



CITY OF
West Linn
 PLANNING AND DEVELOPMENT

**STAFF REPORT
 PLANNING MANAGER DECISION**

DATE: April 25, 2016
 FILE NO.: MIP-15-02
 REQUEST: Approval of a Two-Parcel Minor Partition at 5083 Territorial Drive.
 PLANNER: Darren Wyss, Associate Planner

Planning Manager DB
 Development Review Engineer KQL

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GENERAL INFORMATION

OWNER/ APPLICANT:	Nancy Westermeijer P.O. Box 52, West Linn, OR 97068
CONSULTANT:	Duhon Consulting & Design 155 NW 338 th Avenue, Hillsboro, OR 97124
SITE LOCATION:	5083 Territorial Drive
SITE SIZE:	12,801 square feet (0.3 acres)
LEGAL DESCRIPTION:	Assessor's Map 2S-2E-30DC Tax Lot 1200
COMP PLAN DESIGNATION:	Medium-Density Residential
ZONING:	R-5, Single-Family Residential Detached and Attached/Duplex
APPROVAL CRITERIA:	Community Development Code (CDC) Chapter 13: Single-Family Residential Detached and Attached/Duplex, R-5; Chapter 27: Flood Management Areas; Chapter 48: Access, Egress and Circulation; Chapter 85: Land Division, General Provisions; Chapter 92: Required Improvements; Chapter 99: Procedures for Decision Making: Quasi-Judicial.
120-DAY RULE:	The application became complete on November 12, 2015. The 120-day period therefore ends on March 11, 2016. The applicant granted a 90-day extension that ends on June 9, 2016.
PUBLIC NOTICE:	Notice was mailed to property owners within 500 feet of the subject property and the Bolton neighborhood association on November 16, 2015. A sign was placed on the property on November 20, 2015. The notice was also posted on the City's website on November 16, 2015. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant seeks approval for a two-parcel partition of a 12,801 square foot parcel on the east side of Territorial Drive in the Bolton Neighborhood. The parcel is located within both the Willamette River Greenway and Habitat Conservation Areas (HCA). The subject property contains an HCA exemption area along Territorial Drive and a permit is required to disturb areas outside the exemption area. This permit will be secured when the property owner applies for building permits. There is an existing detached single-family dwelling, which will remain on newly created Parcel 2. The property is bordered on the east by the Willamette River and properties zoned R-5 and containing single-family dwellings to the north and south. To the west of the subject parcel is a slope leading up to Willamette Drive and the I-205 interchange.

Parcel 1, the northernmost parcel, will comprise 5,873 square feet and Parcel 2, the southernmost parcel, will comprise 5,999 square feet. The applicant has proposed a 929 square foot Tract A, on the west side of Territorial Drive, to remain in the ownership of Parcel 2. The City finds the creation of Tract A to be inconsistent with City policy and requires the tract to remain part of Parcel 2. This increases the size of Parcel 2 to 6,928 square feet. The proposed parcels meet dimensional standards of the R-5 zone and will take access from Territorial Drive.

The existing single-family home is currently connected to domestic water and sanitary sewer lines in Territorial Drive. New construction on proposed Parcel 1 will connect similarly.

Public comments:

No public comments were received by the close of the comment period (December 7, 2015 at 4:00 pm).

DECISION

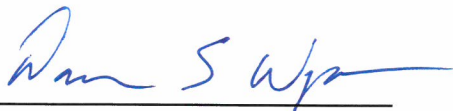
The Planning Manager (designee) approves this application (MIP-15-02), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of a condition of approval below. With these findings, the applicable approval criteria are met. The condition is as follows:

1. **Site Plan.** With the exception of modifications required by these conditions, the final plat shall conform to the Proposed Partition Plan for a Two-Parcel Partition Plat, date stamped July 15, 2015.
2. **Engineering Standards.** All public improvements and facilities associated with public improvements including street improvements, utilities, grading, onsite stormwater design, street lighting, street trees, easements, and easement

locations are subject to the City Engineer's review, modification, and approval. These must be designed, constructed, and completed prior to final plat approval.

3. **Street Improvements.** Prior to final plat approval, the applicant shall either construct or pay fee-in-lieu of completing full street pavement improvements, excluding curb, sidewalk, street trees, and planter strip, for the portion of Territorial Drive abutting the subject property.
4. **Grading Plan.** Prior to final plat approval, a grading plan per CDC 85.170(C) and showing appropriate setbacks for any proposed cuts or fills, including soil characteristics of proposed fill materials, shall be submitted to the City.
5. **Fire Flow.** The applicant shall perform a fire flow test and submit a letter from Tualatin Valley Fire and Rescue showing adequate fire flow is present.
6. **Tract A.** The applicant shall remove Proposed Partition Plat "Tract A" and appropriate the 929 square feet to Parcel 2 prior to final plat approval.
7. **Significant Trees.** The applicant shall retain the six significant Oregon Oak trees on the subject property until issuance of a Willamette River Greenway Permit and building permits.

The provisions of the Community Development Code Chapter 99 have been met.



Darren Wyss, Associate Planner

April 25, 2016

Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. An appeal to City Council of a decision by the Planning Director shall be heard on the record. The appeal must be filed by an individual who has established standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 25th day of April, 2016.

Therefore, the 14-day appeal period ends at 5 p.m., on May 10, 2016.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-15-02

This decision adopts the findings for approval contained within the applicant’s submittal, with the following exceptions and additions:

I. Chapter 13, SINGLE-FAMILY RESIDENTIAL DETACHED AND ATTACHED/DUPLEX, R-5
13.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

A. *The minimum lot size shall be:*

(...)

J. *The sidewall provisions of Chapter 43 CDC shall apply.*

Staff Finding 1: Staff incorporates applicant findings. These criteria are met.

II. CHAPTER 27, FLOOD MANAGEMENT AREAS

27.065 INTERPRETATION OF FLOOD BOUNDARIES

The Planning Director shall make interpretations, where needed, as to exact location of the boundaries of the flood hazard area (for example, where there appears to be a conflict between mapped boundaries and the actual filed condition). Any person contesting the location of the boundary may appeal the Planning Director’s interpretation pursuant to CDC 01.060.

Staff Finding 2: The applicant has submitted a signed Elevation Certificate and FEMA Letter of Map Revision Determination Document (Removal) confirming the 100-year flood elevation at 48.6 feet. The existing structure to remain on Parcel 2 has a lowest floor elevation of 61.0 feet. Top of bank is approximately 56.0 feet on Parcel 1. Before building permits are issued for Parcel 1, the applicant will be required to submit for Willamette River Greenway permit review. CDC Chapter 28.110.C(1) requires a minimum 15 foot setback from top of bank, ensuring any new habitable structure on Parcel 1 will be above the base flood elevation of 48.6 feet. The applicant has provided sufficient documentation to waive the Flood Management Area Permit.

27.100 SUBDIVISION PROPOSAL

A. All subdivision proposals shall be designed to minimize flood damage and not increase flood levels;

B. Lowest floor of all structures must be at least one foot above the base flood elevation;

C. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

D. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and streets should drain rapidly; and

E. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for any land division proposal.

Staff Finding 3: The applicant has submitted a signed Elevation Certificate and FEMA Letter of Map Revision Determination Document (Removal) confirming the 100-year flood elevation at 48.6 feet. The existing structure to remain on Parcel 2 has a lowest floor elevation of 61.0 feet. Top of bank is approximately 56.0 feet on Parcel 1. Before building permits are issued for Parcel 1, the applicant will be required to submit for Willamette River Greenway permit review. CDC Chapter 28.110.C(1) requires a minimum 15 foot setback from top of bank, ensuring any new habitable structure on Parcel 1 will be above the base flood elevation of 48.6 feet. The applicant has provided sufficient documentation to determine base flood elevation. All public utilities are in Territorial Drive right-of-way, which is located at 70.0 feet, and all public utilities will be constructed to minimize flood damage. These criteria are met.

III. CHAPTER 28 WILLAMETTE AND TUALATIN RIVER PROTECTION

28.110 APPROVAL CRITERIA

No application for development on property within the protection area shall be approved unless the decision-making authority finds that the following standards have been met or can be met by conditions of approval. The development shall comply with the following criteria as applicable:

(...)

F. Access and property rights.

1. Private lands within the protection area shall be recognized and respected.

(...)

5. Legal access to, and along, the riverfront in single-family residential zoned areas shall be encouraged and pursued especially when there are reasonable expectations that a continuous trail system can be facilitated. The City recognizes the potential need for compensation where nexus and proportionality tests are not met. Fee simple ownership by the City shall be preferred. The trail should be dimensioned and designed appropriate to the terrain it traverses and the user group(s) it can reasonably expect to attract. The City shall be responsible for signing the trail and delineating the boundary between private and public lands or access easements.

Staff Finding 4: Access to the river and all-weather paths are not feasible because of existing development and physical constraints on the properties located on Territorial Drive. Additionally, no public pathways are located on private property to the north or south of the subject property. Both the West Linn Trails Plan and West Linn Transportation Plan show Territorial Drive as the pedestrian/bicycle connection between West Bridge Park and Willamette Drive. These criteria are met.

H. Partitions, subdivisions and incentives.

1. When dividing a property into lots or parcels, an applicant shall verify the boundaries of the HCA on the property.

2. Applicant shall partition or subdivide the site so that all lots or parcels have a buildable site or envelope available for home construction located on non-HCA land or areas designated "Habitat and Impact Areas Not Designated as HCAs" per the HCA Map.

Staff Finding 5: The subject property, as shown in Map 1 below, has HCA lands on the eastern portion along the river. A West Linn Exception is located along the western portion of the subject property adjacent to Territorial Drive. The proposed partition will result in buildable sites on both Parcel 1 and 2 located on non-HCA land (West Linn Exception). The applicant or future property owner is required to apply for and secure a Willamette River Greenway Permit before the issuance of building permits. The permit will ensure compliance with all provisions of CDC Chapter 28. These criteria are met.



3. Development of HCA-dominated lands shall be undertaken as a last resort. A planned unit development (PUD) of Chapter 24 CDC may be required.

Staff Finding 6: The applicant was not required to apply for a PUD as the subject property affords buildable sites on non-HCA lands (West Linn Exception) along Territorial Drive as shown on the map above. This criterion is met

4. Incentives are available to encourage provision of public access to, and/or along, the river. By these means, planned unit developments shall be able to satisfy the shared outdoor recreation area requirements of CDC 55.100(F). Specifically, for every square foot of riverfront

path, the applicant will receive credit for two square feet in calculating the required shared outdoor recreation area square footage. Applicants shall also be eligible for a density bonus under CDC [24.150\(B\)](#). To be eligible to receive either of these incentives, applicants shall:

- a. Provide a minimum 20-foot-wide all-weather public access path along the project's entire river frontage (reduced dimensions would only be permitted in response to physical site constraints such as rock outcroppings, significant trees, etc.); and
- b. Provide a minimum 10-foot-wide all-weather public access path from an existing public right-of-way to that riverfront path or connect the riverfront path to an existing riverfront path on an adjoining property that accesses a public right-of-way;
- c. Fencing may be required near steep dropoffs or grade changes

Staff Finding 7: Access to the river and all-weather paths are not feasible because of existing development and physical constraints on the properties located on Territorial Drive. Additionally, no public pathways are located on private property to the north or south of the subject property. Both the West Linn Trails Plan and West Linn Transportation Plan show Territorial Drive as the pedestrian/bicycle connection between West Bridge Park and Willamette Drive. These criteria are met.

IV. CHAPTER 48, ACCESS, EGRESS AND CIRCULATION

48.025 ACCESS CONTROL

B. Access Control Standards

1. *Traffic impact analysis requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also CDC [55.125](#), Traffic Impact Analysis.)*

Staff Finding 8: No traffic impact analysis (TIA) is required since none of the criteria of 85.170(B) (2) are met. For example, an Average Daily Trip count (ADT) of 250 is required before a TIA is needed. The addition of 1 additional/new home should only generate an ADT of 9.57 new trips per day according to the Institute of Traffic Engineers (ITE) trip generation tables at 9.57 trips per household. This criterion is met.

(...)

3. *Access Options.*

(...)

c) *Option 3. Access is from a public street...access spacing standards in subsection (B)(6) of this section.*

Staff Finding 9: Proposed Parcels 1 and 2 will take access from Territorial Drive, which is adjacent to the subject property, and meet access spacing standards. These criteria are met.

4. *Subdivisions fronting onto an arterial street.*

5. *Double-frontage lots.*

6. *Access spacing.*

- 7. Number of access points.
- 8. Shared driveways.

Staff Finding 10: The applicant proposal does not front onto an arterial street, does not create double-frontage lots, only has one access per parcel, and doesn't require access spacing or shared driveways. These criteria are met.

C. Street connectivity and formation of blocks required.

Staff Finding 11: The applicant proposal does not create new streets or intersections. These criteria are met.

48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

(...)

B. When any portion of any house is less than 150 feet from the adjacent right-of-way, access to the home is as follows:

1. One single-family residence, including residences with an accessory dwelling unit as defined in CDC 02.030, shall provide 10 feet of unobstructed horizontal clearance. Dual-track or other driveway designs that minimize the total area of impervious driveway surface are encouraged.

(...)

3. Maximum driveway grade shall be 15 percent. The 15 percent shall be measured along the centerline of the driveway only. Variations require approval of a Class II variance by the Planning Commission pursuant to Chapter 75 CDC. Regardless, the last 18 feet in front of the garage shall be under 12 percent grade as measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply.

4. The driveway shall include a minimum of 20 feet in length between the garage door and the back of sidewalk, or, if no sidewalk is proposed, to the paved portion of the right-of-way.

Staff Finding 12: A new home on Parcel 1 will be less than 150 feet from Territorial Drive and provide a driveway that is a minimum 10 feet wide and 20 feet in length. The existing slope of Parcel 1 adjacent to Territorial Drive is 9% on the west edge and 3% on the east edge. These criteria are met.

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

A. Minimum curb cut width shall be 16 feet.

B. Maximum curb cut width shall be 36 feet, except along Highway 43 in which case the maximum curb cut shall be 40 feet. For emergency service providers, including fire stations, the maximum shall be 50 feet.

(...)

G. Adequate line of sight pursuant to engineering standards should be afforded at each driveway or accessway.

Staff Finding 13: Development of Parcel 1 will provide a minimum of 16 foot and maximum of 36 foot curb cut. Adequate lines of sight will be provided as there are no existing barriers or obstacles along Territorial Drive. These criteria are met.

V. CHAPTER 85, GENERAL PROVISIONS

85.200 APPROVAL CRITERIA

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

A. Streets.

1. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets (...)

Staff Finding 14: The proposal does not include any internal streets. The proposal requires full-street pavement improvements for the portion of Territorial Drive adjacent to the subject property. The applicant may request to pay a fee-in-lieu of constructing the full-street pavement improvements. The City will accept the fee-in-lieu per Condition of Approval 3. Subject to the Conditions of Approval, this criterion is met.

2. Right-of-way and roadway widths. In order to accommodate larger tree-lined boulevards and sidewalks, particularly in residential areas, the standard right-of-way widths for the different street classifications shall be within the range listed below. But instead of filling in the right-of-way with pavement, they shall accommodate the amenities (e.g., boulevards, street trees, sidewalks). The exact width of the right-of-way shall be determined by the City Engineer or the approval authority. The following ranges will apply:

<i>Local street</i>	<i>40 – 60</i>
<i>Alley</i>	<i>16</i>

Staff Finding 15: The proposal is located on Territorial Drive, a local street that has a 20 foot right-of-way width adjacent to the subject property. The City Engineer has determined that Territorial is a substandard street that acts as and resembles an alley. Physical constraints will not allow Territorial Drive to be improved to Local Street Standards. The City Engineer has determined the right-of-way for Territorial will remain 20 feet and continue as a substandard street. This criterion is met.

3. Street widths. Street widths shall depend upon which classification of street is proposed. The classifications and required cross sections are established in Chapter 8 of the adopted TSP. (...)

4. *The decision-making body shall consider the City Engineer’s recommendations on the desired right-of-way width, pavement width and street geometry of the various street types within the subdivision after consideration by the City Engineer of the following criteria:*

(...)

5. *Additionally, when determining appropriate street width, the decision-making body shall consider the following criteria:*

(...)

Staff Finding 16: The proposal is located on Territorial Drive, a local street that has a 20 foot right-of-way width adjacent to the subject property. The City Engineer has determined that Territorial is a substandard street that acts as and resembles an alley. Physical constraints will not allow Territorial Drive to be improved to Local Street Standards. The City Engineer has determined the right-of-way for Territorial will remain 20 feet and continue as a substandard street resembling an alley with no sidewalks or planter strips. These criteria are met.

(...)

10. *Additional right-of-way for existing streets. Wherever existing street rights-of-way adjacent to or within a tract are of inadequate widths based upon the standards of this chapter, additional right-of-way shall be provided at the time of subdivision or partition.*

Staff Finding 17: The proposal is located on Territorial Drive, a local street that has a 20 foot right-of-way width adjacent to the subject property. The City Engineer has determined that Territorial is a substandard street that acts as and resembles an alley. Physical constraints will not allow Territorial Drive to be improved to Local Street Standards. The City Engineer has determined the right-of-way for Territorial will remain 20 feet and no right-of-way dedications are required by the applicant. This criterion is met.

(...)

16. *Sidewalks. Sidewalks shall be installed per CDC [92.010\(H\)](#), Sidewalks. The residential sidewalk width is six feet plus planter strip...or to match existing sidewalks or right-of-way limitations.*

17. *Planter strip. The planter strip is between the curb and sidewalk providing space for a grassed or landscaped area and street trees. The planter strip shall be at least 6 feet wide...or in response to right-of-way limitations.*

Staff Finding 18: The proposal is located on Territorial Drive, a local street that has a 20 foot right-of-way width adjacent to the subject property. The City Engineer has determined that Territorial is a substandard street that acts as and resembles an alley with no sidewalks or planter strips. Physical constraints will not allow Territorial Drive to be improved to Local Street Standards with sidewalks and planter strips. The City Engineer has determined the

right-of-way for Territorial will remain 20 feet and continue as a substandard street resembling an alley with no sidewalks or planter strips. These criteria are met.

(...)

19. All lots in a subdivision shall have access to a public street. Lots created by partition may have access to a public street via an access easement pursuant to the standards and limitations set forth for such accessways in Chapter 48 CDC.

Staff Finding 19: Both proposed Parcels 1 and 2 will take access from Territorial Drive, a public street. This criterion is met.

22. Based upon the determination of the City Manager or the Manager's designee, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis (...)

Staff Finding 20: The proposal is not a subdivision. This criteria does not apply. However, the proposal will add only one additional dwelling unit. The addition of one additional dwelling unit should only generate an ADT of 9.57 new trips per day according to the Institute of Traffic Engineers (ITE) trip generation tables at 9.57 trips per household. The City Engineer has determined the proposal is in compliance with the City's Transportation System Plan and will not create impacts to existing off-site facilities that would trigger the need for improvements. This criterion is met.

B. Blocks and Lots.

(...)

4. Access. Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter 48 CDC, Access, Egress and Circulation.

Staff Finding 21: Please see Staff Findings 8 through 13. This criterion is met.

C. Pedestrian and bicycle trails.

(...)

Staff Finding 22: Territorial Drive acts a pedestrian/bicycle trail adjacent to the subject property, connecting West Bridge Park to Willamette Drive via a stairway or Mill Street. The applicant is required to repave Territorial Drive or pay fee-in-lieu of the improvements per Condition of Approval 3. Subject to the Conditions of Approval, these criteria are met.

E. Grading. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

1. All cuts and fills shall comply with the excavation and grading provisions of the Uniform Building Code and the following:

- a. *Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically (i.e., 67 percent grade).*
- b. *Fill slopes shall not exceed two feet horizontally to one foot vertically (i.e., 50 percent grade). Please see the following illustration.*

Staff Finding 23: The applicant is not proposing any grading at this time. However, the applicant or future property owner of Parcel 1 shall comply with the excavation and grading provisions of the Uniform Building Code during development. These criteria are met.

2. *The character of soil for fill and the characteristics of lot and parcels made usable by fill shall be suitable for the purpose intended.*
3. *If areas are to be graded (more than any four-foot cut or fill), compliance with CDC 85.170(C) is required.*
4. *The proposed grading shall be the minimum grading necessary to meet roadway standards, and to create appropriate building sites, considering maximum allowed driveway grades.*

Staff Finding 24: The applicant is not proposing any grading at this time. However, the applicant shall submit a grading plan per CDC 85.170(C), including soil characteristics of proposed fill materials, prior to final plat approval per Condition of Approval 4. Subject to the Conditions of Approval, these criteria are met.

5. *Type I lands shall require a report submitted by an engineering geologist, and Type I and Type II lands shall require a geologic hazard report.*

Staff Finding 25: The subject property has slopes ranging from 22 percent to 40 percent adjacent to the Willamette River. These slopes comprise 22.6 percent (2,638 square feet) of the site and thus do not meet the definition of Type I or II lands per CDC 2.030. The site also does not meet any additional definition criteria in CDC 2.030 to be considered Type I or II lands. However, during the building permit application process, the Building Official will evaluate the site and may require a Geo-Technical Report to be submitted. This criterion is met.

7. *On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:*
 - a. *Toes of cuts and fills shall be set back from the boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. Where an exception is required from that requirement, slope easements shall be provided.*

Staff Finding 26: The applicant is not proposing any grading at this time. However, the subject property contains slopes in excess of 12 percent and applicant shall submit a grading plan per CDC 85.170(C), including locations of any proposed cut or fill, prior to final plat approval per Condition of Approval 4. Subject to the Conditions of Approval, these criteria are met.

b. Cuts shall not remove the toe of any slope where a severe landslide or erosion hazard exists (as described in subsection (G)(5) of this section).

Staff Finding 27: The subject property does not contain any identified severe landslide or erosion hazard areas. This criterion is met.

c. Any structural fill shall be designed by a registered engineer in a manner consistent with the intent of this code and standard engineering practices, and certified by that engineer that the fill was constructed as designed.

Staff Finding 28: The applicant is not proposing any grading at this time and does not anticipate the need for structural fill on the subject property. However, the applicant or future property owner of Parcel 1 shall submit a plan certified by a registered engineer to meet building code requirements if structural fill is proposed during building permitting process. This criterion is met.

d. Retaining walls shall be constructed pursuant to Section 2308(b) of the Oregon State Structural Specialty Code.

e. Roads shall be the minimum width necessary to provide safe vehicle access, minimize cut and fill, and provide positive drainage control.

8. Land over 50 percent slope shall be developed only where density transfer is not feasible. The development will provide that:

a. At least 70 percent of the site will remain free of structures or impervious surfaces.

b. Emergency access can be provided.

c. Design and construction of the project will not cause erosion or land slippage.

d. Grading, stripping of vegetation, and changes in terrain are the minimum necessary to construct the development in accordance with subsection J of this section.

Staff Finding 29: The property owner of Parcel 1 will construct any proposed retaining walls in accordance to the Oregon State Structural Specialty Code. The applicant is not proposing nor required to construct road improvements. There are no lands over 50 percent slope on the subject property. These criteria are met.

F. Water.

Staff Finding 30: The site is currently served by city water in Territorial Drive. The City Engineer has provided a statement confirming the system has sufficient volume and pressure to serve proposed Parcel 1 and 2, which will both be metered individually at the street. Tualatin Valley Fire & Rescue requires a fire flow test from a hydrant within 600 feet of the partition to demonstrate adequate fire flow to serve the site per Condition of Approval 5. Subject to the Conditions of Approval, these criteria are met.

G. Sewer.

Staff Finding 30: The site is currently served by an existing sanitary sewer line in Territorial Drive. Proposed Parcels 1 and 2 will provide laterals to gravity flow to the existing line and the City Engineer has provided a statement confirming the system has sufficient capacity to serve both proposed Parcels. These criteria are met.

I. Utility easements.

Staff Finding 32: The proposal does not require any utility easements. This criterion is met.

J. Supplemental provisions.

1. *Wetland and natural drainageways.*

Staff Finding 33: The applicant or future property owner of Parcel 1 is required to apply for a Willamette River Greenway permit before the issuance of building permits. This criterion is met.

2. *Willamette and Tualatin Greenways.*

Staff Finding 34: The applicant or future property owner of Parcel 1 is required to apply for a Willamette River Greenway permit before the issuance of building permits. This criterion is met.

3. *Street trees.*

4. *Lighting.*

Staff Finding 35: The applicant is not required to install or pay fee-in-lieu for street trees as Territorial is a substandard street with severe constraints that eliminate the possibility to construct to full street standards. The applicant shall provide street lighting as deemed appropriate by the City Engineer per Condition of Approval 2. Subject to the Conditions of Approval, these criteria are met.

5. *Dedications and exactions.*

Staff Finding 36: The City Engineer has determined the proposal is in compliance with the City's Transportation System Plan and will not create impacts to existing off-site facilities that would trigger the need for improvements. The City Engineer has also determined the City's sanitary sewer and water systems have sufficient capacity to serve the site. This criterion is met.

6. *Underground utilities.*

All utilities, such as electrical, telephone, and television cable, that may at times be above ground or overhead shall be buried underground in the case of new development. The exception

would be in those cases where the area is substantially built out and adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre. High voltage transmission lines, as classified by Portland General Electric or electric service provider, would also be exempted. Where adjacent future development is expected or imminent, conduits may be required at the direction of the City Engineer. All services shall be underground with the exception of standard above-grade equipment such as some meters, etc.

Staff Finding 37: The subject property needs to meet three criteria for exemption from undergrounding existing overhead utilities. The subject property is exempt as it meets all three exemption criteria: the area is built out with adjacent properties having above-ground utilities, 101.5 feet of site frontage, and less than an acre in size (12,801 square feet). This criterion is met.

7. Density requirement.

Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would not apply when density is transferred from Type I and II lands as defined in CDC [02.030](#). Development of Type I or II lands are exempt from these provisions. Land divisions of three lots or less would also be exempt.

Staff Finding 38: The subject property is 12,801 square feet and zoned R-5, which has a minimum lot size of 5,000 square feet. The maximum density is two and the applicant is proposing 100 percent of the maximum density. The applicant has proposed a 929 square foot "Tract A". City policy does not allow the creation of tracts that do not serve a public purpose. The applicant's final plat shall show the 929 square feet as part of Parcel 2, per Condition of Approval 6. Subject to the Conditions of Approval, this criterion is met.

(...)

9. Heritage trees/significant tree and tree cluster protection.

All heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping dripline; however, native oaks need not have an overlapping dripline) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC [55.100\(B\)\(2\)](#). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk.

Staff Finding 36: The subject property contains no heritage trees, but contains six significant Oregon Oak trees, confirmed by the City Arborist on a site visit conducted April 8, 2016. The applicant has not proposed a building pad location for Parcel 1 at this time, but has submitted a narrative that proposes the potential removal of three of the significant trees in the future for placement of the building pad. The subject property does not contain Type I or II lands so retaining 50 percent of the canopy coverage meets the requirements of CDC 55.100.B(2)(b). However, the City Arborist requires the retention of the six significant trees until the

applicant or future owner of proposed Parcel 1 completes the Willamette River Greenway Permit (WRG) process and building permits are issued per Condition of Approval 7. This required retention will allow for the review of Habitat Conservation Areas during the WRG process and evaluation of alternative home designs. Subject to the Conditions of Approval, this criterion is met.

VI. CHAPTER 92, REQUIRED IMPROVEMENTS

92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT

The following improvements shall be installed at the expense of the developer and meet all City codes and standards:

- A. Streets within subdivisions.*
- B. Extension of streets to subdivisions*
- C. Local and minor collector streets*
- D. Monuments*

Staff Finding 37: The applicant shall either construct or pay fee-in-lieu for full street pavement improvements adjacent to the site per Condition of Approval 3. Subject to the Conditions of Approval, these criteria are met.

E. Surface drainage and storm sewer system.

(...)

Q. Joint mailbox facilities

Staff Finding 25: The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Standards. These criteria are met.

92.030 IMPROVEMENT PROCEDURES

(...)

Staff Finding 26: The applicant shall comply with the requirements and install improvements to meet the West Linn Public Works Standards. These criteria are met.

PD-1 AFFADAVIT AND NOTICE PACKET

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. MIP-1502 Applicant's Name Art Dahon, Dahon Consulting & Design
Development Name _____
Scheduled Meeting/Decision Date 12-7-15

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) 11-16-15 (signed) S. Schroyer
- B. Affected property owners (date) 11-16-15 (signed) S. Schroyer
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 11-16-15 AM (signed) S. Schroyer
- F. All parties to an appeal or review (date) _____ (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) N/A (signed) _____
City's website (posted date) 11-16-15 (signed) S. Schroyer

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) 11-20-2015 (signed) Don S Wynn

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B _____

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) _____ (signed) _____

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) 4-25-2016 (signed) Don S Wynn

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. MIP-15-02**

The West Linn Planning Manager is considering a request for a two-lot minor partition at 5083 Territorial Drive.

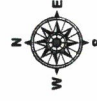
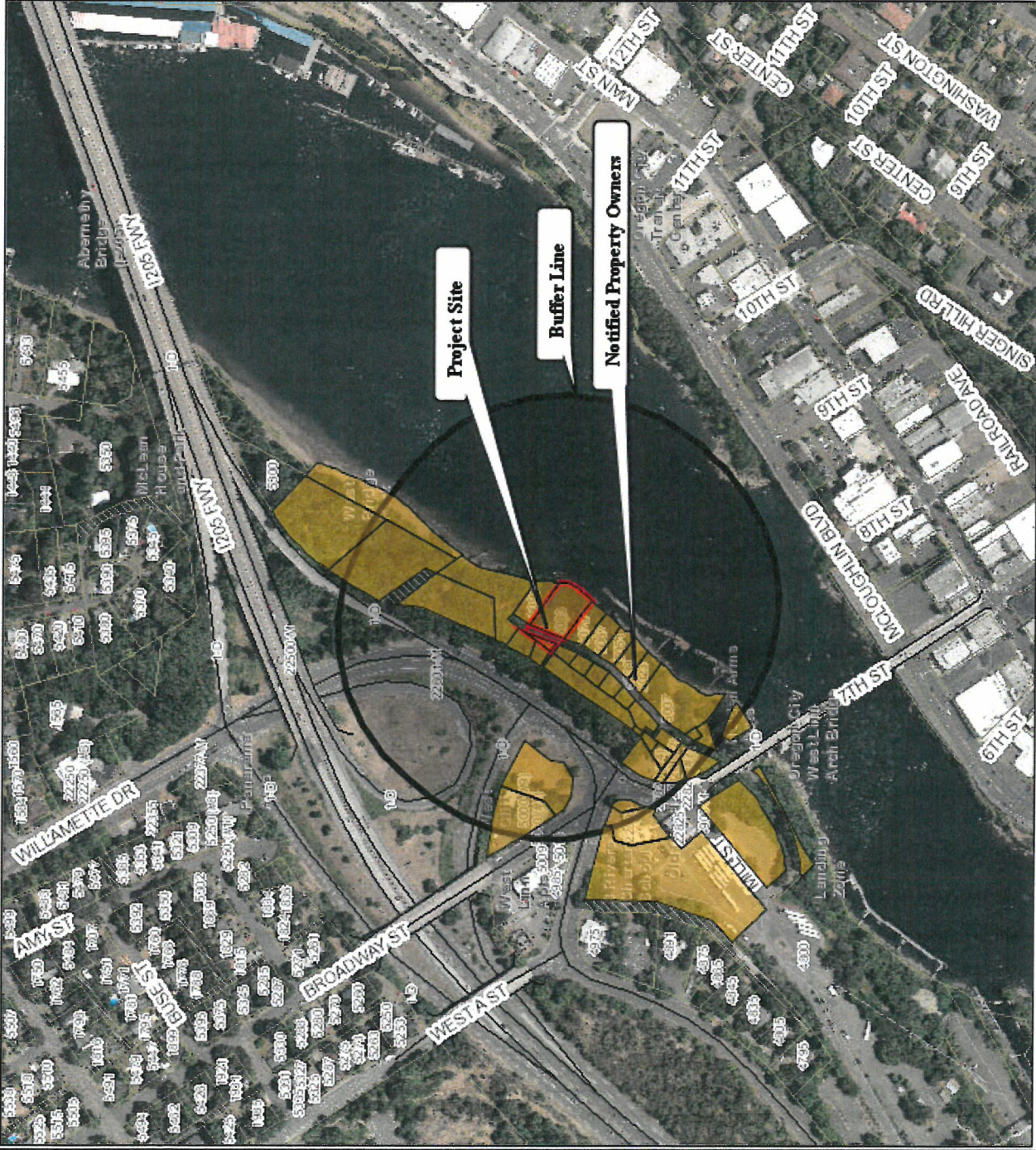
The decision will be based on the approval criteria in chapters 13 and 85 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

You have received this notice because County records indicate that you own property within 500 feet of this property (Tax Lot 1200 of Clackamas County Assessor's Map 22E 30DC) or as otherwise required by Chapter 99 of the CDC.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <http://westlinnoregon.gov/planning/5083-territorial-drive-minor-partition> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on December 7, 2015. Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline.** For further information, please contact Darren Wyss, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 722-5512, dwyss@westlinnoregon.gov.

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice. City Council will not accept additional evidence if there is an appeal of this proposal.** Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

5083 Territorial Drive Notification Map



Scale 1:4,800 - 1 in = 400 ft
 Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
 Date Created: 06-Nov-15 01:11 PM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Source: West Linn GIS (Geographic Information System) MapOptx.



CITY OF West Linn

PLANNING MANAGER DECISION

**PROJECT # MIP-15-02
MAIL 11/17/15 TIDINGS N/A**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

PD-2 COMPLETENESS LETTER



City of West Linn

November 12, 2015

Nancy Westermeijer
P.O. Box 52
West Linn, OR. 97068

SUBJECT: MIP-15-02/WR-15-03/MI-15-08 application for 2-Lot Minor Partition, Flood Management Area Permit, and Willamette River Protection Review at Water Resource Area permit at 5083 Territorial Drive.

Dear Nancy:

You submitted this application on August 18, 2015. The Planning and Engineering Departments found that this application was incomplete on September 17, 2015. Additional information was subsequently provided on October 23, 2015 and the application has now been deemed **complete**. The city has 120 days to exhaust all local review; that period ends March 11, 2016.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Director to render a decision on your proposal.

A 20-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date.

Please contact me at 503-722-5512, or by email at dwyss@westlinnoregon.gov if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Darren S Wyss". The signature is fluid and cursive, with the first name "Darren" and last name "Wyss" clearly legible.

Darren Wyss

Associate Planner

PD-3 APPLICANT'S SUBMITTAL



DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Peter Spir</i>	PROJECT NO(S) <i>MP-1502 / WR-1503 / MI-1508</i>	
NON-REFUNDABLE FEE(S) <i>500-</i>	REFUNDABLE DEPOSIT(S) <i>5550-</i>	TOTAL <i>6050-</i>

Type of Review (Please check all that apply):

- Annexation (ANX)
- Appeal and Review (AP) *
- Conditional Use (CUP)
- Design Review (DR)
- Easement Vacation
- Extraterritorial Ext. of Utilities
- Final Plat or Plan (FP)
- Flood Management Area
- Hillside Protection & Erosion Control *500* INSPECTION
- Historic Review
- Legislative Plan or Change
- Lot Line Adjustment (LLA) */**
- Minor Partition (MIP) (Preliminary Plat or Plan) *2800*
- Non-Conforming Lots, Uses & Structures
- Planned Unit Development (PUD)
- Pre-Application Conference (PA) */** *1700*
- Street Vacation
- Subdivision (SUB)
- Temporary Uses *
- Time Extension *
- Variance (VAR)
- Water Resource Area Protection/Single Lot (WAP)
- Water Resource Area Protection/Wetland (WAP)
- Willamette & Tualatin River Greenway (WRG)
- Zone Change

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

Site Location/Address:

5083 Territorial Dr.

Assessor's Map No.:

Tax Lot(s):

Total Land Area:

Brief Description of Proposal:

MINOR PARTITION PLAT TO DIVIDE LOT

Applicant Name:
(please print)

Art Duhon, Duhon Consulting & Design
155 NW 338th Ave
Hillsboro OR 97124

Phone: *503-317-5653*

Email: *duhon10@gmail.com*

Owner Name (required):
(please print)

NANCY Westermeyer
P.O. Box 52
WEST LINN, OR 97066

Phone: *503.689-7056*

Email: *dutchwest7@msn.com*

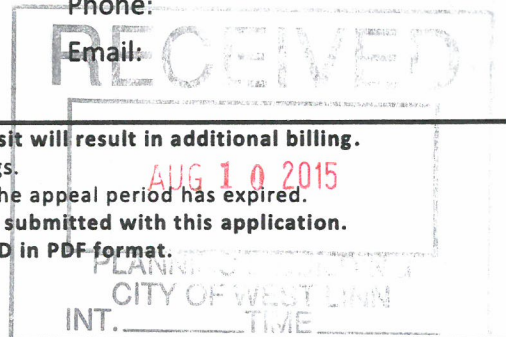
Consultant Name:
(please print)

same as applicant.

Phone:

Email:

City State Zip:



- All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted on CD in PDF format. If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

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.

Nancy G Westermeyer
Applicant's signature

8/5/15
Date

Nancy G Westermeyer
Owner's signature (required)

8/10/15
Date

DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY
ELEVATION FORM

O.M.B. NO. 1660-0015
 Expires February 28, 2014

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average 1.25 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and submitting the form. This collection is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington, VA 20598-3005, Paperwork Reduction Project (1660-0015). **NOTE: Do not send your completed form to this address.**

This form must be completed for requests and must be completed and signed by a registered professional engineer or licensed land surveyor. A DHS - FEMA National Flood Insurance Program (NFIP) Elevation Certificate may be submitted in lieu of this form for single structure requests.

For requests to remove a structure on natural grade OR on engineered fill from the Special Flood Hazard Area (SFHA), submit the lowest adjacent grade (the lowest ground touching the structure), **including an attached deck or garage**. For requests to remove an entire parcel of land from the SFHA, provide the lowest lot elevation; or, if the request involves an area described by metes and bounds, provide the lowest elevation within the metes and bounds description. All measurements are to be rounded to nearest tenth of a foot. In order to process your request, all information on this form must be completed **in its entirety**. **Incomplete submissions will result in processing delays.**

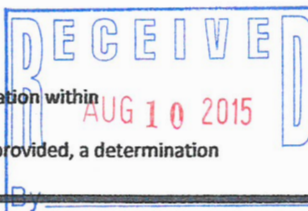
- NFIP Community Number: 410024 Property Name or Address: 5083 TERRITORIAL DR, WEST LINN, OREGON 97068
- Are the elevations listed below based on **existing** or **proposed** conditions? (Check one)
- For the existing or proposed structures listed below, what are the types of construction? (check all that apply)
 crawl space slab on grade basement/enclosure other (explain)
- Has DHS - FEMA identified this area as subject to land subsidence or uplift? (see instructions) Yes No
 If yes, what is the date of the current re-leveling? / (month/year)
- What is the elevation datum? NGVD 29 NAVD 88 Other (explain)
 If any of the elevations listed below were computed using a datum different than the datum used for the effective Flood Insurance Rate Map (FIRM) (e.g., NGVD 29 or NAVD 88), what was the conversion factor?
 Local Elevation +/- ft. = FIRM Datum
- Please provide the Latitude and Longitude of the most upstream edge of the **structure** (in decimal degrees to the nearest fifth decimal place):
 Indicate Datum: WGS84 NAD83 NAD27 Lat. 45.36103°N Long. 122.60861°W
 Please provide the Latitude and Longitude of the most upstream edge of the **property** (in decimal degrees to the nearest fifth decimal place):
 Indicate Datum: WGS84 NAD83 NAD27 Lat. 45.36107°N Long. 122.60863°W

Address	Lot Number	Block Number	Lowest Lot Elevation*	Lowest Adjacent Grade To Structure	Base Flood Elevation	BFE Source
5083 TERRITORIAL DR, WEST LINN, OREGON 97068			48.5	61.0	48.5	FIS PROFILE

This certification is to be signed and sealed by a licensed land surveyor, registered professional engineer, or architect authorized by law to certify elevation information. All documents submitted in support of this request are correct to the best of my knowledge. I understand that any false statement may be punishable by fine or imprisonment under Title 18 of the United States Code, Section 1001.

Certifier's Name: ALBERT HERTEL	License No.: PLS 1896	Expiration Date: June 30, 2015
Company Name: CASWELL/HERTEL SURVEYORS INC.	Telephone No.: 503-644-3179	Seal (optional)
Email: INFO@CHSURVEYINC.COM	Fax No. 503-644-3190	
Signature: <i>Albert Hertel</i>	Date: 5-9-14	

* For requests involving a portion of property, include the lowest ground elevation within the metes and bounds description.
 Please note: If the Lowest Adjacent Grade to Structure is the only elevation provided, a determination will be issued for the structure only.



DEPARTMENT OF HOMELAND SECURITY - FEDERAL EMERGENCY MANAGEMENT AGENCY
COMMUNITY ACKNOWLEDGMENT FORM

O.M.B. NO. 1660-0015
 Expires February 28, 2014

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average 1.38 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and submitting the form. This collection is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington, VA 20598-3005, Paperwork Reduction Project (1660-0015). NOTE: Do not send your completed form to this address.

This form must be completed for requests involving the existing or proposed placement of fill (complete Section A) **OR** to provide acknowledgment of this request to remove a property from the SFHA which was previously located within the regulatory floodway (complete Section B).

This form must be completed and signed by the official responsible for floodplain management in the community. **The six digit NFIP community number and the subject property address must appear in the spaces provided below. Incomplete submissions will result in processing delays.** Please refer to the MT-1 instructions for additional information about this form.

Community Number: **410024**

Property Name or Address: **5083 TERRITORIAL DR, WEST LINN, OREGON 97068**

A. REQUESTS INVOLVING THE PLACEMENT OF FILL

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this Letter of Map Revision Based on Fill (LOMR-F) or Conditional LOMR-F request. Based upon the community's review, we find the completed or proposed project meets or is designed to meet all of the community floodplain management requirements, including the requirement that no fill be placed in the regulatory floodway, and that all necessary Federal, State, and local permits have been, or in the case of a Conditional LOMR-F, will be obtained. For Conditional LOMR-F requests, the applicant has or will document Endangered Species Act (ESA) compliance to FEMA prior to issuance of the Conditional LOMR-F determination. For LOMR-F requests, I acknowledge that compliance with Sections 9 and 10 of the ESA has been achieved independently of FEMA's process. Section 9 of the ESA prohibits anyone from "taking" or harming an endangered species. If an action might harm an endangered species, a permit is required from U.S. Fish and Wildlife Service or National Marine Fisheries Service under Section 10 of the ESA. For actions authorized, funded, or being carried out by Federal or State agencies, documentation from the agency showing its compliance with Section 7(a)(2) of the ESA will be submitted. In addition, we have determined that the land and any existing or proposed structures to be removed from the SFHA are or will be reasonably safe from flooding as defined in 44CFR 65.2(c), and that we have available upon request by DHS-FEMA, all analyses and documentation used to make this determination. For LOMR-F requests, we understand that this request is being forwarded to DHS-FEMA for a possible map revision.

Community Comments:

Community Official's Name and Title: *(Please Print or Type)*

Telephone No.:

Community Name:

Community Official's Signature: *(required)*

Date:

B. PROPERTY LOCATED WITHIN THE REGULATORY FLOODWAY

As the community official responsible for floodplain management, I hereby acknowledge that we have received and reviewed this request for a LOMA. We understand that this request is being forwarded to DHS-FEMA to determine if this property has been inadvertently included in the regulatory floodway. We acknowledge that no fill on this property has been or will be placed within the designated regulatory floodway. We find that the completed or proposed project meets or is designed to meet all of the community floodplain management requirements.

Community Comments:

Community Official's Name and Title: *(Please Print or Type)*

Thomas Scappe, Associate Planner

Telephone No.:

503-742-8660

Community Name:
CITY OF WEST LINN

Community Official's Signature *(required)*:

[Signature]

Date:

5-15-14

SECTION A - PROPERTY INFORMATION

A1. Building Owner's Name NANCY WESTERMEIJER		For Insurance Company Use:
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 5083 TERRITORIAL DRIVE		Policy Number
City: WEST LINN State: OREGON ZIP Code: 97068		Company NAIC Number
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) CLACKAMAS COUNTY TAX LOT 1200 ON MAP 2S2E30DC		
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) RESIDENTIAL		
A5. Latitude/Longitude: Lat. 45°21'39.43"W Long. 122°36'31.81"W		Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.		
A7. Building Diagram Number 7		
A8. For a building with a crawl space or enclosure(s), provide		A9. For a building with an attached garage, provide:
a) Square footage of crawl space or enclosure(s) : 0 sq ft		a) Square footage of attached garage 0 sq ft
b) No. of permanent flood openings in the crawl space or enclosure(s) walls within 1.0 foot above adjacent grade 0		b) No. of permanent flood openings in the attached garage walls within 1.0 foot above adjacent grade N/A
c) Total net area of flood openings in A8.b N/A sq in		c) Total net area of flood openings in A9.b N/A sq in
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number CITY OF WEST LINN 410024		B2. County Name CLACKAMAS		B3. State OREGON	
B4. Map/Panel Number 41005C / 276	B5. Suffix D	B6. FIRM Index Date 06/17/2008	B7. FIRM Panel Effective/ Revised Date 06/17/2008	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) 48.5
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9. <input checked="" type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date _____ / _____ / _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.
 Benchmark Utilized **R-103** Vertical Datum **NAVD 88**

Indicate elevation datum used for elevations in items a) through h) below, NGVD 1929 NAVD 1988 Other/Source: _____
 Check the measurement used.

a) Top of bottom floor (including basement, crawl space, or enclosure floor)	61.2	<input checked="" type="checkbox"/> feet
b) Top of the next higher floor	69.6	<input checked="" type="checkbox"/> feet
c) Bottom of the lowest horizontal structural member (V Zones only)	N/A	<input type="checkbox"/> feet
d) Attached garage (top of slab)	N/A	<input checked="" type="checkbox"/> feet
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	61.2	<input checked="" type="checkbox"/> feet
f) Lowest adjacent (finished) grade next to building (LAG)	61.0	<input checked="" type="checkbox"/> feet
g) Highest adjacent (finished) grade next to building (HAG)	66.7	<input checked="" type="checkbox"/> feet
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	60.7	<input checked="" type="checkbox"/> feet

NOTE: CERTIFICATE NOT VALID WITHOUT SIGNED COMMENTS

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Check here if comments are provided on back of form. Were latitude and Longitude in Section A provided by a
 Check here if attachments Licensed land surveyor? Yes No

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Certifier's Name: **Albert Hertel** License Number: **PLS 1896**

Title: **Registered Professional Surveyor** Company Name: **Caswell/Hertel Surveyors Inc.**

Address: **6150 SW 124th Avenue** City: **Beaverton** State: **Oregon** ZIP Code: **97008**

Signature: *Albert Hertel* Date: **5-9-2014** Telephone: **503-644-3179**

Albert Hertel

OREGON
 JULY 18, 1980
 ALBERT HERTEL
 1896

RENEWS: 6/30/2015

IMPORTANT: In these spaces, copy the corresponding information from Section A.	For Insurance Company Use:
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 5083 TERRITORIAL DRIVE	Policy Number
City: WEST LINN State: OREGON ZIP Code: 97068	Company NAIC Number

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments: The top of bottom floor (item C2a) was measured at the top of the concrete in the daylight basement. The top of the next higher floor (item C2b) was measured at the finish floor of the next higher living area. The lowest elevation of machinery (item C2e) was measured at the base of the furnance in the basement. The building contains 1,068 square feet

Signature: Albert Hertel Date: 5-9-2014 Check here if attachments

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
 - a) Top of bottom floor (including basement, crawl space, or enclosure) is _____ feet meters above or below the HAG.
 - b) Top of bottom floor (including basement, crawl space, or enclosure) is _____ feet meters above or below the LAG.
- E2. For Building Diagrams 6-8 with permanent flood openings provided in Section A Items 8 and/or 9 (see page 8 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ feet meters above or below the HAG.
- E3. Attached garage (top of slab) is _____ feet meters above or below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ feet meters above or below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner's or Owner's Authorized Representative's Name _____

Address	City	State	ZIP Code
Signature	Date	Telephone	
Comments			

Check here if attachments

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8. and G9.

- G1. The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. The following information (Items G4.-G9.) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate Of Compliance/Occupancy Issued
-------------------	------------------------	---

- G7. This permit has been issued for: New Construction Substantial Improvement
- G8. Elevation of as-built lowest floor (including basement) of the building: _____ feet meters (PR) Datum _____
- G9. BFE or (in Zone AO) depth of flooding at the building site: _____ feet meters (PR) Datum _____

Local Official's Name	Title
Community Name	Telephone
Signature	Date
Comments	

Check here if attachments

Building Photographs

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 5083 TERRITORIAL DRIVE			For Insurance Company Use: Policy Number
City WEST LINN	State OREGON	ZIP Code 97068	Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least two building photographs below according to the instructions for Item A6. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." If submitting more photographs than will fit on this page, use the Continuation Page, following.



FRONT VIEW (05/07/2014)



RIGHT VIEW (05/07/2014)



REAR VIEW (05/07/2013)



LEFT VIEW (05/07/2013)

LEGAL DESCRIPTION
EXCLUSION AREA OF TAX LOT 1200

A TRACT OF LAND BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN CLACKAMAS COUNTY DEED DOCUMENT NUMBER 2014-003740, BEING A PORTION UNIT B "WEST OREGON CITY", LOCATED IN THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL I

COMMENCING AT THE QUARTER CORNER BETWEEN SECTIONS 30 AND 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; THENCE N35°18'00"W, A DISTANCE OF 94.22 FEET; THENCE N35°23'00"E, A DISTANCE OF 250 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE CONTINUING N35°23'00"E, A DISTANCE OF 78.60 FEET; THENCE S18°39'00"W, A DISTANCE OF 82.08 FEET; THENCE N54°37'00"W, A DISTANCE OF 23.63 FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 929 SQUARE FEET, MORE OR LESS.

PARCEL II

COMMENCING AT THE TRUE POINT OF BEGINNING OF THE ABOVE DESCRIBED PARCEL I, THENCE S35°23'00"W, A DISTANCE OF 10.00 FEET; THENCE S54°37'00"E, A DISTANCE OF 47.52 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT OF LAND; THENCE N18°39'00"E, A DISTANCE OF 101.55 FEET; THENCE S56°02'00"E, A DISTANCE OF 94.63 FEET; THENCE S08°51'18"E, A DISTANCE OF 10.49 FEET; THENCE S02°10'56"W, A DISTANCE OF 40.73 FEET; THENCE S02°59'37"E, A DISTANCE OF 17.03 FEET; THENCE S03°09'08"W, A DISTANCE OF 11.63 FEET; THENCE S34°56'01"W, A DISTANCE OF 25.13 FEET; THENCE S41°46'21"W, A DISTANCE OF 9.71 FEET; THENCE N54°37'00"W, A DISTANCE OF 110.83 FEET TO THE TRUE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 11,050 SQUARE FEET, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Albert Hertel 5-9-14

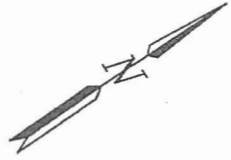
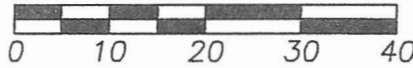
OREGON
JULY 18, 1980
ALBERT HERTEL
1896

RENEWS: 6/30/2015

SITE PLAN

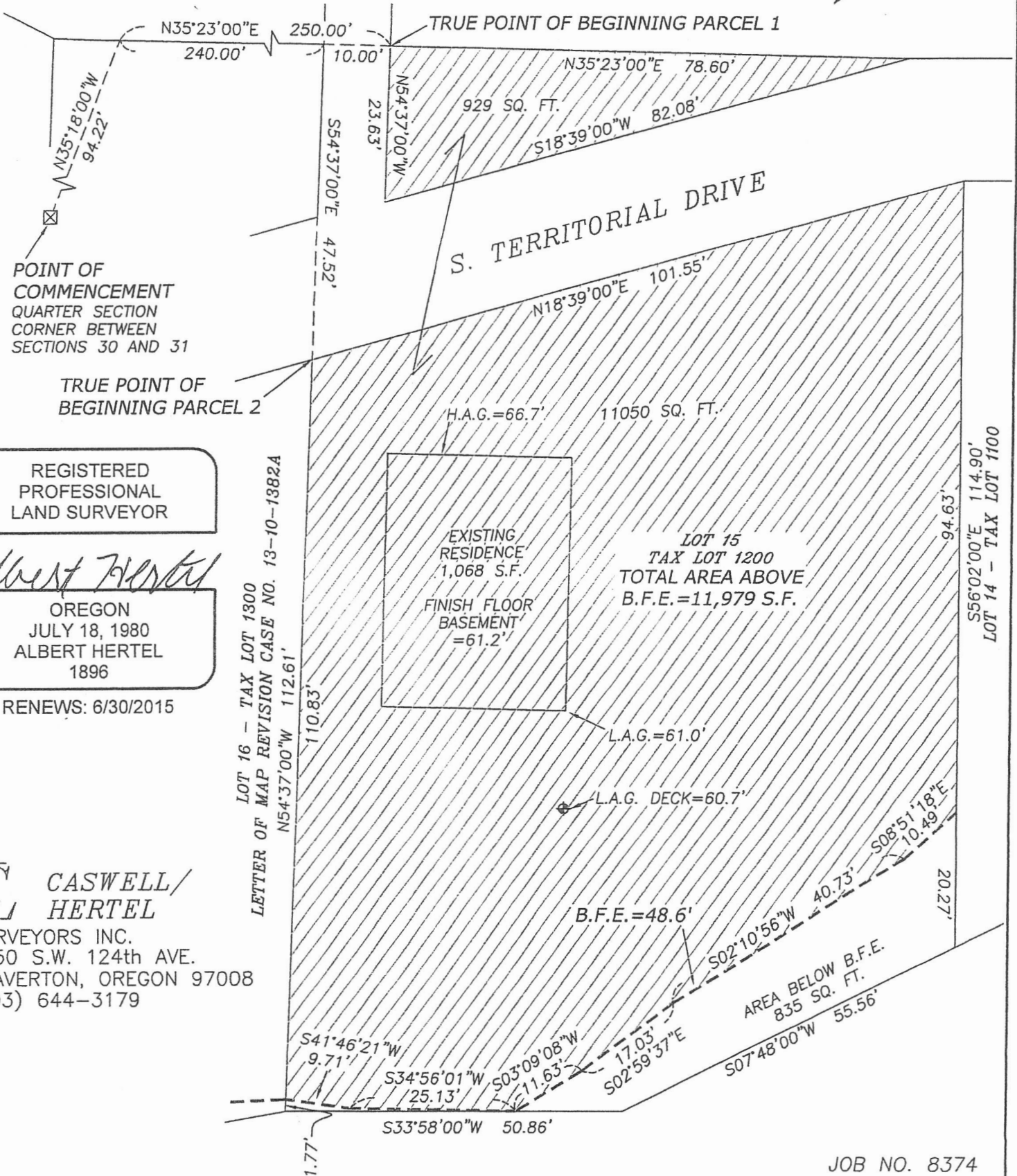
LOT 15 UNRECORDED SUBDIVISION OF UNIT "B" WEST OREGON CITY
IN THE SE 1/4 OF SECTION 30, T. 2 S., R. 2 E., W.M.

CLACKAMAS COUNTY, OREGON
SCALE: 1"=20' MAY 8, 2014



LEGEND

B.F.E. BASE FLOOD ELEVATION
H.A.G. HIGHEST ADJACENT GRADE
L.A.G. LOWEST ADJACENT GRADE
S.F. SQUARE FEET



REGISTERED PROFESSIONAL LAND SURVEYOR

Albert Hertel

OREGON
JULY 18, 1980
ALBERT HERTEL
1896

RENEWS: 6/30/2015

CASWELL/HERTEL
SURVEYORS INC.
6150 S.W. 124th AVE.
BEAVERTON, OREGON 97008
(503) 644-3179

2-lot Minor Partition Application

5083 Territorial Dr. West Linn, (TL1200 2s2e 30DC)

Revision to Narrative 10/8/2015

Proposal Overview:

The owner and applicant is submitting a land use application for a two lot minor partition of the subject property located at 5083 Territorial Dr. West Linn.

There are no known previous land use applications for the subject property, but a previous pre-application meeting was held. A pre-application meeting was held at the City of West Linn on July 2nd, 2015. The subject property is zoned R-5 with a total of gross area prior to any dedications of 13,666 sqft (0.000298 acres).

Proposal

The applicant proposes to create an additional buildable lot, for the purpose of constructing a single family detached residence, by partitioning an approximately 13,000 square foot lot at 5083 Territorial Drive. This use is permitted outright in the R-5 zoning district per CDC Section 13.030(1). The Applicant has indicated that they have received confirmation from FEMA that the floodway boundary has been amended in a manner that removes the development site from the floodway. A review of submitted documentation from FEMA for the development site is needed before any final determination regarding the applicability of a Flood Management Area permit under CDC Chapter 27. The Applicant will be pursuing an exemption from CDC Chapter 28 pursuant Section 28.040(S).

The existing house will be retained and the driveway access for the existing house will also remain. A new driveway for the new parcel 1 will be located adjacent to Territorial Drive at time of new single family residence under a new building permit. The property is currently served with public water, and an on site septic system that will be relocated prior to the creation of parcel 2. Parcel 1 will be served with public water, and a new septic system. The tentative plan illustrates the proposed two (2) future lots. Pursuant to the pre application meeting no dedication is required on Territorial Drive. There are numerous trees on the east side of the lot which slopes to the Willamette river which will be protected from future development.

Property Location and Surrounding Development:

The subject property is located approximately 800-1000 feet from the intersection of Mill St. and Territorial Drive. Territorial Drive is a dead-end local street without curbs or sidewalks the entire length. North East is West Bridge Park. Some of the properties are underdeveloped and all surrounding lots are zoned R-5. The lots in the vicinity of the subject property vary in size from less than 5,000 sq ft to more than 10,000 square feet.

13.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

A. *The minimum lot size shall be:*

1. *For a single-family detached unit, 5,000 square feet.*

Response:

Both parcels will be in excess of 5,000 square feet.

Parcel 1 is approximately 5873 square feet.

Parcel 2 is approximately 5999 square feet.

B. The minimum front lot line length, or the minimum lot width at the front lot line, shall be 35 feet.

Response:

Parcel 1 is approximately 49.69 feet

Parcel 2 is approximately 51.80 feet.

C. The average minimum lot width shall be 50 feet.

Response:

Parcel 1 is approximately 50.085 feet

Parcel 2 is approximately 51.28 feet

E. Except as specified in CDC [25.070\(C\)\(1\)](#) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback areas from the lot line shall be:

1. For the front yard, 20 feet, except for steeply sloped lots where the provisions of CDC [41.010](#) shall apply.
2. For an interior side yard, five feet.
3. For a side yard abutting a street, 15 feet.
4. For a rear yard, 20 feet.

Response: The existing house meets the minimum setback requirements and the future house will be constructed to meet the building setbacks

F. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter [41](#) CDC shall apply.

G. The maximum lot coverage shall be 40 percent.

H. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.

I. The floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall

be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter [66](#) CDC.

J. The sidewalk provisions of Chapter [43](#) CDC shall apply. (Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1614 § 4, 2013; Ord. 1622 § 24, 2014)

Response: The one new home will be constructed to meet the height and coverage requirements.

27.020 APPLICABILITY

A flood management area permit is required for all development in the Flood Management Area Overlay Zone. The standards that apply to flood management areas apply in addition to State or federal restrictions governing floodplains or flood hazard areas.

Response: The proposed property has been removed from the Flood Management Area Overlay Zone. Submitted with this application is the FEMA Letter of Map Revision Floodway Determination Document (Removal) Case No: 15-10-0364A. *There is a small portion of the property that remains in the 100-year floodplain, however the developable portion of the property is above this area.* The Owner and applicant would like to wave and remove fees for a Flood Management Area Review.

27.030 EXEMPTIONS

This chapter does not apply to work necessary to protect, repair, or maintain existing public or private structures, utility facilities, roadways, driveways, accessory uses, and exterior improvements, or replace small public structures, utility facilities, or roadways in response to emergencies. Within 30 days after the work has been completed, the party responsible for the work shall initiate a flood management permit designed to analyze any changes effectuated during the emergency and mitigate adverse impacts. (Ord. 1522, 2005)

Response: The flood management area is outside of work that would otherwise need to be protected, repaired, or maintain existing public or private structures, utility facilities, roadways, in response to emergencies. No development work will be proposed in the 100-year floodplain as the grade and elevation do not allow for a structure to be built.

27.040 PROHIBITED USES

Prohibited uses in flood management areas include the following:

- A. Any use prohibited in the base zone.
- B. Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality.

Response: Single family residential use is allowed, not uncontained areas of hazardous materials are proposed.

27.045 CRITICAL FACILITIES

Construction of new critical facilities shall be, to the greatest extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall only be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Response: No critical facilities are proposed.

27.050 APPLICATION

Applications for a flood management area permit must include the following:

- A. A pre-application conference as a prerequisite to the filing of the application.
- B. An application initiated by the property owner, or the owner's authorized agent, and accompanied by the appropriate fee.
- C. An application submittal that includes the completed application form, one copy of written responses addressing CDC [27.060](#), [27.070](#), [27.080](#) (if applicable), and [27.090](#) (if applicable), one copy of all maps and plans at the original scale, one copy of all maps and plans reduced to a paper size not greater than 11 inches by 17 inches, and a copy in a digital format acceptable to the City.
- D. A map of the property indicating the nature of the proposed alteration and its relationship to property zones, structures, trees, and any other pertinent features.
- E. Information regarding the elevation of the site prior to development, the base flood elevation data for subdivisions (if applicable), and a description of water course alterations, if proposed.
- F. A topographic map of the site at contour intervals of five feet or less showing a delineation of the flood management area, which includes, but is not limited to, areas shown on the Flood Management Area map. The City Engineer or Building Official, as applicable, may, at his/her discretion, require the map to be prepared by a registered land surveyor to ensure accuracy. A written narrative explaining the reason why the owner wishes to alter the floodplain shall accompany the site plan map.
- G. The elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
- H. The elevation in relation to mean sea level to which any structure has been flood-proofed (non-residential only). (Ord. 1622 § 10, 2014; Ord. 1636 § 24, 2014)

Response: As part of the partition plat proposal we have submitted all of the above requirements, showing the BFE (base flood elevation) as 48.5 feet, as also documented on the FEMA flood certificates. Due to the dramatic elevation change the developable area on the proposed lot is above 58 feet, which is more than 10 feet above the 100-year floodplain.

27.060 APPROVAL CRITERIA

The Planning Director shall make written findings with respect to the following criteria when approving, approving with conditions, or denying an application for development in flood management areas:

- A. Development, excavation, and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.
- B. No net fill increase in any floodplain is allowed. All fill placed in a floodplain shall be balanced with an equal amount of soil material removal. Excavation areas shall not exceed fill areas by more than 50 percent of the square footage. Any excavation below the ordinary high water line shall not count toward compensating for fill.
- C. Excavation to balance a fill shall be located on the same lot or parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be located in the same drainage basin and as close as possible to the fill site, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.
- D. Minimum finished floor elevations must be at least one foot above the design flood height or highest flood of record, whichever is higher, for new habitable structures in the flood area.
- E. Temporary fills permitted during construction shall be removed.
- F. Prohibit encroachments, including fill, new construction, substantial improvements, and other development in floodways unless certification by a professional civil engineer licensed to practice in the State of Oregon is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- G. All proposed improvements to the floodplain or floodway which might impact the flood-carrying capacity of the river shall be designed by a professional civil engineer licensed to practice in the State of Oregon.
- H. New culverts, stream crossings, and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.
- I. Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable land.
- J. The applicant shall provide evidence that all necessary permits have been obtained from those federal, State, or local governmental agencies from which prior approval is required. (Ord. 1522, 2005; Ord. 1635 § 15, 2014; Ord. 1636 § 25, 2014)

Response: No development, excavation and or fill proposed in the small portion of the lot that the 100-year floodplain is located in. The floodplain is located at 48.5 feet, the proposed development area is at elevation 58 feet and above.

27.065 INTERPRETATION OF FLOOD BOUNDARIES

The Planning Director shall make interpretations, where needed, as to exact location of the boundaries of the flood hazard area (for example, where there appears to be a conflict between mapped boundaries and the actual filed condition). Any person contesting the location of the boundary may appeal the Planning Director's interpretation pursuant to CDC [01.060](#). (Ord. 1522, 2005)

Response: We are not contesting the location of the boundary, however we do feel we should be exempt from this review due to the elevation at which we will be developing in.

27.070 CONSTRUCTION MATERIALS AND METHODS

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage using methods and practices that minimize flood damage.
- B. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- C. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- D. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- E. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- F. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

Response: Proposed building and site development to meet requirement of ORSC 2014 for buildings being built outside of a floodplain.

27.080 RESIDENTIAL CONSTRUCTION

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.
- B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by

either a professional civil engineer or an architect licensed to practice in the State of Oregon, and must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry or exit of floodwaters.
4. Fully enclosed areas below the base flood elevation shall only be used for parking, access, and limited storage.
5. Service equipment (e.g., furnaces, water heaters, washer/dryers, etc.) is not permitted below the base flood elevation.
6. All walls, floors, and ceiling materials located below the base flood elevation must be unfinished and constructed of materials resistant to flood damage.

C. Crawlspace. Crawlspace are a commonly used method of elevating buildings in special flood hazard areas (SFHAs) to or above the base flood elevation (BFE), and are allowed subject to the following requirements:

1. The building is subject to the Flood-Resistant Construction provisions of the Oregon Residential Specialty Code.
2. They shall be designed by a professional engineer or architect licensed to practice in the State of Oregon to meet the standards contained in the most current Federal Emergency Management Agency's (FEMA) Technical Bulletin.
3. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
4. Flood vent openings shall be provided on at least two sides that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The total area of the flood vent openings must be no less than one square inch for each square foot of enclosed area. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade. For guidance on flood openings, see FEMA Technical Bulletin 1-93, Openings in Foundation Walls.
5. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls (studs and sheathing), but also any joists, insulation, or other materials that extend below the BFE. For more detailed guidance on flood-resistant materials see FEMA Technical Bulletin 2-93, Flood-Resistant Materials Requirements.
6. Utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters. For further guidance on the placement of building utility systems in crawlspaces, see FEMA 348, Protecting Building Utilities From Flood Damage. Flood-resistant materials and utilities, access, and ventilation openings in crawlspaces are further addressed in this bulletin.
7. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG).

8. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point. This limitation will also prevent these crawlspaces from being converted into habitable spaces.
 9. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. Possible options include natural drainage through porous, well-drained soils and drainage systems such as low-point drains, perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity.
 10. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.
 11. For more detailed information refer to FEMA Technical Bulletin 11-01 or the most current edition.
 12. The use of below-grade crawlspaces to elevate the building to one foot above the BFE may cause an increase in flood insurance premiums, which are beyond the control of the City.
- D. A poured slab placed over fill can be used to elevate the lowest floor of a structure above the base flood elevation. However, when a building site is filled, it is still in the floodplain and no basements are permitted.
- E. Placing a structure on piers, piles, and posts is allowed provided supporting members are designed to resist hydrostatic and hydrodynamic forces. (Ord. 1565, 2008)

Response: Proposed building and site development to meet requirement of ORSC 2014 for buildings being built outside of a floodplain.

27.090 NON-RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- A. Be floodproofed so that below the base flood level the structure is watertight with walls impermeable to the passage of water;
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- C. Be certified by a professional civil engineer licensed to practice in the State of Oregon that the design and methods of construction shall prevent seepage, collapse or cracking of basement walls, prevent buckling of basement floors, prevent backup of water from sewer lines, and have all openings located one foot above the base flood elevation. In addition, all protective features must operate automatically without human intervention;
- D. Non-residential construction that is elevated, but not flood-proofed (i.e., the foundation is not at least one foot above the 100-year flood elevation) shall also comply with the standards set forth in CDC [27.080](#). (Ord. 1522, 2005)

Response: The zoning of this proposal is R-5 (residential) non-residential construction is not proposed.

27.100 SUBDIVISION PROPOSAL

- A. All subdivision proposals shall be designed to minimize flood damage and not increase flood levels;
- B. Lowest floor of all structures must be at least one foot above the base flood elevation;
- C. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- D. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage and streets should drain rapidly; and
- E. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for any land division proposal. (Ord. 1522, 2005)

Response: The proposed submittal is for a partition plat, BFE is 48.5 feet, lowest floor of structure to be no less than 58 feet, 9.5 feet above BFE.

27.110 MANUFACTURED HOMES

- A. All manufactured homes must be anchored to prevent flotation, collapse or lateral movements, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
- B. All manufactured homes placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system.
- C. Recreational vehicles shall be on site for less than 180 consecutive days, or be fully licensed and ready for highway use, or be elevated to at least one foot above the base flood elevation and meet manufactured home standards. (Ord. 1522, 2005)

Response: Owner is proposing a site built home meeting 2014 ORSC

27.120 ALTERATION OF WATERCOURSES

- A. The applicant shall meet the requirements of Chapter [28](#) CDC, Willamette and Tualatin River Protection, or Chapter [32](#) CDC, Water Resource Area Protection, as applicable, in addition to this chapter's requirements.
- B. A comparison by a professional civil engineer licensed to practice in the State of Oregon shall be made between the existing channel capacity and the proposed capacity and the changes assessed. The alteration or modification must maintain the carrying capacity of the watercourse and not increase the base flood elevation.

- C. The Planning Director shall notify adjacent communities and the State of Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- D. The Planning Director shall require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. The Planning Director shall require that alterations of watercourses must allow fish passage and preserve fish habitat.
- F. The applicant shall submit a copy of a permit from the Oregon Division of State Lands and U.S. Army Corps of Engineers that allows the alteration, or states that it is exempt.

Response: No proposal of alteration of watercourses for this partition plat proposal.

27.130 VARIANCES

This section applies in addition to the standards governing variance proposals found in Chapter [75](#) CDC. The purpose of this section is to ensure that compliance with this chapter does not cause unreasonable hardship. To avoid such instances, the requirements of this chapter may be varied. Variances are also allowed when strict application of this chapter would deprive an owner of all economically viable use of land. The Planning Director may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. Flood hazard applications that are submitted on or before the effective date of this chapter, and deemed complete within 180 days of submittal, are exempt from the requirements of this chapter. To vary from the requirements of this chapter, the applicant must demonstrate the following:

- A. The variance does not increase danger to life and property due to flooding or erosion;
- B. The impact of the increase in flood hazard, which will result from the variance, will not prevent the City from meeting the requirements of this chapter. The applicant shall have a professional civil engineer licensed to practice in the State of Oregon document the expected height, velocity, and duration of flood waters, and estimate the rate of increase in sediment transport of the flood waters expected both downstream and upstream as a result of the variance;
- C. The variance will not increase the cost of providing and maintaining public services during and after flood conditions so as to unduly burden public agencies and taxpayers;
- D. The proposed use complies with the standards of the base zone;
- E. The proposed use shall not result in any increase of flood levels during the base flood ordinary high water mark discharge within a designated floodway;
- F. If the variance allows a structure to be built with a lowest floor elevation below the base flood elevation, the applicant has been given written notice that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation. (Ord. 1522, 2005)

Response: The proposed use complies with the standards of the base zone, and shall not result in any increase of flood levels during the base flood ordinary high water mark, no proposal of development will be below the base flood elevation.

27.140 ABROGATION AND GREATER RESTRICTIONS

This chapter must be complied with in addition to any other applicable code provision, ordinance, statute, easement, covenant, or deed restriction. It is not intended to repeal any existing restriction. If any provision of this chapter and any other code provision, ordinance, easement, covenant, or deed restriction conflict or overlap, the provision containing the more stringent restriction shall prevail. All development within the Willamette River Greenway must comply with Chapter [28](#) CDC and all development within the Tualatin River Protection zone must comply with Chapter [28](#) CDC.

Response: Proposal will comply with the Willamette River Greenway Chapter.

27.150 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of West Linn, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

27.160 MAP ADMINISTRATION

The purpose of this section is to provide a process for amending the flood management area map.

- A. Within 90 days of receiving information establishing a possible error in the existence or location of a flood management area, the Planning Director shall provide notice to interested parties of a public hearing at which the City Council will review the information as set forth in CDC [99.060](#)(C).
- B. The City Council shall amend the flood management area map if the information demonstrates that the boundaries of the flood management area have changed since adoption of the flood management area map.
- C. Amendments to the flood management area map that would result in a reduction to the 100-year floodplain shown on the flood insurance area map shall not take effect until successful completion of the National Flood Insurance Program map amendment or map revision process. (Ord. 1522, 2005)

Response: A copy of the Letter of Map Revision Floodway Determination Document (Removal) has been submitted with this Partition Plat proposal.

27.170 CONSISTENCY

Where the provisions of this chapter are less restrictive or conflict with comparable provisions of the zoning ordinance, regional, State, or federal law, the provisions that are more restrictive shall govern. Where this chapter imposes restrictions that are more stringent than regional, State and federal law, the provisions of this chapter shall govern.

28.030 APPLICABILITY

A. The Willamette and Tualatin River Protection Area is an overlay zone. The zone boundaries are identified on the City's zoning map, and include:

1. All land within the City of West Linn's Willamette River Greenway Area.

Response: The property is within the Willamette River Greenway Area.

85.150 APPLICATION – TENTATIVE PLAN

A. The applicant shall submit a completed application which shall include:

1. The completed application form(s).

Response: The application form has been completed and is included with this application.

2. Copies of the tentative plan and supplemental drawings shall include three copies at the original scale plus three copies reduced in paper size not greater than 11 inches by 17 inches. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department.

Response: Three full sized (11X17), plus associated exhibits and 8 ½ x11 copies of the tentative plans are included with this application along with an electronic file

3. A narrative explaining all aspects of land division per CDC 85.200.

Response: The narrative for section 85.200 is included in this application

4. A prerequisite to the filing of an application for development proposals that include greater than 10 multi-family units or commercial/industrial buildings greater than 1,500 square feet in size, a four-lot or more planned unit development, a 10-lot or greater subdivision, or a zone change that requires a Comprehensive Plan amendment is a meeting with the respective City Recognized neighborhood association, per CDC 99.038, at which time the applicant will present their proposal and receive comments.

Response: This is an application for a two lot partition and does not require a neighborhood meeting.

B. The applicant shall pay the requisite fee. (Ord. 1401, 1997; Ord. 1408, 1998; Ord. 1442, 1999)

Response: A check for the required fee is included with this application.

28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT

The following development activities do not require a permit under the provisions of this chapter. (Other permits may still be required.)

T. The construction, remodeling or additions of home and accessory structures that take place completely within the “Habitat and Impact Areas Not Designated as HCAs” shall be exempt from a Willamette or Tualatin River Protection Area permit. Where the “Habitat and Impact Areas Not Designated as HCAs” goes to the edge of a clearly defined top of bank, the applicant’s home and accessory structures shall be set back at least 15 feet from top of bank. At-grade patios and deck areas within 30 inches of grade may extend to within five feet from top of bank. No overhang or cantilevering of structures is permitted over HCA or over setback area. If these terms are met then no permit will be required under this chapter.

Response: The proposed construction area and at grade patios will meet the permitted uses, as top of bank appears to be at elevation 55, our proposal is for lowest grade to be at 58 feet, this appears to be outside the five foot setback from top of bank.

85.160 SUBMITTAL REQUIREMENTS FOR TENTATIVE PLAN

A. A City-wide map shall identify the site. A vicinity map covering one-quarter-mile radius from the development site shall be provided in the application showing existing subdivisions, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

Response:



A city map illustrating the developments adjacent to the subject property (above) and a separate drawing in addition to the vicinity map show on the tentative plan

B. The tentative subdivision plan shall be prepared by a registered civil engineer and/or a licensed land surveyor. A stamp and signature of the engineer or surveyor shall be included on the tentative subdivision plan. A tentative minor partition plan (three lots or less) is only required to be drawn to scale and does not have to be prepared by an engineer or surveyor.

Response: This is a minor partition and does not require stamped drawings. Drawings have, however, been prepared under the direction of a registered engineer/land surveyor and are drawn to scale.

C. The tentative plan of a subdivision or partition shall be drawn at a scale not smaller than one inch equals 100 feet, or, for areas over 100 acres, one inch equals 200 feet.

Response: The proposed partition plat has been drawn to scales greater than 1"=100'

D. plan of subdivision or partition:

1. Proposed name of the subdivision and streets; these names shall not duplicate nor resemble the name of any other subdivision or street in the City and shall be determined by the City Manager or designee. Street names should be easily spelled, pronounced, and of limited length. All new street names must, to the greatest extent possible, respect and be

representative of the surrounding geography and existing street names. Street names should consider any prominent historical City figures or neighborhood themes that exist. Subdivision street names may not reference names of the builder or developer.

Response: Partitions don't have names, no new streets are proposed

2. Date, north arrow, scale of drawing, and graphic bar scale

Response: A date, north arrow, scale and graphic bar scale are shown on the drawings

3. Appropriate identification clearly stating the drawing as a tentative plan.

Response: The proposed 2 lot partition is labeled "Proposed Partition Plat"

4. Location of the proposed division of land, with a tie to the City coordinate system, where established, and a description sufficient to define its location and boundaries, and a legal description of the tract boundaries.

Response: The final plat will include ties to the coordinate system where appropriate and will include a legal description meeting the requirements of the City and County.

5. Names and addresses of the owner, developer, and engineer or surveyor

Response: The name and address of the owner/applicant are clearly shown of the proposed plans, as is the surveyor.

E. The following existing conditions shall be shown on the tentative plan of a subdivision or partition:

1. The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements and other important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments.

Response: The proposed plan illustrate the location, widths and names of all streets and right-of-way within and adjacent to this parcel.

2. Contour lines related to the U.S. Geological Survey datum or some other established benchmark, or other datum approved by the Planning Director and having the following minimum intervals:

- a. Two-foot contour intervals for ground slopes less than 20 percent.
- b. Five-foot contour intervals for ground slopes exceeding 20 percent

Response: One foot contours are shown on the proposed and existing conditions plan are based on City of West Linn benchmarks

3. The location of any control points that are the basis for the applicant's mapping.

Response: Control points are referenced and labeled on the proposed plat

4. The location, by survey, and direction of all watercourses and areas subject to periodic inundation or storm drainageway overflow or flooding, including boundaries of flood hazard areas as established by the U.S. Army Corps of Engineers or the City zoning ordinance.

Response: The Willamette River is adjacent to the south property line, and no flood hazard areas are established by the U.S. Army Corps of Engineers or the City zoning ordinance.

5. Natural features such as rock outcroppings, wetlands tied by survey, wooded areas, heritage trees, and isolated trees (six-inch diameter at five feet above grade) identified by size, type, and location. All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2), and all heritage trees, shall be delineated. Trees on non-Type I and II lands shall have their "dripline plus 10 feet" protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area.

Response: There are no wetlands tied by survey on or near subject property. The existing trees are shown on the tentative plans and a tree protection fence will be placed at the elevation of 68 feet, this will provide protection of one heritage oak tree with a diameter of 30 inches, and will protect a cluster of 12 inch and 14 inch maple trees. We are proposing to remove three heritage oak trees that are in the building envelope. We propose tree mitigation as deemed acceptable by the City Arborist, in proposed "Tract A".

6. Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after plating.

Response: The existing conditions survey illustrates the existing house. This house will be retained with this redevelopment.

7. Identify the size and location of existing sewers, water mains, culverts, drain pipes, gas, electric, and other utility lines within the site, and in the adjoining streets and property.

Response: Currently the existing house is connected to a private sanitary system as shown on the existing plan. The house is also connected to the public water. The proposed plat shows how connections will be made from the public systems in Territorial Dr. for the new parcel. An infiltration test was conducted on the property to determine if on-site disposal of storm water could be used. This test will be conducted using the City of Portland guidelines for determining the feasibility of on-site disposal.

8. Zoning on and adjacent to the tract.

Response: The zoning on the subject property, and to the surrounding properties in all directions are zoned R5.

9. Existing uses to remain on the adjoining property and their scaled location.

Response: The subject property is surrounded by detached single family homes and the adjacent are illustrated on the tentative plan.

10. The location of any existing bicycle or pedestrian ways.

Response: There is no existing bicycle or pedestrian ways.

11. The location of adjacent transit stops

Response: There are no transit stops within walking distance of the subject property.

F. The following proposed improvements shall be shown on the tentative plan or supplemental drawings:

1. The street – street location, proposed name, right-of-way width, and approximate radius of curves of each proposed street and street grades. Proposed street names shall comply with the street naming method explained in CDC 85.200(A)(12).

Response: The existing streets are named with right-of-way widths. No new streets are proposed.

2. The type, method, and location of any erosion prevention and sediment control measures and/or facilities in accordance with the most current version of Clackamas County's erosion/Sedimentation Control Plans Technical Guidance Handbook, which are necessary to prevent and control visible or measurable erosion as determined by the following criteria:

- a. Deposition of soil, sand, dirt, dust, mud, rock, gravel, refuse, or any other organic or inorganic material exceeding one cubic foot in volume in a public right-of-way or public property, or into the City surface water management system either by direct deposit, dropping, discharge, or as a result of erosion; or
- b. Flow of water over bare soils, turbid or sediment-laden flows, or evidence of onsite erosion such as rivulets or bare soil slopes, where the flow of water is not filtered or captured on the development site; or
- c. Earth slides, mud flows, land slumping, slope failure, or other earth movement that is likely to leave the property of origin.

Additional on-site measures may later be required if original measures prove to be inadequate in meeting these attainment standards. For the purposes of this code, “one cubic foot in volume” is defined to include the volume of material, wet or dry, at the time of deposition and includes any water of a discolored or turbid nature.

Response: No improvements are needed and no construction or grading is proposed on the new building pad. When a building permit is obtained the necessary erosion control facilities will be employed.

3. Any proposed infrastructure improvements that address those identified in the City Transportation System Plan.

Response: No frontage improvements are proposed.

4. Any proposed bicycle or pedestrian paths. The location of proposed transit stops.

Response: No bicycle or pedestrian paths are proposed.

5. Any easements) – location, width, and purpose of the easement(s).

Response: No easements are proposed.

6. The lot configuration including location and approximate dimensions and lot area of each parcel, and in the case of a subdivision, the proposed lot and block number.

Response: The dimensional size, shape and lot areas are shown on the proposed plat

7. A street tree planting plan and schedule approved by the Parks Department.

Response: At this time no proposed street tree planting plan in in place. There are several existing trees in the proposed “Tract A”. If street trees were proposed we would like to propose them be placed in “Tract A”.

8. Any land area to be dedicated to the City or put in common ownership.

Response: No land area to be dedicated to the City. Proposed Tract A, adjacent to the north side of Territorial Dr. to be put in ownership as shown on the proposed plat.

85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

The following information shall be submitted to supplement the tentative subdivision plan:

A. General.

1. Narrative stating how the plan meets each of the applicable approval criteria and each subsection below.

Response: This narrative addresses all the required code sections

2. Statement or affidavit of ownership of the tract (County Assessor's map and tax lot number).

Response: The owner/applicant has signed the land use application form attesting to the ownership of the subject property.

3. A legal description of the tract.

Response: The property is described as TAX LOT 1200 2S2E 30 DC

4. If the project is intended to be phased, then such a proposal shall be submitted at this time with drawing and explanation as to when each phase will occur and which lots will be in each phase.

Response: The project will not be phased.

5. Where the land to be subdivided or partitioned contains only a part of the contiguous land owned by the developer, the Commission or Planning Director, as applicable, shall require a master plan of the remaining portion illustrating how the remainder of the property may suitably be subdivided.

Response: All the land is to be partitioned and under the current zoning no further division is possible.

6. Where the proposed subdivision site includes hillsides or where erosion hazard potential exists, including Type I and II lands as defined in CDC 02.030, and any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the standards and requirements of Chapter 24 CDC, Planned Unit Development, as well as the requirements for erosion control as described in CDC 85.160(F)(2), shall be addressed in a narrative.

Response: This application is for a 2-lot partition. It has been determined by the slope analysis that there is Type I and Type II lands are located on the property but no development is proposed within the Type 1 or II lands.

7. Table and calculations showing the allowable number of lots under the zone and how many lots are proposed.

Response: Parcel 1 5873 sqft., Parcel 2 5999 sqft ,Tract "A" 929 sqft.
= 12,801/ 5,000 minimum lot size = units or 2 maximum.

8. Map and table showing square footage of site comprising slopes by various classifications as identified in CDC 55.110(B)(3).

Response: The overall slope of the proposed lot is 16 percent, in the lower section of the property the slope becomes 25 percent measured along the south west property line from south corner of proposed lot west 40 feet. The building envelope area is to be above the elevation of 58 feet or 40 feet from southwest property corner pin.

B. Transportation.

1. Centerline profiles with extensions shall be provided beyond the limits of the proposed subdivision to the point where grades meet, showing the finished grade of streets and the nature and extent of street construction.

Response: No new streets are proposed and therefore a preliminary street profile is not required. No traffic impact study is required.

C. Grading.

1. If areas are to be graded, a plan showing the location of cuts, fill, and retaining walls, and information on the character of soils shall be provided. The grading plan shall show proposed and existing contours at intervals per CDC 85.160(E)(2).

Response: No grading is proposed at this time with this development. Once a building design has been determined minor grading will be required for the foundation.

2. The grading plan shall demonstrate that the proposed grading to accommodate roadway standards and create appropriate building sites is the minimum amount necessary.

Response: No grading is necessary within Territorial Dr. The flat terrain will allow a new asphalt connection without grading except for removal of organic materials and installation of base and asphalt. The existing conditions plan illustrated the existing contours.

D. Water.

1. A plan for domestic potable water supply lines and related water service facilities, such as reservoirs, etc., shall be prepared by a licensed engineer consistent with the adopted Comprehensive Water System Plan and most recently adopted updates and amendments.

Response: Public water is available in Territorial Dr. Parcel 2 is connection to the public water and Parcel 1 will be provided with a new service connection. No new public lines are proposed.

2. Location and sizing of the water lines within the development and off-site extensions. Show on-site water line extensions in street stub outs to the edge of the site, or as needed to complete a loop in the system.

Response: No street extension is proposed and no extension of the existing public water main is proposed.

3. Adequate looping system of water lines to enhance water quality.

Response: No extension of the public water system is proposed.

4. For all non-single-family developments, calculate fire flow demand of the site and demonstrate to the Fire Chief. Demonstrate to the City Engineer how the system can meet the demand.

Response: This is for residential single family development and not subject to this requirement.

E. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan and subsequent updates and amendments. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is efficient. The sewer system must be in the correct zone.

Response: City 6" sanitary sewer is located in the right-of-way, proposal is to connect to city sewer. Existing house on parcel 2 has decommissioned cesspool on proposed parcel 1 and connected to city sewer.

2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depths. Show how each lot would be connected to sewer.

Response: No public sewer extension is needed. Sewer laterals will be installed from the existing public sewer within the public right-of-way.

3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.

Response: Public sanitary sewer available on Territorial Dr. is located in the public right-of-way, that allows connection to proposed parcel 1.

4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.

Response: Public sanitary sewer available on Territorial Dr. is at a depth that allows connection in an efficient manner.

5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.

Response: The sanitary sewer line will provide the most direct route on the new parcel.

6. The sanitary sewer line shall minimize disturbance of natural areas and, in those cases where that is unavoidable, disturbance shall be mitigated pursuant to the appropriate chapters (e.g., Chapter 32 CDC, Water Resource Area Protection).

Response: The sewer laterals are the most direct route to Parcel 2 and proposed Parcel 1 of the subject property, and outside any natural or environmental areas.

7. Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.

Response: No public sanitary sewer extension is needed or proposed.

8. The sanitary sewer system shall be built pursuant to Department of Environmental Quality (DEQ), City, and Tri-City Service District sewer standards. This report should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.

Response: No public sanitary sewer extension is proposed or required.

F. Storm.

1. A proposal shall be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the most recently adopted Storm Drainage Master Plan.

Response: The existing house on proposed Parcel 2, drains to splash-blocks, proposed Parcel 1 will use an on-site stormwater drywell detention system.

2. Storm treatment and detention facilities shall be sized to accommodate a 25-year storm incident. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff downstream or constriction-created upstream impacts. The plan and statement shall

identify all on- or off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 25-year storm.

Response: The size and location of future home has not been determined at this time. Future calculations will be made to size the facility when the house size is known. No off site impact is proposed due to the on-site detention facility.

3. Plans shall demonstrate how storm drainage will be collected from all impervious surfaces including roof drains. Storm drainage connections shall be provided to each dwelling unit/lot. The location, size, and type of material selected for the system shall correlate with the 10-year storm incident and agree with the factual information provided in response to subsection (F)(2) of this section.

Response: At this time the location and size of future home has not been determined. On-site disposal system sized meeting City requirements.

4. The detention facilities shall be designed by a licensed engineer to meet City standards. The detention facilities should include a vegetation plan for the facility and environs, if applicable. (Ord. 1382, 1995; Ord. 1401, 1997; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1584, 2008)

Response: The individual on-site stormwater facilities will be designed to allow for complete on-site disposal of the storm water to city standards.

85.180 REDIVISION PLAN REQUIREMENT

Response: This section does not apply to this application.

85.190 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS

Response: This section does not apply to this application.

85.200 APPROVAL CRITERIA

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

A. Streets.

1. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to the generalized or reasonable layout of streets on adjacent undeveloped parcels, to topographical conditions, to public convenience and safety, to accommodate various types of transportation (automobile, bus, pedestrian, bicycle), and to the

proposed use of land to be served by the streets. The functional class of a street aids in defining the primary function and associated design standards for the facility. The hierarchy of the facilities within the network in regard to the type of traffic served (through or local trips), balance of function (providing access and/or capacity), and the level of use (generally measured in vehicles per day) are generally dictated by the functional class. The street system shall assure an adequate traffic or circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Streets should provide for the continuation, or the appropriate projection, of existing principal streets in surrounding areas and should not impede or adversely affect development of adjoining lands or access thereto. To accomplish this, the emphasis should be upon a connected continuous pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets should only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent-plus), hazard areas, steep drainageways, wetlands, etc. In such cases, deviations may be allowed but the connected continuous pattern must be reestablished once the topographic challenge is passed. Streets should be oriented with consideration of the sun, as site conditions allow, so that over 50 percent of the front building lines of homes are oriented within 30 degrees of an east-west axis. Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan and any adopted updated plans. An applicant may submit a written request for a waiver of abutting street improvements if the Transportation System Plan prohibits the street improvement for which the waiver is requested. Those areas with numerous (particularly contiguous) under-developed or undeveloped tracts will be required to install street improvements. When an applicant requests a waiver of street improvements and the waiver is granted, the applicant shall propose a fee amount that will be reviewed by the City Manager or the Manager's designee. The City Manager or the Manager's designee will revise the proposed fee as necessary and establish the amount to be paid on a case-by-case basis. The applicant shall pay an in-lieu fee for improvements to the nearest street identified by the City Manager or Manager's designee as necessary and appropriate. The amount of the in-lieu fee shall be roughly proportional to the impact of the development on the street system as determined in subsection (A)(22) of this section. Streets shall also be laid out to avoid and protect tree clusters and significant trees, but not to the extent that it would compromise connectivity requirements per this subsection (A)(1), or bring the density below 70 percent of the maximum density for the developable net area. The developable net area is calculated by taking the total site acreage and deducting Type I and II lands; then up to 20 percent of the remaining land may be excluded as necessary for the purpose of protecting significant tree clusters or stands as defined in CDC 55.100(B)(2).

Response: No new streets are proposed and no future division of the property is possible.

2. Right-of-way and roadway widths. In order to accommodate larger tree-lined

boulevards and sidewalks, particularly in residential areas, the standard right-of-way widths for the different street classifications shall be within the range listed below. But instead of filling in the right-of-way width pavement, they shall accommodate the amenities (e.g., boulevards, street trees, sidewalks). The exact width of the right-of-way shall be determined by the City Engineer or the approval authority. The following ranges will apply:

Street Classification Right-of-Way

Highway 43 60 – 80

Major arterial 60 – 80

Minor arterial 60 – 80

Major collector 60 – 80

Collector 60 – 80

Local street 40 – 60

Cul-de-sac 40 – 60

Radii of cul-de-sac 48 – 52

Alley 16

Additional rights-of-way for slopes may be required. Sidewalks shall not be located outside of the right-of-way unless to accommodate significant natural features or trees.

Response: Territorial Dr is a Local street with an existing 50 right-of-way. No dedication is needed.

3. Street widths. Street widths shall depend upon which classification of street is proposed. The classifications and required cross sections are established in Chapter 8 of the adopted TSP.

Response: No new streets are proposed. No street improvements on Territorial Dr. since there are no curbs or walks along the entire length of the street.

4. The decision-making body shall consider the City Engineer's recommendations on the desired right-of-way width, pavement width and street geometry of the various street types within the subdivision after consideration by the City Engineer

Response: No additional right-of-way dedication is needed and a fee in lieu is proposed for any required street improvements since there are no curbs and walks along the entire length of Territorial Drive.

5. Additionally, when determining appropriate street width, the decision-making body shall consider the following criteria:

a. When a local street is the only street serving a residential area and is expected to carry more than the normal local street traffic load, the designs with two travel and one parking lane are appropriate.

Response: No new streets are proposed. No Improvements are proposed on the existing Territorial Drive. A fee in lieu is proposed for any required street improvements since there are no existing curbs or walks along the entire length of Territorial Drive.

6. Reserve strips. Reserve strips or street plugs controlling the access to streets are not permitted unless owned by the City.

Response: No reserve strips are proposed.

7. Alignment. All streets other than local streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

Response: No new streets are proposed. The alignment of Territorial Dr. will remain the same.

8. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without turnarounds. (Temporary turnarounds built to Fire Department standards are required when the dead-end street is over 100 feet long.)

Response: This is a minor partition with no proposed streets. No temporary turnarounds are necessary.

9. Intersection angles. Streets shall be laid out to intersect angles as near to right angles as practical, except where topography requires lesser angles, but in no case less than 60 degrees unless a special intersection design is approved. Intersections which are not at right angles shall have minimum corner radii of 15 feet along right-of-way lines which form acute angles. Right-of-way lines at intersections with arterial streets shall have minimum curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 25 feet. All radii shall maintain a uniform width between the roadway and the right-of-way lines. The intersection of more than two streets at any one point will not be allowed unless no alternative design exists.

Response: No new streets or intersections are proposed.

10. Additional right-of-way for existing streets. Wherever existing street rights-of-way adjacent to or within a tract are of inadequate widths based upon the standards of this chapter, additional right-of-way shall be provided at the time of subdivision or partition.

Response: No additional right-of-way is proposed or needed.

11. Cul-de-sacs. Cul-de-sacs are not allowed except as required by topography, slope, site limitations, and lot shapes. Cul-de-sacs shall have maximum lengths of 400 feet and serve no more than 12 dwelling units, unless by variance per Chapter 75 CDC.

Response: No cul-de-sac turnaround is proposed or needed.

12. Street names. No street names shall be used which will duplicate or be confused with the names of existing streets within the City. Street names that involve difficult or unusual spellings are discouraged. Street names shall be subject to the approval of the Planning Commission or Planning Director, as applicable.

Response: No new streets are proposed and no new names are needed.

13. Grades and curves. Grades shall not exceed 8 percent on major or secondary arterials, 10 percent on collector streets, or 15 percent on any other street unless by variance. Willamette Drive/Highway 43 shall be designed to a minimum horizontal and vertical design speed of 45 miles per hour, subject to Oregon Department of Transportation (ODOT) approval. Arterials shall be designed to a minimum horizontal and vertical design speed of 35 miles per hour. Collectors shall be designed to a minimum horizontal and vertical design speed of 30 miles per hour. All other streets shall be designed to have a minimum centerline radii of 50 feet. Super elevations (i.e., banking) shall not exceed four percent. The centerline profiles of all streets may be provided where terrain constraints (e.g., over 20 percent slopes) may result in considerable deviation from the originally proposed alignment.

Response: No new streets are proposed, existing grades will be used.

14. Access to local streets.

Response: No new streets or intersections are proposed.

15. Alleys.

Response: No alleys are proposed.

16. Sidewalks. Sidewalks shall be installed per CDC 92.010(H), Sidewalks. The residential sidewalk width is six feet plus planter strip as specified below. Sidewalks in commercial zones shall be constructed per subsection (A)(3) of this section. See also subsection C of this section. Sidewalk width may be reduced with City Engineer approval to the minimum amount (e.g., four feet wide) necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or to match existing sidewalks or right-of-way limitations.

Response: A fee in lieu is proposed for any required walks. There are no existing walks for the entire length of Territorial Drive.

17. Planter strip. The planter strip is between the curb and sidewalk providing space for a grassed or landscaped area and street trees. The planter strip shall be at least 6 feet wide to accommodate a fully matured tree without the boughs interfering with pedestrians on the sidewalk or vehicles along the curbline. Planter strip width may be reduced or eliminated, with City Engineer approval, when it cannot be corrected by site plan, to the minimum amount necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or in response to right-of-way limitations.

Response: A fee in lieu is proposed for any street improvements because there are not any curbs or walks for the entire length of Territorial Drive and therefore no landscape strip. The right-of-way is currently landscaped from the edge of asphalt.

18. Streets and roads shall be dedicated without any reservations or restrictions.

Response: No dedication is proposed.

19. All lots in a subdivision shall have frontage on a public street. Lots created by partition may have access to a public street via an access easement pursuant to the standards and limitations set forth for such accessways in Chapter 48 CDC.

Response: The existing driveway will continue to serve Parcel 2 and a new driveway will serve the new parcel 1. The spacing between driveways will be determined with future development on parcel 1.

20. Gated streets. Gated streets are prohibited in all residential areas on both public and private streets. A driveway to an individual home may be gated.

Response: No gated streets are proposed.

21. Entryway treatments and street isle design. When the applicant desires to construct certain walls, planters, and other architectural entryway treatments within a subdivision

Response: No entryway treatment is proposed

22. Based upon the determination of the City Manager or the Manager's designee, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC 85.170(B)(2) that are required to mitigate impacts from the proposed subdivision. The proportionate share of the costs shall be determined by the City Manager or Manager's designee, who shall assume that the proposed subdivision provides improvements in rough

proportion to identified impacts of the subdivision. Off-site transportation improvements will include bicycle and pedestrian improvements as identified in the adopted City of West Linn TSP.

Response: This is a minor partition and this section does not apply.

B. Blocks and lots.

1. General. The length, width, and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated; consideration of the need for traffic safety, convenience, access, circulation, and control; and recognition of limitations and opportunities of topography and solar access.

Response: This is a minor 2-lot partition and no new street is proposed.

2. Sizes. The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation. Designs of proposed intersections shall demonstrate adequate sight distances to the City Engineer's specifications. Block sizes and proposed accesses must be consistent with the adopted TSP.

Response: No blocks are proposed.

3. Lot size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and the buildable depth should not exceed two and one-half times the average width. "Buildable" describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible. Lot sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD). Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Response: The lots meet or exceed the required minimum size and shape per the R-5 code.

4. Access. Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter 48 CDC, Access, Egress and Circulation.

Response: The existing house on parcel 2 will continue to use the existing driveway and a new driveway, will serve the new parcel 1.

5. Through lots and parcels.

Response: No through lots or parcels are proposed.

6. Lot and parcel sidelines. The lines of lots and parcels, as far as is practicable, should run at right angles to the street upon which they face, except that on curved streets they should be radial to the curve.

Response: Lot lines will be at right angles to the right-of-way as far as practicable.

7. Flag lots

Response: No flag lots are proposed.

8. Large lots. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may require that the blocks be of such size and shape, and be so divided into building sites, and contain such easements and site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size. Alternately, in order to prevent further partition of oversized lots, restrictions may be imposed on the subdivision or partition plat.

Response: Due to the type I & II lands the property cannot be re-divided under the current code.

C. Pedestrian and bicycle trails.

1. Trails or multi-use pathways shall be installed, consistent and compatible with federal ADA requirements and with the Oregon Transportation Planning Rule, between subdivisions, cul-de-sacs, and streets that would otherwise not be connected by streets due to excessive grades, significant tree(s), and other constraints natural or manmade. Trails shall also accommodate bicycle or pedestrian traffic between neighborhoods and activity areas such as schools, libraries, parks, or commercial districts. Trails shall also be required where designated by the Parks Master Plan.

Response: No trails or pathways are proposed. No street improvements are proposed on Territorial Dr. A fee in Lieu is proposed for any required street improvements because there are not any curbs or sidewalks for the entire length of Territorial Dr.

2. The all-weather surface (asphalt, etc.) trail should be eight feet wide at minimum for bicycle use and six feet wide at minimum for pedestrian use. Trails within 10 feet of a wetland or natural drainageway shall not have an all-weather surface, but shall have a soft surface as approved by the Parks Director. These trails shall be contained within a corridor dedicated to the City that is wide enough to provide trail users with a sense of defensible space. Corridors that are too narrow, confined, or with vegetative cover may be threatening and discourage use.

Consequently, the minimum corridor width shall be 20 feet. Sharp curves, twists, and blind corners on the trail are to be avoided as much as possible to enhance defensible space. Deviations from the corridor and trail width are permitted only where topographic and ownership constraints require it.

Response: No trails or pathways are proposed.

3. Defensible space shall also be enhanced by the provision of a three- to four-foot-high matte black chain link fence or acceptable alternative along the edge of the corridor. The fence shall help delineate the public and private spaces.

Response: No defensible space is proposed.

4. The bicycle or pedestrian trails that traverse multi-family and commercial sites should follow the same defensible space standards but do not need to be defined by a fence unless required by the decision-making authority.

Response: This is single family and no defensible space is proposed.

5. Except for trails within 10 feet of a wetland or natural drainageway, soft surface or gravel trails may only be used in place of a paved, all-weather surface where it can be shown to the Planning Director that the principal users of the path will be recreational, non-destination-oriented foot traffic, and that alternate paved routes are nearby and accessible.

Response: No trails or pathways are proposed.

6. The trail grade shall not exceed 12 percent except in areas of unavoidable topography, where the trail may be up to a 15 percent grade for short sections no longer than 50 feet. In any location where topography requires steeper trail grades than permitted by this section, the trail shall incorporate a short stair section to traverse the area of steep grades.

Response: No trails or pathways are proposed.

D. Transit facilities.

1. the applicant shall consult with Tri-Met and the City Engineer to determine the appropriate location of transit stops, bus pullouts, future bus routes, etc., contiguous to or within the development site. If transit service is planned to be provided within the next two years, then facilities such as pullouts shall be constructed per Tri-Met standards at the time of development. More elaborate facilities, like shelters, need only be built when service is existing or imminent. Additional rights-of-way may be required of developers to accommodate buses.

Response: No transit facilities are proposed

2. The applicant shall make all transit-related improvements in the right-of-way or in easements abutting the development site as deemed appropriate by the City Engineer.

Response: No transit facilities are proposed.

3. Transit stops shall be served by striped and signed pedestrian crossings of the street within 150 feet of the transit stop where feasible. Illumination of the transit stop and crossing is required to enhance defensible space and safety. ODOT approval may be required.

Response: No transit facilities are proposed.

4. Transit stops should include a shelter structure bench plus eight feet of sidewalk to accommodate transit users, non-transit-related pedestrian use, and wheelchair users. Tri-Met must approve the final configuration.

Response: No transit facilities are proposed.

E. Lot grading. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

1. All cuts and fills shall comply with the excavation and grading provisions of the Uniform Building Code

Response: No lot grading is proposed at this time. Minimal site work is required to provide an asphalt driveway approach to parcel 1.

2. The character of soil for fill and the characteristics of lot and parcels made usable by fill shall be suitable for the purpose intended.

Response: No lot grading is proposed. Some grading will be required to construct the foundation for the new house on Parcel 1.

3. If areas are to be graded (more than any four-foot cut or fill), compliance with CDC 85.170(C) is required.

Response: No lot grading is proposed.

The proposed grading shall be the minimum grading necessary to meet roadway standards, and to create appropriate building sites, considering maximum allowed driveway grades

Response: No grading is proposed in Territorial Dr. A fee in lieu is proposed for any required street improvements because there are not any curbs or walks for the entire length of Territorial Drive.

5. Where landslides have actually occurred, where the area is identified as a hazard site in the West Linn Comprehensive Plan Report, or where field investigation by the City Engineer confirms the existence of a severe landslide hazard, development shall be prohibited unless satisfactory evidence is additionally submitted by a registered geotechnical engineer which certifies that methods of rendering a known hazard site safe for construction are feasible for a given site. The City Engineer's field investigation shall include, but need not be limited to, the following elements:

- a. Occurrences of geotropism.
- b. Visible indicators of slump areas.
- c. Existence of known and verified hazards.
- d. Existence of unusually erosive soils.
- e. Occurrences of unseasonably saturated soils.

The City Engineer shall determine whether the proposed methods or designs are adequate to prevent landslide or slope failure. The City Engineer may impose conditions consistent with the purpose of these ordinances and with standard engineering practices including limits on type and intensity of land use, which have been determined necessary to assure landslide or slope failure does not occur.

Response: No landslides are known to have occurred on or near this site. The property has not been identified as a hazard site in the West Linn Comprehensive Plan Report.

6. All cuts and fills shall conform to the Uniform Building Code.

Response: No street grading is proposed. The minor grading for the new driveway access and foundation dig out improvements will conform to all UBC.

7. On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:

- a. Toes of cuts and fills shall be set back from the boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. Where an exception is required from that requirement, slope easements shall be provided.
- b. Cuts shall not remove the toe of any slope where a severe landslide or erosion hazard exists (as described in subsection (G)(5) of this section).
- c. Any structural fill shall be designed by a registered engineer in a manner consistent with the intent of this code and standard engineering practices, and certified by that engineer that the fill was constructed as designed.
- d. Retaining walls shall be constructed pursuant to Section 2308(b) of the Oregon State Structural Specialty Code.
- e. Roads shall be the minimum width necessary to provide safe vehicle access, minimize cut and fill, and provide positive drainage control.

Response: No street grading is proposed. The minor grading for the new access for parcel 2 is required.

8. Land over 50 percent slope shall be developed only where density transfer is not feasible. The development will provide that:
- a. At least 70 percent of the site will remain free of structures or impervious surfaces.
 - b. Emergency access can be provided.
 - c. Design and construction of the project will not cause erosion or land slippage.
 - d. Grading, stripping of vegetation, and changes in terrain are the minimum necessary to construct the development in accordance with subsection J of this section.

Response: There no are type I & II lands on the property.

F. Water.

1. A plan for domestic water supply lines or related water service facilities shall be prepared consistent with the adopted Comprehensive Water System Plan, plan update, March 1987, and subsequent superseding revisions or updates.

Response: No extension of the public water system is proposed. An existing public main in Territorial Dr. will be tapped for a new water service lateral.

2. Adequate location and sizing of the water lines.

Response: No extension of the public water system is proposed. An existing public main in Territorial Dr. will serve the property.

3. Adequate looping system of water lines to enhance water quality.

Response: No extension of the public water system is proposed. No looping is required for this minor partition.

4. For all non-single-family developments, there shall be a demonstration of adequate fire flow to serve the site.

Response: This is a single family development and therefore not a requirement.

5. A written statement, signed by the City Engineer, that water service can be made available to the site by the construction of on-site and off-site improvements and that such water service has sufficient volume and pressure to serve the proposed development's domestic, commercial, industrial, and fire flows.

Response: At the pre-application meeting it was noted that water flows were adequate for this development. Included in this proposal is a service letter from the City Engineer.

G. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan (July 1989). Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and should allow for full gravity service.

Response: The sanitary sewer service will be a gravity connection to a public main in Territorial Dr via a service laterals for Parcel 1. The pre-application meeting did not indicate any capacity issues.

2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.

Response: The new sewer lateral for Parcel 1 will run perpendicular from the connection point in Territorial Drive, to the proposed building envelope in a straight line, the depth of the sanitary sewer line in the street is 16 feet deep, the depth of sewer connection at building is yet to be determined.

3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.

Response: The existing sanitary sewer is located in Territorial Dr. and is the most direct connection to the subject property.

4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.

Response: The connection to the public sanitary sewer in Territorial Dr. approximately 16-feet deep and parcel 1 is level with the street thus allowing for connection by gravity sewer.

5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.

Response: The connections to the public sewer minimize the distance from available public sewer for gravity service.

6. The sanitary sewer line shall avoid disturbance of wetland and drainageways. In those cases where that is unavoidable, disturbance shall be mitigated pursuant to Chapter 32 CDC, Water Resource Area Protection, all trees replaced, and proper permits obtained. Dual sewer lines may be required so the drainageway is not disturbed.

Response: The existing sewer line is in the Willamette River Greenway area however no wetland or drainageways are tied to this platt or survey. No trees are in the proposed sewer lateral area.

7. Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.

Response: No extension of the public sanitary sewer is proposed or needed or required.

8. The sanitary sewer system shall be built pursuant to DEQ, City, and Tri-City Service District sewer standards. The design of the sewer system should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.

Response: No extension of the public sanitary sewer is needed or proposed.

9. A written statement, signed by the City Engineer, that sanitary sewers with sufficient capacity to serve the proposed development and that adequate sewage treatment plant capacity is available to the City to serve the proposed development.

Response: At the pre-application meeting and subsequent meeting for this application did not require an extension and found adequate capacity for this partition. The attached statement from the City Engineer is included with this proposal.

H. Storm.

1. A stormwater quality and detention plan shall be submitted which complies with the submittal criteria and approval standards contained within Chapter 33 CDC. It shall include profiles of proposed drainageways with reference to the adopted Storm Drainage Master Plan.

Response: On site disposal for Parcel 1 will be proposed at time of building permit. Preliminary investigation indicates that this is feasible.

2. Storm treatment and detention facilities shall be sized to accommodate a 25-year storm incident. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse off-site impacts from increased intensity of runoff downstream or constriction causing ponding upstream. The plan and statement shall identify all on- or off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 25-year storm.

Response: Onsite disposal of the storm water is proposed. The final design will be determined with the building permit application. No additional improvements are needed or proposed.

3. Plans shall demonstrate how storm drainage will be collected from all impervious surfaces including roof drains. Storm drainage connections shall be provided to each dwelling unit/lot. The location, size, and type of material selected for the system shall correlate with the 25-year storm incident.

Response: Onsite disposal of the new impervious surfaces is proposed. Preliminary investigations indicate that this is feasible for individual facilities. With building permit application the facility will be sized to meet the city requirements for onsite disposal without any connection to the public system.

4. Treatment of storm runoff shall meet municipal code standards.

Response: On-site disposal will treat and dispose of the storm water to meet the City requirements.

I. Utility easements. Subdivisions and partitions shall establish utility easements to accommodate the required service providers as determined by the City Engineer. The developer of the subdivision shall make accommodation for cable television wire in all utility trenches and easements so that cable can fully serve the subdivision.

Response: No PUE's will be created along the Territorial Dr. frontage to accommodate public utilities.

J. Supplemental provisions.

1. Wetland and natural drainageways. Wetlands and natural drainageways shall be protected as required by Chapter 32 CDC, Water Resource Area Protection. Utilities may be routed through the protected corridor as a last resort, but impact mitigation is required.

Response: The location of utilities routed will be limited to the existing street area, away from the protected areas of the Water Resource Area Protection.

2. Willamette and Tualatin Greenways. The approval authority may require the dedication to the City or setting aside of greenways which will be open or accessible to the public. Except for trails or paths, such greenways will usually be left in a natural condition without improvements. Refer to Chapter 28 CDC for further information on the Willamette and Tualatin River Greenways.

Response: Existing conditions for a dedication on Territorial drive would limit passage to other residence. There is an existing trail head to the north of property at the end of the street, Territorial Drive is used by pedestrians as part of the existing trail system.

3. Street trees. Street trees are required as identified in the appropriate section of the municipal code and Chapter 54 CDC.

Response: There are no existing street trees. No additional street trees are proposed at this time.

4. Lighting. To reduce ambient light and glare, high or low pressure sodium light bulbs shall be required for all subdivision street or alley lights. The light shall be shielded so that the light is directed downwards rather than omni-directional.

Response: There is an existing street light at the northerly boundary of the property. No additional street lights are proposed.

Dedications and exactions. The City may require an applicant to dedicate land and/or construct a public improvement that provides a benefit to property or persons outside the property that is the subject of the application when the exaction is roughly proportional. No exaction shall be imposed unless supported by a determination that the exaction is roughly proportional to the impact of development.

Response: No dedication is proposed at this time.

6. Underground utilities. All utilities, such as electrical, telephone, and television cable, that may at times be above ground or overhead shall be buried underground in the case of new development. The exception would be in those cases where the area is substantially built out and adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre. High voltage transmission lines, as classified by Portland General Electric or electric service provider, would also be exempted. Where adjacent future development is expected or imminent, conduits may be required at the direction of the City Engineer. All services shall be underground with the exception of standard above-grade equipment such as some meters, etc.

Response: Parcel 1 and 2 has above ground power and communication lines.

7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would not apply when density is transferred from Type I and II lands as defined in CDC 02.030. Development of Type I or II lands are exempt from these provisions. Land divisions of three lots or less would also be exempt.

Response: Partitions are exempt from these requirements.

8. Mix requirement. The "mix" rule means that developers shall have no more than 15 percent of the R-2.1 and R-3 development as single-family residential. The intent is that the majority of the site shall be developed as medium high density multi-family housing.

Response: The property is zoned R-5, and therefore this standard does not apply.

9. Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping dripline; however, native oaks need not have an overlapping dripline) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC 55.100(B)(2). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk.

Response: All the trees on the site have been tagged, and shown the proposed plat documents. No arborist report has been made because tree trees are proposed to be removed and all the trees in the Type I & II lands are to be preserved. The drip line + 10' for trees within the Type I & II lands have been shown on the tentative plan that are adjacent to the building area of parcel 2.

10. Annexation and street lights. Developer and/or homeowners association shall, as a condition of approval, pay for all expenses related to street light energy and maintenance costs until annexed into the City, and state that: "This approval is contingent on receipt of a final order by the Portland Boundary Commission, approving annexation of the subject property." This means, in effect, that any permits, public improvement agreements, final plats, and certificates of occupancy may not be issued until a final order is received. (Ord. 1377, 1995; Ord. 1382, 1995; Ord. 1401, 1997; Ord. 1403, 1997; Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1584, 2008; Ord. 1590 § 1, 2009)

Response: Existing street lights are shown on the tentative plan. No additional light are proposed.

EXISTING CONDITIONS

SITE PLAN FOR PROPOSED PARTITION PLAT
 LOT 15, UNIT B, "WEST OREGON CITY" UNRECORDED
 IN THE S.W. 1/4 OF THE S.E. 1/4 OF SECTION 30, T. 2 S., R. 2 E., W.M.
 CITY OF WEST LINN
 CLACKAMAS COUNTY
 SCALE 1" = 20'
 OREGON
 JULY 15, 2015



CASWELL/HERTEL
 SURVEYORS INC.
 6150 S.W. 124th AVE.
 BEAVERTON, OREGON 97008
 (503) 644-3179

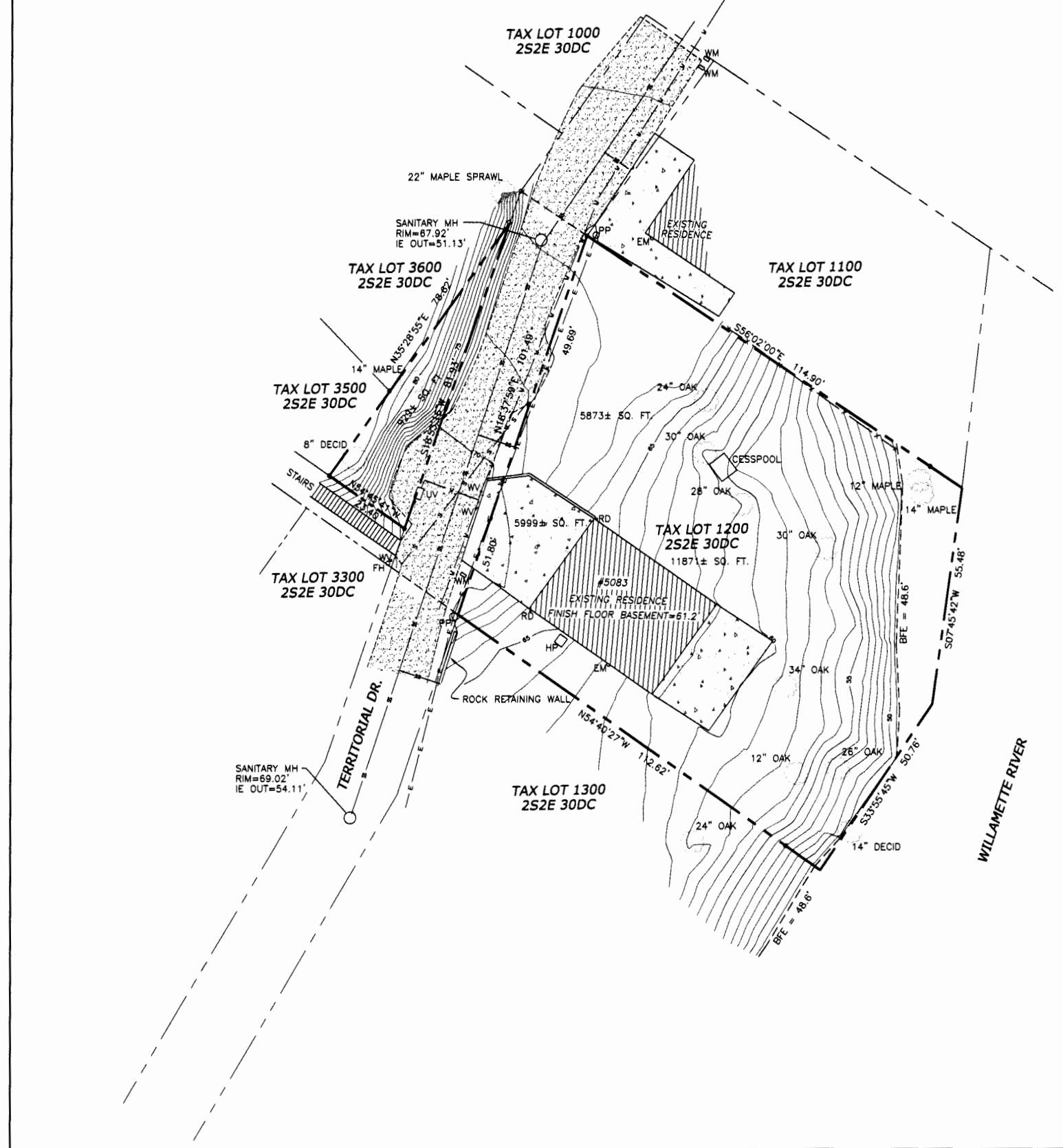
- NOTES-**
1. VERTICAL DATUM = NAVD 1988 FROM BENCH MARK NO. R-103.
 2. ONE FOOT CONTOUR INTERVAL.
 3. UNDERGROUND UTILITIES WERE LOCATED FROM SURFACE EVIDENCE, UTILITY PAINT MARKS BY OTHERS AND AS-BUILT MAPS OBTAINED ON LINE FROM THE CITY OF WEST LINN. ALL BURIED UTILITIES MAY NOT BE SHOWN.

LEGEND

AC	ASPHALTIC CONCRETE
BFE	BASE FLOOD ELEVATION
DECID	DECIDUOUS TREE
FH	FIRE HYDRANT
GA	GUY ANCHOR
IE	INVERT ELEVATION
MH	MANHOLE
PP	POWER POLE
RD	ROOF DRAIN
WV	WATER VALVE
WM	WATER METER
UG	UNDERGROUND UTILITY DROP
UV	UTILITY VAULT
-S-	STORM SEWER
-SS-	SANITARY SEWER
-W-	WATER LINE
-E-	OVERHEAD ELECTRICAL LINE
-X-	FENCE LINE
- - -	PROPERTY LINE



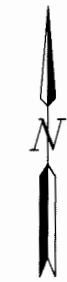
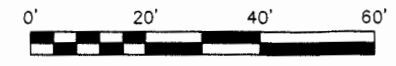
REVISIONS-



PROPOSED PARTITION PLAT

SITE PLAN FOR PROPOSED PARTITION PLAT
 LOT 15, UNIT B, "WEST OREGON CITY" UNRECORDED
 IN THE S.W.M 1/4 OF THE S.E. 1/4 OF SECTION 30, T. 2 S., R. 2 E., W.M.
 CITY OF WEST LINN
 CLACKAMAS COUNTY
 SCALE 1" = 20'

OREGON
 JULY 15, 2015



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 BEAVERTON, OREGON 97008
 (503) 644-3179

NOTES:

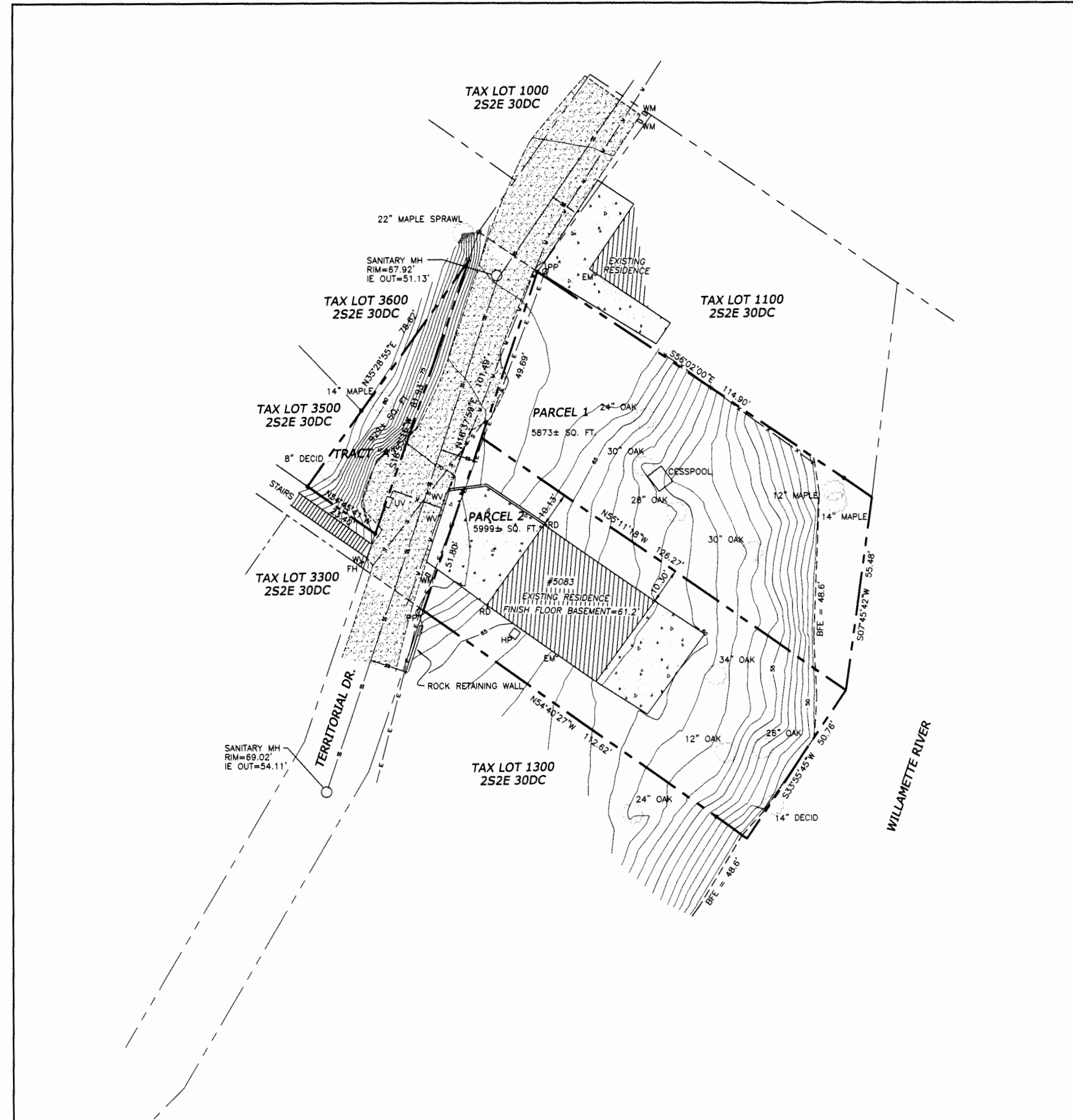
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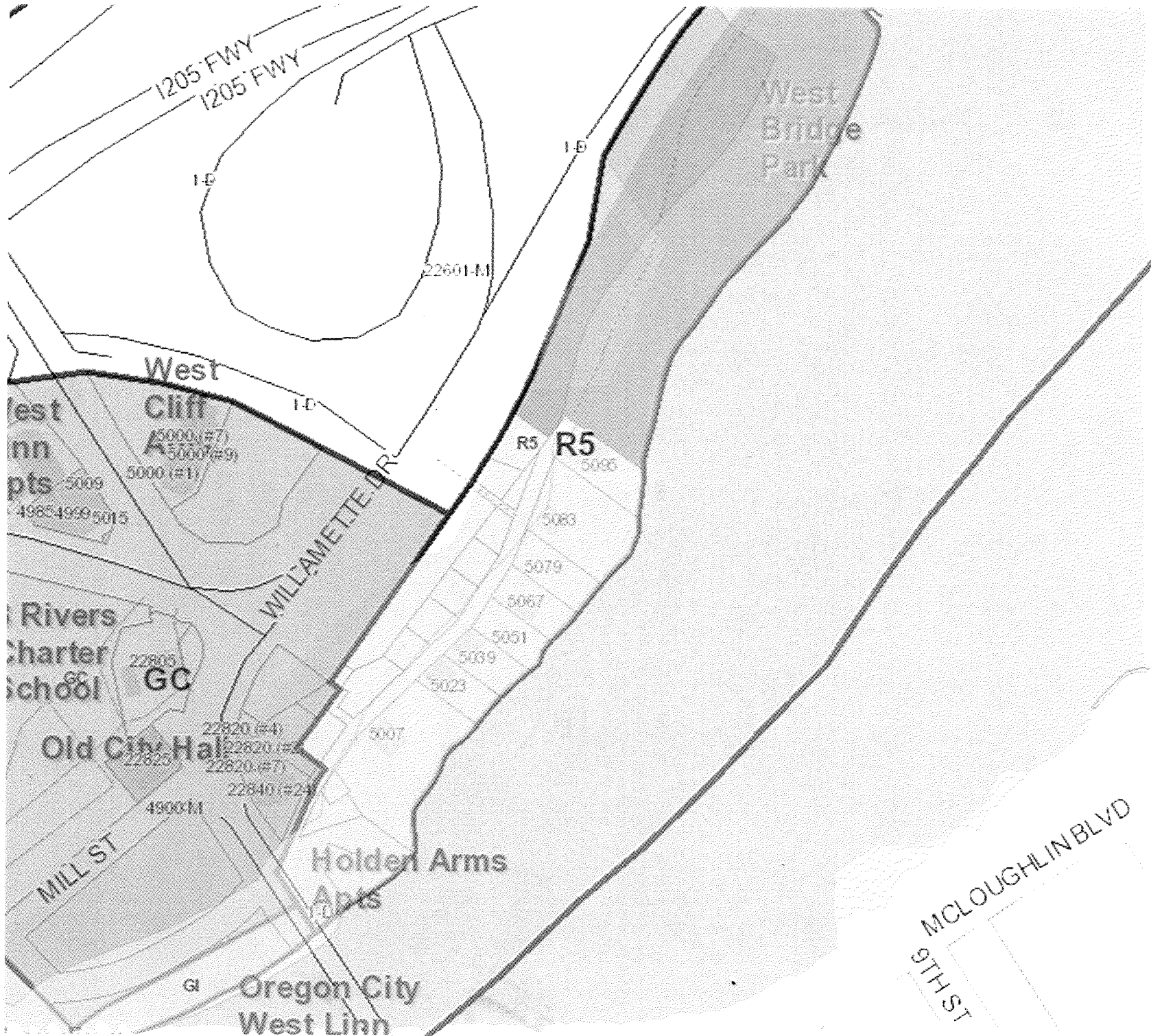
LEGEND

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FH	FIRE HYDRANT
GA	GUY ANCHOR
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WV	WATER VALVE
WM	WATER METER
UG	UNDERGROUND UTILITY DROP
UV	UTILITY VAULT
-S-	STORM SEWER
-SS-	SANITARY SEWER
-W-	WATER LINE
-E-	OVERHEAD ELECTRICAL LINE
-X-	FENCE LINE
- - -	PROPERTY LINE
[Stippled Box]	CONCRETE SURFACE
[Cross-hatched Box]	ASPHALT SURFACE

REVISIONS:

DRAWN BY: BOB WHITE CHECKED BY: JOB NUMBER 8374





1205 Fwy
1205 Fwy

West
Bridge
Park

22601-M

West
Cliff

5000 (#7)
5000 (#9)

West
Linn
Apts
5009
4985-4999-5015

R5 R5

WILLAMETTE DR

Rivers
Charter
School
GC GC

Old City Hall
GC

Holden Arms
Apts

MILL ST

Oregon City
West Linn

McLOUGHLIN BLVD
9TH ST



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION FLOODWAY DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON	A parcel of land, as described in the Land Sales Contract, recorded as Document No. 2014-003740, in the Office of the County Clerk, Clackamas County, Oregon The portions of property are more particularly described by the following metes and bounds:
	COMMUNITY NO.: 410024	
AFFECTED MAP PANEL	NUMBER: 41005C0276D DATE: 6/17/2008	
FLOODING SOURCE: WILLAMETTE RIVER		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 45.361, -122.609 SOURCE OF LAT & LONG: ARCGIS 10.1 DATUM: NAD 83

DETERMINATION

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	5083 Territorial Drive	Portion of Property (Parcel 1)	X (unshaded)	48.6 feet	--	70.4 feet


Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION PORTIONS REMAIN IN THE SFHA
DETERMINATION TABLE (CONTINUED) STUDY UNDERWAY
INADVERTENT INCLUSION FLOODWAY 1

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the NFIP regulatory floodway or the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the NFIP regulatory floodway and the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.


 Luis Rodriguez, P.E., Chief
 Engineering Management Branch
 Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION FLOODWAY DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)


Parcel 1: COMMENCING at the Quarter corner between Sections 30 and 31, Township 2 South, Range 2 East; thence N35°18'00"W, a distance of 94.22 feet; thence N35°23'00"E, a distance of 250.00 feet to the POINT OF BEGINNING; thence N35°23'00"E, a distance of 78.60 feet; thence S18°39'00"W, a distance of 82.08 feet; thence N54°37'00"W, a distance of 23.63 feet to the POINT OF BEGINNING

Parcel 2: COMMENCING at the true point of beginning of Parcel 1; thence S35°23'00"W, a distance of 10.00 feet; thence S54°37'00"E, a distance of 47.52 feet to the POINT OF BEGINNING; thence N18°39'00"E, a distance of 101.55 feet; thence S56°02'00"E, a distance of 94.63 feet; thence S08°51'18"E, a distance of 10.49 feet; thence S02°10'56"W, a distance of 40.73 feet; thence S02°59'37"E, a distance of 17.03 feet; thence S03°09'08"W, a distance of 11.63 feet; thence S34°56'01"W, a distance of 25.13 feet; thence S41°46'21"W, a distance of 9.71 feet; thence N54°37'00"W, a distance of 110.83 feet to the POINT OF BEGINNING

DETERMINATION TABLE (CONTINUED)

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	5083 Territorial Drive	Portion of Property (Parcel 2)	X (shaded)	48.6 feet	--	48.6 feet

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.


 Luis Rodriguez, P.E., Chief
 Engineering Management Branch
 Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION FLOODWAY DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

INADVERTENT INCLUSION IN THE FLOODWAY 1 (PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY) (This Additional Consideration applies to the preceding 2 Properties.)

A portion of this property is located within the National Flood Insurance Program (NFIP) regulatory floodway for the flooding source indicated on the Determination Document, while the subject of this determination is not. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in an NFIP regulatory floodway that may cause an increase in the base flood elevation, and any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Therefore, the NFIP regulatory floodway modification described in the Determination Document, while acceptable to the Federal Emergency Management Agency (FEMA), must also be acceptable to the community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/about/regoff.htm>.


PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 2 Properties.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

STUDY UNDERWAY (This Additional Consideration applies to all properties in the LOMR-FW DETERMINATION DOCUMENT (REMOVAL))

This determination is based on the flood data presently available. However, the Federal Emergency Management Agency is currently revising the National Flood Insurance Program (NFIP) map for the community. New flood data could be generated that may affect this property. When the new NFIP map is issued it will supersede this determination. The Federal requirement for the purchase of flood insurance will then be based on the newly revised NFIP map.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.


Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Clackamas County Official Records
Sherry Hall, County Clerk

2016-007018

02/05/2016 09:17:07 AM

D-D Cnt=1 Stn=8 CINDY
\$15.00 \$16.00 \$10.00 \$22.00

\$63.00

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

GRANTOR'S NAME:
Pat C. Madden

GRANTEE'S NAME:
Nancy Westermeijier

SEND TAX STATEMENTS TO:
Nancy Westermeijier
~~13311 SE Cedar Park Drive PO Box 52~~
~~Clackamas, OR 97015 West Linn, OR 97068~~

THIS PAGE IS PART OF
THE ORIGINAL DOCUMENT
PLEASE DO NOT REMOVE

AFTER RECORDING RETURN TO:
NANCY WESTERMEIJIER
~~13311 SE CEDAR PARK DRIVE PO Box 52~~
~~CLACKAMAS, OR 97015 West Linn, OR 97068~~

Escrow No: 20140088907-FTPOR03

5083 Territorial Drive
West Linn, OR 97068

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY SPECIAL WARRANTY DEED IN FULFILLMENT OF CONTRACT

Pat Madden, who acquired title as Pat C. Madden, Grantor, conveys and specially warrants to

AWYERS 32F0005216

Nancy Westermeijier, Grantee, the following described real property, free of encumbrances created or suffered by the Grantor except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

A part of Unit B of WEST OREGON CITY, in the City of West Linn, County of Clackamas and State of Oregon, according to the duly recorded plat thereof, described as follows:

Beginning at the Quarter Section corner between Sections 30 and 31, Township 2 South, Range 2 East of the Willamette Meridian; and running thence North 35° 18' West 94.22 feet; thence North 35° 23' East 250 feet to the true beginning point of tract conveyed; thence North 35° 23' East 78.60 feet; thence South 18° 39' West 82.08 feet; thence North 54° 37' West 23.64 feet to the true beginning point of tract conveyed.

Also beginning at said Quarter Section corner and running thence North 35° 18' West 94.22 feet; thence North 35° 23' East 240 feet; thence South 54° 37' East 47.53 feet to an iron pipe set for the true beginning point of this second tract conveyed; thence North 18° 39' East 101.55 feet; thence South 56° 02' East 114.90 feet to the left bank of Willamette River; thence South 07° 48' West along meander line of said river 55.56 feet; thence South 33° 58' West along said meander line of said river 50.83 feet; thence North 54° 37' West 112.62 feet to the true beginning point of this second tract, and situated in the County of Clackamas and State of Oregon.

EXCEPTING THEREFROM ownership of the State of Oregon in and to that portion of the premises herein described lying below the line of ordinary high water of the Willamette River.

Subject to and excepting: Taxes, covenants, conditions, restrictions, easements, rights of way, homeowners association assessments, if any, and other matters now of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

GRANTOR'S NAME:
Pat C. Madden

GRANTEE'S NAME:
Nancy Westermeijier

SEND TAX STATEMENTS TO:
Nancy Westermeijier
~~13311 SE Cedar Park Drive~~ PO Box 52
~~Clackamas, OR 97015~~ West Linn, OR 97068

AFTER RECORDING RETURN TO:
NANCY WESTERMEIJIER
~~13311 SE CEDAR PARK DRIVE~~ PO Box 52
~~CLACKAMAS, OR 97015~~ West Linn, OR 97068

Escrow No: 20140088907-FTPOR03

5083 Territorial Drive
West Linn, OR 97068

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EXCEPTING THEREFROM ownership of the State of Oregon in and to that portion of the premises herein described lying below the line of ordinary high water of the Willamette River.

Subject to and excepting: Taxes, covenants, conditions, restrictions, easements, rights of way, homeowners association assessments, if any, and other matters now of record.


BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR

LAWYERS 32F0005216

COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

THE TRUE CONSIDERATION FOR THIS CONVEYANCE IS FULFILLMENT OF THAT CERTAIN CONTRACT RECORDED JANUARY 17, 2014 AS Fee # 2014 003 740 + amended as 201404163 CLACKAMAS COUNTY, OREGON. (See ORS 93.030)

DATED: January 23, 2014


Pat Madden who acquired title as Pat C. Madden

State of _____

COUNTY of _____

This instrument was acknowledged before me on _____, 20____

by Pat Madden who acquired title as Pat C. Madden.

see attached CA Notary Acknowledgment

Notary Public - State of _____

My commission expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Contra Costa }
On 01/23/2014 before me, Monica B. Wong, Notary Public,
Date Here Insert Name and Title of the Officer
personally appeared Pat Madden
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Monica B. Wong
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Statutory Special Warranty Deed in Fulfillment of Contract
Document Date: _____ Number of Pages: 2
Signer(s) Other Than Named Above: _____

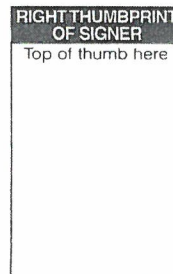
Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____



Signer Is Representing: _____

Signer's Name: _____
 Individual
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Attorney in Fact
 Trustee
 Guardian or Conservator
 Other: _____



Signer Is Representing: _____

Mark Heese

February 18, 2016

Subject: MIP-15-02/WR-15-03/MI-15-08 Application for 2-lot Minor Partition

To: Darren Wyss:

I, Sandmark Holding, LLC as secured lender am the owner of the property at 5083 Territorial Drive, acquired the property after the minor partition application was deemed complete in November 2015, and I support the continued processing of the minor partition application and wish for the final decision to be made by the Planning Director. Based of the circumstances of a property ownership change, I also support a 90-day extension to the 120-day deadline for a decision to be made by the City.

Should you have questions please feel free to contact myself, or Nancy Westermeijer at (503) 689-7056.

Kind Regards,

DocuSigned by:



01E776CCFD2C456...

Mark Hesse

(702) 241-7293

Markheese@yahoo.com

2/23/2016