

## Shroyer, Shauna

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**From:** Alan Smith <aalansmith57@gmail.com>  
**Sent:** Sunday, November 19, 2017 4:57 PM  
**To:** Boyd, John; Steve Miesen  
**Subject:** PUBLIC HEARING MISC -17-09 notification

Hello Mr. Boyd,

Just read the mailing. Thank you for informing me. I have a question and an observation.

I have read a lot of Development Agreements, but none of them were headed with the adjective Statutory. Can you please explain to me why the city chose to use Statutory Development Agreement?

Is the city suggesting that all other land use proposals are NOT statutory? Or that because this particular one is based in ORS it "somehow" sets it apart from other city-received land use applications or proposals? I just don't remember seeing that in other notifications of like topics.

I think the city also forgot to mention the zoning change in the list of the major terms of the agreement. Or is a zoning change not identified in the "Statutory" Development Agreement?

Looking forward to your answer.

Sincerely,  
Alan Smith  
Bolton VP

## Shroyer, Shauna

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**From:** Boyd, John  
**Sent:** Friday, November 17, 2017 7:08 PM  
**To:** Shroyer, Shauna; Mollusky, Kathy  
**Subject:** FW: Proposed Development at Tannler/Blankenship Roads

Sent from my mobile device  
John J. Boyd AICP, CFM  
Planning Manager  
(503) 656-4211

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

**From:** Anne McFarlane [primrose4646@gmail.com]  
**Received:** Friday, 17 Nov 2017, 6:36PM  
**To:** Boyd, John [jboyd@westlinnoregon.gov]; City Council [citycouncil@westlinnoregon.gov]  
**CC:** RonnMcFarlane [ronnmcfarlane@gmail.com]  
**Subject:** Proposed Development at Tannler/Blankenship Roads

Dear Mr. Boyd and Members of the West Linn City Council,

My husband, child and I have resided in the Madison Heights condominiums for approximately 11 years. It is a lovely and peaceful community, and we wish for it to remain so!

We are extremely upset that the West Linn City Council would even consider Mr. Jeff Parker's proposal, especially as the wonderful citizens of this community have turned down such development of this property on 3 former occasions.

With the beautiful addition of the White Oak Savannah across Tannler Road, it is of even more importance to allow a space for vegetation and wildlife to flourish. In addition, the nightmare of traffic which would result is inconceivable!

PLEASE, PLEASE, PLEASE choose the "High Road" and maintain West Linn as a greenspace community which cares more about its citizens as well as the protection of its beautiful and verdant land...

Sincerely,  
Anne McFarlane

Sent from my iPad

## Shroyer, Shauna

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**From:** Mollusky, Kathy  
**Sent:** Monday, November 20, 2017 8:25 AM  
**To:** Boyd, John  
**Subject:** FW: Tannler Property Development

FYI -

**From:** Gene Schaffer [mailto:yellowstone58@msn.com]  
**Sent:** Friday, November 17, 2017 2:18 PM  
**To:** City Council <citycouncil@westlinnoregon.gov>  
**Subject:** Tannler Property Development

For the record, I am open to having the 11 acres developed into apartments and homes. The property needs to be developed with proper planning.

I am upset with all the folks in West Linn who are anti development. It is not their property to dictate what it will be used for.

Let's move on.

Yours Truly,

Gene Schaffer  
1741 Timothy Lane  
West Linn, Oregon 97068  
Almost 40 year resident

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If you would like to make a difference on the proposed development Agreement you have been hearing about please come to the important **City Council Work Session on December 4th at 6:00 pm at City Hall** on the Parker proposal which includes the rezoning of his land to R 2.1 (which will be apartments in a rare BUSINESS LAND in WEST LINN) the current zoning is OBC (Office Business Commercial) and then building approximately 168 high density apartments (scroll down to see detailed information below) and **please send in written testimony** before then, too.

Please see Rebecca's below.

Write your own testimony including what you



**think. Look at the detailed flier when you scroll down below on this email. The email addresses for where to send the testimony are the following:**

John Boyd [jboyd@westlinnoregon.gov](mailto:jboyd@westlinnoregon.gov), and  
City Council [citycouncil@westlinnoregon.gov](mailto:citycouncil@westlinnoregon.gov)

**Please come and take a seat, it is the quality of life in our nearby neighborhoods that is on the line.**

**Thanks so much.**

**Roberta**

**PLEASE ADD AS PUBLIC TESTIMONY TO THE PACKET OF WRITTEN TESTIMONY FOR THE HEARING REGARDING MISC-17-09 (Development Agreement for 2410, 2422, and [2444 Tannler Driver](#)**

Dear City Council,

For the moment I will restrict my comments to what is so unusual about Mr. Parker's proposal because the Development Agreement process by which his proposal is coming before Council turns much of West Linn's land-use procedures on end, and this barbarizing of process must be named for what it is. Since the State Regulations appear to show no actual procedure for this, one can only guess that staff is just mapping out the procedure as we go.

There are good reasons, hearkening back to Goal 1 and the concept of fair play, why Zone Changes and Comprehensive Plan changes are subject to rigorous public noticing requirements and extensive due process including appeal opportunities at *progressively higher* appeal bodies. Of course this is not the actual zone change, just an elaborate Agreement to try to deliver a later Zone Change and Comp Plan Change in exchange for some public works . No Agreement should be made before the full airing of facts and perspectives provided by the normal extensive and properly noticed hearing process.

The Committee for Citizen Involvement (CCI) has been working for over a year directly to improve the citizen engagement portion of our land-use process. So it is astonishing that that staff have simultaneously opened this unusual

opportunity for Mr. Parker to reduce engagement and skip over many of the public process pieces via a "Development Agreement." This can only be described as a request for a short notice "open-air backroom deal" which would lay the expectations for a future reverse-engineered set of hearings eventually legitimizing the initial decision. The City Manager's signature already on this agreement is quite troubling because it lends an air of legitimacy to it. I hope you will find a way to not add one shred of legitimacy to this, but rather to redirect this to the proper channels.


It is possible that somewhere there is an example where a Development Agreement makes sense, however as a policy this is not the time nor the place for dramatic departure from the normal way of providing for citizen engagement. So, in challenge to this procedure, I say let's weigh against it the entirety of our Chapter 99, the entirety of the hours citizens and staff have devoted to CCI efforts, and the entirety of community's expectation that land-use procedures and outcomes reflect timely notice and meaningful engagement. As the policy makers of this city, I hope you will resist the temptation to allow yourself to be led by staff backwards into this labyrinth.

There's just no estimating the degree of damage to the public process and public relations incurred by deciding a matter first, nor the perils of reversing logical steps, and going through hoops to legitimize premature decisions. We could call that kind of damage the Arch Bridge Effect, but better yet, let's forget the past and hold tight to the dictates of local code, respect for home rule, and commitment to due process. These are the principles that will serve the community come rain or shine.

I appreciate your consideration of these ideas,

Rebecca Adams  
Address on record

**Important Notice of a Potential Building Proposal by Jeff Parker to rezone his property at the Corner of Tannler Dr and Blankenship Rd. and put up approximately 168 high-density apartments. This will have an impact for our Neighbors in Savanna Oaks, Willamette, Barrington Heights, and other Neighborhood Associations in West Linn**

 A close up of a map

Mr. Jeff Parker is proposing

Description generated with high confidence

approximately 168 high-density apartments be built

on his property which will require that the City of West Linn grant him a **rezoning** from OBC (Office Business Commercial) to R 2.1 (Residential -- 1 unit for every 2100 sq. ft.) along with an approximately 35,000 sq. ft. fitness center). The community problems include:

**Traffic** - this area is already rated as one of the worst traffic intersections in West Linn. This will probably force people to use Greene St to get to Salamo. Barrington Heights through Sunset may very well become a pass-through to get to the freeway as well.

**Detrimental Effect on the Neighborhood Character** - our neighborhoods currently have mostly single-family homes as outlined in our NA Plans. This would lead to high density.

**Vacating the Current Tannler Dr** - giving Mr. Parker the bottom part of Tannler Dr if he gives up some of the property he owns to make a street that will run through his property and become the new bottom of Tannler Dr. This new street will end on Blankenship directly across from the second of the former Albertson's/Haggen's driveways. There may or may not be a light there depending on what the traffic engineers require.

**Limited Access to the White Oak Savanna** - the city has paid \$333,000 to help to buy this park and is now investing another \$600,000 for a Natural Play Area there. Check the conceptual drawing which is included. The current access to the park will be limited if Mr. Parker is given part of the existing Tannler Dr. There will be less on-street Savanna parking for the park and new Natural Play Area which will be attracting more people.

**Existing Health Clubs, Yoga Studios, and Trainers will be at Risk of Losing Their Businesses** - when a mega fitness studio of approximately 35,000 sq. ft. comes to town.

**New Schools May be Required to be Built** - here in Oregon it is the citizens who pay for building new schools (unlike Washington and California where the developers pay half).

**Please come to the City Council's Work Session on December 4<sup>th</sup> at 6:00 at West Linn City Hall to hear how this proposed "Agreement" between the City and Mr. Parker for the rezoning of Mr. Parker's land (across the street from the White Oak Savanna) will impact you and your neighbors. Please read the information on the City's website by going to the link:**

<https://westlinnoregon.gov/planning/development-agreement-2410-2422-and->



[2444-tannler-drive](#)

Thanks so much!

Gail Holmes  
WNA President



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## Shroyer, Shauna

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**From:** Alan Smith <aalansmith57@gmail.com>  
**Sent:** Thursday, November 16, 2017 8:03 PM  
**To:** City Council; Boyd, John  
**Subject:** Testimony for MISC 17-09, Tannler West Development

Dear Mr. Boyd,

I include you in this email to the council. This is testimony for inclusion in the record of MISC-17-09. As I understand from city policy, you are the gatekeeper deciding when Council may receive written testimony. I ask that you please give Council this testimony immediately, so they may consider it in preparation for the work session on November 20 2017.

I request that you immediately post this testimony and any and all other public testimonies you have received. You have already posted the testimony in support of the application from Peter Powell of Powell Development. All members of the public have a right to equal opportunity.

Sincerely,  
Alan Smith

Dear Mayor Axelrod and Councilors Perry, Martin, Sakelik and Cummings:

This land-use application must be denied because it subverts citizen participation and any opportunity for local review of the Council decision. Oregon citizens have the right to determine how the communities in which they live are built.

Did the city manager inform you, the council, before she signed the letter of intent? Apparently not as was brought to light in the presentation by Parker before the citizens. The assistant city attorney has experience with these development agreements. Are you aware that these types of agreements are usually reserved for massive reclamation projects such as envisioned for the West Linn Waterfront? Not residential developments that benefit just one citizen.

Timeline of proceedings for the proposed Development Agreement:

1. **June 26-** City staff met privately with the applicant in "an informal pre-application meeting" conducted by the applicant ([Applicant Submittal](#), page 4, para 5)
2. **July 6-** City Manager signed a Letter of Intent (Applicant Submittal, Exhibit 2)
3. **Sept. 22-** Development Agreement application was received by the City (Applicant Submittal, pg. 1)
4. **Oct. 24-** Application deemed complete by [letter to applicant](#). ([Corrected letter, dated Oct. 25](#))
5. **Oct. 25-** City notified applicant of the hearing and work session dates. (Corrected letter, para 4)
6. **Oct. 31-** City mailed required [notice of hearing](#) and work session date



7. **Nov. 6**, or about- Some property owners (presumably within 500 ft of the subject property) received notice of a meeting with the applicant ([Community Outreach Meeting Letter](#), time and date stamped recieved).
8. **Nov. 7, 6pm** Meeting with applicant and invited members of the public.

The details of this project remain private and the staff report to Council for this application should provide information about the background and proceedings of the project. I request Mayor Axelrod to ask staff to answer my following questions during Council Work Session, if staff does not provide sufficient detail to answer them in the staff report. It falls upon the City to be transparent in working together to put the citizens first:

1. **Why** isn't the Planning Commission the authority for the application? [CDC 99.060\(B\)\(4\)](#) provides the PC shall decide any application not listed under the authority of the PC.
2. **How** did the City and applicant begin pursuit of an agreement for development and **who's** idea was it?
3. **Who** provided support/advice toward the Letter of Intent and the Development Agreement?
4. **Who** is the City's lead attorney for this project? Evidence in the record shows the City Manager's attorney for the City was in discussion with the applicant. (Applicant Submittal, pg. 1, last para, "Pursuant to my discussion with Assistant City Attorney, Megan Thornton..") **Are citizens afforded the same opportunity to discuss the application with Ms. Thornton?** Additional evidence shows the applicant copied Ms. Thornton on his letter to Mr. Boyd, presumably because Ms. Thornton is the lead attorney for the City. ([Applicants response to Outreach, Concept Plan and Phasing](#))
5. **When** will the legal advice provided to the City Manager, staff and applicant be publicized as allowed by law, so the public may similarly benefit from it?
6. **Who** provided Council with legal advice up to now? **When** will it be publicized as the law allows?
7. **What** authorizes the City Manager, as the administrative head of City government, to sign a letter of intent agreeing to how the applicant's property should be developed?
8. **Why** did the City Manager sign the Letter of Intent when she was not required to? ([ORS 94.504](#))
9. **The Letter of Intent claims** Council review of the prescribed zoning change from OBC to R-2.1 benefits the City and supports Council goal to "review zoning to enhance the City's opportunity for economic development in business districts." However, the Planning Docket updated Nov. 6, lists a limited review of Mixed Use Transitional Zones in Willamette Main ST district as the initial project towards this goal and sets aside a comprehensive review of commercial districts until staff scopes it. **Does Council review of zoning for the applicant give the applicant special consideration and circumvent a comprehensive review** of citywide zoning by a citizen work-group and or Planning Commission



to make recommendations to Council? **Isn't the City Manager confusing this land-use decision with a legislative decision** necessary toward the Council goal?

10. **Why** wasn't the Letter of Intent publicized from the onset?
11. **How and when** did the City Manager inform Council of her work toward the project? [City Charter Section 23\(c\)](#) mandates the City Manager "to keep the Council advised at all times of the affairs and needs of the City" and [Ms. Stein's employment agreement](#) does as well.
12. **Is it fair and reasonable to expect the public to** constantly monitor the City's directory of projects webpage for development agreement applications in order to have reasonable notice? Presumably, staff added the project to the webpage on or about Oct. 24 when the application was deemed complete. There was no advance public notice of the application because a pre-application meeting and a neighborhood meeting was not required.
13. **Why** didn't the Community Planning Director require a pre-application conference as he is authorized to do when "the potential development is of significant complexity or magnitude to merit a pre-application conference"? [CDC 99.030\(B\)](#)
14. **How** does the application comply with the applicable policies and recommended action measures of Goal 1 of the City Comprehensive Plan for Citizen Involvement?
15. **Why** hasn't the City adopted local review procedures and approval criteria for development agreements as allowed by [ORS 94.513](#)?
16. Since the CDC does not provide procedures for development agreements, **who** is determining how to proceed? It is unusual to have a work session prior to a hearing for a land-use decision.
17. Will the record of the work session be included in the record of the application?
18. The Agreement sets forth that all codes, rules, policies and fees existing at the time of signing the Agreement will apply to all development applications necessary to implement the terms of the Agreement for 15 years, the maximum time allowed. **How** does this benefit the City?
19. **How** will the SDC fees be determined for 15 years? Are they frozen as well?
20. **How** was the \$100 application fee calculated to defray the total expenses of the administrative process, as required by [CDC 99.033](#)? The City Master Fees and Schedule does not include a fee for a development agreement application (Applicant's Submittal, Exhibit 5).
21. Has the City previously received a development agreement application(s) and **what** was the outcome(s)?
22. **What** is the City Manager's experience with development agreements and letters of intent in other Cities?

Council, I am confident you will find evidence enough to support denying this Development Agreement application. It appears the applicant has chosen to disregard City policy of early community engagement and to ignore past suggestions from the neighborhood and citizens of types of development that would benefit both the developer and the community.

Mayor Axelrod, thank you in advance for advancing my questions at the Council work session for the application. It would help bring transparency to the project and help to mitigate what appears to be blatant disregard for citizens.

Sincerely,  
Alan Smith  
Buck Street

## Shroyer, Shauna

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**From:** Mollusky, Kathy  
**Sent:** Monday, November 20, 2017 8:07 AM  
**To:** Boyd, John  
**Subject:** FW: Parker proposal

FYI -

**From:** Patricia Farra [mailto:bellagora@comcast.net]  
**Sent:** Monday, November 13, 2017 11:37 AM  
**To:** City Council <citycouncil@westlinnoregon.gov>  
**Subject:** Parker proposal

Having lived in West Linn for a total of 30 years and having a business here I feel the need to voice my opinion this latest proposal. I feel it will greatly impact our Willamette and Savanna oaks communities. Everything about this is not good for our area. I do not need to take your valuable time to mention all that is involved.

This area is already rated as one of the worst traffic intersections in West Linn. Our neighborhoods are mostly family homes. High- density housing would not be in our best interest. There are too many issues to deal with, of which includes the Savanna Oaks natural park play area. Would we need new schools? Are we willing to pay?

*Bellagora  
Patricia Farra  
4800 Summerlinn Way  
West Linn, OR 97068  
503-804-2002*

## Boyd, John

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**From:** Roberta Schwarz <roberta.schwarz@comcast.net>  
**Sent:** Thursday, November 09, 2017 8:07 PM  
**To:** 'Rebecca Adams'  
**Cc:** Boyd, John  
**Subject:** RE: Important Notice of a Potential Building Proposal

Hi Rebecca,

[jboyd@westlinnoregon.gov](mailto:jboyd@westlinnoregon.gov)

How will we know if he receives any emails?

Roberta

**From:** Rebecca Adams [mailto:[radams014@gmail.com](mailto:radams014@gmail.com)]  
**Sent:** Thursday, November 9, 2017 7:57 PM  
**To:** Roberta Schwarz <roberta.schwarz@comcast.net>  
**Subject:** Re: Important Notice of a Potential Building Proposal

but should Robinson's post include the email? if so do you have Boyd's email off hand?

I could submit one right away saying this proposal is operating outside of the normal land-use protocols of the city and detailing why it should follow the correct procedure...

On Thu, Nov 9, 2017 at 7:47 PM, Roberta Schwarz <[roberta.schwarz@comcast.net](mailto:roberta.schwarz@comcast.net)> wrote:

Excellent idea, Rebecca. Let's wait until I send this out again. I don't like to overwhelm the masses with too many emails too close together.

You ROCK!

Roberta

**From:** Rebecca Adams [mailto:[radams014@gmail.com](mailto:radams014@gmail.com)]  
**Sent:** Thursday, November 9, 2017 7:43 PM  
**To:** Roberta Schwarz <[roberta.schwarz@comcast.net](mailto:roberta.schwarz@comcast.net)>; Robinson Foster <[Fosterr@comcast.net](mailto:Fosterr@comcast.net)>  
**Subject:** Re: Important Notice of a Potential Building Proposal

Guys,

I got a new idea...this link goes to the whole document page for the project where people can see public testimony such as Mr Powell's who supports Parker.



What if we say " Or send emails to Mr John Boyd at this email (.....) to be added to the public record if you wish.

On Thu, Nov 9, 2017 at 7:23 PM, Rebecca Adams <[radams014@gmail.com](mailto:radams014@gmail.com)> wrote:

Hi Roberta and Robinson,

Here's a possible condensation of the flyer that could be a NextDoor post.

Robinson , let's see if Roberta likes this. I took her phone number off, by the way.

Roberta what do you think?

-Rebecca

## Tannler and Blankenship Zone Change



**Important Notice of a Potential Building Proposal by Jeff Parker to rezone his property at the Corner of Tannler Dr and Blankenship Rd. and put up approximately 168 high-density apartments. This will have an impact for our Neighbors in Savanna Oaks, Willamette, Barrington Heights, and other Neighborhood Associations in West Linn**

**Please come to the City Council's Work Session on December 4<sup>th</sup> at 6:00 at West Linn City Hall to hear how this proposed "Agreement" between the City and Mr. Parker for the rezoning of Mr. Parker's land (across the street from the White Oak Savanna) will impact you and your neighbors. You may review the proposed development agreement on the City's website by going to the link:**

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On Thu, Nov 9, 2017 at 7:09 PM, Roberta Schwarz <[roberta.schwarz@comcast.net](mailto:roberta.schwarz@comcast.net)> wrote:

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Mr. Jeff Parker is proposing approximately 168 high-density apartments be built on his property which will require that the City of West Linn grant him a **rezoning** from OBC (Office Business Commercial) to R 2.1 (Residential -- 1 unit for every 2100 sq. ft.) along with an approximately 35,000 sq. ft. fitness center). The community problems include:

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Call [503 723 5015](tel:5037235015) to learn how you can help to retain our fine neighborhood character and to help to get the word out.