



Hay Properties- Project Narrative

New SFRs in WRA

12/28/2018

Address	4325 Kelly Street	4327 Kelly Street	4329 Kelly Street
State ID	2 1E 36AA 1802	2 1E 36AA 1803	2 1E 36AA 1804
Tax ID	01830095	01830102	01830111
Size	5,000 sq ft	5,000 sq ft	5,000 sq ft
Zone	R 4.5	R 4.5	R 4.5
Owner	Ching Hay 4356 Riverview Ave, West Linn, OR 97068 503.784.7102	Applicant	Paradise Homes Dennis Caudell Paradise@frontier.com 503.710.1227
Work Scope	New SFR	New SFR	New SFR
WRA Review	West Linn Development Code Chapter 32		
MDA Calculation (sq. ft.)	MDA: 5,000	MDA: 5,000	MDA: 5,000
Mitigation / Revegetation	West Linn Development Code Section 32.090, 32.100		

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Development Review Application

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 (ANN) | <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 type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input checked="" type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) */** | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <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.

Site Location/Address: 4325 Kelly Street 4327 Kelly Street 4329 Kelly Street	Assessor's Map No.: Tax Lot(s): TL 1802, 1803, 1804 Total Land Area: 15,000 sq ft; 0.34 Ac
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Brief Description of Proposal:
 NEW SFR(s) in WRA, with Hardship Provision

Applicant Name: <small>(please print)</small> Paradise Homes 20659 NE Lakeside Drive Fairview, Oregon 97024 City State Zip:	Phone: 503.710.1227 Email: Paradise@frontier.com
Owner Name (required): <small>(please print)</small> Ching Hay 4356 Riverview Ave West Linn, OR 97068 City State Zip:	Phone: 503.784.7102 Email: mhay8650@msn.com
Consultant Name: <small>(please print)</small> Aquarius Environmental 2117 NE Oregon Street Portland, OR 97232 City State Zip:	Phone: 503.828.0265 Email: Daniels@aquariusenv.com

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	11.06.18 Date	Ching Hay Owner's signature (required)	11.06.18 Date
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Proposal:

The proposed development consists of three previously developed lots; one with proposed driveway access from Kelly Street and the others with access via a future access easement granted by Lot 9 to the benefit of Lots 8 and 7. The lots have remained unimproved from the original development and are used as back yard space associated with the adjacent SFR at 4356 Riverview Ave.

For each of the three existing lots, development will include approximately 5,000 square feet or the maximum disturbance area permitted within the WRA. All proposed development will occur within the existing building envelope indicated in the underlying zone.

Site Description:

The site is comprised of three 5,000 square foot lots, for a total of 0.34 acres. It is bounded by single family residences to the North, East, an apartment complex to the South and unimproved Kelly Street to the West. An ephemeral portion of Sunset Creek lies just across the property line to the South.

The site contains 8,373 square feet of Water Resource Area (WRA) overlay classification. 6,627 square feet of the site is not classified as WRA. The site does not contain any floodplain.

There are no wetlands on the property or in the creek vicinity. Slopes greater than 10 percent only exist on Lot 8 (TL 1803). This includes areas of slopes no greater than 13 percent. The creek bed consists of a small ravine that is generally approximately 18" wide by 6" deep. Water, when present in the summer, flows about 1" deep.

West Linn CDC 14.030 Permitted Uses

Permitted Uses

Single-Family detached residential units are uses permitted outright in the R 4.5 zone.

This application proposes three single family detached residential units.

The criterion is satisfied

West Linn CDC 14.070 Dimensional Requirements

Dimensional Requirements for Uses Permitted Outright and Uses Permitted Under Prescribed Conditions

A. Minimum lot size shall be- 4500 sq ft-

Proposed lots are all 5,000 sq ft.

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

All proposed front lot widths are 50 ft. Lengths are 100 feet.

C. The average minimum lot width shall be 35 feet.

All proposed lot widths are 50 ft.

D. Repealed by Ord. 1622.

Under the hardship provisions per CDC 32.110, where development is situated as far as practical from the WRA, front and side setbacks may be reduced up to 50% (per Ch 32.110(F)).

E. The minimum yard dimensions or minimum building setback areas from the lot line shall be:

1. For a front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.

With 50% reduction per 32.110(F), Front yard set backs are 10 ft for all lots.

2. For an interior side yard, five feet.

50% reduction per 32.110(F) notwithstanding, side yards are 5 ft for all lots.

3. For a side yard abutting a street, 15 feet.

Side yards do not abut a street for this application.

4. For a rear yard, 20 feet.

Rear yard set backs are 20 ft for all lots.

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

Building height is limited, for this proposal to 35'

G. The maximum lot coverage shall be 40 percent.

Maximum lot coverage will not exceed 40% of lot area (5,000 x 0.40 = 2,000 sq ft).

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

Access is proposed for Lots 7 and 8 via a 15' wide access easement from Kelly St, granted by the owner of Lot 7 for the benefit of the owner(s) of Lot 7 and 8. The applicant owns all three lots that are the subject of this proposal. The easement will be recorded in association with building permit plan review.

I. The maximum 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.

This application proposes development associated with Type II lands- maximum floor area criteria of this subchapter is excepted. Minimum floor area is proposed to exceed 30% of lot area (5,000 x 0.30 = 1500 sq ft).

J. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 17, 2018)

Proposed home design shall comply with or utilize exemptions provided in West Linn CDC Chapter 43

West Linn CDC 32.060 Approval Criteria for the Standard Process

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.

Under the hardship provisions per CDC 32.110, the minimum required distance from the creek to the house and associated improvements is 15 feet. New homes will be placed as close to the northern property line (opposite of the creek) as practical. To that end, front and side setbacks will be reduced up to 50 percent per Chapter 32.110(F).

2. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC 32.090 and 32.100, respectively.

1. All trees, shrubs and ground cover to be planted are to be native plants selected from the Portland Plant List;
2. Trees are to be at least one-half inch in caliper, and planted between eight and 12 feet on center, at a rate of five trees per every 500 square feet of disturbance area, and a minimum of 2 species.
3. Shrubs are to be in at least a one-gallon container or the equivalent, and 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 at a rate of 25 plants every 500 square feet of disturbance area, and a minimum of 2 species.

4. Any invasive non-native or noxious vegetation is to be removed within the mitigation area prior to planting.
5. A minimum survival rate of 80 percent of the materials planted is expected after three years. Plants that die will be replaced in kind, and monitored by the owner;
6. Plants are to be mulched and watered and weeded for three years.
7. Planting will occur between Dec 1st and April 30th as appropriate for the respective stock, and will be protected as appropriate from wildlife damage.

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.

SFR development will incorporate filter strips to infiltrate/dissipate runoff from disturbed areas into the WRA and creek as appropriate.

The following criteria do not apply.

- *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.*

The proposed access easement will incorporate stormwater filter strip(s) to filter/dissipate runoff from disturbed areas into the WRA and creek as appropriate. Associated runoff will not encroach upon significant trees. There will not be any direct outfall into Sunset Creek.

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.).

Proposed SFR development within the WRA is not adjacent to or within right-of-way(s).

This section does not apply.

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.

Stormwater filter strip design will incorporate native plantings appropriate for stormwater infrastructure applications.

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.

Proposed SFR development within the WRA is not adjacent to or within right-of-way(s) or public areas.

This section does not apply.

6. Storm detention and treatment and geologic hazards: Per the submittals required by CDC 32.050(F)(3) and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and the applicant must provide sufficient factual data to support the conclusions of the submitted plan.

Please see the engineered stormwater design attached as Exhibit 2

C. Repealed by Ord. 1647.

D. WRA width.

The WRA width for a Water Resource is 65' from the ordinary high water as indicated in Table 32-2. Under the hardship provisions per CDC 32.110, the minimum required distance from the creek to the house and associated improvements is 15 feet.

Please see the Wetland Determination attached as Exhibit 1.

E. Potential Hazards and Risk Mitigation

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.

The site's WRA is a narrow ephemeral portion of Sunset Creek bound by a shallow "ravine" less than 12 inches in depth and 20 inches in width.

The applicant requests the Planning Director waive any applicable requirement for submittal of a topographical survey and for submittal of a geologic report, in order to help the applicant reduce costs associated with this development.

- Platted in 1889, this previously developed land has remained unimproved for use as back yard lawn.
- The areas are well established and stable, without any visible hazard, evidence of slope failure or potential for failure. The site does not present any development constraints due to slope, drainage or geologic hazards.
- DOGAMI Statewide Geohazards Database identifies this area as a moderate (Landslide Possible) landslide risk, like more than half of all the developed land within the City of West Linn. DOGAMI characterizes Landslide Risk as Low, Moderate, High and Very High.
- Contours on the City's GIS generally depict a 10% slope across the three lots. This meets the CDCs Chapter 2 definition for a Type III land at its very lowest criteria.
- The site topography is flat and landscaped with terracing at either end of the lots. This creates an effective topography of less than 10% slopes within the buildable envelope of the lots. This factor alone would meet the definition of a Type IV land.

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:

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.*

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.

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).

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.

This proposal does not include any roads, driveways, crossings or associated work within or over the WRA.

This section does not apply.

G. Passive Recreation.

This application does not propose any passive recreation as described in this section.

This section does not apply.

H. Daylighting Piped Streams.

This property does not contain any daylighted stream elements, and this proposal does not create any new daylighting.

This section does not apply

I. Habitat Friendly Development Practices

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.*
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. 3 SFR lots will be using the same shared access driveway with shorter individual driveways to each house.*
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. (Ord. 1623 § 1, 2014; Ord. 1635 § 19, 2014; Ord. 1647 § 5, 2016; Ord. 1662 § 7, 2017).*

Some Habitat Friendly Development Practices to be utilized in this development are as follows:

- Revegetation will use native shrubs, trees and grasses;
- Driveways and access roadways will use filter strip(s) for runoff pretreatment;
- Rain Barrels will capture roof runoff for later use in landscaped areas;
- Sidewalks will shed runoff to landscaped areas;
- Shared access roadways;
- All proposed development is in Previously Developed Areas;
- Smaller footprint development;
- Efficient Home Design and Construction.

Public Works Standards 5.0016

5.0016 Half =Street plus Travel Lane Construction

Applies to development where abutting property frontage is to be developed and the opposite frontage property is undeveloped, and the full improvement will occur with future development and right-of-way dedication. The City indicated on October 5, 2018 that a Fee in Lieu of half street improvements is preferred in this location.

The portion of this application relating to development of Taxlots 1803 (4327 Kelly Street) and 1804 (4329 Kelly Street) does not adjoin the unimproved section of Kelly street. Access to the property is provided via an access easement granted to the benefit of Taxlot 1803 to be recorded with Clackamas County Recorder at the time of building permit application.

The requirement does not apply to this application.

Stormwater Management

Filter Strip

The proposed development will utilize vegetated filter strip to manage stormwater runoff from respective impervious areas. Specifically- runoff from the house roofs, driveways and the access easement roadway will convey to the vegetated area between the south property line and the access roadway. Stormwater will achieve surface filtration with grass and existing plantings prior to flow to Sunset Creek.

The City of Portland 2016 Stormwater Manual specifies Filter Strips as an element of the Simplified Approach for residential developments under 10,000 sq ft and requires filter strip area at least 20% of new impervious areas.

House	1,135
Driveway	1,000
Roadway	500
	<hr/>
	2,635

Treatment	Treatment Area (sq ft)	Lot Width (ft)	Treatment Area Width (ft)
Filter Strip	527.0	50' x	10.54

The distance from the access roadway to the creek varies from 17' to 32'. See Figure 2- Lot Plan and Figure 4- Mitigation Plan.

The criteria is satisfied.

Sanitary Sewer Easement Dedication

Public Sanitary Sewer Easement

Please see notarized document as proposed attached as Exhibit 4.

Figure 1

Site Plan

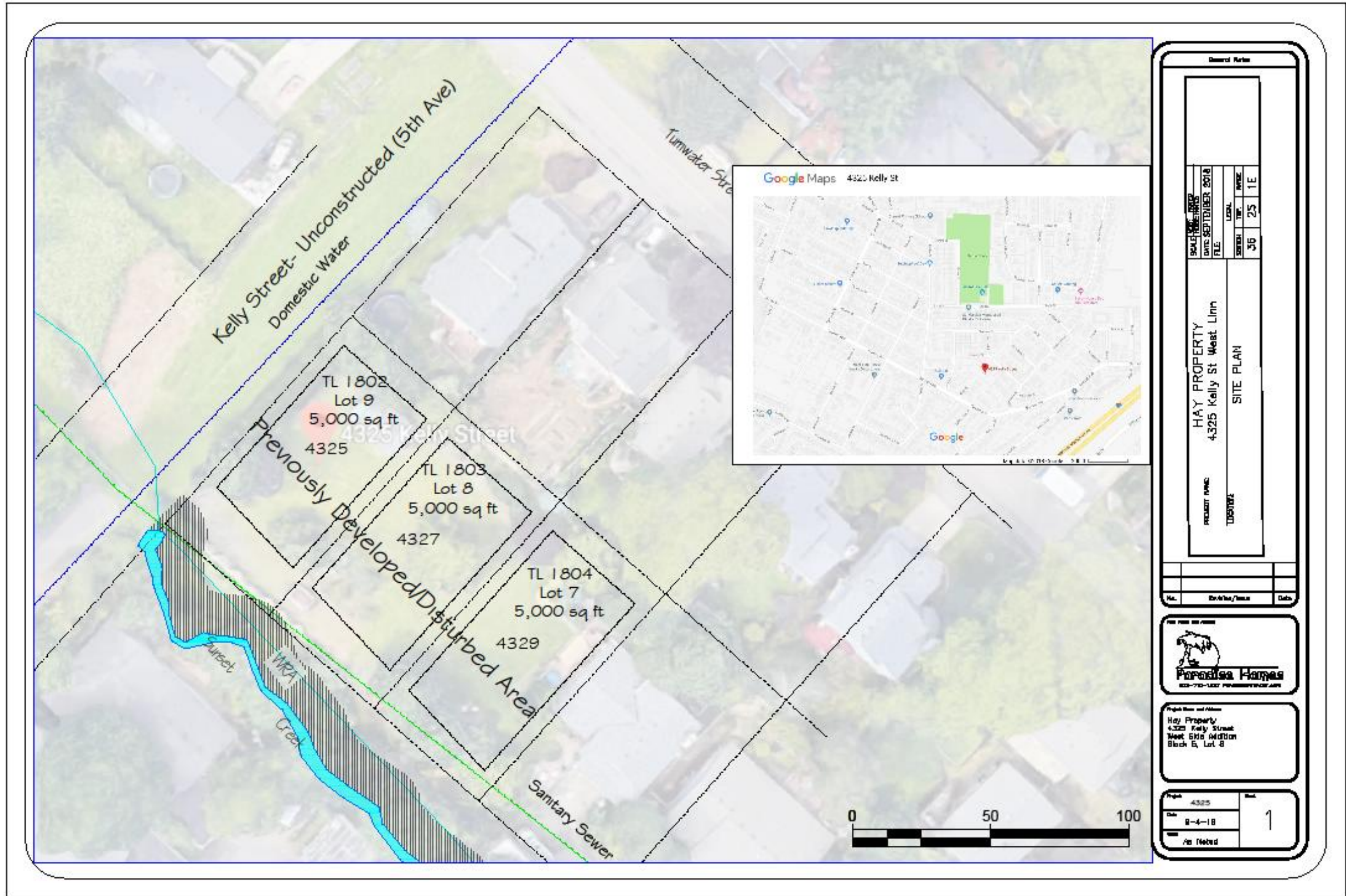
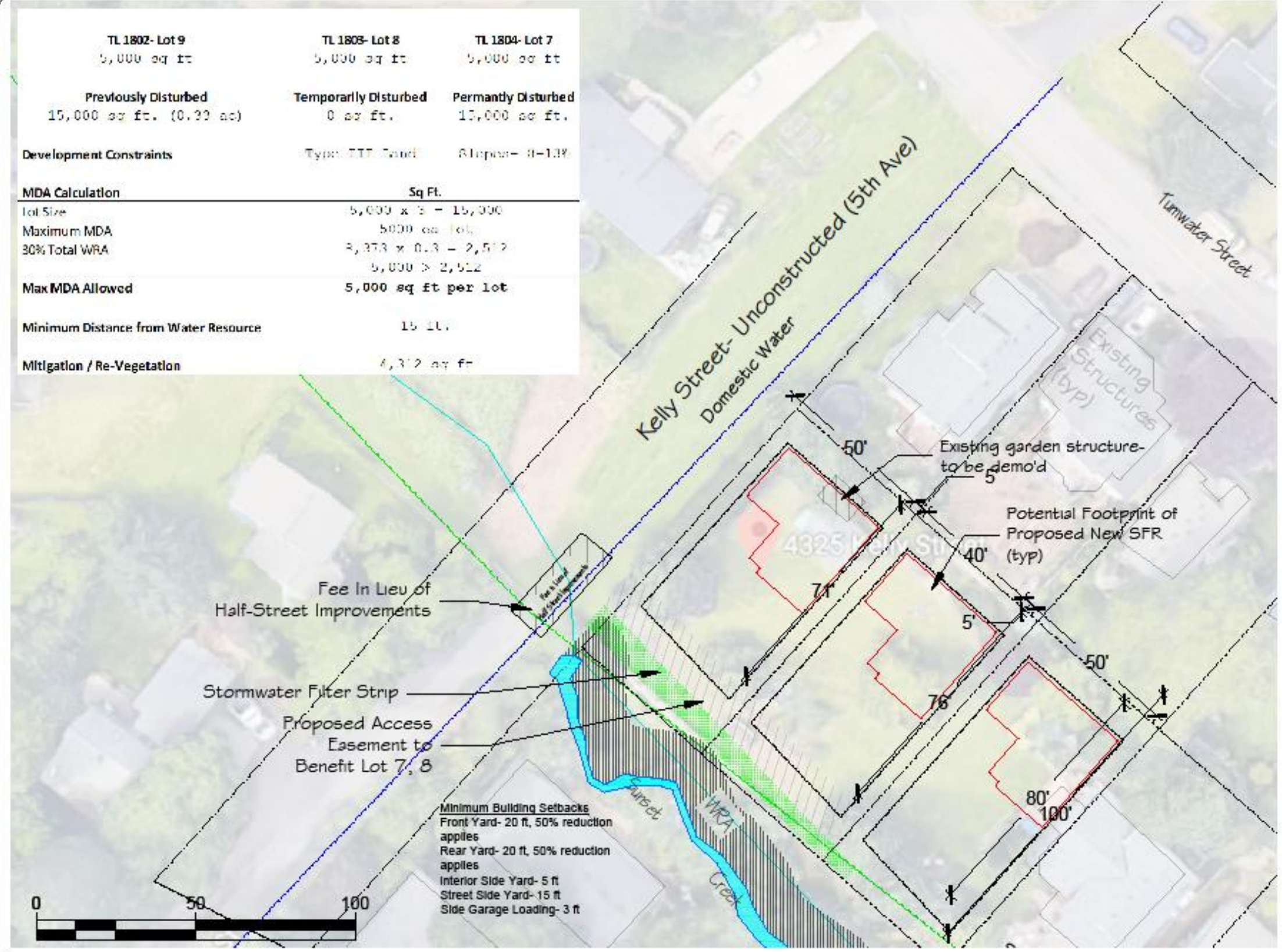


Figure 2

Lot Plan

TL 1802- Lot 9	TL 1803- Lot 8	TL 1804- Lot 7
5,000 sq ft	5,000 sq ft	5,000 sq ft
Previously Disturbed 15,000 sq ft. (0.33 ac)	Temporarily Disturbed 0 sq ft.	Permanently Disturbed 15,000 sq ft.
Development Constraints	Type: DIT Land	Slipway- 8-13%
MDA Calculation	Sq Ft.	
Lot Size	5,000 x 3 = 15,000	
Maximum MDA	5000 sq lot	
30% Total WRA	3,373 x 0.3 = 2,512	
	5,000 > 2,512	
Max MDA Allowed	5,000 sq ft per lot	
Minimum Distance from Water Resource	15 ft.	
Mitigation / Re-Vegetation	4,312 sq ft	



Overall Notes																	
<table border="1"> <tr> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td>18/09/2018</td> <td>REVISED LAYOUT</td> </tr> <tr> <td>18/09/2018</td> <td>REVISED LAYOUT</td> </tr> <tr> <td>18/09/2018</td> <td>REVISED LAYOUT</td> </tr> </table>	DATE	DESCRIPTION	18/09/2018	REVISED LAYOUT	18/09/2018	REVISED LAYOUT	18/09/2018	REVISED LAYOUT	<table border="1"> <tr> <td>DATE</td> <td>DESCRIPTION</td> </tr> <tr> <td>18/09/2018</td> <td>REVISED LAYOUT</td> </tr> <tr> <td>18/09/2018</td> <td>REVISED LAYOUT</td> </tr> <tr> <td>18/09/2018</td> <td>REVISED LAYOUT</td> </tr> </table>	DATE	DESCRIPTION	18/09/2018	REVISED LAYOUT	18/09/2018	REVISED LAYOUT	18/09/2018	REVISED LAYOUT
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18/09/2018	REVISED LAYOUT																
HAY PROPERTY 4325 Kelly St West Linn PROJECT NAME: LOT PLAN LICENSE:																	
No.	Revision/Issue Date																
Hay Property 4325 Kelly Street West Side Addition Sheet 2 of 2																	
No. 4325 Date 8-4-18 As Noted	2																

Figure 3

Construction Management Plan

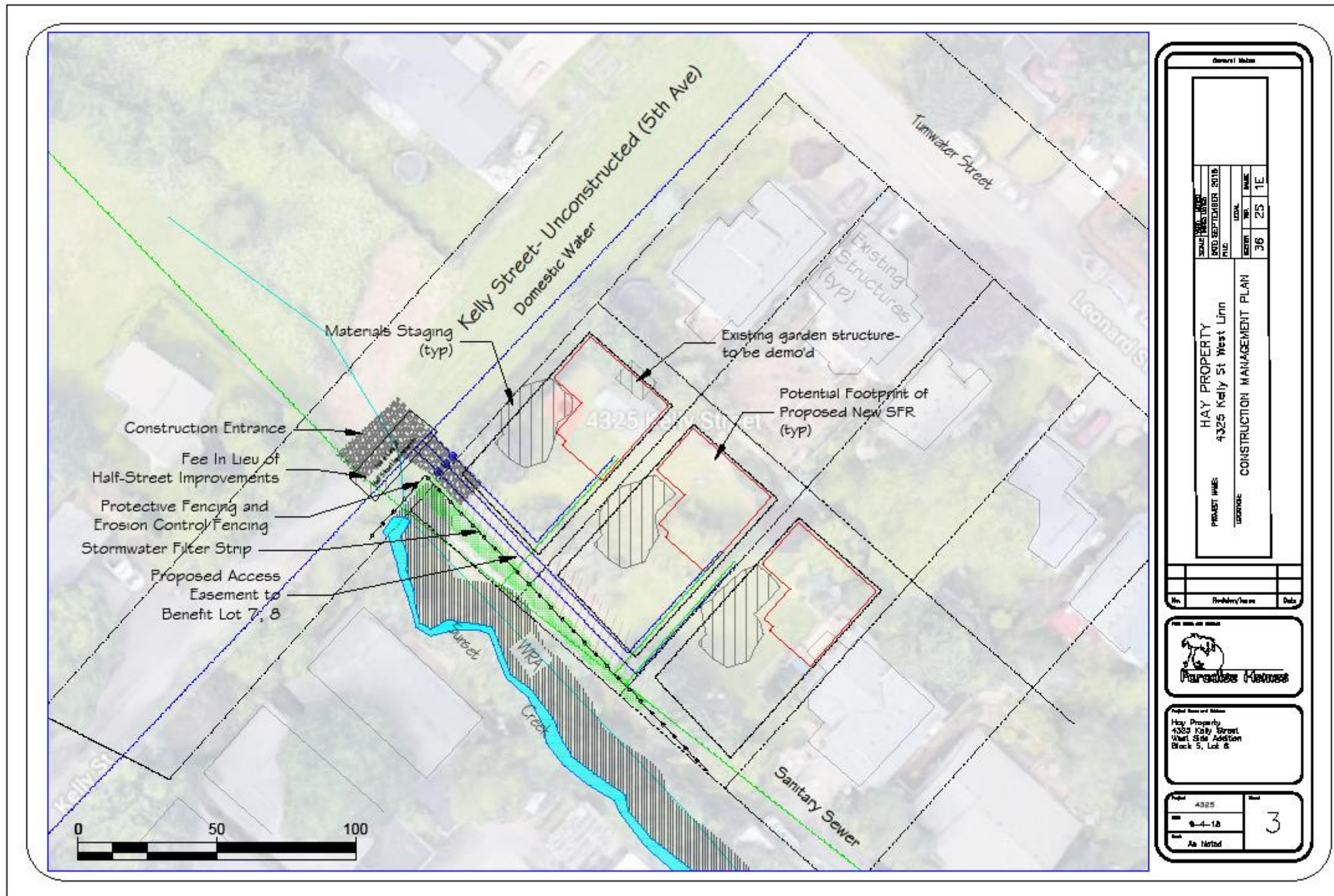
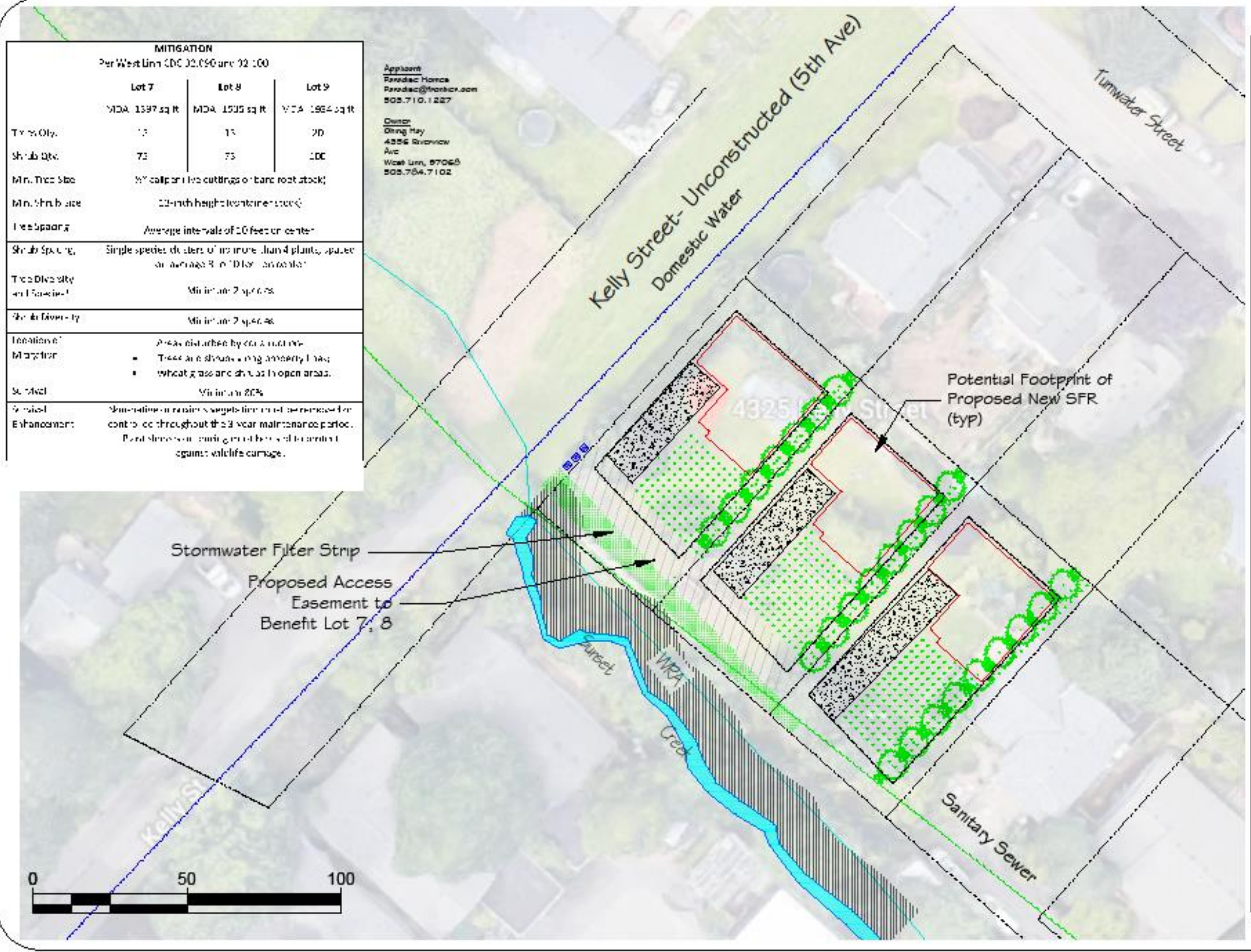


Figure 4

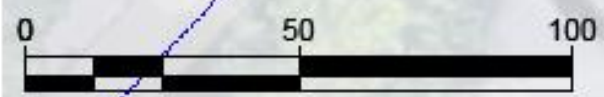
Mitigation Plan



MITIGATION			
Per West Linn CDC 20.050 and 22.100			
	Lot 7	Lot 8	Lot 9
Tree Qty.	12	15	20
Shrub Qty.	75	75	100
Min. Tree Size	5/8" caliper (no cuttings or bare root stock)		
Min. Shrub Size	22-inch height (no container stock)		
Tree Spacing	Average intervals of 10 feet on center		
Shrub Spacing	Single species clusters of no more than 4 plants, spaced at average 3' on 10' on center		
Tree Diversity and Species	Minimum 2 species		
Shrub Diversity	Minimum 2 species		
Location of Mitigation	<ul style="list-style-type: none"> Areas disturbed by construction Trees are shrubs along property lines Wheat grass and shrubs in open areas 		
Survival	Minimum 80%		
Maint. Enhancements	<ul style="list-style-type: none"> Maintenance of existing vegetation must be required for contract throughout the 3 year maintenance period. Plant species must include native and drought resistant species to reduce water use and to protect against wildlife damage. 		

Applicant
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503.710.1227

Owner
Ding Hay
4325 Sycamore
Ave
West Linn, 97068
503.764.7102



PROJECT NAME		HAY PROPERTY	
ADDRESS		4325 Kelly St West Linn	
PROJECT NUMBER		MITIGATION PLAN	
DATE	DATE	DATE	DATE
2018	2018	2018	2018
SEPTEMBER	SEPTEMBER	SEPTEMBER	SEPTEMBER
36	25	1E	
Hay Property 4325 Kelly Street West Side Addition Block 5, Lot 8			
4325	4		
9-4-18			
As Noted			

Figure 5

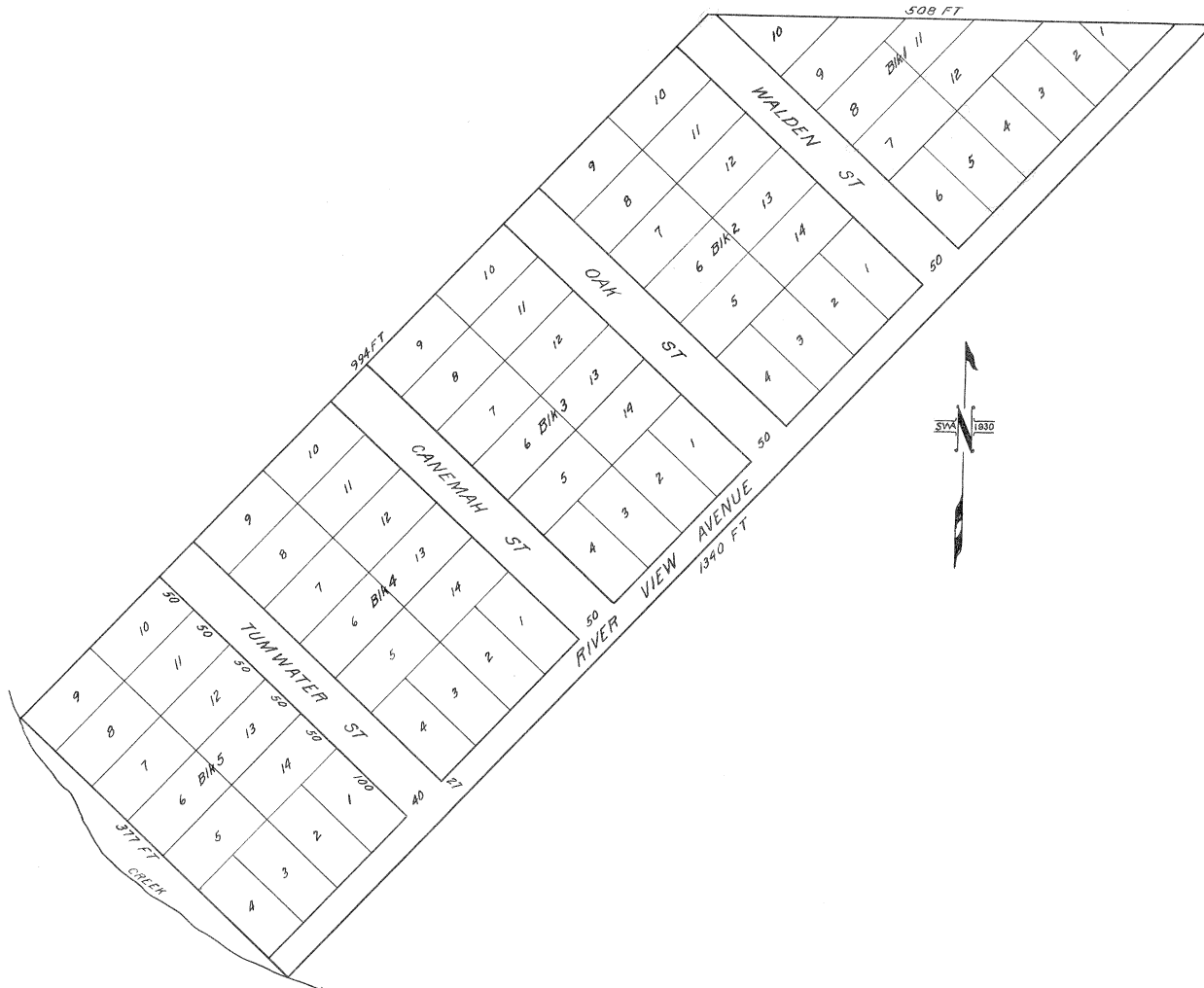
Plat- 036- P1

WEST SIDE ADDITION

TO

OREGON CITY

SCALE 1"=100'



KNOW ALL MEN BY THESE PRESENTS--THAT WE, JAMES P. SHAW AND EMILIE C. SHAW HIS WIFE, DO HEREBY MAKE, ESTABLISH AND DECLARE THIS PLAT TO BE A MAP OF WEST SIDE ADDITION TO OREGON CITY, AND THE LANDS THEREIN REPRESENTED BEING SITUATED IN SECTION 36 IN TOWNSHIP 2 SOUTH RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, AND MORE FULLY DESCRIBED AS BEGINNING AT THE NORTH WEST CORNER OF ROBERT MOORES DONATION LAND CLAIM IN SAID SECTION 36 T. 2 S. R. 1 E., RUNNING THENCE SOUTH 89° 45' E. 508 FEET TO A STAKE, THENCE S. 42° WEST 1340 FEET TO A CREEK, THENCE WESTERLY BY THE MEANDERS OF SAID CREEK TO DONATION CLAIM LINE BETWEEN JULIA ANN LEWIS AND ROBERT MOORE, THENCE ALONG SAID LINE N 42 E. TO PLACE OF BEGINNING.

WE HEREBY DEDICATE TO THE PUBLIC FOREVER AS STREETS AND ROADS ALL SUCH PORTIONS OF LAND UPON SAID MAP AS THE SAME ARE THEREUPON LAID DOWN AND MAPPED.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS 15TH DAY OF JUNE, 1889.

IN PRESENCE OF
H. E. CROSS
CHAS E. BURNS

JAMES P. SHAW SEAL
EMILIE C. SHAW SEAL

STATE OF OREGON }
COUNTY OF CLACKAMAS } SS

BE IT REMEMBERED THAT ON THIS 15TH DAY OF JUNE, 1889, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR OREGON PERSONALLY APPEARED THE ABOVE NAMED JAMES P. SHAW AND EMILIE C. SHAW, KNOWN TO ME TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE DEDICATION AND TOWN PLAT, AND THE SAID JAMES P. SHAW AND EMILIE C. SHAW ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE USES AND PURPOSES THEREIN MENTIONED.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL.

SEAL
OF
NOTARY

HARVEY E. CROSS
NOTARY PUBLIC FOR OREGON

STATE OF OREGON }
COUNTY OF CLACKAMAS } SS

I, N. O. WALDEN, BEING FIRST DULY SWORN DEPOSE AND SAY--I SURVEYED THE LAND REPRESENTED ON THE ANNEXED PLAT. THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND AS REPRESENTED ON SAID PLAT. THAT I PLANTED A STONE MONUMENT INDICATING THE INITIAL POINT OF SUCH SURVEY OF FOLLOWING DIMENSIONS 6 X 6 X 6 AT THE N. W. CORNER OF SAID TRACT.

N. O. WALDEN

SUBSCRIBED AND SWORN TO BEFORE ME THIS 15TH DAY OF JUNE, 1889.
SEAL OF H. E. CROSS
OF NOTARY PUBLIC FOR OREGON

STATE OF OREGON }
COUNTY OF CLACKAMAS } SS

I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS FILED FOR RECORD JUNE 15TH, 1889, AT 3 O CLOCK AND--MIN. P. M. REQUEST OF SHAW AND RECORDED JUNE 15, 1889, IN BOOK OF PLATS.
H. H. JOHNSON, COUNTY CLERK

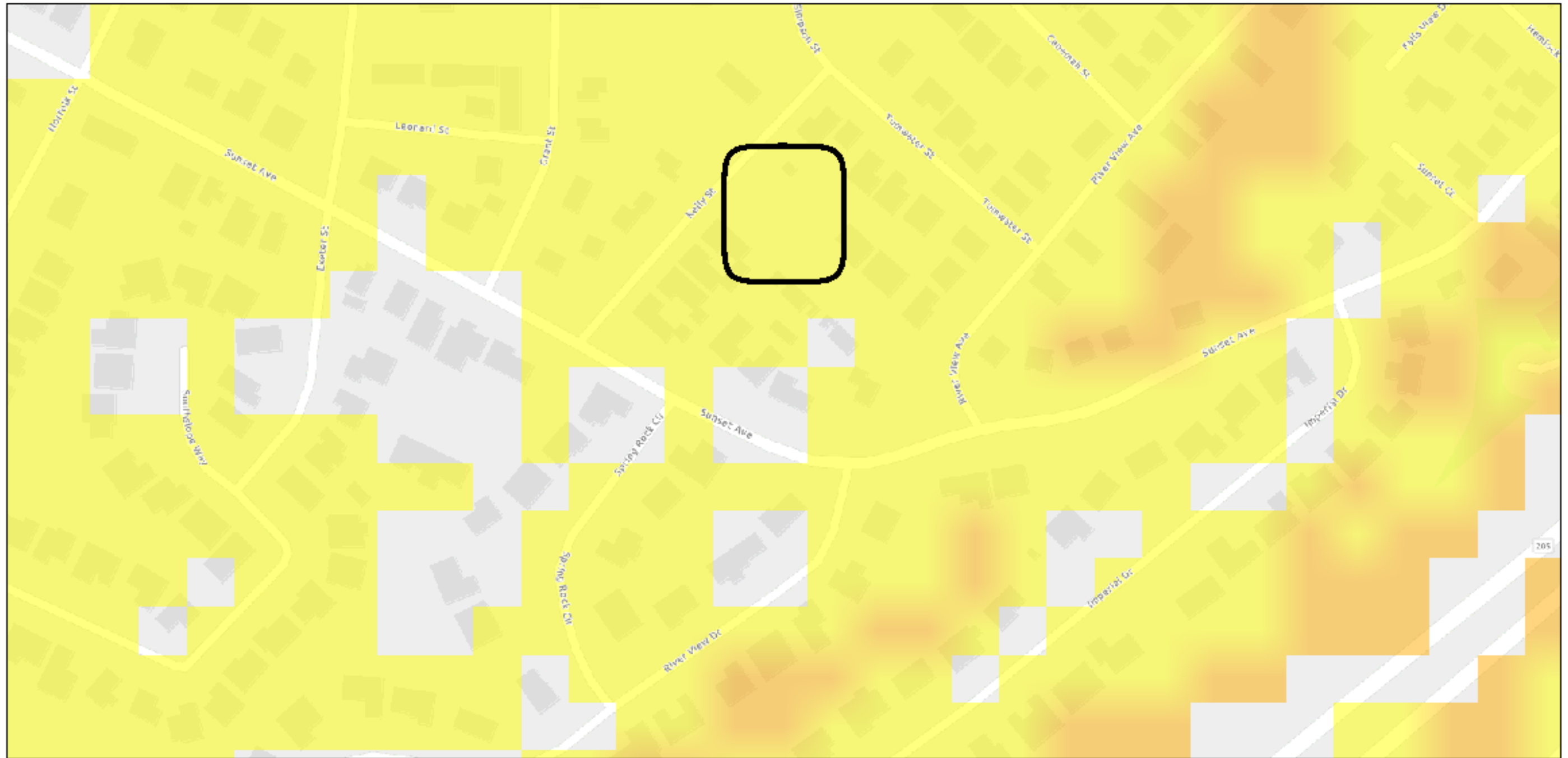
STATE OF OREGON }
COUNTY OF CLACKAMAS } SS

I, E. C. HACKETT, RECORDER OF SAID COUNTY, CERTIFY THE WITHIN AND FOREGOING TO BE A TRUE AND CORRECT COPY OF THE MAP NOW ON FILE IN MY OFFICE AND IN MY CARE AND CUSTODY. JUNE 25, 1930.
E. C. Hackett
COUNTY RECORDER

Figure 6

DOGAMI Landslide Hazard Map

4325 Kelly St- DOGAMI Landslide Hazard



October 19, 2018
Landslide Hazard
Red: Band_1
Green: Band_2
Blue: Band_3

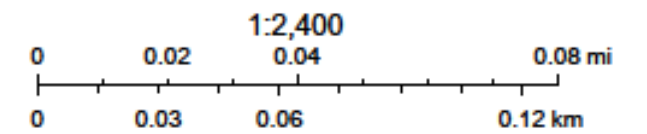
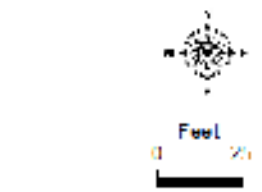
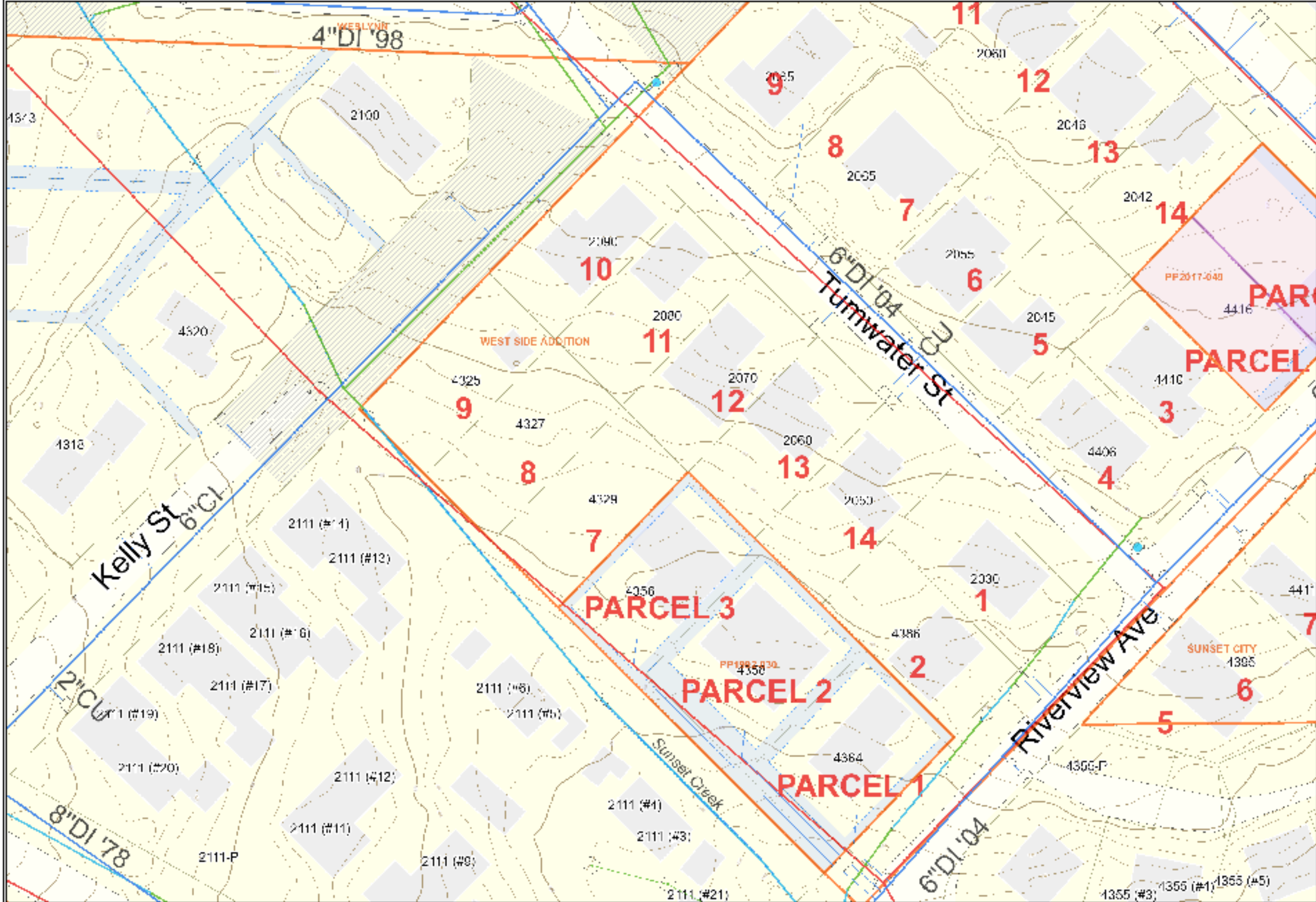


Figure 7

GIS Map with 2 ft Contours

4325 Kelly Street- Contours: 2 ft



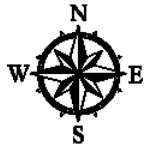
Map created by: public
Date Created: 06-Nov-18 05:16 PM

WEST LINN GIS

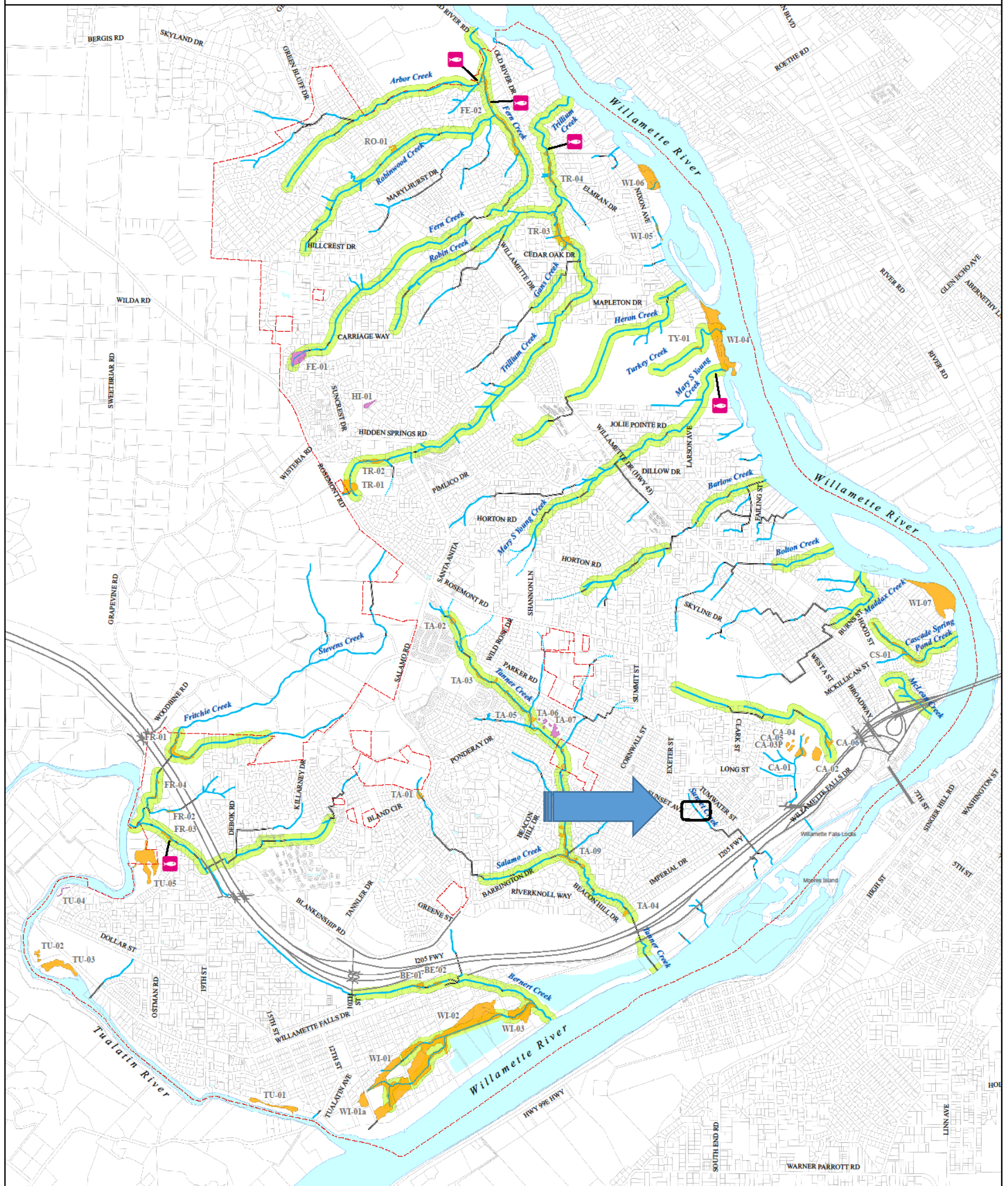
DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale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

Figure 8

City of West Linn WRA Map



Water Resource Area (WRA) Map



Map Developed by West Linn Planning Department and GIS

MAP OVERLAYS:
 *Streams, Pipe Segments, Other Open Ditches, and Significant Riparian Corridors
 Map Source: "Significant Riparian Corridors West Linn Goal 5 Inventory, January 2007"
 Map publication date: 1/2/2007.
 Modified Streams and added Ephemeral Streams, April 2013, July 2013, September 2013

****Locally Significant Wetlands and Other Wetlands**
 Map Source: "Local Wetland Inventory, West Linn Goal 5 Inventory, January 2005"
 Map publication date: 6/5/2006.

*****Taxlot Base Map provided by Clackamas County GIS, 2013**

WETLANDS/GOAL 5 DISCLAIMER (DSL STANDARD):
 Information shown on this map is for planning purposes only and wetland information is subject to change. There may be unmapped wetlands subject to regulation and all wetland boundary mapping is approximate. In all cases, actual field conditions determine wetland boundaries. You are advised to contact the Oregon Division of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

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.

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***



Map Created: 6/6/2014

LOC: G:\PROJECTS\GIS\GOALS_2006\SIGRIPARIAN\SIGRIPARIAN_WETLANDS_201406V6_FINAL.MXD | KAHA
 VERSION 5 TO VERSION 6: REMOVED "PROPOSED" FROM MAP TITLE



Exhibit 1

Wetland Determination

4325 Kelly Street West Linn Wetland Determination

PREPARED FOR: Dennis Caudell, Paradise Homes
 PREPARED BY: Turnstone Environmental Consultants, Inc. (Turnstone)
 COPIES: Jeff Reams (Turnstone)
 DATE: December 17th, 2018

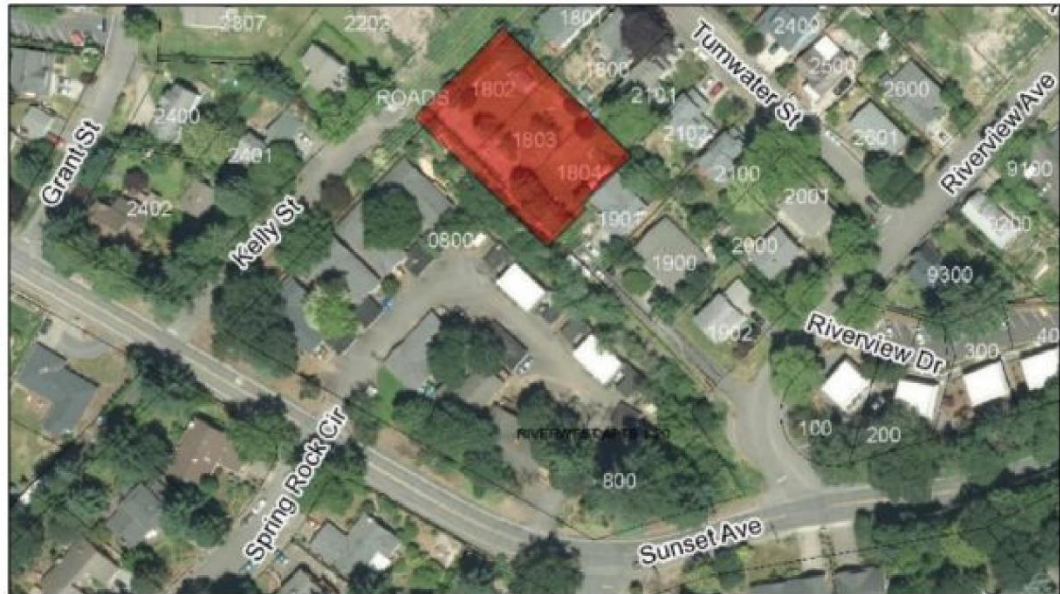
Introduction

Turnstone conducted a wetland and waterways determination for a 0.43-acre Study Area that includes the entirety of tax lots 1802, 1803, 1804 and a portion 800 (tax maps 21E36AA & 21E36AD) in West Linn, Clackamas County, Oregon. The Study Area also includes a small portion of public road right of way north of the existing terminus of Kelly Street. The purpose of this memorandum is to provide information that will help guide future land use planning for the parcel and ensure compliance with regulatory statutes related to protection of wetlands and other waters. The client wishes to develop tax lots 1802, 1803 and 1804 as single-family residences and has commissioned this report to convey the location and condition of aquatic resources that may be subject to city regulations. A portion of the Study Area adjacent to the channel of Sunset Creek is included in the City of West Linn’s Water Resource Area (WRA) map and subject to protection through development buffers (Appendix A-Figure 1).

Study Area Setting and Land Use

The legal description of the Study Area is SE 1/4 of NE 1/4, Section 36 in Township 2 South, Range 1 East. The centroid coordinates for the Study Area are 45.3570923°, -122.6249728°. The Study Area is situated on a southeast-facing slope and local topography is influenced by the drainage swale occupied by Sunset Creek.

Study Area (shaded) overview map



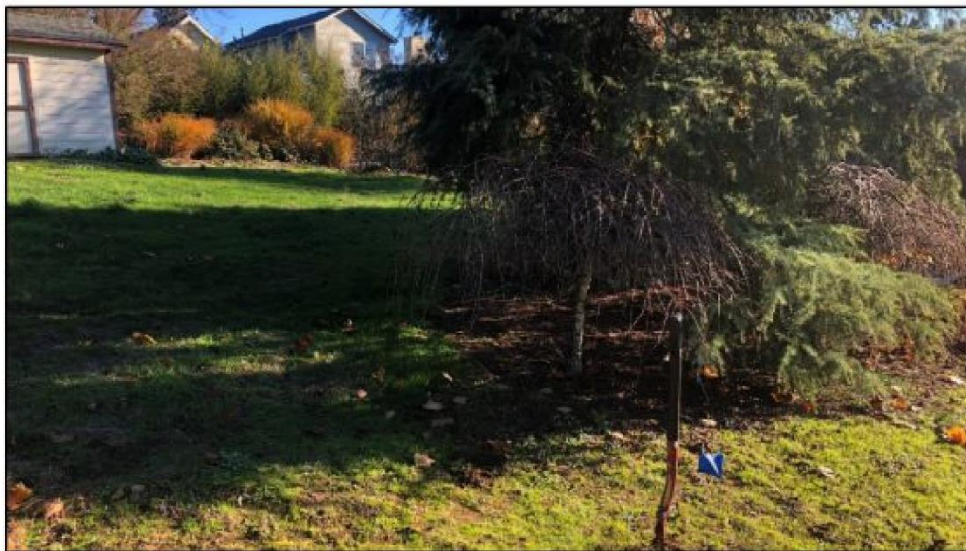
Source: West Linn GIS (Geographic Information System) MapOptix.

The portions of tax lots 1802, 1803 are currently maintained as a landscaped yard, with lawns and ornamental tree and shrub plantings. Mature Leyland cypress (*Cupressus x leylandii*), Deodar cedar (*Cedrus deodara*) and quaking aspen (*Populus tremuloides*) trees along with ornamental grasses (*Miscanthus sinensis*) and flowering cherry trees (*Prunus pendula*) are planted along the Study Area lot lines. The portion of tax lot 800 included in the Study Area contains the channel of Sunset Creek and is a combination of landscaped areas and riparian vegetation dominated by willows (*Salix cf. sitchensis*). Local land use is dominated by medium-density single-family homes. The Study Area is within the Abernethy Creek-Willamette River catchment area (HUC10: 1709000704). No wetlands included in the National Wetland Inventory (NWI) are located in the Study Area (USFWS 2018). The nearest NWI wetlands are located along Tanner Creek to the southwest, at Camassia Natural Area to the Northeast and along the Willamette River to the south. Beyond the channel of Sunset Creek, no wetlands or waters are identified in the West Linn local wetland inventory (Winterbrook 2003).

Methods

Field investigation of the Study Area was conducted on December 5th, 2018. The field investigation utilized the "Routine Onsite" method from the Corps Wetland Delineation Manual (USACE, 1987) as guidance. The Study Area was traversed by foot and a visual assessment was conducted for hydrophytic vegetation, suspect topographical features, and wetland hydrology indicators. Two sample plots were placed upslope of the Sunset Creek channel to document upland (non-wetland) conditions there. Sample plot soil pits were dug to a depth of 20". Absolute aerial cover of plant species was reported for tree, shrub and herb layers, utilizing 10-, 5-, 1-meter square plots respectively. Soil colors (wet) were determined using Munsell soil color charts (Gretag Macbeth 2000). Ordinary High-Water Lines (OHWLs) were determined by mapping the upland limit of the physical and biological characteristics outlined in Army Corps of Engineers Regulatory Guidance Letter 05-05 (USACE 2005). Considering that the timing of field investigation coincided with a dry period, wetland hydrology would be assumed for plots possessing both positive hydric soil and hydrophytic vegetation determinations, though in practice each sampling area resulted in upland soil and vegetation determinations.

Looking northeast towards SP_01



Results

No wetlands are present within the Study Area and each of the sample plots resulted in upland determinations. The location of Study Area sample plots is illustrated in Appendix B-Figures 1 & 2. Wetland delineation data forms and ground-level photographs are included in Appendix C. Soils in the Study Area are predominately dark brown (7.5YR 3/3) and silt loam in texture and do not have the redoximorphic features associated with persistent seasonally high ground water. A single soil map unit (major component) is present in the Study Area: "Saum silt loam, 8 to 15 percent slopes" (NRCS 2018). The map unit is non-hydric and described as well-drained. Soils observed during field investigation closely resemble the pedon descriptions of "Saum" soils. Study Area sample plots were dominated by ornamental trees and lawn grasses including perennial ryegrass (*Lolium perenne*) along with a mix of annual weeds including common groundsel (*Senecio vulgaris*), crabgrass (*Digitalis sanguinalis*), dovefoot geranium (*Geranium molle*), subterranean clover (*Trifolium subterraneum*) and annual bluegrass (*Poa annua*). Within the Study Area, channel of Sunset Creek is located primarily on tax lot 800 with a small portion on the adjacent public road right of way. Vegetation along the northern section of the creek is maintained as a backyard, with lawn grasses interspersed by raised beds and ornamental plantings. Vegetation along the lower, southern portion of the creek is more natural in character and hosts native riparian species including willows, western red-cedar (*Thuja plicata*) and ferns (*Athyrium filix-femina*). The channel is somewhat incised and the OHWL was determined by mapping the top of bank. The channel, along with the proposed 15' development buffer is illustrated in Appendix B-Figures 1 & 2.

Looking south toward SP_02



Mapping Method

Sample points and waterway lines were collected using an EOS™ Arrow Gold GPS receiver paired with a mobile computer equipped with ESRI™ Collector software. RTK positioning over a digital cellular network was utilized to correct GPS data and points are accurate to within 4 cm. To calculate areas and create associated figures, GPS data was collected in a WGS 84 geographic coordinate system and later transformed into a local coordinate system, NAD 1983 State Plane Oregon North FIPS3601 Feet. A CAD file has been provided to the client for incorporation into proposed site layout exhibits.

Looking at Sunset Creek on the north portion of tax lot 800.



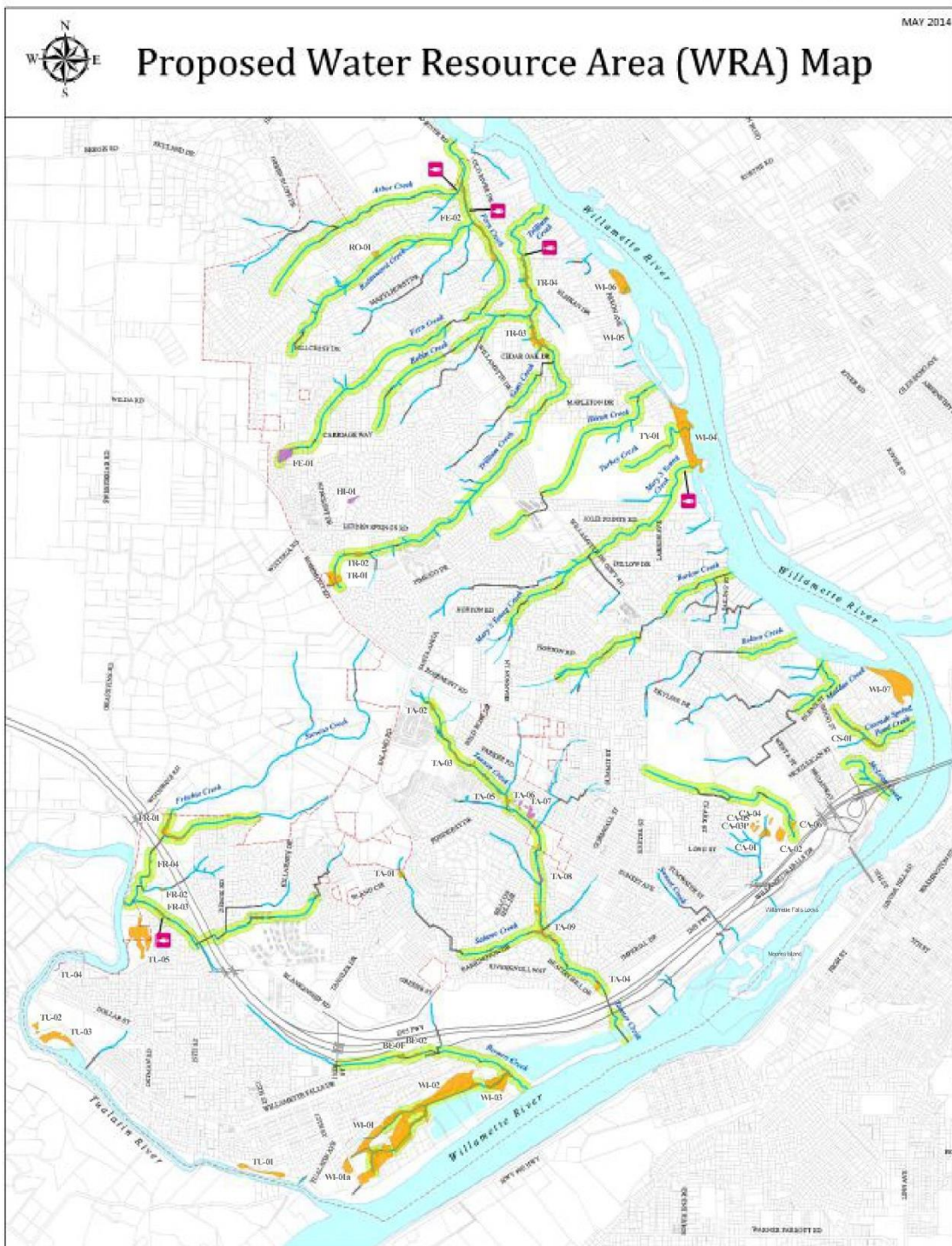
Looking northwest from the south-central portion of the Study Area





Appendix A:

West Linn WRA Map



Map Developed by West Linn Planning Department and GIS

MAP OVERLAYS:
 *Streams, Pipe Segments, Other Open Ditches, and Significant Riparian Corridors
 Map Source: "Significant Riparian Corridors West Linn Goal 5 Inventory, January 2007"
 Map Publication date: 1/27/2007
 Modified Streams and added Ephemeral Streams, April 2013, July 2013, September 2013

**Locally Significant Wetlands and Other Wetlands
 Map Source: "Local Wetland Inventory, West Linn Goal 5 Inventory, January 2005"
 Map Publication date: 6/4/2006.

***Taxlot Base Map provided by Clackamas County GIS, 2013

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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
- Specific Wetland Identifier
- Rivers & Ponds
- West Linn City Limits
- Taxlot Base Map***

0 0.25 0.5 1 Miles
 Map Created: 5/13/2014
 LOC: G:\PROJECTS\GIS\GOLS_2007\OSR\HMSA\WORKAREA_WETLANDS_20130504_PROPOSED\WRA.MXD

West Linn GIS
 GEOGRAPHIC INFORMATION SYSTEMS



Appendix B:

Wetland Determination Maps

Figure 2:
Wetland Determination Aerial Photo Map

- Legend**
- ▲ Photo Points
 - ✦ Culvert Head
 - Sample Points
 - ▲ Upland
 - Clackamas County Tax Lot
 - Waterway Area (top of bank)
 - ▨ Waterway 15' buffer
 - Study Area (0.428 acres, 18,622 SqFt.)



1:400

**Paradise-Kelly St.
 Wetland Determination**

Clackamas County, Or.

12/11/2018

Notes:

1. All wetland points and boundary features were collected with a resource grade GPS and have an accuracy of 1 meter or less.
2. Tax Lot boundaries provided by Clackamas County; accuracy unknown.
3. Aerial Photo source: DigitalGlobe. Photo Date: 5/27/2017
4. Native size of map layout is 11"x17".

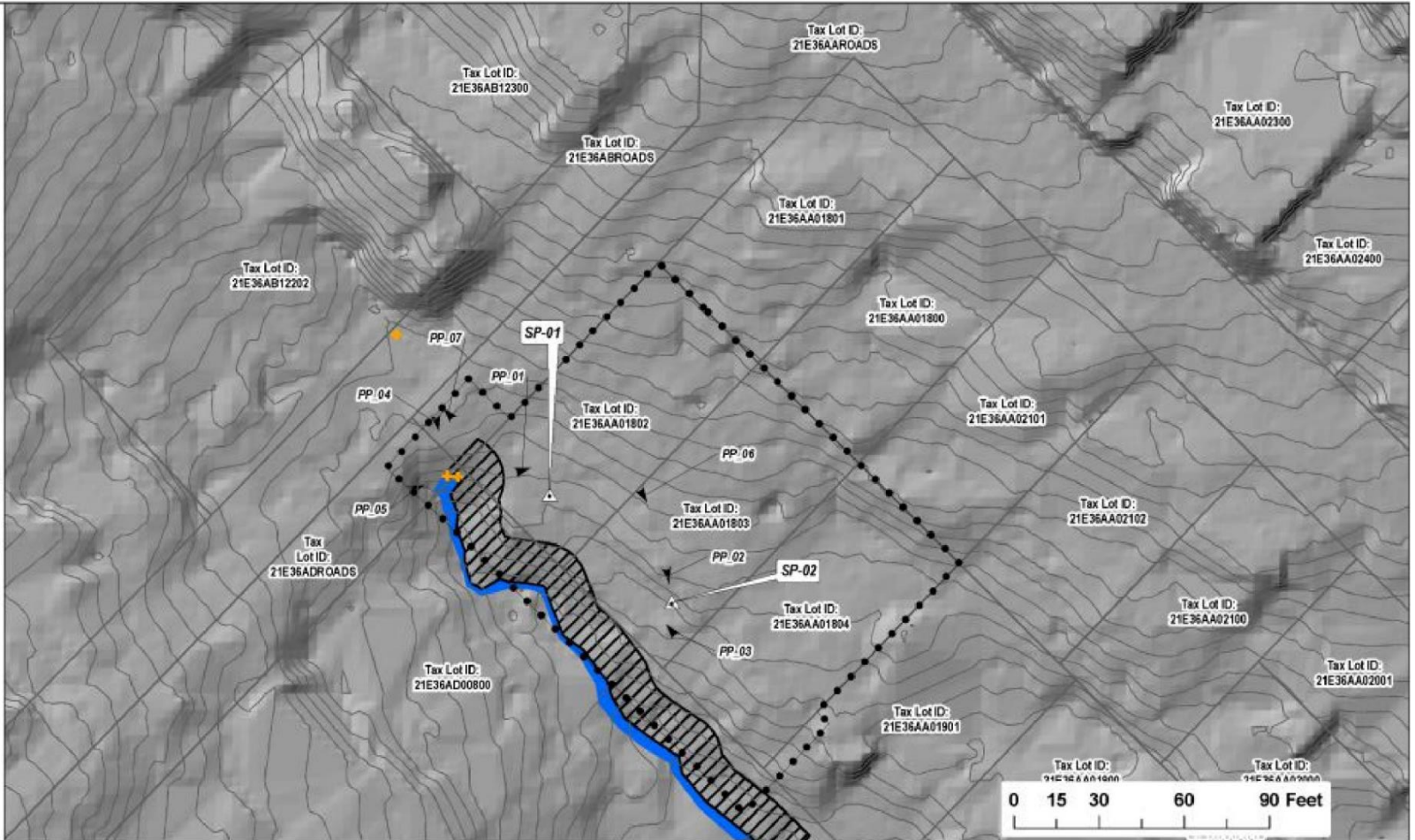


Figure 3:

Wetland Determination Contour Map

Legend

- ▲ Photo Points
- ★ Culvert Head
- Sample Points**
- ▲ Upland
- ~ 1 Foot Contour (LIDAR source, 2014 data)
- Clackamas County Tax Lot
- Waterway Area (top of bank)
- Waterway 15' buffer
- Study Area (0.428 acres, 18,622 SqFt.)



1:400

**Paradise-Kelly St.
Wetland Determination**

Clackamas County, Or.

12/11/2018

Notes:

1. All wetland points and boundary features were collected with a resource grade GPS and have an accuracy of 1 meter or less.
2. Tax Lot boundaries provided by Clackamas County, accuracy unknown.
3. Native size of map layout is 11"x17".





Appendix C:

Wetland Determination Data Forms &

Ground-level Photographs

WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: 4325 Kelly Street City/County: West Linn State: OR Sampling Date: 05-Dec-18
 Applicant/Owner: Dennis Caudell-Paradise Homes State: OR Sampling Point: SP_01
 Investigator(s): Joe Bettis Section, Township, Range: S 36 T 2 S R 1 E
 Landform (hillslope, terrace, etc.): Toeslope Local relief (concave, convex, none): concave Slope: 10.0 % / 5.7°
 Subregion (LRR): MLRA 2 Lat.: 45.35713 Long.: -122.625154 Datum: WGS 84
 Soil Map Unit Name: Saum silt loam, 8 to 15 percent slopes NWI classification:

Are climatic/hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes 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 <input type="radio"/> No <input checked="" type="radio"/> Hydric Soil Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	Is the Sampled Area within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/>
Remarks:	

VEGETATION - Use scientific names of plants.

		Dominant Species?	Indicator Status	Dominance Test worksheet:
Tree Stratum (Plot size: 10 m)	Absolute % Cover	Rel.Strat. Cover		
1. Cedrus deodara	20	<input checked="" type="checkbox"/> 57.1%	FACU	Number of Dominant Species That are OBL, FACW, or FAC: <u>3</u> (A)
2. Cupressus x leylandii	15	<input checked="" type="checkbox"/> 42.9%	FACU	Total Number of Dominant Species Across All Strata: <u>8</u> (B)
3. _____	0	<input type="checkbox"/> 0.0%		Percent of dominant Species That Are OBL, FACW, or FAC: <u>37.5%</u> (A/B)
4. _____	0	<input type="checkbox"/> 0.0%		
	35	= Total Cover		
Sapling/Shrub Stratum (Plot size: 5 m)				Prevalence Index worksheet:
1. Prunus avium	10	<input checked="" type="checkbox"/> 50.0%	FACU	Total % Cover of: Multiply by:
2. Buddleja davidii	5	<input checked="" type="checkbox"/> 25.0%	FACU	OBL species <u>0</u> x 1 = <u>0</u>
3. Rubus armeniacus	5	<input checked="" type="checkbox"/> 25.0%	FAC	FACW species <u>0</u> x 2 = <u>0</u>
4. _____	0	<input type="checkbox"/> 0.0%		FAC species <u>40</u> x 3 = <u>120</u>
5. _____	0	<input type="checkbox"/> 0.0%		FACU species <u>62</u> x 4 = <u>248</u>
	20	= Total Cover		UPL species <u>10</u> x 5 = <u>50</u>
Herb Stratum (Plot size: 1 m)				Column Totals: <u>112</u> (A) <u>418</u> (B)
1. Poa annua	25	<input checked="" type="checkbox"/> 43.9%	FAC	Prevalence Index = B/A = <u>3.732</u>
2. Senecio vulgaris	10	<input checked="" type="checkbox"/> 17.5%	FACU	
3. Lolium perenne	10	<input checked="" type="checkbox"/> 17.5%	FAC	
4. Geranium molle	5	<input type="checkbox"/> 8.8%	UPL	
5. Trifolium subterraneum	5	<input type="checkbox"/> 8.8%	UPL	
6. Hypochaeris radicata	1	<input type="checkbox"/> 1.8%	FACU	
7. Veronica arvensis	1	<input type="checkbox"/> 1.8%	FACU	
8. _____	0	<input type="checkbox"/> 0.0%		
9. _____	0	<input type="checkbox"/> 0.0%		
10. _____	0	<input type="checkbox"/> 0.0%		
11. _____	0	<input type="checkbox"/> 0.0%		
	57	= Total Cover		
Woody Vine Stratum (Plot size:)				Hydrophytic Vegetation Indicators:
1. _____	0	<input type="checkbox"/> 0.0%		<input type="checkbox"/> 1 - Rapid Test for Hydrologic Vegetation
2. _____	0	<input type="checkbox"/> 0.0%		<input type="checkbox"/> 2 - Dominance Test is > 50%
	0	= Total Cover		<input type="checkbox"/> 3 - Prevalence Index is ≤ 3.0 ¹
% Bare Ground in Herb Stratum: 45				<input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)
				<input type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹
				<input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
				Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/>
Remarks: Cedrus deodara & Cupressus x leylandii wetland status assigned by observer.				

¹Indicator suffix = National status or professional decision assigned because Regional status not defined by FWS.

Soil

Sampling Point: SP 01

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 ¹	Loc ²		
0-12	7.5YR	3/3		100			Silt Loam	
12-14	7.5YR	3/3		100			Silt Loam	5% charcoal & 1% 10YR 3/4 concretions by volume
14-20	7.5YR	4/3		100			Silt Loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<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) (except in MLRA 1)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	
<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)	
<input type="checkbox"/> Sandy Muck Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox depressions (FB)	

Indicators for Problematic Hydric Soils³:

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

Diffuse boundary at 14"

Hydrology

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (minimum of two required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input 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 on 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) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<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)		

Field Observations:

Surface Water Present? Yes No Depth (inches):

Water Table Present? Yes No Depth (inches):

Saturation Present? (includes capillary fringe) Yes No Depth (inches): **Wetland Hydrology Present?** Yes No

Describe Recorded Data (stream gauge, monitor well, aerial photos, previous inspections), if available:

Remarks:

Dry to 20"

Plot ID: **SP_01**

Photo Path: C:\Users\Sedge\Documents\Projects\Paradise Homes_Kelly St_



Photo File: **IMG_1067.JPG** Orientation: -facing

Lat/Long or UTM : Long/Easting: **-122.625154** Lat/Northing: **45.35713**

Description:



Photo File: **IMG_1065.JPG** Orientation: -facing

Lat/Long or UTM : Long/Easting: **0** Lat/Northing: **0**

Description:

WETLAND DETERMINATION DATA FORM - Western Mountains, Valleys, and Coast Region

Project/Site: 4325 Kelly Street City/County: West Linn State: OR Sampling Date: 05-Dec-18
 Applicant/Owner: Dennis Caudell-Paradise Homes State: OR Sampling Point: SP_02
 Investigator(s): Joe Bettis Section, Township, Range: S 36 T 2 S R 1 E
 Landform (hillslope, terrace, etc.): Toeslope Local relief (concave, convex, none): concave Slope: 10.0 % / 5.7°
 Subregion (LRR): MLRA 2 Lat.: 45.357029 Long.: -122.624983 Datum: WGS 84
 Soil Map Unit Name: Saum silt loam, 8 to 15 percent slopes NWI classification:

Are climatic/hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" present? Yes 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 <input type="radio"/> No <input checked="" type="radio"/> Hydric Soil Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	Is the Sampled Area within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/>
Remarks:	

VEGETATION - Use scientific names of plants.

		Dominant Species?	Indicator Status	Dominance Test worksheet:
Tree Stratum (Plot size: 10 m)	Absolute % Cover	Rel.Strat. Cover		
1, Cupressus x leylandii	15	<input checked="" type="checkbox"/> 100.0%	FACU	Number of Dominant Species That are OBL, FACW, or FAC: <u>2</u> (A)
2, _____	0	<input type="checkbox"/> 0.0%		Total Number of Dominant Species Across All Strata: <u>5</u> (B)
3, _____	0	<input type="checkbox"/> 0.0%		Percent of dominant Species That Are OBL, FACW, or FAC: <u>40.0%</u> (A/B)
4, _____	0	<input type="checkbox"/> 0.0%		
	15	= Total Cover		
Sapling/Shrub Stratum (Plot size: 5 m)				Prevalence Index worksheet:
1, Prunus avium	10	<input checked="" type="checkbox"/> 100.0%	FACU	Total % Cover of: Multiply by:
2, _____	0	<input type="checkbox"/> 0.0%		OBL species <u>0</u> x 1 = <u>0</u>
3, _____	0	<input type="checkbox"/> 0.0%		FACW species <u>0</u> x 2 = <u>0</u>
4, _____	0	<input type="checkbox"/> 0.0%		FAC species <u>45</u> x 3 = <u>135</u>
5, _____	0	<input type="checkbox"/> 0.0%		FACU species <u>50</u> x 4 = <u>200</u>
	10	= Total Cover		UPL species <u>13</u> x 5 = <u>65</u>
Herb Stratum (Plot size: 1 m)				Column Totals: <u>108</u> (A) <u>400</u> (B)
1, Lolium perenne	25	<input checked="" type="checkbox"/> 30.1%	FAC	Prevalence Index = B/A = <u>3.704</u>
2, Poa annua	15	<input checked="" type="checkbox"/> 18.1%	FAC	
3, Hypochaeris radicata	15	<input checked="" type="checkbox"/> 18.1%	FACU	
4, Trifolium subterraneum	5	<input type="checkbox"/> 6.0%	UPL	
5, Geranium molle	5	<input type="checkbox"/> 6.0%	UPL	
6, Senecio vulgaris	5	<input type="checkbox"/> 6.0%	FACU	
7, Digitaria sanguinalis	5	<input type="checkbox"/> 6.0%	FACU	
8, Equisetum arvense	5	<input type="checkbox"/> 6.0%	FAC	
9, Malva neglecta	3	<input type="checkbox"/> 3.6%	UPL	
10, _____	0	<input type="checkbox"/> 0.0%		
11, _____	0	<input type="checkbox"/> 0.0%		
	83	= Total Cover		
Woody Vine Stratum (Plot size: _____)				Hydrophytic Vegetation Indicators:
1, _____	0	<input type="checkbox"/> 0.0%		<input type="checkbox"/> 1 - Rapid Test for Hydrologic Vegetation
2, _____	0	<input type="checkbox"/> 0.0%		<input type="checkbox"/> 2 - Dominance Test is > 50%
	0	= Total Cover		<input type="checkbox"/> 3 - Prevalence Index is ≤ 3.0 ¹
% Bare Ground in Herb Stratum: <u>20</u>				<input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)
				<input type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹
				<input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain)
				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
				Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/>
Remarks:				

¹Indicator suffix = National status or professional decision assigned because Regional status not defined by FWS.

Soil

Sampling Point: SP 02

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 ¹	Loc ²		
0-16	7.5YR	3/3	100				Silt Loam	5% charcoal by volume
16-20	7.5YR	4/3	100				Silt Loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains ²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

<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) (except in MLRA 1)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	
<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)	
<input type="checkbox"/> Sandy Muck Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox depressions (F8)	

Indicators for Problematic Hydric Soils³:

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

Hydrology

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (minimum of two required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input 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 on 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) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<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)		

Field Observations:

Surface Water Present? Yes No Depth (inches):

Water Table Present? Yes No Depth (inches):

Saturation Present? (includes capillary fringe) Yes No Depth (inches):

Wetland Hydrology Present? Yes No

Describe Recorded Data (stream gauge, monitor well, aerial photos, previous inspections), if available:

Remarks:

Dry to 20"

Plot ID: **SP_02**

Photo Path: C:\Users\Sedge\Documents\Projects\Paradise Homes_Kelly St_



Photo File: **IMG_1066.JPG** Orientation: -facing

Lat/Long or UTM : Long/Easting: **-122.624983** Lat/Northing: **45.357029**

Description:

No Photo

Photo File: **None.bmp** Orientation: -facing

Lat/Long or UTM : Long/Easting: **0** Lat/Northing: **0**

Description:

Plot ID: **PP_03-04**

Photo Path: C:\Users\Sedge\Documents\Projects\Paradise Homes_Kelly St_



Photo File: **IMG_1069.JPG** Orientation: South southeast -facing

Lat/Long or UTM : Long/Easting: **-122.624983** Lat/Northing: **45.357029**

Description: **PP_03**



Photo File: **IMG_1070.JPG** Orientation: South southeast -facing

Lat/Long or UTM : Long/Easting: **45.357201** Lat/Northing: **-122.625326**

Description: **PP_04**

Plot ID: **PP_05-06**

Photo Path: C:\Users\Sedge\Documents\Projects\Paradise Homes_Kelly St_



Photo File: **IMG_1071.JPG** Orientation: East northeast -facing
Lat/Long or UTM : Long/Easting: **-122.624983** Lat/Northing: **45.357029**
Description: **PP_05**

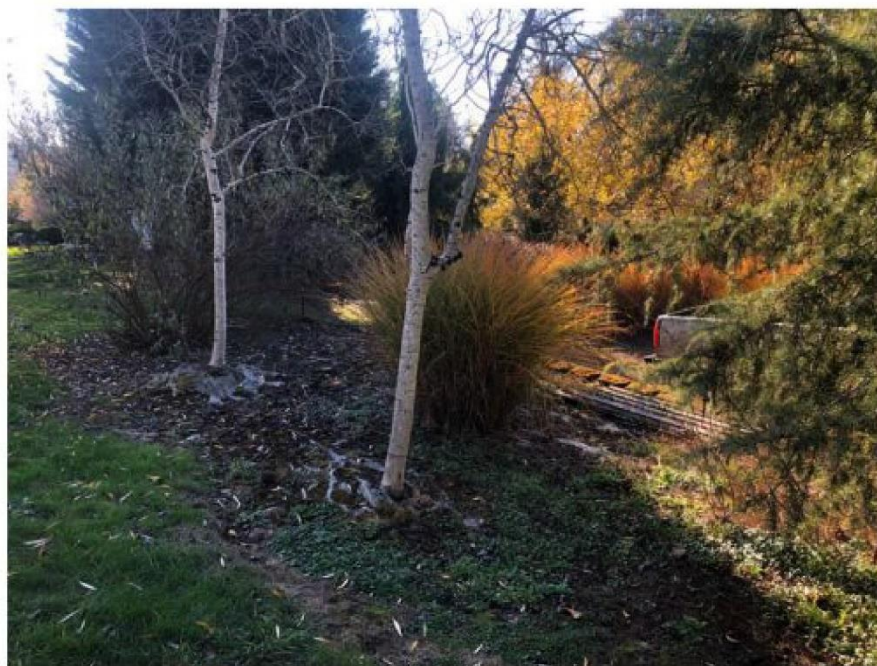


Photo File: **IMG_1072.JPG** Orientation: East southeast -facing
Lat/Long or UTM: Long/Easting: **0** Lat/Northing: **0**
Description: **PP_06**

Plot ID: **PP_07**

Photo Path: C:\Users\Sedge\Documents\Projects\Paradise Homes_Kelly St_



Photo File: **IMG_1073.JPG** Orientation: Northwest -facing

Lat/Long or UTM : Long/Easting: **-122.624983** Lat/Northing: **45.357029**

Description:

No Photo

Photo File: **None.bmp** Orientation: -facing

Lat/Long or UTM: Long/Easting: **0** Lat/Northing: **0**

Description:



Appendix D:

References

Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe, 1979. *Classification of Wetlands and Deepwater Habitats of the United States*. U.S. Fish and Wildlife Service.

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Gretag Macbeth. 2000. *Munsell Soil Color Charts, 2000 Edition*. Baltimore, MD.

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U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS). 2018. *Web Soil Survey*. Soil Survey Staff, Available online at <http://websoilsurvey.nrcs.usda.gov/>. Accessed November-December 2018 (Microsoft Access Database).

U. S. Fish and Wildlife Service (USFWS). 2018. *National Wetlands Inventory website*. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. <http://www.fws.gov/wetlands/> Accessed November-December 2018

U. S. Geological Survey (USGS). 1985. *7.5' Quadrangles for Canby (O45122C6) and Oregon City (O45122C5)*.

Winterbrook Planning (Winterbrook). 2003. *West Linn Wetland, Riparian and Wildlife Habitat Inventory*.

Exhibit 2

Stormwater Design

January 2, 2019

4325 Kelly St

West Linn, OR

Stormwater Management Report (SWMR) for Proposed Stormwater Rain Garden

Prepared for:

Paradise Homes
20659 NE Lakeside Drive
Fairview, OR 97024

Prepared by:

Aquarius Environmental, LLC
2117 NE Oregon Street, Ste 502
Portland, OR 97232
503.828.0265
www.aquariusenv.com



Stormwater Management Report (SWMR)

Table of Contents

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2	Project Summary	2
2.1	Site Location.....	2
2.2	Site Description.....	2
3	Existing Stormwater Conditions	2
4	Proposed Conditions.....	2
5	Sizing.....	2
6	Operation & Maintenance (O&M).....	3
7	Engineering Conclusions.....	3

Tables

Table 1. Calculated peak flow rate and runoff volume summary.

Appendices

Appendix A: Plan Sheet

Abbreviations

ac	acres
bgs	below ground surface
CB	catch basin
cfs	cubic feet per second
DB	Drainage Basin
DEQ	Oregon Department of Environmental Quality
gpm	gallons per minute
ID	inner diameter
IE	invert elevation
LF	linear feet
NPDES	National Pollution Discharge Elimination System
SBUH	Santa Barbara Urban Hydrograph
sq ft	square feet
SWMR	Stormwater Management Report
SWMM	<i>2016 City of Portland Stormwater Management Manual</i>

1 Engineer's Certification

I hereby certify that this Stormwater Management Report for 4325 Kelly Street has been prepared by me or under my supervision and meets minimum standards of the City of West Linn and normal standards of engineering practice. I hereby acknowledge and agree that the jurisdiction does not and will not assume liability for the sufficiency, suitability, or performance of drainage facilities designed by me.

Digitally Signed 1/02/19



RENEWAL DATE: 6/30/2020

Aquarius Environmental, LLC
Daniel A. Scarpine, P.E.
Principal Engineer

2 Project Summary

This project proposes to provide approximately 1,100 square foot driveway access to existing 3 lots (4325, 4327, 4329 respectively). Runoff from the driveway will convey to a proposed raingarden which manages stormwater from driveway surfaces.

In conformance with City of West Linn standards, AE prepared this Stormwater Management Report (SWMR) pursuant to the requirements of the *2016 City of Portland Stormwater Management Manual (SWMM)*. The following SWMR, along with a Plan Sheet (Appendix A), describes the sizing, location, and installation plans of the proposed rain garden.

2.1 Site Location

The project site (Site) is located at 4325 Kelly Street, West Linn, Oregon (21 E 36AA - Tax Lots 1802, 1803, 1804).

2.2 Site Description

The existing 15,000 square foot site is undeveloped. The Site is entirely zoned R4.5(Residential 4.5). New single family residential development is proposed. The site is located adjacent to the Sunset Creek water resource area (WRA)

3 Existing Stormwater Conditions

Currently runoff from the site conveys to Sunset Creek. The southwest portion of the Driveway/Parking area runoff was conveyed to an existing rain garden located west of the existing house.

4 Proposed Conditions

Approximately 1,100 square feet of new driveway will be constructed. A new proposed stormwater rain garden will be located on the southern edge of the roadway to collect, treat, and detain runoff prior to discharge to Sunset Creek.

Runoff from future house development will be separately managed by raingardens adjacent to any proposed homes.

5 Sizing

The proposed rain garden is sized following the presumptive approach sizing factor of 0.10 times the contributing impervious area.

	Impervious Area		Minimum Rain Garden Size (sq ft)
	Acre	Sq Ft	
Driveway Rain Garden	0.025	1,100	110

To uniformly distribute flow and collection, the proposed development has the raingarden parallel to the driveway which provides approximately 200 square feet of facility. This exceeds the minimum required by approximately 1.8X.

6 Operation & Maintenance (O&M)

Maintenance of the rain garden will be required to clean out potential settled solids and maintain the vegetation. The rain garden will require regular weeding and inspection of plants.

The rain garden shall be planted with plants on the 2016 SWMM Approved Plant list (Appendix H).

7 Engineering Conclusions

The proposed rain garden described in this SWMR is expected to meet the site's needs for driveway stormwater management.

Appendix A: Plan Set

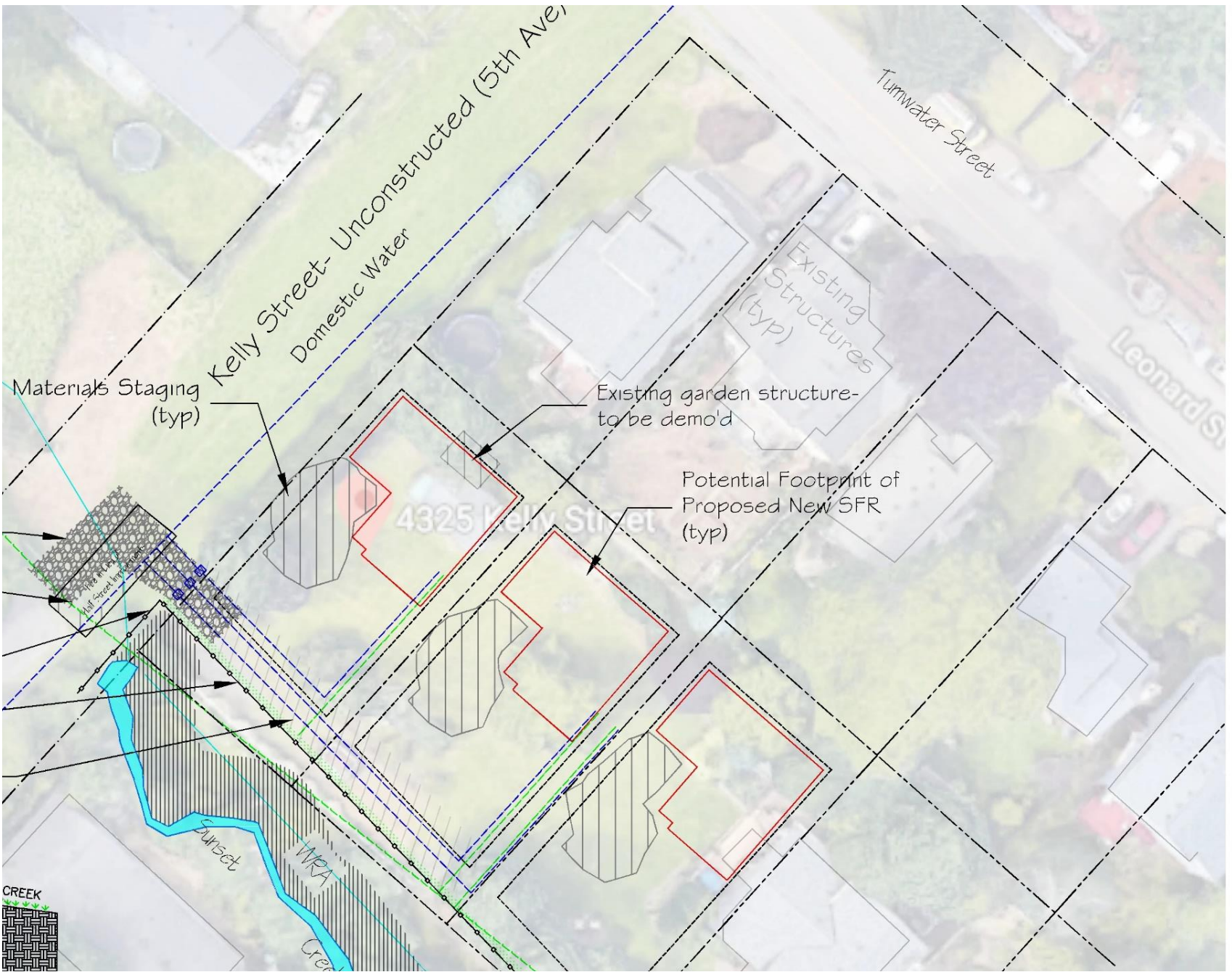


Exhibit 3

Fee-In-Lieu of Half Street Improvements

dennis caudell

From: Pepper, Amy <APepper@westinnoregon.gov>
Sent: Friday, October 5, 2018 2:57 PM
To: dennis caudell
Cc: Arnold, Jennifer
Subject: Fee in lieu - Kelly Street
Attachments: ord_1646_2016_transportation_system_plan_local street cross section.pdf; PI-Fee In Lieu of Street Improvements Request Associated with A Building Permit.docx

Dennis ~

Per our meeting, attached you will find a fee in lieu request and a copy of the local street cross-section from the City's Transportation System Plan. We would anticipate the 24-foot local (no parking) cross-section would be adequate in this location.

Please let me know if you have any questions about this information.

Amy

Amy Pepper
Senior Project Engineer
Engineering

22500 Salamo Rd
West Linn, Oregon 97068
apepper@westinnoregon.gov
westinnoregon.gov
503-722-3437



Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public

Exhibit 4

Sanitary Sewer Utility Easement

AFTER RECORDING RETURN TO:

Attn: Engineering Department
City of West Linn
22500 Salamo Road
West Linn, OR 97068

NO CHANGE IN TAX STATEMENTS

GRANTOR: Ching Hay
GRANTEE: City of West Linn ("City")

RECITALS:

1. Ching Hay, Grantor owns residential real property legally described as Lots 7, 8, and 9 of Block 5 of the West Side Addition to Oregon City and in Exhibit A ("Property"), which is attached and incorporated by this reference.
2. City of West Linn, a municipal corporation ("City"), installs, removes, and maintains utilities throughout the city.
3. City requests an easement on the Property to allow access to utilities in the location described in Exhibit B and "C" ("Easement Area"), which is attached and incorporated by this reference.

NOW, THEREFORE, in consideration of the mutual promises of the parties, for \$0 (zero dollars) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

PUBLIC SANITARY SEWER EASEMENT

1. Grant of Easement. Ching Hay, Grantors, its heirs, successors and assigns, grant and convey to the City, a permanent nonexclusive public sanitary sewer easement ("Utility Easement") along the Property.
2. City's Rights. The Utility Easement shall be interpreted broadly to allow the City to use the easement for all purposes related to public utilities. The Utility Easement shall be used for ingress and egress of personnel for the purpose of constructing, reconstructing, operating, and maintaining utilities and related facilities that are above ground and underground. The City has the right to excavate, construct, install, place, lay, operate, inspect, maintain, relocate, add to, and remove underground pipelines and/or cables and related structures and facilities within the Easement Area. The City has the right to cut, trim, and remove trees or other vegetation within the Easement Area, and the right to remove other obstructions that may endanger or interfere with the construction, reconstruction, maintenance, inspection, efficient service, or removal of all or any part of its respective utility system on or from the Easement Area without the necessity at any time of procuring the consent or permission of anyone. The City has the right to enter the Easement Area at any and all times for the exercise of any of the easement rights.

3. Reservation of Rights and Limitation on Reserved Rights. Grantors reserve to themselves the right to continued use of the surface area within the Easement Area for all lawful purposes that do not interfere with, and are not inconsistent with, the City's rights granted in this Utility Easement. This reservation of rights does not include the right to build structures within the Easement Area without the City's permission, or to create other impediments to the City's easement rights.
4. Liability for Non-easement Property. The City shall be liable for any damage to non-easement property and for any failure to remove debris and leave the ground surface within Easement Area in a neat and presentable condition after each time it completes work within the Easement Area. The City shall have a reasonable time, not to exceed two weeks after notice from Grantors, to clean up the Easement Area. Notice shall be sent to City of West Linn, 22500 Salamo Road, West Linn, OR 97068.
5. Indemnification. To the extent possible under the Oregon Constitution and Oregon Tort Claims Act, Grantor shall defend and indemnify the City, its officers, employees, and agents (collectively "City Parties"), against any and all claims, demands, liabilities, judgments, awards, fines, liens, losses, damages, and expenses of any kind, including attorneys' fees at trial or on appeal (collectively "Claims"), related to this Agreement and arising either directly or indirectly from and to the extent of, any act, error, omission or negligence of Grantor, its employees, contractors, licensees, or agents in Grantor's use of the Easement Area. Nothing in this Agreement, City's approval of plans and specifications, or inspection of work is an acknowledgement of responsibility or liability unless otherwise provided by applicable law.
6. Grantor's Warranty. Grantor covenants that it has the right to convey this Utility Easement to the City and to provide quiet possession to the City.
7. Breach - Remedies - Equitable Relief. Grantors acknowledge that the rights granted to the City are unique in that money damages alone for breach of this Utility Easement by Grantors are inadequate, and that the City may bring an action at law or a suit in equity to obtain relief, including specific performance, injunctive relief and any other available equitable remedy.
8. Legal Effect. This Utility Easement shall become effective and binding on the date signed by the Grantors and inure to the benefit of Grantors and the City, and their respective heirs, personal representatives, successors and assigns. This Utility Easement shall run with the land.
9. Attorneys' Fees. In the event suit or action is instituted to interpret or enforce the terms of this Utility Easement, the prevailing party shall be entitled to recover from the other party such sums as the court may determine are reasonable as attorneys' fees at trial, or on appeal of such suit or action, in addition to all other sums provided.
10. Severability. Nothing contained herein shall be construed to require the commission of any act contrary to law, and wherever there is any conflict between any provisions of this Utility Easement and any present or future statute, law, ordinance or regulation contrary to which the parties have no legal right to contract, the latter shall prevail; however, the provision of this Utility Easement, which is affected shall be curtailed and limited only to the extent necessary to bring it

within the requirements of the law, and all other provisions of the Utility Easement shall remain in effect.

11. Waiver. Failure of either party at any time to require performance of any provision of this Utility Easement shall not limit the party's right to enforce the provision, nor shall any waiver of any breach of any provision be a waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision.

This easement is granted this ___ day of _____, 2019

GRANTOR:

Ching Hay

By: Ching Hay

STATE OF OREGON)
) ss.
COUNTY OF CLACKAMAS)

This instrument was acknowledged before me on March 6, 2019 by Ching Hay.
Name of Grantor(s)



Sarah Kate Flathman

Notary Public for Oregon

My commission expires: 3/13/2022

This Utility Easement is hereby approved by the City of West Linn, Oregon.

Eileen Stein, City Manager

STATE OF OREGON)
) ss.
COUNTY OF CLACKAMAS)

This instrument was acknowledged before me on _____, 2019, by Eileen Stein, City Manager for the City of West Linn, a municipal corporation, on behalf of the City.

Notary Public for Oregon

My commission expires: _____.

**BOUNDARY SURVEY FOR BERNARD ECKERSON
 LOTS 7 THRU 11, BLOCK 5
 WEST SIDE ADDITION TO OREGON CITY
 PART OF THE ROBERT MOORE DLC NO. 71 IN
 THE NE 1/4 OF THE NE 1/4 OF SECTION 36, T2S R1E, W.M.
 CITY OF WEST LINN CLACKAMAS COUNTY, OREGON**

SCALE 1" = 30' DECEMBER 16, 1998

GAYLORD LAND SURVEYING, INC.
 15000 S.E. LINDEN LANE
 MILWAUKIE, OREGON 97267
 (503) 654-1492

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 16, 1996
 PATRICK M. GAYLORD
 2767

RENEWED THRU 06/30/99

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SET THE CORNERS OF LOT 7 THRU 11, BLOCK 5, WEST SIDE ADDITION TO OREGON CITY. I HELD THE 1" IRON PIPE IN CONCRETE AT THE INITIAL POINT OF WESTSIDE ADDITION TO OREGON CITY AND A POINT 50 FEET AT RIGHT ANGLES FROM THE 3/4" IRON PIPE AT THE INTERSECTION OF THE WESTERLY LINE OF KELLY STREET AND THE NORTH LINE OF SUNSET AVENUE FOR THE WESTERLY LINE OF THE PLAT, THE EASTERLY RIGHT OF WAY LINE OF KELLY STREET AND FOR MY BASIS OF BEARINGS. I HAVE BASED THIS SURVEY ON THOSE MONUMENTS FOUND PER PS 23921 AND PARTITION PLAT NO. 1992-30. BASED ON THESE SURVEYS, I THEN HELD THE PLAT RECORD DISTANCES AND RECORD BEARINGS BASED ON PS 23921 AND PARTITION PLAT NO. 1992-30 TO SET THE LOT CORNERS. THE WIDTH OF TUMWATER STREET IS SHOWN AS BEING 40 FEET PER THE TWO SURVEYS, HOWEVER ON THE PLAT OF WEST SIDE ADDITION TO OREGON CITY THE WIDTH OF 40 FEET IS MARKED OUT AND A WIDTH OF 50 FEET IS WRITTEN IN PLACE OF THE 40. THERE IS NO CLOSING DISTANCE ON THIS LINE OF THE PLAT. I HAVE NOT TRIED TO RESOLVE THE TRUE WIDTH OF TUMWATER STREET AS IT HAS NO EFFECT ON THIS SURVEY.

NOTES & LEGEND

○ = SET 5/8"x30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "GAYLORD PLS 929" ON DECEMBER 16 1998

● = MONUMENT FOUND AS NOTED

ALL PIPE DIAMETERS ARE INSIDE MEASUREMENT

BASIS OF BEARINGS -- SE RIGHT OF WAY LINE OF KELLY STREET = N 42°00'00" E PER THE PLAT OF WEST SIDE ADDITION TO OREGON CITY

(RECORD)1 = PS 5466

(RECORD)2 = PS 23921

(RECORD)3 = PS 23894

(RECORD)P = PLAT OF WESTSIDE ADDITION TO OREGON CITY

(R&M) = RECORD AND MEASURED PER RECORD NOTED

REFERENCES

PLAT NO. 36 -- WEST SIDE ADDITION TO OREGON CITY
 PARTITION PLAT 1992-30
 PS 5466
 PS 14237
 PS 15646
 PS 16307
 PS 23921
 PS 23984
 PS 27464

3/4" IRON PIPE HELD FOR RIGHT OF WAY, NO RECORD, FOUND BY PS 5466, A 5/8" IRON ROD, NO RECORD BEARS S89°39'17"W 0.14'

HELD A POINT 50 FEET FROM THE 3/4" IRON PIPE, MEASURED AT RIGHT ANGLES FOR RIGHT OF WAY AND BASIS OF BEARINGS PER PS 5466 AND PS 23921 A 5/8" IRON ROD, NO RECORD BEARS N11°21'17"E 0.21'

PS-28069
 CLACKAMAS COUNTY SURVEYS DIV.
 RECEIVED
 JAN 1999
 DATE FILED 1/14/99

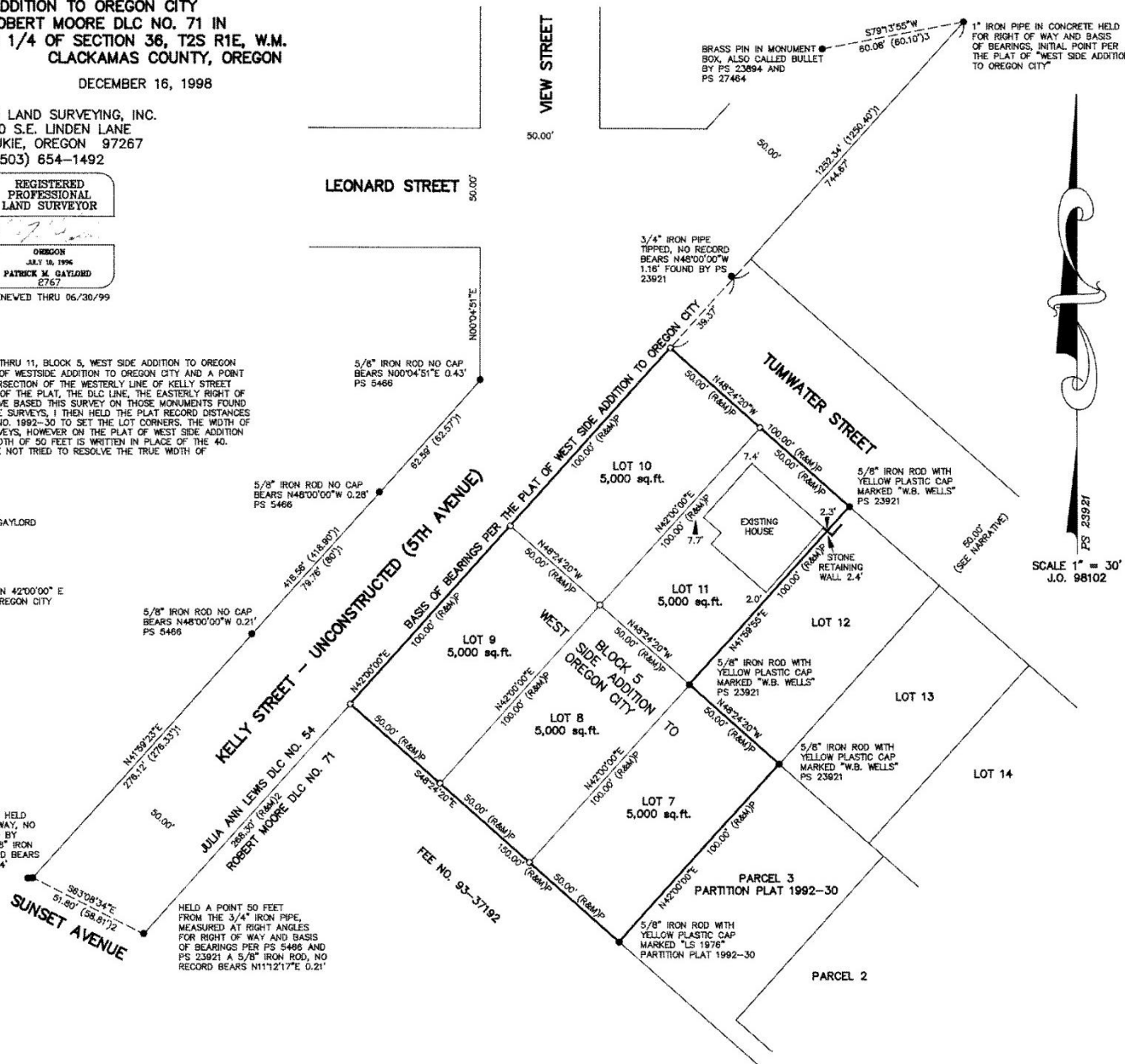


Exhibit A

Paradise Homes

Fairview, Oregon

503.710.1227 Paradise@frontier.com

Building the Northwest Style at a Higher Level of Performance