

DEVELOPMENT REVIEW APPLICATION

For Office Use Only

STAFF CONTACT Aaron Gudelj	PROJECT NO(S). MIP-25-02/VAR-24-05	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

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) Related File # _____
<input type="checkbox"/> Flood Management Area (FMA)
<input type="checkbox"/> Historic Review (HDR)
<input type="checkbox"/> Lot Line Adjustment (LLA)
<input 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:	Assessor's Map No.:
	Tax Lot(s):
	Total Land Area:

Brief Description of Proposal:

Applicant Name*:	Phone:
Address:	Email:
City State Zip:	

Owner Name (required):	Phone:
Address:	Email:
City State Zip:	

Consultant Name:	Phone:
Address:	Email:
City State Zip:	

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

Owner's signature (*required*)

Date

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. **Do NOT use DocuSign.**
- 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.
- 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.
- 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.

Date: 7/20/2024

To: City of West Linn
Re: Partition PA-24-04
Project Narrative
Address: 2830 Coeur d Alene Drive
Tax Lot: 21E-35DA-4400
Savanah Oaks Neighborhood Association

From: Gary and Susie Alfson

Key Issues and Considerations

We are requesting approval to partition our 0.91 acre parcel into three lots with access to its current access from Coeur d Alene Drive. One lot will contain our house of 40+ years. The additional two lots created by this partition are on the south and lower end of the acre. They will also access Coeur d Alene Drive via the current access to the east. We had proposed during the 2007 Planning Commission review of the Teresa Vinyard subdivision that we would possibly raze the house and create 4, to a maximum of 5 lots total. We are currently requesting approval to create three lots, one larger lot combining GA3 and GA4 for the existing residence, and two, 10,000 square foot lots on the southern half of the parcel noted as GA1 and GA2. See figure 1. There are no improvements proposed with this partition. Connecting the existing house to public sanitary sewer and water is proposed at the time of the lot development. The following are our responses to the request by the city at the preapplication conference and information obtained from the city files and County records.

Engineering Comments

Sanitary sewer is currently provided with a septic sewer system below the west end of the private house. The closest public sewer line connection is an 8" sewer line installed to the west end of the access to serve development of the GA parcels. The existing septic sewer system will be abandoned and the house connected to the public pipeline when the partition is completed and development occurs. Sanitary sewer laterals to the existing sewer will be included with the building on each new lot.

There are 3 water meter boxes already installed for the Alfson partition on Coeur d Alene Drive. The water service laterals will be installed with the new building. There is also a water main installed in the adjacent Tract C.

We are proposing to leave the irrigation system connected to the well. The Oregon Water Resources Department allows irrigation from a domestic well for up to ½ acre of lawn or non-commercial garden (personal use only) domestic well without the need for a water use permit. This exemption is covered on page 9 as noted below; “Exempt uses of groundwater include: 2. Lawn or noncommercial garden: watering of not more than one-half acre in area.” The irrigated portion of the parcel covers 19,636 square feet.

See Appendix 1 for additional information.

Building

There are no new structures being built with this partition.

Tualatin Valley Fire and Rescue

The appropriate fire department turnaround will be determined when development occurs. We believe that this will be the 120' Hammerhead Alternative. The closest fire hydrant is located at the intersection of Coeur d Alene Drive and the current access as we have shown. We have requested approval for the fire department but have not received a response at this time.

Trees

There are many trees on this property, most having been planted by the owner. We have prepared a plan showing the type and size of each significant tree and if it is likely to be removed by the construction of the house, installation of underground utilities and the construction of paved surfaces for access and a fire department turn around. We will meet with the city arborist to review the existing trees and their potential for removal. See the attached Topography and Preliminary Utility plan for further information on the trees.

Applicable Community Development Code sections:

Ch 12 Single Family Residential

This lot and the surrounding parcels are zoned R – 7. Each partition lot would meet or exceed the minimum area, width and depth, and setbacks criteria for this zone.

Ch 48 Access, Egress, and Circulation

The applicant proposes to utilize the existing 20 foot wide access to Coeur d Alene Drive between Terasa Vineyard lots 22 and 23 to serve this property as it currently does. This would be a total of 5 lots, including Terasa vineyard lots 22 and 23, utilizing the existing access out to Coeur d Alene Drive. This access and Tract C are similar in construction width, curb and thickness, with the exception that Tract C has sharp vertical curves at each end resulting in limited visibility. If an access was required north to Tract C, as noted in the Terasa Vineyard Plat notes 9 and 24 Tract C, the sharp crest vertical curve at each end of the road would make it much less safe for pedestrians and children with its limited visibility. Tract C is used extensively by children living in the area, by walkers and local traffic. Also, the topography of the area slopes down to the south limiting visibility for residents of a new access from GA3 or GA4 accessing the road. The construction of an access(es) off Tract C would create impacts to both sides of the Alfson lot requiring reconstruction of the detached garage, removal of 1 to 4, 3'+ foot diameter redwood trees, and impacts to the existing lots 18 from Crystal Terrace and 21 from Terasa Vineyard.

Utilizing the current access to Coeur d Alene Drive to serve the three Alfson lots would have less impact than connecting to Tract C. There would be 4 lots instead of 5 utilizing the current access out to Coeur d Alene Drive. The applicant believes that the one additional lot would not be detrimental to the rest of the lots and that the current access would be safer.

An issue has been brought up regarding notes on the plat and the access to the Alfson lot(s). Research into the city files and County records have conflicting information regarding the access to Tract C and the existing access. These notes conflict with other Planning Commission comments, conditions of development, the letter from Alfson, and other recorded documents in the files. Comments made by, City staff, Planning Commission, Alfson and by the Teresa Vineyard representatives do not mention the access limitation requirement for access to Tract C or the access between lots 22 and 23. Portions of each document are attached as Appendix 1. Their comments relate more to the opportunities provided with the current access and Tract C accesses rather than limitations. Therefore, we request that the note 8 and 9 be eliminated from the Teresa Vineyard plat.

In a letter to the City and Planning Commission dated June 27, 2007 Gary Alfson wrote, "We request that a condition be included in the approval to allow access to this Tract for future vehicular and utility access from Lots GA3 and GA4. The proposed access (which is the current access out to Coeur d Alene)" shown to the east of our property needs to remain to provide access for our current residence and for future lots GA1 and GA2." These comments were approved by the Planning Commission and Teresa Vineyard representatives.

Planning Commission Final Notice dated July 2007

In reference to the Alfson letter the planning Commission stated, "3. The neighboring property at 3401 S. Haskins Lane has one existing house and may develop into four lots in the future, Assurance is needed that all appropriate vehicular access and utility provision and access be provided by the applicant to sufficiently accommodate and since the current residence at this neighboring property and all potential future lots at this property."

A letter submitted by Alfson is included in this report. In the letter Alfson states "We would appreciate your consideration in including conditions of the approval of the proposed development to ensure adequate vehicular and utility access to our site for the current configuration and for the potential future development."

And “The proposed development has shown an access and utility tract along the entire north edge of our property. We request that a condition be included in the approval to allow access to this tract for future vehicular and utility access from lots GA3 and GA4. The current shown to the east of our property needs to remain to provide access for the current residents lots GA1 and GA2 and for future lots GA3 and GA4.”

The planning commission Final Decision dated June 28, 2007 states the following:” A motion was made, seconded and passed to approve the application with four additional findings, ”...”two additional conditions of approval regarding utility provisions, and vehicular access to the neighboring property at 3401 S Haskins Lane.”

This information presented to the Planning Commission conflicts with the notes 9 and 24 which states that a maximum of two access be allowed. The existing access to the east between lots 22 & 23 and to the GA lots access to Coeur d Alene Drive was created by the development of Teresa’s Vineyard subdivision. The prior access was from the south end of the Alfson lot to Coeur d Alene Drive to the south. This new access consists of a 20-foot-wide joint access and utility easement constructed by Teresa Vineyard.

The Access and Utility Easement - Joint Maintenance Agreement Page 2 item 2 Grant of Easement Agreement states. “Easements also exist within this access easement for public water, sanitary sewer, and for electrical, telephone, and cable TV franchise utilities. TV 29 hereby creates and grants to the present and future owners of lot 22, lot 23 and Alfson property a non-exclusive and reciprocal easement over and under lot 22 and 23 to be used for ingress, egress and private and public utility purposes as more specifically described on the plat of Teresa’s vineyard recorded in book 142 page 021 as document no. 2012-01405.”

The access and utility easement and joint maintenance agreement on page 1 of 7, note 9 states “Whereas TV 29 and Alfson desires to create the non-exclusive and reciprocal easements described herein for the purpose of ingress, egress and placement of on lots 22 and 23, and the Alfson property,

The recorded access and utility easement document Page 4 item 10.2 Access states "The owners of Lot 22 and Lot 23 shall provide reasonable access to the portion of the access located on such owner's lot to the owners of the other affected lots, for purposes granted herein, and for maintenance and repair of said access and utility easements as needed.

There was no mention of this limitation in the planning commission comments except to include the information from the Alfson letter. There are several notes on the plans and documents list covering joint use and maintenance on the streets and utilities. In addition, the parcel is lower than the Tract C access. The site slopes to the south at approximately 10% and would require a steep driveway down to the site and likely require retaining wall. Also, the profile of the Tract C pavement has sharp vertical curves near each end, restricting visibility.

Ch 75 Variances and Special Waivers

We are requesting a Class 1 variance to allow 5 driveways with access off the private drive. Three accesses currently use the access. One of the accesses is a pull through driveway from Coeur d Alene to the access and are near to Coeur d Alene. The second driveway is close to Coeur d Alene. The third access is from the Alfson Lot. This configuration will be safer with better sight distance and not require reconstruction of a portion of one lot. There will not be any changes to the access from Coeur d Alene to the Alfson lot.

If a new access is required to Tract C it will be best located on the east lot line. This will still require retaining walls and easements on the adjacent properties, and removal of 3' + diameter redwood trees. Sight distance will be limited to less than standard creating an unsafe situation for pedestrians, vehicles, delivery trucks, etc.

Ch 92 Required Improvements in Partitions

The streets adjacent to this partition are fully improved therefore there are no street improvements proposed.

The south end of the lot is bordered by a city storm water control facility. The lot has septic sewer for the sanitary sewer and a well for domestic and irrigation water. Since we are not proposing any development of this parcel, only partitioning the parcel, we do not propose any storm drainage facilities. Thank you for time and consideration. If you have any questions, please feel free to give Susie or I a call.

Gary and Susie Alfson
503.-656-3039 hm
503-709-5490 Susie cell
971-712-4293 Gary cell

**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: Gary Alfson
Address: 2830 Coeur d a Alene Drive
Phone: 503-656-3039
Email: galfson2@comcast.net
Site Address: 2830 Coeur d Alene Drive
City: West Linn
Map & Tax Lot #: 21E35DA4400
Business Name: N/A
Land Use/Building Jurisdiction: West Linn
Land Use/ Building Permit #: PA-24-04

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

We are proposing to partition our 1 acre lot into three lots with access off Coeur d Alene Drive. No new construction is proposed with this application.

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 #: 2024-0105
Permit Type: SPP - West Linn
Submittal Date: 8-1-24
Assigned To: DFM Arn
Due Date: N/A
Fees Due: 0
Fees Paid: 0

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

This section is for application approval only

[Signature]
Fire Marshal or Designee

8-1-24
Date

Conditions:

See approved plan

See Attached Conditions: Yes No

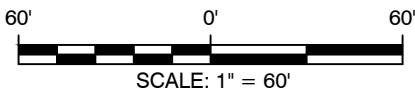
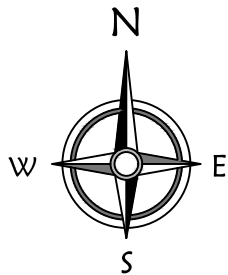
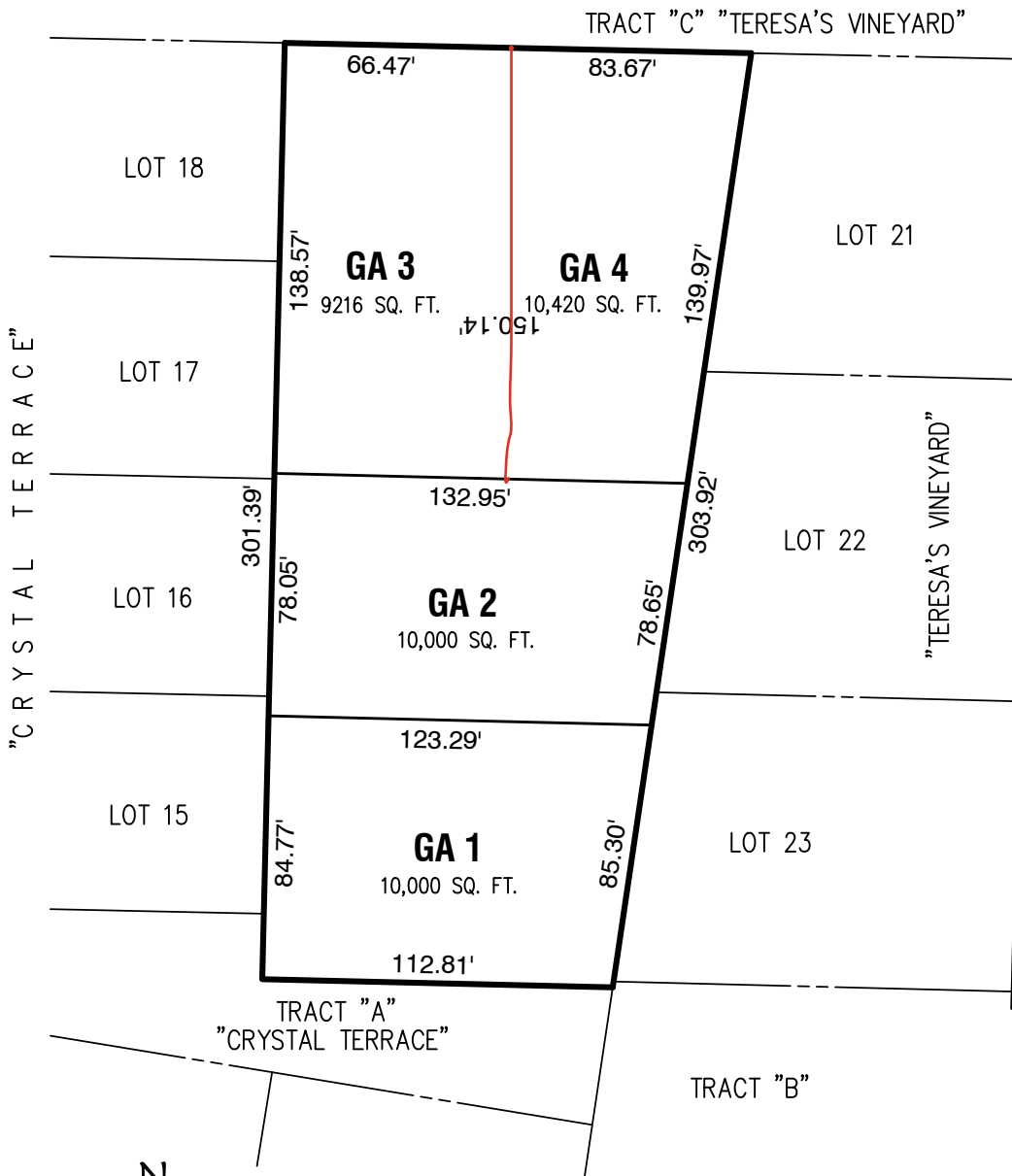
Site Inspection Required: Yes No

This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID _____ Date _____

Appendix 1
Preliminary Utility
and Site Plan



X
X
X

Figure 1
Site Plan



VICINITY MAP

LEGEND

- CURB
- EDGE OF PAVEMENT
- G — GAS
- SS — EXISTING SANITARY SEWER
- SS — PROPOSED SANITARY SEWER
- ST — STORM SEWER
- T — UNDERGROUND COMMUNICATIONS
- UGP — UNDERGROUND POWER
- TV — UNDERGROUND TV
- W — EXISTING WATER
- W — PROPOSED WATER
- DL DRIP LINE RADIUS

* DL DENOTES TREE TO BE REMOVED

NOTES

1. UTILITY INFORMATION SHOWN ON THIS MAP IS BASED UPON OBSERVED FEATURES AS WELL AS TONE MARKS PROVIDED BY UTILITY LOCATORS AS A RESULT OF OUR REQUESTS FOR MARKINGS TO THE OUNC. NO WARRANTIES ARE MADE REGARDING THE ACCURACY OR COMPLETENESS OF THE UTILITY INFORMATION SHOWN. ADDITIONAL UTILITIES MAY EXIST. INTERESTED PARTIES ARE HEREBY ADVISED THAT UTILITY LOCATIONS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION OF ANY CRITICAL ITEMS.
2. VERTICAL DATUM: VERTICAL DATUM: NAVD '88 UTILIZING GPS POSITIONING TIED TO THE ORGN WITH REAL TIME CORRECTORS REFERENCED TO DATUM NAD '83 (2011) EPOCH 2010.00.
3. HORIZONTAL DATUM: OREGON STATE PLANE COORDINATE REFERENCE SYSTEM OF 1983, NORTH ZONE BASED UPON GPS OBSERVATIONS TIED TO THE OREGON REAL TIME GNSS NETWORK (ORGN) NAD '83 (2011) EPOCH 2010.00.
4. CONTOUR INTERVAL IS ONE-FOOT.
5. PUBLIC UTILITIES NOTIFIED BY OREGON UTILITY NOTIFICATION CENTER TICKET NUMBERS 24125606 AND 24125630:

CITY OF WEST LINN	503-803-1106
COMCAST	800-778-9140
NW NATURAL	503-220-2415
PORTLAND GENERAL ELECTRIC	503-255-4634
CENTURYLINK	800-778-9140

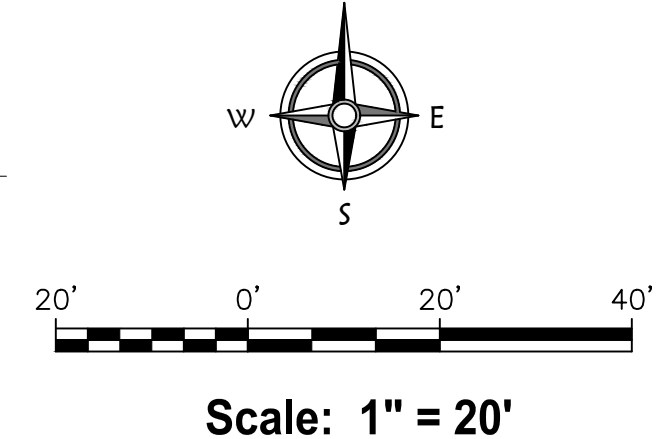
6. TOPOGRAPHIC FEATURES SHOWN ON THIS MAP WERE LOCATED USING STANDARD PRECISION TOPOGRAPHIC MAPPING PROCEDURES. THIRD PARTY USERS OF DATA FROM THIS MAP PROVIDED VIA AUTOCAD DRAWING FILES OR DATA EXCHANGE FILES SHOULD NOT RELY ON ANY AUTOCAD GENERATED INFORMATION WHICH IS BEYOND THE LIMITS OF PRECISION OF THIS MAP. THIRD PARTIES USING DATA FROM THIS MAP IN AN AUTOCAD FORMAT SHOULD VERIFY ANY ELEMENTS REQUIRING PRECISE LOCATIONS PRIOR TO COMMENCEMENT OF ANY CRITICAL DESIGN OR CONSTRUCTION. CONTACT COMPASS LAND SURVEYORS FOR FURTHER INFORMATION. FURTHERMORE, COMPASS LAND SURVEYORS WILL NOT BE RESPONSIBLE NOR HELD LIABLE FOR ANY DESIGN OR CONSTRUCTION RELATED PROBLEMS THAT ARISE OUT OF THIRD PARTY USAGE OF THIS MAP (IN AUTOCAD OR OTHER FORMAT) FOR ANY PURPOSE OTHER THAN SPECIFICALLY STATED HEREIN. THIS STATEMENT IS AN OFFICIAL PART OF THIS MAP.

TOPOGRAPHIC SITE MAP and Preliminary Site Plan

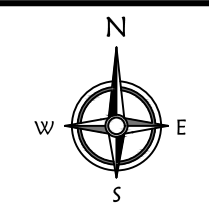
FOR A PROPOSED PARTITION PLAT
TAX LOT 1400, IN THE NE 1/4 SE 1/4 SECTION 35, T.2S., R.1E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

TREE LIST

3025	22" PINE	-17' DL
3026	18" PINE	-15' DL
3030	26" CEDAR	-15' DL
3032	19" CEDAR	-12' DL
3053	22" CEDAR	13' DL
3067	42" CONIFER	21' DL
3068	40" CONIFER	21' DL
5013	5 7/8" CEDAR	-16' DL
5014	11" HAWTHORN	-11' DL
5015	10"/10" FIR	-12' DL
5016	7" CEDAR	5' DL
5017	6" CEDAR	6' DL
5018	6" CEDAR	6' DL
5019	6" CEDAR	6' DL
5041	40" CONIFER	22' DL
5075	19" FIR	12' DL
5076	21" FIR	15' DL
5077	37" CONIFER	18' DL
5078	16" FIR	12' DL
5079	14" FIR	10' DL
5118	12" CEDAR	10' DL
5165	13" FIR	10' DL
5166	16"/22" CONIFER	17' DL
5167	12" CONIFER	15' DL
5168	31" CONIFER	20' DL
5169	30" CONIFER	21' DL
5199	20" CEDAR	15' DL
5209	10" FIR	12' DL
5210	18" FIR	20' DL
5211	22" FIR	20' DL
5212	10" DECID.	12' DL
5213	12" FIR	10' DL
5214	11" DECID.	12' DL
5215	6" DECID.	-10' DL
5234	14" DECID.	12 DL
5235	5" DECID.	6' DL
5247	8" HAWTHORN	-7' DL
5248	8" HAWTHORN	-7' DL
5249	10" HAWTHORN	-10' DL
5250	8"/10"/10" HAWTHORN	-15' DL
5251	10" HAWTHORN	-7' DL
5252	10" HAWTHORN	-10' DL
5255	12" DECID.	-10' DL
5256	14" FIR	-15' DL
5257	16" FIR	-15' DL
5258	14" FIR	-14' DL
5259	14" FIR	-12' DL
5260	14" FIR	-13' DL
5261	14" FIR	-13' DL
5262	18" CONIFER	14' DL
5299	20" CEDAR	-15' DL
5300	21" FIR	-15' DL
5301	18" CEDAR	-20' DL
5302	22" CEDAR	-20' DL
5303	10"/16" CEDAR	-15' DL
5304	24" CEDAR	-15' DL
5305	17"/22" CEDAR	-15' DL
5306	30" CEDAR	-20' DL
5498	6" OAK	8' DL
5499	6" OAK	9' DL
5500	11" MAPLE	15' DL
5501	8" CEDAR	8' DL
5502	6" OAK	12' DL
5503	6" OAK	9' DL



DATE	NO.	REVISION	PLAN	8784 Existing Cond.dwg	
DRAWN			MMM	CHECK	JCM
SCALE			1" = 20'	DATE	05/2024



COMPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

GARY ALFSON
2830 COEUR D'ALENE DRIVE
WEST LINN, OREGON 97068

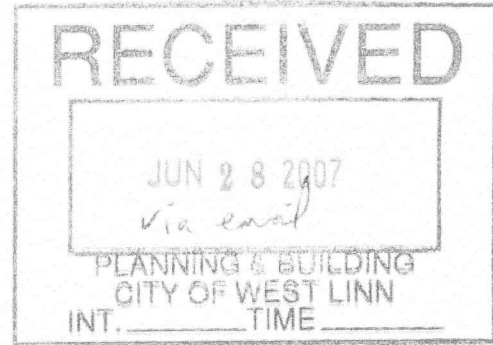
P:\052018\1400\1400.dwg User: Gary Alfson Date: 5/17/2024 3:31:11 PM

Appendix 2
Prior Development
Research

June 27, 2007

To: City of West Linn Planning Commission

From: Gary and Susie Alfson
3401 S Haskins Lane



RE: 30 Lot Subdivision – File # SUB-07-02, VAR-07-02, NDW-07-02

We have a one acre parcel located at the inside corner of the proposed development. Two sides of our acre is immediately adjacent to the subject property. We do not have frontage on a public road way, therefore our acre is land locked by the subject property. The attached plan shows the location of our property, (Sheet C3). We are not opposed to the 30 lot subdivision. However we do have some concerns regarding the impacts of the development on our land locked parcel.

We would appreciate your consideration in including conditions to the approval of the proposed development to ensure adequate vehicular and utility access to our site, for the current configuration and for the potential future development.

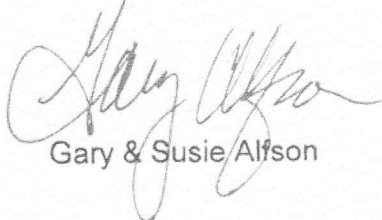
The one acre is currently zoned R-7. We have shown the potential platting of this property into 4 lots designated as GA1 through GA4. Five lots are possible based on the zoning of the parcel but, due to the topography of the site and the land locked nature of the parcel, four are being shown at this time, (Sheet C6).

The proposed development has shown an access and utility tract along the entire north edge of our parcel. We request that a condition be included in the approval to allow access to this tract for future vehicular and utility access from lots GA3 and GA4 (Sheet C6). The proposed access shown to the east of our property needs to remain to provide access for our current residence and for future lots GA1 and GA2.

We request that the development of the 30 lot subdivision be conditioned to provide utility access to public sanitary sewer, storm drainage, and water services (wet utilities) to our property line. Sanitary sewer and storm drainage access need to be provided to allow gravity flow from the lowest lot GA1. These utility connections are currently being provided from the proposed access to the east between lots 22 and 23. Gravity flow for sanitary sewer and storm drainage from lot GA1 cannot be achieved at the location shown. These services need to be provided from the lower, south edge of lot GA1, (Sheet C9).

We are also requesting that power, telephone, cable TV, & Gas utility access (dry utilities) be provided to our property line. These are not shown in the drawings provided at this time.

Sincerely,


Gary & Susie Alfson

To FROM MEMO TO FILE
 PHONE NO.: _____ PHONE CALL: MEETING:

RE:
 PROJECT:

BY:

DATE:

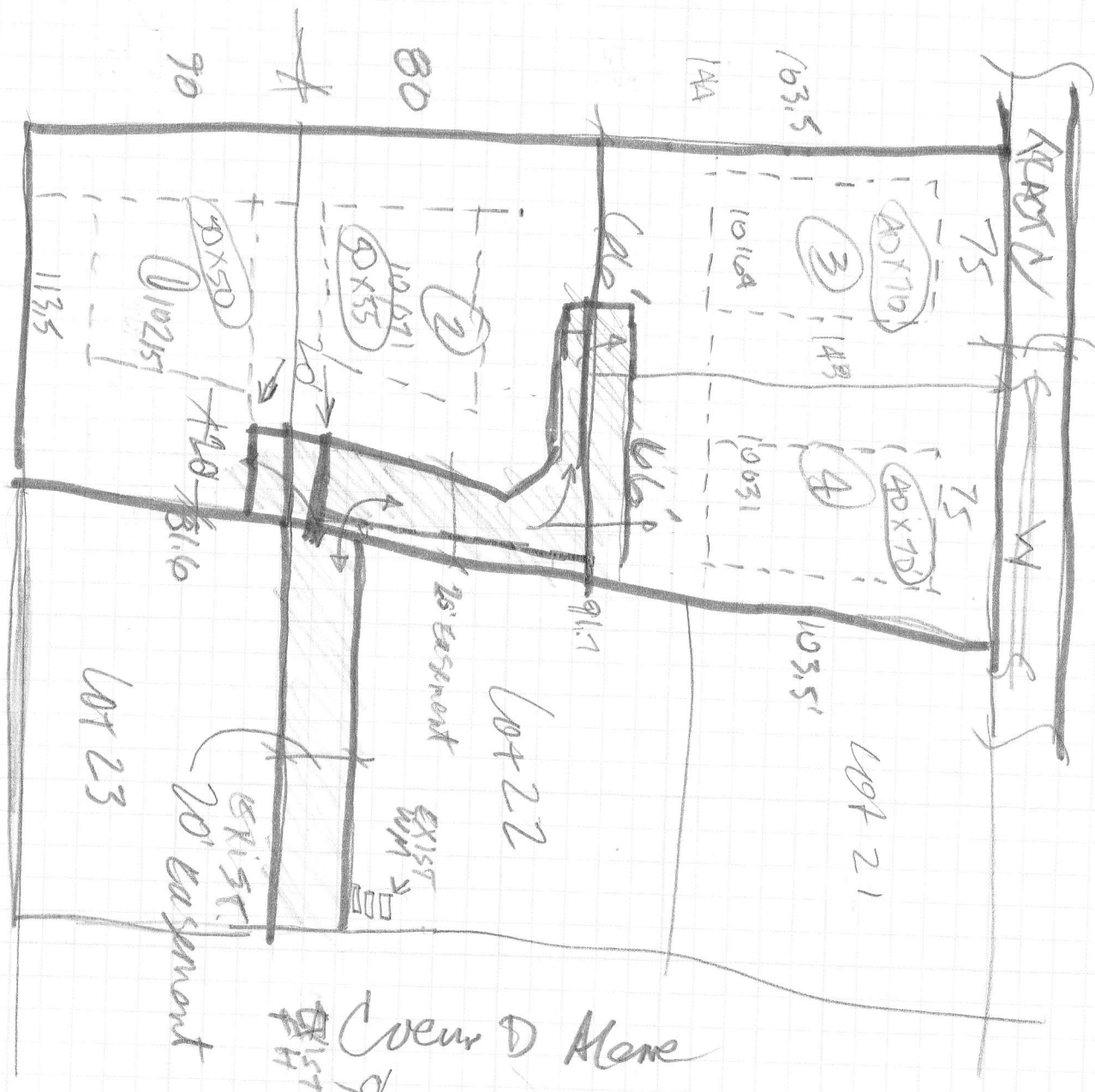
JOB NO.:

OF

4 Lots

20' ROW

Spin Room
 100' x 150'
 250' x 175' - 30' DE



A 115' 50'

2

2/1/15

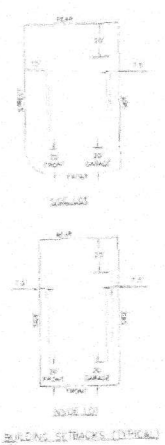
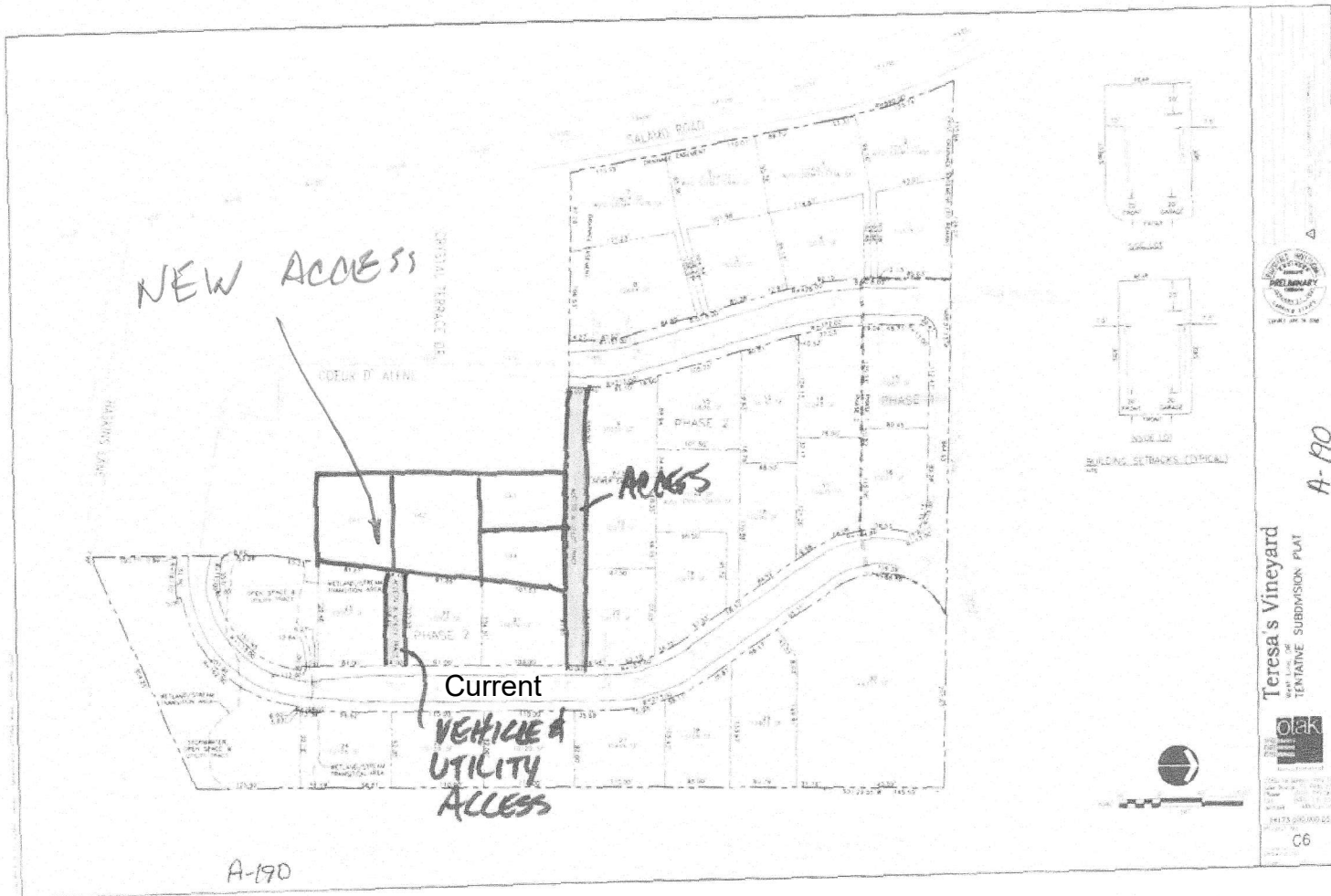
Coeur D Alene

RECEIVED

JUN 28 2007

Via email

PLANNING & BUILDING
CITY OF WEST LINN
INT. _____ TIME _____

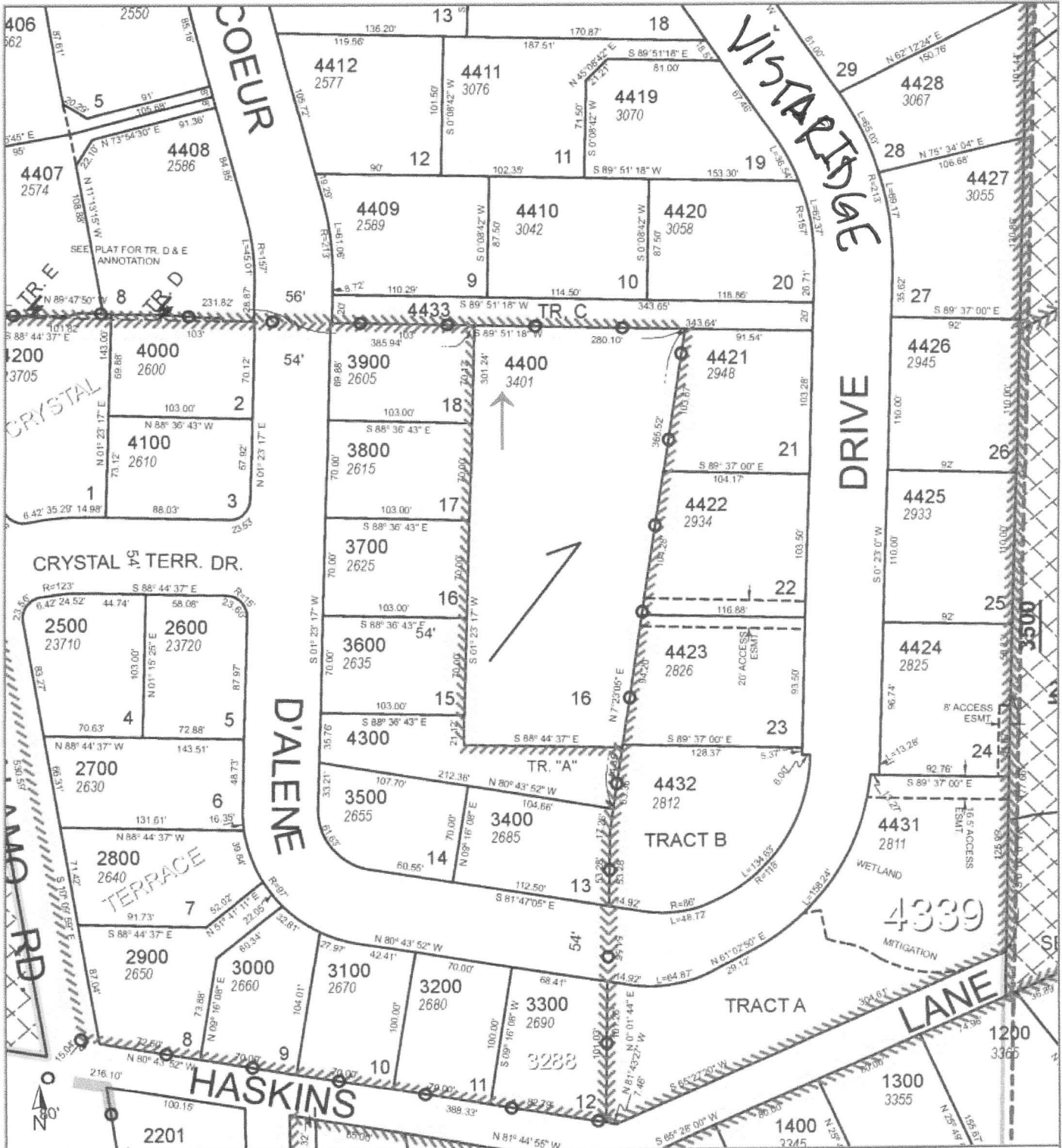


Teresa's Vineyard
SUBMITTAL OF
TENTATIVE SUBDIVISION PLAN

A-190

C6

3



ParcelID: 00405305
Tax Account #: 21E35DA04400
2830 Coeur Dalene Dr, West Linn OR 97068

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

4

**City of West Linn
PLANNING & BUILDING
DEPT.
STAFF REPORT**

14 Page File
Email 5/6/24

TO: West Linn Planning Commission (for May 10, 2007 meeting)
FROM: West Linn Planning Staff (Tom Soppe, Associate Planner)
DATE: April 25, 2007
FILE NO: SUB-07-02, NDW-07-02, VAR-07-01
SUBJECT: 30-lot subdivision including request for Natural Drainageway Permit, Wetlands Permit, and Class II Variance for street grade

Planning Director's Initials CSA City Engineer's Initials DW.

SPECIFIC DATA

**OWNER/
APPLICANT:** Jeffrey and Teresa Smith, 23600 Salamo Road, West Linn, OR 97068

ENGINEER: Otak, 17355 SW Boones Ferry Road, Lake Oswego, OR 97035

SITE LOCATION: 23535-23600 Salamo Road and 3415 S. Haskins Lane, along the east side of Salamo Road south of South Road, wrapping around the Crystal Terrace area to the east. Located in the Tanner Basin neighborhood and bordered by the BHT neighborhood to the east and southeast.

SITE SIZE: 11.59 acres

**LEGAL
DESCRIPTION:** 2S 1E 35A, Tax Lots 2400, 2401, 2700, 2701, and 2800

**COMP PLAN
DESIGNATION:** Low-Density Residential

ZONING: R-10, Single-Family Residential

**APPROVAL
CRITERIA:** CDC Chapter 85, Subdivisions; Chapter 30, Wetland and Riparian Area Protection; Chapter 32, Natural Drainageway Permit, and Chapter 75, Variance

5

120-DAY RULE: The application was deemed complete on March 15, 2007. Therefore, the City must exhaust all local review by July 13, 2007 per the 120-day rule.

PUBLIC NOTICE: Mailed public notice to property owners within 500 feet on April 20, 2007. The property was posted with a sign on April 23, 2007. The notice was also posted on the city's website. At least 10 days prior to the hearing, notice was published in the West Linn Tidings on April 26, 2007. Therefore, public notice requirements of Chapter 99 of the Community Development Code have been satisfied. In addition, the applicant has participated in a neighborhood meeting per CDC Section 99.038.

SPECIFIC PROPOSAL

The applicant proposes a 30-lot single-family residential subdivision on 11.59 acres. There is currently a single-family home, a barn, and agricultural lands used for growing grapes on site. The single-family home is planned to be retained while the barn is planned to be demolished. No agricultural use would remain on site upon development, but approximately 1 acre of open space is planned that will include the existing Salamo Creek and adjacent wetland as well as the storm drainage facilities for the subdivision. Since the subdivision site includes part of Salamo Creek, a Natural Drainageway Permit has also been applied for. A Wetlands Permit has been applied for due to the presence of the wetland. In order to connect two existing streets from the north to stubs to the south, a Class II Variance has also been applied for in order to exceed the 15% street grade restriction on this steep site.

The site consists of a large rectangular piece of land that borders South Road and the Vista Ridge Estates subdivision to the north, as well as another rectangular wing that stretches south of this larger area between the Crystal Terrace subdivision and Barrington Heights, to the Haskins Lane ROW. Salamo Creek, the adjacent wetland, and the proposed storm drainage area and open space are at the south end of this wing of the site, east of the Crystal Terrace subdivision. The existing house, which will sit on the largest of the subdivision's lots, lies at the northeast corner of the larger rectangle.

Coeur D'Alene Drive will be extended between its stub adjacent to the west end of the site, north to its current terminus at South Road. Vista Ridge Drive will be extended south from its current terminus at South Road, connecting to the east end of Coeur D'Alene Drive at the border of Crystal Terrace at the south end of the subdivision. This will create a loop street system with the proposed subdivision connecting the existing subdivisions to the north and southwest. No new direct access to Salamo Road will be created, and the existing house's driveway off of Salamo Road will be removed.

Except for the lot containing the existing house, and except for the open space/drainage area, the remainder of the subdivision will be divided into the remaining 29 single-family lots, 5 of which will be built as flaglots. There will also be an access and utility easement across the central area of the site connecting Vista Ridge Drive and Coeur D'Alene Drive, which will provide the only access to one of the proposed lots. The existing house on an adjacent lot at

OUR LOT

3401 S. Haskins Lane currently takes its access across what will become Lot 23 and part of the open space on site. Upon development of the proposed subdivision, this house will take its access from another access easement that will be built as part of the subdivision, connecting its lot to Vista Ridge Drive.

← Our Exist Access

The subdivision will be built in two phases. The first phase will consist only of lots 15 and 16, as these will take their access off of the existing South Road. The rest of the lots, which depend on the construction of new streets, will all be part of the second phase.

BACKGROUND

This is an infill site surrounded by mostly developed areas in the Tanner Basin and BHT neighborhoods. For several years it has been used as a vineyard by the owners/applicants, who live in the existing house on site, which is to be retained. The development of this subdivision will connect the existing stubs of Vista Ridge and Coeur D'Alene Drives, fulfilling the connectivity potential of the area. In accordance with City transportation goals, no new street accesses will connect to adjacent arterial Salamo Road, and no units in the development will take their access from Salamo Road. The site is surrounded by R-7 zoning to the north, west, and southwest, but is surrounded by its fellow R-10 areas to the east and south. Another undeveloped site across Salamo Road and Haskins Road, just west of here, is proposed for development as a 32-lot PUD and a City park.

MAJOR ISSUES

Drainages on Site

Salamo Creek runs through the southeastern part of the site. The applicant has responded to Chapter 32 regarding Salamo Creek and respected required setbacks. Per the conditions of approval the proposal will be compliant with this Chapter. Another drainageway on site has been piped underground. This was done when the site was still in the unincorporated county. All necessary permits were obtained from the county to pipe this drainage. The piping was done in order to use the land most efficiently for an agricultural purpose, as the site has been used as a vineyard for the past several years. None of the home sites proposed by the applicant are directly above the pipe.

This drainage was identified as an open channel in the 1996 Storm Drainage Master Plan, but was identified as a private storm feature in Figure 4.5 of the Surface Water Management Plan of 2006, due to the fact that it had been piped while it was still in the unincorporated county before 2006. In Chapter 32, Section 32.020(C) states "These natural drainageways, for the purpose of this chapter, are identified by the Storm Drainage Master Plan (1996) maps as open channels. City Engineer shall conduct field assessment to verify if drainageway is an open channel or enclosed storm drain, and its exact location. This chapter shall not apply to designated storm drains that appear in the Storm Drainage Master Plan." Therefore, even though this was an open channel in 1996, Chapter 32 does not apply since this is identified as a storm drain facility and not an open channel on the most recently adopted Surface Water Management Plan. Also, the City Engineer's field assessment has verified it is an enclosed storm drain. The pipe is very deep, and if the drainage were opened it would be very steep and/or set very deeply into the surrounding land. The piped segment continues into another

Finding 1) is needed to ensure that work in the drainageway area is only conducted during ODFW-defined in-water work periods.

3. The neighboring property at 3401 S. Haskins Lane has one existing house, and may develop into four lots in the future. Assurance is needed that all appropriate vehicular access and utility provision and access be provided by the applicant to sufficiently accommodate and serve the current residence at this neighboring property and all potential future lots at this property.

4. The variance allowing street grades of up to 18.9%, beyond the CDC's maximum of 15%, is justified for all reasons noted in the staff report and because Portland and some other cities have allowed 20% as a maximum street grade within acceptable safety standards.

The final conditions of approval are presented and renumbered as follows:

1. The applicant shall dedicate both open space tracts at the southeast corner of the site to the City.
2. The applicant shall construct a trail from the street loop west of the storm drainage pond south to the Haskins Lane ROW. The applicant shall construct a trail from here west along the Haskins Lane ROW to connect with the existing stub trail on this ROW near Salamo Road. The trails shall be constructed to be compliant with CDC 85.200(C).
3. Applicant shall construct sidewalks to bypass significant trees and as much of their dripline + 10 feet areas as possible, including tree 2552 adjacent to Lot 8. Sidewalk widths shall be reduced to 4 feet within these dripline + 10 feet areas. Plans to preserve these trees via sidewalk bypassing and narrowing shall be reviewed for approval by the City Arborist. If necessary to preserve significant trees, such plans can include terminated sidewalks (with a crosswalk to the sidewalk on the other side of the street) and narrowed streets (to a maximum of 20 foot roadway, without a narrowed ROW). Any such trees that cannot be preserved via this condition of approval shall be mitigated for, per the stipulations of Condition of Approval 20.
5. Applicant must repipe the piped drainage in the northwest section of the site with a pipe that is large enough to carry the anticipated buildout capacity of the drainageway currently piped here. The applicant's engineer should verify to the Engineering Department the adequacy of the entire length of the piped drainage on and adjacent to the site including the pipe sizes, existing capacity, and the capacity needed. This shall not include the pipes to the north or south of the site boundary under existing Coeur d'Alene Drive.
5. Applicant will contribute to future construction of signalization of the Rosemont/Salamo/Santa Anita intersection based upon impact identified in the traffic study, with the current amount of \$1,072.00/peak hour trip as of 11/16/2004 inflation adjusted by ENR CCI at time of building permit issuance..

a specific written related condition of approval. The applicant agreed to that and Chair Jones directed the staff to craft such a condition.

Rebuttal

Mr. Robinson explained the Code required the applicant to connect the streets and the staff had specifically requested that. He said the stubbed streets were already there to extend, and the Code called for limiting driveways along arterial streets. He said the project would generate much less traffic the volume a local street was capable of handling. He said most fire districts allowed streets to slope as much as 20%. He noted the City preferred not to have cul-de-sacs. He asked for approval subject to the conditions recommended by staff and the additional condition to provide for Alfson property access. During the questioning period, the applicant's representatives clarified that the tree mitigation plan referred to removed trees with a *combined* total of 50 inches DBH. They agreed with Commissioner Bonoff's suggestion to add a condition that the applicant was to observe Oregon Department of Fish & Wildlife "water work periods" to protect fish. Chair Jones announced five-minute recess to allow the staff and the applicant to discuss the new access condition, and thereafter Mr. Soppe suggested the following language:

"The applicant shall provide an additional utility easement along the northern boundary of the open space tract south of proposed lot 23. The access easements between proposed Lots 22 and 23, as well as the access utility easement along the north property line of proposed Lot 21 shall be paved with 20 feet of pavement. The applicant shall stub the utilities to the property line for Lots GA2 through GA4. For Lot GA1 the applicant shall stub utilities to the west end of the right-of-way."

Mr. Robinson clarified for Commissioner Bonoff that if right-of-way modifications described in Mr. Kilby's June 14, 2007 letter were not approved, and additional trees were lost to right-of-way, the applicant would increase the proposed mitigation (called for by Condition 20) accordingly on a 1:1 basis.

Deliberations/Motions

Chair Jones closed the hearing to public testimony. Commissioner Martin indicated that although he would be sad to see the vineyard property developed, he could support the application. He said he had been concerned about the safety of the steep road, but heard testimony that it was within safety standards, so he could agree to that. He said he appreciated the applicant's willingness to accommodate the adjacent property owner. Vice Chair Babbitt said he still did not believe the application was complete, but the applicant had explained it well enough in his testimony that he could approve it. Commissioner Bonoff agreed with Vice Chair Babbitt's comments. He opined that the Commissioners had spent unnecessary time on drainage issues and that could have been avoided if they had been presented with related exhibits. But he said the applicant had tied up the "loose ends," and he could support the application. Chair Jones commented that the application was confusing and he agreed it should not have been necessary for the Planning Commission to spend so much time trying to understand the drainage plan.

Commissioner Martin moved to approve SUB-07-02/NDW-07-02/VAR-07-01 subject to the conditions recommended in the staff report, but without recommended Conditions 14 and 18; with the additional condition crafted by the staff during the hearing that related to providing access to the Alfson property; and with added language in Condition 15 that limited work in the wetland to "water work periods" set by the Oregon Fish & Wildlife Department. Commissioner Bonoff seconded the motion and it passed 3:0. Chair Jones announced five-minute break and thereafter reconvened the meeting.

MIP-07-01/NDW-07-04, 3-Lot Minor Partition, 18822 Old River Drive

Commissioner Wittenbrink rejoined the other Commissioners and Commissioner Martin left the meeting. Chair Jones opened the public hearing, explained the applicable criteria and procedure, and announced the time limits for testimony. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contacts (including site visits). The only declarations were that Commissioner Wittenbrink and Chair Jones each reported they had made a site visit. When invited by the Chair, no one in the audience challenged the authority of the Planning Commission or the ability of any individual Commissioner to hear the matter.

Staff Report

Tom Soppe, Associate Planner, presented the staff report. (See Planning & Building Department report dated June 18, 2007). He pointed out the location of the creek that ran through the site. He noted that the originally proposed configuration of the lots allowed the stems of the flags of the two rear lots to run back from Robin View Drive on each side of the front lot. However, he reported the applicant had just submitted a drawing showing that he wanted to change the stems to easements over the front lot so the rear lots would be larger and have more room for houses (see Exhibit ____). He said the applicant might chose to have Lots 1 and 2 share a driveway, so a house could be placed where it would not impact significant tree area. He noted that the recommended conditions of approval called for the house to be repositioned to save trees, for a slope map, and for the storm system to be redesigned to drain away from the frontage. He reported that Engineering Department staff had very recently recognized that the application proposed laterals into Robin View Drive, but they preferred that the applicant install a sewer main to serve his property. However, the Public Works Director had acknowledged that because the installation might have to be as long as 100 feet and there were other places in the City that featured that configuration of laterals, his department could accept a Planning Commission decision to allow the laterals. The Commissioners contemplated whether they should continue the hearing to allow time for submission of revised exhibits showing the changes, but they generally agreed to hear testimony that evening.

During the questioning period, Mr. Soppe clarified that the applicant had submitted a slope map, which made the application "complete," but the staff wanted one that more clearly showed grade percentages. He also clarified that with proper house placement the application could meet the provision that 20% of non-Type 1 and 2 lands with significant trees was to be preserved. He clarified that the Engineering Department would accept a condition for calling for a redesign of the storm system, and the applicant would have to submit the redesign later in the process. The

9

TERESA'S VINEYARD

BEING A REPLAT OF A PORTION OF LOTS 15 AND 16, BLAND ACRES,
 PLAT NO. 304, LOCATED IN THE NE 1/4 AND THE SE 1/4 SEC. 35, T2S, R1E, W.M.
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
 CITY OF WEST LINN FILE NO. SUB-07-02/NDW-07-02/VAR-07-01
 SURVEYED: DECEMBER, 2011

BOOK 142 PAGE 021
 RECORDED AS DOCUMENT No. 2012-1405
 PLAT NO. 4339

SHEET INDEX

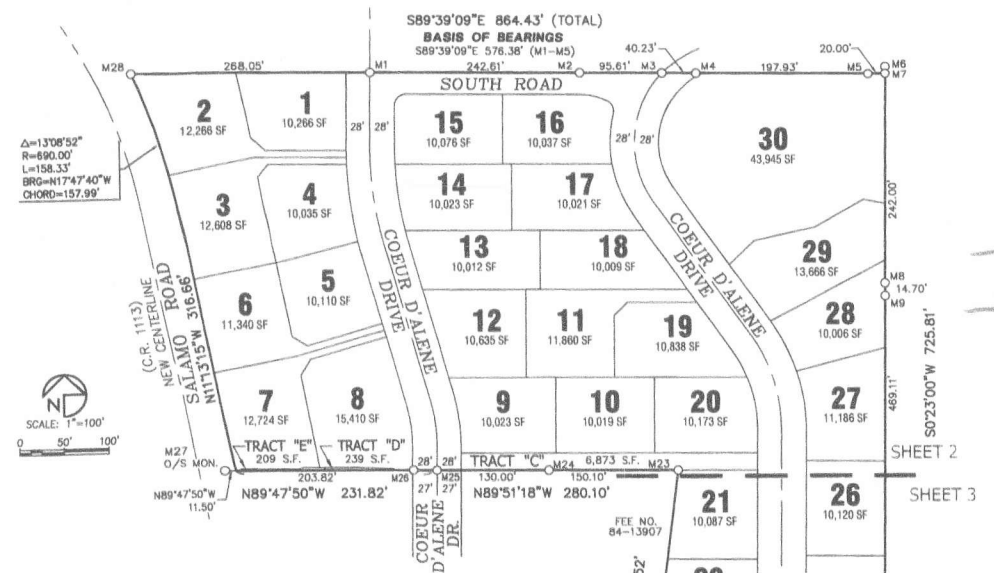
- SHEET 1 - OVERALL PLAN, SHEET INDEX, LEGEND, NOTES & PLAT RESTRICTIONS AND MONUMENT TABLE
- SHEET 2 - NORTH HALF OF SITE
- SHEET 3 - SOUTH HALF OF SITE
- SHEET 4 - APPROVALS, SURVEYOR'S CERTIFICATE, DECLARATION & ACKNOWLEDGMENTS

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENTS 95-14166 AND 2011-047083 AS SHOWN IN S.N. 2011-170, CLACKAMAS COUNTY SURVEY RECORDS. BEARINGS ARE BASED ON HOLDING SOUTH 89°39'09" EAST BETWEEN FOUND MONUMENTS M1 AND M5 AS DESCRIBED IN S.N. 2011-170.

NOTES AND PLAT RESTRICTIONS

- BASIS OF BEARINGS AND BOUNDARY DETERMINATION ARE PER SN#2011-170, CLACKAMAS COUNTY SURVEY RECORDS.
- THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL AS LISTED IN THE WEST LINN FINAL LAND USE DECISION NOTICE, SUB-07-02/NDW-07-02/VAR-07-01
- LOTS 1-29 ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF "TERESA'S VINEYARD" RECORDED UNDER DOCUMENT NO. 2012-001410, CLACKAMAS COUNTY DEED RECORDS.
- THERE IS AN 8-FOOT PUBLIC UTILITY EASEMENT ON THE FRONT OF ALL LOTS AND TRACTS "A", "B" AND "C" AND ON THE STREET SIDES OF CORNER LOTS AS SHOWN HEREON.
- TRACTS "A" AND "B" ARE TRACTS FOR THE PURPOSE OF OPEN SPACE AND STORM WATER FACILITIES SUBJECT TO A PUBLIC STORM WATER EASEMENT OVER THEIR ENTIRETY AND ARE CONVEYED TO THE CITY OF WEST LINN PER INSTRUMENT NO. 2012-001411, CLACKAMAS COUNTY DEED RECORDS, SUBJECT TO THE WETLAND DEED RESTRICTION PER INSTRUMENT NO. 2012-001412.
- TRACT "A" IS SUBJECT TO A 16.5-FOOT PUBLIC SANITARY SEWER EASEMENT ALONG ITS NORTH LINE AND A 16.5-FOOT ACCESS EASEMENT FOR SURVEY PURPOSES ONLY TO ALLOW ACCESS TO THE QUARTER CORNER MONUMENT ON THE EAST LINE OF LOT 24.
- TRACT "B" IS SUBJECT TO A 10-FOOT PUBLIC UTILITY EASEMENT ALONG ITS NORTH LINE.
- TRACT "C" IS A TRACT FOR THE PURPOSE OF PUBLIC PEDESTRIAN ACCESS, LOCAL ACCESS TO LOTS 10 AND 20, EMERGENCY VEHICULAR ACCESS, AND A PUBLIC WATER LINE OVER ITS ENTIRETY AND IS GRANTED TO THE CITY OF WEST LINN PER INSTRUMENT NO. 2012-001411, CLACKAMAS COUNTY DEED RECORDS. TRACT "C" IS SUBJECT TO THE 8-FOOT PRIVATE UTILITY EASEMENT FOR THE BENEFIT OF LOTS 10 AND 20 FOR THE PURPOSE OF SANITARY SEWER, WATER LINE AND STORM DRAINAGE AS SHOWN HEREON.
- TRACT "C" WILL PROVIDE ACCESS TO A MAXIMUM OF TWO FUTURE LOTS IN THE ADJOINING PARCEL TO THE SOUTH DESCRIBED IN FEE NO. 84-13907.
- TRACT "D" IS A PRIVATE TRACT AND IS CONVEYED TO THE OWNER OF LOT 2 "CRYSTAL TERRACE" PER INSTRUMENT NO. 2012-001413, CLACKAMAS COUNTY DEED RECORDS. TRACT "D" IS NOT SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3. TRACT "D" IS SUBJECT TO A PUBLIC STORM EASEMENT OVER ITS ENTIRETY AS SHOWN HEREON. EASEMENT DOCUMENT NO.2011-54002 IS EXTINGUISHED BY MERGER UPON THE CONVEYANCE OF THE TRACT ABOVE.
- TRACT "E" IS A PRIVATE TRACT AND IS CONVEYED TO THE OWNER OF LOT 1 "CRYSTAL TERRACE" PER INSTRUMENT NO. 2012-001414, CLACKAMAS COUNTY DEED RECORDS. TRACT "E" IS NOT SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3. TRACT "E" IS SUBJECT TO A PUBLIC STORM EASEMENT OVER ITS ENTIRETY AS SHOWN HEREON. EASEMENT DOCUMENT NO.2011-54001 IS EXTINGUISHED BY MERGER UPON THE CONVEYANCE OF THE TRACT ABOVE.
- LOT 2 IS SUBJECT TO A PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF LOT 3 AS SHOWN HEREON. MAINTENANCE OF THE SANITARY LINE IS THE RESPONSIBILITY OF THE OWNER OF LOT 3. THAT PORTION OF THE GROUND SURFACE OF LOT 2 SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF LOT 2.
- LOTS 2 AND 3 ARE SUBJECT TO A RECIPROCAL DRIVEWAY ACCESS EASEMENT AS SHOWN HEREON AND DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3.
- LOTS 2, 3, 6 AND 7 ARE SUBJECT TO A 1-FOOT PUBLIC SIDEWALK EASEMENT AS SHOWN HEREON TO SERVE SALAMO ROAD.
- LOTS 2, 3, 4, 5 AND 6 ARE SUBJECT TO A WALL EASEMENT AND MAINTENANCE CONDITIONS AS DESCRIBED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR TERESA'S VINEYARD AND AS SHOWN HEREON.
- LOT 3 IS SUBJECT TO A PRIVATE STORM DRAINAGE EASEMENT FOR THE BENEFIT OF LOT 2 AS SHOWN HEREON. MAINTENANCE OF THE STORM DRAIN LINE IS THE RESPONSIBILITY OF THE OWNER OF LOT 2. THAT PORTION OF THE GROUND SURFACE OF LOT 3 SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF LOT 3.
- LOTS 3, 6, 7 AND 8 ARE SUBJECT TO A PUBLIC STORM DRAINAGE EASEMENT AS SHOWN HEREON. THAT PORTION OF THE GROUND SURFACE SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNERS OF SAID LOTS. NO PERMANENT STRUCTURES SHALL BE ERRECTED WITHIN THE EASEMENT SO AS NOT TO INTERFERE WITH THE PUBLIC OPERATIONS AND MAINTENANCE OF THE STORM SEWER SYSTEM.
- LOTS 5, 6, 7 AND 8 ARE SUBJECT TO A PRIVATE STORM DRAINAGE EASEMENT AS SHOWN HEREON FOR THE BENEFIT OF TERESA'S VINEYARD HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF CONVEYING RETAINING WALL DRAINAGE TO A PUBLIC STORM DRAINAGE SYSTEM.
- LOTS 6 AND 7 ARE SUBJECT TO A RECIPROCAL DRIVEWAY ACCESS EASEMENT AS SHOWN HEREON AND DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3.
- LOTS 10 AND 20 ARE SUBJECT TO AN 8-FOOT PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
- LOT 12 IS SUBJECT TO A 10-FOOT PRIVATE SANITARY SEWER AND STORM DRAINAGE EASEMENT AS SHOWN HEREON FOR THE BENEFIT OF LOT 11. MAINTENANCE OF THE SANITARY AND STORM LINES IS THE RESPONSIBILITY OF THE OWNER OF LOT 11. THAT PORTION OF THE GROUND SURFACE OF LOT 12 SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF LOT 12.
- LOTS 15, 16, 29 AND 30 ARE SUBJECT TO A PUBLIC SIDEWALK EASEMENT AS SHOWN HEREON.
- LOTS 21 AND 22 ARE SUBJECT TO AN 8-FOOT PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
- LOTS 22 AND 23 ARE SUBJECT TO A 20-FOOT ACCESS EASEMENT AND JOINT MAINTENANCE AGREEMENT PER INSTRUMENT NO. 2012-001416, CLACKAMAS COUNTY DEED RECORDS. THE ACCESS EASEMENT WILL PROVIDE ACCESS FOR THE ADJOINING PARCEL TO THE WEST DESCRIBED IN FEE NO. 84-13907, OR A MAXIMUM OF TWO LOTS IF SAID ADJOINING PARCEL TO THE WEST IS DEVELOPED. LOTS 22 AND 23 ARE ALSO SUBJECT TO A 15-FOOT PUBLIC SANITARY SEWER EASEMENT AS SHOWN HEREON.
- LOT 22 IS SUBJECT TO A 4.5-FOOT PRIVATE WATER LINE EASEMENT FOR THE BENEFIT OF THE PARCEL DESCRIBED IN FEE NO. 84-13907 AND A PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
- LOT 24 IS SUBJECT TO AN 8-FOOT ACCESS EASEMENT AS SHOWN HEREON. ACCESS ON TO LOT 24 FOR SURVEY PURPOSES SHALL BE ALLOWED AT ALL TIMES, PURSUANT TO O.R.S. 672.047. THE QUARTER CORNER MONUMENT AND ITS ACCESSORIES ARE PUBLIC LAND SURVEY MONUMENTS THAT SHALL BE PROTECTED AND PRESERVED AT ALL TIMES.
- THERE SHALL BE NO VEHICULAR ACCESS TO SALAMO ROAD FROM LOTS 2, 3, 6 AND 7.
- SEE SHEET 4 FOR LISTING OF RELEASES OF EXISTING EASEMENTS AND EASEMENTS DEFINED IN THE COVENANTS, CONDITIONS & RESTRICTIONS REFERENCE IN NOTE #3.



MONUMENT TABLE

M1 FOUND YPC-TOP ILLEGIBLE PER "VISTA RIDGE ESTATES" [FLUSH]	M14 FOUND IR-BENT (LOCATED TOP) PER "BLAND ACRES" [DWN 1'] N86°15'E 0.41'
M2 FOUND YPC-TOP ILLEGIBLE PER "VISTA RIDGE ESTATES" [FLUSH]	M15 FOUND 5/8" IR PER "BLAND ACRES" [DWN 1/2']
M3 FOUND YPC-TOP ILLEGIBLE PER "VISTA RIDGE ESTATES" [FLUSH]	M16 FOUND 5/8" IR W/YPC "TSCS" SET IN SN# 2011-170
M4 FOUND 5/8" IR W/YPC "KAMPE" PER "VISTA RIDGE ESTATES" (BENT)-DESTROYED IN CONSTRUCTION. RESET 5/8" IR WITH YPC MARKED "TSCS" AT PLAT LOCATION	M17 FOUND 5/8" IR PER "CRYSTAL TERRACE" - SE CORNER LOT 12 INITIAL POINT - "TERESA'S VINEYARD"
M5 FOUND 5/8" IR W/YPC "KAMPE" PER "VISTA RIDGE ESTATE" [FLUSH]	M18 FOUND 5/8" IR BENT EASTERLY (LOCATED TOP) PER "CRYSTAL TERRACE" [DWN 0.2'] S85°20'E 0.70'
M6 FOUND 5/8" IR W/YPC "WCI" PER REF (6) [FLUSH] N00°23'E 0.52'	M19 FOUND 2" ALUMINUM CAP PER "CRYSTAL TERRACE" [FLUSH]
M7 FOUND 5/8" IR W/YPC "KAMPE" PER "VISTA RIDGE ESTATES" [FLUSH] S89°39'E 0.11'	M20 FOUND 5/8" IR BENT SOUTHERLY (LOCATED SPINHOLES) PER "CRYSTAL TERRACE" [DWN 0.2'] S15°28'E 0.13'
M8 FOUND 5/8" IR W/YPC "WCI" [FLUSH] PER REF (10)	M21 FOUND 5/8" IR W/YPC "OTAK" PER "CRYSTAL TERRACE" [FLUSH]
M9 FOUND 5/8" IR W/YPC "WELLS" [FLUSH] PER REF (19)	M22 FOUND 5/8" IR W/YPC "OTAK" PER "CRYSTAL TERRACE" [FLUSH]
M10 FOUND 3-1/4" BRONZE CAP SET IN CONCRETE FOR 1/4 CORNER BETWEEN SECTIONS 35 & 36 [FLUSH] PER USBT 2007-001 AND REF (14)	M23 FOUND 5/8" IR PER REF (4) [FLUSH]
M11 FOUND 5/8" IR W/YPC "WELLS" PER "BARRINGTON HEIGHTS IV" [UP 1/2']] N73°14'E 0.20'	M24 FOUND 5/8" IR W/YPC "OTAK" PER "CRYSTAL TERRACE" [FLUSH]
M12 FOUND 5/8" IR PER REF 3, 4) [UP 1/2']]	M25 FOUND 2" ALUMINUM CAP PER "CRYSTAL TERRACE" [FLUSH]
M13 FOUND 5/8" IR W/YPC "TSCS" SET IN SN# 2011-170	M26 FOUND 5/8" IR PER "CRYSTAL TERRACE"
	M27 FOUND 1" BERTNSTEN BRONZE PLUG "TSCS" SET IN SN#2011-170.
	M28 FOUND 1" BERTNSTEN BRONZE PLUG "TSCS" SET IN SN# 2011-170.

LEGEND

- - SET 5/8"X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TSCS" - SET NOVEMBER & DECEMBER, 2011
- - SET 5/8"X 30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" FLUSH IN PAVEMENT
- - SET 5/8"X 30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" IN MONUMENT BOX
- - FOUND MONUMENT AS NOTED
- △ - FOUND QUARTER CORNER - 3-1/4" BRONZE CAP
- FND - FOUND
- IR - IRON ROD
- IP - IRON PIPE
- IB - IRON BAR
- YPC - YELLOW PLASTIC CAP
- OPC - ORANGE PLASTIC CAP
- SN# - CLACKAMAS COUNTY SURVEY RECORD
- ESMT - EASEMENT
- PUE - PUBLIC UTILITY EASEMENT
- TSCS - THE SAUNDERS COMPANY SURVEY

REGISTERED PROFESSIONAL LAND SURVEYOR
Theodore G. Lambert
 OREGON
 JULY 16, 1987
 THEODORE G. LAMBERT
 2294

The Saunders Company Inc.

SURVEY DIVISION
 901 N. BRUNSON ST., SUITE #201
 NEWBERG, OREGON 97132
 TEL: 503-937-9347 FAX: 503-586-9107
 WWW.THESAUNDERSCOMPANY.NET

D. WHEREAS, TV 29 and Alfson have determined that there is, or will be, a need for non-exclusive and reciprocal easements on Lot 22 and Lot 23, for ingress, egress and placement of private and public utilities for the benefit of each of Lot 22, Lot 23 and the Alfson Property.

E. WHEREAS, TV 29 and Alfson desires to create the non-exclusive and reciprocal easements described herein for the purpose of ingress, egress and placement of private and public utilities over and under Lot 22 and Lot 23 for the benefit of each of Lot 22, Lot 23 and the Alfson Property.

ACCESS AND UTILITY EASEMENT

NOW, THEREFORE, in consideration of the covenants contained herein and the consideration described herein, the parties agree as follows:

1. **INCORPORATION OF RECITALS.** The Recitals set forth above are true and accurate and are incorporated herein as though set forth in full.

2. **GRANT OF EASEMENT.** TV 29 hereby creates and grants to the present and future owners of Lot 22, Lot 23 and the Alfson Property a non-exclusive, reciprocal easement over and under Lot 22 and Lot 23 to be used for ingress, egress and private and public utility purposes as more specifically described on the Plat of Teresa's Vineyard recorded in Book 142, Page 021, as Document No. 2012- and by this reference incorporated herein (the "ACCESS AND UTILITY EASEMENTS"). 001405 } - The Plat

3. **USE OF EASEMENT.** TV 29 grants the ACCESS AND UTILITY EASEMENTS for use by the present and future owners of Lot 22, Lot 23 and the Alfson Property and any future development thereof for the non-exclusive purpose of normal residential vehicular ingress and egress to and from Lot 22, Lot 23 and the Alfson Property and for the placement of private and public utilities, including, but not limited to, water, sewer, electricity, gas, cable television, internet access and telephone service for the benefit of Lot 22, Lot 23 and/or the Alfson Property.

4. **MAINTENANCE.** The costs of any and all normal maintenance and repair of the ACCESS AND UTILITY EASEMENTS shall be apportioned among the affected owner(s) of Lot 22, Lot 23 and the Alfson Property on the following basis and criteria regardless of frontage, location, or improvements:

4.1 A one-thirds share (1/3 share) of the normal maintenance and repairs costs for the ACCESS AND UTILITY EASEMENTS shall be apportioned to the owner(s) of Lot 22;

4.2 A one-thirds share (1/3 share) of the normal maintenance and repair costs for the ACCESS AND UTILITY EASEMENTS shall be apportioned to the owner(s) of Lot 23; and

4.3 A one-thirds share (1/3 share) of the normal maintenance and repair costs for the ACCESS AND UTILITY EASEMENTS shall be apportioned to the owner(s) of the Alfson Property.

4.4 In the event that the Alfson Property is partitioned or subdivided, the maintenance costs

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for the ACCESS AND UTILITY EASEMENTS shall be apportioned equally between all lots or parcels benefitted and/or burdened by the ACCESS AND UTILITY EASEMENTS. For example, if the Alfson Property is subdivided into four (4) total lots, as is anticipated, then Lot 22, Lot 23 and any of the four lots created from the Alfson Property that take access from the ACCESS AND UTILITY EASEMENTS shall be responsible for their proportionate share of the normal maintenance and repair costs for the ACCESS AND UTILITY EASEMENTS.

5. CONSIDERATION. The true and actual consideration for this grant of ACCESS AND UTILITY EASEMENTS is no money, but consists of other valuable consideration. As this AGREEMENT does not convey or contract to convey fee title, compliance with ORS 93.030 is not required.

6. INDEMNITY OF OWNER OF LOT 22. The owners of Lot 23 and the Alfson Property hereby agree to indemnify, and save the owner of Lot 22 and hold the owner of Lot 22 harmless from and against any and all claims of third persons for damages suffered, and any other loss, cost, or other expense incurred by the owner of Lot 22, or any claim, demand or action asserted against the owner of Lot 22, arising out of the use of the ACCESS AND UTILITY EASEMENTS, this AGREEMENT and/or the owners of Lot 23's and the Alfson Property's exercise of the rights granted herein.

7. INDEMNITY OF OWNER OF LOT 23. The owners of Lot 22 and the Alfson Property hereby agree to indemnify, and save the owner of Lot 23 and hold the owner of Lot 23 harmless from and against any and all claims of third persons for damages suffered, and any other loss, cost, or other expense incurred by the owner of Lot 23, or any claim, demand or action asserted against the owner of Lot 23, arising out of the use of the ACCESS AND UTILITY EASEMENTS, this AGREEMENT and/or the owner of Lot 22's and the Alfson Property's exercise of the rights granted herein.

8. INDEMNITY OF OWNER OF THE ALFSON PROPERTY. The owners of Lot 22 and Lot 23 hereby agree to indemnify, and save the owner of the Alfson Property and hold the owner of the Alfson Property harmless from and against any and all claims of third persons for damages suffered, and any other loss, cost, or other expense incurred by the owner of the Alfson Property, or any claim, demand or action asserted against the owner of the Alfson Property, arising out of the use of the ACCESS AND UTILITY EASEMENTS, this AGREEMENT and/or the owner of Lot 22's and Lot 23's exercise of the rights granted herein.

9. EXCEPTIONS OF RECORD. The ACCESS AND UTILITY EASEMENTS are granted subject to all prior easements or encumbrances of record.

10. TERMS AND CONDITIONS.

10.1 General. The owners of each of Lot 22, Lot 23 and the Alfson Property, their heirs, successors and assigns, shall exercise their rights under this AGREEMENT with regard to the ACCESS AND UTILITY EASEMENTS in a manner that: (i) minimizes, to the extent reasonably practicable, any material interference with the use and occupancy of each lot by each respective lot owner; and (ii) is in compliance with all applicable federal, state and local laws rules and regulations. Neither the Teresa's Vineyard Homeowners Association, lot owner nor any other

MAILED
7/5/07

**WEST LINN PLANNING COMMISSION
FINAL DECISION NOTICE
SUB-07-02/NDW-07-02/VAR-07-01**

IN THE MATTER OF THE PROPOSAL OF A 2-PHASE, 30-LOT SINGLE-FAMILY SUBDIVISION WITH NATURAL DRAINAGEWAY AND WETLANDS PERMITS AND A VARIANCE FOR STREET GRADE AT 23535-23600 SALAMO ROAD AND 3415 S. HASKINS LANE

At their meeting of June 28, 2007, the West Linn Planning Commission held a public hearing to consider the request by Jeff and Teresa Smith to approve a subdivision, street grade variance, natural drainageway permit, and wetlands permit at 23535-23600 Salamo Road and 3415 S. Haskins Lane. The proposal would result in the conversion of mostly agricultural land with one existing house and a barn into a 30-lot subdivision with two open space tracts, in which 29 lots would contain new houses and one lot would contain the existing house. A variance to exceed the CDC's limit of 15% for street grades was also requested for both streets proposed on site. The approval criteria for land division are found within Chapter 85 of the CDC. The variance criteria are found within Chapter 75 of the CDC. The approval criteria for Wetlands Permit and Natural Drainageway Permit are found in CDC chapters 30 and 32, respectively, as they stood at the time this application was initially submitted in January 2007. The hearing was conducted pursuant to the provisions of CDC Chapter 99. Because this is a two-phase subdivision application, the applicant has up to 5 years to complete the subdivision process.

The hearing commenced with a staff report presented by Tom Soppe, Associate Planner. The applicant Mr. Smith provided a presentation, and the others presenting for the applicant were Michael Robinson of Perkins Coie, and Brad Kilby and Darrin Stairs of Otak. No one else spoke in favor of the application. Michael Riley testified in opposition, and Gary Alfson testified neutrally. The applicant's rebuttal was provided by Mr. Robinson.

A motion was made, seconded, and passed to approve the application with four additional findings, an addition to Condition of Approval 15 regarding construction in the drainageway area, two additional conditions of approval regarding utility provision and vehicular access to the neighboring property at 3401 S. Haskins Lane, and with the elimination of conditions of approval 14 and 18 as included the staff report recommendation.

Additional Findings

1. The configuration changes and tree preservation clarification provided by the new site plan/tree preservation plan submitted by the applicant on June 18 renders Conditions of Approval 14 and 18 moot, as the intent of both conditions is fulfilled by this plan.
2. To best protect the drainageway and transition area during construction, an addition to current Condition of Approval 15 (to be renumbered as 14 per the changes of Additional

Oregon, 97035, the applicant's project engineer, assured the Commissioners the technical engineering changes were items typically addressed in the final design stage and they would not significantly change the proposal. Mr. Robinson clarified that the applicant had never received a February 2, 2007 letter conveying the City's consultant's suggestions, but they had received a March 22, 2007 memorandum that also contained the suggestions and Mr. Stairs had responded to it on April 10, 2007. He noted the response was that the applicant's consultant had seen evidence that the site should be treated as one sub basin, not two, and it also addressed an issue regarding how fast the water flowed. He stressed that the applicant had incorporated the City consultant's suggestions and met Code criteria related to how water was collected and treated, thus, he had met the related recommended conditions.

Proponents

Chair Jones read aloud written comments submitted by **Alice Richmond, 3939 Parker Rd.** She wrote that she would be sad to see the vineyard lost, but she supported the application because the City would gain 30 lots in return and the related revenue to pay for schools and City services.

Opponents

Michael Riley, 3445 Vista Ridge Dr., had submitted a June 20, 2007 Memorandum on behalf of the Vista Ridge Estates Homeowners Association. He said he believed that almost all of the Association members supported it. He said the slope of the proposed road extension was not desirable, safe, or efficient. He said he did not believe people would use it because of the slope, unsafe intersection sight distance, and a large divot. He wanted the new subdivision to take access from Salamo Road. He described other street layouts that he thought would work better. During the questioning period, the applicant explained that the owner of the site and the City Engineer had agreed that when the site was developed the owner would close its access to Salamo Road. The staff clarified that the agreement was that closure was to happen if that driveway were not utilized. Mr. Riley said he thought the applicant could have proposed a more efficient street system. Chair Jones announced a recess at 9:00 pm and reconvened the hearing at 9:10 p. m.

Lisa Tsukamoto, 3344 Coeur d'Alene Dr.; and Kevin and Nicole Vedder, 3549 South Rd., had indicated on the Testimony Form that they were opposed to the proposed layout but did not wish to testify at the hearing.

Neither for nor Against

Gary Alfson, 3401 S Haskins Ln, an adjacent property owner, anticipated that he could develop as many as four or five lots on his property in the future, but it would be "land locked" by the applicant's development, so he asked for vehicle and utility access to his property. He also asked that the future access be paved, as his current access was. Mr. Robinson reported that the applicant agreed and would put in two paved vehicular access points to serve the Alfson's future subdivision and utilities, and a third easement for sanitary sewer. He added that the applicant might even install the sanitary sewer line, if the Alfsons would pay for it. Mr. Alfson asked for

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Add new lots to this

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5. CONSIDERATION. The true and actual consideration for this grant of ACCESS AND UTILITY EASEMENTS is no money, but consists of other valuable consideration. As this AGREEMENT does not convey or contract to convey fee title, compliance with ORS 93.030 is not required.

6. INDEMNITY OF OWNER OF LOT 22. The owners of Lot 23 and the Alfson Property hereby agree to indemnify, and save the owner of Lot 22 and hold the owner of Lot 22 harmless from and against any and all claims of third persons for damages suffered, and any other loss, cost, or other expense incurred by the owner of Lot 22, or any claim, demand or action asserted against the owner of Lot 22, arising out of the use of the ACCESS AND UTILITY EASEMENTS, this AGREEMENT and/or the owners of Lot 23's and the Alfson Property's exercise of the rights granted herein.

7. INDEMNITY OF OWNER OF LOT 23. The owners of Lot 22 and the Alfson Property hereby agree to indemnify, and save the owner of Lot 23 and hold the owner of Lot 23 harmless from and against any and all claims of third persons for damages suffered, and any other loss, cost, or other expense incurred by the owner of Lot 23, or any claim, demand or action asserted against the owner of Lot 23, arising out of the use of the ACCESS AND UTILITY EASEMENTS, this AGREEMENT and/or the owner of Lot 22's and the Alfson Property's exercise of the rights granted herein.

8. INDEMNITY OF OWNER OF THE ALFSON PROPERTY. The owners of Lot 22 and Lot 23 hereby agree to indemnify, and save the owner of the Alfson Property and hold the owner of the Alfson Property harmless from and against any and all claims of third persons for damages suffered, and any other loss, cost, or other expense incurred by the owner of the Alfson Property, or any claim, demand or action asserted against the owner of the Alfson Property, arising out of the use of the ACCESS AND UTILITY EASEMENTS, this AGREEMENT and/or the owner of Lot 22's and Lot 23's exercise of the rights granted herein.

9. EXCEPTIONS OF RECORD. The ACCESS AND UTILITY EASEMENTS are granted subject to all prior easements or encumbrances of record.

10. TERMS AND CONDITIONS.

10.1 General. The owners of each of Lot 22, Lot 23 and the Alfson Property, their heirs, successors and assigns, shall exercise their rights under this AGREEMENT with regard to the ACCESS AND UTILITY EASEMENTS in a manner that: (i) minimizes, to the extent reasonably practicable, any material interference with the use and occupancy of each lot by each respective lot owner; and (ii) is in compliance with all applicable federal, state and local laws rules and regulations. Neither the Teresa's Vineyard Homeowners Association, lot owner nor any other

permitted user of the EASEMENT shall park any vehicle or otherwise place an obstruction on or in the EASEMENT area except as necessary in connection with such user's maintenance and repair obligations as agent hereunder.

10.2 Access. The owners of Lot 22 and Lot 23 shall provide reasonable access to the portion of the ACCESS AND UTILITY EASEMENT located on such owner's lot to the owners of the other affected lots, for purposes granted herein and for the maintenance and repair of said ACCESS AND UTILITY EASEMENTS as needed.

10.3 Maintenance. The owners of Lot 22, Lot 23 and the Alfson Property shall have the obligation to maintain the ACCESS AND UTILITY EASEMENTS in good condition and repair in compliance with ORS 105.170 through 105.185, except as otherwise provided in this agreement.

10.4 Costs. The cost of any installation, removal or replacement of any improvements on an individual lot necessary for access to and use of the ACCESS AND UTILITY EASEMENTS, including, but not limited to, the installation of private or public utilities, will be borne by the owner of the affected lot.

10.5 No encroachment. No party may install landscaping or improvements that will impair the use of the ACCESS AND UTILITY EASEMENTS for the other lot owners.

10.6 Emergency Action. The owners of Lot 22, Lot 23 and the Alfson Property shall have the right to act to correct an emergency situation and shall have access to the ACCESS AND UTILITY EASEMENT in the absence of the consent of the other lot owners in such emergency situation.

10.7 Perpetual Term. The term of this AGREEMENT shall be perpetual, except as otherwise herein limited.

10.8 Binding Effect. The benefits and burdens of this AGREEMENT shall constitute a covenant running with Lot 22, Lot 23 and the Alfson Property herein described and shall be binding upon the heirs, successors in title and assigns of the parties hereto.

10.9 Injunctive Relief Available Except as otherwise provided herein, in the event that any owner herein bound shall fail to perform its obligations under this AGREEMENT, the other owner(s) shall be entitled to require such performance or, where appropriate, through injunctive relief. Such remedies shall be in addition to any other remedies afforded under Oregon law. The prevailing party in any litigation under this AGREEMENT shall be entitled to recover attorney fees and all costs and expenses associated therewith.

10.10 No Merger. If any one or more of the lot(s) benefited by the EASEMENT granted herein is at anytime owned by the same person or entity then owning another lot burdened by the EASEMENT, the EASEMENT granted herein shall not be deemed to terminate by merger of the dominant and servient estates.

10.11 Modification and Termination. This AGREEMENT may only be amended, modified or terminated only by unanimous consent of the current owners of Lot 22, Lot 23 and

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Commissioner Martin moved to approve SUB-07-02/NDW-07-02/VAR-07-01 subject to the conditions recommended in the staff report, but without recommended Conditions 14 and 18; with the additional condition crafted by the staff during the hearing that related to providing access to the Alfson property; and with added language in Condition 15 that limited work in the wetland to "water work periods" set by the Oregon Fish & Wildlife Department. Commissioner Bonoff seconded the motion and it passed 3:0. Chair Jones announced five-minute break and thereafter reconvened the meeting.

MIP-07-01/NDW-07-04, 3-Lot Minor Partition, 18822 Old River Drive

Commissioner Wittenbrink rejoined the other Commissioners and Commissioner Martin left the meeting. Chair Jones opened the public hearing, explained the applicable criteria and procedure, and announced the time limits for testimony. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contacts (including site visits). The only declarations were that Commissioner Wittenbrink and Chair Jones each reported they had made a site visit. When invited by the Chair, no one in the audience challenged the authority of the Planning Commission or the ability of any individual Commissioner to hear the matter.

Staff Report

Tom Soppe, Associate Planner, presented the staff report. (See Planning & Building Department report dated June 18, 2007). He pointed out the location of the creek that ran through the site. He noted that the originally proposed configuration of the lots allowed the stems of the flags of the two rear lots to run back from Robin View Drive on each side of the front lot. However, he reported the applicant had just submitted a drawing showing that he wanted to change the stems to easements over the front lot so the rear lots would be larger and have more room for houses (see Exhibit ____). He said the applicant might chose to have Lots 1 and 2 share a driveway, so a house could be placed where it would not impact significant tree area. He noted that the recommended conditions of approval called for the house to be repositioned to save trees, for a slope map, and for the storm system to be redesigned to drain away from the frontage. He reported that Engineering Department staff had very recently recognized that the application proposed laterals into Robin View Drive, but they preferred that the applicant install a sewer main to serve his property. However, the Public Works Director had acknowledged that because the installation might have to be as long as 100 feet and there were other places in the City that featured that configuration of laterals, his department could accept a Planning Commission decision to allow the laterals. The Commissioners contemplated whether they should continue the hearing to allow time for submission of revised exhibits showing the changes, but they generally agreed to hear testimony that evening.

During the questioning period, Mr. Soppe clarified that the applicant had submitted a slope map, which made the application "complete," but the staff wanted one that more clearly showed grade percentages. He also clarified that with proper house placement the application could meet the provision that 20% of non-Type 1 and 2 lands with significant trees was to be preserved. He clarified that the Engineering Department would accept a condition for calling for a redesign of the storm system, and the applicant would have to submit the redesign later in the process. The

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Grantor/ Grantee:
TV 29, LLC
5285 Meadows Road, Suite 171
Lake Oswego, OR 97035

Gary A. Alfson and Carolyn Sue Alfson *Grantee*
3401 S. Haskins Lane
West Linn, OR 97068

Clackamas County Official Records Sherry Hall, County Clerk	2012-001415
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D-E Cnt=2 Str=11 TINAJAR	
\$35.00 \$5.00 \$16.00 \$16.00 \$10.00	

AFTER RECORDING RETURN TO:
Charles Harrell
Buckley Law P.C.
Three Centerpointe Drive, Suite 250
Lake Oswego, OR 97035

**ACCESS AND UTILITY EASEMENT
AND JOINT MAINTENANCE AGREEMENT**

FATCU

This ACCESS AND UTILITY EASEMENT AND JOINT MAINTENANCE AGREEMENT (this "AGREEMENT") is made this 12 day of December 2011, by and among TV 29, LLC, an Oregon limited liability company, ("TV 29") and Gary A. Alfson and Carolyn Sue Alfson, Husband and Wife ("Alfson").

RECITALS

- A. WHEREAS, TV 29 owns certain real property located in the County of Clackamas, State of Oregon and more particularly described as Lot 22, TERESA'S VINEYARD, in the City of West Linn, County of Clackamas, State of Oregon ("Lot 22").
- B. WHEREAS, TV 29 owns certain real property located in the County of Clackamas, State of Oregon and more particularly described as Lot 23, TERESA'S VINEYARD, in the City of West Linn, County of Clackamas, State of Oregon ("Lot 23").
- C. WHEREAS, Alfson owns certain real property located at 3401 S. Haskins Lane, West Linn, in the County of Clackamas, State of Oregon and more particularly and legally described as follows:

Beginning at a point 401.30 feet East of the Northwest corner of Tract No. 16, BLAND ACRES, according to the map and pat thereof on file in the office of the County Clerk for Clackamas County, State of Oregon, on the North boundary thereof; thence South 0°23' West 302.76 feet to a point; thence South 89°37' East 122.80 feet; thence North 7°23'15" East 305.05 feet to a point on the North line of said Tract 16, BLAND ACRES; thence West 150 feet along said line to the place of beginning, as identified in Fee No. 84-13907 / tax lot number 21E35A-02600 (the "Alfson Property").

17

D. WHEREAS, TV 29 and Alfson have determined that there is, or will be, a need for non-exclusive and reciprocal easements on Lot 22 and Lot 23, for ingress, egress and placement of private and public utilities for the benefit of each of Lot 22, Lot 23 and the Alfson Property.

E. WHEREAS, TV 29 and Alfson desires to create the non-exclusive and reciprocal easements described herein for the purpose of ingress, egress and placement of private and public utilities over and under Lot 22 and Lot 23 for the benefit of each of Lot 22, Lot 23 and the Alfson Property.

Add new lots to this

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3. **USE OF EASEMENT.** TV 29 grants the ACCESS AND UTILITY EASEMENTS for use by the present and future owners of Lot 22, Lot 23 and the Alfson Property and any future development thereof for the non-exclusive purpose of normal residential vehicular ingress and egress to and from Lot 22, Lot 23 and the Alfson Property and for the placement of private and public utilities, including, but not limited to, water, sewer, electricity, gas, cable television, internet access and telephone service for the benefit of Lot 22, Lot 23 and/or the Alfson Property.

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4. **MAINTENANCE.** The costs of any and all normal maintenance and repair of the ACCESS AND UTILITY EASEMENTS shall be apportioned among the affected owner(s) of Lot 22, Lot 23 and the Alfson Property on the following basis and criteria regardless of frontage, location, or improvements:

4.1 A one-thirds share (1/3 share) of the normal maintenance and repairs costs for the ACCESS AND UTILITY EASEMENTS shall be apportioned to the owner(s) of Lot 22;

4.2 A one-thirds share (1/3 share) of the normal maintenance and repair costs for the ACCESS AND UTILITY EASEMENTS shall be apportioned to the owner(s) of Lot 23; and

4.3 A one-thirds share (1/3 share) of the normal maintenance and repair costs for the ACCESS AND UTILITY EASEMENTS shall be apportioned to the owner(s) of the Alfson Property.

4.4 In the event that the Alfson Property is partitioned or subdivided, the maintenance costs

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for the ACCESS AND UTILITY EASEMENTS shall be apportioned equally between all lots or parcels benefitted and/or burdened by the ACCESS AND UTILITY EASEMENTS. For example, if the Alfson Property is subdivided into four (4) total lots, as is anticipated, then Lot 22, Lot 23 and any of the four lots created from the Alfson Property that take access from the ACCESS AND UTILITY EASEMENTS shall be responsible for their proportionate share of the normal maintenance and repair costs for the ACCESS AND UTILITY EASEMENTS.

5. CONSIDERATION. The true and actual consideration for this grant of ACCESS AND UTILITY EASEMENTS is no money, but consists of other valuable consideration. As this AGREEMENT does not convey or contract to convey fee title, compliance with ORS 93.030 is not required.

6. INDEMNITY OF OWNER OF LOT 22. The owners of Lot 23 and the Alfson Property hereby agree to indemnify, and save the owner of Lot 22 and hold the owner of Lot 22 harmless from and against any and all claims of third persons for damages suffered, and any other loss, cost, or other expense incurred by the owner of Lot 22, or any claim, demand or action asserted against the owner of Lot 22, arising out of the use of the ACCESS AND UTILITY EASEMENTS, this AGREEMENT and/or the owners of Lot 23's and the Alfson Property's exercise of the rights granted herein.

7. INDEMNITY OF OWNER OF LOT 23. The owners of Lot 22 and the Alfson Property hereby agree to indemnify, and save the owner of Lot 23 and hold the owner of Lot 23 harmless from and against any and all claims of third persons for damages suffered, and any other loss, cost, or other expense incurred by the owner of Lot 23, or any claim, demand or action asserted against the owner of Lot 23, arising out of the use of the ACCESS AND UTILITY EASEMENTS, this AGREEMENT and/or the owner of Lot 22's and the Alfson Property's exercise of the rights granted herein.


8. INDEMNITY OF OWNER OF THE ALFSON PROPERTY. The owners of Lot 22 and Lot 23 hereby agree to indemnify, and save the owner of the Alfson Property and hold the owner of the Alfson Property harmless from and against any and all claims of third persons for damages suffered, and any other loss, cost, or other expense incurred by the owner of the Alfson Property, or any claim, demand or action asserted against the owner of the Alfson Property, arising out of the use of the ACCESS AND UTILITY EASEMENTS, this AGREEMENT and/or the owner of Lot 22's and Lot 23's exercise of the rights granted herein.

9. EXCEPTIONS OF RECORD. The ACCESS AND UTILITY EASEMENTS are granted subject to all prior easements or encumbrances of record.

10. TERMS AND CONDITIONS.

10.1 General. The owners of each of Lot 22, Lot 23 and the Alfson Property, their heirs, successors and assigns, shall exercise their rights under this AGREEMENT with regard to the ACCESS AND UTILITY EASEMENTS in a manner that: (i) minimizes, to the extent reasonably practicable, any material interference with the use and occupancy of each lot by each respective lot owner; and (ii) is in compliance with all applicable federal, state and local laws rules and regulations. Neither the Teresa's Vineyard Homeowners Association, lot owner nor any other

permitted user of the EASEMENT shall park any vehicle or otherwise place an obstruction on or in the EASEMENT area except as necessary in connection with such user's maintenance and repair obligations as agent hereunder.

10.2 Access. The owners of Lot 22 and Lot 23 shall provide reasonable access to the portion of the ACCESS AND UTILITY EASEMENT located on such owner's lot to the owners of the other affected lots, for purposes granted herein and for the maintenance and repair of said ACCESS AND UTILITY EASEMENTS as needed. 

10.3 Maintenance. The owners of Lot 22, Lot 23 and the Alfson Property shall have the obligation to maintain the ACCESS AND UTILITY EASEMENTS in good condition and repair in compliance with ORS 105.170 through 105.185, except as otherwise provided in this agreement.

10.4 Costs. The cost of any installation, removal or replacement of any improvements on an individual lot necessary for access to and use of the ACCESS AND UTILITY EASEMENTS, including, but not limited to, the installation of private or public utilities, will be borne by the owner of the affected lot.

10.5 No encroachment. No party may install landscaping or improvements that will impair the use of the ACCESS AND UTILITY EASEMENTS for the other lot owners.

10.6 Emergency Action. The owners of Lot 22, Lot 23 and the Alfson Property shall have the right to act to correct an emergency situation and shall have access to the ACCESS AND UTILITY EASEMENT in the absence of the consent of the other lot owners in such emergency situation.


10.7 Perpetual Term. The term of this AGREEMENT shall be perpetual, except as otherwise herein limited.

10.8 Binding Effect. The benefits and burdens of this AGREEMENT shall constitute a covenant running with Lot 22, Lot 23 and the Alfson Property herein described and shall be binding upon the heirs, successors in title and assigns of the parties hereto.

10.9 Injunctive Relief Available Except as otherwise provided herein, in the event that any owner herein bound shall fail to perform its obligations under this AGREEMENT, the other owner(s) shall be entitled to require such performance or, where appropriate, through injunctive relief. Such remedies shall be in addition to any other remedies afforded under Oregon law. The prevailing party in any litigation under this AGREEMENT shall be entitled to recover attorney fees and all costs and expenses associated therewith.

10.10 No Merger. If any one or more of the lot(s) benefited by the EASEMENT granted herein is at anytime owned by the same person or entity then owning another lot burdened by the EASEMENT, the EASEMENT granted herein shall not be deemed to terminate by merger of the dominant and servient estates.

10.11 Modification and Termination. This AGREEMENT may only be amended,  modified or terminated only by unanimous consent of the current owners of Lot 22, Lot 23 and

the Alfson Property and any future development thereof in writing, or by an Order of a court of competent jurisdiction. If any provision herein shall be invalid, illegal or unenforceable in any respect, the validity of the remaining provisions shall not be affected. 

10.12 Governing Law. This AGREEMENT and the terms of the ACCESS AND UTILITY EASEMENTS shall be construed in accordance with the laws of the State of Oregon.

10.13 Notices. All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered (including by means of professional messenger service) or sent by registered or certified mail, postage prepaid, return receipt requested, and shall be deemed received five (5) days after deposit in the United States mail.

If to TV 29: TV 29, LLC
5285 Meadows Road, Suite 171
Lake Oswego, OR 97035
Attn: Jeff Smith

with a copy to: Charles E. Harrell
BUCKLEY LAW P.C.
Three Centerpointe Drive, Suite 250
Lake Oswego, OR 97035

If to Alfson: Gary A. and Carolyn Sue Alfson
3401 Haskins Lane
West Linn, OR 97068

10.14 Further Assurances. The parties each agree, at the request of the other party, at any time and from time to time after the date hereof, to execute and deliver all such further documents as may be reasonably necessary or appropriate in order to confirm, record or carry out the provisions of this AGREEMENT.

10.15 Resolution by Arbitration. Any disagreements associated with this said AGREEMENT or the ACCESS AND UTILITY EASEMENTS are to be resolved via binding arbitration pursuant to the Clackamas County Circuit Court arbitration rules, with the presiding judge of the Clackamas County Circuit Court appointing one arbitrator whose decision will be binding and final. The non-prevailing party is to pay the cost of the arbitration.

10.16 Other Remedies Available. The owners of Lot 22, Lot 23 and the Alfson Property are also entitled to all remedies at law and equity associated with any breach of any term or condition of this AGREEMENT or the ACCESS AND UTILITY EASEMENTS by any other property owner or person.

10.17 Attorney's Fees. If any suit or action arising out of or related to this AGREEMENT or the ACCESS AND UTILITY EASEMENTS is brought by any party, the prevailing

**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: Gary Alfson
Address: 2830 Coeur d Alene Drive
Phone: 503-656-3039
Email: galfson2@comcast.net
Site Address: 2830 Coeur d Alene Drive
City: West Linn
Map & Tax Lot #: 21E35DA4400
Business Name: N/A
Land Use/Building Jurisdiction: West Linn
Land Use/ Building Permit # PA-24-04

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

We are proposing to partition our 1 acre lot into three lots with access off Coeur d Alene Drive. No new construction is proposed with this application.

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 # _____
Permit Type: _____
Submittal Date: _____
Assigned To: _____
Due Date: _____
Fees Due: _____
Fees Paid: _____

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

This section is for application approval only

Fire Marshal or Designee _____ Date _____

Conditions:

See Attached Conditions: Yes No

Site Inspection Required: Yes No

This section used when site inspection is required

Inspection Comments:

Final TVFR Approval Signature & Emp ID _____ Date _____



CITY OF West Linn

Tree Removal Permit

Please submit **pictures** of trees and **site map** with trees clearly identified to complete application.

Please mark trees on site with ribbon, flagging tape or other marker.

Email submissions are acceptable. Please do not fax pictures or site map.

Within 20 business days of submission a decision will be made and a signed copy will be sent.

Property Owner

Tree Site Address (if different)

Name GARY ALISON
 Address 2830 COCORD ALOND
 Phone # 503 656 3039
 Email galfson2@comcast.net

Number, Diameter, and Species of Trees:

- | | |
|----------------------------------|--------------------------|
| 1. <u>6 - 12" Leland Cypress</u> | 4. <u>8 6"-30" Cedar</u> |
| 2. <u>9 - D. FIR 14"-16"</u> | 5. <u>2 18"-22" PINE</u> |
| 3. <u>0 - 6" Hawthorn</u> | 6. <u>1 37" CONIFER</u> |
| | <u>1 12" Decid</u> |

33/65

Reason for Removal (code section 8.630)

Installation of underground utilities, 2 new houses FIRE Dept full around and ~~blowing~~ leaning or dead trees

Gary Olson
 Owners Signature

7/11/24
 Date

Staff Only Below this Line

Approved _____ Not Approved _____

 Signature Date

Reasons for Approval/Denial:

Conditions of Approval

After a decision is made, there is a 10 day appeal period. If you do not hear from the City within this period then the **tree may be removed on or after** _____.

This permit expires after one year.

The approved permit must be clearly posted on site when tree removal is occurring.

City of West Linn Parks and Recreation Department
 22500 Salamo Rd., West Linn, OR 97068
 503-557-4700
 treepermits@westlinnoregon.gov