



CITY OF West Linn

Memorandum

Date: November 4, 2020
To: West Linn Planning Commission
From: Jennifer Arnold, Associate Planner
Subject: SUB-20-01 – 6-Lot Subdivision at 4096 Cornwall Street

On October 12, 2020 Staff received testimony from Alice Richmond expressing support for the proposal.

On October 29, 2020 Staff received testimony from Robert Jester on behalf of BHT NA with a resolution from the Neighborhood Association expressing concerns regarding the geotechnical report, traffic/road connection, Stormwater, and the emergency gate.

On November 3, 2020 Staff received additional testimony from William House expressing concern regarding geological interpretations.

On November 3, 2020 Staff received testimony from Darin Stegemoller expressing concerns regarding the subject application and asked many questions.

On November 3, 2020 Staff received testimony from Bob Mendel expressing concerns regarding traffic and drainage.

On November 4, 2020 Staff received a corrected geotechnical report from the applicant. This does not include new information but corrects a typo in the previously submitted materials.

On November 4, 2020 Staff received additional testimony from Pam Yokubaitis expressing her concerns regarding this application.

I am familiar with this site -
6 lots is agreeable for family
residency. nearby school a
perfect location for children too
as this school has been
improved to absorb more
children - Alice Richmond

Alice Richmond
P.C.N.A Pres.
503 723 010
Oct 1st 2020

CITY OF WEST LINN PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. SUB-20-01

The West Linn Planning Commission will hold a virtual public hearing on **Wednesday, October 7, 2020 at 6:30 pm** to consider a 6-lot subdivision request in the R-10 zone at 4096 Cornwall Street.

The Planning Commission will decide the application based on criteria applicable to Subdivision Review in Chapters 11: Single-Family Residential (R-10), Chapter 48: Access, Egress and Circulation, Chapter 85: Land Division General Provisions, Chapter 92: Required Improvements, and 99 of the Community Development Code (CDC).

You have been notified of this proposal because County records indicate that you own property within 500 feet of the subject property (Clackamas County Assessor's Map 2S-2E-36BA, tax lot 6300), or as otherwise required by Chapter 99: Procedures for Decision Making: Quasi-Judicial of the CDC.

The complete application is posted on the City's website, <https://westlinnoregon.gov/planning/4096-cornwall-street-6-lot-subdivision-0>. Alternatively, the complete application is available for inspection at no cost at City Hall, or copies can be obtained for a minimal charge. The staff report will be posted on the website and available for inspection at City Hall ten days before the hearing.

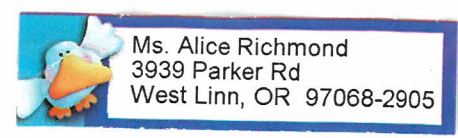
It is important to submit all testimony in response to this notice. All comments submitted for consideration of the application should relate specifically to the applicable criteria. Failure to raise an issue at the hearing or by written comment, or failure to provide sufficient specificity to respond to the issue, precludes raising the issue on appeal or before the Land Use Board of Appeals.

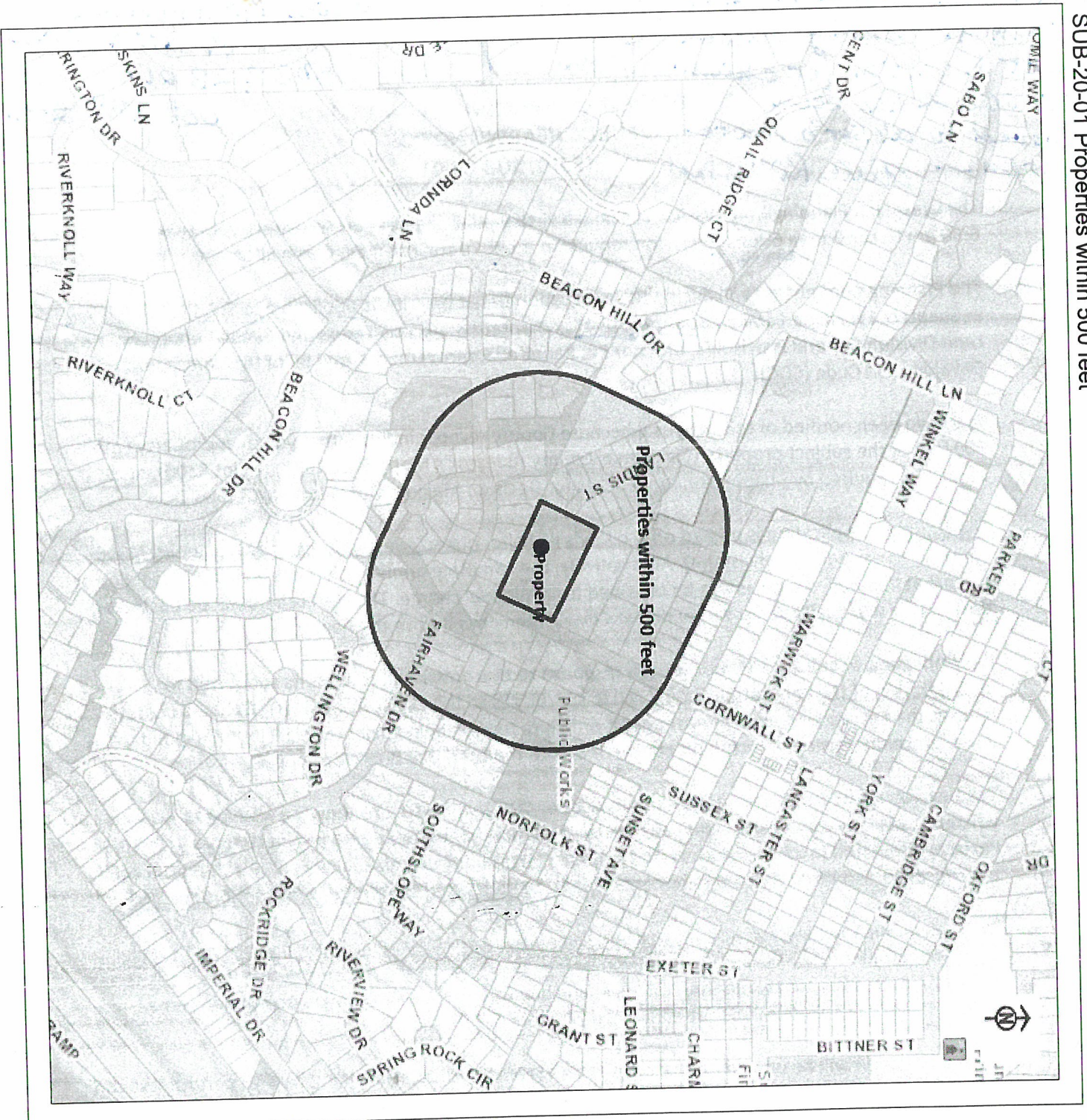
The hearing will be conducted following the rules of CDC Section 99.170. **Anyone wishing to present written testimony for consideration shall submit all material before 12:00 pm on October 7, 2020.** Persons interested in party status should submit a letter outlining all concerns about the proposal by the comment deadline. **Written comments should be submitted to jarnold@westlinnoregon.gov.**

To speak during the meeting, go to <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> to complete the speaker sign-up form before 12:00 pm on the day of the meeting. Instructions on how to access the virtual meeting will be emailed before the meeting. If you do not have email access, please call 503-742-6061 for assistance 24 hours before the meeting.

The final decision will be posted on the website and available at City Hall. Persons with party status can appeal the decision by submitting an appeal application to the Planning Department within 14 days of the final decision date.

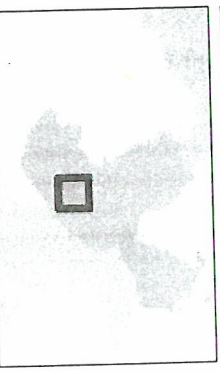
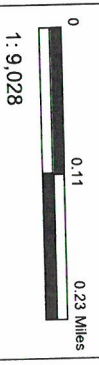
Contact Jennifer Arnold, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6057 for additional information.





Legend

- City Limit
- Parks and Open Space
- City Owned Property



Notes

This map was automatically generated using Geocortex Essentials.

From: [jjtjester](#)
To: [Planning Commission \(Public\); Arnold, Jennifer](#)
Cc: [Cargni, Grace](#); [Pia Snyder](#)
Subject: BHTNA RESOLUTION ATTACHMENT To Planning Commissioners
Date: Thursday, October 29, 2020 1:49:07 PM
Attachments: [BHT NA Resolution #02-27 HP0002.pdf](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Sent from my Verizon, Samsung Galaxy smartphone

Members of the Planning Commission

Please allow me to introduce myself, Robert Jester, BHTNA President. I am a native Oregonian born in Astoria and I have been an active community homeowner in West Linn since 1997.

At our annual meeting of the BHTNA on Wednesday 10-22, after extensive discussion and consideration we unanimously passed the attached resolution. In addition we elected Pam Yokubaitis as BHTNA leader and official representative "to address all matters pertaining to any proposed development at 4096 Cornwall St. on behalf of the BHTNA.

I reached out to Sunset NA President, Legion Anders to coordinate any joint concerns but got no response.

In addition to my role on the neighborhood association, I am also on the board of the Barrington Heights HOA. The HOA meets on the same day and time as the Planning Commission.

If it were not for this conflict, I along with the NA VP Grace Cargni, would be testifying before the committee next week.

I submit the above resolution and this email to be included as part of the official record.

I thank each of you in advance for your thoughtful consideration of our resolution.

Best,
Robert Jester
BHTNA President

Barrington Heights, Hidden Creek Estates and Tanner Woods
Neighborhood Association (BHT NA)
Virtual Annual Neighborhood Association Meeting via Zoom
October 22, 2020 6:30 -7:30 PM
BHT NA RESOLUTION # 02-27

**This BHT NA Resolution Finds DEFICIENCIES in ICON's Proposed Development SUB-20-01
located at 4096 Cornwall Street in West Linn, Oregon 97068**

Whereas it is the responsibility of the Barrington Heights, Hidden Creek Estates and Tanner Woods Neighborhood Association (BHT NA) Board of Directors to protect the livability, quality of life, safety and property values of the residents within our the BHT Neighborhood Association (NA).

Whereas BHT NA collaborates with other NA's and their residents outside of our own NA boundary when similar concerns are shared about issues that affect West Linn residents and our community at large.

Geotechnical Issues

Whereas ICON submitted Carlson's Geotechnical 1/7/2016 report for a third time, in this new application. The last sentence in this report states: "This report is subject to review and should not be relied upon after a period of 3 years". Thus, Carlson's geotechnical report is no longer valid for ICON's newest application. The application does not satisfy the approval criteria CDC 85.200 requiring a geotechnical report and the supplemental requirements of 85.170. Whereas Mark Handris did not submit the promised hydrogeological report the stated the would provide when attending the joint BHT and Sunset NA meeting in January 2020 at Sunset School. Mr. Handris misrepresented the application to the neighborhoods and the application must be deemed incomplete until compliance with the WL CDC 99.038 is demonstrated.

Whereas ICON failed to act on 2 recommendations in a 12/18/19 letter from their new Engineer of Record, GeoPacific Engineering, who reviewed the outdated Carlson Engineering geotechnical report. GeoPacific instructed ICON to "update the information regarding seismic design from the original report", and "onsite infiltration is not feasible and in fact is more likely to increase runoff potential from LOTS 2 through 6". There is no evidence to support the two proposed plat maps are designed to mitigate the full extent of the hydrogeological risks on the site.

Whereas the "Public Testimony: Willow Ridge Geologic and Hydrologic Risk Parameters" report written by geologist Bill House, MS has two key findings:

1. The ICON application does not recognize the presence of a perched water table outcropping on the Willow Ridge slope at approximately 460 feet above sea level (ASL). Flooding and slope stability risks associated with this geological feature are not addressed in the Willow Ridge Development application (Exhibit 7).
2. Geological risk from shallow landslides is discussed in the application, but these discussions do not include an analysis of how groundwater flow from the perched water table may affect slope stability, nor do they specifically address slope instability issues related to the excavation of slope-toe materials along the perched water table (Exhibit 10).

Whereas ICON has no responsibility for mitigating water or landslide damages incurred to any surrounding homes. The fact that home owners insurance doesn't insure customers for water or landslide damage puts not only the residents at risk, but the West Linn community as well. These are justifiable reasons, as well as a moral responsibility, to require a Hydrogeologist, Professional Engineer (PE) to evaluate constrained land with known hazards.

Barrington Heights, Hidden Creek Estates and Tanner Woods
 Neighborhood Association (BHT NA)
 Virtual Annual Neighborhood Association Meeting via Zoom
 October 22, 2020 6:30 -7:30 PM
 BHT NA RESOLUTION # 02-27

Traffic/Road Connectivity

Whereas, multiple safety issues make the Landis/Cornwall Street connection hazardous for traffic. Landis Street can't be built to the end of Cornwall Street, and make a 90 degree turn because the land drops off/is too narrow, and encroachment onto private property would be required. Blindspots in both directions exist on Landis Street near the Stonegate Lane bridge due to a massive rock wall. Landis Street in Stonegate is only 24' wide and is not able to safely accommodate 400+ cars/day with 2 lane traffic and parked cars on either side. Cornwall and Landis were *never intended* to connect because 4096 Cornwall was designated to become Phase 2 of Stonegate. Road connectivity is *strongly objected to* by all surrounding residents because Sunset road can instead connect in the future to the Stonegate Lane bridge through the North Landis Street stub out. This offers a much shorter and direct path to Stonegate Lane Bridge.

Emergency Gate

Whereas the fire department /EMS is the authority on what is/isn't acceptable for an emergency gate. The fact that there isn't enough land to build the width of Landis Street to Cornwall Street and make a 90 degree turn onto the end of Cornwall Street is problematic. Although a narrower emergency access path is an alternative, it is clearly an inferior option because the end of Cornwall Street currently doesn't have *any* space to turn a car around in, without using someone's private driveway. NO blockade exists to stop travelers from driving off the cliff, except heavy brush. Landslide hazards are also a serious consideration in this location where the soil has dropped significantly.

Stormwater

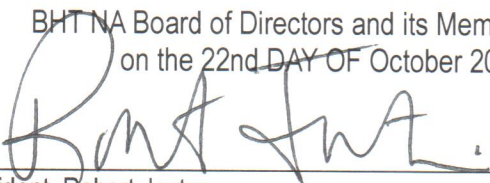
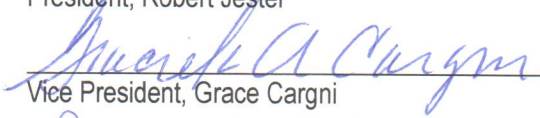
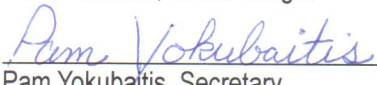
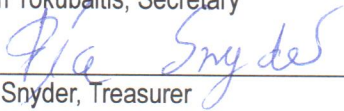
Whereas until this property is scrutinized by a Hydrogeologist PE to determine IF and WHERE it is safe to build, and how to manage the 2 aquifers and steep slopes that drain water into protected wetlands below in the Tanner Woods subdivision is identified, only then can a new plat map be designed for consideration.

NOW, THEREFORE, BHT NA RESOLVES that ICON's proposed development at 4096 Cornwall Street (SUB-20-01) be denied by the West Linn Planning Commissioners for multiple deficiencies noted in ICON's application. Of note: ICON submitted 2 plat maps under one application for SUB-20-01. Both maps were previously submitted and denied.

VOTING TABULATION FOR RESOLUTION APPROVAL:

YES: 7 NO: 0 ABSTAIN: 0

BHT NA Board of Directors and its Members PASSED AND APPROVED THIS RESOLUTION
 on the 22nd DAY OF October 2020 during our BHT NA Virtual Annual Meeting

 _____ President, Robert Jester	Deny 10/22/2020 _____ Vote Date
 _____ Vice President, Grace Cargni	Deny 10/22/2020 _____ Vote Date
 _____ Pam Yokubaitis, Secretary	Deny 10/22/2020 _____ Vote Date
 _____ Pia Snyder, Treasurer	Deny 10/22/2020 _____ Vote Date

Planning Commission Hearing: 4096 Cornwall Street- 6 Lot Subdivision

Hearing Date: 11/04/2020

Public Testimony by William House

Reference: Applicant Supplemental Submittal for 11/4/20 Hearing

Geological interpretations are, by nature, extrapolations of existing data points. Because of geological uncertainties the question is not one of right or wrong, but rather, which interpretation is most reasonable. Studies by Icon and its contractors state that the local prevalence of flat-lying basalts is not applicable to the Willow Ridge Estates property. They also interpret that the nearest well to the property is not sufficiently representative of the Willow Ridge Estates' very local conditions. Specifically, they interpret that the perched water table document by a water well just north of the property line does not extend to the Willow Ridge property, and they conclude that "*the aquifer theorized to outcrop on the site is not present.*"

Their interpretation presumes an anomalous break in the subsurface geology, but hard evidence for this interpretation is lacking. Additional geological mapping and an exploratory borehole on the property would be the most effective way to understand actual subsurface conditions at Willow Ridge Estates and determine if seasonal subsurface flow in the known adjacent perched aquifer is a threat to either existing or planned homes.

Exhibits from original testimony by William House are referenced below and attached to this document.

Exhibit 6 shows where the perched aquifer outcrops if the basalt layers are horizontal, as they are immediately to the east of this area.

Exhibit 7 shows a geological cross-section based on horizontal strata.

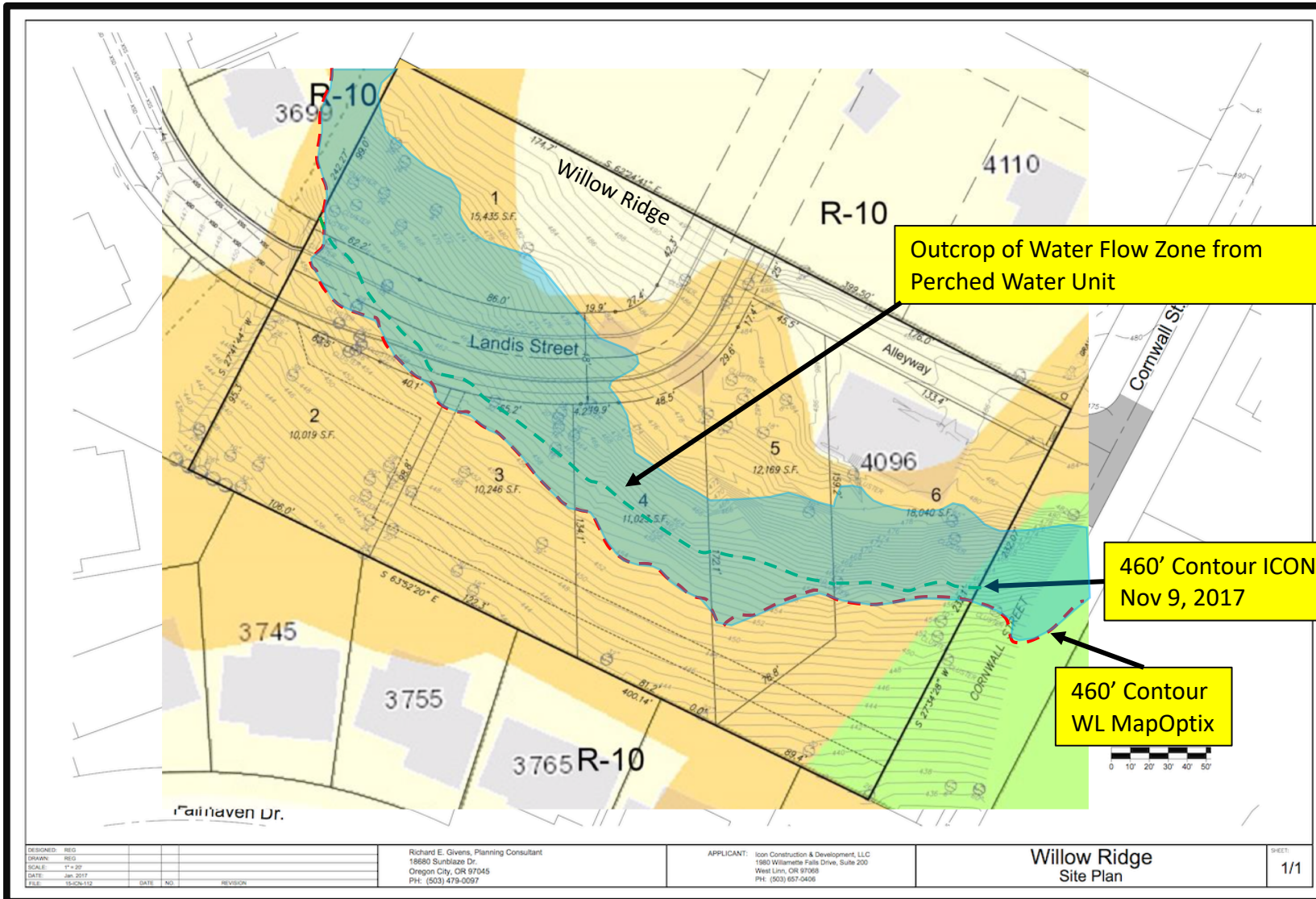
Exhibit 7a shows the close proximity of the Reed Street Well to Willow Ridge Estates.

Exhibit 8 shows where water from a new spring flooded the property of Chelsea Diaz (Public Testimony Dec. 2017). The blue is the interpreted outcrop of the perched aquifer. Evidence supporting a major change in the subsurface geology between Willow Ridge Estates and the adjacent properties a mere 100 feet away does not exist. Without additional data, a perched aquifer outcropping on the Willow Ridge slope is the most reasonable geological interpretation.

Exhibit 6

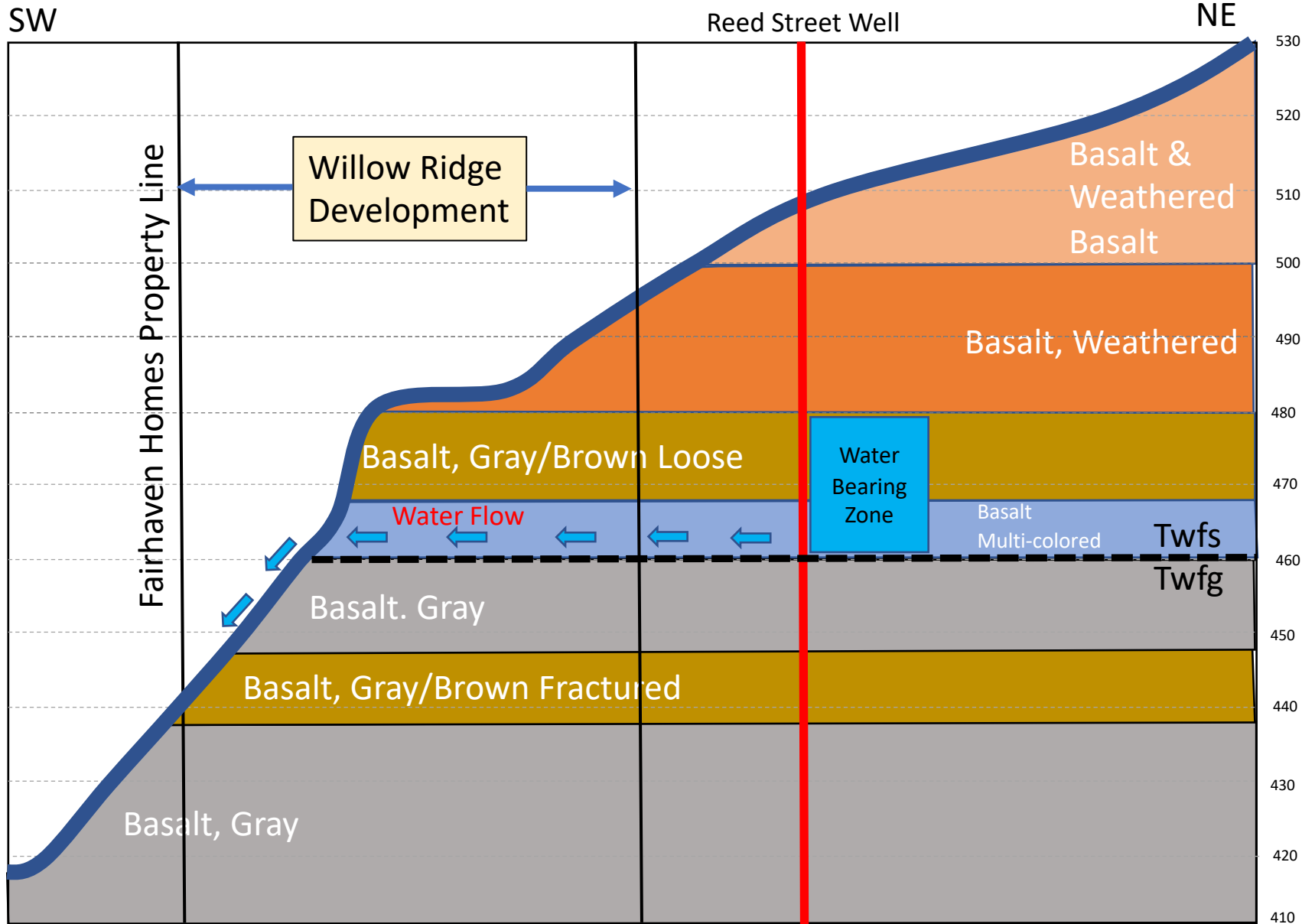
Estimated Water Flow Zone based on the Reed Street Well (Uses terrain contours from MapOptix)

Reasons for differences between the ICON map contours and the MapOptix terrain contours are unknown

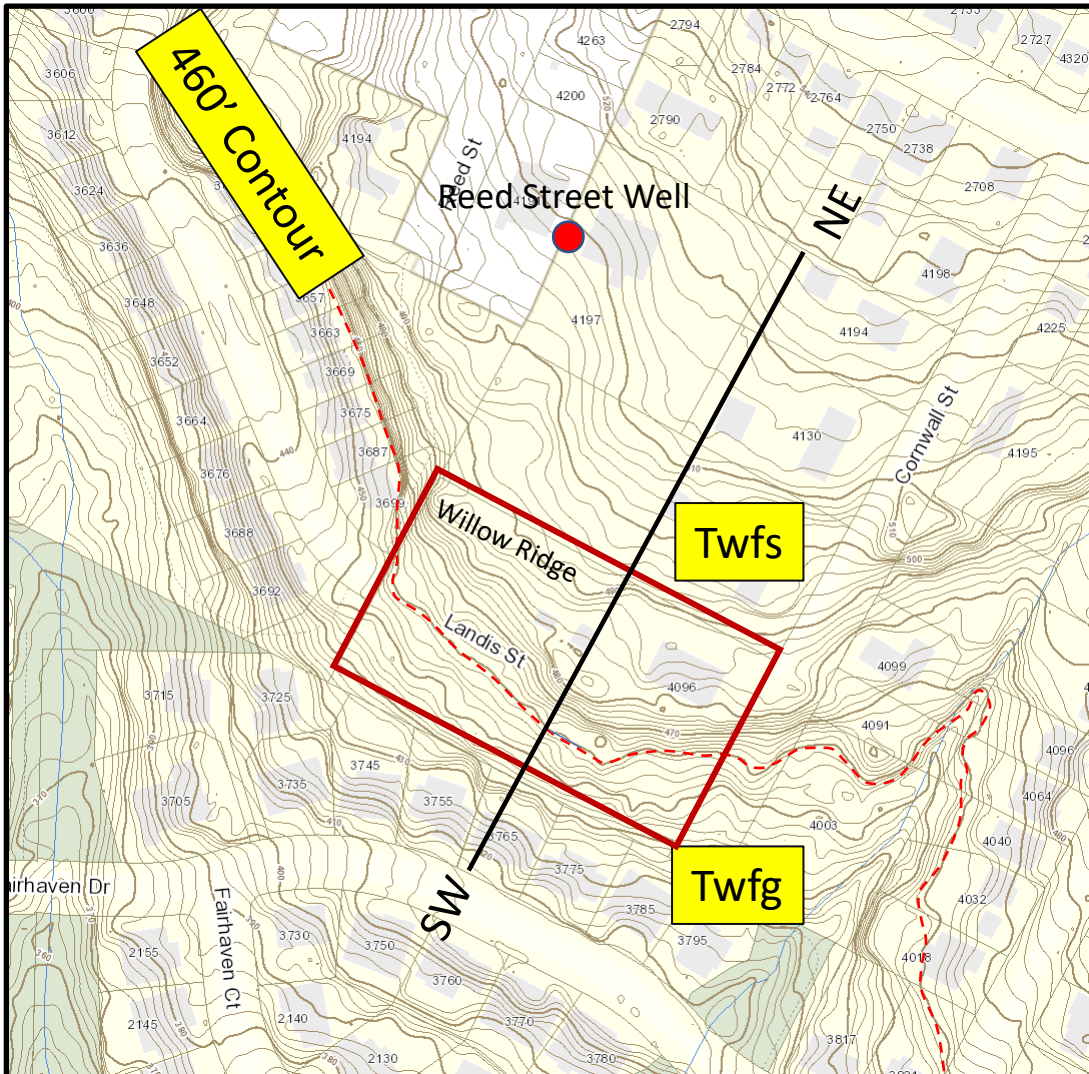


Geologic Cross Section (Profile)

Elevation
(feet asl)



Location map for geologic cross section



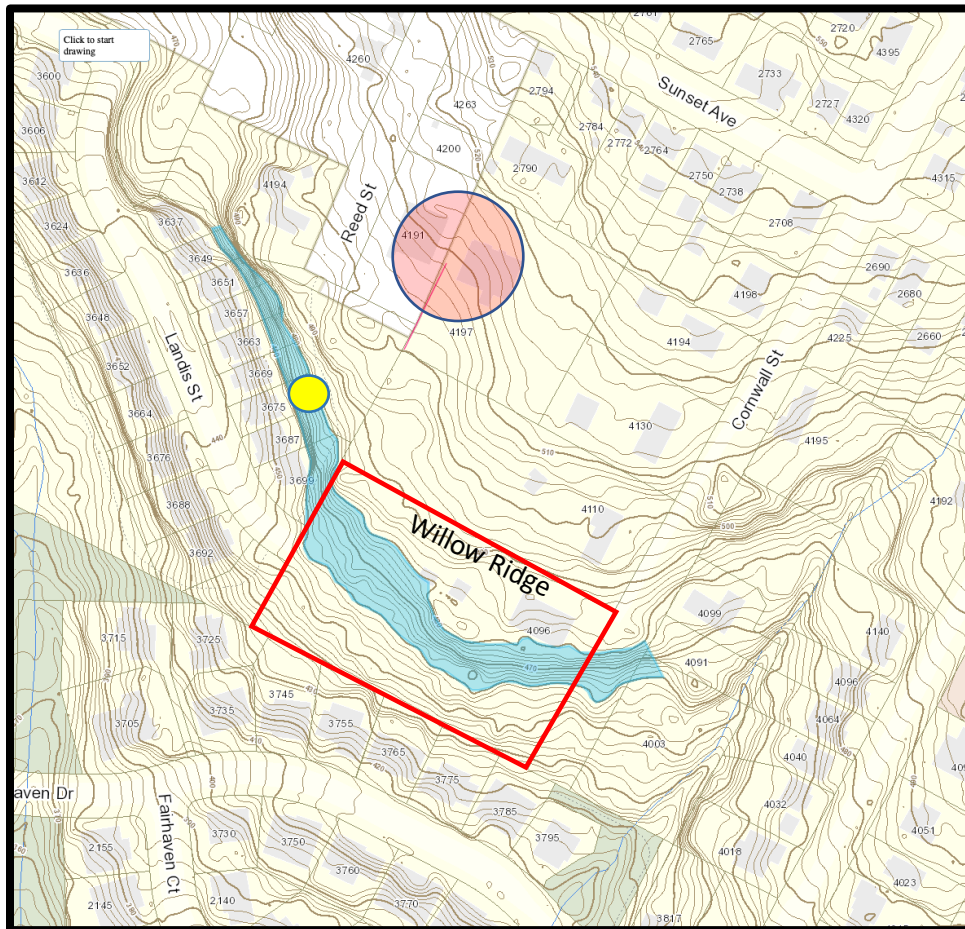
This map shows the location of a geologic cross section that runs in a NE-SW line across the center of the proposed Willow Ridge development.

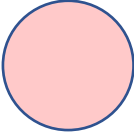

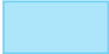
The Reed Street Well is projected into the cross section based on a ground surface elevation of 508' ASL

Public Testimony Dec. 2017:

“After two homes behind and above us began construction located at 4191 Reed Street and 4197 Reed Street, I noticed water streaming between the boulders in my 25 foot retaining wall into my back yard. I then began an lengthy process of trying to find where the water was coming from. After a landscape developer investigated the issue, he determined that a new spring had formed in the upper tier of my back yard.”

This demonstrates the clear connection between construction and changes in drainage above the slope and increased water flow through the “water flow zone” marked in blue.



-  New construction
-  New spring location
-  Outcrop of water flow zone

November 3, 2020

Testimony for 11/4/20 PC Hearing
ICON Development Concerns
SUB – 20 – 01
4096 Cornwall Street
West Linn

TO THE WEST LINN PLANNING COMMISSIONERS:

As a homeowner of 3755 Fairhaven Drive, I have several concerns / questions regarding the proposed ICON development adjacent to our home. I request that the City respond to my questions and concerns prior to considering review and approval of the pending Development Review Application submitted by ICON.

1. Why is ICON submitting two plans under one application? It is my understanding ICON has previously been directed by the City to submit separate applications. Should this application be rejected per previous direction provided by the City, it is necessary to clarify exactly what ICON is proposing Tentative Plan or Plan B? Did ICON do this to save application fees in lieu of submitting separately?
2. If the City does approve this application will only one plan be approved or both? I assume only one plan would be approved so there is absolutely no confusion. This application should be rejected and resubmitted with only one proposed plan.
3. Waterline service – I am concerned we will experience water pressure issues with additional homes added to the City system. What testing has been completed to verify and confirm the existing capacity and will we experience any change in water pressure? Have flow calculations been completed by a PE? If so, please provide a copy of the report.
4. Sewer capacity – What impact will this have on our existing sewer systems? Why is the City paying for this improvement with our tax dollars? Typically, the developer pays for these utility modifications.
5. Light pollution plan – I have 3 bedrooms and a bathroom on the backside of my home facing the proposed development. How will ICON guarantee there will not be flood lights from the new homes invading privacy, disturbing sleep, etc. I suggest that flood lights not be allowed on any of the new homes or have a limitation such as no more than x candle lights.
6. Page 26 of the application, Chapter 55 – Design Review, B. Relationship to the natural and physical environment, 2.b – There is a discrepancy in the quantity of significant trees with this designation. The City Arborist states 38, however ICON states 40 in their “Comment”. I assume

the City Arborist data is correct, thus ICON is proposing to remove 65.8% of the significant trees. Please clarify.

7. Why are the 7 significant trees along proposed lot 2 & 3 being destroyed when these trees provided natural shade, reduce light pollution and increase privacy between the proposed development and the existing homes?
8. What is ICON's plan for replacing trees to restore the natural landscape destroyed? Is a landscape plan available for review by surrounding neighbors?
9. The edge of the easement for the Tentative Plan to the Sanitary Sewer and Storm Sewer is 35' from the fence line of the existing homeowners, however this is reduced to 0' on the Plan B proposal. This means the centerline of the sewer line will be 42.5' from the existing fence line on the Tentative Plan but only 12.5'. Is the City okay with this reduced easement? What is the depth of the excavation for this sewer line / SAN MH 1-2 and how will ICON protect the adjacent fence line?
10. What is ICON's proposed plan to protect our adjacent properties during construction? Note my fence has already been damaged by activity on this slope pushing debris up against my fence.

See photos below:





11. Will ICON be replacing the entire existing fence line after construction? If their plan is to only do repairs, then it will stand out and not be aesthetically appealing.
12. The proposed location for the Silt Fence runs through the drip line of the significant trees. Please have the City Arborist address this issue during review. It is my understanding the silt fence should not encroach the drip line.
13. It is my understanding there are still several unanswered questions regarding the potential land slide hazards and if the site is even a Buildable Site because of the existing below grade water conditions. Due to these concerns if this application is approved, then as a homeowner I believe ICON should be required to provide at ICON's expense each homeowner an insurance policy against flooding and land slide damage for a minimum of 10 years. The homeowners would be the named insured on the policy and ICON would be required to escrow the funds required for premium payments prior to the City issuing a permit to start construction. The policy terms and conditions shall be mutually agreeable between the Homeowners and ICON. This is necessary because, the developer must be held accountable for damages to surrounding property.

Darin Stegemoller, Hidden Creek Estates Subdivision

**ICON'S PROPOSED DEVELOPMENT SUB-20-01
4096 CORNWALL STREET
PUBLIC TESTIMONY
TRAFFIC IMPACT ANALYSIS AND DRAINAGE ANALYSIS**

**ROBERT MENDEL
TANNER STONEGATE BOARD OF DIRECTORS MEMBER
NOVEMBER 4, 2020**

**1. ARD ENGINEERING TECHNICAL MEMORANDUM
WILLOW RIDGE TRAFFIC IMPACT ANALYSIS-UPDATE
OCTOBER 28,2020**

The ARD Willow Ridge Impact Analysis-Update, October 28, 2020 uses the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition. The study should use the supplement Multimodal Transportation Impact Assessment for Site Development, which addresses pedestrian, bicycle automotive and truck traffic.

The West Linn Planning Commission favors the "Alternative Plan". Ard's report states on page 5 of 7 of the Traffic Impact Analysis that 25% or 15 trips from Willow Ridge will use Cornwall Street which means 45 trips per day would use Landis Street. Landis Street would generate 200 trips per day. Using your logic, then 25% of the Cornwall Street would use Landis Street or 23 daily trips, which would mean 268 daily trips on Landis Street. Add 320 trips per day from surrounding areas to proposed 268 trips per day equals 588 trips per day, a 294% increase in traffic. If you take a 12 hour "traffic day", which could be 90% of traffic or 540 trips. This means 45 trips per hour or a vehicle every 1.3 minutes. Think of children safety, noise and congestion. Landis is a residential street not a major artery.

The impact on Cornwall does not address how much Landis Traffic will add to daily trips. It addresses the additional 320 trips, plus 15 trips from Willow Ridge, 90 from Cornwall, which is 425 trips but no impact from Landis Street vehicles.

2. THETA DRAINAGE ANALYSIS OCTOBER, 2020

The Drainage Analysis depicts only the Alternative Plan, however, the Tentative Plan is the preferred plan. The Drainage Analysis shows that only Lot 1 will divert storm water to the Landis storm water system. However, without the Cornwall Street revision as identified in the Drainage Analysis, what is the impact on the Landis Street storm water system for the Tentative Plan. The Drainage Analysis must include the effect to the Tanner Stonegate bio swale and drainage area for the Tentative Plan and Alternative Plan.

ICON plans to divert storm water in the Landis Street storm water system and there has been no contact between ICON and Tanner Stonegate HOA regarding their proposed Willow Ridge Development storm water tie-in and potential impact on the Tanner Stonegate bio swale and drainage area. Tanner Stonegate HOA has no interest in adding Willow Ridge liability to our bio swale and drainage system. Tanner Stongate also has no interest in adding the Willow Ridge development liability to the Tanner Stonegate Homeowners Association.

3. SUMMARY

1. Landis Street is a problem street because West Linn Planning Department allowed narrowing of the road close to Stonegate Lane. There are no mitigation plans addressing traffic flow and safety issues for two blind spots. Heading east on Stonegate Lane at Landis Street and heading north on Landis Street by the narrowed portion at 3637 Landis Street.
2. The Traffic Impact Analysis Update is flawed in that it does not address how traffic flows from Landis Street to Cornwall Street and from Cornwall Street and Willow Ridge residents to Landis Street as well as the additional 320 daily trips.
3. The Traffic Impact Analysis must define total impact on Cornwall Street, Landis Street, the intersection of Stonegate Lane and Beacon Hill Drive, address increased traffic and congestion related issues and plan for student safety at the bus stop for the Alternative Plan.
4. The Traffic Impact Analysis does not address what a “trip” is.
5. The Traffic Impact Analysis does not use ITE Trip Generation Manual 10th Edition, Supplement, Multimodal Transportation Impact Assessment for Site Development. ITE states the Supplement’s “significantly expanded database includes a description of walk, bicycle, transit, motor vehicle and truck trip generation associated with an individual development site or land use.”
6. The Drainage Analysis needs to address the Tentative Plan and the Alternative Plan
7. The Drainage Analysis must include the effect to the Tanner Stonegate bio swale and drainage area for the Tentative Plan and Alternative Plan.
8. There is no plan how Willow Ridge residents will support the Tanner Stonegate bio swale maintenance.
9. What is the plan to monitor the Willow Ridge “planters”?
10. What is the mitigation plan if “planters” fail or are removed by Willow Ridge homeowners? What is the impact to the Tanner Stonegate bio swale?
11. Tanner Stonegate HOA has no interest in adding Willow Ridge liability to our bio swale.
12. Tanner Stonegate HOA has no interest in adding Willow ridge liability to our HOA.
13. If the Willow Ridge development is approved, it is required that the city take responsibility of the Tanner Stonegate bio swale and Tract C of Tanner Stonegate development.

Commented [BM1]:



Real-World Geotechnical Solutions
Investigation • Design • Construction Support

November 4, 2020
Project No. 19-5378

Icon Construction
1980 Willamette Falls Drive, #200
West Linn, OR 97068
Phone 503-657-0406
Email: darren@iconconstructino.net; rickgivens@gmail.com

**SUBJECT: GEOTECHNICAL REPORT CORRECTION
WILLOW RIDGE ESTATES AKA CORNWALL STREET SUBDIVISION
WEST LINN, OREGON**

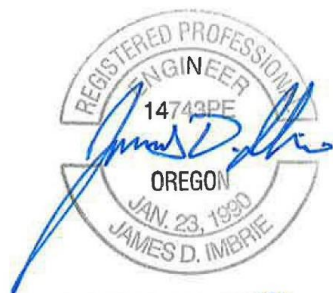
Reference: GeoPacific Engineering, Inc., Geotechnical Report, Willow Ridge Subdivision, 4096 Cornwall Street, West Linn, Oregon, October 23, 2020.

This letter corrects the date on Page 3 of the above-referenced report from October 14, 2018 to October 14, 2020. Please note that the explorations were recently conducted.

We appreciate this opportunity to be of service.

Sincerely,

GEO PACIFIC ENGINEERING, INC.



EXPIRES: 06/30/2021

James D. Imbrie, G.E.
Geotechnical Engineer

TESTIMONY FOR WEST LINN PLANNING COMMISSIONERS
Regarding ICON's Proposed Development: SUB -20-01 at 3096 Cornwall Street
November 4, 2020
by Pam Yokubaitis, MPH, RHIA, FAHIMA
BHT NA Secretary and Hidden Creek Estates Subdivision Representative

RESPONSE TO APPLICANT'S WRITTEN DOCUMENTATION ABOUT 4 TOPICS
THIS IS A CONTINUATION OF THE HEARING THAT STARTED ON 10/7/20

GEOTECHNICAL ISSUES

1. WHY are we reviewing 2 plat maps for this one application when *both maps were previously reviewed by this Planning Commission for consideration and were denied!* It is not reasonable nor appropriate to discuss two different options in one application. This is confusing, against application rules, and is a pointless exercise to discuss issues that were previously rejected. Historically speaking, the tentative version plat map was withdrawn by the applicant at the first hearing. The Alternate plan was presented in the second hearing, which was not only denied by the Planning Commission, but it was *also* denied by a third party referee when ICON appealed the Planning Commissions decision. Given these circumstances, it is expected that a NEW PLAN would be provided with a different design for consideration. **A RESUBMISSION OF THE SAME PLAT PLANS PREVIOUSLY WITHDRAWN & DENIED MEANS THE APPLICANT'S 2 PLAT MAPS HAVE ALREADY BEEN REVIEWED AND REJECTED, so there is no further need for discussion. PERIOD.**

2. As pointed out in the first half of this hearing on 10/7/20, this application was deficient because it didn't include an updated geotechnical report. No one was aware the Carlson Engineering report had expired four and a half years ago. The very last sentence in their report, written 1/7/16, stated on page 141 declared: "This report is subject to review and should not be relied upon after a period of 3 years." **THE LACK OF SUPPLYING THIS REQUIRED DOCUMENTATION ON 10/7/20 IS GROUNDS FOR DENYING THIS APPLICATION.** Although a new report was supplied by GeoPacific Engineering, Inc., during this 3 week lapse in time between the first and second half of this hearing, we now stand at a cross road of 2 different geological opinions from William House (representing the residents) and GeoPacific Engineering, with others (representing the applicant). What truly lies beneath the surface of this property (1-2 aquifers?) has yet to be determined with hard evidence. "Geological mapping and an exploratory borehole on the property would be the most effective way to understand actual subsurface conditions at Willow Ridge Estates and determine if seasonal subsurface flow in the known adjacent perched aquifer is a threat to either existing or planned homes" states William House. (Planning Commission Hearing Testimony: 4096 Cornwall Street - 6 Lot Subdivision, Hearing date 11/4/20, second paragraph). **Neither GeoPacific nor the hydrologist, Roger N. Smith pursued hard evidence to prove or disprove the suggested existence of aquifer(s) on this property, which is the key to understanding this water draining and landslide prone hazardous land. As such, this makes their reports inconclusive and incomplete in performing a thorough evaluation of this property as a geotechnical report.** With 60+ surrounding properties at risk of repeating a Sunset School nightmare with springs popping up on private property, such exploration must be completed to vet this land and determine its suitability to be built upon. As GeoPacific stated under "Uncertainties and Limitations on page 15: "Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study." Hard evidence that probes much deeper than 15 feet into this land is necessary to vet this property properly and to learn if and where it's safe to build.

3. GeoPacific's report is informative, thorough and the expertise of the many Professional Engineer contributors is impressive. Regrettably, these professionals have only been hired to "prepare this report for the owner and their consultants for use in design of this project only," (Uncertainties and Limitations

first paragraph), or in other words, just make the applicant compliant so their application is approved after their gross omission was brought to their attention. What is noticeably lacking and of greater importance is GeoPacific's future role and involvement in the construction of this development, because "Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations.... Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications. (Uncertainties and Limitations, pg 15, second paragraph). To be clear, there is deep concern shared by the surrounding residents that with constrained land, extra precautions and frequent monitoring IS NECESSARY. Without the builder securing such oversight throughout construction, there is concern that cutting corners, negligence, oversights, carelessness, and lack of compliance to required standards could very easily lead to property damage to surrounding homes - *which is not covered by homeowners insurance!* **"For the record, let it be known that should property damage occur to any surrounding homes outside of 4096 Cornwall Street, (as happened with Sunset School), a class action lawsuit was already mentioned to the applicant at the joint Sunset and BHT NA meeting in January 2020 to express the seriousness of this matter, and emphasize the need to be very diligent about this proposed development.** Residents are fearful of property damage because many homes are below and beside this property where springs could pop up. This is exactly why professional expertise has been repeatedly requested...the stakes are high for numerous homeowners *and* our community.

4. In the GeoPacific Report and hydrologist's report it was mentioned that not much water was found in the test pits. Given the fact that 4096 Cornwall's land is entirely covered with black berry bushes right now, and there are numerous thirsty significant trees, minimal water found in the test pits at this time of year should be of no surprise because there is extensive vegetation across this entire property consuming water, as compared to grasses in the summer. Testimony from Pia Snyder in June, 2017 can be found online. Within her testimony are numerous photos of springs on 4096 Cornwall property, ponding water, erosion of soil between houses on Fairhaven Drive, and Pia's boots are stuck in mud over her ankles in the center of the 4096 Cornwall, where a pond was originally located, per Ed Turkisher. Ed Turkisher testified a tractor sunk on this property in the past and the ground had to dry out before it could be dug out to drive away. All this history and photographic evidence substantiates that water is coming from somewhere from the land above, which is why William House's findings are worthy of further investigation. We have shared everything we know about this property to be fully transparent for the benefit of everyone. Everyone involved in this is matter is our West Linn neighbor. This our collective community, so we have worked in good faith to do what's in the best interests of our neighbors and West Linn as a whole.

STORM WATER/RAIN GARDENS

1. Rain gardens are suggested at the bottom of the slope for each yard.
2. Who will confront a homeowner who rips it out because they want something else to look at in their back yard?
3. What happens if the plants die? Who will replace them?
4. Since these function as water cleaners, who will ensure the maintenance of these gardens so they all function equally well and that they are serving their purpose prior to releasing water into Cornwall Creek and and Tanner Creek?
5. When can the residents review the drawings for the entire water management system? This is a genuine concern of the residents directly below 4096 Cornwall Street.

RNSA Report, page 3: Regarding Test Pit 1, top paragraph: The groundwater appears to be moving *laterally* rather than vertically until it intercepts the permeable top soil and root permeable zone 3 to 4 feet thick then flowing downslope.... **This statement supports William House's theory.** *But this statement*

conflicts with the last paragraph in the RNSA conclusion: “No springs were seen on the property during site work and there does not appear to be any groundwater flowing horizontally through an underlying basalt interflow zone as suggested by William House’s cross section.” (Public testimony October 7, 2020)

TRAFFIC AND ROAD CONNECTIVITY/ARD REPORT

1. Both plat maps promote road connectivity of Landis to Cornwall Street (eventually), so *neither plat map is acceptable to any of the residents*. It is a ruse to think one plan benefits the residents and the other may be more desirable to the Planning Commissioners. Both plat maps were *denied*, so start over and create a new plan.
2. **CITY STAFF:** ALL OF THE SURROUNDING RESIDENTS STRONGLY OPPOSE LANDIS AND CORNWALL STREETS CONNECTING! HOW MANY MORE SIGNATURES DO WE NEED TO SUPPLY TO MAKE THIS UNDERSTOOD AT EVERY HEARING WE’VE TESTIFIED AT???? DO YOU HEAR US????? *This idea is as ill thought out as turning Cornwall Creek into a retention pond! You have multiple other options, so pursue those ideas and stop altering YOUR NEIGHBORS quality of life and affecting our property values! Citizens First!!!!*
3. ARD Report: Page 2, 1st paragraph: *Correction:* Landis Street has a width of 25 feet, NOT 28.
4. ARD Report: Page 2, 1st paragraph: *Correction:* Continuous curb-tight sidewalks are in place along the west (*SOUTH, not West*) side of the roadway...
5. ARD Report: Page 2, 1st paragraph: *Correction:* Partial sidewalks are also in place along the east (*NORTH not East*) side of Landis Street, but...
6. ARD Report: Page 2, 1st paragraph: *Correction:* Existing partial sidewalks are also in place along the north (*SOUTH, not North*) side of Stonegate Lane. (See Pam Yokubaitis past testimony titled FOUR MAJOR TRAFFIC SAFETY ISSUES (in Stonegate, with photos)
7. *Correction:* The width and design of Landis Street is typical of a queuing street, which may (*DOES NOT, not may not*) fully accommodate simultaneous two-way travel at all points. (See photo of single car passing between 2 parked cars in prior testimony as justification for this correction.)
8. ARD Report: Page 2, 3rd paragraph: *Correction:* The street (Cornwall) has a paved width of 15 to 20’ (no, 14’ -18’ feet wide), with no sidewalks on either side of the roadway.
9. ARD Report: Page 4, 1st paragraph, Tentative Plan states: Under the tentative site plan, Landis Street would be extended through the site, connecting to the southern end of Cornwall Street. **This street connection is contemplated in the city’s Transportation System Plan as project LSC-16 “Landis Street extension to Cornwall Street” and is indicated as having priority “low”. SO THE LANDIS CORNWALL CONNECTION IS NOT A PRIORITY CONCERN!**
10. ARD Report: Page 4, 2nd paragraph Alternative Plan states: **Several other local street connections are also indicated in the project vicinity, including LSC-15 (Landis Street extension from Stonegate Lane to Winkel Way), LSC-19 (New east-west connection from Reed Street to Cornwall Street), LSC-21 (New north-south connection from the Landis Street extension to the new east-west connection) and LSC-26 (Sabo Lane extension from Beacon Hill to Sunset Avenue). SO THE LANDIS CORNWALL CONNECTION IS NOT A PRIORITY CONCERN!**
11. ARD Report: Page 4, 3rd paragraph Alternative Plan states: **Since the proposed Willow Ridge development would construct the Landis Street connection to Cornwall Street without the benefit of the several other local street connections anticipated in the city’s Transportation System Plan, it is appropriate to examine the potential impacts of making this street connection without the support of the other street connections planned for the future. SO THE LANDIS CORNWALL CONNECTION IS NOT A PRIORITY CONCERN!**
12. ARD Report: Page 6, 2nd paragraph states: Notably, the guidelines include three recommended cross-sections for neighborhood streets. These consist of a 28-foot paved width with parking on both sides, a 24-foot paved width with parking on one side, and a 20-foot road width with no parking. The 24-foot and 28-foot cross-sections are described as “queuing streets” since vehicles may need to pull to one side to allow opposing traffic to pass, thereby limiting the effective traffic capacity of these roadways to 1,000 vehicles per day or less. This is less than ideal because Landis Street in Stonegate is only 25 feet wide and can’t accommodate 2 lanes of traffic with parked cars on both sides. But

Willow Ridge would be 28 feet wide. Such width inconsistency on the same road that winds through 2 adjacent subdivisions next to each other but narrows down to 25 feet wide in Stonegate is not only unexpected, but potentially hazardous because driving through Stonegate is more restrictive.

13. ARD Report: Page 7, last paragraph states: **Once a new street connection is provided between the east side of Stonegate Lane and Parker Road (using portions of LSC-15 and LSC-26), this street connection will provide a faster, more efficient travel route than the Cornwall Street/Landis Street connection. THIS IS EXACTLY WHAT THE RESIDENTS HAVE BEEN ASKING FOR!!**
14. REREAD Pam Yokubaitis's previously submitted testimony titled FOUR MAJOR TRAFFIC SAFETY ISSUES as it pertains to this issue of connectivity and safety hazards that exist on Landis Street in Stonegate. Numerous photos have been provided.