

DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT John Floyd	PROJECT NO(S). MIP-22-06	PRE-APPLICATION NO. PA-22-23	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	\$2,800	TOTAL \$2,800

Type of Review (Please check all that apply):

- | | | |
|--|--|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Design Review (DR) | <input checked="" type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <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 type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |



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

Site Location/Address: 2011 13TH STREET	Assessor's Map No.: 2-1E-35C
	Tax Lot(s): 1500
	Total Land Area: 30,701 SF

Brief Description of Proposal: PARTITION PROPERTY INTO TWO PARCELS, ONE WITH THE EXISTING HOUSE AND ONE VACANT PARCEL ON WHICH TO BUILD.

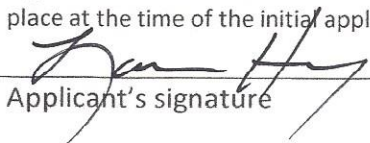

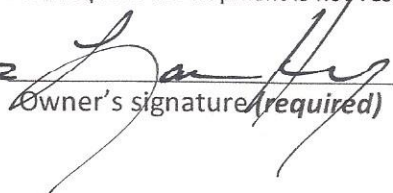

Applicant Name: SCOTT HUSKEY (please print) Phone: 503 939-6925
 Address: 2008 13TH STREET Email: scotthuskey60@gmail.com
 City State Zip: WEST LINN, OR 97068

Owner Name (required): ARIEH PROPERTIES, LLC (please print) Phone: 503 939-6925
 Address: 2011 13TH STREET Email: scotthuskey60@gmail.com
 City State Zip: WEST LINN, OR 97068

Consultant Name: PAUL ROEGER (please print) Phone: 503 860-2545
 Address: 20330 SE HWY. 212 Email: paul@cmtsc.net
 City State Zip: DAMASCUS, OR 97089

- 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 applicants. Applicants should submit this form and supporting documents through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-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
 Owner's signature (required)
 Date

**PARTITION NARRATIVE
2011 13TH Street**

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I. GENERAL INFORMATION

Applicant: Scott Huskey
2008 13th Street
West Linn, OR 97068
503-939-6925

Applicant's Representative: Paul H. Roeger
CMT Surveying & Consulting
20330 SE Hwy. 212
Damascus, Oregon 97089
503-850-4672
503-860-2545 Cell

Surveyor: David Roeger, PLS
CMT Surveying & Consulting
20330 SE Hwy. 212
Damascus, OR 97089
503-850-4672

Property Owners: Arieh Properties, LLC
2011 13th Street
West Linn, OR 97068
503-939-6925

Tax Lot Information: Tax Map 2S-1E-35C, Tax Lot 1500

Location: 2011 13th Street

Current Zoning: R-7, S-F Res. Detached & Attached – 7,000 sq. ft.

Site Area: 30,161 square feet

Water District: City of West Linn

Sanitary Sewer: City of West Linn

Surface Water Mgmt.: City of West Linn

Fire District: Tualatin Valley Fire & Rescue

Power: Portland General Electric

Telephone: Century Link

Cable: Comcast

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Gas: Northwest Natural

II. REQUEST – APPROVALS SOUGHT

The Applicant, Scott Huskey, is requesting Land Use approval for a **2-Parcel Partition Plat** of this property. The subject site is approximately 30,161 square feet (0.69 Acres) in size and is located at 2011 13th Street (Tax map 2S-1E-35C, tax lot 1500). The parcel currently has one single-family home with an attached carport. The existing house will remain on Parcel 1 with direct frontage on 13th Street, and will be approximately 11,295 square feet, which well exceeds the required 7,000 square feet of the R-7 zone. The other parcel will be 18,866 square feet, including the 30-foot wide flagpole to access 13th Street. Both parcels will have their own access to 13th Street.

III. SITE DESCRIPTION AND SURROUNDING AREA

Location and Parcel Description:

The site is generally located on the East side of 13th Street and directly on the South side of Interstate 205. The property is described as Tax Lot 1500 of Tax map 2S-1E-35C.

The site is bordered on the West by 13th Street and on the North by Interstate 205. Property to the West, across 13th Street is zoned R-7, however, property to the Southwest is zoned R-10 and property to the South fronting 13th Street is zoned R-7 and property South and East is zoned General Commercial. This parcel of property is generally flat with only 5-feet of fall from 13th Street to 350 feet to the Eastern portion of the property. The house is setback 31.6-feet from the front property line, 24.6-feet from the cul-de-sac, and 37.5-feet from the South property line, as well as 55.6 feet from Interstate 205 right-of-way.

The site is zoned R-7 (Single-Family Residential Detached – 7,000 sq. ft.) on the City of West Linn Zoning Map. The site is surrounded by developed commercial and single-family residential land with very little potential for additional development on any of the surrounding properties.

13th Street is classified as a Local Street with a current right-of-way width of 43-feet along the frontage and 55-feet of right-of-way width South of this property.

Site access:

Access to the property is directly from 13th Street with asphalt and gravel on the Northern half of the frontage and primarily a gravel driveway North of the existing house with a concrete pad in front of the existing carport and between the house and 13th Street. Access for the new parcel will be on a private driveway on the 30-foot wide flagpole on the South side of the property. There is curb along the East side of 13th Street on the Southern 75-feet of the property and an asphalt cul-de-sac turnaround on the Northern 100-feet of frontage that encroaches into this property. This encroachment was originally

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owned by ODOT after the construction of Interstate 205 around 1968, then given to the City of West Linn in 1974. The City relinquished part of what ODOT had conveyed to them in 2008 by Resolution 08-36 when the City retained a small cul-de-sac for a turnaround at the North end of 13th Street, but relinquished the remainder of what ODOT had conveyed to them back to ODOT. ODOT then conveyed what had been relinquished to them to Laurie M. Huskey. Therefore, Laurie M. Huskey owns all of Lot A, Tract 37, WILLAMETTE TRACTS, except what was conveyed to ODOT as right-of-way for I-205 and what the City retained when they relinquished what ODOT had given them in 1968.

IV. PROPOSAL SUMMARY

The applicant wants to retain the existing house on the front parcel and create one new parcel behind the existing house. Then a new house will be built on the new parcel which will have a private driveway in the 30-foot flagpole on the South side of the existing home.

Transportation:

A Transportation Impact Analysis is not required for this Partition. Only one additional dwelling unit will be added to the site.

Street:

13th Street is an existing 26 to 28-foot wide asphalt paved street within a 43-foot right-of-way plus the paved cul-de-sac at the North end with curb only South of the cul-de-sac on the East side and even less on the West side opposite the frontage of this property. The curb extends South of this property all the way to 8th Avenue on both sides of 13th Street, but no sidewalk.

The 13th Street right-of-way ends with a cul-de-sac reserved by the City from right-of-way given to the City by ODOT in 1974. ODOT originally acquired the right-of-way in 1968 as part of property purchased for construction of I-205. In 2008 the City relinquished part of what ODOT had given them in 1974 back to ODOT, but kept a cul-de-sac configuration as shown on our Existing Conditions Site Plan, per City Resolution No. 08-36. The cul-de-sac area is paved, however, the pavement also extends onto our site around the East side of the cul-de-sac right-of-way.

It is our understanding that Street frontage improvements will only be required along the frontage of 13th Street in front of Parcel 2, the 30-foot flagpole, and that ROW dedication will be determined after CMT verifies the existing ROW width.

Street trees will be installed as required by the City.

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Storm Drainage:

Onsite run-off generated from new impervious surfaces greater than 1,000 square feet will be captured, treated, and conveyed to the nearest public stormwater system or to the drainage system at the rear of the property. An infiltration test will be done on new Parcel 2 to determine if infiltration is an option for the new impervious surfaces. If the infiltration rate is greater than 2-inches/hour an infiltration system will be constructed and used per City of West Linn standards.

Water:

The property is served domestic water by the City of West Linn. There is a 8-inch ductile water main in the center of 13th Street. The existing house is served by a meter directly in front of the house. This service will continue to serve the existing house. One new service will be installed in 13th Street right-of-way with a service line in the flagpole to serve the new parcel. The nearest existing fire hydrant is located across the street near the Southwest corner of the property.

Sanitary Sewer:

Sanitary sewer is available from a 10-inch main line in 13th Street and along the North side of the property. There is an existing 4-inch lateral to the existing house near the middle of the property. One new individual lateral will be installed from this main for the new parcel along the flagpole.

Other Utilities:

There is an existing power pole directly in front of the existing house next to the water meter in 13th Street from which overhead power is supplied to the Northerly side of the existing house. All new power, telephone and cable may or may not be installed underground, depending on the utility company allowances and requirements, since City of West Linn requirements do not require undergrounding on parcels less than 1-acre in size.

There is existing 1-inch gas main on the West side of 13th Street, but there is no service into the existing house. Any new gas service will come directly from this gas main on the West side of 13th Street.

Water Resource Area:

Bernert Creek is located within the I-205 right-of-way approximately 10 to 12-feet North of the Northern property line and flows from West to East parallel with the property line. A Natural Resource Assessment was conducted in 2019 by Cari Cramer, Schott and Associates and updated in 2022. A copy is being provided with this application.

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V. Chapter 12 - RESIDENTIAL, R-7

12.030 PERMITTED USES

Response: It is the intent to construct one new single-family detached residential unit on Parcel 2. There is already one single-family detached residential unit on Parcel 1.

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

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

1. The minimum lot size shall be 7,000 square feet for a single-family detached unit.

Response: Parcel 2 will be 18,866 square feet including the flagpole. Parcel 1, with the existing house, will be 11,295 square feet.

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

Response: The front lot line length of Parcel 1 will be 140 feet, plus. Parcel 2 is proposed to be a flag lot with a 30.04-foot wide flagpole.

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

Response: The average lot width for Parcel 1 is approximately 113-feet, and the average lot width for Parcel 2 is approximately 60-feet, not including the flag pole.

5. The minimum yard dimensions or minimum building setback area from the lot line shall be:

- a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC [41.010](#) shall apply.
- b. For an interior side yard, seven and one-half feet.
- c. For a side yard abutting a street, 15 feet.
- d. For a rear yard, 20 feet.

Response: The entire parcel is quite flat and the existing front yard on Parcel 1 is 24.6-feet to the cul-de-sac right-of-way, and the front yard setback on Parcel 2 will be a minimum of 20-feet. Interior side yards on Parcel 1 are 7.5-

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feet on the South side and 55.6-feet on the North side of the existing house. Interior side yards on Parcel 2 will be a minimum of 7.5-feet. The North side abuts I-205, which could be considered a street side yard, so the 55.6-foot distance exceeds the 15-foot required street side yard. The rear yard for the existing house on Parcel 1 is 20-feet. The rear yard on Parcel 2 will be a minimum of 20-feet, however the property goes to a point on the East, so we are not sure of the required setback from that point. There is an existing accessory structure on Parcel 1 that will be moved to provide a minimum of a 3-foot setback.

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

Response: The existing house on Parcel 1 has a small second story, well under the maximum height of 35-feet. Any house built on Parcel 2 will be under 35-feet.

7. The maximum lot coverage shall be 35 percent.

Response: The house on Parcel 1 is only 853 square feet, including the covered front porch, and covers less than 10-percent of the parcel. Any house built on Parcel 2 will not exceed the lot coverage standard of 35-percent.

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

Response: The flagpole width for Parcel 2 will be 30.04-feet.

9. The maximum floor area ratio shall be 0.45.

Response: The floor area ratio of 0.45 will not be exceeded on either of these parcels.

10. The sidewall provisions of Chapter [43](#) CDC shall apply. (Ord. 1226, 1988; Ord. 1308, 1991; Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 11, 2018; Ord. 1736 § 1 (Exh. A), 2022)

Response: These sidewall provisions are dealt with at the time of Building permit application.

12.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

**34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES
(NON-DWELLING)**

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Response: The accessory building in the Southeast corner of Parcel 1 will be moved and have a minimum of a 3-foot side yard setback and rear yard setback.

46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

A. Residential parking space requirements

Single-family residences – 1 space for each dwelling unit.

Response: The existing house on Parcel 1 has a carport and plenty of on-site parking area. The new house on Parcel 2 will provide on-site parking, either in a garage or carport or on the driveway.

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VI. Chapter 32 - WATER RESOURCE AREA PROTECTION

32.010 PURPOSES

The purposes of this chapter are to:

- A. Comply with Title 13 and Title 3 of Metro's Urban Growth Management Functional Plan while balancing resource protection with property rights and development needs.
- B. Protect or improve water quality by filtering sediment and pollutants and absorbing excess nutrients for the protection of public health, safety and the environment and to comply with both state and federal laws and regulations, including the Clean Water Act and the Endangered Species Act.
- C. Moderate storm water impacts by slowing, storing, filtering and absorbing storm water and to maintain storm water storage and conveyance to prevent or minimize flooding and erosion for the protection of public health and safety.
- D. Prevent erosion and minimize sedimentation of water bodies by protecting root masses along streams that resist erosion and stabilize the stream bank and by protecting vegetation on steep slopes to maintain their stability.
- E. Protect and improve the following functions and values of WRAs that enhance the value of fish and wildlife habitat:
 - 1. Natural stream corridors that provide habitat and habitat connectivity for terrestrial wildlife;
 - 2. Microclimate habitats that support species adapted to those conditions;
 - 3. Shade to maintain healthy stream temperatures;
 - 4. Vegetation to absorb and filter pollution and sediment that would otherwise contaminate the water body;
 - 5. Sources of organic material that support the food chain;
 - 6. Recruitment of large wood that enhances the habitat of fish bearing streams;
 - 7. Moderation of stream flow by storing and delaying storm water runoff; and
 - 8. Vegetated areas surrounding wetlands that, together with the wetland, provide vital habitat for birds, amphibians, and other species.

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F. Provide mitigation standards and guidance to address water quality values and ecological functions and values lost through development within WRAs.

G. Encourage the use of habitat friendly development practices.

H. Minimize construction of structures and improvements where they are at risk of flooding, to enable natural stream migration and channel dynamics, and protect water resources from the potential harmful impacts of development.

I. Provide for uses and activities in WRAs that have negligible impact on such areas; and to provide for other uses that must be located in such areas in a way that will avoid or, when avoidance is not possible, minimize potential impacts. (Ord. 1623 § 1, 2014)

Response: A "Natural Resource Assessment within WRA" is being submitted with this Partition Application.

32.020 APPLICABILITY

A. This chapter applies to all development, activity or uses within WRAs identified on the WRA Map. It also applies to all verified, unmapped WRAs. The WRA Map shall be amended to include the previously unmapped WRAs.

B. The burden is on the property owner to demonstrate that the requirements of this chapter are met, or are not applicable to the land, development activity, or other proposed use or alteration of land. The Planning Director may make a determination of applicability based on the WRA Map, field visits, and any other relevant maps, site plans and information, as to:

1. The existence of a WRA;
2. The exact location of the WRA; and/or
3. Whether the proposed development, activity or use is within the WRA boundary.

In cases where the location of the WRA is unclear or disputed, the Planning Director may require a survey, delineation, or sworn statement prepared by a natural resource professional/wetland biologist or specialist that no WRA exists on the site. Any required survey, delineation, or statement shall be prepared at the applicant's sole expense. (Ord. 1623 § 1, 2014)

Response: A "Natural Resource Assessment within WRA" is being submitted with this Partition Application.

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32.030 PROHIBITED USES

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

Response: We are requesting that the onsite WRA be reduced to 20-feet per the “Natural Resource Assessment within WRA” included with this application.

32.040 EXEMPTIONS

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

A. Vegetation maintenance, planting and removal.

1. The routine maintenance of any existing WRA, consistent with the provisions of this chapter such as, but not limited to, removing pollutants, trash, unauthorized fill, and dead or dying vegetation that constitutes a hazard to life or property.
2. Removal of plants identified as nuisance, invasive or prohibited plants; provided, that after plant removal, re-vegetation of disturbed areas is performed pursuant to CDC 32.100.
3. The planting or propagation of plants identified as native plants on the Portland Plant List.
4. Maintenance of existing gardens, pastures, lawns, and landscape perimeters, including the installation of new irrigation systems within existing gardens, lawns, and landscape perimeters.
5. The use of pesticides and herbicides with applicable state (e.g., Oregon DEQ) permits.

Response: No maintenance of the off-site WRA has ever been done by the applicant/owner. On-site WRA has always been maintained as part of their yard.

B. Building, paving, grading, and testing.

1. Maintenance. Routine repair, maintenance and replacement of legally established above and below ground utilities and related components (including storm water catch basins, intakes, etc.), roads, driveways, paths, trails, fences and human-made water control facilities such as constructed ponds, wastewater facilities, and storm water treatment facilities that do not expand the disturbed area at grade or footprint, provided re-vegetation of disturbed areas or corridors is performed pursuant to CDC 32.100.

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2. Trails. The establishment of unpaved trails constructed of non-hazardous, pervious materials with a maximum width of four feet in generalized corridors approved in a parks or trails master plan; provided, that:
 - a. The trail is set back from the water resource at least 30 feet, except at stream crossing points or at points where the topography forces the trail closer to the stream.
 - b. Foot bridge crossings shall be kept to a minimum. When the stream bank adjacent to the foot bridge is accessible (e.g., due to limited vegetation or topography), fences or railings shall be installed from the foot bridge and extend 15 feet beyond the terminus of the foot bridge to discourage trail users and pets from accessing the stream bank, disturbing wildlife and habitat areas, and causing vegetation loss, stream bank erosion and stream turbidity.
 - c. Trails shall be designed to minimize disturbance to existing vegetation, work with natural contours, avoid the fall line on slopes where possible, and avoid areas with evidence of slope failure to ensure that trail runoff does not create channels in the WRA.
3. Site investigations. Temporary and minor clearing outside of wetlands not to exceed 200 square feet per acre or site, whichever is more; provided, that no individual area is greater than 200 feet in size, for the purpose of site investigations and pits for preparing soil profiles; provided, that such areas are restored to their original condition when the investigation is complete. While such temporary and minor clearing is exempt from the provisions of this chapter, it is subject to all other City codes, including provisions for erosion control and tree removal.
4. Support structures for overhead power or communication lines where the support structures are outside of the WRA.
5. The installation, within the developed portions of street rights-of-way, of new utilities, the maintenance or replacement of existing utilities and street repaving projects.

Response: The only utilities within the on and off-site WRA area is a City of West Linn Sanitary Sewer, which is within a 20-foot easement that is called out as Parcel 3 in the Clackamas County Circuit Court Case No. 68408.

C. Non-conforming structures.

1. Expansion of the principal non-conforming structure. Additions to the existing building footprint of a principal non-conforming structure within, or partially within, the WRA are exempt, and additionally exempt from Chapter 66 CDC, Non-Conforming Structures, as long as the addition(s) meets the following restrictions:

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- a. Re-vegetation of temporarily disturbed areas will be performed per CDC 32.100 after the addition is completed;
 - b. There is no net increase in storm water runoff flowing toward the water resource as a result of the addition(s);
 - c. The addition to the principal structure is not closer to the water resource than the existing principal structure;
 - d. If it is a lateral addition, it does not extend more than 25 feet laterally from the side of the existing principal structure;
 - e. The addition does not increase the footprint of the existing principal structure by more than 500 square feet, at any one time or incrementally;
 - f. Lateral additions to decks cannot come closer to the water resource than the existing deck;
 - g. Vertical additions to existing principal structures that comply with the maximum height requirements of the underlying zone are exempt.
2. Repair, replacement and removal of non-conforming structures.
- a. Interior remodeling of a non-conforming structure.
 - b. Repair, maintenance, rehabilitation and replacement of non-conforming structures, accessory structures, utilities and related components, roads, driveways, paths, trails, fences, and human-made water and storm water control facilities that do not expand the disturbed area or footprint. Re-vegetation of temporarily disturbed areas or corridors pursuant to CDC 32.100 is required.
 - c. This section also applies in the event that a non-conforming structure burned down or was otherwise damaged by natural or other disaster. The structure could be re-built so long as the structure did not expand the original footprint and the original access driveway (PDA) was used.
 - d. Demolition and removal of non-conforming structure's impervious surfaces are exempt as long as the affected areas are restored with native vegetation pursuant to CDC 32.100.

Response: There are no structures within the existing WRA except a fence along the I-205 right-of-way, nor will there be any structures built within the proposed WRA.

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D. New construction activities allowed in the WRA.

1. Structures shall be located out of the WRA, except that eaves, balconies, decks, "pop outs," and similar additions, may cantilever over the outer boundary of the WRA a maximum of five feet. No vertical supports may extend down to grade within the WRA.
2. Construction of an accessory structure, less than 120 square feet in size and under 10 feet tall, may be constructed to within 50 feet of the water resource or 10 feet behind the top of slope (ravine, per Figure 32-4), whichever is greater. No more than one accessory structure is permitted in the WRA. Accessory structures in the WRA that existed prior to January 1, 2006, may remain in place and not count against the limitation in new accessory structures.
3. Construction of a water permeable patio or deck within 30 inches of the original grade and construction of approved water permeable footpaths may be constructed to within 50 feet of the water resource or 10 feet behind the top of slope (ravine, per Figure 32-4), whichever is greater.
4. Fences may be built to within 50 feet of the water resource or behind the top of slope (ravine), whichever is greater.

Response: It is the intent of our proposal to reduce the WRA to only the North 20-foot of this property adjacent to the I-205 right-of-way. If approved, the only structure will be the existing fence along the I-205 right-of-way. Replacement may be necessary in the future, so in the future it may be necessary to build that fence closer than the 50-feet called out in item #4 above.

E. Emergency activities. Actions authorized by the City Manager that must be taken immediately or within a period of time too short to fully comply with this chapter to:

1. Prevent immediate danger to life or property;
2. Prevent immediate threat of serious environmental degradation;
3. Restore existing utility service; or
4. Reopen a public thoroughfare to traffic.

However, after the emergency has passed any disturbed area shall be restored, pursuant to CDC 32.100.

Response: No emergency activities are anticipated at this time, but if necessary, restoration will be done as required.

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32.050 APPLICATION

- A. An application requesting approval for a use or activity regulated by this chapter shall be initiated by the property owner, or the owner's authorized agent, and shall include an application form and the appropriate deposit or fee as indicated on the master fee schedule.
- B. A pre-application conference shall be a prerequisite to the filing of the application.
- C. The applicant shall submit maps and diagrams at 11 by 17 inches and a written narrative addressing the approval criteria and requirements of this chapter, and any additional copies required by the Planning Director.
- D. Where review of soil maps, Department of Geology and Mineral Industries (DOGAMI) maps, or on-site inspection by the City Engineer reveals evidence of slope failures or that WRA slopes are potentially unstable or prone to failure, geotechnical studies may be required to demonstrate that the proposed development will not cause, or contribute to, slope failure or increased erosion or sedimentation in the WRA or adversely impact surface or modify groundwater flow or hydrologic conditions. These geotechnical studies shall include all necessary measures to avoid or correct the potential hazard.
- E. Applications proposing that streets or utilities cross water resources, or any other development that modifies the water resource, shall present evidence in the form of adopted utility master plans or transportation master plans, or findings from a registered Oregon civil engineer, certified engineering geologist or similarly qualified professional to demonstrate that the development or improvements are consistent with accepted engineering practices.
- F. Site plan. The applicant shall submit a site plan which contains the following information, as applicable:
1. The name, address, and telephone number of the applicant, the scale (lineal) of the plan, and a north arrow.
 2. Property lines, rights-of-way, easements, etc.
 3. A storm detention and treatment plan and narrative statement pursuant to CDC 92.010(E).
 4. 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:

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- a. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
 - b. Assessment of engineering geological conditions and factors;
 - c. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and
 - d. 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.
5. Boundaries of the WRA, specifically delineating the water resource, and any riparian corridor boundary. If the proposal includes development of a wetland, a wetlands delineation prepared by a professional wetland specialist will be required. The wetland delineation may be required to be accepted or waived through the Department of State Lands (DSL) delineation review process.
6. Location of existing and proposed development, including all existing and proposed structures, accessory structures, any areas of fill or excavation, water resource crossings, alterations to vegetation, or other alterations to the site's natural state.
7. Identify the location and square footage of previously disturbed areas, areas that are to be temporarily disturbed, and area to be permanently disturbed or developed.
8. When an application proposes development within the WRA, an inventory of vegetation within the WRA, sufficient to categorize the existing condition of the WRA, including:
- a. The type and general quality of ground cover, including the identification of dominant species and any occurrence of non-native, invasive species;
 - b. Square footage of ground cover; and
 - c. Square footage of tree canopy as measured either through aerial photographs or by determining the tree drip lines. Where only a portion of a WRA is to be disturbed, the tree inventory need only apply to the impacted area. The remaining treed area shall be depicted by outlining the canopy cover.
9. Locations of all significant trees as defined by the City Arborist.
10. Identify adopted transportation, utility and other plan documents applicable to this proposal.

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11. For cases processed under CDC 32.110 (hardship), provide the maximum disturbed area (MDA) calculations.

G. Construction management plan. The applicant shall submit a construction management plan which includes the following:

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

H. Mitigation plan prepared in accordance with the requirements in CDC 32.090.

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

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

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

1. Identify the affected WRA and describe the functions it performs (see Table 32-4).
2. Provide a scaled map that delineates the proposed WRA boundaries determined to be sufficient to sustain the functions occurring at the site and a narrative that justifies the proposal, consistent with CDC 32.080.
3. Identify the recommended WRA boundary at the site with colored tape, survey markers or other easily identified means for field inspection by staff.
4. Consultant required for alternate review process.

a. The narrative and analysis required by CDC 32.070 and 32.080 shall be prepared and signed by a qualified natural resource professional, such as a

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wildlife biologist, botanist, or hydrologist. The Planning Director shall determine the scope of work and specific products required from the consultant. The Planning Director may require a mitigation plan pursuant to CDC 32.090 and/or a re-vegetation plan pursuant to CDC 32.100.

b. The Planning Director may waive the consultant requirement for simple or minor projects if they determine that it is not necessary in order to satisfy the requirements of this chapter. (Ord. 1623 § 1, 2014; Ord. 1662 § 6, 2017)

Response: The Alternate Review Process is being proposed to reduce the WRA to 20-feet.

32.060 APPROVAL CRITERIA (STANDARD PROCESS)

Response: The Alternate Review Process is being proposed.

32.070 ALTERNATE REVIEW PROCESS

This section establishes a review and approval process that applicants can use when there is reason to believe that the width of the WRA prescribed under the standard process (CDC 32.060(D)) is larger than necessary to protect the functions of the water resource at a particular site. It allows a qualified professional to determine what water resources and associated functions (see Table 32-4 below) exist at a site and the WRA width that is needed to maintain those functions. (Ord. 1623 § 1, 2014)

Response: We are using this Alternate Review Process because we believe the WRA is considerably larger than necessary to protect the functions of the WRA on this site. A Natural Resource Assessment Report is being submitted with this application with a proposed 20-foot wide WRA on this site which provides for a 30-foot wide WRA in total, since the existing creek is 10 to 12-feet North of our North property line on I-205 ROW.

32.080 APPROVAL CRITERIA (ALTERNATE REVIEW PROCESS)

Applications reviewed under the alternate review process shall meet the following approval criteria:

A. The proposed WRA shall be, at minimum, qualitatively equal, in terms of maintaining the level of functions allowed by the WRA standards of CDC 32.060(D).

B. If a WRA is already significantly degraded (e.g., native forest and ground cover have been removed or the site dominated by invasive plants, debris, or development), the approval authority may allow a reduced WRA in exchange for mitigation, if:

1. The proposed reduction in WRA width, coupled with the proposed mitigation, would result in better performance of functions than the standard WRA without such

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mitigation. The approval authority shall make this determination based on the applicant's proposed mitigation plan and a comparative analysis of ecological functions under existing and enhanced conditions (see Table 32-4).

2. The mitigation project shall include all of the following components as applicable. It may also include other forms of enhancement (mitigation) deemed appropriate by the approval authority.

- a. Removal of invasive vegetation.
- b. Planting native, non-invasive plants (at minimum, consistent with CDC 32.100) that provide improved filtration of sediment, excess nutrients, and pollutants. The amount of enhancement (mitigation) shall meet or exceed the standards of CDC 32.090(C).
- c. Providing permanent improvements to the site hydrology that would improve water resource functions.
- d. Substantial improvements to the aquatic and/or terrestrial habitat of the WRA.

C. Identify and discuss site design and methods of development as they relate to WRA functions.

D. Address the approval criteria of CDC 32.060, with the exception of CDC 32.060(D).

Table 32-4 Ecological Functions of WRA

Ecological Function	Landscape Features Potentially Providing the Function
Stream flow moderation and/or water storage	A wetland or other water body with a hydrologic connection to a stream or flood area, the presence of fallen trees and density of vegetation in the WRA that slows the flow of storm water and increases its ability to retain sediment and infiltrate storm water, and the porosity of the WRA's surface to enable it to infiltrate storm water.
Sediment or pollution control	Vegetation within 100 feet of a WRA on gentle slopes and up to 200 feet of a WRA if the slope is greater than 25%. The presence of fallen trees and other material that slows the flow of water and increase the ability to retain sediment, absorb pollutants and infiltrate storm water; the composition and density of vegetation; slope; and soils.
Bank stabilization	Root masses, existing large rocks or anchored large wood along the stream bank.
Large wood recruitment for a fish	Forest canopy within 50 to 150 feet of a fish bearing stream.

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Table 32-4 Ecological Functions of WRA

Ecological Function	Landscape Features Potentially Providing the Function
bearing section of stream	
Organic material sources	Forest canopy or woody vegetation within 100 feet of a water resource; or within a flood area.
Shade (water temperature moderation) and microclimate	Forest canopy or woody vegetation within 100 feet of the water resource. Roughly 300 feet of continuous canopy for microclimate.
Stream flow that sustains in-stream and adjacent habitats	Seasonal or perennial flow.
Other terrestrial habitat	Forest canopy natural vegetation contiguous to and within 100 to 300 feet of the water resource.

(Ord. 1623 § 1, 2014)

Response: These are all addressed in the submitted “Natural Resource Assessment Report”.

32.090 MITIGATION PLAN

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

B. Mitigation shall take place in the following locations, according to the following priorities (subsections (B)(1) through (4) of this section):

1. On-site mitigation by restoring, creating or enhancing WRAs.
2. Off-site mitigation in the same sub-watershed will be allowed, but only if the applicant has demonstrated that:
 - a. It is not practicable to complete mitigation on-site, for example, there is not enough area on-site; and
 - b. The mitigation will provide equal or superior ecological function and value.

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3. Off-site mitigation outside the sub-watershed will be allowed, but only if the applicant has demonstrated that:
 - a. It is not practicable to complete mitigation on-site, for example, there is not enough area on-site; and
 - b. The mitigation will provide equal or superior ecological function and value.
4. Purchasing mitigation credits through DSL or other acceptable mitigation bank.

C. Amount of mitigation.

1. The amount of mitigation shall be based on the square footage of the permanent disturbance area by the application. For every one square foot of non-PDA disturbed area, on-site mitigation shall require one square foot of WRA to be created, enhanced or restored.
2. For every one square foot of PDA that is disturbed, on-site mitigation shall require one half a square foot of WRA vegetation to be created, enhanced or restored.
3. For any off-site mitigation, including the use of DSL mitigation credits, the requirement shall be for every one square foot of WRA that is disturbed, two square feet of WRA shall be created, enhanced or restored. The DSL mitigation credits program or mitigation bank shall require a legitimate bid on the cost of on-site mitigation multiplied by two to arrive at the appropriate dollar amount.

D. The Planning Director may limit or define the scope of the mitigation plan and submittal requirements commensurate with the scale of the disturbance relative to the resource and pursuant to the authority of Chapter 99 CDC. The Planning Director may determine that a consultant is required to complete all or a part of the mitigation plan requirements.

E. A mitigation plan shall contain the following information:

1. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.
2. A map showing where the specific adverse impacts will occur and where the mitigation activities will occur.
3. A re-vegetation plan for the area(s) to be mitigated that meets the standards of CDC 32.100.
4. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, and reporting. All in-stream work in fish bearing

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streams shall be done in accordance with the Oregon Department of Fish and Wildlife.

5. Assurances shall be established to rectify any mitigation actions that are not successful within the first three years. This may include bonding or other surety. (Ord. 1623 § 1, 2014)

Response: A Mitigation Plan is included in the submitted “Natural Resource Assessment Report”.

32.100 RE-VEGETATION PLAN REQUIREMENTS

A. In order to achieve the goal of re-establishing forested canopy, native shrub and ground cover and to meet the mitigation requirements of CDC 32.090 and vegetative enhancement of CDC 32.080, tree and vegetation plantings are required according to the following standards:

1. All trees, shrubs and ground cover to be planted must be native plants selected from the Portland Plant List.
2. Plant size. Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.
3. Plant coverage.
 - a. Native trees and shrubs are required to be planted at a rate of five trees and 25 shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals 0.66, and 0.66 times five equals 3.3, so three trees must be planted, and 0.66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.
 - b. Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.

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4. Plant diversity. Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50 percent of the trees may be of the same genus.
5. Invasive vegetation. Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.
6. Tree and shrub survival. A minimum survival rate of 80 percent of the trees and shrubs planted is expected by the third anniversary of the date that the mitigation planting is completed.
7. Monitoring and reporting. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind.
8. To enhance survival of tree replacement and plantings, the following practices are required:
 - a. Mulching. Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.
 - b. Irrigation. Water new plantings one inch per week between June 15th to October 15th, for the three years following planting.
 - c. Weed control. Remove, or control, non-native or noxious vegetation throughout maintenance period.
 - d. Planting season. Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.
 - e. Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.

B. When weather or other conditions prohibit planting according to schedule, the applicant shall ensure that disturbed areas are correctly protected with erosion control measures and shall provide the City with funds in the amount of 125 percent of a bid from a recognized landscaper or nursery which will cover the cost of the plant materials, installation and any follow up maintenance. Once the planting conditions are favorable the applicant shall proceed with the plantings and receive the funds back from the City upon completion, or the City will complete the plantings using those funds. (Ord. 1623 § 1, 2014)

Response: Re-Vegetation Plan Requirements are addressed in the submitted "Natural Resource Assessment Report".

32.110 HARDSHIP PROVISIONS

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The purpose of this section is to ensure that compliance with this chapter does not deprive an owner of reasonable use of land. To avoid such instances, the requirements of this chapter may be reduced. The decision-making authority may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. The burden shall be on the applicant to demonstrate that the standards of this chapter, including Table 32-2, Required Width of WRA, will deny the applicant "reasonable use" of their property.

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

Response: This property is a lot of record. It was originally included in Tract 37 of WILLAMETTE TRACTS, Plat No. 147, Clackamas County Plat Records, until ODOT purchased most of it for the I-205 right-of-way in 1968/69 through Clackamas County Circuit Course No. 68408. We are requesting a reduction in the WRA width, as outlined in the Natural Resource Assessment Report submitted with this application.

B. For lots described in subsection A of this section that are located completely or partially inside the WRA, development is permitted, consistent with this section. The maximum disturbed area (MDA) of the WRA shall be determined on a per lot basis. The MDA shall be the greater of:

1. Five thousand square feet of the WRA; or
2. Thirty percent of the total area of the WRA.

C. The MDA shall be located as follows:

1. In areas where the development will result in the least square footage encroachment into the WRA.
2. The applicant shall demonstrate, through site and building design, that the proposed development is the maximum practical distance from the water resource based on the functional needs of the proposed use.
3. The minimum distance from a water resource shall be 15 feet.
4. Access driveways shall be the minimum permitted width; select an alignment that is least impactful upon the WRA; and shall share use of the driveway, where possible.

Response: The proposed 20-foot on-site WRA results in a total WRA width of a minimum of 30-feet, since the existing creek is 10 to 12-feet North of the North property line of this site on I-205 ROW.

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D. The MDA shall include:

1. The footprints of all structures, including accessory structures, decks and paved water impermeable surfaces including sidewalks, driveways, parking pads, paths, patios and parking lots, etc. Only 75 percent of water permeable surfaces at grade shall be included in the MDA.
2. All graded, disturbed or modified areas that are not subsequently restored to their original grade and replanted with native ground cover per an approved plan.

E. The MDA shall not include:

1. Temporarily disturbed areas (TDAs) adjacent to an approved structure or development area for the purpose of grading, material storage, construction activity, trenched or buried utilities and other temporary activities so long as these areas are subsequently restored to the original grades and soil permeability, and re-vegetated with native plants per CDC 32.100, such that they are at least equal in functional value to the area prior to the initiation of the permitted activity;
2. Bay windows and similar cantilevered elements (including decks, etc.) of the principal or secondary structure so long as they do not extend more than five feet towards the WRA from the vertical plane of the house, and have no vertical supports from grade;
3. PDAs that are not built upon as part of the development proposal will not count in the MDA (e.g., use of an existing access driveway). (Conversely, PDAs that are built upon as part of the development proposal will count in the MDA.);
4. The installation of public streets and public utilities that are specifically required to meet either the transportation system plan or a utility master plan so long as all trenched public utilities are subsequently restored to the original grades and soil permeability, and revegetated with native plants per CDC 32.100, such that they are at least equal in functional value to the area prior to the initiation of the permitted activity. All areas displaced by streets shall be mitigated for.

Table 32-5 MDA Calculation Summary

Type of Development	Square footage included in MDA calculation?
All structures	YES
Non-water permeable paved surfaces including driveways, parking lots, patios, and paths	YES

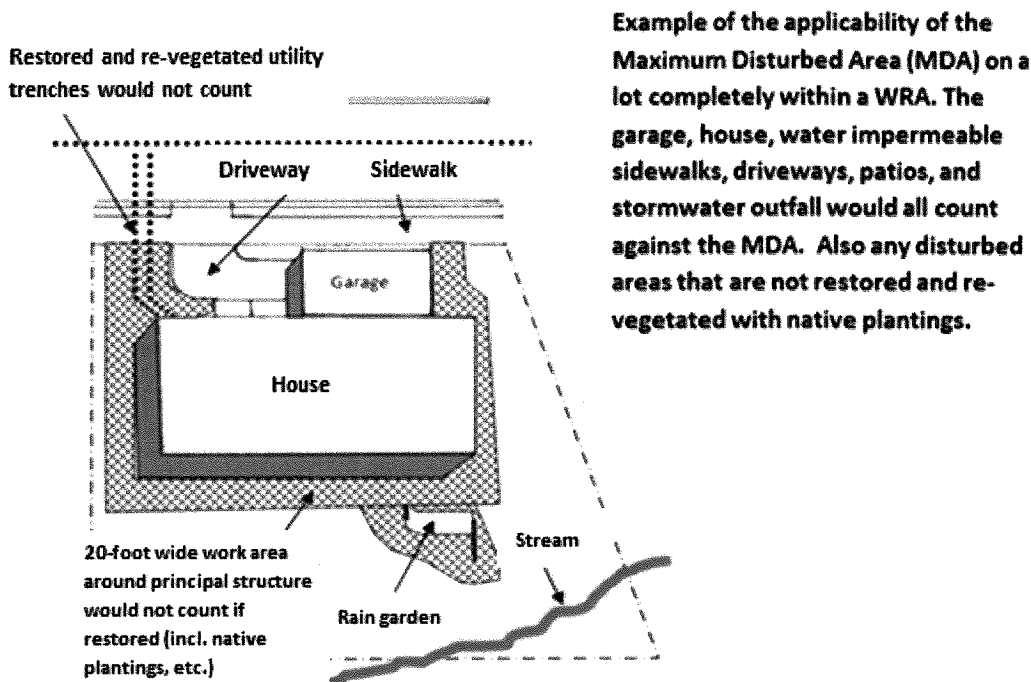
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Table 32-5 MDA Calculation Summary

Type of Development	Square footage included in MDA calculation?
Approved water permeable paved surfaces including driveways, parking lots, patios, and paths	YES but at 75% of total water permeable surface square footage
TDA's/graded areas that are restored and re-vegetated with native vegetation	NO
TDA's/all utility trenches and buried utilities restored or re-vegetated with native vegetation	NO
PDA's that are built upon or developed as part of the application	YES
PDA's that are not built upon or developed as part of the application	NO
Storm water detention or treatment pond	YES
Rain garden or bioswale with the native plantings as part of re-vegetation plan	NO
Storm water outfall, energy dissipaters (at, or above, grade)	YES
Non-native landscaping	YES
Sharing an existing driveway	NO
Development of lands that are not within the WRA	NO

Figure 32-7

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F. Development allowed under subsection A of this section may use the following provisions:

1. Setbacks required by the underlying zoning district may be reduced up to 50 percent where necessary to avoid construction within the WRA, as long as the development would otherwise meet the standards of this chapter. However, front loading garages shall be set back a minimum of 18 feet, while side loading garages shall be set back a minimum of three feet.
2. Landscaping and parking requirements may be reduced for hardship properties but only if all or part of the WRA is dedicated pursuant to CDC 32.060(C) or if a restrictive deed covenant is established. These reductions shall be permitted outright and, to the extent that the practices are inconsistent with other provisions or standards of the West Linn CDC, this section is given precedence so that no variance is required. The allowable reductions include:
 - a. Elimination of landscaping for the parking lot interior.
 - b. Elimination of the overall landscape requirement (e.g., 20 percent for commercial uses).
 - c. Elimination of landscaping between parking lots and perimeter non-residential properties.

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d. Landscaping between parking lots and the adjacent right-of-way may be reduced to eight feet. This eight-foot-wide landscaped strip may be used for vegetated storm water detention or treatment.

e. A 25 percent reduction in total required parking is permitted to minimize or avoid intrusion into the WRA.

f. Adjacent improved street frontage with curb and sidewalk may be counted towards the parking requirement at a rate of one parking space per 20 lineal feet of street frontage adjacent to the property, subject to City Engineer approval based on the street width and classification.

g. The current compact and full sized parking mix may be modified to allow up to 100 percent compact spaces and no full sized spaces. However, any required ADA compliant spaces shall be provided.

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

I. Any further modification of the standards of this chapter or the underlying zone shall require approval of a variance pursuant to Chapter 75 CDC. (Ord. 1623 § 1, 2014)

Response: If the WRA remains at 65-feet there is not enough room for development on Parcel 2. This has been addressed in the submitted "Natural Resource Assessment Report". The only disturbance in the proposed WRA will be plantings required for the mitigation for the reduction in the existing WRA width.

32.120 WRA MAP

A. The WRA Map, dated May 2014, is adopted as the official WRA Map. It is intended to identify WRA water features (wetlands, streams, ephemeral streams and riparian corridors). It is not intended to delineate the exact WRA boundaries or water feature alignment. That task will be carried out by staff in the course of site visits where the provisions of Table 32-2 shall apply.

B. Amendments to the WRA Map may be made in accordance with the provisions of Chapters 98 and 99 CDC. Copies of all map amendments shall be dated with the effective date of the document adopting the map amendment and shall be maintained without change, together with the adopting documents, on file in the Planning Department.

C. The Planning Director shall maintain in their office, and available for public inspection, an up-to-date copy of the WRA Map. (Ord. 1623 § 1, 2014)

Response: The City WRA Map shows Bernert Creek as a stream. However, it appears to be more like an Ephemeral Stream, which is a stream that has flowing water only during, and for a short duration after, precipitation events in a typical year.

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VII. Chapter 48 - ACCESS, EGRESS AND CIRCULATION

48.010 PURPOSE

The purpose of this chapter is to ensure that efficient, safe, and well-directed vehicular, bicycle, and pedestrian access, circulation, and egress are designed into development proposals. Access management seeks to balance mobility, the need to provide efficient, safe and timely travel with the ability to allow access to individual properties. Proper implementation of access management techniques should guarantee reduced congestion, reduced accident rates, less need for roadway widening, conservation of energy, and reduced air pollution. (Ord. 1584, 2008)

Response: Access to Parcel 2 will via the 30-foot flagpole. The existing access for the existing house will remain in its current location.

48.020 APPLICABILITY AND GENERAL PROVISIONS

A. The provisions of this chapter do not apply where the provisions of the Transportation System Plan or land division chapter are applicable and set forth differing standards.

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

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

Response: Each parcel will have a separate access to 13th Street. Parcel 2 will take access through the 30-foot flagpole and Parcel 1 will continue use the existing access to the North side of the existing house.

48.025 ACCESS CONTROL

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

B. Access control standards.

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

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Response: A traffic impact analysis is NOT required for this Partition since only one new home will be added, and 13th Street is classified as a local street.

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

3. Access options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are “options” as approved by the City Engineer.

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

Response: Access to Parcel 1 will continue to be from 13th Street to the North side of the existing house. Access to Parcel 2 will be via the 30-foot flagpole South of the existing house. 13th Street is classified as a local street so there are no limitations to access locations, other than only one access point per parcel.

6. Access spacing.

a. The access spacing standards found in the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections and non-traversable medians. Deviation from the access spacing standards may be granted by the City Engineer if conditions are met as described in the access spacing variances section in the adopted TSP.

b. Private drives and other access ways are subject to the requirements of CDC [48.060](#).

Response: 13th Street is classified as a local street and this is not a corner lot, so there are no access spacing requirements for this parcel.

7. Number of access points. For single-family (detached and attached), two-family, and duplex housing types, one street access point is permitted per lot or

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parcel, when alley access cannot otherwise be provided; except that two access points may be permitted corner lots (i.e., no more than one access per street), subject to the access spacing standards in subsection (B)(6) of this section. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection (B)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.

Response: We are proposing one access driveway for each parcel. The existing house will continue to access from 13th Street on the North side of the house, and Parcel 2 will access at the flagpole South of the existing house.

8. Shared driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

- a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent lot or parcel develops. "Developable" means that a lot or parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
- b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

Response: We are NOT proposing a shared driveway.

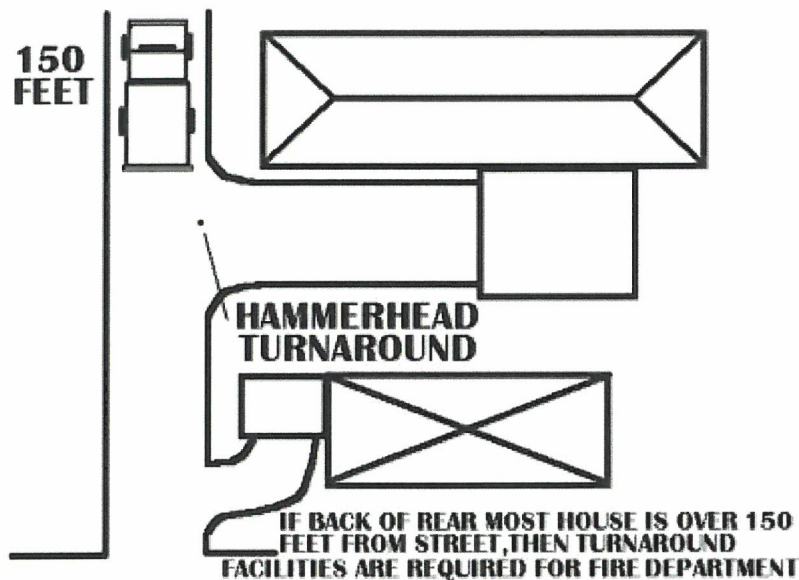
48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

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

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

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2. Two to four single-family residential homes equals a 14- to 20-foot-wide paved or all-weather surface. Width shall depend upon adequacy of line of sight and number of homes.
3. Maximum driveway grade shall be 15 percent. The 15 percent shall be measured along the centerline of the driveway only. Variations require approval of a Class II variance by the Planning Commission pursuant to Chapter 75 CDC. Regardless, the last 18 feet in front of the garage shall be under 12 percent grade as measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply.
4. The driveway shall include a minimum of 20 feet in length between the garage door and the back of sidewalk, or, if no sidewalk is proposed, to the paved portion of the right-of-way.



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

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

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Response: Access for the existing house will continue to be from 13th Street along the North side of the house. A new driveway will be constructed for access to Parcel 2 in the 30-foot wide flagpole on the South side of the existing house. The new driveway will be paved a minimum of 12-feet wide with a minimum of 20-feet of clearance for fire access to the new house on Parcel 2. Both driveways will be basically flat. A minimum vertical clearance for the driveways will be 13.5-feet.

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

A. Minimum curb cut width shall be 16 feet.

C. No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:

6. On a local street when intersecting any other street, 35 feet.

Response: The closest intersecting street on the same side as this partition is 800-feet to the South. Timothy Lane is across the street and 100-feet South from this partition.

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

3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.

Response: There is no curb cut for Parcel 1 since street improvements are only required in front of Parcel 2. One new driveway curb cut will be installed with the frontage improvements for Parcel 2.

G. Adequate line of sight pursuant to engineering standards should be afforded at each driveway or accessway. (Ord. 1270, 1990; Ord. 1584, 2008; Ord. 1636 § 35, 2014)

Response: 13th Street is straight for approximately 800-feet South from the proposed access driveway to Parcel 2 and is a dead-end street to the North with no vertical curves that would restrict sight distance, so trimming of shrubs would be the only requirement to keep good sight distance along 13th Street.

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VIII. Chapter 85 - GENERAL PROVISIONS

85.010 PURPOSE

A. The purpose of the land division provisions of this code is to implement the Comprehensive Plan; to provide rules and standards governing the approval of plats of subdivisions (four lots or more) and partitions (three lots or fewer); to help direct the development pattern; to lessen congestion in the streets; to increase street safety; to efficiently provide water, sewage, and storm drainage service; and to conserve energy resources.

B. The purpose is further defined as follows:

1. To improve our sense of neighborhood and community and increase opportunities for socialization.
2. To comply with the State's Transportation Planning Rule (TPR), which seeks to encourage alternate forms of transportation and reduce reliance upon the private automobile and vehicle miles traveled by increasing accessibility within and between subdivisions and neighborhoods. This may be accomplished by designing an easily understood, interconnected pattern of streets, bicycle and foot paths, and accommodation of transit facilities. Cul-de-sacs are to be discouraged unless site conditions dictate otherwise.
3. To reduce pedestrian/vehicle conflicts and create a safe and attractive environment for pedestrians and bicyclists.
4. To protect natural resource areas such as drainageways, Willamette and Tualatin River greenways, creeks, habitat areas, and wooded areas as required by other provisions of this code or by the layout of streets and graded areas so as to minimize their disturbance.
5. To protect the natural features and topography by minimizing grading and site disturbance and by requiring proper erosion control techniques.
6. To arrange the lots and streets so as to minimize nuisance conditions such as glare, noise, and vibration.
7. To maximize passive solar heating benefits by orienting the streets on an east-to-west axis which increases exposure to the sun.
8. To arrange for the efficient layout of utilities and infrastructure as well as their extension to adjacent properties in a manner consistent with either adopted utility plans or sound engineering practices.
9. To arrange lots and roads to create reasonably buildable lots and acceptable driveway grades.
10. To encourage the arrangement of increased densities and smaller lots in proximity to needed services and schools as well as transportation corridors so as to reduce vehicle miles traveled and to encourage alternate modes of travel.

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11. To encourage design experimentation and creativity.

12. To arrange for the mitigation of impacts generated by new development. These impacts include increased automobile, foot, and bicycle traffic. These impacts are to be mitigated at the developer's cost, by the provision of streets, sidewalks, bicycle and foot paths, and traffic control devices within, contiguous to, and nearby the development site. Similarly, increased demand on local infrastructure such as water lines, sanitary sewer lines, and storm drainage and detention facilities, should be offset by improving existing facilities or providing new ones. (Ord. 1636 § 49, 2014; Ord. 1647 § 7, 2016)

85.140 PRE-APPLICATION CONFERENCE REQUIRED

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

B. The Planning staff shall explain the applicable plan policies, ordinance provisions, opportunities, and constraints which may be applicable to the site and type of proposed land division.

C. The City Engineering staff shall explain the public improvement requirements which may be applicable to the site and type of proposed land division, including potential for the applicant to apply for a waiver of street improvements. (Ord. 1544, 2007)

Response: Pre-Application Conference PA-22-23 was held on August 18, 2022.

85.150 APPLICATION – TENTATIVE PLAN

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

1. The completed application form(s).

2. Copies of the tentative plan and supplemental drawings shall include one copy at the original scale plus one copy reduced in paper size not greater than 11 inches by 17 inches. The applicant shall also submit one copy of the complete application in a digital format acceptable to the City. When the application submittal is determined to be complete, additional copies may be required as determined by the Community Development Department.

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

B. The applicant shall pay the requisite fee. (Ord. 1401, 1997; Ord. 1408, 1998; Ord. 1442, 1999; Ord. 1613 § 19, 2013; Ord. 1621 § 25, 2014; Ord. 1622 § 19, 2014)

Response: A completed application form is included with this submittal, along with one copy of the tentative plan and supplemental drawing (one sheet entitled Existing Conditions and Proposed Partition Plat) at the original scale in paper size of 11 inches by 17 inches, a Narrative, and the requested fee.

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85.160 SUBMITTAL REQUIREMENTS FOR TENTATIVE PLAN

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

Response: Vicinity maps are included. No streets or mainline utilities will be extended. Only new services to the new parcel will be installed.

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

Response: A tentative Partition Plat drawn to scale is included with this application

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

Response: The tentative plan of this Partition is drawn at 1-inch equals 40 feet.

D. The following general information shall be shown on the tentative plan of subdivision or partition:

1. Proposed name of the subdivision and streets; these names shall not duplicate nor resemble the name of any other subdivision or street in the City and shall be determined by the City Manager or designee. Street names should be easily spelled, pronounced, and of limited length. All new street names must, to the greatest extent possible, respect and be representative of the surrounding geography and existing street names. Street names should consider any prominent historical City figures or neighborhood themes that exist. Subdivision street names may not reference names of the builder or developer.
2. Date, north arrow, scale of drawing, and graphic bar scale.
3. Appropriate identification clearly stating the drawing as a tentative plan.
4. Location of the proposed division of land, with a tie to the City coordinate system, where established, and a description sufficient to define its location and boundaries, and a legal description of the tract boundaries.
5. Names and addresses of the owner, developer, and engineer or surveyor.

Response: No new streets are included in this Partition. All above information required is on the tentative plan, except there is no tie to the City coordinate system, since we were told there is none in the area.

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

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1. The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements and other important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments.
2. Contour lines related to the U.S. Geological Survey datum or some other established benchmark, or other datum approved by the Planning Director and having the following minimum intervals:
 - a. Two-foot contour intervals for ground slopes less than 20 percent.
 - b. Five-foot contour intervals for ground slopes exceeding 20 percent.
3. The location of any control points that are the basis for the applicant's mapping.
4. The location, by survey, and direction of all watercourses and areas subject to periodic inundation or storm drainageway overflow or flooding, including boundaries of flood hazard areas as established by the U.S. Army Corps of Engineers or the City zoning ordinance.
5. Natural features such as rock outcroppings, wetlands tied by survey, wooded areas, heritage trees, and isolated trees (six-inch diameter at five feet above grade) identified by size, type, and location. All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2), and all heritage trees, shall be delineated. Trees on non-Type I and II lands shall have their "dripline plus 10 feet" protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area.
6. Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after platting.
7. Identify the size and location of existing sewers, water mains, culverts, drain pipes, gas, electric, and other utility lines within the site, and in the adjoining streets and property.
8. Zoning on and adjacent to the tract.
9. Existing uses to remain on the adjoining property and their scaled location.
10. The location of any existing bicycle or pedestrian ways.
11. The location of adjacent transit stops.

Response: 13th Street is shown on the tentative Partition Plan with a 43-foot right-of-way plus a cul-de-sac retained from an ODOT transfer to the City in Document 74-11996, Clackamas County Deed Records when the City relinquished some of that area back to ODOT in Resolution No. 08-36 on September 10, 2008. An existing easement for a sanitary sewer is located along the North property line on this property. There is no need for additional easement for either access or utilities. Contour lines are shown at 1-foot intervals. Found property pins are shown on the boundaries of this property, however, there are additional property pins that will be used to resolve the boundaries of this property in relation to surrounding properties. No watercourses,

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flood area, or area subject to inundation are on this property. No heritage trees are on this site, however, there are a number of large, isolated evergreen trees that are shown on the tentative plan. Only one single-family detached structure is on this property along with a carport and small accessory structure that will be moved, as shown on the tentative plan. They will remain on Parcel 1. All known utilities are shown on the tentative plan. Zoning of this property and properties to the South and West is R-7, Single-Family Residential Detached – 7,000 sq. ft. Properties to the Southwest are zoned R-10 and properties to the South and East are zoned General Commercial. There is no existing sidewalk in 13th Street as shown on the tentative plan. There is no signed bike lane on 13th Street. Public Transit does not operate on 13th Street since it is a dead-end street. The nearest bus line, No. 154, is on Willamette Falls Drive.

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

1. The street – street location, proposed name, right-of-way width, and approximate radius of curves of each proposed street and street grades. Proposed street names shall comply with the street naming method explained in CDC 85.200(A)(12).
2. The type, method, and location of any erosion prevention and sediment control measures and/or facilities in accordance with the most current version of Clackamas County’s *Erosion/Sedimentation Control Plans Technical Guidance Handbook*, which are necessary to prevent and control visible or measurable erosion as determined by the following criteria:
 - a. Deposition of soil, sand, dirt, dust, mud, rock, gravel, refuse, or any other organic or inorganic material exceeding one cubic foot in volume in a public right-of-way or public property, or into the City surface water management system either by direct deposit, dropping, discharge, or as a result of erosion; or
3. Any proposed infrastructure improvements that address those identified in the City Transportation System Plan.
4. Any proposed bicycle or pedestrian paths. The location of proposed transit stops.
5. Any easement(s) – location, width, and purpose of the easement(s).
6. The configuration including location and approximate dimensions and area of each lot or parcel, and in the case of a subdivision, the proposed lot and block number.
7. A street tree planting plan and schedule approved by the Parks Department.

Response: No new streets are being created. An erosion control plan will be provided with the Engineering Plans, which will include frontage improvements along the front of Parcel 2 on 13th Street, the new water service, sanitary sewer lateral and the Stormwater Management Plan, if required. An 8-foot Public Utility Easement will be dedicated along the entire frontage of 13th Street.

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85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

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

A. General.

1. Narrative stating how the plan meets each of the applicable approval criteria and each subsection below.
2. Statement or affidavit of ownership of the tract (County Assessor's map and tax lot number).
3. A legal description of the tract.
4. If the project is intended to be phased, then such a proposal shall be submitted at this time with drawing and explanation as to when each phase will occur and which lots will be in each phase.
5. Where the land to be subdivided or partitioned contains only a part of the contiguous land owned by the developer, the Commission or Planning Director, as applicable, shall require a master plan of the remaining portion illustrating how the remainder of the property may suitably be subdivided.
6. Where the proposed subdivision site includes hillsides, as defined in CDC 02.030 Type I and II lands, or any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the requirements for erosion control as described in CDC 85.160(F)(2) shall be addressed in a narrative.
7. Table and calculations showing the allowable number of lots under the zone and how many lots are proposed.
8. Map and table showing square footage of site comprising slopes by various classifications as identified in CDC 55.110(B)(3).

Response: This is part of the narrative stating how the plan meets the applicable approval criteria. A deed showing ownership is included along with a copy of the Assessor's map and tax lot number. A copy of the deed for this property is included with a legal description of the property. Overall, this site would be classified as Type IV land, since more than 50-percent of the property has slopes under 10-percent.

C. Grading.

1. If areas are to be graded, a plan showing the location of cuts, fill, and retaining walls, and information on the character of soils, shall be provided. The grading plan shall show proposed and existing contours at intervals per CDC 85.160(E)(2).
2. The grading plan shall demonstrate that the proposed grading to accommodate roadway standards and create appropriate building sites is the minimum amount necessary.

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3. The grading plan must identify proposed building sites and include 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:

- a. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
- b. Assessment of engineering geological conditions and factors;
- c. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and
- d. 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.

Response: Most site grading will take place at building permit time, however, there will need to be some grading at the time of construction of the frontage improvements along the frontage of Parcel 2 on 13th Street and the new driveway serving Parcel 2. A plan for this will be provided with the Engineering Construction Plans for improvements, if required, including a driveway approach that meets current ADA standards, driveway installation, water service, sanitary sewer lateral, and Stormwater Management, if required, for the site.

D. Water.

1. A plan for domestic potable water supply lines and related water service facilities, such as reservoirs, etc., shall be prepared by a licensed engineer consistent with the adopted Comprehensive Water System Plan and most recently adopted updates and amendments.
2. Location and sizing of the water lines within the development and off-site extensions. Show on-site water line extensions in street stub outs to the edge of the site, or as needed to complete a loop in the system.
3. Adequate looping system of water lines to enhance water quality.
4. For all non-single-family developments, calculate fire flow demand of the site and demonstrate to the Fire Chief. Demonstrate to the City Engineer how the system can meet the demand.

Response: The only new water will be the service to serve Parcel 2.

E. Sewer.

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1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan and subsequent updates and amendments. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is efficient. The sewer system must be in the correct zone.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depths. Show how each lot or parcel would be sewerred.
3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
6. The sanitary sewer line shall minimize disturbance of natural areas and, in those cases where that is unavoidable, disturbance shall be mitigated pursuant to the appropriate chapters (e.g., Chapter 32 CDC, Water Resource Area Protection).
7. Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.
8. The sanitary sewer system shall be built pursuant to Department of Environmental Quality (DEQ), City, and Tri-City Service District sewer standards. This report should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.

Response: The only new sanitary sewer will be the lateral to serve Parcel 2.

F. **Storm.** A storm detention and treatment plan and narrative compliant with CDC 92.010(E) must be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the most recently adopted Storm Drainage Master Plan. (Ord. 1382, 1995; Ord. 1401, 1997; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1584, 2008; Ord. 1604 § 65, 2011; Ord. 1635 § 33, 2014; Ord. 1636 § 54, 2014; Ord. 1650 § 1 (Exh. A), 2016; Ord. 1662 § 15, 2017)

Response: Storm drainage for rain drains on the new house and the new driveway will be evaluated at the time of new home construction on Parcel 2. Flood control is not needed, so there are no profiles of proposed drainageways.

85.200 APPROVAL CRITERIA

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

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A. Streets.

1. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to the generalized or reasonable layout of streets on adjacent undeveloped lots or parcels, to topographical conditions, to public convenience and safety, to accommodate various types of transportation (automobile, bus, pedestrian, bicycle), and to the proposed use of land to be served by the streets. The functional class of a street aids in defining the primary function and associated design standards for the facility. The hierarchy of the facilities within the network in regard to the type of traffic served (through or local trips), balance of function (providing access and/or capacity), and the level of use (generally measured in vehicles per day) are generally dictated by the functional class. The street system shall assure an adequate traffic or circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Streets should provide for the continuation, or the appropriate projection, of existing principal streets in surrounding areas and should not impede or adversely affect development of adjoining lands or access thereto.

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

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

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

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

Response: 13th Street is a local street with a 43-foot wide right-of-way and approximately 75-feet of curb along the Southern portion of this property. There is no sidewalk along the entire frontage of this property. Additional right-of-way dedication will be determined after the surveyor rectifies the area owned by the City with the existing conditions survey, however an 8-foot wide PUE will be dedicated along the entire frontage. If required, additional trees will be planted along the frontage behind the sidewalk.

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

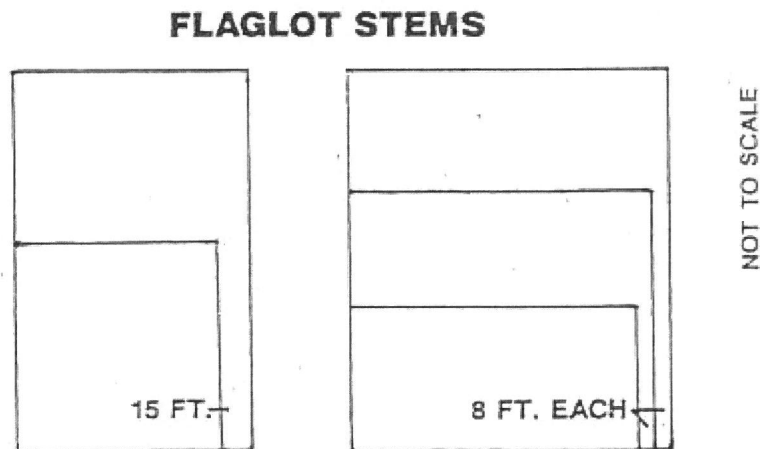
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Response: Access to Parcel 1 exists at the cul-de-sac and will remain. Access to Parcel 2 will be on the 30-foot plus frontage on the South side of the property where a curb will be installed with a driveway approach.

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

Response: The existing South side lot line is at right angles to 13th Street. However, the North side lot line is the South right-of-way line of I-205 and is at an angle to 13th Street. The South side lot line for Parcel 1, which is the North line of the flagpole to Parcel 2, will be at a right angle to 13th Street.

7. **Flag lots.** Flag lots can be created where it can be shown that no other reasonable street access is possible to achieve the requested land division. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be eight feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements. The following dimensional requirements shall apply to flag lots:



- a. Setbacks applicable to the underlying zone shall apply to the flag lot.
- b. Front yard setbacks may be based on the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured, or it is part of a pattern of development, or it better fits the topography of the site.
- c. The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.

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

Response: The access to the rear portion of this parcel is with a 30-foot flagpole for a new buildable parcel. The flagpole will be paved a minimum of 12-feet wide. This will not be a shared driveway with Parcel 1, which has the existing house and a driveway directly from 13th Street on the North side of the house. The rear lot will be 18,866 square feet, including the flagpole.

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

- 2. The character of soil for fill and the characteristics of lot and parcels made usable by fill shall be suitable for the purpose intended.
- 3. If areas are to be graded (more than any four-foot cut or fill), compliance with CDC 85.170(C) is required.
- 4. The proposed grading shall be the minimum grading necessary to meet roadway standards, and to create appropriate building sites, considering maximum allowed driveway grades.
- 5. Type I lands shall require a report submitted by an engineering geologist, and Type I and Type II lands shall require a geologic hazard report.
- 6. Per the submittals required by CDC 85.170(C)(3), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.
- 7. On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:
 - a. Toes of cuts and fills shall be set back from the boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. Where an exception is required from that requirement, slope easements shall be provided.
 - b. Cuts shall not remove the toe of any slope where a severe landslide or erosion hazard exists.

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- c. Any structural fill shall be designed by a registered engineer in a manner consistent with the intent of this code and standard engineering practices, and certified by that engineer that the fill was constructed as designed.
 - d. Retaining walls shall be constructed pursuant to Section 2308(b) of the Oregon State Structural Specialty Code.
 - e. Roads shall be the minimum width necessary to provide safe vehicle access, minimize cut and fill, and provide positive drainage control.
8. Land over 50 percent slope shall be developed only where density transfer is not feasible. The development will provide that:
- a. At least 70 percent of the site will remain free of structures or impervious surfaces.
 - b. Emergency access can be provided.
 - c. Design and construction of the project will not cause erosion or land slippage.
 - d. Grading, stripping of vegetation, and changes in terrain are the minimum necessary to construct the development in accordance with subsection J of this section.

Response: Grading will only be done at site development time, i.e. Building Permit. The accessway will be reasonably flat.

H. Storm detention and treatment. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and there is sufficient factual data to support the conclusions of the submitted plan.

Response: There are no public stormwater facilities proposed.

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

Response: An 8-foot PUE will be provided along the entire frontage, as required by the City.

J. Supplemental provisions.

- 3. Street trees. Street trees are required as identified in the appropriate section of the municipal code and Chapter 54 CDC.
- 4. Lighting. All subdivision street or alley lights shall meet West Linn Public Works Design Standards.

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

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

9. Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping dripline; however, native oaks need not have an overlapping dripline) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC 55.100(B)(2). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk. (Ord. 1377, 1995; Ord. 1382, 1995; Ord. 1401, 1997; Ord. 1403, 1997; Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1584, 2008; Ord. 1590 § 1, 2009; Ord. 1604 § 64, 2011; Ord. 1613 § 20, 2013; amended during July 2014 supplement; Ord. 1635 § 34, 2014; Ord. 1636 § 56, 2014; Ord. 1647 § 8, 2016; Ord. 1650 § 1 (Exh. A), 2016; Ord. 1662 § 16, 2017; Ord. 1675 § 53, 2018; Ord. 1695 § 4, 2019)

Response: Street trees will be added along the frontage as necessary. There is an existing streetlight on a pole on the East side of 13th Street approximately 165-feet South of the Southwest corner this property. The pole in front of the existing house does not have a streetlight. The existing house is served overhead from the existing pole directly in front of the house. All new power, telephone and cable may or may not be installed underground, depending on the utility company allowances and requirements, since City of West Linn requirements do not require undergrounding on parcels less than 1-acre in size.

As far as we know, there are no heritage trees/significant trees on this site.

PARTITION NARRATIVE
2011 13th Street

IX. Chapter 92 - REQUIRED IMPROVEMENTS

92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT

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

E. Storm detention and treatment. For Type I, II and III lands (refer to definitions in Chapter [02](#) CDC), a registered civil engineer must prepare a storm detention and treatment plan, at a scale sufficient to evaluate all aspects of the proposal, and a statement that demonstrates:

1. 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.
2. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards.
3. There will be no adverse off-site impacts, including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream.
4. There is sufficient factual data to support the conclusions of the plan.
5. Per CDC [99.035](#), the Planning Director may require the information in subsections (E)(1), (2), (3) and (4) of this section for Type IV lands if the information is needed to properly evaluate the proposed site plan.

Response: This property would be considered Type IV lands due to the fact that more than 50-percent of the site has slopes of less than 10-percent. There is a stream (Bernert Creek) located within the I-205 right-of-way along the North side of this property and we have provided a Natural Resource Assessment of this property that discusses Water Resource Area conditions along with mitigation of the degraded habitat.

A storm detention and treatment plan will be evaluated at the time of new home construction.

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

Response: This is NOT a subdivision. It is a two-parcel partition. The existing house is already connected to the City sanitary sewer. One new lateral will be installed from

PARTITION NARRATIVE
2011 13th Street

the City main in 13th Street along the frontage of this parcel to serve Parcel 2, or if possible connected to the City main along the North property line.

G. Water system. Water lines with valves and fire hydrants providing service to each building site in the subdivision and connecting the subdivision to City mains shall be installed.

Response: Again, this is NOT a subdivision, it is a Partition. The existing house is served by City water from a meter directly in front of the house and in the 13th Street right-of-way. A new service will be installed behind the sidewalk along the frontage of Parcel 2.

H. Sidewalks.

2. On local streets serving only single-family dwellings, sidewalks may be constructed during home construction, but a letter of credit shall be required from the developer to ensure construction of all missing sidewalk segments within four years of final plat approval pursuant to CDC [91.010\(A\)\(2\)](#).

3. The sidewalks shall measure at least six feet in width and be separated from the curb by a six-foot minimum width planter strip. Reductions in widths to preserve trees or other topographic features, inadequate right-of-way, or constraints, may be permitted if approved by the City Engineer in consultation with the Planning Director.

Response: There is no sidewalk or curb along the frontage of this property. The only requirement the City has placed on the development of this partition is to install curb and sidewalk along the frontage of Parcel 2.

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

Response: 13th Street is a local street with no bike lanes or fog lines on either side of the street designating the travel lanes.

M. Street lights. Street lights shall be installed and shall be served from an underground source of supply.

Response: There are no street lights along the frontage of this property on either side of 13th Street. The nearest street light is on a power pole approximately 165-feet South of this property on the East side of 13th Street.

N. Utilities. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and

PARTITION NARRATIVE
2011 13th Street

facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground.

Response: The Engineering notes from the Pre-Application Conference stated that since the site is less than one acre undergrounding of overhead utilities is NOT required but can be done if the applicant wishes. The existing house on Parcel 1 is served overhead from the power, telephone and cable lines in 13th Street. All new power, telephone, and cable services for Parcel 2 will be installed at the time of building and whether to underground or not will be determined then.

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

Response: The existing driveway will not be touched. The driveway approach and sidewalk along the frontage of Parcel 2 will be constructed at the time of building on Parcel 2.

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

Response: Street trees will be paid for, if required by the City. There is one existing fir tree approximately 10-feet from the cul-de-sac right-of-way and a couple of trees further South that are within 15 to 20-feet of the right-of-way line.

92.020 IMPROVEMENTS IN PARTITIONS

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

Response: Improvements for this partition have been addressed above.

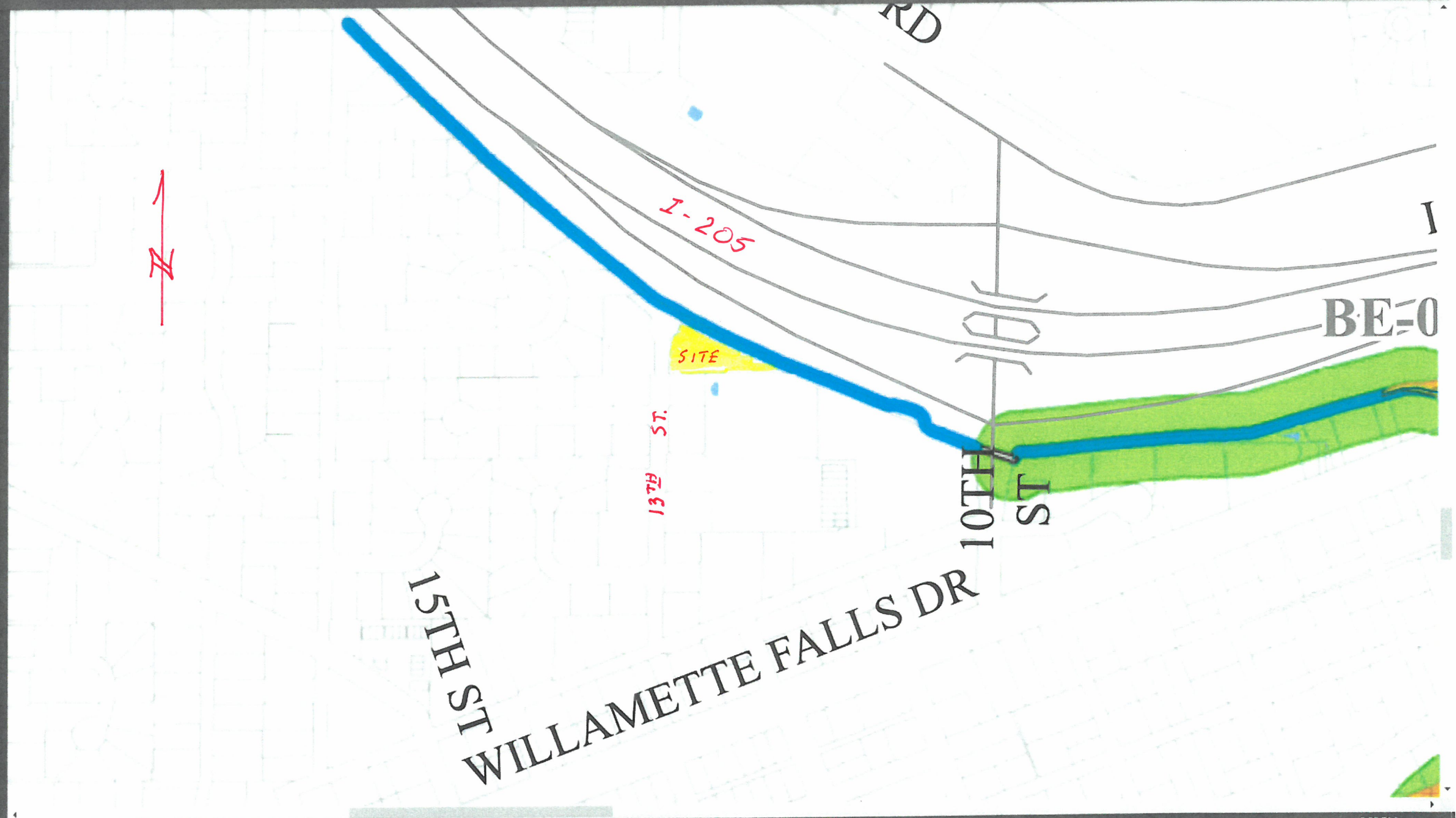
92.030 IMPROVEMENT PROCEDURES

In addition to other requirements, improvements installed by the developer, either as a requirement of these regulations or at the developer's own option, shall conform to the

PARTITION NARRATIVE
2011 13th Street

requirements of this title and permanent improvement standards and specifications adopted by the City and shall be installed in accordance with the following procedure:

Response: The only anticipated improvements to be installed by this partition development are curb, sidewalk and driveway approach along the frontage of Parcel 2, a sanitary sewer lateral, a water service, and possible underground installation of new power, telephone, and cable for Parcel 2, and possibly a gas service.



Handwritten red arrow pointing upwards.

I-205

SITE

13TH ST

10TH ST

15TH ST
WILLAMETTE FALLS DR

BE=0

File 41744A
Drawing 9B-1-6

Clackamas County Official Records
Sherry Hall, County Clerk

2013-066331



\$63.00

01719268201300663310040047

09/19/2013 02:10:42 PM

D-D Cnt=1 Stn=6 KARLYN
\$20.00 \$10.00 \$16.00 \$17.00

DEED

The **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, Grantor, for the true and actual consideration of \$ 1,050.00 does convey unto, **Laurie M. Huskey**, Grantee, the property described as **Parcel 1 on Exhibit "A" dated 4-23-2009**, attached hereto and by this reference made a part hereof.

AND RESERVING unto Grantor an permanent easement for drainage upon the property described as **Parcel 2 on Exhibit "A" dated 4-23-2009**, attached hereto and by this reference made a part hereof.

This conveyance is made and delivered upon the following express conditions, reservations, and restrictions:

1. Subject to special assessments, existing restrictions, reservations and easements of record, if any.
2. That there is reserved by Grantor, and waived by Grantee, all access rights between the above described real property and the East Portland Freeway (I-205) abutting on said parcel.

This reservation shall run with the land and shall not be subject to modification, cancellation, or destruction by adverse user or estoppel, no matter how long continued. Nothing in this conveyance shall be construed as conveying any estate, right, title, or interest in and to said abutting public highway right of way or any rights of reversion therein or thereto.

3. That the above described land shall never be used for the placing or maintenance of any advertising sign, display, or device, except such sign, display, or device used to advertise the activities on said land, or the lease or sale of said land or any portion thereof. In the event of violation of this condition, Grantor shall have the right, through its authorized officers, agents, or employees to enter upon said land and remove, destroy, or obliterate any unauthorized sign, display, or device, without liability for damage or injury thereto, and to recover the cost of such removal, destruction or obliteration from the owner of said land.

4. That no junk, scrap, junked motor vehicles, or parts thereof, debris, trash, waste, or other such materials shall be placed on said land for whatever purpose in any manner so as to be visible from a state highway, provided that such items as listed above can otherwise be placed on said land without violating any applicable law, ordinance, or regulation. In the event of violation of this condition, Grantor shall have the right, through its authorized officers, agents, or employees, to enter upon said land and remove or destroy any unauthorized junk, scrap, or other material mentioned above and recover the cost of such removal or destruction from the owner of said land.

TAX STATEMENTS TO:
Laurie M. Huskey
2011 13th Street
West Linn, OR 97068-4442

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
PROPERTY MANAGEMENT / ACCESS RESEARCH
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2
SALEM, OR 97302-1142

5. That this property shall not be used for the operation of any garbage dump or sanitary land fill. If such use is made of the property, Grantor may, at its election, enter upon said land and restore it to the condition that existed prior to said use for garbage dump or sanitary land fill purposes and recover the cost thereof from the owner of said land.

6. That this conveyance is made upon the further condition, which shall constitute a covenant running with the land, that Grantor shall not at any time become liable to Grantee and grantee's heirs, successors and assigns in interest, for damages to the land herein described or any buildings, structures, improvements, or property of any kind or character now or hereafter located upon said land or for any injuries to any owner, occupant, or any person in or upon said land or for any interference with the use and enjoyment of said land or for damages which except for this covenant might constitute a nuisance caused directly or indirectly by noise or air pollutant emissions from transportation vehicles using the highway or transportation facility adjacent to said land. Any reference in this covenant to the highway or transportation facility adjacent to said land refers to the highway or transportation facility as it now exists and also as it will exist with future improvements. Grantee and grantee's heirs, successors and assigns covenant not to sue Grantor for any said injuries or damages.

7. That Grantee acknowledges that it has examined the above described Property to its own satisfaction and has formed its own opinion as to the condition (including environmental condition) and value thereof. Grantee has not relied on any statements or representations from Grantors or any person acting on behalf of Grantors concerning any of the following: the size or area of the Property or any of the parcels of the Property; the location of corners or boundaries of any parcel of the Property; the conditions of the Property, including but not limited to, environmental condition above or below the surface of the Property or compliance with environmental laws and other governmental requirements; the availability of services to the Property; the ability of Purchaser to use the Property or any portion thereof for any intended purpose; or any other matter affecting or relating to the Property or any portion thereof. Grantee is acquiring the Property, both above surface and below surface, in the condition existing at the time of closing, AS IS, with all defects, if any. Grantee waives, releases and forever discharges Grantors of and from all claims, actions, causes of action, fines, penalties, damages (including consequential, incidental and special damages), costs (including the cost of complying with any judicial or governmental order), and expenses (including attorney fees), direct or indirect, known or unknown, foreseen or unforeseen, which may arise on account of or in any way growing out of or in connection with any physical characteristic or condition of the Property, including any surface or subsurface condition, or any law, rule or regulation applicable to the Property.

8. Subject to the rights of any utilities located within said property and further subject to the rights of said existing facilities, if any there be, to operate, reconstruct, and maintain their utility facilities presently located within said property.

It is understood that the conditions, reservations, restrictions, and covenants herein set out have been considered in determining the amount of consideration of this conveyance.

The rights and remedies herein reserved or provided shall not be exclusive and shall not be in derogation of any other right or remedy which Grantor may have. The conditions and restrictions herein contained shall run with said land and shall forever bind Grantee and grantee's heirs, successors and assigns. Where any action is taken to enforce the above mentioned conditions and restrictions, Grantor shall not be liable for any trespass or conversion as to any real or personal property. Where legal proceedings are commenced by Grantor to enforce the foregoing conditions and restrictions or for the recovery of the aforementioned removal or destruction costs, the successful party shall be entitled to reasonable attorney fees and court costs.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The statement above is required by law to be included in this instrument. PLEASE NOTE: the property described in this instrument is not a "lot" or "parcel" as defined in ORS 92.010 or 215.010. Nevertheless, the property is a legally created unit of land as described in ORS 92.010 (9) (d) or (e).

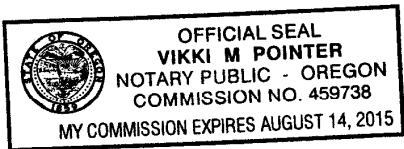
Dated this 27th day of August, 2013.

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

By *DKC*
Rick Crager, State Right of Way Manager

STATE OF OREGON, County of Marion

Dated August 27, 2013. Personally appeared Rick Crager, who being sworn, stated that he is the State Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to him. Before me:



Vikki M. Pointer
Notary Public for Oregon
My Commission expires 8-14-15

Parcel 1 - To Be Sold

A Parcel of land lying in Lot A, Block 38, and in Lot A, Block 37, WILLAMETTE TRACTS, Clackamas County, Oregon and being that property vacated by Resolution No. 08-36, dated August 11, 2008 by the City Council of West Linn, Oregon.

ALSO that property designated as Parcel 3 and described in that Warranty Deed to the State of Oregon, by and through its State Highway Commission, recorded March 14, 1968, as Recorder's Fee No. R 68-4580 Film Records of Clackamas County.

This parcel of land contains 4,511 square feet, more or less.

Parcel 2 – Permanent Easement for Drainage to be retained by ODOT

A Parcel of land lying in the Lot A, Block 38, WILLAMETTE TRACTS, Clackamas County, Oregon and being that property designated as Parcel 3 and described in that Warranty Deed to the State of Oregon, by and through its State Highway Commission, recorded March 14, 1968, as Recorder's Fee No. R 68-4580 Film Records of Clackamas County.

This parcel of land contains 2,613 square feet, more or less.

3p
13

Clackamas County Official Records
Sherry Hall, County Clerk

2015-068310

After recording, return to:

C. Thomas Davis
12220 SW First Street
Beaverton OR 97005



\$63.00

10/08/2015 02:53:13 PM

D-D Cnt=1 Stn=5 LESLIE
\$15.00 \$10.00 \$16.00 \$22.00

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

As is on record

STATUTORY BARGAIN AND SALE DEED

LAURIE HUSKEY, Grantor, conveys to ARIEH PROPERTIES, LLC, Grantee, all of Grantor's right, title and interest in the following real properties situated in Clackamas County, Oregon, to-wit:

Common: 2011 13th St. West Linn, OR 97068

Legal: 147 WILLAMETTE TRACTS PT LT A BLK 37,
also described as (See Exhibit A)

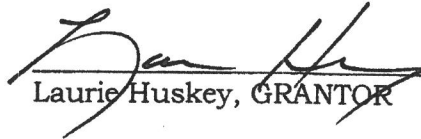
The true consideration for this conveyance is NONE.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND 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 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST

1 STATUTORY BARGAIN AND SALE DEED
[jme.w.huskey.deed.2011]

PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010,

DATED: 9/25, 2015


Laurie Huskey, GRANTOR

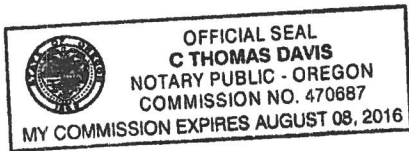
STATE OF OREGON)
) ss.
County of Washington)

Sept 25, 2015

Personally appeared before me the above named Laurie Huskey and declared the same to be a voluntary act and deed.



Notary Public for Oregon



2 **STATUTORY BARGAIN AND SALE DEED**
 [jme.w.huskey.deed.2011]

2

EXHIBIT A

File 41744A
Drawing 9B-1-6
4-23-2009

Parcel 1 - To Be Sold

A Parcel of land lying in Lot A, Block 38, and in Lot A, Block 37, WILLAMETTE TRACTS, Clackamas County, Oregon and being that property vacated by Resolution No. 08-36, dated August 11, 2008 by the City Council of West Linn, Oregon.

ALSO that property designated as Parcel 3 and described in that Warranty Deed to the State of Oregon, by and through its State Highway Commission, recorded March 14, 1968, as Recorder's Fee No. R 68-4580 Film Records of Clackamas County.

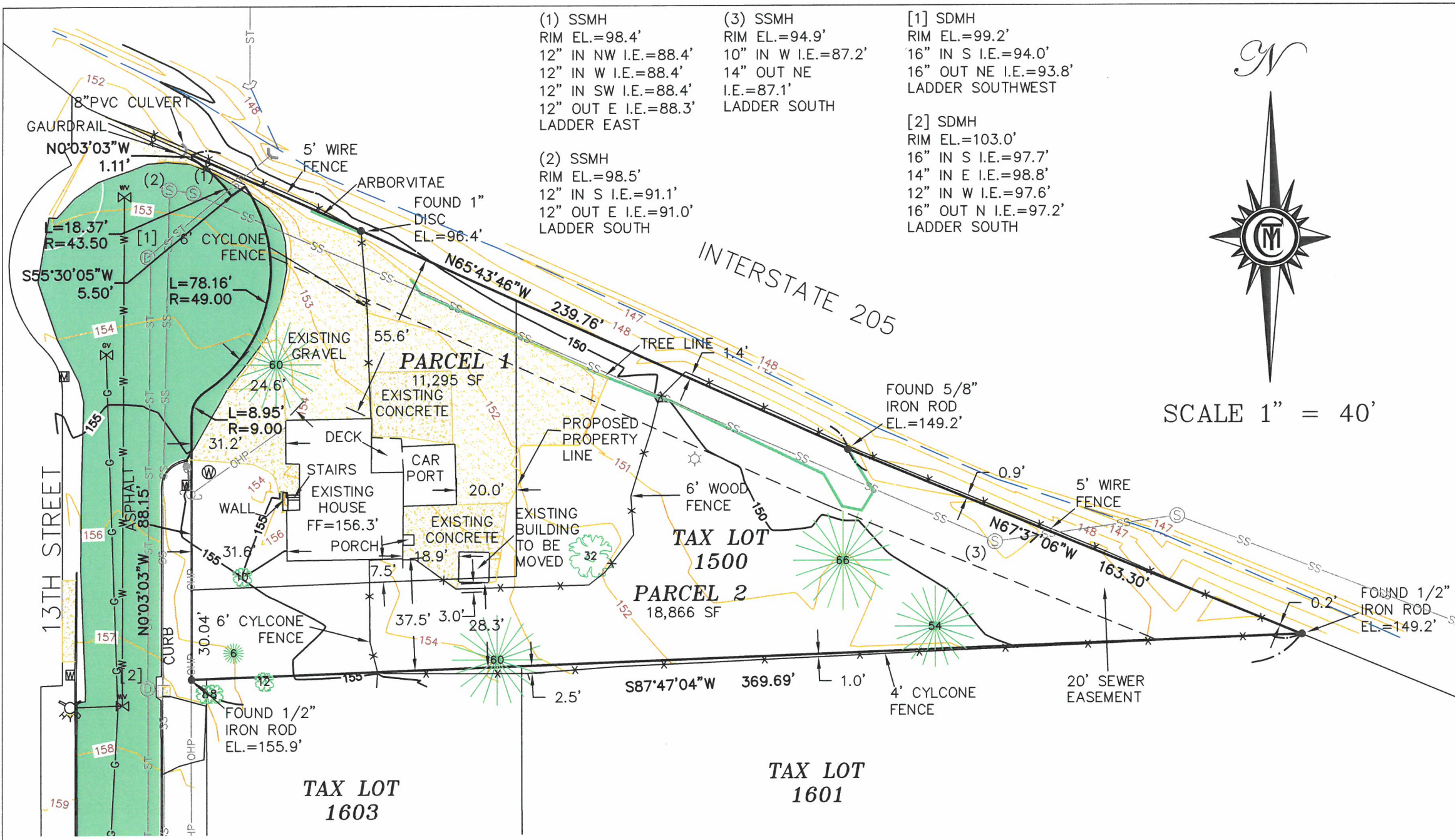
This parcel of land contains 4,511 square feet, more or less.

Parcel 2 – Permanent Easement for Drainage to be retained by ODOT

A Parcel of land lying in the Lot A, Block 38, WILLAMETTE TRACTS, Clackamas County, Oregon and being that property designated as Parcel 3 and described in that Warranty Deed to the State of Oregon, by and through its State Highway Commission, recorded March 14, 1968, as Recorder's Fee No. R 68-4580 Film Records of Clackamas County.

This parcel of land contains 2,613 square feet, more or less.

③



SCALE 1" = 40'

LEGEND

- EXISTING DECIDUOUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
- EXISTING CONIFEROUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
- EXISTING GUY ANCHOR
- EXISTING LIGHT POLE
- EXISTING OVERHEAD POWER LINES
- EXISTING FIRE HYDRANT
- EXISTING WELL
- EXISTING WATER METER
- EXISTING WATER VALVE
- EXISTING UNDERGROUND WATER
- EXISTING GAS VALVE
- EXISTING UNDERGROUND GAS LINE
- EXISTING SANITARY MANHOLE
- EXISTING STORM MANHOLE
- EXISTING SANITARY SEWER LINE
- EXISTING STORM SEWER LINE
- EXISTING MAILBOX
- EXISTING FENCE
- EXISTING STREAM
- FOUND MONUMENTS
- EXISTING GRAVEL
- EXISTING CONCRETE
- EXISTING ASPHALT

NOTES

1. THE PURPOSE OF THIS MAP WAS TO SHOW THE EXISTING CONDITIONS FOR 2011 13TH STREET.
2. THE BASIS OF BEARINGS WAS PER PARTITION PLAT NO. 2008-068 CLACKAMAS COUNTY RECORDS.
3. LOCAL DATUM WAS ESTABLISHED BY GPS OBSERVATION NAVD 88.
4. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF SCOTT HUSKEY.
5. THIS MAP WAS PREPARED BY PLAT RECORDS, CALCULATED DATA, AND FIELD MEASUREMENTS, A RECORDED PARTITION PLAT WILL NOT BE FILED AT A DATE TO BE DETERMINED.
6. ALL UTILITY LOCATIONS ARE SHOWN BY ABOVE GROUND FEATURES AND LOCATION OF PAINT MARKS SUPPLIED BY THE LOCAL UTILITY COMPANIES. CMT TAKES NO RESPONSIBILITY OF UNDERGROUND LOCATION. PLEASE NOTIFY THE UTILITY NOTIFICATION CENTER BEFORE ANY DIGGING 1-800-332-2344.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 11, 2018
DAVID ROEGER
86811

EXPIRES DECEMBER 31, 2024

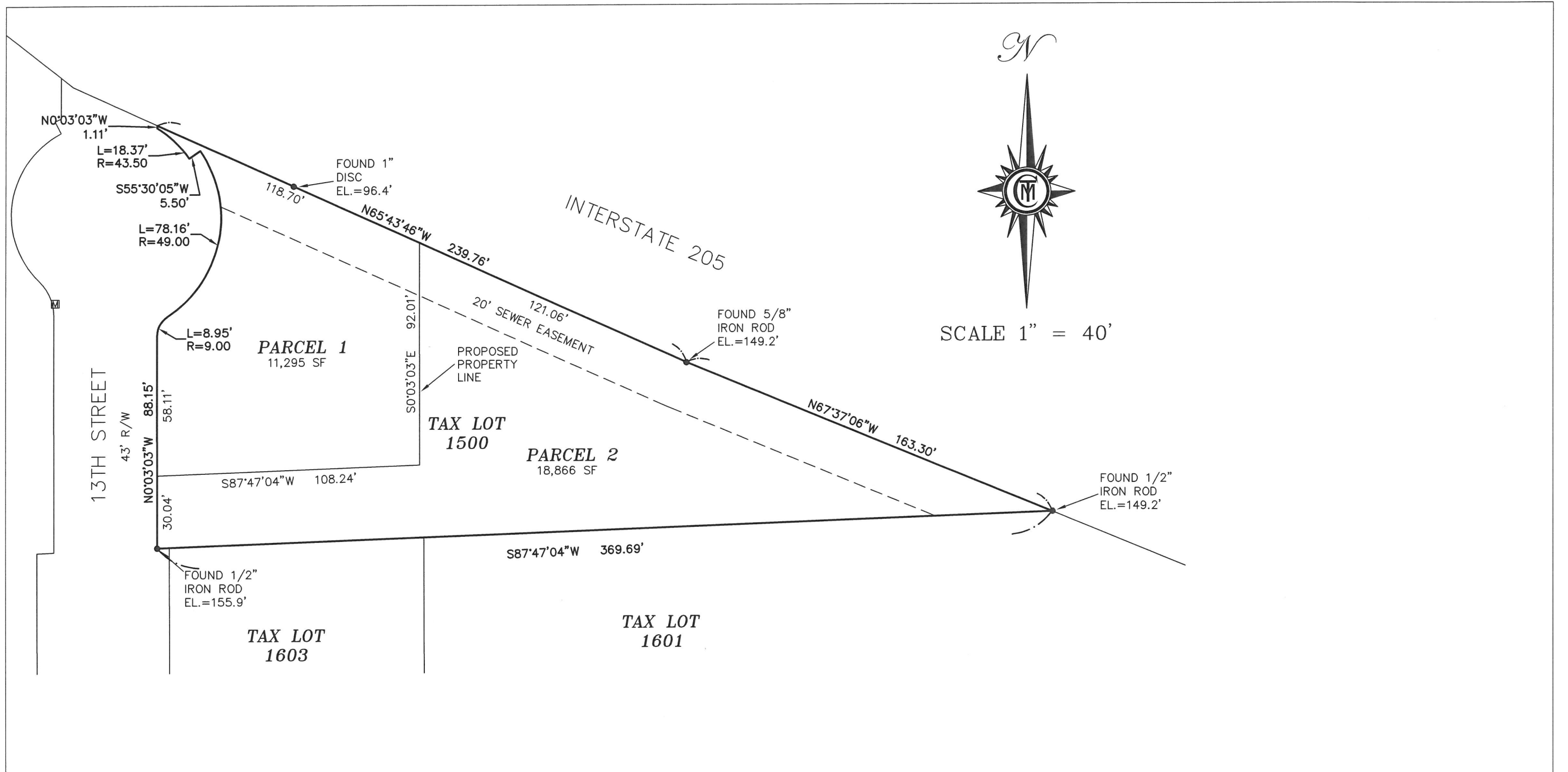
EXISTING CONDITIONS & PROPOSED PARTITION PLAT
SW 1/4 SEC 35, T2S, R1E, W.M.
CITY OF WEST LINN
CLACKAMAS COUNTY, OREGON
DECEMBER 14, 2022
DRAWN: JMR CHECKED: DMR
SCALE 1"=40' ACCOUNT # 400
Y:\400-001\DWG\400001BASE


2011 13TH ST



CMT SURVEYING AND CONSULTING

20330 SE HIGHWAY 212
DAMASCUS, OR 97089
PHONE (503) 850-4672 FAX (503) 850-4590



PRELIMINARY PARTITION PLAT	2011 13TH ST
SW 1/4 SEC 35, T2S, R1E, W.M.	
CITY OF WEST LINN	
CLACKAMAS COUNTY, OREGON	CMT SURVEYING AND CONSULTING
DECEMBER 15, 2022	20330 SE HIGHWAY 212
DRAWN: JMR CHECKED: DMR	DAMASCUS, OR 97089
SCALE 1"=40' ACCOUNT # 400	PHONE (503) 850-4672 FAX (503) 850-4590
Y: \400-001\DWG\400001BASE	

2 1 E 35C
WEST LINN

S.W.1/4 SEC.35 T.2S. R.1E. W.M.
CLACKAMAS COUNTY

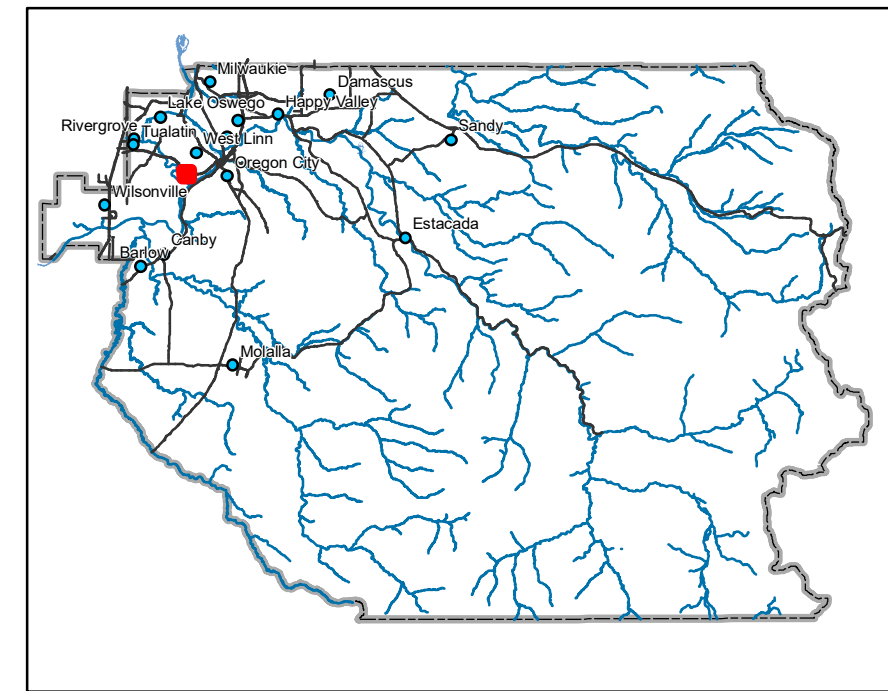
1" = 200'

D. L. C.
WILLIAM BLAND NO. 55
M. K. PERRIN NO. 50 & 66
JOSEPH FIELDS NO. 67

Cancelled Taxlots

- 2500E2
- 900
- 90000
- 90010
- 90100
- 90101
- 90111
- 90121
- 90200
- 90212
- 90215
- 90218
- 90221
- 90222
- 101
- 103
- 201
- 300
- 400
- 600
- 807
- 1000
- 1100
- 1300
- 1400
- 1602
- 1700
- 2400
- 2500E1
- 2501
- 2600
- 2700
- 2800
- 1900
- 2000
- 2100

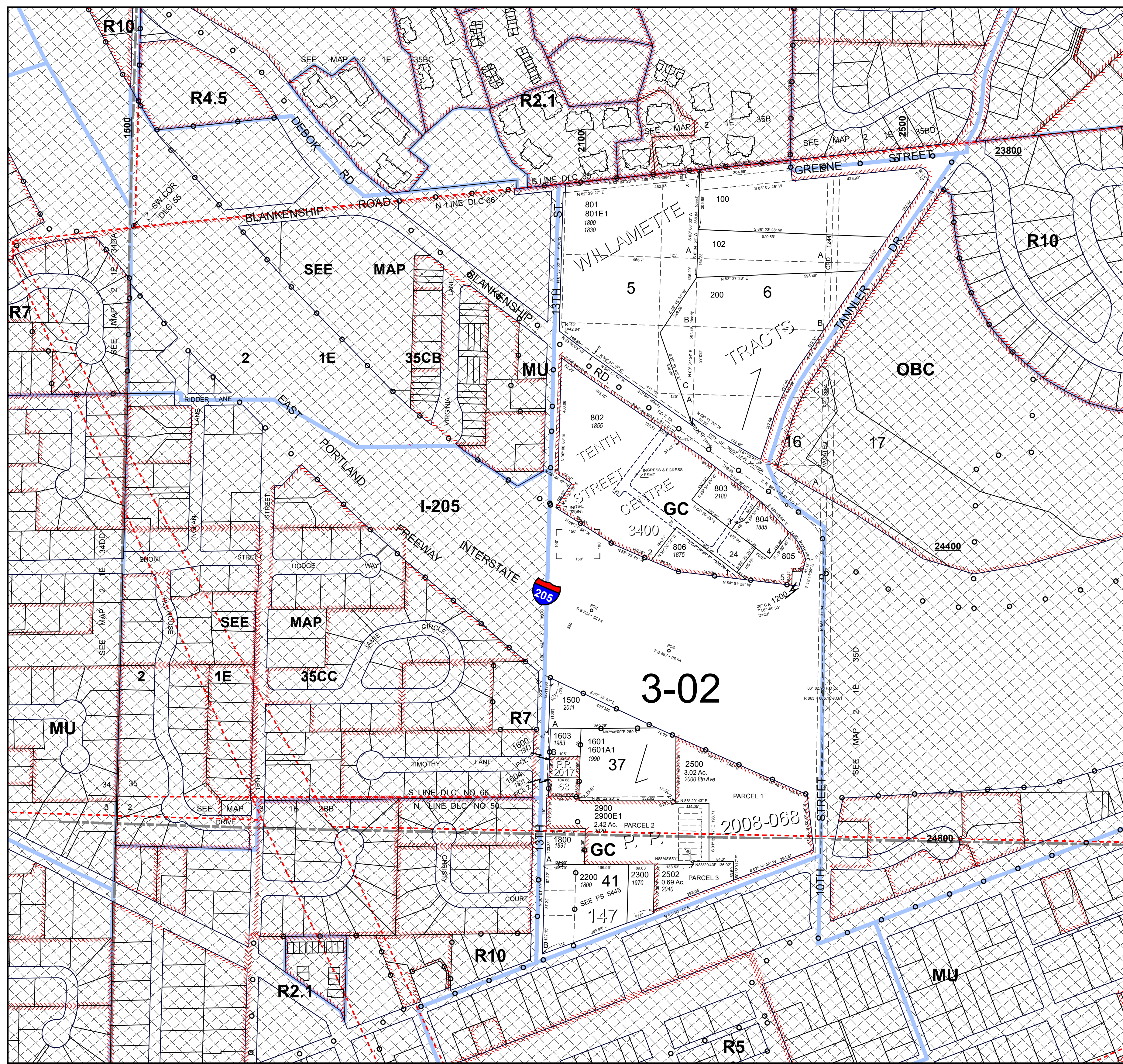
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tax Code Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor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



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

1/27/2022

2 1 E 35C
WEST LINN



3-02

2008-068



SCHOTT & ASSOCIATES
Ecologists & Wetlands Specialists

21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

**NATURAL RESOURCE ASSESSMENT REPORT
FOR**

**2011 13th Avenue
West Linn, OR**

Prepared for:
**Scott and Laurie Huskey
2011 13th Street
West Linn, Oregon 97068**

Prepared by:
Cari Cramer
at
Schott and Associates

Date:

February 2019
Revised November 2022

Project #: 2512

INTRODUCTION

Site Location

Schott and Associates (S&A) was contracted to conduct a natural resource assessment on the 0.75-acre subject property located south of I-205 in West Linn, Clackamas County, Oregon (T2S, R1E, Sec. 35C, TL#1500).

Site Description

The subject property was located south of the Interstate 205 10th Street exit and east of 13th Street. The property was triangular shaped, the north and south property lines coming to a point at the east end of the property. The property included a house with an attached garage and an out-building behind the house in the western portion of the property. The house was accessed from 13th Street by a concrete driveway. A combination of concrete and gravel extended along the north side of the house and wrapped around the east side of the house. A sanitary sewer line and associated 20-foot easement ran along the northern property boundary. The area around the house was landscaped with ornamental trees, shrubs, and a maintained lawn with a few scattered Douglas fir (*Pseudotsuga menziesii*) trees. A hedge row of golden incense cedars (*Calocedrus decurrens* 'Berrima gold') were planted along the northern property line. A wire fence was located along the north property line and a wood fence is located along the southern property line. The site was nearly flat, sloping gently east-southeast. An existing conditions survey is included in Appendix A.

Bernert Creek was located offsite approximately 10 feet north of the northern property line and flowed from west to east parallel to the property line. The creek was bordered by reed canarygrass (*Phalaris arundinacea*) and a few scattered Oregon ash (*Fraxinus latifolia*) trees. The creek and associated 65-foot-wide buffer has been mapped by the City of West Linn as a Water Resource Area (WRA) and is subject to the requirements of Chapter 32 of the West Linn Community Development Code (CDC) for Water Resource Area Protection

Project Objectives

The client wishes to partition the property into two parcels as shown in Appendix A¹. Bernert Creek borders the northern property line and proposed development must meet the approval criteria of Chapter 32. The purpose of this report is to establish the actual location of the waterway and propose a new WRA width.

This report is intended to document existing site conditions and address the approval criteria in CDC Chapter 32.080 Alternate Review Process.

¹ The applicant has requested recent survey information from ODOT to locate the I-205 ROW line exactly, as is required by the County Surveyor for the Partition Plat. This information is pending as of this writing.

METHODS

Assessment consisted of a site visit and review of the following existing data and information:

- Clackamas County tax map
- U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) and West Linn 2005 Local Wetland Inventory (LWI)
- West Linn Water Resource Area (WRA) Map (Appendix B)
- Oregon Department of Forestry (ODF) and Metro stream mapping
- U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) gridded Soil Survey Geographic (gSSURGO) database for Clackamas County
- Aerial photographs from the time period between 1994 and 2018, obtained from Google Earth
- Contours derived from the Oregon Department of Geology and Mineral Industries (DOGAMI, 2014)

All work on this project has been completed by qualified natural resource specialists employed by Schott & Associates, Inc. Onsite assessment and reporting were conducted by Cari Cramer, a natural resource specialist with over 12 years of experience in wetland delineation, natural resource assessments, mitigation site monitoring, and local natural resource permitting. The report was revised by Kim Cartwright, a wetland ecologist with over 10 years of experience in conducting natural resource assessments, including wetland and other water delineations, habitat and functional assessments, natural resource permitting, and mitigation planning.

S&A visited the site in June of 2017 for the purposes of completing a wetland determination and natural resource assessment. The site was revisited in December of 2018. As per CDC 32.020, waterway, wetlands, and riparian corridor boundaries were identified and documented in this report.

Delineation data were collected according to methods described in the *1987 Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual: Western Mountains, Valleys, and Coast (Version 2.0)*. One sample plot was established at the lowest-lying portion of the site, adjacent to the stream, to document absence or presence of wetland. Data on vegetation, hydrology, and soils was collected at the sample plot, recorded in the field, and later transferred to data forms (Appendix C). Plant indicator status was determined using the 2020 National Wetland Plant List (Corps 2020). Onsite streams, where present, were delineated via the ordinary high-water mark (OHWM) as indicated by top of bank, wrack or scour lines, or change in vegetation communities. Where defined bed and bank weren't present, direction of water flow was mapped by estimated centerline based on topography, drainage patterns, rill erosion, sediment deposition, or other indicator of occasional surface flow.

Any identified wetlands and waters are classified according to the USFWS *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin et al. 1979) and the *Guidebook for Hydrogeomorphic (HGM)-based Assessment of Oregon Wetland and Riparian Sites* (DSL 2001).

Vegetation communities within the WRA were assessed in the field. Vegetation was identified by species and percent cover. The sample plots included in Appendix D represent vegetation cover in the WRA.

Ground level photographs were taken to document site conditions (Appendix C).

RESULTS

Protected Water Features

Bernert Creek

The West Linn LWI and WRA map (Appendix B) shows a waterway just north of the northern property boundary of tax lot 1500 or just on the property line. Based on the onsite assessment, no waterway is located on tax lot 1500. Bernert Creek was located offsite approximately 10 feet to the north within ODOT right of way. The creek flowed through a culvert under I-205, emerged near the northwest corner of the property and continued east parallel to the entire northern property boundary.

No wetlands were mapped on or near the subject property on the LWI or WRA map. Per the Clackamas County soils map, the eastern half of the property was mapped as Cove silty clay loam. The Cove soil series is a listed hydric soil. Two sample plots were established in low lying areas within the eastern half of the property. Soils were brown (10YR3/3) in matrix color without redoximorphic features and did not meet hydric soil criteria. Vegetation consisted of a maintained lawn of facultative grasses. No hydrological indicators were observed. No wetlands were found onsite.

Riparian Zone

No Significant Riparian Corridor was mapped on the WRA map, nor was riparian corridor found onsite. The area adjacent to Bernert Creek consisted of a house with ornamental vegetation, maintained lawn, concrete and gravel.

Water Resource Area (WRA)

As per Table 32-2, the required width of the WRA on each side of the delineated protected water resource shall extend 65 feet from the ordinary high water (OHW) line. By this determination, a 65-foot WRA extended approximately 55 feet onto the subject property. Between the stream and the northern property boundary, vegetation mainly consisted of reed canarygrass with some Himalayan blackberry growing at the northern property boundary fence line. There were scattered Oregon ash trees along the creek edge. Onsite vegetation within the WRA consisted of an incense cedar hedge along the

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northern property line and maintained lawn with a few scattered trees in the eastern portion of the site. The western portion of the WRA consisted of a hardscape of asphalt, gravel, or buildings.

The WRA between the stream and the northern property line was relatively undisturbed, vegetated primarily with reed canary grass and Himalayan blackberry with a few scattered Oregon ash trees near the creek. Onsite WRA was partially vegetated with an ornamental conifer hedge or maintained lawn area. The remainder of the WRA consisted of impervious material. The majority of the WRA south of the stream has been disturbed by development starting in 1994 through 2007 according to review of Google Earth aerials, including the sanitary sewer and associated 20-foot easement along the northern property boundary. Since 2007, the subject property has remained the same as per the description in the beginning of the report.

Per 32.070, Alternate Review Process can be used if there is reason to believe that the width of the WRA prescribed under the standard process (CDC 32.060(D)) is larger than necessary to protect the functions of the water resource at a particular site. A reduction in width can be requested if per 32.080(B) it can be shown that the WRA is already significantly degraded (e.g., native forest and ground cover have been removed or the site dominated by invasive plants, debris or development) and the approval authority may allow a reduced WRA in exchange for mitigation.

The proposed WRA shall be, at minimum qualitatively equal in terms of maintaining the level of functions allowed by the WRA standards of CDC32.060(D).

The undisturbed WRA is all offsite and consists of a minimal tree canopy of Oregon ash with an understory of reed canary grass and Himalayan blackberry. The condition of the offsite portion of the WRA was degraded. The onsite portion of the 65-foot WRA was also in degraded condition as it was all disturbed by landscaped development, of which approximately 3,400sf is impervious gravel and concrete. Tables 1 and 2 below present data from representative vegetation sample plots established within the WRA.

Table 1. Offsite WRA Vegetation Cover

Scientific Name	Common Name	Layer	% Cover
<i>Phalaris arundinacea</i>	Reed canary grass	Grass	70
<i>Rubus armeniacus</i>	Himalayan blackberry	Shrub	30
<i>Fraxinus latifolia</i>	Oregon ash	Tree	20
% cover by natives			20
% tree canopy			20
% invasive/noxious			100
Condition			Degraded

Table 2. Onsite WRA Vegetation Cover

Scientific Name	Common Name	Layer	% Cover
<i>Calocedrus decurrens</i> 'Berima gold'	Golden incense cedar	Tree	20
<i>Schedonorus arundinaceus</i>	Tall fescue	grass	20
<i>Agrostis sp</i>	Bent grass	grass	20
<i>Lolium perenne</i>	Perennial rye grass	grass	10
impervious area			30
% cover by natives			0
% tree canopy			0
% invasive/noxious			0
Condition			Degraded

DEVELOPMENT PLAN DESCRIPTION

The applicant proposes to partition the property into two parcels as shown on Appendix A. Most of the eastern portion of the property is within the mapped 65-foot WRA. The WRA is within a developed lot and considered degraded. The client wants to establish the actual location of the offsite waterway and propose an alternate WRA boundary as allowed by this Chapter. The onsite WRA consists of impervious material, an ornamental hedge, or maintained lawn. The proposed future development would take place on the eastern portion of the property within the existing lawn area that extends to the north property line. A 20-foot WRA is proposed adjacent to the northern property boundary and extending west to the established ornamental hedge. Any future development would stay outside of the proposed 20-foot WRA.

32.080 approval criteria (alternate review process)

As per CDC 32.070 and 32.110, over half of the site is covered by designated WRA. Additional development cannot take place without impacts to the WRA and shall be considered with regard to the following sections.

Applications reviewed under the alternate review process shall meet the following approval criteria:

- A. *The proposed WRA shall be, at minimum, qualitatively equal, in terms of maintaining the level of functions allowed by the WRA standards of CDC 32.060(D).*

The water resource is mapped along the entire northern property line or just north of it offsite. The actual location of the water resource is 10-12 feet north of the site. The standards of 32.060(D) require a minimum WRA width 65 feet from the OHW for water resources with slopes less than 25%. The existing WRA is highly disturbed and developed and does not provide significant function at present. As discussed below, the constraints of the site due to its triangular shape do not allow further development while maintaining this minimum width. The proposed onsite WRA shall extend 20 feet from the edge of northern property boundary in the eastern portion of the property (30-32 feet from the protected water resource boundary). The proposed onsite WRA shall be enhanced with native species and improved from degraded to good condition as described below. The proposed WRA shall be, at minimum, qualitatively equal in terms of providing the level of functions as required.

- B. *If a WRA is already significantly degraded (e.g., native forest and ground cover have been removed or the site dominated by invasive plants, debris, or development), the approval authority may allow a reduced WRA in exchange for mitigation, if:*
1. *The proposed reduction in WRA width, coupled with the proposed mitigation, would result in better performance of functions than the standard WRA without such mitigation. The approval authority shall make this determination based on the applicant's proposed mitigation plan and a comparative analysis of ecological functions under existing and enhanced conditions (see Table 32-4).*

The existing WRA is degraded as described in this report. Existing onsite vegetation is dominated by maintained lawn grasses, an ornamental hedge and approximately 3,400sf of impervious materials (concrete and gravel driveway and pad areas). Offsite WRA consists mainly of non-native and invasive species, primarily reed canary grass and Himalayan blackberry with a few scattered Oregon ash trees. Proposed mitigation shall consist of enhancement of the entire proposed onsite WRA to 'good' condition. The proposed reduction in WRA width, along with proposed mitigation, shall provide higher functions as shown in the comparative analysis and mitigation plan. Table 3 below presents a summary of the existing and proposed functions of the WRA.

Table 3. Ecological Functions Comparison per Table 32-4		
Ecological Functions	WRA existing conditions	WRA enhanced conditions
Stream flow moderation and/or water storage	Wetland Storage functions low, creek water can flow across portions of the WRA.	Storage functions will be higher with vegetation density increase in WRA to further slow flow for better storage capacity.
Sediment or pollution control	Vegetation is within 100' of the waterway. The majority of vegetation is non-native grasses and Himalayan blackberry with few scattered trees.	Increased vegetation and tree canopy within the entire remaining onsite WRA will increase functions by slowing water flow, creating more tree canopy and increasing the capacity to filter nutrients and retain sediments.
Bank stabilization	Few trees along bank. Predominantly reed canary grass.	NA as resource is 10' offsite in ODOT right of way
Large wood recruitment for a fish bearing section of stream	Stream is likely not fish bearing. There are scattered trees for LWD recruitment.	Additional trees will eventually increase tree canopy and increase functions even from 10'+ away.
Organic material sources	Few scattered trees. Forest habitat absent within adjacent WRA	Additional trees/shrubs will increase organic material sources throughout the onsite WRA
Shade (water temperature moderation) and microclimate	Stream is not likely fish bearing. Currently minimal shade, with a few scattered trees on the eastern side of the site.	Additional trees planting through the onsite WRA will somewhat increase this function, improving downstream temperatures as well.
Stream flow that sustains in-stream and adjacent habitats	Perennial flow.	Perennial flow will be maintained. No hydrologic impacts anticipated.

Other terrestrial habitat	Habitat within 100 feet of the resource is predominantly non-native and invasive with few scattered native trees.	Removal of invasives and planting of diverse native species shall increase type and diversity of cover and food sources, improving terrestrial habitat onsite.
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2. *The mitigation project shall include all of the following components as applicable. It may also include other forms of enhancement (mitigation) deemed appropriate by the approval authority.*
 - a. *Removal of invasive vegetation.*
 - b. *Planting native, non-invasive plants (at minimum, consistent with CDC 32.100) that provide improved filtration of sediment, excess nutrients, and pollutants. The amount of enhancement (mitigation) shall meet or exceed the standards of CDC 32.090(C).*
 - c. *Providing permanent improvements to the site hydrology that would improve water resource functions.*
 - d. *Substantial improvements to the aquatic and/or terrestrial habitat of the WRA.*

Proposed mitigation shall consist of a combination of non-native grass removal and replanting with native vegetation as detailed in the mitigation plan below. These activities will improve onsite filtration of sediment, excess nutrients and pollutants, improving water quality and erosion control functions by providing additional vegetation appropriate for the WRA. Additionally, the proposed mitigation enhancement will increase native species cover and diversity improving wildlife habitat functions by providing greater cover, nesting or burrowing sites and food availability and type.

- C. *Identify and discuss site design and methods of development as they relate to WRA functions.*

The approach to maintaining WRA ecological functions is to locate any development as far from the water resource as possible; to stay out of the proposed WRA entirely; and to mitigate the degraded habitat with native mitigation plantings as proposed within this report.

- D. *Address the approval criteria of CDC 32.060, with the exception of CDC 32.060(D).*

32.060 Approval Criteria (Standard Process)

No application for development on property containing a WRA shall be approved unless the approval authority finds that the proposed development is consistent with

the following approval criteria, or can satisfy the criteria by conditions of approval:

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

Any proposed development shall stay out of the proposed 20-foot WRA entirely.

- B. Storm water and storm water facilities.*
 - 1. Proposed developments shall be designed to maintain the existing WRAs and utilize them as the primary method of storm water conveyance through the project site unless:*
 - a. The surface water management plan calls for alternate configurations (culverts, piping, etc.); or*
 - b. Under CDC 32.070, the applicant demonstrates that the relocation of the water resource will not adversely impact the function of the WRA including, but not limited to, circumstances where the WRA is poorly defined or not clearly channelized. Re-vegetation, enhancement and/or mitigation of the re-aligned water resource shall be required as applicable.*
 - 2. Public and private storm water detention, storm water treatment facilities and storm water outfall or energy dissipaters (e.g., rip rap) may encroach into the WRA if:*
 - a. Accepted engineering practice requires it;*
 - b. Encroachment on significant trees shall be avoided when possible, and any tree loss shall be consistent with the City's Tree Technical Manual and mitigated per CDC 32.090;*
 - c. There shall be no direct outfall into the water resource, and any resulting outfall shall not have an erosive effect on the WRA or diminish the stability of slopes; and*
 - d. There are no reasonable alternatives available.**A geotechnical report may be required to make the determination regarding slope stability.*
 - 3. Roadside storm water conveyance swales and ditches may be extended within rights-of-way located in a WRA. When possible, they shall be located along the side of the road furthest from the water resource. If the conveyance facility must be located along the side of the road closest to the water resource, it shall be located as close to the road/sidewalk as possible and include habitat friendly design features (treatment train, rain gardens, etc.).*

4. *Storm water detention and/or treatment facilities in the WRA shall be designed without permanent perimeter fencing and shall be landscaped with native vegetation.*
5. *Access to public storm water detention and/or treatment facilities shall be provided for maintenance purposes. Maintenance driveways shall be constructed to minimum width and use water permeable paving materials. Significant trees, including roots, shall not be disturbed to the degree possible. The encroachment and any tree loss shall be mitigated per CDC [32.090](#). There shall also be no adverse impacts upon the hydrologic conditions of the site.*

No stormwater detention facilities are proposed as part of this application. No public stormwater facilities are proposed onsite. In the case of the subject property over half of the site is covered by designated WRA of which the eastern half is almost entirely designated WRA and reasonable development cannot be achieved without an encroachment into this WRA. This criterion will be addressed as needed at the time of proposed development. No significant trees will be affected by the development.

- C. *Dedications and easements. The City shall request dedications of the WRA to the City when acquisition of the WRA by dedication or easement would serve a public purpose. When such a dedication or easement is mutually agreed upon, the applicant shall provide the documentation for the dedication or easement. Nothing in this section shall prohibit the City from condemning property if:*
1. *The property is necessary to serve an important public purpose; and*
 2. *Alternative means of obtaining the property are unsuccessful.*

As the site is not adjacent to other public property, there is no identified public interest that would be served by dedicating the WRA to the City or encumbering the WRA by easements.

- E. *Roads, driveways and utilities.*
1. *New roads, driveways, or utilities shall avoid WRAs unless the applicant demonstrates that no other practical alternative exists. In that case, road design and construction techniques shall minimize impacts and disturbance to the WRA by the following methods:*
 - a. *New roads and utilities crossing riparian habitat areas or streams shall be aligned as close to perpendicular to the channel as possible.*
 - b. *Roads and driveways traversing WRAs shall be of the minimum width possible to comply with applicable road standards and protect public safety. The footprint of grading and site clearing to accommodate the road shall be minimized.*
 - c. *Road and utility crossings shall avoid, where possible:*
 - 1) *Salmonid spawning or rearing areas;*

- 2) *Stands of mature conifer trees in riparian areas;*
- 3) *Highly erodible soils;*
- 4) *Landslide prone areas;*
- 5) *Damage to, and fragmentation of, habitat; and*
- 6) *Wetlands identified on the WRA Map.*

No roadways will be part of the development proposal. No new utilities will encroach into the proposed WRA.

2. *Crossing of fish bearing streams and riparian corridors shall use bridges or arch-bottomless culverts or the equivalent that provides comparable fish protection, to allow passage of wildlife and fish and to retain the natural stream bed.*

There will be no crossing of fish bearing streams and Bernert Stream is not listed as a fish bearing stream according to ODFW's Stream Net website.

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

There will be no new utilities proposed in the WRA.

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

The water resource is offsite 10-12 feet to the north within ODOT right of way. No fill or excavation is proposed within the OHW.

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

There will be no crossing the stream. It is offsite in ODOT right of way and will not be encroached upon by any onsite proposed development.

32.090 MITIGATION PLAN

A mitigation plan shall only be required if development is proposed within a WRA... Temporarily disturbed areas... do not require mitigation, just grade and soil restoration and re-vegetation. The mitigation plan shall satisfy all applicable provisions of CDC 32.100 Re-Vegetation Plan Requirements.

If proposing WRA –If a WRA is already significantly degraded the approval authority may allow a reduced WRA in exchange for mitigation if: 1. The proposed reduction in WRA width, coupled with the proposed mitigation, would result in better performance of functions than the standard WRA without such mitigation.

No development is proposed within the proposed 20-foot WRA. Mitigation is proposed to meet Alternative Review standards. The proposed 20-foot WRA will be enhanced with a mix of native plant material resulting in better performance of functions.

B. Mitigation shall take place in the following locations, according to the following priorities of this section.

1. Onsite mitigation by restoring, creating, or enhancing WRAs.

Mitigation will take place onsite through enhancement of the proposed WRA.

C. Amount of mitigation

1. The amount of mitigation shall be based on the square footage of the permanent disturbance area by the application. For every one square foot of non-PDA disturbed area, onsite mitigation shall require one square foot of WRA to be created, enhanced or restored.

No impacts are proposed, but mitigation is proposed as part of the reduction of the WRA proposal. A total of 2,994sf of enhancement is proposed.

2. A map showing where the specific adverse impacts will occur and where the mitigation activities will occur.

Appendix B

3. A re-vegetation plan for the area(s) to be mitigation that meets the standards of CDC 32.100.

See revegetation plan below.

4. *An implementation schedule including timeline for construction, mitigation, mitigation maintenance, monitoring and reporting. All in-stream work in fish bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife.*

See revegetation plan below.

5. *Assurances shall be established to rectify any mitigation actions that are not successful within the first three years. This may include bonding or other surety.*

This will be addressed when a development plan has been considered.

32.100 RE-VEGETATION PLAN REQUIREMENTS

A. In order to achieve the goal of re-establishing forested canopy, native shrub and groundcover and to meet the mitigation requirements of CDC 32.090, tree and vegetation plantings are required according to the following standards.

1. All trees, shrubs and groundcover to be planted must be native plants selected from the Portland Plant List.

As noted in the planting plan, all proposed plant species will be native plants selected from the Portland Plant List for enhancement of the proposed WRA.

2. Plant size. Replacement trees must be at least one half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees, unless they are oak or madrone which may be one gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.

As noted in the planting plan, plant size will meet the above requirements for enhancement.

3. Plant coverage.

a. Native trees and shrubs are required to be planted at a rate of five trees and 25 shrubs per every 500 square feet of disturbance area... Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

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

As noted in the planting plan, plant coverage shall meet the above requirements in the enhancement area that is proposed WRA. See Table 4 for planting plan.

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

Plant diversity requirements shall be met as shown in Table 3 and enhancement Plan description.

MITIGATION AND ENHANCEMENT PLAN DESCRIPTION

The proposed mitigation enhancement plan consists of planting the new 20-foot WRA (2,994sf) with native trees and shrubs within the subject property. The proposed enhancement shall provide higher functions than what would be provided by the existing resource, even though reduced in size.

The goal of the enhancement mitigation is protecting the ecological benefit and water quality benefit to the higher quality sensitive areas while maximizing developable area. Mitigation shall consist of removal of non-native species (basically lawn) throughout the onsite WRA.

The proposed onsite WRA will be planted with native trees, shrubs and groundcover consistent with CDC 32.100, meeting or exceeding the standards of CDC 32.090(C) to provide a diverse native forested/scrub-shrub community adjacent to the offsite water resource. Tree and shrub species will provide shade, large woody debris, habitat and food sources. In addition, it will increase filtration and replace non-native vegetation with a greater diversity of native species. Species will be selected from the Portland Plant list and will include species such as Douglas fir, red alder, big leaf maple, Oregon grape, snowberry, and red flowering currant (Table 4)

TABLE 4. FORESTED WRA ENHANCEMENT PLANTING PLAN (2,994SF)

	Plant Type	Min. Size	Min. Height	Spacing	Qty
Douglas fir (<i>Pseudotsuga menziesii</i>)	Tree	2 gal/ 1/2” caliper	3’	Single	10
Big leaf maple (<i>Acer macrophyllum</i>)	Tree	2 gal/ 1/2” caliper	3’	Single	5
Red alder (<i>Alnus rubra</i>)	Tree	2 gal/ 1/2” caliper	3’	Single	5
Red flowering currant (<i>Ribes sanguineum</i>)	Shrub	1 gal.	1.5’	Cluster	25

Nootka rose (<i>Rosa nutkana</i>)	Shrub	1 gal	1.5'	Cluster	40
Tall Oregon grape (<i>Mahonia aquifolium</i>)	Shrub	1 gal.	12"	Single	25
Snowberry (<i>Symphoricarpos albus</i>)	Shrub	1 gal.	1.5'	Cluster	60
Native California brome (<i>Bromus carinatus</i>)	Grass	Seed	n/a	10lbs. pls	
Blue Wildrye (<i>Elymus glaucus</i>)	Grass	Seed	n/a	10lbs. pls	

FIGURES

Figure 1: Site Vicinity Map

Figure 2: Tax Map

Figure 3: Soils Map

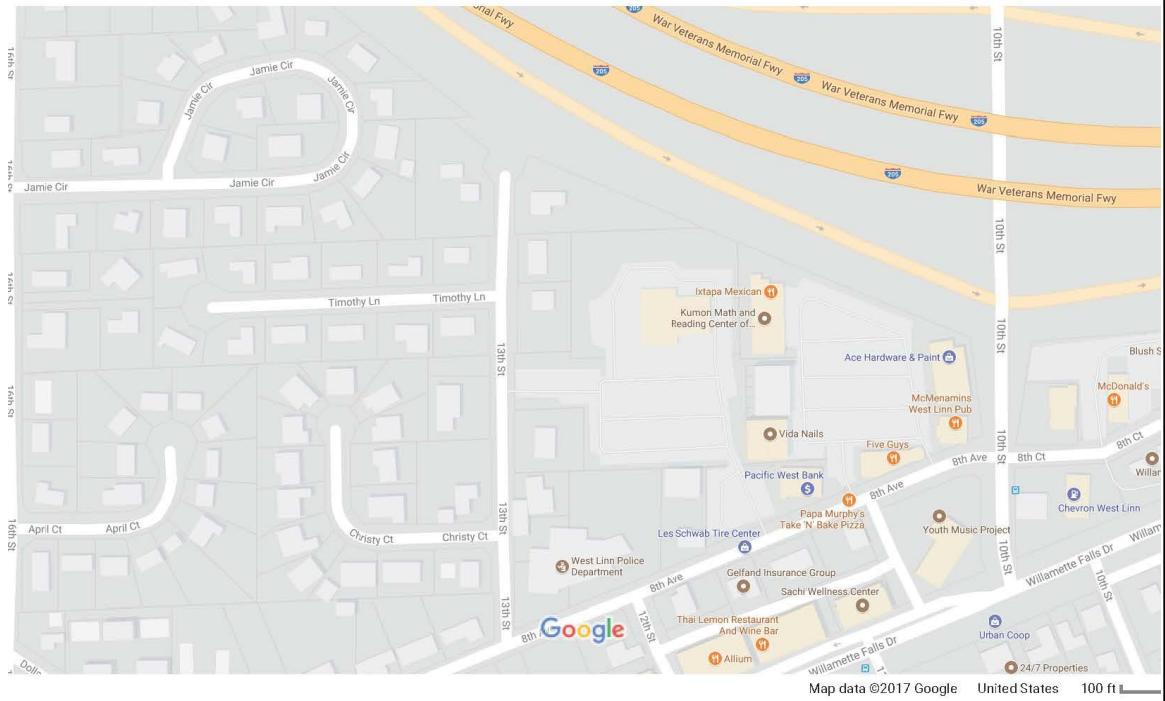
Figure 4: Local Wetland Inventory (LWI) Map

Figure 5: National Wetland Inventory (NWI) Map

Figure 6: Water Resource Area (WRA) Map

Figure 7a-c: Aerial Photographs-Google Earth

Google Maps



ggle.com/maps/@45.3465574,-122.6550265,18z

FIGURE 1. SITE LOCATION MAP
2011 13th St
S&A# 2512

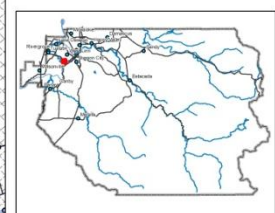
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Aurora, OR. 97002
503.678.6007

2 1 E 35C
WEST LINN
S.W.1/4 SEC.35 T.2S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 200'

D. L. C.
WILLIAM BLAND NO. 55
M. K. PERRIN NO. 50 & 66
JOSEPH FIELDS NO. 67

Cancelled Taxlots

- 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

9/23/2017

2 1 E 35C
WEST LINN

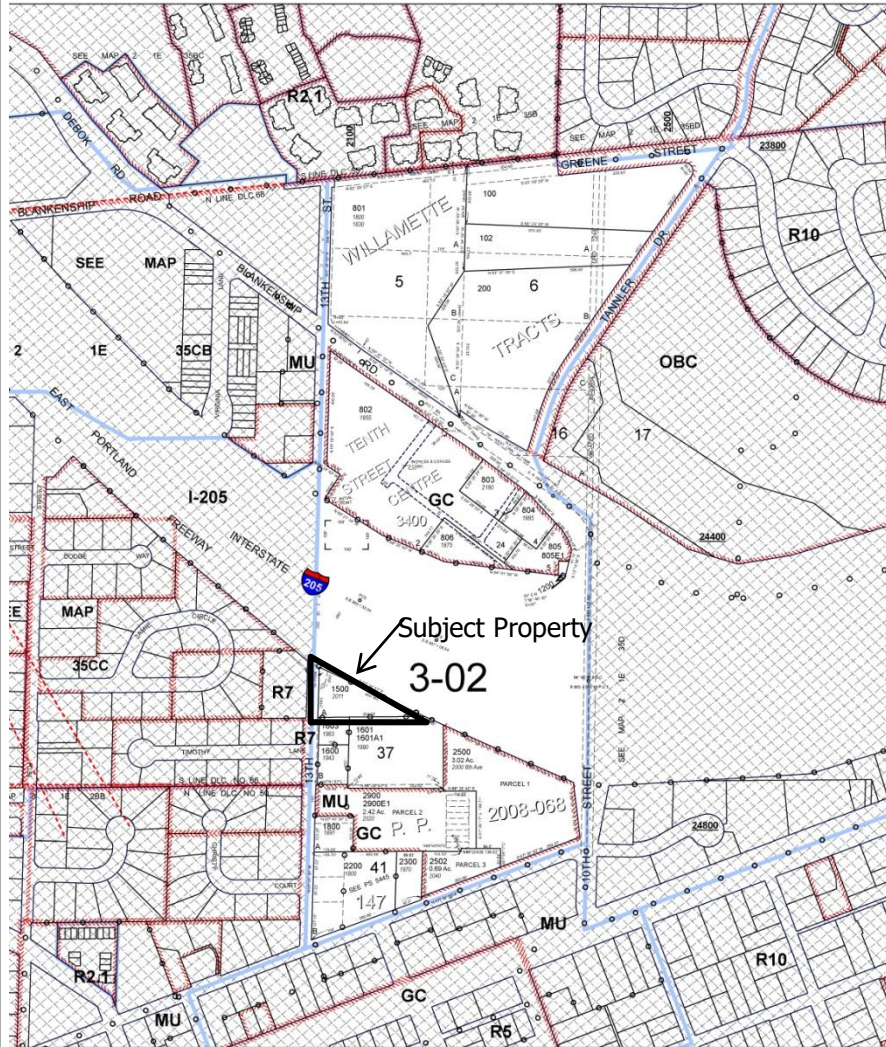
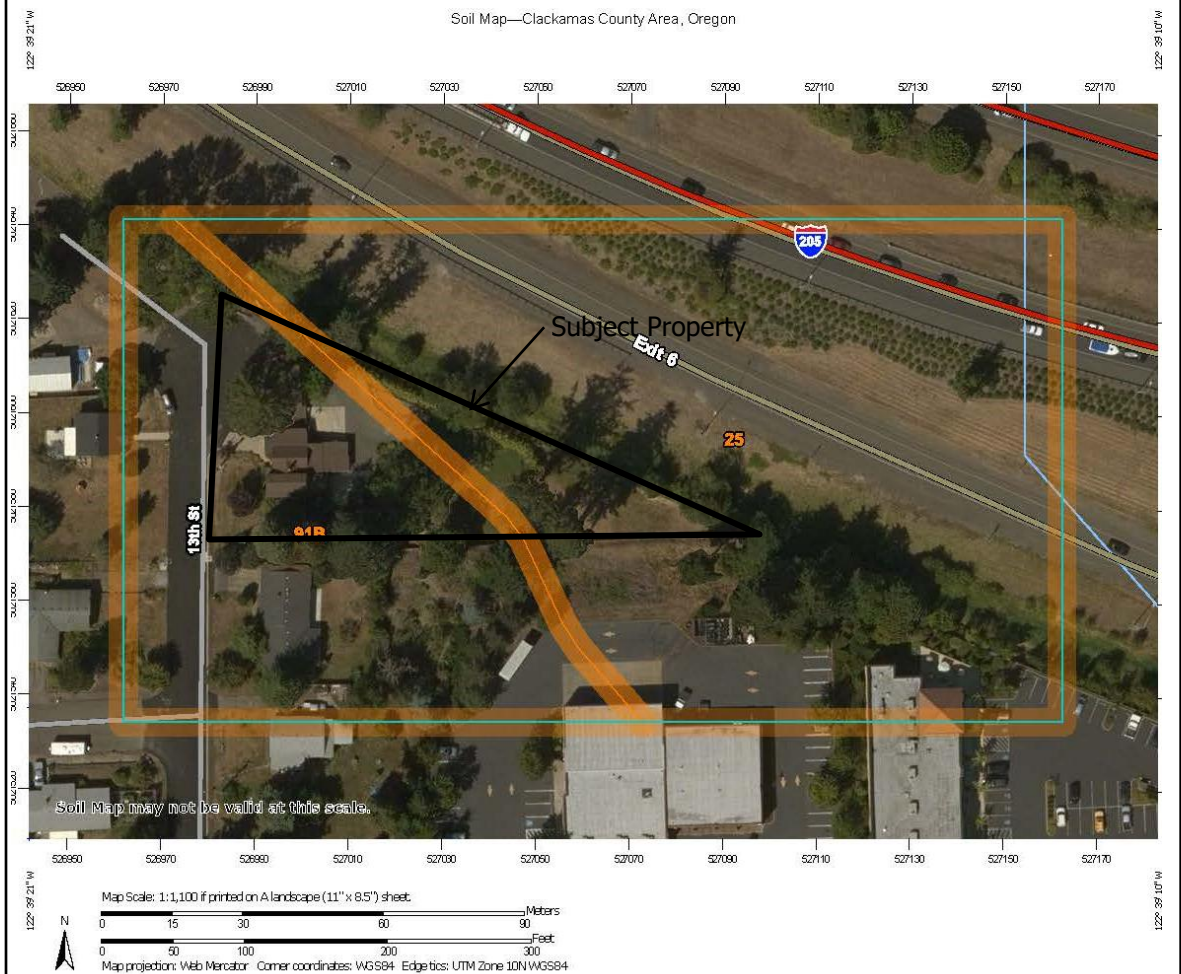


FIGURE 2. TAX MAP
2011 13th St
S&A# 2512

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Soil Map—Clackamas County Area, Oregon



SDA Natural Resources Conservation Service Web Soil Survey National Cooperative Soil Survey 9/14/21 Page 1 of 1

ap—Clackamas County Area, Oregon

Map Unit Legend

Clackamas County Area, Oregon (OR610)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
25	Cove silty clay loam	3.6	67.0%
91B	Woodburn silt loam, 3 to 8 percent slopes	1.8	33.0%
Totals for Area of Interest		5.3	100.0%

FIGURE 3. Soils Map
2011 13th St
S&A#2512

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

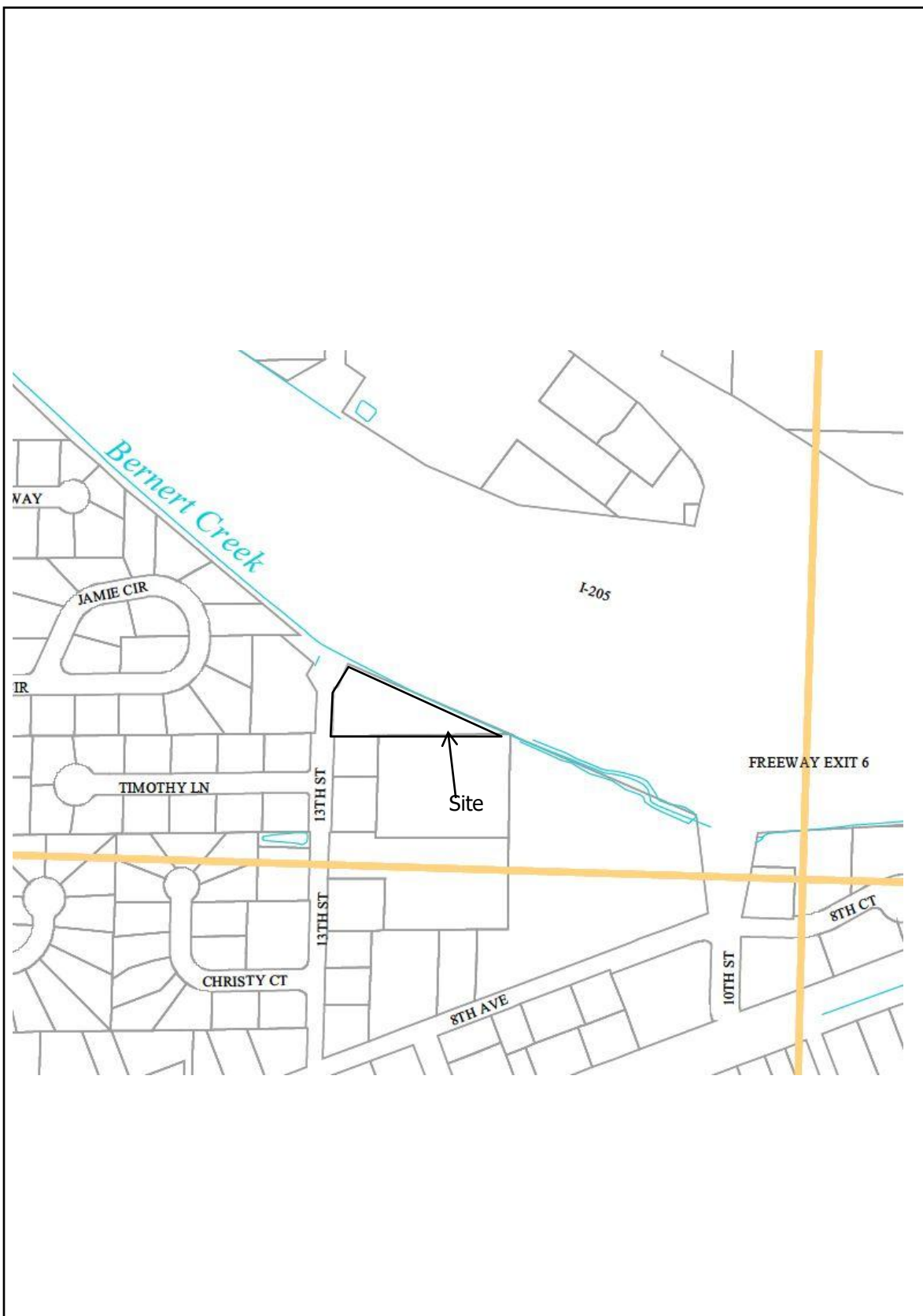


FIGURE 4. Local Wetland Inventory map
2011 13th St
S&A#2512

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

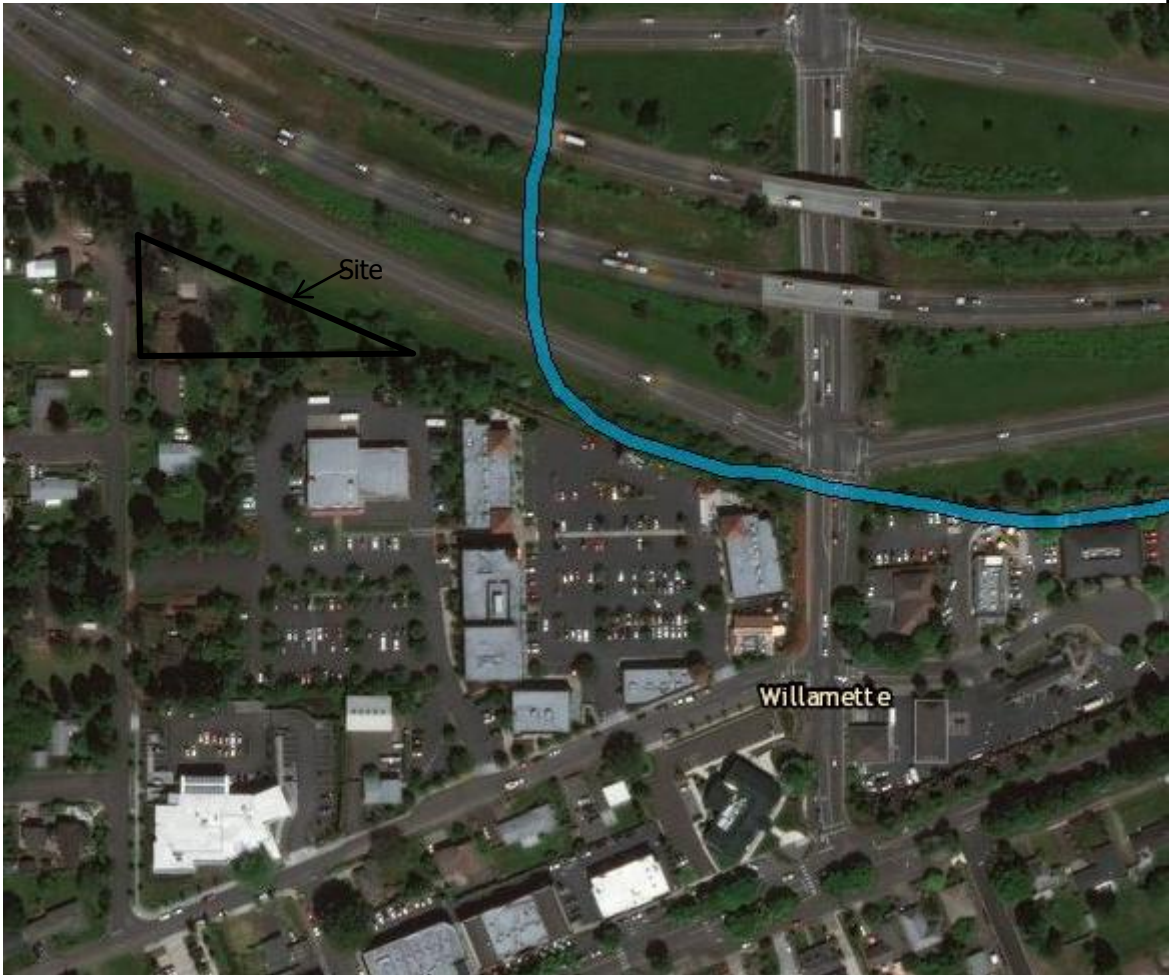


FIGURE 5. National Wetland Inventory
2011 13th St
S&A# 2512

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007



FIGURE 6. Water Resource Area Map
2011 13th St
S&A# 2512

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007



FIGURE 7a AERIAL PHOTOGRAPH-GOOGLE EARTH overall area
2011 13th St
S&A# 2512

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007



FIGURE 7b AERIAL PHOTOGRAPH-GOOGLE EARTH 2018
2011 13th St
S&A# 2512

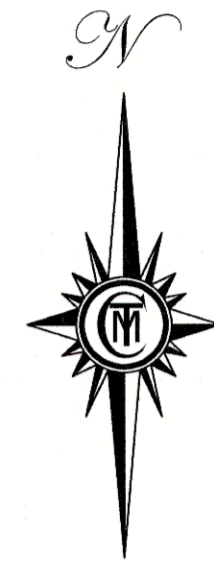
Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007



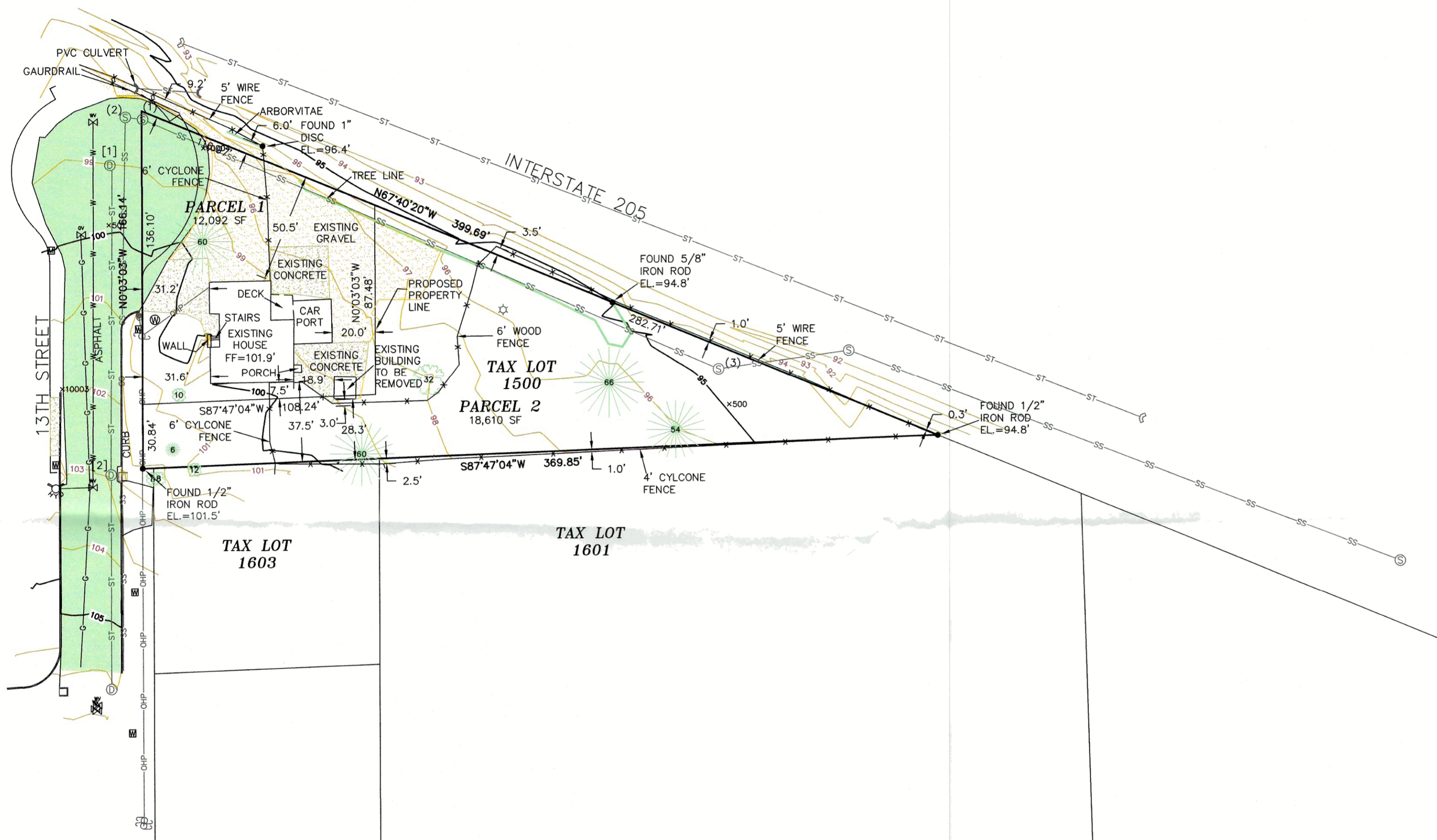
FIGURE 7c AERIAL PHOTOGRAPH-GOOGLE EARTH 2007
2011 13th St
S&A# 2512

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

APPENDIX A. EXISTING CONDITIONS AND PROPOSED PARTITION PLAT



SCALE 1" = 40'



LEGEND

- ## EXISTING DECIDUOUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
- ## EXISTING CONIFEROUS TREE W/ TRUNK DIAMETER (INCHES)(CL=CLUSTER)
- EXISTING GUY ANCHOR
- ☆ EXISTING LIGHT POLE
- OHP— EXISTING OVERHEAD POWER LINES
- ⊗ EXISTING FIRE HYDRANT
- ⊙ EXISTING WELL
- ⊠ EXISTING WATER METER
- ⊞ EXISTING WATER VALVE
- W— EXISTING UNDERGROUND WATER
- ⊞ EXISTING GAS VALVE
- G— EXISTING UNDERGROUND GAS LINE
- ⋈ EXISTING METAL CULVERT
- ⋈ EXISTING CONCRETE CULVERT UNLESS OTHERWISE NOTED
- ⊙ EXISTING SANITARY MANHOLE
- ⊙ EXISTING STORM MANHOLE
- SS— EXISTING SANITARY SEWER LINE
- ST— EXISTING STORM SEWER LINE
- ⊠ EXISTING MAILBOX
- X— EXISTING FENCE
- FOUND MONUMENTS
- ▨ EXISTING GRAVEL
- ▨ EXISTING CONCRETE
- ▨ EXISTING ASPHALT

NOTES

1. THE PURPOSE OF THIS MAP WAS TO SHOW THE EXISTING CONDITIONS FOR 2011 13TH STREET.
2. THE BASIS OF BEARINGS WAS PER PARTITION PLAT NO. 2008-068 CLACKAMAS COUNTY RECORDS.
3. LOCAL DATUM WAS ESTABLISHED BY ASSUMING AN ELEVATION OF 100.00' ON LOCAL CONTROL.
4. THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF SCOTT HUSKEY.
5. THIS MAP WAS PREPARED BY PLAT RECORDS, CALCULATED DATA, AND FIELD MEASUREMENTS, A RECORDED PARTITION PLAT WILL NOT BE FILED AT A DATE TO BE DETERMINED.
6. ALL UTILITY LOCATIONS ARE SHOWN BY ABOVE GROUND FEATURES AND LOCATION OF PAINT MARKS SUPPLIED BY THE LOCAL UTILITY COMPANIES. CMT TAKES NO RESPONSIBILITY OF UNDERGROUND LOCATION. PLEASE NOTIFY THE UTILITY NOTIFICATION CENTER BEFORE ANY DIGGING 1-800-332-2344.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 11, 2018
DAVID ROEGER
86811

EXPIRES DECEMBER 31, 2024

EXISTING CONDITIONS

2011 13TH STREET

SW 1/4 SEC 35, T2S, R1E, W.M.

CITY OF WEST LINN

CLACKAMAS COUNTY, OREGON

NOVEMBER 17, 2022

DRAWN: JMR CHECKED: DMR

SCALE 1"=40' ACCOUNT # 400-001

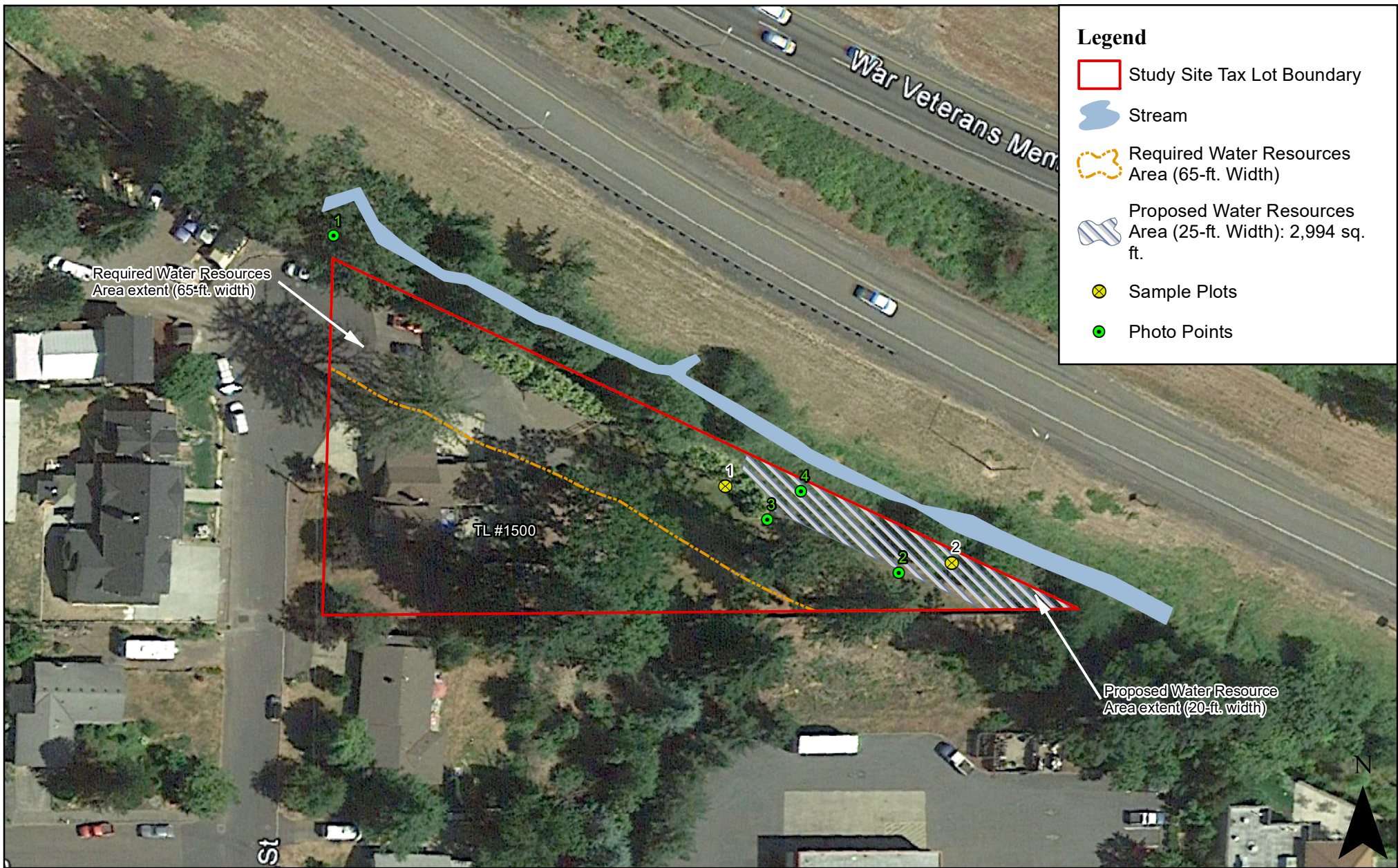
Y:\400-001\DWG\400001BASE



CMT SURVEYING AND CONSULTING

20330 SE HIGHWAY 212
DAMASCUS, OR 97089
PHONE (503) 850-4672 FAX (503) 850-4590

Appendix B. Existing Conditions Map with Photo Points, sample plots and proposed WRA



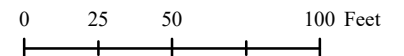
Date: 11/22/2022

1 inch = 65 feet

Data Source: Google Earth, 2018;
Sisul Engineering, 2007

Appendix B. Existing Conditions

13th Street Project Site: S&A # 2512



Appendix C: Ground Level Photographs



PP1 facing north to culvert under I-205

PP1 facing northeast along drainage





PP2 facing east



PP2 facing south, southeast



PP2 facing southwest



PP2 facing west



PP3 facing northwest



PP3 facing southeast



PP 4 facing northwest along offsite drainage



PP4 facing southeast along offsite drainage

Appendix D. Data forms

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

Project/Site: 2011 13th St City/County: West Linn/ Clackamas Sampling Date: June 2017
 Applicant/Owner: Scott and Laurie Huskey State: OR Sampling Point: 1
 Investigator(s): Cari Cramer Section, Township, Range: 35C T2S R1E TL 1500
 Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): none Slope (%): 0-2
 Subregion (LRR): A Lat: _____ Long: _____ Datum: DD
 Soil Map Unit Name: Cove silt clay loam NWI classification: n/a
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ Significantly disturbed? Yes No
 Are Vegetation _____, Soil _____, or Hydrology _____ Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes _____	No <input checked="" type="checkbox"/>	
Wetland Hydrology Present?	Yes _____	No <input checked="" type="checkbox"/>	
Remarks:			

VEGETATION – Use scientific names of plants.

Stratum	Plot size	Absolute % Cover	Dominant Species?	Indicator Status	
<u>Tree Stratum</u>	(Plot size: _____)				Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>2</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
1. _____					
2. _____					
3. _____					
4. _____					
		_____ = Total Cover			Prevalence Index worksheet: Total % Cover of: Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
<u>Sapling/Shrub Stratum</u>	(Plot size: _____)				
1. _____					
2. _____					
3. _____					
4. _____					
5. _____					
		_____ = Total Cover			
<u>Herb Stratum</u>	(Plot size: <u>5'</u>)				Hydrophytic Vegetation Indicators: <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Schedonorus arundinaceus</u>		50	X	FAC	
2. <u>Agrostis sp</u>		30	X	FAC	
3. <u>Lolium perenne</u>		10		FAC	
4. _____					
5. _____					
6. _____					
7. _____					
8. _____					
9. _____					
10. _____					
11. _____					
		90 = Total Cover			
<u>Woody Vine Stratum</u>	(Plot size: _____)				Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1. _____					
2. _____					
		_____ = Total Cover			
% Bare Ground in Herb Stratum <u>10</u>					
Remarks:					

SOIL

Sampling Point:

1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-16	10YR3/3	100					SiCL	

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

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils³:
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	³ Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

Restrictive Layer (if present): Type: _____ Depth (inches): _____	Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
--	---

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)
Primary Indicators (minimum of one required; check all that apply)		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations: Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____	Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
--	---

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

Remarks:

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

Project/Site: 2011 13th St City/County: West Linn/ Clackamas Sampling Date: June 2017
 Applicant/Owner: Scott and Laurie Huskey State: OR Sampling Point: 2
 Investigator(s): Cari Cramer Section, Township, Range: 35C T2S R1E TL 1500
 Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): none Slope (%): 0-2
 Subregion (LRR): A Lat: _____ Long: _____ Datum: DD
 Soil Map Unit Name: Cove silt clay loam NWI classification: n/a
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ Significantly disturbed? Yes No
 Are Vegetation _____, Soil _____, or Hydrology _____ Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Remarks:					

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species?	Indicator Status	
1. _____				Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>2</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
2. _____				
3. _____				
4. _____				
_____ = Total Cover				Prevalence Index worksheet: Total % Cover of: _____ Multiply by: OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____
Sapling/Shrub Stratum (Plot size: _____)				
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
_____ = Total Cover				
Herb Stratum (Plot size: <u>5'</u>)				
1. <u>Schedonorus arundinaceus</u>	40	X	FAC	
2. <u>Agrostis sp</u>	30	X	FAC	
3. <u>Lolium perenne</u>	10		FAC	
4. <u>Taraxacum officinale</u>	10		FACU	
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
90 = Total Cover				
Woody Vine Stratum (Plot size: _____)				
1. _____				
2. _____				
_____ = Total Cover				
% Bare Ground in Herb Stratum <u>10</u>				
Hydrophytic Vegetation Indicators: <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is ≤3.0 ¹ <input type="checkbox"/> 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> 5 - Wetland Non-Vascular Plants ¹ <input type="checkbox"/> Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.				
Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				
Remarks:				

SOIL

Sampling Point:

2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-16	10YR3/3	100					SiCL	

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

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

Indicators for Problematic Hydric Soils³:

- | | |
|--|--|
| <input type="checkbox"/> Histosol (A1) | <input type="checkbox"/> Sandy Redox (S5) |
| <input type="checkbox"/> Histic Epipedon (A2) | <input type="checkbox"/> Stripped Matrix (S6) |
| <input type="checkbox"/> Black Histic (A3) | <input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1) |
| <input type="checkbox"/> Hydrogen Sulfide (A4) | <input type="checkbox"/> Loamy Gleyed Matrix (F2) |
| <input type="checkbox"/> Depleted Below Dark Surface (A11) | <input type="checkbox"/> Depleted Matrix (F3) |
| <input type="checkbox"/> Thick Dark Surface (A12) | <input type="checkbox"/> Redox Dark Surface (F6) |
| <input type="checkbox"/> Sandy Mucky Mineral (S1) | <input type="checkbox"/> Depleted Dark Surface (F7) |
| <input type="checkbox"/> Sandy Gleyed Matrix (S4) | <input type="checkbox"/> Redox Depressions (F8) |

- 2 cm Muck (A10)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

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

Restrictive Layer (if present):

Type: _____
Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- Surface Water (A1)
- High Water Table (A2)
- Saturation (A3)
- Water Marks (B1)
- Sediment Deposits (B2)
- Drift Deposits (B3)
- Algal Mat or Crust (B4)
- Iron Deposits (B5)
- Surface Soil Cracks (B6)
- Inundation Visible on Aerial Imagery (B7)
- Sparsely Vegetated Concave Surface (B8)

- Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A, and 4B**)
- Salt Crust (B11)
- Aquatic Invertebrates (B13)
- Hydrogen Sulfide Odor (C1)
- Oxidized Rhizospheres along Living Roots (C3)
- Presence of Reduced Iron (C4)
- Recent Iron Reduction in Tilled Soils (C6)
- Stunted or Stressed Plants (D1) (**LRR A**)
- Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- Water-Stained Leaves (B9) (**MLRA 1, 2, 4A, and 4B**)
- Drainage Patterns (B10)
- Dry-Season Water Table (C2)
- Saturation Visible on Aerial Imagery (C9)
- Geomorphic Position (D2)
- Shallow Aquitard (D3)
- FAC-Neutral Test (D5)
- Raised Ant Mounds (D6) (**LRR A**)
- Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes No Depth (inches): _____

Water Table Present? Yes No Depth (inches): _____

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

Wetland Hydrology Present? Yes No

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

Remarks:

**Resolution No. 08-36
West Linn, Oregon**

**A RESOLUTION THAT A PORTION OF 13TH STREET IS NO LONGER USED
FOR PUBLIC ROAD PURPOSES**

WHEREAS, on May 2, 1974, the State of Oregon, by and through its Department of Transportation, Highway Division ("ODOT"), in that certain Relinquishment of Title conveyed certain real property to the City of West Linn ("City") "only so long as used for public road purposes;"

WHEREAS, the City has included a portion of the conveyed property ("Excess Right-of-Way") within the public right-of-way commonly known as 13th Street;

WHEREAS, the Excess Right-of-Way is not currently paved and is not being utilized as right-of-way by vehicles or pedestrians;

WHEREAS, the City Council hereby determines that the Excess Right-of-Way is no longer being used for public road purposes by the City and that the City hereby releases any right, title, or interest it has in the Excess Right-of-Way;

WHEREAS, the City Council acknowledges that the effect of this determination is that title to the Excess Right-of-Way will revert back to ODOT;

WHEREAS, the City Council determines that after the reversion of the Excess Right-of-Way to ODOT, there will continue to be adequate existing right-of-way in 13th Street to serve the projected needs of vehicles and pedestrians;

NOW, THEREFORE, BE IT RESOLVED BY THE WEST LINN CITY COUNCIL THAT:

Section 1: A portion of the public right-of-way commonly known as 13th Street and depicted and described in the attached Exhibit "A" is no longer used for public road purposes by the City.

Section 2: The effect of this Resolution is that this property will revert to the State of Oregon, acting by and through its Department of Transportation.

Section 3: This Resolution shall be deemed effective upon adoption and shall be recorded among the Deed Records for Clackamas County, Oregon.

This Resolution adopted by the West Linn City Council this 11th day of August, 2008.

Norman B. King
Norman B. King, Mayor

Attest:
[Signature]

State of Oregon)
County of Clackamas)

On this 10th day of September, 2008, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Norman B. King, known to me to be the identical individual(s) described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily and on behalf of and as the act and deed of the City of West Linn, Oregon.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Cynthia A. Sollers

Notary Public for Oregon

My Commission expires: 1-29-09

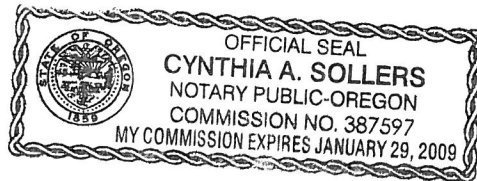


Exhibit "A"

①

Associated Land Surveyors

375 Portland Ave. Gladstone, OR. 97027
Phone: (503) 656-9440

July 31, 2008

Job no. 0726

R/W vacation description; Easterly side of 13th St.

A tract of land in Lot A, Tract 37, "Willamette Tracts" in the City of West Linn, Clackamas County, Oregon being all that portion of Parcel No. 2 acquired by the State of Oregon, by and through its State Highway Commission by Final Judgment in Clackamas County Circuit Court Case No. 68408 recorded March 19, 1969 in Book 188, page 677 lying Easterly of the following described line;

Beginning at the Southwest corner of said Lot A on the East right-of-way line of 13th. Street, 20 feet, when measured at right angles from the center line thereof; thence, N00°03'12"W along said right-of-way line 88.15 feet to the beginning of a tangent curve concave easterly having a radius of 9.00 feet; thence, Northeasterly along the arc of said curve through a central angle of 56°57'01" a distance of 8.95 feet to the beginning of a reverse curve concave Northwesterly, having a radius of 49.00 feet; thence, Northerly along the arc of said curve through a central angle of 91°23'45" a distance of 78.16 feet; thence, S55°30' 05"W a distance of 5.50 feet to the beginning of a non-tangent curve, concave Southwesterly having a radius of 43.50 feet; thence, Northwesterly along the arc of said curve through a central angle of 24°12'19" a distance of 18.37 feet to a point on the before mentioned East right-of-way line of 13th. Street; thence, N00°03'12"W along said line 0.99 feet to the South right-of-way line of Interstate Highway 205 and the terminus of the herein described line.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kurtis H. Kuiper

OREGON
JANUARY 19, 1982
KURTIS H. KUUPER
1976

VALID THRU: 6/30/09

Exhibit "A"

②

Associated Land Surveyors

375 Portland Ave. Gladstone, OR 97027

Phone: (503) 656-9440

July 31, 2008

Job no. 0726

RAW vacation description; Westerly side of 13th St.

A tract of land in Lot A, Tract 38, "Willamette Tracts" in the City of West Linn, Clackamas County, Oregon being all that portion of Parcel No. 2 conveyed to the State of Oregon by Warranty Deed recorded March 14, 1968 as Fee No. 68-4580 lying Westerly of the following described line;

Commencing at the Southeast corner of said Lot A on the West right-of-way line of 13th. Street, 20 feet, when measured at right angles from the center line thereof; thence, S87°43'42"W along the South line of said Lot A a distance of 3.00 feet to the point of beginning of the herein described line; thence N00°03'12"W, parallel with said West line of 13th. Street 98.11 feet to the beginning of a tangent curve concave Westerly having a radius of 20.00 feet; thence, Northwesterly along the arc of said curve through a central angle of 45°53'31" a distance of 16.02 feet to the beginning of a reverse curve concave Northeasterly, having a radius of 38.00 feet; thence, Northerly along the arc of said curve through a central angle of 108°41'36" a distance of 72.09 feet; thence, N27°15' 07"W a distance of 5.50 feet to the beginning of a non-tangent curve, concave Southeasterly having a radius of 43.50 feet; thence, Northeasterly along the arc of said curve through a central angle of 3°39'54" a distance of 2.78 feet to a point on the before mentioned West right-of-way line of 13th. Street; thence, N00°03'12"W along said line to the South right-of-way line of Interstate Highway 205 and the terminus of the herein described line.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kurtis Kuiper
OREGON
JANUARY 19, 1982
KURTIS H. KUIPER
1976

VALID THRU: 6/30/09



1" = 40'

INTERSTATE 205

REVERTS TO
ODOT CONTROL

REVERTS TO
ODOT CONTROL
26 S.F.
33 S.F.

1,790 S.F.

13TH STREET

ADDRESS: 2008 13th STREET
PARCEL: 2S-1E-35CC TL 3800
ZONING: R-10

ADDRESS: 2011 13th STREET
PARCEL: 2S-1E-35C TL 1500
ZONING: R-10

