



1120 N.W. Couch Street, Tenth Floor
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Michael C. Robinson
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February 24, 2009

VIA MESSENGER

Chris Kerr
Senior Planner
City of West Linn Planning and Building Department
Suite 1000
22500 Salamo Road
West Linn, OR 97068

Re: Parker Crest Subdivision, Lots 3 and 28; Applications for Class II Variances

Dear Chris:

This office represents D.R. Horton, Inc.-Portland. Enclosed with this letter are two (2) applications for Class II Variances to the non-garage front yard setback standard for Lots 3 and 28 of the Parker Crest Subdivision located at 4300 Parker Road pursuant to City of West Linn Development Code 75.000. Enclosed with this letter are the following documents:

- One (1) City of West Linn development review application form signed by the owner and applicant regarding Lot 3 of the Parker Crest Subdivision.
- One (1) City of West Linn development review application form signed by the owner and applicant regarding Lot 28 of the Parker Crest Subdivision.
- An application narrative for each application addressing the applicable approval criteria with exhibits.
- A check made payable to the City of West Linn in the amount of \$5,400.00. This check covers three (3) application fees, although we are only submitting two (2) applications at this time.

37891-0049/LEGAL15416121.1

ANCHORAGE · BEIJING · BELLEVUE · BOISE · CHICAGO · DENVER · LOS ANGELES · MENLO PARK
OLYMPIA · PHOENIX · PORTLAND · SAN FRANCISCO · SEATTLE · SHANGHAI · WASHINGTON, D.C.

Perkins Coie LLP and Affiliates

Chris Kerr
Senior Planner
City of West Linn
February 24, 2009
Page 2

- Three (3) copies of each of the two (2) variance applications.
- One (1) CD of each of the two (2) variance applications.

I am the applicant's representative. Please provide me with copies of all correspondence to and from the City regarding these two (2) applications and the completeness determination letter.

My client would very much appreciate learning of completeness as soon as your schedule allows. If the applications are deemed complete immediately, my client would very much appreciate being scheduled as quickly as possible before the Planning Commission for a public hearing. If the completeness review determines that additional information is required, please notify me at once and I will provide it to you as quickly as I can.

Thank you in advance for your assistance.

Very truly yours,



Michael C. Robinson

MCR:crl

Enclosures

Cc: Client (w/encs.)(via email)



DEVELOPMENT REVIEW APPLICATION

TYPE OF REVIEW (Please check all boxes that apply):

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures |
| <input type="checkbox"/> Appeal and Review * | <input type="checkbox"/> One-Year Extension * |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Planned Unit Development |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> <u>Pre-Application Meeting *</u> |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Quasi-Judicial Plan or Zone Change |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Street Vacation |
| <input type="checkbox"/> Final Plat or Plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Flood Plain Construction | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Hillside Protection and Erosion Control | <input type="checkbox"/> Tualatin River Greenway |
| <input type="checkbox"/> Historic District Review | <input checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Water Resource Area Protection/Wetland |
| <input type="checkbox"/> Lot Line Adjustment * /** | <input type="checkbox"/> Willamette River Greenway |
| <input type="checkbox"/> Minor Partition (Preliminary Plat or Plan) | <input type="checkbox"/> Other/Misc |

Home Occupation / Pre-Application / Sidewalk Use Application * / Permanent Sign Review * / Temporary Sign Application require individual application forms available in the forms and application section of the City Website or at City Hall.

TOTAL FEES/DEPOSIT _____ * No CD required/ ** Only one copy needed

D.R. Horton, Inc.-Portland 4386 SW Macadam Ave. #102 Portland 97239 503-222-4151

OWNER'S	ADDRESS	CITY	ZIP	PHONE(res. & bus.)
D.R. Horton, Inc.-Portland c/o John R. Briscoe	4386 SW Macadam Ave. #102	Portland	97239	503-222-4151

APPLICANT'S	ADDRESS	CITY	ZIP	PHONE(res. & bus.)
Jeff Smith	4386 SW Macadam Ave. #102	Portland	97239	503-657-3402
Michael Robinson	1120 NW Couch St., Tenth Floor	Portland	97209-4128	503-727-2264

CONSULTANT	ADDRESS	CITY	ZIP	PHONE
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SITE LOCATION 2977 Winkel Way

Assessor's Map No.: 21E25CD Tax Lot(s): 08100 (Lot 28) Total Land Area: 7264 sf

- All application fees are non-refundable (excluding deposit).
- The owner/applicant or their representative should be present at all public hearings.
- A denial or grant may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- Four (4) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted on CD in PDF format.**

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application.

SIGNATURE OF PROPERTY OWNER(S)

X [Signature] Date 2-23-09

SIGNATURE OF APPLICANT(S)

X Michael Robinson / cc Date 2.24.09

BY SIGNING THIS APPLICATION, THE CITY IS AUTHORIZED REASONABLE ACCESS TO THE PROPERTY. ACCEPTANCE OF THIS APPLICATION DOES NOT INFER A COMPLETE SUBMITTAL. COMPLETENESS WILL BE DETERMINED WITHIN 30 DAYS OF SUBMITTAL.

PLANNING AND BUILDING; 22500 SALAMO RD #1000; WEST LINN, OR 97068; PHONE: 656-4211 FAX: 656-4106

BEFORE THE CITY OF WEST LINN PLANNING COMMISSION

In the Matter of an Application for) NARRATIVE ADDRESSING
Class II Variances by D.R. Horton,) APPLICABLE APPROVAL
Inc.-Portland to Allow Variances to the) CRITERIA IN WEST LINN
Front Yard Setbacks in the Parker) COMMUNITY
Crest Subdivision Located in the R-7) DEVELOPMENT CODE
Zoning District) ("CDC") SECTION 75.060
)

I. INTRODUCTION

This application requests approval of the following variances in the R-7 Zoning District:

- 1. A variance to allow a 16-foot (16') front yard setback where twenty feet (20') is required for the living area (non-garage) portion of the dwelling. (Exhibit 1.) This variance applies to Lot 3. (Exhibit 2.)
2. A variance to allow a 16-foot six-inch (16' 6") front yard setback where twenty feet (20') is required for the living area (non-garage) portion of the dwelling. This variance request applies to Lot 28 of the subdivision. (Exhibit 3.)

West Linn Community Development Code (the "CDC") Section 75.020(B)(2) authorizes a Class I variance where the applicant requests no more than a two foot (2') front yard setback reduction and a three foot (3') rear yard setback reduction. CDC Section 75.020(B)(1) authorizes a Class II variance where the applicant requests a front yard setback reduction of more than two feet. This application is subject to Class II variances because the requested setback reductions are more than two feet (2'). These variances are decided by the Planning Commission. CDC Section 75.030(B).

The need for these variances was not intentional, but rather, was the result of a misunderstanding by D.R. Horton, Inc.-Portland as to the redlined comments received from the City on each of the affected lots' approved site plans. D.R. Horton, Inc.-Portland had previously submitted Hub and Tack Certifications for each of the affected lots showing the front yard setback dimensions and had received foundation and footing permit approval from the City, leading D.R. Horton, Inc.-Portland to conclude that it had met the front yard setback standards.

A pre-submittal neighborhood meeting is not required for this application. CDC Section 99.038.

II. DESCRIPTION OF SITE

The Parker Crest Subdivision (the "subdivision") is located at 4300 Parker Road and identified on Assessor's Map 2-1E-36 as Tax Lot 100. The West Linn Planning Commission approved the tentative plat for the subdivision on March 23, 2006. No party appealed the Planning Commission's approval of the tentative subdivision plat.

The subdivision slopes up to the eastern boundary. A natural drainageway bisects the property from north to south. The subdivision is located on 8.2 acres and contains thirty-one (31) lots. The zoning is R-7 with a minimum lot size of 7,000 square feet. Lots range in size from 7,009 to 9,813 square feet.

The internal street curves north from Beacon Hill Drive and wind its way through the site before eventually exiting the site westwards into Maxfield Subdivision. Also, a street stub out extends southwards to provide a future link to the undeveloped land to the south. There is no direct vehicular access from the subdivision to Parker Road or Lancaster Street. Pedestrian and bicycle access to Parker Road/Lancaster is provided. The applicants request variances to the front yard setbacks for two (2) interior-facing lots.

The benefit of approving the variances is two-fold. First, all of the garage setbacks will remain at twenty feet (20'), allowing appropriate off-street parking in the garage driveways. Second, the variances will allow greater articulation on the homes' front facades, thus providing more street-side interest.

This application contains the site plans and map required by CDC Section 75.070(A)(B).

III. DESCRIPTION OF REQUESTED VARIANCES

This application requests variances to setbacks on two (2) of the thirty-one (31) lots. This application proposes that Lot 3 have a sixteen foot (16') non-garage front yard setback and that Lot 28 have a sixteen-foot six-inch (16' 6") non-garage front yard setback instead of twenty feet (20'). The variances are justified by the circumstances of approval and the various lots' location within the Subdivision.

1. Lot 3.

The application requests a variance to allow a sixteen-foot (16') front yard setback where twenty feet (20') is required for the living area (non-garage) portion of the dwelling on Lot 3. Lot 3 is an internal lot that fronts a planter strip and sidewalk and is located adjacent to open space on the West side. By reducing the non-garage front yard setback, the lot will have a large useable rear yard without affecting adjacent properties because the cumulative amount of setbacks around

the dwelling exceeds the minimum standards. In addition, the lot coverage and FAR standards are still met.

2. Lot 28.

The application requests a variance to allow a sixteen-foot six-inch (16' 6") front yard setback where twenty feet (20') is required for the living area (non-garage) portion of the dwelling on Lot 28. Lot 28 is an internal-facing lot that fronts a planter strip and sidewalk and is located adjacent to open space on the NW side. By reducing the non-garage front yard setback, the lot will have a larger useable rear yard since the open space tract limits the possible size of the rear yard. The reduced setback will not affect adjacent properties because the cumulative amount of setbacks around the dwelling exceeds the minimum standards. In addition, the lot coverage and FAR standards are still met.

IV. APPLICABLE APPROVAL CRITERIA

The approval criteria for variances are contained in CDC Section 75.060. CDC Section 75.060 requires that the Planning Commission approve the variance if the criteria are met. The Planning Commission may impose appropriate conditions of approval to ensure compliance with the approval criteria.

The approval criteria and the applicant's responses are shown below.

- 1. CDC 75.060(1): "Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances for which the applicant has no control."**

RESPONSE: The exceptional or extraordinary circumstances that apply to this property that are not generally applicable to other properties in the R-7 zoning district or in the vicinity of this site are the shape and characteristics of each lot, the location of the lots within the subdivision, and the building permit approvals.

As shown on **Exhibit 1**, Lots 3 and 28 are all interior-facing lots that do not front any major public roadway. Moreover, as shown on **Exhibits 2 and 3**, each dwelling exceeds the required twenty feet (20') front yard setback when measured from the street because each lot is adjacent to a planter strip and sidewalk. Visually, the dwellings do not appear to encroach heavily into the front yard since the dwellings are all appropriately sized for each lot and allow enough room to have exceeded the required amount of rear yard setback. Because the rear lot setbacks for each lot exceed the required standard, the

design results in more than the equivalent amount of setback area around each dwelling as a whole.

The need for the variance was not intentional as all other twenty-nine (29) lots in the subdivision meet all dimensional standards. The exceptional circumstances regarding this property include the fact that the City's building officials appeared to have approved the current front yard setbacks for Lots 3 and 28. As shown on **Exhibit 4**, the Hub and Tack Certification for Lot 3 clearly shows the front yard setback and was sent to and received by Jim Clark at the City prior to the foundation inspection, which was approved. **Exhibit 5** is the Hub and Tack Certificate for Lot 28, which clearly shows the front yard setback dimension. **Exhibits 6 and 7** show that the foundation and footings for Lots 3 and 28 were approved by the City.

The Planning Commission can find that these are exceptional circumstances not generally applicable to the R-7 zone in this vicinity

2. **CDC 75.060(2): "The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity."**

RESPONSE: The relevant property right is the right to enjoy single-family dwellings with appropriately sized and useable front, side and rear yards. Without the requested variances, the single-family dwellings on the requested lots will have to be razed or moved at a prohibitive cost. This is a right possessed by owners of other property in the R-7 zone.

3. **CDC 75.060(3): "The authorization of the variance will not be materially detrimental to the purposes and standards of this Code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan."**

RESPONSE: The variance will not be materially detrimental to the purpose and standards of this code. The purpose and standards for the R-7 zoning district are shown in CDC 12.010. The purpose statement for the R-7 zoning district is as follows: "**The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, the proximity to commercial development, and to public facilities and public transportation. This zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.**"

These variances are not detrimental for the purpose of the R-7 zoning district. In fact, because the purpose statement calls for this zone to accommodate urban

development at levels which relate to the site development limitations, these variances are appropriate. The variances are based upon four fundamental justifications:

- the lots are interior lots not which do not face a major public roadway;
- the lots front along a planter strip and sidewalk which are not calculated in the front yard setback calculation;
- the dwellings are appropriately sized for each lot and contain a cumulative amount of setback area that exceeds the required standards; and.
- non-garage front yard setback variances will allow off-street driveway parking while providing for more variety in the homes' articulation.

The variances are related to the site development limitations for this site.

The variance will not conflict with the policies and goals of the West Linn Comprehensive Plan. The relevant Comprehensive Plan Policy is Goal 10, Housing, Policy 5 providing as follows: "Allow for flexibility in lot design, size, and building placement to promote housing variety and protect natural resources."

This policy recognizes that the City should allow flexibility in building placement location. In this case, this policy is fulfilled by flexibility in the non-garage front yard setbacks to allow variances for interior dwellings that front along planter strips and sidewalks. The appropriately sized dwellings which require front yard setback variances also fulfill this policy by allowing housing variety and design without encroaching on adjacent properties.

The Planning Commission can find that the relevant Comprehensive Plan policy is satisfied.

4. **CDC 75.060(4): "The variance request is the minimum variance, which would alleviate the exceptional and extraordinary circumstance."**

RESPONSE: The requested variances are the minimum variances necessary to adjust the dwellings' location in order to account for the frontage along planter strips and sidewalks and to provide useable front, side and rear yards on all of the lots.

To mitigate any affect from the requested variances, the applicants would agree to increase the amount of front yard landscaping and to exceed the required front yard setback on new lots in the subdivision.

5. **CDC 75.060(5): "The exceptional or extraordinary circumstance does not arise from a violation of this ordinance."**

RESPONSE: No violation of the ordinance justifies this variance.

6. **CDC 75.060(6): "The variance will not impose physical limitations on other properties or use in the area, and will not impose physical limitations on future use of neighboring, vacant or undeveloped properties as authorized by the underlying zoning classification."**

RESPONSE: The variance will have no impact on other properties or uses in the area, nor will it impose limitations on adjacent vacant or undeveloped properties. The adjacent uses are single-family homes. Because the variance is for front yard setbacks on interior lots that front a planter strip, sidewalk and street, the variances will not reduce the setback adjacent to neighboring properties.

V. CONCLUSION

The applicants respectfully request that the Planning Commission approve the variances with any reasonable conditions of approval.

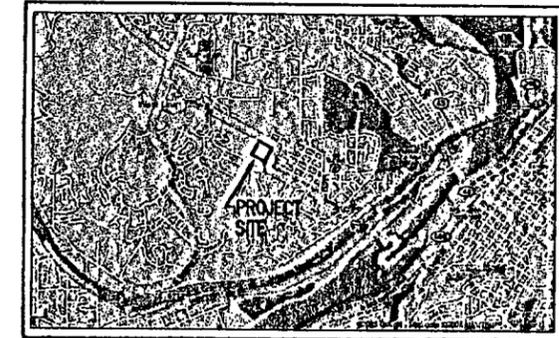
EXHIBITS

1. Tentative Subdivision Plat.
2. Approved Site plan of Lot 3.
3. Approved Site plan of Lot 28.
4. Hub and Tack Certificate Lot 3 and email to City.
5. Hub and Tack Certificate Lot 28.
6. Foundation/Footings Approval Lot 3.
7. Foundation/Footings Approval Lot 28.

PARKER CREST

TENTATIVE SUBDIVISION PLAT

LOCATED IN THE SE ¼ OF SECTION 36,
TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN
CLACKAMAS COUNTY, OREGON



VICINITY MAP
NO SCALE

DENSITY CALCULATIONS

GROSS SITE AREA = 8.21 ACRES
RIGHT-OF-WAY DEDICATION = 83,086 SF = 1.81 ACRES

TRACT 'A' STORM WATER FACILITY = 15,705 SF
TRACT 'B' STORM WATER FACILITY = 1,368 SF
TRACT 'C' OPEN SPACE = 10,249 SF
TRACT 'D' OPEN SPACE = 5,568 SF

TOTAL = 32,886 SF = 0.76 ACRES

NET SITE AREA = 8.21 ACRES - (1.91+0.76) ACRES = 5.54 ACRES
DENSITY = 31 LOTS/5.54 NET ACRES = 5.6 LOTS/NET ACRE
AVERAGE LOT AREA = 7,750 SF

MAX. DENSITY = 5.54 NET ACRES/7,000 S.F./LOT = 34.5 LOTS
MIN. DENSITY = 34.5 LOTS x 80% = 27.6 LOTS

BENCH MARK

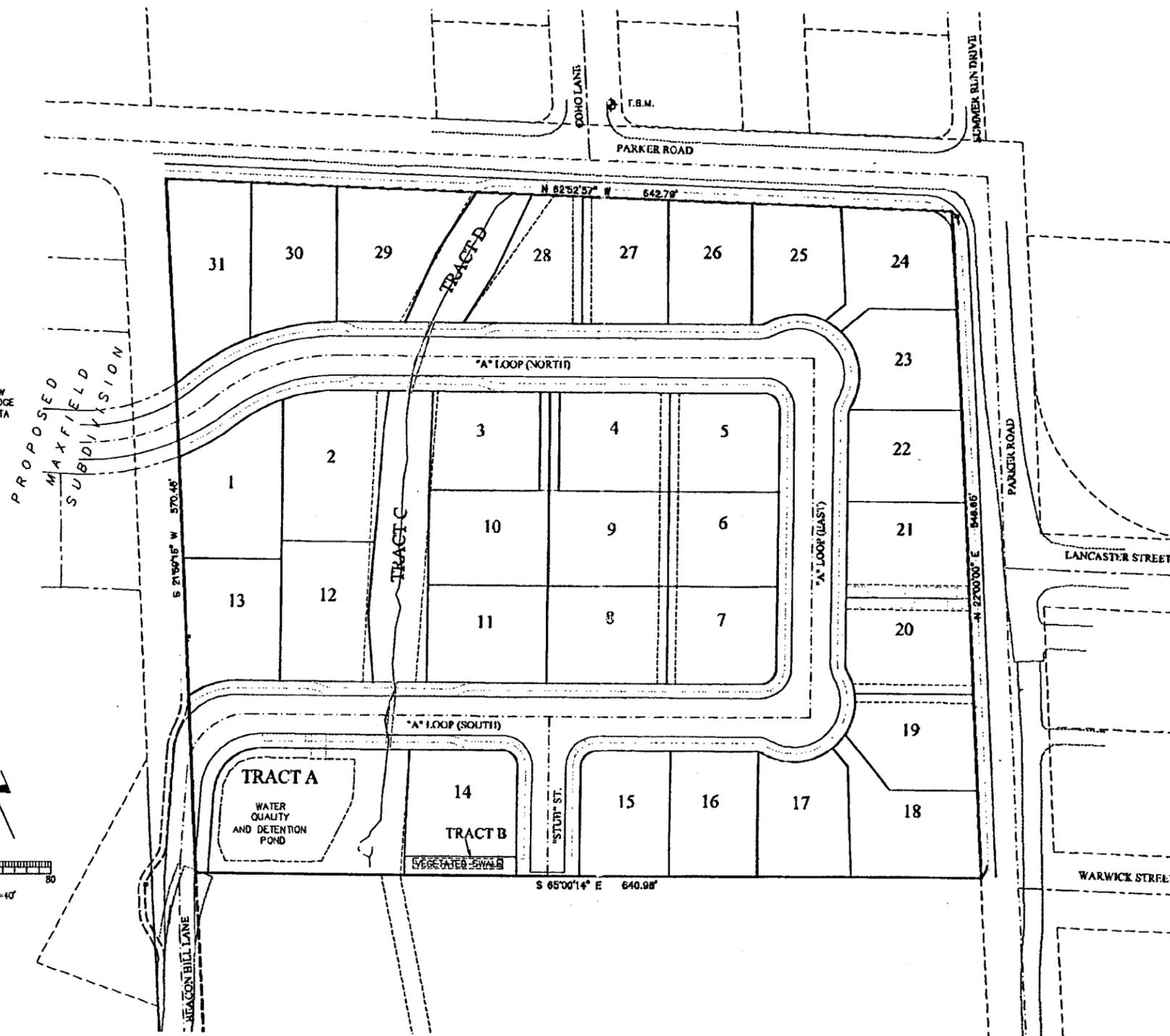
CITY OF WEST LINN BENCHMARK "B" A 3" CAP ON PIPE WITH YELLOW WATERWORKS LTD. 93.5 FEET EAST AND 17.0 FEET SOUTH OF THE EDGE OF PAVEMENT FROM + WAY INTERSECTION OF ROSEMONT/SANTA ANITA ELEVATION 687.22

BENCHMARK ONSITE

TOP OF FIRE HYDRANT OPERATING NUT AT THE NORTHEAST CORNER OF COHO LANE AND PARKER ROAD.
ELEVATION 518.20

IMPERVIOUS AREA INFORMATION

NEW IMPERVIOUS AREA:
STREETS = 66,302 SF
NEW HOMES = 81,840 SF (2640 SF/LOT)
TOTAL NEW = 148,142 SF



APPLICANT

KEN OLSON
6021 CAUFIELD
WEST LINN, OREGON 97068
PHONE (503) 504-1888
FAX (503) 650-5005

ENGINEER AND SURVEYOR

HARRIS-McMONAGLE ASSOCIATES, INC.
12555 SW HALL BLVD.
TIGARD, OR 97223
PHONE (503) 839-3453
FAX (503) 839-1232
CONTACT: JIM HARRIS

PLANNER

PORTER COMPANY, LLC
5510 SW DOVER LOOP
PORTLAND, OR 97225
PHONE (503) 977-0497
FAX (503) 248-3422
CONTACT: LARRY PORTER

GEOTECHNICAL ENGINEER

GEOPACIFIC ENGINEERING, INC.
7312 SW DURHAM RD.
PORTLAND, OREGON 97224
(503) 598-8445
CONTACT: JIM IMBRIE

SITE INFORMATION

4300 S PARKER ROAD
WEST LINN, OR
TAX MAP 251E36, TAX LOT 100
GROSS SITE AREA = 8.2 AC.
ZONING: CITY OF WEST LINN R-7

PARKER CREST

TENTATIVE SUBDIVISION PLAT

OCTOBER 31, 2005
REVISED DECEMBER 27, 2005, JANUARY 24, 2006,
JANUARY 26, 2006 AND MARCH 21, 2006

SHEET INDEX

- 1 Cover Sheet and Vicinity Map
- 2 Vicinity Transportation Network Map
- 3 Existing Conditions and Aerial Photo
- 4 Slope Analysis Map and Tree Plan (Revised 3/14/06)
- 5 Tentative Subdivision Plat and Typical Street Sections
- 6 Tentative Grading Plan and Tree Plan
- 7 Tentative Utility Plan
- 8 Parker Road Profile
- 9 Interior Street Profiles
- 10 Interior Street Profiles

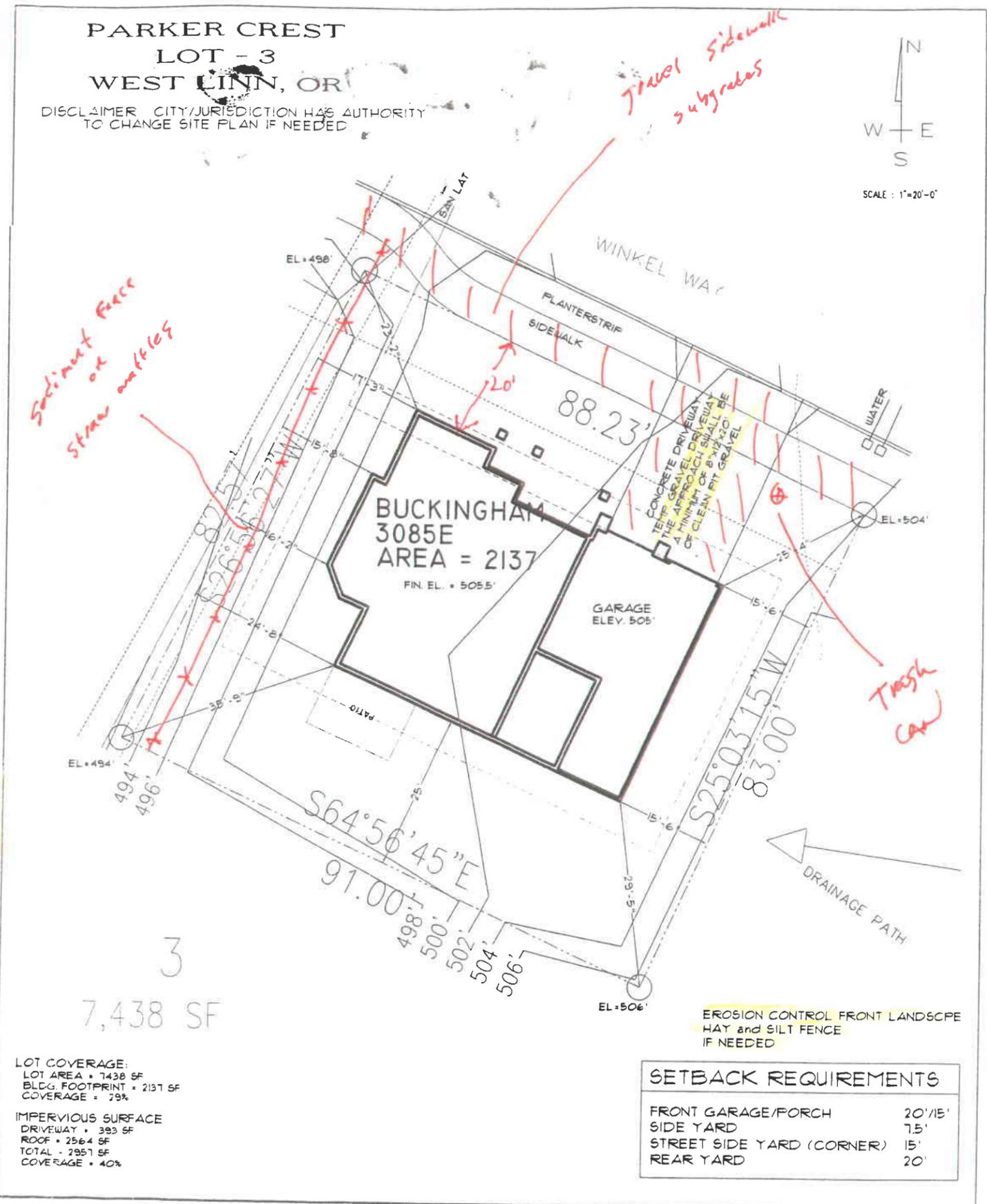
This Plan has been Reviewed & Complies w/
 By _____ Date _____
 Building: _____
 Planning: JS 9-17-08
 Engineering: KL 9-17-08
 Parks: MP 9-17-08

NO TREE REMOVAL EXCEPT
 IN APPROVED BUILDING FOOTPRINT
 Date: 9-17-08
 By: _____

- Erosion Control Comments**
1. Keep the street free of mud, & debris at all times. Storage of construction materials on the street is not allowed.
 2. Any steep slopes or stockpiles that will remain uncovered for more than 7 days during the wet weather season, shall be covered with straw, mulch, or plastic.
 3. Dependent on site conditions, you may be required to cover all bare ground before occupancy is granted
- Erosion Control Comments (cont)**
4. Connect roof-drain downspouts, foundation drains, wall-drains, or other storm drains to an approved collection system, immediately after installation.
 5. Do-not pump sediment-laden water off-site. I.E. Water that accumulates in foundations.
- Erosion Control Comments (cont)**
6. **Maintain Bio-Bags daily.** If not maintained you may be responsible for cleaning the downstream catch-basin(s) prior to approval of the final inspection.

CITY OF WEST LINN
 EROSION CONTROL
APPROVED
 with conditions
 DATE 9/17/08 BY Jh

THIS PLAN REVIEW APPROVAL
 DOES NOT PREVENT THE FIELD
 INSPECTOR FROM REQUIRING
 FURTHER CODE CORRECTIONS.



LOT COVERAGE:
 LOT AREA = 7438 SF
 BLDG. FOOTPRINT = 2137 SF
 COVERAGE = 29%

IMPERVIOUS SURFACE:
 DRIVEWAY = 383 SF
 ROOF = 2564 SF
 TOTAL = 2947 SF
 COVERAGE = 40%

EROSION CONTROL FRONT LANDSCAPE
 HAY and SILT FENCE
 IF NEEDED

SETBACK REQUIREMENTS	
FRONT GARAGE/PORCH	20'/15'
SIDE YARD	7.5'
STREET SIDE YARD (CORNER)	15'
REAR YARD	20'

ADDRESS: 2967 WINKEL WAY
 PLAN: 3085 E
 SCALE: 1" = 20'
 DATE: 09/08/08

D.R. Horton Homes
 4386 SW. Macadam Avenue, Suite 102
 Portland Oregon
 PHONE 503.222.4151 FAX 503.222.3717

EXHIBIT 2

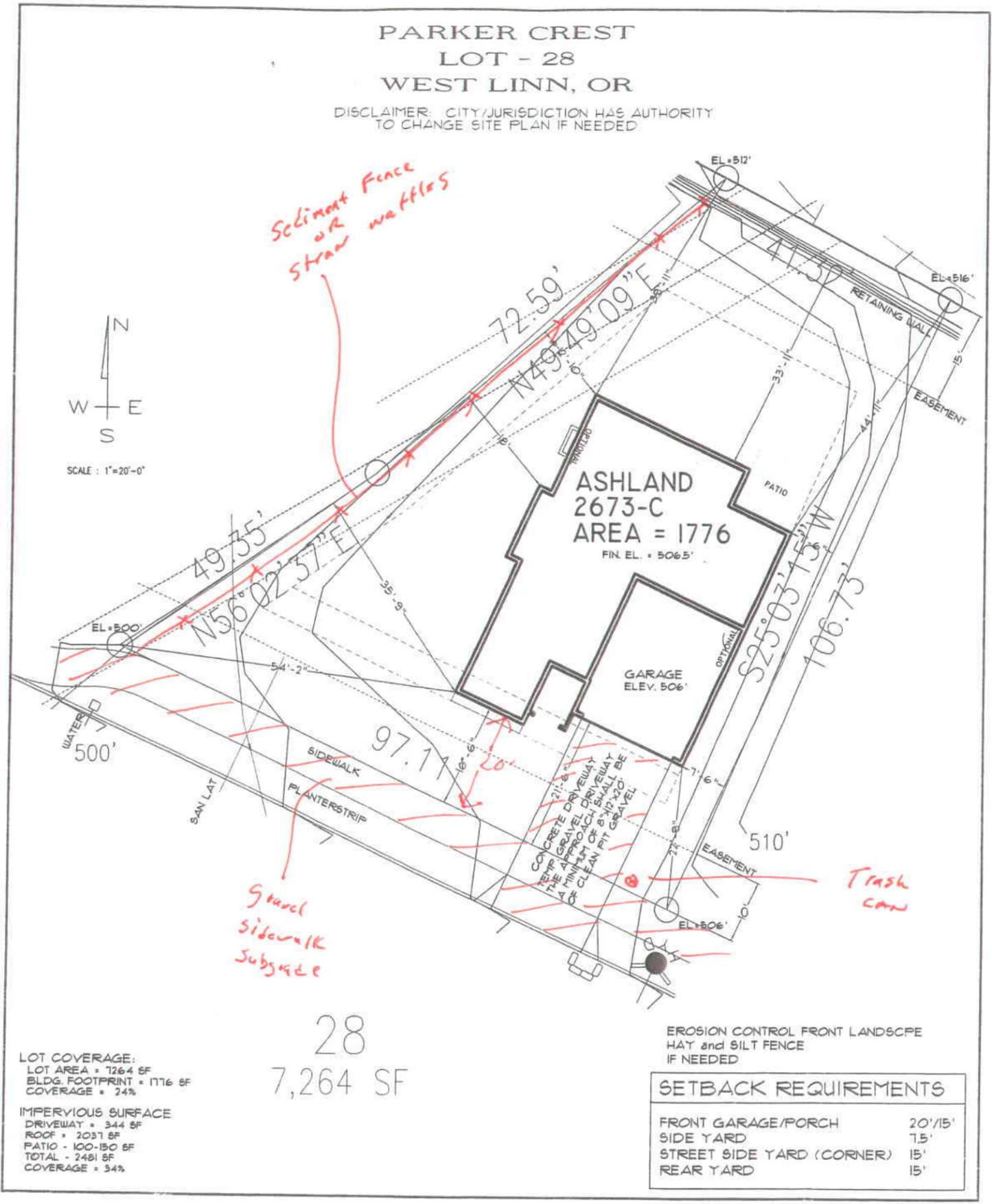
This Plan has been Reviewed & Complies w/
 By _____ Date _____
 Building: _____
 Planning: 59-17-08
 Engineering: KL 9-17-08
 Parks: MP 9-17-08

NO TREE REMOVAL EXCEPT
 IN APPROVED BUILDING FOOTPRINT
 Date: 9-17-08
 By: [Signature]

- Erosion Control Comments**
1. Keep the street free of mud, & debris at all times. Storage of construction materials on the street is not allowed.
 2. Any steep slopes or stockpiles that will remain uncovered for more than 7 days during the wet weather season, shall be covered with straw, mulch, or plastic.
 3. Dependent on site conditions, you may be required to cover all bare ground before occupancy is granted
- Erosion Control Comments (cont)**
4. Connect roof-drain downspouts, foundation drains, wall-drains, or other storm drains to an approved collection system, immediately after installation.
 5. Do-not pump sediment-laden water off-site. I.E. Water that accumulates in foundations.
- Erosion Control Comments (cont)**
6. **Maintain Bio-Bags daily.** If not maintained you may be responsible for cleaning the downstream catch-basin(s) prior to approval of the final inspection.

CITY OF WEST LINN
 EROSION CONTROL
APPROVED
 with conditions
 DATE 9/17/08 BY [Signature]

THIS PLAN REVIEW APPROVAL
 DOES NOT PREVENT THE FIELD
 INSPECTOR FROM REQUIRING
 FURTHER CODE CORRECTIONS



ADDRESS: 2911 WINKLE WAY
 PLAN: 2673 C
 SCALE: 1" = 20'
 DATE: 09/10/08

D.R. Horton Homes
 4386 SW. Macadam Avenue, Suite 102
 Portland Oregon
 PHONE: 503.222.4151
 FAX: 503.222.3711

EXHIBIT 3

Celko, Corinne S. (Perkins Coie)

From: Kyle J Bradstreet [KJBradstreet@drhorton.com]
Sent: Tuesday, February 17, 2009 12:44 PM
To: Reed L Couch
Subject: FW: #1876 - Parker Crest Lot 3 - Hub and Tac Certification
Attachments: 100908 1876 LOT 3 CERT.pdf

Kyle Bradstreet
Superintendent
DR Horton- Portland
503-572-9578

This e-mail and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. This communication may contain PRIVILEGED ATTORNEY CLIENT COMMUNICATIONS. If you are not one of the intended recipients, any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited. Please immediately destroy all copies or versions you have of this message and notify the sender at 503/222-4151 or kjbradstreet@drhorton.com in order that we can take steps to prevent any further inadvertent disclosure.

From: Kyle J Bradstreet
Sent: Monday, October 13, 2008 8:22 AM
To: 'jclark@ci.west-linn.or.us'
Subject: FW: #1876 - Parker Crest Lot 3 - Hub and Tac Certification

Jim, here is the Hub and Tac Certification for Parker Crest lot 3. it is called in for foundation inspection today.
Thank you,

Kyle Bradstreet
Superintendent
DR Horton- Portland
503-572-9578

From: Mike Kalina [mailto:mikek@aks-eng.com]
Sent: Friday, October 10, 2008 7:26 AM
To: Kyle J Bradstreet
Cc: etools
Subject: #1876 - Parker Crest Lot 3 - Hub and Tac Certification

Kyle –

Here is a Hub and Tac Certification for your records. If this needs to go to someone else, please let me know. I will have one for Lot 29 either later today, or by Monday. Thanks.

Mike Kalina - LSIT
Sherwood Office
mikek@aks-eng.com

**AKS Engineering &
Forestry, LLC.**

Sherwood Oregon

Vancouver Washington

Redmond Oregon

EXHIBIT 4

2/19/2009

13910 SW Galbreath Drive, Suite 100
Sherwood, OR 97140
Phone: (503) 925-8799
Fax: (503) 925-8969

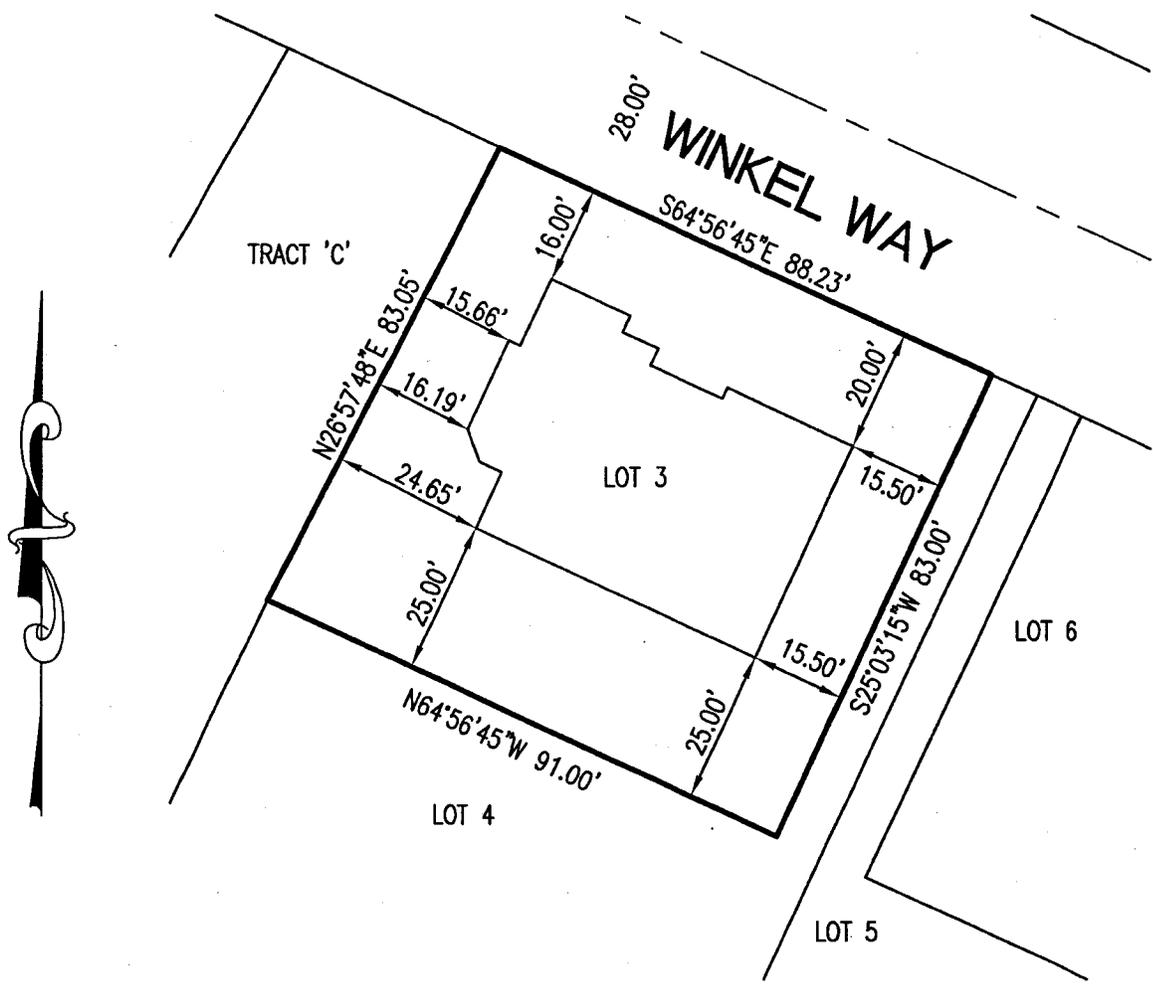
12011 NE 99th Street, Suite 1530
Vancouver, WA 98682
Phone: (360) 882-0419
Fax: (360) 882-0426

1810 S First Street, Suite K
Redmond, OR 97756
Phone: (541) 526-6975
Fax: (541) 526-6974

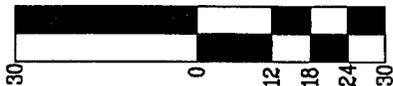
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HUB AND TACK CERTIFICATION

LOT 3 "PARKER CREST" LOCATED IN SEC 25 T2S R1E WM.,
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON



SCALE 1" = 30 FEET



PREPARED FOR:

DR HORTON
4386 SW MACADAM AVE., SUITE 102
PORTLAND, OR 97239

I, NICK WHITE, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE
STATE OF OREGON, HEREBY CERTIFY THAT I HAVE ACCURATELY SURVEYED
AND STAKED THE FOUNDATION FOR LOT 3 OF "PARKER CREST".

10-9-08

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWAL DATE: 6/30/10

JOB NAME: PARKER CREST

JOB NUMBER: 1876

DRAWN BY: MSK

CHECKED BY: NSW

DRAWING NO.: 1876STK.DWG

ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE
FORESTRY • SURVEYING



LICENSED IN OR & WA

13910 SW GALBREATH
DRIVE, SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 925-8799
FAX: (503) 925-8969

OFFICES LOCATED IN REDMOND, OR & VANCOUVER, WA

HUB AND TACK CERTIFICATION

LOT 28 "PARKER CREST" LOCATED IN SEC 25 T2S R1E WM.,
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

PREPARED FOR:

DR HORTON
4386 SW MACADAM AVE.,
SUITE 102
PORTLAND, OR 97239



SCALE 1" = 30 FEET



I, NICK WHITE, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE
STATE OF OREGON, HEREBY CERTIFY THAT I HAVE ACCURATELY SURVEYED
AND STAKED THE FOUNDATION FOR LOT 28 OF "PARKER CREST".

2-23-09

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWAL DATE: 6/30/10

JOB NAME: PARKER CREST

JOB NUMBER: 1876

DRAWN BY: MSK

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DRAWING NO.: 1876STK.DWG

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OFFICES LOCATED IN REDMOND, OR & VANCOUVER, WA

3

LOT 3

ThinkPermit



CITY OF WEST LINN

INSPECTION REQUEST LINE: 503-722-5509
OFFICE: 503-656-4211



Permit#: 08-703 Inspection Request Date: OCTOBER 13, 2008

Address: 2982 WINKEL WAY

Builder or Owner: _____

Date Request Received: _____

Type of Inspection: FOUNDATION / FOOTINGS

APPROVED

APPROVED W/CORRECTIONS

NOT APPROVED

COMMENTS: Do not pour concrete until
erosion measures are met.

Use guard rod tagged.
Setbacks by survey.

INSPECTED BY: Jerry Marjama DATE: 10-13-08

28

ThinkPermit

West Linn
SOUTHGATE GROUP, INC.

CITY OF WEST LINN

INSPECTION REQUEST LINE: 503-722-5509
OFFICE: 503-656-4211



Permit#: 08-711

Inspection Request Date: OCTOBER 20 2008

Address: 2977 WINKEL WAY

Builder or Owner: _____

Date Request Received: _____

Type of Inspection: FOUNDATION / FOOTINGS

APPROVED

APPROVED W/CORRECTIONS

NOT APPROVED

COMMENTS: Setbacks by survey

UTILE ground red tagged

INSPECTED BY: Jerry Marjama

DATE: 10-20-08