



CITY OF  
**West Linn**

## Memorandum

Date: October 2, 2020

To: West Linn Planning Commission

From: Jennifer Arnold, Associate Planner

Subject: SUB-20-01 – 6-Lot Subdivision at 4096 Cornwall Street

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On September 30, 2020 Staff received testimony from Ed Turkisher expressing concern regarding the similarities between this application and previous applications, natural resources on the property (water, flora, fauna), and traffic.

On October 2, 2020 Staff received testimony from the Applicant regarding the Staff proposed conditions of approval.

**From:** [Edward A. Turkisher](#)  
**To:** [Arnold, Jennifer](#)  
**Cc:** [Planning Commission \(Public\); "Pam Yokubaitis"](#)  
**Subject:** ICON Cornwall Development Proposals  
**Date:** Wednesday, September 30, 2020 2:00:06 PM

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Jennifer Arnold  
West Linn Planning Dept

September 30, 2020

Hello Jennifer,

Please accept my following written testimony regarding the October 7, 2020 meeting regarding ICON's latest development for Cornwall Street.

Thank You very much,

Sincerely, Ed Turkisher

## ICON - CORNWALL Development

Ed Turkisher, 4099 Cornwall Street September, 2020

### **HISTORY:**

The 2.17 acre plot located at the dead end of the south end of Cornwall Street in West Linn was purchased by ICON Construction in 2015. The property has one single two story home that has been connected to the West Linn sewer system at Fairview Avenue shortly after purchase by ICON as the existing septic system had failed beyond repair.

On November 24<sup>th</sup>, 2015 ICON submitted a pre-application proposal for a 7 lot development at the Cornwall site.

On April 26<sup>th</sup>, 2016 an informational meeting was held by the ICON consultant Rick Givens at Sunset Elementary Library regarding the Cornwall site. Motioning for a vote on the feasibility of approving the development as presented, 50 out of 51 residents present rejected the proposed plan and asked for answers to the many questions and concerns.

On January 24<sup>th</sup>, 2017 another meeting was held by ICON at the Sunset Elementary Library regarding a new plan for the Cornwall site. A presentation was held and basically the same questions asked in April 2016 were reiterated again by concerned residents.

On February 21<sup>st</sup>, 2017 ICON submitted a new proposal for development of the Cornwall site which modified the original plan. Basically, the new plan adjusted the plan from 7 lots to 6 lots and realigned the road connection between Landis Street and Cornwall Street.

Several years have gone by since this development has been proposed. By June 7<sup>th</sup>, 2017, testimony was asked for by the city to address concerns regarding this development. At least three times to

date, this development has been rejected by the City .Yet once again, ICON has resubmitted what basically amounts to nearly the same proposal. Because the City claims that this latest proposal is “new”, it must be treated as if no proposal was ever submitted in the first place. In other words, the same development with the same parameters, on the same piece of property, on the same streets, with the same problems must be treated as if no proposal was ever submitted in the first place. It doesn't seem to matter that many of the original problems were never addressed since as a “new” proposal, no problems have been identified.

***THIS IS SUBSTANTIALLY THE SAME PROPOSAL as submitted way back in 2015! It has the same problems and the same unanswered questions. This proposal received essentially the same testimony in 2017!***

To date, MANY QUESTIONS STILL EXIST regarding water, flora and fauna, and traffic.

While others will undoubtedly address the issues of water, and flora, and fauna, I will focus predominantly on traffic as I live across the street from the proposed development and have been encouraged by ALL of my Cornwall neighbors to resist opening Cornwall Street to “connectivity”. That is not to suggest that the other issues are unimportant as I paraphrase those topics as well.

#### **WATER and FLORA and FAUNA:**

Presence of surface water on the site and UNDERGROUND will impact drainage to the two nearby creeks. (Tanner Creek and Cornwall Creek)

ICON hired an engineering firm (not a qualified hydro-geologist)to visit the site and that firm produced a lengthy document germane to the site but made no reference to possible Wet Land designation, underground springs, or surface water impact.

How will the bulldozing of land for a road and the removal of some 25 significant trees going to affect runoff and the underground springs? Icon identifies 25% of the site as in excess of a 25 degree slope and 12 ½ % of the site in excess of 35% slope – some even 40%! 4 of the six homes are right in the middle of the 35% slopes and the proposed road also crosses the 35% slope. (reference page 91 of the ICON plan)

What might be the result of either a substantial increase or decrease of water flow to the numerous homes downhill from the site along Fairhaven and into Barrington Heights neighborhoods?

I reiterate the question of removing some 25 significant trees.

How are animal species going to be impacted by this development?

The City Master Plan suggests that disturbed soils (bulldozing and land fill) and removal of trees and brush increase the potential for soil erosion by more than 1,000%!

#### **TRAFFIC: TRAFFIC:TRAFFIC!**

Not looking for fault, none-the-less, it seems that a couple consistent themes influence the direction this development follows. The City of West Linn has repeatedly focused on the two ideas of “connectivity” (the preference of through streets to join neighborhoods), and adhering to “code” (the following and enforcement of state, county, and city codes and statutes determining construction and related policies and infrastructure). These two issues intertwine and influence each other repeatedly and directly influence what SHOULD or SHOULD NOT be accomplished.

The City has taken the position that they are constrained by the “black and white” nature of decision making and the only opportunity they have is a “yea or nay” choice dependent on written code. In fact, as I will briefly demonstrate, this is simply not true.

A potential developer like ICON is disadvantaged as they try to navigate a process that fluctuates with capitulations and variances granted by the City that makes compliance with code frustrating and unreasonable and making the residents the ones who have to live with the results.

When “Stonegate” was built it was apparent that a street of the recommended code width would make it difficult to develop a piece of land that rests on a steep hillside both above and below the development. Houses on the downside of the slope might slide off the slope into Tanner Creek below. Houses on the upside of the slope would have a cliff for a backyard and inevitable rock, water, and soil erosion into their homes. Accordingly, the city approved a street width of 24 feet to accommodate more room for home construction. These are nice homes. The residents like them. Unfortunately, the narrow Landis Street directly impacts the development of future lands (ICON’s 4096 Cornwall property). The City’s stated policy of “connectivity” CANNOT be safely, logically, or realistically incorporated into ICON’s development. That is NOT to say that the property cannot be developed. As demonstrated by this multiple year process and the numerous petitions supported by these residents, everyone seems willing to collaborate. But **“connectivity” is both undesirable and actually dangerous**. NONE of the surrounding neighborhoods want connectivity. Connectivity would increase traffic by as much as 1000% on a narrow road that becomes a magnet for conflict and accidents where NO TWO CARS CAN SAFELY PASS (these are figures predicted by ICON’s own analysis). Adding six homes to Landis Street onto the ICON property does not significantly impact Landis Street safely **IF** connectivity to Cornwall is eliminated. Landis doesn’t want it, Cornwall doesn’t want it, and the Barrington neighbors don’t want connectivity either.

The City claims their hands are tied yet It was the City that granted a variance for Landis Street in the first place (ignoring code) and creating the problem we have today. But the notion that “code” requires “connectivity” is hypocrisy. As a couple of examples: Just over the hill on Rosemont Road near Oppenlander Fields, Miles Drive used to connect with Rosemont Road and allowed “connectivity” through the neighborhood to Horton Dr. and Santa Anita. Miles Drive is full code width (30’) with full sidewalks, planter strips, and easily supported “connectivity”...which was the status quo for many years. Somehow, City planners allowed a barricade to be constructed with concrete curbs and an anchored, locked, wooden construction across the access - closing that connection to Rosemont forever. No more “connectivity”. There are 28 homes with a single egress on what is now the dead end street of Miles Drive. Down in the Willamette District heading west, turning on Dollar Street would parallel Borland Road until Dollar Street intersected Borland Road again right before the “Fields Bridge” at the Tualatin River. Dollar Street is full code and from Ostman Road to Fields Bridge, Dollar Street has woods to the south and fewer than six total homes opening to the street on either side. A full sidewalk with planting strips fronts the north side of the street. Dollar Street “connectivity” to Borland Road existed for **decades**. No more. Somehow, City planners dug up the end of Dollar Street right across from what used to be a small nursery and café, and made Dollar Street a dead end.

So much for “connectivity”. I’m sure the City had their reasons for exceptions to “connectivity”. I am also sure that we can find more exceptions.

Landis Street and Cornwall Street should be the next exception. Miles Drive and Dollar Street can support “connectivity”. Both are code compliant. Yet both were allowed to “disconnect” in conflict with stated city plans. Landis Street is substandard and Cornwall Street is basically condemned with NO city plans for improvement in the foreseeable future.

The City **CAN** and **HAS** manipulated code and master plans to satisfy influence and input from divergent sources that **we**, the residents near the ICON Cornwall property, are not privy too.

We are not looking for a manufactured explanation as to why the City did what they did in those two cases (Miles St. and Dollar St. and more). We are asking that the City disallow connectivity from Landis to Cornwall as unrealistic and **unsafe**.

As another case in point, the ICON development along Rosemont Ridge Rd. was allowed to reconstruct several blocks of Rosemont Ridge Rd above their 50 home development. The two lane road, despite wide bicycle and pedestrian lanes off the main road itself, was made narrow with a slight bend just south of the intersection of Rosemont and Salamo near the Jr. High School. It was immediately apparent to any driver, that the narrow road would be a magnet for accidents. It was only a few weeks after completion that the first car failed to make the narrow bend and plowed off the road, over the curb and into the planter strip. Fortunately, no injuries occurred.

At the end of January this year in 2020 however, a serious head-on collision occurred along the same stretch of Rosemont Road between two cars which was so severe, the road was closed for several hours and multiple police cars barricaded each end of the road from Salamo to the south end of the head-on. Fire and EMT vehicles responded to extricate and otherwise clear the wrecked cars and treat and transport victims. Traffic was diverted around the accident onto other streets until investigations and towing could be completed. Is this what we have to look forward to on Cornwall or Landis Streets? Cornwall has NO sidewalks or bicycle paths and none are planned. Do we really want one of our children to be the next statistic for poor planning?

Why has every question regarding a possible cul-de-sac on Cornwall been ignored? It is legal and has many benefits for a development. There is NO law or code that says the streets must be connected – only a *preference* by the City to connect where reasonable. **This connection is NOT reasonable!**

**Why are the neighbors being ignored?**

Connectivity between Landis and Cornwall has many unanswered conflicts. If permitted, the through route opens Cornwall Street as an arterial that cannot handle the increased traffic. ICON identifies the increased traffic of the 6 proposed **new** homes using Cornwall Street, but disregards the homes from other neighborhoods which would now have more direct access to I-205 Northbound and Oregon City. These homes include Landis Street (20 homes), Willow Street (6 homes), existing Cornwall Street (9 homes), upper Beacon Hill (18 homes), Sabo Lane (32 homes) and other nearby residences which account for nearly one hundred homes that would now have shorter access to their destinations via Cornwall and Sunset . More residences would undoubtedly make use of the new connection as well. If we use ICON’s estimate of 5 trips per day per household to various destinations, the approximate increase of traffic would go from about 30 or so car trips on the street today, to **500** additional trips on Cornwall – an increase of over a thousand percent. That is correct...**1000% increase in traffic on Cornwall Street!**

New roads are required to be a minimum of 24’ wide with two sidewalks 6’ wide on either side. Why is this new road being connected to an obsolete Cornwall Street that is less than 16’ wide with NO sidewalks?

The average PCI in West Linn is 69. **Cornwall is rated with a PCI of 8! (Pavement Condition Index- Pavement Management Report for 2015). The report rates Cornwall with a “remaining life” estimate of ZERO!** Why is this road condition being ignored? An overlay is being planned on Cornwall to widen the street to 20’ but makes neither plan for sub-strata repair nor ANY sidewalks – still woefully short of standard code.

Where is the formidable increase in pedestrian traffic going to walk with NO planned sidewalks? What safety concerns are going to be proposed for our children with no sidewalks and no bus stops? How is traffic going to enter Sunset Street at the uncontrolled intersection of Cornwall and Sunset

with NO plans for improvement? (Sunset is a substandard street as well)

Cornwall is going to be dug up to increase potable water infrastructure with a new “looped” water supply of greater diameter to feed the new homes. Six existing homes on Cornwall Street are still on septic systems. There is NO sewer line on Cornwall. If the street is going to be dug up to install new potable water service, why isn't a new sewer line being put in place at the same time? It is only too obvious that it would be much less expensive to do the upgrade NOW than to wait and dig up the street at least three times again and again to try and save what?

Why isn't upgrading Cornwall Street being considered? The existing street is one of the WORST roads identified in all of West Linn yet this proposal will allow a development that comes nowhere near to meeting code and defers critical infrastructure repair into an uncertain and undefined future.

Quite frankly, without attention to substantial redesign and repair, this proposal is not only wrong; it is dangerous and opens a Pandora's Box of injury, infrastructure failure and liability.

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**BUILDABLE LAND:**

Why has the City ignored the existing residents on Cornwall Street and identified their homes as open for development when we all live here and ***our properties are not for sale?*** (see Residential Buildable Lands chart PDF). In some cases the buildable lands chart completely ignores the existing homes on some of these lots or conveniently moves them out of the way on paper.

**CONCLUSION:**

It is completely reasonable to expect answers to our many questions before accepting development that effects us ALL and we respectfully ask that the City of West Linn (and future developers) step up and accept responsibility for managing new projects in a transparent, inclusive, and responsible manner. Development is inevitable. We all accept that. But development needs to be done in the best interests of the greater public – not an arbitrary privileged few who have more interest in tax base or profits than the citizens at large.

Respectfully, Edward A. Turkisher 4099 Cornwall St.



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

October 2, 2020

Mr. Gary Walvatne  
Chairman  
City of West Linn Planning Commission  
22500 Salamo Rd.  
West Linn, OR 97068

RE: SUB-20-01, Willow Ridge Conditions of Approval

Dear Mr. Walvatne:

I am writing to suggest changes to several of the conditions of approval proposed in the staff report for the Willow Ridge subdivision application. I will be addressing these requested changes in the applicant's testimony on October 7<sup>th</sup>, but would like for the Planning Commission to have a written copy for your use in your deliberations. I have listed the affected conditions below, with our proposed changes in red text:

3. Public Utilities. The applicant shall upgrade the water main in Cornwall Street to serve this proposed subdivision. **The applicant shall not be responsible for the cost of connecting existing homes along Cornwall Street to the new water main.** The applicant shall extend the sanitary sewer mains to the north property lines in Landis Street and the unimproved Cornwall right-of-way to allow for future connection. All utilities shall be located within the public right-of-way or within recorded utility easements along property lines, as approved by the City Engineer. (See Staff Findings: 42 & 60)
4. Shared Access. The shared access shown on the Tentative Plan shall be widened to meet Public Works Standards for a future local street meeting the 28-foot local street standard. Lots 5 and 6 shall take access from the street. Per CDC 48.030(I) the proposed gate shall be removed from the Tentative Plan. A half-street plus travel lane for the local street shall be constructed to the City Engineering Standards and approved by the City Engineer prior to final plat approval. The applicant shall name the street and display the name on the surface of the plat prior to final plat approval. The applicant shall dedicate 32 feet of right-of-way for these improvements. (See Staff Findings: 4, 5, 8, 9, 11, 13, 14, 17, 18, 24, 25, 26, 29, 30-33, 36, 39, 47, 53, 55, 56, 61 & 63)

**If the Planning Commission approves the Tentative Plan as submitted by the applicant, Condition 4 shall be stricken.**

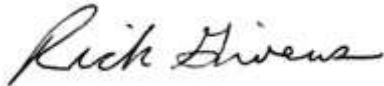
9. Fee in lieu. The applicant shall initiate vacate the unimproved right-of-way along Cornwall or submit an application for a fee in lieu for the cost to actually construct the improvements to the Public Works/Engineering Department and get approval by the City Engineer prior to approval of the Public Works public improvement permit. (See Staff Findings: 24, 35 & 61)

Condition 9. should be stricken in its entirety for the following reasons:

- A. The option of initiating a street vacation conflicts with Condition 7, which states that a “pedestrian trail shall be constructed **in the Cornwall Street right-of-way**” (emphasis added). It is appropriate that a public trail be within public right-of-way, rather than an easement on private lots, so that the City maintains the trail and assumes any liability that may occur for its use by the general public.
- B. The staff report acknowledges in Staff Finding 53 that, “The unimproved section of Cornwall Street cannot be constructed to full City Engineering Standards due to the topography of the site.” Collection of a fee-in-lieu of construction of a street improvement which is infeasible to actually build is not appropriate as the sole purpose of a fee-in-lieu of construction is to fund the actual improvement at a later date. That cannot happen here. Additionally, the applicant is required per Condition 7 to construct a pedestrian trail within the right-of-way. The requirement of a fee-in-lieu of construction of street improvements would result in the applicant being required to pay for two different and conflicting improvements within the same street right-of-way.
- C. The reasoning behind the imposition of the condition is that it is required per CDC 92.010. That provision relates to required improvement of street rights-of-way “**within subdivisions**” (emphasis added). Cornwall Street is an existing street right-of-way that abuts, but is not within, the proposed subdivision. For that reason, CDC 92.010 is inapplicable to the improvement of Cornwall Street.

Thank you for your consideration of these proposed modifications to the conditions of approval. We look forward to answering any questions you may have about these changes at the public hearing.

Sincerely yours,



Rick Givens

CC: Jennifer Arnold  
Mark Handris  
Mike Robinson  
Darren Gusdorf