

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT	<b>Jennifer Arnold</b>	PROJECT No(s).	<b>AP-20-05</b>
NON-REFUNDABLE FEE(S)	<b>\$0</b>	REFUNDABLE DEPOSIT(S)	<b>\$0</b>
		TOTAL	<b>\$0</b>

**Type of Review** (Please check all that apply):

- |                                       |  |   |
|---------------------------------------|--|---|
| Annexation (ANX)                      | Historic Review                                  | Subdivision (SUB)                               |
| <u>Appeal and Review (AP)</u>         | Legislative Plan or Change                       | Temporary Uses                                  |
| Conditional Use (CUP)                 | Lot Line Adjustment (LLA)                        | Time Extension                                  |
| Design Review (DR)                    | Minor Partition (MIP) (Preliminary Plat or Plan) | Variance (VAR)                                  |
| Easement Vacation                     | Non-Conforming Lots, Uses & Structures           | Water Resource Area Protection/Single Lot (WAI) |
| Extraterritorial Ext. of Utilities    | Planned Unit Development (PUD)                   | Water Resource Area Protection/Wetland (WAP)    |
| Final Plat or Plan (FP)               | Pre-Application Conference (PA)                  | Willamette & Tualatin River Greenway (WRG)      |
| Flood Management Area                 | Street Vacation                                  | Zone Change                                     |
| Hillside Protection & Erosion Control |  |   |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different additional application forms, available on the City website or at City Hall.

<b>Site Location/Address:</b> 4096 Cornwall Street West Linn, OR 97068-3771 SUB-20-01	Assessor's Map No.: <hr/> Tax Lot(s): <hr/> Total Land Area:
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**Brief Description of Proposal:**

<b>Applicant Name:</b> Barrington Heights, Hidden Creek Estates & Turner Woods Neighborhood Association (BHT NA)	<b>Phone:</b> 503-349-8928 (C)
<b>Address:</b> % Pam Yokubaitis, Representative 3760 Fairhaven Drive	<b>Email:</b> pam@yokubaitis.com
<b>City State Zip:</b> West Linn, OR 97068-3771	

<b>Owner Name</b> (required):	<b>Phone:</b>
<b>Address:</b>	<b>Email:</b>
<b>City State Zip:</b>	

<b>Consultant Name:</b>	<b>Phone:</b>
<b>Address:</b>	<b>Email:</b>
<b>City State Zip:</b>	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. No permit will be in effect until the appeal period has expired.

4. One complete hard-copy set of application materials must be submitted with this application.

One complete digital set of application materials must also be submitted electronically in PDF format.

If large sets of plans are required in application please submit one set.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

Ann Yokubaitis  
Applicant's signature

11/20/20  
Date

Owner's signature (*required*)

Date

Read attached 11/20/20 Memo addressed to Lynn Schroeder & Jennifer Arnold regarding:  
BHT NA's Appeal to West Linn City Council (in reference to the 10/7/20 and 11/4/20 Planning Commissioners hearing decision) for SUB-20-01 at 4096 Cornwall Street, a proposed 6 lot single family detached homes subdivision.

BHT NA BOARD OF DIRECTORS  
*Barrington Heights, Hidden Creek Estates and Tanner Woods Subdivisions*

November 20, 2020

TO: Lynn Schroeder, Asst. Administrator, West Linn Planning Department  
Jennifer Arnold, Associate Planner, West Linn Planning Department

RE: BHT NA's Appeal to West Linn's City Council (in reference to the 10/7/20 and 11/4/20 Planning Commissioners hearing decision) for SUB-20-01 at 4096 Cornwall Street, a proposed 6 lot, single family detached homes subdivision

BHT NA requests the City Council to reverse the Planning Commission's decision which approved the subdivision to City Council.

To ensure compliance with all that is required of BHT NA to file an appeal for the above mentioned proposed subdivision, below is a checklist of all the required items submitted with this appeal for confirmation that you have everything needed, as delineated in the "Appeals: How to Submit an Appeal of a Land Use Decision":

1. **Development Review Application with Attachments:** submitted on 11/20/20 before 5 PM.
2. **Appeal Fee of \$400:** this is not applicable because BHT NA has standing, and our appeal affects property within BHT NA's boundaries.
3. **Appellant must have standing:** BHT NA has standing because Pam Yokubaitis as representative testified in writing and orally at the 10/7/20 and 11/4/20 Planning Commissioners hearings. Pam was designated as BHT NA's spokesperson for all matters pertaining to this address during BHT NA's 2020 Annual Meeting ([Attachment 1, pg 2, 4b.](#))
4. **Neighborhood Association must have explicitly identified themselves as representing the association in written or oral testimony:** BHT NA provided a Resolution at the 11/4/20 Planning Commissioners hearing. This Resolution ([Attachment 2](#)) was voted on by the BHT membership ([Attachment 1, pg 2, 4a](#)) during our 2020 Annual meeting on 10/22/20.
5. **BHT NA's Board meeting minutes from 11/20/20 ([Attachment 3](#)) addresses the neighborhood ballot ([Attachment 4](#)) vote:** 64 ballots cast; 62 in favor of appealing to City Council, 2 in opposition.
6. **Grounds for Appeal:** Water Issues

If there is something missing, please notify me immediately. Thank you.



Pam Yokubaitis, MPH, RHIA, FAHIMA, on behalf of all BHT NA Residents  
BHT NA Secretary, and BHT's Designated Spokesperson for 4096 Cornwall Street  
3760 Fairhaven Drive, West Linn, OR 97068  
[pam@yokubaitis.com](mailto:pam@yokubaitis.com)

BHT VIRTUAL BOARD OF DIRECTOR MEETING MINUTES VIA ZOOM  
November 20, 2020  
*Barrington Heights, Hidden Creek Estates and Tanner Woods Subdivisions*

**Agenda Topics, Discussion and Decisions**

**ADDENDUM TO 11/12/20 Meeting Minutes**

**Voting Results on BHT NA Appealing 11/4/20 Planning Commissioners Decision  
RE: SUB-20-01 at 4096 Cornwall Street in West Linn, OR**

1. Call to meeting and attendees:  
Robert Jester, BHT President  
Grace Cargni, Vice President  
Pia Snyder, Treasurer  
Pam Yokubaitis, Secretary
  
2. Interim business conducted by Board of Directors since the last BOD meeting on 11/12/20
  - A. On 11/15/20 Pam Yokubaitis requested a BHT NA Board meeting via Zoom to discuss the voting results from our BHT NA members.
  - B. Grace Cargni set up a 12:30 PM ZOOM meeting on 11/20/20 for the Board to convene.
  
3. Discussion topics pertinent to BHT NA:  
Ballots were distributed to and collected from only BHT NA residents. The residents were asked to support or not support BHT NA appealing to the West Linn City Council about water concerns originating from 4096 Cornwall Street that affect our BHT Neighborhood Association. This vote pertained to SUB-20-01; a proposed development at 4096 Cornwall Street.

Outcome of the Vote

Number of ballots issued: 64

Number of ballots supporting BHT NA's request to Appeal to the West Linn City Council: 62

Number of ballots not supporting BHT's request to Appeal to the West Linn City Council: 2

Approved by: *Robert Jester, BHT NA President* 11/20/2020

*Pia Snyder, BHT NA Treasurer* 11/20/20

*Grace Cargni, BHT NA Vice President* 11/20/20

*Pam Yokubaitis, BHT NA Secretary* 11/20/20

**2020 BHT NA BALLOT TO APPEAL TO THE WEST LINN CITY COUNCIL**

**Barrington Heights, Hidden Creek Estates and Tanner Woods  
Neighborhood Association  
(Referred to as BHT NA)**

On 11/4/20 the West Linn Planning Commissioners voted 5 to 1 to proceed with development of 4096 Cornwall Street, **SUB-20-01**. As well known, BHT NA homes contiguous to this proposed development continue to experience erosion on their Fairhaven Drive properties, and all water draining from this address affects BHT's Cornwall Creek, Tanner Creek, and our Tanner Woods federally protected wetlands ponds. There remains shared concern that altering this land may cause water problems to surrounding private property, *which homeowners insurance does not cover*. Water has remained the most significant concern of BHT's involvement in reviewing the multiple proposed development plans.

Your BHT NA Board of Directors want to appeal the West Linn Planning Commissioners' decision because important water issues remain unaddressed. Your vote to authorize us to proceed with an appeal to the West Linn City Council is therefore solicited at this time. Please vote below:

\_\_\_\_\_ I DO NOT support BHT NA appealing to the West Linn City Council about water concerns originating from 4096 Cornwall Street that affect our BHT Neighborhood Association.

\_\_\_\_\_ I DO support BHT NA appealing to the West Linn City Council about water concerns originating from 4096 Cornwall Street that affect our BHT Neighborhood Association.

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SIGNATURE

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ADDRESS

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  
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 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

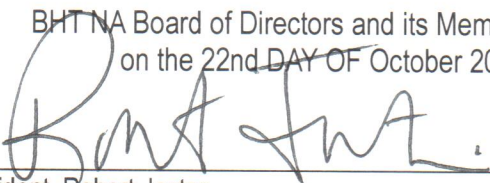
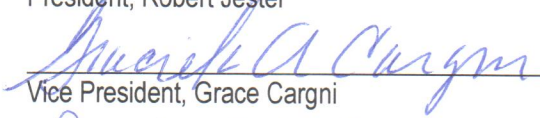
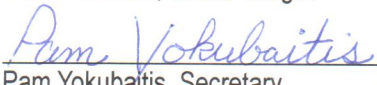
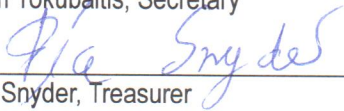
Whereas until this property is scrutinized by a Hydrogeologist PE to determine IF and WHERE it is safe to build, and how to manage the 2 aquifers and steep slopes that drain water into protected wetlands below in the Tanner Woods subdivision is identified, only then can a new plat map be designed for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

**BHT NA VIRTUAL ANNUAL MEETING MINUTES**  
**Barrington Heights, Hidden Creek Estates and Tanner Woods Subdivisions**  
October 22, 2020 6:30-7:30 PM  
Meeting Link & Details at [WestLinnOregon.gov/BHT](http://WestLinnOregon.gov/BHT)

**Agenda Topics, Discussion and Decisions**

- A. Call to Order: BHT President, Robert Jester, called the meeting to order at 6:30 PM.
- B. Roll Call of Attendees: Secretary, Pam Yokubaitis recorded the following attendees:
- | <u>BHT NA Residents</u>               | <u>Guests</u>                       |
|---------------------------------------|-------------------------------------|
| Robert Jester, 3475 Riverknoll Way    | Jerry Gabrielatos, 4005 Robin Place |
| Grace Cargni, 3565 Riverknoll Way     | Richard Sakelik, 1835 Barnes Circle |
| Pia Snyder, 3817 Fairhaven Drive      | Kim Bria, 1820 16th Street          |
| Pam Yokubaitis, 3760 Fairhaven Drive  | Jenny Koll, 2083 Titan Terrace      |
| Mark Yokubaitis, 3760 Fairhaven Drive | Julianna Walters, 2025 Alpine Drive |
| Jon Gice, 2030 Tanner Creek Lane      |                                     |
| Charlene Smith, 2020 Riverknoll Court |                                     |
| Paul Glaunert, 3455 Riverknoll Way    |                                     |
- C. Board of Director Introductions: President, Robert Jester; Vice President, Grace Cargni; Secretary, Pam Yokubaitis and Treasurer, Pia Snyder each introduced themselves to the attendees stating their Board position and shared something about themselves.
- D. Treasurer's Report: Treasurer, Pia Snyder stated BHT NA's balance is \$7400.27. She added that BHT hasn't had any expenditures other than paying for a short term Zoom subscription to have this meeting, although we had originally planned an April Annual Meeting at the Senior Center with refreshments, but Covid required that meeting be cancelled.
- Pia explained she intends to get 2 debit cards for the association's financial account after this meeting because one is customarily issued, but to acquire a second/back up card for our President requires this matter be voted on by the BHT NA members, which is on today's voting agenda. John Gice inquired about debit cards and funding. Robert Jester, based on his past experience, stated that each NA receives a yearly grant based on the size of the NA. BHTNA is small. In order to qualify for the annual grant, our NA needs to be active with at least one meeting a year. We received \$777.00 for the fiscal year 2021 (July 2020-June 30, 2021).
- E. New City Manager Introduced: Robert Jester introduced West Linn's new City Manager, Jerry Gabrielatos. Jerry introduced himself and shared his back ground with the group and his enthusiasm for being here. A couple attendees thanked him for his responsiveness to needs they recently had, which he promptly addressed.
- F. Quorum and Voting Issues: A quorum of 5 or more BHT NA residents was declared for voting on multiple business matters. Seven of the 8 BHT members who joined the meeting were present to vote; Paul Glaunert left the meeting shortly after it started because he promptly got an answer to a question at the beginning of the meeting.
1. BHT NA Bylaws and attached Boundary map: Grace stated our bylaws were updated because our Neighborhood Association had been inactive. She explained the most unique change our bylaws have, which was added, is we now state our VP and Treasurer



will be elected in even years, and the President and Secretary will be elected in odd years so Board officers 2 year terms are staggered to ensure continuity of leadership. Pam added that our bylaws were drafted based on other NAs bylaws, and that there are city requirements that must be incorporated in our bylaws. 6 votes cast for approval; 1 abstained because the document hadn't been read.

2. BHT Board Officer Election for Vice President and Treasurer: Solicitation of candidates interested in running for either Board position was first solicited from the members attending before each vote. With no one expressing interest in running for either Board position, Grace Cargni was re-elected as Vice President, then Pia Snyder was re-elected as Treasurer. Both Grace and Pia were each re-elected with 7 votes cast for approval.
  3. Debit Cards Authorized for both BHT NA Treasurer and President: Pia explained that customarily a single debit card is issued to a Neighborhood Association, but if a second card is desired as a back up for another Board member, it can only be issued when the membership approves this. The BHT NA Board of Directors believe it is best to have a back up card, thus allowing both our President, Robert Jester, and our Treasurer, Pia Snyder with access to BHT NA funds. 7 votes were cast for approval to have Pacific West Bank issue 2 debt cards, one to each of these two BHT NA Board of Director officers.
  4. ICON Development Issues and Concerns: Robert Jester explained a three year history of concerns about of ICON's proposed development at the end of Cornwall Street for those members unfamiliar with this issue. Two BHT NA homes have already been damaged from water draining off Icon's property, and the steep slopes present landslide hazards to the contiguous BHT NA property below. Pam added that new testimony from a West Linn geologist, Bill House, MS has revealed that there are 2 aquifers on this property, one deep and one shallow. How to address these water features and the landslide concerns requires further evaluation of the land to determine if it is buildable, and where by a hydrogeologist. Pam stated that there isn't opposition to development, just genuine concern that altering this land may create new problems to any of the 65+ surrounding homes to the West and South of this property.
    - a. Resolution: Robert Jester stated that BHT NA has a resolution to be voted on to present to the West Linn Planning Commissioners for ICON'S 11/4/2020 continued hearing. Our BHT NA Resolution cites numerous deficiencies noted in ICON's application and therefore we request that ICON's application for proposed development at 4096 Cornwall Street be denied. 7 votes were cast approving BHT NA's Resolution # 02-27 be presented to the West Linn Planning Commissioners.
    - b. Elect Representative to Speak for BHT NA about the 4096 Cornwall Street Property: Robert Jester explained that Pam Yokubaitis is the most involved person leading the effort to ensure BHT properties remain unharmed, so a vote was taken to designate her as the leader and spokesperson regarding all matters pertaining to any proposed development at this address on behalf of BHT NA. 7 votes were cast designating Pam Yokubaitis as BHT's leader pertaining to proposed development at 4096 Cornwall Street.
- G. Tell the Board What You Want: Grace Cargni requested ideas from the members for things they would like the BHT NA Board of Directors to work on. She showed on BHT's website the link to the BHT NA President where you can submit ideas.
- H. Report BHT Updates:
1. Firewise: Robert Jester discussed that BHT NA has a Firewise certification. Some insurance companies offer a discount if you live in a Firewise Neighborhood Association, so check with your insurance company. This certification

demonstrates the practice of fire prevention around your home. Robert stated the best thing to do is keep your gutters empty of debris, which is a common source for fires starting in the attic. Also cut brush back away from your house to create a firewall.

2. Emergency Preparedness: Grace Cargni referenced BHT NA's website to show where she has posted several emergency links that might be helpful to our members since we've experience fire and evacuation scares close to home this year.
  3. BHT Website: Pia reviewed the tabs and resources that are posted on the BHT NA website so the members know what information is available to them there.
- I. Mayor and City Council Candidate Introductions: With the November elections around the corner, 4 West Linn candidates contacted Robert Jester to request the opportunity to introduce themselves to our members. Robert allowed each candidate 3 minutes to speak. 2 Mayor candidates: Richard Sakelik and Julianna Walters joined us, as well as 2 Planning Commission Candidates, Jenny Koll and Kim Bria. We thank these neighbors for reaching out to us and expressing their willingness to serve our community to keep West Linn a desirable place for us all to live.
- J. Adjourned: Robert Jester concluded the meeting at 8 PM.

Approved By:

  
Robert Jester, BHT NA President 10 / 22 / 2020  
Date

  
Grace Cargni, BHT NA Vice President 10 / 22 / 2020  
Date

  
Pam Yokubaitis, BHT NA Secretary 10 / 22 / 2020  
Date

  
Pia Snyder, BHT NA Treasurer 10 / 22 / 2020  
Date