

Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:02 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Parker

Mr. Boyd et al,
I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Kathie Halicki <khalicki@msn.com>
Sent: Wednesday, November 8, 2017 5:34 PM
To: Axelrod, Russell
Subject: Re: Parker

Thank you. I would suggest that you or CM Stein attend each NA and NAP meeting to give folks "the real scoop". There were about 50 people attending from many of the NAs , Main Street, Summerlinn Condos, (SONA,WNA, Barrington Heights, Bolton to name but a few). I will be sharing the notes I took with WNA and see if perhaps I put/heard a slant to things that wasn't there. I will then correct the notes. If you would like a copy of our combined notes from last night I will get you a copy. Is there a 10 day notice thing for meetings? Those who did receive notice received it on Oct. 30 through the mail. I had hoped that there was some kind of "confusion/misinterpretation" about all of this. Thank you for doing the right thing and postponing it. I feel he should go to the NAs with the zone change proposition. I will pass on your email during our meeting.

Thank you again,
Kathie Halicki

From: Axelrod, Russell <RAxelrod@westlinnoregon.gov>
Sent: Wednesday, November 8, 2017 1:26 PM
To: Kathie Halicki
Subject: Re: Parker

Hi Kathie,
None of it is true and I and CM Stein removed his item from Nov 20 agenda while we sort out what is even proposed. We have made no agreements whatsoever so all should relax.
Thanks,
Russ

Sent from my iPhone

On Nov 8, 2017, at 1:00 PM, Kathie Halicki <khalicki@msn.com> wrote:

Russ,

Don't say I didn't warn you. As you probably already know, Mr. Parker threw you and Ms. Stein under the bus last night. When pressed as to whom he had spoken to in the city, to come up with this "plan" he tried not to say and when pressed said both your names (and John Boyd). He mentioned how he would not need to go to the NAs. If he is to be believed (that you, Ms. Stein, Mr. Boyd, and our legal staff) provided major input into this, this would smack of "backroom" planning. This would fly in face of your platform when you campaigned - transparency in government- (sounds like Kovach, Frank, Jordan tactics, not to include the public input). It also flies in the face of what City Hall has been saying, as to the order of how development/changes are to be presented, and the inclusion of NA's. I think Mr. Parker was surprised as to how many people showed up (since there was no notice to NAs standing room only), the pointed questioning, and learning that not everyone who was supposed to get the 500 ft. notice got it. (Several did not and they are the closest to the project), thus showing an issue with notification, already. This project looks familiar, it looks just like the Con Am proposal but without the business. The Homeowner Assoc. at Summerlinn were particularly upset when they asked if the project would come 3 stories and 5 -10 ft. from their property, as in Con Am project, and they were told that it was a good likelihood. When asked if he was going to put in the traffic light, as promised on last proposal, he hedged on that one too. He also hedged on the significant trees on the top of the property. Please keep in mind that there could be a significant safety issue with this project, (additional traffic, upwards of 2,500 car trips with apartments and Fitness Center, for the patients at the nursing home down the street, and with the configuration of the realignment of Tannler with emergency vehicles to come up the hill to Bland and beyond). It was also mentioned that the ADA accessibility and the play structure entrance for Savanna Park is where Tannler is being realigned, thus impinging on it at best - eliminating at worst. I realize that this is "only" a zoning change - at this point- but it is obviously poorly thought out and executed. Ed has a video of the entire meeting if you are interested.

Kathie Halicki

Russell Axelrod
Mayor
City Council

22500 Salamo Rd
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Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:04 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: 11/20 CC-WS

Mr. Boyd et al,

I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Axelrod, Russell
Sent: Sunday, November 12, 2017 11:48 AM
To: Holmes, Gail
Subject: Re: 11/20 CC-WS

Based on my understanding it was removed from our November work session. If it's on a later work session (December or January) then there must be some obligation (time clock) for the city to consider something he has filed. If that's the case, the work session would be to inform council of what's been filed and needs to be considered or decided upon at a later Council meeting. Nothing has been decided at the city at this point and according to the process the future Council meeting/hearing would be the venue for considering any proposal.

Russ

From: Gail Holmes <holmes2410@gmail.com>
Sent: Sunday, November 12, 2017 12:48 AM
To: Axelrod, Russell
Subject: 11/20 CC-WS

Kathie Halicki emailed me to say the MISC-17-09 (Jeff Parker) project is still on your work session docket. Is this because of the intent letter CM signed and to be fair to the applicant you still need to hear this?

I am trying very hard not to get emotional about this process as many around me are. We need to be logical and follow our Zoning/CDC. I don't see how R2.1 makes sense in this area. North of his property is R10, East of his property is R7 & R10 & Savanna Oak Park and to the west is OBC zoning.

Over the past couple years EDC has discussed this property and we don't want to change OBC to R2.1 or any residential zoning. As you know we are very limited in our Business Land inventory and this does not improve our Economic Development in West Linn, even Metro wants to encourage more employment lands and this project is not supportive of that goal.

Please verify the process.

Sincerely,

Gail Holmes
NAP Chair
WNA President
EDC Chair

Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:25 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Savanna Oaks NA meeting

Mr. Boyd et al,
I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Mary Anne <maematt51@gmail.com>
Sent: Tuesday, November 14, 2017 8:54 PM
To: City Council
Subject: Savanna Oaks NA meeting

I attended a Savanna Oaks NA meeting on the evening of Tuesday November 7th. At this meeting the City Manager' Eileen Stein, was in attendance as a guest. She was asked when she had first learned of the Development Agreement that is proposed for the corner of Tannler Dr.and Blankenship Rd. She answered that was September of this year. A man at the meeting then passed around a document called a letter of intent relating to the proposal. It was signed Eileen Stein and the date was July 6,2017.

The document was passed around the table and when it got to Eileen Stein she put it into her folder instead of passing it on. The man who had brought this form then asked Ed , the NA President to ask her to give it back. She then did so.

I felt disrespected by this misrepresentation by the city Manager and was very disappointed at her lack of transparency. The people in the NA seemed to be shocked that the facts were different than what the City Manager had stated.

Thank you very much for the opportunity to inform you of this incident.

Respectively,

Mary Ann Mattecheck

Boyd, John

From: Axelrod, Russell
Sent: Monday, December 11, 2017 11:59 AM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Publicity on Development Agreement

Mr. Boyd et al,

I am forwarding potential exparte correspondence regarding MISC 17-09 for the Tannler Drive property.

Russ

From: Cummings, Teri
Sent: Monday, December 11, 2017 11:48 AM
To: Karie Oakes; City Council
Subject: Re: Publicity on Development Agreement

Dear Ms. Oakes, thank you for writing to us and sharing your concerns about how this new process was handled collectively by staff and Council. As we on the Council experienced our own lack of knowledge about the process, we should have also been thinking about how this also might be confusing for members of the public and inquired as to what steps were being taken to help everyone understand it. Short notice only causes more frustration. I apologize for my part in this. We need to do a better job of anticipating the addressing what members of the public might need and expect.

Best regards,
Councilor Cummings

From: Karie Oakes <karieokee@aol.com>
Sent: Thursday, December 7, 2017 11:09 PM
To: City Council
Subject: Publicity on Development Agreement

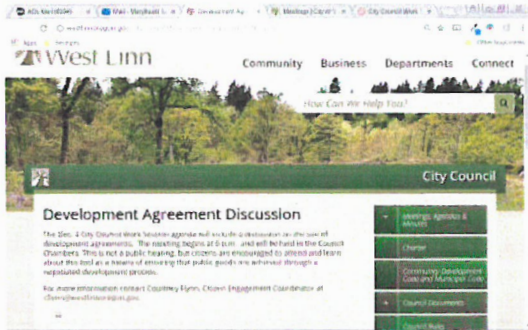
Dear Mayor Axelrod and Councilors Perry, Martin, Sakelik and Cummings:

I would like you to be aware of the unusual, and I would say insufficient, effort this administration has made to inform citizens of a development agreement, like the one proposed by developer Jeff Parker and intended by City Manager Eileen Stein. **Since this is a land-use decision (MISC 17-09), I will not risk ex-parte contact and will confine my comments to process.**

It appears staff has taken the initiative to steer the process for this application. My email to you on November 19, 2017 asking for clarification on the process and other information went unanswered by Council, but Ms. Stein replied that I would have to wait for an answer until December 4 when Council has a work session on the application. This is very difficult for me to digest as I have devoted countless hours of my time this year, along with Mayor Axelrod and Councilor Martin and the other members of the Committee for Citizen Involvement (CCI), to improve early citizen engagement through better opportunities, administration and education. City staff is well aware of the importance of the policy and work of the CCI.

There are two things I would like to point out:

1. The opportunity for City staff to inform citizens about what is a development agreement, and particularly about the process and how they might be involved, existed since Ms. Stein signed the letter of intent in July with conditions for development she and Mr. Parker agreed upon.
2. Staff recently posted the [web page](#) titled "Development Agreement Discussion" seen in the screenshot below and attached. I was alerted to it on November 25 as a subscriber to weekly email notifications of new City web pages, "New Web Pages (weekly)."



I immediately noticed the web page had a limited amount of information and relied on the citizen to attend the work session to get information about a development agreement.

I took the perspective of a citizen without any knowledge of the pending application, and my first thoughts were "why do I need to know about a development agreement and why isn't information on the website?" There is not a statement about the need to inform citizens about development agreements so they understand the process and their opportunity to participate. There is no statement about Parker's pending application. There are not links to general information about development agreements, nor to the City project page for the application which has numerous links to information. Receiving additional information is dependent upon the Citizen Engagement Coordinator, Courtney Flynn, responding to a citizen email inquiry.

I of course, also have my perspective as a very involved citizen knowledgeable of the pending development agreement application. I thought, "why is the City leaving it's opportunity to inform citizens about development agreements until just one week before the public hearing for MISC 17-09 and how does this qualify as timely information helpful to my testimony?" It is disappointing the City Manager and Council did not appreciate the need for citizens to know sooner. Like maybe back in July?

I would like Council to consider if City efforts (yours included) to inform citizens of the business of their government honors public policy for early and meaningful citizen engagement in this case and if the administration is advancing Council's goal of putting citizens first in an effort to gain the much needed public trust.

I suggest the Development Agreement Discussion web page be made more relevant and updated with a link to your work session video. Thank you. Your replies are welcome.

Sincerely,

Karie Oakes

Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:26 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Tannler

Mr. Boyd et al,
I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Jeff Parker <jeff@blackhawkd.com>
Sent: Tuesday, November 14, 2017 3:57 PM
To: Axelrod, Russell
Cc: Liz Edmonds; Jaymie Van Orden
Subject: Tannler

Hi Russ

We did have a mtg with the community last week and discussed the project concept and realignment of tannler
Not sure what you are disappointed with

Respectfully I would like to discuss this project moving forward .
Please give me a time that is convenient .

Thank you

Jeff Parker
Manager
Blackhawk LLC,
Blackhawk Development LLC
1800 Blankenship rd
West Linn , Oregon 97068
Office 503-742-1942
Cell 503-807-8852

Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:06 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Testimony for MISC 17-09, Tannler West Development

Mr. Boyd et al,
I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Tim Ramis <Tim.Ramis@jordanramis.com>
Sent: Thursday, November 16, 2017 4:19 PM
To: Stein, Eileen
Cc: City Council; Williams, John
Subject: RE: Testimony for MISC 17-09, Tannler West Development

Eileen,

I suggest that we be very clear in the notice for December 4 that we are introducing the concept of development agreements as a regulatory tool. We are not conducting a hearing on a specific land use application at that meeting.

Thanks,
Tim

From: Stein, Eileen [mailto:estein@westlinnoregon.gov]
Sent: Thursday, November 16, 2017 8:44 AM
To: 'Karie Oakes'
Cc: City Council; Tim Ramis; Williams, John
Subject: RE: Testimony for MISC 17-09, Tannler West Development

Karie,

City Attorney Ramis will give the report to Council on this item on December 4th.

Eileen

From: Axelrod, Russell
Sent: Thursday, November 16, 2017 6:47 AM
To: Karie Oakes <karieokee@aol.com>
Cc: Stein, Eileen <estein@westlinnoregon.gov>; City Council <citycouncil@westlinnoregon.gov>; Boyd, John <jboyd@westlinnoregon.gov>; Williams, John <JWilliams@westlinnoregon.gov>
Subject: Re: Testimony for MISC 17-09, Tannler West Development

Please let's stop this train of misinformation. I'm not involved in any presentation to Council on the land use matter. I'm only giving input on sorting agenda items for our meetings to help manage efficiency of our meetings.

Russ

Sent from my iPhone

On Nov 15, 2017, at 11:16 PM, Karie Oakes <kariookee@aol.com> wrote:

Eileen,

Thank you for your very prompt reply! I expected a reply from Mr. Boyd.

I look forward to the presentation by Mr. Ramis. I've never known a decision maker for a land-use application to be involved in the preparation of a presentation to the decision making body, as the Mayor is in this project.

I expected Mr. Boyd, as the project planner, would be presenting this application and Mr. Ramis would be there to advise Council.

Karie Oakes

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

From: Stein, Eileen <estein@westlinnoregon.gov>

To: 'Karie Oakes' <kariookee@aol.com>

Cc: City Council <citycouncil@westlinnoregon.gov>; Boyd, John <jboyd@westlinnoregon.gov>; Williams, John <JWilliams@westlinnoregon.gov>

Sent: Wed, Nov 15, 2017 3:03 pm

Subject: RE: Testimony for MISC 17-09, Tannler West Development

Karie,

This item has been moved to the December 4th work session at the direction of Mayor Axelrod. I'll check with him about how best to incorporate your questions into the presentation that will be given by City Attorney Ramis who has been the lead attorney on this project.

Eileen

From: Karie Oakes [<mailto:kariookee@aol.com>]

Sent: Wednesday, November 15, 2017 12:55 PM

To: Boyd, John <jboyd@westlinnoregon.gov>

Cc: City Council <citycouncil@westlinnoregon.gov>

Subject: Fwd: Testimony for MISC 17-09, Tannler West Development

Dear Mr. Boyd,

I am forwarding this email to you with my 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 my testimony immediately, so they may consider it in preparation for the work session on November 20 2017.

It is also my understanding that you are the gatekeeper deciding when to publish public testimony on the project page of the City website for this application. I request that you immediately post my 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.

Please let me know how you intend to proceed. Thank you.

Sincerely,

Karie Oakes

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

From: Karie Oakes <karieokee@aol.com>

To: citycouncil <citycouncil@westlinnoregon.gov>

Sent: Wed, Nov 15, 2017 12:22 pm

Subject: Testimony for MISC 17-09, Tannler West Development

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

This land-use application must be denied because it bastardizes the land-use process by subverting 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.

Whatever possessed the City Manager to agree to the specific development in this application, as if **she** represented citizens and their plans for the City? **It's ironic that this project comes to light just days following the resounding defeat of Ballot Measure 3-524.** This project serves as a perfect example of how the current legal structure of the City fails and why Council must respect the Office of the City Attorney as the chief legal office for the City as authorized by City Charter and return all legal services to the Office or other legal counsel as appointed by the City Council.

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. There's a (expletive) load of **Who, What, When, Where, Why and Hows** to be answered- at least 22. I would apologize for the number, but it falls upon the City to be transparent.

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.

Council, thank you for considering my questions.

Sincerely,

Karie Oakes

Eileen Stein
City Manager
Administration

22500 Salamo Rd.
West Linn, Oregon 97068
estein@westlinnoregon.gov
westlinnoregon.gov
503-742-6025



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Eileen Stein
City Manager
Administration

22500 Salamo Rd.

West Linn, Oregon 97068
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westlinnoregon.gov
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Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:05 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Parker Development Agreement Update
Attachments: Agenda 2017-11-20.docx

Mr. Boyd et al,

I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Stein, Eileen
Sent: Wednesday, November 15, 2017 5:34 PM
To: City Council
Subject: FW: Parker Development Agreement Update

As long as we're discussing the meeting last week, FYI. Eileen

From: Stein, Eileen
Sent: Wednesday, November 8, 2017 12:55 PM
To: Savanna Oaks Neighborhood Association <savannaoaksna@westlinnoregon.gov>
Subject: Parker Development Agreement Update

Ed,

Good morning. Thanks for the opportunity to come out last night. I didn't mind handling all the questions, but it didn't allow time for other items of interest. And, I did not appreciate the surprise public shaming. For all that the City has done to help make the Savanna Oaks Park a reality, it's frustrating (no, actually ungrateful) to make the effort to come out only to experience such finger wagging and aren't I ashamed of myself. I also do not appreciate having staff mentioned by name and have it suggested "there she goes again." I said when I first arrived in West Linn that I'd hoped making bloodsport of staff names and reputations would stop. This kind of behavior is the reasons staff does not desire to come to NA meetings...getting attacked over suppositions.

Anyhow, just wanted to let you know the development agreement item has been pulled from the November 20th agenda. Please let your members know there is no reason to come out. I spoke with Mayor Axelrod and we have tentatively rescheduled it for the December 4th work session. But I am not sure it will even happen on that night. There is another major topic already scheduled for that work session, too. Also, we recognize the need to do additional education with this Council on the use of a development agreements as a tool to get guarantees of items for the public benefit on a complex development project.

Certainly the December 11th Council item is also pulled. Here is the agenda for the November 20th work session that is going out today. Again, if you can get the word out, I'd really appreciate it. Thanks.

Eileen

Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:09 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Clarification of Timeline Related to Parker Development Proposal

Mr. Boyd et al,
I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Stein, Eileen
Sent: Monday, November 20, 2017 2:58 PM
To: Axelrod, Russell; Savanna Oaks Neighborhood Association
Cc: City Council; 'Tim Ramis'; Williams, John
Subject: RE: Clarification of Timeline Related to Parker Development Proposal

Hi All,

Just a couple other pieces of information to address Ed's questions and clarify further:

The Savanna Oaks Neighborhood Association was notified of the Pre-App in August, also notified the Pre-App was cancelled, according to Darren and Shauna. In fact, Shauna found in her email a record of Roberta Schwarz acknowledging the cancellation and asking when it would be rescheduled. However, Darren also clarified the subject of the scheduled Pre-App was NOT the Development Agreement, but the re-zone of the property itself. (Mr. Parker had his ducks way out of order.) The Pre-App for the rezone was never rescheduled because of the need to get the Development Agreement handled first.

The 120 day timeline for the Development Agreement expires on February 20, 2018.

Eileen

From: Axelrod, Russell
Sent: Monday, November 20, 2017 2:15 PM
To: Savanna Oaks Neighborhood Association <savannaosna@westlinnoregon.gov>; Stein, Eileen <estein@westlinnoregon.gov>
Cc: City Council <citycouncil@westlinnoregon.gov>; 'Tim Ramis' <Tim.Ramis@jordanramis.com>; Williams, John <JWilliams@westlinnoregon.gov>
Subject: Re: Clarification of Timeline Related to Parker Development Proposal

Ed,

I want to clarify an issue here because your assumptions misrepresent and mischaracterize the context on this entire matter, and it relates to your underlying reason for not distributing any clarifying information to the community. I believe it's important that everyone receive as complete and correct information as possible.

Last summer the council acknowledged only that it would be ok if the city moved forward a discussion of a possible future development agreement, and that any future agreement would only be considered after additional information would be provided to the council. Prior to further consideration of any development agreement, it was also our general understanding that any development proposal would first be vetted at least conceptually by Mr. Parker with the community. The letter of intent that was signed by Ms. Stein reflected that first acknowledgement by council only to move forward the discussion, and to bring forward additional information for the city and council to consider in the future. Neither the city or council have agreed to any development agreement at all. In fact, the council has no idea the scope of what Mr. Parker is/may propose at this time.

I hope this clarifies the record for you and others. I'm available to discuss at any time.

Thanks,
Russ

From: Savanna Oaks Neighborhood Association
Sent: Sunday, November 19, 2017 5:02 PM
To: Stein, Eileen
Cc: City Council; 'Tim Ramis'; Williams, John
Subject: Re: Clarification of Timeline Related to Parker Development Proposal

Eileen,

I have concerns that in your email below you are discussing your recollection of what happened in an Executive Session of the West Linn City Council. This information is potentially confidential and sensitive. Also, a recent article in the Tidings (<http://www.pamplinmedia.com/wlt/95-news/378698-264957-wl-council-will-evaluate-development-agreement-for-tannler-property>) suggests that the Mayor has a different recollection of what transpired in the Executive Session. In your email you state, "June 26 – Exec Session held. My note on my agenda says "LOI" meaning the Letter of Intent for the Blackhawk development proposal. **Council consents to moving ahead with the LOI/DA process.**" (emphasis added). Yet, in the Tidings article the Mayor states that "The council was approached about a development agreement. We said, 'Well, OK, but we need to understand what it is that he's actually proposing to do.' ... **The council hasn't approved anything.**" (emphasis added). These two statements seem to me to contradict each other. It seems to be in the best interests of the city that this matter be referred back to Mr. Ramis.

In your email you also state that there was a pre-application conference held on August 17. I do not recall receiving notice of this conference. Can you let me know if it was noticed to the affected NAs?

Also, regarding your discussion of the 120-day timeline, can you let me know exactly when it expires? Also, if it expires without action by the Council, does that mean that the Development Agreement and/or the zoning change automatically take effect?

For the above reasons I will not be sending your email to the members of Savanna Oaks NA.

Regards,
Ed

Ed Schwarz, President

Savanna Oaks Neighborhood Association

From: Stein, Eileen

Sent: Thursday, November 16, 2017 11:24 AM

To: Savanna Oaks Neighborhood Association

Cc: City Council; 'Tim Ramis'; Williams, John

Subject: Clarification of Timeline Related to Parker Development Proposal

Ed,

Good morning! Please forward this information to the SONA membership, particularly those in attendance at the meeting on November 7th and please copy me when you do.

As I indicated in my November 8th email to you, I was not prepared to discuss this topic at the meeting. It was not on the agenda, nor was I aware there was a meeting by the developer just an hour before. I did not mind answering all the questions. As I did then, I want to re-emphasize that there will be multiple opportunities for citizens to give input to the City Council on this project over the course of time it is considered. The surprise didn't allow me to recall the timeline of this project, so I wanted to follow up with your membership and give a more complete picture:

- June 5 - My work log shows that Dylan conveyed a request by Jeff Parker to have a meeting. My recollection is this is follow up to a conversation Mr. Parker had with Mayor Axelrod, who asked Mr. Parker to meet with me.
- June 12 – My work log shows I completed a task related to the Blackhawk development proposal (probably to reach out about the meeting?)
- June 14 – My work log shows a note to discuss the Blackhawk development proposal with staff at our weekly development review meeting
- June 15 – Council Agenda issued for June 26 meeting, shows Exec Session for real estate matters
- June 26 – City Attorney, City Manager, Community Development Director, and Assistant City Attorney meet with Mr. Parker and his planning and legal representatives to discuss project
- June 26 – Exec Session held. My note on my agenda says “LOI” meaning the Letter of Intent for the Blackhawk development proposal. Council consents to moving ahead with the LOI/DA process.
- July 3 – Note in work log says LOI is in Mike Robinson’s (Parker’s attorney) court (meaning he’s drafting)
- July 6 – LOI is signed by me
- Aug 17 – Pre-application conference held. Darren is assigned planner.
- Sept 22 – Blackhawk files application for development review for the Development Agreement (DA) review process
- October 12 – First time the Agenda Matrix shows a work session scheduled for the “Tannler/Blankenship Development Agreement” on 11/20/17 and public hearing/ordinance on DA on 12/11/17. The Agenda Matrix can be found on the City’s website under the Agenda and Minutes tab. Anyone can find what is coming up in terms of potential Council meeting topics.
- Early January – 120 days’ timeline expires to process development review application for the DA

Somewhere in the dialogue back and forth between the City and Mr. Parker, including the June 26 meeting, it is conveyed to him there will be considerable public interest in this new proposal given the history of this property. He is strongly encouraged to reach out to the neighborhood associations nearby, before the application is even filed, and educate them about his proposal with the intent of working with them on a (hopefully mutual) development concept, or at least to address/mitigate concerns. This outreach was not monitored by City staff. Mr. Parker and his development team knew what they needed to do.

Please convey to your membership that this item has been rescheduled to the City Council's December 4th work session. The predominant focus of the discussion will be to educate the Council about the use of development agreements as a means to insure that certain public goods, such as transportation improvements, are ensured in a complex development project. In other words, these mechanisms can insure that public improvements are provided by the developer, thus avoiding public funding. I do not know yet, whether there will be time to discuss the specifics of the project itself at the work session. There IS a time clock running on this project, however.

While the meeting begins at 6 p.m., there is another major item also scheduled for that work session and it will be the first item. It is the recommendations of the Citizens Budget Committee on possible projects for a new general obligation bond measure. I had hoped to discuss this topic, along with other City Council goals, at the meeting on November 7th. But again, I didn't mind taking questions on the Parker development if that was the immediate need of the association. Hopefully the timeline above helps to clarify what happened and when.

Again, I appreciate that you will forward this to your membership and that you will copy me when you do.

Sincerely,

Eileen

Eileen Stein
City Manager
Administration
[#6025](#)



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Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:10 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Has the CC Work Session and on the proposed Parker Development Agreement been postponed again?

Mr. Boyd et al,

I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Roberta Schwarz <roberta.schwarz@comcast.net>
Sent: Monday, November 27, 2017 11:33 AM
To: Axelrod, Russell
Subject: Has the CC Work Session and on the proposed Parker Development Agreement been postponed again?

Thanks, Russ. You, too. - Roberta

From: Axelrod, Russell [<mailto:RAxelrod@westlinnoregon.gov>]
Sent: Monday, November 27, 2017 10:56 AM
To: Roberta Schwarz <roberta.schwarz@comcast.net>; Stein, Eileen <estein@westlinnoregon.gov>; City Council <citycouncil@westlinnoregon.gov>
Subject: Re: Has the CC Work Session and on the proposed Parker Development Agreement been postponed again?

Hi Roberta,

At our Dec 4 work session our city attorney, Tim Ramis, will brief Council on development agreements in general - what are they, pros/cons etc. This work session is not about any Parker development proposal, and there will be no discussion or comments on any Parker development proposal, which by the way Council has not received.

Hope you had a nice Thanksgiving,

Russ

From: Roberta Schwarz <roberta.schwarz@comcast.net>
Sent: Monday, November 27, 2017 10:31 AM
To: Stein, Eileen; City Council
Subject: Has the CC Work Session and on the proposed Parker Development Agreement been postponed again?

To the City Manager and City Council of West Linn,

Has the CC Work Session on the proposed Parker Development Agreement been postponed again? It was scheduled originally for November 20th and then was rescheduled to December 4th. Is it no longer scheduled for December 4th? If not, please let me know the date that it has been rescheduled to take place. Many of the citizens of West Linn have expressed an interest in participating in both the Work Session and City Council Meeting on the specific Parker Development Agreement. Please let me know as soon as possible what those two actual dates will be so I can let the citizens know.

Thank you,
Roberta

Russell Axelrod
Mayor
City Council

22500 Salamo Rd
West Linn, OR 97068
RAxelrod@westlinnoregon.gov
westlinnoregon.gov
503-742-6002



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Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:14 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Regarding the property located at 2410, 2422 and 2444 Tannler Drive (MISC-17-09) and Agenda Bill 2017-12-11-03
Attachments: Regarding the Development Agreement for 2410, 2422 and 2444 Tannler Drive (MISC-17-09).pdf

Mr. Boyd et al,
I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Ed Schwarz <ed.schwarz@gmail.com>
Sent: Friday, December 1, 2017 4:09 PM
To: Boyd, John
Cc: City Council
Subject: Regarding the property located at 2410, 2422 and 2444 Tannler Drive (MISC-17-09) and Agenda Bill 2017-12-11-03

Dear Mr. Boyd and City Council,

Please find attached my testimony regarding the proposed Development Agreement for the property located at 2410, 2422 and 2444 Tannler Drive (MISC-17-09).

Please ensure that my testimony is made a part of the public record for Agenda Bill 2017-12-11-03.

Thank you.

Ed Schwarz
West Linn

Boyd, John

From: Savanna Oaks Neighborhood Association
Sent: Friday, December 08, 2017 4:04 PM
To: Axelrod, Russell; Boyd, John
Cc: Stein, Eileen; City Council
Subject: Re: Parker Property Development

Russ,

Yes, John Boyd replied to me that since the City Council will be opening the hearing it is still correct to say that it is on the agenda for Monday. Just noticed that he didn't copy everyone else.

Thanks for the follow-up.

Ed

Ed Schwarz, President
Savanna Oaks Neighborhood Association

From: Axelrod, Russell
Sent: Friday, December 8, 2017 2:25 PM
To: Savanna Oaks Neighborhood Association; Boyd, John
Cc: Stein, Eileen; City Council
Subject: Re: Parker Property Development

Ed et al,

It's my understanding the Applicant has requested to delay the hearing so that he can meet with the neighborhood, or something similar. Procedurally, it's also my understanding that Council will open the hearing on Monday (Dec 11), but immediately continue the hearing to a date certain to be agreed upon at the hearing. Based on this approach, no testimony will be taken on Dec 11.

Eileen, please advise if I missed anything.

Thanks,
Russ

From: Savanna Oaks Neighborhood Association
Sent: Thursday, December 7, 2017 4:02 PM
To: Boyd, John
Cc: Stein, Eileen; City Council
Subject: Parker Property Development

Mr. Boyd,

The city web site page for the Parker development still lists the December 11 date for the City Council public hearing on this issue.

<https://westlinnoregon.gov/planning/development-agreement-2410-2422-and-2444-tannler-drive>

My understanding is that the hearing has been postponed, at Mr. Parker's request, to February 12.

Can you please see to it that the page is updated so that there is no misunderstanding as to the correct date?

Thank you.

Ed

Ed Schwarz, President
Savanna Oaks Neighborhood Association

Savanna Oaks Neighborhood Association



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Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:17 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Regarding the Parker property Development proposal
Attachments: Resolution - Savanna Oaks Neighborhood Association - 2017-12-05 - Final - Signed - with Attachments.pdf

Mr. Boyd et al,
I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Savanna Oaks Neighborhood Association
Sent: Thursday, December 7, 2017 4:30 PM
To: Boyd, John
Cc: City Council
Subject: Regarding the Parker property Development proposal

Dear Mr. Boyd,

At our Tuesday evening meeting (12/5/2017), the members of Savanna Oaks Neighborhood Association unanimously (15-0) passed the attached resolution regarding the Development Agreement for the Parker property at the corner of Tannler Drive and Blankenship Road (MISC-17-09).

Please see to it that the attached resolution is included in the public record for this proposal.

Thank you.

Ed Schwarz, President
Savanna Oaks Neighborhood Association

Savanna Oaks Neighborhood Association



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SAVANNA OAKS NEIGHBORHOOD ASSOCIATION
December 5th, 2017 MEETING
RESOLUTION

WHEREAS, on November 7, 2017 some of the members of the Savanna Oaks Neighborhood Association (SONA), not including the President of SONA, were invited by Mr. Jeff Parker (Applicant) to a brief meeting scheduled for November 7, 2017, about an application for a Development Agreement (MISC-17-09 and Agenda Bill 2017-12-11-03) submitted by Mr. Parker to the City on September 22, 2017, which would lead to a rezoning for the property located at the corner of Tannler Dr and Blankenship Rd (across the street from the White Oak Savanna) from OBC (Office Business Center) to R-2.1 (Multi Family Residential) using ORS 94.504-94.528; and

WHEREAS, Mayor Russ Axelrod is quoted by Patrick Malee of the West Linn Tidings on November 16, 2017, as saying:

“All of it was prefaced on working with the community and coming up with a solution they liked before coming to the city,” Axelrod said. “He submitted something (to the City) before meeting with the community about it. That won’t fly in this town.”; and

WHEREAS, Mr. Parker’s notice of the meeting scheduled for November 7, 2017 states that his Development Agreement application outlines a “non-binding plan” for rezoning his property; and

WHEREAS, Mr. Parker’s proposed Development Agreement, if accepted by the City, would in fact be binding on the City; and

WHEREAS, some of the SONA members who received notice of Mr. Parker’s meeting and attended that meeting, then attended a SONA meeting immediately following this earlier meeting with Mr. Parker and asked questions about this Development Agreement proposal of City Manager Eileen Stein, who attended the SONA meeting that night; and

WHEREAS, some of these SONA members engaged in a lengthy discussion after attending these two above referenced meetings and one on December 5, 2017 for the monthly SONA meeting; and

WHEREAS, a land use attorney, Peggy Hennessy, was hired by some individual concerned citizens and she researched the case law and history of ORS 94.504-94.528; and

WHEREAS, Ms. Hennessy’s report to the City Council is attached to this Resolution and concludes that “Statutory development agreements under ORS 92.504-94.528 are completely voluntary. Neither the City nor the developer has a “statutory right” to enter into the agreement”; and

WHEREAS, Ms. Hennessy concludes her report with the following “...these long-range plans must be in the best interest of the City, too. Here the Concerned Citizens urge the City to exercise its discretion to deny this proposed development agreement because it is inconsistent with the City’s own plan for the area and will adversely affect the surrounding properties.”; and

WHEREAS, Karen Park concludes in her written testimony submitted to the City Council “A development agreement essentially ‘cuts the red tape’ for a property developer seeking a zoning change by

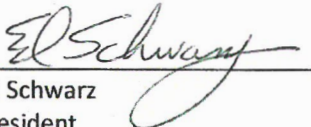
eliminating the planning commission public hearing process set forth in CDC chapter 105 and the appeal process set forth in CDC chapter 99. Such circumvention of process and public involvement in land use decisions is inappropriate in West Linn.”;

NOW, THEREFORE, SAVANNA OAKS NEIGHBORHOOD ASSOCIATION RESOLVES:

SECTION 1. The Savanna Oaks Neighborhood Association has attached a flyer, which is incorporated herein by reference, with some of the additional reasons that it opposes the proposed Parker Development Agreement.

SECTION 2. The Savanna Oaks Neighborhood Association members assembled on this date voted not to support the above-named proposal and Development Agreement.

PASSED AND APPROVED THIS 5TH DAY OF DECEMBER, 2017


Ed Schwarz
President
Savanna Oaks NA

AYE: 15
NO: 0
ABSTAIN: 0

REEVES, KAHN, HENNESSY & ELKINS

ATTORNEYS AT LAW

H. PHILIP EIDER (1927-2004)
TIFFANY A. ELKINS*
J. MICHAEL HARRIS
PEGGY HENNESSY*
GARY K. KAHN*
MARTIN W. REEVES* "

P.O. BOX 86100
PORTLAND, OREGON 97286-0100

Please Reply To P.O. Box

TELEPHONE (503) 777-5473
FAX (503) 777-8566

direct e-mail:
phennessy@rke-law.com

*Also Admitted in Washington

November 20, 2017

CLIENT'S
COPY

Honorable Russ Axelrod
and members of the West Linn City Council
22500 Salamo Road
West Linn OR 97068

Re: Tannler Properties, LLC Proposed Development Agreement

Dear Mr. Mayor and Members of the West Linn City Council:

Our office represents a group of concerned citizens living in various West Linn neighborhoods ("Concerned Citizens") with respect to their opposition to Tannler Properties, LLC's proposed development agreement with the City of West Linn. The proposal sets the stage for rezoning the property from Office Business Center ("OBC") to Single Family and Multiple Family Residential ("R-2.1"). The Concerned Citizens believe that the subject property was properly zoned for OBC use and the City should not enter into this agreement to convert it to high density residential use.

Statutory development agreements under ORS 94.504 are completely voluntary. Neither the City nor the developer has a "statutory right" to enter into the agreement. The statute was "designed to create a wholly optional opportunity for local governments to enter into long-term, multiphase land development agreements with property owners." *Povey vs. City of Mosier*, 20 Or App 552, 555, 188 P3d 321, 323 (2008). In the legislative history, Jon Chandler stated that "[t]here is no requirement that anybody do it. We hope it will be used * * * Nothing in this bill requires local governments to change existing systems. HB 3045 simply provides a means for local governments and developers to work together * * * ." Testimony, House Committee on General Government, Subcommittee on Government, HB 3045, May 5, 1993, Ex F (statement of Jon Chandler).

Statutory development agreements may be an effective tool to provide some level of certainty for long range development plans. However, those long range plans must be in the best interest of the City, too. Here, the Concerned Citizens urge the City to exercise its discretion to deny this proposed development agreement because it is inconsistent with the City's own plan for the area and will adversely affect surrounding properties.

Thank you for your consideration.

Sincerely,

REEVES, KAHN, HENNESSY & ELKINS

Peggy Hennessy
Peggy Hennessy

PH/blb

cc: Client
Timothy Ramis (City Attorney)
Megan K Thornton (Assistant City Attorney)

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

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:

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 new park and is now investing another \$600,000 for a Natural Play Area there. The current access to the park will be limited if Mr. Parker is given part of the existing Tannler Dr. Apartments will be built close to the park with just the required City setbacks. There will be less Savanna parking close to the 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 February 12th 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>

Call 503 723 5015 to learn how you can help to retain our fine neighborhood character and get the word out.



Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:17 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: *UPDATED* Savanna Oaks NA - New City Council Meeting Date for Development Agreement for Parker Property

Mr. Boyd et al,

I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Savanna Oaks Neighborhood Association
Sent: Thursday, December 7, 2017 4:21 PM
To: Boyd, John
Cc: City Council
Subject: Fw: *UPDATED* Savanna Oaks NA - New City Council Meeting Date for Development Agreement for Parker Property

Mr. Boyd,

Please see the email below from West Linn (Falcon Drive) resident Bill Phillips regarding the Parker property development proposal (MISC-17-09). Please include his email in the public record for this proposal.

Thank you.

Ed Schwarz, President
Savanna Oaks Neighborhood Association

From: WILLIAM C PHILLIPS <Wydbdy@msn.com>
Sent: Thursday, December 7, 2017 4:17 PM
To: Savanna Oaks Neighborhood Association
Subject: Re: *UPDATED* Savanna Oaks NA - New City Council Meeting Date for Development Agreement for Parker Property

Absolutely. Thanks. Bill

Sent from my iPhone

On Dec 7, 2017, at 4:16 PM, Savanna Oaks Neighborhood Association <savannaoaksna@westlinnoregon.gov> wrote:

Mr. Phillips,

Would you be OK if I forward your email to the Planning Director and City Council for inclusion in the public record?

Ed Schwarz, President
Savanna Oaks Neighborhood Association

From: WILLIAM C PHILLIPS <Wydbdy@msn.com>
Sent: Thursday, December 7, 2017 4:12 PM
To: Savanna Oaks Neighborhood Association
Subject: Re: *UPDATED* Savanna Oaks NA - New City Council Meeting Date for Development Agreement for Parker Property

Please stop this proposal. Thanks I live on falcon dr. No way should Green st be cut into hill. This would cause major erosion problems!!!! Thanks. 760 7777558

Sent from my iPhone

On Dec 7, 2017, at 3:57 PM, Savanna Oaks Neighborhood Association
<SavannaOaksNA@westlinnoregon.gov> wrote:

Meeting date changed. The City Council will take testimony on the Development Agreement for the Parker property on Monday, February 12.

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City of
West Linn

Savanna Oaks Neighborhood Association Newsletter

Important Meeting Date Change Announcement

UPDATE

Dear Bill,

At the request of the Applicant (Jeff Parker), the **City Council has postponed** the hearing on Mr. Parker's **Development Agreement application**. Previously scheduled for

December 11, the **new meeting date is Monday, February 12, at 6:30 pm at City Hall.** This is when you can come and testify regarding this proposal or, if you prefer to not testify, come and listen to the debate over this issue. You can also **email the City Council** (CityCouncil@westlinnoregon.gov) if you are unable to attend the meeting.

In summary, the proposal is to:

1. **realign Tannler Drive** through the **Parker property,**
2. have the city **vacate the lower part of Tannler Drive next to the White Oak Savanna Park,**
3. have the city **vacate the existing easement for Greene Street** at the top of the property,
4. develop the **lower part of the property as commercial, retail, or office** including a **potential 35,000 sq.ft. exercise facility,** and
5. potentially develop the upper half of the property as **residential (R-2.1 zoning)** with as many as **168 housing units.**

[Click here](#) to review the documentation for this proposal.

I hope to see you at the **City Council meeting on February 12.** You may want to bring your own chair because we are expecting it to be standing-room only.

Regards,

Ed Schwarz, President

Savanna Oaks Neighborhood Association

SavannaOaksNA@westlinnoregon.gov



| [forward to a friend](#)

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22500 Salamo Road
West Linn, OR 97068

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Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:12 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Development Agreement Public Hearing

Mr. Boyd et al,

I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Stein, Eileen
Sent: Wednesday, November 29, 2017 4:27 PM
To: Axelrod, Russell
Subject: RE: Development Agreement Public Hearing

Russ,

I'm just starting to review the Staff Reports for the December 11th meeting packet. Here is what staff wrote as far as a recommendation on the Parker project:

Staff concludes that the submitted application meets the process and submittal requirements laid out in the CMC (?? – *my note, I think it's supposed to be CDC*) and state law regarding development agreements. However, approval of the application is a policy decision by Council. Staff recommends that the City Council conduct a public hearing and then make a decision regarding File No. MISC 17-09. Approval of the application would not bind the City to any future land use approvals and could provide clarity to both the applicant and community about what process is required for those future land use applications and what infrastructure issues would need to be addressed. Should the Council wish to move forward, it could adopt Ordinance 1666 as proposed or with amendments. Alternately, the Council may request additional information or revised draft language from staff and continue discussion on this topic to future meeting dates.

Also here are the options listed. You'll notice the last two are highlighted. They reflect what we talked about this morning. These weren't even in the staff report.

1. The Council could approve MISC 17-09 and adopt Ordinance No. 1666 for the development agreement.
2. The Council could approve MISC 17-09 and adopt Ordinance No. 1666 for the development agreement with revisions.
3. The Council could deny MISC 17-09 and take no action on Ordinance No. 1666 for the development agreement with revisions.
4. The Council could table action on MISC 17-09 pending future work session discussion.
5. The Council could open the public hearing and continue it to a future date.
6. The Council could open the public hearing, take testimony, and continue it to a future date.

So, as you can see, there are options even beyond what we brainstormed this morning. I don't think Options 1 – 4 are particularly realistic, but they are options.

Eileen

From: Stein, Eileen
Sent: Wednesday, November 29, 2017 3:27 PM
To: Axelrod, Russell <RAxelrod@westlinnoregon.gov>
Subject: RE: Development Agreement Public Hearing

Russ,

Oh dear, yes we were talking possible options, but I didn't understand that this was for internal consideration only. I was merely laying out options and conveying my recommendation to you. I didn't mean to overstep. I also don't think I committed you or the Council to any course of action. You're right. You haven't agreed to anything yet. Just because Mike Robinson expressed his like for Option 2 doesn't mean you are bound to it. It's entirely your call to decide how you want to structure this.

I am happy to clarify this with Robinson if it would help.

Eileen

From: Axelrod, Russell
Sent: Wednesday, November 29, 2017 1:46 PM
To: Stein, Eileen <estein@westlinnoregon.gov>
Subject: Re: Development Agreement Public Hearing

Eileen,

I'm very confused and concerned about this communication you made to the Parker Applicant group? I thought the two of us were merely discussing possible options for our internal consideration and I don't think it's appropriate to have laid out our considerations to the Applicant.

At this point I'm not agreeing to anything, and depending on the information we receive, our council also has the option to deny any application.

I'm really unclear how you thought this was something to communicate externally?

Russ

From: Stein, Eileen
Sent: Wednesday, November 29, 2017 1:01 PM
To: Axelrod, Russell
Subject: FW: Development Agreement Public Hearing

Russ,

FYI, regarding our discussion this morning on the December 11th public hearing on the Parker development agreement.

Eileen

From: Robinson, Michael C. (Perkins Coie) [<mailto:MRobinson@perkinscoie.com>]
Sent: Wednesday, November 29, 2017 12:53 PM
To: Stein, Eileen <estein@westlinnoregon.gov>
Cc: Thornton, Megan <mthornton@westlinnoregon.gov>; Boyd, John <jboyd@westlinnoregon.gov>; Timothy V. Ramis Esq. <tim.ramis@jordanramis.com>; Liz Edmonds <liz@blackhawkd.com>; Mr. Jeff Parker <jeff@blackhawkd.com>; afbolouri@gmail.com
Subject: Re: Development Agreement

We like option 2, also, Eileen. Our thought on option 2 is that you would get the staff report, something brief from the applicant and then testimony. Liz Edmonds is organizing a second meeting.
Sent from my iPhone

On Nov 29, 2017, at 12:39 PM, Stein, Eileen <estein@westlinnoregon.gov> wrote:

Hi All,

I just spoke with the Mayor about the December 11th hearing and suggested two options: 1) We open and continue the hearing until January or later, or we 2) Open the hearing, take testimony, and then continue the hearing until January or later. I recommended option 2 so that people who want to testify get pent up energy expended, and 2) it will give everyone some additional information about what the concerns are. Seems this could then be spoken to in a second public outreach meeting?

Eileen

From: Thornton, Megan
Sent: Wednesday, November 29, 2017 11:52 AM
To: 'Robinson, Michael C. (Perkins Coie)' <MRobinson@perkinscoie.com>
Cc: Boyd, John <jboyd@westlinnoregon.gov>; Stein, Eileen <estein@westlinnoregon.gov>; Timothy V. Ramis Esq. <tim.ramis@jordanramis.com>
Subject: RE: Development Agreement

Good morning Michael,

The Council Meeting is January 8, 2018; therefore, it looks like a mid-January community outreach meeting will postpone the second part of the hearing until the Council's February 12, 2018, meeting, unless the City Manager and Council decide to call a Special Meeting. The 120-day deadline is February 20, 2018; so, if the hearing cannot be completed at the second meeting, an extension may be necessary.

Regards,
Megan

From: Robinson, Michael C. (Perkins Coie) [<mailto:MRobinson@perkinscoie.com>]
Sent: Tuesday, November 28, 2017 12:43 PM
To: Timothy V. Ramis Esq. <tim.ramis@jordanramis.com>
Cc: Thornton, Megan <mthornton@westlinnoregon.gov>; Boyd, John <jboyd@westlinnoregon.gov>; Stein, Eileen <estein@westlinnoregon.gov>
Subject: Development Agreement

Tim, Liz Edmonds is going to let Eileen know that the applicant will sponsor a second community outreach meeting in mid-January and that we want to have the public hearing bifurcated as we discussed last Tuesday.
Sent from my iPhone

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Megan Thornton

Assistant City Attorney
Administration

22500 Salamo Rd
West Linn, OR 97068
mthornton@westlinnoregon.gov
westlinnoregon.gov
503-742-6026



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Eileen Stein
City Manager
Administration

22500 Salamo Rd.
West Linn, Oregon 97068
estein@westlinnoregon.gov
westlinnoregon.gov
503-742-6025



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Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:15 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Development Agreement; City Council Hearings

Mr. Boyd et al,
I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Stein, Eileen
Sent: Monday, December 4, 2017 10:03 AM
To: City Council
Cc: Tim Ramis
Subject: FW: Development Agreement; City Council Hearings

Council, FYI. Eileen

From: Robinson, Michael C. (Perkins Coie) [mailto:MRobinson@perkinscoie.com]
Sent: Sunday, December 3, 2017 9:33 AM
To: Stein, Eileen <estein@westlinnoregon.gov>
Cc: Timothy V. Ramis Esq. <tim.ramis@jordanramis.com>; Thornton, Megan <mthornton@westlinnoregon.gov>; Boyd, John <jboyd@westlinnoregon.gov>; afbolouri@gmail.com; Liz Edmonds <liz@blackhawkd.com>; Mr. Jeff Parker <jeff@blackhawkd.com>
Subject: Development Agreement; City Council Hearings

Good morning, Eileen.

My client is scheduling a second Community Information meeting for January 18. In light of that date, my client would like the continued City Council public hearing to be the first meeting in February rather than a meeting in January so that my client has the opportunity to fully incorporate public comments into its presentation.

Thank you. Mike
Sent from my iPhone

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Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:15 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Development Agreements in general and this one in particular

Mr. Boyd et al,
I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Stein, Eileen
Sent: Monday, December 4, 2017 9:42 AM
To: Tim Ramis
Cc: 'Alan Smith'; Boyd, John; City Council; Thornton, Megan; Flynn, Courtney; Williams, John
Subject: RE: Development Agreements in general and this one in particular

Tim,

Here are some questions that came in over the weekend about development agreements. Tonight, can you incorporate into your discussion the answers to as many of these as possible? Thanks.

Eileen

From: Alan Smith [mailto:aalansmith57@gmail.com]
Sent: Saturday, December 2, 2017 5:50 PM
To: Boyd, John <jboyd@westlinnoregon.gov>; City Council <citycouncil@westlinnoregon.gov>; Stein, Eileen <estein@westlinnoregon.gov>; Thornton, Megan <mthornton@westlinnoregon.gov>; Flynn, Courtney <cflynn@westlinnoregon.gov>; Williams, John <JWilliams@westlinnoregon.gov>
Subject: Development Agreements in general and this one in particular

Because this is a new process that appears to be following the current stream of city development agreements nationwide, I hope that you each take your time with this particular application. I present the following questions to be used as a sort of checklist:

How do other cities process these development agreements? Will you be willing to request the City Attorney to produce samples from cities of all sizes if he has not done so already?

Do you envision codifying a process that includes the Planning Commission and the Attorneys?

Are you going to work into this application a time frame for city building inspectors to be on site? What kind of penalties do you plan to enumerate in the Agreement?

Has the mayor or any council members had previous discussions before the application with the property owner over the property owner's proposal?

Are you certain to rezone this from commercial to residential is in the Best Interest of the people and children who have to negotiate that hill?

I believe there is better use for the property, i.e., a hospital. Hospitals on hills are cool, especially trauma centers. Easy in and easy out for the air ambulances. Good luck, and remember, keep a healthy respect for the deceptions that Man conceives.

Sincerely,
Alan Smith
MA Spiritual Traditions and Ethics
Resident

Boyd, John

From: Stein, Eileen
Sent: Friday, December 08, 2017 11:10 AM
To: 'Karie Oakes'; City Council; Flynn, Courtney
Cc: Tim Ramis; Thornton, Megan; Williams, John; Boyd, John
Subject: RE: Publicity on Development Agreement

Good suggestion. Courtney, let's add a link to the meeting video from this spot on the website, with an introduction. Let's chat about this on Monday when we're back in the office. Eileen

From: Karie Oakes [mailto:kariooke@aol.com]
Sent: Thursday, December 7, 2017 11:09 PM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Publicity on Development Agreement

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

I would like you to be aware of the unusual, and I would say insufficient, effort this administration has made to inform citizens of a development agreement, like the one proposed by developer Jeff Parker and intended by City Manager Eileen Stein. **Since this is a land-use decision (MISC 17-09), I will not risk ex-parte contact and will confine my comments to process.**

It appears staff has taken the initiative to steer the process for this application. My email to you on November 19, 2017 asking for clarification on the process and other information went unanswered by Council, but Ms. Stein replied that I would have to wait for an answer until December 4 when Council has a work session on the application. This is very difficult for me to digest as I have devoted countless hours of my time this year, along with Mayor Axelrod and Councilor Martin and the other members of the Committee for Citizen Involvement (CCI), to improve early citizen engagement through better opportunities, administration and education. City staff is well aware of the importance of the policy and work of the CCI.

There are two things I would like to point out:

1. The opportunity for City staff to inform citizens about what is a development agreement, and particularly about the process and how they might be involved, existed since Ms. Stein signed the letter of intent in July with conditions for development she and Mr. Parker agreed upon.
2. Staff recently posted the [web page](#) titled "Development Agreement Discussion" seen in the screenshot below and attached. I was alerted to it on November 25 as a subscriber to weekly email notifications of new City web pages, "New Web Pages (weekly)."



I immediately noticed the web page had a limited amount of information and relied on the citizen to attend the work session to get information about a development agreement.

I took the perspective of a citizen without any knowledge of the pending application, and my first thoughts were "why do I need to know about a development agreement and why isn't information on the website?" There is not a statement about the need to inform citizens about development agreements so they understand the process and their opportunity to participate. There is no statement about Parker's pending application. There are not links to general information about development agreements, nor to the City project page for the application which has numerous links to information. Receiving additional information is dependent upon the Citizen Engagement Coordinator, Courtney Flynn, responding to a citizen email inquiry.

I of course, also have my perspective as a very involved citizen knowledgeable of the pending development agreement application. I thought, "why is the City leaving it's opportunity to inform citizens about development agreements until just one week before the public hearing for MISC 17-09 and how does this qualify as timely information helpful to my testimony?" It is disappointing the City Manager and Council did not appreciate the need for citizens to know sooner. Like maybe back in July?

I would like Council to consider if City efforts (yours included) to inform citizens of the business of their government honors public policy for early and meaningful citizen engagement in this case and if the administration is advancing Council's goal of putting citizens first in an effort to gain the much needed public trust.

I suggest the Development Agreement Discussion web page be made more relevant and updated with a link to your work session video. Thank you. Your replies are welcome.

Sincerely,

Karie Oakes

Boyd, John

From: Axelrod, Russell
Sent: Sunday, December 10, 2017 12:11 PM
To: Boyd, John
Cc: Williams, John; Thornton, Megan
Subject: Fw: Savannah Oaks NA Meeting of Nov. 7th

Mr. Boyd et al,

I am forwarding potential ex-parte correspondence regarding MISC 17-09 and the Tannler Drive property.

Russ

From: Perry, Brenda
Sent: Wednesday, November 29, 2017 9:58 AM
To: Walter Swanson; City Council
Subject: Re: Savannah Oaks NA Meeting of Nov. 7th

Dear Mr. Swanson;

Thank you for your email regarding the November 7th Savanna Oaks NA meeting and perhaps I can clarify a couple of issues.

In July, the council requested that Ms. Stein sign the letter of intent on our behalf. This document makes no promises and does not circumvent the full land use process in any way. Unfortunately Mr. Parker seems to have been a little confused about what the Letter of Intent implied and no decisions have been made. The Development Agreement procedure is scheduled to be discussed at our December 4th Work Session and public testimony will be welcomed. No promises have been made to Mr. Parker by either the City Manager or the Council and in fact he was asked to put his proposals to the NAs for their approval before coming back with some sort of final plan. We have denied both a zoning change and a high density development plan for that site in the past and so I am surprised that anyone at the Savanna Oaks NA would think that we would pass anything through without a stringent review.

The date confusion appears to have come from when the file was completed in September and was certainly not a deliberate deception. The Letter of Intent is a public document and available on the city website for anyone to see or print a copy.

As one of her evaluation goals, Ms. Stein has been asked to visit each of the NAs and make herself available for questions. Our expectation was that she would be treated as a guest and given advance notice of any major concerns that might be raised. This would enable her to provide an accurate response rather than searching her memory for dates. I am surprised that you don't consider finger pointing and comments like "you should be ashamed" as disrespectful.

Thank you for your participation and please do not hesitate to contact me with any further questions or concerns.

Warm Regards,

Brenda

From: Walter Swanson <swanez@aol.com>
Sent: Sunday, November 26, 2017 5:31 PM
To: City Council
Subject: Savannah Oaks NA Meeting of Nov. 7th

On Tuesday, Nov. 7th, I attended my first Savannah Oaks NA meeting. Since I live on Summerlinn Way, I had received notice from the City of the work session on November 30th and a Public Hearing on December 11th, related to the development of the property on the SW corner of Blankenship and Tannler Dr.. I had also received a Notice of Community Outreach Meeting, dated Nov. 1, announcing that the property owner, Jeff Parker, was holding a meeting to provide more information about his project and answer questions. It was also being held on Nov. 7th from 6-7pm at the Police Station, right across the street from the Fire Station where the NA meeting was being held at 7pm. I was also confused about a map of the area that Mr. Parker enclosed, showing Tannler Drive becoming part of Greene Street, very puzzling? I decided to attend both the meetings, since I have been a supporter of the Savannah Oaks Park, and can't imagine a high density development being built across from this park. I am further concerned about the possible re-alignment of Tannler Drive and the impact on the surrounding area.

Since the NA meeting I have learned that the City Manager has indicated that she felt she was treated in a disrespectful manner at the Savannah Oaks NA meeting. I did not feel she was treated with disrespect. Since it turned out that many people at the NA meeting had just come from the meeting with Mr. Parker, I think people were frustrated with his inability or reluctance to answer many questions the audience asked. Then people were further frustrated by the City Manager's seeming inability to answer some questions. I happened to sit next to the City Manager, and I showed her the meeting notice Mr. Parker sent out, as she seemed unaware he was holding a Community Outreach Meeting that evening. Maybe Mr. Parker did not inform her of this informational meeting. I had the feeling that perhaps the City Manager has not had to deal with NA's being concerned about some development issues and asking tough questions.

I also believe NA members were frustrated when the City Manager was asked when she first learned of the Development Agreement that is proposed for the corner of Tannler Dr. And Blankenship Rd. She replied that it was in September 2017. A man then passed around a document called a Letter of Intent, relating to this proposal, and it was signed by the City Manager on July 6, 2017. The document was passed around the table and when it got to the City Manager she kept it. At the request of the man who circulated the document, the NA President then asked her to return it.

In closing, I again want to stress that the City Manager was not treated in a disrespectful manner. She is in a position where she must be able to answer tough questions at Neighborhood Association Meetings without interpreting that as disrespect.

Kathi Swanson 4701 Summerlinn Way, West Linn