



# CITY OF West Linn

## Memorandum

Date: August 21, 2019  
To: West Linn Planning Commission  
From: Jennifer Arnold, Associate Planner  
Subject: SUB-18-04 Proposed Lot 6 Reconfiguration

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On August 10, 2019 Staff received written testimony from Amber Carver expressing concerns about the proposed layout of the subdivision and lack of additional access to Weatherhill Road. Ms. Carver also expressed concern about the proposed tree removal.

On August 12, 2019 Staff received written testimony from Rob and Kristy Musalo expressing many concerns. These concerns included ownership, neighborhood meeting code requirements, street width on adjacent Satter Street subdivisions, block length, utilities in the WRA protection area, and tree protection.

On August 20, 2019 Staff received notice from the applicant responding to the ownership question brought up in written testimony. According to the Secretary of State the property owner, 22870 Weatherhill, LLC is an active entity.

**From:** [amberdoll55@gmail.com](mailto:amberdoll55@gmail.com)  
**To:** [askthepec@westlinnoregon.gov](mailto:askthepec@westlinnoregon.gov)  
**Subject:** 22870 weatherhill rd  
**Date:** Saturday, August 10, 2019 4:30:22 PM

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To whom it may concern,

We are on vacation the night of the planning meeting for 22870 weatherhill rd and really wanted to attend. We would appreciate that our written testimony statement **be made part of the Public Record** and **be read by someone on the P.C. the night of the meeting.**

We live at 2179 Satter st. We feel that due to Satter St not being built wide enough that it will be hazardous to those already living there not to have an extra outlet/access onto Weatherhill from the new houses. We know that these houses are going to be built and we welcome new neighbors, but making Satter the main entering and exiting point is dangerous with the amount of traffic that 12 houses will bring to Satter. Our houses are large houses built for large families with multiple cars already. Which makes for already crowded streets. When there are lawns being cut you barely have enough room to get one car around the lawn trucks, ups trucks or anyone working on our houses.

Please take into advisement that we do not support this neighborhood going in without an outlet to Weatherhill for the 12 new houses. Saying there will be one in the future does not rectify the situation while it is not there. Please drive our streets to see how narrow the roads are. They were poorly planned or an oversight was made when building these new neighborhoods. Please do not make the same mistake again. Please have them have another outlet to Weatherhill.

On another note we can't believe the number of trees being cut down. We were told when moving here that trees were protected in West Linn. It is proposed that 16 trees be saved out of 126? How is this ok?

Thankyou from the Craver's and Dolly's at 2179 Satter st. We have an extended family living situation at home which are houses have the capacity to support.

Sent from my iPhone

SENT VIA E-MAIL

August 12, 2019

Dear West Linn Planning Commission:

Below are our comments for the proposed subdivision SUB-18-04/WAP-18-05 at 22870 Weatherhill Road:

**Affidavit of Ownership** - The stated owner for this subdivision is 22870 Weatherhill LLC. The Oregon Secretary of State records show this LLC was dissolved on February 7, 2019. CDC 85.170 A. 2 requires a statement or affidavit of ownership. It is unclear who owns the property. How can a dissolved entity own property?

**Neighborhood Meeting** - CDC 99.038 C requires a letter to be sent to neighbors and specifies that the letter shall encourage concerned citizens to contact their association president with any questions that they may want to relay to the applicant. The letter we received did not state this. In addition it did not include a map as the letter stated it did. In fact, the letter states that the meeting was informational based on preliminary development plans and that the plans may change before the application is submitted to the city. The letter does not appear to comply with code. CDC 99.038 E. 4 requires the application include a copy of the minutes of the meetings with a record of any verbal comments received and copies of any written comments. The application states there are minutes but none are included in the package. The lack of minutes does not appear to comply with code. CDC 99.038 E. 5 requires an audio tape of the meeting be submitted yet there is no audio tape. Lack of an audio tape does not appear to comply with code. Without an audiotape it is difficult to determine that the plan proposed at the neighborhood meeting is a material representation of the application submitted and thus does not appear to comply with code. The application lacks evidence that there was meaningful community involvement. We further point to the Pre-Application Conference meeting minutes that clearly state the requirements of CDC 99.038 must be explicitly followed.

**Satter Street** – The proposed subdivision extends Satter Street and widens it. However, the current portion of Satter has only 24 feet in pavement width which is only enough for two traffic lanes with no on street parking. In the past there was an emergency situation where our first responders were unable to reach a residence on Satter because of its limited width and parked vehicles. While the new extension of Satter will be wider, the current section creates a bottleneck limiting access. The addition of 8 properties on Satter nearly doubles the number of homes using it for access and parking. CDC 85.010 B. 12 states the purpose of the code is to mitigate impacts generated by new development, including increased automobile traffic. Another access street connecting Satter to Weatherhill would surely help emergency services reach the new subdivision homes as well as the current ones. We have all seen on the news how complete neighborhoods can burn down. Please don't make our first responders jobs more difficult than they already are.

The extension of Satter is anticipated to connect on the neighboring property when it develops. At that time, the road will exceed 800 feet which is the maximum block length permitted in CDC 48.025 C. 1. The recommended block length is 400 feet. Without an additional access street to Weatherhill, the neighboring property is significantly limited in how it might develop. The application does not provide evidence that an agreement or plan was made with the neighboring property owners.

**Existing Conditions Plat** – The existing conditions plat does not show the properties current septic system including where the leach field is. CDC 85.160 E. 6 and 85.160 E. 7 require existing conditions be shown. Given that the Oregon DEQ has very specific requirements for removing a septic system and leach field please require the applicant to decommission the system in accordance with Oregon regulations as a requirement for approval. The same applies to the current well. Decommissioned wells potentially leak radon gas into nearby homes, a significant health hazard, especially considering we already live in a moderate rated area.

**Water Resource Area and Ephemeral Stream** – The proposed 20 foot storm water and sewer easement crosses one side of the WRA 15 foot protection area. Another 10 foot private storm easement crosses another side of the WRA 15 foot protection zone. CDC 32.060 A requires development to be conducted in a manner that avoids or minimizes impact on WRAs. While the digging of the proposed sewer line is temporary, the easement is permanent thus there will always be the possibility the WRA is further disturbed. It does not appear plausible that the easement will never be touched in the future.

The narrative for CDC 32.06 B. 2 indicates storm water will outfall directly into the WRA above the ephemeral stream because there are no reasonable alternatives available. It is unclear exactly why there are no reasonable alternatives or what other alternatives were considered. Additionally, per city maps, the WRA flows down hill through another neighborhood, then underground, and then into a riparian corridor. The narrative is silent on any potential effects to the riparian corridor when the outfall of uphill storm water has increased the amount of water downstream. Is there any evidence to suggest there will be no adverse impact to the entire WRA and stream?

CDC 32.050 G requires the application include a construction management plan for the WRA. There does not appear to be such a plan.

**Tree Protection** – There is tree protection zone (tree 20788) in the WRA with the proposed sewer easement running through it. There are also two manhole covers in the protection zone. It appears the protection zone has been comprised and scaled back where the protection fencing is shown on the plan map and does not appear to comply with the required drip line plus 10 feet specified in CDC 55.100 B. 2 B.

There are a number of Oregon White Oaks on the property that are to be removed. We question if there might be one or two of these that might be retained. This type of tree does well on its own, not requiring additional trees to maintain health, and is an asset to

any property. Conversely, tree 20491, an odd shaped fir which is to be retained, sits in the public right of way, eliminates the landscape strip, requires special arborist supervision to prevent health deterioration, and may eventually encroach on the roadway.

Thank you for your consideration.

Sincerely,  
Rob and Kristy Musalo

# REINSTATEMENT AMENDED



Corporation Division  
[www.filinginoregon.com](http://www.filinginoregon.com)

**E-FILED**  
Aug 20, 2019  
**OREGON SECRETARY OF STATE**

**REGISTRY NUMBER**

138681994

**REGISTRATION DATE**

12/12/2017

**BUSINESS NAME**

22870 WEATHERHILL LLC

The entity listed above requests to be active on the records of the Corporation Division. The effective date of the administrative dissolution is 02/07/2019.

The reason(s) for the administrative action that inactivated this business has been eliminated or did not exist.

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

**ELECTRONIC SIGNATURE****NAME**

RODNEY FRIESEN

**TITLE**

MEMBER

**DATE SIGNED**

08-20-2019



**REGISTRY NUMBER**

138681994

**REGISTRATION DATE**

12/12/2017

**BUSINESS NAME**

22870 WEATHERHILL LLC

**BUSINESS ACTIVITY**

REAL ESTATE DEVELOPMENT AND SALE

**MAILING ADDRESS**

12810 SW MORNINGSTAR DR  
PORTLAND OR 97223 USA

**TYPE**

DOMESTIC LIMITED LIABILITY COMPANY

**PRIMARY PLACE OF BUSINESS**

12810 SW MORNINGSTAR DR  
PORTLAND OR 97223 USA

**JURISDICTION**

OREGON

**REGISTERED AGENT**

ROD FRIESEN

12810 SW MORNINGSTAR DR  
PORTLAND OR 97223 USA

If the Registered Agent has changed, the new agent has consented to the appointment.

**MEMBER**

RODNEY FRIESEN

12810 SW MORNINGSTAR DR  
PORTLAND OR 97223 USA