Planning Commission may not make their decision on the application based a criterion like this one that is not an approval criterion.

Even if CDC 85.170(B)(2)(c)(1)(C) was an approval criterion for this application, the City still would not be required to perform a TIA. This is because purpose of Section 85.170 is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. 85.170(B)(2)(c)(1)(C)(1) provides an increase in site traffic generation by at least 250 average daily trips as a potential threshold for determining whether a traffic study may be needed. However, the purpose of a TIA is to determine whether the land use generates sufficient impact on the transportation system to require public improvements in order to mitigate for said impact. In this case, there is evidence in the record (Exhibit PC-M) that the adjacent facility (Salamo Road) is fully improved per the Transportation System Plan, and both operates at a Level of Service (LOS) A in both the current and future years of the TSP, meaning that no improvements are identified or warranted on Salamo Road. As such, a TIA is not needed to reach the same result. Further, as noted in the applicants Transportation Assessment (PC-E) (1) the trips associated with the existing facility was below the 250 daily trip threshold on two of the three count days, (2) the three day average was only six trips above the threshold, a reasonable margin in which to apply discretion, and (3) the weekday PM peak hour



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trips leaving the site averaged only 7, which would result in a negligible effect on the transportation system. Lastly, as noted in the applicant's oral testimony, the trip count did not account for the trip reduction that would occur from consolidating material and equipment storage on one site.

Therefore, staff recommends that the Planning Commission recognize that a TIA is not an approval criterion for this application and approve the application on the merits.

2. Sound Study – CDC 55.070(2)(h).

The Schwarzs claim that “the land use proposal is expected to generate noise that may exceed DEQ standards” and therefore a noise study is required. However, the Schwarzs do not support this conclusion with any evidence. To the contrary, the existing operations site does not exceed DEQ noise standards despite being closer to noise sensitive uses than the proposed facility. In addition to the distance, as noted by the applicant the proposed facility would be buffered from noise sensitive uses by buildings, vegetation, topography (Exhibit PC-M). Lastly, there is no evidence in the record of any specific noise generating use or activity that is suggested to exceed DEQ noise standards. However, the applicant is still offering to voluntarily conduct a noise study in good faith. Therefore, staff finds that this criterion is met.

3. Zoning Map – CDC 5.030(C).

The Schwarzs claim that the property's zoning was done incorrectly. However, they do not support this claim with any evidence other than a remark from planner Aaron Gudelj. Mr. Gudelj's comments were intended to generalize about the rezoning process and were not specific to the subject site. The City Zoning Map (Exhibit PC-Q) identifies the subject property as being zoned Residential R-10. There is no evidence in the record to the contrary. Therefore, staff finds there is no evidenced issue with the zoning map.

4. Approval standards – CDC 60.070(A)(3).

The Schwarzs argue that the proposed facility will not provide an overall benefit to the city, as required by CDC 60.070(A)(3). To support this claim, the Schwarzs cite the four SLIDO, DOGAMI, and West Linn Natural Hazard Mitigation Plan maps demonstrating a high landslide susceptibility threat for the property, and argue that no other public entity wanted to buy the property because of this risk. However, as previously addressed (Exhibit PC-M), these maps are not regulatory, and contain notes in the legend that the determinations on the maps are not site specific. The applicant has provided site-specific geotechnical analysis (Exhibit PC-J) demonstrating that the site is safe to build on and is not subject to future risk of landslide. In addition, the applicant provided oral testimony that the previous landslide on the property was manmade. Further, the Schwarzs cite a July 20, 2020, ODOT document which says the City planned to use the property to build a City shop. However, the ODOT's assessment does not serve as definitive evidence contrary to applicant's intent for this site. The applicant intends to use a portion of the site for



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vehicle service and maintenance, along with other maintenance operations. Further, intent may change and evolve from an original purpose statement, as the idea clearly has evolved here. Lastly, as noted in the City's agenda bill deciding whether to move forward with the purchase of the property (Exhibit PC-R), the City Council voted to approve funds for acquisition with the statement that it was "for the future purpose of a City operations facility on the site."

The Schwarzs also cite a Geotechnical Memorandum from ODOT on August 17, 2020. However, as noted in the Staff Supplemental Findings from February 4, 2026 (Exhibit PC-N), this memorandum does not provide evidence that relates to the approval criteria for this application (CDC 55.100(B)(4) – "The structures shall not be located in areas subject to slumping and sliding"). ODOT's document was for their own internal use and clearly did not include any site-specific geotechnical investigation, and cursorily concluded that "this area has a history of slope instability." As provided in applicant's previous oral testimony, the previous historical landslide was manmade, and as provided in the applicant's own site-specific geotechnical investigation, the site is not subject to slumping and sliding and can be safely developed. In addition, memo regarding whether to sell property or not, which concludes "before any sale of the requested property, ODOT would need to be assured the landslide will remain stable...without those assurances, ODOT should retain control of this property." If ODOT had not felt assured regarding the landslide risk, they stated that they would not have sold the property to the City.

5. Water Resource Area Protection – CDC 32.010(E).

The Schwarzs cite the purpose section of this chapter to claim that the application does not sufficiently protect and improve the functions and values of the WRA. However, this CDC 32.010 states the purposes of the chapter, and are not approval criteria for an application. Each section of this chapter is understood generally to satisfy one or more of the specific purposes for the chapter. While the City has demonstrated compliance with the applicable approval criteria of Chapter 32, and thus by extension has satisfied the purpose of Chapter 32, it does not need to specifically demonstrate compliance with CDC 32.010.