

Rec'd 6-17-09
Hearby

Testimony Regarding PUD/09-01/SUB-09-01/WAP-09-02

- 1.) June 15, 2009 letter to Tom Soppe re March 17, 2009 HSNA Resolution that was not included in the Public Comments Section of the Staff Report. This is inconsistent with resolutions from other Neighborhood Associations whose resolutions have been written in the Public Comments Section of the Staff Report as in the recent Hotel application in the Willamette NA. Why is the Hidden Springs Neighborhood Association application being treated differently than application in other Neighborhood Associations?
- 2.) Applicant's history as a steward of public assets.
- 3.) Businesses owned by applicant. Do any of the members of the Planning Commission have an interest in or work for any of these business or have a relative who has an interest or works for any of these businesses?
- 4.) The Explanatory Statement regarding the Annexation of 19650 Suncrest Drive does not inform the voters of potential costs existing residents could be required to pay if this property is developed post annexation. The Explanatory Statement does not inform the voter regarding the special circumstances required to develop this property as a PUD and that a PUD would probably be required because of the terrain. The Explanatory Statement does not inform the voters that dedication to the city of something of roughly proportional value by the applicant in return for the exceptions to the code in a Planned Unit Development is city policy. The roughly proportional value of the land to be dedicated is not contained in the Explanatory Statement. The voters were not provided with sufficient information to make an informed decision by the information provided in the Explanatory Statement.

HSNA has requested copies of the tape February 11, 2008 Step Two hearing where the applicant apparently informed the decision making body that he intended to dedicated the treed area to the city following annexation and upon development. This information has not yet been provided by Willamette Falls TV and it is requested that the record be kept open to allow this information to submitted to the record and to the members of the Planning Commission. The city web site as been unable to open the minutes to the February 11, 2008 Step Two hearing and I request that the record be kept open to allow copies of the February 11, 2008 Step Two hearing can be made a part of the record.

- 5.) The terms of the Conservation Easement are not clear. What is the *duration* of the conservation easement? Can such an easement be made perpetual and if so where is that stated in the agreement? The city prefers a dedication to an easement, as it makes the situation more permanent, and the rights and obligations of the parties more clear. Six property owners will be required to care for a disproportionate amount of open space relative to the amount of open space other HOAs are required to care for. This means there is a high probability that all West Linn taxpayers will be required to pay for the maintenance of the open space if this small number of homeowners are unable to so.
- 6.) Attached is a copy of the envelope containing the notice and packet mailed to HSNA regarding of this meeting. The packet contained information regarding 5(a) Amendments to Chapter 25 Historic District but no information regarding 5(b) Land Use, Public Hearing PUD-09-01/SUB-09-01/WAP-09-02. Why wasn't a packet included in the notice for the Land Used Hearing?

On behalf of the Hidden Springs Neighborhood Association I respectfully request that you honor their February 17th Resolution. In addition, I respectfully request that all my rights as a private party be preserved and all rights of the Hidden Springs Neighborhood Association be preserved regarding this land use application.

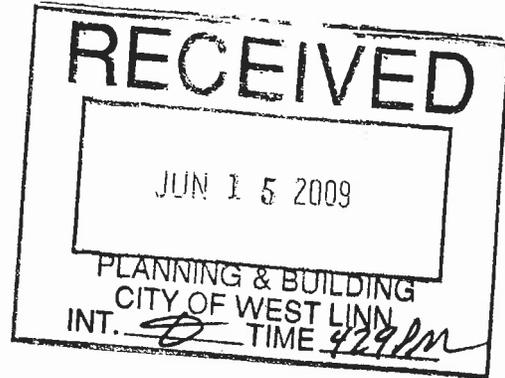
Lynn Fox, President
Hidden Springs Neighborhood Association

June 15, 2009

Tom Soppe
City of West Linn Planning Department
22500 Salamo Road
West Linn, Oregon 97068

RE: PUD-09-01/SUB-09-01/WAP-09-02

Dear Mr. Soppe,



Attached please find a copy of the notice you received on March 17, 2009 advising you that on February 17, 2009 the Hidden Springs Neighborhood Association resolved:

**"THE HIDDEN SPRINGS NEIGHBORHOOD ASSOCIATION DOES NOT SUPPORT
THE APPLICATION FOR DEVELOPMENT OF PUD 09-01 SUNCREST DRIVE."**

The resolution of the impacted Neighborhood Association in opposition the application was not published in the Public Comments section on page three of the staff report. I respectfully request that the resolution of the Hidden Springs Neighborhood Association in opposition to the development be included in the Public Comments of the staff report when it is presented to the Planning Commission on June 17, 2009.

Please make this letter and its attachment a part of the public record and provide copies to the members of the Planning Commission.

Sincerely,

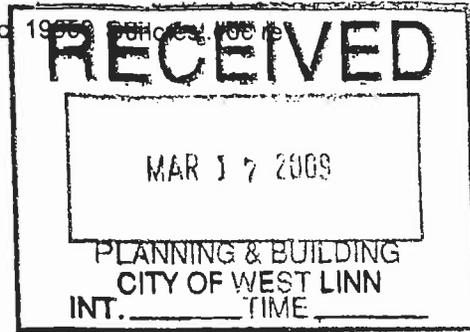
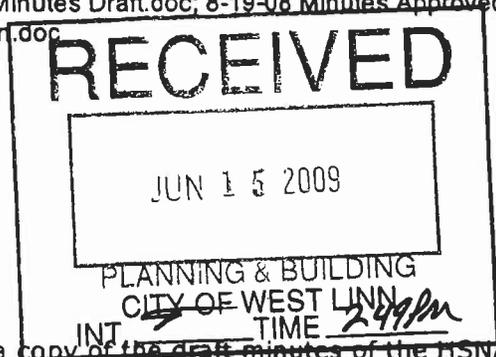
Lynn Fox, President
Hidden Springs NA
PO Box 236
Marylhurst, Oregon 97036

Enc. - 1

Soppe, Tom

From: Hidden Springs Neighborhood Assoc. [WLHSNA@msn.com]
Sent: Tuesday, March 17, 2009 10:59 AM
To: Soppe, Tom
Subject: HSNA FEBRURY 17, 2009 SUNCREST APPLICATION FOR DEVELOPMENT PUD 0901 SUNCREST

Attachments: 2-17-09 Minutes Draft.doc; 8-19-08 Minutes Approved.doc; 19650 Suncrest Drive Dedication.doc



Dear Mr. Soppe,

Attached please find a copy of the draft minutes of the HSNA 2/17/09 regular meeting. The membership passed a motion "contingent upon review of the pre-application meeting tape and application documents, if the water resources area part of the property was promised to be deeded to the city, the HSNA does not support the application without this provision." Twenty two members approved the motion, no members voted against the motion and three members abstained. The motion became a resolution of the Hidden Springs Neighborhood Association.

Pursuant to the 2/17/2009 resolution of the HSNA I have reviewed the August 30, 2007 pre-annexation HSNA meeting tape with Ben Altman of SFA Design Group representing the owner of 19650 Suncrest Drive, Mark Handris, and members of HSNA. In addition, I have reviewed the minutes to the August 19, 2008 post-annexation meeting with HSNA and the owner's representative K. Van Loo of VanLoo2 Associates. These reviews confirm that Marc Handris, owner of the subject property, employed Ben Altman of SFA Design Group, as his agent and Mr. Altman who advised HSNA members on August 30, 2007 that "all the treed areas will be dedicated to the city" if the property is annexed and developed. Relying on the representation made by Mr. Altman on Mr. Handris' behalf, the HSNA members understood it was the owner's intention to protect the treed area from development under County rules and voted for annexation of the property and relied on Mr. Handris to honor his commitment. It is the HSNA's understanding that the 19650 Suncrest Drive development, as currently presented to the City does not propose to deed the treed areas to the city.

Accordingly, HSNA does not support approval of the 19650 Suncrest application 09-01.

Therefore, pursuant to a review of the records, on February 17, 2009 HSNA passed the following resolution regarding 19650 Suncrest:

"THE HIDDEN SPRINGS NEIGHBORHOOD ASSOCIATION DOES NOT SUPPORT THE APPLICATION FOR DEVELOPMENT OF PUD 09 01 SUNCREST DRIVE."

Please make this email and the HSNA Resolution a part of the record and forward it to the members of the Planning Commission and the City Council.

Respectfully submitted,

98

June 15, 2009

Tom Soppe
Planning Department
City of West Linn
22500 Salamo Road
West Linn, Oregon 97068

RE: PUD-09-01/SUB-09-01/WAP-09-02

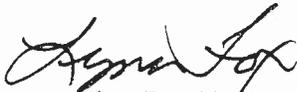
Mr. Soppe,

It has come to my attention that rather than require the applicant to deed the treed area in the open space/water resource area to the city, staff has agreed to allow the applicant to provide an easement that will leave the treed area in the care and under the control of Mark Handris.

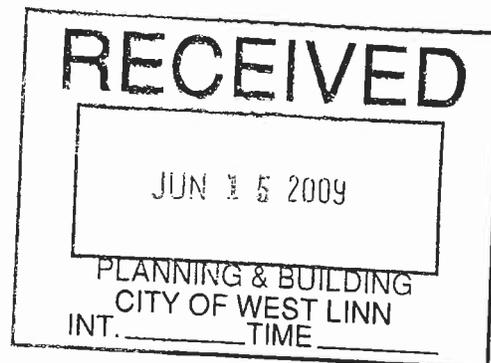
To evaluate the quality of stewardship the Planning Commission might anticipate from Mr. Handris, a copy of the public record regarding Case No. C04-00022 in the Municipal Court for the City of West Linn regarding the complaint that persons working for Mr. Handris "did remove all or part of one or more trees, in violation of the stop work order" is hereby submitted.

Please provide a copy of the enclosed Case # C04-00022, including the photos to the Planning Commission and the public and make this letter and its enclosure a part of the public record.

Sincerely,


Lynn Fox, President
Hidden Springs NA

Enclosure - 1



1 WHEREFORE, Plaintiff requests a judgment in favor of plaintiff and against defendant:

- 2 1. Imposing a civil penalty of \$1,000.
3 2. For costs of prosecution, including attorney fees.

4 DATED this 3 day of March, 2004.

5 RAMIS CREW CORRIGAN
6 & BACHRACH, LLP

7
8 By: 
9 Timothy V. Ramis, OSB #75311
10 City Attorneys

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RAMIS CREW
CORRIGAN & BACHRACH, LLP
1727 N.W. Hoyt Street
Portland, Oregon 97209
(503) 222-4402
Fax: (503) 243-2944

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3
4 **CERTIFICATE OF SERVICE**

5 I hereby certify that I served the foregoing **NOTICE OF VOLUNTARY**
6 **DISMISSAL WITH PREJUDICE** on:

7 Dana L. Krawczuk
8 Attorney at Law
9 Ball Janik LLP
10 101 SW Main Street, Suite 1100
11 Portland, OR 97204
12 *Facsimile: 503.295.1058*

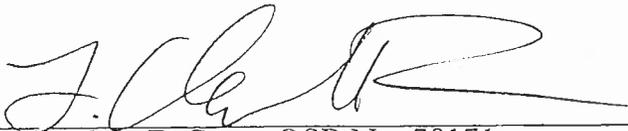
13 by the following method(s):

14 [] by **faxing** a full, true and correct copy thereof to the attorney(s) at the fax number
15 shown above, which is the last known fax number for the attorney(s) office on the
16 date set forth below. The receiving fax machine was operating at the time of service
17 and the transmission was properly completed, according to the attached confirmation
18 report. By **mailing** a full, true and correct copy thereof to the attorney(s) at the address
19 shown above, which is the last known address for the attorney(s) office, on the date
20 set forth below, by first class mail, contained in a sealed envelope.

21 [] By **mailing** a full, true and correct copy thereof to the party at the address shown
22 above, which is the last known address for the party, on the date set forth below, by
23 first class mail, contained in a sealed envelope.

24 DATED this 16th day of August, 2005.

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By: 
Stephen F. Crew, OSB No. 78171
T. Chad Plaster, OSB No. 98092

RAMIS CREW CORRIGAN LLP

ATTORNEYS AT LAW

1727 NW HOYT STREET
PORTLAND, OREGON 97209
TELEPHONE (503) 222-4402
FAX (503) 243-2944
WWW.RCCLAWYERS.COM

Stephen F. Crew
stevec@rcclawyers.com

T. Chad Plaster
Licensed in Oregon and Washington
chadp@rcclawyers.com

August 16, 2005

City of West Linn
Municipal Court
22500 Salamo Road, No. 400
West Linn, OR 97068

RE: City of West Linn v. Mark Handris
Case Nos. C04-00012 and C04-00022
City of West Linn v. David Sparks
Case Nos. C04-00013 and C04-00021

Dear Court Clerk:

Enclosed herein for filing in the above-captioned cases are Notices of Voluntary Dismissals with Prejudice.

Thank you for your professional courtesies.

Sincerely,



T. Chad Plaster

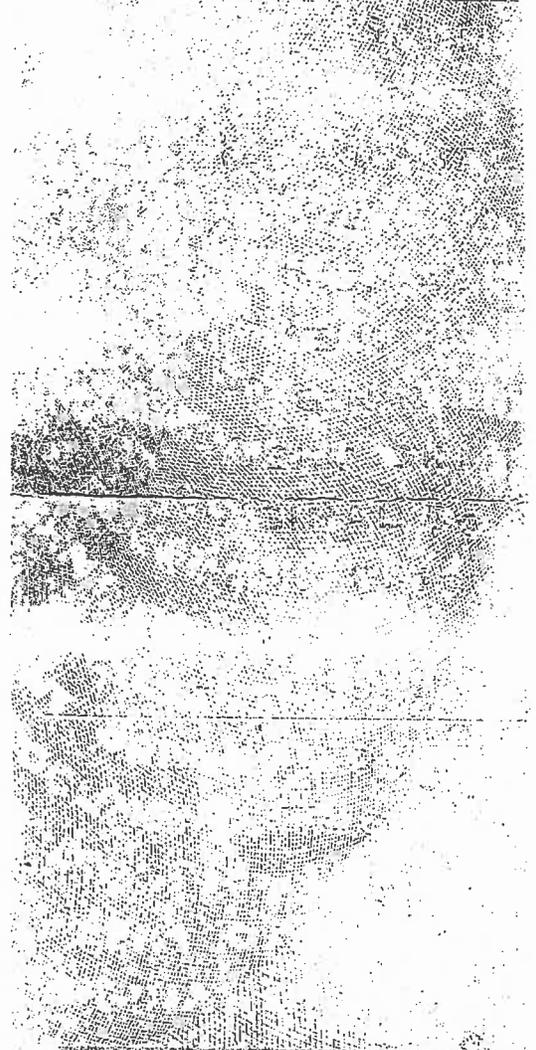
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Enclosures

cc: Dana Krawczuk
Stephen F. Crew

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PORTLAND, OREGON 97204-3219

www.balljanik.com

TELEPHONE 503-228-2525
FACSIMILE 503-295-1058

DANA L. KRAWCZUK

dkrawczuk@bjllp.com

June 21, 2005

Stephen F. Crew
Ramis Crew Corrigan LLP
1727 N.W. Hoyt Street
Portland, OR 97209

Re: Resolution of Tree Removal Violations C04-00012 and C04-00013

Dear Steve:

I am writing to follow up on our conversation of last week. As you know, Mark Handris mailed the \$50,000 penalty check associated with the Settlement Agreement for Tree Removal Violations C04-00012 and C04-00013 to the attention of Sandi Farley, the former City Manager of West Linn, on or about April 29, 2005. That check has been misplaced. Mr. Handris has stopped payment on the April 29, 2005 check and is issuing a new \$50,000 penalty check to the City. Mr. Handris will hand deliver the new check to the City this week.

As we discussed, the misplacement of the check does not affect Mr. Handris' compliance with the April 27, 2005 Settlement Agreement. Therefore, once the City receives the check I think it is appropriate for the City to dismiss the above-referenced tree removal violations with prejudice. Please let me know if there is anything I can do to expedite this process. I look forward to hearing from you or the Municipal Court that the violations have been dismissed.

Sincerely,



Dana L. Krawczuk

DLK:dlk

cc: Mark Handris
City of West Linn, Municipal Court Clerk

West Linn

Municipal Court

March 2, 2005

Dana Krawczuk
Attorney at Law
101 S.W. Main Street, Suite 1100
Portland, OR 97204-3219

RE: City of West Linn vs. Mark Handris
Rescheduling of Case for Pre-Trial Conference
Case Nos. C04-00012 and C04-00022

Dear Ms. Krawczuk:

Pursuant to my February 28 telephone conversation with Chad Plaster of City Attorney Steve Crew's office, I am now confirming that the above entitled matter has once again been rescheduled for an entry of plea.

As you know, this matter was most recently scheduled for Tuesday, March 15, 2005 at 4:00 p.m. Please be advised that we have now rescheduled this case to **Tuesday, April 5, 2005 at 3:30 p.m.**

It is the Court's sincere hope that a remedy will be reached by the April 5, 2005 court date, as this matter has already been rescheduled a number of times.

If you have any questions or conflicts with the scheduled date, please contact me at (503) 656-4263.

Sincerely,

WEST LINN MUNICIPAL COURT
Kathie F. Steele, Judge

Pam Lammers
Pam Lammers
Court Clerk

cc: Steve Crew, City Attorney
Sandi Farley, City Manager

(503) 656-4263 • FAX (503) 650-9041
22500 Salamo Road, #400 West Linn, OR 97068

*West
Linn*

Municipal Court

February 3, 2005

Dana Krawczuk
Attorney at Law
101 S.W. Main Street, Suite 1100
Portland, OR 97204-3219

RE: City of West Linn vs. Mark Handris and Handris Properties
Rescheduling of Case for Pre-Trial Conference
Case Nos. C04-00012 and C04-00022

Dear Ms. Krawczuk:

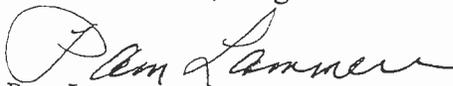
Please be advised that the above-entitled matter has been rescheduled to **Tuesday, March 15, 2005 at 4:00 p.m.**

If you have any questions or conflicts with the scheduled date, please contact me at (503) 656-4263.

Sincerely,

WEST LINN MUNICIPAL COURT

Kathie F. Steele, Judge



Pam Lammers

Court Clerk

cc: Steve Crew, City Attorney
Sandi Farley, City Manager

*West
Linn*

Municipal Court

January 7, 2005

Dana Krawczuk
Attorney at Law
101 S.W. Main Street, Suite 1100
Portland, OR 97204-3219

RE: City of West Linn vs. Mark Handris and Handris Properties
Rescheduling of Case for Pre-Trial Conference
Case Nos. C04-00012 and C04-00022

Dear Ms. Krawczuk:

Pursuant to the direction that was given to me by City Manager Sandi Farley, I have rescheduled the above-entitled matter to a later date. This letter will confirm our January 7, 2005 telephone conversation, at which time I advised I would be rescheduling this matter from January 18, 2005 to **Tuesday, February 1, 2005 at 4:00 p.m.** for Pre-Trial Conference.

If you have any questions or conflicts with the scheduled date, please contact me at (503) 656-4263.

Sincerely,

WEST LINN MUNICIPAL COURT
Kathie F. Steele, Judge



Pam Lammers
Court Clerk

cc: Steve Crew, City Attorney
Sandi Farley, City Manager



Municipal Court

November 3, 2004

Dana L. Krawczuk
Attorney at Law
101 S.W. Main Street, Suite 1100
Portland, OR 97204-3219

RE: City of West Linn vs. Mark Handris
Rescheduling of Pre-Trial Conference
Case Nos. C04-00012 and C04-00022
Violation of the Community Development Code and
Violation of the West Linn Municipal Code

Dear Ms. Krawczuk:

Pursuant to our telephone conversation of November 2, 2004, this letter will serve to confirm that the above-entitled case has been rescheduled to **Tuesday, January 18, 2005 at 4:00 p.m.**

If you have any questions or conflicts with this rescheduled date, please contact me at (503) 722-3421.

Sincerely,

WEST LINN MUNICIPAL COURT
Kathie F. Steele, Judge


Pam Lammers
Court Clerk

cc: Steve Crew, City Attorney

*West
Linn*

Municipal Court

October 6, 2004

Dana L. Krawczuk
Attorney at Law
101 S.W. Main Street, Suite 1100
Portland, OR 97204-3219

RE: City of West Linn vs. Mark Handris and Handris Properties
Rescheduling of Pre-Trial Conference
Case Nos. C04-00012 and C04-00022

Dear Ms. Krawczuk:

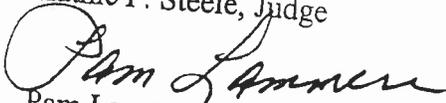
This letter will serve to confirm our October 4 telephone conversation, at which time we rescheduled the Pre-Trial Conference in the above entitled matter from October 5, 2004 to **Tuesday, November 2, 2004 at 4:00 p.m.**

If you have any questions or conflicts with the scheduled date, please contact me at (503) 656-4263.

Sincerely,

WEST LINN MUNICIPAL COURT

Kathie F. Steele, Judge



Pam Lammers

Court Clerk

cc: Steve Crew, City Attorney

(503) 656-4263 • FAX (503) 650-9041
22500 Salamo Road, #400 West Linn, OR 97068



Municipal Court

August 18, 2004

Dana L. Krawczuk
Attorney at Law
101 S.W. Main Street, Suite 1100
Portland, OR 97204

RE: City of West Linn vs. Mark Handris
Case Nos. C04-00012 and C04-00022
Violation of the Community Development Code and
Violation of Municipal Code

Dear Ms. Krawczuk:

This letter will serve to confirm my August 17 telephone conversation with Chad Plaster of the law firm of Ramis Crew Corrigan & Bachrach, at which time we rescheduled the Pre-Trial Conference in the above entitled matter from August 17, 2004 to **Tuesday, October 5, 2004 at 4:00 p.m.**

If you have any questions or conflicts with the scheduled date, please contact me at (503) 656-4263.

Sincerely,

WEST LINN MUNICIPAL COURT
Kathie F. Steele, Judge


Pam Lammers
Court Clerk

cc: Steven Crew, Attorney at Law



Municipal Court

August 18, 2004

Steve Crew
Attorney at Law
1727 N.W. Hoyt Street
Portland, OR 97209

RE: City of West Linn vs. Mark F. Handris
Case Nos. C04-00012 and C04-00022
Violation of the Community Development Code and
Violation of Municipal Code

Dear Mr. Crew:

This letter will serve to confirm my August 17 telephone conversation with Chad Plaster of your office, at which time we rescheduled the Pre-Trial Conference in the above entitled matter from August 17, 2004 to **Tuesday, October 5, 2004 at 4:00 p.m.**

If you have any questions or conflicts with the scheduled date, please contact me at (503) 656-4263.

Sincerely,

WEST LINN MUNICIPAL COURT
Kathie F. Steele, Judge

Pam Lammers
Court Clerk

COUNTY OF CLACKAMAS, STATE OF OREGON

CITY OF WEST LINN,

Plaintiff,

vs.

Mark F. Hendrix

Defendant,

CASE NO. 04-00012
04-00022

CHARGE(S) _____

Be advised, the above entitled matter has been set for ~~Continued Appearance~~ or Hearing in the West Linn Municipal Court on the 17th day of August, 2004 at 4:00 pm. Failure to appear as ordered could result in a warrant for your arrest.

The Court will only allow one reset and this request must be in writing received at least 7 days prior to the above Court date and must be approved prior to the Court date.

You are ordered to keep the Court informed of your address and phone number at all times while these charges are pending, or you are on probation to this Court.

I, the undersigned have been duly informed of the hearing and mailing of notice at least five days in advance of said hearing is hereby and voluntarily waived. I hereby acknowledge receipt of copy of same.

[Signature]

Defendant's Signature

[Signature]

Court Clerk

6-15-04

Date

Address

[Signature]

Phone

Attorney for Defendant

West Linn Municipal Court
22500 Salamo Road #400
West Linn, OR 97068
(503) 656-4263

IN THE MUNICIPAL COURT OF THE CITY OF WEST LINN
COUNTY OF CLACKAMAS, STATE OF OREGON

CITY OF WEST LINN,

Plaintiff,

vs.

Mark Handus

Defendant,

CD4-00012 +

CASE NO. CD4-00022

CHARGE(S) _____

Be advised, the above entitled matter has been set for In Pre-Trial Continued Appearance or Hearing in the West Linn Municipal Court on the 15th day of June, 20 04 at 4:00 p.m.
Failure to appear as ordered could result in a warrant for your arrest.

The Court will only allow one reset and this request must be in writing received at least 7 days prior to the above Court date and must be approved prior to the Court date.

You are ordered to keep the Court informed of your address and phone number at all times while these charges are pending, or you are on probation to this Court.

I, the undersigned have been duly informed of the hearing and mailing of notice at least five days in advance of said hearing is hereby and voluntarily waived. I hereby acknowledge receipt of copy of same.

[Signature]

Defendant's Signature

[Signature]

Court Clerk

4-20-04

Date

Address

Phone

[Signature]
Attorney for Defendant

West Linn Municipal Court
22500 Salamo Road #400
West Linn, OR 97068
(503) 656-4263

4-21-04 Copy given to Nancy Davis for CM - gl
" Copy mailed to Steve Crow

ROUTING: 1 - Court 2 - Defendant 3 - Defense Attorney

IN THE MUNICIPAL COURT OF THE CITY OF WEST LINN
COUNTY OF CLACKAMAS, STATE OF OREGON

CITY OF WEST LINN,

Plaintiff,

vs.

C04-00012 +
CASE NO. C04-00022

CHARGE(S) Viol of West Linn CDC
+ Viol of West Linn Men's
Code
+ Viol of Stop Work Order

Mark Handrus

Defendant,

Ex Pre-Jud Confere

Be advised, the above entitled matter has been set for Continued Appearance or Hearing in the West Linn Municipal Court on the 20th day of April, 2004 at 4:00 pm. Failure to appear as ordered could result in a warrant for your arrest.

The Court will only allow one reset and this request must be in writing received at least 7 days prior to the above Court date and must be approved prior to the Court date.

You are ordered to keep the Court informed of your address and phone number at all times while these charges are pending, or you are on probation to this Court.

I, the undersigned have been duly informed of the hearing and mailing of notice at least five days in advance of said hearing is hereby and voluntarily waived. I hereby acknowledge receipt of copy of same.

Dy has returned
Richard Allon
Attorney at Law

[Signature]

Defendant's Signature

[Signature]

Court Clerk

3-9-04

Date

Address

[Signature]
Phone
Richard Allon
Attorney for Defendant

West Linn Municipal Court
22500 Salamo Road #400
West Linn, OR 97068
(503) 656-4263

OREGON UNIFORM CRIMINAL CITATION

Use for All Citable Where Separate Complaint Will Be/Has Been Filed/ORS 133.068

SEE BACK OF SUMMONS

TRAFFIC OTHER WILDLIFE
 BOATING COMMERCIAL FISHING

STATE OF OREGON _____ DOCKET NO. _____

CITY/OTHER PUBLIC BODY WEST LINN COURT: MUNICIPAL JUSTICE

COUNTY OF CLACKAMAS JUVENILE CIRCUIT

5982

COMPLAINT

RESERVED FOR D.A. USE

04-0178

RESERVED FOR COURT USE

Handris, Mark E

THE UNDERSIGNED CERTIFIES AND SAYS THAT THE FOLLOWING PERSON:

ID TYPE <u>DL</u>	ID NO. <u>3123998</u>	STATE <u>OR</u>	TEL NO. <u>657-1094</u>
NAME: LAST <u>Handris</u> FIRST <u>Mark</u> MI <u>E</u>		LICENSE CLASS <u>C</u>	
ADDRESS <u>2002 Willamette Falls Dr</u>		<input type="checkbox"/> EMPLOYED TO DRIVE	
CITY <u>West Linn</u>	STATE <u>OR</u>	ZIP CODE <u>97068</u>	
SEX <u>M</u> RACE <u>W</u> DOB <u>7/20/64</u> HEIGHT <u>68"</u> WEIGHT <u>210</u> HAIR <u>Brn</u> EYES <u>Brn</u> DEF IS <input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> PASSENGER			

AT THE FOLLOWING TIME AND PLACE IN THE ABOVE-MENTIONED STATE AND COUNTY:

OFFENSE DATE MONTH 07 DAY 07 YEAR 04 TIME 9:50 AM PM

HIGHWAY PREMISES OPEN TO PUBLIC

AT OR NEAR LOCATION
Near 2120 Ostman Rd

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

1. VIOLATED (CITE ORS/ORD/RULE) <u>1.360</u>	DESCRIBE <u>Violation of stop work order</u>
<input type="checkbox"/> INTENTIONAL <input checked="" type="checkbox"/> KNOWING <input type="checkbox"/> RECKLESS <input type="checkbox"/> CRIMINAL NEGLIGENCE <input type="checkbox"/> NO CULPABLE MENTAL STATE	
2. VIOLATED (CITE ORS/ORD/RULE)	DESCRIBE
<input type="checkbox"/> INTENTIONAL <input type="checkbox"/> KNOWING <input type="checkbox"/> RECKLESS <input type="checkbox"/> CRIMINAL NEGLIGENCE <input type="checkbox"/> NO CULPABLE MENTAL STATE	
3. VIOLATED (CITE ORS/ORD/RULE)	DESCRIBE
<input type="checkbox"/> INTENTIONAL <input type="checkbox"/> KNOWING <input type="checkbox"/> RECKLESS <input type="checkbox"/> CRIMINAL NEGLIGENCE <input type="checkbox"/> NO CULPABLE MENTAL STATE	

OTHER _____ EXPL. _____

I CERTIFY AND SWEAR/AFFIRM UNDER APPLICABLE LAW THAT I HAVE SUFFICIENT GROUNDS TO AND DO BELIEVE THAT THE ABOVE-MENTIONED DEFENDANT/PERSON COMMITTED THE ABOVE OFFENSE(S) AND I HAVE SERVED THE DEFENDANT/PERSON WITH THIS CITATION.

DATE ISSUED 7/2/04 1ST OFFICER SIGNATURE Jac - Dol OFFICER(S) AGENCY ID WLPD

PRINT 1ST OFFICER NAME Jason Nolan 1ST OFFICER ID NO. 42794

2ND OFFICER OR ARRESTING PERSON SIGNATURE M. SMITH PRINT NAME M. SMITH 2ND OFFICER ID NO. 10012

COMPLAINT OR INFORMATION FILED AT TIME OF CITATION YES NO BY: _____

YOUR COURT APPEARANCE DATE, TIME AND LOCATION ARE

MO/DAY/YEAR 07/24/04 TIME 11:00 AM PM LOCATION West Linn Municipal Court

MUNICIPAL COURT OF THE CITY OF WEST LINN
CIVIL INFRACTION CITATION AND COMPLAINT

File Number C04-00012

Name: Mark Handris and Handris Properties
Residence Address: 2008 Willamette Falls Drive Phone: (503) 657-1094
City and State: West Linn, Oregon Zip: 97068

Are cited with committing the following infractions:

1. Violation of West Linn Community Development Code Sections 1.030A and 1.030B (Unpermitted Change in Use) by harvesting and removing trees from property not zoned consistent with such use.
2. Violation of West Linn Community Development Code Section 85.200J.9 (Failure to Save Trees) by harvesting and removing significant trees and tree clusters from property while an application for land division was pending.
3. Violation of West Linn Municipal Code Section 8.455 (Illegal Removal of Trees) by harvesting and removing trees without the required permit.

LOCATION

The infractions all occurred within the City of West Linn, Oregon, on property located at the northwest corner of Ostman and Dollar Roads, Tax Lots 100, 200, 300, 400 and 500 of Clackamas County Assessor's Map#21E34DC.

DATE AND TIME:

All infractions occurred on or after November 7, 2003 and have continued daily to the date of this Citation and Complaint. The infractions were observed by City employees on November 14, 2003.

SPECIFIC ACTIONS CONSTITUTING VIOLATIONS

All violations: Removal and harvesting of 51 total trees on property.

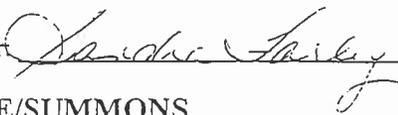
SCHEDULED FORFEITURE

Infractions 1 and 2: \$51,000 plus cost of prosecution (CDC 106.050B.1).

Infraction 3: \$15,207 plus cost of prosecution (WLMC 8.470(1)(b)).

TOTAL: \$117,207 plus cost of prosecution. Cost of prosecution is waived if the infraction is admitted and the scheduled forfeiture is paid.

I have reasonable grounds to believe and do believe that the persons cited above committed the above-cited infractions.

Date: 2/24/2004 City Manager 

NOTICE/SUMMONS

You are to appear in the West Linn Municipal Court, located in West Linn City Hall, 22500 Salamo Road, West Linn Oregon, at 11:00, a.m., on the 9th day of March, 2004.

IMPORTANT NOTICE

THE REVERSE SIDE OF THIS CITATION CONTAINS IMPORTANT INFORMATION AND INSTRUCTIONS. A JUDGMENT IN THE AMOUNT OF THE FORFEITURE MAY BE ISSUED AGAINST YOU IF YOU DO NOT COMPLY WITH THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS CITATION. THIS COMPLAINT IS BEING FILED IN MUNICIPAL COURT.

RETURN OF SERVICE

STATE OF OREGON,)
County of Clackamas,) ss. Case No. C04-00012
West Linn,)

I hereby certify that I served the within Civil Infraction Citation and Complaint in the said State, County of Clackamas, on the 24 day of February, 2004 on the within named person, by reading the original and delivering a copy thereof to:

Mark Handris

(Subject's name)

at 2008 Willamette Falls Dr. WL

(Address of Subpoena Service)

02-24-04

at 4:10 o'clock, P.M.

(Time)

By [Signature], Sgt. #16059

Print Name: Randall SCHLEINKE

Law Enforcement Agency: West Linn PD

DA.	DC	ME	JUV	AN	JET	MC	CA	Other:	
Grid # 270					C.L.A.S.S. WEST LINN POLICE DEPT. 22825 Willamette Drive West Linn, Oregon 97068 Special Report				Incident # 04-02-1581
X-ref 04-0143									Case # 04-0178

Supplemental:	Clearance	Special: XXXXX
Subject of Report: Violation of Stop Work Order		
Location of Occurrence: Behind 2120 Ostman Rd. West Linn, OR 97068		
Original Report 02/07/04	1020 hrs.	This Report 02/07/04
		1020 hrs.

Mentioned:

Handris, Mark E. - Cited

DOB: 07/30/64
 2008 Willamette Falls Dr. West Linn, OR 97068
 (503) 657-1094

Goodman, William Howard - Mentioned

DOB: 12/12/68
 2008 Willamette Falls Dr. West Linn, OR 97068
 (503) 657-0406
 Icon Construction

Sgt. Lewis - Assisting Officer

WLPD

Officer Smith - Assisting Officer

WLPD

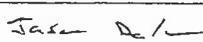
Action Taken:

On Saturday 02/07/04 at approximately 0925 hrs. Officer Smith and I were dispatched to a report of an ordinance violation (cutting tress in violation of a stop work order) behind 2120 Ostman Rd. in West Linn. We arrived on scene and contacted the worker in charge, Mr. William Goodman.

Officer Smith asked Mr. Goodman what he knew about he stop work order made on this property and Mr. Goodman said he was not aware of one. Mr. Goodman said he was out here yesterday with an engineer who told him what work had to be done and they came out here this morning to begin the work.

Mr. Goodman told me he works for Icon Construction and his boss is Mr. Mark Handris. Mr. Goodman called Mr. Handris and told me he was on his way to our location.

Sgt. Lewis arrived on scene and we informed him of what we were told. Mr. Handris arrived shortly after and told Sgt. Lewis the stop work order was invalid because it only covered part of the property and said he was "exercising his right" to work.

Time Rec. 0925 hrs.	Time Disp. 0925 hrs.	Time Arr. 0935 hrs.	Time Clear 1009 hrs.	Approved: 
Officer: Jason Dolan 			DPSST# 42794	Agency: WLPD 

Page # 1	C.L.A.S.S. WEST LINN POLICE DEPT. 22825 Willamette Drive West Linn, Oregon 97068 Continuation Report	Incident # 04-01-1290
Grid # 280		Case # 04-0143
<i>Farley - Admin.</i>		

SUMMARY

On Saturday 01/31/04 at approximately 1145 hrs. I was dispatched to a report of an ordinance violation in the area of Ostman Dr. at Dollar St. I arrived and took pictures of trees that were cut down possibly without a permit.

MENTIONED

Farley, Sandy - Mentioned
 22500 Salamo Rd. West Linn, OR 97068
 (503) 657-0331

Sgt. Lewis
 WLPD

Lodholz, James B. - Mentioned
 DOB: 06/08/52
 2120 Ostman Dr. West Linn, OR 97068
 (503) 655-6216

ACTION TAKEN

On Saturday 01/31/04 at approximately 1145 hrs. I was dispatched to a possible ordinance violation in the area of Ostman Rd. and Dollar St. I arrived in the area at approximately 1151 hrs. with Sgt. Lewis.

Sgt. Lewis contacted the City Manager, Sandy Farley, who was waiting in the area and had called in the complaint. Mrs. Farley thought that trees had been cut down in the field after a stop order had been placed on the work.

I took multiple pictures of the field where the trees had been cut down while Sgt. Lewis and Mrs. Farley walked around the area. Sgt. Lewis said it appeared no new trees had been cut down and the trees currently in the field had been there for a while.

While leaving the field, we talked to Mr. James Lodholz who told Mrs. Farley and I no one has cut down any trees since the stop order was placed and the trees have all been down for awhile.

Mrs. Farley would like copies of the pictures taken so she can compare them to pictures that were taken when the stop order was placed.

STATEMENTS

None - See Action Taken.

Officer: Jason Dolan <i>Jas Dolan</i>	DPSST# 42794	Agency: WLPD <i>JD</i>
---------------------------------------	--------------	------------------------

PA.	DC	ME	JUV	AN	DET	MC	CA	Other:	
Grid # 270					C.L.A.S.S. WEST Linn POLICE DEPT. 22825 Willamette Drive West Linn, Oregon 97068 Special Report				Incident # 04-02-1581
									Case # 04-0178

Mr. Handris said he spoke to his attorney who told him the stop work order was invalid. Mr. Handris also said he knew if he violated a stop work order it would be a \$1,000 fine and said he has been dealing with this issue between him and the city for some time over this property.

Officer Smith and I issued Mr. Handris criminal citation #5982 for Violation of a Stop Work Order. Sgt. Lewis informed the workers they needed to stop the work they were conducting or they would be cited as well.

The workers stopped working and gathered up their equipment.

We then cleared the scene.

Action Recommended:

Forward copy of this report to City Attorney.

Time Rec. 0925 hrs.	Time Disp. 0925 hrs.	Time Arr. 0935 hrs.	Time Clear 1009 hrs.	Approved:
Officer: Jason Dolan	<i>Jason Dolan</i>		DPSST# 42794	Agency: WLPD

Page # 2	C.L.A.S.S. WEST LINN POLICE DEPT 22825 Willamette Drive West Linn, Oregon 97068 Continuation Report	Incident # 04-01-1290
Grid # 280		Case # 04-0143

EVIDENCE

<u>Item</u>	<u>Location</u>	<u>Seized By</u>	<u>Disposition</u>
Picture Card	Ostman Dr. and Dollar	Officer Dolan	Evidence Locker #369

ACTION RECOMMENDED

Send copies of pictures taken to Sandy Farley.

Officer: Jason Dolan <i>Jason Dolan</i>	DPSST# 42794	Agency: WLPD
---	--------------	--------------

Day Sat	Date 01/31/04	Time 1152 hrs.	West Linn Police Department		Incident # 04-01-1290
Classification Ordinance Violation			Photographic Log		Case # 04-0143
Location Ostman Dr. at Dollar St.				<input checked="" type="checkbox"/> Digital <input type="checkbox"/> Print <input type="checkbox"/> Instant	
Case Officer Jason Dolan		DPSST 42794	Photographing Officer Jason Dolan		DPSST 42794
			Assisting Officer		DPSST

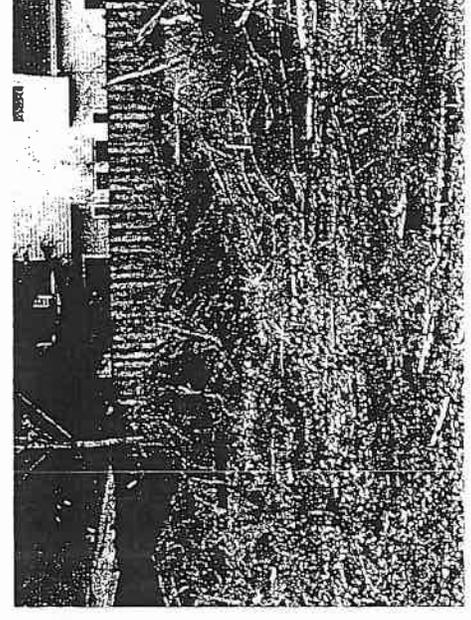
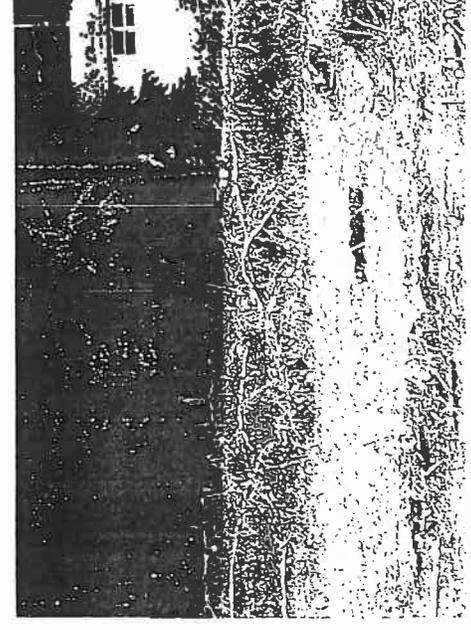
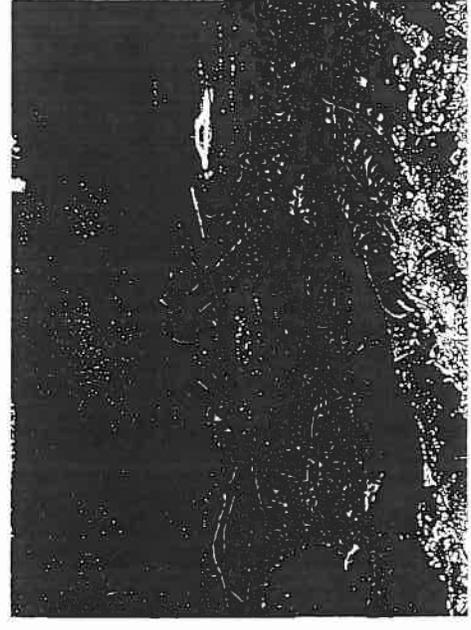
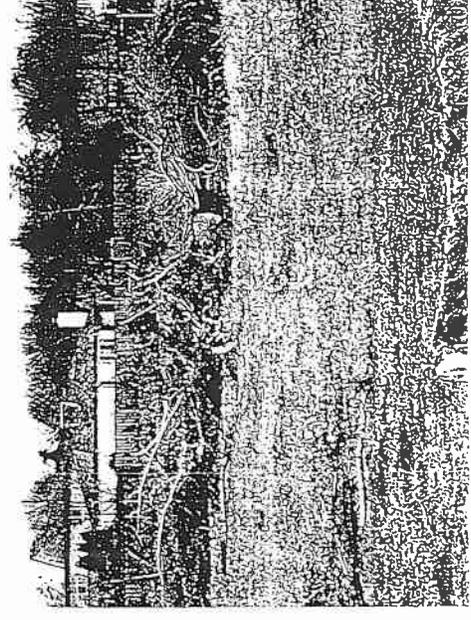
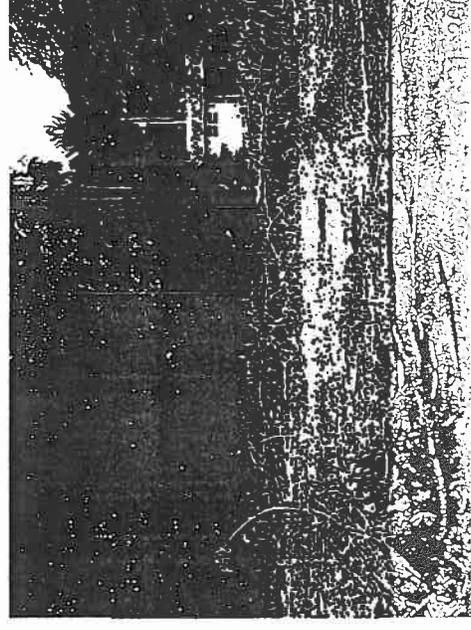
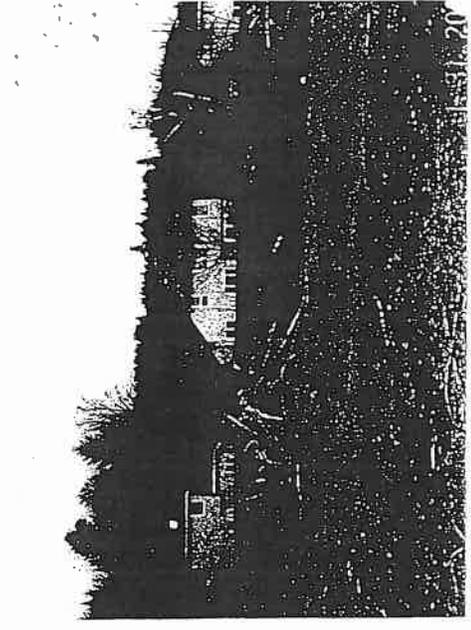
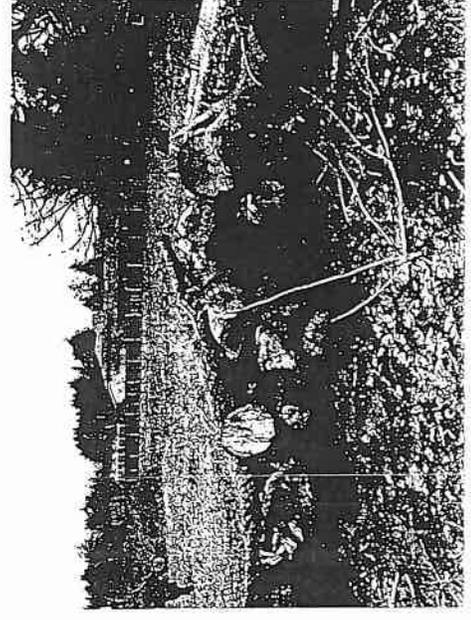
Image #	Description	Image #	Description
1744	Trees	1758	Trees
1745	Trees	1759	Trees
1746	Trees	1760	Trees
1747	Trees		
1748	Trees		
1749	Trees		
1750	Trees		
1751	Trees		
1752	Trees		
1753	Trees		
1754	Trees		
1755	Trees		
1756	Trees		
1757	Trees		

Scene Diagram

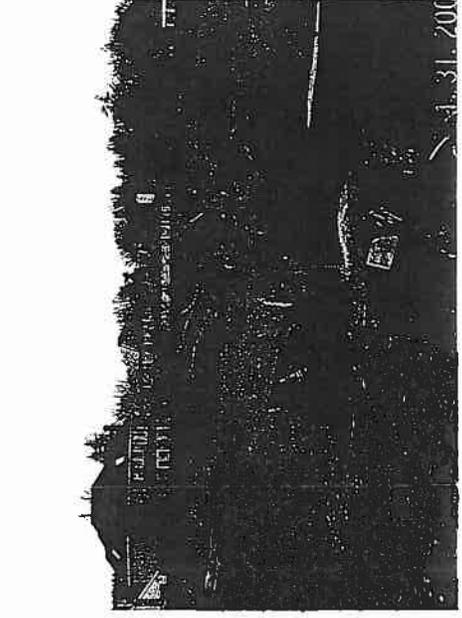
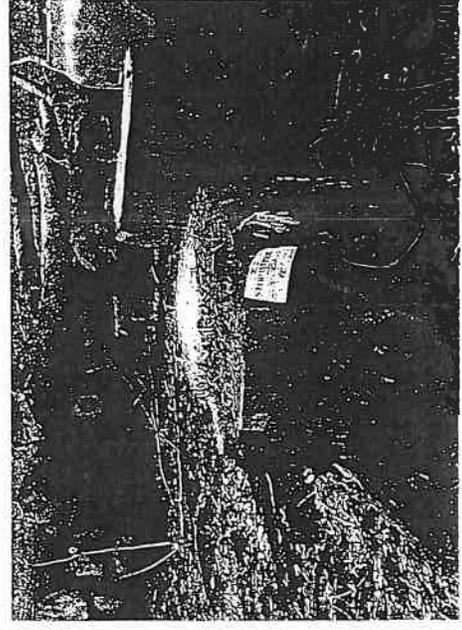
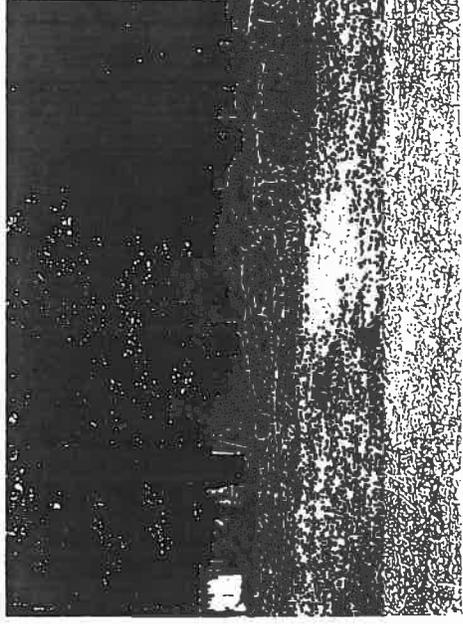
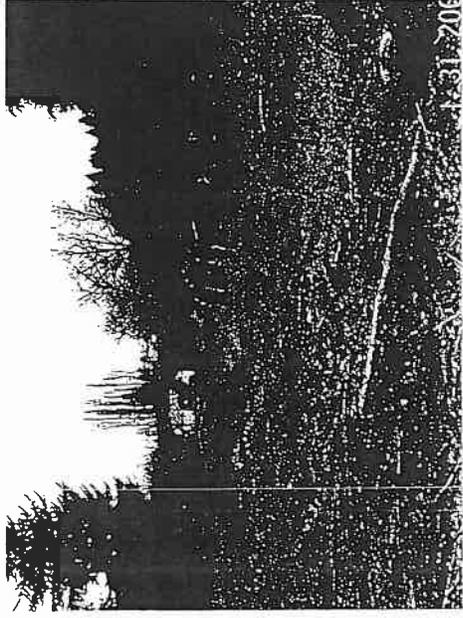
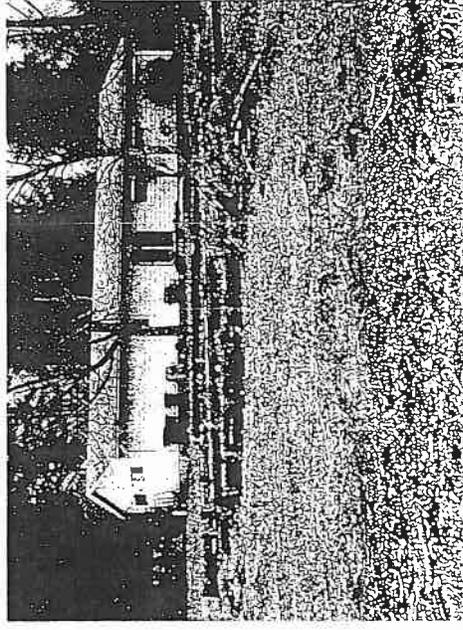
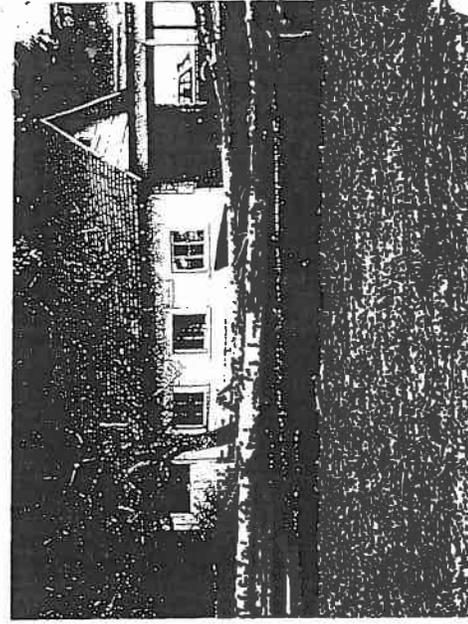
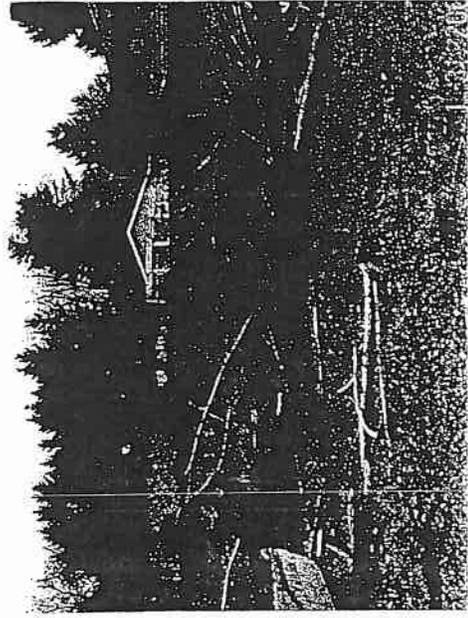
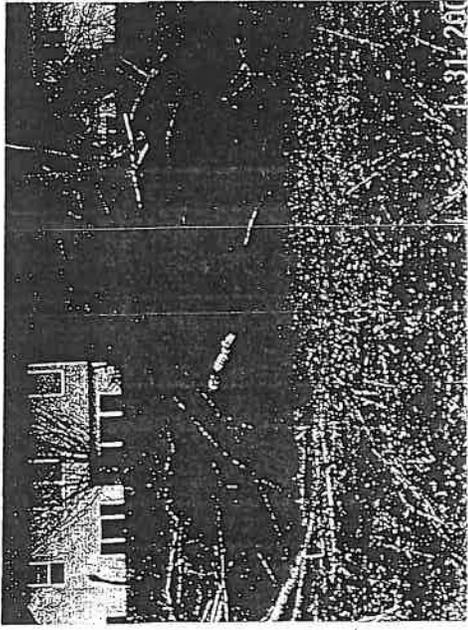
Officer: Jason Dolan	<i>Jason Dolan</i>	DPSST: 42794
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C.L.A.S.S. WEST LINN POLICE DEPARTMENT 22825 Willamette Dr., West Linn, OR 97068 PROPERTY IN CUSTODY REPORT										2 INCIDENT NO. 04-01-1290				
1 D-A JUV BD PROP PERS DC CR/AN MAR EAST W- USF MCSO PDP ME UDC OTHER										3 CRIME CLASSIFICATION Ordinance Violation				
4 CONNECT NUMBERS / REPORTS										5 REPORT OF: <input type="checkbox"/> Property In Custody <input type="checkbox"/> Rec. Stolen Property <input type="checkbox"/> Receipt				
6 OCCURRED 01 31 04 1144 Sat					7 REPORTED 01 31 04 1144 Sat					8 INTAKE LOCKER NO'S. #369				
10 LOCATION (Where seized, found, surrendered) Ostman Dr. at Dollar St.										9 DESTROY <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
PERSONS	12 OWNER NAME Last First Middle						13 SEX <input type="checkbox"/> Male <input type="checkbox"/> Female		14 DOB mo day yr		15 RES. PHONE			
	15 OWNER ADDRESS Street Address City State Zip Code						17 RACE		18 BUS. PHONE					
	19 Finder	20 NAME Sandy Farley						22 SEX <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female		23 DOB mo day yr		24 RES. PHONE		
	<input type="checkbox"/> Suspect	24 ADDRESS 22500 Salamo Rd. West Linn OR 97068						25 RACE		26 BUS. PHONE (503) 657-0331				
VEH.	27 VEHICLE INFORMATION License No State VIN Make Model Style Color										29 TOWED TO		30 TOW OPERATOR'S SIGNATURE Name Date	
	31 PROPERTY CLASSIFICATION Was the property seized under a search warrant? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Evidence <input type="checkbox"/> Contrband <input type="checkbox"/> Found Property <input type="checkbox"/> Salekeeping <input type="checkbox"/> Cleared NCIC <input type="checkbox"/> Hold for Processing													
PROPERTY INVENTORY	32 ITEM NO.	33 PROPERTY DETAIL Picture card Kodak 32mm MP						34 <input type="checkbox"/> Released						
	01	Photos of possible ordinance violation						<input checked="" type="checkbox"/> Prop. Rm.						
	2							<input type="checkbox"/> Released						
	3							<input type="checkbox"/> Released						
	4							<input type="checkbox"/> Released						
	5							<input type="checkbox"/> Released						
	6							<input type="checkbox"/> Released						
	7							<input type="checkbox"/> Released						
	8							<input type="checkbox"/> Released						
	9							<input type="checkbox"/> Released						
0							<input type="checkbox"/> Released							
44 RELEASED TO OR RECEIVED FROM Name Address Phone Signature														
45 REPORTING OFFICER/S Jason Dolan Inc - Dol 42794						46 RECEIVED - PROP. ROOM		47 APPROVED BY		48 DATA ENTRY				

04-0143



04-0145



City of West Linn
Measure 3-293

City of West Linn
Measure 3-294

Ballot Title

ANNEXATION OF PROPERTY AT 19650 SUNCREST DRIVE REQUIRING VOTER APPROVAL

QUESTION: Shall the City annex a 3.8-acre property located at 19650 Suncrest Drive and apply R-10 city zoning?

SUMMARY: West Linn Charter Section 3 requires that annexation of any territory be approved by the voters of the City. This measure, if approved, would annex a 3.8-acre parcel of real property located at 19650 Suncrest Drive. The site is on the east side of Suncrest Drive, north of Carriage Way. The West Linn City Council has determined that the proposed annexation complies with all relevant land use criteria for annexations.

EXPLANATORY STATEMENT

The West Linn City Charter requires voter approval of all annexations of property into city boundaries. The owners of a parcel of property have submitted a request to annex 3.8 acres located at 19650 Suncrest Drive, on the east side of the street north of Carriage Way. The site is surrounded by land within the City of West Linn.

The property is within the Portland Metropolitan Area Urban Growth Boundary. West Linn's Comprehensive Plan Map designates the property for Low-Density Residential Development. The city proposes to have the property zoned R-10, which is a zoning district consistent with the Comprehensive Plan Map designation. The R-10 zone permits single-family residential uses, with a maximum density of one dwelling for every 10,000 square feet. If zoned R-10, the property could theoretically be divided into up to 12 residential lots - however, no land division is proposed as part of this annexation request. If approved for annexation, any development of the property would be required to comply with the City of West Linn's Community Development Code, including those provisions relating to citizen involvement and the protection of trees and other natural resources. The site contains a large natural drainageway through its middle portion, with steep slopes along the sides of the drainageway ravine. A majority of the site is heavily forested. Any future development of the site will require conformance to West Linn rules protecting natural drainageways, significant trees, and steeply sloped land.

On November 26, 2007, the West Linn City Council approved "Step One" of the annexation process for this site, finding that the proposed annexation met all relevant city code provisions governing annexations. On February 11, 2008, the West Linn City Council considered all relevant factors related to this proposed annexation, and decided to put this proposed annexation forward for a decision by West Linn's voters.

The public has a right to view the application and the staff analysis at City Hall, 22500 Salamo Road, and at the City's website: www.ci.west-linn.or.us. For further questions please call Gordon Howard, City of West Linn, at 503-657-0331.

(This information furnished by Gordon Howard, City of West Linn.)

**NO ARGUMENTS IN FAVOR OF
OR IN OPPOSITION TO
THIS MEASURE WERE FILED.**

Ballot Title

ANNEXATION OF PROPERTY AT 23150 BLAND CIRCLE REQUIRING VOTER APPROVAL

QUESTION: Shall the City annex a 2.8-acre property located at 23150 Bland Circle and apply R-7 city zoning?

SUMMARY: West Linn Charter Section 3 requires that annexation of any territory be approved by the voters of the City. This measure, if approved, would annex a 2.8-acre parcel of real property located at 23150 Bland Circle. The site is on the north side of Bland Circle, opposite its intersection with Tannier Drive. The West Linn City Council has determined that the proposed annexation complies with all relevant land use criteria for annexations.

EXPLANATORY STATEMENT

The West Linn City Charter requires voter approval of all annexations of property into city boundaries. The owners of property at 23150 Bland Circle have submitted a request to annex 2.8 acres located on the north side of the intersection of Bland Circle and Tannier Drive. The site is adjacent to land within the city, and is part of an area entirely surrounded by the city limits.

The property is within the Portland Metropolitan Area Urban Growth Boundary. West Linn's Comprehensive Plan Map designates the property for Low-Density Residential Development. The city proposes to have the property zoned R-7, which is a zoning district consistent with the Comprehensive Plan Map designation. The R-7 zone permits single-family residential uses, with a maximum density of one dwelling for every 7,000 square feet. If zoned R-7, the property could theoretically be divided into up to 13 residential lots - however, no land division is proposed as part of this annexation request. If approved for annexation, any development of the property would be required to comply with the City of West Linn's Community Development Code, including those provisions relating to citizen involvement and the protection of trees and other natural resources. There are no significant natural features or environmental constraints related to the property.

On January 14, 2008, the West Linn City Council approved "Step One" of the annexation process for this site, finding that the proposed annexation met all relevant city code provisions governing annexations. On February 11, 2008, the West Linn City Council considered all relevant factors related to this proposed annexation, and decided to put this proposed annexation forward for a decision by West Linn's voters.

The public has a right to view the application and the staff analysis at City Hall, 22500 Salamo Road, and at the City's website: www.ci.west-linn.or.us. For further questions please call Gordon Howard, City of West Linn, at 503-657-0331.

(This information furnished by Gordon Howard, City of West Linn.)

**NO ARGUMENTS IN FAVOR OF
OR IN OPPOSITION TO
THIS MEASURE WERE FILED.**

DRIVE REQUIRING VOTER APPROVAL

Question: Shall the City annex a 3.8-acre property located at 19650 Suncrest Drive and apply R-10 city zoning?

Summary: West Linn Charter Section 3 requires that annexation of any territory be approved by the voters of the City. This measure, if approved, would annex a 3.8-acre parcel of real property located at 19650 Suncrest Drive. The site is on the east side of Suncrest Drive, north of Carriage Way. The West Linn City Council has determined that the proposed annexation complies with all relevant land use criteria for annexations.

Yes

No

3-294 ANNEXATION OF PROPERTY AT 23150 BLAND CIRCLE REQUIRING VOTER APPROVAL

Question: Shall the City annex a 2.8-acre property located at 23150 Bland Circle and apply R-7 city zoning?

Summary: West Linn Charter Section 3 requires that annexation of any territory be approved by the voters of the City. This measure, if approved, would annex a 2.8-acre parcel of real property located at 23150 Bland Circle. The site is on the north side of Bland Circle, opposite its intersection with Tannler Drive. The West Linn City Council has determined that the proposed annexation complies with all relevant land use criteria for annexations.

Yes

No