



Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068  
 Telephone 503.656.4211 • Fax 503.656.4106 • westlinn@oregon.gov

### DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT: <b>Betty Avila</b>	PROJECT No(s): <b>WRG-21-05/MISC-21-12</b>	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL
	<b>\$1,700 + \$1,050</b>	<b>\$2,750</b>

**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 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 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 checked="" type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input checked="" 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.

<b>Site Location/Address:</b> 2115 Windham Oaks Court, West Linn, OR 97068 and 2125 Windham Oaks Court, West Linn, OR 97068	<b>Assessor's Map No.:</b> 2 1E 24DD <b>Tax Lot(s):</b> 204 and 205 <b>Total Land Area:</b> ±5.5 acres
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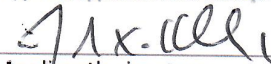
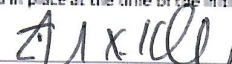
**Brief Description of Proposal:** Consolidated application for approval (including FMA, WRG, and HCA of a gangway for access to an existing joint-use dock.

<b>Applicant Name:</b> KC Marine, LLC <small>(please print)</small>	Phone: Contact Applicant's Consultant
<b>Address:</b> 5010 Foothills Road, Apt. E	Email: Contact Applicant's Consultant
<b>City State Zip:</b> Lake Oswego, OR 97034	
<b>Owner Name</b> (required): Paul H. Gerrie and Eileen P Gerrie (TL 204), <small>(please print)</small>	Phone: Contact Applicant's Consultant
<b>Address:</b> Jordi X Kellogg and Lisa Kellog (TL 205)	Email: Contact Applicant's Consultant
<b>City State Zip:</b> Same as site Location	
<b>Consultant Name:</b> AKS Engineering & Forestry, LLC <small>(please print)</small>	Phone: 503-400-6028
<b>Address:</b> 3700 river Road N, Suite 1	Email: PelzZ@aks-eng.com
<b>City State Zip:</b> Keizer, OR 97303	

- 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 decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
- The City accepts electronic (.pdf) land use applications and project submissions from [redacted] submit this form and supporting documents through the Submit a Land Use Application web page <https://westlinnoregon.gov/planning/submit-land-use-application>



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                      Date: 9-21-21                      Owner's signature (required)                      Date: 9-21-21

# 2115/2125 Windham Oaks Court Consolidated Land Use Application for Natural Resource Overlay Permits

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**Date:** September 2021

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

**Applicant:** KC Marine, LLC  
5010 Foothills Road, Suite E  
Lake Oswego, OR 97034

**AKS Job Number:** 8402



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

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## Exhibits

<b>Exhibit A:</b> .....	Preliminary Plans
<b>Exhibit B:</b> .....	Development Review Applications
<b>Exhibit C:</b> .....	Verification of Property Ownership
<b>Exhibit D:</b> .....	Clackamas County Assessor’s Map
<b>Exhibit E:</b> .....	Pre-Application Conference Summary
<b>Exhibit F:</b> .....	Certified Engineer Letter
<b>Exhibit G:</b> .....	Access Easement
<b>Exhibit H:</b> .....	Architectural Drawings

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# 2115/2125 Windham Oaks Court Consolidated Land Use Application for Natural Resource Overlay Permits

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

**Applicant:** KC Marine, LLC  
5010 Foothills Road, Suite E  
Lake Oswego, OR 97034

**Property Owners:** Tax Lot 204:  
Paul H. Gerrie and Eileen P. Gerrie  
2125 Windham Oaks Court  
West Linn, OR 97068

Tax Lot 205:  
Jordi X. Kellogg and Lisa H. Kellogg  
2115 Windham Oaks Court  
West Linn, OR 97068

**Applicant's Consultant:** AKS Engineering & Forestry, LLC  
3700 River Road N, Suite 1  
Keizer, OR 97303

Contact(s): Daisy Goebel  
Email: [goebeld@aks-eng.com](mailto:goebeld@aks-eng.com)  
Phone: (503) 400-6028

**Site Location:** 2115 Windham Oaks Court, West Linn, OR 97068 and  
2125 Windham Oaks Court, West Linn, OR 97068

**Clackamas County  
Assessor's Map:** Map 2 1E 24 DD, Tax Lots 204 and 205

**Site Size:** Tax Lot 204: ±1.72 acres  
Tax Lot 205: ±3.92 acres

**Land Use Districts:** Single-Family Residential Attached (R-10) and Single-Family Residential Detached and Attached (R-7)



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## I. Executive Summary

AKS Engineering & Forestry, LLC is pleased to submit this application on behalf of KC Marine, LLC (Applicant) to gain approval for a consolidated package of land use applications, including a Flood Management Area (FMA) permit and a Willamette River Greenway (WRG) permit for Tax Lot 205 and a portion of Tax Lot 204 of Clackamas County Assessor's Map 2 1E 24 DD. The subject properties are in a split-zoned area with Single-Family Residential Detached and Attached (R-7) on the west half of the properties and Single-Family Residential Detached (R-10) on the east half. The applicant and its neighboring property to the north desire to construct a shared gangway that will cross over the property boundaries toward the Willamette River to an existing joint-use dock. The affected areas will be exclusively located within the R-10 zoning district.

Together, this consolidated package outlines how the standards for natural resource protection, flood management, and access can be met for construction of the gangway to the existing joint-use dock on the Willamette River. A substantial portion of the gangway will be located on the Applicant's neighboring property (Tax Lot 204) and will provide access to the existing dock via an existing Access Easement (Easement) over the shared property boundary. A copy of the Easement is attached as Exhibit G.

Careful consideration for reducing impacts to the protection areas was made in preparation of the layout for the development because it is located within the 100-year floodplain and floodway. The Applicant met with the City for a Pre-Application Conference on November 4, 2020, to discuss the project details and options for development within these natural resource areas.

This application includes the City application forms, written materials, and preliminary plans necessary for staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

## II. Site Description/Setting

The two subject properties are developed with existing homes located in West Linn's Bolton neighborhood along the west boundary of the Willamette River and south of Mary S. Young Park. The properties are located within the Federal Emergency Management Agency (FEMA) 100-year floodplain and are further constrained by the WRG overlay zone. Topography is sloped with a meandering adjoining trail from the rear of the homes to the Willamette River.

## III. Applicable Review Criteria

### CITY OF WEST LINN COMMUNITY DEVELOPMENT CODE

#### Chapter 11 – Single-Family Residential Detached, R-10

##### 11.050 Uses and Development Permitted Under Prescribed Conditions

The following uses are allowed in this zone under prescribed conditions.

[...]

4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.

**Response:** This application includes a request to construct a shared gangway to an existing dock on the Willamette River, which is a water-dependent use. The applicable provisions are discussed below. This criterion is met.

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## Chapter 12 – Single-Family Residential Detached and Attached, R-7

### 12.050 Uses and Development Permitted Under Prescribed Conditions

The following uses are allowed in this zone under prescribed conditions.

[...]

4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.

**Response:** This application includes a request to construct a shared gangway to an existing joint-use dock on the Willamette River, which is a water-dependent use. The applicable provisions are discussed below. This criterion is met.

## 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:** The subject property is located partially within the FMA Overlay Zone. As illustrated on the Preliminary Plans attached as Exhibit A, the extent of potential impacts to the FMA is minimal for the proposed development. The Applicant is aware of the requirements for development in this overlay zone and has included the FMA permit application in this submittal. This criterion is met.

### 27.030 Exemptions

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

**Response:** This application does not relate to work performed in response to emergencies. This exemption does not apply.

[...]

### 27.050 Application

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

- A. A pre-application conference as a prerequisite to the filing of the application.

**Response:** A pre-application conference to discuss the subject application was held on November 4, 2020. The Pre-Application Conference Meeting Summary Notes from the City are attached as Exhibit E.

- B. An application initiated by the property owner, or the owner's authorized agent, and accompanied by the appropriate fee.

**Response:** An application form signed by each of the property owners is included as Exhibit B and the associated fees are included with this application. This criterion is met.

- 
- C. An application submittal that includes the completed application form, one copy of written responses addressing CDC 27.060, 27.070, 27.080 (if applicable), and 27.090 (if applicable), one copy of all maps and plans at the original scale, one copy of all maps and plans reduced to a paper size not greater than 11 inches by 17 inches, and a copy in a digital format acceptable to the City.

**Response:** An application form signed by each of the property owners is included as Exhibit B. This narrative includes responses addressing applicable approval criteria and accompanying maps and exhibits, as required. The criterion is met.

- D. A map of the property indicating the nature of the proposed alteration and its relationship to property zones, structures, trees, and any other pertinent features.

**Response:** A Preliminary Site Plan, included in the attached Exhibit A, includes a map identifying the proposed development and location of the proposed alteration area, including its relationship to property zones, structures, trees, and other pertinent features. The criterion is met.

- E. Information regarding the elevation of the site prior to development, the base flood elevation data for subdivisions (if applicable), and a description of water course alterations, if proposed.

**Response:** An Existing Conditions Plan, included in the attached Exhibit A, illustrates the elevations of the project site. Water course alterations are not proposed. This criterion is met.

- F. A topographic map of the site at contour intervals of five feet or less showing a delineation of the flood management area, which includes, but is not limited to, areas shown on the Flood Management Area map. The City Engineer or Building Official, as applicable, may, at their discretion, require the map to be prepared by a registered land surveyor to ensure accuracy. A written narrative explaining the reason why the owner wishes to alter the floodplain shall accompany the site plan map.

**Response:** Exhibit A includes an Existing Conditions Plan prepared by AKS Engineering & Forestry, LLC (a licensed professional land surveyor) which shows the boundary of the FMA. Required submittal elements are included with the application and supported by this narrative and the accompanying exhibits. This criterion is met.

- G. The elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

**Response:** The Preliminary Gangway Elevation Profile is included in Exhibit A. Elevation contours are shown at 1-foot intervals; elevations in relation to sea level and 100-year flood elevations are shown in this exhibit. This criterion is met.

- H. The elevation in relation to mean sea level to which any structure has been flood-proofed (non-residential only).

**Response:** The entire gangway will be water-permeable and anchored to prevent flotation. This criterion is met.

#### 27.060 Approval Criteria

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

- 
- A. Development, excavation, and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

**Response:** The Preliminary Cut and Fill Map included in Exhibit A provides a detailed evaluation of cuts and fills. Additionally, this application includes a letter attached as Exhibit F certifying that the site results in no net change to the flood capacity of the floodplain. This criterion is met.

- B. No net fill increase in any floodplain is allowed. All fill placed in a floodplain shall be balanced with an equal amount of soil material removal. Excavation areas shall not exceed fill areas by more than 50 percent of the square footage. Any excavation below the ordinary high water line shall not count toward compensating for fill.

**Response:** Proposed piles and approximate soil removal amounts are included in Exhibit A. The total removal/fill for each 12-inch piling is 0.79 cubic feet per 1 foot of pile. The estimated cut and fill amount within the 100-year flood boundary is  $\pm 47.1$  cubic feet; however, this value is highly variable and depends on subsurface soil conditions. Additionally, this application includes a letter attached as Exhibit F certifying that the site results in no net change to the flood capacity of the floodplain. This criterion is met.

- C. Excavation to balance a fill shall be located on the same lot or parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be located in the same drainage basin and as close as possible to the fill site, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.

**Response:** All excavation to balance fill will be located on the same lots as the fill. As illustrated on the Preliminary Site Plan in the attached Exhibit A, all cut and fill will be balanced in the same drainage basin. This criterion is met.

- D. Minimum finished floor elevations must be at least one foot above the design flood height or highest flood of record, whichever is higher, for new habitable structures in the flood area.

**Response:** This application is for the construction of a gangway to an existing joint use dock, not a habitable structure. This criterion does not apply.

- E. Temporary fills permitted during construction shall be removed.

**Response:** Temporary fills are not anticipated. This criterion does not apply.

- F. Prohibit encroachments, including fill, new construction, substantial improvements, and other development in floodways unless certification by a professional civil engineer licensed to practice in the State of Oregon is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

**Response:** This application includes a request to construct a shared gangway from the subject properties to an existing joint use dock located on the Willamette River. Exhibit F provides a certified letter from a licensed civil engineer certifying that the construction of the gangway in the floodway will not result in an increase in flood levels. This criterion is met.

- G. All proposed improvements to the floodplain or floodway which might impact the flood-carrying capacity of the river shall be designed by a professional civil engineer licensed to practice in the State of Oregon.



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**Response:** The proposed gangway is designed to float on the surface of the water during extreme flood events. Subsequently, the gangway doesn't impact the flood carrying capacity of the floodplain. designed by a professional civil engineer licensed to practice in the State of Oregon. A letter attesting to such is included as Exhibit F. This criterion is met.

H. New culverts, stream crossings, and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

**Response:** This application is for a new gangway to an existing joint use dock on the Willamette River. The Preliminary Plans in Exhibit A illustrate the design as balanced cut and fill that will not raise the design flood elevation. A letter attesting to such is included as Exhibit F. This criterion is met.

I. Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable land.

**Response:** This application does not include a request to construct any detention facilities or structures. This criterion does not apply.

J. The applicant shall provide evidence that all necessary permits have been obtained from those federal, State, or local governmental agencies from which prior approval is required.

**Response:** The planned development does not require additional permit approval from federal, state, or local government agencies.

[...]

#### 27.070 Construction Materials and Methods

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage using methods and practices that minimize flood damage.

**Response:** Exhibit A includes a Preliminary Site Plan. Final construction plans will include notes to the contractors to ensure that they use methods and practices during construction that will minimize flood damage. This criterion can be met.

B. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**Response:** The planned development does not include any electrical, heating, ventilation, plumbing, or air conditioning equipment. This criterion does not apply.

C. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

**Response:** The gangway construction does not include a new or replacement water supply system. This criterion does not apply.

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- D. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

**Response:** The planned development does not include a new or replacement sanitary sewage system. This criterion does not apply.

- E. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**Response:** This application does not include a request to add an on-site waste disposal system. The criterion does not apply.

- F. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

**Response:** The construction of the gangway will be anchored to prevent flotation, collapse, or lateral movement of the structure. The final construction plans will include notes to direct the contractor to put these measures in place during construction. The criterion can be met.

## 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.

**Response:** This proposal is within the Willamette River Protection area and is not exempt per Community Development Code (CDC) 28.040. A WRG Permit approval is required for this project.

- 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.

**Response:** This proposal does not include development of a property at the confluence of a stream or creek with the river. There is a stream located more than 100 feet downstream from the affected project area, placing the work outside of the applicable water resource area (WRA) protection area. Therefore, this criterion does not apply.

- 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.

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**Response:** The proposed gangway is permitted under the provisions of the underlying base zone and is not exempted by 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. (Ord. 1576, 2008; Ord. 1604 § 21, 2011; Ord. 1636 § 26, 2014)

**Response:** The gangway is further from the Willamette River than the existing dock and does not impact parts of the habitat conservation area (HCA) that were not previously developed. This criterion does not apply.

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.)

**Response:** This application is for a private gangway, which is not covered under this exception to protection area permit requirements. Therefore, a protection permit is required.

[...]

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.

**Response:** An application form signed by each of the property owners is included in the attached Exhibit B. Property owner verification is provided as Exhibit C. These criteria are met.

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).

**Response:** The Applicant met with City staff for a pre-application conference on November 4, 2020. A copy of the Pre-Application Summary is attached as Exhibit E. This criterion is met.

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.

**Response:** This narrative and supporting documentation address the approval criteria of CDC 28.110. This criterion is met.

2. A site plan, with HCA boundaries shown and by low, moderate, high type shown (CDC 28.120).

**Response:** A site plan with HCA boundaries shown by low, moderate, and high type is included on the Preliminary Plans attached as Exhibit A. This criterion is met.

3. A grading plan if applicable (CDC 28.130).

**Response:** A preliminary Erosion and Sediment Control plan has been included with Exhibit A to indicate the extent of the development. As shown on the site plan, the proposed steel piles will create a negligible impact to the site. Because this proposal does not include the exposure of soil using motorized equipment, it is not considered a Ground Disturbing Activity per CDC Chapter 2 and therefore does not require a grading plan.

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4. Architectural drawings if applicable (CDC 28.140).

**Response:** Preliminary architectural drawings of the proposed gangway are provided as Exhibit H. This criterion is met.

5. A landscape plan if applicable (CDC 28.150).

**Response:** A Landscape Plan is not required for this project due to the limited scope of work. Existing trees are shown on the preliminary plans for reference.

6. A mitigation plan if applicable (CDC 28.160).

**Response:** A mitigation plan is not required per CDC 28.160 because the HCA will not be permanently disturbed by improvements subject to this application. More information on this exception is provided in the response to CDC 28.160.

7. A storm detention and treatment plan and narrative statement pursuant to CDC 92.010(E).

**Response:** A storm detention and treatment plan is not required for this application because the gangway will be water permeable and therefore will not generate runoff. This criterion does not apply.

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.

**Response:** Requisite fees are included with this submittal. This criterion is met.

E. The applicant shall be responsible for, and shall apply for, all applicable State and/or federal permits.

**Response:** The Applicant understands the responsibility to apply for all applicable state and/or federal permits, if any are required. This criterion can be met.

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:** This requirement does not apply to the structure proposed by this application due to the location of the proposed water surface structure in relation to the preference rights area. The existing dock is constructed within the preference rights area and the proposed gangway does not extend further into the applicable water area.

[...]

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

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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.
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.)

**Response:** The area of the subject properties that are the focus of this application do not contain any lands designated as “tree canopy only” or “Habitat and Impact Areas Not Designated as HCAs.” The Site Plan attached with Exhibit A demonstrates that although the property is covered with a mix of moderate and high HCA designations, the gangway design is configured in a way to minimize impacts to the HCA beyond the impacts of existing development. The criteria are met.

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.

**Response:** The Construction Management, Erosion, and Sediment Control Plan in Exhibit A shows that the site design is configured to accommodate the installation of a new gangway with the least amount of impact to the HCA. The City’s Building Department will ensure that all applicable erosion control measures are in place prior to site construction during review of final construction plans. The criterion is 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 Designated as HCAs”
  - b Low HCA
  - c Moderate HCA
  - d High HCA

**Response:** The development activity subject to this application is for a new gangway to a joint dock on the Willamette River, not residential housing. The criteria do not apply.

- 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.”

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**Response:** The development activity subject to this application is for a new gangway to a joint dock on the Willamette River, not residential housing. The criteria do not apply.

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.

**Response:** This application does not include patios or decks, so this criterion does not apply.

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:** The development activity subject to this application is for a new gangway to a joint dock on the Willamette River, not residential housing. The criteria do not apply.

- D. Development of lands designated for industrial, commercial, office, public and other non-residential uses.

**Response:** The development activity subject to this application is for a new gangway located in the R-7 and R-10 zoning districts. The criteria do not apply.

- E. Hardship provisions and non-conforming structures.

1. For the purpose of this chapter, non-conforming structures are existing structures whose building footprint is completely or partially on HCA lands. Any additions, alterations, replacement, or rehabilitation of existing non-conforming non-water-related structures (including decks), roadways, driveways, accessory uses and accessory structures shall avoid encroachment upon the HCAs, especially high HCAs, except that:
  - a. A 10-foot lateral extension of an existing building footprint is allowed if the lateral extension does not encroach any further into the HCA or closer to the river or water resource area than the portion of the existing footprint immediately adjacent.
  - b. An addition to the existing structure on the side of the structure opposite to the river or water resource area shall be allowed. There will be no square footage limitation in this direction except as described in subsection (E)(1)(c) of this section.
  - c. The same allowance for the use of, and construction of, 5,000 square feet of total impervious surface for sites in HCAs per subsections (B)(2) through (4) of this section shall apply to lots in this section.
  - d. Vertical additions are permitted including the construction of additional floors.
  - e. The provisions of Chapter 66 CDC, Non-conforming Structures, shall not apply.

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**Response:** This application does not include a hardship request involving any non-conforming structures. These criteria do not apply.

F. Access and property rights.

1. Private lands within the protection area shall be recognized and respected.
2. Where a legal public access to the river or elsewhere in the protection area exists, that legal public right shall be recognized and respected.

**Response:** The Applicant recognizes the legal public access area and will respect it accordingly. The access area is shown on Exhibit A. The planned development will not inhibit the public access area, so this criterion can be met.

3. To construct a water-dependent structure such as a dock, ramp, or gangway shall require that all pre-existing legal public access or similar legal rights in the protection area be recognized and respected. Where pre-existing legal public access, such as below the OLW, is to be obstructed by, for example, a ramp, the applicant shall provide a reasonable alternate route around, over or under the obstruction. The alternate route shall be as direct as possible. The proposed route, to include appropriate height clearances under ramps/docks and specifications for safe passage over or around ramps and docks, shall be reviewed and approved by the Planning Director for adequacy.

**Response:** The proposed water-dependent gangway crosses over a 15-foot-wide public access easement. The proposed gangway does not obstruct the easement or prevent public access. This criterion is met.

4. Any public or private water-dependent use or facility shall be within established DSL-authorized areas.

**Response:** The gangway is within an established DSL-authorized area, as verified at the time the existing dock was constructed. The gangway does not extend towards areas that are not included in the authorized area and does not encroach on the preference rights area of other properties.

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

**Response:** A 15-foot-wide public access easement exists per the Windham Oaks subdivision plat, as shown on the site plan. This access will not be disrupted by the proposed development.

G. Incentives to encourage access in industrial, multi-family, mixed use, commercial, office, public and non-single-family residential zoned areas.

**Response:** This application is for a new gangway located in the R-7 and R-10 zoning districts. This criterion does not apply.

H. Partitions, subdivisions and incentives.

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**Response:** This application does not include a request for a partition or subdivision. This criterion does not apply.

I. Docks and other water-dependent structures.

1. Once the preference rights area is established by DSL, the property owner identifies where the water-dependent use will be located within the authorized portion of the preference rights area. The water-dependent use should be centered or in the middle of the preference rights/authorized area or meet the side yard setbacks of the underlying zone.

Private and public non-commercial docks are permitted where dredging is required so long as all applicable federal and State permits are obtained. Dredging is encouraged if deposits silt up under an existing dock. Dredging is seen as preferable to the construction of longer docks/ramps.

**Response:** The DSL preference rights area was verified at the time the existing dock was constructed. The proposed gangway does not extend outside of the authorized area as established by the existing dock. Dredging is not required for this project.

2. Both joint and single use docks shall not extend into the water any further than necessary to provide four feet between the ship's keel or fixed propeller/rudder and the bottom of the water at any time during the water's lowest point.

**Response:** This application is for a gangway leading to an existing dock. Modifications or alterations to the existing dock are not anticipated. This criterion does not apply.

3. In no case except as provided in this section shall a private ramp and private dock extend more than 100 feet from OLW towards the center of the river or slough. In the case of L-shaped docks, the 100 feet shall be measured from the OLW to the furthest part of the private dock closest to the center of the river.

**Response:** This application is for a new shared gangway to an existing joint-use dock on the Willamette River that is in compliance with this criterion. Modifications or alterations to the existing dock are not requested. This criterion is met.

4. Docks on sloughs and similar channels shall not extend more than 30 percent of the distance between two land masses at OHW, such as between the mainland and an island or peninsula, measured in a lineal manner at right angle to the dominant shoreline. In no way shall a dock impede existing public usage or block navigation of a channel.

**Response:** This application is for a new shared gangway to access an existing joint-use dock on the Willamette River. Modifications to the existing dock are not proposed and no part of the development is anticipated to impede existing public usage or block navigation of a channel. This criterion is met.

5. Boat storage associated with a rail launch facility shall be located above the OHW, either vertically raised above the ordinary high water line or set back behind the OHW. Such boat storage structure will be natural wood colors or similar earth tones. Private railed launch facilities are permitted for individual boat owners. The onshore setback of the storage structure is equal distance on both sides as extended perpendicular to the thread of the stream, or seven and one-half feet, whichever is the greater setback.



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**Response:** This application does not include a request for a new boat storage structure. This criterion does not apply.

6. The width of each deck section shall be no more than 12 feet wide.

**Response:** This application is for a new shared gangway to an existing ±12-foot-wide joint-use dock on the Willamette River. Modifications or alterations to the existing dock are not anticipated. This criterion is met.

7. For only single-user and joint-user docks, pilings shall not exceed a maximum height of eight feet above the 100-year flood elevation.

**Response:** This application is for a new shared gangway to an existing joint-use dock on the Willamette River. Modifications or alterations to the height of the existing pilings are not anticipated. This criterion is met.

8. A single user non-commercial dock shall not exceed 400 square feet in deck area. The boat slip is not included in the calculation of this square footage limitation.

**Response:** This application is for a new shared gangway to an existing joint-use dock on the Willamette River. This criterion does not apply.

9. Private non-commercial boat houses are allowed but only if they are within 50 feet of OLW and/or in locations sufficiently screened from view so that they do not have a significant visual impact on views from adjacent and nearby homes. Building and roof colors shall be brown, gray, beige, natural or similar earth tones. Non-commercial boat houses shall not exceed 12 feet in height measured from the boat house deck level to the roof peak. The size of the boat house shall be sized to accommodate one boat only and shall not exceed a footprint greater than 500 square feet. Boatlifts are permitted within the boat house. The above provisions also apply to open-walled boat shelters with or without boatlifts.

**Response:** This application does not include a request to construct a boat house. This criterion does not apply.

**J. Joint docks.**

1. Joint use boat docks may be permitted by the reviewing authority where the applicants are riverfront property owners, ideally owners of adjacent lots of record.
2. Co-owners of the joint dock use shall be prohibited from having their own non-joint dock.
3. A joint use agreement shall be prepared which will be included in the application for review by the reviewing authority and subsequently recorded. A copy of the recorded document with the County Recorder's stamp shall be submitted to the City.
4. A condition of approval for any joint use permit shall be that the dock must be used to serve the same lots of record for which the dock permit was issued. Joint use cannot be transferred to, or used by, any party other than the original applicants or the future owners of those properties.
5. Joint docks may go on the common property line between the two landowners who are sharing the dock. Unless agreed to by the adjoining owner, joint docks not being shared with the adjacent property owner must be at least 15

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feet from the preference rights area side lines or centered in the middle of the preference rights area.

**Response:** This application is for a new shared gangway to an existing joint-use dock for two adjacent properties on the Willamette River. The above criteria do not apply.

K. Non-conforming docks and other water-related structures. Pre-existing non-conforming structures, including docks, ramps, boat houses, etc., as defined in this chapter may remain in place. Replacement in kind (e.g., replacement of decking and other materials) will be allowed provided the replacement meets the standards of this chapter. However, if any non-conforming structure that is damaged and destroyed or otherwise to be replaced to the extent that the rebuilding or replacing (including replacement in kind) would exceed 50 percent of the current replacement cost of the entire structure, the owner shall be required to meet all the standards of this chapter.

**Response:** This application is for a new shared gangway to an existing ±12-foot-wide joint-use dock on the Willamette River. Modifications or alterations to the existing dock are not anticipated. This criterion is 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:** No utility facilities are included in this proposal. City Staff have confirmed that a Mitigation and Revegetation Plan will not be required for this development due to the limited scope of work.

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:** No buildings or exterior mechanical equipment are included in this proposal. The surface of the proposed gangway will not be reflective or otherwise visually disruptive to the natural environment.

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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 proposed gangway will be water permeable. This criterion is met.

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:** No signs or graphic displays are included in this proposal. This criterion is met.

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:** No lighting is proposed in this application. This criterion does not apply.

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:** This application does not include additional parking or unenclosed storage areas. This 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.

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:** The subject properties are in West Linn with frontage along the Willamette River and south of Mary S. Young Park. As illustrated in the Preliminary Plans (Exhibit A), the gangway is designed to be out of the public view from Mary S. Young Park. This criterion is met.

S. Aggregate deposits. Extraction of aggregate deposits or dredging shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety, and to promote necessary reclamation.

**Response:** This application does not seek approval for extraction of aggregate deposits. This criterion does not apply.

T. Changing the landscape/grading.

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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.

**Response:** This proposal does not include further disturbance of the topographical features of the area beyond that of existing development. No stabilization or hazard mitigation construction is necessary, and a geotechnical report is not required for this project.

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).

**Response:** The proposed gangway will not substantially impact the riparian environment beyond the extent to which existing improvements have already impacted the area.

3. The applicant shall demonstrate that stabilization measures shall not cause subsequent erosion or deposits on upstream or downstream properties.

**Response:** Additional stabilization measures are not required for this project.

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:** As shown in the Preliminary Construction Management, Erosion, and Sediment Control Plan, included in Exhibit A, chain link fencing will delineate the boundary of disturbance areas on site. This fencing will be maintained throughout the duration of site construction. Additionally, Exhibit A illustrates the extent of all required erosion control measures. The criteria are 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.

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**Response:** Removal of riparian vegetation is not anticipated for this project. Any unanticipated disruption of the riparian environment will be corrected in accordance with code requirements.

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 their designated expert. “Unhealthy or disturbed” includes those sites 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.

**Response:** This project does not include significant impacts to the vegetation on the site. A revegetation plan is not required due to the minor scope of the proposed improvements.

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:** This project does not include the cutting and/or removal of trees or significant vegetation in the conservation area.

28.120 Site Plan

- A. All site plans and maps shall include the name, address and telephone number of the applicant, a linear scale of the plot plan, a north arrow and a vicinity map.

**Response:** The site plan in Exhibit A includes all required information above. This criterion is met.

- 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:

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- 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.
  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:** The site plan in Exhibit A includes all required information above. This criterion is met.

28.130 Grading Plan

The grading plan shall be at the same scale as the site plan (CDC 28.120) and shall show or attach:

- A. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.
- B. Tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards. For Type I, II, and III lands (refer to definitions in Chapter 02 CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:
  1. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
  2. Assessment of engineering geological conditions and factors;
  3. Review of the City of West Linn’s Natural Hazard Mitigation Plan and applicability to the site; and
  4. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.
- C. Sufficient factual data to support the conclusions of the plan.
- D. Identification information, including the name and address of the owner, developer, project designer, and the project engineer.

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**Response:** City Staff have determined that a grading plan is not applicable due to the limited scope of work and minimal environmental impact. A preliminary Erosion and Sediment Control plan has been included with Exhibit A to indicate the extent of the development.

28.140 Architectural Drawings

- A. Architectural drawings shall be submitted at the same scale as the site plan scale, as described in the site plan, showing:
1. Elevations of structure(s). For additions, the drawings should clearly distinguish between existing structure and proposed addition and show distance from addition and existing structure to the protected water resource.
  2. The exterior building materials: type, color, and texture.
  3. For docks, all pilings and their heights shall be shown. The applicant shall indicate the depth from the end of the dock to the river bottom during typical summer months. The applicant shall also provide any available product literature and photographs from the manufacturer or installer.
  4. For docks, the applicant shall provide a plan view of the structure in relation to the shoreline and river. The plans shall also indicate graphically the OLW and the OHW and the DSL's preference rights and authorized areas.

**Response:** An architectural drawing of the gangway is included in this application as Exhibit H. Pilings and elevations are included on the preliminary plans (Exhibit A).

28.150 Landscape Plan

- A. The landscape plan shall be prepared per site plan standards (CDC 28.120) and in addition shall show:
1. The location, size and type of existing trees and location and type of vegetation to be removed and to be retained;
  2. The location and design of landscaped areas;
  3. The varieties and sizes of trees and materials to be planted;
  4. The location and height of fences and other buffering or screening materials; and
  5. The location, materials, dimensions and design of terraces, decks, patios, shelters, footpaths, retaining walls and play areas.
- B. Revegetation plan per CDC 32.080.

**Response:** City staff have waived the landscape and vegetation plan requirements due to the minimal extent of projected impact. Existing trees are shown on the site plan for reference, significant disturbance of existing vegetation is not anticipated based on the scope of the project.

28.160 Mitigation Plan

If any HCA is permanently disturbed as a result of the proposed development of any uses or structures, the applicant shall prepare and implement a revegetation and mitigation plan pursuant to the provisions of CDC 32.070 and 32.080.

**Response:** No HCA area will be permanently disturbed beyond the impact that existing development has already had on the area. Because of the minimal impact, this proposal will not require a revegetation and mitigation plan.

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## Chapter 32 – Water Resource Area Protection

[...]

### 32.040 Exemptions

[...]

#### F. Exempt areas.

1. The Tualatin or Willamette Rivers are regulated by Chapter 28 CDC and are not subject to this chapter. However, wetlands and buffers, regardless of their proximity to these rivers, are subject to this chapter. In areas where there is overlap with Chapter 28 CDC, this chapter shall prevail.

**Response:** Because this proposal does not contain wetlands and buffers other than for the Willamette River, and because it is subject to the standards of Chapter 28, as addressed above, it is considered exempt from the requirements of the Water Resource Area Protection permit. Further, per above, all ground disturbing activities are located more than 100-feet from an unnamed stream and are therefore further exempt from review under CDC Chapter 32. This Chapter does not apply.

## IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the West Linn Development Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this Natural Resource Overlay development permit application.



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

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**NOTES:**

- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER MARK IT OUT, LLC. 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.
- FIELD WORK WAS CONDUCTED FEBRUARY 17-18 AND MARCH 2, 2021.
- HORIZONTAL DATUM: A LOCAL DATUM PLANE DERIVED FROM STATE PLANE OREGON NORTH 3601 NAD83(2011)EPOCH: 2010.0000 BY MULTIPLYING BY A PROJECT MEAN GROUND COMBINED SCALE FACTOR OF 1.0000965303 AT A CENTRAL PROJECT POINT WITH INTERNATIONAL FOOT STATE PLANE GRID COORDINATES N631354.121 E765666.616 AND A MERIDIAN CONVERGENCE ANGLE OF -1'30"20". STATE PLANE COORDINATES WERE DERIVED FROM GPS OBSERVATIONS USING THE TRIMBLE VRS NOW NETWORK. DISTANCES SHOWN ARE INTERNATIONAL FOOT GROUND VALUES.
- VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK NO. RD0259, LOCATED AT THE NORTH CORNER OF 8TH ST. AND MAIN ST. ELEVATION = 66.22 FEET (NAVD 88).
- THIS IS NOT A PROPERTY BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY SURVEYOR. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
- 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.
- BY GRAPHIC OVERLAY, ONLY THIS PROPERTY IS IN ZONES AE AND X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY NO. 410024, MAP NUMBER 41005C00380 WHICH BEARS AN EFFECTIVE DATE OF JUNE 17, 2008 AND PARTIALLY IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.

TREE NUMBER	TYPE	DBH (IN.)
10242	CONIFEROUS	12
10245	DECIDUOUS	7
10313	DECIDUOUS	8
10361	DECIDUOUS	14
10362	DECIDUOUS	13
10363	DECIDUOUS	12
10368	DECIDUOUS	14
10369	DECIDUOUS	15
10371	DECIDUOUS	14
10373	DECIDUOUS	9
10374	DECIDUOUS	7
10385	DECIDUOUS	6
10386	DECIDUOUS	11
10387	DECIDUOUS	7
10389	DECIDUOUS	18
10392	DECIDUOUS	23
10393	DECIDUOUS	10
10396	DECIDUOUS	9

TREE NUMBER	TYPE	DBH (IN.)
10399	DECIDUOUS	15
10401	DECIDUOUS	20
10403	DECIDUOUS	20
10404	DECIDUOUS	7
10442	DECIDUOUS	8,15
10445	DECIDUOUS	13
10450	DECIDUOUS	21
10456	DECIDUOUS	20
10458	DECIDUOUS	12,15
10513	DECIDUOUS	6,6,8
10519	DECIDUOUS	33
10571	DECIDUOUS	33
10573	DECIDUOUS	35
10587	DECIDUOUS	6,7,7
10627	DECIDUOUS	16
10638	DECIDUOUS	10
10645	DECIDUOUS	8

**LEGEND**

EXISTING GROUND CONTOUR (2 FT)

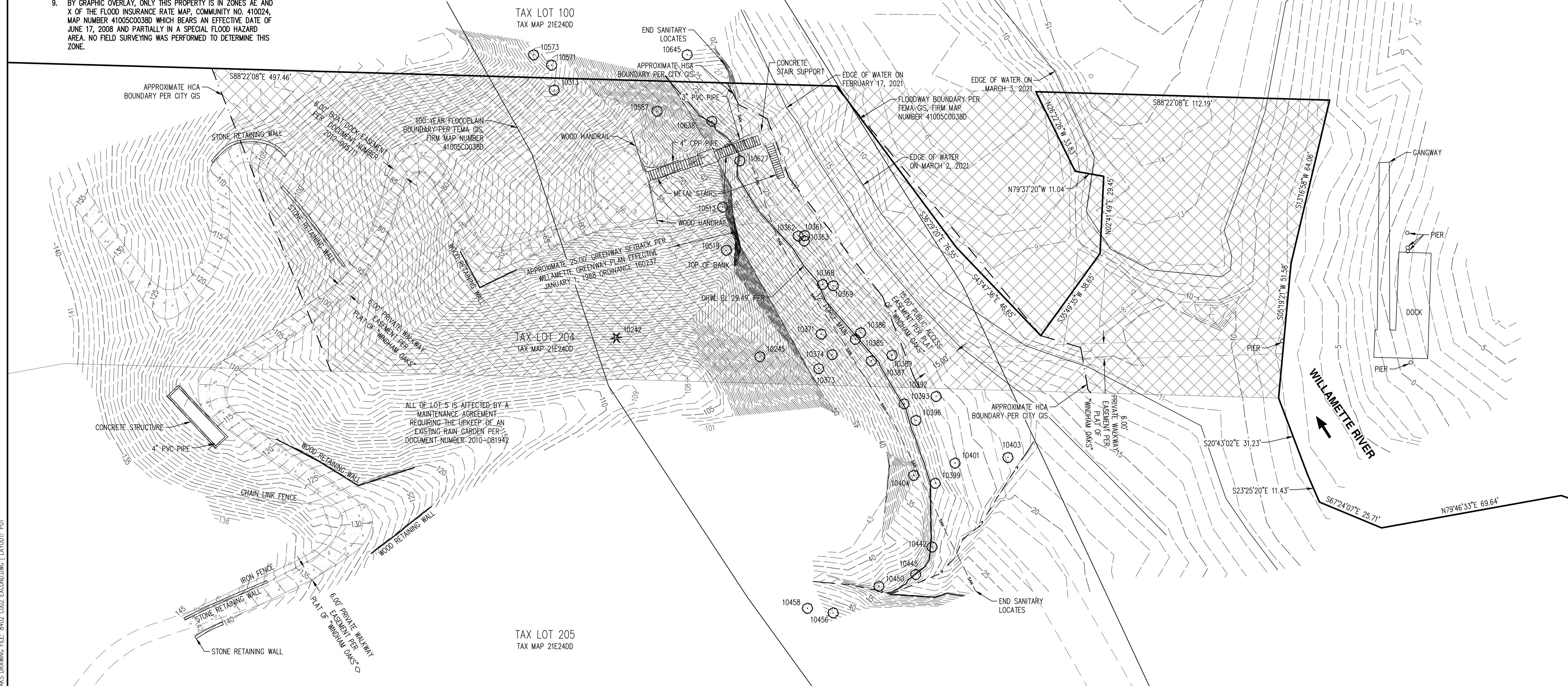
EXISTING GROUND CONTOUR (10 FT)

METRO HABITAT CONSERVATION AREA HIGH VALUE PER CITY GIS MAPS

METRO HABITAT CONSERVATION AREA MODERATE VALUE PER CITY GIS MAPS

N

SCALE: 1" = 20 FEET



**AKS**  
 AKS ENGINEERING & FORESTRY, LLC  
 12065 SW HERMAN RD., STE 100  
 TUALATIN, OR 97062  
 503.563.6151  
 WWW.AKS-ENG.COM

**WINDHAM OAKS CT.**  
**WEST LINN OREGON**  
 TAX LOTS 204 & 205  
 CLACKAMAS COUNTY TAX MAP 21E240D

**EXISTING CONDITIONS PLAN**

DESIGNED BY: RB  
 DRAWN BY: RB  
 MANAGED BY: RB  
 CHECKED BY: NSW  
 DATE: 3/23/2021

REGISTERED PROFESSIONAL LAND SURVEYOR  
  
 OREGON  
 JANUARY 9, 2007  
 NICK WHITE  
 7065215  
 RENEWS: 6/30/22

REVISIONS

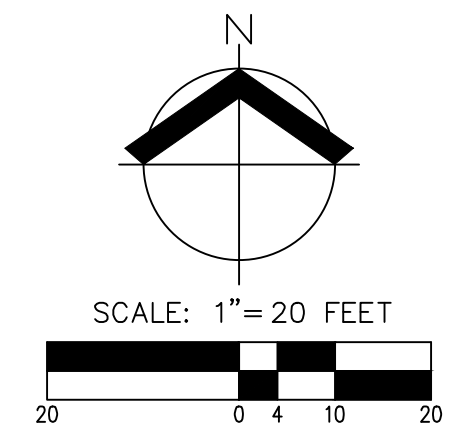
JOB NUMBER  
**8402**

SHEET  
**P01**

AKS DRAWING FILE: 8402\_C002\_EXCOND.DWG | LAYOUT: P01

**NOTES:**

- UTILITIES SHOWN ARE BASED ON UNDERGROUND UTILITY LOCATE MARKINGS AS PROVIDED BY OTHERS, PROVIDED PER MARK IT OUT, LLC. 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.
- FIELD WORK WAS CONDUCTED FEBRUARY 17-18 AND MARCH 2, 2021.
- HORIZONTAL DATUM: A LOCAL DATUM PLANE DERIVED FROM STATE PLANE OREGON NORTH 3601 NAD83(2011)EPOCH: 2010.0000 BY MULTIPLYING BY A PROJECT MEAN GROUND COMBINED SCALE FACTOR OF 1.0000965303 AT A CENTRAL PROJECT POINT WITH INTERNATIONAL FOOT STATE PLANE GRID COORDINATES N631354.121 E7656666.616 AND A MERIDIAN CONVERGENCE ANGLE OF -1'30"20". STATE PLANE COORDINATES WERE DERIVED FROM GPS OBSERVATIONS USING THE TRIMBLE VRS NOW NETWORK. DISTANCES SHOWN ARE INTERNATIONAL FOOT GROUND VALUES.
- VERTICAL DATUM: ELEVATIONS ARE BASED ON NGS BENCHMARK NO. RD0259, LOCATED AT THE NORTH CORNER OF 8TH ST. AND MAIN ST. ELEVATION = 66.22 FEET (NAVD 88).
- THIS IS NOT A PROPERTY BOUNDARY SURVEY TO BE RECORDED WITH THE COUNTY SURVEYOR. BOUNDARIES MAY BE PRELIMINARY AND SHOULD BE CONFIRMED WITH THE STAMPING SURVEYOR PRIOR TO RELYING ON FOR DETAILED DESIGN OR CONSTRUCTION.
- 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.
- BY GRAPHIC OVERLAY, ONLY THIS PROPERTY IS IN ZONES AE AND X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY NO. 410024, MAP NUMBER 41005C0038D WHICH BEARS AN EFFECTIVE DATE OF JUNE 17, 2008 AND PARTIALLY IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.



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 12065 SW HERMAN RD., STE 100  
 TUALATIN, OR 97062  
 503.563.6151  
 WWW.AKS-ENG.COM

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

**WINDHAM OAKS CT.**

**OREGON**

WEST LINN  
 CLACKAMAS COUNTY TAX MAP 21E24DD  
 TAX LOTS 204 & 205

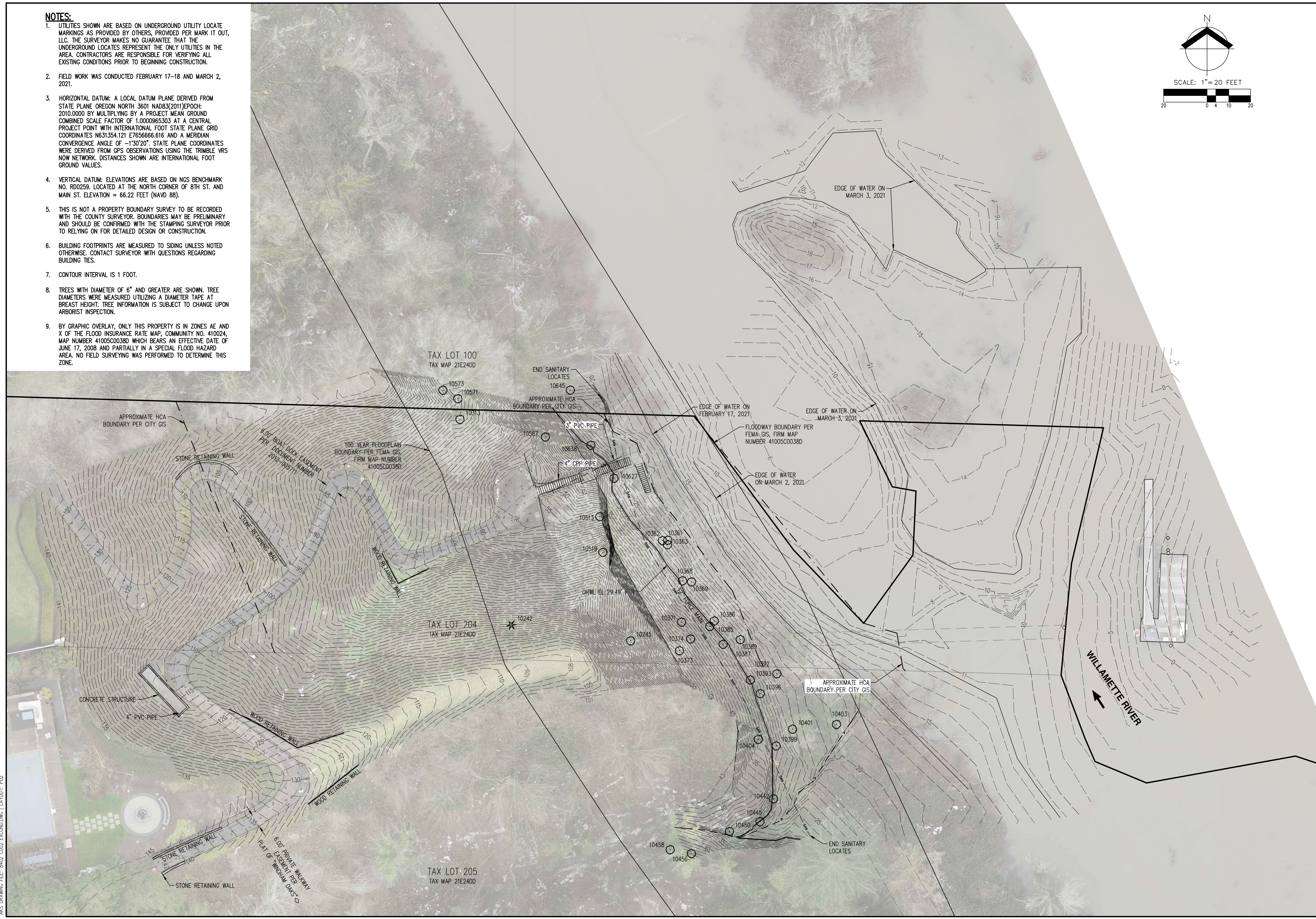
**EXISTING CONDITIONS  
 PLAN WITH AERIAL  
 OVERLAY**

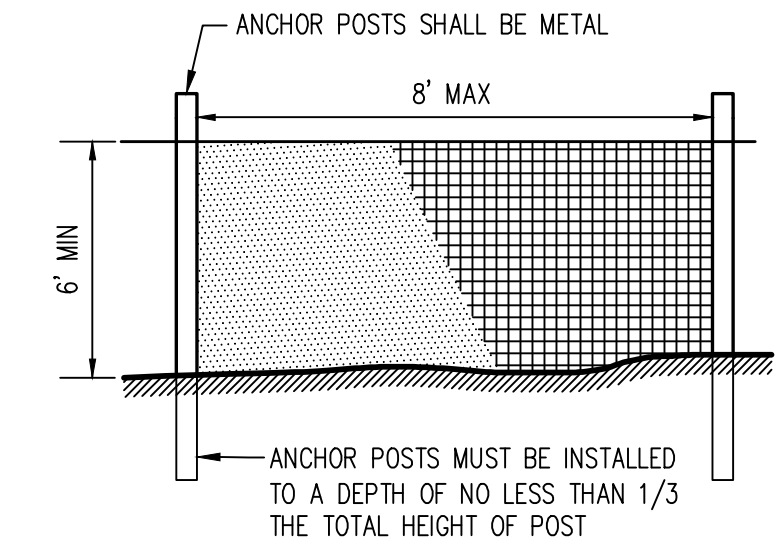
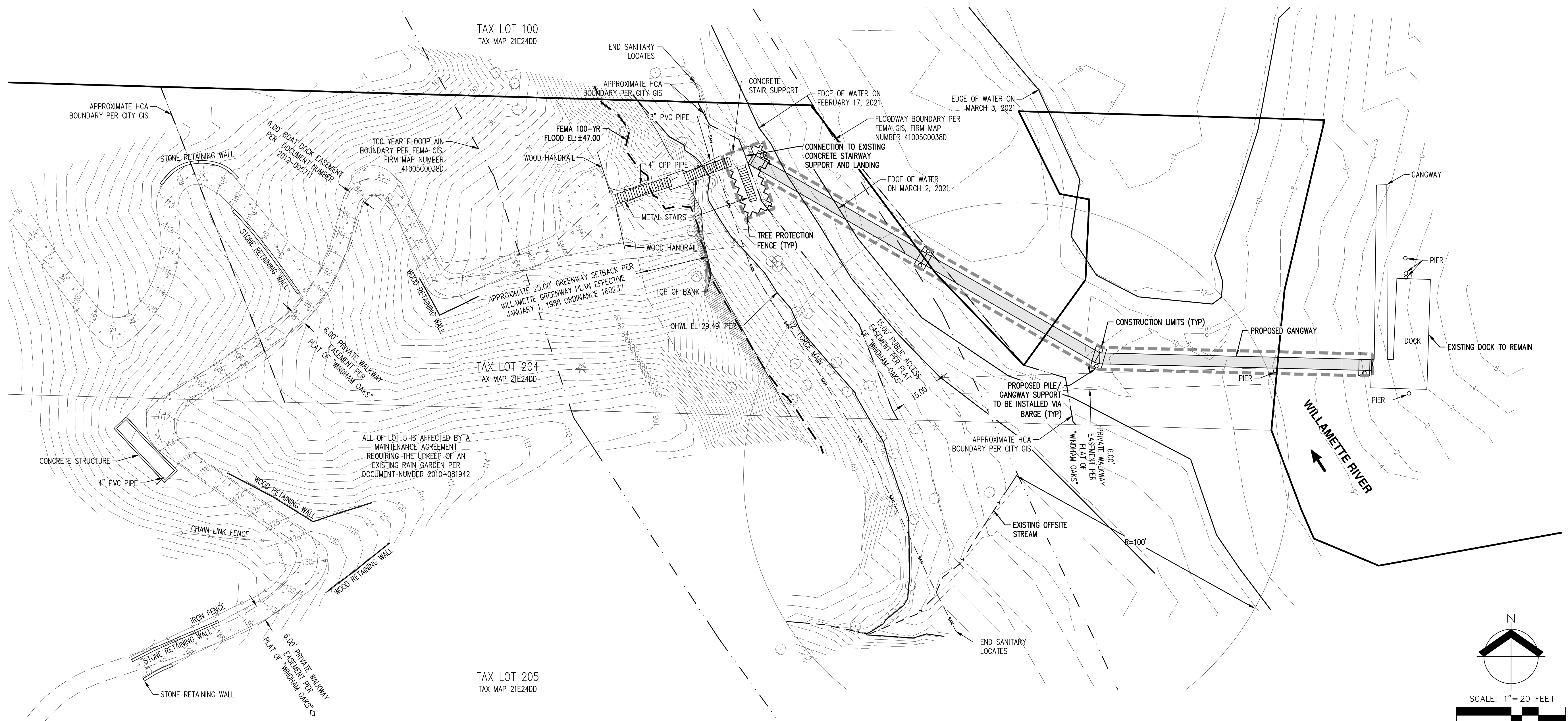
DESIGNED BY: RB  
 DRAWN BY: RB  
 MANAGED BY: RB  
 CHECKED BY: NSW  
 DATE: 3/23/2021

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
  
 OREGON  
 JANUARY 9, 2007  
 NICK WHITE  
 706521S  
 RENEWS: 6/30/22

REVISIONS  
 JOB NUMBER  
**8402**  
 SHEET  
**P02**

AKS DRAWING FILE: 8402\_C002\_EXCOND.DWG | LAYOUT: P02





- NOTES:
- CHAIN LINK FENCE FOR TREE PROTECTION DEVICE OR APPROVED EQUAL.
  - AVOID DAMAGE TO CRITICAL ROOT ZONE. DO NOT DAMAGE OR SEVERE LARGE ROOTS WHEN INSTALLING POSTS.
  - DEVICE SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.

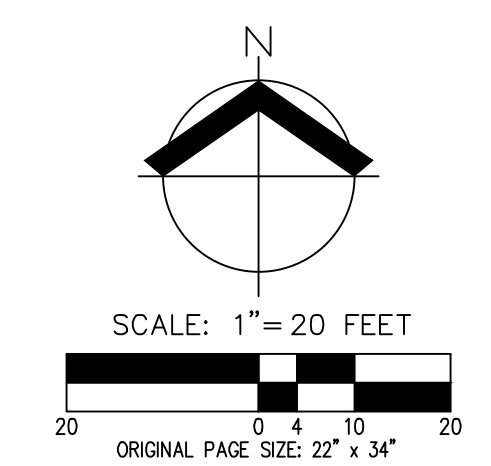
**TREE PROTECTION FENCE**

**EROSION AND SEDIMENT CONTROL GENERAL NOTES:**

- APPROVAL OF THIS EROSION AND SEDIMENT CONTROL PLAN DOES NOT CONSTITUTE AN APPROVAL OF PERMANENT ROAD OR DRAINAGE DESIGN (E.G., SIZE AND LOCATION OF ROADS, PIPES, RESTRICTORS, CHANNELS, RETENTION FACILITIES, UTILITIES, ETC.)
- THE IMPLEMENTATION OF THIS ESCPC AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT, AND UPGRADING OF THESE ESCPC FACILITIES IS THE RESPONSIBILITY OF THE APPLICANT/CONTRACTOR UNTIL ALL CONSTRUCTION IS COMPLETED AND APPROVED AND VEGETATION/LANDSCAPING IS ESTABLISHED.
- THE BOUNDARIES OF THE CLEARING LIMITS SHOWN ON THIS PLAN SHALL BE CLEARLY FLAGGED IN THE FIELD PRIOR TO CONSTRUCTION. DURING THE CONSTRUCTION PERIOD, NO DISTURBANCE BEYOND THE FLAGGED CLEARING LIMITS SHALL BE PERMITTED. THE FLAGGING SHALL BE MAINTAINED BY THE APPLICANT/CONTRACTOR FOR THE DURATION OF CONSTRUCTION.
- THE ESCPC FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES, AND IN SUCH A MANNER AS TO INSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT ENTER THE DRAINAGE SYSTEM, ROADWAYS, OR VIOLATE APPLICABLE WATER STANDARDS.
- THE ESCPC FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE ESCPC FACILITIES SHALL BE UPGRADED AS NEEDED FOR UNEXPECTED STORM EVENTS AND TO ENSURE THAT SEDIMENT AND SEDIMENT-LADEN WATER DO NOT LEAVE THE SITE.
- THE ESCPC FACILITIES SHALL BE INSPECTED DAILY BY THE APPLICANT/CONTRACTOR AND MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONING.
- THE ESCPC FACILITIES ON INACTIVE SITES SHALL BE INSPECTED AND MAINTAINED A MINIMUM OF ONCE A MONTH OR WITHIN THE 24 HOURS FOLLOWING A STORM EVENT.
- STABILIZED CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES MAY BE REQUIRED TO INSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.

**GENERAL CONSTRUCTION NOTES:**

- CONSTRUCTION & STAGING WILL BE FROM THE WILLAMETTE RIVER VIA BARGE.
- GANGWAY WILL CONNECT TO AN EXISTING CONCRETE STAIRWAY AND LANDING.
- NO SITE ONSITE GRADING IS PROPOSED AS PART OF THIS PROJECT.
- ALL DOCK AND GANGWAY CONSTRUCTION WILL TAKE PLACE FROM THE WILLAMETTE RIVER WITH THE CONTRACTOR UTILIZING A WORK BOAT. THEREFORE, CONSTRUCTION INGRESS AND EGRESS LOCATIONS WILL NOT APPLY.
- ALL EQUIPMENT MANEUVERING AREAS WILL BE LIMITED TO THE WILLAMETTE RIVER AS ALL CONSTRUCTION WILL BE DONE FROM THE WORK BOAT.
- STAGING AND CONSTRUCTION MATERIALS WILL BE LOCATED ON THE WORK BOAT THEREFORE A TEMPORARY STORAGE AND STAGING AREA IS NOT REQUIRED.
- GROUND DISTURBANCE WILL ONLY BE PRESENT AT THE PROPOSED PILE LOCATIONS. EACH PILE WILL BE INSTALLED WITH A CRANE FROM THE WILLAMETTE RIVER.
- NO TREE REMOVAL IS ANTICIPATED AS PART OF THIS PROJECT.



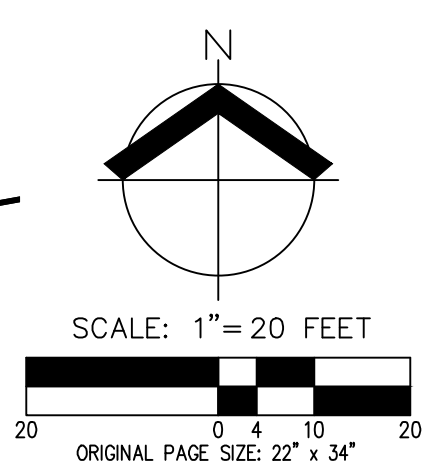
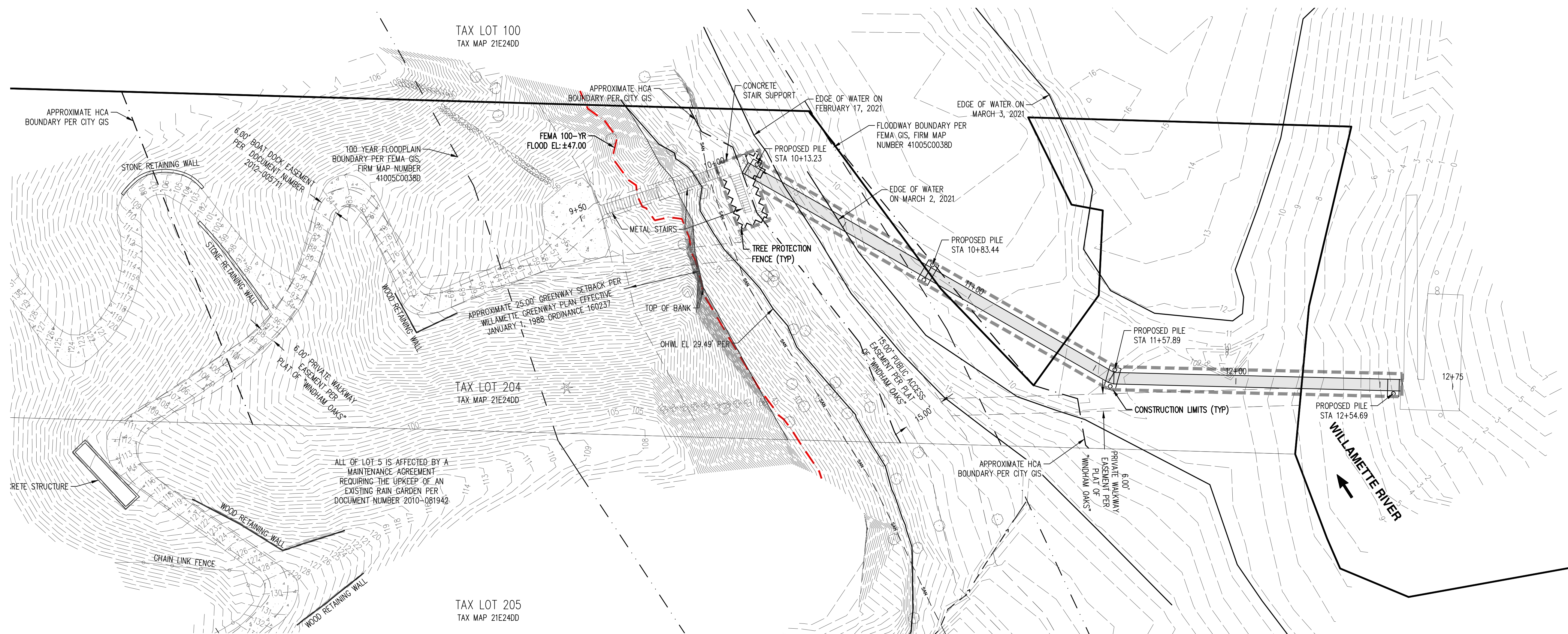
**LEGEND**

- EXISTING GROUND CONTOUR (2 FT) - - - - -
- EXISTING GROUND CONTOUR (10 FT) - - - - -
- CONSTRUCTION LIMITS - - - - -
- TREE PROTECTION FENCE - - - - -

DESIGNED BY: GSH  
 DRAWN BY: GSH  
 MANAGED BY: JMM  
 CHECKED BY: JMM  
 DATE: 09/29/2021

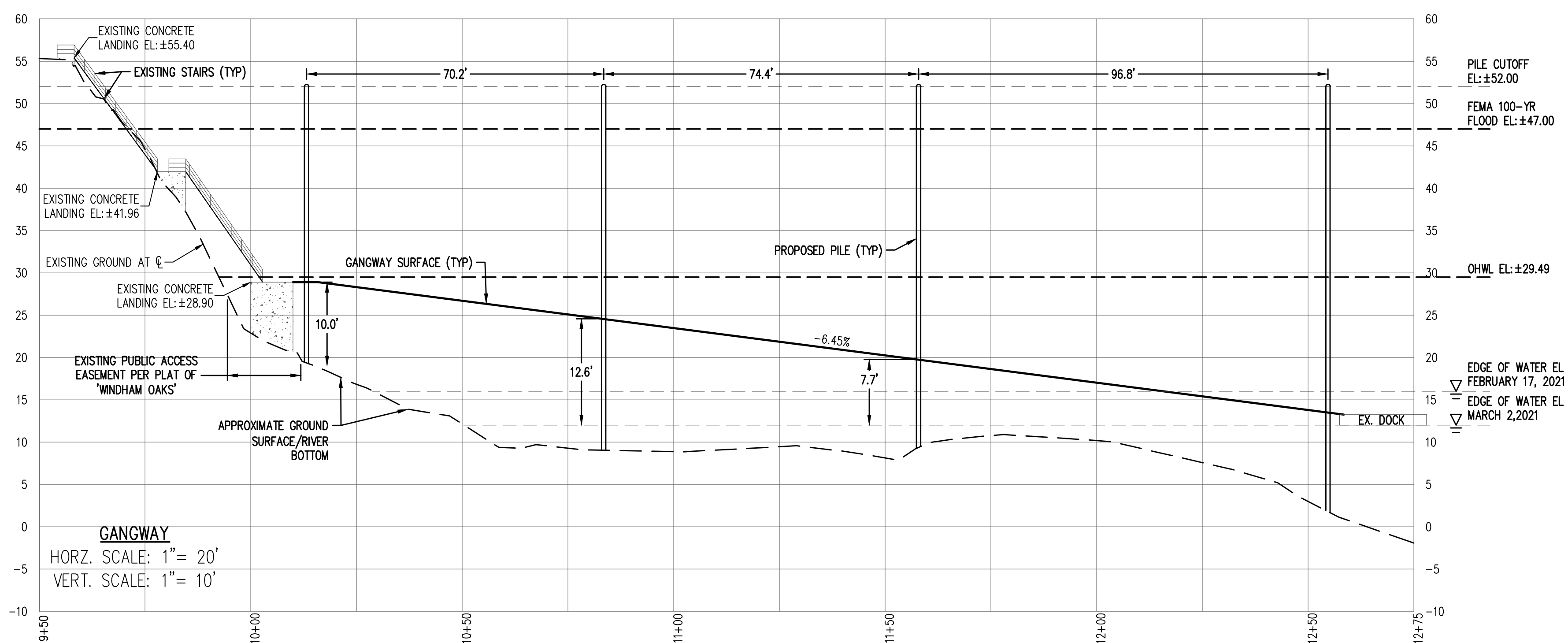
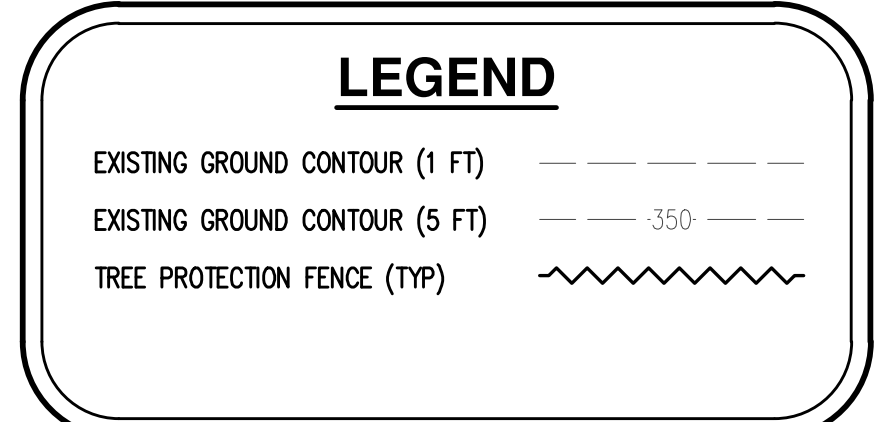
**REVIEW**  
 COPY  
 ATTHON M. MARR

RENEWAL DATE: 12/31/2022  
 REVISIONS:



**GENERAL NOTES:**

- GANGWAY DECKING WILL CONSIST OF 50% OPEN AREA GRATING.
- THE TOTAL REMOVAL/FILL FOR EACH 12-INCH PILING IS 0.785 CU. FT PER PILE. ASSUMING EACH 12-INCH PILING REQUIRES 10-FT OF EMBEDMENT, THE ESTIMATED FILL WITHIN THE 100-YEAR FLOOD BOUNDARY IS ±47.1 CU FT (±1.71 CY). (0.785F) x (10FT) x (6PILES) = 47.1. HOWEVER, THIS VALUE IS HIGHLY VARIABLE AND DEPENDS ON SUBSURFACE SOIL CONDITIONS.
- CONSTRUCTION & STAGING WILL BE FROM THE RIVER AND MINIMAL SOIL DISTURBANCE (ASSOCIATED WITH THE INSTALLATION OF PILES) IS ANTICIPATED.



AKS DRAWING FILE: 8402\_C100\_SITE.DWG | LAYOUT: P04

## **Exhibit B:** **Development Review Applications**

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

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Clackamas County Official Records  
Sherry Hall, County Clerk

**2020-023863**

04/06/2020 09:00:09 AM

D-D Cnt=1 Stn=76 CONNIE  
\$15.00 \$16.00 \$10.00 \$62.00

**\$103.00**

Commitment Number: 26425474  
Seller's Loan Number: 60251361901

After Recording Return To:  
ServiceLink  
1355 Cherrington Parkway  
Moon Township, PA 15108

**Grantee(s) Tax-Mailing Address:**  
**2115 Windham Oaks Ct., West Linn, OR 97068**

**PROPERTY APPRAISAL (TAX/APN) PARCEL IDENTIFICATION NUMBER**  
**01642235**

---

### **QUITCLAIM DEED**

**Jordi X. Kellogg and Lisa H. Kellogg, trustees of the Jordi X. Kellogg and Lisa H. Kellogg Trust, executed the 1 day of August, whose mailing address is 2115 Windham Oaks Ct., West Linn, OR 97068, hereinafter grantors, for \$0.00 (Zero Dollars and Zero Cents) in consideration paid, grant and quitclaim to Jordi X. Kellogg and Lisa H. Kellogg, a married couple, as tenants by the entirety, hereinafter grantees, whose tax mailing address is 2115 Windham Oaks Ct., West Linn, OR 97068, with quitclaim covenants, all right, title, interest and claim to the following land in the following real property:**

**All of Lot 5, Plat of Windham Oaks, Clackamas County Plat Records located in the, Southeast quarter of Section 24, Township 2 South, Range 1 East of the Willamette Meridian,**



**in the City of West Linn, County of Clackamas and State of Oregon. Excepting: A portion of Lot 5, Plat of Windham Oaks, Clackamas County Plat Records located in the Southeast quarter of Section 24, Township 2 South, Range 1 East, of the Willamette Meridian, in the City of West Linn, County of Clackamas and State of Oregon, being more particularly described as follows: Beginning at a 5/8 inch iron rod with Yellow Plastic Cap marked "Tetsuka Assoc., Inc.," on the Northerly line of said Lot 5, Plat of Windham Oaks, said point bears North 78 degrees 03' 55" East, 27.84 feet from the Northwest corner of said Lot 5; thence leaving said Northerly line South 56 degrees 56' 05" East, 4.67 feet to a point being 3.3 feet Southerly of said Northerly line of Lot 5, when measured perpendicular thereto and a 5/8 inch iron rod with Yellow Plastic Cap marked "Tetsuka Assoc., Inc."; thence parallel to said Northerly line North 78 degrees 03' 55" East, 42.70 feet to a 5/8 inch iron rod with yellow plastic cap marked "Tetsuka Assoc., Inc."; thence leaving said parallel line North 33 degrees 03' 55" East, 4.67 feet to said Northerly line of Lot 5 and a 5/8 inch iron rod with Yellow Plastic Cap marked "Tetsuka Assoc., Inc."; thence along said Northerly line South 78 degrees 03' 55" West, 49.30 feet to the point of beginning. Assessor's Parcel No: 01642235 Property Address is: 2115 Windham Oaks Ct., West Linn, OR 97068**

Prior instrument reference: 2013-066861

Seller makes no representations or warranties, of any kind or nature whatsoever, other than those set out above, whether expressed, implied, implied by law, or otherwise, concerning the condition of the title of the property prior to the date the seller acquired title.

The real property described above is conveyed subject to and with the benefit of: All easements, covenants, conditions and restrictions of record; in so far as in force applicable.

The real property described above is conveyed subject to the following: All easements, covenants, conditions and restrictions of record; All legal highways; Zoning, building and other laws, ordinances and regulations; Real estate taxes and assessments not yet due and payable; Rights of tenants in possession.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien equity and claim whatsoever of the said grantors, either in law or equity, to the only proper use, benefit and behalf of the grantees forever.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE

PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Executed by the undersigned on 3-26, 2020:

Jordi X. Kellogg  
Jordi X. Kellogg, trustee of the Jordi X. Kellogg and Lisa H. Kellogg Trust, executed the 1 day of August

Lisa H. Kellogg  
Lisa H. Kellogg, trustee of the Jordi X. Kellogg and Lisa H. Kellogg Trust, executed the 1 day of August

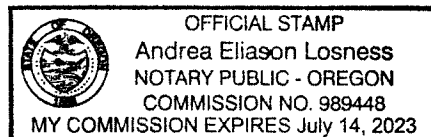
STATE OF Oregon  
COUNTY OF Clackamas

The foregoing instrument was acknowledged before me on March 26, 2020 by **Jordi X. Kellogg, trustee of the Jordi X. Kellogg and Lisa H. Kellogg Trust, executed the 1 day of August** and **Lisa H. Kellogg, trustee of the Jordi X. Kellogg and Lisa H. Kellogg Trust, executed the 1 day of August** who are personally known to me or have produced Drivers Licenses as identification, and furthermore, the aforementioned persons have acknowledged that their signatures were their free and voluntary act for the purposes set forth in this instrument.

Andrea Eliason Losness  
Notary Public

This instrument prepared by:

Jay A. Rosenberg, Esq., Member Oregon Bar, Rosenberg LPA, Attorneys At Law, 3805 Edwards Road, Suite 550, Cincinnati, Ohio 45209 (513) 247-9605 Fax: (866) 611-0170.



**Exhibit D:**  
**Clackamas County Assessor's Map**

---

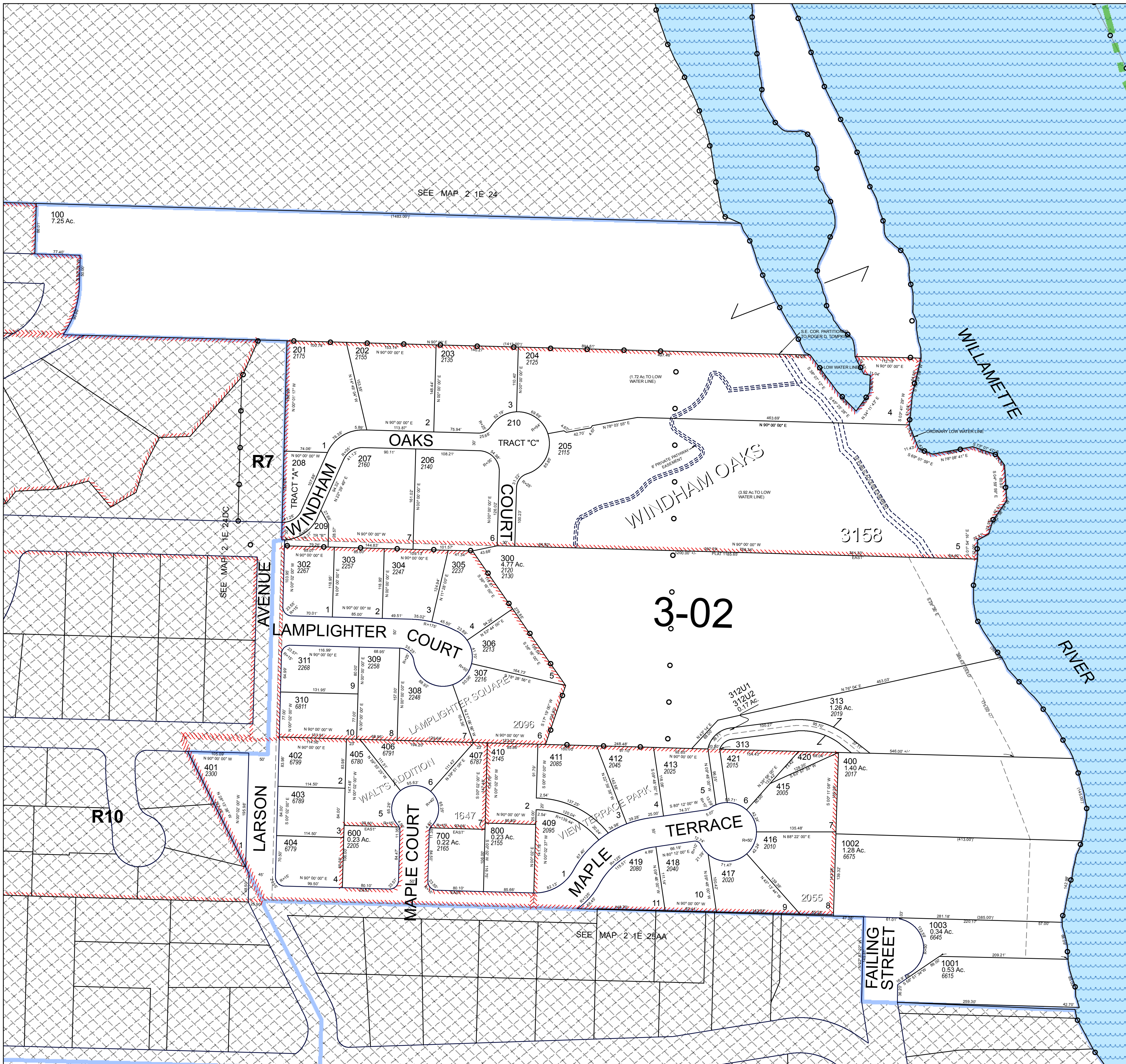
2 1 E 24 DD  
WEST LINN

S.E.1/4 S.E.1/4 SEC.24 T.2S. R.1E. W.M.  
Clackamas County  
1" = 100'

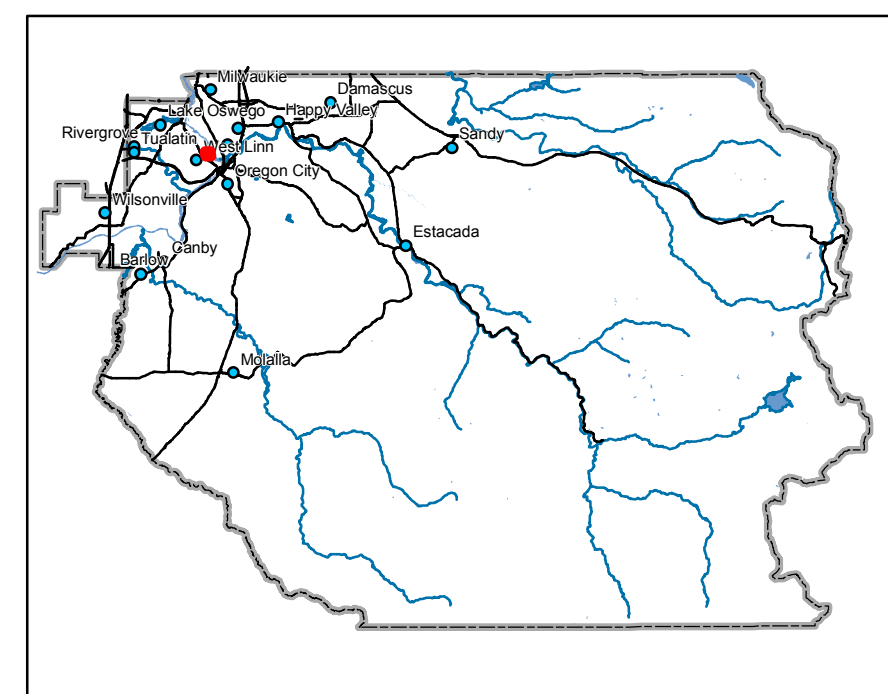
D.L.C.  
D.D. TOMPKINS NO. 61

Cancelled Taxlots

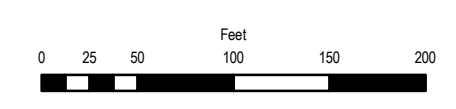
- 408
- 500
- 900
- 301
- 1000
- 200
- 414
- 1004



- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT  
PURPOSES ONLY



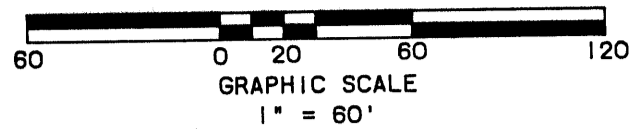
2/22/2012

2 1 E 24 DD  
WEST LINN

103/10

# WINDHAM OAKS

IN THE D.D. TOMPKINS D.L.C. NO. 61  
AND THE SE 1/4 OF SECTION 24, TOWNSHIP 2 SOUTH,  
RANGE 1 EAST, W.M., CITY OF WEST LINN,  
CLACKAMAS COUNTY, OREGON  
SCALE: 1"=60' SURVEYED: NOVEMBER, 1994  
FOR WINDSOR DEVELOPMENT, INC.

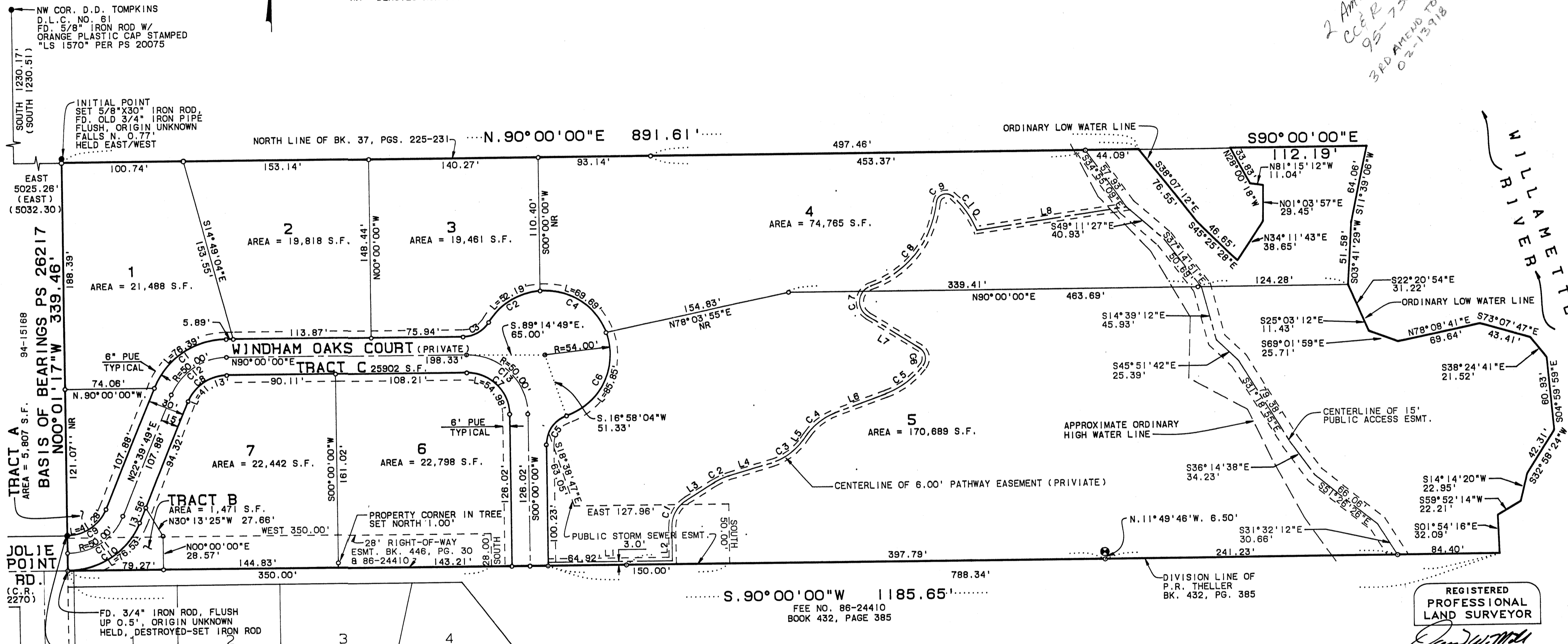


- LEGEND**
- DENOTES SET 5/8"x30" IRON ROD W/ YELLOW PLASTIC CAP STAMPED "W. B. WELLS & ASSOC., INC." MONUMENTS SET ON 1-12-95
  - DENOTES MONUMENT FOUND AS NOTED
  - ⊙ DENOTES GEODETIC MONUMENT STATION NO. 1260, NAMED "THELLER" FOUND 3-1/2" BRASS DISC STAMPED "THELLER 1962" ON 3" CAST IRON PIPE. INITIAL POINT TO THELLER BEARS S.68°48'00"E., 921.16'
  - PUE PUBLIC UTILITY EASEMENT
  - ( ) DENOTES DEED DATA
  - NR DENOTES NON-RADIAL

**CURVE TABLE**

#	RADIUS	DELTA	LENGTH	CH. BEARING	DISTANCE
C1	65.00'	67°20'11"	76.39'	S56°19'55"W	72.07'
C2	54.00'	55°22'21"	52.19'	S58°49'38"W	50.18'
C3	25.00'	58°51'33"	25.68'	S60°34'14"W	24.57'
C4	54.00'	73°56'51"	69.69'	S56°30'46"E	64.96'
C5	25.00'	71°32'51"	31.22'	N35°46'25"E	29.23'
C6	54.00'	91°05'13"	85.85'	N26°00'14"E	77.09'
C7	35.00'	90°00'00"	54.98'	N45°00'00"W	49.50'
C8	35.00'	67°20'11"	41.13'	N56°19'55"E	38.81'
C9	35.00'	67°34'45"	41.28'	N56°27'12"E	38.93'
C10	65.00'	67°27'26"	76.53'	S56°23'32"W	72.18'
C11	50.00'	67°30'00"	58.90'	N56°24'49"E	55.56'
C12	50.00'	67°20'11"	58.76'	N56°19'55"E	55.44'
C13	50.00'	90°00'00"	78.54'	S45°00'00"E	70.71'

*2 Amend to CCR 95-73592 3RD AMEND TO CCR 02-13918*



3/58 2/E 2400 20/-2/0

**PATHWAY EASEMENT DATA**

CURVE TABLE #	RADIUS	DELTA	LENGTH	CH. BEARING	DISTANCE	LINE TABLE #	BEARING	DISTANCE
C1	25.00'	58°53'39"	25.70'	N29°26'49"E	24.58'	L1	N90°00'00"E	102.92'
C2	50.00'	15°07'17"	13.20'	N66°27'17"E	13.16'	L2	N00°00'00"E	28.89'
C3	50.00'	37°39'04"	32.86'	N55°11'24"E	32.27'	L3	N58°53'39"E	27.55'
C4	50.00'	33°30'22"	29.24'	N53°07'03"E	28.82'	L4	N74°00'56"E	36.84'
C5	70.00'	32°28'29"	39.68'	N53°37'59"E	39.15'	L5	N36°21'52"E	6.35'
C6	10.00'	94°35'34"	16.51'	N09°54'02"W	14.70'	L6	N69°52'14"E	44.79'
C7	14.00'	128°05'50"	31.30'	N06°51'08"E	25.18'	L7	N57°11'49"W	51.19'
C8	83.54'	63°34'27"	92.69'	N39°06'47"E	88.01'	L8	N82°02'43"E	125.37'
C9	8.00'	125°25'07"	17.51'	N70°02'07"E	14.22'			
C10	81.61'	24°19'15"	34.64'	S35°05'42"E	34.38'			

REGISTERED PROFESSIONAL LAND SURVEYOR

David W. Mills  
OREGON  
JULY 18, 1980  
DAVID W. MILLS  
1915

EXPIRES: 12-31-98  
I HEREBY CERTIFY THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

**WVA**  
W.B. WELLS AND ASSOCIATES, INC.  
SURVEYORS/ENGINEERS/PLANNERS  
4230 N.E. FREMONT STREET  
PORTLAND, OREGON 97213  
PHONE (503) 284-5896  
FAX (503) 284-8530

COUNTY SURVEYOR'S COPY

FILE NO. 94-130  
(SHEET 1 OF 2)  
3/58

# WINDHAM OAKS

103/10

IN THE D.D. TOMPKINS D.L.C. NO. 61  
AND THE SE 1/4 OF SECTION 24, TOWNSHIP 2 SOUTH,  
RANGE 1 EAST, W.M., CITY OF WEST LINN,  
CLACKAMAS COUNTY, OREGON  
SURVEYED: NOVEMBER, 1994

## NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO SUBDIVIDE THAT TRACT OF LAND RECORDED IN FEE NO. 91-60436, THE BASIS OF BEARINGS AND BOUNDARY RESOLUTION IS PER A SURVEY BY W.B. WELLS & ASSOC., INC. RECORDED AS P.S. 26217.

## SURVEYOR'S CERTIFICATE

I, DAVID W. MILLS, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, ACCORDING TO CHAPTER 92 OF O.R.S., THE LAND REPRESENTED ON THE ANNEXED MAP OF "WINDHAM OAKS", AND AT THE 'INITIAL POINT' I SET A 5/8" DIAMETER BY 30 INCH LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "W.B. WELLS & ASSOC., INC.", SAID INITIAL POINT BEARS SOUTH, A DISTANCE OF 1230.17 FEET AND EAST, A DISTANCE OF 5025.26 FEET FROM THE NORTHWEST CORNER OF THE D.D. TOMPKINS D.L.C. NO. 61; THENCE FROM SAID INITIAL POINT ALONG THE NORTH LINE OF THE JOSEPHUS TOMPKINS TRACT OF LAND AS SET FORTH IN PARTITION SUIT RECORDED MARCH 14, 1890 IN BOOK 37, PAGES 225 TO 231, INCLUSIVE, CLACKAMAS COUNTY RECORDS, NORTH 90°00'00" EAST, A DISTANCE OF 891.61 FEET TO THE ORDINARY LOW WATER LINE OF THE WILLAMETTE RIVER; THENCE ALONG SAID LOW WATER LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH 38°07'12" EAST, A DISTANCE OF 76.55 FEET; THENCE SOUTH 45°25'28" EAST, A DISTANCE OF 46.65 FEET; THENCE NORTH 34°11'43" EAST, A DISTANCE OF 38.65 FEET; THENCE NORTH 1°03'57" EAST, A DISTANCE OF 29.45 FEET; THENCE NORTH 81°15'12" WEST, A DISTANCE OF 11.04 FEET; THENCE NORTH 28°00'18" WEST, A DISTANCE OF 33.83 FEET TO THE NORTH LINE OF SAID JOSEPHUS TOMPKINS TRACT; THENCE ALONG SAID NORTH LINE, NORTH 90°00'00" EAST, A DISTANCE OF 112.19 FEET TO SAID ORDINARY LOW WATER LINE; THENCE ALONG SAID ORDINARY LOW WATER LINE THE FOLLOWING COURSES AND DISTANCES, SOUTH 11°39'06" WEST, A DISTANCE OF 64.06 FEET; THENCE SOUTH 03°41'29" WEST, A DISTANCE OF 51.58 FEET; THENCE SOUTH 22°20'54" EAST, A DISTANCE OF 11.22 FEET; THENCE SOUTH 25°03'12" EAST, A DISTANCE OF 11.43 FEET; THENCE SOUTH 69°01'59" EAST, A DISTANCE OF 25.71 FEET; THENCE NORTH 78°08'41" EAST, A DISTANCE OF 69.64 FEET; THENCE SOUTH 73°07'47" EAST, A DISTANCE OF 43.41 FEET; THENCE SOUTH 38°24'41" EAST, A DISTANCE OF 21.52 FEET; THENCE SOUTH 04°59'59" EAST, A DISTANCE OF 60.93 FEET; THENCE SOUTH 32°58'24" WEST, A DISTANCE OF 42.31 FEET; THENCE SOUTH 14°14'20" WEST, A DISTANCE OF 22.95 FEET; THENCE SOUTH 59°52'14" WEST, A DISTANCE OF 22.21 FEET; THENCE SOUTH 01°54'16" EAST, A DISTANCE OF 32.09 FEET TO THE DIVISION LINE OF THE TRACT OF LAND CONVEYED TO P.R. THELLER FROM AVERY W. ROBACKER, ET UX AND RECORDED JUNE 5, 1950, IN BOOK 432, PAGE 585 OF SAID DEED RECORDS; THENCE ALONG SAID DIVISION LINE, SOUTH 90°00'00" WEST, A DISTANCE OF 1185.65 FEET TO THE NORTHWEST CORNER OF SAID P.R. THELLER TRACT; THENCE NORTH 00°01'17" WEST, A DISTANCE OF 339.46 FEET TO THE INITIAL POINT.

CONTAINING 8.83 ACRES, MORE OR LESS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*David W. Mills*

OREGON  
JULY 19, 1890  
DAVID W. MILLS  
1915

EXPIRES: 12-31-96

I HEREBY CERTIFY THIS IS  
A TRUE AND EXACT COPY  
OF THE ORIGINAL PLAT

## CONSENT AFFIDAVITS

A SUBDIVISION PLAT CONSENT AFFIDAVIT FROM FIRST INTERSTATE BANK OF OREGON, A STATE BANKING CORPORATION, A TRUST DEED BENEFICIARY, HAS BEEN RECORDED AS DOCUMENT NO. 95-4367, CLACKAMAS COUNTY DEED RECORDS.

A SUBDIVISION PLAT CONSENT AFFIDAVIT FROM GREGORY E. AND SUSAN A. DANIALS, TRUST DEED BENEFICIARIES, HAS BEEN RECORDED AS DOCUMENT NO. 95-4365, CLACKAMAS COUNTY DEED RECORDS.

A SUBDIVISION PLAT CONSENT AFFIDAVIT FROM VICTOR E. AND CYNTHIA H. COOMBS, TRUST DEED BENEFICIARIES, HAS BEEN RECORDED AS DOCUMENT NO. 94-81002, CLACKAMAS COUNTY DEED RECORDS.  
95-4366

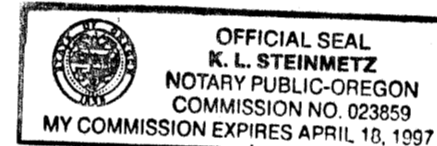
## DECLARATION

KNOW ALL MEN BY THESE PRESENTS: THAT WINDSOR DEVELOPMENT, INC., AN OREGON CORPORATION, DOES HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED MAP OF "WINDHAM OAKS" AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE TO BE A TRUE AND CORRECT MAP AND PLAT THEREOF, ALL LOTS AND TRACTS BEING OF THE DIMENSIONS SHOWN AND ALL STREETS AND EASEMENTS BEING OF THE WIDTHS THEREON SET FORTH AND THE ABOVE NAMED DOES HEREBY DEDICATE TO THE PUBLIC ALL EASEMENTS AS SHOWN OR AS NOTED THEREON FOR PUBLIC USE FOREVER, TRACTS 'A' AND 'B' WHICH IS NOTED AS COMMON AREA, AND IS MAINTAINED AS SET FORTH IN THE COVENANTS, CONDITIONS AND RESTRICTIONS. TRACT 'C' IS A NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT, WHICH IS MAINTAINED AS SET FORTH IN SAID COVENANTS, CONDITIONS AND RESTRICTIONS. THERE ARE NO WATER RIGHTS APPURTENANT TO THIS PROPERTY. THE DECLARANT HAS CAUSED THIS SUBDIVISION PLAT TO BE PREPARED AND THE PROPERTY TO BE SUBDIVIDED WITH THE PROVISIONS OF O.R.S. CHAPTER 92.

WINDSOR DEVELOPMENT, INC.  
BY *[Signature]*  
VICTOR E. COOMBS

## ACKNOWLEDGEMENT

STATE OF OREGON )  
                          )SS  
COUNTY OF CLACKAMAS )



BE IT REMEMBERED THAT ON THIS 30 DAY OF November, 1994 BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED VICTOR E. COOMBS, FIRST BEING DULY SWORN, DID DEPOSE AND SAY THAT HE IS THE PRESIDENT OF WINDSOR DEVELOPMENT, INC., AN OREGON CORPORATION, AND THAT HIS SIGNATURE AFFIXED TO THE FOREGOING INSTRUMENT BY AUTHORITY OF ITS BOARD OF DIRECTORS IS THE FREE ACT AND DEED OF SAID CORPORATION.

*[Signature]*  
NOTARY PUBLIC IN AND FOR THE STATE OF OREGON,  
MY COMMISSION EXPIRES April, 18, 1997

## NOTES

- SUBJECT TO CONDITIONS IN THE FINAL DECISION, CITY OF WEST LINN FILE NOS. ZC-91-05/ SUB-91-05/ VAR-91-04.
- SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AS DOCUMENT NO. 94-081087, AND AS AMENDED BY DOCUMENT NO. 94-093139 CLACKAMAS COUNTY RECORDS.
- TRACTS 'A' AND 'B' ARE COMMON AREAS AND SHALL BE OWNED AND MAINTAINED BY THE WINDHAM OAKS HOMEOWNERS ASSOCIATION IN ACCORDANCE WITH THE TERMS DESCRIBED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS NOTED IN ITEM 3 ABOVE.
- TRACT 'C' IS COMMON AREA AND SHALL BE OWNED AND MAINTAINED BY THE WINDHAM OAKS HOMEOWNERS ASSOCIATION IN ACCORDANCE WITH THE TERMS DESCRIBED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS NOTED IN ITEM 3 ABOVE, FOR THE PURPOSE OF INGRESS, EGRESS AND PUBLIC AND PRIVATE UTILITY EASEMENT.
- THE PATHWAY EASEMENT IS FOR THE BENEFIT OF AND MAINTAINED BY THE WINDHAM OAKS HOMEOWNERS ASSOCIATION IN ACCORDANCE WITH THE TERMS DESCRIBED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS NOTED IN ITEM 3 ABOVE.
- A 6.0' PUBLIC UTILITY EASEMENT SHALL BE OVER THE FRONT OF EACH LOT ABUTTING TRACT 'C'.

## APPROVALS

APPROVED December 12, 1994

*[Signature]*  
CITY OF WEST LINN - PLANNING DIRECTOR

APPROVED January 20, 1995

*[Signature]*  
CITY OF WEST LINN - CITY SURVEYOR  
DEHAAS & ASSOCIATES, INC.

APPROVED January 24th, 1995

*[Signature]*  
CITY OF WEST LINN - CITY ENGINEER

\*\*\*\*\*  
APPROVED FOR O.R.S. 209.250 ONLY

January 23, 1995

*[Signature]*  
CLACKAMAS COUNTY SURVEYOR

DEPUTY *[Signature]*

APPROVED \_\_\_\_\_, 199\_\_

CLACKAMAS COUNTY COMMISSIONER

APPROVED January 24, 1995

*[Signature]*  
CLACKAMAS COUNTY COMMISSIONER

APPROVED January 24, 1995

*[Signature]*  
CLACKAMAS COUNTY COMMISSIONER

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY ORS 92.095 HAVE BEEN PAID THROUGH  
(DATE) June 30, 1995

APPROVED January 24th, 1995

*[Signature]*  
ASSESSOR AND TAX COLLECTOR

*[Signature]*  
DEPUTY

*[Signature]*  
DEPUTY

STATE OF OREGON )  
                          )SS  
COUNTY OF CLACKAMAS )

I DO HEREBY CERTIFY THAT THE ATTACHED

PLAT WAS RECEIVED FOR RECORD ON THE 24

DAY OF January, 1995

AT 2:20 O'CLOCK P.M.

*[Signature]*  
CLACKAMAS COUNTY CLERK

BY *[Signature]*  
DEPUTY

W.B. WELLS AND ASSOCIATES, INC.  
SURVEYORS/ENGINEERS/PLANNERS  
4230 N.E. FREMONT STREET  
PORTLAND, OREGON 97213  
PHONE (503) 284-5896  
FAX (503) 284-8530

# COUNTY SURVEYOR'S COPY

FILE NO. 94-130  
(SHEET 2 OF 2)

3158

**Exhibit E:**  
**Pre-Application Conference Summary**

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**City of West Linn**  
**PRE-APPLICATION CONFERENCE**  
**MEETING SUMMARY NOTES**  
**November 4, 2020**

**SUBJECT:** Construction of a new gangway to access an existing joint use boat dock at 2115/2125 Windam Oaks Ct.

**FILE:** PA-20-12

**ATTENDEES:** Applicant: Zach Pelz (AKS), Alex Fonseca, Jon Morse (AKS), and Greg Harris (AKS)  
Staff: Jennifer Arnold (Planning); Amy Pepper (Engineering)  
Public: None

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*The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.*

**Site Information**

Site Address: 2115/2125 Windam Oaks Ct.  
Tax Lot No.: 21E 24DD 00205 & 00204  
Site Area: 5.6 acres  
Zoning: Single-Family Residential Attached, R- 10 & Single-Family Residential Detached and Attached, R-7  
Neighborhood: Bolton  
Applicable Code: **CDC Chapter 11:** Single-Family Residential Detached, R-10  
**CDC Chapter 12:** Single-Family Residential Detached and Attached, R-7  
**CDC Chapter 27:** Flood Management Areas  
**CDC Chapter 28:** Willamette and Tualatin River Protection

**Project Details:** The applicant proposes a new gangway to an existing joint use dock on the Willamette River. The area of the proposed gangway is within the Willamette River Greenway protection, Habitat Conservation, and flood management area. The gangway will cross the property line from 2115 Windam Oaks Ct onto 2125 Windam Oaks Ct.

**Process:** The applicant proposes a new gangway to an existing joint use dock on the Willamette River. This area of the property where the gangway will be located is in the 100 year floodplain and floodway, thus will need to apply for a flood management permit. Docks and gangways are permitted uses. The proposed location crosses a sewer easement that will need to be surveyed to locate the sewer line. No structural supports can be located within the easement and any aspect of the Gangway over the easement must be designed for easy access to the utility. The area of the proposed gangway is also located within the Willamette River Greenway and Habitat Conservation area. For the proposal, address the submittal requirements and standards for decision making in the Community Development Code (CDC) chapters 11, 12, 27, and 28. The applicant will need to submit a letter from an engineer certifying that the proposal does not increase the base flood level per FEMA standards. For the Flood Management Area permit, a written narrative addressing the requirements of CDC Chapter 27 is required and the deposit fee of \$1,050. The applicant will need to address the requirements in CDC Chapter 28 in a narrative. The deposit fee for the Willamette River Greenway permit is \$1,700. An easement between the two properties is required to be submitted with the application showing the gangway is permitted to cross property lines. The CDC is online at <http://westlinnoregon.gov/cdc>. The application form must be signed by the property



owners of both properties.

N/A is not an acceptable response to the approval criteria. The submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Manager and must identify the specific grounds for that waiver.

Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

Once the submittal is declared complete, staff will send out public notice of the anticipated Planning Manager's decision date at least 20 days before it occurs. A sign posted on the site. The Planning Manager's decision may be appealed to City Council by the applicant or anyone with standing.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

***Typical land use applications can take 6-10 months from beginning to end.***

**DISCLAIMER:** This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application ***or provide any assurance of potential outcomes.*** Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. ***A new pre-application conference would have to be scheduled one that period lapses and these notes would no longer be valid. Any changes to the CDC standards may require a different design or submittal.***

**Exhibit F:**  
Certified Engineer Letter

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September 29, 2021

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

**RE: 2115/2125 Windham Oaks Court – Gangway Construction Qualitative No Rise Analysis**

Dear Planning Staff:

The purpose of this letter is to address the City's no-rise analysis requirement (see code section below) as it relates to the new gangway structure and associated steel piles in the Willamette River and associated floodplain located at 2115/2125 Windham Oaks Court in West Linn OR.

*27.060 (F) Prohibit encroachments, including fill, new construction, substantial improvements, and other development in floodways unless certification by a professional civil engineer licensed to practice in the State of Oregon is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge*

The new gangway structure will be constructed between an existing boat dock and an existing pedestrian pathway along the bank of the Willamette River. The gangway will require 6-8 steel piles to be installed below the base flood elevation to secure the gangway structure in place. The piles will be driven into the ground at various locations. The steel piles have a diameter of approximately 1ft and will create a negligible cross-sectional impact to the greater Willamette River floodway. Also, balancing fills associated with piles placed in the floodway with a compensatory cut volume will not be necessary since river water will be allowed to infiltrate the interior of the pile, therefore fill volume is negligible.

It is also worth noting that the existing boat dock is currently secured in place with similar driven piles. Additionally, the new piles installed to secure the planned gangway will utilize float boxes to allow the gangway to self-adjust with the existing dock and changing water elevations to further minimize floodway impacts

AKS Engineering staff has reviewed existing site conditions and FEMA Flood Maps to analyze the potential impacts of the new gangway structure on the 100-year floodway for the Willamette River. AKS has determined that the cross-sectional impact to the floodway is very minor, and it is reasonable to conclude that any rise would be negligible and outside the tolerances of a typical HEC-RAS model.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathon Morse', written over a white background.

**AKS ENGINEERING & FORESTRY, LLC**

Jonathon Morse, PE  
12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
(503) 563-6151 | [jonm@aks-eng.com](mailto:jonm@aks-eng.com)

## **Exhibit G:** Access Easement

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Recorded By Chicago Title  
Courtesy Only. Not Examined

100212-S

98  
AFTER RECORDING  
RETURN TO:  
David P. Weiner, Esq.  
Greene & Markley, PC  
1515 SW Fifth Avenue, Suite 600  
Portland, OR 97201

Clackamas County Official Records Sherry Hall, County Clerk	2012-005711
	
01554822201200057110090099	\$87.00
02/03/2012 11:01:20 AM	
D-E	Cnt=1 Stn=5 CONNIEBRO
\$45.00 \$16.00 \$16.00 \$10.00	

### AMENDMENT TO EXISTING BOAT DOCK EASEMENT

<sup>to</sup>  
25 This Amendment to Existing Boat Dock Easement is made and entered into this day of January, 2012, by and between Gregory W. Daniels and Susan A. Daniels, husband and wife, 2125 Windham Oaks Ct. West Linn, OR 97068 ("Daniels") and Jordi X. Kellogg and Lisa H. Kellogg, Trustees of the Jordi X Kellogg and Lisa H. Kellogg Trust dated August 1, 2008, 2115 Windham Oaks Ct., West Linn, OR 97068 ("Kellogg").

WHEREAS, Daniels is the owner of Lot 4, WINDHAM OAKS, Clackamas County Plat Records, ("Lot 4"); and

WHEREAS, Kellogg is the owner of Lot 5, WINDHAM OAKS, Clackamas County Plat Records, ("Lot 5"); and

WHEREAS, pursuant to Article IV of the Second Amended and Restatement to Declaration of Covenants, Conditions and Restrictions, recorded November 28, 1995, as Clackamas County Fee No. 95-073897 (the "DEC"), a private easement for the benefits of Lots 4 and 5 exists as shown on Exhibit "B" (the "Existing Boat Dock Easement"); and

WHEREAS, pursuant to the DEC the owners of Lot 4 and Lot 5 constructed a boat dock ("Boat Dock"); and

WHEREAS, Daniels and Kellogg have agreed to vacate a portion of the Existing Boat Dock Easement and Daniels is willing to grant a new location for a portion of the Boat Dock Easement (the "New Boat Dock Easement"); and

WHEREAS, Daniels and Kellogg desire to clarify their maintenance and other responsibilities in connection with the New Boat Dock Easement and the Boat Dock;

NOW, THEREFORE, it is mutually agreed as follows:

1. The Existing Boat Dock Easement is hereby amended by vacating all portions thereof located on Lot 5.

2. Daniels hereby grants to Kellogg an exclusive New Boat Dock Easement over, across and through the area described on Exhibit "A" attached hereto and by this reference incorporated herein and as shown on Replacement Exhibit "B" and Exhibit "B-1" attached hereto and by this reference incorporated herein. In addition, Daniels hereby grants to Kellogg an exclusive easement for the use of the concrete landing connecting portions of the New Boat Dock Easement, the metal stairs with landings used as a part of the New Boat Dock Easement and the ramp from the shore to the Boat Dock (collectively, the "Improvements"), all of which are integral to the use of the New Boat Dock Easement. It is understood and agreed that pursuant to the DEC, the New Boat Dock Easement is for the sole and exclusive benefit of Lots 4 and 5. The New Boat Dock Easement and Improvements shall be used solely for access to the Boat Dock. Each party shall have the right to moor one (1) boat to the Boat Dock and maintain one (1) storage locker on the Boat Dock.

3. The New Boat Dock Easement, the Improvements and the Boat Dock (including the pilings associated therewith) shall be maintained equally by Daniels and Kellogg. No maintenance or improvements to the New Boat Dock Easement, the Improvements or the Boat Dock (including the pilings and associated therewith) shall be conducted, except in emergencies, without the consent of both Daniels and Kellogg. The cost of agreed upon maintenance (including emergency expenses) and/or improvements shall be shared equally by Daniels and Kellogg.

4. Each party shall obtain and maintain the following insurance:

(a) Either Commercial General Liability, Personal Liability and/or Umbrella Liability insurance for a combined bodily injury and property damage limit of liability in the aggregate of not less than \$2,000,000.00 each occurrence.

(b) Property Insurance in an amount equal to the full replacement value of the Boat Dock.

(c) All insurance policies required by this paragraph 4 shall afford coverage for all claims based on acts, omissions, injury and damage, which claims occurred or arose (or the onset of which occurred or arose) in whole or in part during the policy period. All insurance policies required to be carried under this paragraph 4 shall be written by companies rated A or better in Bests Insurance Guide and authorized to do business in the State of Oregon. Each party may cause its obligations to insure under this Amendment to be within the coverage of a so-called blanket policy or policies of insurance which it may now or hereafter carry, provided that such blanket policy coverages do not conflict with any other terms and conditions of this Amendment. The parties may, upon mutual agreement, increase the insurance requirements hereunder to an amount consistent with the level of insurance reasonably expected in similar properties of the quality and type located in Clackamas County, Oregon.

5. Daniels has obtained a boat dock Registration (RG-6472/App11240) for the Boat Dock issued by the Department of State Lands of the State of Oregon, for the benefit of the parties. Said Registration must be renewed every five (5) years commencing in 2013. The


parties agree to equally share all costs in connection with said Registration and agree to take all necessary steps as and when needed to maintain the Registration.

6. Except as amended hereby, Article IV of the DEC shall remain in full force and effect.

7. Any dispute between the parties relating to the existing Boat Dock Easement, New Boat Dock Easement, the Improvements, the Boat Dock or this Amendment shall be decided by arbitration and shall be administered by, and in accordance with the rules of, Arbitration Services of Portland, Inc. If such corporation no longer exists or no longer provides such arbitration services at the time of the determination then the presiding judge of the Clackamas County Circuit Court shall appoint a comparable arbitration service upon the request of either party.

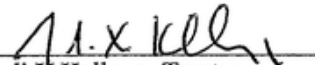
8. This Amendment to Existing Boat Dock Easement shall benefit and burden the real property described herein and shall run with the land.

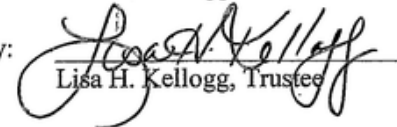
IN WITNESS WHEREOF, the parties have executed this Amendment to Existing Boat Dock Easement the day and year first above written.

  
\_\_\_\_\_  
Gregory W. Daniels

  
\_\_\_\_\_  
Susan A. Daniels

Jordi X Kellogg and Lisa H. Kellogg Trust  
August 1, 2008

By:   
\_\_\_\_\_  
Jordi X Kellogg, Trustee

By:   
\_\_\_\_\_  
Lisa H. Kellogg, Trustee

*Notarial acknowledgements appear on following page(s)*






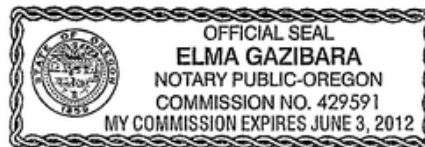
STATE OF OREGON            )  
  ) ss.  
County of Clackamas    )

I certify that Jordi X. Kellogg appeared personally before me and that I know or have satisfactory evidence that s/he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as a Trustee of the Jordi X Kellogg and Lisa H. Kellogg Trust dated August 1, 2008, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 19<sup>th</sup> day of January, 2012.

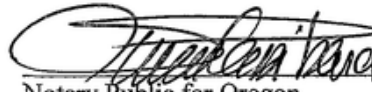
  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 06.03.2012

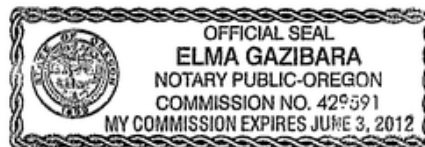
STATE OF OREGON            )  
  ) ss.  
County of Clackamas    )



I certify that Lisa H. Kellogg appeared personally before me and that I know or have satisfactory evidence that s/he signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as a Trustee of the Jordi X Kellogg and Lisa H. Kellogg Trust dated August 1, 2008, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 19<sup>th</sup> day of January, 2012.

  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 06.03.2012



**EXHIBIT A**  
**PRIVATE PATHWAY EASEMENT**  
**LOT 4, WINDHAM OAKS**  
**JOB NO. 311031.00**  
**APRIL 8, 2011**

**LEGAL DESCRIPTION**

A 6.00 FOOT WIDE STRIP OF LAND, BEING A PORTION OF LOT 4, WINDHAM OAKS, CLACKAMAS COUNTY PLAT RECORDS, DESCRIBED IN DEED TO GREGORY W. DANIELS AND SUSAN A. DANIELS, HUSBAND & WIFE, IN DOCUMENT NO. 95-05758, CLACKAMAS COUNTY RECORDS, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, SAID STRIP OF LAND BEING PARALLEL WITH AND 3.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 4, WINDHAM OAKS; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 4 SOUTH  $90^{\circ}00'00''$  WEST, 401.29 FEET TO THE TRUE POINT OF BEGINNING "A" OF THE HEREIN DESCRIBED CENTERLINE; THENCE LEAVING SAID SOUTHERLY LINE NORTH  $54^{\circ}14'48''$  EAST, 46.95 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH  $42^{\circ}00'29''$  EAST; THENCE ALONG THE ARC OF A 76.77 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY THROUGH A CENTRAL ANGLE OF  $40^{\circ}13'23''$  (THE LONG CHORD OF WHICH BEARS NORTH  $27^{\circ}52'50''$  EAST 52.80 FEET) AN ARC DISTANCE OF 53.90 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 8.50 FOOT RADIUS CURVE CONCAVE SOUTHERLY THROUGH A CENTRAL ANGLE OF  $137^{\circ}05'31''$  (THE LONG CHORD OF WHICH BEARS NORTH  $84^{\circ}25'32''$  EAST 15.82 FEET) AN ARC DISTANCE OF 20.34 FEET TO A POINT OF TANGENCY; THENCE SOUTH  $27^{\circ}01'42''$  EAST, 31.25 FEET TO THE BEGINNING OF A TANGENT CURVE; THENCE ALONG THE ARC OF A 8.00 FOOT RADIUS CURVE CONCAVE NORTHERLY THROUGH A CENTRAL ANGLE OF  $90^{\circ}00'00''$  (THE LONG CHORD OF WHICH BEARS SOUTH  $72^{\circ}01'42''$  EAST, 11.31 FEET) AN ARC DISTANCE OF 12.57 FEET TO A POINT OF TANGENCY; THENCE NORTH  $66^{\circ}50'42''$  EAST, 39.32 FEET; THENCE NORTH  $44^{\circ}53'41''$  EAST, 24.76 FEET; THENCE NORTH  $70^{\circ}05'20''$  EAST, 38.12 FEET TO THE SOUTHWESTERLY LINE OF A 15 FOOT WIDE PUBLIC ACCESS EASEMENT AS SHOWN ON SAID PLAT OF WINDHAM OAKS AND THE POINT OF TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

THE SIDELINES OF THE HEREIN DESCRIBED STRIP SHALL BE EXTENDED OR SHORTENED TO BEGIN ON THE SOUTH LINE OF SAID LOT 4, MEET AT ANGLE POINTS, AND TO TERMINATE ON SAID SOUTHWESTERLY LINE OF THE 15.00 FOOT WIDE PUBLIC ACCESS EASEMENT.

TOGETHER WITH A 6.00 FOOT WIDE STRIP OF LAND, BEING PARALLEL WITH AND 3.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE.

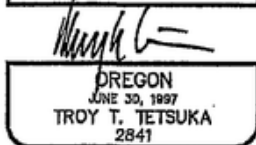
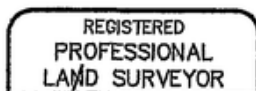
COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 4, WINDHAM OAKS; THENCE ALONG THE EASTERLY LINE OF SAID LOT 4 NORTH 03°41'29" EAST, 20.05 FEET TO THE TRUE POINT OF BEGINNING "B" OF THE HEREIN DESCRIBED CENTERLINE; THENCE LEAVING SAID EASTERLY LINE SOUTH 86°39'17" WEST, 123.16 FEET TO THE NORTHEASTERLY LINE OF A 15 FOOT WIDE PUBLIC ACCESS EASEMENT AS SHOWN ON SAID PLAT OF WINDHAM OAKS AND THE POINT OF TERMINUS OF THE HEREIN DESCRIBED CENTERLINE.

THE SIDELINES OF THE HEREIN DESCRIBED STRIP SHALL BE EXTENDED OR SHORTENED TO BEGIN ON THE EAST LINE OF SAID LOT 4 AND TO TERMINATE ON THE NORTHEASTERLY LINE OF SAID 15.00 FOOT WIDE PUBLIC ACCESS EASEMENT.

CONTAINING 2,342 SQUARE FEET OR 0.054 ACRES, MORE OR LESS.

THE PARCEL OF LAND IS SHOWN ON THE ATTACHED EXHIBIT "B" MAP AND BY THIS REFERENCE MADE A PART THEREOF.

THE BASIS OF BEARINGS IS THE NORTH LINE OF SAID LOT 4, AS NORTH 90°00'00" EAST, PER SAID PLAT OF "WINDHAM OAKS".

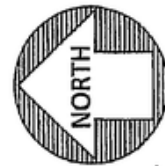
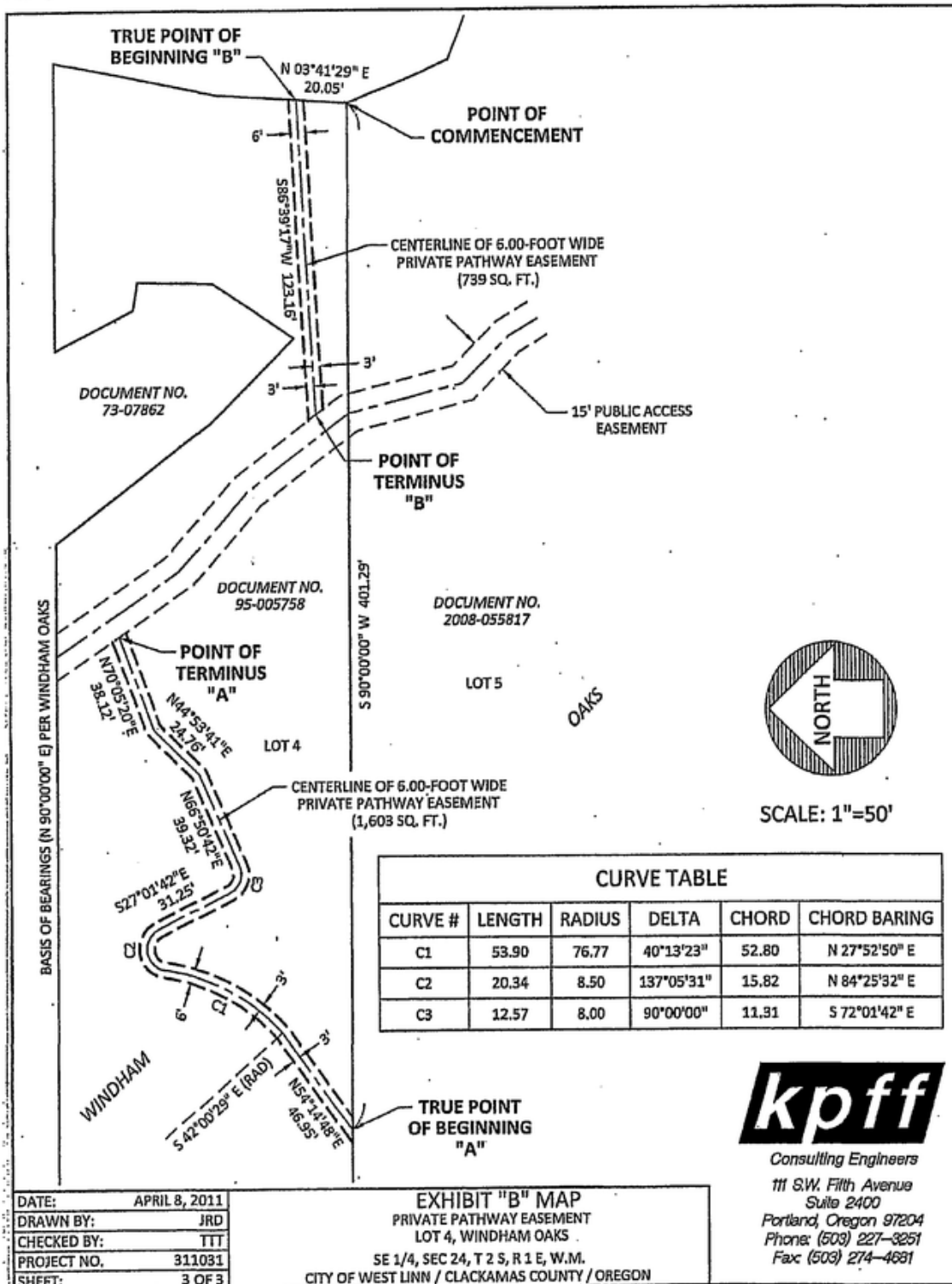


RENEWAL DATE 6-30-12

Exhibit A

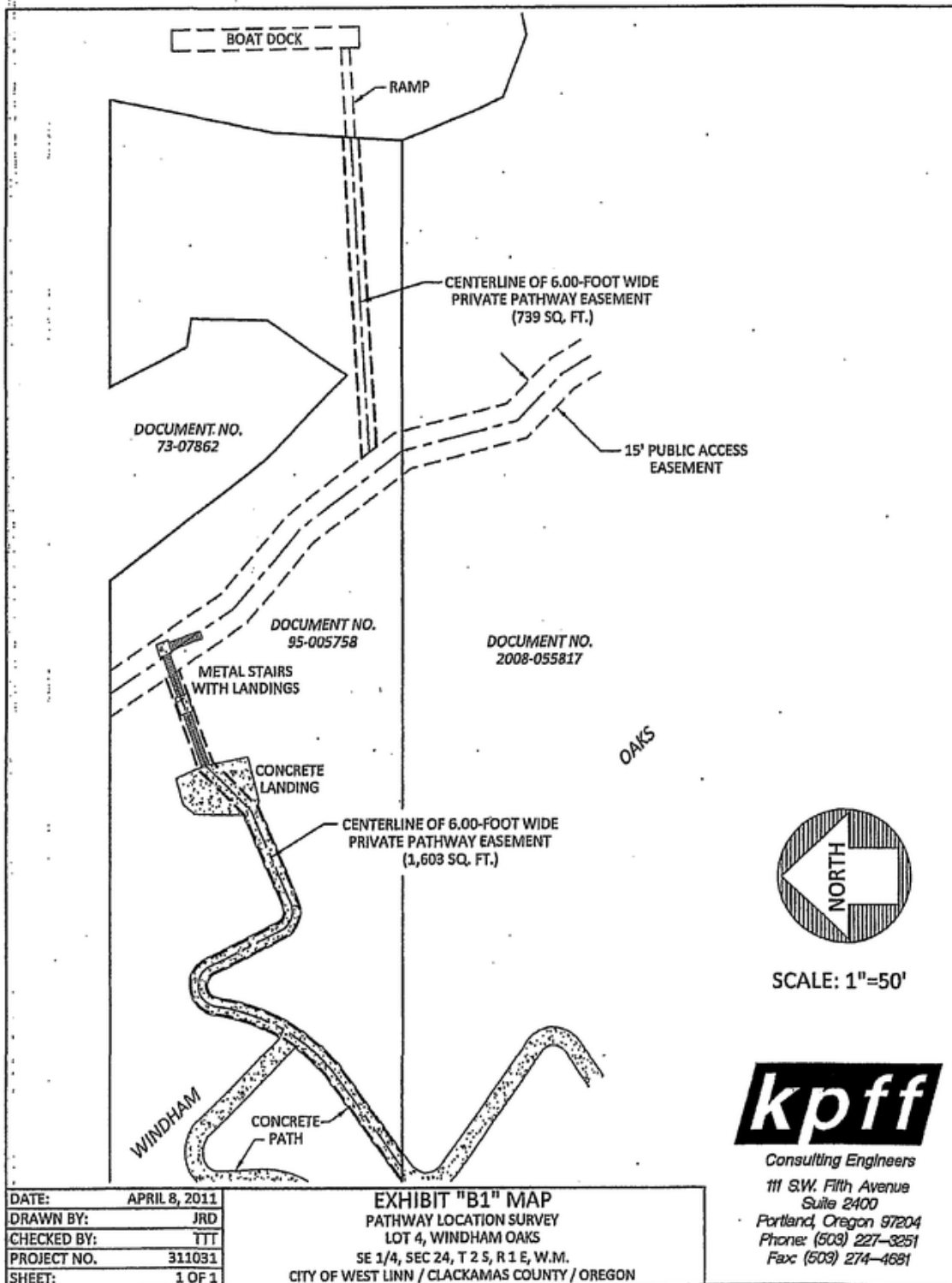
Page 2 of 2

7



SCALE: 1"=50'

8



DATE:	APRIL 8, 2011
DRAWN BY:	JRD
CHECKED BY:	TTT
PROJECT NO.	311031
SHEET:	1 OF 1

**EXHIBIT "B1" MAP**  
 PATHWAY LOCATION SURVEY  
 LOT 4, WINDHAM OAKS  
 SE 1/4, SEC 24, T 2 S, R 1 E, W.M.  
 CITY OF WEST LINN / CLACKAMAS COUNTY / OREGON



Consulting Engineers  
 111 S.W. Fifth Avenue  
 Suite 2400  
 Portland, Oregon 97204  
 Phone: (503) 227-3251  
 Fax: (503) 274-4681

Exhibit B-1

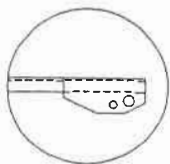
Page 1 of 1

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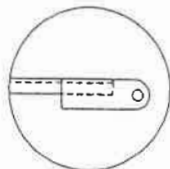
**Exhibit H:**  
**Architectural Drawings**

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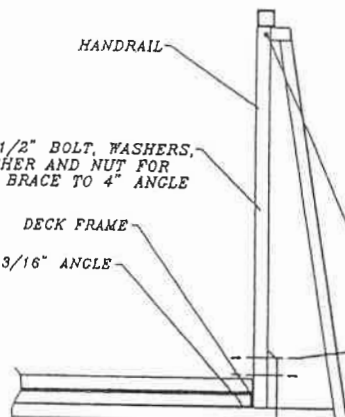
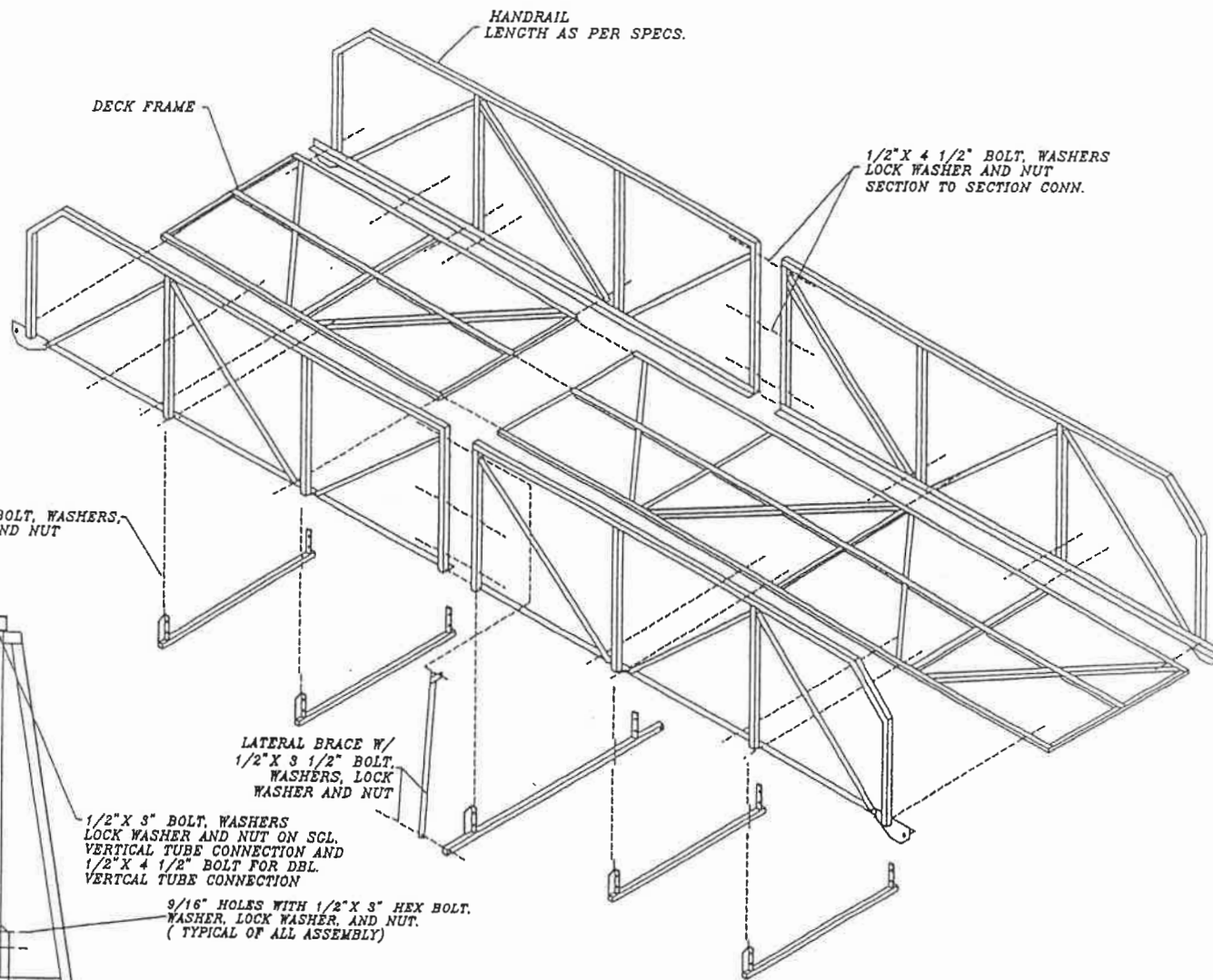
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STANDARD CONNECTION EAR



FIFTH WHEEL CONNECTION EAR



CROSS SECTION OF RAMP AT LATERAL BRACE

RAMP TIE - 2" X 3" X 3/16" VERTICAL ANGLE WELDED TO (2" X 3/16" WALL SQ. TUBE FOR 4' & 6' WIDE RAMPS) (2 1/2" X 3/16" WALL SQ. TUBE FOR 8' WIDE RAMPS)

FULLY ASSEMBLE RAMP BEFORE TIGHTENING BOLTS

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GALVA-FOAM MARINE IND.  
ROUTE 67 BOX 19  
CAMDENTON, MO. 65020  
573-346-3323

RAMP ASSEMBLY

DRY2 NO. 0A4516KYA DATE: 08/06/98  
SCALE: NONE DRAWN BY: 1746-DE-DJ