

RECEIVED  
10/31/2013  
4:50 Pacific  
Family Dental

To: Joe Gall, City Manager  
From: Jim Claus

RE: SP-13-01 17680 SW Handley Drive and 22065 SW Pacific Hwy:  
Application to Put in a Parking Lot to Serve Adjoining  
Pacific Family Dental Office Building by 22065 SW Pacific Hwy

DATE: 31 October 2013

cc: For Hearing Record SP 13-01  
c/o Brad Kilby, Planning Manager

First of all, I have voiced concerns that the City of Sherwood has appeared to be selling zoning. Based on factors different than the general zoning and transportation plan, the staff appears to be selling zoning to certain individuals, or other entities. I have observed that while one group can avoid building code, engineering standards, and land use choices, another group cannot obtain a permit under the most strict conditions and if they do obtain permits, it will be after long delays. My opinion and belief was that it started in the Urban Renewal District and then spread throughout the City of Sherwood. I am asking you now to specifically investigate the application from Handle Properties LLC and Knob Properties LLC, partially owned by Nathan Doyel, as a case and point of either massive incompetence or a willingness to break/bend rules, regulations, and laws by your staff. The Handle/Knob application, in my opinion and belief, has reached tremendous misfeasance or malfeasance. In order to understand the full scope of this problem, certain basic facts need to be outlined.

Doyel has Used the LLCs to Push Through His Application With no Unity of Title

There are three LLCs involved in this situation with Nathan Doyel. The first is Pacific Family Dental LLC, which is a mere lessee with Doyel and Aanderud as members. This LLC, which has no clear ownership in the underlying land- merely a lease- may or may not hold interest in 17680 SW Handley Dr and/or 22065 SW Pacific Hwy when or if a legally conforming parking lot was to be built, but still was the original applicant to put in the parking lot on Knob Properties LLC. That changed by the time the hearing because the applicant had switched to Handle Properties LLC and Knob Properties LLC. This chain of changing applicants is important, because it creates confusion trying to understand who was involved in the various illegal actions that your staff acknowledged. Brad Kilby should have outlined the ownership issues in his staff report as well as the history of enforcement problems.

Mr. Doyel and his wife Polly purchased the property at 17680 SW Handley St and built a 14,504 sq/ft office building solely meant as a dental building with 48 parking spaces- 10 on the street and 38 on their property. This was the minimum number of parking spaces allowed under the municipal code. In addition, Mr. and Mrs. Doyle have a jointly controlled LLC. The Dental Office was approved in 2007 and constructed in 2008. The staff explains that under current parking standards, citing the code, they should have 4-6 parking spaces per thousand square feet of office building., not 2.5 (counting the 10 on

the street)- their current amount. The Staff admitted in the public hearing on Thursday October 24, 2013, that 2.5 was conforming to the current code, never explaining why his building is not conforming. Additionally, AKS Engineering has been Doyel's engineers of choice and have full documentation of work on the dental building-- although none of this documentation was produced for the hearing examination on the 24th of October, 2013.

The Handle Properties LLC is a Multi Tenant Property and is Not Merely Doyel's Dental Office

This building, held under Handle Properties LLC, is a large multi tenant building (larger than the adjacent medical dental building) with at least four groups of dentists occupying the building. Doyel knew what he was going to do with the building when he built it, but he is now attempting to deny it. If the traffic generated from these trips along with the employee parking wasn't adequately reflected in the original traffic study, then an updated current traffic study should be conducted as part of this application. The original traffic study was based on other medical buildings in the area-- now the applicant has direct data from the building's daily commerce to provide first hand information.

Silly is as Silly Does: Either We are Going to Have Zoning in Sherwood or Anarchy and Crookedness-- This is a Case Study Where Everything in the Land Use Process Has Gone Wrong

Doyel is asking for an illegal use in the particular land use zone. But, he first attempted to build that use illegally, without following the proper procedure, until the police intervened. Now, he is offering plans to build out 100% of the land (1 acre) utilizing the two acre parcel he, and he alone, controls. Then, he wants to alter the existing, non-conforming residence, in violation of the non-conforming use code, while continually parking construction equipment and destroying the open space. Now he wants to rent the illegally made parking lot to a third party user, controlled by he and another dentist.

Doyel wants to build around a well and a septic tank. Doyel will make no adjustments to the "Collector Streets" on 99W, then Doyel wants to keep the property, 22065 SW Pacific Hwy, sole and separate. He would only need it for "aesthetics". More than that, he wants to keep the driveway on 99W open for this house and construction yard when Nancy and Alan Williams sold their reservation of rights to ODOT for this residential use. If you looked at this in realistic terms, you would say, "Just Kidding!".

This is the Classic Self Imposed Hardship That the Applicant Then Uses Illegal Self Help to Try to Correct His Own Initial Decision

There is problem confronting both you and the hearing examiner. When Doyel went to get his building and construction permits with AKS, the 10 parking spaces on the street were accepted as dental building spaces along with the 38 stalls of onsite parking. If he did not want to accept those parking spaces, there were two options made available to him- purchase a different property or to build a third story on the building. The minimum parking requirement was accepted as being adequate. Given the fact Doyel has a background in development, I am certain he was aware of these options, this is a matter of public record.

Now, after accepting all of these conditions, Doyel wants to go to 22065 SW Pacific Hwy and keep it as a sole and separate property under his name only- Knob LLC. He wants to destroy the large landscaped areas and the green ways, supply no accurate records of the demolition especially in front of the house formally occupied by the Williams, leave no covered parking, and develop 0.5 acre of parking spaces for his dental office, but never transfer ownership from Knob LLC to Handle LLC. He never once mentioned that once the parking lot is finished, he will have developed 100% of the developable portions of the property. When he is finished and completes using the parking lot, he will most likely want to sell 22065 SW Pacific Hwy at a premium. Since there is nothing tying Knob LLC and Handle LLC, there would be a clean transfer of title solely from Doyel to his new buyer. In the alternative, he has already made provisions with the seller of TL #2100 that Doyel can apply for any land use process without obtaining permission from the sellers. Doyel could easily do a lot line adjustment as a Type 1 process after this site plan. The Type 1 process would allow the lot line adjustment without public notification and without a public hearing. The only appeal rights fall to applicant. TL #2100 could be severely crippled if there was to be a lot line adjustment in favor of TL #1600 (the existing dental complex).

Incompleteness and Inaccuracy of the Application Labeling Something in the Land Use Process Does not Make it Land Use- Simply Calling Open Space parking does not Make it Legal Parking

None of us will ever know the exact amount of dirt removed and the amount of gravel on the Knob LLC property on 22065 SW Pacific Hwy. This was done 17 months before the public having an issue. Even though many people objected, until Doyel began to encroach on the wetlands and Clean Water Services of Washington County had to step in, there was no help from the city with a stop work order. Even though Doyel could have and should have been fined \$500 a day and the city remove his, AKS engineering's, and the contractor's business licenses- none of these actions were taken. More than that, until I went to the Washington County Sheriff's Department who directed me to go to the Sherwood Police, and tell them if they did not stop the illegal parking of Knob LLC and Handle LLC, they would report back to the State Police, and only then did Pacific Family Dental stop parking in the 22065 SW Pacific Hwy property. In fact, Doyel has even cut the trees in front of the existing dental building with impunity. If you look at this chain of events, it is almost as if there are no rules being applied on this property. Worse than the violation is the unwillingness of the City of Sherwood to shut it down, fine it, and remove any business licenses of the parties involved.

Before I move to the crux of this problem, I want to point out that none of this history was reported by the applicant or more importantly the City of Sherwood Staff. In fact the staff is not impartial. The information is not only incomplete- it is misleading.

Site is Non-Conforming to Municipal code Parking Standards

What is not said any place in the report, and is a shocking omission, is the reason they had 2.5 parking spaces per thousand square feet of office building. There is no section in the Staff Report explaining if the Doyel wanted more parking, he had to increase the square footage of the office building. It is indisputable that the purpose of the CAP ordinance was to tie the trips to a building size and then to limit the parking spaces. In the application materials on page 6, the applicant states " This application

involves the construction of a parking lot with pavement and landscaping, which does not increase vehicular traffic or in any way affect demands on the public transportation system. Therefore, this project is exempt from the Highway 99W Capacity Allocation Program." The applicant also states that the parking lot creates zero average daily trips, therefore a traffic study is not required for this application."

The problem with the circular logic regarding traffic, parking spaces and the CAP ordinance, is that the original work on the CAP analysis utilized "dental only sites" rather than the combined medical and dental offices. Five roughly comparable sites were used for the trip generation peak hour trips. "A trip generation analysis previously submitted to the City indicates that this property will generate less than 40 trips during the p.m. peak hour. The most intense time during which vehicle trips are to be generated by the clinic will likely occur at the time when most employees leave-- at the end of the business day." (Kittleson and Associates Memo to Julia Hajduk, dated October 11, 2006). A trip generation analysis from 12/12/05 was approved that said the site will produce 2.39 trips per 1,000 sq.ft..

The CAP maximum that was as follows:

The net site area is 0.782 acres  
Maximum Trips Per acre is limited to 43 trips

$0.782 \text{ acres} \times 43 \text{ trips} = 33.63 \text{ maximum allowable trips}$

Then the maximum gross building area was calculated:

33.63 allowable trips  
2.39 trips per 1,000 sq.ft.

$33.63 \text{ trips} / 2.39 \text{ trips} \times 1,000 = 14,071 \text{ maximum gross building area}$

The applicant calculated that 14,050 of the building to be used as a dental clinic, with a Leasable building area of 12,270 sq.ft.

The parking requirements on the original site plan were calculated as a minimum 3.9 spaces per 1,000 gross leasable square footage for a total of 48 spaces required (34 standard, 12 compact and 2 ADA). 10 of those spaces were on street parking. The maximum allowable parking was 5.9 spaces per 1,000 gross leasable for a total of 72 spaces.

On page 14 of the Report and Decision of the Hearings Officer, dated 12/22/06, a condition of approval state that if the applicant uses off site parking within 500 feet of the subject property that "a documented and binding parking agreement" must be approved. Additionally, "the parking utilized

from the off-site source may require further land use review for site development and approval of shared parking."

With the new proposal, the applicant is proposing 35 more parking spaces in addition to the 10 parking spaces on the street and the 38 parking spaces on the TL #1600 for a total of 83 parking spaces. The number exceeds the maximum allowable per the original approval. There is no documented and binding parking agreement, and there is no "shared parking" with TL #2100-- this proposed parking lot is only accessed by TL #1600. The land use application is also calling the parking lot "an accessory use."

While Doyel may have been able to seek a variance to the parking standards limitation, the proper method to do this was to seek an exception or variance, which they did not do either out of lack of knowledge, or patience. For some reason, this was not present in your staff's report.

Why Did the Staff Not Order a Cease and Desist on the 2007/2008 Doyel Development File? If the File had Been Produced, a Simple Enforcement Action Would Have Ended this Trouble.

The most fundamental principal in Planning is you must look at the original application to see if the original owner/applicant agreed to the original terms, conditions, and uses on their building. If changes amount to an exception process, such as to the CAP ordinance , or trying to expand an existing parking lot by using a neighboring property, it may change the nature and conditions to the current application. For reasons I cannot understand, pertinent information was omitted. Any request for parking would be a conditional use permit- in all likelihood.

Doyel et al Now Seeks to Expand His Illegal Parking Lot, and is Willing to Spend Well Over \$1,000,000

In the second phase of development, Nathan Doyel, as the sole and separate individual in Knob LLC, acquired this property for \$745,000 with an existing 1500 sq/ft single family residents, with some 2,000 sq/t in accessory buildings, plus shops, retail site, and a garage , paying about half down in cash. Although these records are available from public sources, the staff has not mentioned anything. The Staff Report begs the issues of unity of ownership and scope Doyel in trying to alter the non-conforming single family use, even through code prohibits this action.

Lot Line Adjustment Without a Public Hearing or Input / Putting Both Parcel Under One ownership

A lot line adjustment from 17680 SW Hadley St and 22065 SW Pacific Hwy is a Type 1 process that has no public notice or public input. Why did the applicant not put the two parcels under one ownership. In part I believe it is because he wants to avoid paying for public improvements that are associated with TL #2100. Your staff is now willing to go into a public meeting and claim that an open field Doyel converted to a parking area can now be used by going through a mix and mash site plan review. This was an illegal parking lot, and your staff knows it, Doyel knows it, the Washington County planners know this, and the Washington County sheriff's office know this. He simply illegally removed dirt from an open field (we have photos) and acted as if it was a parking lot. They have never explained why they took this path to give such a zoning gift to May's political backer. It is obvious though that a site plan approval here will

allow Doyel to accomplish the ownership changes and lot line adjustments without public scrutiny-- and allow him to avoid his obligations for public improvements.

#### The Staff Has Now Aided and Abetted Doyel in These Illegal Acts

What I cannot understand is I have seen you, Berry Elsner, and Hammond to go to any lengths to enforce your rules and regulations without limit, threatening jail sentences and liening property. Yet, in this case, because Pacific Family Dental owners are affiliated with the old Mayor, there seems to be a complete blindness to enforcing more serious and blatant violations. This proposal impacts the traffic, blocks development on adjacent properties, and there has been no attempt to mend the damage cause to the town and to its citizens by Doyel's actions.

#### Doyel Used Illegal Action to Promote his Land Use Activities

17 months ago, Doyle went in with a licensed contractor, his tenant, Corey Platt and Sons, moved large amount of vegetation, trees, and dirt were removed from almost 3/4 of an acre, and then attempted to make a two illegal parking areas. This was done prior to a pre-application meeting with the city. We have photographs of the large amounts of dirt moved, which the city did not issue a stop work order. Mr. Doyel and the other dentists and staff used the area for parking. Hajduk, Pessemier, or Galati did nothing stop it. In fact, they may have been involved in encouraging Doyel's illegal actions.

#### Doyel Used State of Oregon Licensed Professionals and Contractors For Work

In addition to that, Corey Platt did the work under AKS's direction, started to use the house, claiming it is merely a residence, and claiming there was an option to buy the home from Doyel. Has Doyel already prepared a sale he has not disclosed in the hearing?

#### Even Though AKS Engineering Has Been Involved With Doyel on His Dental Building From the Beginning and Corey Platt and Sons Moved into the House, we Do Not Have an Accurate Description of What Is Going on Here in Site Development-- Why No Site Visit?

Let us first start with the statement that the applicants have completely and totally overlooked and failed to relate to the hearing examiner. An omission of this scope should cause rejection of the application. Even here, there appears to be a conspiratorial nature occurring in the application. The hearing timing precludes adequate investigation time. The staff has rammed this application into the 120 day application period. In short, it would appear that in addition to an incomplete explanation of what is occurring, the staff has tried to jam the decision making period so that the hearing examiner did not have time to make an adequate decision. Surely that is not a coincidence.

Doyel used AKS on the existing Dental Building and parking lot. They knew the conditions Doyel agreed to when he constructed the original parking lot, and the way he tried to get around the parking requirement. That file is only now being introduced to the hearing examiner by the Claus Family. Why would the Staff and AKS withhold this from the hearing examiner? Is it because it is not beneficial to Doyel? Above all, you cannot understand what Doyel has attempted to do without having that file.

Doyel has never explained what he is doing with the single family residence on TL #2100. They are openly and notoriously parking construction equipment, tearing down garages, work shed, and a beauty parlor, and leaving the house with no covered parking, making the house even more non-conforming. The construction equipment is not allowed in that zone without a history, of course, and the City on other occasions has severely restricted that activity. The hearing examiner is being lead to believe it will remain as a single family residence, which does not appear to be true. That property will never be the same after.

#### Staff Fails to Obtain Legally Usable Documents on Doyel's Contractors

Perhaps even worse than Corey Platt moving into the house is his tearing up the front lawn, putting in gravel, and a parking area for his equipment. It is opposite of this single family detached house's use. All though the City has alleged the Platt Family told them they were using it only as a residence, they could not produce notarized affidavits under penalty of perjury. These were non actionable statement that did not go to the nature of it. No one asked any questions whether Cory Platt and Sons Construction had any form of option or purchase agreement and whether further restrictions on Doyel were necessary. No one asked where the site of the business is registered with the State of Oregon. Currently it is registered at a 6000 sf lot / house on SW Division Street in Sherwood-- a residential house in a residential neighborhood that could never accommodate any of Platt's heavy equipment now being stored and used on TL #2100.

#### Doyle's Self Help Illegal Construction Was Not Controlled By the City

During this illegal parking lot conversion construction period, although the city was contacted numerous times by different people, those contacts were not disclosed in the hearing. The city refused to take any action against Doyel. Only Doyel could have complained to the State Licensure Boards about Corey Platt and Son and AKS but Sherwood. The Director of Building Codes refused to issue a stop work order. Clean Water Services had to stop this. There is actual and constructive notice of these code violations while they were happening and no proper actions were taken by your staff. Pessemier and Hajduk knew the history on 17680 Handley Dr- I wish to make this a pointed fact. Your Development Director and Assistant City Manager did not stop Mr. Doyel's self help actions. Only Clean Water Services acted in terms of stopping the illegal occupation of the construction. The reason this must be understood is because Nathan Doyel and his business associates have unclean hands and so do your staff.

#### More Parking Spaces Equals More Traffic

I wish now to comment of another feature I have never heard any professional make as a statement that having this limited parking does not put a CAP on their traffic flow. AKS, offering no proof, blatantly make the statement that there will be no new traffic generated by the parking spaces. This is either an admission that the City build the CAP program under false assumptions or AKS is now a leading professional analyst. It is a bold and false statement. Both Doyel and another dentist told my wife and I that they are losing business because they need more parking. Yet their consultants, professional engineers, say increased parking does not affect business volume. They accept this from AKS, who are not Transportation engineers. I will put this simply, I have been a panel chairman for the National

Academy of Science is Transportation Research Board, I have written numerous books about this subject, and I was offered the chance to be the #3 consultant for the Ministry of Transportation in Canada, and I have worked with Small Business Development Centers. I have never heard this kind of nonsense before. Believe me, this is a suburban setting. Such a blatant statement and the perjury leave me aghast at this conclusion of AKS.

#### Explaining the Sites: 1 Acre Developable vs. all 2 Acres

To go on, what Knob properties is proposing is take half of the developable area of this two acres and making it a parking lot, having been illegally constructed and developed open areas. Far worse than that, they have never acknowledged, they are attempting to knock down buildings, like a Beauty Parlor, to construct this parking lot. There is deconstruction and demolition of a large number of buildings being taken down, and there is no accurate figure from the staff on the square footage of dirt moved and there is no admission of the number of square footage being torn up and businesses being built up and torn down. This component plus the failure to pull Pacific Family Dental's LLC and the adjacent properties LLC begs the question if it is because of a friendship with the old mayor that this site is heavily allowed to develop its entire one acre developable and at the same time call it developmentally insignificant.

#### It is a Pick and Choose Land Use Code Application to Some, Namely the City

Complicating this entire situation is a notion of unparalleled consequences in Sherwood. They are proposing under the guise of a self imposed action to now need more parking to stay in business, but not to get more customers. They are proposing to completely build at 22065 SW Pacific Hwy, only half of the 2 acres are developable. They are trying to pave something that was built illegally. As a standalone figure, if you look in the general commercial code, this use of a standalone parking lot would be an illegal use, and would not be constructed. Besides, the applicant says that there are no trips being generated because of the parking lot-- so there is no commercial value. It is also designated as an accessory use-- which again, is not allowed for Medical and Dental uses unless the parking is enclosed.

#### Permanent Damage to East Cedar Creek Future Development

Julia Hajduk and Tom Pessemier have said if the East Cedar Brook Way properties are to be developed, including the Doyel/Williams, Claus, Shannon, Broadhurst, and the Elks properties, must be designed and built. In other words, they are using this road as a condition precedent on development. With Doyel and his unknown business partners, developing 100% of his land on 22065 SW Pacific Hwy, they are not requiring any dedication and they are not making accommodation for its development of the entire Cedar Brook Way District. Robert Galati, Tom Pessemier, and Julia Hajduk have used that to block development of adjacent properties. I want it investigated.

#### The Problem With an Administrative Hearing vs. a Judicial Hearing is it is Easy to Commit Perjury Without Worrying About Sanctions

The entire problem with the first hearing was the opponents told one story and never explained any of their activities. Why did Doyel think he had the right to construct a parking lot? It did not pre-exist and is

not allowed in his use of professional use of office space. Why did he think he could move and store heavy equipment? Why did AKS give an inaccurate description of the buildings to be demolished? Why does Doyel believe he should be rewarded in having a parking lot to increase his business he had illegally constructed? Why should anyone be rewarded for illegal activities? But for the threatened intervention of the State Police, Doyel and his Pacific Family Dental, LLC partner would have gone on without the public hearing process and parked at 22065 SW Pacific Hwy.

This had to have been okayed by either staff or politicians. This matter needs investigation. The main reason the hearing examiner should reject this application is because 1)there is a process in land use planning that has to be followed, and you cannot reward people for illegal activity. This is what Doyel is asking. There is nothing in the general commercial zone that permits a standalone parking lot. 2)If the hearing examiner can, he should retroactively recommend Doyel should be fined \$500 a day from the start date of the construction. 3)All participants in this should have their City for Sherwood Business License removed immediately. 4)The Site should be restored, and lien should go against the property if it is not restored within 90 days and 5) Doyel should be notified and experience the enforcement actions of the law.

#### Joe Gall's Oxbow Incident--The Meinecke Intersection story

Most of the current citizens of Sherwood do not know why ODOT paid, under Access Oregon, some \$10 million for constructing the Meinecke intersection. It might be good for you to talk to the ex-mayor that used the Home Depot and related stoplight as one of the reasons for terminating the city manager and getting ODOT to pay large amounts of money for the Meinecke intersections. His name is Walter Hitchcock and if you like I can give you his telephone number and he can verify this story. I am including an email from him back in January of 2010 in the packet of materials. We had a city manager that is all-too-typical of the city managers we get in this town, named Jon Bormet. Mr. Bormet for reasons that are very suspicious, started zoning the property where the Home Depot light is for office uses and retail. This was light industrial zoning. Clarence Langer Jr., the father of Matthew Langer-our current councilman- optioned a large piece of light industrial property from a very well-known land speculator and farmer (I mention this because he had no idea that property could be used for retail commercial). Mr. Bormet called Home Depot a "lumber yard" and gave no notice of the completed application for 120 days and issued all of the building permits for Home Depot light industrial. Some way or another he manipulated ODOT into putting a stoplight that was definitely not suppose to be there.

In pay-back because of this egregious mistake ODOT agreed to re-align, pay for and install the Meinecke Intersection. At that time Cedar Creek Road, particularly the East Portion which has now been labeled as a connector, was merely to be put in some fashion to foster "connectivity". It was not a designated collector and we were all as land owners promised over and over that even a parking lot on our property connecting to Stein Terrace would be sufficient (again if you want confirmation you can contact Terry Keys or Walter Hitchcock who will testify to the validity of that statement). But then when we went in for our first sight plan, Miss. Hajduk changed the conditions for Cedar Brooke Way and demanded that

we have a cross-easement for our place and Shannon's; This was considerably prior to the city dedicating this to a "collector" street

As I'm sure you know, Mayor Mays and I did not get along. I disagreed with the Urban Renewal, the Cannery Square Plan, and a number of Urban Planning items that you are now trying to deal with. I thought Miss Hajduk's demand for Keys to change the road way was simply a way to stop us from developing. And as you know there is very good indication that stopping construction or development of our property was not simply malice alone.

Mays told OPUS and Wal-Mart around 2007 that they would ONLY develop on the Langer property. That is well-documented, Mays has been confronted with it, and has never denied the same. Personally, you would do well to investigate this because of these material changes and the way in which your staff handle properties LLC and KNOB properties LLC applications. I certainly hope you are not failing to investigate this matter fully. However, I believe you are.

#### The Application for a Stand-Alone Parking Lot on 22065 SW Pacific Highway

First of all, this is one of the most unbelievable applications I have seen in all the years that I have been in Urban Planning. If I were still actively teaching in the classroom I would use this application as an example on a test and I would ask the students to explain to me how many things wrong with this application they can find. This application is to any serious Urban Planner embarrassing. In fact it is something that leaves you wondering how it could've possible happened.

1- You allowed Doyel to have an open and notorious way; even with citizens complaining to remove large amounts of dirt from the property that could've been used to fill the Cedar Brooke Road where it crosses Chicken Creek. More than merely illegally removing dirt, he removed landscaping, trees, and then proceeded to dump gravel and call it a parking lot.

The immediate remedy for this is to pull the licensees on the contact engineer and landscaper involved as well as possibly having to pull Pacific Family dental's license. In place of doing any of that preventive action you forced me to go to the Sherriff's department in Washington County. I had to tell them the story and they recommend that I warn Chief Jeff Groth to stop the parking of Pacific Family Dental's group parking in that lot. With that threat imposed, after many months Groth offered to shut down this illegal activity.

If you look in your code under parking provision, this parking was illegal because it was "assigned" to Doyel's and his partners business; that invalidates the use of this code. The point being here that you are not only allowing illegal construction, destructive waste of landscaping and trees, and you did not impose the proper \$500 a day fine. You actually allowed Pacific Family Dental to use that parking lot.

2- Further there is no place under the code that allows a stand-alone commercial parking lot and you are suggesting it does. Although there is considerable evidence to the contrary that the only remaining use

on the property that he owns is an R1 detached home. Even though considerable construction vehicles are parked on that basis, it could be considered open and notorious in the parking of commercial and construction equipment and similar activities are occurring.

3- You are proposing to allow non-properties LLC the sole membership to demolish or alter the nonconforming use code of buildings that are part of the single-family residence. This is extremely serious because it goes to the nature of how you are treating this application. It is in many ways as serious as what Mr. Bormet did on Home Depot.

4- Next, there are three separate business LLCs that were initially involved in the application. The first is Pacific Family Dental that is for operation the business-which apparently has multiple tenant one of which Doyel is.

The second is Handley Properties LLC owned by Nathan Doyel and his wife Polly. The third LLC is KNOB Properties, LLC who the sole member is Nathan Doyel. You have allowed Handley properties to continue to own 17680 SW Hadley separately and you have continued to allow Nathan Doyel under Knob properties to own 22065 SW Pacific Highway. There is a requirement of unity of ownership in property ownership and there is no unity of unity between these properties. They are sole and separate properties and are treated as such by Washington County for taxation and other purposes. That is a serious mistake in the application.

5- You are treating 17680 Hadley and 22065 SW Pacific Highway as if they are one parcel and claiming the abut on Handley Drive can exit from Pacific highway through Handley. That is in many ways your most serious problem. This property abuts Pacific highway and the rights to this commercial property have been sold to ODOT under ODT's Purchase of easement and restitution of rights. The specific plan abuts to Cedar Brooke way which is it's lawfully required entrance and exit to 22065 SW Pacific Highway.

In short, your staff has allowed an application to go forward and permit an area that has illegally been disrupted nearly half an acre allowing illegal parking with proposed illegal use, which has changed a plan on a non-conforming property. That put in a non-slope use, alter a non-conforming use, not complete vegetative corridors in 99W, allow destruction of trees, encroach into a wet lands area and you have failed to report any of this under Clear Water Services stopwatch.

My dear Joe, this would've all been very interesting if the matter stopped there but it didn't. A long time ago I heard the maxim,

"First time maybe an accident. Second time there is a possibility it's an accident. The third time there is no accident."

What this is saying, politely put, is if you see too many acts that are consistent with and driving towards a particular conclusion, there is a point where it becomes conspiratorial in nature and involves more than one person. I am suggesting this is going on with Doyel and since you are the city manager you are

the one we will look to as the primary principal. Although in Oregon accessory before the fact and an accessory after the fact are also considered to be principal. And I would add you are the one primarily in charge of this.

Now let's talk about the application. Doyel's application could've been classified in several ways but instead it went in front of a hearing examiner and then will go directly to the planning commission on an appeal basis only, then the final resolution before LUBA or litigation. Why was this matter steered away from City Council and who did it? Why didn't they want the City Council getting involved in something as fundamental as locking up the East Cedar Creek district and neighborhood? This single act literally locks this neighborhood up and prevents it from developing. Someone prevented this from going to City Council.

Now you have another curious factor. That factor being that for 17 months, I would add while Mays was still mayor, this matter of enforcement, fines, and application have all been played with and delayed. Then when the application finally went in front of the hearing examiner the 120 day period was played out by staff delays. Adequate review was made very difficult and next to impossible. Now that's what becomes even more interesting is in a highly complex application that involves some serious legal application. Time was on the side of the legal applicant and the staff and even though legal council was involved it never went to the Secretary of State's Office Title Company, accessory office, etc. Even though they had the luxury of time they did not do their due-diligence. We are the first ones supplying you with those materials, although Doyel didn't they should've been given to you through staff research.

There now evolves a very interesting question. Suppose Doyel is trying to get around at this stage, avoiding doing the necessary delegations. What if he had though far enough through to get financing conditions from the Williams? If he later changed his mind after this application passed and get you, Joe Gall, to let him do a lot-line adjustment without a public hearing. That's exact what he did.

Now assuming at you instructions he was trying to avoid delegation, etc so he could do a lot-line adjustment when and if the current application passed. Would he have structured the other part of his application to comply with this? Now Mr. Gall I ask you to understand this is not just three incidents, this was multiple incidents and I suspect Berry, Elsner, and Hammond are involved. We will not know however, until further inspection. But all of the coyotes tracks point to your den.

Now let's look at some of the other relatively minor items that would point towards a pre-made plan to lock-up Susan and my property. In fact this entire district benefits Doyel and lets you get even with me. All of this behavior is personally detrimental. Yes, you did not consider designing this parking so that it could exit out of Cedar Brook Way, which would have been a very easy job for any competent engineer. Clearly you had to understand this plan because you ignored any discussion of landscaping the media on 99W but very carefully only discussed the visual corridor on 99W along this parking area. You also waved sidewalks and gutter improvement-which are required-with no explanation why you have made this substantial waver. And of course it does not stop there. With the waving of 22065 Pacific Highway

connecting to public sewer and water with the lot-lone adjustment, you have now included in this parking lot, you have now moved the power box so the property is completely conforming with 17680 Handley Drive. And of course you will have the necessary power, sewer, parcels, and because of the adjustment you did not require the same on 22065. That could not have been an accident. It took months to put this plan together and the entire intention was to hurt that entire neighborhood but Susan and me particularly. That is in my opinion and belief only of course.

#### Conclusion

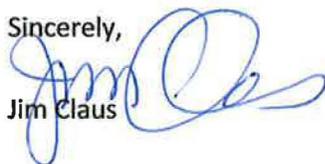
Let me make one thing clear- if you read the papers in the originally application, Doyel could have used additional parking if it had been within 500ft, only under limited circumstances. Doyel and his four other dentists could have used it. Obviously, they might not have wanted to lease the additional parking. Doyel then purchased the adjacent property, and 17 months ago, under Keith May's protection, he illegally constructed a parking lot. There are two problematic aspects on the ways he built it, 1)he built it without permits, proper engineering or following the building code 2)If Doyel wanted to keep the existing home, building this parking was not possible by zoning code. He violated the building code, engineering code and standards, and the zoning code. He then came back and acted as if his self-help has not been illegal per say and applied for a permit to build and use this parking, alleging the parking was already there- there was only illegal construction work. The act was illegal from all aspects, and that is why he did Boot Legging Construction.

This hearing examiner is being asked to not realize the property is a Non-Conforming Residential Use with 1 acre developable out of 2 acres. Doyel is seeking to 100% develop that property. At the same time, he is trying to keep it a sole and separate piece, allowing him to avoid Cedar Brook Way dedication and other general requirements. If anyone with less political connections than Doyel et al tried something similar, they would be facing a criminal judge.

The reason I bring this to your attention Joe is because you made a bad bet when you came here and thought Mays was going to continue to be the Mayor. I will finish this letter with one very brief comment. What I have seen here from a man that I had some respect for and what I have seen your staff do has been utterly amazing. I cannot believe a group of civil servants would develop as much hate and malice for citizen as you and your staff have. But the fact that you tried to hide it and withheld those documents from the hearing examiner is embarrassing. When you were hired no one paid you to get involved in the politics in this town, you were suppose to be a civil servant. That's not true apparently. Thank you in advance for your reply to this letter but I expect to get the same response from you as I did Bob Galati the city's engineer: contempt for citizens comments. Please prove me wrong.

Sincerely,

Jim Claus



# CEDARBROOK PROFESSIONAL BUILDING SITE PLAN REVIEW

AUGUST 21, 2006



Working  
Copy

Cedar Brook Professional  
 Building  
 Site Plan Review  
 Sherwood, Oregon

421 SW Morrison  
 Portland, OR 97205  
 PH: 503 228 7571  
 FX: 503 273 8891

## TEAM DIRECTORY

### OWNER:

HANDLE PROPERTIES, LLC  
 18160 SW LANGER DRIVE  
 SHERWOOD, OREGON 97140  
 PH: 503-925-9585 FAX: 503-925-9626  
 CONTACT: NATHAN DOYEL

### ARCHITECT:

WATERLEAF ARCHITECTURE & INTERIORS  
 621 SW MORRISON ST. SUITE 125  
 PORTLAND, OR 97205  
 PH: 503-228-7571 FAX: 503-273-8891  
 CONTACT: KATHY AULWES

### CIVIL ENGINEERS

AKS ENGINEERING AND FORESTRY  
 13910 SW GALBREATH DR., SUITE 100  
 SHERWOOD, OR 97140  
 PH: 503-925-8799 FAX: 503-925-8969  
 CONTACT: HAYES MCCOY

### LANDSCAPE ARCHITECTURE

SIMPL  
 3527 SW DOSCH ROAD  
 PORTLAND, OR 97239  
 PH: 503-294-0012 FAX: 503-294-0013  
 CONTACT: MATHEW KRUEGER

## DRAWING SHEET INDEX

GENERAL	GENERAL INFORMATION
G1.0	GENERAL INFORMATION
CIVIL	
C1.0	CIVIL COVER SHEET
C2.0	EXISTING CONDITIONS PLAN
C3.0	PRELIMINARY GRADING, TREE REMOVAL AND EROSION CONTROL PLAN
C4.0	PRELIMINARY STREET, UTILITY AND PARKING LOT PLAN
LANDSCAPE	
L1	PLANTING PLAN
ARCHITECTURAL	
A1.1	ARCHITECTURAL SITE PLAN
A2.1	ELEVATIONS
ELECTRICAL	
E1.1	ELECTRICAL PLAN
E1.2	PHOTOMETRICS PLAN

## PLANNING AND ZONING CODE ANALYSIS SUMMARY

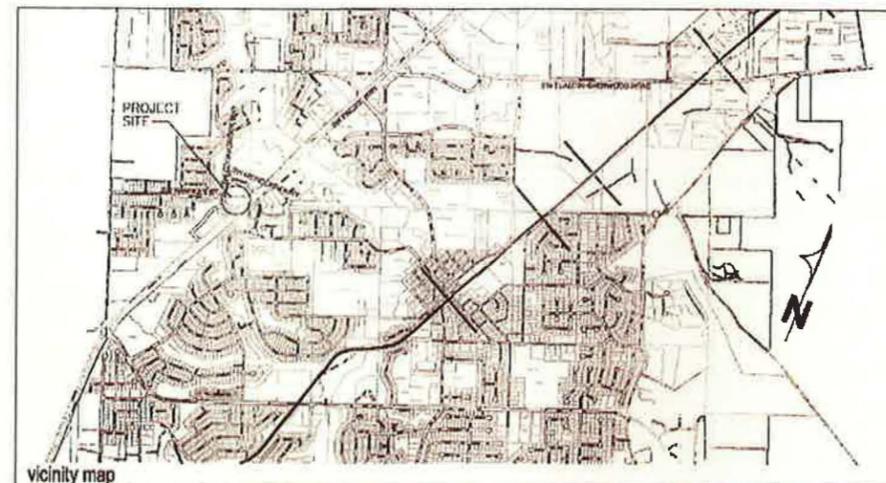
LEGAL DESCRIPTION:	TAX LOT 1600, WASHINGTON COUNTY TAX MAP NUMBER 2S 1 30 CD, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF SHERWOOD, WASHINGTON COUNTY, OREGON	
ZONE:	G-C GENERAL COMMERCIAL	
SITE ACREAGE:	34,053 S.F. GROSS AREA (.782 ACRES)	
NET BUILDABLE AREA:	34,053 S.F. GROSS AREA (.782 ACRES)	
MIN. LOT AREA:	10,000 S.F.	
SITE DISTRIBUTION:	AREA	PERCENTAGE
BUILDING FOOTPRINT:	7,970 S.F.	23 %
PAVED AREA:	13,997 S.F.	41 %
PARKING	12,843 S.F.	
SIDEWALKS	1,154 S.F.	
LANDSCAPE:	12,086 S.F.	35 %
MAX. GROSS BLDG AREA:	14,071 SF BASED ON CAPACITY ALLOCATION PROGRAM (CAP) VEHICLE TRIPS ARE LIMITED TO 43/ ACRE. BASED ON APPROVED TRIP GENERATION ANALYSIS FROM 12 / 12/ 05. THIS SITE WILL PRODUCE 2.39 TRIPS PER 1,000 S.F. .782 ACRES X 43 TRIPS PER ACRE = 33.63 TRIPS 33.63 TRIPS / 2.39 TRIPS X 1,000 S.F. = 14,071 GSF	
BUILDING USE BY AREA:	14,050 SF OF DENTAL CLINIC	
BUILDING AREA:	GROSS BLDG AREA	LEASABLE BLDG AREA
FIRST FLOOR:	7,970 S.F.	12,270 S.F.
SECOND FLOOR:	6,080 S.F.	8,805 S.F.
BUILDING HEIGHT:	ALLOWED: 3 STORIES AND 50'-0" PROVIDED: 2 STORIES AND 30'-0"	
REQUIRED YARD SETBACKS:	NONE UNLESS THE LOT ABUTS A RESIDENTIAL ZONE, THEN THE FRONT YARD SHALL BE THAT REQUIRED IN THE RESIDENTIAL ZONE; MIN. 3' SETBACK REQUIRED BECAUSE BUILDING IS NOT LOCATED ON THE PROPERTY LINE	
FRONT YARD:	NONE UNLESS THE LOT ABUTS A RESIDENTIAL ZONE, THEN THE SIDE YARD SHALL BE MIN. OF 20 FT. MIN. 3' SETBACK REQUIRED BECAUSE BUILDING IS NOT LOCATED ON THE PROPERTY LINE	
SIDE YARD:	NONE UNLESS THE LOT ABUTS A RESIDENTIAL ZONE, THEN THE SIDE YARD SHALL BE MIN. OF 20 FT. MIN. 3' SETBACK REQUIRED BECAUSE BUILDING IS NOT LOCATED ON THE PROPERTY LINE	
REAR YARD:	NONE UNLESS THE LOT ABUTS A RESIDENTIAL ZONE, THEN THE SIDE YARD SHALL BE MIN. OF 20 FT. MIN. 3' SETBACK REQUIRED BECAUSE BUILDING IS NOT LOCATED ON THE PROPERTY LINE	
EXTENSIONS INTO YARD:	MAY PROJECT 2.5' INTO REQUIRED YARDS	
PARKING SETBACKS:	10' MIN	

PROVIDED YARD SETBACKS:	FRONT YARD/ WEST	84'-0" TO EXTERIOR FACE OF BLDG.
SIDE YARD/ NORTH	8'-0" TO EXTERIOR FACE OF BLDG.	
SIDE YARD/ SOUTH	9'-6" TO EXTERIOR FACE OF BLDG.	
BACK YARD/ EAST	VARIES- MIN 100'-6" TO EXTERIOR FACE OF BLDG.	
PARKING REQUIREMENTS:	MINIMUM: 3.9 SPACES PER 1,000 GROSS LEASABLE S.F. STANDARD STALL SIZE: 9' X 20' COMPACT STALL SIZE: 8' X 18'; MAY MAKE UP 25% WHEEL STOPS ARE REQUIRED AT ALL SPACES ALONG THE BOUNDARY OF A PARKING LOT OR ADJACENT TO INTERIOR LANDSCAPED AREAS. ONSTREET PARKING MAY REPLACE OFF-STREET PARKING WITH ON STREET PARKING AT A RATIO OF 1:1 AD. PARKING: 26-50 PARKING SPACES REQUIRES 2 ADA SPACES	
REQUIRED PARKING SPACES:	12,70 S.F. / 1,000 SF X 3.9 = 47.85 TCAL PROVIDED = 48 (34 STANDARD; 12 COMPACT; 2 ADA)	

PARKING PROVIDED:	WEST PARKING LOT:	13 STANDARD STALLS 2 ADA STALLS
EAST PARKING LOT:	12 COMPACT STALLS 11 STANDARD STALLS	
ON STREET PARKING:	10 PARKING STALLS	
TOTAL PARKING:	48 PARKING STALLS	
BIKE PARKING PROVIDED:	3 COVERED BIKE SPACES LOCATED OFF OF HANDLEY STREET	
LANDSCAPING @ PARKING: (SEE LANDSCAPE PLAN)	PUBLIC R.O.W.: PROVIDE SCREENING SHRUBS @ 3'-0" PROVIDE TREES @ 25'-0" O.C. ADJACENT PROPERTY: PROVIDE SCREENING SHRUBS @ 6'-0" PROVIDE TREES @ 25'-0" O.C. INTERIOR: LANDSCAPED AREAS NO LESS THAN 64 S.F. PROVIDED AFTER 15 PARKING STALLS IN A ROW.	

## VICINITY MAP

NO SCALE

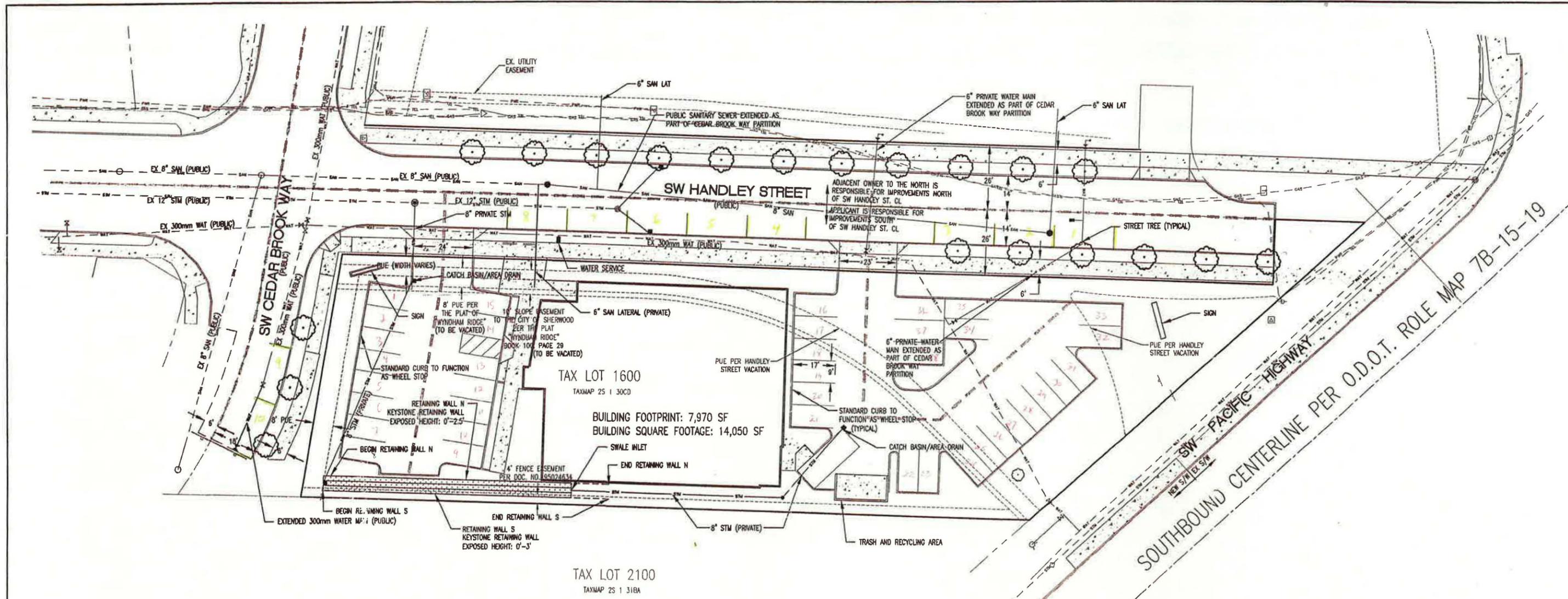


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 File #: 0536-G  
 Date: © 8.21.2

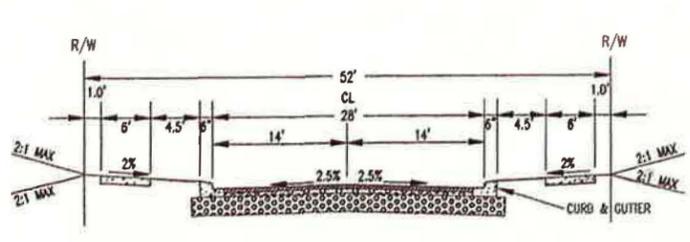
Revisions:

General\_Info

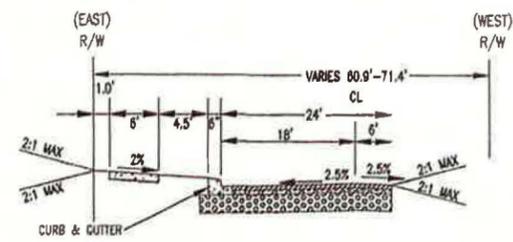




SW HANDLEY STREET AND SW CEDAR BROOK WAY TO BE IMPROVED AS LOCAL STREETS.



SW HANDLEY STREET (LOCAL STREET)  
NOT TO SCALE



SW CEDAR BROOK WAY (LOCAL STREET)  
NOT TO SCALE

CIRCULATION ROUTE



REVISIONS:


**PRELIMINARY**  
STREET UTILITY AND



ENGINEERING • PLANNING • SURVEYING • FORESTRY  
LICENSED IN OR, WA & AK  
13910 SW GALBREATH DRIVE SUITE 100

DESIGNED BY:	HAM	DRAWING NO.:	CI-04
DRAWN BY:	ATL	SCALE:	AS NOTED
CHECKED BY:	HAM		
PREPARED FOR:	NATHAN DOYEL		

**CEDAR BROOK**  
**PROFESSIONAL BUILDING**



JOB NUM  
121

DATE: 9-26-06