

Testimony Regarding ICON's Proposed Development: SUB-20-01
Presented to the West Linn Planning Commissioners
October 7th, 2020

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BHT NA Secretary & Hidden Creek Estates Subdivision Representative

WATER AND LANDSLIDES: This is the residents third Planning Commissioners hearing with ICON regarding their proposed development located at 4096 Cornwall Street in West Linn, OR. A significant reason for having multiple hearings is due to the visible evidence and known hazards this land possesses. An enormous amount of information in written testimony continues to be provided by surrounding neighbors with hundreds of photographs and supporting documentation to educate and inform both the city staff and builder of the concerns and questionable integrity of this property to be built upon. This property is completely surrounded by established homes and subdivisions. This rectangular piece of land has very unique qualities: it's sloped; it has a cliff at the end of Cornwall Street; it has numerous significant trees; there are springs on the surface of the land that bubble up; ponding occurs at the bottom of the slope; there is significant water that constantly drains on the properties below; there is a 40% grade at the top of the lot ripe for landslide; and there is a sizable soggy patch of ground in the center of the property that oozes water. These many issues make building on this property more costly and challenging than building on a flat piece of land, because higher construction standards *must* be met to accommodate the complexities of this property. When Sunset School was relocated to a corner of the park, instead of building on the original footprint as was agreed to by popular vote, springs popped up in residents yards and crawl spaces when the school's footprint was moved elsewhere. Sunset residents had to pay for expensive water remediation repairs because no one was held accountable for the damage that occurred on private property as a result of land disturbance. A similar situation, but more serious applies here, because there are 60+ homes surrounding this land with a significant majority of homes located beside and below this slope's address. We don't want what happened at Sunset School to repeat itself here because Sunset homeowners had no recourse for the water damage that occurred to their property. Additionally, homeowners insurance does not cover for landslides or crawl space flooding coming from the soil. Already 2 houses on Fairhaven Drive and one on Landis Street have experienced water filled crawl spaces, so the property at 4096 Cornwall Street IS a real hydrogeological threat to surrounding property. Thus, it is a major concern IF the natural state of this property is altered. Furthermore, insurance won't pay for either water or landslide damages to homeowners. **So who will reimburse residents if water and/or landslide damages occur to any of the surrounding homes after ICON's construction is completed?** It sure won't be an insurance company! [See State Farm Attachments](#)

ROAD CONNECTIVITY: Residents from five surrounding subdivisions (Stonegate, Cornwall Street, Reed Road, Hidden Creek Estates and Barrington Heights) are all united in opposition of connecting Cornwall Street to Landis Street. More than 65

*residents signed a petition to emphasize this, which was presented at ICON's pre-app meeting. Road connectivity has been thrust upon the citizens, which disturbs everyone. Many testimonies on traffic and connectivity have already been presented by Ed Turkisher, Pam Yokubaitis, Bob Mendel, Steve Thornton, and Patrick Noe. Patrick Noe's testimony written June 1, 2017 clearly stated NO STREET CONNECTIVITY at the onset of these hearings. Other testimony explains that 1) multiple safety issues exist, 2) the current quality of life for Fairhaven Drive, and Cornwall and Landis Street residents will no longer be quiet neighborhoods with significant traffic noise, and 3) our neighborhoods will become less desirable due to significant daily traffic, therefore diminishing our property values. There is a smarter, shorter and more cost effective alternative route for connection in the future, because there is no urgency for such connectivity now. Sunset can directly connect to Stonegate Lane at a future date. So to be very clear, our **5 subdivisions are united in stating WE DO NOT WANT CORNWALL AND LANDIS STREET CONNECTIVITY.** We have signed petitions, we have proven there are safety concerns, and we have presented an acceptable and doable alternative solution.*

TRAFFIC: Landis Street is in a quiet, charming subdivision, nestled amongst trees, a running creek and a large monolith. It was *never intended* to become a thoroughfare of traffic within West Linn because ICON's property was originally suppose to become Phase II of Stonegate. Landis Street was constructed only 24 feet wide, so it *cannot* accommodate 400+ cars/day (according to ARD Engineering Traffic Analysis report supplied by ICON) traveling in both directions. Only one car can pass between 2 parked cars on each side of the street, so **a two lane heavily trafficked road on this snug residential street IS NOT feasible.** The idea of eliminating the residents street parking privileges or mandating parking only on one side of the street is highly offensive. It is issues like these, that are not discussed at the NA meetings but get mentioned *after the fact as if certain*, that angers West Linn residents. Usurping property owners street parking privileges would negatively impact home sales and property values.

WE HAVE REPEATEDLY ASKED FOR AN IN DEPTH HYDROGEOLOGICAL STUDY:

At the very first Planning Commissioner's hearing in 2016, neighbors testimonies provided pertinent information to share knowledge and concerns about this property with the city and ICON. We knew there were issues that everyone needed to understand. Only with transparency and a collaborative spirit would we collectively arrive at an intelligent and mutually agreeable decision. A considerable amount of testimony and photos were provided to share what we knew. From the onset, we exposed that the 4096 Cornwall Street property had complexities that made us question if this land could be developed. We knew that only an in-depth expert analysis could provide the answers we needed. We repeatedly asked for a Professional Engineer hydrogeologist to explore the complexity of this land. The cliff, steep slopes on this property and constant water drainage were red flags. Analysis was done by a Geotechnical firm, but 10 feet deep of exploration is insufficient given the evidence presented of known water and landslide hazards. The geotech's results didn't reflect

the magnitude of exploration the residents felt was needed. Then ICON withdrew their application to build after this first hearing, so we started all over again a year later, bringing forward our copious amount of testimony and evidence.

At the second Planning Commissioner's hearing, we again voiced the need for in-depth analysis of this land by experts, but the geotechnical reports remained the same. The Planning Commissioners again denied the builders application, so ICON appealed and obtained a third party referee's decision. The referee also issued a denial. All this necessary bureaucracy delayed focusing on the real issue at hand:

Is the entire 4096 Cornwall property safe, buildable land, or not, for the plat map designed?

At this third Planning Commissioner's hearing today, we again ask: Is the entire 4096 Cornwall property safe, buildable land, or not, for the plat map designed?

This answer *can't be known* until more extensive geotechnical data is provided, along with responses to issues and obstacles presented by Geologist, Bill House in his 20+ page report, presented in testimony today. We don't know where or how excavation, landfill, tree removal, water obstacles, landslide of soils, or removal of tree tumps will affect the stability of the soil, and hence the design of a plat map. The cart is being put before then horse here. **ICON must first understand where the hazards are in the land, then identify how the hazards can be worked with/around before a plat map can be drawn.** The geotechnical report in ICON's current application has already expired (it was only good for 3 years), and it lacks the necessary extensive, in-depth analysis required for this land to determine if it's safe or not to build on.

CONCLUSION: Frustrated by not getting our questions answered, perseverance, determination and luck prevailed. Pia Snyder gave me an April 5, 2018 West Linn Tidings article titled: Landslides: What Homeowners Should Know by William House. [See Bill's Article attached.](#) I kept this article, knowing that I would eventually try to track down the author in the future to pick his brain for testimony writing. When I recently did the research to find him, I learned he was a West Linn resident who lived in Cascade Summit that backs up to Stonegate. When I called Bill about our plight, he was interested in learning more so we met to discuss our situation. Bill expressed interest in helping us because he loves geology and problem solving, so we then planned another meeting to walk the land and meet with key neighbors to give him insight to known problems. After touring and asking questions, he volunteered to conduct research, write a report free of charge, and testify as a community service for his West Linn neighbors. (He also serves our community as HOA President for his subdivision.)

Bill House has supplied 20+ pages of testimony and diagrams that FINALLY identifies the obstacles that 4096 Cornwall Street presents, using public information to connect dots. He points out hazards, discrepancies and deficiencies in documentation provided by experts in ICON'S application, and cites specific issues that need to be addressed. Like the rest of us, he shares his information freely for the benefit of our West Linn

community. With his new information, we expect his recommendations to be acted upon, more in-depth analysis of the land to occur, and scrutiny of where the land is capable or not capable of new construction. Anything can be built for a price, but at what point does it become unaffordable, given the additional requirements and higher standards that constrained lands demand? That is for ICON to determine, while the Planning Commissioners must:

- 1) Ensure this land is thoroughly vetted/acceptable to build on before approval for development is granted
- 2) Due to the fact that there are mostly only constrained lands left in West Linn to build on, which presents very unique obstacles for construction, there is a need for the Planning Commissioners to determine stricter new building codes. We therefore ask the Commissioners to have these codes reviewed for changes and additions on their docket.