



CITY OF West Linn

Memorandum

Date: August 5, 2009

To: West Linn Planning Commission

From: Tom Soppe, Associate Planner

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

Attached is all public testimony received on this case since the July 15 memo from staff.

P:/generalp/memos08-09/PC Memo PUD-09-01 new submittals August 5

Soppe, Tom

From: Soppe, Tom
Sent: Wednesday, August 05, 2009 1:03 PM
To: Horsey, Laura
Cc: Babbitt, Michael; [REDACTED] Martin, Robert; [REDACTED] Wood, Dean; Jones, Mike
Subject: Answers to Commissioner Horsey's questions on PUD-09-01

Laura,

The answers in order:

1. TVFR is requiring no parking signs on both sides of Street A (the east-west segment connecting to Suncrest) but on only one side of Street B (the dead end between the two rows of houses). Assuming that it is the west side (no driveway intersections) of Street B where parking is allowed, this appears to allow 6 spaces going by Chapter 46's size measurements for parallel parking on streets. The most northerly of these spaces would spill into Lot 6 where there is still a street but it is not a shared access easement so that space would only be usable for Lot 6. If it is the east side of the street and the driveways have to be taken into account, it looks like there would be 4 spaces, again with the northernmost one only usable by Lot 6. Khoi from Engineering concurs with how I have done the analysis.

2. COA 11 ensures they will initially get out the invasives throughout Tract B and replace them with natives. After that it is still their responsibility to always maintain it if they own it. Like a lot of properties, if they don't maintain it properly in terms of invasives and such in the future, neighbors can complain and the City can make them maintain it via code enforcement. The easements for access to the driveway and Tract A will have to specify that the developer will continue to have access to Tract B even after the rest of the subdivision is sold to homeowners.

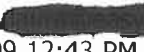
3. It looks as if the applicant plans to remove all the trees along the north edge of the area to be developed (see staff report p. 81 and more clearly on p. 92). None of these are significant and therefore none are protected specifically by code (although commissioners could theoretically protect them via some of the PUD chapter's more subjective criteria such as 24.100[B][1] which in part says "...preserve the existing amenities of the site to the greatest extent possible...", if they are able to survive being close to the new building footprints, etc.). I can check with the arborist (who gets back from being gone soon) and get back to you again regarding how to best protect the laurel hedge and if he has an idea of what distance is appropriate; for now we propose a new COA, #16, which states, "The applicant shall preserve the laurel hedge along the border of the subject property and 1810 Carriage Way, and shall protect the health and root systems as best as possible throughout the construction process." The arborist is still on leave and I can ask him about it when he gets back.

4. None of the trees in the area to be developed are proposed by the applicant to be preserved. All significant trees, including #1389 which I think the pre-app notes are referring to, will be mitigated for per COA 3. As discussed in Finding No. 33, the applicant already meets the 20% requirement of 55.100(B)(2) via the Type III and IV lands east of the creek which will be protected in the conservation easement. In order to meet basic code minimums, they don't necessarily need to save anything in the developed area as even COA 3's mitigation proposal goes beyond the code requirements.

5. Chapter 32 requirements do not get relaxed in a PUD application. Tract B is larger than what is required by Chapter 32 as a) it's western border is slightly further west than where Chapter 32 sets the transition area boundary, and b) many areas between the creek and the eastern boundary of the site are not in the transition area as defined by 32 but are proposed to be in Tract B which will be completely protected. See page 52 of the staff report for a visual explanation of what is in the previous sentence.

Commissioners- I am ccing all of you on this; please do not comment back on the info other than additional questions or clarifications from staff. Thanks,

Tom Soppe
Associate Planner
City of West Linn
22500 Salamo Road
West Linn, OR 97068

From: Laura Horsey [mailto:
Sent: Tuesday, July 14, 2009 12:43 PM
To: Soppe, Tom
Cc: Kerr, Chris
Subject: Suncrest PUD questions


Hello Tom:

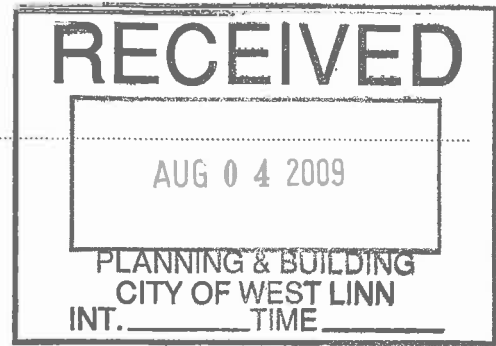
Time for me to ramp back up on this proposal in preparation for the hearing on the 29th. I have a few more questions:

1. I remain confused on the parking available on the lane(s). Taking into account the lane width, the engineer's perspective, and TVFR no parking sign placement, how much street (lane) parking is available (not counting parking on Suncrest itself)? How many spaces?
2. There was discussion at the initial hearing about the responsibility to maintain Tract B. What is that responsibility under a conservation easement? Much of the discussion assumed a HOA, but the proposal says it will remain with the current property owner. How will the current property owner or a future HOA get access to tract B? (I am thinking of the maintenance responsibility, not dirt bikes.)
3. Two items regarding the perimeter for you and/or the city arborist: Even though the PUD density transfer allows smaller lot sizes without a zone change, and the PUD code allows the request for smaller setbacks without a variance, the PUD code (in several places) does put emphasis on how the project interfaces with neighboring properties. When I asked about privacy on the north side, the architect said the large trees would provide that, yet there is only side yard setback there vs. say a rear setback in R10 or R7 which would have been 20 feet. Can you or the arborist comment on what trees would likely remain intact in this limited space to provide privacy (as proposed)? On the south side, neighbors have a large mature hedge as a privacy screen. Can you or the arborist comment on what distance from the hedge the lane needs to be to maintain a healthy hedge? Does the proposed lane placement allow sufficient space to not compromise the hedge? What protection needs to happen during construction both north and south for the privacy trees and hedge to not be damaged?
4. One more re trees: Does the plan call for the large tree (referenced in the pre-app notes) on Suncrest to be kept?
5. Are the chapter 32 WRA provisions relaxed at all due to this being a PUD application? Does the application set aside into Tract B/conservation easement any more than would already be protected from development under chapter 32?

Thanks again for your help. As we discussed in the PC working session, please copy all commissioners on your response with a reminder not to comment back on the info other than additional questions or clarifications from staff.

Best regards, Laura

Laura Horsey




Soppe, Tom

From: michael gokey [REDACTED]
Sent: Tuesday, August 04, 2009 11:36 AM
To: Soppe, Tom
Subject: RE: drawings

Tom

They have to submit all of the drawings for the whole site how else will you be able to approve the drawings. Don't forget I work for a major A&E firm and have over 25 yrs experience. So don't tell me that they don't have to submit all of the project.

Mike Gokey

Subject: RE: drawings
Date: Mon, 3 Aug 2009 15:15:59 -0700
From: tsoppe@westlinnoregon.gov
To: [REDACTED]

The transition area boundary (i.e. riparian setbacks) is best shown on p. 52 of the staff report link on the page for this project. It's hard to have the full size drawings of the site show the whole tract b plus getting detailed regarding the area where development is proposed, since tract b is so big. To provide the perspective of the lots, tract b, and surrounding areas at a scale where all of tract b is seen, go to p. 86 of the staff report link.

You can also come in here and purchase copies or look at paper versions if you can't get things to work at home.

Thanks,
 Tom

City of West Linn
 Tom Soppe
 tsoppe@westlinnoregon.gov
 Associate Planner
 22500 Salamo Rd
 West Linn, OR, 97068
 P: (503) 742-8660
 F: (503) 656-4106
 Web: westlinnoregon.gov

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

From: michael gokey [mailto:[REDACTED]]
Sent: Monday, August 03, 2009 12:22 PM
To: Soppe, Tom; wlhsna@msn.com
Subject: RE: drawings

Tom

It seems that I wasn't able to download all of the drawings. The area to the east of the stream isn't shown on any of the set of drawings. This area should be shown with the riparian setbacks shown on the drawing. Shouldn't they?

Mike Gokey

Soppe, Tom

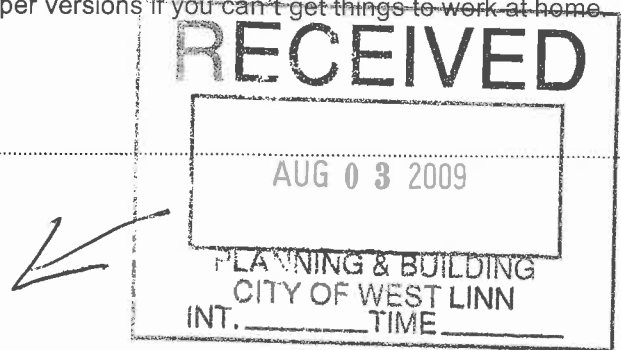
From: Soppe, Tom
Sent: Monday, August 03, 2009 3:16 PM
To: 'michael gokey'
Subject: RE: drawings

The transition area boundary (i.e. riparian setbacks) is best shown on p. 52 of the staff report link on the page for this project. It's hard to have the full size drawings of the site show the whole tract b plus getting detailed regarding the area where development is proposed, since tract b is so big. To provide the perspective of the lots, tract b, and surrounding areas at a scale where all of tract b is seen, go to p. 86 of the staff report link.

You can also come in here and purchase copies or look at paper versions if you can't get things to work at home.

Thanks,
Tom

From: michael gokey [mailto: [REDACTED]]
Sent: Monday, August 03, 2009 12:22 PM
To: Soppe, Tom; wlhsna@msn.com
Subject: RE: drawings



Tom

It seems that I wasn't able to download all of the drawings. The area to the east of the stream isn't shown on any of the set of drawings. This area should be shown with the reparation setbacks shown on the drawing. Shouldn't they?

Mike Gokey

Subject: RE: drawings
Date: Wed, 1 Jul 2009 09:39:03 -0700
From: tsoppe@westlinnoregon.gov
To: [REDACTED]

The easiest way for you to access things electronically is actually to go to the project page on line:

<http://westlinnoregon.gov/planning/19650-suncrest-drive-6-lot-pud>

Go on this page to the pdf link "Applicant's Revised Submittal (second revision)" which I think should have everything you need, and all other links to material related to the project are there too.

Tom Soppe
Associate Planner
City of West Linn
22500 Salamo Road
West Linn, OR 97068

From: michael gokey [mailto: [REDACTED]]
Sent: Wednesday, July 01, 2009 9:22 AM
To: Soppe, Tom
Subject: re:drawings

Dear Mr. Soppe

Could you email me a complete set of drawings for 19650 Suncrest. I am especially interested in the drawings that shows which trees they need to replace as well as the drawing that shows the encroachment of the retention/detention basis and outflow lines.

Mike Gokey

Public Records Law Disclosure

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Soppe, Tom

From: Soppe, Tom
Sent: Wednesday, July 29, 2009 3:48 PM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: FYI and Please Post Cancellation of Tonight's Planning Commission Meeting

Ms. Fox,

The applicant has requested the Sept 2 date, but it isn't for sure yet whether the hearing will be that date or another. We will re-notice the hearing date when we know for sure what it is.

The record remains open for citizen/NA submittals.

A citizen will not be able to attend the meeting that the city has with the applicant; we will pass your concern on to the applicant and they can weigh in on whether they do want a citizen to attend however.

It is up to the NA to decide whether to invite the applicant to speak at another NA meeting in the meantime.

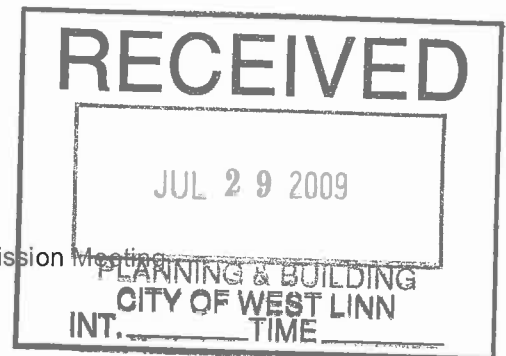
Thanks,

Tom Soppe
Associate Planner
City of West Linn
22500 Salamo Road
West Linn, OR 97068

From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Wednesday, July 29, 2009 3:14 PM
To: Soppe, Tom
Subject: Fw: FYI and Please Post Cancellation of Tonight's Planning Commission Meeting

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

From: Hidden Springs Neighborhood Assoc.
To: tsoppe
Sent: Wednesday, July 29, 2009 1:09 PM
Subject: Fw: FYI and Please Post Cancellation of Tonight's Planning Commission Meeting



Hello Mr. Soppe,

Below is the email I received from Ms. Zak regarding the rescheduling of the Suncrest Development hearing to September 2, 2009. Since this is a continuation will the record remain open until that date?

I have been requested to ask you if one of the preap trained parties can attend the Staff meeting with the applicant in the interests of transparency and citizen participation. Of course the citizen will observe only unless asked a question.

The HSNA board would like to offer an opportunity to the applicant to attend the August 18, 2009

HSNA regular monthly meeting if Staff advises me that an invitation to the applicant would be appropriate.

I look forward to hearing from you.

Cordially,

Lynn Fox, President
Hidden Springs NA
----- Original Message -----

From: Zak, Teresa

Sent: Wednesday, July 29, 2009 9:54 AM

Subject: FYI and Please Post Cancellation of Tonight's Planning Commission Meeting

Good Morning,

The city web site has been updated with a revised agenda to cancel the July 29, 2009 PC meeting, due to applicant request per letter of July 28, 2009.

Thank you and enjoy your evening.



Teresa Zak
Planning Department
503.723.2533
tzak@westlinnoregon.gov

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Soppe, Tom

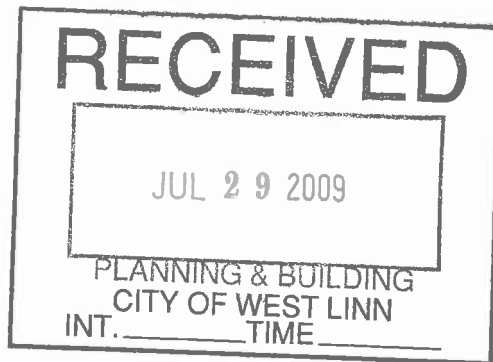
From: Soppe, Tom
Sent: Wednesday, July 29, 2009 11:14 AM
To: Neff, Tom
Subject: RE: suncrest 6-lots

We are not sure yet what it all means, so feel free to keep in touch when we might know more.

Tom Soppe
Associate Planner
City of West Linn
22500 Salamo Road
West Linn, OR 97068

From: Tom Neff [mailto:tom.neff@comcast.net]
Sent: Wednesday, July 29, 2009 10:51 AM
To: Soppe, Tom
Subject: suncrest 6-lots

Saw the letter from Mike Robinson re Handris. Does this mean that he is considering dedicating the property in question to the city?



Soppe, Tom

From: Brian Eastman [redacted]
Sent: Wednesday, July 29, 2009 8:05 AM
To: Soppe, Tom
Subject: Marylhurst NA Comments RE: PUD-09-01 / SUB-09-01 / WAP-09-02

Tom,

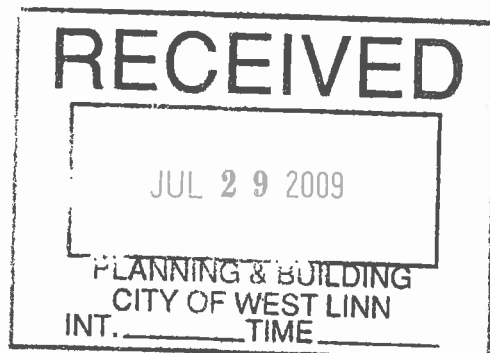
At the June 23rd, 2009 regular meeting of the Marylhurst Neighborhood Association, the following resolution was passed by a unanimous vote of the 8 members present.

The Marylhurst Neighborhood Association recommends to the West Linn Planning Commission that the PUD application at 19650 Suncrest Drive be denied. This recommendation stems from the lack of good faith on the part of the property owner and the developer with regard to dedicating the riparian area along Fern Creek to the city. The intention to dedicate the land was clearly conveyed by the developer's representative to several neighborhood associations at pre-annexation meetings regarding this parcel, and some support within the neighborhood for the annexation was clearly based on this commitment. In light of the developer's decision to not dedicate this land to the city, we do not see any "public benefit" commensurate with the granting of a Planned Unit Development per CDC chapter 24.

My apologies for not getting this commentary to you sooner. There was some mis-communication with regard to which member of our NA would forward the information to you. Please be sure this comment is included in the public record on this matter, and made known at the July 29th Planning Commission hearing on this topic.

Thanks,

Brian Eastman
Secretary
Marylhurst Neighborhood Association



Soppe, Tom

From: michael gokey [redacted]
Sent: Thursday, July 23, 2009 11:31 AM
To: Soppe, Tom
Subject: RE:testimony

Mr. Soppe

I'm sorry that I have been informed by my company that I will be away on company business next week I wish this to be entered as my testimony.

I'm Mike Gokey residing at 2085 ridgebrook DR. in West Linn, Or.

After receiving the email below I decided to contact the Oregon State Attorney General to see if by promising to dedicate tract b to the city of West Linn if this could be in some way be considered Voyer Fraud or something to that effect.

I was told that the City attorney should be te one to request an investigation into whether or not the developer & his representatives did affect the decision of voters by promising that the developer would dedicate Tract B to the City. Therefor I will be requesting a continuance until this issue is resolved. If for some unforeseen reason the City Attorney doesn't feel confidence please let me know so that I can write the letter to the Attorney Generals office and to the local Board of elections. If he does write this letter please have him forward a copy to Ms. Lynn fox of the Hidden Springs NA.

Next I would like to mention that in Chapter 32 section 050 it states in sub paragraph D easements ARE not preferred. "Water resource areas shall be protected from development or encroachment by dedicating the land title deed to the City for public open space purposes if either: 1) a finding can be made that the dedication is roughly proportional to the impact of the development; or, 2) the applicant chooses to dedicate these areas. Otherwise, these areas shall be preserved through a protective easement. Protective or conservation easements are not preferred because water resource areas protected by easements have shown to be harder to manage and, thus, more susceptible to disturbance and damage. Required 15-foot wide structural setback areas do not require preservation by easement or dedication." These structural setbacks are not shown on the drawings.

Also in the same section it states "H. Paved trails, walkways, or bike paths shall be located at least 15 feet from the edge of a protected water feature except for approved crossings. All trails, walkways, and bike paths shall be constructed so as to minimize disturbance to existing native vegetation. All trails, walkways, and bike paths shall be constructed with a permeable material and utilize Low Impact Development (LID) construction practices.

Also seeing how the developer PROMISED to give te city 20 foot easements in the future how can we count on this promise to be upheld. He promised to give the city a certain amount of lend now he says no.

On the tree issue the City Arborist stated which trees were significant. All trees are significant these happen to form a natural buffer between the two developments. To call this property as a flat piece of land is a large stretch. This parcel of lanf drops some 3-5 feet from the (Suncrest side) front to the edge of tract "b".

Mike Gokey

From: WLHSNA@msn.com
To: tsope@westlinnoregon.gov
Subject: Fw: F.Y.I. and Posting of Planning Commission Agenda for Special Meeting on 7/29/2009
Date: Sun, 19 Jul 2009 19:27:36 -0700

Soppe, Tom

From: Hidden Springs Neighborhood Assoc. [WLHSNA@msn.com]
Sent: Sunday, July 19, 2009 7:28 PM
To: Soppe, Tom
Subject: Fw: F.Y.I. and Posting of Planning Commission Agenda for Special Meeting on 7/29/2009
Attachments: 9-18-07 Minutes A.doc

Dear Mr. Soppe,

Upon receiving this email from Ms. Zak with the links to your memorandum of July 15, 2009 to Mr. Kerr regarding PUD-09-01/SUB-09-01/WAP-09-02 Suncrest PUD, I noted that you had failed to include the Hidden Springs Neighborhood Association 9/18/2007 minutes which refer specifically to the promises made by the property owner to the citizens prior to the Step Two meeting and annexation vote regarding 19650 Suncrest.

It is generally believed that the repeated promises to deed the treed area to the city if the property was annexed which were made by Ben Altman of SFA Consulting, who stated he was representing the owner, led many people to forego attending the Step Two meeting and to actually vote for annexation of the property. The owner's actions apparently convinced people the city would be receiving the benefit of the tree area if the annexation was approved.

Imagine the disappointment of these residents when Ms. VanLoo of Vanloo2 and Associates, another representative of the property owner, advised attendees at the subsequent HSNA meeting for the Suncrest PUD that the owner was not deeding the property to the city following its successful annexation. When people at the meeting advised Ms. VanLoo that the owner had promised to deed the property to the city and they had voted for annexation for that reason, she requested documentation of that fact and she would make it part of the record if we could produce it. As President of HSNA I provided Ms. Van Loo with a dvd of the September 17, 2007 HSNA meeting with SFA Consulting showing Mr. Altman repeatedly stating that the owner (Mark Handris) would deed the treed area to the city if the property was annexed. I also provided her with a copy of the written minutes to the September 18, 2007 HSNA meeting. Ms. VanLoo apparently failed to make the dvd or the written minutes of the September 18, 2007 HSNA meeting a part of the public record as she indicated she would.

I have attached the written minutes to this email and request that you make them part of the record and provide copies to the Planning Commissioners. I have attempted to submit the 9/18/2007 dvd and the tapes of the HSNA meeting but the city has apparently lost the tapes and cannot play the dvd. Please tell me what I can do to assist the city in presenting the vhs tape of the meeting to the planning commission and making it part of the public record? Please forward my email and its attachment to the Planning Commissioners and make it part of the public record.

Cordially,

Lynn Fox, President
Hidden Springs NA

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

From: Zak, Teresa

Sent: Wednesday, July 15, 2009 1:29 PM

Subject: F.Y.I. and Posting of Planning Commission Agenda for Special Meeting on 7/29/2009

Distributed to PC 8.5.09 web 8.6.09

7/29/2009

Good Afternoon,

The City web site has been updated with the Planning Commission agenda for a special meeting to be held 7/29/2009 regarding the 6-lot PUD at 19650 Suncrest Drive. There is also an additional Staff Memo and Citizen Input received through 12:00pm today, 7/15/2009.

Thank you,

Teresa Zak



Teresa Zak
Planning Department
503.723.2533
tzak@westlinnoregon.gov

Public Records Law Disclosure

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**HIDDEN SPRINGS NEIGHBORHOOD ASSOCIATION
MINUTES
MEETING OF SEPTEMBER 18, 2007
AMENDED 11/18/2008**

CALL TO ORDER. The meeting was called to order at 7:00 PM at the West Linn Adult Community Center by President, Lynn C. Fox. Other officers in attendance: Harvey Schultz, Vice President; Charles Lytle, Secretary.

QUORUM DATA. The number of eligible members since the beginning of the calendar year was 26. At 10%, the quorum was 2.6 = 3 members. There were 8 members present at the start of the meeting. Therefore, the meeting stands as an official meeting of the Neighborhood Association.

MINUTES OF THE AUGUST 21, 2007 MEETING. There was one correction: Harvey Schultz was not present at the meeting. President Fox declared the minutes approved as corrected.

TREASURER'S REPORT. President Fox reported a balance of \$1,500.00.

POLICE REPORT. Officer Bunch reported that, as was the case in July and August, the majority of calls in the neighborhood were in response to barking and/or loose dogs (12). There were three reports of door-to-door solicitors, one of a house burglar alarm w/ no one home, and one incident of a reckless driver.

OLD BUSINESS. President Lynn Fox reported on the following:

- 1) A petition was passed around in support of the city Parks & Recreation Department plan for developing Marylhurst Park. It was noted that there are two views of the park. Nearby neighbors and the Marylhurst NA consider the park to be a neighborhood park. The city considers it to be a city park, and the city plan treats it as part of an integrated, city-wide park development plan.
- 2) Chuck Lytle reported that the Hidden Springs Ranch 8 Homeowners' Association had completed its work at the Churchill Downs-Santa Anita intersection. The line-of-sight to the north for vehicles at the Churchill Downs stop sign is greatly improved.
- 3) President Fox asked for volunteers to continue the chain saw work at the newly-created open space on the Palomino Loop trail where our NA bench is to be placed. She noted that member Chuck Lytle worked a number of hours on the previous Saturday, but that there was still a lot of work left to be done.

NEW BUSINESS. President Lynn Fox reported on the following:

1) Work is continuing on the neighborhood newsletter. Features will include a "garden of the month", a local home based business of the month, a section for the Home Owner Associations to submit information, a section welcoming new neighbors, a "Baby of the Month" article, a recipe of the month section, a West Linn Police department section, a listing of current Hidden Springs properties for sale and for rent, a listing of cars for sale, a listing of garage sales, a section advertising miscellaneous items for sale like laws mowers, refrigerators, exercise equipment, etc., a section called Kids at Work where local kids can list babysitting, lawn mowing, pet walking, house sitting, snow shoveling services, etc. a section for Rosemont Ridge to list current events so that local residents that do not have a student in the school system can be informed about plays and concerts at the Middle School that they may wish to attend.

GUEST SPEAKER BEN ALTMAN, SFA DESIGN GROUP. SFA is assisting a land owner in presenting a 3.8 acre parcel on Suncrest for annexation into the city and eventual development. The surrounding area is mostly zoned R-10, which means each lot would normally be at least 10,000 square feet. However, about one third of the property is in a natural drainage area that can't be developed. Thus, it's expected that a PUD (planned unit development) will be requested to decrease the allowed lot sizes on the portion that can be developed. Title to 19650 Suncrest Avenue, West Linn, Oregon passed from David W. and Jacqueline M. Sparks to Handris Properties LLC on September 12, 2007. At the September 18, 2007 HSNA meeting the consultant employed by Handris LLC, Ben Altman of SFA Consulting, made a presentation on behalf of "the property owner" Handris Properties LLC. As the representative of the owner Mr. Altman stated that, "all the treed area will be dedicated to the City."

GUEST SPEAKER KIRSTEN WYATT, CITY MANGER'S OFFICE. Ms. Wyatt introduced herself and explained that her position is that of administrative assistant to Chris Jordan, City Manager. Ms. Wyatt explained that she would be visiting the neighborhood associations and working to enhance communication between the city and the NAs and among the NAs themselves.

NEXT MEETING DATE IS OCTOBER 16, 2007.

ADJOURNMENT. There being no other business to come before the membership, the meeting was adjourned at 8:10 PM by President Lynn C. Fox.

Recorded by HSNA Secretary Charles R. Lytle.