



CITY OF West Linn

PLANNING MANAGER DECISION

DATE: September 16, 2024

FILE NO.: MIP-23-07

REQUEST: Approval of the consolidation and reconfiguration of 22 existing lots into 3 new parcels approximately 11.88 acres, 22.44 acres, and 1.19 acres in size through the minor partition process. No physical development is proposed or approved with this application, only a reduction in the number of lots and a reconfiguration of legal boundaries.

PLANNER: John Floyd, Senior Planner

Planning Manager DSW

TABLE OF CONTENTS

STAFF ANALYSIS AND RECOMMENDATION	
GENERAL INFORMATION.....	2
EXECUTIVE SUMMARY.....	3
PUBLIC COMMENTS.....	7
DECISION AND CONDITIONS OF APPROVAL.....	11
ADDENDUM	
STAFF FINDINGS.....	13
EXHIBITS	
PD-1 APPLICANT SUBMITTAL.....	49
PD-2 COMPLETENESS LETTER.....	205
PD-3 DSL CONCURRENCE LETTER	208
PD-4 DSL WLUN RESPONSE.....	221
PD-5 PUBLIC TESTIMONY.....	224
PD-6 AFFADAVIT AND NOTICE PACKET.....	252

GENERAL INFORMATION

OWNER/APPLICANT: SDG-2, LLC

3242 Wild Rose Loop
West Linn, OR 97068

CONSULTANT:

3J Consulting, Inc.
Attn: Mercedes Serra
9600 SW Nimbus Ave, Suite 100
Beaverton, OR 97009

SITE LOCATION:

1317 7th Street & adjacent unaddressed parcels

SITE SIZE:

34.34 Acres (excluding undeveloped right-of-way)

LEGAL

DESCRIPTION:

Portion of Willamette Tualatin Tracts (1908), unplatted portion of the Ambrose Fields Donation Land Claim, a portion of vacated 5th Street (Ord. 811), and a portion of vacated 7th Street (Ord. 835).

Clackamas County Tax Lots 31E02AA00800, 31E02AA00100, 31E02AA00200, 31E01BB00100, 31E0200100, 31E0200401, and 31E0200500.

COMP PLAN MAP:

Residential, Medium Density & Industrial

ZONING MAP:

Residential (R-10) & General Industrial (GI)

APPROVAL

CRITERIA:

Community Development Code (CDC) Chapter 11: Residential, R-10; Chapter 23: General Industrial, GI; Chapter 27: Flood Management Areas; Chapter 28: Willamette and Tualatin River Protection; Chapter 32: Water Resource Area Protection; Chapter 48: Access, Egress, and Circulation; Chapter 55: Design Review; Chapter 85: Land Divisions - General Provisions; Chapter 92: Required Improvements; and Chapter 99: Procedures for Decision-Making: Quasi-Judicial.

120-DAY RULE:

The application became complete on July 2, 2024. The 120-day period therefore ends on October 30, 2024.

PUBLIC NOTICE:

Notice was mailed to property owners within 500 feet of the subject property and to the affected neighborhood association on July 9, 2024. A sign was placed on the property on July 18, 2024. The notice was also posted on the City's website on July 9, 2023.

EXECUTIVE SUMMARY

The applicant is requesting approval to consolidate and reconfigure 22 existing lots into 3 new parcels approximately 11.88 acres, 22.44 acres, and 1.19 acres in size through the minor partition process. The proposed reconfiguration is intended to place the existing single-family dwelling and residentially zoned portion of the site onto Parcel 1 (Outlot A), and separate the industrially zoned portion containing the former Blue Heron aeration and settling basin and river frontage onto Parcels 2 and 3 (Outlots B and C).

No physical development is proposed in the application or authorized through this decision, only a reduction in the number of lots and a reconfiguration of legal boundaries.

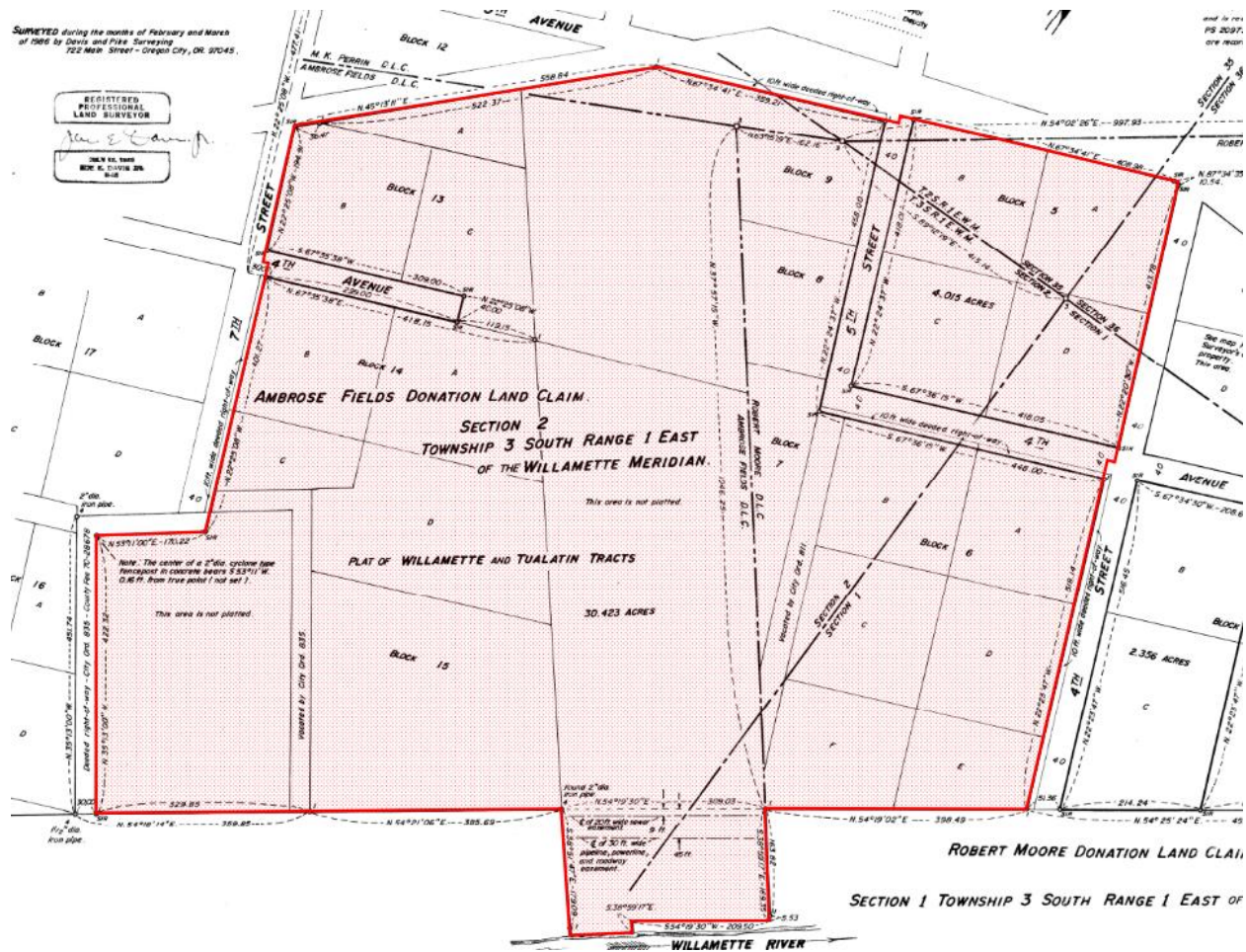
Existing Conditions

The project site consists of 22 contiguous lots-of-record that are roughly bounded by 5th Avenue to the north, 4th Street to the east, Volpp Street and the Willamette River to the south, and 7th street right-of-way (both developed and undeveloped) to the west.



Aerial Photograph with Affected Tax Lots.

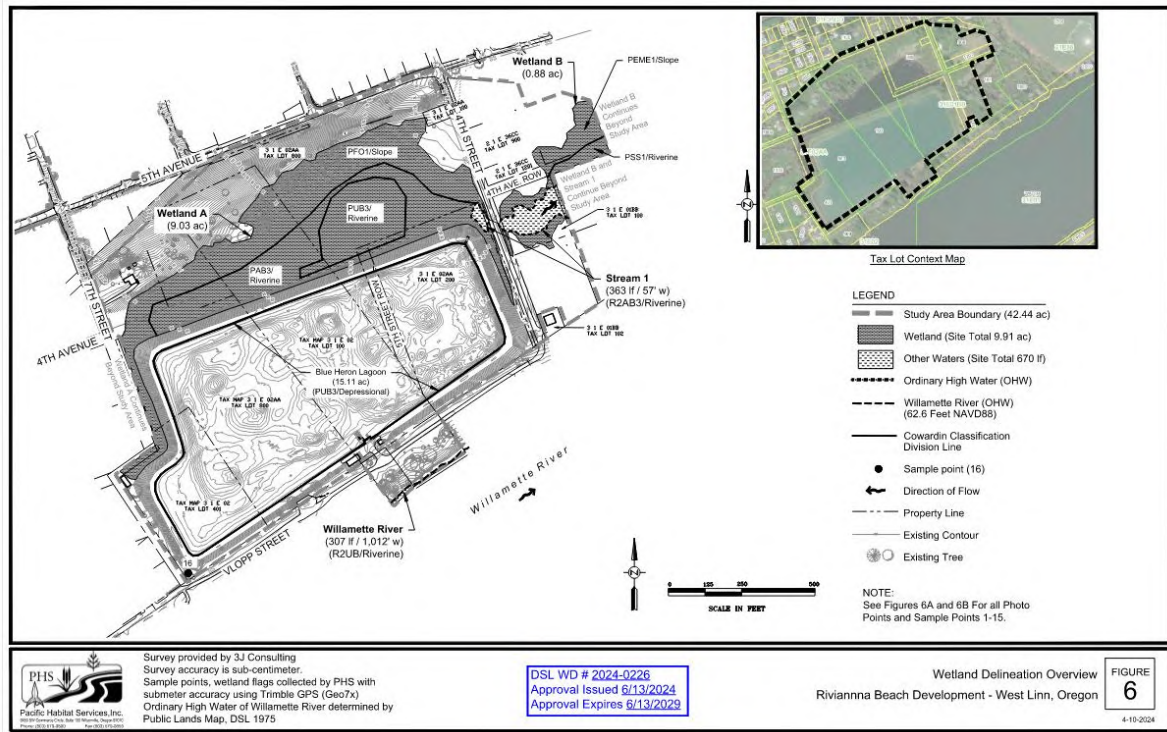
The existing legal boundaries include both platted and unplatted lands. A title report identified 12 lots in the legal description for the project area, the applicant's narrative identified 22 lots, and a survey of the site recorded in 1986 (PS-21046) identified 24 potential tracts. Without examining the full history or chain of title for each parcel or tract, the record clearly establishes that the proposal will consolidate the site into fewer parcels than currently exist.



Excerpt from a 1986 recorded survey for Publishers Paper Company (PS-21046).

The topography of the site is characterized by steep slopes that descend from 5th Avenue into an approximately 9.03 acre wetland complex in the northern middle of the site, and a fallow industrial pond created by engineered dikes in the southern half of the site. A single-family dwelling constructed around 1920 is located on the westernmost part of the site.

The site is bisected by an unnamed stream flowing from west to east, and at a low enough elevation to be part of the Willamette River Floodplain and floodway (FEMA Map Numbers 41005C0257D & 41005C0259D). The unnamed stream is identified as a significant riparian corridor on the West Linn Water Resources Area (WRA) Map. The wetland is also identified on the WRA Map and Local Wetland Inventory as WI-02. The applicant has provided a wetland delineation prepared by Pacific Habitat Services (Exhibit PD-1), and the Oregon Department of State Lands (DSL) issued a concurrence letter approving the delineation on June 13, 2024 (Exhibit PD-3).



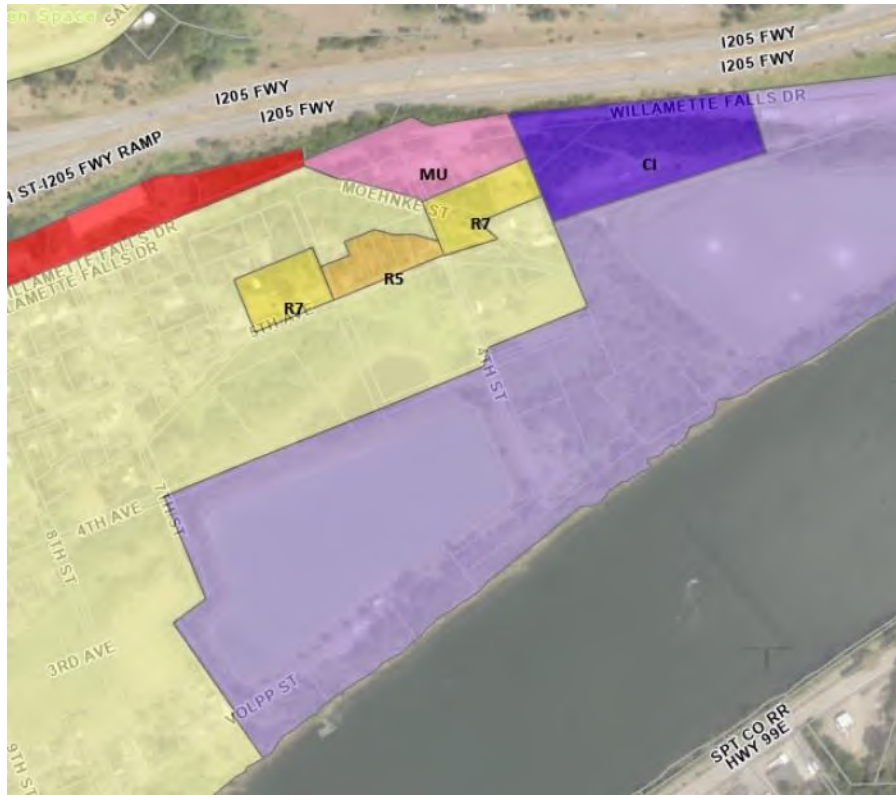
Map Excerpt from DSL Concurrence Letter (Exhibit PD-3)

Surrounding land uses include single-family residential to the west, north and northeast; a wetland complex and industrial uses to the east; and the Willamette River to the south.

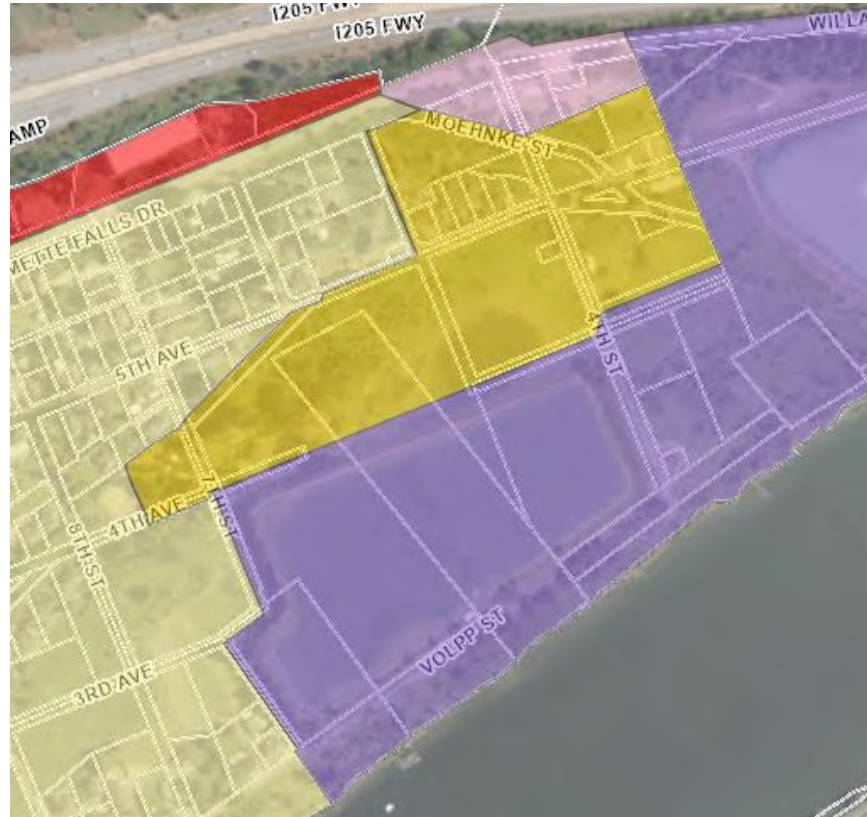
Zoning and Comprehensive Plan Designations

The site is located in two zoning districts, with the centerline of the undeveloped 4th Avenue right of way forming the boundary between the residential zone (R-10) on the northern side, and the general industrial (GI) Zone on the southern portion. These designations are consistent with this historical use of the site, with the residential portion developed with a single-family dwelling and used for pastureland, and the southern portion developed with industrial infrastructure that supported paper mill operations across the river in Oregon City.

While not relevant to this decision, it should be noted that the West Linn Zong Map designation of R-10 is not consistent with the City's Comprehensive Plan Designation of Medium-Density Residential. As set forth in CDC Section 5.020 (Classification of Zone), the R-10 District is typically applied to lands containing a Low-Density comprehensive Plan Designation, therefore the site would be more properly zoned with an R-5 or R-4.5 designation that permits a higher overall density, as is the case on the north side of 5th avenue. The reason for this discrepancy is unknown and reconciliation of this disparity is neither proposed or required in the application.



Zoning Map Excerpt (R-10 / General Industrial)



Comprehensive Map Excerpt (Medium Density Residential / Industrial)

Proposed Parcel Sizes

The applicant is requesting a three-lot partition of 34.34 acres with no proposed changes to the site, existing structures, uses, zoning, existing roadways, or access roads. Vacation of the existing rights-of-way crossing the site will be proposed under a separate application and required prior to final plat per Condition 3. Per the application narrative (Exhibit PD-1), the proposed lot reconfiguration and associated street vacations would result in the following parcel sizes:

	Parcel 1	Parcel 2	Parcel 3
Lot Area	486,002.5 sq.ft. 11.16 acres	957,851.6 sq.ft. 21.99 acres	51,953 sq.ft. 1.19 acres
To be Vacated ROW			
- 4 th Avenue	15,093.7 sq.ft.	19,478.2 sq.ft.	0 sq.ft.
- 5 th Street	16,197.8 sq.ft.	0 sq.ft.	0 sq.ft.
Total Lot Area	517,294 sq.ft. 11.88 acres	977,329.8 sq.ft. 22.44 acres	51,953 sq.ft. 1.19 acres

Public Comments:

The City received twelve written comments on this application. These include eleven comments from residents and one from the Department of State Lands as part of the Wetland Land Use Notification process. These comments can be summarized as follows:

Department of State Lands

The Department of State Lands issued a Wetland Land Use Notification Response (WLN# WN2024-040) on July 3, 2024 (Exhibit PD-4). In that application they noted that, “The proposed parcel division may create a lot that is largely wetland and thus create development problems.” The report also noted that a state permit is required when 50 cubic yards of fill, removal, or other ground alteration occurs in essential salmonid habitat and within wetlands, below ordinary high water of waterways, and within other waters of the state.

Staff Response: The proposed parcel 1 contains an existing single-family home outside of the wetland area. No further development of the site is currently proposed with this application, and the boundaries of the site were chosen to correspond to the existing residential zoning designation. Any future development of the site will require discretionary review and will be limited to areas outside of the stream corridor and wetland complex per the requirements of CDC Chapter 32 (Water Resource Area), and the Department of State Lands will be provided an additional opportunity to comment at that time through the Wetland Land use Notification process.

Resident Testimony

The following individuals submitted comments on the application, which are contained in Exhibit PD-5. The majority of comments pertained to the resident beavers on site, with the remainder pertaining to infrastructure impacts.

- Jennifer Aberg
- Carrie Beal
- Mei H. Brunson
- Amanda Ford
- Veronica Fox
- Jennifer La Follette
- Mae Lucey
- Tate Peterson
- Rachel Tillman
- Kate Zabrocki

Topic: Beavers

Jennifer Aberg provided the following testimony regarding beavers and tree removal in an email dated July 18, 2024.

My concern of this request is the following note on page 40 and the lack of delineation of the Wetland boundary on his map.

Note from application: "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."

Based on this notation he is violating a few codes as highlighted in green below...

In addition, the application has the following tree called out. This tree is highly threatened as stated below from the following website.

Mei Brunson provided testimony against the relocation of beavers or the removal of dams, and encourage mitigations solutions including the following:

"...if the project is approved, I urge you to require the developer to instead implement mitigation solutions. There are list provided on this website: " Better solutions often exist through infrastructure adaption and "living with beavers". Mitigation solutions like flow devices, culvert protectors or tree fencing can prevent blocked water from flooding things out and trees from felling. The materials are easy to source and install, and allow the beavers to stay in place - providing ecosystem benefits."

Katie Zabrocki provided testimony with specific questions regarding beaver management:

1. Can an owner remove the beavers/dam within an existing wetland with the express purpose of reducing water levels and minimizing wetlands areas that were present and established at the time the property was acquired in order to make more favorable development conditions?

3. I'm trying to parse out but it seems that dam removal (eg the removal of large wood) within wetlands may be subject to the removal/fill laws in Oregon. Would the City consider wetland ecosystems that create constraints to development as "direct and demonstrable threat to real property?" Also, since this is also a flood plain are there any other issues the city would be concerned with regarding removal/fill?

4. Chapter 32 Section 32-030 Table 32-1 indicates "realigning water resources" as an allowable activity after the alternate review process. Would beaver dam removal that impacts wetlands boundaries be predicated on the project complying with the WRA alternate review process or could this be done any time on private property? Would the City consider beaver dam removal as a realignment strategy or will that be further reviewed based on the report by the natural resource professional?

Additional residents expressed a generalized concern for the impacts of the project to the beaver population, noting they were a keystone species and the subject of recent state legislation (Beal, La Follette, Lucey, Peterson, Tillman).

Staff Response: The application is limited to a change in the legal boundaries of the parcels within the project area, and no physical development is proposed or authorized with this application that will necessitate the removal of a tree. Wetland boundaries were identified on the preliminary tentative plat and identify areas outside of the wetland area on Parcel 1 that may be suitable for future development (Sheet 200, dated 6-4-24). In addition, the applicant presented a letter dated July 19, 2024 from Beaver State Wildlife Solutions clarifying that the quoted language above is outdated and the applicant had employed their services to develop a beaver management plan for the site, which would remove the necessity for removing the beaver population. To ensure beaver management activities comply with federal, state, and local requirements if applicable (i.e. CDC Chapter 32 – Water Resource Area Protection), condition of approval #4 has been applied which requires the developer to any necessary federal, state, and/or local permits prior to commencing any work to modify or remove a beaver dam. This condition is a reasonable requirement as no specific actions have yet been identified by the applicant regarding future beaver management.

Topic: Lack of Infrastructure

Amanda Ford provided testimony regarding the lack of infrastructure and associated upgrades, including the following:

- *The area lacks adequate road connectivity and through streets*
- *The neighborhood's footprint presents challenges for necessary improvements*

- *Issues with emergency access due to narrow streets, averaging 20 feet wide, and insufficient parking and sidewalks*
- *The developer is only required to improve the street bordering the new construction*
- *Anticipated congestion with approximately 494 additional daily vehicle trips*
- *The increased presence of delivery vehicles, garbage trucks, and utility maintenance vehicles will obstruct roads during the construction phase*
- *Safety concerns for pedestrians, particularly in popular walking areas around the wetlands*
- *Inadequate sidewalks, especially critical for children walking to school given the "Safe Routes to School" designation on 5th Avenue*
- *Proximity of construction less than 100 feet from the wetland border poses risks to the protected riparian zone feeding the Willamette River*
- *Potential adverse effects on the ecosystem, including wildlife habitats, from construction waste, vehicle emissions, chemical runoff, and light pollution*

Veronica fox also commented on the adequacy of the existing infrastructure:

"I am concerned about the impact on walking on 4th street and Vollp street. This is a walking neighborhood and any development that would restrict the community from access to these roads for walking should be prohibited. Also the area is now a country walk with very few cars. With this new construction, what is going to be the impact for pedestrians? Will this developer be required to provide sidewalks along the entire exterior of their property, since we can no longer walk in the road due to increased traffic. Also, 7th avenue is even now narrow and dangerous to drive due to low visibility at the top of the hill, these 50 additional cars will make that road impossible to drive. What is going to be done to handle the additional traffic on such narrow roads, 5th avenue and 7th are now one lane roads and two cars cannot utilize at the same time."

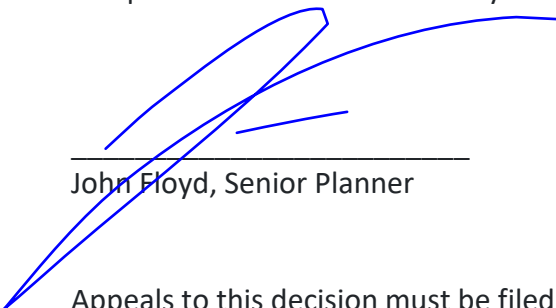
Staff Response: The application is limited to a change in the legal boundaries of the parcels within the project area. No change of use is proposed from the existing condition, and no physical development is proposed or authorized with this application that will add additional vehicular or pedestrian trips to the transportation network. All lots front an improved public right of way, no change is proposed to their access or the adjoining street network, and the reduction in lots will reduce the development potential of the site by extinguishing hardship rights provided by CDC 32.110 (Hardship Provisions) that applies to all lots of record created prior to January 1, 2006. As a result, to exact improvements would be disproportional to the impact (or lack thereof) created by the proposal, and are better addressed as part of any future (re)development application within one of the proposed parcels.

DECISION

The Planning Manager (designee) approves this application (MIP-23-07), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan, Elevations, and Narrative.** With the exception of modifications required by these conditions, the final plat shall conform to the Preliminary Partition Plat, Sheet C200, dated 06-04.24 (Exhibit PD-1).
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to final building certificate of occupancy. The City may partner with the applicant to fund additional improvements as part of the project.
3. **Street Vacations.** Prior to recording of the final plat, the applicant shall vacate those sections of 4th Avenue and 5th Street that are internal to the proposed lot consolidation (South of 5th Avenue, west of 4th Street, and east of 7th Street).
4. **Beaver Management.** The applicant shall comply with all federal, state, and local permitting and other legal requirements as part of any beaver management within the project site. Any required approvals shall be obtained from each governmental authority having applicable jurisdiction prior to the removal of beaver dams, the modification of dams, or associated vegetation removal.

The provisions of the Community Development Code Chapter 99 have been met.



John Floyd, Senior Planner

September 16, 2024

Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. An appeal to City Council of a decision by the Planning Director shall be heard on the record. The appeal must be filed by an individual who has established

standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 18th day of September 2024.

Therefore, the 14-day appeal period ends at 5 p.m., on October 2nd, 2024.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-23-02**

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

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.*
- 2. Cottage clusters.*
- 3. Townhouse.*
- 4. Community recreation.*
- 5. Family day care.*
- 6. Residential home.*
- 7. Utilities, minor.*
- 8. Transportation facilities (Type I).*
- 9. Manufactured home.*

[...]

Staff Finding 1: Staff adopts the applicant’s findings.

“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 11.88-acre lot for the purpose of future development. Homes are not proposed at this time.”

The criteria are met.

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

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

<i>STANDARD</i>	<i>REQUIREMENT</i>	<i>ADDITIONAL NOTES</i>
<i>Minimum lot size</i>	<i>10,000 sf</i>	<i>For a single-family attached or detached unit</i>
<i>Average minimum lot or parcel size for a townhouse project</i>	<i>1,500 sf</i>	

<i>STANDARD</i>	<i>REQUIREMENT</i>	<i>ADDITIONAL NOTES</i>
<i>Minimum lot width at front lot line</i>	<i>35 ft</i>	<i>Does not apply to townhouses or cottage clusters</i>
<i>Average minimum lot width</i>	<i>50 ft</i>	<i>Does not apply to townhouses or cottage clusters</i>
<i>Minimum yard dimensions or minimum building setbacks</i>		<i>Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District. 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.</i>
<i>Front yard</i>	<i>20 ft</i>	<i>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply</i>
<i>Interior side yard</i>	<i>7.5 ft</i>	<i>Townhouse common walls that are attached may have a 0-ft side setback.</i>
<i>Street side yard</i>	<i>15 ft</i>	
<i>Rear yard</i>	<i>20 ft</i>	
<i>Maximum building height</i>	<i>35 ft</i>	<i>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</i>
<i>Maximum lot coverage</i>	<i>35%</i>	<i>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.</i> <ul style="list-style-type: none"> <i>This does not include detached garages, carports, or accessory structures.</i>

STANDARD	REQUIREMENT	ADDITIONAL NOTES
		<ul style="list-style-type: none"> A developer may deduct up to 200 sf for an attached garage or carport.
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.
Duplex, triplex, and quadplex	0.60	Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property, including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

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

Staff Finding 2: The proposed lot consolidation will place all of the R-10 zoned land onto Outlot A/Parcel 1, in a configuration that substantially exceeds the minimum lot area of 10,000 square feet (11.88 acres proposed) and the minimum lot widths of 35 and 50 feet (214 and 425 feet respectively). The existing home will have a new sideyard setback of approximately 125 feet, with the other setbacks unaffected by the proposal.

Additionally, staff adopts the applicant's findings.

"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 11.88-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 22.44-acre parcel with industrial GI zoning. Parcel 3 will be reconfigured to a 1.19-acre parcel with industrial GI zoning. The dimensional standards of this section can be met by a future land division.”
The criteria are met.

Chapter 23: General Industrial, GI
23.030 PERMITTED USES

The following uses are uses permitted outright in this zone:

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). (*

Staff Finding 3: Staff adopts the applicant’s findings.

“The proposed partition will consolidate the property zoned General Industrial on Parcels 2 and 3 [Outlots B and C]. The application is for the creation of [two new] parcels to accommodate the existing industrial use(s). No new industrial uses are proposed at this time.”

This criteria is met.

23.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

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

- 1. Sign, subject to the provisions of Chapter 52 CDC.*
- 2. Temporary use, subject to the provisions of Chapter 35 CDC.*
- 3. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.*
- 4. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.*

Staff Finding 4: Parcel 3/Outlot C contains river-frontage and will provide river access for water-dependent uses as permitted by the GI zoning, which will be required to comply with CDC Chapters CDC 28 and 34 at the time of development, as no development is proposed with this application. These criteria will be met.

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.*

Staff Finding 5: Both Parcels 2 and 3 (Outlots B and C), exceed the minimum front lot line of 50 feet (approximately 550 feet and 309 feet proposed). Lot coverage, building height, and setbacks will be determined at the time of development. Additionally, staff adopts the applicant's findings.

"Parcels 2 and 3 will consolidate the industrial zoned land onto two parcels. The parcels meet 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."

These criterion are met.

Chapter 27: Flood Management Area

27.020 APPLICABILITY

This chapter shall apply to all flood management areas within the jurisdiction of West Linn. A flood management area permit is required for all development in the flood management area

overlay zone. The standards that apply to flood management areas apply in addition to State or federal restrictions governing floodplains or flood hazard areas.

A. *Basis for Establishing the Special Flood Hazard Areas (SFHA).* The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “Flood Insurance Study: Clackamas County, Oregon and Incorporated Areas,” dated 06/2008 and revised 01/2019, FIRM Panels 41005C0018D, 41005C0019D, 41005C0038D, 41005C0257D, 41005C0259D, 41005C0260D, and 41005C0276D are hereby adopted by reference and declared to be a part of this chapter. The FIS and FIRM panels are on file at West Linn City Hall with the Community Development Department.

B. *Coordination with State of Oregon Specialty Codes.* Pursuant to the requirement established in ORS 455 that the City of West Linn administers and enforces the State of Oregon Specialty Codes, the City of West Linn does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this chapter is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

Staff Finding 6: The proposed lot consolidation does not meet the definition of development as set forth in CDC Chapter 2 (Definitions), as no physical change is proposed (i.e. construction, grading, filling, or clearing), and the reduction in the number of lots will provide greater flexibility to future development and may enable less intense development.

“Development. Any manmade change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards on any lot, parcel, or lot of record. Within the flood management area, this term shall also include storage of equipment or materials. Within the Willamette and Tualatin River Protection Areas, this term shall also include any change of use or intensification of the use of land or water, including construction of structures (such as houses, structures, docks and associated pilings or piers), significant grading, or removal or addition of vegetation and groundcover unless specifically exempted per CDC 28.040. Development shall not include grading, site clearing, grubbing or filling where it is part of a submitted land use application that includes the restoration of grades and replanting the affected area with native vegetation per a re-vegetation plan. This definition is distinct and separate from previously disturbed areas (PDAs) and temporarily disturbed areas (TDAs).”

Therefore, the provisions of the CDC Chapter 27 do not apply.

Chapter 28: Willamette and Tualatin River Protection

28.030 APPLICABILITY

A. *The Willamette and Tualatin River Protection Area is an overlay zone. The zone boundaries are identified on the City’s zoning map, and include:*

- 1. All land within the City of West Linn’s Willamette River Greenway Area.*
- 2. All land within 200 feet of the ordinary low water mark of the Tualatin River, and all land within the 100-year floodplain of the Tualatin River.*

3. *In addition to the Willamette Greenway and Tualatin River Protection Area boundaries, this chapter also relies on the HCA Map to delineate where development should or should not occur. Specifically, the intent is to keep out of, or minimize disturbance of, the habitat conservation areas (HCAs). Therefore, if all, or any part, of a lot or parcel is in the Willamette Greenway and Tualatin River Protection Area boundaries, and there are HCAs on the lot or parcel, a Willamette and Tualatin River Protection Area permit shall be required unless the development proposal is exempt per CDC 28.040.*

B. *At the confluence of a stream or creek with either the Tualatin or Willamette River, the standards of this chapter shall apply only to those portions of the lot or parcel fronting the river. Meanwhile, development in those portions of the property facing or adjacent to the stream or creek shall meet the transition, setbacks and other provisions of Chapter 32 CDC, Water Resource Area Protection.*

C. *All uses permitted under the provisions of the underlying base zone and within the Willamette and Tualatin River Protection Area zone are allowed in the manner prescribed by the base zone subject to applying for and obtaining a permit issued under the provisions of this chapter unless specifically exempted per CDC 28.040.*

D. *The construction of a structure in the HCA or the expansion of a structure into the HCA when the new intrusion is closer to the protected water feature than the pre-existing structure.*

Staff Finding 7: The entire project site is located within the boundaries of the Willamette Greenway and is mapped as containing a mixture of high, moderate, low, and undesignated habitat areas. However, as previously discussed in Staff Finding 6, the proposal does not include any activity that meets the definition of development and the consolidation of lots will provide more flexibility to avoid habitat areas. Therefore, the criteria of CDC Chapter 28 do not apply.

Chapter 32: Water Resource Protection

32.020 APPLICABILITY

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

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

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

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

Staff Finding 8: The project area contains wetlands and streams identified as significant on the City of West Linn Water Resource Area Map, as confirmed by the Oregon Department of State Lands in their concurrence letter (Exhibit PD-3). However, as previously discussed in Staff Findings 6 and 7, the consolidation of lots will not result in any new activities, uses, or development within the water resources or adjoining water resource area. Therefore, the criteria of CDC Chapter 32 do not apply.

Chapter 48: Access, Egress and Circulation

48.020 APPLICABILITY AND GENERAL PROVISIONS

- A. The provisions of this chapter do not apply where the provisions of the Transportation System Plan or land division chapter are applicable and set forth differing standards.*
- B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.*
- C. No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and circulation requirements are to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.*
- D. Should the owner or occupant of a lot, parcel or building enlarge or change the use to which the lot, parcel or building is put, resulting in increasing any of the requirements of this chapter, it shall be unlawful and a violation of this code to begin or maintain such altered use until the provisions of this chapter have been met, and, if required, until the appropriate approval authority under Chapter 99 CDC has approved the change.*
- E. Owners of two or more uses, structures, lots, parcels, or units of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the requirements as designated in this code; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases, or contracts to establish joint use. Copies of said instrument shall be placed on permanent file with the City Recorder.*
- F. Property owners with access to their property via platted stems of flag lots may request alternate access as part of a discretionary review if other driveways and easements are available and approved by the City Engineer.*

Staff Finding 9: All proposed lots have access from existing public right-of-ways as demonstrated in the scaled preliminary plat contained in Exhibit PD-1. No new uses, changes or intensification of existing uses, or development is proposed at this time. These criteria area met.

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.*

Staff Finding 10: Staff adopts the applicant's findings.

"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."

These criteria are met.

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

Staff Finding 11: 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.*

Staff Finding 12: The subject site does not include 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 access ways 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.*

Staff Finding 13: No easements are necessary at this time as all parcels will have direct access to existing public right of ways. New or modified 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.

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:

- 1. Topography.*
- 2. Traffic volume to be generated by development (i.e., trips per day).*
- 3. Traffic volume presently carried by the street to be accessed.*
- 4. Projected traffic volumes.*
- 5. 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.*
- 6. The ability to consolidate access through the use of a joint driveway.*
- 7. Additional review and access permits may be required by State or County agencies.*

Staff Finding 14: As discussed in Staff Finding 11, the subject site does not front on an arterial street. The requirements of this section are not applicable.

B. 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:

- 1. 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.*
- 2. Two to four single-family residential homes shall provide a driveway with 14- to 20-foot-wide paved or all-weather surface.*
- 3. Maximum driveway grade shall be 15 percent. The 15 percent shall be measured along the centerline of the driveway only. Variations require approval of a Class II variance by the Planning Commission pursuant to Chapter 75 CDC. 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.*
- 4. The driveway shall include a minimum of 20 feet in length between the garage door and the back of sidewalk, or, if no sidewalk is proposed, to the paved portion of the right-of-way.*

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

- 1. A turnaround shall be provided if required by Tualatin Valley Fire and Rescue (TVF&R) in order to receive a service provider permit.*
- 2. Minimum vertical clearance for the driveway shall be 13 feet, six inches.*
- 3. A minimum centerline turning radius of 45 feet is required unless waived by TVF&R.*
- 4. There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet.*

D. 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.

E. Access and/or service drives for multifamily dwellings 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. Minimum vertical clearance of 13 feet, six inches.*
- 4. 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.*
- 5. The grade shall not exceed 10 percent on average, with a maximum of 15 percent.*
- 6. A minimum centerline turning radius of 45 feet for the curve.*

F. Where on-site maneuvering and/or access drives are necessary to accommodate required parking, in no case shall said maneuvering and/or access drives be less than that required in Chapters 46 and 48 CDC.

G. 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.

H. Gated accessways to residential development other than a single-family home are prohibited.

Staff Finding 15: No new development or changes in access are proposed with this application, and existing driveways will remain unmodified. The criteria of this section do not apply.

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.

Staff Finding 16: No new development or changes in access are proposed with this application. The criteria of this section do not apply.

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

- A. Minimum curb cut width shall be 16 feet.
- B. Maximum curb cut width shall be 36 feet, except along Highway 43 in which case the maximum curb cut shall be 40 feet. For emergency service providers, including fire stations, the maximum shall be 50 feet.
- C. No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:
 - 1. On an arterial when intersected by another arterial, 150 feet.
 - 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.*

Staff Finding 17: No new development or changes to existing access are proposed or required with this application. The criteria of this section do not apply.

Chapter 85: Land Divisions – General Provisions

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.*

Staff Finding 18: The applicant is the property owner and has submitted the required materials (Exhibit PD-1). The Tentative Plan is to create three new lots, and is being processed as a partition which is a Planning Director decision. These criteria are 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.

Staff Finding 19: The applicant held a pre-application conference with the city on May 19, 2022 (File No. PA-22-15) which was attended by Planning and Engineering staff. This criteria 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.*

Staff Finding 20: The application included a completed application form, copies of the tentative plan and supplemental drawings, and a narrative explaining all aspects of the land division. The application was submitted digitally. These criteria are met.

85.160 SUBMITTAL REQUIREMENTS FOR TENTATIVE PLAN

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

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

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

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

- 1. Proposed name of the subdivision and streets; these names shall not duplicate nor resemble the name of any other subdivision or street in the City and shall be determined by the City Manager or designee. Street names should be easily spelled, pronounced, and of limited length. All new street names must, to the greatest extent possible, respect and be representative of the surrounding geography and existing street names. Street names should consider any prominent*

historical City figures or neighborhood themes that exist. Subdivision street names may not reference names of the builder or developer.

2. Date, north arrow, scale of drawing, and graphic bar scale.
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.*

Staff Finding 21: The applicant has provided the information required above where applicable. As the project is strictly for a lot consolidation, no infrastructure improvements are proposed or required. The criterion are met.

85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

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

A. General.

- 1. Narrative stating how the plan meets each of the applicable approval criteria and each subsection below.*
- 2. Statement or affidavit of ownership of the tract (County Assessor's map and tax lot number).*
- 3. A legal description of the tract.*
- 4. If the project is intended to be phased, then such a proposal shall be submitted at this time with drawing and explanation as to when each phase will occur and which lots will be in each phase.*

[...]

Staff Finding 22: The applicant has provided the information above, including a project narrative addressing the submittal criteria, a statement of ownership, a legal description of the affected properties, and conceptual plan for future division of Parcel 1/Outlot A (to be reviewed and approved under a future application). As stated in the applicant’s findings: *“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.”* The criterion are met.

2. *Traffic impact analysis (TIA).*

a. *Purpose.* The purpose of this section is to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a traffic impact analysis; and who is qualified to prepare the study.

b. *Typical average daily trips.* The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE) shall be used as the standards by which to gauge average daily vehicle trips.

c. *Traffic impact analysis (no dwellings).* For development applications that do not propose any new dwelling units, a traffic impact analysis may be required to be submitted to the City with a land use application, when the following conditions apply:

1) *The development application involves one or more of the following actions:*

(A) *A change in zoning or a plan amendment designation; or*

(B) *Any proposed development or land use action that ODOT states may have operational or safety concerns along a State highway; and*

(C) *The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual, and information and studies provided by the local reviewing jurisdiction and/or ODOT:*

(1) *An increase in site traffic volume generation by 250 average daily trips (ADT) or more (or as required by the City Engineer); or*

(2) *An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or*

(3) *The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or*

(4) *The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or*

(5) *A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area.*

[...]

Staff Finding 23: The application is for a lot consolidation that will reduce the total number of lots and reconfigure their internal boundaries to be consistent with existing zoning and right of way boundaries. No development is proposed with this application, therefore no new trips or changes to existing access points onto public right-of-ways will occur. Therefore, a traffic impact analysis is not required for this application. City staff also adopt the applicant's findings.

"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."

These criteria do not apply.

i. Conditions of approval (discretionary review). The following applies to development applications that do not propose any new dwelling units, or for applications that include dwellings and that elect to use the TIA process outlined in subsection (B)(2)(d) of this section. The City may deny, approve, or approve the proposal with appropriate conditions.

1) Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

2) Improvements such as paving, curbing, installation or contribution to traffic signals, or construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use may be required.

j. Conditions of approval (dwellings). The following applies to development applications that include new dwelling units, unless the applicant elects to use the TIA process outlined in subsection (B)(2)(d) of this section. The City may deny, approve, or approve the proposal with conditions necessary to ensure compliance with the approval criteria in subsection (B)(2)(h) of this section. Conditions of approval may include dedication of land and/or construction of streets, transit facilities, sidewalks, bikeways, paths, or accessways if necessary to achieve proposed mitigation measures, pursuant to subsection (B)(2)(d)(5) of this section. Facilities shall be constructed to applicable CDC standards and West Linn Public Works Design Standards.

Staff Finding 24: The application is for a lot consolidation that will reduce the total number of lots and reconfigure their internal boundaries to be consistent with existing zoning and right of way boundaries. No new development is proposed, and any future development of the property will require discretionary review for environmental permitting and future residential and non-residential use(s) of the property at which point right-of-way dedication will be required. Therefore, not conditions relating to right-of-way dedication are proposed at this time.

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.**

Staff Finding 25: No grading is proposed or required as part of the application. These criteria do not apply.

D. Water.

1. *A plan for domestic potable water supply lines and related water service facilities, such as reservoirs, etc., shall be prepared by a licensed engineer 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.*

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.*

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.

Staff Finding 26: The application is for a lot consolidation that will reduce the total number of lots and reconfigure their internal boundaries to be consistent with existing zoning and right of way boundaries. No changes to existing uses are proposed (single-family dwelling on parcel 1, and an existing industrial use on Parcels 2 and 3), and no new connections or other changes to infrastructure or infrastructure demand is proposed at this time. Any necessary upgrades or extensions will occur as part a future development application. Staff also adopts the applicants findings as follows:

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

Staff Finding 27: A Tualatin Valley Fire & Rescue Permit dated January 22, 2024 (TVFR Permit # 2024-0010) was submitted as part of the application (Exhibit PD-1). This criteria 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.

Table 85-1: City of West Linn Roadway Cross-Section Standards

Street Element Characteristic Width/Options

Vehicle Lane Widths (Typical widths) Minor Arterial 11 – 12 feet

- Collector 10 – 12 feet*
- Neighborhood Route 10 – 12 feet*
- Local 10 – 12 feet*

On-Street Parking Minor Arterial Limited (in designated commercial zones)

- Collector Optional (8 feet typical width)*
- Neighborhood Route Optional (8 feet typical width)*
- Local Optional* (8 feet typical width)*

Bicycle Lanes (Typical widths) Arterial 5 feet

- Collector 5 feet*
- Neighborhood Route 5 feet*

Cycle Track Minor Arterial (30 MPH or greater) 7 feet

- Collector (30 MPH or greater) 7 feet*

Sidewalks (Typical widths) Minor Arterial 6 feet, 10 – 12 feet in commercial zones

- Collector 6 feet, 8 feet in commercial zones*
- Along Cycle Track 6 feet, 10 – 12 feet in commercial zones*
- Neighborhood Route/Local 6 feet (4 – 5 feet in Willamette Historical District), 8 feet in commercial zones*

Landscape Strips Can be included on all streets 6 feet typical (5 feet for minor arterials)

Raised Medians 5-Lane Optional

- 3-Lane Optional*
- 2-Lane Consider if appropriate*

Neighborhood Traffic Management Arterials None

- Collectors None*
- Neighborhood Route/Local At the discretion of the City Engineer*

Transit Minor Arterial/Collector Appropriate

- Neighborhood Route Only in special circumstances*
- Local Not recommended*

** The minimum paved width for both internal and adjacent local streets in new subdivision proposals shall be 28 feet, unless reduced in subsection (A)(7) of this section.*

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.

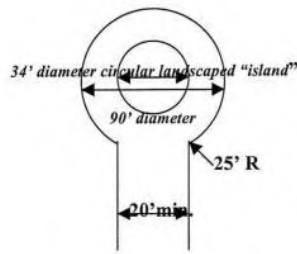
a. Except as specified in subsection (A)(11)(c) of this section, street intersections shall be located and designed as follows:

- 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.*

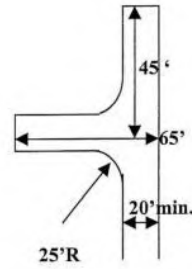
b. Curb radii.

- 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.*

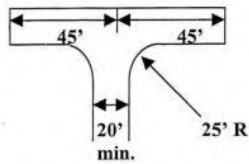
- 2) *Right-of-way lines at intersections with arterial streets shall have minimum curb radii of not less than 35 feet.*
- 3) *Other street intersections shall have curb radii of not less than 25 feet.*
- 4) *All radii shall maintain a uniform width between the roadway and the right-of-way lines.*
- 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).*



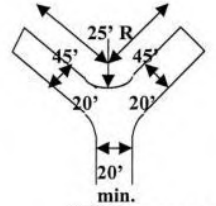
Cul-de-Sac Turnaround



Hammer Head Turnaround



"T" Turnaround



"Y" Turnaround

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.*

Staff Finding 28: Improved streets bordering or bisecting the site include 7th Street, 5th Avenue, 4th Street, and Volpp Street along the perimeter. Unimproved right of ways include 7th street along the southwestern perimeter, and 4th Avenue and 5th Street along the interior. As demonstrated by the long tenure of the existing residential and industrial uses, these facilities are adequate to maintain these uses. No new uses, change of uses, or intensification of existing uses are proposed with the application.

All three proposed parcels will front existing right of ways, all are classified as local streets, and all contain existing access points that service the existing residential and industrial land uses. No new streets are proposed with this application as the proposal is to consolidate lots to rationalize property boundaries and provide more flexibility for future development. The application has been reviewed by the City Engineer, and street improvements will be exacted at the time of future development or redevelopment, and commensurate with the proposed uses at that time.

By reducing the number of lots, the applicant is also reducing the development potential under the Water Resource Area Hardship Provisions of CDC 32.110, which provides for a minimum level of development to all lots created prior to January 1, 2006, and exacting new street improvements would be disproportional to the impact (or lack thereof) created by the proposal. These criteria do not apply.

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.*

Staff Finding 29: Improved streets bordering or bisecting the site include 7th Street, 5th Avenue, 4th Street, and Volpp Street along the perimeter. Unimproved right of ways include 7th street along the southwestern perimeter, and 4th Avenue and 5th Street along the interior. All three proposed parcels will front existing right of ways, all are classified as local streets, and all contain existing access points that service the existing residential and industrial land uses. No new streets are proposed with this application as the proposal is to consolidate lots to rationalize property boundaries and provide more flexibility for future development. The application has been reviewed by the City Engineer, and street improvements will be exacted at the time of future development or redevelopment, and commensurate with the proposed uses at that time.

While proposed parcels 1 and 2 exceed the minimum block size and length standards of 530 feet, Parcel 2 is currently covered by an industrial facility constructed in the 1970s, and Parcel 1 is mostly covered with a stream corridor, wetland, and their associated water resource area, as confirmed by the Department of State Lands in their letter of Concurrence (Exhibit

PD-3). The size and nature of this wetland, containing a significant amount of water impounded by beaver dams, is of sufficient size and quality to prevent through street connections at this time and make pedestrian and cyclist connections through the site infeasible at this time. Therefore, the creation of new connections is not required. These criteria are met.

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. 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.

Staff Finding 30: Proposed parcels 1 and 2 contain portions of unimproved 7th Street, 4th Avenue, and 5th Street right of ways that have not been developed due to a lack of historical need and the presence of an unnamed stream and wetland area. The proposed tentative plat shows parcel boundaries that do not include these right of ways. To comply with this standard, Condition 3 has been applied to ensure the right of ways are vacated prior to recoding of the plat. As the street vacation process is a council action and cannot be combined with a partition plat application, this condition of approval is reasonable and achievable by the applicant. As conditioned, 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.

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.

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.

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:

[...]

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.*

Staff Finding 31: All three proposed parcels will front existing right of ways, all are classified as local streets, and all contain existing access points that service the existing residential and industrial land uses and are not proposed for modification. Therefore, the standards of CDC Chapter 48 do not apply at this time. The reconfigured property lines are proposed at right angles the adjoining right of ways, no flag lots are proposed, and Parcel 1 has been laid out to allow future subdivision as demonstrated in the Future Development Plan submitted with this application, to be processed as a separate and future PUD application exclusive to proposed Parcel 1. These standards are 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.*

[...]

Staff Finding 32: As discussed in finding 29, a pedestrian or bicycle accessway is not required per Section (B)(2)(d) of this section. The 2019 Parks Master Plan did not identify a trail across the project site. These standards do not apply.

D. *Transit facilities.*

1. *The applicant shall consult with Tri-Met and the City Engineer to determine the appropriate location of transit stops, bus pullouts, future bus routes, etc., contiguous to or within the development site. If transit service is planned to be provided within the next two years, then facilities such as pullouts shall be constructed per Tri-Met standards at the time of development. More elaborate facilities, like shelters, need only be built when service is existing. Additional rights-of-way may be required of developers to accommodate buses.*

[...]

Staff Finding 33: The nearest bus route is approximately 600 feet to the north, therefore the project site is not contiguous or contain a transit route or facility. These criteria do not apply.

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

[...]

Staff Finding 34: The application is for the consolidation of existing lots into three new parcels, and does not propose or require grading as no development is proposed or related to this application. Any future grading on site will require discretionary review due to resource constraints in the area (floodplain, water resource, and Willamette Greenway). These criteria are not applicable.

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:*

[...]

Staff Finding 35: Staff adopts applicant’s findings regarding the provision.

“There is no proposed work on the property. The proposal is a request for approval 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 inch water on the perimeter of the site, or new service to be shown on the Preliminary Utility Plan, with subsequent submittals, per city standards.”

These criteria are not applicable.

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.*

[...]

Staff Finding 36: Staff adopts applicant’s findings regarding the provision.

“There is no proposed work on the property. The proposal is a request for approval 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.”

These criteria do not apply.

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.*

Staff Finding 37: Staff adopts applicant’s findings regarding the provision.

“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.”

This criterion does not apply.

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.

Staff Finding 38: Staff adopts applicant’s findings regarding the provision.

“There is no proposed work on the property. The proposal is a request for approval 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 criterion does not apply.

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.

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

Staff Finding 39: As discussed in Staff Findings 7 and 8, the standards of this chapter are not applicable. There is no proposed work on this property at this time, and any future work will require discretionary review to comply with this standard. While the applicant’s findings discussed having a beavers on site professionally trapped and relocated, the application was supplemented with a letter from Beaver State Wildlife Solutions indicating the position of the owner had changed, and that a beaver management plan was being developed that would retain the beavers on site. A condition of approval has been added that requires the applicant to follow all federal and state requirements regarding the management of beaver on their property. These criteria are met.

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

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

Staff Finding 40: As discussed in findings above and below, no horizontal street improvements are proposed or required for this application for the consolidation of lots into three new parcels. These standards do not apply.

5. Dedications and exactions. The City may require an applicant to dedicate land and/or construct a public improvement that provides a benefit to property or persons outside the property that is the subject of the application when the exaction is roughly proportional. No

exaction shall be imposed unless supported by a determination that the exaction is roughly proportional to the impact of development.

Staff Finding 41: Staff adopts applicant’s findings.

“There are 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.”

These standards do not apply.

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.

Staff Finding 42: No new development is proposed with this lot consolidation. These criteria do not apply.

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.

Staff Finding 43: No new development is proposed or enabled by the application. Staff adopts applicant’s findings.

“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.”

These standards will be met as part of a future discretionary application.

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.

Staff Finding 44: The site is zoned R-10 and General Industrial. These criteria do 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.

Staff Finding 45: No development is proposed or approved with this application, and no tree removal is requested with this application. These criteria do not apply.

Chapter 92: Required Improvements

92.020 IMPROVEMENTS IN PARTITIONS

The same improvements shall be installed to serve each parcel of a partition as are required of a subdivision, as specified in CDC 92.010. However, if the approval authority finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, at the written request of the applicant those improvements may be waived. If the street improvement requirements are waived, the applicant shall pay an in-lieu fee for off-site street improvements, pursuant to the provisions of CDC 85.200(A)(1).

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

[...]

Staff Finding 46: No development is proposed with this partition, as the proposal is to consolidate existing lots into three new parcels. Therefore, the installation of improvements would be unreasonable and disproportional at this time. These criteria do not apply.

Chapter 99: Procedures for Decision Making: Quasi-Judicial

99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES

[...]

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:

[...]

k. Minor partitions;

[...]

Staff Finding 47: The applicant held a pre-application conference with the city on May 19, 2022 (File No. PA-22-15) which was attended by Planning and Engineering staff. This criterion is met.

99.080 NOTICE

Notice shall be given in the following ways:

A. Class A Notice. Notice of proposed action or a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. At least 20 days prior to the scheduled hearing date notice shall be sent by mail to:

- a. *The applicant or the applicant’s agent, and the property owner of record on the most recent property tax assessment roll where such property is located.*
 - b. *All property owners of record on the most recent property tax assessment roll where such property is located within 500 feet of the site.*
 - c. *Any affected governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice; plus, where applicable, the Oregon Department of Transportation, Tri-Met, neighboring local jurisdictions, Clackamas County Department of Transportation and Development, and Metro.*
 - d. *The affected recognized neighborhood association or citizens advisory committee.*
 - e. *For a hearing on appeal or review, all parties and persons with standing described in CDC 99.140 to an appeal or petition for review.*
2. *At least 10 days prior to the hearing or meeting date, notice shall be given in a newspaper of general circulation in the City. An affidavit of publication shall be made part of the administrative record.*
 - a. *Decisions pursuant to CDC 99.060(A), Planning Director authority, are exempt from the requirements of this subsection.*
 3. *At least 10 days prior to the hearing or meeting date, the Planning Director shall cause a sign to be placed on the property which is the subject of the decision or, if the property does not have frontage on a public street, adjacent to the nearest public street frontage in plain view and shall state, “This property is the subject of a land use decision,” with the type of use or request indicated.*
If the application is not located adjacent to a through street, then an additional sign shall be posted on the nearest through street.
 4. *At least 10 days but no more than 40 days prior to hearing of a proposed zone change for manufactured home parks, notice shall be given to the respective manufactured home park residents.*
 5. *The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.*
 6. *At the conclusion of the land use action the signs shall be removed.*
- [...]

Staff Finding 48: As demonstrated in the affidavit in Exhibit PD-6, notice of the project was provided using the Class A procedures. As required by the standards of this section, the noticing included the posting of three signs along 5th Street, 4th Avenue, and the Volpp Street frontages on July 18, 2024; the mailing of a notice to all neighbors within 500 feet, the Willamette Neighborhood Association and affected government agencies on July 9, 2024; and sending emails to the Planning Commission Agenda Notice List. These criteria are met.

PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT Floyd	PROJECT NO(S). MIP-23-07	PRE-APPLICATION NO. PA-22-15	
NON-REFUNDABLE FEE(S) \$4,400	REFUNDABLE DEPOSIT(S) \$0	TOTAL	\$4,400

Type of Review (Please check all that apply):

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

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

Site Location/Address: 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
--	--

Brief Description of Proposal:

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

Applicant Name*: Address: Bob Schultz City State Zip: 3242 Wild Rose Loop West Linn, OR 97068	Phone: Email: 971-732-0347 duke.pdx@gmail.com
Owner Name (required): Address: Forward Vision Development, LLC & e3 Design Concepts, LLC & SDG-2, LLC City State Zip: 3242 Wild Rose Loop West Linn, OR 97068	Phone: Email: 971-732-0347 duke.pdx@gmail.com
Consultant Name: Address: S&F Land Services 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	Date 11-29-23	 Owner's signature (required)	Date 11-29-23
---	----------------------	--	----------------------

Table of Contents

GENERAL INFORMATION 1

SITE INFORMATION 1

INTRODUCTION2

 APPLICANT'S REQUEST2

 SITE DESCRIPTION/SURROUNDING LAND USE2

 PROPOSAL.....2

APPLICABLE CRITERIA4

 Chapter 11 RESIDENTIAL, R-104

 Chapter 23 GENERAL INDUSTRIAL, GI5

 Chapter 48 ACCESS, EGRESS AND CIRCULATION.....7

 Chapter 85 LAND DIVISIONS – GENERAL PROVISIONS14

 Chapter 55 DESIGN REVIEW.....40

 Chapter 92 REQUIRED IMPROVEMENTS41

SUMMARY AND CONCLUSION47

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, 31E02AA00100, 31E02AA00200, 31E01BB00100, 31E0200100, 31E0200401, and 31E0200500

Address: 1317 7th Street

Gross Site Area: 34.34 acres (excluding 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: 5th Avenue, 4th Street, 7th Street, and Volpp Street are all classified as local streets. 5th Street and 4th 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 4th Street to 7th Street and from 5th 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 5th Street and 4th 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, 31E02AA00100, 31E02AA00200, 31E01BB00100, 31E0200100, 31E0200401, and 31E0200500. 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 34.34 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 5th Street from the north and 4th 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.

	Parcel 1	Parcel 2	Parcel 3
Lot Area	486,002.5 sq.ft. 11.16 acres	957,851.6 sq.ft. 21.99 acres	51,953 sq.ft. 1.19 acres
To be Vacated ROW			
- 4 th Avenue	15,093.7 sq.ft.	19,478.2 sq.ft.	0 sq.ft.
- 5 th Street	16,197.8 sq.ft.	0 sq.ft.	0 sq.ft.
Total Lot Area	517,294 sq.ft. 11.88 acres	977,329.8 sq.ft. 22.44 acres	51,953 sq.ft. 1.19 acres

Outlot A (Parcel 1) will consolidate the area zoned for residential R-10 development into a single 11.88-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 located in wetland areas would be removed. Outlot B (Parcel 2), as approved by DEQ, will isolate the contaminated 15-acre former Blue Heron Mill pulp mill sludge pond to a 22.44-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. Outlot C (Parcel 3), as approved by DEQ, will isolate the industrial zoned area along the river south of the Blue Heron Mill pond onto a single lot.

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 11.88-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 minimum building setbacks		Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District. 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"> • This does not include detached garages, carports, or accessory structures. • A developer may deduct up to 200 sf for an attached garage or carport.
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 11.88-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 22.44-acre parcel with industrial GI zoning. Parcel 3 will be reconfigured to a 1.19-acre parcel with industrial GI zoning.

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 Parcels 2 and 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: Parcels 2 and 3 will consolidate the industrial zoned land onto two parcels. The parcels meet 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.

	Parcel 1	Parcel 2	Parcel 3
Zone	R-10	GI	GI

Lot Area	486,002.5 sq.ft.	957,851.6 sq.ft.	51,953 sq.ft.
Number of Allowable Lots	47	N/A	N/A
Proposed Number of Lots	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.

- 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.

- 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.

- 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).**
- The grading plan shall demonstrate that the proposed grading to accommodate roadway standards and create appropriate building sites is the minimum amount necessary.**
- 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. Parcel 1 is able to be developed in the future consistent with the zoning standards. 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 approval 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 approval 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 approval 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 approval 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 approval 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 approval 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 inch 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 approval 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 approval 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 approval 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 approval 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 are 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 GI 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 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:

A. Streets within subdivisions.

- 1. All streets within a subdivision, including alleys, shall be graded for the full right-of-way width and improved in accordance with the West Linn Public Works Design Standards and with the street cross sections in Exhibits 6 through 9 of the Transportation System Plan, unless the applicant requests an exception as part of a discretionary review and the decision-making authority makes the following findings:**
 - a. The right-of-way cannot be reasonably improved in a manner consistent with City road standards or with City standards for the protection of wetlands and natural drainageways.**
 - b. The right-of-way does not provide a link in a continuous pattern of connected local streets, or, if it does provide such a link, that an alternative street link already exists or the applicant has proposed an alternative street which provides the necessary connectivity, or the applicant has proven that there is no feasible location on the property for an alternative street providing the link.**

Finding: The applicant is proposing a lot consolidation to reduce the number of lots on the site to allow for future development consistent with the underlying zoning requirements. The proposed partition will include right-of-way dedication along the frontages of 5th Avenue, 4th Street, and 7th Street. The applicant is not proposing dedications on 4th Avenue, as the applicant is proposing a vacation of this right-of-way which does not provide a through connection as it is located in a delineated natural resource area. The vacation will occur under a separate process.

Street improvements are not proportional to the proposed partition and will be completed when future development of the site occurs.

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

Finding: The applicant acknowledges that the decision-making authority may impose conditions of approval in accordance with this subsection.

- E. If the applicant initiates vacation proceedings pursuant to subsection (A)(2)(a) of this section, and the right-of-way cannot be vacated because of opposition from adjacent**

property owners, the City Council shall consider and decide whether to process a City-initiated street vacation pursuant to Chapter 271 ORS.

Finding: The applicant is not proposing a right-of-way vacation as part of this partition application. The vacation of 4th Street will occur under a separate process. The right-of-way of 4th Street is wholly surrounded by the subject site and is not utilized to access any adjacent properties. Any future right-of-way vacation would be in accordance with this section.

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

Finding: Construction is not proposed as part of the proposed partition. The requirements of this section are not applicable.

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

Finding: The proposed partition will not include the extension of streets. The requirements of this section are not applicable.

C. Streets within the rights-of-way abutting a subdivision shall:

- 1. Be graded for the full right-of-way width and approved in accordance with the West Linn Public Works Design Standards;**
- 2. Install pedestrian and bicycle infrastructure and two full travel lanes adjacent to the subdivision in accordance with CDC 85.200(A)(3);**
- 3. Install required stormwater and utility facilities adjacent to the subdivision in accordance with the West Linn Public Works Design Standards; and**
- 4. Comply with adopted West Linn Public Works Design Standards.**

Finding: The proposed partition will include right-of-way dedication along the frontages of 5th Avenue, 4th Street, and 7th Street. The applicant is not proposing dedications on 4th Avenue, as the applicant is proposing a vacation of this right-of-way which does not provide a through connection as it is located in a delineated natural resource area. The vacation will occur under a separate process. Street improvements are not proportional to the proposed partition and will be completed when future development of the site occurs. The requirements of this section are not applicable.

D. Monuments. Upon completion of the first pavement lift of all street improvements, monuments shall be installed and/or reestablished at every street intersection and all points of curvature and points of tangency of street centerlines with an iron survey control rod. Elevation benchmarks shall be established at each street intersection monument with

a cap (in a monument box) with elevations to a U.S. Geological Survey datum that exceeds a distance of 800 feet from an existing benchmark.

Finding: Street improvements are not proportional to the proposed partition and will be completed when future development of the site occurs. The requirements of this section are not applicable.

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

- 1. The location and extent to which grading will take place indicating general contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed.**
- 2. All proposed storm detention and treatment facilities comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards.**
- 3. There will be no adverse off-site impacts, including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream.**
- 4. There is sufficient factual data to support the conclusions of the plan.**
- 5. Per CDC 99.035, the Planning Director may require the information in subsections (E)(1), (2), (3) and (4) of this section for Type IV lands if the information is needed to properly evaluate the proposed site plan.**

Finding: The proposed partition will not include the construction of any improvements that would require stormwater detention and treatment. The requirements of this section are not applicable.

F. Sanitary sewers. Sanitary sewers shall be installed in accordance with the West Linn Public Works Design Standards to serve the subdivision and to connect the subdivision to existing mains.

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

Finding: The proposed partition will not include the construction of any improvements. The existing sanitary sewer lines are shown on the Existing Conditions Plan (Sheet C100). The requirements of this section are not applicable.

G. Water system. Water lines with valves and fire hydrants providing service to each building site in the subdivision and connecting the subdivision to City mains shall be installed. Prior to starting building construction, the design shall take into account provisions for extension beyond the subdivision and to adequately grid the City system. Hydrant spacing is to be based on accessible area served according to City standards. If required water mains will directly serve property outside the subdivision, the City may reimburse the developer an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of 10 years from the time of installation of the mains. If oversizing of water mains is required to areas outside the subdivision as a general improvement, but to which no new connections can be identified, the City may reimburse the developer that proportionate share of the cost for oversizing. The actual amount and reimbursement method shall be as determined by the City Administrator considering current or actual construction costs.

Finding: The proposed partition will not include the construction of any improvements. The existing water lines are shown on the Existing Conditions Plan (Sheet C100). The requirements of this section are not applicable.

H. Sidewalks.

- 1. Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of primary or secondary arterials, or special type industrial districts, or special site conditions, the Planning Commission may approve a subdivision without sidewalks if requested by the applicant as part of a discretionary review, and only if alternate pedestrian routes are available.**
In the case of the through lots, provision of sidewalks along the frontage not used for access shall be the responsibility of the developer. On all other frontages, providing front and side yard sidewalks shall be the responsibility of the land owner at the time a request for a building permit is received. Additionally, deed restrictions and CC&Rs shall reflect that sidewalks are to be installed prior to occupancy and it is the responsibility of the lot or homeowner to provide the sidewalk, except as required above for through lots.
- 2. At the applicant's option, on local streets serving only single-family dwellings, sidewalks may be constructed during home construction, but a letter of credit shall be required from the developer to ensure construction of all missing sidewalk segments within four years of final plat approval pursuant to CDC 91.010(A)(2).**
- 3. The sidewalks shall be located and designed consistent with the street cross sections in Exhibits 6 through 9 of the Transportation System Plan. If requested by the applicant through a discretionary review, reductions in sidewalk widths to preserve trees or other topographic features, inadequate right-of-way, or constraints may be permitted if approved by the City Engineer in consultation with the Planning Director.**
- 4. Sidewalks shall be buffered from the roadway on high volume arterials or collectors by landscape strip or berm of three and one-half-foot minimum width.**

5. **If requested by the applicant through a discretionary review, the City Engineer may allow the installation of sidewalks on one side of any street only if the City Engineer finds that the presence of any of the factors listed below justifies such waiver:**
 - a. **The street has, or is projected to have, very low volume traffic density;**
 - b. **The street is a dead-end street;**
 - c. **The housing along the street is very low density; or**
 - d. **The street contains exceptional topographic conditions such as steep slopes, unstable soils, or other similar conditions making the location of a sidewalk undesirable.**

Finding: The proposed partition will consolidate the site into three lots. The development will include right-of-way dedication along the frontages of 5th Avenue, 4th Street, and 7th Street. Street improvement, including sidewalks are not proportional to the proposed partition and will be completed when future development of the site occurs. The requirements of this section are not applicable.

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

Finding: New bicycle routes are not proposed as part of this partition. The requirements of this section are not applicable.

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

Finding: New streets are not proposed. The requirements of this section are not applicable.

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

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

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

Finding: Public facilities are not proposed as part of this partition. The requirements of this section are not applicable.

- M. **Street lights. Street lights shall be installed and shall be served from an underground source of supply. The street lighting shall meet IES lighting standards. The street lights shall be the shoe-box style light (flat lens) with a 30-foot bronze pole in residential (non-intersection) areas. The street light shall be the cobra head style (drop lens) with an approximate 50-foot (sized for intersection width) bronze pole. The developer shall submit to the City Engineer for approval of any alternate residential, commercial, and industrial**

lighting, and alternate lighting fixture design. The developer and/or homeowners association is required to pay for all expenses related to street light energy and maintenance costs until annexed into the City.

Finding: Streetlights are not proposed as part of this partition. The requirements of this section are not applicable.

N. Utilities. The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting, and cable television, shall be placed underground. 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. For non-residential development where adjacent future development is planned or proposed, conduits may be required at the direction of the City Engineer.

Finding: The proposed partition will not include the construction of any improvements. The existing utility lines are shown on the Existing Conditions Plan (Sheet C100). The requirements of this section are not applicable.

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

Finding: The proposed partition will not include any new driveways or curb cuts. The requirements of this section are not applicable.

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

Finding: The proposed partition will include right-of-way dedications but will not include the construction of any improvements. The requirements of this section are not applicable.

Q. Joint mailbox facilities shall be provided in all residential subdivisions, with each joint mailbox serving at least two, but no more than eight, dwelling units. Joint mailbox structures shall be placed in the street right-of-way adjacent to roadway curbs. Proposed locations of joint mailboxes shall be designated on a copy of the tentative plan of the subdivision, and shall be approved as part of the tentative plan approval. In addition, sketch plans for the joint mailbox structures to be used shall be submitted and approved by the City Engineer prior to final plat approval, to ensure they do not conflict with any other City standards.

Finding: Joint mailbox facilities are not proposed. The requirements of this section are not applicable.

92.020 IMPROVEMENTS IN PARTITIONS

The same improvements shall be installed to serve each parcel of a partition as are required of a subdivision, as specified in CDC 92.010. However, if the approval authority finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, at the written request of the applicant those improvements may be waived. If the street improvement requirements are waived, the applicant shall pay an in-lieu fee for off-site street improvements, pursuant to the provisions of CDC 85.200(A)(1).

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

Finding: The applicant is proposing a lot consolidation to reduce the number of lots on the site to allow for future development consistent with the underlying zoning requirements. The proposed partition will include right-of-way dedication along the frontages of 5th Avenue, 4th Street, and 7th Street. The applicant is not proposing dedications on 4th Avenue, as the applicant is proposing a vacation of this right-of-way which does not provide a through connection as it is located in a delineated natural resource area. The vacation will occur under a separate process.

Street improvements are not proportional to the proposed partition and will be completed when future development of the site occurs.

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 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 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 70th 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: <p style="text-align: center;">Type IA</p>	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: http://www.tvfr.com/DocumentCenter/View/1296 .	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"> 1. Minimum unobstructed width shall be not less than 20 feet (or the required roadway surface width). 2. Gates shall be set back at minimum of 30 feet from the intersecting roadway or as approved. 3. Electric gates shall be equipped with a means for operation by fire department personnel. 4. Electric automatic gates shall comply with ASTM F 2200 and UL 325. 	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&R and Washington County Consolidated Communications Agency shall be provided.</p> <p>http://www.tvfr.com/DocumentCenter/View/1296.</p> <ul style="list-style-type: none"> • 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&R prior to issuance of building permit. • 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. <p>MERRC Q&A MERRC Q&A MERRC Permit Application MERRC Permit Application</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 www.knoxbox.com or contact TVF&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

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>
ALTA 2006 Ext. Loan Policy	\$2,000,000.00	\$3,600.00
Short Term Rate		\$3,600.00

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.	:	Book 485, Page 52
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.	:	69-25835
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.	:	70-28678
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 st through June 30 th
Taxes become a lien on real property, but are not yet payable.	July 1 st
Taxes become certified and payable (approximately on this date)	October 15 th
First one third payment of taxes are due	November 15 th
Second one third payment of taxes are due	February 15 th
Final payment of taxes are due	May 15 th

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

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

Interest: Interest accrues as of the 15th 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®, 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
- 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"> • Social Security number and other government identification information • Your name, address, phone, and email • Information about the property, any liens and restrictions • Financial Information including credit history and other debt • Financial account information, including wire transfer instructions. 	
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"> • Call 833-451-5718—our menu will prompt you through your choice(s) • Visit us online: http://bit.ly/WFGsConsumerPrivacyInformationRequestPage or e-mailing us at consumerprivacy@willistonfinancial.com • Mail the form below <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. However, you can contact us at any time to limit our sharing.</p>	
Questions?	Call 833-451-5718 or Email consumerprivacy@willistonfinancial.com	

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 th Pkwy, #350 Portland, OR 97223

Who we are	
Who is providing this notice	Williston Financial Group, LLC and its affiliates and subsidiaries as listed below:
What we do	
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"> • Apply for insurance • Engage us to provide appraisal, title and escrow services • Give us your contact information • Provide your mortgage information • Show your driver's license <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"> • sharing for affiliates' everyday business purposes— information about your creditworthiness • affiliates from using your information to market to you • sharing for nonaffiliates to market to you <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.
Definitions	
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>
Other important information	
<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>Privacy Notice for California Residents - https://national.wfgnationaltitle.com/privacy-notice-california</p> <p>Privacy Notice for Oregon Residents - https://national.wfgnationaltitle.com/privacy-notice-oregon</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 89° 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 89° 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. 70 289.

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. 70-289.

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. 70 289,

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 70th 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 7th 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 4th 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:

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 N. 3E,
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 SP5 DATUM/VERTICAL DATUM: NAVD83

PROCEDURE/EQUIPMENT:
FIELDWORK PERFORMED SEPTEMBER 2023. GPS SURVEYING (TRIMBLE R10) WITH REAL TIME KINEMATIC (RTK) CORRECTION DATA COLLECTED USING A TRIMBLE R10 TOTAL STATION. WHERE NECESSARY, THE SURVEYOR HAS REFERENCED TO THE CENTER POINT OF THE PROPOSED SURVEY IS IN CONFORMANCE WITH THE PROPOSED STATE OF OREGON. (2022)

LEGEND:

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



APPROVED PLANS

APPROVAL OF PLANS IS NOT AN APPROVAL
OF OMISSIONS OR OVERSIGHTS

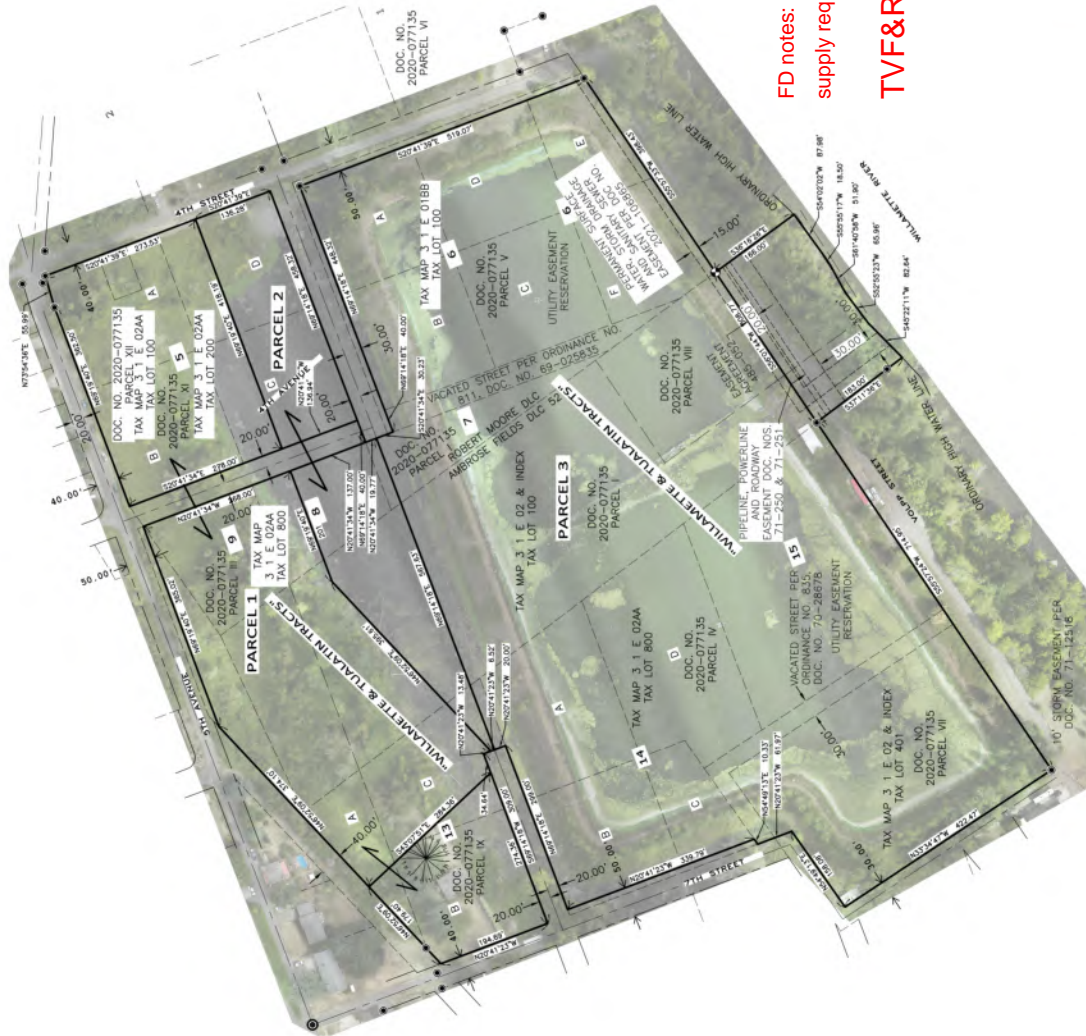
Jason Ann Gardner
Deputy Fire Marshal II

ZONINGS:
ZONING INFORMATION FOR THE CITY OF WEST LINN, OREGON, AND ZONING MAP. THE SUBJECT PROPERTY IS ZONED R10 (SINGLE-FAMILY RESIDENTIAL). THE PORTION OF THE SUBJECT PROPERTY SOUTH OF 4TH AVENUE IS ZONED R10 (SINGLE-FAMILY RESIDENTIAL). THE PORTION SOUTH OF 4TH AVENUE IS ZONED R10 (SINGLE-FAMILY RESIDENTIAL).

AREAS:
PROPOSED PARCEL 1: 387,252 SF = 8.831 ACRES R
PROPOSED PARCEL 2: 118,752 SF = 2.729 ACRES R
PROPOSED PARCEL 3: 1,000,797 SF = 23.162 ACRES R
TOTAL PROPOSED PARCEL AREA: 1,486,801 SF = 34.328 ACRES R

FD notes: Fire department access and water supply requirements still require approval.

TVF&R Permit# 2024-0010



S&F Land Services
Land Surveying & Mapping Services
4415 SW 20TH STREET NW
WEST LINN, OREGON 97136
PHONE: (503) 344-4328
FAX: (503) 344-4328
EMAIL: INFO@SFLS.COM
WWW.SFLS.COM

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



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



PRELIMINARY PARTITION PLAT

SHULTZ DEVELOPMENT GROUP
 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.M.
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
 OCTOBER 3, 2023

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO SHOW THE INTENT OF THE PRELIMINARY PARTITION PLAT TO PARTITION A PORTION OF THAT PROPERTY DESCRIBED IN CLACKAMAS COUNTY DOCUMENT NO. 2020-077135 INTO THREE PARCELS, AS SHOWN HEREON.

HORIZONTAL DATUM:

OREGON NORTH STATE PLANE COORDINATE SYSTEM NAD 83 (2011)
 BASED ON GPS OBSERVATIONS.

UNITS IN INTERNATIONAL FEET

PROCEDURE/EQUIPMENT:

FIELDWORK PERFORMED SEPTEMBER, 2023. REAL-TIME KINEMATIC (RTK) OBSERVATIONS (COLLECTED USING TRIMBLE R10 GNSS RECEIVERS) AND TRAVERSE DATA (COLLECTED USING A TRIMBLE S6 TOTAL STATION) WERE ADJUSTED USING THE LEAST SQUARES METHOD IN TRIMBLE BUSINESS CENTER (TBC); THE RESULTING RELATIVE ACCURACY IS IN CONFORMANCE WITH THE PRINCIPLES STATED IN O.R.S. 92.050.

LEGEND:

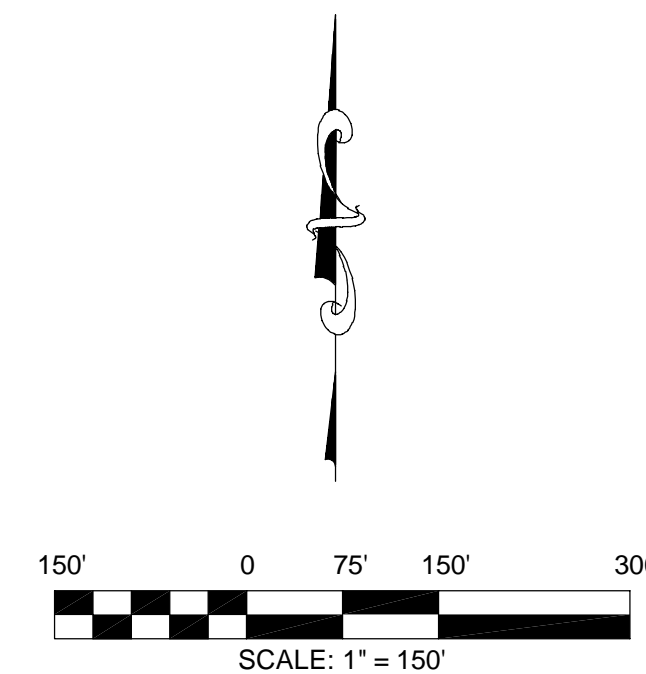
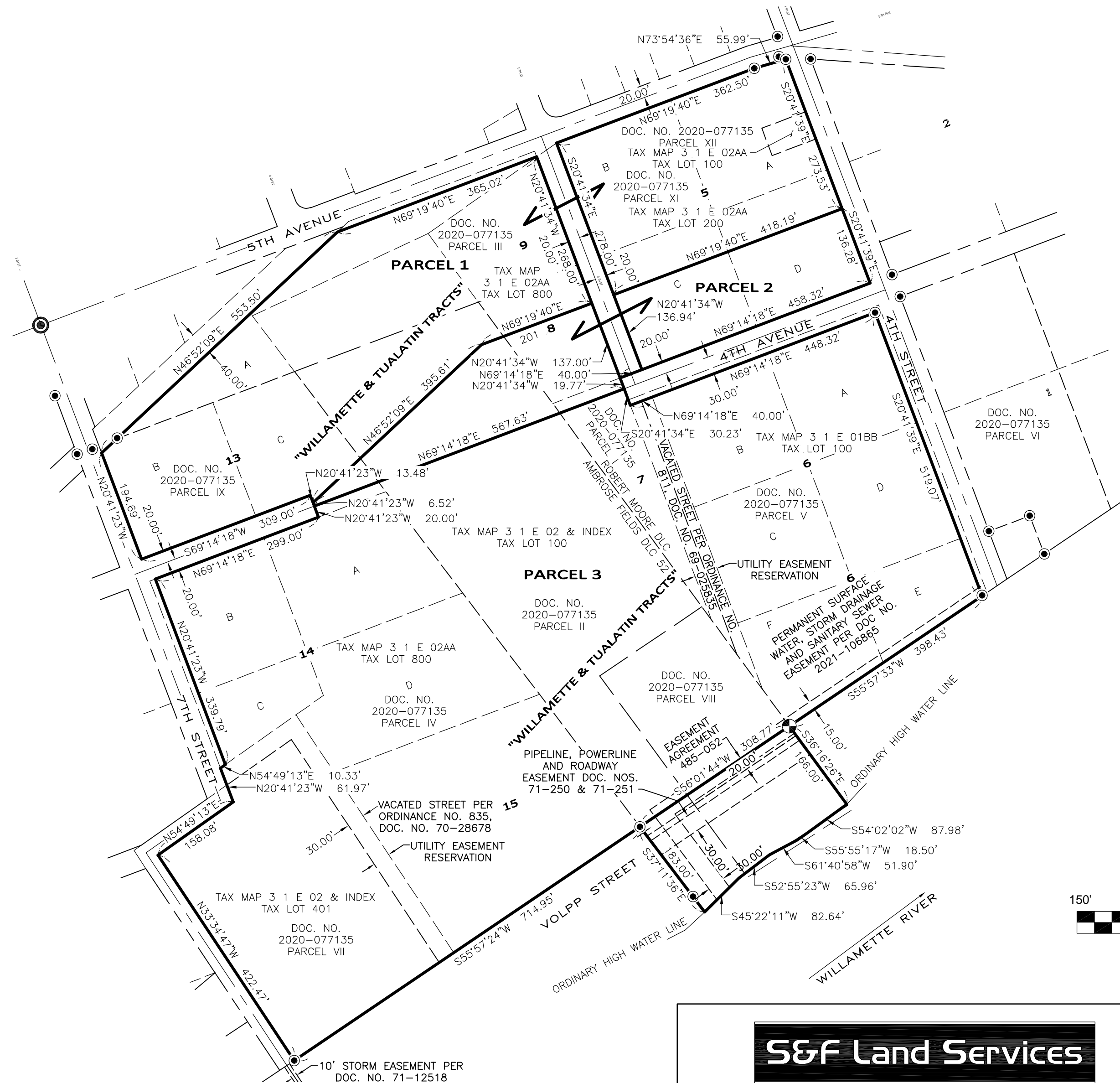
- CENTERLINE
- RIGHT OF WAY
- BOUNDARY LINE
- EASEMENT
- LOT/PARCEL LINE
- FOUND MONUMENT OF RECORD - BRASS CAP
- FOUND MONUMENT OF RECORD - IRON PIPE
- FOUND MONUMENT OR RECORD - 5/8" IRON ROD

AREAS:

PROPOSED PARCEL 1: 367,252 SF = 8.431 ACRES ±
 PROPOSED PARCEL 2: 118,752 SF = 2.726 ACRES ±
 PROPOSED PARCEL 3: 1,009,797 SF = 23.182 ACRES ±
 TOTAL PROPOSED PARCEL AREA: 1,495,801 SF = 34.339 ACRES ±

PLAT NOTES:

- 1) PARCEL 2 IS SUBJECT TO THAT CERTAIN PERPETUAL RESTRICTIVE COVENANT AGREEMENT DATED _____, RECORDED _____.



S&F LAND SERVICES MAKES NO WARRANTIES AS TO MATTERS OF UNWRITTEN TITLE SUCH AS ACQUIESCENCE, ESTOPPEL, ADVERSE POSSESSION, ETC.

S&F Land Services

PORTLAND, VANCOUVER, BEND, SEASIDE, PHOENIX
 4905 SW SCHOLLS FERRY RD.,
 PORTLAND, OR 97225
 (503) 345-0328

WWW.SFLANDS.COM	DATE	JOB NO.	FIELD	DRAWN	CHECKED
	MAY 09, 2024	2328402	AFJ	BD/SP/TLB	BD/CCS

SURVEY FOR:

SDG-2, LLC

CITY OF WEST LINN
 CLACKAMAS COUNTY, OREGON

2328402_PRELIM P PLAT & SITE PLAN.dwg

Wetland Delineation for Rivianna Beach Development in West Linn, Clackamas County, Oregon

Township	Range	Section	Tax Lots (Portions)
3 South	1 East	2	100, 401, 3 rd Avenue Right-of-Way (ROW), Volpp Street ROW
		2AA	200, 100, 800, 4 th Street ROW, 5 th Avenue ROW, 4 th Avenue ROW, 5 th Avenue ROW, 7 th Street ROW
		1BB	100, 4 th Street ROW, 5 th Avenue ROW
2 South	1 East	36CC	900, 1201, 4 th Street ROW

Prepared for
Forward Vision Development
c/o Aaron Murphy, PE, Senior Project Manager
3J Consulting
9600 SW Nimbus Ave #100
Beaverton, OR 97008

Prepared by
Alex Sherman and Carlee Michelson, PWS
John van Staveren, SPWS
Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, Oregon 97070
PHS Project Number: 7298
April 10, 2024



TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION.....	1
II. RESULTS AND DISCUSSION	1
A. Landscape Setting and Land Use	1
B. Site Alterations.....	2
C. Precipitation Data and Analysis.....	2
D. Methods.....	3
E. Description of all Wetlands and Other Non-Wetland Waters	3
F. Deviation from Local Wetland Inventory or National Wetland Inventory.....	4
G. Mapping Method.....	5
H. Additional Information	5
I. Results and Conclusions	5
J. Required Disclaimer.....	6
III. REFERENCES.....	6
 APPENDIX A: Figures	
Figure 1: Vicinity Map (USGS)	
Figure 2: Tax Lot Map	
Figure 3: Wetlands Inventory Map (Local)	
Figure 4: Soil Survey Map	
Figure 5: Recent Aerial Photograph	
Figure 6: Wetland Delineation Map	
 APPENDIX B: Wetland Delineation Data Sheets	
APPENDIX C: Study Area Photos (ground level)	

I. INTRODUCTION

Pacific Habitat Services, Inc. (PHS) conducted a wetland delineation on the following tax lots:

Township	Range	Section	Tax Lots (Portions)
3 South	1 East	2	100, 401, 3 rd Avenue Right-of-Way (ROW), Volpp Street ROW
		2AA	100, 200, 800, 4 th Street ROW, 5 th Avenue ROW, 4 th Avenue ROW, 5 th Avenue ROW, 7 th Street ROW
		1BB	100, 4 th Street ROW, 4 th Avenue ROW
2 South	1 East	36CC	900, 1201, 4 th Street ROW

The study area is located adjacent to the north bank of the Willamette River in West Linn, Clackamas County, Oregon. Figures, including a map depicting the location of the wetlands and other waters are in Appendix A. Data sheets documenting onsite conditions are provided in Appendix B. Photos of the onsite existing conditions are included in Appendix C.

II. RESULTS AND DISCUSSION

A. Landscape Setting and Land Use

The study area is surrounded by medium to dense residential development and public streets. Directly east of the site is undeveloped forested area with a Blue Heron Mill Settling Pond #1. The site is bordered to the north by 5th Avenue, to the west by 7th Street, to the south by Volpp Street and partially by the Willamette River, and to the east by open space. Fourth (4th) Street crosses through the central east side of the study area. The small portion of Willamette River within the study area resides within River Mile 28.00. There are undeveloped ROWs for 4th Avenue and 5th Street within the study area.

The study area includes a clay-lined excavated settling pond called the Blue Heron Mill Settling Pond #2, which occupies most of the study area's southern portion. North of the settling pond, and approximately 8-10 feet lower in elevation, resides a wetland complex impounded by beaver activity. Active beaver were seen during the delineation field work within the wetland complex, and several nutria were present within the upslope settling pond. Due to beaver dam impoundment causing fluctuations in water levels, there are several different hydroperiods present on site. East of the beaver dam, flow exhibits an Ordinary High Water (OHW), which continues through a culvert below 4th Street and continues east beyond the study area.

To the north, steep slopes contain wetlands where groundwater emerges toward the toe of slope. This is evident through several seeps south of 5th Avenue.

The study area east of 4th Street has an herbaceous layer consisting of reed canarygrass (*Phalaris arundinacea*, FACW) which inhabits most of the streambanks and wetlands on either side with occasional patches of soft rush (*Juncus effusus*, FAC). The understory and canopy on the north side of the stream is inhabited mostly by native willow (*Salix sp.*, FACW) intermixed with Oregon ash (*Fraxinus latifolia*, FACW), and to the south is dense Himalayan blackberry (*Rubus armeniacus*, FAC) with Oregon ash. The northeast corner of the site contains an open field of tall

fescue (*Schedonorus arundinaceus*, FAC) with dozens of emergent black cottonwood (*Populus balsamifera*, FAC) saplings with a dense patch of slough sedge (*Carex obnupta*, FACW) swamp rose (*Rosa pisocarpa*, FAC), English hawthorn (*Crataegus monogyna*, FAC), and Oregon ash.

The berm surrounding the Blue Heron Mill Settling Pond #2 is covered with a mix of grasses, moss, Himalayan blackberry, and ponderosa pine (*Pinus ponderosa*, FACU). North of the beaver pond within the impounded wetland complex is a multistory canopy of red alder (*Alnus rubra*, FAC) with an understory of English ivy (*Hedera helix*, FACU), sword fern (*Polystichum munitum*, FACU), Himalayan blackberry, beaked hazelnut (*Corylus cornuta*, FACU), English holly (*Ilex aquifolium*, FACU), and trailing blackberry (*Rubus ursinus*, FACU).

The study area is situated in the Tanner Creek-Willamette River watershed (6th level 12-digit HUC: 170900070405). Most of the study area is within the 100-year floodplain of the Willamette River except for upslope areas south of 5th Avenue.

Natural Resources Conservation Service (NRCS) mapped soils in the study area includes Woodburn silt loam, 8 to 15 percent slopes, Wapato silty clay loam, and Newberg fine sandy loam. The Wapato soils is considered hydric.

B. Site Alterations

From 1952 to 1970, onsite conditions were a mix of agricultural fields and forested slopes on the north end of the site. Fifth Avenue (5th) Avenue and 4th Street have been present since at least 1952, but not necessarily as asphalt roads. Between 1956 and 1960, 7th street was constructed, along with an existing residence on the west side of the site. An old remnant outbuilding structure exists west of 4th Street, near the intersection with 5th Avenue. Volpp Street became a more established road between 1960 and 1970. Between 1970 and 1981, the southern portion of the site had been developed into a lined settling pond for water treatment associated with the Blue Heron Mill. A drainageway can be seen at the location north of the existing pond since 1952, where Wetland A and Stream 1 are currently mapped (www.historicaerials.com). Imagery from 2005 shows the pond being dry and revealing the pond's bed liner. This could indicate that the pond experienced lesser flooding in the past and that the extent of ponding has grown over time.

Several snags are present along the periphery of Wetland A, indicating more intense flooding and a fluctuating water table, likely caused through impoundment. Construction of the northern berm and the steep topography of north of the settling pond has created conditions for upslope runoff from 5th Avenue to become impounded. Ponding is further intensified by onsite beaver activity. Current onsite conditions include a beaver dam west and near 4th Street. Peak flooding engulfs the settling pond's west, north and east sides at the bottom of the outer side of the berms.

No recent alterations or disturbances were observed onsite at the time of the site visit in January 2024, but as stated above, the presence of beaver was observed including a dam west of 4th Street. Water seasonally flows over 4th Street during the wet season, which was observed during the delineation.

C. Precipitation Data and Analysis

PHS conducted the wetland delineation fieldwork on January 26 and 29 of 2024. For climate analysis, PHS used the Direct Antecedent Rainfall Analysis Method (DAREM). DAREM categorizes observed precipitation for the three months preceding the site visit into three categories: drier than normal, normal, or wetter than normal, and weights the monthly categories relative to the date of the field work. The weighted average is then applied for the wetland hydrology assessment. Precipitation data for the prior three (3) months as well as the WETS table was obtained from OREGON CITY, OR station, approximately one kilometer south of the study area. As shown in Table 1, the weighted average precipitation for the three months preceding the late January 2024 fieldwork was normal.

Table 1: Comparison of recorded monthly precipitation at the OREGON CITY, OR Weather Station to the WETS Tables, prior to the January 2024 wetland delineation field work.

Prior Month Name	WETS ¹ Rainfall Percentile (inches)		Measured Rainfall ² (inches)	Condition*: Dry, Wet, Normal	Condition Value (1=dry, 2=normal, or 3=wet)	Month Weight ³	Multiply Previous two columns ⁴
	30 th	70 th					
October	2.47	4.83	3.40	Normal	2	1	2
November	4.22	6.95	4.07	Dry	1	2	2
December	4.95	8.11	8.26	Wet	3	3	9
Sum							13

¹ WETS Table for the OREGON CITY, OR Weather Station; Source: (<https://agacis.rcc-acis.org/?fips=41005>)

² Observed precipitation is the precipitation recorded at the OREGON CITY, OR, OR Weather Station. Source: (<https://agacis.rcc-acis.org/?fips=41005>)

³ Month Weight: most recent month = 3, 2nd most recent month = 2, third most recent month = 1

⁴ Sum Total: sum of eighth column: drier (sum 6-9), normal (sum 10-14), wetter (sum 15-18)

Recorded precipitation for the 14 days preceding the January 29 fieldwork was 5.34 inches, which is 188 percent of normal (2.84 inches). Precipitation on the day of January 26, 2024, was recorded at 0.48 inches. No precipitation was recorded on the day of the January 29, 2024, fieldwork. Precipitation accumulation for the water year to date was 19.79 inches (92% of normal).

D. Methods

Wetland Methodology

PHS identified jurisdictional wetlands in the study area based on the presence of wetland hydrology, hydric soils, and hydrophytic vegetation, in accordance with the Routine On-site Determination, as described in the *Corps of Engineers Wetland Delineation Manual, Wetlands Research Program Technical Report Y 87 1* (“The 1987 Manual”) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region*. The conclusions drawn by PHS were based on the methods outlined in the regional supplement, which requires a predominance of hydrophytic plant species, one indicator of hydric soil, and either one primary or two secondary indicators of hydrology to designate a sample point as a wetland. The delineation field work took place on January 26 and 29, 2024.

Wetland boundaries in the study area were closely associated with a break in topography and an obvious contrast in vegetation. Wetland A’s southern boundary is closely correlated with the flood limit of the beaver pond against the settling pond’s berm. The northern boundary is not defined by the surface water elevation of Wetland A, but rather seeps that emerge at the base of slope south of 5th Avenue. Soil indicators used to identify the boundary included redox dark surface and depleted below dark surface accompanied by hydrology indicators of a high water table, and/or other primary hydrology indicators like saturation, surface water, and inundation visible in aerial imagery.

Wetland B had a gradual slope, which limited the use of topography as an aid for delineating the wetland. Numerous excavations were required to determine the presence of hydric soils and hydrology since the area had a wide swath of Oregon ash saplings emerging in the field. Vegetation transitions from a scrub-shrub community to an herbaceous upland community with patchy Himalayan blackberry.

Other Waters Methodology

OHW of the Willamette River was determined using elevation contours derived from the Public Lands Maps (DSL, 1975). The OHW elevation of the Willamette River was determined to be 62.6 feet NAVD88. OHW elevation corresponding to the site’s river mile (28) was converted to NAVD88 datum from NGVD29, which roughly corresponded to sample point location 11 at 62.6 feet, which was taken above the field-indicators of OHW.

E. Description of all Wetlands and Other Waters

PHS identified the jurisdictional limits of two wetlands and two other waters within the study area. Descriptions of the delineated resources are provided below.

Wetland A

Wetland A (9.03 acres) has multiple Cowardin classes due to different hydroperiods and dominant vegetation. Wetland A is compartmentalized into the following Cowardin and HGM classes:

Cowardin (Class and Subclass)	Water Regime Modifiers	Special Modifiers	Hydrogeomorphic (HGM) Class
Palustrine, unconsolidated bottom, mud, (PUB3)	intermittently exposed (G)	Beaver (b)	Riverine
Palustrine, aquatic bed rooted vascular (PAB3F)	semipermanently flooded (F)	Beaver (b)	Riverine
Palustrine, forested broad-leaved deciduous (PFO1)	seasonally flooded (C)	N/A	Slope

Areas of the wetland adjacent to the bottom of the slope that runs along 5th Avenue are dominated by dense Himalayan blackberry. The blackberry thicket is mostly the vegetation on the upland side of the wetland boundary. The vegetation community between the blackberry and flooded areas corresponds to the PFO Cowardin class with an overstory of red alder and Oregon ash; a shrub understory of English holly, English hawthorn, beaked hazelnut, sword fern, and Douglas spirea (*Spiraea douglasii*, FACW); and a ground cover of English ivy, trailing blackberry, a species of

Geranium, and cleavers (*Galium aparine*, FACU). The vegetation community in the PAB Cowardin class is predominantly reed canarygrass. Wetland A continues west beyond the study area.

Wetland B

Wetland B (0.88 acres) is located east of Wetland A and is hydrologically connected to Stream 1 (discussed below). The wetland is composed of two Cowardin classes as listed below both with HGM classifications of Riverine and Slope.

Cowardin (Class and Subclass)	Water Regime Modifiers	Special Modifiers	Hydrogeomorphic (HGM) Class
Palustrine, scrub shrub persistent (PSS1)	seasonally flooded (C)	N/A	Riverine
palustrine emergent persistent (PEM1)	seasonally flooded/saturated (E)	N/A	Riverine/Slope

The emergent vegetation community consists mainly of slough sedge, tall fescue, and reed canarygrass. The scrub-shrub vegetation community is composed of native willow species with an understory closer to the stream of soft rush and reed canarygrass. Upslope of the stream, vegetation consists of Himalayan blackberry, English ivy, and bracken fern (*Pteridium aquilinum*, FACU). Wetland B continues east beyond the study area.

Stream 1

The onsite stream (363 linear feet; 57-foot width) is hydrologically connected to Wetlands A and B. Stream flow starts on the west side of 4th Street, and flows through Wetland A. The stream is culverted below 4th Street, and flows through Wetland B, it continues eastward off-site, eventually flowing into the Willamette River. The Cowardin classification for Stream 1 is riverine, aquatic bed rooted vascular (R2AB3) with a HGM of Riverine.

Willamette River

The Willamette River overlaps slightly with the study area at the southeast end; 307 linear feet of the river is present within the study area. The width of the river is approximately 1,012 feet. The river has a Cowardin classification of riverine lower perennial unconsolidated bottom (R2UB3) with an HGM classification of Riverine.

Blue Heron Lagoon/ Blue Heron Mill Settling Pond #2

The Blue Heron Lagoon (15.11 acres) was constructed sometime in the 1970's as part of the Blue Heron Mills wastewater treatment system and was constructed in hydric soil (Wapato). The mill is no longer in operation. The pond was constructed using an engineered berm atop an alluvial terrace of the Willamette River and has a clay liner. The lagoon was supplied with water from the Blue Heron mill via a 3-mile pipeline that ran along the bottom of the Willamette River from the mill to the lagoon. Water was subsequently drained from the lagoon to the Willamette River via NPDES permit. The constructed berm caused impoundment of surface water and created a wetland upslope (west) of the lagoon. The lagoon's Cowardin Class is PUB3 and the HGM class is Depressional.

F. Deviation from Local and/or National Wetland Inventories

The Local Wetland Inventory (LWI) for the City of West Linn (approved in 2005), identified wetland in general agreement with the boundaries delineated by PHS in January 2024.

G. Mapping Method

PHS flagged the limits of wetlands and other waters within the study area with blue pin flags; neon pink tape was used for sample point locations. The wetland boundaries, the OHW of Stream 1, and sample points were pinpointed using a sub-meter accuracy Trimble GPS unit. The OHW of the Willamette River was based on the Public Lands map under Jurisdiction of the Oregon State Land Board (1975). Other features on the map are professionally surveyed with sub-centimeter accuracy by 3J Consulting.

H. Additional Information

As stated above, the Blue Heron Lagoon/ Blue Heron Mill Settling Pond #2 was constructed within hydric soil; however, per an email on March 5, 2024, from Chris Stevenson, Department of State Lands, the pond will not be jurisdictional at the state level as it is assumed it was legally constructed and has a liner.

I. Results and Conclusions

PHS delineated two wetlands and two other waters within the study area, as summarized in Tables 2A and 2B.

Table 2A: Summary of Wetlands within the Study Area

Wetland Name	Area (acres)	Cowardin Class	HGM Class
Wetland A	9.03	PUB3, PAB3, PFO1	Slope, Riverine
Wetland B	0.88	PSS1, PEM1	Slope, Riverine
Wetland Total	9.91		

Table 2B: Summary of Other Waters within the Study Area

Water Name	Linear Feet	Width	Cowardin Class	HGM Class
Stream 1	363	57feet	R2AB	Riverine
Willamette River	307	1,010 feet	R2UB	Riverine
Waters Total	670			

J. Required Disclaimer

This report documents the investigation, best professional judgment, and conclusions of the investigators. It is correct and complete to the best of our knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State Lands in accordance with OAR 141-090-0005 through 141-090-0055.

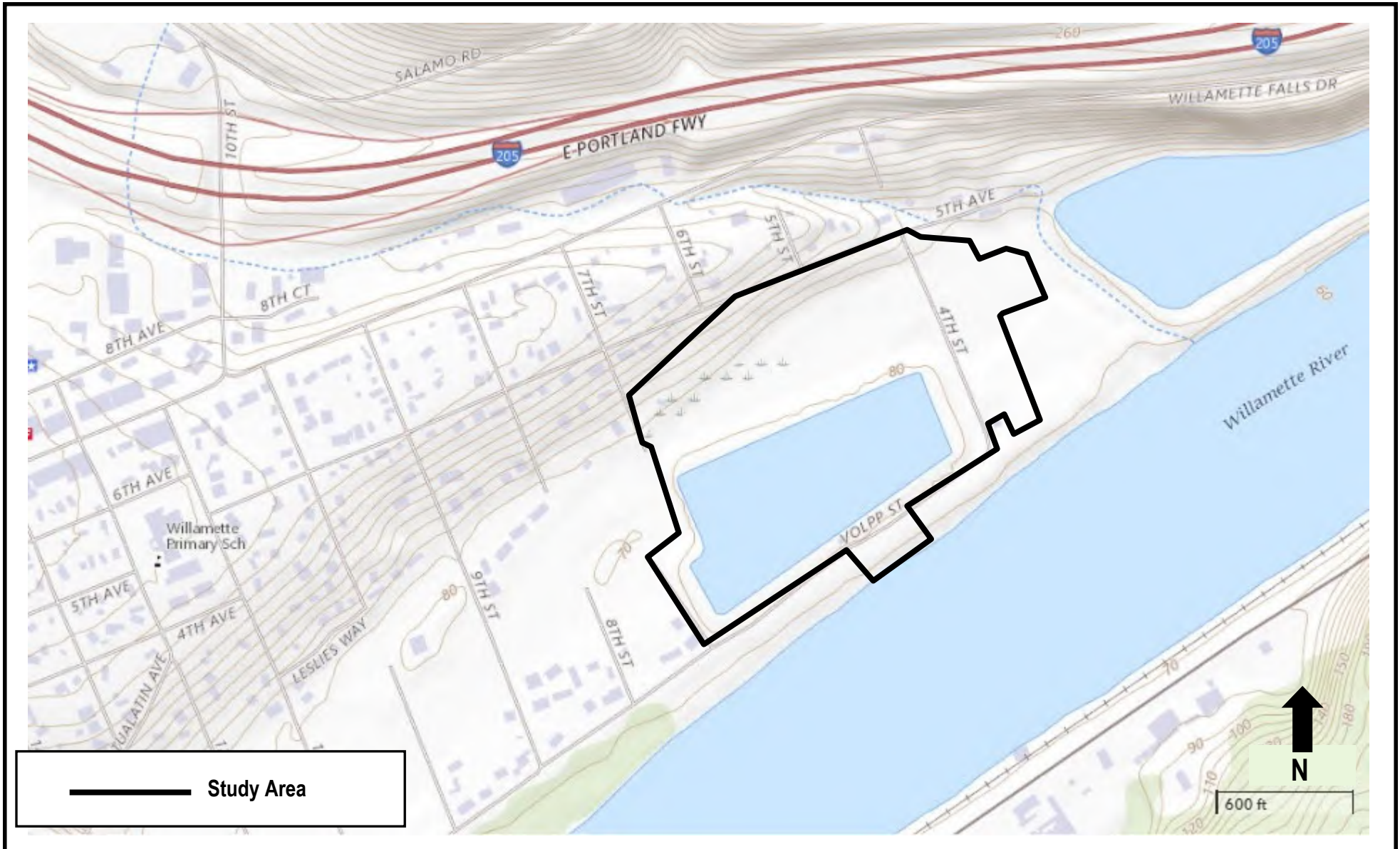
III. REFERENCES

- Adamus, P.R. and D. Field. 2001 *Guidebook for Hydrogeomorphic (HGM)-based Assessment of Oregon Wetland and Riparian Study areas. Willamette Valley Ecoregion, Riverine Impounding and Slopes/Flats Subclasses*. Oregon Division of State Lands, Salem, OR.
- GoogleEarth Map, 2024. Aerial photograph, Photo date: February 2024
- Munsell Color, 2010. *Munsell Soil Color Charts*. Grand Rapids, Michigan. 2009 Year Revised, 2010 Production.
- Natural Resources Conservation Service (NRCS), 2023. WETS Table and monthly rainfall data for the OREGON CITY, OR Weather Station; Source: (<http://agacis.rcc-acis.org/?fips=41005>)
- Personal Communication, March 2024. Email exchange between John van Staveren, PHS and Chris Stevensen, Dept. of State Lands regarding West Linn question.
- Oregon Department of State Lands, 1975. *Public Lands Map, under the jurisdiction of Oregon State Land Board*.
- Oregon Department of State Lands, September 2001. *Removal-Fill Law (ORS 196.800-196.990) and Removal and Filling in Scenic Waterways (ORS 390.805-390.925)*.
- ORMAP tax maps, 2024. <http://www.ormap.net/>
- Winterbrook Planning, 2005. *West Linn Local Wetlands Inventory*. Approved by Department of State Lands in 2005.
- Sumner, J., Vepraskas M., Kolk, R. 2009. *Methods to Evaluate Normal Rainfall for Short-Term Wetland and Hydrology Assessment*. United States Forest Service - Northern Research Station, Grand Rapids, Minnesota.
https://www.fs.usda.gov/nrs/pubs/jrnl/2009/nrs_2009_sumner_001.pdf
- US Army Corps of Engineers, Environmental Laboratory, 1987. *Corps of Engineers Wetland Delineation Manual. Technical Report Y-87-1*.
- US Army Corps of Engineers, Environmental Laboratory, 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)*.
- US Army Corps of Engineers, 2020. *National Wetland Plant List, version 3.5*. https://wetland-plants.sec.usace.army.mil/nwpl_static/v34/home/home.html
- US Department of Agriculture, Natural Resources Conservation Service, 2024. *Web Soil Survey for Clackamas County*.
- US Fish and Wildlife Service, 2024. National Wetland Inventory, *Wetland Mapper*
<https://www.fws.gov/wetlands/data/mapper.html>
- US Geological Survey, 2024. 7.5 topographic map. West Linn, Oregon (2020)

Appendix A

Figures





Study Area

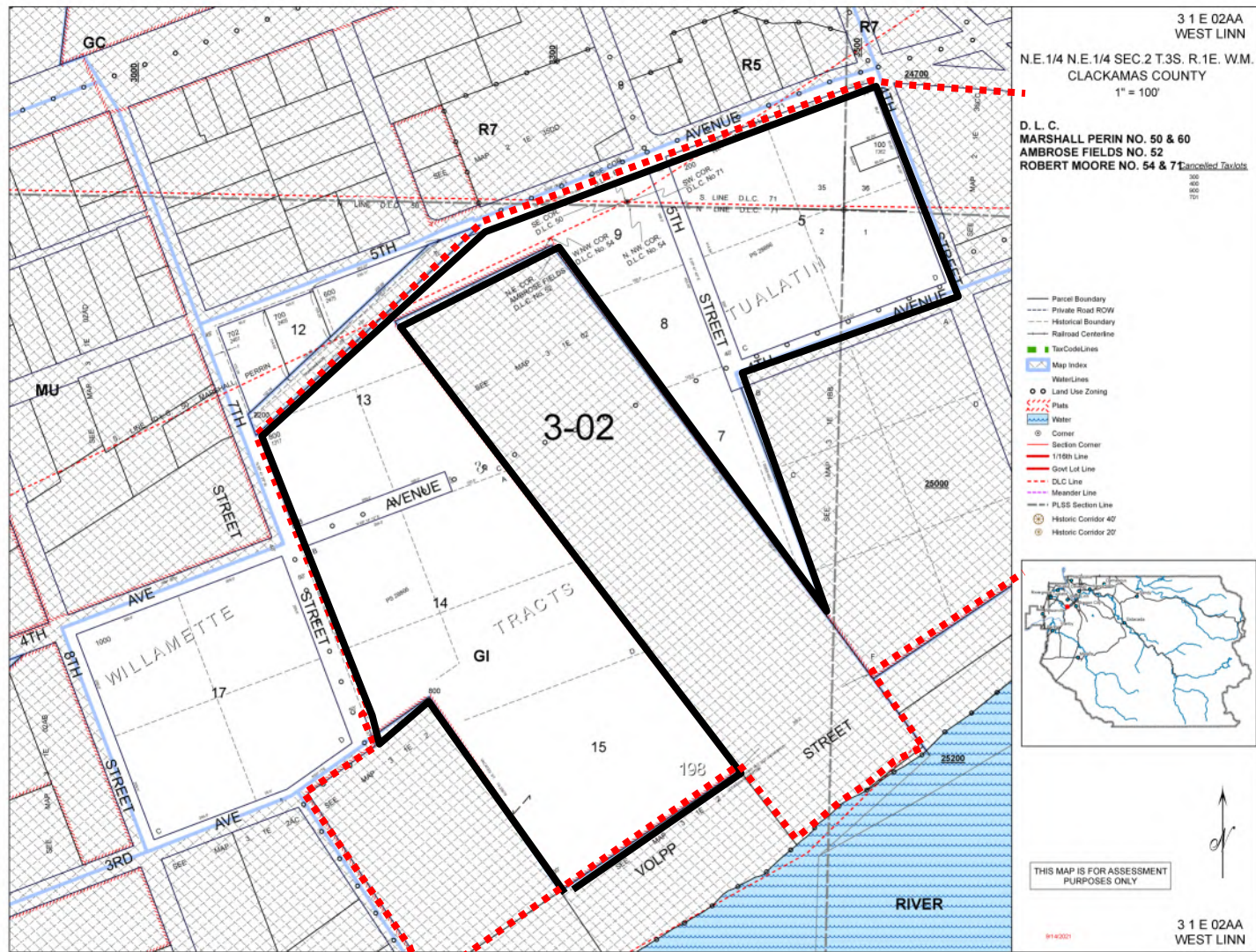
Project #7298
4/5/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070
MP 20-07

General Location and Topography
Rivianna Beach Development - West Linn, Oregon
United States Geological Survey (USGS) Canby, Oregon 7.5 quadrangle, 2020
(viewer.nationalmap.gov/basic)

FIGURE
1



450 ft

- - - - - - Study Area
————— - Tax Lot

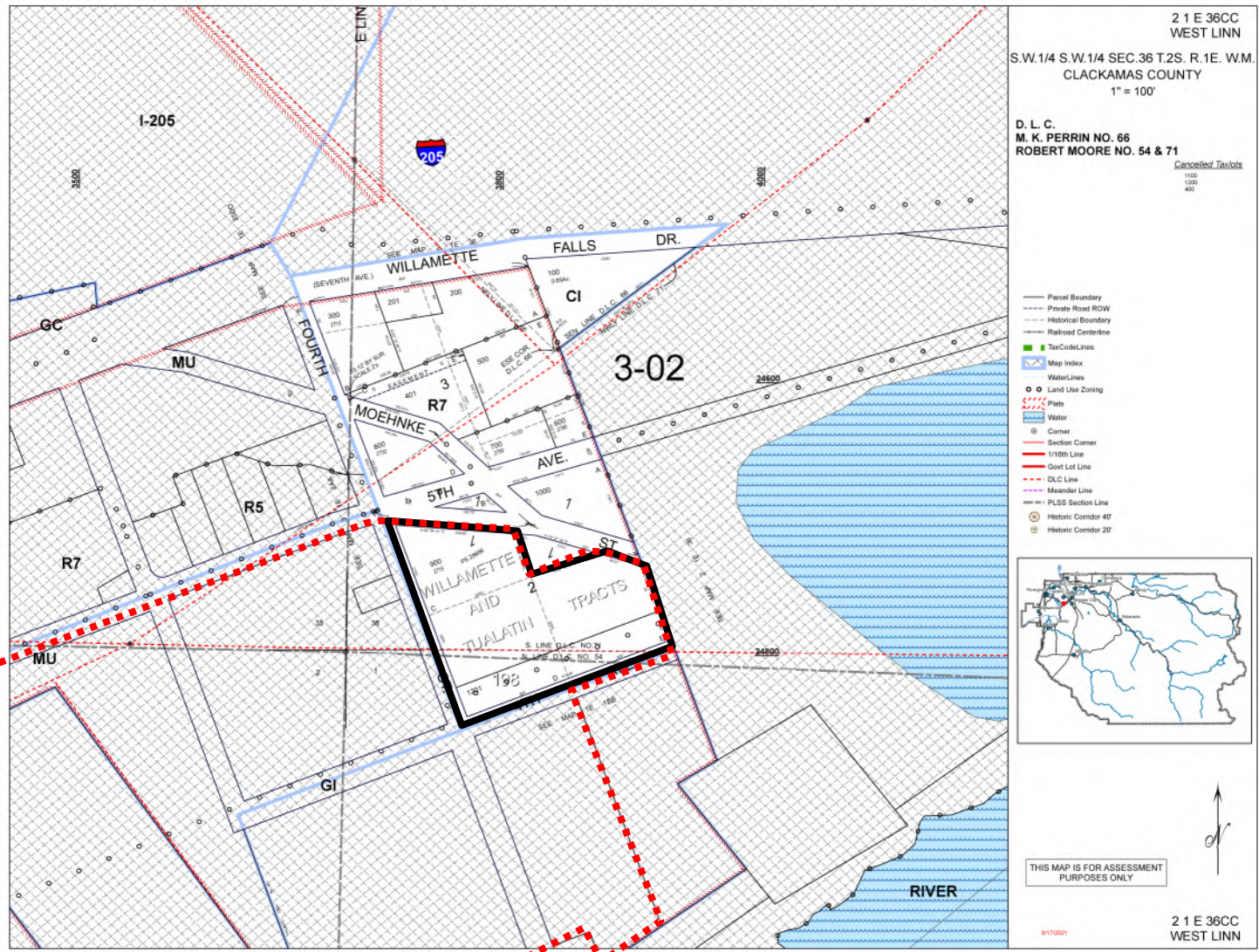
Project #7298
4/5/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070
MHP 20-07

Tax Lot Map
Rivianna Beach Development - West Linn, Oregon
The Oregon Map (ormap.net)

FIGURE
2B



411 ft

- - - - - - Study Area
 - Tax Lot

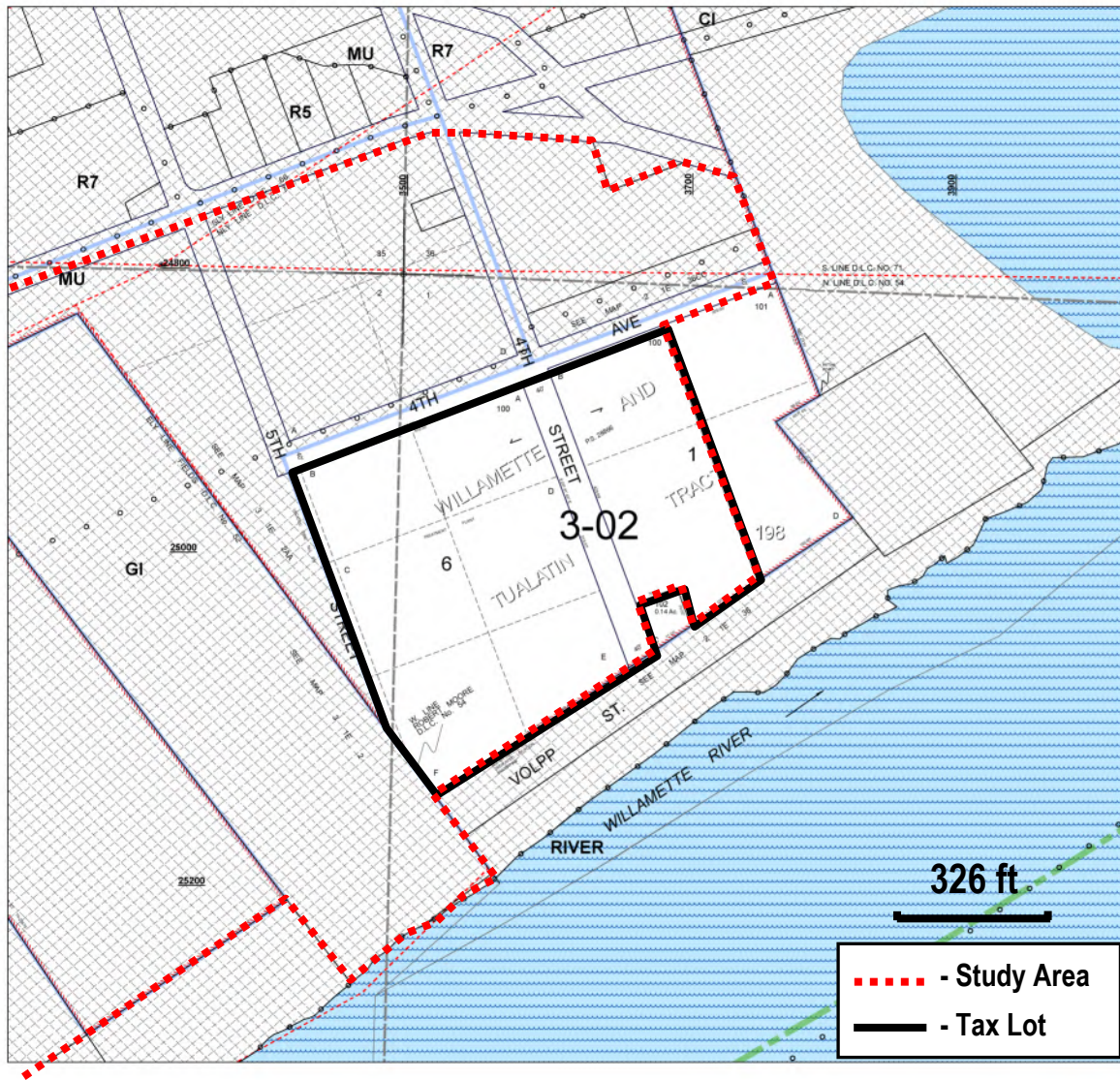
Project #7298
4/5/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070
MHP 20-07

Tax Lot Map
Rivianna Beach Development - West Linn, Oregon
The Oregon Map (ormap.net)

FIGURE
2C

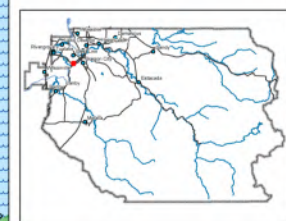


3 1 E 018B
WEST LINN
N.W.1/4 N.W.1/4 SEC.1 T.3S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
ROBERT MOORE NO. 54

Cancelled Taxlots
200

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



326 ft

----- - Study Area

————— - Tax Lot

THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

3 1 E 018B
WEST LINN

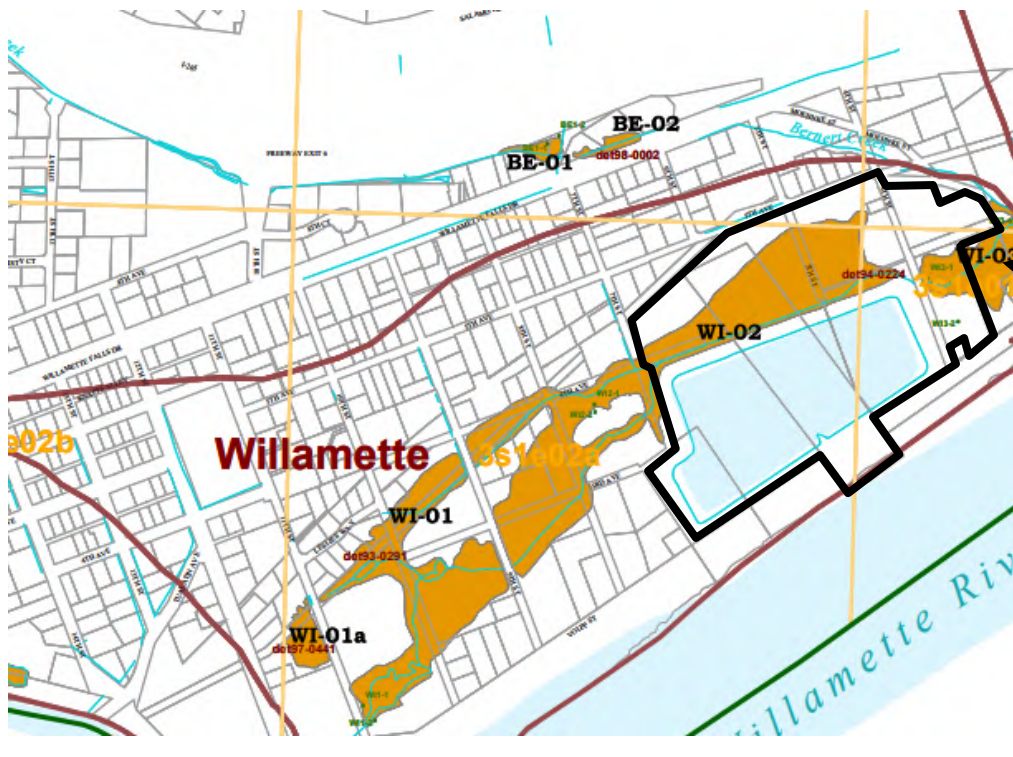
Project #7298
4/5/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070
MP 20-07

Tax Lot Map
Rivianna Beach Development - West Linn, Oregon
The Oregon Map (ormap.net)

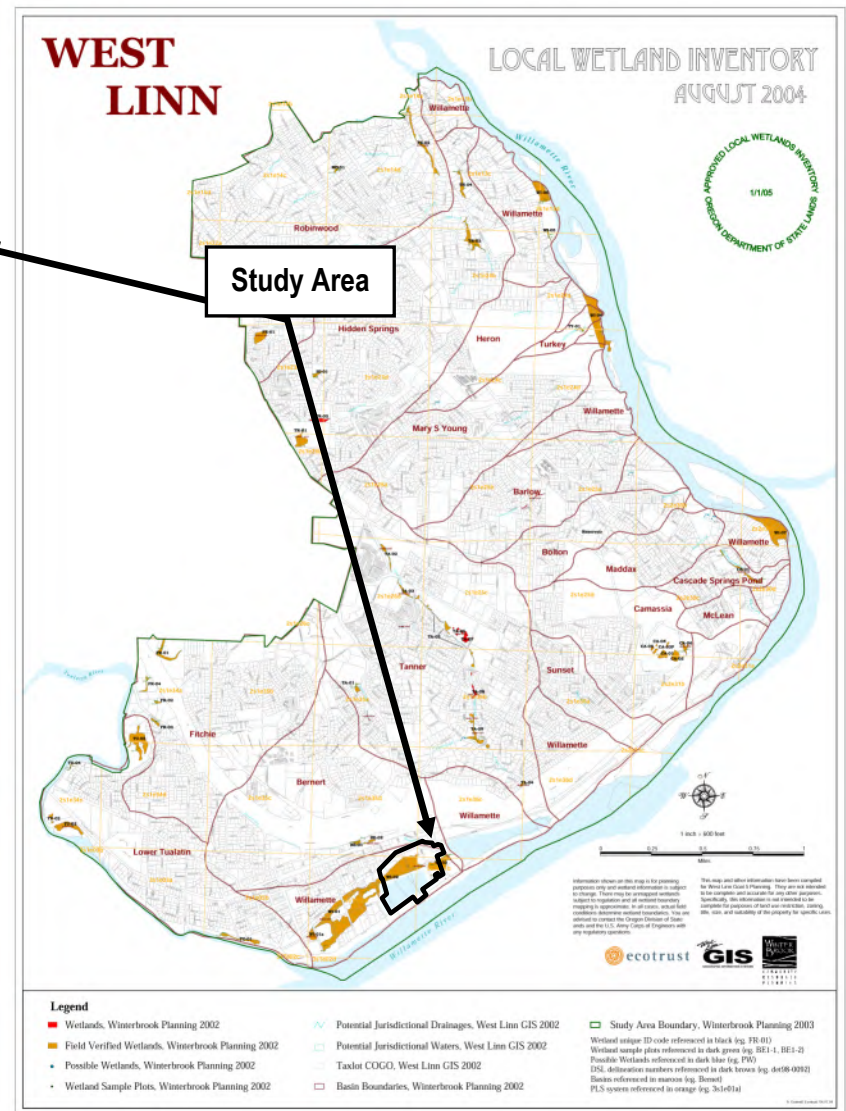
FIGURE
2D



Legend

- Wetlands, Winterbrook Planning 2002
- Field Verified Wetlands, Winterbrook Planning 2002
- Possible Wetlands, Winterbrook Planning 2002
- Wetland Sample Plots, Winterbrook Planning 2002
- ~ Potential Jurisdictional Drainages, West Linn GIS 2002
- Potential Jurisdictional Waters, West Linn GIS 2002
- Taxlot COGO, West Linn GIS 2002
- Basin Boundaries, Winterbrook Planning 2002

972 ft



Legend

- Wetlands, Winterbrook Planning 2002
- Field Verified Wetlands, Winterbrook Planning 2002
- Possible Wetlands, Winterbrook Planning 2002
- Wetland Sample Plots, Winterbrook Planning 2002
- ~ Potential Jurisdictional Drainages, West Linn GIS 2002
- Potential Jurisdictional Waters, West Linn GIS 2002
- Taxlot COGO, West Linn GIS 2002
- Basin Boundaries, Winterbrook Planning 2002
- Study Area Boundary, Winterbrook Planning 2003

Project #7298
4/5/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

MIP 20-07

Local Wetlands Inventory
Rivianna Beach Development - West Linn, Oregon
Winterbrook Planning, 2005

FIGURE
3



Project #7298
4/5/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070
MHP 20-07

Soils
Rivianna Beach Development - West Linn, Oregon
Natural Resources Conservation Services, Web Soil Survey, 2023
(websoilsurvey.sc.egov.usda.gov)

FIGURE

4



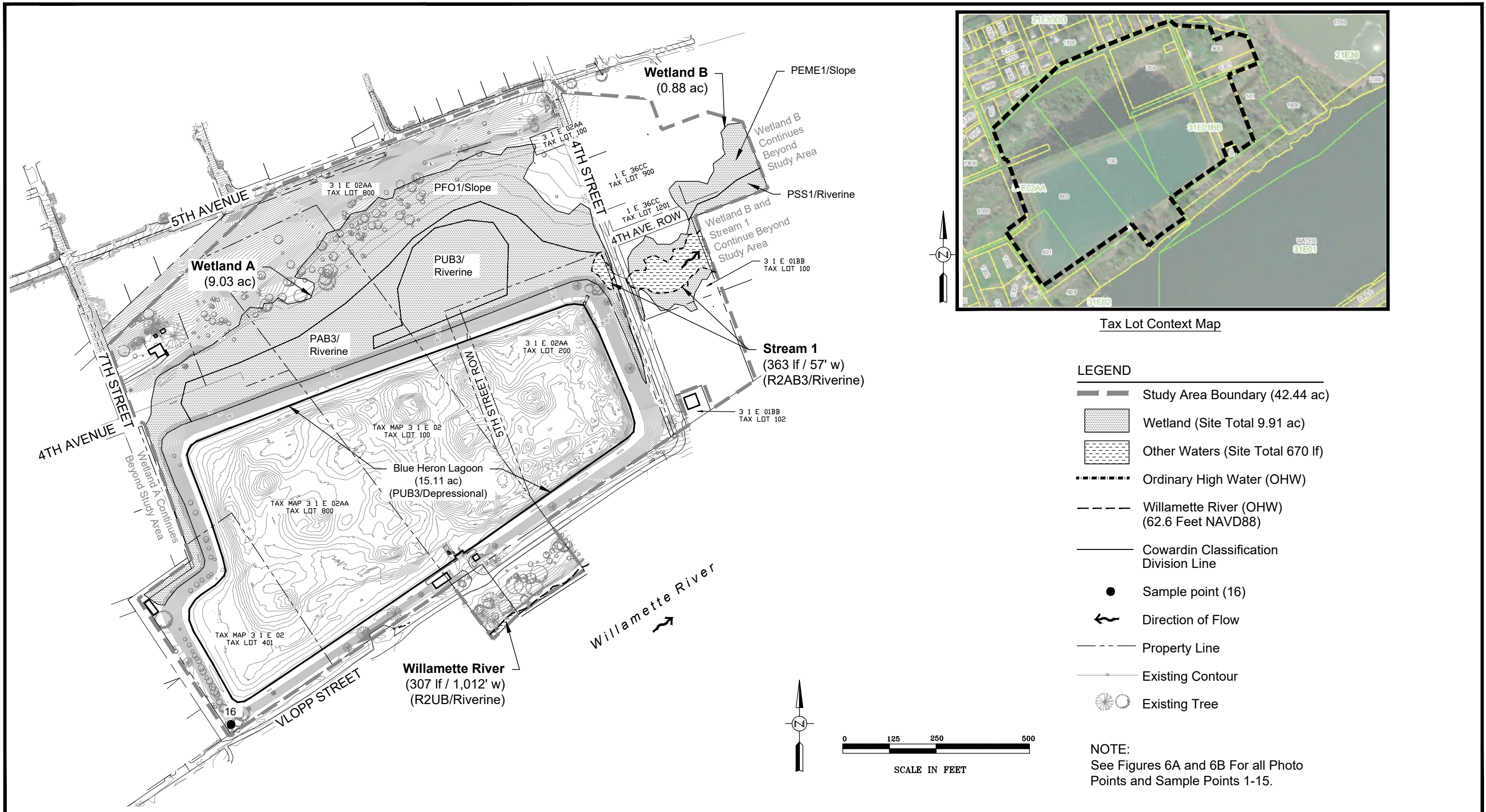
Project #7298
4/5/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070
MHP 20-07

Aerial Photo (February, 2024)
Rivianna Beach Development - West Linn, Oregon
GoogleEarth, 2024

FIGURE
5

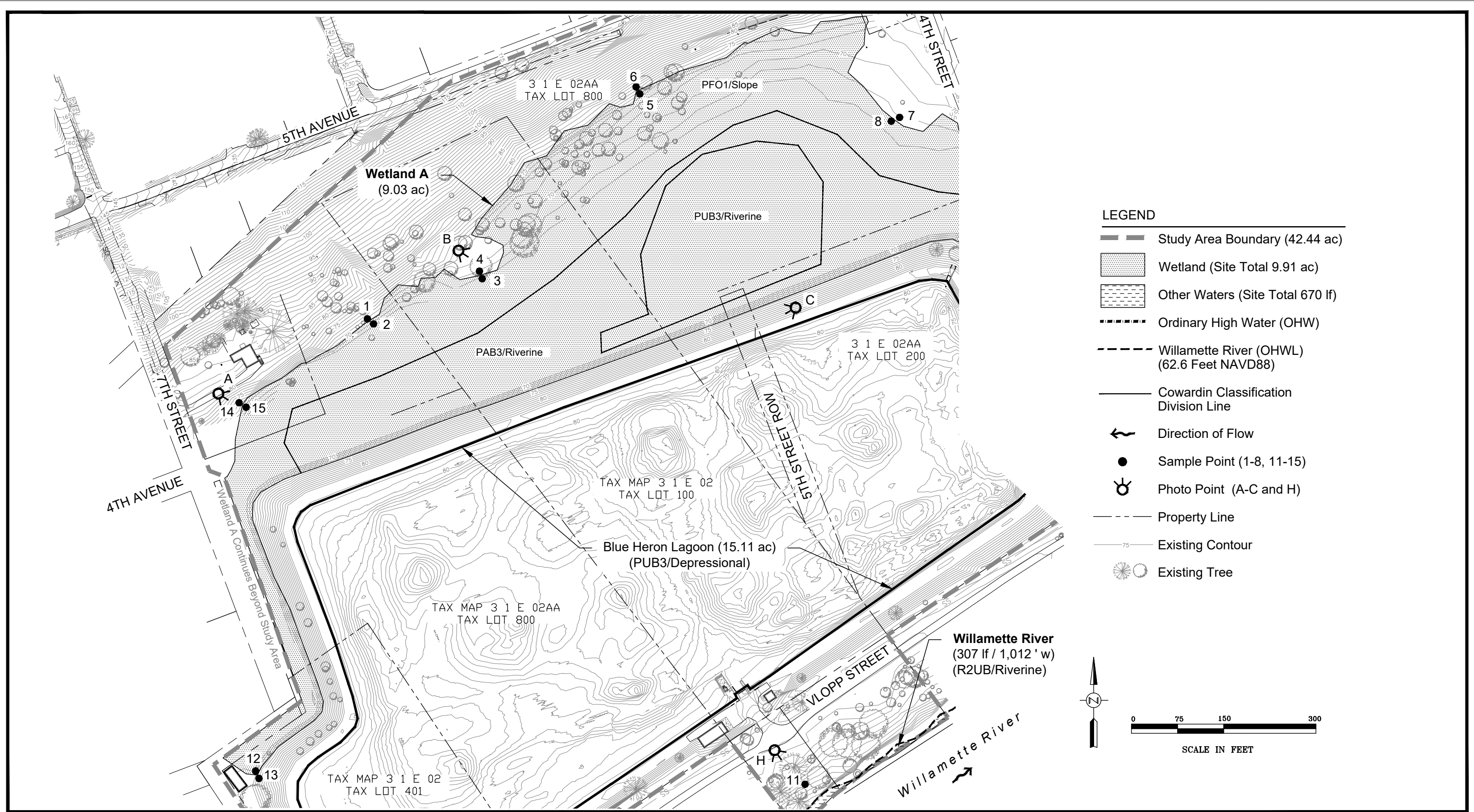


Survey provided by 3J Consulting
Survey accuracy is sub-centimeter.
Sample points, wetland flags collected by PHS with submeter accuracy using Trimble GPS (Geo7x)
Ordinary High Water of Willamette River determined by Public Lands Map, DSL 1975

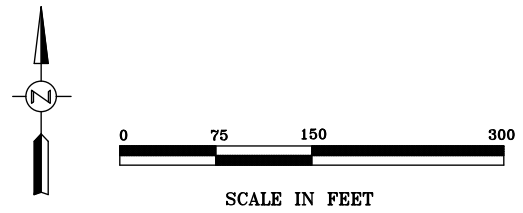
Wetland Delineation Overview
Rivianna Beach Development - West Linn, Oregon

FIGURE 6

4-10-2024



- LEGEND**
- Study Area Boundary (42.44 ac)
 - Wetland (Site Total 9.91 ac)
 - Other Waters (Site Total 670 lf)
 - Ordinary High Water (OHW)
 - Willamette River (OHWL) (62.6 Feet NAVD88)
 - Cowardin Classification Division Line
 - Direction of Flow
 - Sample Point (1-8, 11-15)
 - Photo Point (A-C and H)
 - Property Line
 - Existing Contour
 - Existing Tree

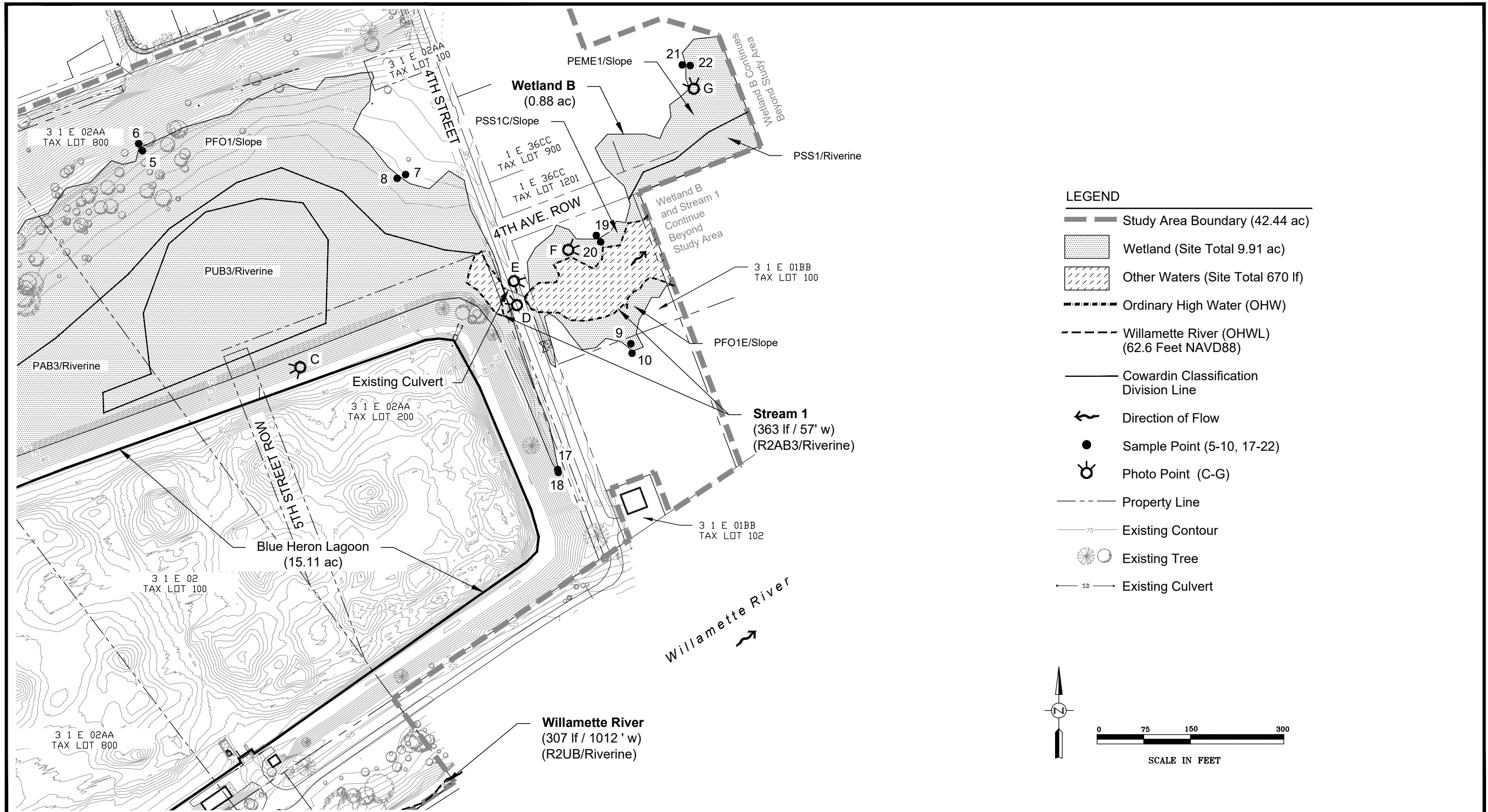


Survey provided by 3J Consulting
 Survey accuracy is sub-centimeter.
 Sample points, wetland flags collected by PHS with
 submeter accuracy using Trimble GPS (Geo7x)
 Ordinary High Water of Willamette River determined by
 Public Lands Map, DSL 1975

Wetland Delineation
 Rivianna Beach Development - West Linn, Oregon

FIGURE 6A

4-10-2024



Survey provided by 3J Consulting
 Survey accuracy is sub-centimeter.
 Sample points, wetland flags collected by PHS with
 submeter accuracy using Trimble GPS (Geo7x)
 Ordinary High Water of Willamette River determined by
 Public Lands Map, DSL 1975

Wetland Delineation
 Rivianna Beach Development - West Linn, Oregon

FIGURE 6B

4-10-2024

Appendix B

Wetland Determination Data Sheets



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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/26/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 1
 Investigator(s): AS/CM Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): None Slope (%): 10
 Subregion (LRR): LRRA Lat: 45.3451 Long: -122.6437 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: PFO1A

Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes _____	No <u>X</u>
Hydric Soil Present?	Yes _____	No <u>X</u>			
Wetland Hydrology Present?	Yes _____	No <u>X</u>			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status
Tree Stratum (plot size: _____)			
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
	<u>0</u>	= Total Cover	
Sapling/Shrub Stratum (plot size: <u>15</u>)			
1	<u>Rubus armeniacus</u>	<u>X</u>	<u>FAC</u>
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
	<u>98</u>	= Total Cover	
Herb Stratum (plot size: <u>5</u>)			
1	<u>Phalaris arundinacea</u>	_____	<u>FACW</u>
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____
7	_____	_____	_____
8	_____	_____	_____
	<u>2</u>	= Total Cover	
Woody Vine Stratum (plot size: _____)			
1	_____	_____	_____
2	_____	_____	_____
	<u>0</u>	= Total Cover	
% Bare Ground in Herb Stratum <u>98</u>			

Dominance Test worksheet:

Number of Dominant Species
 That are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 1 (B)

Percent of Dominant Species
 That are OBL, FACW, or FAC: 100% (A/B)

Prevalence Index Worksheet:

Total % Cover of	Multiply by:	
OBL Species	x 1 =	<u>0</u>
FACW species	x 2 =	<u>0</u>
FAC Species	x 3 =	<u>0</u>
FACU Species	x 4 =	<u>0</u>
UPL Species	x 5 =	<u>0</u>
Column Totals	<u>0</u> (A)	<u>0</u> (B)

Prevalence Index =B/A = #DIV/0!

Hydrophytic Vegetation Indicators:

_____ 1- Rapid Test for Hydrophytic Vegetation
X 2- Dominance Test is >50%
 _____ 3-Prevalence Index is ≤ 3.0¹
 _____ 4-Morphological Adaptations¹ (provide supporting data in Remarks or on a separate sheet)
 _____ 5- Wetland Non-Vascular Plants¹
 _____ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No _____

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-9	10YR 3/2	100					Silt Loam	
9-12	10YR 3/2	80					Silt Loam	
9-12	10YR 3/1	20					Silt Loam	
12-18	10YR 3/1	100					Silt Loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

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

Secondary Indicators (2 or more required)

<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____
 Water Table Present? Yes _____ No X Depth (inches): >18
 Saturation Present? Yes _____ No X Depth (inches): >18
 (includes capillary fringe)

Wetland Hydrology Present?

Yes _____ No X

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/26/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 2
 Investigator(s): AS/CM Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): None Slope (%): 10
 Subregion (LRR): LRRA Lat: 45.3451 Long: -122.6437 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: PFO1A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes <u>X</u>	No _____			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: _____)				Number of Dominant Species	
1	_____	_____	_____	That are OBL, FACW, or FAC: <u>3</u> (A)	
2	_____	_____	_____	Total Number of Dominant Species Across All Strata: <u>3</u> (B)	
3	_____	_____	_____	Percent of Dominant Species	
4	_____	_____	_____	That are OBL, FACW, or FAC: <u>100%</u> (A/B)	
5	<u>0</u>	= Total Cover		Prevalence Index Worksheet:	
Sapling/Shrub Stratum (plot size: <u>15</u>)				Total % Cover of _____ Multiply by: _____	
1	<u>30</u>	<u>X</u>	<u>FAC</u>	OBL Species _____ x 1 = <u>0</u>	
2	<u>10</u>	<u>X</u>	<u>(FAC)</u>	FACW species _____ x 2 = <u>0</u>	
3	_____	_____	_____	FAC Species _____ x 3 = <u>0</u>	
4	_____	_____	_____	FACU Species _____ x 4 = <u>0</u>	
5	_____	_____	_____	UPL Species _____ x 5 = <u>0</u>	
	<u>40</u>	= Total Cover		Column Totals <u>0</u> (A)	<u>0</u> (B)
Herb Stratum (plot size: <u>5</u>)				Prevalence Index =B/A = <u>#DIV/0!</u>	
1	<u>70</u>	<u>X</u>	<u>FACW</u>	Hydrophytic Vegetation Indicators:	
2	_____	_____	_____	_____ 1- Rapid Test for Hydrophytic Vegetation	
3	_____	_____	_____	<u>X</u> 2- Dominance Test is >50%	
4	_____	_____	_____	_____ 3-Prevalence Index is ≤ 3.0 ¹	
5	_____	_____	_____	_____ 4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
6	_____	_____	_____	_____ 5- Wetland Non-Vascular Plants ¹	
7	_____	_____	_____	_____ Problematic Hydrophytic Vegetation ¹ (Explain)	
8	<u>70</u>	= Total Cover		¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
Woody Vine Stratum (plot size: _____)				Hydrophytic Vegetation Present? Yes <u>X</u> No _____	
1	_____	_____	_____		
2	_____	_____	_____		
	<u>0</u>	= Total Cover			
% Bare Ground in Herb Stratum <u>30</u>					

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-3	10YR 3/1	100					Silt Loam	
2-11	10YR 3/1	95	10YR 3/6	5	C	M	Sandy Clay Loam	Fine
11-16	10YR 4/1	90	10YR 3/6	10	C	M	Sandy Clay Loam	Fine

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input checked="" type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes No Depth (inches): _____
 Water Table Present? Yes No Depth (inches): 10
 Saturation Present? Yes No Depth (inches): 8
 (includes capillary fringe)

Wetland Hydrology Present?
 Yes No

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/26/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 3
 Investigator(s): AS Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Hillslope/Streambank Local relief (concave, convex, none): None Slope (%): 5
 Subregion (LRR): LRRA Lat: 45.3453 Long: -122.6430 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: PFO1A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes <u>X</u>	No _____			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status
Tree Stratum (plot size: <u>30</u>)			
1 <u><i>Alnus rubra</i></u>	<u>70</u>	<u>X</u>	<u>FAC</u>
2 _____			
3 _____			
4 _____			
	<u>70</u>	= Total Cover	
Sapling/Shrub Stratum (plot size: <u>15</u>)			
1 <u><i>Rubus armeniacus</i></u>	<u>80</u>	<u>X</u>	<u>FAC</u>
2 _____			
3 _____			
4 _____			
5 _____			
	<u>80</u>	= Total Cover	
Herb Stratum (plot size: _____)			
1 _____			
2 _____			
3 _____			
4 _____			
5 _____			
6 _____			
7 _____			
8 _____			
	<u>0</u>	= Total Cover	
Woody Vine Stratum (plot size: <u>15</u>)			
1 <u><i>Hedera helix</i></u>	<u>15</u>	<u>X</u>	<u>FACU</u>
2 _____			
	<u>15</u>	= Total Cover	
% Bare Ground in Herb Stratum <u>100</u>			

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That are OBL, FACW, or FAC: 67% (A/B)

Prevalence Index Worksheet:

Total % Cover of	Multiply by:	
OBL Species _____	x 1 =	<u>0</u>
FACW species _____	x 2 =	<u>0</u>
FAC Species _____	x 3 =	<u>0</u>
FACU Species _____	x 4 =	<u>0</u>
UPL Species _____	x 5 =	<u>0</u>
Column Totals <u>0</u> (A)		<u>0</u> (B)

Prevalence Index =B/A = #DIV/0!

Hydrophytic Vegetation Indicators:

_____ 1- Rapid Test for Hydrophytic Vegetation

X 2- Dominance Test is >50%

_____ 3-Prevalence Index is ≤ 3.0¹

_____ 4-Morphological Adaptations¹ (provide supporting data in Remarks or on a separate sheet)

_____ 5- Wetland Non-Vascular Plants¹

_____ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No _____

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-4	10YR 3/1	100					Silt Loam	
4-10	10YR 3/1	95	7.5YR 3/4	5	C	M	Silt Loam	Fine

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

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) **Indicators for Problematic Hydric Soils³:**

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input checked="" type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: Roots

Depth (inches): 10

Hydric Soil Present? Yes X No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

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

Water Table Present? Yes X No Depth (inches): 4

Saturation Present? Yes X No Depth (inches): 0

(includes capillary fringe)

Wetland Hydrology Present?
Yes X No

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

Remarks:

MIP-23-07
158
Planning Manager Decision

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/26/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 4
 Investigator(s): AS Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): None Slope (%): 5
 Subregion (LRR): LRRA Lat: 45.3453 Long: -122.6430 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: PFO1A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes _____	No <u>X</u>
Hydric Soil Present?	Yes _____	No <u>X</u>			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status
Tree Stratum (plot size: <u>30</u>)			
1 <u>Alnus rubra</u>	<u>40</u>	<u>X</u>	<u>FAC</u>
2 <u>Fraxinus latifolia</u>	<u>30</u>	<u>X</u>	<u>FACW</u>
3 _____			
4 _____			
	<u>70</u>	= Total Cover	
Sapling/Shrub Stratum (plot size: <u>15</u>)			
1 <u>Rubus armeniacus</u>	<u>30</u>	<u>X</u>	<u>FAC</u>
2 <u>Ilex aquifolium</u>	<u>20</u>	<u>X</u>	<u>FACU</u>
3 <u>Polystichum munitum</u>	<u>5</u>		<u>FACU</u>
4 _____			
5 _____			
	<u>55</u>	= Total Cover	
Herb Stratum (plot size: _____)			
1 _____			
2 _____			
3 _____			
4 _____			
5 _____			
6 _____			
7 _____			
8 _____			
	<u>0</u>	= Total Cover	
Woody Vine Stratum (plot size: <u>15</u>)			
1 <u>Hedera helix</u>	<u>35</u>	<u>X</u>	<u>FACU</u>
2 _____			
	<u>35</u>	= Total Cover	
% Bare Ground in Herb Stratum <u>100</u>			

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That are OBL, FACW, or FAC: 60% (A/B)

Prevalence Index Worksheet:

Total % Cover of	Multiply by:	
OBL Species	x 1 =	<u>0</u>
FACW species	x 2 =	<u>0</u>
FAC Species	x 3 =	<u>0</u>
FACU Species	x 4 =	<u>0</u>
UPL Species	x 5 =	<u>0</u>
Column Totals	<u>0</u> (A)	<u>0</u> (B)

Prevalence Index =B/A = #DIV/0!

Hydrophytic Vegetation Indicators:

X 1- Rapid Test for Hydrophytic Vegetation
X 2- Dominance Test is >50%
 _____ 3-Prevalence Index is ≤ 3.0¹
 _____ 4-Morphological Adaptations¹ (provide supporting data in Remarks or on a separate sheet)
 _____ 5- Wetland Non-Vascular Plants¹
 _____ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No _____

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-7	10YR 3/1	100						
7-10	10YR 4/1	100						

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No **X**

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
X High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
X Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No **X** Depth (inches): _____
 Water Table Present? Yes **X** No _____ Depth (inches): **6**
 Saturation Present? Yes **X** No _____ Depth (inches): **4**
 (includes capillary fringe)

Wetland Hydrology Present?
 Yes **X** No _____

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/26/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 5
 Investigator(s): AS Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): None Slope (%): 20
 Subregion (LRR): LRRA Lat: 45.3461 Long: -122.6420 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: PAB/UBH
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes <u>X</u>	No _____			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: _____)				Number of Dominant Species	
1				That are OBL, FACW, or FAC: <u>1</u> (A)	
2				Total Number of Dominant Species Across All Strata: <u>1</u> (B)	
3				Percent of Dominant Species	
4				That are OBL, FACW, or FAC: <u>100%</u> (A/B)	
5	<u>0</u>	= Total Cover		Prevalence Index Worksheet:	
Sapling/Shrub Stratum (plot size: <u>15</u>)				Total % Cover of _____ Multiply by: _____	
1	<u>100</u>	<u>X</u>	<u>FAC</u>	OBL Species _____ x 1 = <u>0</u>	
2				FACW species _____ x 2 = <u>0</u>	
3				FAC Species _____ x 3 = <u>0</u>	
4				FACU Species _____ x 4 = <u>0</u>	
5				UPL Species _____ x 5 = <u>0</u>	
	<u>100</u>	= Total Cover		Column Totals <u>0</u> (A)	<u>0</u> (B)
Herb Stratum (plot size: _____)				Prevalence Index =B/A = <u>#DIV/0!</u>	
1				Hydrophytic Vegetation Indicators:	
2				1- Rapid Test for Hydrophytic Vegetation	
3				<u>X</u> 2- Dominance Test is >50%	
4				3-Prevalence Index is ≤ 3.0 ¹	
5				4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
6				5- Wetland Non-Vascular Plants ¹	
7				Problematic Hydrophytic Vegetation ¹ (Explain)	
8				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
	<u>0</u>	= Total Cover		Hydrophytic Vegetation Present? Yes <u>X</u> No _____	
Woody Vine Stratum (plot size: _____)					
1					
2					
	<u>0</u>	= Total Cover			
% Bare Ground in Herb Stratum <u>100</u>					

Remarks:

MIP-23-07 161 Planning Manager Decision

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-6	10YR 4/2	100					Silt Loam	
6-8	10YR 4/1	100					Sandy Clay Loam	
8-16	10YR 4/1	90	10YR 4/6	10	C	M	Sandy Clay Loam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input checked="" type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

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

Secondary Indicators (2 or more required)

<input checked="" type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes No Depth (inches): _____
 Water Table Present? Yes No Depth (inches): 8
 Saturation Present? Yes No Depth (inches): 6
 (includes capillary fringe)

Wetland Hydrology Present?
 Yes No

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/26/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 6
 Investigator(s): AS Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Hillslope Local relief (concave, convex, none): None Slope (%): 25
 Subregion (LRR): LRRA Lat: 45.3462 Long: -122.6421 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: PAB/UBH
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes _____	No <u>X</u>			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: _____)				Number of Dominant Species	
1	_____	_____	_____	That are OBL, FACW, or FAC: <u>1</u> (A)	
2	_____	_____	_____	Total Number of Dominant Species Across All Strata: <u>1</u> (B)	
3	_____	_____	_____	Percent of Dominant Species	
4	_____	_____	_____	That are OBL, FACW, or FAC: <u>100%</u> (A/B)	
5	<u>0</u>	= Total Cover		Prevalence Index Worksheet:	
Sapling/Shrub Stratum (plot size: <u>15</u>)				Total % Cover of _____ Multiply by: _____	
1	<u>100</u>	<u>X</u>	<u>FAC</u>	OBL Species _____ x 1 = <u>0</u>	
2	_____	_____	_____	FACW species _____ x 2 = <u>0</u>	
3	_____	_____	_____	FAC Species _____ x 3 = <u>0</u>	
4	_____	_____	_____	FACU Species _____ x 4 = <u>0</u>	
5	_____	_____	_____	UPL Species _____ x 5 = <u>0</u>	
	<u>100</u>	= Total Cover		Column Totals <u>0</u> (A) <u>0</u> (B)	
Herb Stratum (plot size: _____)				Prevalence Index =B/A = <u>#DIV/0!</u>	
1	_____	_____	_____	Hydrophytic Vegetation Indicators:	
2	_____	_____	_____	_____ 1- Rapid Test for Hydrophytic Vegetation	
3	_____	_____	_____	<u>X</u> 2- Dominance Test is >50%	
4	_____	_____	_____	_____ 3-Prevalence Index is ≤ 3.0 ¹	
5	_____	_____	_____	_____ 4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
6	_____	_____	_____	_____ 5- Wetland Non-Vascular Plants ¹	
7	_____	_____	_____	_____ Problematic Hydrophytic Vegetation ¹ (Explain)	
8	_____	_____	_____	_____	
	<u>0</u>	= Total Cover		¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
Woody Vine Stratum (plot size: _____)				Hydrophytic Vegetation Present? Yes <u>X</u> No _____	
1	_____	_____	_____		
2	_____	_____	_____		
	<u>0</u>	= Total Cover			
% Bare Ground in Herb Stratum <u>100</u>					

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-16	10YR 4/2	100					Silt Loam	

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

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) **Indicators for Problematic Hydric Soils³:**

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks: _____

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

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

Water Table Present? Yes X No _____ Depth (inches): 2

Saturation Present? Yes X No _____ Depth (inches): 0

(includes capillary fringe)

Wetland Hydrology Present?
Yes X No _____

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

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/26/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 7
 Investigator(s): CM/AS Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Slope Local relief (concave, convex, none): None Slope (%): 3
 Subregion (LRR): LRRA Lat: 45.3461 Long: -122.6404 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes _____	No <u>X</u>
Hydric Soil Present?	Yes _____	No <u>X</u>			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: <u>30</u>)				Number of Dominant Species	
1 <u>Crataegus monogyna</u>	<u>10</u>	<u>X</u>	<u>FAC</u>	That are OBL, FACW, or FAC: <u>2</u> (A)	
2 _____				Total Number of Dominant Species Across All Strata: <u>3</u> (B)	
3 _____				Percent of Dominant Species	
4 _____				That are OBL, FACW, or FAC: <u>67%</u> (A/B)	
	<u>10</u>	= Total Cover		Prevalence Index Worksheet:	
Sapling/Shrub Stratum (plot size: <u>15</u>)				Total % Cover of _____ Multiply by: _____	
1 <u>Rubus armeniacus</u>	<u>100</u>	<u>X</u>	<u>FAC</u>	OBL Species _____ x 1 = <u>0</u>	
2 <u>Corylus cornuta</u>	<u>20</u>		<u>FACU</u>	FACW species _____ x 2 = <u>0</u>	
3 _____				FAC Species _____ x 3 = <u>0</u>	
4 _____				FACU Species _____ x 4 = <u>0</u>	
5 _____				UPL Species _____ x 5 = <u>0</u>	
	<u>120</u>	= Total Cover		Column Totals <u>0</u> (A) <u>0</u> (B)	
Herb Stratum (plot size: _____)				Prevalence Index =B/A = <u>#DIV/0!</u>	
1 _____				Hydrophytic Vegetation Indicators:	
2 _____				_____ 1- Rapid Test for Hydrophytic Vegetation	
3 _____				_____ <u>X</u> 2- Dominance Test is >50%	
4 _____				_____ 3-Prevalence Index is ≤ 3.0 ¹	
5 _____				_____ 4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
6 _____				_____ 5- Wetland Non-Vascular Plants ¹	
7 _____				_____ Problematic Hydrophytic Vegetation ¹ (Explain)	
8 _____				_____	
	<u>0</u>	= Total Cover		¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
Woody Vine Stratum (plot size: <u>30</u>)				Hydrophytic Vegetation Present? Yes <u>X</u> No _____	
1 <u>Hedera helix</u>	<u>20</u>	<u>X</u>	<u>FACU</u>		
2 _____					
	<u>20</u>	= Total Cover			
% Bare Ground in Herb Stratum <u>100</u>					

Remarks:

MIP-23-07 165 Planning Manager Decision

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-10	10YR 3/3	100					Silty Clay Loam	
10-14	10YR 3/2	98	2.5Y 5/1	2	D	M	Silty Clay Loam	Fine
14-17	10YR 3/2	95	2.5Y 5/1	5	D	M	Silty Clay Loam	Fine

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No **X**

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No **X** Depth (inches): _____
 Water Table Present? Yes **X** No _____ Depth (inches): **15**
 Saturation Present? Yes **X** No _____ Depth (inches): **0-2; 12**
 (includes capillary fringe)

Wetland Hydrology Present?
 Yes **X** No _____

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/26/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 8
 Investigator(s): CM/AS Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Slope Local relief (concave, convex, none): None Slope (%): 2
 Subregion (LRR): LRRA Lat: 45.3460 Long: -122.6405 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes <u>X</u>	No _____			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: <u>30</u>)				Number of Dominant Species	
1 <u>Fraxinus latifolia</u>	<u>5</u>	<u>X</u>	<u>FACW</u>	That are OBL, FACW, or FAC: <u>2</u> (A)	
2 _____				Total Number of Dominant Species Across All Strata: <u>2</u> (B)	
3 _____				Percent of Dominant Species	
4 _____				That are OBL, FACW, or FAC: <u>100%</u> (A/B)	
	<u>5</u>	= Total Cover		Prevalence Index Worksheet:	
Sapling/Shrub Stratum (plot size: <u>15</u>)				Total % Cover of _____ Multiply by: _____	
1 <u>Rubus armeniacus</u>	<u>100</u>	<u>X</u>	<u>FAC</u>	OBL Species _____ x 1 = <u>0</u>	
2 <u>Spiraea douglasii</u>	<u>5</u>		<u>FACW</u>	FACW species _____ x 2 = <u>0</u>	
3 _____				FAC Species _____ x 3 = <u>0</u>	
4 _____				FACU Species _____ x 4 = <u>0</u>	
5 _____				UPL Species _____ x 5 = <u>0</u>	
	<u>105</u>	= Total Cover		Column Totals <u>0</u> (A) <u>0</u> (B)	
Herb Stratum (plot size: _____)				Prevalence Index =B/A = <u>#DIV/0!</u>	
1 _____				Hydrophytic Vegetation Indicators:	
2 _____				_____ 1- Rapid Test for Hydrophytic Vegetation	
3 _____				_____ <u>X</u> 2- Dominance Test is >50%	
4 _____				_____ 3-Prevalence Index is ≤ 3.0 ¹	
5 _____				_____ 4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
6 _____				_____ 5- Wetland Non-Vascular Plants ¹	
7 _____				_____ Problematic Hydrophytic Vegetation ¹ (Explain)	
8 _____				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
	<u>0</u>	= Total Cover		Hydrophytic Vegetation Present? Yes <u>X</u> No _____	
Woody Vine Stratum (plot size: _____)					
1 _____					
2 _____					
	<u>0</u>	= Total Cover			
% Bare Ground in Herb Stratum <u>100</u>					

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-6	10YR3/2	93	2.5Y 5/1	5	D	M	Silty Clay Loam	Medium
			10YR 3/4	2	C	M	Silty Clay Loam	Medium
6-15	10YR 3/2	88	2.5Y 5/1	10	D	M	Silty Clay Loam	Medium
			10YR 3/4	2	C	M		Medium

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input checked="" type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input checked="" type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes No Depth (inches): _____
 Water Table Present? Yes No Depth (inches): 12
 Saturation Present? Yes No Depth (inches): Surface
 (includes capillary fringe)

Wetland Hydrology Present?
 Yes No

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 9
 Investigator(s): CM Section, Township, Range: S 1, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Slope Local relief (concave, convex, none): None Slope (%): 2
 Subregion (LRR): LRRA Lat: 45.3453 Long: -122.6390 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes <u>X</u>	No _____			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: <u>30</u>)				Number of Dominant Species	
1 <u>Fraxinus latifolia</u>	<u>40</u>	<u>X</u>	<u>FACW</u>	That are OBL, FACW, or FAC: <u>4</u> (A)	
2 _____				Total Number of Dominant Species Across All Strata: <u>5</u> (B)	
3 _____				Percent of Dominant Species	
4 _____				That are OBL, FACW, or FAC: <u>80%</u> (A/B)	
5 _____	<u>40</u>	= Total Cover		Prevalence Index Worksheet:	
Sapling/Shrub Stratum (plot size: <u>15</u>)				Total % Cover of _____ Multiply by: _____	
1 <u>Rubus armeniacus</u>	<u>100</u>	<u>X</u>	<u>FAC</u>	OBL Species _____ x 1 = <u>0</u>	
2 _____				FACW species _____ x 2 = <u>0</u>	
3 _____				FAC Species _____ x 3 = <u>0</u>	
4 _____				FACU Species _____ x 4 = <u>0</u>	
5 _____	<u>100</u>	= Total Cover		UPL Species _____ x 5 = <u>0</u>	
Herb Stratum (plot size: <u>5</u>)				Column Totals <u>0</u> (A) <u>0</u> (B)	
1 <u>Phalaris arundinacea</u>	<u>10</u>	<u>X</u>	<u>FACW</u>	Prevalence Index =B/A = <u>#DIV/0!</u>	
2 <u>Galium aparine</u>	<u>5</u>	<u>X</u>	<u>FACU</u>	Hydrophytic Vegetation Indicators:	
3 <u>Geranium sp</u>	<u>5</u>	<u>X</u>	<u>(FAC)</u>	_____ 1- Rapid Test for Hydrophytic Vegetation	
4 _____				_____ <u>X</u> 2- Dominance Test is >50%	
5 _____				_____ 3-Prevalence Index is ≤ 3.0 ¹	
6 _____				_____ 4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
7 _____				_____ 5- Wetland Non-Vascular Plants ¹	
8 _____	<u>20</u>	= Total Cover		_____ Problematic Hydrophytic Vegetation ¹ (Explain)	
Woody Vine Stratum (plot size: _____)				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
1 _____				Hydrophytic Vegetation Present?	
2 _____	<u>0</u>	= Total Cover		Yes <u>X</u> No _____	
% Bare Ground in Herb Stratum <u>80</u>					

Remarks:

MIP-23-07 169 Planning Manager Decision

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-8	10YR 3/2	100					Silty Clay Loam	
8-17	10YR 3/1	90	10YR 5/6	10	C	M	Silty Clay Loam	Coarse

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input checked="" type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

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

Secondary Indicators (2 or more required)

<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input checked="" type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input checked="" type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes No Depth (inches): _____
 Water Table Present? Yes No Depth (inches): >17
 Saturation Present? (includes capillary fringe) Yes No Depth (inches): 0-1; >17

Wetland Hydrology Present?

Yes No

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

Remarks:

Saturation not tied to high water table

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 10
 Investigator(s): CM Section, Township, Range: S 1, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Slope Local relief (concave, convex, none): None Slope (%): 2
 Subregion (LRR): LRRA Lat: 45.3453 Long: -122.6390 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes _____	No <u>X</u>
Hydric Soil Present?	Yes _____	No <u>X</u>			
Wetland Hydrology Present?	Yes _____	No <u>X</u>			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: <u>30</u>)				Number of Dominant Species	
1 <u>Fraxinus latifolia</u>	<u>75</u>	<u>X</u>	<u>FACW</u>	That are OBL, FACW, or FAC: <u>2</u> (A)	
2 _____				Total Number of Dominant Species Across All Strata: <u>2</u> (B)	
3 _____				Percent of Dominant Species	
4 _____				That are OBL, FACW, or FAC: <u>100%</u> (A/B)	
	<u>75</u>	= Total Cover		Prevalence Index Worksheet:	
Sapling/Shrub Stratum (plot size: <u>15</u>)				Total % Cover of _____ Multiply by: _____	
1 <u>Rubus armeniacus</u>	<u>100</u>	<u>X</u>	<u>FAC</u>	OBL Species _____ x 1 = <u>0</u>	
2 <u>Fraxinus latifolia</u>	<u>5</u>		<u>FACW</u>	FACW species _____ x 2 = <u>0</u>	
3 _____				FAC Species _____ x 3 = <u>0</u>	
4 _____				FACU Species _____ x 4 = <u>0</u>	
5 _____				UPL Species _____ x 5 = <u>0</u>	
	<u>105</u>	= Total Cover		Column Totals <u>0</u> (A) <u>0</u> (B)	
Herb Stratum (plot size: _____)				Prevalence Index =B/A = <u>#DIV/0!</u>	
1 _____				Hydrophytic Vegetation Indicators:	
2 _____				_____ 1- Rapid Test for Hydrophytic Vegetation	
3 _____				<u>X</u> 2- Dominance Test is >50%	
4 _____				_____ 3-Prevalence Index is ≤ 3.0 ¹	
5 _____				_____ 4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
6 _____				_____ 5- Wetland Non-Vascular Plants ¹	
7 _____				_____ Problematic Hydrophytic Vegetation ¹ (Explain)	
8 _____				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
	<u>0</u>	= Total Cover		Hydrophytic Vegetation Present? Yes <u>X</u> No _____	
Woody Vine Stratum (plot size: _____)					
1 _____					
2 _____					
	<u>0</u>	= Total Cover			
% Bare Ground in Herb Stratum <u>100</u>					

Remarks:

MIP-23-07 171 Planning Manager Decision

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-8	10YR 2/2	100					Silty Clay Loam	
8-12	10YR 3/2	99	10YR 3/4	1	C	M	Silty Clay Loam	Fine
12-17	10YR 3/1	99	10YR 3/3	1	C	M	Clay Loam	Fine

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No **X**

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input checked="" type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No **X** Depth (inches): _____
 Water Table Present? Yes _____ No **X** Depth (inches): **>17**
 Saturation Present? Yes _____ No **X** Depth (inches): **>17**
 (includes capillary fringe)

Wetland Hydrology Present?
 Yes _____ No **X**

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 11
 Investigator(s): CM Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Bank Local relief (concave, convex, none): Convex Slope (%): 25
 Subregion (LRR): LRRA Lat: 45.3431 Long: -122.6409 Datum: WGS84
 Soil Map Unit Name: Newberg fine sandy loam NWI Classification: R2UBH
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes _____	No <u>X</u>	Is Sampled Area within a Wetland?	Yes _____	No <u>X</u>
Hydric Soil Present?	Yes _____	No <u>X</u>			
Wetland Hydrology Present?	Yes _____	No <u>X</u>			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status
Tree Stratum (plot size: <u>30</u>)			
1 <u>Populus balsamifera</u>	<u>70</u>	<u>X</u>	<u>FAC</u>
2 <u>Pseudotsuga menziesii</u>	<u>30</u>	<u>X</u>	<u>FACU</u>
3 _____			
4 _____			
	<u>100</u>	= Total Cover	
Sapling/Shrub Stratum (plot size: <u>15</u>)			
1 <u>Symphoricarpos albus</u>	<u>25</u>	<u>X</u>	<u>FACU</u>
2 <u>Rubus armeniacus</u>	<u>20</u>	<u>X</u>	<u>FAC</u>
3 <u>Populus balsamifera</u>	<u>20</u>	<u>X</u>	<u>FAC</u>
4 <u>Cornus alba</u>	<u>15</u>		<u>FACW</u>
5 <u>Prunus avium</u>	<u>10</u>		<u>FACU</u>
	<u>100</u>	= Total Cover	
Herb Stratum (plot size: <u>5</u>)			
1 <u>Pteridium aquilinum</u>	<u>40</u>	<u>X</u>	<u>FACU</u>
2 _____			
3 _____			
4 _____			
5 _____			
6 _____			
7 _____			
8 _____			
	<u>40</u>	= Total Cover	
Woody Vine Stratum (plot size: <u>30</u>)			
1 <u>Hedera helix</u>	<u>80</u>	<u>X</u>	<u>FACU</u>
2 _____			
	<u>80</u>	= Total Cover	
% Bare Ground in Herb Stratum <u>60</u>			

Dominance Test worksheet:

Number of Dominant Species
 That are OBL, FACW, or FAC: 3 (A)

Total Number of Dominant Species Across All Strata: 7 (B)

Percent of Dominant Species
 That are OBL, FACW, or FAC: 43% (A/B)

Prevalence Index Worksheet:

Total % Cover of	Multiply by:			
OBL Species _____	x 1 =	<u>0</u>		
FACW species _____	x 2 =	<u>0</u>		
FAC Species _____	x 3 =	<u>0</u>		
FACU Species _____	x 4 =	<u>0</u>		
UPL Species _____	x 5 =	<u>0</u>		
Column Totals <u>0</u> (A)			<u>0</u> (B)	

Prevalence Index =B/A = #DIV/0!

Hydrophytic Vegetation Indicators:

_____ 1- Rapid Test for Hydrophytic Vegetation
 _____ 2- Dominance Test is >50%
 _____ 3-Prevalence Index is ≤ 3.0¹
 _____ 4-Morphological Adaptations¹ (provide supporting data in Remarks or on a separate sheet)
 _____ 5- Wetland Non-Vascular Plants¹
 _____ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes _____ No X

Remarks:
Shrubs continued: Alnus rubra (FACU) 10%.
 MIP-23-07 173 Planning Manager Decision

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-2	10YR 2/2	100					Silty Clay Loam	
2-6	10YR 3/2	100					Silty Clay Loam	
6-16	10YR 3/2	98	10YR 5/6	2	C	M	Silty Clay Loam	Coarse

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No **X**

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

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

Secondary Indicators (2 or more required)

<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No **X** Depth (inches): _____
 Water Table Present? Yes _____ No **X** Depth (inches): **>16**
 Saturation Present? Yes _____ No **X** Depth (inches): **>16**
 (includes capillary fringe)

Wetland Hydrology Present? Yes _____ No **X**

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 12
 Investigator(s): CM Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Swale Local relief (concave, convex, none): Concave Slope (%): 3
 Subregion (LRR): LRRA Lat: 45.3431 Long: -122.6444 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes <u>X</u>	No _____			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status
Tree Stratum (plot size: <u>30</u>)			
1 <u>Fraxinus latifolia</u>	<u>10</u>	<u>X</u>	<u>FACW</u>
2 _____			
3 _____			
4 _____			
	<u>10</u>	= Total Cover	
Sapling/Shrub Stratum (plot size: <u>15</u>)			
1 <u>Rubus armeniacus</u>	<u>30</u>	<u>X</u>	<u>FAC</u>
2 <u>Fraxinus latifolia</u>	<u>20</u>	<u>X</u>	<u>FACW</u>
3 <u>Populus balsamifera</u>	<u>10</u>		<u>FAC</u>
4 _____			
5 _____			
	<u>60</u>	= Total Cover	
Herb Stratum (plot size: <u>5</u>)			
1 <u>Schedonorus arundinaceus</u>	<u>40</u>	<u>X</u>	<u>FAC</u>
2 <u>Phalaris arundinacea</u>	<u>30</u>	<u>X</u>	<u>FACW</u>
3 <u>Unidentified grass</u>	<u>20</u>	<u>X</u>	<u>(FAC)</u>
4 <u>Cirsium arvense</u>	<u>10</u>		<u>FAC</u>
5 _____			
6 _____			
7 _____			
8 _____			
	<u>100</u>	= Total Cover	
Woody Vine Stratum (plot size: _____)			
1 _____			
2 _____			
	<u>0</u>	= Total Cover	
% Bare Ground in Herb Stratum <u>0</u>			

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: 6 (A)

Total Number of Dominant Species Across All Strata: 6 (B)

Percent of Dominant Species That are OBL, FACW, or FAC: 100% (A/B)

Prevalence Index Worksheet:

Total % Cover of	Multiply by:	
OBL Species _____	x 1 =	<u>0</u>
FACW species _____	x 2 =	<u>0</u>
FAC Species _____	x 3 =	<u>0</u>
FACU Species _____	x 4 =	<u>0</u>
UPL Species _____	x 5 =	<u>0</u>
Column Totals <u>0</u> (A)		<u>0</u> (B)

Prevalence Index =B/A = #DIV/0!

Hydrophytic Vegetation Indicators:

_____ 1- Rapid Test for Hydrophytic Vegetation

X 2- Dominance Test is >50%

_____ 3-Prevalence Index is ≤ 3.0¹

_____ 4-Morphological Adaptations¹ (provide supporting data in Remarks or on a separate sheet)

_____ 5- Wetland Non-Vascular Plants¹

_____ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No _____

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-5	10YR 3/2	99	10YR 3/4	1	C	M	Silty Clay Loam	Fine
5-15	10YR 3/2	95	10YR 3/4	5	C	M	Silty Clay Loam	Fine

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input checked="" type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

Soils are adjacent to a berm, which has disturbed soils, decades old. Conditions are considered normal.

HYDROLOGY

Wetland Hydrology Indicators:

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

Secondary Indicators (2 or more required)

<input checked="" type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input checked="" type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input checked="" type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes No Depth (inches): _____
 Water Table Present? Yes No Depth (inches): 3
 Saturation Present? Yes No Depth (inches): Surface
 (includes capillary fringe)

Wetland Hydrology Present?

Yes No

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 13
 Investigator(s): CM Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Slope/Berm Local relief (concave, convex, none): Convex Slope (%): 25
 Subregion (LRR): LRRA Lat: 45.3430 Long: -122.6443 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes _____	No <u>X</u>
Hydric Soil Present?	Yes _____	No <u>X</u>			
Wetland Hydrology Present?	Yes _____	No <u>X</u>			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: <u>30</u>)				Number of Dominant Species	
1 <u>Populus balsamifera</u>	<u>40</u>	<u>X</u>	<u>FAC</u>	That are OBL, FACW, or FAC: <u>3</u> (A)	
2 _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: <u>3</u> (B)	
3 _____	_____	_____	_____	Percent of Dominant Species That are OBL, FACW, or FAC: <u>100%</u> (A/B)	
4 _____	<u>40</u>	= Total Cover	_____		
Sapling/Shrub Stratum (plot size: <u>15</u>)				Prevalence Index Worksheet:	
1 <u>Rubus armeniacus</u>	<u>75</u>	<u>X</u>	<u>FAC</u>	Total % Cover of	Multiply by:
2 <u>Corylus cornuta</u>	<u>20</u>	_____	<u>FACU</u>	OBL Species _____ x 1 = <u>0</u>	
3 <u>Populus balsamifera</u>	<u>20</u>	_____	<u>FAC</u>	FACW species _____ x 2 = <u>0</u>	
4 <u>Crataegus monogyna</u>	<u>10</u>	_____	<u>FAC</u>	FAC Species _____ x 3 = <u>0</u>	
5 <u>Fraxinus latifolia</u>	<u>5</u>	_____	<u>FACW</u>	FACU Species _____ x 4 = <u>0</u>	
	<u>135</u>	= Total Cover	_____	UPL Species _____ x 5 = <u>0</u>	
Herb Stratum (plot size: <u>5</u>)				Column Totals	<u>0</u> (A) <u>0</u> (B)
1 <u>Schedonorus arundinaceus</u>	<u>70</u>	<u>X</u>	<u>FAC</u>	Prevalence Index =B/A = <u>#DIV/0!</u>	
2 <u>Phalaris arundinacea</u>	<u>10</u>	_____	<u>FACW</u>		
3 <u>Unidentified grass</u>	<u>10</u>	_____	<u>(FAC)</u>		
4 <u>Cirsium arvense</u>	<u>10</u>	_____	<u>FAC</u>		
5 _____	_____	_____	_____		
6 _____	_____	_____	_____		
7 _____	_____	_____	_____		
8 _____	<u>100</u>	= Total Cover	_____		
Woody Vine Stratum (plot size: _____)				Hydrophytic Vegetation Indicators:	
1 _____	_____	_____	_____	1- Rapid Test for Hydrophytic Vegetation	
2 _____	_____	_____	_____	<u>X</u> 2- Dominance Test is >50%	
	<u>0</u>	= Total Cover	_____	3-Prevalence Index is ≤ 3.0 ¹	
% Bare Ground in Herb Stratum <u>0</u>				4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
Remarks:				5- Wetland Non-Vascular Plants ¹	
Shrubs continued: Cornus alba (FACW) 5%.				Problematic Hydrophytic Vegetation ¹ (Explain)	
MIP-23-07				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
				Hydrophytic Vegetation Present? Yes <u>X</u> No _____	

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-16	10YR 3/2	40					Sandy Clay Loam	Mixed Matrix
	10YR 3/3	60					Sandy Clay Loam	Mixed Matrix

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No **X**

Remarks:
Soil has been disturbed decades ago. Conditions considered normal.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No **X** Depth (inches): _____
 Water Table Present? Yes _____ No **X** Depth (inches): **>16**
 Saturation Present? Yes **X** No _____ Depth (inches): **0-3; >16**
 (includes capillary fringe)

Wetland Hydrology Present?
 Yes _____ No **X**

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

Remarks:
Saturation not tied to high water table

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 14
 Investigator(s): CM/AS Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Slope Local relief (concave, convex, none): None Slope (%): 10
 Subregion (LRR): LRRA Lat: 45.3447 Long: -122.6445 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes _____	No <u>X</u>
Hydric Soil Present?	Yes _____	No <u>X</u>			
Wetland Hydrology Present?	Yes _____	No <u>X</u>			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: _____)				Number of Dominant Species	
1	_____	_____	_____	That are OBL, FACW, or FAC: <u>2</u> (A)	
2	_____	_____	_____	Total Number of Dominant Species Across All Strata: <u>2</u> (B)	
3	_____	_____	_____	Percent of Dominant Species	
4	_____	_____	_____	That are OBL, FACW, or FAC: <u>100%</u> (A/B)	
5	<u>0</u>	= Total Cover		Prevalence Index Worksheet:	
Sapling/Shrub Stratum (plot size: <u>15</u>)				Total % Cover of _____ Multiply by: _____	
1	<u>100</u>	<u>X</u>	<u>FAC</u>	OBL Species _____ x 1 = <u>0</u>	
2	_____	_____	_____	FACW species _____ x 2 = <u>0</u>	
3	_____	_____	_____	FAC Species _____ x 3 = <u>0</u>	
4	_____	_____	_____	FACU Species _____ x 4 = <u>0</u>	
5	_____	_____	_____	UPL Species _____ x 5 = <u>0</u>	
	<u>100</u>	= Total Cover		Column Totals <u>0</u> (A) <u>0</u> (B)	
Herb Stratum (plot size: <u>5</u>)				Prevalence Index =B/A = <u>#DIV/0!</u>	
1	<u>5</u>	<u>X</u>	<u>(FAC)</u>	Hydrophytic Vegetation Indicators:	
2	_____	_____	_____	_____ 1- Rapid Test for Hydrophytic Vegetation	
3	_____	_____	_____	<u>X</u> 2- Dominance Test is >50%	
4	_____	_____	_____	_____ 3-Prevalence Index is ≤ 3.0 ¹	
5	_____	_____	_____	_____ 4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
6	_____	_____	_____	_____ 5- Wetland Non-Vascular Plants ¹	
7	_____	_____	_____	_____ Problematic Hydrophytic Vegetation ¹ (Explain)	
8	<u>5</u>	= Total Cover		¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
Woody Vine Stratum (plot size: _____)				Hydrophytic Vegetation Present? Yes <u>X</u> No _____	
1	_____	_____	_____		
2	_____	_____	_____		
	<u>0</u>	= Total Cover			
% Bare Ground in Herb Stratum <u>95</u>					

Remarks:

MIP-23-07 179 Planning Manager Decision

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
<u>1-12</u>	<u>10YR 3/3</u>	<u>100</u>					<u>Silty Clay Loam</u>	
<u>12-17</u>	<u>10YR 3/4</u>	<u>100</u>					<u>Silty Clay Loam</u>	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

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

Secondary Indicators (2 or more required)

<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____
 Water Table Present? Yes _____ No X Depth (inches): >17
 Saturation Present? Yes X No _____ Depth (inches): 0-3; >17
 (includes capillary fringe)

Wetland Hydrology Present? Yes _____ No X

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

Remarks:

Saturation not tied to high water table

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 15
 Investigator(s): CM/AS Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Slope Local relief (concave, convex, none): Concave Slope (%): 5
 Subregion (LRR): LRRA Lat: 45.3447 Long: -122.6445 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes <u>X</u>	No _____			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: <u>30</u>)				Number of Dominant Species	
1 <u><i>Alnus rubra</i></u>	<u>20</u>	<u>X</u>	<u>FAC</u>	That are OBL, FACW, or FAC: <u>6</u> (A)	
2 <u><i>Fraxinus latifolia</i></u>	<u>10</u>	<u>X</u>	<u>FACW</u>	Total Number of Dominant Species Across All Strata: <u>6</u> (B)	
3 _____	_____	_____	_____	Percent of Dominant Species	
4 _____	_____	_____	_____	That are OBL, FACW, or FAC: <u>100%</u> (A/B)	
	<u>30</u>	= Total Cover		Prevalence Index Worksheet:	
Sapling/Shrub Stratum (plot size: <u>15</u>)				Total % Cover of _____ Multiply by: _____	
1 <u><i>Rubus armeniacus</i></u>	<u>20</u>	<u>X</u>	<u>FAC</u>	OBL Species _____ x 1 = <u>0</u>	
2 _____	_____	_____	_____	FACW species _____ x 2 = <u>0</u>	
3 _____	_____	_____	_____	FAC Species _____ x 3 = <u>0</u>	
4 _____	_____	_____	_____	FACU Species _____ x 4 = <u>0</u>	
5 _____	_____	_____	_____	UPL Species _____ x 5 = <u>0</u>	
	<u>20</u>	= Total Cover		Column Totals <u>0</u> (A)	<u>0</u> (B)
Herb Stratum (plot size: <u>5</u>)				Prevalence Index =B/A = <u>#DIV/0!</u>	
1 <u><i>Ranunculus repens</i></u>	<u>30</u>	<u>X</u>	<u>FAC</u>	Hydrophytic Vegetation Indicators:	
2 <u><i>Phalaris arundinacea</i></u>	<u>30</u>	<u>X</u>	<u>FACW</u>	_____ 1- Rapid Test for Hydrophytic Vegetation	
3 <u>Unidentified grass</u>	<u>30</u>	<u>X</u>	<u>(FAC)</u>	<u>X</u> 2- Dominance Test is >50%	
4 <u><i>Scirpus microcarpus</i></u>	<u>20</u>	_____	<u>OBL</u>	_____ 3-Prevalence Index is ≤ 3.0 ¹	
5 <u><i>Juncus effusus</i></u>	<u>10</u>	_____	<u>FACW</u>	_____ 4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
6 <u><i>Cirsium arvense</i></u>	<u>5</u>	_____	<u>FAC</u>	_____ 5- Wetland Non-Vascular Plants ¹	
7 _____	_____	_____	_____	_____ Problematic Hydrophytic Vegetation ¹ (Explain)	
8 _____	_____	_____	_____	_____	
	<u>125</u>	= Total Cover		¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
Woody Vine Stratum (plot size: _____)				Hydrophytic Vegetation Present? Yes <u>X</u> No _____	
1 _____	_____	_____	_____		
2 _____	_____	_____	_____		
	<u>0</u>	= Total Cover			
% Bare Ground in Herb Stratum <u>0</u>					

Remarks:

MIP-23-07 181 Planning Manager Decision

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-12	10YR 3/2	95	10YR 3/4	2	C	M	Silty Clay Loam	Fine
			2.5Y 4/1	3	D	M	Silty Clay Loam	Medium

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

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) **Indicators for Problematic Hydric Soils³:**

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input checked="" type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: _____

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input checked="" type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input checked="" type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input checked="" type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input checked="" type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

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

Water Table Present? Yes No Depth (inches): 7

Saturation Present? Yes No Depth (inches): Surface

Wetland Hydrology Present? Yes No

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

Remarks: _____

MIP-23-07
182
Planning Manager Decision

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 16
 Investigator(s): CM Section, Township, Range: S 401, T 3S, 1 E
 Landform (hillslope, terrace, etc.): Depression Local relief (concave, convex, none): Concave Slope (%): 3
 Subregion (LRR): LRRA Lat: 45.3422 Long: -122.6436 Datum: WGS84
 Soil Map Unit Name: Newberg fine sandy loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes _____	No <u>X</u>
Hydric Soil Present?	Yes _____	No <u>X</u>			
Wetland Hydrology Present?	Yes _____	No <u>X</u>			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status
Tree Stratum (plot size: <u>30</u>)			
1 <u>Rubus armeniacus</u>	<u>100</u>	<u>X</u>	<u>FAC</u>
2 <u>Populus balsamifera</u>	<u>20</u>		<u>FAC</u>
3 _____			
4 _____			
	<u>120</u>	= Total Cover	
Sapling/Shrub Stratum (plot size: <u>15</u>)			
1 <u>Rubus armeniacus</u>	<u>100</u>	<u>X</u>	<u>FAC</u>
2 <u>Populus balsamifera</u>	<u>10</u>		<u>FAC</u>
3 _____			
4 _____			
5 _____			
	<u>110</u>	= Total Cover	
Herb Stratum (plot size: _____)			
1 _____			
2 _____			
3 _____			
4 _____			
5 _____			
6 _____			
7 _____			
8 _____			
	<u>0</u>	= Total Cover	
Woody Vine Stratum (plot size: <u>30</u>)			
1 <u>Hedera helix</u>	<u>30</u>	<u>X</u>	<u>FACU</u>
2 _____			
	<u>30</u>	= Total Cover	
% Bare Ground in Herb Stratum <u>100</u>			

Dominance Test worksheet:

Number of Dominant Species That are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That are OBL, FACW, or FAC: 67% (A/B)

Prevalence Index Worksheet:

Total % Cover of	Multiply by:	
OBL Species _____	x 1 =	<u>0</u>
FACW species _____	x 2 =	<u>0</u>
FAC Species _____	x 3 =	<u>0</u>
FACU Species _____	x 4 =	<u>0</u>
UPL Species _____	x 5 =	<u>0</u>
Column Totals <u>0</u> (A)		<u>0</u> (B)

Prevalence Index =B/A = #DIV/0!

Hydrophytic Vegetation Indicators:

X 1- Rapid Test for Hydrophytic Vegetation
X 2- Dominance Test is >50%
 _____ 3-Prevalence Index is ≤ 3.0¹
 _____ 4-Morphological Adaptations¹ (provide supporting data in Remarks or on a separate sheet)
 _____ 5- Wetland Non-Vascular Plants¹
 _____ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes X No _____

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-10	10YR 3/3	99	10YR 3/4	1	C	M	Loam	Organic; Fine
10-17	10YR 3/3	97	10YR 3/4	3	C	M	Loam	Organic; Fine

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No **X**

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input checked="" type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No **X** Depth (inches): _____
 Water Table Present? Yes _____ No **X** Depth (inches): **>17**
 Saturation Present? Yes **X** No _____ Depth (inches): **0-2; >17**
 (includes capillary fringe)

Wetland Hydrology Present?
 Yes _____ No **X**

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 17
 Investigator(s): CM Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Swale Local relief (concave, convex, none): Concave Slope (%): 3
 Subregion (LRR): LRRA Lat: 45.3448 Long: -122.6394 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes <u>X</u>	No _____			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: _____)				Number of Dominant Species	
1	_____	_____	_____	That are OBL, FACW, or FAC: <u>3</u> (A)	
2	_____	_____	_____	Total Number of Dominant	
3	_____	_____	_____	Species Across All Strata: <u>4</u> (B)	
4	_____	_____	_____	Percent of Dominant Species	
	<u>0</u>	= Total Cover		That are OBL, FACW, or FAC: <u>75%</u> (A/B)	
Sapling/Shrub Stratum (plot size: <u>15</u>)				Prevalence Index Worksheet:	
1	<u>5</u>	<u>X</u>	<u>FAC</u>	Total % Cover of	Multiply by:
2	_____	_____	_____	OBL Species	x 1 = <u>0</u>
3	_____	_____	_____	FACW species	x 2 = <u>0</u>
4	_____	_____	_____	FAC Species	x 3 = <u>0</u>
5	_____	_____	_____	FACU Species	x 4 = <u>0</u>
	<u>5</u>	= Total Cover		UPL Species	x 5 = <u>0</u>
Herb Stratum (plot size: <u>5</u>)				Column Totals	<u>0</u> (A) <u>0</u> (B)
1	<u>50</u>	<u>X</u>	<u>FAC</u>	Prevalence Index =B/A = <u>#DIV/0!</u>	
2	<u>20</u>	<u>X</u>	<u>FACU</u>	Hydrophytic Vegetation Indicators:	
3	<u>20</u>	<u>X</u>	<u>(FAC)</u>	_____ 1- Rapid Test for Hydrophytic Vegetation	
4	<u>10</u>	_____	<u>FAC</u>	_____ <u>X</u> 2- Dominance Test is >50%	
5	_____	_____	_____	_____ 3-Prevalence Index is ≤ 3.0 ¹	
6	_____	_____	_____	_____ 4-Morphological Adaptations ¹ (provide supporting	
7	_____	_____	_____	data in Remarks or on a separate sheet)	
8	_____	_____	_____	_____ 5- Wetland Non-Vascular Plants ¹	
	<u>100</u>	= Total Cover		_____ Problematic Hydrophytic Vegetation ¹ (Explain)	
Woody Vine Stratum (plot size: _____)				¹ Indicators of hydric soil and wetland hydrology must be present, unless	
1	_____	_____	_____	disturbed or problematic.	
2	_____	_____	_____	Hydrophytic	
	<u>0</u>	= Total Cover		Vegetation Present? Yes <u>X</u> No _____	
% Bare Ground in Herb Stratum <u>0</u>					

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-5	10YR 3/3	100					Loam	
5-7	10YR 3/2	50					Loam	
5-7	10YR 3/3	50					Loam	
7-15	10YR 3/2	60	10YR5/6	3	C	M	Loam	Medium
7-15	10YR 3/3	35	10YR5/6	2	C	M	Loam	Medium

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input checked="" type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks:

Mixed matrix, old disturbed soils, normal conditions present.

HYDROLOGY

Wetland Hydrology Indicators:

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

Secondary Indicators (2 or more required)

<input checked="" type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input checked="" type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input checked="" type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input checked="" type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input checked="" type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes No Depth (inches): _____
 Water Table Present? Yes No Depth (inches): 8
 Saturation Present? Yes No Depth (inches): Surface
 (includes capillary fringe)

Wetland Hydrology Present?

Yes No

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 18
 Investigator(s): CM Section, Township, Range: S 2, T 3S, R 1E
 Landform (hillslope, terrace, etc.): Swale Local relief (concave, convex, none): Concave Slope (%): 3
 Subregion (LRR): LRRA Lat: 45.3448 Long: -122.6394 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes _____	No <u>X</u>
Hydric Soil Present?	Yes _____	No <u>X</u>			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: _____)				Number of Dominant Species	
1	_____	_____	_____	That are OBL, FACW, or FAC: <u>2</u> (A)	
2	_____	_____	_____	Total Number of Dominant Species Across All Strata: <u>3</u> (B)	
3	_____	_____	_____	Percent of Dominant Species	
4	_____	_____	_____	That are OBL, FACW, or FAC: <u>67%</u> (A/B)	
5	<u>0</u>	= Total Cover		Prevalence Index Worksheet:	
Sapling/Shrub Stratum (plot size: <u>15</u>)				Total % Cover of _____ Multiply by: _____	
1	<u>5</u>	<u>X</u>	<u>FAC</u>	OBL Species _____ x 1 = <u>0</u>	
2	_____	_____	_____	FACW species _____ x 2 = <u>0</u>	
3	_____	_____	_____	FAC Species _____ x 3 = <u>0</u>	
4	_____	_____	_____	FACU Species _____ x 4 = <u>0</u>	
5	_____	_____	_____	UPL Species _____ x 5 = <u>0</u>	
	<u>5</u>	= Total Cover		Column Totals <u>0</u> (A)	<u>0</u> (B)
Herb Stratum (plot size: <u>5</u>)				Prevalence Index =B/A = <u>#DIV/0!</u>	
1	<u>40</u>	<u>X</u>	<u>FAC</u>	Hydrophytic Vegetation Indicators:	
2	<u>30</u>	<u>X</u>	<u>FACU</u>	_____ 1- Rapid Test for Hydrophytic Vegetation	
3	<u>10</u>	_____	<u>FACU</u>	<u>X</u> 2- Dominance Test is >50%	
4	<u>10</u>	_____	<u>(FAC)</u>	_____ 3-Prevalence Index is ≤ 3.0 ¹	
5	<u>10</u>	_____	<u>FACU</u>	_____ 4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
6	<u>5</u>	_____	<u>FAC</u>	_____ 5- Wetland Non-Vascular Plants ¹	
7	_____	_____	_____	_____ Problematic Hydrophytic Vegetation ¹ (Explain)	
8	_____	_____	_____	_____	
	<u>105</u>	= Total Cover		¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
Woody Vine Stratum (plot size: _____)				Hydrophytic Vegetation Present? Yes <u>X</u> No _____	
1	_____	_____	_____		
2	_____	_____	_____		
	<u>0</u>	= Total Cover			
% Bare Ground in Herb Stratum <u>0</u>					

Remarks:

MIP-23-07 187 Planning Manager Decision

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-10	10YR 3/3	100					Loam	
10-17	10YR 3/3	88	10YR 3/4	1	C	M	Loam	Fine
10-17	10YR 3/2	10	10YR 3/4	1	C	M	Loam	Fine

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No **X**

Remarks:
Some minor 10YR 3/2, but mostly 10YR 3/3

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
X <input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	X <input checked="" type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No **X** Depth (inches): _____
 Water Table Present? Yes **X** No _____ Depth (inches): **13**
 Saturation Present? Yes **X** No _____ Depth (inches): **0-2; 10**
 (includes capillary fringe)

Wetland Hydrology Present?
 Yes **X** No _____

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 19
 Investigator(s): CM Section, Township, Range: S 36, T 2S, R 1E
 Landform (hillslope, terrace, etc.): Slope Local relief (concave, convex, none): None Slope (%): 3
 Subregion (LRR): LRRA Lat: 45.3458 Long: -122.6392 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes _____	No <u>X</u>
Hydric Soil Present?	Yes _____	No <u>X</u>			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: <u>30</u>)				Number of Dominant Species	
1 <u>Populus balsamifera</u>	<u>20</u>	<u>X</u>	<u>FAC</u>	That are OBL, FACW, or FAC: <u>5</u> (A)	
2 <u>Salix sp</u>	<u>10</u>	<u>X</u>	<u>(FAC)</u>	Total Number of Dominant Species Across All Strata: <u>8</u> (B)	
3 <u>Fraxinus latifolia</u>	<u>5</u>		<u>FACW</u>	Percent of Dominant Species That are OBL, FACW, or FAC: <u>63%</u> (A/B)	
4 _____				Prevalence Index Worksheet:	
	<u>35</u>	= Total Cover		Total % Cover of _____ Multiply by: _____	
Sapling/Shrub Stratum (plot size: <u>15</u>)				OBL Species _____ x 1 = <u>0</u>	
1 <u>Salix sp</u>	<u>20</u>	<u>X</u>	<u>(FAC)</u>	FACW species _____ x 2 = <u>0</u>	
2 <u>Corylus cornuta</u>	<u>20</u>	<u>X</u>	<u>FACU</u>	FAC Species _____ x 3 = <u>0</u>	
3 <u>Rosa sp</u>	<u>15</u>	<u>X</u>	<u>(FAC)</u>	FACU Species _____ x 4 = <u>0</u>	
4 <u>Rubus armeniacus</u>	<u>10</u>		<u>FAC</u>	UPL Species _____ x 5 = <u>0</u>	
5 <u>Populus balsamifera</u>	<u>10</u>		<u>FAC</u>	Column Totals <u>0</u> (A) <u>0</u> (B)	
	<u>100</u>	= Total Cover		Prevalence Index =B/A = <u>#DIV/0!</u>	
Herb Stratum (plot size: <u>5</u>)				Hydrophytic Vegetation Indicators:	
1 <u>Unidentified grass</u>	<u>20</u>	<u>X</u>	<u>(FAC)</u>	_____ 1- Rapid Test for Hydrophytic Vegetation	
2 <u>Polystichum munitum</u>	<u>10</u>	<u>X</u>	<u>FACU</u>	<u>X</u> 2- Dominance Test is >50%	
3 _____				_____ 3-Prevalence Index is ≤ 3.0 ¹	
4 _____				_____ 4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
5 _____				_____ 5- Wetland Non-Vascular Plants ¹	
6 _____				_____ Problematic Hydrophytic Vegetation ¹ (Explain)	
7 _____				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
8 _____				Hydrophytic Vegetation Present? Yes <u>X</u> No _____	
	<u>30</u>	= Total Cover			
Woody Vine Stratum (plot size: <u>30</u>)					
1 <u>Hedera helix</u>	<u>75</u>	<u>X</u>	<u>FACU</u>		
2 _____					
	<u>75</u>	= Total Cover			
% Bare Ground in Herb Stratum <u>70</u>					

Remarks:
Shrubs continued: Ilex americana (UPL), Crataegus monogyna (FAC) 10% each and Prunus laurocerasus (UPL) 5%
 MIP-23-07 189 Planning Manager Decision

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-8	10YR 2/2	100					Silty Clay Loam	
8-16	10YR 2/2	98	10YR 2/3	2	C	M	Silty Clay Loam	Fine; minor sand

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No **X**

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

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

Secondary Indicators (2 or more required)

<input checked="" type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No **X** Depth (inches): _____
 Water Table Present? Yes **X** No _____ Depth (inches): **12**
 Saturation Present? Yes **X** No _____ Depth (inches): **10**
 (includes capillary fringe)

Wetland Hydrology Present?

Yes **X** No _____

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 20
 Investigator(s): CM Section, Township, Range: S 36, T 2S, R 1E
 Landform (hillslope, terrace, etc.): Slope Local relief (concave, convex, none): Concave Slope (%): 3
 Subregion (LRR): LRRA Lat: 45.3458 Long: -122.6392 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes <u>X</u>	No _____			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	
Tree Stratum (plot size: <u>30</u>)				Dominance Test worksheet: Number of Dominant Species That are OBL, FACW, or FAC: <u>6</u> (A) Total Number of Dominant Species Across All Strata: <u>6</u> (B) Percent of Dominant Species That are OBL, FACW, or FAC: <u>100%</u> (A/B)
1 <u>Salix sp</u>	<u>25</u>	<u>X</u>	<u>(FAC)</u>	
2 <u>Fraxinus latifolia</u>	<u>10</u>	<u>X</u>	<u>FACW</u>	
3 _____	_____	_____	_____	
4 _____	_____	_____	_____	
	<u>35</u>	= Total Cover		
Sapling/Shrub Stratum (plot size: <u>15</u>)				
1 <u>Salix sp</u>	<u>60</u>	<u>X</u>	<u>(FAC)</u>	
2 <u>Fraxinus latifolia</u>	<u>40</u>	<u>X</u>	<u>FACW</u>	
3 <u>Rosa sp</u>	<u>20</u>	_____	<u>(FAC)</u>	
4 _____	_____	_____	_____	
5 _____	_____	_____	_____	
	<u>120</u>	= Total Cover		
Herb Stratum (plot size: <u>5</u>)				
1 <u>Phalaris arundinacea</u>	<u>75</u>	<u>X</u>	<u>FACW</u>	
2 <u>Unidentified grass</u>	<u>20</u>	<u>X</u>	<u>(FAC)</u>	
3 _____	_____	_____	_____	
4 _____	_____	_____	_____	
5 _____	_____	_____	_____	
6 _____	_____	_____	_____	
7 _____	_____	_____	_____	
8 _____	_____	_____	_____	
	<u>95</u>	= Total Cover		
Woody Vine Stratum (plot size: _____)				
1 _____	_____	_____	_____	
2 _____	_____	_____	_____	
	<u>0</u>	= Total Cover		
% Bare Ground in Herb Stratum <u>5</u>				

Prevalence Index Worksheet:			
Total % Cover of		Multiply by:	
OBL Species	_____	x 1 =	<u>0</u>
FACW species	_____	x 2 =	<u>0</u>
FAC Species	_____	x 3 =	<u>0</u>
FACU Species	_____	x 4 =	<u>0</u>
UPL Species	_____	x 5 =	<u>0</u>
Column Totals	<u>0</u> (A)		<u>0</u> (B)
Prevalence Index =B/A =		<u>#DIV/0!</u>	

Hydrophytic Vegetation Indicators:	
	1- Rapid Test for Hydrophytic Vegetation
<u>X</u>	2- Dominance Test is >50%
_____	3-Prevalence Index is ≤ 3.0 ¹
_____	4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)
_____	5- Wetland Non-Vascular Plants ¹
_____	Problematic Hydrophytic Vegetation ¹ (Explain)
¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
Hydrophytic Vegetation Present?	Yes <u>X</u> No _____

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-5	10YR 3/2	100					Silty Clay Loam	
5-15	10YR 2/2	95	10YR 3/4	5	C	M	Silty Clay Loam	Medium

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

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

Indicators for Problematic Hydric Soils³:

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input checked="" type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes X No _____

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

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

Secondary Indicators (2 or more required)

<input checked="" type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input checked="" type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input checked="" type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input checked="" type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	<input checked="" type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____
 Water Table Present? Yes X No _____ Depth (inches): 8
 Saturation Present? Yes X No _____ Depth (inches): Surface
 (includes capillary fringe)

Wetland Hydrology Present?
 Yes X No _____

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

Remarks:

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 21
 Investigator(s): CM Section, Township, Range: S 36, T 2S, R 1E
 Landform (hillslope, terrace, etc.): Slope Local relief (concave, convex, none): None Slope (%): 2
 Subregion (LRR): LRRA Lat: 45.3466 Long: -122.6387 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes _____	No <u>X</u>
Hydric Soil Present?	Yes _____	No <u>X</u>			
Wetland Hydrology Present?	Yes _____	No <u>X</u>			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: <u>30</u>)				Number of Dominant Species	
1 <u>Fraxinus latifolia</u>	<u>20</u>	<u>X</u>	<u>FACW</u>	That are OBL, FACW, or FAC: <u>4</u> (A)	
2 <u>Rosa sp</u>	<u>5</u>	<u>X</u>	<u>(FAC)</u>	Total Number of Dominant Species Across All Strata: <u>4</u> (B)	
3 _____				Percent of Dominant Species That are OBL, FACW, or FAC: <u>100%</u> (A/B)	
4 _____				Prevalence Index Worksheet:	
5 _____	<u>25</u>	= Total Cover		Total % Cover of _____ Multiply by: _____	
Sapling/Shrub Stratum (plot size: _____)				OBL Species _____ x 1 = <u>0</u>	
1 _____				FACW species _____ x 2 = <u>0</u>	
2 _____				FAC Species _____ x 3 = <u>0</u>	
3 _____				FACU Species _____ x 4 = <u>0</u>	
4 _____				UPL Species _____ x 5 = <u>0</u>	
5 _____	<u>0</u>	= Total Cover		Column Totals <u>0</u> (A) <u>0</u> (B)	
Herb Stratum (plot size: <u>5</u>)				Prevalence Index =B/A = <u>#DIV/0!</u>	
1 <u>Schedonorus arundinaceus</u>	<u>50</u>	<u>X</u>	<u>FAC</u>	Hydrophytic Vegetation Indicators:	
2 <u>Unidentified grass</u>	<u>50</u>	<u>X</u>	<u>(FAC)</u>	1- Rapid Test for Hydrophytic Vegetation	
3 _____				<u>X</u> 2- Dominance Test is >50%	
4 _____				3-Prevalence Index is ≤ 3.0 ¹	
5 _____				4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
6 _____				5- Wetland Non-Vascular Plants ¹	
7 _____				Problematic Hydrophytic Vegetation ¹ (Explain)	
8 _____	<u>100</u>	= Total Cover		¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
Woody Vine Stratum (plot size: _____)				Hydrophytic Vegetation Present? Yes <u>X</u> No _____	
1 _____					
2 _____					
	<u>0</u>	= Total Cover			
% Bare Ground in Herb Stratum <u>0</u>					

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

Project/Site: Rivianna Beach Development City/County: West Linn/Clackamas Sampling Date: 1/29/2024
 Applicant/Owner: Forward Vision Development State: OR Sampling Point: 22
 Investigator(s): CM Section, Township, Range: S 36, T 2S, R 1E
 Landform (hillslope, terrace, etc.): Slope Local relief (concave, convex, none): None Slope (%): 2
 Subregion (LRR): LRRA Lat: 45.3466 Long: -122.6386 Datum: WGS84
 Soil Map Unit Name: Wapato silty clay loam NWI Classification: N/A
 Are climatic/hydrologic conditions on the site typical for this time of year? Yes X No _____ (if no, explain in Remarks)
 Are vegetation _____ Soil _____ or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? (Y/N) Y
 Are vegetation _____ Soil _____ or Hydrology _____ naturally problematic? If needed, explain any answers in Remarks.)

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

Hydrophytic Vegetation Present?	Yes <u>X</u>	No _____	Is Sampled Area within a Wetland?	Yes <u>X</u>	No _____
Hydric Soil Present?	Yes <u>X</u>	No _____			
Wetland Hydrology Present?	Yes <u>X</u>	No _____			

Remarks:

VEGETATION - Use scientific names of plants.

	absolute % cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
Tree Stratum (plot size: _____)				Number of Dominant Species	
1	_____	_____	_____	That are OBL, FACW, or FAC: <u>4</u> (A)	
2	_____	_____	_____	Total Number of Dominant Species Across All Strata: <u>4</u> (B)	
3	_____	_____	_____	Percent of Dominant Species	
4	_____	_____	_____	That are OBL, FACW, or FAC: <u>100%</u> (A/B)	
5	<u>0</u>	= Total Cover		Prevalence Index Worksheet:	
Sapling/Shrub Stratum (plot size: <u>15</u>)				Total % Cover of _____ Multiply by: _____	
1	<u>40</u>	<u>X</u>	<u>FACW</u>	OBL Species _____ x 1 = <u>0</u>	
2	<u>10</u>	<u>X</u>	<u>(FAC)</u>	FACW species _____ x 2 = <u>0</u>	
3	_____	_____	_____	FAC Species _____ x 3 = <u>0</u>	
4	_____	_____	_____	FACU Species _____ x 4 = <u>0</u>	
5	_____	_____	_____	UPL Species _____ x 5 = <u>0</u>	
	<u>50</u>	= Total Cover		Column Totals <u>0</u> (A) <u>0</u> (B)	
Herb Stratum (plot size: <u>5</u>)				Prevalence Index =B/A = <u>#DIV/0!</u>	
1	<u>50</u>	<u>X</u>	<u>FAC</u>	Hydrophytic Vegetation Indicators:	
2	<u>50</u>	<u>X</u>	<u>(FAC)</u>	1- Rapid Test for Hydrophytic Vegetation	
3	_____	_____	_____	<u>X</u> 2- Dominance Test is >50%	
4	_____	_____	_____	3-Prevalence Index is ≤ 3.0 ¹	
5	_____	_____	_____	4-Morphological Adaptations ¹ (provide supporting data in Remarks or on a separate sheet)	
6	_____	_____	_____	5- Wetland Non-Vascular Plants ¹	
7	_____	_____	_____	Problematic Hydrophytic Vegetation ¹ (Explain)	
8	<u>100</u>	= Total Cover		¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
Woody Vine Stratum (plot size: _____)				Hydrophytic Vegetation Present? Yes <u>X</u> No _____	
1	_____	_____	_____		
2	_____	_____	_____		
	<u>0</u>	= Total Cover			
% Bare Ground in Herb Stratum <u>0</u>					

Remarks:

MIP-23-07 195 Planning Manager Decision

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

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-14	10YR 3/2	95	10YR 4/4	5	C	M	Silty Clay Loam	Coarse

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

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.) **Indicators for Problematic Hydric Soils³:**

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input checked="" type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: _____

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)	Secondary Indicators (2 or more required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Water stained Leaves (B9) (MLRA1, 2, 4A, and 4B)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input checked="" type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Iron Deposits (B5)	<input checked="" type="checkbox"/> Fac-Neutral Test (D5)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input checked="" type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input checked="" type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	
<input type="checkbox"/> Water stained Leaves (B9) (Except MLRA 1, 2, 4A, and 4B)	
<input type="checkbox"/> Salt Crust (B11)	
<input type="checkbox"/> Aquatic Invertebrates (B13)	
<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	
<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	
<input type="checkbox"/> Presence of Reduced Iron (C4)	
<input type="checkbox"/> Recent Iron Reduction in Plowed Soils (C6)	
<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	
<input type="checkbox"/> Other (Explain in Remarks)	

Field Observations:

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

Water Table Present? Yes No Depth (inches): >14

Saturation Present? (includes capillary fringe) Yes No Depth (inches): >14

Wetland Hydrology Present? Yes No

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

Remarks: _____

MIP-23-07
196
Planning Manager Decision

Appendix C

Study Area Photos (ground level)





Photo A:

Looking southeast towards Sample Points 14 & 15 along Wetland A's northwest boundary. The Blue Heron Lagoon is in the background.

Photo B:

Looking southeast towards Sample Points 3 and 4 along the Wetland A's boundary. The Blue Heron Lagoon is in the background.



Project # 7298
Date 3/19/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Photo documentation

Rivianna Beach Development - West Linn, Oregon

Photos taken January 29, 2024



Photo C:

Looking southwest along the northern berm of the onsite settling pond (Blue Heron Lagoon). Wetland A is on right side of photo.

Photo D:

Facing northwest towards the beaver dam west of 4th Street.



Project # 7298
Date 3/19/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Photo documentation

Rivianna Beach Development - West Linn, Oregon

Photos taken January 29, 2024



Photo E:

Looking southeast in the downstream direction of Stream 1, east of 4th Street.

Photo F:

Looking east at Sample Points 19 & 20 on Wetland B's northern boundary.



Project # 7298
Date 3/19/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Photo documentation

Rivianna Beach Development - West Linn, Oregon

Photos taken January 29, 2024



Photo G:

Looking north at Sample Points 21 & 22 at northeast end of Wetland B.

Photo H:

Looking south towards the Willamette River and Sample Point 11.



Project # 7298

Date 3/19/2024

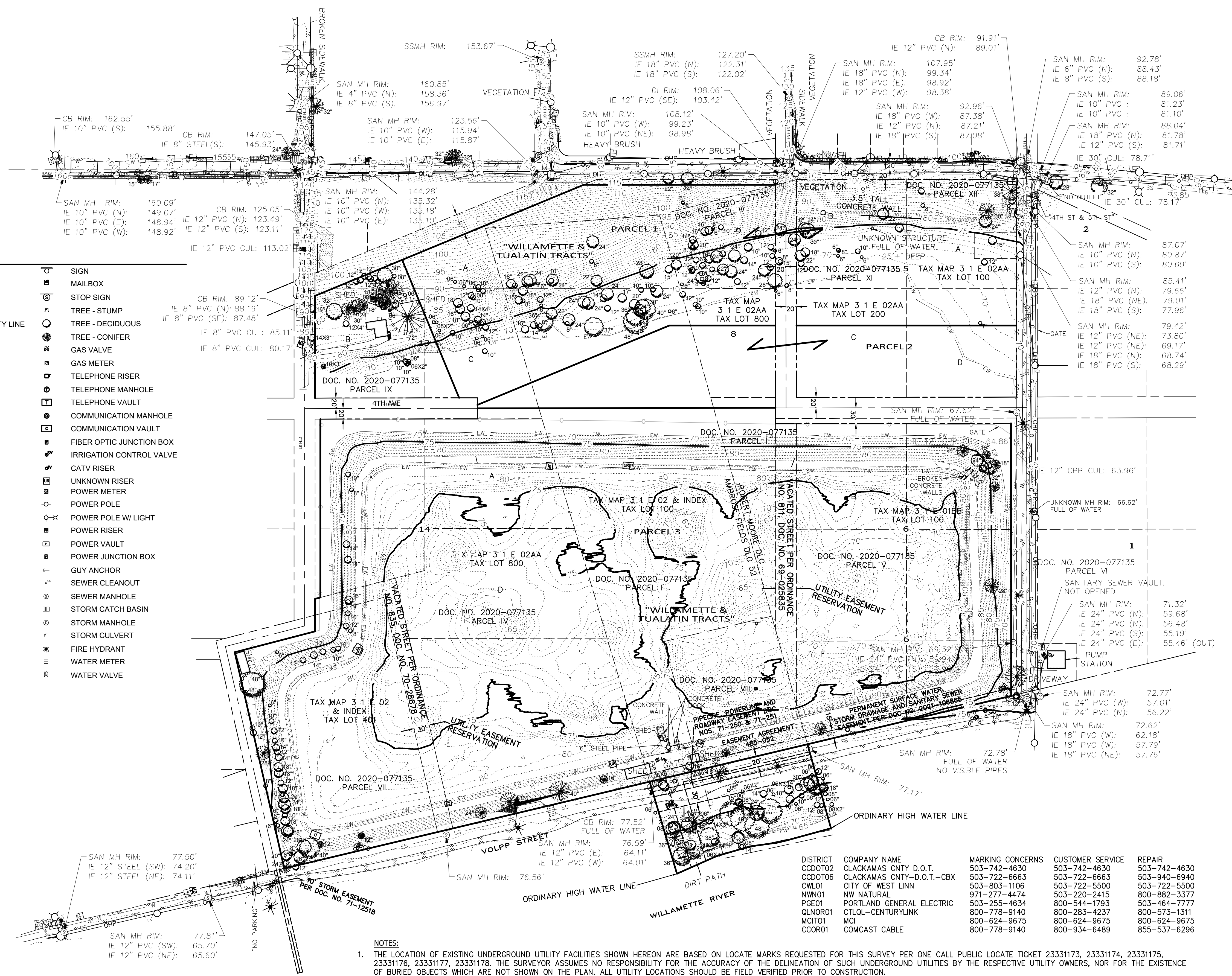


Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

Photo documentation

Rivianna Beach Development - West Linn, Oregon

Photos taken January 29, 2024



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/SERVERS, 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
CWD01	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
QLNR01	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
03-19-2024
 ISSUED FOR
MINOR PARTITION
 REVISIONS

EXISTING CONDITIONS PLAN
RIVIANA 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

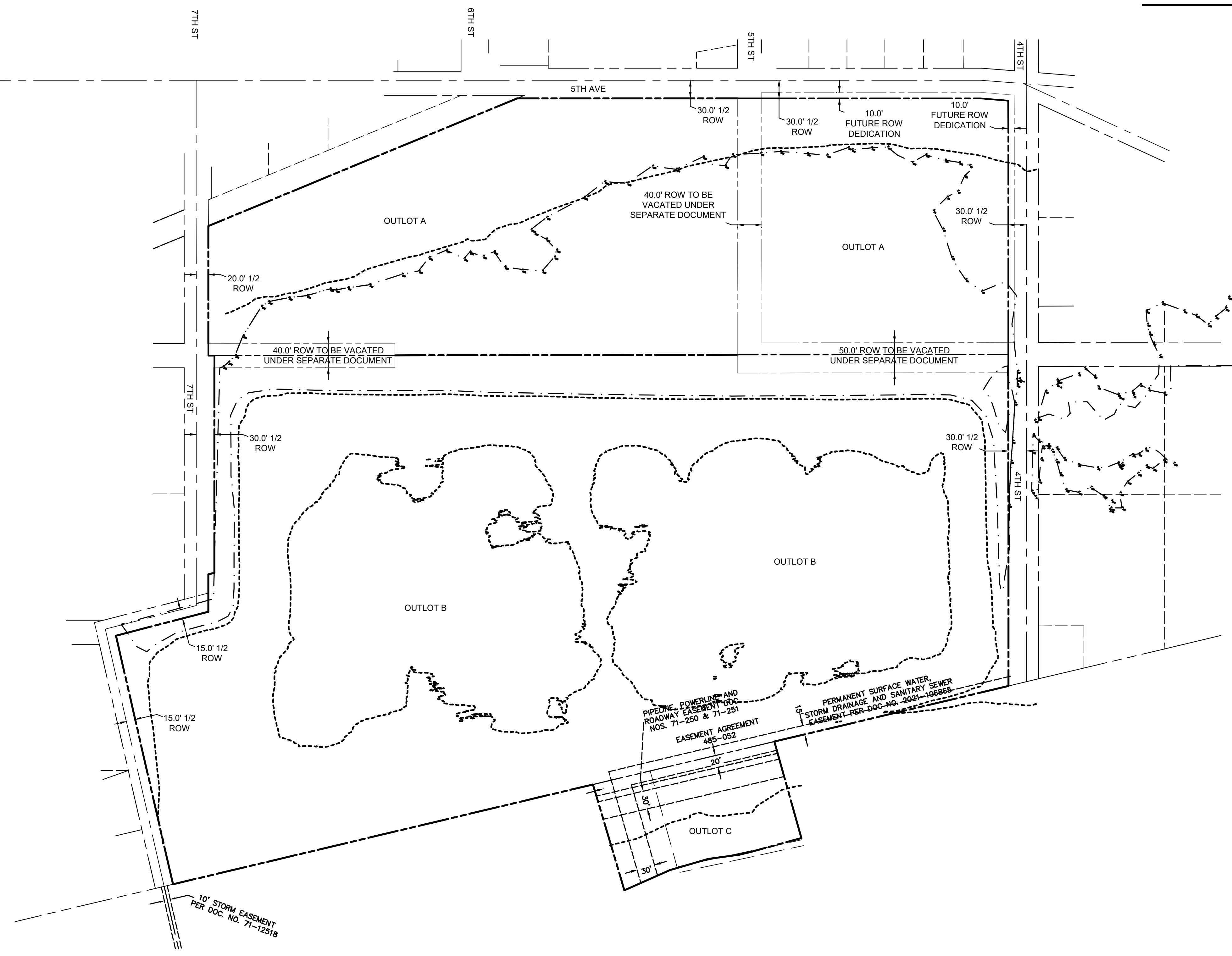
SHEET NUMBER
C100

PUBLISH DATE
06-04-2024
ISSUED FOR
MINOR PARTITION
REVISIONS

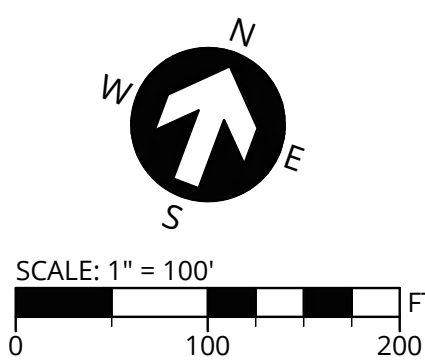
TENTATIVE PARTITION PLAT
RIVIANNA BEACH
WEST LINN WATERFRONT DEVELOPMENT
FORWARD VISION DEVELOPMENT
WEST LINN, OR

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

SHEET NUMBER
C200
Planning Manager Decision



- LEGEND**
- PROJECT BOUNDARY
 - RIGHT-OF-WAY LINE
 - RIGHT-OF-WAY CENTERLINE
 - EASEMENT LINE
 - EXISTING ADJACENT PROPERTY LINE
 - LOT/PARCEL LINE
 - PROPOSED LOT LINE
 - PROPOSED RIGHT OF WAY
 - PROPOSED SETBACK LINE
 - SURVEY EXISTING EDGE OF WETLAND
 - SURVEY EXISTING WETLAND BOUNDARY FLAGS
 - SURVEY 100 YEAR FLOODPLAIN



7TH ST

6TH ST

5TH ST

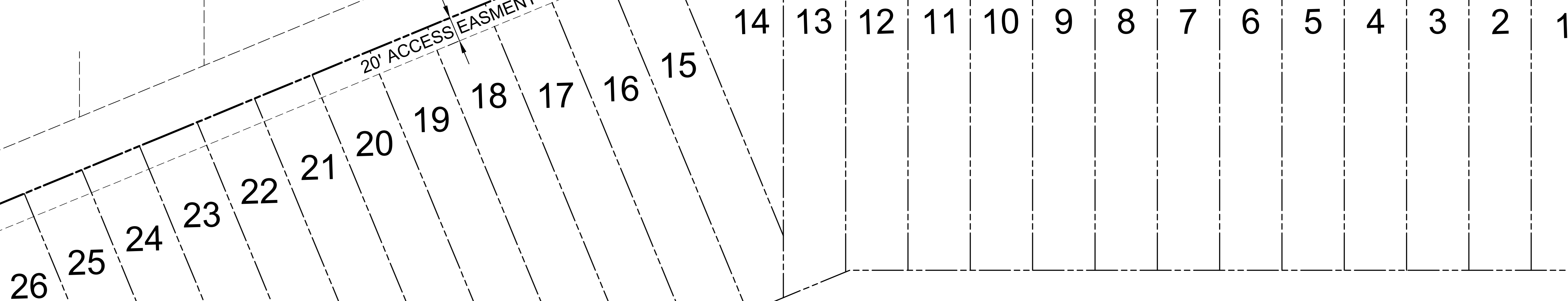
4TH ST

5TH AVE

30' 1/2 ROW

30' 1/2 ROW

20' ACCESS EASEMENT



7TH ST

4TH ST

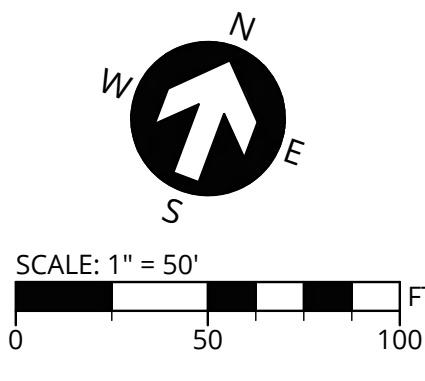
OUTLOT B

PUBLISH DATE
03-19-2024
ISSUED FOR
MINOR PARTITION
REVISIONS

FUTURE DEVELOPMENT PLAN FOR OUTLOT A
RIVIANNA 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



PO Box 193, Jacksonville, Oregon 97530
(541) 761-3312, www.beaverstatewildlife.com

July 19, 2024

John Floyde, Senior Planner
22500 Salamo Road
West Linn, Oregon 97068

Re: Application number MIP-23-07, a lot consolidation and reconfiguration of 22 existing lots into 3 new parcels.

Dear John,

It has come to my attention that there is a note in this application, concerning the resident beavers, which no longer reflects the intention of the owner of this property. This memo is intended to clarify his current position.

The goal is to safe-guard the beavers and their habitat, while exploring opportunities for people to engage with the rich ecology of this site. I have been contracted to write a "beaver plan" for this site, which will recommend strategies and tactics to achieve this goal as this project moves forward. For example, this beaver plan will recommend the installation of a pond leveler at the beaver dam near 4th street to keep it at its current elevation, discuss maintenance for this flow device and contingencies if beavers build a new dam in the 4th street culvert. Neither the beavers or their dam will be removed

This beaver plan is a priority and it will be made publicly available once it is complete.

Sincerely,

A handwritten signature in black ink that reads "Jakob Shockey". The signature is written in a cursive, flowing style.

Jakob Shockey
Beaver State Wildlife Solutions LLC

PD-2 COMPLETENESS LETTER



CITY OF
West Linn

July 2, 2024

Bob Schulz
SDG-2, LLC
22870 Weatherhill Road
West Linn, OR 97068

Subject: MIP-23-07 – A Minor Partition to reconfigure and consolidate 22 existing parcels into 3 lots at and around 1317 7th Street

Dear Mr. Schulz:

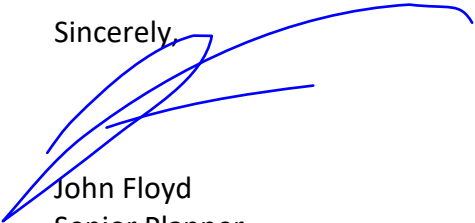
The city accepted this application for review on December 5th, 2023 and declared it incomplete on January 4, 2024. As of July 2, 2024, the City has received revised materials necessary to make the application complete. Per ORS 227.178(1), the city now has 120 days to exhaust all local review. That period ends October 30, 2024.

Please be aware that determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Director to render a decision on your proposal.

Per CDC Chapter 99 (Procedures), a 20-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

Please contact me at 503-742-6058, or by email at jfloyd@westlinnoregon.gov if you have any questions or comments.

Sincerely,



John Floyd
Senior Planner

PD-3 DSL CONCURRENCE LETTER



Oregon

Tina Kotek, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

June 13, 2024

State Land Board

Forward Vision Development, LLC

Attn: Bob Schultz

3242 Wild Rose Loop

West Linn, OR 97068

Tina Kotek

Governor

LaVonne Griffin-Valade

Secretary of State

Re: WD # 2024-0226 **Approved**

Wetland Delineation Report for the Rivianna Beach Development
Clackamas County; T2S R1E S36CC; T3S R1E S2; S2AA; S1BB;
Multiple Tax Maps and Tax Lots (See Attached Table)
City of West Linn Local Wetlands Inventory Wetland W1-02

Tobias Read

State Treasurer

Dear Bob Schultz:

The Department of State Lands has reviewed the wetland delineation report prepared by Pacific Habitat Services, Inc. for the site referenced above. Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in Figures 6, 6A and 6B of the report. Please replace all copies of the preliminary wetland maps with these final Department-approved maps.

Within the study area, 2 wetlands (Wetland A and B, totaling approximately 9.91 acres), 2 waterways (Willamette River, Stream 1), and one other waters (Blue Heron Lagoon) were identified. The wetlands, the Willamette River and Stream 1 are subject to the permit requirements of the state Removal-Fill Law. Normally, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). However, the Willamette River is an essential salmonid stream. Therefore, fill or removal of any amount of material below its OHWL may require a state permit. The Blue Heron Lagoon is exempt and not subject to these permit requirements.

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact Chris Stevenson, PWS, the Wetland Ecologist for Clackamas County, at (503) 798-7622.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Carlee Michelson, PWS, Pacific Habitat Services, Inc.
City of West Linn Planning Department
Morgan Hall, Corps of Engineers
Marcus Chatfield, DSL

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

Ways to submit report:

- ❖ **Under 50MB** – A single unlocked PDF can be emailed to wetland.delineation@dsl.oregon.gov.
- ❖ **50MB or larger** – A single unlocked PDF can be uploaded to the Jurisdiction Box.com folder. Email wetland.delineation@dsl.oregon.gov of the new upload.
- ❖ Unbound report and signed cover form can be mailed to Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279

Ways to pay review fee:

- ❖ By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- ❖ By check payable to the Oregon Department of State Lands attached to the unbound mailed hardcopy OR attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information

<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner Name, Firm and Address: Forward Vision Development, LLC (MASTER DEVELOPER) Attn: Bob Schultz 22870 Weatherhill Road 3242 WILD ROSE LOOP West Linn, OR 97068	Business phone # (971) 732-0347 Mobile phone # (optional) 971-456-9678 E-mail: bob.s@rivianna.com
--	--

<input checked="" type="checkbox"/> Authorized Legal Agent, Name and Address: SDG-2, LLC (OWNER) SAME AS ABOVE	Business phone # Mobile phone # SAME AS ABOVE E-mail:
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.	
Typed/Printed Name: Bob Schultz, MEMBER Signature:	
Date: _____ Special instructions regarding site access: _____	

Project and Site Information

Project Name: Rivianna Beach Development	Latitude: 45.344653° Longitude: -122.642374° <small>decimal degree - centroid of site or start & end points of linear project</small>
Proposed Use:	Tax Map # See Attached Sheet Tax Lot(s)
Project Street Address (or other descriptive location): North of Volpp Street, South of 5th Avenue, East of 7th Street	Tax Map # Tax Lot(s)
City: West Linn County: Clackamas	Township 3S Range 1E Section 2 QQ 2S 36 CC SW ¼ SW ¼ Use separate sheet for additional tax and location information
Waterway: Willamette River River Mile: 28	

Wetland Delineation Information

Wetland Consultant Name, Firm and Address: Pacific Habitat Services Attn: Carlee Michelson 9450 SW Commerce Circle, Suite 180 Wilsonville, OR 97070	Phone # 503-570-0800 Mobile phone # E-mail: cm@pacifichabitat.com
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.	
Consultant Signature:	Date: 4/16/2023

Primary Contact for report review and site access is Consultant Applicant/Owner Authorized Agent

Wetland/Waters Present? Yes No Study Area size: **42.44** Total Wetland Acreage: **9.91 ac** / Waters: **670 lf**

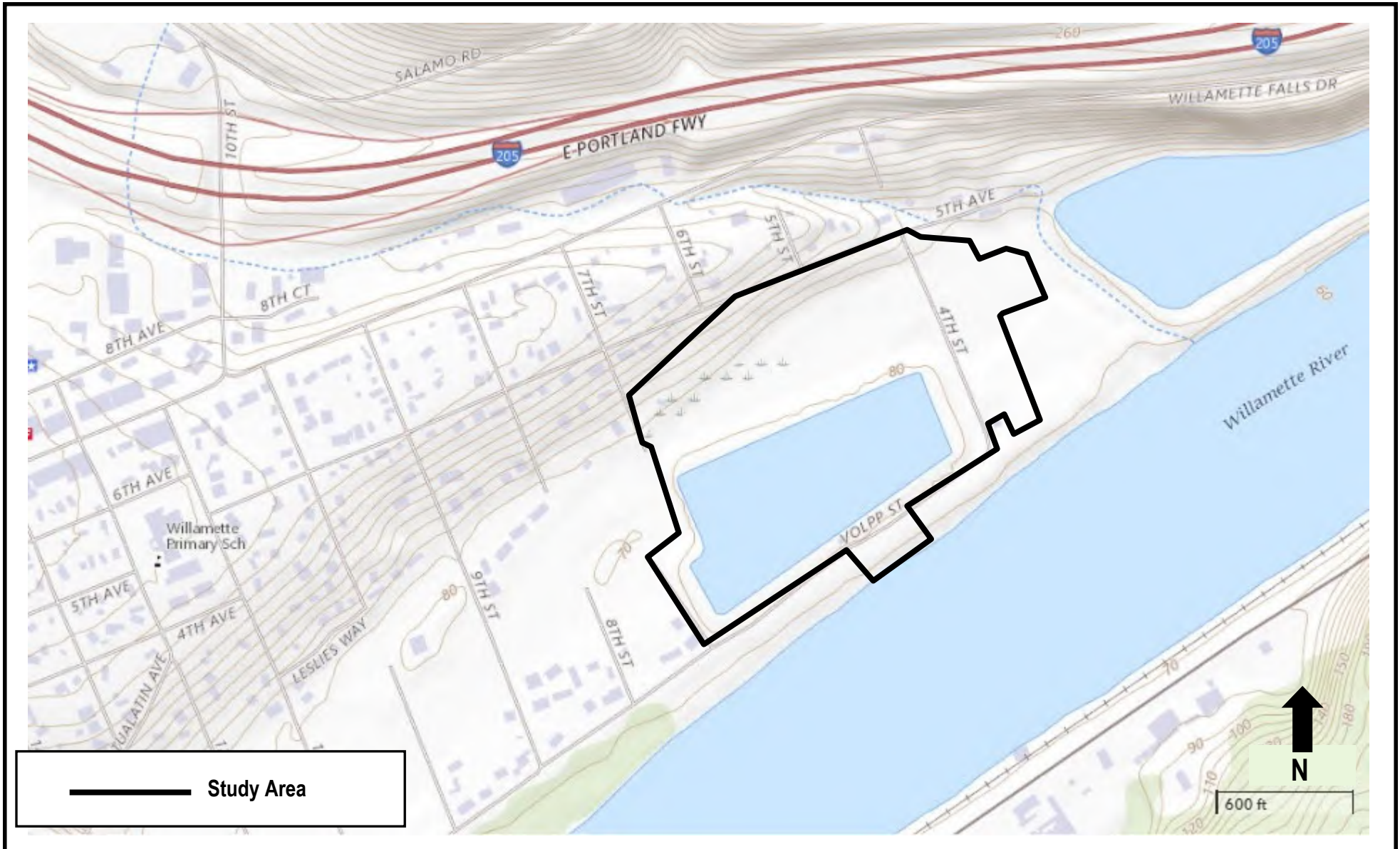
Check Applicable Boxes Below

<input type="checkbox"/> R-F permit application submitted <input type="checkbox"/> Mitigation bank site <input type="checkbox"/> EFSC/ODOE Project Mgr: <input type="checkbox"/> Wetland restoration/enhancement project (not mitigation) <input type="checkbox"/> Previous delineation/application on parcel? If Known, previous DSL # _____	<input checked="" type="checkbox"/> Fee payment submitted \$540 \$559 <input type="checkbox"/> Resubmittal of rejected report (\$100) <input type="checkbox"/> Request for Reissuance. See eligibility criteria (no fee) DSL # _____ Expiration Date _____ <input checked="" type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID Code WI-02
--	---

For Office Use Only

DSL Reviewer: CS	Fee Paid Date: ____ / ____ / ____	DSL WD # 2024-0226
Date Delineation Received: 04 / 16 / 2024	211	DSL App # _____ Planning Manager Decision _____

Township	Range	Section	Tax Lots (Portions)	Tax Map #
3 South	1 East	2	100, 401, 3 rd Avenue Right-of-Way (ROW), Volpp Street ROW	3 1 E 02 & Index
		2AA	100, 200, 800, 4 th Street ROW, 5 th Avenue ROW, 4 th Avenue ROW, 5 th Avenue ROW, 7 th Street ROW	3 1 E 02AA
		1BB	100, 4 th Street ROW, 4 th Avenue ROW	3 1 E 01BB
2 South	1 East	36CC	900, 1201, 4 th Street ROW	2 1 E 36CC



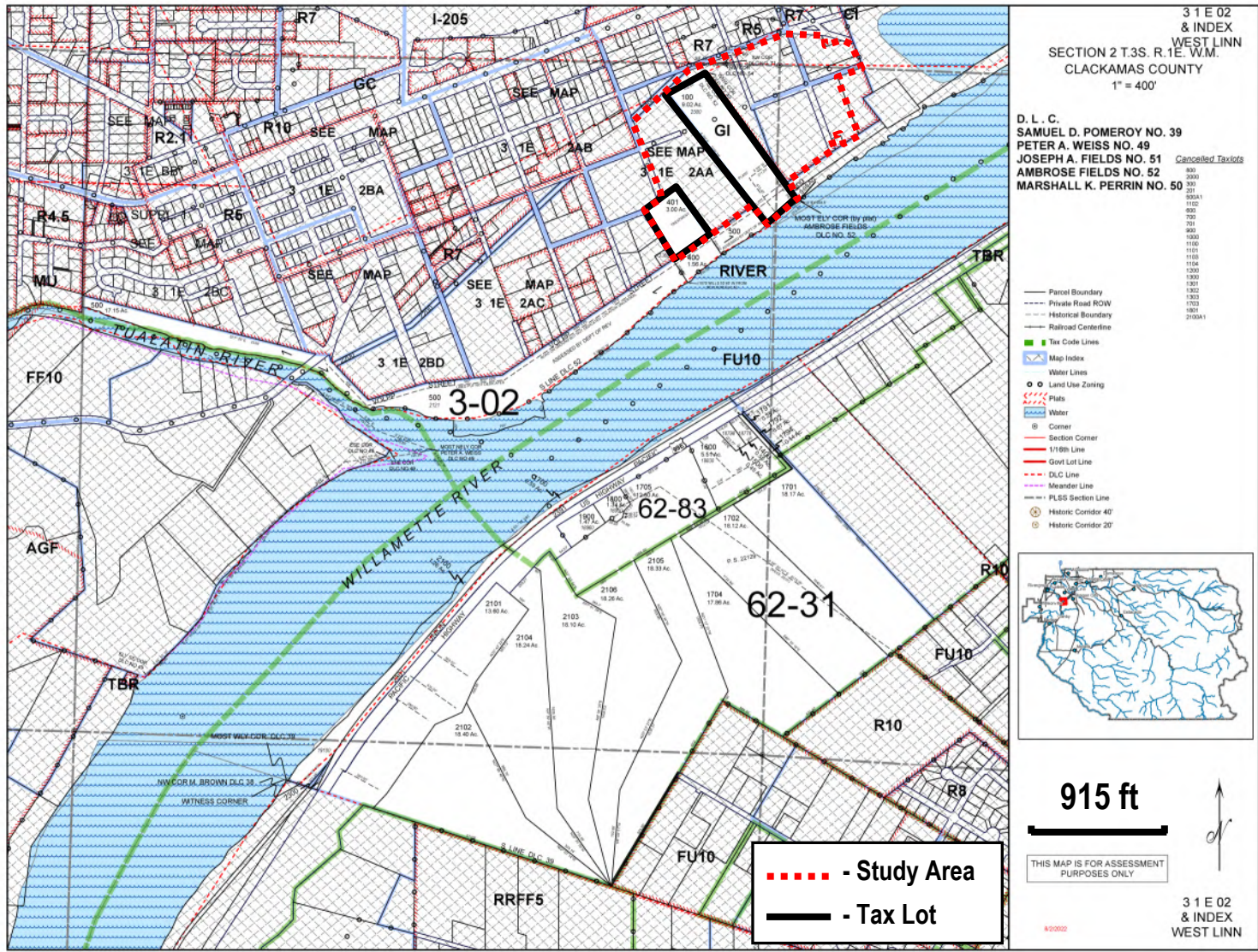
General Location and Topography
 Rivianna Beach Development - West Linn, Oregon
 United States Geological Survey (USGS) Canby, Oregon 7.5 quadrangle, 2020
 (viewer.nationalmap.gov/basic)

FIGURE
 1

Project #7298
 4/5/2024



Pacific Habitat Services, Inc.
 9450 SW Commerce Circle, Suite 180
 Wilsonville, OR 97070
 MIP 20-07



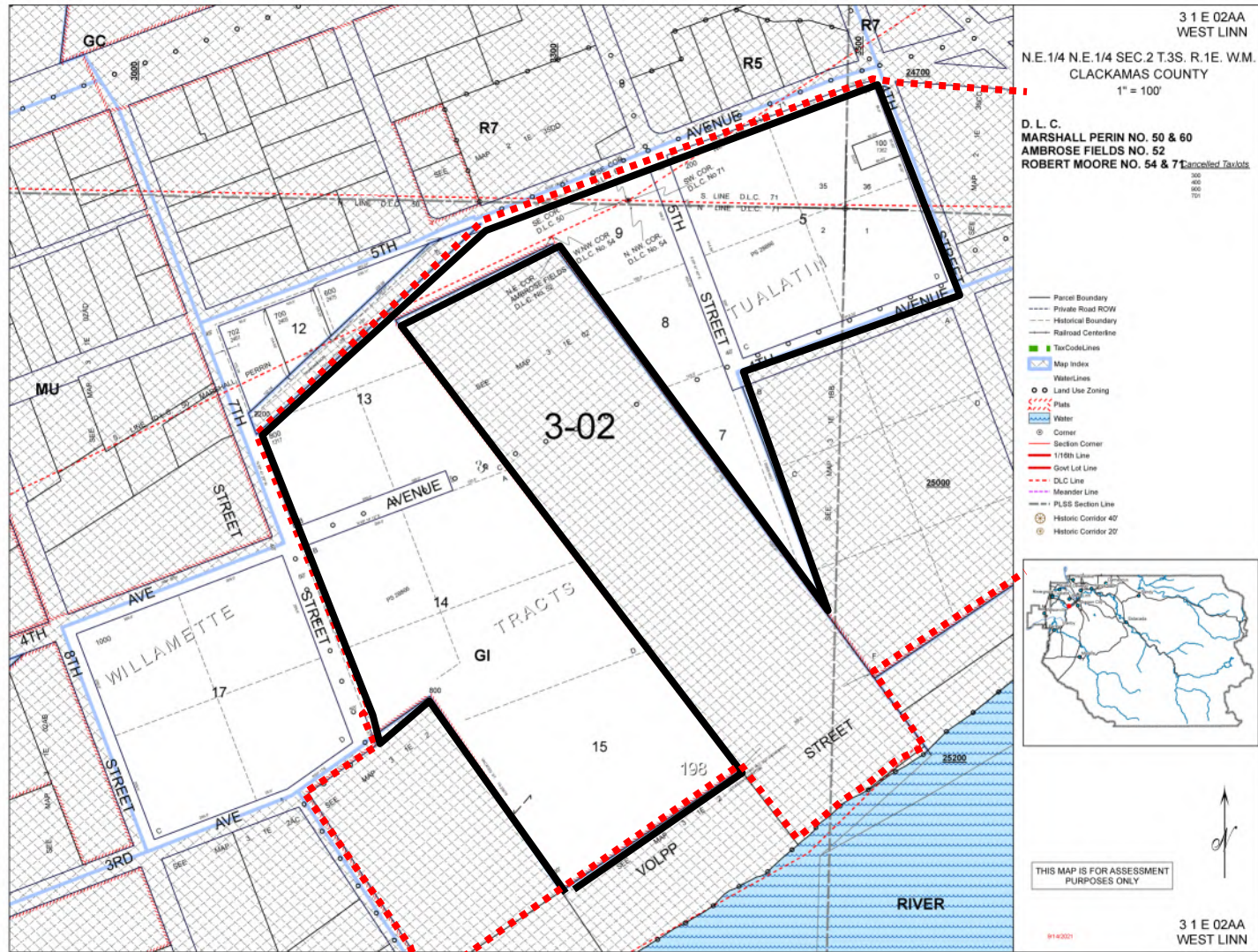
Project #7298
4/5/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070
MIP 20-07

Tax Lot Map
Rivianna Beach Development - West Linn, Oregon
The Oregon Map (ormap.net)

FIGURE
2A



450 ft

--- - Study Area

— - Tax Lot

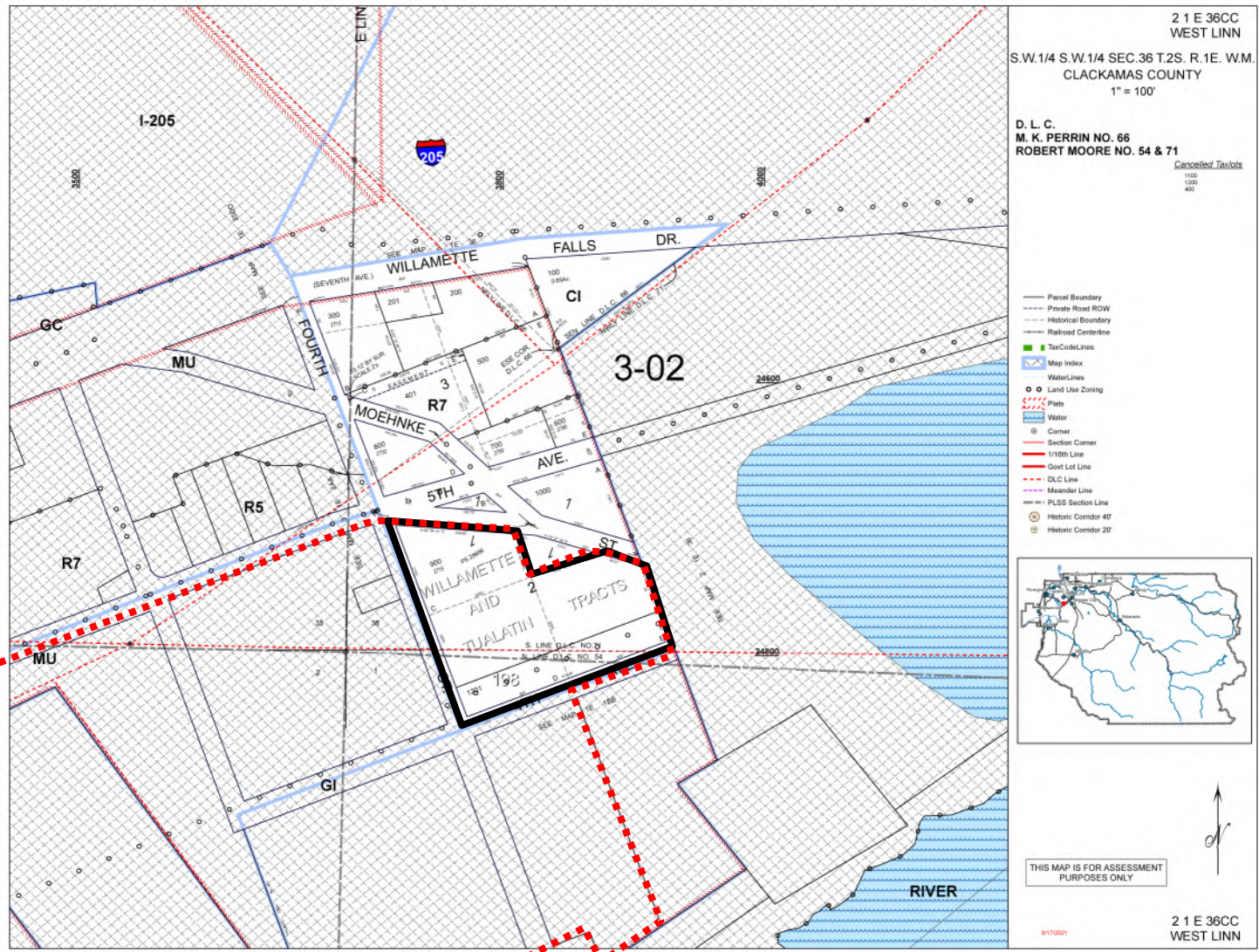
Project #7298
4/5/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070
MHP 20-07

Tax Lot Map
Rivianna Beach Development - West Linn, Oregon
The Oregon Map (ormap.net)

FIGURE
2B



411 ft

- - - - - - Study Area
 - Tax Lot

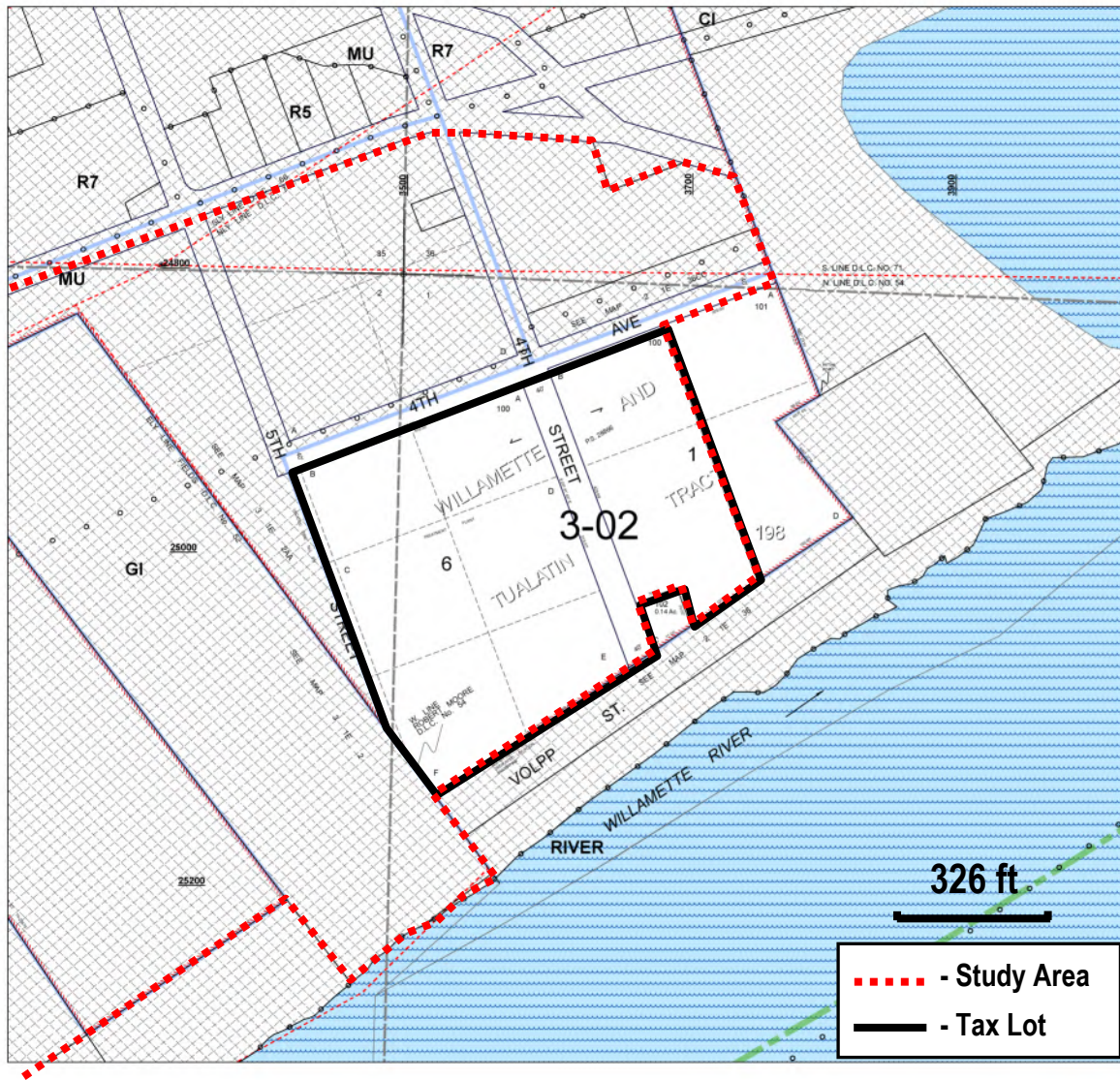
Project #7298
4/5/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070
MHP 20-07

Tax Lot Map
Rianna Beach Development - West Linn, Oregon
The Oregon Map (ormap.net)

FIGURE
2C

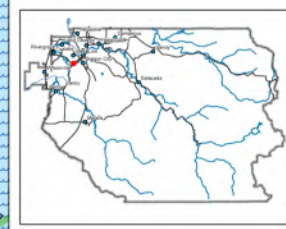


3 1 E 018B
WEST LINN
N.W.1/4 N.W.1/4 SEC.1 T.3S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
ROBERT MOORE NO. 54

Cancelled Taxlots
200

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



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

3 1 E 018B
WEST LINN

..... - Study Area
————— - Tax Lot

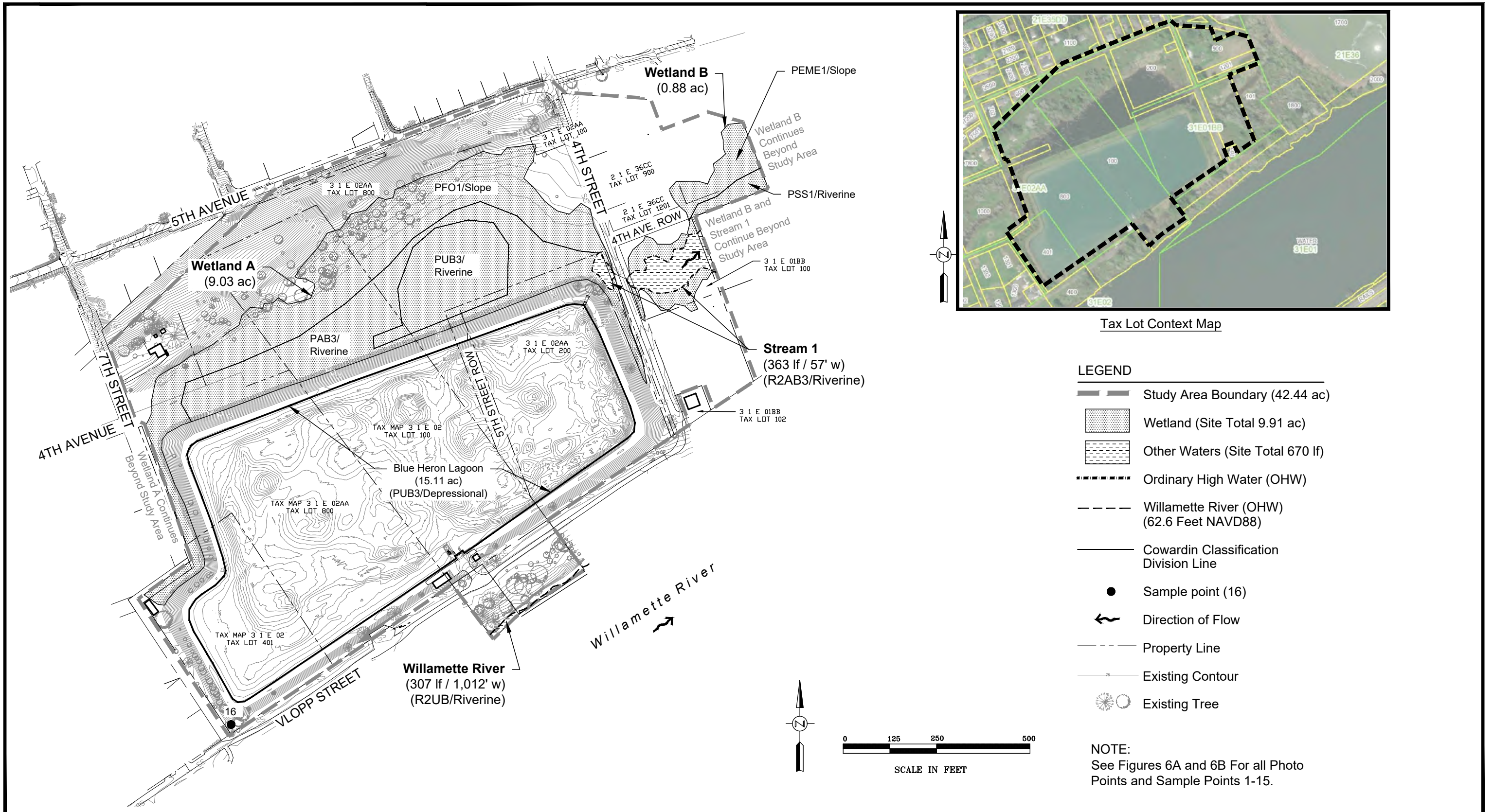
Project #7298
4/5/2024



Pacific Habitat Services, Inc.
9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070
MP 20 07

Tax Lot Map
Rivianna Beach Development - West Linn, Oregon
The Oregon Map (ormap.net)

FIGURE
2D



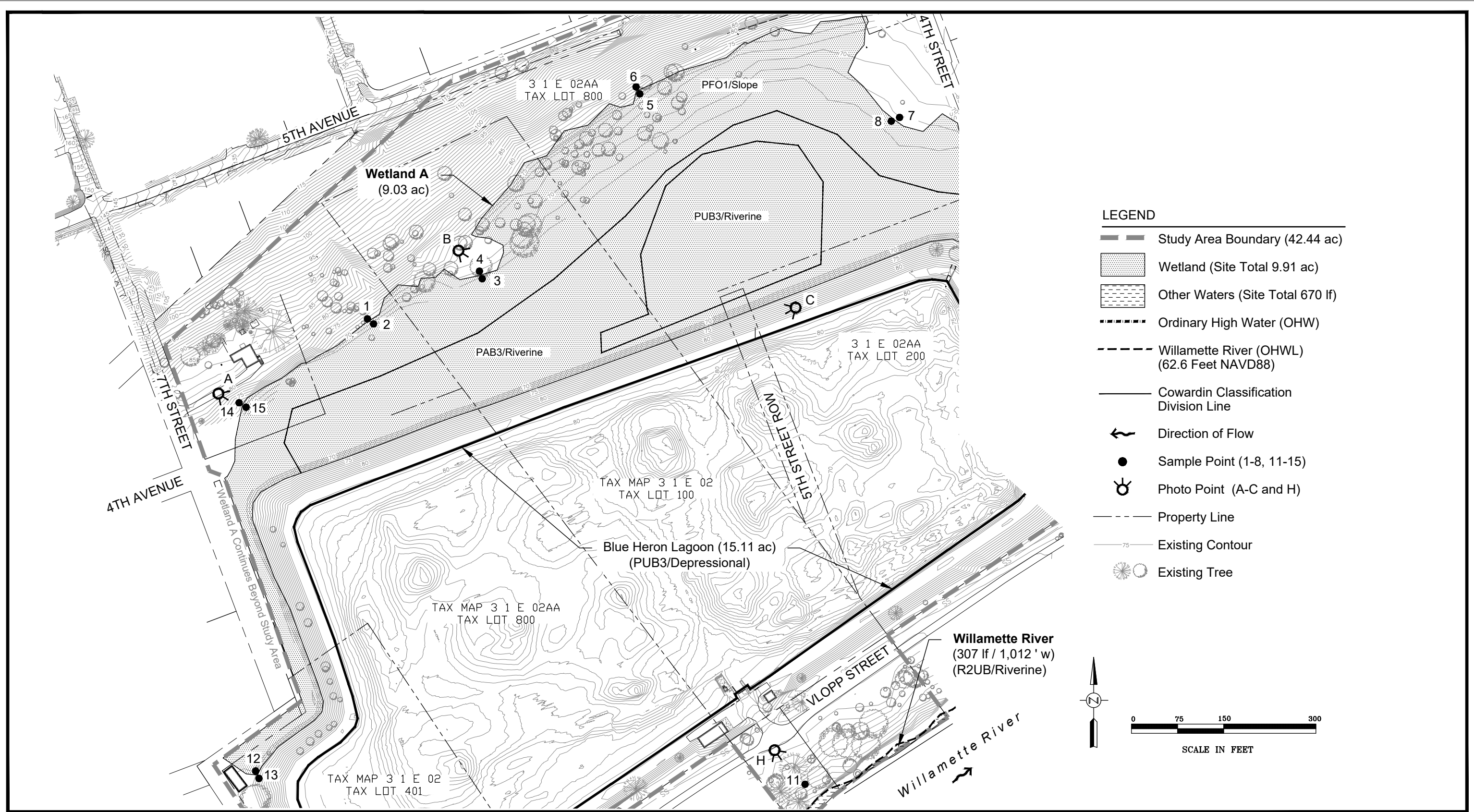
Survey provided by 3J Consulting
Survey accuracy is sub-centimeter.
Sample points, wetland flags collected by PHS with
submeter accuracy using Trimble GPS (Geo7x)
Ordinary High Water of Willamette River determined by
Public Lands Map, DSL 1975

DSL WD # 2024-0226
Approval Issued 6/13/2024
Approval Expires 6/13/2029

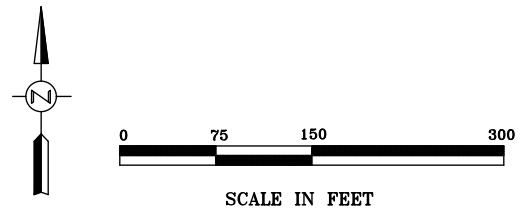
Wetland Delineation Overview
Rivianna Beach Development - West Linn, Oregon

FIGURE 6

4-10-2024



- LEGEND**
- Study Area Boundary (42.44 ac)
 - Wetland (Site Total 9.91 ac)
 - Other Waters (Site Total 670 lf)
 - Ordinary High Water (OHW)
 - Willamette River (OHWL) (62.6 Feet NAVD88)
 - Cowardin Classification Division Line
 - Direction of Flow
 - Sample Point (1-8, 11-15)
 - Photo Point (A-C and H)
 - Property Line
 - Existing Contour
 - Existing Tree



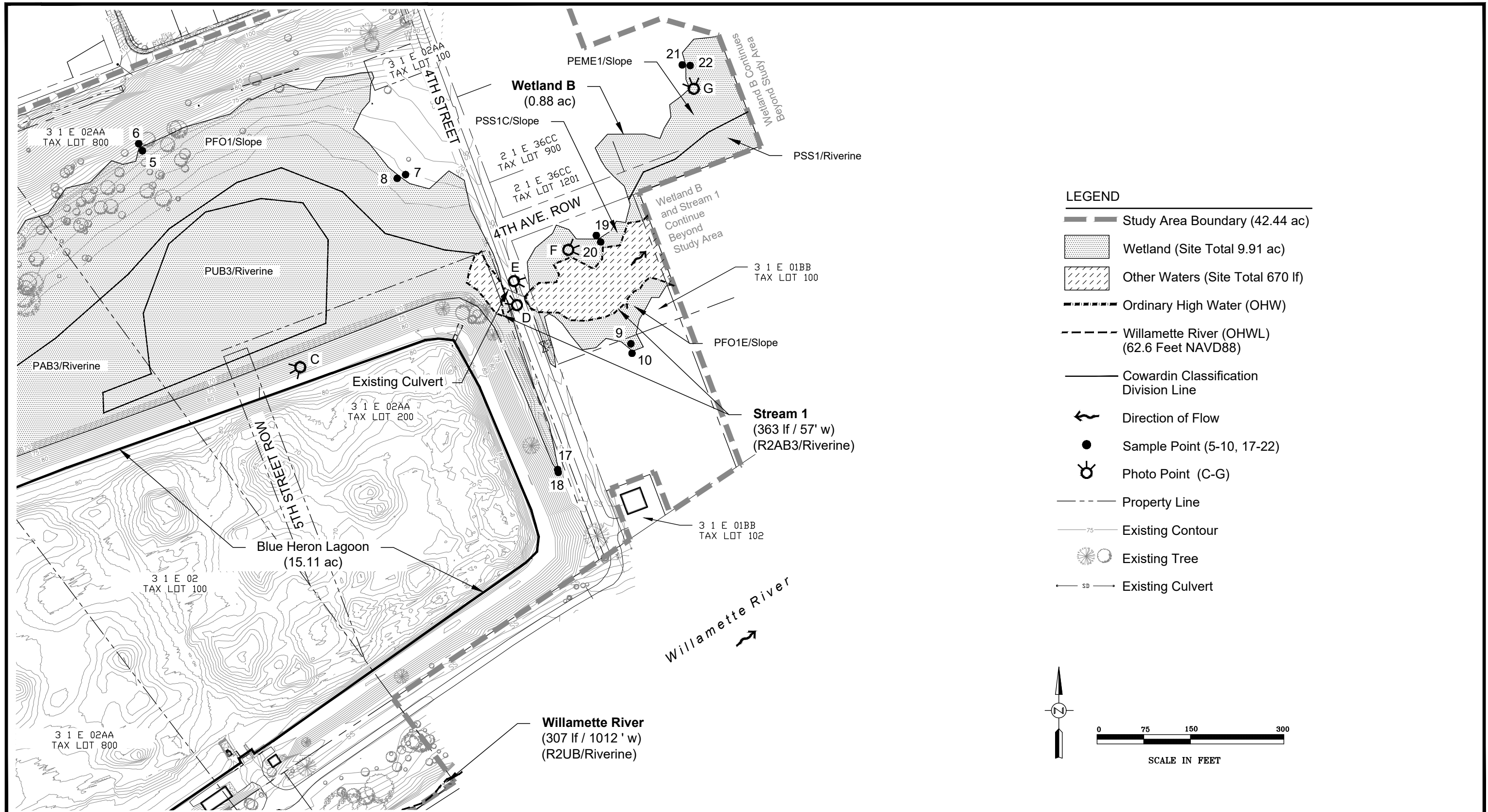
Survey provided by 3J Consulting
 Survey accuracy is sub-centimeter.
 Sample points, wetland flags collected by PHS with
 submeter accuracy using Trimble GPS (Geo7x)
 Ordinary High Water of Willamette River determined by
 Public Lands Map, DSL 1975

DSL WD # 2024-0226
 Approval Issued 6/13/2024
 Approval Expires 6/13/2029

Wetland Delineation
 Rivianna Beach Development - West Linn, Oregon

FIGURE
6A

4-10-2024



Survey provided by 3J Consulting
Survey accuracy is sub-centimeter.
Sample points, wetland flags collected by PHS with
submeter accuracy using Trimble GPS (Geo7x)
Ordinary High Water of Willamette River determined by
Public Lands Map, DSL 1975

DSL WD # 2024-0226
Approval Issued 6/13/2024
Approval Expires 6/13/2029

Wetland Delineation
Rivianna Beach Development - West Linn, Oregon

FIGURE 6B

4-10-2024

PD-4 DSL WLUN RESPONSE



Response Page

Department of State Lands (DSL) WN# *

WN2024-0404

Responsible Jurisdiction

Staff Contact

John Floyd

Jurisdiction Type

City

Municipality

West Linn

Local case file #

MIP-23-07

County

Clackamas

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
03S	01E	02	AA	100,200,800,ROW

Street Address

1317 7th Street

Address Line 2

City

West Linn

State / Province / Region

OR

Postal / Zip Code

97068

Country

Clackamas

Latitude

45.344142

Longitude

-122.642214

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- Local Wetlands Inventory shows wetland, waterway or other water features on the property
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- The property includes or is adjacent to designated Essential Salmonid Habitat.
- The property includes or is adjacent to state-owned waters.

Your Activity

- The proposed parcel division may create a lot that is largely wetland and thus create future development problems.

Applicable Oregon Removal-Fill Permit Requirement(s)

- A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.
- A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

DSL Review

Wetland Ecologist Comments

Please see approved delineation WD2024-0226 for approved boundaries, exemptions, and thresholds for the future.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

- A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

7/3/2024

Response by:

Matthew Unitis

Response Phone:

503-910-1559

PD-5 PUBLIC TESTIMONY

Floyd, John

From: Jennifer Aberg <Jennifer.Aberg@VSP.com>
Sent: Thursday, July 18, 2024 11:15 AM
To: Floyd, John
Cc: Willamette Wetlands; Aberg1jen@gmail.com; Jennifer Aberg
Subject: Appeal - FILE NO. MIP-23-07 - a Minor Partition at 1317 7th Street.

You don't often get email from jennifer.berg@vsp.com. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hi John,
My email is pertaining to an appeal of the MIP 23-07 for a minor partition at 1317 7th St.

My concern of this request is the following note on page 40 and the lack of delineation of the Wetland boundary on his map.

Note from application: "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."

Based on this notation he is violating a few codes as highlighted in green below. I would like to appeal this partition based on his need to remove the beaver dam.

In addition, the application has the following tree called out. This tree is highly threatened as stated below from the following website.

https://explorer.natureserve.org/Taxon/ELEMENT_GLOBAL.2.134625/Fraxinus_latifolia

Fraxinus latifolia occurs from California north to British Columbia. While the species may be secure presently, it is highly threatened by the arrival of the Emerald Ash Borer, which is steadily making its way across North America. This nonnative pest has caused serious declines in the eastern ashes.

32.010 PURPOSES

The purposes of this chapter are to:

- A. Comply with Title 13 and Title 3 of Metro's Urban Growth Management Functional Plan while balancing resource protection with property rights and development needs.
- B. Protect or improve water quality by filtering sediment and pollutants and absorbing excess nutrients for the protection of public health, safety and the environment and to comply with both state and federal laws and regulations, including the Clean Water Act and the Endangered Species Act.

- C. Moderate storm water impacts by slowing, storing, filtering and absorbing storm water and to maintain storm water storage and conveyance to prevent or minimize flooding and erosion for the protection of public health and safety.
- D. Prevent erosion and minimize sedimentation of water bodies by protecting root masses along streams that resist erosion and stabilize the stream bank and by protecting vegetation on steep slopes to maintain their stability.
- E. Protect and improve the following functions and values of WRAs that enhance the value of fish and wildlife habitat:
1. Natural stream corridors that provide habitat and habitat connectivity for terrestrial wildlife;
 2. Microclimate habitats that support species adapted to those conditions;
 3. Shade to maintain healthy stream temperatures;
 4. Vegetation to absorb and filter pollution and sediment that would otherwise contaminate the water body;
 5. Sources of organic material that support the food chain;
 6. Recruitment of large wood that enhances the habitat of fish bearing streams;
 7. Moderation of stream flow by storing and delaying storm water runoff; and
 8. Vegetated areas surrounding wetlands that, together with the wetland, provide vital habitat for birds, amphibians, and other species. The beaver is providing a much needed resource to the wetlands. See below information about beavers per the following website – nrdc.org

BEAVERS: CRITICAL ALLIES FOR WETLANDS

Beavers, like humans, are one of only a few species that significantly alter their landscapes.¹ Also like us, these nocturnal, semiaquatic mammals live in families (known as “colonies”).² Beavers are most famous for building dams, which slow the flow of water and raise water levels behind them, creating ponds.³ Beavers also construct shelters, called “lodges,” and create canals for transporting food and building materials.



Beaver colony, dam, pond and lodge, and surrounding wetland ecosystem.

Beavers are known as “ecosystem engineers” because they directly influence resource availability for other species by reshaping the physical environment. They are thus considered a “keystone species” for their profound importance in an ecosystem.⁴ Beaver dams help create and maintain wetlands, transforming the interconnected water system in streams and ponds, in the surrounding soil, and in the ground below.⁵ Beaver dams and ponds replenish groundwater and provide a more consistent water flow in streams.⁶ Beaver ponds also improve water quality in streams, store nutrients for plants, and reduce erosion of stream banks.⁷

By flooding trees along the shoreline and removing trees to build dams, beavers change the types of plants that can grow and extend the area of wetland habitat around a stream.⁸ For example, researchers studied streams in Wyoming and found that the area of wetland habitat around beaver-occupied streams was about three times larger than around those unoccupied by beavers.⁹ These changes provide breeding

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

G. Encourage the use of habitat friendly development practices. By taking away the beaver dam Bob will be taking away a vital part of the wetlands habitat.

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

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

32.020 APPLICABILITY

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

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

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

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

32.030 PROHIBITED USES

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

Table 32-1: Summary of Where Development and Activities May Occur in Areas Subject to This Chapter

Type of Development or Activity	In Water Resource	Water Resource Area
New house, principal structure(s)	No	No, except by hardship, CDC 32.100 . Geotechnical study may reduce WRA width per Table 32-2 (footnote 4).
Additions to existing house, principal structure(s) and replacement in kind (replacement in kind does not count against the 500 sq. ft. limit so long as it remains within the existing footprint)	No	Yes, so long as it gets no closer to the WRA than building footprint that existed January 1, 2006. Max. 500 sq. ft. of addition(s) to side or 500 sq. ft. to side of building footprint furthest from WRA. No limit on vertical additions within existing footprint. (CDC 32.040(C)). Geotechnical study may reduce the WRA width per Table 32-2 (footnote 4).
New cantilevered decks (over 30 inches), balconies, roof overhangs and pop outs towards the WRA from existing house or principal structure(s)	No	Yes, but only 5 ft. into the WRA. Foundation or supports of structure cannot extend vertically to grade in the WRA. Geotechnical study may reduce the WRA width per Table 32-2 (footnote 4).
Decks within 30 inches of grade, at grade patios	No	Yes, but only to within 50 ft. of the water resource or 10 ft. behind the top of slope (ravine), whichever is greater. ¹ Geotechnical study may reduce the WRA width per Table 32-2 (footnote 4).
New accessory structure under 120 sq. ft. and 10 ft. tall	No	Yes, but only if it is a minimum of 50 ft. from the water resource or 10 ft. behind the top of slope (ravine), whichever is greater. ¹
Repair and maintenance to existing accessory structures	No	Yes, but no increase in footprint or height.
Storm water treatment and detention (e.g., rain gardens, storm outfall/energy dissipaters)	No	Yes, private and public facilities including outfall and energy dissipaters are permitted if no reasonable alternatives exist.
Driveways/streets/bridges and parking lots	No, unless a WRA crossing is the only available route. No parking lots.	No, unless a WRA crossing is the only available route, or it is part of a hardship application. Parking lots only allowed in hardship cases the maximum distance from water resource.
New fence(s)	No markers or posts in a water resource.	Yes, but only to within 50 ft. of the water resource or behind the top of slope (ravine), whichever is greater. ¹ In remainder of a WRA, only City approved property markers or posts every 25 ft. to delineate property.

Table 32-1: Summary of Where Development and Activities May Occur in Areas Subject to This Chapter

Type of Development or Activity	In Water Resource	Water Resource Area
Demolition of structure and/or removal of impervious surfaces in the WRA	Yes, restoration and re-vegetation required.	Yes, restoration and re-vegetation required.
Exterior lighting	No	No, except on existing buildings, additions or hardship cases, but light must be directed away from the WRA and less than 12 ft. high.
Public passive recreation facilities	No, except for bridges and utility crossings.	Yes, but only soft or permeable surface trails, bridges and elevated paths, interpretive facilities and signage. Hard surface ADA trails are allowed in WRA above top of slope associated with well-defined ravine WRAs.
Public active recreation facilities	No, except for bridges and utility crossings.	Yes, but natural surface playing fields and playground areas only in WRA above top of slope associated with well-defined ravine WRAs.
Grading, fill (see also TDAs)	No, except for bridges and utility crossings.	Yes, after a WRA permit is obtained. Restoration and re-vegetation required.
Temporarily disturbed areas (TDAs) (e.g., buried utilities)	No, except as allowed by WRA permit.	Yes, restoration and re-vegetation required.
Removal of existing vegetation By removing the beaver dam existing vegetation will have to be removed. or planting new vegetation	No, except invasive plants and hazard trees per CDC 32.040(A)(2) or per CDC 32.100 .	Yes, if it is replaced by native vegetation. Exemption CDC 32.040(A)(3) applies.
Realigning water resources	Yes, after "alternate review" process	Not applicable

Thank you,
Jennifer Aberg

NOTICE: This message is intended only for the individual to whom it is addressed and may contain information that is confidential or privileged. If you are not the intended recipient, or the employee or person responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use is strictly prohibited. If you have received this communication in error, please notify the sender and destroy or delete this communication immediately.

Floyd, John

From: Carrie, Beal <gawdess420@gmail.com>
Sent: Thursday, July 18, 2024 5:00 PM
To: Floyd, John
Subject: Beavers on 4th Street

You don't often get email from gawdess420@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Having resided at 1355 4th St, West Linn, OR 97068, since 1961, I have had the gift of observing wildlife activity for literal decades.

Increased human activity has thankfully remained nominal over the years, we have such a special place at this location.

The Beavers were not here when I was a kid, they'd been obliterated previous to my birth but used to build dams on the creek that passes under 4th Street according to my Great Grandmother.

I was incredibly exciting to have them return. They are healthy and have established a nice dam on the same side of 4th Street that would back up to the proposed project. Seeing the new babies grow in to adults has been a special experience. It horrifies me, to put it mildly, to hear of the proposed construction, this area is so rich with active wildlife which will be ran off when construction comes. Deer, eagles, the beavers and so many more magnificent wildlife examples to both observe and live amongst which is sacred to local residents and visitors who come here to walk. In inquiring, I've learned that people come from all over the area just to, "Walk the loop."

According to my ancestors, it was always supposed to be the plan to have this area remain intact, it's a coveted, diverse ecosystem that will be removed with the suggested project. I observe daily walkers from dawn until dusk, this project would remove the peace and quiet of such a coveted area which will drive away the wildlife. People stop, take photos and enjoy the glorious animal and bird diversity which would be eliminated.

Please preserve the sanctity and peacefulness of this area. There's not much left locally such as what we have here and this would be a wicked gift from the universe to lose, something that would be impossible to replicate or replace.

Sincerely,

Carrie Beal

1355 4th St

West Linn, OR 97068

503-557-7553

Floyd, John

From: Mei H. Brunson <meibrunson@lclark.edu>
Sent: Friday, July 19, 2024 5:35 PM
To: Floyd, John
Subject: Opposition to 3J developer's beaver removal plan

You don't often get email from meibrunson@lclark.edu. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hi John,

I am writing to comment on FILE NO. MIP-23-07, regarding the Minor Partition at 1317 7th Street. I respectfully request that you reject the development's plan to remove the resident beavers from the adjacent protected wetland. The [application](#) makes clear that "Active beaver were seen during the delineation field work within the wetland complex."

The developer states its plan to "have a professional trapper relocate the beaver, and then remove the beaver dam so the water level can return to its natural, historical level." Contrary to what the developer nonsensically claims, the "beaver dam located near 4th street" does not "artificially raise[]" the water level in the stream. Rather, the beavers and their dam are part and parcel of the natural habitat, and their dam cannot be said to "artificially raise[]" water levels. [Artificial](#) means *man-made*. The beavers and their dam should not be meddled with, and to say justify doing so in order to remedy so-called "artificially raised" water levels for development is disingenuous.

Further, trapping and relocation **does not work**. See [this source](#), which describes why beaver trapping and relocation is to be avoided: Not only is there "trauma and loss caused to beavers through relocation activities: capture, handling and release," but "[r]emoving a 'problem beaver' (or beaver family) away from a location generally doesn't work over the long term." Trapping and relocating (or even killing) resident beavers is ineffective, because it only **creates a vacuum into which new beavers will move**, often sooner rather than later. This is why relocation is a "last resort" method in many states, like [Washington](#). Beavers play a significant role in maintaining the health of watersheds in the Pacific Northwest. Of course, this in no way means I advocate for the slaughter of these beavers. Instead, I respectfully request for the developer's interference with the invaluable wetland habitat and its inhabitants (like beavers) be left alone.

Or, if the project is approved, I urge you to **require the developer to instead implement mitigation solutions**. There are list provided on this [website](#): "**Better solutions often exist through infrastructure adaption and "living with beavers"**". Mitigation solutions like [flow devices](#), [culvert protectors](#) or [tree fencing](#) can prevent blocked water from flooding things out and trees from felling. The materials are easy to source and install, and allow the beavers to stay in place - providing ecosystem benefits."

As it stands, the developer's plan to "trap and relocate" the beavers is unconscionable, unnecessary, and ineffective.

Thank you.

--

Mei Brunson

Floyd, John

From: Amanda Ford <amanda@optimizetech.com>
Sent: Friday, July 19, 2024 4:58 PM
To: Bialostosky, Rory; Baumgardner, Mary; Groner, Lou; Bryck, Carol; Bonnington, Kevin
Cc: City Council; Floyd, John
Subject: Urgent: Protecting West Linn's Precious Wetlands

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Dear Mayor Bialostosky, Council President Baumgardner, Councilor Groner, Councilor Bryck, and Councilor Bonnington,

I hope this letter finds you well. I am writing to you today on behalf of the Friends of Willamette Wetlands, a newly formed group dedicated to preserving one of West Linn's most vital natural habitats, the expansive wetland situated near the confluence of the Willamette and Tualatin Rivers. The proposed development project by Bob Schultz, which aims to construct 52 new residences (26 duplexes), with ADU options on 5th Avenue, presents an urgent and significant threat to this precious ecological treasure.

Growing up in West Linn, I developed a deep love for our community's natural beauty and vibrant spirit. After graduate school and working internationally, I returned to lead our family's global biotech business located in Oregon City. Now, raising my son in West Linn, my commitment to our community and its natural resources has only strengthened. This isn't just a cause for me; it's a personal mission to preserve and protect our home.

The proposed development raises several serious environmental and community concerns:

Lack of Infrastructure:

- The area lacks adequate road connectivity and through streets
- The neighborhood's footprint presents challenges for necessary improvements
- Issues with emergency access due to narrow streets, averaging 20 feet wide, and insufficient parking and sidewalks

No Required Infrastructure Upgrades:

- The developer is only required to improve the street bordering the new construction
- The City of West Linn has not committed to further upgrading the neighborhood infrastructure

Traffic and Road Function Obstacles:

- Anticipated congestion with approximately 494 additional daily vehicle trips
- The increased presence of delivery vehicles, garbage trucks, and utility maintenance vehicles will obstruct roads during the construction phase

Impact on Pedestrians:

- Safety concerns for pedestrians, particularly in popular walking areas around the wetlands
- Inadequate sidewalks, especially critical for children walking to school given the "Safe Routes to School" designation on 5th Avenue

Environmental Concerns:

- Proximity of construction less than 100 feet from the wetland border poses risks to the protected riparian zone feeding the Willamette River
- Potential adverse effects on the ecosystem, including wildlife habitats, from construction waste, vehicle emissions, chemical runoff, and light pollution
- Restrictions on wildlife movements, particularly affecting crucial bird habitats with over 134 species, including vulnerable and threatened species and nesting birds of prey

A gallery documenting the rich biodiversity of this wetland is available on the [Friends of Willamette Wetlands website](#), showcasing its diverse wildlife and bird species. To some, what may appear as a flooded meadow with dead trees is a thriving ecosystem supporting numerous species crucial to the local biodiversity.

In addition to the environmental concerns, saving the Willamette Wetlands aligns closely with the West Linn Strategic Plan's core principles. The amended Sustainability Strategic Plan emphasizes the importance of environmental stewardship, sustainability, and prudent development. Specifically, the plan highlights the need to:

- **Protect and Enhance the Integrity, Stability, and Beauty of the Natural Environment:** This development threatens the stability and beauty of one of West Linn's critical natural areas, contradicting our collective commitment to preserving our natural resources for future generations.
- **Promote Sustainable Development:** The strategic plan calls for development that balances environmental, social, and economic needs. With its significant environmental impact, the proposed project fails to meet this balance.
- **Support Community Resilience:** The wetlands provide critical ecosystem services, including flood mitigation, water purification, and habitat for local wildlife. Preserving these services is essential for the community's long-term resilience against environmental challenges.
- **Encourage Active Community Engagement:** Protecting the wetlands offers an opportunity for community involvement and education about the importance of natural habitats, fostering a culture of sustainability and environmental stewardship.

Given these concerns, I urge the City of West Linn to consider the broader impacts on the wetland environment and surrounding community. Thorough environmental assessments and careful consideration of the project's potential long-term effects are essential.

We respectfully request your support in opposing this development project. The city council's leadership and decisions significantly impact the preservation of the Willamette Wetlands for current and future generations.

Thank you for your attention to this critical matter and your commitment to safeguarding our natural resources. We greatly anticipate your response and the opportunity to collaborate on protecting the Willamette Wetlands.

With sincere regards,
Amanda

Floyd, John

From: Veronica Fox <veronicalynnfox1@gmail.com>
Sent: Thursday, July 18, 2024 11:59 AM
To: Floyd, John
Subject: Re: minor partition for the development on 5th Avenue in West Linn.

You don't often get email from veronicalynnfox1@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Thank you for your reply. Yes, I live at the dead end on 5th and do not expect any improvements by my home since there are only 4 homes at the end. I was more concerned about the area around the development property on 5th and 7th leading to Willamette Drive. I am encouraged you have visited this area at different times of the year and are aware of the periodic flooding, especially on 4th even before the beavers arrived. I am concerned where all this water will flow in the future. Also, you are familiar with our traffic congestion and one car lanes, so you know what we need there also.

Thank you for your time.
Veronica

On Jul 18, 2024, at 10:29 AM, Floyd, John <JFloyd@westlinnoregon.gov> wrote:

Hi Veronica,

Thank you for reaching out and I understand your concerns. Both I and our engineering staff have been to lower Willamette on many occasions and understand the existing road conditions, having both driven and walked around the neighborhood at various times of year.

Regarding the [notice](#). At this time, the only thing being proposed is the consolidation and reconfiguration of property lines to better align with the existing zoning and to make the boundaries more rational (right now the property is split up into about two-dozen lots of various shapes). The proposed subdivision will be located on Parcel 1 aka "Outlot-A" and will be considered by the city under a separate application. We expect that application to be filed later this year, but ultimately the timing of that project is up to the property owner.

Any future application for development will be required to widen and improve 5th avenue and 4th Street to existing city standards (wider pavement, curb, sidewalks, and stormwater facilities), and potentially make improvements to off-site intersections depending upon the results of future analysis. Improvements may also be required along 7th Street south of 5th Avenue, but because that street dead-ends and does not serve many homes, the applicant may be allowed to pay a fee-in-lieu and the money will be used to make street improvements elsewhere in the neighborhood. Volpp Street will be widened to city standards if and when that part of the property develops. While a single property owner cannot be expected to fix the entire neighborhood, the city can require street improvements that are proportional to the impact they will have on the network.

Thank you for taking the time to comment. If you would like further information, please feel free to email or call me.

Regards,

John

-----Original Message-----

From: Veronica Fox <veronicalynnfox1@gmail.com>

Sent: Thursday, July 18, 2024 10:06 AM

To: Floyd, John <JFloyd@westlinnoregon.gov>

Subject: minor partition for the development on 5th Avenue in West Linn.

[You don't often get email from veronicalynnfox1@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hi,

I live on 5th avenue and received a notice in the mail due to my near proximity. I am concerned about the impact on walking on 4th street and Vollp street. This is a walking neighborhood and any development that would restrict the community from access to these roads for walking should be prohibited. Also the area is now a country walk with very few cars. With this new construction, what is going to be the impact for pedestrians? Will this developer be required to provide sidewalks along the entire exterior of their property, since we can no longer walk in the road due to increased traffic. Also, 7th avenue is even now narrow and dangerous to drive due to low visibility at the top of the hill, these 50 additional cars will make that road impossible to drive. What is going to be done to handle the additional traffic on such narrow roads, 5th avenue and 7th are now one lane roads and two cars cannot utilize at the same time. I asked that you please drive these roads before you approve these plans and see the problems we are facing now and how difficult this will make our lives in the future.

Thank you for considering what's best for everyone and not just the developer.

Veronica Fox
2780 5th Avenue
West Linn, OR 97068

John Floyd
Senior Planner
Planning
Pronouns: he, him, his

22500 Salamo Rd.
West Linn, Oregon 97068
JFloyd@westlinnoregon.gov
westlinnoregon.gov
503-742-6058



[Click to Connect!](#)

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law.

If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, you are hereby notified that the sender has not waived any privilege, and that you may not read, disclose, copy, distribute, use or take action based upon this transmission or any accompanying documents.

If you have received this transmission in error, please immediately notify this office, keep the contents confidential, and immediately delete the message and any attachments from your system.

Please consider the impact on the environment before printing a paper copy of this email.

This e-mail is subject to the State Retention Schedule and may be made available to the public

Floyd, John

From: Veronica Fox <veronicalynnfox1@gmail.com>
Sent: Thursday, July 18, 2024 10:06 AM
To: Floyd, John
Subject: minor partition for the development on 5th Avenue in West Linn.

[You don't often get email from veronicalynnfox1@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hi,

I live on 5th avenue and received a notice in the mail due to my near proximity. I am concerned about the impact on walking on 4th street and Vollp street. This is a walking neighborhood and any development that would restrict the community from access to these roads for walking should be prohibited. Also the area is now a country walk with very few cars. With this new construction, what is going to be the impact for pedestrians? Will this developer be required to provide sidewalks along the entire exterior of their property, since we can no longer walk in the road due to increased traffic. Also, 7th avenue is even now narrow and dangerous to drive due to low visibility at the top of the hill, these 50 additional cars will make that road impossible to drive. What is going to be done to handle the additional traffic on such narrow roads, 5th avenue and 7th are now one lane roads and two cars cannot utilize at the same time. I asked that you please drive these roads before you approve these plans and see the problems we are facing now and how difficult this will make our lives in the future.

Thank you for considering what's best for everyone and not just the developer.

Veronica Fox
2780 5th Avenue
West Linn, OR 97068

Floyd, John

From: Jennifer La Follette <reelflygal007@gmail.com>
Sent: Thursday, July 18, 2024 4:31 PM
To: Floyd, John
Subject: Proposed Bever relocation

[You don't often get email from reelflygal007@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hello,

As a resident on 10th St. in West Linn, I am disgusted and disappointed to hear that the massively absurd proposed development is now considering relocation of the beavers. Beavers are an important part of our community, providing tremendous habitat for so many aquatic and Avion species.

I urged the West Linn planning manager to halt any and all approval for developing any part of seventh Street and surrounding wetland areas. This precious natural resource needs to be protected for generations to come!

Sincerely,
Jennifer La Follette
1360 10th St

Floyd, John

From: Mae Lucey <maeklucey@gmail.com>
Sent: Friday, July 19, 2024 9:25 AM
To: Floyd, John
Subject: Do not disturb beavers

[You don't often get email from maeklucey@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hello John Floyd,

Regarding Bob Schultz and Forward Vision Development, LLC application for 1317 7th Street... Please do not allow this project to remove beavers from their natural habitat, or disturb the beavers and their home. There is no such thing as a beaver "artificially" raising the water level of a stream. Do not allow for the disturbance of our wildlife neighbors, we must coexist NOT remove/relocate them.

Thank you,
Mae Lucey

Floyd, John

From: Tate Peterson <tate.peterson@gmail.com>
Sent: Monday, July 29, 2024 1:50 PM
To: Floyd, John
Subject: Impact of Minor Partition at 1317 7th Street.

You don't often get email from tate.peterson@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hello,

I work in the Willamette area of West Linn and live near the surrounding area. I am writing to voice my opposition to the proposed application for the Minor Partition at 1317 7th Street as it is currently written.

I am concerned about the adverse impacts this would have on the adjacent Willamette Wetlands and the protected beaver habitat, in particular the appalling proposal to relocate the resident beavers. The fact that the proposal characterizes the impact of the beaver dams on the water level as "artificial" is absurd. On the contrary, the myriad natural benefits of beavers on their surrounding ecosystems is well researched and has been the basis of a [recent OR law increasing protections](#) for this keystone species. What's more, the Willamette Wetlands very well may not exist without these resident beavers and the positive impact their dams have on water levels. After near-extinction, concerted efforts have been made to protect and encourage the return of beavers to our natural areas and create healthy wetlands and rivers, and the Willamette Wetlands resident beavers are a success story. To remove them would deal a sad and destructive blow to the adjacent wetland ecosystem as well as West Linn area residents who care to protect the natural beauty of our home for future generations.

There are less harmful and destructive ways to mitigate the impacts of beavers, such as [beaver deceivers](#). I strongly urge the city of West Linn to require the developers of this project to employ another method that would allow the resident beavers to remain in their homes and secure the future health of the Willamette Wetlands.

Thank you,
Tate Peterson

Floyd, John

From: Wyss, Darren
Sent: Friday, July 19, 2024 10:24 AM
To: Floyd, John
Cc: Gudelj, Aaron; Myers, Chris; Schroder, Lynn
Subject: FW: In regards to the application for Beaver removal by Bob Schultz

FYI

From: Digby, Dylan <ddigby@westlinnoregon.gov>
Sent: Friday, July 19, 2024 10:10 AM
To: Wyss, Darren <dwyss@westlinnoregon.gov>
Subject: FW: In regards to the application for Beaver removal by Bob Schultz

From: R T <ret2005mom@yahoo.com>
Sent: Thursday, July 18, 2024 10:04 PM
To: City Council <citycouncil@westlinnoregon.gov>; R T <ret2005mom@yahoo.com>; oregon.chapter@sierraclub.org; mercedes.serra@3j-consulting.com; aaron.murphy@3j-consulting.com; duke.pdx@gmail.com
Subject: In regards to the application for Beaver removal by Bob Schultz

Some people who received this message don't often get email from ret2005mom@yahoo.com. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

It has been brought to my attention that Bob Schultz has plans to relocate the Willamette Wetland beavers in West Linn. The relocation on page 40 of his development plans apparently.

This is an urgent matter and needs to be stopped before permanent damage is done not just to the beavers, a protected species "In 2023, the Oregon state legislature passed a bill, HB 3464, also known as the "Beaver Believer" Bill, that reclassified beavers as furbearers and increased their protections", but also to protect our area from becoming more vulnerable to fire hazards.

In addition they raise water tables, and protect other species that rely on the habitat that only beavers can create/support.

There are other places for development that do not impinge on these species and deplete our natural fire protection.

The science is well established, and the impact claimed by developers is always understated. Not only does removing the habitat impact them but the process of building the large housing development will cause further negative impact, with increased waste creating strain on our already over used sewer systems, and causing problems for existing home owners and tenants of any new building in that location, as well as habitat.

The City in accepting a proposal of this type would be short sighted and opening itself up to considerable legal costs if it chooses to defend this application.

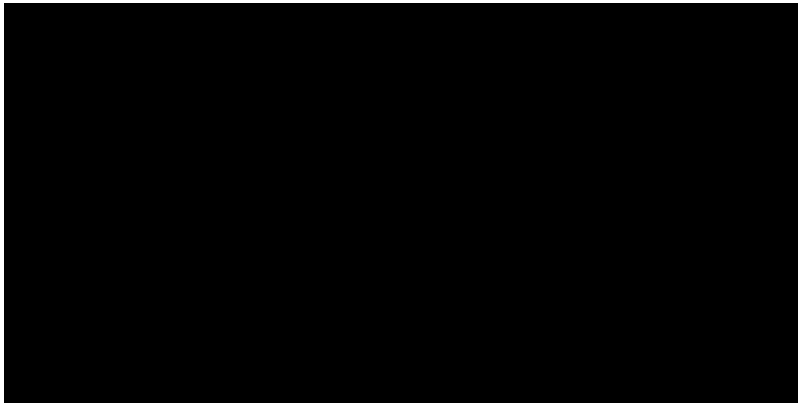
If you insist on ignoring community, listen to the science.

Our community was threatened by fire just a few short years ago causing some of us to evacuate. Do not increase fire hazards by removing the FREE natural fire protection that we have.

<https://www.fs.usda.gov/about-agency/features/firefighting-beavers>

<https://www.scientificamerican.com/article/beaver-dams-help-wildfire-ravaged-ecosystems-recover-long-after-flames-subside>

[Beaver Dams Protect Landscapes from Wildfire Effects | NASA Applied Sciences](#)



Beaver Dams Protect Landscapes from Wildfire Effects | NASA Applied Sciences

The shorelines along rivers and streams seem to be more resistant to the effects of wildfires if there are beaver dams in the area., That'

Rachel Tillman, concerned citizen

Dylan Digby
Assistant to the City Manager
Administration
Pronouns: he, him, his
[#6011](#)



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

Darren Wyss
Planning Manager
Planning

[#6064](#)



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

Floyd, John

From: Katie Zabrocki <kzabrocki@gmail.com>
Sent: Friday, July 19, 2024 7:59 AM
To: Floyd, John
Subject: Re: Rivianna Beach Development Follow Up Questions

You don't often get email from kzabrocki@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Thanks for all this great information John!

I'm sure you're hearing from a few folks now about the beaver dam at this point. I have a few questions as well.

The latest minor lot partition document still includes a note of anticipated beaver/beaver dam removal although it sounds like there has been some flip-flopping verbally on the issue. They likely did not need to include that note as it doesn't seem to be germane to their lot partition application but it does raise a lot of questions ([pg 40 in the pdf, labeled pg 38 in the document](#)).

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.

There is community concern that removing the beavers, which are considered a keystone species for wetland areas, will have a negative impact to the wetland ecosystem and result in diminished wetland areas. (A keystone species, by definition, is a species on which other species in an ecosystem largely depend, such that if it were removed the ecosystem would change drastically.)

1. Can an owner remove the beavers/dam within an existing wetland with the express purpose of reducing water levels and minimizing wetlands areas that were present and established at the time the property was acquired in order to make more favorable development conditions?

3. I'm trying to parse out but it seems that dam removal (eg the removal of large wood) within wetlands may be subject to the removal/fill laws in Oregon. Would the City consider wetland ecosystems that create constraints to development as "[direct and demonstrable threat to real property?](#)" Also, Since this is also a flood plain are there any other issues the city would be concerned with regarding removal/fill?

4. Chapter 32 Section 32-030 Table 32-1 indicates "realigning water resources" as an allowable activity after the alternate review process. Would beaver dam removal that impacts wetlands boundaries be predicated on the project complying with the WRA alternate review process or could this be done any time on private property? Would the City consider beaver dam removal as a

realignment strategy or will that be further reviewed based on the report by the natural resource professional?

Realigning water resources	Yes, after "alternate review" process	Not applicable
----------------------------	---------------------------------------	----------------

Thanks again for all the info! I may stop back up sometime next week if I have more questions.
Katie Zabrocki

On Mon, Jul 15, 2024 at 2:41 PM Floyd, John <JFloyd@westlinnoregon.gov> wrote:

Hi Katie,

Thanks for coming in last week. In person can often be easier. Answers below in red. Let me know if you need anything else or if my answers need elaboration or clarification.

John

From: Katie Zabrocki <kzabrocki@gmail.com>
Sent: Friday, July 12, 2024 5:17 PM
To: Floyd, John <JFloyd@westlinnoregon.gov>
Subject: Re: Rivianna Beach Development Follow Up Questions

You don't often get email from kzabrocki@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hi John,

A couple additional questions:

1. Does the use of the PUD model preclude the development from requesting any flood plain variances? The project does not appear to comply with the Criteria listed in ch 27. **No, all flood management regulations of CDC Chapter 27 still apply.**

2. Is there anything about the 7th St Lot consolidation project that would create a condition where the project would become "pre-existing lots of record" and not have to comply with the following table? **I can't speak to all potential circumstances, but the consolidation process will result in fewer lots on the PUD project site as compared to the existing condition.**

Type I or Type II lands	Allowable Density*		
	Building Not Allowed	When Developed	When Transferred
Slopes			
25 - 35%		50%**	75%
35 - 50%		X	75%
More than 50%	X	X	50%
Confirmed Landslide Hazards			
	X	X	50%
Flood Management			
100-Year Floodplain	X	X	50%
Floodway	X	X	50%
Water Quality Resource Area			
	X	X	50%
Significant Natural Areas			
	X	X	50%
Significant Tree/Tree Clusters on Type I and II Lands			
	X	X	50%
Significant Tree/Tree Clusters on Non-Type I and II Lands			
	X	X	100%
Planned Public Open Space/Regional Storm Treatment Facility***			
	X	X	100%

* Development of single-family detached or attached residences, including duplexes, triplexes, quadplexes, townhouses and cottages in cottage clusters, **on preexisting lots of record is exempt** from this chart; most restrictive density governs in the event of conflict or overlap.

** The "50 percent allowable density when developed" means that if we reduce the number of homes on constrained lands, we reduce the hazard potential which typically increases with higher density and increased site disturbance. Consequently, the density is reduced in half (50 percent). That means that to develop on a predominantly steep lot would require twice the minimum lot size of the underlying zone (e.g., you would need a 20,000-square-foot lot in the R-10 zone). When Type I and II lands are to be developed, the 70 percent rule shall not apply to those areas; it shall only apply to the developable net area as defined in CDC 85.200(j)(7). (Ord. 1408, 1998; Ord. 1736 § 1 (Exh. A), 2022; Ord. 1745 § 1 (Exh. A), 2023)

thanks!

Katie

On Fri, Jul 12, 2024 at 10:54 AM Katie Zabrocki <kzabrocki@gmail.com> wrote:

Hi John,

Thanks again for talking with me yesterday. I have a couple follow up questions - hopefully these all make sense but let me know if you need any clarification.

1. What is the maximum FAR for 12,500 sf lots within this site using PUD model and with the slopes and wetlands considerations? Is it 45% or less (guaranteed min of 30%) given the site? - maybe there isn't enough information to know...

a. Are the wetlands considered Type I or II as it relates to FAR calculations? I know Type I and II lands are excluded from the standard FAR calculations and the wetlands are excluded from being developed out of hand, but are included in ensuring a minimum of 30% FAR for the site

Section 24.180 addresses the modification of base zone provisions, in this case the R-10 zone. The PUD process cannot be used to modify allowable FAR, whether this was intentional or an oversight is unknown (but I suspect the latter).

3. In terms of wetland impact for the Rivianna Beach project, can you clarify what other entities are involved (DEQ, ODF, DSL?) or will be reviewing the Alternative Review Process reports/recommendations that will be submitted by the developers biologist team?.

Final notice decisions are not yet determined, but at a minimum those agencies would be on the notice list, along with the US Army Corps of Engineers.

4. Can you share any other information how the city will address lacking road infrastructure if the developers of new housing in the area aren't responsible for comprehensive road improvements (eg last one in can't solve all the issues?). I understand Rivianna is one of several potential housing development projects in the area.

All new dwelling must pay system development charges Non-development related road construction is the purview of the engineering department. You may want to reach out to the City Engineer or Assistance City Engineer.

5. For residential construction in the 100 year flood plain, per ch. 27 in the CDC it's required that the lowest floor, including basement is elevated at or above one foot above the base flood elevation. Does that added height count toward the building's maximum height allowance?

Probably, but that depends on whether and how the surrounding land is filled. The methodology for measuring height is set forth in CDC Chapter 41.

Separately, related to the Waterfront project, I was trying to track down the sale agreement and the clean up stipulations for the blue heron pond. I contacted DEQ and they sent me a clean up guide but I was wondering if there was any additional information.

I've seen a copy online but not sure where. WES and Clackamas County may be the better source as they were the selling agency as I understand it.

Thanks again!

Katie Zabrocki

Willamette Resident

503.440.9119

kzabrocki@gmail.co

John Floyd

Senior Planner

Planning

Pronouns: he, him, his

22500 Salamo Rd.

West Linn, Oregon 97068

JFloyd@westlinnoregon.gov

westlinnoregon.gov

503-742-6058



[Click to Connect!](#)

****CONFIDENTIALITY NOTICE****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law.

If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, you are hereby notified that the sender has not waived any privilege, and that you may not read, disclose, copy, distribute, use or take action based upon this transmission or any accompanying documents.

If you have received this transmission in error, please immediately notify this office, keep the contents confidential, and immediately delete the message and any attachments from your system.

Please consider the impact on the environment before printing a paper copy of this email.

This e-mail is subject to the State Retention Schedule and may be made available to the public

PD-6 AFFADAVIT AND NOTICE PACKET

**AFFIDAVIT OF NOTICE
PLANNING MANAGER DECISION**

We, the undersigned, certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

PROJECT

File No.: MIP-23-07 Applicant's Name: Bob Schultz & 3J Consulting
 Development Address: 1317 7th Street
Planning Manager Decision no earlier than July 29, 2024

MAILED NOTICE

Notice of Upcoming Planning Manager Decision was mailed at least 20 days before the decision, per Section 99.080 of the CDC to:

Mercedes Serra, applicant representative	7/9/24	<i>Lynn Schroder</i>
Bob Schultz, property owner	7/9/24	<i>Lynn Schroder</i>
Property owners within 500ft of the site perimeter	7/9/24	<i>Lynn Schroder</i>
Willamette Neighborhood Association	7/9/24	<i>Lynn Schroder</i>
Clackamas County	7/9/24	<i>Lynn Schroder</i>
Dept Fish & Wildlife	7/9/24	<i>Lynn Schroder</i>
US Army Corps of Engineers	7/9/24	<i>Lynn Schroder</i>
Dept of Enviromental Quality, Kenneth Thiessen	7/9/24	<i>Lynn Schroder</i>

EMAILED NOTICE

Notice of Upcoming Planning Manager Decision was emailed at least 20 days before the decision to:

Willamette Neighborhood Association	7/9/24	<i>Lynn Schroder</i>
Bob Schultz, applicant	7/9/24	<i>Lynn Schroder</i>
3J Consulting, applicant consultant	7/9/24	<i>Lynn Schroder</i>
Friends of Willamette Wetland	7/9/24	<i>Lynn Schroder</i>
Metro	7/9/24	<i>Lynn Schroder</i>
Division of State Lands	7/9/24	<i>Lynn Schroder</i>
PC Agenda Notice List	7/9/24	<i>Lynn Schroder</i>

WEBSITE

Notice of Upcoming Planning Manager Decision was posted on the City's website at least 20 days before the decision.

7/9/24	<i>Lynn Schroder</i>
--------	----------------------

SIGN

A sign for Upcoming Planning Manager Decision was posted on the property at least 10 days before the decision, per Section 99.080 of the CDC.

7/18/24	<i>John M. Floyd</i>
---------	----------------------

FINAL DECISION

Notice of Final Decision was mailed to the applicant, all parties with standing, and posted on the City's website, per Section 99.040 of the CDC.

9/18/24	Lynn Schroder
---------	---------------



**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. MIP-23-07**

The West Linn Planning Manager is considering a Minor Partition at 1317 7th Street. The applicant is requesting approval to consolidate and reconfigure 22 existing lots into 3 new parcels approximately 11.88 acres, 22.44 acres, and 1.19 acres in size through the minor partition process. The proposed reconfiguration is intended to consolidate residentially zoned lands into Parcel 1 (Outlot A), and separate the industrially zoned land containing the former Blue Heron aeration and settling basin and river frontage onto Parcels 2 and 3 (Outlots B and C) respectively. No physical development is proposed with this application, only a reduction in the number of lots and a reconfiguration of legal boundaries.

The Planning Manager will decide the application based on criteria in Chapters 11, 23, 27, 28, 32, 48, 55, 85, and 92 of the Community Development Code (CDC). The CDC approval criteria are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The application is posted on the City's website, <https://westlinnoregon.gov/projects>. The application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost.

A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration must submit all material before 4:00 p.m. on July 29, 2024 to jfloyd@westlinnoregon.gov or mail them to City Hall to the attention of John Floyd (address at bottom of this notice). All comments must be received by the deadline.**

It is important to submit all testimony in response to this notice. All comments submitted for consideration of this application should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue (CDC Section 99.090).

The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC [99.240](#).

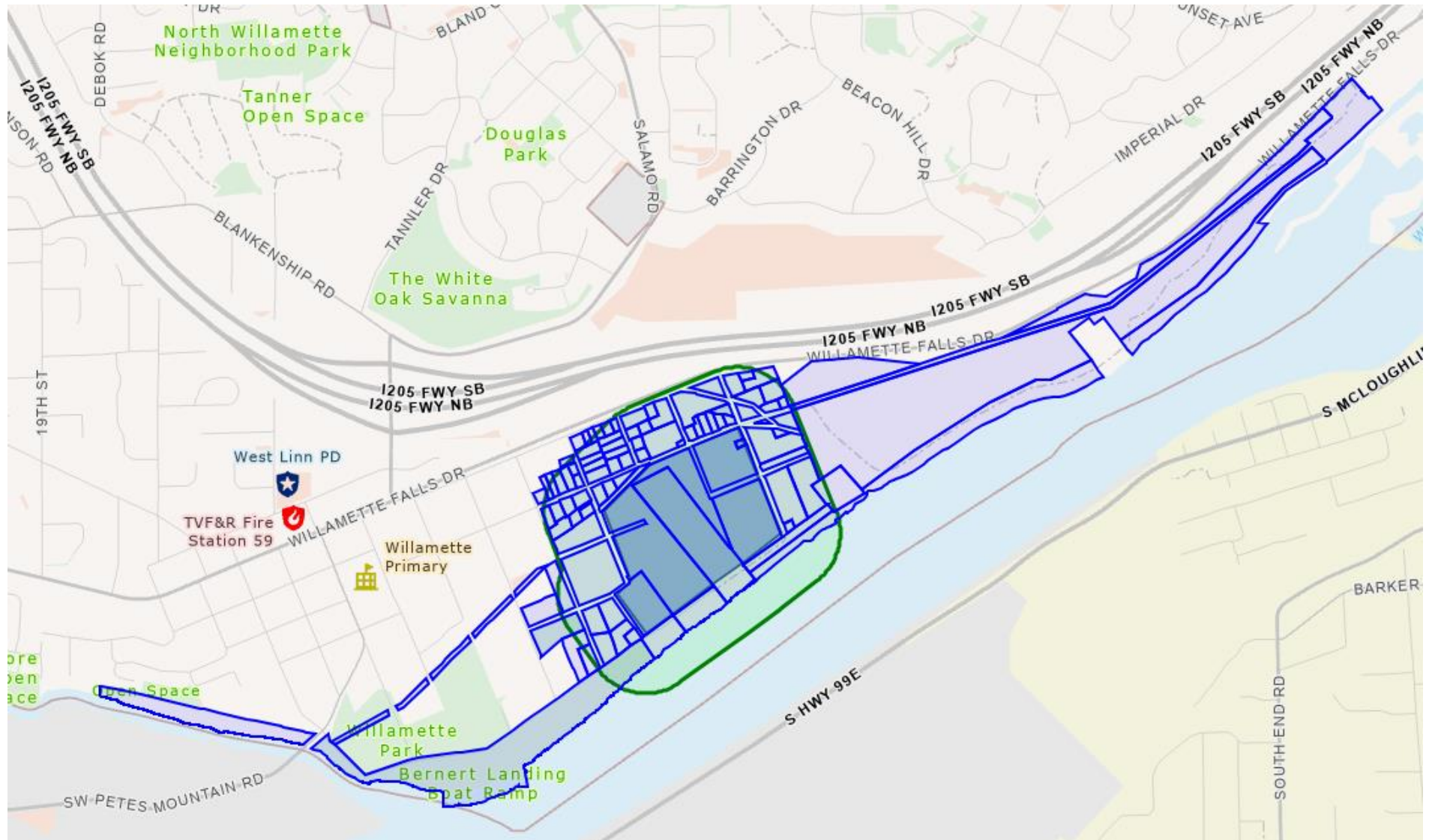
For additional information, please contact John Floyd, Senior Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6058.

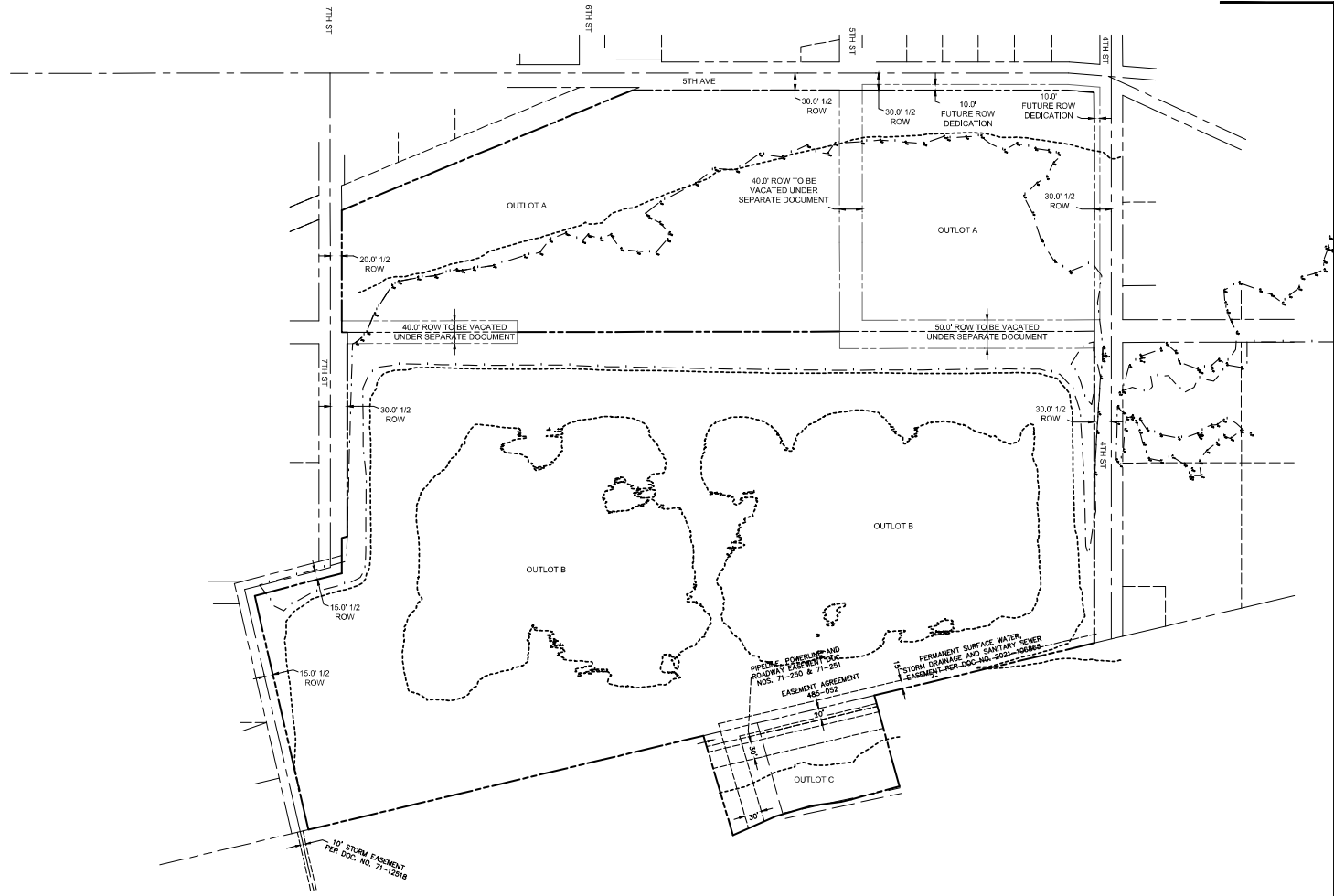
Scan this QR Code to go to Project Web Page:



Mail: July 9, 2024

MIP-23-07 – Notified Properties within 500 feet of Clackamas County Assessor’s Map 31E0200401, 31E02AA00800, 31E0200100, 31E02AA00200, 31E02AA00100, and 31E01BB00100





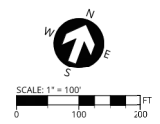
PUBLISH DATE
06-04-2024
ISSUED FOR
MINOR PARTITION
REVISIONS

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

PROJECT INFORMATION
SUBPROJECT # 1 22909
TAX LOT(S) 1 499
LAND USE # 1 TBD
DESIGNED BY I SRC
CHECKED BY I JIS

SHEET NUMBER
C200

- LEGEND**
- PROJECT BOUNDARY
 - RIGHT-OF-WAY LINE
 - RIGHT-OF-WAY CENTERLINE
 - EASEMENT LINE
 - EXISTING ADJACENT PROPERTY LINE
 - LOT/PARCEL LINE
 - PROPOSED LOT LINE
 - PROPOSED RIGHT OF WAY
 - PROPOSED SETBACK LINE
 - - - SURVEY EXISTING EDGE OF WETLAND
 - - - SURVEY EXISTING WETLAND BOUNDARY FLAGS
 - - - SURVEY 100 YEAR FLOODPLAIN





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # MIP-23-07
MAIL: July 9, 2024 TIDINGS: N/A**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.