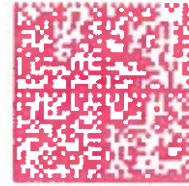




39250 Pioneer Blvd
Sandy, OR 97055
503-668-5533



7018 3090 0000 5123 8744



FP[®] US POSTAGE
\$009.65

02/21/2023
036B 0011819923
ZIP 97055

Rich Delaney/Suzanne Michaelson
Hood Chalet, LLC
1700 S. El Camino Real, Ste 404
San Mateo, CA 94402

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Delaney Michaelson
Hood Chalet, LLC
1700 S. El Camino Real, Ste 404
San Mateo, CA 94402*



9590 9402 4735 8344 2194 59

2. Article Number (Transfer from service label)

7018 3090 0000 5123 8744

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

February 21, 2023

Rich Delaney/Suzanne Michaelson
Hood Chalet LLC
1700 S El Camino Real, Ste 404
San Mateo, CA 94402

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

To Whom It May Concern:

**NOTICE OF PENALTY
VIOLATION OF CHAPTER 17.102
REMOVAL OF TWO TREES WITHOUT A PERMIT**

**ADDRESS: 17655 BLUFF ROAD, SANDY, OR 97055
(HOOD CHALET) (24E14DA Tax Lot 600)**

Date of Violation: Documented by City staff on December 2, 2022

Particular Provisions or Laws Violated:

Chapter 17.102

Section 17.102.20(A) of the Sandy Development Code states: "No person shall cut, harvest, or remove trees 11 inches DBH or greater without first obtaining a permit and demonstrating compliance with this chapter." Section 17.102.30 (5) goes on to state: "An application for removal of a hazard tree within a protected setback area or a tree required to be retained as defined in Chapter 17.102.50 shall also contain a report from a certified arborist or professional forester indicating that the condition or location of the tree presents a hazard or danger to persons or property and that such hazard or danger cannot reasonably be alleviated by treatment or pruning."

Specific Assertion: The applicant initially reached out to City staff about tree removal in August of 2020. City staff outlined the process in an email dated August 19, 2020. The applicant reached out again in December 2021 and City staff outlined the process for tree removal again in an email dated December 9, 2021. On August 19, 2022, the applicant submitted an application for tree removal from the subject property. City staff deemed the application incomplete on August 30, 2022, and requested the missing required items including an arborist report, tree inventory, and associated site plan that clearly indicates tree locations and which trees are proposed for removal. City staff followed up with emails on August 31, 2022, September 28, 2022, December 2, 2022, December 3, 2022, December 6, 2022, December 13, 2022, and January 25, 2023, requesting the missing items needed to process the application. On December 2, 2022, the City's Code Enforcement Officer visited the site and verified that the trees had already been removed from the subject property without a permit (See Attachment #1 on pages 4-6). On December 8, 2022, the applicant's tree removal service (Rich's Tree Service) sent an email with an attached letter confirming they had removed two (2) trees without a permit on August 23, 2022. The letter stated

one tree was a 28-inch DBH Douglas fir but did not identify the second tree nor the locations where the trees were removed. On February 16, 2023, the City closed the applicant's tree removal permit file as required by ORS 227.178(4) since the missing required items were not submitted, or notice provided that they would not be submitted, within the required 180 days.

Penalty Assessed: Section 17.102.80 states: "The provisions of Chapter 17.06, Enforcement, shall apply to tree removal that is not in conformance with this chapter. Each unauthorized tree removal shall be considered a separate offense for purposes of assigning penalties under Section 17.06.80." Under provisions of Chapter 17.06, the Development Services Director is authorized to impose a civil penalty of up to \$1,000.00 for any violation of this Code. The following penalties have been assessed:

\$500.00 penalty per tree removed for a total of \$1,000.00 for removing two trees and not obtaining permits in compliance with Chapter 17.102

Total penalty due: \$1,000.00

This penalty is in relation to the tree removal itself. Section 17.102.60 imposes additional requirements after a tree has been removed. You shall comply with those requirements by completing the following within 90 days of the date of this letter or additional penalties will be issued:

Plant mitigation trees (Doug fir, Western Hemlock, or Incense Cedar at 5 feet in height at time of planting) at a ratio of two mitigation trees planted per tree removed for a total of four (4) mitigation trees planted on the subject property. In addition, any areas of exposed soils resulting from tree removal shall be covered with straw within 90 days of the date of this letter and shall be replanted with a ground cover of native species by June 1, 2023.

The civil penalty of \$1,000 is due and payable within 30 days after the notice of penalty is served. If the penalty is not paid within the time required, the penalty and any costs of service and recording fees will be recorded by the City Recorder in the City Lien Docket and shall become a lien on the property of the person incurring the penalty.

Right of Appeal: You have 20 days to file an appeal of this penalty before the municipal judge.

Any appeal shall be in writing and signed by the person against whom the penalty has been assessed or the attorney for that person. The appeal shall state the grounds of the appeal. A deposit in the amount of the civil penalty assessed (\$1,000) and an appeal fee of \$400 shall accompany the appeal. The appeal shall be filed with the municipal court and served upon the City Attorney. Failure to comply with these provisions shall result in the dismissal of the appeal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kelly O'Neill Jr.", written in a cursive style.

Kelly O'Neill Jr.
Development Services Director

cc: file
Josh Soper, City Attorney
Tyler Deems, Deputy City Manager
Kortney Fisher, Court Clerk
Kevin Moody, Code Enforcement Officer
Emily Meharg, Senior Planner
Thomas Fisher, Engineering Technician

ATTACHMENTS

Attachment #1 – Photos of trees removed without a permit



