

LAND USE PRE-APPLICATION CONFERENCE

Thursday, June 20, 2019

City Hall
22500 Salamo Road

Bolton Conference Room

9:00 am Proposed Flood Management Area, Water Resource Protection Area,
and Willamette and Tualatin River Protection Area permits

Applicant: Malibar Group, LLC

Subject Property Address: 0 9th Street (Adjacent to 1220 9th Street)

Neighborhood Assn: Willamette

Planner: Planning Staff

Project #: PA-19-14





PRE-APPLICATION CONFERENCE

THIS SECTION FOR STAFF COMPLETION

CONFERENCE DATE:	June 20, 2019	TIME:	9:00 am	PROJECT #:	PA-19-14
STAFF CONTACT:	Planning Staff	FEE:	\$1,000		

Pre-application conferences occur on the first and third Thursdays of each month. In order to be scheduled for a conference, this form including property owner's signature, the pre-application fee, and accompanying materials must be submitted at least **15** days in advance of the conference date. Twenty-four hour notice is required to reschedule.

Address of Subject Property (or map/tax lot): Clackamas County Assessor's Map 3-1E-02AC Tax Lot 00800

Brief Description of Proposal: Request approval for, Flood Management Area Permit, Water Resource Area Permit, and Willamette and Tualatin River Protection Area Permit.

Applicant's Name: Malibar Group LLC, Member: Roy Marvin (Applicant's Consultant: Zach Pelz, AICP)

Mailing Address: 3700 River Road N. Suite 1, Keizer, OR, 97303

Phone No: (503) 400-6028 ext. 410 Email Address: pelzz@aks-eng.com

Please attach additional materials relating to your proposal including a site plan on paper up to 11 x 17 inches in size depicting the following items:

- North arrow
- Scale
- Property dimensions
- Streets abutting the property
- Conceptual layout, design and/or building elevations
- Easements (access, utility, all others)
- Access to and from the site, if applicable
- Location of existing trees, highly recommend a tree survey
- Location of creeks and/or wetlands, highly recommend a wetland delineation
- Location of existing utilities (water, sewer, etc.)

Please list any questions or issues that you may have for city staff regarding your proposal:

Additional questions/materials under separate cover

By my signature below, I grant city staff right of entry onto the subject property in order to prepare for the pre-application conference.

Roy Marvin
Property owner's signature

5-28-19
Date

Malibar Group LLC, Member Roy Marvin, Address: 615 NW Territorial Rd., Canby, OR, 97013
Property owner's printed name and mailing address (if different from above)

June 6, 2019

Planning Department
City of West Linn
22500 Salamo Road
West Linn, OR 97068



RE: Pre-application Conference Questions for Tax Lot 800 of Clackamas County Assessor's Map 3 1E 2AC

City of West Linn Community Development Staff,

On behalf of our Client (Malibar Group, LLC), we would like to discuss the land development-related questions below at a pre-application conference with City of West Linn Community Development staff. The subject property is ± 3.76 acres in size (Clackamas County Assessor's Map 3 1E 2AC, Tax Lot 800), is located near the south end of 9th Street, and is comprised of three existing legal lots of record. Our Client underwent a pre-application meeting with the City in 2017 to discuss these and related questions and has since received approval for associated rights-of-way vacations and property line adjustments. The site is zoned R-10 and is within the Water Resource Area (WRA) Overlay Zone, the Flood Management Area (FMA) Overlay Zone, the Habitat Conservation Area (HCA) Overlay Zone, and the Willamette River Greenway Overlay Zone. Following the pre-application conference, our Client anticipates moving forward immediately with obtaining entitlements for Parcel 1. The timing of entitlements for Lot B and Parcel 2 is currently unknown.

In addition to the typical items covered at a pre-application conference, we would like to discuss the following:

Legal Lots of Record

1. Community Development Code (CDC) Section 32.110.A acknowledges that the Hardship Provisions in the CDC Section 32.110 apply to legal lots of record created prior to January 1, 2006, and to such lots that have also undergone a subsequent modification, provided that the adjusted lot(s) meet the minimum size and dimensional standards of the base zone. The subject site is comprised of three legal lots of record that existed, and were recorded with the County Assessor, prior to January 1, 2006, all of which have been modified from their original platted configuration through the addition of land via public rights-of-way vacation (Planning File No. MISC-17-06) and two of which have been adjusted via a Property Line Adjustment (Planning File No. LUA-18-01). Our client's decision to execute the above stated actions was based on the explicit advice of City Staff (see Attachment 1) that such actions would not result in being ineligible to use the Hardship Provisions in 32.110. Please reaffirm that the subject site is eligible for review under the Hardship Provisions in CDC Section 32.110.

Water Resource Area/Habitat Conservation Area/Flood Management Area Regulations

2. Please confirm that new stormwater facilities may be built in the WRA where no feasible alternatives exist?
3. Please confirm that per 32.110.C.3, the minimum setback from the edge of the water resource is 15-feet?

4. Please confirm that per 28.110.B.5, driveways constructed of approved water permeable materials are exempt from the 5,000 square foot impervious area accounting required by this chapter. Please also provide a list of approved water permeable materials that may be used for a future driveway(s) on this site. Related to this, please also confirm that per 32.110.D only 75% of water permeable surfaces at grade are included in the MDA.
5. Section 28.110.L permits new driveways to be built in HCAs that include wetlands and WRAs where no other practical alternatives exist, but such driveways shall use permeable materials unless prohibited by the City's Engineering standards. Please confirm whether the City's Engineering Standards would prohibit the use of permeable materials for a residential driveway(s) on this site and if not, that we are obligated to use a permeable material for the driveway.
6. CDC Section 28.110.U.3. states that, tree cutting shall be prohibited in an HCA, except where trees are diseased or hazardous, not subject to regulation per 28.040, or selective tree removal that retains the scenic qualities of the greenway. Parcel 1 and Lot B contain several non-significant Cottonwood Trees that are located in the Water Resource Area and Habitat Conservation Area on these lots. Some of these Cottonwood Trees are desirable to remove to improve solar access to future homes on these lots. Please explain the City's position on protecting non-significant Cottonwood Trees in the context of this site and the decision-making process surrounding their removal.
7. The base flood elevation in this location is approximately 75 feet. Please confirm that per Chapter 27, the finished floor elevation for habitable spaces in a new home(s) on these lots will be 1-foot above the base flood elevation. Please confirm what special reports (elevation certificate, no-rise study, geotechnical report, etc.) will be required as part of a building permit(s) on these lots.
8. Section 27.120.B, requires that a Flood Management Permit application include a comparison between the existing channel capacity and the proposed capacity following development on the site. Please provide a detailed scope of what this comparison should entail and/or include an example of a recent such comparison approved by the City.
9. Please confirm that in the effort to balance fill per 27.060.B, cutting and filling need not necessarily be located on the same lot which is the subject of the permit as long as the site complies with 27.060.C.
10. 32.050.G requires a Construction Management Plan where certain impacts to a WRA will occur. Please clarify the scope of this Construction Management Plan.
11. What hydraulic analysis, if any, will be required per 27.060.C?

Residential Construction

12. What plans are required for 27.080, residential construction?
13. Can plans be modified at the time of building permit without going back through the process outlined in Chapter 27?
14. Please confirm that the MDA in Chapter 32 and total impervious area maximum in Chapter 8 are computed on a per lot basis.

Public Improvements

15. Please detail what, if any, improvements and right-of-way dedications will be required on the site's 9th Street frontage and north property line abutting the unimproved right-of-way.
16. Please demonstrate the City's justification, via an analysis of nexus and rough proportionality, for right-of-way dedication and frontage improvements.
17. Please confirm the required street section and improvements for all streets, including the minimum width of a driveway to all lots, sidewalk width, rain garden width, and additional paving requirements. Please explain what, if any, flexibility to these standards is available in the context of this constrained site.
18. Are there any other required on- or off-site improvements we should be aware of?
19. Please confirm that a traffic impact analysis will not be required for the construction of up to one new home on each of the three legal lots that comprise Tax Lot 800.
20. What is the minimum spacing between residential driveways on local streets in West Linn?
21. Please confirm that the existing 8-inch sanitary sewer line is sufficient to serve the proposed single-family units.
22. Please confirm if there are any known downstream deficiencies for stormwater. Please discuss possible stormwater discharge locations. Please discuss stormwater requirements for infiltration, water quality, and detention.
23. Please confirm that the existing 6-inch water line has sufficient capacity and pressure to serve the proposed single-family homes.
24. Please confirm requirements for fire suppression sprinkler systems, street grades, and fire hydrants, and whether a new hydrant will be required. If a new fire hydrant is required, please confirm the preferred location.
25. Are there any special requirements or considerations for connecting to sanitary sewer, storm drain, or water?
26. CDC Section 55.100.B.2.b. says that residential projects shall set aside up to 20 percent of the area to protect trees and tree clusters. This provision goes on to say that if the City Arborist determines a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees. Since this provision provides for a range from between zero and 20 percent of the site for tree protection, please clarify how the final area of non-Type I and II lands that will be required to be set aside is determined.
27. Please confirm that the subject site will not be subject to the requirement to underground overhead lines as the site does not meet the 200-foot threshold for such undergrounding.
28. Will the City support moving the 20-foot Public Utility Easement located at the north edge of Parcel 1 onto the existing 20-foot Egress/Ingress and Utility Easement at the south edge of Tract 21

(immediately north of its existing location)? Relocation of this easement would free up additional buildable land on this highly constrained lot.

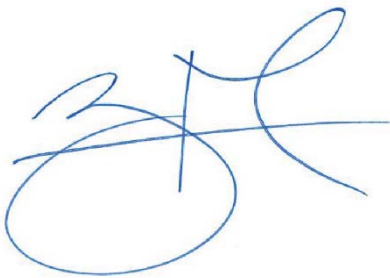
29. Please confirm that if applying under the Hardship Provisions in Chapter 32, a separate set of consolidated land use applications (i.e. WRA, FMA, HCA, etc.) will be required on each lot of record.

30. Please provide a breakdown of all applicable permit fees that will apply to the planned project.

Please let us know if there are any other issues or site constraints of which you are aware.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Zach Pelz, AICP
(503) 563-6151
pelzz@aks-eng.com

Attachments

1. E-mail Correspondence from City Staff re: Hardship Provisions
2. Partition Plat 2019-007

From: [Zach Pelz](#)
To: ["Spir, Peter"](#)
Subject: RE: Additional Questions for PA-17-14
Date: Wednesday, April 5, 2017 12:04:00 PM
Attachments: [image004.jpg](#)
[image003.jpg](#)
[image005.jpg](#)

Thanks, Peter –

Regarding your response to Question 3 below, I read those sections of the code slightly differently; in that Section 28.110.B.4 regulates new impervious surface, where Ch. 32 regulates a maximum disturbance area. Table 32-5 defines what counts toward the maximum disturbance area and includes things like, all structures, non-water permeable paved surfaces, storm water detention ponds, and non-native landscaping. Section 28.110.B.4 describes the situation on this site and applies where a site has less than 5,000 square feet of non-HCA land. In these cases, the code says that, "Development shall disturb the minimum necessary area to allow the proposed use or activity, shall direct development to any available non-HCA lands and in any situation shall create no more than 5,000 square feet of impervious surface. (Driveways, paths, patios, etc., that are constructed of approved water-permeable materials will not count in calculating the 5,000 square foot lot coverage.)"

Again, as I read it, there is a slightly different system of accounting required in response to each of these sets of rules. For example, a front yard of non-native vegetation counts against the 5,000 sf/30 percent cap in Ch. 32, where it would not count against the 5,000 square foot impervious area max. in 28.110.B.4, as it is not an impervious surface.

Thank you very much for taking the time to prepare responses to these questions ahead of our meeting tomorrow.

Zach Pelz, AICP



AKS ENGINEERING & FORESTRY, LLC

P: 503.563.6151 Ext. 218 | F: 503.563.6152 | www.aks-eng.com | PelzZ@aks-eng.com

Offices in: Tualatin, OR | Salem-Keizer, OR | Vancouver, WA

From: Spir, Peter [mailto:pspir@westlinnoregon.gov]

Sent: Wednesday, April 05, 2017 11:32 AM

To: Zach Pelz <pelzz@aks-eng.com>

Subject: RE: Additional Questions for PA-17-14

RE: Pre-application conference questions for Tax Lot 800 of Clackamas County Assessor's Map 3 1E 2AC

Legal Lots of Record

1) The City's GIS indicates that Tax Lot 800 consists of three legal lots of record from the original Willamette and Tualatin Tracts Plat of 1908. Please confirm that Lots A, B, and C, of the Willamette and Tualatin Tracts plat are recognized by the City as lots of record that existed prior to January 1, 2006 (as per the standard in West Linn Community Development Code Section 32.110.A).

I can confirm that.

2) Also per the standard in CDC Section 32.110.A, please confirm that a future property line adjustment which affects these legal lots of record could occur and would not cause any of these lots be considered a lot that did not exist prior to January 1, 2006, and subsequently lose their ability to take advantage of the hardship provisions of this section.

I can confirm that the lots, after LLA approval, will meet the standards of 32.110(A) A. *The right to obtain a hardship allowance is based on the existence of a lot of record recorded with the County Assessor's Office on, or before, January 1, 2006. The lot of record may have been, subsequent to that date, modified from its original platted configuration but must meet the minimum lot size and dimensional standards of the base zone.*

Water Resource Area/Habitat Conservation Area/Flood Management Area Regulations

3) Per 32.110.B, the maximum disturbed area of a Water Resource Area (WRA) is 5,000 square feet or 30% of the on-site WRA, whichever is greater. The following is a breakdown of the approximate lot size, WRA area, non-WRA area, and maximum disturbance area on each of the three lots that comprise Tax Lot 800:

The table does not account for the impact of the WRG/HCA provisions.

Both the WRA and WRG chapters have hardship provisions that accommodate the construction of single family homes on lots of record (including those modified by lot line adjustment like this lot). CDC 28.110(E) allows "construction of 5,000 square feet of total impervious surface for sites in HCAs".

Although CDC 32.110(B) allows a maximum disturbed area (MDA) of (1) Five thousand square feet of the WRA; or (2) Thirty percent of the total area of the WRA, the lesser allowance of Chapter 28.110(E) means that the MDA is limited to 5,000 square feet. The use of a street in the Third Avenue ROW would not count against the 5,000 square foot allowance (per 32.110(E) (3)).

4) Please confirm that new stormwater facilities may be built in the WRA where no feasible alternatives exist?

Yes

5) Please confirm that per 32.110.B.C.3, the minimum setback from the edge of the water resource is 15-feet? Please also confirm whether we will be eligible to take advantage of this minimum setback for a future home(s) on the lots that make up Tax Lot 800.

Yes (x2)

6) Please confirm that per 28.110.B.5, driveways constructed of approved water permeable materials are exempt from the 5,000 square foot impervious area accounting required by this chapter. Please also provide a list of approved water permeable materials that may be used for a future driveway(s) on this site. Related to this, please also confirm that per 32.110.D only 75% of water permeable surfaces at grade are included in the MDA.

28.110(B) (5) states: "Driveways, paths, patios, etc., that are constructed of approved water-permeable materials will be exempt from the lot coverage calculations of subsections (B) (1) through (4) of this section and the underlying zone," That provision would only apply in WRG/HCA areas that did not have overlapping WRA designation.

32.110(D) states: "The MDA shall include: 1. The footprints of all structures, including accessory structures, decks and paved water impermeable surfaces including sidewalks, driveways, parking pads, paths, patios and parking lots, etc. Only 75 percent of water permeable surfaces at grade shall be included in the MDA."

Where two standards apply, the stricter one shall prevail. Therefore only a 25% reduction is allowed for water permeable surfaces in those areas where WRA and WRG/HCA overlap.

See Engineering for allowable water permeable surfaces.

7) Section 28.110.L permits new driveways to be built in HCAs that include wetlands and WRAs where no other practical alternatives exist, but such driveways shall use permeable materials unless prohibited by the City's Engineering standards. Please confirm whether the City's Engineering Standards would prohibit the use of permeable materials for a residential driveway(s) on this site and if not, that we are obligated to use a permeable material for the driveway.

28.110 L. Roads, driveways, utilities, or passive use recreation facilities. Roads, driveways, utilities, public paths, or passive use recreation facilities may be built in those portions of HCAs that include wetlands, riparian areas, and water resource areas when no other practical alternative exists but shall use water-permeable materials unless City engineering standards do not allow that. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the applicant to submit a mitigation plan pursuant to CDC [32.070](#) and a revegetation plan pursuant to CDC [32.080](#).

Permeable surfaces shall be used. CDC 48.030 references "paved or all-weather surface" for residential driveways so standard asphalt is not required. We need to verify with Erich Lais.

8) CDC Section 28.110.U.3. states that, tree cutting shall be prohibited in an HCA, except where trees are diseased or hazardous, not subject to regulation per 28.040, or selective tree

removal that retains the scenic qualities of the greenway. Lots A and B contain several non-significant

Cottonwood Trees that are located in the Water Resource Area and Habitat Conservation Area on these lots. Some of these Cottonwood Trees are desirable to remove to improve solar access to future homes on these lots. Please explain the City's position on protecting non-significant

Cottonwood Trees in the context of this site and the decision-making process surrounding their removal.

Tree removal is only allowed by permit and when there is a specific house design/footprint being locked in as the MDA. Michael Perkins, City Arborist, will need to visit the site to evaluate the trees. We do not want to see trees removed in anticipation of possible sight lines or view corridors.

9) The base flood elevation in this location is approximately 75 feet. Please confirm that per Chapter 27, the finished floor elevation for habitable spaces in a new home(s) on these lots will be 1-foot above the base flood elevation. Please confirm what special reports (elevation certificate, geotechnical report, etc.) will be required as part of a building permit(s) on these lots.

Pre and post construction elevation certificates and residential crawl space flow through designs and calculations must be prepared and stamped by an Oregon licensed engineer. There is no requirement for a geotechnical study in Chapter 32 or 28. (Please note that the Building Official always reserves the right to require one at any building site if he believes site conditions (esp. steep slope, historic slope failures, poor soil) warrant it.)

10) Section 27.120.B, requires that a Flood Management Permit application include a comparison between the existing channel capacity and the proposed capacity following development on the site. Please provide a detailed scope of what this comparison should entail and/or include an example of a recent such comparison approved by the City.

27.120 ALTERATION OF WATERCOURSES does not apply unless you were modifying the Willamette River Shoreline

Unimproved Right-of-way

11) Please explain how impacts to the WRA (MDA) and HCA (5,000 square feet of new impervious area) are accounted for in the case of a new driveway (to serve portions of Lots A and B) that is located in the unimproved right-of-way north of Tax Lot 800. Would the City permit such a new driveway? If so, what additional requirements/permits would apply to a driveway in the public right-of-way?

Access via the Third Avenue ROW by constructing an "Alley" street design per 2016 TSP is recommended and would not count against the MDA. Still to be determined is whether Engineering will support this and whether they will support a partial vacation of the unused ROW section (and Eighth Street ROW)

Public Improvements

12) Please detail what, if any, improvements and right-of-way dedications will be required on the site's 9th Street frontage and north property line abutting the unimproved right-of-way.

13) Please confirm the required street section and improvements for all streets, including the minimum width of a driveway to all lots.

14) Are there any other required on- or off-site improvements we should be aware of?

15) Please confirm that a traffic impact analysis will not be required for the construction of up to one new home on each of the three legal lots that comprise Tax Lot 800.

No TIA required

16) What is the minimum spacing between residential driveways on local streets in West Linn?

46.080 (D). There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:

1. On an arterial street, 150 feet.
2. On a collector street, 75 feet.
3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.

17) Please confirm if there is sufficient sanitary sewer capacity to serve the project.

18) Please confirm if there are any known downstream deficiencies for stormwater. Please discuss possible stormwater discharge locations. Please discuss stormwater requirements for infiltration, water quality, and detention.

19) Please confirm if sufficient water system capacity and pressure exists.

20) Please confirm requirements for fire suppression sprinkler systems, street grades, and fire hydrants.

21) Are there any special requirements or considerations for connecting to sanitary sewer, storm drain, or water?

22) CDC Section 55.100.B.2.b. says that residential projects shall set aside up to 20 percent of the area to protect trees and tree clusters. This provision goes on to say that if the City Arborist determines a significant tree cluster exists at a development site, then up to 20 percent of the non-Type I and II lands shall be devoted to the protection of those trees. Since this provision provides for a range from between zero and 20 percent of the site for tree protection, please clarify how the final area of non-Type I and II lands that will be required to be set aside is determined.

This question will be answered by default due to the WRA/HCA protections. The applicant should prepare a site analysis showing trees with the HCA/WRA (wetland), flood boundaries overlaying it. The areas that least impactful on the HCA/WRAs will be the areas recommended for development. Trees in those areas may be removed after the procedures described earlier: Tree removal is only allowed by permit and when there is a specific house

design/footprint being locked in as the MDA. Michael Perkins, City Arborist, will need to visit the site to evaluate the trees. We do not want to see trees removed in anticipation of possible sight lines or view corridors.

From: Zach Pelz [mailto:pelzz@aks-eng.com]
Sent: Tuesday, April 04, 2017 1:03 PM
To: Spir, Peter <pspir@westlinnoregon.gov>
Cc: Shroyer, Shauna <sshroyer@westlinnoregon.gov>
Subject: Additional Questions for PA-17-14

Peter,

Please find attached a supplemental list of questions and a wetland boundary delineation we prepared since Roy submitted his pre-application materials. We'll look forward to chatting about this on Thursday.

Thank you,

Zach Pelz, AICP
Land Use Planner



AKS ENGINEERING & FORESTRY, LLC

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062

P: 503.563.6151 Ext. 218 | F: 503.563.6152 | www.aks-eng.com | PelzZ@aks-eng.com

Offices in: Tualatin, OR | Salem-Keizer, OR | Vancouver, WA

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Peter Spir

Associate Planner

Planning

22500 Salamo Rd.

West Linn, Oregon 97068

pspir@westlinnoregon.gov

westlinnoregon.gov

503-723-2539



[Click to Connect!](#)

BEING LOTS A, C AND A PORTION OF LOT D IN TRACT 20 OF THE PLAT
"WILLAMETTE & TUALATIN TRACTS" (PLAT NO. 198) TOGETHER WITH
PORTIONS OF VACATED 10TH STREET AND 3RD AVENUE
IN THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 1 EAST,
WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
NOVEMBER 12, 2018

● SET 5/8" X 30" IRON ROD W/YPC INSCRIBED
"AKS ENGR." ON: 11/12/2018

□ FOUND 5/8" IRON ROD W/YPC INSCRIBED
"GAYLORD PLS 929"; PER PP NO. 1996-93;
HELD UNLESS NOTED OTHERWISE

○ FOUND 5/8" IRON ROD W/YPC INSCRIBED
"AKS ENGR."; PER SN 2003-012; HELD
UNLESS NOTED OTHERWISE

△ FOUND 5/8" IRON ROD W/YPC INSCRIBED
"AKS ENGR."; PER SN 29249; HELD UNLESS
NOTED OTHERWISE

▲ FOUND 3/4" IP: PER THE PLAT "WILLAMETTE
& TUALATIN TRACTS" PLAT NO. (198); HELD
UNLESS NOTED OTHERWISE

◎ FOUND 5/8" IRON ROD W/RPC INSCRIBED
"CENTERLINE CONCEPTS"; PER PS 25593;
HELD UNLESS NOTED OTHERWISE

▣ DENOTES FOUND MONUMENT AS NOTED;
HELD UNLESS NOTED OTHERWISE

DOC. NO. DOCUMENT NUMBER PER CLACKAMAS
COUNTY DEED RECORDS

IP IRON PIPE

IR IRON ROD

W/RPC WITH A RED PLASTIC CAP

W/YPC WITH A YELLOW PLASTIC CAP

W/O PC WITH A ORANGE PLASTIC CAP

PP NO. PARTITION PLAT NUMBER PER CLACKAMAS
COUNTY SURVEY RECORDS

SN SURVEY NUMBER PER CLACKAMAS COUNTY
SURVEY RECORDS

PUE PUBLIC UTILITY EASEMENT

ROW RIGHT-OF-WAY

(1) RECORD INFORMATION PER PP NO. 1996-93
(2) RECORD INFORMATION PER SN 2003-012
(3) RECORD INFORMATION PER SN 2003-311
(4) RECORD INFORMATION PER THE PLAT "WILLAMETTE & TUALATIN
TRACTS" PLAT NO. (198)
(5) RECORD INFORMATION PER SN 2015-143

MAIBAR GROUP, LLC
22500 SALAMO ROAD
WEST LINN, OR 97068

JOB NAME:	1220 9TH STREET	AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com
JOB NUMBER:	5926	
DRAWN BY:	MTB	
CHECKED BY:	RDR	
DRAWING NO.:	5926PPLAT	

PARTITION PLAT
BEING LOTS A, C AND A PORTION OF LOT D IN TRACT 20 OF THE PLAT
"WILLAMETTE & TUALATIN TRACTS" (PLAT NO. 198) TOGETHER WITH
PORTIONS OF VACATED 10TH STREET AND 3RD AVENUE
IN THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 1 EAST,
WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
NOVEMBER 12, 2018

PARTITION PLAT NO. 2019-007
SHEET 2 OF 2

APPROVALS

APPROVED THIS 30 DAY OF JANUARY, 2019
CITY OF WEST LINN.

BY: [Signature]
CITY OF WEST LINN PLANNING DIRECTOR

APPROVED THIS 5TH DAY OF FEB., 2019
CITY OF WEST LINN.

BY: [Signature]
CITY OF WEST LINN CITY ENGINEER

APPROVED THIS 7TH DAY OF FEBRUARY, 2019

[Signature]
CLACKAMAS COUNTY SURVEYOR

ALL TAXES, FEES, ASSESSMENTS, AND OTHER CHARGES AS
PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID THROUGH

JUNE 30, 2019
APPROVED THIS 07 DAY OF FEBRUARY, 2019

CLACKAMAS COUNTY ASSESSOR AND TAX COLLECTOR

BY: [Signature]
DEPUTY

STATE OF OREGON } ss
COUNTY OF CLACKAMAS
I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS
RECEIVED FOR RECORD ON THE 7TH DAY OF
FEBRUARY, 2019
AT 2:39 O'CLOCK P M

AS PARTITION PLAT NO. 2019-007
DOCUMENT NO. 2019-6705

SHERRY HALL, CLACKAMAS COUNTY CLERK

BY: [Signature]
DEPUTY

PREPARED FOR

MALIBAR GROUP, LLC
22500 SALAMO ROAD
WEST LINN, OR 97068

CITY OF WEST LINN PLANNING
AND DEVELOPMENT FILE NO.
LLA-18-01

DECLARATION

KNOWN ALL PERSONS BY THESE PRESENTS:
THAT THE MALIBAR GROUP, LLC, A LIMITED LIABILITY COMPANY, IS THE OWNER OF THE LAND SHOWN ON THE
ANNEXED MAP AND PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, AND HAS CAUSED
THE SAME TO BE REPLATTED INTO PARCELS WITH EASEMENT AS SHOWN ON SAID MAP, ALL STREETS OF THE
WIDTHS THEREON SET FORTH AND IMPOSES RESTRICTIONS AS SHOWN OR NOTED ALL IN ACCORDANCE WITH ORS
92. THE DECLARANT MAKES NO CLAIM TO ANY LANDS BEYOND THAT DESCRIBED IN THE SURVEYOR'S CERTIFICATE.

[Signature]
ROY MARVIN, MEMBER
THE MALIBAR GROUP, LLC

1-30-19
DATE

ACKNOWLEDGMENT

STATE OF OREGON)
COUNTY OF WASHINGTON) ss

THIS IS TO CERTIFY THAT ON JANUARY 30TH, 2019, BEFORE ME, A NOTARY PUBLIC IN THE
STATE OF OREGON, APPEARED ROY MARVIN, MEMBER OF THE MALIBAR GROUP, LLC WHO BEING DULY SWORN DID
SAY THAT HE IS THE PERSON NAMED ON THE FOREGOING INSTRUMENT AND SAID INSTRUMENT WAS EXECUTED
FREELY AND VOLUNTARILY.

[Signature]
NOTARY SIGNATURE
Danvella L. Pagella
NOTARY PUBLIC - OREGON (PRINT NAME)

COMMISSION NUMBER: 962505

MY COMMISSION EXPIRES: MAY 14, 2021

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO REPLAT LOTS A, C AND A PORTION OF D IN TRACT 20 OF THE PLAT
"WILLAMETTE & TUALATIN TRACTS" (PLAT NO. 198) PER CITY OF WEST LINN CASE FILE LLA-18-01.

THE BASIS OF BEARINGS IS SOUTH 67°39'45" WEST ALONG THE SOUTHEASTERLY LINE OF LOTS C AND D BY HOLDING
THE FOUND MONUMENT AT THE NORTHERLY CORNER OF PARCEL 3 OF PARTITION PLAT 1996-93 PER SAID PARTITION
WITH THE FOUND MONUMENT AT THE SOUTHERLY CORNER OF DOCUMENT NUMBER 2014-031880 PER SURVEY NUMBER
2003-012. THE BASIS OF BEARINGS IS PER SURVEY NUMBER 2003-012. THIS RESOLUTION AGREES WITH MONUMENTS
HELD FOR LINE AT THE NORTHERLY CORNER OF DOCUMENT NUMBER 2015-029442 PER PLAT OF "WILLAMETTE &
TUALATIN TRACTS" AND THE MONUMENT AT THE WESTERLY CORNER OF TRACT A OF SAID PARTITION PLAT.

SURVEY NUMBER 2003-012 USED PROPER PROCEDURES TO ESTABLISH THE OUTER BOUNDARIES OF SAID LOTS A, C
AND D AND THE RIGHT OF WAYS OF 10TH STREET AND 3RD AVENUE. THE WESTERLY CORNER OF TRACT A OF
PARTITION PLAT 1996-93 WAS ESTABLISHED BY HOLDING THE FALLING OF THE FOUND MONUMENT AT SOUTH 67°39'45"
WEST AT 0.53 FEET. 10TH STREET WAS ESTABLISHED WITH SAID LOCATION AND THE FOUND MONUMENT AT THE
NORTHERLY RIGHT OF WAY OF THE PGE EASEMENT PER SURVEY NUMBER 25593 PER SURVEY NUMBER 2003-012. THE
CENTERLINE WAS ESTABLISHED ON A 20.00 FOOT WESTERLY OFFSET, WHEN MEASURED AT RIGHT ANGLES.

3RD AVENUE WAS ESTABLISHED BY HOLDING THE FOUND MONUMENTS AT THE NORTHERLY CORNERS OF PARCEL 3 OF
PARTITION PLAT 2016-015 PER SURVEY NUMBER 2003-311. THE CENTERLINE WAS ESTABLISHED ON A 20.00 FOOT
NORTHERLY OFFSET WHEN MEASURED AT RIGHT ANGLES. THIS CENTERLINE WAS PROLONGATED WESTERLY TO
INTERSECTION WITH THE CENTERLINE OF SAID 10TH STREET.

9TH STREET WAS ESTABLISHED BY HOLDING THE FOUND MONUMENT AT THE NORTHWEST CORNER OF PARCEL 3 OF
PARTITION PLAT NUMBER 2016-015 PER SURVEY NUMBER 2003-311 AND THE FOUND AND HELD MONUMENT AT THE
NORTHERLY CORNER OF DOCUMENT NUMBER 2014-031880 PER SURVEY NUMBER 2003-012. THIS AGREES WITH THE
FALLING OF THE MONUMENT NEAR THE EASTERLY CORNER OF DOCUMENT NUMBER 2014-031880.

THE NORTHERLY LINE OF DOCUMENT NUMBER 2014-031880 WAS ESTABLISHED 90.00 FEET NORTHERLY AND PARALLEL
TO THE SOUTHERLY LINE OF LOTS C AND D PER SAID DOCUMENT. THE SOUTHWESTERLY LINE OF SAID DOCUMENT WERE
LOCATED ON A 120.00 FOOT SOUTHWESTERLY OFFSET TO THE WEST RIGHT OF WAY LINE OF 9TH STREET PER SAID
DOCUMENT. BOTH MEASURED AT RIGHT ANGLES TO RESPECTIVE LINES. ORIGINAL MONUMENTS PER THE PROPERTY LINE
ADJUSTMENT SURVEY WERE HELD FOR LOCATION AS SHOWN PER SURVEY NUMBER 2003-012.

THE SOUTHEASTERLY LINE OF LOT B OF TRACT 20 WAS ESTABLISHED BY HOLDING THE MIDPOINT OF THE WEST LINE OF
LOTS B AND C WITH THE MIDPOINT OF LOTS A AND D OF SAID TRACT AND PLAT. THIS AGREES CLOSELY WITH SURVEY
NUMBER 2003-102 AND THEIR RESOLUTION OF THE SAME LINES.

THE NORTHEASTERLY LINE OF LOT B OF TRACT 20 WAS ESTABLISHED BY HOLDING THE MIDPOINT OF THE NORTHERLY
LINE OF LOTS A AND B WITH THE FOUND AND HELD MONUMENT AT THE SOUTHWESTERLY CORNER OF LOT D OF SAID
TRACT AND PLAT. THIS AGREES CLOSELY WITH SURVEY NUMBER 2003-102 AND THEIR RESOLUTION OF THE SAME
LINES.

SURVEYOR'S CERTIFICATE

I, ROBERT D. RETTIG A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY
THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THAT LAND REPRESENTED ON THE
ATTACHED PARTITION PLAT MAP.

BEING A REPLAT OF LOTS A, C AND A PORTION OF D IN TRACT 20 OF THE PLAT "WILLAMETTE & TUALATIN TRACTS"
(PLAT NO. 198) TOGETHER WITH PORTIONS OF VACATED 10TH STREET AND 3RD AVENUE, LOCATED IN THE
NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF WEST LINN,
CLACKAMAS COUNTY, OREGON, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT BEARS SOUTH 67°39'45" WEST 89.51 FEET FROM THE EASTERLY CORNER OF TRACT A
OF PARTITION PLAT NUMBER 1996-93 MARKED BY A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP
INSCRIBED "GAYLORD PLS 929", SAID POINT ALSO BEING ON THE CENTERLINE OF VACATED 10TH STREET PER
DOCUMENT NUMBER 2018-031435; THENCE FOLLOWING SAID VACATED CENTERLINE, NORTH 22°17'46" WEST 207.74
FEET TO A POINT ON A SOUTHWESTERLY PROLONGATION OF THE SOUTHERLY LINE OF LOT B OF SAID TRACT 21;
THENCE ALONG THE SOUTHERLY LINE OF SAID LOT B NORTH 67°38'57" EAST 228.52 FEET TO THE SOUTHEASTERLY
CORNER THEREOF; THENCE ALONG THE EASTERLY LINE OF SAID LOT NORTH 22°18'45" WEST 227.79 FEET TO THE
CENTERLINE OF VACATED 3RD AVENUE; THENCE ALONG THE CENTERLINE OF SAID VACATED 3RD AVENUE NORTH
67°38'09" EAST 208.45 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF 9TH STREET (BEING 20.00 FEET FROM THE
CENTERLINE); THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 22°19'40" EAST 345.68 FEET TO
THE NORTHEASTERLY CORNER OF TRACT 1 OF DOC. NO. 90-35280, CLACKAMAS COUNTY DEED RECORDS; THENCE
ALONG THE NORTHERLY LINE OF SAID TRACT SOUTH 67°39'45" WEST 120.00 FEET TO THE NORTHWESTERLY CORNER
THEREOF; THENCE ALONG THE EASTERLY LINE OF SAID TRACT SOUTH 22°19'40" EAST 90.00 FEET TO THE
SOUTHWESTERLY CORNER THEREOF; THENCE LEAVING SAID EASTERLY LINE SOUTH 67°39'45" WEST 317.14 FEET TO
THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 2.93 ACRES, MORE OR LESS.

PLAT NOTES & RESTRICTIONS

- THE PLAT IS SUBJECT TO CITY OF WEST LINN CASE FILE NO. LLA-18-01.
- THIS PLAT IS SUBJECT TO A PUBLIC UTILITY EASEMENT SET FORTH IN ORDINANCE VACATING A PORTION OF
THIRD AVENUE AND TENTH STREET PER DOCUMENT NUMBER 2018-031435.

1-30-19
REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]
OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS
RENEWS: 12/31/18

JOB NAME:	1220 9TH STREET
JOB NUMBER:	5926
DRAWN BY:	MTB
CHECKED BY:	RDR
DRAWING NO.:	5926PPLAT

AKS ENGINEERING & FORESTRY, LLC
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