



CITY OF  
**West Linn**  
PLANNING AND DEVELOPMENT

**STAFF REPORT  
PLANNING MANAGER DECISION**

DATE: December 18, 2018

FILE NO.: MIP-18-01/WAP-18-01/WRG-18-01

REQUEST: Approval of a two-parcel minor partition between Evah Lane and 14<sup>th</sup> Street. A Water Resource Area permit and a Tualatin River Protection permit, including the verification of the Habitat Conservation Area (HCA) boundary, are also required.

PLANNER: Darren Wyss for Peter Spir

Planning Manager AB Development Review Engineer EL

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## GENERAL INFORMATION

**OWNER/  
APPLICANT:** O'Brien and Company, LLC  
PO Box 4008  
Wilsonville, OR 97068

**CONSULTANT:** AKS Engineering, 12965 SW Herman Road, Suite 100, Tualatin, OR 97062

**SITE LOCATION:** Property is to the south and east of the southern terminus of Evah Lane

**SITE SIZE:** 65,431 square feet

**LEGAL  
DESCRIPTION:** Tax lot 4001 Assessor's Map 31E 2BC

**COMP PLAN  
DESIGNATION:** Low-Density Residential

**ZONING:** R-10, Single-Family Residential Detached (10,000 sq. ft. min. lot size)

**APPROVAL  
CRITERIA:** Community Development Code (CDC) Chapter 11: Single-Family Residential Detached, R-10; Chapter 28: Tualatin River Protection Area; Chapter 32: Water Resource Area; 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 was received on January 29, 2018 and became complete on August 22, 2018. The 120-day period therefore ends on December 19, 2018.

**PUBLIC NOTICE:** Notice was mailed to property owners within 500 feet of the subject property and the Willamette Neighborhood Association on August 27, 2018. A sign was placed on the property on August 27, 2018. The notice was also posted on the City's website on August 27, 2018. Therefore, public notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

The applicant seeks approval for a two-parcel partition of a 65,431 square foot parcel located to the south and east side of the southern terminus of Evah Lane. Access for Parcel 1 is proposed via existing driveway off 14<sup>th</sup> Street and for Parcel 2 via existing driveway in Evah Lane right-of-way. Both parcels will exceed 10,000 square feet, consistent with the R-10 zone designation.

The Public Works Director recommended the vacation of the Evah Lane Right-of-Way (ROW) and establishing a private access easement for the benefit of Parcel 2 and 1295 and 1267 Evah Lane. At the City's direction, the applicant began process to obtain the necessary signatures as required by ORS 271.080 to vacate the ROW. The applicant was not able to obtain the signature of at least one of the abutting property owners so the vacation failed to obtain 100% of required signatures. Parcel 2 will obtain access via the existing driveway located in the Evah Lane right-of-way. No further improvements are required at this time. The property also contains a 60-foot wide public utility easement along the west side of Parcel 2. The applicant proposed to reduce the width of the easement to 20-feet, but failed to follow the process of ORS 271.080. The 60-foot wide public utility easement will remain. Neither the vacation of the ROW nor the easement vacation will compromise or modify this minor partition decision.

Water Resource Area and Tualatin River Protection permits are also required; however, no development of those areas is proposed other than the temporary disturbance associated with installing a sanitary sewer connection to the existing sewer main. The applicant also requested a Planning Manager verification of the Habitat Conservation Area (HCA) boundary. The effect of the proposed verification and boundary redesignation is to reduce the HCA and increase the buildable area of proposed Parcel 2.


**Public comments:** The City received five emails opposing the potential vacation of the Evah Lane right-of-way. Please see Exhibit PD-4. The applicant was unable to obtain the necessary signatures for the City to process a right-of-way vacation under ORS 271.080, thus the public opposition to the vacation is addressed by the information found in the Executive Summary and Staff Findings. The right-of-way vacation is not necessary for the approval of the proposed minor partition as the City Engineer waived Evah Lane street improvements.

## DECISION

The Planning Manager (designee) approves this application (MIP-18-01), including a modified/redesignated HCA boundary, 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 conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan.** With the exception of modifications required by these conditions, the final plat shall conform to the submitted Preliminary Partition Plat, (Sheet P07).
2. **Engineering Standards.** All public improvements and facilities including street improvements, utilities, grading, onsite storm water design, street lighting, street trees, easements, and easement locations are subject to the Public Works Director's review, modification, and approval per the City adopted Public Works standards. The applicant shall provide an updated utility and public improvements plan for review and approval by the Public Works Director that addresses the required changes identified in the attached Staff Findings. All improvements must be designed, constructed, and completed prior to final plat approval. The Director of Public Works may allow a waiver of improvements as allowed by Code.
3. **14<sup>th</sup> Street Improvements.** The applicant shall design and construct local constrained street cross section improvements in the 14<sup>th</sup> Street ROW consistent with Public Works standards adjacent to the property with off-site transitions. Improvements shall be installed prior to final plat approval (Staff Findings 44 and 45).
4. **Parcel 2 Buildable Area.** The applicant shall submit an updated site plan showing the triangular 2,400 square foot buildable area outside of the existing 60 foot public utility easement on the western boundary of the subject property. The updated site plan shall also show the Water Resource Area Boundary and the revised Habitat Conservation Area Boundary and be submitted prior to final plat approval (Staff Finding 2).
5. **Public Utility Easements.** The applicant shall show the existing 60-foot public utility easement on the final plat and dedicate on the face of the plat an eight-foot public utility easement along the subject property's 14<sup>th</sup> Street frontage (Staff Finding 36).
6. **Water Resource Area Revegetation.** The applicant shall revegetate the Water Resource Area disturbed by the installation of the sanitary sewer lateral (Staff Findings 11 and 15) before final building certificate of occupancy.

The provisions of the Community Development Code Chapter 99 have been met.  
Per CDC 99.160 (B) (7), I declare to have no past or present involvement with the applicant, other interested persons or the property and I am able to render a fair and impartial decision.

  
\_\_\_\_\_  
Darren Wyss, Associate Planner  
For Peter Spir, Associate Planner

December 18, 2018  
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 19th day of December, 2018.

Therefore, the 14-day appeal period ends at 4 p.m., on January 2, 2019.

**ADDENDUM**  
**APPROVAL CRITERIA AND FINDINGS**  
**MIP-18-01/WAP-18-01/WRG-18-01**

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

*CHAPTER 11*

*SINGLE-FAMILY RESIDENTIAL DETACHED, R-10*

*11.030 PERMITTED USES*

*The following are uses permitted outright in this zoning district*

- 1. Single-family detached residential unit. (...)*
- 5. Minor Utility*

**Staff Finding 1:** The application is for the creation of two lots to accommodate one single family detached residential unit on each lot. Single family detached residential units are permitted uses.

**A rain garden is proposed for the future house that will be built on parcel 2. A rain garden (typically 5' x 10' by 18-inches deep) is a minor utility and is a permitted use in this zone. The criteria is met.**

*11.070 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:*

- 1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.*
- 2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
- 3. The average minimum lot width shall be 50 feet. (...)*
- 5. Except as specified in CDC 25.070(C) (1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:*
  - a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.*
  - b. For an interior side yard, seven and one-half feet. (...)*
  - c. For a rear yard, 20 feet.*
- 6. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.*
- 7. The maximum lot coverage shall be 35 percent. (...)*
- 8. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.*
- 9. The floor area ratio shall be 0.45. (...)*

**Staff Finding 2:** The 65,431 square foot property will be divided into two lots. All lots will exceed the 10,000 square foot minimum lot size. Parcel 1 is 49,080 square feet. Parcel 2 is 16,343 square feet. Section 11.070(3) requires an average minimum lot width of 50 feet. The proposed lot average widths are 210 feet for Parcel 1 and 90 feet for Parcel 2.

At the time that a building permit is applied for to construct a house on Parcel 2, the front, side and rear setbacks, building height, lot coverage, FAR and sidewall transition requirements will be reviewed for compliance.

The existing house, on what will be Parcel 1, meets and exceeds the required R-10 setbacks. The setbacks will be eight feet for the west side yard, 50 feet for the north front yard, 120 feet for the south rear yard and 50 feet for the east side yard. The existing house has a seven percent lot coverage which is below the maximum 35 percent lot coverage. The maximum allowable FAR on Parcel 1 is 22,008 square feet. The existing house is under that amount with 4,200 square foot of habitable area.

Parcel 2's buildable area is limited to an approximate 2,400 triangular footprint due to an existing 60 foot wide utility easement. The applicant shall submit an updated site plan showing this triangular footprint and its sufficiency to accommodate a house per Condition of Approval 4. (The applicant has applied to vacate most of the easement and retain a 20 foot wide easement section for the existing sanitary sewer line. If that easement is vacated, the house on Parcel 2 will have a larger potential footprint area; however, the approval of this minor partition is not dependent on that easement vacation.) Both proposed lots abut a public right-of-way. The criteria is met.

#### *CHAPTER 28: WILLAMETTE AND TUALATIN RIVER PROTECTION AREA*

##### *28.070 PLANNING DIRECTOR VERIFICATION OF METRO HABITAT PROTECTION MAP*

###### *BOUNDARIES*

*A. The HCA Map is the basis for identifying and designating the habitat conservation areas in the City. A copy of the latest, updated HCA Map is on file at the City and is adopted by reference for use with this chapter.*

*It is inevitable, given the large area that Metro's HCA Map covers, that there may be some errors. In cases where, for example, three properties share the same contours and the same natural features but the map shows the middle lot with an HCA designation on it, it is reasonable to question the accuracy of that HCA designation. Using tree overstory as the sole basis for HCA designation will also allow a change in designation since trees are already protected in the municipal code and Chapters 55 and 85 CDC.*

*B. The Planning Director shall verify the appropriate HCA or non-HCA designation by site visits or consultations with Metro or by other means. Determination is based on whether the Metro criteria are met or whether the Metro designation was based solely on tree overstory in which case a redesignation is appropriate. In cases where the determination is that the map is incorrect, the Planning Director will make a written finding of this as well as the site conditions that led to that conclusion.*

- C. Class B public notice, per Chapter 99 CDC, shall be required prior to issuance of the redesignation decision if it involves redesignation of the HCA boundary to allow the construction of, or addition to, a house.
- D. This determination and findings shall become part of the City record and part of the record for any associated land use application. The Planning Director shall also include in the record the revised map boundary. The Planning Director's determination and map revisions shall also be sent to Metro so that their map may be corrected as necessary.
- E. The Planning Director determination is appealable to the City Council per Chapter 99 CDC.
- F. Lands that are designated as an HCA only due to a forested overstory are exempt under CDC 28.040, Exemptions, since trees are already protected in the municipal code and Chapters 55 and 85 CDC. Similar exemptions apply to lands that exhibit no constraints.

**Staff Finding 3:** The applicant has requested a Planning Manager verification of the Metro HCA boundary shown on Sheet E01. The applicant contends that the current Metro boundary encompasses western portions of the site that do not meet Metro's criteria for HCA designation. Haley Smith, a Natural Resource Specialist for AKS, has provided analysis and findings in the applicant's submittal (dated November 1, 2017) which are reprinted here:

**"Revision of the HCA Map Boundary**

***Per West Linn Community Development Code (CDC) Chapter 28 Willamette and Tualatin River Protection, Section 28.070, Planning Director Verification of Metro Habitat Protection Map Boundaries:***

***A) The HCA map is the basis for identifying and designating the habitat conservation areas in the City. It is inevitable, given the large area that Metro's HCA Map covers, that there may be some errors. In cases where, for example, three properties share the same contours and the same natural features but the map shows the middle lot with an HCA designation on it, it is reasonable to question the accuracy of that HCA designation. Using tree overstory as the sole basis for HCA designation will also allow a change in designation since trees are already protected in the municipal code and Chapters 55 and 85 CDC.***

***Per the Metro Urban Growth Management Functional Plan (UGMFP) Title 13 Section 3.07.13d. Adminstrating the Habitat Conservation Areas map and Site Level Verification of Habitat Location:***

***d.4.Aii 2- "In terms of mapping the location of habitat, the only allowed corrections to the vegetative cover status of a property are those based on an area being developed prior to the local program effective date and those based on errors made at the time the vegetative cover status was determined based on analysis of the aerial photographs used to create the Metro Vegetative Cover Map (for the original map, aerial photos used were Metro's summer 2002 photos) and application of the vegetative cover definitions provided in the footnotes to Table 3.07-13d."***

***The residential property on the study area was developed prior to 2002. Aerial photos show the home was built before 1991. A review of the summer 2002 aerial photo indicates that, the***

**HCA does not clearly follow vegetation cover of tree overstory (see attached). Additionally, vegetation cover in the study area has not significantly changed since the summer of 2002. CDC Chapter 28.070 (B)**

**B) The planning director shall verify the appropriate HCA or non-HCA designation by site visits or consultations with Metro or by other means. Determination is based on whether the Metro criteria are met or whether the Metro designation was based solely on tree overstory in which case a redesignation is appropriate. In cases where the determination is that the map is incorrect, the Planning Director will make a written finding of this as well as the site conditions that led to that conclusion.**

**As previously demonstrated, the Metro designation was based solely on tree overstory and a redesignation is therefore appropriate. A site visit and wetland delineation of the study area was conducted by AKS Engineering & Forestry, LLC (AKS) in January 2017. A portion of a pond with connecting drainages and a fringe wetland was delineated within the study area boundary. The wetland features extend off-site to the south towards the Tualatin River. The vegetation observed on site was non-native and/or invasive. The study area north of the wetland contains two small clusters of Douglas fir (*Pseudotsuga menziesii*) and red alder (*Alnus rubra*). The understory is predominately Himalayan blackberry (*Rubus armeniacus*), tall fescue (*Schedonorus arundinaceus*), and colonial bentgrass (*Agrostis capillaris*). Himalayan blackberry is considered an invasive species. The middle portion of the study area north of the wetland is also predominately Himalayan blackberry, along with reed canarygrass (*Phalaris arundinacea*). No vegetative overstory is present in this portion of the study area.**

**Per Metro Title 13:3.07.1340 d. Administering the Habitat Conservation Areas Map and Site Level Verification of Habitat Location d. (4) Habitat Boundaries (A) Location riparian habitat and determine its habitat class is a five step process.**

**(i) Step 1. Locate the water feature that is the basis for identifying riparian habitat: 1) Locate the top of the bank of all streams, rivers, and open water within 200 feet of the property; 2) Locate all flood areas within 100 feet of the property; 3) Locate all wetlands within 150 feet of the property based on the local wetland inventory map (if completed) and on the Metro 2004 Wetland Inventory Map. Identified wetlands shall be further delineation consistent with methods currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers. All wetland and water features were identified on the study area as described above. The Tualatin River was identified on the LWI within 200 feet of the study area, as well as a wetland. A floodplain boundary was identified on the study area and mapped. The wetland was delineated by AKS Natural Resource Specialists and professionally surveyed by AKS. The wetland boundary is consistent with the City of West Linn's Water Resource Area (WRA) map.**

**(ii) Step 2. Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, river and open water, are wetlands or are within 150 feet of wetlands, and are flood areas and within 100 feet of flood areas.**

**The HCA is low quality due to the dominance of non-native and invasive plant species. The**

***hillslope on the study area is vegetated with Himalayan blackberry with no overstory coverage. The remaining area bordering the drainage and wetland consists of mowed field grasses. The HCA map does not follow the vegetative overstory based on the 2002 summer aerial and overstory currently present. The HCA boundary lines are not consistent with the natural features of the property and should be redesignated based on the present canopy cover, as shown on attached Figure 1 and Representative Site Photographs.***

### **Summary**

***This memo proposes a redesignation of the HCA map to align with the native tree canopy cover and habitat conditions on-site. The purpose of the HCA is to provide overlapping continuous canopy for wildlife. The study area is characterized by disconnected vegetation and canopy cover. The northern portion of the HCA does not contain a tree overstory matching the HCA mapped boundary and the majority of groundcover is dominated by invasive Himalayan blackberry. This area is of low habitat value and should not be mapped as HCA.”***

Staff finds that Ms. Smith has the professional qualifications to make these findings. The central finding of Ms. Haley’s report is that Metro erred when they classified the vegetative cover status based on analysis of the 2002 aerial photographs which were used to create the Metro Vegetative Cover Map. Whereas, Metro criteria calls for an overstory to provide habitat areas, the area in question is vegetated with Himalayan blackberry with no overstory coverage. The remaining area bordering the drainage and wetland consists of mowed field grasses. The HCA map did not follow the vegetative overstory based on the 2002 summer aerial photographs nor is it consistent with the present overstory which is generally near the toe of the slope, approximately 20 feet north of the delineated wetland boundary.

The Planning Manager has determined that the “*proposed habitat conservation area boundary*”, as shown on the applicant’s Sheet E01, is the correct boundary. The City will subsequently undertake a modification to the HCA map. A copy of this decision will be provided to Metro with a cover memo to address the Director’s decision and note it is appealable to City Council per CDC 28.070.E. The criteria is met.

### **28.110 APPROVAL CRITERIA**

#### **A. Development: All sites.**

***1. Sites shall first be reviewed using the HCA Map to determine if the site is buildable or what portion of the site is buildable. HCAs shall be verified by the Planning Director per CDC 28.070 and site visit. Also, “tree canopy only” HCAs shall not constitute a development limitation and may be exempted per CDC 28.070(A). The municipal code protection for trees and Chapters 55 and 85 CDC tree protection shall still apply.***

***2. HCAs shall be avoided to the greatest degree possible and development activity shall instead be directed to the areas designated “Habitat and Impact Areas Not Designated as HCAs,” consistent with subsection (A)(3) of this section.***

***(....)***

**Staff Finding 4:** The applicant has requested a Planning Manager verification of the Metro HCA boundary shown on the applicant's Sheet E01. In Staff Finding 2, above, staff determined that the criteria is met to redesignate the HCA boundary. With the redesignated HCA boundary staff finds that no development will occur in the HCA with the exception of the temporary disturbance associated with trenching sanitary sewer laterals. All permanent development will occur in non-HCA lands (Sheet E01). By avoiding the HCAs, the criteria is met.

*C. Setbacks from top of bank.*

*1. Development of single-family homes or attached housing on lands designated as "Habitat and Impact Areas Not Designated as HCAs" shall require a structural setback of 15 feet from any top of bank that represents the edge of the land designated as "Habitat and Impact Areas Not Designated as HCAs."*

**Staff Finding 5:** All development, including home construction, will occur on lands designated as "Habitat and Impact Areas Not Designated as HCAs" or non-HCA lands. Although the upper edge of the HCA is on a slope, it is not located at the "top of bank"; therefore a 15 foot setback is not required from the HCA boundary. The criteria is met.

*H. Partitions, subdivisions and incentives.*

*1. When dividing a property into lots or lots, 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 lots 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.*

*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 Planning Manager has redesignated the HCA boundary based on Metro's criteria (See Finding 3). The applicant's lot layout accommodates home construction on non-HCA land or areas designated "Habitat and Impact Areas Not Designated as HCAs." The applicant shall submit an updated site plan showing the Parcel 2 buildable footprint and its sufficiency to accommodate a house per Condition of Approval 4. No development of HCA lands will occur. (Temporary disturbance of the HCA will occur for the purpose of installing a private sanitary sewer line from the future home on Parcel 2 to the existing public sanitary sewer line at the bottom of the hill as shown in the applicant's Sheet P09. Once the private sanitary sewer line is installed, the trench will be backfilled, the original grade will be restored and revegetated, per CDC 32.080, with native plant material.) The criteria 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.*

(....)

**Staff Finding 7: No public access from the terminus of Evah Lane to the Tualatin River is possible since the applicant's property is not contiguous to the Tualatin River. (Public access to the Tualatin River is already facilitated by a trail located 400 feet to the west of Evah Lane through the City owned "River Bluff Open Space".) The criteria does not apply.**

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

*1. For utility facility connections to utility facilities, no greater than 10 feet wide.*

(....)

**Staff Finding 8: The only disturbance in the HCA will be temporary for the purpose of installing a private sanitary sewer lateral from the future home on Parcel 2 to the existing public sanitary sewer line at the bottom of the hill as shown in the applicant's Sheet P09. There is no alternative sewer routing available. The temporary trench will be less than 10 feet wide. Once the private sanitary sewer lateral is installed, the trench will be backfilled and revegetated, per CDC 32.090 and 32.100. The criteria is met.**

*T. Changing the landscape/grading.*

*1. Existing predominant topographical features of the bank line and escarpment shall be preserved and maintained except for disturbance necessary for the construction or establishment of a water related or water dependent use. Measures necessary to reduce potential bank and escarpment erosion, landslides, or flood hazard conditions shall also be taken.*

**Staff Finding 9: The Tualatin River bank line is 120 feet from the partition site; therefore this criteria does not apply. (There is no "escarpment" along this section of the Tualatin River.)**

*U. Protect riparian and adjacent vegetation. Vegetative ground cover and trees upon the site shall be preserved, conserved, and maintained according to the following provisions:*

*1. Riparian vegetation below OHW removed during development shall be replaced with indigenous vegetation, which shall be compatible with and enhance the riparian environment and approved by the approval authority as part of the application.*

(....)



**Staff Finding 10: “Riparian and adjacent vegetation” describes vegetation in areas adjacent to the river; specifically, below the Ordinary High Water (OHW) Mark. This property is 120 feet from the Tualatin River and the OHW so this criteria does not apply.**

*CHAPTER 32: WATER RESOURCE AREA PROTECTION*

*32.060 APPROVAL CRITERIA (STANDARD PROCESS)*

*No application for development on property containing a WRA shall be approved unless the approval authority finds that the proposed development is consistent with the following approval criteria, or can satisfy the criteria by conditions of approval:*

*A. WRA protection/minimizing impacts.*

- 1. Development shall be conducted in a manner that will avoid or, if avoidance is not possible, minimize adverse impact on WRAs.*
- 2. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC 32.090 and 32.100, respectively.*

**Staff Finding 11: The WRA is associated with a delineated wetland at the southern edge of the property. The hill adjacent to the wetland has a slope ranging from 21.9 on Parcel 2 to 48.7 percent on Parcel 1. According to Table 32-2 and Figure 32-3, where there is a slope under 25 percent, the transition area shall extend 65 feet up the hill. Applicant’s sheet P04 correctly shows that transition, generally on Parcel 2. On the west portion of Parcel 1 where the slope is over 25 percent, the transition is to the top of bank plus 50 feet per Figure 32-4. On the east portion of Parcel 1 where the slope is also over 25 percent but with no top of bank in the first 150 feet, the transition of 200 feet is required per Figure 32-5. The applicant has provided a 200 foot transition on the east portion of Parcel 1 which meets the requirement. No new development will occur in these transitions.**

**Temporary disturbance of the WRA transition area, will occur for the purpose of installing a private sanitary sewer lateral from the future home on Parcel 2 to the existing public sanitary sewer line at the bottom of the hill as shown in the applicant’s Sheet P09. The temporary trench will be less than 10 feet wide. Once the private sanitary sewer lateral is installed, the trench will be backfilled and revegetated, per CDC 32.090 and 32.100. The criteria is met.**

*B. Storm water and storm water facilities.*

- 1. Proposed developments shall be designed to maintain the existing WRAs and utilize them as the primary method of storm water conveyance through the project site unless (...)*
- 2. Public and private storm water detention, storm water treatment facilities and storm water outfall or energy dissipaters (e.g., rip rap) may encroach into the WRA if: (...)*

**Staff Finding 12: No storm water facilities are proposed in the WRA. The applicant shows the proposed rain garden locations being approximately 10 feet above the WRA transition area (see Sheet P09). The criteria is met.**

*D. WRA width. Except for the exemptions in CDC 32.040, applications that are using the alternate review process of CDC 32.070, or as authorized by the approval authority consistent*

with the provisions of this chapter, all development is prohibited in the WRA as established in Table 32-2 below:

**Table 32-2. Required Width of WRA**

Protected WRA Resource (see Chapter 2 CDC, Definitions)	Slope Adjacent to Protected Water Resource <sup>1,3</sup>	Starting Point for Measurements from Water Resource <sup>1,3</sup>	Width of WRA on Each Side of the Water Resource
A. Water Resource	0% – 25%	OHW or delineated edge of wetland	65 feet
B. Water Resource (Ravine)	over 25% to a distinct top of slope <sup>2</sup>	OHW or delineated edge of wetland	From water resource to top of slope <sup>2</sup> (30-foot minimum), plus an additional 50 feet <sup>4</sup>
C. Water Resource	Over 25% for more than 30 feet, and no distinct top of slope for at least 150 feet	OHW or delineated edge of wetland	200 feet

Figure 32-3

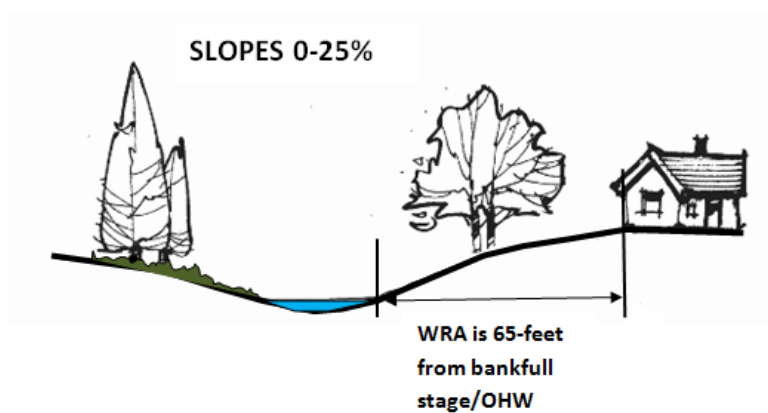


Figure 32-4

**WELL DEFINED RAVINE. SLOPES OVER 25%.  
DISTINCT OR IDENTIFIABLE TOP OF SLOPE.**

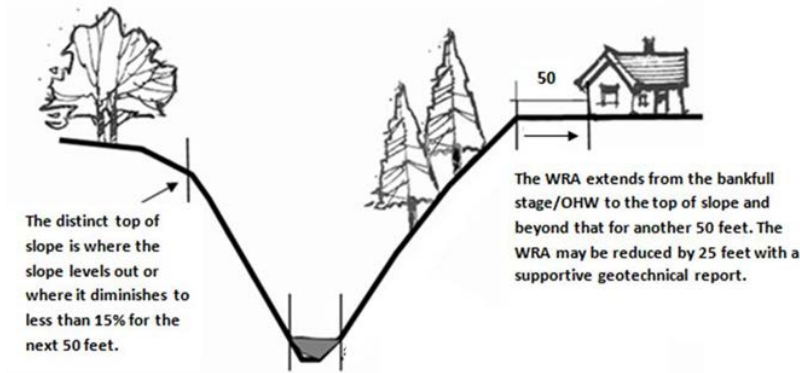
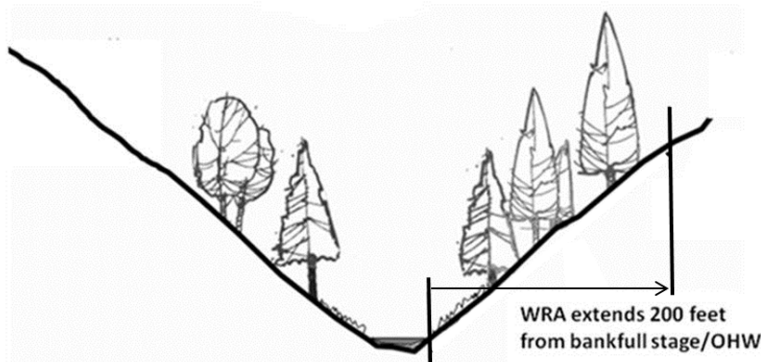


Figure 32-5

**STEEP DRAINAGEWAY OVER 25% SLOPE WITH NO DISTINCT TOP OF SLOPE IN THE FIRST 150 FEET FROM THE WATER RESOURCE**



**Staff Finding 13:** The WRA is associated with a delineated wetland at the southern edge of the property. The hill adjacent to the wetland has a slope ranging from 21.9 percent on Parcel 2 to 48.7 percent on Parcel 1. According to Table 32-2 and Figure 32-3, when the slope is under 25 percent, the transition area shall extend 65 feet up the hill. The applicant's sheet P04 correctly shows that transition, generally on Parcel 2. On the west portion of Parcel 1 where the slope is over 25 percent, the transition is to the top of bank plus 50 feet per Figure 32-4. On the east portion of Parcel 1 where the slope is also over 25 percent but with no top of bank in the first 150 feet, the transition of 200 feet is required per Figure 32-5. The applicant has provided a 200 foot transition on the east portion of Parcel 1 which meets the requirement.

**Any future development (homes, accessory structures, etc.) will be required to meet the correct setback at the time of building permit application. The criteria is met.**

*E. Per the submittals required by CDC 32.050(F)(4), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.*

**Staff Finding 14: Review of adopted City Hazard Map 16: “Potential Landslides” (Figure 6) indicates that there are no areas of geologic instability or potential landslides at this location. However, Hazard Map 17: “Landslide Vulnerability Analysis” indicates that this is a “landslide hazard area”, based on the presence of slopes over 25 percent. To demonstrate that Parcel 2 is “buildable”, as defined in CDC Chapter 2 “Definitions”, the applicant has provided a geologic hazard evaluation by Brett A. Shipton P.E., G.E. The report concluded that “the subject property is stable. We did not observe evidence of significant slope instability at the property.” (see pages 216 to 229 in Exhibit PD-3) The criteria is met.**

*F. Roads, driveways and utilities.*

- 1. New roads, driveways, or utilities shall avoid WRAs unless the applicant demonstrates that no other practical alternative exists. In that case, road design and construction techniques shall minimize impacts and disturbance to the WRA by the following methods:  
(....)*

**Staff Finding 15: No permanent disturbance or development (roads or driveways) in the WRA is proposed. Temporary disturbance of the WRA will occur for the purpose of installing a private sanitary sewer lateral from future home on Parcel 2 to the existing public sanitary sewer line at the bottom of the hill as shown in the applicant’s Sheet P09. The temporary trench will be less than 10 feet wide and subsequently backfilled and revegetated, per CDC 32.090 and 32.100. The criteria is met.**

#### CHAPTER 48

#### ACCESS, EGRESS AND CIRCULATION

#### 48.020 APPLICABILITY AND GENERAL PROVISIONS

*B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.*

**Staff Finding 16: Parcel 1 will access 14<sup>th</sup> Street using the existing driveway. Parcel 2 will be accessed using an existing 12-20 foot wide driveway in the Evah Lane ROW. Both driveways meet the dimensional standards of CDC 48.030.B.1(2). The criteria is met.**

*C. No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and*

*circulation requirements are to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.*

*D. Should the owner or occupant of a lot, parcel or building enlarge or change the use to which the lot, parcel or building is put, resulting in increasing any of the requirements of this chapter, it shall be unlawful and a violation of this code to begin or maintain such altered use until the provisions of this chapter have been met, and, if required, until the appropriate approval authority under Chapter 99 CDC has approved the change.*

*E. Owners of two or more uses, structures, lots, parcels, or units of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the requirements as designated in this code; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases, or contracts to establish joint use. Copies of said instrument shall be placed on permanent file with the City Recorder.*

*F. Property owners shall not be compelled to access their homes via platted stems of flag lots if other driveways and easements are available and approved by the City Engineer.*

**Staff Finding 17: Parcel 1 will access 14<sup>th</sup> Street using the existing driveway. Parcel 2 will be accessed using an existing 12-20 foot wide driveway in the Evah Lane ROW. Both driveways meet the dimensional standards of CDC 48.030.B.1(2). No flag lots are proposed. The criteria are met.**

#### **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 18: 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 one new homes should only generate an ADT of 9.4 trips per day based on the Institute of Traffic Engineers (ITE) trip generation tables. This criteria is met.**

**2.** *The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.*

**7. Access options.**

**(...)**

**7. Number of access points.**

(...)

8. *Shared driveways.*

(...)

**Staff Finding 19: Parcel 1 will access 14<sup>th</sup> Street using the existing driveway. Parcel 2 will be accessed using an existing 12-20 foot wide driveway in the Evah Lane ROW. Since this is a two lot partition which will only generate an additional ADT of 9.4 trips per day, no access consolidation is needed. No backing on to a public street is proposed. The criteria is 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.*
- 2. Two to four single-family residential homes equals a 14- to 20-foot-wide paved or all-weather surface. Width shall depend upon adequacy of line of sight and number of homes.*
- 3. Maximum driveway grade shall be 15 percent.*

(...)

**Staff Finding 20: Parcel 1 will maintain access from 14<sup>th</sup> Street via the existing driveway. Parcel 2 will be accessed via an existing driveway located in the Evah Lane ROW. The driveway width is 20 feet where it serves 1295 and 1267 Evah Lane and then it narrows to a width of 12 feet where it serves only Parcel 2. All driveways meet the dimensional standards of CDC 48.030.B and the maximum driveway grade of 15 percent. The criteria is met.**

*C. When any portion of one or more homes is more than 150 feet from the adjacent right-of-way, the provisions of subsection B of this section shall apply in addition to the following provisions.*

- 1. A turnaround may be required as prescribed by the Fire Chief.*
- 2. Minimum vertical clearance for the driveway shall be 13 feet, six inches.*
- 3. A minimum centerline turning radius of 45 feet is required unless waived by the Fire Chief.*
- 4. There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet.*

**Staff Finding 21: Portions of the homes on Parcels 1 and 2 are expected to be more than 150 feet from Evah Lane and 14<sup>th</sup> Street ROWs. Parcel 1 will access 14<sup>th</sup> Street via the existing driveway while Parcel 2 will be accessed via an existing driveway in Evah Lane ROW. Both driveways meet the dimensional standards of CDC 48.030.B. TVFR reviewed emergency access to Parcel 2 via the Evah Lane ROW driveway and is satisfied with that access with the knowledge that the Building Official has the authority at the time of building permit application to require fire sprinklers. The criteria is met.**

*D. Access to five or more single-family homes shall be by a street built to full construction code standards. All streets shall be public. This full street provision may only be waived by variance. (...)*

**Staff Finding 22: Access to Parcel 2 is via the southern terminus of the Evah Lane right-of-way, which will serve three homes. An existing driveway located in the right-of-way serves the two existing homes. Parcel 2 will utilize the existing driveway for access and no full street improvements are necessary. The criteria is 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.*
- C. No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:*
  - 1. On an arterial when intersected by another arterial, 150 feet.*
  - 2. On an arterial when intersected by a collector, 100 feet.*
  - 3. On an arterial when intersected by a local street, 100 feet.*
  - 4. On a collector when intersecting an arterial street, 100 feet.*
  - 5. On a collector when intersected by another collector or local street, 35 feet.*
  - 6. On a local street when intersecting any other street, 35 feet.*
- D. There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:*
  - 1. On an arterial street, 150 feet.*
  - 2. On a collector street, 75 feet.*
  - 3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.*
- E. A rolled curb may be installed in lieu of curb cuts and access separation requirements.*
- F. Curb cuts shall be kept to the minimum, particularly on Highway 43. Consolidation of driveways is preferred. The standard on Highway 43 is one curb cut per business if consolidation of driveways is not possible.*
- G. Adequate line of sight pursuant to engineering standards should be afforded at each driveway or accessway.*

**Staff Finding 23: No curb cuts are required for access to Parcel 2. 14<sup>th</sup> Street is conditioned to install half-street improvements for a local constrained cross-section. During construction, curb cut widths will be regulated. The nearest intersection to the 14<sup>th</sup> Street access is more than 220 feet. The criteria is met.**

#### *CHAPTER 55 DESIGN REVIEW*

##### *55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW*

*(Design Review is only applicable to significant trees as cross referenced by CDC 85.200(J) (9))*

- B. Relationship to the natural and physical environment.*

1. *The buildings and other site elements shall be designed and located so that 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.*
2. *All heritage trees, as defined in the municipal code, all trees and clusters of trees ("cluster" is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. (...)*  
*Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by limiting development in the protected area. (...)*

**Staff Finding 24: Based on a finding by the City Arborist, there are no heritage or significant trees on the subject property. The criteria is met.**

#### CHAPTER 85

#### GENERAL PROVISIONS (LAND DIVISION)

#### 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 (...) 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 Public Works Director. (...)*

**Staff Finding 25: Parcel 1 will access 14<sup>th</sup> Street using the existing driveway. Condition of approval 3 requires local constrained street design improvements for that portion of 14<sup>th</sup> Street that is contiguous to the site. Parcel 2 will be accessed via an existing driveway in Evah Lane ROW with no additional improvements required. Both driveways meet the dimensional standards of CDC 48.030.B and the maximum driveway grade of 15 percent. The criteria is met.**

2. *Right-of-way and roadway widths.*
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 Public Works Director'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 Public Works Director of the following criteria: (...)*
5. *Additionally, when determining appropriate street width (...)*



**Staff Finding 26:** The Evah Lane right of way (ROW) adjacent to the property is 60 feet wide. This ROW width meets the recommended ROW width for local streets per the adopted 2016 Transportation System Plan (TSP). There is no roadway in the ROW, just private driveways. The existing driveway accessing Parcel 2 meets the required 12 foot width.

The Public Works Director has recommended the vacation of the Evah Lane ROW and establishing a private access easement for the benefit of Parcel 2 and 1295 and 1267 Evah Lane. At the City's direction, the applicant began process to obtain the necessary signatures as required by ORS 271.080 to vacate the ROW. The applicant was not able to obtain the signature of at least one of the abutting property owners so the vacation failed to obtain 100% of required signatures. Parcel 2 will obtain access via the existing driveway located in the Evah Lane right-of-way. No further improvements are required at this time.

14<sup>th</sup> Street has a ROW width of 60 feet. That width is consistent with the TSP required local street ROW. No additional ROW is needed. The applicant will be required by Condition of Approval 3 to install half street improvements for property frontage adjacent to 14<sup>th</sup> Street which would also include a six foot sidewalk (no planter strip). These criteria are met.

6. *Reserve strips. (...)*
7. *Alignment. (...)*
8. *Future extension of streets. (...)*
9. *Intersection angles. (...)*
10. *Additional right-of-way for existing streets. (...)*

**Staff Finding 27:** The proposal does not include any reserve strips, new or extended streets/intersections, nor does it require any additional right-of-way dedications. The criteria are 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 strips. (...)*

**Staff Finding 28:** The Evah Lane ROW is to be left substantially "as is" with no improvements since the Public Works Director has recommended that it be vacated. No sidewalks are required (See Finding 26). The Public Works Director is requiring ROW improvements on 14<sup>th</sup> Street to include sidewalks. Since this is a local constrained street design, no planter strip is required. The criteria is 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 29: Parcel 1 will access 14<sup>th</sup> Street using the existing driveway while Parcel 2 will be accessed via an existing driveway in Evah Lane ROW. Both driveways meet the dimensional standards of CDC 48.030 (B) (1) (2). The criteria 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 commissioned to address CDC 85.170(B)(2) that are required to mitigate impacts from the proposed subdivision. ....

**Staff Finding 30: No off-site improvements are required. This criteria does not apply.**

(...)

C. Pedestrian and bicycle trails.

(...)

**Staff Finding 31: The West Linn Transportation System Plan does not identify Evah Lane in the Pedestrian (including trails) or Bike Plans. (See Figures 7 and 9 of the TSP.) The Parks Department Trails Master Plan also does not identify a need for a trail. The criteria does not apply.**

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 (....)

**Staff Finding 32: The "Preliminary Grading, Erosion and Sediment Control Plan" has been submitted (Sheet P 08) and complies with the Uniform Building Code. To demonstrate that Parcel 2 is "buildable", as defined in CDC Chapter 2 "Definitions", the applicant has provided a geologic hazard evaluation by Brett A. Shipton P.E., G.E. The report concluded that "the subject property is stable. We did not observe evidence of significant slope instability at the property." (see pages 216 to 229 in Exhibit PD-3) The criteria is met.**

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.

2. Adequate location and sizing of the water lines.

(...)

**Staff Finding 33:** The City Public Works Department finds there is an eight-inch water line in Evah Lane that terminates at a fire hydrant adjacent to this property. A private lateral to Parcel 2 will provide water. Per the Water Master Plan, no extension or looping of that water line is needed. The Water Master Plan also confirms the adequacy of existing water services and fire flow to serve the two lots. The criteria is met.

*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. (...)*

**Staff Finding 34:** The City Public Works Director confirms the Sewer Master Plan has sufficient sanitary system and sewage treatment facility capacity. The applicant proposes to install a private lateral from the future home on Parcel 2 to the public sanitary sewer line at the bottom of the hill. The criteria is met.

*H. Storm detention and treatment.*

**Staff Finding 35:** No improvements to the Evah Lane right-of-way are required, including no additional public stormwater infrastructure. Final design of stormwater treatment for the required 14<sup>th</sup> Street improvements will be approved during construction permitting. Stormwater treatment for Parcel 2 will be concentrated away from existing slopes as recommended by the August 20, 2018 Report of Geologic Hazard Evaluation by GeoDesign, Inc. Final design will be approved during the building permit process. The criteria is met.

*I. Utility Easements. (...)*

**Staff Finding 36:** The existing 60-foot public utility easement along the west edge of the subject property will be maintained. The applicant contacted private utility providers. Per an email dated September 14, 2017 and included in the applicant's August 21, 2018 supplemental submittal, Portland General Electric (PGE) agreed to release the western portion of the easement, but not the eastern portion. PGE stated they would be open to releasing the eastern side in the future. Additionally, the applicant will be required to dedicate an eight-foot public utility easement along the property's 14<sup>th</sup> Street frontage per Condition of Approval 5. Subject to the Conditions of Approval, the criteria are met.

*J. Supplemental Provisions.*

1. *Wetland and natural drainageways. (...)*

**Staff Finding 37:** On-site wetlands and WRAs are discussed in Findings 11-15. The criteria is met.

2. *Willamette and Tualatin Greenways. The Willamette and Tualatin River Greenways shall be protected as required by Chapter 28 CDC, Willamette and Tualatin River Protection.*

**Staff Finding 38: The southern portion of the property is overlain by HCAs associated with the Tualatin River Protection Area and is discussed in Findings 3-10. The Planning Manager concurs with the applicant's HCA re-designation as shown in applicant submittal Sheet P04. All permanent development will be outside the HCA. The criteria is met.**

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

4. *Lighting. All subdivision street or alley lights shall meet West Linn Public Works Design Standards.*

5. *Dedications and exactions. (...)*

**Staff Finding 39: Street trees will be installed along the 14<sup>th</sup> Street frontage per Condition of Approval 2. No additional street lighting is required. No dedications or exactions are required. The criteria are met.**

6. *Underground utilities. (...)*

**Staff Finding 40: The subject property is exempt from this requirement as there are no adjacent, existing, above-ground utilities. The criteria 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.*

8. *Mix requirement. (...)*

**Staff Finding 41: The subject property is 65,431 square feet and contains 41,818 square feet of Type I or II lands. This partition is exempt from the density requirement. The mix requirement does not apply as the subject property zoning is R-10. The criteria are 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).*

**Staff Finding 42: The City Arborist determined there are no heritage or significant trees on the subject property. The criteria does not apply.**

*V. 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.*

*1. All streets within a subdivision, including alleys, shall be graded for the full right-of-way width and improved to the City's permanent improvement standards and specifications which include sidewalks and bicycle lanes, unless the decision-making authority makes the following findings:*

*a. The right-of-way cannot be reasonably improved in a manner consistent with City road standards or City standards for the protection of wetlands and natural drainageways.*

*b. The right-of-way does not provide a link in a continuous pattern of connected local streets, or, if it does provide such a link, that an alternative street link already exists or the applicant has proposed an alternative street which provides the necessary connectivity, or the applicant has proven that there is no feasible location on the property for an alternative street providing the link.*

*2. When the decision-making authority makes these findings, the decision-making authority may impose any of the following conditions of approval:*

*a. A condition that the applicant initiate vacation proceedings for all or part of the right-of-way.*

*b. A condition that the applicant build a trail, bicycle path, or other appropriate way.*

*If the applicant initiates vacation proceedings pursuant to subsection (A)(2)(a) of this section, and the right-of-way cannot be vacated because of opposition from adjacent property owners, the City Council shall consider and decide whether to process a City-initiated street vacation pursuant to Chapter 271 ORS. (...)*

*92.020 IMPROVEMENTS IN PARTITIONS*

*The same improvements shall be installed to serve each lot of a partition as are required of a subdivision. However, if the approval authority finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, at the written request of the applicant those improvements may be waived. If the street improvement requirements are waived, the applicant shall pay an in-lieu fee for off-site street improvements, pursuant to the provisions of CDC 85.200(A)(1).*

*In lieu of accepting an improvement, the Planning Director may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.*

**Staff Finding 43: The Public Works Director has recommended the vacation of the Evah Lane ROW and establishing a private access easement for the benefit of Parcel 2 and 1295 and**

**1267 Evah Lane. At the City's direction, the applicant began process to obtain the necessary signatures as required by ORS 271.080 to vacate the ROW. The applicant was not able to obtain the signature of at least one of the abutting property owners so the vacation failed to obtain 100% of required signatures. Parcel 2 will obtain access via the existing driveway located in the Evah Lane right-of-way. No further improvements are required at this time.**

**Staff Finding 44: The 14<sup>th</sup> Street the ROW is 60 feet wide. That width is consistent with the TSP required local street ROW. No additional ROW is needed. The applicant will be required by Condition of Approval 3 to install half street improvements for property frontage adjacent to 14<sup>th</sup> Street which would also include a six foot sidewalk (no planter strip).**

**Staff Finding 45: Where the City proposes exactions, such as right of way dedication or street improvements, etc., the City must demonstrate that an "essential nexus" exists between a legitimate City or public interest, such as mitigating traffic impacts, and the proposed condition of approval. The City is further required to demonstrate a "rough proportionality" between the condition and the expected impacts of the proposed partition.**

**For the 14<sup>th</sup> Street right of way improvements, the nexus rests in the fact that the property being partitioned is contiguous to that ROW. That nexus is entrenched in CDC 92.010(C) which states: "*Local and minor collector streets within the rights-of-way abutting a subdivision shall be graded for the full right-of-way width and approved to the City's permanent improvement standards and specifications. The City Engineer shall review the need for street improvements and shall specify whether full street or partial street improvements shall be required.*"**

**Regarding proportionality, staff finds that unless the applicant physically blocks the existing driveway between Parcels 1 and 2, it is reasonable to anticipate that newly generated traffic from parcel 2 (10 trips per day per ITE Trip Generation Tables) will use the driveway to access 14<sup>th</sup> Street which would further encourage wear and tear on that street. Proportionality is further satisfied by the finding that the applicant only has 45 feet of frontage on 14<sup>th</sup> Street; so the required physical improvements and cost of those improvements is limited and proportionate to the potential trip generation from Parcel 2. The criteria is met.**

## **VI. CHAPTER 27, FLOOD MANAGEMENT AREAS**

### **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.***

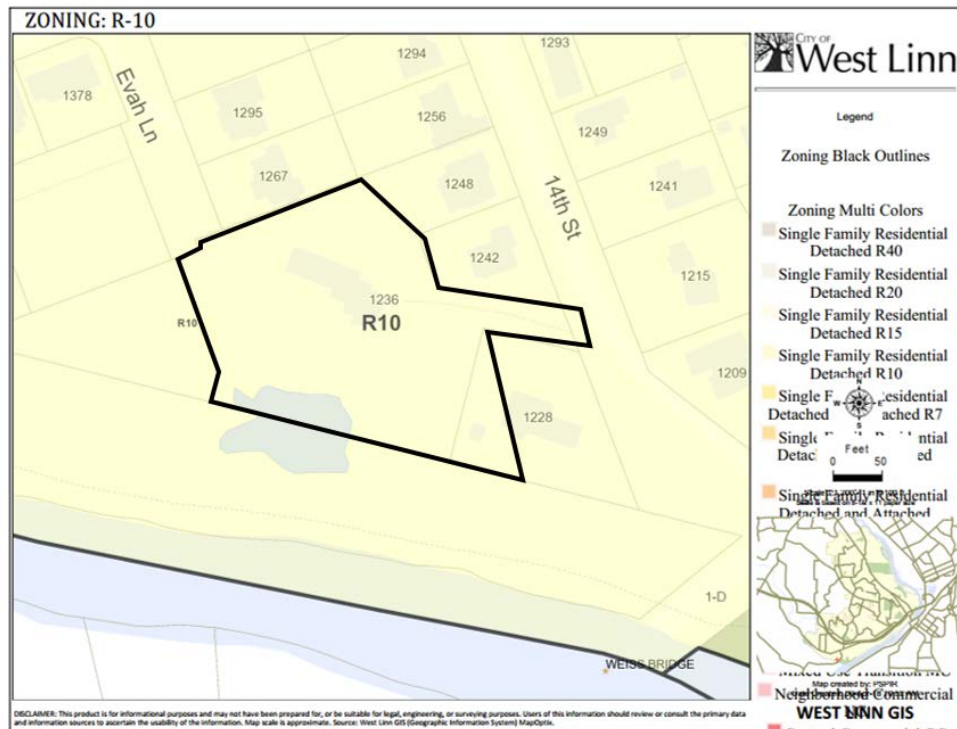
**Staff Finding 46: The 100-year floodplain (Flood Management Area) encumbers approximately the southernmost 30 to 40 lineal feet of the subject property. This floodplain area is at a minimum 90 lineal feet from the 2,400 square foot buildable area of proposed Parcel 2 and 75 feet from the existing structures on proposed Parcel 1. There is also an elevation gain of approximately 30 feet from the 2,400 square foot buildable area of**

**proposed Parcel 2 and existing structures on proposed Parcel 1. A Flood Management Area Permit was not required as part of this minor partition application.**

**FIGURE 1: LOCATION**



**FIGURE 2: ZONING**



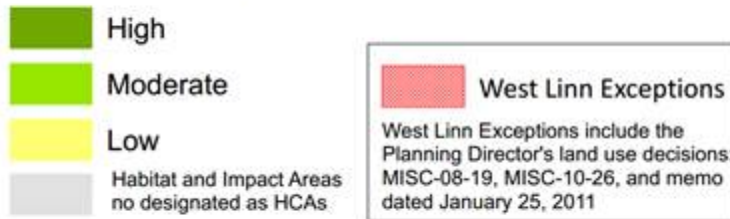


**FIGURE 3: HABITAT CONSERVATION AREAS (HCAs) (EXISTING)**



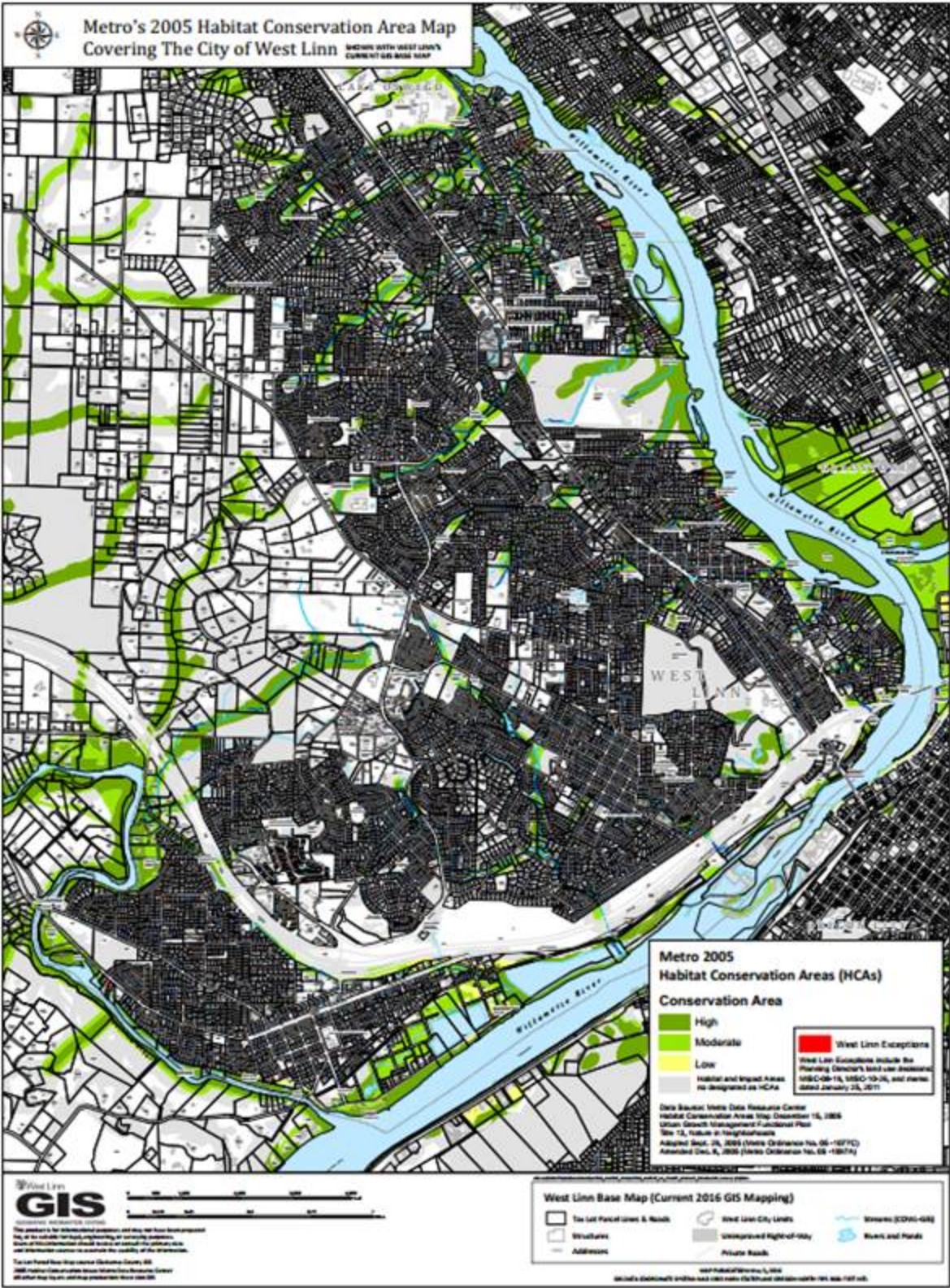
**Metro 2005  
Habitat Conservation Areas (HCAs)**

**Conservation Area**



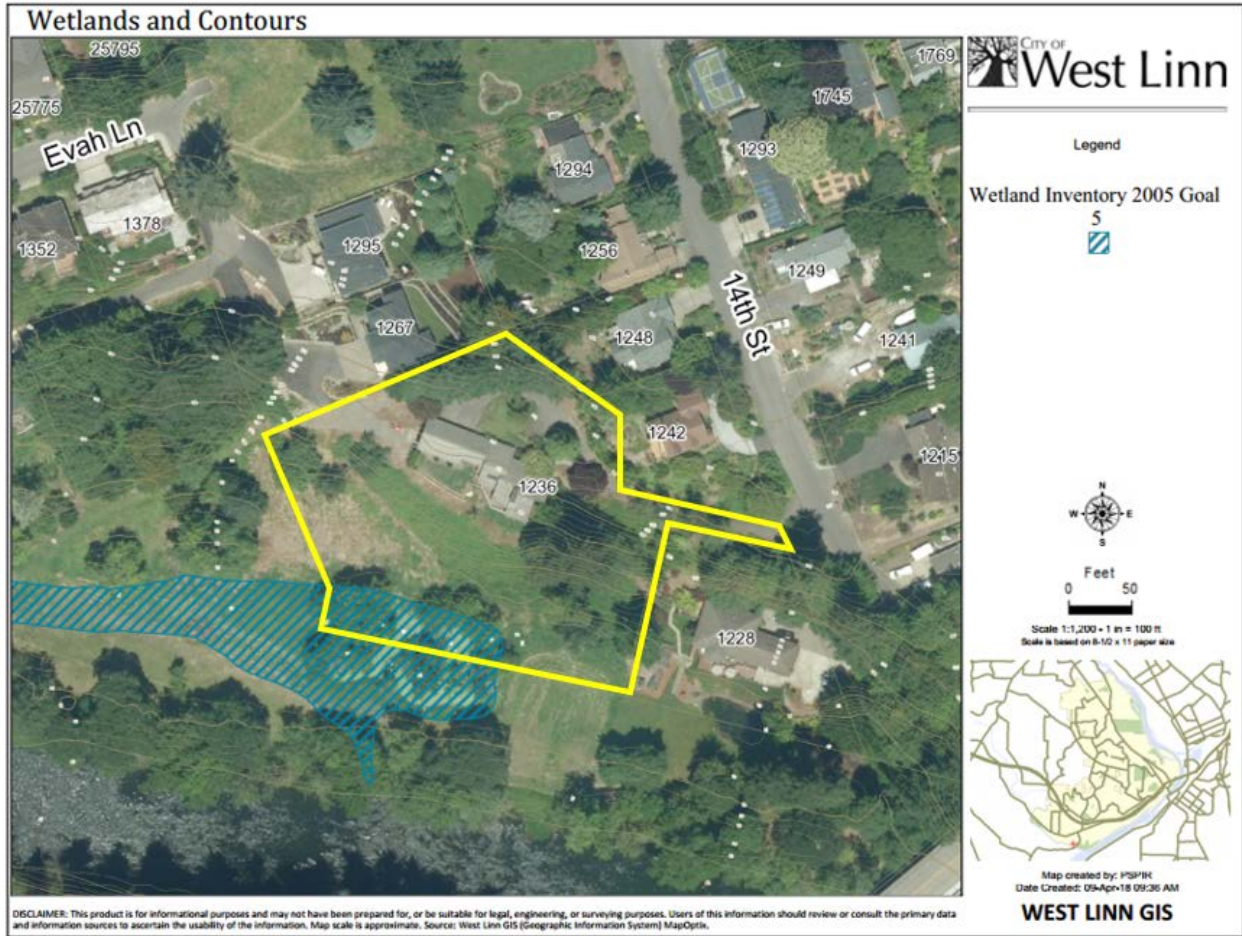
Data Source: Metro Data Resource Center  
 Habitat Conservation Areas Map December 15, 2005  
 Urban Growth Management Functional Plan  
 Title 13, Nature in Neighborhoods  
 Adopted Sept. 29, 2005 (Metro Ordinance No. 05 -1077C)  
 Amended Dec. 8, 2005 (Metro Ordinance No. 05 -1097A)



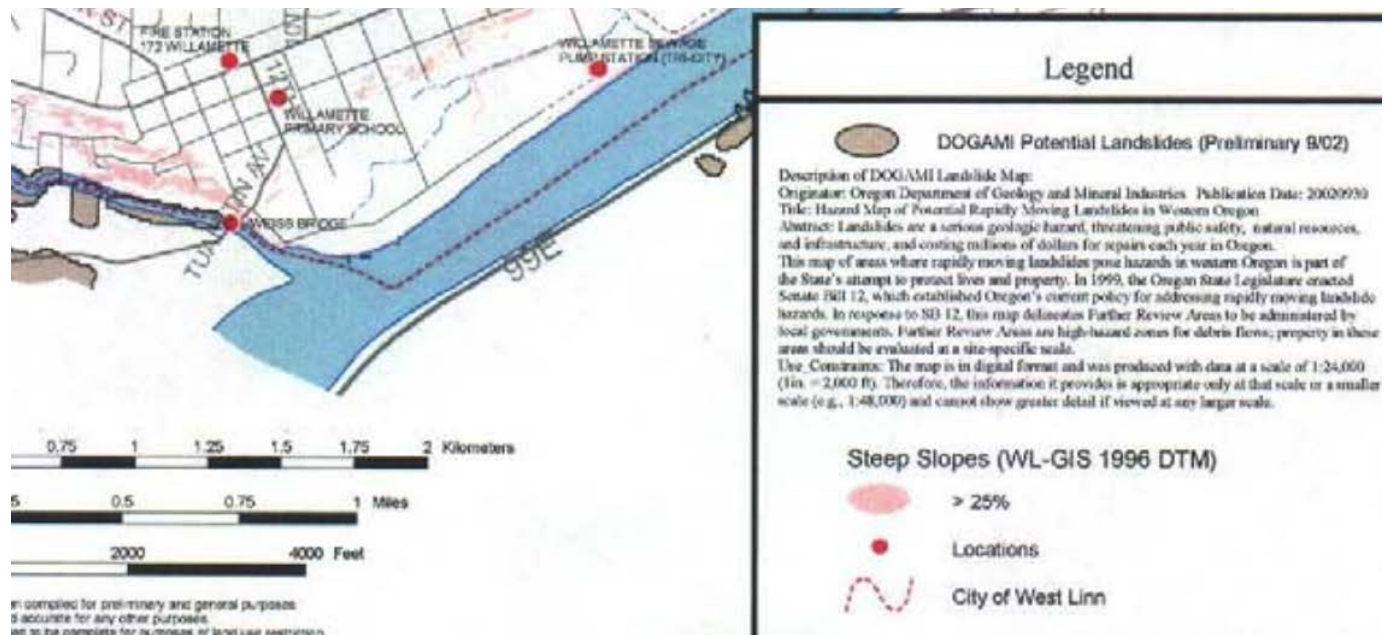
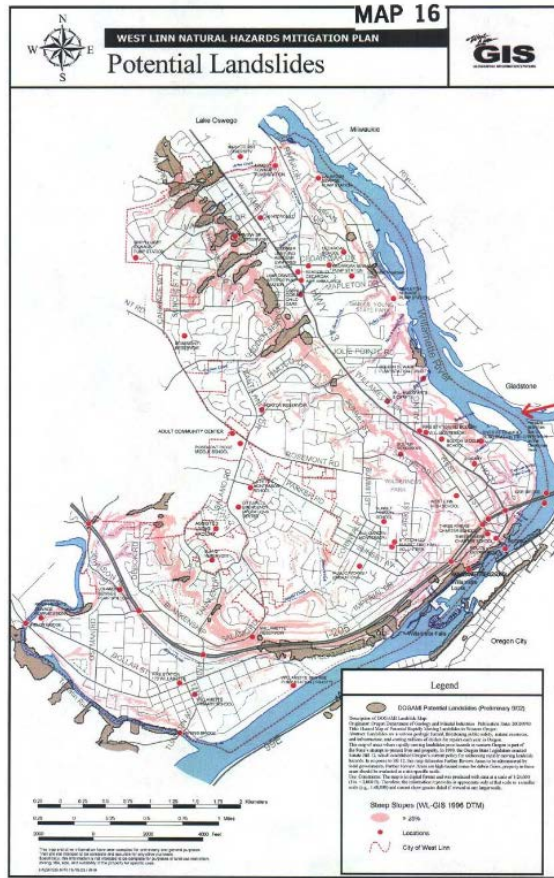




**FIGURE 4: WETLANDS and CONTOURS**

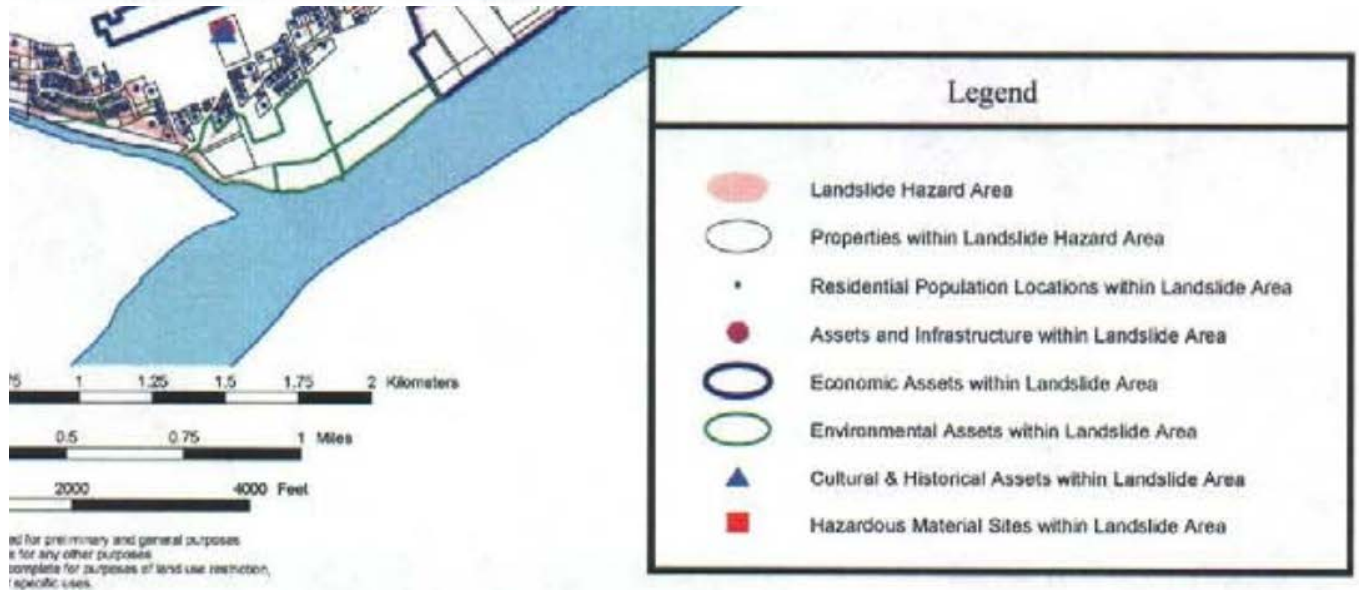
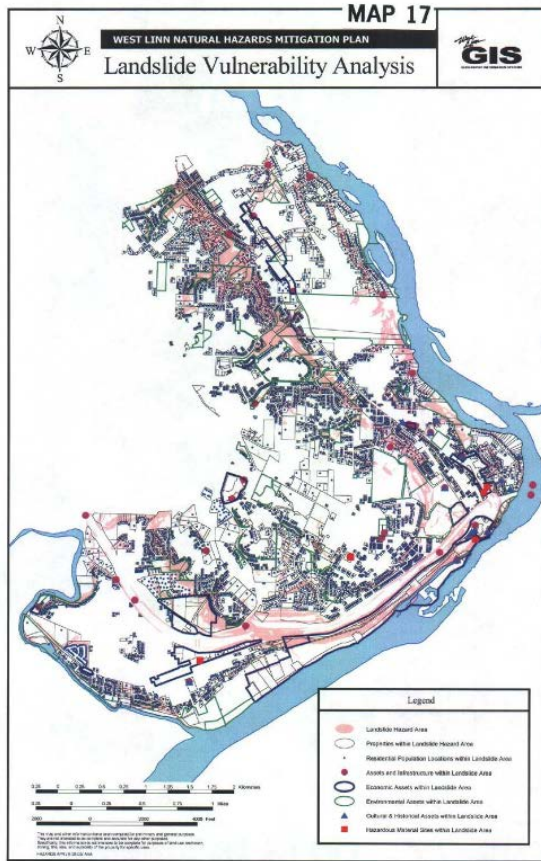


**FIGURE 5: HAZARD MAPS/POTENTIAL LANDSLIDES**





**FIGURE 6: HAZARD MAPS/LANDSLIDE VULNERABILITY ANALYSIS**



**FIGURE 7: APPROVED HCA BOUNDARY REDESIGNATION (Applicant's Sheet E01)**

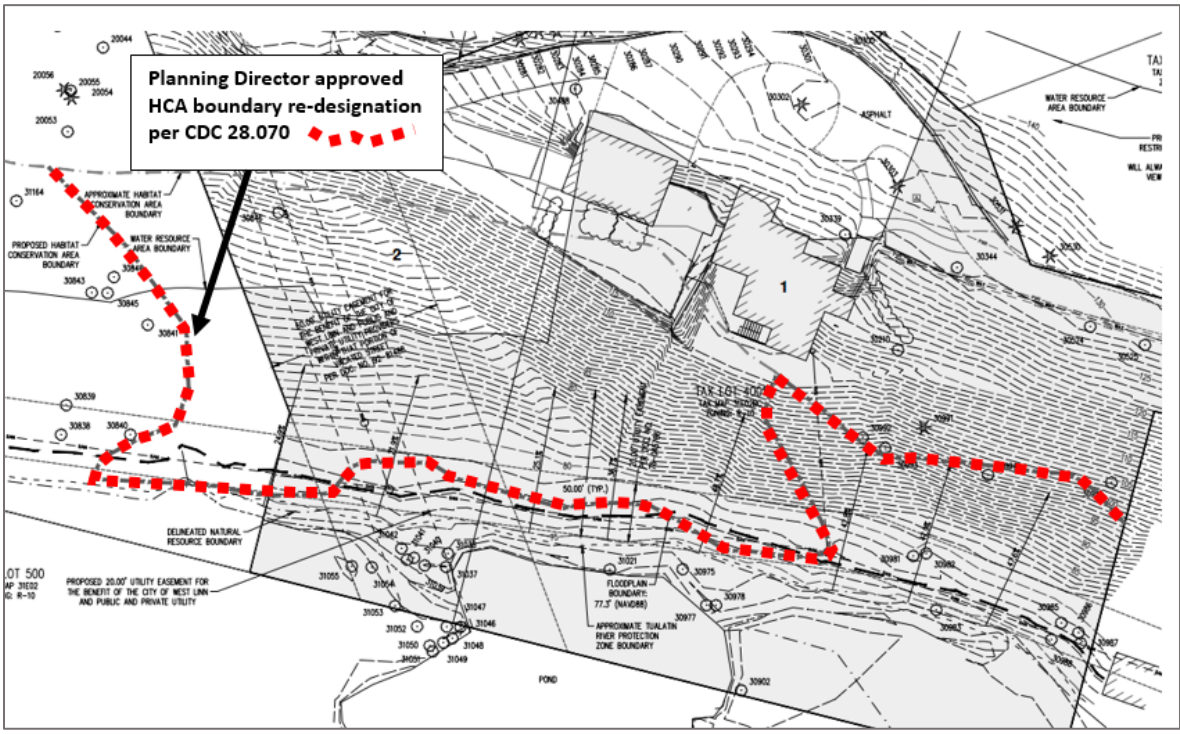
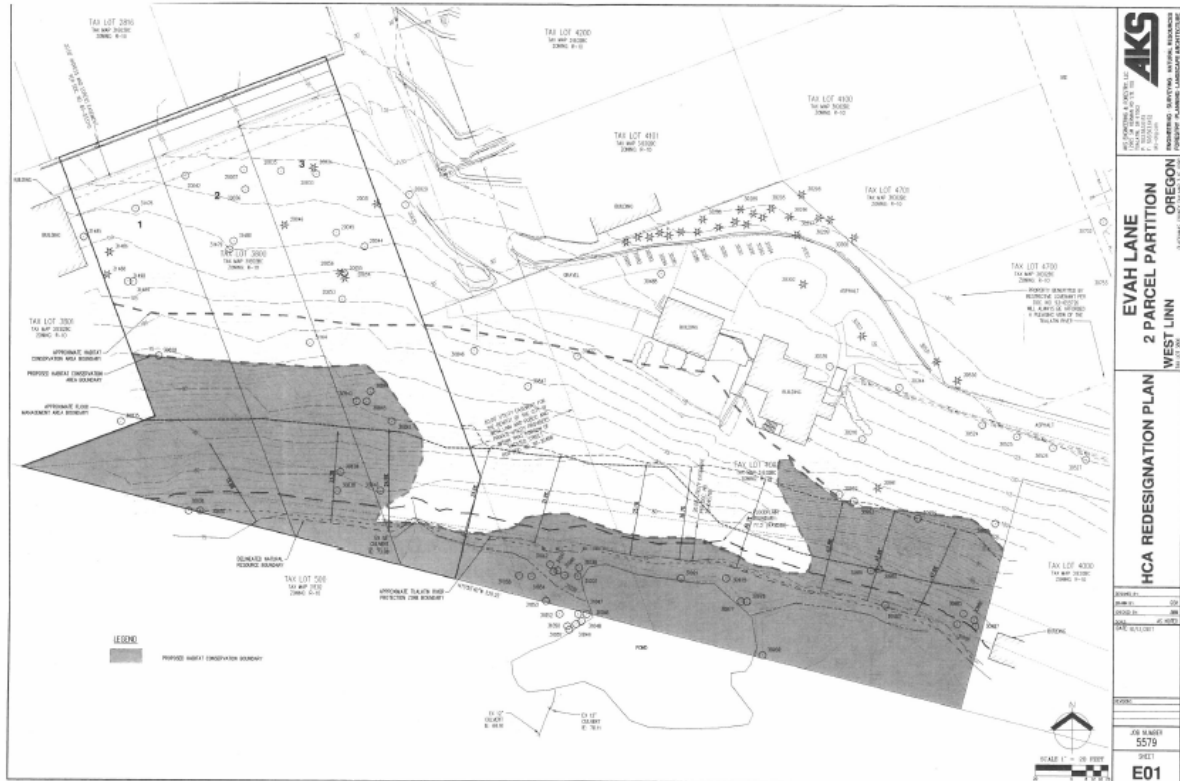
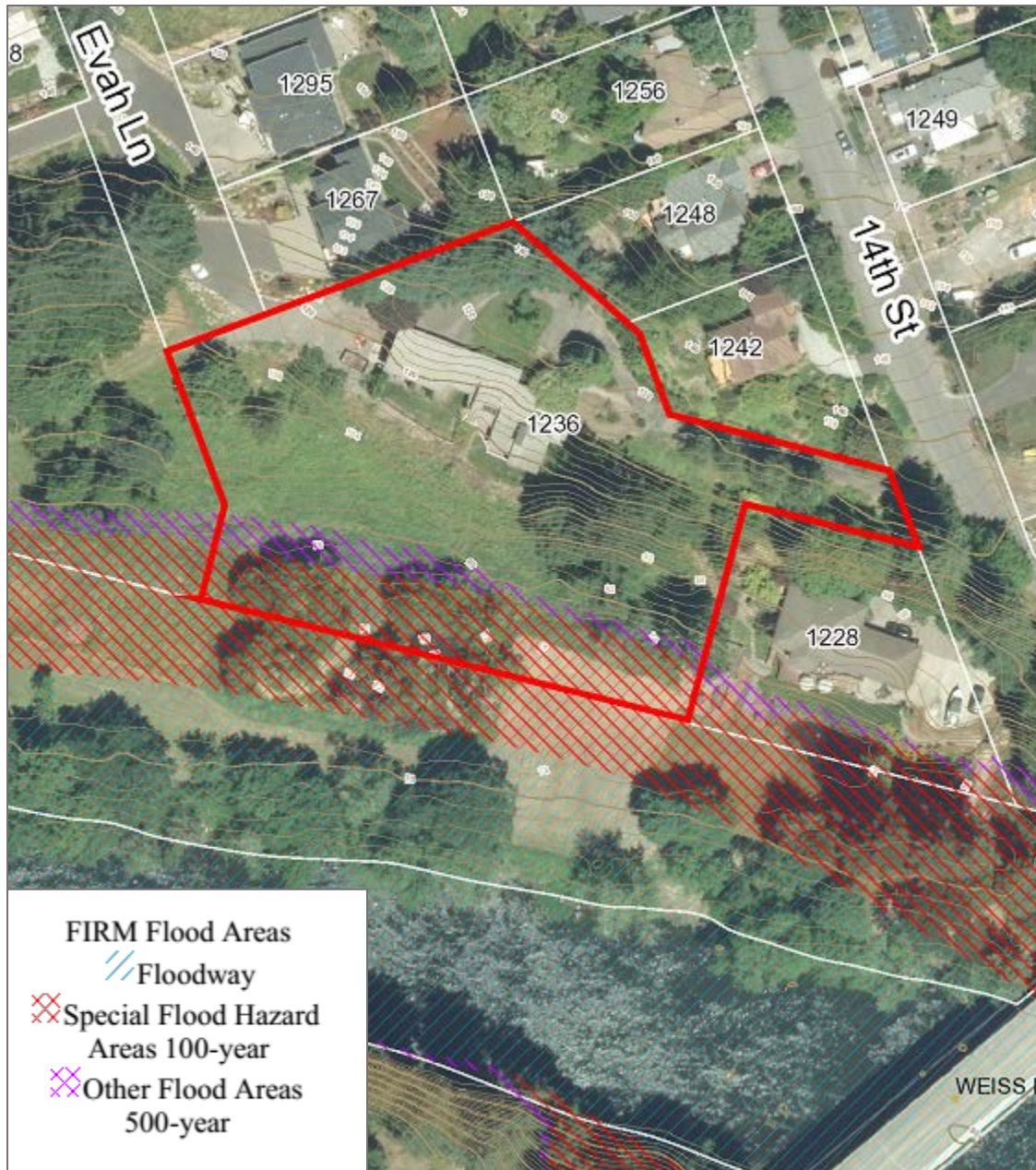




FIGURE 8: FLOOD HAZARD MAP



**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-18-01/WAP-18-01/WEG-18-01 Applicant's Name Pat O'Brien  
Development Name \_\_\_\_\_  
Scheduled Meeting/Decision Date 9-18-18

**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) 8-28-18 (signed) V. Shroyer
- B. Affected property owners (date) 8-28-18 (signed) V. Shroyer
- C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) 8-28-18 (signed) V. Shroyer
- E. Affected neighborhood assns. (date) 8-28-18 (signed) V. Shroyer
- 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) V. Shroyer  
City's website (posted date) 8-28-18 (signed) V. Shroyer

**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) 8-27-18 (signed) [Signature]

**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) 12-19-2018 (signed) [Signature]

**CITY OF WEST LINN  
NOTICE OF UPCOMING  
PLANNING MANAGER DECISION  
FILE NO. MIP-18-01/WAP-18-01/WRG-18-01**

The West Linn Planning Manager is considering a request for a two-lot minor partition southeast of the terminus of Evah Lane. The application also includes Water Resource Area and Tualatin River Protection permits.

The decision will be based on the approval criteria in Chapters 11, 28, 32, 48, 85, 92, and 99 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>.

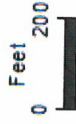
You have received this notice because County records indicate that you own property within 500 feet of this property (Tax Lot 4001 of Clackamas County Assessor's Map 31E 02BC) or as otherwise required by Chapter 99 of the CDC.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <https://westlinnoregon.gov/planning/1236-14th-street-2-lot-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 September 17, 2018. 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 Peter Spir, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-6062, [pspir@westlinnoregon.gov](mailto:pspir@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.



# 1236 14th Street 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: 27-Aug-18 10:37 AM

**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. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.





# CITY OF West Linn

## **CITY OF WEST LINN NOTICE OF UPCOMING PLANNING MANAGER DECISION**

**PROJECT # MIP-18-01  
MAIL: 8/28/18 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**

August 22, 2018

O'Brien and Company, LLC  
PO Box 4008  
Wilsonville, OR 97068

SUBJECT: Application for 2-Lot Minor Partition between Evah Lane and 14<sup>th</sup> Street (MIP-18-01, WAP-18-01, WRG-18-01)

Dear Pat:

You submitted this application on January 29, 2018 with subsequent resubmittals. On August 21, 2018, the 180<sup>th</sup> day from date of initial submittal, Zach Pelz, AKS, submitted documents intended to address incompleteness items plus a letter requesting that the application be deemed complete pursuant to ORS.227.178(2). Based on that request, your application is declared **complete**. The City has 120 days to exhaust all local review; that period ends December 19, 2018.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted.

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

Please contact me at 503-742-6062, or by email at [pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

*Peter Spir*

Peter Spir  
Associate Planner

## **PD-3 APPLICANT SUBMITTAL**

**DEVELOPMENT REVIEW APPLICATION**

For Office Use Only		
STAFF CONTACT <i>Peter Spiv</i>	PROJECT No(S) <i>MIP-18-01 / WAP-18-01 / WRG-18-01 / MISC-18-01</i>	
NON-REFUNDABLE FEE(S) <i>2600</i>	REFUNDABLE DEPOSIT(S) <i>5550</i>	TOTAL <i>8150 -</i>

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

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Annexation (ANX)                             | <input type="checkbox"/> Historic Review   | <input type="checkbox"/> Subdivision (SUB)   |
| <input type="checkbox"/> Appeal and Review (AP) *                     | <input type="checkbox"/> Legislative Plan or Change  | <input type="checkbox"/> Temporary Uses *  |
| <input type="checkbox"/> Conditional Use (CUP)                        | <input type="checkbox"/> Lot Line Adjustment (LLA) */**  | <input type="checkbox"/> Time Extension *  |
| <input type="checkbox"/> Design Review (DR)                           | <input checked="" type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) <i>2800</i> | <input type="checkbox"/> Variance (VAR)  |
| <input type="checkbox"/> Easement Vacation                            | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures                                  | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)                     |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities           | <input type="checkbox"/> Planned Unit Development (PUD)  | <input checked="" type="checkbox"/> Water Resource Area Protection/Wetland (WAP) <i>2600</i> |
| <input type="checkbox"/> Final Plat or Plan (FP)                      | <input type="checkbox"/> Pre-Application Conference (PA) */**                                    | <input checked="" type="checkbox"/> Willamette & Tualatin River Greenway (WRG) <i>1700</i>   |
| <input checked="" type="checkbox"/> Flood Management Area <i>1050</i> | <input type="checkbox"/> Street Vacation   | <input type="checkbox"/> Zone Change   |
| <input type="checkbox"/> Hillside Protection & Erosion Control        |  |  |

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.

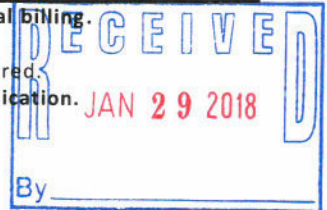
<b>Site Location/Address:</b> <b>East of southern terminus of Evah Lane</b> <i>1236 14<sup>th</sup> St</i>	Assessor's Map No.: <b>31E02BC</b>
	Tax Lot(s): <b>4001</b>
	Total Land Area: <b>1.5 acres</b>

**Brief Description of Proposal:** **2-Parcel partition of Tax Lot 4001**

<b>Applicant Name:</b> <b>PAT O'BRIEN</b> <small>(please print)</small>	Phone:
Address: <b>PO BOX 4008</b>	Email: <b>Please contact applicant's consultant</b>
City State Zip: <b>WILSONVILLE, OR 97070</b>	
<b>Owner Name</b> (required): <b>PAT O'BRIEN</b> <small>(please print)</small>	Phone:
Address: <b>PO BOX 4008</b>	Email: <b>Please contact applicant's consultant</b>
City State Zip: <b>WILSONVILLE, OR 97070</b>	
<b>Consultant Name:</b> <b>JON MORSE, P.E.</b> <small>(please print)</small>	Phone: <b>(503) 563-6151</b>
Address: <b>12965 SW HERMAN RD., SUITE 100</b>	Email: <b>jonm@aks-eng.com</b>
City State Zip: <b>TUALATIN, OR 97068</b>	

- 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.

*[Signature]* *1-25-18* *[Signature]* *1-25-18*  
 Applicant's signature Date Owner's signature (required) Date



# **Land Use Application for a Partition, Water Resource Area Permit, Flood Management Area Permit, and Tualatin River Greenway Permit**

---

**Date:** January 29, 2018

**Submitted to:** City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

**Applicant:** O'Brien and Company, LLC  
PO Box 4008  
Wilsonville, OR 97070



**12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
(503) 563-6151**

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## **Exhibits**

**Exhibit A:** Preliminary Partition Plans

**Exhibit B:** Partition Application Form

**Exhibit C:** Verification of Property Ownership

**Exhibit D:** HCA Map Redesignation Request

**Exhibit E:** TVF&R Acceptance of Fire Access

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# Land Use Application for a Partition, Water Resource Area Permit, Flood Management Area Permit, and Tualatin River Greenway Permit

**Submitted to:** City of West Linn  
Planning Department  
22500 Salamo Road  
West Linn, OR 97068

**Applicant:** Pat O'Brien  
PO Box 4008  
Wilsonville, OR 97070

**Property Owners:** Pat O'Brien (Lot 4001)  
PO Box 4008  
Wilsonville, OR 97070

**Applicant's Consultant:** AKS Engineering & Forestry, LLC  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
Contact(s): Jon Morse, P.E.  
Email: jonm@aks-eng.com  
Phone: (503) 563-6151  
Fax: (503) 563-6152

**Site Location:** At existing southern terminus of Evah Lane

**Site Size:** ±1.5 acres

**Land Use Districts:** R-10 (Single-Family Residential Detached)



---

## I. Executive Summary

This application involves a two-parcel partition of Tax Lot 4001 of Clackamas County Assessor's Map 3-1E-02BC. This partition is possible due to the City's recent approval of a property line adjustment between Tax Lots 3800 and 4001 (West Linn Planning File No. LLA-17-02). The partition has been designed to minimize impacts to mapped Water Resource Areas (WRAs), Habitat Conservation Areas (HCAs), and Flood Management Areas (FMAs), that lie in the vicinity of the site. This application includes the City application forms, written materials, and the preliminary plans necessary to demonstrate compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

## II. Site Description/Setting

Tax Lot 4001 is located near West Linn's southern boundary, north of the Tualatin River and immediately east and south of the southernmost terminus of Evah Lane. The site is currently improved with a single-family residence, paved access, a sanitary sewer main, and has been disturbed from previous grading work.

While much of the land in the nearby vicinity has been subdivided, there are a few properties large enough to be subdivided under the existing standards of the City's R-10 zoning district. Due to the existing pattern of development and topographical complexity, the street and sidewalk network in this part of the City is relatively disjointed.

According to the City's GIS, the City's Flood Management Area (FMA) boundary, and other resource areas associated with the Tualatin River to the south, occupy approximately the southern 30-50 percent of Tax Lot 4001.

## III. Applicable Review Criteria

### CITY OF WEST LINN COMMUNITY DEVELOPMENT CODE

#### Chapter 11 - SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

##### 11.030 Permitted Uses

The following are uses permitted outright in this zoning district

1. Single-family detached residential unit.
2. Community recreation.
3. Family day care.
4. Residential home.
5. Utilities, minor.
6. Transportation facilities (Type I).
7. Manufactured home.

**Response:** This application does not include a request to construct homes, but the Applicant anticipates that a new detached single-family residence will be built on Parcel 2. The City will confirm that the proposed structures are permitted in the R-10 Zone at time of building permit submittal. The criterion can be met.

---

11.070 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:

1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.
2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
3. The average minimum lot width shall be 50 feet.
4. Repealed by Ord. 1622.

**Response:** Exhibit A shows that both parcels satisfy the lot dimensional requirements of CDC Chapter 85, which are addressed below. The criteria are met.

5. Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:
  - a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.
  - b. For an interior side yard, seven and one-half feet.
  - c. For a side yard abutting a street, 15 feet.
  - d. For a rear yard, 20 feet.

**Response:** This application does not include a request to construct new homes on the subject property, as shown in Exhibit A, but both parcels can accommodate the setback requirements of the R-10 Zone. The City will ensure that new homes proposed on these parcels is consistent with the setback requirements at time of building permit submittal. The criteria can be met.

6. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.
7. The maximum lot coverage shall be 35 percent.

**Response:** This application does not include a request to construct new homes on the subject property, but the Applicant is aware of the height and lot coverage limitations in the R-10 Zone. The City will ensure that a new home proposed on Parcel 2 meets the height and lot coverage requirements at time of building permit submittal. The criteria can be met.

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

**Response:** Exhibit A shows that Parcel 1 will be accessed by an access easement across Parcel 2 and that Parcel 2 will be accessed from the south terminus of Evah Lane. The criterion is met.

9. 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.

---

10. The sidewall provisions of Chapter 43 CDC shall apply.

**Response:** The Applicant is aware of the floor to area ratio and sidewall provisions in the R-10 Zone. The existing home on Parcel 1 does not exceed the floor to area or sidewall provisions in the R-10 zone and the City will ensure that a new home on Parcel 2 meets the floor to area ratio and sidewall requirements at time of building permit submittal. The criteria can be met.

11.090 Other Applicable Development Standards

- A. The following standards apply to all development including permitted uses:
1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
  2. Chapter 35 CDC, Temporary Structures and Uses.
  3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
  4. Chapter 40 CDC, Building Height Limitations, Exceptions.
  5. Chapter 41 CDC, Structures on Steep Lots, Exceptions.
  6. Chapter 42 CDC, Clear Vision Areas.
  7. Chapter 44 CDC, Fences.
  8. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
  9. Chapter 48 CDC, Access, Egress and Circulation.
  10. Chapter 52 CDC, Signs.
  11. Chapter 54 CDC, Landscaping.

**Response:** Responses to the applicable criteria from the above-listed sections are included below.

- B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings, residential homes and residential facilities.

**Response:** This application does not include a request to construct new homes on the subject property, but the Applicant anticipates that a detached single-family residence will be constructed on Parcel 2. The City will find that the design review provisions of Chapter 55 do not apply during the building permit review. The criteria do not apply.

Chapter 27 - FLOOD MANAGEMENT AREAS

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:** Exhibit A shows that the application will result in two parcels. The parcels will include a buildable area that does not require home construction within the Flood Management Area Overlay. The criteria do not apply.

Chapter 28 - WILLAMETTE AND TUALATIN RIVER PROTECTION

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.
    - 2. All land within 200 feet of the ordinary low water mark of the Tualatin River, and all land within the 100-year floodplain of the Tualatin River.
    - 3. In addition to the Willamette Greenway and Tualatin River Protection Area boundaries, this chapter also relies on the HCA Map to delineate where development should or should not occur. Specifically, the intent is to keep out of, or minimize disturbance of, the habitat conservation areas (HCAs). Therefore, if all, or any part, of a lot or parcel is in the Willamette Greenway and Tualatin River Protection Area boundaries, and there are HCAs on the lot or parcel, a Willamette and Tualatin River Protection Area permit shall be required unless the development proposal is exempt per CDC 28.040.
  - B. At the confluence of a stream or creek with either the Tualatin or Willamette River, the standards of this chapter shall apply only to those portions of the lot or parcel fronting the river. Meanwhile, development in those portions of the property facing or adjacent to the stream or creek shall meet the transition, setbacks and other provisions of Chapter 32 CDC, Water Resource Area Protection.
  - C. All uses permitted under the provisions of the underlying base zone and within the Willamette and Tualatin River Protection Area zone are allowed in the manner prescribed by the base zone subject to applying for and obtaining a permit issued under the provisions of this chapter unless specifically exempted per CDC 28.040.
  - D. The construction of a structure in the HCA or the expansion of a structure into the HCA when the new intrusion is closer to the protected water feature than the pre-existing structure.

**Response:** Exhibit A shows that a portion of the site is located within the Tualatin River Protection Area. It also shows that no impacts to this area are anticipated as a new sanitary sewer lateral to serve Parcel 2 will connect with an existing sanitary sewer main located on Parcel 2 and outside of this resource.

#### 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.)

(...)

- H. Storage of equipment or material associated with uses permitted, providing that the storage complies with applicable provisions of this chapter.

(...)

- O. Routine maintenance activities such as removing dead or dying vegetation that constitutes a hazard to life or property, pollutants, trash, eroded material, etc.
- P. Wetland, riparian and upland enhancement or restoration projects done with approval of City staff and regulatory agency personnel (e.g., ODFW, DSL).
- Q. Temporary and minor clearing not to exceed 200 square feet for the purpose of site investigations and pits for preparing soil profiles; provided, that such areas are restored to their original condition when the investigation is complete. For wetlands, such clearing shall not occur within the actual wetland itself, but only within the adjacent wetland transition area. While such temporary and minor clearing is exempt from the provisions of this chapter, it is subject to all other City codes, including provisions for erosion control and tree removal.



- 
- R. Removal of plants identified as nuisance or prohibited plants on the Metro Native Plant List and the planting or propagation of plants identified as native plants on the Metro Native Plant List. Handheld tools must be used to remove nuisance or prohibited plants, and after such removal all open soil areas greater than 25 square feet must be replanted.
  - S. In cases where the required development standards of this chapter are applied and met with no encroachment into HCAs, and also meeting subsections T and U of this section, where applicable, then no permit under the provisions of this chapter will be required. For example, if the proposed development or action will be located in the “Habitat and Impact Areas Not Designated as HCAs” and keeps out of the habitat conservation areas, a Willamette or Tualatin River Protection Area permit shall not be required. Floodplain management area or 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.
  - U. Maintenance, alteration, expansion, repair and replacement of existing structures are exempt, provided impermeable surfaces do not exceed 5,000 square feet and that it complies with the provisions of Chapters 27 and 28 CDC. The following standards shall also apply:
    - 1. Rebuilding of existing residential and non-residential structures within the same foundation lines as the original structure(s) including, but not limited to, those damaged or destroyed by fire or other natural hazards; or
    - 2. The alteration, expansion, repair and replacement of a house or structure per the standards of CDC 28.110(E) not to exceed 5,000 square feet of impermeable surface per that section; or
    - 3. The alteration, expansion, repair and replacement of a house or structure vertically where the applicant is adding additional floors or expanding above the footprint of the existing structure regardless of whether the structure’s footprint is in an HCA or not.
  - (...)
  - Y. Installation of new and/or replacement water-permeable driveways, paths and patios and two-track driveways outside of HCAs. Surface area cannot exceed amount allowed by lot coverage standards of underlying zone.
  - Z. Accessory structures under 15 feet tall and 500 square feet located on the opposite side of the house or principal structure from the resource area requires only a building permit.
  - AA. Lands that are designated as an HCA only due to a forested canopy shall be exempted since trees are already protected in the municipal code and Chapters 55 and 85 CDC. Development of lands that are designated as HCA due to other variables such as wetlands, flood areas and steep slopes shall still be regulated by the provisions of this chapter and not exempted.

**Response:** Exhibit A shows that a portion of the site is located within the Tualatin River Protection Area. The new parcels have been configured to accommodate a buildable footprint that is located outside of the Tualatin River Protection Area. A new sanitary sewer lateral for

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Parcel 2 is planned to avoid impacts to the protection area by connecting with an existing sanitary sewer main located north of the protection area.

28.050 Prohibited Uses

The following are prohibited:

1. Residential floating structures, also known as floating homes or houseboats.
2. Permanent ski jumps.
3. More than one dock with or without a boat house per riverfront lot of record, except City-owned tax lots 100, 200, 300, 400, and 500 of Assessor's Map 21 East 24.
4. The location of any dock under any water condition that prevents what would otherwise be historic, safe, uninterrupted water passage.
5. Any new lawn area or garden area consisting primarily of non-native vegetation within HCA lands. A lawn area in the "Allowed Development" area is permitted.
6. Planting of any species identified as nuisance or prohibited plants on the Metro Native Plant List.
7. Non-permitted storage of hazardous materials as defined by the Oregon Department of Environmental Quality and dumping of any materials of any kind.
8. Excessive trimming or removal of existing native vegetation within the HCA unless it is to reestablish native vegetation in place of non-native or invasive vegetation.

**Response:** The application does not include, nor does the Applicant anticipate, any of the above-listed prohibited uses on site.

28.070 Planning Director Verification of Metro Habitat Protection Map Boundaries

- A. The HCA Map is the basis for identifying and designating the habitat conservation areas in the City. A copy of the latest, updated HCA Map is on file at the City and is adopted by reference for use with this chapter.

It is inevitable, given the large area that Metro's HCA Map covers, that there may be some errors. In cases where, for example, three properties share the same contours and the same natural features but the map shows the middle lot with an HCA designation on it, it is reasonable to question the accuracy of that HCA designation. Using tree overstory as the sole basis for HCA designation will also allow a change in designation since trees are already protected in the municipal code and Chapters 55 and 85 CDC.

- B. The Planning Director shall verify the appropriate HCA or non-HCA designation by site visits or consultations with Metro or by other means. Determination is based on whether the Metro criteria are met or whether the Metro designation was based solely on tree overstory in which case a redesignation is appropriate. In cases where the determination is that the map is incorrect, the Planning Director will make a written finding of this as well as the site conditions that led to that conclusion.
- C. Class B public notice, per Chapter 99 CDC, shall be required prior to issuance of the redesignation decision if it involves redesignation of the HCA boundary to allow the construction of, or addition to, a house.
- D. This determination and findings shall become part of the City record and part of the record for any associated land use application. The Planning Director shall also include in the record the revised map boundary. The Planning Director's determination and map revisions shall also be sent to Metro so that their map may be corrected as necessary.

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- E. The Planning Director determination is appealable to the City Council per Chapter 99 CDC.
  - F. Lands that are designated as an HCA only due to a forested overstory are exempt under CDC 28.040, Exemptions, since trees are already protected in the municipal code and Chapters 55 and 85 CDC. Similar exemptions apply to lands that exhibit no constraints.

**Response:** The application includes a request for a redesignation of the HCA Map boundary, based on existing site conditions and consistent with the City's and Metro's process for such a redesignation. The Applicant's rationale and justification for this redesignation is included in Exhibit D.

**28.090 Submittal Requirements: Application**

- A. An application for a protection area permit shall be initiated by the property owner or the owner's authorized agent. Evidence shall be provided to demonstrate that the applicant has the legal right to use the land above the OLW. The property owner's signature is required on the application form.
- B. A prerequisite to the filing of an application is a pre-application conference at which time the Planning Director shall explain the provisions of this chapter and provide appropriate forms as set forth in CDC 99.030(B).
- C. An application for a protection area permit shall include the completed application and:
  - 1. Narrative which addresses the approval criteria of CDC 28.110.
  - 2. A site plan, with HCA boundaries shown and by low, moderate, high type shown (CDC 28.120).
  - 3. A grading plan if applicable (CDC 28.130).
  - 4. Architectural drawings if applicable (CDC 28.140).
  - 5. A landscape plan if applicable (CDC 28.150).
  - 6. A mitigation plan if applicable (CDC 28.160).

One original application form must be submitted. One copy at the original scale and one copy reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. One copy of all other items, including the narrative, must be submitted. The applicant shall also submit one copy of the complete application in a digital format acceptable to the city. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Director.
- D. The applicant shall pay the requisite fees.
- E. The applicant shall be responsible for, and shall apply for, all applicable State and/or federal permits.
- F. The applicant shall include a map, approved or acknowledged by DSL, of the preference rights and authorized areas if a water surface structure is proposed.

**Response:** As supported by this narrative and the accompanying exhibits, required submittal elements are included with this application. The Applicant also met with City Planning staff on October 20, 2016 to fulfill the pre-application conference requirement. These criteria are met.

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28.100 Additional Submittal Information Required, Waiver Of Submittal Requirements

- A. The Planning Director may require additional information as a part of the application subject to the provisions of CDC 99.035(A).
- B. The Planning Director may waive any submittal requirement for the application subject to the provisions of CDC 99.035(B) and (C).

**Response:** The Planning Director has not requested any additional information as part of this application. The application does not seek a waiver to any of the submittal requirements of this chapter.

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:

- A. Development: All sites.
  - 1. Sites shall first be reviewed using the HCA Map to determine if the site is buildable or what portion of the site is buildable. HCAs shall be verified by the Planning Director per CDC 28.070 and site visit. Also, “tree canopy only” HCAs shall not constitute a development limitation and may be exempted per CDC 28.070(A). The municipal code protection for trees and Chapters 55 and 85 CDC tree protection shall still apply.

**Response:** Exhibit D shows that the Habitat Conservation Area (HCA) is incorrectly mapped and should be relocated. It also shows that there is sufficient buildable area on Parcels 1 and 2, and that Parcel 2 can accommodate future home construction that does not encroach into the HCA. The criterion is met.

- 2. HCAs shall be avoided to the greatest degree possible and development activity shall instead be directed to the areas designated “Habitat and Impact Areas Not Designated as HCAs,” consistent with subsection (A)(3) of this section.

**Response:** Exhibit D shows that this application includes sufficient buildable areas for the two parcels, and that they can accommodate future home construction that does not encroach into the HCA. The Applicant anticipates that the home plans for a new home on Parcel 2 will demonstrate that impacts to the HCA have been avoided. The criterion can be met.

- 3. If the subject property contains no lands designated “Habitat and Impact Areas Not Designated as HCAs” and development within HCA land is the only option it shall be directed towards the low HCA areas first, then medium HCA areas and then to high HCA as the last choice. The goal is to, at best, avoid or, at least, minimize disturbance of the HCAs. (Water-dependent uses are exempt from this provision.)
- 4. All development, including exempted activities of CDC 28.040, shall have approved erosion control measures per Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual, rev. 2008, in place prior to site disturbance and be subject to the requirements of CDC 32.070 and 32.080 as deemed applicable by the Planning Director.

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**Response:** Exhibit A shows that the partition has been configured to create parcels that can accommodate new home construction on the part of the site that includes habitat and impact areas that are not designated as HCAs. The City will ensure that all applicable erosion control measures are in place prior to site construction. The criteria are and/or can be met.

B. Single-family or attached residential. Development of single-family homes or attached housing shall be permitted on the following HCA designations and in the following order of preference with “a” being the most appropriate and “d” being the least appropriate:

a. “Habitat and Impact Areas Not Designated as HCAs”

b. Low HCA

c. Moderate HCA

d. High HCA

1. Development of land classifications in “b,” “c” and “d” shall not be permitted if at least a 5,000-square-foot area of buildable land (“a”) exists for home construction, and associated impermeable surfaces (driveways, patios, etc.).

2. If 5,000 square feet of buildable land (“a”) are not available for home construction, and associated impermeable surfaces (driveways, patios, etc.) then combinations of land classifications (“a,” “b” and “c”) totaling a maximum of 5,000 square feet shall be used to avoid intrusion into high HCA lands. Development shall emphasize area “a” prior to extending construction into area “b,” then “c” lands.

3. The underlying zone FAR shall also apply as well as allowable lot coverage.

4. Development may occur on legal lots and non-conforming lots of record located completely within the HCA areas or that have the majority of the lot in the HCA to the extent that the applicant has less than 5,000 square feet of non-HCA land.

Development shall disturb the minimum necessary area to allow the proposed use or activity, shall direct development to any available non-HCA lands and in any situation shall create no more than 5,000 square feet of impervious surface. (Driveways, paths, patios, etc., that are constructed of approved water-permeable materials will not count in calculating the 5,000-square-foot lot coverage.) The underlying zone FAR and allowable lot coverage shall also apply and may result in less than 5,000 square feet of lot coverage.

When only HCA land is available then the structure shall be placed as far away from the water resource area or river as possible. To facilitate this, the front setback of the structure or that side which is furthest away from the water resource or river may be reduced to a five-foot setback from the front property line without a variance. Any attached garage must provide a 20-foot by 20-foot parking pad or driveway so as to provide off-street parking exclusive of the garage. The setbacks of subsection C of this section shall still apply.

**Response:** Exhibit A shows that the partition creates parcels that will accommodate new home construction on the part of the site that includes “Habitat and Impact Areas Not Designated as HCAs.” The criteria are met.

5. Driveways, paths, patios, etc., that are constructed of approved water-permeable materials will be exempt from the lot coverage calculations of subsections (B)(1) through (4) of this section and the underlying zone.

6. Table showing development allowed by land classification:

	Development Allowed
Non-HCA (“a”)	Yes
Low-Medium HCA (“b” and “c”)	Yes, if less than 5,000 sq. ft. of non-HCA land available. Avoid “d.”
High HCA (“d”)	Yes, but only if less than 5,000 sq. ft. of “a,” “b” and “c” land available.
Non-conforming Structures (structures on HCA land)	Yes: vertically, laterally and/or away from river. Avoid “d” where possible.

(The underlying zone FAR and allowable lot coverage shall also apply.)

**Response:** Exhibit A shows that the partition has been configured to create parcels that can accommodate new home construction on the part of the site that includes “Habitat and Impact Areas Not Designated as HCAs. The criteria are met.

C. Setbacks from top of bank.

1. Development of single-family homes or attached housing on lands designated as “Habitat and Impact Areas Not Designated as HCAs” shall require a structural setback of 15 feet from any top of bank that represents the edge of the land designated as “Habitat and Impact Areas Not Designated as HCAs.”
2. At-grade water-permeable patios or decks within 30 inches of grade may encroach into that setback but must keep five feet from top of bank and cannot cantilever over the top of bank or into the five-foot setback area.
3. For properties that lack a distinct top of bank the applicant shall identify the boundary of the area designated as “Habitat and Impact Areas Not Designated as HCAs” which is closest to the river. A structural setback of 15 feet is required from that boundary line. That 15-foot measurement extends from the boundary line away from the river. At-grade water-permeable patios or decks within 30 inches of grade may encroach into that setback 10 feet but must keep five feet from the boundary and cannot cantilever into the five-foot setback area. For vacant lots of record that comprise no lands with “Habitat and Impact Areas Not Designated as HCAs” designation or insufficient lands with those designations so that the above setbacks cannot be met, the house shall be set back as far from river as possible to accommodate house as part of the allowed 5,000 square feet of impermeable surfaces.

**Response:** Exhibit A shows the location of the 15-foot structural setback as measured from the HCA boundary. The 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-



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HCA land or areas designated “Habitat and Impact Areas Not Designated as HCAs” per the HCA Map.

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.
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.

**Response:** The existing and proposed HCA Boundary is shown in Exhibits A and D. These exhibits illustrate that both parcels include sufficient area outside of the proposed HCA to accommodate a residence. The property does not have frontage on the Tualatin River. Riverfront trails are not included in this application. The applicable criteria are met.

(...)

- L. Roads, driveways, utilities, or passive use recreation facilities. Roads, driveways, utilities, public paths, or passive use recreation facilities may be built in those portions of HCAs that include wetlands, riparian areas, and water resource areas when no other practical alternative exists but shall use water-permeable materials unless City engineering standards do not allow that. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the applicant to submit a mitigation plan pursuant to CDC 32.070 and a revegetation plan pursuant to CDC 32.080. The maximum disturbance width for utility corridors is as follows:
  1. For utility facility connections to utility facilities, no greater than 10 feet wide.
  2. For upgrade of existing utility facilities, no greater than 15 feet wide.
  3. For new underground utility facilities, no greater than 25 feet wide, and disturbance of no more than 200 linear feet of water quality resource area, or 20 percent of the total linear feet of water quality resource area, whichever is greater.

**Response:** Exhibit A shows that a new sanitary sewer lateral to serve Parcel 2 is planned to connect with an existing sanitary sewer main on Parcel 2 outside of the protection area. Given the location of the existing sanitary sewer main and the topography of the site, this connection is the most practical and least impactful approach. At time of construction permit issuance, the City will ensure that temporary disturbances in this area, as

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necessary to install the sanitary sewer laterals, disturbs the minimum area consistent with the provisions above. The criteria can be met.

M. Structures. All buildings and structures in HCAs and riparian areas, including all exterior mechanical equipment, should be screened, colored, or surfaced so as to blend with the riparian environment. Surfaces shall be non-polished/reflective or at least expected to lose their luster within a year. In addition to the specific standards and criteria applicable to water-dependent uses (docks), all other provisions of this chapter shall apply to water dependent uses, and any structure shall be no larger than necessary to accommodate the use.

**Response:** Structures are not included in this application. The Applicant does not anticipate any new structures located within the proposed HCA. The criterion does not apply.

N. Water-permeable materials for hardscapes. The use of water-permeable materials for parking lots, driveways, patios, and paths as well as flow-through planters, box filters, bioswales and drought tolerant plants are strongly encouraged in all “a” and “b” land classifications and shall be required in all “c” and “d” land classifications. The only exception in the “c” and “d” classifications would be where it is demonstrated that water-permeable driveways/hardscapes could not structurally support the axle weight of vehicles or equipment/storage load using those areas. Flow through planters, box filters, bioswales, drought tolerant plants and other measures of treating and/or detaining runoff would still be required in these areas.

**Response:** The application does not include any hardscapes. The Applicant understands that water-permeable materials for driveways, patios, paths, and similar site features are not required but encouraged in “a” habitat classifications. The criterion does not apply.

O. Signs and graphics. No sign or graphic display inconsistent with the purposes of the protection area shall have a display surface oriented toward or visible from the Willamette or Tualatin River. A limited number of signs may be allowed to direct public access along legal routes in the protection area.

**Response:** The application does not include any signs or graphics. The criterion does not apply.

P. Lighting. Lighting shall not be focused or oriented onto the surface of the river except as required by the Coast Guard. Lighting elsewhere in the protection area shall be the minimum necessary and shall not create off-site glare or be omni-directional. Screens and covers will be required.

**Response:** The application does not include any lighting. The City will ensure that exterior lighting on any new residential structures complies with this requirement at time of building permit submittal. The criterion can be met.

Q. Parking. Parking and unenclosed storage areas located within or adjacent to the protection area boundary shall be screened from the river in accordance with Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas. The use of water-permeable material to construct the parking lot is either encouraged or required depending on HCA classification per CDC 28.110(N)(4).

**Response:** The application does not include parking or unenclosed storage areas within or adjacent to a protection area boundary. The criterion does not apply.

R. Views. Significant views of the Willamette and Tualatin Rivers shall be protected as much as possible as seen from the following public viewpoints: Mary S. Young Park, Willamette Park, Cedar Oak Park, Burnside Park, Maddox Park, Cedar Island, the Oregon City Bridge, Willamette Park, and Fields Bridge Park.



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Where options exist in the placement of ramps and docks, the applicant shall select the least visually intrusive location as seen from a public viewpoint. However, if no options exist, then the ramp, pilings and dock shall be allowed at the originally proposed location.

**Response:** Future homes on the site will not impact views of the Tualatin River as seen from the above-listed vantage points. The criterion is met.

(...)

T. Changing the landscape/grading.

1. Existing predominant topographical features of the bank line and escarpment shall be preserved and maintained except for disturbance necessary for the construction or establishment of a water related or water dependent use. Measures necessary to reduce potential bank and escarpment erosion, landslides, or flood hazard conditions shall also be taken.

Any construction to stabilize or protect the bank with rip rap, gabions, etc., shall only be allowed where there is clear evidence of erosion or similar hazard and shall be the minimum needed to stop that erosion or to avoid a specific and identifiable hazard. A geotechnical engineer's stamped report shall accompany the application with evidence to support the proposal.

2. The applicant shall establish to the satisfaction of the approval authority that steps have been taken to minimize the impact of the proposal on the riparian environment (areas between the top of the bank and the low water mark of the river including lower terrace, beach and river edge).
3. The applicant shall demonstrate that stabilization measures shall not cause subsequent erosion or deposits on upstream or downstream properties.
4. Prior to any grading or development, that portion of the HCA that includes wetlands, creeks, riparian areas and water resource area shall be protected with an anchored chain link fence (or approved equivalent) at its perimeter and shall remain undisturbed except as specifically allowed by an approved Willamette and Tualatin River Protection and/or water resource area (WRA) permit. Such fencing shall be maintained until construction is complete. That portion of the HCA that includes wetlands, creeks, riparian areas and water resource area shall be identified with City-approved permanent markers at all boundary direction changes and at 30- to 50-foot intervals that clearly delineate the extent of the protected area.
5. Full erosion control measures shall be in place and approved by the City Engineer prior to any grading, development or site clearing.

**Response:** The application does not include any grading on the subject site. The City will ensure the above standards are met for the building permit submittal. The criteria can be met.

U. Protect riparian and adjacent vegetation. Vegetative ground cover and trees upon the site shall be preserved, conserved, and maintained according to the following provisions:

1. Riparian vegetation below OHW removed during development shall be replaced with indigenous vegetation, which shall be compatible with and enhance the riparian environment and approved by the approval authority as part of the application.
2. Vegetative improvements to areas within the protection area may be required if the site is found to be in an unhealthy or disturbed state by the City Arborist or his or her designated expert. "Unhealthy or disturbed" includes those sites

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that have a combination of native trees, shrubs, and groundcover on less than 80 percent of the water resource area and less than 50 percent tree canopy coverage in the primary and secondary habitat conservation area to be preserved. "Vegetative improvements" will be documented by submitting a revegetation plan meeting CDC 28.160 criteria that will result in the primary and secondary habitat conservation area to be preserved having a combination of native trees, shrubs, and groundcover on more than 80 percent of its area, and more than 50 percent tree canopy coverage in its area. The vegetative improvements shall be guaranteed for survival for a minimum of two years. Once approved, the applicant is responsible for implementing the plan prior to final inspection.

3. Tree cutting shall be prohibited in the protection area except that:
  - a. Diseased trees or trees in danger of falling may be removed with the City Arborist's approval; and
  - b. Tree cutting may be permitted in conjunction with those uses listed in CDC 28.030 with City Arborist approval; to the extent necessary to accommodate the listed uses;
  - c. Selective cutting in accordance with the Oregon Forest Practices Act, if applicable, shall be permitted with City Arborist approval within the area between the OHW and the greenway boundary provided the natural scenic qualities of the greenway are maintained.

**Response:** Exhibit A shows that impacts to the redesignated HCA are not anticipated. The criteria can be met.

28.120 Site Plan

- A. All site plans and maps shall include the name, address and telephone number of the applicant, a lineal scale of the plot plan, a north arrow and a vicinity map.
- B. The applicant shall submit a site plan drawn to an appropriate scale (in order of preference: one inch equals 10 feet to one inch equals 30 feet), which contains the following information:
  1. Assessor's Map number and tax lot number.
  2. The lot or parcel boundaries, dimensions and gross area.
  3. The applicant's property and the surrounding property to a distance sufficient to determine the relationship between the applicant's property and proposed development to the adjacent property and development.
  4. The location, dimensions, and names of all existing and platted streets and other public ways and easements on adjacent property and on the site.
  5. The location, dimensions and setback distances of all:
    - a. Existing structures, improvements, utility facilities and drainageways on site and on adjoining properties;
    - b. Proposed structures or changes to existing structures, improvements, utility facilities and drainageways on the site.
  6. All developments shall define and map existing public access rights on, and adjacent to, the subject property.
  7. A slope contour map at minimum two-foot intervals showing slope classifications of zero to 25 percent and greater than 25 percent.

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8. If a wetland on the West Linn Local Wetland Inventory is identified on the property and the proposed activity is expected to encroach within 25 feet of the wetland, a delineation of the precise boundaries of that wetland prepared by a wetland biologist.
  9. The location of the ordinary high water mark and the ordinary low water mark on the property and on abutting properties.
  10. The delineation of areas designated “Habitat and Impact Areas Not Designated as HCAs” and HCA areas by low, medium and high designation shall be mapped based on the HCA Map and any necessary verification shall be done by the Planning Director.

**Response:** Exhibit A includes the applicable information as listed above. The criteria are met.

#### 28.130 Grading Plan

**Response:** The application does not propose any grading. The City will ensure the above criteria are met at such time that grading is proposed.

#### 28.140 Architectural Drawings

**Response:** The application does not include any structures or other vertical development. The City will ensure the above criteria are met if the property owners propose to erect structures on the site.

#### 28.150 Landscape Plan

**Response:** The application does not include any structures or other vertical development. At such time the subject property owners propose to erect structures on the site, the City will ensure the above criteria are met.

#### 28.160 Mitigation Plan

**Response:** The application does not include any development warranting mitigation. The City will ensure the above criteria are met if development is proposed.

### Chapter 32 - WATER RESOURCE AREA PROTECTION

#### 32.020 Applicability

- A. This chapter applies to all development, activity or uses within WRAs identified on the WRA Map. It also applies to all verified, unmapped WRAs. The WRA Map shall be amended to include the previously unmapped WRAs.
- B. The burden is on the property owner to demonstrate that the requirements of this chapter are met, or are not applicable to the land, development activity, or other proposed use or alteration of land. The Planning Director may make a determination of applicability based on the WRA Map, field visits, and any other relevant maps, site plans and information, as to:
  1. The existence of a WRA;
  2. The exact location of the WRA; and/or
  3. Whether the proposed development, activity or use is within the WRA boundary.

In cases where the location of the WRA is unclear or disputed, the Planning Director may require a survey, delineation, or sworn statement prepared by a natural resource professional/wetland biologist or specialist that no WRA

exists on the site. Any required survey, delineation, or statement shall be prepared at the applicant's sole expense.

**Response:** Exhibits A and D show a wetland along the southern boundary of the subject property. The wetland has been field delineated by a professional natural resources scientist (AKS Engineering & Forestry). The partition has been designed to accommodate future home construction on Parcel 2 that can occur outside the WRA boundary. Impacts to the WRA in this application are limited to a new sanitary sewer lateral that is planned to connect with an existing sanitary sewer main near the west side of Parcel 2. The applicable criteria of this chapter are responded to below.

**32.030 Prohibited Uses**

Alteration, development, or use of real property designated as, and within, a WRA is strictly prohibited except as specifically allowed or exempted in this chapter.

**Response:** Exhibit A shows that the application does not include any of the prohibited as listed here. The criterion does not apply.

Table 32-1: Summary of Where Development and Activities May Occur in Areas Subject to This Chapter		
Type of Development or Activity	In Water Resource	Water Resource Area
Temporarily Disturbed Areas (TDA) (e.g., buried utilities)	No, except as allowed by WRA permit	Yes, restoration and revegetation required

**Response:** Exhibit A shows that a new sanitary sewer lateral to serve Parcel 2 is planned to be extended into the WRA to a connection with an existing sanitary sewer main located near the west side of Parcel 2.

**32.040 Exemptions**

The following development, activities or uses are exempt from a WRA permit but must conform to any applicable requirements of this section.

**Response:** The application does not include any of the exempted uses or activities listed in this section. The criteria do not apply.

**32.050 Application**

- A. An application requesting approval for a use or activity regulated by this chapter shall be initiated by the property owner, or the owner's authorized agent, and shall include an application form and the appropriate deposit or fee as indicated on the master fee schedule.

**Response:** An application form signed by the property owner and their authorized agent is included in the exhibits. The appropriate review fees were also provided with this submittal. The criterion is met.

- B. A pre-application conference shall be a prerequisite to the filing of the application.

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**Response:** A pre-application conference to discuss the subject application was held on October 20, 2016, at West Linn City Hall. The criterion is met.

- C. The applicant shall submit maps and diagrams at 11 by 17 inches and a written narrative addressing the approval criteria and requirements of this chapter, and any additional copies required by the Planning Director.

**Response:** The required maps and narrative are included with this submittal. The criterion is met.

- D. Where review of soil maps, Department of Geology and Mineral Industries (DOGAMI) maps, or on-site inspection by the City Engineer reveals evidence of slope failures or that WRA slopes are potentially unstable or prone to failure, geotechnical studies may be required to demonstrate that the proposed development will not cause, or contribute to, slope failure or increased erosion or sedimentation in the WRA or adversely impact surface or modify groundwater flow or hydrologic conditions. These geotechnical studies shall include all necessary measures to avoid or correct the potential hazard.

**Response:** Grading or development, except for the installation of a new underground sanitary sewer lateral serving Parcel 2, is not planned to occur on site as part of this application. The City will determine whether site conditions warrant a geotechnical investigation with future building permits. The criterion does not apply.

- E. Applications proposing that streets or utilities cross water resources, or any other development that modifies the water resource, shall present evidence in the form of adopted utility master plans or transportation master plans, or findings from a registered Oregon civil engineer, certified engineering geologist or similarly qualified professional to demonstrate that the development or improvements are consistent with accepted engineering practices.

**Response:** The application includes a new sanitary sewer lateral that is planned to encroach into the WRA. Exhibit A shows that this utility connection has been designed by a licensed professional engineer (AKS Engineering & Forestry) and is consistent with accepted engineering practices. The criterion is met.

- F. Site plan. The applicant shall submit a site plan which contains the following information, as applicable:
1. The name, address, and telephone number of the applicant, the scale (lineal) of the plan, and a north arrow.
  2. Property lines, rights-of-way, easements, etc.
  3. Topographic information at two-foot contour increments identifying both existing grades and proposed grade changes.
  4. A slope map delineating slopes zero to 25 percent and over 25 percent.
  5. Boundaries of the WRA, specifically delineating the water resource, and any riparian corridor boundary. If the proposal includes development of a wetland, a wetlands delineation prepared by a professional wetland specialist will be required. The wetland delineation may be required to be accepted or waived through the Department of State Lands (DSL) delineation review process.
  6. Location of existing and proposed development, including all existing and proposed structures, accessory structures, any areas of fill or excavation, water



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resource crossings, alterations to vegetation, or other alterations to the site's natural state.

7. Identify the location and square footage of previously disturbed areas, areas that are to be temporarily disturbed, and area to be permanently disturbed or developed.
8. When an application proposes development within the WRA, an inventory of vegetation within the WRA, sufficient to categorize the existing condition of the WRA, including:
  - a. The type and general quality of ground cover, including the identification of dominant species and any occurrence of non-native, invasive species;
  - b. Square footage of ground cover; and
  - c. Square footage of tree canopy as measured either through aerial photographs or by determining the tree drip lines. Where only a portion of a WRA is to be disturbed, the tree inventory need only apply to the impacted area. The remaining treed area shall be depicted by outlining the canopy cover.
9. Locations of all significant trees as defined by the City Arborist.
10. Identify adopted transportation, utility and other plan documents applicable to this proposal.
11. For cases processed under CDC 32.110 (hardship), provide the maximum disturbed area (MDA) calculations.

**Response:** Exhibit A contains the applicable information as listed above. These criteria are met.

- G. Construction management plan. The applicant shall submit a construction management plan which includes the following:
  1. The location of proposed TDAs (site ingress/egress for construction equipment, areas for storage of material, construction activity areas, grading and trenching, etc.) that will subsequently be restored to original grade and replanted with native vegetation, shall be identified, mapped and enclosed with fencing per subsection (G)(3) of this section.
  2. Appropriate erosion control measures consistent with Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual, rev. 2008, and a tentative schedule of work.
  3. The WRA shall be protected, prior to construction, with an anchored chain link fence (or equivalent approved by the City) at its perimeter that shall remain undisturbed, except as specifically authorized by the approval authority. Additional fencing to delineate approved TDAs may be required. Fencing shall be mapped and identified in the construction management plan and maintained until construction is complete.

**Response:** Construction within the WRA is planned to be limited to the TDAs necessary to install a new sanitary sewer lateral to serve Parcel 2. Exhibit A shows the location of TDAs and subsequent restoration, WRA protection fencing, and appropriate erosion control measures, will be provided in accordance with this Section. The criteria are met.

- H. Mitigation plan prepared in accordance with the requirements in CDC 32.090.
- I. Re-vegetation plan prepared in accordance with the requirements in CDC 32.100.

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**Response:** Exhibit A shows that the revegetation for TDAs will occur consistent with all applicable provisions of CDC Section 32.100. Mitigation for TDAs is not required. The criteria are met.

J. The Planning Director may modify the submittal requirements per CDC 99.035.

**Response:** The application is not requesting a modification of the submittal requirements.

K. The following additional requirements apply to applications being submitted under the alternative review process pursuant to CDC 32.070 and 32.080.

**Response:** The application does not seek approval through the alternative review process. The criteria do not apply.

32.060 Approval Criteria (Standard Process)

No application for development on property containing a WRA shall be approved unless the approval authority finds that the proposed development is consistent with the following approval criteria, or can satisfy the criteria by conditions of approval:

A. WRA protection/minimizing impacts.

1. Development shall be conducted in a manner that will avoid or, if avoidance is not possible, minimize adverse impact on WRAs.
2. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC 32.090 and 32.100, respectively.

**Response:** Exhibit A shows that the partition has been configured to minimize impacts to the WRA by establishing a future home site on Parcel 2 that is located outside of the WRA. Impacts to the WRA are planned to be limited to the temporary disturbances necessary to connect a new sanitary service lateral with an existing sanitary main near the west end of Parcel 2. Temporary disturbances in the WRA are not subject to the mitigation requirements in Section 32.090. Temporary disturbances will be revegetated consistent with CDC Section 32.100. The criteria are met.

B. Storm water and storm water facilities.

1. Proposed developments shall be designed to maintain the existing WRAs and utilize them as the primary method of storm water conveyance through the project site unless:
  - a. The surface water management plan calls for alternate configurations (culverts, piping, etc.); or
  - b. Under CDC 32.070, the applicant demonstrates that the relocation of the water resource will not adversely impact the function of the WRA including, but not limited to, circumstances where the WRA is poorly defined or not clearly channelized.

Re-vegetation, enhancement and/or mitigation of the re-aligned water resource shall be required as applicable.

**Response:** Conceptual individual stormwater facilities, per the City's typical residential standard, are shown for Parcel 2 (Parcel 1 is currently occupied by a single-family residence which is anticipated to remain). These stormwater facilities are not proposed as part of this application, but are planned to be included as part of a future building permit submittal. This application does not include relocating any water resources on site. At time of building permit submittal, the City will ensure that new stormwater facilities serving

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Parcel 2 has been designed pursuant to the applicable standards above. The criteria can be met.

2. Public and private storm water detention, storm water treatment facilities and storm water outfall or energy dissipaters (e.g., rip rap) may encroach into the WRA if:
  - a. Accepted engineering practice requires it;
  - b. Encroachment on significant trees shall be avoided when possible, and any tree loss shall be consistent with the City's Tree Technical Manual and mitigated per CDC 32.090;
  - c. There shall be no direct outfall into the water resource, and any resulting outfall shall not have an erosive effect on the WRA or diminish the stability of slopes; and
  - d. There are no reasonable alternatives available.

A geotechnical report may be required to make the determination regarding slope stability.

**Response:** Conceptual individual stormwater facilities, per the City's typical residential standard, is shown on Parcel 2 (an existing single-family residence is located on Parcel 1 and is anticipated to remain). This application does not include a request for new residential construction, so the associated stormwater facilities are not included. They are planned to be included with a future building permit submittal. This approach ensures flexibility for the location of the stormwater facility in the overall layout of Parcel 2, and ensures that the facilities are appropriately designed to complement new residential development on site. At time of building permit submittal, the City will ensure that new stormwater facilities serving Parcel 2 has been designed pursuant to the applicable standards above. The criteria can be met.

3. Roadside storm water conveyance swales and ditches may be extended within rights-of-way located in a WRA. When possible, they shall be located along the side of the road furthest from the water resource. If the conveyance facility must be located along the side of the road closest to the water resource, it shall be located as close to the road/sidewalk as possible and include habitat friendly design features (treatment train, rain gardens, etc.).
4. Storm water detention and/or treatment facilities in the WRA shall be designed without permanent perimeter fencing and shall be landscaped with native vegetation.
5. Access to public storm water detention and/or treatment facilities shall be provided for maintenance purposes. Maintenance driveways shall be constructed to minimum width and use water permeable paving materials. Significant trees, including roots, shall not be disturbed to the degree possible. The encroachment and any tree loss shall be mitigated per CDC 32.090. There shall also be no adverse impacts upon the hydrologic conditions of the site.

**Response:** The application does not include new public stormwater facilities or private stormwater facilities located in a public right-of-way or WRA. The criteria do not apply.

- C. Repealed by Ord. 1647.

- D. WRA width. Except for the exemptions in CDC 32.040, applications that are using the alternate review process of CDC 32.070, or as authorized by the approval authority consistent with the provisions of this chapter, all development is prohibited in the WRA as established in Table 32-2 below:

Table 32-2: Required Width of WRA			
Protected WRA Resource	Slope Adjacent to Protected Water Resource <sup>1,3</sup>	Starting Point for Measurement from Water Resource <sup>1,3</sup>	Width of WRA on Each Side of the Water Resource
A. Water Resource	0 – 25%	OHW or delineated edge of wetland	65 feet

1 The slope is the average slope in the first 50 feet as measured from bankfull stage or OHW.

3 At least three slope measurements along the water resource, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending upon topography, the width of the protected corridor may vary.

**Response:** Per Table 32-2, the width of the WRA on Parcel 2 is 65-feet from the edge of the water resource, as the adjacent slopes are 25% or less (see Exhibit A). The width of the WRA on Parcel 1 increases, as slopes in this area exceed 25%. Impacts to this WRA are planned to be limited to the temporary disturbances necessary to connect a new sanitary sewer laterals to an existing main near the west side of Parcel 2. These temporary utility impacts are permissible. The criterion is met.

E. Roads, driveways and utilities.

1. New roads, driveways, or utilities shall avoid WRAs unless the applicant demonstrates that no other practical alternative exists. In that case, road design and construction techniques shall minimize impacts and disturbance to the WRA by the following methods:
  - a. New roads and utilities crossing riparian habitat areas or streams shall be aligned as close to perpendicular to the channel as possible.
  - b. Roads and driveways traversing WRAs shall be of the minimum width possible to comply with applicable road standards and protect public safety. The footprint of grading and site clearing to accommodate the road shall be minimized.
  - c. Road and utility crossings shall avoid, where possible:
    - 1) Salmonid spawning or rearing areas;
    - 2) Stands of mature conifer trees in riparian areas;
    - 3) Highly erodible soils;
    - 4) Landslide prone areas;
    - 5) Damage to, and fragmentation of, habitat; and
    - 6) Wetlands identified on the WRA Map.

**Response:** Exhibit A shows that the application includes a new sanitary sewer lateral that involves minor temporary impacts to the WRA. The City can find that these impacts result from the most practical connection with an existing sanitary sewer main located near the west side of Parcel 2. This routing is further supported by the existing site topography, and the preference for a gravity sanitary sewer system.

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The new sanitary sewer lateral will be located underground and minimize impacts to the WRA by crossing as perpendicular as possible. The new lateral will not impact water resources such as streams, channels, or wetlands. Crossing landslide prone areas (as depicted on the City's Landslide Hazards Map) is unavoidable given the extent of these areas on site. The criteria are met.

2. Crossing of fish bearing streams and riparian corridors shall use bridges or arch-bottomless culverts or the equivalent that provides comparable fish protection, to allow passage of wildlife and fish and to retain the natural stream bed.
3. New utilities spanning fish bearing stream sections, riparian corridors, and wetlands shall be located on existing roads/bridges, elevated walkways, conduit, or other existing structures or installed underground via tunneling or boring at a depth that avoids tree roots and does not alter the hydrology sustaining the water resource, unless the applicant demonstrates that it is not physically possible or it is cost prohibitive. Bore pits associated with the crossings shall be restored upon project completion. Dry, intermittent streams may be crossed with open cuts during a time period approved by the City and any agency with jurisdiction.

**Response:** Exhibit A shows that new utilities will not cross any streams, riparian corridors, or wetlands. The criteria do not apply.

4. No fill or excavation is allowed within the ordinary high water mark of a water resource, unless all necessary permits are obtained from the City, U.S. Army Corps of Engineers and Oregon Department of State Lands (DSL).

**Response:** The application does not include any fill or excavation within the ordinary high water mark of an identified water resource. The criterion does not apply.

5. Crossings of fish bearing streams shall be aligned, whenever possible, to serve multiple properties and be designed to accommodate conduit for utility lines. The applicant shall, to the extent legally permissible, work with the City to provide for a street layout and crossing location that will minimize the need for additional stream crossings in the future to serve surrounding properties.

**Response:** Exhibit A shows that the new utilities will not cross any streams, riparian corridors, or wetlands. The criterion does not apply.

F. Passive recreation. Low impact or passive outdoor recreation facilities for public use including, but not limited to, multi-use paths and trails, not exempted per CDC 32.040(B)(2), viewing platforms, historical or natural interpretive markers, and benches in the WRA, are subject to the following standards:

1. Trails shall be constructed using non-hazardous, water permeable materials with a maximum width of four feet or the recommended width under the applicable American Association of State Highway and Transportation Officials (AASHTO) standards for the expected type and use, whichever is greater.
2. Paved trails are limited to the area within 20 feet of the outer boundary of the WRA, and such trails must comply with the storm water provisions of this chapter.
3. All trails in the WRA shall be set back from the water resource at least 30 feet except at stream crossing points or at points where the topography forces the trail closer to the water resource.



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4. Trails shall be designed to minimize disturbance to existing vegetation, work with natural contours, avoid the fall line on slopes where possible, avoid areas with evidence of slope failure and ensure that trail runoff does not create channels in the WRA.
  5. Foot bridge crossings shall be kept to a minimum. When the stream bank adjacent to the foot bridge is accessible (e.g., due to limited vegetation or topography), where possible, fences or railings shall be installed from the foot bridge and extend 15 feet beyond the terminus of the foot bridge to discourage trail users and pets from accessing the stream bank, disturbing wildlife and habitat areas, and causing vegetation loss, stream bank erosion and stream turbidity. Bridges shall not be made of continuous impervious materials or be treated with toxic substances that could leach into the WRA.
  6. Interpretive facilities (including viewpoints) shall be at least 10 feet from the top of the water resource's bankfull flow/OHW or delineated wetland edge and constructed with a fence between users and the resource. Interpretive signs may be installed on footbridges.

**Response:** The application does not include any passive recreation facilities. The criteria do not apply.

**G. Daylighting Piped Streams.**

1. As part of any application, covered or piped stream sections shown on the WRA Map are encouraged to be "daylighted" or opened. Once it is daylighted, the WRA will be limited to 15 feet on either side of the stream. Within that WRA, water quality measures are required which may include a storm water treatment system (e.g., vegetated bioswales), continuous vegetative ground cover (e.g., native grasses) at least 15 feet in width that provides year round efficacy, or a combination thereof.

**Response:** The subject site does not contain covered or piped stream sections as shown on the City's WRA map. The criteria of this section do not apply.

**H. The following habitat friendly development practices shall be incorporated into the design of any improvements or projects in the WRA to the degree possible:**

1. Restore disturbed soils to original or higher level of porosity to regain infiltration and storm water storage capacity.
2. Apply a treatment train or series of storm water treatment measures to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
3. Incorporate storm water management in road rights-of-way.
4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.
5. Use multi-functional open drainage systems in lieu of conventional curb-and-gutter systems.
6. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
8. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.

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9. Use pervious paving materials for driveways, parking lots, sidewalks, patios, and walkways.
  10. Reduce sidewalk width to a minimum four feet. Grade the sidewalk so it drains to the front yard of a residential lot or retention area instead of towards the street.
  11. Use shared driveways.
  12. Reduce width of residential streets and driveways, especially at WRA crossings.
  13. Reduce street length, primarily in residential areas, by encouraging clustering.
  14. Reduce cul-de-sac radii and use pervious and/or vegetated islands in center to minimize impervious surfaces.
  15. Use previously developed areas (PDAs) when given an option of developing PDA versus non-PDA land.
  16. Minimize the building, hardscape and disturbance footprint.
  17. Consider multi-story construction over a bigger footprint.

**Response:** Exhibit A shows that this application includes restoring soils and vegetation that are temporarily disturbed during the construction of the new sanitary sewer lateral for Parcel 2. The Applicant does not anticipate any additional impacts to the WRA at time of new home construction. The criteria are met.

#### 32.090 Mitigation Plan

- A. A mitigation plan shall only be required if development is proposed within a WRA (including development of a PDA). (Exempted activities of CDC 32.040 do not require mitigation unless specifically stated. Temporarily disturbed areas, including TDAs associated with exempted activities, do not require mitigation, just grade and soil restoration and re-vegetation.) The mitigation plan shall satisfy all applicable provisions of CDC 32.100, Re-Vegetation Plan Requirements.

**Response:** Exhibit A shows that the application includes temporary disturbances to the WRA that are associated with the construction a new sanitary sewer lateral to serve Parcel 2. Temporary disturbances to soil and vegetation will be restored to a native condition following construction. A mitigation plan is not required for these temporarily disturbed areas, per the section above. The criteria do not apply.

#### 32.100 Re-Vegetation Plan Requirements

- A. In order to achieve the goal of re-establishing forested canopy, native shrub and ground cover and to meet the mitigation requirements of CDC 32.090 and vegetative enhancement of CDC 32.080, tree and vegetation plantings are required according to the following standards:
  1. All trees, shrubs and ground cover to be planted must be native plants selected from the Portland Plant List.
  2. Plant size. Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs

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must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.

3. Plant coverage.

a. Native trees and shrubs are required to be planted at a rate of five trees and 25 shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals 0.66, and 0.66 times five equals 3.3, so three trees must be planted, and 0.66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

b. Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.

4. Plant diversity. Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50 percent of the trees may be of the same genus.

5. Invasive vegetation. Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.

6. Tree and shrub survival. A minimum survival rate of 80 percent of the trees and shrubs planted is expected by the third anniversary of the date that the mitigation planting is completed.

7. Monitoring and reporting. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind.

8. To enhance survival of tree replacement and plantings, the following practices are required:

a. Mulching. Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.

b. Irrigation. Water new plantings one inch per week between June 15th to October 15th, for the three years following planting.

c. Weed control. Remove, or control, non-native or noxious vegetation throughout maintenance period.

d. Planting season. Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.

e. Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.

B. When weather or other conditions prohibit planting according to schedule, the applicant shall ensure that disturbed areas are correctly protected with erosion control measures and shall provide the City with funds in the amount of 125 percent of a bid

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from a recognized landscaper or nursery which will cover the cost of the plant materials, installation and any follow up maintenance. Once the planting conditions are favorable the applicant shall proceed with the plantings and receive the funds back from the City upon completion, or the City will complete the plantings using those funds.

**Response:** The application does not include any impacts that warrant revegetation in the manner prescribed in this section. Temporary disturbances to the WRA from constructing a new sanitary sewer lateral serving Parcel 2 are planned to be restored with native grasses and other native vegetation that will not impede new underground utilities. The Applicant does not anticipate additional impacts to the WRA at time of new home construction. To the extent these criteria apply, they are met.

#### 32.120 WRA Map

- A. The WRA Map, dated May 2014, is adopted as the official WRA Map. It is intended to identify WRA water features (wetlands, streams, ephemeral streams and riparian corridors). It is not intended to delineate the exact WRA boundaries or water feature alignment. That task will be carried out by staff in the course of site visits where the provisions of Table 32-2 shall apply.
- B. Amendments to the WRA Map may be made in accordance with the provisions of Chapters 98 and 99 CDC. Copies of all map amendments shall be dated with the effective date of the document adopting the map amendment and shall be maintained without change, together with the adopting documents, on file in the Planning Department.
- C. The Planning Director shall maintain in his or her office, and available for public inspection, an up-to-date copy of the WRA Map

**Response:** The location of the WRA is included in Exhibit A and is based on the City's WRA map and field surveys conducted by a professional natural resource scientist (AKS Engineering & Forestry).

#### Chapter 48 - ACCESS, EGRESS AND CIRCULATION

##### 48.020 Applicability And General Provisions

- A. The provisions of this chapter do not apply where the provisions of the Transportation System Plan or land division chapter are applicable and set forth differing standards.
- B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.

**Response:** Exhibit A shows that both parcels have access from Evah Lane, which is a public street. TSP standards are addressed, where they deviate from standards established in this section, below. The criteria are met.

- C. No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and circulation requirements are to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.
- D. Should the owner or occupant of a lot, parcel or building enlarge or change the use to which the lot, parcel or building is put, resulting in increasing any of the requirements of this chapter, it shall be unlawful and a violation of this code to begin or maintain such altered use until the provisions of this chapter have been met, and, if required, until the appropriate approval authority under Chapter 99 CDC has approved the change.

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- E. Owners of two or more uses, structures, lots, parcels, or units of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the requirements as designated in this code; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases, or contracts to establish joint use. Copies of said instrument shall be placed on permanent file with the City Recorder.

**Response:** Parcel 1 will retain frontage on 14th Street and will have access from this street and Evah Lane. An access easement on Parcel 2 will provide legal access to Parcel 1 from Evah Lane. Parcel 2 will have direct access from the south terminus of Evah Lane. The criteria are met.

- F. Property owners shall not be compelled to access their homes via platted stems of flag lots if other driveways and easements are available and approved by the City Engineer.

**Response:** Parcel 1 will have direct access from both 14th Street and from Evah Lane via an easement across Parcel 2. Parcel 2 will have direct access from Evah Lane.

#### 48.025 Access Control

- A. Purpose. The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the West Linn Transportation System Plan.

- 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.)
2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.
3. Access options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are “options” to the developer/subdivider.
  - a) Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
  - b) Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.



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- c) Option 3. Access is from a public street adjacent to the development lot or parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (B)(6) of this section.

**Response:** Access to these lots, as shown in Exhibit A, was developed after consultation with the City's Planning and Engineering staff. It reflects the strategy identified in Options 2 (3b) and 3 (3c) above. This application does not meet the warrant for a traffic impact analysis due to the low volume of vehicle trips that are expected to be generated. The criteria are met.

4. Subdivisions fronting onto an arterial street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).

**Response:** The subject site does not front an arterial street as designated in the City's TSP. The criterion does not apply.

5. Double-frontage lots. When a lot or parcel has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. When a lot or parcel has frontage opposite that of the adjacent lots or parcels, access shall be provided from the street with the lowest classification.

**Response:** The application does not include any parcels that will front on more than one public street or parcels that may be defined as double-frontage lots. This criterion does not apply.

6. Access spacing.
- a. The access spacing standards found in the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections and non-traversable medians. Deviation from the access spacing standards may be granted by the City Engineer if conditions are met as described in the access spacing variances section in the adopted TSP.
- b. Private drives and other access ways are subject to the requirements of CDC 48.060.

**Response:** Exhibit A shows that the application does not create any new public street intersections. Responses to the applicable criteria in CDC Section 48.060 are included below.

7. Number of access points. For single-family (detached and attached), two-family, and duplex housing types, one street access point is permitted per lot or parcel, when alley access cannot otherwise be provided; except that two access points may be permitted corner lots (i.e., no more than one access per street), subject to the access spacing standards in subsection (B)(6) of this section. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection

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(B)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.

8. Shared driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:
  - a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent lot or parcel develops. “Developable” means that a lot or parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
  - b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
  - c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, lot or parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

**Response:** This application provides access to Parcels 1 and 2 from Evah Lane. An access easement on Parcel 2, will maintain access to Parcel 1 from Evah Lane. This shared access approach is consistent with the City’s desire to maintain the operation of adjacent roadways as implied above. The criteria are met.

- C. Street connectivity and formation of blocks required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:
  1. Block length and perimeter. The maximum block length shall not exceed 800 feet or 1,800 feet along an arterial.
  2. Street standards. Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.
  3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of CDC 85.200(C), Pedestrian and Bicycle Trails, or cases where extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations preclude implementation, not just inconveniences or design challenges.

**Response:** Existing development and natural resource protection areas near the project site do not permit creating any new public streets or blocks. These criteria do not apply.

48.030 Minimum Vehicular Requirements For Residential Uses

- A. Direct individual access from single-family dwellings and duplex lots to an arterial street, as designated in the transportation element of the Comprehensive Plan, is

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prohibited for lots or parcels created after the effective date of this code where an alternate access is either available or is expected to be available by imminent development application. Evidence of alternate or future access may include temporary cul-de-sacs, dedications or stubouts on adjacent lots or parcels, or tentative street layout plans submitted at one time by adjacent property owner/developer or by the owner/developer, or previous owner/developer, of the property in question.

In the event that alternate access is not available as determined by the Planning Director and City Engineer, access may be permitted after review of the following criteria:

**Response:** This application does not include parcels that will take direct individual access from an arterial street. The criteria of this section do not apply.

- 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.
  2. Two to four single-family residential homes equals a 14- to 20-foot-wide paved or all-weather surface. Width shall depend upon adequacy of line of sight and number of homes.
  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.
- C. When any portion of one or more homes is more than 150 feet from the adjacent right-of-way, the provisions of subsection B of this section shall apply in addition to the following provisions.
1. A turnaround may be required as prescribed by the Fire Chief.
  2. Minimum vertical clearance for the driveway shall be 13 feet, six inches.
  3. A minimum centerline turning radius of 45 feet is required unless waived by the Fire Chief.
  4. There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet.

**Response:** Access to Parcel 2 will come directly from Evah Lane. Access to Parcel 1 will come from Evah Lane via an access easement across Parcel 2 and from the existing access point on 14th Street. The application does not create any new access points or public street intersections and therefore will not exacerbate any non-conforming access issues to the extent such issues exist.

The future home on Parcel 2 will be less than 150-feet from the adjacent Evah Lane right-of-way, and the shared access will serve no more than four total residences at time of full build-out. The existing home on Parcel 1 is further than 150-feet from an adjacent public

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right-of-way and does, and will continue to, provide 10-feet of unobstructed width from the adjacent public right-of-way. This access configuration was discussed and preliminarily accepted by Tualatin Valley Fire and Rescue's representative at the October 20 pre-application conference. Exhibit A shows that the shared access ranges in width from 10- to 20-feet and will be less than 15% grade. The applicable criteria are met.

- D. Access to five or more single-family homes shall be by a street built to full construction code standards. All streets shall be public. This full street provision may only be waived by variance.
- E. Access and/or service drives for multi-family dwellings shall be fully improved with hard surface pavement:  
(..)

**Response:** This application does not include a request for, nor does the R-10 zoning district allow for, the development of multi-family residential on the subject property. The criteria do not apply.

- F. Where on-site maneuvering and/or access drives are necessary to accommodate required parking, in no case shall said maneuvering and/or access drives be less than that required in Chapters 46 and 48 CDC.
- G. The number of driveways or curb cuts shall be minimized on arterials or collectors. Consolidation or joint use of existing driveways shall be required when feasible.
- H. In order to facilitate through traffic and improve neighborhood connections, it may be necessary to construct a public street through a multi-family site.
- I. Gated accessways to residential development other than a single-family home are prohibited.

**Response:** On-site parking will be accommodated for each parcel and will be further defined at time of building permit submittal. The site does not take access from an arterial or collector roadway, nor does it propose or abut a multi-family development. The application does not include a request for a gated accessway to the three parcels subject to this application. The criteria do not apply.

#### 48.050 One-Way Vehicular Access Points

Where a proposed parking facility plan indicates only one-way traffic flow on the site, it shall be accommodated by a specific driveway serving the facility, and the entrance drive shall be situated closest to oncoming traffic, and the exit drive shall be situated farthest from oncoming traffic.

**Response:** This application does not include a parking facility. The criterion does not apply.

#### 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.
- C. No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:
  - 1. On an arterial when intersected by another arterial, 150 feet.

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2. On an arterial when intersected by a collector, 100 feet.
  3. On an arterial when intersected by a local street, 100 feet.
  4. On a collector when intersecting an arterial street, 100 feet.
  5. On a collector when intersected by another collector or local street, 35 feet.
  6. On a local street when intersecting any other street, 35 feet.
- D. There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:
1. On an arterial street, 150 feet.
  2. On a collector street, 75 feet.
  3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.
- E. A rolled curb may be installed in lieu of curb cuts and access separation requirements.
- F. Curb cuts shall be kept to the minimum, particularly on Highway 43. Consolidation of driveways is preferred. The standard on Highway 43 is one curb cut per business if consolidation of driveways is not possible.
- G. Adequate line of sight pursuant to engineering standards should be afforded at each driveway or accessway.

**Response:** Exhibit A shows that this portion of Evah Lane does not include a curb, nor is one proposed. The two parcels included in this application will access Evah Lane directly or via an easement on Parcel 2. The criteria do not apply.

48.070 Planning Director's Authority To Restrict Access Appeal Provisions

- A. In order to provide for increased traffic movement on congested streets and eliminate turning movement problems, the Planning Director and the City Engineer, or his or her designee, may restrict the location of driveways on said street and require the location of driveways on adjacent streets upon the finding that the proposed access would:
1. Provide inadequate access for emergency vehicles; or
  2. Cause or increase hazardous conditions to exist which would constitute a clear and present danger to the public health safety and general welfare.
- B. A decision by the Planning Director may be appealed to the Planning Commission as provided by CDC 99.240(B).

**Response:** Exhibit A shows that the application does not include any new access points. The criteria do not apply.

48.080 Bicycle And Pedestrian Circulation

- A. Within all multi-family developments (except two-family/duplex dwellings), each residential dwelling shall be connected to vehicular parking stalls, common open space, and recreation facilities by a pedestrian pathway system having a minimum width of six feet and constructed of an all-weather material. The pathway material shall be of a different color or composition from the driveway. (Bicycle routes adjacent to the travel lanes do not have to be of different color or composition.)
- B. Bicycle and pedestrian ways within a subdivision shall be constructed according to the provisions in CDC 85.200(A)(3).



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- C. Bicycle and pedestrian ways at commercial or industrial sites shall be provided according to the provisions of Chapter 55 CDC, Design Review.

**Response:** The application does not include any multi-family, commercial, or industrial development, nor does it propose any new bicycle or pedestrian ways. The criteria do not apply.

#### Chapter 85 - DIVISION 8. LAND DIVISION

##### 85.070 Administration And Approval Process

- A. The application shall be filed by the record owner(s) of the property or by an authorized agent who has a letter of authorization from the property owners of record. The burden of proof will be upon the applicant to demonstrate the validity of the ownership, if challenged.
- B. Action on the application for a tentative plan shall be as provided by Chapter 99 CDC.
1. The Planning Director shall approve, deny, or approve with conditions an application for a partition subject to the provisions of CDC 85.200, 99.060(A), and 99.110. The Director's decision may be appealed to the City Council as provided by CDC 99.240(A).

**Response:** This application has been consented to by the property owner of record as shown in Exhibit B. The partition will be decided by the Planning Director, subject to the provisions referenced above. The criteria are met.

##### 85.110 Staged Development

The applicant may elect to develop the site in stages. Staged development shall be subject to the provisions of CDC 99.125. However, notwithstanding the provisions of CDC 99.125, in no case shall the time period for final platting and recording all stages with the County be greater than five years without refileing the application.

**Response:** The partition will be completed in a single phase, and the Applicant anticipates recording the final plat within the appropriate timeframe. The criterion is met.

##### 85.120 Partial Development

Where the tentative subdivision or partition plan is limited to only part of the potential development site, the approval authority may require that an applicant submit a tentative layout for the streets for the unsubdivided portion. A tentative street plan is required for sites where the unsubdivided portion of the property is greater than 300 percent of the minimum lot size allowed in the underlying zoning district.

**Response:** The subject partition does not result in lots that may be further divided. The criterion does not apply.

##### 85.130 Land Division Application In Conjunction With Other Land Use Applications

As provided by CDC 99.070, a land division application filed under this code may be heard concurrently with another application, upon applicant's request.

**Response:** This application includes a request for a land division, a water resource area permit, a Tualatin River Greenway permit, and a flood management area permit.

##### 85.140 Pre-Application Conference Required

- A. An applicant shall participate in a pre-application conference with staff prior to the submission of a complete tentative plan.

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- B. The Planning staff shall explain the applicable plan policies, ordinance provisions, opportunities, and constraints which may be applicable to the site and type of proposed land division.
  - C. The City Engineering staff shall explain the public improvement requirements which may be applicable to the site and type of proposed land division, including potential for the applicant to apply for a waiver of street improvements.

**Response:** A pre-application conference with City of West Linn staff was held on October 20, 2016. The criteria are met.

#### 85.150 Application – Tentative Plan

- A. The applicant shall submit a completed application which shall include:
  - 1. The completed application form(s).
  - 2. Copies of the tentative plan and supplemental drawings shall include one copy at the original scale plus one copy reduced in paper size not greater than 11 inches by 17 inches. The applicant shall also submit one copy of the complete application in a digital format acceptable to the City. When the application submittal is determined to be complete, additional copies may be required as determined by the Community Development Department.
  - 3. A narrative explaining all aspects of land division per CDC 85.200.
- B. The applicant shall pay the requisite fee.

**Response:** This application and the accompanying exhibits include all documents and fees as requested. The criteria are met.

#### 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.
- 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.
- 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.
- D. The following general information shall be shown on the tentative 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.
  - 2. Date, north arrow, scale of drawing, and graphic bar scale.

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3. Appropriate identification clearly stating the drawing as a tentative plan.
  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.
  5. Names and addresses of the owner, developer, and engineer or 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.
  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.
  3. The location of any control points that are the basis for the applicant's mapping.
  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.
  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.
  6. Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after platting.
  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.
  8. Zoning on and adjacent to the tract.
  9. Existing uses to remain on the adjoining property and their scaled location.
  10. The location of any existing bicycle or pedestrian ways.
  11. The location of adjacent transit stops.
- 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).

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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 on-site 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.
  3. Any proposed infrastructure improvements that address those identified in the City Transportation System Plan.
  4. Any proposed bicycle or pedestrian paths. The location of proposed transit stops.
  5. Any easement(s) – location, width, and purpose of the easement(s).
  6. The configuration including location and approximate dimensions and area of each lot or parcel, and in the case of a subdivision, the proposed lot and block number.
  7. A street tree planting plan and schedule approved by the Parks Department.
  8. Any land area to be dedicated to the City or put in common ownership.
  9. Phase boundaries shall be shown.

**Response:** This application includes the applicable submittal requirements listed above.

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

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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.
  6. Where the proposed subdivision site includes hillsides, as defined in CDC 02.030 Type I and II lands, or any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the requirements for erosion control as described in CDC 85.160(F)(2) shall be addressed in a narrative.
  7. Table and calculations showing the allowable number of lots under the zone and how many lots are proposed.
  8. Map and table showing square footage of site comprising slopes by various classifications as identified in CDC 55.110(B)(3).

**Response:** This application includes the applicable submittal requirements listed above.

**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. Where street connections are not proposed within or beyond the limits of the proposed subdivision on blocks exceeding 330 feet, or for cul-de-sacs, the tentative plat or partition shall indicate the location of easements that provide connectivity for bicycle and pedestrian use to accessible public rights-of-way.

**Response:** The application does not include the creation of any new streets or extensions of streets to abutting properties. Exhibit A illustrates the location of all easements on the subject property that will provide access to abutting rights-of-way. The criterion is met.

2. **Traffic Impact Analysis (TIA).**

- a. **Purpose.** The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the study.
- b. **Typical average daily trips.** The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as the standards by which to gauge average daily vehicle trips.
- c. **When required.** A Traffic Impact Analysis may be required to be submitted to the City with a land use application, when the following conditions apply:
  - 1) The development application involves one or more of the following actions:
    - (A) A change in zoning or a plan amendment designation; or



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- (B) Any proposed development or land use action that ODOT states may have operational or safety concerns along a State highway; and
  - (C) The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
    - (1) An increase in site traffic volume generation by 250 average daily trips (ADT) or more (or as required by the City Engineer); or
    - (2) An increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day; or
    - (3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or
    - (4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
    - (5) A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area.

**Response:** This application does not warrant a traffic impact analysis as required above. The criteria of this section do not apply.

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).
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:** Exhibit A shows that the application does not include any site grading. The criteria do not apply.

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

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consistent with the adopted Comprehensive Water System Plan and most recently adopted updates and amendments.

2. Location and sizing of the water lines within the development and off-site extensions. Show on-site water line extensions in street stubouts to the edge of the site, or as needed to complete a loop in the system.
3. Adequate looping system of water lines to enhance water quality.
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:** Exhibit A shows that new water service laterals are planned to be extended to Parcel 2 from an existing water main in Evah Lane. The applicable criteria are met.

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.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depths. Show how each lot or parcel would be sewerred.
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.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
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).
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.
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:** This application does not include any new public sanitary sewer lines or facilities. A new sanitary sewer lateral is planned to connect Parcel 2 with an existing sanitary sewer main located near its west side. Installation of this sanitary lateral results in minor temporary disturbance to natural areas, however, these disturbances are planned to be restored following construction. The applicable criteria are met.

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- F. Storm. 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 application does not include new public or private stormwater facilities. Conceptual private stormwater facilities are included in Exhibit A and illustrate the type and location of stormwater management that may be used during new home construction. The City will ensure that stormwater has been managed pursuant to applicable criteria when the building permit application is submitted. The criterion can be met.

#### 85.180 Redivision Plan Requirement

A redivision plan shall be required for a partition or subdivision, where the property could be developed at a higher density, under existing/proposed zoning, if all services were available and adequate to serve the use.

**Response:** The application will not result in any parcels that can be further divided under the existing R-10 zoning designation or applicable overlay districts. The criteria do not apply.

#### 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 lots or 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.

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Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan (TSP) and any adopted updated plans.

An applicant may submit a written request for a waiver of abutting street improvements if the TSP 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 pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The amount of the fee shall be established prior to the Planning Commission's decision on the associated application. The in-lieu fee shall be used for in kind or related improvements.

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:** Given the pattern of existing development and topographical constraints near the subject site, the application does not include any additional public street improvements in the Evah Lane right-of-way (Evah Lane improvements were recently agreed to by the City and the Applicant during a 3-parcel partition of Tax Lot 3800 immediately west of the subject site). The applicable criteria are met.

2. Right-of-way widths shall depend upon which classification of street is proposed. The right-of-way widths are established in the adopted TSP.
3. Street widths. Street widths shall depend upon which classification of street is proposed. The classifications and required cross sections are established in the adopted TSP.

**Response:** Evah Lane is classified as a local street in the City of West Linn's TSP. Given the pattern of existing development near the subject property and topographic constraints, the City has requested a limited improvement to Evah Lane as described above.

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:
  - a. The type of road as set forth in the Transportation Master Plan.
  - b. The anticipated traffic generation.
  - c. On-street parking requirements.
  - d. Sidewalk and bikeway requirements.
  - e. Requirements for placement of utilities.
  - f. Street lighting.

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- g. Drainage and slope impacts.
  - h. Street trees.
  - i. Planting and landscape areas.
  - j. Existing and future driveway grades.
  - k. Street geometry.
  - l. Street furniture needs, hydrants.

**Response:** The Applicant’s Engineer (AKS Engineering & Forestry) worked with the City Engineer to determine appropriate improvements to Evah Lane that work for this project, recognizing the existing pattern of development and challenging topography in the area. Public street improvements are illustrated in Exhibit A and are tied to the City’s approval of a 3-parcel partition of Tax Lot 3800. The criteria are met.

- 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.
  - b. Streets intended to serve as signed but unstriped bike routes should have the travel lane widened by two feet.
  - c. Collectors should have two travel lanes and may accommodate some parking. Bike routes are appropriate.
  - d. Arterials should have two travel lanes. On-street parking is not allowed unless part of a Street Master Plan. Bike lanes are required as directed by the Parks Master Plan and Transportation Master Plan.

**Response:** The Applicant’s Engineer (AKS Engineering & Forestry) worked with the City Engineer to determine improvements to Evah Lane that are appropriate for the subject project, recognizing the existing pattern of development and challenging topography in the area. Public street improvements are illustrated in Exhibit A and are tied to the City’s approval of a 3-parcel partition of Tax Lot 3800. The criteria are met.

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



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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:** Exhibit A shows that a recent 3-parcel partition of Tax Lot 3800 included street improvements that are limited to structural upgrades to a portion of Evah Lane necessary to accommodate service vehicles such as garbage and fire trucks. Additional street improvements are not included in the application. The criteria do not apply.

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:** The Evah Lane right-of-way adjacent the subject property is of adequate width for the planned improvements. Additional right-of-way is not necessary. The criterion does not apply.

11. Cul-de-sacs.
- a. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing less than five acres, or sites accommodating uses other than residential or mixed use development, are not allowed unless the applicant demonstrates that there is no feasible alternative due to:
- 1) Physical constraints (e.g., existing development, the size or shape of the site, steep topography, or a fish bearing stream or wetland protected by Chapter 32 CDC), or
  - 2) Existing easements or leases.
- b. New cul-de-sacs and other closed-end streets, consistent with subsection (A)(11)(a) of this section, shall not exceed 200 feet in length or serve more than 25 dwelling units unless the design complies with all adopted Tualatin Valley Fire and Rescue (TVFR) access standards and adequately provides for anticipated traffic, consistent with the Transportation System Plan (TSP).
- c. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) on sites containing five acres or more that are proposed to accommodate residential or mixed use development are prohibited unless barriers (e.g., existing development, steep topography, or a fish bearing stream or wetland protected by Chapter 32 CDC, or easements, leases or covenants established prior to May 1, 1995) prevent street extensions. In that case, the street shall not exceed 200 feet in length or serve more than 25 dwelling units, and its design shall comply with all adopted TVFR access standards and adequately provide for anticipated traffic, consistent with the TSP.

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**Response:** This application does not include the creation of a new cul-de-sac. The criteria do not apply.

- d. Applicants for a proposed subdivision, partition or a multifamily, commercial or industrial development accessed by an existing cul-de-sac/closed-end street shall demonstrate that the proposal is consistent with all applicable traffic standards and TVFR access standards.

**Response:** Tualatin Valley Fire & Rescue has indicated (see Exhibit E) that the partition can be adequately served by the existing street and turnaround located northeast of Tax Lot 2817, north of the subject site, and via the private access to Parcel 1 from 14th Street. The criterion is met.

- e. All cul-de-sacs and other closed-end streets shall include direct pedestrian and bicycle accessways from the terminus of the street to an adjacent street or pedestrian and bicycle accessways unless the applicant demonstrates that such connections are precluded by physical constraints or that necessary easements cannot be obtained at a reasonable cost.

**Response:** This application demonstrates that physical constraints preclude bicycle or pedestrian connections to an adjacent street or pedestrian or bicycle accessway. The criterion is met.

- f. All cul-de-sacs/closed-end streets shall terminate with a turnaround built to one of the following specifications (measurements are for the traveled way and do not include planter strips or sidewalks).

**Response:** This application does not include any new cul-de-sacs. The criterion does not apply.

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. Continuations of existing streets shall have the name of the existing street. Streets, drives, avenues, ways, boulevards, and lanes shall describe through streets. Place and court shall describe cul-de-sacs. Crescent, terrace, and circle shall describe loop or arcing roads.

**Response:** This application does not include any new streets. The criterion does not apply.

13. Grades and curves. Grades and horizontal/vertical curves shall meet the West Linn Public Works Design Standards.

**Response:** Exhibit A shows improvements tied to the City's approval of a recent 3-parcel partition of Tax Lot 3800 (owned by the Applicant and immediately west of the subject site) that includes the reconstruction of a portion of the existing travel lane in Evah Lane. These improvements have been designed consistent with the City of West Linn's Public Works Design Standards for street grade and horizontal/vertical curves. The criterion is met.

14. Access to local streets. Intersection of a local residential street with an arterial street may be prohibited by the decision-making authority if suitable alternatives exist for providing interconnection of proposed local residential streets with other local streets. Where a subdivision or partition abuts or contains an existing or proposed major arterial street, the decision-making authority may require marginal access streets, reverse-frontage lots with

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suitable depth, visual barriers, noise barriers, berms, no-access reservations along side and rear property lines, and/or other measures necessary for adequate protection of residential properties from incompatible land uses, and to ensure separation of through traffic and local traffic.

**Response:** Exhibit A shows that the application does not include any new public streets. The subject site does not take access from an arterial street. The criterion does not apply.

15. Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the decision-making authority. While alley intersections and sharp changes in alignment should be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet. Alleys may be provided in residential subdivisions or multi-family projects. The decision to locate alleys shall consider the relationship and impact of the alley to adjacent land uses. In determining whether it is appropriate to require alleys in a subdivision or partition, the following factors and design criteria should be considered:
- a. The alley shall be self-contained within the subdivision. The alley shall not abut undeveloped lots or parcels which are not part of the project proposal. The alley will not stub out to abutting undeveloped parcels which are not part of the project proposal.
  - b. The alley will be designed to allow unobstructed and easy surveillance by residents and police.
  - c. The alley should be illuminated. Lighting shall meet the West Linn Public Works Design Standards.
  - d. The alley should be a semi-private space where strangers are tacitly discouraged.
  - e. Speed bumps may be installed in sufficient number to provide a safer environment for children at play and to discourage through or speeding traffic.
  - f. Alleys should be a minimum of 14 feet wide, paved with no curbs.

**Response:** Exhibit A shows that the application does not include alleys. The criteria do not apply.

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:** After consulting with the City Engineer, it was determined that, due to the small number of residences in this area and significant topographical constraints, sidewalks along the site frontage are not necessary. The criterion is met.

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

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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 new planter strip on Evah Lane is not included in this application due to the existing surrounding development pattern and challenging topography. This street configuration has been reviewed and deemed acceptable by the City Engineer. The criterion is met.

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

**Response:** This application does not include any new public streets. The criterion does not apply.

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.

**Response:** Exhibit A shows that both Parcels will have access to a public street. The applicable criteria in Chapter 48 have been met. The criterion is met.

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:** This application does not include any new gated streets. The criterion does not apply.

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

- a. All entryway treatments except islands shall be located on private property and not in the public right-of-way.
- b. Planter islands may be allowed provided there is no structure (i.e., brick, signs, etc.) above the curbline, except for landscaping. Landscaped islands shall be set back a minimum of 24 feet from the curbline of the street to which they are perpendicular.
- c. All islands shall be in public ownership. The minimum aisle width between the curb and center island curbs shall be 14 feet. Additional width may be required as determined by the City Engineer.
- d. Brick or special material treatments are acceptable at intersections with the understanding that the City will not maintain these sections except with asphalt overlay, and that they must meet the Americans with Disabilities Act (ADA) standards. They shall be laid out to tie into existing sidewalks at intersections.
- e. Maintenance for any common areas and entryway treatments (including islands) shall be guaranteed through homeowners association agreements, CC&Rs, etc.
- f. Under Chapter 52 CDC, subdivision monument signs shall not exceed 32 square feet in area.

**Response:** This application does not include any of the above listed entry treatments. The criteria do not apply.

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

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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:** The City has not expressed a need to contribute toward any off-site improvements. At time of building permit submittal, the property owner/builder of each new home will be required to pay system development charges (SDCs) to the City. A typical single-family home will pay approximately \$40,765 in SDCs (City of West Linn, Master Fees and Charges Document, July 1, 2017), which are used to add capacity to the City's street, water, sanitary sewer, storm sewer, and parks systems.

**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.
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. Subdivisions of five or more acres that involve construction of a new street shall have block lengths of no more than 530 feet. If block lengths are greater than 530 feet, accessways on public easements or right-of-way for pedestrians and cyclists shall be provided not more than 330 feet apart. Exceptions can be granted when prevented by barriers such as topography, rail lines, freeways, pre-existing development, leases, easements or covenants that existed prior to May 1, 1995, or by requirements of Titles 3 and 13 of the UGMFP. If streets must cross water features protected pursuant to Title 3 UGMFP, provide a crossing every 800 to 1,200 feet unless habitat quality or the length of the crossing prevents a full street connection.

**Response:** Exhibit A shows that the application does not include any new streets, nor does it result in the creation of new blocks. The criteria do not apply.

3. **Lot size and shape.** Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition, 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 or parcel shall be dimensioned to contain part of an existing or proposed street. All lots or parcels shall be buildable. "Buildable" describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible. Lot or parcel sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD).



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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:** Exhibit A shows that the partition has been designed to create a sufficient area for a future home on Parcel 2 outside of protected water resource and habitat protection areas. Exhibit A also demonstrates that all parcels satisfy the minimum dimensional requirements for new parcels in the R-10 Zoning District. The criteria are met.

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

**Response:** As described under the responses to the applicable criteria in Chapter 48 above, said criteria are, or can be, met.

5. Double frontage lots and parcels. Double frontage lots and parcels have frontage on a street at the front and rear property lines. Double frontage lots and parcels shall be avoided except where they are essential to provide separation of residential development from arterial streets or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen or impact mitigation easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

**Response:** Exhibit A shows that the application does not result in new double frontage lots. The criteria do not apply.

6. Lot and parcel side lines. 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:** Exhibit A shows that the parcel lines run at right angles to the extent practical given the shape of the parent parcel. The criterion is met.

7. Flag lots. Flag lots can be created where it can be shown that no other reasonable street access is possible to achieve the requested land division. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be eight feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements. The following dimensional requirements shall apply to flag lots:
  - a. Setbacks applicable to the underlying zone shall apply to the flag lot.
  - b. Front yard setbacks may be based on the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured, or it is part of a pattern of development, or it better fits the topography of the site.
  - c. The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.

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- d. The lot depth requirement contained elsewhere in this code shall be measured from the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access.
  - e. As per CDC 48.030, the accessway shall have a minimum paved width of 12 feet.
  - f. If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be accessed from the public street by an access easement of a minimum 15-foot width across intervening property.

**Response:** The application does not include new flag lots. The criteria do not apply.

- 8. Large lots or parcels. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may:
  - a. 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; or
  - b. Alternately, in order to prevent further subdivision or partition of oversized and constrained lots or parcels, restrictions may be imposed on the subdivision or partition plat.

**Response:** This application does not result in parcels that can be further divided under the R-10 zoning designation and other overlay districts. The criteria do not apply.

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.
- 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.
- 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.

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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.
  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.
  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:** This application does not include any new pedestrian or bicycle trails, as discussed earlier. The criteria do not apply.

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.
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.
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.
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:** The subject site is not located on an existing or planned transit route and subsequently transit improvements are not included in this application. The criteria do not apply.

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.
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.

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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.
  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.
  6. Repealed by Ord. 1635.
  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.
  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:** This application does not include any grading. The City will ensure compliance with the above standards is met if grading is proposed on the subject parcels. The criteria can be met.

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.
2. Adequate location and sizing of the water lines.
3. Adequate looping system of water lines to enhance water quality.

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4. For all non-single-family developments, there shall be a demonstration of adequate fire flow to serve the site.
  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 October 20, 2016 pre-application conference, the City indicated that sufficient water service was available to serve the subject parcels. Exhibit A shows that the service to the individual parcels is planned to be provided via laterals connecting to an existing water main in Evah Lane. Prior to final plat approval, the City will ensure that new water lines are adequately sized for domestic and emergency service. The criteria can be met.

**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.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.
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.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
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.
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.
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.
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 October 20, 2016 pre-application conference, the City indicated that sufficient sanitary sewer service was available to serve the subject parcels. Exhibit A shows that the service to Parcel 2 is planned to be provided via a lateral that connects to an existing



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sanitary sewer main line located near the west side of Parcel 2. Temporary disturbance to the WRA will be necessary to make these connections. Temporary disturbances will be revegetated following construction. The applicable criteria are met.

H. Deleted during July 2014 supplement.

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:** Exhibit A shows that an 8-foot wide utility easement is located near the north end of Parcels 1 and 2. The criteria are met.

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:** This application includes limited temporary disturbances to the WRA (not a wetland or water resource itself) necessary to connect a sanitary sewer lateral to Parcel 2 with an existing sanitary sewer main located near the west side of Parcel 2. The criterion is met.

2. Willamette and Tualatin Greenways. The Willamette and Tualatin River Greenways shall be protected as required by Chapter 28 CDC, Willamette and Tualatin River Protection.

**Response:** Responses to the applicable criteria of Chapter 28 are included above. The applicable criteria are met.

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

**Response:** This application does not include street trees. The criteria do not apply.

4. Lighting. All subdivision street or alley lights shall meet West Linn Public Works Design Standards.

**Response:** This application does not include new streets or alleys nor lighting improvements to any existing streets. The criteria do not apply.

5. 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:** The City has not requested any dedication or exactions necessary to construct a planned public improvement.

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

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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:** When the franchise utilities are brought to the subject parcels, the property owner or builder will ensure that they are located underground. Exhibit A shows that an 8-foot utility easement has been included along the front of all three parcels to accommodate future franchise utility installation. The criteria can be 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.

**Response:** The application includes a 2-parcel partition and is therefore exempt from this provision. The criterion does not apply.

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 subject site is not located in the above-listed zoning districts. The criterion 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:** This application includes the removal of 2 of the 58 total trees on site, to accommodate utility service and a future residence on Parcel 2. Of these trees that are planned to be removed, 1 is exempt from the City's tree preservation standards. The criteria are met.

#### Chapter 92 - REQUIRED IMPROVEMENTS

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

- A. **Streets within subdivisions.**
  1. All streets within a subdivision, including alleys, shall be graded for the full right-of-way width and improved to the City's permanent improvement standards and specifications which include sidewalks and bicycle lanes, unless the decision-making authority makes the following findings:

- 
- a. The right-of-way cannot be reasonably improved in a manner consistent with City road standards or City standards for the protection of wetlands and natural drainageways.
  - b. The right-of-way does not provide a link in a continuous pattern of connected local streets, or, if it does provide such a link, that an alternative street link already exists or the applicant has proposed an alternative street which provides the necessary connectivity, or the applicant has proven that there is no feasible location on the property for an alternative street providing the link.

**Response:** The City Engineer has determined that, given the pattern of existing development in the area and the existing topography, public street improvements consistent with the City's standard for local streets are not reasonable. Minor improvements to Evah Lane, that will accommodate additional use by service vehicles, are included in a prior 3-parcel partition submitted by the Applicant. The criteria are met.

2. When the decision-making authority makes these findings, the decision-making authority may impose any of the following conditions of approval:
  - a. A condition that the applicant initiate vacation proceedings for all or part of the right-of-way.
  - b. A condition that the applicant build a trail, bicycle path, or other appropriate way.

If the applicant initiates vacation proceedings pursuant to subsection (A)(2)(a) of this section, and the right-of-way cannot be vacated because of opposition from adjacent property owners, the City Council shall consider and decide whether to process a City-initiated street vacation pursuant to Chapter 271 ORS.

Construction staging area shall be established and approved by the City Engineer. Clearing, grubbing, and grading for a development shall be confined to areas that have been granted approval in the land use approval process only. Clearing, grubbing, and grading outside of land use approved areas can only be approved through a land use approval modification and/or an approved Building Department grading permit for survey purposes. Catch basins shall be installed and connected to pipe lines leading to storm sewers or drainageways.

**Response:** The City has not indicated a desire for additional right-of-way or bicycle or pedestrian trails.

- B. Extension of streets to subdivisions. The extension of subdivision streets to the intercepting paving line of existing streets with which subdivision streets intersect shall be graded for the full right-of-way width and improved to a minimum street structural section and width of 24 feet.

**Response:** New streets or extensions to abutting properties are not included in this application. The criterion does not apply.

- C. Local and minor collector streets within the rights-of-way abutting a subdivision shall be graded for the full right-of-way width and approved to the City's permanent improvement standards and specifications. The City Engineer shall review the need for street improvements and shall specify whether full street or partial street improvements shall be required. The City Engineer shall also specify the extent of storm drainage improvements required. The City Engineer shall be guided by the

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purpose of the City's systems development charge program in determining the extent of improvements which are the responsibility of the subdivider.

**Response:** New streets or extensions to abutting properties are not included in this application. The criterion does not apply.

D. Monuments. Upon completion of the first pavement lift of all street improvements, monuments shall be installed and/or reestablished at every street intersection and all points of curvature and points of tangency of street centerlines with an iron survey control rod. Elevation benchmarks shall be established at each street intersection monument with a cap (in a monument box) with elevations to a U.S. Geological Survey datum that exceeds a distance of 800 feet from an existing benchmark.

**Response:** Any monuments that are disturbed due to the street improvements included in Exhibit A will be reestablished in accordance with the provisions above. The criterion can be met.

E. Surface drainage and storm sewer system. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data and comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards. Developers are encouraged to adapt storm water management approaches that make use of natural systems and infiltration to manage storm runoff, including the use of vegetated swales, rain gardens, and other like systems where appropriate.

**Response:** This application does not include development that results in a need for stormwater management. The owner/builder for each lot will submit their approach for managing stormwater on each parcel when a building permit is submitted. The criterion can be met.

F. Sanitary sewers. Sanitary sewers shall be installed to City standards to serve the subdivision and to connect the subdivision to existing mains.

**Response:** The application includes a new sanitary sewer lateral to serve Parcel 2. Sanitary sewer service to the existing home on Parcel 1 will not be modified by this application. The criterion is met.

1. If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is desirable to assure financing his or her share of the construction.
2. If the installation is not made as an assessment project, the City may reimburse the subdivider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision for a period of 10 years from the time of installation of the sewers. The actual amount shall be determined by the City Administrator considering current construction costs.

**Response:** The City Engineer has not indicated a need for additional sanitary sewer improvements due to this application.

G. Water system. Water lines with valves and fire hydrants providing service to each building site in the subdivision and connecting the subdivision to City mains shall be installed. Prior to starting building construction, the design shall take into account provisions for extension beyond the subdivision and to adequately grid the City system. Hydrant spacing is to be based on accessible area served according to the City Engineer's recommendations and City standards. If required water mains will directly

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serve property outside the subdivision, the City may reimburse the developer an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of 10 years from the time of installation of the mains. If oversizing of water mains is required to areas outside the subdivision as a general improvement, but to which no new connections can be identified, the City may reimburse the developer that proportionate share of the cost for oversizing. The actual amount and reimbursement method shall be as determined by the City Administrator considering current or actual construction costs.

**Response:** This application does not include water system improvements beyond a new lateral to serve Parcel 2. An existing water main and fire hydrant, able to accommodate new future homes on the subject parcels, are located in Evah Lane immediately north of the subject site.

H. Sidewalks.

1. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of primary or secondary arterials, or special type industrial districts, or special site conditions, the Planning Commission may approve a subdivision without sidewalks if alternate pedestrian routes are available.

In the case of the double-frontage lots, provision of sidewalks along the frontage not used for access shall be the responsibility of the developer. Providing front and side yard sidewalks shall be the responsibility of the land owner at the time a request for a building permit is received. Additionally, deed restrictions and CC&Rs shall reflect that sidewalks are to be installed prior to occupancy and it is the responsibility of the lot or homeowner to provide the sidewalk, except as required above for double-frontage lots.

2. On local streets serving only single-family dwellings, sidewalks may be constructed during home construction, but a letter of credit shall be required from the developer to ensure construction of all missing sidewalk segments within four years of final plat approval pursuant to CDC 91.010(A)(2).
3. The sidewalks shall measure at least six feet in width and be separated from the curb by a six-foot minimum width planter strip. Reductions in widths to preserve trees or other topographic features, inadequate right-of-way, or constraints, may be permitted if approved by the City Engineer in consultation with the Planning Director.
4. Sidewalks should be buffered from the roadway on high volume arterials or collectors by landscape strip or berm of three and one-half-foot minimum width.
5. The City Engineer may allow the installation of sidewalks on one side of any street only if the City Engineer finds that the presence of any of the factors listed below justifies such waiver:
  - a. The street has, or is projected to have, very low volume traffic density;
  - b. The street is a dead-end street;
  - c. The housing along the street is very low density; or
  - d. The street contains exceptional topographic conditions such as steep slopes, unstable soils, or other similar conditions making the location of a sidewalk undesirable.

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**Response:** The City Engineer has determined that sidewalks on Evah Lane, abutting the subject site, are not appropriate. The criteria do not apply.

- I. Bicycle routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.

**Response:** The subject site does not lie along an existing or planned bike route. The criterion does not apply.

- J. Street name signs. All street name signs and traffic control devices for the initial signing of the new development shall be installed by the City with sign and installation costs paid by the developer.

**Response:** The application does not include any new streets or intersections. The criterion does not apply.

- K. Dead-end street signs. Signs indicating “future roadway” shall be installed at the end of all discontinued streets. Signs shall be installed by the City per City standards, with sign and installation costs paid by the developer.

**Response:** The application does not include any new dead-end streets. The criterion does not apply.

- L. Signs indicating future use shall be installed on land dedicated for public facilities (e.g., parks, water reservoir, fire halls, etc.). Sign and installation costs shall be paid by the developer.

**Response:** The application does not include any land dedicated for future public parks or other civic uses. The criterion does not apply.

- M. Street lights. Street lights shall be installed and shall be served from an underground source of supply. The street lighting shall meet IES lighting standards. The street lights shall be the shoe-box style light (flat lens) with a 30-foot bronze pole in residential (non-intersection) areas. The street light shall be the cobra head style (drop lens) with an approximate 50-foot (sized for intersection width) bronze pole. The developer shall submit to the City Engineer for approval of any alternate residential, commercial, and industrial lighting, and alternate lighting fixture design. The developer and/or homeowners association is required to pay for all expenses related to street light energy and maintenance costs until annexed into the City.

**Response:** The application does not include any new street lighting. The criterion does not apply.

- N. Utilities. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground.

**Response:** Utility providers will be contacted when new utility construction begins. All new electrical, and other franchise utilities for Parcel 2 will be located underground. Utility service to Parcel 1 is not anticipated to be modified by this application. The criteria can be met.

- O. Curb cuts and driveways. Curb cuts and driveway installations are not required of the subdivider at the time of street construction, but, if installed, shall be according to City standards. Proper curb cuts and hard-surfaced driveways shall be required at the time buildings are constructed.

**Response:** The application does not include new curb cuts. The criterion does not apply.



- 
- P. Street trees. Street trees shall be provided by the City Parks and Recreation Department in accordance with standards as adopted by the City in the Municipal Code. The fee charged the subdivider for providing and maintaining these trees shall be set by resolution of the City Council.

**Response:** The application does not include street trees. The criterion does not apply.

- Q. Joint mailbox facilities shall be provided in all residential subdivisions, with each joint mailbox serving at least two, but no more than eight, dwelling units. Joint mailbox structures shall be placed in the street right-of-way adjacent to roadway curbs. Proposed locations of joint mailboxes shall be designated on a copy of the tentative plan of the subdivision, and shall be approved as part of the tentative plan approval. In addition, sketch plans for the joint mailbox structures to be used shall be submitted and approved by the City Engineer prior to final plat approval.

**Response:** The application does not include a subdivision. The criterion does not apply.

#### 92.020 Improvements In Partitions

The same improvements shall be installed to serve each parcel of a partition as are required of a subdivision. However, if the approval authority finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, at the written request of the applicant those improvements may be waived. If the street improvement requirements are waived, the applicant shall pay an in-lieu fee for off-site street improvements, pursuant to the provisions of CDC 85.200(A)(1).

In lieu of accepting an improvement, the Planning Director may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

**Response:** The City Engineer has determined that certain public improvements are unreasonable in the context of this partition application.

#### **IV. Conclusion**

The required findings have been made and this written narrative and accompanying documentation demonstrate the application is consistent with the applicable provisions of the City of West Linn Community Development Code. The evidence in the record is substantial and supports approval of the application. City staff can rely upon this information in their approval of the application.



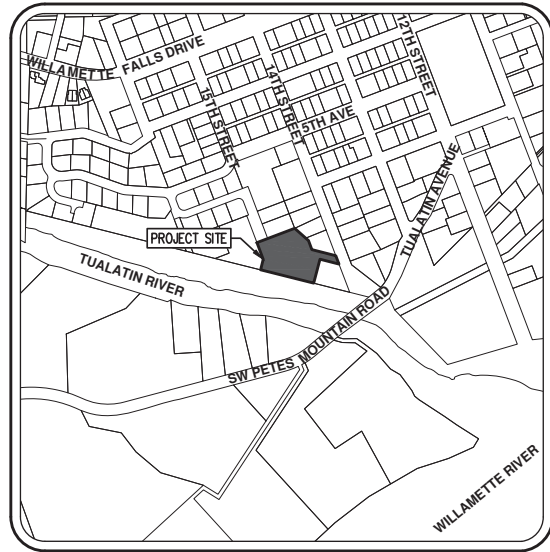
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## **Exhibit A: Preliminary Partition Plans**

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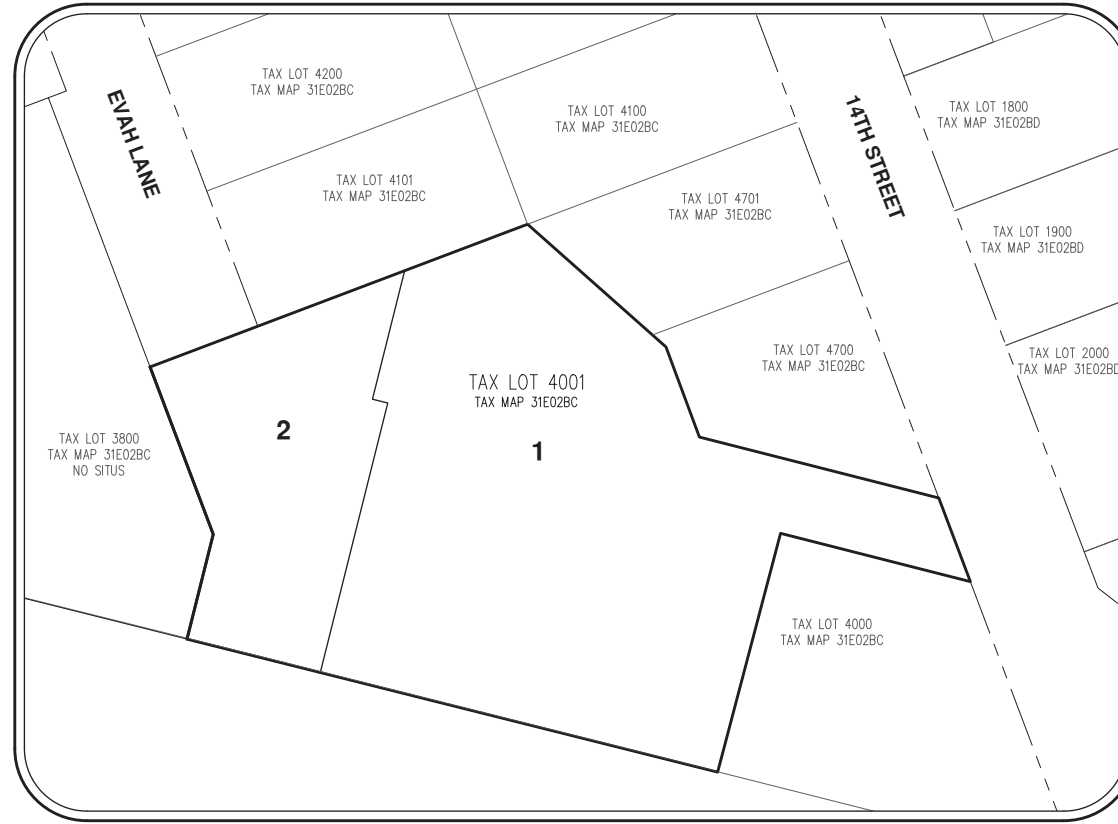
# EVAH LANE PARTITION

## PRELIMINARY PLANS



**VICINITY MAP**

SCALE: 1" = 500'



**SITE MAP**

SCALE: 1" = 50'



**LEGEND**

	EXISTING	PROPOSED		EXISTING	PROPOSED																																																						
DECIDUOUS TREE			STORM SEWER CLEAN OUT																																																								
CONIFEROUS TREE			STORM SEWER CATCH BASIN																																																								
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WATER LINE																																																											

**APPLICANT:**  
O'BRIEN AND COMPANY, LLC  
PO BOX 4008  
WILSONVILLE, OR 97070

**PROJECT PURPOSE:**  
TWO PARCEL PARTITION OF EXISTING TAX LOT 4001 LOCATED IN THE R-10 ZONE.

**PLANNING/CIVIL ENGINEERING/SURVEYING/  
LANDSCAPE ARCHITECTURE/ARBORISTS  
(APPLICANT'S CONSULTANT):**

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN ROAD, SUITE 100  
TUALATIN, OR 97062  
PHONE: (503) 563-6151  
FAX: (503) 563-6152  
CONTACT: JONATHON MORSE/ZACH PELZ

**BENCHMARK:**  
VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK Y723 WITH AN ELEVATION OF 81.25 FEET (NAVD 88).

**TOTAL SITE AREA:**  
65,431 SF± (1.50 ACRES±)

**SITE LOCATION AND ZONING:**  
1236 14TH STREET  
WEST LINN, OR 97068  
ZONING: R-10

**SITE DESCRIPTION:**  
TAX LOT 4001, CLACKAMAS COUNTY ASSESSOR'S MAP 3 1E 02BC. LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

**SHEET INDEX**

- P01 COVER SHEET WITH VICINITY AND SITE MAP
- P02 EXISTING CONDITIONS PLAN
- P03 PRELIMINARY SLOPE ANALYSIS
- P04 NATURAL RESOURCES BUFFER DETERMINATION
- P05 PRELIMINARY DEMOLITION, TREE REMOVAL, AND TREE PRESERVATION PLAN
- P06 PRELIMINARY TREE PRESERVATION AND REMOVAL TABLE EAST
- P07 PRELIMINARY PARTITION PLAT WITH BUILDING SETBACKS
- P08 PRELIMINARY GRADING, EROSION AND SEDIMENT CONTROL PLAN
- P09 PRELIMINARY COMPOSITE UTILITY PLAN
- P10 PRELIMINARY STREET PLAN
- P11 PRELIMINARY AERIAL PHOTOGRAPHY PLAN

**AKS**  
AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, SUITE 100  
TUALATIN, OR 97062  
P: 503.563.6151  
F: 503.563.6152  
aks-eng.com

ENGINEERING • SURVEYING • NATURAL RESOURCES  
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

**EVAH LANE  
2 PARCEL PARTITION  
WEST LINN  
TAX LOT 4001**

**COVER SHEET WITH  
VICINITY AND SITE MAP**

DESIGNED BY: GSH  
DRAWN BY: GSH  
CHECKED BY: JMM  
SCALE: AS NOTED  
DATE: 03/07/2018



REVISIONS

NO.	DATE	DESCRIPTION

JOB NUMBER  
**5579**

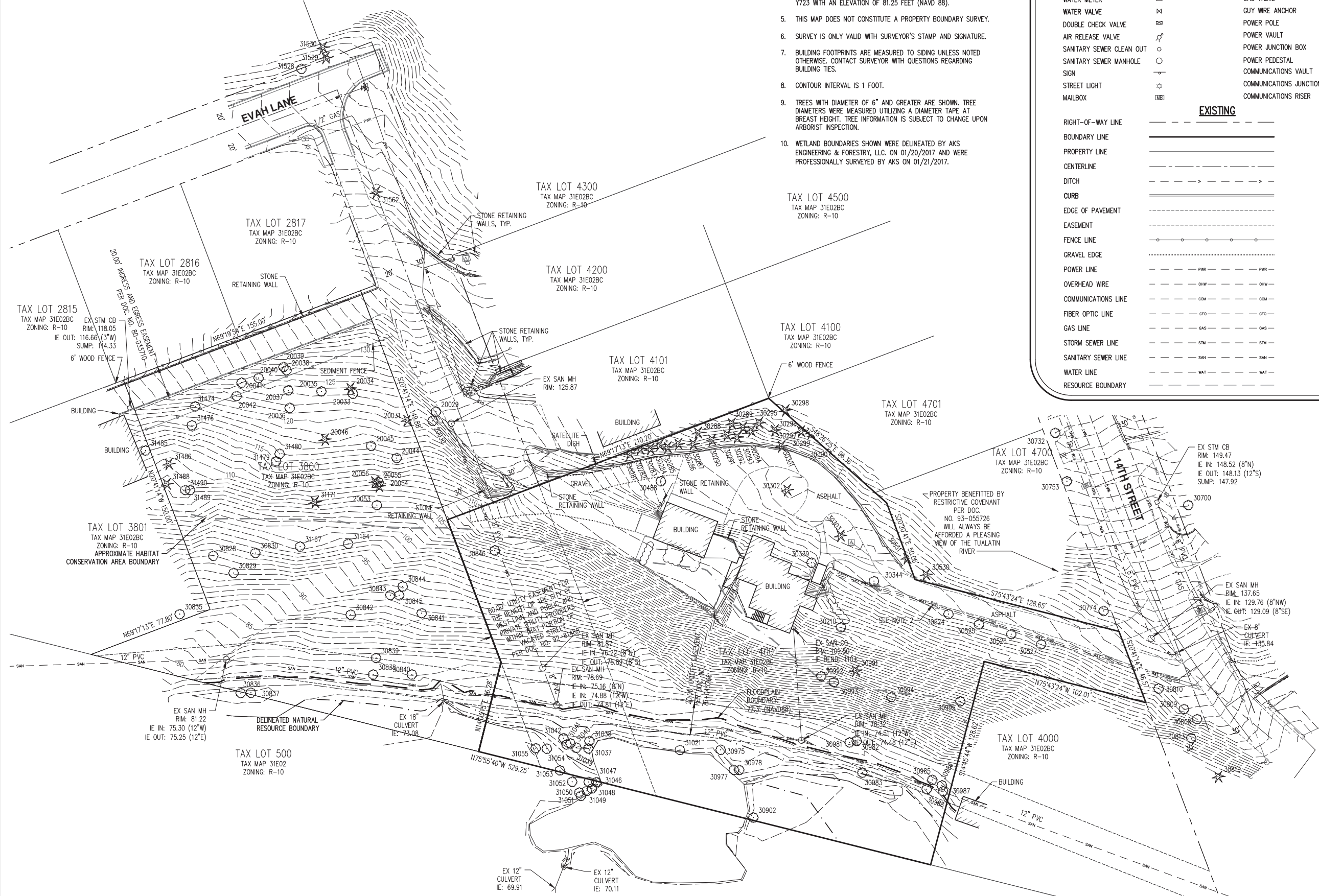
SHEET  
**P01**

**NOTES:**

- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED PER UTILITY LOCATE TICKET NUMBER 17010983. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
- UTILITIES ON TAX LOT 4001 SHOWN PER CLIENT DIRECTION AND ARE NOT BASED ON LOCATE MARKINGS.
- FIELD WORK WAS CONDUCTED JANUARY 21-30, 2017.
- VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK Y723 WITH AN ELEVATION OF 81.25 FEET (NAVD 88).
- THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
- SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
- BUILDING FOOTPRINTS ARE MEASURED TO SIDING UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
- CONTOUR INTERVAL IS 1 FOOT.
- TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON ARBORIST INSPECTION.
- WETLAND BOUNDARIES SHOWN WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC. ON 01/20/2017 AND WERE PROFESSIONALLY SURVEYED BY AKS ON 01/21/2017.

**LEGEND**

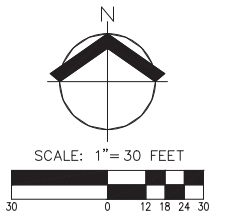
EXISTING	EXISTING
DECIDUOUS TREE	STORM SEWER CLEAN OUT
CONIFEROUS TREE	STORM SEWER CATCH BASIN
FIRE HYDRANT	STORM SEWER AREA DRAIN
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COMMUNICATIONS LINE	
FIBER OPTIC LINE	
GAS LINE	
STORM SEWER LINE	
SANITARY SEWER LINE	
WATER LINE	
RESOURCE BOUNDARY	



**EXISTING  
 CONDITIONS PLAN**

DESIGNED BY: MEB  
 DRAWN BY: MEB  
 CHECKED BY: RDR  
 SCALE: AS NOTED  
 DATE: 02/09/2017  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 OREGON  
 ROBERT D. RETTIG  
 60124LS  
 REVISIONS: 12/31/18

JOB NUMBER  
**5579**  
 SHEET  
**P02**





Attachment C

TAX LOT 2817  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4200  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4500  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4100  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4101  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4701  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4700  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 3800  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 500  
TAX MAP 31E02  
ZONING: R-10

TAX LOT 4001  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4000  
TAX MAP 31E02BC  
ZONING: R-10

SLOPES TABLE					
NUMBER	MIN SLOPE	MAX SLOPE	AREA (SQ FT)	ACRES	COLOR
1	0.000%	10.000%	15703.06 ±	0.36 ±	
2	10.001%	20.000%	7804.24 ±	0.18 ±	
3	20.001%	25.000%	5355.16 ±	0.12 ±	
4	25.001%	>25.001%	36463.25 ±	0.84 ±	

**AKS**  
AKS ENGINEERING & FORESTRY, LLC  
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aks-eng.com

**EVAH LANE**  
**2 PARCEL PARTITION**  
**WEST LINN OREGON**  
CLACKAMAS COUNTY TAX MAP 3 1E 02BC  
TAX LOT 4001

**PRELIMINARY SLOPE ANALYSIS**

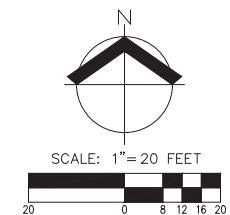
DESIGNED BY: GSH  
DRAWN BY: GSH  
CHECKED BY: JMM  
SCALE: AS NOTED  
DATE: 03/07/2018



RENEWAL DATE: 12/31/18  
REVISIONS:

JOB NUMBER  
**5579**

SHEET  
**P03**





TAX LOT 2817  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4300  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4500  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4200  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4100  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4101  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4701  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4700  
TAX MAP 31E02BC  
ZONING: R-10

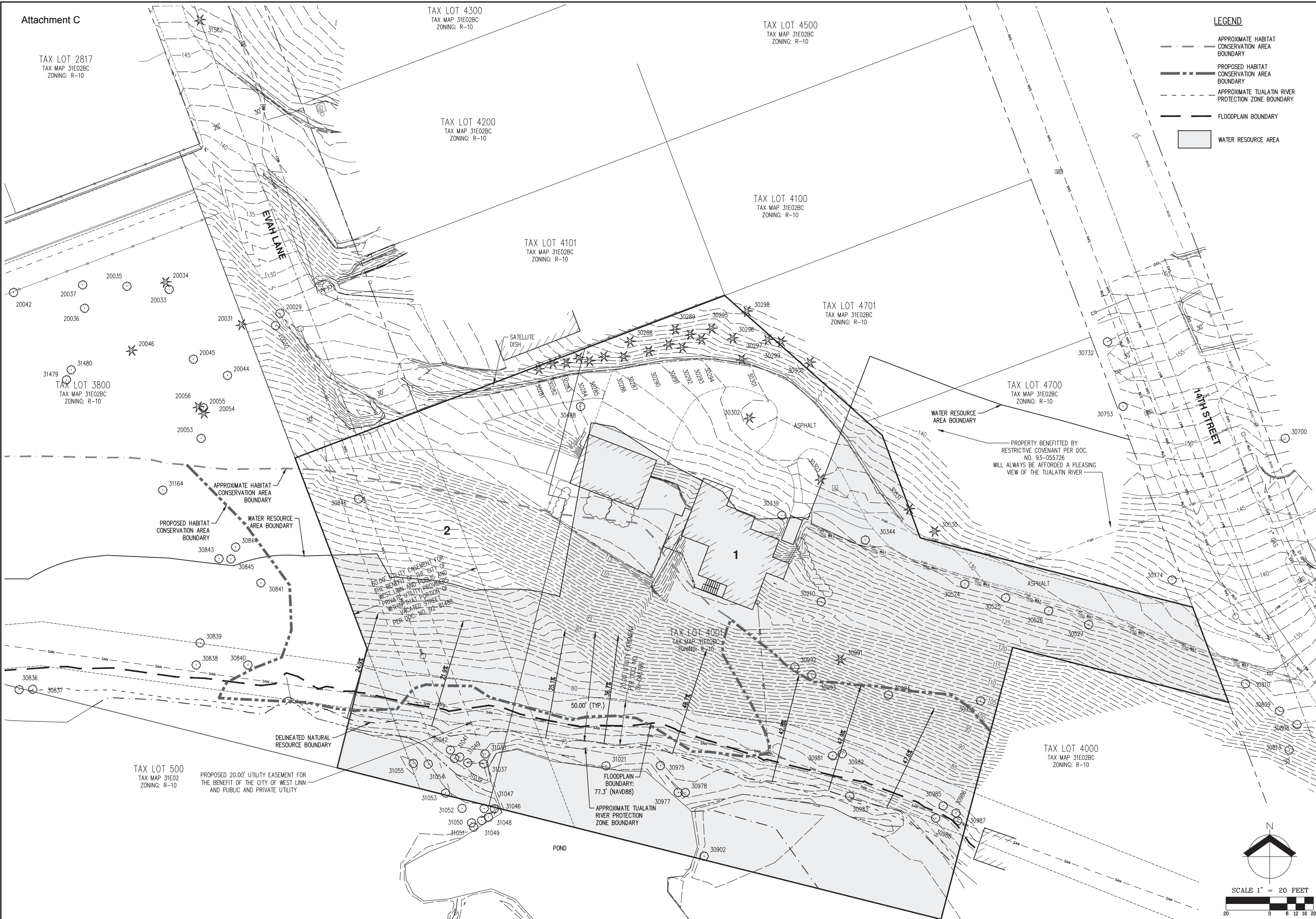
TAX LOT 3800  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 500  
TAX MAP 31E02  
ZONING: R-10

TAX LOT 4000  
TAX MAP 31E02BC  
ZONING: R-10

LEGEND

- APPROXIMATE HABITAT CONSERVATION AREA BOUNDARY
- - - PROPOSED HABITAT CONSERVATION AREA BOUNDARY
- - - APPROXIMATE TUALATIN RIVER PROTECTION ZONE BOUNDARY
- FLOODPLAIN BOUNDARY
- WATER RESOURCE AREA



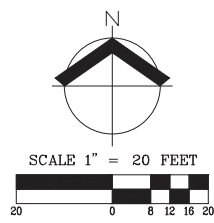
**AKS**  
 AKS ENGINEERING & FORESTRY, LLC  
 17890 SW HERMAN RD STE 100  
 WEST LINN, OREGON 97146  
 P: 503.663.6151  
 F: 503.663.6152  
 aks-eng.com

ENGINEERING • SURVEYING • NATURAL RESOURCES  
 FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

**EVVAH LANE**  
**2 PARCEL PARTITION**  
**WEST LINN**  
 OREGON  
 CLACKAMAS COUNTY TAX MAP 31E 02BC  
 TAX LOT 4001

**NATURAL RESOURCES**  
**BUFFER DETERMINATION**

DESIGNED BY:	GSH
DRAWN BY:	GSH
CHECKED BY:	JMM
SCALE:	AS NOTED
DATE:	03/07/2018
REVISIONS:	
JOB NUMBER:	5579
SHEET:	P04





TAX LOT 4200  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4100  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4101  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4701  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4700  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 3800  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4001  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4000  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 500  
TAX MAP 31E02  
ZONING: R-10

PROPOSED 20.00' UTILITY EASEMENT FOR THE BENEFIT OF THE CITY OF WEST LINN AND PUBLIC AND PRIVATE UTILITY

20.00' UTILITY EASEMENT PER DOC. NO. 76-045766

**NOTE:**

- 1. ANY EXISTING WATER WELLS AND SEPTIC DRAINFIELD SYSTEMS SHALL BE DECOMMISSIONED PER JURISDICTIONAL REQUIREMENTS.
- 2. SEE SHEET P06 FOR ADDITIONAL TREE INFORMATION.
- 3. REVEGETATION FOR TEMPORARILY DISTURBED AREAS WILL OCCUR CONSISTENT WITH APPLICABLE PROVISIONS OF CDC SECTION 32.100

**LEGEND**

DECIDUOUS TREE

CONIFEROUS TREE

TREE REMOVAL

EXISTING GROUND CONTOUR (1 FT)

EXISTING GROUND CONTOUR (5 FT)

SEDIMENT FENCE

TREE PROTECTION FENCING

OPTIMAL TREE ROOT PROTECTION ZONE (1-FOOT RADIUS PER 1-INCH DBH)

AC PAVEMENT TO BE REMOVED

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TUALATIN, OR 97062  
P: 503.563.6151  
F: 503.563.6152  
aks-eng.com

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FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

**EVVAH LANE**  
**2 PARCEL PARTITION**  
**WEST LINN**  
CLACKAMAS COUNTY TAX MAP 31E 02BC  
TAX LOT 4001

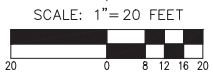
**PRELIMINARY DEMOLITION,  
TREE REMOVAL, AND TREE  
PRESERVATION PLAN**

DESIGNED BY: GSH  
DRAWN BY: GSH  
CHECKED BY: JMM  
SCALE: AS NOTED  
DATE: 03/07/2018

**BRUCE R. BALDWIN**  
REGISTERED PROFESSIONAL  
LANDSCAPE ARCHITECT  
CERTIFICATE NUMBER: PI-48668  
EXPIRATION DATE: 12/31/20

RENEWAL DATE: 12/31/18

REVISIONS





**Detailed Tree Inventory for Evah Lane 2 Parcel Partition**

Tree #	DBH (in.)	Tree Species Common Name (Scientific name)	Comments	Health Rating*	Structure Rating**	Exempt Tree***	Remove / Preserve
20029	13, 15, 15, 16	Bigleaf Maple ( <i>Acer macrophyllum</i> )	OFFSITE; Codominant; Lean (N); Crooked; Canopy one sided (N)	1	2	No	Preserve
20030	11, 24	Bigleaf Maple ( <i>Acer macrophyllum</i> )	OFFSITE; Codominant; Lean (S); Canopy on sided (S); Some dead branches	2	2	No	Preserve
30210	10	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30281	11	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30282	16	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30283	16	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30284	16	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30285	16	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30286	16	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30287	19	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30288	9	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30289	6	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30290	19	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30291	13	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30292	6	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30293	11	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30294	10	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30295	8	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30296	20	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30297	20	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30298	18	Coniferous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
30299	21	Coniferous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
30300	19	Coniferous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
30301	7	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30302	6, 7	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30303	11, 13, 13	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30339	7, 8	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30344	6, 11	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30488	5, 5, 6	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30524	9	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30525	11	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30526	15	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30527	13	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30530	8, 13	Coniferous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
30531	12	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30700	10, 13	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
30753	6, 7, 8, 9	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
30774	8, 11, 13	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
30808	15	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
30809	12	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
30810	10, 13	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
30813	22	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
30846	21	Bigleaf Maple ( <i>Acer macrophyllum</i> )	Large bulges on bole	1	2	No	Preserve
30847	11	European White Birch ( <i>Betula pendula</i> )	Many bore holes	2	2	Yes	Remove
30902	9, 12	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30975	8, 10	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30977	13	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30978	6, 9	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30981	24	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30982	17, 31	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30983	8, 22	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30985	12	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30986	22	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30987	22	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30988	5	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30991	53	Coniferous	Not evaluated by an Arborist	-	-	-	Preserve
30992	27	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30993	13	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30994	24, 27	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
30995	11	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
31021	5, 12	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
31037	10	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
31038	10	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
31039	6	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
31040	6	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
31041	7	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
31042	11	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
31046	5	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
31047	6	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
31048	5	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
31049	5	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
31050	5	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
31051	6	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
31052	6	Deciduous	OFFSITE; Not evaluated by an Arborist	-	-	-	Preserve
31053	5, 7	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
31054	6	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
31055	7	Deciduous	Not evaluated by an Arborist	-	-	-	Preserve
31437	5, 7, 14	Apple ( <i>Malus sp.</i> )	Codominant	2	2	No	Remove

**Total # of Existing Trees Inventoried = 78**

**Total # of Existing Onsite Trees = 58**  
 Total # of Existing Onsite Trees to be Preserved = 56  
 Total # of Existing Onsite Trees to be Removed = 2

**Total # of Existing Offsite Trees = 20**  
 Total # of Existing Offsite Trees to be Preserved = 20  
 Total # of Existing Offsite Trees to be Removed = 0

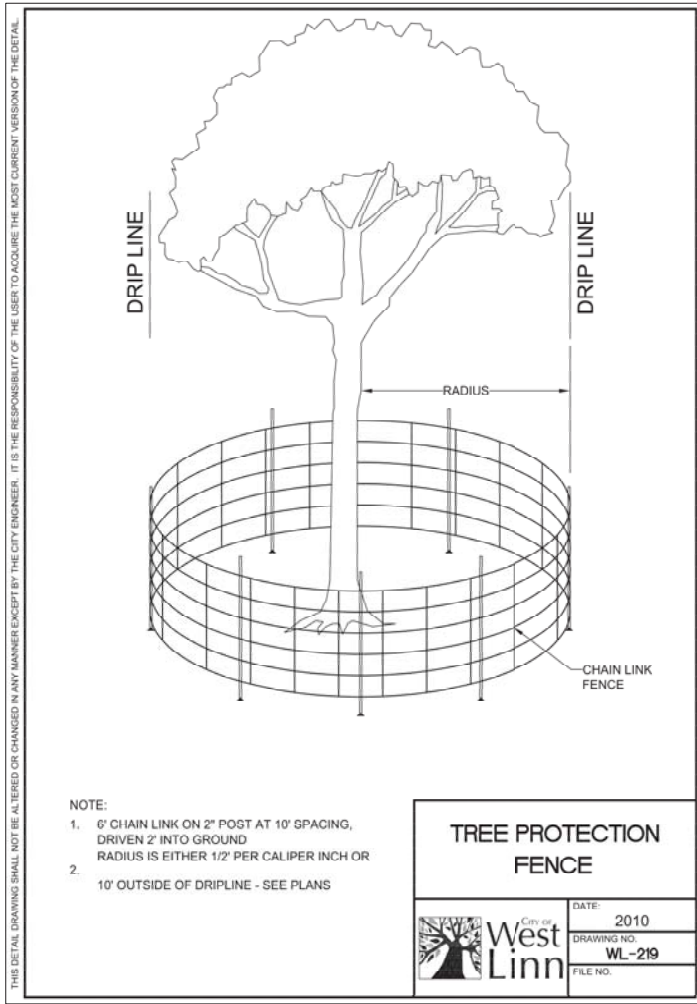
**\*\*Health Rating:**  
 1 = Good Health - A tree that exhibits typical foliage, bark, and root characteristics, for its respective species, shows no signs of infection or infestation, and has a high level of vigor and vitality.  
 2 = Fair Health - A tree that exhibits some abnormal health characteristics and/or shows some signs of infection or infestation, but may be reversed or abated with supplemental treatment.  
 3 = Poor Health - A tree that is in significant decline, to the extent that supplemental treatment would not likely result in reversing or abating its decline.

**\*\*Structure Rating:**  
 1 = Good Structure - A tree that exhibits typical physical form characteristics, for its respective species, shows no signs of structural defects of the canopy, trunk, and/or root system.  
 2 = Fair Structure - A tree that exhibits some abnormal physical form characteristics and/or some signs of structural defects, which reduce the structural integrity of the tree, but are not indicative of imminent physical failure, and may be corrected using arboricultural abatement methods.  
 3 = Poor Structure - A tree that exhibits extensively abnormal physical form characteristics and/or significant structural defects that substantially reduce the structural viability of the tree, cannot feasibly be abated, and are indicative of imminent physical failure.

**\*\*\*Exempt Tree:**  
 Per the City of West Linn's Community Tree Ordinance, Chapter 8.510, trees listed above as exempt do not meet the City's definition of a tree. A tree is defined as: "Any woody, perennial plant, deciduous, evergreen, or coniferous, having a main stem or trunk of a minimum of 6-inch DBH for Oregon white oak, Pacific madrone, and Pacific dogwood, and 12 inch DBH for all other tree species."

**Arborist Disclosure Statement:**  
 Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the health of trees, an attempt to reduce the risk of living near trees. The Client's Jurisdiction may choose to accept or disregard the recommendations of the arborist, or seek additional advice. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fall in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like medicine, cannot be guaranteed. Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees. Neither this author nor AKS Engineering & Forestry, LLC have assumed any responsibility for liability associated with the trees on or adjacent to this site.

At the completion of construction, all trees should once again be reviewed. Land clearing and removal of adjacent trees can expose previously unseen defects and otherwise healthy trees can be damaged during construction.



**TREE PROTECTION FENCE**

DATE: 2010  
 DRAWING NO.: WL-219  
 FILE NO.:

**TREE PROTECTION NOTE:**  
 TREE PROTECTION FENCE TO BE INSTALLED AS SHOWN ON THE PLANS. TREE PROTECTION FENCE IS SHOWN TO BE INSTALLED WITHIN THE DRIP LINE OF SOME TREES TO BE PRESERVED, HOWEVER, TREE PROTECTION FENCING LOCATIONS HAVE BEEN REVIEWED BY A CERTIFIED ARBORIST AND THE TREE PROTECTION FENCING AS SHOWN SHOULD NOT HAVE ANY SIGNIFICANT NEGATIVE IMPACTS TO THE TREES TO BE PRESERVED.

Attachment C

TAX LOT 2817  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4200  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4101  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4100  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4701  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4700  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 3800  
TAX MAP 31E02BC

TAX LOT 500  
TAX MAP 31E02  
ZONING: R-10

PROPOSED 20.00' UTILITY EASEMENT FOR THE BENEFIT OF THE CITY OF WEST LINN AND PUBLIC AND PRIVATE UTILITY

PROPOSED HABITAT CONSERVATION AREA BOUNDARY

NOTE:  
PRELIMINARY PARTITION PLAT IS NOT AN OFFICIAL RECORDED PLAT. DIMENSIONS ARE SUBJECT TO CHANGE, AND IT IS NOT TO BE USED FOR SURVEYING PURPOSES.

PARCEL SUMMARY				
	MIN LOT SIZE IN R-10 DISTRICT	NET LOT SIZE AS SHOWN	MIN. LOT SIZE MET?	MIN. DENSITY
PARCEL 1	10,000 SF	49,088 SF	YES	NOT APPLICABLE PER CDC SECTION 85.200.J.7
PARCEL 2	10,000 SF	16,343 SF	YES	

**AKS**  
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F: 503.563.6152  
aks-eng.com

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**EVVAH LANE**  
**2 PARCEL PARTITION**  
**WEST LINN**  
OREGON  
CLACKAMAS COUNTY TAX MAP 3 1E 02BC  
TAX LOT 4001

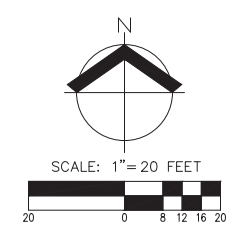
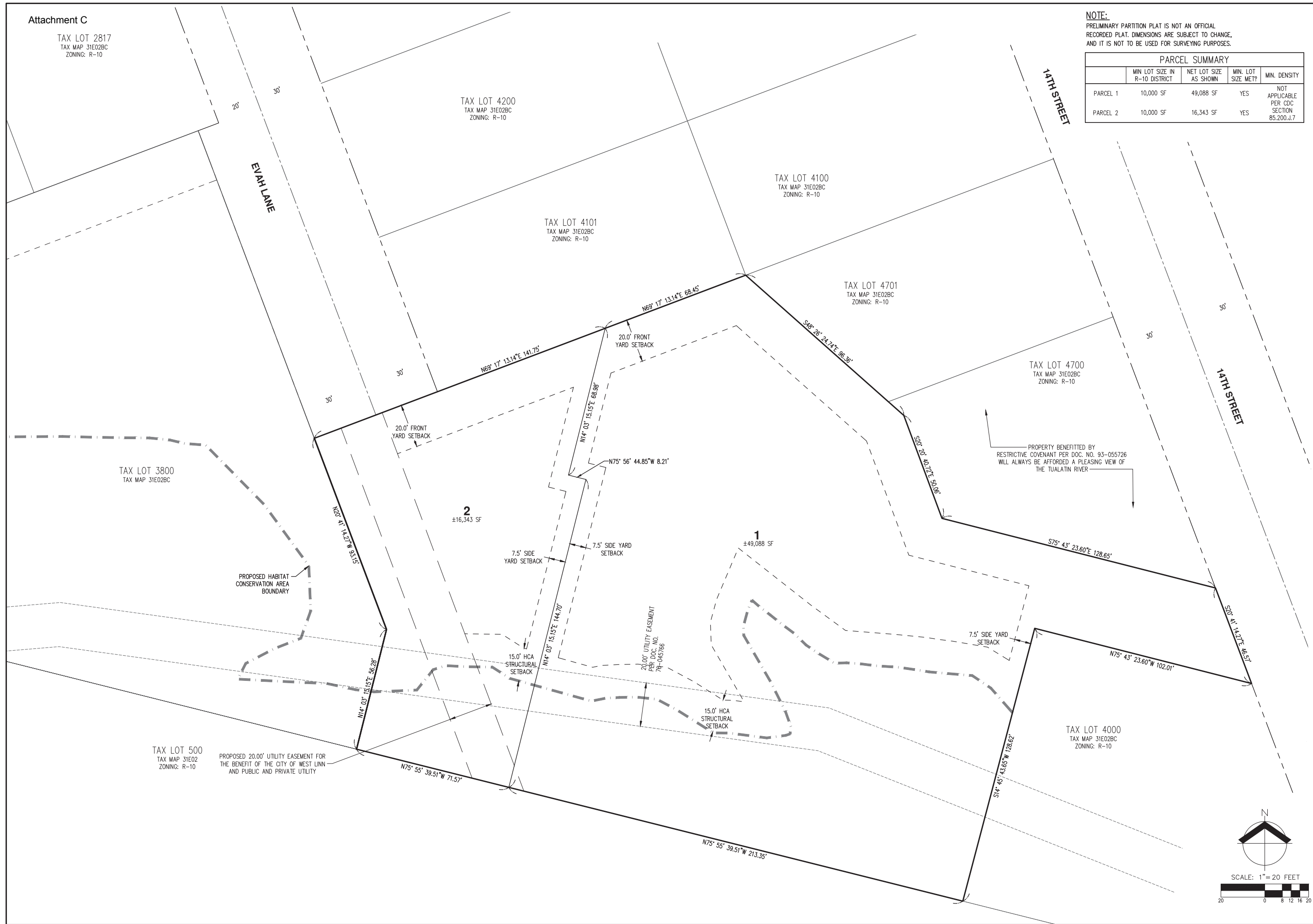
**PRELIMINARY**  
**PARTITION PLAT WITH**  
**BUILDING SETBACKS**

DESIGNED BY: GSH  
DRAWN BY: GSH  
CHECKED BY: JMM  
SCALE: AS NOTED

DATE: 03/07/2018  
RENEWAL DATE: 12/31/18  
REVISIONS

JOB NUMBER  
**5579**  
SHEET  
**P07**

AKS DRAWING FILE: 5579 PLAT EASTDWG | LAYOUT: P07





TAX LOT 2817  
TAX MAP 31E02BC  
ZONING: R-10

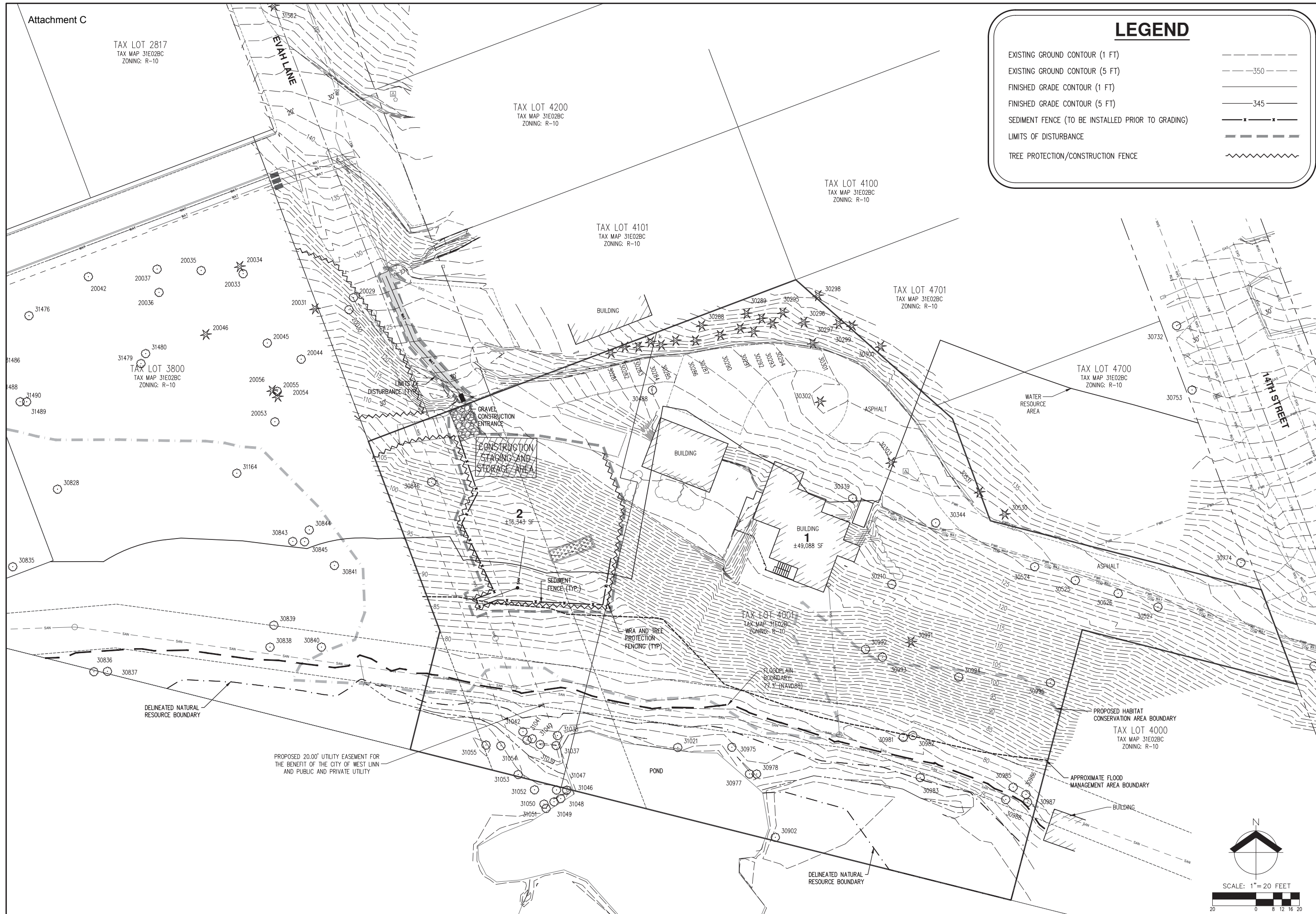
TAX LOT 4200  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4100  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4701  
TAX MAP 31E02BC  
ZONING: R-10

### LEGEND

EXISTING GROUND CONTOUR (1 FT)	
EXISTING GROUND CONTOUR (5 FT)	
FINISHED GRADE CONTOUR (1 FT)	
FINISHED GRADE CONTOUR (5 FT)	
SEDIMENT FENCE (TO BE INSTALLED PRIOR TO GRADING)	
LIMITS OF DISTURBANCE	
TREE PROTECTION/CONSTRUCTION FENCE	



**AKS**  
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TUALATIN, OR 97062  
P: 503.563.6151  
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aks-eng.com

**EVVAH LANE**  
**2 PARCEL PARTITION**  
**WEST LINN**  
CLACKAMAS COUNTY TAX MAP 3 1E 02BC  
TAX LOT 4001

**PRELIMINARY GRADING,  
EROSION AND SEDIMENT  
CONTROL PLAN**

DESIGNED BY: GSH  
DRAWN BY: GSH  
CHECKED BY: JMM  
SCALE: AS NOTED  
DATE: 03/07/2018

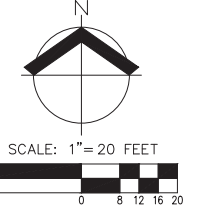


RENEWAL DATE: 12/31/18

REVISIONS


JOB NUMBER  
**5579**

SHEET  
**P08**



**NOTE**  
1. UTILITIES SHOWN SERVING PARCEL 1 IS CONCEPTUAL AND FOR PLANNING PURPOSES ONLY.  
2. PRIVATE STORMWATER FACILITY SHOWN IS CONCEPTUAL AND FOR PLANNING PURPOSES ONLY.

CONCEPTUAL PRIVATE STORMWATER INFILTRATION CHAMBER, TRENCH, RAIN GARDEN, OR APPROVED EQUIVALENT WITH OUTFLOW PER CITY ENGINEERING DIVISION REQUIREMENTS (TO BE INSTALLED WITH FUTURE BUILDING PERMIT) (TYP.).

PROPOSED 20.00' UTILITY EASEMENT FOR THE BENEFIT OF THE CITY OF WEST LINN AND PUBLIC AND PRIVATE UTILITY

APPROXIMATE HABITAT CONSERVATION AREA BOUNDARY

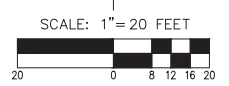
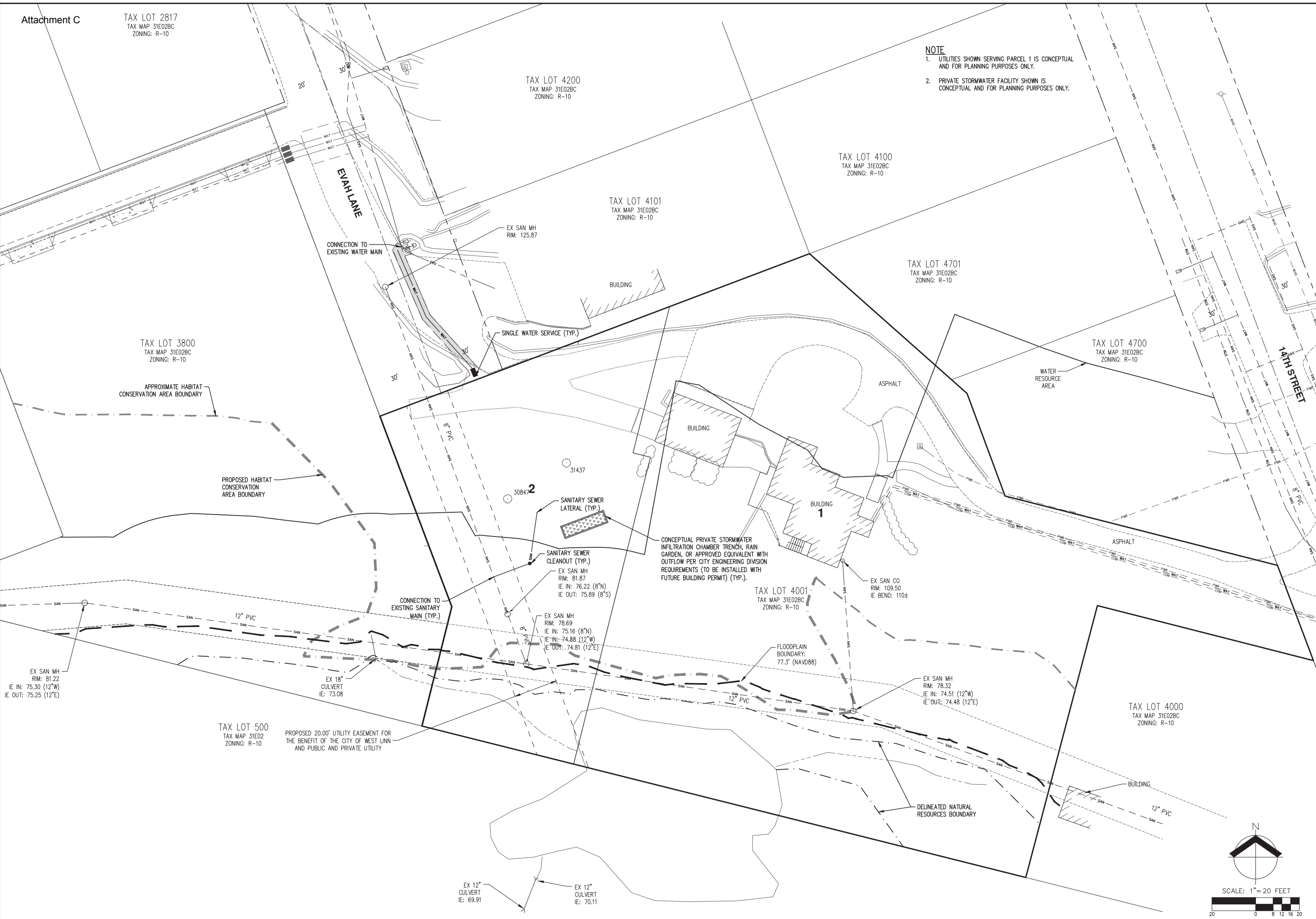
PROPOSED HABITAT CONSERVATION AREA BOUNDARY

ASPHALT

WATER RESOURCE AREA

ASPHALT

DELINEATED NATURAL RESOURCES BOUNDARY





TAX LOT 2817  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4300  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4200  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4101  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4100  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4701  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4700  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 3800  
TAX MAP 31E02BC  
ZONING: R-10

APPROXIMATE HABITAT  
CONSERVATION AREA  
BOUNDARY

PROPOSED HABITAT  
CONSERVATION AREA  
BOUNDARY

APPROXIMATE FLOOD  
MANAGEMENT AREA  
BOUNDARY

TAX LOT 500  
TAX MAP 31E02  
ZONING: R-10

PROPOSED 20.00' UTILITY EASEMENT FOR  
THE BENEFIT OF THE CITY OF WEST LINN  
AND PUBLIC AND PRIVATE UTILITY

REPAIR EXISTING PAVEMENT AS  
NECESSARY FOR WATER  
SERVICE INSTALLATION

SAWCUT LINE (TYP.)

BUILDING

BUILDING

BUILDING 1

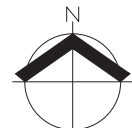
TAX LOT 4001  
TAX MAP 31E02BC  
ZONING: R-10

20.00' UTILITY EASEMENT  
PER DOC. NO.  
78-045766

WATER  
RESOURCE  
AREA

DELINEATED NATURAL  
RESOURCE BOUNDARY

TAX LOT 4000  
TAX MAP 31E02BC  
ZONING: R-10



SCALE: 1"=20 FEET

**AKS**  
AKS ENGINEERING & FORESTRY, LLC  
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F: 503.563.6152  
aks-eng.com

**EVAH LANE**  
**2 PARCEL PARTITION**  
**WEST LINN**  
CLACKAMAS COUNTY TAX MAP 3 1E 02BC  
TAX LOT 4001

**PRELIMINARY STREET  
PLAN**

DESIGNED BY: GSH  
DRAWN BY: GSH  
CHECKED BY: JMM  
SCALE: AS NOTED  
DATE: 03/07/2018



REVISIONS  
JOB NUMBER  
**5579**  
SHEET  
**P10**





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**EVAH LANE**  
**2 PARCEL PARTITION**  
**WEST LINN**  
 OREGON  
 CLACKAMAS COUNTY TAX MAP 3 1E 02BC  
 TAX LOT 4001

**PRELIMINARY AERIAL PHOTOGRAPHY PLAN**

DESIGNED BY: GSH  
 DRAWN BY: GSH  
 CHECKED BY: JMM  
 SCALE: AS NOTED  
 DATE: 03/07/2018



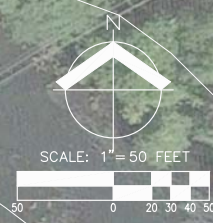
RENEWAL DATE: 12/31/18

REVISIONS

JOB NUMBER  
**5579**

SHEET

**P11**







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# Exhibit B: Partition Application Form

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## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT No(S).	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

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

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

<b>Site Location/Address:</b> <b>East of southern terminus of Evah Lane</b>	<b>Assessor's Map No.: 31E02BC</b>
	<b>Tax Lot(s): 4001</b>
	<b>Total Land Area: 1.5 acres</b>

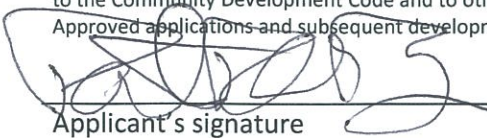
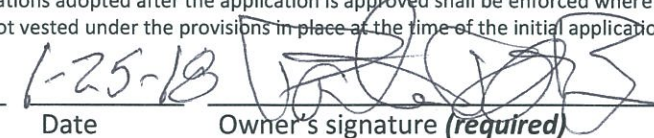
**Brief Description of Proposal: 2-Parcel partition of Tax Lot 4001**

<b>Applicant Name:</b> PAT O'BRIEN <small>(please print)</small> <b>Address:</b> PO BOX 4008 <b>City State Zip:</b> WILSONVILLE, OR 97070	<b>Phone:</b> <b>Email: Please contact applicant's consultant</b>
<b>Owner Name</b> (required): PAT O'BRIEN <small>(please print)</small> <b>Address:</b> PO BOX 4008 <b>City State Zip:</b> WILSONVILLE, OR 97070	<b>Phone:</b> <b>Email: Please contact applicant's consultant</b>
<b>Consultant Name:</b> JON MORSE, P.E. <small>(please print)</small> <b>Address:</b> 12965 SW HERMAN RD., SUITE 100 <b>City State Zip:</b> TUALATIN, OR 97068	<b>Phone: (503) 563-6151</b> <b>Email: jonm@aks-eng.com</b>

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **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.

 Applicant's signature	1-25-18 Date	 Owner's signature (required)	1-25-18 Date
---	-----------------	--	-----------------

# **Exhibit C: Verification of Property Ownership**

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**First American Title**

Customer Service Department  
121 SW Morrison St., Suite 300  
Portland, OR 97204  
Phone: 503.219.TRIO (8746)  
Fax: 503.790.7872  
Email: cs.portland@firstam.com  
Date: 1/26/2017

**OWNERSHIP INFORMATION**

Owner: Patrick Obrien  
Coowner:  
Site: 1236 14th St West Linn 97068-4529  
Mail: 8037 SW 17th Ave Portland OR 97219

Parcel #: 00750789  
Ref Parcel #: 31E02BC04001  
TRS: T: 03S R: 01E S: 02 Q: NW  
County: Clackamas

**PROPERTY DESCRIPTION**

Map Grid: 716-G3  
Census Tract: 020700 Block: 3013  
Neighborhood: WILLAMETTE  
School Dist: 3J WEST LINN-WILSONVILLE  
Subdiv/Plat: Willamette & Tualatin Tracts  
Land Use: RSFR SINGLE FAMILY RESIDENCE  
Zoning: West Linn-R10 Low Density Residential  
Waterfront: Tualatin River  
Watershed: Fanno Creek-Tualatin River  
Legal: 198 WILLAMETTE&TUALATIN TR PT LTS  
41 44&45 & PT VAC ST|Y|177916

**ASSESSMENT AND TAXATION**

Market Land: \$365,655  
Market Impr: \$514,370  
Market Total: \$880,025 (2016)  
% Improved: 58  
Assessed Total: \$648,513 (2016)  
Levy Code: 003-002  
Tax: \$11,750.96 (2016)  
Millage Rate: 18.6254

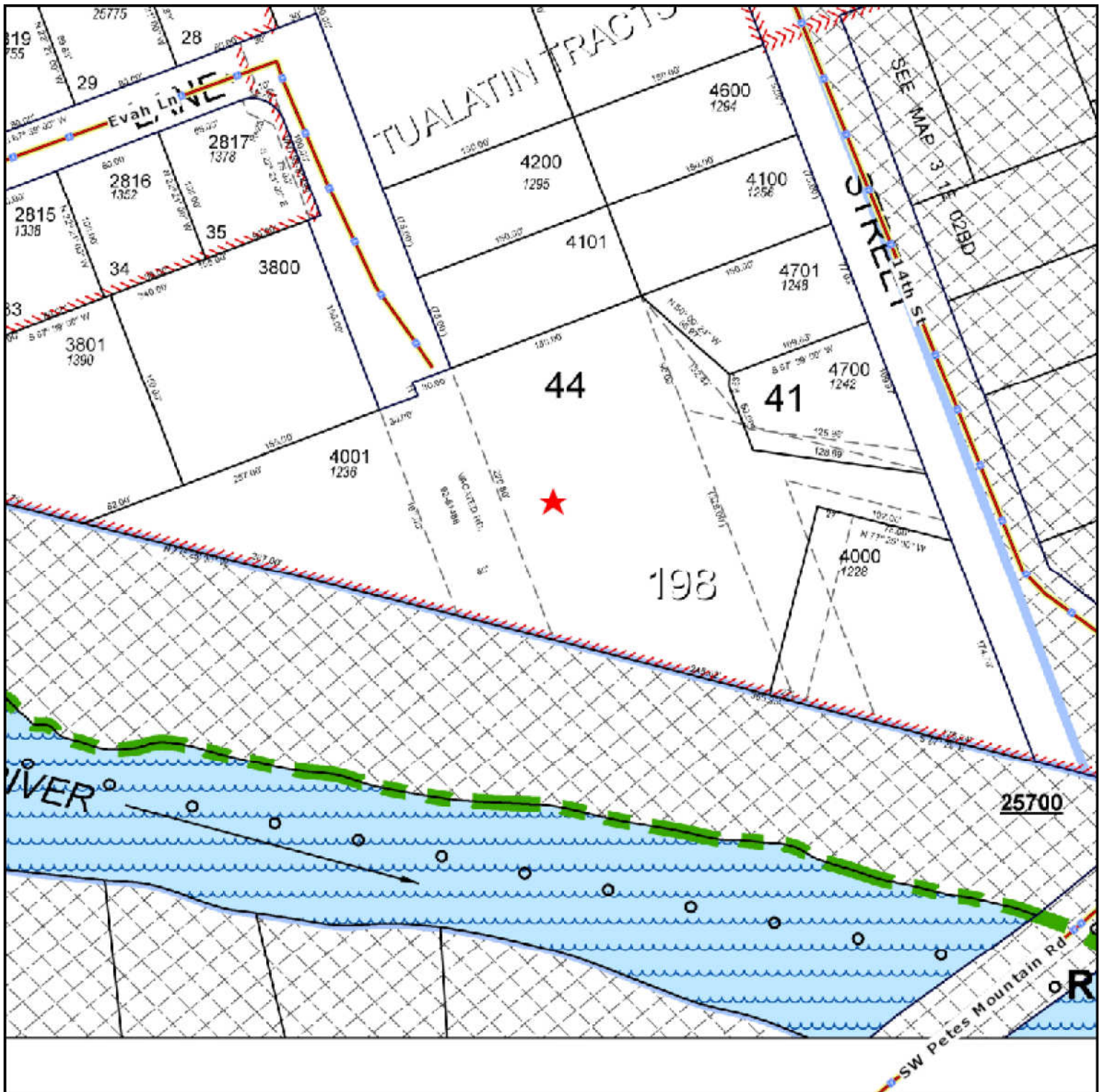
**PROPERTY CHARACTERISTICS**

Bedrooms: 5	Building Area: 4,221 SqFt	Year Built: 1980
Baths, Total: 3.50	First Floor: 1,428 SqFt	Eff Year Built:
Baths, Full: 3	Second Floor: 1,464 SqFt	Lot Size: 1.93 Acres
Baths, Half: 1	Basement Fin: 694 SqFt	Lot Size: 84,223 SqFt
Total Units: 1	Basement Unfin:	Lot Width:
# Stories: 2.00	Basement Total: 694 SqFt	Lot Depth:
# Fireplaces: 1	Attic Fin:	Roof Material:
Cooling: No	Attic Unfin:	Roof Shape:
Heating: Heat Pump	Attic Total:	
Ext Walls: 2	Garage:	
Building Style: 15 Single family res, class 5		Const Type: 7.0

**SALES AND LOAN INFORMATION**

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
OBRIEN,PATRICK R & DEBORAH	07/28/06	0000069328		Trust	\$500,000	Conv/Unk
OBRIEN,PATRICK R & DEBORAH	04/22/05	0000036079		Trust	\$319,000	Conv/Unk
OBRIEN,PATRICK R & DEBORAH	01/20/05	0000005662		Trust	\$311,000	Conv/Unk
	01/01/99	1999-004290				

This title information has been furnished without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.



*First American Title*

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

geoAdvantage





*First American Title*

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

geoAdvantage

28  
10  
20  
10



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:  
Patrick R. O'Brien  
1236 14th Street  
West Linn, OR 97068

Until a change is requested all tax statements shall be sent to the following address:

Patrick & Deborah O'Brien  
1236 14th Street  
West Linn, OR 97068

Escrow No. 98071756  
Title No. 864457

**STATUTORY BARGAIN AND SALE DEED**

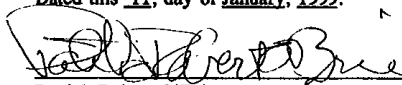
PATRICK ROBERT O'BRIEN AND DEBORAH O'BRIEN, Grantor, conveys to PATRICK R. O'BRIEN AND DEBORAH O'BRIEN, Grantee, the following described real property:

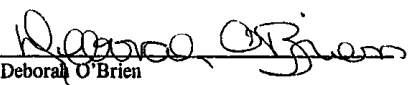
See Attached Legal Description attached hereto as Exhibit "A"

THIS INSTRUMENT WILL 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 COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$0.00 (Here comply with the requirements of ORS 93.030)

Dated this 11, day of January, 1999.

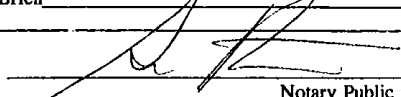
  
\_\_\_\_\_  
Patrick Robert O'Brien

  
\_\_\_\_\_  
Deborah O'Brien

STATE OF Oregon }  
County of Clackamas } ss.

99-004290

This instrument was acknowledged before me on this 11th day of JANUARY, 1999, by Patrick Robert O'Brien and Deborah O'Brien

  
\_\_\_\_\_  
Notary Public for Oregon

My commission expires 6/18/01

FIRST AMERICAN TITLE CO. OF OREGON  
NO. 864457



EXHIBIT "A"

PARCEL I:

A portion of Lots 41 and 44, WILLAMETTE AND TUALATIN TRACTS, in the City of West Linn, County of Clackamas and State of Oregon, described as follows:

Beginning at the Northeast corner of said Lot 41; thence South 22° 21' East 150.00 feet to a ½ Inch Iron rod set by Don McIntosh in a recorded survey; thence South 67° 39' West parallel with the North line of Lot 41, a distance of 150.0 feet, more or less, to a point in the line common to Lots 41 and 44, a distance of 150.0 feet South of the Northerly corner of these lots, said point being the true point of beginning; thence South 43° 00' 42" East 132.44 feet; thence South 77° 25' East 125.69 feet to a point on the Easterly line of Lot 41; thence South 22° 21' East along said Easterly line 234.29 feet to the Southerly line of Lot 41; thence North 77° 25' West on said Southerly line and the Southerly line of Lot 44, a distance of 365.93 feet to the West line of Lot 44; thence North 22° 21' West on said West line, 220.80 feet to a point which is South 22° 21' East 150.00 feet from the Northwest corner of said Lot 44; thence North 67° 39' East parallel with the North line 150.00 feet, more or less, to the true point of beginning.

EXCEPTING THEREFROM that portion thereof conveyed to Harley Briston et ux Deed recorded June 28, 1984 as Fee No. 84 22061, Clackamas County Records.

ALSO EXCEPTING THEREFROM that portion thereof conveyed to Edward F. Wilson, et ux, by Deed recorded May 19, 1989 as Fee No. 89 21291.

TOGETHER WITH that portion of 15th Avenue which inured thereto upon vacation.

PARCEL II:

Part of Block 45, WILLAMETTE AND TUALATIN TRACTS, in the City of West Linn, County of Clackamas and State of Oregon, described as follows:

Beginning at the Southeasterly corner of Block 45; thence along 15th Avenue North 22° 20' West 167 feet to the South line of the Ed Grindelund tract; thence South 89° 39' West along the South line of said Grindelund tract to the South line of Block 45; thence Easterly along the South line of Block 45 to the place of beginning.

TOGETHER WITH that portion of 15th Avenue which inured thereto upon vacation.

PARCEL III:

A portion of Lot 41, WILLAMETTE AND TUALATIN TRACTS, in the City of West Linn, County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Northeast corner of said Lot 41; thence South 22° 21' East 150.00 feet to the true point of beginning, a ½ Inch rod set by Don McIntosh in a recorded survey; thence South 22° 21' East 196.05 feet; thence North 77° 25' West parallel with the Southerly line of Lot 41, a distance of 125.96 feet; thence North 43° 00' 42" West 132.44 feet to a point 150.00 feet from the Northerly line of Lot 41; thence North 67° 39' East parallel with the North lot line 150.00 feet more or less, to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to Patrick O'Brien et ux, by Deed recorded April 18, 1989 as Fee No. 89-16176, Clackamas County Records.

ALSO EXCEPTING THEREFROM that portion conveyed to Sharon L. Mitchell by Deed recorded August 5, 1993 as Fee No. 93-55726.



STATE OF OREGON 99-004290  
CLACKAMAS COUNTY

Received and placed in the public  
records of Clackamas County

RECEIPT# AND FEE: 88878 \$40.00

DATE AND TIME: 01/15/99 11:11 AM  
JOHN KAUFFMAN, COUNTY CLERK

3

# **Exhibit D: HCA Map Redesignation Request**

---

## Evah Lane 2-Parcel Partition HCA Map Redesignation

DATE: November 1, 2017  
TO: Peter Spir—City of West Linn Planning Department  
FROM: Haley Smith, MNR, Natural Resource Specialist, AKS Engineering & Forestry, LLC  
SUBJECT: HCA Map Verification and Redesignation  
PROJECT: Evah Lane 2-Parcel Partition

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### Introduction and Background

This memorandum is for Tax Lots 3800 and 4001 of Tax Map 3 1E 02BC located in West Linn, Clackamas County, Oregon. The study area contains one residential home and mapped Metro Habitat Conservation Area (HCA) on the study area. The Tualatin River flows easterly within 200 feet of the study area. The City of West Linn uses the Metro HCA map to identify habitat conservation areas of value within the City. The study area contains Moderate value HCA along the southern property boundary. This memorandum addresses the Metro HCA mapped on-site boundary as it is believed that the boundary is in need for redesignation on the study area.

### Revision of the HCA Map Boundary

Per West Linn Community Development Code (CDC) Chapter 28 Willamette and Tualatin River Protection, Section 28.070, Planning Director Verification of Metro Habitat Protection Map Boundaries:

- A) *The HCA map is the basis for identifying and designating the habitat conservation areas in the City. It is inevitable, given the large area that Metro's HCA Map covers, that there may be some errors. In cases where, for example, three properties share the same contours and the same natural features but the map shows the middle lot with an HCA designation on it, it is reasonable to question the accuracy of that HCA designation. Using tree overstory as the sole basis for HCA designation will also allow a change in designation since trees are already protected in the municipal code and Chapters 55 and 85 CDC.*

Per the Metro Urban Growth Management Functional Plan (UGMFP) Title 13 Section 3.07.13d. Administrating the Habitat Conservation Areas map and Site Level Verification of Habitat Location: d.4.Aii 2- *"In terms of mapping the location of habitat, the only allowed corrections to the vegetative cover status of a property are those based on an area being developed prior to the local program effective date and those based on errors made at the time the vegetative cover status was determined based on analysis of the aerial photographs used to create the Metro Vegetative Cover Map (for the original map, aerial photos used were Metro's summer 2002 photos) and application of the vegetative cover definitions provided in the footnotes to Table 3.07-13d."*

The residential property on the study area was developed prior to 2002. Aerial photos show the home was built before 1991. A review of the summer 2002 aerial photo indicates that, the HCA does not clearly follow vegetation cover of tree overstory (see attached). Additionally, vegetation cover in the study area has not significantly changed since the summer of 2002.

CDC Chapter 28.070 (B)

*B) The planning director shall verify the appropriate HCA or non-HCA designation by site visits or consultations with Metro or by other means. Determination is based on whether the Metro criteria are met or whether the Metro designation was based solely on tree overstory in which case a redesignation is appropriate. In cases where the determination is that the map is incorrect, the Planning Director will make a written finding of this as well as the site conditions that led to that conclusion.*

As previously demonstrated, the Metro designation was based solely on tree overstory and a redesignation is therefore appropriate. A site visit and wetland delineation of the study area was conducted by AKS Engineering & Forestry, LLC (AKS) in January 2017. A portion of a pond with connecting drainages and a fringe wetland was delineated within the study area boundary. The wetland features extend off-site to the south towards the Tualatin River. The vegetation observed on site was non-native and/or invasive. The study area north of the wetland contains two small clusters of Douglas fir (*Pseudotsuga menziesii*) and red alder (*Alnus rubra*). The understory is predominately Himalayan blackberry (*Rubus armeniacus*), tall fescue (*Schedonorus arundinaceus*), and colonial bentgrass (*Agrostis capillaris*). Himalayan blackberry is considered an invasive species. The middle portion of the study area north of the wetland is also predominately Himalayan blackberry, along with reed canarygrass (*Phalaris arundinacea*). No vegetative overstory is present in this portion of the study area.

Per Metro Title 13:3.07.1340 d. Administering the Habitat Conservation Areas Map and Site Level Verification of Habitat Location d. (4) Habitat Boundaries (A) Location riparian habitat and determine its habitat class is a five step process.

*(i) Step 1. Locate the water feature that is the basis for identifying riparian habitat: 1) Locate the top of the bank of all streams, rivers, and open water within 200 feet of the property; 2) Locate all flood areas within 100 feet of the property; 3) Locate all wetlands within 150 feet of the property based on the local wetland inventory map (if completed) and on the Metro 2004 Wetland Inventory Map. Identified wetlands shall be further delineation consistent with methods currently accepted by the Oregon Division of State Lands and the US Army Corps of Engineers.*

All wetland and water features were identified on the study area as described above. The Tualatin River was identified on the LWI within 200 feet of the study area, as well as a wetland. A floodplain boundary was identified on the study area and mapped. The wetland was delineated by AKS Natural Resource Specialists and professionally surveyed by AKS. The wetland boundary is consistent with the City of West Linn's Water Resource Area (WRA) map.



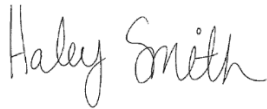
- (ii) *Step 2. Identify the vegetative cover status of all areas on the property that are within 200 feet of the top of bank of streams, river and open water, are wetlands or are within 150 feet of wetlands, and are flood areas and within 100 feet of flood areas.*

The HCA is low quality due to the dominance of non-native and invasive plant species. The hillslope on the study area is vegetated with Himalayan blackberry with no overstory coverage. The remaining area bordering the drainage and wetland consists of mowed field grasses. The HCA map does not follow the vegetative overstory based on the 2002 summer aerial and overstory currently present. The HCA boundary lines are not consistent with the natural features of the property and should be redesignated based on the present canopy cover, as shown on attached Figure 1 and Representative Site Photographs.

### Summary

This memo proposes a redesignation of the HCA map to align with the native tree canopy cover and habitat conditions on-site. The purpose of the HCA is to provide overlapping continuous canopy for wildlife. The study area is characterized by disconnected vegetation and canopy cover. The northern portion of the HCA does not contain a tree overstory matching the HCA mapped boundary and the majority of groundcover is dominated by invasive Himalayan blackberry. This area is of low habitat value and should not be mapped as HCA.

Please do not hesitate to contact me with any questions regarding this memo.



Haley Smith, MNR  
Natural Resources Specialist  
Fieldwork and Report Preparation

### List of Attachments

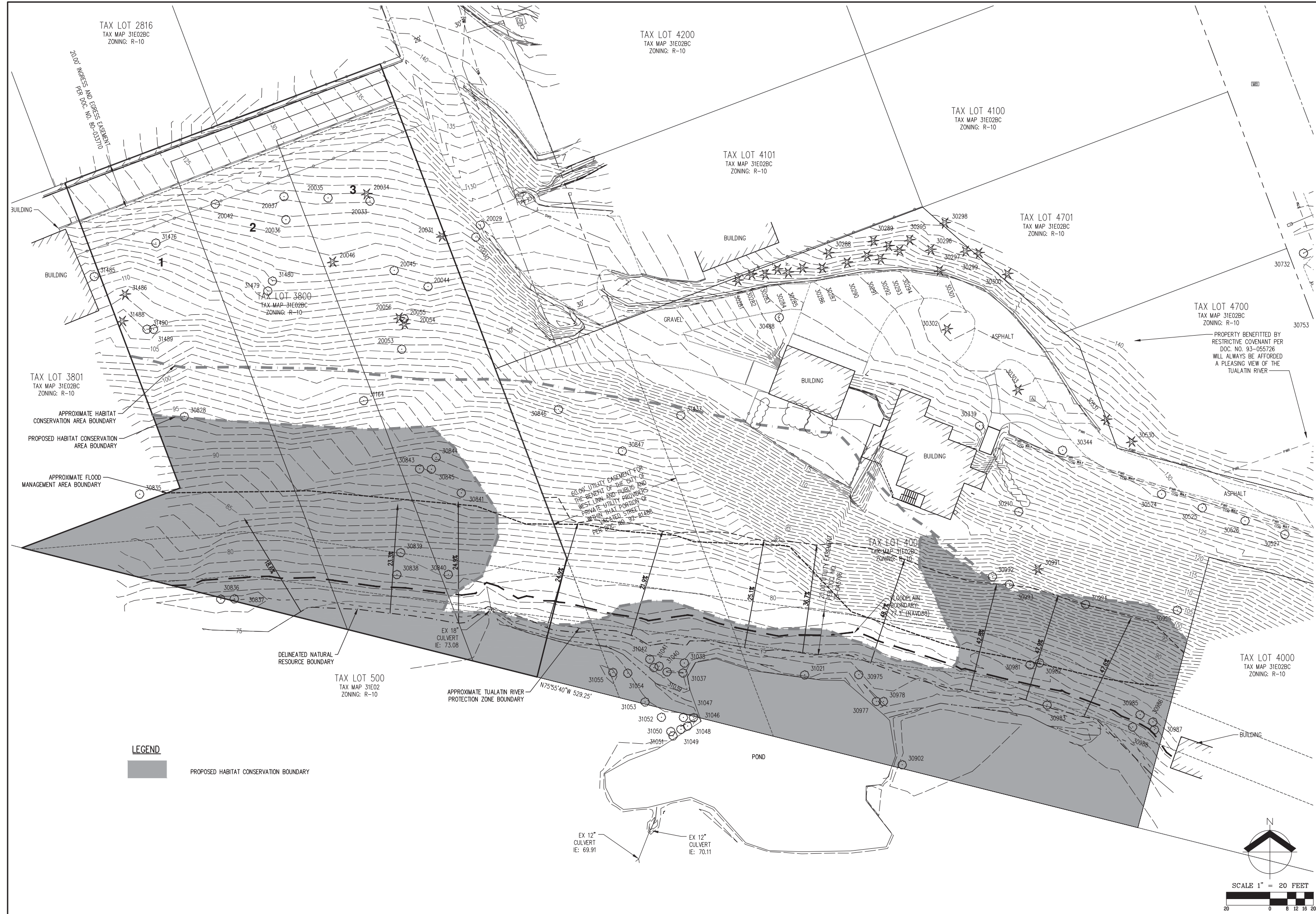
West Linn HCA Map  
HCA Redesignation Plan  
Representative Site Photographs

DESIGNED BY:  
 DRAWN BY: GSH  
 CHECKED BY: JMM  
 SCALE: AS NOTED  
 DATE: 10/13/2017

REVISIONS

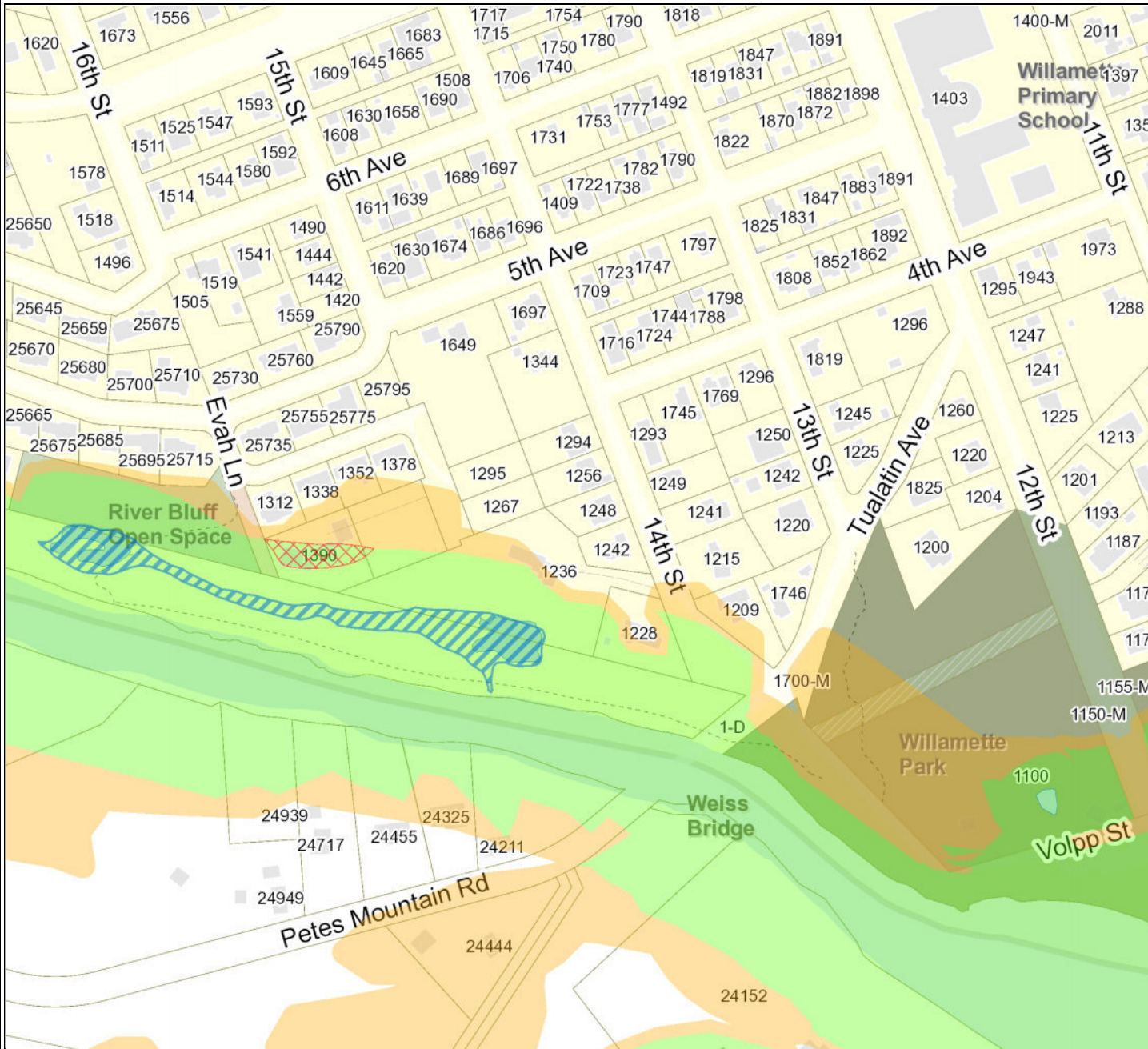
JOB NUMBER  
**5579**

SHEET  
**E01**





# 1236 14th Street, West Linn | HCA | 5579



### Legend

Wetland Inventory 2005 Goal



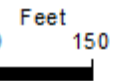
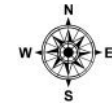
West Linn Exceptions



Metro Habitat Protection  
Published October 2005

Habitat Conservation Area

Allow Development



Scale 1:3,600 - 1 in = 300 ft  
Scale is based on 8-1/2 x 11 paper size



Map created by: public  
Date Created: 09-Nov-16 11:43 AM

**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. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.





**Photo A.** View facing northeast of slope and mapped HCA.



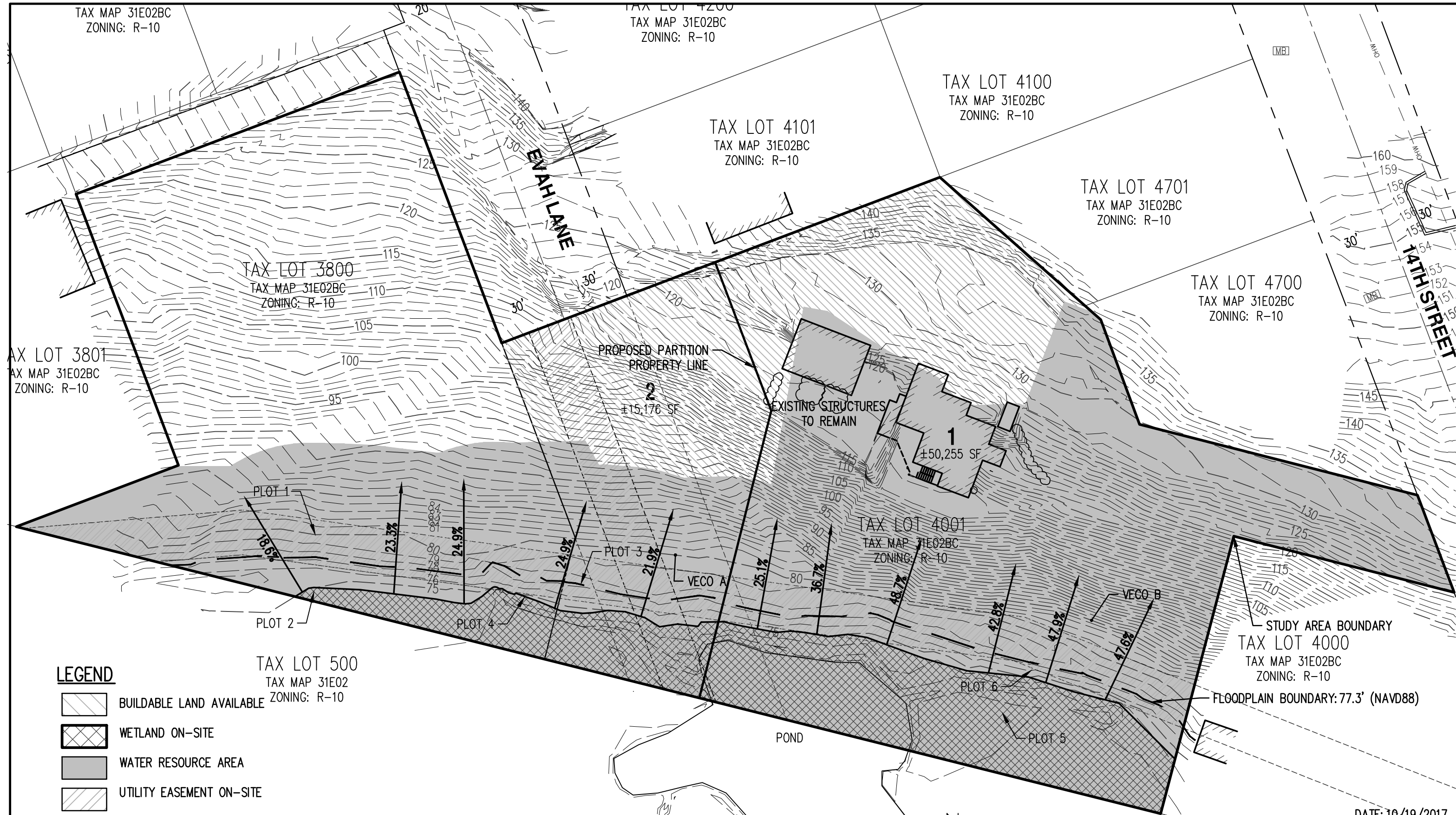
**Photo B.** View facing northwest of slope and mapped HCA.







**Photo C.** View west of mapped HCA.



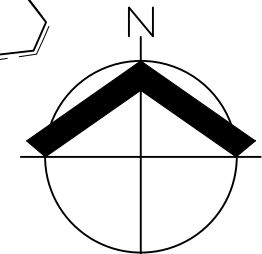
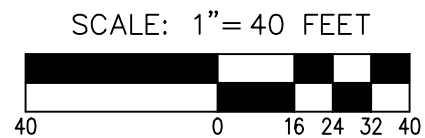
**Photo D.** View facing north of vegetation in mapped HCA.




**LEGEND**

-  BUILDABLE LAND AVAILABLE
-  WETLAND ON-SITE
-  WATER RESOURCE AREA
-  UTILITY EASEMENT ON-SITE

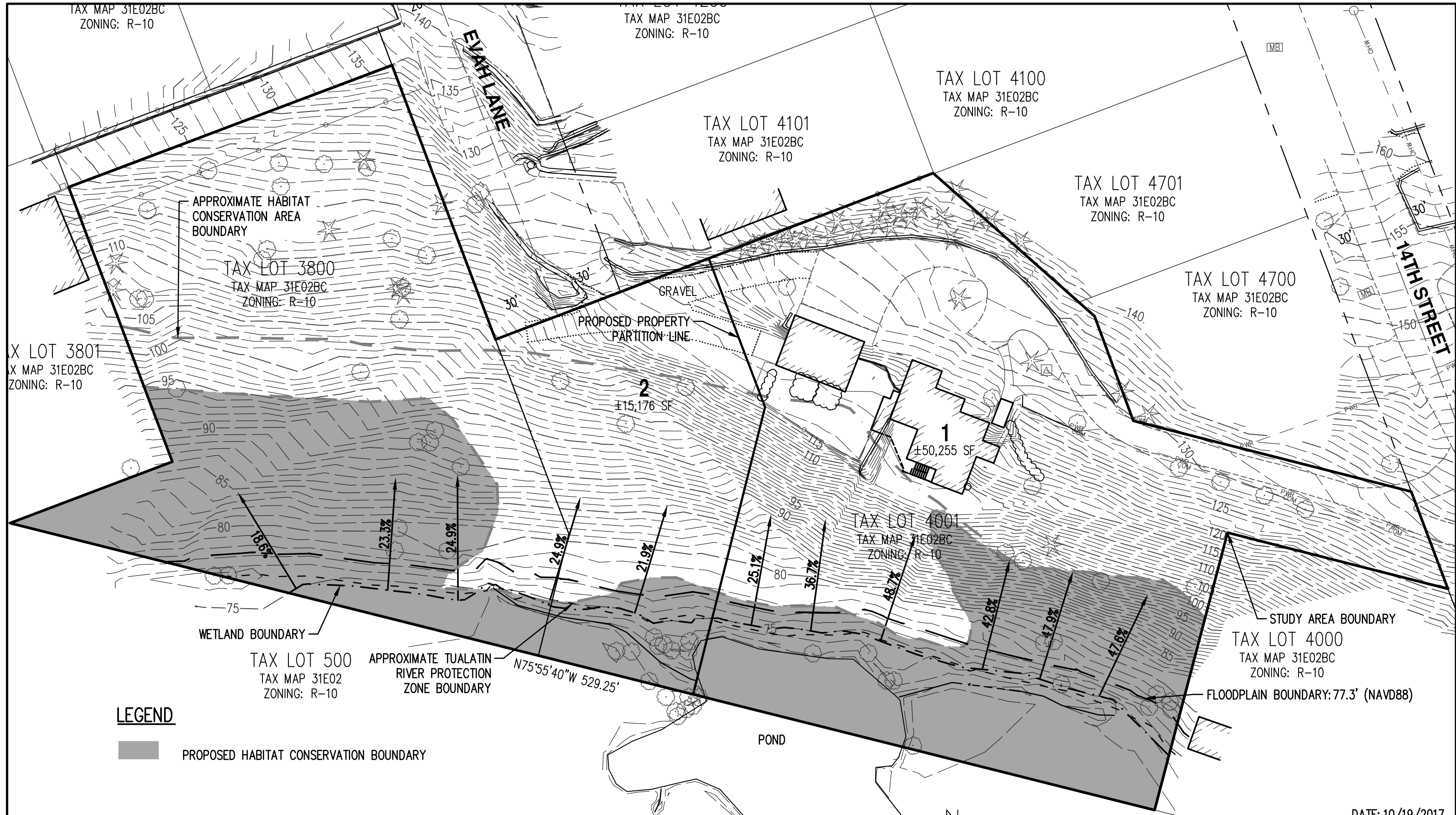
PROJECT AREA SUMMARY BY PARCEL					
PARCEL	WETLAND ON-SITE	WATER RESOURCE AREA ON SITE	UTILITY EASEMENT	BUILDABLE LAND AVAILABLE	PARCEL AREA
PARCEL 1	8,723 ± SF	40,518 ± SF	4,352 ± SF	9,786 ± SF	50,255 ± SF
PARCEL 2	2,017 ± SF	7,378 ± SF	4,496 ± SF	6,539 ± SF	15,176 ± SF



DATE: 10/19/2017

<b>SITE PLAN</b>	FIGURE <b>7</b>
<b>EVAH LANE 2-PARCEL PARTITION NATURAL RESOURCE ASSESSMENT</b> AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com	
	
DRWN: GSH CHKD: JMM AKS JOB: 5579	





TAX MAP 31E02BC  
ZONING: R-10

TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4100  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4101  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4701  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 4700  
TAX MAP 31E02BC  
ZONING: R-10

APPROXIMATE HABITAT  
CONSERVATION AREA  
BOUNDARY

TAX LOT 3800  
TAX MAP 31E02BC  
ZONING: R-10

TAX LOT 3801  
TAX MAP 31E02BC  
ZONING: R-10

PROPOSED PROPERTY  
PARTITION LINE

2  
±15,176 SF

1  
±50,255 SF

TAX LOT 4001  
TAX MAP 31E02BC  
ZONING: R-10

WETLAND BOUNDARY

TAX LOT 500  
TAX MAP 31E02  
ZONING: R-10

APPROXIMATE TUALATIN  
RIVER PROTECTION  
ZONE BOUNDARY

N75°55'40"W 529.25'

STUDY AREA BOUNDARY

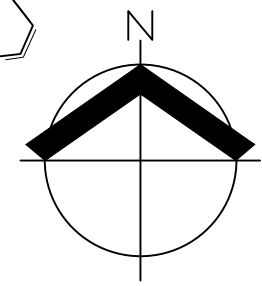
TAX LOT 4000  
TAX MAP 31E02BC  
ZONING: R-10

FLOODPLAIN BOUNDARY: 77.3' (NAVD88)


**LEGEND**

 PROPOSED HABITAT CONSERVATION BOUNDARY

SCALE 1" = 40 FEET



DATE: 10/19/2017

<b>HCA REDESIGNATION PLAN</b>		FIGURE
<b>EVAH LANE 2-PARCEL PARTITION</b>		<b>1</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: GSH CHKD: JMM AKS JOB: 5579
		

# Evah Lane 2-Parcel Partition West Linn, Oregon Natural Resource Assessment

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**Date:** November 1, 2017

**Prepared for:** O'Brien Constructors, LLC  
8037 SW 17<sup>th</sup> Avenue  
Portland, OR 97219

**Prepared By:** Haley Smith, MNR, Natural Resource Specialist  
AKS Engineering & Forestry, LLC

**Assessor's  
Information:** Clackamas County Tax Map 3 1E 02BC;  
Tax Lots 3800 and 4001



12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
(503) 563-6151

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  - Appendix C:** Representative Photographs
-

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## Introduction and Background

AKS Engineering & Forestry, LLC (AKS), was contracted by O'Brien Constructors, LLC to conduct a Natural Resource Assessment for Tax Lots 3800 and 4001 of Tax Map 3 1E 02BC located in West Linn, Clackamas County, Oregon (Figures 1 and 2).

This report describes the results of the on-site portions of one palustrine scrub-shrub/emergent (PSS/PEM) wetland and associated Water Resource Area (WRA) buffer within the Tualatin River watershed. In addition, Moderate Value Title 13 Habitat Conservation Areas (HCA) is mapped extending throughout the majority of the site. A Habitat Conservation Area (HCA) Map Redesignation memo is being submitted concurrently with this report to the City of West Linn Planning Department. The project (referred to as Evah Lane 2-Parcel Partition) consists of a two-parcel partition of tax lot 4001. No development is proposed at this time, and no impacts to the WRA or HCA will occur.

This report has been prepared to meet City of West Linn Community Development Code (CDC) Chapter 28, Willamette and Tualatin River Protection, and Chapter 32, Water Resource Area Protection.

## Existing Site Conditions

The study area consists of one single-family home on a slope overlooking the Tualatin River. The slope is dominated by invasive Himalayan blackberry (*Rubus armeniacus*). A portion of a constructed pond is at the bottom of the slope along the southern property boundary. The pond, along with associated drainages, are within a portion of wetland present within the project site, and extends off-site to the south towards the Tualatin River. Topography on-site consists of a steep hillslope (greater than 25% slope) to the northeast that becomes more gradual (less than 25% slope) moving west. The hillslope slopes south towards the wetland and pond.

According to the Clackamas County hydric soils list and the Natural Resources Conservation Service's (NRCS) Soil Survey Map for Clackamas County, the following soil units are mapped within the study area (Figure 3):

- Unit 19 – Cloquato silt loam, non-hydric, with 2% hydric Wapato and 1% hydric Aquolls in floodplains.
- Unit 91C – Woodburn silt loam, 8% to 15% slopes, non-hydric, with 2% hydric Dayton in non-floodplain terraces and 15% hydric Aquolls in floodplains

According to the City of West Linn's Local Wetland Inventory (LWI) map, one field verified wetland is mapped on the project site (Figure 4). Our study agrees with the location and mapping of the on-site wetland. The City also maintains a Water Resource Area (WRA) map that illustrates the approximate boundary of a wetland in the vicinity of LWI-and field-verified wetland (Figure 5). Lastly, the City maintained HCA map shows Moderate Value HCA mapped on the majority of the project site (Figure 6). As discussed in more detail in the November 1, 2017 memo that suggests a redesignation of the HCA on the site, the City's HCA mapping incorrectly includes area of the site that do not include habitat areas.

## Existing Protected Water Features

The methodology used for determining the presence of wetlands followed the U.S. Army Corps of Engineers' (Corps) *Wetlands Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)* (Corps 2010), used by both the Corps and the Oregon Department of State Lands (DSL).



A site visit was conducted on January 24, 2017 by AKS Natural Resource Specialist Haley Smith, MNR, to determine whether potentially jurisdictional wetland and waters were present on site. The boundary of one wetland, which includes a portion of a constructed pond and two drainages, was delineated on the project site. The wetland boundary was flagged by AKS and professionally land surveyed by AKS. The location of the wetland boundary is shown on Figure 7. The wetland determination data sheets are included in Appendix A.

The PSS/PEM wetland is located in the southern portion of the project site and extends off site to the south towards the Tualatin River. The on-site portion of the wetland belongs to the Slope Hydrogeomorphic (HGM) sub-classification. The wetland is dominated by reed canarygrass (*Phalaris arundinacea*, FACW), Himalayan blackberry (*Rubus armeniacus*, FAC), American speedwell (*Veronica americana*, OBL), tall fescue (*Schedonorus arundinaceus*, FAC), and red alder (*Alnus rubra*, FAC). The soils in the wetland are low chroma (chroma of 2 or less) and display prominent redoximorphic features, meeting hydric soil indicator F6 Redox Dark Surface. A water table was present within 12 inches from the surface, meeting primary wetland hydrology indicators. The wetland boundary is based on a change in topography from hillslope to toe of the slope and a correlated change in hydrophytic vegetation. A small pond has been excavated in the northern boundary of the wetland and two drainage ditches within the wetland boundary drain into the pond.

### Extent of WRA

According to Table 32-2, Required Width of WRA, in Chapter 32, Water Resource Area Protection of the City of West Linn’s CDC, the width of the WRA setback varies on the type of feature (wetland, water, type of water, and riparian corridor) and slope adjacent to each Protected WRA Resource. Based on the City’s criteria, the table below summarizes the WRA setback widths associated with wetland delineated on the project site.

**Table 1. Summary of Protected WRA Resource and Associated Width of WRA**

Protected WRA Resource	Slope Adjacent to Protected WRA Resource	Width of WRA Setback (feet)
Water Resource (Wetland)	< 25%	65
Water Resource (Wetland)	>25% with distinct top of slope	50 from top of slope
Water Resource (Wetland)	>25% with no distinct top of slope	200

The WRA setback and size surrounding the Protected WRA Resource is shown on the attached Site Plan (Figure 7). The setback extends from the edge of the delineated wetland boundary.

### Existing Condition of the WRA

The existing condition of the on-site WRA was determined based on the presence of native vegetation, water features, and slope, consistent with CDC Section 32.050.F. The existing condition of the on-site WRA is described by two vegetative communities, documented at VECO Plots A and B. In general, the WRA within the project boundaries consists of invasive Himalayan blackberry, non-native grasses, and some native tree canopy.

The vegetation community documented at VECO Plot A represents the vegetation along the hillslope with less than 25% slope. The dominant vegetation includes Himalayan blackberry (*Rubus armeniacus*) and reed canarygrass (*Phalaris arundinacea*). A cluster of native trees (Douglas fir, big-leaf maple, and

---

red alder) are rooted on the western boundary of the plot. The vegetation community associated with VECO Plot A is determined to be in *degraded* condition.

The vegetation community documented at VECO Plot B represents the vegetation along the steep (greater than 25%) slopes portion of the hillslope. The dominant vegetation includes Himalayan blackberry (*Rubus armeniacus*), Douglas fir (*Pseudotsuga menziesii*), big-leaf maple (*Acer macrophyllum*), Oregon white oak (*Quercus garryana*), and pacific dogwood (*Cornus nuttallii*). The vegetation community associated with VECO Plot B is determined to be in *marginal* condition.

The data sheets for VECO Plots A and B are included in Appendix B, and the plot locations are shown on Figure 7. Representative photos documenting the existing conditions of the site are included in Appendix C.

### **Project**

The project involves a two-parcel partition of tax lot 4001. The partition will divide the lot on the west side, separating the existing residence from the open space to the west. The project follows CDC Section 28.110.H and will maintain buildable land on the divided parcels. No development is proposed and no impacts will occur. The Site Plan is included as Figure 7.

### **Habitat Conservation Area – Basic Map Verification**

Based on our site visits, the City/Metro HCA map for the site appears to be incorrectly mapped. The HCA Map Redesignation Memo is being submitted by the applicant concurrently with this report.

### **Summary**

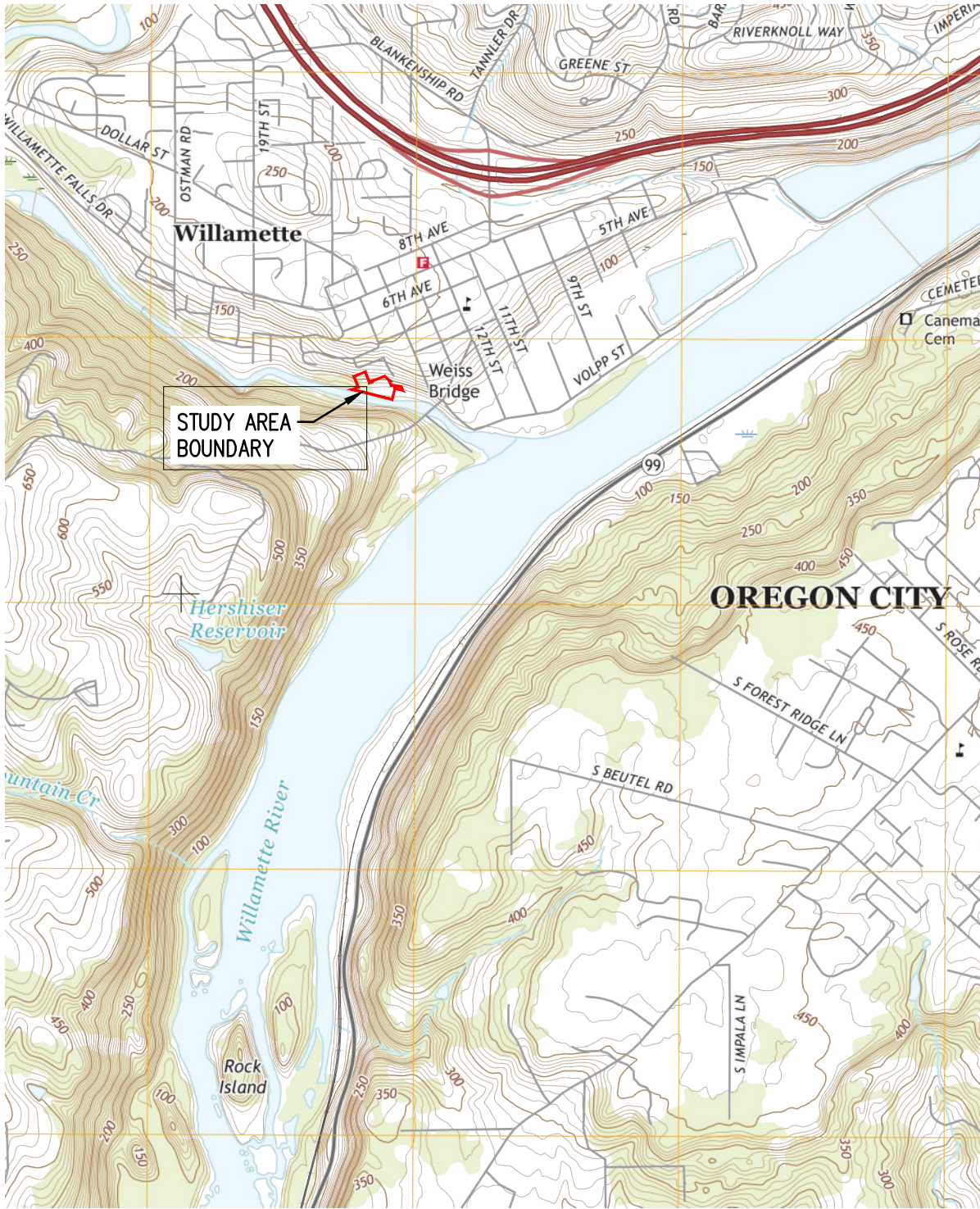
A total of approximately 1.09 acres (+/- 47,896 square feet) of WRA buffer is present tax lot 4001, and it is in degraded condition. The project consists of a two-parcel partition of tax lot 4001 and it will not impact the on-site wetland or WRA; therefore, no mitigation is necessary for this project.

Please do not hesitate to contact me if you have questions regarding this project.

### **List of Preparers**

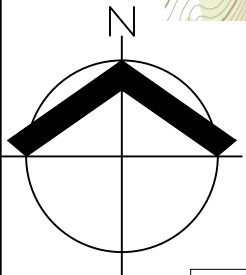


Haley Smith, MNR  
Natural Resource Specialist  
Fieldwork and Report Preparation

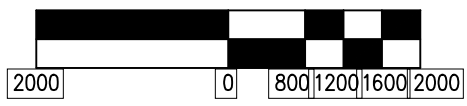


STUDY AREA BOUNDARY

USGS 7.5' TOPOGRAPHIC SERIES  
 QUADRANGLE: CANBY, OR (2017)



SCALE: 1" = 2000 FEET



DATE: 10/18/2017

**USGS VICINITY MAP**  
**EVAH LANE 2-PARCEL PARTITION NATURAL RESOURCE ASSESSMENT**

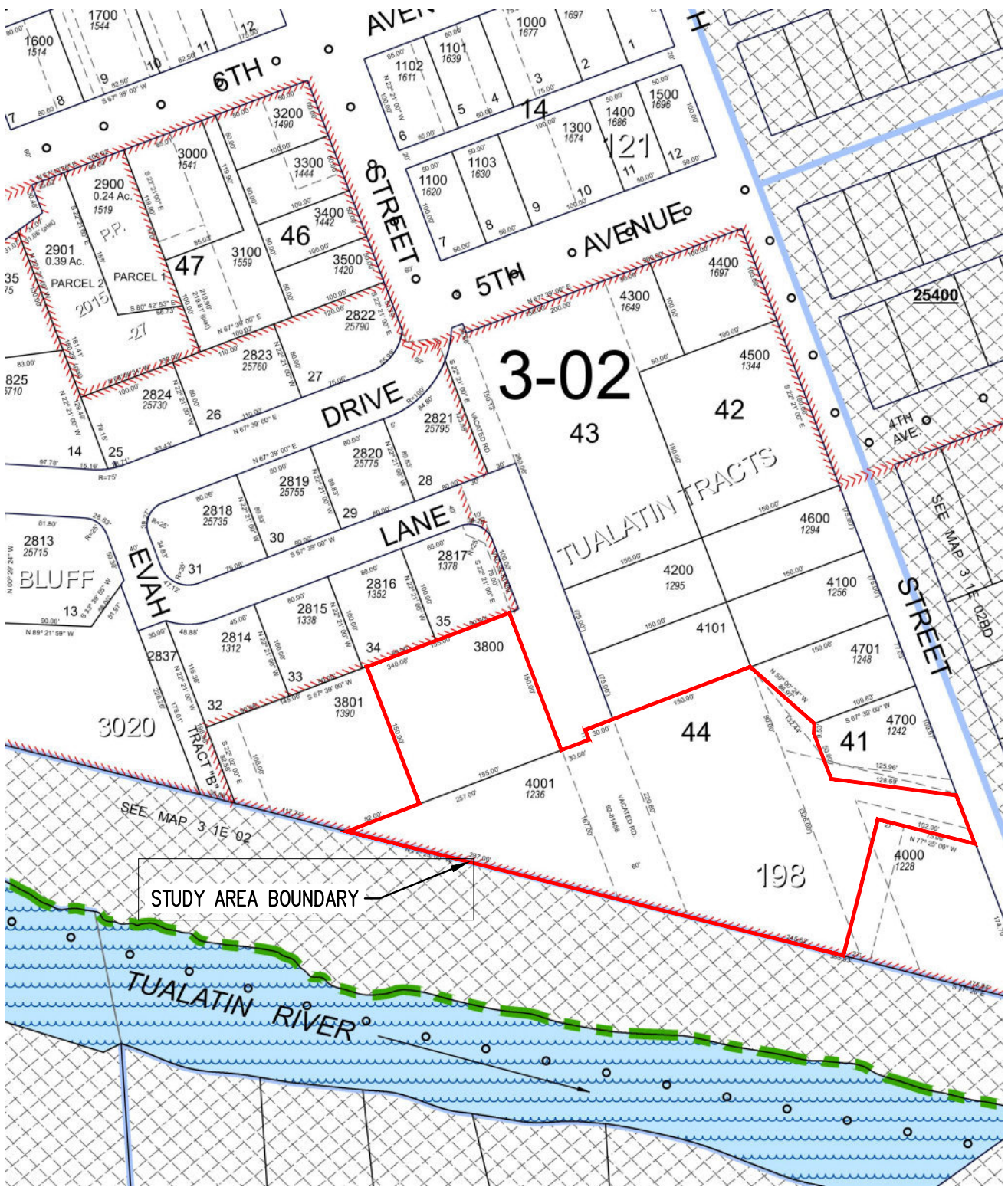
FIGURE  
**1**

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 12965 SW HERMAN RD SUITE 100  
 TUALATIN, OR 97062 www.aks-eng.com  
 PHONE: 503.563.6151 FAX: 503.563.6152

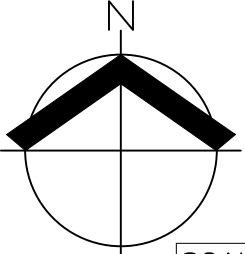


DRWN: KMK  
 CHKD: SAR  
 AKS JOB:  
 5579





CLACKAMAS COUNTY  
 TAX LOTS 3800 AND 4001  
 TAX MAP 3 1E 02BC



SCALE: 1" = 150 FEET

DATE: 10/18/2017

TAX MAP (MAP 3 1E 2BC)  
 EVAH LANE 2-PARCEL PARTITION NATURAL RESOURCE ASSESSMENT

FIGURE  
**2**

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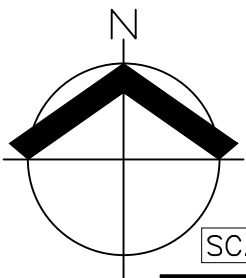
DRWN: KMK  
 CHKD: SAR  
 AKS JOB:  
 5579



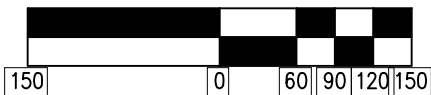


MAP UNIT SYMBOL	MAP UNIT NAME
19	CLOQUATO SILT LOAM; NON-HYDRIC
91C	WOODBURN SILT LOAM, 8% TO 15% SLOPES; NON-HYDRIC

NRCS WEB SOIL SURVEY FOR  
CLACKAMAS COUNTY



SCALE: 1" = 150 FEET



DATE: 10/18/2017

**NRCS SOIL SURVEY MAP  
EVAH LANE 2-PARCEL PARTITION NATURAL RESOURCE ASSESSMENT**

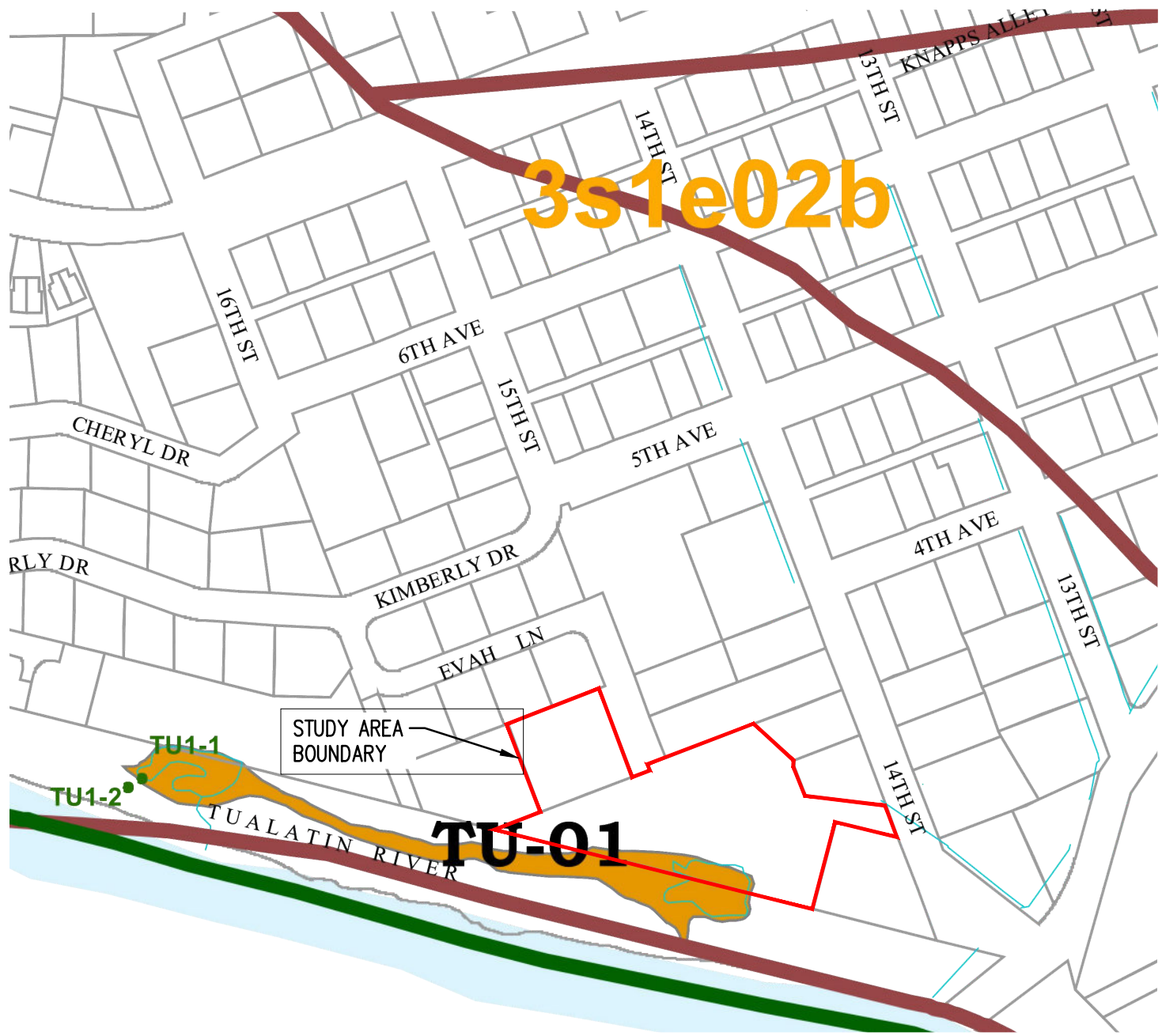
FIGURE  
**3**

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DRWN: KMK  
CHKD: SAR  
AKS JOB:  
5579

3s1e02b



STUDY AREA BOUNDARY

TU1-1

TU1-2

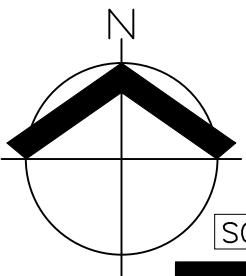
TU-01

TUALATIN RIVER

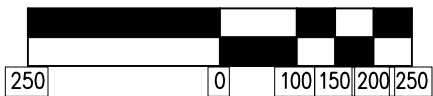
CITY OF WEST LINN LOCAL WETLAND INVENTORY (2004)

Legend

- Wetlands, Winterbrook Planning 2002
- Field Verified Wetlands, Winterbrook Planning 2002
- Possible Wetlands, Winterbrook Planning 2002
- Wetland Sample Plots, Winterbrook Planning 2002
- Study Area Boundary, Winterbrook Planning 2003
- ∕ Potential Jurisdictional Drainages, West Linn GIS 2002
- Potential Jurisdictional Waters, West Linn GIS 2002
- Taxlot COGO, West Linn GIS 2002
- Basin Boundaries, Winterbrook Planning 2002



SCALE: 1"=250 FEET



DATE: 10/18/2017

LOCAL WETLAND INVENTORY MAP  
EVAH LANE 2-PARCEL PARTITION NATURAL RESOURCE ASSESSMENT

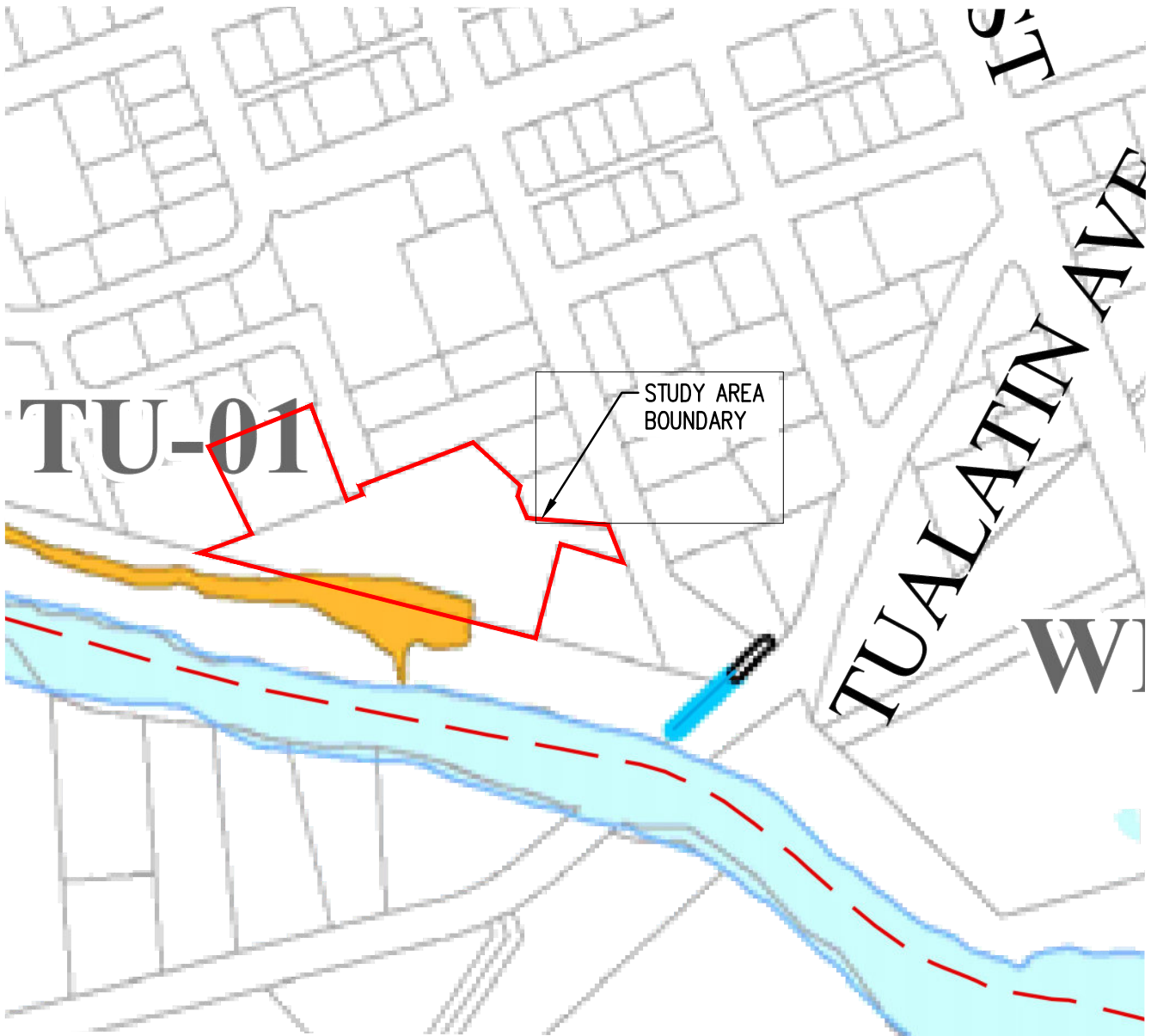
FIGURE 4

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PHONE: 503.563.6151 FAX: 503.563.6152



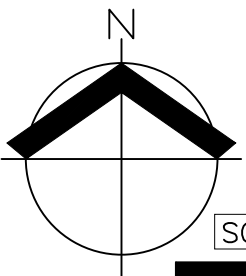
DRWN: KMK  
CHKD: SAR  
AKS JOB: 5579



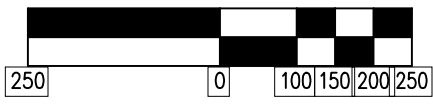


- Goal 5 Significant Riparian Corridors\***
- Significant Riparian Corridors
  - Streams
  - Ephemeral Stream
  - Piped Segments
  - Upper Stream Reach of Fish Inventory 2003/2004 Survey
- Goal 5 Wetland Inventory\*\***
- Locally Significant Wetlands, DSL 2005
  - Other Wetlands, DSL 2005
  - TA-05 Specific Wetland Identifier
  - Rivers & Ponds
  - West Linn City Limits
  - Taxlot Base Map\*\*\*

CITY OF WEST LINN  
 WATER RESOURCE AREA (WRA) MAP  
 2014



SCALE: 1" = 250 FEET



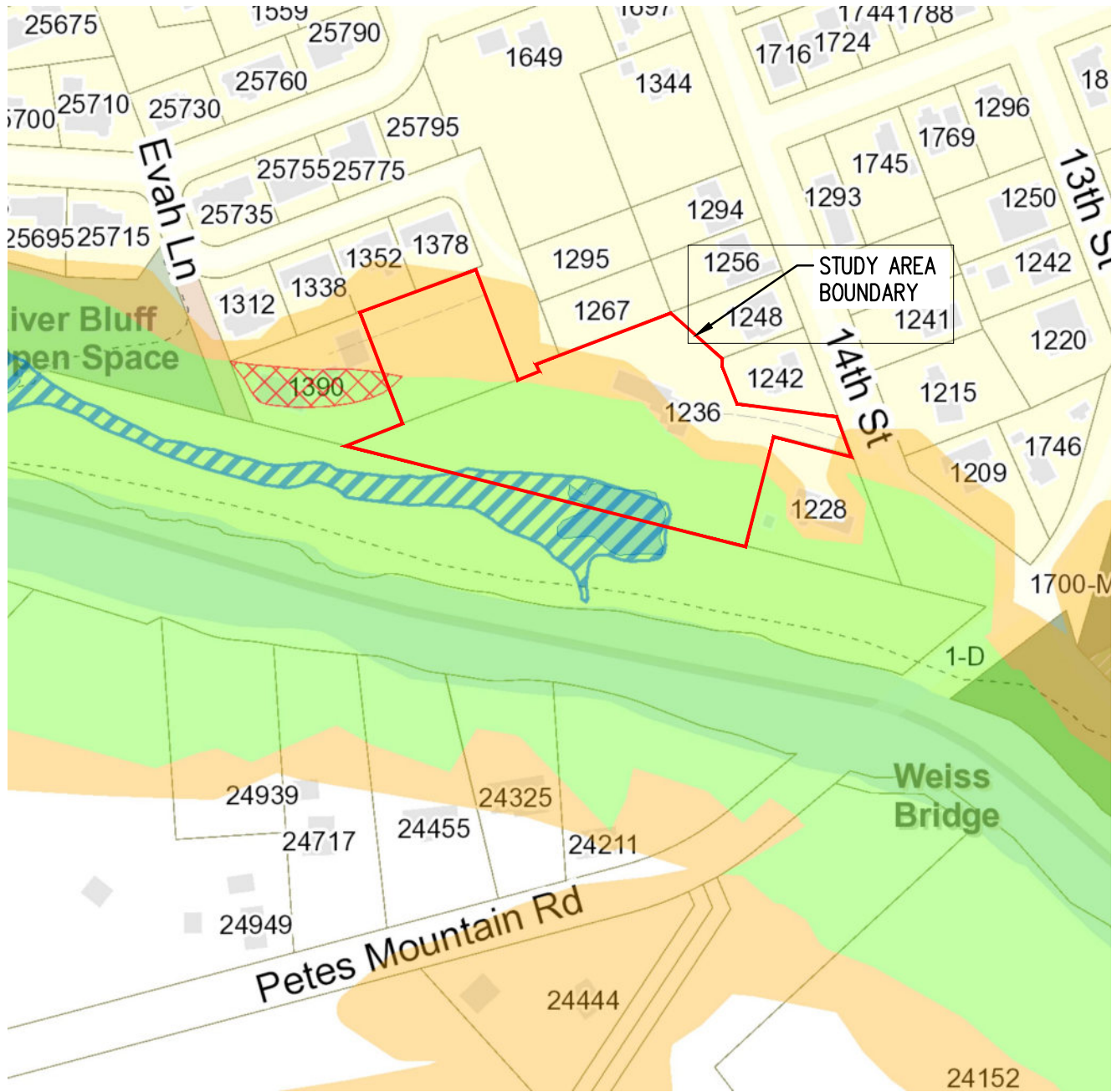
DATE: 10/18/2017

**CITY OF WEST LINN WRA MAP  
 EVAH LANE 2-PARCEL PARTITION NATURAL RESOURCE ASSESSMENT**

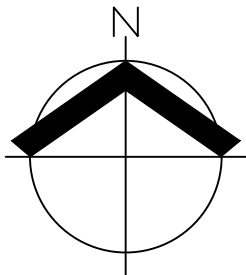
AKS ENGINEERING & FORESTRY, LLC  
 12965 SW HERMAN RD SUITE 100  
 TUALATIN, OR 97062 www.aks-eng.com  
 PHONE: 503.563.6151 FAX: 503.563.6152



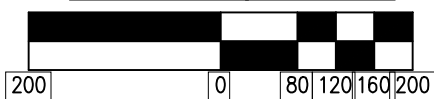
FIGURE	5
DRWN:	KMK
CHKD:	SAR
AKS JOB:	5579



CITY OF WEST LINN  
HABITAT CONSERVATION AREA (HCA) MAP



SCALE: 1" = 200 FEET



DATE: 10/18/2017

CITY OF WEST LINN HCA MAP  
EVAH LANE 2-PARCEL PARTITION NATURAL RESOURCE ASSESSMENT

FIGURE  
**6**

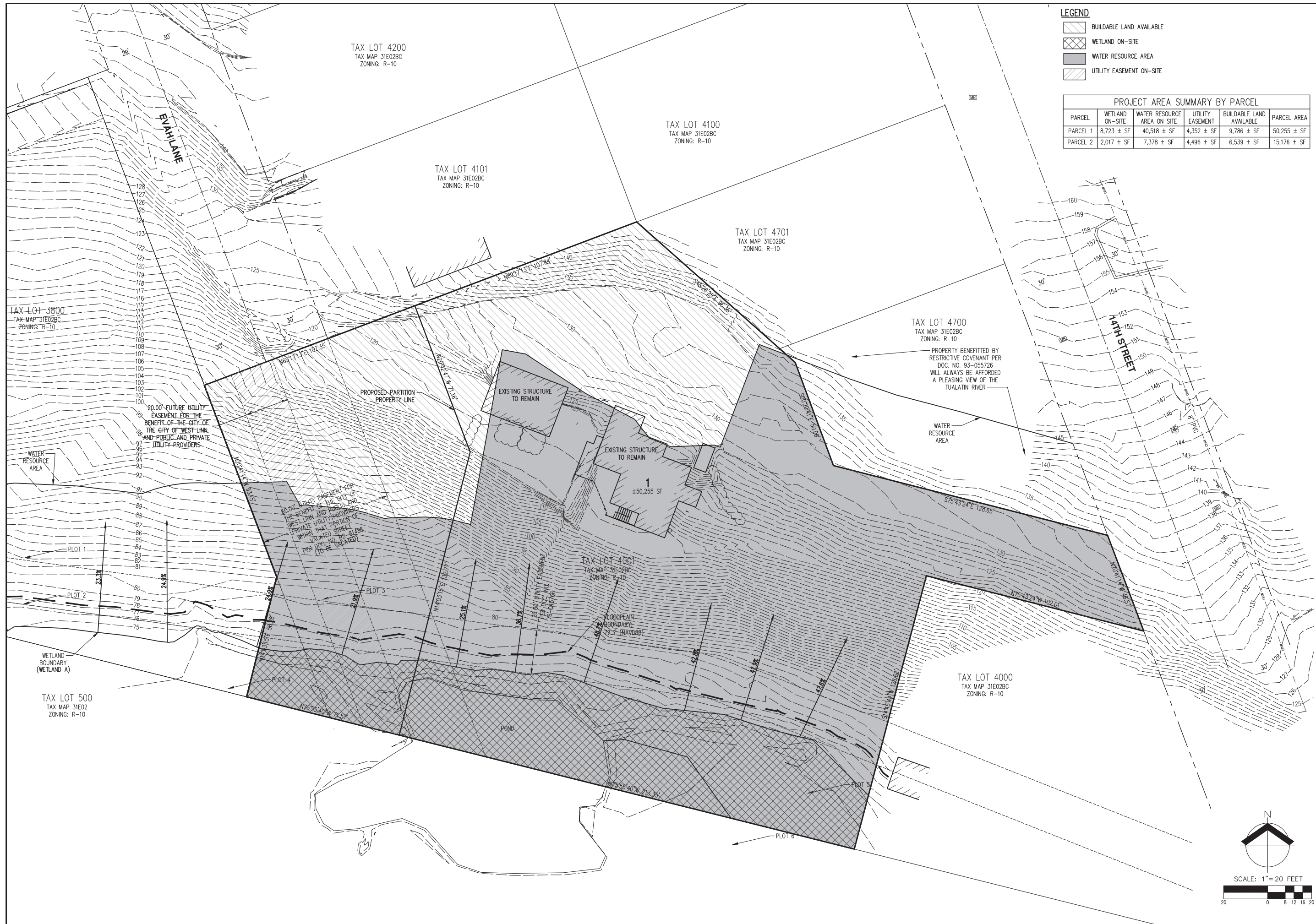
AKS ENGINEERING & FORESTRY, LLC  
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TUALATIN, OR 97062 www.aks-eng.com  
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DRWN: KMK  
CHKD: SAR  
AKS JOB:  
5579



AKS DRAWING FILE: 5579 STREET WAIVER.DWG | LAYOUT: 7



**LEGEND**

- BUILDABLE LAND AVAILABLE
- WETLAND ON-SITE
- WATER RESOURCE AREA
- UTILITY EASEMENT ON-SITE

**PROJECT AREA SUMMARY BY PARCEL**

PARCEL	WETLAND ON-SITE	WATER RESOURCE AREA ON SITE	UTILITY EASEMENT	BUILDABLE LAND AVAILABLE	PARCEL AREA
PARCEL 1	8,723 ± SF	40,518 ± SF	4,352 ± SF	9,786 ± SF	50,255 ± SF
PARCEL 2	2,017 ± SF	7,378 ± SF	4,496 ± SF	6,539 ± SF	15,176 ± SF

**AKS**  
 AKS ENGINEERING & FORESTRY, LLC  
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 TUALATIN, OR 97062  
 P: 503.563.6151  
 F: 503.563.6152  
 aks-eng.com

**EVAH LANE PARTITION**  
**WEST LINN OREGON**  
 CLACKAMAS COUNTY TAX MAP 3 1E 02BC  
 TAX LOT 3800

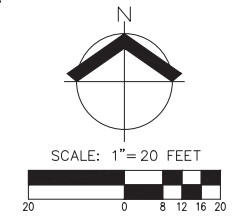
**PRELIMINARY SITE PLAN**

DESIGNED BY: \_\_\_\_\_  
 DRAWN BY: GSH  
 CHECKED BY: JMM  
 SCALE: AS NOTED  
 DATE: 10/13/2017



RENEWAL DATE: 12/31/18  
 REVISIONS: \_\_\_\_\_

JOB NUMBER  
**5579**  
 SHEET  
**7**



# **Appendix A: Wetland Determination Data Sheets**

---

**WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region**

Project/Site: Evah Lane 2-Parcel Partition City/County: West Linn/Clackamas Sampling Date: 01/24/20127  
 Applicant/Owner: O'Brien & Company, LLC State: OR Sampling Point: 1  
 Investigator(s): Haley Smith Section, Township, Range: Sec. 02BC, T. 3S, R. 1E  
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Convex Slope (%): <5%  
 Subregion (LRR): A, Northwest Forests and Coast Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: (Unit 19) Cloquato Silt Loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	<b>Is the Sampled Area within a Wetland?</b>
Hydric Soil Present?	Yes _____	No <u>X</u>	
Wetland Hydrology Present?	Yes _____	No <u>X</u>	

Precipitation: According to the NWS Portland station, trace amounts of rainfall was received on the day of the site visit and 3.22 inches of rainfall with 8.00 inches of snowfall was recieved within the two weeks prior.

Remarks: Plot located upslope from wetland, near unpaved-grass vegetated driveway down to field.

**VEGETATION**

<u>Tree Stratum</u> (Plot size: <u>30' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>4</u> (A)  Total Number of Dominant Species Across All Strata: <u>4</u> (B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
0% = Total Cover				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>10</u> x 2 = <u>20</u> FAC species <u>85</u> x 3 = <u>255</u> FACU species <u>5</u> x 4 = <u>20</u> UPL species <u>0</u> x 5 = <u>0</u> Column Totals: <u>100</u> (A) <u>295</u> (B) Prevalence Index = B/A = <u>2.95</u>
<u>Sapling/Shrub Stratum</u> (Plot size: <u>10' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	
1. <u>Rubus armeniacus</u>	<u>10%</u>	<u>Yes</u>	<u>FAC</u>	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
10% = Total Cover				<b>Hydrophytic Vegetation Indicators:</b> <u>1</u> - Rapid Test for Hydrophytic Vegetation <u>X</u> <u>2</u> - Dominance Test is >50% <u>X</u> <u>3</u> - Prevalence Index is ≤3.0 <sup>1</sup> <u>4</u> - Morphological Adaptations <sup>1</sup> (Provide support data in Remarks or on a separate sheet) <u>5</u> - Wetland Non-Vascular Plants <sup>1</sup> <u>Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)</u> <sup>1</sup> Indicators of hydric soil and wetland hydrology be present.
<u>Herb Stratum</u> (Plot size: <u>5' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	
1. <u>Schedonorus arundinaceus</u>	<u>25%</u>	<u>Yes</u>	<u>FAC</u>	
2. <u>Agrostis capillaris</u>	<u>25%</u>	<u>Yes</u>	<u>FAC</u>	
3. <u>Holcus lanatus</u>	<u>25%</u>	<u>Yes</u>	<u>FAC</u>	
4. <u>Phalaris arundinacea</u>	<u>10%</u>	<u>No</u>	<u>FACW</u>	
5. <u>Taraxacum officinale</u>	<u>5%</u>	<u>No</u>	<u>FACU</u>	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
90% = Total Cover				
<u>Woody Vine Stratum</u> (Plot size: <u>10' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
0% = Total Cover				
% Bare Ground in Herb Stratum <u>10%</u>				

Remarks:

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-14+	10YR 3/3	100					SiL	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix CS=Covered or Coated Sand Grains.    <sup>2</sup>Location: PL=Pore Liner

<b>Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)</b>		<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) <b>(except MLRA 1)</b>	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	<sup>3</sup> Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<b>Restrictive Layer (if present):</b>	<b>Hydric Soil Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Type: _____	
Depth (inches): _____	

Remarks: Burnt bark/charcoal and small gravels mixed throughout soil profile.

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b>	
<u>Primary Indicators (minimum of one required; check all that apply)</u>	<u>Secondary Indicators (2 or more required)</u>
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) <b>(except MLRA 1, 2, 4A, and 4B)</b>
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Water-Stained Leaves (B9) <b>(MLRA 1, 2, 4A, and 4B)</b>
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Salt Crust (B11)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Aquatic Invertebrates (B13)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Presence of Reduced Iron (C4)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Stunted or Stressed Plants (D1) <b>(LRR A)</b>
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Drainage Patterns (B10)
	<input type="checkbox"/> Dry-Season Water Table (C2)
	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
	<input type="checkbox"/> Geomorphic Position (D2)
	<input type="checkbox"/> Shallow Aquitard (D3)
	<input type="checkbox"/> FAC-Neutral Test (D5)
	<input type="checkbox"/> Raised Ant Mounds (D6) <b>(LRR A)</b>
	<input type="checkbox"/> Frost-Heave Hummocks (D7)

<b>Field Observations:</b>		<b>Wetland Hydrology Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Surface Water Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	
Water Table Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): <u>&gt;14"</u>	
Saturation Present? (includes capillary fringe)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): <u>&gt;14"</u>	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:



**WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region**

Project/Site: Evah Lane 2-Parcel Partition City/County: West Linn/Clackamas Sampling Date: 01/24/20127  
 Applicant/Owner: O'Brien & Company, LLC State: OR Sampling Point: 2  
 Investigator(s): Haley Smith Section, Township, Range: Sec. 02BC, T. 3S, R. 1E  
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Concave Slope (%): <3%  
 Subregion (LRR): A, Northwest Forests and Coast Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: (Unit 19) Cloquato Silt Loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	<b>Is the Sampled Area within a Wetland?</b>	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes <u>X</u>	No _____			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Precipitation: According to the NWS Portland station, trace amounts of rainfall was received on the day of the site visit and 3.22 inches of rainfall with 8.00 inches of snowfall was recieved within the two weeks prior.

Remarks: Plot located approximately 8 feet from upland Plot 1.

**VEGETATION**

<u>Tree Stratum</u> (Plot size: <u>30' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A)  Total Number of Dominant Species Across All Strata: <u>2</u> (B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
0% = Total Cover				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>75</u> x 2 = <u>150</u> FAC species <u>20</u> x 3 = <u>60</u> FACU species <u>0</u> x 4 = <u>0</u> UPL species <u>0</u> x 5 = <u>0</u> Column Totals: <u>95</u> (A) <u>210</u> (B) Prevalence Index = B/A = <u>2.21</u>
<u>Sapling/Shrub Stratum</u> (Plot size: <u>10' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
0% = Total Cover				
<u>Herb Stratum</u> (Plot size: <u>5' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	<b>Hydrophytic Vegetation Indicators:</b> 1 - Rapid Test for Hydrophytic Vegetation <u>X</u> 2 - Dominance Test is >50% <u>X</u> 3 - Prevalence Index is ≤3.0 <sup>1</sup> 4 - Morphological Adaptations <sup>1</sup> (Provide support data in Remarks or on a separate sheet) 5 - Wetland Non-Vascular Plants <sup>1</sup> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology be present.
1. <u>Phalaris arundinacea</u>	<u>75%</u>	<u>Yes</u>	<u>FACW</u>	
2. <u>Schedonorus arundinaceus</u>	<u>20%</u>	<u>Yes</u>	<u>FAC</u>	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
95% = Total Cover				
<u>Woody Vine Stratum</u> (Plot size: <u>10' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No _____
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
0% = Total Cover				
% Bare Ground in Herb Stratum <u>5%</u>				

Remarks:

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-7	10YR 4/1	95	10YR 4/4	5	C	M & PL	SiCL	
7-16+	10YR 5/1	80	10YR 4/6	20	C	M	SiCL	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix CS=Covered or Coated Sand Grains.    <sup>2</sup>Location: PL=Pore Liner

<b>Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)</b>		<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) <b>(except MLRA 1)</b>	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input checked="" type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	<sup>3</sup> Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<b>Restrictive Layer (if present):</b>	<b>Hydric Soil Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Type: _____	
Depth (inches): _____	

Remarks:

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b>	
<u>Primary Indicators (minimum of one required; check all that apply)</u>	<u>Secondary Indicators (2 or more required)</u>
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) <b>(except MLRA 1, 2, 4A, and 4B)</b>
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Water-Stained Leaves (B9) <b>(MLRA 1, 2, 4A, and 4B)</b>
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Salt Crust (B11)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Aquatic Invertebrates (B13)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Presence of Reduced Iron (C4)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Stunted or Stressed Plants (D1) <b>(LRR A)</b>
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Drainage Patterns (B10)
	<input type="checkbox"/> Dry-Season Water Table (C2)
	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
	<input type="checkbox"/> Geomorphic Position (D2)
	<input type="checkbox"/> Shallow Aquitard (D3)
	<input type="checkbox"/> FAC-Neutral Test (D5)
	<input type="checkbox"/> Raised Ant Mounds (D6) <b>(LRR A)</b>
	<input type="checkbox"/> Frost-Heave Hummocks (D7)

<b>Field Observations:</b>		<b>Wetland Hydrology Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Surface Water Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	
Water Table Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>12"</u>	
Saturation Present? (includes capillary fringe)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>9"</u>	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Seep observed at 9 inches. Test pit was left open for approximately 15 minutes. Surface water ponding observed 1 foot away with 2 inches depth of water.

**WETLAND DE24:183TERMINATION DATA FORM – Western Mountains, Valleys and Coast Region**

Project/Site: Evah Lane 2-Parcel Partition City/County: West Linn/Clackamas Sampling Date: 01/24/20127  
 Applicant/Owner: O'Brien & Company, LLC State: OR Sampling Point: 3  
 Investigator(s): Haley Smith Section, Township, Range: Sec. 02BC, T. 3S, R. 1E  
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Convex Slope (%): <3%  
 Subregion (LRR): A, Northwest Forests and Coast Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: (Unit 19) Cloquato Silt Loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	<b>Is the Sampled Area within a Wetland?</b>
Hydric Soil Present?	Yes _____	No <u>X</u>	
Wetland Hydrology Present?	Yes _____	No <u>X</u>	

Precipitation: According to the NWS Portland station, trace amounts of rainfall was received on the day of the site visit and 3.22 inches of rainfall with 8.00 inches of snowfall was recieved within the two weeks prior.

Remarks:

**VEGETATION**

<u>Tree Stratum</u> (Plot size: <u>30' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A)  Total Number of Dominant Species Across All Strata: <u>2</u> (B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
0% = Total Cover				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>75</u> x 2 = <u>150</u> FAC species <u>22</u> x 3 = <u>66</u> FACU species <u>0</u> x 4 = <u>0</u> UPL species <u>0</u> x 5 = <u>0</u> Column Totals: <u>97</u> (A) <u>216</u> (B) Prevalence Index = B/A = <u>2.23</u>
<u>Sapling/Shrub Stratum</u> (Plot size: <u>10' r</u> )				
1. <u>Rubus armeniacus</u>	<u>20%</u>	<u>Yes</u>	<u>FAC</u>	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
20% = Total Cover				
<u>Herb Stratum</u> (Plot size: <u>5' r</u> )				<b>Hydrophytic Vegetation Indicators:</b> 1 - Rapid Test for Hydrophytic Vegetation <u>X</u> 2 - Dominance Test is >50% <u>X</u> 3 - Prevalence Index is ≤3.0 <sup>1</sup> 4 - Morphological Adaptations <sup>1</sup> (Provide support data in Remarks or on a separate sheet) 5 - Wetland Non-Vascular Plants <sup>1</sup> _____ Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology be present.
1. <u>Phalaris arundinacea</u>	<u>75%</u>	<u>Yes</u>	<u>FACW</u>	
2. <u>Cirsium arvense</u>	<u>2%</u>	<u>No</u>	<u>FAC</u>	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
77% = Total Cover				
<u>Woody Vine Stratum</u> (Plot size: <u>10' r</u> )				<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No _____
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
0% = Total Cover				
% Bare Ground in Herb Stratum <u>23%</u>				

Remarks:

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-16+	10YR 3/2	100					SL	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix CS=Covered or Coated Sand Grains.    <sup>2</sup>Location: PL=Pore Liner

<b>Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)</b>	<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	
<input type="checkbox"/> Thick Dark Surface (A12)	<sup>3</sup> Indicators of hydrophytic vegetation and
<input type="checkbox"/> Sandy Mucky Mineral (S1)	wetland hydrology must be present,
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	unless disturbed or problematic.

<b>Restrictive Layer (if present):</b>	<b>Hydric Soil Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Type: _____	
Depth (inches): _____	

Remarks:

**HYDROLOGY**

**Wetland Hydrology Indicators:**

<u>Primary Indicators (minimum of one required; check all that apply)</u>	<u>Secondary Indicators (2 or more required)</u>
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) ( <b>except MLRA 1, 2, 4A, and 4B</b> )
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Water-Stained Leaves (B9) ( <b>MLRA 1, 2, 4A, and 4B</b> )
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Raised Ant Mounds (D6) ( <b>LRR A</b> )
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	

<b>Field Observations:</b>	<b>Wetland Hydrology Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	
Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): <u>&gt;16"</u>	
Saturation Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): <u>&gt;16"</u> (includes capillary fringe)	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:



**WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region**

Project/Site: Evah Lane 2-Parcel Partition City/County: West Linn/Clackamas Sampling Date: 01/24/20127  
 Applicant/Owner: O'Brien & Company, LLC State: OR Sampling Point: 4  
 Investigator(s): Haley Smith Section, Township, Range: Sec. 02BC, T. 3S, R. 1E  
 Landform (hillslope, terrace, etc.): Toe of Hillslope Local relief (concave, convex, none): Concave Slope (%): <5%  
 Subregion (LRR): A, Northwest Forests and Coast Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: (Unit 19) Cloquato Silt Loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	<b>Is the Sampled Area within a Wetland?</b>	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes <u>X</u>	No _____			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Precipitation: According to the NWS Portland station, trace amounts of rainfall was received on the day of the site visit and 3.22 inches of rainfall with 8.00 inches of snowfall was recieved within the two weeks prior.

Remarks: Plot located at the toe of slope and approximately 2 feet from 1-foot-wide manmade ditch.

**VEGETATION**

<u>Tree Stratum</u> (Plot size: <u>30' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A)  Total Number of Dominant Species Across All Strata: <u>2</u> (B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
	0% = Total Cover			
<u>Sapling/Shrub Stratum</u> (Plot size: <u>10' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>85</u> x 2 = <u>170</u> FAC species <u>15</u> x 3 = <u>45</u> FACU species <u>0</u> x 4 = <u>0</u> UPL species <u>0</u> x 5 = <u>0</u> Column Totals: <u>100</u> (A) <u>215</u> (B) Prevalence Index = B/A = <u>2.15</u>
1. <u>Rubus armeniacus</u>	<u>15%</u>	<u>Yes</u>	<u>FAC</u>	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
	15% = Total Cover			
<u>Herb Stratum</u> (Plot size: <u>5' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	<b>Hydrophytic Vegetation Indicators:</b> <u>1</u> - Rapid Test for Hydrophytic Vegetation <u>X</u> <u>2</u> - Dominance Test is >50% <u>X</u> <u>3</u> - Prevalence Index is ≤3.0 <sup>1</sup> <u>4</u> - Morphological Adaptations <sup>1</sup> (Provide support data in Remarks or on a separate sheet) <u>5</u> - Wetland Non-Vascular Plants <sup>1</sup> <u>1</u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology be present.
1. <u>Phalaris arundinacea</u>	<u>85%</u>	<u>Yes</u>	<u>FACW</u>	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
	85% = Total Cover			
<u>Woody Vine Stratum</u> (Plot size: <u>10' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No _____
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
	0% = Total Cover			
% Bare Ground in Herb Stratum <u>15%</u>				

Remarks:

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-6	10YR 3/1	95	10YR 4/4	5	C	M	SiCL	
6-14+	10YR 4/1	95	10YR 4/4	5	C	PL	CL	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix CS=Covered or Coated Sand Grains.    <sup>2</sup>Location: PL=Pore Liner

<b>Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)</b>		<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) <b>(except MLRA 1)</b>	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input checked="" type="checkbox"/> Depleted Below Dark Surface (A11)	<input checked="" type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input checked="" type="checkbox"/> Redox Dark Surface (F6)	<sup>3</sup> Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<b>Restrictive Layer (if present):</b> Type: _____ Depth (inches): _____	<b>Hydric Soil Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
--	---

Remarks:

**HYDROLOGY**

**Wetland Hydrology Indicators:**

<u>Primary Indicators (minimum of one required; check all that apply)</u>		<u>Secondary Indicators (2 or more required)</u>
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) <b>(except MLRA 1, 2, 4A, and 4B)</b>	<input type="checkbox"/> Water-Stained Leaves (B9) <b>(MLRA 1, 2, 4A, and 4B)</b>
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) <b>(LRR A)</b>	<input type="checkbox"/> Raised Ant Mounds (D6) <b>(LRR A)</b>
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

<b>Field Observations:</b>				<b>Wetland Hydrology Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Surface Water Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Depth (inches):	_____	
Water Table Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Depth (inches):	10"	
Saturation Present? (includes capillary fringe)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Depth (inches):	Surface	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

**WETLAND DE24:183TERMINATION DATA FORM – Western Mountains, Valleys and Coast Region**

Project/Site: Evah Lane 2-Parcel Partition City/County: West Linn/Clackamas Sampling Date: 01/24/20127  
 Applicant/Owner: O'Brien & Company, LLC State: OR Sampling Point: 5  
 Investigator(s): Haley Smith Section, Township, Range: Sec. 02BC, T. 3S, R. 1E  
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Concave Slope (%): <3%  
 Subregion (LRR): A, Northwest Forests and Coast Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: (Unit 19) Cloquato Silt Loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	<b>Is the Sampled Area within a Wetland?</b>	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes <u>X</u>	No _____			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Precipitation: According to the NWS Portland station, trace amounts of rainfall was received on the day of the site visit and 3.22 inches of rainfall with 8.00 inches of snowfall was recieved within the two weeks prior.

Remarks: Plot is located east side of pond, and approximately 1-foot lower in landform than upland Plot 6. The manmade ditch is approximately 4 feet away.

**VEGETATION**

<u>Tree Stratum</u> (Plot size: <u>30' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>5</u> (A)  Total Number of Dominant Species Across All Strata: <u>5</u> (B)	
1. <u>Alnus rubra</u>	<u>10%</u>	<u>Yes</u>	<u>FAC</u>		
2. _____	_____	_____	_____		
3. _____	_____	_____	_____		
4. _____	_____	_____	_____		
_____ = Total Cover					
<u>Sapling/Shrub Stratum</u> (Plot size: <u>10' r</u> )				<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species <u>20</u> x 1 = <u>20</u> FACW species <u>45</u> x 2 = <u>90</u> FAC species <u>45</u> x 3 = <u>135</u> FACU species <u>0</u> x 4 = <u>0</u> UPL species <u>0</u> x 5 = <u>0</u> Column Totals: <u>110</u> (A) <u>245</u> (B) Prevalence Index = B/A = <u>2.23</u>	
1. <u>Rubus armeniacus</u>	<u>10%</u>	<u>Yes</u>	<u>FAC</u>		
2. _____	_____	_____	_____		
3. _____	_____	_____	_____		
4. _____	_____	_____	_____		
5. _____	_____	_____	_____		
_____ = Total Cover					
<u>Herb Stratum</u> (Plot size: <u>5' r</u> )				<b>Hydrophytic Vegetation Indicators:</b> 1 - Rapid Test for Hydrophytic Vegetation <u>X</u> 2 - Dominance Test is >50% <u>X</u> 3 - Prevalence Index is ≤3.0 <sup>1</sup> 4 - Morphological Adaptations <sup>1</sup> (Provide support data in Remarks or on a separate sheet) 5 - Wetland Non-Vascular Plants <sup>1</sup> _____ Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology be present.	
1. <u>Phalaris arundinacea</u>	<u>45%</u>	<u>Yes</u>	<u>FACW</u>		
2. <u>Veronica americana</u>	<u>20%</u>	<u>Yes</u>	<u>OBL</u>		
3. <u>Alopecurus pratensis</u>	<u>20%</u>	<u>Yes</u>	<u>FAC</u>		
4. <u>Juncus species</u>	<u>5%</u>	<u>No</u>	<u>FAC</u>		
5. _____	_____	_____	_____		
6. _____	_____	_____	_____		
7. _____	_____	_____	_____		
8. _____	_____	_____	_____		
9. _____	_____	_____	_____		
10. _____	_____	_____	_____		
11. _____	_____	_____	_____		
_____ = Total Cover					
<u>Woody Vine Stratum</u> (Plot size: <u>10' r</u> )				<b>Hydrophytic Vegetation Present?</b> Yes <u>X</u> No _____	
1. _____	_____	_____	_____		
2. _____	_____	_____	_____		
_____ = Total Cover					
% Bare Ground in Herb Stratum <u>10%</u>					

Remarks: *V. armenicana* densely growing in nearby manmade ditch within wetland.

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-10	10YR 3/1	98	10YR 4/4	2	C	M	SiCL	
10-18+	10YR 4/1	90	10YR 4/4	10	C	M	SiCL	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix CS=Covered or Coated Sand Grains.    <sup>2</sup>Location: PL=Pore Liner

<b>Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)</b>		<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) <b>(except MLRA 1)</b>	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input checked="" type="checkbox"/> Depleted Below Dark Surface (A11)	<input checked="" type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input checked="" type="checkbox"/> Redox Dark Surface (F6)	<sup>3</sup> Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<b>Restrictive Layer (if present):</b>	<b>Hydric Soil Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Type: _____	
Depth (inches): _____	

Remarks:

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b>	
<u>Primary Indicators (minimum of one required; check all that apply)</u>	<u>Secondary Indicators (2 or more required)</u>
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) <b>(except MLRA 1, 2, 4A, and 4B)</b>
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Water-Stained Leaves (B9) <b>(MLRA 1, 2, 4A, and 4B)</b>
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Salt Crust (B11)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Aquatic Invertebrates (B13)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Presence of Reduced Iron (C4)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Stunted or Stressed Plants (D1) <b>(LRR A)</b>
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Drainage Patterns (B10)
	<input type="checkbox"/> Dry-Season Water Table (C2)
	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
	<input type="checkbox"/> Geomorphic Position (D2)
	<input type="checkbox"/> Shallow Aquitard (D3)
	<input type="checkbox"/> FAC-Neutral Test (D5)
	<input type="checkbox"/> Raised Ant Mounds (D6) <b>(LRR A)</b>
	<input type="checkbox"/> Frost-Heave Hummocks (D7)

<b>Field Observations:</b>		<b>Wetland Hydrology Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Surface Water Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	
Water Table Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>12"</u>	
Saturation Present? (includes capillary fringe)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>6"</u>	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Seep observed at 7 inches. Test pit left open for approximately 15 minutes.



**WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region**

Project/Site: Evah Lane 2-Parcel Partition City/County: West Linn/Clackamas Sampling Date: 01/24/20127  
 Applicant/Owner: O'Brien & Company, LLC State: OR Sampling Point: 6  
 Investigator(s): Haley Smith Section, Township, Range: Sec. 02BC, T. 3S, R. 1E  
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): Sl. Convex Slope (%): <3%  
 Subregion (LRR): A, Northwest Forests and Coast Lat: \_\_\_\_\_ Long: \_\_\_\_\_ Datum: \_\_\_\_\_  
 Soil Map Unit Name: (Unit 19) Cloquato Silt Loam NWI classification: \_\_\_\_\_

Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No \_\_\_\_\_ (If no, explain in Remarks)  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ significantly disturbed? Are "Normal Circumstances" present? Yes X No \_\_\_\_\_  
 Are Vegetation \_\_\_\_\_, Soil \_\_\_\_\_, or Hydrology \_\_\_\_\_ naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	<b>Is the Sampled Area within a Wetland?</b>
Hydric Soil Present?	Yes _____	No <u>X</u>	
Wetland Hydrology Present?	Yes _____	No <u>X</u>	

Precipitation: According to the NWS Portland station, trace amounts of rainfall was received on the day of the site visit and 3.22 inches of rainfall with 8.00 inches of snowfall was recieved within the two weeks prior.

Remarks: Plot located east, approximately 10 feet from pond.

**VEGETATION**

<u>Tree Stratum</u> (Plot size: <u>30' r</u> )	<u>Absolute % Cover</u>	<u>Dominant Species?</u>	<u>Indicator Status</u>	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>4</u> (A)  Total Number of Dominant Species Across All Strata: <u>4</u> (B)
1. <u>Alnus rubra</u>	<u>10%</u>	<u>Yes</u>	<u>FAC</u>	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
<u>10%</u> = Total Cover				<b>Percent of Dominant Species</b> That Are OBL, FACW, or FAC: <u>100%</u> (A/B)
<b>Sapling/Shrub Stratum</b> (Plot size: <u>10' r</u> )				
1. _____	_____	_____	_____	<b>Prevalence Index worksheet:</b> Total % Cover of: _____ Multiply by: _____ OBL species <u>0</u> x 1 = <u>0</u> FACW species <u>0</u> x 2 = <u>0</u> FAC species <u>95</u> x 3 = <u>285</u> FACU species <u>0</u> x 4 = <u>0</u> UPL species <u>0</u> x 5 = <u>0</u> Column Totals: <u>95</u> (A) <u>285</u> (B) Prevalence Index = B/A = <u>3.00</u>
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
<u>0%</u> = Total Cover				
<b>Herb Stratum</b> (Plot size: <u>5' r</u> )				
1. <u>Schedonorus arundinaceus</u>	<u>25%</u>	<u>Yes</u>	<u>FAC</u>	<b>Hydrophytic Vegetation Indicators:</b> <u>1</u> - Rapid Test for Hydrophytic Vegetation <u>X</u> <u>2</u> - Dominance Test is >50% <u>X</u> <u>3</u> - Prevalence Index is ≤3.0 <sup>1</sup> <u>4</u> - Morphological Adaptations <sup>1</sup> (Provide support data in Remarks or on a separate sheet) <u>5</u> - Wetland Non-Vascular Plants <sup>1</sup> <u>1</u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology be present.
2. <u>Alopecurus pratensis</u>	<u>25%</u>	<u>Yes</u>	<u>FAC</u>	
3. <u>Agrostis capillaris</u>	<u>25%</u>	<u>Yes</u>	<u>FAC</u>	
4. <u>Cardamine oligosperma</u>	<u>10%</u>	<u>No</u>	<u>FAC</u>	
5. _____	_____	_____	_____	
6. _____	_____	_____	_____	
7. _____	_____	_____	_____	
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
<u>85%</u> = Total Cover				
<b>Woody Vine Stratum</b> (Plot size: <u>10' r</u> )				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
<u>0%</u> = Total Cover				
% Bare Ground in Herb Stratum <u>15%</u>				

Remarks:

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
1-7	10YR 3/3	75	10YR 4/3	5	C	M	SiL	
1-7	10YR 4/6	20					SL	
7-14+	10YR 3/1	99	7.5YR 3/3	1	C	M	SiL	

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix CS=Covered or Coated Sand Grains.    <sup>2</sup>Location: PL=Pore Liner

<b>Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)</b>		<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) <b>(except MLRA 1)</b>	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	<sup>3</sup> Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

<b>Restrictive Layer (if present):</b>	<b>Hydric Soil Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Type: _____	
Depth (inches): _____	

Remarks:

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b>	
<u>Primary Indicators (minimum of one required; check all that apply)</u>	<u>Secondary Indicators (2 or more required)</u>
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) <b>(except MLRA 1, 2, 4A, and 4B)</b>
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Water-Stained Leaves (B9) <b>(MLRA 1, 2, 4A, and 4B)</b>
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Salt Crust (B11)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Aquatic Invertebrates (B13)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Presence of Reduced Iron (C4)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Stunted or Stressed Plants (D1) <b>(LRR A)</b>
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Drainage Patterns (B10)
	<input type="checkbox"/> Dry-Season Water Table (C2)
	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
	<input type="checkbox"/> Geomorphic Position (D2)
	<input type="checkbox"/> Shallow Aquitard (D3)
	<input type="checkbox"/> FAC-Neutral Test (D5)
	<input type="checkbox"/> Raised Ant Mounds (D6) <b>(LRR A)</b>
	<input type="checkbox"/> Frost-Heave Hummocks (D7)

<b>Field Observations:</b>		<b>Wetland Hydrology Present?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Surface Water Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	
Water Table Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): <u>&gt;14"</u>	
Saturation Present? (includes capillary fringe)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): <u>&gt;14"</u>	

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Soils dry to moist throughout.

## **Appendix B: VECO Data Sheets (VECO Plots A-B)**

---

<b>Site:</b>	<u>Evah Lane 2-Parcel Partition</u>		
<b>Job Number:</b>	<u>5579</u>		
<b>Investigators:</b>	<u>Haley Smith</u>		
<b>Date:</b>	<u>January 24, 2017</u>		
<b>Community:</b> Non-native/invasive grass hillslope			
<b>Location:</b> Northwest portion of project stie			
<b>Plot ID:</b> VECO Plot A			
Tree species, % Cover, Native, Invasive - 30 foot radius, >5% cover:			30%
* <i>Acer macrophyllum</i>	big-leaf maple	<i>native</i>	10%
* <i>Alnus rubra</i>	red alder	<i>native</i>	10%
* <i>Pseudotsuga menziesii</i>	Douglas-fir	<i>native</i>	10%
Shrub species, % Cover, Native, Invasive - 30 foot radius, >5% cover:			75%
* <i>Rubus armeniacus</i>	Himalayan blackberry	<i>invasive</i>	75%
Herb Species, % Cover, Native, Invasive - 10 foot radius, >5% cover:			25%
* <i>Phalaris arundinacea</i>	reed canary grass	<i>invasive</i>	25%
* Dominant			
			Total Cover 130%
Absolute areal cover			
<b>% Tree canopy:</b>	<b>30%</b>		
% Cover by natives:	30%		
% Invasive:	75%		
% Non-native:	25%		
	<hr style="width: 50%; margin: 0 auto;"/>		
	130%		
<b>Corridor Condition:</b>	Degraded		



<b>Site:</b>	<u>Evah Lane 2-Parcel Partition</u>		
<b>Job Number:</b>	<u>5579</u>		
<b>Investigators:</b>	<u>Haley Smith</u>		
<b>Date:</b>	<u>January 24, 2017</u>		
<b>Community:</b> Native tree canopy			
<b>Location:</b> East portion of hillside			
<b>Plot ID:</b> VECO Plot B			
Tree species, % Cover, Native, Invasive - 30 foot radius, >5% cover:			50%
* <i>Acer macrophyllum</i>	big-leaf maple	<i>native</i>	10%
* <i>Pseudotsuga menziesii</i>	Douglas-fir	<i>native</i>	30%
* <i>Quercus garryana</i>	Oregon white oak	<i>native</i>	10%
Shrub species, % Cover, Native, Invasive - 30 foot radius, >5% cover:			40%
* <i>Cornus nuttallii</i>	Pacific flowering dogwood	<i>native</i>	20%
* <i>Rubus armeniacus</i>	Himalayan blackberry	<i>invasive</i>	20%
Herb Species, % Cover, Native, Invasive - 10 foot radius, >5% cover:			25%
* <i>Phalaris arundinacea</i>	reed canary grass	<i>invasive</i>	25%
* Dominant			
			Total Cover 115%
Absolute areal cover			
<b>% Tree canopy:</b>	<b>50%</b>		
% Cover by natives:	70%		
% Invasive:	20%		
% Non-native:	25%		
	<hr style="width: 50%; margin: auto;"/>		
	115%		
<b>Corridor Condition:</b>	Marginal		

## **Appendix C: Representative Photographs**

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**Photo A.** View northwest of wetland Plot 2 (flagged in yellow) adjacent to upland to north.



**Photo B.** View west of buried 12 inch concrete pipe draining stormwater from north into wetland.



**Photo C.** View north of upland hillslope just above wetland.



**Photo D.** View southeast of 1-foot-wide manmade drainage ditch, flowing southeast into pond.





**Photo E.** View north of wetland Plot 4 and adjacent upland Plot 3 (flagged in yellow) with wetland boundary in-between (flagged in orange).



**Photo F.** View northwest of eastern manmade ditch flowing into pond.



**Photo G.** View northeast of northern portion of wetland surrounding the pond.



**Photo H.** View east of wetland Plot 5 in slight concave landform east of pond.





**Photo E.** Photo compilation of area just south of property boundary where pond outlet to the Tualatin river is located.



**Photo G.** View west of wetland boundary (flagged in orange) and pond area along the northern side.

# Exhibit E: TVF&R Acceptance of Fire Access

---

## Zach Pelz

---

**From:** Lais, Erich <elais@westlinnoregon.gov>  
**Sent:** Friday, May 19, 2017 1:53 PM  
**To:** Zach Pelz  
**Cc:** Jon Morse; Spir, Peter  
**Subject:** RE: 14th Street Garbage Truck Turnaround Exhibit

Zach,

I'm fine with the proposal as that is probably the best solution given the existing driveways and landscaping. I'd like the existing driveway to be built to City standards back to the edge of the right of way. They could saw cut and remove what is there and put back 4" of AC on 10" of ¾" rock. This will give adequate structure for the garbage trucks to turn around on.

Let me know if you have any questions.

Thanks!

---

**From:** Zach Pelz [mailto:pelzz@aks-eng.com]  
**Sent:** Tuesday, May 09, 2017 11:26 AM  
**To:** Lais, Erich <elais@westlinnoregon.gov>  
**Cc:** Jon Morse <jonm@aks-eng.com>  
**Subject:** FW: 14th Street Garbage Truck Turnaround Exhibit

Good morning, Erich –

I wanted to follow-up to make sure you received the attached preliminary truck turnaround layout for Evah Lane (emailed last week) and ask if you have any questions; please don't hesitate to call or email if so.

Thanks,

**Zach Pelz, AICP**



**AKS ENGINEERING & FORESTRY, LLC**

P: 503.563.6151 Ext. 218 | F: 503.563.6152 | [www.aks-eng.com](http://www.aks-eng.com) | [PelzZ@aks-eng.com](mailto:PelzZ@aks-eng.com)

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

---

**From:** Zach Pelz  
**Sent:** Thursday, May 04, 2017 10:38 AM  
**To:** Lais, Erich <elais@westlinnoregon.gov>  
**Cc:** Jon Morse <jonm@aks-eng.com>  
**Subject:** FW: 14th Street Garbage Truck Turnaround Exhibit

Good morning, Erich –

Please find attached our preliminary truck turn around layout per our previous conversation. You'll notice that the turnaround relies on the use of an existing driveway; however, this driveway is in the public right-of-way and the design results in the least disruption to their existing driveway and landscaping.

Don't hesitate to let me know of any questions. Thanks,

**Zach Pelz, AICP**



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

---

**From:** Lawrence Pankey  
**Sent:** Thursday, May 04, 2017 10:35 AM  
**To:** Zach Pelz <[pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)>  
**Cc:** Jon Morse <[jonm@aks-eng.com](mailto:jonm@aks-eng.com)>  
**Subject:** 14th Street Garbage Truck Turnaround Exhibit

See attached.

**Lawrence Pankey, EI, LSI**



**AKS ENGINEERING & FORESTRY, LLC**

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

P: 503.563.6151 Ext. 217 | F: 503.563.6152 | [www.aks-eng.com](http://www.aks-eng.com) | [PankeyL@aks-eng.com](mailto:PankeyL@aks-eng.com)

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**Erich Lais**

*Assistant City Engineer*

Public Works Support

22500 Salamo Road  
West Linn, Oregon 97068  
[elais@westlinnoregon.gov](mailto:elais@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
503-722-3434



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## Zach Pelz

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**Sent:** Tuesday, May 09, 2017 11:26 AM  
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**Cc:** Jon Morse  
**Subject:** FW: 14th Street Garbage Truck Turnaround Exhibit  
**Attachments:** 5579 20170504 TRUCK TURNAROUND.pdf

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Zach Pelz, AICP



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**Subject:** 14th Street Garbage Truck Turnaround Exhibit

See attached.

**Lawrence Pankey, EI, LSI**



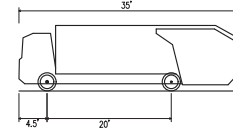
**AKS ENGINEERING & FORESTRY, LLC**

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

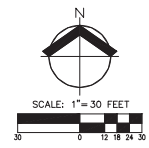
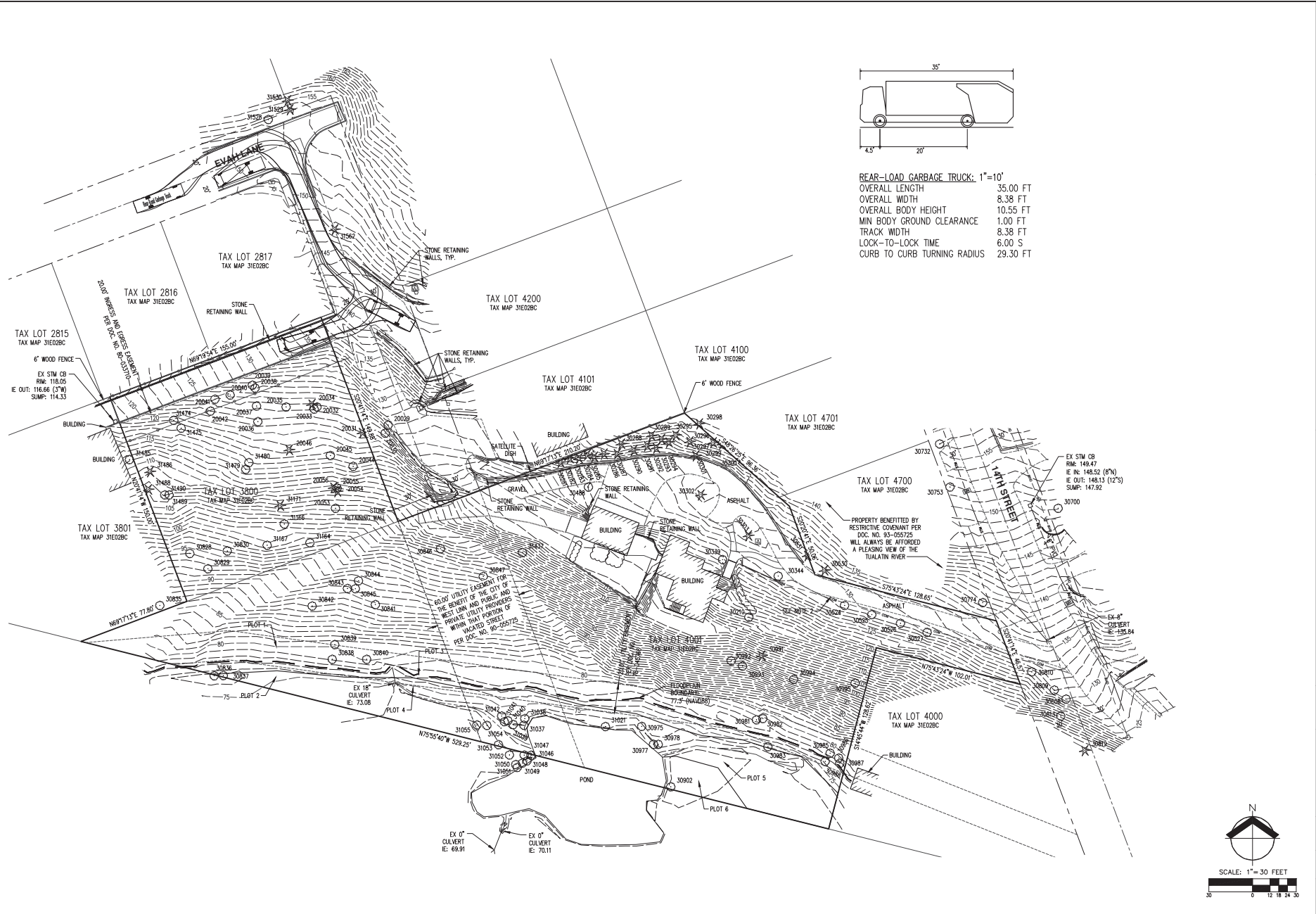
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REAR-LOAD GARBAGE TRUCK: 1"=10'  
 OVERALL LENGTH 35.00 FT  
 OVERALL WIDTH 8.38 FT  
 OVERALL BODY HEIGHT 10.55 FT  
 MIN BODY GROUND CLEARANCE 1.00 FT  
 TRACK WIDTH 8.38 FT  
 CURB-TO-LOCK TIME 6.00 S  
 CURB TO CURB TURNING RADIUS 29.30 FT



AKS DRAWING FILE: 5579 20070504 TRUCK TURNAROUND EXHIBIT LAYOUT C000

## Zach Pelz

---

**From:** Zach Pelz  
**Sent:** Thursday, May 04, 2017 10:38 AM  
**To:** Lais, Erich  
**Cc:** Jon Morse  
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**Zach Pelz, AICP**



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**To:** Zach Pelz <pelzz@aks-eng.com>  
**Cc:** Jon Morse <jonm@aks-eng.com>  
**Subject:** 14th Street Garbage Truck Turnaround Exhibit

See attached.

**Lawrence Pankey, EI, LSI**



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## Zach Pelz

---

**From:** Darby, Ty M. <Ty.Darby@tvfr.com>  
**Sent:** Friday, October 21, 2016 9:26 AM  
**To:** Spir, Peter; Le, Khoi  
**Cc:** Jon Morse; Zach Pelz  
**Subject:** RE: pre-app notes for Evah Lane

Peter and Khoi,

I stopped by and took a look at Evah Lane yesterday. As Evah Lane heads south to the proposed development, it gets pretty steep and narrow and it would be safest for our apparatus to perform turn-around movements at the top of the hill. In the NE corner of Evah (see below), there appears to be a small existing vehicle turn-a-round which would be beneficial for fire apparatus turning movements. Please note that it does not appear to meet our traditional "hammerhead" spec nor does it have "no parking" signage.

I also located the fire hydrant at the bottom of the hill. This would be the best hydrant to conduct the fire flow test from. Please note that it would be nice to add a blue hydrant marker in the street to help better identify the hydrant in the future.

Let me know if you have any questions.

Thank you,



---

**Ty Darby | Deputy Fire Marshal**

Tualatin Valley Fire & Rescue

Direct: 503-259-1409

[www.tvfr.com](http://www.tvfr.com)

---

**From:** Spir, Peter [mailto:pspir@westlinnoregon.gov]  
**Sent:** Thursday, October 20, 2016 4:30 PM  
**To:** 'Pat@oblcc.com'; 'jonm@aks-eng.com'; Darby, Ty M.; 'Zach Pelz'  
**Cc:** Shroyer, Shauna  
**Subject:** pre-app notes for Evah Lane

**Peter Spir**  
*Associate Planner*  
Planning

22500 Salamo Rd.  
West Linn, Oregon 97068  
[pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov)  
westlinnoregon.gov  
503-723-2539



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March 9, 2018

Peter Spir  
Associate Planner  
City of West Linn  
Planning Department  
22500 Salamo Rd, West Linn, OR 97068

**RE: Application for 2-Lot Minor Partition Between Evah Lane and 14th Street (MIP-18-01, WAP 18-01, WRG-18-01)**

Dear Mr. Spir,

As a follow-up to your February 23, 2018 incompleteness letter regarding the above referenced project, we would like to submit the following responses:

Staff Comment No. 1: The City Arborist is in the process of identifying significant trees on the site. That information will be forwarded to the applicant to make the necessary calculations and submittal revisions.

**Response:** Our January 29, 2018 submittal included details regarding the location of all trees on site. If the City Arborist determines that significant trees are present on site, we will update our plans to include this additional detail. Further, the site is located on Type I and II lands and therefore the obligation to calculate the dripline plus 10-feet is not required as described above for projects on non-Type I and II land.

Staff Comment No. 2: This application shows an existing driveway in the Evah Lane ROW being used for access to lot 2, with lot 1 using that same ROW plus the existing driveway off 14th Street. This arrangement does not satisfy CDC 85.200(A) or CDC Chapter 92.010 and 92.020. Two options are available:

- 1.) Construct a TSP "local constrained" street design from Evah Lane (starting near the required improvements associated with MIP-17-03) connecting with 14th Street. (Engineered drawings will be required for this option.); or,
- 2.) Vacate the Evah Lane ROW south of the required improvements associated with MIP-17-03 and limit access for both lots to the driveway from 14th Street. Redesign tentative plat map to show a 15 foot wide flag lot connection from Lot 2 to 14th Street. (The street ROW vacation fee is \$6,000 and the standards of ORS 271 will apply.)

Please note that with either option, improvements will be required for the 14th Street ROW frontage including transitions. (Engineered drawings will be required for 14th Street improvements.) All designs will accommodate access as required by TVFR.

Also, if Option 1 is selected, construction and installation of an eight-inch ductile iron waterline connecting the waterlines in Evah Lane and 14th Street is required per 85.200(F) and 92.010(G). Additionally, storm water facilities will be required for the additional impervious surface.

---

**Response:** The Applicant wishes to revise the preliminary plans to eliminate access to Lot 1 from Evah Lane. Under the revised plan, Lot 2 will have access to Evah Lane only and Lot 1 will have access to 14th Street only. The partition will therefore result in no net increase in access/egress to either Evah Lane or 14th Street.

Regarding Option 1 above, the Applicant met with Engineering staff in 2016 and 2017 to discuss options for providing access to Lots 1 and 2. Following these conversations, City Engineering staff concluded that it would be infeasible to create a new public street connection between Evah Lane and 14th Street. Attachment A includes an email thread between the Applicant's planner and the City Engineer affirming that a through street connection between Evah Lane and 14th Street would not be required.

Regarding Option 2 above, the Applicant does not believe that a flag lot configuration of Lot 2, which provides sole access from 14th Street, is an effective or safe way to provide access to Lot 2. As mentioned above, Lot 2 is now planned to utilize the existing access from Evah Lane and therefore results in no net increase in access or vehicle trips on Evah Lane and results in two lots that have only one frontage on a public street.

Regarding the option to require the Applicant to complete a vacation of the Evah Lane public right-of-way: The City recently approved access to serve two residential lots immediately northeast, and three new lots immediately northwest of the subject property, in a manner that does not meet the City's standard for a local street. A partition in the City of West Linn is a Type I Decision that is reviewed and decided by staff and which is based exclusively on clear and objective criteria. The City is obligated to approve such applications where an applicant demonstrates compliance with all applicable criteria.

The standards applicable to partitions in the City of West Linn do not authorize the City to require an applicant to vacate adjacent public right-of-way because the right-of-way vacation process does not rely solely on clear and objective criteria but rather includes significant discretion on behalf of the City Council and affected property owners abutting the subject right-of-way as well as property owners in the nearby vicinity who must consent to the vacation. If the City determines that a public benefit is no longer realized by this portion of the Evah Lane public right-of-way, the City may initiate such a right-of-way vacation at its own volition.

The Applicant is aware of the City's authority to require street frontage improvements in proportion to new impacts that are anticipated by a land division. As a condition of the City's approval for a 3-parcel partition located northwest of the subject site, and after the City determined that frontage improvements would be impractical, the Applicant agreed to make off-site site improvements on Evah Lane in exchange for similar improvements that would have otherwise been required along the property frontage. Considering that the frontage of Lot 2 is located in this same area, the Applicant is willing to construct or pay a fee in lieu of proportionate impacts to Evah Lane that will be generated from a new home on Lot 2. A completed waiver of street frontage improvements, in response to those proportionate impacts from Lot 2, is included in Attachment B.

We disagree with the City's assessment that improvements to the site's 14th Street frontage should be required as a condition of this partition. As mentioned above, the partition will result in no net impacts to 14th Street and therefore, there exists no proportionality between the cost of such improvements and impacts to the adjacent street system as is required to be demonstrated by the City for exactions under *Dolan v. City of Tigard*, 512 US 374.



Staff Comment No. 3: Review of the proposed development and CDC Chapter 27 finds that a Flood Management Area permit is not required. You will be refunded the \$1,050 deposit fee (less any billed hour fees on the other deposits) after the Planning Manager's decision on this partition application is completed.

**Response:** Please mail this refund to the address listed on the application form.

Staff Comment No. 4: Lot 1 could potentially be partitioned to yield an additional lot. To that end, the applicant may choose to:

- 1.) Exercise the option of an "Alternate Review" process (CDC 32.080) which might allow an additional lot on the hillside east of the existing house. This would also require another redesignation of the HCA boundary (CDC 28.070 (B));
- 2.) Submit a redivision plan consistent with 85.180; or,
- 3.) Provide a written statement that affirms the findings contained in the Exhibit D of the application and that no future partition of lot 1 is possible.

**Response:** As staff describes below, there are a number of factors, in addition to lot size and dimension, that determine whether a lot may be divided. In this case, and following a thorough review of the on-site conditions, it has been determined that the topography on the site creates a Water Resource Area boundary on the eastern half of the subject property that will not accommodate an additional buildable lot. As confirmed by staff's comment below, east of the existing home the Water Resource Area boundary extends approximately 200-feet north from the edge of the resource and leaves no additional buildable area on Lot 1. The parcel may therefore not be divided in the future under the City's current Water Resource Area regulations. A redivision plan is subsequently not warranted.

Staff Comment No. 5: If the vacation of Evah Lane ROW is proposed, the applicant should anticipate a requirement for a public access easement in that ROW and provide and identify a public access easement and path from the southern terminus of Evah Lane ROW to 14th Street. (If the local constrained street option is proposed, that design would be expected to accommodate pedestrian and bike access.)

**Response:** The Applicant is not proposing to vacate Evah Lane. Additionally, we have determined, as part of our previous analysis (which concluded that a street connection between Evah Lane and 14th Street was not feasible) that a discrete pedestrian connection is not feasible for similar reasons and which are due, in major part, to the existing topography and pattern of development in the area.

Staff Comment No. 6: The placement of lot 2's home and raingarden on 25 percent slopes/Type I Lands will require grading which will trigger the need for a geologic study. (If the option of a local constrained street between Evah Lane and 14th Street is selected, the geologic study must also address grading associated with those improvements. See also Staff Comment 7.)

**Response:** The Applicant is not proposing to construct a new home at this time. Subsequently, new impervious areas that would warrant the abovementioned storm facilities are not included in this application. At such time a new home is proposed on Lot 2, the City will review the building permit application to ensure appropriate stormwater management facilities are proposed and that they can be constructed in light of the environmental considerations on the property.

Staff Comment No. 7: The requirement is that all lots are “buildable”. In the absence of a definition of “buildable” in the CDC Definitions Chapter 2, CDC 02.010(D) defers to the Merriam Webster’s definition: “suitable for building... buildable land; especially: capable of being built”. Staff finds that because lot 2’s area of development is a Type I Land and the fact that the City of West Linn’s Natural Hazard Mitigation Plan, Map 17, identifies the hillside on lot 2 as a “Landslide Hazard Area”, a geologic study is appropriate to demonstrate that lot 2 is buildable.

**Response:** We request that staff add a condition to the approval of this partition which requires satisfactory demonstration, via a geotechnical report prepared by a licensed geotechnical engineer, attesting to the suitability of the site to accommodate new residential construction and specific construction methods and materials that shall be used in response to any hazardous soil conditions on site.

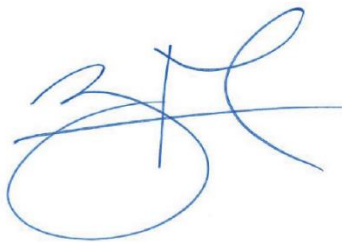
Staff Comment 8: The WRA is associated with a delineated wetland/natural resource boundary near the southern edge of the property. To the east of the existing house on lot 1, where the slope is also over 25 percent but with no top of bank in the first 150 feet, a transition of 200 feet is required per Figure 32-5. Sheet P04 only shows a 170-foot transition as measured from the delineated natural resource boundary. The transition on the east portion of lot 1 needs to be increased to 200 feet.

**Response:** We will update our exhibits to show this boundary as described.

With this information we have fully addressed the preliminary staff comments from your February 23, 2018 incompleteness letter. We look forward to working with the City through the implementation of this project. Please do not hesitate to call or email with additional questions.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



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

- Attachment A: Email Correspondence Between Applicant’s Planner and City Engineer Regarding Local Street Connection Between Evah Lane and 14th Street
- Attachment B: Request for Waiver of Street Frontage Improvements
- Attachment C: Revised Preliminary Partition Plat Plan Set

cc: Erich Lais, Assistant City Engineer, City of West Linn  
Pat O’Brien

## Zach Pelz

---

**From:** Lais, Erich <elais@westlinnoregon.gov>  
**Sent:** Friday, May 19, 2017 1:53 PM  
**To:** Zach Pelz  
**Cc:** Jon Morse; Spir, Peter  
**Subject:** RE: 14th Street Garbage Truck Turnaround Exhibit

**Categories:** Filed by Newforma

Zach,

I'm fine with the proposal as that is probably the best solution given the existing driveways and landscaping. I'd like the existing driveway to be built to City standards back to the edge of the right of way. They could saw cut and remove what is there and put back 4" of AC on 10" of ¾" rock. This will give adequate structure for the garbage trucks to turn around on.

Let me know if you have any questions.

Thanks!

---

**From:** Zach Pelz [mailto:pelzz@aks-eng.com]  
**Sent:** Tuesday, May 09, 2017 11:26 AM  
**To:** Lais, Erich <elais@westlinnoregon.gov>  
**Cc:** Jon Morse <jonm@aks-eng.com>  
**Subject:** FW: 14th Street Garbage Truck Turnaround Exhibit

Good morning, Erich –

I wanted to follow-up to make sure you received the attached preliminary truck turnaround layout for Evah Lane (emailed last week) and ask if you have any questions; please don't hesitate to call or email if so.

Thanks,

**Zach Pelz, AICP**



**AKS ENGINEERING & FORESTRY, LLC**

P: 503.563.6151 Ext. 218 | F: 503.563.6152 | [www.aks-eng.com](http://www.aks-eng.com) | [PelzZ@aks-eng.com](mailto:PelzZ@aks-eng.com)  
Offices in: Tualatin, OR | Salem-Keizer, OR | Vancouver, WA

---

**From:** Zach Pelz  
**Sent:** Thursday, May 04, 2017 10:38 AM  
**To:** Lais, Erich <[elais@westlinnoregon.gov](mailto:elais@westlinnoregon.gov)>  
**Cc:** Jon Morse <[jonm@aks-eng.com](mailto:jonm@aks-eng.com)>  
**Subject:** FW: 14th Street Garbage Truck Turnaround Exhibit

Good morning, Erich –

Attachment A

Please find attached our preliminary truck turn around layout per our previous conversation. You'll notice that the turnaround relies on the use of an existing driveway; however, this driveway is in the public right-of-way and the design results in the least disruption to their existing driveway and landscaping.

Don't hesitate to let me know of any questions. Thanks,

**Zach Pelz, AICP**



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

---

**From:** Lawrence Pankey  
**Sent:** Thursday, May 04, 2017 10:35 AM  
**To:** Zach Pelz <[pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)>  
**Cc:** Jon Morse <[jonm@aks-eng.com](mailto:jonm@aks-eng.com)>  
**Subject:** 14th Street Garbage Truck Turnaround Exhibit

See attached.

**Lawrence Pankey, EI, LSI**



**AKS ENGINEERING & FORESTRY, LLC**

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

P: 503.563.6151 Ext. 217 | F: 503.563.6152 | [www.aks-eng.com](http://www.aks-eng.com) | [PankeyL@aks-eng.com](mailto:PankeyL@aks-eng.com)

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**Erich Lais**

*Assistant City Engineer*

Public Works Support

22500 Salamo Road  
West Linn, Oregon 97068  
[elais@westlinnoregon.gov](mailto:elais@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
503-722-3434



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## Zach Pelz

---

**From:** Zach Pelz  
**Sent:** Thursday, May 04, 2017 10:38 AM  
**To:** Lais, Erich  
**Cc:** Jon Morse  
**Subject:** FW: 14th Street Garbage Truck Turnaround Exhibit  
**Attachments:** 5579 20170504 TRUCK TURNAROUND.pdf  
  
**Categories:** Filed by Newforma

Good morning, Erich –

Please find attached our preliminary truck turn around layout per our previous conversation. You'll notice that the turnaround relies on the use of an existing driveway; however, this driveway is in the public right-of-way and the design results in the least disruption to their existing driveway and landscaping.

Don't hesitate to let me know of any questions. Thanks,

**Zach Pelz, AICP**



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**Cc:** Jon Morse <jonm@aks-eng.com>  
**Subject:** 14th Street Garbage Truck Turnaround Exhibit

See attached.

**Lawrence Pankey, EI, LSI**



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## Zach Pelz

---

**From:** Lais, Erich <elais@westlinnoregon.gov>  
**Sent:** Wednesday, April 19, 2017 4:27 PM  
**To:** Zach Pelz  
**Subject:** RE: 1236 14th Street West Linn

**Categories:** Filed by Newforma

Zach,

Hope to have you something by the end of the week. Have you guys drawn up or planned how a cul-de-sac would fit at the end?

Thanks!

---

**From:** Zach Pelz [mailto:pelzz@aks-eng.com]  
**Sent:** Wednesday, April 19, 2017 1:26 PM  
**To:** Lais, Erich <elais@westlinnoregon.gov>  
**Subject:** RE: 1236 14th Street West Linn

Thanks, Erich.

Can you please give me an idea of when we can expect a response regarding the turnaround and ½ street improvements?

**Zach Pelz, AICP**



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**Sent:** Wednesday, April 19, 2017 1:21 PM  
**To:** Zach Pelz <pelzz@aks-eng.com>  
**Subject:** RE: 1236 14th Street West Linn

Zach,

You can ignore my voicemail request about sending me a site plan. I found your site plan from the October preapp meeting.

Thanks

---

**From:** Zach Pelz [mailto:pelzz@aks-eng.com]  
**Sent:** Tuesday, March 28, 2017 12:51 PM  
**To:** Spir, Peter <pspir@westlinnoregon.gov>; Calvert, Lance <lcalvert@westlinnoregon.gov>; Lais, Erich <elais@westlinnoregon.gov>

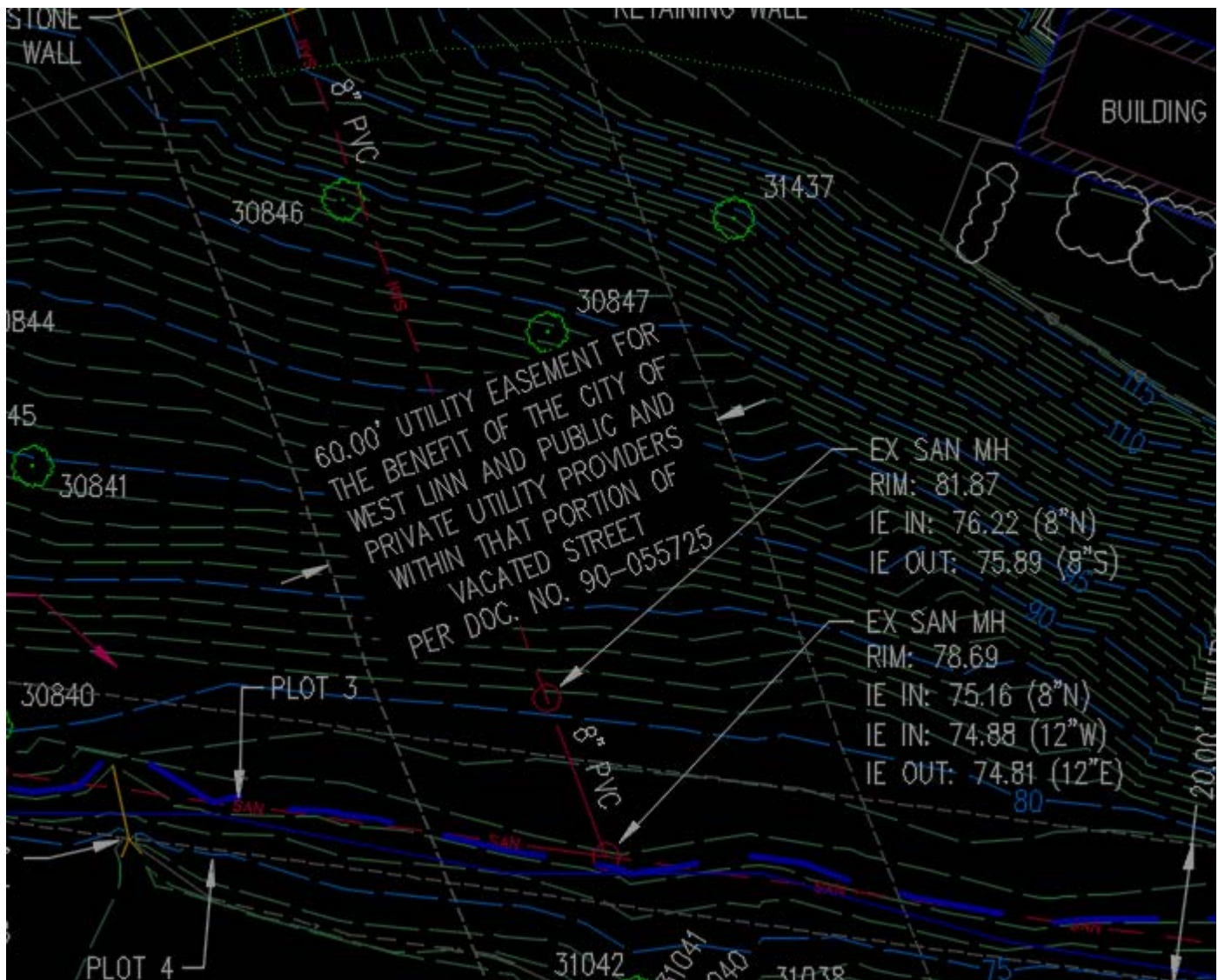
Cc: Jon Morse <[jonm@aks-eng.com](mailto:jonm@aks-eng.com)>

Subject: 1236 14th Street West Linn

Peter, Lance, and Erich –

As a follow-up to our conversation from last week, we wanted to confirm that the easement which was put in place of the old Evah Lane right-of-way on this property is for the benefit of general utility providers and is not limited to sanitary sewer. We will coordinate with all local and franchise utilities in reducing the width of this easement. Does the City have a form or documentation that can help us in the process?

Also, we wanted to thank you again for taking time to meet last week to discuss the feasibility of a through street connection. We look forward to hearing back from you regarding the requirements for a garbage truck turnaround at the south end of Evah Lane.



Zach Pelz, AICP  
Land Use Planner

**AKS**  
**AKS ENGINEERING & FORESTRY, LLC**  
12965 SW Herman Road, Suite 100 | Tualatin, OR 97062

Attachment A

P: 503.563.6151 Ext. 218 | F: 503.563.6152 | [www.aks-eng.com](http://www.aks-eng.com) | [PelzZ@aks-eng.com](mailto:PelzZ@aks-eng.com)  
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**Erich Lais**

*Assistant City Engineer*  
Public Works Support

22500 Salamo Road  
West Linn, Oregon 97068  
[elais@westlinnoregon.gov](mailto:elais@westlinnoregon.gov)  
westlinnoregon.gov  
503-722-5514



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**Erich Lais**

*Assistant City Engineer*  
Public Works Support

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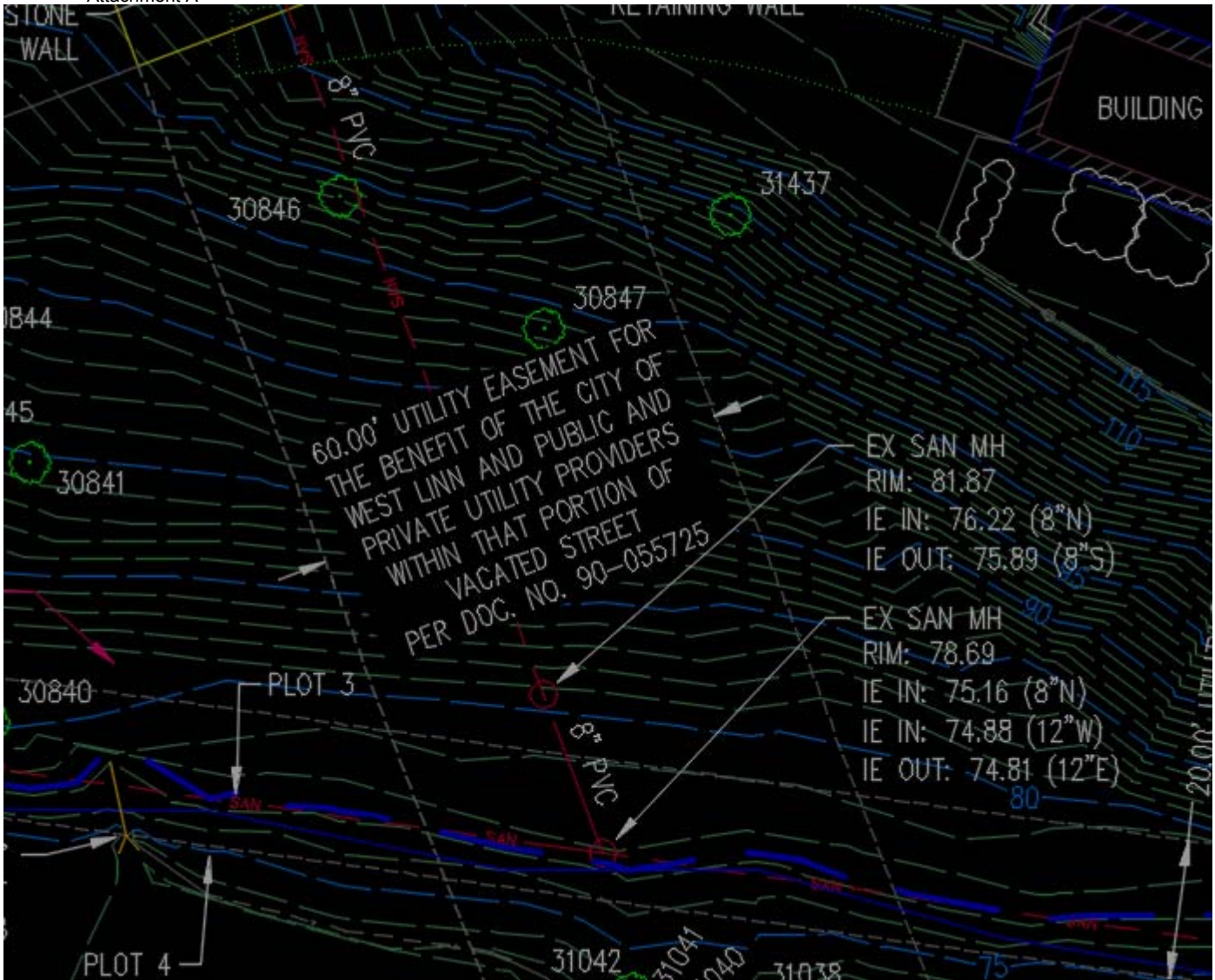
**From:** Zach Pelz [mailto:[pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)]  
**Sent:** Tuesday, March 28, 2017 12:51 PM  
**To:** Spir, Peter <[pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov)>; Calvert, Lance <[lcalvert@westlinnoregon.gov](mailto:lcalvert@westlinnoregon.gov)>; Lais, Erich <[elais@westlinnoregon.gov](mailto:elais@westlinnoregon.gov)>  
**Cc:** Jon Morse <[jonm@aks-eng.com](mailto:jonm@aks-eng.com)>  
**Subject:** 1236 14th Street West Linn

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**Zach Pelz, AICP**  
**Land Use Planner**



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**Erich Lais**  
 Assistant City Engineer  
 Public Works Support

22500 Salamo Road  
 West Linn, Oregon 97068  
[elais@westlinnoregon.gov](mailto:elais@westlinnoregon.gov)

Attachment A  
westlinnoregon.gov  
503-722-5514



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## Zach Pelz

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**Categories:** Filed by Newforma

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Thanks

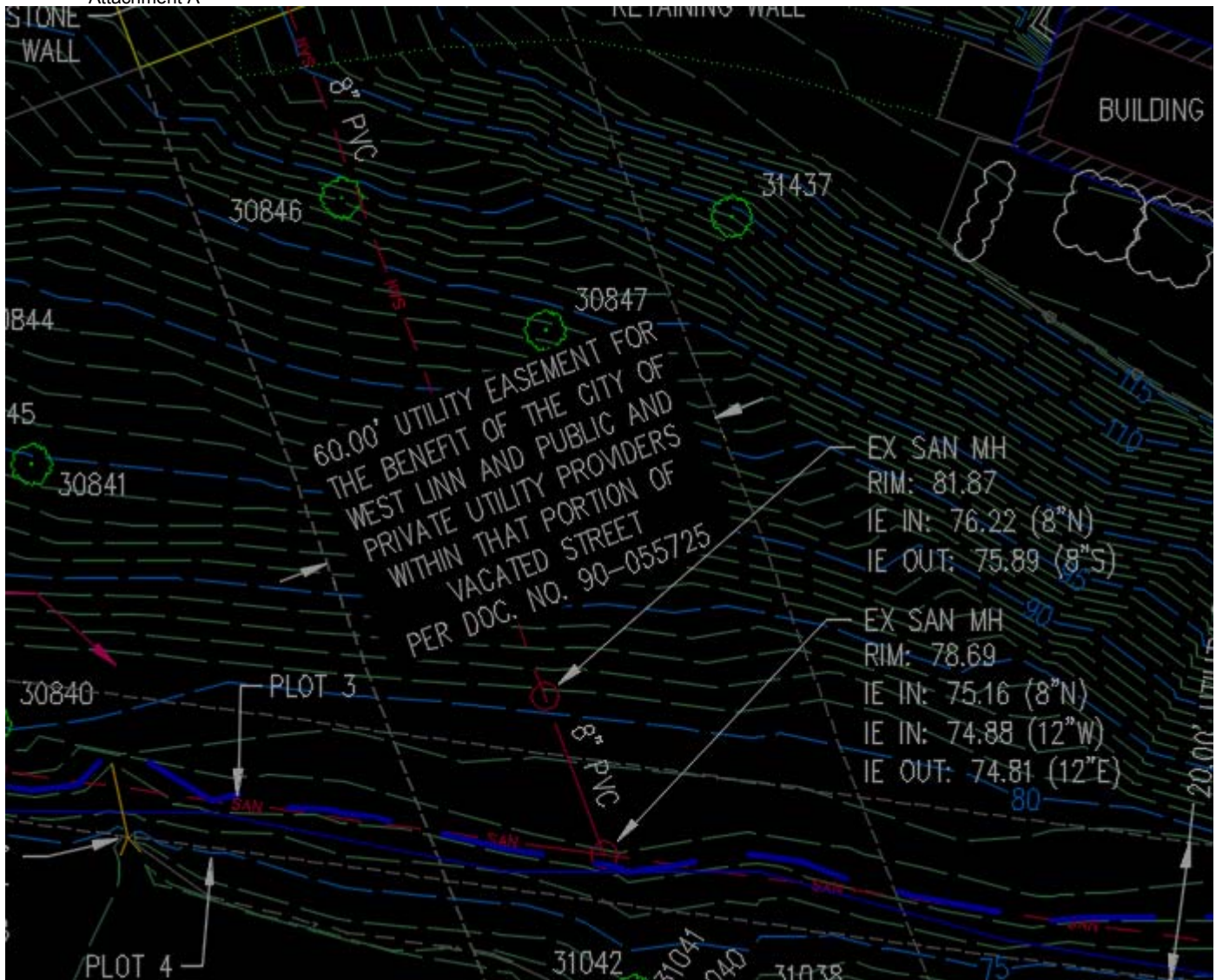
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**Sent:** Tuesday, March 28, 2017 12:51 PM  
**To:** Spir, Peter <pspir@westlinnoregon.gov>; Calvert, Lance <lcalvert@westlinnoregon.gov>; Lais, Erich <elais@westlinnoregon.gov>  
**Cc:** Jon Morse <jonm@aks-eng.com>  
**Subject:** 1236 14th Street West Linn

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**Zach Pelz, AICP**  
**Land Use Planner**



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**Erich Lais**  
 Assistant City Engineer  
 Public Works Support

22500 Salamo Road  
 West Linn, Oregon 97068  
[elais@westlinnoregon.gov](mailto:elais@westlinnoregon.gov)

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**REQUEST FOR WAIVER OF STREET IMPROVEMENTS  
PAYMENT OF FEE-IN-LIEU**

22500 Salamo Rd. Box 800; West Linn, OR 97068  
Phone: (503)722-5500 Fax: (503)656-4106  
Email: cwl\_rowpermits@westlinnoregon.gov



Complete and sign all fields and the statement below indicating your application for a waiver of street improvements and the option to make a payment in lieu of construction of street improvements as allowed by West Linn Community Development Code section 96.010.


APPLICANT INFORMATION					
Applicant Name:		Pat O'Brien			
Address:		PO Box 4008			
City:	Wilsonville	State:	OR	Zip:	97070
Phone:	(503) 563-6151	Fax:	(503) 563-6152		
Email:	jonm@aks-eng.com - consultant				

PROJECT INFORMATION	
Project Address	South terminus of Evah Lane
Permit #	MIP-18-01/WAP-18-01/WRG-18-01
Project description	2-parcel partition

I, Pat O'Brien, the legal owner(s) of property at Clackamas County Assessor's Map 3-1E-02BC Tax Lot 4100 hereby apply for a waiver of street improvements in accordance with section 96.010 of the West Linn Community Development Code and agree to make a modified set of improvements in recognition of existing development in the area and following consultation with the City Engineer and Tualatin Valley Fire & Rescue.

Applicant may provide three cost estimates to the City for approval or provide quantities to be assessed by City staff at recent construction values. A final payment calculation will be provided by the City.

PROJECT QUANTITIES				
	Quantity	Unit	Cost/Unit	Total Cost
Sidewalk				
Curb				
Asphalt				
Gravel				

Owner(s) Signature:  3-6-18  
Pat O'Brien  
Print Signature Date

Print Signature Date

PUBLIC WORKS – ENGINEERING DIVISION – STAFF ONLY			
<input type="checkbox"/>	The West Linn Transportation System Plan does not include street improvements in this area and a fee-in-lieu payment is <b>approved</b> .		
<input type="checkbox"/>	The West Linn Transportation System Plan includes street improvements in this area and a waiver of construction is <b>not approved</b> .		
Total final street/sidewalk fee-in-lieu for this project is:			\$
CITY APPROVAL			
PI Program Manager Approval:		Date:	

August 21, 2018



Peter Spir  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

**RE: Second Incompleteness Response – MIP-18-01/WAP-18-01/WRG-18-01 (2-lot Minor Partition)**

Dear Mr. Spir,

This letter responds to those outstanding completeness items as provided in your April 4, 2018 letter to Pat O'Brien (Applicant) and as discussed in follow-up meetings and emails since. With these submittal documents we request that the application be deemed complete pursuant to ORS 227.178(2). Per your August 15 email, the following completeness items are outstanding:

1. Demonstrate that a good faith effort to vacate the Evah Lane right-of-way has been made;
2. Demonstrate that Parcel 2 is buildable; and,
3. Apply to vacate/revise the existing 60-ft wide public utility easement on Parcel 2.

**Item No. 1: Evah Lane Right-of-way Vacation.** City staff have determined that a good faith effort to obtain consent for the vacation of a portion of the Evah Lane public right-of-way must be attempted prior to City's determination that this partition application is complete. A list of abutting and affected property owners (as those terms are used in the pertinent ORS) and signatures collected to-date, are included in Attachment A. As confirmed in an August 15, 2018 email from Peter Spir, the Applicant made a good faith effort to obtain the needed consent to vacate this portion of Evah Lane (see signatures collected in Attachment A), however, was unable to obtain consent from all abutting and affected property owners.

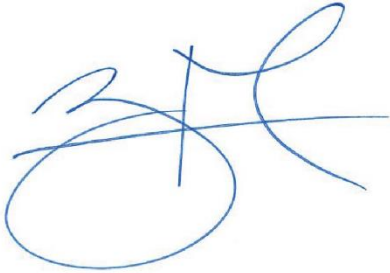
**Item No. 2: Confirm that Parcel 2 is Buildable.** A Geologic Hazard Evaluation is included in Attachment B. This report confirms that properly engineered structures designed in accordance with current building code will be capable or protecting life safety. Based on these findings the City may find that Parcel 2 is buildable.

**Item No. 3: Easement Vacation Application.** An application to vacate the existing public utility easement on the subject site is included in Attachment C.

As described above, per our ongoing communications with City staff, we understand the above-listed items to be the only remaining information necessary to deem our application complete and therefore, we will provide no further material in this regard. We look forward to working with the City in the implementation of this partition. Please do not hesitate to call or email with questions.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



Zach Pelz, AICP  
Land Use Planner  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
(503) 563-6151 | pelzz@aks-eng.com

**Attachments:**

Attachment A – ROW Vacation Documents  
Attachment B – Geologic Hazard Evaluation  
Attachment C – Easement Vacation Application

**Attachment A: Right-of-way Vacation Documentation**

**From:** Spir, Peter  
**To:** [Zach Pelz](#); [Jon Morse](#); "[pat@oblinc.com](mailto:pat@oblinc.com)"  
**Cc:** [Boyd, John](#)  
**Subject:** Reminder: 180 days for Evah Lane MIP--18-01 lapses August 21, 2018  
**Date:** Wednesday, August 15, 2018 7:27:35 AM

---

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Hi Zach

The 180-day deadline is very near (August 21, 2018) and the application is still incomplete.

We have Pat O'Brien's August 9, 2018 email to the homeowners abutting Evah Lane ROW so the need for a "good faith" attempt towards a street vacation is satisfied.

The application still must include a geotechnical study to demonstrate the buildability of lot 2.

There was also the need to vacate the utility easement extending south of the Evah Lane ROW.

(A public sanitary sewer line exists in the existing easement and a 20 foot wide easement on center must be provided.) The following items must be submitted at the time of the application for the easement vacation:

1. A completed development review application form;
2. A letter requesting and justifying the easement vacation;
3. Three copies of the area map and any supplemental drawings or information on 11x17" paper.
4. A legal description and map of the easement area proposed to be vacated, prepared by a licensed engineer or surveyor.
5. \$1,500 easement vacation fee (plus subsequent recording fee).
6. An electronic copy (e.g. disk, thumb drive, etc.) of submittal items 1-4.

It may be appropriate to withdraw the application prior to August 21, 2018 and subsequently resubmit it.

If you have questions or believe that you have already satisfied some or all of the outstanding incompleteness issues please let me know.

Best regards  
Peter

---

**From:** Spir, Peter  
**Sent:** Thursday, July 19, 2018 8:27 AM  
**To:** 'Zach Pelz' <[pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)>  
**Subject:** reminder: 180 days for Evah Lane MIP--18-01 lapses August 21



Zach

This is just a reminder that the 180 days for Evah Lane (MIP-18-01) lapses August 21, 2018.

Best regards

Peter

**Peter Spir**

*Associate Planner*

Planning

22500 Salamo Rd.

West Linn, Oregon 97068

pspir@westlinnoregon.gov

westlinnoregon.gov

503-742-6062



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**From:** PRO'BRIEN  
**To:** [Zach Pelz](#)  
**Subject:** Evah Lane vacation  
**Date:** Monday, August 13, 2018 10:22:08 AM  
**Attachments:** [SKM\\_C454e18081310250.pdf](#)

---

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Zach, I started the effort to gain adjoining neighbor approval for the Evah Lane Vacation several months ago. Jesse Gambetti is the new owner of 1236 14th St. Jesse signed the approval form. Scott and Barbara Lucas are not in favor of the vacation but are willing to discuss further. I visited the Patricia Erb residence, the Michael and Ann Goetze Residence and the Darren and Kristen Tour Residence and was unable to get anyone to answer the door except at the Tours. The Tours are out of town.

I contacted PGE and heard back from Laura Binham. She mentioned that they wanted an easement up the driveway of the 1236 14th St. Residence. I told her that 1236 is out of our control and offered whatever easements they need on the Evah Lane vacation or our other property that we do control. I have not heard back.

Are my efforts considered a good faith effort? Do I need to keep trying with the neighbors?

Begin forwarded message:

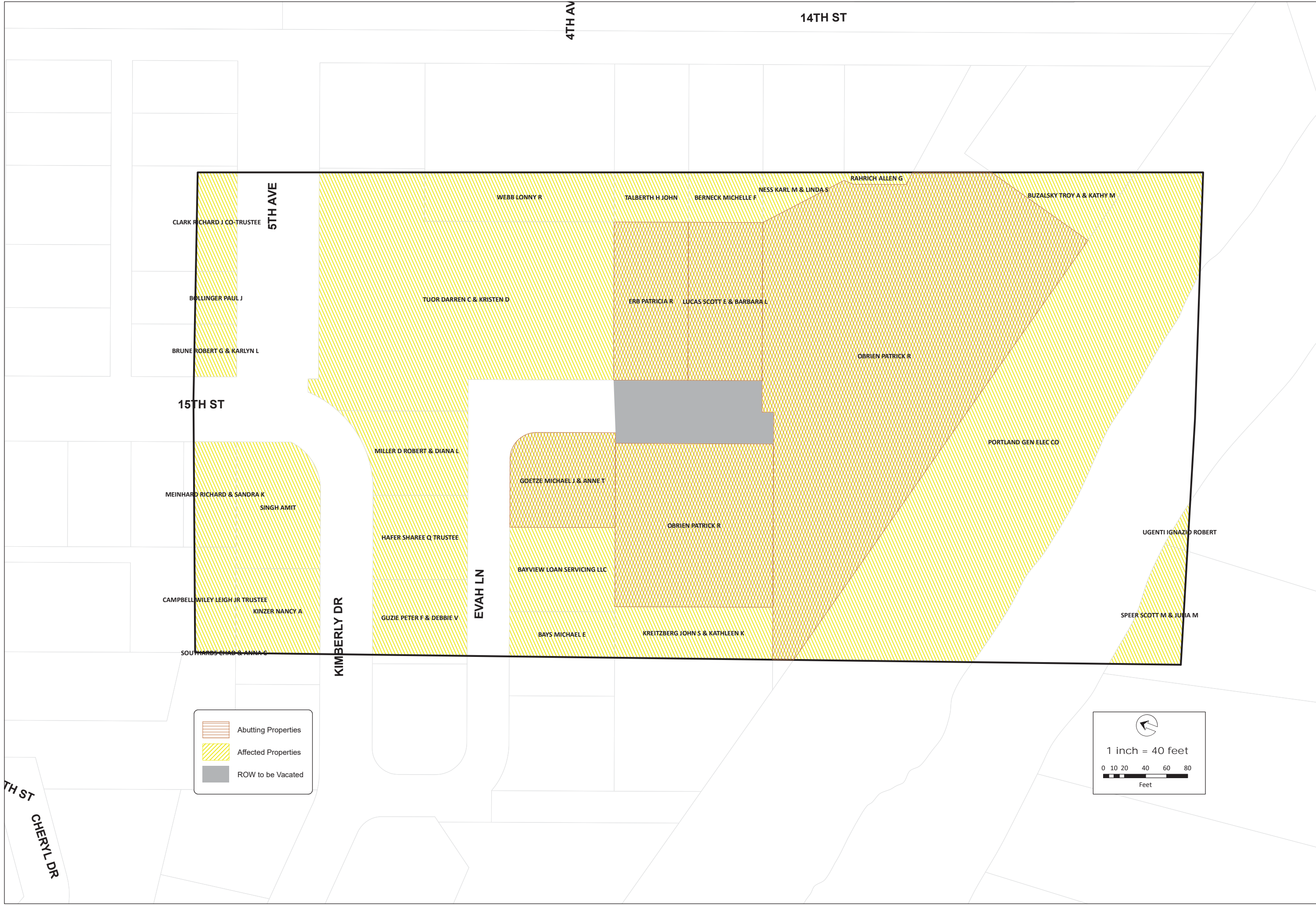
**From:** [scanner@oblhc.com](mailto:scanner@oblhc.com)  
**Subject:** Message from KM\_C454e  
**Date:** August 13, 2018 at 11:25:52 AM PDT  
**To:** [pat@oblhc.com](mailto:pat@oblhc.com)  
**Reply-To:** [scanner@oblhc.com](mailto:scanner@oblhc.com)

Patrick R. O'Brien  
O'Brien Constructors, LLC  
208 NW 21st Ave. Suite 201  
Portland, Oregon 97209

Cell: 971.219.5423  
E-mail: [pat@oblhc.com](mailto:pat@oblhc.com)

Evah Lane Right-of-way Vacation  
Property Owner Consent - Address and Area List  
ORS 271.080

Tax Lot	RNO	Owner Name	Owner Address	Owner City	Owner State	Owner ZIP	Site Address	Site City	Site ZIP	Jurisdiction	Area in Notice Boundary (sf)
<b>Consent from all of these property owners is required</b>											
31E02BC04200	750805	ERB PATRICIA R	1295 EVAH LN	WEST LINN	OR	97068-4598	1295 EVAH LN	WEST LINN	97068-4598	WEST LINN	10,578.00
31E02BC02817	1552037	GOETZE MICHAEL J & ANNE T	1378 EVAH LN	WEST LINN	OR	97068-4572	1378 EVAH LN	WEST LINN	97068-4572	WEST LINN	8,864.40
31E02BC04101	5026481	LUCAS SCOTT E & BARBARA L	1267 EVAH LN	WEST LINN	OR	97068	NO SITUS	ADDRESS	97068	WEST LINN	10,578.60
31E02BC03800	750752	OBRIEN PATRICK R	208 NW 21ST AVE STE 201	PORTLAND	OR	97209	NO SITUS	ADDRESS	97068	WEST LINN	23,249.90
31E02BC04001	750789	OBRIEN PATRICK R	208 NW 21ST AVE STE 201	PORTLAND	OR	97209	1236 14TH ST	WEST LINN	97068-4529	WEST LINN	79,053.50
<b>Consent from owners with "Area in Notice Boundary" totaling at least 96,830 sf is required</b>											
31E02 00500	747543	PORTLAND GEN ELEC CO	121 SW SALMON ST	PORTLAND	OR	97204-2908	NO SITUS	ADDRESS	97068	WEST LINN	65,722.90
31E02BC04300	750814	TUOR DARREN C & KRISTEN D	1649 5TH AVE	WEST LINN	OR	97068-4528	1649 5TH AVE	WEST LINN	97068-4528	WEST LINN	50,901.50
31E02BC02822	1552082	SINGH AMIT	25790 KIMBERLY DR	WEST LINN	OR	97068-4570	25790 KIMBERLY DR	WEST LINN	97068-4570	WEST LINN	9,242.82
31E02BC04500	750832	WEBB LONNY R	1344 14TH ST	WEST LINN	OR	97068-4531	1344 14TH ST	WEST LINN	97068-4531	WEST LINN	8,414.33
			4425 PONCE DE LEON								
31E02BC02816	1552028	BAYVIEW LOAN SERVICING LLC	BLVD 5TH FL	CORAL GABLES	FL	33146	1352 EVAH LN	WEST LINN	97068-4572	WEST LINN	7,999.41
31E02BC02821	1552073	MILLER D ROBERT & DIANA L	21650 SW RIBERA LN	WEST LINN	OR	97068-9113	25795 KIMBERLY DR	WEST LINN	97068	WEST LINN	7,971.03
31E02BC03801	750761	KREITZBERG JOHN S & KATHLEEN K	1390 EVAN LN	WEST LINN	OR	97068	1390 EVAH LN	WEST LINN	97068-4572	WEST LINN	7,359.12
31E02BC02820	1552064	HAFER SHAREE Q TRUSTEE	25775 KIMBERLY DR	WEST LINN	OR	97068-4571	25775 KIMBERLY DR	WEST LINN	97068-4571	WEST LINN	7,186.74
31E02BC02819	1552055	GUZIE PETER F & DEBBIE V	25755 KIMBERLY DR	WEST LINN	OR	97068-4571	25755 KIMBERLY DR	WEST LINN	97068-4571	WEST LINN	6,456.16
31E02BC02823	1552091	KINZER NANCY A	25760 KIMBERLY DR	WEST LINN	OR	97068-4570	25760 KIMBERLY DR	WEST LINN	97068-4570	WEST LINN	6,453.65
31E02BC04000	750770	BUZALSKY TROY A & KATHY M	1228 14TH ST	WEST LINN	OR	97068-4529	1228 14TH ST	WEST LINN	97068-4529	WEST LINN	4,420.52
31E02BC02815	1552019	BAYS MICHAEL E	1338 EVAH LN	WEST LINN	OR	97068-4572	1338 EVAH LN	WEST LINN	97068-4572	WEST LINN	4,300.38
31E02BC03500	750734	MEINHARD RICHARD & SANDRA K	3957 E BURNSIDE	PORTLAND	OR	97214	1420 15TH ST	WEST LINN	97068-4533	WEST LINN	3,998.40
31E02BC03100	750690	CAMPBELL WILEY LEIGH JR TRUSTEE	1559 6TH AVE	WEST LINN	OR	97068-4534	1559 6TH AVE	WEST LINN	97068-4534	WEST LINN	3,893.92
31E02BC01300	750510	CLARK RICHARD J CO-TRUSTEE	1674 5TH AVE	WEST LINN	OR	97068-4505	1674 5TH AVE	WEST LINN	97068-4505	WEST LINN	3,608.51
31E02BC04100	750798	BERNECK MICHELLE F	1256 14TH ST	WEST LINN	OR	97068-4529	1256 14TH ST	WEST LINN	97068-4529	WEST LINN	3,351.35
31E02BC04600	750841	TALBERTH H JOHN	1294 14TH ST	WEST LINN	OR	97068-4529	1294 14TH ST	WEST LINN	97068-4529	WEST LINN	3,331.49
31E02BC04701	1381132	NESS KARL M & LINDA S	1248 14TH ST	WEST LINN	OR	97068-4529	1248 14TH ST	WEST LINN	97068-4529	WEST LINN	2,128.14
31E02BC01100	750486	BRUNE ROBERT G & KARLYN L	1620 5TH AVE	WEST LINN	OR	97068-4505	1620 5TH AVE	WEST LINN	97068-4505	WEST LINN	2,010.70
31E02BC01103	1588259	BOLLINGER PAUL J	1630 5TH AVE	WEST LINN	OR	97068-4505	1630 5TH AVE	WEST LINN	97068-4505	WEST LINN	1,973.33
31E02BC04700	750850	RAHRICH ALLEN G	1242 14TH ST	WEST LINN	OR	97068-4529	1242 14TH ST	WEST LINN	97068-4529	WEST LINN	686.17
<b>Total Area</b>											343,734.97
<b>Two-thirds Area</b>											229,154.35
<b>Two-thirds Area minus required consent</b>											96,829.95



TH ST  
CHERYL DR

CLARK RICHARD J CO-TRUSTEE

5TH AVE

BOLLINGER PAUL J

BRUNE ROBERT G & KARLYN L

15TH ST

MEINHARD RICHARD & SANDRA K

SINGH AMIT

CAMPBELL WILEY LEIGH JR TRUSTEE

KINZER NANCY A

SOUTHARDS EMIL & ANNA G

KIMBERLY DR

MILLER D ROBERT & DIANA L

HAFER SHAREE Q TRUSTEE

GUZIE PETER F & DEBBIE V

EVAH LN

WEBB LONNY R

TUOR DARREN C & KRISTEN D

GOETZE MICHAEL J & ANNE T

BAYVIEW LOAN SERVICING LLC

BAYS MICHAEL E

TALBERTH H JOHN

ERB PATRICIA R

O'BRIEN PATRICK R

KREITZBERG JOHN S & KATHLEEN K

BERNECK MICHELLE F

LUCAS SCOTT E & BARBARA L

NESS KARL M & LINDA S

RAHRICH ALLEN G

O'BRIEN PATRICK R

BUZALSKY TROY A & KATHY M

PORTLAND GEN ELEC CO

UGENTI IGNAZIO ROBERT

SPEER SCOTT M & JULIA M

Abutting Properties
   
 Affected Properties
   
 ROW to be Vacated

1 inch = 40 feet
   
 0 10 20 40 60 80
   
 Feet

ABUTTING AND AFFECTED  
PROPERTIES FOR OBTAINING  
CONSENT PER ORS 271.080

EVAH LANE  
RIGHT-OF-WAY VACATION

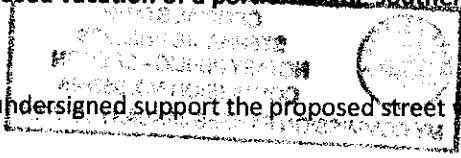
DESIGNED BY: ZLP  
DRAWN BY: ZLP  
CHECKED BY: xxx  
SCALE: AS NOTED  
DATE: 06-04-2018

DRAFT

REVISIONS
JOB NUMBER 5579
SHEET x01

To whom it may concern,

Re: Proposed vacation of a portion of the southern terminus of Evah Lane, West Linn, OR 97068



We the undersigned support the proposed street vacation as shown in the attached illustration:

Patricia Erb  
1295 Evah Lane

\_\_\_\_\_

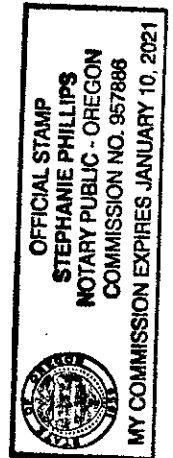
Michael and Ann Goetze  
1378 Evah Lane

\_\_\_\_\_

Scott and Barbara Lucas  
1267 Evah Lane

\_\_\_\_\_

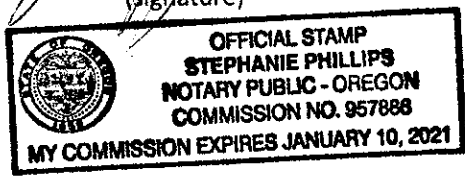
Patrick O'Brien  
1236 14<sup>th</sup> Street (Clackamas County Assessor's Map 3-1E-02BC Tax Lots 3800 and 4001)





Owner Name: Jesse Gambetti (print) [Signature] (signature)

Owner Address: Stephanie Phillips



Owner Name: \_\_\_\_\_ (print)

\_\_\_\_\_  
(signature)

Owner Address: \_\_\_\_\_

Owner Name: \_\_\_\_\_ (print)

\_\_\_\_\_  
(signature)

Owner Address: \_\_\_\_\_

Owner Name: \_\_\_\_\_ (print)

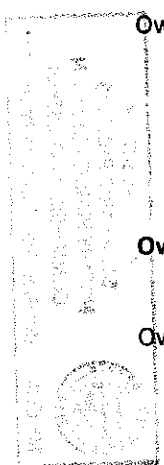
\_\_\_\_\_  
(signature)

Owner Address: \_\_\_\_\_

Owner Name: \_\_\_\_\_ (print)

\_\_\_\_\_  
(signature)

Owner Address: \_\_\_\_\_



**Attachment B: Geologic Hazard Evaluation**

August 20, 2018

O'Brien Constructors, LLC  
208 NW 21<sup>st</sup> Avenue, Suite 201  
Portland, OR 97209

Attention: Patrick R. O'Brien

**Report of Geologic Hazard Evaluation**  
Evah Lane Subdivision  
1236 14<sup>th</sup> Street  
West Linn, Oregon  
GeoDesign Project: OBrienCo-2-01

## INTRODUCTION

This report documents our geologic hazard evaluation for the proposed two-parcel Evah Lane subdivision located at 1236 14<sup>th</sup> Street in West Linn, Oregon. This report focuses on Parcel 2 as shown in the plans prepared by AKS Engineering & Forestry, LLC (AKS). Figure 1 shows the site relative to existing physical features. Figure 2 shows the property with the proposed subdivision. Some of the published information used to evaluate the site is presented in the Attachment.

We have assumed that future development of Parcel 2 will be a single-family residence of conventional wood-frame construction. The grading plan prepared by AKS shows that grading will be minimal.

## PURPOSE AND SCOPE

The purpose of our services was to identify and evaluate potential geologic hazards that could affect the property. Specifically, we completed the following tasks:

- Reviewed available geologic and topographic maps and the City of West Linn's Natural Hazard Mitigation Plan.
- Conducted a field reconnaissance and assessment of the property and existing site conditions.
- Attempted four hand-augered borings at the locations shown on Figure 2.
- Prepared this report that summarizes our findings and conclusions.

## **SITE CONDITIONS**

### ***GEOLOGIC CONDITIONS***

The site is located in the uplands forming the boundary between the Portland Basin to the north and east, the Tualatin Basin to the west, and the Central Willamette Valley to the south. The site is located on a south-facing slope at elevations ranging between 70 and 135 feet above mean sea level (MSL), as shown on Figure 2.

The site is located near the north bank of the Tualatin River near its confluence with the Willamette River. The site is underlain by the Willamette Silt Formation, which is lacustrine fine sandy silt and clay (Schlicker and Finlayson, 1979). Based on a review of water well logs on file with the Oregon Water Resources Department, the thickness of this unit is between 40 and more than 100 feet thick in the site vicinity. The Willamette Silt Formation is underlain by bedrock consisting of basalt flows of the Miocene Age Columbia River Basalt Group (Schlicker and Finlayson, 1979).

We also used HazVu (<http://www.oregongeology.org/hazvu/>), the Statewide Geohazards Viewer made available by the Oregon Department of Geology and Mineral Industries. Based on research, we conclude the following:

- Active faults are not mapped beneath the site.
- Ground shaking is expected to be relatively strong for a Cascadia Subduction Zone earthquake and a local crustal event.
- Liquefaction is possible under design levels of ground shaking.
- The relative landslide hazard is low to moderate.
- Mapped landslides are not reported at the site in the mapped landslide inventory.

We attempted four hand-augered borings at the approximate locations shown on Figure 2. Two of the borings reached depths of 3 and 4 feet. Silty soil was observed in the borings to the depths drilled. Boulders were scattered across the ground surface at some locations in the site vicinity. It is possible that auger refusal was a result of buried boulders.

### ***SURFACE CONDITIONS***

We visited the site on August 17, 2018 to observe the site conditions. The site is surrounded by residential development that consists of individual homes. The Tualatin River is located to the south of the property. The topography of the site generally slopes down to the south and the Tualatin River, with site elevations ranging between approximately 70 and 135 feet above MSL.

Parcel 2 is generally undeveloped and paved on the north end with asphalt concrete. Evidence of surface cracking or surface expressions of historical landslides were not observed on or adjacent to the subject property. We did not observe springs or surface seepage on the sloped portions of the property during the site reconnaissance. We did not observe evidence of soil erosion caused by flowing water on the ground surface.

## CONCLUSIONS AND RECOMMENDATIONS

Based on our site reconnaissance and geologic research, it is our opinion that the subject property is stable. We did not observe evidence of significant slope instability at the property. We recommend the following measures to maintain or improve the stability of the property:

- Properly engineered structures designed in accordance with the current building code will be capable of protecting life safety.
- All bare soil as a result of future construction should be planted with appropriate ground cover to protect the slope from erosion.
- Landscape irrigation and stormwater should not be concentrated on slopes. Future roof drains and gutters should be properly cleaned and maintained to prevent them from overflowing onto the sloped portions of the property.
- Fills or cuts greater than 3 feet should not be conducted on the sloped portions of the property unless evaluated by a geotechnical engineer or engineering geologist.
- Construction should be conducted under the guidance of a qualified geotechnical engineer or geotechnical engineering geologist.

◆ ◆ ◆

We appreciate the opportunity to be of continued service to you on this project. Please call if you have questions concerning the information provided.

Sincerely,

GeoDesign, Inc.



Brett A. Shipton, P.E., G.E.  
Principal Engineer



cc: Zach Pelz, AKS Engineering & Forestry, LLC (via email only)

BAS:kt

Attachments

One copy submitted (via email only)

Document ID: OBrienCo-2-01-082018-geolr.docx

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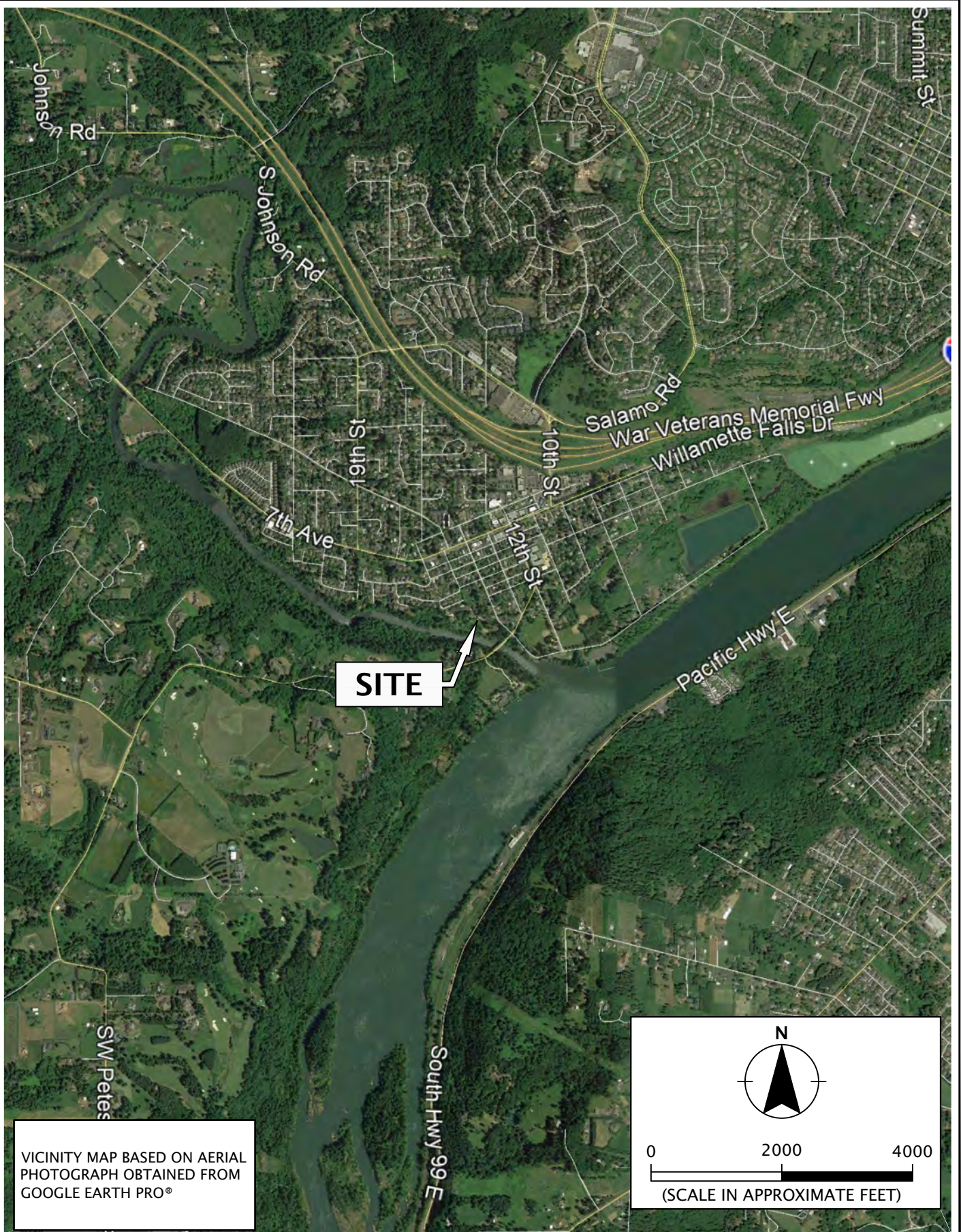


## REFERENCES

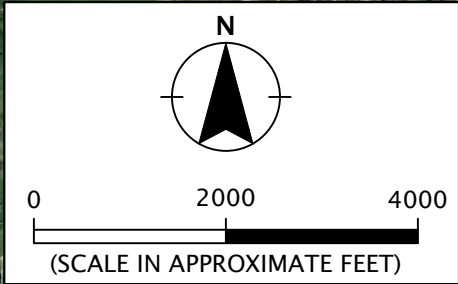
Schlicker, Herbert G. and Finlayson, Christopher T., 1979, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon, Oregon Department of Geology and Mineral Industries Bulletin 99.

## FIGURES

Printed By: aday | Print Date: 8/17/2018 3:59:05 PM  
 File Name: J:\M-R\OBrienCo\obrienCo-2\obrienCo-2-01\Figures\CAD\OBrienCo-2-01-VM01.dwg | Layout: FIGURE 1



VICINITY MAP BASED ON AERIAL PHOTOGRAPH OBTAINED FROM GOOGLE EARTH PRO®



**GEODESIGN INC**  
 9450 SW Commerce Circle - Suite 300  
 Wilsonville OR 97070  
 503.968.8787 www.geodesigninc.com

OBRIENCO-2-01

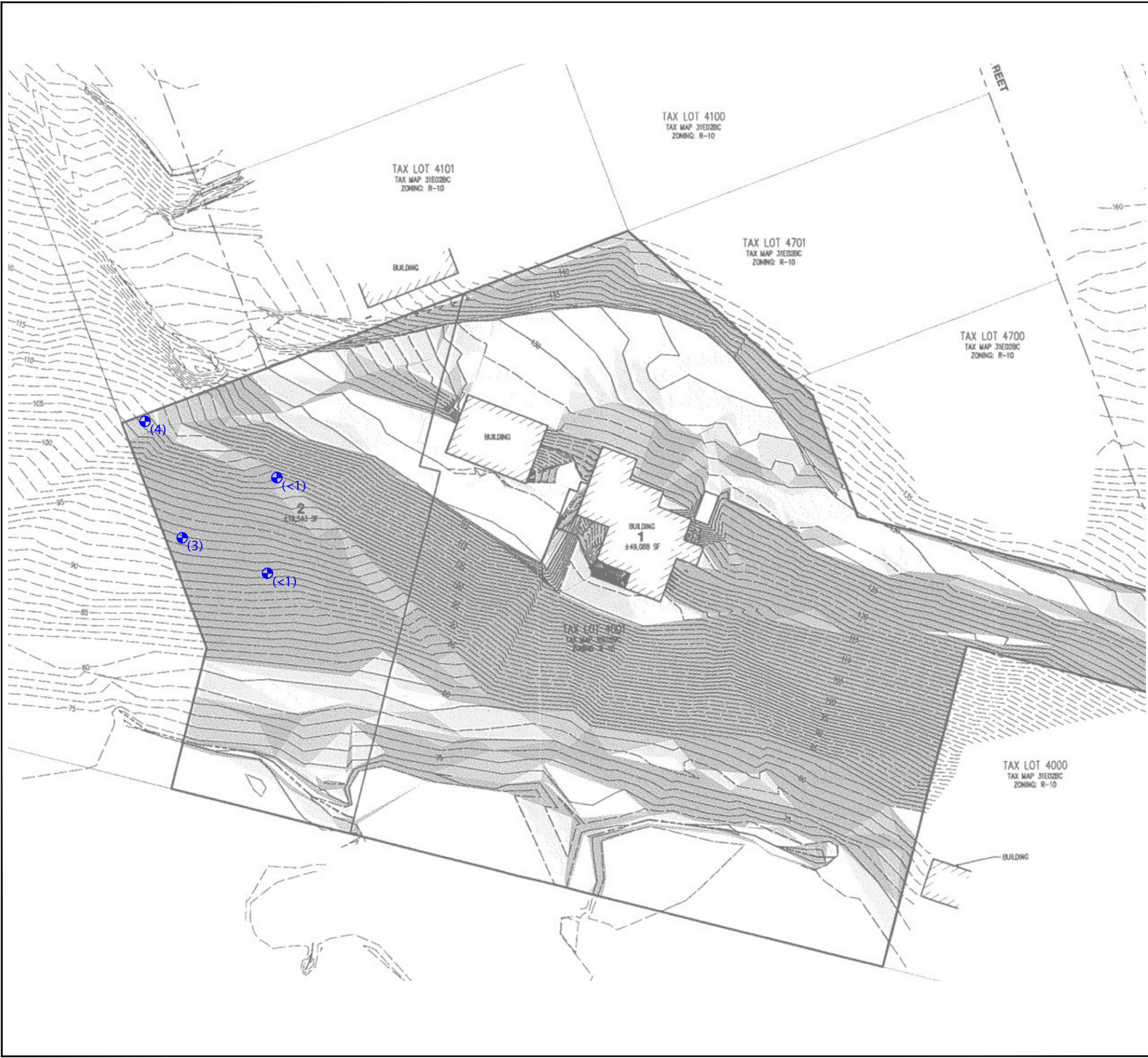
AUGUST 2018

VICINITY MAP

EVAH LANE SUBDIVISION  
 WEST LINN, OR

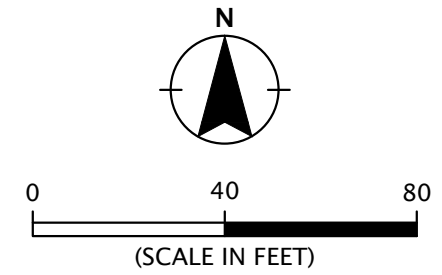
FIGURE 1





**LEGEND:**

- (3) HAND-AUGERED BORING LOCATION AND DEPTH TO REFUSAL (FEET)



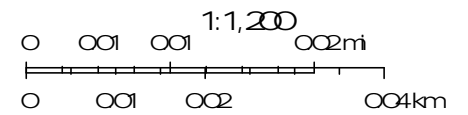
SITE PLAN BASED ON IMAGE OBTAINED FROM PATRICK R. O'BRIEN

<p><b>GEO DESIGN</b>                  9450 SW Commerce Circle - Suite 300                  Wilsonville OR 97070                  503.968.8787 www.geodesigninc.com</p>	<p>O'BRIENCO-2-01</p>	<p><b>SITE PLAN</b></p>	<p>EVAH LANE SUBDIVISION                  WEST LINN, OR</p>	<p><b>FIGURE 2</b></p>
<p>AUGUST 2018</p>				

**ATTACHMENT**

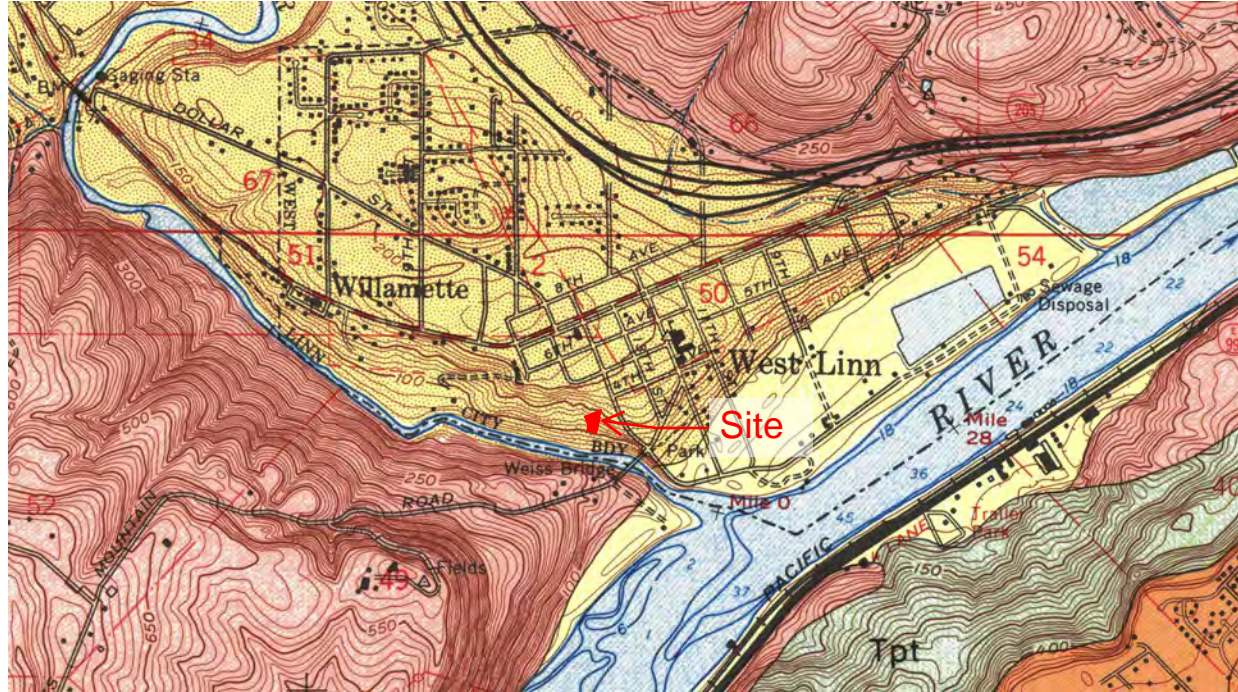


# Aerial Photograph



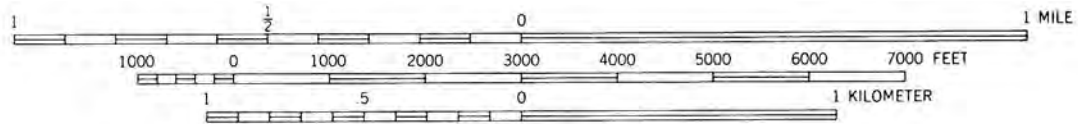
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# GEOLOGIC MAP OF THE CANBY AND OREGON CITY QUADRANGLES, OREGON



**Qws**

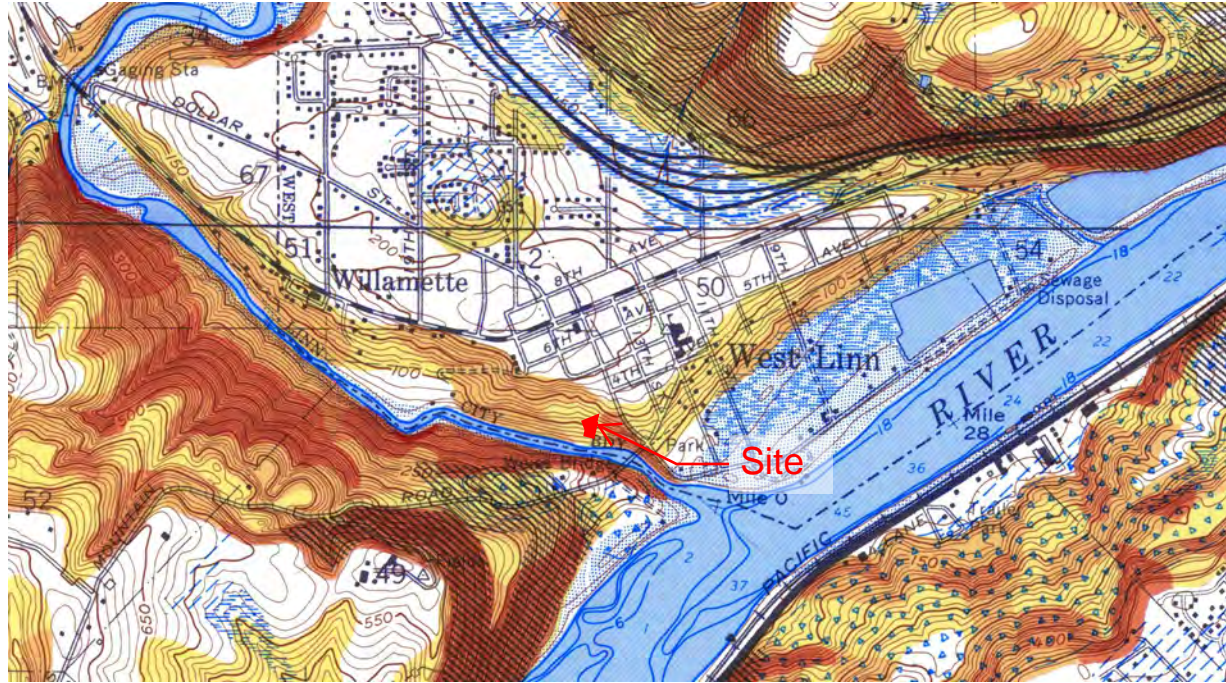
**Qws: (Willamette Silt Formation):** Lacustrine fine sandy silt and clay deposited up to 350 ft elevation. Beds range from a few inches to several feet thick; total thickness about 100 ft (outside of area); equivalent to Qlc (lacustrine silt) of Trimble (1963). Occurs along the valleys of the Tualatin and other tributaries of the Willamette River



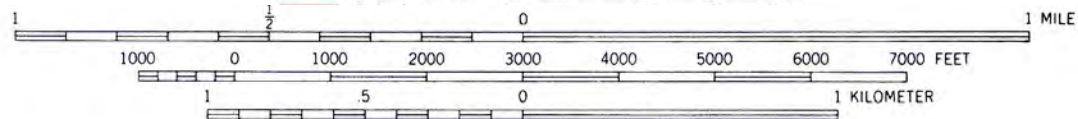
CONTOUR INTERVAL 10 FEET  
DATUM IS MEAN SEA LEVEL



# GEOLOGIC HAZARDS MAP OF THE CANBY AND OREGON CITY QUADRANGLES, OREGON



- 0 - 10%** Stream terraces, dissected valley terraces, channels, and flood plains of major streams. Hazards include poor drainage, ponded areas, high water table, clay and peat bottom-land soils, and flooding. Upland areas with adequate engineering and geologic information can be developed. Lowlands associated with high water table and flooding may better be used for agriculture
- 10 - 20%** Gently sloping foothill areas and rolling uplands. Drainage usually good, but steeper parts may not be satisfactory for septic tank drainage except in best soils. Where clay or hardpan layers are present, effluent may exit at surface
- 20 - 35%** Moderate slopes of gentle terrace escarpments, foothills, pediments, and alluvial fans. Slopes generally excessive for septic tank drainage. Stream and ditch erosion moderate to severe and severe where gullying can take place in plowed fields devoid of vegetation. Some earthflow and slump landslides have reduced steeper slopes to this category
- 35 - 50%** Rolling and steeper hill slopes, steep terrace escarpments, and recent and active earthflow and slump landslide areas. Excavation and drainage in this terrain require extensive geologic input and engineering design. Areas of critical slope stability can be activated by improper land use



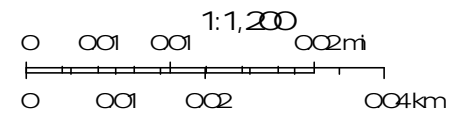
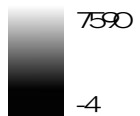
CONTOUR INTERVAL 10 FEET  
 DATUM IS MEAN SEA LEVEL

# Bare Earth LIDAR



August 17, 2018

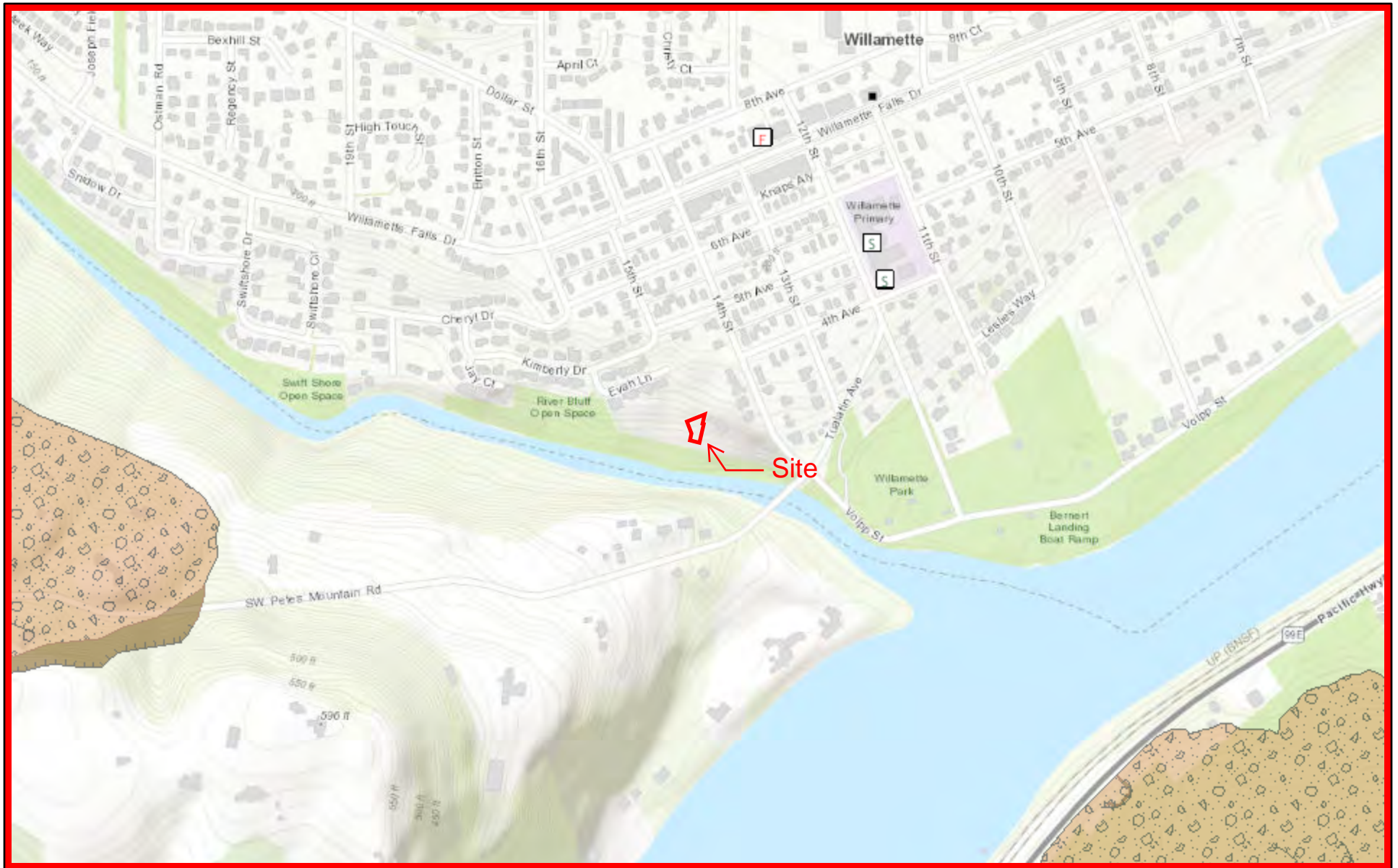
Bare Earth Lidar Hillshade



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

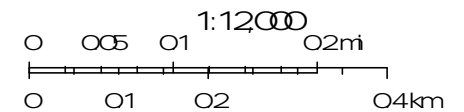


# Nearby Mapped Landslides



August 17, 2018

- |                               |                     |                               |              |
|-------------------------------|---------------------|-------------------------------|--------------|
| ■ State Owned/Leased Facility | □ Community College | □ Emergency Operations Center | --- Scarp    |
| Public Buildings              | □ Police Station    | □ Hospital                    | ■ Head Scarp |
| □ School                      | □ Fire Station      | — Active Faults               |              |



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeocBase, IGN, Kadaster NL, Ordnance Survey, Esri



**Attachment C: Easement Vacation Application**

August 21, 2018



Peter Spir  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

**RE: Petition to Vacate a Portion of the 60-ft Wide Utility Easement on a Future Parcel 2 at 1236 14<sup>th</sup> Street**

To whom it may concern,

There is an existing utility easement located along the west line of Clackamas County Assessor's Map 3-1-02BC Tax Lot 4001 (see the attached exhibit) that precludes the siting of a future residence in this area. This 60-foot wide utility easement is the result of a previous public street right-of-way being vacated and is non-standard. We are requesting that the easement be reduced to 20-feet in width, consistent with the City's standard utility easement. Such an easement would make it possible to site a new home in this area.

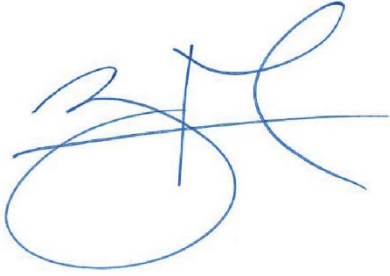
A City of West Linn sanitary sewer line is currently located in the easement. The proposed easement would be centered on this sanitary sewer line. There are no other utilities present in the easement. Additionally, we have contacted affected and potential utility providers who have confirmed (see attached) they do not oppose the vacation of the easement.

We respectfully request that the City approve the vacation of the existing utility easement, as described in the attached exhibit. Per the City's easement vacation procedure, the following additional documents are included with this submittal:

- City of West Linn Development Review Application Form
- Fee for a public right-of-way vacation
- A map and legal description, prepared by a licensed surveyor, of the proposed easement vacation area
- Paper copies of the application and supporting documents
- An electronic copy of the application and supporting documents

Thank you for your consideration in this matter. Please do not hesitate to contact me with any questions regarding this vacation request.

Sincerely,  
**AKS ENGINEERING & FORESTRY, LLC**

A handwritten signature in blue ink, appearing to be 'Zach Pelz', written in a cursive style.

Zach Pelz, AICP  
Land Use Planner  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
(503) 563-6151 | [pelzz@aks-eng.com](mailto:pelzz@aks-eng.com)

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT NO(S).	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

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

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

<b>Site Location/Address:</b> 1236 14 <sup>TH</sup> STREET, WEST LINN, OR 97068	Assessor's Map No.: 3-1-02BC
	Tax Lot(s): 4001
	Total Land Area: ± 1.5 ac

**Brief Description of Proposal:** VACATE EXISTING 60-FT RESERVATION OF UTILITIES IN VACATED STREET PER DOC. NO. 92-81488

<b>Applicant Name:</b> PAT O'BRIEN <small>(please print)</small>	Phone:
Address: <del>PO BOX 4008</del> 208 NW 21 <sup>ST</sup> AVE, SUITE 201	Email: please contact Applicant's consultant
City State Zip: <del>WILSONVILLE, OR 97140</del> PORTLAND, OR 97209	

<b>Owner Name</b> (required): JESSE GAMBETTI <small>(please print)</small>	Phone:
Address: 1236 14 <sup>TH</sup> STREET	Email: please contact Applicant's consultant
City State Zip: WEST LINN, OR 97068	

<b>Consultant Name:</b> ZACH PELZ, AICP <small>(please print)</small>	Phone: 503-563-6151
Address: 12965 SW HERMAN RD., SUITE 100	Email: pelzz@aks-eng.com
City State Zip: TUALATIN, OR 97062	

1. All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. 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.

Applicant's signature	8-20-18 Date	_____ Owner's signature (required)	_____ Date
-----------------------	-----------------	---------------------------------------	---------------



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 F: (503) 563-6152

AKS Job #5579

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - KEIZER, OR - BEND, OR

## EXHIBIT A

### Description

A tract of land located in the Northwest One-Quarter of Section 2, Township 3 South, Range 1 East, Willamette Meridian, City of West Linn, Clackamas County, Oregon, and being more particularly described as follows:

Commencing at the southeasterly corner of Tract B of the plat "Tualatin River Bluff", Plat No. 3020, Clackamas County Plat Records, also being on the southerly line of the plat "Willamette & Tualatin Tracts", Plat No. 198, Clackamas County Plat Records; thence along said southerly line, South 75°55'40" East 118.31 feet to the most southerly corner of Document Number 2009-008067, Clackamas County Deed Records; thence along the southeasterly line of said deed and the northeasterly extension thereof, North 69°17'13" East 245.85 feet to the Point of Beginning; thence along the northwesterly line of Tract 2 of Document Number 2017-067626, Clackamas County Deed Records, North 69°17'13" East 20.00 feet; thence leaving said northwesterly line, South 20°29'42" East 184.18 feet to the southerly line of said plat; thence along said southerly line, North 75°55'40" West 24.29 feet; thence leaving said southerly line, North 20°29'42" West 170.33 feet to the Point of Beginning.

The above described tract of land contains 3,545 square feet, more or less.

8/21/2018

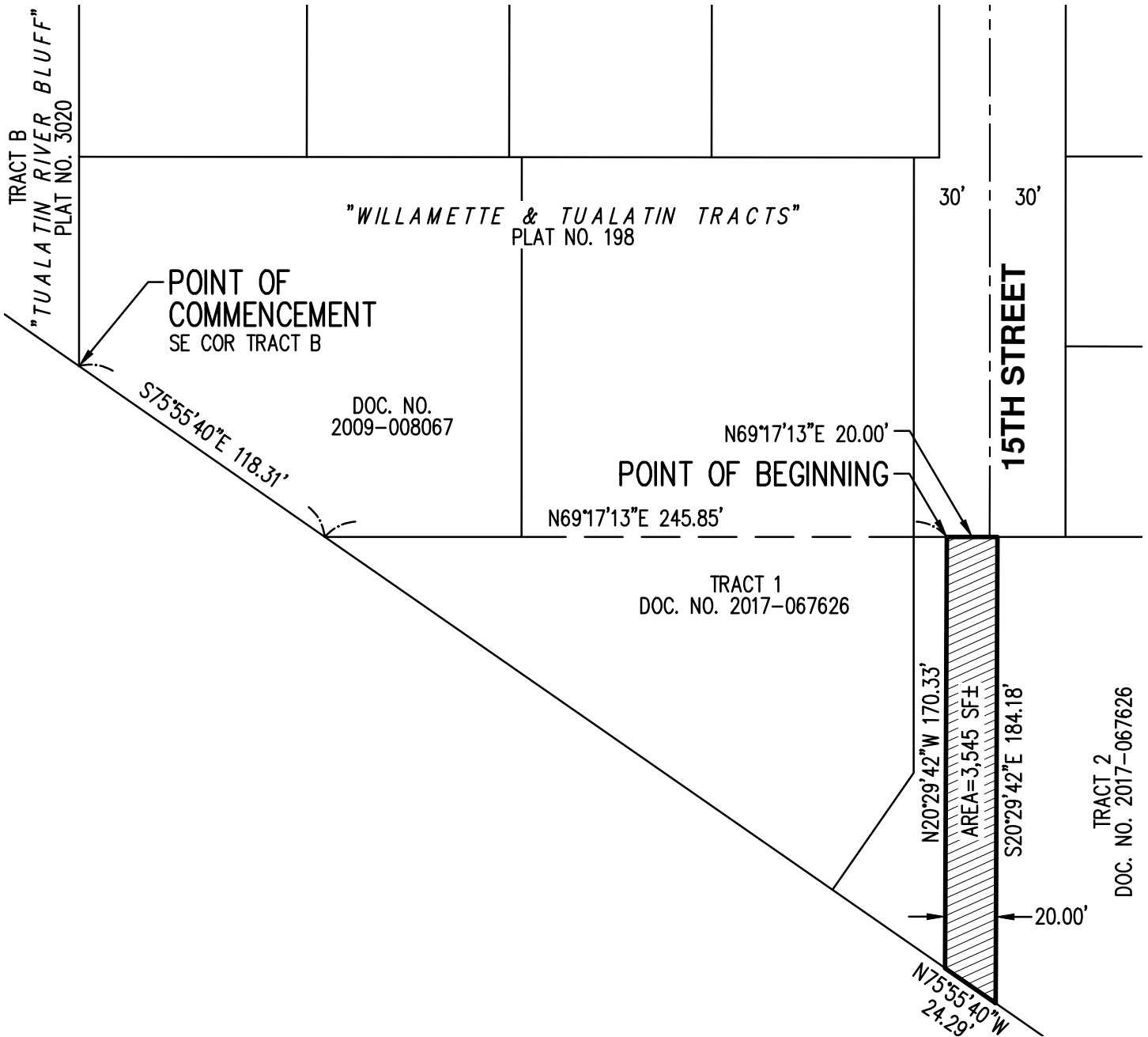


RENEWS: 12/31/18



# EXHIBIT B

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 2,  
TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,  
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON



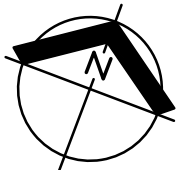
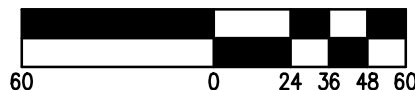
8/21/2018

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

## PREPARED FOR

O'BRIEN & COMPANY  
P. O. BOX 4008  
WILSONVILLE, OR 97070

SCALE: 1" = 60 FEET



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

<b>DESCRIPTION MAP</b>		<b>EXHIBIT B</b>
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: WCB CHKD: RDR AKS JOB: 5579



**From:** Sciulli, Kenneth  
**To:** [Greg Harris](#)  
**Subject:** RE: West Linn Easement  
**Date:** Friday, September 01, 2017 7:26:53 AM  
**Attachments:** [image001.png](#)

---

CenturyLink is not opposed to the utility plan that is outlined in the Evah Lane Partition stamped 8/7/2017.

Thank You,  
Ken

---

**From:** Greg Harris [mailto:[harrisg@aks-eng.com](mailto:harrisg@aks-eng.com)]  
**Sent:** Tuesday, August 29, 2017 6:30 PM  
**To:** Sciulli, Kenneth  
**Subject:** RE: West Linn Easement

Kenneth,

Sorry for the delay in getting back to you. I am assuming you are referring to the three parcels to the west. If this is the case, those parcels are part of the current project we are working on our client with. He owns both the westerly (tax lot 3800) and the easterly (tax lot 4001) properties. Regarding the west property; at this time we see no issues with accessing utility for this site.

For the property to the west, the current plan is for sanitary to be accessed from the south, stormwater to be managed onsite, and all other utilities (water, cable, gas, etc.) accessed from the existing Evah Lane right-of-way. As part of this project, there will also be an 8' public utility easement that will parallel the 20' ingress and access easement to the north.

I also talked with The City of West Linn's Planning Department last week and they informed me that the reason it is 60' wide was because it was part of the 15<sup>th</sup> Street right-of-way. They also informed me that the city vacated this segment of right-of-way in 1992 and they have no plans on utilizing it in the future.

Ultimately reducing the easement from 60' to 20', will result in an easement width that matches the easement to the south (Doc No 76-045766). The reduction would also minimize the impact it currently has on our clients property to the west allowing him to explore dividing this property at a future time.

**Greg Harris**

**AKS ENGINEERING & FORESTRY, LLC**

P: 503.563.6151 Ext. 296 | F: 503.563.6152 | [www.aks-eng.com](http://www.aks-eng.com) | [HarrisG@aks-eng.com](mailto:HarrisG@aks-eng.com)

---

**From:** Sciulli, Kenneth [mailto:[Kenneth.Sciulli@CenturyLink.com](mailto:Kenneth.Sciulli@CenturyLink.com)]

**Sent:** Tuesday, August 29, 2017 8:06 AM

**To:** Greg Harris <[harrisg@aks-eng.com](mailto:harrisg@aks-eng.com)>

**Subject:** RE: West Linn Easement

It looks like a few more homes are going to be built. Is everything going to be able to be placed within the 20'?

Ken

---

**From:** Greg Harris [<mailto:harrisg@aks-eng.com>]

**Sent:** Tuesday, August 29, 2017 7:46 AM

**To:** Sciulli, Kenneth

**Subject:** RE: West Linn Easement

Kenneth,

I just wanted to follow up with you regarding the email I sent you last week about the easement in West Linn. Have you had a chance to see if the reduction in width will impact any of your services for the area?

Thank you again,

**Greg Harris**

**AKS ENGINEERING & FORESTRY, LLC**

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---

**From:** Greg Harris

**Sent:** Tuesday, August 22, 2017 8:32 AM

**To:** 'kenneth.sciulli@centurylink.com' <[kenneth.sciulli@centurylink.com](mailto:kenneth.sciulli@centurylink.com)>

**Cc:** Jon Morse <[jonm@aks-eng.com](mailto:jonm@aks-eng.com)>

**Subject:** West Linn Easement

Kenneth,

Here is what we were proposing in regards to the old and new easement for the site in West Linn. The nearest address would be 1236 14<sup>th</sup> Street, West Linn OR 97068.

**Greg Harris**



**AKS ENGINEERING & FORESTRY, LLC**

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

P: 503.563.6151 Ext. 296 | F: 503.563.6152 | [www.aks-eng.com](http://www.aks-eng.com) | [HarrisG@aks-eng.com](mailto:HarrisG@aks-eng.com)

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

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**From:** Porter, Margaret E  
**To:** [Greg Harris](#)  
**Cc:** [Jon Morse](#); [Mesplay, Van E](#)  
**Subject:** RE: West Linn Easement // Comcast WL84 WL92  
**Date:** Wednesday, August 23, 2017 2:44:07 PM  
**Attachments:** [image001.png](#)  
[20170821\\_5579\\_ESMT\\_Exhibit.pdf](#)  
[wl92.png](#)  
[wl84.png](#)

---

Hi Greg,

Comcast does not appear to have facilities in the immediate area of the proposed easement to be vacated. I have attached a couple drawing depicting where our system ends. Hope it helps!

Margaret Porter

Comcast Construction/NESC  
11308 SW 68<sup>th</sup> Pkwy.  
Tigard, OR 97223  
503-596-3809 desk  
971-801-5709 cell

---

**From:** Greg Harris [mailto:harrisg@aks-eng.com]  
**Sent:** Tuesday, August 22, 2017 8:27 AM  
**To:** Porter, Margaret E <Margaret\_Porter@cable.comcast.com>  
**Cc:** Jon Morse <jonm@aks-eng.com>  
**Subject:** West Linn Easement

Margaret,

Here is what we were proposing in regards to the old and new easement for the site in West Linn. The nearest address would be 1236 14<sup>th</sup> Street, West Linn OR 97068.

I also have calls place to West Linn's Planning and Engineering department to determine what all they are looking for to make this happen.

**Greg Harris**



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**From:** Baxter, Stephanie  
**To:** [Greg Harris](#)  
**Cc:** [Jon Morse](#); [Zach Pelz](#)  
**Subject:** RE: [External]RE: West Linn Easement Info  
**Date:** Wednesday, September 06, 2017 10:53:12 AM

---

That sounds great. I can help you with signature on your document if necessary and we should be able to get that completed quickly.  
Stephanie

---

**From:** Greg Harris [harrisg@aks-eng.com]  
**Sent:** Wednesday, September 06, 2017 10:47 AM  
**To:** Baxter, Stephanie  
**Cc:** Jon Morse; Zach Pelz  
**Subject:** RE: [External]RE: West Linn Easement Info

Stephanie,

Thank you for getting back to me.

Once we get approval from the remaining outstanding utility provider we will begin discussions with the City of West Linn regarding the process to reduce the width.

I am assuming they will have some kind of document/form they will need signed once that begins. If this is the case we will let you know.

Thank you again,

**Greg Harris**

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---

**From:** Baxter, Stephanie [mailto:Stephanie.Baxter@nwnatural.com]  
**Sent:** Wednesday, September 06, 2017 10:43 AM  
**To:** Greg Harris <harrisg@aks-eng.com>  
**Cc:** Jon Morse <jonm@aks-eng.com>  
**Subject:** RE: [External]RE: West Linn Easement Info

Good morning Greg-

I apologize for the delay in getting back to you. I heard back from our Engineer and there is only 1 piece of property showing as a possible customer in this area that we don't have served and we could make use of the 20" easement proposed if we needed to serve them so he don't see any issues. Please let me know if you need anything else from us.

Thank you for your patience,  
Stephanie

---

**From:** Greg Harris [harrisg@aks-eng.com]  
**Sent:** Tuesday, August 22, 2017 10:22 AM  
**To:** Baxter, Stephanie

**Cc:** Jon Morse  
**Subject:** [External]RE: West Linn Easement Info

Thank you for getting back to me Stephanie,

Attached is a plan of what we were proposing as well as the existing utilities that were marked from the locate.

What we have going on is a section of roadway that was vacated by The City of West Linn years ago, however there appears to be a 60' easement remaining.

What we are proposing is reducing the existing easement that followed the old ROW from 60' to 20'. The proposed easement would be centered on the existing sanitary line (10' on both sides as shown in the attachment).

**Greg Harris**

**AKS ENGINEERING & FORESTRY, LLC**

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---

**From:** Baxter, Stephanie [<mailto:Stephanie.Baxter@nwnatural.com>]

**Sent:** Tuesday, August 22, 2017 10:06 AM

**To:** Greg Harris <[harrisg@aks-eng.com](mailto:harrisg@aks-eng.com)>

**Subject:** West Linn Easement Info

Good morning Greg-

I was told you are looking into an issue near 1236 14<sup>th</sup> St, West Linn, OR. If you have some plans you can forward me, I am happy to look into your request with our engineer and see what we are able to do in this area.

Thank you,  
Stephanie

**Stephanie R. Baxter**

NW Natural – Senior Risk & Land Agent  
503.721.2470 | [nwnatural.com](http://nwnatural.com)

**From:** Laura Binam  
**To:** [Greg Harris](#)  
**Subject:** RE: Evah Lane  
**Date:** Thursday, September 14, 2017 1:37:07 PM  
**Attachments:** [Evah Lane Esmt Future.pdf](#)

---

Hi Greg,

I got the final review comments back today.

We propose releasing the western side of the easement (which abuts the new flag lot development), in exchange for a new PGE easement through the property on tax lot 4001 (see attached, very tentative proposed route in green). This new easement is needed to improve reliability (by gaining a second, redundant feed to the customer's existing home, the 3 flag lots, the proposed future lot, and the 7 homes above their proposed flag lots).

We would be open to considering the release of the eastern side of the easement in future, assuming the customer decides to move forward with development of the parcel as proposed.

Thank you,

**Laura Binam** • Permit Agent, Real Property Services • 503-464-8265 • 503-419-8247

---

**From:** Greg Harris [mailto:[harrisg@aks-eng.com](mailto:harrisg@aks-eng.com)]  
**Sent:** Wednesday, September 13, 2017 9:48 AM  
**To:** Laura Binam  
**Subject:** RE: Evah Lane

**\*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\***

Laura,

Just to clarify, the site can only really support one additional lot due to natural resource wetland and steep slope setbacks. I have attached a rough outline of what the current plan for the site as well as future plan would consist of with the reduction of the easement. Would looping the system really be necessary?

**Greg Harris**

**AKS ENGINEERING & FORESTRY, LLC**

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---

**From:** Laura Binam [mailto:[Laura.Binam@pgn.com](mailto:Laura.Binam@pgn.com)]  
**Sent:** Tuesday, September 12, 2017 9:13 AM  
**To:** Greg Harris <[harrisg@aks-eng.com](mailto:harrisg@aks-eng.com)>  
**Cc:** Jon Morse <[jonm@aks-eng.com](mailto:jonm@aks-eng.com)>

**Subject:** RE: Evah Lane

Hi Greg,

Our distribution folks would be okay giving up the easement, provided you or the customer can-

1. Provide a plan showing how existing sewer, new electric, new gas, and new water will legally co-locate within the length of the reduced 20' PUE
2. Provide a new PGE easement plan across their property (roughly E/W tying into service off 14<sup>th</sup> St.) which allows us to create a ring feed to support the new and proposed development.

Thank you,

**Laura Binam** • Permit Agent, Real Property Services • 503-464-8265 • 503-419-8247

---

**From:** Greg Harris [<mailto:harrisg@aks-eng.com>]  
**Sent:** Monday, September 11, 2017 1:59 PM  
**To:** Laura Binam  
**Cc:** Jon Morse  
**Subject:** RE: Evah Lane

**\*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\***

Good afternoon Laura,

I just wanted to see if Distribution has completed their review regarding the easement.

**Greg Harris**

**AKS ENGINEERING & FORESTRY, LLC**

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---

**From:** Laura Binam [<mailto:Laura.Binam@pgn.com>]  
**Sent:** Friday, September 01, 2017 12:23 PM  
**To:** Greg Harris <[harrisg@aks-eng.com](mailto:harrisg@aks-eng.com)>  
**Cc:** Jon Morse <[jonm@aks-eng.com](mailto:jonm@aks-eng.com)>  
**Subject:** RE: Evah Lane

Hi Greg,

Distribution is still reviewing. Sorry many eyes have to verify things like this before we can say yes or no.

Thank you,

**Laura Binam** | Permit Agent, Property Services | Portland General Electric Company  
121 SW Salmon St, 3WTC0406 | Portland, Oregon 97204



☎: 503-464-8265 ✉: [Laura.Binam@pgn.com](mailto:Laura.Binam@pgn.com)

---

**From:** Greg Harris [<mailto:harrisg@aks-eng.com>]  
**Sent:** Friday, September 01, 2017 11:37 AM  
**To:** Laura Binam  
**Cc:** Jon Morse  
**Subject:** RE: Evah Lane

\*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\*

Good afternoon Laura,

I just wanted to follow up with you regarding the easement prior to the long weekend.

**Greg Harris**

**AKS ENGINEERING & FORESTRY, LLC**

P: 503.563.6151 Ext. 296 | F: 503.563.6152 | [www.aks-eng.com](http://www.aks-eng.com) | [HarrisG@aks-eng.com](mailto:HarrisG@aks-eng.com)

---

**From:** Laura Binam [<mailto:Laura.Binam@pgn.com>]  
**Sent:** Tuesday, August 29, 2017 2:51 PM  
**To:** Greg Harris <[harrisg@aks-eng.com](mailto:harrisg@aks-eng.com)>  
**Subject:** RE: Evah Lane

Thank you.

**Laura Binam** | Permit Agent, Property Services | Portland General Electric Company  
121 SW Salmon St, 3WTC0406 | Portland, Oregon 97204  
☎: 503-464-8265 ✉: [Laura.Binam@pgn.com](mailto:Laura.Binam@pgn.com)

---

**From:** Greg Harris [<mailto:harrisg@aks-eng.com>]  
**Sent:** Tuesday, August 29, 2017 2:49 PM  
**To:** Laura Binam  
**Subject:** RE: Evah Lane

\*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\*

Laura,

My responses are below. I hope this helps clarify things.

Do you have the document that the easement is referring to 90-55725? When I try and pull it from our system it comes up with a Completion Notice for 19787 S. Ferguson Terrace, Oregon City (see attached). I think maybe that was incorrectly written on your Exhibit? I believe the correct number is 92-81488 as per County Map, see attached. Can you verify for me?

I had our survey guys look into the easement document as they put together the existing

condition sheets/research these for us and they tell me it was a typo and the one you provided is correct.

Also, the group is asking a couple of questions regarding this easement release.

Looks like there is a subdivision planned Lots 1, 2 and 3 but the easement doesn't affect the lots, what would be the reason that you would want the easement narrowed down?

Regarding the easement reduction, the same people that own the property to the west of the easement also own the property to the east. It is our understanding that once they finish developing the property to the west, they would like to develop their eastern half.

It is our understanding that the original 60' easement was part of the 15<sup>th</sup> street right-of-way and has since been vacated by the city of West Linn (in 1992 I believe). In my conversations with the city planners, they don't have plans for this space either.

Ultimately reducing the easement from 60' to 20', will result in an easement width matching the easement to the south (Doc No 76-045766). The reduction would also minimize the impact to our clients western property and allowing him to explore dividing this property in the future.

Thank you,

**Greg Harris**

**AKS ENGINEERING & FORESTRY, LLC**

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---

**From:** Laura Binam [<mailto:Laura.Binam@pgn.com>]

**Sent:** Tuesday, August 29, 2017 1:58 PM

**To:** Greg Harris <[harrisg@aks-eng.com](mailto:harrisg@aks-eng.com)>

**Subject:** RE: Evah Lane

Greg,

Do you have the document that the easement is referring to 90-55725? When I try and pull it from our system it comes up with a Completion Notice for 19787 S. Ferguson Terrace, Oregon City (see attached). I think maybe that was incorrectly written on your Exhibit? I believe the correct number is 92-81488 as per County Map, see attached. Can you verify for me?

Also, the group is asking a couple of questions regarding this easement release.

Looks like there is a subdivision planned Lots 1, 2 and 3 but the easement doesn't affect the lots, what would be the reason that you would want the easement narrowed down?

Thank you,

**Laura Binam** | Permit Agent, Property Services | Portland General Electric Company

121 SW Salmon St, 3WTC0406 | Portland, Oregon 97204

☎: 503-464-8265 ✉: [Laura.Binam@pgn.com](mailto:Laura.Binam@pgn.com)

---

**From:** Greg Harris [<mailto:harrisg@aks-eng.com>]

**Sent:** Tuesday, August 29, 2017 9:15 AM

**To:** Laura Binam

**Subject:** RE: Evah Lane

\*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\*

Laura,

That is our understanding as well. In talking with the City Planner he said they haven't had to do something like this for a number of years. The planner did say once the other utility providers were on board to let him know and he can dig further into what needs to happen.

With that said, have you had an opportunity to run this past some of your engineers?

Thank you again,

**Greg Harris**

**AKS ENGINEERING & FORESTRY, LLC**

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---

**From:** Laura Binam [<mailto:Laura.Binam@pgn.com>]

**Sent:** Tuesday, August 22, 2017 10:42 AM

**To:** Greg Harris <[harrisg@aks-eng.com](mailto:harrisg@aks-eng.com)>

**Cc:** Jon Morse <[jonm@aks-eng.com](mailto:jonm@aks-eng.com)>

**Subject:** RE: Evah Lane

Greg,

What I need to do is run this by some of our engineers to verify it is okay. I will let you know. I am guessing since it is through the City of West Linn they will need to do the quitclaim document and we will need to sign something for them that we are okay with it, since it's not actually our PGE easement.

Thank you,

**Laura Binam** | Permit Agent, Property Services | Portland General Electric Company

121 SW Salmon St, 3WTC0406 | Portland, Oregon 97204

☎: 503-464-8265 ✉: [Laura.Binam@pgn.com](mailto:Laura.Binam@pgn.com)

---

**From:** Greg Harris [<mailto:harrisg@aks-eng.com>]

**Sent:** Tuesday, August 22, 2017 10:25 AM

**To:** Laura Binam

**Cc:** Jon Morse

**Subject:** RE: Evah Lane

\*\*\*Please take care when opening links, attachments or responding to this email as it originated outside of PGE.\*\*\*

Thank you for getting back to me Laura,

Attached is a plan of what we were proposing as well as the existing utilities that were marked from the locate.

But, what we have going on is a section of roadway that was vacated by The City of West Linn years ago, however there appears to be a 60' easement remaining.

What we are proposing is reducing the existing easement that followed the old ROW from 60' to 20'. The proposed easement would be centered on the existing sanitary line (10' on both sides as shown).

**Greg Harris**

**AKS ENGINEERING & FORESTRY, LLC**

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---

**From:** Laura Binam [<mailto:Laura.Binam@pgn.com>]

**Sent:** Tuesday, August 22, 2017 10:15 AM

**To:** Greg Harris <[harrisg@aks-eng.com](mailto:harrisg@aks-eng.com)>

**Subject:** Evah Lane

Hi Greg,

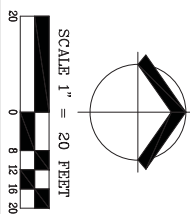
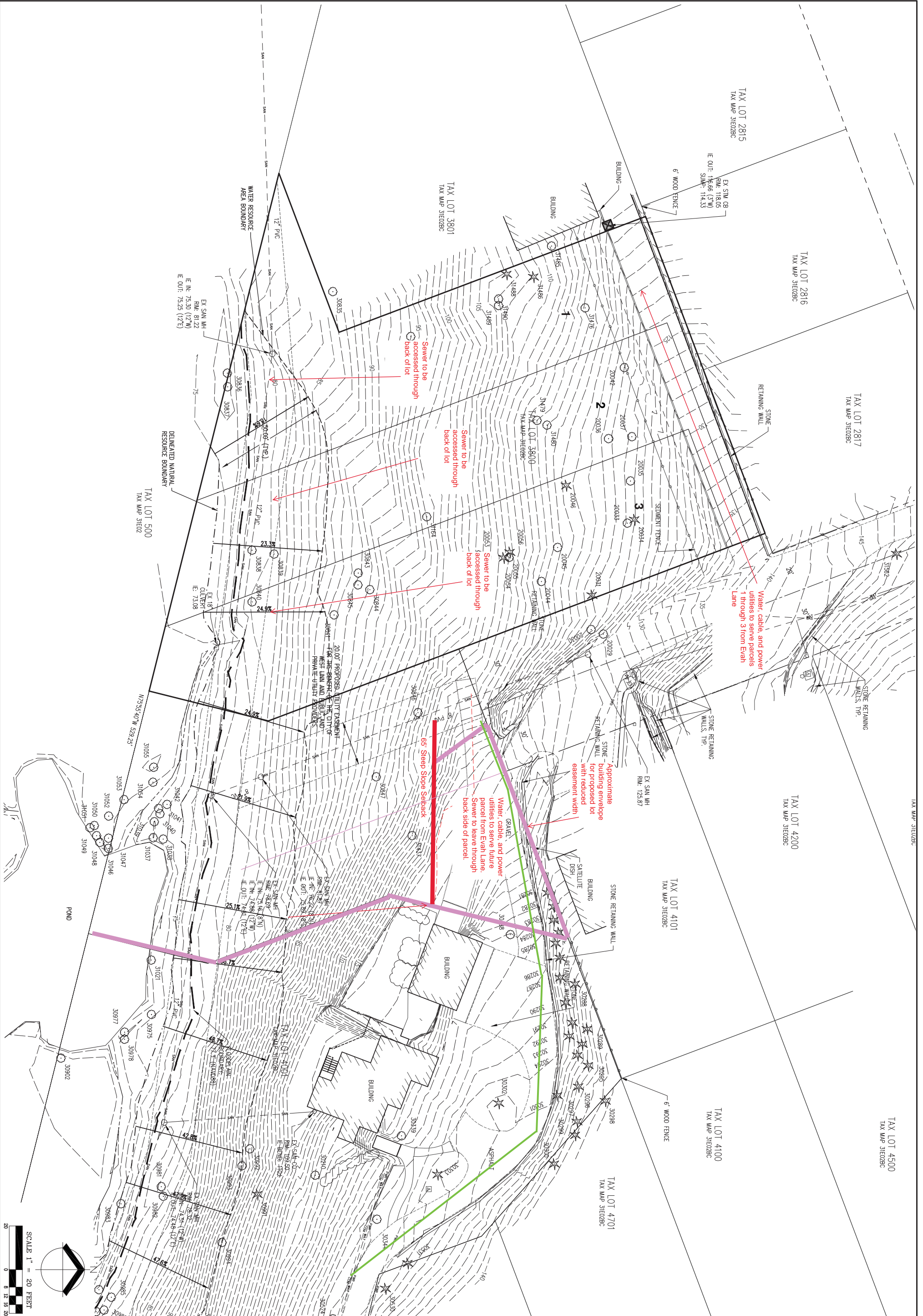
I received your request. Do you have a survey of the utilities that are in the easement?

Thank you,

**Laura Binam** | Permit Agent, Property Services | Portland General Electric Company

121 SW Salmon St, 3WTC0406 | Portland, Oregon 97204

☎: 503-464-8265 ✉: [Laura.Binam@pgn.com](mailto:Laura.Binam@pgn.com)



DESIGNED BY: GSH	REGISTERED PROFESSIONAL ENGINEER
DRAWN BY: JMM	NO. 12345
CHECKED BY: AS NOTED	EXPIRES: 12/31/18
SCALE: AS NOTED	REVISIONS:
DATE: 8/17/2017	
JOB NUMBER: 5579	
SHEET: P04	

## NATURAL RESOURCE BUFFER DETERMINATION

## EVAH LANE PARTITION

### WEST LINN OREGON

CLACKAMAS COUNTY TAX MAP 3 1E 02BC

AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD STE 100  
TUALATIN, OR 97062  
P: 503.563.6151  
F: 503.563.6152  
aks-eng.com

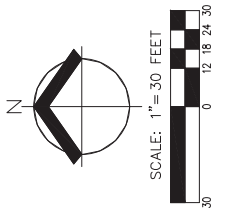
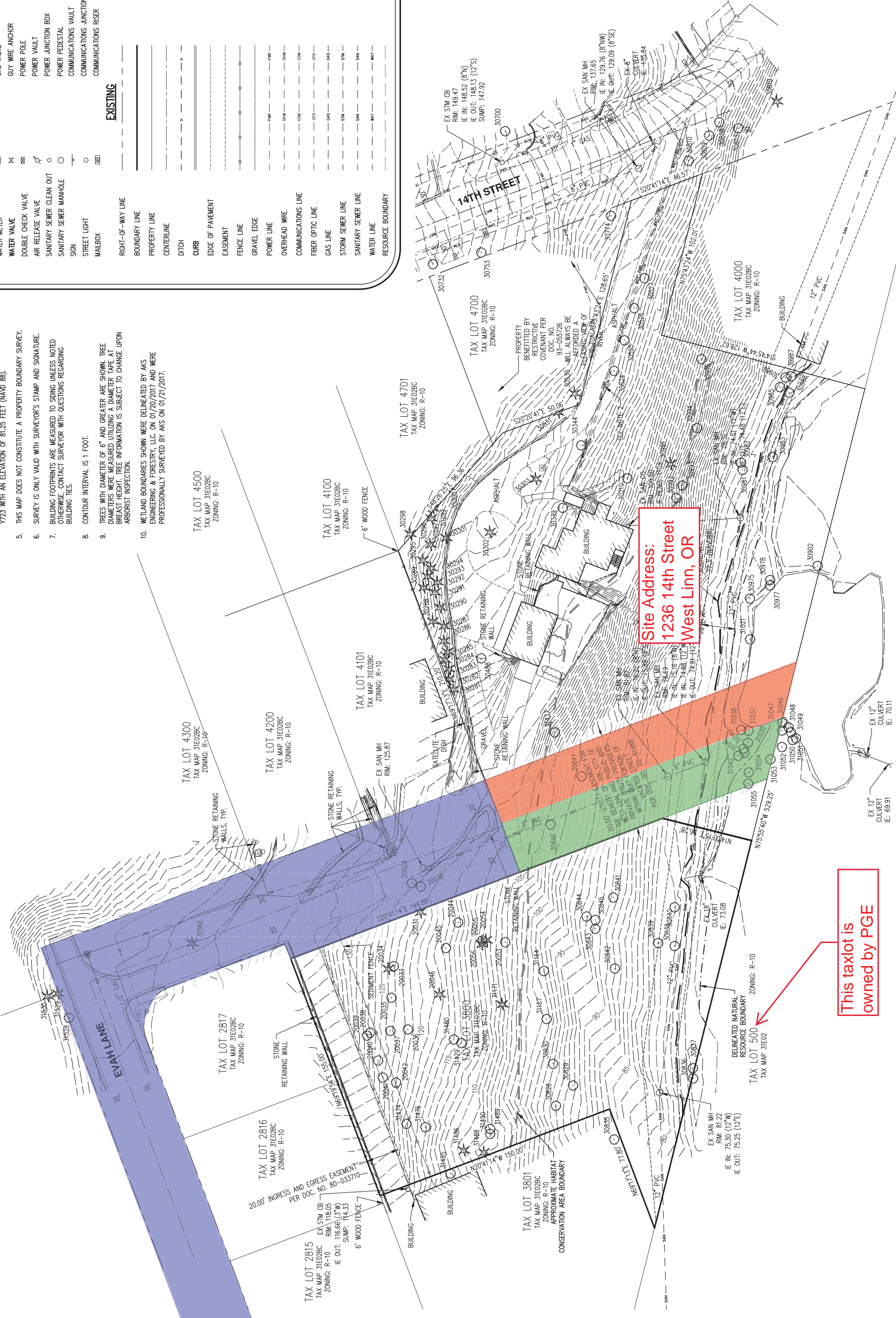
AKS

ENGINEERING • SURVEYING • NATURAL RESOURCES  
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE



EXISTING	
DECIDUOUS TREE	STORM SEWER CLEAN OUT
CONIFEROUS TREE	STORM SEWER CATCH BASIN
FIRE HYDRANT	STORM SEWER AREA DRAIN
WATER BLOWOFF	STORM SEWER MANHOLE
WATER METER	GAS METER
WATER VALVE	GAS VALVE
DOUBLE CHECK VALVE	GUY WIRE ANCHOR
AIR RELEASE VALVE	POWER POLE
SANITARY SEWER CLEAN OUT	POWER VAULT
SANITARY SEWER MANHOLE	POWER JUNCTION BOX
SIGN	POWER PEDESTAL
STREET LIGHT	COMMUNICATIONS VAULT
MAILBOX	COMMUNICATIONS JUNCTION BOX
	COMMUNICATIONS RISER
EXISTING	
RIGHT-OF-WAY LINE	
BOUNDARY LINE	
PROPERTY LINE	
CENTERLINE	
DITCH	
CURB	
EDGE OF PAVEMENT	
EASEMENT	
FENCE LINE	
GRAVEL EDGE	
POWER LINE	
OVERHEAD WIRE	
COMMUNICATIONS LINE	
FIBER OPTIC LINE	
GAS LINE	
STORM SEWER LINE	
SANITARY SEWER LINE	
WATER LINE	
RESOURCE BOUNDARY	

- NOTES:**
- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED PER UTILITY LOCATE TICKET NUMBER 17010983. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND LOCATES REPRESENT THE ONLY UTILITIES IN THE AREA. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS PRIOR TO BEGINNING CONSTRUCTION.
  - UTILITIES ON TAX LOT 4001 SHOWN PER CLIENT DIRECTION AND ARE NOT BASED ON LOCATE MARKINGS.
  - FIELD WORK WAS CONDUCTED JANUARY 21-30, 2017.
  - VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK 1723 WITH AN ELEVATION OF 81.25 FEET (NAVD 88).
  - THIS MAP DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
  - SURVEY IS ONLY VALID WITH SURVEYOR'S STAMP AND SIGNATURE.
  - BUILDING FOOTPRINTS ARE MEASURED TO SIDINGS UNLESS NOTED OTHERWISE. CONTACT SURVEYOR WITH QUESTIONS REGARDING BUILDING TIES.
  - CONTOUR INTERVAL IS 1 FOOT.
  - TREES WITH DIAMETER OF 6" AND GREATER ARE SHOWN. TREE DIAMETERS WERE MEASURED UTILIZING A DIAMETER TAPE AT BREAKST HEIGHT. TREE INFORMATION IS SUBJECT TO CHANGE UPON AEROSOL INSPECTION.
  - WETLAND BOUNDARIES SHOWN WERE DELINEATED BY AKS ENGINEERING & FORESTRY, LLC ON 01/20/2017 AND WERE PROFESSIONALLY SURVEYED BY AKS ON 01/21/2017.



## **PD-4 PUBLIC COMMENT**

**From:** [Boyd, John](#)  
**To:** [Shroyer, Shauna](#); [Wyss, Darren](#)  
**Subject:** FW: 1236 14th Street 2-Lot Minor Partition Proposal  
**Date:** Wednesday, September 12, 2018 10:05:14 AM

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**From:** Patricia Erb [mailto:prrerb@gmail.com]  
**Sent:** Tuesday, September 11, 2018 10:30 PM  
**To:** Boyd, John <jboyd@westlinnoregon.gov>; Perry, Brenda <BPerry@westlinnoregon.gov>; Cummings, Teri <TCummings@westlinnoregon.gov>; Martin, Bob <BMartin@westlinnoregon.gov>; Sakelik, Richard <RSakelik@westlinnoregon.gov>  
**Cc:** Axelrod, Russell <RAxelrod@westlinnoregon.gov>  
**Subject:** 1236 14th Street 2-Lot Minor Partition Proposal

Re: Planning Manager Decision File No. MIP-18\_01/WAP-18-01/WRG-18-01

West Linn City Officials:

As an owner within 500 feet of this property (Tax Lot 4001 of Clackamas County Assessor's Map 31E 02BC), I have read through the voluminous relevant filed documents provided by the city. I recognize the importance of due diligence as the owner of abutting property, since my consent is required for approval of the Evah Lane Right-of-way Vacation.

Let me be abundantly clear. I am opposed to the Evah Lane Right-of way Vacation. Here are my reasons:

- I have had previous extensive experience in homeowners' responsibility for street ownership, maintenance, liability, reserves - in short, all the headaches that ownership entails. When I purchased my home almost four years ago, it was my understanding that my house fronted on a public street; I have no desire to own it now.
- I fail to understand how vacating the referenced public right of way is a benefit to myself, my neighbors or the City of West Linn, unless it is for the one neighbor who financially stands to gain at the expense of the rest of us, Mr. Pat O'Brien.
- I also object to the destruction of this beautiful land, the very reason most of us chose to live here. We currently have close access and views of the Tualatin River and the wildlife and greenery that contributes to the quality of our lives and the value of our homes. I am not inclined to forfeit right of ways and easements just for more building that will contribute to the continued trend of over-development of West Linn and which places its unique appeal in jeopardy.

Thank you for your time and attention to this matter and note again for the official record that I do not consent to this Evah Lane Right-of-way Vacation.

Sincerely,  
Patricia Erb  
1295 Evah Ln.  
West Linn, OR 97068  
[prrerb@gmail.com](mailto:prrerb@gmail.com)  
210-508-5529 (cell)

(503) 850-6413

**From:** [Mike and Anne Goetze](#)  
**To:** [Arnold, Jennifer](#); [Wyss, Darren](#)  
**Subject:** FW: 1236 14th Street 2-lot minor partition  
**Date:** Wednesday, September 12, 2018 9:58:37 PM

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Jennifer and Darren,

I am forwarding this to you after receiving the out of office message from Peter Spir. Please make sure it gets to the right person and is officially filed.

Thank you,

Anne Goetze

---

**From:** Mike and Anne Goetze [mailto:mjgoetze@comcast.net]  
**Sent:** Wednesday, September 12, 2018 9:41 PM  
**To:** 'jboyd@westlinnoregon.gov' <jboyd@westlinnoregon.gov>; 'bperry@westlinnoregon.gov' <bperry@westlinnoregon.gov>; 'tcummings@westlinnoregon.gov' <tcummings@westlinnoregon.gov>; 'bmartin@westlinnoregon.gov' <bmartin@westlinnoregon.gov>; 'rsakelik@westlinnoregon.gov' <rsakelik@westlinnoregon.gov>; 'raxelrod@westlinn.gov' <raxelrod@westlinn.gov>  
**Subject:** 1236 14th Street 2-lot minor partition

Re: Planning Manager Decision File No. MIP-18\_01/WAP-18-01/WRG-18-01

To Whom it May Concern,

We respectfully submit this email as written testimony regarding the proposed 1236 14th Street 2-Lot Minor Partition. We have reviewed all of the posted documents and are opposed to the partition for the following reasons:

Our property adjoins the portion of Evah Lane that is in question for the vacation process. We were not contacted by Mr. O'Brien at any time regarding the vacation or this partition. If he came and knocked on our door, he did not leave any information asking us to contact him. In fact, over the 10+ years that we have lived in this home, Mr. O'Brien has never contacted us regarding the development of his property. We do not agree that a good faith effort was made to contact neighbors, as was required.

We support our neighbors in their opposition to the city vacating this portion of Evah Lane. It is not in our neighbor's best interest and puts them at significantly increased liability and on-going expense for maintenance. It is usual and customary in this part of West Linn for the city to own streets and to maintain them. These neighbors bought their homes with the understanding that they were on city owned streets. It is not right to change that status only to benefit the one, non-resident property owner who stands to gain financially from the decision.

The partition in question provides an oddly shaped parcel with poor access that is not consistent



with the other homes and lots in this immediate area. Especially considering the previously approved 3-lot minor partition to the west of the terminus of Evah Lane, this lot will add density of housing that is not acceptable.

Let there be no question, we are opposed to this partition.

Sincerely,

Michael and Anne Goetze  
1378 Evah Lane  
West Linn, OR 97068

**From:** [Arnold, Jennifer](#)  
**To:** [Wyss, Darren](#)  
**Subject:** FW: 1236 14th Street 2-Lot Minor Partition  
**Date:** Monday, September 17, 2018 8:19:37 AM

---

[More public testimony for your partition file.](#)

---

**From:** John Kreitzberg [mailto:jskreitz@hevanet.com]  
**Sent:** Sunday, September 16, 2018 8:32 PM  
**To:** Arnold, Jennifer <jarnold@westlinnoregon.gov>; Boyd, John <jboyd@westlinnoregon.gov>; Perry, Brenda <BPerry@westlinnoregon.gov>; Cummings, Teri <TCummings@westlinnoregon.gov>; Martin, Bob <BMartin@westlinnoregon.gov>; Sakelik, Richard <RSakelik@westlinnoregon.gov>  
**Cc:** SLucas@batesgroup.com; prrerb@gmail.com; mjgoetze@comcast.net  
**Subject:** 1236 14th Street 2-Lot Minor Partition

Kathleen and I are opposed to the vacating of Evah Lane on the South end. This street currently serves three homes for which your planning organization has issued building permits that require access, there are three new lots that have been recently approved by your department, and you are reviewing an additional lot resulting in seven homes served by that street.

In the Applicant Submittal and Supplemental Submittal there are a total of 65 pages of rules and regulations and comments from your department if they have been met or not. No mention of the plan to vacate Evah Lane. Then on the document Applicants Additional Submittal dated 8/21/2018 there is the statement that a "good Faith effort" was made to contact the people on the street to get there approval to vacate Evah Lane. We were not contacted by any form of communication. We heard about it through the neighbors discussing it at a party.

Where is the technical discussion about the rules and regulations for vacating a street? What is the logic of vacating a street used by homeowners on the street and part of West Linn? What problem is your department attempting to solve that harms us, and how does it have anything to do with a Lot Partition that requires the lot to have access from a street?

If West Linn is vacating the street who owns this property? Can the new owner prevent us or charge us for access to our homes?

*John Kreitzberg*  
*Kathleen Kreitzberg*  
1390 Evah Lane

**From:** [Boyd, John](#)  
**To:** [Wyss, Darren](#); [Shroyer, Shauna](#)  
**Subject:** FW: 1236 14th Street 2-Lot Minor Partition proposal  
**Date:** Wednesday, September 12, 2018 10:05:38 AM  
**Attachments:** [image001.png](#)

---

**From:** Scott Lucas [mailto:SLucas@batesgroup.com]  
**Sent:** Tuesday, September 11, 2018 8:03 AM  
**To:** Boyd, John <jboyd@westlinnoregon.gov>; Perry, Brenda <BPerry@westlinnoregon.gov>; Cummings, Teri <TCummings@westlinnoregon.gov>; Martin, Bob <BMartin@westlinnoregon.gov>; Sakelik, Richard <RSakelik@westlinnoregon.gov>  
**Subject:** 1236 14th Street 2-Lot Minor Partition proposal

To Whom It May Concern,

Note that the only contact info that was referenced in the notice that we recently received was for Peter Spir. However, given that he has since retired, I have copied everyone hereto in the hopes that this ends up in the right hands.

We (Scott and Barb Lucas) are submitting this as written testimony in regards to the 1236 14th Street 2-Lot Minor Partition proposal. It is our understanding and belief that Pat O'Brien (Pat) is attempting to partition his former property through the use of tactics that aren't entirely forthright. As an example, as part of the 8/21/18 application there is an email (dated 8/13/18) to Zach Pelz stating that "...Scott and Barbara Lucas are not in favor of the vacation but are willing to discuss further." In fact, I made it clear to Pat when he came to our door (on the morning of 8/11/18) that we were (and still are) 100% against signing a vacation and, contrary to his assertion, aren't interested in any further discussions around the issue.

Please let email show that, as it relates to obtaining our consent to vacate Evah Lane, we do not have any interest (whatsoever) in vacating the public right of way, owning a private street and being responsible for any potential maintenance/liability that would accompany it. We purchased our dream home under the knowledge that it was accessed by a public street, with public utilities and without the necessity of a home owner's association. Furthermore, we are prepared to use any legal means necessary to maintain this arrangement. Pat is attempting to force this change on us for his own needs and this would have never come up if he didn't want to partition and develop his former property. Vacating a public street is nonsensical as we are homeowners who are not in the business of owning streets and even less equipped to do so.

While it is unclear to us why vacating a street is even an option that the City would consider, we hope that final decision is one that protects the homeowner.

Respectfully,  
Scott and Barb

**SCOTT LUCAS** | Managing Director, Regulatory & Internal Investigations

Bates Group, LLC

5005 SW Meadows Road, Suite 300, Lake Oswego, OR 97035, United States

direct: 971.250.4344 main 503.670.7772 mobile: 503.752.0247

[slucas@batesgroup.com](mailto:slucas@batesgroup.com) | [www.batesgroup.com](http://www.batesgroup.com)



**From:** [Boyd, John](#)  
**To:** [Wyss, Darren](#); [Shroyer, Shauna](#)  
**Subject:** FW: Evah Lane Vacation  
**Date:** Wednesday, September 12, 2018 10:09:01 AM

---

Darren and Shauna

This should go in the record as it was provided to Council, the director and to Peter as staff contact. Mr. Lucas has already provided a separate submittal. The area in yellow below should be a finding in the final decision; please work on that update

Thanks

JJB

---

**From:** Scott Lucas [mailto:SLucas@batesgroup.com]  
**Sent:** Monday, September 10, 2018 4:22 PM  
**To:** Williams, John <JWilliams@westlinnoregon.gov>  
**Cc:** Boyd, John <jboyd@westlinnoregon.gov>  
**Subject:** RE: Evah Lane Vacation

Great, thank you!

---

**From:** Williams, John [<mailto:JWilliams@westlinnoregon.gov>]  
**Sent:** Monday, September 10, 2018 8:28 AM  
**To:** Scott Lucas <[SLucas@batesgroup.com](mailto:SLucas@batesgroup.com)>  
**Cc:** Boyd, John <[jboyd@westlinnoregon.gov](mailto:jboyd@westlinnoregon.gov)>  
**Subject:** FW: Evah Lane Vacation

Mr. Lucas, below is the summary of the issue we put together. As far as I know, we haven't heard anything from the applicant since I sent this, but I am copying Planning Manager John Boyd in case he has some news. Peter Spir, who was working on this in our department, retired last week, so Mr. Boyd will be reassigning this item to another planner.

Thanks,  
John

---

**From:** Williams, John  
**Sent:** Wednesday, August 15, 2018 4:43 PM  
**To:** Axelrod, Russell <[RAxelrod@westlinnoregon.gov](mailto:RAxelrod@westlinnoregon.gov)>; Stein, Eileen <[estein@westlinnoregon.gov](mailto:estein@westlinnoregon.gov)>  
**Cc:** Calvert, Lance <[lcalvert@westlinnoregon.gov](mailto:lcalvert@westlinnoregon.gov)>; Spir, Peter <[pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov)>; Boyd, John <[jboyd@westlinnoregon.gov](mailto:jboyd@westlinnoregon.gov)>; Lais, Erich <[elais@westlinnoregon.gov](mailto:elais@westlinnoregon.gov)>  
**Subject:** RE: Evah Lane Vacation

Russ, Eileen, as promised here is the condensed version of the Evah Lane situation.



Evah Lane (located off Kimberly Drive) ends after several right turns in a very narrow, sloped access road serving a very small number of homes. This far end of Evah is located in public ROW but feels very much like a private driveway, partly because the homeowners, including the folks below, have installed very significant landscaping, grading and large boulders in the ROW (note we will not be maintaining any of that because it is not constructed to public standards). Evah will not connect to any other street in the future, therefore staff does not believe the far end needs to remain public ROW.

Mr. O'Brien, who is mentioned in the email below, is the applicant in a pending two lot partition (MIP-18-01) at the south end of Evah Lane's ROW. As an alternative to constructing standard street improvements on Evah Lane ROW, which has slopes in excess of 25%, Mr. O'Brien was given the option of vacating the ROW because of the factors noted above. Planning and Engineering staff provided a couple of options:

1. The applicant will undertake a "good faith" effort to vacate Evah Lane ROW.
2. **If, after a good faith effort, the applicant is unable to obtain the necessary property owner consent to complete this vacation the City may be willing to initiate this vacation on its own behalf. (Option 2 is consistent with CDC 92.010(A)(2) which states that "the City Council shall consider and decide whether to process a City-initiated street vacation pursuant to Chapter 271 ORS.")**

**By his August 9, 2018 email, (below) Pat O'Brien demonstrated a "good faith" attempt to vacate the Evah Lane ROW. Based on Mr. Lucas' August 10, 2018 email response (below), it is clear that he is opposed to the vacation. (Mr. Lucas lives at 1267 Evah Lane which abuts the Evah Lane ROW. One hundred percent of abutting property owners have to support the vacation per ORS 271.)**

**We have informed the applicant and his consultant that the City Council is under no obligation to initiate or approve a street vacation. Per CDC 92.010(A)(2) City Council retains full prerogative to decide whether to process a City-initiated street vacation. Also, a City initiated street vacation may still be challenged by affected and abutting property owners under the provisions of ORS 271.130 (below).**

We will keep you updated as to what the applicant would like to do.

Thanks,  
JRW

---

**From:** Axelrod, Russell  
**Sent:** Friday, August 10, 2018 9:57 PM  
**To:** Williams, John <[JWilliams@westlinnoregon.gov](mailto:JWilliams@westlinnoregon.gov)>  
**Cc:** Stein, Eileen <[estein@westlinnoregon.gov](mailto:estein@westlinnoregon.gov)>; Calvert, Lance <[lcalvert@westlinnoregon.gov](mailto:lcalvert@westlinnoregon.gov)>  
**Subject:** Re: Evah Lane Vacation

John,  
That would be helpful. Don't know about this issue and history?  
Thanks,  
Russ

Sent from my iPhone

On Aug 10, 2018, at 3:36 PM, Williams, John <[JWilliams@westlinnoregon.gov](mailto:JWilliams@westlinnoregon.gov)> wrote:

Mr. Bates, thanks for writing.

Eileen, Russ: I know staff in Engineering and Planning have been working on this item for some time and I'd be happy to provide a short summary of this issue next week.

Sincerely,  
John

---

**From:** Stein, Eileen  
**Sent:** Friday, August 10, 2018 2:32 PM  
**To:** '[SLucas@batesgroup.com](mailto:SLucas@batesgroup.com)' <[SLucas@batesgroup.com](mailto:SLucas@batesgroup.com)>  
**Cc:** Williams, John <[JWilliams@westlinnoregon.gov](mailto:JWilliams@westlinnoregon.gov)>; Calvert, Lance <[lcalvert@westlinnoregon.gov](mailto:lcalvert@westlinnoregon.gov)>; Axelrod, Russell <[RAxelrod@westlinnoregon.gov](mailto:RAxelrod@westlinnoregon.gov)>  
**Subject:** FW: Evah Lane Vacation

Mr. Lucas,

Thank you for writing with your concerns. I am copying our Community Development Director John Williams, and Public Works Director Lance Calvert, in my reply.

John/Lance, would you please look into this matter and brief us? Thanks.

Eileen

---

**From:** Scott Lucas [<mailto:SLucas@batesgroup.com>]  
**Sent:** Friday, August 10, 2018 12:21 PM  
**To:** Stein, Eileen <[estein@westlinnoregon.gov](mailto:estein@westlinnoregon.gov)>; Axelrod, Russell <[RAxelrod@westlinnoregon.gov](mailto:RAxelrod@westlinnoregon.gov)>  
**Subject:** FW: Evah Lane Vacation

Ms. Stein and Mayor Axelrod,

Please see the email below from Pat O'Brien to us and our neighbor.

First and foremost, we are growing tired of being harassed regarding this issue (which, ultimately) is only meant to serve his desire to partition and develop his land. We

purchased our dream home under the knowledge that it was accessed by a public street with public utilities and without a home owner's association or HOA dues. We do not have any interest (whatsoever) in vacating the public right of way, owning a private street and being responsible for any potential maintenance/liability that would accompany it. This would have never come up if Pat didn't want to partition and develop his land. He is forcing this change on us for his own needs. The City may not be interested in owning public streets that are not to their standards; however, we are homeowners who are not in the business of owning streets and even less equipped to do so.

To that end, we will not be signing the vacation petition and, furthermore, it is our understanding that most of our neighbors will agree with us. If City Council elects to vacate this public right of way without our consent, we elect not to grant an easement across our property. This whole situation smells like a developer trying to get out of his normal obligations. Perhaps his project won't pencil out unless he is able to force us to take ownership of the street. If so, we're sorry but that shouldn't be something that is our problem (and, maybe, his property need not be developed at this time).

Thanks for your understanding,  
Scott and Barb Lucas

**SCOTT LUCAS** | Managing Director, Regulatory & Internal Investigations

Bates Group, LLC

5005 SW Meadows Road, Suite 300, Lake Oswego, OR 97035, United States

direct: 971.250.4344 main 503.670.7772 mobile: 503.752.0247

[lucas@batesgroup.com](mailto:lucas@batesgroup.com) | [www.batesgroup.com](http://www.batesgroup.com)

<image001.png>

---

**From:** PRO'BRIEN [<mailto:pat@obllc.com>]

**Sent:** Thursday, August 9, 2018 3:18 PM

**To:** Jesse Gambetti <[jgambetti@gmail.com](mailto:jgambetti@gmail.com)>; Scott Lucas <[SLucas@batesgroup.com](mailto:SLucas@batesgroup.com)>

**Subject:** Evah Lane Vacation

Jesse and Scott, I think I have mentioned to both of you that the city has finally given us a path to partitioning off the lot at the base of Evah Lane. The city of West Linn allowed the builder of Scott and Patricia's house to pay a fee, in lieu of providing full city street improvements at Evah Lane, even though the city owns the right of way. The reason they did this is because Evah Lane cannot be developed to city standards including storm drainage, curbs, and sidewalks. Since the houses were built, the city has changed their policy and do not want to own streets that are not to city standard. They are offering that the city council will allow for that portion of Evah Lane in front of Scott and Patricia's house to be vacated. The vacated land will revert to the adjoining property owners and essentially become private driveways. We will need to prepare easements for the new lot and for Scott's lot to allow access to the north.

The vacation process calls for notarized signatures of approval from adjoining property owners as well as the Tours and PGE. If I am successful in gathering the signatures, then the city council will automatically approve the vacation. If I cannot, then they will adopt the staff recommendation to allow the vacation. The council would rather have the signatures but as I understand it, they

I would like to meet with you to discuss the situation further and secure signatures, if possible. I will bring a notary with me. I do not have contact information for Pat, the Goetz's or the Tours. If you have that information, I would appreciate receiving it. I will be out Saturday morning between 9 and 11 to knock on doors.

I need to have this all done before August 21st.

Please let me know your thoughts.

Begin forwarded message:

**From:** [scanner@oblhc.com](mailto:scanner@oblhc.com)  
**Subject:** Message from KM\_C454e  
**Date:** August 9, 2018 at 3:49:27 PM PDT  
**To:** [pat@oblhc.com](mailto:pat@oblhc.com)  
**Reply-To:** [scanner@oblhc.com](mailto:scanner@oblhc.com)

Patrick R. O'Brien  
O'Brien Constructors, LLC  
208 NW 21st Ave. Suite 201  
Portland, Oregon 97209

Cell: 971.219.5423  
E-mail: [pat@oblhc.com](mailto:pat@oblhc.com)

**John Williams**

*Deputy City Manager / Community Development Director*  
Community Development

22500 Salamo Rd  
West Linn, OR 97068  
[JWilliams@westlinnoregon.gov](mailto:JWilliams@westlinnoregon.gov)  
westlinnoregon.gov  
503-742-6063



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