

DR-25-04/LLA-25-02

PUBLIC COMMENTS

Wyss, Darren

From: Greg Rossiter <gmrossiter@gmail.com>
Sent: Thursday, July 30, 2026 3:19 PM
To: Wyss, Darren
Subject: City File No.: DR-25-04/LLA-25-02 Written Testimony -- Commercial Public Hearing

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Dear Mr. Wyss,

I am a West Linn resident and am writing to you in **strong opposition** to the Tannler Drive Application. I believe the application (DR-25-04/LLA-25-02) **fails to meet** the Community Development Code (CDC) in these important respects:

- The applicant has improperly used Oregon SB 1537 to try to include a number of residential buildings on the property, however the proper zoning for the Tannler Drive property in this application is designated as an Office Business Center (OBC). This **violates OBC zoning** which requires that every building in a proposed development must include commercial space on the first floor of the property (CDC 21.010).
- The proposed closure of Tannler Drive at Blankenship Drive would exacerbate what is already a traffic nightmare at the intersection of 10th Street, Salomo Road and Blankenship Road. Traffic traveling north on Blankenship Road often backs up all the way to the Parkrose Hardware store entrance. During the morning and evening commute, and on weekends, traffic often backs up nearly a quarter-mile up Salomo Road. Frequently, there are families and children on bikes and scooters crossing 10th Street to/from Blankenship Road while some impatient drivers fly through the intersection well above posted speed limits. At a minimum, it would be an inconvenience to commuters. Worse, it would be a detriment to the businesses in River Falls plaza whose customers will be discouraged from negotiating the increased traffic. At worst, it will become confusing and dangerous, with serious accidents only a question of when, not if.
- The proposed closure of Tannler Drive would eliminate one of the three entrances to the White Oak Savanna Park, limiting access to the park from Blankenship Road. White Oak Savanna Park is a gem, not only for West Linn but for Oregon. Of the more than half a million acres of White Oak Savanna habitat that existed in the region, less than 2,000 acres remains. West Linn neighbors raised more than \$3 million over 10 years to acquire the park and contributed more than 20,000 hours of volunteer work to restore the park. It took more than 15 years to protect the White Oak Savanna and over 100 vertebrate species who live and migrate to/from the park. Rerouting Tannler Drive would eliminate more than 275 feet of frontage from the park, greatly limiting park access.

- In addition, the application does not even mention, let alone comply with CDC Chapter 96, which governs the process for public improvements involving developments like this. The application provides no engineering analysis in support of the exception it seeks to modify Tannler Drive. In fact, the application offers nothing to justify public improvement exceptions as required under Chapter 96.

Please confirm that you have received my written testimony regarding the Commercial Public Hearing.

Thank you,

Greg Rossiter
6000 Summerlinn Way
West Linn, OR 97068

July 30, 2026

VIA EMAIL to dwyss@westlinnoregon.gov

Darren Weiss, Planner
City of West Linn
22500 Salamo Rd.
West Linn, OR 97068

Re: Tannler Holdings LLC Multi-Unit Housing Application
City File No: 2025-04 – Tannler Drive Relocation Costs

Dear Mr. Weiss,

On behalf of the Applicant Tannler Holdings LLC, attached are requested materials relating to the costs associated with relocating the Tannler Drive / Blankenship Road intersection. As you are aware, the Fifth Amendment's Takings Clause of the US Constitution requires that the City provide "just compensation" for obligations that must be borne by the public. Any permit condition, such as the cost associated with relocating Tannler Drive, may not require the applicant to give up (or pay) more than is necessary to mitigate any harm resulting from new development. The City must make an individualized determination that the fee imposed on the development was necessary to offset traffic congestion attributable to the development project. In other words, the obligation must be roughly proportional. *Dolan v. City of Tigard* 512 U.S. 374, 391 (1994). This burden rests entirely with the City. Without assuming this burden, the applicant provides additional information on costs that it believes might aid the City in analyzing this issue:

Value of Property

Area of Lower Tannler required dedication demand = 37,716 SF or 7.6% of the total property area
($37,716/494,713=.07623$)

Estimated land value = \$12,000,000 divided by land area = ROW dedication value of \$914,858
($\$12,000,000 \times .076 = \$914,857.70$)

Improvement Cost

Enclosed is a complete estimate for the cost of construction: \$3,293,617

Development Share of Traffic

Traffic generated by this project will require only a small share of the total traffic using Tannler Drive and Blankenship Road intersection upon the realignment. Based on the trips generated by the

development relative to the total traffic anticipated under full-buildout 2029 conditions, the percentages are as follows:

- AM: Site trips account for 13.8% of intersection volumes (149 out of 1081 total entering)
- PM: Site trips account for 11.0% of intersection volumes (178 out of 1625 total entering) (Figures 9, 10, 11 and 12 of the TIA)

Increasing background traffic by 30% and adding the site-generated trips, intersection operations at the proposed newly aligned intersection reach a point that just meets the City's operational threshold (maintaining a volume-to-capacity ratio of less than 1.0). Therefore, the percentage of site trips compared to the total entering volumes at capacity:

- AM: Site trips account for 11.3% of intersection volumes at capacity (149 out of 1324 total entering)
- PM: Site trips account for 8.9% of intersection volumes at capacity (178 out of 2010 total entering)

Hopefully this information is helpful to you in evaluating these issues. If you have additional questions or concerns, please do not hesitate to contact me.

Very truly yours,



Carrie A. Richter

Cc: Ashleigh Dougill v/ email
Client

PROJECT NAME		Tannler Road Realignment			
PROJECT LOCATION		West Linn			
PROJECT NUMBER:		0			
BUDGET ESTIMATE CLASSIFICATION		Concept			
DATE OF BUDGET ESTIMATE		11/07/25			
PREPARED BY:		TU			
PARKING GARAGE SQ FT		N/A			
BLDG SQ FT - GROSS		N/A			
NET RENTABLE SQUARE FEET		N/A			
NUMBER OF UNITS		N/A			
AVERAGE UNIT SIZE		N/A			
RESIDENTIAL/RETAIL PARKING SPACES		N/A			
CONSTRUCTION START DATE		10/01/26			
CONSTRUCTION PERIOD - MONTHS		6			
MCRT FEE		5.00%			
DESIGN CONTINGENCY		0.00%			
CONSTRUCTION CONTINGENCY		5.00%			
PROJECT COST SUMMARY					
PHASE	DESCRIPTION	TOTAL COST	COST/ GSF	COST/ NRSF	COST/ UNIT
01	GENERAL CONDITIONS	\$269,960.00	\$0.00	\$0.00	\$0
02	ON SITE WORK	\$0.00	\$0.00	\$0.00	\$0
03	OFF SITE WORK	\$2,508,239.00	\$0.00	\$0.00	\$0
04	LANDSCAPING	\$0.00	\$0.00	\$0.00	\$0
10	APARTMENT STRUCTURE	\$0.00	\$0.00	\$0.00	\$0
11	LEASING OFFICE/CLUBHOUSE	\$0.00	\$0.00	\$0.00	\$0
15	GARAGE/PARKING STRUCTURE	\$0.00	\$0.00	\$0.00	\$0
21	RETAIL SPACE	\$0.00	\$0.00	\$0.00	\$0
32	STAGING & LOGISTICS	\$119,520.00	\$0.00	\$0.00	\$0
50	PERMITS, FEES & TAXES	\$3,439.00	\$0.00	\$0.00	\$0
51	WARRANTY	\$0.00	\$0.00	\$0.00	\$0
52	CONSTRUCTION INSURANCE	\$86,250.00	\$0.00	\$0.00	\$0
	SUBCONTRACTOR BONDING	\$0.00	\$0.00	\$0.00	\$0
	SUBTOTAL	\$2,987,408.00	\$0.00	\$0.00	\$0
55	CONSTRUCTION CONTINGENCY	\$149,370.00	\$0.00	\$0.00	\$0
	SUBTOTAL W/ CONTINGENCY	\$3,136,778.00	\$0.00	\$0.00	\$0
55	DESIGN & ESTIMATING CONTINGENCY	\$0.00	\$0.00	\$0.00	\$0
55	JURISDICTIONAL CONTINGENCY	\$0.00	\$0.00	\$0.00	\$0
54	CONTRUCTION FEES (5%)	\$156,839.00	\$0.00	\$0.00	\$0
SUB-TOTALS		\$3,293,617.00	\$0.00	\$0.00	\$0

GENERAL CONDITIONS-PHASE 01

PHASE	SECTION	DESCRIPTION	TOTAL COST	COST/ GSF	COST/ NRSF	COST/ UNIT
01	01-01-3000	Construction Payroll	\$252,000.00	\$0.00	\$0.00	\$0.00
01	01-01-3080	Office Supplies	\$900.00	\$0.00	\$0.00	\$0.00
01	01-01-3086	Cell Phones	\$1,200.00	\$0.00	\$0.00	\$0.00
01	01-01-3233	Photographic Documentation	\$1,650.00	\$0.00	\$0.00	\$0.00
01	01-01-5213	Office Trailers & Storage	\$14,000.00	\$0.00	\$0.00	\$0.00
01	01-01-5223	Office Water	\$210.00	\$0.00	\$0.00	\$0.00
PHASE 01 TOTALS			\$269,960.00	\$0.00	\$0.00	\$0.00

OFF-SITE IMPROVEMENTS-PHASE 03

PHASE	SECTION	DESCRIPTION	TOTAL COST	COST/ GSF	COST/ NRSF	COST/ UNIT
03	03-02-2113	Surveying	\$22,384.00	\$0.00	\$0.00	\$0.00
03	03-02-4100	Demolition / Blasting	\$396,683.00	\$0.00	\$0.00	\$0.00
03	03-10-1300	Site Signage	\$5,000.00	\$0.00	\$0.00	\$0.00
03	03-12-9300	Site Furnishing & Specialties	\$5,000.00	\$0.00	\$0.00	\$0.00
03	03-26-5613	Street Lights	\$96,000.00	\$0.00	\$0.00	\$0.00
03	03-31-2213	Earthwork	\$625,154.00	\$0.00	\$0.00	\$0.00
03	03-31-2500	Erosion & Sediment Control	\$27,681.00	\$0.00	\$0.00	\$0.00
03	03-32-0190	Tree & Shrub Preservation	\$32,916.00	\$0.00	\$0.00	\$0.00
03	03-32-1216	Asphalt Paving	\$201,600.00	\$0.00	\$0.00	\$0.00
03	03-32-1613	Curb & Gutters	\$40,512.00	\$0.00	\$0.00	\$0.00
03	03-32-1623	Sidewalks	\$144,324.00	\$0.00	\$0.00	\$0.00
03	03-32-1723	Pavement Marking & Parking Bumpers	\$10,000.00	\$0.00	\$0.00	\$0.00
03	03-33-0516	Utilities Relocation	\$50,000.00	\$0.00	\$0.00	\$0.00
03	03-33-1100	Water Utility Distribution Piping	\$138,750.00	\$0.00	\$0.00	\$0.00
03	03-33-1119	Fire Suppression Utility Water Distribution Piping	\$24,000.00	\$0.00	\$0.00	\$0.00
03	03-33-3110	Sanitary Utility Sewerage Piping	\$322,060.00	\$0.00	\$0.00	\$0.00
03	03-33-4100	Storm Utility Drainage Piping	\$316,175.00	\$0.00	\$0.00	\$0.00
03	03-33-7100	Electrical Utility Transmission & Distribution	\$50,000.00	\$0.00	\$0.00	\$0.00
03	03-34-4113	Traffic Signals	\$0.00	\$0.00	\$0.00	\$0.00
PHASE 03 TOTAL			\$2,508,239.00	\$0.00	\$0.00	\$0.00

STAGING & LOGISTICS - PHASE 32

PHASE	SECTION	DESCRIPTION	TOTAL COST	COST/ GSF	COST/ NRSF	COST/ UNIT
32	32-01-3529	Safety Inspections	\$3,000.00	\$0.00	\$0.00	\$0.00
32	32-01-5113	Temporary Electric / Generator Rental	\$3,700.00	\$0.00	\$0.00	\$0.00
32	32-01-5136	Temporary Water - Hydrant Meter	\$6,300.00	\$0.00	\$0.00	\$0.00
32	32-01-5219	Sanitary Facilities	\$5,400.00	\$0.00	\$0.00	\$0.00
32	32-01-5430	Misc. Tools & Materials	\$900.00	\$0.00	\$0.00	\$0.00
32	32-01-5440	Safety Equipment & Services	\$1,500.00	\$0.00	\$0.00	\$0.00
32	32-01-5626	Temporary Fencing	\$10,750.00	\$0.00	\$0.00	\$0.00
32	32-01-5813	Traffic Control Signage	\$7,500.00	\$0.00	\$0.00	\$0.00
32	32-01-7419	Street Cleaning	\$9,000.00	\$0.00	\$0.00	\$0.00
32	32-01-7618	Security Patrol- Drive Bys	\$31,200.00	\$0.00	\$0.00	\$0.00
32	32-02-3216	Erosion Control Inspections	\$4,200.00	\$0.00	\$0.00	\$0.00
32	32-02-3217	Geotechnical	\$36,070.00	\$0.00	\$0.00	\$0.00
PHASE 32 TOTAL			\$119,520.00	\$0.00	\$0.00	\$0.00

PERMITS AND FEES - PHASE 50

PHASE	SECTION	DESCRIPTION	TOTAL COST	COST/ GSF	COST/ NRSF	COST/ UNIT
50	50-01-4123	Permits	\$3,439.00	\$0.00	\$0.00	\$0.00

PHASE 50 TOTAL			\$3,439.00	\$0.00	\$0.00	\$0.00
CONSTRUCTION INSURANCE - PHASE 52						
PHASE	SECTION	DESCRIPTION	TOTAL COST	COST/ GSF	COST/ NRSF	COST/ UNIT
52	52-00-7310	Builder's Risk Insurance	\$37,800.00	\$0.00	\$0.00	\$0.00
52	52-00-7312	General Liability Insurance	\$48,450.00	\$0.00	\$0.00	\$0.00
PHASE 52 TOTAL			\$86,250.00	\$0.00	\$0.00	\$0.00

Andrew Mulkey

Attorney at Law

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July 30, 2026

Via Email

Darren Wyss, Planner
City of West Linn
22500 Salamo Rd.
West Linn, OR 97068
dwyss@westlinnoregon.gov

Re: Tannler Holdings LLC applications, DR-25-04/LLA-25-02
City File No: 2025-04

Dear Mr. Wyss:

On behalf of Ed Schwarz and Roberta Schwarz and other members of the West Linn Community, please accept the following letter for the record in the proceedings for the Tannler Holdings applications. Please confirm receipt, and please include me, in addition to my clients, in any notice of decision.

The City has decided to split the hearing process between the commercial and residential components of the application. For the reasons explained below, the City staff are misinterpreting and misapplying the law, including ORS 197A.400, SB 1537 (Oregon Laws 2024, chapter 110, section 38, compiled as a note after ORS 197A.395 (2025)), HB 4037, Section 17(5), and ORS 197.195. The applicant must proceed under the design review process required for commercial, mixed-use development, and is not entitled to the clear and objective standards required by ORS 197A.400 or the amendments to the typical land use procedure required by ORS 197.797 and ORS 227.175.

1. Provisions that remove any ability to review the City's decisions in SB 1537, Section 38 and HB 4037, Section 17(5) are unconstitutional.

SB 1537, subsection 38(3) limits "appeal" to the applicant only. HB 4037, subsection 17(5) eliminates a hearing, limits "local appeal only to the applicant," and states that "only the applicant may appeal a decision made under subsection (5)... to the Land Use Board of Appeals." These provisions violate the remedy clause of the Oregon Constitution, and violate participant's right to due process and judicial review.

In *Fasano v. Board of County Commissioners*, the Oregon Supreme Court, explained the basic level of due process afforded to participants in quasi-judicial proceedings. Notably, the Court explained:

“It is not part of the legislative function to grant permits, make special exceptions, or decide particular cases. Such activities are not legislative but administrative, quasi-judicial, or judicial in character. To place them in the hands of legislative bodies, whose acts as such are not judicially reviewable is to open the door completely to arbitrary government.”

Fasano, 264 Or 574, 580 (1973) (quoting *Ward v. Village of Skokie*, 26 Ill2d 415, 186 NE2d 539, 533 (1962)). In this case, the Oregon Legislature has implemented a quasi-judicial decision-making process that seeks to place certain local decisions above judicial review at the expense of the public and nearby property owners. In *Fasano*, the Oregon Supreme Court went on to determine that “[p]arties at [a] hearing before the [local] governing body are entitled to an opportunity to be heard, to an opportunity to present and rebut evidence, to a tribunal which is impartial in the matter... and to a record made and adequate findings executed.” *Id.* at 588.

In this case, the City’s implementation of the adjustment process and HB 4037 seek to change the local zoning code while removing the right to a hearing and the right to judicial review. This represents an attempt by the state legislature to modify the required quasi-judicial components of the land use permitting process. As the Supreme Court explained in *Fasano*, to place permit decisions “in the hands of legislative bodies, whose acts are not judicially reviewable” “open[s] the door to completely arbitrary government.” If, by its own hand, a local government cannot remove its actions beyond judicial review, neither can the state legislature come in to force the local government’s hand to commit actions that the Oregon Supreme Court has determined violate the basic principles of separation of powers and procedural due process.

I have already argued in prior letters (attached below) why the decision to strip away the right to a local appeal hearing and the right to judicial review by HB 4037, subsection 17(5) violates the Oregon Constitution. Those arguments and the holdings in *Fasano* apply with equal force to the City’s attempt to remove the hearings process for the commercial aspects of the application. As explained below, it appears that City staff has misinterpreted and misapplied SB 1537, subsection 38(3). On the basis of upholding the public’s constitutional rights to procedurally fair quasi-judicial land use proceedings, the Planning Commission can remove the state legislature’s thumb on the scale and proceed with the regular hearings process for the application provided by ORS 197.797. The Planning Commission has the authority needed to cure the procedural errors, explained in greater detail below, that have already occurred.

2. The Development of a Mixed-Use Residential and Commercial Development does not Qualify as “Development of Housing” within the Meaning of ORS 197A.400, as amended.

The City’s decision to remove the hearing requirement based on HB 4037, subsection 17(5) and apply only clear and objective criteria misapplies the term “housing development.” In this case, the applicable Office Business Center zone only allows “mixed-use” buildings, which means the structure must contain both residential *and* commercial uses. Within that context, and

by its terms, ORS 197A.400 does not apply. The record shows that HAPO was not willing to state whether the mixed-use buildings allowed in the OBC zone qualify as “development of housing” within the meaning of ORS 197A.400.

The application seeks a commercial, mixed-use development. The OBC zone only allows multi-family housing when in conjunction with and within the same structure as commercial development. For that reason, the proposal does not qualify as the “development of housing” for the purposes of ORS 197A.400 (as amended) and related statutes. Nor is the proposed mixed-use application strictly “an application for housing development.” ORS 227.175(4). Because a required component of those buildings includes a commercial use, the proposed use and application do not fall within the scope of the phrase “development of housing” in ORS 197A.400 or “an application for a housing development” in ORS 227.175(4). *See Roberts v. City of Cannon Beach*, 375 Or 396 (2026). Although the proposed development includes housing, the zone requires commercial development within the proposed structures. Rather than “an application for a housing development,” the applicant has sought an application for mixed-use residential and commercial development. The requirements of ORS 197A.400 as amended, do not apply.

3. The City Misapplies and Misconstrues the Adjustment Process and the Office Business Center Zone

First, and as I have explained in earlier letters, the OBC zone only allows multi-family residential use when that use is included within or combined with the same structure as an allowed commercial use. The Office Business Center (OBC) zone specifically allows “mixed-use” development only, and explains that multiple-family units are allowed “in conjunction with commercial development that utilizes the entire first floor.” CDC 21.050.2. In contrast to the applicant’s proposal, the OBC zone does not allow multi-family residential buildings. *See* CDC 21.030, 21.050, 21.060 (listing the full extent of permitted and conditional uses as well as other development allowed under prescribed conditions).

The non-mixed-use multi-family structures that the applicant proposes are not allowed in the zone because they are not “mixed-use” buildings allowed by the zone. CDC 21.050.2. As the name and purpose of the zone implies, the *Office Business Center* zone does not permit multi-family residential development that does not qualify as “mixed-use.” At most the adjustment process would allow the applicant to adjust CDC 21.050 so that the resulting use remains “mixed use” but removes the requirement that the commercial development portion of the building “utilizes the *entire* first floor.” Reducing, but not eliminating, the commercial use component of the buildings is the only way an applicant could adjust a mixed-use building without running afoul of SB 1537, Section 38 and the provisions of CDC chapter 21.

For that reason, even if the City determined it could grant the applicant’s proposed adjustment to remove all commercial uses from the first floor of a majority of the buildings, the City cannot thereafter approve the resulting multi-family residential proposal because it violates CDC chapter 21. *See* CDC 21.030, 21.050, 21.060 (listing the full extent of permitted and conditional uses as well as other development allowed under prescribed conditions). The resulting residential buildings in the applicant’s adjusted proposal no longer qualify as

mixed-use. Therefore the buildings are not an allowed use within the *Office Business Center* zone. Notably, the adjustment process in Section 38 does not allow the applicant to amend the scope of the uses allowed by CDC chapter 21.

Second, I have explained that the applicant's proposal to completely remove all commercial uses from the first floor of mixed-use violates the adjustment process itself. SB 1537, Section 38. The adjustment process does not allow an applicant to obtain approval for a use not otherwise allowed in the zone. Or Laws 2024, ch 110, § 38(1)(b)(A) (explaining that an adjustment does not include "[a] request to allow a use of property not otherwise permissible under applicable zoning requirements."). On this point, the correspondence from HAPO submitted to the record demonstrates that the agency agrees.

Here, the applicant seeks to obtain a use of the property for multifamily residential structures, which the *Office Business Center* zone does not allow. Subsection 38(1)(b)(A) does not allow the applicant to remove all commercial development within the buildings because the resulting use would no longer qualify as "mixed use." CDC 21.050.2. By completely removing the commercial development from the structure, the applicant's proposed adjustments would result in a residential use that CDC chapter 21 does not allow. Within the meaning of Section 38, the City's OBC zone only allows "mixed-use residential." CDC 21.050.2. The adjustment process does not allow the applicant to completely adjust away the mixed-use component of the building if the zone only allows for mixed-use commercial/residential.¹ For that reason, the applicant's proposal violates Oregon Laws 2024, ch 110, § 38(1)(b)(A) and CDC chapter 21. The City must deny that portion of the applicant's amendment request, and thereafter deny the application.

Third, the City has misapplied the "adjustment process" for the additional following reasons, and the City must deny the applicant's adjustment request. Subsection 38(3) explains that "[a] decision on an application for an adjustment made under this section is a limited land use decision." Oregon Laws 2024, ch 110, § 38(3). The subsection allows a local government to "[d]irectly apply the process set forth in this subsection." *Id.* The City appears to have chosen to directly apply the adjustment process pursuant to the provisions for "limited land use decisions." ORS 197.195.

However, the City has misapplied the limited land use decision process to the application. Subsection 38(3) of SB 1537 only allows a City to apply the limited land use decision process to the adjustment decision. In contrast, here the City has completely removed participating parties' statutory right under ORS 197.797 to participate in a hearing on other, non-adjustment aspects of the application, which are not subject to the limited land use decision process or ORS 197.195.

Those rights include the opportunity for a hearing for a land use permit decision (ORS 227.175) in compliance with ORS 197.797 (ORS 197.797(5), (10)); the right to notice 20 days before an evidentiary hearing (ORS 197.797(3)); the right to a staff report 7 days before a

¹ For example, Subsection 38(2)(e) distinguishes between a "multifamily" development and a "mixed-use residential." Many of the buildings proposed by the applicant have no "mixed-use" component and would be characterized as simply "multifamily." Although Subsection 38 allows an applicant to apply to adjust a mixed-use development, it does not allow an applicant to change that development into "multifamily" when the underlying zone does not allow the merely multifamily use.

hearing (ORS 197.797(3), (4)); the right to raise issues and submit testimony prior to, during, and after the hearing (ORS 197.797(1), (6)); the right to meaningfully rebut evidence (ORS 197.797(6)), and the right to have a hearing notice (and/or staff report) explain the nature of the application, list the applicable criteria, and the applicable procedural requirements (ORS 197.797(3)(b), (3)(j)), and the right to have these materials with sufficient time to provide written comments. These are in addition to the numerous local procedural provisions that the planning staff has violated and failed to implement. CDC 99.080.A.1., E (showing notice requirements for Class II Design Review); CDC 99.090.A and B (stating contents of notice); CDC 99.170 (hearing requirements) (allowing for parties to request to leave the record open).

By increasing the number of procedural arguments, artificially condensing the time to comment on the merits of the site design review to just 14 days with no opportunity to respond in writing, and truncating the parties' hearing rights, the City has improperly and impermissibly violated the parties' substantial rights to participate in the hearing process required by ORS 227.175 and ORS 197.797. *See JIPR v. City of Carlton*, (LUBA 2025-088, July 22, 2026) (slip op at 25) (explaining that a procedural error that "places [a party] in a more difficult posture with a more difficult burden" prejudices that party's substantial rights.). Here, the shortened time-frame for comments, lack of a staff report during the comment period, and the inability to submit additional comments on the site design and other applicable criteria at the hearing or in the days leading up to the hearing deprives the Schwarzes of the ability to fully coordinate their comments among various legal and subject matter experts they have retained. The City also appears to have substituted much of applicable criteria with state law, but failed to provide notice of the applicable criteria or procedural requirements, with no ability for participating parties to tailor their comments to those criteria, procedural standards, or the planning staff's understanding of whether the applicant has met those requirements. ORS 197.797(3)(b), (3)(j), (4)(b). These errors have hampered the Schwarzes' ability to prepare and coordinate their comments.

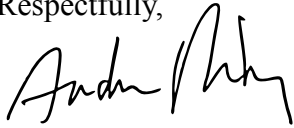
In sum, by applying the limited land use decision to the site design review process and the application as a whole, as opposed to just the adjustment decision, the city has violated the public's substantial rights to participate in the quasi-judicial land use process. The Schwarzes hereby object to the City's misapplication of SB 1537 subsection 38(3) and the limited land use process in ORS 197.195, and request that the Planning Commission continue the hearing for the purpose of correcting the staff's misapplication of state law and local law.

Fourth, the applicant failed to meet the adjustment requirements by providing the information required by SB 1537, subsection 38(2)(g). On the basis of the requirements in subsection 38(2)(g), the applicant only attempts to justify the ground floor commercial use adjustment by stating that "[t]he adjustment[] will increase the number of housing units within the application." Or Laws 2024, ch 110, § 38(2)(g)(C). However, for the remaining six proposed adjustments, the applicant fails to demonstrate how the particular adjustments at issue—(bicycle parking, building height, facade articulation, total window area, building orientation, balcony requirements)—will meet one or more of the requirements in subsection 38(2)(g). On that basis, the applicant has failed to meet its burden, the Planning Commission must deny the adjustment request.

Fifth, the City has misapplied the set-back and adjustment requirements for building 10, which is the building closest to Blankenship Road. Section 21.080 states that the front yard building setback cannot be more than 20 feet maximum. The applicant's architectural drawings show portions of the building 10 setback greater than 20 feet. Not only does that violate CDC 21.080, it also violates SB 1537, subsection 38(4)(g)(D), which does not allow adjustment on the prohibition of residential uses for the face of a building that is within 20 feet of the street.

For those reasons, I respectfully request that the City deny the applicant's request for an adjustment pursuant to SB 1537, and deny the application based on failure to meet the site design criteria and other applicable criteria.

Respectfully,

A handwritten signature in black ink, appearing to read "Andrew Mulkey", with a stylized flourish at the end.

Andrew Mulkey (OSB No. 171237)
PO Box 66562
Portland, OR 97290
(503) 334-9899
andrew@mulkeylegal.com

Wyss, Darren

From: Carole Mann <carolemann3@gmail.com>
Sent: Thursday, July 30, 2026 3:33 PM
To: Wyss, Darren
Subject: DR-25-04/LLA-25-02

You don't often get email from carolemann3@gmail.com. [Learn why this is important](#)

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

Mr. Wuss and Ms. Schroeder please send confirmation of receiving this email of opposition of this application before you.

Hello, Thank you for your time and commitment for this important decision you are about to make for the city of West Linn.

Unfortunately today I am writing to you both and the planning committee to deny this application to be built in my neighborhood. This application has many CDC codes that are not being met. Why are these codes important? To protect its citizens from what this application is skirting around on the pretense that it will be good for the community services .

Let's look at the zoning issues. This property has been confirmed for OBC zoning. Just like the property next door. These businesses have ample parking spaces. Unfortunately unfilled business footage within the building. But all with commercial components.

This new application does not have commercial components in all its buildings. This property will not provide ample parking spaces. Which dumps cars along the entrance of my condominium. I am presently on the HOA board at Madison Heights. We have worked with the city to get cars away from our gate entrance for 2 years. We have many police reports of cars being left with trash or people poking around looking to break into cars. Finally we received the no parking sign in front of our entrance. It has made an impact on travel up and down the hill. It has also discouraged the problems we were experiencing.

With this new application, Where will these cars be parking?

Along the closest neighborhood streets.

Bringing theft into unattended vehicles, trash that is left up and down our entrance.

Where in this application does it state the requirements of Chapter 55 CDC Are they being met. I can't find anything.

This application has far too much pertinent information missing to call it complete.

Why would the city chance its strict codes to place more apartments in an area that has many condominium, townhouses and apartments already established, affordable and always has vacancies? When it's clearly a property zoned for business

Please keep this property Commercial only!!!

I could continue down a wide list of the failures of this application. But in my heart my neighbors and unknown West Linn population is writing to you all bringing many other faults with this application.

Please put your best step forward and deny this outrageous demand to be placed on all of Oregon and West Linn citizens. Put your best efforts to get to Salem and fight back on this outrageous HB

4037. Let your city's citizens be input to help make tough decisions that are put before you. As the president of our HOA, many opinions, thoughts and experts are brought to the table to make these decisions. It is never just a board of 5 people with some knowledge to figure out all information needed. It takes a community!

I Thank you for your time and now put it in your hands to choose for the people who have to live with the unfair changes that this application is putting on them.

Carole Mann
5830 Summerlinn Way, West Linn, OR 97068

July 30, 2026

Dear Planning Commissioners,

This letter is about DR-25-04/LLA-25-02 (The Tannler Blankenship project).

This is my input:

a). There is no longer any public transportation on this side of the hill. This may alter/nullify the minimum parking requirements.

b). Putting 3% of the West Linn population onto a small (11 acre) steeply sloped hill plus 12,500 sq. ft. of commercial space is too much for this property and the surrounding community. Something smaller that assimilates with the community would be much preferable.

c). The current infrastructure is unable to accommodate this large project. Those of us above this project have water pressure issues, at times. I have been a resident for 25 years and have been in many of these houses. Every one of us has a plunger beside our toilets (even the germaphobes) to help with the flushing issues. Also, Tannler itself is unable to accommodate the additional traffic of 2,500-3,000 extra car trips. As we have seen even after the city has “fixed” Tannler the springs and street damage pop back up after 7-10 years.

d). This project has insufficient parking for both the commercial and the residential. With large amounts of cars parked along our streets (both in the interior of the project and outside of the project) it is an accident/fatality waiting to happen. It is an issue for pedestrians/bikes.

e). Blankenship already has an issue with speeding. This would just exacerbate the issue.

f). Should you decide to grant the commercial part of this application, please make the developer build the commercial first. (He has said during prior applications that he would build the apartments first to help pay to build the commercial, since there is very little financing to build commercial at this time.) There is no market for additional

commercial space, currently. Each of our commercial compounds currently has vacant spaces.

g). This housing application is not helpful to the TIF which the city imposed a couple of years ago. This property is grandfathered in with 350,000 sq. ft. of commercial space. That project would be much more beneficial to the TIF.

h). We as citizens, have no idea what said apartments look like. Will the 4 flights of stairs be on the inside or outside of the buildings? (No elevators). This project is not affordable housing. It has been stated that these apartments will be “market rate”.

i). A huge concern is the applicants proposed use of explosives to do the excavation. Huge safety and noise issues there. Damage to houses up the hill from development.

j). As of yet, there has not been a vacation application/hearing for this project. (The re-routing of Tannler, vacating the lower portion).

k). With vacancies all over the city, in both commercial and residential, is this project truly in the best interest of the community? (There are vacancies in both apartment complexes right down the street). When these buildings go empty, it will greatly add to the “blight” of the city. Being this close to the freeway, it could become a safety/crime issue. Our police department does not have the manpower to cover this. West Linn was just voted “safest city” in Oregon, let’s keep it that way.

l). Since this property is zoned OBC please deny the housing portion of this application and keep his ‘grandfathered’ commercial property application.

Thank you for taking the time to read this.

Kathie Halicki, West Linn resident

Schroder, Lynn

From: Kari Fisher <kari.fisher12@gmail.com>
Sent: Thursday, July 30, 2026 3:45 PM
To: Schroder, Lynn
Subject: Development Application DR-25-04/LLA-25-02
Attachments: 20260721 Filed Tannler Apts Adjustment Ltr (1).pdf; 20260709
_response_ltr_to_change_in_hearing_process_re_tannler_holdings (1).pdf

You don't often get email from kari.fisher12@gmail.com. [Learn why this is important](#)

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

Ms. Schroder,

My name is Kari Fisher and I live in a condo in the Madison Heights Condominiums which is situated approximately 75 feet away from the proposed apartment complex on Tannler Drive. Since there is a large open space adjacent to my condo, I contacted the City of West Linn Planning Department before purchasing my unit to find out if there was any proposed commercial development for the lot. I was told that there was nothing in the works, but that a new plan could arise at any time and I would be notified in writing of such a plan and have the opportunity to comment as a nearby neighbor in a public hearing for this land zoned commercial use.

Now it appears as if both the zoning has been changed to mixed use which allows residential buildings and my right to testify publicly has been removed by HB 4037. I am deeply upset by these changes and feel as if my individual rights have been eroded and my trust in public officials diminished.

I am urging you and the Planning Commission to reject the proposed development on Tannler as it would dramatically change the quality of life that many of us enjoy in this condo community.

Thank you for hearing my comments. I, Kari Fisher, adopt and agree with the comments submitted by or on behalf of Roberta and Ed Schwarz to DR-25-04/LLA-25-02. I am attaching two letters by Andrew Mulkey for more background information on the topics I mentioned. I agree with Mr Mulkey's comments. Please enter this correspondence into the public record for this application and acknowledge receipt of this email.

Sincerely,

Kari Fisher
5301 Summerlinn Way
West Linn, OR 97068
kari.fisher12@gmail.com

Andrew Mulkey

Attorney at Law

PO Box 66562, Portland, OR 97290 • (503) 334-9899 • andrew@mulkeylegal.com

July 21, 2026

Via Email

Darren Wyss, Planner
City of West Linn
22500 Salamo Rd.
West Linn, OR 97068
dwyss@westlinnoregon.gov

Re: Tannler Holdings LLC applications, DR-25-04/LLA-25-02
City File No: 2025-04

Dear Mr. Wyss:

On behalf of Ed Schwarz and Roberta Schwarz, please accept the following letter for the record in the proceedings for the Tannler Holdings applications. Please confirm receipt, and please include me, in addition to my clients, in any notice of decision.

The zone for the Tannler Holdings applications does not allow for stand-alone residential uses. For that reason, the applicant cannot obtain approval for, and the City cannot approve, the adjustment sought by the applicant pursuant to Oregon Laws 2024, chapter 110, section 38, *compiled as a note after* ORS 197A.395 (2025). If the City allows the adjustment, then the applicant's proposal violates the requirements of the Office Business Center Zone ("OBC zone"). Even if the city were to approve the adjustment, it could not thereafter approve a use not allowed in the zone, and the city would need to deny the application for the apartment buildings.

Although the adjustment provisions state that they apply to "lands zoned to allow for residential uses, including mixed-use residential," the OBC zone requirements demonstrate that the zone does not allow stand-alone residential uses and only allows for mixed use when the building contains both residential and commercial uses. Or Laws 2024, ch 110, §38(2)(b). Unlike the City's neighborhood commercial zone, the OBC Zone does not list "residential units" as an outright permitted use. *See* CDC 18.030.6; CDC 21.030. The adjustment process does not allow an applicant to obtain approval for a use not otherwise allowed in the zone. Or Laws 2024, ch 110, § 38(1)(b)(A).

The OBC zone is a commercial zone, not a mixed-use residential zone. The zone allows multiple family units only when those units are "in conjunction with" a commercial use. CDC 21.050.2. By completely removing the commercial use for multiple buildings through the adjustment process, the applicant now proposes a stand-alone residential use that the OBC does

not allow. As a result, the applicant seeks “[a] request to allow a use of property not otherwise permissible under applicable zoning requirements.” Or Laws 2024, ch 110, § 38(1)(b)(A). The applicable OBC zone does not allow for stand-alone residential use of the property. CDC 21.030 - 21.060. For that reason, the adjustment process does not apply, and the applicant cannot rely on an adjustment decision for the purpose of overriding the requirements of the OBC zone.

The OBC zone allows a number of uses only “under prescribed conditions.” CDC 21.050. This includes, “[m]ultiple family units *only* above the first floor of the structure, as a mixed use *in conjunction with* commercial development that utilizes the entire first floor.” CDC 21.050.2 (emphasis added). In other words, the zone does not allow stand-alone multi-family dwelling units or stand-alone residential uses. The zone only allows multi-family when “in conjunction with” commercial development that occurs within the same structure. By completely removing all the commercial development from the structure, the proposed apartment buildings no longer qualify as “a use otherwise permissible under applicable zoning requirements.” Or Laws 2024, ch 110, § 38(1)(b)(A).

Notably, the adjustment process only allows an applicant to adjust “[p]rohibitions, for the ground floor of a mixed-use building, against... [r]esidential uses.” Or Laws 2024, ch 110, §38(4)(g)(D). At most the adjustment process would allow the applicant in this case to add additional residential to the first floor of the structure. But the adjustment process does not allow the applicant to completely remove all commercial uses from the building. By completely removing all commercial use from the structure, the building no longer qualifies as “a mixed-use building,” within the meaning of the statute. And as stated above, that means it no longer qualifies as “a mixed use” allowed by the OBC zone. Therefore, by its terms, the provisions in section 38(4)(g)(D), do not apply to the kind of adjustment sought by the applicant. After the adjustment sought by the applicant, the buildings proposed by the applicant no longer qualify as “mixed-use,” and the proposed use no longer qualifies as “a use otherwise permissible under applicable zoning requirements.” *Id.* §38(1)(b)(A).

Because multiple structures and uses proposed by the applicant are not allowed uses within the zone, the City must deny the application. Here, the applicant has proposed 6 apartment buildings that contain only residential development and no commercial development. In addition, the applicant also appears to propose multiple garage structures for residential use that are not associated with the commercial use. For those reasons, the applicant has failed to demonstrate that it meets the requirements of the zone. None of those uses are allowed by CDC 21.050.

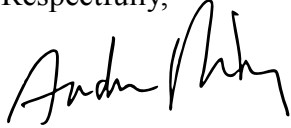
In sum, the OBC zone does not allow stand-alone multi-family residential uses or their accessory structures, it only allows residential use as part of a mixed-use structure. By proposing to completely remove all commercial use from a number of the buildings, the applicant proposes a residential use not allowed in the zone. The applicant’s proposal violates both local code and state law.

Moreover, by limiting participant’s right to appeal, the provisions of Or Laws 2024, ch 110, §38(3) violate participants’ constitutional right to a remedy or the ability to seek judicial review of an unlawful government decision. *Horton v. Oregon Health & Science University*, 359 Or 168,

177-78 (2014) (explaining Smothers and remedy clause, Art. 1, Section 10, Oregon Constitution). For that reason, the city cannot apply those provisions.

For those reasons, I respectfully request that the City deny the applicant's request to approve multiple stand-alone multi-family apartment buildings and their accessory structures in the OBC zone.

Respectfully,

A handwritten signature in black ink, appearing to read "Andrew Mulkey", with a stylized, cursive script.

Andrew Mulkey (OSB No. 171237)
PO Box 66562
Portland, OR 97290
(503) 334-9899
andrew@mulkeylegal.com

Andrew Mulkey

Attorney at Law

PO Box 66562, Portland, OR 97290 • (503) 334-9899 • andrew@mulkeylegal.com

July 9, 2026

Via Email

Darren Wyss, Planner
City of West Linn
22500 Salamo Rd.
West Linn, OR 97068
dwyss@westlinnoregon.gov

Re: Tannler Holdings LLC applications, DR-25-04/LLA-25-02
City File No: 2025-04

Dear Mr. Weiss:

This letter responds to the applicant's recent letter that requests that the City eliminate its local review and appeal process for the housing portion of the applications for mixed-use commercial and multi-family development as a result of HB 4037, Section 17, which amends ORS 197A.400. The applicant argues that the City can no longer hold a public hearing or provide the public with opportunity for local appeal. The applicant's request would deny the public any ability to comment on a highly controversial mixed-use commercial development. The City is by no means required to comply with the applicant's request, and because the request violates both statute and the Oregon Constitution, the City must deny the request. Applying the amendment's provisions would deprive city residents of any ability to seek judicial review of the City's decision. Such procedures are entirely unnecessary and glaringly unconstitutional.

On behalf of Ed Schwarz and Roberta Schwarz, please accept the following letter for the record in the proceedings for the Tannler Holdings applications. Please confirm receipt, and please include me, in addition to my clients, in any notice of decision.

Applying the provisions of HB 4037, Section 17 to the application at this late stage in the application process violates the statutory requirements for adopting new land use regulations. *See* ORS 197.610 *et seq.* The City cannot create a new review process for the applicant's application without first following the requirements to amend its comprehensive plan and zoning code. Statute prevents the applicant from seeking to create a new set of procedural rules without public notice, public input, or the opportunity for judicial review.

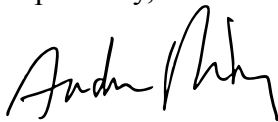
Notably, the applicant's ability provided by the "goal post statute" to request that the city apply newly adopted "standards and criteria" does not apply here. ORS 227.178(3)(a)(B). The provisions in HB 4037 are clearly procedural. The applicant seeks to change the City's notice

requirements, change the hearing procedure, and change the public's appeal rights. However, none of those provisions change any "standards and criteria" that the City must use (pursuant to ORS 227.178(3)) to evaluate whether to approve or deny the application. *See Corporation of the Presiding Bishop v. Klamath County*, 34 Or LUBA 131, 136-37 (1998) (explaining that substantive standards are different from process). For that reason, the goal post statute does not apply to the applicant's request, and the applicant has no ability (much less a right) to demand that the City apply the amendment and change its established rules of procedure.

Finally, the provisions in HB 4037 are blatantly unconstitutional because they deprive members of the public of their right to pursue judicial review of local government decisions. *Horton v. Oregon Health & Science University*, 359 Or 168, 177-78 (2014) (explaining *Smother's* and remedy clause, Art. 1, Section 10, Oregon Constitution). The right to judicial review of government decisions predates the Oregon Constitution, and is currently codified in statute as the writ of review. *See* ORS 34.102 (requiring that local government decisions shall be reviewed "only as provided by" the writ of review process); *Burnett v. Douglas County*, 4 Or 388, 389 (1873) (stating common law origins). The legislature has provided an alternative means of review for land use decisions. *Id.* But the remedy clause of Article 1, Section 10 prevents the legislature from completely eliminating a nearby property owner's rights to judicial review of a land use decision. *Horton*, 359 Or at 177.

If applied in the context of the existing statutory provisions for review HB 4037, Section 17 eliminates an individual's local hearing rights (ORS 197.797) as well as the ability to meet the standing, preservation, and exhaustion requirements needed to maintain a LUBA appeal. That in turn deprives members of the public of their constitutionally guaranteed right to pursue a judicial remedy. For those reasons, the City must deny the applicant's request to change the notice, hearing, and local appeal procedures.

Respectfully,



Andrew Mulkey (OSB No. 171237)
PO Box 66562
Portland, OR 97290
(503) 334-9899
andrew@mulkeylegal.com

Wyss, Darren

From: Len & Linda Grill <2lgrills@gmail.com>
Sent: Thursday, July 30, 2026 4:02 PM
To: Wyss, Darren
Subject: Fwd: We just spoke to the attorney. He would like you to submit one more sentence as testimony.

You don't often get email from 2lgrills@gmail.com. [Learn why this is important](#)

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Begin forwarded message:

From: "Roberta Schwarz" <roberta.schwarz@comcast.net>
Subject: **We just spoke to the attorney. He would like you to submit one more sentence as testimony.**
Date: July 30, 2026 at 1:33:02 PM PDT
To: **dwyss@westlinnoregon.gov**

:

We, Leonard and Linda Grill , adopt and agree with the comments submitted by or on behalf of Roberta and Ed Schwarz before, on, or after July 30th, 2026 in reference to DR-25-04/LLA-25-02.

Please add this to the Public Record and acknowledge receipt to us.

Respectfully,
Leonard and Linda Grill

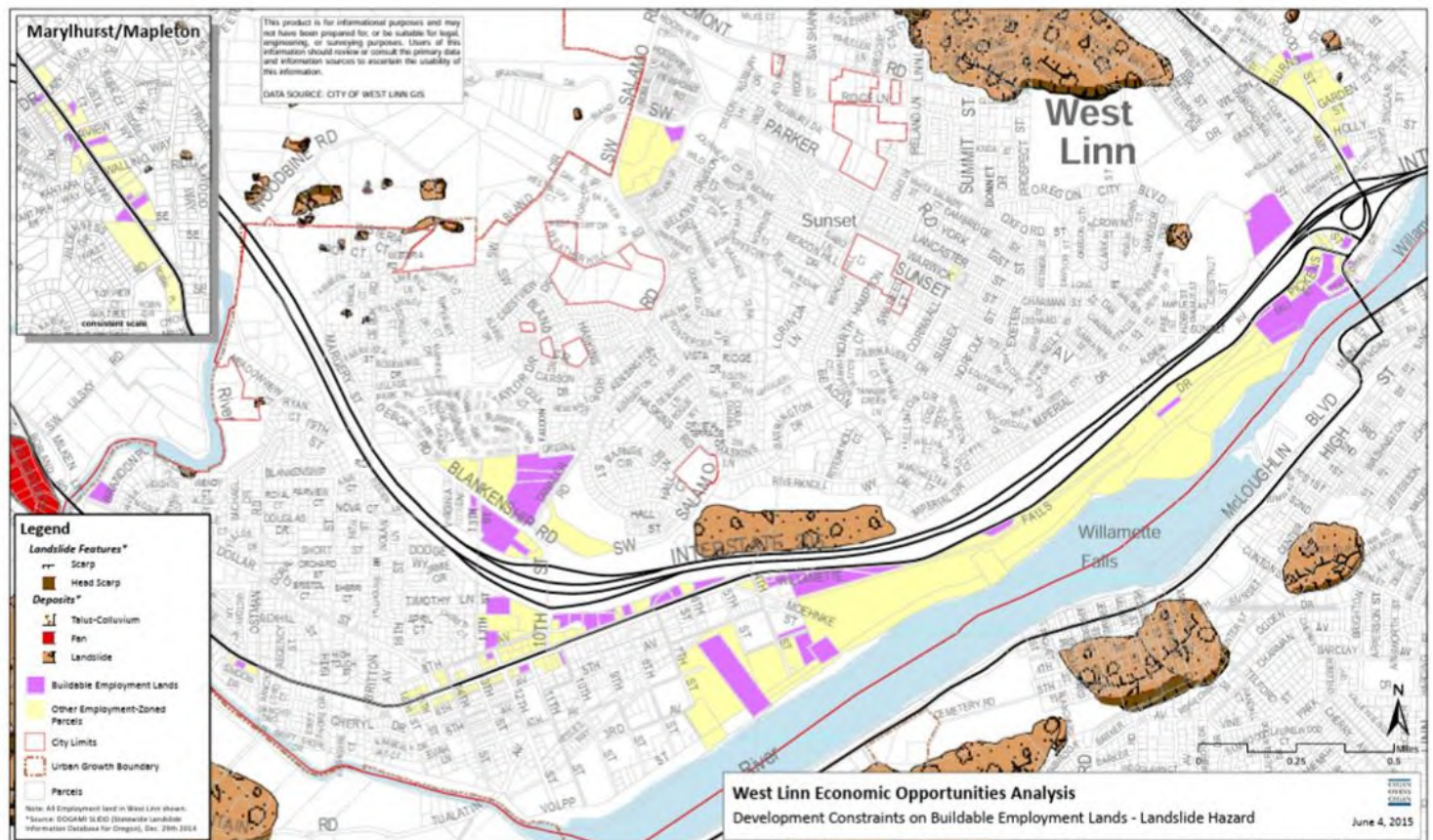
Testimony for the record of DR-25-04/LLA-25-02

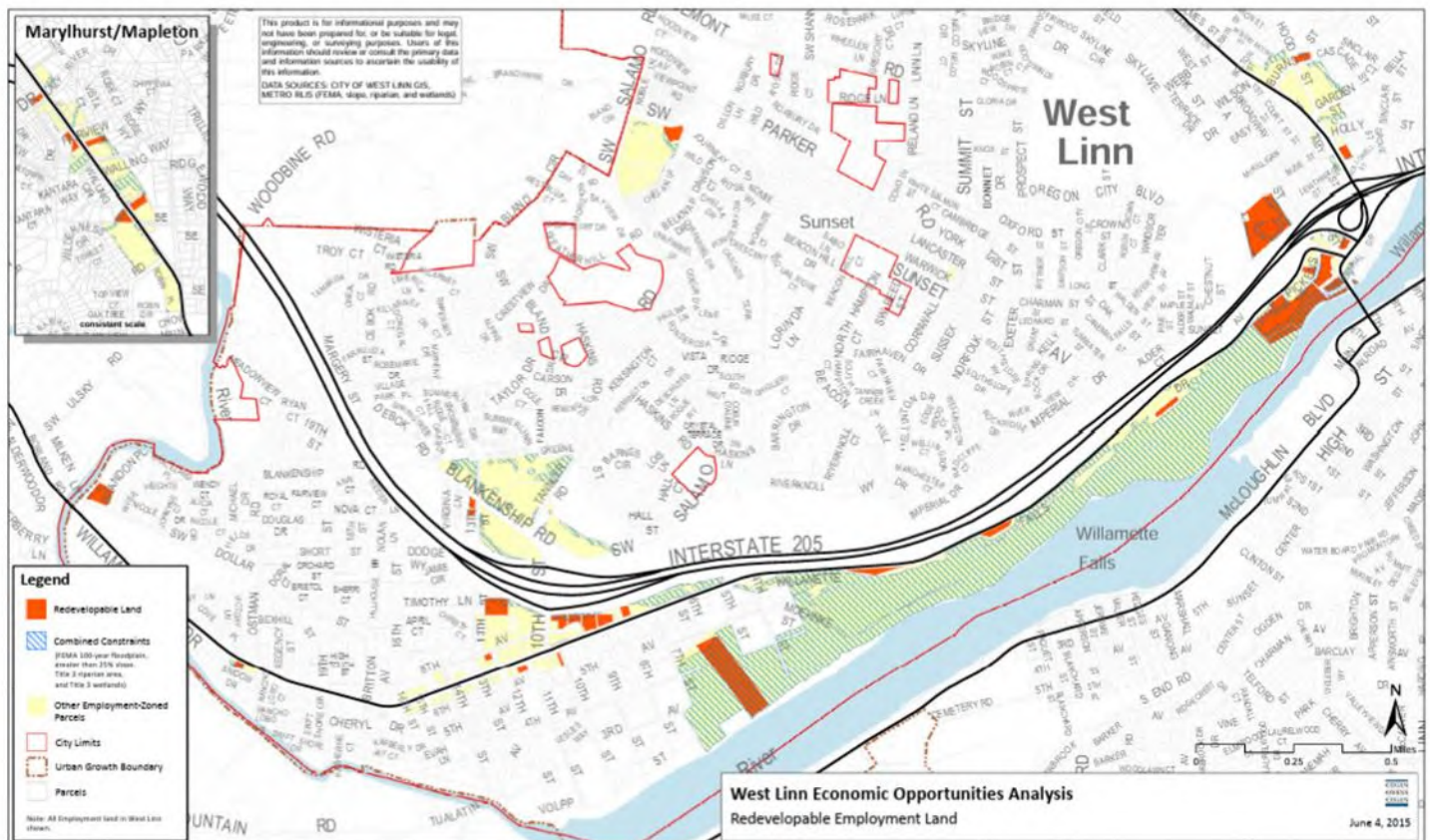
Submitted by Teri Cummings on July 30, 2026

Dear West Linn Planning Commissioners,

What we have before us is a question of whether it makes sense to sacrifice the one and only commercially zoned parcel of land that is larger than 5 acres West Linn's entire inventory of vacant buildable employment as if a quick fix towards meeting the new State mandated housing demand would justify losing employment opportunities.

I hereby urge you to deny the application because the need for livable wage jobs and the need for affordable housing is deeply interdependent. West Linn's colossal imbalance of land zoned for employment vs residential use is plainly visible on the maps below; "Buildable Employment Lands" are the tiny purple patches, "Other Employment-Zoned Parcels" are in yellow and the rest of West Linn is almost entirely zoned for Residential Use. This is where





These maps come from West Linn’s adopted 2015 Economic Opportunity Analysis (EOA) indicates that the land at the intersection of Blankenship and Tannler roads, approximately 8.3 buildable acres (11.0 gross acres) is a key part of the I-205/10th Street interchange area that West Linn’s Comprehensive Plan GOAL 9- ECONOMIC DEVELOPMENT has slated and zoned for future Office Business Commercial use for over forty years¹

Every West Linn Comprehensive Plan from 1983 to 2025 includes GOAL 9 ECONOMIC DEVELOPMENT policies and goals such as this to strengthen and maintain employment opportunities in the “I-205/10th Street interchange area”

- “Encourage the retention and expansion of existing business and industry”²
- Encourage development of new commercial and industrial centers³
- Protect existing commercial and industrial development areas from the encroachment of incompatible uses.”⁴
- “Zone sufficient vacant and developed lands to accommodate the expansion of existing businesses.”⁵

¹ (EOA page 35) Vacant and Redevelopment Land Supply - The vacant and partially vacant land inventory for the West Linn USB includes 14 tax lots totaling 20.55 acres of buildable vacant land after accounting for a variety of environmental constraints including steep slopes and the Willamette River floodplain. Approximately 14.5 acres of land on seven lots is zoned for commercial use, accounting for about 70% of the vacant supply. Another 1.31 acres is designated for mixed commercial and residential uses. West Linn’s vacant land supply primarily consists of small (less than one acre) tax lots and tax lots between one and five acres in size. As indicated in Exhibit 27, the tax lots of less than five acres in size comprise approximately 15 acres or about 75% of the total vacant land supply.

Only one tax lot in the inventory, a 5.5-acre commercial parcel, is larger than five acres. Appendix E includes a map depicting the vacant and partially vacant buildable land supply. This parcel, at the intersection of Blankenship and Tannler roads, is adjacent to two other parcels of 1.3 and 2.0 buildable acres respectively that have one owner and can be assembled into one parcel of approximately 8.3 buildable acres (11.0 gross acres).

² 1983-93 West Linn Comprehensive Plan Goal 9, Economic Development, GENERAL POLICY 1

³ 1983-93 Comp Plan, Goal 9, GENERAL POLICY 2

⁴ 1983-93 Comp Plan Goal 9, Existing Land Use POLICY 6

⁵ 1983-93 Comp Plan Goal 9, Existing Land Use POLICY 7

West Linn July 2015 Economic Opportunity Analysis (EOA)

The City's 2015 EOA indicates that *"employment in West Linn has increased by only 25 jobs per year (annual average) over the past seven years."* Unfortunately, approximately 200 jobs were lost when West Linn Paper Mill closed in 2017.

"Another statistic from the EOA the City needs to consider is the 2.4 households for every job in the City, which is far above the ratio for Clackamas County and the Metro Region. This means the majority of West Linn residents are commuting outside the city for employment. Decreasing the household-to-jobs ratio for West Linn would provide more opportunities for residents to decrease their commute, but would also require the city to attract more jobs than households over the next two decades, which is contrary to past City trends."

Overall Employment Land Need Requirements

After accounting for the level of expected redevelopment activity, the amount of vacant land demand in West Linn for employment uses over the next 20-years is expected to range from 45 to 52 acres. Preliminary estimates for vacant lands needs in West Linn by general building type are provided in Exhibit 26.

Exhibit 26: Vacant Land Needs by General Land Use Classification, West Linn, 2035 Forecast (buildable acres)

Land Use Classification	Scenario A	Scenario B
Commercial/Retail/Office	25	27
Mixed Use	4	5
Institutional	12	10
Industrial	11	3
Total	52	45

Assumptions by FCS Group based on Metro Urban Growth Report assumptions and local observations.

Inventory of Suitable Sites (Land Supply)

Buildable Land Inventory Methodology In accordance with OAR 660-009-0015(3) and OAR 660-009-0025(3)(a)(C), the existing supply of buildable employment zoned land within the West Linn Urban Service Boundary (USB) was inventoried and evaluated as part of the EOA.

*As indicated in Exhibit 27, the City's preferred Scenario B estimates a demand for 27 acres of net new commercial vacant land and five (5) acres of vacant mixed use land, for a total demand of 32 acres. With a vacant commercial and mixed use land supply of 15.8 acres, **the City has a deficit of 16.2 acres** to meet the expected level of commercial job growth for West Linn. However, this need may be addressed by the surplus of more than 19 acres of redevelopable commercial and mixed use land.*

EOA Summary: Goal 3. Promote the efficient use of commercial and industrial land adequate to serve a range of employment opportunities in the City. (EOA page 40)

EOA Policy 1. Preserve employment (commercial and industrial) land to ensure an appropriate mix of uses and jobs-housing balance.

Bottom line: West Linn definitely should not sacrifice any OBC land.

Adoption of West Linn's 2015 EOA was followed by adoption of Ordinance No. 1645 on August 8, 2016.

AN ORDINANCE ADOPTING THE ECONOMIC OPPORTUNITIES ANALYSIS AND REPEALING AND

REPLACING COMPREHENSIVE PLAN, GOAL 9, ECONOMIC DEVELOPMENT

As stated: The proposal directly relates to this goal, and seeks to amend the City's Goal 9 Comprehensive Plan.

According to OAR 660-015-0000(9), comprehensive plans for urban areas shall:

- *Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends; ☐ Contain policies concerning the economic development opportunities in the community;*
- *Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;*
- *Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.*

Exhibit 12 states, *"The ratio of households to jobs shows that West Linn residents tend to commute for work. The City currently averages 2.4 households for every job in the City, far above the ratio for Clackamas County and the Metro Region (Exhibit 13). According to the Gamma Forecast, the household-to-jobs ratio is expected to decrease for West Linn and stay relatively constant in the county and region. This forecasted decrease in the household-to-jobs ratio for West Linn would require the city to attract more jobs than households over the next two decades, which is contrary to past City trends."*⁶

Most of the following recommended uses listed below seem suitable for the Parker property:

Recommended Business Clusters ⁷

"In light of these findings, we recommend that West Linn focus on retaining and attracting a mix of existing and emerging business clusters that pay above average wages. This includes a mix of existing established and emerging clusters, such as":

- ***Health Services (e.g., medical offices and ambulatory care center)***
- ***Professional and Business services (finance, insurance, engineering, etc.)***
- ***Accommodations, such as hotel(s) and bed and breakfast(s)***
- *Recreation/sports (could include major community sports complex that attracts regional and state competitive sporting events)*
- ***Light industrial/flex (with mix of commercial, arts and boutique manufacturing operations)***
- *Home-based occupations*

Please deny the application and urge Mr. Parker to honor the OBC zoning of his property and pursue one or more of the following potential development opportunities identified in Exhibit 23 below.

I personally feel it would be wonderful for West Linn to have a boutique hotel and restaurant at that site so close to the I-205 interchanges and the Historic Willamette District.

⁶ [2025 Comp Plan](#) page 14

⁷ [2025 Comp Plan](#) page 22

Exhibit 23: Potential Target Development Types

Potential Development / Building Types	Market Potential	Potential Revenue Generation for West Linn	Potential Job Creation	West Linn Target Market
Lodging	●	●	●	☑
Specialized Retail	●	●	●	☑
Grocery Store	●	●	●	☐
Restaurants	●	●	●	☑
Micro Brewery	●	●	●	☑
Office (Class A)	●	●	●	☑
Medical Office	●	●	●	☑
Light Industrial/Flex	●	●	●	☑
General Industrial	●	●	●	☐
Assisted Living	●	●	○	☑
Recreation / Sports Complex	●	●	●	☑
Legend: Good: ● Fair: ● Poor: ○				

8

The West Linn Economic Development Committee voted unanimously, December 14, 2017, to oppose Mr. Parker's proposed Tannler Development Agreement, which would have circumvented the OBC zoning of his property:

"EDC moves to recommend to the City Council, relative to the Tannler Development Agreement, the OBC zoned land be retained as there is a limited supply of commercially zoned land in the city."

In summary, I urge you to deny the application in light of how critically important it is to **"Preserve employment (commercial and industrial) land to ensure an appropriate mix of uses and jobs-housing balance"** and to **"Promote the efficient use of commercial and industrial land adequate to serve a range of employment opportunities in the City"** according to West Linn's adopted 2015 EOA and 2025 Comprehensive Plan.⁹

Thank you for your service to the community,

Teri Cummings, resident of West Linn since 1992 (Address on file)

⁸ [Comp Plan](#) page 23

⁹ [The West Linn Comprehensive Plan, current through Ordinance 1766, passed December 9, 2025](#), provides the following definition of the purpose and intent of West Linn's Comprehensive Plan:

An official document of a local government that includes goals and policies that direct how the community will develop. It may also include action measures or strategies for implementing the goals and policies. Oregon Administrative Rules further define a Comprehensive Plan as a "generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including, but not limited to, sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs" (ORS 197.015). In Oregon, a comprehensive plan is adopted by ordinance, has the force of law, and is the basis for zoning and subdivision ordinances and other regulations. A number of other City planning documents support and/or implement the plan.

Mollusky, Kathy

From: Morgan, John
Sent: Wednesday, December 20, 2017 12:10 PM
To: Boyd, John
Cc: Williams, John; Stein, Eileen; #Committee - Economic Development
Subject: Tannler Development Agreement - EDC comments

At its December 14, 2017 meeting, the West Linn Economic Development Committee discussed the Tannler Development Agreement. The Committee unanimously passed the following motion and asked it be entered into the public hearing record on this matter:

EDC moves to recommend to the City Council, relative to the Tannler Development Agreement, the OBC zoned land be retained as there is a limited supply of commercially zoned land in the city.

Let me know if you have questions.

John

John Morgan
Special Projects
Planning
#6059



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Submitted by Teri Cummings. for the record of DR-25-04/EA-25-02

West Linn's HUGE disparity of jobs was cited by Metro in 1996 for much needed improvements. The gap between housing units and jobs has only widened since then. West Linn can NOT afford to lose any more employment land!

June 2 '96

June 2 '96

All's mostly quiet on Metro's urban growth boundary front

CLATSOP COUNTY ZERO OPTION TARGETS

The 24 cities and three counties within the Portland area's urban growth boundary report enough room to house an additional 500,000 people during the next 20 years without expanding the boundary, but a shortage of land for jobs. Below are Metro's zero-expansion housing and jobs targets for Clatsop County communities, followed by community responses. The figures are tentative and subject to adjustment after being measured against market trends for housing.

Jurisdiction	2017 Target		Response	
	Housing units	Jobs	Housing units	Jobs
Unincorporated	19,530	42,685	16,651	40,356
Gladstone	600	1,530	346	1,420
Happy Valley	2,030	1,767	1,382	206
Johnson City	168	180	144	168
Lake Oswego	3,353	8,179	3,353	8,179
Milwaukie	3,514	7,478	3,514	7,478
Oregon City	6,157	8,185	5,896	8,185
Portland	70,704	158,503	80,769	158,503
Riverview	15	41	20	39
Tualatin	3,635	9,794	3,635	12,842
West Linn	2,577	2,114	4,427	1,582
Wilsonville	4,425	15,030	4,367	15,030

Note: Metro calculates an average of 2.3 people per housing unit, although it varies throughout the region.
Source: Metro
The Oregonian

■ The public has its first opportunity to say what it thinks of proposed changes but for the most part stays home

By R. GREGORY MOKES
of The Oregonian staff

The public had its first opportunity to tell Metro what it thinks of proposed zoning and other changes that will influence where people live, work and shop for the next 20 years in the Portland area.

But mostly, the public stayed home.

Testimony at a public hearing Wednesday night on how to accommodate growth came primarily from groups with specific interests. About half of the 20 witnesses supported strong protection for waterways and wildlife. And supermarket representatives criticized proposed limits on parking.

"I didn't hear anybody there trying to address anything beyond a small circle," said Jeannine Merrill, a member of the Cornelius City Council who sits on the Metro Pol-

cy Advisory Committee. "People only get involved when it becomes a moral or pocketbook issue, and right now it hasn't hit a nerve in either of those two areas."

The hearing focused on a draft of the "urban growth management functional plan." This is a document to instruct communities on how to meet goals for more housing and jobs that — for the moment at least — would require little or no expansion of the urban growth boundary.

The plan doesn't dictate how individual parcels of land should be zoned, but focuses on results. For example, it says communities "must demonstrate that their zoning and other regulations will permit" the housing and jobs targets to be achieved.

Those targets for jobs and housing are being negotiated by Metro with each of the 24 cities and three counties in the Portland area. The communities, so far, are telling Metro they have room to house all of an additional half-million people within the existing urban growth boundary.

But senior Metro officials expect

that the finished plan and targets will require an expansion of about 4,000 acres. It would be the first general expansion since the boundary was drawn in 1979 to protect surrounding farm and forestland from urban development.

Final approval by the Metro Council isn't scheduled until October, following additional public hearings. Each city or county would then have two years to comply. They could be granted exemptions for unmet targets, although they would have to recommend "where the unaccommodated growth could be located adjacent to the city or county."

Witnesses at Wednesday's hearing spoke passionately about their issues.

Tasha Harmon of the Community Development Network wanted more said about providing affordable housing. Mike Houck of the Audubon Society of Portland endorsed the plan's protections for water quality. And Mary Kyle McCurdy of 1000 Friends of Oregon said the urban growth boundary should not expand.

Submitted by, Teri Cummings, For the record of DR-25-04/LCIA-25-02

Submitted by Teri Lumming to the record of DR-25-04/LLA 25-02

WEST LINN COMPREHENSIVE PLAN



COMPREHENSIVE PLAN
CITY OF WEST LINN, OREGON
ADOPTED DECEMBER 14, 1983
ORDINANCE NO. 1128

AMENDMENTS

MAY 9, 1984	(ORD. #1137)
NOVEMBER 14, 1984	(ORD. #1150)
JANUARY 23, 1985	(ORD. #1152)
SEPTEMBER 25, 1985	(ORD. #1172)
JANUARY 8, 1986	(ORD. #1175)
JUNE 6, 1986	(ORD. #1180)
JANUARY, 1989	(ORD. #1249)
OCTOBER 24, 1990	(ORD. #1291)
MAY 8, 1991	(ORD. #1298)
JULY 26, 1991	(ORD. #1303)
NOVEMBER 27, 1991	(ORD. #1308)
MARCH 10, 1993	(ORD. #1339)

The preparation of the Plan was financed in part through a Comprehensive Planning Grant from the State of Oregon, Department of Land Conservation and Development.

WEST LINN COMPREHENSIVE PLAN

The following is the Comprehensive Plan for the City of West Linn, Oregon. It contains a brief introduction, findings and general and specific policies for each of the elements. This material was prepared as part of the Comprehensive Program for the City.

Larry McIntyre, Mayor

City Council

Thomas DeJardin
Michael Stevens
Joseph Hart

Kathleen Lairson
Ted Phillips
Robert Stowell

Planning Commission

Gary Madson, Chairman
Michael Gosling
Tim Hoard
Larry Kellerman

Ralph Olson
Shirley Weiss
Diane Wustrack

Comprehensive Planning Program Team

John Buol, City Administrator
Michael V. Butts, Planning Director

City Staff

Barbara Bass
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Karen Jolly
Diana Nicolay
Al Steininger

Carol Bilyeu
Ella Gossett
Dennis Koellermeier
Dave Rood
Ken Worcester

City Counsel

John Hammond
Deanne Darling

Consultants

Ames Associates, Inc.

ECONOMY

A strong commercial and industrial tax base is the envy of most citizens. Equally important to West Linn is the physical definition the business districts give to the City, and in turn, West Linn's identity. Hence, when planning for economic development, the City must address a host of issues which include: How much and where to locate new business and industry, types of new businesses needed in the City; retention and expansion of existing businesses, rehabilitation and revitalization Of Willamette business district; 10th Street area economic development potential, access control on major roadways, home occupations and cottage industries; potential for industrial growth west of the Willamette area and outside the Urban Growth Boundary; West Linn's business identity; commercial/industrial development compatibility with residential areas; appearance of commercial and industrial development; City's role in economic development; and plan review costs to the developer.

FINDINGS

West Linn has experienced the same economic trends as other suburban communities in Clackamas County, particularly the urbanized communities which are primarily satellites of the City of Portland and the Portland Metropolitan Area economy. West Linn has a major industry, namely, the Crown Zellerbach mill on the Willamette River with over 800 employees. It also is the location for a number of small businesses and industries. The home building sector was a major employer in the period of West Linn's residential building boom, during the mid to late 1970s.

Commercial development along Highway 43 provides for two concentrations of commercial, retail and service businesses. The Willamette area is undergoing a revitalization project along 7th Avenue Commercial District, and a relatively new commercial center is established along 10th Street.

The opportunities for economic development in West Linn are latent and so far untapped. West Linn is located in an ideal spoke of the regional transportation network with two interchanges off I-205, Highway 43, bridge connections to the east and Oregon City, and a

location which provides 20 minute access to the Portland International Airport, and a 20-minute commute distance to all the major employments centers in the region (City of Portland, Port of Portland, Beaverton, Tigard/Wilsonville, Molalla, Lake Oswego, Gresham, Camas/Washougal). The locational advantage needs to be used not only to provide for residential areas for people employed outside West Linn, but also to bring industry and additional businesses into West Linn.

Unemployment rates available for the County show an unemployment rate of slightly less than 10 percent (July, 1983). Improvement over the 1982 figure reflects the upturn in the economy, after two years of economic depression, largely as a result of the low rate nationally of housing starts and the dramatic impact this had on the lumber industry in Oregon.

West Linn's labor force is approximately 75 percent white collar, and 25 percent blue collar. Of this labor force, 45 percent work in Clackamas County, 40 percent work in Portland, and 15 percent work elsewhere.

The employment base of the City is primarily Crown Zellerbach, the City of West Linn, the School District and smaller employers-(retail, services, offices and professional). The construction industry employs less than 10 percent of the labor force working in West Linn. Metro projections indicate that this area will accommodate approximately double the number of jobs by the Year 2000 in all employment sectors with the greatest increases in office, retail and service sectors.

Within the City of West Linn, currently there are 30 acres of commercially developed land and 170 acres of industrially developed land. Under this Plan, an additional 49 acres of vacant land has been allocated for future commercial development and no acres for future industrial development. The majority of industrial lands have limits to development. Future annexed land, however, along I-205 Freeway to the west might accommodate some new light industry.

(ORD. 1249)

In a recent survey conducted by the West Linn Budget Committee, a questionnaire response indicated that 75 percent of the respondents were in favor of increased economic development within the City.

GENERAL POLICIES

1. Encourage the retention and expansion of existing business and industry.
2. Encourage development of new commercial and industrial centers.
3. Assure good functional and aesthetic design of commercial and industrial developments and compatibility with abutting land uses.
4. Develop a working partnership with the business community and various agencies and organizations to meet the economic needs of West Linn.

SPECIFIC POLICIES

LAND USE ALLOCATION

1. Allocate commercially and industrially zoned land at a scale which relates its location, size and type of business to the trade area to be served.
2. Promote and establish three retail commercial centers in West Linn, to include the Robinwood, West Linn and Willamette Square/7th Avenue Shopping Center areas. (ORD. 1152)
3. Promote and establish an office campus center in the I-205/10th Street interchange area.
4. Establish all new light industrial development as campus industrial.
5. Study the feasibility of extending the City limits westward in the Willamette area, including extending the Urban Growth Boundary, to enable the City to annex and serve lands which can be developed as office campus complexes, and/or light industry.
(ORD. 1321)

EXISTING DEVELOPMENT

6. Protect existing commercial and industrial development areas from the encroachment of incompatible land uses.
7. Zone sufficient vacant and developed lands to accommodate the expansion of existing businesses.

8. Give high priority to the maintenance of public facilities (specifically right-of-way improvements) in established commercial and industrial districts.
9. Develop strategies to rehabilitate and revitalize the Willamette Commercial District.
10. Allow for home occupations within residential districts under prescribed conditions to ensure compatibility with neighborhood quality.

NEW DEVELOPMENT

11. Provide sufficient vacant lands for new commercial and industrial development.
12. Promote and facilitate development of the 10th Street interchange area for general commercial and office campus area.
13. Provide for neighborhood commercial centers.

DESIGN AND COMPATIBILITY

14. Require Design Review approval for all commercial and industrial development addressing:
 - a. Compatibility with surrounding areas, including buffering, scale, materials of buildings, and scale and type of plants.
 - b. Visual impact, landscaping and lot coverage.
 - c. Energy efficiency in site planning and building design.
 - d. Storm drainage retention and control.
 - e. Access including internal truck and auto circulation in commercial developments.
 - f. Outdoor storage and location of parking and loading.
 - g. Identification and directional signing.
 - h. Noise abatement.
 - i. Pedestrian, bike and carpool facilities.
 - j. Support of transit usage.
 - k. Site security.

15. Establish office use as a buffer/transitional use between retail commercial and residential development.
16. Maintain a West Linn sign control ordinance.

COORDINATION

17. Establish a West Linn Business Advisory Committee.
18. Recommend a West Linn business representative to serve on the Clackamas County Economic Development Commission (EDC).
19. Cooperate with the Metropolitan Service District, Port of Portland and Oregon Department of Economic Development in economic development planning and implementation efforts.

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GOAL 9: ECONOMIC DEVELOPMENT



A strong commercial and industrial tax base is important to the economic vitality of the City. Financial resources are critical to maintain and provide needed infrastructure and services to retain and improve the quality of life in West Linn. Property tax and other revenues from appropriately sited and designed commercial, industrial, and other businesses should be considered in future development review decisions. Equally important to West Linn is the identity that the business districts give to the City. Hence, when planning for economic development, the City must address a host of issues that include the location of business and industry; types of new businesses needed in the City; retention and expansion of existing businesses; access control on major roadways; home occupations and cottage industries; appearance of commercial and industrial development; the City government's role in economic development; and development costs.

The City recognizes the importance of providing and maintaining an adequate balance of jobs and housing to help reduce commuting and meet other important objectives. The City also recognizes the importance of home occupations in reducing commuting and helping limit the need for additional public infrastructure.

BACKGROUND AND FINDINGS

In July 2015, the City adopted the West Linn Economic Opportunities Analysis (EOA), which complies with Statewide Planning Goal 9 and its associated statutory requirements. The EOA provides a technical framework and supports the City's economic development goals and policies that aim to make West Linn a more economically viable community, while maintaining its unique character for residents, businesses, and employees.

According to Metro's 2014 job growth forecast, West Linn is projected to add 1,902 jobs by 2035. The service sector is expected to receive the most new jobs and grow the fastest in the next 20 years. The amount of land needed to accommodate the projected job growth falls within the range of 45 to 52 acres. The City's 2015 inventory of vacant and redevelopable land zoned for industrial/institutional, commercial and mixed use land in West Linn totals approximately 46 acres, which is adequate to accommodate projected employment growth over the next 20-years.

The City's 2015 EOA also shows employment in West Linn has increased by only 25 jobs per year (annual average) over the past seven years. The largest increase in employment has occurred in the service and retail sectors, while the largest decrease occurred in the industrial and government sectors. The biggest employment sectors in West Linn are largely service industries with the top five being: food services/drinking places; educational services; food/beverage stores; professional/scientific/technical services; and ambulatory health care services. The top employers in West Linn include several private companies and two local government entities. The top five employers are the West Linn Paper Company, City of West Linn, West Linn High School, Rose Linn Care Center and Safeway Stores. Additionally, business license data for 2014 indicates that of the 928 total licenses issued (408 businesses within city limits and 520 outside city limits), a total of 424 (47%) are home-based businesses, with most located outside the city limits.

Another statistic from the EOA the City needs to consider is the 2.4 households for every job in the City, which is far above the ratio for Clackamas County and the Metro Region. This means the majority of West Linn residents are commuting outside the city for employment. Decreasing the household-to-jobs ratio for West Linn would provide more opportunities for residents to decrease their commute, but would also require the city to attract more jobs than households over the next two decades, which is contrary to past City trends.

GOALS, POLICIES, AND RECOMMENDED ACTION MEASURES

GOAL

1. Encourage the recruitment, retention, expansion and economic viability of West Linn business and industry.

POLICIES

1. Recruit and encourage businesses, particularly those that provide family-wage jobs to locate in West Linn.
2. Support retail businesses and services that enhance the community and provide wanted goods and services.
3. Encourage the economic vitality of the City's existing commercial areas.
4. Promote home occupations by developing and implementing supportive zoning and building codes and services and other regulations.
5. Encourage West Linn employers, including the City, to offer the option to telecommute (i.e., work from home).
6. Adopt City regulations that are predictable, easy to understand and contain standards that can be uniformly applied.
7. Consider, when appropriate, encouraging economic development through streamlined permitting processes and development fees.
8. Work with the Chamber of Commerce, business community, and other agencies and organizations, to meet the economic needs of West Linn.
9. Coordinate with Tri-Met, Metro, Oregon Department of Economic Development, and other organizations in economic development planning and implementation efforts.
10. Consider incentives such as reduced system development charges (SDCs) and shared parking districts to encourage commercial and mixed-use development.

GOAL

2. Support tourism-related business and services.

POLICIES

1. Support efforts and programs that promote tourism in the City.
2. Enhance recreation based tourism in the City focused on parcels constrained by the Willamette River floodplain or other environmental constraints.
3. Work with interested property owners to attract and accommodate a significant new hotel(s). 1

GOAL

3. Promote the efficient use of commercial and industrial land adequate to serve a range of employment opportunities in the City.

POLICIES

1. Preserve employment (commercial and industrial) land to ensure an appropriate mix of uses and jobs-housing balance.
2. Inventory and maintain a list of vacant and redevelopable sites for new or expanding businesses.
3. Ensure the City has adequate public facilities and infrastructure to support economic activities, especially transportation. Maximize the use of regional, state, and federal funding for infrastructure planning and development. Work with ODOT to realize the full potential of the I-205 maintenance parcel.

The West Linn Comprehensive Plan is current through Ordinance 1766, passed December 9, 2025.

Disclaimer: The City Recorder's Office has the official version of the West Linn Comprehensive Plan. Users should contact the City Recorder's Office for information about more recent changes.

City Website: <http://westlinnoregon.gov/>

City Telephone: (503) 657-0331

Codification services provided by [General Code](#)

August 29, 2026

I am respectfully requesting that this letter be included in public testimony regarding the proposed commercial development at Blankenship and Tannler. I am strongly opposed to it for the various reasons.

This area is one of the most congested in West Linn, and adding an estimated 600 to 800 vehicles a day (commercial and apartments) is absolutely crazy. Proposing to close/reroute Tannler (one of two North/South thoroughfares) will only compound the 10th Street traffic problems. Additionally, I'm disappointed that the city is reneging on what was originally proposed back in 1998 when I first moved here: 5 stop lights on/about 10th Street:

- 2 on/off ramps for 205 (complete)
- 1 at 10th Street and Salamo (complete)
- 1 at Willamette Falls Drive and 10th Street (revised to a round about that has compounded traffic problems)
- 1 at Blankenship and Tannler. Now you are proposing to reroute this through the proposed development. In prior hearings you indicated that ODOT is requiring this, which is entirely false. According to ODOT, this is governed by the city.

While this letter is focused on the Commercial aspect of the proposed development, it is difficult to not reference the residential component as both will impact parking and traffic. In the application, Jeff Parker states "As proposed, the development would provide 385 standard parking stalls, 6 compact parking stalls, and 9 ADA accessible parking stalls on-site for a total of 400 parking stalls which does not exceed the maximum number of spaces allowed. There will also be on-street parking along Tannler Drive where allowed by the City. The on-street parking is shown on sheets C202, C204, and C206." He also notes that "a maximum of 640 off-street spaces are allowed to be provided." That is absolutely ridiculous! You couldn't fit that many cars if they converted the entire property to parking only. My question is how much parking is dedicated to Commercial only and is it sufficient without adversely impacting traffic in the area?

With many of your constituents in opposition to the proposed development, we have retained experts on the subject. They have underscored many of our concerns. First, they believe that the applicant's Traffic Impact Analysis (TIA) and associated transportation-related materials for the proposed mixed-use development do not contain substantial evidence to demonstrate compliance with the City of West Linn Community Development Code (CDC) and the City of West Linn Public Works Design Standards, particularly with respect to traffic impact evaluation, access management, sight distance, driveway design, and safe multimodal circulation.

The TIA does not provide adequate operational or safety analysis for all proposed access points, including eight curb cuts along Tannler Drive, associated on-street parking, and does not evaluate whether access consolidation or alternative circulation configurations would reduce conflicts and improve safety as required by CDC 85.170.

Required intersection sight distance and stopping sight distance analyses are not provided for any proposed driveway locations, despite explicit CDC requirements that access points demonstrate adequate sight distance as a threshold safety condition for approval. This is especially important given the significant number of driveways with several located very close to horizontal curves. • The proposed angled on-street parking between curved roadway segments is not evaluated for backing operations, sight distance adequacy, or conflicts with through traffic, or driveway movements. • The Manual on Uniform Traffic Control Devices (MUTCD) four-hour volume warrant conclusion for a potential traffic signal is not supported by sufficient data. The multimodal circulation analysis is incomplete, including lack of evaluation of pedestrian and bicycle transitions between facilities, inadequate assessment of crossing operations across multiple driveway conflicts, and insufficient consideration of user safety along the proposed shared-use path.

Collectively, the application does not demonstrate that the proposed design minimizes transportation hazards, provides safe and efficient circulation, or meets the multimodal accommodation requirements of CDC 85.170(B)(2)(g)(1)(C). Based on these deficiencies, the applicant has failed to provide substantial evidence necessary for the Planning Commission to make the findings required for approval. Failure to Analyze All Access Points CDC 85.170 requires that a traffic impact analysis evaluate whether the transportation system can accommodate the proposed development, including a full assessment of access points to the public street system. This requirement is not limited to general capacity discussion but extends to operational performance, safety, and access configuration. CDC 85.170(B)(2)(d) requires: “Traffic impact analysis (dwellings). For development applications that propose new dwelling units, an applicant must submit a traffic impact analysis unless the application is exempt from this requirement pursuant to subsection (B)(2)(d)(6) of this section. Failure to submit the analysis will result in an incomplete application. The applicant shall prepare the analysis in accordance with the following: 1) At a minimum, the analysis area must include: (A) All points of access onto the public street system; (B) All intersections of arterials, collectors, and neighborhood routes within 1,000 linear feet from all points of access onto the public street system; and (C) All intersections where the traffic generated by the proposed development exceeds five percent of existing a.m. or p.m. peak hour total intersection traffic volumes. Trip generation shall be determined by using Institute of Transportation Engineers Trip Generation Manual (11th Edition).” In this case, the proposed development includes eight curb cuts along Tannler Drive, yet the TIA does not provide adequate analysis of how each of these access points will operate under projected traffic conditions as required. Without the analysis of each of the proposed driveways, the application does not satisfy the minimum traffic impact analysis requirements of CDC 85.170(B)(2)(d). The applicant is required to provide a level of service analysis of each proposed driveway. The report does not evaluate expected performance of these driveways or potential queuing interactions between closely spaced driveways. The TIA does appear to address spacing standards. CDC 85.170(B)(2)(g)(1)(C) requires that site design minimize negative impacts to the transportation system and make efficient use of public facilities. Without analysis of whether access consolidation is feasible, whether shared access

could reduce conflict density, or whether internal circulation could better distribute traffic, the applicant has failed to demonstrate that this standard has been met.

Missing Sight Distance Analysis (CDC 85.170(B)(2)(c)(1)(C)(3)) CDC 85.170 explicitly identifies inadequate sight distance at access points as a condition requiring evaluation in a traffic impact analysis. Sight distance is a fundamental safety element because it directly governs a driver's ability to perceive, react to, and safely execute turning movements. The City of West Linn Public Works Design Standards also state that "The following information shall be included in each TIA submitted to the City...Intersection and stopping sight distance related to new and impacted driveways and intersections." Despite these requirements, the TIA does not provide any quantitative intersection sight distance or stopping sight distance calculations for the proposed driveways along Tannler Drive. Instead, the TIA states: "Intersection sight distance documentation at the site access points and along the site frontage will be documented on the civil engineering plans provided through the site plan application process. We recommend that on-site landscaping, signage, and any new above-ground utilities be appropriately located and maintained to provide adequate intersection sight distance per applicable City requirements." The applicant's site plan illustrates conceptual sight triangles at the proposed driveways but does not demonstrate that adequate sight distance will actually be available under the proposed roadway, landscaping, parking, and access conditions. This falls short of the required analysis to determine whether the proposed access points can safely operate. Under West Linn requirements, sight distance is not merely a construction-level design detail. It is a threshold transportation safety criterion that must be evaluated during land use review because it determines whether an access point can be safely approved. This omission is particularly significant because the proposed access locations are affected by several geometric constraints, including horizontal and vertical curvature, roadway grades, angled parking, and multiple closely spaced access points. Without a quantitative sight distance evaluation, the applicant has failed to demonstrate that the proposed access locations meet applicable safety requirements or that they will not create operational conflicts. Angled Parking with Backing The proposed angled on-street parking on Tannler Drive located between horizontal curves introduces an additional operational concern that is not addressed in the TIA. Angled parking requires vehicles to back into an active travel lane, creating conflict points with through traffic that warrant evaluation. These backing maneuvers are inherently more complex than forward movements because drivers must reverse into the roadway while simultaneously observing approaching traffic, identifying acceptable gaps, and avoiding conflicts with other roadway users.

The proposed parking area is located between horizontal curves on Tannler Drive and is also affected by roadway grade changes. This combination of horizontal and vertical curvature may limit visibility for both drivers backing from parking spaces and motorists approaching the parking area. In addition, adjacent parked vehicles may further restrict sight lines. This creates the potential for approaching motorists to have limited opportunity to detect and react to vehicles entering the travel lane. Similarly, drivers backing from angled parking spaces may have difficulty determining whether sufficient gaps exist in approaching traffic before beginning a maneuver. The ability to safely complete these movements depends on adequate visibility

between the backing vehicle and approaching motorists, particularly given the constrained roadway geometry.

Given the combination of horizontal curvature, roadway grades, vehicle screening effects, and backing movements into a travel lane, additional analysis should be provided during the land use review process rather than addressed during permit review. If adequate visibility cannot be demonstrated, consideration should be given to alternative parking configurations, relocation of parking stalls outside the curved roadway segment, or other design modifications that reduce conflicts between backing vehicles and through traffic.

Tannler Drive Realignment Is Not Demonstrated to Be Necessary to Comply with the Transportation System Plan The applicant asserts that the proposed Tannler Drive realignment is necessary to comply with the City's Transportation System Plan (TSP). However, the TSP does not require realignment of Tannler Drive. Rather, the TSP identifies multiple strategies for addressing a potential future operational concern at the Blankenship Road/Salamo Road/10th Street intersection. The TSP identifies the following improvement: "Add a second exclusive right-turn lane to the eastbound approach to the 10th Street/Blankenship-Salamo Road intersection if necessary to address queuing; however, the need for this improvement would be eliminated by realigning Tannler Drive with the commercial driveway located approximately 350 feet west of its current alignment." This language does not establish roadway realignment as a required transportation improvement. Instead, it identifies realignment as one possible alternative to constructing additional intersection capacity. The transportation objective identified in the TSP is addressing potential eastbound right-turn queuing, not necessarily relocating Tannler Drive. The TSP separately identifies Project M23 – 10th Street/Blankenship Road, which includes "Widen Blankenship-Salamo Road to provide dual left-turn lanes at the westbound and northbound approaches to the intersection. Also, add a second exclusive right-turn lane at the eastbound approach to the intersection to address queuing." By including Project M23 as an adopted transportation improvement, the City has already identified a conventional intersection improvement (a second exclusive right-turn lane) that addresses the same operational issue cited as the basis for the Tannler Drive realignment. Therefore, the TSP does not establish that relocation of Tannler Drive is necessary. Rather, it recognizes multiple potential solutions. The need for either Project M23 or Tannler Drive realignment is based on the potential for inadequate eastbound right-turn queuing at the Blankenship Road/Salamo Road/10th Street intersection. However, the applicant's TIA does not evaluate queuing conditions under the existing Blankenship Road/Tannler Drive configuration. Because the TIA does not provide a queuing analysis for the existing roadway configuration, the applicant has failed to establish whether existing or future queues at this location are acceptable, whether storage capacity is exceeded, or whether the operational concern identified in the TSP would occur with the existing Tannler Drive alignment. Even if future conditions were determined to require additional capacity, the applicant has not demonstrated why relocating Tannler Drive is necessary or preferable to the other solution identified in the TSP. Specifically, the applicant has not evaluated whether Project M23 would

adequately address any identified queuing concern, nor has the applicant demonstrated that the additional eastbound right-turn lane is infeasible. The proposed Tannler Drive realignment represents a major modification to the transportation system. Unlike an intersection improvement that directly addresses the identified operational location, the realignment would:

- Relocate the existing Tannler Drive/Blankenship Road intersection;
- Remove approximately 280 feet of existing public roadway;
- Modify established access and circulation patterns; and
- Require additional roadway construction, grading, retaining walls, utilities, and stormwater facilities. These impacts extend beyond the operational issue identified in the TSP. Before approving such a significant modification to the transportation system, the applicant should demonstrate that the change is necessary and provides transportation benefits that cannot reasonably be achieved through other TSP consistent improvements. ODOT correspondence further confirms that the proposed realignment is not required by ODOT (see Appendix A). ODOT indicated that the Tannler Drive/Blankenship Road intersection is not under ODOT ownership or access control and that ODOT's review interest is limited to ensuring that adjacent improvements do not adversely affect the operation of the I-205 interchange and the Blankenship Road/Salamo Road/10th Street intersection. Therefore, the proposed Tannler Drive realignment is not an ODOT requirement.

Traffic Signal Warrant Analysis: The TIA concludes that the MUTCD Four-Hour Vehicular Volume Warrant is satisfied at the Blankenship Road/Tannler Drive intersection. However, the documentation contained in the TIA does not contain sufficient evidence to support that conclusion. The traffic data collection described in the TIA consisted of one weekday AM peak period turning movement count (two hours) and one weekday PM peak period turning movement count (two hours), resulting in a total of four hours of observed traffic data. No 24-hour intersection counts, continuous hourly traffic counts, or other traffic data are provided. The MUTCD Four-Hour Vehicular Volume Warrant requires that the applicable traffic volume thresholds be satisfied during four separate hours of an average day. Demonstrating compliance with this warrant requires documented hourly traffic volumes for each qualifying hour. Although the TIA includes an hourly volume table concluding that the warrant is met, the report does not identify the source of the hourly volumes presented or explain how they were developed. No methodology is provided describing whether these volumes were derived from observed counts, extrapolated from peak-hour data, or estimated using another analytical approach. Figure 2: Volume Table from TIA Comparison of the hourly volume table with the AM turning movement counts demonstrates that the weekday AM count period does not represent the highest traffic volumes shown in the warrant analysis. Because the AM peak period itself does not correspond to the qualifying hours presented in the table, it is evident that those higher hourly volumes were not directly observed during the traffic counts documented in the TIA. The only observed count period documented in the TIA that appears capable of supporting the warrant analysis is the two-hour weekday PM peak period. Accordingly, the TIA provides documented traffic data for, at most, the two PM peak hours. The remaining qualifying hours shown in the warrant analysis are not supported by observed traffic counts or any documented

methodology explaining how those hourly volumes were developed. Without that supporting information, there is insufficient evidence to verify that the MUTCD Four-Hour Vehicular Volume Warrant has been satisfied. If traffic signal installation is being relied upon as a mitigation measure or transportation system improvement, the applicant bears the burden of demonstrating that the applicable MUTCD warrant is met. That demonstration should be supported by the underlying traffic data and a documented methodology that allows the warrant analysis to be independently verified. The standard practice for evaluating the Four-Hour Vehicular Volume Warrant is to collect 24-hour intersection turning movement counts or otherwise provide continuous hourly traffic data identifying the four qualifying hours. In the absence of that information, the applicant's conclusion that the Four-Hour Vehicular Volume Warrant is satisfied is not adequately supported.

With eight proposed curb cuts intersecting the frontage, the frequency of potential conflicts between vehicles, pedestrians, and bicyclists is significant. CDC 85.170 requires that the site design accommodate and encourage non-motorized transportation to the extent practicable and provide safe, direct, and convenient circulation. The current analysis does not demonstrate how these standards are achieved in practice or how conflict points will be managed to maintain safety.

The submitted TIA states that no in-process developments were identified during the scoping process with City and ODOT staff. A percentage growth rate has also been considered. These appear to address items (a) and (b). However, item (c) does not appear to have been addressed. The analysis does not clearly identify or incorporate trips associated with other planned or reasonably foreseeable developments within the study area. At a minimum, the West Linn Operations Complex (CUP 25-02/DR-25-02/WRA-25-01) appears to constitute a planned development within the meaning of the Public Works Design Standards and should either be incorporated into the background traffic assumptions or expressly documented as excluded with supporting justification. Given the requirement in the Public Works Design Standards to account for trips from other planned developments, the applicant should be required to coordinate with the City of West Linn and ODOT to confirm whether any additional planned or approved developments exist within the study area that may contribute to background traffic conditions. Without this confirmation, the completeness of the background traffic assumptions remains uncertain. Conclusion The submitted Traffic Impact Analysis does not provide substantial evidence demonstrating compliance with CDC 85.170(B)(2), the City of West Linn Public Works Design Standards, or the applicable transportation planning assumptions reflected in the Transportation System Plan. The deficiencies identified in this review are not limited to isolated technical omissions. Rather, they involve fundamental components of transportation safety, access management, and operational analysis that are necessary for the Planning Commission to evaluate compliance with applicable approval criteria. These include the lack of access analysis for all driveways, absence of required sight distance evaluations, insufficient evaluation of driveway placement on curved roadway segments, unaddressed backing and parking conflicts, incomplete multimodal transition analysis, and unsupported traffic signal warrant conclusions. Each of these issues bears directly on the Planning Commission's ability to make the required findings under CDC 85.170(B)(2)(g) and related provisions. Based on the

application materials, those findings cannot be supported with substantial evidence. Accordingly, based on the information currently before the Planning Commission, the application does not contain substantial evidence demonstrating compliance with the applicable transportation requirements of the Community Development Code and Public Works Design Standards. Additional analysis and supporting documentation are necessary before the Planning Commission can make the findings necessary for approval. The deficiencies identified throughout this review are not isolated technical issues. Rather, they collectively relate to the applicant's burden of demonstrating compliance with the CDC which requires that transportation improvements be designed to minimize negative impacts to the transportation system, provide safe and efficient circulation for all users, and accommodate pedestrian and bicycle travel to the extent practicable. The absence of operational analyses for all proposed access points, required sight distance evaluations, analysis of backing maneuvers associated with angled parking, adequate multimodal transition analysis, and supporting documentation for the traffic signal warrant leaves the Planning Commission without substantial evidence to conclude that these approval criteria have been satisfied. Until these deficiencies are addressed, the application does not demonstrate that the proposed transportation system has been designed in a manner that minimizes transportation hazards while providing safe, efficient, and multimodal access consistent with the Community Development Code and the City of West Linn Public Works Design Standards.

In summary, I believe the application for the commercial development should be denied, or sufficient documentation should be provided by the applicant.

Matt Evans
West Linn

Ms. Deborah A. Berggren
West Linn Resident

July 28,2026

Mr. Darren Wyss
Planning Manager
City of West Linn
dwyss@westlinnoregon.gov

Re: City File No.: DR-25-04/LLA-25-02
Commercial Public Hearing
Tannler Mixed Use Application

Dear Mr. Wyss:

Please accept this written testimony for the public hearing scheduled on August 10,2026. This letter also serves to help document my planned verbal testimony to be offered during the public hearing. Thank you in advance for confirming that you have received this written testimony, and that it will be included in the public record.

I am strongly opposed to the proposed development application, and believe the application should be denied.

Lack of Commercial Space

My primary concern is that the application does not meet the zoning requirements (and/or the community intent) for this property as outlined in the code **CDC21.010-Office Business Center (OBC) Zone**. The application fails to properly address the OBC zoning rule that requires **every** building must include a commercial component on the first floor. The developer does not include

commercial space in every stand-alone building. The proposed project overwhelmingly favors residential-only buildings to the significant detriment of available commercial space. I believe this project fails to meet the community intent of mixed-use zoning. A well-planned mixed-use project should would have better balanced the mix of commercial and residential spaces.

Please note that I have calculated some rough estimated numbers to help demonstrate the case that there is insufficient available commercial space. I have no prior experience reading development project plans. That said, the consulting architect did a very good job detailing the master layout as published on the city website, and appears to indicate that the below (roughly calculated) estimated percentages are in the ball park for the purposes of further demonstrating at a high level my objection under the rules of **CDC21.010-Office Business Center (OBC) Zone**.

Reviewing the proposed project's architectural plan, I was very surprised to see that very few of the buildings met the OBC requirement that each stand-alone building includes first floor commercial space. Looking at the master layout, each "building" was labeled "1" through "11". I can only see that three buildings (27.3%) out of a possible 11 buildings (100%) were labeled as "commercial". Please note that that the term "commercial", specific to this plan, does not mean 100% commercial. We should be thinking about the buildings labeled "commercial" as "mixed-use" – a combination of commercial and residential space. There are no commercial-only buildings. Only three buildings meet the requirements of **CDC21.010-Office Business Center (OBC) Zone**; properly combining both commercial and residential spaces.

Eight (72.7%) out of eleven buildings appear to be solely dedicated to residential spaces. This number also includes the clubhouse. I made the assumption that the clubhouse is for residents only, and will not be open to the public.

Given the property's location relative to Interstate 205, I truly appreciate why West Linn designated the property for mixed-use under OBC zoning. It is common sense to encourage business growth and economic opportunity where we can, and to recognize the importance of this property's location relative to Interstate 205.

Using SB 1537 to allow buildings that are "residential only" while providing for an under-whelming number of buildings designated for mixed-use appears to not serve the intent of **CDC21.010-Office Business Center (OBC) Zone**. I believe

inadequate building space has been dedicated to commercial use needed by West Linn to encourage and facilitate local economic growth.

I fully support the idea of incentivizing both local commercial and residential development. West linn can, and will, greatly benefit from well-planned projects that enhance not only more access to local housing; but also, to increase our local opportunities for economic growth. The proposed development falls short of this worthy goal. At a bird's eye view, this application is not such much "mixed-use" but more akin to an application that is primarily residential with some office space sprinkled in. The application should be denied.

Inadequate Parking

Compounding the lack of compliance with required OBC zoning, the mixed-use project also demonstrates a significant lack of available on-site parking for the future residential tenants and commercial employees/customers. Inadequate on-site parking will most likely generate a broad range of traffic and/or parking problems for the broader local community.

Each residential unit is allowed one parking spot. At face value, this assumption lacks basic common sense. In today's world, it is a rarity for households to drive only one vehicle. Due to the challenges of housing affordability (market rate rental costs), it is very reasonable to assume many, if not most units (including one-bedroom units) will be housing multiple adults. Some units will be housing families including children. Many units will be housing multiple adults living in room-mate arrangements. This highly predictable situation (multiple on-site parking spots will be needed for each unit) will create significant traffic and parking nightmares for the new residents (aka our future neighbors), as well as for the surrounding local community. Quality of life will decay. At a minimum, the number of parking spots should be doubled to provide a more adequate number of on-site parking spaces.

It is the community's understanding that TriMet will be discontinuing the current bus service that currently serves the adjacent street (Blankenship/Salamo) effective August 2026. The only available modes of transportation available to the future tenants will be cars, walking and biking.

Our neighborhood is simply too hilly to assume that each residential unit “only needs one parking spot”.

Looking ahead, the rising popularity of E-Bikes will further complicate traffic for the 10th/Blankenship/Salamo intersection. The insufficient number of on-site parking spaces will no doubt result in more E-bikes (most viable alternative transportation for the new residents) navigating an already busy 10th/Blankenship/Salamo intersection. If residents are only allowed one on-site parking spot, it is reasonable to assume E-Bikes will be an attractive alternative transportation option. The idea of numerous E-Bikes being ridden up and down Salamo, then through an already awkward intersection sounds potentially dangerous. The actual empirical impact is unknown, but it is predictable we will be seeing many more E-Bikes racing through this part of town.

Two final traffic-related questions that could further impact traffic safety at the cumbersome intersection:

1)What happens to traffic patterns/safety when/if the State implements Interstate 205 toll collection?

2)What happens to traffic patterns/safety when the City of West Linn develops it's new Public Works site with its only access point on Salamo Road?

I believe these two additional future considerations will most likely contribute additional layers of challenges and complications for the intersection. Please consider these two future events/projects when evaluating the application.

In conclusion, due to insufficient on-site parking spaces, and the resulting negative impact on public safety, I believe the planning commission should deny the application as it is proposed.

Sincerely,

Deb Berggren

West Linn Resident

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The neighbors signing the petition below believe that this taking or vacating of the lower portion of Tannler Drive will result in the Public Interest being prejudiced (i.e. it is not in the Public Interest). Two of the many reasons are: 1) the neighbors will have a longer route to get to the I-205 on-ramp each day and 2) there will be diminished access to the White Oak Savanna Park. The neighbors have spent over ten years to acquire it as a West Linn city park and over sixteen years, and more than 21,360 hours of volunteer labor, to restore it.

I believe the Public Interest will be prejudiced by the taking/vacating of a lower portion of Tannler Drive.

Printed Name	Signature	Address
Gary Davidson	Gary Davidson	3501 Summerlin Dr, West Linn
Sharon Davidson	Sharon Davidson	3501 Summerlin Dr, West Linn
LAURIE BARNSTEIN	Laurie Barnstein	3385 SUMMERLIN DR
NICHAE BARNSTEIN	Nichae Barnstein	3385 SUMMERLIN DR
JUDY WHITT	Judy Whitt	3701 Summerlin Dr. W. Linn
Haskell Hedges	Haskell Hedges	3701 Summerlin Dr. West Linn

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Printed Name	Signature	Address
PATRICK J. GREEN	<i>Patrick J. Green</i>	2912 Bluegrass Way W.L. 97068
Patty Mattner	<i>Patty Mattner</i>	2332 Athena W.L.
Lisa Treiber	<i>[Signature]</i>	2580 Kensington Ct
Irene Huget	<i>Irene Huget</i>	22045 Chelan Loop W.L.
Eleanor Clang	<i>Eleanor Clang</i>	21365 Miles Dr. WL
Bobbie Dennett	<i>[Signature]</i>	19476 Wilderness Dr. W.L.
JANET McDONALD	<i>Janet M. Donald</i>	2498 Safford St West Linn
WILLIAM S. RICK III	<i>WRick</i>	21430 ROSE PARK Ct WL
Mary S. Fay	<i>Mary S Fay</i>	3109 Winkel Way WL
Lyndalea Ruffner	<i>Lyndalea Ruffner</i>	19995 Suncrest Dr, W.L.

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Printed Name	Signature	Address
MARY CROSLAND	Mary Crosland	4070 ROSE PARK DR. WL, OR
Lena Green	Lena Green	2912 Bluegrass Way WL
Rita Burton	Rita Burton	2323 HASKINS RD. 97068
Eileen Ashcraft	Eileen Ashcraft	2585 Kensington Ct
Christine B. Moffett	Christine B. Moffett	2562 Pimlico Dr, WL
Molly Hooflich	Molly Hooflich	1860 Churchill Ter WL
Jaime Etheredge	Jaime Etheredge	1945 Taylor Ct, West Linn, OR 97068
Nancy Jacobson	Nancy Jacobson	19970 Bluegrass Circle,
Dan Crosland	Dan Crosland	4070 Rose park Dr WL
MARY RAETHKE	Mary Raethke	6240 FAIRING ST WL
Brenda Turner	Brenda Turner	3920 N. Hampton St. WL
MARTHA RIAL	Martha Rial	21430 Goosepark Ct.
Charles Mathews	Charles Mathews	3443 Chippewa Ct West Linn
Tammy Gann	Tammy Gann	21360 S. Shapansky Rd West Linn

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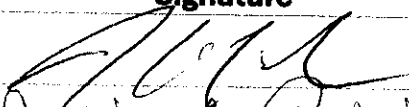
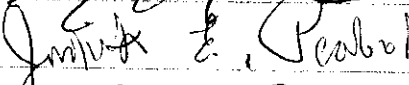
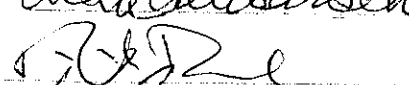
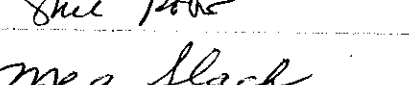
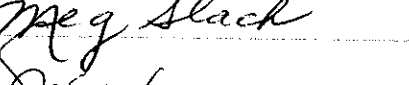
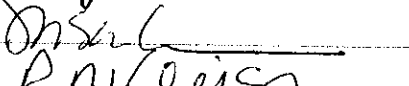
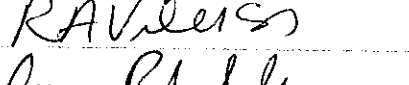
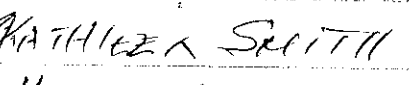
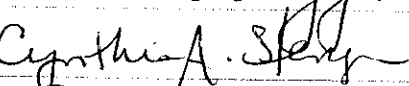
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Printed Name	Signature	Address
Wendy DuBois		²⁴⁹⁸ 2469 Crestview Dr, WL
Ashley Leonard		2469 Crestview Dr. WL
Richard DuBois		2498 2469 Crestview Dr. WL
Michael Leonard		2469 Crestview Dr. WL

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Printed Name	Signature	Address
Jeff Crawford		2450 Warwick St West Linn, OR 97068
Judy Flabody		2270 Sunset Ave, West Linn OR 97068
DIANA PETERSON	DIANA PETERSON	19363 Williamsfield Dr #510, WL / OR 97068
RAJASINGH ISRAEL		905 Springtree Ln West Linn OR 97068
Kirstin Bawn		2450 Warwick St West Linn OR 97068
Sheri Roberts		3100 SW Schaeffer Rd West Linn, OR 97068
Meg Slack		19720 Spring Ridge Dr West Linn OR 97068
SUSAN LARSON		1975 Ostrum Rd WEST LINN 97068
RITA VILEISIS		19090 Kantarra West Linn, 97068
Jenna Rohrbacher		3969 Ridgewood Way West Linn
Julia Simpson		1611 Killatney Dr. WL 97068
	KATHLEEN SMITH	3950 RIDGEWOOD WAY WEST LINN 97068
Kathy Selvaaggio		1611 6th St, West Linn 97068
Cynthia A. Stenger		19936 Derby St. West Linn OR 97068
David Macemon		19936 Derby St West Linn OR 97068

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Printed Name	Signature	Address
Sara Walkenhorst	Sara Walkenhorst	22994 Bland Cir. West Linn, OR 97068
Mike Walkenhorst	Mike Walkenhorst	22994 Bland Circle, West Linn, OR 97068
Jaran Sve	Jaran Sve	1915 Bristol Ct West Linn 97068
Greg Shell	Greg Shell	23121 Bland Circle West Linn 97068
STEVE RANTENBERG	Steve Rantenberg	2615 MICHAEL DRIVE, West Linn
Susanne Kraetschmer	Susanne Kraetschmer	826 Nicole Ct. WL 97068
Patty Nastari	Patty Nastari	1930 Bristol Ct WL 97068
MICHAEL NASTARI	Michael Nastari	1930 Bristol Ct. WL. 97068
MARK L. WILLS	Mark L. Wills	5410 SE HULL AVE 97267 NOT WL

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Printed Name	Signature	Address
Kathie Halicki	Kathie Halicki	2307 Falcon Dr.
Diana Carbaugh	Diana Carbaugh	4690 Sunnyside Way
Michael Piazza	Michael Piazza	3750 Rosepark Dr.
Kimberlee O'Neill	Kimberlee O'Neill	6278 Peakcross Dr.
Jorge Mendoza	Jorge Mendoza	2387 Taylor Dr., 97068
Renee Peterson	Renee Peterson	1252 Willametta Falls Dr. 97061
Thomas M. Perra THOMAS M. PERRA	Thomas M. Perra	1340 S WOODBINE RD
Ken Shotwell	Ken Shotwell	3167 Cottonwood Ct., west Linn

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Printed Name	Signature	Address
Kennedy Ortega	<i>Kennedy Ortega</i>	1628 Killarney Drive West Linn, OR 97068
Jeannie Ortega	<i>Jeannie Ortega</i>	1628 Killarney Dr West Linn, OR 97068
DENNIS ORTEGA	<i>Dennis Ortega</i>	1628 KILLARNEY DR. WEST LINN, OR 97068
Jodi Amato	<i>Jodi Amato</i>	1658 Killarney Dr West Linn, OR 97068
GEORGE HARPER	<i>George Harper</i>	3531 CHICLAN DR West Linn 97068
MARK Vuylsteker	<i>Mark Vuylsteker</i>	5000 Broadway ST 7 West Linn, OR 97068
Catherine Graham	<i>Catherine Graham</i>	2461 Warwick St West Linn, OR 97068
Gerlev	<i>Gerlev</i>	675 Rosemont Rd WL 97068
GARY HAINES	<i>Gary Haines</i>	3477 Chiclan Dr. WEST LINN, OR 97068
E. OMAN	<i>E. Oman</i>	3098 Kensington Ct 97068
PHIL BRUS	<i>Phil Brus</i>	1948 FURLONG DR WEST LINN, OR 97068
Nancy Breen	<i>Nancy Breen</i>	505 SW Long Farm Rd West Linn 97068
JAMES KELLY	<i>James Kelly</i>	19597 Barton St West Linn, OR
Rich Beckman	<i>Richard Beckman</i>	1116 Madison Street Oregon City, OR 97045

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Printed Name	Signature	Address
CARMEN ADAMS	<i>Carmen Adams</i>	5800 Summerlin Way West Linn OR
MATI EVANS	<i>[Signature]</i>	2070 ALPINE DR
Linda Grill	<i>Linda Grill</i>	5395 Summerlin Way WL OR
LEN GRILL	<i>Lenard Grill</i>	" " "
Marilyn Rasmussen	<i>Marilyn Rasmussen</i>	3305 " "
GREGG SWANSON	<i>G. Swanson</i>	6430 SUMMERLIN WAY W LINN OR
CHARLES MATHEWS	<i>Charles Mathews</i>	2305 Crestview DR. OR
Bobbie Mathews	<i>Bobbie Mathews</i>	" " " "
Peter Binn	<i>Peter U. Binn</i>	2301 Chickadee Ct. WL OR
ROBERT MITCHELL	<i>Rob Mitchell</i>	1122 MEADOWVIEW CT. WEST LINN OR 97068

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I believe the Public Interest will be prejudiced by the taking/vacating of a lower portion of Tannler Drive.

Printed Name	Signature	Address
CAROL J Smith	Carol Smith	4575 Summerlin way ^{West Linn}
Cody Watts	Cody Watts	2236 Greene St West Linn
Connie Watts	Connie Watts	2236 Greene St, West Linn
Caitlin Sutton	Caitlin Sutton	3860 Summerlin Drive
Dave Johnson	Dave Johnson	3932 N. Hampton Ct W 2 97068
Sherry Esau	Sherry Esau	6270 Haverhill Ct. West Linn, MO 97068
Beau Harrison	Beau Harrison	13910 SE Aldridge Rd 97082
EDWARD ABEL	Edward Abel	2254 ROGUE WAY, WL 97068

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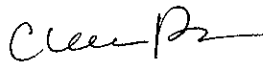
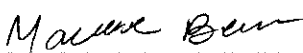
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Printed Name	Signature	Address
April Goehring	<i>April Goehring</i>	2309 Falcon Drive West Linn 97068
Brad Goehring	<i>Brad Goehring</i>	2309 Falcon Dr. West Linn 97068
Tristan Goehring	<i>Tristan Goehring</i>	2309 Falcon Dr. West Linn 97068
Heidi Goehring	<i>Heidi Goehring</i>	2309 Falcon Dr. West Linn, OR 97068
Bev Flaminio	<i>Bev Flaminio</i>	3030 Reganston WL 97068
Debra Garcia	<i>Debra Garcia</i>	19555 Willamette Dr #397068
Lara Mullins	<i>Lara Mullins</i>	535 Springtree Ln 97068
Sandra Rowland	<i>Sandra Rowland</i>	3537 Chelan Dr. West Linn, OR 97068
Phil Cherk	<i>Phil Cherk</i>	2350 S.W. HA HARKINS
Keith Brush	<i>Keith Brush</i>	3760 Mapleton WEST Linn. 97068
Grant Loriaux	<i>Grant Loriaux</i>	9744 West Linn OR
JOSE FLOOD	<i>JOSE FLOOD</i>	3675 Deschutes Ln, OR
Quiky FLOOD	<i>Quiky FLOOD</i>	3075 Deschutes Lane, WL
Janina Kraetschmer	<i>Janina Kraetschmer</i>	826 Nicole Ct. West Linn, OR 97068
Vanessa Kraetschmer	<i>Vanessa Kraetschmer</i>	826 Nicole Ct. West Linn, OR 97068

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Printed Name	Signature	Address
Caitlin Burns		2165 Alpine Dr
Megan Burns		2165 Alpine Dr.
Mike Burns		2165 Alpine Dr.
Sophia Burns		2165 Alpine Dr.
Maddie Burns		2165 Alpine Dr.
DANIEL EMMI		6102 CENTER LN.
PHILIP WILBERTSON		2200 MICHAEL DR.
LANAN RUPP		307 SNOW LN
DEB BERGGREN		2357 TAYLOR DRIVE
Matt Hendrix		1603 19th
Prot Vandeype		1055 Snidow Dr.
Kaitly Carlson		10635 SW Mundock LN
DEB BERGGREN		
Linda J. Birn		2301 Chickadee Ct.
Vickie Cosentino		3012 Deschutes Lane

(14) (13) (14)

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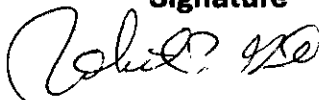
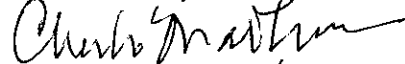
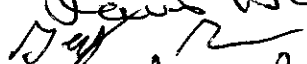
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Printed Name	Signature	Address
LESLIE A. WALSH	Leslie A. Walsh	5890 Summerlenn Wy West Linn, OR
LAWRENCE P. WALSH	Lawrence P. Walsh	5890 Summerlenn Wy West Linn, OR
Jon Overen	Jon Overen	5800 Summerlenn Wy West Linn, OR
Debbie Keller	Debbie Keller	5600 Summerlenn Wy
Jane Klein	Jane Klein	3351 SW Turner
JEFF HENSEN	Jeff Hensen	3351 SW TURNER RD
Ellen Derr	Ellen Derr	1340 S Woodbine Rd

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Printed Name	Signature	Address
Robert B. Giler		4935 Summerlin Way ^{West Linn}
Karen Better		4975 Summerlin Way ^{West Linn} 97068
Debbie Keller		5600 Summerlin Way, W.L.
Charles Mathews		2305 CRESTVIEW DR, W.L.
Bobbie Mathews		2305 Crestview Dr. - WL
Timur Chabuk		1835 Bay Meadows Dr. WL
WILLIAM BRADLEY		4050 SUMMITLINN WAY WL
TIMOTHY SELEN		1747 5 TH AVE WL
Larry Sheeley		22760 SW Johnson Rd WL
Randy Gibson		2631 Oregon City Blvd WL
MARK ALLSUP		3264 Forest Ct, WL 97068
Paris Hancock		5345 Broadway WL
Geoff Graham		2461 WARMICK ST WL
JASON FERRELL		2503 SATTER ST, WEST LINN
CINDY BRUS		1948 Fullong Dr. W.L.

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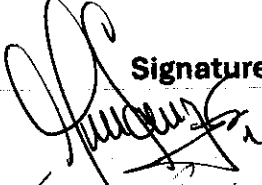
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Printed Name	Signature	Address
O. Jerry Andersen	<i>O. Jerry Andersen</i>	5055 Linn Lane
ANDREA ANDERSEN	<i>Andrea Andersen</i>	5055 LINN LANE WL
Bonnie David	<i>Bonnie David</i>	2017 19th St WL

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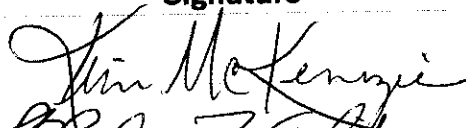
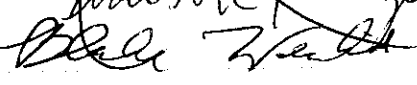
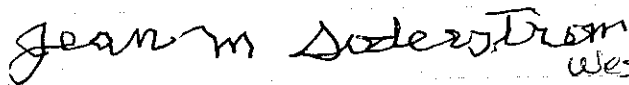
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Printed Name	Signature	Address
Glenda Urizar		22121 Horizon Dr. West Linn, OR 97068
BARB PUCHY		22733 W Bluff W. Linn, OR 97068
Mike Barnes		22193 Horizon Dr. West Linn, OR 97068
Andrew Riemer		22709 W Bluff CT W. Linn

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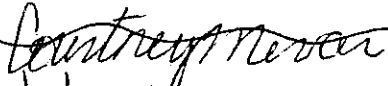
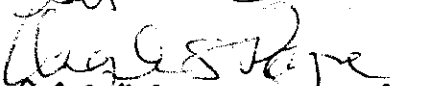
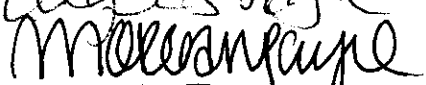
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Printed Name	Signature	Address
Jim McKenzie		22123 Horizon Dr.
Stacey Weichert		West Linn, OR 97068
		22114 Horizon Dr
Jean Soderstrom		22130 Horizon Dr
BRIAN SINGER		West Linn OR 97068
		1521 11th St
		WEST LINN OR 97068

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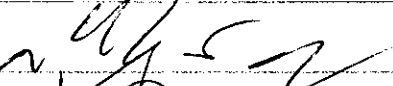
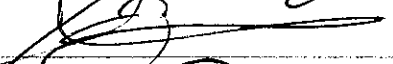
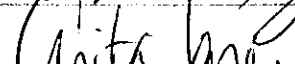
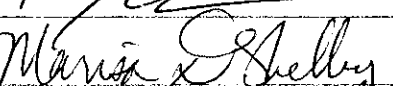
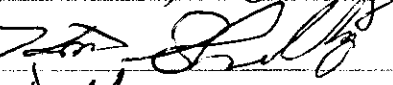
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Printed Name	Signature	Address	not w/
Courtney Mercer		12990 Jays Drive, Oregon City OR 97045	
Grant Morgan		u	not w/
Angela Kayne		2368 Falcon Dr. West Linn OR 97068	
Morgan Payne		2378 Falcon dr. West Linn OR 97068	
DOUG PAYNE		2378 FALCON DR WEST LINN, OR 97068	

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Printed Name	Signature	Address
Liz Carrese		2539 Limerick Ln, West Linn OR 97068
Anthony Carrese		2539 Limerick Ln, West Linn OR 97068
HOWARD J. ANDERSON		1632 PAUL PLACE
SCOTT ZURBENIT		2550 KENWORTH CT
Don DeCambra		2013 Virginia Ln
Tom Murtagh		2551 TROY CT. West Linn
Anita Lane		23130 Blvd Ln, West Linn, 97068
Dolan Lane		23130 Island Cir West Linn 97068
Marisa Shelby		2685 Coeur d'Alene Dr, West Linn 97068
Kent Shelby		2685 Coeur D Alene Dr. West Linn 97068
DAWN WELLENBRINK		2383 MARGERY ST WL 97068
SCOTT WELLENBRINK		2383 MARGERY ST WL 97068
Rodney L. Rose		1615 Jamie Cir West Linn
Sharon Olsen		2060 Sunray Cir W.L.

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Printed Name	Signature	Address
PAT RUSHTON	Patricia J Rushton	2585 REMINGTON DR.
STEPHEN RUSHTON	[Signature]	2585 REMINGTON DR. WEST LINN
Justin Schmidt	[Signature]	2560 Remington Dr. West Linn
Dale Laird	Dale Laird	2580 Remington Dr. W.L.
Mar Udagawa	Krista Badger	2590 Remington Dr - W.L.
Jeremy Hapler	[Signature]	2570 Remington Dr. W.L.
Victoria N. Laird	Victoria N. Laird	2580 Remington Dr.
Joseph Badger	[Signature]	2590 Remington Dr
Morgan Benson	[Signature]	2575 Remington Dr
Cari Benson	[Signature]	2575 11

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Printed Name	Signature	Address
Virginia Bauer	Virginia Bauer	22880 W. Bluff Dr. West Linn OR 97068
Diana Kerman	Diana Kerman	19087 Kantana Ct West Linn OR 97068
Phillip Kerman	Phillip Kerman	19087 Kantana Ct West Linn OR 97068
Lois Hawkins	Lois Hawkins	22921 W. Bluff Dr. West Linn OR 97068
Lois Hawkins	Lois Hawkins	22880 W. Bluff Dr. West Linn OR 97068
Saher Khan	Saher Khan	22921 W. Bluff Dr. West Linn OR 97068
BLAIR HEINTZ	Blair Heintz	22914 West Bluff Drive West Linn, OR 97068
GWYNETH BALL	Gwyneth Ball	22903 W. Bluff Rd. W.L.
A.J. GIARDINA	A.J. Giardina	22901 W. Bluff Dr. West Linn OR 97068
PHYLLIS WOODS	Phyllis Woods	22902 W. Bluff Dr. West Linn OR 97068
Christine Desheria	Christine Desheria	22843 W. Bluff Rd. West Linn OR 97068
Joe Hilliard	Joe Hilliard	22812 W. Bluff Dr. West Linn OR 97068
Pamela Kelleas-Hilliard	Pamela Kelleas-Hilliard	22812 W. Bluff Dr. West Linn OR 97068
Vuong Tran	Vuong Tran	22606 W. Bluff Dr. West Linn OR 97068
Ziv Anchel	Ziv Anchel	22608 West Bluff Dr. West Linn OR 97068

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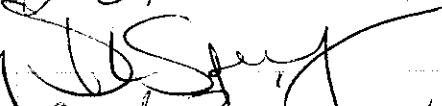
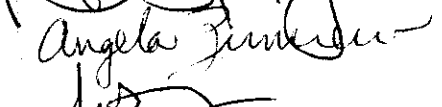
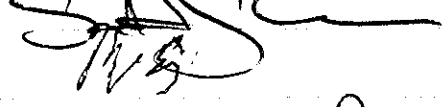
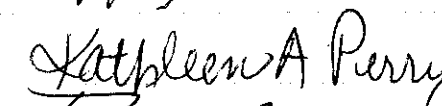
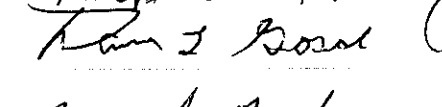
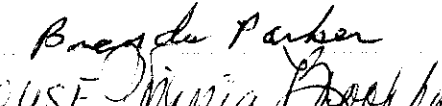
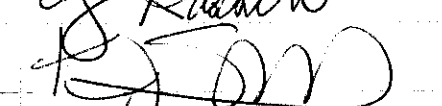
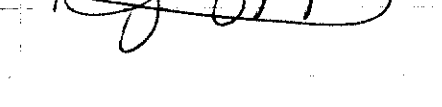
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Printed Name	Signature	Address
Rij Nathan	K Ray	1955 Taylor Ct, West Linn
William Zetler	William Zetler	3016 Sable Lane, W.L.
Patricia Tama	Patricia Tama	4800 Summerlin Way
Jill Gruen	Jill X Gruen	1974 Hall St. W.Linn
Ruth Buccino	Ruth Buccino	1984 Hall St. West Linn
ANTHONY BUCCINO	Anthony Buccino	" " " "
JOHN GRUEN	John Gruen	1974 HALL ST WL
Theresa Cummings	Theresa Cummings	2190 Valley Ct West Linn, OR
Pat Kelly	Pat Kelly	6249 Sable Lane W.L.
Henry Achcar	Henry Achcar	2243 Greene St
SYDNEE ACHCAR	Sydnee Achcar	"
Paul Argenti	Paul Argenti	2425 Remington Drive, W.L. OR 97008
JOE BENON	Joe Benon	3320 Barrington Dr W.L. 97065
Tom Clausen	Tom Clausen	3330 Barrington Dr. 97065

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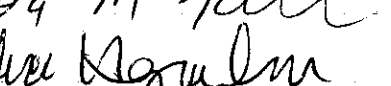
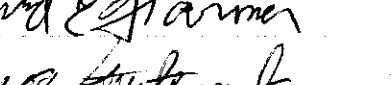
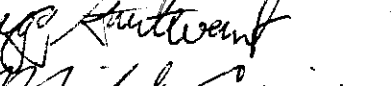
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Printed Name	Signature	Address
Laura Tesiero		4555 Summerlinn Way West Linn OR 97068
Deborah Spelleary		6440 Summerlinn Way 97068
Angela Zimmerman		6301 Summerlinn Way 97065
Jonathan Wemy		3620 Summerlinn Dr West Linn, OR 97068
Scott Chapple		5555 Summerlinn Way Mr. Bernd Scholz 5355 Summerlinn Way West Linn, OR 97068
Bernd Scholz		
Kathleen A Perry		4505 Summerlinn Way West Linn OR 97068
PAULA L GOSCH		5135 Summerlinn Way West Linn 97068
BRENDA PARKER		4495 SUMMERLINN WAY WESTLINN, OR 97068
VIRGINIA BROOKHOUSE		4395 SUMMERLINN WAY West Linn, OR 97068
Mary Kossiter		6000 Summerlinn Way West Linn, OR 97068
Kelsey Staats		5505 Summerlinn Way West Linn, OR 97068

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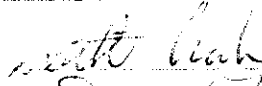
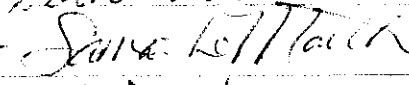
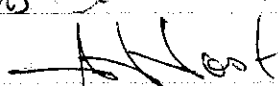
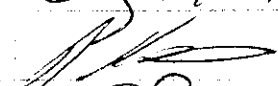
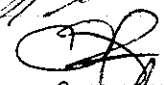
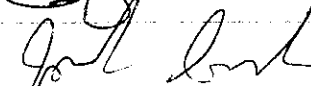
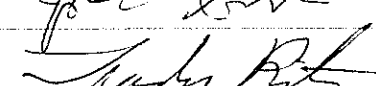
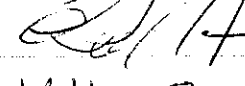
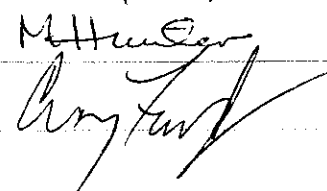
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Printed Name	Signature	Address
CHRIS CONTRERAS		5335 SUMMERLIN WAY
Joyce Ann Michael		4705 Summerlin Way
Deborah Jones		
Deborah Jones		6775 Summerlin Way
Lisa Farmer		6355 Summerlin Way
Quince Aguilar		6450 Summerlin Way
DORIS SWANSON		6430 SUMMERLIN WAY
Kathy Fessler		6290 Summerlin Way
David F Farmer		6355 Summerlin 97068
Gregg Sturtevant		5630 Summerlin Way 97068
Michelle Cingre		5630 Summerlin Way
Toni Ewalt		5595 Summerlin Way
Devon Singrey		5840 Summerlin Way
William Barger		6060 Summerlin Way W/L
TANA BARGER		6060 Summerlin Way, W/L

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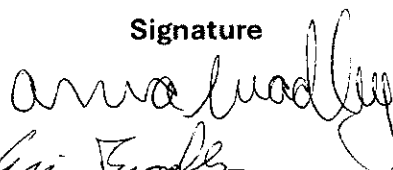
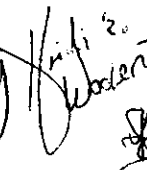
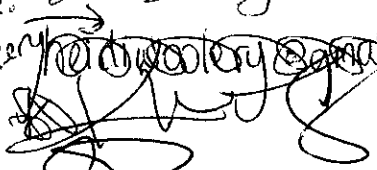
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Printed Name	Signature	Address
Scott Cook		2125 Greene St. West Linn OR 97068
Samantha Matthews		2125 Greene St, West Linn, OR 97068
GREG FOSTER		1610 19th ST 97068
Kerry Rivers		2389 Debut Rd. West Linn OR 97068
Greg Masson		1975 Alpine Drive 97068
Noah Kamp		1796 8th Ave West Linn
Stephanie Card		6102 Center Lane West Linn, OR 97068
John Sramels		2738 Sunset Ave West Linn 97068
Trudy R. K.		22845 Safford Rd. Tualatin.
BARRY NAONE		22615 SW WISKY ROAD
KALISTA NAONE		22615 SW Wisky Rd. 97068
Bob BeRo		24108 Sweetbrier Rd 97068
Russell Danielson		1926 Aztec Ct W 97068
Meredith Hunter		2270 19th St W 97068
Craig Farley		21370 Horton Ct W 97068

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Printed Name	Signature	Address
Anna Bradley		2637 Umpqua, West Linn, OR
Eric Bradley		2637 Umpqua Ln, West Linn, OR
Heidi Woolery		2640 Umpqua Lane, West Linn, OR
Kevin Woolery		2640 Umpqua Lane, West Linn, OR 97068
Eric Rouleau		2465 River Heights Cir, WL OR 97068
STUART STRANER		1196 S. WOODBINE, WEST LINN, OR 97068
Karie Oakes		1125 Marylhurst DR, West Linn

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Printed Name	Signature	Address
Mary K. Bartrom	<i>Mary K. Bartrom</i>	2102 Greene St. West Linn
Arthur J. Rasmussen	<i>Arthur J. Rasmussen</i>	5305 Summerlinn Way
PATRICIA FOSTER	<i>Patricia Foster</i>	40124 HORIZON DR WL OR 97068
Marilyn Rasmussen	<i>Marilyn Rasmussen</i>	5305 Summerlinn Way West Linn OR 97068
Kurt A. Child	<i>Kurt A. Child</i>	4260 Summerlinn
Barbara H. Bridge	<i>Barbara H. Bridge</i>	3585 Summerlinn Dr.
Greg Rossiter	<i>Greg Rossiter</i>	6000 Summerlinn Way
PAUL MOLNAR	<i>Paul Molnar</i>	2310 CRESTVIEW DR. WILLAM
PATRICIA RUSHTON	<i>Patricia Rushton</i>	2585 REMINGTON DR

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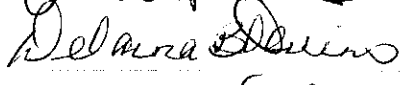
Kath S. Swanson Kathie Swanson 4701 Summerlinn Way
West Minn

WALTER A. SWANSON Walter A. Swanson 4701 Summerlin way
west Linn

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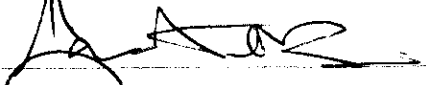
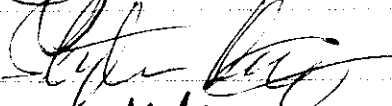
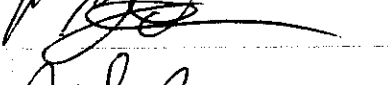
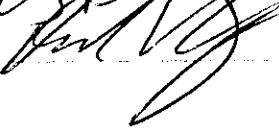
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Printed Name	Signature	Address
Mina Utgaard		22184 Horizon Dr. West Linn, OR 97068
Delana Blevins		22182 Horizon Dr. West Linn, OR 97068
Candace Trout		22183 Horizon Dr. West Linn 97068
Aubrienne Trout		22183 Horizon Dr West Linn 97068

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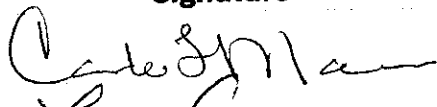
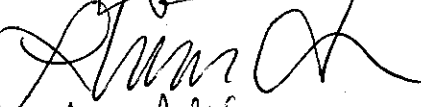
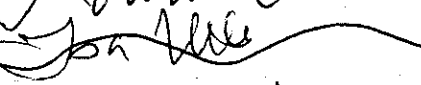
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Printed Name	Signature	Address
LORETTE EVANS		2070 ALPINE DR WEST LINN, OR 97068
Glenn DeBene		2048 ALPINE DR West Linn, OR 97068
JENN Petrin		4225 SUSSEX ST West Linn, OR 97068
Stephen Keresztes		4207 Summer Rain Drive West Linn, OR 97068
Matt Nowak		2585 HAZELING RD West Linn, OR 97068
BEN FINKLEA		14810 SPRING RIDGE DR W.L.
Brenda Parker	BRANDA PARKER	4995 SUMMER LINDWAY WEST LINN OR 97068
Tony Oakes		1125 MOYTHOIT DR West Linn, OR 97068
Take Douma		2467 Troy Ct, West Linn OR 97068
W Steven Bursey		25210 Ranch Lake Ct. West Linn OR 97068
Derek Vicks		14661 Sun Cir West Linn 97068

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Printed Name	Signature	Address
Carole L. Mann		5830 Summerlawn Way West Linn, OR 97068
Lorne Cross		22660 Ponderay Dr West Linn, OR 97068
SARAH HALLAS		4292 Riverview Dr West Linn, OR 97068
RAMIAH RAMASUBRAMANIAN		1995 Alpine Road West Linn OR 97068.
STEVEN DEWITT		20967 NOBLE LN 97068
Shannon Johnson		3932 N Hampton Ct West Linn OR 97068
Lisa Wills		5410 SE Hill Ave Portland OR 97207 (NWHL)
Kathy Kipperberg	Kathy Kipperberg	1709 Blankenship Rd West Linn, OR 97068
Jessica Trout	Jessica Trout	4455 Simpson St West Linn, OR 97068

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Printed Name	Signature	Address
MARILYN K. GRANT	Marilyn K. Grant	2131 Greene St. West Linn OR 97068

(1)

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Jeanette Larson	Jeanette Larson	6060 Summerlin Way West Linn, Or 97068
LEN & LINDA GRILL	Donald Grill Linda Grill	5395 SUMMERLIN WAY
Mary Witty	Mary Witty	5501 Summerlin Way
Michelle Sue	Michelle Sue	1915 Bristol Ct West Linn OR 97068
Nigel Lumby	Nigel Lumby	4292 River View Drive 97068
Susan Allen	SUSAN ALLEN	21975 CHELAN LOOP WEST LINN 97068
Julianna Guy	Julianna Guy	4455 Simpson St West Linn OR 97068

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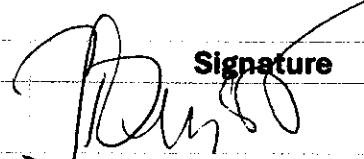
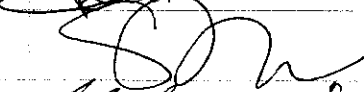
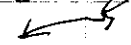
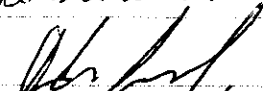
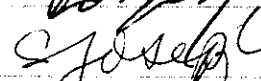
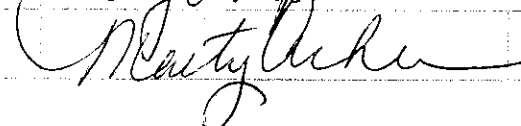
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Printed Name	Signature	Address
BRUCE THOMPSON	Bruce Thompson	2276 SAINT MORITZ LOOP
Marg Witty	Marg Witty	5501 Summerlin Way
Keri Fisher	Keri Fisher	5301 Summerlin Way
Debbie Susujara	Debbie Susujara	1121 Ryan Ct.
Judith K. Thompson	Judith K. Thompson	2276 SAINT MORITZ LOOP
Richard Ellis	Richard Ellis	2398 Taylor Drive, WL OR 97068
DAVID DODDS	David Dodds	18931 Old River Dr.
STEPHEN RUSHTON	Stephen Rushton	2585 REMINGTON DRIVE WEST LINN OR 97068
BOB PETERSEN	Bob Petersen	3030 REMINGTON DR WEST LINN OR 97068
Stacy LeMay	Stacy LeMay	1568 SW STRIGHTUP RD FOREST GROVE OR 97116
Kym Devault	Kym Devault	20091 Noble Ln West Linn, OR 97068
Mallory King	Mallory King	2380 19th St West Linn 97068

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I believe the Public Interest will be prejudiced by the taking/vacating of a lower portion of Tannler Drive.

Printed Name	Signature	Address
Benjamin Kervag		2218 Tanner Dr. W.L.
Don Finkins		2218 Tanner Dr.
Sarah Shicki		2235 Tanner Dr.
Nathan. & Shicki		2235 Tanner Dr
Barbara Udell	 Barbara Udell	2255 Tanner Dr.
Adam Joseph		23136 Bland Cir
Stephane Joseph		23136 Bland Cir
Marty Archer		Huachuca West Line

8

ORS 271.120 defines the legal standard regarding the City Council's review and decision of a Petition to Vacate. The statute also grants the City Council broad discretion in determining whether the Public Interest would be prejudiced by the Petition to Vacate. It is important to note that the initial discussion of this application for 314 apartments and 10,500 sq. ft. of commercial office space on Tannler Drive included a vacation of the lower portion of Tannler Drive. That has now been removed, even though a taking or vacation of that street portion must be done for this development to be completed as proposed.

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Printed Name	Signature	Address
Lizbeth Thomas	Lizbeth Thomas	2613 Umpqua Lane, West Linn
Richard Thomas	[Signature]	2613 Umpqua Lane, West Linn, OR

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[illegible]

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[illegible]

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I believe the Public Interest will be prejudiced by the taking/vacating of a lower portion of Tannler Drive.

Printed Name	Signature	Address
BARBARA BRUNDAGE		5505 SUMMERLIN WAY WEST LINN, OR 97068
CHRISTOPHER COLBATE		6575 SUMMERLIN WAY WEST LINN, OR 97068
HOME ADDRESS :		1105 KAMOOKOA PLACE HONOLULU, HI 96825

2

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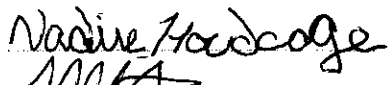
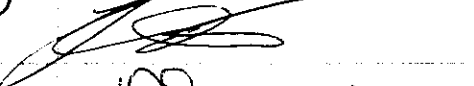
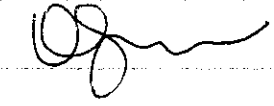
I believe the Public Interest will be prejudiced by the taking/vacating of a lower portion of Tannler Drive.

Printed Name	Signature	Address
Teresa Delgado	<i>Teresa Delgado</i>	3084 Remington Dr
Theresa Lummings	<i>Theresa Lummings</i>	2190 Valley Ct. West Linn ⁹⁷⁰⁶⁸
Nancy Bush	<i>Nancy Bush</i>	6705 Springtree Ln, West Linn OK

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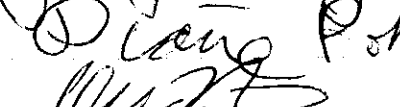
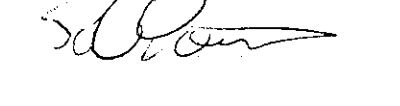
I believe the Public Interest will be prejudiced by the taking/vacating of a lower portion of Tannler Drive.

Printed Name	Signature	Address
Bret Renger		23040 Bland circle WL
Kachael Houdage		23040 Bland cis
Olivia Baranzano		23040 Bland cit WL
Nadine Houdage		23040 Bland cie WL
Mika Baksay		3420 Ponderosa loop
Thomas Baksay		3420 Ponderosa loop
Debra Lim		3470 Belknap Dr.

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I believe the Public Interest will be prejudiced by the taking/vacating of a lower portion of Tannler Drive.

Printed Name	Signature	Address
Hannah Schroeder		1122 Meadowview Ct. West Linn 97068
Jennifer Aberg		1088 9th St West Linn 97068
Diane Pohl		3041 Maxfield Dr. 97068
Quinn Mitchell		1122 Meadowview Ct. West Linn 97068
MATT HARVEY		1134 Meadowview Ct. W.L. 97068
Seamon Yung		3247 JOURNEY CT. W.L. 97068

Wyss, Darren

From: gregg sturtevant <greggr5@yahoo.com>
Sent: Thursday, July 30, 2026 1:11 PM
To: Wyss, Darren
Subject: Written testimony

[You don't often get email from greggr5@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Dear Mr. Wyss,

I am writing to you regarding Tannler Drive Application DR-25-04/LLA-25-02 and I am asking that you reject this application.

My name is Gregg Sturtevant and I am a resident and Citizen of West Linn, Oregon. I am deeply concerned about the proposed development on the hill across from Park Rose Hardware.

While I understand that building on that hill is not a bad idea for future growth of West Linn, it appears that the applicant is attempting to skirt several community development codes in his application. I find his proposal completely unreasonable and downright dangerous to the people who live in the area.

In regard to the Vacation/Realignment of Tannler Drive there are multiple issues. The changes to the thoroughfares that are being proposed would cause a major backup of vehicles in and out of this area during morning and evening commutes and during any emergency evacuations.

According to CDC 85.170 the proposed development should be taking into account how bicyclists and pedestrians are affected by proposed development. In this proposal there are 8 entrance and exit points onto Tannler Drive from the Development. These transition points will cause significant issues for pedestrians and bicyclists walking and riding through the area if not managed properly.

It is my understanding that the applicant is also asking for bike lanes to be removed and sidewalks to meet the street curb which is in violation of the standard discussed in Chapter 96 of the CDC. These requests by the applicant if approved are going to create extremely dangerous conditions on this road. With the popularity of E-Bikes growing, especially with little to no available parking, I foresee several accidents and possible fatalities if this application if approved with these requests. The applicant has provided nothing to address how these transition points will be safely managed.

Regarding the Traffic Impact Analysis, the new West Linn Operations Complex is being built very close to this proposed development and the traffic generated from this complex was not taken into account by the traffic analysis provided with this current application. Salamo and Blankenship and 10th is a major intersecting point close to the exit and entrance to the 205 and as such should be able to flow properly. The proposed development will cause major backups into, out of, and through this area.

In addition to this proposal causing unsafe driving conditions, the proposed development would also detract from the beauty of our city. According to CDC 54.030 there has to be planting strips for any modified and new streets. In keeping with the tradition of our beautiful state of Oregon and our beautiful City of West Linn, I feel that past city planners understood the importance of keeping as much of our community green as possible not only to allow us to enjoy the

beauty of the area in which we live but also to protect wildlife. Green areas also allow for any additional run off especially on a hill to be absorbed, not allowing for flooding at the bottom of a hill. I moved to this city several years ago because of its beauty. Being 62 years old, I have moved to and lived in many cities from the East Coast to the West Coast and have not lived in any as beautiful as West Linn. I often wonder with all of the proposed development if people who have not lived elsewhere understand how good they have it here. It would truly be a shame if this beautiful city started to become just another ugly city made of concrete with no foresight to the consequences of removing green spaces. It feels to me that this applicant is just looking for another way to cram more buildings into a small area without a thought about the consequences for those who live in this area.

The applicant has not met the requirements to be able to have this application approved and has requested a development that will take away from the natural beauty of our area but will also make it dangerous for those who live here, while asking you to approve an application that violates several of our community development codes and for these reasons I ask you to reject the application.

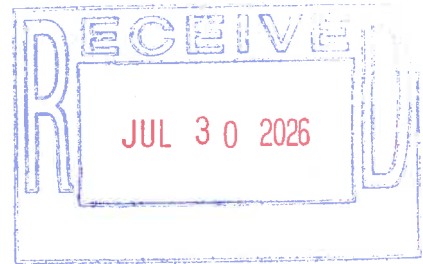
I would very much appreciate it if you would send me confirmation that my written testimony has been received.

Thank you so much for your reading my letter,

Sincerely yours,

A very concerned citizen,

Gregg Surtevant



Darren Wyss, Principal Planner

Dear Mr. Wyss and members of the planning commission,

First of all, please send confirmation that my testimony has been received. My testimony is related to application DR-25-04/LLA-25-02. I would also ask that my testimony be included in the public record for the application.

I strongly oppose the application. There are numerous reasons that I oppose this application, but I will focus on one glaring problem, and that is the vacation/realignment of Tannler Drive. By rerouting Tannler Drive through the development, travel times will slow, especially between Greene Street and Blankenship Road in both directions, which would impede morning and afternoon people commuting to work. Also, the stores and restaurants located in that area presently would be negatively affected. The neighbors in the area have not been allowed to vote on this takeover of our street. Clearly, this is not in the public interest.

This rerouting of Tannler also has a personal component to our family. My wife is a physician, and when we bought our house in 2011, one of the selling factors was the ease to get onto I-205, going north to Clackamas and the hospital. Sometimes she is called in and must be at the hospital in minutes. It turns out our next door neighbor is also a physician and needs to get to the hospital quickly when called in.

I wholeheartedly oppose the application and ask the planning commission to deny the application.

Sincerely,

Paul Olenginski

2425 Remington Drive

West Linn, OR 97068

Wyss, Darren

From: Michele Cinque <mcinque11@yahoo.com>
Sent: Thursday, July 30, 2026 12:26 PM
To: Wyss, Darren
Subject: DR-25-04/LLA-25-02 Opposition

You don't often get email from mcinque11@yahoo.com. [Learn why this is important](#)

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

Dear Mr. Wyss,

This email is to state my opposition of the application DR-25-04/LLA-25-02.

I am a resident of West Linn and own property in the Madison Height Condominiums adjacent to the property of the proposed application. As part of this community, I am very familiar with this piece of land, White Oak Savanna, the surrounding neighborhoods and roadways. I travel them everyday. When this proposal first came to light back in September 2025, I was concerned by the size and density of the the proposed mixed use development. The closing, or what is being called the rerouting of Tannler Dr through the mixed use development does not appear to benefit in any way the residents living in the area or people using these streets as access points for commuting locally or via the 10th street interchange.

Because of the newly passed bill HB 4037, it appears that all issues and concerns related to established city codes are being dismissed and overridden in favor of the developer. How can we the people who live, work, own property, and have a real stake in this community not be heard? Isn't it our constitutional right? How can the codes established by the City to protect and provide safe, responsible growth and decision making to this beautiful city no longer hold any authority or value?

I believe I am in the majority of citizens who recognize more housing is a big priority for all cities. As proposed in the application, this development does not meet many of the requirements the city codes require. Many of the application and code requirements that were required for approval by all past applicants in West Linn have been not been met by this current application. For many of us, HB 4037 favors the applicant's rights over our constitutional rights to be heard and be afforded due process.

The issue for zoning for this property is Office Business Center CDC 21.010. My understanding is the applicant is using SB 1537 to create several all residential buildings on the property and this is not allowed in OBC zoning. OBC zoning requires that every building must include a commercial component on the first floor. This is not what the applicant is planning to build on the property. The commercial spaces will be reduced to 3/4 of the

buildings positioned directly along Blankenship. The majority the densely spaced buildings will be only residential.

Per the applicant, Vacation/Realignment of Tannler Drive will meet the requirements of the West Linn Transportation System Plan. The application can meet the requirements of the TSP by completing project M20 instead of realigning Tannler Drive. Realigning Tannler Drive is not in the best interest of the neighboring communities and will create many issues for residents. It is hard not to imagine how commuters travel time will be impacted and the additional traffic slowing and back ups, as vehicles attempt to enter/exit Blankenship Road. Response times for police/fire and emergency responders will most likely be slowed, as well as emergency evacuations due to earthquakes, fire, etc. The area can already be overwhelmed during the morning and evening commutes. Safety and liability issues for cyclists, e-bikes, and pedestrians must be factored in with increased traffic flow and congestion.

The applicant is asking for design exception to requirements of section CDC 54.030. This violates clear and objective standards of the CDC 55.105 (A). The applicant wants to eliminate the planting strip improvements, which act as a buffer and extra space between the roadway and sidewalks. These planting strips add to the aesthetic of our existing beautiful green lined streets. Eliminating these planting strips is only beneficial to the applicant's need to accommodate the density of the buildings to constructed in this small area.

Thank you for your consideration of my objections to this application. There are many more issues involved in why this application is not the right fit for this space. It is my understanding the applicant has not been willing to modify/downsize the scope and density of the buildings on the application for this site. In my opinion this is unfortunate. This application has not met the standards and codes required of all preceding applications within the city. It does not not provide critical information that is necessary and should be required to make the best, most informed decisions and plan going forward. With so many details unknown, it is hard to imagine how this may negatively effect not only the residents and neighborhoods, but the city of West Linn itself.

After my first year living in West Linn, I felt like I had hit the jackpot. I came to appreciate the thoughtful and careful planning that leadership put into the creation, growth,

and maintenance of this beautiful city. I have never felt as safe, and as much a part of a community which strives to preserve and protect the natural landscape, wildlife, and community spirit. West Linn is a very special place. I believe as citizens and community members, we should always have a voice in helping our leaders make the most thoughtful and balanced decisions to meet the needs of our communities. Please help us in this endeavor.

I am opposed to application DR-25-04/LLA-25-02. I am asking the Planning Committee to deny this application.

Please send me a confirmation email that you have received this email.

Sincerely,

Michele Cinque
5630 Summerlinn Way
West Linn OR. 97068

An analysis of various aspects of the “Modera” multiunit apartment development plan.

I was asked by the group “Tannler Development Facts’ headed by Ed and Roberta Schwarz to review the proposed Modera development plan with a particular eye to any problems with the application by the applicant “Mill Creek Residential Trust”, (thereafter the “applicant”) that in my opinion might warrant denial of the proposal or at the least require a different site plan such that the application would need to be withdrawn and resubmitted.

I grant Ed and Roberta Schwarz the right to share this report with whomever they wish. I only ask that anyone given this report be given the complete report including appendixes unless I give express permission otherwise. I received no compensation for this report and did this purely for concern for the West Linn community and its quality of life.

Let it be explicitly stated that I am not an attorney or an engineer and am not representing myself to be one. Furthermore, this report should be read with the clear understanding that the observations and analysis are my opinions and not declarative statements of fact. I have thoroughly reviewed the materials available to me and in all cases attempted to be as accurate as possible and any errors in this analysis are entirely unintentional. I have not attempted to cover every aspect of this application, only those parts that I thought were most germane and relevant. The report has the following sections: Geotechnical site excavation and grading, Stormwater, Lower Tannler Drive right of way (ROW) and street vacation issues, and Miscellaneous issues.

Materials referenced in the report include the following:

Modera development application (application) prepared by Harper, Houf, Peterson, Righellis Inc. (HHPR) dated February 27, 2026.

A geotechnical analysis of this site by Columbia West Engineering (CW) dated September 16, 2025 (CW 2025).

A preliminary stormwater management report by HHPR dated February 2026 (HHPR 2026)

A geotechnical report for the same site by GeoDesign Inc. (GD) dated July 28, 2014 (GD 2014)

A preliminary stormwater management plan for the same site from OTAK dated July 10, 2015 (OTAK 2015)

A geotechnical report for the same site from GeoDesign dated April 11, 2005 (GD 2005)

A stormwater report (same site) from Group Mackenzie dated August 22, 2006 (GM 2006)

The West Linn Community Development Code current as of January 13, 2026 (CDC)

West Linn Stormwater Management Manual dated May 2025 (SWMM)

The West Linn Transportation Systems Plan dated March 28, 2016 (TSP)

A note about pagination, sometime after 2005 the City planning department must have stopped requiring a uniform pagination system for applications making it cumbersome to cite source materials. Therefore, I have included copies of various pages from sources in appendix pages with the following pagination (source), best approximation of page from source and appendix page number, for example (GM 2006) (Page 13) (appendix page 1). Except for the City codes and manuals, I will be returning all the source materials to the Schwarz's after completion of this report.

Geotechnical, grading and Excavation.

All the geotechnical reports are very similar in their overall findings and recommendations. The site is described in all three as mildly to steeply sloping with the slope rising upward from the south to the north. All three note that the soil is silt, gravel with occasional clay. The soil sits atop intact basalt bedrock with a layer of eroded and broken basalt before encountering solid bedrock, (GD 2005) (page2), (GD 2015) (pages 2-3) and (CW 2025) (pages 3-4). Each geotechnical report had test pits dug to determine soil composition, groundwater seepage and depth of soil before bedrock was encountered. The 2005 report had 9 test pits dug, the 2015 17 pits and the 2025 10 pits. The 2015 report did find groundwater seepage in three test pits despite the 2015 excavations occurring during particular hot and dry conditions.

Somewhat confusingly the CW 2025 report includes test pits done by GD from 2006 not from 2005. Except for the test pit data, I did not review the GD 2006 geotech report, because it was unavailable, but given that 2005 and 2015 reports

are very similar it may be assumed that the 2005 and 2006 reports are similar except that the 2006 test pits were dug in the summer as opposed to the spring for the 2005 report. The CW2025 report relies on 33 test pits from the 2006, 2051 reports and 10 additional pits in 2025. The CW report, therefore, relies on a total of 43 test pits for its investigation CW 2025 (page 3, section 5.3) (appendix page 1)

All three reports find the soil to be of low permeability and is useable as fill only if properly dried (GD 2005) (section 4.4.2, page 5). GD 2014 (page 7) states “silty soil will be difficult if not impossible to adequately compact at all times of year, except the dry summer months”. CW 2025 states “project stakeholders should understand that wet weather construction is risky and costly” (page 13) (appendix page 2).

As a consequence, I recommend that respondents to this application demand that if approved that all excavation, grading, filling foundation and retaining wall work be limited to the five driest months of the year. Basis for this demand would be supported by CDC 55.105(N)(2) and CDC 55.130(A)(C) (E) (2,4).

The application entails extensive amounts of excavation, in many locations existing grades will be reduced by close to 20 feet, see site diagrams C811, C831 And C841. The development plan also envisions extensive use of retaining walls of 15, 20, 25 and even 30 feet in height, see site diagrams: C301, C304, C306-11, C312(20-25ft), C313, C314(30ft), C315, C-316(30ft) and C317(30ft). Worth noting is that the two earlier Geotech reports envision much more modest retaining wall than the CW2025 or the application and site diagrams (HHPR 2026). GD 2005 makes its recommendations based on the assumption that “the walls are less than 10 feet in height” (GD 2005 page 8) While GD 2014 states that “our retaining wall design recommendation are based on the following assumptions; (1) the walls consist of conventional cantilevered, gravity or reinforced retaining walls (2) the wall are less than 9 feet in height” (GD 2014, page 13). Even the CW 2025 report states “our retaining wall design recommendations are based on the following assumption (1) the wall consist of conventional cantilevered retaining walls (2) the walls are less than 8 feet in height” (page 8, appendix page 3).

If there is any discussion in the application of how retaining walls of 15, 20, 25, or 30 feet are to be constructed, reinforced, stabilized and consequently made structurally safe I was unable to find it. The CW 2025 way of addressing this problem seems to be to state, “we recommend that a qualified geotechnical

engineer perform design calculations for the larger on-site walls once the wall type and geometry has been determined” (page 8, appendix page 3).

I would suggest that this apparent lack of crucial information does not meet the standards of CDC 55.130(E)(2)(4). This seems particularly relevant given the retaining wall issue on portions of the adjacent Summerlin development (the Schwarz’s can provide information on this). Also of note is that the setbacks from very tall retaining walls are very close to structures, parking spaces and internal driveways. As can be seen in site diagram C312 where a 20-foot retaining wall directly abuts a garage, or C311 where a 25-foot wall abuts garages. Also note C314 where a 30-foot wall is within 10 feet of parking spaces and directly abuts the internal street (since they are not public right of way, perhaps, they should be identified as internal driveways). Diagrams C315 and C317 show retaining walls that, should they fail, have the potential to directly impact the Tannler Drive ROW. Not to be redundant, I think a very good argument can be made that there is a glaring insufficiency of information for a decision-making body to determine that the grading plan is safe and structurally sound.

It is not just the retaining wall specifics that the application leaves to be determined at some later date. All three reports raise concerns about the possible existence of bedding planes within the solid basalt bedrock. The issue, as I understand it, is that it is impossible to determine from the 43 test pits what the structure of the intact basalt bedrock is. Intact solid basalt bedrock is encountered very close to the surface throughout the site. It is, therefore, anticipated that the application will require extensive hard rock excavation. CW 2025 states that solid basalt was encountered from 2-6 feet in the 2025 test pits and 3.3 to 13.5 BGS in the 2006 and 2014 excavations (CW page 4 (section 5.3.5) appendix page 4).

Apparently as a consequence of this need for excavation it is vital to determine whether the bedrock is solid throughout the entire depth of excavation. It is possible, apparently, that the bedrock exists in layers, with bands of solid bedrock separated by a layer of looser material, or as stated in CW 2025 (page 8) “however, we recommend additional exploration via rock coring to evaluate the presence of bedding planes to assess the feasibility of constructing large, over-steepened cuts into the rock”. CW 2025 further goes on to state “based on the current conceptual plan, we anticipate that at least three borings with rock coring to depths between approximately 25 and 35 BGS will be required” (page 8 section 6.4.1). The 2005 and 2014 both state “rock slopes should be evaluated to determine if bedding

planes exist” DG 2005 (page 6) and GD 2014 (page 10). Furthermore CW 2025 (page 11) states “for proposed walls exceeding 15 feet in height we recommend additional exploration via rock coring to evaluate the presence of bedding planes”.

I would suggest that this is vitally important information whose absence fails to meet the requirements of CDC 55.130(C)(E)(4).

The last issue related to excavation and grading that this report will raise concerns the actual mechanism to be employed for the hard rock excavation that will be unavoidable in this application. GD 2005 say “special excavation equipment such as hydraulic breakers or rock trenchers will likely be required to excavate the less weathered zones of basalt bedrock (page 4). GD 2014 states “the test pit excavations could not penetrate the intact bedrock. Special excavation techniques (such as hydraulic breakers, rock trenchers or blasting will likely be required to excavate the intact basalt bedrock (page 6). And finally, CW2025 states “special excavation techniques such as hydraulic breakers, rock trenchers or blasting will likely be required to excavate the intact basalt bedrock where test pits encountered refusal” (page 13 section 7.3.1)

The application seems to view this as a technical issue presumably to be addressed as a building code standard. I would suggest that the method of excavation and potential offsite impacts (see proximity of the 30-foot retaining wall on site diagrams C316 and C317 to the Falcon Street residential properties) should absolutely be addressed as part of the land use approval process as per CDC 55.105(N)(2) and CDC 55.130(C) (E) (2,4).

Stormwater plan and related stormwater issues:

The application’s stormwater plan HHPR 2026 can be divided into two separate elements; (1) The collection, treatment, storage and conveyance of stormwater runoff from the privately-owned portions of the development plan and (2) a stormwater plan for the public ROW, predominately the realigned portions of Tannler Drive. The ROW plan conveys stormwater runoff from the impervious portions of the ROW via drains and piping to an above ground vegetated non-pervious pond, where the water is filtered, stored and ultimately dispersed into the City’s stormwater system. There is little to be said about the ROW plan since it seems to be fully compliant with CDC 50.105(B) (C), CDC 92.010(E) (2-4) and SWMM 1.5.2(1-4) and SWMM 3.11.1.

The private part of the plan, however, raises considerable issues and concerns. In this plan stormwater that runs off of impervious surfaces is conveyed via piping to below ground storage vaults that contain a series of cartridge filters. Not counting the public ROW, the site is divided into eight drainage basins lettered A-G (see site diagram EX 3) and has eight total storage vaults (see site diagram C400). The vault sizes range from large to very large (see vault between buildings 6 and 8 (C400)). All together it is envisioned that there will be 34 cartridges. In HHPR 2026 (appendix H) is an operation and maintenance manual that states that the new dry cartridges weigh up to 150lb and used wet cartridges up to 250lb (page 4 appendix page 5). Maintenance or replacement of cartridges requires heavy lifting equipment. The inspection and maintenance procedures from ConTech Engineered Solutions states that the cartridge filter should be replaced every 1 to 5 years based on site conditions.

Except for one storage vault located below building 8 (see C400) all the other vaults are sited between parking spaces or parking spaces and garages under the private drives of the development. Presumably these drives would need to be closed when maintenance of the vault occurs, thereby impeding traffic circulation within the complex.

Needless to say, it can be anticipated that it would be extremely difficult, if not impossible, for the City to verify that the vaults were being properly maintained and that any failures of the system would become apparent only after they occurred and could not be easily anticipated.

It could be argued that this alone fails to meet the standards of CDC 55.130 (E)(4) and CDC 92.010(E) (3-4).

There is in my opinion a much more serious problem with the application's stormwater plan (HHPR 2026) which is compliance SWMM standards of 1.5.2. These standards state in part *"To meet the water quality performance standard, stormwater management facilities must be selected based on the following order of prioritization to manage the water quality design storm:*

1. *Full infiltration or partial infiltration as determined by the design infiltration of the site...*
2. *Vegetated filtration or other green infrastructure*
3. *Alternative treatments (i.e. manufactured stormwater treatment technology)*
4. *Offsite Mitigation*

Prior to proceeding to a lesser priority stormwater management facility, it must be demonstrated to the City Engineer's satisfaction and approval that a higher priority solution is not feasible. Stormwater management facilities that are cited as "cost prohibitive" will not be accepted as infeasible"

The HHPR 2026 plan is unequivocally a priority 3 plan. A lined stormwater pond as is used for the ROW would be a priority 2 plan. The reason that the ROW uses a priority 2 plan is presumably because SWMM 3.11.1 (appendix page 6) states categorically "No underground detention facilities will be authorized for subdivision applications or Public Improvement/ROW applications."

HHPR recognizes that its plan is priority 3, but justifies the lower hierarchy ranking by stating in part "vegetated filtration on site is not feasible due to the site's topography. The entire site is steep, and the proposed development will grade flatter areas onsite for its buildings and hardscape with retaining walls placed throughout the site leaving only very steep terrain as options for placing a vegetated swale or pond. Placing a pond or swale on the steep slope of the site would not provide adequate resistance time for stormwater treatment and/or would require additional large walls to accommodate the cut section for a pond. Therefore, underground detention is proposed beneath the asphalt of the parking lots" HHPR (page 4, appendix page 7)

There are several counter arguments to the above presentation:

1. Given the very extensive use of retaining walls in the application it seems disingenuous at best to suggest that retaining walls are a prohibitive factor for not using a swale or pond.
2. It seems very likely that the removal of one or two buildings would provide adequate space for pond(s) without additional cutting, filling, excavation or retaining walls. The desire of the applicant to get the absolute maximum intensity of usage from the site seems to be what is driving the presumed "infeasibility" of using above ground detention ponds.
3. Lastly, and easily to me the most persuasive argument as to why the applicant can and should be required to use priority 2 above ground detention, is to be found in the stormwater plan prepared by OTAK Engineering (OTAK 2014) that deals with stormwater detention entirely through an above ground swale and pond system (appendix page 8). The OTAK plan appears to contain eight large buildings and was estimated to add 5.14 acres of new impervious area to the site (page 4). In contrast HHPR

2026 estimates the current application will add 6.77 acres of new impervious surface area. It seems reasonable to assume that a swale and pond system could be upsized by 32% and meet the needs of the current application. It is worth quoting from the 2014 plan “The stormwater management system for the Tannler Drive development project will contain a regional treatment swale and detention pond. Stormwater runoff from the entire development (approximately 9.95 acres of pervious and impervious area) will be collected and conveyed to the swale for treatment of flows up to and including water quality design storm. Larger flow will bypass around the swale to the regional detention pond which will attenuate and discharge site flows into the existing stormwater conveyance system located in Blankenship Road (OTAK 2014, Page 3).

Consequently, it should be easy to argue that the HHPR 2026 stormwater plan fails to meet the standards of CDC 55.105(N)(2), CDC 55.130(B)(C), CDC 92.010(E)(2)(4), SWMM 1.1(1) and SWMM 1.5.2(1-4). SWMM 1.1(1) not previously quoted states that the overall intent of the SWMM is to “1. Prioritize the use of green development practices”

Before moving on to the Tannler Drive encroachment/vacation issue it is worth noting an issue that involves both retaining walls and stormwater drainage. All three geotechnical reports make similar recommendations as to retaining walls. To paraphrase; due to the very low permeability of the soil and the existence of bedrock very close to the surface, during periods of heavy rainfall it is likely that rainwater will become perched on the bedrock and, as a consequence, retaining walls should be provided with drainage pipes to keep water from accumulating behind the retaining walls and lessen their structural integrity. Or to quote more directly “groundwater may become perched on the shallow bedrock during periods of persistent rainfall and may impact side cuts, retaining wall and below grade structures” CW 2025 (page ii)

Again, quoting from CW 2025 (page 9, appendix page 9) “A minimum 6 inch-diameter perforated collector pipe should be placed at the bases of the walls ... the perforated collector pipes should discharge at an appropriate location away from the bases of the walls. The discharge pipes should not be tied directly into the stormwater drain systems, unless measures are taken to prevent backflow into the drainage systems of the walls”. An examination of site diagram C400 appears to confirm that there is no direct tie-in between the anticipated retaining wall pipes

and the stormwater system. All of which begs the question of where the water from the retaining wall pipes is supposed to go, especially given as HHPR 2026 (page 3) says “the site is underlain by shallow weathered bedrock and moisture sensitive soils with little to no infiltration”. As elsewhere in the application, issues that can be argued are critical to determining the viability and safety of the project are presumably left to be addressed after land use approval. A very good argument can be made that the retaining wall drainage issue is not addressed in compliance with CDC 55.130(B)(C)(E)(2)(4) and CDC 92.010(E)(2)(4).

Lower (southern) Tannler easement, encroachment, and vacation issue:

The development plan envisions that Tannler Drive where it intersects to Blankenship will be realigned and routed through the development site to intersect with Blankenship Road further to the west (please see discussion of the purported necessity for realignment in the miscellaneous issues section of this report). Approximately 280 feet of the exist lower Tannler will no longer be used as a public road and the existing sanitary sewer line under this section will be decommissioned. This lower Tannler (LT) section will be used as an extension of the private drive that is proposed between building 9 and 10 (see site diagrams C202, C303 and C306) and will have 23 parking spaces and a 15-foot retaining wall. In addition, the ROW stormwater detention pond will extend approximately 40 feet into this LT section.

All of this would be unremarkable if the applicant were requesting the vacation of the LT ROW. Instead there is a notation that says “Proposed R/W Encroachment Esmt” (C 202) which I am presuming means encroachment easement. It appears that the applicant intends to place a private drive, 23 parking spaces and a stormwater detention pond on the LT ROW. Nothing I could find in the application contradicted that interpretation.

I have never seen anything like this in any land use application before. While existing ROW vacation is, as far as I understand, an administrative decision of the City Council rather than a pure land use decision, this issue affects a very significant portion of the entire development plan. That a public road ROW should have private structures on it that would preclude its future use again as a public road unless such structure were removed is, I believe, absolutely incredible. I believe a very strong argument can be made that such an arrangement would constitute a gift of Public Property and as such actionable as a tort claim.

At the risk of being redundant, a public road ROW is public property that has been dedicated to public ownership for the express purpose of someday being a public road/street. CDC 92.010(A)(b) appears to mandate that existing road ROW undergo either full or half street improvement unless alternative routing exists and then, as per CDC 92.010(2)(a), the applicant may be required to request a vacation of the unnecessary ROW. Since LT is neither planned for half street improvements or vacation, the application appears to suggest that private structures that are effectively permanent be placed on a public road ROW for the express benefit of the applicant and that somehow this is not a ridiculously unacceptable or irregular practice.

And finally, CDC 92.010(1) states in part that “unless the applicant requests an exception as part of a discretionary review” adjustment to the requirements of CDC chapter 92 can not be made. Since the applicant has chosen to submit the application under the requirements of CDC 55.105, as opposed to CDC 55.100, and CDC 55.105 is the non-discretionary option for chapter 55 design review, it would appear that such an exception is not allowed.

Miscellaneous Issues.

1. Tannler Drive realignment: Application page 8 of 71 states “Tannler is realigned through the site to meet the City’s Transportation Systems Plan (TSP)”. On page 91 of the TSP addressing problems with the 10th Street interchange makes the following recommendation “add a second exclusive right turn lane to the eastbound approach to the 10th Street/Blankenship-Salamo road intersection if necessary to address queueing; however, the need for this improvement would be eliminated by realigning Tannler Drive with the commercial driveway located approximately 350 feet west of its current alignment”. TSP page 93 identifies the above mentioned added turning lane as project M20 costing a quite modest amount of \$160,000 in 2016 dollars. Even allowing for inflation, the adding turning lane option would undoubtedly be much less expensive and incalculably less disruptive than realigning Tannler Drive. I think a very good argument can be made that the application can meet the requirements of the TSP by completing project M20 instead of realigning Tannler.
2. Site diagram EX 2 is not in the scale stipulated by CDC 55.110(B).

3. Application page 44 of 71: In response to CDC 54.030 the applicant is asking for a design exception to the requirements of this section. This would appear to violate the clear and objective standards of CDC 55.105(A).
4. HHPR 2026 (page 4, appendix page 7) has a table that lists predevelopment and post-development impervious and pervious acres. When I added the figures, I got 1.006 predevelopment impervious acres, 8.8.39 post development impervious acres, for a total of 7.384 net new impervious acres and, even excluding public impervious acres, an increase of 7.159 acres. However, on page 6 HHPR 2026 it says “the project proposes to add 6.77 acres (295,107sf) of impervious area to the site” (appendix page 10). I cannot reconcile these differing figures. It suggests at least to me that even basic calculations in the application might not be implicitly relied on.
5. CDC 21.070(A)(5) says that “the maximum lot coverage shall be 50 percent”. In the design diagram labeled Conceptual site and grading plan 2.2, dated February 26, 2026, there is a table that lists net lot area of 10.48 acres and total lot coverage of 3.47 or 33.1%. This figure does not appear to include the clubhouse, amphitheater, or pool area. Given that, per Miscellaneous issue 4, I found 7.159 net new non-public impervious area which would equal 68.3% of 10.48 I suppose one is to presume that in addition to the lot coverage of 3.47 acres there is an additional 3.69 acres of impervious surface area that is not lot coverage. I can not tell if the table on this site diagram is accurate or not, but I do have concerns about these figures and whether the application is truly in compliance with CDC 21.070(A)(5).
6. The application proposes a clubhouse of 6,495SF and is envisioned to have 125 single bedroom, 137 two bedroom and 52 three-bedroom apartments and yet states that per CDC 46.120 (application page 17 or 71) that it will not have a meeting space designed to accommodate more than 35 people at one time. This seems dubious at best. Unless the applicant is going to very strictly limit occupancy of the clubhouse I do not know how this standard will be met.

I hope anyone reading this report will find it helpful in preparing their responses to this application.

Sincerely,

David Dodds

5.0 SITE CONDITIONS

5.1 GEOLOGY

The site is located on an upland terrace extending southeast from the Tualatin Mountains. The Tualatin Mountains form the physiographic boundary between the Portland Basin to the north and east, the Tualatin Basin to the west, and the Central Willamette Valley to the south. These basins are part of the larger Puget Sound-Willamette Valley physiographic province, a tectonically active lowland situated between the Coast Range to the west and the Cascade Mountains to the east (Orr and Orr 1999).

Geologic mapping by Schlicker and Finlayson (1979) and Madin (2009) indicates that near-surface geology consists of Miocene-aged (16 million to 12 million years old) basalt flows of the CRBG. The CRBG is a series of basalt flows that originated from southeastern Washington and northeastern Oregon.

5.2 SURFACE CONDITIONS

The 11.41-acre site is bounded by Tannler Drive to the east, Blankenship Road to the south, commercial development to the west, and residential development to the north. The site is generally open, vacant, and covered by grasses and brush. Scattered mature trees are present in the north portion of the site and along property boundaries. The site slopes up to the north, with grades ranging from approximately 12 to 17 percent. Site elevations range from approximately 384 feet at the northern site boundary to 200 feet adjacent to Blankenship Road (WGS 84).

5.3 SUBSURFACE CONDITIONS

Subsurface conditions were explored by excavating 10 test pits (TP-1 through TP-10) to depths between 2 and 6 feet BGS. Our subsurface exploration program was supplemented with previous subsurface explorations conducted at the site by GeoDesign (GeoDesign 2006, 2014).

GeoDesign's explorations included 33 test pits excavated to depths between 3.3 and 13.5 feet BGS.

The recent exploration locations are shown on Figures 2 and 3. A description of our field exploration program and the exploration logs are presented in Appendix A. A description of the laboratory testing program and the test results are presented in Appendix B. Prior exploration locations, exploration logs, and laboratory test results prepared by GeoDesign are presented in Appendix C. A summary of the subsurface conditions is presented below.

5.3.1 Root Zone and Topsoil

All of our test pits were explored through surface vegetation consisting of 8 to 12 inches of topsoil and a 2- to 5-inch-thick root zone. The topsoil generally consists of silt with gravel and trace organics. Previous explorations by GeoDesign encountered 2- to 8-inch-thick root zones with up to 18 inches of topsoil that contains abundant shrub roots.

5.3.2 Undocumented Fill

Undocumented fill was encountered in test pit TP-11 of GeoDesign's 2006 field investigation and extends to a depth of 4 feet BGS. The fill consists of silt with trace to some gravel and trace clay.

If construction occurs during wet weather conditions or if the moisture content of the surficial soil is more than a few percentage points above optimum, site stripping and cutting may need to be accomplished using track-mounted equipment. Under these conditions, granular access pads and staging areas will also be necessary provide a firm support base and sustain construction equipment.

Based on our experience, between 12 and 18 inches of imported granular material is generally required in staging areas and between 18 and 24 inches in areas supporting construction traffic. In areas of heavy construction traffic, geotextile separation fabric may be placed between the subgrade soil and imported granular material to increase subgrade support and minimize fines migration into the aggregate base layer.

As an alternative to thickened crushed rock sections, haul roads and utility work zones may be constructed using cement-amended subgrade overlain by a crushed rock wearing surface. If this approach is used, the thickness of granular material in staging areas and along haul roads can typically be reduced to between 6 and 9 inches. This recommendation is based on an assumed minimum unconfined compressive strength of 100 psi for subgrade amended to a depth of 12 to 16 inches. The actual thickness of the amended material and imported granular material will depend on the contractor's means and methods and, accordingly, should be the contractor's responsibility.

Project stakeholders should understand that wet weather construction is risky and costly. Proper construction methods and techniques are critical to overall project integrity and should be observed and documented by Columbia West.

7.3 EXCAVATION

7.3.1 Basalt Bedrock

The upper portions of the basalt bedrock are weathered and fractured and could generally be penetrated to varying degrees by an excavator. While excavation of weathered bedrock is expected to be more difficult than the silt, we do not expect special excavation equipment to be necessary in the moderately weathered to decomposed material. Excavators used for the current and previous explorations could not penetrate the intact bedrock. Special excavation techniques such as hydraulic breakers, rock trenchers, or blasting will likely be required to excavate the intact basalt bedrock where test pits encountered refusal. The observed depth to refusal on basalt for the current explorations are shown on Figures 2 and 3. The depth to weathered and intact bedrock encountered in the previous explorations are shown on the 2006 Figure 2 and 2014 Figure 2 presented in Appendix C.

The contract bid documents should require that contractors list a unit cost for rock excavation using in-place (bank) volumes, which can be measured by surveying. The unit cost should not be provided in excavated (swelled) volumes, which are more difficult to accurately measure.

7.3.2 Rockfall Hazards

Grading and excavation should be conducted by the earthwork contractor in a sequence that will prevent overhanging rock material that might become dislodged. The contractor should also be responsible for providing protection for property and personnel. This might include sloping of cut

Table 1. Seismic Design Parameters in Accordance with ASCE 7-16

Parameter	Short Period (T_s)	1-Second Period (T_1)
MCE spectral response acceleration, S	$S_s = 0.837 \text{ g}$	$S_1 = 0.378 \text{ g}$
Site class	B	
Site coefficient, F	$F_a = 0.9$	$F_v = 0.8$
Adjusted spectral response acceleration, S_M	$S_{MS} = 0.75 \text{ g}$	$S_{M1} = 0.30 \text{ g}$
Design spectral response acceleration, S_D	$S_{DS} = 0.50 \text{ g}$	$S_{D1} = 0.20 \text{ g}$

6.4 RETAINING STRUCTURES

6.4.1 Assumptions

Our retaining wall design recommendations are based on the following assumptions: (1) the walls consist of conventional, cantilevered retaining walls, (2) the walls are less than 8 feet in height, (3) the backfill is drained, and (4) the backfill has a slope flatter than 4H:1V. We recommend that a qualified geotechnical engineer perform design calculations for the larger on-site walls once the wall type and geometry has been determined.

The following design parameters may be applicable for larger walls that may be proposed. However, if design is performed by others, Columbia West should review preliminary wall plans to determine if the design parameters are suitable and should review the final wall calculations.

Retaining walls may not be necessary where intact bedrock is encountered. However, we recommend additional exploration via rock coring to evaluate the presence of bedding planes; assess the feasibility of constructing large, over-steepened cuts into the rock; and assess the potential need for retaining walls. Based on the current conceptual plan, we anticipate that at least three borings with rock coring to depths between approximately 25 and 35 feet BGS will be required.

We expect that walls can be constructed directly on top of the intact bedrock. In this case, the project team should consider installing fascia over the entire wall to create a uniform appearance.

6.4.2 Wall Design Parameters

Unrestrained site walls that retain native soil and decomposed bedrock should be designed to resist active earth pressures of 35 to 55 pcf when supporting slopes between 4H:1V and 2H:1V, respectively. These values can be reduced to 25 to 30 pcf for wall supporting moderately weathered bedrock at the same slope angles. Where retained slopes are between inclinations of 4H:1V and 2H:1V, the designer may linearly interpolate between these active earth pressures. For embedded building walls, seismic lateral forces can be modeled assuming a force of $6H^2$ pounds per lineal foot of wall, where H is the height of the wall in feet, and applied as a distributed load with centroid located at $0.6H$ from the base of the wall, where H is the height of the wall.

If retaining walls are restrained from rotation prior to being backfilled, the aforementioned active earth pressures should be increased by 15 pcf. If other surcharges (e.g., slopes steeper than 2H:1V, foundations, vehicles, etc.) are located within a horizontal distance from the back of a wall

5.3.3 Silt (Colluvium)

Underlying the topsoil in test pits TP-1 through TP-7, and TP-10, medium stiff silt with varying proportions of gravel extends to depths between 1.5 and 5 feet BGS. This unit represents colluvium. The tested moisture content of the silt ranged from 12 to 23 percent at the time of exploration. Atterberg limits testing indicates that the silt exhibits medium plasticity. Previous explorations by GeoDesign encountered the silt to similar depths.

5.3.4 Decomposed Basalt

Underlying the topsoil in test pits TP-8 and TP-9 and the silt layer in test pit TP-6, gravelly silt to silty gravel extends to depths of 3 to 4 feet BGS. The gravelly silt is stiff to very stiff and the silty gravel is medium dense to very dense. This unit represents decomposed residual soil of the underlying basalt bedrock. The silt and gravel constituents vary across the site based on the degree of decomposition. Our excavator was able to penetrate this unit without much difficulty. Previous explorations by GeoDesign also encountered this unit, which was observed to be up to 8 feet thick. The tested moisture content of the unit ranged from 11 to 33 percent at the time of exploration.

5.3.5 Basalt

All of our test pits met refusal on basalt at depths between 2 and 6 feet BGS. The observed depth to refusal in each test pit is shown on Figures 2 and 3. Many of the previous explorations by GeoDesign also met refusal on basalt at depths between 3.3 and 13.5 feet BGS. The upper portion of the bedrock is generally decomposed to weathered and fractured. Weathering appears to generally decrease with depth. The excavator was able to penetrate the weathered zones of basalt but was unable to penetrate the intact basalt, even with significant effort. Our scope of services did not include exploration of the intact basalt using rock coring techniques. Accordingly, we are unable to assess the degree of weathering and fracturing of the intact basalt. The upper rock layers exposed in the test pits are generally moderately to intensely fractured and very close to close jointed. Based on our experience and prior observations of deep rock coring in the site vicinity, we believe that the upper portion of the intact bedrock is likely highly to slightly weathered and very intensely to moderately fractured.

5.3.6 Groundwater

Groundwater was not observed in our current explorations. Slow to moderate groundwater seepage was reported in three of the previous test pits at depths between 3.5 and 10 feet BGS. According to Snyder (2008), the approximate elevation of the static groundwater table at the site is 175 feet. This elevation corresponds to an approximate depth to groundwater of 25 to 210 feet BGS depending on location and ground surface elevation. Groundwater levels are also subject to seasonal variation and may rise during extended periods of increased precipitation or flooding. During and after periods of rainfall, groundwater will likely become perched on the shallow bedrock formation and travel downslope where it could manifest at the ground surface or in walls where the top of bedrock is exposed by cuts or below-grade structures.

5.4 SEISMIC HAZARDS

5.4.1 Liquefaction

Liquefaction is a phenomenon caused by a rapid increase in pore water pressure that reduces the effective stress between soil particles. Granular soil, which relies on interparticle friction for

Maintenance

Depending on the configuration of the particular system, maintenance personnel will be required to enter the vault to perform the maintenance.

Important: If vault entry is required, OSHA rules for confined space entry must be followed.

Filter cartridge replacement should occur during dry weather. It may be necessary to plug the filter inlet pipe if base flows is occurring.

Replacement cartridges can be delivered to the site or customers facility. Information concerning how to obtain the replacement cartridges is available from Contech Engineered Solutions.

Warning: In the case of a spill, the maintenance personnel should abort maintenance activities until the proper guidance is obtained. Notify the local hazard control agency and Contech Engineered Solutions immediately.

To conduct cartridge replacement and sediment removal maintenance:

1. If applicable, set up safety equipment to protect maintenance personnel and pedestrians from site hazards.
2. Visually inspect the external condition of the unit and take notes concerning defects/problems.
3. Open the doors (access portals) to the vault and allow the system to vent.
4. Without entering the vault, give the inside of the unit, including components, a general condition inspection.
5. Make notes about the external and internal condition of the vault. Give particular attention to recording the level of sediment build-up on the floor of the vault, in the forebay, and on top of the internal components.
6. Using appropriate equipment offload the replacement cartridges (up to 150 lbs. each) and set aside.
7. Remove used cartridges from the vault using one of the following methods:

Method 1:

- A. This activity will require that maintenance personnel enter the vault to remove the cartridges from the under drain manifold and place them under the vault opening for lifting (removal). Disconnect each filter cartridge from the underdrain connector by rotating counterclockwise 1/4 of a turn. Roll the loose cartridge, on edge, to a convenient spot beneath the vault access.

Using appropriate hoisting equipment, attach a cable from the boom, crane, or tripod to the loose cartridge. Contact Contech Engineered Solutions for suggested attachment devices.

- B. Remove the used cartridges (up to 250 lbs. each) from the vault.



Important: Care must be used to avoid damaging the cartridges during removal and installation. The cost of repairing components damaged during maintenance will be the responsibility of the owner.

- C. Set the used cartridge aside or load onto the hauling truck.
- D. Continue steps a through c until all cartridges have been removed.

Method 2:

- A. This activity will require that maintenance personnel enter the vault to remove the cartridges from the under drain manifold and place them under the vault opening for lifting (removal). Disconnect each filter cartridge from the underdrain connector by rotating counterclockwise 1/4 of a turn. Roll the loose cartridge, on edge, to a convenient spot beneath the vault access.
- B. Unscrew the cartridge cap.
- C. Remove the cartridge hood and float.
- D. At location under structure access, tip the cartridge on its side.
- E. Empty the cartridge onto the vault floor. Reassemble the empty cartridge.
- F. Set the empty, used cartridge aside or load onto the hauling truck.
- G. Continue steps a through e until all cartridges have been removed.

3.11 Structural Detention Facilities

Structural detention facilities such as tanks, vaults, and oversized pipes can be used to meet the flow control performance standard by slowly releasing stormwater at a rate determined by an orifice at the outlet. These structures must be designed not only for their function as flow control facilities, but also to withstand an environment of periodic inundation, potentially corrosive chemical or electrochemical soil conditions, and heavy ground and surface loadings.



3.11.1 Applicability

Structural detention facilities such as tanks, pipe or vaults will be approved by the City Engineer only when a pond is impracticable. **No underground detention facilities will be authorized for Subdivision applications or Public Improvements/ROW applications.**

Structural detention facilities are used to meet the flow control performance standard and require upstream pretreatment or a separate stormwater management facility to meet the infiltration and water quality performance standards. Stormwater management facilities provided in **Section 3** for meeting the water quality performance standard are considered adequate pretreatment upstream of a structural detention facility.

3.11.2 Design Requirements

The following provides design requirements for structural detention facilities:

- **Access:** All areas of a tank or vault must be within 50 ft. of a minimum 24-in.-diameter access entry cover. All access openings must have round, solid locking lids.

Detention pipes/vaults managing runoff from Single-Lot or Large Projects shall be privately owned, maintained, and located to allow for easy maintenance and access.

- **Sizing:** Design engineer shall provide all calculations in accordance with the Engineered Method to confirm facility size, material, and ballast requirements. Access for inspection and maintenance shall be provided for all detention pipes.

The maximum water surface elevation in any structural detention facility must adhere to a minimum 1-ft. of freeboard in any catch basin below the catch basin's grate. The minimum internal height of a vault or tank must be 3 ft., and the minimum width must be 3 ft. The maximum depth of the vault or tank invert is 20 ft.

Where the tank or vault is designed to provide sediment containment, a minimum of ½ ft. of dead storage must be provided, and the tank or vault must be laid flat.

- **Materials and Structural Stability:** Concrete pipe is the strongly preferred material for detention tank or pipe applications. Before any other alternative material is used for detention pipe or tank applications, the applicant must demonstrate that concrete pipe is either

STORMWATER MANAGEMENT REPORT

MODERA WEST LINN

Table 2. Impervious & Pervious Basin Areas

Basin	Pre-Development			Post-Development		
	Impervious (ac)	Pervious (ac)	Total (ac)	Impervious (ac)	Pervious (ac)	Total (ac)
A	0 (0.000)	77,120 (1.770)	77,120 (1.770)	39,896 (0.916)	37,244 (0.855)	77,120 (1.770)
B	0 (0.000)	126,849 (2.912)	126,849 (2.912)	72,634 (1.667)	54,215 (1.245)	126,849 (2.912)
C	0 (0.000)	55,848 (1.282)	55,848 (1.282)	44,891 (1.031)	10,957 (0.252)	55,848 (1.282)
D	0 (0.000)	95,094 (2.183)	95,094 (2.183)	72,391 (1.662)	22,703 (0.521)	95,094 (2.183)
E	7,314 (0.168)	24,156 (0.555)	31,470 (0.722)	25,464 (0.585)	6,006 (0.138)	31,470 (0.722)
F	9,389 (0.216)	33,696 (0.774)	43,085 (0.989)	38,196 (0.877)	4,889 (0.112)	43,085 (0.989)
G	0 (0.000)	19,198 (0.441)	19,198 (0.441)	18,338 (0.421)	860 (0.020)	19,198 (0.441)
PUBLIC	27,089 (0.622)	64,299 (1.476)	91,388 (2.098)	73,185 (1.680)	18,203 (0.418)	91,388 (2.098)

The following technical criteria were determined for the proposed site:

- **Time of Concentration (all basins): 6 minutes**
- **Curve Number:**
 - **98 (Proposed Impervious Area)**
 - **80 (Proposed Landscaping)**

The proposed basin map and storm plan sheets are available in Appendix A.

STORMWATER MANAGEMENT**Water Quality**

The City of West Linn water quality requirements will be met by treating runoff using proprietary treatment vaults for the private site except for a small portion of Building 10, which will be treated by a lined, vegetated planter. A lined, vegetated stormwater planter located at the lowest point in Blankenship Rd right-of-way will also be utilized for the public roadways. According to the City of West Linn Stormwater Management Manual, “manufactured stormwater treatment technology” is ranked third in the hierarchy of stormwater management facilities used to manage the water quality design storm, behind full or partial infiltration, and vegetated filtration or other green infrastructure. Per the geotechnical report (see Appendix G), infiltration is not recommended due to the site’s steep slopes and subsurface conditions. **Vegetated filtration onsite is not feasible due to the site’s topography. The entire site is steep, and the proposed development will grade flatter areas onsite for its buildings and hardscape with retaining walls placed throughout the site, leaving only very steep terrain as options for placing a vegetated swale or pond. Placing a pond or swale on the steep slopes of the site would not provide adequate residence time for stormwater treatment and/or would require additional large walls to accommodate the cut section of a pond. Therefore, underground detention is proposed beneath the asphalt of the parking lots** with upstream treatment provided by Contech StormFilter vaults.

The following City of West Linn Water Quality Design Storm was used for water quality calculations:

- **1 inch per 24-hour period**


```

XREF LIST
-----
Liscoder: 40
-----
Resubbed
-----
P171220C20
018-WEST 50
01EXT0P0
P171220D01A
P171220E450
-----

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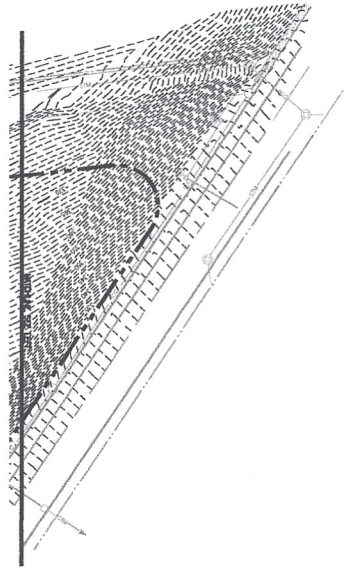
LEGEND

PROJECT BOUNDARY

PUBLIC STORM LINE

STORM MANHOLE

STORM CATCH BASIN



otak

888 57 3rd Ave., Ste. 300
Portland, OR 97204
Phone: (503) 287-6265
Fax: (503) 415-2304

www.otak.com

Return: NGVD 29

ConAm Properties, LLC
3990 RILEY RD., SUITE 100
SAN DIEGO, CA 92123
PHONE: (619) 614-7200
FAX: (619) 614-1644

NO.	DATE	BY	REVISION COMMENTS
Design	Drawn	Checked	Date Initial Issue Date:

equal to twice the height of the wall, additional pressures should be accounted for in the wall design. Lateral earth pressures induced by surcharge loads may be estimated using the criteria presented on Figure 5.

The wall footings should be designed in accordance with the guidelines in Section 6.1 (Foundation Support).

6.4.3 Wall Drainage and Backfill

The above design parameters have been provided assuming drains will be installed behind the wall to prevent buildup of hydrostatic pressures behind all walls. If a drainage system is not installed, our office should be contacted for revised design forces.

Backfill placed behind the walls and extending a horizontal distance of $\frac{1}{2}H$, where H is the height of the retaining wall, should consist of retaining wall select backfill placed and compacted in conformance with Section 7.4.1 (Structural Fill).

A minimum 6-inch-diameter, perforated collector pipe should be placed at the bases of the walls. The pipe should be embedded in a minimum 2-foot-wide zone of angular drain rock that is wrapped in a drainage geotextile fabric and extends up the back of the walls to within 1 foot of the finish grade. The drain rock and drainage geotextile fabric should meet the specifications in Section 7.4 (Materials). The perforated collector pipes should discharge at an appropriate location away from the bases of the walls. The discharge pipes should not be tied directly into stormwater drain systems, unless measures are taken to prevent backflow into the drainage systems of the walls.

Settlement of up to 1 percent of the wall height commonly occurs immediately adjacent to the wall as the wall rotates and develops active lateral earth pressures. Consequently, we recommend construction of flatwork adjacent to retaining walls be postponed at least four weeks after backfilling of the walls, unless survey data indicates that settlement is complete prior to that time.

6.5 PAVEMENT

We understand that private AC pavement may be proposed for on-site access drives and vehicle parking. Pavement should be installed on compacted subgrade or new engineered fill prepared in conformance with Section 7.1 (Site Preparation). Pavement improvements in the public right-of-way should adhere to jurisdictional guidelines.

6.5.1 Design Values

At the time this report was prepared, the volume of traffic for the development was unknown. Consequently, we have provided pavement sections for automobile-only parking, automobile-only drive aisles, and drive aisles that will also service heavy vehicle traffic (i.e., garbage trucks, semitrucks, etc.). Our pavement recommendations are based on the following design parameters and assumptions:

- Resilient moduli for subgrade soil and aggregate base material were assumed to be 4,000 psi and 20,000 psi, respectively.
- Pavement design life of 20 years with no expected traffic growth.

Refer to Appendix A for water quality basin map. Refer to Appendix C for hydrographs.

Flow Control

The project proposes to add 6.77 acres (295,107 SF) of impervious area to the site; therefore, it is classified as a 'large development' by the City of West Linn Stormwater Management Manual. Peak-flow matching is required for the pre-developed 2, 10, and 25-year, 24-hour storm events. The site layout lends itself to a 'centralized' approach with all stormwater on site being piped to a single centralized underground detention facility for each respective basin. The Santa Barbara Urban Hydrograph (SBUH) was chosen to demonstrate the detention facilities are adequately sized for flow control using the following parameters:

- **2-Year: 2.5 inches/hour**
- **10-Year: 3.45 inches/hour**
- **25-Year: 3.9 inches/hour**
- **100-Year: 4.74 inches/hour**
- **Type 1A Rainfall Distribution**

Site stormwater will be routed to R-Tank underground containment systems beneath each parking area. Flow out of each R-Tank system is regulated by a flow control manhole with a single orifice. A 12" overflow is provided to help convey the 10-, 25-, and 100-year storm events.

Proposed R-Tank facilities are designed to capture and detain runoff from onsite only. Runoff in the public right-of-way from Tannler and Blankenship will be captured via catch basins and piped to a public stormwater planter. Refer to the Conveyance section of this report for more information and refer to Appendix A for the proposed basin map.

Table 4 below provides a summary of the flow control data for the private onsite portion of this project and Table 5 provides a summary of the public offsite portion.

Table 4. Flow Control Data – Private Onsite

Storm Event	Pre-Developed Flow (cfs)	Post-Developed Flow (cfs)	Detained Release Rate (cfs)
2-Year	0.34	4.61	0.34
10-Year	1.54	6.83	1.25
25-Year	2.24	7.90	1.89
100-Year*	3.71	9.93	4.15

*100-year storm event not required for peak flow matching. Shown for conveyance through the R-Tank system only.

To mitigate the impacts of the new or reconstructed impervious areas within the public right-of-way, a walled filtration planter with a perforated underdrain and beehive control structure will be utilized to treat runoff and reduce the peak discharge of post-development stormwater flows.

July 30, 2026

Subject: Development Application DR-25-04/LLA-25-02

To the Planning Commission,

My name is Ed Schwarz and I live in West Linn. I submit this testimony as Treasurer of the Savanna Oaks Neighborhood Association. Attached are SONA meeting minutes from March 10, 2026 authorizing me to represent Savanna Oaks NA in front of the Planning Commission on this issue.

At the March 10, 2026 meeting SONA members discussed the proposed project and its effects on the Savanna Oaks neighborhood. Many issues were raised and discussed including:

- Vacation of Tannler Drive
- Density and Affordability
- Traffic
- Parking
- Stormwater and Geologic
- Tree Preservation
- Effect on the White Oak Savanna Park

The members of Savanna Oaks NA ask the Planning Commission to deny this application, DR-25-04/LLA-25-02 for the reasons stated below.

In this document I will address each of the above issues and provide to you our members' concerns about this project.

Vacation of Tannler Drive

SONA members expressed concerns about the closing of the bottom 275 feet of Tannler Drive. Their concerns include having to navigate through the new development and its commercial area and pedestrians to reach Blankenship Road whereas, currently, it is a straight drive down Tannler to Blankenship. This will add time to their daily commutes down and up Tannler as well as any other trips they need to make on the street. In addition, there are safety concerns with the angled street parking which is located just after the sharp right-hand turn on Tannler.

Density and Affordability

Concerns were raised about the number and density of apartments being proposed for this steep hillside. Previous application for this location included approximately 200 apartments. This proposal for 320 apartments is much too dense for this hillside. By comparison, the Cascade Summit Apartments at Day Road and Salamo Road have 26 fewer apartments on twice as much land, resulting in a density of less than half that of the proposal.

The proposal for 320 market-rate apartments does not address the housing affordability problem we have in this area and across the country. The state has been pushing developers to act responsibly and propose affordable housing. This proposal does not respond to that need.

Traffic

Adding the vehicles from 320 one-bedroom, two-bedroom, and three-bedroom apartments to an already very busy intersection of Tannler Drive and Blankenship Road will only increase the traffic congestion. Assuming a conservative average of 2 vehicles per apartment and 8 vehicle trips per day leads to over 5,000 vehicle trips per day generated just from this one development. We anticipate that gridlock will occur in this area, especially during commute hours.

Adding many additional vehicles to the already overburdened streets will also create enormous safety concerns in the event of a major disaster such as wildfire or earthquake where everyone is on the road at once trying to flee.

Parking

The applicant proposes 400 total parking spaces be provided on-site for the entire development. Given the above assumption of 2 vehicles per apartment, there will be approximately 640 vehicles on-site which belong to the renters. This leaves a deficit of over 200 parking spaces. We anticipate that the overflow parking not met by the development will end up on local neighborhood streets and the parking lot at the existing commercial development across Blankship Road from this development.

Stormwater and Geologic

The applicant proposes to use vault storage with filters for the stormwater which will accumulate from the apartment buildings and pavement. We believe this does not meet the requirements of CDC 55.130 (E)(4) and CDC 92.010(E) (3-4).

Additionally, we contend that the use of vaults for stormwater storage conflicts with the CDC and West Linn Stormwater Management Manual Section 1.5.2 which prioritizes surface detention over vault storage. The applicant attempts to justify their use of vault storage by stating that the site is not suitable for surface storage. However, a previous, similarly sized, mixed-use application for this property proposed surface storage for stormwater.

Please refer to the “Tannler Drive Mixed-Use Development Preliminary Stormwater Management Plan”, dated July 20, 2015, and prepared by OTAK, Inc. for ConAm Development, that deals with stormwater detention entirely through an above ground swale and pond system (see attachment). The OTAK plan includes eight large buildings and was estimated to add 5.14 acres of new impervious area to the site. In contrast, this application estimates it will add 6.77 acres of new impervious surface area. It seems reasonable to assume that a swale and pond system could be upsized by 32% and meet the needs of the current application. It is worth quoting from the 2015 plan “The stormwater management system for the Tannler Drive development project will contain a regional treatment swale and detention pond. Stormwater runoff from the entire development (approximately 9.95 acres of pervious and impervious area) will be collected and conveyed to the swale for treatment of flows up to and including water quality design storm. Larger flows will bypass around the swale to the regional detention pond which will attenuate and discharge site flows into the existing stormwater conveyance system located in Blankenship Road.”

The entire application for the above proposed development can be found here:

https://westlinnoregon.gov/sites/default/files/fileattachments/planning/project/10025/supplemental_submittal_07-20-15-reduced.pdf

Based on the above, there is no reason that this development should also not be required to use surface stormwater storage. Therefore, the stormwater plan for this application fails to meet the standards of CDC 55.105(N)(2), CDC 55.130(B)(C), CDC 92.010(E)(2)(4), SWMM 1.1(1) and SWMM 1.5.2(1-4). SWMM 1.1(1) not previously quoted states that the overall intent of the SWMM is to “1. Prioritize the use of green development practices.”

The basalt rock which underlies this property poses significant challenges when it comes to building, especially given the large retaining walls (up to 30 feet in height) proposed for the development. The applicant has not provided enough detail regarding the construction of these retaining walls for the Planning Commission to understand if the walls will be safe.

Additionally, Savanna Oaks NA is aware of adjacent residential properties which have had issues with landslides causing significant expenditures to attempt to remedy. Despite the efforts, not all the issues have been remedied to this day.

Tree Preservation

The application states that only 80 of the 408 onsite trees inventoried are to be retained. This means that 328 trees are proposed for removal. Or, to put it another way, 80% of the trees will be removed.

As this property is across the street from the White Oak Savanna Park, its trees combine with those in the White Oak Savanna to form an ecosystem. Removing 80% of the trees from the site could have adverse effects on the entire White Oak Savanna ecosystem.

The Planning Commission should require that a higher percentage of trees be retained for the project.

Effect on the White Oak Savanna Park

As stated above, tree removal could affect the White Oak Savanna Park ecosystem. But there are other effects which are harder to quantify yet can still be detrimental to the park.

As an example, the White Oak Savanna is a “No Dogs” park. Apartment dwellers living across the street will be very tempted to walk their dogs in the Savanna. Doing so harms the delicate ecosystem for the 108 vertebrates that have been identified in the park. Just the mere presence of animals such as dogs can cause the native wildlife to flee the area.

In addition, the aforementioned closing of the bottom of Tannler Drive will make it more difficult for visitors to the park to find the lower entrance. The concern expressed earlier regarding overflow parking from the apartments will also mean fewer on-street parking spots will be available for visitors to the park.

Summary

As described in this document, this development application is not suited for this location. Our concerns include too many apartment units, high density, insufficient parking, safety concerns, increased traffic, the closing of the lower portion of Tannler Drive, insufficient tree preservation, effect on the White Oak Savanna park, and geologic and stormwater issues.

We have shown that the application does not meet several sections of the Community Development Code and the West Linn Stormwater Management Manual.

The members of Savanna Oaks NA respectfully ask the Planning Commission to deny this application, DR-25-04/LLA-25-02, for the reasons stated above.

Thank you,

/s/ Ed Schwarz

Ed Schwarz, Treasurer
Savanna Oaks Neighborhood Association

Savanna Oaks Neighborhood Association (SONA)

Official Meeting Minutes (Formal Record)

Meeting Type: Special Meeting

Date: March 10, 2026

Time: 7:03 PM – 8:05 PM

Location: Virtual Meeting (Google Meet)

1. Call to Order

The meeting was called to order at 7:03 PM by the Chair.

2. Determination of Quorum

The Chair confirmed that a quorum of members was present. Fifteen members attended, including participants by video and telephone.

3. Approval of Previous Meeting Minutes

The minutes of the February 3, 2026 meeting were presented for approval.

A correction was identified:

The year in the header should read 2026 instead of 2025.

Motion

Motion: To approve the February 3, 2026 meeting minutes with the correction noted above.

Second: Received.

Vote: Motion adopted unanimously.

4. Treasurer's Report

The Treasurer reported the following financial update:

- Monthly Google Meet expense: \$7
- Current account balance: **\$2,072.20**

The report was received and filed. No vote was required.

5. New Business

A. Planning Commission Decision – City Operations Complex

Members received a report regarding the March 4, 2026 Planning Commission decision approving the City Operations Complex application by a 4–3 vote.

Members were informed that representatives of the association had previously testified at the hearing and had obtained additional documentation through a public records requests to ODOT relating to landslide hazards and additional issues of concern at the proposed site.

B. Resolution to Appeal Planning Commission Decision

Because the City Operations Complex will have significant impacts upon the Savanna Oaks NA and its members as described in the testimony which is now in the public record for the application, a written resolution was presented to the membership proposing that the Savanna Oaks Neighborhood Association:

1. Appeal the Planning Commission decision to the West Linn City Council.
2. Request a waiver of the \$400 appeal filing fee.
3. Authorize Roberta Schwarz (President) and Ed Schwarz (Treasurer) to represent the association in filing and presenting the appeal.

Motion

Motion: That the Savanna Oaks Neighborhood Association adopt the resolution authorizing an appeal of the Planning Commission decision regarding the City

Operations Complex, request waiver of the \$400 appeal fee, and authorize the SONA President and Treasurer to represent the association in the appeal.

Second: Received.

Vote

A recorded vote was conducted by show of hands and verbal responses.

Result: Motion adopted unanimously with 15 votes in favor and none opposed.

Full text of Resolution located in Appendix A, below.

6. Authorization to Represent Association – Proposed Development Application

Members discussed a proposed development project consisting of approximately 314 residential units and 10,500 square feet of commercial space within the neighborhood area.

Members considered whether the association officers should represent SONA in future Planning Commission and City Council proceedings concerning the development.

Motion

Motion: That the members present authorize the SONA President and Treasurer to testify and represent the Savanna Oaks Neighborhood Association at Planning Commission and City Council hearings regarding the proposed development application.

Second: Received.

Vote

Result: Motion adopted unanimously with 15 votes in favor and none opposed.

7. Announcements

White Oak Savanna Maintenance

Members were informed that a contractor has been secured to mow approximately eight acres of the White Oak Savanna meadow area. The City will fund the mowing at a cost of \$1,650.

Community Ice Cream Social

Members discussed the annual neighborhood ice cream social. General consensus supported postponing the event until next year due to ongoing development matters affecting the neighborhood.

8. Adjournment

Motion

Motion: To adjourn the meeting.

Second: Received.

Result: Motion adopted.

The meeting was adjourned at 8:05 PM.

Certification

These minutes constitute the official record of the Savanna Oaks Neighborhood Association meeting held on March 10, 2026.

Submitted by:

Scott Zurschmit

Secretary

Savanna Oaks Neighborhood Association

Date Submitted: 3/13/2026

Date Approved: 3/13/20

**Savanna Oaks Neighborhood Association
March 10, 2026 Meeting**

RESOLUTION

WHEREAS on March 4, 2026 the West Linn Planning Commission voted 4-3 in favor of the City Operations Complex application (CUP-25-02/DR-25-02/WAP-25-01); and

WHEREAS the Planning Commission approval relied upon findings which SONA believes contain errors in interpretation and application of the West Linn Community Development Code, Comprehensive Plan policies, and applicable approval criteria, particularly regarding landslide hazards, public safety, access, and suitability of the proposed location for critical infrastructure; and

WHEREAS three Planning Commissioners expressed concerns regarding the application for the Operations Complex related to landslide susceptibility, having only one entrance/exit, and zoning (among other issues); and

WHEREAS the City Operations Complex is a critical piece of infrastructure which will serve the residents of West Linn in an emergency; and

WHEREAS the new City Operations Complex should be located in an area not subject to landslide hazards; and

WHEREAS SONA presented evidence to the Planning Commission of landslide hazard susceptibility in the proposed location of the Operations Complex; and

WHEREAS SONA agrees that the city needs a new Operations Complex but objects to the proposed location chosen for it; and

WHEREAS SONA representatives with standing also testified both orally and in writing that the application did not meet several relevant West Linn Community Development Codes, Comprehensive Plan Sections (including Goal 7) and Municipal Codes and this testimony was backed up with many exhibits and entered into the Public Record and discussed by members at SONA meeting(s). Note: We were joined in opposing the location of the Complex by a former West Linn Mayor, three former West Linn City Councilors, three former West Linn Planning Commissioners, and many other community members. and

WHEREAS several official ODOT documents were recently received by us through a Public Records Request to ODOT which speak directly to four important facts which were previously unknown:

1. ODOT addresses the likelihood of an earthquake causing a landslide in the area ODOT sold to West Linn. They state that “there is significant uncertainty regarding the landslide” and “the seismic stability of this landslide has not been evaluated”.
2. ODOT states they believed that West Linn planned to build “a city shop” on this property (not a 40,000 sq. ft. three-building, multi-story, Operations Center).
3. ODOT states that it is not ODOT’s stated practice to sell areas where there have been landslides where landslide mitigation has been constructed. And they further state “We recommend this property be retained by ODOT”.
4. ODOT states that, in this case, the location of the ODOT construction records of the mitigation are unknown. (Therefore, they are lost). and

WHEREAS The Operations Complex will have significant impacts upon the Savanna Oaks Neighborhood Association and its members as described in the testimony which is now in the public record for this application;

NOW, THEREFORE, SAVANNA OAKS NEIGHBORHOOD ASSOCIATION RESOLVES:

Section 1. That the above-referenced Planning Commission decision contains errors in findings and application of the relevant approval criteria and is not in the best interests of the citizens of West Linn, and therefore should be appealed to the City Council for reconsideration.

Section 2. As Per CDC 99.140 and CDC 99.240, these members of SONA hereby authorize the SONA President and Treasurer, both with standing, to appeal this Planning Commission decision to the City Council. They further request a waiver of the \$400 fee for this appeal. This application will have significant impacts upon the Savanna Oaks Neighborhood Association and its members. The President and Treasurer listed above are approved by these SONA members to represent them in offering testimony and exhibits in support of the denial of the application and therefore the approval of the appeal by the members of the City Council.

PASSED AND APPROVED THIS 10th DAY OF March 2026

/s/ Roberta Schwarz

Roberta Schwarz, President
Savanna Oaks Neighborhood Association

AYE: 15 NO: 0 ABSTAIN: 0

Tannler Drive Mixed-Use Development Preliminary Stormwater Management Plan

July 10, 2015
(Resubmitted July 20, 2015)

Submitted to:
ConAm Development

Prepared by:
Otak, Inc.

Gary Alfson PE
Project Manager

Ashley Cantlon, PE
Water Resources Engineer

Jeremy Tamargo EI
Water Resources Engineer Designer



HanmiGlobal Partner

Otak Project No. 17122

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Attachments

- Attachment A: Figures
- Attachment B: NRCS Soils Report
- Attachment C: FEMA Floodplain Maps
- Attachment D: TR55 Table 2-2a CN
- Attachment E: Swale Calculations
- Attachment F: Detention Calculations

Preliminary Stormwater Management Plan

Introduction

The Tannler Drive Mixed-Use project, hereafter referred to as the Tannler Drive development, is a proposed mixed-use development in the City of West Linn, Oregon. The development consists of commercial and multi-family residential housing, sidewalks, roadways, utilities, and a stormwater management system. The stormwater management system will include a collection and conveyance system, a flow-through planter, a regional water quality swale, and a detention pond. This Stormwater Management Plan documents compliance of the Tannler Drive stormwater management system with the *West Linn Surface Water Management Plan* (City of West Linn, 2006), the *City of West Linn Public Works Design Standards* (City of West Linn, 2010), *City of Portland Stormwater Management Manual* (COP, 2014), and the *Stormwater Standards for Clackamas County Service District No. 1* (Clackamas County, 2013). Included are descriptions of the existing and proposed hydrologic conditions, as well as design details of the proposed onsite stormwater management facilities.

Site Description

The Tannler Drive development project is located along the west side of Tannler Drive, north of its intersection with Blankenship Road. The project proposes to develop portions of 3 existing taxlots containing approximately 11 acres of mainly undeveloped land. Existing site conditions consist of undisturbed ground covered with native vegetation (grasses, bushes, and shrubs), and areas of oak and Douglas fir trees. Approximately 0.6 acres of the lot are currently developed, however for the purposes of this analysis the site is assumed to be fully undeveloped, allowing for a conservative preliminary design.

The project site is located on steep (9- to 24-percent slopes) terrain that slopes from north to south toward Blankenship Road. Underlying soils consist primarily of Witzel very stony silt loam, and are underlain by relatively shallow bedrock. This type of soil is classified as Hydrologic Soil Group D, which is characterized by very low infiltration rates and high runoff potential. Attachment B contains a soils map and information from the Natural Resources Conservation Service (NRCS).

Figure 1 is a vicinity map that shows the project site location.

Preliminary Stormwater Management Plan

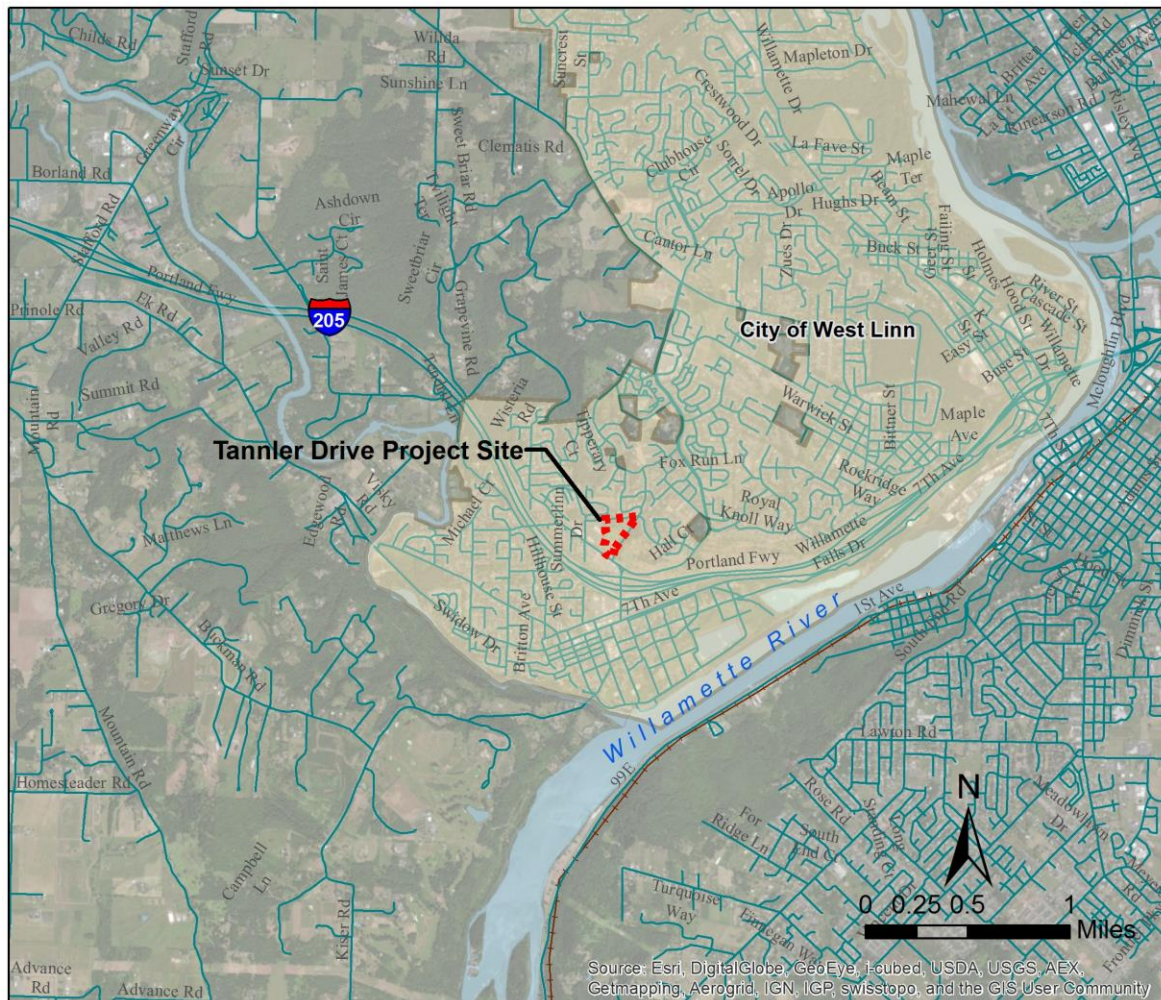


Figure 1: Vicinity Map

Design Criteria

Development of the project area will follow three sets of design criteria for stormwater management:

- *West Linn Surface Water Management Plan* (City of West Linn, 2006)
- *City of West Linn Public Works Design Standards* (City of West Linn, 2010)
- *City of Portland Stormwater Management Manual* (COP, 2014)

Design Approach

The Tannler Drive project site is under the jurisdiction of the City of West Linn. Proposed developments must meet the requirements set forth in the West Linn Surface Water Management Plan and Public Works Design Standards. These standards include requirements to provide adequate

Preliminary Stormwater Management Plan

stormwater conveyance during design storm events, mitigate for increased stormwater runoff, and reduce runoff pollutants using design guidelines set forth in the City of Portland Stormwater Management Manual. The City of West Linn (hereafter referred to as the City) requires detention of stormwater runoff such that post-developed flows generated by the 2-year, 5-year, 10-year, and 25-year storm events shall not exceed corresponding discharge rates under pre-developed conditions.

The City of Portland Stormwater Management Manual was used for water quality facility design guidance along with Clackamas County's water quality flow rate, defined as the amount runoff generated by 1 inch of rainfall in 24-hours.

Existing Drainage

The Tannler Drive project will be constructed on an undeveloped hillside with existing slopes ranging between 9 and 24 percent. Existing elevations throughout the property vary from approximately 390 feet along the north edge of the property, to 215 feet along the southern lot boundary. There is no existing drainage infrastructure on the property.

Floodplain

FEMA Flood Insurance Rate Maps for Clackamas County identify floodplains for the Willamette River, but not within the project limits. The FEMA map included in Attachment C (Firmette ID 41005C0257D) show floodplain limits located approximately 1/5 mile downstream of the project site.

Drainage Basins

The stormwater management system for the Tannler Drive development project will contain a regional treatment swale and detention pond. Stormwater runoff from the entire development (approximately 9.95 acres of pervious and impervious area) will be collected and conveyed to the swale for treatment of flows up to and including the water quality design storm. Larger flows will bypass around the swale to the regional detention pond, which will attenuate and discharge site flows into the existing public stormwater conveyance system located in Blankenship Road. Existing and project conditions maps are included in Attachment A.

Existing Conditions

Drainage on the existing site flows overland from north to south across undeveloped ground with brushy vegetated cover. Runoff flows down the slope and is intercepted by vegetation, local depressions in the soil, and shallow ditches long the adjacent roads. Stormwater runoff that exceeds the capacity for the receiving ditches currently enters the existing 12-inch diameter drainage systems in Blankenship Road and Tanner Drive before entering a 30-inch diameter main conveyance system at the intersection of Blankenship Road and Tanner Drive. This main conveyance system extends approximately 1 mile to an outfall at the Willamette River.

Preliminary Stormwater Management Plan

Proposed Conditions

Of the 11 acres within the lot boundary, 9.95 acres will require stormwater management. 1.17 acres are not included in this analysis, as they are located downhill of the project site and stormwater management system, and will remain undeveloped. Post-development stormwater runoff flow patterns will generally follow those described for existing conditions, when viewed from a regional perspective: post-development stormwater runoff will continue to drain to the downstream roadway drainage system, which currently receives runoff from the project site area. It is assumed that the existing drainage system will contain capacity to accommodate detained flows from the proposed development. Drainage basins have been delineated for areas which will contribute runoff to the onsite pond and grassy swale upon project completion. A proposed drainage basin and site layout is shown on Figure 3 in Attachment A.

Table 1 presents the contributing areas from the proposed Tannler Drive development project limits. Pervious areas under developed conditions will be a combination of approximately 1.64 acres of lawn, which produces higher runoff rates, and 3.17 acres of undisturbed, highly vegetated area uphill from the development located along Falcon Drive, Summerhinn Way, and the Tannler Drive project site. For the purposes of providing a conservative preliminary analysis and stormwater management design, the full 4.81 acres of pervious area were modeled as developed lawn.

Table 1: Proposed Tannler Drive Project Areas	
Area Type	Area (acres)
New Impervious Area	5.14
Project Pervious Area (lawn)	1.64
Project Pervious Area (undisturbed)	3.17
Total Project Drainage Area	9.95

Hydrology

Catchment areas for existing and proposed basins were modeled using HydroCAD® 10.0 software. Drainage basin areas described previously, as well as rainfall distributions, curve numbers, and times of concentration were entered into each catchment to create runoff hydrographs using the Santa Barbara Urban Hydrograph (SBUH) runoff method. Under existing conditions, the basin behaves like a more natural, contiguous watershed, and a single time of concentration was applied to the entire basin. In order to more accurately represent the post-development runoff hydrograph from a given basin, the impervious and pervious areas were input into separate catchments and flows were calculated separately to allow different times of concentration to be used for different land uses. Resulting hydrographs were then added together to produce a combined peak runoff flow rate. This calculation approach isolates the impervious surfaces from the pervious areas, and accounts for the rapid initial runoff from impervious surfaces followed by runoff from pervious surfaces within the

Preliminary Stormwater Management Plan

basin.

Rainfall Depth

Rainfall depths for the storm events of interest, obtained from NOAA Atlas maps were applied to the Natural Resource Conservation Service (NRCS) Type 1A rainfall distribution and routed through the pre- and post-developed watershed basins.

Table 2: Precipitation Depths	
Recurrence Interval	Precipitation Depth (in)
2-Year	2.50
5-year	3.00
10-Year	3.40
25-Year	3.90
100-Year	4.50

Curve Number

Curve Numbers (CN), listed in Table 3 for impervious and pervious areas during existing and post-development conditions were selected using Table 2-2a – Runoff Curve Numbers for Urban Areas from Technical Release 55: Urban Hydrology for Small Watersheds (TR-55) (see Attachment D).

Table 3: Runoff Curve Numbers			
Category	Cover Type	Hydrologic Soil Group	Curve Number
Impervious Area	Pavement, roofs, sidewalks	D	98
Existing Pervious Area	Brush	D	77
Post-development Pervious Area	Open Space, Good Condition	D	80

Time of Concentration

The time of concentration (ToC) represents the maximum time needed for all areas of the basin to be contributing to the outflow hydrograph. Time of concentration values for each contributing drainage basin during existing conditions were calculated using the method provided by the SCS Technical Release 55 (SCS 1986) in HydroCAD. The minimum allowable time of concentration for any drainage basin is five minutes.

Existing Conditions

The pre-project area was modeled as one existing drainage basin and one time of concentration was calculated. Using the time of concentration calculation method programed into HydroCAD (similar

Preliminary Stormwater Management Plan

to the TR55 method), it was assumed that existing runoff behavior consists of 50 feet of sheet flow, while the remaining 900 feet to the point of compliance was assumed to be shallow concentrated flow on steep slopes. A ToC of 6.4 minutes was calculated and applied to this analysis.

Proposed Conditions

Times of concentration are much lower post-development due to the additional impervious area created in the basin, which consequently increases the overall curve number within the basin. The time of concentration for post-development conditions within each drainage basin was assumed to be five minutes; a conservative assumption for preliminary calculations based on the high impervious percentages resulting from development.

Drainage Basin Runoff

Stormwater runoff rates for each basin, during existing and proposed conditions, were calculated using HydroCAD®, as described above. The total existing runoff rate generated by the existing areas within the project site was calculated to set targets for water quantity mitigation in the pond. The existing runoff rate for the project area was determined by computing a runoff hydrograph and routing it through a storage node with a flow control structure representing a detention pond. Table 4 lists the existing runoff rates calculated for the project site.

Table 4: Existing Conditions Runoff Rates	
Storm Event	Runoff Flow Rate (cfs)
2-year	1.25
5-year	2.08
10-year	2.82
25-year	3.80
100-year	5.06

Runoff rates for each drainage basin during post-developed conditions are included in the output report from HydroCAD (see Attachment F). Runoff from each of these basins was routed to the onsite pond via the proposed stormwater conveyance system described below.

Water Quality

Runoff from the water quality storm event is generated by 1-inch of precipitation falling in a 24-hour period, as defined by Clackamas County Water Environment Services (WES). Approximately 5.14 acres of new impervious area will be created with the new development. Runoff from the developed area will be treated using a grassy swale as described below.

Pretreatment

Preliminary Stormwater Management Plan

A pollution control manhole will be located upstream of the regional grassy swale facility to remove floatable material and allow some solids to settle out before being discharged into the swale. A City of West Linn standard pollution/flow control manhole will be installed in the private roadway right-of-way at the downstream end of the main conveyance line following a flow split that will direct low flows through the pollution control manhole and swale, and high flows directly into the detention pond.

Grassy Swale

The City of West Linn refers to the City of Portland Stormwater Management Manual for water quality facility design guidance. Parameters for this type of facility, as defined by the City of Portland, include:

- Minimum two foot bottom width
- Maximum 4H:1V side slopes
- Maximum design velocity of 0.9 ft/s
- Minimum hydraulic residence time of nine minutes
- Manning n value of 0.25
- One foot of freeboard between the water quality surface elevation
- Minimum length is 100 feet
- Flow spreaders shall be placed every 50 feet in swales with a bottom width greater than 6 feet.

A swale was preliminarily designed for the proposed project site using these parameters with the following dimensions:

- Bottom width = 7 feet
- Longitudinal slope = 0.6%
- Length = 133 feet
- Depth = 18 inches
- Side slopes = 4H:1V

Calculations for the proposed grassy swale are included in Attachment E.

LIDA Planter

The frontage along Tannler Drive will have a new eight-foot wide sidewalk within the public right-of-way, set along the back of the existing street curb line. This new impervious area (approximately 5,200 square feet) will be treated using a Low Impact Development Approach (LIDA) flow-through planter within the proposed dedicated right-of-way on the back side of the sidewalk. The sidewalk sheds toward the street, combining with roadway runoff in the existing Tannler Drive curb and gutter system. Tannler Drive has a slope of approximately 13 percent with existing catch basins collecting gutter flows. Since the sidewalk runoff will be combined with the existing roadway runoff, the City is open to an approach which allows an equivalent area of roadway runoff to be treated in place of sidewalk runoff. The LIDA planter shown on Figure 2 will collect 5,200 sf of sidewalk and existing roadway for treatment. Table 5 summarizes the LIDA planter sizing.

Preliminary Stormwater Management Plan

Table 5: LIDA Planter Sizing Summary

Contributing Impervious Area	5,200 square feet
LIDA Sizing Factor	6%
LIDA Treatment Area	312 square feet

Water Quantity

The discharge rate from the proposed development into the Blankenship Road drainage system must be less than or equal to the peak flow rate from pre-developed 2-year, 5-year, 10-year, and 25-year recurrence interval storm events, per City of West Linn water quantity standards. Pre- and post-development flow rates from the pond are listed in Table 6.

Detention Pond

Water quantity requirements will be met by routing proposed runoff into a single detention pond, located at the southwest corner of the development. Post development runoff rates were routed through this pond, which was sized to match release rates of existing conditions using storage and a flow control structure before directing stormwater into the existing downstream stormwater conveyance system.

Flow Control Structure

Peak flow attenuation will be achieved using a standard City of West Linn flow control structure on the pond outlet pipes. The low-flow control orifice plate will include a low-flow control orifice to regulate the release of the 2-year storm event. A second orifice will be located higher to regulate the release of the 5- and 10-year flow events, and a notched weir will be incorporated into the riser structure to regulate the 25-year flow rate. The result will be slight over-detention of the 10-year and 25-year storm events. Table 6 summarizes the flow control structure for the proposed pond, and Attachment F includes additional orifice and weir data from the HydroCAD model.

Table 6: Flow Control Structure Summary

Flow Control Device	Dimension/Elevation
2-year Flow Control Orifice Diameter/Elevation	5.1"/270'
5/10-year Flow Control Orifice Diameter/Elevation	6.3"/273.3'
High-Flow Control Weir Length/Elevation	12"/274.4'

Release Rates

The flow control structure was sized using an iterative process in the HydroCAD model, adjusting the storage volume and outflow structure until the pond outflow rates for the design storm events were less than or equal to the calculated existing basin runoff rates. The resultant project condition runoff rates and release rates from the pond are listed in Table 7, along with the existing basin runoff rates for comparison.

Preliminary Stormwater Management Plan

Table 7: Pre- and Post-development Release Rate Comparison

Storm Event	Existing Runoff Rate (cfs)	Proposed Developed Undetained Rate (cfs)	Proposed Release Rate (cfs)
2-year	1.25	3.78	1.24
5-year	2.08	4.85	2.07
10-year	2.82	5.74	2.47
25-year	3.80	6.88	3.60

Pond Capacity

The pond has capacity to contain the detained flow up to and including the 25-year storm event, with 1 foot of freeboard. Table 8 lists the pond water surface elevation and subsequent pond volume from the HydroCAD model during each of the design storm events.

Table 8: Pond Volumes and Water Surface Elevations

Storm Event	Water Surface Elevation (ft)	Volume (cf)
2-year	273.29	8,930
5-year	273.8	10,977
10-year	274.31	13,242
25-year	274.82	15,725
100-year*	275.23	17,119

*Volume not contained within the pond, discharge through emergency overflow occurs.

Pond Emergency Overflow

Either a separate riser pipe or an emergency overflow weir at the top of the pond embankment adjacent to the proposed development will be designed to convey the entirety of the 100-year storm event runoff rate should the primary flow control outfall be compromised, or its capacity exceeded. Attachment F includes emergency overflow weir sizing, which was calculated using Hydraflow Express software as well as sizing for an overflow riser as an alternative option if the weir is not able to be configured in a way that provides a safe overflow route. Should a storm event exceed the maximum capacity of the ponds, the excess stormwater in the pond will either spill through the emergency overflow weir, directing flows downhill across the preserved lot area and into the roadway conveyance system or into the overflow riser, which will convey flows into the main conveyance line downstream of the pond.

Conveyance

A stormwater conveyance pipe network within the Tannler Drive development will be designed in accordance with City of West Linn standards for storm sewer pipe networks. The stormwater conveyance network will collect and convey runoff flows to the onsite stormwater pond. The conveyance system will be sized using the Rational Method to meet the following criteria:

Preliminary Stormwater Management Plan

- Five minute minimum time of concentration
- Minimum pipe slope of 0.0055 ft/ft with minimum velocity of 2 ft/second
- Minimum pipe roughness coefficient of 0.013
- Design storm = 100-year event.

Conclusions

The stormwater management approach for the Tannler Drive Mixed-Use development project is to provide onsite stormwater collection, conveyance, water quality treatment, and detention designed to meet City standards. The conveyance system will be sized to convey the 100-year storm event. Water quality requirements will be met using a regional grassy swale using a one-inch water quality design storm and City of Portland design standards. The onsite regional detention pond will be designed to release post-development runoff flows at a rate less than or equal to existing peak runoff rates for the 2-year, 5-year, 10-year, and 25-year storm events.



HATHAWAY LARSON

July 30, 2026

VIA EMAIL

City of West Linn Planning Commission

Kathryn Schulte-Hillen, Chair

David D. Jones, Vice Chair

Gary Walvatne, Commissioner

Tom Watton, Commissioner

Dan Saltee, Commissioner

Kris Kachirisky, Commissioner

Elizabeth Dietz, Commissioner

c/o Darren Wyss, Principal Planner

22500 Salamo Road

West Linn, OR 97068

dwyss@westlinnoregon.gov

Re: Written Testimony

Modera Mixed-Use Development – File No. DR-25-04/LLA-25-02

Dear Chair Schulte-Hillen and Commissioners:

I represent Ed and Roberta Schwarz and other members of the West Linn community who oppose the proposed realignment of Tannler Drive. The proposed realignment would require vacation of a portion of Tannler Drive and would adversely affect White Oak Savanna Park and its entrances. As of July 28, 2026, the neighbors opposing the proposed realignment and vacation have obtained more than 350 signatures supporting their position.

Gregory S. Hathaway

1125 NW Couch Street, Suite 550

Portland, OR 97209

greg@hathawaylarson.com

(503) 303-3103 Direct

(503) 303-3101 Main

I understand that if the Commission approves the above-entitled development, the approval would be conditioned on either the Applicant filing a petition under ORS 271.080 through ORS 271.160 to vacate a portion of Tannler Drive or the City Council initiating vacation proceedings under ORS 271.130.

I also understand that City staff may conclude that formal vacation of a portion of Tannler Drive is unnecessary. Even if that approach would not technically constitute a “vacation,” it would have the same practical effect. The public would lose an important segment of Tannler Drive used to access White Oak Savanna Park and travel efficiently to Blankenship Road, while traffic would be redirected through the proposed development—which on its face will create unnecessary traffic impacts. The City also would retain an abandoned portion of Tannler Drive that would no longer be usable or maintained. That result would constitute a de facto vacation.

I reviewed the Applicant’s materials, including the TIA prepared by Kittelson and Associates, as well as the Transportation Impact Review prepared by Rick Nys, Principal Traffic Engineer, on behalf of Mr. and Mrs. Schwarz. Based on that review, it is my opinion that any petition to vacate would likely be denied because realigning Tannler Drive and vacating a portion of it would harm or prejudice the public interest.

If no formal vacation is proposed, the practical effect would remain the same: a functional portion of Tannler Drive that serves the public would be removed from public use for the Applicant’s benefit. The Commission therefore should not approve the above-entitled development subject to a condition that would permit that portion of Tannler Drive to be vacated or functionally removed when doing so would harm or prejudice the public interest.

The following findings support the Commission's rejection of the proposed realignment and the resulting vacation or de facto vacation of a portion of Tannler Drive.

PROPOSED FINDINGS OF DENIAL

The following findings support the Commission's rejection of the proposed realignment and the resulting vacation or de facto vacation of a portion of Tannler Drive.

1. The Applicant has not demonstrated that the proposed realignment of Tannler Drive is necessary to comply with the City's Transportation System Plan. Mr. Nys' Transportation Impact Review states that the TSP neither establishes a required roadway alignment nor requires relocation of Tannler Drive.
2. The Applicant's Traffic Signal Warrant Analysis does not demonstrate that the MUTCD Four-Hour Vehicular Volume Warrant is satisfied at the proposed realigned Blankenship Road/Tannler Drive intersection.
3. The Applicant's TIA does not evaluate queuing under the existing Blankenship Road/Tannler Drive configuration. Without that evaluation, the TIA does not establish whether inadequate eastbound right-turn queuing at the Blankenship Road/Salamo Road/10th Street intersection justifies realigning Tannler Drive.

As Mr. Nys states in his Transportation Impact Review: "[B]ecause the TIA does not provide a queuing analysis for the existing roadway configuration, the applicant has failed to establish whether existing or future queues at this location are

acceptable, whether storage capacity is exceeded, or whether the operational concern identified in the TSP would occur with the existing Tannler Drive alignment.”

4. The Applicant has not demonstrated that relocating Tannler Drive is necessary or preferable to the other solutions identified in the TSP. That omission is critical because the proposed realignment would result in the vacation or de facto vacation of a portion of Tannler Drive and will harm or prejudice the public interest. At a minimum, the City should require the Applicant to evaluate all alternatives and demonstrate that the realignment of Tannler Drive is necessary.

Mr. Nys summarized his concern in his Transportation Impact Review: “Before approving such a significant modification to the transportation system, the applicant should demonstrate that the change is necessary and provides transportation benefits that cannot reasonably be achieved through other TSP-consistent improvements.”

5. ODOT does not require the proposed realignment of Tannler Drive or the resulting vacation or de facto vacation of a portion of the roadway. The proposed realignment therefore primarily benefits the proposed development and has not been shown to advance the public’s best interests.
6. The proposed realignment would remove approximately 275 feet of Tannler Drive frontage adjacent to White Oak Savanna Park and close one of the park’s three entrances. The Applicant has not demonstrated that closing a public park entrance for the benefit of the proposed development would serve the public interest.

City of West Linn Planning Commission
July 30, 2026
Page 5

CONCLUSION

Based on the foregoing, Mr. and Mrs. Schwarz and other members of the West Linn community respectfully request that the Commission require the Applicant to redesign the proposed project so that it does not require realignment of Tannler Drive, or the vacation or de facto vacation of any portion of Tannler Drive.

Very truly yours,

HATHAWAY LARSON LLP

/s/ Gregory S. Hathaway

Gregory S. Hathaway

GSH/ep

cc: Clients

July 30, 2026

West Linn Planning Commission
City Hall
22500 Salamo Road
West Linn, OR 97068

Subject: Modera Apartment Application – DR-25-04/LLA-25-02

Chair Schulte-Hillen and Commissioners,

My name is Ed Schwarz and I live in West Linn.

As I understand that this evening’s testimony is restricted to the commercial portion of this application, I want to make it clear that I will be discussing the removal of commercial space from six of the buildings in this application and the requirements of the OBC zoning of this property. I am not addressing anything specifically related to the residential portion of the application.

Over the past several years there have been many changes in the way cities can manage code requirements on new housing development. These changes arose from a desire to permit the construction of more affordable housing in Oregon.

HB 2001, HB 2003, and SB 1537 all impacted what could be built and how much control local jurisdictions have over it.

SB 1537 allows developers to request up to ten mandatory “adjustments” on their housing projects. These adjustments fall in various categories such as increased building height, lessening the total window area in a building, reducing the number of bicycle parking spaces, reducing requirements for balconies and porches, and prohibitions on ground floors of mixed use buildings against residential uses except for one face of the building facing the street and within 20 feet of the street or against nonresidential active uses that support the residential uses of the building, and others.

Now comes HB 4037, which was recently passed by the legislature in its abbreviated session and took effect on July 1.

In summary, HB 4037 eliminates public hearings where citizen input is normally allowed in cases where the application meets the “clear and objective” standards of the code. Additionally, HB 4037 limits public notice requirements and eliminates the ability of anyone except the applicant to appeal any decision by the hearings body or planning manager.

On July 9, 2026 attorney Andrew Mulkey submitted a letter in which he raises objections to the requirements of HB 4037, calling them “blatantly unconstitutional”. Mr. Mulkey has been retained by a group of West Linn residents to help us in navigating the ever-changing requirements of state law when it comes to development applications.

I would like to add to Mr. Mulkey’s position by stating that HB 4037 does not apply to the Tannler Drive apartments development application. The underlying zoning for this property is OBC – Office Business Center. The applicant has used the adjustment clause in SB 1537 to make 6 of their 10 proposed buildings 100% residential. They then claim that HB 4037 and its prohibitions against public testimony now apply to their development as it is “housing.” That is not correct, and the city should not have fallen for this wordsmithing.

Section 38(1)(b) of SB 1537 states that an allowable adjustment does not include a request to allow use of property not otherwise permissible under applicable zoning requirements. The underlying zoning for this application is OBC, not residential, and 100% residential buildings are not allowed in this zone. Therefore, the SB 1537 adjustment should not be allowed, and HB 4037 does not apply as this is not “housing” under our codes. The entire house of cards on which this application is built falls apart.

The Planning Commission should deny this application for its non-adherence to the underlying OBC zone, which is a violation of CDC 21.030, CDC 21.050, and CDC 21.060, all of which list the permitted uses in the zone. Buildings which are 100% residential are not permitted uses.

There have been numerous previous applications on this property which have been denied by the Planning Commission for not adhering to the requirements of the OBC zone. Please make this yet another and deny this application based on the many points of nonadherence to code that you will hear tonight.

Thank you,
Ed Schwarz
West Linn

Testimony submitted by Roberta Schwarz on Tannler Dr Application: DR-25-04/LLA-25-02

This testimony was submitted on July 30th, 2026, prior to the deadline of 4 pm

Please add this testimony to the Public Record and email me confirmation of receipt.

Part 1 of 2 parts of testimony for today

“Unbelievable!” “Ridiculous!” “That’s crazy!” “You’re Kidding!” Just some of the interesting responses Ed and I have received as we’ve talked to people in the area about this proposed Tannler Dr. development application. Picture, if you will, on a mere 11.4 acres of steep, OBC zoned land, building four stories comprised of 320 apartments that vary in size from 1, 2, and 3 bedrooms along with over 12,000 square feet of commercial space. In the twenty-four years that we have lived here we have seen many proposals for this particular spot, but never anything so literally over the top.

It has been wonderful to see so many of the people who live here become organized like never before, gathering over 350 signatures in opposition, placing signs on their yards, attending meetings, and giving money to a fund to hire four experts in their fields: two attorneys, a traffic engineer, and a civil engineer.

Tonight, we will discuss the many reasons that this Planning Commission cannot approve this application. I will start with our traffic engineer’s technical review of the applicant’s Traffic Impact Analysis.

This review was sent to you before the July 30th deadline, so I hope that you all have had a chance to read it.

Rick Nys, P.E., the Principal Traffic Engineer, states in his conclusion the following:

“The deficiencies identified in this review are not limited to isolated technical omissions. Rather they involve fundamental components of transportation safety, access, management, and operational analysis that are necessary for the Planning Commission to evaluate compliance with applicable approval criteria. These include lack of access analysis for all driveways, absence of required sight distance evaluations, insufficient evaluation of driveway placement on curved roadway segments, unaddressed backing and parking conflicts, incomplete multimodal transition analysis, and unsupported signal warrant conclusions.”

in his report, he cites over a half dozen CDC codes that are not in compliance in the submitted TIA and application. “Each of these issues” he states, “bears directly on the Planning Commission’s ability to make the required findings under CDC 85.170(B)(2)(g) and related provisions. Based on the application materials, those findings cannot be supported with substantial evidence.”

Please do not approve this application.

Thank you,

Roberta Schwarz

West Linn

Testimony submitted by Roberta Schwarz on Tannler Dr Application: DR-25-04/LLA-25-02

This testimony was submitted on July 30th, 2026, prior to the deadline

Please add this testimony to the Public Record and email me confirmation of receipt.

Part 2 of 2 parts of testimony for today

Reasons why the closing/taking/vacating/realignment of Tannler Drive is not in the public interest and would cause the public interest to be prejudiced.

1. The White Oak Savanna park was listed as a proposed land acquisition in the 1998 West Linn Park, Recreation, and Open Space Plan years before Mr. Parker owned the parcel directly across the street which he is now proposing to develop. The public interest would be prejudiced if one of the entrances to the park were closed due to the closure of Tannler Dr at the intersection with Blankenship.
2. In an email dated May 1, 2026, Brad Kilby, Planning Manager for Harper, Houf Peterson Righellis, a consultant for the application, stated when referring to Tannler Drive, "We are not proposing to vacate the right of way, but we will have to close it off near the bottom of our site, It will just be a dead end public street with parallel parking". The parallel parking has since been removed from the plans for the project but the applicant still proposes to add a traffic lane which will only serve the commercial portion of the project. Doing this will leave the lower, abandoned part of

Tannler Dr to serve only to collect debris as there will be no mechanism to keep it clean. This is not in the public interest. It would prejudice the public interest.

3. There is substantial community interest in the protection of the White Oak Savanna Park. As of July 30th, 2026, over 350 signatures have been received opposing the closing of Tannler Dr so that the street it is located on remains open.
4. The rerouting of Tannler Dr removes approximately 275 feet of the current frontage road of Tannler Dr from the White Oak Savanna Park. This limits access to the park, especially to those approaching from Blankenship Road.
5. Ten years of fundraising \$3.5 million by the neighbors made possible the acquisition of the White Oak Savanna as a public park. Sixteen years and 21, 690 hours of volunteer work have also been donated to the restoration of the Savanna by the neighbors. Closing Tannler Drive, one of the ways into the Savanna, would not be in the best interest of the public.

Thank you,
Roberta Schwarz



Engineering Solutions Inc.

Engineering Review Report Land Use Application DR-25-04 Tannler Drive Apartment Complex

Revision Date: 7/29/26

Revision: A

July 29, 2026

City of West Linn Planning Department
Attn: Planning Commission, Darren Wyss
22500 Salamo Road
West Linn, OR 97068

Subject: DR-25-04 Tannler Drive Apartment Complex

Dear Planning Commission and Mr. Wyss,

Engineering Solutions Inc. (ESI) has been retained by members of the West Linn community to conduct an independent engineering review of the applicant's submittal documents for City of West Linn Project DR-25-04. The purpose of this report is to evaluate the application for consistency with the applicable provisions of the City of West Linn Community Development Code (CDC). Because this is a quasi-judicial land use application, the burden rests with the applicant to demonstrate compliance with the applicable approval criteria.

The applicant has submitted an application for Design Review (DR-25-04) to redevelop approximately 11.36 acres located at 2410 Tannler Drive in West Linn, Oregon. The proposed mixed-use development consists of approximately 320 residential dwelling units distributed among eleven residential buildings, together with supporting commercial space, internal roadways, parking areas, utilities, landscaping, and associated site improvements.

The property is zoned Office Business Center (OBC) and is subject to the applicable provisions of the West Linn CDC. As part of its review, the Planning Commission must evaluate the application against the approval criteria contained within CDC Chapters **21, 42, 44, 46, 48, 54, 55, 85, and 96**. The applicant also requests several development standard adjustments pursuant to Section 38 of Oregon Senate Bill 1537 (SB 1537), including adjustments to the maximum building height requirements of Chapter 21.

This report evaluates the applicant's submitted materials from an engineering perspective to determine whether the application demonstrates compliance with the applicable provisions of the CDC and whether the record contains sufficient technical information to support the findings required for approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'Danny Mercer'.

Danny Mercer, PE (OR)
President
Engineering Solutions Inc.

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Executive Summary

Table 1 below summarizes Engineering Solutions Inc.'s assessment of each applicable CDC chapter based on the information contained in the current application record as of the time of the issuance of this report.

Table 1: CDC Compliance Summary

CDC Chapter	Compliance Demonstrated?	Primary Code Section(s)	Summary
21 – Office Business Center	Partial	21.070(A)(6)	Requested SB 1537 building height adjustment not adequately supported.
42 – Clear Vision	Yes		Appears compliant.
44 – Fences	Yes		Appears compliant. Minor clarification recommended regarding retaining wall fall prevention safety.
46 – Parking	Yes		Appears compliant.
48 – Access & Circulation	No	48.030(E)(5)	Insufficient engineering documentation to support required findings.
54 – Landscaping	Yes		Generally compliant.
55 – Design Review	No	55.130(B)-(C) 55.105(N)(1)(a)	Current record does not provide sufficient engineering information to verify compliance.
85 – Land Division	No	85.200(A)(5)(a)	Current record does not provide sufficient engineering information to verify compliance.
96 – Public Improvements	No	96.010(A)(3)	No substantive evaluation of applicable Chapter 96 requirements was provided.

ESI conducted an independent engineering review of the applicant's submitted materials for City of West Linn Project DR-25-04 to evaluate whether the current application demonstrates compliance with the applicable engineering provisions of the West Linn CDC and provides sufficient technical information to support the findings required for approval.

As summarized in Table 1, several portions of the application, including the clear vision analysis, fencing, parking, and landscaping, generally appear to satisfy the applicable engineering requirements of the CDC. However, the review also identified several critical areas where the current application does not provide sufficient engineering information for the City to independently verify compliance or make the findings required for approval.

The principal engineering concern identified throughout this review is not that the proposed development is necessarily infeasible. Rather, the application at present is unable to substantiate that the proposed development is feasible. Instead, it repeatedly relies upon future engineering design, public infrastructure improvements, agency coordination, utility modifications, easement revisions, and other subsequent activities to demonstrate compliance with several applicable approval criteria. While these activities are common during project development, they also represent engineering work necessary to substantiate compliance with the CDC and feasibility of construction.

As a result, several required findings cannot presently be verified based upon the information contained within the current application record. The most significant engineering issues identified during this review include:

- **Building Height Adjustment (Chapter 21):** The application does not provide sufficient evidence to support the findings necessary for approval of the requested SB 1537 building height adjustment.
- **Access and Circulation (Chapter 48):** Compliance with several access, circulation, and reciprocal easement requirements is not supported by sufficient engineering documentation.
- **Design Review (Chapter 55):** The proposed grading, retaining wall systems, stormwater management approach, and transportation improvements rely upon future engineering analyses and public improvements before compliance can be verified.
- **Land Division (Chapter 85):** Compliance with the incorporated land division standards cannot presently be verified because multiple engineering elements remain dependent upon future design, coordination, and implementation.
- **Public Improvements (Chapter 96):** The application does not include a substantive evaluation of the applicable public improvement requirements despite relying upon significant transportation, utility, drainage, and right-of-way improvements.

Accordingly, while portions of the application appear consistent with the applicable engineering requirements of the CDC, the current record does not provide sufficient engineering and technical information to support approval of the application. As it is the burden of the applicant to demonstrate compliance with the CDC, ESI recommends that the Planning Commission deny the current application based upon the current record.

CDC Chapter 21 – Office Business Center, OBC.

The approximate project surface areas are as follows:

Project Area = 494,715 SF (11.36 acres)
Proposed Impervious Area = 349,536 SF = 70% impervious
Building Area = 151,000 = 33% of the site

Chapter 21 establishes the primary development standards for properties within the Office Business District, including permitted uses, residential density, building setbacks, maximum building height, and maximum lot coverage. From an engineering perspective, the principal review items applicable to this development include:

- Permitted mixed-use development;
- Residential density;
- Building setbacks;
- Maximum building height; and
- Maximum lot coverage.

A. Permitted Mixed-Use Development

Mixed Use development appears to be acceptable on this lot under Chapter 21.

B. Residential Density

The proposed development includes approximately 320 dwelling units on an approximately 11.15-acre site, resulting in an overall density of approximately 28.7 dwelling units per gross acre, or approximately one dwelling unit per 1,500 square feet of site area. Unlike many residential zoning districts within West Linn and neighboring jurisdictions that regulate maximum residential density through units-per-acre limitations, Chapter 21 does not establish a maximum residential density for mixed-use residential development. Instead, development intensity is primarily regulated through dimensional standards including maximum building height, setbacks, lot coverage, parking, landscaping, and other site development requirements. Consequently, compliance with these dimensional standards serves as the primary mechanism by which Chapter 21 regulates the overall scale and intensity of development.

For context, this density exceeds the maximum residential densities permitted in most residential zoning districts within West Linn, where maximum densities generally range from approximately 6 to 24 dwelling units per acre depending on zoning designation.

C. Building Setbacks

Building setbacks appear to comply with Chapter 21 and no variances have been requested.

D. Maximum Building Height

The proposed buildings are subject to the maximum building-height standards of CDC 21.070(A)(6). The applicant acknowledges that 10 of the 11 proposed buildings exceed the underlying Chapter 21 height limitations and requests an adjustment pursuant to Section 38 of SB 1537. The proposed building heights are compared with the applicable CDC standards in Table 2 below.

Table 2: Proposed Building Heights

Building	Proposed Residential Floors	CDC Allowable Floors	Proposed Building Height (ft)	CDC Allowable Height (ft)
1 (Type B)	4	3.5	54'	45'
2 (Type G)	4	3.5	54'	45'
3 (Type B)	4	3.5	54'	45'
4 (Type B)	4	3.5	54'	45'
5 (Type B)	4	3.5	54'	45'
6 (Type B)	4	3.5	54'	45'
7 (Type D)	4	3.5	54'	45'
8 (Type C)	4	3.5	54'	45'
9 (Type E)	4	3.5	54'	45'
10 (Type F)	4	3.5	54'	45'
11 (Type A)	1	3.5	Not Provided	45'

The applicant characterizes the requested building height adjustment as mandatory under SB 1537. However, the adjustment becomes mandatory only if the City first determines that all qualification criteria in Section 38(2)(a) through (g) have been satisfied. The submitted narrative does not clearly demonstrate compliance with all eligibility criteria or provide sufficient analysis to support several required findings. Accordingly, the City must independently evaluate the evidence and adopt findings

supported by substantial evidence before determining whether the requested adjustment qualifies for approval under SB 1537.

The applicant additionally asserts that the requested adjustments will result in approximately 148–154 additional dwelling units but does not provide a quantitative analysis demonstrating how this figure was derived. The application combines the effects of the requested building height adjustment and the requested ground-floor residential adjustment into a single estimated increase without identifying the contribution of each individual adjustment or establishing the code-compliant baseline development from which the increase is measured. Consequently, the application does not provide sufficient evidence for the City to independently verify the claimed increase in dwelling units or adopt the findings required under Section 38(2)(g)(C) based on substantial evidence.

Engineering Finding: Ten of the eleven proposed buildings exceed the maximum building height permitted by **CDC 21.070(A)(6)** and therefore require a height adjustment under Section 38 of SB 1537. Because the applicant has not provided sufficient evidence demonstrating eligibility for the requested SB 1537 height adjustment, the Planning Commission lacks a sufficient evidentiary basis to approve the requested adjustment. Since the proposed development exceeds the underlying Chapter 21 height limitations, the requested development cannot be approved under the current application record.

E. Lot Coverage

The applicant indicates that the proposed development will result in approximately 70% impervious area. While this represents a substantial amount of site coverage, the CDC does not establish a maximum allowable impervious surface percentage for development within the Office Business District. Instead, Chapter 21 regulates lot coverage, which is defined as the area covered by buildings.

The submitted plans indicate building lot coverage of approximately 33%, which is below the 50% maximum lot coverage permitted by Chapter 21. Based on the information submitted, no apparent exception or noncompliance with the Chapter 21 lot coverage standard was identified.

CDC Chapter 42 – Clear Vision Areas

Chapter 42 establishes minimum clear vision area requirements at intersections and access points. The submitted application identifies the required clear vision triangles at the proposed access locations on the civil plans, which generally appears consistent with the intent of CDC Chapter 42.

Engineering Finding: The submitted application generally appears consistent with the intent of CDC Chapter 42 by identifying the required clear vision areas on the civil plans. This review did not independently evaluate available sight distance or otherwise verify the adequacy of visibility at the proposed access locations, as such analyses are not required to demonstrate compliance with the provisions of CDC Chapter 42.

CDC Chapter 44 – Fences

CDC Chapter 44 establishes standards governing the location, height, and design of fences. These standards are intended to ensure that fencing is compatible with adjacent land uses while maintaining visibility, safety, and compliance with applicable development requirements.

The applicant proposes three fence installations, which are identified in the project narrative and depicted on the submitted site and landscape plans. Based on the submitted materials, the proposed fence locations and heights appear consistent with the requirements of CDC Chapter 44.

The applicant's narrative states that no fences are proposed on top of the retaining walls. While this appears consistent with the proposed site design, the application does not identify whether guardrails or other protective barriers will be provided where required to address fall protection adjacent to retaining walls. Although such requirements may be governed by applicable building codes or other design standards rather than CDC Chapter 44, this aspect of the design should be clarified during subsequent design or permitting, as applicable.

Engineering Finding: The proposed fencing appears to comply with the requirements of CDC Chapter 44. Accordingly, this chapter does not present an engineering impediment to the Planning Commission making the findings required for approval. The absence of fencing, guardrails or protective barriers adjacent to retaining walls is noted as an item requiring clarification under applicable design or building standards, if required.

CDC Chapter 46 – Off-Street Parking, Loading and Reservoir Areas

CDC Chapter 46 provides standards for the number and arrangement of parking, loading, and reservoir areas. Unlike many zoning districts, the applicable parking standards establish a maximum allowable number of parking spaces rather than a minimum parking requirement. The proposed development provides 400 parking spaces to serve 320 residential units, ranging from one- to three-bedroom units, together with the proposed commercial space. Based on the submitted parking calculations, the project appears to remain below the maximum parking allowance established by the code.

For reference, the Institute of Transportation Engineers (ITE) Parking Generation Manual reports that comparable multifamily developments commonly exhibit peak parking demand in the range of approximately 1.3 to 1.4 parked vehicles per dwelling unit. The proposed project provides approximately 1.25 parking spaces per residential unit, exclusive of any parking demand associated with the proposed commercial uses. While this ratio is somewhat below the average parking demand observed for comparable developments, Chapter 46 does not establish a minimum parking requirement or require a parking demand analysis.

Engineering Finding: Based on the submitted application materials, the proposed parking facilities appear to comply with the applicable requirements of CDC Chapter 46 and remain below the maximum parking allowance established by the code. However, the proposed parking supply is modestly below the average peak parking demand reported by the ITE for comparable multifamily developments. Although this does not indicate noncompliance with Chapter 46, the proposed parking ratio may warrant

consideration from an operational perspective, particularly given the inclusion of commercial space, 52 three-bedroom residential units, and the limited availability of on-street parking.

CDC Chapter 48 – Access, Egress and Circulation

CDC Chapter 48 establishes standards governing vehicular access, internal circulation, driveway design, and pedestrian and bicycle connectivity. The applicant has provided a narrative response to each applicable section of the code and references the accompanying civil plans and Traffic Impact Analysis in support of the proposed access and circulation system. The application proposes multiple access points from Tannler Drive, internal private roadways connecting the various residential buildings, reciprocal vehicle and pedestrian access with the adjacent Willamette 205 Office Center, and pedestrian facilities throughout the site intended to connect buildings, parking areas, common open spaces, and commercial uses.

Several portions of the Chapter 48 narrative rely primarily on statements of compliance rather than providing supporting engineering calculations or documentation within the application itself. For example, CDC 48.030(E) limits multifamily access drives to an average grade of 10 percent with a maximum grade of 15 percent. The applicant states that proposed driveways range from 4 percent to the maximum allowable 15 percent and concludes that the average grade complies with the code; however, no supporting calculations or grade tabulations are provided demonstrating how the average grade was determined for each access drive. Similarly, the narrative asserts compliance with access spacing and internal circulation requirements without providing the underlying engineering analyses within the application record. While these items may ultimately be demonstrated through the accompanying engineering plans or subsequent construction documents, the narrative generally does not provide sufficient supporting information to independently verify these conclusions.

The application also indicates that reciprocal access agreements and associated easements with the adjoining Willamette 205 Office Center will be amended following project approval to reflect the proposed access configuration. While this approach may ultimately satisfy the intent of the shared access provisions, the application relies upon future documentation rather than demonstrating that the necessary reciprocal access easements have been executed or otherwise established as proposed.

Engineering Finding: The current application record does not provide sufficient engineering information to verify compliance with the access, driveway grade, access spacing, and reciprocal access requirements of **CDC 48.030(E)**. Because these items remain unsupported by engineering calculations or executed documentation, the Planning Commission lacks sufficient evidence to make the findings required for approval under Chapter 48.

CDC Chapter 54 – Landscaping

CDC Chapter 54 establishes the City's landscaping requirements, including minimum landscaped area, parking lot landscaping, plant selection, irrigation, and long-term maintenance. The applicant has submitted a comprehensive landscape plan prepared by a licensed landscape architect and has provided responses addressing each applicable approval criterion. The proposed landscaping generally appears consistent with the applicable standards, with detailed planting plans, species schedules, parking lot landscaping, perimeter buffers, and irrigation provisions identified on the submitted landscape sheets.

Final irrigation specifications and certain installation details are appropriately deferred to the construction documents, consistent with the level of design typically provided during final engineering.

The application requests a design exception from the planting strip standards applicable to the proposed modifications of Tannler Drive. Specifically, the applicant requests approval of an alternative planting strip design in lieu of the standard configuration otherwise required by CDC Chapter 54. The merits of this requested design exception, including the applicable review criteria and procedural considerations, are discussed further in the review of CDC Chapter 96.

Engineering Finding: Based on the submitted application materials, the proposed landscaping generally appears to comply with the applicable requirements of CDC Chapter 54. The landscape plans provide sufficient detail to demonstrate compliance with the majority of the chapter's objective standards. The requested planting strip design exception is addressed separately under the review of CDC Chapter 96.

CDC Chapter 55 – Design Review

CDC Chapter 55 establishes the design review standards applicable to the proposed development, including site planning, building orientation and design, protection of natural features, grading and drainage, circulation, landscaping, and the availability of adequate public facilities. The applicant has elected to proceed under the clear and objective standards of CDC 55.105 and has submitted architectural, civil, landscape, traffic, stormwater, arborist, and geotechnical materials in support of the application. Particular attention is warranted where the application relies on requested adjustments, preliminary engineering assumptions, future design work, or improvements that must occur before the proposed development can be safely constructed and occupied.

This review is broken out into the following sections:

- Clear and Objective Review and Requested Adjustments
- Tree Removal
- Grading and Site Modifications
- Geotechnical Investigation
- Retaining Wall Design
- Retaining Wall Drainage
- Site Stormwater Management
- Transportation

A. Clear and Objective Review and Requested Adjustments

The applicant has elected to proceed under the clear and objective review process authorized by CDC 55.105 and Senate Bill 1537. Within the Chapter 55 narrative, however, the applicant acknowledges that several objective design standards are not met by the proposed development and requests adjustments for façade articulation, window area, building orientation, and balcony or porch requirements. Rather than demonstrating compliance with the underlying standards, the application relies upon approval of these requested adjustments to satisfy the applicable Chapter 55 design criteria.

As discussed previously in the review of CDC Chapter 21, SB 1537 authorizes qualifying adjustments to clear and objective standards only where the applicant demonstrates that the adjustment is necessary to accommodate the proposed housing development and satisfies the applicable statutory criteria. Because several Chapter 55 design standards depend upon approval of these requested adjustments,

the City's ability to make the required findings under this chapter is contingent upon the adequacy of the supporting evidence for those requests. Accordingly, the requested adjustments are not evaluated further within this chapter but are incorporated by reference to the discussion and findings presented under CDC Chapter 21.

B. Tree Removal

The proposed development will substantially alter the existing wooded character of the site. According to the applicant's arborist report, 328 of the 408 inventoried onsite trees are proposed for removal, while 80 trees, including 70 significant trees, are proposed to remain. The applicant has submitted a detailed arborist report, tree inventory, and tree preservation plan documenting the existing tree resources, evaluating individual tree health and structural condition, identifying significant trees, and establishing tree protection measures for retained trees during construction. The report further calculates the protected area associated with retained significant trees and concludes that approximately 24 percent of the significant tree protected area on property owned or controlled by the applicant will be preserved.

While the proposed removal of existing trees is substantial and will significantly alter the site's existing tree canopy, Chapter 55 does not prohibit extensive tree removal where the applicable tree preservation standards are otherwise satisfied. Based on the submitted arborist report and supporting exhibits, the applicant appears to have adequately documented the existing tree resources, identified trees proposed for retention and removal, and provided construction-phase protection measures for retained trees. Although portions of the proposed development will occur within typical root protection zones requiring arborist oversight during construction, the report provides recommendations intended to minimize construction impacts and maintain the viability of retained trees.

C. Grading and Site Modifications

The proposed development requires extensive grading to transform the existing undeveloped hillside into a multi-building residential development with structured parking, internal roadways, utilities, and associated site improvements. The project site generally slopes from north to south and includes significant elevation changes that necessitate substantial cut and fill operations, numerous retaining walls, and extensive modification of the existing terrain. The submitted grading plans indicate multiple retaining walls throughout the site, with wall heights ranging from approximately six feet to as much as 30 feet. These grading improvements form a fundamental component of the proposed development and directly influence the design of the retaining walls, stormwater management system, utilities, roadway improvements, and building foundations.

The applicant has submitted preliminary grading plans together with a geotechnical investigation intended to evaluate subsurface conditions and provide recommendations for site development. The geotechnical report identifies shallow basalt bedrock across much of the site, variable surficial soils, and the potential for perched groundwater during prolonged wet periods. The report further recognizes that the proposed development will require significant excavation into rock and recommends additional subsurface investigation, including supplemental borings and rock coring, to evaluate bedding orientations and support the final design of excavations and retaining structures.

At the land use stage, it is recognized that detailed structural design and final construction drawings are typically developed during subsequent engineering and permitting. Nevertheless, CDC Chapter 55 requires sufficient factual and engineering information to demonstrate that the proposed grading

concept is feasible and that known or potential geotechnical hazards can be adequately addressed. Because the proposed grading strategy relies upon extensive excavation, tall retaining walls, and site-specific geotechnical conditions that remain subject to additional investigation, the submitted application must provide adequate engineering support for the grading concept depicted on the plans, independent of the final construction-level design that will occur during later phases of the project.

Engineering Finding: Given the scale of the proposed grading, extensive rock excavation, and reliance upon numerous tall retaining walls, the application does not provide sufficient engineering information and other factual data to support the conclusions of the submitted grading plan as required by **CDC 55.130(C)**. Accordingly, the Planning Commission lacks sufficient engineering evidence to conclude that the proposed grading concept can be safely implemented as required under Chapter 55.

D. Geotechnical Investigation

The applicant submitted a geotechnical investigation prepared to evaluate subsurface conditions and provide recommendations for development of the site. The investigation identifies shallow basalt bedrock across much of the property, variable surficial soils, and the potential for perched groundwater during extended periods of rainfall. Based upon the available information, the geotechnical report concludes that the site can be developed provided its recommendations are incorporated into the final design. At the same time, however, the report recognizes that additional subsurface investigation will be necessary to support portions of the proposed development. Specifically, the geotechnical engineer recommends supplemental borings and rock coring to evaluate bedrock conditions, bedding orientations, and excavation feasibility in areas of significant rock cuts and retaining walls.

The preliminary nature of the geotechnical investigation is also reflected throughout the report, which anticipates additional engineering analysis as the project design progresses. While this sequencing is common during project development, the proposed grading concept shown on the current civil plans incorporates substantial excavation and retaining wall systems that rely upon the geotechnical conditions described in the report. Consequently, the City's findings under CDC Chapter 55 must be based upon sufficient factual and engineering information demonstrating that the proposed grading concept is feasible and that identified geotechnical hazards can be adequately addressed.

E. Retaining Wall Design

The submitted civil plans identify numerous retaining walls throughout the site ranging from approximately six feet to over 20 feet in height, including several walls approaching 25 feet and one wall reaching approximately 30 feet. These retaining walls are integral to the proposed grading concept and will support building pads, parking areas, internal roadways, and other site improvements.

The submitted geotechnical investigation, however, provides design recommendations for conventional cantilever retaining walls not exceeding approximately eight feet in height. While the report acknowledges that larger retaining structures may be required, it does not provide preliminary design recommendations, stability analyses, or engineering criteria specifically applicable to many of the retaining walls depicted on the current civil plans. Likewise, the application does not identify the anticipated retaining wall systems, provide preliminary wall sections, or include global stability analyses demonstrating the feasibility of the taller retaining structures proposed throughout the site.

Preparation of detailed retaining wall design calculations is appropriately performed during final engineering and permitting. Nevertheless, the retaining walls shown on the preliminary grading plans

substantially exceed the conventional wall heights evaluated within the submitted geotechnical investigation. As a result, the application presently relies upon future engineering analyses to demonstrate the feasibility of significant portions of the proposed retaining wall system rather than providing sufficient preliminary engineering information to support the grading concept depicted in the current application.

Engineering Finding: Given the number and height of the proposed retaining walls, together with the absence of preliminary engineering analyses addressing these larger structures, the application does not provide sufficient engineering information and other factual data to support the conclusions of the submitted retaining wall concept as required by **CDC 55.130(C)**. Accordingly, the Planning Commission lacks sufficient engineering evidence to conclude that the proposed retaining wall system can be safely constructed as required under Chapter 55.

F. Retaining Wall Drainage

Proper drainage behind retaining walls is a critical component of long-term wall performance and slope stability. The submitted geotechnical investigation recognizes that perched groundwater may develop above shallow bedrock during prolonged rainfall events and recommends installation of foundation drains and retaining wall drainage systems to intercept groundwater and relieve hydrostatic pressures. The report further recommends that these drainage systems discharge into the site's storm drainage system as part of the overall drainage design.

Although the application includes an overall stormwater management plan, the submitted materials do not clearly identify how retaining wall drainage associated with the numerous retaining walls will be collected, conveyed, and discharged into the proposed storm drainage system. Likewise, preliminary wall details illustrating collector drains, outlet locations, cleanouts, or the integration of retaining wall drainage with the overall stormwater system were not identified within the application materials reviewed.

Particular attention is warranted for the tallest retaining wall proposed along Green Street, which appears to function primarily as a deep cut wall excavated into the existing hillside rather than a conventional fill retaining wall. Because groundwater interception and drainage for this type of retaining structure can differ significantly from conventional retaining wall systems, additional engineering information describing the proposed drainage approach for this excavation would assist the City in evaluating the feasibility of the proposed grading concept and the long-term performance of the retaining wall system.

G. Site Stormwater Management

The applicant has submitted a preliminary stormwater report utilizing Contech treatment facilities and underground detention systems to collect, treat, and detain runoff prior to discharge. While underground stormwater facilities are an accepted design approach, the City's Stormwater Design Standards generally identify surface facilities as the preferred best management practice where site conditions allow. The application does not discuss the engineering considerations that resulted in selection of underground treatment and detention facilities rather than surface facilities for this development.

The proposed underground system will require substantial excavation and installation within an area already characterized by shallow basalt bedrock and extensive grading. Given the City's stated

preference for surface stormwater facilities, the application does not provide sufficient engineering justification to support the selection of an underground detention system in lieu of the preferred approach. In the absence of that supporting information, the application has not adequately demonstrated that the proposed deviation from the City's preferred stormwater management practice is warranted.

Engineering Finding: From an engineering standpoint, the application has not demonstrated why the City's preferred stormwater management approach is not feasible for this site or provided sufficient justification for relying upon an underground detention system requiring substantial excavation within shallow basalt conditions. Accordingly, the application does not provide sufficient engineering information and other factual data to demonstrate that the proposed stormwater management approach satisfies the applicable engineering requirements or to support the conclusions of the submitted stormwater concept as required by **CDC 55.130(B) and (C)**. Therefore, the Planning Commission lacks sufficient engineering evidence to conclude that the proposed stormwater management approach complies with the applicable requirements of Chapter 55.

H. Transportation

The applicant submitted a Traffic Impact Analysis evaluating the impacts of the proposed development on the surrounding transportation network. The analysis concludes that acceptable intersection operations can be achieved following project buildout; however, those conclusions are expressly dependent upon construction of a comprehensive package of transportation improvements at the relocated Blankenship Road/Tannler Drive intersection. These improvements include construction of a new traffic signal, implementation of specific signal phasing, restriping of Blankenship Road to provide separate left-turn lanes with additional storage, and construction of new turn lanes and roadway improvements along the relocated Tannler Drive approach. The Traffic Impact Analysis further concludes that implementation of these improvements would improve the PM peak operating conditions at the intersection from the existing failing LOS F condition to LOS D.

The reported improvement from the existing failing LOS F condition to LOS D is entirely dependent upon completion of this package of roadway and intersection improvements. The Traffic Impact Analysis does not identify these improvements as planned, committed, or funded. Instead, it recommends that the applicant collaborate with the City to identify funding for construction of the signalized intersection and associated roadway improvements prior to occupancy of the proposed development. The application materials reviewed do not identify a funding source, executed improvement agreement, or other enforceable mechanism demonstrating that these transportation improvements will be completed. Accordingly, the improved LOS D operating conditions presented within the Traffic Impact Analysis represent a future scenario that has not been demonstrated to occur.

Engineering Finding: The acceptable operating conditions presented in the Traffic Impact Analysis depend upon implementation of a substantial package of roadway and intersection improvements that have not been demonstrated to be funded, committed, or otherwise assured. Accordingly, the application does not provide sufficient engineering information and other factual data to support a finding that adequate transportation facilities will exist to serve the proposed development as required by **CDC 55.105(N)(1)(a)**. Therefore, the Planning Commission lacks sufficient engineering evidence to conclude that the applicable transportation approval criteria have been satisfied.

Chapter 55 Engineering Finding Summary: While portions of the proposed development, including tree preservation and general site planning, appear to satisfy applicable Chapter 55 standards, the application does not provide sufficient engineering information and other factual data to support the findings required under **CDC 55.130(B) and (C)** for the proposed grading, retaining wall systems, and stormwater management approach, or the transportation findings required under **CDC 55.105(N)(1)**. Accordingly, the Planning Commission cannot determine, based on the current record, that the applicable engineering requirements of Chapter 55 have been satisfied.

CDC Chapter 85 – Land Divisions – General Provisions

CDC Chapter 85 establishes the standards governing land divisions and property line adjustments, including whether the resulting parcel configuration can support development that complies with the applicable land division and public infrastructure requirements.

The applicant has provided responses addressing the approval criteria contained within Chapter 85, and generally states that the proposed property line adjustment complies with the applicable provisions of Chapter 85. The supplemental narrative further asserts that certain approval criteria elsewhere in the CDC are not "clear and objective" and therefore do not apply to the proposed development.

Whether a particular approval criterion is applicable is a determination to be made by the City, not the applicant. Accordingly, this review assumes that all applicable provisions of Chapter 85 remain subject to evaluation unless expressly determined otherwise by the City.

CDC 85.200(A)(5)(a) requires land divisions to provide street improvements, right-of-way, and roadway design that conform to the City's Transportation System Plan and Public Works Design Standards. The proposed property line adjustment is intended to facilitate redevelopment that relies upon substantial modifications to Tannler Drive, including revised roadway geometry, public improvements, a requested street design exception, and associated right-of-way improvements. As discussed in Chapter 96, the current application does not provide sufficient engineering information to demonstrate that these required public improvements comply with the applicable Public Works Design Standards or satisfy the requested design exception. Because compliance with these street improvement requirements is a condition of approval under CDC Chapter 85, the current application record does not provide sufficient engineering information for the City to determine that the proposed property line adjustment satisfies the applicable approval criteria.

Engineering Finding: The application does not provide sufficient engineering information and other factual data to demonstrate that the proposed street improvements, right-of-way modifications, and roadway design conform to the City's Transportation System Plan and Public Works Design Standards as required by **CDC 85.200(A)(5)(a)**. Accordingly, the Planning Commission lacks sufficient engineering evidence to determine that the applicable Chapter 85 approval criteria have been satisfied.

CDC Chapter 96 – Street Improvement Construction

CDC Chapter 96 establishes the standards and approval process for public improvements associated with development. The applicant's narrative does not identify, evaluate, or demonstrate compliance with any of the applicable provisions of Chapter 96, despite the proposed development relying upon

substantial public improvements, including transportation, utility, drainage, and right-of-way improvements identified elsewhere in the application.

The application requests a design exception modifying the standard Tannler Drive street section by providing a curb-tight sidewalk, relocating the planting strip and street trees behind the sidewalk, and eliminating the planned bicycle lane due to the roadway grade. While the application identifies these proposed modifications, it does not provide the engineering analysis or evaluation necessary to support the requested exception. No engineering assessment is provided demonstrating why the standard street section is infeasible, how the proposed alternative satisfies the applicable public improvement objectives, or why elimination of the bicycle lane is appropriate. Instead, the narrative states only that a future design exception will be submitted to the City Engineer. As a result, the current application does not provide sufficient engineering information for the City to evaluate the requested public improvement modifications or make the findings necessary for approval.

Engineering Finding: The application does not provide the engineering analysis necessary to evaluate the requested public improvement exceptions under **CDC 96.010(A)(3)**. Accordingly, the Planning Commission lacks sufficient engineering information to verify compliance with Chapter 96 or make the findings required for approval.

Conclusion

Based on the engineering review presented herein, ESI concludes that the current application does not contain sufficient engineering and technical information to support several findings required for approval. While the deficiencies identified in this report do not necessarily indicate that the proposed development cannot ultimately satisfy the applicable approval criteria, the current application record does not provide an adequate engineering basis for the Planning Commission to make the findings required for approval. Accordingly, ESI recommends that the Planning Commission deny the current application without prejudice.

Sincerely,



Danny Mercer, PE (OR)

President

Engineering Solutions Inc.

dmercer@engineering-solutions-inc.com

Appendix A - Documents Reviewed

ESI's review was based upon the applicant's submitted land use application materials and supporting technical reports, including the following principal documents:

Document	Prepared By	Date
Land Use Application Narrative	HHPR	June 12, 2026
Supplemental Land Use Application Narrative – Ground Floor Commercial	HHPR	July 16, 2026
Civil Engineering Plans	HHPR	May 22, 2026
Geotechnical Report	Columbia West	Sept 16, 2025
Architectural Plan Set	Hill Architects	Feb 26, 2026
Landscape Plans	Hill Architects	May 22, 2026
Arborist Report	Todd Prager & Associates	May 22, 2026
Preliminary Stormwater Report	HHPR	May 2026
Traffic Impact Analysis	Kittleson & Associates	June 12, 2026
Property Line Adjustment Exhibit	HHPR	May 22, 2026

Unless otherwise noted, references within this report correspond to the most recent revisions of the application materials available to ESI as of the date of this report.

Appendix B - Codes and Standards Reviewed

ESI reviewed the following codes and standards in support of this report:

- City of West Linn Community Development Code (CDC)
- Oregon Senate Bill 1537, Section 38
- Applicable City of West Linn Stormwater Design Standards
- Applicable City of West Linn Engineering Design Standards
- Institute of Transportation Engineers (ITE) Trip Generation Manual
- Institute of Transportation Engineers (ITE) Parking Generation Manual

Wyss, Darren

From: Kari Fisher <kari.fisher12@gmail.com>
Sent: Wednesday, July 29, 2026 9:16 AM
To: Wyss, Darren
Subject: Tannler Drive Application DR-25-04/LLA-25-02
Attachments: 20260721 Filed Tannler Apts Adjustment Ltr.pdf; 20260709
_response_ltr_to_change_in_hearing_process_re_tannler_holdings.pdf

You don't often get email from kari.fisher12@gmail.com. [Learn why this is important](#)

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

Mr Wyss,

My name is Kari Fisher and I live in a condo in Madison Heights Condominiums which is situated approximately 75 feet away from the proposed apartment and commercial complex on Tannler Drive. Since there is a large open space adjacent to my condo, I contacted the City of West Linn Planning Department before purchasing my unit to find out if there was any proposed commercial development for the lot. I was told that there was nothing in the works, but that a new plan could arise at any time and I would be notified in writing of such a plan and have the opportunity to comment as a nearby neighbor for this land zoned commercial use.

Now it appears as if both the zoning has been changed to mixed use which allows residential buildings and my right to testify publicly has been removed by HB4037. I am deeply upset by these changes and feel as if my individual rights have been eroded and my trust in the public officials diminished.

I am urging you and the Planning Commission to reject the proposed development on Tannler Drive as it would dramatically change the quality of life that many of us enjoy in this condo community.

Thank you for hearing my comments. I am attaching two letters by Andrew Mulkey for more background information on the topics I mentioned. Please enter this correspondence into the public record for this application and acknowledge receipt of this email.

Sincerely,

Kari Fisher
5301 Summerlinn Way
West Linn, OR 97068
kari.fisher12@gmail.com

Wyss, Darren

From: tony perry <atp_perry@yahoo.com>
Sent: Wednesday, July 29, 2026 4:38 PM
To: Wyss, Darren
Subject: Tannler Drive Proposed Development

You don't often get email from atp_perry@yahoo.com. [Learn why this is important](#)

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Tannler Drive Development and Impact

7/29/26

This planned development, if passed, will adversely impact multiple neighborhoods. Many residents are very concerned about the proposal and the uncertainty it has generated. Numerous signs have appeared in the neighborhood "Do not close Tannler Drive".

I share that concern.

The documents provided do not make clear what parking will be available. Will each residence have a dedicated parking space, or will they be sharing with retail?

West Linn has very limited public transport and the closest grocery store is beyond walking distance. Many families have a second car. Inadequate parking will force these vehicles into overcrowding surrounding neighborhood streets.

Traveling to the nearby I205 freeway will also be challenging. Traffic on Tannler Drive will be diverted through the new complex since the connection with Blankenship Road is to be closed. Vehicles will be forced through narrow side streets both ways while encountering traffic and parked cars within the development itself.

Where will visitors park when they want to visit the White Oak Savanna park? Will there be any provision for their vehicles?

Traffic on the Salamo side of the nearby 10th street junction is already stressed and will undoubtedly worsen as commuters avoid the Tannler/Blankenship congestion. The 10th street junction on both sides of the freeway comes to a slow standstill at busy times of the day. Local commuters will justifiably complain about further delays.

The traffic report on the city's webpage does not seem to address the impact on the community.

ODOT is responsible for traffic lights at 10th Street. Are they prepared to make changes? What improvements could they make to manage the sheer volume of traffic? And who would pay the bill?

This project would provide housing and commerce but at what cost to our community. The density and congestion are too much for West Linn.

Anthony Perry

West Linn citizen

Wyss, Darren

From: aperryb3@gmail.com
Sent: Wednesday, July 29, 2026 11:32 AM
To: Wyss, Darren
Subject: Tannler Drive development

You don't often get email from aperryb3@gmail.com. [Learn why this is important](#)

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

Dear Mr. Wyss,

Tannler Drive Development

Back when I was a member of the City Council, we were fighting the potential tolling on the 205. Perhaps Mayor Bialostosky remembers coming with me to Portland to testify back when he was a regular citizen and still in High School. One of the arguments we made was that traffic would use the West Linn streets to by-pass the tolls and the two-lane bottleneck. Sadly, there is no money to widen this section of the 205 and tolling seems almost inevitable. Cars are already using Blankenship as a by-pass and street traffic increases exponentially when the freeway backs up. Salamo traffic is also increasing rapidly and it often takes two traffic light cycles to make the left turn onto 10th st at almost any time of day.

This development plan says in effect, not our problem, as the Blankenship/Salamo/10th street junction is ODOT's responsibility. Yes, it is, but it's also West Linn's problem. We should be trying to alleviate the issue, not make it worse. Let's look at the big picture:

1. The proposed Tannler Drive development will add hundreds of auto and truck trips to this already overcrowded junction. Residents, retail customers and truck deliveries will be in and out at all hours of the day.
2. The new city Operations Complex on Salamo will add heavy equipment traffic to the mix.
3. Safeway and the church on Salamo already generate a large volume of traffic.
4. The proposed Oppenlander development will result in increased traffic on Salamo.
5. The land between Haskins Road and Salamo and the McEwen property near Cascade Summit on Salamo will be developed eventually and add still more volume.

West Linn Doesn't have the infrastructure to handle the proposed traffic. Before adding more, some serious planning needs to be done. The city must work with ODOT on the Salamo/Blankenship/ 10th street interchange and the 205 entries and exits before we blindly go forward without considering the big picture.

So back to my first point, we begged Portland not to turn our beloved city into a traffic nightmare. My question now is, why are we doing it to ourselves.

Brenda Perry
West Linn citizen and former City Councilor

Wyss, Darren

From: Ken Pryor <paragon399@yahoo.com>
Sent: Wednesday, July 29, 2026 8:32 AM
To: Wyss, Darren
Subject: Opposition to Mixed Use Development in the Savanna Oaks File No.: DR-25-04/LLA-25-02

You don't often get email from paragon399@yahoo.com. [Learn why this is important](#)

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Written Testimony for the Public Records File No.: DR-25-04/LLA-25-02

West Linn Planning Commission & West Linn City Council Re: Opposition to Mixed-Use Development in the Savanna Oaks Neighborhood

Thank you for the opportunity to provide input on this critical issue affecting our community. As a long-time resident, I appreciate your dedication to thoughtful planning and responsible decision-making that reflect the needs and values of Savanna Oaks.

Chair, Commissioners, Mayor, and Councilors,

My name is Ken Pryor, and I am submitting this letter for the public record regarding the consideration of mixed-use development in the Savanna Oaks neighborhood. I urge both the Planning Commission and the City Council to reject any proposal or policy direction that would introduce mixed-use zoning into this area. Such a move would contradict the City's adopted plans, exceed the capacity of existing infrastructure, and expose residents to significant undisclosed financial burdens.

1. The Savanna Oaks Neighborhood Plan Explicitly Rejects Commercial or Mixed-Use Development

The Savanna Oaks Neighborhood Plan is unequivocal in its description of the area:

- “Primarily low-density residential”
- Characterized by “steep slopes,” “limited access,” and “significant natural resources”
- An area where “commercial uses are not appropriate due to topography and infrastructure constraints”

The Plan's land-use map designates:

- **R-10 low-density residential** as the dominant zoning
- **Light industrial** only in the existing business park
- **No commercial or mixed-use nodes**

Any attempt to introduce mixed-use development would directly contradict the adopted neighborhood vision and require a formal plan amendment. More importantly, it would disregard the physical realities that the Plan was designed to respect.

2. The Transportation System Plan (TSP) Confirms the Area Cannot Support Mixed-Use Intensity

The TSP identifies Savanna Oaks as an area with:

A. No collector-level street network

The neighborhood is served exclusively by local streets, cul-de-sacs, and steep, narrow roads. There is no grid, no redundancy, and no commercial-scale access. Mixed-use development requires a connected street network capable of handling commercial traffic, delivery vehicles, and increased trip generation. Savanna Oaks has none of this, and the TSP does not propose building it.

The addition of the new Operations Center on Salamo is another example of malfeasance; traffic impact of vehicles entering/exiting a main artery to City Hall and shopping will create a significant deterrence to shoppers that will opt to other commercial sites where access is less congested. Other than Safeway, has consideration been given to the small businesses that are dependent on convenient access or the rush hour congestion at the terminus of Salamo, 10th Street, and Blankenship, plus >300 apartment dwellers + associated commercial traffic? This is a disaster in the making that will not be easily remedied resulting in the deterioration of local home values and existing commercial investments. How is the public better served by this development? Who really benefits from this debacle in the making?

B. Substandard pedestrian and bicycle infrastructure

The TSP documents:

- Missing sidewalks
- Steep grades
- Limited pedestrian connectivity
- No safe multimodal routes

Mixed-use development depends on walkability. Savanna Oaks is physically incapable of providing it without massive capital investment.

3. The Public Facilities Plan (PFP) Shows No Capacity—and No Planned Upgrades—for Mixed-Use Development

The PFP does **not** identify:

- Water main upsizing
- Sewer trunk expansion
- Stormwater capacity improvements
- Roadway widening
- Intersection upgrades

Yet mixed-use development would require all of these.

To put it plainly: **the infrastructure required for mixed-use does not exist, is not planned, and is not funded.**

4. Hidden Costs and Fiscal Stewardship

This is where the issue becomes not just a planning concern, but a matter of public trust.

Proceeding with a proposal that hides its true financial impacts is like taking a fatted cow to market and judging its value only by the size of its shadow. It looks impressive from a distance, but once the animal is actually weighed, you discover that what appeared to be solid value is mostly hollow. At that point, the seller is committed, and the community is left holding the bag, there are no magic beans.

In public policy, **concealing or deferring known costs is not merely poor planning—it borders on malfeasance.** Stewardship of public resources requires transparency **before** commitments are made, not after the bill arrives.

Mixed-use development in Savanna Oaks requires:

- Millions in water and sewer upgrades
- Road reconstruction
- Stormwater expansion
- Emergency access improvements

... the public deserves to know **when, how, and from whom** those costs will be collected.

Because if the city **cannot** answer those questions today, then the answer is self-evident: **Residents will pay—through higher taxes, new fees, diminished home value and/or cuts to essential services.**

5. Mixed-Use Planning Is Already Focused Where It Belongs

The City's mixed-use planning efforts—VISION43, the Highway 43 corridor, Bolton, and Robinwood—identify the appropriate locations for higher-intensity development. Savanna Oaks **is not included in any mixed-use planning area**. It was excluded for a reason: **the topography, infrastructure, and neighborhood character make mixed-use fundamentally incompatible**.

Conclusion

Mixed-use development in Savanna Oaks would:

- Contradict the Savanna Oaks Neighborhood Plan
- Violate Comprehensive Plan siting criteria
- Overwhelm the transportation network.
- Require unfunded infrastructure upgrades!
- Shift hidden costs onto taxpayers!
- Undermine public trust and responsible governance!

And when the costs inevitably exceed projections — as they often do — developers can walk away, leaving the City and its residents to absorb the financial consequences. **When that happens, who benefits? Certainly not the taxpayers who are left paying for infrastructure they never asked for and that never should have been required in the first place.**

Any idea that building the Tannler Drive project eases the housing crisis is flawed and instead creates an upper-class enclave predicated on decoupling of housing supply from local economic realities. The housing crisis is a shortage of affordable units, not luxury ones. Building units that require a six-figure income does absolutely nothing to house the teachers, service workers, and civil servants who are actually being priced out of West Linn. How many city employees, police, firemen live in West Linn?

By using state law (HB 4037) to bypass local zoning, the project concentrates a dense, exclusive enclave of high-income earners behind a corporate-managed firewall. It creates a wealthy island that does not integrate with or serve the broader community

In highly desirable areas, older housing pricing often filters *up* rather than down. Instead of depreciating and becoming cheaper as it ages, older housing stock is bought by investors, renovated with modern finishes, and flipped or rented out at significantly higher rates.

Instead of lowering regional prices, injecting 320 luxury units signals to surrounding landlords that the neighborhood can support higher prices. This causes nearby rents to spike, effectively walling off West Linn as an exclusive, upper-class monoculture while displacing the remaining working class.

For these reasons, I respectfully request that both the Planning Commission and the City Council **exclude Savanna Oaks from any consideration of mixed-use zoning** and uphold the integrity of the City's adopted plans and fiscal responsibilities and not ask residents to swallow a poison pill.

Thank you for your attention to this matter.

Sincerely, Ken Pryor West Linn, Oregon

LETTER OF SUPPORT

Tanner Development | City of West Linn

Date: July 29, 2026

City of West Linn Planning Commission
and City of West Linn Planning Staff
City Hall, 22500 Salamo Road
West Linn, OR 97068

Re: Support for Tanner Holdings LLC Applications DR-25-04 / LLA-25-02

Dear Chair and Commissioners:

I am a West Linn residents and business owner, and I am writing in strong support of Tanner Holdings LLC Applications DR-25-04 / LLA-25-02. The proposed mixed-use development would provide 320 rental homes and approximately 12,000 square feet of ground-level commercial space.

The proposed Tanner realignment is an important public benefit. It is intended to create an intersection that functions more safely and efficiently than the existing configuration, while adding transportation capacity and on-street parking without sacrificing planned roadway width or pedestrian facilities.

The housing component will also provide meaningful opportunities for working households, including employees and customers of West Linn businesses, to live in or closer to the community. Expanding the range of rental housing choices will help support a stronger local workforce and a more inclusive, economically resilient West Linn.

The proposed amount of ground-floor commercial space is appropriately balanced with the housing. West Linn already has existing commercial space and vacant storefronts seeking tenants. Providing approximately 12,000 square feet of commercial space will create opportunities for neighborhood-serving businesses without overbuilding office or retail space for which market demand has not materialized.

The future residents of the Tanner development will become customers of local shops, restaurants, services, and other West Linn businesses. The project will add vitality to the area, make productive use of the property, and provide both housing and commercial activity in a coordinated mixed-use development.

For these reasons, I respectfully urge the City to approve Applications DR-25-04 / LLA-25-02 as proposed, subject to reasonable conditions, and allow the Tanner development to move forward.

Sincerely,

Signature:



Printed name: Gary Field

Address: P.O. Box 163
West Linn, OR 97068

Email: gt350@teleport.com

Support Letter | Tanner Holdings LLC Applications DR-25-04 / LLA-25-02

Wyss, Darren

From: Roberta Schwarz <roberta.schwarz@comcast.net>
Sent: Wednesday, July 29, 2026 7:47 AM
To: Kari Fisher
Cc: Wyss, Darren
Subject: FW: Development Application DR-25-04/LLA-25-02
Attachments: 20260709_response_ltr_to_change_in_hearing_process_re_tannler_holdings.pdf;
20260721 Filed Tannler Apts Adjustment Ltr.pdf

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Hi Kari,

Thank you so much for coming last night to the meeting.

The attached two letters were written by our neighbor attorney, Andrew Mulkey.

Would you read them and if you agree would you send a short statement to Darren Wyss, the planner who was assigned the Tannler application?

When you have done that would you send me a copy of the brief statement you sent to Mr. Wyss? Could you do that today?

Thank you so much,
Roberta and Ed

His email is dwyss@westlinnoregon.gov

The subject line should say: Testimony regarding DR-25-04/LLA-25-02 The statement can say something like the following:

I have read the two letters written by attorney Andrew Mulkey. I am opposed to the subject Tannler application as stated by Mr. Andrew Mulkey in his two letters. I live approximately 75 feet away from where one the proposed buildings would be sited if the application is approved. I incorporate the letters by reference.

Please enter this correspondence into the public record for this application and acknowledge receipt of this email.

Respectfully,

>

Wyss, Darren

From: Wyss, Darren
Sent: Tuesday, July 28, 2026 10:32 AM
To: 'Andrew Mulkey'; Ashleigh Dougill
Cc: Schwarz, Ed; Roberta Schwarz; Koper, Steve
Subject: RE: Question re: DR-25-04/LLA-25-02 Hearing Procedure

Andrew,
Here are the statutes:
Oregon Revised Statute (ORS) 197A.400 and House Bill 4037, Section 17
ORS 197A.395
ORS 197.195

From: Andrew Mulkey <andrew@mulkeylegal.com>
Sent: Monday, July 27, 2026 1:01 PM
To: Ashleigh Dougill <ashleigh.dougill@behlaw.com>; Wyss, Darren <dwyss@westlinnoregon.gov>
Cc: Schwarz, Ed <ed.schwarz@gmail.com>; Roberta Schwarz <roberta.schwarz@comcast.net>
Subject: Fwd: Question re: DR-25-04/LLA-25-02 Hearing Procedure

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Hello Ashleigh and Darren,

I just received an out of office message for Mr. Koper. Can either of you please let me know what statutes the City is applying to the comment procedures in the Tannler drive applications?

Thank you.

Andrew

Andrew Mulkey, OSB 171237
Attorney At Law
PO Box 66562
Portland, Oregon 97290
andrew@mulkeylegal.com
Tel: (503) 334-9899
Fax: (541) 366-4436

----- Forwarded message -----

From: Andrew Mulkey <andrew@mulkeylegal.com>
Date: Mon, Jul 27, 2026 at 12:58 PM
Subject: Fwd: Question re: DR-25-04/LLA-25-02 Hearing Procedure
To: Koper, Steve <skoper@westlinnoregon.gov>, Ashleigh Dougill <ashleigh.dougill@behlaw.com>,

Wyss, Darren <dwyss@westlinnoregon.gov>

Cc: Ed Schwarz <ed.schwarz@gmail.com>, Roberta Schwarz <roberta.schwarz@comcast.net>

Hello Director Koper,

Can you please let me know what statutes you believe govern the written comment timelines in this instance? The public has a right to know what laws are being applied.

Thank you.

Andrew

Andrew Mulkey, OSB 171237

Attorney At Law

PO Box 66562

Portland, Oregon 97290

andrew@mulkeylegal.com

Tel: (503) 334-9899

Fax: (541) 366-4436

----- Forwarded message -----

From: **Koper, Steve** <skoper@westlinnoregon.gov>

Date: Fri, Jul 24, 2026 at 5:11 PM

Subject: RE: Question re: DR-25-04/LLA-25-02 Hearing Procedure

To: Schwarz, Ed <ed.schwarz@gmail.com>, Williams, John <JWilliams@westlinnoregon.gov>

Cc: Wyss, Darren <dwyss@westlinnoregon.gov>, Andrew Mulkey <andrew@mulkeylegal.com>, Ashleigh Dougill <ashleigh.dougill@behlaw.com>

Mr. Schwarz,

Thank you for your follow-up email.

The written comment timelines in the notices for the Tannler Drive applications reflect the processing requirements that apply to this specific set of applications. This application is not subject to, nor being processed under, the quasi-judicial procedures outlined in ORS 197.797. Where state law establishes timelines that preempt local code, the City applies those timelines. Where the City's development code governs, the standard 20-day comment period applies. The published notices reflect these requirements.

In addition, the timelines are shaped by the statutory 120-day period for the City to issue a final decision. At this time, the applicant has not agreed to extend that deadline, which requires the City to maintain an expedited schedule to ensure the application can be processed within the required timeframe. Because this process is not governed by ORS 197.797, the continuance provisions in ORS 197.797(6) do not apply.

I understand your request to allow written comments up to noon on the day of the hearing. At this time, however, the City needs to follow the timelines outlined in the notices. Oral testimony will still be accepted at the hearing, and all written testimony submitted by the respective deadlines will be included in the record for Planning Commission consideration.

Sincerely,
Steve

From: ed.schwarz@gmail.com <ed.schwarz@gmail.com>
Sent: Thursday, July 23, 2026 12:38 PM
To: Koper, Steve <skoper@westlinnoregon.gov>; Williams, John <JWilliams@westlinnoregon.gov>
Cc: Wyss, Darren <dwys@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>
Subject: RE: Question re: DR-25-04/LLA-25-02 Hearing Procedure

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Mr. Koper,

Do you have an update for me on when I will be receiving an answer to my request in the below email?

Let me restate it for you.

Please tell me, specifically, what state laws or city codes have changed which now allow you to apply the written comment timelines the city has imposed for the Tannler Drive apartments.

Thank you.

Sincerely,

Ed Schwarz

From: ed.schwarz@gmail.com <ed.schwarz@gmail.com>

Sent: Tuesday, July 21, 2026 2:44 PM

To: 'Koper, Steve' <skoper@westlinnoregon.gov>; 'Williams, John' <JWilliams@westlinnoregon.gov>

Cc: 'Wyss, Darren' <dwyss@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>

Subject: RE: Question re: DR-25-04/LLA-25-02 Hearing Procedure

Mr. Koper,

I looked back and the Kaady Car Wash application (CUP-25-03/DR-25-03/VAR-25-02) allowed written public comment until **4 pm on the day of the Planning Commission hearing** which was March 18, 2026. Please tell me, specifically, what state laws or city codes have changed which now allow you to apply the written comment timelines the city has imposed for the Tannler Drive apartments.

In not providing the above information I believe the city is violating the provisions of ORS 197.797, which require the city to list the local code provisions that apply. Arguably, that requires the procedural requirements as well. In this case, the city is attempting to apply provisions of state law directly to the process, and participants are entitled to notice of the applicable laws that are being applied.

I also believe that the city is in violation of CDC 99.090(A)(9) which requires, “A statement that public and written testimony are invited...”

CDC 99.090(A)(8) is being compromised because the very day the staff report is to be available is the same day that we are to submit our written testimony. It is obviously impracticable to read, understand, and include in our written testimony any comments related to the staff report if we have less than one day in which to do so.

Your comments regarding “...a large volume of written comments arriving at the last possible moment. This creates significant operational challenges and reduces the time available for Planning Commissioners to thoughtfully consider public input before the hearing” would seem to indicate that the

Planning Commission would not have time to consider these last-minute comments. I have attended numerous Planning Commission hearings in my 24 years in West Linn and I do not recall even one I attended where the Planning Commission made a decision on the day of the first hearing on a land-use application. The hearings are routinely continued to allow the Planning Commission to review the entire record including all written comments, verbal testimony, and additional written comments and rebuttal from the applicant. I expect that same process to occur for this hearing. So, your argument does not apply.

I restate my request that the city allow written submittals up to Noon on the day of the hearing for both pieces (residential and commercial) of the Planning Commission hearing.

Please respond as soon as possible to this request.

Regards,

Ed Schwarz

From: Koper, Steve <skoper@westlinnoregon.gov>
Sent: Tuesday, July 21, 2026 9:46 AM
To: Schwarz, Ed <ed.schwarz@gmail.com>; Williams, John <JWilliams@westlinnoregon.gov>
Cc: Wyss, Darren <dwys@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>
Subject: RE: Question re: DR-25-04/LLA-25-02 Hearing Procedure

Mr. Schwarz,

Thank you for your email and for outlining your concerns regarding the written comment deadlines for the Tannler Drive application. Due to recent changes in state law, certain components of qualifying land use applications now have a 14-day comment period. For land use applications where state law does not specify a timeline, the City continues to apply the 20-day comment period required by the development code.

Historically, the City has sometimes issued notices so that the end of the comment period falls on the date of the hearing. While legally permissible, that approach has repeatedly resulted in a large volume of written comments arriving at the last possible moment. This creates significant operational challenges

and reduces the time available for Planning Commissioners to thoughtfully consider public input before the hearing.

To minimize these issues and to comply with the timelines required under state law, the notice for the Tannler Drive application reflects the statutory 14-day period for the commercial portion and the 20-day period for the residential portion, from the date of mailing.

I understand your request to allow written comments up to noon on the day of the hearing. At this time, however, the City needs to follow the timelines established by state law and our development code. Members of the public may still provide oral testimony at the hearing, and all written comments received by the respective deadlines identified in the notices will be included in the record and forwarded to the Planning Commission.

Sincerely,
Steve

From: ed.schwarz@gmail.com <ed.schwarz@gmail.com>
Sent: Monday, July 20, 2026 4:00 PM
To: Williams, John <JWilliams@westlinnoregon.gov>
Cc: Koper, Steve <skoper@westlinnoregon.gov>; Wyss, Darren <dwyss@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>
Subject: FW: Question re: DR-25-04/LLA-25-02 Hearing Procedure

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Hello John,

I wanted to make you aware of a serious issue we have with the upcoming Planning Commission's "hearing" on the Tannler Drive apartment application.

Our concern is the extremely short timeline to provide written input on both parts of the application (residential and commercial). This timeline is much shorter than the city's usual practice of submitting written materials up to Noon on the day of the hearing. The current timeline in the notice for the **commercial piece** requires all written submittals to be made by **July 30** and the timeline for the **residential piece** requires all written submittals by **August 5** (see attached).

Why are these timelines so abbreviated?

I request that the city allow written submittals up to Noon on the day of the hearing for both pieces (residential and commercial) of the Planning Commission hearing.

Please look into this as soon as possible and send me a response with the updated submittal dates or explain why the dates need to be so advanced from usual city practice

Thank you,

Ed Schwarz

From: ed.schwarz@gmail.com <ed.schwarz@gmail.com>
Sent: Sunday, July 19, 2026 10:41 AM
To: 'Wyss, Darren' <dwyss@westlinnoregon.gov>
Cc: 'Koper, Steve' <skoper@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>
Subject: Question re: DR-25-04/LLA-25-02 Hearing Procedure

Darren,

The attached notice of the Planning Commission **Commercial Hearing** for DR-25-04/LLA-25-02 states, “Anyone wishing to present written testimony for consideration should **submit all materials before 4:00 pm on July 30, 2026** to dwyss@westlinnoregon.gov or mail them to City Hall.”

Is the July 30, 2026 date a mistake? That is twelve days before the hearing and is much earlier than I ever remember written comments being required in advance of a land-use hearing. Based on what you have told me previously, it is possible that the staff report won’t be ready by the time written comments are due. This seems to be very unfair to the members of the public wishing to provide written comments.

I request that the due date and time for written comments be changed to Noon on the hearing date, August 10, 2026, as is typically required for land use hearings.

I am copying our attorney, Andrew Mulkey, on this correspondence. Please copy him on any response.

Ed Schwarz

West Linn

Steve Koper
Community Development Director
Community Development

22500 Salamo Rd.
West Linn, Oregon 97068
skoper@westlinnoregon.gov
westlinnoregon.gov
503-742-6058



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Steve Koper
Community Development Director
Community Development

22500 Salamo Rd.
West Linn, Oregon 97068
skoper@westlinnoregon.gov
westlinnoregon.gov
503-742-6058



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Margret Amatayakul

3775 Summerlinn Dr.

West Linn, OR 97068

As an owner of property within 500 feet of the proposed site for 320 residential units and commercial space and a driver whose sole means to access Salamo Dr. or Route 205 East or West I am very concerned that we will have massive traffic delays. We are already experiencing significant wait-times as Salamo Dr. is being used for those who are experiencing the Stafford Rd. temporary closure.

In addition, we have identified that since the hearing about the proposed property changes were provided earlier at a meeting in the Parkrose Hardware store for those potentially impacted, several homes in our community have been put on sale – clearly suggesting that a massive influx of traffic will not be tolerated.

One only needs to look at the commercial space in which the Parkrose Hardware store and other stores are closing. The buildings holding the Social Security Service office and other offices as well as the building across from there are seeking new owners. Even the area in which the West Linn City Hall is located is losing businesses. In point of fact, many commercial buildings are closing throughout the entire United States as people are working from home and/or are needing less space in which to work.

Margret Amatayakul



July 28, 2026

City of West Linn Planning Commission
22500 Salamo Road
West Linn, OR 97068

Re: Modera Mixed-Use Development (DR-25-04/LLA-25-02) – Transportation Impact Review

Planning Commissioners,

I have been retained by Roberta and Ed Schwarz to provide a technical review of the applicant's Traffic Impact Analysis (TIA) and associated transportation-related materials for the proposed Modera mixed-use development located west of Tannler Drive and north of Blankenship Road in West Linn.

Based on my review, the submitted TIA and application do not contain substantial evidence to demonstrate compliance with the City of West Linn Community Development Code (CDC) and the City of West Linn Public Works Design Standards, particularly with respect to traffic impact evaluation, access management, sight distance, driveway design, and safe multimodal circulation.

Executive Summary

Key issues include the following:

- The TIA does not provide adequate operational or safety analysis for all proposed access points, including eight curb cuts along Tannler Drive, and does not evaluate whether access consolidation or alternative circulation configurations would reduce conflicts and improve safety as required by CDC 85.170.
- Required intersection sight distance and stopping sight distance analyses are not provided for any proposed driveway locations, despite explicit CDC requirements that access points demonstrate adequate sight distance as a threshold safety condition for approval. This is especially important given the significant number of driveways with several located very close to horizontal curves.
- The proposed angled on-street parking between curved roadway segments is not evaluated for backing operations, sight distance adequacy, or conflicts with through traffic, or driveway movements.
- The MUTCD four-hour volume warrant conclusion for a potential traffic signal is not supported by sufficient data.

13554 Rogers Road • Lake Oswego, OR 97035

www.greenlightengineering.com • 503.317.4559

- The multimodal circulation analysis is incomplete, including lack of evaluation of pedestrian and bicycle transitions between facilities, inadequate assessment of crossing operations across multiple driveway conflicts, and insufficient consideration of user safety along the proposed shared-use path.
- Collectively, the application does not demonstrate that the proposed design minimizes transportation hazards, provides safe and efficient circulation, or meets the multimodal accommodation requirements of CDC 85.170(B)(2)(g)(1)(C).

Based on these deficiencies, the applicant has failed to provide substantial evidence necessary for the Planning Commission to make the findings required for approval.

Failure to Analyze All Access Points

CDC 85.170 requires that a traffic impact analysis evaluate whether the transportation system can accommodate the proposed development, including a full assessment of access points to the public street system. This requirement is not limited to general capacity discussion but extends to operational performance, safety, and access configuration.

CDC 85.170(B)(2)(d) requires:

“ Traffic impact analysis (dwellings). For development applications that propose new dwelling units, an applicant must submit a traffic impact analysis unless the application is exempt from this requirement pursuant to subsection (B)(2)(d)(6) of this section. Failure to submit the analysis will result in an incomplete application. The applicant shall prepare the analysis in accordance with the following:

1) At a minimum, the analysis area must include:

(A) All points of access onto the public street system;

(B) All intersections of arterials, collectors, and neighborhood routes within 1,000 linear feet from all points of access onto the public street system; and

(C) All intersections where the traffic generated by the proposed development exceeds five percent of existing a.m. or p.m. peak hour total intersection traffic volumes. Trip generation shall be determined by using Institute of Transportation Engineers Trip Generation Manual (11th Edition).” (emphasis added)

In this case, the proposed development includes eight curb cuts along Tannler Drive, yet the TIA does not provide adequate analysis of how each of these access points will operate under projected traffic conditions as required. Without the analysis of each of the proposed driveways, the application does not satisfy the minimum traffic impact analysis requirements of CDC 85.170(B)(2)(d). The applicant is required to provide a level of service analysis of each proposed driveway. The report does not evaluate expected performance of these driveways or potential queuing interactions between closely spaced driveways.

The TIA does appear to address spacing standards. CDC 85.170(B)(2)(g)(1)(C) requires that site design minimize negative impacts to the transportation system and make efficient use of public facilities. Without analysis of whether access consolidation is feasible, whether shared access could reduce conflict density, or whether internal circulation could better distribute traffic, the applicant has failed to demonstrate that this standard has been met.

Missing Sight Distance Analysis (CDC 85.170(B)(2)(c)(1)(C)(3))

CDC 85.170 explicitly identifies inadequate sight distance at access points as a condition requiring evaluation in a traffic impact analysis. Sight distance is a fundamental safety element because it directly governs a driver's ability to perceive, react to, and safely execute turning movements.

The City of West Linn Public Works Design Standards also state that "The following information shall be included in each TIA submitted to the City...Intersection and stopping sight distance related to new and impacted driveways and intersections." Despite these requirements, the TIA does not provide any quantitative intersection sight distance or stopping sight distance calculations for the proposed driveways along Tannler Drive. Instead, the TIA states:

"Intersection sight distance documentation at the site access points and along the site frontage will be documented on the civil engineering plans provided through the site plan application process. We recommend that on-site landscaping, signage, and any new above-ground utilities be appropriately located and maintained to provide adequate intersection sight distance per applicable City requirements."

The applicant's site plan illustrates conceptual sight triangles at the proposed driveways but does not demonstrate that adequate sight distance will actually be available under the proposed roadway, landscaping, parking, and access conditions. This falls short of the required analysis to determine whether the proposed access points can safely operate.

Under West Linn requirements, sight distance is not merely a construction-level design detail. It is a threshold transportation safety criterion that must be evaluated during land use review because it determines whether an access point can be safely approved.

This omission is particularly significant because the proposed access locations are affected by several geometric constraints, including horizontal and vertical curvature, roadway grades, angled parking, and multiple closely spaced access points. Without a quantitative sight distance evaluation, the applicant has failed to demonstrate that the proposed access locations meet applicable safety requirements or that they will not create operational conflicts.

Angled Parking with Backing

The proposed angled on-street parking on Tannler Drive located between horizontal curves introduces an additional operational concern that is not addressed in the TIA. Angled parking

requires vehicles to back into an active travel lane, creating conflict points with through traffic that warrant evaluation. These backing maneuvers are inherently more complex than forward movements because drivers must reverse into the roadway while simultaneously observing approaching traffic, identifying acceptable gaps, and avoiding conflicts with other roadway users.

The proposed parking area is located between horizontal curves on Tannler Drive and is also affected by roadway grade changes. This combination of horizontal and vertical curvature may limit visibility for both drivers backing from parking spaces and motorists approaching the parking area. In addition, adjacent parked vehicles may further restrict sight lines. This creates the potential for approaching motorists to have limited opportunity to detect and react to vehicles entering the travel lane.

Similarly, drivers backing from angled parking spaces may have difficulty determining whether sufficient gaps exist in approaching traffic before beginning a maneuver. The ability to safely complete these movements depends on adequate visibility between the backing vehicle and approaching motorists, particularly given the constrained roadway geometry.

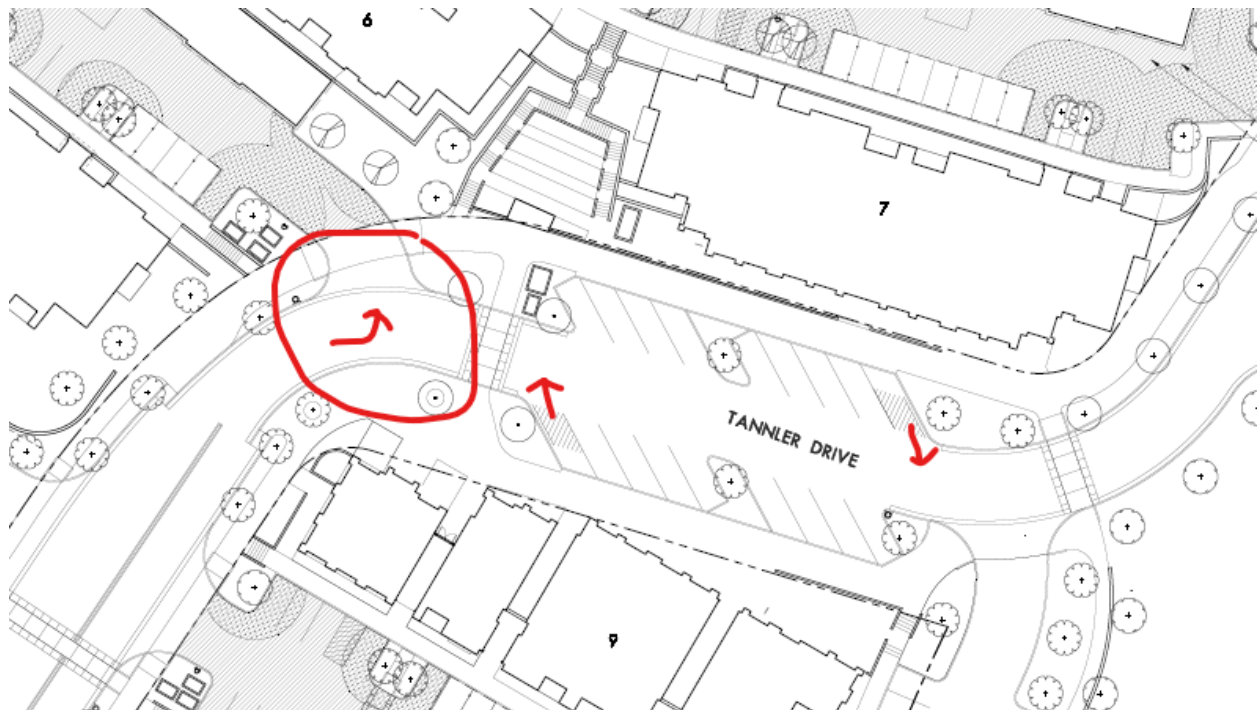


Figure 1: Excerpt of Site Plan – Left-turn movements from Tannler Drive into the driveway should be evaluated in conjunction with adjacent parking and backing maneuvers.

Given the combination of horizontal curvature, roadway grades, vehicle screening effects, and backing movements into a travel lane, additional analysis should be provided during the land use review process rather than addressed during permit review. If adequate visibility cannot be demonstrated, consideration should be given to alternative parking configurations, relocation of

parking stalls outside the curved roadway segment, or other design modifications that reduce conflicts between backing vehicles and through traffic.

Tannler Drive Realignment Is Not Demonstrated to Be Necessary to Comply with the Transportation System Plan

The applicant asserts that the proposed Tannler Drive realignment is necessary to comply with the City's Transportation System Plan (TSP). However, the TSP does not require realignment of Tannler Drive. Rather, the TSP identifies multiple strategies for addressing a potential future operational concern at the Blankenship Road/Salamo Road/10th Street intersection. The TSP identifies the following improvement:

"Add a second exclusive right-turn lane to the eastbound approach to the 10th Street/Blankenship-Salamo Road intersection if necessary to address queuing; however, the need for this improvement would be eliminated by realigning Tannler Drive with the commercial driveway located approximately 350 feet west of its current alignment."

This language does not establish roadway realignment as a required transportation improvement. Instead, it identifies realignment as one possible alternative to constructing additional intersection capacity. The transportation objective identified in the TSP is addressing potential eastbound right-turn queuing, not necessarily relocating Tannler Drive.

The TSP separately identifies Project M23 – 10th Street/Blankenship Road, which includes "Widen Blankenship-Salamo Road to provide dual left-turn lanes at the westbound and northbound approaches to the intersection. Also, add a second exclusive right-turn lane at the eastbound approach to the intersection to address queuing."

By including Project M23 as an adopted transportation improvement, the City has already identified a conventional intersection improvement (a second exclusive right-turn lane) that addresses the same operational issue cited as the basis for the Tannler Drive realignment. Therefore, the TSP does not establish that relocation of Tannler Drive is necessary. Rather, it recognizes multiple potential solutions.

The need for either Project M23 or Tannler Drive realignment is based on the potential for inadequate eastbound right-turn queuing at the Blankenship Road/Salamo Road/10th Street intersection. However, the applicant's TIA does not evaluate queuing conditions under the existing Blankenship Road/Tannler Drive configuration.

Because the TIA does not provide a queuing analysis for the existing roadway configuration, the applicant has failed to establish whether existing or future queues at this location are acceptable, whether storage capacity is exceeded, or whether the operational concern identified in the TSP would occur with the existing Tannler Drive alignment.

Even if future conditions were determined to require additional capacity, the applicant has not demonstrated why relocating Tannler Drive is necessary or preferable to the other solution identified in the TSP. Specifically, the applicant has not evaluated whether Project M23 would adequately address any identified queuing concern, nor has the applicant demonstrated that the additional eastbound right-turn lane is infeasible.

The proposed Tannler Drive realignment represents a major modification to the transportation system. Unlike an intersection improvement that directly addresses the identified operational location, the realignment would:

- Relocate the existing Tannler Drive/Blankenship Road intersection;
- Remove approximately 280 feet of existing public roadway;
- Modify established access and circulation patterns; and
- Require additional roadway construction, grading, retaining walls, utilities, and stormwater facilities.

These impacts extend beyond the operational issue identified in the TSP. Before approving such a significant modification to the transportation system, the applicant should demonstrate that the change is necessary and provides transportation benefits that cannot reasonably be achieved through other TSP consistent improvements.

ODOT correspondence further confirms that the proposed realignment is not required by ODOT (see Appendix A). ODOT indicated that the Tannler Drive/Blankenship Road intersection is not under ODOT ownership or access control and that ODOT's review interest is limited to ensuring that adjacent improvements do not adversely affect the operation of the I-205 interchange and the Blankenship Road/Salamo Road/10th Street intersection.

Therefore, the proposed Tannler Drive realignment is not an ODOT requirement.

Traffic Signal Warrant Analysis

The TIA concludes that the MUTCD Four-Hour Vehicular Volume Warrant is satisfied at the Blankenship Road/Tannler Drive intersection. However, the documentation contained in the TIA does not contain sufficient evidence to support that conclusion.

The traffic data collection described in the TIA consisted of one weekday AM peak period turning movement count (two hours) and one weekday PM peak period turning movement count (two hours), resulting in a total of four hours of observed traffic data. No 24-hour intersection counts, continuous hourly traffic counts, or other traffic data are provided.

The MUTCD Four-Hour Vehicular Volume Warrant requires that the applicable traffic volume thresholds be satisfied during four separate hours of an average day. Demonstrating compliance with this warrant requires documented hourly traffic volumes for each qualifying hour.

Although the TIA includes an hourly volume table concluding that the warrant is met, the report does not identify the source of the hourly volumes presented or explain how they were developed. No methodology is provided describing whether these volumes were derived from observed counts, extrapolated from peak-hour data, or estimated using another analytical approach.

Analysis Traffic Volumes					
Hour		Major Street		Minor Street	
Begin	End	EB	WB	NB	SB
5:00 PM	6:00 PM	892	433	17	178
2nd Highest Hour		882	428	17	176
3rd Highest Hour		802	389	15	160
4th Highest Hour		722	350	14	144
5th Highest Hour		601	292	11	120
6th Highest Hour		591	287	11	118
7th Highest Hour		561	272	11	112
8th Highest Hour		501	243	10	100
9th Highest Hour		491	238	9	98
10th Highest Hour		481	234	9	96
11th Highest Hour		461	224	9	92
12th Highest Hour		451	219	9	90
13th Highest Hour		441	214	8	88
14th Highest Hour		441	214	8	88
15th Highest Hour		361	175	7	72
16th Highest Hour		311	151	6	62
17th Highest Hour		261	126	5	52
18th Highest Hour		200	97	4	40
19th Highest Hour		180	88	3	36
20th Highest Hour		120	58	2	24
21st Highest Hour		60	29	1	12
22nd Highest Hour		50	24	1	10
23rd Highest Hour		30	15	1	6
24th Highest Hour		30	15	1	6

Figure 2: Volume Table from TIA

Comparison of the hourly volume table with the AM turning movement counts demonstrates that the weekday AM count period does not represent the highest traffic volumes shown in the warrant analysis. Because the AM peak period itself does not correspond to the qualifying hours presented in the table, it is evident that those higher hourly volumes were not directly observed during the traffic counts documented in the TIA. The only observed count period documented in the TIA that appears capable of supporting the warrant analysis is the two-hour weekday PM peak period.

Accordingly, the TIA provides documented traffic data for, at most, the two PM peak hours. The remaining qualifying hours shown in the warrant analysis are not supported by observed traffic counts or any documented methodology explaining how those hourly volumes were developed. Without that supporting information, there is insufficient evidence to verify that the MUTCD Four-Hour Vehicular Volume Warrant has been satisfied.

already exist. The proposed shared-use path does not appear to provide a logical continuation for bicyclists beyond the northern project limits, yet the TIA does not explain the intended transition to the existing facilities. The TIA does not evaluate whether formal crossing treatments are warranted to support these movements. It also does not assess the cumulative effect of multiple driveway crossings along the shared-use path, where users would be required to interact repeatedly with vehicular traffic entering and exiting the site and numerous driveway drops. Bicyclists traveling uphill or downhill may be less likely to use a shared-use path interrupted by numerous driveway crossings. The TIA does not evaluate whether continuous on-street bicycle facilities would provide a safer or more practical alternative. It is unclear why continuous bicycle facilities that better match the existing Tannler Drive bicycle facilities are not proposed.

With eight proposed curb cuts intersecting the frontage, the frequency of potential conflicts between vehicles, pedestrians, and bicyclists is significant. CDC 85.170 requires that the site design accommodate and encourage non-motorized transportation to the extent practicable and provide safe, direct, and convenient circulation. The current analysis does not demonstrate how these standards are achieved in practice or how conflict points will be managed to maintain safety.

Planned Developments Not Included

The City of West Linn Public Works Design Standards require that traffic impact analyses include, at a minimum:

- “a. Approved in-process developments and funded transportation improvements within the study area;
- b. Traffic growth assumptions; and
- c. Trip generation from other planned developments.”

The submitted TIA states that no in-process developments were identified during the scoping process with City and ODOT staff. A percentage growth rate has also been considered. These appear to address items (a) and (b).

However, item (c) does not appear to have been addressed. The analysis does not clearly identify or incorporate trips associated with other planned or reasonably foreseeable developments within the study area. At a minimum, the West Linn Operations Complex (CUP-25-02/DR-25-02/WRA-25-01) appears to constitute a planned development within the meaning of the Public Works Design Standards and should either be incorporated into the background traffic assumptions or expressly documented as excluded with supporting justification.

Given the requirement in the Public Works Design Standards to account for trips from other planned developments, the applicant should be required to coordinate with the City of West Linn and ODOT to confirm whether any additional planned or approved developments exist

within the study area that may contribute to background traffic conditions. Without this confirmation, the completeness of the background traffic assumptions remains uncertain.

Conclusion

The submitted Traffic Impact Analysis does not provide substantial evidence demonstrating compliance with CDC 85.170(B)(2), the City of West Linn Public Works Design Standards, or the applicable transportation planning assumptions reflected in the Transportation System Plan.

The deficiencies identified in this review are not limited to isolated technical omissions. Rather, they involve fundamental components of transportation safety, access management, and operational analysis that are necessary for the Planning Commission to evaluate compliance with applicable approval criteria. These include the lack of access analysis for all driveways, absence of required sight distance evaluations, insufficient evaluation of driveway placement on curved roadway segments, unaddressed backing and parking conflicts, incomplete multimodal transition analysis, and unsupported traffic signal warrant conclusions.

Each of these issues bears directly on the Planning Commission's ability to make the required findings under CDC 85.170(B)(2)(g) and related provisions. Based on the application materials, those findings cannot be supported with substantial evidence.

Accordingly, based on the information currently before the Planning Commission, the application does not contain substantial evidence demonstrating compliance with the applicable transportation requirements of the Community Development Code and Public Works Design Standards. Additional analysis and supporting documentation are necessary before the Planning Commission can make the findings necessary for approval.

The deficiencies identified throughout this review are not isolated technical issues. Rather, they collectively relate to the applicant's burden of demonstrating compliance with the CDC which requires that transportation improvements be designed to minimize negative impacts to the transportation system, provide safe and efficient circulation for all users, and accommodate pedestrian and bicycle travel to the extent practicable.

The absence of operational analyses for all proposed access points, required sight distance evaluations, analysis of backing maneuvers associated with angled parking, adequate multimodal transition analysis, and supporting documentation for the traffic signal warrant leaves the Planning Commission without substantial evidence to conclude that these approval criteria have been satisfied. Until these deficiencies are addressed, the application does not demonstrate that the proposed transportation system has been designed in a manner that minimizes transportation hazards while providing safe, efficient, and multimodal access consistent with the Community Development Code and the City of West Linn Public Works Design Standards.

Sincerely,

Rick Nys, P.E.
Principal Traffic Engineer



Wyss, Darren

From: c.saletta@comcast.net
Sent: Tuesday, July 28, 2026 3:56 PM
To: Wyss, Darren; Schroder, Lynn
Subject: Public Comment on Proposed Tannler/Blankenship Development

You don't often get email from c.saletta@comcast.net. [Learn why this is important](#)

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Attn: West Linn Planning Commission

City of West Linn
City Hall, 22500 Salamo Road
West Linn, OR 97068

RE: FORMAL OBJECTION – Class 2 Design Review & Lot Line Adjustment
Project ID: DR-25-04 / LLA-25-02
Site Locations: 2410, 2422, & 2444 Tannler Drive and 1800 Blankenship Road
Public Hearing Date: Monday, August 10, 2026

Dear Planning Commission Members,

I am writing as a local property owner and resident to formally state my strong **OPPOSITION** to the proposed 320-unit multi-family development with ground-floor commercial space. Project ID DR-25-04 / LLA-25-02

While I understand the inevitability of growth, the density and location chosen for this massive project are structurally incompatible with our community. The surrounding infrastructure is already strained, and approving this high-density layout will result in daily gridlock while actively eroding the economic health and overall livability of the surrounding neighborhoods.

I urge the Planning Commission to deny this application based on the following critical planning and community impact concerns:

- **Existing Burden at the I-205 10th Street Interchange:** The north end of the I-205 10th Street interchange leading to Salamo Road and Blankenship Road already experiences significant traffic backups during both peak and non-peak hours. Forcing a conservative estimate of over **400** additional resident vehicles directly into this burdened interchange network is unfeasible and logistically reckless.
- **Neighborhood Traffic Dispersal and Safety Risks:** Because the immediate access points cannot handle this volume, drivers will actively seek cut-through routes. This will inevitably divert heavy commuter traffic up Tannler Drive to Bland Circle, or across Greene Street to Salamo Road. These are primarily residential streets and are designed for local traffic, not high-volume arterial bypasses, creating direct safety hazards for families in the surrounding neighborhoods.
- **Ineffectiveness of Proposed Traffic Mitigation:** The developer's proposal to add a traffic light at the bottom of a redirected Tannler Drive is entirely inadequate. A signal at this bottleneck will not increase the overall carrying capacity of the receiving roads; it will simply pool a massive volume of vehicles on an already taxed system.
- **Flawed Traffic Impact Analysis Assumptions:** The Traffic Impact Analysis submitted by the applicant does not accurately reflect the real-world operational weaknesses that residents

witness daily on these roads and specific intersections. The Commission must look past idealized theoretical routing models and evaluate the true, compounding impact of adding 320 units and 12,100 sq ft of commercial spaces to this exact pinch point.

- **Incompatible Scale and Density:** A complex of this magnitude dramatically alters the established physical character of the surrounding neighborhoods and the city overall. The design fails to blend seamlessly with the existing commercial and housing development patterns.
- **Negative Impact on Local Home Values:** The sheer scale, height, and density of this development threaten to permanently degrade the aesthetic appeal, quiet enjoyment, and physical character of the surrounding residential neighborhoods. This poses a direct, anticipated negative impact on our neighborhood home values. Introducing a project that lowers nearby property values while simultaneously overburdening the very roads and municipal systems we fund creates a severe inequity for established residents/taxpayers.
- **Loss of Natural Tree Canopy:** Our city prides itself on its mature trees and urban parks/forested areas. The extensive site clearing outlined in the Arborist Report undermines the city's climate resilience and environmental sustainability goals.
- **Stormwater Runoff & Infrastructure Strain:** Replacing permeable land on a steep hillside with massive building footprints and parking spaces threatens our local water management. The Civil Plans and Stormwater Report require rigorous oversight to prevent local flooding or utility failures.

The physical constraints of our existing road infrastructure cannot be engineered away by a single traffic light, nor should the economic well-being of and area livability for tax-paying residents be compromised. For these reasons, the proposal fails to meet the safety, compatibility, and community welfare requirements necessary for a Class II Design Review approval.

I have been a resident of West Linn for 26 years and I am accustomed to development and change in the area, however, I believe a project of this size and scale in this location would set a bad precedent and take our city in the wrong direction.

I respectfully request that the Planning Commission deny this application.

Sincerely,

Corinne Saletta
2275 Tannler Drive
West Linn, OR 97068
c.saletta@comcast.net

Wyss, Darren

From: Lucas Solis <lucasasolis@gmail.com>
Sent: Tuesday, July 28, 2026 10:41 AM
To: Wyss, Darren; West Linn Planning Department; City Records
Cc: roberta.schwarz@comcast.net; Schroder, Lynn
Subject: Greene Street public right-of-way behind 2350 Falcon Drive

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from lucasasolis@gmail.com. [Learn why this is important](#)

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Hello,

I am following up on the City's August 2025 response below confirming that the portion of Greene Street adjacent to 2410 Tannler Drive had not been vacated and remained public right-of-way.

Fresh blue utility markings have now appeared in the Greene Street corridor immediately behind our property at 2350 Falcon Drive. The markings point toward an existing utility access cover and appear to have been placed recently.

I understand that utility locating and maintenance can occur for routine reasons, and I am not assuming this activity is connected to the pending Tannler development. However, given the active application and the corridor's location between our home and the development property, I would appreciate written clarification regarding the following:

1. Please confirm whether the specific portion of Greene Street immediately behind 2350 Falcon Drive remains unvacated public right-of-way under City control.
2. Who requested or performed the recent utility marking, and for what purpose?
3. Is there an associated utility-locate ticket, City work order, or project number?
4. Is any surveying, excavation, utility maintenance, relocation, or other fieldwork planned in this portion of Greene Street?
5. Is the recent activity connected in any way to the Tannler development application, Tannler Holdings LLC, or any consultant working on the project?
6. Is the City currently considering or discussing any vacation, conveyance, exchange, easement, land transaction, or change in public access involving this portion of Greene Street?
7. Does the pending Tannler application require or contemplate use, alteration, acquisition, or vacation of this portion of Greene Street?

My wife and I live at 2350 Falcon Drive with our four children, including our one-year-old. This corridor provides separation from the proposed development and is regularly used by residents and families as a pedestrian connection toward Savanna Oaks Park. Any material change could directly affect pedestrian and child safety, privacy, public access, utilities, drainage, emergency access, and the proximity of development activity to neighboring homes.

Please place us on any applicable notice list concerning this section of Greene Street, including any proposed right-of-way vacation, land transaction, easement, utility work, or other action affecting the corridor.

At this point, I am requesting factual information and transparency rather than drawing conclusions about the markings. Please confirm receipt and advise which City department is handling this activity.

Thank you,

Lucas Solis
2350 Falcon Drive
West Linn, OR 97068
lucasasolis@gmail.com

Begin forwarded message:

From: City Records <CWL_Records@westlinnoregon.gov>
Subject: RE: Request for Records – Status of Green Street (West Linn, behind 2350 Falcon Dr)
Date: August 18, 2025 at 4:51:59 PM PDT
To: "lucasasolis@gmail.com" <lucasasolis@gmail.com>

Hello,

In accordance with ORS 192.324(2), this is to acknowledge the City's receipt on August 18, 2025 of your request for:

1. Has Green Street (behind 2350 Falcon Dr) ever been formally vacated under ORS Chapter 271 or by City Council ordinance?
2. If so, could you provide the ordinance number and/or a copy of the recorded plat or document showing the vacation?
3. If not vacated, does the City still hold Green Street as a public right-of-way?

The portion of Greene Street adjacent to 2410 Tannler Drive has not been vacated and remains public right-of-way. You can view this section on the City's West Linn Maps tool found here [West Linn Maps | City of West Linn Oregon Official Website](#)

Thank you.

From: Lucas Solis <lucasasolis@gmail.com>
Sent: Monday, August 18, 2025 12:11 PM
To: City Records <CWL_Records@westlinnoregon.gov>
Subject: Request for Records – Status of Green Street (West Linn, behind 2350 Falcon Dr)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Dear City Recorder,

I am a homeowner at 2350 Falcon Dr, West Linn, OR 97068. The property directly behind my house is identified on maps as Green Street. I would like to confirm the legal status of this right-of-way.

Could you please let me know:

1. Has Green Street (behind 2350 Falcon Dr) ever been formally vacated under ORS Chapter 271 or by City Council ordinance?
2. If so, could you provide the ordinance number and/or a copy of the recorded plat or document showing the vacation?
3. If not vacated, does the City still hold Green Street as a public right-of-way?

We recently had surveyors working behind our property and want to ensure we fully understand the ownership and boundaries.

Thank you very much for your assistance. Please let me know if there are specific forms or fees required to obtain these records.

Thank you,

Lucas

,
CWL_Records@westlinnoregon.gov
westlinnoregon.gov



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LETTER OF SUPPORT

Tanner Development | City of West Linn

Date: 7-27-2026

City of West Linn Planning Commission
and City of West Linn Planning Staff

Re: Support for Tanner Holdings LLC Applications DR-25-04 / LLA-25-02

Dear Chair and Commissioners:

I am a property owner, and I am writing in strong support of Tanner Holdings LLC Applications DR-25-04 / LLA-25-02. The proposed mixed-use development would provide 320 rental homes and approximately 12,000 square feet of ground-level commercial space.

The proposed Tanner realignment is an important public benefit. It is intended to create an intersection that functions more safely and efficiently than the existing configuration, while adding transportation capacity and on-street parking without sacrificing planned roadway width or pedestrian facilities.

The housing component will also provide meaningful opportunities for working households, including employees and customers of West Linn businesses, to live in or closer to the community. Expanding the range of rental housing choices will help support a stronger local workforce and a more inclusive, economically resilient West Linn.

The proposed amount of ground-floor commercial space is appropriately balanced with the housing. West Linn already has existing commercial space and vacant storefronts seeking tenants. Providing approximately 12,000 square feet of commercial space will create opportunities for neighborhood-serving businesses without overbuilding office or retail space for which market demand has not materialized.

The future residents of the Tanner development will become customers of local shops, restaurants, services, and other West Linn businesses. The project will add vitality to the area, make productive use of the property, and provide both housing and commercial activity in a coordinated mixed-use development.

For these reasons, I respectfully urge the City to approve Applications DR-25-04 / LLA-25-02 as proposed, subject to reasonable conditions, and allow the Tanner development to move forward.

Sincerely,

Signature:



Printed name: Martin Fleck

Address: 8541 SE Hinkley Ave.
Happy Valley, OR 97086

Email / phone: marty@ahnorthwest.com

Wyss, Darren

From: EDGING Sean * DLCD <sean.edging@dlcd.oregon.gov>
Sent: Monday, July 27, 2026 2:02 PM
To: Carrie Richter; MADSEN Joel * DLCD
Cc: Wyss, Darren; REID Kelly * DLCD
Subject: RE: HAPO Help?

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Hello Carrie,

Thank you for reaching out to our office with your inquiry and for your patience as we worked to respond. Below is a summary of the inquiry and our response. Please note that our guidance is not substitution for legal counsel.

Inquiry Summary: This inquiry relates to a specific development proposal in the City of West Linn and was submitted by the project applicant's representative. The project proposes 320 dwelling units on land zoned Office Business Commercial, which allows "multi-family residential" so long as it includes ground floor commercial.

The inquiry asks for HAPO guidance for the following:

1. Whether the office will submit testimony explaining "what state housing law requires" with respect to House Bill (HB) 4037 (2026),
2. The constitutionality of HB 4037, and
3. Whether HAPO has issued any formal interpretations regarding "how SB 1537 waivers work with respect to ground floor commercial." The inquiry provides context that "project opponents have taken the position that SB 1537 cannot apply because ground floor commercial is a use rather than a design or development standard."

HAPO Response: On the first question, we are happy to provide a written explanation of new requirements under HB 4037 that you are welcome to share publicly and enter into the record. Though please note that, as further explained below, our ability to issue a written warning notice of a potential housing law violation is limited to formal complaints under ORS 197A.805. As of writing, no such complaint has been submitted. Therefore, this message is a response to a request for technical assistance, and we are not undertaking an investigation, making any determination, nor issuing a warning notice of a housing law violation at this time. See ORS 197A.800(2)(b)-(c); ORS 197A.805(3)(a).

House Bill 4037 (2026) amended ORS 197A.400 to establish new procedural requirements for applications subject to clear and objective standards, conditions and procedures. This change went into effect on July 1, 2026 and affects applications for the development of housing within an urban growth boundary. These procedural requirements include:

1. The local government may provide notice of the application only to property owners within 100 feet, or 500 feet for developments of 20 units or more, of the subject property.
2. The local government may not require a public hearing prior to a decision.
3. The local government may provide an opportunity for local appeal only to the applicant.
4. Only the applicant may appeal these decisions to the Land Use Board of Appeals.

For a summary of all amendments to housing laws during the 2026 Legislative Session, including HB 4037, please see the following HAPO bulletin:

https://www.oregon.gov/lcd/HAPO/Shared%20Documents/HAPO_Bulletin_2026Session_HousingLaws.pdf

HB 4037 limits local government notice, hearing, and appeal requirements for housing development applications reviewed under clear and objective standards. Additionally, the law limits the opportunity to appeal a local decision to only the applicant. In practice, most local governments may conform with this new requirement by amending ministerial and administrative review procedures to conform with the new requirements and apply only those processes to housing development applications reviewed under clear and objective standards. Additionally, our understanding of the new requirement is that it extends to clear and objective review and not to optional, discretionary review pathways authorized under ORS 197A.400(3).

Currently, HAPO is amending procedures from previously adopted Housing Model Codes to conform with the new procedural requirements established by HB 4037. For the most part, these procedures already conform to the new requirements, with a few exceptions. We are incorporating amendments to conform public hearings and appeals to the new law. Drafts of these conforming amendments will be available for public comment in August. Once adopted (anticipated early 2027), local governments will be able to rely on adopted model codes to comply with the new law, either as guidance for local code amendments, optionally adopted by reference, or optionally applied directly to an application where local code is nonconforming.

On the second question, we cannot speak to the constitutionality of HB 4037 in this request for technical assistance. As noted, outside the context of the office's authority to investigate and respond to complaints regarding suspected or credibly alleged violations of housing laws, issue warning notices, and pursue enforcement, HAPO's statutory authority is to provide technical assistance with complying with housing laws to local governments and applicants for land use and building permits for residential development who are experiencing permitting and land use barriers related to housing production. See ORS 197A.800(2); 197A.805(2)-(3). Should a complaint alleging a housing law violation be submitted and determined credible, our office would conduct a thorough analysis of the complaint, actions taken by local government and consistency with state law.

On the third question, HAPO issued a prior mandatory adjustment exemption decision, which included HAPO's determination as to the relationship between the definition of "adjustment" at sections 38(1)-(2) and the requirement for local governments to grant adjustments under section 38(4)(g)(D), as set forth below (bold added):

(1)(a) "Adjustment" means a deviation from an existing land use regulation.

(b) "Adjustment" does not include:

(A) **A request to allow a use of property not otherwise permissible under applicable zoning requirements;**

(B) Deviations from land use regulations or requirements related to accessibility, affordability, fire ingress or egress, safety, local tree codes, hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, natural hazards, the Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean resources;

(C) A complete waiver of land use regulations or any changes beyond the explicitly requested and allowed adjustments; or

(D) Deviations to requirements related to the implementation of fire or building codes, federal or state air quality, water quality or surface, ground or stormwater requirements, or requirements of any federal, state or local law other than a land use regulation.

(2) Except as provided in section 39, chapter 110, Oregon Laws 2024, a local government shall grant a request for an adjustment in an application to develop housing as provided in this section. An application qualifies for an adjustment under this section only if the following conditions are met:

(b) The development is on lands zoned to allow for residential uses, including mixed-use residential;

(4) A local government shall grant an adjustment to the following development standards:

(g) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multiunit housing and mixed-use residential housing:

(D) Prohibitions, for the ground floor of a mixed-use building, against:

(i) Residential uses except for one face of the building that faces the street and is within 20 feet of the street; and

(ii) Nonresidential active uses that support the residential uses of the building, including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces, except for active uses in specifically and clearly defined mixed-use areas or commercial corridors designated by local governments.

The prior HAPO exemption request determination involved a local government that asserted an adjustment required under section 38(4)(g)(D) for prohibitions against residential uses on the ground floor of a mixed-use building in a mixed-use zone could be denied (and did not disqualify the city from a requested exemption) because it constituted a change in use that was otherwise prohibited given the section (38)(1)(b)(A) definition of “adjustment” (excluding “[a] request to allow a use of property not otherwise permissible under applicable zoning requirements”). We disagreed with that rationale and explained further in the findings for the decision (see pg 16-18) that “[t]he action of disallowing an applicant from seeking an adjustment to a required standard (in this case section 38(4)(g)(D)(i)) directly contradicts section 39(2)(b), which states: ‘(b) All listed development and design adjustments under section 38(4) and (5) of this 2024 Act are eligible for an adjustment under the local government’s process[.]’”

Note that the findings associated with the decision relate to the exemption approval criteria in Oregon Laws 2024, chapter 110, section 39, *compiled as a note after* ORS 197A.395 (2025), *amended by* Oregon Laws 2025, chapter 530, section 3.

As mentioned in a previous response, we are providing a copy of this response to Darren Wyss at the City of West Linn, consistent with our policies and procedures.

Let me know if you have any follow-up questions.

Best,



Sean Edging  [Hear my name](#)

Senior Housing Planner | Housing Accountability and Production Office

Pronouns: He/Him

Cell: 971-375-5362 | Main: 503-373-0050

sean.edging@dlcd.oregon.gov | www.oregon.gov/LCD

From: Carrie Richter <crichter@batemanseidel.com>

Sent: Thursday, July 16, 2026 2:38 PM

To: EDGING Sean * DLCD <sean.edging@dlcd.oregon.gov>; MADSEN Joel * DLCD <joel.madsen@dlcd.oregon.gov>

Cc: Wyss, Darren <dwyss@westlinnoregon.gov>

Subject: HAPO Help?

Hello,

As I think you know, this firm represents a developer seeking design review approval for a 320 unit multi-family development within the City of West Linn on land zoned Office Business Commercial. Multi-family residential is permitted outright so long as it includes ground floor commercial. Relying on SB 1537, the applicant has sought a waiver to allow more limited ground-floor commercial than the code requires. The applicant has also asked that the City apply HB 4037, Section 17 and make a staff decision without a public hearing. As you may have heard, this has stirred up a great deal of consternation as this community is very surprised and dismayed by this result. To get a feel, perhaps take a look at the 60 minutes of testimony offered at the City Council meeting this past Tuesday night:

https://westlinn.granicus.com/player/clip/1765?view_id=&meta_id=89399&redirect=true

In response, the City has decided to proceed with a hybrid approach whereby the criteria related to housing will be decided at a public meeting without a public hearing. The criteria directed solely to commercial will be determined by the Planning Commission after a public hearing. This approach is not only absurd, it is completely at odds with the legislative history resulting in the adoption of HB 3047.

What I'm hoping is that perhaps HAPO might be willing to submit some testimony, either orally or at the public hearing on August 10, explaining what state housing law requires. If the goal is to get housing to market, the time is now for HAPO to step in and provide support and not after the fact through enforcement.

Second and tangentially related, has HAPO issued any formal interpretations regarding how SB 1537 waivers work with respect to ground floor commercial? The argument that the opponents are making is that SB 1537 cannot apply because ground floor commercial is a use rather than a design or development standard. I heard this argument early on but I haven't heard it lately so I'm wondering if this might be settled through anything HAPO has issued.

Just FYI – I have copied the City Planner Darren Wyss on this email in an effort to be fully transparent and inclusive about this request.

Thanks,
Carrie

Carrie Richter
Bateman◇Seidel
Bateman Seidel Miner Blomgren Chellis & Gram, P.C.
[1000 SW Broadway, Suite 1910](#)
[Portland, OR 97205](#)
(503) 972-9903 (direct phone)
(503) 972-9904 (direct fax)
crichter@batemanseidel.com

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Wyss, Darren

From: Koper, Steve
Sent: Friday, July 24, 2026 5:11 PM
To: Schwarz, Ed; Williams, John
Cc: Wyss, Darren; 'Andrew Mulkey'; Ashleigh Dougill
Subject: RE: Question re: DR-25-04/LLA-25-02 Hearing Procedure

Mr. Schwarz,

Thank you for your follow-up email.

The written comment timelines in the notices for the Tannler Drive applications reflect the processing requirements that apply to this specific set of applications. This application is not subject to, nor being processed under, the quasi-judicial procedures outlined in ORS 197.797. Where state law establishes timelines that preempt local code, the City applies those timelines. Where the City's development code governs, the standard 20-day comment period applies. The published notices reflect these requirements.

In addition, the timelines are shaped by the statutory 120-day period for the City to issue a final decision. At this time, the applicant has not agreed to extend that deadline, which requires the City to maintain an expedited schedule to ensure the application can be processed within the required timeframe. Because this process is not governed by ORS 197.797, the continuance provisions in ORS 197.797(6) do not apply.

I understand your request to allow written comments up to noon on the day of the hearing. At this time, however, the City needs to follow the timelines outlined in the notices. Oral testimony will still be accepted at the hearing, and all written testimony submitted by the respective deadlines will be included in the record for Planning Commission consideration.

Sincerely,
Steve

From: ed.schwarz@gmail.com <ed.schwarz@gmail.com>
Sent: Thursday, July 23, 2026 12:38 PM
To: Koper, Steve <skoper@westlinnoregon.gov>; Williams, John <JWilliams@westlinnoregon.gov>
Cc: Wyss, Darren <dwyss@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>
Subject: RE: Question re: DR-25-04/LLA-25-02 Hearing Procedure

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Mr. Koper,

Do you have an update for me on when I will be receiving an answer to my request in the below email?

Let me restate it for you.

Please tell me, specifically, what state laws or city codes have changed which now allow you to apply the written comment timelines the city has imposed for the Tannler Drive apartments.

Thank you.

Sincerely,
Ed Schwarz

From: ed.schwarz@gmail.com <ed.schwarz@gmail.com>

Sent: Tuesday, July 21, 2026 2:44 PM

To: 'Koper, Steve' <skoper@westlinnoregon.gov>; 'Williams, John' <JWilliams@westlinnoregon.gov>

Cc: 'Wyss, Darren' <dwyss@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>

Subject: RE: Question re: DR-25-04/LLA-25-02 Hearing Procedure

Mr. Koper,

I looked back and the Kaady Car Wash application (CUP-25-03/DR-25-03/VAR-25-02) allowed written public comment until **4 pm on the day of the Planning Commission hearing** which was March 18, 2026. Please tell me, specifically, what state laws or city codes have changed which now allow you to apply the written comment timelines the city has imposed for the Tannler Drive apartments.

In not providing the above information I believe the city is violating the provisions of ORS 197.797, which require the city to list the local code provisions that apply. Arguably, that requires the procedural requirements as well. In this case, the city is attempting to apply provisions of state law directly to the process, and participants are entitled to notice of the applicable laws that are being applied.

I also believe that the city is in violation of CDC 99.090(A)(9) which requires, “A statement that public and written testimony are invited...”

CDC 99.090(A)(8) is being compromised because the very day the staff report is to be available is the same day that we are to submit our written testimony. It is obviously impracticable to read, understand, and include in our written testimony any comments related to the staff report if we have less than one day in which to do so.

Your comments regarding “...a large volume of written comments arriving at the last possible moment. This creates significant operational challenges and reduces the time available for Planning Commissioners to thoughtfully consider public input before the hearing” would seem to indicate that the Planning Commission would not have time to consider these last-minute comments. I have attended numerous Planning Commission hearings in my 24 years in West Linn and I do not recall even one I attended where the Planning Commission made a decision on the day of the first hearing on a land-use application. The hearings are routinely continued to allow the Planning Commission to review the entire record including all written comments, verbal testimony, and additional written comments and rebuttal from the applicant. I expect that same process to occur for this hearing. So, your argument does not apply.

I restate my request that the city allow written submittals up to Noon on the day of the hearing for both pieces (residential and commercial) of the Planning Commission hearing.

Please respond as soon as possible to this request.

Regards,

Ed Schwarz

From: Koper, Steve <skoper@westlinnoregon.gov>
Sent: Tuesday, July 21, 2026 9:46 AM
To: Schwarz, Ed <ed.schwarz@gmail.com>; Williams, John <JWilliams@westlinnoregon.gov>
Cc: Wyss, Darren <dwyss@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>
Subject: RE: Question re: DR-25-04/LLA-25-02 Hearing Procedure

Mr. Schwarz,

Thank you for your email and for outlining your concerns regarding the written comment deadlines for the Tannler Drive application. Due to recent changes in state law, certain components of qualifying land use applications now have a 14-day comment period. For land use applications where state law does not specify a timeline, the City continues to apply the 20-day comment period required by the development code.

Historically, the City has sometimes issued notices so that the end of the comment period falls on the date of the hearing. While legally permissible, that approach has repeatedly resulted in a large volume of written comments arriving at the last possible moment. This creates significant operational challenges and reduces the time available for Planning Commissioners to thoughtfully consider public input before the hearing.

To minimize these issues and to comply with the timelines required under state law, the notice for the Tannler Drive application reflects the statutory 14-day period for the commercial portion and the 20-day period for the residential portion, from the date of mailing.

I understand your request to allow written comments up to noon on the day of the hearing. At this time, however, the City needs to follow the timelines established by state law and our development code. Members of the public may still provide oral testimony at the hearing, and all written comments received by the respective deadlines identified in the notices will be included in the record and forwarded to the Planning Commission.

Sincerely,
Steve

From: ed.schwarz@gmail.com <ed.schwarz@gmail.com>
Sent: Monday, July 20, 2026 4:00 PM
To: Williams, John <JWilliams@westlinnoregon.gov>
Cc: Koper, Steve <skoper@westlinnoregon.gov>; Wyss, Darren <dwyss@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>
Subject: FW: Question re: DR-25-04/LLA-25-02 Hearing Procedure

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Hello John,

I wanted to make you aware of a serious issue we have with the upcoming Planning Commission's "hearing" on the Tannler Drive apartment application.

Our concern is the extremely short timeline to provide written input on both parts of the application (residential and commercial). This timeline is much shorter than the city's usual practice of submitting written materials up to Noon on the day of the hearing. The current timeline in the notice for the **commercial piece** requires all written submittals to be made by **July 30** and the timeline for the **residential piece** requires all written submittals by **August 5** (see attached).

Why are these timelines so abbreviated?

I request that the city allow written submittals up to Noon on the day of the hearing for both pieces (residential and commercial) of the Planning Commission hearing.

Please look into this as soon as possible and send me a response with the updated submittal dates or explain why the dates need to be so advanced from usual city practice

Thank you,
Ed Schwarz

From: ed.schwarz@gmail.com <ed.schwarz@gmail.com>
Sent: Sunday, July 19, 2026 10:41 AM
To: 'Wyss, Darren' <dwyss@westlinnoregon.gov>
Cc: 'Koper, Steve' <skoper@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>
Subject: Question re: DR-25-04/LLA-25-02 Hearing Procedure

Darren,

The attached notice of the Planning Commission **Commercial Hearing** for DR-25-04/LLA-25-02 states, "Anyone wishing to present written testimony for consideration should **submit all materials before 4:00 pm on July 30, 2026** to dwyss@westlinnoregon.gov or mail them to City Hall."

Is the July 30, 2026 date a mistake? That is twelve days before the hearing and is much earlier than I ever remember written comments being required in advance of a land-use hearing. Based on what you have told me previously, it is possible that the staff report won't be ready by the time written comments are due. This seems to be very unfair to the members of the public wishing to provide written comments.

I request that the due date and time for written comments be changed to Noon on the hearing date, August 10, 2026, as is typically required for land use hearings.

I am copying our attorney, Andrew Mulkey, on this correspondence. Please copy him on any response.

Ed Schwarz
West Linn

Steve Koper
Community Development Director
Community Development

22500 Salamo Rd.
West Linn, Oregon 97068
skoper@westlinnoregon.gov
westlinnoregon.gov
503-742-6058



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Steve Koper
Community Development Director
Community Development

[#6058](#)



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Wyss, Darren

From: Ken Pryor <paragon399@yahoo.com>
Sent: Friday, July 24, 2026 3:35 PM
To: Wyss, Darren
Subject: Subject: Mixed-Use Development in the Savanna Oaks Neighborhood

You don't often get email from paragon399@yahoo.com. [Learn why this is important](#)

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Written Testimony for the Public Records

West Linn Planning Commission & West Linn City Council Re: Opposition to Mixed-Use Development in the Savanna Oaks Neighborhood

Thank you for the opportunity to provide input on this important issue affecting our community. As a long-time resident, I appreciate your dedication to thoughtful planning and responsible decision-making that reflect the needs and values of Savanna Oaks.

Chair, Commissioners, Mayor, and Councilors,

My name is Ken Pryor, and I am submitting this letter for the public record regarding the consideration of mixed-use development in the Savanna Oaks neighborhood. I urge both the Planning Commission and the City Council to reject any proposal or policy direction that would introduce mixed-use zoning into this area. Such a move would contradict the City's adopted plans, exceed the capacity of existing infrastructure, and expose residents to significant undisclosed financial burdens.

1. The Savanna Oaks Neighborhood Plan Explicitly Rejects Commercial or Mixed-Use Development

The Savanna Oaks Neighborhood Plan is unequivocal in its description of the area:

- “Primarily low-density residential”
- Characterized by “steep slopes,” “limited access,” and “significant natural resources”
- An area where “commercial uses are not appropriate due to topography and infrastructure constraints”

The Plan's land-use map designates:

- **R-10 low-density residential** as the dominant zoning
- **Light industrial** only in the existing business park
- **No commercial or mixed-use nodes**

Any attempt to introduce mixed-use development would directly contradict the adopted neighborhood vision and require a formal plan amendment. More importantly, it would disregard the physical realities that the Plan was designed to respect.

2. The Transportation System Plan (TSP) Confirms the Area Cannot Support Mixed-Use Intensity

The TSP identifies Savanna Oaks as an area with:

A. No collector-level street network

The neighborhood is served exclusively by local streets, cul-de-sacs, and steep, narrow roads. There is no grid, no redundancy, and no commercial-scale access. Mixed-use development requires a connected street network capable of handling commercial traffic, delivery vehicles, and increased trip generation. Savanna Oaks has none of this, and the TSP does not propose building it.

The addition of the new Operations Center on Salamo is another example of malfeasance; traffic impact of vehicles entering/exiting a main artery to City Hall and shopping will create a significant deterrence to shoppers that will opt to other commercial sites where access is less congested. Other than Safeway, has consideration been given to the small businesses that are dependent on convenient access or the rush hour congestion at the terminus of Salamo, 10th Street, and Blankenship, plus >300 apartment dwellers + associated commercial traffic? This is a disaster in the making that will not be easily remedied resulting in the deterioration of local home values and existing commercial investments. How is the public better served by this development? Who really benefits from this debacle in the making?

B. Substandard pedestrian and bicycle infrastructure

The TSP documents:

- Missing sidewalks
- Steep grades
- Limited pedestrian connectivity
- No safe multimodal routes

Mixed-use development depends on walkability. Savanna Oaks is physically incapable of providing it without massive capital investment.

3. The Public Facilities Plan (PFP) Shows No Capacity—and No Planned Upgrades—for Mixed-Use Development

The PFP does **not** identify:

- Water main upsizing
- Sewer trunk expansion
- Stormwater capacity improvements
- Roadway widening
- Intersection upgrades

Yet mixed-use development would require all of these.

To put it plainly: **the infrastructure required for mixed-use does not exist, is not planned, and is not funded.**

4. Hidden Costs and Fiscal Stewardship

This is where the issue becomes not just a planning concern, but a matter of public trust.

Proceeding with a proposal that hides its true financial impacts is like taking a fatted cow to market and judging its value only by the size of its shadow. It looks impressive from a distance, but once the animal is actually weighed, you discover that what appeared to be solid value is mostly hollow. At that point, the seller is committed, and the community is left holding the bag, there are no magic beans.

In public policy, **concealing or deferring known costs is not merely poor planning—it borders on malfeasance.** Stewardship of public resources requires transparency **before** commitments are made, not after the bill arrives.

Mixed-use development in Savanna Oaks requires:

- Millions in water and sewer upgrades
- Road reconstruction
- Stormwater expansion
- Emergency access improvements

... the public deserves to know **when, how, and from whom** those costs will be collected.

Because if the city **cannot** answer those questions today, then the answer is self-evident: **Residents will pay—through higher taxes, new fees, diminished home value and/or cuts to essential services.**

5. Mixed-Use Planning Is Already Focused Where It Belongs

The City's mixed-use planning efforts—VISION43, the Highway 43 corridor, Bolton, and Robinwood—identify the appropriate locations for higher-intensity development. Savanna Oaks **is not included in any mixed-use planning area**. It was excluded for a reason: **the topography, infrastructure, and neighborhood character make mixed-use fundamentally incompatible**.

Conclusion

Mixed-use development in Savanna Oaks would:

- Contradict the Savanna Oaks Neighborhood Plan
- Violate Comprehensive Plan siting criteria
- Overwhelm the transportation network.
- Require unfunded infrastructure upgrades!
- Shift hidden costs onto taxpayers!
- Undermine public trust and responsible governance!

And when the costs inevitably exceed projections — as they often do — developers can walk away, leaving the City and its residents to absorb the financial consequences. **When that happens, who benefits? Certainly not the taxpayers who are left paying for infrastructure they never asked for and that never should have been required in the first place.**

For these reasons, I respectfully request that both the Planning Commission and the City Council **exclude Savanna Oaks from any consideration of mixed-use zoning** and uphold the integrity of the City's adopted plans and fiscal responsibilities and not ask residents to swallow a poison pill.

Thank you for your attention to this matter.

Sincerely, Ken Pryor West Linn, Oregon

Wyss, Darren

From: Roberta Schwarz <roberta.schwarz@comcast.net>
Sent: Monday, July 27, 2026 2:23 PM
To: Wyss, Darren
Subject: FW: Upcoming public testimony for File No. DR-25-04/LLA-25-02

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From: S. Crook <scrook0717@gmail.com>
Sent: Friday, July 24, 2026 11:59 AM
To: Roberta Schwarz <roberta.schwarz@comcast.net>
Subject: Upcoming public testimony

Forwarded as per his request, for the Public Record, from Scott Crook for the above referenced File No. DR-25-04/LLA-25-02. Please add this to the Commercial Hearing.

Hi Roberta,

I will be out of town on August 10th but wanted to add some commentary that can be read. I am a professional engineer who works in water systems and large facility development; I also have a background in mathematical modeling with some experience in traffic modeling.

Modifying Tannler Drive routing and adding serpentine paths creates a high chance of a public burden in several ways with respect to city operations, emergency resiliency, and traffic operations. I will address each separately:

Water infrastructure: Salamo Road and its adjoining multiuse path share the route with a 12" ductile iron water main that supplies the water tank and associated pumping station located in Salamo Drive.

This infrastructure is critical for supplying the associated pressure zone with water which is necessary for living and firefighting. In the event of an earthquake, sections of this pipe will require inspection and likely replacement or repair to sustain the water system unless constructed with proprietary restrained joints and castings which is unlikely.

This work would necessitate the closure of Salamo Drive at least south of Greene Street after a major earthquake to allow firefighting operations and basic water supply to be reestablished. The work would entail open cut trenching and heavy equipment likely blocking both lanes of traffic.

The new Operations Complex immediately north of the Greene Street and Salamo intersection would require having access rerouted in an emergency scenario with the closure of Salamo.

Currently, the access can go over Greene Street to Tannler Drive for routing to the major portions of the city south of I-205.

Alternative routes would entail much longer routes through residential streets which may be damaged or blocked by debris, tree fall, or damaged beyond use or be so windy to make passage difficult or impossible.

This emergency traffic would likely include heavy equipment not suitable to tight turns which could be further obstructed by inoperable or abandoned cars after an earthquake.

Closing or rerouting Tannler Drive into a serpentine manner that does not have large turning radiuses and clearance from structures which may collapse is not suitable for large heavy equipment imperils emergency readiness of the city by forcing a choice between restoring firefighting capacity to a large section of the city or allowing heavy equipment access from the city operations center during the most critical days following a design earthquake.

Even if Tannler Drive rerouting included large turning radiuses with large setbacks from parking or buildings that inhibit passage in a design earthquake, each segment of serpentine paths increases the probability of an obstruction that could hamper city emergency operations should Salamo Road be closed to restore water service.

Traffic impacts: The intersection of Salamo and 10th Street, roughly 200 feet east of the proposed closing of Tannler Drive, is routinely a bottleneck for traffic with congestion extending south to the 10th street traffic circle and west through much of the historic Willamette business district. Congestion also interacts with traffic from the northbound and southbound milepost 6 exits and traffic lights on I-205, which are likely under the jurisdiction of ODOT and not the city. These exit lights are likely constrained conditions that the city must work around.

In this traffic pattern, congestion in the business district often can be observed to originate at the Salamo and 10th Street intersection which has limited capacity due to light cycles and limited turn lane area as well as the inability to coordinate light timing with ODOT I-205 lights due to differing jurisdictions and engineering standards and priorities.

The adjacent Tannler Drive and Blankenship Road intersection serves as a critical traffic node during congestion. The street entrance onto Tannler with no nearby adjoining driveways

(which can back up from turns or waiting cars) allows a secondary route around the congested business district while allowing secondary route finding that increases utilization of the northbound left turn lane of 10th and Salamo, increasing the capacity of that intersection and decreasing congestion.

Modifying the Tannler and Blankenship intersection to increase route times or cause blockages from adjacent driveways would increase daily congestion for long distances in the business district.

The decreased access from congestion may represent a taking from businesses in that district, irrespective of additional new trips and destinations associated with nearby developments.

In the southerly direction on Salamo, traffic often backs up even to Greene Steet or beyond at some times of day. Modifying Tannler and Blankenship intersection, potentially requiring commuters to travel through a new development, will lengthen commute times for those choosing that route, causing some traffic to divert and choose the Salamo route, further backing up that intersection.

My personal estimate is that for my family the Salamo route under I-205 takes 7-10 minutes in rush hour due to the light and traffic patterns while the tannler route takes 2-4 minutes. My family makes this commute 25-30 times per week considering school and errands, making this time change considerably negatively impact us and adjoining neighbors. I estimate this to be equivalent to 40-80 hours of lost productive time per year from this change for just the adults in this household.

Sincerely,

Scott Crook, PE*

*OR, WA, NV, NM, TX, CA

Wyss, Darren

From: Len & Linda Grill <2lgrills@gmail.com>
Sent: Wednesday, July 22, 2026 3:51 PM
To: Wyss, Darren
Cc: andrew@mulkeylegal.com
Subject: Fwd: Letter to City Re: Tannler Apartment Application
Attachments: 20260721 Filed Tannler Apts Adjustment Ltr.pdf; 20260709
_response_ltr_to_change_in_hearing_process_re_tannler_holdings.pdf

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SUBJECT: Development Application DR-25-04/LLA-25-02

Dear Mr. Wyss,

We are opposed to the subject application for the reasons stated in Mr. Andrew Mulkey's letters (see attached). We incorporate them by reference, as well.

Please enter this correspondence into the public record for this application and acknowledge receipt of this email.

Thank you,
Leonard and Linda Grill"

Andrew Mulkey

Attorney at Law

PO Box 66562, Portland, OR 97290 • (503) 334-9899 • andrew@mulkeylegal.com

July 9, 2026

Via Email

Darren Wyss, Planner
City of West Linn
22500 Salamo Rd.
West Linn, OR 97068
dwyss@westlinnoregon.gov

Re: Tannler Holdings LLC applications, DR-25-04/LLA-25-02
City File No: 2025-04

Dear Mr. Weiss:

This letter responds to the applicant's recent letter that requests that the City eliminate its local review and appeal process for the housing portion of the applications for mixed-use commercial and multi-family development as a result of HB 4037, Section 17, which amends ORS 197A.400. The applicant argues that the City can no longer hold a public hearing or provide the public with opportunity for local appeal. The applicant's request would deny the public any ability to comment on a highly controversial mixed-use commercial development. The City is by no means required to comply with the applicant's request, and because the request violates both statute and the Oregon Constitution, the City must deny the request. Applying the amendment's provisions would deprive city residents of any ability to seek judicial review of the City's decision. Such procedures are entirely unnecessary and glaringly unconstitutional.

On behalf of Ed Schwarz and Roberta Schwarz, please accept the following letter for the record in the proceedings for the Tannler Holdings applications. Please confirm receipt, and please include me, in addition to my clients, in any notice of decision.

Applying the provisions of HB 4037, Section 17 to the application at this late stage in the application process violates the statutory requirements for adopting new land use regulations. *See* ORS 197.610 *et seq.* The City cannot create a new review process for the applicant's application without first following the requirements to amend its comprehensive plan and zoning code. Statute prevents the applicant from seeking to create a new set of procedural rules without public notice, public input, or the opportunity for judicial review.

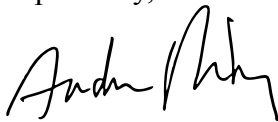
Notably, the applicant's ability provided by the "goal post statute" to request that the city apply newly adopted "standards and criteria" does not apply here. ORS 227.178(3)(a)(B). The provisions in HB 4037 are clearly procedural. The applicant seeks to change the City's notice

requirements, change the hearing procedure, and change the public's appeal rights. However, none of those provisions change any "standards and criteria" that the City must use (pursuant to ORS 227.178(3)) to evaluate whether to approve or deny the application. *See Corporation of the Presiding Bishop v. Klamath County*, 34 Or LUBA 131, 136-37 (1998) (explaining that substantive standards are different from process). For that reason, the goal post statute does not apply to the applicant's request, and the applicant has no ability (much less a right) to demand that the City apply the amendment and change its established rules of procedure.

Finally, the provisions in HB 4037 are blatantly unconstitutional because they deprive members of the public of their right to pursue judicial review of local government decisions. *Horton v. Oregon Health & Science University*, 359 Or 168, 177-78 (2014) (explaining *Smother's* and remedy clause, Art. 1, Section 10, Oregon Constitution). The right to judicial review of government decisions predates the Oregon Constitution, and is currently codified in statute as the writ of review. *See* ORS 34.102 (requiring that local government decisions shall be reviewed "only as provided by" the writ of review process); *Burnett v. Douglas County*, 4 Or 388, 389 (1873) (stating common law origins). The legislature has provided an alternative means of review for land use decisions. *Id.* But the remedy clause of Article 1, Section 10 prevents the legislature from completely eliminating a nearby property owner's rights to judicial review of a land use decision. *Horton*, 359 Or at 177.

If applied in the context of the existing statutory provisions for review HB 4037, Section 17 eliminates an individual's local hearing rights (ORS 197.797) as well as the ability to meet the standing, preservation, and exhaustion requirements needed to maintain a LUBA appeal. That in turn deprives members of the public of their constitutionally guaranteed right to pursue a judicial remedy. For those reasons, the City must deny the applicant's request to change the notice, hearing, and local appeal procedures.

Respectfully,



Andrew Mulkey (OSB No. 171237)
PO Box 66562
Portland, OR 97290
(503) 334-9899
andrew@mulkeylegal.com

Andrew Mulkey

Attorney at Law

PO Box 66562, Portland, OR 97290 • (503) 334-9899 • andrew@mulkeylegal.com

July 21, 2026

Via Email

Darren Wyss, Planner
City of West Linn
22500 Salamo Rd.
West Linn, OR 97068
dwyss@westlinnoregon.gov

Re: Tannler Holdings LLC applications, DR-25-04/LLA-25-02
City File No: 2025-04

Dear Mr. Wyss:

On behalf of Ed Schwarz and Roberta Schwarz, please accept the following letter for the record in the proceedings for the Tannler Holdings applications. Please confirm receipt, and please include me, in addition to my clients, in any notice of decision.

The zone for the Tannler Holdings applications does not allow for stand-alone residential uses. For that reason, the applicant cannot obtain approval for, and the City cannot approve, the adjustment sought by the applicant pursuant to Oregon Laws 2024, chapter 110, section 38, *compiled as a note after* ORS 197A.395 (2025). If the City allows the adjustment, then the applicant's proposal violates the requirements of the Office Business Center Zone ("OBC zone"). Even if the city were to approve the adjustment, it could not thereafter approve a use not allowed in the zone, and the city would need to deny the application for the apartment buildings.

Although the adjustment provisions state that they apply to "lands zoned to allow for residential uses, including mixed-use residential," the OBC zone requirements demonstrate that the zone does not allow stand-alone residential uses and only allows for mixed use when the building contains both residential and commercial uses. Or Laws 2024, ch 110, §38(2)(b). Unlike the City's neighborhood commercial zone, the OBC Zone does not list "residential units" as an outright permitted use. *See* CDC 18.030.6; CDC 21.030. The adjustment process does not allow an applicant to obtain approval for a use not otherwise allowed in the zone. Or Laws 2024, ch 110, § 38(1)(b)(A).

The OBC zone is a commercial zone, not a mixed-use residential zone. The zone allows multiple family units only when those units are "in conjunction with" a commercial use. CDC 21.050.2. By completely removing the commercial use for multiple buildings through the adjustment process, the applicant now proposes a stand-alone residential use that the OBC does

not allow. As a result, the applicant seeks “[a] request to allow a use of property not otherwise permissible under applicable zoning requirements.” Or Laws 2024, ch 110, § 38(1)(b)(A). The applicable OBC zone does not allow for stand-alone residential use of the property. CDC 21.030 - 21.060. For that reason, the adjustment process does not apply, and the applicant cannot rely on an adjustment decision for the purpose of overriding the requirements of the OBC zone.

The OBC zone allows a number of uses only “under prescribed conditions.” CDC 21.050. This includes, “[m]ultiple family units *only* above the first floor of the structure, as a mixed use *in conjunction with* commercial development that utilizes the entire first floor.” CDC 21.050.2 (emphasis added). In other words, the zone does not allow stand-alone multi-family dwelling units or stand-alone residential uses. The zone only allows multi-family when “in conjunction with” commercial development that occurs within the same structure. By completely removing all the commercial development from the structure, the proposed apartment buildings no longer qualify as “a use otherwise permissible under applicable zoning requirements.” Or Laws 2024, ch 110, § 38(1)(b)(A).

Notably, the adjustment process only allows an applicant to adjust “[p]rohibitions, for the ground floor of a mixed-use building, against... [r]esidential uses.” Or Laws 2024, ch 110, §38(4)(g)(D). At most the adjustment process would allow the applicant in this case to add additional residential to the first floor of the structure. But the adjustment process does not allow the applicant to completely remove all commercial uses from the building. By completely removing all commercial use from the structure, the building no longer qualifies as “a mixed-use building,” within the meaning of the statute. And as stated above, that means it no longer qualifies as “a mixed use” allowed by the OBC zone. Therefore, by its terms, the provisions in section 38(4)(g)(D), do not apply to the kind of adjustment sought by the applicant. After the adjustment sought by the applicant, the buildings proposed by the applicant no longer qualify as “mixed-use,” and the proposed use no longer qualifies as “a use otherwise permissible under applicable zoning requirements.” *Id.* §38(1)(b)(A).

Because multiple structures and uses proposed by the applicant are not allowed uses within the zone, the City must deny the application. Here, the applicant has proposed 6 apartment buildings that contain only residential development and no commercial development. In addition, the applicant also appears to propose multiple garage structures for residential use that are not associated with the commercial use. For those reasons, the applicant has failed to demonstrate that it meets the requirements of the zone. None of those uses are allowed by CDC 21.050.

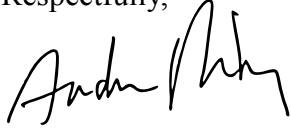
In sum, the OBC zone does not allow stand-alone multi-family residential uses or their accessory structures, it only allows residential use as part of a mixed-use structure. By proposing to completely remove all commercial use from a number of the buildings, the applicant proposes a residential use not allowed in the zone. The applicant’s proposal violates both local code and state law.

Moreover, by limiting participant’s right to appeal, the provisions of Or Laws 2024, ch 110, §38(3) violate participants’ constitutional right to a remedy or the ability to seek judicial review of an unlawful government decision. *Horton v. Oregon Health & Science University*, 359 Or 168,

177-78 (2014) (explaining Smothers and remedy clause, Art. 1, Section 10, Oregon Constitution). For that reason, the city cannot apply those provisions.

For those reasons, I respectfully request that the City deny the applicant's request to approve multiple stand-alone multi-family apartment buildings and their accessory structures in the OBC zone.

Respectfully,

A handwritten signature in black ink, appearing to read "Andrew Mulkey", with a stylized, cursive script.

Andrew Mulkey (OSB No. 171237)
PO Box 66562
Portland, OR 97290
(503) 334-9899
andrew@mulkeylegal.com

Wyss, Darren

From: Len & Linda Grill <2lgrills@gmail.com>
Sent: Wednesday, July 22, 2026 5:22 PM
To: Wyss, Darren
Cc: andrew@mulkeylegal.com
Subject: Development Application DR-25-04/LLA-25-02
Attachments: 20260709_response_ltr_to_change_in_hearing_process_re_tannler_holdings.pdf;
20260721 Filed Tannler Apts Adjustment Ltr.pdf

[You don't often get email from 2lgrills@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Dear Mr. Wyss

By now you must know we are opposed to the subject applications as stated by Mr. Andrew Mulkey in the two letters:

20260721 and 20260709.

Linda and I bought our condo in 2002 which is within 100 feet of a proposed 4 story building. We are sick to think some people have no conscious about building so close to an exceptional neighborhood. We have one of the owners in our building now moving.

Why can't they build some affordable homes on the property?

Leonard and Linda Grill

Wyss, Darren

From: Koper, Steve
Sent: Tuesday, July 21, 2026 9:46 AM
To: Schwarz, Ed; Williams, John
Cc: Wyss, Darren; 'Andrew Mulkey'
Subject: RE: Question re: DR-25-04/LLA-25-02 Hearing Procedure

Mr. Schwarz,

Thank you for your email and for outlining your concerns regarding the written comment deadlines for the Tannler Drive application. Due to recent changes in state law, certain components of qualifying land use applications now have a 14-day comment period. For land use applications where state law does not specify a timeline, the City continues to apply the 20-day comment period required by the development code.

Historically, the City has sometimes issued notices so that the end of the comment period falls on the date of the hearing. While legally permissible, that approach has repeatedly resulted in a large volume of written comments arriving at the last possible moment. This creates significant operational challenges and reduces the time available for Planning Commissioners to thoughtfully consider public input before the hearing.

To minimize these issues and to comply with the timelines required under state law, the notice for the Tannler Drive application reflects the statutory 14-day period for the commercial portion and the 20-day period for the residential portion, from the date of mailing.

I understand your request to allow written comments up to noon on the day of the hearing. At this time, however, the City needs to follow the timelines established by state law and our development code. Members of the public may still provide oral testimony at the hearing, and all written comments received by the respective deadlines identified in the notices will be included in the record and forwarded to the Planning Commission.

Sincerely,
Steve

From: ed.schwarz@gmail.com <ed.schwarz@gmail.com>
Sent: Monday, July 20, 2026 4:00 PM
To: Williams, John <JWilliams@westlinnoregon.gov>
Cc: Koper, Steve <skoper@westlinnoregon.gov>; Wyss, Darren <dwyss@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>
Subject: FW: Question re: DR-25-04/LLA-25-02 Hearing Procedure

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Hello John,

I wanted to make you aware of a serious issue we have with the upcoming Planning Commission's "hearing" on the Tannler Drive apartment application.

Our concern is the extremely short timeline to provide written input on both parts of the application (residential and commercial). This timeline is much shorter than the city's usual practice of submitting written materials up to Noon on the day of the hearing. The current timeline in the notice for the **commercial piece** requires all written submittals to be made by **July 30** and the timeline for the **residential piece** requires all written submittals by **August 5** (see attached).

Why are these timelines so abbreviated?

I request that the city allow written submittals up to Noon on the day of the hearing for both pieces (residential and commercial) of the Planning Commission hearing.

Please look into this as soon as possible and send me a response with the updated submittal dates or explain why the dates need to be so advanced from usual city practice

Thank you,
Ed Schwarz

From: ed.schwarz@gmail.com <ed.schwarz@gmail.com>
Sent: Sunday, July 19, 2026 10:41 AM
To: 'Wyss, Darren' <dwyss@westlinnoregon.gov>
Cc: 'Koper, Steve' <skoper@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>
Subject: Question re: DR-25-04/LLA-25-02 Hearing Procedure

Darren,

The attached notice of the Planning Commission **Commercial Hearing** for DR-25-04/LLA-25-02 states, "Anyone wishing to present written testimony for consideration should **submit all materials before 4:00 pm on July 30, 2026** to dwyss@westlinnoregon.gov or mail them to City Hall."

Is the July 30, 2026 date a mistake? That is twelve days before the hearing and is much earlier than I ever remember written comments being required in advance of a land-use hearing. Based on what you have told me previously, it is possible that the staff report won't be ready by the time written comments are due. This seems to be very unfair to the members of the public wishing to provide written comments.

I request that the due date and time for written comments be changed to Noon on the hearing date, August 10, 2026, as is typically required for land use hearings.

I am copying our attorney, Andrew Mulkey, on this correspondence. Please copy him on any response.

Ed Schwarz
West Linn

Steve Koper
Community Development Director
Community Development

[#6058](#)



Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public

Andrew Mulkey

Attorney at Law

PO Box 66562, Portland, OR 97290 • (503) 334-9899 • andrew@mulkeylegal.com

July 21, 2026

Via Email

Darren Wyss, Planner
City of West Linn
22500 Salamo Rd.
West Linn, OR 97068
dwyss@westlinnoregon.gov

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City File No: 2025-04

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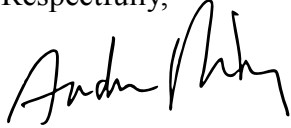
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177-78 (2014) (explaining Smothers and remedy clause, Art. 1, Section 10, Oregon Constitution). For that reason, the city cannot apply those provisions.

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Andrew Mulkey (OSB No. 171237)
PO Box 66562
Portland, OR 97290
(503) 334-9899
andrew@mulkeylegal.com

Wyss, Darren

From: ed.schwarz@gmail.com
Sent: Tuesday, July 21, 2026 2:44 PM
To: Koper, Steve; Williams, John
Cc: Wyss, Darren; 'Andrew Mulkey'
Subject: RE: Question re: DR-25-04/LLA-25-02 Hearing Procedure

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Mr. Koper,

I looked back and the Kaady Car Wash application (CUP-25-03/DR-25-03/VAR-25-02) allowed written public comment until **4 pm on the day of the Planning Commission hearing** which was March 18, 2026. Please tell me, specifically, what state laws or city codes have changed which now allow you to apply the written comment timelines the city has imposed for the Tannler Drive apartments.

In not providing the above information I believe the city is violating the provisions of ORS 197.797, which require the city to list the local code provisions that apply. Arguably, that requires the procedural requirements as well. In this case, the city is attempting to apply provisions of state law directly to the process, and participants are entitled to notice of the applicable laws that are being applied.

I also believe that the city is in violation of CDC 99.090(A)(9) which requires, “A statement that public and written testimony are invited...”

CDC 99.090(A)(8) is being compromised because the very day the staff report is to be available is the same day that we are to submit our written testimony. It is obviously impracticable to read, understand, and include in our written testimony any comments related to the staff report if we have less than one day in which to do so.

Your comments regarding “...a large volume of written comments arriving at the last possible moment. This creates significant operational challenges and reduces the time available for Planning Commissioners to thoughtfully consider public input before the hearing” would seem to indicate that the Planning Commission would not have time to consider these last-minute comments. I have attended numerous Planning Commission hearings in my 24 years in West Linn and I do not recall even one I attended where the Planning Commission made a decision on the day of the first hearing on a land-use application. The hearings are routinely continued to allow the Planning Commission to review the entire record including all written comments, verbal testimony, and additional written comments and rebuttal from the applicant. I expect that same process to occur for this hearing. So, your argument does not apply.

I restate my request that the city allow written submittals up to Noon on the day of the hearing for both pieces (residential and commercial) of the Planning Commission hearing.

Please respond as soon as possible to this request.

Regards,

Ed Schwarz

From: Koper, Steve <skoper@westlinnoregon.gov>
Sent: Tuesday, July 21, 2026 9:46 AM
To: Schwarz, Ed <ed.schwarz@gmail.com>; Williams, John <JWilliams@westlinnoregon.gov>
Cc: Wyss, Darren <dwyss@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>
Subject: RE: Question re: DR-25-04/LLA-25-02 Hearing Procedure

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Sincerely,
Steve

From: ed.schwarz@gmail.com <ed.schwarz@gmail.com>
Sent: Monday, July 20, 2026 4:00 PM
To: Williams, John <JWilliams@westlinnoregon.gov>
Cc: Koper, Steve <skoper@westlinnoregon.gov>; Wyss, Darren <dwyss@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>
Subject: FW: Question re: DR-25-04/LLA-25-02 Hearing Procedure

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Why are these timelines so abbreviated?

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Please look into this as soon as possible and send me a response with the updated submittal dates or explain why the dates need to be so advanced from usual city practice

Thank you,
Ed Schwarz

From: ed.schwarz@gmail.com <ed.schwarz@gmail.com>
Sent: Sunday, July 19, 2026 10:41 AM
To: 'Wyss, Darren' <dwyss@westlinnoregon.gov>
Cc: 'Koper, Steve' <skoper@westlinnoregon.gov>; 'Andrew Mulkey' <andrew@mulkeylegal.com>
Subject: Question re: DR-25-04/LLA-25-02 Hearing Procedure

Darren,

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I request that the due date and time for written comments be changed to Noon on the hearing date, August 10, 2026, as is typically required for land use hearings.

I am copying our attorney, Andrew Mulkey, on this correspondence. Please copy him on any response.

Ed Schwarz
West Linn

Steve Koper
Community Development Director
Community Development

22500 Salamo Rd.
West Linn, Oregon 97068
skoper@westlinnoregon.gov
westlinnoregon.gov
503-742-6058



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Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public

Wyss, Darren

From: MADSEN Joel * DLCD <joel.madsen@dlcd.oregon.gov>
Sent: Friday, July 17, 2026 12:32 PM
To: Carrie Richter; EDGING Sean * DLCD
Cc: Wyss, Darren; MARQUARDT Ryan * DLCD; SIX Rachel * DLCD
Subject: RE: HAPO Help?

You don't often get email from joel.madsen@dlcd.oregon.gov. [Learn why this is important](#)

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Hi Carrie,

Thank you for keeping HAPO informed of potential opportunities for engagement. Appreciate the flag for the August 10th public meeting as well as the transparency in discussion with the city. Our team will discuss and be back in touch soon.

Joel



Joel Madsen

Manager | Housing Accountability and Production Office

Pronouns: He/Him

Cell: 971-382-3814 | Main: 503-373-0050

Joel.Madsen@dlcd.oregon.gov | www.oregon.gov/LCD

From: Carrie Richter <crichter@batemanseidel.com>
Sent: Thursday, July 16, 2026 2:38 PM
To: EDGING Sean * DLCD <sean.edging@dlcd.oregon.gov>; MADSEN Joel * DLCD <joel.madsen@dlcd.oregon.gov>
Cc: Wyss, Darren <dwyss@westlinnoregon.gov>
Subject: HAPO Help?

Hello,

As I think you know, this firm represents a developer seeking design review approval for a 320 unit multi-family development within the City of West Linn on land zoned Office Business Commercial. Multi-family residential is permitted outright so long as it includes ground floor commercial. Relying on SB 1537, the applicant has sought a waiver to allow more limited ground-floor commercial than the code requires. The applicant has also asked that the City apply HB 4037, Section 17 and make a staff decision without a public hearing. As you may have heard, this has stirred up a great deal of consternation as this community is very surprised and dismayed by this result. To get a feel, perhaps take a look at the 60 minutes of testimony offered at the City Council meeting this past Tuesday night:

https://westlinn.granicus.com/player/clip/1765?view_id=&meta_id=89399&redirect=true

In response, the City has decided to proceed with a hybrid approach whereby the criteria related to housing will be decided at a public meeting without a public hearing. The criteria directed solely to commercial will be determined by the Planning Commission after a public hearing. This approach is not only absurd, it is completely at odds with the legislative history resulting in the adoption of HB 3047.

What I'm hoping is that perhaps HAPO might be willing to submit some testimony, either orally or at the public hearing on August 10, explaining what state housing law requires. If the goal is to get housing to market, the time is now for HAPO to step in and provide support and not after the fact through enforcement.

Second and tangentially related, has HAPO issued any formal interpretations regarding how SB 1537 waivers work with respect to ground floor commercial? The argument that the opponents are making is that SB 1537 cannot apply because ground floor commercial is a use rather than a design or development standard. I heard this argument early on but I haven't heard it lately so I'm wondering if this might be settled through anything HAPO has issued.

Just FYI – I have copied the City Planner Darren Wyss on this email in an effort to be fully transparent and inclusive about this request.

Thanks,
Carrie

Carrie Richter

Bateman♦Seidel

Bateman Seidel Miner Blomgren Chellis & Gram, P.C.

[1000 SW Broadway, Suite 1910](#)

[Portland, OR 97205](#)

(503) 972-9903 (direct phone)

(503) 972-9904 (direct fax)

crichter@batemanseidel.com

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Wyss, Darren

From: Bialostosky, Rory
Sent: Wednesday, July 15, 2026 10:31 AM
To: Laura Stallard
Cc: Williams, John; Koper, Steve; Wyss, Darren
Subject: Re: Tannler Drive intersection at Blankenship

Hi Laura, thanks for writing in and sharing your thoughts and concerns. I hope you and Katherine are well! I'm copying in our planning department who are processing the development application. I do know that the private development proposal would reroute Tannler and connect it with Blankenship. There are no plans to close Tannler as an arterial. Because City Council could be a decision maker on the development application I can't comment on the merits of the proposal. Our staff can answer your questions and ensure that your comments are part of the record of the proceedings. They may have more to add on the Tannler issue.

Thank you and have a good rest of your week.

Rory

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From: Laura Stallard <ljay22@comcast.net>
Sent: Friday, July 10, 2026 10:15
To: Bialostosky, Rory <RBialostosky@westlinnoregon.gov>
Subject: Tannler Drive intersection at Blankenship

You don't often get email from ljay22@comcast.net. [Learn why this is important](#)

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

Hello Mayor Bialostosky,

I am writing to express concern regarding a development proposal that wishes to close an intersection at Tannler Drive and Blankenship Road.

The arterial route of Tannler is very important to the traffic flow of the area. A closure of this intersection would create further traffic backup problems at the intersection of 10th and Blankenship/Salamo, adjacent to the interstate on/off ramps. As well as much increased necessary road usage of Salamo, should Tannler be no longer available as a route for vehicle travel for residents and servicers of the neighborhood surrounding.

An increase of residents and commercial establishments in the development area would clearly impact traffic, of which is high often in the area currently. The road as stands should remain open for travel, as the arterial road it is, that is very important for the traffic flow of West Linn residents and servicers. A high density development in that location with an arterial route closure is not a good combination. The intersection of 10th and Blankenship/Salamo cannot support such.

Thank you for your consideration regarding this concern on a matter of importance for our city's vehicle travel flow.

Respectfully,
Laura Stallard

Rory Bialostosky

Mayor

City Council

Pronouns: he, him, his

[#6023](#)



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

Wyss, Darren

From: Koper, Steve
Sent: Tuesday, July 14, 2026 5:02 PM
To: Wyss, Darren
Subject: FW: Tannler Drive Proposed realignment

From: Rick Larson <rick.larson.mobile@gmail.com>
Sent: Tuesday, July 14, 2026 4:10 PM
To: City Council <citycouncil@westlinnoregon.gov>; Williams, John <JWilliams@westlinnoregon.gov>; Jules Walters <Rep.JulesWalters@oregonlegislature.gov>; Rob Wagner <Sen.RobWagner@oregonlegislature.gov>
Subject: Tannler Drive Proposed realignment

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

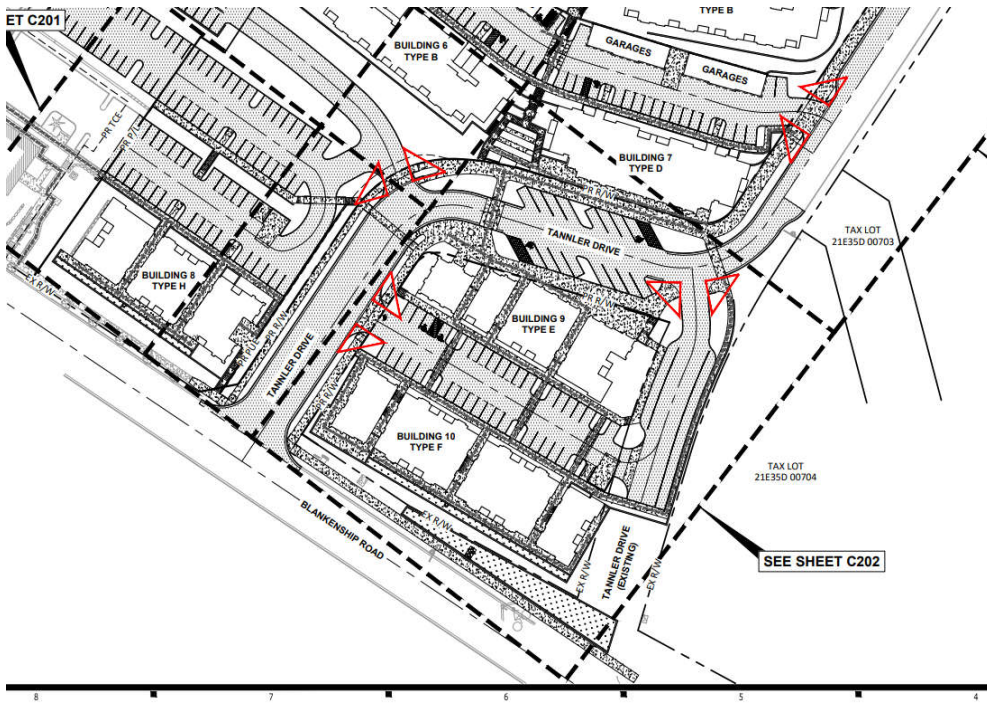
After reading the articles in The Oregonian about the proposed development at Tannler and Blankenship I want to express my opposition to any realignment of Tannler Dr. I cannot think of any reason that the City of West Linn would agree to realignment of a city street to accommodate this development. Below is a drawing from the applicant's package which shows the proposed realignment of Tannler Dr. which I am referring to.

In addition, if the statements I heard about this development restricting public access to the White Savannah Oak public park I would be opposed to that as well. It does not seem reasonable that a developer can cut off public access to a City owned public park.

The idea that the public has no right to give public testimony on a matter having such significant impact on our city and our publicly owned property simply does not appear to be equitable in any shape or form.

Thank you for your consideration.

Rick Larson
5955 Skyline Dr, West Linn, OR 97068
503-522-1287



Rick Larson
503.522.1287

John Williams, ICMA-CM
City Manager
Administration
Pronouns: he, him, his
[#6063](#)



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Steve Koper
Community Development Director
Community Development

[#6058](#)



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WRITTEN COMMUNITY COMMENT

Tannler Drive Development and House Bill 4037

Submitted to the West Linn City Council | July 14, 2026

To: Mayor Bialostosky and Members of the West Linn City Council

From: Riad Alharithi, West Linn resident

Re: Tannler Holdings LLC applications, DR-25-04 / LLA-25-02, City File No. 2025-04

Purpose of this comment

I am submitting this written community comment regarding the applicant's request to apply Section 17 of House Bill 4037 to the pending Tannler Drive development application.

My comments are not intended to address whether the development should ultimately be approved or denied. I am asking the City Council to preserve the community's right to participate in the established public process before that decision is made.

The community relied on the existing process

Residents have followed this application for nearly a year with the reasonable understanding that there would be an opportunity to review the evidence, submit testimony, respond to the applicant's materials, and participate in public hearings before the Planning Commission and City Council.

The applicant is now asking the City to change that process after the application has already been pending for many months. As I understand the request, applying Section 17 of HB 4037 would eliminate the public hearing and prevent affected residents from pursuing a local appeal, while preserving appeal rights for the applicant.

Changing the procedural rules at this stage would remove rights that residents reasonably expected to have when they began participating in this matter and investing time and resources in understanding the application.

A hearing is necessary for a complete and fair record

This is a large and complex application. It involves issues that may include transportation, infrastructure, environmental resources, grading, stormwater, public safety, and neighborhood impacts. I am not asking the Council to decide those issues tonight. I am asking that residents be allowed to present relevant evidence and testimony through the established land-use process.

Public hearings are not simply delays or obstacles. They allow the applicant, City staff, technical experts, and affected residents to address the same record in an open and transparent setting. They also help ensure that the City's adopted standards are applied consistently and that important local information is not overlooked.

Eliminating the hearing may also eliminate meaningful review

The right to appeal may depend on a person's ability to participate in the local proceeding, raise issues, and preserve those issues for further review. Eliminating the hearing may therefore do more than prevent residents from speaking; it may also prevent affected residents from establishing standing, preserving issues, exhausting local remedies, and obtaining meaningful review of the City's decision.

A process in which the applicant may challenge the City's decision but affected residents may not is fundamentally unbalanced.

Serious legal questions should be resolved publicly

The neighborhood's attorney has raised serious legal concerns regarding whether Section 17 of HB 4037 may properly be applied to this already-pending application. Those concerns include whether the newly enacted provisions are procedural rather than substantive, whether the applicant may use the goal-post statute to obtain a new procedural process, whether the City may change its established review process without first amending its code, and whether eliminating both hearing and appeal rights would deprive affected residents of access to judicial review.

I understand that the City must comply with state law. However, the applicant's interpretation should not be accepted automatically, particularly when that interpretation would eliminate long-established rights of notice, participation, hearing, and appeal. The Council should require a careful, written, and publicly available legal analysis before changing the process for this application.

Requested action

1. Reject the applicant's request to eliminate the public hearing and local appeal process for this pending application.
2. Direct the City Attorney to provide a written and publicly available legal analysis addressing whether Section 17 of HB 4037 may lawfully be applied to an application that was already pending when the legislation became effective.
3. Preserve the established public hearing process before the Planning Commission and City Council.
4. Preserve the public's ability to participate in the proceeding and pursue any appeal rights available under Oregon law.
5. Avoid taking any action that would prevent affected residents from establishing standing, preserving issues, exhausting local remedies, or seeking review of the City's eventual decision.

Conclusion

The public is not asking the Council to prejudge the application. We are asking the Council to allow the established process to continue so that all parties can be heard fairly before a decision is made.

Regardless of anyone's position on the proposed development, basic fairness requires that both the applicant and the affected community have a meaningful opportunity to participate. Please protect the public's right to be heard and allow this application to proceed through the public hearing and appeal process that existed when it was submitted and that the community reasonably expected would apply.

Thank you for your consideration.

Respectfully submitted,

Riad Alharithi | West Linn, Oregon

Community Comments Re: HB 4037

July 14, 2026

Good evening Mr. Mayor and Councilors,

My name is Ed Schwarz and I live in West Linn.

Over the past five years or so there have been many changes in the way cities can impose code requirements on new development.

HB 2001, HB 2003, and SB 1537 all impacted what could be built and how much control local jurisdictions have over it.

Now comes HB 4037 which was just passed by the legislature in its abbreviated session and took effect on July 1.

In summary, HB 4037 eliminates public hearings where citizen input is normally allowed in cases where the application meets the “clear and objective” standards of the code. Additionally, HB 4037 limits public notice requirements and eliminates the ability of anyone except the applicant to appeal any decision by the hearings body or planning manager.

Earlier today I submitted a letter from attorney Andrew Mulkey in which he raises objections to the requirements of HB 4037, calling them “blatantly unconstitutional”. Mr. Mulkey has been retained by a group of West Linn residents to help us in navigating the ever-changing requirements of state law when it comes to development applications.

I would like to add to Mr. Mulkey’s position by stating that HB 4037 does not apply to the Tannler Drive apartments development application. The

underlying zoning for this property is OBC – Office Business Center. The applicant has used the adjustment clause in SB 1537 to make 8 of their 10 proposed buildings 100% residential. They then claim that HB 4037 and its prohibitions against public testimony now apply to their development as it is “housing.” That is not correct and the city should not fall for this wordsmithing.

Section 38(1)(b) of SB 1537 states that an allowable adjustment does not include a request to allow use of property not otherwise permissible under applicable zoning requirements. The underlying zoning for this application is OBC, not residential, and 100% residential buildings are not allowed in this zone. Therefore, the SB 1537 adjustment should not be allowed, and HB 4037 does not apply as this is not “housing” under our codes. The entire house of cards falls apart.

The city should reconsider its position on this application and proceed with a full, normal Planning Commission hearing open to the public and subject to appeal by anyone with standing.

Lastly, I want to encourage those in the audience tonight and watching online to write your elected representatives, Governor Kotek, Senate President Wagner, and Representative Walters, and express your concerns about HB 4037. Both Wagner and Walters voted for it and Kotek signed it into law. Let them know that restricting public input in this manner is not OK and that it will affect your vote the next time they are up for election.

HB 4037 cannot be allowed to stand in its present form.

Thank you,
Ed Schwarz

West Linn

Andrew Mulkey

Attorney at Law

PO Box 66562, Portland, OR 97290 • (503) 334-9899 • andrew@mulkeylegal.com

July 9, 2026

Via Email

Darren Wyss, Planner
City of West Linn
22500 Salamo Rd.
West Linn, OR 97068
dwyss@westlinnoregon.gov

Re: Tannler Holdings LLC applications, DR-25-04/LLA-25-02
City File No: 2025-04

Dear Mr. Weiss:

This letter responds to the applicant's recent letter that requests that the City eliminate its local review and appeal process for the housing portion of the applications for mixed-use commercial and multi-family development as a result of HB 4037, Section 17, which amends ORS 197A.400. The applicant argues that the City can no longer hold a public hearing or provide the public with opportunity for local appeal. The applicant's request would deny the public any ability to comment on a highly controversial mixed-use commercial development. The City is by no means required to comply with the applicant's request, and because the request violates both statute and the Oregon Constitution, the City must deny the request. Applying the amendment's provisions would deprive city residents of any ability to seek judicial review of the City's decision. Such procedures are entirely unnecessary and glaringly unconstitutional.

On behalf of Ed Schwarz and Roberta Schwarz, please accept the following letter for the record in the proceedings for the Tannler Holdings applications. Please confirm receipt, and please include me, in addition to my clients, in any notice of decision.

Applying the provisions of HB 4037, Section 17 to the application at this late stage in the application process violates the statutory requirements for adopting new land use regulations. *See* ORS 197.610 *et seq.* The City cannot create a new review process for the applicant's application without first following the requirements to amend its comprehensive plan and zoning code. Statute prevents the applicant from seeking to create a new set of procedural rules without public notice, public input, or the opportunity for judicial review.

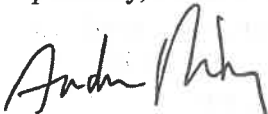
Notably, the applicant's ability provided by the "goal post statute" to request that the city apply newly adopted "standards and criteria" does not apply here. ORS 227.178(3)(a)(B). The provisions in HB 4037 are clearly procedural. The applicant seeks to change the City's notice

requirements, change the hearing procedure, and change the public's appeal rights. However, none of those provisions change any "standards and criteria" that the City must use (pursuant to ORS 227.178(3)) to evaluate whether to approve or deny the application. *See Corporation of the Presiding Bishop v. Klamath County*, 34 Or LUBA 131, 136-37 (1998) (explaining that substantive standards are different from process). For that reason, the goal post statute does not apply to the applicant's request, and the applicant has no ability (much less a right) to demand that the City apply the amendment and change its established rules of procedure.

Finally, the provisions in HB 4037 are blatantly unconstitutional because they deprive members of the public of their right to pursue judicial review of local government decisions. *Horton v. Oregon Health & Science University*, 359 Or 168, 177-78 (2014) (explaining *Smothers* and remedy clause, Art. 1, Section 10, Oregon Constitution). The right to judicial review of government decisions predates the Oregon Constitution, and is currently codified in statute as the writ of review. *See* ORS 34.102 (requiring that local government decisions shall be reviewed "only as provided by" the writ of review process); *Burnett v. Douglas County*, 4 Or 388, 389 (1873) (stating common law origins). The legislature has provided an alternative means of review for land use decisions. *Id.* But the remedy clause of Article 1, Section 10 prevents the legislature from completely eliminating a nearby property owner's rights to judicial review of a land use decision. *Horton*, 359 Or at 177.

If applied in the context of the existing statutory provisions for review HB 4037, Section 17 eliminates an individual's local hearing rights (ORS 197.797) as well as the ability to meet the standing, preservation, and exhaustion requirements needed to maintain a LUBA appeal. That in turn deprives members of the public of their constitutionally guaranteed right to pursue a judicial remedy. For those reasons, the City must deny the applicant's request to change the notice, hearing, and local appeal procedures.

Respectfully,



Andrew Mulkey (OSB No. 171237)
PO Box 66562
Portland, OR 97290
(503) 334-9899
andrew@mulkeylegal.com

Community Comments Public Testimony of Roberta Schwarz in reference to HB 4037 being used to keep the people of West Linn from a public hearing and an appeal of the application for mixed use development: Tannler Dr Class 2 Design Review and Lot Line Adjustment. Please include this testimony in the Public Record

My name is Roberta Schwarz. I am speaking today as an individual. I live in West Linn. These are some of my concerns about HB 4037.

- **It is unconstitutional to not allow a public hearing and public appeal of land use applications for housing.**
- **The Oregon chapter of the American Planning Association contends the legal language inserted to change public hearings law is overbroad and could have unintended consequences.**
- **It has been demonstrated time and time again that an application becomes better with the input from the community that lives in the area where the development will be built.**
- **Several hundred West Linn neighbors have been working almost a year to voice their concerns on the 320-unit Tannler Apartment Development.**
- **This group is well organized and has received several thousands of dollars in contributions from fellow neighbors to pay for experts who have been hired to represent them at the two upcoming hearings and the appeal. The experts include two attorneys, a civil engineer, and a traffic engineer.**
- **The closing of the current Tannler Drive will negatively affect my commute each day.**
- **The closing of the current Tannler Drive will make it more difficult for me and my neighbors to go to, and park at the White Oak Savanna Park. This**

Savanna only became a park because of 10 years of fundraising to acquire the property as a public park and 16 years to restore the land with over 21,600 hours of physical labor volunteered by the neighbors.

- **No notice was given to the residents of West Linn that HB 4037 was being written and considered for passage in Salem. It was done without constituent knowledge or input.**
- **Two of the Tri-Met bus service routes will be discontinued in August of this year. There will be a severe shortage of parking spaces and inadequate transportation.**
- **The landslide potential has not been adequately addressed by the developer and our expert, who has firsthand knowledge of this area, will not be able to testify if we do not have a public hearing.**
- **In not allowing the neighbors to testify at a public hearing, or to appeal a decision, what happens if the decision-making body gets something wrong or misses a critical detail? How are the neighbors supposed to call this to their attention?**

If you would like to join several hundred of your neighbors and sign the petition or learn about how to reach the two elected legislators and the Governor to express your views in a letter, please see me and Ed in the parking lot outside.

Thank you,

Roberta Schwarz

West Linn, Oregon

Andrew Mulkey

Attorney at Law

PO Box 66562, Portland, OR 97290 • (503) 334-9899 • andrew@mulkeylegal.com

July 9, 2026

Via Email

Darren Wyss, Planner
City of West Linn
22500 Salamo Rd.
West Linn, OR 97068
dwyss@westlinnoregon.gov

Re: Tannler Holdings LLC applications, DR-25-04/LLA-25-02
City File No: 2025-04

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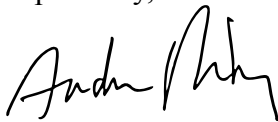
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Respectfully,



Andrew Mulkey (OSB No. 171237)
PO Box 66562
Portland, OR 97290
(503) 334-9899
andrew@mulkeylegal.com

June 29, 2026

VIA EMAIL to dwyss@westlinnoregon.gov

Darren Weiss, Planner
City of West Linn
22500 Salamo Rd.
West Linn, OR 97068

Re: Tannler Holdings LLC Multi-Unit Housing Application
City File No: 2025-04

Dear Mr. Weiss,

This firm represents Tannler Holdings LLC, the Applicant in the above-referenced matter. The purpose of this letter is to put you on notice of a number of state laws that alter how the above-referenced application must be processed. As you are aware, ORS 197A.400(1) provides that only clear and objective standards may be applied to applications for the development of housing. What this standard does not prescribe is what procedure controls review of applications subject to clear and objective standards. HB 4037 Section 17, codified in ORS 197A.400, which takes effect as of July 1, 2026, articulates this previously unspecified procedure and provides:

“(5) For applications subject to subsection (1) of this section, the local government:

(a) May provide notice of the application only to owners of record of property on the most recent property tax assessment roll where such property is located within 100 feet, or within 500 feet for developments of 20 units or more, of the property that is the subject of the notice;

(b) May not require a public hearing prior to making a decision on the application;
and

(c) May provide an opportunity for a local appeal only to the applicant.”

As the Governor’s Office explained throughout the legislative hearings leading up to the adoption of Section 17, the purpose of the bill was to expedite the processing of housing applications by

eliminating multiple local review and appeal processes where the local government lacks any discretion.¹

As part of an amendment package filed in early June, the Applicant has requested that the City process this application subject to the HB 4037 required procedure. This application seeks design review approval to develop 320 residential dwelling units in ten multi-family buildings. Within the Office Business Center (OBC) zone, multi-family housing is allowed only where it includes ground floor commercial and more specifically, CDC 21.050(2) listing uses allowed within the OBC zone provides:

“Multiple-family units only above the first floor of the structure, as a mixed use in conjunction with commercial development that utilizes the entire first floor.”

“Multiunit housing that is owned or rented” is expressly included within the definition of “housing” which is protected under Oregon housing laws. ORS 197A.018. As an application for “housing,” this application may be reviewed only against the clear and objective standards of ORS 197A.400(1) and, pursuant to HB 4037, may not be subject to a public hearing before the Planning Commission as might otherwise apply. Compliance with ORS 197A.018, as recently amended, demands that this application be processed as a Director’s decision with an appeal right to the City Council running only to the applicant.

Based on discussions to date, City staff has paused processing this application while awaiting an election by the Applicant to pursue one of the following two options:

- 1) Separate the housing and code-required ground floor commercial components of the project for purposes of review. The housing-related portion of the application would be decided by the Planning Commission at a “public meeting” where testimony from the public and applicant would not be taken, which staff believes complies with the HB 4037 obligation to not hold a “public hearing.” As for the commercial portion, the application would need to

¹ This was clearly outlined in the testimony provided by the Governor’s Office staff, who assisted in the drafting of the Committee-sponsored bill, to the Housing Committee on Housing and Homelessness at the initial hearing on February 5, 2026 at 1:20:57:

“There is no currently no state standard for review process that those goes through, what we have found is that a public hearing on this, not only adds time and cost on the development side, it creates a lot of confusion for the surrounding community, local governments, if the development meets the clear and objective standards they are required under state statute to approve that and so the community members are coming to a hearing and speaking to other issues, their testimony is not really able to be taken into account in that decision and that creates a lot of frustration within the community and so by removing this process it can really streamline it for the developer and for the community’s experience.”

be amended to address the discretionary commercial design standards set forth in CDC 55.100 and then would be processed through the code-mandated Type III review with a public hearing by the Planning Commission.

- 2) Elect not to pursue this bifurcated review and consider the entire application under the standard code-mandated procedures with a public hearing before the Planning Commission.

Both of these so-called options not only create an impossible choice, they contravene state law. First, although the law does allow a local government to adopt alternative paths for the approval of housing, such options are permitted only where “the applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section [i.e. the clear and objective path].” ORS 197A.400(3)(a). As amended by HB 4037, in addition to no discretionary standards, the clear and objective path now demands no initial public hearing. Neither of these options present a clear and objective path for the approval of this housing.

There is a fairly recent LUBA case that illustrates the defect created by these two options. In *Icon Development v. City of Oregon City*, the previous owner-in-interest had agreed to a condition to an annexation approval requiring a subsequent discretionary master plan review when development occurred. LUBA No. 2022-100, May 19, 2023. When the development application was filed, the applicant objected to application of the discretionary master plan review criteria as they were not clear and objective. The City responded that by agreeing to the condition by the previous owner, the applicant had elected an alternative track of review that included the discretionary criteria and the application could be subject to discretionary standards. On appeal, LUBA disagreed with the city, finding that “at no relevant time had the city’s land use legislation offered a ‘clear and objective’ path for approval of need housing on the subject property.” *Slip op* 16. See also *Group B, LLC v. Corvallis*, 72 Or LUBA 74, 82, 11 *affd*, 275 Or App 577, 366 P3d 847 (2015).

Similar to the *Icon Development* case, what the City is offering here are two alternative track reviews where this application will be subject to a public hearing and in one case, discretionary review criteria as conditions to getting the housing application approved. There is no clear and objective, HB 4037-compliant option given and that is a violation of state law. It is quite likely that if the City proceeds with demanding a hearing or demands discretionary review for the commercial components, the Applicant would prevail in an appeal to LUBA with a high probability of attorney fees awarded to the Applicant.

Second, the structure of City design review reflects some understanding of this obligation as the clear and objective standards for design review set forth in CDC 55.105 apply to mixed-use development as follows:

“Class II Design Review applications for the development of one or more new dwelling units, as applicable under CDC 55.020(B), are subject to the clear and objective approval standards in this section. Proposals where the applicant cannot or

chooses not to meet the clear and objective approval standards in this section may apply under the discretionary Class II approval standards in CDC 55.100.”

The application subject to this review is a request for the development of “one or more new dwelling units.”² The discretionary design review path as set forth in CDC 55.100 provides:

“Except for applications subject to CDC 55.105, the approval authority shall make findings with respect to the following criteria when approving, approving with conditions, or denying a Class II design review application:”

Since this application is for dwelling units subject to CDC 55.100, it cannot also be subject to CDC 55.105 as doing so would no longer provide the “clear and objective” review path required for housing. These code sections do not contemplate subjecting the commercial component of a mixed-use project to discretionary design review standards and doing so would not give the applicant a clear and objective path to approval.

Asking the Planning Commission to render a decision on this application is similarly unlawful. The Planning Commission’s authority to consider design review applications can occur only after a public hearing. CDC 99.170(A) provides, in relevant part: “The Planning Commission, City Council, and Historic Review Board *shall conduct a public hearing on all matters* over which the Board, Commission, or Council has original jurisdiction pursuant to CDC 99.060.” This provision demands a public hearing and where HB 4037 preempts as much, the Planning Commission lacks authority to conduct review.

Moreover, by putting this decision to the Planning Commission to decide without a public hearing where testimony by the applicant would be allowed, you are depriving them of the ability to meet their burden of proof, significantly compromising their ability to participate and make their case. Such a procedural violation would most certainly prejudice the Applicant’s substantial rights, another basis for prevailing at LUBA.

Finally, and perhaps most importantly, asking the Planning Commission to consider this matter in a public meeting does nothing to make this review any more efficient or timely, the unambiguous objective to be achieved through HB 4037, Section 17. Asking this applicant to elect a Planning Commission decision made during a public meeting – a procedure that the City has never used and

² CDC 2.030 provides the following relevant definitions:

“Dwelling unit. A single unit containing eight or fewer bedrooms designed for residential occupancy by one family for living purposes providing complete, independent living facilities including permanent provisions for living, sleeping, eating, cooking and sanitation.”

“Multiple family residential units. A structure containing five or more attached dwelling units in any vertical or horizontal arrangement and located on a single lot or parcel.”

that the City's code expressly does not allow – will significantly delay the processing of this application and will most certainly run afoul of another portion of ORS 197A.400(1)(B)(b), which prohibits the application of procedures that “have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.”

As you are probably aware, the recently created Housing Accountability and Production Office (HAPO) was established to resolve complaints about local government violations of state housing law. ORS 197A.805(2). HAPO is charged with investigating every complaint that it receives and, where a reasonable basis for violation is found, HAPO's list of available enforcement remedies include a sixty-day compliance period, followed by an enforcement order issued by the Land Conservation and Development Commission which may suspend application of local zoning regulations and/or demand application of the model code set forth in administrative rule. Importantly, such a complaint-driven HAPO investigation could open the City's zoning regulations up for even greater scrutiny, demanding significant staff time, not to mention opportunity for state intervention.

Finally, in the interest of completeness, should the City decide to require design review of the commercial component through CDC 99.100, such review would be a statutory limited land use decision as defined in ORS 197.015(12)(a)(B), which is subject to the procedures set forth in ORS 197.195, and requires an initial decision by the Planning Director and not the Planning Commission. ORS 197.195(3).

In conclusion, what is proposed is a straightforward application for design review for multi-family housing, which the City needs, on a site zoned and designated as suitable to accommodate that housing. There is simply no legal or policy basis for subjecting this application to an additional commercial design review or to require a decision by the Planning Commission, when all of the applicable approval criteria and standards are clear and objective. Imposing these obligations are, quite simply, barriers to the provision of housing in the form of significant delay and increased costs.

As such, the Applicant respectfully requests that the Director serve as the sole initial decision-maker on this application and that any appeal right runs solely to the applicant as required by ORS 197A.400(5)(c). The Applicant will not make any further election of options that violate state housing law. Please place this letter into the record of these proceedings and inform me of the Director's decision as soon as it is made.

Very truly yours,



Carrie A. Richter

cc: Ashleigh Dougill via email

Wyss, Darren

From: Koper, Steve
Sent: Monday, June 29, 2026 2:51 PM
To: nhojaw@yahoo.com
Subject: RE: Opposition to the closing/rerouting of Tannler Dr.

Dear Mr. Watt,

Thank you for taking the time to share your concerns regarding the development application on Tannler Drive. I want to acknowledge how important Tannler Drive is for residents in the area, both for daily travel and for walking, and I appreciate you reaching out.

To help clarify, the proposed realignment of Tannler Drive is not a change initiated by the applicant, nor is it for the benefit of a single development. The reroute has been part of the City's adopted Transportation System Plan (TSP) since 2016. The reason for the planned realignment is that the existing intersection does not meet current engineering or safety standards. The long-term City plan calls for the intersection to be reconstructed, regardless of whether this development moves forward, to improve traffic operations and safety in the corridor.

As part of any development proposal, City code requires applicants to bring affected street segments into conformance with the adopted TSP. This is why the realignment appears in the current application materials.

Regarding project density, traffic impacts, and design standards, these issues will be fully evaluated through the formal application review process for conformance with the City's adopted code, transportation standards, and other applicable criteria. Public comments, like yours, become part of the official record and will be considered in that review.

Please feel free to reach out if you have additional questions or need further information.

Sincerely,
Steve

From: John Watt <nhojaw@yahoo.com>
Sent: Sunday, June 28, 2026 8:55 AM
To: City Council <citycouncil@westlinnoregon.gov>
Subject: Opposition to the closing/rerouting of Tannler Dr.

Some people who received this message don't often get email from nhojaw@yahoo.com. [Learn why this is important](#)

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

Hello,

I wish to express my strong opposition to the closure/rerouting of Tannler Drive for the proposed Tannler Drive redevelopment.

This would essentially be a diversion of a public good for the benefit of a private developer. While I am in favor of more housing, it must respect the needs of the community at large. They can adapt their plans in a manner that leaves Tannler drive as-is. Tannler drive is an important street for those of us who live down the hill. I personally use it many times a week not only when driving, but also for walking and exercise.

I also believe that the density of the project needs to be evaluated and possibly scaled back to conform with the ability of the area to accommodate the numbers of additional cars that will be added to daily traffic, not to mention the aesthetics of multi-story apartment buildings.

Regards,

John Watt
1190 Swiftshore Circle, West Linn, OR 97068

Steve Koper
Community Development Director
Community Development

[#6058](#)



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Wyss, Darren

From: EDGING Sean * DLCD <Sean.EDGING@dlcd.oregon.gov>
Sent: Wednesday, June 17, 2026 1:34 PM
To: Wyss, Darren
Cc: REID Kelly * DLCD
Subject: Inquiry Response: West Linn 20260617 - Clear and Objective Standards (Local Gov't)

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Hello Darren,

We received an inquiry that relates to a potential development application in the City of West Linn. Where this occurs, we share a copy of the guidance below with both parties consistent with our [Policies and Procedures](#) and in the interest of transparency

Below is a summary of the inquiry and our response. Please note that our guidance is not substitution for legal counsel. If you have any follow-up questions, don't hesitate to reach out.

Inquiry Summary: This inquiry relates to a potential development application in the Office Business Zone within the City of West Linn. According to the inquiry, the zone allows for “multiple-family units” as part of a mixed-use development in conjunction with commercial development on the first floor. The inquiry asks whether the development project, consisting of 320 housing units within 10 buildings with required ground floor commercial, qualifies as an application for the development of housing subject to clear and objective standards. Additionally, the inquiry asks whether the new limited review process under section 17 of House Bill 4037 would apply. The inquiry notes that the applicable siting and design standards apply to the mixed-use building as a whole with little distinction between the commercial and residential uses. Additionally, the inquiry suggests the development application would be subject to a Type III procedure – including a required hearing – under the city's development code.

HAPO Response: First, a few caveats for this response:

1. HAPO does not issue determinations of whether a city's development code is in or out of compliance with a housing law outside of the formal complaint process under ORS 197A.805. At this time, no complaint was submitted and we have not reviewed information specific to the development application with sufficient context to issue such a determination. Therefore, this guidance will be generalized and not specific to the prospective development application or applicable land use regulations.
2. There is active case law relating to the scope and applicability of ORS 197A.400 ([Roberts vs Cannon Beach](#)) that is pending a decision from the Oregon Supreme Court. We recommend following the outcome of this case and consulting with legal counsel about its implications for this question.
3. In addition to the above, [HB 4037 \(2026\)](#) has substantially elevated the importance of the applicability of ORS 197A.400(1). HAPO acknowledges the need to provide guidance beyond the plain text of statute, but please keep in mind this comes with intrinsic ambiguity as understanding of the law evolves. We are working on broader guidance on this topic but know that we approach this with caution to ensure our guidance is well-vetted and accurate.

ORS 197A.400(1)(a)(A) allows local governments to “adopt and apply only clear and objective standards, conditions and procedures regulating * * * [t]he development of housing[.]” However, the statute does not further clarify the applicability of the statute for the purposes of development containing a mix of residential and other uses (e.g., commercial), and we are not aware of any case law further clarifying precisely how ORS 197A.400(1) applies to mixed-use developments.

While there are other areas in statute and administrative rule that define “residential” to include “mixed-use residential” (e.g., [ORS 197A.800\(5\)\(b\)](#) or [OAR 660-008-0405\(10\)\(b\)](#)), these definitions do not specifically apply to ORS 197A.400. However, ORS 197A.400(3) offers additional clarity for processes that are not clear and objective applied to the development of housing:

“(3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:

- (a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;
- (b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and
- (c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.”

We often refer to these as “alternative, discretionary review” as a shorthand. It includes many discretionary review paths for housing such as conditional use permits, discretionary design review, or planned unit developments. For any city adopting code amendments to comply with ORS 197A.400, we generally advise ensuring any discretionary review pathway applied to housing complies with subsection (3)(a) to (c), with a few exceptions (e.g. historic review).

Said simply, there isn’t definitive clarity yet on the precise applicability of ORS 197A.400(1), but ORS 197A.400(3) requires any alternative, discretionary review applied to residential development to provide a clear and objective option to proceed.

If there is no clear and objective pathway to proceed, one option to comply with ORS 197A.400 in an active development application is to not apply discretionary standards (i.e. standards that cannot be applied independent of mind) to the development application with findings noting that ORS 197A.400 prohibits their application.

The second part of this question is whether the procedural requirements of ORS 197A.400(5) and (6) apply once the law comes into effect on July 1, 2026. This is also a complex answer. We believe the answer most consistent with the legislative intent of HB 4037 is the new procedural requirements apply to clear and objective processes, but not to alternative, discretionary review processes.

The procedural requirements in ORS 197A.400(5) apply “for applications subject to subsection (1) of this section.” This language creates some ambiguity as to whether this also extends to alternative, discretionary review pathways, which are provided in addition to subsection (1). However, legislative history of the bill indicates that the intent was for applications undergoing a clear and objective process to be reviewed without a public hearing. HAPO interprets those statements as indicating an intent that the procedural limitations of subsection (5) are not applicable for housing development being reviewed under an alternative approval process per ORS 197A.400(3). However, they would apply to developments that choose to proceed with a clear and objective review path.

Best,

Sean



635
Cell:

Edging [Hear my name](#)

Senior Housing Planner | Housing Accountability and
Production Office

Pronouns: He/Him

Oregon Department of Land Conservation and Development
Capitol Street NE, Suite 150 | Salem, OR 97301-2540
971-375-5362 | Main: 503-373-0050

sean.edging@dlcd.oregon.gov | www.oregon.gov/LCD

The Housing Accountability and Production Office is a joint office between the Department of Land Conservation and Development (DLCD) and the Department of Consumer and Business Services' Building Codes Division (BCD).

Wyss, Darren

From: Debbie <dlspellecy@yahoo.com>
Sent: Wednesday, February 4, 2026 3:34 PM
To: Planning Commission (Public)
Subject: Planning Commission Meeting Update

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

Please do not approve this development in West Linn.

Congestion getting on and off the freeway and also Blankenship is already very busy.

With as many units as they are planning, add 2 car, if that's 300 then it's 600 more cars. If it's 200 then it's 400 more cars.

Can you imagine the congestion problem West Linn will have on its hands!!

This piece of property is not made for an apartment complex.

SAY NO TO THIS PLAN PLEASE!!!

Sincerely,
Debbie Spellecy
6440 Summerlinn Way
West Linn, Oregon 97068

Wyss, Darren

From: Wyss, Darren
Sent: Thursday, July 2, 2026 4:13 PM
To: Wyss, Darren
Subject: Fw: PA-25-20 – Pre-App Comments Tannler & Blankenship

From: Luke Lopez
Sent: Wednesday, December 10, 2025 9:13 AM
To: Myers, Chris; Schroder, Lynn; Planning Commission (Public); Planning Commission (Public); Mollusky, Kathy
Cc: City Records; City Council
Subject: Fw: PA-25-20 – Pre-App Comments Tannler & Blankenship

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Subject: Comment on PA-25-20 (Tannler Dr & Blankenship Mixed-Use Proposal)

Dear West Linn Planning Department,

As a nearby resident, I am writing to comment on the proposed development at 2410, 2422, and 2444 Tannler Dr (PA-25-20).

- **The plan does not comply with CDC 21.050(2), which requires that the entire first floor of mixed-use buildings in the OBC zone be commercial. The City previously denied a very similar project on this site in 2015 for the same reason.**
- **The project borders the White Oak Savanna and would remove significant tree canopy. A full tree inventory and protection plan is required under WLMC 8.500–8.798 before further review.**
- **The Tannler/Blankenship intersection is already unsafe and overburdened. A comprehensive Traffic Impact Analysis and mitigation plan must be required.**
- **320 apartments would add major density, strain public services, and reduce neighborhood livability, in conflict with CDC 55 Design Review criteria.**

For these reasons, I ask that the City deny this application.

Please add me as a notified party for all future hearings and decisions on PA-25-20.

**Sincerely,
Mary Lopez
2598 Crestview Dr
West Linn, OR 97068
Deionlopez2@yahoo.com**

Darren Wyss
Principal Planner
Planning

[#6064](#)



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Wyss, Darren

From: Wyss, Darren
Sent: Thursday, July 2, 2026 4:13 PM
To: Wyss, Darren
Subject: Fw: PA-25-20 – Pre-App Comments (Tannler & Blankenship)

From: Chelsea Guest
Sent: Wednesday, December 10, 2025 9:13 AM
To: Myers, Chris
Cc: City Council; Mollusky, Kathy; City Records; Planning Commission (Public); Schroder, Lynn
Subject: Fw: PA-25-20 – Pre-App Comments (Tannler & Blankenship)

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Dear West Linn Planning Department,

As a nearby resident, I am writing to comment on the proposed development at 2410, 2422, and 2444 Tannler Dr (PA-25-20).

- The plan does not comply with CDC 21.050(2), which requires that the entire first floor of mixed-use buildings in the OBC zone be commercial. The City previously denied a very similar project on this site in 2015 for the same reason.
- The project borders the White Oak Savanna and would remove significant tree canopy. A full tree inventory and protection plan is required under WLMC 8.500–8.798 before further review.
- The Tannler/Blankenship intersection is already unsafe and overburdened. A comprehensive Traffic Impact Analysis and mitigation plan must be required.
- 320 apartments would add major density, strain public services, and reduce neighborhood livability, in conflict with CDC 55 Design Review criteria.

For these reasons, I ask that the City deny this application unless it is substantially redesigned to meet zoning, protect trees, and resolve traffic safety.

Please add me as a notified party for all future hearings and decisions on PA-25-20.

Sincerely,
Chelsea Guest
2410 Michael Ct
503-888-8330

Darren Wyss
Principal Planner
Planning

[#6064](#)



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Brad Kilby
Harper Houf Peterson Righellis, Inc.
On behalf of Mill Creek Residential Trust

Re: Proposed Development at 2410, 2422 and 2444 Tannler Drive, West Linn, OR

October 7, 2025

To whom it may concern,

I live directly to the north of the proposed development in Madison Heights Condominiums and serve on the board of the HOA for these condominiums. My quality of life and that of others living in our condos would be strongly affected by an apartment community in the open space and it would dramatically change the view from my ground floor condo.

I would like to express my strong opposition to this development proposal on the following grounds:

1. Traffic: As we all know, there is a lot of traffic on Blankenship already making it challenging for someone to pull out from Summerlinn Drive onto this street. Bringing more cars will increase traffic flow and worsen this problem. Getting onto the freeway from our on-ramp is also frequently backed up. I cannot imagine the traffic congestion that this development would cause in getting onto and off of the freeway.
2. Noise and Lighting: This area is peaceful and quiet. Many of us chose this area for that very reason. Having 320 apartments next door and the vehicles and service trucks entering this community would greatly increase noise pollution in our area. There is also the issue of light pollution. Undoubtedly there would be outdoor lighting that will affect our condo community by lighting up the night sky. I do not welcome this intrusion into my peace and quiet.
3. Trees/Environmental Quality/Trail: As you are well aware, there are beautiful old oak trees and large Douglas Fir trees on this property. We enjoy the view of these trees when walking the trail along the side of these lots and would not want to see any of them removed. The trail also provides a wonderful opportunity for exercise and I see many people using the trail on a daily basis. We don't want to lose this community asset nor do we want to lose those ancient trees.
4. Parking: The proposal shows many parking garages and carports but I question whether they will be sufficient for the high number of residents living in this area. As I am sure you know, public transportation in this area is very limited, so most people would need to drive a car. We are concerned that parking would spill over onto

neighboring streets making them more congested and difficult to navigate and posing a public safety problem.

5. Property Value Impact: Many of us who live in the condominiums are of retirement age. And our homes are our most valuable asset. We are concerned that the proposed development will impact our home values in a negative way and make it more difficult to sell our homes when that time comes.
6. Access Roads: I am concerned about the position of the access road to the garages on the top of the proposed development. This road runs very close to our property line and any traffic lights would most likely shine directly into our condos from cars along this road. This doesn't even mention the noise of cars driving up a steep road and navigating a sharp turn. Those of us who live in my condo building are strongly opposed to the position of this road without any visual or auditory barriers into our property.
7. Position of Apartment building #2: This building appears to be very close to the property line and would be a visual eyesore from our development. The other apartment buildings are positioned more centrally in the development and we would want to see this one moved away from the edge of our property line if this project goes forward.

Finally, the reasons above illustrate why so many of the residents of Madison Heights Condominiums are opposed to this development. We would be extremely disappointed if the West Linn Planning Department approves this project and feel that this developer should shift his plans away from apartment buildings into something more suitable to the area that would be much less disruptive to our condo community and quality of life.

Thank you for your attention to this matter.

Sincerely,



Kari Fisher

5301 Summerlinn Way

West Linn, OR 97068

(206) 227 8909

Cc: Steve Koper, Community Development Director, City of West Linn



10/6/25

ODOT # 13804

ODOT Pre-Application Response

Project Name: Tannler Development	Jurisdiction Case #: PA-25-20
Jurisdiction: City of West Linn	State Highway: I-205/10 th St Interchange
Site Address: 2410 Tannler Drive	

The site of this proposed land use action is in the vicinity of the I-205/10th St interchange. ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation.

If there is work within the ODOT right of way, ODOT permits and approvals must reach 100% plans before the District Contact signs off on a local jurisdiction building permit or other necessary requirement before construction. **The applicant should contact the District Contact indicated below to determine permit requirements and to obtain application information.**

These comments, standards, and requirements are current as of the date of this letter. If the project scope and/or timeline has been modified, the applicant should contact the ODOT Region 1 Development Review program (ODOT_R1_DevRev@odot.oregon.gov) for an updated letter as updated comments may be necessary.

LAND USE PROPOSAL

The applicant proposes to construct a combination of commercial and residential development on the site including 320 apartments with on-site amenities. TL 100, 102, and 200.

COMMENTS/FINDINGS

Traffic Impacts

The City of West Linn is requiring a Traffic Impact Analysis (TIA). The applicant's traffic consultant has contacted ODOT for concurrence on the scope of the analysis. We appreciate the applicant updating the scope of work to reflect ODOT's comments. **Contact the ODOT Traffic Contact identified below for the review of the TIA.**

State Highway Improvements

The City has requested ODOT research the extent to which the State owns right of way in the vicinity of the interchange to determine whether ODOT permits are required for improvements.

Prior access control research in this vicinity confirms that ODOT retains access control and fee simple ownership of all right of way on either side of 10th St north of 8th Ave that was acquired for the construction of the 10th St interchange as shown in ODOT ROW map [9B-1-6](#). As such, all work on 10th St north of 8th Ave will likely require ODOT permits.

Permits **are required** by ODOT for all work in the State highway right of way.

ODOT Technical Review Requirements

All alterations within the State highway right of way are subject to ODOT standards. Alterations along the State highway but outside of the ODOT right of way may also be subject to ODOT review pending its potential impact on the safe operation of the State highway.

The following ODOT manuals may apply:

- ODOT Traffic Manual
- ODOT Highway Design Manual
- ODOT Hydraulics Design Manual

The ODOT Traffic Manual (TM) identifies items that require ODOT Region Traffic Engineer (RTE) approval. Items requiring RTE approval must be prepared by an Oregon-registered Professional Engineer (P.E.) and will be reviewed by the ODOT Region 1 Technical Center. See the TM for information on authorities and required approvals. Some approvals require a unique request form (Traffic Approval).

Deviations from ODOT Standards

Proposed alterations that deviate from ODOT standards will require a Design Exception/Deviation prepared by an Oregon-registered Professional Engineer (P.E.) for review by the ODOT Region 1 Technical Center. ODOT can only determine if design elements will require a Design Exception/Deviation or RTE approval once detailed plans have been reviewed.

Note: A Design Exception/Deviation or RTE approval items may take **6 months or longer to process**. The preparation of a Design Exception or RTE approval does not guarantee its ultimate approval.

ODOT RECOMMENDED CONDITIONS OF APPROVAL FOR LOCAL JURISDICTION

Traffic Impacts

- ☒ The applicant shall submit a Traffic Impact Analysis (TIA) to assess the impacts of the proposed use on the State highway system. The analysis must be conducted and stamped by an Oregon-registered Professional Engineer (P.E.). The recommendation for traffic control devices will require either ODOT Region Traffic Engineer (RTE) or State Traffic-Roadway Engineer (STRE) approval and shall be constructed as necessary to be consistent with the ODOT Traffic Manual.

Note: RTE and STRE approval items may take **6 months or longer** to process.

Permits and Agreements to Work in State Highway

- ☒ An ODOT Miscellaneous Permit must be obtained for all work in the State highway. When the total value of improvements within the State highway is estimated to be \$100,000 or more, a Cooperative Improvement Agreement (CIA) with ODOT is required. A CIA will address the transfer of the improvements to ODOT and any associated technical and administrative costs for projects that meet this improvement threshold. Agreements shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements.

Note: If a CIA is required, it may take **6 months or longer** to process.

Contact the ODOT Development Review Planner identified below for further coordination or questions regarding ODOT comments and requirements during the land use process.

Please send a copy of the Land Use Notice to: ODOT_R1_DevRev@odot.oregon.gov.

Development Review Planner: Marah Danielson	Marah.B.Danielson@odot.oregon.gov
Traffic Contact: John Russell, P.E	John.Russell@odot.oregon.gov
District Contact: District 2B	D2BUP@odot.oregon.gov