



CITY OF West Linn

Memorandum

Date: February 23, 2026

To: Planning Commission Chair Schulte-Hillen
West Linn Planning Commission

From: Steve Koper, Community Development Director
Aaron Gujdel, Associate Planner

Subject: Zoning-related Finding for File Nos. CUP-25-02/DR-25-02/WAP-25-01

DELIVERED FEB 25 2026
@ 5:09 p.m.
[Signature]

At the public hearing for the above application held before the Planning Commission on February 18, 2026, public comments were provided on the zoning of the subject site. This memorandum summarizes findings that staff made on February 18, 2026, that address these concerns.

I. Background

The subject property (Parcel 1 of Partition Plat 2023-002) was formerly part of the I205 right-of-way under ODOT's jurisdiction. Because it was comprised of a combination of property and right-of-way, it was conveyed via a single-parcel partition (File No. MIP2103). The Comprehensive Plan (Exhibit PCP) shows the majority of the parcel designated Low-Density Residential, and the zoned Residential R-10 on the Zoning Map (*Figure 1* below, from Exhibit PCQ). The southern portion of the parcel – the part that was formerly Interstate 205 (I-205) right-of-way - is unshaded, creating ambiguity in zoning.

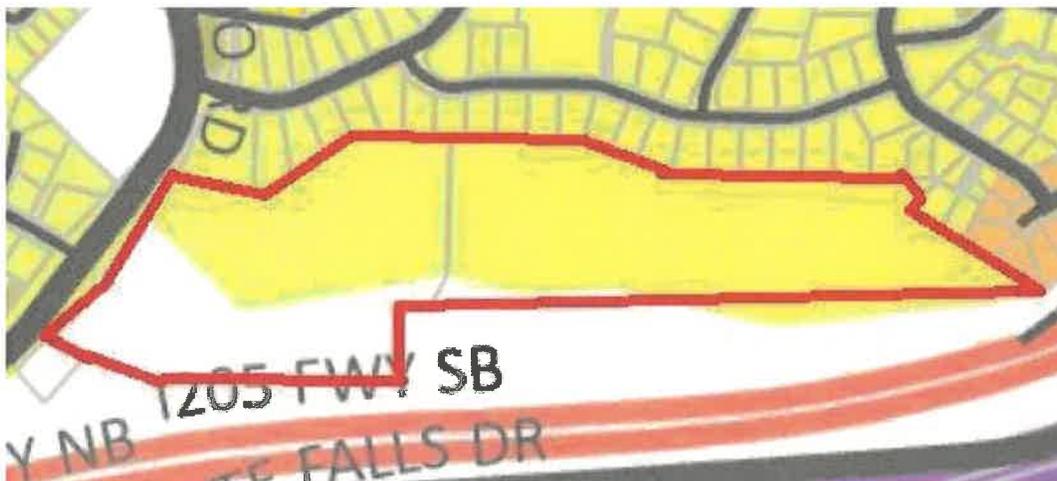


Figure 1. Excerpt of West Linn Zoning Map from Exhibit PC-Q



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II. Applicable Law

A. Community Development Code (CDC) 05.040 – Determination of Zoning Boundaries grants authority to the Planning Director to resolve boundary uncertainty. Relevant subsections:

- (A) Boundaries following street centerlines are construed to follow them.
- (B) Boundaries following platted parcel lines are construed to follow those lines.
- (E) Land formerly within a vacated street attaches to adjacent zoning.

B. CDC Definition of “Street” (CDC Ch. 2)

Includes “public or private right-of-way whose primary function is to carry vehicular traffic ... such as ‘highway.’” Thus, I-205 qualifies as a “street” for purposes of CDC 05.040(A).

C. ORS Chapter 271 – Street Vacations & Attachments

- ORS 271.140 (“Title to vacated areas”) provides that vacated street property attaches to abutting property, inherently assuming its zoning (see ORS 271.140, Attachment B).

III. MIP-21-03 and City Practice

- MIP-21-03 (Dec 14, 2021) formalized the creation of the subject parcel from ODOT surplus property and right-of-way (see Figure 2, below).

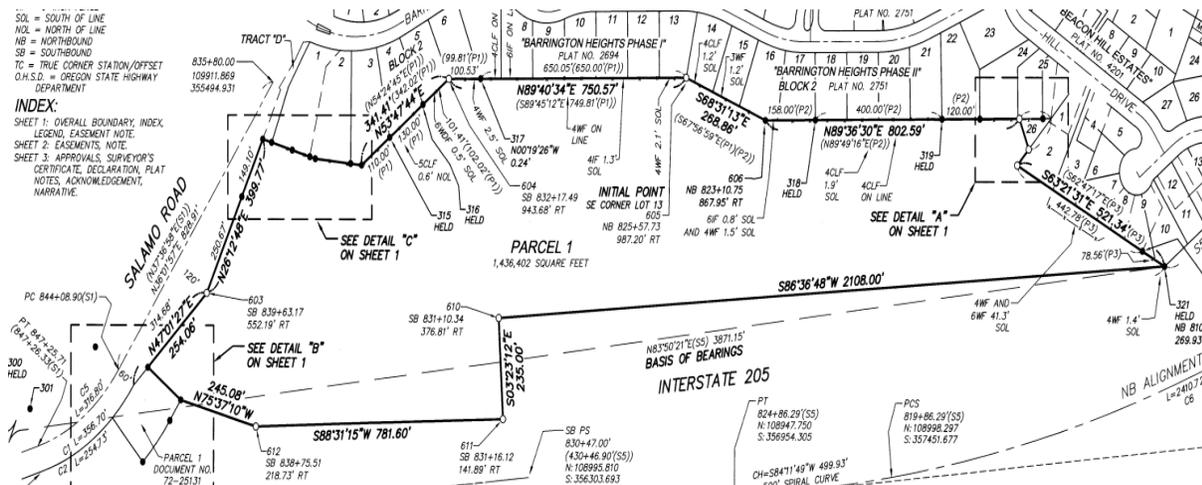


Figure 2. Excerpt from Partition Plat 2023-002 (Attachment A)



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- Past City practice, e.g., VAC-24-01 (vacation of 5th Street and 4th Avenue right-of-way), applies adjacent zoning automatically to vacated right-of-way (see *Figure 3*, below).



Figure 3. Excerpt from VAC-24-01 (Attachment C).

- City practice is consistent with ORS 271, where zoning attaches to abutting property upon vacation of right-of-way.

IV. Analysis

1. Ambiguity Exists: The unshaded area on zoning map triggers CDC 05.040's ambiguity standard.
2. Centerline Application (CDC 05.040(A)): Given ROW boundaries follow I-205 centerline, the zoning boundary aligns with that centerline.
3. Parcel Line Application (CDC 05.040(B)): The zoning boundary also follows the recorded parcel boundary from MIP-21-03 (see Partition Plat 2023-002, attached).
4. Vacation Principle (CDC 05.040(E) & ORS 271.140): Although the property was partitioned rather than vacated, the substantive effect is the same: the portion of the property that was right-of-way is no longer public, and zoning of adjacent land applies.
5. Zoning Map & Comprehensive Plan: The parcels immediately north of the former right-of-way are zoned R-10 and designated Low Density Residential. No indication exists that the southern unshaded portion was intended to be left unzoned.
6. Unzoned Interpretation Leaves Ambiguity Unresolved: An "unzoned" outcome conflicts with the Comprehensive Plan and CDC, which presume consistent zones within City limits.
7. Consistency with Past Practice: Previous vacations (VAC2401, attached) and ORS 271 statute confirm that zoning attaches to abutting property and extends to street centerlines when public rights-of-way cease.



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V. Findings

1. The Planning Director has authority under CDC 05.040 to resolve zoning ambiguity.
2. The centerline of I-205 bisects the former ROW and represents the boundary for zoning purposes.
3. The parcel lies entirely on the north side of that centerline, adjacent to land zoned R-10.
4. The Comprehensive Plan (PC-P) and Zoning Map (PC-Q) both intend R-10 designation for this area.
5. Assigning "un-zoned" status is inconsistent with City policy and the CDC's intent.
6. City practice and state statute mandate that zoning of adjacent R-10 property extends across former right-of-way.

VI. Conclusion & Determination

Pursuant to CDC 05.040 and ORS Chapter 271, the Planning Director hereby determines that the subject property is zoned Residential, R-10. This designation resolves ambiguity, harmonizes with the Comprehensive Plan and Zoning Map, and follows established City and Oregon law.

References: Exhibits PC-P & PC-Q, MIP-21-03 Staff Report (Exhibit PC-N)

Attachments: (A) Partition Plat 2023-002, (B) ORS 271.140, and (C) VAC-24-01

LEGEND:
 ○ SET MONUMENT AS NOTED IN SET MONUMENT TABLE ON SHEET 3. SET ON OCTOBER 12, 2022
 ● FOUND MONUMENT AS NOTED IN FOUND MONUMENT TABLE ON SHEET 3

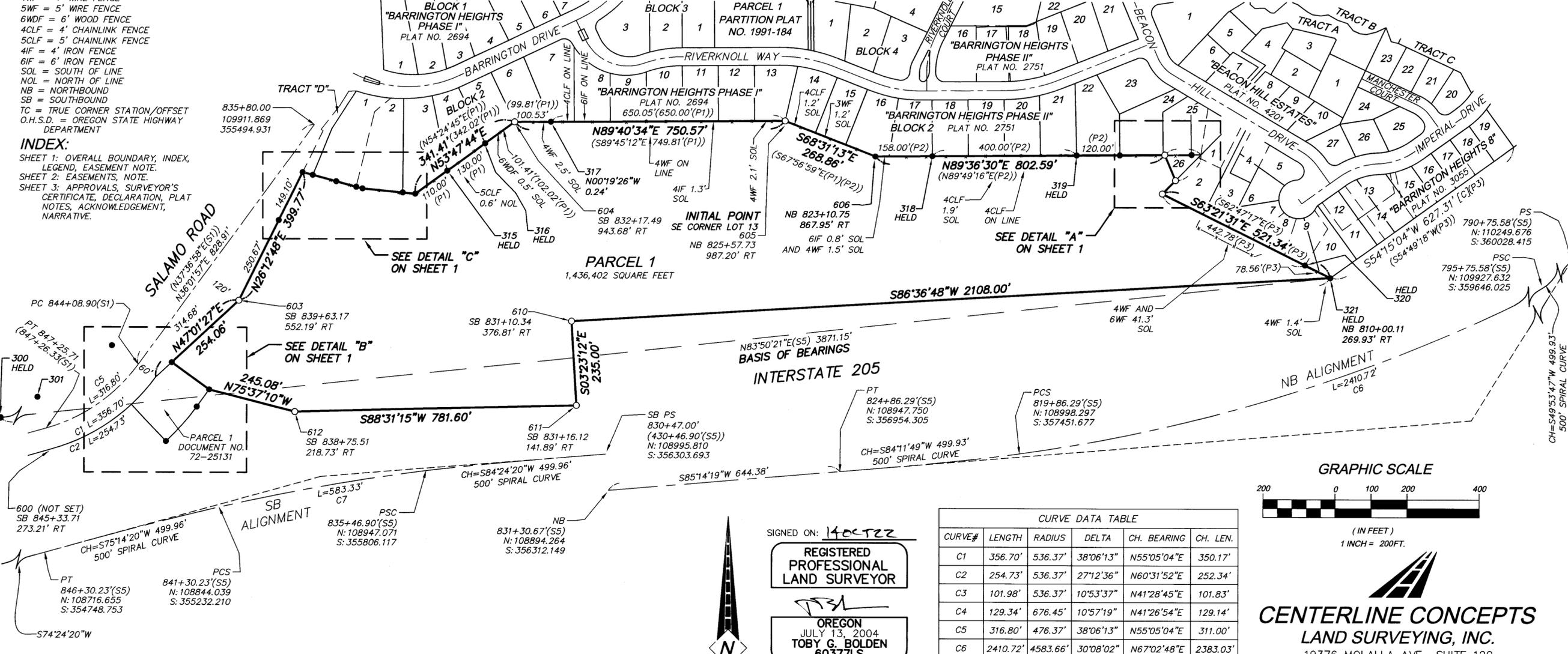
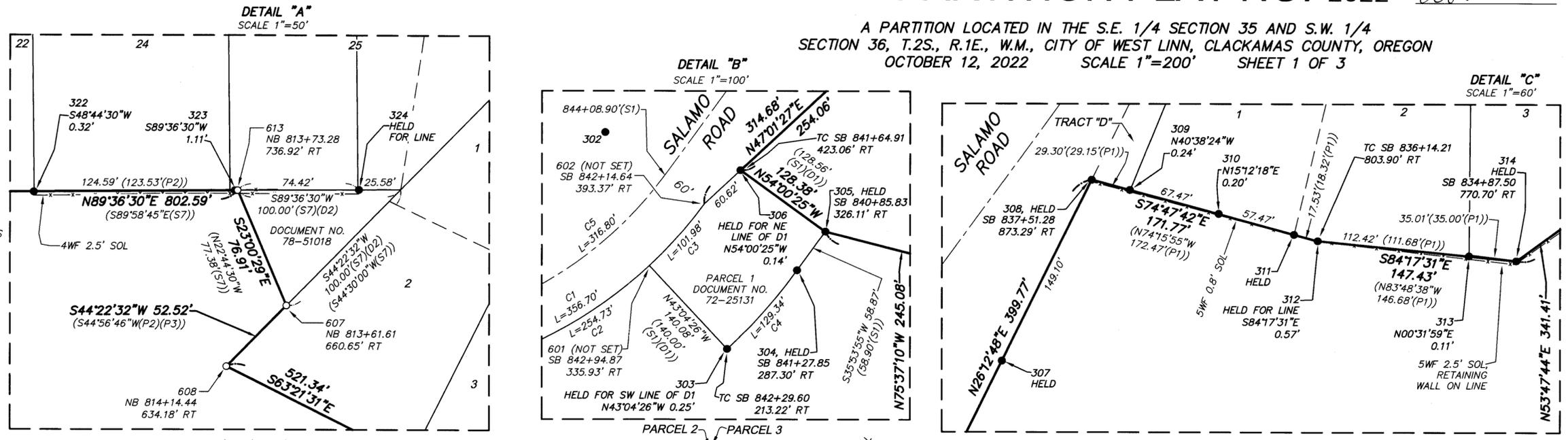
() = RECORD DISTANCES & BEARINGS
 IR = IRON ROD
 IP = IRON PIPE
 FD = FOUND
 W/ = WITH
 YPC = YELLOW PLASTIC CAP
 RPC = RED PLASTIC CAP
 RWP = RIGHT OF WAY PADDLE
 TAB = TIED AT BASE
 [C] = CALCULATED DISTANCES
 OU = ORIGIN UNKNOWN
 R/W = RIGHT OF WAY
 DOUMNT NO. = DEED DOCUMENT NUMBER, CLACKAMAS COUNTY DEED RECORDS
 SN = SURVEY NUMBER, CLACKAMAS COUNTY SURVEYOR'S OFFICE
 S1 = SN 1971-024
 S2 = SN 17289
 S3 = SN 27477
 S4 = SN 2003-346
 S5 = SN 2019-040
 S6 = SN 22282
 S7 = SN 1979-015
 D1 = DOCUMENT NO. 72-25131
 D2 = DOCUMENT NO. 78-51018
 P1 = "BARRINGTON HEIGHTS PHASE I" PLAT NO. 2694
 P2 = "BARRINGTON HEIGHTS PHASE II" PLAT NO. 2751
 P3 = "BARRINGTON HEIGHTS 8" PLAT NO. 3055
 3WF = 3' WIRE FENCE
 4WF = 4' WIRE FENCE
 5WF = 5' WIRE FENCE
 6WDF = 6' WOOD FENCE
 4CLF = 4' CHAINLINK FENCE
 5CLF = 5' CHAINLINK FENCE
 4IF = 4' IRON FENCE
 6IF = 6' IRON FENCE
 SOL = SOUTH OF LINE
 NOL = NORTH OF LINE
 NB = NORTHBOUND
 SB = SOUTHBOUND
 TC = TRUE CORNER STATION/OFFSET
 O.H.S.D. = OREGON STATE HIGHWAY DEPARTMENT

INDEX:
 SHEET 1: OVERALL BOUNDARY, INDEX, LEGEND, EASEMENT NOTE.
 SHEET 2: EASEMENTS, NOTE.
 SHEET 3: APPROVALS, SURVEYOR'S CERTIFICATE, DECLARATION, PLAT NOTES, ACKNOWLEDGEMENT, NARRATIVE.

EASEMENT NOTE:
 EASEMENTS NOT SHOWN ON THIS SHEET FOR CLARITY. SEE SHEET 2 FOR EASEMENTS.

PARTITION PLAT NO. 2022-002

A PARTITION LOCATED IN THE S.E. 1/4 SECTION 35 AND S.W. 1/4 SECTION 36, T.2S., R.1E., W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
 OCTOBER 12, 2022 SCALE 1"=200' SHEET 1 OF 3

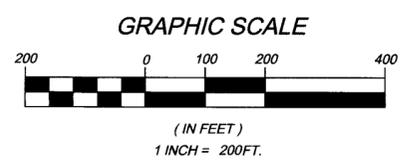


SIGNED ON: **14OLTZZ**
REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 JULY 13, 2004
TOBY G. BOLDEN
 60377LS
 RENEWS: DECEMBER 31, 2023

CURVE DATA TABLE

CURVE#	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LEN.
C1	356.70'	536.37'	38°06'13"	N55°05'04"E	350.17'
C2	254.73'	536.37'	27°12'36"	N60°31'52"E	252.34'
C3	101.98'	536.37'	10°53'37"	N41°28'45"E	101.83'
C4	129.34'	676.45'	10°57'19"	N41°26'54"E	129.14'
C5	316.80'	476.37'	38°06'13"	N55°05'04"E	311.00'
C6	2410.72'	4583.66'	30°08'02"	N67°02'48"E	2383.03'
C7	583.33'	5729.58'	5°50'00"	S79°49'20"W	583.08'



CENTERLINE CONCEPTS
LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

NOTE:
 THE SOLE PURPOSE OF THIS SHEET IS TO CLEARLY DEPICT THE EASEMENTS AFFECTING THIS PROPERTY. FOR ALL OTHER INFORMATION, INCLUDING FOUND MONUMENTS, SEE SHEETS 1 AND 3.

SIGNED ON: 14 OCT 22

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

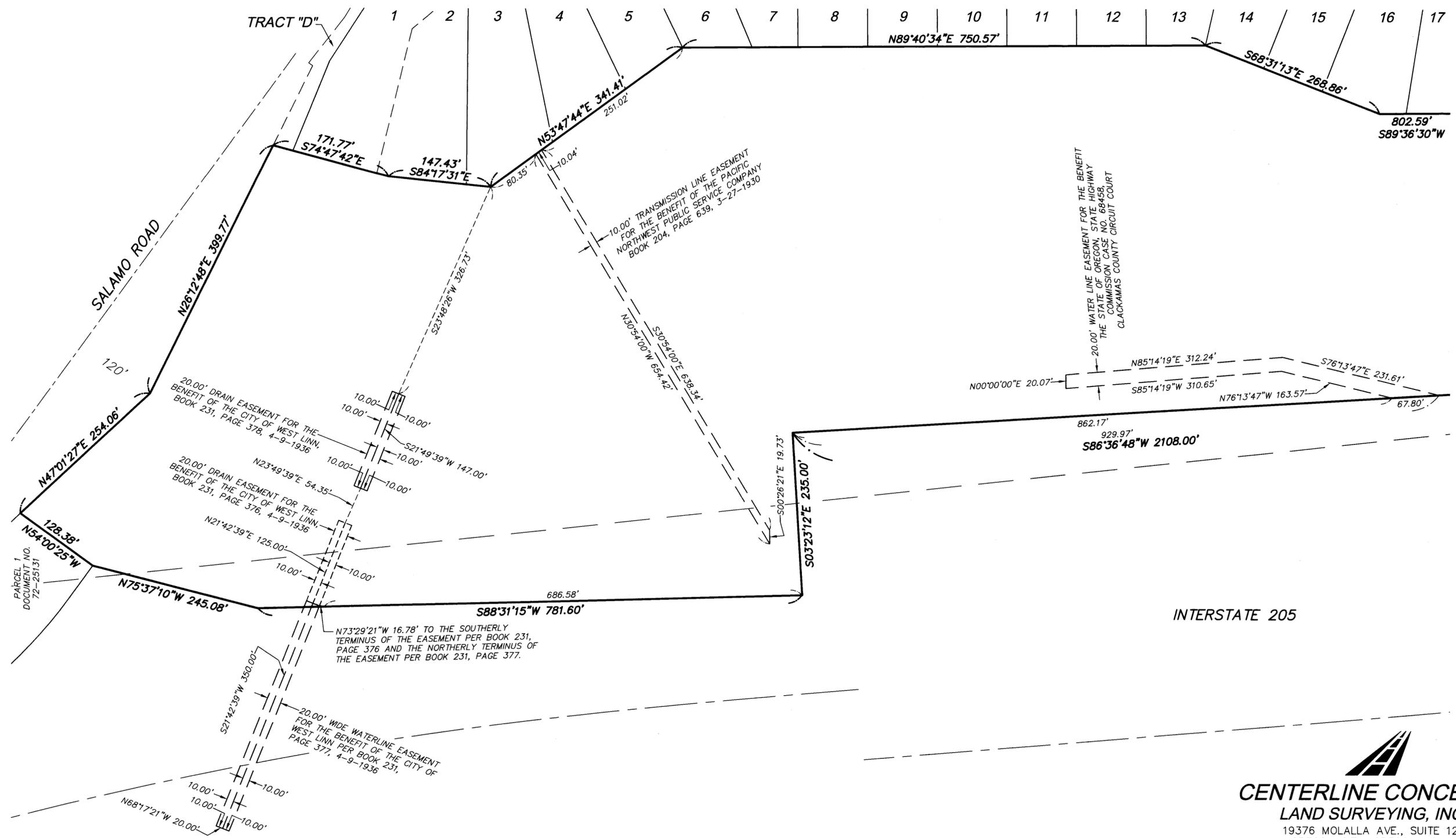
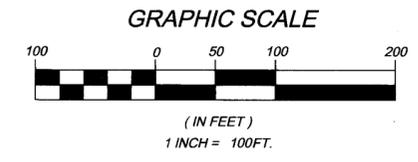
OREGON
 JULY 13, 2004
 TOBY G. BOLDEN
 60377LS

RENEWS: DECEMBER 31, 2023



PARTITION PLAT NO. 2022-³002

A PARTITION LOCATED IN THE S.E. 1/4 SECTION 35 AND S.W. 1/4 SECTION 36, T.2S., R.1E., W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
 OCTOBER 12, 2022 SCALE 1"=100' SHEET 2 OF 3



INTERSTATE 205

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO PARTITION THE NORTHERN MOST BOUNDARY OF ODOT PROPERTY ALONG THE NORTHERLY SIDE OF 1-205, BETWEEN THE SOUTHERN MOST CORNER OF THE PLAT OF BARRINGTON HEIGHTS 8, PLAT NO. 2751, TO THE EAST, AND THE SOUTHERLY RIGHT OF WAY OF SALAMO ROAD TO THE WEST, AND TO LEGALIZE THE PARCEL FROM DOCUMENT NO. 2023-000664, CLACKAMAS COUNTY DEED RECORDS.

FOR MY BASIS OF BEARINGS, I HELD NORTH 83°50'21" EAST BETWEEN FOUND MONUMENTS 300 AND 321, PER SURVEY NO. 2019-040. SAID SURVEY WAS PERFORMED ON BEHALF OF ODOT FOR THE PURPOSE OF RETRACING THE RIGHT OF WAY AND ALIGNMENT OF 1-205 IN THIS AREA. I HELD FOUND MONUMENTS 300, 321, AND 302, AND RECORD ALIGNMENT, STATION AND OFFSET DATA, AND COORDINATE DATA PER SAID SURVEY TO RETRACE THE SOUTHBOUND AND NORTHBOUND ALIGNMENTS OF 1-205, AS WELL AS THE CENTERLINE ALIGNMENT OF SALAMO ROAD. I HELD RECORD STATION AND OFFSET DATA ALONG THE ALIGNMENT OF SALAMO ROAD TO ESTABLISH THE SOUTHEASTERLY RIGHT OF WAY THEREOF, PER SURVEY NO. 1971-024, BEING ODOT DRAWING NO. 9B-1-6, DATED DECEMBER 1967.

THE NORTHERLY LINE OF THE ODOT PROPERTY IN THIS AREA IS DEFINED BY THE SOUTHERLY LINES OF THE PLATS OF "BARRINGTON HEIGHTS 1", PLAT NO. 2694, "BARRINGTON HEIGHTS 2", PLAT NO. 2751, AND SAID PLAT OF "BARRINGTON HEIGHTS 8".

FOR THE WESTERLY SEGMENT OF THE SOUTHERLY LINE OF SAID PLAT OF "BARRINGTON HEIGHTS 1", I HELD FOUND MONUMENTS 308, 311, 312, 314, 315, AND 316.

FOR THE SOUTHERLY LINE OF SAID PLAT OF "BARRINGTON HEIGHTS 2", I HELD FOUND MONUMENTS 324, 319, AND 318, AND RECORD PLAT BEARINGS AND DISTANCES PER SAID PLAT. I THEN HELD FOUND MONUMENTS 321 AND 320 AND RECORD PLAT BEARINGS AND DISTANCES FOR THE SOUTHWESTERLY LINE OF SAID PLAT OF "BARRINGTON HEIGHTS 8", PER SAID PLAT.

FOR THE BOUNDARIES OF THAT TRACT OF LAND CONVEYED TO THE CITY OF WEST LINN AND DESCRIBED AS PARCEL 1 IN DEED RECORDED AS DOCUMENT NO. 72-25131, I HELD FOUND MONUMENTS 306, 305, 304, AND 303, AND RECORD DEED DATA PER SAID DEED AND SURVEY NO. 1971-024, BEING ODOT DRAWING NO. 9B-1-6.

FOR THE BOUNDARIES OF THAT TRACT OF LAND CONVEYED BY DEED RECORDED IN DOCUMENT NO. 78-51018, I HELD RECORD DEED DISTANCES FROM THE SOUTHERLY AND WESTERLY BOUNDARIES OF SAID PLATS OF "BARRINGTON HEIGHTS 2" AND "BARRINGTON HEIGHTS 8", PER SAID DEED AND SURVEY NO. 1979-015.

THE SOUTH BOUNDARY OF THIS PLAT IS PER THE OWNERS REQUEST.

PLAT NOTES:

1. THIS PLAT IS SUBJECT TO THE CONDITIONS OF CITY OF WEST LINN IN CASE FILE NO. MIP-21-03.

DECLARATION:

KNOW ALL PEOPLE BY THESE PRESENTS THAT THE STATE OF OREGON, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, THE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, DOES HEREBY DECLARE THE ANNEXED MAP TO BE A CORRECT MAP OF THE PARTITION OF SAID PROPERTY AND HAS CAUSED THIS PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED AS SHOWN IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF OREGON REVISED STATUTES AND FURTHERMORE DOES NOT CLAIM ANY PROPERTY BEYOND THE BOUNDARY AS SHOWN HEREON. THIS PLAT IS SUBJECT TO RESTRICTIONS AS NOTED HEREON.

THE STATE OF OREGON
DEPARTMENT OF TRANSPORTATION
BY GEORGINE GLEASON, STATE RIGHT OF WAY MANAGER

ACKNOWLEDGEMENT:

STATE OF OREGON } SS
COUNTY OF CLACKAMAS }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON
November 10, 2022 BY GEORGINE GLEASON, STATE RIGHT OF WAY MANAGER, OREGON DEPARTMENT OF TRANSPORTATION.

Deanna Lynn Garcia
NOTARY SIGNATURE
NOTARY PUBLIC - OREGON
COMMISSION NO.: 980378
MY COMMISSION EXPIRES: 6/11/23

PARTITION PLAT NO. 2023-002

A PARTITION LOCATED IN THE S.E. 1/4 SECTION 35 AND S.W. 1/4 SECTION 36, T.2S., R.1E., W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
OCTOBER 12, 2022 SHEET 3 OF 3

APPROVALS:

APPROVED THIS 15th DAY OF November, 2022

[Signature]
CITY OF WEST LINN - PLANNING DIRECTOR

APPROVED THIS 10 DAY OF Nov, 2022

[Signature]
CITY OF WEST LINN - CITY ENGINEER

APPROVED THIS 15th DAY OF December, 2022

[Signature]
CLACKAMAS COUNTY SURVEYOR

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES AS PROVIDED

BY O.R.S. 92.095 HAVE BEEN PAID THROUGH JUNE 30, 23

APPROVED THIS 15 DAY OF December, 2022

CLACKAMAS COUNTY ASSESSOR AND TAX COLLECTOR

BY: [Signature]
DEPUTY

STATE OF OREGON)
COUNTY OF CLACKAMAS)

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION PLAT WAS

RECEIVED FOR RECORD ON THE 9th DAY OF January, 2023

AT 11:40 O'CLOCK A.M.

AS PARTITION PLAT NO. 2023-002

DOCUMENT NO. 2023-000664

SHERRY HALL, CLACKAMAS COUNTY CLERK

BY: [Signature]
DEPUTY

SURVEYOR'S CERTIFICATE:

I, TOBY G. BOLDEN, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LAND REPRESENTED ON THE ATTACHED PARTITION MAP, SAID LAND BEING DESCRIBED AS FOLLOWS:

A PARTITION LOCATED IN THE S.E. 1/4 OF SECTION 35 AND THE S.W. 1/4 OF SECTION 36, T.2S., R.1E., W.M., CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, BEING A 5/8" IRON ROD WITH A RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" SET AT THE SOUTHEAST CORNER OF ADJOINING LOT 13, BLOCK 2, "BARRINGTON HEIGHTS PHASE I", PLAT NO. 2694, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG THE SOUTH LINE OF ADJOINING LOT 14 OF SAID BLOCK 2 OF SAID PLAT NO. 2694, AND CONTINUING ALONG THE SOUTH LINES OF ADJOINING LOTS 15 AND 16 OF BLOCK 2, "BARRINGTON HEIGHTS PHASE II", PLAT NO. 2751, CLACKAMAS COUNTY PLAT RECORDS, SOUTH 68°31'13" EAST, 268.86 FEET TO AN ANGLE POINT THEREON; THENCE ALONG THE SOUTH LINE OF SAID ADJOINING BLOCK 2 OF PLAT NO. 2751, NORTH 89°36'30" EAST, 802.59 FEET TO THE NORTHWEST CORNER OF THAT ADJOINING TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 78-51018, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE SOUTHWEST LINE OF SAID ADJOINING TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 78-51018, SOUTH 23°00'29" EAST, 76.91 FEET TO THE SOUTH CORNER THEREOF; THENCE ALONG THE NORTHWEST LINE OF ADJOINING LOT 2, "BARRINGTON HEIGHTS 8", PLAT NO. 3055, CLACKAMAS COUNTY PLAT RECORDS, SOUTH 44°22'32" WEST, 52.52 FEET TO THE WEST CORNER THEREOF; THENCE ALONG THE SOUTHWEST LINE OF SAID ADJOINING PLAT NO. 3055, SOUTH 63°21'31" EAST, 521.34 FEET TO THE MOST SOUTHERLY CORNER THEREOF; THENCE LEAVING SAID MOST SOUTHERLY CORNER, SOUTH 86°36'48" WEST, 2108.00 FEET; THENCE SOUTH 03°23'12" EAST, 235.00 FEET; THENCE SOUTH 88°31'15" WEST, 781.60 FEET; THENCE NORTH 75°37'10" WEST, 245.08 FEET TO THE MOST EASTERLY CORNER OF THAT ADJOINING TRACT OF LAND DESCRIBED AS PARCEL 1 IN DEED RECORDED AS DOCUMENT NO. 72-25131, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE NORTHEAST LINE OF SAID TRACT OF LAND DESCRIBED AS PARCEL 1, NORTH 54°00'25" WEST, 128.38 FEET TO THE NORTH CORNER THEREOF; THENCE ALONG THE SOUTHEAST RIGHT OF WAY LINE OF SALAMO ROAD (A VARIABLE WIDTH RIGHT OF WAY), NORTH 47°01'27" EAST, 254.06 FEET TO AN ANGLE POINT THAT IS 120.00 FEET SOUTHEAST OF THE CENTERLINE THEREOF WHEN MEASURED AT RIGHT ANGLES; THENCE CONTINUING ALONG SAID SOUTHEAST RIGHT OF WAY LINE, THE WIDE FROM SAID CENTERLINE VARYING, NORTH 26°12'48" EAST, 399.77 FEET TO THE SOUTHWEST CORNER OF ADJOINING BLOCK 2 OF SAID PLAT NO. 2694; THENCE ALONG THE SOUTH LINE OF SAID ADJOINING BLOCK 2 OF PLAT NO. 2694, SOUTH 74°47'42" EAST, 171.77 FEET TO AN ANGLE POINT THEREON; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID ADJOINING BLOCK 2 OF SAID PLAT NO. 2694, SOUTH 84°17'31" EAST, 147.43 FEET TO THE MOST SOUTHERLY CORNER OF ADJOINING LOT 3 OF BLOCK 2 OF PLAT NO. 2694; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID ADJOINING BLOCK 2 OF PLAT NO. 2694, NORTH 53°47'44" EAST, 341.41 FEET TO THE SOUTHEAST CORNER OF ADJOINING LOT 5 OF SAID BLOCK 2 OF SAID PLAT NO. 2694; THENCE CONTINUING ALONG THE SOUTH LINE OF SAID ADJOINING BLOCK 2 OF SAID PLAT NO. 2694, NORTH 89°40'34" EAST, 750.57 FEET TO THE INITIAL POINT.

CONTAINING 1,436,402 SQUARE FEET.

SIGNED ON: 14 Oct 22

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 13, 2004
TOBY G. BOLDEN
60377LS

RENEWS: DECEMBER 31, 2023

POINT#	NORTHING	EASTING	DESCRIPTION	SOURCE
300	109075.100	354464.440	FD 5/8" IR, NO CAP, UP 0.40', W/ RWP	S1
301	109150.296	354727.657	FD 5/8" IR, NO CAP, UP 0.60', LEANING, TAB, W/ RWP	S1
302	109294.482	354934.302	FD 5/8" IR, NO CAP, UP 0.50', W/ RWP	S1
303	109027.819	355083.901	FD 5/8" IR, NO CAP, UP 0.10', W/ RWP	S1
304	109124.438	355169.557	FD 5/8" IR, NO CAP, UP 0.10', LEANING, TAB, W/ RWP	S1
305	109172.123	355204.073	FD 5/8" IR, NO CAP, UP 0.20', W/ RWP	S1
306	109247.653	355100.089	FD 5/8" IR, NO CAP, UP 0.20', W/ RWP	S1
307	109645.655	355396.810	FD 5/8" IR W/ YPC "REPPETO PLS 657"	S6
308	109779.425	355462.672	FD 5/8" IR, NO CAP, UP 0.20'	S1
309	109771.922	355490.785	FD 5/8" IR W/ YPC "W.B. WELLS & ASSOC INC"	P1
310	109754.236	355556.101	FD 3/4" IP, UP 0.10'	OU, FD IN S2
311	109738.975	355611.503	FD 5/8" IR, NO CAP	P1
312	109734.319	355628.993	FD 3/4" IP, UP 1.20', TAB	OU, FD IN S2
313	109723.306	355740.289	FD 5/8" IR W/ RPC, UNREADABLE	S4
314	109719.712	355775.120	FD 5/8" IR W/ RPC "THURSTON & ASSOC. INC."	S4
315	109784.687	355863.882	FD 5/8" IR, NO CAP, DOWN 0.20'	P1
316	109861.474	355968.780	FD 5/8" IR W/ YPC "W.B. WELLS & ASSOC. INC"	P1
317	109922.176	356151.131	FD 5/8" IR W/ YPC "W.B. WELLS & ASSOC. INC"	P1
318	109828.248	357209.353	FD 5/8" IR W/ YPC, UNREADABLE, DOWN 0.70'	P2
319	109830.983	357609.344	FD 5/8" IR W/ YPC, UNREADABLE, DOWN 0.80'	P2
320	109525.777	358243.030	FD 5/8" IR W/ YPC, "LS 1976"	P3
321	109490.557	358313.237	FD 5/8" IR, NO CAP, W/ RWP	P1
322	109831.595	357729.103	FD 5/8" IR, NO CAP, DOWN 0.80'	P2
323	109832.647	357852.817	FD 5/8" IR, NO CAP, DOWN 0.50'	OU, FD IN P2
324	109833.164	357928.349	FD 5/8" IR W/ YPC, UNREADABLE	S3
606	109827.168	357051.357	FD 5/8" IR NO CAP	O.S.H.D. MON

POINT#	NORTHING	EASTING	DESCRIPTION
600	109005.822	354768.715	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
601	109129.960	354988.406	NO MONUMENT SET, COORDINATE FOR REFERENCE ONLY
602	109206.247	355055.850	NO MONUMENT SET, COORDINATE FOR REFERENCE ONLY
603	109420.764	355286.086	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
604	109921.373	356050.608	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
605	109925.616	356801.170	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
INTENTIONALLY DELETED			
607	109761.862	357883.990	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
608	109724.322	357847.260	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
609	INTENTIONALLY DELETED		
610	109366.021	356208.931	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
611	109131.432	356222.814	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
612	109111.254	355441.473	SET 5/8"X30" IRON ROD WITH RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS"
613	109832.655	357853.928	SET 1.17" COPPER DISC (BERNTSEN BP1) MARKED "BOLDEN LS 60377"

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

ORS 271.140

Title to vacated areas

The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

Location: https://oregon.public.law/statutes/ors_271.140

Original Source: Section 271.140 — Title to vacated areas, https://www.oregonlegislature.gov/bills_laws/ors/ors271.-html (last accessed May 10, 2025).

Agenda Bill 2025-MM-DD-YY

Date Prepared: January 30, 2025

For Meeting Date: January 10, 2025

To: Rory Bialostosky, Mayor
West Linn City Council

Through: John Williams, City Manager *JRW*

From: Darren Wyss, Planning Manager *DSW*

Subject: Public hearing on petition to vacate portions of the 5th Street and 4th Avenue rights-of-way

Purpose:

To consider a petition by Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC to vacate 16,199 square feet of 5th Street right-of-way, 11,960 square feet of 4th Avenue right-of-way (west), and 22,416 square feet of 4th Avenue right-of-way (east).

Question(s) for Council:

Should the Council approve the petition and adopt Ordinance 1757?

Public Hearing Required:

Yes

Background & Discussion:

The applicant has petitioned to vacate unimproved right-of-way (ROW) that includes 16,199 square feet of 5th Street right-of-way adjacent to tax lots 200 and 800 of Assessor Map 31E02AA, 11,960 square feet of 4th Avenue right-of-way adjacent to tax lot 800 of Assessor Map 31E02AA, and 22,416 square feet of 4th Avenue right-of-way adjacent to tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB (see Exhibit CC-1). The rights-of-way are within protected wetlands and associated habitat conservation areas, and mapped flood hazard zones that would preclude development of streets or installation of utilities in the future.

ROW vacations are reviewed and decided by City Council, acting as the City's "Governing Body", under the authority granted in Oregon Revised Statute Chapter 271.

The City has accepted the petition and set the public hearing date (ORS 271.090). At the fixed time, the City Council will hear the petition and any objections filed and determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.

The petition requires signatures from 100 percent of abutting property owners and two-thirds of property owners in the "affected area". The petition included the required signatures of 100 percent of

abutting property owners, 71.7 percent of property owners in the 5th Street “affected area”, 69.6 percent of property owners in the 4th Avenue (west) “affected area”, and 72.5 percent of property owners in the 4th Avenue (east) “affected area” (see Attachment 2, Exhibits CC-2 and CC-3). Notice of the public hearing was posted for two consecutive weeks in the paper and posted at the proposed vacation locations (see Attachment 2, Exhibit CC-5), and there are no adopted City plans that require the ROW for transportation or utility connections.

City staff received no objections to the petition as of January 30, 2025.

Budget Impact:

Negligible as there will be approximately 50,575 square feet less right-of-way for the City to maintain (predominately covered by wetlands).

Sustainability Impact:

None

Council Options:

1. Adopt Ordinance 1757 as presented in Attachment 1; or
2. Adopt Ordinance 1757 with changes; or
3. Do not adopt Ordinance 1757.

Staff Recommendation:

Adopt Ordinance 1757 as presented.

Potential Motion:

1. Move to adopt Ordinance 1757 and vacate portions of 5th Street and 4th Avenue as described in Exhibits A, B, and C of the ordinance.
2. Move to adopt Ordinance 1757 with the following changes (list changes).
3. Move to not adopt Ordinance 1757 (list reasons)

Attachments:

1. Ordinance 1757
2. VAC-24-01 Staff Report

**After Recording Please Return To:
City of West Linn – Administration
22500 Salamo Rd.
West Linn, OR 97068
Attn: City Recorder, Kathy Mollusky**

ORDINANCE 1757

**AN ORDINANCE RELATING TO VACATING A PORTION OF THE
5TH STREET AND 4TH AVENUE RIGHTS-OF-WAY WITHIN
THE CITY OF WEST LINN, OREGON**

WHEREAS, Forward Vision Development LLC, e3 Design Concepts LLC, and SDG-2 LLC submitted a petition to vacate a portion of the 5TH Street and 4th Avenue rights-of-way on October 24, 2024; and,

WHEREAS, the City fixed a time pursuant to Oregon Revised Statute (ORS) 271.130 on February 10, 2025, for a public hearing on the proposed vacation; and,

WHEREAS, the City published notice of the proposed rights-of-way vacation in the West Linn Tidings on January 22, 2025 and January 29, 2025; and,

WHEREAS, City staff posted a copy of the notice on January 23, 2025, with all required information, at three conspicuous places near each end of the proposed vacation area; and,

WHEREAS, the City Council held a public hearing on the proposed vacation on February 10, 2025; and,

WHEREAS, the City Council found that the petition was complete because 100 percent of abutting property owners support the vacation and over two-thirds of the real property within the ORS defined affected area support the vacation; and,

WHEREAS, the City Council found that the proposal complied with all requirements of ORS 271 as the applicant obtained the requisite signatures of consent, the notice was complete, and the public interest will not be prejudiced by the vacation because the rights-of-way are primarily contained within a protected wetland and do not serve any purposes for transportation connections or utility placement.

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. Vacation. The portion of 5th Street right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lots 200 and 800 of Assessor Map 31E02AA, as more particularly described and attached in Exhibit A (legal description and map), which is incorporated by this reference.

SECTION 2. Vacation. The portion of 4th Avenue right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lot 800 of Assessor Map 31E02AA, as more particularly described and attached in Exhibit B (legal description and map), which is incorporated by this reference.

SECTION 3. Vacation. The portion of 4th Avenue right-of-way is vacated that is located in the City of West Linn, Clackamas County, Oregon, adjacent to tax lots 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB, as more particularly described and attached in Exhibit C (legal description and map), which is incorporated by this reference.

SECTION 4. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 5. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the 10th day of February, 2025, and duly PASSED and ADOPTED this ____ day of _____, 2025.

RORY BIALOSTOSKY, MAYOR

ATTEST:

KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

CITY ATTORNEY

City of West Linn
Ordinance 1757 – Exhibit A

EXHIBIT A
RIGHT-OF-WAY VACATION OF 5TH STREET

A 40 FOOT WIDE STRIP OF LAND, BEING A PORTION 5TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 9 OF WILLAMETTE AND TUALATIN TRACTS, BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 5TH STREET, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 5TH AVENUE (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 20°41'34" EAST 405.00 FEET TO A POINT ON THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE, NORTH 69°14'12" EAST 40.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 5TH STREET, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 20°41'34" WEST 404.94 FEET TO A POINT 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF 5TH AVENUE;

THENCE SOUTH 69°19'34" WEST 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 16,199± SQUARE FEET, OR 0.37± ACRES.

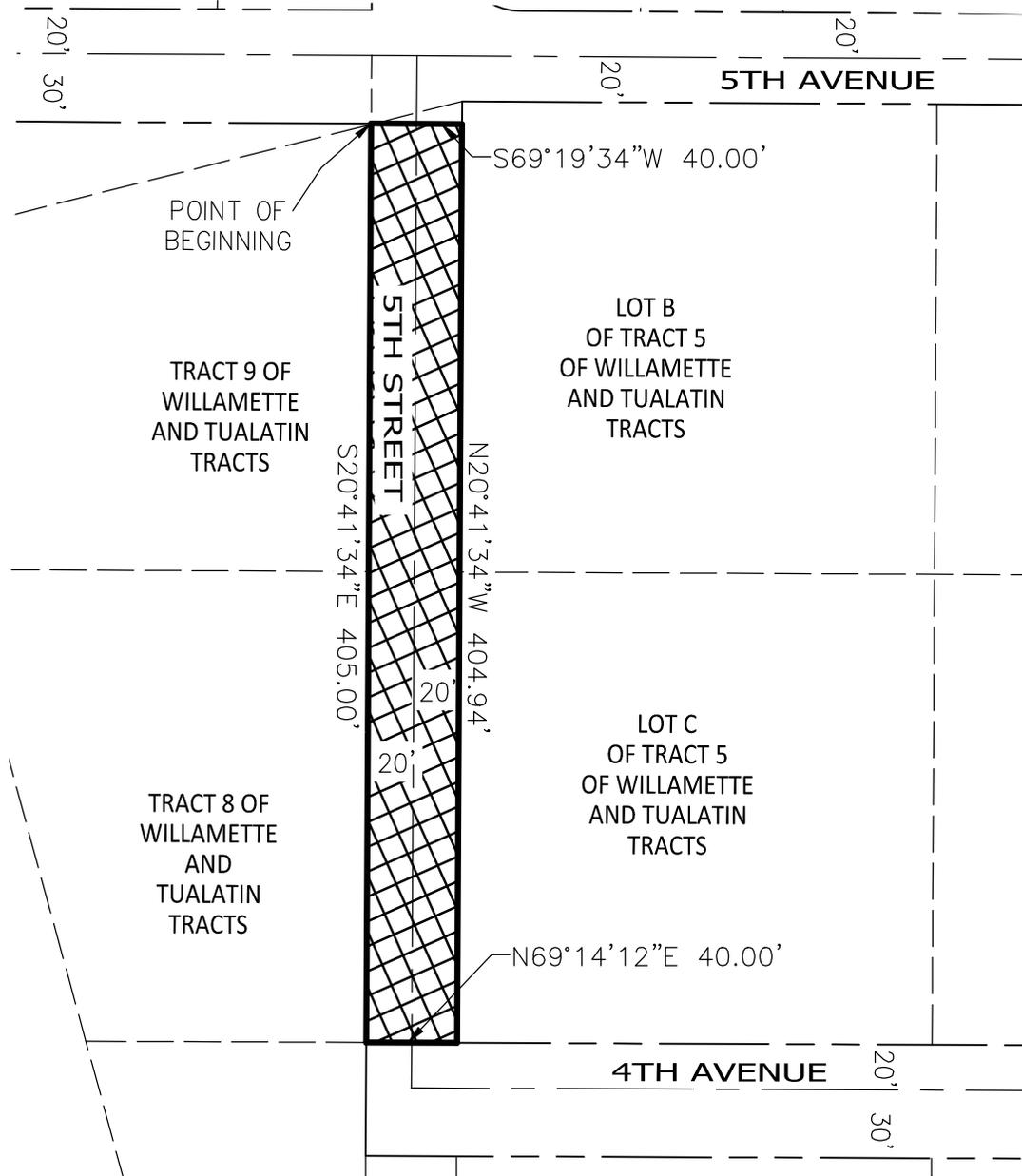
REGISTERED
PROFESSIONAL
LAND SURVEYOR

DRAFT

OREGON
NOVEMBER 29, 2011
BENJAMIN R. DUBIN
84344LS

RENEWS 12/31/25

EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



LEGEND:



AREA OF VACATION
 16,199 SQUARE FEET OR
 0.37 ACRES MORE OR LESS



1 INCH = 80 FEET

Date: 11/26/2024
 Proj No: 23-191-33

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

www.sflands.com
 info@sflands.com

City of West Linn
Ordinance 1757 – Exhibit B

EXHIBIT A
RIGHT-OF-WAY VACATION OF 4TH AVENUE

A 40 FOOT WIDE STRIP OF LAND, BEING A PORTION 4TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT B OF TRACT 14 OF WILLAMETTE AND TUALATIN TRACTS BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND ALSO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 7TH STREET (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE NORTH 69°14'12" EAST 299.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 4TH AVENUE;
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 20°41'29" WEST 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THEN CENTERLINE THEREOF);
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 69°14'12" WEST 299.00 FEET TO A POINT;
THENCE SOUTH 20°41'29" WEST 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 11,960± SQUARE FEET, OR 0.27± ACRES.

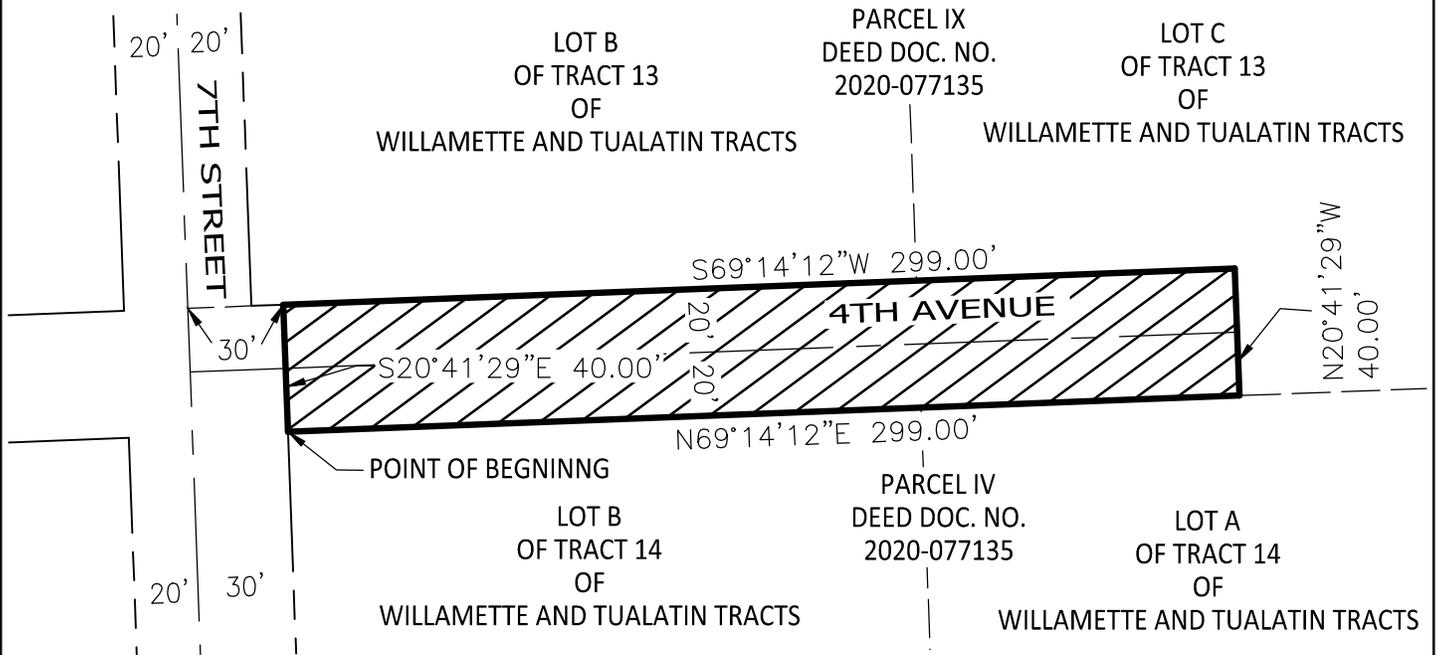


EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND:



AREA OF VACATION
 11,960 SQUARE FEET OR
 0.27 ACRES MORE OR LESS



1 INCH = 60 FEET



Date: 11/26/2024
 Proj No: 23-191-33

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

www.sflands.com
 info@sflands.com

City of West Linn
Ordinance 1757 – Exhibit C

EXHIBIT A
RIGHT-OF-WAY VACATION OF 4TH AVENUE

A 50 FOOT WIDE STRIP OF LAND, BEING A PORTION 4TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT A OF TRACT 6 OF WILLAMETTE AND TUALATIN TRACTS, BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 4TH STREET (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE SOUTH 69°14'12" WEST 448.31 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 4TH AVENUE;
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 20°41'34" WEST 50.00 FEET TO A POINT ON THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID EXTENSION OF AND THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE NORTH 69°14'12" EAST 448.30 FEET TO A POINT;
THENCE SOUTH 20°41'45" EAST 50.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 22,416± SQUARE FEET, OR 0.51± ACRES.

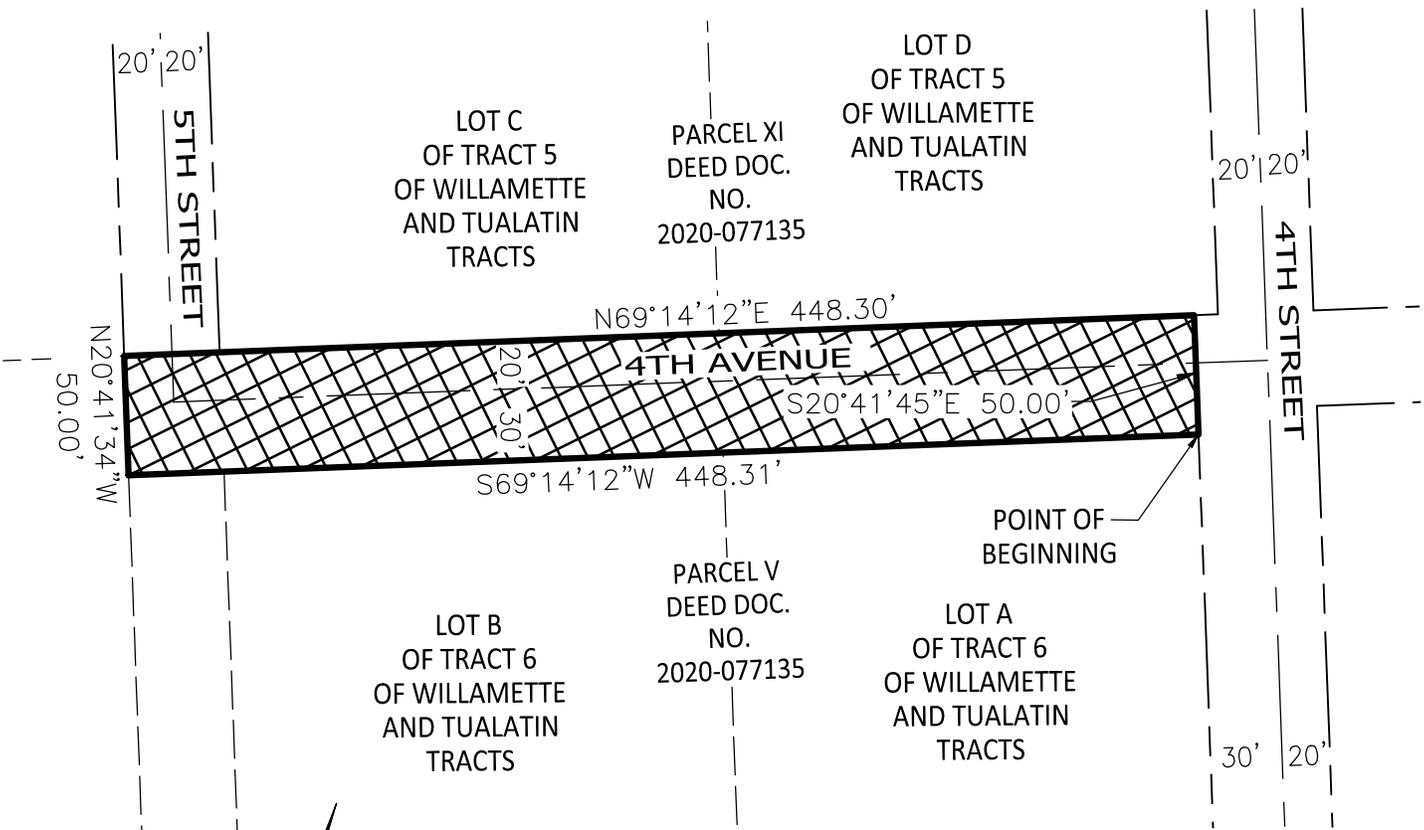


EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND:



AREA OF VACATION
 22,416 SQUARE FEET OR
 0.51 ACRES MORE OR LESS



1 INCH = 80 FEET

Date: 11/26/2024 4905 SW SCHOLLS FERRY RD.
 PORTLAND, OR 97225 www.sflands.com
 Proj No: 23-191-33 (503) 345-0328 info@sflands.com



CITY OF West Linn

STAFF REPORT FOR THE CITY COUNCIL

FILE NUMBER: VAC-24-01

HEARING DATE: February 10, 2025

REQUEST: Petition to vacate portions of the 5th Street and 4th Avenue rights-of-way

STAFF REPORT PREPARED BY: Darren Wyss, Planning Manager

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GENERAL INFORMATION

**APPLICANT/
OWNERS:**

Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC
3242 Wild Rose Loop
West Linn, OR 91068

SITE LOCATION:

1. 16,199 square feet of 5th Street right-of-way adjacent to tax lots 200 and 800 of Assessor Map 31E02AA
2. 11,960 square feet of 4th Avenue right-of-way adjacent to tax lot 800 of Assessor Map 31E02AA
3. 22,416 square feet of 4th Avenue right-of-way adjacent to tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB

DESCRIPTION:

Proposed vacation of unimproved rights-of-way under provisions of ORS 271.

SITE SIZE:

50,575 square feet in total will be vacated.

ZONING:

R-10, Residential
General Industrial

PLAN

DESIGNATION:

Medium Density Residential
Industrial

APPROVAL

CRITERIA:

Oregon Revised Statute (ORS) 271.

PUBLIC NOTICE:

Notice was completed per ORS 271.110

EXECUTIVE SUMMARY

The applicants have petitioned to vacate unimproved right-of-way (ROW) that includes 16,199 square feet of 5th Street right-of-way adjacent to tax lots 200 and 800 of Assessor Map 31E02AA, 11,960 square feet of 4th Avenue right-of-way adjacent to tax lot 800 of Assessor Map 31E02AA, and 22,416 square feet of 4th Avenue right-of-way adjacent to tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB (see Exhibit CC-1). The rights-of-way are within protected wetlands and associated habitat conservation areas, and mapped flood hazard zones that would preclude development of streets or installation of utilities in the future.

ROW vacations are reviewed and decided by City Council, acting as the City's "Governing Body", under the authority granted in Oregon Revised Statute Chapter 271.

The City has accepted the petition and set the public hearing date (ORS 271.090). At the fixed time, the City Council will hear the petition and any objections filed and determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof.

The petition included the required signatures of consent (see Exhibits CC-2 and CC-3), notice of the public hearing was posted for two consecutive weeks in the paper and posted at the proposed vacation locations (see Exhibit CC-5), and there are no adopted City plans that require the ROW for transportation or utility connections.

RECOMMENDATION

Staff recommends the City Council approve the petition to vacate the rights-of-way.

OBJECTIONS:

No objections have been filed as of the publication of this Staff Report.

ADDENDUM APPROVAL CRITERIA AND FINDINGS

ORS 271.080 Vacation in incorporated cities; petition; consent of property owners.

(1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

Staff Finding 1: A petition was filed by Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC to vacate a portion of the 5th Street and 4th Avenue rights-of-way. A legal description and map of the proposed vacations, as well as the purpose and reason, were included with the petition (see Exhibit CC-3). The criteria are met.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

Staff Finding 2: The proposed ROW vacation has the consent of 100 percent of the abutting property owners as required in writing. The applicant submitted notarized signatures of consent for tax lots 200 and 800 of Assessor Map 31E02AA (5th Street ROW), tax lot 800 of Assessor Map 31E02AA (4th Avenue West ROW), and tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB (4th Avenue East ROW). All abutting properties are owned by the petitioner Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC. The criteria are met.

Staff Finding 3: The “affected area” was measured in compliance with ORS 271.080(2) and is shown in Exhibit CC-2. The total amount of real property inside the “affected area” for the 5th Street vacation is 9.95 acres (this number excludes all right-of-way inside the “affected area”) and the applicant submitted notarized signatures of consent for owners of 7.13 acres of real property inside the “affected area”, which represents 71.7 percent support.

The total amount of real property inside the “affected area” for the 4th Avenue (west) vacation is 9.25 acres (this number excludes all right-of-way inside the “affected area”) and the applicant submitted notarized signatures of consent for owners of 6.44 acres of real property inside the “affected area”, which represents 69.6 percent support.

The total amount of real property inside the “affected area” for the 4th Avenue (east) vacation is 10.62 acres (this number excludes all right-of-way inside the “affected area”) and the applicant submitted notarized signatures of consent for owners of 7.70 acres of real property inside the “affected area”, which represents 72.5 percent support.

This exceeds the required minimum consent of two-thirds in area of real property affected. The petition does not include the vacation of a plat or part thereof. The criteria are met.

ORS 271.090 Filing of petition; notice.

The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

Staff Finding 4: The petition has been presented to the city recorder, found to be sufficient, and filed. The petitioners have been notified of the hearing date on February 10, 2025. The criteria are met.

ORS 271.100 Action by city governing body.

The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

Staff Finding 5: The City Council (governing body) has fixed a time of 6:00pm on February 10, 2025, for a formal hearing. The criteria are met.

271.110 Notice of hearing.

(1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

Staff Finding 6: Public notice was published in the West Linn Tidings newspaper once each week for two consecutive weeks prior to the hearing (publish dates: January 22, 2025 and

January 29, 2025). The notice included the ground covered by the vacation proposal, the date it was filed by the petitioner Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC , and the date and time of the hearing where the petition and any objections will be heard and considered. The criteria are met.

(2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

Staff Finding 7: The first day of publication of the notice was January 22, 2025. Staff posted a "Notice of Street Vacation" at the accessible end of the unimproved ROWs in the proposal on January 23, 2025. Both the sign posting (18 days) and first day of publication in the newspaper (19 days) were at least 14 days prior to the hearing date of February 10, 2025. The criteria are met.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.

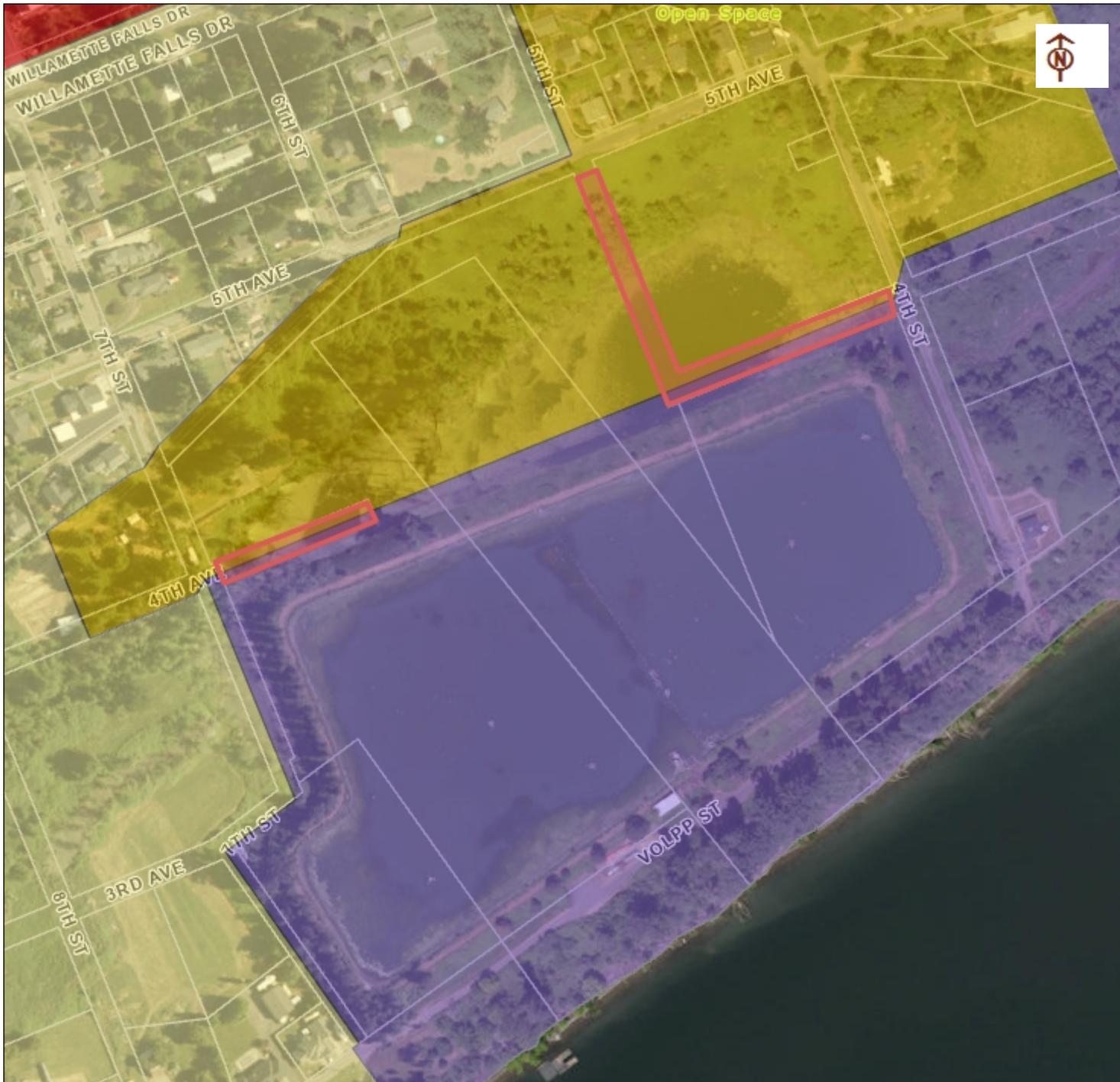
Staff Finding 8: The petitioners paid the Council adopted right-of-way vacation fee. The criteria are met.

ORS 271.120 Hearing; determination.

At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

Staff Finding 9: The City Council (governing body) has fixed a time of 6:00pm on February 10, 2025, to hear the petition and any objections. If City Council determines in favor of the petition shall make the determination by ordinance (see draft Ordinance 1757).

EXHIBIT CC-1: LOCATION MAPS



Legend

Comprehensive Plan

- Low Density
- Medium Density
- Medium-High Density
- Mixed Use
- Commercial
- Industrial

dissolved 0-5K

Points of Interest

- Fire Station
- City Hall
- Police Station
- Public School

Named Parks and OS

0 0.06 0.11 Miles



1: 4,514



Notes

This map was automatically generated using Geocortex Essentials.



Legend

Zoning

- Single and Multi Family R-2.1
- Single and Multi Family R-3
- Single-Family R-4.5
- Single-Family R-5
- Single-Family R-7
- Single-Family R-10
- Single-Family R-15
- Single-Family R-20
- Single-Family R-40
- Mixed Use
- Neighborhood Commercial
- General Commercial
- Office Business Center
- Campus Industrial
- General Industrial

dissolved 0-5K

Points of Interest

- Fire Station
- City Hall
- Police Station
- Public School

Named Parks and OS

0 0.06 0.11 Miles



1: 4,514



Notes

This map was automatically generated using Geocortex Essentials.



Legend

- dissolved 0-5K
- Points of Interest
 - Fire Station
 - City Hall
 - Police Station
 - Public School
- Named Parks and OS
- Wetland Inventory 2005
- Wetland Inventory 2005

0 0.06 0.11 Miles

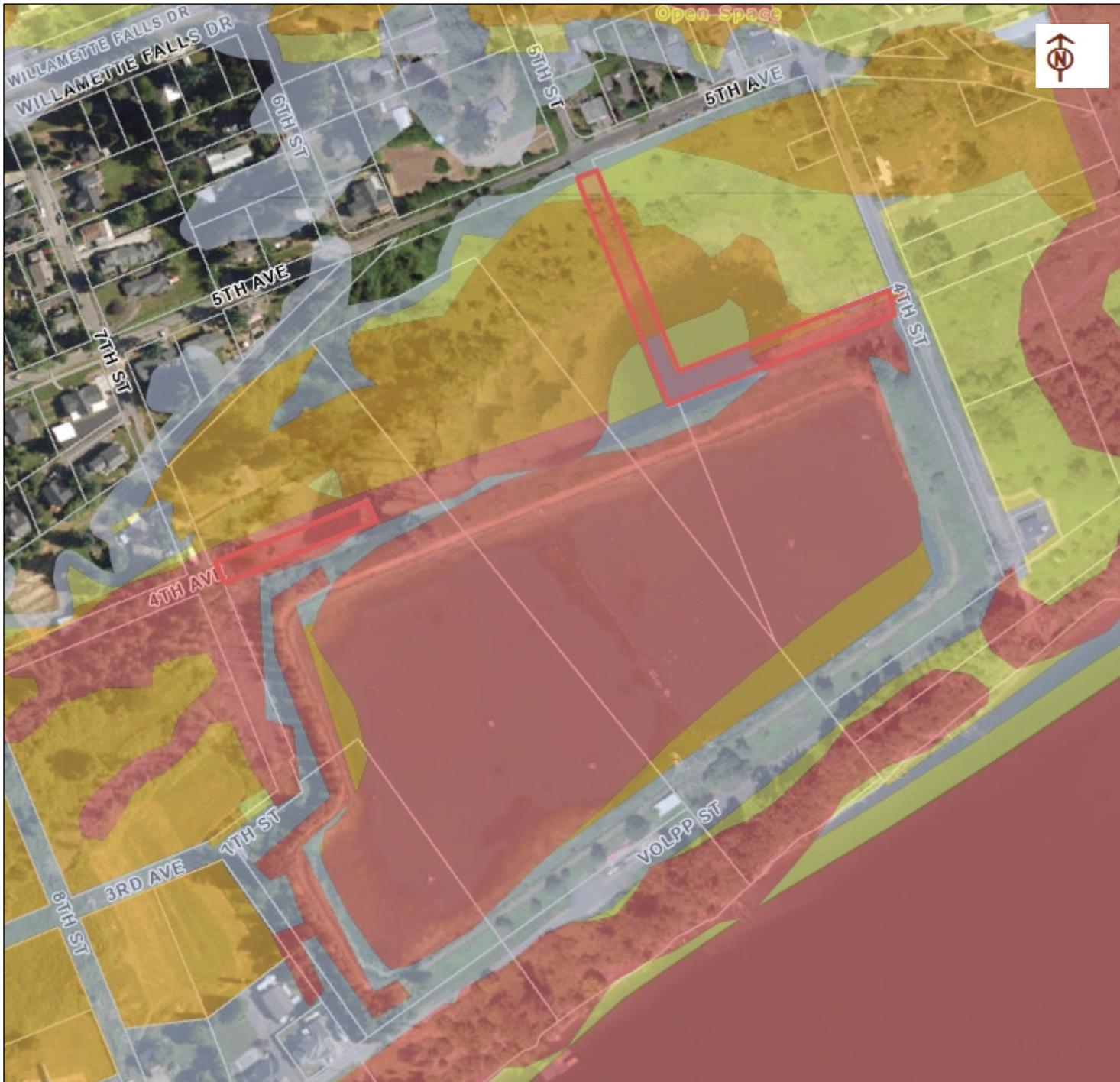


1: 4,514



Notes

This map was automatically generated using Geocortex Essentials.



Legend

- dissolved 0-5K
- Points of Interest**
 -  Fire Station
 -  City Hall
 -  Police Station
 -  Public School
- Named Parks and OS**
- Habitat Conservation Areas**
 -  High
 -  Moderate
 -  Low
 -  Not Designated as HCA

0 0.06 0.11 Miles



1: 4,514



Notes

This map was automatically generated using Geocortex Essentials.



Legend

- dissolved 0-5K
- Points of Interest
 -  Fire Station
 -  City Hall
 -  Police Station
 -  Public School
- Named Parks and OS
 -  Approximate 1996 Flood Lin
 -  FEMA Cross-Section Elevat
- FEMA Flood Hazard Zones
 -  Floodway
 -  Special Flood Hazard Area 100-
 -  Other Flood Area 500-year

0 0.06 0.11 Miles



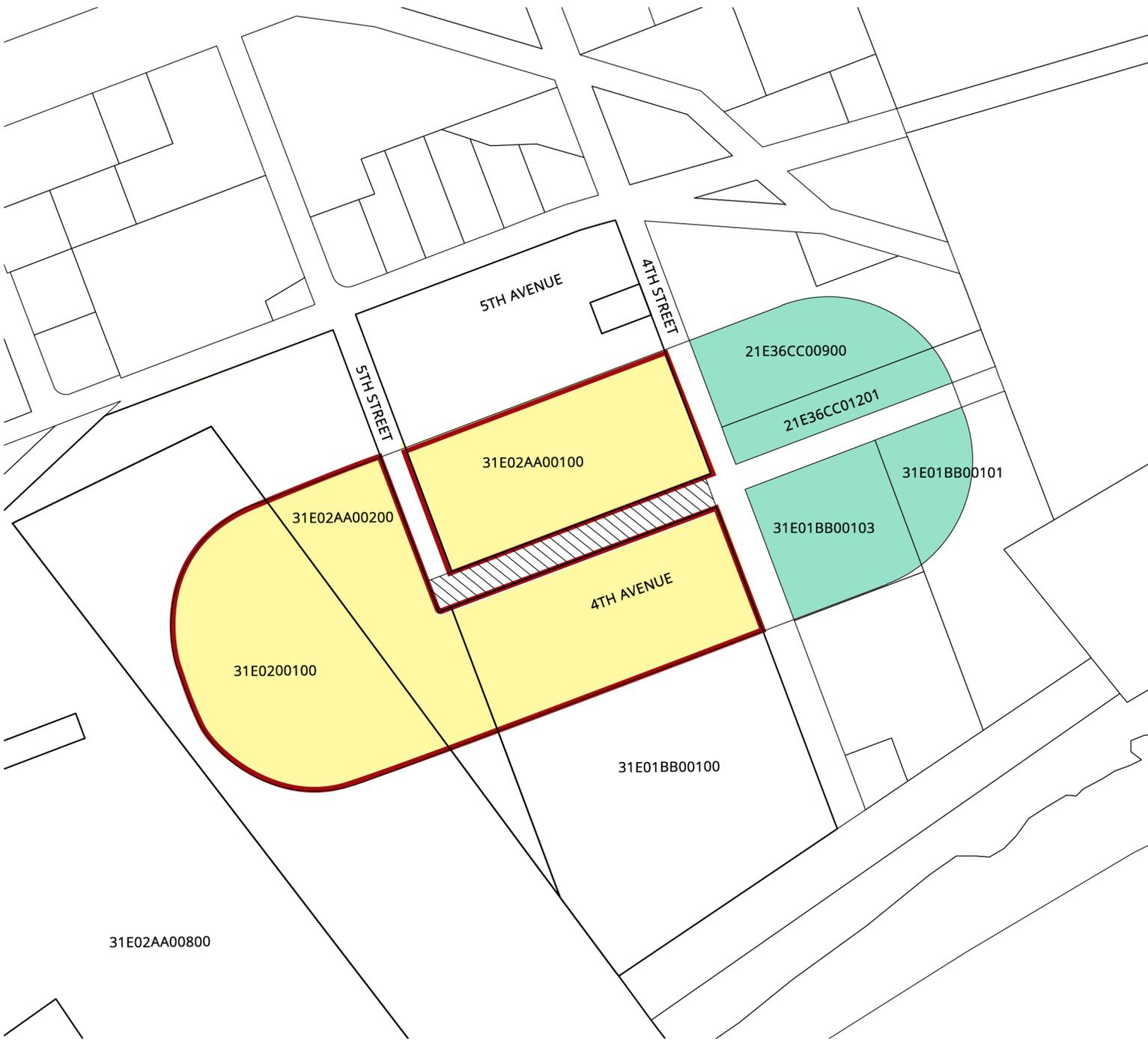
1: 4,514



Notes

This map was automatically generated using Geocortex Essentials.

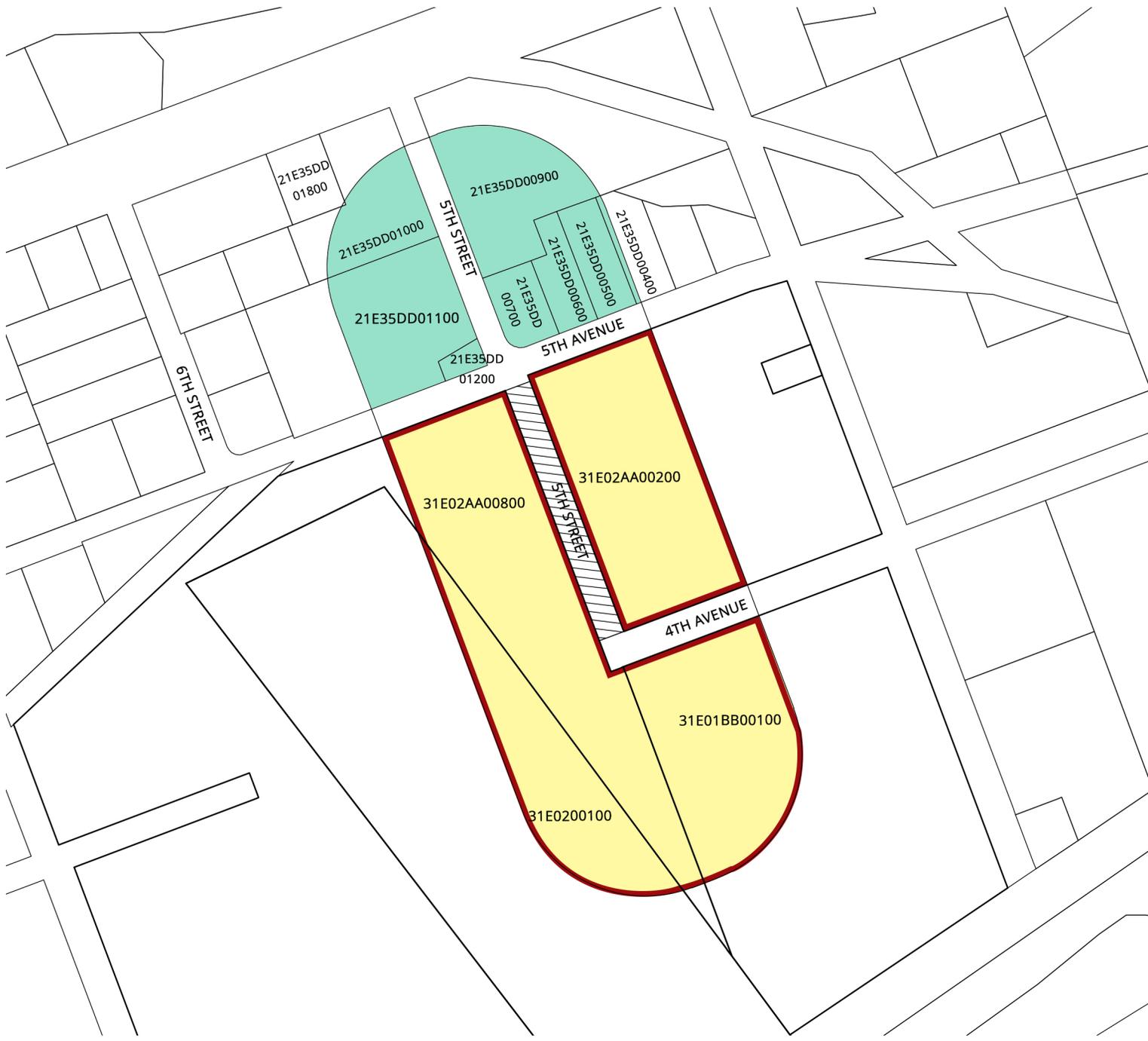
EXHIBIT CC-2: PROPERTY OWNER CONSENT MAPS



LEGEND:

- AFFECTED AREA PROPERTIES
- PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
 CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING



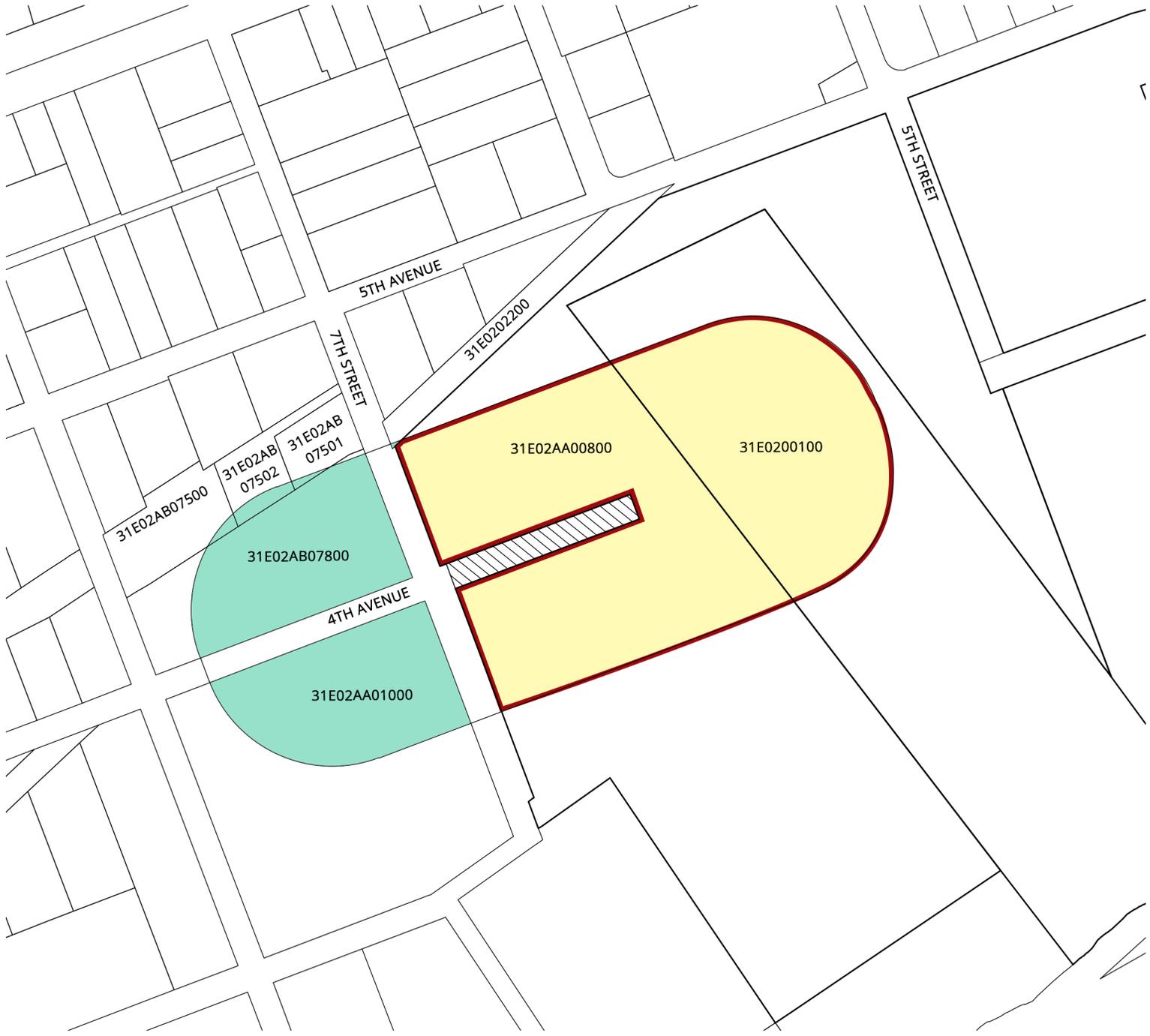
LEGEND:

- AFFECTED AREA PROPERTIES
- PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

WEST LINN - 5TH STREET RIGHT-OF-WAY VACATION

3J CONSULTING
 CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING

NOVEMBER 2024



LEGEND:

- AFFECTED AREA PROPERTIES
- PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
 CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING

EXHIBIT CC-3: APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT Darrenn Wyss	PROJECT NO(s). VAC-24-01	PRE-APPLICATION NO. n/a
NON-REFUNDABLE FEE(S) \$6,000	REFUNDABLE DEPOSIT(S)	TOTAL \$6,000

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 checked="" type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)
<input type="checkbox"/> Temporary Uses (MISC)
<input type="checkbox"/> Time Extension (EXT)
<input type="checkbox"/> Right of Way Vacation (VAC)
<input type="checkbox"/> Variance (VAR)
<input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)
<input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)
<input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)
<input type="checkbox"/> Zone Change (ZC) |
|--|--|---|

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

Site Location/Address: 1317 7th Street, West Linn, 97068	Assessor's Map No.: Multiple - See Narrative Tax Lot(s): Multiple - See Narrative Total Land Area: 34.34 acres
--	--

Brief Description of Proposal:

The Applicant and property owner of 1317 7th Street is proposing the vacation of the unimproved portions of 4th Avenue, 5th Avenue, and 5th Street directly adjacent to the subject property.

Applicant Name*:	Forward Vision Development LLC & e3 Design Concepts, LLC & SDG-2, LLC	Phone: Contact Consultant
Address:	3242 Wild Rose Loop	Email:
City State Zip:	West Linn, OR 97068	
Owner Name (required):	Forward Vision Development LLC & e3 Design Concepts, LLC & SDG-2, LLC	Phone: Contact Consultant
Address:	3242 Wild Rose Loop	Email:
City State Zip:	West Linn, OR 97068	
Consultant Name:	3J Consulting, Inc. C/O Mercedes Serra	Phone: (503) 946-9365 x211
Address:	9600 SW Nimbus Avenue, Suite 100	Email: mercedes.serra@3j-consulting.c
City State Zip:	Beaverton, OR 97008	

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 related to the propose land use.
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 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.

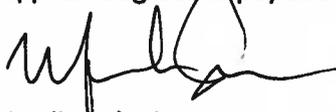
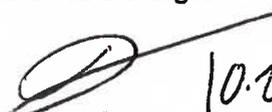
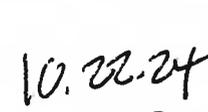
 Applicant's signature	 Date 10.22.24	 Owner's signature (required)	 Date 10.22.24
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 271 – Use and Disposition of Public Lands Generally 3

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Appendices

- Appendix A – Land Use Application Form
- Appendix B – Right-of-Way Vacation Legal Descriptions
- Appendix C – Consent of Owners Information

GENERAL INFORMATION

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

Planning Consultant: **3J Consulting, Inc.**
9600 SW Nimbus Avenue, Suite 100
Beaverton, OR 97008
Contact: Mercedes Serra
Phone: (503) 946-9365 x211
Email: mercedes.serra@3j-consulting.com

SITE INFORMATION

Site Location: 1317 7th Street
Legal Description: Clackamas County Assessor's Map 31E02AA tax lots 100, 200 and 800 and Assessor's Map 31E02 tax lot 100. (Area consolidated as "Parcel 1" under MIP-23-07)
Gross Site Area: 11.88 acres (including to be vacated right-of-way)
Zoning Designation: Single-Family Residential (R10)
Comp Plan Designation: Residential, Medium Density
Existing Use: One single-family home, wetland, and former industrial site.
Surrounding Zoning: The properties to the west and north are zoned a mix of R-5, R-7 and R-10 residential. The properties to the east are zoned Gl.

INTRODUCTION

APPLICANT'S REQUEST

Forward Vision Development LLC (“the Applicant” or “the Petitioner”) seeks approval of Right-of-Way Vacation application for four unimproved rights-of-way sections within the City of West Linn. This narrative describes the proposed development and demonstrates compliance with the relevant approval standards of Oregon Revised Statutes (ORS) 271.

Right-of-Way Vacations are evaluated under the Type IV legislative decision process. The City Council will render the Type IV decision after a public hearing on the application is held.

PROPOSAL

The Applicant and property owner of 1317 7th Street is proposing the vacation of the unimproved portions of 4th Avenue and 5th Street directly adjacent to the subject property. The right-of-way sections of 4th Avenue and 5th Street have mapped wetland and associated habitat areas that would preclude the development of these streets in the future. The proposed vacations are located on Outlot A and Outlot B as approved by a recent Minor Partition (MIP-23-07).

APPLICABLE CRITERIA

The following sections of Oregon Revised Statutes have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Right-of-Way Vacation application.

Oregon Revised Statues

271 - Use and Disposition of Public Lands Generally

271.080 Vacation in Incorporated Cities

- 1. Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.**

Finding: The Applicant is requesting to vacate three unimproved streets surrounding the main subject property that can be described as Tax lot 31E02AA00800 or 1317 7th Street. The four proposed vacations are detailed in the table below. The subject site directly adjacent to the right-of-way that is proposed for vacation has a mapped wetland and associated habitat area that would preclude the development of a public street network within this area.

	4th Avenue (West)	4th Avenue (East)	5th Street
Area	12,057 sq.ft.	22,457 sq.ft.	16,398 sq.ft.
Length	299 - 304 feet	448.3 feet	409.9 feet
Width	40 feet	50 feet	40 feet

This standard is met.

- 2. There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where**

such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

Finding: Each of the three proposed vacations include the required owner or owners of two-thirds consent from the affected owners.

The total area affected by the proposed 4th Avenue West vacation is 9.25 acres. The consent area is 6.44 acres, exceeding the 2/3 requirement of 6.15 acres.

The total area affected by the proposed 4th Avenue East vacation is 10.62 acres. The consent area is 7.70 acres, exceeding the 2/3 requirement of 7.08 acres.

The total area affected by the proposed 5th Street vacation is 9.95 acres. The consent area is 7.13 acres, exceeding the 2/3 requirement of 9.95 acres.

In all cases, the Applicant and property owner have property rights for greater than two-thirds of the affected area. Consent for the verification has been given by the Applicant and property owner, which is demonstrated in the ROW Vacation Petition submitted with this application as Appendix C. This standard is met.

271.090 – Filing of Petition

The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

Finding: This rights-of-way vacation petition has been presented to the City of West Linn Planning department. The Applicant understands and acknowledges that the City will inform the

271.110 – Notice of Hearing

- 1. The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.**
- 2. Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or**

“Notice of Plat and Street Vacation,” as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

- 3. The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor.**

Finding: The City can meet these notice requirements prior to a public hearing.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City of West Linn Planning Department for this Right-of-way Vacation application.

INITIAL RESOLUTIONS

I, Morgan Noble, of Northwest Registered Agent, being the Organizer of _____ SDG-2, LLC _____, a Delaware _____ Limited Liability Company, hereby resolve to relinquish signing authority to the Members named below and adopt the following resolutions:

1. **Resolved**, the named Members of the Limited Liability Company are hereby named as Members and own an interest in the Limited Liability Company:

Robert Schultz

2. **Resolved**, that SDG-2, LLC was organized on 06/18/2018 in the State of Delaware with assigned filing number 6936101.
3. **Resolved**, that the copy of the Articles of Organization of the above named Limited Liability Company is complete.
4. **Resolved**, that the general provisions of an operating agreement be adopted and included as official records of the Limited Liability Company. If members chooses to adopt a more detailed operating agreement, then such agreement will take precedence over general provisions in the original operating agreement.
5. **Resolved**, that member has formed a limited liability company, and is entitled to the full extent of their limitation of liability pursuant to state law. Furthermore, members' failure to maintain formalities of a limited liability company does not preclude them from liability protection under state law.

Morgan Noble
Morgan Noble on behalf of
Northwest Registered Agent, Organizer

06/18/2018

INITIAL RESOLUTIONS

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5. **Resolved**, that member has formed a limited liability company, and is entitled to the full extent of their limitation of liability pursuant to state law. Furthermore, members' failure to maintain formalities of a limited liability company does not preclude them from liability protection under state law.

Morgan Noble
Morgan Noble on behalf of
Northwest Registered Agent, Organizer

06/18/2018

EXHIBIT A
RIGHT-OF-WAY VACATION OF 5TH STREET

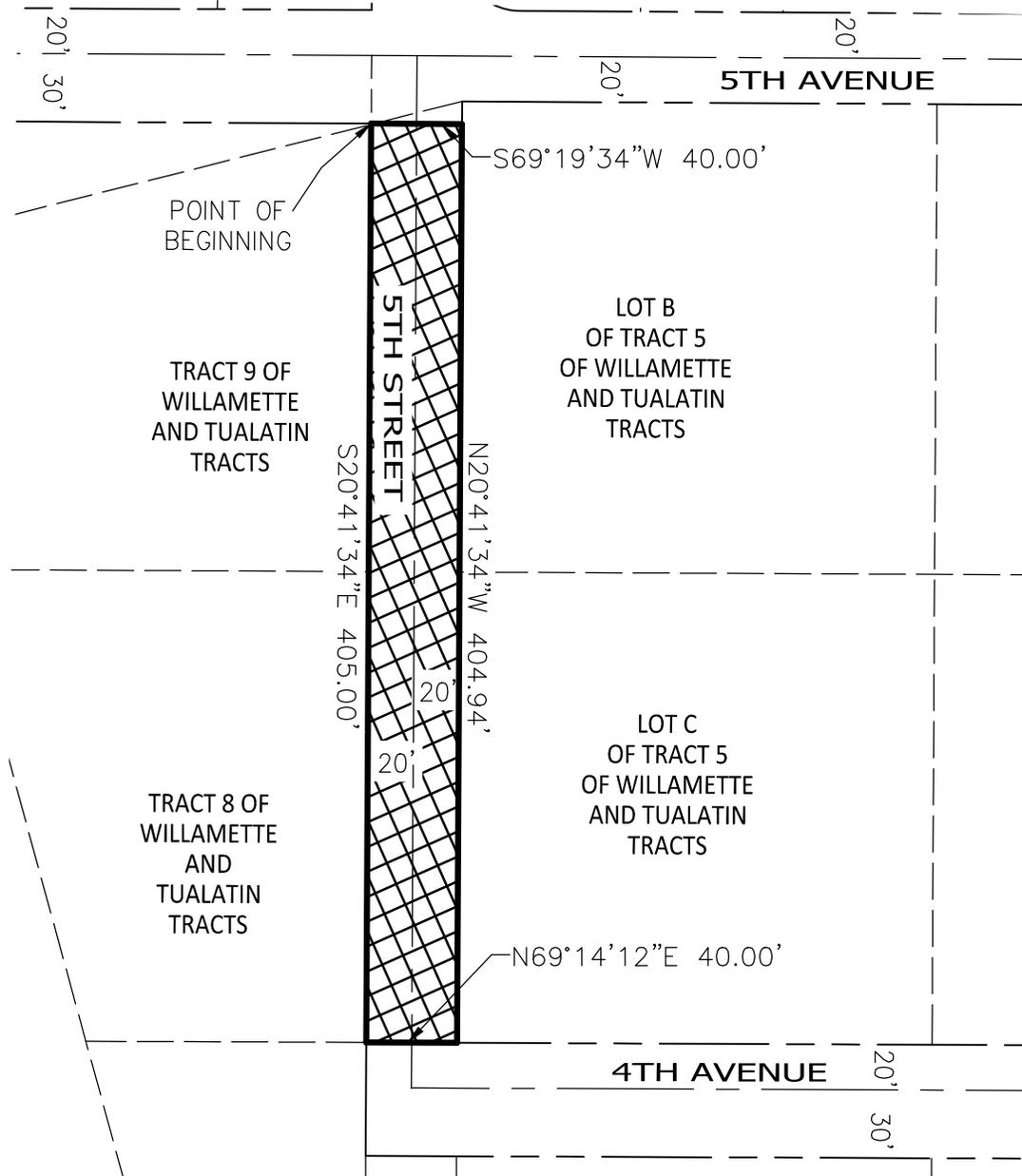
A 40 FOOT WIDE STRIP OF LAND, BEING A PORTION 5TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT 9 OF WILLAMETTE AND TUALATIN TRACTS, BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 5TH STREET, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 5TH AVENUE (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 20°41'34" EAST 405.00 FEET TO A POINT ON THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE, NORTH 69°14'12" EAST 40.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 5TH STREET, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 20°41'34" WEST 404.94 FEET TO A POINT 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE OF 5TH AVENUE;
THENCE SOUTH 69°19'34" WEST 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 16,199± SQUARE FEET, OR 0.37± ACRES.



EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



LEGEND:



AREA OF VACATION
 16,199 SQUARE FEET OR
 0.37 ACRES MORE OR LESS



1 INCH = 80 FEET

Date: 11/26/2024
 Proj No: 23-191-33

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

www.sflands.com
 info@sflands.com

EXHIBIT A
RIGHT-OF-WAY VACATION OF 4TH AVENUE

A 40 FOOT WIDE STRIP OF LAND, BEING A PORTION 4TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT B OF TRACT 14 OF WILLAMETTE AND TUALATIN TRACTS BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE, (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND ALSO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 7TH STREET (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE NORTH 69°14'12" EAST 299.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF 4TH AVENUE;
THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTH 20°41'29" WEST 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THEN CENTERLINE THEREOF);
THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 69°14'12" WEST 299.00 FEET TO A POINT;
THENCE SOUTH 20°41'29" WEST 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 11,960± SQUARE FEET, OR 0.27± ACRES.

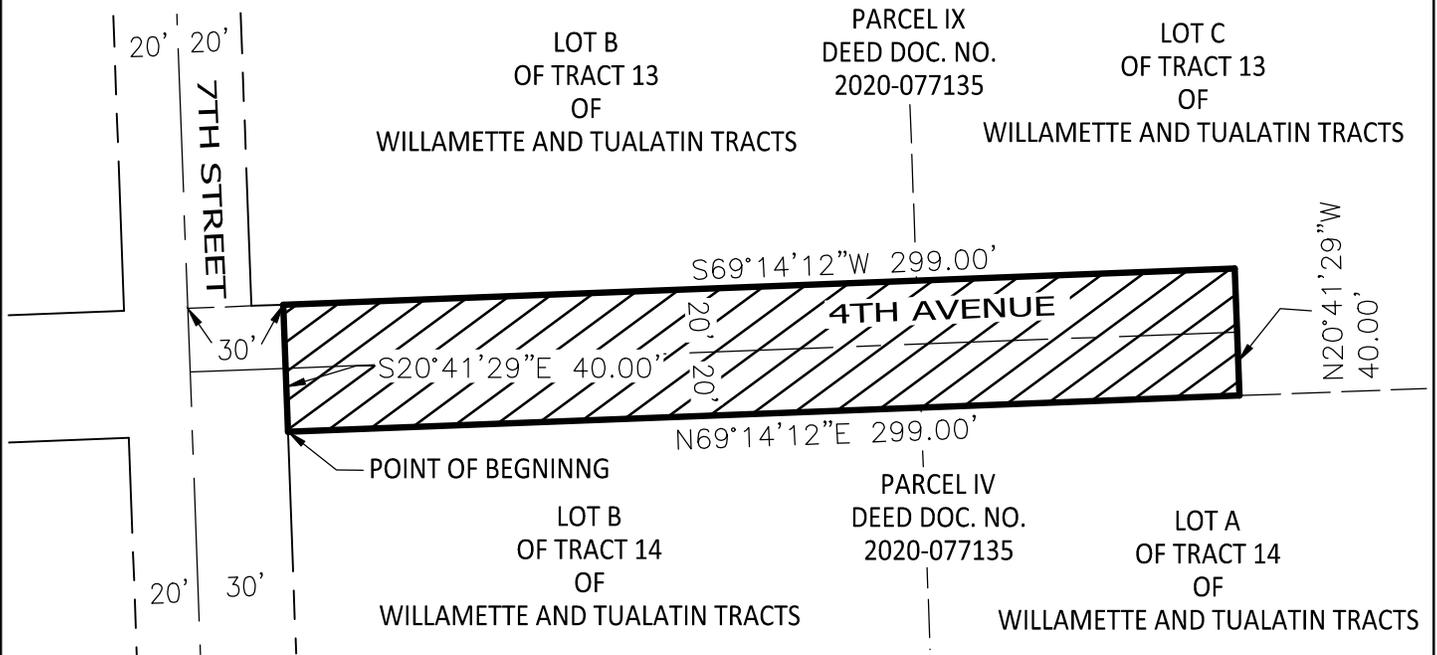


EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND:



AREA OF VACATION
 11,960 SQUARE FEET OR
 0.27 ACRES MORE OR LESS



1 INCH = 60 FEET



Date: 11/26/2024
 Proj No: 23-191-33

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

www.sflands.com
 info@sflands.com

EXHIBIT A
RIGHT-OF-WAY VACATION OF 4TH AVENUE

A 50 FOOT WIDE STRIP OF LAND, BEING A PORTION 4TH STREET, LOCATED IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 02, TOWNSHIP 03 SOUTH, RANGE 01 EAST OF THE WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT A OF TRACT 6 OF WILLAMETTE AND TUALATIN TRACTS, BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 4TH STREET (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF) AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 30.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE SOUTH 69°14'12" WEST 448.31 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 4TH AVENUE;
THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 20°41'34" WEST 50.00 FEET TO A POINT ON THE EXTENSION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE (BEING 20.00 FEET FROM, WHEN MEASURED AT RIGHT ANGLES TO, THE CENTERLINE THEREOF);
THENCE ALONG SAID EXTENSION OF AND THE NORTHERLY RIGHT-OF-WAY LINE OF 4TH AVENUE NORTH 69°14'12" EAST 448.30 FEET TO A POINT;
THENCE SOUTH 20°41'45" EAST 50.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 22,416± SQUARE FEET, OR 0.51± ACRES.

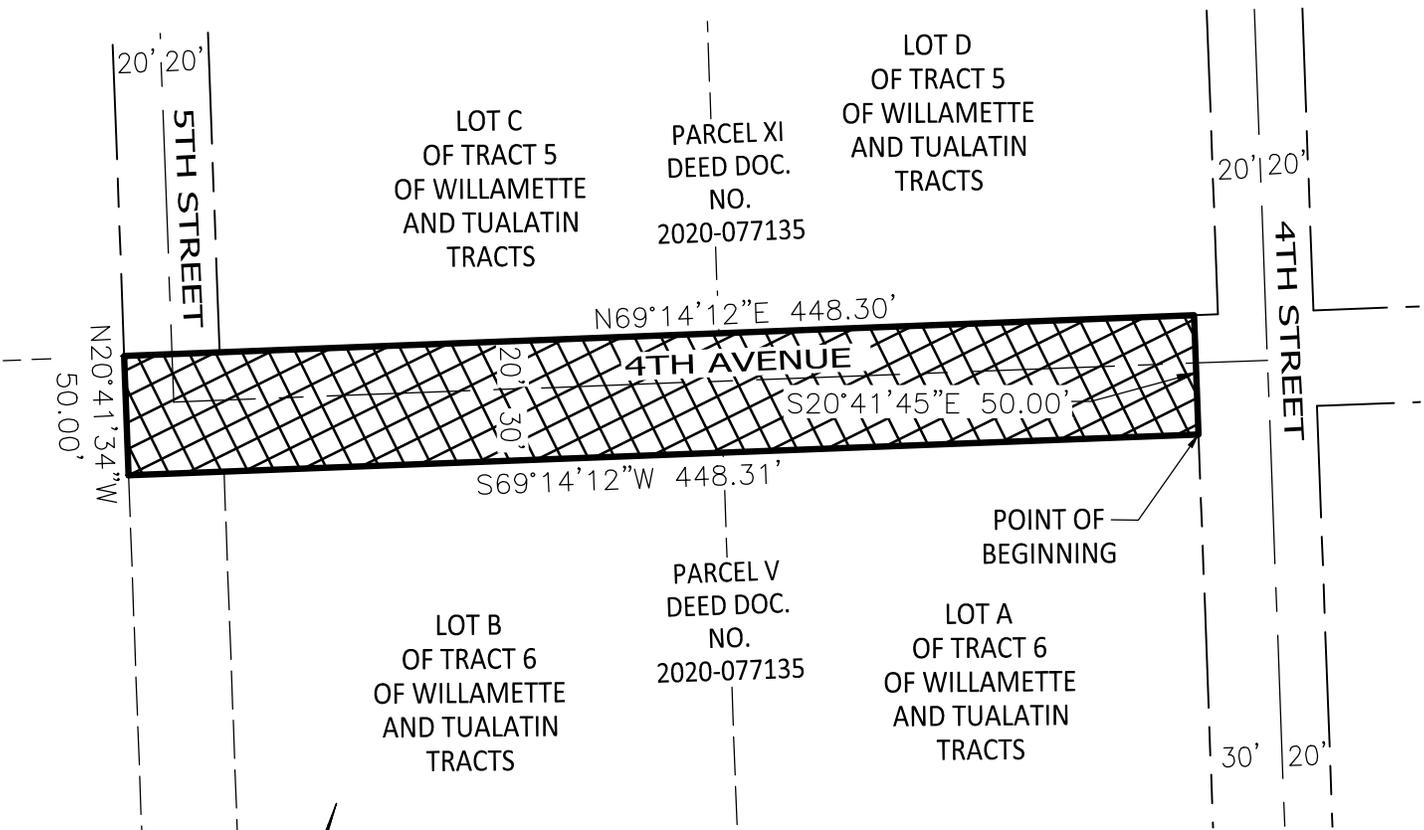


EXHIBIT B
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LEGEND:



AREA OF VACATION
 22,416 SQUARE FEET OR
 0.51 ACRES MORE OR LESS



1 INCH = 80 FEET

Date: 11/26/2024
 Proj No: 23-191-33

4905 SW SCHOLLS FERRY RD.
 PORTLAND, OR 97225
 (503) 345-0328
www.sflands.com
info@sflands.com

4th Avenue West Vacation

Property Owner	Site Address	Area (Sq. Ft.)	Area (Acres)	Tax Map	Tax Lot	Signed	Signed Area (acres)
SDG-2 LLC (Robert Schultz)	1317 7th St	169,753	3.90	31E02AA	800	Yes	3.90
SDG-2 LLC (Robert Schultz)	No Site Address	110,644	2.54	31E02	100	Yes	2.54
Portland General Electric	No Site Address	67.4	0.002	31E02	2200	No	
Deborah and Christian Kennedy	1360 7 th St	435.2	0.01	31E02AB	7501	No	
Joe and Karen Gault	1380 7th St	2,086	0.05	31E02AB	7502	No	
Jeffrey Devall	1355 8th St	633	0.015	31E02AB	7500	No	
Michael Steven and Linda Murr	1312 7th St	57,733	1.33	31E02AB	7800	No	
Kenneth Bietschek	No Site Address	60,776	1.40	31E02AA	1000	No	
Total Area		402,128	9.247				6.44

2/3 requirement area: 268,085 square feet or **6.15 acres**

4th Avenue East Vacation

Property Owner	Site Address	Area (Sq. Ft.)	Area (Acres)	Tax Map	Tax Lot	Signed	Signed Area (acres)
Water Environment Services	2715 5th Ave	40,513	0.93	21E36CC	900	No	
SDG-2 LLC (Robert Schultz)	1317 7th St	58,392	1.34	31E02AA	800	Yes	1.32
SDG-2 LLC (Robert Schultz)	No Site Address	108,425	2.49	31E02	100	Yes	2.49
SDG-2 LLC (Robert Schultz)	No Site Address	85,665	1.97	31E01BB	100	Yes	1.97
SDG-2 LLC (Robert Schultz)	No Site Address	83,663	1.92	31E02AA	200	Yes	1.92
Water Environment Services	No Site Address	20,812	0.48	21E36CC	1201	No	
Water Environment Services	No Site Address	43,904	1.01	31E01BB	103	No	
Keith Van Apeldoorn	No Site Address	21,074	0.48	31E01BB	101	No	
Total Area		462,448	10.62				7.70

2/3 requirement area: 308,299 or **7.08 acres**

5th Street Vacation

Property Owner	Site Address	Area (Sq. Ft.)	Area (Acres)	Tax Map	Tax Lot	Signed	Signed Area (acres)
SDG-2 LLC (Robert Schultz)	No Site Address	68,512	1.57	31E01BB	100	Yes	1.57
SDG-2 LLC (Robert Schultz)	No Site Address	82,958	1.90	31E02AA	200	Yes	1.90
Steven Wong	No Site Address	2,613	0.06	21E35DD	1200	No	
Steven Wong	1555 6th St	36,554	0.84	21E35DD	1100	No	
Manuel Contreras Jr.	1557 6th St	18,792	0.43	21E35DD	1000	No	
Manuel Contreras Jr.	2545 Willamette Falls Dr	16.69	0.0004	21E35DD	1800	No	
Joseph and Sierra Abel	1551 5th St	34,128	0.78	21E35DD	900	No	
Steve Hesler	2608 5th Ave	9,147	0.21	21E35DD	700	No	
Christopher and Lori Williams	2622 5th Ave	9,583	0.22	21E35DD	600	No	
Jennifer Demoro	2638 5th Ave	10,890	0.25	21E35DD	500	No	
Travis and Heather Harris	2652 5 th Ave	1,399	0.03	21E35DD	400	No	
SDG-2 LLC (Robert Schultz)	No Site Address	52,086	1.20	31E02	100	Yes	1.20
SDG-2 LLC (Robert Schultz)	1317 7th St	107,328	2.46	31E02AA	800	Yes	2.46
Total Area		434,007	9.95				7.13

2/3 requirement area: 289,338 square feet or **6.64 acres**

CONSENT TO VACATE PETITION

4th Avenue West Vacation

Printed Owner's Name	Owner's Signature	Address	Tax Map	Tax Lot
SDG-2 LLC		1317 7th St	31E02AA	800
SDG-2 LLC		No Site Address	31E02	100
Portland General Electric		No Site Address	31E02	2200
Deborah and Christian Kennedy		1360 7th St	31E02AB	7501
Joe and Karen Gault		1380 7th St	31E02AB	7502
Jeffrey Devall		1355 8th St	31E02AB	7500
Michael Steven and Linda Murr		1312 7th St	31E02AB	7800
Kenneth Bietschek		No Site Address	31E02AA	1000

4th Avenue East Vacation

Printed Owner's Name	Owner's Signature	Address	Tax Map	Tax Lot
Water Environment Services		2715 5th Ave	21E36CC	900
SDG-2 LLC		1317 7th St	31E02AA	800
SDG-2 LLC		No Site Address	31E02	100
SDG-2 LLC		No Site Address	31E01BB	100
SDG-2 LLC		No Site Address	31E02AA	200
SDG-2 LLC		No Site Address	31E02AA	100
Water Environment Services		No Site Address	21E36CC	1201
Water Environment Services		No Site Address	31E01BB	103
Keith Van Apeldoorn		No Site Address	31E01BB	101

Printed Owner's Name	Owner's Signature	Address	Tax Map	Tax Lot
SDG-2 LLC		No Site Address	31E02	100
SDG-2 LLC		1317 7th St	31E02AA	800

5th Street Vacation

Printed Owner's Name	Owner's Signature	Address	Tax Map	Tax Lot
SDG-2 LLC		No Site Address	31E01BB	100
SDG-2 LLC		No Site Address	31E02AA	200
Steven Wong		No Site Address	21E35DD	1200
Steven Wong		1555 6th St	21E35DD	1100
Manuel Contreras Jr.		1557 6th St	21E35DD	1000
Manuel Contreras Jr.		2545 Willamette Falls Dr	21E35DD	1800
Joseph and Sierra Abel		1551 5th St	21E35DD	900
Steve Hesler		2608 5th Ave	21E35DD	700
Christopher and Lori Williams		2622 5th Ave	21E35DD	600
Jennifer Demoro		2638 5th Ave	21E35DD	500
Travis and Heather Harris		2652 5 th Ave	21E35DD	400

State of Oregon)
)ss.

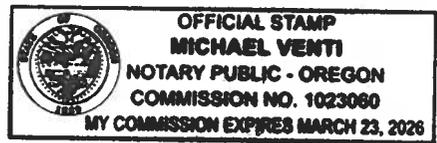
County of ~~Washington~~)
 Clackamas

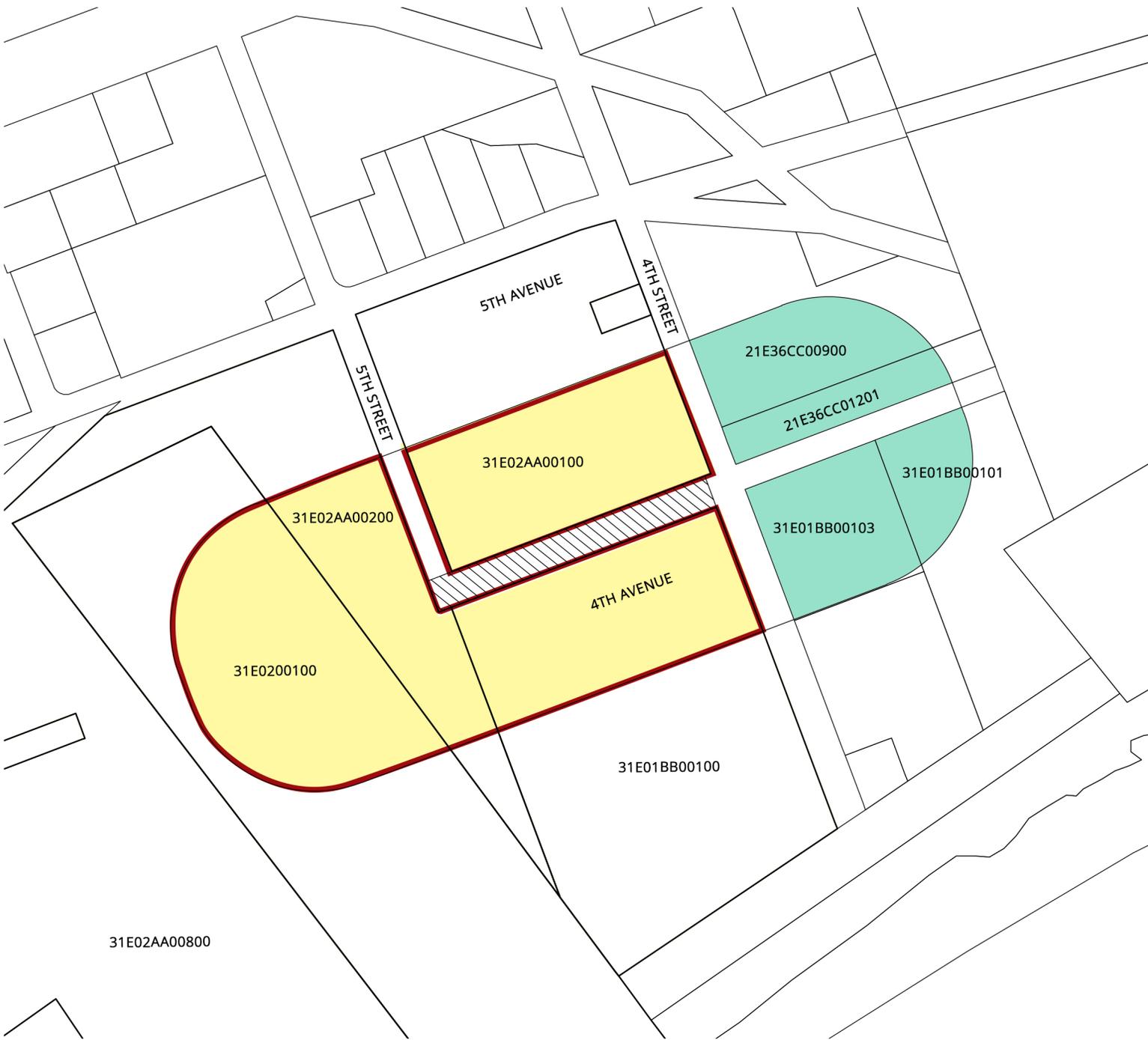
This instrument was acknowledged before me on this 22ND day of October, 202^m4

By Robert Schultz



Notary Public for Oregon
My Commission expires: 3-23-26

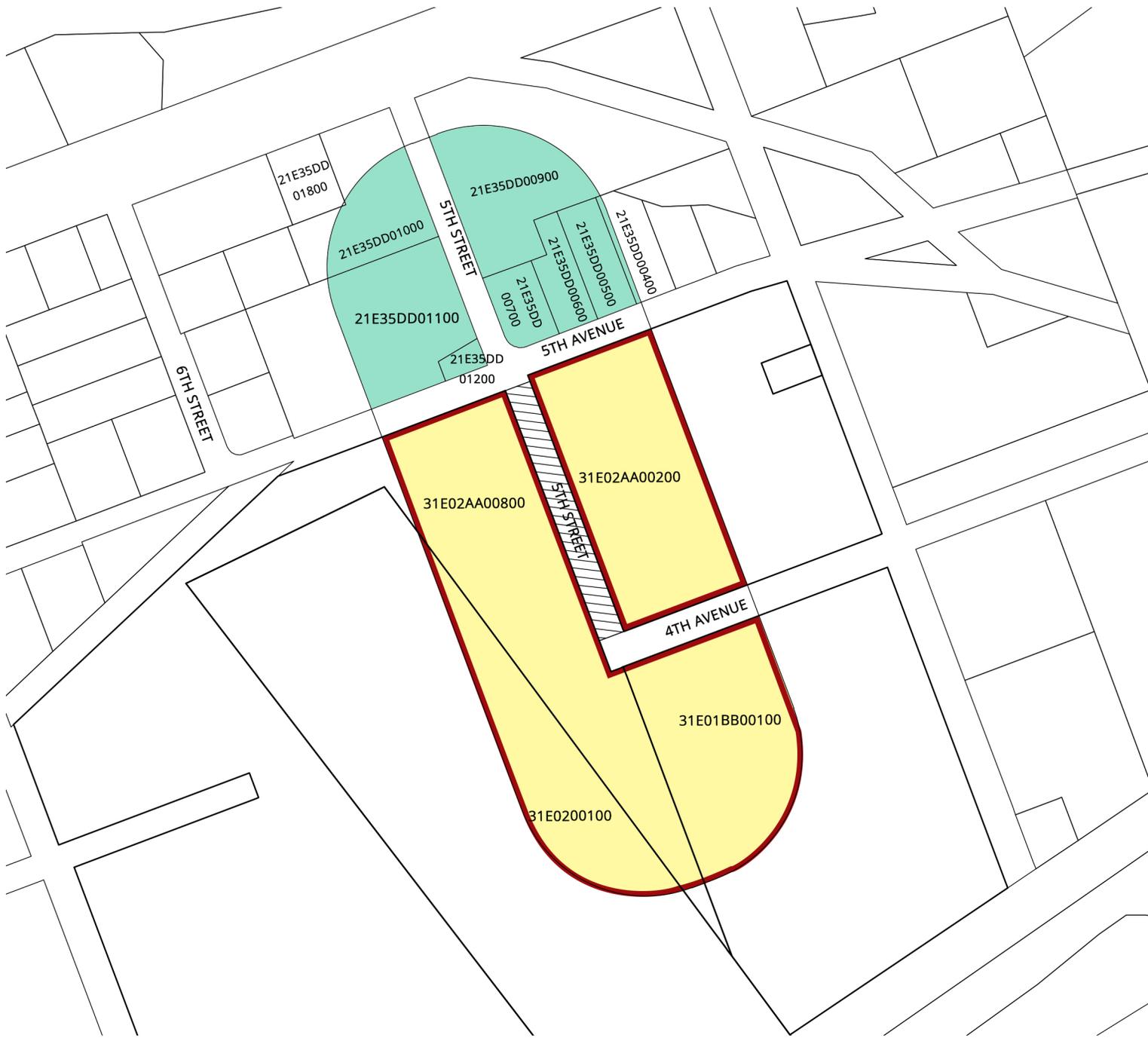




LEGEND:

- AFFECTED AREA PROPERTIES
- PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
 CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING



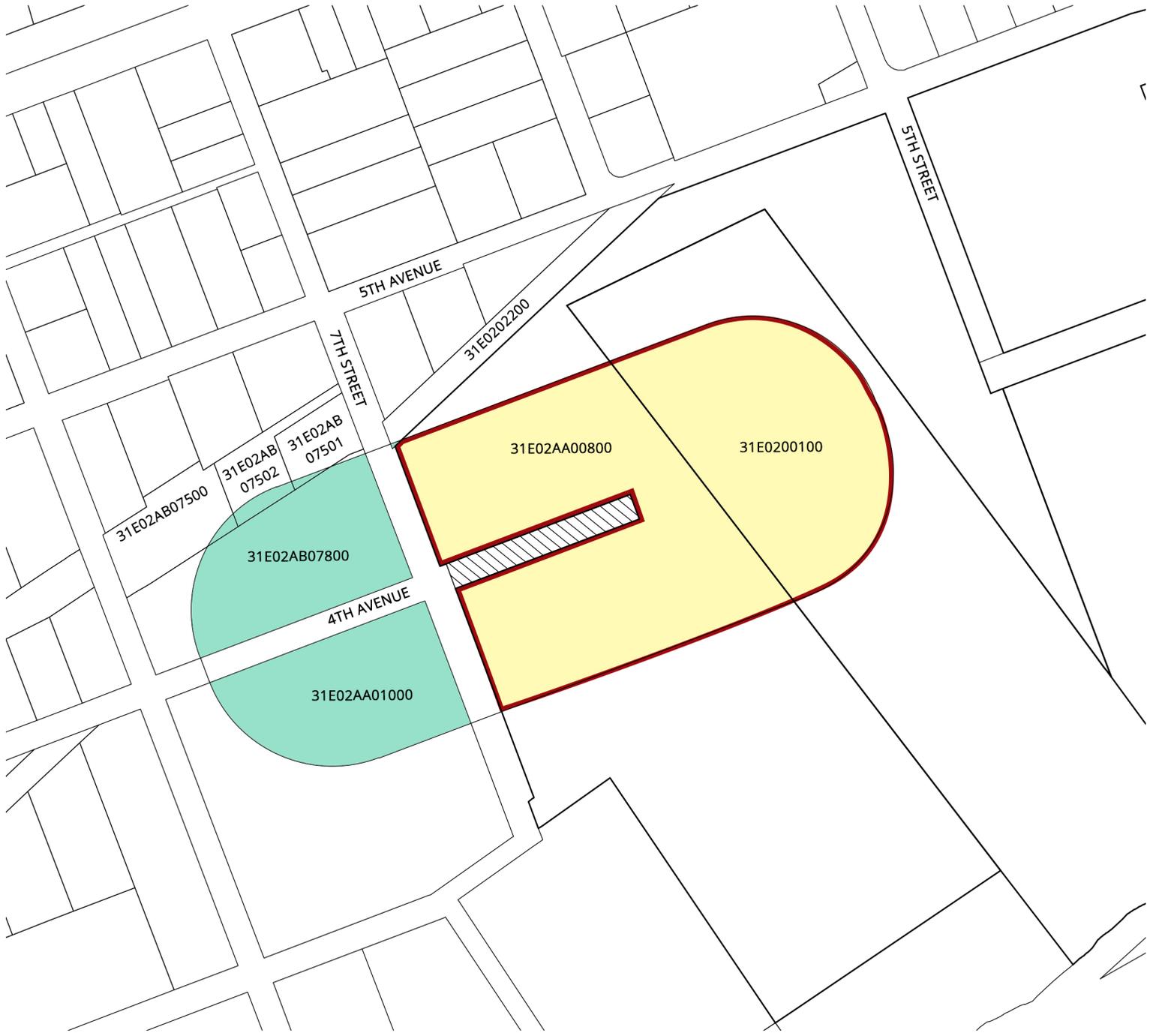
LEGEND:

- AFFECTED AREA PROPERTIES
- PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

WEST LINN - 5TH STREET RIGHT-OF-WAY VACATION

3J CONSULTING
 CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING

NOVEMBER 2024



LEGEND:

- AFFECTED AREA PROPERTIES
- PETITIONER OWNED PROPERTY
CONSENTING TO VACATION

3J CONSULTING
 CIVIL ENGINEERING . WATER RESOURCES . LAND USE PLANNING

WEST LINN - 4TH AVENUE RIGHT-OF-WAY VACATION (WEST)

NOVEMBER 2024

EXHIBIT CC-4: COMPLETENESS LETTER



CITY OF
West Linn

December 16, 2024

Forward Vision Development LLC/e3 Design Concepts LLC/SDG-2 LLC
3242 Wild Rose Loop
West Linn, OR. 97068

SUBJECT: VAC-24-01: Proposed vacation of portions of the 4th Ave. and 5th Street rights-of-way

Greetings:

The City accepted this application for review on October 24, 2024. The Planning and Engineering Departments found the application incomplete on November 21, 2024. Additional materials were submitted on November 26, 2024. The Planning Department has reviewed the materials and calculated you have signature support of all abutting property owners and signature support of not less than 66.67% of property owners in the affected area as defined in Oregon Revised Statute 271.080. The Planning Department finds that this application is now **complete**. The city has 120 days to exhaust all local review; that period ends March 26, 2025.

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

Public notice will be prepared per Oregon Revised Statute 271.110. The public hearing date before the West Linn City Council is tentatively scheduled for February 10, 2025.

Please contact me at 503-742-6064, or by email at dwyss@westlinnoregon.gov if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Darren Wyss".

Darren Wyss
Planning Manager

EXHIBIT CC-5: AFFIDAVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
STREET VACATION**

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

PROJECT

File No.: **VAC-25-01**
Applicant's Name: **Forward Vision Development LLC & e3 Design Concepts**
ADDRESS: **Right-of-Way Vacation of three unimproved rights-of-way sections of 4th Avenue and 5th Street**
City Council Hearing: **2/10/25**

TIDINGS

Per ORS 271.110, notice was posted in the West Linn Tidings once each week for two consecutive weeks prior to the hearing. The first day of publication of such notice was at least 14 days before the hearing.

<i>1/22/2025</i>	<i>Lynn Schroder</i>
<i>1/29/2025</i>	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website at least 10 days before the scheduled hearing.

<i>1/22/2025</i>	<i>Lynn Schroder</i>
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SIGN

Within 5 days after the first day of publication, and at least 14 days before the hearing, two signs were posted at each end of the proposed vacation per ORS 271.110.

<i>1/23/2025</i>	Chris Myers
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STAFF REPORT was posted on the website at least 10 days before the scheduled hearing.

<i>1/30/2025</i>	<i>Darren S. Wyss</i>
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FINAL DECISION notice mailed to applicant, parties with standing, and the County surveyor's office.

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**WEST LINN CITY COUNCIL
PUBLIC HEARING NOTICE
FILE NO. VAC-24-01**

The West Linn City Council will hold a hybrid public hearing on **Monday, February 10, 2025, at 6:00 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a petition and any objections to vacate 16,199 square feet of 5th Street right-of-way adjacent to tax lots 200 and 800 of Assessor Map 31E02AA, and 11,960 square feet of 4th Avenue right-of-way adjacent to tax lot 800 of Assessor Map 31E02AA, and 22,416 square feet of 4th Avenue right-of-way adjacent to tax lot 200 of Assessor Map 31E02AA and tax lot 100 of Assessor Map 31E01BB. The petition was filed by Forward Vision Development LLC, e3 Design Concepts LLC, and SDG-2 LLC on October 24, 2024.

The City Council hearing shall be conducted per CDC Chapter 99 and the decision shall be based upon the approval criteria found in Oregon Revised Statute 271. All written or oral comments must relate specifically to the applicable approval criteria.

The application is posted on the City website <https://westlinnoregon.gov/projects>. The application, all documents or evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost at City Hall. Copies may be obtained at a reasonable cost. At least ten days prior to the hearing, a copy of the staff report will be available.

Anyone wishing to present written testimony for consideration should submit all materials before 12:00 pm on February 10, 2025 to dwyss@westlinnoregon.gov or mail to City Hall.

The City Council meeting will be conducted 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. Those who wish to participate remotely should complete the speaker form <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.

The City Council will receive a staff presentation and invite both virtual and in-person oral testimony from the public. Previously submitted written testimony is included as part of the record. The City Council may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the review as provided by state law. Failure to raise an issue during the hearing or in writing before the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals based on that issue.

For further information, please contact Darren Wyss, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, dwyss@westlinnoregon.gov, or 503-742-6064.

NOTICE OF PROPOSED STREET VACATION

WEST LINN CITY COUNCIL PUBLIC HEARING NOTICE FILE NO. VAC-24-01

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