Bradley Kilby

From: claussl@aol.com
Sent: Friday, August 09, 2013 10:07 AM
To: Bradley Kilby
Subject: Re: 22065 SW Pacific Highway application

To: Brad Kilby
From: Jim Claus
RE: 22065 SW Pacific Hwy's Application

Politics have been Directing and Curtailing Sherwood Land Development for the Staff's Financial Need

I am completely troubled, if not perplexed, by this Doyel application, and even more so at the level at which this application is substantially wrong or its factual statements are, at the best, a conspiracy to violate the law. Susan and I will go through each component of the AKS narrative and dispute what we believe are inaccurate statements about it that are from AKS engineering. I believe under certain circumstances, it would bring into question their state engineering license because in my opinion and belief there are flaws in this application that are willfully ignored. Further it is problematical that AKS engineering does not know about Hajduk's political maneuvers because they hired, in the past, one of Sherwood's own planning staff. Gall has been on May's political court from his Berry, Elsner, and Hammond "contracts".

Management Directly Influenced with Law Enforcement

I am also troubled that Julia Hajduk and Joe Gall both interfered with Scott McKie, a Sherwood building official and a State of Oregon licensed officer, from doing his job and issuing a stop work order. This is extremely serious because all of the individuals, including Tom Pessemier and Jim Patterson, have had an extreme tendency to ignore the protections of the citizens provided by the fourteenth amendment unless they were involved with the May's political polities- you know "all animals are equal- some are more equal than others." Had it not been for "a concerned citizen" calling Clean Water Services, Doyle thought he had enough political influence to ignore the law without consequence. Clean Water Services should have Doyle pay extra fees for the extra work he has done on the property, not a mere $500 fine. Put another way, in addition to what I believe is actual malice Hajduk has for my family, there was an attempt to interfere with a state licensed building official, resulting in Clean Water Services having to be called in to stop Doyle from doing illegal work. Unless AKS did retroactive engineering, they may have been in a conspiracy to break the law with Hajduk and Gall. You must review this matter immediately.

Discriminatory Land Use Code Enforcement is one of Sherwood's Methods of Censorship to Discourage Political Viewpoint Speech they Disagree with

A fact check is necessary because this may have gone further than merely unequal enforcement of the law- this may actually have been a conspiracy to violate the law and potentially interferes with civil servants performing their duties.

A Case Study of Sherwood's Staff Corruption

What I am saying is in many ways is that this is a case study of how Patterson/Gall, Hajduk and Pessemier have manipulated the laws in Sherwood to benefit certain individuals while discriminating against others in Sherwood while always maintaining the nature of promoting duel financial benefit for the Staff. Sherwood staff has both the motive and the means available to unjustly enrich themselves at the expense of individuals

Exhibit B

in Sherwood and are driving their attack on Mays's/Patterson's/Gall's "political opponents" by being able to sell "zoning".

Urban Renewal has been a Platform to Defraud the General Tax Base- The Staff as the Sole Beneficiary

The Urban Renewal Program has allowed the staff to double dip from the real estate taxes of the property of certain landowners, and virtually all real estate taxes income from the Urban Renewal District. These revenue areas were in addition to the development fees and state allocation used to line their own pockets. While I think a case can be made that the Urban Renewal has hurt the real estate tax base, it will also hurt all other Real Estate value that Mays thought was competing against the Langer's PUD. Hajduk and Gall have been more than willing to bend the rules on this matter to get more revenue from Urban Renewal- they are an actual "Stake Holder" in the scheme to restrain competition.

Actual Malice is Directed at anyone Opposing Sherwood's Budgeting Fraud

Let me also state that there is a certain amount of direct attacks on my family. It is not merely the ex-Mayor, Keith Mays, but also some of the city council members. Hajduk and Pessemier know how necessary it is to fund the staff in excess and protect the revenue base. This is somewhat of a harsh assessment, and I apologize in advance, but if you look at this application, it would be immediately rejected, if Doyle wasn't politically protected. Let me tell you why in the next paragraphs.

Destructive Waste on Claus Wetlands and Natural Probable Consequences of Sherwood and Wetlands Acts

The Handley Drive Storm Drain is set too low by the City of Sherwood. It has destroyed our wetlands- In other words, it is creating destructive waste and the Doyle property is a material factor in that headward erosion. There is no way AKS could have honestly missed the erosion Handley Drive has created. There is no mention of it in their storm water report, either reflecting massive incompetency from AKS and/or they simply should not be doing this kind of work. The City of Sherwood allowed water to be improperly diverted from the city drain way from accessing the highway into our drain way. The drainage itself has been misaligned, causing severe breakdown, and there have been heavy fees forced on Susan and I. None of this is dealt with in that report.

No Penalty Necessary for the Politically Correct- Just Contribute to the Right Politician

Work was done on this property including digging out large amounts of dirt, hauling it out, bringing in rock mats, etc., and there is no way the quality of the fill material is verified because of the odd hours and lack of inspection. AKS either needs to certify it was done to code, which then would admit that they would be part of the problem because it is clearly not, or take it out and fix it.

Multiple Land Use Actions, All Ignored Permits- Why Not? Napoleon the Pig is Alive and Well Politically

This parking lot is either a change of use, an act of parceling, or a lot line adjustment. What they are trying to do is create a parking lot for Doyle's dental office. Further, they are specifically trying to allow Doyle to connect these sites together. The central problem is this is a change of use, the Williams have never had parking on their property that was not incidental to their lot. The area that was recently changed into a graveled parking lot was an open grassy area without a gravel base. They are now trying to tear that property up and make it a parking lot for Doyle.

State of Oregon Contractor,
Does he know the Work needed a Grading Permit and Requires Inspection?
Rule 1: Start Reeducation, Called Camp Hajduk

Corey Platt lives on site, is running his construction business on site, is parking and selling heavy equipment and allegedly did the earlier work for Doyel. This is an increase in parking, increase in use, and a change of use- all without permits or permission from agencies like Clean Water Services or the city. This application does not reflect all of those changes and differences and neither does the storm water report. The application states that it is a residential use, another substantial misrepresentation.

Hajduk Will, of Course, be playing Political Games with ODOT-
One Thief will always play Ball with Another.
Rule 2: Stop Hajduk's Trade Libel on Us

Julia Hajduk needs to be interviewed as to why the 99W access is not being closed with this application. There is a de facto parceling, changes of use, and more significant than that, Doyle is getting 99W access for his dental office, located on Handley Dr. The Report represents these changes as de minimus, when in fact, they are significant changes. The drawings on the application are completely misleading, so has Hajduk made one of her famous crooked deals with ODOT?

The Necessary and Sufficient Development Conditions,
Critical to all Other Developments, are Unnecessary for Hajduk/Pessemier.
Rule 3: Plan South Cedar Brook Way District as a Unit

Cedar Brook Way should be thoroughly addressed in this application as Julia Hajduk has required of any and all Claus proposals. By not addressing Cedar Brook Way, Ms. Hajduk is once again backing up development on that side of the highway. This is more of the same conspiratorial behavior to cripple the highway properties district, to favor the Urban Renewal District-namely the Langer Family-, and to unjustly enrich to staff with Urban Renewal money, bond proceeds, and development fees. They are not forcing Doyle to conceptually agree with anything, while halting all process on Cedar Brook Way. If Cedar Brook Way is to be abandoned, then the staff should abandon it. If not, it has to be in the transportation system plan- no more Julia Hajduk political manipulations.

Chief of Police Groth had a One Year Hiatus from Code Enforcement- Gall and Pessemier Would Not Allow Enforcement on 99W, while Continuing Development- Political Contributors Need Not Worry About Those Pesky Laws. Equal Treatment and Due Process are Just Another One of Gall's Fairy Tales. Rule 4: Do Not Involve the Police in Your Political Nonsense

During an interview with the Chief of Police, Jeff Groth, and the Code Enforcement Officer, Bill Collins, they both acknowledged the Doyle has been using the property for a parking lot and illegally entering and exiting via Highway 99W. They both knew of Doyle' s activities and political pressure. When told that they either needed to enforce the code or the State Police would become involved, they recently, over a year later from the first complaint, issued a code violation letter. Yet another example of more Gall/Hajduk political game playing. In case you don't quite understand, I will put it very simply- Gall and Hajduk interfered with a police investigation to try to identify and stop a criminal violation.

It is the old story of when those granted sovereign immunity find/have a way to "take" public funds for their benefit- in their effort to do good- the public gets done good.

Cities are Constitutionally Obligated to Offer Exceptions. In Order to Avoid Exactions and Taking Problems, There Must be an Exception Variance-Conditional Use Permit-etc.
Rule 5: Act Like You are a "Civil" Servant

There is no question that you must offer an exception process per a [1929] US Supreme Court case, Nectow vs. Cambridge. In that case, they clearly said, without a clear exception process, zoning can, and does, create a takings, per say. But, that does not mean you simply let someone abuse the zoning rules, as Doyle is attempting to do- you do not violate the zoning rules as Doyle is attempting to do. Generally, whether or not you are eligible for the exceptions process, states have at least two mandatory principles that disqualify a variance request from the usual land use process: self imposed hardships and irreparable damage to adjacent properties/districts.

Self Imposed Hardship and Irreparable Damage to a District

The situation you are attempting to get the exception must not be a self-imposed hardship, it must not obstruct the general plan in the area, and you must not impose problems on your neighbors' property to solve yours. No one in their right mind could dispute Doyle's parking problem and lack of an entrance to 99W is a

self-imposed hardship. When Doyle, or his phony land holding instruments, bought the Howard Hadley trust, and he knew full and well he would have both a highway entrance and a parking problem. Doyle literally got a reduced purchase price for this property from Howard Handley because of the scope and extent of the parking problem and the lack of a 99W highway entrance. There is no possible way you can suggest that the parking problem and the entrance to 99W problem was not self-imposed. I could say a number of things about clever college graduates who can see a chance to scoop up a problem property at a reduced price and then cleverly think they can solve their problems by contributing to the Mayor's campaign. In My opinion and belief, this is both unethical and despicable. But, all of my moralizing aside, this is a classic self-imposed hardship. He is trying to solve the parking problem and gain access to 99W which he inflicted on himself.

Hajduk has Curtailed Development of Cedar Brook Way West Commercial/Retail District from Competing Against Langer PUD for Years-

This is More of the Same Behavior in Another Area of Development

You must not impact the general plan in such a way that harms the other development rights of the properties in the district or neighborhood. In other words, the proposed uses you are asking permits for, in this case retroactively, must not cause harm to neighboring properties' rights to develop. There are so many ways Doyle and AKS are harming the Cedar Brook Way District, it is unbelievable. Doyle is attempting to permanently stop all development in that district by adding parking to his dental office. In fact, Doyle is singularly redefining that district and blocking any and all future development. Frankly, if Julia Hajduk were not a pure political commissar, she would have never even tolerated Doyle's attempt to disrupt the entire Cedar Creek transportation plan. But in Land Use Planning helping gain political influence always has surpassed promoting and protecting public health, safety, welfare, and aesthetics in Hajduk's actions. Her job is "uber allis."

Can you imagine if Doyel's last name was Claus instead of Doyel-- how differently this application and Doyel's actions would be handled by the staff? At some point, the politics have to be removed.

Bradley Kilby

From: Bradley Kilby
Sent: Monday, July 29, 2013 4:45 PM
To: claussl@aol.com
Cc: Bradley Kilby
Subject: Doyel Property

Jim,

I am writing to follow up on our telephone conversation this afternoon regarding the application from Dr. Doyel to expand his parking lot. As I mentioned in our conversation, the application is being reviewed for completeness at this point. Once the application has been deemed complete, we will send formal notice of the application and schedule the review. I want to ensure that I have accurately recorded your concerns for the record. If what I have written below does not accurately reflect our conversation this afternoon, please edit them and return them to me. I will not promise that I will be able to resolve all of the issues, but I will address them in my staff report along with a recommendation to whichever review body ends up making the final decision on the application.

1. This is a change of use to a parking lot which should in turn require that Dr. Doyel close off the existing access to Highway 99. You mentioned that the Williams', to your knowledge, sold their ingress and egress rights, and that there are no reservations on the property.
2. You are concerned that if provided the opportunity to construct the parking lot without requiring Dr. Doyel to dedicate Cedar Brook right-of-way, or as an alternative agreeing to sell the right-of-way would eliminate the possibility that it would ever be constructed.
3. You are disputing the boundary and topographical survey that was provided by Dr. Doyels consultant. The fence is not necessarily the property line.
4. You have concerns related to erosion that is occurring at the highway undercrossing that was created by prior construction of the development on Hadley Street. According to Roy Priest, the project engineer for the development by Centex on Hadley street, the crossing is set too low. In turn, the water is undercutting and compromising the structural integrity of the highway. You are concerned that this is a liability if this is not properly addressed, and have offered to provide a tour of the damage to me and an engineer in order to properly document your concerns. I will contact you about making that visit once I have had an opportunity to discuss this with Bob. I will contact you at least one week prior to arranging such a visit. One option, according to you would be to redirect some of the flow into a regional stormwater facility.
5. In speaking with Susan, she echoed your concerns regarding the dedication and future construction of SW Cedar Brook Way. She wants to know who is going to pay for the improvements.
6. Susan questions whether or not Dr. Doyel should be obtaining a lot line adjustment, and cautioned that it would be harder to require the dedication or construction of Cedar Brook Way in the future if a lot line adjustment was approved.
7. Susan is also concerned that the appeal fee, if it is half of the land use fee is too high, and she asked who she could appeal that to, and when.

I recognize that you have firsthand knowledge in understanding these issues, and will rely on your edits to clear up any inaccuracies on my part. I will also make sure that your concerns are relayed to the other departments as a part of our review of the application to allow their input as well. Finally, I will share these concerns with the applicant's engineers to ensure that they have an opportunity to address, and if applicable, amend their plans to address your concerns. Thank you.

Brad Kilby, AICP, Planning Manager
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