



# CITY OF West Linn

## Memorandum

Date: January 6, 2025

To: Mayor Bialostosky  
West Linn City Council

From: Aaron Gudelj; Associate Planner

Subject: AP-24-02; Appeal of PC Decision MIP-24-02/VAR-24-05

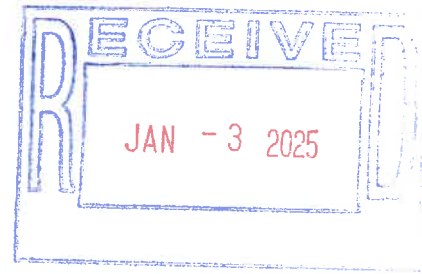
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Two public comments were submitted after the publication of the staff report. The comment letters and documents are as follows:

1. Kyle Grant – Legal Representative for David and Sarah Baker
2. William and Patricia Nelson

As always, please contact me with any questions at [agudelj@westlinnoregon.gov](mailto:agudelj@westlinnoregon.gov) or 503.742.6057

January 3, 2025



To: City of West Linn City Council

From: William and Patricia Nelson

Re: Appeal by Gary and Susie Alfson of MIP 24-02/VAR-24-o5

My wife and I spoke, at length, to Gary and Susie Alfson prior to the Planning Commission meeting of November 6, 2024. We believe they made a concerted effort to reach out to all neighbors who might be impacted by the future development of their property. I then attended the Planning Commission meeting, listened to their proposal and the comments of two other neighbors and one future owner.

I write, now, in support of their petition that was conditionally approved by the Planning Commission, and further support their request to have the condition removed from their approval.

My wife and I have owned property (lot 21) and lived in the Teresa's Vineyard subdivision for the last three years. Our property backs up to the east side of the Alfsons' property. We do not share their driveway, but the north side of our home abuts the through road on our and their north. The few children who play outdoors in our neighborhood seem to use that roadway.

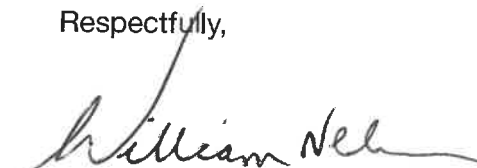
The neighborhood sees little traffic on Coeur d Alene Drive. Residents, tradespeople and delivery trucks represent the bulk of vehicles observed. There is no 'through' traffic.

None of the current owners were here when the Alfsons purchased their property. However the Alfsons, in their forty plus years of ownership, have witnessed the development that has occurred all around them.

We appreciate the fact that life circumstances require them, now, to move. We respect their right to subdivide the property and appreciate the fact that they are asking for only one variance. We support their measured and thoughtful proposal and encourage the Council to approve their petition without conditions.

I plan to attend the Council meeting and will be happy to answer any questions arising from this note.

Respectfully,

  
William Nelson  
2948 Coeur d Alene Drive  
West Linn

**CITY OF WEST LINN CITY COUNCIL  
PUBLIC HEARING NOTICE  
FILE NO. AP-24-02**

The West Linn City Council will hold a hybrid public hearing on **Monday, January 6, 2025 at 6:00 pm** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider an appeal by Gary and Susie Alfson of MIP 24-02/VAR-24-05, a Planning Commission decision for a Minor Partition requesting approval for a 3-lot Minor Partition and a Class II Variance for an exception to the minimum width required for a private access road for 5 residential units at 2830 Coeur D Alene Drive.

The appellant stated grounds for appeal pertain to Condition of Approval #2 of the Planning Commission Final Decision and Order requiring signatures of Lots 22 and 23 of the Teresa's Vineyard Subdivision for use of the shared-driveway by the newly created lots of the Minor Partition

The City Council will make decide the appeal based on applicable criteria in Community Development Code (CDC) Chapters 12, 48, 75, 85, 92, and 99. The CDC approval criteria are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The appeal is a de novo hearing and not limited to the stated grounds for the appeal. City Council may consider all relevant issues. All evidence presented to the lower authority shall be considered and given equal weight as evidence presented on appeal. City Council may affirm, reverse, or modify the decision which is the subject of the appeal.

You have been notified of this appeal as required by CDC Chapter 99.140 and 99.260.

The appeal is posted on the City's website, <https://westlinnoregon.gov/projects>. The appeal application and record are available for inspection at City Hall at no cost. Copies may be obtained at a reasonable cost. The staff report will be posted on the website and available for inspection at no cost, or copies may be obtained at a reasonable cost, at least ten days before the hearing.

The hearing will be conducted according to CDC Section 99.170 in a hybrid format with some Councilors, staff, presenters, and members of the public attending remotely via Webex and others attending in-person at City Hall. The public can watch the meeting online at <https://westlinnoregon.gov/meetings> or on Cable Channel 30.

**Anyone wishing to present written testimony for consideration shall submit all material before 12:00 pm on January 6, 2025.** Written comments may be submitted to [agudelj@westlinnoregon.gov](mailto:agudelj@westlinnoregon.gov) or mailed to City Hall.

Those who wish to participate remotely should complete the speaker form at <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> before 4:00 pm on the meeting day to receive an invitation to join the meeting. Virtual participants can log in through a computer, mobile device, or call in.

**It is important to submit all testimony in response to this notice.** All comments submitted for consideration of this appeal should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue.

For additional information, please contact Aaron Gudelj,  
Associate Planner, City Hall, 22500 Salamo Rd.,  
West Linn, OR 97068, 503-742-6057 or  
[agudelj@westlinnoregon.gov](mailto:agudelj@westlinnoregon.gov).



Scan this QR Code to go to Project Web Page:



Kyle L. Grant  
Kyle.Grant@tonkon.com

503.802.2092 direct  
503.221.1440 main

January 2, 2025

City of West Linn  
Attn: Aaron Gudelj, Association Planner  
VIA EMAIL: [agudelj@westlinnoregon.gov](mailto:agudelj@westlinnoregon.gov)

Re: **Written Testimony of Respondents David and Sarah Baker  
File No. AP-24-02**

Dear City Councilors:

This office represents David and Sarah Baker regarding the above referenced notice of public hearing to review an appeal by Gary and Susie Alfson of MIP 24-02/VAR-24-05. This letter is submitted on behalf of David and Sarah Baker to be entered as written testimony.

## **I. Summary**

The Alfsons (“Applicant”) applied for a 3-parcel partition on August 1, 2024, as more fully detailed in the Staff Report prepared by Darren Wyss on December 24, 2024. The Planning Commission conditionally approved the application and granted a Class II Variance on November 6, 2024. The Applicant appealed this decision in order to remove the Condition No. 2 which required the Applicant to obtain an agreement from David and Sarah Baker and a neighboring property owner to use a shared driveway.

For the reasons stated, the City Council should deny appeal AP-24-02 and, in addition, overturn the Planning Commission’s decision to grant a Class II variance to the Applicant.

## **II. Class II Variance**

The Applicant requested a Class II Variance from the full street requirements for five lots under CDC 48.030(D), thereby requesting that a private drive provide access to five residential lots. The purpose of CDC 48.030(D) is to ensure that development complies with established land use and transportation policies, which are designed to maintain safe, efficient, and sustainable infrastructure. This Code section ensures that developments, such as the Applicant’s proposed partition, are properly integrated into the existing network of streets and access points.

In order to grant a variance from the five-lot limitation for private roads, CDC 75.020.B.1 requires, among other things, that:

- a. The variance is the minimum variance necessary to make reasonable use of the property. To make this determination, the following factors may be considered, together with any other relevant facts or circumstances:
  - 1) Whether the development is similar in size, intensity and type to developments on other properties in the City that have the same zoning designation.
  - 2) Physical characteristics of the property such as lot size or shape, topography, or the existence of natural resources.
  - 3) The potential for economic development of the subject property.
  - ...
- c. The need for the variance was not created by the applicant and/or owner requesting the variance.

Contrary to the City's staff report, these two criteria a) and c) were not met for the following reasons.

1. **Criteria a) was not met because the Applicant has ready access to the North over Tract C, meaning that funneling all traffic between Lots 22 and 23 is not necessary.**

The Applicant has conceded that Note 9 of the Teresa's Vineyard Plat (attached hereto as Exhibit A) states that the Applicant's property will be provided access for two future lots over Tract C, which is a similar private driveway to the north of the Applicant's property. This provides an alternative means of accessing the property that does not require access through the Shared Access Easement between Lots 22 and 23 of Teresa's Vineyard. Accordingly, the variance is not necessary to make reasonable use of the Applicant's property.

In fact, the Applicant specifically argued for two points of access during the original land use proceedings to approve the Teresa's Vineyard subdivision. In 2007 during a West Linn Planning Commission meeting, Gary Alfson submitted testimony pointing out that he intended to subdivide his property and that this future subdivision would be land locked by the surrounding development. The minutes to this meeting are attached as Exhibit B. The developer agreed to put in *two* paved



vehicular access points to serve the Applicant's future subdivision. Mr. Alfson asked for a specific written related condition of approval. The applicant agreed, and the Chair directed the staff to craft such a condition. The minutes clearly reflect an intent to provide two points of access to the Applicant's future subdivision, not just the access point between Lots 22 and 23 of Teresa's Vineyard.

The Applicant also submitted a letter as written testimony as part of the original subdivision approval, which is attached hereto as Exhibit C. In that letter, the Applicant again pointed out that their future subdivision of four lots would be landlocked by Teresa's Vineyard. They also included a map showing the configuration of the 4-lot subdivision and showing how two lots would take access between Lots 22 and 23 to the east, and how the two northern lots would take access over what is now Tract C of Teresa's Vineyard to the north.

In short, the Applicant has anticipated for more than 15 years that they would use two points of access to service a future 4-lot subdivision. This is supported by Teresa's Vineyard Plat Note 24, which states that the shared access easement between Lots 22 and 23 would provide access for up to a maximum of *two* additional lots, not three as the Applicant is currently requesting.

In addition, photographic evidence shows that it would not be difficult for the northernmost parcels to take access through Tract C. The Applicant has asserted that gaining access through Tract C would be "prohibitive." However, they have not shown how they would be prohibited from taking such access. Admittedly, installing such access may be inconvenient, but that is not the standard for granting variances under CDC 75.020. The standard is whether the variance is *necessary* to make reasonable use of the Applicant's property. The Applicant has failed to show how gaining access through Tract C would be impossible or render their property unusable. Moreover, they have also failed to show why avoiding the inconvenience of taking access through Tract C should take priority over the inconvenience that would result from funneling traffic between Lots 22 and 23.

Attached as Exhibit D is a map showing how the splitting of access points to both the north and east demonstrates that restricting ingress and egress to between Lots 22 and 23 is not necessary for the partition. Exhibit D also includes photographs of the current state of Tract C and of the Shared Access Easement between Lots 22 and 23.

Lastly, the City has already taken the position that the Applicant has a vested right in access through Tract C. An email attached as Exhibit E from Darren Wyss states that "the City finds the Alfson property has the right to take access from Tract C that is adjacent to their north property line." This further shows that



routing all vehicular ingress and egress in between Lots 22 and 23 is not necessary, and the variance should not have been granted.

**2. Criteria c) was not met because the Applicant is creating the need for the variance by declining to take access over Tract C which the Applicant originally requested.**

The November 2024 staff report failed to show how the Applicant did not create the need for the variance. On the contrary, the development of Teresa's Vineyard specifically created two points of access as shown in Notes 9 and 24 on the Plat. *See* Exhibit A. This configuration allowed the properties to be developed in accordance with CDC 48.030(D) which limits private access to four or fewer lots. Instead, the Applicant is seeking a variance to divert all traffic from the Applicant's current residence, proposed Parcels 2 and 3, and Lots 22 and 23—traffic from a total of five lots that would enter and exit from one point.

Furthermore, the Applicant is creating the need for the variance by Applicant's very proposal to develop not one but three lots on the Applicant's property. But even putting that aside, the Applicant was involved in and influenced the decisions surrounding the approval of the Teresa's Vineyard subdivision. The Teresa's Vineyard plat was configured precisely to accommodate the Applicant's future plans. With that configuration now established, the Applicant is now creating its own problem by asking for an exception to the code to funnel all of its traffic between Lots 22 and 23.

Again, the alternative plan shown on Exhibit D demonstrates how access could be taken partially through the north on Tract C and would be fully code compliant without any need for a variance.

**III. Condition No. 2**

We agree with the City Attorney's recommendation to deny Applicant's appeal for the reasons stated in the staff report dated December 24, 2024. The proper interpretation of the shared access easement, doc. No. 2012-001415 and the Teresa's Vineyard Plat, doc. No. 2012-001405, is a civil matter between the property owners. These documents constitute private covenants that run with the land independently of City Code. The Planning Commission was correct to place Condition No. 2 on the Applicant (even though the variance should have been denied as a threshold matter). The City should not approve development in a way that potentially undermines the legal rights and obligations that the parties have under the plat and shared access easement. For these reasons, this part of the Planning Commission's decision should be upheld.



January 2, 2025  
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#### IV. Conclusion

The City Council should adopt the staff report's potential motion no. 1, moving to deny the appeal AP-24-02 with the following modifications: that the application be denied based on Applicant's failure to meet all the criteria for a Class II Variance.

Thank you for your consideration in this matter.

Sincerely,



Kyle L. Grant

KLG/

cc: Kaylie Klein - City Attorney  
[kklein@westlinnoregon.gov](mailto:kklein@westlinnoregon.gov)





# 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 SURVEY 89°39'09" EAST BETWEEN FOUND MONUMENTS M1 AND M5 AS DESCRIBED IN S.N. 2011-170.

## NOTES AND PLAT RESTRICTIONS

1. BASIS OF BEARINGS AND BOUNDARY DETERMINATION ARE PER SN#2011-170, CLACKAMAS COUNTY SURVEY RECORDS.
2. 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
3. LOTS 1-29 ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF "TERESA'S VINEYARD" RECORDED UNDER DOCUMENT NO. 2012-001411 CLACKAMAS COUNTY DEED RECORDS.
4. 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.
5. 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. 2012-001411.
6. 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.
7. TRACT "B" IS SUBJECT TO A 10-FOOT PUBLIC UTILITY EASEMENT ALONG ITS NORTH LINE.
8. 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 UTILITY EASEMENT 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.
9. 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.
10. 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.
11. TRACT "E" IS A PRIVATE TRACT AND IS CONVEYED TO THE OWNER OF LOT 1 "CRYSTAL TERRACE" PER INSTRUMENT NO. 2012-001413 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.
12. LOT 2 IS SUBJECT TO A PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT 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.
13. 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.
14. LOTS 2, 3, 6 AND 7 ARE SUBJECT TO A 1-FOOT PUBLIC SIDEWALK EASEMENT AS SHOWN HEREON TO SERVE SALAMADO ROAD.
15. LOTS 2, 3, 6 AND 7 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. LOTS 10 AND 20 ARE SUBJECT TO AN 8-FOOT PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
21. 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.
22. LOTS 15, 16, 29 AND 30 ARE SUBJECT TO A PUBLIC SIDEWALK EASEMENT AS SHOWN HEREON.
23. LOTS 21 AND 22 ARE SUBJECT TO AN 8-FOOT PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
24. LOTS 22 AND 23 ARE SUBJECT TO A 20-FOOT ACCESS EASEMENT AND JOINT MAINTENANCE AGREEMENT PER INSTRUMENT NO. 2012-001413 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.
25. 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.
26. 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 SUBJECT TO THE ADJACENT 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.
27. THERE SHALL BE NO VEHICULAR ACCESS TO SALAMADO ROAD FROM LOTS 2, 3, 6 AND 7.
28. SEE SHEET 4 FOR LISTING OF RELEASES OF EXISTING EASEMENTS AND EASEMENTS DEFINED IN THE COVENANTS, CONDITIONS & RESTRICTIONS REFERENCE IN NOTE #3.

## 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

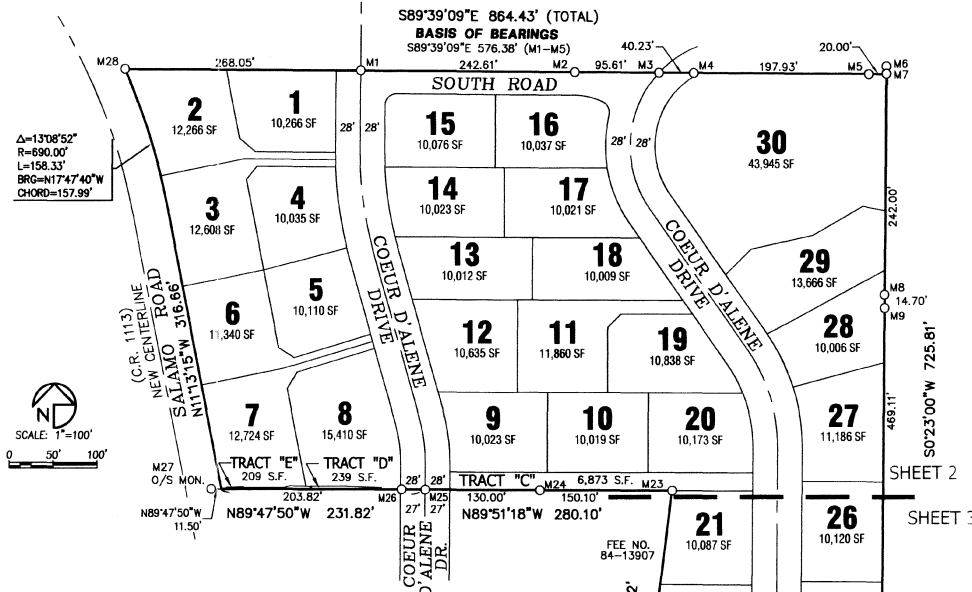
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 REGISTERED PROFESSIONAL LAND SURVEYOR  
  
 OREGON  
 JULY 16, 1987  
 THEODORE G. LAMBERT  
 2294

RENEWS: 12-31-2012

The Saunders Company Inc.

SURVEY DIVISION  
 901 N. BRUFSCHER ST., SUITE#201  
 NEWBERG, OREGON 97132  
 TEL: 503-537-4347 FAX: 503-554-9107  
 WWW.THESAUNDERSCOMPANY.NET

SHEET 1 OF 4 JOB NO. 9130



## MONUMENT TABLE

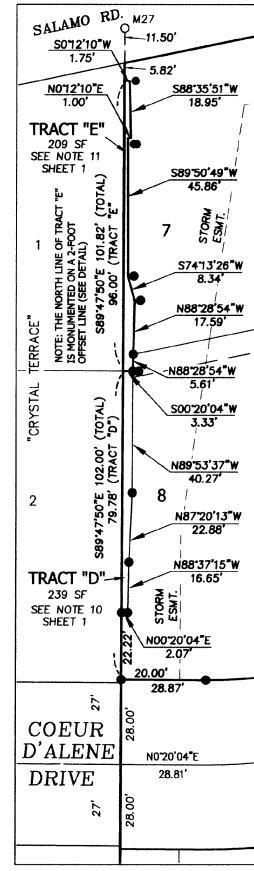
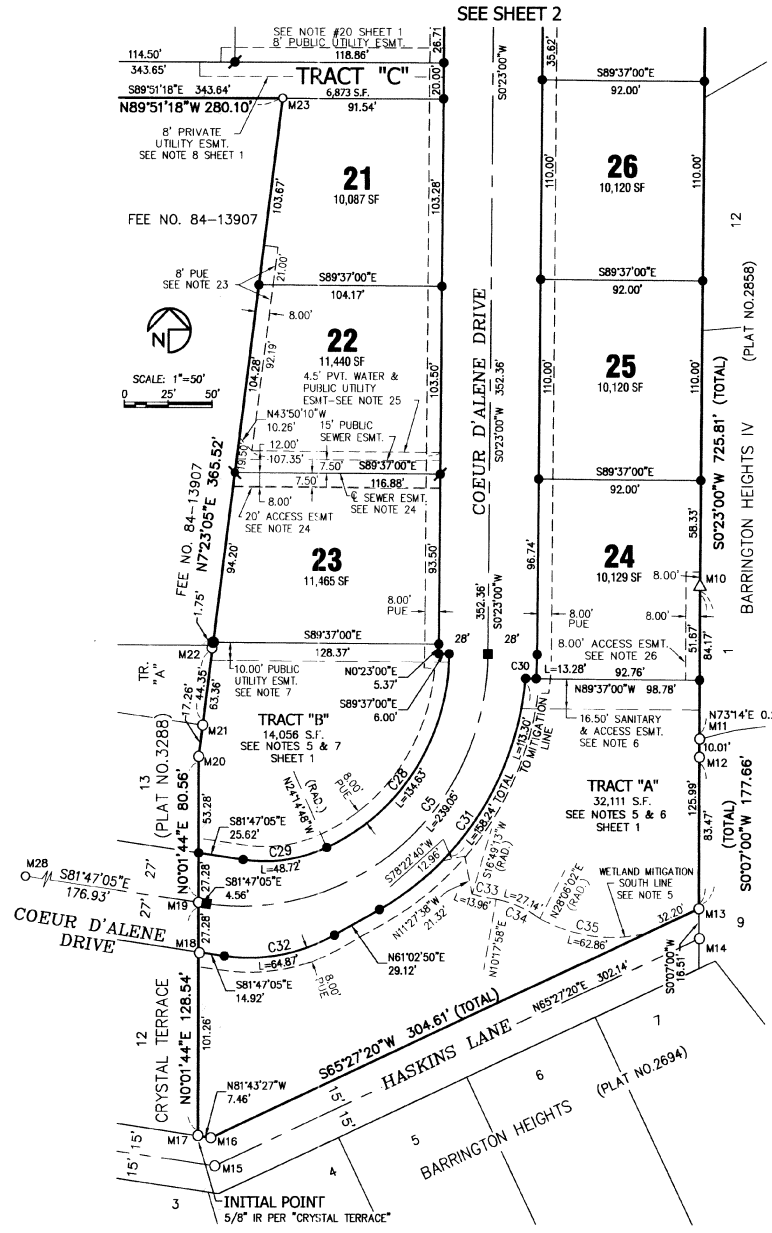
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| M1 FOUND YPC-TOP ILLEGIBLE PER "VISTA RIDGE ESTATES" [FLUSH]   | M14 FOUND IR-BENT (LOCATED TOP) PER "BLAND ACRES" [DWN 1'] N86°15' 0.41'                            |
| M2 FOUND YPC-TOP ILLEGIBLE PER "VISTA RIDGE ESTATES" [FLUSH]   | M15 FOUND 5/8" 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 SPINHOLE) 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 2007-09 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.                                      |

# TERESA'S VINEYARD

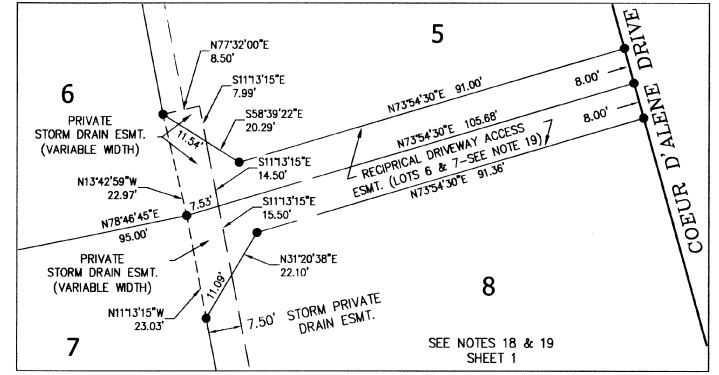
BEING A REPLAT OF A PORTION OF LOTS 15 AND 16, BLAND ACRES,  
 PLAT NO. 304, LOCATED IN THE NE 1/4 AND THE SE 1/4 SEC. 35, T2S, R1E, W.M.  
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON  
 CITY OF WEST LINN FILE NO. SUB-07-02/NDW-07-02/VAR-07-01  
 SURVEYED: DECEMBER, 2011

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

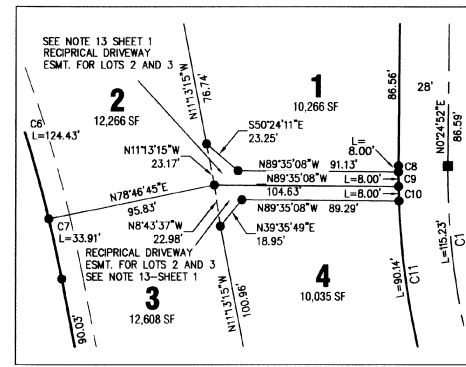
PLAT NO. 4339



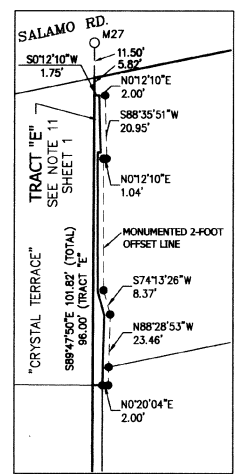
TRACTS "D" & "E" DETAIL  
 SCALE: 1"=30'



RECIPROCAL DRIVEWAY ACCESS & PRIVATE STORM DRAIN EASEMENT DETAIL  
 SCALE: 1"=20'



RECIPROCAL DRIVEWAY ACCESS EASEMENT DETAIL  
 SCALE: 1"=50'



TRACT "E" - 2' OFFSET MONUMENT DETAIL  
 SCALE: 1"=30'

CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	16°30'22"	400.00'	115.234'	S7°50'19"E	114.84'
C2	16°25'33"	185.00'	53.037'	N7°52'43"W	52.86'
C3	79°25'08"	116.86'	161.982'	S3°59'44"W	149.32'
C4	36°05'50"	185.00'	116.553'	N17°39'55"W	114.63'
C5	97°49'55"	140.00'	239.048'	N49°17'57"E	211.05'

CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C33	9°26'53"	84.68'	13.956'	S77°54'03"E	13.94'
C34	25°05'07"	61.98'	27.136'	N6°709'28"W	26.92'
C35	41°30'23"	86.77'	62.855'	S82°39'09"E	61.49'

CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C23	13°20'07"	157.00'	36.541'	N2°92'04"W	36.46'
C24	22°45'43"	157.00'	62.372'	N10°59'52"W	61.96'
C25	18°36'20"	213.00'	69.167'	N8°55'10"W	68.86'
C26	17°29'30"	213.00'	65.026'	N26°58'05"W	64.77'
C27	100°36'03"	88.86'	156.022'	S14°35'12"W	136.74'
C28	65°22'12"	118.00'	134.629'	N33°04'06"E	127.44'
C29	32°27'42"	86.00'	48.725'	N81°59'04"E	48.08'
C30	4°31'42"	168.00'	13.278'	N2°38'51"E	13.27'
C31	55°58'03"	162.00'	158.244'	N33°03'49"E	152.03'
C32	37°10'04"	100.00'	64.870'	N79°37'52"E	63.74'

- 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
  - - FOUND
  - IR - IRON ROD
  - IP - IRON PIPE
  - IB - IRON BAR
  - YPC - YELLOW PLASTIC CAP
  - OPC - ORANGE PLASTIC CAP
  - SNJ - CLACKAMAS COUNTY SURVEY RECORD
  - ESMT - EASEMENT
  - PUE - PUBLIC UTILITY EASEMENT
  - TSCS - THE SAUNDERS COMPANY SURVEY

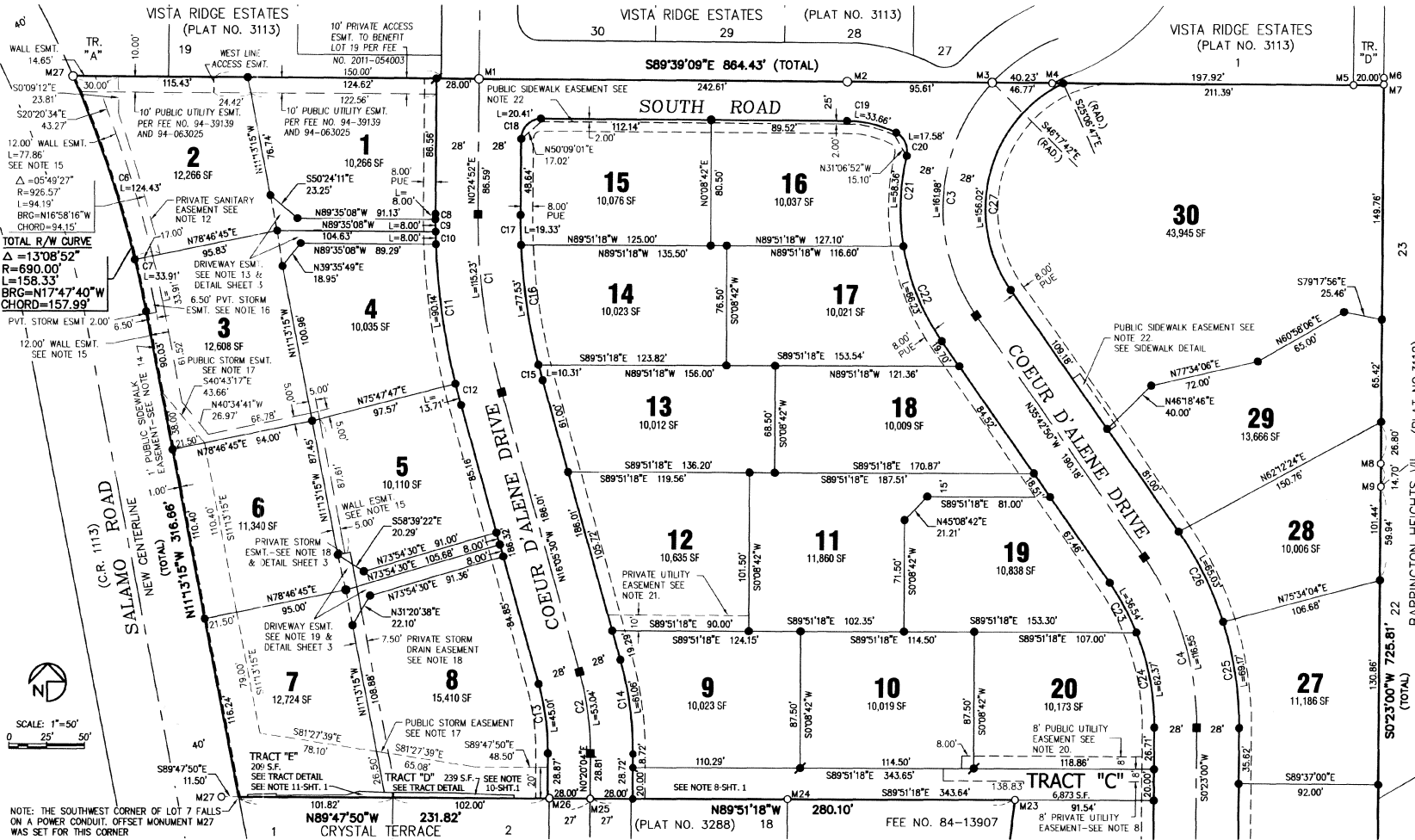
01/11/12  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
*Shaun A. Saunders*  
 OREGON  
 JULY 16, 1987  
 THEODORE G. LAMBERT  
 2294  
 REVISIONS: 12-31-2012

**The Saunders Company Inc.**  
 SURVEY DIVISION  
 901 N. BRITISCHER ST., SUITE#201  
 NEWBERG, OREGON 97132  
 TEL: 503-537-9347 FAX: 503-554-9107  
 WWW.THESAUNDERSCOMPANY.NET

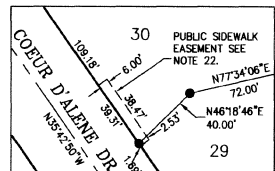
# TERESA'S VINEYARD

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



M6 FOUND 5/8" IR W/YPC "WC" PER REF (6) [FLUSH] N00°23'E 0.52'  
 M7 FOUND 5/8" IR W/YPC "KAMPE" PER "VISTA RIDGE ESTATES" [FLUSH] S89°39'E 0.11'



- LEGEND**
- - SET 5/8"x30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TSCS" - SET NOVEMBER & DECEMBER, 2011
  - ▲ - SET 5/8"x30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" FLUSH IN PAVEMENT
  - - SET 5/8"x30" 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 ESM# - EASEMENT  
 PUE - PUBLIC UTILITY EASEMENT  
 TSC - THE SAUNDERS COMPANY SURVEY

CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	16°30'22"	400.00'	115.234'	S75°09'19"E	114.84'
C2	16°25'33"	185.00'	53.037'	N7°52'43"W	52.86'
C3	79°25'08"	116.86'	161.982'	S3°59'44"W	149.32'
C4	36°05'50"	185.00'	116.553'	N17°39'55"W	114.63'
C5	97°49'55"	140.00'	239.048'	N45°17'57"E	211.05'
C6	10°19'56"	690.00'	124.428'	N19°12'08"W	124.26'
C7	2°48'56"	690.00'	33.907'	N12°37'43"W	33.90'
C8	0°27'40"	428.00'	3.444'	S01°02'07"W	3.44'
C9	1°04'16"	428.00'	8.001'	S0°34'56"E	8.00'
C10	1°04'18"	428.00'	8.005'	S1°39'13"E	8.01'
C11	12°03'59"	428.00'	90.136'	S8°13'21"E	89.97'

CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C12	1°50'09"	428.00'	13.714'	S15°10'25"E	13.71'
C13	16°25'33"	157.00'	45.010'	N75°24'3"W	44.86'
C14	16°25'33"	213.00'	61.064'	N75°24'3"W	60.86'
C15	1°35'16"	372.00'	10.309'	S15°17'52"E	10.31'
C16	11°56'26"	372.00'	77.526'	S8°32'00"E	77.39'
C17	2°58'39"	372.00'	19.332'	S1°04'28"E	19.33'
C18	8°55'59"	13.00'	20.405'	S45°22'51"W	18.37'
C19	25°42'58"	75.00'	33.662'	N76°47'40"W	33.38'
C20	7°29'58"	13.00'	17.584'	N25°11'12"W	16.27'
C21	23°04'59"	144.86'	58.360'	S2°01'18"W	57.97'
C22	26°11'38"	144.86'	66.226'	S22°37'01"E	65.65'

CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C23	13°20'07"	157.00'	36.541'	N29°02'47"W	36.46'
C24	22°45'45"	157.00'	62.372'	N10°59'52"W	61.96'
C25	18°36'20"	213.00'	69.167'	N8°55'10"W	68.86'
C26	17°29'30"	213.00'	65.026'	N26°58'05"W	64.77'
C27	100°36'03"	88.86'	156.022'	S14°35'12"W	136.74'
C28	65°22'12"	118.00'	134.629'	N33°04'06"E	127.44'
C29	32°27'42"	86.00'	48.725'	N81°59'04"E	48.08'
C30	4°31'42"	168.00'	13.278'	N2°38'51"E	13.27'
C31	55°58'03"	162.00'	158.244'	N33°03'49"E	152.03'
C32	37°10'04"	100.00'	64.870'	N79°37'52"E	63.74'

SEE SHEET 3

01/11/12  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
  
 OREGON  
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**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

**DECLARATION:**

KNOW ALL MEN BY THESE PRESENTS: THAT TV 29 L.L.C., AN OREGON LIMITED LIABILITY COMPANY, AND JEFFERY D. SMITH AND TERESA D. SMITH, AS TENANTS BY THE ENTIRETY, AS OWNERS OF THE LANDS HEREIN DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND DO HEREBY DECLARE THE ANNEXED MAP OF "TERESA'S VINEYARD" TO BE A TRUE AND ACCURATE PLAT THEREOF AND HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO LOTS AND TRACTS IN ACCORDANCE WITH THE PROVISIONS OF O.R.S. CHAPTER 92 AND HEREBY DEDICATE ALL RIGHTS-OF-WAY AS SHOWN HEREON TO THE PUBLIC, AND HEREBY GRANT ALL EASEMENTS AS SHOWN OR NOTED ON SAID MAP. THERE ARE ADDITIONAL RESTRICTIONS NOTED ELSEWHERE ON THIS PLAT.

THE DECLARANT MAKES NO CLAIM TO LANDS BEYOND THE PLAT AS MONUMENTED AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE.

TV 29, LLC  
 BY: OAKRIDGE ESTATES DEVELOPMENT CORP., MEMBER OF TV 29, L.L.C.

Jeffery D. Smith  
 JEFFERY D. SMITH, PRESIDENT OF OAKRIDGE ESTATES DEVELOPMENT CORP.

Jeffery D. Smith  
 J. T. SMITH COMPANIES, MANAGING MEMBER OF TV 29, L.L.C.

Jeffery D. Smith  
 JEFFERY D. SMITH, PRESIDENT OF J. T. SMITH COMPANIES

Jeffery D. Smith & Teresa D. Smith  
 JEFFERY D. SMITH & TERESA D. SMITH, FEE OWNERS INSTRUMENT NO. 95-14166

**ACKNOWLEDGMENTS**

STATE OF OREGON }  
 COUNTY OF CLACKAMAS } S.S.

THIS DECLARATION WAS ACKNOWLEDGED BEFORE ME ON JANUARY 11 2012 BY JEFFERY D. SMITH, PRESIDENT, OAKRIDGE ESTATES DEVELOPMENT CORP., AN OREGON CORPORATION, AS MANAGING MEMBER OF TV 29, LLC, AN OREGON LIMITED LIABILITY COMPANY ON BEHALF OF THE COMPANY.

Katie Frahm  
 NOTARY PUBLIC - OREGON PRINT NAME

COMMISSION NO. 463282  
 MY COMMISSION EXPIRES: November 02, 2015

STATE OF OREGON }  
 COUNTY OF CLACKAMAS } S.S.

THIS DECLARATION WAS ACKNOWLEDGED BEFORE ME ON January 11th 2012 BY JEFFERY D. SMITH, PRESIDENT OF J. T. SMITH COMPANIES (MANAGER OF TV29 LLC)

Katie Frahm  
 NOTARY PUBLIC - OREGON PRINT NAME

COMMISSION NO. 463282  
 MY COMMISSION EXPIRES: November 02, 2015

STATE OF OREGON }  
 COUNTY OF CLACKAMAS } S.S.

THIS DECLARATION WAS ACKNOWLEDGED BEFORE ME ON January 11th 2012 BY JEFFERY D. SMITH AND TERESA D. SMITH, PERSONALLY AS OWNERS OF THE PROPERTY DESCRIBED IN INSTRUMENT NO. 95-14166.

Katie Frahm  
 NOTARY PUBLIC - OREGON PRINT NAME

COMMISSION NO. 463282  
 MY COMMISSION EXPIRES: November 02, 2015

**SURVEYOR'S CERTIFICATE:**

I, THEODORE G. LAMBERT, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS AS NOTED HEREON, ALL BOUNDARY CORNERS REPRESENTED ON THE ACCOMPANYING PLAT OF "TERESA'S VINEYARD", BEING A REPLAT OF A PORTION OF LOTS 15 AND 16, "BLAND ACRES" (PLAT NO. 304) LOCATED IN THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST, W.M. AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, A 5/8" IRON ROD MARKING THE SOUTHEAST CORNER OF LOT 12, "CRYSTAL TERRACE", PLAT NO. 3288, CLACKAMAS COUNTY PLAT RECORDS; THENCE NORTH 00°01'44" EAST ALONG THE MOST EASTERLY LINE OF SAID CRYSTAL TERRACE 209.10 FEET TO AN ANGLE POINT; THENCE NORTH 02°23'05" EAST EASTERLY LINE AND THE EAST LINE OF THE TRACT OF LAND DESCRIBED IN FEE NO. 84-13907, CLACKAMAS COUNTY DEED RECORDS, A DISTANCE OF 365.52 FEET TO THE NORTHEAST CORNER OF SAID TRACT DESCRIBED IN FEE NO. 84-13907; THENCE NORTH 89°51'18" WEST ALONG THE NORTH LINE OF SAID TRACT AND THE NORTHERLY LINE OF SAID "CRYSTAL TERRACE" 280.10 FEET TO THE CENTERLINE TERMINUS OF COEUR D'ALENE DRIVE AS SHOWN ON SAID PLAT; THENCE CONTINUING ALONG THE NORTH LINE OF SAID "CRYSTAL TERRACE" NORTH 89°47'50" WEST 231.82 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SALAMO ROAD AS DESCRIBED IN THE DEDICATION DEED TO CLACKAMAS COUNTY RECORDED AS FEE NO. 2009-067686, SAID COUNTY DEED RECORDS; THENCE NORTH 11°13'15" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE 316.66 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 690.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 13°08'52" AN ARC DISTANCE OF 158.33 FEET (THE CHORD OF WHICH BEARS NORTH 17°47'40" WEST 157.99 FEET) TO THE SOUTHWEST CORNER OF "VISTA RIDGE ESTATES", PLAT NO. 3113, SAID COUNTY PLAT RECORDS; THENCE SOUTH 89°39'09" EAST ALONG THE SOUTH LINE OF SAID "VISTA RIDGE ESTATES" 864.43 FEET TO THE SOUTHEAST CORNER OF SAID "VISTA RIDGE ESTATES", SAID POINT ALSO BEING ON THE WEST LINE OF "BARRINGTON HEIGHTS VII", PLAT NO. 3112, SAID COUNTY PLAT RECORDS; THENCE SOUTH 00°23'00" WEST ALONG SAID WEST LINE OF "BARRINGTON HEIGHTS VII" AND "BARRINGTON HEIGHTS IV", PLAT NO. 2858, SAID COUNTY PLAT RECORDS, 725.81 FEET TO A 3-1/4" BRONZE CAP MARKING THE QUARTER CORNER BETWEEN SECTIONS 35 AND 36; THENCE SOUTH 00°07'00" WEST ALONG THE WEST LINE OF SAID "BARRINGTON HEIGHTS IV" A DISTANCE OF 177.66 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF HASKINS LANE; THENCE SOUTH 65°27'20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY 304.61 FEET TO AN ANGLE POINT; THENCE NORTH 81°43'27" WEST 7.46 FEET TO THE SOUTHEAST CORNER OF SAID "CRYSTAL TERRACE" AND SAID INITIAL POINT.

CONTAINING 11.59 ACRES, MORE OR LESS.

**CONSENT AFFIDAVITS:**

A SUBDIVISION CONSENT AFFIDAVIT FROM M & T BANK, A TRUST DEED BENEFICIARY PER INSTRUMENT NO. 2012-001402, AND HAS BEEN RECORDED AS DOCUMENT NO. 2011-047084, CLACKAMAS COUNTY DEED RECORDS.

A SUBDIVISION CONSENT AFFIDAVIT FROM KEY BANK NATIONAL ASSOC., A TRUST DEED BENEFICIARY PER INSTRUMENT NO. 2007-105141, AND HAS BEEN RECORDED AS DOCUMENT NO. 2012-001403, CLACKAMAS COUNTY DEED RECORDS.

A SUBDIVISION CONSENT AFFIDAVIT FROM JTMN INVESTMENTS, L.L.C., A TRUST DEED BENEFICIARY PER INSTRUMENT NO. 2011-047985, AND HAS BEEN RECORDED AS DOCUMENT NO. 2012-001404, CLACKAMAS COUNTY DEED RECORDS.

**RELEASE OF EXISTING EASEMENTS:**

ALL DOCUMENTS LISTED BELOW REFER TO CLACKAMAS COUNTY DEED RECORDS.

THE EASEMENTS LISTED IN DOCUMENT NOS. 1991-005176, 1991-008345 AND 1992-055742 ARE RE-RECORDED AS DOCUMENT NOS. 1994-040228, 1994-039138 AND 1994-063024 HAVE BEEN RELEASED PER DOCUMENT NO. 2012-001406

THE EASEMENT LISTED IN DOCUMENT NO. 83-37829 HAS BEEN RELEASED PER DOCUMENT NO. 2012-001407

THE EASEMENTS LISTED IN DOCUMENT NOS. 94-29826, 94-29827, 2004-096720 AND 2004-096721 HAVE BEEN RELEASED PER DOCUMENT NO. 2012-001408

THE 50-FOOT ROAD EASEMENT PORTION LISTED IN DOCUMENT NO. 95-14166 HAS BEEN RELEASED PER DOCUMENT NO. 2012-001409

**EASEMENTS PER COVENANTS, CONDITIONS & RESTRICTIONS:**

- SECTION 3.4.1.1 - LOT 2 AND 3 SHARED DRIVEWAY
- SECTION 3.4.1.2 - LOT 6 AND 7 SHARED DRIVEWAY
- SECTION 3.4.2 - EASEMENT FOR TRACTS
- SECTION 3.4.3 - EASEMENTS RESERVED BY DECLARANTS
- SECTION 3.4.4 - ADDITIONAL EASEMENT
- SECTION 3.4.5 - ASSOCIATION EASEMENTS
- SECTION 3.4.5.1 - RETAINING WALL EASEMENT
- SECTION 3.4.6 - EASEMENT TO GOVERNMENT ENTITIES
- SECTION 3.4.7 - ENTRY AND IDENTIFICATION MONUMENTS
- SECTION 3.4.8 - FENCING AND DECORATIVE MASONRY
- SECTION 3.4.9 - DRAINAGE LINES
- SECTION 3.4.10 - MAINTENANCE EASEMENT

**CITY OF WEST LINN APPROVALS:**

APPROVED THIS 12 OF January, 2012  
[Signature]  
 CITY OF WEST LINN PLANNING DIRECTOR

APPROVED THIS 12 OF January, 2012  
[Signature]  
 CITY OF WEST LINN CITY ENGINEER

**CLACKAMAS COUNTY APPROVALS:**

APPROVED THIS 12 OF JANUARY, 2012  
[Signature]  
 CLACKAMAS COUNTY SURVEYOR, AND CLACKAMAS COUNTY BOARD OF COMMISSIONERS DELEGATE PER COUNTY CODE CHAPTER 11.02

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID THROUGH  
JULY 2012  
 APPROVED: 12th January, 2012

CLACKAMAS COUNTY ASSESSOR & TAX COLLECTOR

BY: [Signature]  
 DEPUTY

STATE OF OREGON }  
 COUNTY OF CLACKAMAS } S.S.

I DO HEREBY CERTIFY THAT THE ATTACHED PLAT WAS RECEIVED FOR RECORD ON THE 12th DAY OF January, 2012 AT 3:26 O'CLOCK P.M.

AS PLAT NO. 4339  
 DOCUMENT NO. 2012-1405

SHERRY HALL, CLACKAMAS COUNTY CLERK

BY: [Signature]  
 DEPUTY

01/11/12  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
[Signature]  
 OREGON  
 JULY 16, 1987  
 THEODORE G. LAMBERT  
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 SHEET 4 OF 4 JOB NO. 9130

**CITY OF WEST LINN  
PLANNING COMMISSION MINUTES**

**Thursday, June 28, 2007**

Members present: Chair Michael Jones, Vice Chair Michael Babbitt and Commissioners Bob Martin, Michael Bonoff and Michelle Wittenbrink

Staff present: Bryan Brown, Planning Director; Tom Soppe, Associate Planner; Dennis Wright, Acting City Engineer; Shaun Rohret, Engineering Department; and William Monahan, Ramis Crew Corrigan, LLP, City Attorney

Members absent: Commissioners Paul Fisher and John Kovash

**CALL TO ORDER**

Chair Michael Jones called the Planning Commission meeting to order at 7:30 p.m.

**APPROVAL OF MINUTES**

**Commissioner Martin moved to approve the Minutes of May 17, 2007 and May 31, 2007. Commissioner Bonoff seconded the motion and it passed 4:0.**

**PUBLIC COMMENTS (None)**

**PUBLIC HEARINGS**

(Note: Full copies of the staff reports and all related documents for the hearings on the agenda are available for review through the Planning Department.)

**PUD-07-01/SUB-07-03/NDW-07-03/VAR-07-02/ZC-07-01, 84-Lot PUD, Subdivision 945 Dollar Street** (Continued from May 31, 2007).

The applicant had submitted a request to continue the hearing to July 26, 2007. **Commissioner Bonoff moved to continue PUD-07-01/SUB-07-03/NDW-07-03/VAR-07-02/ZC-07-01 to July 26, 2007. Commissioner Martin seconded the motion and it passed 4:0.**

=====

**SUB-07-02/NDW-07-02/VAR-07-01, 30-Lot Subdivision 23535 Salamo Road** (Continued from May 10, 2007)

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). Commissioner Wittenbrink recused herself because the applicant was her employer. The other Commissioners present each reported they had driven or walked around the site. 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 Staff Report dated April 25, 2007; and staff memorandums dated June 18 and June 25, 2007). He pointed out the existing house that was to remain on the site, the stubbed streets (Coeur d'Alene and Vista Ridge Drives) that were to be extended, and the location of natural resources. He explained a Drainageway going under Coeur d'Alene Drive had been legally piped when the site was under county jurisdiction, so it was exempt from Chapter 32 provisions but should be re-piped due to capacity issues. He reported that the staff recommended that the applicant be required to construct a trail connecting the Open Space to an existing trail on the Haskins Lane right-of-way, but they did not recommend another trail between Coeur d'Alene Drive and a Crescent Drive trail right-of-way that had never been built because it would have to be routed over other properties and through the pool or patio of the existing house. He explained the Public Works Department wanted some lots reconfigured so they would not be in the Drainageway transition area, and they wanted the developer to bore, rather than dig to bury utilities where they crossed that area. He pointed out that the recommended conditions called for a storm drainage report that incorporated the suggestions of the City's consulting engineer. He explained the staff did not support the adjacent subdivision's homeowners' association position that the stubbed streets should not be extended and that the development should take access from Salamo Road, because the applicant's plan best met connectivity provisions. He recommended the Commissioners approve the application subject to the conditions recommended by the staff.

During the questioning period, Mr. Soppe said it appeared that the applicant proposed a public access and utility easement that could be used by adjacent property owners, Gary and Susie Alfson, who had written to ask for that (see their June 27, 2007 letter). He clarified that the recommended conditions of approval required a mitigation plan to address any loss of a wetland that had been constructed in 2004. When the Commissioners observed there were more technical, engineering-related conditions than they were used to seeing in such an application, the staff explained they were following new procedures that called for Planning and Engineering Department staff to work together to ensure an application was complete, and to craft conditions that would ensure the developer understood what they would be required to do in the later stages of the development process. **Dennis Wright, Acting City Engineer**, explained the recommended conditions allowed the applicant to opt to either make half street improvements or to pay into a fund intended to fix spots on Salamo Road that needed improvement. Mr. Soppe confirmed the lot re-platting called for in Condition 14 had been done, so that condition was no longer necessary. He acknowledged that recommended Condition 17 might not be necessary because it called for water facility drawings that were normally required at the construction stage of development. The Commissioners noted that recommended Condition 18 would change the configuration of some lots to preserve specific trees, but there was nothing in the record to show what that result should look like. Mr. Soppe explained that the trail recommended by the staff was not shown in the application because the applicant had not proposed it. The Commissioners wondered how much recommended Condition 16 would change the proposal after the applicant complied with it and incorporated storm drainage plan suggestions offered in a March 22, 2007 memorandum from the City's consulting engineer, Gordon Monroe. The staff pointed out the applicant's response had been submitted by Darrin Stairs, OTAK, in an April 10, 2007 memorandum, and they saw the suggested changes as changes that were normally submitted in final engineering documents later in the process, but they had been included in the conditions of

approval to ensure that no one forgot them before that time, and they assumed they were technical details that would not significantly affect the plan the Commissioners were reviewing.

*Applicant*

**Jeff Smith, 23600 Salamo Rd.**, explained he had discussed the application with his neighbors and he wanted the approval so he would know what he could do with the site as he developed it in stages over multiple years. **Michael Robinson, 1120 NW Couch St. 10<sup>th</sup> Fl., Portland, Oregon 97209-4128.** the applicant's attorney, confirmed the applicant would agree to the recommended conditions, even the ones that were related to technical issues typically resolved by engineers later in the process. He explained the applicant could not agree not to extend the stubbed streets, as Mike Riley requested in a June 20, 2007 Memorandum he submitted behalf of the Vista Ridge Estates Homeowners Association, because the City Code and regional standards called for connectivity, the Code discouraged cul-de-sacs, and the adjacent developments had been approved with the stubs in anticipation of their extension when the applicant's site developed. He noted some recommended conditions called for upgrading existing piping and installing lighting to current City standards, and they were more like technical engineering practice specifications than conditions of land use approval. He and Mr. Soppe confirmed that the applicant had already reconfigured lots as recommended Condition 14 called for, so that condition and recommended Condition 18 were no longer necessary. He noted recommended Condition 17 related to detailed construction drawings for the water detention facilities was also of a technical nature and likely not necessary at this stage of the process. He noted the applicant's engineering consultant, Darrin Stairs, OTAK, had responded to the City's consulting engineer's suggestions in his April 10, 2007 Memorandum. He noted that Mr. Stairs had addressed the issue of whether there were one or two sub-basins on the site and he had described why the applicant's drainage calculations were correct.

**Brad Kilby, OTAK, 17355 SW Boones Ferry Rd., Lake Oswego, Oregon, 97035.** the applicant's planning consultant, advised that some of the recommended conditions were related to things that were usually accomplished during the final construction stage to meet typical City engineering requirements. He explained the stubbed streets had been installed in the topography in a manner that meant the applicant had to ask for a variance to grade to extend and connect them in the safest way, and that meant they had to be above the City standard of that limited the grade to 15%. He recalled the site was not allowed to connect directly to Salamo Road. He said the applicant would provide an access and utility tract to the Alfson property line. He clarified the Army Corps of Engineers would not allow the project to impact the mitigated wetlands and utilities would be installed by boring. During the questioning period, he clarified that the proposed street slope was 18.9% which was almost as steep as several other City streets, and less than the 20% slope that some other jurisdictions allowed without a variance. Mr. Wright had left the meeting and the Planning Department staff and **Shaun Rohret, Engineering Department,** said they assumed the he had reviewed and accepted Mr. Stairs' April 10, 2007 response to the City Engineering consultant's suggestions and the applicant's drainage plan. The Commissioners noted Mr. Wright had asked for more information related to drainage plans in a March 22, 2007 Memorandum. Mr. Soppe advised the Commissioners that even if the related conditions were no longer necessary, they should be left to apply in case they were necessary later in the process. **Darrin Stairs, OTAK, 17355 SW Boones Ferry Rd., Lake Oswego,**

**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



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.**

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**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*

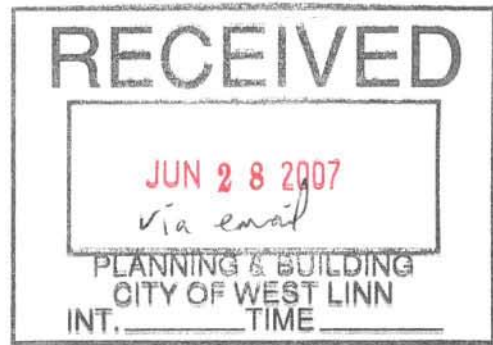
**Tom Soppe, Associate Planner**, presented the staff report. (See Planning & Building Department report dated June 18, 2007). He pointed out the location of the creek that ran through the site. He noted that the originally proposed configuration of the lots allowed the stems of the flags of the two 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

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,

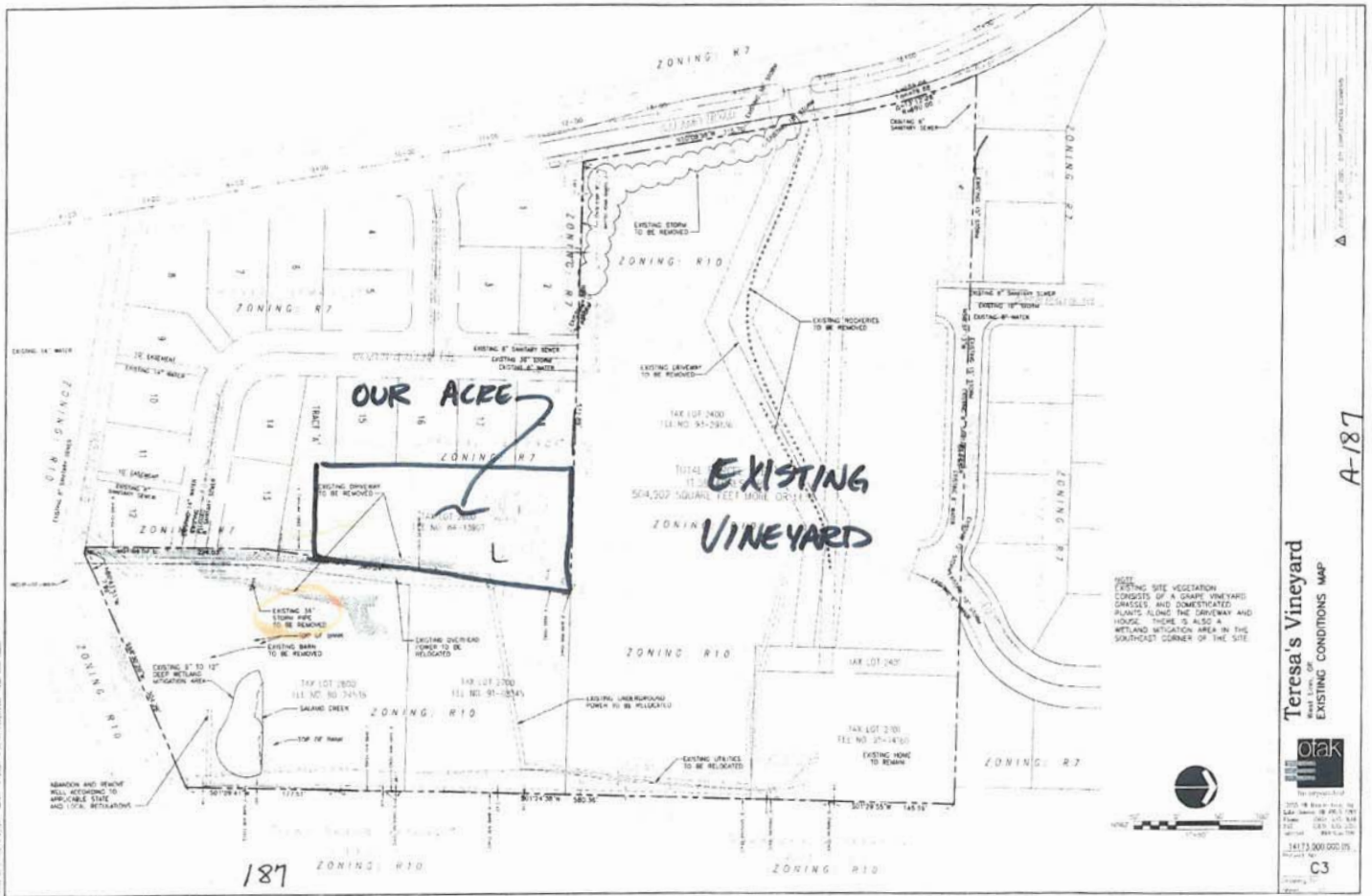
Gary & Susie Alfson

# RECEIVED

JUN 28 2007

*Via email*

PLANNING & BUILDING  
CITY OF WEST LINN  
INT. \_\_\_\_\_ TIME \_\_\_\_\_



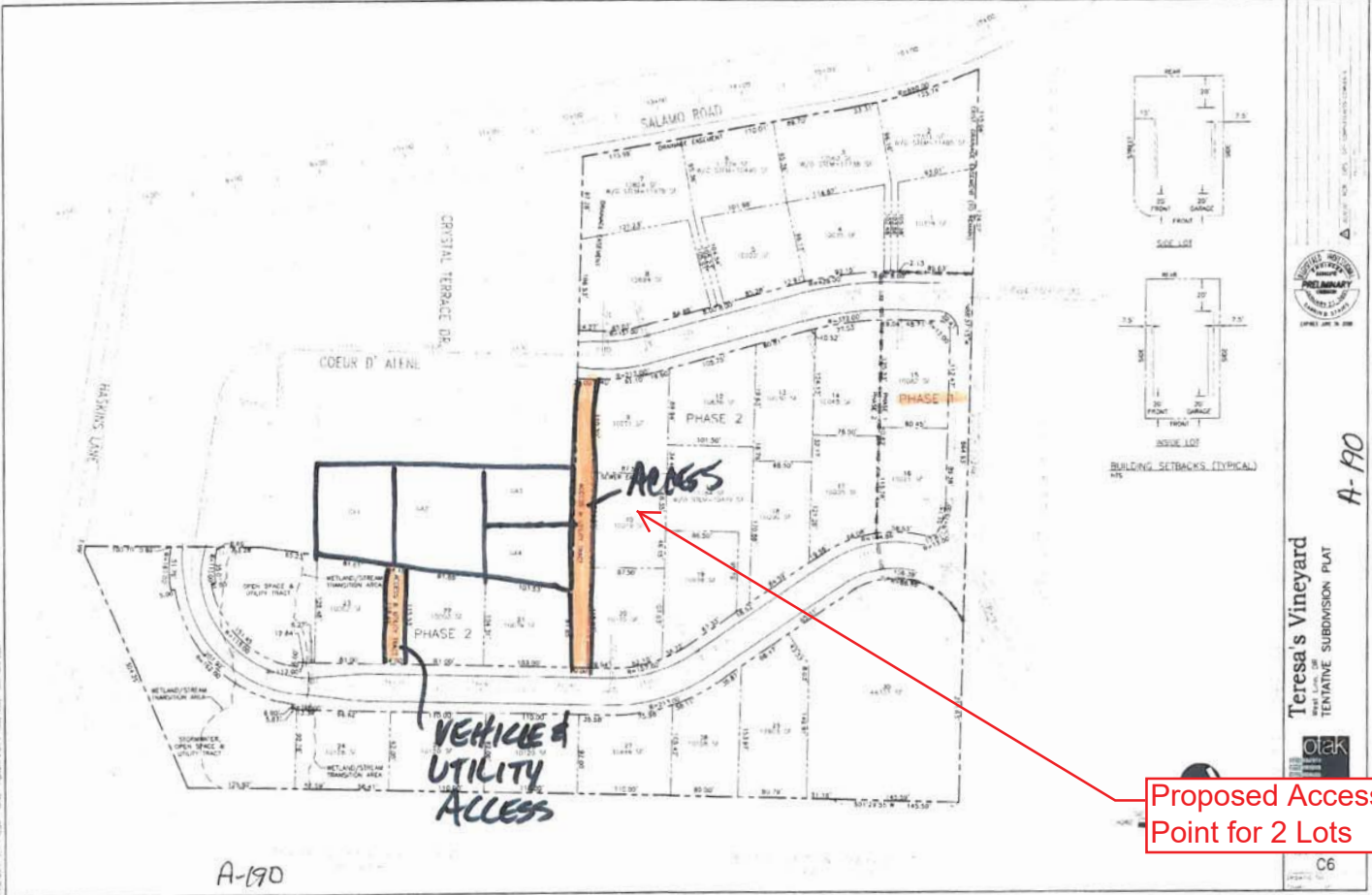
Teresa's Vineyard  
West Linn, OR  
EXISTING CONDITIONS MAP



2075 W. Birch Ave., SE  
Salem, OR 97302  
Phone: (503) 415-8488  
Fax: (503) 415-8488  
www.oakcreekeng.com  
14173.000.000.000  
C3

A-187

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CITY OF WEST LINN  
INT. \_\_\_\_\_ TIME \_\_\_\_\_



Teresa's Vineyard  
PRELIMINARY SUBDIVISION PLAN

A-190



C6

Proposed Access Point for 2 Lots

RECEIVED

JUN 28 2007

Via Email

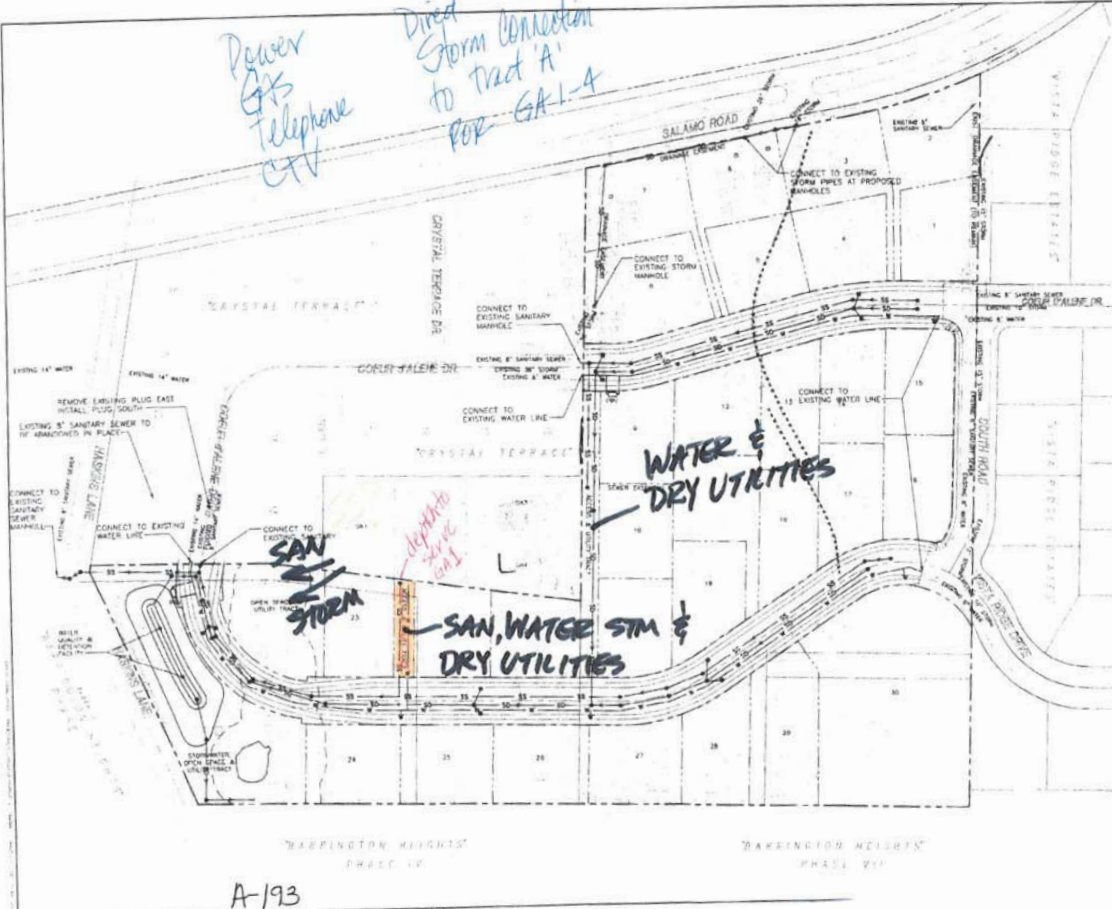
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CITY OF WEST LINN  
INT. \_\_\_\_\_ TIME \_\_\_\_\_

Power  
Gas  
Telephone  
Cable

Direct  
Storm Connection  
to Tract 'A'  
FOR GA-1-4

LEGEND

SS	SANITARY SEWER
WS	WATER
DS	DRY UTILITY
MS	MIXED
ES	EXISTING
NS	NEW



A-193

Land Use Application Submittal - January 12, 2007

Teresa's Vineyard  
TENTATIVE UTILITY PLAN

A-193

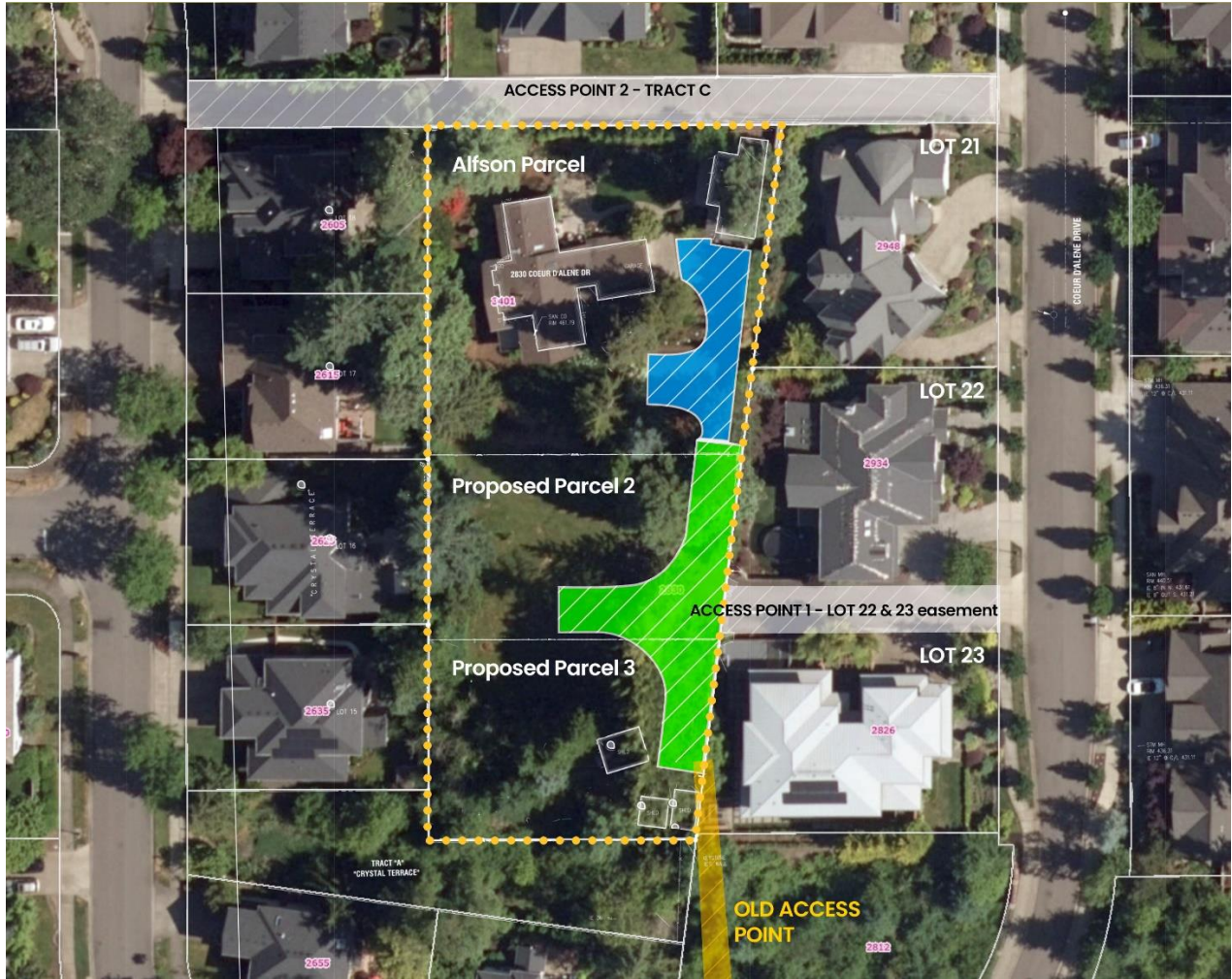
otak

11177 000 006 05

C9

# Exhibit D

Applicant's proposed variance:



Alternative plans without need for variance:





Tract C:



Shared Access Easement between Lots 22 and 23:



038450\00001\17922727v1

**From:** Wyss, Darren <[dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov)>  
**Sent:** Friday, January 3, 2025 12:26 PM  
**To:** 'David Baker' <[dbaker97068@gmail.com](mailto:dbaker97068@gmail.com)>; Lais, Erich <[elais@westlinnoregon.gov](mailto:elais@westlinnoregon.gov)>  
**Cc:** Williams, John <[JWilliams@westlinnoregon.gov](mailto:JWilliams@westlinnoregon.gov)>; Kyle Grant <[Kyle.Grant@tonkon.com](mailto:Kyle.Grant@tonkon.com)>; David Petersen <[david.petersen@tonkon.com](mailto:david.petersen@tonkon.com)>; Klein, Kaylie <[kklein@westlinnoregon.gov](mailto:kklein@westlinnoregon.gov)>; Josh Soper <[josh.soper@behlaw.com](mailto:josh.soper@behlaw.com)>; Ashleigh Dougill <[ashleigh.dougill@behlaw.com](mailto:ashleigh.dougill@behlaw.com)>; Gudelj, Aaron <[agudelj@westlinnoregon.gov](mailto:agudelj@westlinnoregon.gov)>; 'kevin@harkerlepore.com' <[kevin@harkerlepore.com](mailto:kevin@harkerlepore.com)>  
**Subject:** RE: Request for Clarification on Access Provisions for Tract C and the Alfson Property

David,

The Final Decision and Order for SUB-07-02 includes Condition of Approval 19 providing the “access utility easement along the north property line of proposed Lot 21 shall be paved with 20 feet of pavement width”, as well as Additional Finding 3 that “all appropriate vehicular access and utility provision and access be provided by the applicant...”. CofA 19 is referring to the Access & Utility Tract depicted on the Tentative Plat approved by the Planning Commission and ultimately named “Tract C” on the final recorded plat. The meeting minutes from the public hearing also include testimony by Mr. Alfson requesting paved access to the property and the applicant’s attorney confirming that two paved access points would be provided.

With this information, yes, the City finds the Alfson property has the right to take access from Tract C that is adjacent to their north property line. Thanks.

**From:** David Baker <[dbaker97068@gmail.com](mailto:dbaker97068@gmail.com)>  
**Sent:** Thursday, January 2, 2025 4:58 PM  
**To:** Lais, Erich <[elais@westlinnoregon.gov](mailto:elais@westlinnoregon.gov)>  
**Cc:** Wyss, Darren <[dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov)>; Williams, John <[JWilliams@westlinnoregon.gov](mailto:JWilliams@westlinnoregon.gov)>; Kyle Grant <[kyle.grant@tonkon.com](mailto:kyle.grant@tonkon.com)>; David Petersen <[david.petersen@tonkon.com](mailto:david.petersen@tonkon.com)>  
**Subject:** Re: Request for Clarification on Access Provisions for Tract C and the Alfson Property

Some people who received this message don't often get email from [dbaker97068@gmail.com](mailto:dbaker97068@gmail.com). [Learn why this is important](#)

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Good evening Mr. Lais,

I hope this email finds you well. I am writing to follow up on my previous correspondence. Your clarification on this matter would be greatly appreciated.

Sincerely,

David Baker

On Fri, Dec 27, 2024 at 9:52 AM David Baker <[dbaker97068@gmail.com](mailto:dbaker97068@gmail.com)> wrote:

Dear Mr. Lais,

I hope this message finds you well. I am reaching out to seek clarification regarding the access provisions outlined in Teresa's Vineyard Plat (Clackamas County Plat No. 4339), specifically relating to Tract C and its potential use for future development. Below is a summary of the relevant details, followed by a request for confirmation regarding the City of West Linn's plans for providing access to the Alfson property.

Tract C is part of Teresa's Vineyard Plat. On January 12, 2012, the City executed a statutory bargain and sale deed for Tract C, which was recorded along with the Plat. Tract C serves various functions, including providing public pedestrian access, local access, and emergency vehicle access. Functioning as a right of way, the City maintains the 20 foot wide roadway on Tract C.

Notes and Plat Restrictions 9 on Plat No. 4339 states that "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" (also known as the Alfson property).

Can you confirm if the City is willing to provide access from Tract C to one or two homes on the Alfson property as outlined in Notes and Plat Restrictions 9?

Thank you,

David Baker  
2934 Coeur D'Alene Drive  
West Linn, OR 97068

**Darren Wyss**  
*Planning Manager*  
Planning

22500 Salamo Rd.  
West Linn, Oregon 97068  
[dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov)  
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