

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT <b>John Floyd</b>	PROJECT NO(S). <b>MIP-23-07</b>	PRE-APPLICATION NO. <b>PA-22-15</b>	
NON-REFUNDABLE FEE(S) <b>\$4,400</b>	REFUNDABLE DEPOSIT(S)	TOTAL	<b>\$4,400</b>

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

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Annexation (ANX)               | <input type="checkbox"/> Final Plat (FP)                        | <input type="checkbox"/> Subdivision (SUB)                               |
| <input type="checkbox"/> Appeal (AP)                    | <input type="checkbox"/> Flood Management Area (FMA)            | <input type="checkbox"/> Temporary Uses (MISC)                           |
| <input type="checkbox"/> CDC Amendment (CDC)            | <input type="checkbox"/> Historic Review (HDR)                  | <input type="checkbox"/> Time Extension (EXT)                            |
| <input type="checkbox"/> Code Interpretation (MISC)     | <input type="checkbox"/> Lot Line Adjustment (LLA)              | <input type="checkbox"/> Right of Way Vacation (VAC)                     |
| <input type="checkbox"/> Conditional Use (CUP)          | <input checked="" type="checkbox"/> Minor Partition (MIP)       | <input type="checkbox"/> Variance (VAR)                                  |
| <input type="checkbox"/> Design Review (DR)             | <input type="checkbox"/> Modification of Approval (MOD)         | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation (MISC)  | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)    |
| <input type="checkbox"/> Expediated Land Division (ELD) | <input type="checkbox"/> Planned Unit Development (PUD)         | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)      |
| <input type="checkbox"/> Extension of Approval (EXT)    | <input type="checkbox"/> Street Vacation                        | <input type="checkbox"/> Zone Change (ZC)                                |

Pre-Application, Home Occupation, Sidewalk Use, Addressing, and Sign applications require different forms, available on the website.

<b>Site Location/Address:</b> <a href="#">1317 7th St, West Linn, 97068</a> <a href="#">31E02AA00800, 31E02 00100, 31E02AA00200,</a> <a href="#">31E02AA00200, 31E02AA00100, 31E01BB00100</a>	Assessor's Map No.: <a href="#">Multiple, see "Site Location"</a>
	Tax Lot(s): <a href="#">Multiple, see "Site Location"</a>
	Total Land Area: <a href="#">34.34 acre</a>



**Brief Description of Proposal:**

[Record a partition of the Subject Properties that will result in a total of three \(3\) Parcels.](#)

<b>Applicant Name*:</b> <a href="#">Bob Schultz</a> Address: <a href="#">22870 Weatherhill Rd</a> City State Zip: <a href="#">West Linn, OR 97068</a>	Phone: Email: <a href="mailto:791-732-0347">791-732-0347</a> <a href="mailto:duke.pdx@gmail.com">duke.pdx@gmail.com</a>
<b>Owner Name (required):</b> <a href="#">SDG-2, LLC</a> Address: <a href="#">22870 Weatherhill Rd</a> City State Zip: <a href="#">West Linn, OR 97068</a>	Phone: Email: <a href="mailto:791-732-0347">791-732-0347</a> <a href="mailto:duke.pdx@gmail.com">duke.pdx@gmail.com</a>
<b>Consultant Name:</b> <a href="#">S&amp;F Land Services</a> Address: <a href="#">Christopher Sherby</a> City State Zip: <a href="#">4905 SW Scholls Ferry Rd</a> <a href="#">Portland, OR 97225</a>	Phone: Email: <a href="mailto:503-345-0328">503-345-0328</a> <a href="mailto:chris.sherby@sflands.com">chris.sherby@sflands.com</a>

1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. **\*The applicant is financially responsible for all permit costs.**
2. The owner/applicant or their representative should attend all public hearings.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF 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 authorizes the application and grants city staff the **right of entry** onto the property to review the application. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

 Applicant's signature	Date <a href="#">11-29-23</a>	 Owner's signature (required)	Date <a href="#">11-29-23</a>
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# DEVELOPMENT REVIEW CHECKLIST

The application form and supporting materials should be submitted electronically through <https://westlinnoregon.gov/planning/submit-land-use-application> as one (1) .pdf file. To create a single PDF file, go to [Adobe Acrobat Free Merge PDF](#) online tool. [Other free Acrobat PDF tools](#) like converting a file to PDF or reducing the file size are available on the Adobe website.

Supporting reports may be uploaded separately through this web form *if* the file size is too large. The separate submissions should be numbered (i.e., Submittal 1 of 2) and noted under transmittal contents. All plan set files **MUST** be flattened and reduced.

Submission requirement to upload through the web form:

- .pdf format.
- Individual file size no larger than 128 MB.
- Do not attach 'zip' files. Our server will reject all 'zip' files.
- Reduce and flatten all plan sets **BEFORE** uploading plan sets. The raster/vector settings should be optimized for printing.

A complete application must include the following:

- Development Review Application. Original signatures from all owners must be on the application form.
- Vicinity Map showing the site within the City.
- Site Plan drawn to scale showing the:
  - Taxlot and address of the project,
  - Area of the site (acres or square feet),
  - Zoning and Neighborhood Association,
  - Location and dimensions of existing and proposed buildings, structures,
  - Location of existing and proposed on-site driveways and off-street parking,
  - Configuration and dimensions of all existing and proposed lots and tracts, including a proposed park, open space, and or drainage tracts or easements,
  - Location and width of existing and proposed easement for access, drainage, etc., and
  - Location of existing and proposed trees and other proposed landscaping.
  - Location of existing public and private utilities, easements, and 100-year floodplain,
  - Sensitive areas, including the location of on-site wetlands and riparian areas,
  - Location of existing off-site driveways across the street,
  - If applicable, internal circulation system, name, and location of existing and proposed roadways and roadway easements (private and public), and
  - Location and width of existing and proposed on-site pedestrian and bicycle facilities on-site.
- If applicable, a Utility Plan and Landscape plan, drawn to scale.
- If applicable, Building elevation drawings with exterior elevations for every side of each structure, height including building materials and floor levels, drawn to scale.
- A project narrative outlining the project's scope in detail, including the changes to the site, structure, landscaping, parking, land use, and lot consolidations.
- Complete written responses to identified approval criteria in the [Community Development Code \(CDC\)](#).
- A Service Provider Letter from Tualatin Valley Fire and Rescue - <https://www.tvfr.com/399/Service-Provider-Permit> Please contact Jason Arn at [jason.arn@tvfr.com](mailto:jason.arn@tvfr.com) with any questions about TVF&R requirements;
- If required, documentation of any required meeting with the respective City-recognized neighborhood association per CDC [99.038](#).
- Any other materials identified by city staff at the pre-application meeting.

For applications that the Planning Commission decides, the applicant or applicant's representative should present their proposal to the PC at the public hearing.

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## GENERAL INFORMATION

Property Owner and Applicant: **Forward Vision Development, LLC & e3 Design Concepts, LLC & SDG-2, LLC**  
3242 Wild Rose Loop  
West Linn, OR 97068  
Contact: Robert Schultz  
Phone: 971-732-0347  
Email: duke.pdx@gmail.com

Planning Consultant: **3J Consulting, Inc.**  
9600 SW Nimbus Avenue, Suite 100  
Beaverton, OR 97008  
Contact: Mercedes Serra  
Phone: 503.946.9365 x211  
Email: mercedes.serra@3j-consulting.com

## SITE INFORMATION

Parcel Number: 31E02AA00800, 31E02AA00800, 31E02AA00200, 31E02AA00100, 31E02 00401, 31E0200100 and 31E01BB00100

Address: 1317 7th Street

Gross Site Area: 35.47 acres (including to be vacated right-of-way)

Zoning Designation: Single-Family Residential (R10) & General Industrial (GI)

Existing Use: One single-family home, wetland, and former industrial site.

Surrounding Zoning: The properties to the west and north are zoned a mix of R-5, R-7 and R-10 residential. The properties to the east are zoned GI.

Street Classification: 5<sup>th</sup> Avenue, 4<sup>th</sup> Street, 7<sup>th</sup> Street, and Volpp Street are all classified as local streets. 5<sup>th</sup> Street and 4<sup>th</sup> Avenue are unimproved right-of-way.

## INTRODUCTION

### APPLICANT'S REQUEST

The Applicant is proposing a lot consolidation and seeks approval of Partition Application. This narrative describes the proposed development and demonstrates compliance with the relevant approval standards of West Linn's Community Development Code "CDC". Partition Applications are evaluated under the administrative decision process. The Planning Director will render the final decision.

### SITE DESCRIPTION/SURROUNDING LAND USE

The subject site is approximately 36 acres in size and is roughly bounded by 4<sup>th</sup> Street to 7<sup>th</sup> Street and from 5<sup>th</sup> Avenue to Volpp Street. The southern boundary of the property has approximately 300 feet of lineal frontage on the Willamette River. The site is divided by the unimproved right-of-way of 5<sup>th</sup> Street and 4<sup>th</sup> Avenue, which are both proposed to be vacated under a separate application. A 40-foot-wide transmission line right-of-way bounds the property to the northwest. The site is identified as tax lots 31E02AA00800, 31E02AA00800, 31E02AA00200, 31E02AA00100, 31E02 00401, 31E0200100 and 31E01BB00100. The property is located within the City of West Linn's Waterfront Urban Renewal District.

### PROPOSAL

The Applicant is requesting a three-lot partition to consolidate 22 parcels located across 35.47 acres. The proposed consolidation has been preliminarily approved by the State of Oregon Department of Environmental Quality (DEQ). The site includes a contaminated 15-acre sludge pond, commonly referred to as the 'Publisher's Pond'. As a contaminated site, under the control of DEQ, DEQ will determine what will be allowed on the site. The proposed partition will consolidate the site into three manageable parcels, identified as Outlot A, B, and C (Parcels 1, 2, and 3, respectively – of the proposed Partition) to allow for testing of the site and redevelopment. The partition will initiate the testing phase for the contaminated 15-acre sludge pond and subsequent DEQ Final Clean-up Plan approvals, preservation of sensitive wetland areas and habitat areas, development of the upland areas as approved by DEQ consistent with all governmental standards. There are no proposed changes to the site, existing structures, uses, zoning, existing roadways, or access roads. The site has unimproved right-of-way at the extension of 5<sup>th</sup> Street from the north and 4<sup>th</sup> Avenue from the east and the west. These rights-of-way will be vacated under a separate process. The table below provides the proposed lot areas through the consolidation and vacation process.

	<b>Parcel 1</b>	<b>Parcel 2</b>	<b>Parcel 3</b>
Lot Area	367,252.6 sq.ft. 8.43 acres	118,751.4 sq.ft. 2.73 acres	1,009,796.3 sq.ft. 23.18 acres
To be Vacated ROW			
- 4 <sup>th</sup> Avenue	5,980 sq.ft.	8,862.1 sq.ft.	19,533.9 sq.ft.
- 5 <sup>th</sup> Street	10,720 sq.ft.	5,478.7 sq.ft.	0 sq.ft.
Total Lot Area	383,952.6 sq.ft. 8.81 acres	133,092.2 sq.ft. 3.06 acres	1,029,330.2 sq.ft. 23.6 acres

Outlot A (Parcel 1) as approved by DEQ, will consolidate the area zoned for residential R-10 development into a single 8.81-acre parcel to allow for future residential development. Parcel 1 will be developed consistent with DEQ approvals and current zoning regulations under a future land use application. As envisioned, the wetland and associated vegetative corridor will be preserved and homes will be developed north of the wetland in the developable area of the site. The existing unimproved public rights-of-way, if any, located in wetland areas would be removed. Outlot B (Parcel 2), as approved by DEQ, will isolate a sensitive wetland and habitat area on a 3.06-acre parcel for future conservation. Outlot C (Parcel 3) as approved by DEQ, will isolate the contaminated 15-acre former Blue Heron Mill pulp mill sludge pond to a 23.6 acre parcel. The approval of this partition will allow the landowner and developer to commence testing on the 15-acre sludge pond and move forward with a final clean-up plan in accordance with DEQ requirements.

## APPLICABLE CRITERIA

The following sections of West Linn’s Community Development Code have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Partition application.

### DIVISION 2. ZONING PROVISIONS

#### Chapter 11 RESIDENTIAL, R-10

##### 11.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

1. **Single-family attached or detached residential unit.**
  - a. **Duplex residential units.**
  - b. **Triplex residential units.**
  - c. **Quadplex residential units.**

**Finding:** The proposed partition will consolidate 22 existing lots into 3 lots for the purpose of conservation and future development. The subject site has both Residential R-10 and GI-General Industrial zoning. Parcel 1 will consolidate the area zoned Residential R-10 into a single 8.43-acre lot for the purpose of future development. Homes are not proposed at this time.

##### 11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

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

STANDARD	REQUIREMENT	ADDITIONAL NOTES
Minimum lot size	10,000 sf	For a single-family attached or detached unit
Average minimum lot or parcel size for a townhouse project	1,500 sf	
Minimum lot width at front lot line	35 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width	50 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or		Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District.

minimum building setbacks		Front, rear, and side yard setbacks in a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply
Interior side yard	7.5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
Street side yard	15 ft	
Rear yard	20 ft	
Maximum building height	35 ft	Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.
Maximum lot coverage	35%	Maximum lot coverage does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. <ul style="list-style-type: none"> <li>• This does not include detached garages, carports, or accessory structures.</li> <li>• A developer may deduct up to 200 sf for an attached garage or carport.</li> </ul>
Minimum accessway width to a lot which does not abut a street or a flag lot	15 ft	
Maximum floor area ratio	0.45	Maximum FAR does not apply to cottage clusters.
Notes:		
1. The sidewall provisions of Chapter 43 CDC shall apply.		

**Finding:** The proposed partition will consolidate 22 existing lots into 3 lots for the purpose of conservation and development. The site has both Residential R-10 and General Industrial GI zoning. Parcel 1 will consolidate the area zoned Residential R-10 into a single 8.81-acre lot for the purpose of future residential development. The proposed lot will exceed the dimensional requirements of this section however the lot will be configured to allow for future development in conformance with the dimensional requirements of the R-10 zone. Homes are not proposed at this time. Parcel 2 will be reconfigured to a 3.06 acre parcel which is mapped with sensitive lands that will require preservation and is not proposed for future development.

The dimensional standards of this section can be met by a future land division.

**Chapter 23 GENERAL INDUSTRIAL, GI**

**23.030 PERMITTED USES**

The following are uses permitted outright in this zoning district:

1. **Agricultural sales and services**
2. **Animal sales and services**
  - a. **Kennels**



- b. Veterinary, small and large animals
- 3. Automotive and equipment
  - a. Cleaning
  - b. Fleet storage
  - c. Repairs, light and heavy equipment.
  - d. Sales/rentals, light and heavy equipment.
  - e. Storage, recreational vehicles and boats.
- 4. Construction sales and services.
- 5. Laundry services.
- 6. Manufacturing of products:
  - a. From raw materials.
  - b. From previously prepared materials.
- 7. Packaging and processing.
- 8. Postal service.
- 9. Public safety facilities.
- 10. Public support facilities.
- 11. Research services.
- 12. Scrap operations, recycling collection center.
- 13. Utilities, minor and major.
- 14. Wholesale, storage and distribution:
  - a. Mini warehouse
  - b. Light.
  - c. Heavy
- 15. Transportation facilities (Type I).

**Finding:** The proposed partition will consolidate the property zoned General Industrial on Parcel 3. The application is for the creation of three parcels to accommodate the existing industrial use(s). No new industrial uses are proposed at this time.

**23.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS**

- A. Except as may be otherwise provided by the provisions of this code, the following are requirements for uses within this zone:
  - 1. The minimum front lot line length or the minimum lot width at the front lot line shall be 50 feet.
  - 2. The average minimum lot width shall be 50 feet.
  - 3. Repealed by Ord. 1622.
  - 4. Where the use abuts a residential district, the setback distance of the residential zone shall apply.
  - 5. The maximum lot coverage shall be 50 percent.
  - 6. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 100 feet of a residential zone and three and one-half stories or 45 feet for any structure located 100 feet or more from a residential zone.

- B. The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.**

**Finding:** Parcel 3 will consolidate the industrial zoned land on a single parcel. The parcel meets all of the minimum lot requirements of this section. Construction of new industrial uses is not proposed at this time; therefore, the lot coverage, zoning, and building height requirements of this section are not applicable to the proposed partition. This standard is met.

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

### **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. A traffic analysis prepared by a qualified professional may be required to determine access, circulation and other transportation requirements. The purpose, applicability and standards of this analysis are found in CDC 85.170(B)(2).**
  - 2. In order to comply with the access standards in this chapter, 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. 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 from a public street adjacent to the development lot or parcel. Street accesses shall comply with access spacing standards in subsection (B)(6) of this section, the West Linn Public Works Design Standards, and TSP. As an alternative, the applicant may request alternative access provisions listed below as Option 1 and Option 2, subject to approval by the City Engineer through a discretionary process.**
    - a) Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted. For the purpose of this subsection, a mid-block lane is a narrow private drive providing lot frontage and access for rear lot development.**
    - b) Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e.,**

**“shared driveway”). A public access easement covering the driveway shall be recorded in this case to ensure access to the closest public street for all users of the private street/drive.**

**Finding:** The proposed partition will consolidate the site into three manageable parcels to allow for future development, including a residential subdivision. The proposed consolidation will result in fewer lots on the site and will not impact the transportation system or number of trips generated by the proposed lots. A traffic study has not been provided with the partition but will be provided if required by the proposed future development of the site. Vehicle access to each lot will be available through the existing street network. This standard is met.

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

**Finding:** The subject site does not front on an arterial street. The requirements of this section are not applicable.

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

**Finding:** The proposed partition will not include any double-frontage lots. The requirements of this section are not applicable.

- 6. Access spacing.**
  - a. The access spacing standards found in Tables 14 and 15 of the TSP and in CDC 48.060 shall be applicable to all newly established public street intersections, non-traversable medians, and curb cuts. Deviation from the access spacing standards may be granted by the City Engineer as part of a discretionary review if the applicant demonstrates that the deviation will not compromise the safe and efficient operation of the street and highway system.**
  - b. Private drives and other accessways are subject to the requirements of CDC 48.060.**

- 7. Number of access points. For single-family (detached and attached) housing types, one street access point is permitted per lot or parcel when alley access cannot otherwise be provided; except that two access points may be permitted corner lots (i.e., no more than one access per street), subject to the access spacing standards in CDC 48.060. The number of street access points for multiple family development is subject to the access spacing**

standards in CDC 48.060. The number of street access points for 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 (C)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.

8. **Shared driveways.** For residential development, shared driveways may be required in order to meet the access spacing standards in subsection (C)(6) of this section. For non-residential development, 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. When necessary pursuant to this subsection (C)(8), shared driveways and/or frontage streets shall be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent lot or parcel develops. "Developable" means that a lot or parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
  - b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
  - c. Exception. Exceptions to the shared driveway or frontage street requirements may be granted as part of a discretionary review if the City determines that existing development patterns or physical constraints (e.g., topography, lot or parcel configuration, and similar conditions) prevent extending the street/driveway in the future.
- C. **Street connectivity and formation of blocks required.** In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:
  1. **Block length and perimeter.** The maximum block length shall not exceed 800 feet along a collector, neighborhood route, or local street, or 1,800 feet along an arterial, unless a smaller block length is required pursuant to CDC 85.200(B)(2).

2. **Street standards.** Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.
3. **Exception.** Exceptions to the above standards may be granted as part of a discretionary review when blocks are divided by one or more pathway(s), in conformance with the provisions of CDC 85.200(C), Pedestrian and bicycle trails, or cases where extreme topographic (e.g., slope, creek, wetlands, etc.) conditions or compelling functional limitations preclude implementation, not just inconveniences or design challenges.

**Finding:** New access drives, driveways, and streets are not proposed as part of the partition. Connectivity standards will be addressed as part of the future development of the site under a separate land use application.

#### **48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES**

- A. **Direct individual access from single-family dwellings and duplex lots to an arterial street, as designated in the TSP, is prohibited for lots or parcels created after the effective date of this code where an alternate access is either available or is proposed as part of a submitted development application. Evidence of alternate or future access may include temporary cul-de-sacs, dedications or stubouts on adjacent lots or parcels, or tentative street layout plans submitted by an adjacent property owner/developer or by the owner/developer, or previous owner/developer, of the property in question**
- B. **In the event that alternate access is not available, the applicant may request access onto an arterial street as part of a discretionary review, and approval may be granted by the Planning Director and City Engineer after review of the following criteria:**
  - a. **Topography.**
  - b. **Traffic volume to be generated by development (i.e., trips per day).**
  - c. **Traffic volume presently carried by the street to be accessed.**
  - d. **Projected traffic volumes.**
  - e. **Safety considerations such as line of sight, number of accidents at that location, emergency vehicle access, and ability of vehicles to exit the site without backing into traffic.**
  - f. **The ability to consolidate access through the use of a joint driveway.**
  - g. **Additional review and access permits may be required by State or County agencies.**

**Finding:** The subject site does not front on an arterial street. The requirements of this section are not applicable.

- C. **Driveway standards. When any portion of any house is less than 150 feet from the adjacent right-of-way, driveway access to the home shall meet the following standards:**
  - a. **One single-family residence, including residences with an accessory dwelling unit as defined in CDC 02.030, shall provide a driveway with 10 feet of unobstructed horizontal clearance. Dual-track or other driveway designs that**

minimize the total area of impervious driveway surface are encouraged but not required.

- b. Two to four single-family residential homes shall provide a driveway with 14- to 20-foot-wide paved or all-weather surface.
  - c. 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. However, in no case shall the last 18 feet in front of the garage exceed 12 percent grade as measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply.
  - d. 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.
- D. 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.
- a. A turnaround shall be provided if required by Tualatin Valley Fire and Rescue (TVF&R) in order to receive a service provider permit.
  - b. Minimum vertical clearance for the driveway shall be 13 feet, six inches.
  - c. A minimum centerline turning radius of 45 feet is required unless waived by TVF&R.
  - d. There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet.
- E. Access to five or more single-family homes shall be by a street built to City of West Linn standards, consistent with the TSP (Tables 26 through 30 and Exhibits 6 through 9) and the Public Works Design Standards. All streets shall be public. This full street provision may only be waived by variance.
- F. Access and/or service drives for multifamily dwellings shall be fully improved with hard surface pavement:
- a. With a minimum of 24-foot width when accommodating two-way traffic; or
  - b. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.
  - c. Minimum vertical clearance of 13 feet, six inches.
  - d. Turnaround facilities as required by TVF&R standards for emergency vehicles when the drive is over 150 feet long. Fire Department turnaround areas shall not exceed seven percent grade unless waived by TVF&R.
  - e. The grade shall not exceed 10 percent on average, with a maximum of 15 percent.
  - f. A minimum centerline turning radius of 45 feet for the curve.

**Finding:** New houses are not proposed as part of the proposed partition. The requirements of this section are not applicable.

- G. Where on-site maneuvering and/or access drives are necessary to accommodate required parking, in no case shall said maneuvering and/or access drives be less than that required in Chapters 46 and 48 CDC.
- H. In order to facilitate through traffic and improve neighborhood connections, the developer shall make all local street connections identified in the Transportation System Plan, Table 17 and Figure 12, that are within the boundaries of the project, which may necessitate construction of a public street through a multifamily site.
- I. Gated accessways to residential development other than a single-family home are prohibited.

**Finding:** New access drives are not proposed with the new partition. The requirements of this section are not applicable.

#### **48.040 MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES**

Access, egress, and circulation system for all non-residential uses shall not be less than the following:

- A. Service drives for non-residential uses shall be fully improved with hard surface pavement:
  - 1. With a minimum of 24-foot width when accommodating two-way traffic; or
  - 2. With a minimum of 15-foot width when accommodating one-way traffic. Horizontal clearance shall be two and one-half feet wide on either side of the driveway.
  - 3. Meet the requirements of CDC 48.030(E)(3) through (6).
  - 4. Pickup window driveways may be 12 feet wide unless the Fire Chief determines additional width is required.
- B. All non-residential uses shall be served by one or more service drives as determined necessary to provide convenient and safe access to the property and designed according to CDC 48.030(A). In no case shall the design of the service drive or drives require or facilitate the backward movement or other maneuvering of a vehicle within a street, other than an alley.
- C. All on-site maneuvering and/or access drives shall be maintained pursuant to CDC 46.130.
- D. Gated accessways to non-residential uses are prohibited unless required for public safety or security.

**Finding:** New access drives are not proposed with the new partition. The requirements of this section are not applicable.

#### **48.050 ONE-WAY VEHICULAR ACCESS POINTS**

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

**Finding:** The proposed partition does not include a parking facility plan. The requirements of this section are not applicable.

#### **48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS**

- A. Minimum curb cut width shall be 16 feet.**
- B. Maximum curb cut width shall be 36 feet, except along Highway 43 in which case the maximum curb cut shall be 40 feet. For emergency service providers, including fire stations, the maximum shall be 50 feet.**
- C. No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:**
  - 1. On an arterial when intersected by another arterial, 150 feet.**
  - 2. On an arterial when intersected by a collector, 100 feet.**
  - 3. On an arterial when intersected by a local street, 100 feet.**
  - 4. On a collector when intersecting an arterial street, 100 feet.**
  - 5. On a collector when intersected by another collector or local street, 35 feet.**
  - 6. On a local street when intersecting any other street, 35 feet.**
- D. There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:**
  - 1. On an arterial street, 150 feet.**
  - 2. On a collector street, 75 feet.**
  - 3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.**
- E. A rolled curb may be installed in lieu of curb cuts and access separation requirements.**
- F. For non-residential development, curb cuts shall be kept to the minimum, particularly on Highway 43. Consolidation of driveways is preferred. The standard on Highway 43 is one curb cut per business if consolidation of driveways is not possible.**
- G. Clear vision areas shall be maintained, pursuant to Chapter 42 CDC, and required line of sight shall be provided at each driveway or accessway, pursuant to the West Linn Public Works Design Standards.**

**Finding:** No new accesses are proposed with this partition. The requirements of this section are not applicable.

#### **48.070 PLANNING DIRECTOR'S AUTHORITY TO RESTRICT ACCESS APPEAL PROVISIONS**

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



**Finding:** The proposed lot consolidation partition will be accessible from existing streets. The consolidation will not increase traffic movements on congested streets, as no uses are proposed at this time. The requirements of this section are not applicable.

#### **48.080 BICYCLE AND PEDESTRIAN CIRCULATION**

- A. Within all multifamily developments, each residential dwelling shall be connected to vehicular parking stalls, common open space, and recreation facilities by a pedestrian pathway system having a minimum width of six feet and constructed of concrete, asphalt, brick or masonry pavers, or other hard surface. The pathway material shall be of a different color or composition from the driveway. (Bicycle routes adjacent to the travel lanes do not have to be of different color or composition.)**
- B. Bicycle and pedestrian ways within a subdivision shall be constructed according to the provisions in CDC 85.200(C).**
- C. Bicycle and pedestrian ways at commercial or industrial sites shall be provided according to the provisions of Chapter 55 CDC, Design Review.**

**Finding:** Multi-family development is not proposed. The proposed partition will not create new streets. The requirements of this section are not applicable.

### **DIVISION 8. LAND DIVISION**

#### **Chapter 85 LAND DIVISIONS – GENERAL PROVISIONS**

- 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.
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.

**Finding:** The proposed partition will consolidate the site into three manageable parcels to allow for redevelopment. Future development will meet the purpose of this section.

#### **85.050 APPROVAL REQUIRED BEFORE CREATING STREET OR ROAD TO PARTITION LAND**

- A. No person shall create a street or road for the purpose of partitioning an area or tract of land without approval by the approval authority under the provisions of CDC 99.060(A) and (B).
- B. No instrument dedicating land to public use shall be accepted for recording unless such instrument bears the approval of the Planning Director or City Engineer, as applicable, under the provisions of CDC 99.060(A) and (B), procedures for decision-making.

**Finding:** The proposed partition will not create a street or road. The requirements of this section are not applicable.

#### **85.070 ADMINISTRATION AND APPROVAL PROCESS**

- A. The application shall be filed by the record owner(s) of the property or by an authorized agent who has a letter of authorization from the property owners of record. The burden of proof will be upon the applicant to demonstrate the validity of the ownership, if challenged.

- B. Action on the application for a tentative plan shall be as provided by Chapter 99 CDC.**
- 1. The Planning Director shall approve, deny, or approve with conditions an application for a partition subject to the provisions of CDC 85.200, 99.060(A), and 99.110. The Director's decision may be appealed to the City Council as provided by CDC 99.240(A).**
  - 2. The Planning Commission shall approve, deny, or approve with conditions an application for a tentative plan for a subdivision subject to the provisions of CDC 85.200, 99.060(B), and 99.110. A petition for review of the Planning Commission's decision may be filed as provided by CDC 99.240.**
  - 3. Action on the final plat shall be ministerial and taken by the Planning Director and City Engineer, and the Planning Director and City Engineer shall approve a final subdivision or partition plat upon the finding that the approval criteria set forth in CDC 89.050 have been satisfied. The Planning Director's and City Engineer's decision may be appealed to the Planning Commission by the applicant, and the Planning Commission shall make its decision based on testimony from the applicant and the Director.**

**Finding:** The applicant has submitted the required application materials for the proposed partition. This standard is met.

#### **85.110 STAGED DEVELOPMENT**

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

**Finding:** The applicant is not proposing a staged development. The proposed partition will allow for the future development of the site consistent with the requirements of this section, however, the site has several existing constraints which will need to be addressed prior to future development.

#### **85.120 PARTIAL DEVELOPMENT**

**Where the tentative subdivision or partition plan is limited to only part of the potential development site, and the unsubdivided portion of the property is greater than 300 percent of the minimum lot size allowed in the underlying zoning district, a tentative layout for the streets for the unsubdivided portion shall be required.**

**Finding:** The applicant is not proposing development of only part of the site, rather it is a consolidation of the site into three parcels that will allow for future development consistent with the requirements of each zoning district and on-site mapped resources. This standard is met.

#### **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.

**Finding:** The applicant held a pre-application conference with the City. This standard is met.

#### **85.150 APPLICATION – TENTATIVE PLAN**

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

**Finding:** The applicant has submitted a tentative plan. This standard is met.

#### **85.160 SUBMITTAL REQUIREMENTS FOR TENTATIVE PLAN**

- A. A City-wide map shall identify the site. A vicinity map covering one-quarter-mile radius from the development site shall be provided in the application showing existing subdivisions, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.
- B. The tentative subdivision plan shall be prepared by a registered civil engineer and/or a licensed land surveyor. A stamp and signature of the engineer or surveyor shall be included on the tentative subdivision plan. A tentative minor partition plan (three lots or less) is only required to be drawn to scale and does not have to be prepared by an engineer or surveyor.
- C. The tentative plan of a subdivision or partition shall be drawn at a scale not smaller than one inch equals 100 feet, or, for areas over 100 acres, one inch equals 200 feet.
- D. The following general information shall be shown on the tentative plan of subdivision or partition:
  - 1. Proposed name of the subdivision and streets; these names shall not duplicate nor resemble the name of any other subdivision or street in the City and shall be determined by the City Manager or designee. Street names should be easily spelled, pronounced, and of limited length. All new street names must, to the greatest extent possible, respect and be representative of the surrounding geography and existing street names. Street names should consider any

- prominent historical City figures or neighborhood themes that exist. Subdivision street names may not reference names of the builder or developer.
2. Date, north arrow, scale of drawing, and graphic bar scale.
  3. Appropriate identification clearly stating the drawing as a tentative plan.
  4. Location of the proposed division of land, with a tie to the City coordinate system, where established, and a description sufficient to define its location and boundaries, and a legal description of the tract boundaries.
  5. Names and addresses of the owner, developer, and engineer or surveyor.
- E. The following existing conditions shall be shown on the tentative plan of a subdivision or partition:
1. The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements and other important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments.
  2. Contour lines related to the U.S. Geological Survey datum or some other established benchmark, or other datum approved by the Planning Director and having the following minimum intervals:
    - a. Two-foot contour intervals for ground slopes less than 20 percent.
    - b. Five-foot contour intervals for ground slopes exceeding 20 percent.
  3. The location of any control points that are the basis for the applicant's mapping.
  4. The location, by survey, and direction of all watercourses and areas subject to periodic inundation or storm drainageway overflow or flooding, including boundaries of flood hazard areas as established by the U.S. Army Corps of Engineers or the City zoning ordinance.
  5. Natural features such as rock outcroppings, wetlands tied by survey, wooded areas, heritage trees, and isolated trees (six-inch diameter at five feet above grade) identified by size, type, and location. All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2), and all heritage trees, shall be delineated. Trees on non-Type I and II lands shall have their "dripline plus 10 feet" protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area.
  6. Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after platting.
  7. Identify the size and location of existing sewers, water mains, culverts, drain pipes, gas, electric, and other utility lines within the site, and in the adjoining streets and property.
  8. Zoning on and adjacent to the tract.
  9. Existing uses to remain on the adjoining property and their scaled location.
  10. The location of any existing bicycle or pedestrian ways.
  11. The location of adjacent transit stops.

- F. The following proposed improvements shall be shown on the tentative plan or supplemental drawings:**
- 1. The street 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)(14).**
  - 2. The type, method, and location of any erosion prevention and sediment control measures and/or facilities in accordance with the most current version of Clackamas County's Erosion/Sedimentation Control Plans Technical Guidance Handbook, which are necessary to prevent and control visible or measurable erosion as determined by the following criteria:**
    - a. Deposition of soil, sand, dirt, dust, mud, rock, gravel, refuse, or any other organic or inorganic material exceeding one cubic foot in volume in a public right-of-way or public property, or into the City surface water management system either by direct deposit, dropping, discharge, or as a result of erosion; or**
    - b. Flow of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion such as rivulets or bare soil slopes, where the flow of water is not filtered or captured on the development site; or**
    - c. Earth slides, mud flows, land slumping, slope failure, or other earth movement that is likely to leave the property of origin.**  
**Additional on-site measures may later be required if original measures prove to be inadequate in meeting these attainment standards. For the purposes of this code, "one cubic foot in volume" is defined to include the volume of material, wet or dry, at the time of deposition and includes any water of a discolored or turbid nature.**
  - 3. Any proposed infrastructure improvements that address those identified in the City of West Linn Transportation System Plan.**
  - 4. Any proposed bicycle or pedestrian paths. The location of proposed transit stops.**
  - 5. Any easement(s) – location, width, and purpose of the easement(s).**
  - 6. The configuration including location and approximate dimensions and area of each lot or parcel, and in the case of a subdivision, the proposed lot and block number.**
  - 7. A street tree planting plan and schedule approved by the Parks Department.**
  - 8. Any land area to be dedicated to the City or put in common ownership.**
  - 9. Phase boundaries shall be shown.**

**Finding:** The applicant has provided a land use plan set consistent with the requirements of this section.

#### **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.**

**Finding:** The applicant has provided a narrative stating how the plan meets or can meet the applicable approval criteria. This standard is met.

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

**Finding:** The applicant has provided a statement of ownership. This standard is met.

- 3. A legal description of the tract.**

**Finding:** The applicant has provided a legal description of the property. This standard is met.

- 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.**

**Finding:** The development is not proposed to be phased at this time. The proposed partition will consolidate the site into three manageable parcels to allow for testing of the site and redevelopment. At this time, the future development of the site is contingent on the results of testing of the site. Future development will be proposed at the time that the site has been fully evaluated and designed. This standard is not applicable.

- 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.**

**Finding:** The land proposed to be partitioned is under contiguous ownership by the developer. This standard is met.

- 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.**

**Finding:** The proposed partition does not include hillsides. The requirements of this section are not applicable.

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

**Finding:** The table below provides the calculations showing the number of allowable lots under the zoning of each parcel and how many lots are proposed as part of this partition. The calculation for the allowable number of lots does not account for undevelopable areas of each lot.

	<b>Parcel 1</b>	<b>Parcel 2</b>	<b>Parcel 3</b>
<b>Zone</b>	R-10	R-10	GI
<b>Lot Area</b>	367,253 sq.ft.	118,751 sq.ft.	1,009,796 sq.ft.

<b>Number of Allowable Lots</b>	36	11	N/A
<b>Proposed Number of Lots</b>	1	1	1

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

**Finding:** The proposed lot consolidation partition will not include development of the lots at this time. Development of the site in the future will include the identification of areas of the site comprising slopes by the classifications found in CDC 55.110(B)(3).

**B. Transportation.**

**1. Centerline profiles with extensions shall be provided beyond the limits of the proposed subdivision to the point where grades meet, showing the finished grade of streets and the nature and extent of street construction. Where street connections are not proposed within or beyond the limits of the proposed subdivision on blocks exceeding 330 feet, or for cul-de-sacs, the tentative plat or partition shall indicate the location of easements that provide connectivity for bicycle and pedestrian use to accessible public rights-of-way.**

**Finding:** The proposed partition will not create new streets. The requirements of this section are not applicable to the proposed development.

**2. Traffic impact analysis (TIA).**

**Finding:** The proposed partition will consolidate the site into three manageable parcels to allow for future development, including a residential subdivision. The proposed consolidation will result in fewer lots on the site and will not impact the transportation system or number of trips generated by the proposed lots. A traffic study has not been provided with the partition but will be provided if required by the proposed future development of the site. This standard is met.

**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.**
- 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.**

**Finding:** The proposed partition will not include any grading. The requirements of this section are not applicable.

**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 Master Plan and most recently adopted updates and amendments.**
- 2. **Location and sizing of the water lines within the development and off-site extensions. Show on-site water line extensions in street stubouts to the edge of the site, or as needed to complete a loop in the system.**
- 3. **Adequate looping system of water lines to enhance water quality.**
- 4. **For all non-single-family developments, calculate fire flow demand of the site and demonstrate to the Fire Chief. Demonstrate to the City Engineer how the system can meet the demand.**

**Finding:** Development is not proposed on the site as part of this lot consolidation partition. No new water service is requested at this time. New parcels will be provided with water service from either the existing 6” water on the perimeter of the site, or new service to be shown on the Preliminary Utility Plan, with subsequent submittals, per city standards.

**E. Sewer.**

- 1. **A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan, Public Works Design Standards, 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, and show how each lot or parcel would be sewerred.**

**Finding:** Development is not proposed on the site as part of this lot consolidation partition. No new sewer service is requested at this time. New parcels will be provided with sewer service from either the existing sewer line adjacent to the site, or new service to be shown on the Preliminary Utility Plan, with subsequent submittals, per city standards.

- 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.**

**Finding:** Development is not proposed on the site at this time; therefore, stormwater detention and treatment are not proposed. Future development will address the stormwater detention and treatment needs with subsequent submittals, per city standards.

- G. Service provider permit. A Tualatin Valley Fire and Rescue service provider permit shall be provided.**

**Finding:** Development is not proposed at this time; therefore, fire service is not necessary until future development is proposed.

#### **85.180 REDIVISION PLAN REQUIREMENT**

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

- A. The redivision plan is a sketch plan. A land survey and an engineering drawing are not required except where there are unique soil, topographic, or geologic conditions. Under the provisions of CDC 99.035, administrative procedures, the Planning Director may require additional information.**
- B. The applicant shall submit a topographic map based on available information and a subdivision layout in accordance with standards set forth in this chapter and the zoning district in which the property is located.**
- C. A building permit issued shall be for a specified future lot or parcel and the building shall meet the setback provisions of the zoning district in which the property is located.**
- D. The redivision plan is considered a guide. Its purpose is to assure the efficient use of land and orderly growth. At such time as the property owner applies to redivide the land, a different proposal may be submitted for approval provided it meets all of the requirements. The redivision plan is not binding on the applicant or the City at the time a formal application is submitted under this chapter.**
- E. The Planning Director shall approve the redivision plan in the manner set forth in CDC 99.060(A)(2), except that no notice shall be given. The applicant may appeal the Planning Director's decision as provided by CDC 99.240(A).**
- F. The Planning Director's decision shall be based on the following findings:**
  - 1. The redivision plan complies with the applicable requirements of this chapter and zoning district in which the property is located.**
  - 2. There are adequate water and sewage systems available for the proposed use.**

**Finding:** The applicant has provided a future development plan for the site. This standard is met.

#### **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 conditions of approval:

**A. Streets.**

- 1. Purpose and guiding principles. The purpose of these standards is to promote safe, efficient, and convenient options for walking, bicycling, and driving while accommodating access to individual properties, as needed, and access to transit. The following principles shall guide land division applications:**
  - a. 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.**
  - b. 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.**
  - c. 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.**
  - d. 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.**
  - e. To accomplish this, the emphasis should be upon a connected continuous pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets should only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent plus), hazard areas, steep drainageways, wetlands, etc. In such cases, deviations may be allowed but the connected continuous pattern must be reestablished once the topographic challenge is passed.**
- 2. In situations where the level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard at a date determined within a traffic impact analysis, and an improvement project is not programmed, the development shall avoid further degradation of the affected transportation facility. Mitigation must be provided to bring the facility performance standard to existing conditions at the time of occupancy.**
- 3. Tree protection. Streets shall be laid out to avoid and protect significant trees and significant tree clusters, but not to the extent that it would compromise**

connectivity requirements per this subsection A, or bring the achievable density below 70 percent of the maximum density for the developable net area. The developable net area is calculated by taking the total site acreage and deducting Type I and II lands; then up to 20 percent of the remaining land may be excluded as necessary for the purpose of protecting significant trees and tree clusters as provided in CDC 55.100(B)(2) or 55.105(B)(2), as applicable.

4. **Street connections.** The developer shall make all local street connections identified in the Transportation System Plan, Table 17 and Figure 12, that are within the boundaries of the project.
5. **Street improvements.**
  - a. **Streets that are internal to the land division site are the responsibility of the developer.** All streets bordering the development site are to be developed by the developer with, typically, half-street improvements to the City of West Linn Public Works Design Standards. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation System Plan (TSP), Tables 26 through 30 and Exhibits 6 through 9.
  - b. **Waiver of required street improvements and in-lieu fee.** An applicant may submit a written request for a waiver of abutting street improvements if the improvement would be prohibited by the TSP. When a requested waiver is granted, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The amount of the fee shall be established prior to the Planning Commission's decision on the associated application. The in-lieu fee shall be used for in-kind or related improvements.
  - c. **Right-of-way widths shall depend upon which classification of street is proposed.** The right-of-way widths are established in the adopted TSP, Exhibits 6 through 9.
  - d. **Public Works Design Standards.** Street design shall conform to the standards of the applicable roadway authority; for City streets that is the West Linn Public Works Design Standards manual. Where a conflict occurs between this code and the Public Works Design Standards manual, the provisions of this code shall govern.
6. **Street widths.** Street widths shall depend upon the classification of street proposed. The classifications and required cross sections are established in the adopted TSP, Tables 26 through 30 and Exhibits 6 through 9. Table 85-1 identifies street width standards (curb to curb) in feet for various street classifications. The standard width shall be required unless the applicant or their

- engineer can demonstrate that site conditions, topography, or site design require the reduced minimum width through a discretionary review.
7. The decision-making body shall consider the City Engineer's recommendations on the desired right-of-way width, pavement width and geometry for streets within or adjacent to the subdivision. To approve a street design less than the width in Table 85-1, the applicant shall demonstrate with proper documentation that one of the following applies:
    - a. The street design will help protect a water resource area and complies with the submittal requirements and approval standards found in Chapter 32 CDC.
    - b. The street design will help protect a flood management area and complies with the submittal requirements and approval standards found in Chapter 27 CDC.
    - c. The street design will help protect the Willamette River Greenway, Tualatin River Greenway, or a habitat conservation area and complies with the submittal requirements and approval standards found in Chapter 28 CDC.
    - d. The street design will help protect steep slopes and complies with the submittal requirements found in CDC 85.170(C) and approval standards found in subsection E of this section.
    - e. The street design will help protect a significant tree cluster and complies with subsection (J)(9) of this section.
  8. Reserve strips. Reserve strips or street plugs controlling the access to streets are not permitted unless owned by the City.
  9. Alignment. All streets other than local streets or cul-de-sacs shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignments resulting in "T" intersections shall leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction and otherwise shall not be less than 100 feet. Exceptions to these requirements shall only be approved if the applicant demonstrates that compliance is not practical through a discretionary review.
  10. Future extension of streets. The street system of a proposed development shall be designed to connect to existing, proposed, and planned streets adjacent to the development. Wherever a proposed development abuts unplatted land or a future development phase of an existing development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Where the stubbed street is over 100 feet long, street ends shall contain temporary turnarounds built to Oregon Fire Code standards and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.
  11. Intersection angles.
    - a. Except as specified in subsection (A)(11)(c) of this section, street intersections shall be located and designed as follows:

- 1) Streets shall be located and designed to intersect at, or close to, right angles (i.e., 90 degrees or within three degrees of 90 degrees).
  - 2) All legs of an intersection shall meet the above standard for at least 100 feet back from the point of intersection.
  - 3) No more than two streets shall intersect, i.e., creating a four-legged intersection, at any one point.
  - 4) Street jogs and intersection offsets of less than 125 feet are not permitted.
- b. Curb radii.
- 1) Intersections which are not at right angles shall have minimum corner radii of 15 feet along right-of-way lines which form acute angles.
  - 2) Right-of-way lines at intersections with arterial streets shall have minimum curb radii of not less than 35 feet.
  - 3) Other street intersections shall have curb radii of not less than 25 feet.
  - 4) All radii shall maintain a uniform width between the roadway and the right-of-way lines.
- c. Through a discretionary review, applicants may request the City consider modifications of the standards in subsections (A)(11)(a) and (b) of this section; provided, that the following are met:
- 1) Where an intersection is constrained by topography, the applicant may propose lesser intersection angles. However, intersection angles of less than 60 degrees are not allowed unless a special intersection design is requested and approved.
  - 2) The intersection of more than two streets at any one point or a street jogs or intersection offset of less than 125 feet is necessary because no alternative design exists.
12. 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 dedicated at the time of subdivision or partition.
13. Cul-de-sacs.
- a. New cul-de-sacs and other closed-end streets (not including stub streets intended to be connected) are not allowed unless the applicant demonstrates as part of a discretionary review that one or more of the following criteria are met:
- 1) Due to existing slopes on the site that exceed 25 percent, it is not feasible to construct a street connection that does not exceed the maximum grade allowed by the Public Works Design Standards; or
  - 2) It is not feasible to construct a street connection using the constrained cross-section design, as provided in Exhibits 6 through 9 of the TSP, that avoids one or more of the following:
    - (A) A natural resource protected by Chapter 32 CDC;

- (B) Existing transportation or utility facilities, buildings, or other existing development on adjacent land; or
        - (C) Existing easements or leases.
  - b. New cul-de-sacs and other closed-end streets, consistent with subsection (A)(13)(a) of this section, shall not exceed 200 feet in length or serve more than 25 dwelling units and shall comply with all adopted Tualatin Valley Fire and Rescue (TVFR) access standards.
  - c. Applicants for a proposed subdivision, partition or a multifamily, commercial or industrial development accessed by an existing cul-de-sac/closed-end street shall demonstrate that the proposal is consistent with all applicable traffic standards and TVFR access standards.
  - d. All cul-de-sacs and other closed-end streets shall include direct pedestrian and bicycle accessways from the terminus of the street to an adjacent street or pedestrian and bicycle accessways unless the applicant demonstrates that such connections are precluded by a physical constraint consistent with subsection (A)(13)(a) of this section.
  - e. All cul-de-sacs/closed-end streets shall terminate with a turnaround built to one of the following specifications (measurements are for the traveled way and do not include planter strips or sidewalks).
- 14. **Street names.** No street names shall be used which will duplicate or be confused with the names of existing streets within the City. Street names that involve difficult or unusual spellings are discouraged. Street names shall be subject to the approval of the Planning Commission or Planning Director, as applicable. Continuations of existing streets shall have the name of the existing street. Streets, drives, avenues, ways, boulevards, and lanes shall describe through streets. Place and court shall describe cul-de-sacs. Crescent, terrace, and circle shall describe loop or arcing roads.
- 15. **Grades and curves.** Grades and horizontal/vertical curves shall meet the West Linn Public Works Design Standards.
- 16. **Access to local streets.**
  - a. Except as provided in subsection (A)(16)(c) of this section, intersection of a local residential street with an arterial street shall be prohibited by the decision-making authority if one or more alternatives exist for providing interconnection of proposed local residential streets with other local streets.
  - b. Where a residential subdivision or partition abuts or contains an existing or proposed major arterial street, the design shall incorporate at least three of the following measures to protect residential properties from incompatible land uses, and to ensure separation of through traffic and local traffic: marginal access streets, reverse-frontage lots with lot depth of at least 100 feet, visual barriers, noise barriers, berms, no-access reservations along side and rear property lines, and/or other similar measures proposed by the applicant.

- c. At the applicant's request, the City may consider design alternatives to subsections (A)(16)(a) and (b) of this section through a discretionary review.
17. **Alleys.** Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the decision-making authority. While alley intersections and sharp changes in alignment should be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet. Alleys may be provided in residential subdivisions or multifamily projects. The decision to locate alleys shall consider the relationship and impact of the alley to adjacent land uses. In determining whether it is appropriate to require alleys in a subdivision or partition, the following factors and design criteria should be considered:
    - a. The alley shall be self-contained within the subdivision. The alley shall not abut undeveloped lots or parcels which are not part of the project proposal. The alley will not stub out to abutting undeveloped parcels which are not part of the project proposal.
    - b. The alley will be designed to allow unobstructed and easy surveillance by residents and police.
    - c. The alley should be illuminated. Lighting shall meet the West Linn Public Works Design Standards.
    - d. The alley should be a semi-private space where strangers are tacitly discouraged.
    - e. Speed bumps may be installed in sufficient number to provide a safer environment for children at play and to discourage through or speeding traffic.
    - f. Alleys should be a minimum of 14 feet wide, paved with no curbs.
  18. **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)(6) of this section. See also subsection C of this section. If part of a discretionary review, 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.
  19. **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 six feet wide to accommodate a fully matured tree without the boughs interfering with pedestrians on the sidewalk or vehicles along the curblines. If part of a discretionary review, 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.
  20. **Streets and roads** shall be dedicated without any reservations or restrictions.



21. All lots in a subdivision shall have access to a public street. Lots created by partition may have access to a public street via an access easement pursuant to the standards and limitations set forth for such accessways in Chapter 48 CDC.
22. Gated streets. Gated streets are prohibited in all residential areas on both public and private streets. A driveway to an individual home may be gated.
23. Entryway treatments and street isle design. When the applicant proposes to construct certain walls, planters, and other architectural entryway treatments within a subdivision, the following standards shall apply:
  - a. All entryway treatments except islands shall be located on private property and not in the public right-of-way.
  - b. Planter islands may be allowed provided there is no structure (i.e., brick, signs, etc.) above the curblines, except for landscaping. Landscaped islands shall be set back a minimum of 24 feet from the curblines of the street to which they are perpendicular.
  - c. All islands shall be in public ownership. The minimum aisle width between the curb and center island curbs shall be 14 feet. Additional width may be required as determined by the City Engineer.
  - d. Brick or special material treatments are acceptable at intersections with the understanding that the City will not maintain these sections except with asphalt overlay, and that they must meet the Americans with Disabilities Act (ADA) standards. They shall be laid out to tie into existing sidewalks at intersections.
  - e. Maintenance for any common areas and entryway treatments (including islands) shall be guaranteed through homeowners association agreements, CC&Rs, etc.
  - f. Under Chapter 52 CDC, subdivision monument signs shall not exceed 32 square feet in area.
24. Based upon the determination of the City Manager or the Manager's designee, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the traffic impact analysis commissioned to address CDC 85.170(B)(2) that are required to mitigate impacts from the proposed subdivision. The proportionate share of the costs shall be determined by the City Manager or Manager's designee, who shall assume that the proposed subdivision provides improvements in rough proportion to identified impacts of the subdivision. Off-site transportation improvements will include bicycle and pedestrian improvements as identified in the adopted City of West Linn TSP, Figures 6, 7 and 10 and Tables 4 and 6.

**Finding:** No new streets are proposed as part of the proposed lot consolidation. Future development of the site will address adjacent street improvements. This standard is met.

#### **B. Blocks and lots.**

1. **Purpose.** The length, width, and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated; consideration of the need for traffic safety, convenience, access, circulation, and control; and recognition of limitations and opportunities of topography and solar access.
2. **Sizes.**
  - a. Except as required under subsection (B)(2)(c) of this section, block lengths shall not exceed 800 feet, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation as part of a discretionary review.
  - b. Designs of proposed intersections shall demonstrate sight distances consistent with the West Linn Public Works Design Standards.
  - c. Subdivisions of five or more acres that involve construction of a new street shall have block lengths of no more than 530 feet, unless an exception is granted as part of a discretionary review, based on one or more of the following:
    - 1) Due to existing slopes on the site that exceed 25 percent, it is not feasible to meet the block length standard without exceeding the maximum street grade allowed by the Public Works Design Standards.
    - 2) Physical conditions preclude a block length 530 feet or less. Such constraints may include, but are not limited to, the existence of natural resource areas under protection by requirements of Chapter 32 CDC or Titles 3 and 13 of the UGMFP or by State or Federal law; rail lines; or freeways.
    - 3) Buildings, leases, easements or covenants that existed prior to May 1, 1995, or other pre-existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a block length 530 feet or less, considering the potential for redevelopment.
    - 4) An existing public street or streets terminating at the boundary of the development site have a block length exceeding 530 feet, or are situated such that the extension of the street(s) into the development site would create a block length exceeding 530 feet. In such cases, the block length shall be as close to 530 feet as practicable.
  - d. If block lengths are greater than 530 feet, accessways on public easements or right-of-way for pedestrians and cyclists shall be provided not more than 330 feet apart.
  - e. If streets must cross water features protected pursuant to UGMFP Title 3, a crossing must be provided every 800 to 1,200 feet unless habitat quality or the length of the crossing prevents a full street connection.

**Finding:** No new streets are proposed. The development pattern in this area is already established and/or inhibited by wetlands and sensitive habitat areas. No public streets

in the wetland areas are proposed and no changes to the existing block pattern are proposed. Block standards will be addressed as part of the future development of the site.

3. **Lot size and shape. Lot or parcel sizes and dimensions shall conform to the minimum standards of the CDC, unless as allowed by planned unit development (PUD). No lot or parcel shall be dimensioned to contain part of an existing or proposed street. All lots or parcels shall be buildable. "Buildable" describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible.**
  - a. **Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.**

**Finding:** The proposed partition will consolidate the site into three lots that will allow for testing and future redevelopment of the site. All parcels are impacted by wetlands and drainageways which have been delineated. Parcels 1 and 3 are able to be developed in the future consistent with the zoning standards. Parcel 2 is incumbered by wetlands across most of the site. Future development of the site is possible within the allowances of the wetland requirements of the CDC, however it is likely that this parcel will be conserved and maintained under common ownership at the time of future development.

This standard is met.

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

**Finding:** All of the proposed lots are accessible from the existing streets. This standard is met.

5. **Through lots and parcels. Through lots and parcels have frontage on a street at the front and rear property lines. Through lots and parcels shall be avoided except where they are necessary to avoid residential lots with frontage on arterial streets. Additional exceptions may be granted as part of a discretionary review if an applicant proposes through lots to provide separation from adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. As part of the discretionary review, a planting screen or impact mitigation easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.**

**Finding:** Double-frontage parcels are not proposed. This standard is met.

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

**Finding:** The side lot lines of the proposed parcels run at right angles to the street upon which they face. This standard is met.

7. **Flag lots. Flag lots are permitted only where it can be shown that there is adequate lot area to divide a property into two or more lots but there is not enough street frontage to meet the standard minimum requirement and where creation of a street is not necessary to meet connectivity standards. 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:**

**Finding:** Flag lots are not proposed. Setbacks will continue to comply with zoning requirements, as discussed above under R-10 standards. This standard is met.

8. **Large lots or parcels. In dividing tracts into large lots or parcels that are more than double the minimum area designated by the zoning district:**
  - a. **Those lots must be arranged so as to allow further subdivision, and must contain such easements and site restrictions as will provide for extension and opening of future streets where it would be necessary to serve potential lots; or**
  - b. **Alternately, in order to prevent further subdivision or partition of oversized and constrained lots or parcels, restrictions may be imposed on the subdivision or partition plat.**

**Finding:** This is a large lot parcel, and the 3-lot partition is intended to allow for subsequent subdivision that will conform with this requirement and zoning code. This standard is met.

**C. Pedestrian and bicycle trails.**

1. **When pedestrian and bicycle accessways are required pursuant to subsection (B)(2)(d) of this section, trails or multiuse pathways shall be installed, consistent and compatible with Federal ADA requirements and with the Oregon Transportation Planning Rule. Trails shall also accommodate bicycle or pedestrian traffic between neighborhoods and activity areas such as schools, libraries, parks, or commercial districts. Trails shall also be required where designated by the Parks Master Plan.**
2. **The all-weather surface (asphalt, etc.) trail shall be eight feet wide at minimum for bicycle use and six feet wide at minimum for pedestrian use. Trails within 10 feet of a wetland or natural drainageway shall not have an all-weather surface, but shall have a soft surface as approved by the Parks Director. These trails shall be contained within a corridor dedicated to the City that has a minimum width of 20 feet. Sharp curves, twists, and blind corners on the trail shall be avoided.**

Deviations from the corridor and trail width are permitted only through a discretionary review where topographic and ownership constraints require it.

3. Defensible space shall also be enhanced by the provision of a three- to four-foot-high matte black chain link fence or acceptable alternative along the edge of the corridor. The fence shall help delineate the public and private spaces.
4. The bicycle or pedestrian trails that traverse multifamily and commercial sites shall follow the standards in subsection (C)(2) of this section, but do not need to be defined by a fence unless required by the decision-making authority as part of a discretionary review.
5. Except for trails within 10 feet of a wetland or natural drainageway, soft surface or gravel trails may only be used in place of a paved, all-weather surface where it can be shown to the Planning Director as part of a discretionary review that the principal users of the path will be recreational, non-destination-oriented foot traffic, and that alternate paved routes are nearby and accessible.
6. The trail grade shall not exceed 12 percent, and may increase to no more than 15 percent for a maximum of 50 feet, with a resting interval of no more than 12 percent for a minimum of five feet. In any location where topography requires steeper trail grades than permitted by this section, the trail shall incorporate a short stair section to traverse the area of steep grades.

**Finding:** There is no proposed work on the property. The proposal is a request for approvals for a 3-lot partition only. While presently not applicable, it is the owner/developer intent to work on a cooperative basis on a comprehensive, integrated multi-modal system if a multi-modal, or pedestrian or bicycle trails are planned in this area. This standard is met.

#### **D. Transit facilities.**

1. The applicant shall consult with Tri-Met and the City Engineer to determine the appropriate location of transit stops, bus pullouts, future bus routes, etc., contiguous to or within the development site. If transit service is planned to be provided within the next two years, then facilities such as pullouts shall be constructed per Tri-Met standards at the time of development. More elaborate facilities, like shelters, need only be built when service is existing. Additional rights-of-way may be required of developers to accommodate buses.
2. The applicant shall make all transit-related improvements in the right-of-way or in easements abutting the development site, consistent with ODOT standards and in coordination with Tri-Met.
3. Transit stops shall be served by striped and signed pedestrian crossings of the street within 150 feet of the transit stop. Illumination of the transit stop and crossing is required to enhance defensible space and safety. ODOT approval may be required.
4. Transit stops shall include a shelter structure bench plus eight feet of sidewalk to accommodate transit users, non-transit-related pedestrian use, and wheelchair users, unless a reduction is approved by Tri-Met. Tri-Met must approve the final configuration.

**Finding:** There is no Tri-Met bus service in this area. Transit facilities are not proposed.

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

- 1. All cuts and fills shall comply with the excavation and grading provisions of the Building Code and the following:**
  - a. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically (i.e., 67 percent grade).**
  - b. Fill slopes shall not exceed two feet horizontally to one foot vertically (i.e., 50 percent grade). Please see the following illustration.**
- 2. If areas are to be graded, compliance with CDC 85.170(C) is required.**
- 3. The proposed grading shall be the minimum grading necessary to meet roadway standards, pursuant to the West Linn Public Works Design Standards, and to create buildable sites, considering maximum allowed driveway grades.**
- 4. Type I lands shall require a geologic report submitted by a certified engineering geologist, and Type I and Type II lands shall require a geologic hazard report stamped by a certified geotechnical professional engineer, consistent with the submittal requirements in CDC 85.170(C)(3).**

**Finding:** There is no proposed work on the property. The proposal is a request for approvals for a 3-lot partition only. No grading activities on the building sites are planned at this time. This standard is met.

- 5. The review authority may impose conditions, including limits on type or intensity of land use, necessary to mitigate known risks of landslides or property damage, based on the conclusions and recommendations of the geologic report.**

**Finding:** Actual grades are unconfirmed. The actual grades will be confirmed with a topographic survey prior to submission of a future application and Preliminary Plat for Proposed Parcel 1. Type I land is defined as slopes greater than 35% grade over 50% or more of a site. If slopes over 35% grade are confirmed, over 50% of the site then a geologic hazard report will be submitted by an engineering geologist for Type 1 and Type II lands. There is no proposed work on the property. The proposal is a request for approvals for a 3-lot partition only.

- 6. 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.**
  - 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.**

**Finding:** The proposed partition will not include development. Cuts and fills are not proposed.

- 7. **Land over 50 percent slope shall be developed only where the applicant cannot meet the standards of Chapter 24 CDC. In such cases, the development will provide that:**
  - a. **At least 70 percent of the land over 50 percent slope will remain free of structures or impervious surfaces.**
  - b. **Emergency access can be provided per the TVF&R service provider permit.**
  - c. **Design and construction of the project will not cause erosion or land slippage per the geologic report and geologic hazard report.**
  - 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.**

**Finding:** There is no proposed work on the property. The proposal is a request for approvals for a 3-lot partition only. No lot grading is planned at this time. The future grading plans for the construction of new homes will comply with these standards and will be reviewed at the time of building permit. This standard is met.

- 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.**

**Finding:** There is no proposed work on the property. The proposal is a request for approvals for a 3-lot partition only. No lot grading is planned at this time. The future grading plans for the construction of new homes will comply with these standards and will be reviewed at the time of building permit. This standard is met.

#### **F. Water.**

- 1. **A plan for domestic water supply lines or related water service facilities shall be prepared consistent with the adopted Comprehensive Water System Master Plan, updated in 2008, and subsequent superseding revisions or updates. The plan shall include:**
  - a. **Location and sizing of the water lines consistent with the Water System Master Plan and West Linn Public Works Design Standards.**

- b. For all non-single-family developments, there shall be a demonstration of adequate fire flow to serve the site, as demonstrated by consistency with West Linn Public Works Design Standards.
- c. A written statement, signed by the City Engineer, that water service can be made available to the site by the construction of on-site and off-site improvements and that such water service has sufficient volume and pressure to serve the proposed development's domestic, commercial, industrial, and fire flows.

**Finding:** There is no proposed work on the property. The proposal is a request for approvals for a 3-lot partition only. No new water service is requested at this time. New parcels will be provided with water service from either the existing 6" water on the perimeter of the site, or new service to be shown on the Preliminary Utility Plan, with subsequent submittals, per city standards. This standard is met.

**G. Sewer.**

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the current Sanitary Sewer Master Plan and subsequent updates and amendments applicable at the time the proposal is submitted. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and allow for full gravity service.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.
3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate as part of a discretionary review why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line shall be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. For non-residential development, the sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
6. The sanitary sewer line shall avoid disturbance of wetland and drainageways. In those cases where that is unavoidable, disturbance shall be mitigated pursuant to Chapter 32 CDC, Water Resource Area Protection, all trees replaced, and proper permits obtained. Dual sewer lines may be required so the drainageway is not disturbed.
7. Sanitary sewer shall be extended or stubbed out to adjacent undeveloped land or a point in the street that allows for connection with adjacent or nearby properties.
8. The sanitary sewer system shall be built pursuant to DEQ, City, and Tri-City Service District sewer standards. The design of the sewer system shall be prepared by a licensed engineer, and the applicant must be able to demonstrate



**the ability to satisfy these submittal requirements or standards at the pre-construction phase.**

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

**Finding:** There is no proposed work on the property. The proposal is a request for approvals for a 3-lot partition only. No new sewer service is requested at this time. New parcels will be provided with sewer service from either the existing service on the perimeter of the site, or new service to be shown on the Preliminary Utility Plan, with subsequent submittals, per city standards. This standard is met.

- 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, as demonstrated by stormwater plan and report stamped by a professional engineer.**

**Finding:** Development is not proposed on the site at this time; therefore, stormwater detention and treatment are not proposed. Future development will address the stormwater detention and treatment needs with subsequent submittals, per city standards.

- I. Utility easements. Subdivisions and partitions shall establish utility easements to accommodate the required service providers as specified in the West Linn Public Works Design Standards.**

**Finding:** There is no proposed work on the property. The proposal is a request for approvals for a 3-lot partition only. Public utility easements will be provided consistent with City standards, as shown on the Tentative Plan and Preliminary Utility Plan, with subsequent submittals. This standard is met.

- J. Supplemental provisions.**

- 1. Wetland and natural drainageways. Wetlands and natural drainageways shall be protected as required by Chapter 32 CDC, Water Resource Area Protection.**

**Finding:** There is no proposed work on the property. The proposal is a request for approvals for a 3-lot partition only.

The wetlands have been delineated as part of the DEQ approvals. There is no work proposed in the wetlands as part of this partition submission. The wetland areas will be further delineated by a survey. Subsequent proposed work, and submittals defining the work will be in compliance with all governmental unit standards. This criterion will be met with subsequent submittal for Phase 1 Preliminary Plat.

Note: There is a beaver dam located near 4th street that has artificially raised the water level in the stream. It is the owner's intent have a professional trapper relocate the beaver, and then remove the beaver dam so the water level can return to its natural, historical level.

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

**Finding:** There is no proposed work on the property. The proposal is a request for approvals for a 3-lot partition only. This criterion will be met with subsequent submittal for Phase 1 Preliminary Plat.

The subject property is located within the Willamette Greenway Area and in a Habitat Conservation Area. There is no work proposed in the Willamette Greenway Area, or in the Habitat Area. As the wetland and habitat areas are delineated subsequent submittals will comply to governmental standards for these areas.

- 3. Street trees. Street trees are required as identified in Section 8.720 of the municipal code and Chapter 54 CDC.**

**Finding:** No new street tree is proposed. No new horizontal work or street work is proposed with this proposal. When street trees or horizontal work will be installed, it will be provided with the new home construction, per City standards with subsequent submittals.

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

**Finding:** There is no new street lighting proposed. When lighting will be installed, it will be provided with the new home construction, per City standards with subsequent submittals.

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

**Finding:** There is no new lots, or horizontal work proposed to which would require dedications and exactions. When dedications and exactions are required, it will be provided, per City standards with subsequent submittals.

- 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. Exceptions shall be permitted in those cases where 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, are also exempted. Where adjacent future development is planned or proposed, 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.**

**Finding:** There is no new underground utility work proposed. When underground utilities are required, they will be installed per City standards with subsequent submittals.

7. **Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions do 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 are also exempt.**

**Finding:** The proposed partition will consolidate the site into three lots that will allow for testing and redevelopment of the site. The site is proposed for future development in accordance with the Density standards under a future application. The Applicant has provided a future development plan illustrating how the site could be developed in the future.

8. **Mix requirement. The "mix" rule means that developers shall have no more than 15 percent of the R-2.1 and R-3 development as single-family residential (including duplex, triplex, quadplex, and townhouse development). The intent is that the majority of the site shall be developed as medium high density multifamily housing.**

**Finding:** The property is zoned R-10 and therefore this provision does not apply.

9. **Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in Section 8.710 of the municipal code, shall be protected. If requested by the applicant, diseased heritage trees, as determined by the City Arborist, may be removed. Significant trees and significant tree clusters, as defined in CDC 2.030, shall be protected pursuant to CDC 55.100(B)(2) or 55.105(B)(2), as applicable.**

**Finding:** There are no identified heritage trees on the site, however there is at least one 7 ft diameter tree on the site to which the owner/developer surmises could potentially be a candidate for heritage tree designation. If so identified by subsequent tree survey, then the owner/developer is receptive to heritage tree designation. While there is no known, identified significant cluster on the site, if one is identified by a subsequent tree survey and the cluster will be protected on a subsequent submittal. This criterion will be met after the tree survey identifies any significant trees and subsequent submittal for Phase 1 Preliminary Plat.

## **Chapter 55 DESIGN REVIEW**

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

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

#### **E. Relationship to the natural and physical environment.**

1. **The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction.**
2. **All heritage trees, as defined in the municipal code, all trees and clusters of trees ("cluster" is defined as three or more trees with overlapping driplines;**

however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. (....)

**Finding:** While unconfirmed, it is presumed that the tree survey will identify significant trees on the property so the provisions of Chapter 55 will apply at the time these trees are identified. This criterion will be met after the tree survey identifies any significant trees and subsequent submittal for Phase 1 Preliminary Plat. This standard is met.

## **Chapter 92 REQUIRED IMPROVEMENTS**

### **92.010 PUBLIC IMPROVEMENTS FOR LAND DIVISIONS**

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:**
  - a. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.**
  - b. 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.**
  - c. There will be no adverse off-site impacts, including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream.**
  - d. There is sufficient factual data to support the conclusions of the plan.**
  - e. 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.**

**Finding:** No new horizontal improvements are proposed. This standard is met.

## **SUMMARY AND CONCLUSION**

Based upon the materials submitted herein, the Applicant respectfully requests approval from the West Linn's Planning Department for this Partition application.



## DEVELOPMENT REVIEW APPLICATION

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

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

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Annexation (ANX)<br><input type="checkbox"/> Appeal (AP)<br><input type="checkbox"/> CDC Amendment (CDC)<br><input type="checkbox"/> Code Interpretation (MISC)<br><input type="checkbox"/> Conditional Use (CUP)<br><input type="checkbox"/> Design Review (DR)<br><input type="checkbox"/> Tree Easement Vacation (MISC)<br><input type="checkbox"/> Expediated Land Division (ELD)<br><input type="checkbox"/> Extension of Approval (EXT) | <input type="checkbox"/> Final Plat (FP)<br><input type="checkbox"/> Flood Management Area (FMA)<br><input type="checkbox"/> Historic Review (HDR)<br><input type="checkbox"/> Lot Line Adjustment (LLA)<br><input checked="" type="checkbox"/> Minor Partition (MIP)<br><input type="checkbox"/> Modification of Approval (MOD)<br><input type="checkbox"/> Non-Conforming Lots, Uses & Structures<br><input type="checkbox"/> Planned Unit Development (PUD)<br><input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)<br><input type="checkbox"/> Temporary Uses (MISC)<br><input type="checkbox"/> Time Extension (EXT)<br><input type="checkbox"/> Right of Way Vacation (VAC)<br><input type="checkbox"/> Variance (VAR)<br><input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)<br><input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)<br><input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)<br><input type="checkbox"/> Zone Change (ZC) |
|--|--|---|

Pre-Application, Home Occupation, Sidewalk Use, Addressing, and Sign applications require different forms, available on the website.

<b>Site Location/Address:</b> 1317 7th St, West Linn, 97068 31E02AA00800, 31E02 00100, 31E02AA00200, 31E02AA00200, 31E02AA00100, 31E01BB00100	Assessor's Map No.: Multiple, see "Site Location" Tax Lot(s): Multiple, see "Site Location" Total Land Area: 34.34 acre
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**Brief Description of Proposal:**

Record a partition of the Subject Properties that will result in a total of three (3) Parcels.

<b>Applicant Name*:</b> Bob Schultz Address: 22870 Weatherhill Rd City State Zip: West Linn, OR 97068	Phone: Email: 971-732-0347 duke.pdx@gmail.com
<b>Owner Name (required):</b> SDG-2, LLC Address: 22870 Weatherhill Rd City State Zip: West Linn, OR 97068	Phone: Email: 971-732-0347 duke.pdx@gmail.com
<b>Consultant Name:</b> S&F Land Services Address: Christopher Sherby City State Zip: 4905 SW Scholls Ferry Rd Portland, OR 97225	Phone: Email: 503-345-0328 chris.sherby@sflands.com

1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. **\*The applicant is financially responsible for all permit costs.**
2. The owner/applicant or their representative should attend all public hearings.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF 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 authorizes the application and grants city staff the **right of entry** onto the property to review the application. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

 Applicant's signature	11-29-23 Date	 Owner's signature (required)	11-29-23 Date
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# DEVELOPMENT REVIEW CHECKLIST

The application form and supporting materials should be submitted electronically through <https://westlinnoregon.gov/planning/submit-land-use-application> as one (1) .pdf file. To create a single PDF file, go to [Adobe Acrobat Free Merge PDF](#) online tool. [Other free Acrobat PDF tools](#) like converting a file to PDF or reducing the file size are available on the Adobe website.

Supporting reports may be uploaded separately through this web form *if* the file size is too large. The separate submissions should be numbered (i.e., Submittal 1 of 2) and noted under transmittal contents. All plan set files **MUST** be flattened and reduced.

Submission requirement to upload through the web form:

- .pdf format.
- Individual file size no larger than 128 MB.
- Do not attach 'zip' files. Our server will reject all 'zip' files.
- Reduce and flatten all plan sets **BEFORE** uploading plan sets. The raster/vector settings should be optimized for printing.

A complete application must include the following:

- Development Review Application. Original signatures from all owners must be on the application form.
- Vicinity Map showing the site within the City.
- Site Plan drawn to scale showing the:
  - Taxlot and address of the project,
  - Area of the site (acres or square feet),
  - Zoning and Neighborhood Association,
  - Location and dimensions of existing and proposed buildings, structures,
  - Location of existing and proposed on-site driveways and off-street parking,
  - Configuration and dimensions of all existing and proposed lots and tracts, including a proposed park, open space, and or drainage tracts or easements,
  - Location and width of existing and proposed easement for access, drainage, etc., and
  - Location of existing and proposed trees and other proposed landscaping.
  - Location of existing public and private utilities, easements, and 100-year floodplain,
  - Sensitive areas, including the location of on-site wetlands and riparian areas,
  - Location of existing off-site driveways across the street,
  - If applicable, internal circulation system, name, and location of existing and proposed roadways and roadway easements (private and public), and
  - Location and width of existing and proposed on-site pedestrian and bicycle facilities on-site.
- If applicable, a Utility Plan and Landscape plan, drawn to scale.
- If applicable, Building elevation drawings with exterior elevations for every side of each structure, height including building materials and floor levels, drawn to scale.
- A project narrative outlining the project's scope in detail, including the changes to the site, structure, landscaping, parking, land use, and lot consolidations.
- Complete written responses to identified approval criteria in the [Community Development Code \(CDC\)](#).
- A Service Provider Letter from Tualatin Valley Fire and Rescue - <https://www.tvfr.com/399/Service-Provider-Permit> Please contact Jason Arn at [jason.arn@tvfr.com](mailto:jason.arn@tvfr.com) with any questions about TVF&R requirements;
- If required, documentation of any required meeting with the respective City-recognized neighborhood association per CDC [99.038](#).
- Any other materials identified by city staff at the pre-application meeting.

For applications that the Planning Commission decides, the applicant or applicant's representative should present their proposal to the PC at the public hearing.



www.tvfr.com

Command & Business Operations Center  
and North Operating Center  
11945 SW 70<sup>th</sup> Avenue  
Tigard, Oregon 97223-8566  
503-649-8577

South Operating Center  
8445 SW Elligsen Road  
Wilsonville, Oregon  
97070-9641  
503-649-8577

Training Center  
12400 SW Tonquin Road  
Sherwood, Oregon  
97140-9734  
503-259-1600

## FIRE DEPARTMENT ACCESS AND WATER SUPPLY PERMIT CHECKLIST

Project Name	Address and/or Legal Description	TVF&R Permit #
Description of Proposed Work:		Jurisdiction:
Bldg. Square Footage:	Type of Construction: Type IA	Fire Sprinklers: Y <input type="checkbox"/> N <input type="checkbox"/>
Fire Alarms: Y <input type="checkbox"/> N <input type="checkbox"/>	Bldg. Height: (Measured to gutter line or top of parapet)	ERRC <input type="checkbox"/> MERRC <input type="checkbox"/> N/A <input type="checkbox"/>

**Complete checklist below if the submittal involves constructing or altering a building.**

ITEM #	PROVIDED		REQUIREMENT	CODE REF
1	Y	N/A	Fire service plans shall consist of a site plan and elevation views of buildings. The site plan shall be labeled as FS-1. Elevation view sheets shall be FS-2, FS-3, etc.	OFC 105.4.2
2	Y	N/A	Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)	OFC 503.1.1
3	Y	N/A	Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. Diagrams can be found in the corresponding guide located at: <a href="http://www.tvfr.com/DocumentCenter/View/1296">http://www.tvfr.com/DocumentCenter/View/1296</a> .	OFC 503.2.5 & D103.1
4	Y	N/A	Buildings exceeding 30 feet in height or three stories in height shall have at least two separate means of fire apparatus access.	D104.1
5	Y	N/A	Buildings or facilities having a gross building area of more than 62,000 square feet shall have at least two approved separate means of fire apparatus access. Exception: Projects having a gross building area of up to 124,000 square feet that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.	OFC D104.2
6	Y	N/A	Multifamily projects having more than 100 dwelling units shall be provided with two separate and approved fire apparatus access roads. Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.3.1.2. Projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus roads regardless of whether they are equipped with an approved automatic sprinkler system.	OFC D106
7	Y	N/A	Buildings with a vertical distance between the grade plane and the highest roof surface that exceeds 30 feet in height shall be provided with a fire apparatus access road constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. For the purposes of this section, the highest roof surface shall be determined by	OFC D105.1, D105.2



ITEM #	PROVIDED		REQUIREMENT	CODE REF
			measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet walls, whichever is greater. Any portion of the building may be used for this measurement, provided that it is accessible to firefighters and is capable of supporting ground ladder placement.	
8	Y	N/A	Developments of one- or two-family dwellings, where the number of dwelling units exceeds 30, shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3. Exception: Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.	OFC D107
9	Y	N/A	At least one of the required aerial access routes shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial access road is positioned shall be approved by the Fire Marshal. Overhead utility and power lines shall not be located over the aerial access road or between the aerial access road and the building.	OFC D105.3, D105.4
10	Y	N/A	Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the area to be served (as identified by the Fire Marshal), measured in a straight line between accesses.	OFC D104.3
11	Y	N/A	Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants and an unobstructed vertical clearance of not less than 13 feet 6 inches).	OFC 503.2.1 & D103.1
12	Y	N/A	The fire district will approve access roads of 12 feet for up to three dwelling units (Group R-3) and accessory (Group U) buildings.	OFC 503.1.1
13	Y	N/A	Where access roads are less than 20 feet and exceed 400 feet in length, turnouts 10 feet wide and 30 feet long may be required and will be determined on a case by case basis.	OFC 503.2.2
14	Y	N/A	Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background.	OFC D103.6
15	Y	N/A	Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25-foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background	OFC 503.3
16	Y	N/A	Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant.	OFC D103.1
17	Y	N/A	Where access roads are less than 20 feet and exceed 400 feet in length, turnouts 10 feet wide and 30 feet long may be required and will be determined on a case by case basis.	OFC 503.2.2
18	Y	N/A	Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested.	OFC 503.2.3
19	Y	N/A	The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point.	OFC 503.2.4 & D103.3
20	Y	N/A	Fire apparatus access roadway grades shall not exceed 15%. Alternate methods and materials may be available at the discretion of the Fire Marshal (for grade exceeding 15%).	OFC D103.2
21	Y	N/A	Approved forest dwellings (in which the structure meets all County forest dwelling fire siting, fire retardant roof, and spark arrestor requirements) are allowed up to 20% maximum grade. Access roads greater than 20% shall be considered on a case-by-case basis. Forest dwelling access roads shall be an all-weather surface capable of supporting imposed loads of not less than 37,000 pounds gross vehicle weight and be no less than 12 feet minimum width. All other access requirements, including turnarounds shall be determined upon a heavy brush unit response capability to the individual property.	OFC 503.1.1 & D102.1.1

ITEM #	PROVIDED		REQUIREMENT	CODE REF
	Y	N/A		
22	Y	N/A	Turnarounds shall be as flat as possible and have a maximum of 5% grade with the exception of crowning for water run-off.	OFC 503.2.7 & D103.2
23	Y	N/A	Intersections shall be level (maximum 5%) with the exception of crowning for water run-off.	OFC 503.2.7 & D103.2
24	Y	N/A	Portions of aerial apparatus roads that will be used for aerial operations shall be as flat as possible. Front to rear and side to side maximum slope shall not exceed 10%.	OFC D103.2
25	Y	N/A	Gates securing fire apparatus roads shall comply with all of the following: <ol style="list-style-type: none"> <li>1. Minimum unobstructed width shall be not less than 20 feet (or the required roadway surface width).</li> <li>2. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved.</li> <li>3. Electric gates shall be equipped with a means for operation by fire department personnel.</li> <li>4. Electric automatic gates shall comply with ASTM F 2200 and UL 325.</li> </ol>	OFC D103.5, & 503.6
26	Y	N/A	Private bridges shall be designed and constructed in accordance with the State of Oregon Department of Transportation and American Association of State Highway and Transportation Officials Standards <i>Standard Specification for Highway Bridges</i> . Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Marshal.	OFC 503.2.6
27	Y	N/A	Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project.	OFC Appendix B
28	Y	N/A	Where a portion of a commercial building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided.	OFC 507.5.1
29	Y	N/A	Where the most remote portion of a residential structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided.	OFC 507.5.1
30	Y	N/A	Rural one-and-two-family dwellings, where there is no fixed and reliable water supply and there is approved access, shall not be required to provide a firefighting water supply.	OFC B103
31	Y	N/A	Detached U occupancies, in rural areas, that are in excess of 3,600 square feet are not required to have a water supply when they have approved fire department access.	OFC D102
32	Y	N/A	Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the Fire Marshal.	OFC C102.1
33	Y	N/A	Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided.	OFC 507.5.6 & OFC 312
34	Y	N/A	FDCs shall be located within 100 feet of a fire hydrant (or as approved). Hydrants and FDC's shall be located on the same side of the fire apparatus access roadway or drive aisle, fully visible, and recognizable from the street or nearest point of the fire department vehicle access or as otherwise approved.	OFC 912.2.1 & NFPA 13

ITEM #	PROVIDED		REQUIREMENT	CODE REF
35	Y	N/A	<p>In new buildings where the design reduces the level of radio coverage for public safety communications systems below minimum performance levels, a distributed antenna system, signal booster, or other method approved by TVF&amp;R and Washington County Consolidated Communications Agency shall be provided.</p> <p><a href="http://www.tvfr.com/DocumentCenter/View/1296">http://www.tvfr.com/DocumentCenter/View/1296</a>.</p> <ul style="list-style-type: none"> <li>• Emergency responder radio system testing and/or system installation is required for this building. Please contact me (using my contact info below) for further information including an alternate means of compliance that is available. If the alternate method is preferred, it must be requested from TVF&amp;R prior to issuance of building permit.</li> <li>• Testing shall take place after the installation of all roofing systems; exterior walls, glazing and siding/cladding; and all permanent interior walls, partitions, ceilings, and glazing.</li> </ul> <p>MERRC Q&amp;A <a href="#">MERRC Q&amp;A</a>  MERRC Permit Application <a href="#">MERRC Permit Application</a></p>	OFC 510, Appendix F, & OSSC 915
36	Y	N/A	<p>A Knox box for building access may be required for structures and gates. See Appendix B for further information and detail on required installations. Order via <a href="http://www.knoxbox.com">www.knoxbox.com</a> or contact TVF&amp;R for assistance and instructions regarding installation and placement.</p>	OFC 506.1



700 NE Multnomah Street, Suite 190  
Portland, OR 97232  
Phone (503) 230-8488 Fax (503) 296-5869

WFG National Title Insurance Company  
Attn: Trevor Cheyne  
700 NE Multnomah Street, Suite 190  
Portland, OR 97232

Date Prepared: October 9, 2023

## **SECOND SUPPLEMENTAL PRELIMINARY TITLE REPORT**

Order Number: **22-437322**  
Escrow Officer: Trevor Cheyne  
Phone: (503) 444-7047  
Fax: (503) 296-5869  
Email: [tcheyne@wfgtitle.com](mailto:tcheyne@wfgtitle.com)

**Borrower(s): SDG-2, LLC, a Delaware limited liability company**

**Property: 1317 7th Street, West Linn, OR 97068**

### **THE PRIOR REPORT IS REVISED FOR THE FOLLOWING: Updated Effective Date; Amended Lender**

**WFG National Title Insurance Company**, is prepared to issue a title insurance policy, as of the effective date and in the form and amount shown on Schedule A, subject to the conditions, stipulations and exclusions from coverage appearing in the policy form and subject to the exceptions shown on Schedule B. This Report (and any Amendments) is preliminary to and issued solely for the purpose of facilitating the issuance of a policy of title insurance at the time the real estate transaction in question is closed and no liability is assumed in the Report. The Report shall become null and void unless a policy is issued and the full premium paid.

This report is for the exclusive use of the person to whom it is addressed. Title insurance is conditioned on recordation of satisfactory instruments that establish the interests of the parties to be insured; until such recordation, the Company may cancel or revise this report for any reason.

## SCHEDULE A

1. The effective date of this preliminary title report is **8:00 A.M. on 3rd day of October, 2023**
2. The policies and endorsements to be insured and the related charges are:

<u>Policy/Endorsement Description</u>	<u>Liability</u>	<u>Charge</u>
<b>ALTA 2006 Ext. Loan Policy</b>	<b>\$2,000,000.00</b>	<b>\$3,600.00</b>
<b>Short Term Rate</b>		<b>\$3,600.00</b>

**Proposed Insured: Ricky and Vicki Suran, with rights of survivorship, and Randall and Sharlyne Kinnison, with rights of survivorship**

**Government Service Fee: \$140.00**

This is a preliminary billing only, a consolidated statement of charges, credits and advances, if any, in connection with this order will be provided at closing.

3. Title to the land described herein is vested in:

**SDG-2, LLC, a Delaware limited liability company**

4. The estate or interest in land is:

**Fee Simple**

5. The land referred to in this report is described as follows:

**SEE ATTACHED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

PARCEL I:

All of Tracts 7 and 8, WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon.

TOGETHER WITH that portion of vacated 5th Street which inured thereto by reason of Vacation Ordinance No. 811, recorded December 12, 1969, as Recorder's Fee No. 69-25835.

PARCEL II:

A tract of land in the Ambrose Fields Donation Land Claim, being in Section 1 and Section 2, in Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a point in the line between the Robert Moore Donation Land Claim and Ambrose Fields Donation Land Claim, which is North 37° 30' West, 6.40 chains from the Southeast corner of the Ambrose Fields Donation Land Claim; thence North 37° 30' West, (North 38° 12' West, according to the Plat of WILLAMETTE AND TUALATIN TRACTS), a distance of 12.16 chains, tracing the Northeast boundary of the Ambrose Fields Donation Land Claim to the Southeast boundary of the M.K. Perrin Donation Land Claim No. 50; thence South 62° 30' West, 5.04 chains tracing said Southeast boundary of the M.K. Perrin Donation Land Claim No. 50; thence South 39° East, 19.68 chains to the left bank (high water mark) of the Willamette River; thence down stream North 53° 45' East, 1.45 chains to the Southwesterly line of the tract of land owned by the Crown Zellerbach Corporation; thence North 39° West, 6.10 chains, more or less, to the most Westerly corner of the Crown Willamette Corporation Tract; thence North 53° East, 3.20 chains to the place of beginning.

EXCEPT that part thereof lying Northwesterly of a line drawn from the most Easterly corner of Lot A, Tract 13, WILLAMETTE AND TUALATIN TRACTS, to the most Westerly corner of Tract 8, WILLAMETTE AND TUALATIN TRACTS, the course of which line is recited in Deeds as North 69° 39' East.

PARCEL III:

All of Lot "A" of Tract 13, and all of Tract 9 of WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon, in the Records of Clackamas County, being a portion of that land described in Deed dated September 9, 1913, from Bertha P. Kanney and C.W. Kanney, her husband, recorded September 18, 1913, on Page 21 in Book 133, Deed Records.

ALSO, beginning at a point which is the East corner of Lot "A", Tract 13 of WILLAMETTE AND TUALATIN TRACTS; thence North 39° 00' West, 122.5 feet, more or less, along the Northeast line of said Lot "A", Tract 13, which is also the Southwest line of the property, now or formerly owned by Hawley Pulp & Paper Company to the North corner of said Lot "A", Tract 13, of said WILLAMETTE AND TUALATIN TRACTS; thence Northeasterly 332.5 feet, more or less, along the Northwest line of the property, now or formerly owned by Hawley Pulp & Paper Company, to a point which is the North corner thereof; thence South 38° 12' East, 145.0 feet, more or less, along the Northeast line of the property, now or formerly owned by Hawley Pulp & Paper Company, which line is also the Southwest line of said Tract 9 of said WILLAMETTE AND TUALATIN TRACTS to a point which is the West corner of Tract 8 of said WILLAMETTE AND TUALATIN TRACTS; thence South 69° 39' West 337.0 feet, more or less, to the East corner of said Lot "A", Tract 13, WILLAMETTE AND TUALATIN TRACTS, which is the place of beginning, being all the land described in Deed dated June 30, 1913, from Hawley Pulp & Paper Company to Portland, Eugene & Eastern Railway Company recorded July 9, 1913, on Page 195, in Book 131, Deed Records of Clackamas County.

EXCEPTING THEREFROM that portion as described in Street Dedication recorded January 6, 1970, as Recorder's Fee No. 70 269.

PARCEL IV:

Tracts 14 and 15, WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon.

TOGETHER WITH that portion of Vacated 7th Street which inured thereto by reason of Vacation Ordinance No. 835, recorded December 31, 1970, as Recorder's Fee No. 70 28678.

EXCEPTING THEREFROM that portion as described in Street Dedication recorded January 6, 1970, as Recorder's Fee No. 70 269.

PARCEL V:

All of Tract 6, WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon.

TOGETHER WITH that portion of vacated 5th Street which inured thereto by reason of Vacation Ordinance No. 811, recorded December 12, 1969, as Recorder's Fee No. 69-25835.

EXCEPTING THEREFROM that portion as described in Street Dedication recorded January 6, 1970, as Recorder's Fee No. 70-269.

PARCEL VI:

Intentionally Deleted

EXCEPTING THEREFROM that portion as described in Deed to Tri-City Service District recorded June 27, 1990, as Recorder's Fee No. 90-30398.

PARCEL VII:

All that real property situated, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as:

Beginning at a point bearing South 53° 45' West, 17.87 chains and North 34° 45' West, 208 feet from the Southeast corner of the Ambrose Fields Donation Land Claim, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, said point being the Southeast corner of Block 16, WILLAMETTE AND TUALATIN TRACTS; thence North 34° 45' West, 452 feet along the Northeasterly line of Block 16 to the most Southerly corner of Lot "D", Block 17; thence North 53° 46' East, 330 feet along the Southeasterly line of said Block 17, and the Northeasterly extension thereof; thence South 34° 45' East, 457 feet along the Southwesterly line of Seventh Street to a point on the Southerly extension of the Southeast line of Block 15, WILLAMETTE AND TUALATIN TRACT, said point being 30 feet Southwesterly from the most Southerly corner of said Block 15; thence Southwesterly 330 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM that portion as described in Street Dedication recorded December 30, 1970, as Recorder's Fee No. 70-28681.

PARCEL VIII:

A part of the Donation Land Claim No. 52 of Ambrose Field in Section 2, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, to wit:

Beginning on the left bank of the Willamette River where the Northern boundary line of said claim intersects said river; running thence North 39° West along said boundary 6.40 chains; thence South 53° West, 3.20 chains; thence South 39° East, 6.40 chains to the bank of the Willamette River; thence North 53° 45' East along the meanders of said river to the place of beginning.

SAVE AND EXCEPT THEREFROM a strip of land described as follows:

Beginning at a T-rail at the initial point of said WILLAMETTE AND TUALATIN TRACTS; thence South 34° 08' 55" West, 559.95 feet to an iron rod at the intersection of the Southerly line of Lot "E", Tract 6, said WILLAMETTE AND TUALATIN TRACTS, with the Westerly line of that parcel known as Parcel II, as described in Fee No. 70 269,

recorded January 6, 1970, Clackamas County Record of Deeds, said line now known as the Westerly right-of-way of Fourth Street; thence South 54° 23' 00" West, 398.67 feet along the Southerly line of said Tract 6 to an iron rod, which is a point identified in this Deed as Point "B"; thence South 39° 00' East, 168.90 feet to an unmonumented point which is the true point of beginning of the parcel; thence South 54° 23' 00" West, 209.50 feet to an unmonumented point; thence South 39° East, 10.0 feet, more or less, to the high water line of the left bank of the Willamette River; thence along said high water line, Northeasterly to the point of intersection with a line having a bearing of North 39° 00' West and passing through the true point of beginning of this parcel; thence North 39° 00' West, 10.0 feet, more or less, to the true point of beginning of this parcel.

PARCEL IX:

All of Lots "B" and "C" of Tract 13, WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon.

PARCEL X:

Intentionally Deleted

PARCEL XI:

Lots "A", "B", "C" and "D", Block 5, WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon.

EXCEPT that part of Lot "A", described as follows:

Beginning at a point in the Westerly side of Fourth Street, 96 feet Southerly from the most Northerly corner of said Lot "A"; thence Southerly along the Westerly side of Fourth Street, 50 feet; thence Westerly at right angles, 80 feet to a point; thence Northerly parallel with Fourth Street, 50 feet to a point; thence Easterly at right angles to Fourth Street, 80 feet to the place of beginning.

PARCEL XII:

Part of Lot "A" in Tract 5, WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point in the Westerly side of Fourth Street, 96 feet Southerly from the most Northerly corner of said Lot "A"; thence Southerly along the Westerly side of Fourth Street, 50 feet; thence Westerly at right angles, 80 feet to a point; thence Northerly parallel with Fourth Street, 50 feet to a point; thence Easterly at right angles to Fourth Street, 80 feet to the place of beginning.



## SCHEDULE B

### GENERAL EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

### SPECIAL EXCEPTIONS

6. Any adverse claim based upon the assertion that:
  - a) Said land or portion thereof is now or at any time has been below the high water mark of the [Willamette River](#).
  - b) Said land has been removed from or brought within the boundaries of the premises by the process of erosion or an avulsive movement of the Willamette River or has been formed by a process of accretion or reliction or has been created by artificial fill.
  - c) Rights of the public and governmental bodies in and to any portion of the premises herein described lying below the high water mark of the Willamette River, including any ownership rights which may be claimed by the State of Oregon below the high water mark.
7. Rights of governmental bodies in and to any portion of the premises lying within [Bernert Creek](#) or tributary, for wetlands protection, flood control and protection of anadromous fish.
8. Easement, including the terms and provisions thereof:

For	:	Sewer line
Granted to	:	City of West Linn
Recorded	:	August 16, 1954
Recording No.	:	<a href="#">Book 485, Page 52</a>
Affects	:	Parcels II and VIII
9. Easement for utilities, if any such exist, over and across the premises formerly included within the boundaries of 5th Street as vacated by City of West Linn Ordinance No. 811:

Recorded	:	December 12, 1969
Recording No.	:	<a href="#">69-25835</a>
Affects	:	Parcels I and V
10. Easement for utilities, if any such exist, over and across the premises formerly included within the boundaries of 7th Street as vacated by City of West Linn Ordinance No. 835:

Recorded	:	December 31, 1970
Recording No.	:	<a href="#">70-28678</a>
Affects	:	Parcel IV

11. Easements, including the terms and provisions thereof, as granted and as reserved by Deed:

Grantor : Crown Zellerbach Corporation  
Grantee : Publishers Paper Co.  
For : Pipeline, powerline and roadway  
Recorded : January 6, 1971  
Recording No. : [71-250](#)  
Affects : Parcel VIII

And subject to the terms and provisions pertaining to above easement as contained in Agreement:

Recorded : January 6, 1971  
Recording No. : [71-251](#)

12. Terms and provisions of appurtenant easement:

For : Pipeline  
Granted to : Publishers Paper Co., successors and assigns  
Recorded : June 7, 1971  
Recording No. : [71-12518](#)  
Affects : Easement rights appurtenant to Parcel IV

13. Conditions, Restrictions, Waiver of Right of Remonstrance and Covenants for Easements, including the terms and provisions thereof in Deed (with advance notice required for some construction activity):

Grantor : Publishers Paper Co., nka Smurfit Newsprint Corporation  
Grantee : Tri-City Service District  
Recorded : June 27, 1990  
Recording No. : [90-30398](#)

And Assignment, including the terms and provisions thereof:

Assignor : Tri-City Service District  
Assignee : Water Environment Services  
Recorded : July 3, 2018  
Recording No. : [2018-041534](#)

14. Order on Consent, dated July 19, 2012, of State of Oregon Department of Environmental Quality, and First Amendment to Order on Consent, dated July 30, 2012, and the obligations, conditions, restrictions and access rights contained therein, as disclosed by Deeds:

Between : Oregon Department of Environmental Quality  
And : Clackamas County Service District No. 1  
And : Tri-City Service District  
Recorded : August 10, 2017  
Recording No. : [2017-054628](#)  
and  
Recorded : August 9, 2018  
Recording No. : [2018-049378](#)

And Assignment Agreement, including the terms and provisions thereof:

Assignor : Clackamas County Service District No. 1  
Assignee : Water Environment Services  
Recorded : July 3, 2018  
Recording No. : [2018-041419](#)

15. Terms and provisions of "Purchase and Sale Agreement, dated September 18, 2020, as shown in Deed:

Between : Water Environment Services, Grantor  
And : SDG-2, LLC, a Delaware limited liability company, Grantee  
Recorded : September 18, 2020  
Recording No. : [2020-077135](#)

as amended or modified by transfer and conveyance of Parcel VI therein to Water Environmental Services by Bargain and Sale Deed recorded December 8, 2021 as Recording No. [2021-106863](#).

16. Easement, including the terms and provisions thereof:  
 For : Permanent surface water, storm drainage and sanitary sewer  
 Granted to : Water Environment Services  
 Recorded : December 8, 2021  
 Recording No. : [2021-106865](#)  
 Affects : Parcels II, V and VIII
17. Taxes, including the current fiscal year, not levied due to assessor records showing ownership or use by a governmental entity. If the exempt status is terminated, an additional tax may be levied.  
 Levy Code : 003-002  
 Property ID No. : [00747534](#)  
 Map Tax Lot No. : 31E02 00401  
 Affects : Parcel VII
18. Unpaid Taxes for 2022-2023:  
 Levied Amount : \$7,859.70, plus interest  
 and  
 Unpaid Taxes for 2021-2022:  
 Levied Amount : \$7,460.91 plus interest  
  
 Property ID No. : [00747730](#)  
 Levy Code : 003-002  
 Map Tax Lot No. : 31E02AA00800  
 Affects : Parcels I, III, IX and IV
19. Unpaid Taxes for 2022-2023:  
 Levied Amount : \$16,355.23, plus interest  
 and  
 Unpaid Taxes for 2021-2022:  
 Levied Amount : \$15,525.44 plus interest  
  
 Property ID No. : [00747507](#)  
 Levy Code : 003-002  
 Map Tax Lot No. : 31E02 00100  
 Affects : Parcels II and VIII
20. Unpaid Taxes for 2022-2023:  
 Levied Amount : \$3,655.49, plus interest  
 and  
 Unpaid Taxes for 2021-2022:  
 Levied Amount : \$3,470.04 plus interest  
  
 Property ID No. : [00744261](#)  
 Levy Code : 003-002  
 Map Tax Lot No. : 31E01BB00100  
 Affects : Parcel V and [additional property](#)
21. Unpaid Taxes for 2022-2023:  
 Levied Amount : \$4,272.14, plus interest  
 and  
 Unpaid Taxes for 2021-2022:  
 Levied Amount : \$4,055.39 plus interest  
  
 Property ID No. : [00747696](#)  
 Levy Code : 003-002  
 Map Tax Lot No. : 31E02AA00200  
 Affects : Parcel XI

22. Unpaid Taxes for 2022-2023:  
 Levied Amount : \$257.50, plus interest  
 and  
 Unpaid Taxes for 2021-2022:  
 Levied Amount : \$244.44 plus interest
- Property ID No. : [00747687](#)  
 Levy Code : 003-002  
 Map Tax Lot No. : 31E02AA00100  
 Affects : Parcel XII
23. City liens, if any, of the City of West Linn. We find [none](#) as of August 7, 2023.
24. Trust Deed, Assignment of Rents, Security Agreement and Fixture Filing, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:  
 Grantor : SDG-2, LLC, a Delaware limited liability company  
 Trustee : WFG National Title Insurance Company  
 Beneficiary : Water Environment Services  
 Dated : September 18, 2020  
 Recorded : September 18, 2020  
 Recording No. : [2020-077136](#)  
 Amount : \$2,000,000.00
25. Any unrecorded leases or rights of tenants in possession.
26. Parties in possession, or claiming to be in possession, other than the vestees shown herein. For the purposes of ALTA Extended coverage, we will require an Affidavit of Possession be completed and returned to us. Exception may be taken to such matters as may be shown thereby.
27. Statutory liens for labor or materials, including liens for contributions due to the State of Oregon for unemployment compensation and for workmen's compensation, which have now gained or hereafter may gain priority over the lien of the insured mortgage where no notice of such liens appear of record.
28. 2023-2024 taxes, a lien not yet due and payable.

**END OF EXCEPTIONS**

NOTE: We find no judgments or federal or state tax liens against SKG-2 LLC.

NOTE: The Oregon Corporation Commission disclosed that [SDG-2, LLC](#), is an active foreign limited liability company:

Filed : October 18, 2018  
 Member : Robert J Schultz  
 Registered Agent : Buckley Law Registered Agent Services, Inc.

NOTE: The Delaware Division of Corporations disclosed that [SDG-2, LLC](#), is an active Delaware limited liability company:

Filed : June 18, 2018  
 Registered Agent : Northwest Registered Agent Service, Inc.

NOTE: LINKS FOR ADDITIONAL SUPPORTING DOCUMENTS:

- [Assessor's Maps](#)
- [Plat Map](#)
- [Vesting Deed](#)
- [Aerial Photo](#)
- [Photos - GoogleEarth-rTM](#)
- [Legal Description Reference 131-195](#)
- [Legal Description Reference 133-21](#)

[Legal Description Reference 69 25835](#)  
[Legal Description Reference 70 269](#)  
[Legal Description Reference 70 28678](#)  
[Legal Description Reference 70 28681](#)  
[Legal Description Reference 90 30398](#)  
[Aerial Photo - PortlandMaps - Parcels I - III - IX and IV](#)  
[Aerial Photo - PortlandMaps - Parcels II and VIII](#)  
[Aerial Photo - PortlandMaps - Parcel V and Deleted Parcel VI](#)  
[Aerial Photo - PortlandMaps - Parcel VII](#)  
[Aerial Photo - PortlandMaps - Parcel XI](#)  
[Aerial Photo - PortlandMaps - Parcel XII](#)

NOTE: The following is incorporated herein for information purposes only and is not part of the exception from coverage (Schedule B-II of the prelim and Schedule B of the policy):The following instrument(s), affecting said property, is (are) the last instrument(s) conveying subject property filed for record within 24 months of the effective date of this preliminary title report: None of Record

NOTE: In no event shall WFG National Title Insurance Company have any liability for the tax assessor's imposition of any additional assessments for omitted taxes unless such taxes have been added to the tax roll and constitute liens on the property as of the date of closing. Otherwise, such omitted taxes shall be the sole responsibility of the vestee(s), herein.

NOTE: Due to current conflicts or potential conflicts between state and federal law, which conflicts may extend to local law, regarding marijuana, if the transaction to be insured involves property which is currently used or is to be used in connection with a marijuana enterprise, including but not limited to the cultivation, storage, distribution, transport, manufacture, or sale of marijuana and/or products containing marijuana, the Company declines to close or insure the transaction, and this Preliminary Title Report shall automatically be considered null and void and of no force and effect.

NOTE: The following applicable recording fees will be charged by the county:

Clackamas County-First Page	\$93.00
Each Additional Page	\$ 5.00
Non-standard Document Fee	\$20.00
E-recording Fee	\$ 3.00

**NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS**

Fiscal Year:	July 1 <sup>st</sup> through June 30 <sup>th</sup>
Taxes become a lien on real property, but are not yet payable.	July 1 <sup>st</sup>
Taxes become certified and payable (approximately on this date)	October 15 <sup>th</sup>
First one third payment of taxes are due	November 15 <sup>th</sup>
Second one third payment of taxes are due	February 15 <sup>th</sup>
Final payment of taxes are due	May 15 <sup>th</sup>

Discounts: If two thirds are paid by November 15<sup>th</sup>, a 2% discount will apply.

If the full amount of the taxes are paid by November 15<sup>th</sup>, a 3% discount will apply.

Interest: Interest accrues as of the 15<sup>th</sup> of each month based on any amount that is unpaid by the due date. No interest is charged if the minimum amount is paid according to the above mentioned payment schedule.

**NOTE: THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THESE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, CONTACT THE ESCROW AGENT.**

**End of Report**

**Your Escrow Officer**

Trevor Cheyne  
WFG National Title Insurance Company  
700 NE Multnomah Street, Suite 190  
Portland, OR 97232  
Phone: **(503) 444-7047**  
Fax: **(503) 296-5869**  
Email: **TeamTrevor@wfgnationaltitle.com**

**Your Title Officer**

Rosa Stombaugh  
WFG National Title Insurance Company  
12909 SW 68th Pkwy., Suite 350  
Portland, OR 97223  
Phone: **(503) 431-8526**  
Fax: **(503) 684-2978**  
Email: **rstombaugh@wfgtitle.com**



WFG National Title Insurance Company is prepared to issue, as of the date specified in the attached Preliminary Title Report (the Report), a policy or policies of title insurance as listed in the Report and describing the land and the estate or interest set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as a General or Specific Exception or not excluded from coverage pursuant to the printed Exclusions and Conditions of the policy form(s).

The printed General Exceptions and Exclusions from the coverage of the policy or policies are listed in Exhibit One to the Report. In addition, the forms of the policy or policies to be issued may contain certain contract clauses, including an arbitration clause, which could affect the party's rights. Copies of the policy forms should be read. They are available from the office which issued the Report.

The Report (and any amendments) is preliminary to and issued solely for the purpose of facilitating the issuance of a policy of title insurance at the time the real estate transaction in question is closed and no liability is assumed in the Report.

The policy(s) of title insurance to be issued will be policy(s) of WFG National Title Insurance Company.

**Please read the Specific Exceptions shown in the Report and the General Exceptions and Exclusions listed in Exhibit One carefully. The list of Specific and General Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy to be issued and should be read and carefully considered.**

**It is important to note that the Report is not an abstract of title, a written representation as to the complete condition of the title of the property in question, and may not list all liens, defects and encumbrances affecting title to the land.**

The Report is for the exclusive use of the parties to this transaction, and the Company does not have any liability to any third parties or any liability under the terms of the policy(s) to be issued until the full premium is paid. Until all necessary documents are recorded in the public record, the Company reserves the right to amend the Report.

Countersigned

A handwritten signature in black ink, appearing to be 'J. B. R.', is written below the 'Countersigned' text.

**Exhibit One**  
**2006 American Land Title Association Loan Policy 6-17-06**  
**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
  - (a) a fraudulent conveyance or fraudulent transfer, or
  - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

**THE ABOVE POLICY FORM MAY BE ISSUED TO AFFORD EITHER Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:**

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

**2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY 6-17-06**  
**EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
  - (i) the occupancy, use, or enjoyment of the Land;
  - (ii) the character, dimensions, or location of any improvement erected on the Land;
  - (iii) the subdivision of land; or
  - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
  - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
  - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
  - (c) resulting in no loss or damage to the Insured Claimant;
  - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
  - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
  - (a) a fraudulent conveyance or fraudulent transfer; or
  - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

**SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.

Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.





## Plain English Privacy Statement for Appraisal, Title & Escrow Customers

WFG believes it is important to protect your privacy and confidences. We recognize and respect the privacy expectations of our customers. We believe that making you aware of how we collect information about you, how we use that information, and with whom we share that information will form the basis for a relationship of trust between us. This Privacy Policy provides that explanation. We reserve the right to change this Privacy Policy from time to time.

Williston Financial Group, LLC, WFG National Title Insurance Co. and each of the affiliates listed below (collectively "WFG" or the "WFG Family") are obligated to comply with Federal and state privacy laws. While there are some common requirements to those laws, the definitions and duties differ significantly from law-to-law and state-to-state. A privacy statement drafted to comply with all of the applicable privacy laws and their differing definitions would likely be confusing. Therefore, in an attempt to better communicate our privacy policies, WFG designed this "Plain English" explanation, followed by the Gramm-Leach-Bliley Act model form and website links to State-Specific Privacy Notices in order to provide you with the complete, legal privacy notices and disclosures required under Federal and applicable State Laws.

WFG's primary business is providing appraisal, title insurance and, escrow services for the sale or refinance of real property. This can be a complicated process, involving multiple parties, many of whom have been selected by our customers, each filling a specialized role. In part, you have hired WFG to coordinate and smooth the passage of the information necessary for an efficient settlement or closing.

In the course of this process, WFG collects a significant amount of personal and identifying information about the parties to a transaction, including sensitive items that include but are not limited to: your contact information including email addresses, Social Security numbers, driver's license and, other identification numbers and information; financial, bank and insurance information; information about past and proposed mortgages and loans; about properties you currently or previously owned; your mortgage application package; and the cookie, IP address, and other information captured automatically by computer systems.

Much of this information is gathered from searches of public land records, tax, court and credit records to make certain that any liens, challenges, or title defects are addressed properly. Some of the information that is collected is provided by you, or the computer systems you use. We also may receive information from real estate brokers and agents, mortgage brokers and, others working to facilitate your transaction. We also may receive information from public, private or governmental databases including credit bureaus, 'no-fly' lists, and terrorist 'watch lists', as well as from your lenders and credit bureaus.

### **What Information is Shared?**

**WFG DOES NOT SELL any of your information to non-affiliated companies for marketing or any other purpose.**

However, some of the same information does get shared with persons inside and outside the WFG Family in order to facilitate and complete your transaction.

For example:

- Information, draft documents, and closing costs will pass back and forth between WFG and your mortgage broker and lender to facilitate your transaction.
- Information, including purchase agreements and amendments, will pass back and forth between WFG and the real estate agents and brokers, the mortgage brokers and lenders, the lawyers and accountants, and others involved in facilitating the transaction.
- WFG may order property searches and examinations from title searchers, abstractors and title plants.
- WFG may use third parties to obtain tax information, lien information, payoff information, condominium and, homeowners' association information and payoff information.
- Third parties may be engaged to prepare documents in connection with your transaction.
- Surveys, appraisals and, inspections may be ordered.

- Within the WFG Family of companies, we may divide up the work to handle each closing in the most efficient manner possible and to meet specific legal and licensing requirements. Certain parts of your closing (for example a search or disbursement) may be handled by another division or company within the WFG Family.
- When it is time for signatures, your complete closing package may be sent to a notary, remote online notary, or notary service company who will arrange to meet with you to sign documents. The notary will, in turn, send signed copies back to us along with copies of your driver's license or other identity documents usually by mail, UPS, Federal Express or another courier service.
- Your deed, mortgage and other documents required to perfect title will be recorded with the local recorder of deeds.
- In some cases, we use an outside service to coordinate the recording or electronic-recording of those instruments, and they will receive copies of your deeds, mortgages and other recordable documents to process, scan and send on to the recording office.
- Various government agencies get involved. The law requires us to provide certain information to the IRS, the US Treasury, local and state tax authorities and other governmental agencies.

You have a choice in the selection of a mortgage broker, lender, real estate broker or agent and others that make up your 'transaction team.' Information flows to and from the members of the transaction team you have selected to facilitate an efficient transaction for you.

When WFG selects and engages a third-party provider, we limit the scope of the information shared with that third party to the information reasonably necessary for that service provider to provide the requested services. With most, we have entered into express agreements in which they expressly commit to maintain a WFG customer's information in strict confidence and use the information only for purposes of providing the requested services, clearing title, preventing fraud and addressing claims under our title insurance policies.

### **How does WFG use your Information?**

We may use your personal information in a variety of ways, including but not limited to:

- Provide the products, services and title insurance you have requested and to close and facilitate your transaction.
- Coordinate and manage the appraisal process.
- Handle a claim or provide other services relating to your title insurance policies.
- Create and manage your account.
- Operate and improve WFG's applications and websites, including WFG MyHome<sup>®</sup>, WFG's secure communication and transaction portal. Your information is used for access management, payment processing, site administration, internal operations, troubleshooting, data analysis, testing, research, and for statistical purposes.
- Respond to your requests, feedback, or inquiries.
- Comply with laws, regulations, and other legal requirements.
- Comply with relevant industry standards and our policies, including managing WFG's risk profile through reinsurance.
- Protect and enforce your rights and the rights of other users against unlawful activity, including identity theft and fraud.
- Protect and enforce our collective rights arising under any agreements entered into between WFG and you or any other third party;
- Protect the integrity and maintain security of our applications, websites, and products;
- Operate, evaluate, and improve our business; and
- Provide you with information about products, services, and promotions, from WFG or third parties that may interest you.

### **How Do We Store and Protect Your Personal Information?**

Although no system can guarantee the complete security of your personal information, we will use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your personal information and our systems and sites from malicious intrusions or hacking.

## **How Long Do We Keep Your Personal Information?**

We keep your personal information for as long as necessary to comply with the purpose for which it was collected, our business needs, and our legal and regulatory obligations. We may store some personal information indefinitely. If we dispose of your personal information, we will do so in a way that is secure and appropriate to the nature of the information subject to disposal.

## **Computer Information**

When you access a WFG website, or communicate with us by e-mail, we may automatically collect and store more information than you are expressly providing when you fill out a survey or send an email. This may include:

- Your IP Address.
- Your email address, your alias and, social media handles.
- The type of browser and operating system you use.
- The time of your visit.
- The pages of our site you visit.
- Cookies.

In order to provide you with customized service, we make use of Web browser cookies. Cookies are files that help us identify your computer and personalize your online experience. You may disable cookies on your computer, but you may not be able to download online documents or access certain sites unless cookies are enabled.

The technical information we collect is used for administrative and technical purposes and to prevent fraud and provide identity verification. For instance, we may use it to count the number of visitors to our site and determine the most popular pages. We may also use it to review types of technology you are using, determine which link brought you to our Web site, assess how our advertisements on other sites are working, help with maintenance, and improve our customers' experience.

We may compare information gathered on previous visits to verify that we are interacting with the same parties and not a potential imposter.

If we ask you to fill out any forms or surveys, we will use the information we receive only for the specific purposes indicated in those forms or surveys.

The information you and your transaction team send us in emails or attached to an email, or provide through any of our online tools, is used for purposes of providing title, escrow and appraisal management services and used for the purposes described above.

## **Links to Third Party Sites**

Our Applications and Websites may contain links to third-party websites and services. Please note that these links are provided for your convenience and information, and the websites and services may operate independently from us and have their own privacy policies or notices, which we strongly suggest you review. This Privacy Notice applies to WFG's applications and websites only.

## **Do Not Track**

Because there is not an industry-standard process or defined criteria to permit a user to opt-out of tracking their online activities (Do Not Track or DNT), our websites do not currently change the way they operate based upon detection of a "Do Not Track" or similar signal. Likewise, we cannot assure that third parties are not able to collect information about your online activities on WFG websites or applications.

## **Social Media Integration**

Our applications, websites, and products contain links to and from social media platforms. You may choose to connect to us through a social media platform, such as Facebook, Twitter, Google, etc. When you do, we may collect additional information from or about you, such as your screen names, profile picture, contact information, contact list, and the profile pictures of your contacts, through the social media platform. The social media platforms may also collect information from you.

When you click on a social plug-in, such as Facebook's "Like" button, Twitter's "tweet" button or the Google+, that particular social network's plugin will be activated and your browser will directly connect to that provider's servers. Your action in clicking on the social plug-in causes information to be passed to the social media platform.

We do not have control over the collection, use and sharing practices of social media platforms. We, therefore, encourage you to review their usage and disclosure policies and practices, including their data security practices, before using social media platforms.

### **How Can You “Opt-Out?”**

We do not sell your information; therefore there is no need to opt-out of such reselling. Under various laws, you can opt-out of the sharing of your information for more narrow purposes. For additional detail, consult the Links under the “Legal” Notices attached below.

### **The “Legal” Notices**

To comply with various federal and state laws, we are required to provide more complete legal notices and disclosures. In reviewing these, you will find that these notices incorporate the definitions and terminology used in the respective privacy laws which can often be somewhat convoluted and may even seem inconsistent with the descriptions above. The state-specific statutes may also give residents of those states additional rights and remedies.

**Privacy Notice for California Residents** - <https://national.wfgnationaltitle.com/privacy-notice-california>

**Privacy Notice for Oregon Residents** - <https://national.wfgnationaltitle.com/privacy-notice-oregon>

### **How to Contact Us**

If you have any questions about WFG’s privacy policy or how we protect your information, please contact WFG:

- By email: [Consumerprivacy@willistonfinancial.com](mailto:Consumerprivacy@willistonfinancial.com)
- By telephone: 833-451-5718
- By fax: 503-974-9596
- By mail: 12909 SW 68th Pkwy, Suite 350, Portland, OR 97223
- In-person: 12909 SW 68th Pkwy, Suite 350, Portland, OR 97223

### **WFG FAMILY**

WILLISTON FINANCIAL GROUP LLC  
WFG NATIONAL TITLE INSURANCE COMPANY  
WFG LENDER SERVICES, LLC  
WFGLS TITLE AGENCY OF UTAH, LLC  
WFG NATIONAL TITLE COMPANY OF WASHINGTON, LLC  
WFG NATIONAL TITLE COMPANY OF CALIFORNIA  
WFG NATIONAL TITLE COMPANY OF TEXAS, LLC D/B/A WFG NATIONAL TITLE COMPANY  
UNIVERSAL TITLE PARTNERS, LLC  
VALUTRUST SOLUTIONS, LLC  
WILLISTON ENTERPRISE SOLUTIONS & TECHNOLOGY, LLC  
WFG NATIONAL TITLE COMPANY OF CLARK COUNTY, WA, LLC D/B/A WFG NATIONAL TITLE

Revised 6.12.20

FACTS	WHAT DOES WILLISTON FINANCIAL GROUP DO WITH YOUR PERSONAL INFORMATION?	
Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.	
What?	The types of personal information we collect and share depend on the product or service you have with us. This information can include: <ul style="list-style-type: none"> <li>• Social Security number and other government identification information</li> <li>• Your name, address, phone, and email</li> <li>• Information about the property, any liens and restrictions</li> <li>• Financial Information including credit history and other debt</li> <li>• Financial account information, including wire transfer instructions.</li> </ul>	
How?	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Williston Financial Group chooses to share; and whether you can limit this sharing.	
Reasons we can share your personal information	Does Williston Financial Group share?	Can you limit this sharing?
For our everyday business purposes—such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes—to offer our products and services to you	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes—information about your transactions and experiences	Yes	No
For our affiliates' everyday business purposes—information about your creditworthiness	No	We don't share
For our affiliates to market to you	No	We don't share
For nonaffiliates to market to you	No	We don't share
To limit our sharing	<ul style="list-style-type: none"> <li>• Call 833-451-5718—our menu will prompt you through your choice(s)</li> <li>• Visit us online: <a href="http://bit.ly/WFGsConsumerPrivacyInformationRequestPage">http://bit.ly/WFGsConsumerPrivacyInformationRequestPage</a> or e-mailing us at <a href="mailto:consumerprivacy@willistonfinancial.com">consumerprivacy@willistonfinancial.com</a></li> <li>• Mail the form below</li> </ul> <p>Please note:</p> <p>If you are a new customer, we can begin sharing your information from the date we sent this notice. When you are no longer our customer, we continue to share your information as described in this notice.</p> <p>However, you can contact us at any time to limit our sharing.</p>	
Questions?	Call 833-451-5718 or Email <a href="mailto:consumerprivacy@willistonfinancial.com">consumerprivacy@willistonfinancial.com</a>	

Mail-In Form	
If you have a joint policy, your choices will apply to everyone on your account.	Mark any/all you want to limit: <input type="checkbox"/> Do not share information about my creditworthiness with your affiliates for their everyday business purposes. <input type="checkbox"/> Do not allow your affiliates to use my personal information to market to me. <input type="checkbox"/> Do not share my personal information with nonaffiliates to market their products and services to me.
Name	
Address	
City, State, Zip	
File Number	
	Mail to: Williston Financial Group PRIVACY DEPT 12909 SW 68 <sup>th</sup> Pkwy, #350 Portland, OR 97223

<b>Who we are</b>	
Who is providing this notice	Williston Financial Group, LLC and its affiliates and subsidiaries as listed below:
<b>What we do</b>	
How does Williston Financial Group protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. We limit access to your information to employees that need to use the information to process or protect transaction. We take industry standard (IPSEC) measures to protect against malicious intrusions or hacking
How does Williston Financial Group collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> <li>• Apply for insurance</li> <li>• Engage us to provide appraisal, title and escrow services</li> <li>• Give us your contact information</li> <li>• Provide your mortgage information</li> <li>• Show your driver's license</li> </ul> <p>We also collect your personal information from others, such as real estate agents and brokers, mortgage brokers, lenders, credit bureaus, affiliates, and others</p>
Why can't I limit all sharing?	<p>Federal law gives you the right to limit only</p> <ul style="list-style-type: none"> <li>• sharing for affiliates' everyday business purposes— information about your creditworthiness</li> <li>• affiliates from using your information to market to you</li> <li>• sharing for nonaffiliates to market to you</li> </ul> <p>State laws and individual companies may give you additional rights to limit sharing. See below for more on your rights under state law.</p>
What happens when I limit sharing for an account I hold jointly with someone else?	Your choices will apply to everyone on your policy.
<b>Definitions</b>	
Affiliates	<p>Companies related by common ownership or control. They can be financial and nonfinancial companies.</p> <p>Our affiliates include companies with a common corporate identity, including those listed below.</p>
Nonaffiliates	<p>Companies not related by common ownership or control. They can be financial and nonfinancial companies.</p> <p>Nonaffiliates we share with can include real estate agents and brokers, mortgage brokers, lenders, appraisers, abstractors and title searchers and others as appropriate to facilitate your transaction.</p>
Joint marketing	<p>A formal agreement between nonaffiliated financial companies that together market financial products or services to you.</p> <p>Williston Financial Group does not jointly market.</p>
<b>Other important information</b>	
<p>As a resident or citizen of certain states, we may have to provide additional state specific privacy notices and you may have rights other than as set forth above. The links below will provide state specific information:</p> <p><b>Privacy Notice for California Residents</b> - <a href="https://national.wfgnationaltitle.com/privacy-notice-california">https://national.wfgnationaltitle.com/privacy-notice-california</a></p> <p><b>Privacy Notice for Oregon Residents</b> - <a href="https://national.wfgnationaltitle.com/privacy-notice-oregon">https://national.wfgnationaltitle.com/privacy-notice-oregon</a></p>	

**EXHIBIT A**  
**LEGAL DESCRIPTION**

**PARCEL I:**

All of Tracts 7 and 8, WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon.

TOGETHER WITH that portion of vacated 5th Street which inured thereto by reason of Vacation Ordinance No. 811, recorded December 12, 1969, as Recorder's Fee No. 89-25835.

**PARCEL II:**

A tract of land in the Ambrose Fields Donation Land Claim, being in Section 1 and Section 2, in Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at a point in the line between the Robert Moore Donation Land Claim and Ambrose Fields Donation Land Claim, which is North 37° 30' West, 6.40 chains from the Southeast corner of the Ambrose Fields Donation Land Claim; thence North 37° 30' West, (North 38° 12' West, according to the Plat of WILLAMETTE AND TUALATIN TRACTS), a distance of 12.16 chains, tracing the Northeast boundary of the Ambrose Fields Donation Land Claim to the Southeast boundary of the M.K. Perrin Donation Land Claim No. 50; thence South 62° 30' West, 5.04 chains tracing said Southeast boundary of the M.K. Perrin Donation Land Claim No. 50; thence South 39° East, 19.68 chains to the left bank (high water mark) of the Willamette River; thence down stream North 53° 45' East, 1.45 chains to the Southwesterly line of the tract of land owned by the Crown Zellerbach Corporation; thence North 39° West, 6.10 chains, more or less, to the most Westerly corner of the Crown Willamette Corporation Tract; thence North 53° East, 3.20 chains to the place of beginning.

EXCEPT that part thereof lying Northwesterly of a line drawn from the most Easterly corner of Lot A, Tract 13, WILLAMETTE AND TUALATIN TRACTS, to the most Westerly corner of Tract 8, WILLAMETTE AND TUALATIN TRACTS, the course of which line is recited in Deeds as North 69° 39' East.

**PARCEL III:**

All of Lot "A" of Tract 13, and all of Tract 9 of WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon, in the Records of Clackamas County, being a portion of that land described in Deed dated September 9, 1913, from Bertha P. Kanney and C.W. Kanney, her husband, recorded September 18, 1913, on Page 21 in Book 133, Deed Records.

ALSO, beginning at a point which is the East corner of Lot "A", Tract 13 of WILLAMETTE AND TUALATIN TRACTS; thence North 39° 00' West, 122.5 feet, more or less, along the Northeast line of said Lot "A", Tract 13, which is also the Southwest line of the property, now or formerly owned by Hawley Pulp & Paper Company to the North corner of said Lot "A", Tract 13, of said WILLAMETTE AND TUALATIN TRACTS; thence Northeasterly 332.5 feet, more or less, along the Northwest line of the property, now or formerly owned by Hawley Pulp & Paper Company, to a point which is the North corner thereof; thence South 38° 12' East, 145.0 feet, more or less, along the Northeast line of the property, now or formerly owned by Hawley Pulp & Paper Company, which line is also the Southwest line of said Tract 9 of said WILLAMETTE AND TUALATIN TRACTS to a point which is the West corner of Tract 8 of said WILLAMETTE AND TUALATIN TRACTS; thence South 69° 39' West 337.0 feet, more or less, to the East corner of said Lot "A", Tract 13, WILLAMETTE AND TUALATIN TRACTS, which is the place of beginning, being all the land described in Deed dated June 30, 1913, from Hawley Pulp & Paper Company to Portland, Eugene & Eastern Railway Company recorded July 9, 1913, on Page 195, in Book 131, Deed Records of Clackamas County.

EXCEPTING THEREFROM that portion as described in Street Dedication recorded January 6, 1970, as Recorder's Fee No. 70 269.

**PARCEL IV:**

Tracts 14 and 15, WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon.

TOGETHER WITH that portion of Vacated 7th Street which inured thereto by reason of Vacation Ordinance No. 835, recorded December 31, 1970, as Recorder's Fee No. 70 28678.

EXCEPTING THEREFROM that portion as described in Street Dedication recorded January 6, 1970, as Recorder's Fee No. 70 269.

PARCEL V:

All of Tract 6, WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon.

TOGETHER WITH that portion of vacated 5th Street which inured thereto by reason of Vacation Ordinance No. 811, recorded December 12, 1969, as Recorder's Fee No. 69-25835.

EXCEPTING THEREFROM that portion as described in Street Dedication recorded January 6, 1970, as Recorder's Fee No. 70-269.

PARCEL VI:

Intentionally Deleted

EXCEPTING THEREFROM that portion as described in Deed to Tri-City Service District recorded June 27, 1990, as Recorder's Fee No. 90-30398.

PARCEL VII:

All that real property situated, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as:

Beginning at a point bearing South 53° 45' West, 17.87 chains and North 34° 45' West, 208 feet from the Southeast corner of the Ambrose Fields Donation Land Claim, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, said point being the Southeast corner of Block 16, WILLAMETTE AND TUALATIN TRACTS; thence North 34° 45' West, 452 feet along the Northeasterly line of Block 16 to the most Southerly corner of Lot "D", Block 17; thence North 53° 46' East, 330 feet along the Southeasterly line of said Block 17, and the Northeasterly extension thereof; thence South 34° 45' East, 457 feet along the Southwesterly line of Seventh Street to a point on the Southerly extension of the Southeast line of Block 15, WILLAMETTE AND TUALATIN TRACT, said point being 30 feet Southwesterly from the most Southerly corner of said Block 15; thence Southwesterly 330 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM that portion as described in Street Dedication recorded December 30, 1970, as Recorder's Fee No. 70-28681.

PARCEL VIII:

A part of the Donation Land Claim No. 52 of Ambrose Field in Section 2, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, to wit:

Beginning on the left bank of the Willamette River where the Northern boundary line of said claim intersects said river; running thence North 39° West along said boundary 6.40 chains; thence South 53° West, 3.20 chains; thence South 39° East, 6.40 chains to the bank of the Willamette River; thence North 53° 45' East along the meanders of said river to the place of beginning.

SAVE AND EXCEPT THEREFROM a strip of land described as follows:

Beginning at a T-rail at the initial point of said WILLAMETTE AND TUALATIN TRACTS; thence South 34° 08' 55" West, 559.95 feet to an iron rod at the intersection of the Southerly line of Lot "E", Tract 6, said WILLAMETTE AND TUALATIN TRACTS, with the Westerly line of that parcel known as Parcel II, as described in Fee No. 70 269,



recorded January 6, 1970, Clackamas County Record of Deeds, said line now known as the Westerly right-of-way of Fourth Street; thence South 54° 23' 00" West, 398.87 feet along the Southerly line of said Tract 6 to an iron rod, which is a point identified in this Deed as Point "B"; thence South 39° 00' East, 168.90 feet to an unmonumented point which is the true point of beginning of the parcel; thence South 54° 23' 00" West, 209.50 feet to an unmonumented point; thence South 39° East, 10.0 feet, more or less, to the high water line of the left bank of the Willamette River; thence along said high water line, Northeasterly to the point of intersection with a line having a bearing of North 39° 00' West and passing through the true point of beginning of this parcel; thence North 39° 00' West, 10.0 feet, more or less, to the true point of beginning of this parcel.

**PARCEL IX:**

All of Lots "B" and "C" of Tract 13, WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon.

**PARCEL X:**

Intentionally Deleted

**PARCEL XI:**

Lots "A", "B", "C" and "D", Block 5, WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon.

EXCEPT that part of Lot "A", described as follows:

Beginning at a point in the Westerly side of Fourth Street, 96 feet Southerly from the most Northerly corner of said Lot "A"; thence Southerly along the Westerly side of Fourth Street, 50 feet; thence Westerly at right angles, 80 feet to a point; thence Northerly parallel with Fourth Street, 50 feet to a point; thence Easterly at right angles to Fourth Street, 80 feet to the place of beginning.

**PARCEL XII:**

Part of Lot "A" in Tract 5, WILLAMETTE AND TUALATIN TRACTS, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a point in the Westerly side of Fourth Street, 96 feet Southerly from the most Northerly corner of said Lot "A"; thence Southerly along the Westerly side of Fourth Street, 50 feet; thence Westerly at right angles, 80 feet to a point; thence Northerly parallel with Fourth Street, 50 feet to a point; thence Easterly at right angles to Fourth Street, 80 feet to the place of beginning.

**FIRE CODE / LAND USE / BUILDING REVIEW  
APPLICATION**



**North Operating Center**  
11945 SW 70<sup>th</sup> Avenue  
Tigard, OR 97223  
Phone: 503-649-8577

**South Operating Center**  
8445 SW Elligsen Rd  
Wilsonville, OR 97070  
Phone: 503-649-8577

REV 6-30-20

**Project Information**

Applicant Name: *SDG-2, LLC (Bob Schultz, Manager)*  
 Address: *3242 Wild Rose Loop, West Linn, OR 97068*  
 Phone: *(m) 971-732-0347 (Bob Schultz)*  
 Email: *Duke.pdx@gmail.com & Schultz.christine8@gmail.com*  
 Site Address: *This site consists of 22 parcels and is about 36 acres. We typically use 1317 7<sup>th</sup> Street, West Linn, OR as the address doe the property. See Exhibit A: EXISTING CONDITIONS MAP & Exhibit C Legal Description*  
 City: *West Linn*  
 Map & Tax Lot #:  
*Parcel # 00747730: map 31E02AA & tax lot 31E02AA00800,*  
*Parcel # 00747730, map 31E02AA & tax lot 31E02AA00800*  
*Parcel # 00747696, map 31E02AA & tax lot 31E02AA00200*  
*Parcel # 00747687, map 31E02AA & tax lot 31E02AA00100*  
*Parcel # 00747534, map 31E02 & tax lot 31E02 00401*  
*Parcel # 00747507, map 31E02 & tax lot 31E02 00100*  
*Parcel # 0074426, map 31E01BB & tax lot 31E01BB00100 (but only those lands to west of 4<sup>th</sup> street)*  
 Business Name: *SDG-2, LLC*  
 Land Use/Building Jurisdiction: *This property is split zoned, Residential, and Industrial, located in the City of West Linn*  
 Land Use/ Building Permit: *THIS IS NOT A LAND USE APPLICATION.*  
 Choose from: Beaverton, Tigard, Newberg, Tualatin, North Plains, **West Linn**, Wilsonville, Sherwood, Rivergrove, Durham, King City, Washington County, Clackamas County, Multnomah County, Yamhill County

**Project Description**

*This submittal is for consolidating 22 parcels via a partitioning process to create 3 outlots conforming with the State of Oregon, Department of Environmental Quality previously approved parcel consolidation plan. See DEQ Exhibit C: DEQ APPROVED OUTLOT PHASING PLAN.*

**Permit/Review Type (check one):**

- Land Use / Building Review - **Service Provider Permit**
- Emergency Radio Responder Coverage Install/Test
- LPG Tank (Greater than 2,000 gallons)
- Flammable or Combustible Liquid Tank Installation (Greater than 1,000 gallons)
  - \* Exception: Underground Storage Tanks (UST) are deferred to DEQ for regulation.
- Explosives Blasting (Blasting plan is required)
- Exterior Toxic, Pyrophoric or Corrosive Gas Installation (in excess of 810 cu.ft.)
- Tents or Temporary Membrane Structures (in excess of 10,000 square feet)
- Temporary Haunted House or similar
- OLCC Cannabis Extraction License Review
- Ceremonial Fire or Bonfire (For gathering, ceremony or other assembly)

**For Fire Marshal's Office Use Only**

TVFR Permit #: 2024-0010  
 Permit Type: SPP West Linn  
 Submittal Date: 1-9-24  
 Assigned To: DFM Arn  
 Due Date: NA  
 Fees Due: Ø  
 Fees Paid: Ø

**Approval/Inspection Conditions**  
(For Fire Marshal's Office Use Only)

**This section is for application approval only**

*[Signature]* 0430 1-22-24  
 Fire Marshal or Designee Date

Conditions:  
*see approved fire service plan*

See Attached Conditions:  Yes  No

Site Inspection Required:  Yes  No

**This section used when site inspection is required**

Inspection Comments:

Final TVFR Approval Signature & Emp ID \_\_\_\_\_ Date \_\_\_\_\_

# SITE PLAN

PRELIMINARY PARTITION PLAN

LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 1,  
AND THE NE 1/4 OF THE NE 1/4 OF SECTION 2,  
TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.1/2 R. 2  
CITY OF WEST LINN, CLATSOP COUNTY, OREGON

OCTOBER 3, 2023



VICINITY MAP  
NOT TO SCALE

**HORIZONTAL DATUM:**  
OREGON NORTH STATE PLANE COORDINATE SYSTEM NAD 83 (DIT1)  
BASED ON SPITS OBSERVATIONS.

UNITS IN INTERNATIONAL FEET

**PROCEDURE/EQUIPMENT:**  
FIELDWORK PERFORMED SEPTEMBER, 2022. GPS-COLLECTED DATA (RTK)  
INSTRUMENT COLLECTED DATA. TABLES OF TOTAL STATION, WERE  
TRIPPLIQUET, 2018. THE RESULTING RELATIVE ACCURACY IS IN CONFORMANCE  
WITH THE PROPOSED STRIP IN U.S.C.S. 45102.

**LEGEND:**

- CENTERLINE
- RIGHT OF WAY
- BOUNDARY LINE
- EASEMENT
- LOT/PARCEL LINE
- FOUND MONUMENT OF RECORD - BRASS CAP
- FOUND MONUMENT OF RECORD - IRON PIPE
- FOUND MONUMENT OF RECORD - 5/8" IRON ROD



APPROVED PLANS

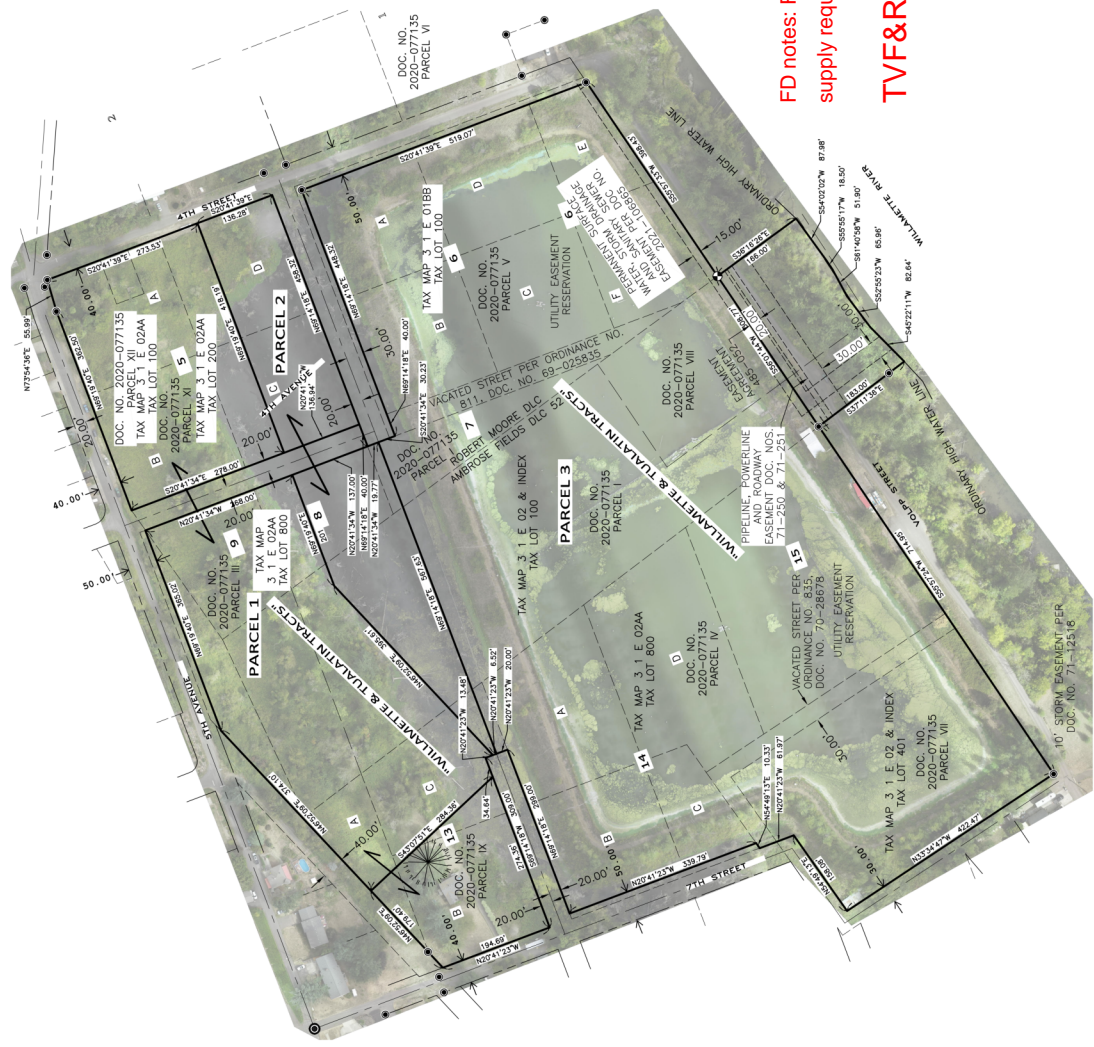
APPROVAL OF PLANS IS NOT AN APPROVAL  
OF OMISSIONS OR OVERSIGHTS

*Jason Ann Gardner*  
Deputy Fire Marshal II

**ZONING:**  
ZONING INFORMATION FOR THE CITY OF WEST LINN WEBSITE AND  
ZONING MAP.  
APPLICABLE ZONING: SINGLE-FAMILY RESIDENTIAL (SFH).  
THE PORTION OF THE SUBJECT PROPERTY SOUTH OF 4TH  
AVENUE IS ZONED G (GENERAL INDUSTRIAL).

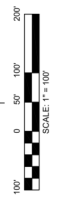
**AREAS:**  
PROPOSED PARCEL 1: 287,252 SF = 6.631 ACRES ±  
PROPOSED PARCEL 2: 118,752 SF = 2.729 ACRES ±  
PROPOSED PARCEL 3: 1,009,797 SF = 23.182 ACRES ±  
TOTAL PROPOSED PARCEL: 1,495,801 SF = 34.339 ACRES ±

**FD notes: Fire department access and water  
supply requirements still require approval.  
TVF&R Permit# 2024-0010**



**S&F Land Services**  
Land Surveying & Mapping Service  
4955 SW SCHUBERT STREET, SUITE 100  
WEST LINN, OREGON 97136  
TEL: 503.244.4328  
WWW.S&FLANDSERVICES.COM  
EMAIL: INFO@S&FLANDSERVICES.COM

SURVEY FOR: SDG-2, LLC  
CITY OF WEST LINN  
CLATSOP COUNTY, OREGON



DATE: OCT. 3, 2023  
JOB NO.: 220402  
FIELD: 452  
CHECKED: 10/17/23  
SCALE: 1" = 100'



# Oregon

Kate Brown, Governor

Department of Environmental Quality

Northwest Region

700 NE Multnomah Street, Suite 600

Portland, OR 97232

(503) 229-5263

FAX (503) 229-6945

TTY 711

May 2, 2022

Robert J. Schultz  
SDG-2, LLC  
22870 Weatherhill Road  
West Linn, Oregon, 97068

**RE: Blue Heron Lagoons Prospective Purchaser Agreement, Order on Consent 12-02.  
Out Area A & B Residential Development, West Linn, Oregon. ECSI #5717**

Dear Mr. Schultz,

Environmental cleanup work at the Blue Heron Lagoon site in West Linn, Oregon is being managed pursuant to a Prospective Purchaser Agreement (PPA) between SDG-2, LLC and the Oregon Department of Environmental Quality (DEQ), to facilitate beneficial reuse of this former industrial property. However, the lagoon itself which served the former Blue Heron Paper Mill to receive paper process waste, occupies only about 2/3 of the total land area included in the PPA. While the other 1/3 of the property, referred to as out areas A and B, were not used in an industrial capacity and are now proposed for residential development (see attached Exhibit).

The total project area covered by the Blue Heron PPA is approximately 35.5 acres. The area currently proposed for residential development is approximately 11.9 acres.

SDG-2, LLC has requested approval from DEQ to proceed with development of out areas A and B prior to remediation of the lagoon. DEQ has reviewed correspondence from project consultant Lynn Green, in response to DEQ questions and concerns regarding planning and residential development of out areas A and B at the Blue Heron Lagoon site. This correspondence addressed the preservation of wetlands in the planned residential development area, future access for environmental sampling in the wetlands, and plans for remediation of the lagoon itself.

DEQ has concluded the proposed cleanup and development activities are consistent with the PPA, and approves development of out areas A and B for residential development prior to remediation of the lagoon.

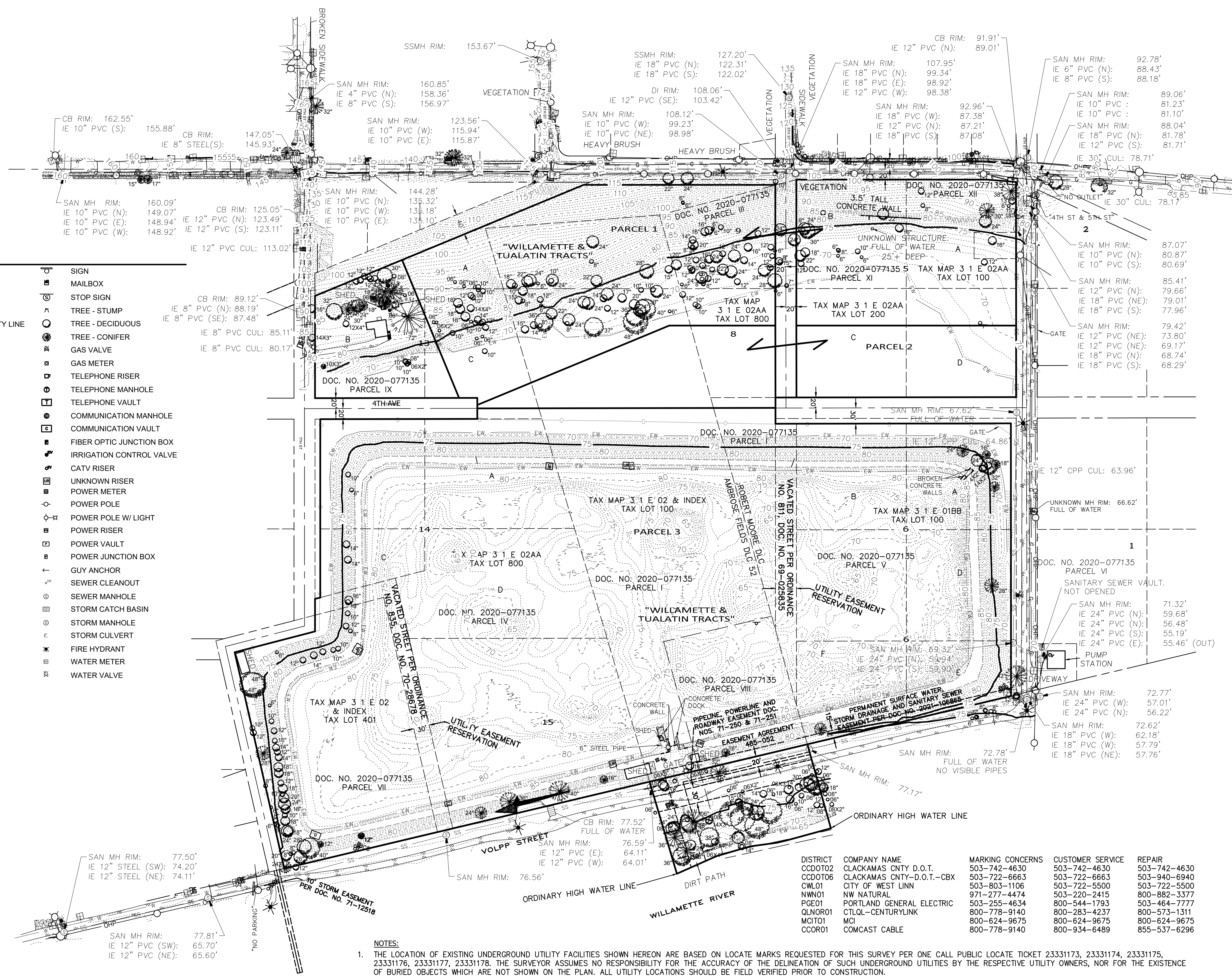
If you have any questions, please contact me.

Sincerely,

Kenneth Thiessen, RG, CEG  
Northwest Region Cleanup Section

cc: Lynn Green, CEG, EVREN NW, via email  
James Estes, PC, Buckley Law, via email  
Cheyenne Chapman, PC, DEQ HQ, via email  
Mark Pugh, RG, DEQ NWR, via email  
ECSI #5717





**LEGEND**

	PROJECT BOUNDARY		SIGN
	RIGHT-OF-WAY LINE		MAILBOX
	RIGHT-OF-WAY CENTERLINE		STOP SIGN
	EASEMENT LINE		TREE - STUMP
	EXISTING ADJACENT PROPERTY LINE		TREE - DECIDUOUS
	LOT/PARCEL LINE		TREE - CONIFER
	EXISTING CONCRETE		GAS VALVE
	EXISTING CONCRETE		GAS METER
	EXISTING MAJOR CONTOUR		TELEPHONE RISER
	EXISTING MINOR CONTOUR		TELEPHONE MANHOLE
	STORM SEWER		TELEPHONE VAULT
	SANITARY SEWER		COMMUNICATION MANHOLE
	SANITARY SEWER-PRESSURE		COMMUNICATION VAULT
	COMMUNICATION LINE		FIBER OPTIC JUNCTION BOX
	WATER LINE		IRRIGATION CONTROL VALVE
	GAS LINE		CATV RISER
	OVERHEAD POWER		UNKNOWN RISER
	FIBER OPTIC		POWER METER
	COMMUNICATIONS - CABLE TV		POWER POLE
	EDGE OF PAVEMENT		POWER POLE W LIGHT
	EDGE OF CONCRETE		POWER RISER
	ELECTRIC		POWER VAULT
	TRAFFIC SIGNAL		POWER JUNCTION BOX
	TELEPHONE		GUY ANCHOR
	EDGE OF WATER		SEWER CLEANOUT
	FENCE - MISC***		SEWER MANHOLE
	FENCE - BARBED WIRE		STORM CATCH BASIN
	FENCE - WOOD		STORM MANHOLE
	FENCE - CHAINLINK		STORM CULVERT
	TOE OF SLOPE		FIRE HYDRANT
	TOP OF SLOPE		WATER METER
	WALL-TOP		WATER VALVE
	WALL-TOE		
	EXTRUDED CURB		
	STANDARD CURB		
	FLOW LINE CURB		
	GUARD RAIL		

**HORIZONTAL DATUM (BASIS OF BEARINGS):**  
 OREGON NORTH STATE PLANE COORDINATE SYSTEM NAD 83 (2011)  
 BASED ON GPS OBSERVATIONS. DISTANCES SHOWN HEREON ARE GROUND  
 DISTANCES, INTERNATIONAL FEET, SCALED ABOUT CONTROL POINT NO. 10,  
 TO CONVERT TO GRID DISTANCES MULTIPLY BY THE COMBINED FACTOR OF  
 0.9998893832.

**VERTICAL DATUM:**  
 NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)  
 OREGON NORTH ZONE, SCALED TO GROUND AROUND POINT 10, WITH  
 A SCALE FACTOR OF 1.0001005933. TO OBTAIN GRID DISTANCES,  
 DIVIDE BY THE SCALE FACTOR. UNITS: INTERNATIONAL FEET

SCALE: 1" = 100'

- NOTES:**
- THE LOCATION OF EXISTING UNDERGROUND UTILITY FACILITIES SHOWN HEREON ARE BASED ON LOCATE MARKS REQUESTED FOR THIS SURVEY PER ONE CALL PUBLIC LOCATE TICKET 23331173, 23331174, 23331175, 23331176, 23331177, 23331178. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE DELINEATION OF SUCH UNDERGROUND UTILITIES BY THE RESPECTIVE UTILITY OWNERS, NOR FOR THE EXISTENCE OF BURIED OBJECTS WHICH ARE NOT SHOWN ON THE PLAN. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
  - THE LOCATION OF EXISTING UNDERGROUND UTILITY FACILITIES SHOWN HEREON ARE BASED ON FIELD MEASUREMENTS BETWEEN UTILITY STRUCTURES WITHIN THE PROJECT AREA. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE DELINEATION OF SUCH UNDERGROUND UTILITIES BY THE RESPECTIVE UTILITY OWNERS/BUILDERS, NOR FOR THE EXISTENCE OF BURIED OBJECTS WHICH ARE NOT SHOWN ON THE PLAN. DUE TO THE HAZARDOUS NATURE AND APPLICABLE OSHA REQUIREMENTS REGARDING CONFINED SPACES, IT IS S&F LAND SERVICES POLICY TO NOT SEND FIELD STAFF INTO UTILITY MANHOLES OR CONFINED SPACES TO RETRIEVE DEPTH AND SIZE INFORMATION. INFORMATION SHOWN HEREON IS SUBJECT TO AN UNCERTAINTY IN ACCURACY DEPENDING ON DEPTH, SIZE, FLOW, AND CONSTRUCTION OF MANHOLES. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITY LINES BETWEEN STRUCTURES.
  - FIELD WORK WAS COMPLETED ON JANUARY 20, 2024.
  - BATHYMETRIC DATA FOR THE SETTLING POND WAS PROVIDED TO S&F LAND SERVICES BY OTHERS AND COMBINED WITH THE TOPOGRAPHIC DATA SHOWN HEREON.
  - NO WETLAND MARKINGS WERE PRESENT AT THE TIME OF THIS SURVEY.

DISTRICT	COMPANY NAME	MARKING CONCERNS	CUSTOMER SERVICE	REPAIR
CCDOT02	CLACKAMAS CNTY D.O.T.	503-742-4630	503-742-4630	503-742-4630
CCDOT06	CLACKAMAS CNTY-D.O.T.-CBX	503-722-6663	503-722-6663	503-940-6940
CWL01	CITY OF WEST LINN	503-803-1106	503-722-5500	503-722-5500
NWN01	NW NATURAL	971-277-4474	503-220-2415	800-882-3377
PGE01	PORTLAND GENERAL ELECTRIC	503-255-4634	800-544-1793	503-464-7777
QLNOR01	CTLQL-CENTURYLINK	800-778-9140	800-283-4237	800-573-1311
MCI01	MCI	800-624-9675	800-624-9675	800-624-9675
CCOR01	COMCAST CABLE	800-778-9140	800-934-6489	855-537-6296

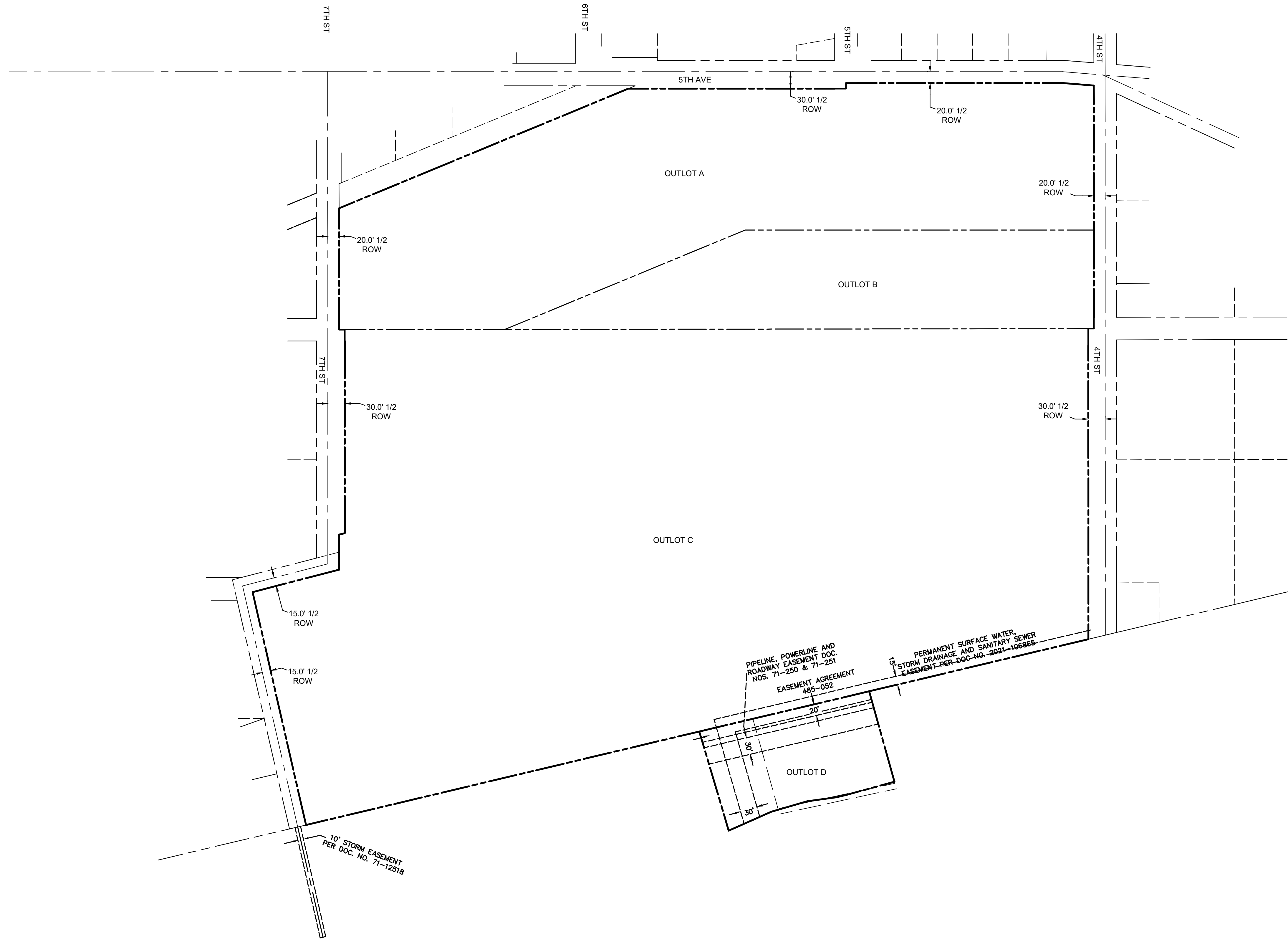
PUBLISH DATE  
**02-23-2024**  
 ISSUED FOR  
**MINOR PARTITION**  
 REVISIONS

**EXISTING CONDITIONS PLAN**  
**RIVIANNA BEACH**  
**WEST LINN WATERFRONT DEVELOPMENT**  
 FORWARD VISION DEVELOPMENT  
 WEST LINN, OR

**3J CONSULTING**  
 CIVIL ENGINEERING  
 WATER RESOURCES  
 COMMUNITY PLANNING  
 9600 SW NIMBUS AVE., SUITE 100, BEAVERTON, OR 97008

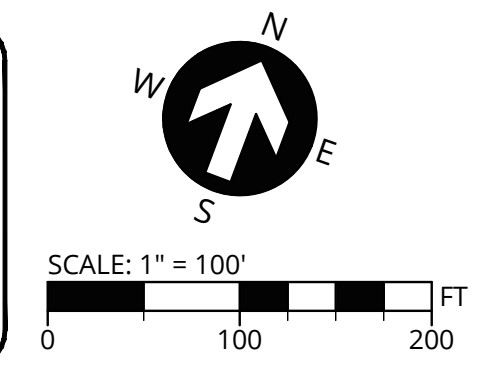
PROJECT INFORMATION  
 3J PROJECT # | 23909  
 TAX LOT(S) | ###  
 LAND USE # | TBD  
 DESIGNED BY | SRC  
 CHECKED BY | JJS

SHEET NUMBER  
**C100**



**LEGEND**

	PROJECT BOUNDARY
	RIGHT-OF-WAY LINE
	RIGHT-OF-WAY CENTERLINE
	EASEMENT LINE
	EXISTING ADJACENT PROPERTY LINE
	LOT/PARCEL LINE
	PROPOSED LOT LINE
	PROPOSED EASEMENT LINE
	PROPOSED RIGHT OF WAY
	PROPOSED SETBACK LINE

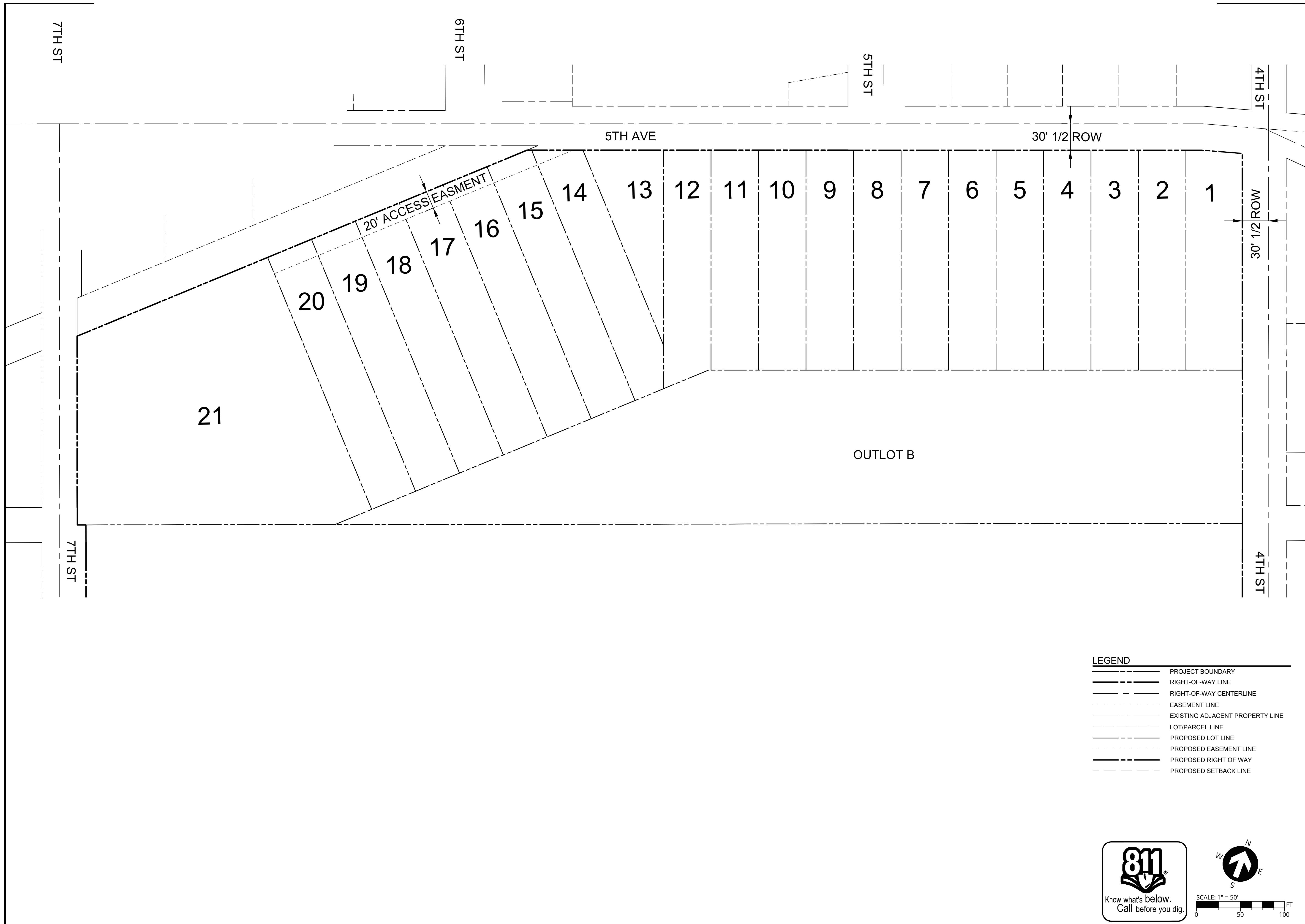


PUBLISH DATE  
02-23-2024  
ISSUED FOR  
MINOR PARTITION  
REVISIONS

**TENTATIVE PARTITION PLAT**  
**RIVIANNNA BEACH**  
**WEST LINN WATERFRONT DEVELOPMENT**  
FORWARD VISION DEVELOPMENT  
WEST LINN, OR

PROJECT INFORMATION  
3J PROJECT # | 23909  
TAX LOT(S) | ###  
LAND USE # | TBD  
DESIGNED BY | SRC  
CHECKED BY | JJS

SHEET NUMBER  
**C200**

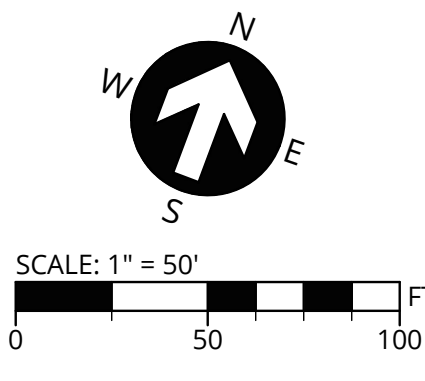


PUBLISH DATE  
02-23-2024  
ISSUED FOR  
MINOR PARTITION  
REVISIONS

**FUTURE DEVELOPMENT PLAN FOR OUTLOTA**  
**RIVIANNNA BEACH**  
**WEST LINN WATERFRONT DEVELOPMENT**  
 FORWARD VISION DEVELOPMENT  
 WEST LINN, OR

**LEGEND**

	PROJECT BOUNDARY
	RIGHT-OF-WAY LINE
	RIGHT-OF-WAY CENTERLINE
	EASEMENT LINE
	EXISTING ADJACENT PROPERTY LINE
	LOT/PARCEL LINE
	PROPOSED LOT LINE
	PROPOSED EASEMENT LINE
	PROPOSED RIGHT OF WAY
	PROPOSED SETBACK LINE



PROJECT INFORMATION  
 3J PROJECT # | 23909  
 TAX LOT(S) | ###  
 LAND USE # | TBD  
 DESIGNED BY | SRC  
 CHECKED BY | JJS

SHEET NUMBER  
**C300**