

Memorandum

Date: June 17, 2009
To: West Linn Planning Commission
From: Tom Soppe, Associate Planner
Subject: PUD-09-01/SUB-09-01/WAP-09-02

Attached are all new applicant and citizen submittals for PUD-09-01/WUB-09-01/WAP-09-01. Also, as seen in the attached correspondence, staff and applicant have agreed to a modification to Condition of Approval 11.

Also attached is the City's submittal to the county for the annexation election when this property was annexed in 2008. In one of her emails below, Lynn Fox of Hidden Springs Neighborhood Association requested the city's submittal to the state for that annexation ballot election be in the record; the city actually submits to the county, not the state.

Condition of Approval 11 did read, "The applicant shall remove all non-native plant species in the drainageway and transition area and replace these with native species without bringing motor vehicles into the drainageway and transition area." It is now proposed to read, "Prior to recording of the subdivision plat, the applicant shall remove all Himalayan Blackberry, Garlic Mustard, and English Ivy on the ground within proposed Tract B." Therefore the current full list of proposed conditions of approval is as follows:

1. Tract A and the stormwater facility in Tract A shall be private, and the applicant shall enter into a maintenance agreement with the City for the facility. The stormwater line under the private street shall be private.
2. A 20-foot wide trail easement extending north-to-south through the site shall be provided on the final plat within Tract B, east of Fern Creek. The exact location of the easement shall be determined cooperatively between the applicant and the City.
3. The applicant shall mitigate for the loss of the 5 trees determined to be significant by the City Arborist that are proposed for removal. These shall be mitigated for on an inch per inch basis per 55.100(B)(2)(f), preferably on site. The City Arborist shall determine preferred on-site locations. If on site mitigation is not possible for all mitigation planting, the applicant shall work with the Parks and Recreation Department to mitigate at an appropriate city-owned site. Street trees shall not count towards the mitigation required in this condition.
4. Applicant shall underground all new and existing utilities.
5. Houses on lots 1-3 shall have front facades oriented to Suncrest Drive.
6. Turning radii on the private street/shared driveway turnaround shall be at least 25 degrees.

7. Applicant shall be responsible for funding waterline upsizing along his frontage. The upsizing requirement is a Capital Improvement Project in the 2008 Water System Master Plan and SDC eligible at 56%. It shall be the City's option whether to contract directly for the improvement or have the developer contract for the work. If the City decides to upsize a greater length of water line replacement than the site frontage, the applicant will still only be responsible for funding the portion along the site frontage.
8. The private street/shared driveway shall be built to City street structural standards.
9. The applicant shall commission a lighting study of the project's frontage, and provide this to the Engineering Department who will use it to determine the street lighting needed to meet the City's lighting standards. If needed the applicant will install street lights to meet City lighting standards.
10. The applicant shall perform fire flow tests , install hydrants, and install "No Parking" signs to the satisfaction of TVFR.
11. Prior to recording of the subdivision plat, the applicant shall remove all Himalayan Blackberry, Garlic Mustard and English Ivy on the ground within proposed Tract B.
12. The front yard setbacks of lots 1-3 shall be those of the underlying base zone R-10, which is 20 feet (15 to porch) as measured from the front property line after the 10 foot ROW dedication.
13. The applicant shall provide 5-foot utility easement along the front and rear of each lot in areas not already covered by the proposed utility easements overlaid on the proposed private street.
14. A conservation easement shall be placed on the final plat on the entirety of Tract B.

P:/generalp/memos08-09/PC Memo PUD-09-01 modified condition

Soppe, Tom

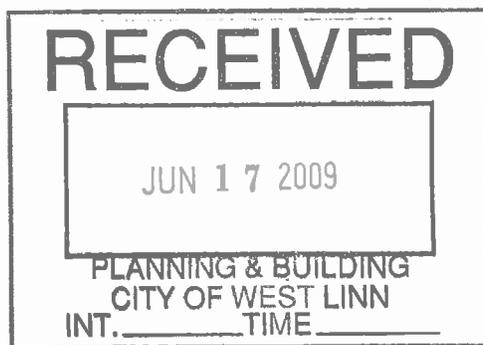
From: Robinson, Michael C. (Perkins Coie) [MRobinson@perkinscoie.com]
Sent: Wednesday, June 17, 2009 8:28 AM
To: Soppe, Tom; Kerr, Chris; kirsten@emeriodesign.com; handris@aol.com; Robinson, Michael C. (Perkins Coie)
Subject: Suncrest Subdivision

Tom, I am writing about the evidence that Lynn Fox wants to have included in the record of this application concerning a past tree cutting violation. This evidence is irrelevant to the approval criteria and should be rejected by the Planning Commission. CDC 99.200(C)("No person shall present irrelevant, immaterial...testimony or evidence.").

Thanks. Mike

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.



Soppe, Tom

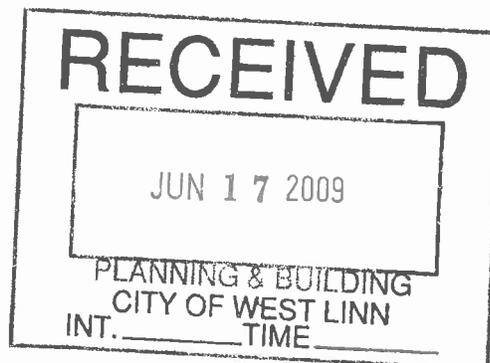
From: Matthew Knowles [redacted]
Sent: Tuesday, June 16, 2009 11:36 PM
To: Soppe, Tom
Cc: Matthew Knowles; [redacted]
Subject: Presentation at Planning Commission Meeting
Attachments: Matthew Knowles Suncrest1.ppt

Dear Mr Soppe,

Please allow me to introduce myself. I am the home owner of the property 1810 Carriage Way--directly south of the new development on Suncrest, and I would like a few minutes to express some concerns regarding the proposal for the new homes. I would like to make a short 5-10 min presentation tomorrow at the Planning Commission Meeting. I have never attended this meeting before so I am not familiar with the protocols, time alloted etc. Please see attached PowerPoint file. I plan on adding a little bit more before tomorrow but the attached is 90% complete.

Do you have a projector? Shall I bring my laptop?

Best Regards,
Matt Knowles



Local (very) Concerns Regarding Development on Suncrest

Map and Tax Lot

TL 2S 1E 23BD #6700

Site Location

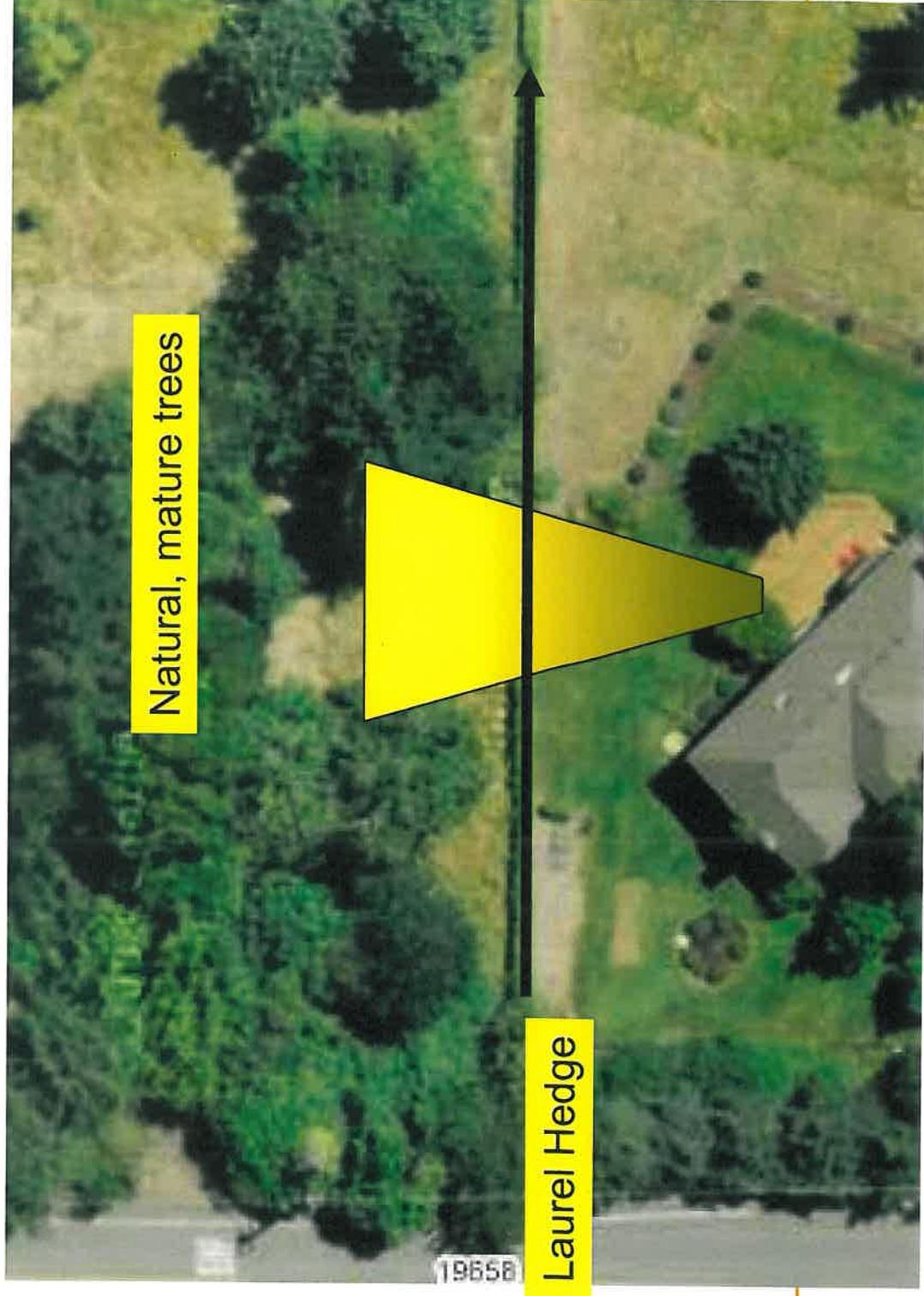
19650 Suncrest Drive

Matthew P. Knowles, PhD
Owner, 1810 Carriage Way
6/17/09

Current Overhead View, 1810 Carriage Way

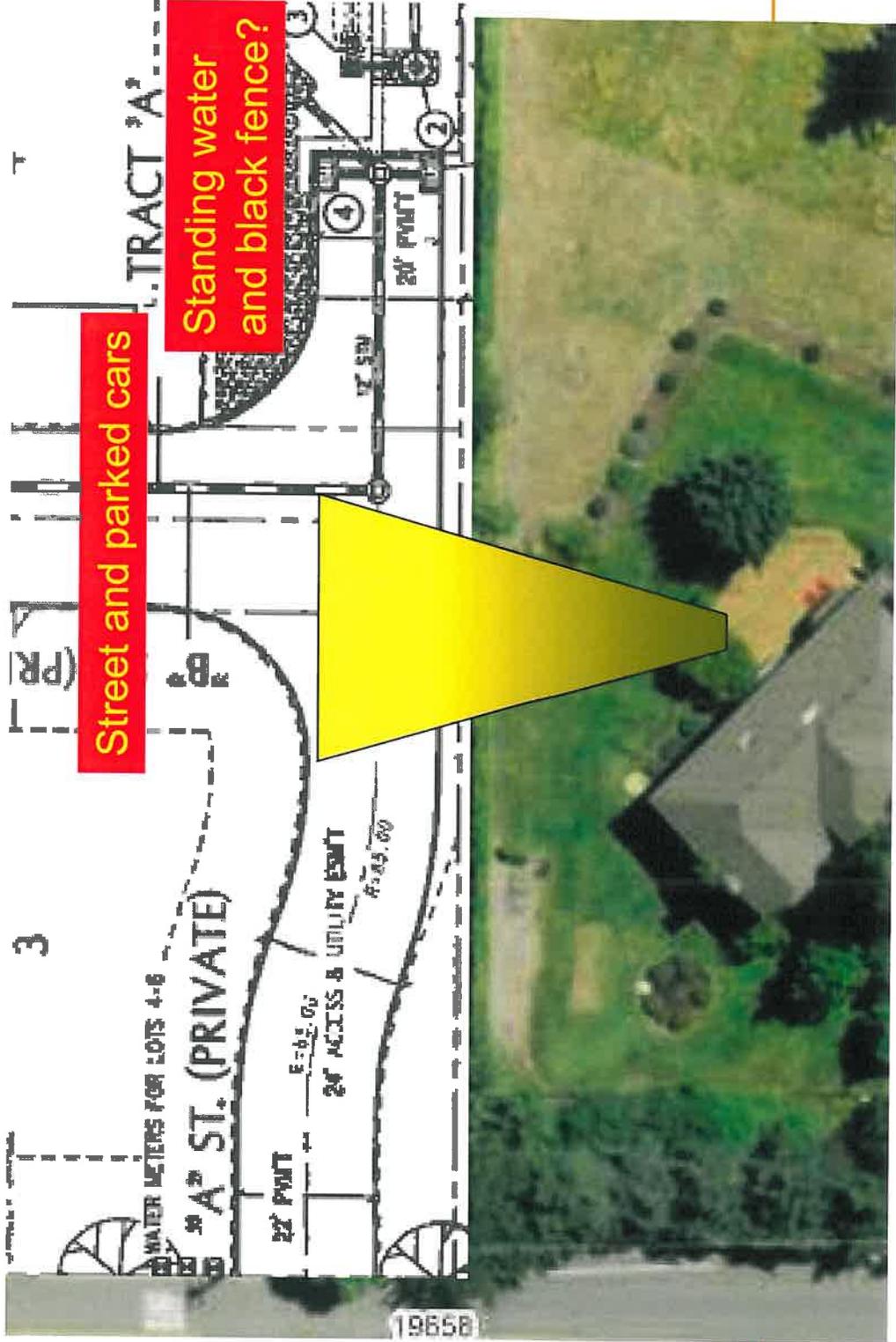


Current Overhead View, 1810 Carriage Way, zoom in, view of natural foliage



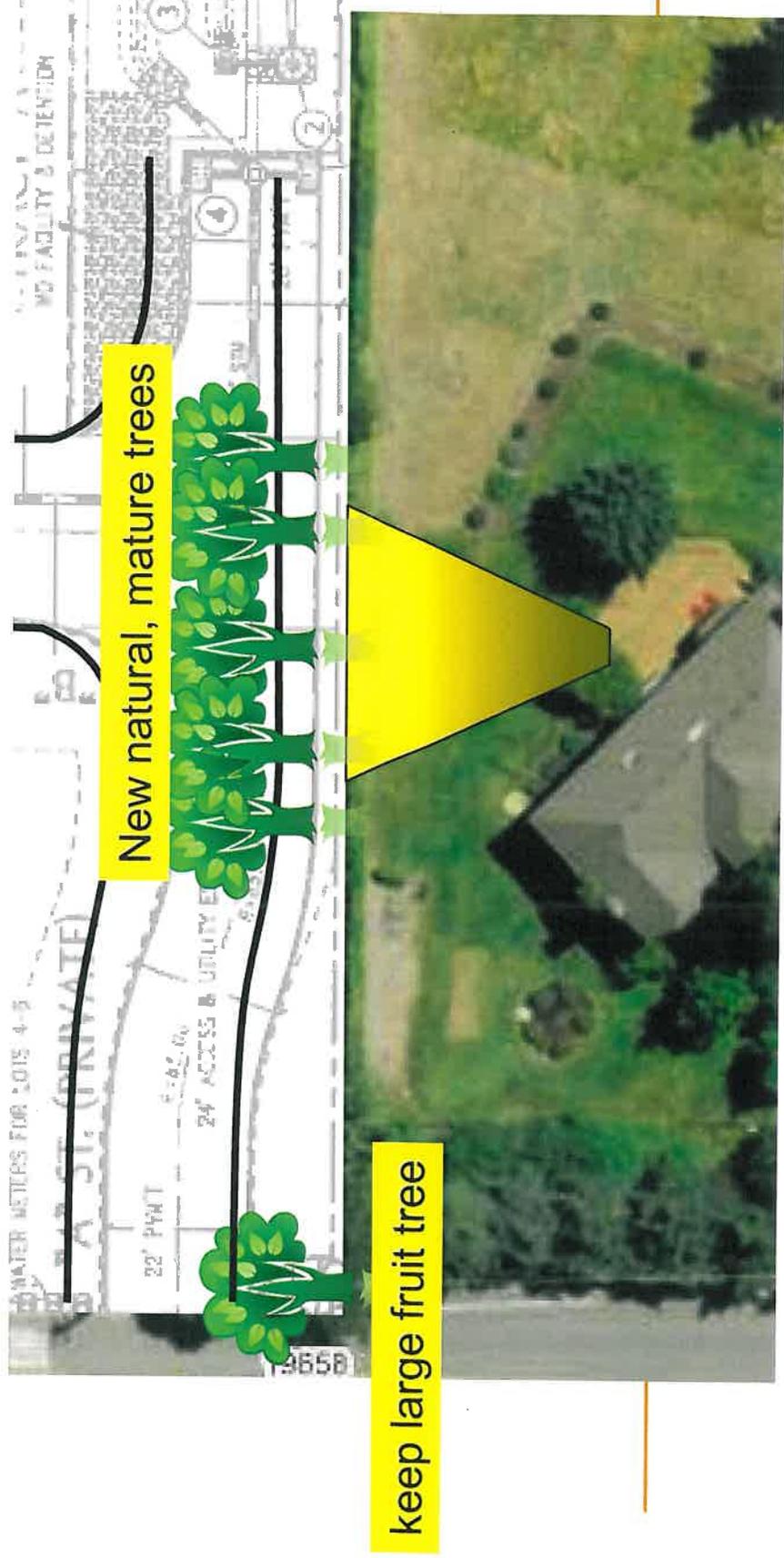
Proposed Development View, 1810 Carriage Way, zoom in

View destroyed, privacy compromised



Request to maintain natural environment,
value of current home—

Trees at boundary, road offset slightly to
accommodate privacy foliage



Summary

- Maintain property value for current home owners and deliver enhanced value to future West Linn home owners in proposed development
 - Natural beauty (isn't this one big reason we all live here?)
 - Privacy (unique quality of life)
- How?
 - Preserve health of laurel hedge between 1810 Carriage Way and new development
 - Keep large fruit tree at SW corner of new development
 - Shift private street slightly to accommodate new tree placement to maintain value of both residential locations

Thank you for your
consideration

Soppe, Tom

From: Mohling, Karen A. [Karen.Mohling@tvfr.com]
Sent: Tuesday, June 16, 2009 5:42 PM
To: Soppe, Tom
Subject: RE: 19650 Suncrest Drive (PUD-09-01)

Tom,
I overlaid our turning radius template onto the plans and it works – please let know if you see any problems.

Karen

From: Soppe, Tom [mailto:tsoppe@westlinnoregon.gov]
Sent: Monday, June 15, 2009 4:35 PM
To: Mohling, Karen A.
Subject: 19650 Suncrest Drive (PUD-09-01)

Karen,

Will you be attending this Wednesday for the hearing for this subdivision?

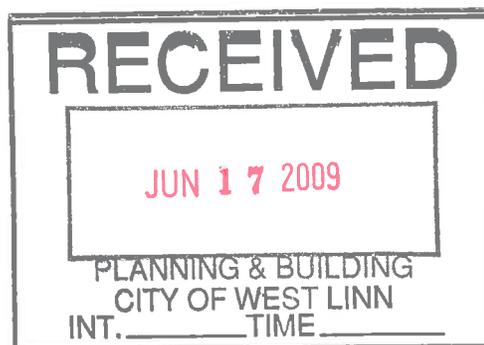
It was pointed out to me that your standard letter includes a requirement for a 28 foot radius for curves. You didn't comment on this for the letters for this subdivision. Is this not a requirement for the subdivision, or is it already achieved in this subdivision?

Thanks,

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

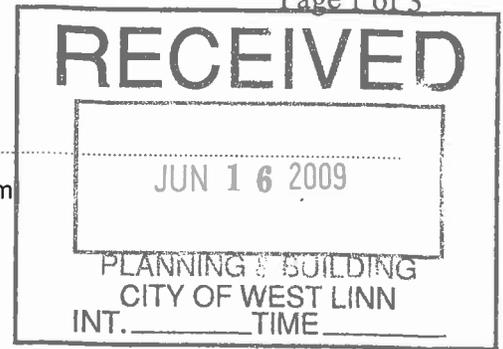
Public Records Law Disclosure

This e-mail is a public record of the City of West Linn and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.



June 17, 2009

Page 1 of 3



Soppe, Tom

From: Robinson, Michael C. (Perkins Coie) [MRobinson@perkinscoie.com]
Sent: Tuesday, June 16, 2009 12:22 PM
To: Soppe, Tom
Subject: RE: PLANNING COMMISSION-June 17,09

Tom, just a couple of comments on Tom's e-mail. First, I wouldn't impose a condition on the street trees. The city code, I believe, imposes an obligation on street tree maintenance on adjacent property owners. A condition in the approval wouldn't help since the approval won't be recorded and its unrealistic to expect homeowners to know to look at a land use approval.

As to Dolan, the city has the burden of justifying the taking of any property rights. In fact, the Dolan case involved a trail dedication on land that the Dolan family hadn't proposed for development.

Michael C. Robinson | Perkins Coie LLP
PHONE: 503.727.2264

From: Soppe, Tom [mailto:tsoppe@westlinnoregon.gov]
Sent: Tuesday, June 16, 2009 12:14 PM
To: Robinson, Michael C. (Perkins Coie)
Subject: FW: PLANNING COMMISSION-June 17,09

A submittal from Mr. Neff also.

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

From: Tom Neff [mailto:tomneff@comcast.net]
Sent: Tuesday, June 16, 2009 10:40 AM
To: Soppe, Tom
Subject: PLANNING COMMISSION-June 17,09

June 17, 2009

TO: WL Planning Commission re: PUD-09—01/SUB-009-01/WAP-09-02

My concern on this application regards the conditions of approval. The PUD process was developed in order for developers to do things with a plot of land that would not otherwise be allowed by the CDC in exchange for actions beneficial to the citizens of West Linn.

Number 14.

The applicant, through his representatives, has made statements to two different

6/16/2009

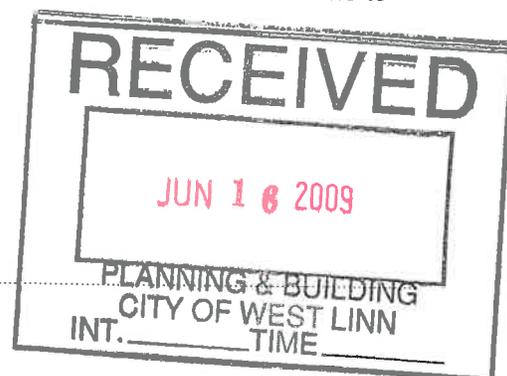
Soppe, Tom

From: Soppe, Tom
Sent: Tuesday, June 16, 2009 12:13 PM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: Proposed easement re Suncrest Drive PUD

The conservation easement will be on the plat and part of this land use decision and cannot be removed by the developer or anyone else controlling a majority of the HOA. The public will be able to use the trail easement for connectivity once the trail is there. Currently there is not a trail easement proposed in the conditions connecting this trail easement directly to Suncrest via Tract A and the shared driveway, but citizens or NAs are welcome to advocate this to the PC if they see it as necessary for proper connectivity.

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: Tuesday, June 16, 2009 11:52 AM
To: Soppe, Tom
Subject: Fw: Proposed easement re Suncrest Drive PUD

As I understand it the developer controls the HOA until 51% of the lots are sold. Could the developer decide to retain over 50% of the lots, leaving the developer the exclusive rights to tract B to do with as he wishes? Could the party in control of the HOA build a house on the site identified in as suitable for a homesite in tract B prior to selling 51% of the lots?

It appears that COA 14 is similar to that which created the Hidden Springs Court HOA, adjacent to the proposed Erickson school site. Hidden Springs Court HOA has private trails and exclusive rights to the open space. This has eliminated connectivity to the school site from the existing trails in the area. When the Erickson Elementary school is developed, students will be UNABLE to use the city trail system that connects to Hidden Springs Court to the trail system to walk to school because it is private. Children will have to walk up Hidden Springs Road, which I do not believe has a continuous sidewalk on the school site side of Hidden Springs. Will children will have to cross Hidden Springs twice to used the sidewalks to walk to school because of the "private" trails and open space in Hidden Springs Court HOA? It appears to me that COA 14 the city has agreed to for the Suncrest Drive application does not support the City's goals of connectivity. It appears the proposed development on Suncrest and is rife with inconsistencies and fails to meet the city's goals for connectivity and citizen access to open space. Do we need another HOA with unique powers that deprives the citizens use of open space.

Please send me a copy of the current Condition of Approval 14.

Thank you.

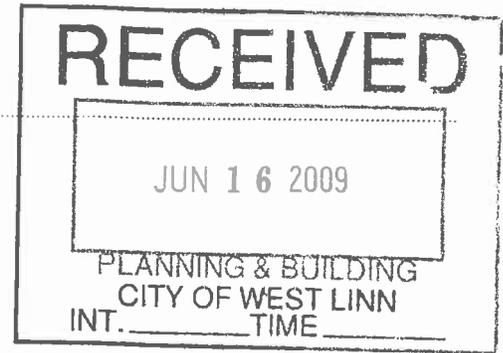
Lynn Fox, President
 Hidden Springs NA
 ----- Original Message -----

From: Soppe, Tom
To: Hidden Springs Neighborhood Assoc.
Sent: Tuesday, June 16, 2009 8:33 AM

6/16/2009

Soppe, Tom

From: Tom Neff [REDACTED]
Sent: Tuesday, June 16, 2009 10:40 AM
To: Soppe, Tom
Subject: PLANNING COMMISSION-June 17,09



June 17, 2009

TO: WL Planning Commission re: PUD-09—01/SUB-009-01/WAP-09-02

My concern on this application regards the conditions of approval. The PUD process was developed in order for developers to do things with a plot of land that would not otherwise be allowed by the CDC in exchange for actions beneficial to the citizens of West Linn.

Number 14.

The applicant, through his representatives, has made statements to two different neighborhood associations that he wished to deed tract B, the conservation area, to the city of West Linn (pgs.123, 130-131).

The statement on p. 123 states that the owner wishes to deed tract B to the city at which time that it is most beneficial to him based on existing tax laws. This is certainly understandable, but it is not reflected in the wording of condition 14.

It would be beneficial to the city if this tract is deeded to us because we would be the caretakers for the health of the land as opposed to some nebulous status of its status. The applicant is already being required to remove non-native plants from the drainage of Fern Creek (condition 11) but afterward whose concern will it be?

The issue of Dolan vs. Tigard at the US Supreme Court was raised in staff discussions but as tract B was not subject to development under this application I don't see how that decision regarding a "taking" is relevant.

Finding number 12 (p. 10) regards the unusual, but understandable in this application, of city street trees apparently being planted in homeowners' front yards.

Who will be responsible for the health and maintenance of these trees? Should there be a condition of approval regarding this so that new homeowners are aware of the situation?

Thank you for your time.

Tom Neff
671 Marylhurst Circle
West Linn
971-645-5935

Soppe, Tom

From: Soppe, Tom
Sent: Tuesday, June 16, 2009 8:33 AM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: Proposed easement re Suncrest Drive PUD

1. Yes, the owner will not be dedicating any land to the city per the current proposal and it's COA's.
2. There will be a conservation easement per COA 14 over all of Tract B (open space tract including drainageway and transition area), and there will also be a 20 foot wide trail easement (per COA 2) going north and south through Tract B.
3. The conservation easement will be over all of Tract B, the trail easement will be on the east side of Fern Creek, with it's exact location to be determined by the City and the developer later.
4. After fulfilling condition 11 to take out and replace the invasive species, the developer will turn Tract B over to the HOA for the subdivision who will have to maintain it. Once the City builds a trail through the trail easement the City will continue to maintain the actual trail easement area in order to maintain the trail itself.
5. The public will be able to use the trail but the rest of Tract B outside the trail easement will be usable only by the 6 lots of the subdivision.

You're welcome. Let me know if there are other questions.

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: Tuesday, June 16, 2009 12:07 AM
To: Soppe, Tom
Subject: Proposed easement re Suncrest Drive PUD

Hello Tom,

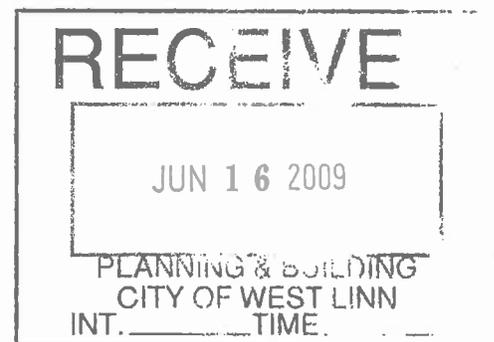
Please tell me if I understand correctly that

- 1.) the owner will not be dedicating any land to the city
- 2.) the easement is for a path only
- 3.) where the easement will be located and
- 4.) the obligations of the city and the developer to maintain the easement and
- 5.) who is allowed to use the easement.

Thank you for all your help.

Sincerely,

Lynn Fox, President
Hidden Springs NA



6/16/2009

Soppe, Tom

From: Kirsten Vanloo [kirsten@emeriodesign.com]
Sent: Monday, June 15, 2009 2:42 PM
To: Handris@aol.com; 'Robinson, Michael C. (Perkins Coie)'; Soppe, Tom
Subject: Condition No. 6 on Suncrest Proposed Conditions (Condition 11 is wrong as well)
Importance: High

I believe this condition (6) relates to the corner CURB RADII of the private access drive. I think the condition should read...(or something similar)

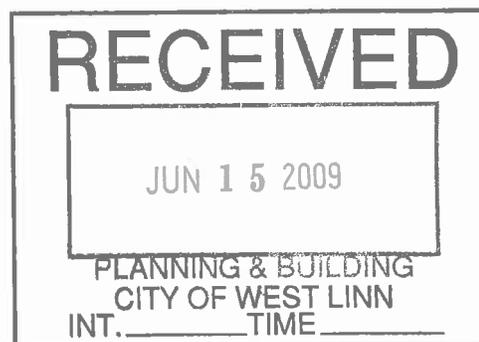
Corner Curbs on the private street/shared driveway shall be constructed with 25 foot radius at the curbline.

Condition # 11 should reference tract 'B' – not tract 'A'

Tract A is the water Quality/Quantity tract and Tract B is the open space tract.

I would also combine Condition # 2 and Condition # 14 so that all parties understand the total commitment of the developer – but that is just a personal belief and is not necessary unless desired for clarity.

Kirsten VL

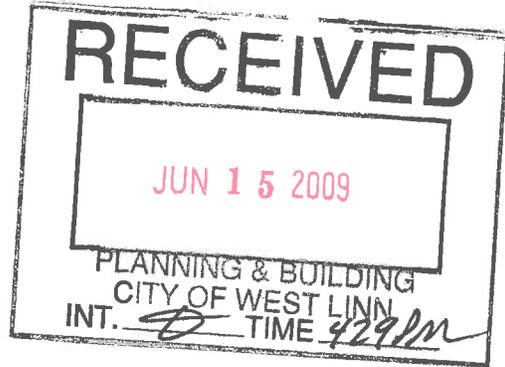


June 15, 2009

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,

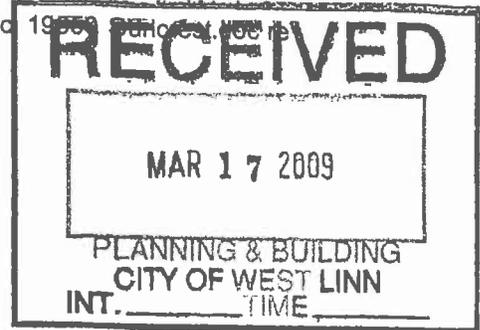
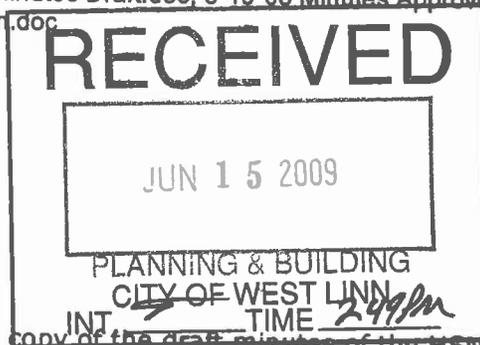
Lynn Fox, President
Hidden Springs NA
PO Box 236
Marylhurst, Oregon 97036

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 PUD Application 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.

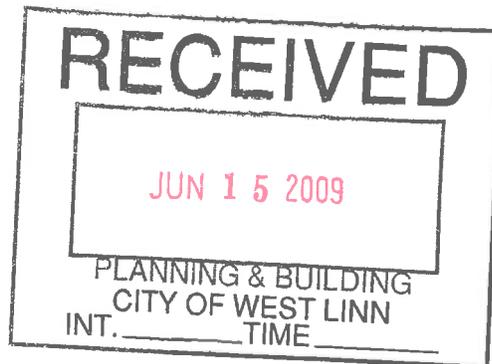
Please provide a copy of the enclosed Case # C04-00022, including the photos to the Planning Commission and the public and make this letter and its enclosure a part of the public record.

Sincerely,



Lynn Fox, President
Hidden Springs NA

Enclosure - 1



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IN THE MUNICIPAL COURT
FOR THE CITY OF WEST LINN

CITY OF WEST LINN, a municipal corporation,

Plaintiff,

v.

MARK F. HANDRIS,

Defendant.

Case No. **C04-00022**

COMPLAINT

Plaintiff alleges:

COUNT ONE

1.

On January 20, 2004, West Linn City Manager Sandra Farley issued a stop work order for property located at the corner of Dollar and Ostman in West Linn, Clackamas County, Oregon (the "Property"). The stop work order was posted on the Property.

2.

On February 7, 2004, persons working at the direction of Defendant Handris started to remove one or more trees from the Property and did remove all or part of one or more trees, in violation of the Stop Work Order. Mr. Handris was aware of the Stop Work Order.

3.

Failure to comply with a Stop Work Order is a civil infraction subject to a penalty of \$1,000 per violation, with each day of violation constituting a separate infraction. WLMC 1.360.

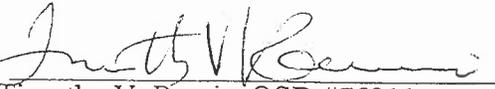
March 5, 2014

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 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

/lar

Enclosures

cc: Dana Krawczuk
Stephen F. Crew

BALL JANIK LLP

A T T O R N E Y S

101 SOUTHWEST MAIN STREET, SUITE 1100
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

HANDRIS PROPERTIES, LLC
2008 WILLAMETTE FALLS DR., SUITE 'B'
WEST LINN, OR 97068-4620

19221
241-7038/9230 OR
5147

DATE June 24, 2005

PAY TO THE ORDER OF City of West Linn
Fifty thousand + 00/100

\$ 50,000.00

DOLLARS



Bank of America
Member FDIC

[Handwritten signature]

ACH R/T 232070380

FOR THE five settlements replace ch# 1323

[Blacked out area]

MR

Mr. G. H. ...
The text of this document has been
printed with guaranteed quality
process in order to refer check book
Do Not Cash It.
You do not clearly see the word
"Special Document"
The word "Special Document" appears in the right
of this message
of this message in spots appear in
color to amount 200
U.S. Patent 2,510,155

upon deposit of this
check with order to
full receipt of per order
from Ballou's - June 05

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



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



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

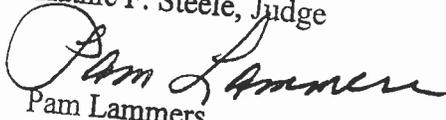
Dear Ms. Krawczuk:

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 97060



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

*West
Linn*

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
Pam Lammers
Court Clerk

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

CITY OF WEST LINN,

Plaintiff,

vs.

Mark F. Hendren

Defendant,

CASE NO. CO4-00012
FCO4-00022
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 4:00pm. 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

Phone

[Signature]

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 Handrus

Defendant,

CASE NO. CD4-00012 +
CD4-00022

CHARGE(S) _____

Be advised, the above entitled matter has been set for for 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

[Signature]
Phone _____
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's file
" 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.

Mark Handier

Defendant,

C04-00012 +
CASE NO. C04-00022
CHARGE(S) Viol of West Linn CDC
+ Viol of West Linn Municip
+ Viol of Stop Work Order

For Pre-Trial Conference

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.

Def has returned
Richard Allon
Attorney at Law

[Signature]

Defendant's Signature

[Signature]

Court Clerk

3-9-04

Date

Address

[Signature]

Phone

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	<input type="checkbox"/> TRAFFIC <input type="checkbox"/> BOATING	<input checked="" type="checkbox"/> OTHER <input type="checkbox"/> COMMERCIAL FISHING	<input type="checkbox"/> WILDLIFE <input type="checkbox"/>
---------------------	--	--	---

STATE OF OREGON _____ DOCKET NO. _____

CITY/OTHER PUBLIC BODY WEST LINN } COURT: MUNICIPAL JUSTICE

COUNTY OF CLACKAMAS } JUVENILE CIRCUIT

COMPLAINT
5982

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>F</u>	
ADDRESS <u>2002 Willamette Falls Dr</u>		LICENSE CLASS <u>C</u>	
CITY <u>West Linn</u>	STATE <u>OR</u>	ZIP CODE <u>97068</u>	<input type="checkbox"/> EMPLOYED TO DRIVE
SEX <u>M</u>	RACE <u>W</u>	DOB <u>7/30/64</u>	HEIGHT <u>68"</u>
WEIGHT <u>210</u>	HAIR <u>Bro</u>	EYES <u>Bro</u>	DEF IS <input checked="" type="checkbox"/> Developer <input type="checkbox"/> PASSENGER

RESERVED FOR D.A. USE

04-0178

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

OFFENSE DATE MONTH DAY YEAR TIME AM PM HIGHWAY PREMISES OPEN TO PUBLIC

ON OR ABOUT: 02 07 04 9:50

AT OR NEAR LOCATION
Near 2120 Ostman Rd

RESERVED FOR COURT USE
Handris
Mark S

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

PRINT 1ST OFFICER NAME Jason Dolan 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 02/24/04 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).

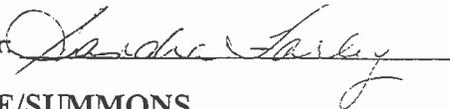
Infraction 3: \$15,207 plus cost of prosecution (WLMC 8.470(1)(b)).

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) 2008 Willamette Falls Dr. WL
(Subject's name)) (Address of Subpoena Service)

02-24-04) 4:10 o'clock, P.M.
(Time)

By Schlegel, Sgt. #16059

Print Name: Randall SCHLEGEL

Law Enforcement Agency: West Linn PD

2:09:04 56

UM/KS

1200 2.10.04

DA.	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			
X-ref 04-0143								
Incident # 04-02-1581								
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

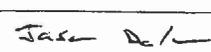
Action Taken:

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 

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

02/07/04 10:25:14 PRINT REQUESTED BY TERMINAL WP1
Incident History for: #WPO401581

Entered	02/07/04	09:25:30	BY LC2	19477
Dispatched	02/07/04	09:25:46	BY LC1	40320
Enroute	02/07/04	09:26:03		
Onscene	02/07/04	09:35:04		
Closed	02/07/04	10:09:31		

Initial Type: ORD Final Type: ORD (ORDINANCE VIOLATION)

Initial Priority: 4 Final Priority: 4

Disposition: R1A Source: T Primary Unit: 2S1

Police BLK: 270 Fire BLK: 2

Group: WP1 Beat: 1 Map Page: 6594D

Loc: 2120 DSTMAN RD ,WES btwn DOLLAR ST & MICHAEL DR (V)

/0925 (19477) ENTRY RPTS SUBJECTS THERE CUTTING TREES,RP ISN'T SURE
IF THEY HAVE PERMIT AND H AD A STOP ORDER EARLIE
R...UNSURE IF THEY GOT NEW PERMITS. THEY HAVE A
TRACTOR AND ABOUT 10 PEOPLE WORKING

/0925 (40320) DISP 2S1 #10012 SMITH, MARTY
#42794 DOLAN,JASON

/0925 (19477) SUPP TXT: SHE DID CALL PROPERTY OWNER WHO WAS AWARE C
F WORK BEING DONE. ,
SRC: T

/0926 (10012) *ENROUT 2S1

/0935 *ONSCNE 2S1

/0950 (40320) OK 2S1

/0950 CDNTCT 2S1 Contact in 10 Minutes

/1001 OK 2S1

/1009 (10012) *CLEAR 2S1 DSP: R1A
,MARK HANDRIS CITED FOR DISOBEYING A STOP WORK C
RDER

/1009 CLOSE 2S1

/1023 (40320) MISC ,RPTS SUBJS CUTTING TREES AT LOCN,RP NOT SURE TH
EY HAVE A PERMIT,HAD A STOP ORDER EARLIER;OFCR)
SSUED CITATION TO NAM/HANDRIS,MARK FOR DISOBEYIN
G A STOP WORK ORDER

02.02.04 36 cm / M

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

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

Jason Dolan

DPSST: 42794

Case #: 04-0143

1 CA	JLV	BD	PROP DET	PERS DET	DC	CR/AN	MAR	EAST	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
WN	USF	MCSO	PDP	ME	UDC	OTHR				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	9 DESTROY <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
10 LOCATION (Where seized, found, surrendered) Street: Ostman Dr. at Dollar St. City: State: Zip Code:		11 GRID	

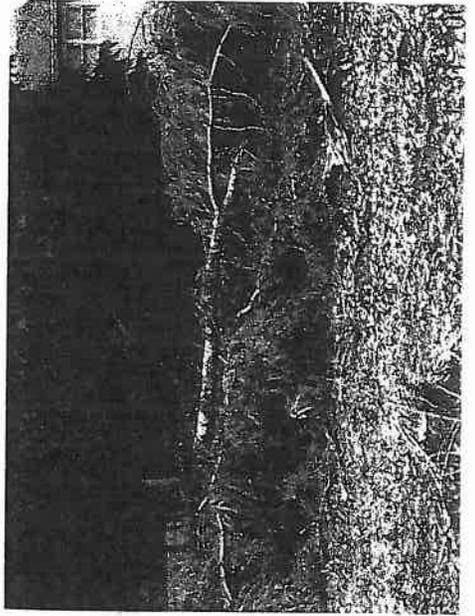
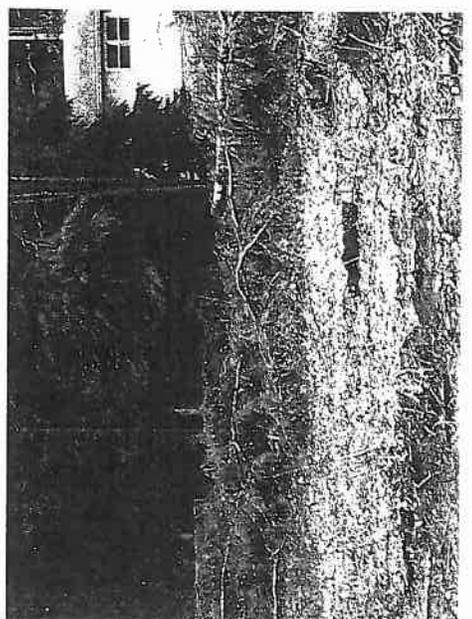
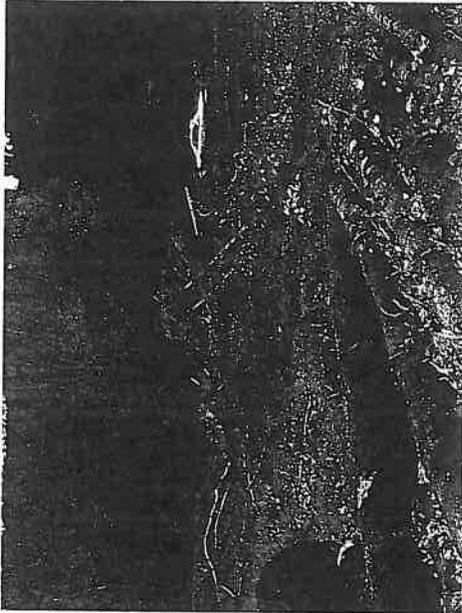
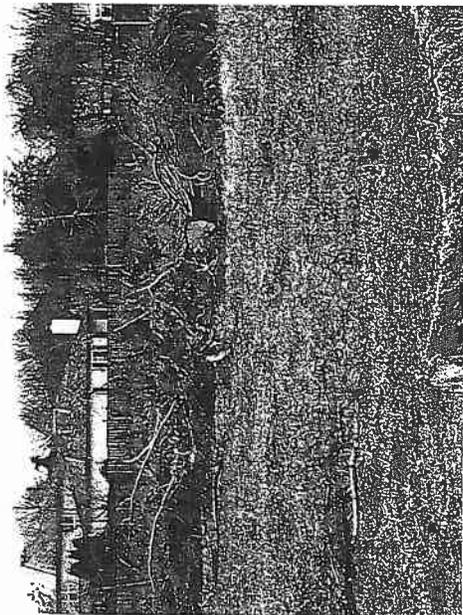
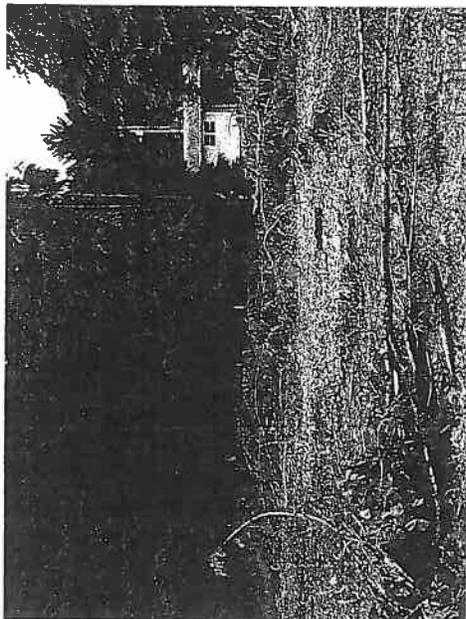
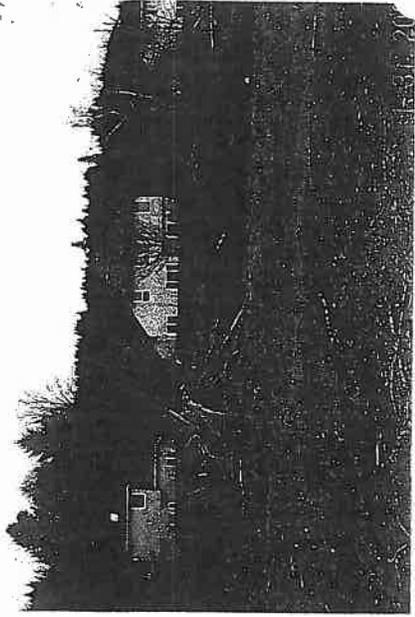
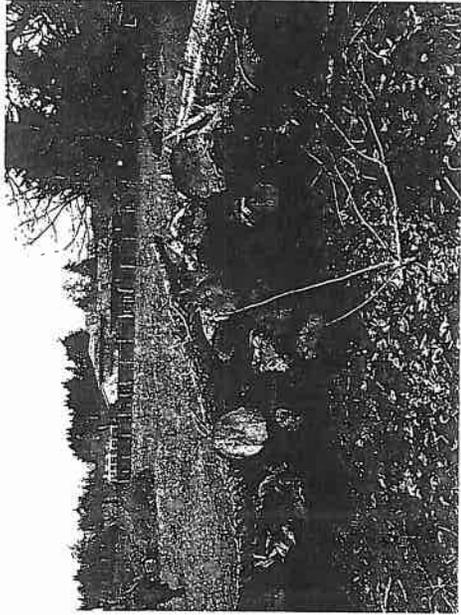
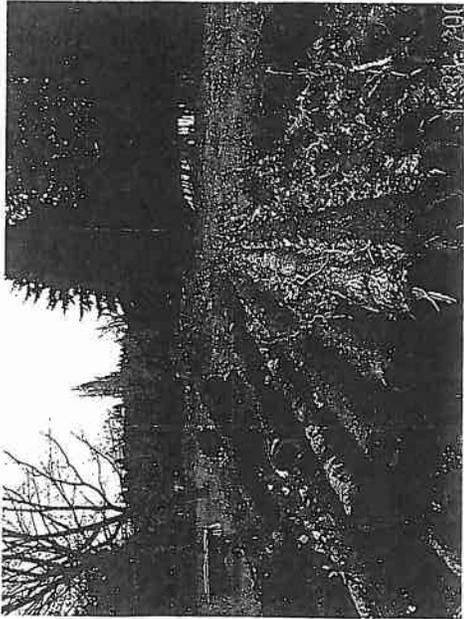
PERSONS	12 OWNER NAME Last First MI/DOA	13 SEX <input type="checkbox"/> Male <input type="checkbox"/> Female	14 DOB mo day yr	15 RES. PHONE
	15 OWNER ADDRESS Street Address City State Zip Code	17 RACE	18 BUS. PHONE	
	19 Finder 20 NAME Sandy Farley	22 SEX <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	23 DOB mo day yr	24 RES. PHONE
	<input type="checkbox"/> Suspect 24 ADDRESS 22500 th 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
	28 TOWED BY	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"/> Safekeeping <input type="checkbox"/> Cleared NCIC <input type="checkbox"/> Hold for Processing	

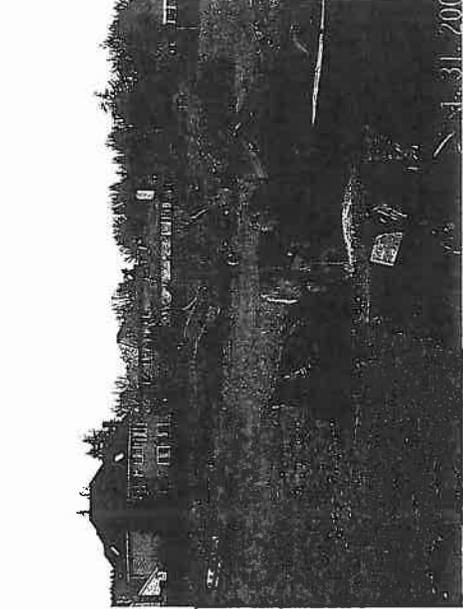
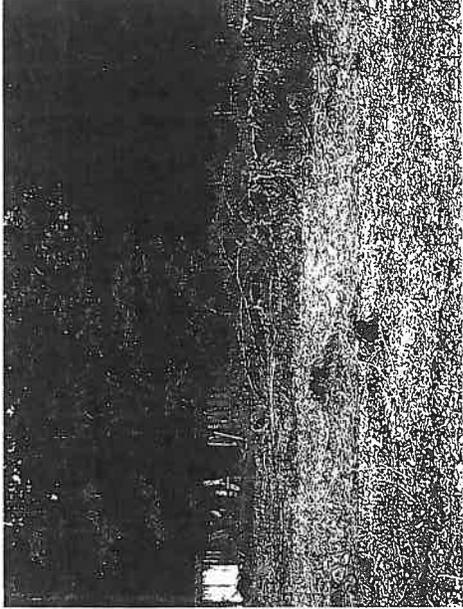
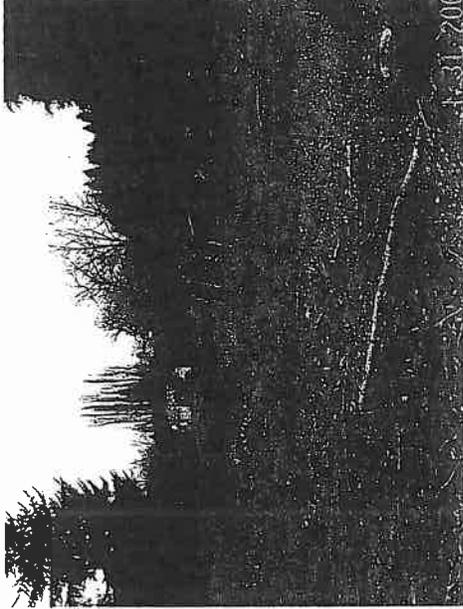
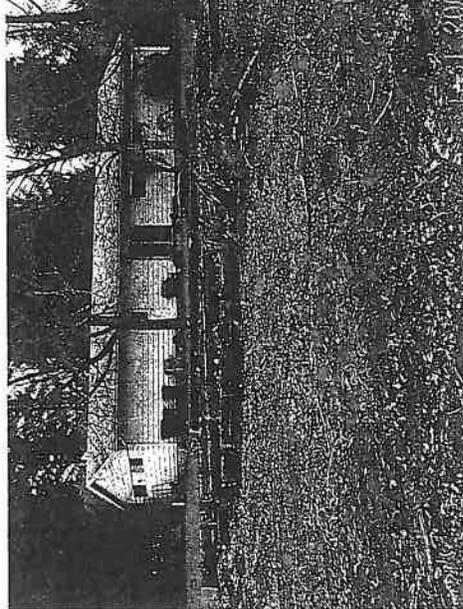
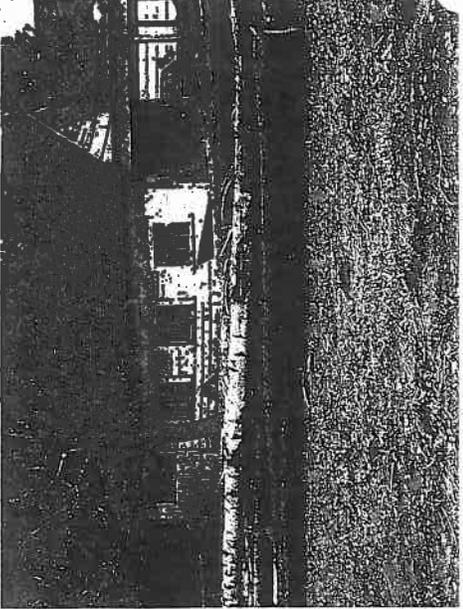
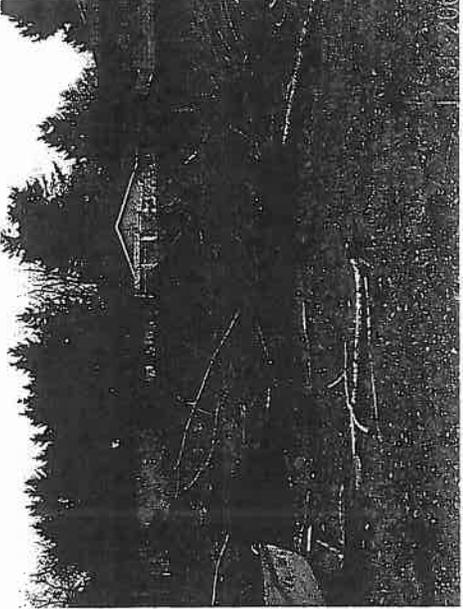
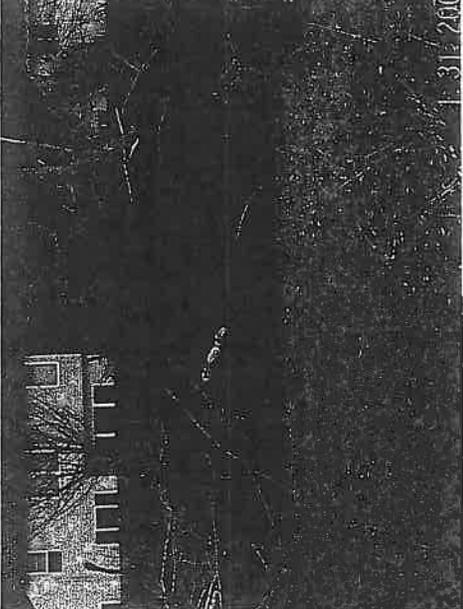
PROPERTY INVENTORY	32 ITEM NO.	33 PROPERTY DETAIL Picture card Serial No. Kodak Value Evidence # 20	34 <input type="checkbox"/> Released <input type="checkbox"/> Tow Co. <input checked="" type="checkbox"/> Prop. Rm.
	1	35 Photos of possible ordinance violation Type Item: Serial No. Brand / Make Size / Culture Color: Owner Applied No. Value Description	<input type="checkbox"/> Released <input type="checkbox"/> Tow Co. <input type="checkbox"/> Prop. Rm.
	2	36 Other information Type Item: Serial No. Brand / Make Size / Culture Color: Owner Applied No. Value Description	<input type="checkbox"/> Released <input type="checkbox"/> Tow Co. <input type="checkbox"/> Prop. Rm.
	3	37 Other information Type Item: Serial No. Brand / Make Size / Culture Color: Owner Applied No. Value Description	<input type="checkbox"/> Released <input type="checkbox"/> Tow Co. <input type="checkbox"/> Prop. Rm.
	4	38 Other information Type Item: Serial No. Brand / Make Size / Culture Color: Owner Applied No. Value Description	<input type="checkbox"/> Released <input type="checkbox"/> Tow Co. <input type="checkbox"/> Prop. Rm.
	5	39 Other information Type Item: Serial No. Brand / Make Size / Culture Color: Owner Applied No. Value Description	<input type="checkbox"/> Released <input type="checkbox"/> Tow Co. <input type="checkbox"/> Prop. Rm.
	6	40 Other information Type Item: Serial No. Brand / Make Size / Culture Color: Owner Applied No. Value Description	<input type="checkbox"/> Released <input type="checkbox"/> Tow Co. <input type="checkbox"/> Prop. Rm.
	7	41 Other information Type Item: Serial No. Brand / Make Size / Culture Color: Owner Applied No. Value Description	<input type="checkbox"/> Released <input type="checkbox"/> Tow Co. <input type="checkbox"/> Prop. Rm.
	8	42 Other information Type Item: Serial No. Brand / Make Size / Culture Color: Owner Applied No. Value Description	<input type="checkbox"/> Released <input type="checkbox"/> Tow Co. <input type="checkbox"/> Prop. Rm.
	9	43 Other information Type Item: Serial No. Brand / Make Size / Culture Color: Owner Applied No. Value Description	<input type="checkbox"/> Released <input type="checkbox"/> Tow Co. <input type="checkbox"/> Prop. Rm.

44 RELEASED TO OR RECEIVED FROM Name Address Phone Signature			
45 REPORTING OFFICER/S Jason Dolan Jason Dolan 42794	46 RECEIVED - PROP. ROOM	47 APPROVED BY	48 DATA ENTRY

04-0143



04-0143



3-293

Notice of City Measure Election

SEL 802

(Rev. 01/08) ORS 250.035, 250.041, 250.276, 250.285, 254.055, 254.465

Name of City City of West Linn

Notice is hereby given on date of election May 20, 2008. A measure election will be held in

name of county or counties Clackamas County, Oregon.

The following shall be the ballot title of the measure to be submitted to the city's voters on this date: _____

CAPTION 10 words (see attached)

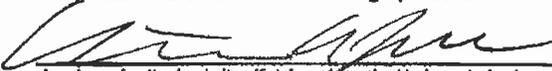
QUESTION 20 words (see attached)

SUMMARY 176 words (see attached)

2008 MAR 04 PM01:15:01

signature

The following authorized city official hereby certifies the above ballot title is true and complete, which includes the completion of the ballot title challenge process.


signature of authorized city official *not required to be notarized*

2/29/08
date signed

Christopher A. Jordan
printed name of authorized city official

City Manager
title

BALLOT TITLE:

3-293

CAPTION

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.

2008 MAR 04 PM01:15:06

SEE INSTRUCTIONS ON BACK

CLACKAMAS COUNTY

EXPLANATORY STATEMENT FOR COUNTY VOTERS' PAMPHLET

ELECTION DATE		MEASURE NUMBER	
May 20, 2008		3-293	
BALLOT TITLE CAPTION			
ANNEXATION OF PROPERTY AT 19650 SUNCREST DRIVE REQUIRING VOTER APPROVAL			
NAME OF PERSON RESPONSIBLE FOR CONTENT OF STATEMENT			
Gordon Howard			
NAME OF ORGANIZATION PERSON REPRESENTS, IF ANY			
City of West Linn			
TELEPHONE (HOME)	TELEPHONE (WORK)	FAX NUMBER	
503-657-0331	503-657-0331	503-650-9041	

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.

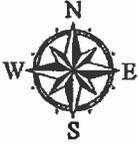
The public has a right to view the application and the staff analysis at City Hall, 22500 Salamo Road, and at the City's website: www.ci.west-linn.or.us. For further questions please call Gordon Howard, City of West Linn, at 503-657-0331.

2008 MAR 04 PM 01:15:13

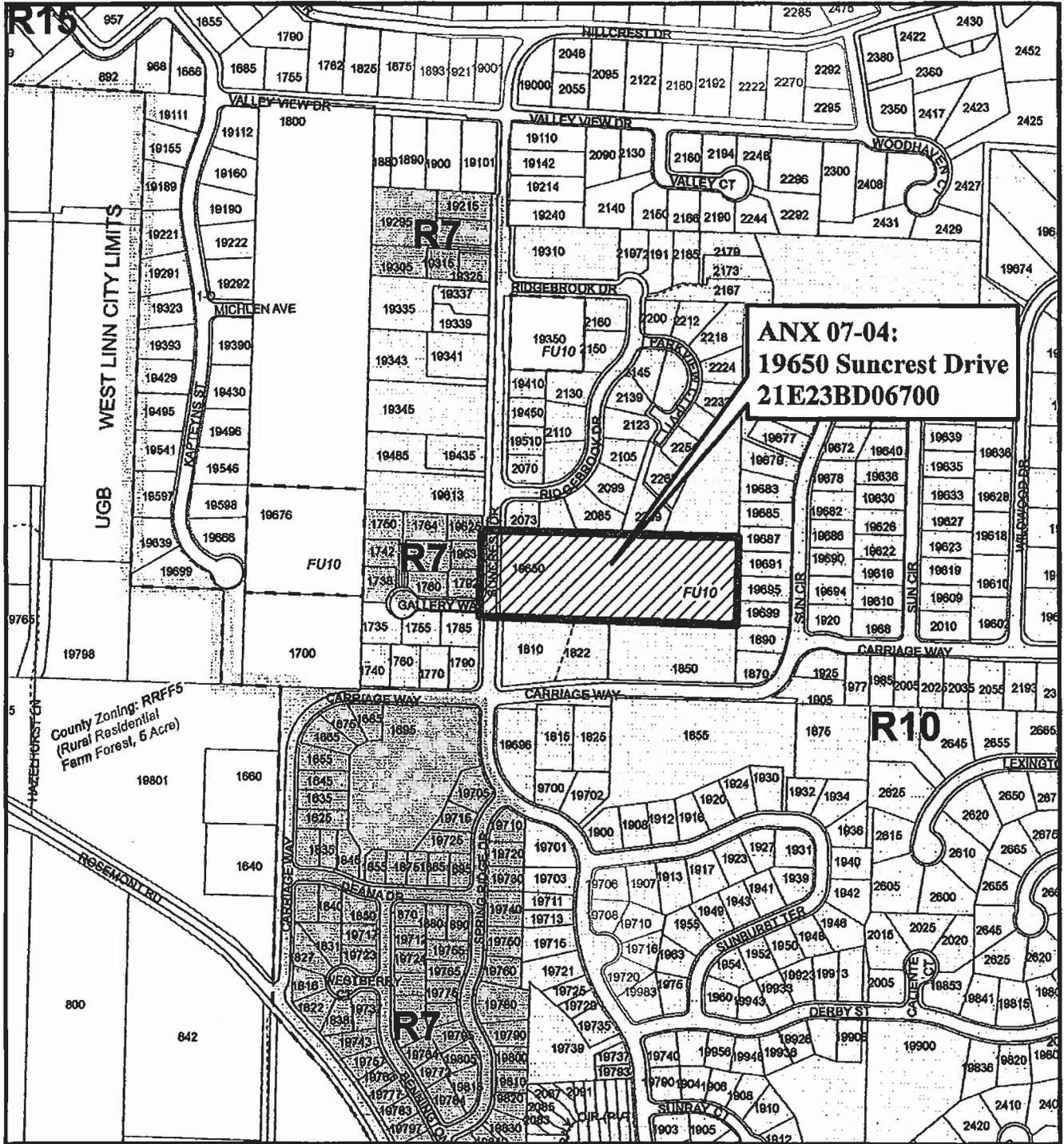
WORD/NUMBER COUNT TOTAL (500 word/number limit) 343

Gordon H. Howard
SIGNATURE OF PERSON RESPONSIBLE FOR CONTENT OF STATEMENT

2/28/2008
DATE



ANX 07-04



gis\planning\2\SuncrestDr_ANX07-04.mxd | AHA | 10-3-07



- City Limits
- Edge of Pavement
- Taxlots & ROW
- Metro UGB

Residential Zoning

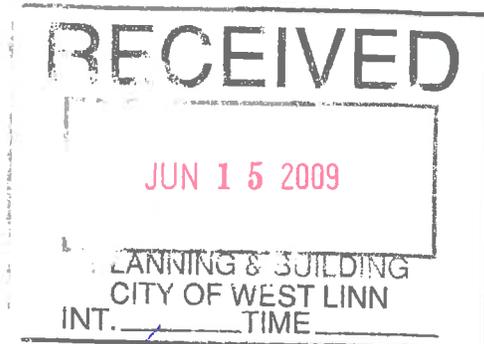
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Taxlot Base Source: Clackamas County GIS

October 2007

Soppe, Tom

From: Soppe, Tom
Sent: Monday, June 15, 2009 11:54 AM
To: 'Robinson, Michael C. (Perkins Coie)'
Subject: RE: New submittals on email



I agree.

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

From: Robinson, Michael C. (Perkins Coie) [mailto:MRobinson@perkinscoie.com]
Sent: Monday, June 15, 2009 11:38 AM
To: Soppe, Tom
Subject: RE: New submittals on email

Tom, the DVD that the HSNA sent Kirsten isn't part of the record unless the NA submits it to the PC or Kirsten chooses to submit it to the PC. Mike

Michael C. Robinson | Perkins Coie LLP
PHONE: 503.727.2264

From: Soppe, Tom [mailto:tsoppe@westlinnoregon.gov]
Sent: Monday, June 15, 2009 11:08 AM
To: Robinson, Michael C. (Perkins Coie)
Subject: New submittals on email

Mike,

Here are the submittals I've received new on email (I haven't gotten any non-email submittals since we last talked about submittals)

They include my responses, for the ones I've responded to.

These will be in the Wednesday memo packet I mentioned earlier of course also.

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

Public Records Law Disclosure

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6/15/2009

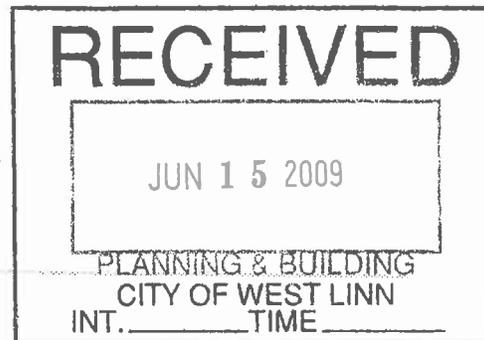
Soppe, Tom

From: Soppe, Tom
Sent: Monday, June 15, 2009 11:01 AM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: Proof of ownership of 19650 Suncrest at September 18, 2007 HSNA preannexation meeting with owner's representative, PUD-09-01/SUB-09-01/WAP-09-02

I understand. I will include this email and the attachment in the record; the commissioners will all get this with their Wednesday memo including all new submittals.

Thank you,

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: Monday, June 15, 2009 10:51 AM
To: Soppe, Tom
Subject: Fw: Proof of ownership of 19650 Suncrest at September 18, 2007 HSNA preannexation meeting with owner's representative, PUD-09-01/SUB-09-01/WAP-09-02

Mr. Soppe,

According to your June 15, 2009, 9:41AM email, it appears that you are confused regarding the deed I have submitted for inclusion in the record.

I am resubmitting this attachment of the Deed showing ownership of the subject property at the time of the September 18, 2007 preannexation meeting with the impacted Neighborhood Association. The attached deed showing the transfer of ownership from Mr. Sparks to Handris Properties on September 12, 2007 has not been included in the record despite my repeated submission of the information. The deed you refer to in your June 15, 2009, 9:41AM email is for a bargain and sale deed transferring ownership on December 30, 2008, from Handris LLC to Icon Construction, both of which are owned by Mark Handris according the Oregon Secretary of State. The deed you refer to in your June 15, 2009 email is not the deed submitted to the record by me. Please include the attached deed I submitted to the record, showing ownership of the property at the time of the HSNA meeting on September 12, 2007, and provide copies to the Planning Commission.

I have been advised that representatives of Mr. Handris have stated that Mr. Handris did not have an interest in the 19650 Suncrest Drive property at the time his representative Ben Altman of SFA Consulting made the statement to the HSNA membership that the owner would "deed the treed property to the city if it was annexed". This led some residents to vote for the annexation believing the city would receive this benefit when they would not have voted for annexation if they had known the property would not be deeded to the city. The attached deed confirms that Mark Handris owned the corporation that owned the property at the time the representation to deed the property to the city were made.

Ms. Vanloo, the owners subsequent representative, advised the membership at the pre ap meeting with HSNA that the owner had discovered a developable parcel in the treed area which he intends to develop upon obtaining access in the future. The purpose of submitting the September

12,2008 deed to the record is to show that ownership of the property had transferred from Mr. Sparks, et al to a company owned by Mr. Handris prior to the September 18, 2007 HSNA pre-annexation meeting with the owner's representative. The owner at the time was a corporation owned by Mr. Handris whose representative made repeated promises to deed the treed open space to the city if the property was annexed at the September 18, 2007 HSNA meeting.

Please add the attached deed to the record along with this email and provide copies to the Planning Commission.

Please let me know if you have any questions or I can be of any assistance.

Sincerely,

Lynn Fox, President
Hidden Springs NA

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

From: Hidden Springs Neighborhood Assoc.

To: tsoppe@westlinnoregon.gov

Sent: Friday, June 12, 2009 5:00 PM

Subject: Proof of ownership of 19650 Suncrest at September 18, 2007 HSNA preannexation meeting with owner's representative, PUD-09-01/SUB-09-01/WAP-09-02

Dear Mr. Soppe,

After reviewing the complete file regarding 19650 Suncrest Drive, PUC 09-01/SUB-09-01/WAP-09-02 at city hall, please be advised that the dvd provided to Kirsten VanLoo by HSNA on November 10, 2008 is apparently not in the city's file of record.

In addition, I did not see copies of the DVD which HSNA provided to the city or a copy of the Bargain and Sale Deed recorded on September 12, 2007 showing that ownership had transferred from the previous owner to Handris Properties which HSNA also previously provided. At the September 18, 2007 HSNA meeting SFA Design Group was representing the owner, Handris Properties, LLC as confirmed by the attached documents which I respectfully request you add to the record.

Please make both the attached Bargain and Sale Agreement dated September 12, 2007 transferring ownership to Handris Properties LLC and my letter to Kirsten VanLoo of November 10, 2008 a part of the record and provide copies to the members of the Planning Commission and the public.

Lynn Fox, President
Hidden Springs Neighborhood Association

6/15/2009

November 10, 2008

Kirsten VanLoo
VanLoo 2 Associates LLC
14845 SW Murray Scholls Drive, Suite 110
Beaverton, Oregon 97007

RE: 19650 Suncrest Drive

Dear Ms. VanLoo,

Pursuant to your request for information regarding the owner's promise to dedicate the open space at 19650 Suncrest Avenue, West Linn, Oregon to the city please find the enclosed DVD of the September 18, 2007 HSNA meeting. A presentation was given by Mr. Ben Altman of SFA Design Group, LLC (503) 641-8311, 8020 SW Washington Square Drive, Suite 350, Portland, Oregon 97223 representing the property owner Handris Properties, LLC. Title to 19650 Suncrest, West Linn, Oregon passed from David W. and Jacqueline M Sparks to Handris Properties, LLC on September 12, 2007. Mr. Altman makes several references to "the property owner" which legally was Handris Properties, LLC at the time of the presentation on September 18, 2007. As the representative of the owner, Handris Properties, Mr. Altman also states that "all the treed area will be dedicated to the city".

The presentation by the Handris Properties, LLC representative, Ben Altman of SFA Design Group begins at approximately 3600 on the DVD.

Please let me know if I can be of any further assistance

Cordially,

Lynn Fox, President
Hidden Springs Neighborhood Association
PO Box 238
Marylhurst, Oregon 97036

Enc. - 1 dvd

Soppe, Tom

From: Soppe, Tom
Sent: Monday, June 15, 2009 10:03 AM
To: 'Robinson, Michael C. (Perkins Coie)'
Subject: RE: Suncrest

The modification to the staff report will be in the form of a memo on Wednesday that also addresses the new submittals (I can these new email submittals to you also at this time). In the meantime, here is a list of the current proposed conditions including the modification:

RECOMMENDED CONDITIONS OF APPROVAL

1. Tract A and the stormwater facility in Tract A shall be private, and the applicant shall enter into a maintenance agreement with the City for the facility. The stormwater line under the private street shall be private.
2. A 20-foot wide trail easement extending north-to-south through the site shall be provided on the final plat within Tract B, east of Fern Creek. The exact location of the easement shall be determined cooperatively between the applicant and the City.
3. The applicant shall mitigate for the loss of the 5 trees determined to be significant by the City Arborist that are proposed for removal. These shall be mitigated for on an inch per inch basis per 55.100(B)(2)(f), preferably on site. The City Arborist shall determine preferred on-site locations. If on site mitigation is not possible for all mitigation planting, the applicant shall work with the Parks and Recreation Department to mitigate at an appropriate city-owned site. Street trees shall not count towards the mitigation required in this condition.
4. Applicant shall underground all new and existing utilities.
5. Houses on lots 1-3 shall have front facades oriented to Suncrest Drive.
6. Turning radii on the private street/shared driveway turnaround shall be at least 25 degrees.
7. Applicant shall be responsible for funding waterline upsizing along his frontage. The upsizing requirement is a Capital Improvement Project in the 2008 Water System Master Plan and SDC eligible at 56%. It shall be the City's option whether to contract directly for the improvement or have the developer contract for the work. If the City decides to upsize a greater length of water line replacement than the site frontage, the applicant will still only be responsible for funding the portion along the site frontage.
8. The private street/shared driveway shall be built to City street structural standards.
9. The applicant shall commission a lighting study of the project's frontage, and provide this to the Engineering Department who will use it to determine the street lighting needed to meet the City's lighting standards. If needed the applicant will install street lights to meet City lighting standards.

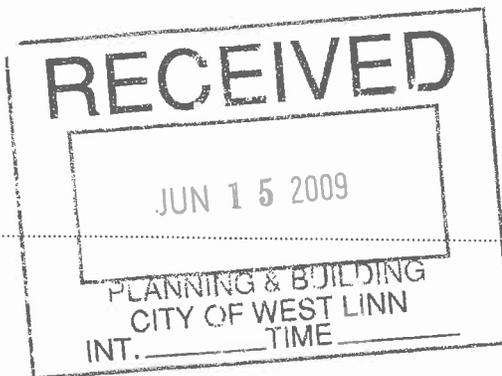
10. The applicant shall perform fire flow tests , install hydrants, and install "No Parking" signs to the satisfaction of TVFR.
11. Prior to recording of the subdivision plat, the applicant shall remove all Himalayan Blackberry, Garlic Mustard and English Ivy on the ground within proposed Tract A."
12. The front yard setbacks of lots 1-3 shall be those of the underlying base zone R-10, which is 20 feet (15 to porch) as measured from the front property line after the 10 foot ROW dedication.
13. The applicant shall provide 5-foot utility easement along the front and rear of each lot in areas not already covered by the proposed utility easements overlaid on the proposed private street.
14. A conservation easement shall be placed on the final plat on the entirety of Tract B.

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

From: Robinson, Michael C. (Perkins Coie) [mailto:MRobinson@perkinscoie.com]
Sent: Monday, June 15, 2009 8:19 AM
To: Soppe, Tom
Subject: RE: Suncrest

Thanks-please send me a copy of the modified staff report to show the new condition. Mike

Michael C. Robinson | Perkins Coie LLP
 PHONE: 503.727.2264



From: Soppe, Tom [mailto:tsoppe@westlinnoregon.gov]
Sent: Thursday, June 11, 2009 2:54 PM
To: Robinson, Michael C. (Perkins Coie)
Subject: RE: Suncrest

Sorry I forgot to write you back. We are fine with the condition.

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

From: Robinson, Michael C. (Perkins Coie) [mailto:MRobinson@perkinscoie.com]
Sent: Thursday, June 11, 2009 2:45 PM

To: Kerr, Chris; Soppe, Tom
Subject: Suncrest

Comments on the condition?

Public Records Law Disclosure

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* * * * *

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* * * * *

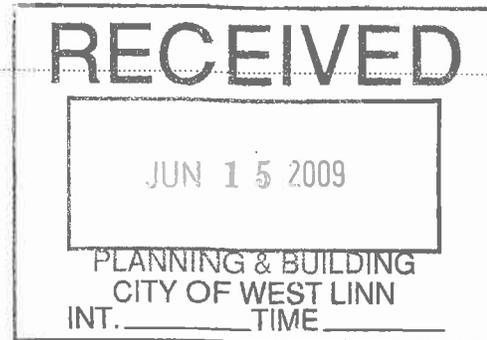
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* * * * *

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Soppe, Tom

From: [REDACTED]
Sent: Sunday, June 14, 2009 4:16 PM
To: 'Hidden Springs Neighborhood Assoc.'
Cc: [REDACTED] Soppe, Tom
Subject: RE: HSNA June 16, 2009 meeting notice and Agenda



Well, Thanks for getting my name spelled correctly. That always warms the cockles of my heart.

- #1. It's not that bad. However, I do have concerns about how the riparian area is managed and how it is deeded. Seeing how the applicant has apparently gone back on his word already, I would strongly urge Planning to put in place a written agreement of ownership and future entitlements, if any.
- #2. Now that you agree with me I will have to disavow anything Karie says. For ever and ever. Tsk. She had so much potential ;-)
- #3. See!?! Now why did he have to go and done what he did? I will miss his witticisms at the NA, but will look forward to his pearls of wisdom on the PC.
- #4. I have no interest on the Cell tower, other than I think it is a good idea. But that's me. I just like giving you a hard time on Chuck and wish him all the best. If he wants to expound on the endless virtues of a cellless tower, so be it!
- #5. I'm sad to see the NA run like City Council. No one gives a rip about Roberts Rule and it is unfortunate that people feel a need to disrupt what might some day be a nice thing, that being a NA meeting. Good luck with all that. Me, I would approach it much more effectively to where it wouldn't be an issue. But you are the NA Prez, so you own it.

We should be discussing Stafford Basin at jointly run NA meetings. Talking with developers alone doesn't do me any favors.

Plus, I have neighbors who already have told me they think the City has messed up, again, with the Erickson Property. I have directed them to you. I expect you to be up to speed on what is going on, seeing how you are our representative to the City. (While you fritter away on Roberts Rules, Rome burns.)

From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Sunday, June 14, 2009 3:51 PM
To: Gary* Hitesman
Subject: Fw: HSNA June 16, 2009 meeting notice and Agenda

Hello Gary,

Thank you for letting me know you will be speaking at the meeting. In the future, please let me know if you would like to speak regarding a specific issue and I will be happy to ask the board to place you on the agenda. I will forward your request to Dr. Lytle.

- #1. Please let me know your reasons for favoring this development.
- #2. I agree with you.
- #3. Dr. Lytle has not discussed his intentions with me but in anticipation of his possible absence from the meeting I am requesting that the VP be prepared to fulfill the Secretary's duties if he is unavailable.
- #4. The Cell phone tower application is not a land use application and Dr. Lytle is allowed to view

6/15/2009

the presentation and participate in discussions regarding this issue. It is my understanding that Dr. Lytle is allowed to participate in all other business of the meeting except the Suncrest presentation and any discussions or votes by the membership on that matter. I am confident that Dr. Lytle will advise me of proper procedure at the time of the meeting.

#5. Recently there have been a few individuals who have disrupted featured speakers who had the floor at HSNA meetings. Roberts Rules of Order rely on the honorable intentions and civility of the participants and are of very little effect when someone is intent on disrupting a meeting. At the upcoming meeting I will advise the membership that any future attempt to disrupt a featured speaker during their presentation, or to disrupt a member or visitor during their three minutes to speak on a matter, will result in an extension of time to the interrupted speaker to conclude their presentation without interference. HSNA allows 3 minutes for a recognized party to present their information before the Chair recognizes the next person in the que. Should someone interrupt you during your three minutes to present information, you will be given a reasonable amount of time to recover and finalize your presentation. Please let me know if you will require the use of a white board or any props when you are speaking and I will borrow them from the city.

Knowledge is Power,

Lynn Fox, President
Hidden Springs Neighborhood Association

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

From: GARY
To: 'Hidden Springs Neighborhood Assoc.'
Sent: Sunday, June 14, 2009 12:04 PM
Subject: RE: HSNA June 16, 2009 meeting notice and Agenda

Get Ready, here I come!

#1. I am generally in favor of this development and will tell you why, if allowed.

#2. Ms. Oakes is a worthy adversary and only the best person you could have asked to speak on your behalf.

#3. Due to Ex Parte concerns, will Chuck be sleeping out in the street? He is more than welcome to stay with me till this whole bubba-ballou subsides. Who will be recording the meeting discussion and I humbly request Chuck go on record at the NA as saying he is leaving the meeting. Or explain why he is staying to listen.

Respectfully,
Your favorite Hidden Springs Neighborhood Association Neighbor.

From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Sunday, June 14, 2009 11:47 AM
To: Test Test
Subject: Fw: HSNA June 16, 2009 meeting notice and Agenda

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

From: Hidden Springs Neighborhood Assoc.
To: Test Test

Sent: Sunday, June 14, 2009 11:42 AM
Subject: Fw: HSNA June 16, 2009 meeting notice and Agenda

Hi Neighbors,

Attached is a copy of the Agenda for the June 16, 2009 meeting of the Hidden Springs Neighborhood Association which will be held at the West Linn Adult Community Center at 1180 Rosemont Road from 7pm to 9:30PM.

Please note that the Suncrest development that will be heard by the Planning Commission on June 17th is on the agenda. The HSNA meeting gives you an opportunity to become informed about this development so you can be an informed participant when the application is presented to the Planning Commission.

The City has advised the applicant for a Cell communications tower on Rosemont Reservoir that they need to meet with HSNA before the application is submitted to the City. The applicant's representative will be presenting information and answering questions at the meeting also.

Since we do not have email addresses for all residents of Hidden Springs NA, please share this information with your neighbors.

Cordially,

Lynn Fox, President
Hidden Springs NA

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.364 / Virus Database: 270.12.64/2170 - Release Date: 06/14/09 05:53:00

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.364 / Virus Database: 270.12.64/2170 - Release Date: 06/14/09 05:53:00

Soppe, Tom

From: Soppe, Tom
Sent: Monday, June 15, 2009 9:55 AM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: Suncrest PUD application

Staff's negotiations with the applicant over the conditions regarding potential trails concluded with the applicant agreeing to the 20 foot wide north-south trail easement, but not to an easement west through Tract A and the private street to Suncrest.

Thanks,

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

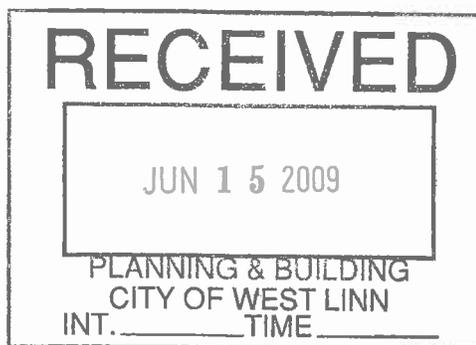
From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Saturday, June 13, 2009 1:27 AM
To: Soppe, Tom
Subject: Suncrest PUD application

Mr. Soppe,

On February 20, 2009 Mike Perkins wrote a memo recommending that a sidewalk be installed along the private street to Suncrest from tract B to provide for connectivity. Was Mr. Perkin's recommendation incorporated into the staff's recommendations?

Cordially,

Lynn Fox, President
Hidden Springs NA



Soppe, Tom

From: Hidden Springs Neighborhood Assoc. [WLHSNA@msn.com]
Sent: Monday, June 15, 2009 9:55 AM
To: Soppe, Tom
Subject: Re: 19650 Suncrest Drive:PUD-09-01/SIB-09-01/WAP-09-02

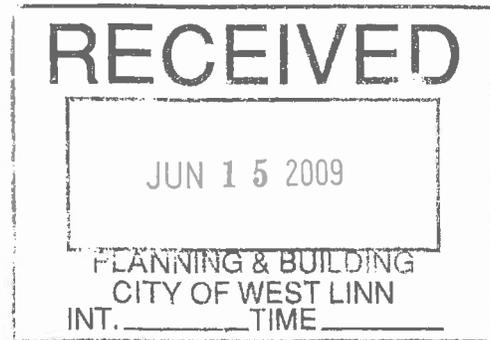
Thank you for the clarification.

A copy for the NA and the record would be appreciated.

Thank you again.

Cordially,

Lynn Fox, President
Hidden Springs NA



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

From: Soppe, Tom
To: Hidden Springs Neighborhood Assoc.
Sent: Monday, June 15, 2009 9:42 AM
Subject: RE: 19650 Suncrest Drive:PUD-09-01/SIB-09-01/WAP-09-02

On the phone on Friday when I was quoting the email, I was referring to Kirsten Van Loo, not Kirsten Wyatt. No agreement has been negotiated at this time other than agreement on the proposed conditions of approval between staff and applicant.

I will work on getting a copy of what we send to the County (we send to them to record) from the annexation going on the ballot. Did you just want a copy of this or are you requesting it go in the record or both?

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: Friday, June 12, 2009 7:13 PM
To: Soppe, Tom
Subject: 19650 Suncrest Drive:PUD-09-01/SIB-09-01/WAP-09-02

Mr. Soppe,

I was quite surprised when you told me that Kirsten Wyatt had negotiated an agreement regarding an easement on the open space regarding the above referenced property at 19650 Suncrest Drive. I was not aware that Ms. Wyatt was a member of the Planning Department or trained for that responsibility.

During the HSNA meetings the membership discussed the promise made by the owner to deed the property to the city if the property was annexed. Following successful annexation of the property, the owner's representative advised the membership that he had discovered a parcel of developable land in the treed area and would not be deeding the treed area to the city. Several members were very upset because they voted for annexation relying upon the owner's

Soppe, Tom

From: Soppe, Tom
Sent: Monday, June 15, 2009 9:51 AM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: Suncrest Development

I let the applicant know at that time about the ambivalent status of the tree and that they would need to be the ones to investigate to prove whether it was significant per Mr. Perkins. Since I did not receive anything from them, I have included it as one of the ones we do consider significant, and it is included in Condition 3 as one of the 5 significant trees to be mitigated for.

Thanks,

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

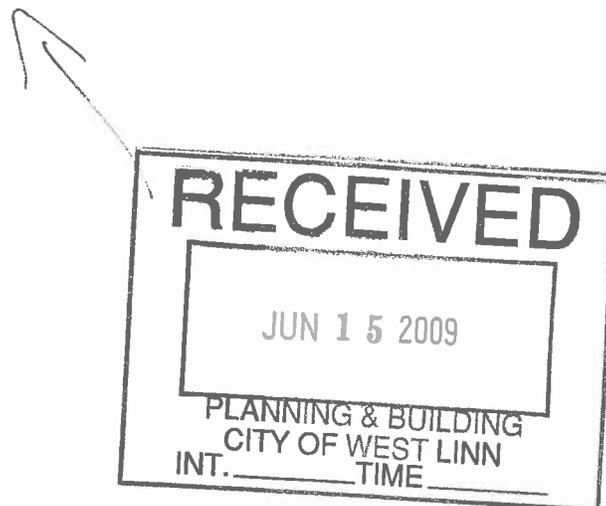
From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Saturday, June 13, 2009 12:31 AM
To: Soppe, Tom
Subject: Suncrest Development

Mr. Soppe,

In your email of March 31, 2009 to Michael Perkins regarding the stability of tree 1389, you asked Mr. Perkins if the applicant's arborist or the city's arborist investigates the condition of the tree. Mr. Perkins advised you that the applicant's arborist provides the investigation in his response to you on March 31, 2009. I am unable to locate the results of the investigation by the applicant's arborist. Please provide a copy of the investigation by applicant's arborist regarding 1389. Thank you.

Cordially,

Lynn Fox, President
Hidden Springs NA



Soppe, Tom

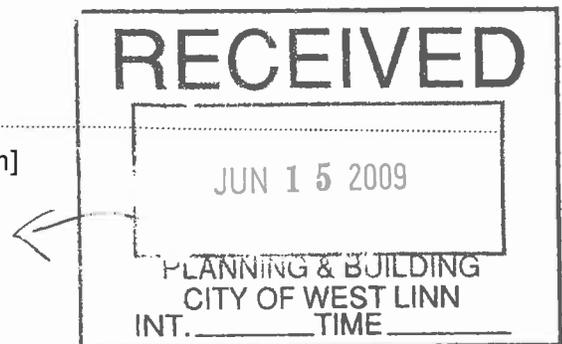
From: Soppe, Tom
Sent: Monday, June 15, 2009 9:42 AM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: 19650 Suncrest Drive:PUD-09-01/SIB-09-01/WAP-09-02

On the phone on Friday when I was quoting the email, I was referring to Kirsten Van Loo, not Kirsten Wyatt. No agreement has been negotiated at this time other than agreement on the proposed conditions of approval between staff and applicant.

I will work on getting a copy of what we send to the County (we send to them to record) from the annexation going on the ballot. Did you just want a copy of this or are you requesting it go in the record or both?

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: Friday, June 12, 2009 7:13 PM
To: Soppe, Tom
Subject: 19650 Suncrest Drive:PUD-09-01/SIB-09-01/WAP-09-02



Mr. Soppe,

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During the HSNA meetings the membership discussed the promise made by the owner to deed the property to the city if the property was annexed. Following successful annexation of the property, the owner's representative advised the membership that he had discovered a parcel of developable land in the treed area and would not be deeding the treed area to the city. Several members were very upset because they voted for annexation relying upon the owner's representation that he would deed the treed area to the city. They indicated they would not have voted for annexation of the property if the owner had not represented that the city would be deeded the property following annexation. There was no significant discussion of an easement or location of a trail or specifically what the owner was offering to the city in order to be granted a PUD at the HSNA meetings as you stated in our conversation. That was not possible as the form the development application was unknown at the time of those meetings.

I understand that the applicant is the same party that the City fined for illegally cutting down trees previously and would appreciate it if you could provide copies of the citation and the fine regarding the previous violation regarding Mr. Handris or Handris Properties LLC.

Please provide a copy of the statement that was submitted to the Oregon State Department of Elections or the Secretary of State by the city when the property was placed on the ballot for annexation.

I am very concerned that you did not receive all the documents and the dvd I left for you with city staff last November, as they are not in the record. A copy of the dvd provided to Ms. VanLoo at

6/15/2009

her request, was also provided to the Planning Department and is not in the record. Copies of the deed showing the owner of record at time of the pre annexation meeting were also provided to you by HSNA and do not appear to be in the record. In the future I will deliver documents and materials directly to you for your signature, rather than leave them in the possession of city staff for delivery to you.

Please make this email a part of the record and provide copies to the Planning Commission and the public.

Cordially,

Lynn Fox, President
Hidden Springs NA

Soppe, Tom

From: Soppe, Tom
Sent: Monday, June 15, 2009 8:55 AM
To: 'Hidden Springs Neighborhood Assoc.'
Subject: RE: Proof of ownership of 19650 Suncrest at September 18, 2007 HSNA preannexation meeting with owner's representative, PUD-09-01/SUB-09-01/WAP-09-02

The Bargain and Sale agreement is in the record as it is in the staff report pages 185-86.

There is an mp3 entitled "Suncrest Neighborhood" on two of the CDs submitted by Ms. Van Loo, and no other audio or visual files on the DVDs she submitted. If that is not your file, then I don't have what you submitted to her. She did provide a complete submittal of what the CDC requires.

Your letter to Ms. Van Loo of November 10, 2008 is in the staff report on page 107.

I don't have any record of receiving a DVD directly from HSNA.

I will add the attachment you provide with this email to the record.

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: Friday, June 12, 2009 5:00 PM
To: Soppe, Tom
Subject: Proof of ownership of 19650 Suncrest at September 18, 2007 HSNA preannexation meeting with owner's representative, PUD-09-01/SUB-09-01/WAP-09-02

Dear Mr. Soppe,

After reviewing the complete file regarding 19650 Suncrest Drive, PUC 09-01/SUB-09-01/WAP-09-02 at city hall, please be advised that the dvd provided to Kirsten VanLoo by HSNA on November 10, 2008 is apparently not in the city's file of record.

In addition, I did not see copies of the DVD which HSNA provided to the city or a copy of the Bargain and Sale Deed recorded on September 12, 2007 showing that ownership had transferred from the previous owner to Handris Properties which HSNA also previously provided. At the September 18, 2007 HSNA meeting SFA Design Group was representing the owner, Handris Properties, LLC as confirmed by the attached documents which I respectfully request you add to the record.

Please make both the attached Bargain and Sale Agreement dated September 12, 2007 transferring ownership to Handris Properties LLC and my letter to Kirsten VanLoo of November 10, 2008 a part of the record and provide copies to the members of the Planning Commission and the public.

Lynn Fox, President
Hidden Springs Neighborhood Association

6/15/2009

Soppe, Tom

From: Hidden Springs Neighborhood Assoc. [WLHSNA@msn.com]
Sent: Friday, June 12, 2009 5:00 PM
To: Soppe, Tom
Subject: Proof of ownership of 19650 Suncrest at September 18, 2007 HSNA preannexation meeting with owner's representative, PUD-09-01/SUB-09-01/WAP-09-02
Attachments: 10650 Suncrest evidence of ownership at HSNA preannexation meeting.pdf

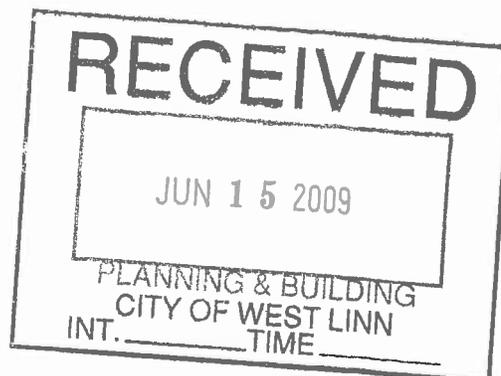
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Lynn Fox, President
Hidden Springs Neighborhood Association



David W. Sparks and Jacqueline M. Sparks
Secretary Name and Address
Handrin Properties, LLC
Handrin Properties, LLC
1980 Willamette Falls Drive, #200
West Linn, OR 97068

STATE OF OREGON,
County of Clatsop
Clatsop County Official Records
Sherry Hall, County Clerk
2007-079207
\$38.00
09/18/2007 03:05:33 PM
KARLYNNUN

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that David W. Sparks and Jacqueline M. Sparks, Husband and Wife hereinafter called grantor, for the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto Handrin Properties LLC, an Oregon limited liability company the within called grantees, and unto grantees heirs, successors and assigns, all of that certain real property, with the tenements, improvements and appurtenances thereunto belonging or in any way appertaining, situated in Clatsop County, State of Oregon, described as follows, to-wit:

See attached Exhibit "A" for legal description

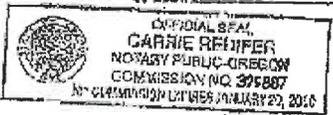
FNT - 15 - 20070003521

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE
To Have and to Hold the same unto grantees and grantees heirs, successors and assigns forever.
The true and actual consideration paid for this transfer, stated in terms of dollar, is \$ none. However, the actual consideration consists of or includes other property or value given or promised which is part of the DE the whole (indicate which) consideration. (For purposes between the grantors, if not applicable, should be deleted. See ORS 89.010)
In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.
IN WITNESS WHEREOF, the grantor has executed this instrument on September 12, 2007; if grantor is a corporation it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.362. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLENT MANNER OR IN VIOLATION OF ANY FEDERAL, STATE OR LOCAL LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS OR LIMITATIONS REGARDING FUTURE DEVELOPMENT PRACTICES AS DETERMINED BY THE PLANNING AND TO INQUIRE ABOUT THE RIGHTS OF ADJOINING PROPERTY OWNERS, IF ANY, UNDER ORS 197.362.

David W. Sparks
Jacqueline M. Sparks

STATE OF OREGON, County of Clatsop ss.
This instrument was acknowledged before me on September 12, 2007
by David W. Sparks and Jacqueline M. Sparks
This instrument was acknowledged before me on
by
as
of



Carrie Redifer
Notary Public for Oregon
My commission expires 1-20-10

November 10, 2008

Kirsten VanLoo
VanLoo 2 Associates LLC
14845 SW Murray Scholls Drive, Suite 110
Beaverton, Oregon 97007

RE: 19650 Suncrest Drive

Dear Ms. VanLoo,

Pursuant to your request for information regarding the owner's promise to dedicate the open space at 19650 Suncrest Avenue, West Linn, Oregon to the city please find the enclosed DVD of the September 18, 2007 HSNA meeting. A presentation was given by Mr. Ben Altman of SFA Design Group, LLC (503) 641-8311, 8020 SW Washington Square Drive, Suite 350, Portland, Oregon 97223 representing the property owner Handris Properties, LLC. Title to 19650 Suncrest, West Linn, Oregon passed from David W. and Jacqueline M Sparks to Handris Properties, LLC on September 12, 2007. Mr. Altman makes several references to "the property owner" which legally was Handris Properties, LLC at the time of the presentation on September 18, 2007. As the representative of the owner, Handris Properties, Mr. Altman also states that "all the treed area will be dedicated to the city".

The presentation by the Handris Properties, LLC representative, Ben Altman of SFA Design Group begins at approximately 3600 on the DVD.

Please let me know if I can be of any further assistance.

Cordially,

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

Enc. - 1 dvd

Soppe, Tom

From: Ryan, Corinne F. (Perkins Coie) [CRyan@perkinscoie.com] on behalf of Robinson, Michael C. (Perkins Coie) [MRobinson@perkinscoie.com]
Sent: Wednesday, June 10, 2009 2:06 PM
To: Soppe, Tom
Subject: FW: Suncrest Condition of Approval

sent by Corinne F. Ryan | Perkins Coie LLP

LEGAL SECRETARY TO:

Michael C. Robinson | Seth J. King

1120 N.W. Couch Street

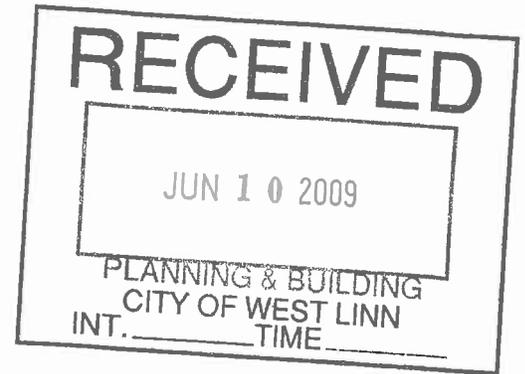
Tenth Floor

Portland, OR 97209-4128

PHONE: 503.727.2137

FAX: 503.727.2222

E-MAIL: cryan@perkinscoie.com



From: Ryan, Corinne F. (Perkins Coie) **On Behalf Of** Robinson, Michael C. (Perkins Coie)
Sent: Wednesday, June 10, 2009 11:23 AM
To: ckerr@ci.west-linn.or.us; tsoppe@ci.west-linn.or.us
Cc: handris@aol.com; Kirsten Vanloo; Robinson, Michael C. (Perkins Coie)
Subject: Suncrest Condition of Approval

Chris and Tom,

I am following-up on Chris' May 27 email to me regarding a revision to proposed Condition of Approval 11. Shown below is a proposed condition that Mark can agree to and it is very similar to Chris' language. Would you please review it and get back to me?

"Prior to recording of the subdivision plat, the applicant shall remove all Himalayan Blackberry, Garlic Mustard and English Ivy on the ground within proposed Tract A."

Thanks.

Mike

Michael C. Robinson | Perkins Coie LLP
1120 N.W. Couch Street
Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2264
MOBILE: 503.407.2578
FAX: 503.346.2264
E-MAIL: mrobinson@perkinscoie.com

sent by Corinne F. Ryan | Perkins Coie LLP
LEGAL SECRETARY TO:
Michael C. Robinson | Seth J. King
1120 N.W. Couch Street
Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2137
FAX: 503.727.2222
E-MAIL: cryan@perkinscoie.com

* * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

* * * * *

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

* * * * *

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with Treasury Department and IRS regulations, we inform you that, unless expressly indicated otherwise, any federal tax advice contained in this communication (including any attachments) is not intended or written by Perkins Coie LLP to be used, and cannot be used by the taxpayer, for the purpose of (i) avoiding penalties that may be imposed on the taxpayer under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or any attachments).

* * * * *

NOTICE: This communication may contain privileged or other confidential information. If you have

Soppe, Tom

From: Kirsten Vanloo [kirsten@emeriodesign.com]
Sent: Monday, June 08, 2009 4:40 PM
To: 'Robinson, Michael C. (Perkins Coie)'; Kerr, Chris; Soppe, Tom
Cc: Handris@aol.com
Subject: SunCrest PUD Subdivision

Dear All:

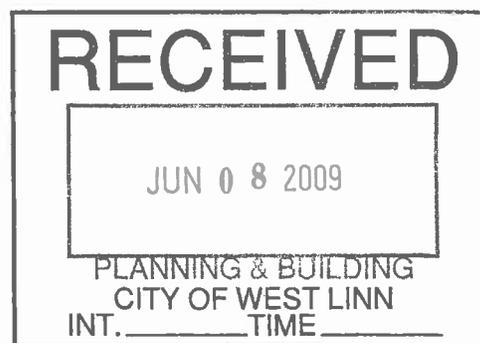
I researched the video from the neighborhood meeting in August 2007 when annexation was first discussed by Ben Altman. The property owner was David Sparks and the consulting firm was SFA. In that first meeting the concept of dedication of open space to the City was discussed. The minutes from the 2nd neighborhood meeting for the annexation indicate that the concept had "morphed" into dedication of an EASEMENT. There were three hearings, 11-26-2007, 02-06-2008 and 02-11-2008, for the annexation issues and I've been told that the testimony at the hearings only nominally discussed granting easements over the future open space tract.

The current application is for a PUD subdivision, for land owned by Mark Handris/ICON and the consultant is Kirsten Van Loo/Emerio Design. The current application has ALWAYS been represented as a PUD with the resulting open space being held in private ownership with potential for an easement for public access in a limited band adjacent to the drainage for a public walking trail.

There is complete separation between the ownership and consultant representation for the annexation process (which has no bearing on the subdivision application anyway) and the current application.

Hope this clarifies the information path so that the neighborhood reps can understand the current position of City and application.

Kirsten Van Loo



Soppe, Tom

From: GARY [REDACTED]
Sent: Friday, June 05, 2009 5:17 PM
To: 'Hidden Springs Neighborhood Assoc.'
Cc: Soppe, Tom; Kerr, Chris; Planning Commission
Subject: Consent to approval 4 Suncrest PUD application



Dear Ms. Lynn Fox,

I accessed the PUD application for 19650 Suncrest on line and was impressed with the documentation, the breadth of the review, and the clarity of the presentation. This is perhaps Mr. Soppe's finest work yet. And accessing the information was easy.

Although I may be guilty of missing something, the application as a whole is leagues ahead of many other proposals I have recently reviewed, both residential and commercial.

I read your email carefully, and although I will not discredit any of your fine concerns, I wanted to let you know that I find the application to be a vast improvement over recent nearby development. As far as proposed developments go, this application does less damage than most. As future development goes, I feel that this development is headed in the right direction.

I am by no means a supporter of ICON Development after their botched attempts at urban engineering down in Willamette. However, with this development, the design occurs well within setbacks, is reasonably far enough away from the riparian corridor, and meets the allowable densities being placed in that Neighborhood.

I think the development and City might tinker a bit with the grading of the driveway and reduce the severity of slope at the bend. Due to the designation of Suncrest, the front street setbacks appear rather tight and unwelcoming to me. Besides vehicular noise and nuisances, I question the ultimate curb appeal of such a development in the area. Citing Chapter 55 criteria, I wonder if an increased setback at the front could be absorbed by the back of the lot? Added easements for future trails would be a great amenity for nearby residents connecting Suncrest to, ultimately, Hwy 43?

I would have the City verify that the water treatment solution is manageable by the homeowners and that the stream is guaranteed from potential spillover effects. (Recent development in the area with it's own sewer has required countless undocumented visits from City personnel to resolve issues. I suppose the Commission could impose stricter language that prevents limited public resources from servicing private driveways by having the homeowners post a insurance bond?)

I don't like the open space being put into the hands of the homeowners, although that is what occurs right now with the one household. This is usually a way for the City to work efficiently with minimum resources. I would ask for a public trail, or the beginnings of one, similar in character to the Palomino Loop trail, before being fenced in by the palomino posse.

I also think that in the long run, the trees to be displaced and replanted with newer stock is in the best interests of our neighborhood. If managed properly, maybe some of the trees can be used at and along the eyesore that is 1165 Rosemont?

Gary Hitesman

6/8/2009

From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Friday, June 05, 2009 12:21 PM
To: Test Test
Subject: Fw: Suncrest PUD application will be heard by PC on June 17th.

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

From: Hidden Springs Neighborhood Assoc.
To: Test Test
Sent: Friday, June 05, 2009 12:18 PM
Subject: Fw: Suncrest PUD application will be heard by PC on June 17th.

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Hello All,

Attached is the Planning Commission Agenda for June 17th where the application for the PUD at 19650 Suncrest will be heard. If you need help accessing the application and the relevant city codes on line you can contact Tom Soppe at (503)657-0331 or visit city hall and ask to review the file.

19650 Suncrest is on the agenda for the June 16th HSNA meeting in the event you don't have time to research the application. Many of you have told me how disappointed you are that after you voted to annex the property, the owner changed his mind about deeding the open space to the city. Instead of deeding the open space to the city as promised prior to annexation, the developer now wants to place the open space in the hands of a six member Home Owner Association which is controlled by the developer.

Under the plan that is being presented, apparently the street trees that would normally be planted in the planter strip, will be planted in peoples front yards instead. Placing city property (the trees) on private property is a precedent we all might want to think about. Those new residents will be unable to use a portion of the land they have paid for and are paying taxes on, because the city is using it.

In addition, the planter strip will apparently be a ditch used to drain storm water from the homes. Some residents are concerned that the presence of a ditch with seasonal water instead of a planter strip with trees and plantings similar to the rest of the Neighborhood could reduce the value, not only of the new homes but those in the surrounding area.

There is also concern that the narrow private street could create another Hillcrest type of traffic problem. Some residents are concerned about the fact that there apparently has been no traffic study to evaluate the impact of this development on Carriage Way and Rosemont. The West Linn Traffic Safety Plan (available on line) indicates this intersection is all ready substandard and there is no plan in place to bring it up to city standards. Should we be adding more traffic to a substandard intersection without requiring mitigation of those traffic impacts?

Some residents are very concerned about the high number of "conditions of approval" staff is recommending for this application as they are generally variances from the CDC. If you have any questions about this you can call Tom Soppe at (503)742-8660 and he will be able to help you. Mr. Soppe has recommended that the citizens DO NOT contact their elected representatives as that would be an exparte communication that could require them to reclude themselves in the event the Planning Commission decision is appealed to the City Council.

Please let your neighbors know about the PC meeting in the event they are not on the HSNA email list. If you have any questions please give me a call or email me----the sooner the better--and I will try to help you.

Cordially,

Lynn Fox, President
Hidden Springs NA

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

From: [Zak, Teresa](#)

Sent: Friday, June 05, 2009 10:58 AM

Good Morning,

The City web site has been updated with the Planning Commission Agenda for June 17, 2009. Please note the public hearing for the CDC Historic District re-write will be continued to August 5, 2009.

Thank you and good weekend to all.

Teresa Zak

City of West Linn

Planning Department Administrative Assistant

503.723.2533

tzak@westlinnoregon.gov

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