



## Memorandum

Date: September 16, 2009

To: West Linn Planning Commission (for October 7, 2009 hearing)

From: Tom Soppe, Associate Planner

Subject: PUD-09-01/SUB-09-01/WAP-09-02 (Suncrest Drive PUD)

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Attached are the testimony submittals received since the previous staff memo.

P:/generalp/memos08-09/PC Memo PUD-09-01 Sep 16

**Soppe, Tom**

**From:** Soppe, Tom  
**Sent:** Friday, September 04, 2009 4:45 PM  
**To:** ██████████ Zak, Teresa  
**Cc:** Sonnen, John  
**Subject:** RE: Website posting of Citizen Comments

Karie,

We included the link to applicant's request for continuance simply to show people there was a request for continuance, and that that's what we were responding to.

We are collecting yours and other citizen and NA submittals that continue to come in (and any other applicant submittals that may come in) to compile with a cover memo. The memo and submittals will go to PC and will be put on the web, long before the 10-7 hearing, so people can read and understand it all long before the hearing.

Thanks,

Tom

**From:** karieokee@aol.com [mailto:karieokee@aol.com]  
**Sent:** Friday, September 04, 2009 1:20 PM  
**To:** Zak, Teresa  
**Cc:** Soppe, Tom  
**Subject:** Website posting of Citizen Comments



Hello Teresa,

Thank you for your email notice that the PC hearing on September 2 for the Suncrest application was canceled. Your email included a link to Mr. Robinson's memo, dated September 2, requesting a continuance and granting an extension of the 120-day rule.

In his memo, Mr. Robinson refers to information presented by myself and others and his need for more time to respond to it.

My concern is this: My comments and the many other public comments to which Mr. Robinson refers, were not linked in your email. I think doing so would have provided the public with a much more comprehensive understanding of the reason the hearing was canceled.

Additionally, these public comments are not posted on the web site for this project file today, three days later.

The City has the goal of posting land-use information on the web site in a timely manner. In her training video on the City web site, "Using the Web for Land-use Research," Kirsten Wyatt states, "the Planning Department is updating project files daily, sometimes hourly, to make sure that it's reflecting the most updated information."

This was certainly true on behalf of the applicant in this case, but not on behalf of the public. I think the failure of the City to disseminate the public comments in a timely manner, that is at least equitable to the time in which comments of the applicant are disseminated, is unjustifiable and shows bias toward the

applicant.

Thank you,

Karie Oakes

**RECEIVED**

SEP 3 2009

PLANNING & BUILDING  
CITY OF WEST LINN  
TIME \_\_\_\_\_**Soppe, Tom**

**From:** michael gokey [mailto:mgokey@westlinn.gov]  
**Sent:** Wednesday, September 02, 2009 5:08 PM  
**To:** knowlesmatt@gmail.com; Zak, Teresa; Soppe, Tom  
**Cc:** karieokee@aol.com; treece@psp.org; brian-eastman@comcast.net; link@systemconsulting.ca; frank.wassen@earthlink.net; wisha@msn.com; david.ques@earthlink.com; beburke@comcast.net; roberta.schwarz@comcast.net; Tom Soppe  
**Subject:** RE: FYI and please post ASAP - Cancellation of Planning Commission Meeting of 9-2-2009  
**Attachments:** image001.gif

I agree i postponed a business trip so I could be here for thiws meeting. As Mr. Knowles said "I am open to hearing any justification from the city as to why this tactic is being accepted and supported by the city employees, staff and volunteers."

Mike Gokey

**From:** knowlesmatt@gmail.com  
**To:** tzak@westlinnoregon.gov; tsoppe@westlinnoregon.gov  
**CC:** karieokee@aol.com; treece@psp.org; brian-eastman@comcast.net; link@systemconsulting.ca; frank.wassen@earthlink.net; wisha@msn.com; david.ques@earthlink.com; beburke@comcast.net; roberta.schwarz@comcast.net; mgokey@hotmail.com; tom.neff@comcast.net  
**Subject:** RE: FYI and please post ASAP - Cancellation of Planning Commission Meeting of 9-2-2009  
**Date:** Wed, 2 Sep 2009 15:47:11 -0700

Dear Mr. Soppe,

This is unacceptable. I thought one of the purposes of a public hearing is just that—make it public. The applicant's tactic of repeatedly delaying is unacceptable. The issues that have been recently highlighted by "Ms. Oakes and others" are all from the past. Nothing is new here and the applicant should not be given unlimited ability to delay confronting these issues. The Planning Commission and the public have schedules to keep and other commitments to uphold. The repeated, unjustifiable delays by this applicant demonstrate a lack of respect for the time, money and effort that this city has provided them over and over. I am open to hearing any justification from the city as to why this tactic is being accepted and supported by the city employees, staff and volunteers. Personally, I believe that our city's time and citizens time is more valuable and can be used for more important issues.

Sincerely,  
 Matt Knowles  
 1810 Carriage Way

**From:** Zak, Teresa [mailto:tzak@westlinnoregon.gov]  
**Sent:** Wednesday, September 02, 2009 12:53 PM  
**Subject:** FYI and please post ASAP - Cancellation of Planning Commission Meeting of 9-2-2009

Good Afternoon,  
 The City web site has been updated with a revised Agenda to cancel tonight's 9/2/2009 Planning Commission meeting. See the e-mail with staff regarding 120 clock extension from the applicant.

9/3/2009

**Soppe, Tom**

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**From:** John & Kay [REDACTED]  
**Sent:** Wednesday, September 02, 2009 4:10 PM  
**To:** Soppe, Tom  
**Subject:** Water Resource Area

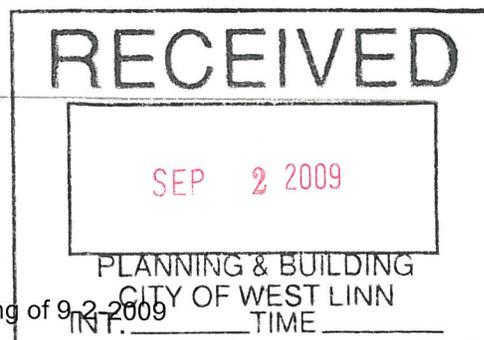
Mr. Handris should be held to his promise, written or not, to dedicate the treed area to the City. The City Planning Commission should not ignore its citizenry on behalf of one man's change of stance. Kathyne Elliot  
2355 Tannler Drive





**Soppe, Tom**

**From:** GARY [REDACTED]  
**Sent:** Wednesday, September 02, 2009 1:37 PM  
**To:** Zak, Teresa; Kerr, Chris; Planning Commission; Soppe, Tom  
**Cc:** Galle, Patti; 'Julia Simpson'; 'Hidden Springs Ranch Rec Assoc'  
**Subject:** UNBELIEVABLE:- Cancellation of Planning Commission Meeting of 9-2-2009



Teresa,

This is not an attack on you. This is also not so much an attack on anyone at the Planning Department. Regardless of the message here, I wish you a great day! My dream is, one day, that the powers that be will see all the talent that exists outside the offices at City Hall and let "you guys" run with it.

The extension called at the last minute is inexcusable and is becoming more and more of a tactic for applicant's to get away with poor work. This application, including any in the past two years, does not satisfy the burden of proof to qualify for review by the Commission. This application should not of even made it out of the department with an approval. This is starting out like Cedaroak, Holiday Inn, the Coston application, etc. etc. Oh joy! Has the City ever thought about the old adage measure twice and cut once? Ever thought about how easy this would be if it was done right to begin with??

'Meany' Gary Hitesman

Other:

Is Handris chickening out? Stalling is an effective tactic to get around following City codes, so I give him high marks for his business savvy. Unfortunately, his deficient application and planning have already spent untold time and money from other people's pockets. Not to mention the time spent by community watchdogs. Thank God I only invested 15 minutes on this application. Experience has taught me THIS was likely to happen.

I don't know why any Planning Commissioner would tolerate such a huge waste of their time. I wish the City was better at protecting their time and volunteerism.

Other important meetings were cancelled so that affected neighbors could attend this meeting. Unbelievable. I have no shame in saying how screwed up our City planning process is! And I no longer have any empathy or care regarding city leaders or managers, save two or three. City actions and governance is shameful.

Throw the application out for being incomplete! And then have the applicant pay back lost wages to the City and HSNA. Heck, I don't think SDC funds could cover any of the work anyway. And those lots will not likely sell anytime soon. In case no one has noticed, there is a surplus of vacant lots already. Look at the corner of Salamo and Rosemont! And while your at it, take pride in that black chain link fence that announces the neighborhood to passers by. With a thing like that, and approved by the City no less, it is no surprise to me why lots aren't selling.

This application should be reviewed by the new Planning Director, if one is ever hired and proves to be qualified.

Disgraceful. utterly and fantastically and stupendously.

All for the Record.

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**From:** Zak, Teresa [mailto:tzak@westlinnoregon.gov]  
**Sent:** Wednesday, September 02, 2009 12:53 PM

9/2/2009

**Soppe, Tom**

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**From:** Zak, Teresa on behalf of Planning Commission  
**Sent:** Wednesday, September 02, 2009 12:06 PM  
**To:** Steel, Christine; Chuck Lytle; Dean Wood; Horsey, Laura; Jones, Mike; Martin, Robert; Babbitt, Michael; Sonnen, John; Wood, Dean  
**Cc:** Kerr, Chris; Soppe, Tom  
**Subject:** FW: to approve an annexation

Teresa Zak, Administrative Assistant  
Planning and Building, #1533

West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.

Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

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**From:** JoEllen Hagerty [mailto:joellen.hagerty@westlinn.gov]  
**Sent:** Wednesday, September 02, 2009 11:45 AM  
**To:** Planning Commission  
**Subject:** to approve an annexation

Dear Sirs:

Being a resident of West Linn, I want to emphasis my concurrence with the e-mail sent to you by Ed and Robert Schwarz.

I reiterate: If citizens can be given misinformation in order to get them to approve an annexation and then the applicant is allowed to renege on the promise made twice to the people, then something is terribly wrong here.

I would ask your help in correcting this issue.

Thank you,

JoEllen Hagerty  
2237 St. Moritz Lp.  
West Linn, Oregon



**Soppe, Tom**

**From:** Laura Horsey [redacted]  
**Sent:** Wednesday, September 02, 2009 12:34 PM  
**To:** Zak, Teresa; Soppe, Tom  
**Cc:** Kerr, Chris  
**Subject:** Fwd: Written comments on Suncrest. Please place in public record so that we will have standing

Hello Teresa and Tom:

Here is the second email I received from a citizen, retrieved from my "Trash" folder and request that you send to all commissioners. Again, content is same or similar to what all commissioners have previously received. Regards, Laura

Laura Horsey

Begin forwarded message:

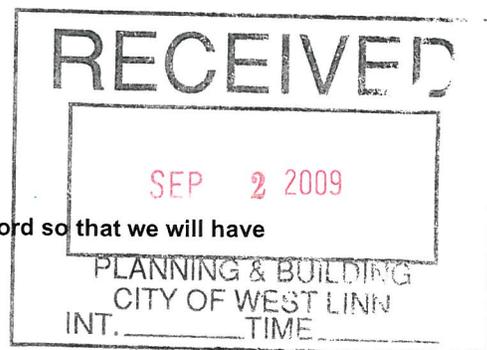
**From:** "Roberta Schwarz" [redacted]  
**Date:** September 2, 2009 11:09:16 AM PDT  
**To:** "Roberta Schwarz" [redacted]  
**Subject:** **FW: Written comments on Suncrest. Please place in public record so that we will have standing**

Hello Neighbors,

This is the letter that Ed and I just sent in and we thought that it might provide information that you would find of interest as West Linn citizens. If you choose to write in to express your opinion, it should be done today because the hearing is tonight. Or you can attend the meeting at 7 at City Hall and put your comments down on a "Citizen Comment" form or state them orally.

Thanks,

Roberta



**From:** Roberta Schwarz [redacted]  
**Sent:** Wednesday, September 02, 2009 11:00 AM  
**To:** '[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)'; '[planningcommission@westlinnoregon.gov](mailto:planningcommission@westlinnoregon.gov)'  
**Cc:** 'Jordan, Chris'; '[jsonnen@westlinnoregon.gov](mailto:jsonnen@westlinnoregon.gov)'; 'Jody Carson'; 'John Kovash'; 'Patti Galle'; 'Scott Burgess'; 'Teri Cummings'  
**Subject:** Written comments on Suncrest Please place in public record so that I will have standing

Hello Mr. Soppe and Planning Commissioners ,

Tonight the Planning Commission will hear the Suncrest application for a housing development.

Please see below and if you look at the four brief YouTube's on the link you will see proof that the representative for the developer twice said that the treed area would be dedicated to the city. This was before it was voted to be annexed by the citizens. After the annexation, the new representative said that it would not be dedicated to West Linn. Both the Marylhurst NA and the Hidden Springs NA denied support of this application.

9/2/2009

**We respectfully ask that this application be denied based on the fact that misleading information was given to the public on not one, but two, different occasions before it was annexed.** The Hidden Springs Neighborhood Association was advised by the applicant's representative to provide proof that this was stated and they have now done so with these 4 video clips. You can see this by clicking the link below. The proof has been provided, now the applicant has to be held responsible for the statements of his representatives and be told in no uncertain terms that this is not acceptable in West Linn.

This is exactly why the people of West Linn feel that the planning process in West Linn is broken. If citizens can be given misinformation in order to get them to approve an annexation and then the applicant is allowed to renege on the promise made twice to the people, then something is terribly wrong here. No applicant should be let off the hook for misinformation given to the citizens whether it's for an annexation, a land use application, or both.

Sincerely,

Ed and Roberta Schwarz

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The public should be aware that the City is allowing the applicant, Mr. Handris/ICON, to renege on his commitment to dedicate the water resource area to the City that was made during the annexation process. Please give interested persons the you tube link to view video excerpts of neighborhood, PC and CC meetings where the applicant misrepresents his plans for the WRA. There are four brief videos ranging from 1.5-6.25 minutes each.

<http://www.youtube.com/user/thehiddensprings>

**Soppe, Tom**

**From:** Laura Horsey [REDACTED]  
**Sent:** Wednesday, September 02, 2009 12:30 PM  
**To:** Zak, Teresa; Soppe, Tom  
**Cc:** Kerr, Chris  
**Subject:** Fwd: Bullet points on Suncrest

Hello Tom and Teresa:

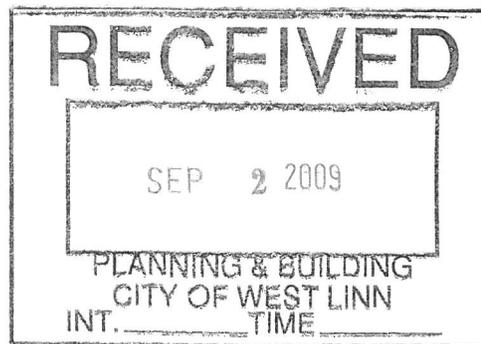
Earlier today I received two emails on the Suncrest proposal directly from a citizen who has recently sent email "blasts" about community events such as charitable auctions and grants for the Savana Oaks preserve. Seeing "Suncrest" referenced in the subject lines I deleted them without reading them. On reflection the principal of ex parte contact might be better served by sending them to all planning commissioners. So I have retrieved them from my "Trash" file and am forwarding them to you with a request to send them to all commissioners. This is the first of two emails I will send. It appears the content is the same or similar to what was sent to all commissioners earlier today.

Best regards, Laura

Laura Horsey

Begin forwarded message:

**From:** "Roberta Schwarz" <[REDACTED]>  
**Date:** September 2, 2009 10:16:10 AM PDT  
**To:** "Roberta Schwarz" <[REDACTED]>  
**Subject:** FW: Bullet points on Suncrest



Hello neighbors,

Tonight the Planning Commission will hear the Suncrest application for a housing development. Please see below and if you look at the four brief YouTube's on the link below you might want to make a written or verbal comment. The representative for the developer twice said that the treed area would be dedicated to the city. This was before it was voted to be annexed by the citizens. After the annexation, the new representative said that it would not be dedicated to West Linn.

If you make written comments please address them to [tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov) He is the city planner working on this application. If you choose to go to the meeting it will start at 7 tonight at City Hall.

Please see below. You can have your comments be in the public record and have standing by either writing your comments and sending them in today or making them in person tonight either in writing or orally at the PC Hearing.

Thanks,

Roberta

Hi Roberta,

The public should be aware that the City is allowing the applicant, Mr. Handris/ICON, to renege on his commitment to dedicate the water resource area to the City that was made during the annexation process. Please give interested persons the you tube link to view video excerpts of neighborhood, PC and CC meetings where the applicant misrepresents his plans for the WRA. There are four brief videos ranging from 1.5-6.25 minutes each.

<http://www.youtube.com/user/thehiddensprings>

**Soppe, Tom**

**From:** Robinson, Michael C. (Perkins Coie) [MRobinson@perkinscoie.com]  
**Sent:** Wednesday, September 02, 2009 11:15 AM  
**To:** Kerr, Chris; Soppe, Tom; bill.monahan@jordanschrader.com; kirsten@emeriodesign.com; handris@aol.com  
**Subject:** Re: Suncrest Application

Correction-to October 7 and the clock is extended by 35 days.

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

From: Robinson, Michael C. (Perkins Coie)  
To: 'ckerr@westlinnoregon.gov' <ckerr@westlinnoregon.gov>; 'tsoppe@westlinnoregon.gov' <tsoppe@westlinnoregon.gov>; 'bill.monahan@jordanschrader.com' <bill.monahan@jordanschrader.com>; 'kirsten@emeriodesign.com' <kirsten@emeriodesign.com>; Robinson, Michael C. (Perkins Coie); 'handris@aol.com' <handris@aol.com>  
Sent: Wed Sep 02 11:08:54 2009  
Subject: Suncrest Application

Chris, I am writing on behalf of the applicant. I hereby request that the hearing be continued from tonight until October 2, 2009. The reason for the continuance is to provide the Planning Commission with a reasoned response to the large amount of information presented so late by Ms Oakes and others. The applicant hereby extends the 120-day period by 30 days, the period of the continuance.

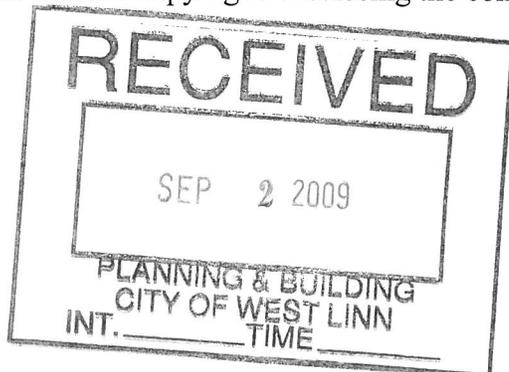
Mike

\* \* \* \* \*

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\* \* \* \* \*

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**Soppe, Tom**

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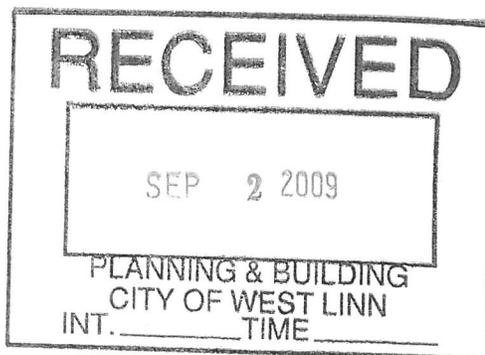
**From:** Larry Holt (mailto:larry@suncrest.net)  
**Sent:** Wednesday, September 02, 2009 11:12 AM  
**To:** Soppe, Tom  
**Subject:** Suncrest application

It has been brought to my attention that the original application for Suncrest included having the treed area dedicated to the city, yet the most recent information indicates it will not be dedicated to the city. I moved to West Linn in 2002 because of its reputation as a great community with concerns for the environment. It is crucial that our reputation remain so. You are in an important position to demand that comments used originally remain so. I am requesting the treed area be dedicated to the city.

Thank you for your consideration.

Larry Holt  
2305 Tannler Drive  
West Linn, OR 97068

503 742-8774



**Soppe, Tom**

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**From:** Roberta Schwarz [mailto:roberta.schwarz@comcast.net]  
**Sent:** Wednesday, September 02, 2009 11:00 AM  
**To:** Soppe, Tom; Planning Commission  
**Cc:** Jordan, Chris; Sonnen, John; Carson, Jody; Kovash, John; Galle, Patti; Burgess, Scott; Cummings, Teri  
**Subject:** Written comments on Suncrest Please place in public record so that I will have standing

Hello Mr. Soppe and Planning Commissioners ,

Tonight the Planning Commission will hear the Suncrest application for a housing development.

Please see below and if you look at the four brief YouTube's on the link you will see proof that the representative for the developer twice said that the treed area would be dedicated to the city. This was before it was voted to be annexed by the citizens. After the annexation, the new representative said that it would not be dedicated to West Linn. Both the Marylhurst NA and the Hidden Springs NA denied support of this application.

**We respectfully ask that this application be denied based on the fact that misleading information was given to the public on not one, but two, different occasions before it was annexed.** The Hidden Springs Neighborhood Association was advised by the applicant's representative to provide proof that this was stated and they have now done so with these 4 video clips. You can see this by clicking the link below. The proof has been provided, now the applicant has to be held responsible for the statements of his representatives and be told in no uncertain terms that this is not acceptable in West Linn.

This is exactly why the people of West Linn feel that the planning process in West Linn is broken. If citizens can be given misinformation in order to get them to approve an annexation and then the applicant is allowed to renege on the promise made twice to the people, then something is terribly wrong here. No applicant should be let off the hook for misinformation given to the citizens whether it's for an annexation, a land use application, or both.

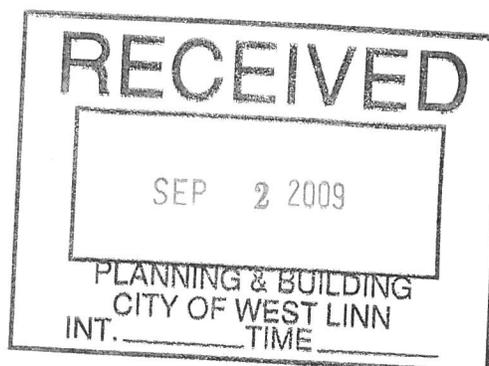
Sincerely,

Ed and Roberta Schwarz

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The public should be aware that the City is allowing the applicant, Mr. Handris/ICON, to renege on his commitment to dedicate the water resource area to the City that was made during the annexation process. Please give interested persons the you tube link to view video excerpts of neighborhood, PC and CC meetings where the applicant misrepresents his plans for the WRA. There are four brief videos ranging from 1.5-6.25 minutes each.

<http://www.youtube.com/user/thehiddensprings>



9/2/2009

**Soppe, Tom**

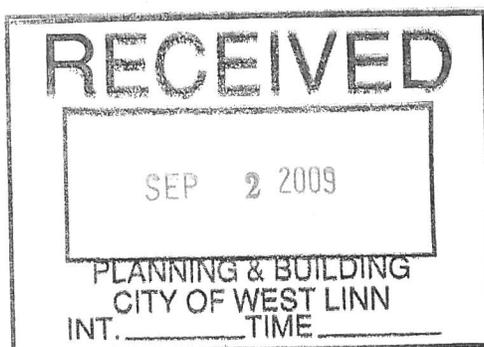
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**From:** Robert E. McCarthy [mccarthy@mcCarthyconsultants.com]  
**Sent:** Wednesday, September 02, 2009 10:50 AM  
**To:** Soppe, Tom  
**Subject:** Handris/ICON Development

Sir,

Given that the developer chose to misrepresent their intention to dedicate the water resource area to the City that was made during the annexation process it your and City's intention to support this development? And, if so how do you justify doing so?

Robert McCarthy  
1535 Burns Street  
503-557-0941



**Soppe, Tom**

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**From:** GARY [REDACTED]@comcast.net  
**Sent:** Wednesday, September 02, 2009 10:20 AM  
**To:** Soppe, Tom; Kerr, Chris  
**Cc:** 'KARIE OAKES'; Planning Commission  
**Subject:** Planning Commission and Suncrest Application

Was Commissioner Lytle asked to step down from the Suncrest application? Please provide the rationale if this is the case.

How is this different from Councilor Kovash sitting for the Holiday Inn appeal? How is this different from the city's legal attorney asking another councilor to step aside on the Holiday Inn appeal?

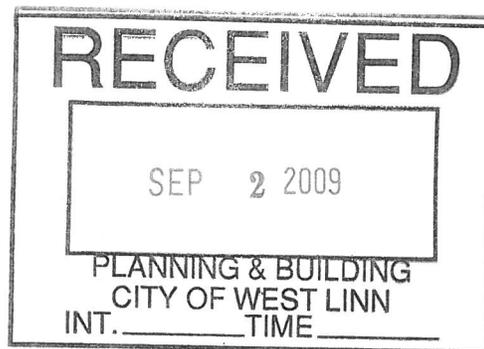
I am troubled by the apparent inconsistency and way in which these matters are addressed and settled. I have a problem in how the rules are written and don't think they would pass muster by an outside authority.

I believe Commissioner Lytle should be provided the opportunity to review the application. I believe there is a misinterpretation and lack of enforcement regarding CDC Chapter 99 AND Oregon Goal One intent.

The application should be denied based on the tainted nature of the hearing process. The application review should begin anew.

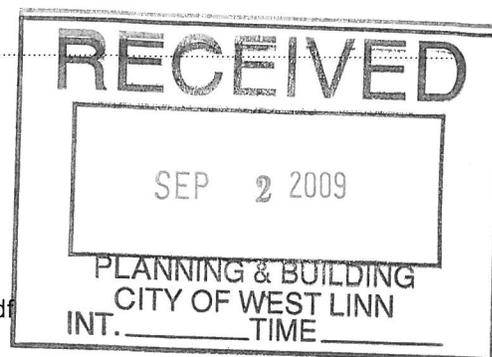
Also, please verify that all the posting requirements have been fulfilled and appropriate notices have all been performed by the administration.

Gary Hitesman



Soppe, Tom

From: GARY [REDACTED]  
 Sent: Wednesday, September 02, 2009 10:03 AM  
 To: Planning Commission; Soppe, Tom  
 Cc: 'KARIE OAKES'  
 Subject: FW: Memo regarding annexation of 19650 Suncrest DR  
 Attachments: Image.gif; 2009-07-15\_Staff\_Memo\_and\_Citizen\_Input.pdf



Mr. Tom Soppe,  
 Distinguished members of the Planning Commission ( that is all of you's),

After further review of the application, youtube videos, and a historically vasicilating policy regarding the stewardship of riparian areas and WRA's, I am recommending denial of the application. Similar applicable CDC intreptations have been repeatedly denied at LUBA and City Policy is currently too vague and unenforceable.

What caused my primary change in posture is my lack of faith in City Staff that is interpreting the intent of the CDC. I have doubts that the review is fair or contains a reasonable level of professionalism in deciphering the code. The lack of a Planning Director and guiding philosophy is evident in the review. The arguments made on behalf of the applicant by City Staff and Ms. VanLoo are weak.

This application, again because of the review process itself, has some of the trademarks of appeal all over it. The application is not so cut and dry as I had earlier thought.

To clarify, Policy and CDC are not clear enough indicators to base your decision off of entirely. Yes, this application is better prepared than the Cedaroak application and Holiday Inn application. It also does not possess, as far as I can see, any blatant mistakes or contradictory information like the Holiday Inn and the Rosemont Road application off Salamo across from the Middle School. However, the same improper engineering standards and improper interpretation of the code demonstrate similarities to the Hood Street application. And the apparently duplicitous statements around the project could jeopardize the integrity and low bar set for the annexation process.

There are three issues I find disconcerting. One is the previous public statements; two is the unclear policy and proper sustainable stewardship regarding WRA's; and three the interpretation of the CDC itself. If deemed appropriate, I would appreciate a response from the collective body tonight on these three issues:

1. The validity and trustworthiness of things said prior to annexation and what is allowed to occur afterwards. There are degrees which the answer might be yes or no. Do the videotapes and statements made today provide a reasonable argument that upholds the annexation process? (The application of Chapter 99 and Steps 1 and 2 of the annexation process)
2. What is the best policy that will protect WRA's 30 years out? There is not a discernable policy or a Director of Planning that can address the question at this time. The Council is unclear. And recent decisions regarding Chapter 32 and other related chapters indicate a trend of outmoded and improper application of the municipal governance. (OAR and State Regulations) If you go back 4 years or more, or look to the evolving issues of sustainable communities and thriving riparian environments, ***the City would be doing us a complete disservice by granting responsibilities of care to ANY future Homeowner Association.***
3. Our engineering standards are insufficient and the Planning Department has developed a 3 year (and continuing) dismembering of the CDC and Vision documents created 10 years ago. (Imagine West Linn)

Of particular concern was the statement, "what anyone may or may not have promised during an earlier application does not affect whether the current application meets the appropriate CDC criteria." Related to 1., how does this statement sync up with Chapter 99 or the purpose of Neighborhood Associations? This statement alone gets to the heart of the Commissions new role of community involvement and oversight, does it not? Why can one consultant for the applicant retract a statement made from another consultant for the applicant? What code or state statuate does Ms. VanLoo use to substantiate her claim, actions, and statements?

9/2/2009

Along with these issues, how can the commission address the inexplicable lack of follow through on projects that have been approved by Staff and Planning Commission?

Troubling to me is that I have seen more Planning Commissioners quit due to confusing and unenforceable decisions by City Staff and missing administrative leadership. I am troubled because everytime I delve into the CDC relevant to any application, I spend an enormous amount of time, energy, and resources to verify what is proposed and invariably come up short. There is no clear process either. I appreciate the dedication and commitment towards the volunteers on the Commission and lament the observation that you are all getting less than what you probably deserve. But when is this process going to get any better? When are applicants and City Staff going to be held accountable for their statements, commitments, and professionalism?

I think a reasonable amount of questioning the thought process and intent of the City Project Manager and Ms. VanLoo would be very appropriate tonight. Because I cannot ask; I strongly urge the commission to do so on our behalf.

Gary Hitesman

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**From:** kariooke@aol.com [mailto:kariooke@aol.com]  
**Sent:** Tuesday, September 01, 2009 11:28 PM  
**To:** hitesman@comcast.net  
**Subject:** Fwd: Memo regarding annexation of 19650 Suncrest DR

Hi Gary,

My apologies. I didn't mean to leave you off.

Karie

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

From: kariooke@aol.com  
To: tsoppe@westlinnoregon.gov  
Cc: treece@gsp.org; brian.eastman@comcast.net; JimK@SystemConsulting.com;  
frankwesson@earthlink.net; WLHSNA@msn.com; knowmatt@gmail.com;  
davidjones@equitygroup.com; bevburke@comcast.net; roberta.schwarz@comcast.net;  
mgokey@hotmail.com; tomneff@comcast.net  
Sent: Tue, Sep 1, 2009 11:05 pm  
Subject: Re: Memo regarding annexation of 19650 Suncrest DR

Thank you, Tom.

Your July 15, 2009 memo addresses only the statements regarding land dedication by Mr. Handris' representative, Mr. Ben Altman, at the Step 1 Annexation hearing. The issue of whether Mr. Handris made a commitment to dedicate the water resource area during the public process for this application can not be determined by this alone.

Numerous citizens, myself included, testified at the PC hearing on June 17, 2009 that Mr. Handris' representatives told the members of both the Marylhurst Neighborhood Association and the Hidden Springs Neighborhood Association that the land would be dedicated to the public. The following documents confirm that Mr. Handris made such commitment, which he now disavows:

9/2/2009



Both MNA and HSNA do not support this application for the reason that Mr. Handris has reneged on his commitment to dedicate the WRA land (see HSNA email to Tom Soppe, dated 03/17/09, on pg. 98; and MNA email to Tom Soppe, dated 07/29/09, in materials distributed to the PC on 08/05/09.)

Mr. Soppe, I respectfully disagree with your analysis of the issue of land dedication in your memo, dated July 15, 2009, in that it is greatly deficient and disregards evidence in the record and the oral testimonies of citizens at the PC hearing, all of which were part of the record prior to your memo.

I am particularly disappointed by your statement in the memo, "what anyone may or may not have promised during an earlier application does not affect whether the current application meets the appropriate CDC criteria." Pursuant to West Linn Community Development code 99.038, Mr. Handris was required to meet with the affected neighborhoods for both his annexation and land-use applications, which is where he misrepresented his plans for the WRA.

West Linn code protects the integrity of neighborhood contact from material misrepresentations like that of Mr Handris.

*99.038 (5) (f) In the event that it is discovered by staff that the aforementioned procedures of this section were not followed, or that a review of the audio tape and meeting minutes show the applicant has made a material misrepresentation of the project at the neighborhood meeting, the application shall be deemed incomplete until the applicant demonstrates compliance with CDC Section 99.038.*

West Linn code reiterates the importance of truthful representation by authorizing revocation of approvals.

*99.330 E. The hearings authority may, after a hearing conducted pursuant to this chapter, modify or revoke any approval granted pursuant to this chapter, for any of the following reasons:  
1. A material misrepresentation or mistake of fact made by the applicant in the application or in testimony and evidence submitted, whether such misrepresentation be intentional or unintentional;*

Mr. Handris should not be allowed to manipulate the requirement of neighborhood contact to his benefit. **The public expects that the intent and the purpose of the neighborhood contact be upheld by City staff and the Planning Commission.**

*99.038 Neighborhood Contact Required For Certain Applications*

*1. Purpose. The purpose of neighborhood contact is to identify potential issues or conflicts regarding a proposed application so that they may be addressed prior to filing. This contact is intended to result in a better application and to expedite and lessen the expense of the review process by avoiding needless delays, appeals, remands, or denials. The City expects an applicant to take the reasonable concerns and recommendations of the neighborhood into consideration when preparing an application. The City expects the neighborhood association to work with the applicant to provide such input.*

MNA and HSNA are asking Mr. Handris to honor his commitment to dedicate the WRA to the City, a reasonable request given the evidence in the record.

Thank you,

Karie Oakes

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

From: Soppe, Tom <tsoppe@westlinnoregon.gov>  
To: [REDACTED]  
Sent: Fri, Aug 28, 2009 2:08 pm  
Subject: RE: Memo regarding annexation of 19650 Suncrest DR

Karie,

It is not in the original staff report packet, but in the July 15 memo which is attached.

This memo is one of the links on the page for this application on the web, the link on that page is "2009-07-15 Staff Memo and Citizen Input"

Tom

 Tom Soppe  
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**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Friday, August 28, 2009 1:59 PM  
**To:** Soppe, Tom  
**Subject:** Memo regarding annexation of 19650 Suncrest DR

Tom,

Is your memo, containing your transcription of Mr. Ben Altman's testimony at the City Council Step I Annexation for 19650 Suncrest DR., in the Planning Commission's agenda packet dated June 3, 2009? I can't find the memo there, or in the land-use application project file for this property as posted on the City web site.

I would appreciate a copy.

Karie Oakes