



Memorandum

Date: June 7, 2017
To: West Linn Planning Commission
From: Jennifer Arnold, Associate Planner
Subject: Public Testimony for West Linn Planning Commission Public Hearing
SUB-17-01

On June 7, 2017 Staff a map from the City Arborist, Mike Perkins indicating possible significant trees on the City owned property near the location of the proposed detention pond.

On June 7, 2017 Staff received two documents submitted by the Applicant's Consultant. The first document shows future impervious area, and the second indicates tree protection and slope analysis. Staff also received a letter by the Applicant's Attorney.

On June 7, 2017 Staff received written testimony from Edward A Turkisher expressing concerns about traffic, and safety of street connections for the proposed subdivision SUB-17-01. Mr. Turkisher also submitted a petition my neighbors regarding the proposed subdivision SUB-17-01.

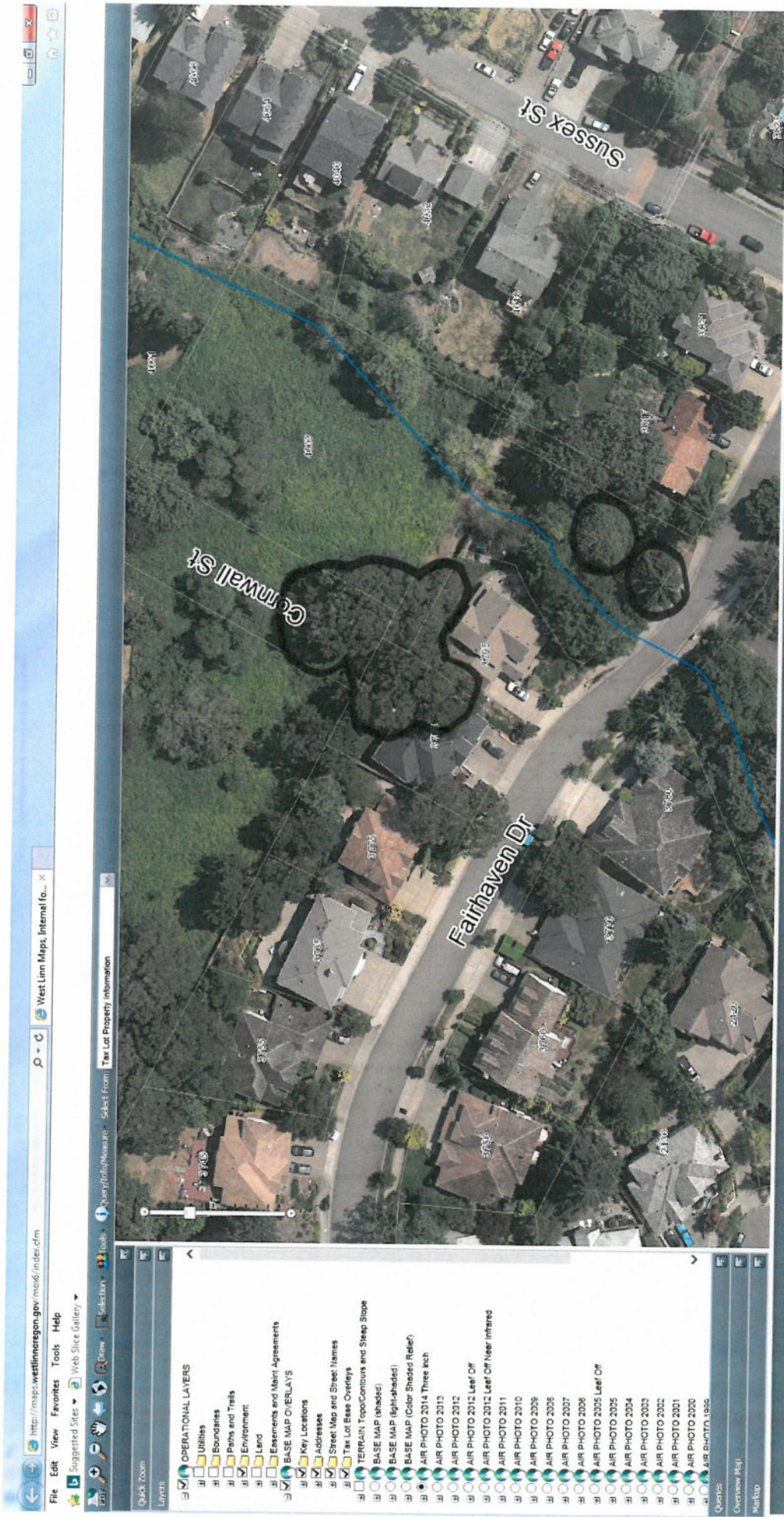
On June 7, 2017 Staff received written testimony from Pam Yokubaitis expressing concerns about wetlands on the subject property. In the same packet of testimony she included a power point, maps, wetland information, correspondence with a State DSL Official, and application for a wetland determination report.

On June 7, 2017 Staff received written testimony from Patrick Noe expressing concerns about environmental impacts associated with the proposed subdivision SUB-17-01. This testimony included signed petitions regarding the proposed development

On June 6, 2017 Staff received written testimony from Pia Snyder expressing concerns about wetlands, springs, landslide potential, and environmental impact of the proposed subdivision SUB-17-01.

On June 6, 2017 Staff received written testimony from Christine Henry expressing concerns about the detention pond associated of the proposed subdivision SUB-17-01.

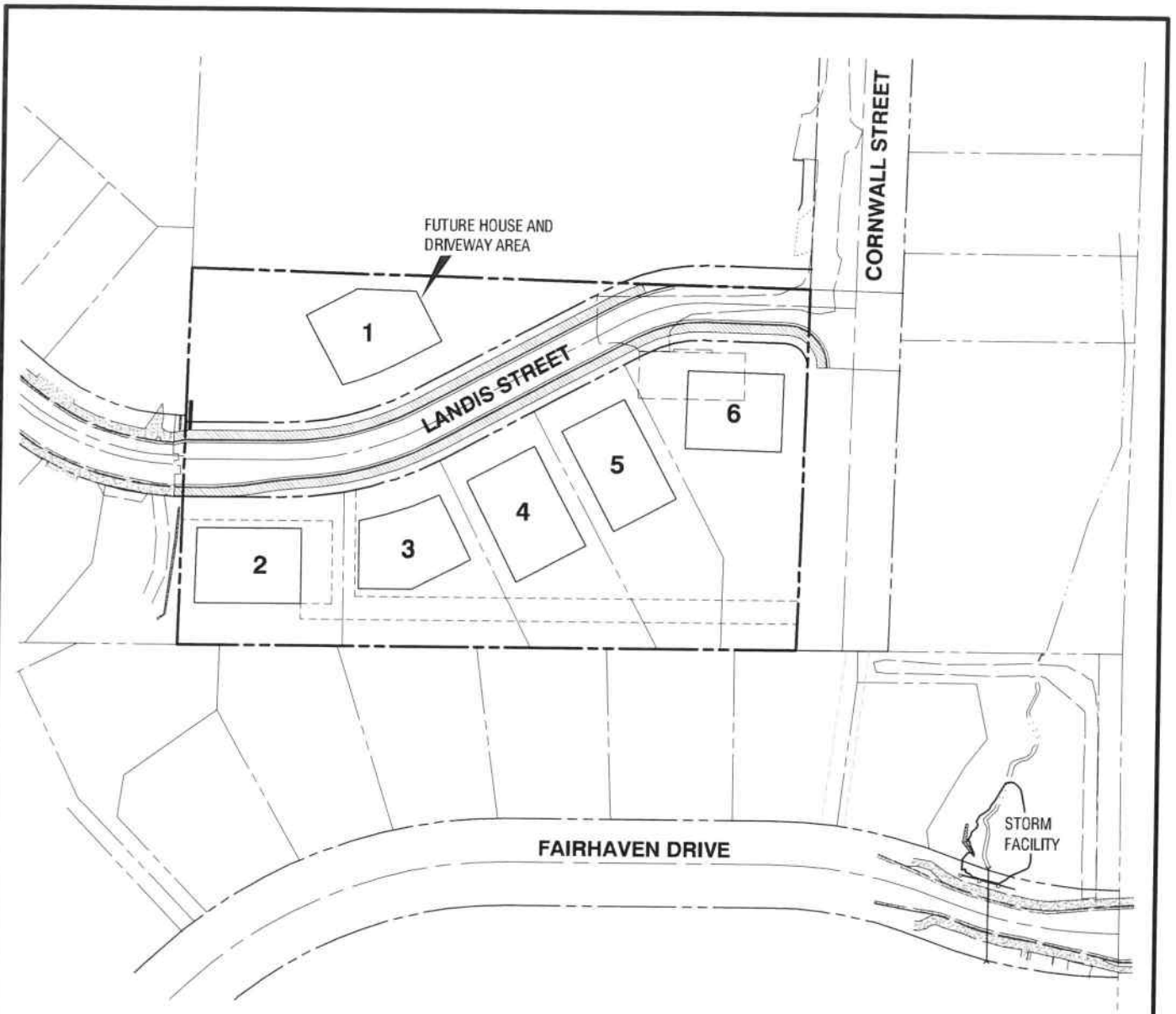
On June 6, 2017 Staff received written testimony from Pam Yokubaitis expressing interest in naming the unnamed creek adjacent to the proposed subdivision SUB-17-01.



POTENTIAL SIGNIFICANT TREES - CIRCLED IN BLACK

Walden
6-6-17

Walden



EXISTING CONDITION:
 2.2 ACRES, INCLUDING 4600 S.F. OF IMPERVIOUS AREA
 DISCHARGES UNCONTROLLED TO SOUTH

PROPOSED CONDITION:
 35,000 S.F. OF IMPERVIOUS AREA COLLECTED AND
 DIRECTED TO STORM FACILITY FOR DETENTION
 (STREET AND HOUSES)



SCALE: 1" = 100'

**GRAPHIC REPRESENTATION OF
 FUTURE IMPERVIOUS AREA**

2010-129L

Theta, llc

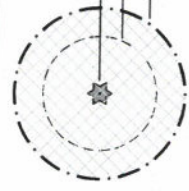
ENGINEERING - SURVEYING - PLANNING

PO Box 1345
 Lake Oswego, Oregon 97035

503/481-8822
 email: thetaeng@comcast.net

Willow Ridge

4086 Cornwall Street
 West Linn, Oregon

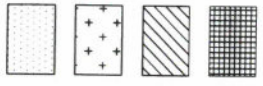


Significant Trees per City Arborist.
 Drip Line
 Drip Line Plus 10'

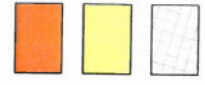
Significant Trees to be removed.

Street Tree - 35' On Center

- Slopes 0-15% (Type IV Land)
14,030 sq. ft. (14.8% of site)
- Slopes 15-25% (Type III Land)
57,697 sq. ft. (60.0% of site)
- Slopes 25-35% (Type II Land)
11,131 sq. ft. (11.7% of site)
- Slopes 35% Plus (Type I Land)
11,950 sq. ft. (12.6% of site)



- Graded Area
Subject to CDC 55.100.B.2.I.
- Slopes 15-25% (Type III Land)
55,799 sq. ft.
- Protected Area Within Type 3 & 4 Slopes
12,643 sq. ft. - (22.6%)



DESIGNED: BEG DRAWN: BEG SCALE: 1" = 30' DATE: JUNE 2017 FILE: 15-024-112	RICHARD E. GIVENS, PLANNING CONSULTANT 18680 Sunblaze Dr. Oregon City, OR 97045 PH: (503) 479-0087	APPLICANT: Icon Construction & Development, LLC 1980 Willamette Falls Drive, Suite 200 West Linn, OR 97068 PH: (503) 657-0408	SHEET: 1/1	<h2 style="margin: 0;">Willow Ridge</h2> <h3 style="margin: 0;">Trees & Slope Analysis Plan</h3>
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June 7, 2017

Michael C. Robinson
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D. +1.503.727.2264
F. +1.503.346.2264

VIA EMAIL

Mr. Gary Walvatne, Chair
West Linn Planning Commission
West Linn City Hall
22500 Salamo Road
West Linn, OR 97068

Re: City of West Linn File No. SUB-17-01, 6-Lot Subdivision at 4096 Cornwall Street

Dear Chair Walvatne and Members of the Planning Commission:

This office represents the Applicant. This letter responds to several issues raised at the May 17, 2017 Planning Commission hearing.

1. West Linn Community Development Code (“CDC”) 85.170.B.2.c(1)(C)(1) does not allow the City to request a Traffic Impact Analysis (“TIA”).

CDC 85.170.B.2.c(1)(C)(1) (**Exhibit 1**) provides that a TIA “may” be required when, among other conditions, the development causes “an increase in *site* traffic volume generation by 250 average daily trips (“ADT”) or more (or as required by the City Engineer).” (emphasis added)

Persons who testified before the Planning Commission argued that because the subdivision application will extend Landis Street to Cornwall Street, the result will be more than 250 ADT through the site. However, the express language of the standard is that only “site traffic volume generation” is the basis for a request for a TIA. There can be no dispute that substantial evidence before the Planning Commission shows that the five (5) new lots, each of which will accommodate a single-family dwelling, will only generate about 50 ADT. Further, none of the other conditions apply that would allow the City to request a TIA are present and, in this case, the City Engineer has not requested a TIA.

The meaning of the word “site” is the area to be subdivided. *See* CDC 85.160(A), “Submittal Requirements for Tentative Plan”, requiring “a city-wide map that identifies the ‘site’”.

The Planning Commission must find that a TIA is not required.

2. CDC Chapter 55, “Design Review”, for the off-site storm detention facility does not apply to this application.

Several persons argued that CDC 55.100.B.2 applies to this application because the Applicant proposes to establish a storm retention facility on an off-site property owned by the City of West Linn (the “City”). The off-site storm detention facility is not part of this application. Because the storm detention facility is not part of this application, CDC Chapter 55 cannot apply to an analysis of the storm detention facility as part of this application.

3. The location of the proposed extension of Landis Street is appropriate and, where it is adjacent to the abutting property to the north, a half-street improvement is appropriate.

CDC 85.200.A.1, “Streets; General”, provides in relevant part “Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan (“TSP”) and any adopted updated plans.” (Exhibit 2)

Several witnesses argued to the Planning Commission that the proposed location of Landis Street should be moved to the south so that it does not abut the adjacent property to the north. However, CDC 85.200.A.1 prescribes what the Applicant proposes: a half-street improvement adjacent to the abutting property. When and if the abutting property develops, the remaining street improvements (sidewalk, curb, gutter, and landscape strip) will be constructed by the developer of that property. Until that time, the street is sufficient to provide the necessary travel lanes. Further, the extension of Landis Street is not proposed to be located on the abutting property to the north. The Planning Commission can find that the proposed location of Landis Street satisfies CDC 85.200.A.1.

Some witnesses argued that Landis Street should not be connected to Cornwall Street. However, CDC 85.200.A.1 requires that streets be connected. This standard provides, “. . . The emphasis should be upon a connected continuous pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets shall only be permitted in cases of extreme topographical challenges including excessive slopes (35%+), hazard areas, steep draineways, wetlands, etc.” (Exhibit 3) In this case, the City Engineer has approved the proposed street location and design, and there is no basis for not connecting the two (2) streets.

Some witnesses also argued that the site is too steep to be developed. CDC 85.200.A.1 provides that only in those cases of land in excess of 35% slopes that streets not be connected. Further, CDC 85.200.D.8 provides that “Land over 50% slope shall be developed only where density

Mr. Gary Walvatne, Chair
June 7, 2017
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transfer is not feasible.” Substantial evidence in the whole record demonstrates that this site does not exceed 50%. Therefore, this site appropriate for development under the CDC.

4. The application satisfies CDC 55.100.B.2, Preservation of Significant Trees, pursuant to CDC 85.170.J.9.

CDC 55.100.B.2 is applicable to this application pursuant to CDC 85.170.J.9. The staff report at pages 11-13 demonstrates that the Applicant’s substantial evidence satisfies CDC 55.100.B.2. **Exhibit 4** is an email dated January 26, 2016 from City Arborist Mike Perkins that includes a subdivision map showing the significant trees on site that must be retained. Even though the subdivision map used by Mr. Perkins has been modified, the trees indicated for preservation will be preserved. CDC 55.100.B.2 provides that, “All trees and clusters of trees . . . that are considered significant by the City Arborist shall be protected . . .” (**Exhibit 5**) The City Arborist’s determination is, as explained on staff report page 11, that only 13 of the significant trees must be retained.

The Planning Commission can find that this standard is satisfied.

5. The Site Contains No Wetlands.

The record contains a March 30, 2017 letter from Martin Schott of Schott and Associates. Mr. Schott is a wetlands specialist. Mr. Schott’s letter at page 2 states, “No wetlands were identified within the HCA mapped corner of the lot.” Additionally, **Exhibit 6** is a letter dated June 7, 2017 from Mr. Schott’s associate Jodie Reed. Ms. Reed’s letter explains that Mr. Schott’s visit to the site, upon which his March 30, 2017 letter is based, was not intended to make a wetland delineation but instead was intended to determine whether wetlands existed on the site at all. As Ms. Reed’s letter states, “Because no wetlands were identified on the property[,] a full wetland delineation was not performed, therefore a wetland determination was conducted to document finding[s].” The letter also explains why Mr. Schott was not required to use the Oregon Department of State Lands (“DSL”) checklist of 13 items. The letter states, “Only three actual wetland criteria are required to [be] present in order for there to be wetlands: hydric vegetation, hydric soils, and hydrology.”

The Planning Commission can find that CDC 85.200.J.1, “Wetland and Natural Drainageways,” is satisfied because no wetlands or natural drainageways are located on the site that are required to be protected under CDC Chapter 32 (**Exhibit 7**). The unnamed tributary of Salamo Creek is located 170 feet to the east of this site.

Mr. Gary Walvatne, Chair
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6. Conclusion.

The Applicant respectfully requests that the Planning Commission find that a TIA is not required nor may it be required, that CDC Chapter 55 is not applicable to the storm detention facility on the off-site parcel owned by the City because it is not part of this application, that the proposed extension of Landis Street is appropriately located and designed consistent with CDC 85.200.A.1 and that no wetlands exist on the site. The Applicant respectfully requests that after listening to all testimony, the Planning Commission find that the Applicant has satisfied its burden of proof by substantial evidence and approve the application with the recommended conditions of approval.

Very truly yours,



Michael C. Robinson

MCR:rsr
Enclosures

cc: Mr. Mark Handris (via email) (w/ encls.)
Mr. Darren Gusdorf (via email) (w/ encls.)
Mr. Rick Givens (via email) (w/ encls.)
Mr. Bruce Goldstein (via email) (w/ encls.)
Mr. Mike Ard (via email) (w/ encls.)
Mr. Martin Schott (via email) (w/ encls.)
Ms. Jennifer Arnold (via email) (w/ encls.)
Mr. John Boyd (via email) (w/ encls.)

B. Transportation.

1. Centerline profiles with extensions shall be provided beyond the limits of the proposed subdivision to the point where grades meet, showing the finished grade of streets and the nature and extent of street construction. Where street connections are not proposed within or beyond the limits of the proposed subdivision on blocks exceeding 330 feet, or for cul-de-sacs, the tentative plat or partition shall indicate the location of easements that provide connectivity for bicycle and pedestrian use to accessible public rights-of-way.

2. Traffic Impact Analysis (TIA).

a. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the study.

b. Typical average daily trips. The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as the standards by which to gauge average daily vehicle trips.

c. When required. A Traffic Impact Analysis may be required to be submitted to the City with a land use application, when the following conditions apply:

1) The development application involves one or more of the following actions:

(A) A change in zoning or a plan amendment designation;
or

(B) Any proposed development or land use action that ODOT states may have operational or safety concerns along a State highway; and

(C) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

(1) An increase in site traffic volume generation by 250 average daily trips (ADT) or more (or as required by the City Engineer); or

(2) An increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day; or

(3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or

(4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or

(5) A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area.

Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan (TSP) and any adopted updated plans.

To accomplish this, the emphasis should be upon a connected continuous pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets should only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent-plus), hazard areas, steep drainageways, wetlands, etc. In such cases, deviations may be allowed but the connected continuous pattern must be reestablished once the topographic challenge is passed. Streets should be oriented with consideration of the sun, as site conditions allow, so that over 50 percent of the front building lines of homes are oriented within 30 degrees of an east-west axis.

Robinson, Michael C. (POR)

From: Perkins, Michael [mailto:Mperkins@westlinnoregon.gov]
Sent: Tuesday, January 26, 2016 10:12 AM
To: Darren Gusdorf <darren@iconconstruction.net>
Subject: Landis significant trees

Here is the significant tree map for Landis

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Selected as 2014 "Law Firm of the Year"
in Litigation - Land Use & Zoning by
U.S. News – Best Lawyers® "Best Law Firms"



SHEET 1/1	PROJECT NAME Preliminary Plan
APPLICANT: Iken Construction & Development, LLC 1800 Williams Drive, Suite 200 Oregon City, OR 97143 PH: (503) 657-2408	PLANNING CONSULTANT: Richard E. Givens, Planning Consultant 18600 Sunhaze Ct. Oregon City, OR 97146 PH: (503) 478-0097
DESIGNED: REG DRAWN: MTO CHECKED: JTB DATE: 11/20/13	DATE: 11/20/13

B. Relationship to the natural and physical environment.

1. The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction.

2. All heritage trees, as defined in the municipal code, all trees and clusters of trees ("cluster" is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist's findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.



SCHOTT & ASSOCIATES
Ecologists & Wetlands Specialists

21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

June 7, 2017

Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, OR 97045

Re: Willow Ridge at Cornwall Street Wetland Determination

Dear Rick Givens,

As per your request I was asked to conduct a site visit on the 2.17 acre subject property located at the street address of 4096 Cornwall Street, West Linn, Clackamas County, Oregon (T2S, R1E, Sec 36BA, TL 6300). The initial site visit was conducted on a very rainy day, making determining the area for wetlands very difficult. No wetlands were found, however a second visit was conducted with Dr. Martin Schott, Professional Wetland Scientist (PWS) to confirm no wetlands were present. Because no wetlands were identified on the property a full wetland delineation was not performed, therefore a wetland determination was conducted to document finding.

Oregon Department of State Lands provides a check list of 13 items that can be indicative of wetlands, but are not in and of themselves criteria for designation of wetlands. Only 3 actual wetland criteria are required to present in order for there to be wetlands; hydric vegetation, hydric soils and hydrology. A site visit was conducted on March 10, 2017. The *1987 Manual and Regional Supplement to the Corps of Engineers Delineation Manual: Western Mountains and Valleys* were used to determine presence or absence of State of Oregon wetland boundaries and the Federal jurisdictional wetlands. Schott and Associates found no wetlands present on the property, and therefore conducted an onsite determination to document findings.

The rectangular shaped subject property is situated at the terminus of Cornwall Street, west of Sussex Street and North of Fairhaven Drive. Residential houses are located on all sides of the project area. An existing house is located in the northeastern corner of the lot with associated outbuildings. The southern half of the lot is steeply sloped to the south.

The majority of the property consisted of the steep slopes in the southern half of the lot. The vegetation was dominated by Himalayan blackberry (*Rubus armeniacus*). There was a small patch of reed canary grass (*Phalaris arundinacea*) and rose (*Rosa pisocarpa*) was more prevalent at the southeastern extent of the lot where the slope levels out. A few larger trees were located on the property.

An unidentified tributary to Salamo Creek is located offsite to the east. The landscape surrounding the tributary was steeply sloped and dominated by non-native Himalayan blackberry. The tributary was approximately 170 feet off site to the southeast located at the bottom of a draw. Slopes within 50 feet of the creek were digitally measured and found to range from 16 to 28 percent.

The Natural Resource Conservation Service (NRCS) mapped two soil series on the site, Saum silt loam (3 to 8 percent slopes) and Saum silt loam (15 to 30 percent slopes). Neither soil is considered hydric.

Two sample plots were established to document conditions that would most likely identify as wetlands. Sample Plot 1 was mid slope where a small patch of reed canary grass (*Phalaris arundinacea*) was present. The soils had a 7.5YR 3/2 matrix to 11 inches in the pit. Below 11 inches the soils were a dark 7.5YR 3/1 with 7.5YR 3/6 redoximorphic features. Soils did not meet hydric soil indicators. Hydrology was present as surface flow, likely associated with recent rains and the hill slope to the north.

Sample Plot 2 was located to the southeast down slope of Sample Plot 1 within the road easement. Vegetation was dominated by Himalayan blackberry. Soils had a matrix color of 7.5YR 3/2 with no hydric indicators. No hydrology was present.

The Local Wetland Inventory (LWI) for the City of West Linn was completed in 2005 by Winterbrook Planning. The LWI does not identify any wetlands or waters within the study area boundary. Additionally, the National Wetland Inventory (NWI) does not identify any wetlands or waters within the study area.

For an area to be a wetland it has to meet all three wetland criteria; soils, hydrology, and vegetation. None of the sample plots met all three criteria.

Attached is a an aerial photograph showing the location of sample plots (Figure 1), a copy of the soils map (Figure 2), Local Wetland Inventory Map (Figure 3), ground level photographs and data forms. Please call if you have any questions or if we can be of further assistance.

Sincerely,



Jodi Reed


Figure 1. Wetland Determination Map



4096 Cornwall Street
West Linn, Clackamas County, Oregon
T2S, R1E, Sec 36BA, TL#6300
S&A#2494

- Photo Point
- Sample Plots
- Study Area

Data plots recorded by Schott & Associates, Inc. utilizing a Trimble GeoXT hand-held unit to a 3.0+/- foot accuracy. Tax Lot boundaries provided by Clackamas County GIS. Data files and maps are to be used for informational uses only and may not be suitable for legal, engineering or surveying purposes. Projected Coordinate System: NAD_1983_UTM_Zone_10N



SCHOTT & ASSOCIATES, Inc.
2307 N.E. Hwy 104 • Tualatin, Oregon 97146 • P. 503.578.6007 F. 503.578.6011

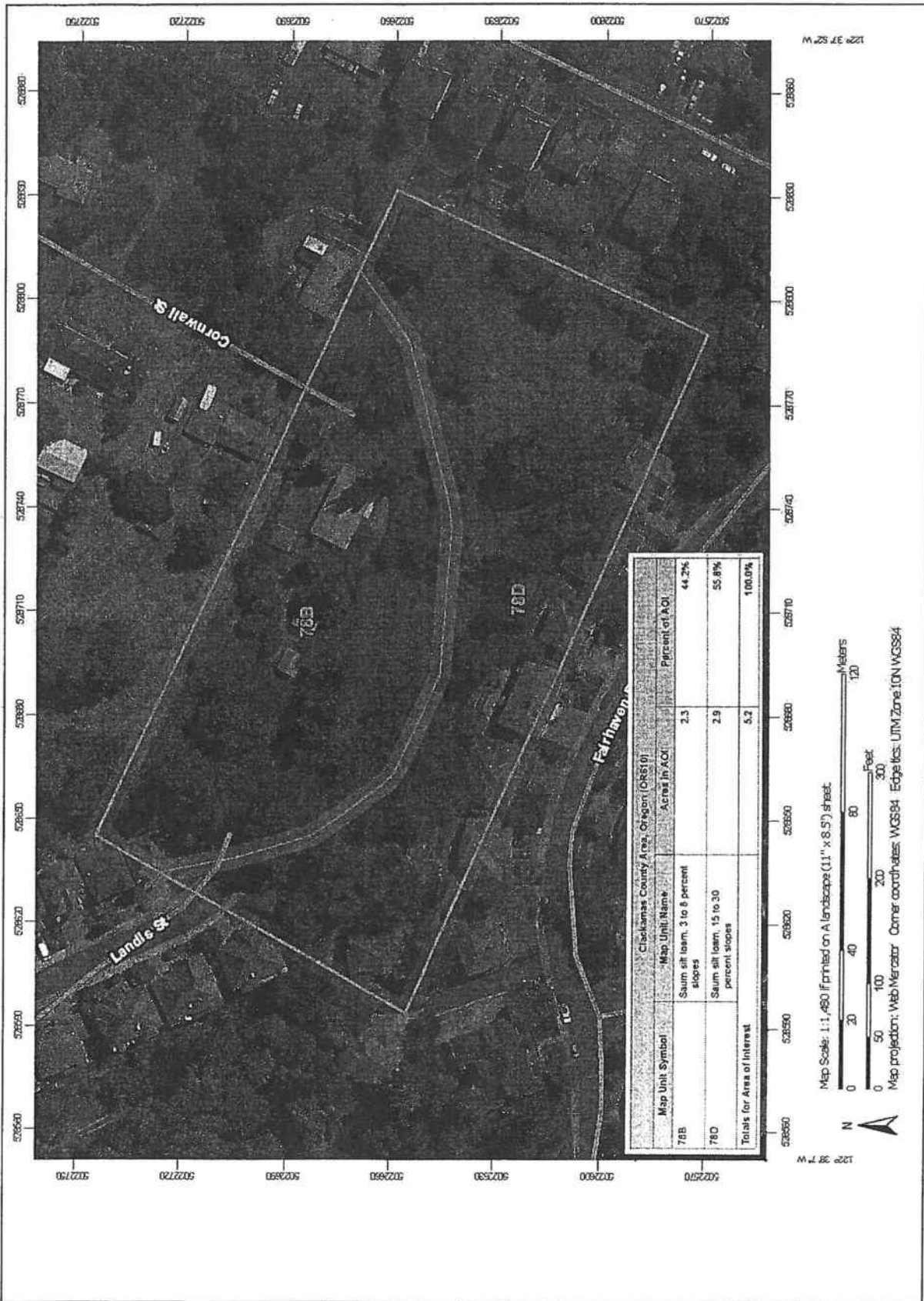


FIGURE 2. SOIL MAP
 Cornwall Street
 S&A# 2494

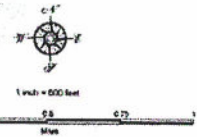
Schott & Associates
 P.O. Box 589
 Aurora, OR. 97002
 503.678.6007

WEST LINN

LOCAL WETLAND INVENTORY AUGUST 2004



Site Vicinity



Information shown on this map is for planning purposes only and wetland information is subject to change. There may be unpermitted wetlands subject to regulation and all wetland boundary maps are approximations. In all cases, actual field conditions determine wetland boundaries. You are advised to contact the Oregon Division of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.



Legend		
Wetlands, Winterbrook Planning 2002	Potential Jurisdictional Drainages, West Linn GIS 2002	Study Area Boundary, Winterbrook Planning 2003
Field Verified Wetlands, Winterbrook Planning 2002	Potential Jurisdictional Waters, West Linn GIS 2002	Wetland unique ID code referenced in black (eg. FB-01)
Possible Wetlands, Winterbrook Planning 2002	Taxlot COGO, West Linn GIS 2002	Wetland sample plots referenced in dark green (eg. BE1-1, BE3-2)
Wetland Sample Plots, Winterbrook Planning 2002	Basin Boundaries, Winterbrook Planning 2002	Possible Wetlands referenced in dark blue (eg. PW)
		DSI delimitation numbers referenced in dark blue (eg. ds98-0402)
		Basins referenced in maroon (eg. Bernet)
		PLS system referenced in orange (eg. 34101a)

FIGURE 3. LOCAL WETLAND INVENTORY
Cornwall Street
S&A#2494

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

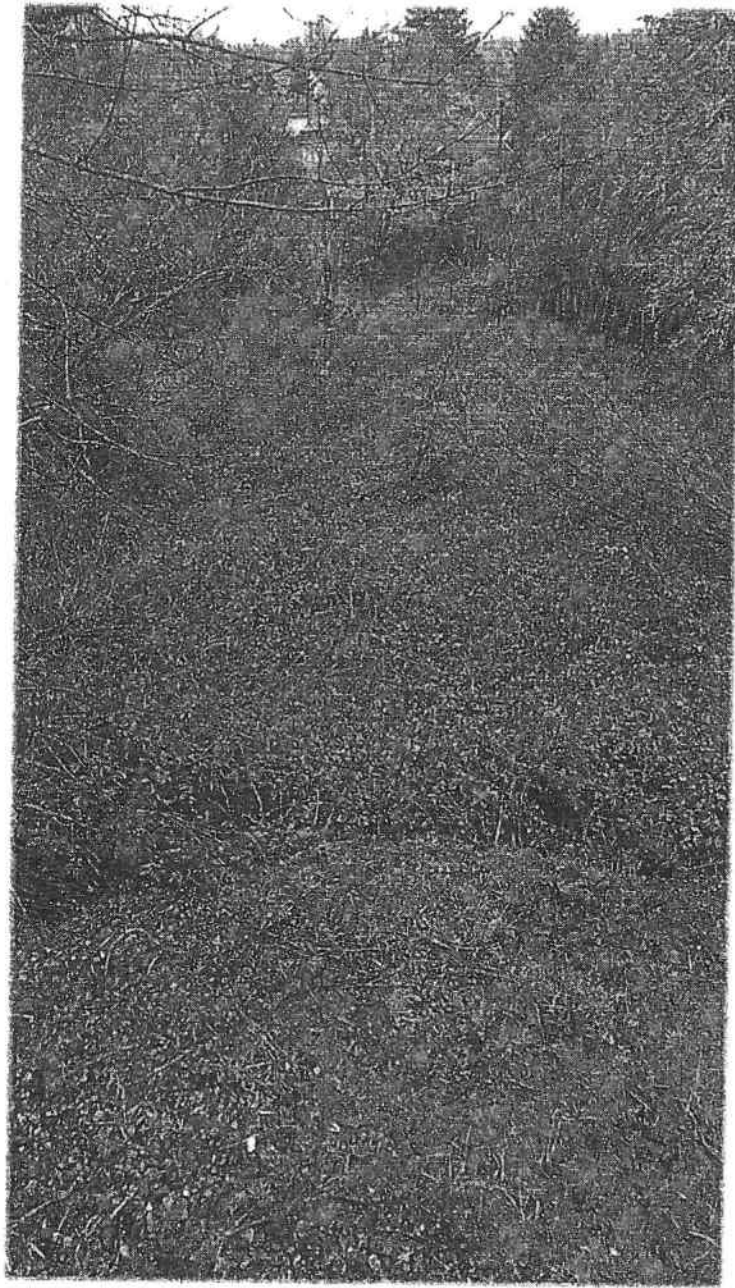


Photo Point. Facing southwest.

GROUND LEVEL PHOTOGRAPHS
Cornwall Street
S&A#2494

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007



Photo Point. Facing Southwest.

GROUND LEVEL PHOTOGRAPHS
Cornwall Street
S&A#2494

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Cornwall Street City/County: West Linn/Clackamas Sampling Date: March 10th, 2017
 Applicant/Owner: Rick Givens State: OR Sampling Point: 1
 Investigator(s): MRS. JRR Section, Township, Range: 36BA, T2S, R1E
 Landform (hillslope, terrace, etc.): Hill slope Local relief (concave, convex, none): Convex Slope (%): _____
 Subregion (LRR): A Lat: 45.356770 Long: -122.633111 Datum: DD
 Soil Map Unit Name: Saun silt loam (15 to 30 percent slopes) NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology Significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>			

Remarks: Soils do not meet hydric soil indicators. Hydrology was present as surface flow from upslope runoff, likely from recent rainfall.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. _____				Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A)
2. _____				Total Number of Dominant Species Across All Strata: <u>1</u> (B)
3. _____				Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
4. _____				
= Total Cover				
Sapling/Shrub Stratum (Plot size: _____)				Prevalence Index worksheet:
1. _____				Total % Cover of: _____ Multiply by:
2. _____				OBL species _____ x 1 = _____
3. _____				FACW species _____ x 2 = _____
4. _____				FAC species _____ x 3 = _____
5. _____				FACU species _____ x 4 = _____
				UPL species _____ x 5 = _____
= Total Cover				Column Totals: _____ (A) _____ (B)
				Prevalence Index = B/A = _____
Herb Stratum (Plot size: <u>5m</u>)				Hydrophytic Vegetation Indicators:
1. <u>Phalaris arundinacea</u>	<u>60</u>	<input checked="" type="checkbox"/>	FACW	<input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation
2. <u>Ranunculus repens</u>	<u>10</u>		FAC	<input checked="" type="checkbox"/> 2 - Dominance Test is >50%
3. _____				<input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹
4. _____				<input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)
5. _____				<input type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹
6. _____				<input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
70 = Total Cover				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
Woody Vine Stratum (Plot size: _____)				Hydrophytic Vegetation Present?
1. _____				Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2. _____				
= Total Cover				
% Bare Ground in Herb Stratum <u>30</u>				
Remarks:				

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: Cornwall Street City/County: West Linn/Clackamas Sampling Date: March 10th, 2017
 Applicant/Owner: Rick Givens State: OR Sampling Point: 2
 Investigator(s): MRS. JRR Section, Township, Range: 36BA, T2S, R1E
 Landform (hillslope, terrace, etc.): Hill slope Local relief (concave, convex, none): Convex Slope (%): _____
 Subregion (LRR): A Lat: 45.356770 Long: 122.633111 Datum: DD
 Soil Map Unit Name: Saun silt loam (15 to 30 percent slopes) NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology Significantly disturbed? Are "Normal Circumstances" present? Yes No
 Are Vegetation , Soil , or Hydrology Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			
Wetland Hydrology Present?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>			

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1. _____				Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u>	(A)
2. _____				Total Number of Dominant Species Across All Strata: <u>1</u>	(B)
3. _____				Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u>	(A/B)
4. _____				= Total Cover	
Sapling/Shrub Stratum (Plot size: <u>15m</u>)				Prevalence Index worksheet:	
1. <u>Rubus ameniacus</u>	<u>80</u>	<u>X</u>	<u>FAC</u>	Total % Cover of:	Multiply by:
2. _____				OBL species <input type="checkbox"/>	x 1 = <input type="checkbox"/>
3. _____				FACW species <input type="checkbox"/>	x 2 = <input type="checkbox"/>
4. _____				FAC species <input type="checkbox"/>	x 3 = <input type="checkbox"/>
5. _____				FACU species <input type="checkbox"/>	x 4 = <input type="checkbox"/>
	<u>80</u>			UPL species <input type="checkbox"/>	x 5 = <input type="checkbox"/>
				Column Totals: <input type="checkbox"/>	(A) <input type="checkbox"/>
				Prevalence Index = B/A = <input type="checkbox"/>	(B)
Herb Stratum (Plot size: _____)				Hydrophytic Vegetation Indicators:	
1. _____				<input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation	
2. _____				<input checked="" type="checkbox"/> 2 - Dominance Test is >50%	
3. _____				<input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹	
4. _____				<input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)	
5. _____				<input type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹	
6. _____				<input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)	
7. _____				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
8. _____				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
9. _____					
10. _____					
11. _____					
				= Total Cover	
Woody Vine Stratum (Plot size: _____)					
1. _____					
2. _____					
				= Total Cover	
% Bare Ground in Herb Stratum <u>20</u>					

Remarks:

SOIL

Sampling Point

2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-16	7.5YR 3/2	100					Sil	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) <input type="checkbox"/> Histosol (A1) <input type="checkbox"/> Histic Epipedon (A2) <input type="checkbox"/> Black Histic (A3) <input type="checkbox"/> Hydrogen Sulfide (A4) <input type="checkbox"/> Depleted Below Dark Surface (A11) <input type="checkbox"/> Thick Dark Surface (A12) <input type="checkbox"/> Sandy Mucky Mineral (S1) <input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Sandy Redox (S5) <input type="checkbox"/> Stripped Matrix (S6) <input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1) <input type="checkbox"/> Loamy Gleyed Matrix (F2) <input type="checkbox"/> Depleted Matrix (F3) <input type="checkbox"/> Redox Dark Surface (F6) <input type="checkbox"/> Depleted Dark Surface (F7) <input type="checkbox"/> Redox Depressions (F8)	Indicators for Problematic Hydric Soils³: <input type="checkbox"/> 2 cm Muck (A10) <input type="checkbox"/> Red Parent Material (TF2) <input type="checkbox"/> Very Shallow Dark Surface (TF12) <input type="checkbox"/> Other (Explain in Remarks)
--	---	---

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):
 Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one required; check all that apply)	Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B) <input type="checkbox"/> Salt Crust (B11) <input type="checkbox"/> Aquatic Invertebrates (B13) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A) <input type="checkbox"/> Other (Explain in Remarks)

Field Observations:

Surface Water Present? Yes No Depth (inches): _____

Water Table Present? Yes No Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes No Depth (inches): _____

Wetland Hydrology Present? Yes No

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Supplemental provisions.

1. Wetland and natural drainageways. Wetlands and natural drainageways shall be protected as required by Chapter 32 CDC, Water Resource Area Protection. Utilities may be routed through the protected corridor as a last resort, but impact mitigation is required.
-

Edward A. Turkisher, 4099 Cornwall Street, West Linn 6/7/2017

Testimony regarding the proposed six home development at 4096 Cornwall Street being planned by ICON Development and Construction.

A very short history: This proposed development has been officially recognized by the City of West Linn for approximately a year and a half...at least since the fall of 2015.

In that time, the plan has undergone a number of significant modifications and changes that reflect not only engineering and feasibility issues, but the dissemination of incomplete or even misinformation that impact this proposal. To date, most of the issues have yet to be resolved and it is with the formidable participation and objections raised by the residents of this greater area that we find ourselves at the impasse we have arrived at today.

These issues include a never conducted "wetland" assessment, the falling of nearly two dozen "heritage oaks" supposedly protected by city code, the construction of a "detention pond" on the unnamed creek, significant grading and filling of steep terrain exceeding 30% on much of the property for home foundation and road construction, the connection of Landis Street and Cornwall Street, and the impact of traffic changes on Cornwall Street and the surrounding neighborhoods. I intend to focus primarily on one small part of this entire equation (if this plan somehow gets approved) and that is the inattention to the intersection of Sunset Avenue and Cornwall Streets directly above the planned development at the top of Cornwall Street.



Sunset and Cornwall intersection

Why are we at this impasse at all? Why have many of the residents of these neighborhoods spent many many hours and months questioning the development of this land in the first place? Attaching blame may not bring satisfactory results for questions being asked, but perhaps investigating this process will avoid similar development issues in the future.

There are two major contributors to this discord and both share culpability for what amounts to a poorly conceptualized development. By far however, The City of West Linn is directly responsible for a plan that ignores much of city code, ignores county mandates, and ignores state regulation on different aspects of this multi-faceted development. Trying to muscle through an increase in city revenue by cutting corners, glossing over code parameters, excluding public participation and disregarding the long time residents; especially those on Cornwall Street, has created a clamor that the city could simply not ignore...try as they may. This seems to have been the modus-operandi of City planners for the last twenty years or so. (May I remind you of the recent Sunset School issues, the pipeline through Wilderness Park, the Salamo "vineyard", high school remodel cost overruns, diversion of voted funds from baseball field to football field, and even blatant theft of thousands of City dollars by unscrupulous employees)

By ignoring oversight intended to avoid such issues, the City has created a climate for developers to get "as much as they can for as little as they can" before the bubble bursts and accountability forces more responsible and feasible development. In that respect, it is no wonder that ICON Development has attempted to take advantage of a lax system that encourages misinformation and loopholes at the expense of residents. Had the City not exercised the policy of "don't ask don't tell" then ICON would not be in the position they are in today.

That being said, ICON is certainly not innocent in providing an incomplete and inaccurate analysis of a development that is full of holes. It has been the assumption of ICON, with the blessing of the City, that those holes can be "filled in later" as they kick the can down the street – Cornwall Street in this instance.

The City of West Linn continually defends decisions as part of the "MASTER PLAN"....which curiously enough has never been seen. When was it written? Who wrote it? Designating an area for future development without input from the local residents is wrong. Designating an area for development that exceeds a slope of 35% is wrong. Designating an area for development that is rife with springs without hydro geologic analysis is wrong. Drawing a plat on a flat piece of paper with no contours or site analysis is wrong. Designating an area for development without a traffic study is wrong. And assuming that aging residents will die and forfeit their properties to future development is unequivocally and disgustingly wrong! At NO time were any of the impacted residents of this area asked or informed of the City policy to designate their homes as UNDERDEVELOPED. Underdeveloped according to whom?

Should this plan be accepted and a connection is made between Landis and Cornwall, what will be the impact of traffic on the intersection of Cornwall and Sunset?

Currently, this intersection is a remedial 4-way stop with traffic driving up Sunset allowed to make a right turn onto Cornwall towards the Little Store away from the development at the bottom of Cornwall. There are no sidewalks on any of the 4 intersecting streets. School Bus stops are on both corners of Cornwall Street east of Sunset. The pavement on lower Cornwall has failed. A large patch has been recently placed at the corner of the intersection on upper Cornwall. Upper Sunset was completely refurbished last year from the corner past Reed Street – an area of 8 to 10 homes. The pavement was dug up, refilled with new substrate, regraded and repaved. Why not Cornwall?

With an increase of approximately 500 auto trips a day (ICON's own traffic figures) on a street that sees about 20 auto trips a day a present, how is that minimal intersection going to accommodate the 1000% increase in traffic with NO sidewalks, NO school bus sheds, NO turn lanes, and NO way to avoid congestion to both vehicles and pedestrians. At present, everyone walks right down the middle of Cornwall Street because that is the only place to walk. All the neighbors respect our quiet street and we all observe a speed of about ten to fifteen miles an hour. We don't have auto accidents, speeding, bicycle collisions or other close encounters that an uncontrolled substandard intersection and street are certainly going to create. The same may be said for the residents of Landis Street as well (though at least they have sidewalks).

It may sound reactionary, and it may be too late, but the most equitable solution to this ill conceived development would be for the City of West Linn to admit that our foolhardy "Master Plan" needs a fresh look and serious modification. The City should refund the considerable capital ICON has invested and buy the property for future City use NEVER to be developed in such a haphazard manner until ALL the affected residents can be included in any new proposals – not that the properties, and indeed all of Cornwall, might be developed in the future.... But not like this, and not now.

Sincerely, Ed Turkisher, 4099 Cornwall. "The WatchDog of Cornwall"

A handwritten signature in blue ink that reads "Edward A. Turkisher". The signature is written in a cursive, flowing style.

Arnold, Jennifer

From: Pam Yokubaitis <pam@yokubaitis.com>
Sent: Wednesday, June 07, 2017 10:18 AM
To: Arnold, Jennifer
Cc: Jon Gice
Subject: Pam Yokubaitis 6/7/17 Testimony PART 1A
Attachments: Wetland definition.pdf; ATT00001.htm; PastedGraphic-4.png; ATT00002.htm

Jennifer, I am now breaking my Part 1 testimony into PART 1A and PART 1B since you didn't receive Part 1, so maybe it alone was too big. Pam

Due to 3 message delivery failures, I'm breaking up my testimony email into two parts because the file size was too big. Please look for two emails from me titled the same in the subject line, but with PART 1 and PART 2 indicated at the end.

Please have these emails available tonight on display so I can testify about it's contents as you scroll through them and click on key documents imbedded. Also double check that you can open the imbedded attachments as well, and confirm receipt as usual. Thank you.

Pam

Pam Yokubaitis's 6/7/17 Testimony outline about Wetlands is below. Additional evidence is provided in this testimony to support Jon Gice's first hearing testimony about wetlands.

Outline of Evidence Provided :

- 1) State of Oregon's Wetland Definition document
- 2) Map of West Linn Wetlands
- 3) Submitted a Wetlands Determination Request from the State of Oregon to see if this land has ever been evaluated as wetlands in the past
- 4) Provided BHT's Wetlands Determination Keynote Presentation to the State of Oregon to explain our concerns
- 5) Received Offsite Wetlands Determination Report: *"An onsite investigation by a qualified professional is the only way to be certain there are no wetlands."*
- 6) Email trail of correspondence with the State of Oregon

Key Evidence:

a) Schott and Associates reports lacks specific information: *"hydrophytic vegetation, hydric soils, and wetland hydrology" and "Delineation reports require considerably more background material and sampling point data."*

b) A hydrogeologist determines how water is moving down hillside, which is what we are requesting

- 7) Wetland Disturbance and

Impact: <http://mde.maryland.gov/programs/water/WetlandsandWaterways/AboutWetlands/Pages/disturbance.aspx>

1) State of Oregon's Wetland Definition document



Wetlands in Oregon

Identifying Wetlands

Wetland Determinations and Delineations

Working with a Wetland Consultant

How to identify wetlands

Not all wetlands fit the “cattails and standing water” image. Oregon’s wetlands are as varied as its landscapes. They range from tidal salt marshes along the coast to seasonal prairie wetlands in the valleys to mossy mountain fens. Because wetlands are so varied, their identification is sometimes tricky. In fact seasonal wetlands – the most common – are very dry by mid-summer. Many wetlands also have been altered by activities such as farming, and no longer “look like” wetlands.

Because wetlands perform so many important natural functions, such as controlling floodwater, cleaning and storing water, and providing natural habitat for plants and animals, it’s best to avoid wetlands when planning a project. If avoidance is not possible, use the information here to help evaluate your site and plan your next steps.

Be sure to contact the Department of State Lands (DSL) before doing work in an area that might be a wetland. DSL administers the state’s removal-fill permit program to protect wetlands and their ecological functions. Many activities in or adjacent to wetlands are regulated by other local, state and federal laws, so a variety of permits may be required before any earth-moving activities may take place.





What characteristics do wetlands share?

Although there are many types of wetlands in Oregon, they share three essential characteristics: an abundance of water, hydric (wetland) soils, and plants that grow in wetland conditions.

Prolonged saturation is what creates a wetland, no matter the source. A high water table, rain water “perched” over impenetrable layers in the soil, and frequent flooding are common examples. Wetland – or hydric – soils have distinctive, visible characteristics, such as brownish-red veining and rusty-colored splotches. Saturated conditions support plants that have adapted to life in permanently or seasonally wet soils.

Some plant species are better indicators of wetlands than others. The US Army Corps of Engineers has compiled a list of thousands of plants that grow in wetlands, and assigned an “indicator status” to each plant based on the frequency with which they occur in wetlands. Skunk cabbage, for example, only occurs in wetlands. Other plants occur in wetlands sometimes, and still others occur in wetlands and in other soil types. Therefore, plants may or may not be a good indicator of the presence of wetlands. Wetland scientists use the plant indicator status to help determine if a site is a wetland.



Where are wetlands found?

Wetlands are typically, but not exclusively, found in depressions or in the lowest part of the landscape. Expect to find wetlands in:

- Abandoned stream channels along river systems
- Valleys or other low areas with a high water table in winter and early spring
- Flat valleys or depressions where impervious soil layers create a “perched” water table
- Low areas on slopes where groundwater emerges as springs or seeps
- Mountain meadows watered by gradual snow melt

How to identify wetlands

A “yes” answer to any of the questions below may indicate that the area is a wetland. A site inspection by a wetland scientist is the only way to verify whether an area is a wetland or not.

YES NO QUESTION

- Does the National Wetlands Inventory or Local Wetlands Inventory map show a wetland on the property?
- Does the county soil survey map show hydric soils within the site?
- Are there natural drainage channels or swales?
- Is the ground soggy underfoot in the spring?
- Are there depressions where water pools for a week or more in the spring?
- Do you avoid the area with heavy equipment in the spring to keep from getting bogged down?
- Would you need to ditch the site to dry it out for planting or building?
- Are seeps or springs present?
- Dig an 18-inch deep hole and remove a clump of soil. Are there rusty red “veins” on a gray background?
- Is there evidence of surface scour from water flowing over the site? Is there a drift line of leaves or debris caught in the stems of shrubs or lodged along an elevation contour?
- Do you see many clumps of grass-like rushes (round stems) or sedges (angular stems), skunk cabbage, willows or Oregon ash? (These are just a few of the many plants that grow in wetlands.)
- If farmed, must you work the soil later than other areas because soils are poorly drained?
- Did the area fail a septic system test and/or require a special system due to poorly draining soils?



Working with DSL

Wetlands staff provides **off-site wetland determinations** at no cost. By using existing wetland maps, aerial photographs, and other mapped information, it may be possible for the wetlands specialist to determine if there are wetlands on your property. This starts as a desk audit and may not involve a trip to the site. A form is available on the DSL website to get this process started.

Wetland consultants

It may be necessary to hire a consultant to evaluate your site and prepare a **wetland delineation** for DSL review and concurrence. Delineations are detailed maps of wetland boundaries that require specialized training to produce. They are an important part of the removal-fill permit application. Wetland scientists use the U.S. Army Corps of Engineers Wetlands Delineation Manual and Regional Supplements, the wetland plant list, and other state and federal agency guidance and rules for delineating wetlands.

Continued

Working with consultants

A wetland consultant should have:

- An educational background in science or ecology, with wetland-specific training, including wetland delineations
- A thorough knowledge of local, state and federal permit requirements and processes
- An understanding of development standards and options
- The ability to help develop workable solutions for challenging sites
- Good communication skills and professional ethics
- Good working relationships with DSL permit staff

An experienced consultant can facilitate the wetland permit process with minimal delays. DSL cannot provide specific recommendations, but the Society of Wetland Scientists keeps a current list of members on their website:

www.sws.org/Pacific-Northwest-Chapter/pacific-northwest-resources.html

Professional Certification

The Society of Wetland Scientists administers the Professional Wetland Scientist (PWS) certification program for individuals who meet specific educational and experience requirements. The certification does not guarantee that an individual is qualified to provide a specific service; for example, a “wetland delineator” certification. Likewise, certification does not guarantee the quality of work, but it does identify those individuals who have the necessary academic background and wetland-specific experience to provide good service. Wetland specialists come from a variety of academic disciplines including botany, soil science, environmental studies, and wildlife management. Some may have additional professional certification, such as Professional Soil Scientist.

We suggest you contact at least three firms for a cost estimate, and ask for a Statement of Qualifications in the bid process. Ask for and check references, and inquire about the firm’s professional certifications. If it’s a larger firm, ask who will be doing your work, and about the consultant’s experience in such areas as wetland delineations, permit applications, and mitigation design and construction. Ask if the consultant has any

specialized experience that would apply to your project, such as agricultural wetland delineation.

Things to keep in mind

- Keep communication lines open. Provide all pertinent information about the site, including legal description, any previous studies and land uses, and your development objectives.
- Plan well in advance of when you want to start your project. Wetland delineations typically take several months from initiation to DSL approval, and permit applications can take up to 120 days for the most complex projects.
- The landowner or applicant is the legally responsible party for meeting permit requirements and conditions. The consultant often is the primary contact with DSL staff. Make sure you receive regular updates from your consultant on the permit process and timeline.

Obtaining a removal-fill permit

Oregon’s removal-fill law (ORS 196.795-990) requires people who plan to remove or fill material in waters of the state to obtain a permit from the Department of State Lands.

The purpose of the law, enacted in 1967, is to protect public navigation, fisheries and recreational uses of the waters. “Waters of the state” include wetlands on private and public land.

The Oregon Department of State Lands administers the removal-fill permit program, and has developed many resources for property owners and consultants. The Removal-Fill Guide (RFG), as well as forms and other resources, are available on the DSL website: www.oregon.gov/DSL/WW/Documents/Removal_Fill_Guide.pdf.

Oregon Department of State Lands
Aquatic Resource Management Program
775 Summer St. NE, Suite 100
Salem, Oregon 97301-1279
(503) 986-5200 | www.oregonstatelands.us



Wetland Determination Request

On behalf of Barrington Heights, Hidden Creek Estates & Tanner Woods
Subdivisions
BHT Neighborhood Association
West Linn, OR 97068

April 19, 2017
Contact: Jon Gice
503-882-2996

Request for a Wetland Determination

- We believe that the plot of land where six new homes are proposed to be built could be designated as a wetland because there are numerous surface and underground springs throughout the property; it is soggy underfoot; wetlands, swales and skunk cabbage occupy adjacent property; wetlands vegetation/grasses are present; and willow trees and hydric soils exist on the property. *(Photos available upon request.)*
- We believe that the numerous surface and underground springs on this land will negatively impact the current unnamed creek on the East because the developer plans to build a detention pond in the unnamed creek to control the flow of rerouted water. Such a pond will dam up the creek, require maintenance, decrease the property value of the adjacent homesteads and destroy the natural beauty of this lovely creek.
- We believe that the *additional water* that will no longer be absorbed by older trees, nor be eroding soil on the properties below, will also negatively impact Tanner Creek wetlands because much of the surface and underground springs draining to the West will need to be directed into Tanner Creek wetlands and pond in Tanner Woods subdivision, which is currently at capacity.
- We believe that a failed septic system, previously used by the vacant blue home on this plot of land, is another unresolved issue of concern.
- We believe that as a result of rerouting the excessive surface water and underground springs, numerous homes adjacent to and below this property may be impacted with water seepage and/or foundation problems once this property's terrain has been altered.
- We believe that there is substantial evidence that this property meets wetlands criteria as outlined by the state of Oregon.

Background

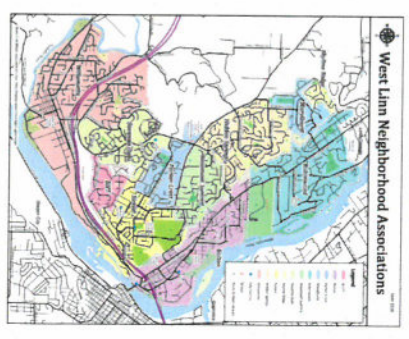
Barrington Heights, Hidden Creek Estates and Tanner Woods (BHT) subdivisions are located in West Linn, OR and are collectively recognized by city government as the BHT Neighborhood Association (BHTNA). *(Appendix 1: BHTNA & Sunset Neighborhood Associations)*. The 450 or so large homes in these 3 subdivisions share views of Oregon's Willamette River, Mt. Hood, and the beautiful Willamette Valley. These 3 subdivisions are physically adjacent or near to, and below a property in the Sunset Neighborhood that has been proposed for development. The developer has named this proposed 6 home development Willow Ridge. Unlike other properties, this *Tree and Slope Analysis* issues to address since it has a very steep slope across the entire property. *(Appendix 2: Tree and Slope Analysis)* excessive amounts of surface and ground water springs, numerous old trees, and historical matters that raise some questions.

Tanner Creek is a wetlands body of water that flows through the 3 subdivisions, and is located to the West of the proposed development. *(Appendix 3: Tanner Creek Wetlands Map)*. This creek water flows into the Tanner Woods subdivision's large wetland pond. *(Appendix 4: Tanner Creek Wetlands Pond, West Side)*. To the East of the proposed development is another Unnamed creek which also flows into the Tanner Woods subdivision's large wetland pond. *(Appendix 5A: Creeks and Development Site & Appendix 5B Tanner Creek Wetlands Pond, East Side)*

- Given the fact that this proposed development property:
- 1) has numerous springs on the surface and numerous underground springs,
 - 2) has 50+ homes beneath this property that are built on top of the same underground springs that run through this proposed development,
 - 3) has the developer wanting to convert the free flowing Unnamed creek into a detention pond. *(Appendix 6A: Detention Pond/Preliminary Utility Plan & Appendix 6B & 6C: Photo of Unnamed creek & Creeks detention pond around bed)*
 - 4) has wetlands below are on either side of this property, and
 - 5) meets several criteria to determine if the property is considered wetlands, it is being questioned if this proposed development land has been evaluated in the past.

These are the reasons why this Wetlands Determination Request is being made at this time.

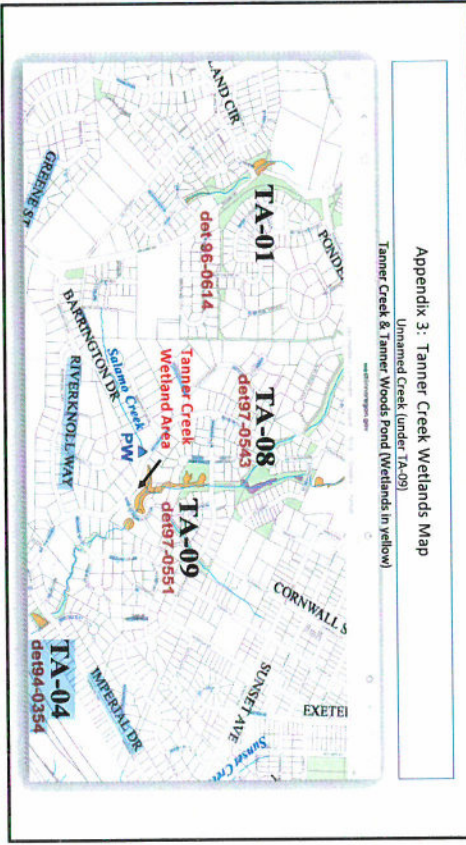
Appendix 1: BHTNA (bright pink) Sunset (bright yellow)



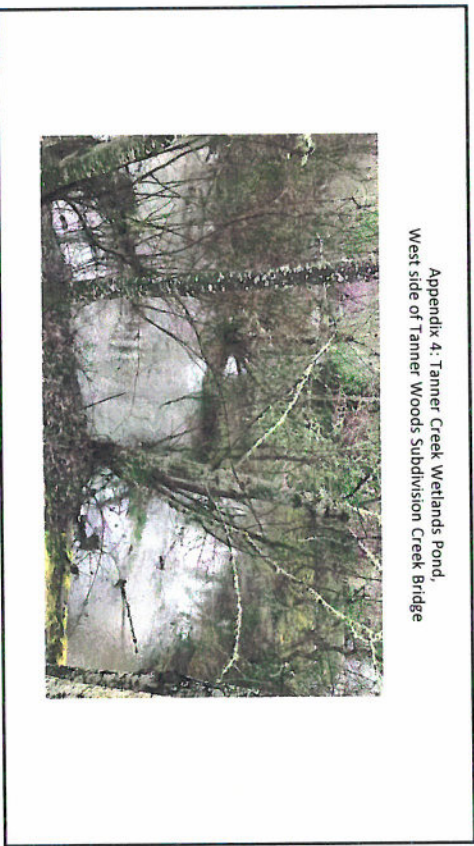
Appendix 2: Trees and Slope Analysis



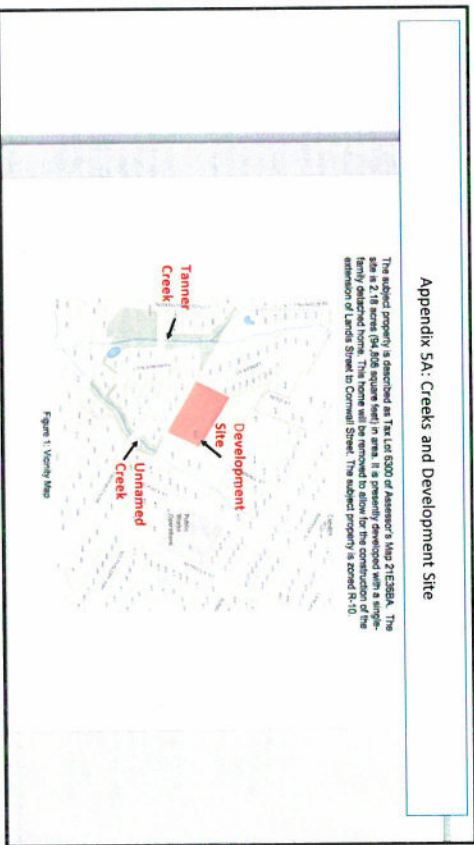
Appendix 3: Tanner Creek Wetlands Map



Appendix 4: Tanner Creek Wetlands Pond, West side of Tanner Woods Subdivision Creek Bridge



Appendix 5A: Creeks and Development Site



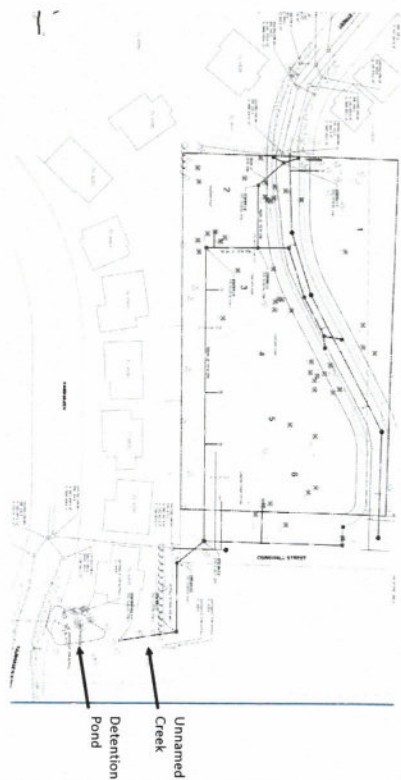
Appendix 5B— Tanner Creek Wetlands Pond
East side of Tanner Woods Subdivision Creek Bridge



Appendix 6B: Unnamed Creek where the Detention Pond would be
(next to the bridge sidewalk)



Appendix 6A: Detention Pond/Preliminary Utility Plan



Appendix 6C: Unnamed Creek where Detention Pond would be



Arnold, Jennifer

From: Pam Yokubaitis <pam@yokubaitis.com>
Sent: Wednesday, June 07, 2017 11:02 AM
To: Arnold, Jennifer
Cc: Jon Gice
Subject: Pam Yokubaitis's 6/7/17 Testimony PART 1B #3

Jennifer,

I'm now sending Part 1B broken down into Part 1B #3 and Part 1B #4, sending each item independently due to sending difficulties.

Pam

3) Submitted a Wetlands Determination Request from the State of Oregon to see if this land has ever been evaluated as wetlands in the past

(Next Page)

**Wetland Determination Request
Wetlands Program
Oregon Department of State Lands
775 Summer Street, NE, Suite 100, Salem, OR 97301-1279**

**BATCH
WD#:** _____

The Department of State Lands (DSL) conducts *offsite* wetland determinations upon request. There is no fee for this service. An offsite determination consists of reviewing wetlands and soils maps, aerial photos and other information to determine if wetlands or other regulated water bodies (such as creeks) are present, likely to be present, or unlikely to be present. Only an *onsite* check can verify whether or not there are regulated wetlands on a site. As time allows, DSL staff may be able to conduct a site visit to verify an offsite determination. Please allow 2-3 weeks for an initial response.

If wetlands are present or likely to be present on a parcel or near a project area, a wetland delineation by a qualified wetland consultant may be needed. Wetland delineation reports and the required fee should then be submitted to DSL for review and agency approval.

Please provide the following information:

1. Vicinity map (like a city map) with the precise parcel location indicated.
2. Large scale map (1" = 100' if possible) of the parcel showing existing buildings, property boundaries, any creeks and other features. An annotated tax assessor's map is fine, and a hand-drawn map is acceptable.
3. City, County, and site address. Please fill in below.
City West Linn (or nearest town if outside City limits)
County Clackamas
Site address (see power point presentation) (or nearest cross streets if no address)
4. Township, Range, Section, Quarter/Quarter Section and Tax Lot number(s) (Tax Map number is equivalent). Please fill in below.
Township _____ Range _____ Section _____ QQ _____ Tax Lot (s) (see ppt presentation)

Property owner Legal representative Other (specify): _____


Name: Jon Gice on behalf of BHT Home Owners Association

Firm: _____

Mailing Address: 2030 Tanner Creek Lane, West Linn, OR 97068

Phone: 503 882 2996 Fax: _____ E-Mail jon_gice@sbcglobal.net

I either own or have legal authority to allow access to the property for which this request is made. My signature below authorizes DSL staff to conduct a wetland determination and to access the property to confirm the wetland determination, as needed. (DSL will phone prior to conducting a site visit.)

Signature:  Date: 4/19/17

Print Name: _____

W:\wetland_determ_request.doc

Arnold, Jennifer

From: Pam Yokubaitis <pam@yokubaitis.com>
Sent: Wednesday, June 07, 2017 9:29 AM
To: Arnold, Jennifer
Cc: Jon Gice
Subject: Pam Yokubaitis 6/7/17 Testimony PART 2
Attachments: Wetlands Determination Report.pdf; ATT00001.htm; State of Oregon Correspondence.pdf; ATT00002.htm

Jennifer,

Due to 3 message delivery failures, I'm breaking up my testimony email into two parts because the file size was too big. Please look for two emails from me titled the same in the subject line, but with PART 1 and PART 2 indicated at the end.

Please have these emails available tonight on display so I can testify about it's contents as you scroll through them and click on key documents imbedded. Also double check that you can open the imbedded attachments as well, and confirm receipt as usual. Thank you.

Pam

Below is a continuation of Pam Yokubaitis's Testimony....

5) Received Offsite Wetlands Determination Report (document of findings) from the State of Oregon

OFFSITE WETLAND DETERMINATION REPORT
OREGON DEPARTMENT OF STATE LANDS
775 Summer Street NE, Suite 100, Salem OR 97301-1279, Phone: (503) 986-5200

BATCH
WD#: 2017-0167

At your request, an offsite wetland determination has been conducted on the property described below.

County: Clackamas

City: West Linn

Other Address: Jon Gice, BHT Home Owners Association, 2030 Tanner Creek Lane, West Linn, OR 97068

Township: 2S Range: 1E Section: 36 Q/Q: BA Tax Lot: 6300

Project Name: Determination Request for Property at 4096 Cornwall Street

Site Address/Location: Cornwall St., West Linn, OR

- The National Wetlands Inventory shows wetland/waterways on or adjacent to the sites.
- The county soil survey shows hydric (wet) soils at one of the sites. Hydric soils indicate that there may be wetlands.
- It is unlikely that there are jurisdictional wetlands or waterways on the property based upon a review of wetlands maps, the county soil survey and other information. An onsite investigation by a qualified professional is the only way to be certain that there are no wetlands.
- There are waterways on or adjacent to some of the properties subject to the state Removal-Fill Law.
 - A state permit is required for ≥ 50 cubic yards of fill, removal, or ground alteration in the wetlands or waterways.
 - A state permit may be required for any amount of fill, removal, or other ground alteration in the Essential Salmonid Habitat and hydrologically associated wetlands.
- A state permit will be/will not be required for the project if _____.
- The proposed parcel division may create a lot that is largely wetland and thus create future development problems.
- A wetland determination or delineation may be needed prior to site development; the wetland delineation report should be submitted to the Department of State Lands for review and approval.
- A permit may be required by the Army Corps of Engineers: (503) 808-4373

Note: This report is for the state Removal-Fill Law only. City or County permits may be required for the proposed activity.

Comments: On April 19, 2017, DSL received a request from a representative of the BHT Home Owners Association, Jon Gice, to perform an offsite jurisdictional determination for a proposed residential development site at 4096 Cornwall St. Based on the information available in our office, it is unlikely that there are jurisdictional wetlands or waterways present on the property. An onsite inspection by a qualified professional is the only way to be certain whether wetlands are present.

Determination by: _____  _____ Date: 04/26/2017

- This jurisdictional determination is valid for five years from the above date, unless new information necessitates a revision. Circumstances under which the Department may change a determination and procedures for renewal of an expired determination are found in OAR 141-090-0045 (available on our web site or upon request). The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months from the above date.
- This is a preliminary jurisdictional determination and is advisory only.**

Copy To: Other jon_gice@sbcglobal.net Enclosures:
 _____, Planning Department
 _____, DSL

FOR OFFICE USE ONLY

Entire Lot(s) Checked? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Waters Present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Maybe	Request Received: 04/ 19 /2017
LWI Area: <u>West Linn</u> , LWI Code: <u>NA</u>	Latitude: <u>45.357039</u> Longitude: <u>-122.633436</u>	Related DSL File #: <u>NA</u>
Has Wetlands? <input type="checkbox"/> Y <input type="checkbox"/> N <input checked="" type="checkbox"/> Unk	ESH? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Wild & Scenic? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
	State Scenic? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Coast Zone? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> Unk
Adjacent Waterbody: <u>Tanner Creek</u> , NWI Quad: <u>Canby</u> <input type="checkbox"/> Scanned <input type="checkbox"/> Mailings Completed <input checked="" type="checkbox"/> Data Entry Completed		

EMAIL CORRESPONDENCE WITH THE STATE OF OREGON

On Apr 19, 2017, at 10:40 AM, RYAN Peter <peter.ryan@state.or.us> wrote:

Hi Jon,

I've attached a copy of the Department's Wetland Determination Request Form in two formats.

Choose one, fill it out completely, attach the presentation you mentioned and email it back.

Thanks.

-Pete

Peter Ryan, PWS

Jurisdiction Coordinator – Metro Region

Oregon Department of State Lands | 775 Summer Street, NE, Ste. 100,
Salem, Oregon 97301-4844

503.986.5232 Monday-Wednesday | 503.779.4159 Thursday

Work Days: Monday-Thursday | **Out of Office:** Fridays

<wetland_determ_req.pdf><wetland_determ_req.doc>

From: Jon Gice <jon_gice@sbcglobal.net>

Subject: Re: Wetland Determination Request Form

Date: April 19, 2017 at 10:57:04 AM PDT

To: RYAN Peter <peter.ryan@state.or.us>

Cc: Jon <jon_gice@sbcglobal.net>

Here is the completed form and the presentation that I talked about.
Please let me know if this came thru and if I am on the right track.

[Click to Download](#)

wetland_determ_req.pdf
105 KB

[Click to Download](#)

Wetland Determination Request - Final.pptx
25.2 MB

-----Original Message-----

From: Jon Gice [mailto:jon_gice@sbcglobal.net]

Sent: Wednesday, April 19, 2017 12:39 PM

To: RYAN Peter

Subject: On line completion of the form

Peter

I have tried to replicate what I ran into yesterday with that \$6 per month pdf service vendor and I can't seem to find any link on the State website where I can try and complete the Request on line. I am dumbfounded at this point.

On Apr 19, 2017, at 1:36 PM, RYAN Peter <peter.ryan@state.or.us> wrote:
Thanks for looking Jon.

In the future you can find the form at:

http://www.oregon.gov/dsl/WW/Documents/wetland_determ_req.pdf

-Pete

Peter Ryan, PWS

Jurisdiction Coordinator – Metro Region Oregon Department of State
Lands | 775 Summer Street, NE, Ste. 100, Salem, Oregon 97301-4844
503.986.5232 Monday-Wednesday | 503.779.4159 Thursday Work Days:
Monday-Thursday | Out of Office: Fridays

-----Original Message-----

From: Jon Gice [mailto:jon_gice@sbcglobal.net]

Sent: Wednesday, April 19, 2017 2:26 PM

To: RYAN Peter

Subject: Re: On line completion of the form

Very good

Any estimate on when I will hear back on my request?

Sent from my iPhone

From: RYAN Peter <peter.ryan@state.or.us>
Subject: RE: On line completion of the form
Date: April 19, 2017 at 3:22:22 PM PDT
To: "Jon Gice" <jon_gice@sbcglobal.net>

Needs to be logged in and then it should to take 1 to 2 weeks to works its way up the queue

-Pete

Peter Ryan, PWS

Jurisdiction Coordinator – Metro Region Oregon Department of State Lands | 775 Summer Street, NE, Ste. 100, Salem, Oregon 97301-4844
503.986.5232 Monday-Wednesday | 503.779.4159 Thursday Work Days: Monday-Thursday | Out of Office: Fridays

On Apr 20, 2017, at 7:19 AM, Jon Gice <jon_gice@sbcglobal.net> wrote:
Thank you so much. Please do keep in touch on the progress on this. I would love to be physically present for a site visit so I can assist on the walk thru in any possible. We are truly concerned about the environmental impact of this development.

-----Original Message-----

From: Jon Gice [mailto:jon_gice@sbcglobal.net]
Sent: Friday, April 28, 2017 9:52 AM
To: RYAN Peter
Subject: Re: On line completion of the form
Peter,
Any update on our request?

From: RYAN Peter <peter.ryan@state.or.us>
Subject: RE: On line completion of the form
Date: May 1, 2017 at 6:59:58 AM PDT
To: "Jon Gice" <jon_gice@sbcglobal.net>

Hi Jon,

I finished my part last Wednesday...and then it went to my supervisor for her to okay. You should get your copy soon.

-Pete

From: Jon Gice <jon_gice@sbcglobal.net>

Subject: Re: On line completion of the form

Date: May 1, 2017 at 7:20:42 AM PDT

To: RYAN Peter <peter.ryan@state.or.us>

Thank you so much. We just got notice that there will be a public hearing about this land on 5/17 so we feel the pressure to get the Determination done. I appreciate anything that can expedite.

From: Jon Gice <jon_gice@sbcglobal.net>

Subject: Wetlands Request

Date: May 8, 2017 at 8:10:13 AM PDT

To: RYAN Peter <peter.ryan@state.or.us>

Peter

We received the report and I need your guidance on my next step. I was under the impression that the State would send someone out to review the property. The report states that we need to secure a Wetlands expert.

Can you please call me this morning (Monday) at 503 882 2996?

Time is of the essence as we go to hearing next week.

THANK YOU!

From: Jon Gice <jon_gice@sbcglobal.net>

Subject: FINAL questions (I promise)

Date: May 10, 2017 at 7:12:54 AM PDT

To: RYAN Peter <peter.ryan@state.or.us>

Peter

I hate to bother you again but I have 3 more questions, 2 based on the attached report:

1. Is the attached report convincing as it only rules out 3 conditions to determine a wetland and there are many more conditions that need to be addressed?
2. Is Schoot & Associates a qualified firm, known to the State, that did this attached report?
3. How does the County interface with the State in wetland determination - can the County make it's own determination?

From: RYAN Peter <peter.ryan@state.or.us>
Date: May 10, 2017 at 9:16:54 AM PDT
To: "Jon Gice" <jon_gice@sbcglobal.net>
Subject: RE: FINAL questions (I promise)

Hi Jon,

No problem with the questions...that's our job. My answers are below:

1) I assume when you ask about the "3 conditions" used by the consultant you are referring to hydrophytic vegetation, hydric soils, and wetland hydrology. These are the 3 parameters that need to be sampled to determine if a site meets wetland criteria. However, you are right to suggest that the attached memo isn't a wetland delineation report. Delineation reports require considerably more background material and sampling point data.

2) Schott & Associates has been doing this work for some time.....you can check out their 2011-2015 summary data at: <http://www.oregon.gov/dsl/WW/Documents/ConsultSum2011-15.pdf>

3) Normally, a local government will notify the Department if a proposed development site is identified as wetland in a sensitive land overlay (see guidance for our Wetland Land Use Notice process on our Waterway & Wetland Planning page: <http://www.oregon.gov/dsl/WW/Pages/WetlandConservation.aspx>). However, we wouldn't have received a notice for this site because it wasn't identified in the City's LWI.

Hope this helps.

-Pete

Peter Ryan, PWS

Jurisdiction Coordinator – Metro Region

Oregon Department of State Lands | 775 Summer Street, NE, Ste. 100,
Salem, Oregon 97301-4844

503.986.5232 Monday-Wednesday | 503.779.4159 Thursday

Work Days: Monday-Thursday | Out of Office: Fridays

From: Jon Gice <jon_gice@sbcglobal.net>
Subject: Re: FINAL questions (I promise)
Date: May 10, 2017 at 12:55:51 PM PDT
To: RYAN Peter <peter.ryan@state.or.us>
Helps a lot again! Thank you once again!
Sent from my iPhone

-----Original Message-----

From: Jon Gice [mailto:jon_gice@sbcglobal.net]
Sent: Monday, May 15, 2017 9:31 AM
To: RYAN Peter
Subject: I'm back...

Peter

Does the state have a listing of qualified wetlands consultants that you can recommend?

On May 15, 2017, at 10:48 AM, RYAN Peter <peter.ryan@state.or.us> wrote:

Hi Jon,

Sorry but were not allowed to make recommendations. Instead here are three places to look.

1) on our website, we list all current delineation reports by county.

You can open reports and check see who prepared them:

<http://www.statelandsonline.com/index.cfm?fuseaction=Wetlands.SelectCounty>

2) that same consultant summary I sent last time lists the consultants who have submitted reports to the Department:

<http://www.oregon.gov/dsl/WW/Documents/ConsultSum2011-15.pdf>

3) the Pacific Northwest Chapter of the Society of Wetland Scientists maintains a list of consultants at:

http://sws.org/images/chapters/pacific_northwest/docs/2017-4-5-Consultant-List.pdf

Good luck

-Pete

-----Original Message-----

From: Jon Gice [mailto:jon_gice@sbcglobal.net]

Sent: Tuesday, May 16, 2017 6:47 AM

To: RYAN Peter

Subject: Re: I'm back...

I keep trying to end this yet another question popped up last night - do we need BOTH a Hydrologist and Hydrogeologist?

Sent from my iPhone

From: RYAN Peter <peter.ryan@state.or.us>

Subject: RE: I'm back...

Date: May 16, 2017 at 7:04:00 AM PDT

To: "Jon Gice" <jon_gice@sbcglobal.net>

If you are asking about the background for a wetland consultant, that can be all over the board (including soil scientists, botanists, biologists, hydrologists, etc.).

If you are looking for someone to determine how water is moving down that hillside, a hydrogeologist may be a better choice. They tend to focus more on the movement of groundwater as opposed to surface water.

Peter Ryan, PWS

Jurisdiction Coordinator - Metro Region

Oregon Department of State Lands | 775 Summer Street, NE, Ste. 100,
Salem, Oregon 97301-4844

503.986.5232 Monday-Wednesday | 503.779.4159 Thursday

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June 1, 2017

To: West Linn Planning Commissioners: Jim Farrell, Lamont King, Charles Mathews,
Joel Metten, Carrie Pellett, Bill Relyea, and Gary Walvatne
City of West Linn, Planning Department
22500 Salamo Road, #1000
West Linn, OR 97068

From: Patrick Noe, Sunset Neighborhood Association President
Meredith Olmsted, BHT Neighborhood Association President

Subject: Petition regarding any future development at 4096 Cornwall Street, West Linn, OR

The Sunset Neighborhood Association and Barrington Heights Neighborhood Association residents are united in our desire to have the land at 4096 Cornwall Street professionally evaluated, prior to any construction now or in the future. It is a moral and ethical responsibility of the city and developer to prevent all surrounding property from being negatively impacted by new construction. Preventing damage from water, landslide, landfill liquefaction, decreased real estate values, or jeopardizing structural integrity and our wetlands are the many issues which must be mitigated in this case, prior to any construction.

We must ensure that water and structural damage to the surrounding 50+ existing homes won't occur from altering this steep, spring infested property, and it is vital to determine if this land is wetlands. There is wetland vegetation present, and this water drains into known wetlands so this makes it incumbent upon this Planning Commission and city government to fully understand the designation of this land.

West Linn must "Put Citizens First" by requiring complex issues be professionally evaluated by a neutral, third party expert when there is sufficient cause to warrant it. As our city representatives, we ask you to be our advocate, always protecting the interests of *your neighbors* and West Linn's quality of life for generations to come.

We therefore request that the City of West Linn require 4096 Cornwall Street land be thoroughly vetted before any construction begins by requiring:

- 1) An independent hydrogeologist examination of the surface and underground springs to prevent water damage and structural damage to all surrounding homes where water may surface anew, or where underground springs may dry up.
- 2) A wetlands determination of this land that includes hydrophytic vegetation, hydric soils, and wetland hydrology sampling across the entire property to determine if this site meets wetland criteria.

Petition Regarding Development at 4096 Cornwall Street, West Linn, OR

I agree that any development, now or in the future, at 4096 Cornwall Street must have the land thoroughly vetted before construction is approved with:

- 1) a hydrogeologist's examination of the surface and underground springs to prevent water or structural damage to the many surrounding homes.
- 2) A wetland determination of this land, including hydrophytic vegetation, hydric soils, and wetland hydrology to protect the Tanner Woods wetlands.

In addition, no detention pond to collect the surface waters of the proposed site and road should be built between Barrington Heights and Hidden Creek Estates.

DATE	SIGNATURE	ADDRESS	EMAIL	PHONE
6/5/17	Bradley Carter	3822 Fairhaven Dr.	bradley.carter@gmail.com	503.974.9766
6/5/17	Sarah Carter	3822 Fairhaven Drive	sarahcarterad@gmail.com	503.974.9766
6/6/17	Peggy Eurman	3828 Fairhaven Dr W.L.	peggyeurman@comcast.net	503650-0152
6/5/17	Changec Ems	3829 Fairhaven Dr. W.L.		503 657-6788
6/5/17	Nicol Schmidt	3825 FAIRHAVEN DR		557-5172 (503)
6-5-17	Steve Williams	3821 Fairhaven Dr.	WEST LINN	503-799-2975
6-6-17	Jenny Morrison	3828 Fairhaven Dr. West Linn		503-709-5606
6/6/17	Connie Cermak	3831 Fairhaven Dr. West Linn		503-957-7802
6/6/17	Cheryl Fitch	3832 Fairhaven Dr West Linn		503-998-8954
6/6/17	John J. Fisher	3817 Fairhaven Dr. West Linn		503 655 3429
6/6/17	Pam Yokenaitis	3760 Fairhaven Dr. West Linn	pam@yokenaitis.com	503-656-5881
6/6/17	Ma Yokenaitis	3760 Fairhaven Dr. 97068		509-720-7945
6/6/17	Ma Yokenaitis	3760 Fairhaven Dr. 97068		503 367 9603
6/6/17	Nicole Yokenaitis	"	"	"



Petition Regarding Development at 4096 Cornwall Street, West Linn, OR

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- 3) a traffic study conducted to estimate additional traffic caused by connecting Cornwall and Landis streets. Address safety issues due to blind corner at intersection of Stonegate Lane and Landis Street as well as substandard paving, lack of sidewalks and 16 foot non-standard width of Cornwall Street.
- 4) a proposed change to the City Master Plan to keep Landis St. a dead end street and have Icon develop the proposed new homes as part of a Cornwall cul-de-sac. This will reduce traffic and congestion on either street, and improve Cornwall.

DATE	SIGNATURE	ADDRESS	EMAIL	PHONE
6/15/17	MTH	362 Landis St	Queerbrzz@yahoo.com	503 756 6953
6/15/17	S.B. The	3612 Landis St	stev06@gmail.com	503-686-1503
6/15/17	Jim	3606 Landis St	gmckivor@yahoo.com	
6/15/17	OH	3600 Landis St	duran-paulina@hotmail.com	
6/15/17	Ellen	3624 Landis St.	david.lcc.weston@gmail.com	3038197034
6/15/17	Shirley	3624 Landis St.	nanoraweston@yahoo.com	305815434
6/15/17	JL	3648 Landis St.	lunatalcan@yahoo.com	503-557-2992
6/15/17	Kelly Rose	3636 Landis St	kellyandshiloh@msn.com	503 737 7508
6/15/17	Ellen	3648 Landis St	ellianat88@gmail.com	503 557 2992
6/15/17	Mary	3648 Landis St.	Trans_wr@yahoo.com	97066
6/15/17	Glenn	3676 Landis St.	glenther@aol.com	
6/15/17	Pat	3692 Landis St.	15ated@comcast.net	503-650-5800
6/14/17	Linda	3612 Landis St	linda.new@gmail.com	503-707-9999
1/1				

Petition Regarding Development at 4096 Cornwall Street, West Linn, OR

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DATE	SIGNATURE	ADDRESS	EMAIL	PHONE
6/16/17		3637 Landis	gillingham.jshwa@gmail	341 401 7244
6/16/17		3649 Landis	ashley.cron@gmail.com	603 752 5737
6/16/17		3619 Landis	DAV RILEY@COMCAST.NET	360-907-2313
6/16/17		3419 Landis	medinda.riley@horsecatchers.com	971.645.1587
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Petition Regarding Development at
4096 Cornwall Street, West Linn, OR 97068

I agree that any development, now or in the future, at 4096 Cornwall Street must have the land thoroughly vetted before construction is approved with:

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- 2) a wetlands determination of this land, including hydrophytic vegetation, hydric soils, and wetland hydrology to protect the Tanner Woods wetlands.

DATE: June 6, 2017 SIGNATURE: M. J. Dark

ADDRESS: 2145 Fairhaven Ct. 97068 PHONE: 503-744-0786

EMAIL ADDRESS: magquintero00@gmail.com

DATE: June 6, 2017 SIGNATURE: M. J. Dark

ADDRESS: 2145 Fairhaven Ct. 97068 PHONE: 503-744-0786

EMAIL ADDRESS: threseenergy@comcast.net

DATE: _____ SIGNATURE: _____

ADDRESS: _____ PHONE: _____

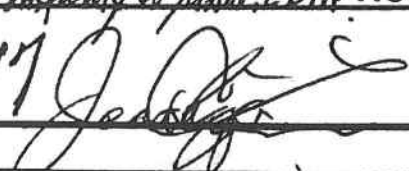
EMAIL ADDRESS: _____

DATE: _____ SIGNATURE: _____

ADDRESS: _____ PHONE: _____

EMAIL ADDRESS: _____

DATE 5/6/17 SIGNATURE  ADDRESS 3165 Fairhaven Dr.
EMAIL Sherman Pauly@yahoo.com PHONE 503 502 4034 West Linn 97068.

May 16/2017  Jeannie C. LEE

1
1 3165 FAIRHAVEN DRIVE
West Linn, Oregon. 97068

5/16/2017 
1 SHERMAN R PAULY

1
1

1
1

1 1

June 1, 2017

To: West Linn Planning Commissioners: Jim Farrell, Lamont King, Charles Mathews,
Joel Metten, Carrie Pellett, Bill Relyea, and Gary Walvatne
City of West Linn, Planning Department
22500 Salamo Road, #1000
West Linn, OR 97068

From: Patrick Noe, Sunset Neighborhood Association President
Meredith Olmsted, BHT Neighborhood Association President

Subject: Petition regarding any future development at 4096 Cornwall Street, West Linn, OR

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West Linn must "Put Citizens First" by requiring complex issues be professionally evaluated by a neutral, third party expert when there is sufficient cause to warrant it. As our city representatives, we ask you to be our advocate, always protecting the interests of your neighbors and West Linn's quality of life for generations to come.

We therefore request that the City of West Linn require 4096 Cornwall Street land be thoroughly vetted before any construction begins by requiring:

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- 2) A wetlands determination of this land that includes hydrophytic vegetation, hydric soils, and wetland hydrology sampling across the entire property to determine if this site meets wetland criteria.

6/6/17

Rebel + Joe Steiner 2110 Fairhaven Ct. West Linn
503.223.6382
Rebel Steiner Joseph S
rebelsteiner@gmail.com Joe X Steiner@GSK.com

4

4

Petition Regarding Development at
4096 Cornwall Street, West Linn, OR 97068

I agree that any development, now or in the future, at 4096 Cornwall Street must have the land thoroughly vetted before construction is approved with:

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- 2) a wetlands determination of this land, including hydrophytic vegetation, hydric soils, and wetland hydrology to protect the Tanner Woods wetlands.

DATE: 6.6.17 SIGNATURE: *M. Melin*

ADDRESS: 2125 Fairham Ct PHONE: 503 516 8289

EMAIL ADDRESS: mmELINW@AOL.com

DATE: SIGNATURE:

ADDRESS: PHONE:

EMAIL ADDRESS:

DATE: SIGNATURE:

ADDRESS: PHONE:

EMAIL ADDRESS:

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Petition Regarding Development at 4096 Cornwall Street, West Linn, OR

I agree that any development, now or in the future, at 4096 Cornwall Street must have the land thoroughly vetted before construction is approved with:

- 1) a hydrogeologist's examination of the surface and underground springs to prevent water or structural damage to the many surrounding homes.
- 2) a wetlands determination of this land, including hydrophytic vegetation, hydric soils, and wetland hydrology to protect the Tanner Woods wetlands.

DATE	SIGNATURE	ADDRESS	EMAIL	PHONE
6/4/17		3818 FAIRHAVEN	sludwigson@LHFS.com	503-329-0716
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61717 Chelsea Diaz 3687 Landis St., West Linn, OR 97068
61717 Chi J. 3687 Landis St., West Linn, OR 97068

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Petition Regarding Development at
4096 Cornwall Street, West Linn, OR 97068

I agree that any development, now or in the future, at 4096 Cornwall Street must have the land thoroughly vetted before construction is approved with:

- 1) a hydrogeologist's examination of the surface and underground springs to prevent water or structural damage to the many surrounding homes.
- 2) a wetlands determination of this land, including hydrophytic vegetation, hydric soils, and wetland hydrology to protect the Tanner Woods wetlands.

DATE: 6/6/17 SIGNATURE: Christina B Henry

ADDRESS: 3795 Fairhaven Dr. PHONE: 503-303-
West Linn OR 97068

EMAIL ADDRESS: christinahenry1821@gmail.com

DATE: _____ SIGNATURE: _____

ADDRESS: _____ PHONE: _____

EMAIL ADDRESS: _____

DATE: _____ SIGNATURE: _____

ADDRESS: _____ PHONE: _____

EMAIL ADDRESS: _____

DATE: _____ SIGNATURE: _____

ADDRESS: _____ PHONE: _____

EMAIL ADDRESS: _____

ELECTRONIC PETITIONS RECEIVED

RE: The proposed development at 4096 Cornwall Street in West Linn, OR **From:** "Henry,

On Jun 6, 2017, at 8:04 AM, Roger Dillingham <dilly72@icloud.com> wrote:
<Petition About Cornwall Development copy.pages>

Petition Regarding Development at
4096 Cornwall Street, West Linn, OR 97068

I agree that any development, now or in the future, at 4096 Cornwall Street must have the land thoroughly vetted before construction is approved with:

- 1) a hydrogeologist's examination of the surface and underground springs to prevent water or structural damage to the many surrounding homes.
- 2) a wetlands determination of this land, including hydrophytic vegetation, hydric soils, and wetland hydrology to protect the Tanner Woods wetlands.

DATE: 6/6/2017 SIGNATURE: Jana Dillingham

ADDRESS: 3802 Fairhaven Dr, west linn OR 97068 PHONE:
651-245-9880

EMAIL ADDRESS: Dilly72@icloud.com

DATE: 6/6/2017 SIGNATURE: Roger Dillingham

ADDRESS: 3802 Fairhaven Dr, West Linn OR 97068
PHONE: 651-707-3129

EMAIL ADDRESS: Dilly72@icloud.com

From: Darin Stegemoller <Darin.Stegemoller@jedunn.com>

Subject: URGENT PLEASE SIGN THIS HCEN PETITION!.pdf

Date: June 5, 2017 at 8:35:18 PM PDT

To: Pam Yokubaitis <pam@yokubaitis.com>

From: Chuck Nokes <nokeschuck@gmail.com>
Subject: Re: URGENT: The Petition to Sign and Return, PLEASE
Date: June 6, 2017 at 7:25:37 PM PDT
To: Pam Yokubaitis <pam@yokubaitis.com>

Petition Regarding Development at
4066 Cornwall Street, West Linn, OR 97148

I agree that any development, now or in the future, at 4066 Cornwall Street must have the land thoroughly vetted before construction is approved with:

- 1) a hydrogeologist's examination of the surface and underground springs to prevent water or structural damage to the many surrounding homes;
- 2) a wetlands determination of this land, including hydrophytic vegetation, hydric soils, and wetland hydrology to protect the Terrell Woods wetlands.

DATE: 6/5/17 SIGNATURE: 

ADDRESS: 3745 Fair Haven Dr PHONE: 503 738 7514

EMAIL ADDRESS: _____

DATE: 6/5/17 SIGNATURE: 

ADDRESS: 3745 Fair Haven Dr PHONE: 360 609 2938

EMAIL ADDRESS: nokeschuck@gmail.com

DATE: _____ SIGNATURE: _____

ADDRESS: _____ PHONE: _____

EMAIL ADDRESS: _____

DATE: _____ SIGNATURE: _____

From: <tim@timfreeman.com>

Subject: RE: URGENT: PLEASE SIGN THIS HCEN PETITION!

Date: June 1, 2017 at 7:29:23 PM PDT

To: "Pam Yokubaitis" <pam@yokubaitis.com>

Petition Regarding Development at 4096 Cornwall Street, West Linn, OR 97068

I agree that any development, now or in the future, at 4096 Cornwall Street must have the land thoroughly vetted before construction is approved with:

- 1) a hydrogeologist's examination of the surface and underground springs to prevent water or structural damage to the many surrounding homes.
- 2) a wetlands determination of this land, including hydrophytic vegetation, hydric soils, and wetland hydrology to protect the Tanner Woods wetlands.

____ DATE SIGNATURE ADDRESS EMAIL PHONE_____

__6__/_1_/2017 Tim freeman 3770 Fairhaven drive West Linn OR 97068
tim@timfreeman.com 5036571223

__6__/_1_/2017 Jeanne@JeanneFreeman.com 3770 Fairhaven Dr
West Linn OR 97068 503 657

From: Misten Daniels <mistendaniels@gmail.com>

Subject: Re: URGENT: The Petition to Sign and Return, PLEASE

Date: June 6, 2017 at 3:49:30 PM PDT

To: Pam Yokubaitis <pam@yokubaitis.com>Petition Regarding

Development at 4096 Cornwall Street, West Linn, OR 97068

I agree that any development, now or in the future, at 4096 Cornwall Street must have the land thoroughly vetted before construction is approved with:

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- 2) a wetlands determination of this land, including hydrophytic vegetation, hydric soils, and wetland hydrology to protect the Tanner Woods wetlands.

Date: 6/6/17

Signature: Misten Daniels

Address: 2105 Fairhaven Ct

Email Address: mistendaniels@gmail.com

Home Phone: 503-853-3308

Date: 6/6/17

Signature: John I Gill

Address: 2105 Fairhaven Ct

Email Address: j.i.gill@comcast.net

Home Phone: 503-502-8076**From:** So Wong <sohinwong@gmail.com>

From: Leann MacMillan <leann.macmillan@gmail.com>
Subject: Re: URGENT: PLEASE SIGN THIS HCEN PETITION!
Date: June 2, 2017 at 10:55:33 AM PDT
To: Pam Yokubaitis <pam@yokubaitis.com>

___ DATE SIGNATURE ADDRESS EMAIL PHONE

6/2/17 Leann MacMillan 3715 Fairhaven Drive leann.macmillan@gmail.com
503-351-4718

6/2/17 Cameron MacMillan 3715 Fairhaven Drive c.h.macmillan@comcast.net
503-351-4718

6/2/17 Allison MacMillan (same address and phone)

6/2/17 Natalie MacMillan (same address and phone)

Thanks Pam! -Leann, Cam, Alli, Natalie

From: So Wong <sohinwong@gmail.com>
Subject: Re: URGENT: PLEASE SIGN THIS HCEN PETITION!
Date: June 4, 2017 at 3:01:02 PM PDT
To: Pam Yokubaitis <pam@yokubaitis.com>

DATE: 6/4/17 SIGNATURE: So H. Wong

ADDRESS: 2135 Fairhaven Ct, West Linn, OR 97068

EMAIL: sohinwong@gmail.com PHONE:503-957-8082

On Jun 1, 2017, at 7:29 PM, tim@timfreeman.com wrote:

Thanks Pam for investing your time in this.

Jeanne & Tim

Petition Regarding Development at 4096 Cornwall Street, West Linn, OR 97068

I agree that any development, now or in the future, at 4096 Cornwall Street must have the land thoroughly vetted before construction is approved with:

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- 2) a wetlands determination of this land, including hydrophytic vegetation, hydric soils, and wetland hydrology to protect the Tanner Woods wetlands.

____ DATE SIGNATURE ADDRESS EMAIL PHONE_____

__6__/_1_/2017 Tim freeman 3770 Fairhaven drive West Linn OR 97068
tim@timfreeman.com 5036571223

__6__/_1_/2017 Jeanne@JeanneFreeman.com 3770 Fairhaven Dr
West Linn OR 97068 503 657
1223_____

On Jun 2, 2017, at 7:37 AM, Jim Harrop <harropconsulting@comcast.net> wrote:

Petition Regarding Development at 4096 Cornwall Street, West Linn, OR 97068

I agree that any development, now or in the future, at 4096 Cornwall Street must have the land thoroughly vetted before construction is approved with:

- 1) a hydrogeologist's examination of the surface and underground springs to prevent water or structural damage to the many surrounding homes.
- 2) a wetlands determination of this land, including hydrophytic vegetation, hydric soils, and wetland hydrology to protect the Tanner Woods wetlands.

<u>DATE</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>	<u>EMAIL</u>
<u>/ 7-2-17 /</u>	<u>Jim Harrop</u>	<u>3730 Fairhaven Dr.</u>	
	<u>harropconsulting@comacst.net</u>	<u>503-722-5210</u>	
<u>/ 7-2-17 /</u>	<u>Linda Harrop</u>	<u>3730 Fairhaven Dr.</u>	<u>lrharrop@comacst.net</u>
		<u>503-722-5210</u>	
<u>/ 7-2-17 /</u>	<u>Emmy Harrop</u>	<u>3730 Fairhaven Dr.</u>	
		<u>503-722-5210</u>	

My name is Pia Snyder and I live at 3817 Fairhaven Drive, on the East side of the unnamed creek. I am elaborating on my first testimony by providing additional information in four areas about the land proposed for development:

- 1) Where are wetlands found? (note the red information)
- 2) How to identify wetlands & how this land meets wetlands criteria showing photographic evidence;
(our responses are noted in red)
- 3) Photos of 4096 Cornwall, the slope and the number of oak trees
- 4) Water concerns on this property
- 5) Summary

I. WHERE ARE WETLANDS FOUND?

https://www.oregon.gov/DSL/WW/Documents/DSL_wetlands_fact_march_2015_web.pdf (Page 2)

Wetlands are typically, but not exclusively, found in depressions or in the lowest part of the landscape. Expect to find wetlands in:

- Abandoned stream channels along river systems
- Valleys or other low areas with a high water table in winter and early spring
- Flat valleys or depressions where impervious soil layers create a “perched” water table
- Low areas on slopes where ground water emerges as springs or seeps
- Mountain meadows watered by gradual snow melt

What characteristics do wetlands share? (Same website source as above, on page 2)

Although there are many types of wetlands in Oregon, they share three essential characteristics: an abundance of water, hydric (wetland) soils, and plants that grow in wetland conditions. Prolonged saturation is what creates a wetland, no matter the source. A high water table, rain water “perched” over impenetrable layers in the soil, and frequent flooding are common examples. Wetland – or hydric – soils have distinctive, visible characteristics, such as brownish-red veining and rusty-colored splotches. Saturated conditions support plants that have adapted to life in permanently or seasonally wet soils.

Some plant species are better indicators of wetlands than others. The US Army Corps of Engineers has compiled a list of thousands of plants that grow in wetlands, and assigned an "indicator status" to each plant based on the frequency with which they occur in wetlands. **Skunk cabbage, for example, only occurs in wetlands.** Other plants occur in wetlands sometimes, and still others occur in wetlands and in other soil types. Therefore, plants may or may not be a good indicator of the presence of wetlands. Wetland scientists use the plant indicator status to help determine if a site is a wetland.

Low area on slope where ground water emerges as springs or seeps; prolonged saturation is what creates a wetland, no matter the source.



Saturated conditions support plants that have adapted to life in permanently or seasonally wet soils.



Skunk Cabbage, which occurs only in wetlands, was found by the Unnamed creek in a back yard uphill from the proposed development.



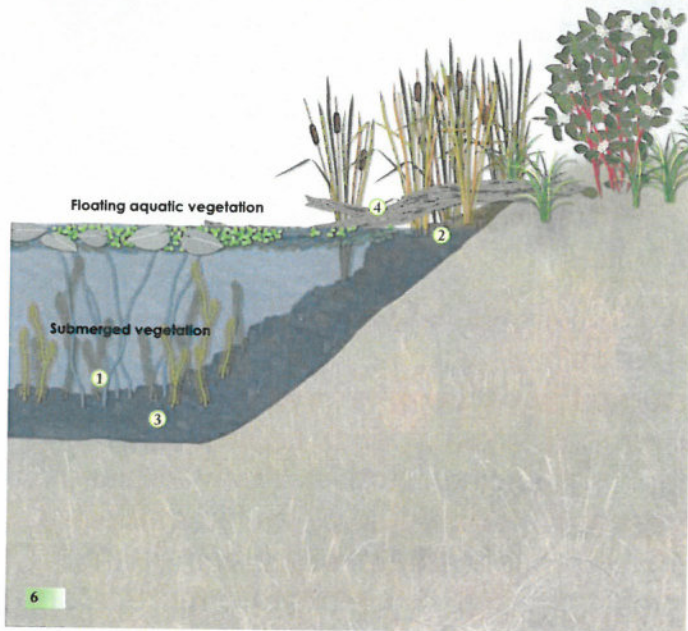
Five different turtles on 3 separate occasions were found in the back yard pond at 3745 Fairhaven Drive. As many as 6 have been present at the same time, per Chuck Nokes.



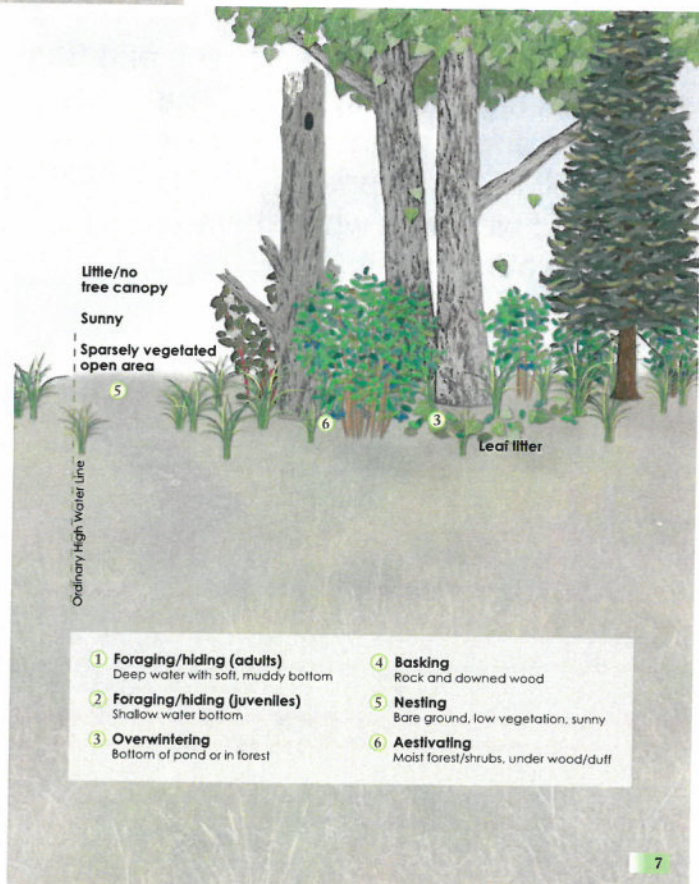


Figure 3.

WHERE TURTLES ARE FOUND



http://www.dfw.state.or.us/wildlife/living_with/docs/ODFW_Turtle_BMPs_March_2015.pdf



<http://www.environment.nsw.gov.au/wetlands/WetlandReptiles.htm>

Reptiles in wetlands



Eastern long-necked turtle. Photo: Rosie Nicolai, OEH

Why do some reptiles need wetlands?

Some reptiles need wetlands because they either live in water for much of their lives or largely rely on water for their survival, such as turtles, water skinks and the eastern water dragon. Freshwater turtles use rivers, lakes and billabongs for feeding and to escape predators such as birds. Water skinks have also adapted to relying on wetlands such as upland swamps for their food sources (insects, grubs, larvae) and as cover from predators.

Some species such as the alpine and Blue Mountains water skink can survive at high altitudes – an unusual feat for cold-blooded animals.

Wetlands support a range of animals that provide plentiful food sources for reptiles. It is not surprising that some snakes spend a lot of time around rivers and wetlands when there are edibles such as frogs and eggs laid by nesting waterbirds.

II. HOW TO IDENTIFY WETLANDS &

HOW THIS LAND MEETS WETLAND CRITERIA

The State of Oregon has a check list (below) to identify if property meets wetlands criteria. This list can be found at: https://www.oregon.gov/DSL/WW/Documents/DSL_wetlands_fact_march_2015_web.pdf (Page 4) The State of Oregon checklist (below) was used to determine if we had grounds for submitting a wetlands determination request to the State of Oregon. Upon completing the check list, with our responses noted in red, we believe we have more than adequate evidence that this land qualifies as wetlands, especially since we know all the underground ground springs in this land also drains under Hidden Creek Estates and Tanner Woods subdivisions, then directly into known wetlands in Tanner Woods, located below and adjacent to Hidden Creek Estates. Jon Gice in Tanner Woods was our liaison with the State of Oregon. (Photographic evidence is provided below that corresponds with the numbered criteria.)

How to identify wetlands

A “yes” answer to any of the questions below may indicate that the area is a wetland. A site inspection by a wetland scientist is the only way to verify whether an area is a wetland or not.

1. Does the National Wetlands Inventory or Local Wetlands Inventory map show a wetland on the property? **Not sure, but maps can be wrong, and are never changed until there is a reason to indicate a change. They can be altered at any point in time by anyone authorized or unauthorized so they aren't reliable evidence, as compared to photographic evidence. Since this land hasn't been tested, per the State of Oregon, the current map is only based on broad generalities and assumptions.**
2. Does the county soil survey map show hydric soils within the site? **Again, maps can be wrong, and are never changed until there is a reason to indicate a change. They can be altered at any point in time by anyone authorized or unauthorized, so they aren't reliable evidence, as compared to photographic evidence. Since this land hasn't been tested, per the State of Oregon, the current map is only based on broad generalities and assumptions.**
3. Are there natural drainage channels or Swales? **Yes; natural drainage channels travel down the slope, through Fairhaven Drive yards below in Hidden Creek Estates subdivision, then into the sewer system. Is the ground soggy underfoot in the spring? Yes, due to natural springs all over this property, and as evidenced by the multiple wetland grass patches.**
4. Are there depressions where water pools for a week or more in the spring? **Yes**

5. Do you avoid the area with heavy equipment in the spring to keep from getting bogged down? **Yes (a back hoe “sunk” on adjacent property on this same hillside in the past; it stayed there for weeks until the land dried out enough for it to drive off, per Ed Turkisher, neighbor at the end of Cornwall.**
6. Would you need to ditch the site to dry it out for planting or building? **Most definitely! Photos of runoff water coming through Fairhaven Drive resident’s properties shows water draining from this hill into Fairhaven Drive gutters.**
7. Are seeps or springs present? **Yes, ALL OVER THIS PROPERTY there are surface springs and underground springs.**
8. Dig an 18-inch deep hole and remove a clump of soil. Are there rusty red “veins” on a gray background? **To be determined.**
9. Is there evidence of surface scour from water flowing over the site? **Yes. This is also evident on the many properties directly below this land on Fairhaven Drive (see photos under #6).** Is there a drift line of leaves or debris caught in the stems of shrubs or lodged along an elevation contour? **Yes, water channels are visible under the brush from the surface springs draining.**
10. Do you see many clumps of grass-like rushes (round stems) or sedges (angular stems), skunk cabbage, willows or Oregon ash? (These are just a few of the many plants that grow in wetlands.) **Yes; willow trees grow on this property, skunk cabbage is present uphill from this property, and grass-like rushes (round stems) are present.**
11. If farmed, must you work the soil later than other areas because soils are poorly drained? **This land is not farmed.**
12. Did the area fail a septic system test and/or require a special system due to poorly draining soils? **Unknown; only the previous land owner would know this since they lived in the only home on this property.**

Photographic evidence that matches the wetlands criteria above is provided below.

#3. #6 & #9: Natural Drainage Channels through Fairhaven Drive residents yards: Need to ditch the site to dry it out: Evidence of surface scour from water flowing over this site

Note water erosion to the left of 3795 garage draining from Cornwall's land, ponding on the edge of the grass (1st photo), then traveling down the top of the neighbor's cement wall at 3785 Fairhaven Drive. (2nd photo) and onto Fairhaven Drive to enter the gutter.





#3, #6 & #9: Natural Drainage Channels through Fairhaven Drive residents yards; Need to ditch the site to dry it out: evidence of surface scour from water flowing over this site

Note water erosion from the Cornwall land draining down the property line of 3755 Fairhaven Drive, to the left of the white tree root (1st photo). This water then drains down the soil and cement divider to the stacked rocks below and **water falls** onto the neighbors property at 3745 Fairhaven Drive (2nd photo). The 3rd photo reveals that the volume and pace of the water draining is sufficient enough to not only clog the drain by the sidewalk, but **erode the gravel side yard into the street and gutter.**







#3, #6 & #9: Natural Drainage Channels through Fairhaven Drive residents yards; Need to ditch the site to dry it out: evidence of surface scour from water flowing over this site

Note water erosion between 3775 and 3765 Fairhaven Drive homes. Top photo shows water draining from the Cornwall slope down between these properties; bottom photo shows continued erosion to the retaining wall at 3755 Fairhaven Drive, which eventually drains into the gutter.



#3, #6 & #9: Natural Drainage Channels through Fairhaven Drive residents yards; Need to ditch the site to dry it out; evidence of surface scour from water flowing over this site

Note soil erosion between 3765 and 3775 Fairhaven Drive homes.



#4 Wetland criteria: Depressions where water pools at the bottom of the slope on the East corner behind 3795 Fairhaven Drive



#7. #10 Wetland Criteria: Seeps and Springs are Present where rush grasses grow and other types of wetland vegetation: evidence of clumps of grass-like rushes (round stems) or sedges (angular stems), skunk cabbage, willows or Oregon ash

Skunk grass, known to grow only in wetlands.



Rush grasses found in different locations on this property



Willow tree that has toppled over; more exist on this property



Ponding of spring water, very near where the sewer was installed after this photo was taken.



Photo reveals just how wet this land can get, and validates how a back hoe could get stuck!



III. PHOTOS OF 4096 CORNWALL, THE SLOPE AND NUMBER OF OAK TREES

Note wetlands rush grass (green) growing on this land at the end of Cornwall Street, and note the elevation difference between the grasslands and Cornwall Street above it.

How much landfill can safely be used given the steepness of this slope, and how will all the landfill will be secured from slipping and washing down hill?.



Note the drop in this land / cliff in the center of the right side of this picture.



View looking up the steep slope from the midpoint of the slope.



Note the gravel dumped at the end of Cornwall street by the Fairhaven fence for an unknown purpose



Trees have uprooted due to the wet lands; note they are leaning UPHILL.



More downed trees on the property due to uprooting.



The stand pipe for the sewer is in the middle of a spring with tall green grass rushes.



The vegetation and steepness of this property.



The presence of more than a dozen and a half very large Oak trees is at stake. The proposed removal of the Oaks is deemed necessary for the plan as several of them are in the proposed road extension and most of the others would fall into proposed home foundations. This is directly in conflict with City of West Linn policy identifying "significant" historic or valuable trees.

From Landis Street, looking down hill at oak trees Southeast towards Fairhaven Drive



From Landis Street, looking uphill at oak trees toward blue house.



Oak trees along the Fairhaven Drive fence.



IV. WATER CONCERNS ON THIS PROPERTY

The proposed development intends to collect and re-direct almost all the water from 4096 Cornwall Street into the Unnamed creek. While this may alleviate some erosion on the Fairhaven Drive properties, this capture and re-route plan presents several problems.

- 1) The old trees removed from this property has great significance:
 - 1a. With so many large trees being removed from this property, more water will run off this land due to the removal of so many old trees which use to absorb significant amounts of water.
 - 1b. The run off on this property will drain even faster because water that use to drain through soil will now flow quickly off of the smoother concrete street, sidewalks, driveways, and roof tops.
 - 1c. The presence of more than a dozen and a half very large Oak trees is planned for removal. This is directly in conflict with the City of West Linn policy identifying "significant" historic or valuable trees.
 - 1d. The Schott & Associates report makes no mention of the presence of Willows on the property. Two large old willows are already laying down. Other smaller willows remain on this property.
- 2) Due to the land being convex and thus draining most of the water to the East and West corners of this property, consideration should be given to draining this lands water into both the creeks on either side of this property because the water in both of these creeks empties into the same Tanner Woods wetlands pond. This is suggested only if deemed worthy, because both residents at 3745 and 3795 Fairhaven Drive have already testified about water problems they have on their properties, and because each corner of this property is low lands. It doesn't make sense not to do this if gravity can drain the water naturally on both corners of the land.
- 3) Tanner Woods wetlands in the Tanner Woods subdivision will be the recipient of almost all the water from this land when rerouted through the Unnamed creek. Currently, the majority of water that runs off this slope erodes *through* Fairhaven resident's yards adjacent to this property, emptying into the sewer, and doesn't drain into the Unnamed creek. The developer claims by rerouting the water they are doing a favor to dry up yards on Fairhaven Drive (yes), BUT they haven't considered the impact that all this additional re-routed water will have on the Tanner Woods wetlands, with potential overflow into their street.



4) The “reeds” identified by the Schott & Associates report (also representative of wetlands) are downplayed as “one small patch” when in fact there are several substantial “patches” of reeds on the property, all of which are associated with a free flowing spring at the base of each. These reeds are in the middle of the property closer to the Landis connection, directly below the vacant blue house where the sewer connection was established, and next to and into the Cornwall right of way on the steep slope beneath the dead end of Cornwall Street. Additionally, the State of Oregon stated the Schott & Associates report “isn’t a wetland delineation report” and “it requires considerably more background material and sampling point data.”

5) The root system of the trees along the Fairhaven fence line is a concern, in relation to the disturbance of the land and proximity to the water collection pipe. These old growth oak trees need a lot of water, yet the collection of most of the slope water could now be routed to the creek. So how will a balance of these needs be met? It has been discussed that rainwater gardens may also be placed at the bottom of the slope near the fence, which would be maintained by the city. If this is so, then a detention pond can also be placed on this land to be maintained by the city, with access via the Cornwall road easement that runs down to the Fairhaven fence line, with access to the sewer recently installed. *Disturbance of the oak trees root system is of great concern at the fence line because many changes are being proposed where their roots are already established.*

6) On the West corner, water drainage has been so heavy and prolonged in the street that city staff stopped to tell the homeowner at 3745 Fairhaven Drive that if he didn’t stop wasting water he would be fined, only to be told by the homeowner that the water was draining from the Cornwall/Landis property above. This homeowner has also had a very wet crawl space under his home, managing the water on both the East and West corners is very necessary.

V. SUMMARY

Given all of the above evidence, it is very plausible to conclude this land is wetlands for the multitude of reasons presented here. Regrettably the wetlands report produced for the city omitted 3 critical tests: hydrophytic vegetation, hydric soils, and wetland hydrology. This is a very misleading “wetlands report” is since key data was omitted. In fairness to all parties, and most importantly for the sake of the 50+ surrounding homes whose homeowners insurance won’t cover water or landslide damage once the soil has been disturbed on this property, we again request that a thorough and complete wetlands investigational report be completed by a neutral 3rd party to protect the existing homeowners and the known Tanner Woods wetlands beneath this property in question. Altering this land without an experienced hydrogeologist investigating this property is not just a financial decision, but a moral responsibility to ensure wetlands and the existing ~50 homes are protected from unforeseen water damage, like that which has occurred recently at Sunset school.

My name is Christine Henry and I live at 3795 Fairhaven Drive in West Linn. I am adding more information to my first testimony, on a topic that I touched on but didn't respond to as thoroughly as I would have liked. Today I am focusing on the many reasons why the Unnamed creek next to my house should not be used as a detention pond, which all my neighbors on Fairhaven Drive in Hidden Creek Estates subdivision agree with, along with Barrington Heights neighbors.

OBJECTIONS TO A DETENTION POND IN THE UNNAMED CREEK TESTIMONY

1. **The developer needs to manage their water problems on their own property**, not in someone else's existing subdivision. This is like dumping your trash in another person's yard.
2. The proposed **detention pond needs to be out of the line of sight because they are not attractive**. They are an eyesore, so they should customarily be hidden because they detract from the beauty of our community.
3. Using the Unnamed Creek for a **detention pond would kill the trees and vegetation from being smothered with unhealthy, stagnant water**.
4. **This creek feeds into Tanner Woods known wetlands**, so it doesn't make sense to dam up this creek with crystal clear running water, and turn it into a stagnant, discolored pond.
5. Most detention ponds have an **eyesore chain link fence around the pond**, like Sunset school. A fence alone is an eyesore, and such a large, unsightly and noticeable fence would ruin the esthetics of this beautiful creek.
6. Stagnant water in a **detention pond can attract croaking frogs, mosquitos, heavy metals, and discolored, smelly water**. Having such undesirable water right next to a home, and the creek bridge where pedestrians walk pets, is a very bad idea. Passersby don't want to smell, hear or focus on a discolored body of water when strolling through our suburban neighborhood.

7. **Detention ponds devalue property because no one wants to look at an eyesore.** The best properties have lovely views, so taking a charming asset and turning it into an eyesore negatively impacts the entire neighborhood, and the West Linn community. Three realtors verified this, as evidence submitted with my first testimony.

8. The 2 creeks on both sides of Hidden Creek Estates (HCE) subdivision are our **most charming assets** because 11 out of 30 HCE homes are on the 2 creeks, which both lead to known wetlands in Tanner Woods subdivision below ours. These crystal clear creeks are a big attraction for living in our subdivision.

9. This **creek serves as a lovely entrance** into Barrington Heights and Hidden Creek Estates subdivisions. It gives both subdivisions a charming transition, unlike other neighborhoods where just a monument sign is the landmark.

These are many compelling reasons why the idea of turning this year round running creek into a detention pond is a horrible plan. Nothing good would come from destroying this beautiful asset in West Linn, which currently is a selling point for moving into the Barrington Heights Neighborhood Association. Photos below show the beauty of this creek and the amount of vegetation and trees that are so *worthy* of protecting. The truth is this detention pond needs to be placed where it is out of sight and out of mind so the least number of people have to look at it. Thus, the developer needs to address this issue on his own land where he can access his detention pond, rain gardens and his sewer from his own property.

Creek is on the right side at the bend as you enter Hidden Creek Estates.



My home with the Unnamed creek on the right side



Note the perimeter size of the proposed detention pond, from right next to the sidewalk at the creek bridge to almost half way to the back of the creek.



The creek from the middle of Fairhaven Drive, facing North East



The front half of the creek, facing the bridge on Fairhaven Drive



The middle of the creek, facing West towards my house.



The back of the Unnamed Creek, facing North West toward 4096 Cornwall.



Pia is measuring 7' between my fence and the midpoint of the creek; where the tape measure is indicates how far back the pond would be.



Pia is measuring 24' across, whereas 42' across is planned for the width of the pond. All ground vegetation and most if not all trees roots, would die from sitting in stagnant water perpetually.



These are just a few of the large trees on this property that would die in standing water. Look at the amount of trees and vegetation in photos 4-7 that would drown if this creek became a pond.



The detention pond below is on the corner of Bland and Salamo. Note the multi-color dead looking appearance. This is an eyesore, nothing can grow in this space, and it smelled terrible when this photo was taken.



June 6, 2017

TO: West Linn Planning Commissioners

FROM: Pam Yokubaitis, MPH, RHIA, FAHIMA
Hidden Creek Estates Subdivision Resident &
Past President, BHT Neighborhood Association
3760 Fairhaven Drive
West Linn, OR 97068

SUBJECT: : Giving a Name to the Unnamed Creek that flows through the
Sunset Neighborhood Association and Barrington Heights
Neighborhood Association

The 5 subdivisions that have united in questioning the 4096 Cornwall development want to name the Unnamed creek because no one has addressed this until now. Since we have collectively tried to protect this community asset, we feel most qualified to give this creek a name.

The following names were suggested for consideration:

Skunk Cabbage Creek	Tranquility Creek
Alamo Creek	Jewel Creek
Cornwall Creek	Crystal Creek
Citizen Creek	Clear Water Creek
Neighborhood Creek	Passion Creek
Battleground Creek	Good Neighbor Creek
Broken Promise Creek	Unity Creek

The winning name that we want to give this creek will be announced during the hearing on June 7th, It is our desire that you honor our wishes to see that whatever process must be done to get this name approved is completed, and that all future West Linn maps reflect this new name.

Thank you for allowing us this privilege because our 5 subdivisions have taken ownership of protecting this creek that feeds known wetlands, so we want a name that has meaning to all of us.