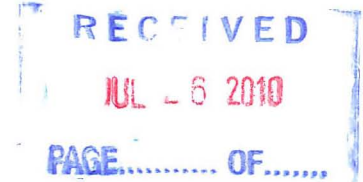


July 26, 2010

TO: Peter Spir  
FROM: Michael C. Robinson  
RE: **Troy and Gina Bundy**



---

Peter,

This is part of the Bundy's initial submittal.

Mike

Enclosure



**City of West Linn  
PLANNING & BUILDING DEPT.  
LAND USE ACTION**

**TO:** West Linn City Record  
**FROM:** Peter Spir, Associate Planner  
**DATE:** August 3, 2001  
**FILE NO.:** MIP-01-03  
**SUBJECT:** Two-Lot Minor Partition east of 1229 9th Street.

---

**SPECIFIC DATA**

**OWNER:** Mark Handris, Handris Realty, 2008 Willamette Falls Dr., Suite B,  
West Linn, OR 97068

**APPLICANT:** Howard Goodman, Sheridan Classic Homes, P.O. Box 68,  
Sherwood, OR 97140

**SITE LOCATION:** The property is generally east of 1229 and 1233 9th Street and west of the  
undeveloped right-of-way for 8th Street.

**LEGAL  
DESCRIPTION:** Assessor's Map 3 1E 2AB, Tax Lot 8200

**ZONING:** R-10, single-family residential (10,000 sq. ft. minimum lot size)

**SITE SIZE:** 64,800 square feet (1.49 acres)

**COMP PLAN  
DESIGNATION:** Residential

**APPROVAL  
CRITERIA:** CDC Chapter 85

**120-DAY RULE:** The 120-day period extends from the date of completeness determination,  
which was July 10, 2001. The 120-day deadline lapses November 7,  
2001.

**PUBLIC NOTICE:** Public notice was mailed to all property owners within 500 feet of the site on July 11, 2001 and to the Willamette Neighborhood Association. A sign was posted on the property on July 23, 2001. Therefore, the public notice requirements of Chapter 99 of the Community Development Code have been met.

## **SPECIFIC PROPOSAL**

According to the applicant, the site has recently had its wetland delineated per File No. MISC-00-10/LLA-00-10. Tract 1 of the lot line adjustment is being divided by this partition into Parcels 1 and 2. The topography slopes downhill to the southeast. The slopes are mild averaging less than 5 percent. The property has no existing dwellings and is dominated by a wetland. A portion of the site lies within the 100-year floodplain. There are no significant trees on the site.

Both parcels will access from 9th Street via a 20-foot private access and utility easement provided to Parcels 1 and 2 through Tracts 2 and 3 of the lot line adjustment (LLA-00-10). The site has frontage on 4th Avenue, 8th Street, and 3rd Avenue, but none of these streets are improved. A 15-foot wide paved access with 2½-foot gravel shoulders will be constructed to serve Tracts 2 and 3 per Tualatin Valley Fire and Rescue. Public sanitary sewer and water are available in 9th Street.

## **MAJOR ISSUES**

Street improvements. Staff received comments from Roberta Lapayre (7-13-01). Mrs. Lapayre's did not want 8th Street to be extended to access this 2-lot minor partition. Because of the grade problems at the end of the 8th Street right-of-way, presence of wetland area, and the availability of alternate access without disturbance to the wetland, it was deemed appropriate that access come off 9th Street via an access easement. The applicant will not be required to make street improvements on 8th or 9th Streets or other adjacent undeveloped right of ways. In lieu of that, the applicants are often required to make a payment towards nearby street improvements. (see staff finding #2)

## **PUBLIC COMMENTS**

Staff received a telephone call from Ann Miller of 1009 9th Street on July 16, 2001. Mrs. Miller's inquiry was general in nature and she stated no opposition to the application. Roberta Lapayre called by telephone on July 13, 2001 and stated opposition to any access via the 8th Street right-of-way. Staff explained that was not part of the proposal. Instead, access would be via 9th Street. Mrs. Lapayre was satisfied with this response.

## **DECISION**

Based upon the findings contained in the applicant's submittal, which is hereby adopted as Exhibit PD-1, and the findings in the Addendum portion of this report, the Planning Director


hereby approves this application, File No. MIP-01-03. The following conditions of approval are hereby imposed:

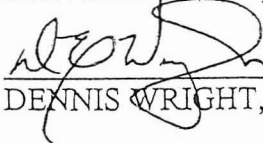
1. The applicant shall provide on-site detention and treatment since the site comprises in excess of one acre. The design of these facilities shall be pursuant to the Engineering Department's construction standards.
2. A five-foot wide utility easement is required on the front and rear of both lots.
3. Hammerhead turnaround facilities shall be provided per TVFR standards.

I/We declare to have no interest in the outcome of this decision due to some past or present involvement with the applicant, the subject property, or surrounding properties, and therefore, can render an impartial decision. The provisions of the Community Development Code Chapter 99 have been met.


8-3-01  
DATE

8/3/2001  
DATE

  
DAN DRENTLAW, Planning Director

  
DENNIS WRIGHT, Acting City Engineer

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of date of mailing. Appeal cost is \$250 and must include specific grounds or basis for appeal.

Mailed this 3 day of August, 2001 

**ADDENDUM  
MIP-01-03**

**APPROVAL CRITERIA AND STAFF FINDINGS**

85.000       LAND DIVISION  
85.200       APPROVAL CRITERIA

*No tentative subdivision or partition plan shall be approved unless the Planning Commission or Planning Director, as applicable, find that the following standards have been satisfied, or can be satisfied by condition of approval.*

*A.     Streets*

- 1.     Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the City Engineer. Additional travel lanes may be required to be consistent with adjacent road widths or to be consistent with the adopted Transportation Master Plan and any adopted updated plans.*

*Waivers of abutting street improvements may be provided in those cases where the development is limited in size (e.g., 3-lot partition) with limited street frontage, and where the surrounding area is substantially built out and characterized by a lack of street improvements (i.e., curb, gutter, street overlay, etc.).*

*Those areas with numerous (particularly contiguous) underdeveloped or undeveloped tracts will be required to install street improvements. When a waiver of street improvements is granted, the applicant shall pay an in-lieu fee for improvements to the nearest street identified by the City Engineer as necessary and appropriate. The amount of the in-lieu fee shall be roughly proportional to the impact of the development on the street system.*

**FINDING NO. 1**

The City Engineer finds that the site is adjacent to 590 feet of undeveloped right of way. Typically, developers are responsible for improving all adjacent right of way with half street improvements and sidewalks. However, of the 590 feet, all but 190 feet are in wetland areas. Staff finds that it would not be acceptable to disturb those wetlands. Of the remaining 190 feet near the south end of 8th Street, staff finds that there are excessively steep grades. Staff finds that there is no public interest served by improving adjacent right-of-ways due to steep grades and/or presence of wetlands. Access to the parcels will be provided via 9th Street. It is approximately 16 feet wide and paved between Volpp Street and 5th Avenue with no sidewalks. When no street improvements are required, the code allows for payment of "fee-in-lieu-of". Certainly, there is a nexus between the creation of one extra lot and the trip generation produced by that lot (e.g. 7 trips per day) and the impact of those trips on local streets; however, the nexus is tenuous and that impact is minor. If we

we say that most of the impacts will be in the south Willamette area and there are 300 households south of Willamette Falls Drive the proportionate fee in lieu of payment would be 1/300<sup>th</sup> of what it would have cost to improve 190 lineal feet of non-wetland right-of-way adjacent to the site. At \$75 per lineal foot, the cost of half-street improvements would be \$14,250 (190 X \$75 per lineal foot). We would then divide \$14,250 by 300 to yield a cost of \$47.50. Given that the amount generated by this method is so small (it would not pay for any street improvements) and given the fact that the methodology for proportionality can be easily challenged, staff finds that it is not appropriate to pursue “fee in lieu of” payment in this case. The City Engineer concurs with this finding.

---

#### **H. Storm**

- 1. A proposal shall be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the adopted Storm Drainage Master Plan.**
- 2. Storm treatment and detention facilities shall be sized to accommodate a 10-year storm incident. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse off-site impacts from increased intensity of runoff downstream or constriction causing ponding upstream. The plan and statement shall identify all on- or off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 10-year storm.**
- 3. Plans shall demonstrate how storm drainage will be collected from all impervious surfaces including roof drains. Storm drainage connections shall be provided to each dwelling unit/lot. The location, size, and type of material selected for the system shall correlate with the 10-year storm incident.**
- 4. Treatment of storm runoff shall meet Municipal Code standards.**

#### **FINDING NO. 2**

On-site detention and treatment is required for all land divisions involving more than one acre. The site is 1.49 acres. The applicant will be required by condition to have an engineer design an acceptable storm detention and treatment facility per the Engineering Department’s standards. Therefore, staff finds the criterion is met by condition.

---

# Staff Exhibits





*Planning and Building*

July 10, 2001

Howard Goodman  
PO Box 1268  
Sherwood, OR  
97140

Subject: Minor Partition at Tax lot 8200, Assessor's map 31E2AB (File No. MIP-01-03)

Dear Mr. Goodman:

The City of West Linn, after review by both Engineering and Planning Departments, has determined that your application is complete. The city now has 120 days to exhaust all local review. It is expected that notice will be mailed by July 13<sup>th</sup>, with a director's decision on August 6<sup>th</sup>.

Please call me at 656-4211 if you have any questions.

Sincerely,

Peter Spir  
Associate Planner

p:\DevRev\Completeness Check\CL-MIP0103



Planning and Building

July 3, 2001

Howard Goodman  
PO Box 1268  
Sherwood, OR  
97140

Subject: Minor Partition at Tax lot 8200, Assessor's map 31E2AB (File No. MIP-01-03)

Dear Mr. Goodman:

The City of West Linn is required by state law to notify applicants of the status of their application within 30 days of submittal. You submitted the above application on June 14, 2001. After review by both Engineering and Planning Departments, the application is found to be incomplete. You now have 180 days to make the application complete. The following shortcomings were noted:

85.160A	no city wide map
85.170A7	need table showing allowable number of lots
85.170A8	need map and table showing type I-IV lands
85.200A1	need City Engineer waiver of adjacent street improvements (request waiver in letter)

The Engineering Department identified the application as incomplete. Their punch list of incomplete items is attached.

Please call me at 656-4211 if you have any questions.

Sincerely,

Peter Spir  
Associate Planner

p:\DevRev\Completeness Check\CL-MIP0103

8

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:

GENERAL

File No. MIP-01-03 Applicant's Name Sheridan Classic Homes  
Development Name 2-lot partition east of 1229 & 1233 9th St.  
Scheduled Meeting/Decision Date after 8-3-01

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting or decision date as per Section 99.080 of the Community Development Code. (check one below)

Type A \_\_\_\_\_

- A. The applicant (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- B. Affected property owners (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- E. Affected neighborhood associations (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- F. All parties to an appeal or review (date) \_\_\_\_\_ (signed) \_\_\_\_\_

At least 10 days prior to the scheduled hearing or meeting, notice was published in the newspaper.

Tidings (published date) \_\_\_\_\_ (signed) \_\_\_\_\_

Type B

- A. The applicant (date) 7/11/01 (signed) [Signature]
- B. Affected property owners (date) 7/11/01 (signed) [Signature]
- C. School District/Board (date) 7/11/01 (signed) [Signature]
- D. Other affected gov't. agencies (date) 7/11/01 (signed) [Signature]
- E. Affected neighborhood associations (date) 7/11/01 (signed) [Signature]  
(Willamette)

Type C \_\_\_\_\_

- A. The applicant (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- B. Affected neighborhood associations (date) \_\_\_\_\_ (signed) \_\_\_\_\_

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) July 23, 2001 (signed) [Signature]

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

Copy of relevant minutes placed in file (date) \_\_\_\_\_ (signed) \_\_\_\_\_

*CITY OF WEST LINN  
PLANNING DIRECTOR  
DECISION*

FILE NO. MIP-01-03

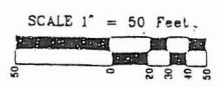
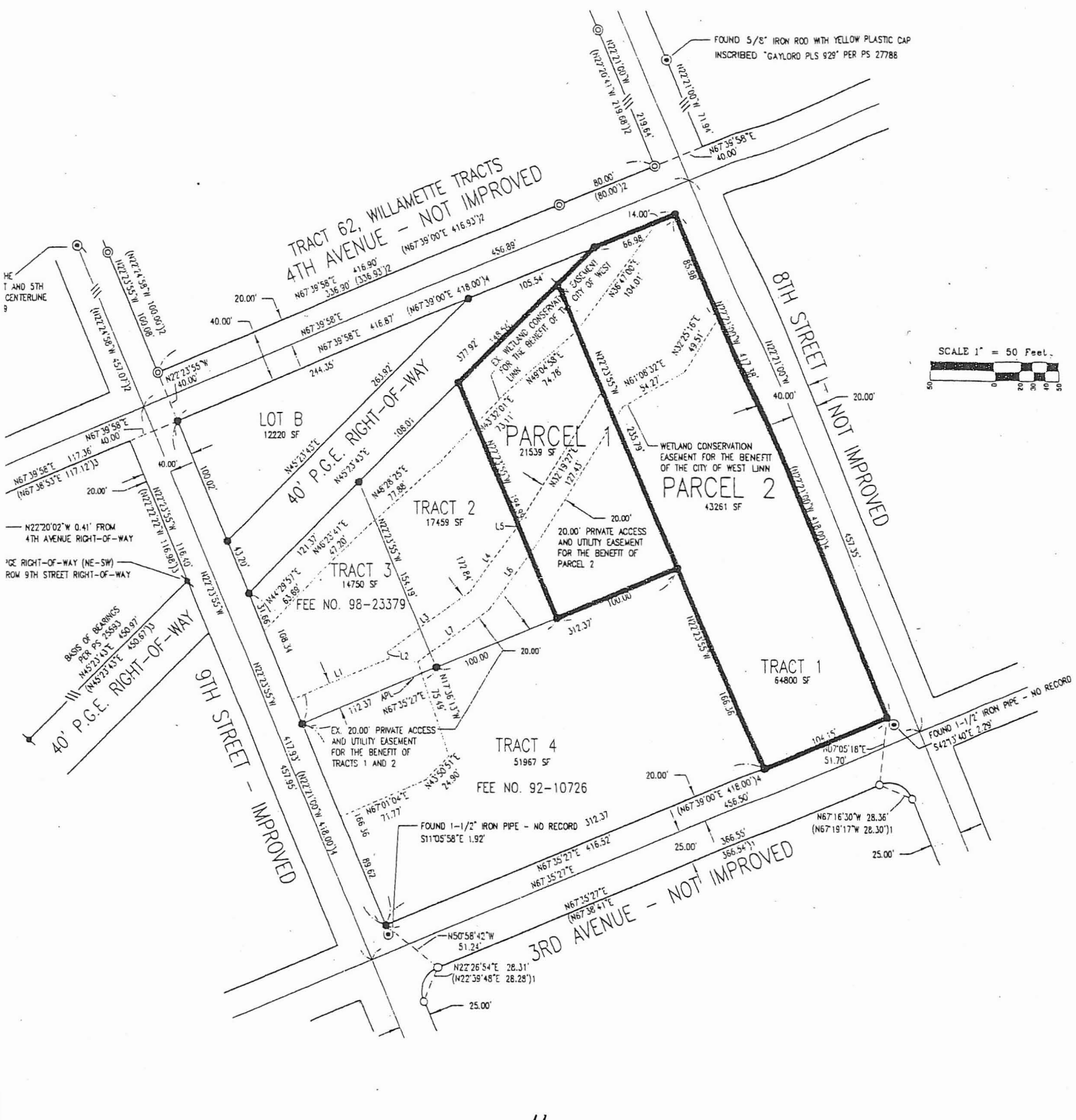
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You have been notified of this proposal because County records indicate that you own property within 500 feet of the proposed site located at Tax Lot 8200, Clackamas County Assessor's Map 31E 2AB.

All relevant materials in the above noted file are available for inspection at no cost, or copies may be obtained for a minimal charge per page. Although there is no public hearing, your comments and ideas can influence or change the project layout, design, or the final decision of the Planning Director. Planning staff looks forward to discussing the application with you. The final decision is expected to be made after August 3, 2001, so please get in touch with us prior to this date. For further information, please contact Peter Spir, Associate Planner, at City Hall, 25000 Salamo Road, #1000, West Linn, OR 97068 (telephone: 656-4211).

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

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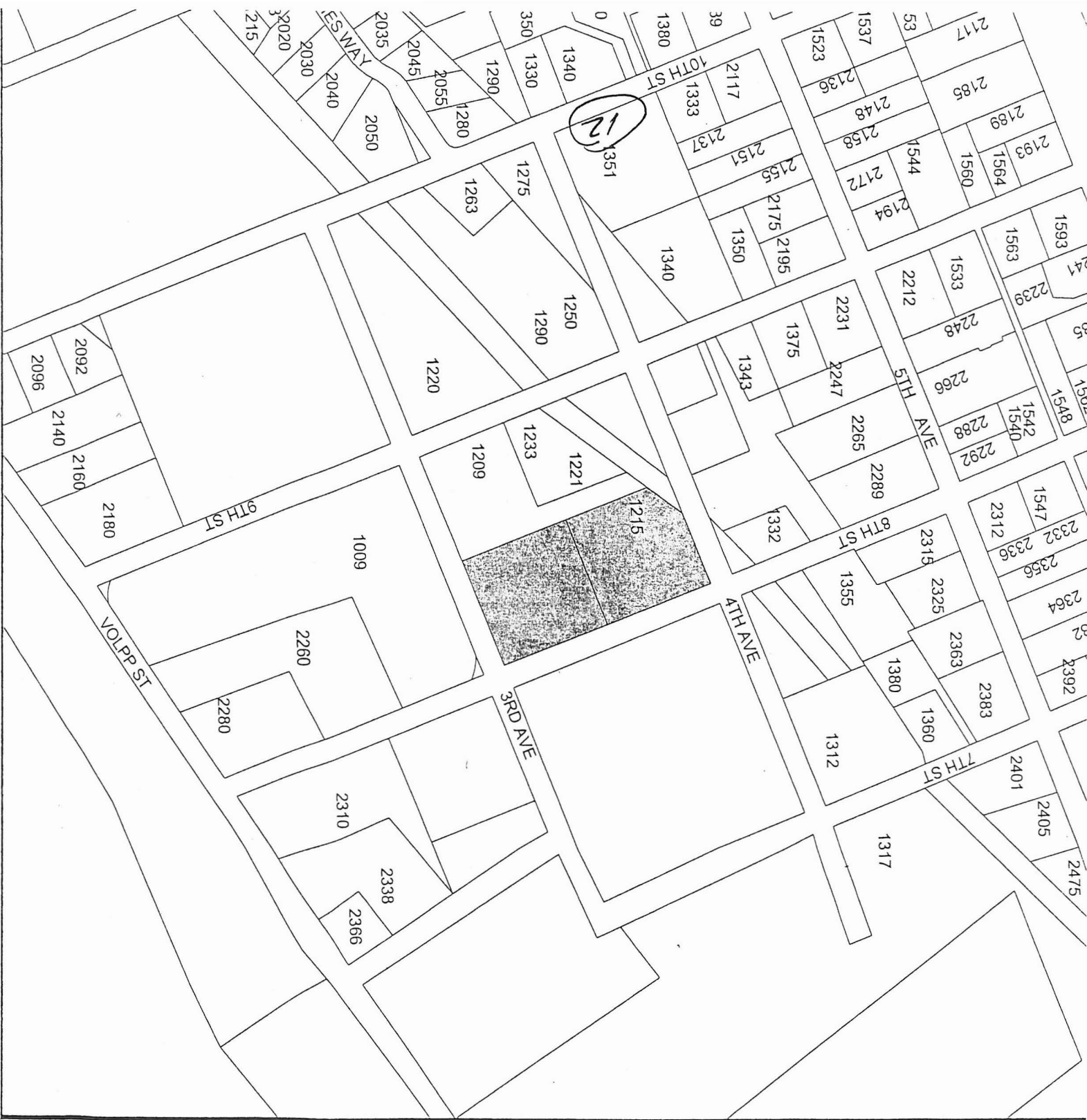
PRELIMINARY PARTITION  
PLAT



ENGINEERING · PLANNING · SURVEYING · FORESTRY  
LICENSED IN OR, WA & AK  
13910 SW GALBREATH DRIVE, SUITE 100  
SHERWOOD, OR 97062  
PHONE: (503) 925-8799 FAX: (503) 925-8969

DESIGNED BY: WRH  
DRAWN BY: WRH  
CHECKED BY: ACB

PREPARED FOR:



# Vicinity Map

## MIP 01-03

### Minor Partition

 Site  
 Tax Lots

TAXLOT BASE SOURCE: CLACKAMAS COUNTY GIS  
 publicnotice\_2001/ mip apr / 7/9/01/ Howard



This map and other information have been compiled for preliminary and general purposes. They are not intended to be complete or accurate for any other purposes. Specifically, this information is not intended to be complete for purposes of land use restriction zoning, title, size, and suitability of the property for specific use.

AKS ENGINEERING & FORESTRY LLC  
13910 SW GALBREATH DR STE 100  
SHERWOOD OR 97140

ARNOLD W ANTHONY & LAURIE M  
2231 5TH AVE  
WEST LINN OR 97068

BIETSCHEK EDWIN F & SHEILA W  
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GILBERT JEFFREY C & LAURA  
2265 5TH AVE  
WEST LINN OR 97068

GOODMAN W HOWARD  
SHERIDAN CLASSIC HOMES  
PO BOX 1268  
SHERWOOD OR 97140

HANDRIS MARK  
2008 WILLAMETTE FALLS DR #B  
WEST LINN OR 97068

HEGRENES CRAIG A  
2325 5TH AVE  
WEST LINN OR 97068

KELLY SHARON E TRUSTEE  
1340 9TH ST  
WEST LINN OR 97068

LAPEYRE ROBERTA L  
2315 5TH AVE  
WEST LINN OR 97068

MARKHAM AMANDA & DAVID  
1350 9TH ST  
WEST LINN OR 97068

MASON CRAIG W  
4528 NE 72ND AVE  
PORTLAND OR 97218

METRO  
ATTN: BOB KNIGHT

MILLER ANN D  
1009 9TH ST  
WEST LINN OR 97068

MURR MICHAEL S & LINDA L  
1312 7TH ST  
WEST LINN OR 97068

NELKE DONALD R & JENNIFER J  
1275 10TH ST  
WEST LINN OR 97068

PAULSEN GERALD L & SHARON D  
1250 9TH ST  
WEST LINN OR 97068

PORTLAND GEN ELEC CO  
121 SW SALMON ST  
PORTLAND OR 97204

STODDART STEPHANIE J  
7535 SW THORNTON DR  
WILSONVILLE OR 97070

STRAWN NOEL A & LYDIA E  
2363 5TH AVE  
WEST LINN OR 97068

STREIKER SCOTT M  
& PHYLLIS L KOESSLER  
1351 10TH ST  
WEST LINN OR 97068

STROH ANTON R  
2175 5TH AVE  
WEST LINN OR 97068

TIEDEMAN EMERSON L  
& ROSEMARY  
2247 5TH AVE  
WEST LINN OR 97068

TRI MET  
ATTN: MICHAEL KISER

VINCENT TIMOTHY R  
1360 7TH ST  
WEST LINN OR 97068

WEBB VALERIE A  
1380 7TH ST  
WEST LINN OR 97068

WEST LINN-WILSONVILLE SCHOOL  
BOARD/DIST (6)

WHITNEY ROGER H & ERMA  
2195 5TH AVE  
WEST LINN OR 97068

WILLAMETTE N/A  
JULIA SIMPSON, PRES

ZORICH FRANCESCO R  
1343 9TH ST  
WEST LINN OR 97068

ZORICH FRANCO R  
1343 9TH ST  
WEST LINN OR 97068

14



# Applicant's Submittal Exhibit PD-1

Anne Miller 1009 North St -

Called

7-16-01

~~resist~~ - general signing  
- not opposed

Roberta Lapeyre

called

7-13-01

"

opposed to 9th St ext.

(not going to happen)

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:

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***CITY OF WEST LINN  
PLANNING DIRECTOR  
DECISION***

**FILE NO. MIP-01-03**

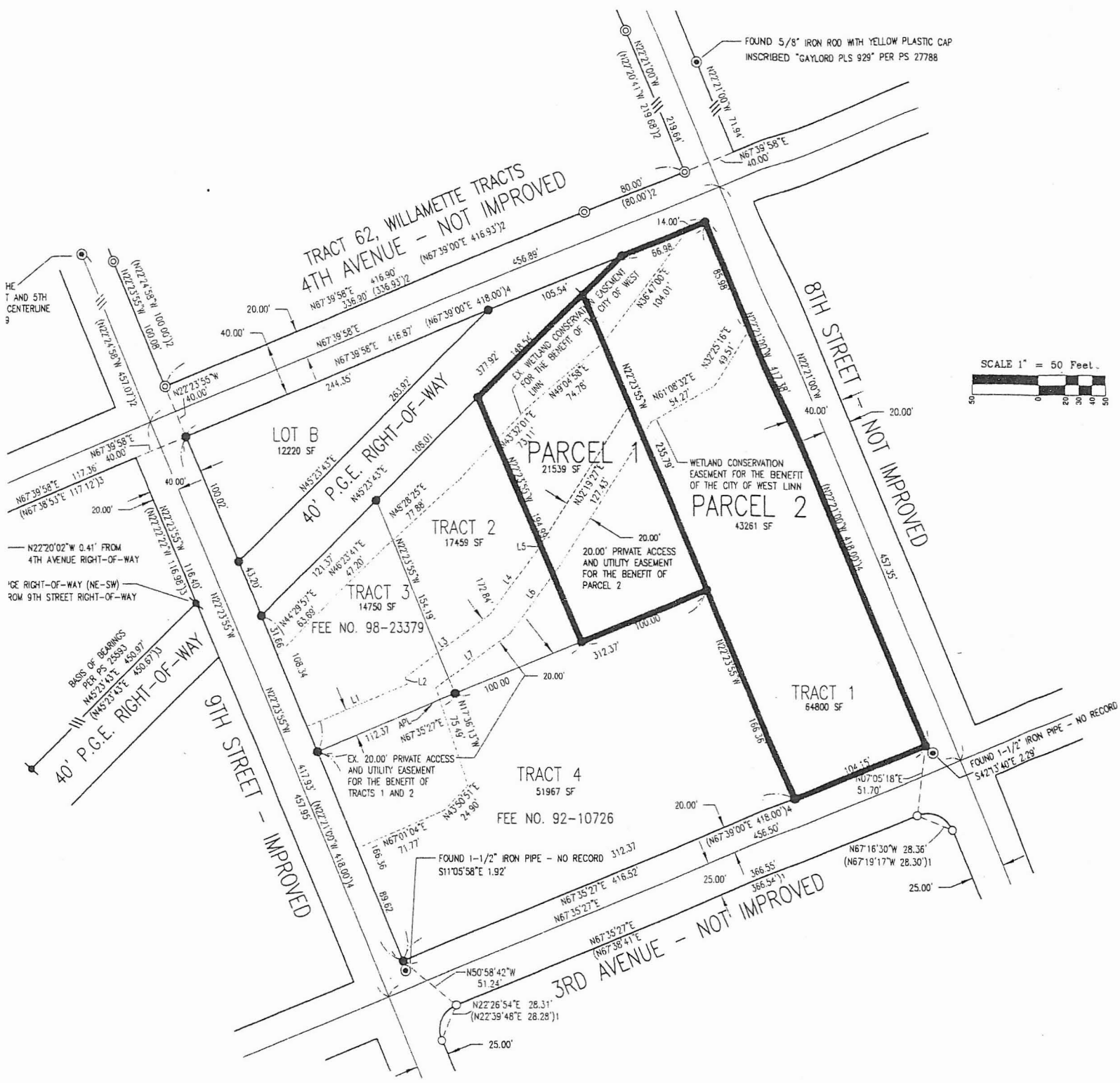
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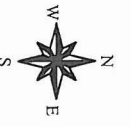
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Agenda Packet as of August 21, 2010, Page 7/2



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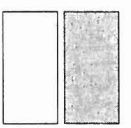
DESIGNED BY:	WRH
DRAWN BY:	WRH
CHECKED BY:	ACB
PREPARED FOR:	



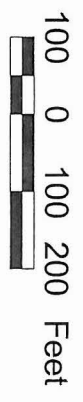
# Vicinity Map

## MIP 01-03

### Minor Partition


  
**Site**
  
**Tax Lots**

TAXLOT BASE SOURCE: CLACKAMAS COUNTY GIS  
 publicnotice\_2001 / mip apr / 7/9/01 / Howard



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HANDRIS MARK  
2008 WILLAMETTE FALLS DR #B  
WEST LINN OR 97068

HEGRENES CRAIG A  
2325 5TH AVE  
WEST LINN OR 97068

KELLY SHARON E TRUSTEE  
1340 9TH ST  
WEST LINN OR 97068

LAPEYRE ROBERTA L  
2315 5TH AVE  
WEST LINN OR 97068

MARKHAM AMANDA & DAVID  
1350 9TH ST  
WEST LINN OR 97068

MASON CRAIG W  
4528 NE 72ND AVE  
PORTLAND OR 97218

METRO  
ATTN: BOB KNIGHT

MILLER ANN D  
1009 9TH ST  
WEST LINN OR 97068

MURR MICHAEL S & LINDA L  
1312 7TH ST  
WEST LINN OR 97068

NELKE DONALD R & JENNIFER J  
1275 10TH ST  
WEST LINN OR 97068

PAULSEN GERALD L & SHARON D  
1250 9TH ST  
WEST LINN OR 97068

PORTLAND GEN ELEC CO  
121 SW SALMON ST  
PORTLAND OR 97204

STODDART STEPHANIE J  
7535 SW THORNTON DR  
WILSONVILLE OR 97070

STRAWN NOEL A & LYDIA E  
2363 5TH AVE  
WEST LINN OR 97068

STRIKER SCOTT M  
& PHYLLIS L KOESSLER  
1351 10TH ST  
WEST LINN OR 97068

STROH ANTON R  
2175 5TH AVE  
WEST LINN OR 97068

TIEDEMAN EMERSON L  
& ROSEMARY  
2247 5TH AVE  
WEST LINN OR 97068

TRI MET  
ATTN: MICHAEL KISER

VINCENT TIMOTHY R  
1360 7TH ST  
WEST LINN OR 97068

WEBB VALERIE A  
1380 7TH ST  
WEST LINN OR 97068

WEST LINN-WILSONVILLE SCHOOL  
BOARD/DIST (6)

WHITNEY ROGER H & ERMA  
2195 5TH AVE  
WEST LINN OR 97068

WILLAMETTE N/A  
JULIA SIMPSON, PRES

ZORICH FRANCESCO R  
1343 9TH ST  
WEST LINN OR 97068

ZORICH FRANCO R  
1343 9TH ST  
WEST LINN OR 97068



PUBLIC NOTICE CHECKLIST

FILE NO.: MIP-01-03 DATE: 7-10-01

PROJECT MANAGER: Peter Spir

MAILING DEADLINE: 7-13-01 (20 days)

SEND TO (check where applicable):

Applicant: Name: Howard Goodman Address: Sheridan Classic Homes LLC  
P.O. Box 1268  
Sherwood, OR 97140

School District/Board

Division of State Lands \_\_\_\_\_

Metro

US Army Corp. of Engineers \_\_\_\_\_

Tri-Met

Stafford-Tualatin CPO \_\_\_\_\_

Clackamas County \_\_\_\_\_

City of Lake Oswego \_\_\_\_\_

ODOT (if on State Hwy. or over 40 dwelling units) \_\_\_\_\_

Other(s): 1) Mark Handris  
2008 Will. Falls Dr., Ste B  
West Linn 97068

Neighborhood Assn(s). (please specify) Willamette

2) A K S Engineering & Forestry LLC  
13910 S.W. Galbreath Dr., Ste 100  
Sherwood 97140

A04OWNER	A05MAILADD	A06MAILCIT	A0 A08MAILZIP
BLESS YVONNE	1514 6TH AVE	WEST LINN	OF 97068
STRAWN NOEL A & LYDIA E	2363 5TH AVE	WEST LINN	OF 97068
HEGRENES CRAIG A	2325 5TH AVE	WEST LINN	OF 97068
WEBB VALERIE A	1380 7TH ST	WEST LINN	OF 97068
VINCENT TIMOTHY R	1360 7TH ST	WEST LINN	OF 97068
LAPEYRE ROBERTAL	2315 5TH AVE	WEST LINN	OF 97068
ESTES JACK E & COLLEEN C OCALLAGHAN	17702 OVERLOOK CIR	LAKE OSWEGO	OF 97034
MURR MICHAEL S & LINDAL	1312 7TH ST	WEST LINN	OF 97068
GILBERT JEFFREY C & LAURA A	2265 5TH AVE	WEST LINN	OF 97068
GOODMAN W HOWARD	PO BOX 1268	SHERWOOD	OF 97140
TIEDEMAN EMERSON L & ROSEMARY	2247 5TH AVE	WEST LINN	OF 97068
ARNOLD W ANTHONY & LAURIE M	2231 5TH AVE	WEST LINN	OF 97068
MURR MICHAEL S & LINDAL	1312 7TH ST	WEST LINN	OF 97068
PORTLAND GEN ELEC CO	121 SW SALMON ST	PORTLAND	OF 97204
WHITNEY ROGER H & ERMA	2195 5TH AVE	WEST LINN	OF 97068
ZORICH FRANCESCO R	1343 9TH ST	WEST LINN	OF 97068
STROH ANTON R	2175 5TH AVE	WEST LINN	OF 97068
MURR MICHAEL S & LINDAL	1312 7TH ST	WEST LINN	OF 97068
FREER PAUL F & KATHLEEN A	1375 9TH ST	WEST LINN	OF 97068
MASON CRAIG W	4528 NE 72ND AVE	PORTLAND	OF 97218
BIETSCHKE KENNETH W	2310 VOLPP ST	WEST LINN	OF 97068
ZORICH FRANCO R	1343 9TH ST	WEST LINN	OF 97068
MARKHAM AMANDA & DAVID	1350 9TH ST	WEST LINN	OF 97068
PORTLAND GEN ELEC CO	121 SW SALMON ST	PORTLAND	OF 97204
ZORICH FRANCESCO R	1343 9TH ST	WEST LINN	OF 97068
KELLY SHARON E TRUSTEE	1340 9TH ST	WEST LINN	OF 97068
ZORICH FRANCO	1343 9TH ST	WEST LINN	OF 97068
HANDRIS MARK	2008 WILLAMETTE FALLS DR #B	WEST LINN	OF 97068
STREIKER SCOTT M & PHYLLIS L KOESSLER	1351 10TH ST	WEST LINN	OF 97068
KELLY SHARON E TRUSTEE	1340 9TH ST	WEST LINN	OF 97068
PORTLAND GEN ELEC CO	121 SW SALMON ST	PORTLAND	OF 97204
HANDRIS MARK	2008 WILLAMETTE FALLS DR #B	WEST LINN	OF 97068
BLUE HERON PAPER CO	419 MAIN ST	OREGON CITY	OF 97045
HANDRIS MARK	2008 WILLAMETTE FALLS DR #B	WEST LINN	OF 97068
HANDRIS MARK	2008 WILLAMETTE FALLS DR #B	WEST LINN	OF 97068
PAULSEN GERALD L & SHARON D	1250 9TH ST	WEST LINN	OF 97068

HANDRIS MARK	2008 WILLAMETTE FALLS DR #B	WEST LINN	OF 97068
NELKE DONALD R & JENNIFER J	1275 10TH ST	WEST LINN	OF 97068
PORTLAND GEN ELEC CO	121 SW SALMON ST	PORTLAND	OF 97204
BIETSCHKE KENNETH W	2310 VOLPP ST	WEST LINN	OF 97068
BIETSCHKE KENNETH W	2310 VOLPP ST	WEST LINN	OF 97068
FARWELL THOMAS C	1220 9TH ST	WEST LINN	OF 97068
MILLER ANN D	1009 9TH ST	WEST LINN	OF 97068
BIETSCHKE KENNETH W	2310 VOLPP ST	WEST LINN	OF 97068
BIETSCHKE EDWIN F & SHEILA W	2310 VOLPP ST	WEST LINN	OF 97068
STODDART STEPHANIE J	7535 SW THORNTON DR	WILSONVILLE	OF 97070
FARWELL THOMAS C	1220 9TH ST	WEST LINN	OF 97068
BRADFORD JON R & ELLEN V	2280 VOLPP ST	WEST LINN	OF 97068



*Planning and Building*

July 10, 2001

Howard Goodman  
PO Box 1268  
Sherwood, OR  
97140

Subject: Minor Partition at Tax lot 8200, Assessor's map 31E2AB (File No. MIP-01-03)

Dear Mr. Goodman:

The City of West Linn, after review by both Engineering and Planning Departments, has determined that your application is complete. The city now has 120 days to exhaust all local review. It is expected that notice will be mailed by July 13<sup>th</sup>, with a director's decision on August 6<sup>th</sup>.

Please call me at 656-4211 if you have any questions.

Sincerely,

Peter Spir  
Associate Planner

p:\DevRev\Completeness Check\CL-MIP0103

ENGINEERING PLANNING

13910 S.W. Galbreath Dr., Suite 100  
SHERWOOD, OR 97140



SURVEYING FORESTRY

TELEPHONE (503) 925-8799  
FAX (503) 925-8969  
E-MAIL: aks@aks-eng.com

July 5, 2001

Peter Spir, Associate Planner  
City of West Linn Planning and Building  
22500 Salamo Road #1000  
West Linn, OR 97068

Dear Mr. Spir:

The following information is provided to address the items listed in your July 3, 2001 letter as shortcomings.

85.160.A The original application included a Vicinity Map from the Thomas Guide for a City Wide Map, which was not acceptable by the City. Attached is a revised map per your specifications.

85.170.A.7 This item was addressed in paragraph form; however, a table has been provided to clarify any confusion.

Total Area	Total Number of 10,000 square foot lots
64,800 square feet (1.49 acres)	6

Total Developable Area*	Total Number of 10,000 square foot lots**
18,419 square feet (0.43 acres)	2

\*The Total Developable Area is the buildable area not in the wetland conservation easement. The wetland conservation easement was provided for the benefit of the City of West Linn as a part of the property line adjustment survey.

\*\*The Total Number of 10,000 square foot lots is the number of single-family detached units, which meet the dimensional requirements set fourth in 11.070 of the City of West Linn Development Code.

85.170.A.8 As stated in paragraph form previously, the entire site is comprised of lands with slopes less than 15%; however, as stated in 85.170.A.8 and 55.110.B.3, the slope analysis slope ranges have been revised.

Slope Range	Site Area
0-5 percent	52,670 square feet (1.21 acres)
5-15 percent	12,130 square feet (0.28 acres)

A detailed contour map based on our topographic survey was provided as a part of the application; however, as stated in 85.170.A.8, a slope analysis map is attached based on the slope ranges shown.

85.200.A.1 As stated in the original application, both parcels will access 9<sup>th</sup> Street via a private access easement; therefore, there is no frontage on 9<sup>th</sup> Street; also, there have been no improvements on 9<sup>th</sup> Street north or south of the site. Also, the parcels have frontage on 3<sup>rd</sup> Avenue, 4<sup>th</sup> Avenue, and 8<sup>th</sup> Street, which are just “paper” streets. They are right-of-ways with no improvements.

The applicant formally requests a waiver from the City Engineer for no street improvements.

The following serves to address the items marked incomplete on the Completeness Review Checklist.

The original narrative along with this letter should meet the requirements for the Narrative set fourth in 85.170 and 85.200.

Per 85.160.E.9, the existing structures on adjacent parcels have been shown. The site is bounded by Tract 2 and Tract 4 of the property line adjustment survey and the 3<sup>rd</sup> Avenue, 4<sup>th</sup> Avenue, and 8<sup>th</sup> Street right-of-ways. Tract 2 has two outbuildings, which may have been removed recently. Tract 4 had an existing house, which has been demolished. Currently, a new house is under construction. The right-of-ways have no known structures.

Per 85.160.E.7, the known existing utilities are shown on the Existing Conditions Plan (Sheet 2 of the original application plans).

Per 85.160.E.8, the site is bounded by Tract 2 and Tract 4 of the property line adjustment survey and the 3<sup>rd</sup> Avenue, 4<sup>th</sup> Avenue, and 8<sup>th</sup> Street right-of-ways. Tracts 2 and 4 are zoned R10 (same as the site). Also to the best of our knowledge, all other properties immediately near the site are zoned R10.

85.170.A.7 This item is addressed above.

55.110.B.3 This item is addressed above.

85.160.F.6 As stated above, there are no street improvements shown. A request for a waiver from the City Engineer for no street improvements has been requested; therefore, no street tree plan has been provided.

For the same reasons listed above, no street lighting plan or landscape plan has been provided.

85.200.I As required, 5-ft public utility easements will be shown along all lot lines on the final plat.

If you need any other information of clarifications, please call me at 503-925-8799.

Sincerely,  
*AKS Engineering & Forestry, LLC*

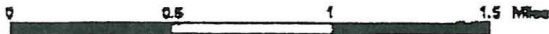


Montgomery B Hurley

# Aerial Photo Index Map

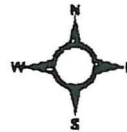


1 GRID = 1 MILE



This map and other information have been compiled for preliminary and general purposes. They are not intended to be complete and accurate for any other purposes. Specifically, this information is not intended to be complete for purposes of land use restriction, zoning, title, size, and suitability of the property for specific uses.

Site map 101 / A-4 / 4-21-00



*North*  
**GIS**  
GEOGRAPHIC INFORMATION SYSTEMS

**AKS Engineering & Forestry**  
 13910 SW Galbreath Drive, Suite 100  
 Sherwood, Oregon 97140

LETTER OF TRANSMITTAL

Phone (503) 925-8799

Fax (503) 925-8969

From PETER SPIR  
CITY OF WEST Linn  
 To \_\_\_\_\_  
 \_\_\_\_\_

DATE	7/5/01	JOB NO	744
ATTENTION	_____		
RE:	ADDITIONAL MATERIALS FOR PARTITION		
FROM:	MONTY HURLEY		

WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:

Shop Drawings     Prints     Plans     Samples     Specifications  
 Copy of letter     Change order

COPIES	DATE	NO.	DESCRIPTION
4	7/5/01	2	LETTER
4	"	1	SLOPE ANALYSIS MAP
4	"	1	CITY GIS MAP

THESE ARE TRANSMITTED as checked below:

- For approval                       Approved as submitted                       Resubmit \_\_\_\_\_ copies for approval
- For your use                               Approved as noted                               Submit \_\_\_\_\_ copies for distribution
- As requested                               Returned for corrections                               Return \_\_\_\_\_ corrected prints
- For review and comment                       \_\_\_\_\_
- FOR BIDS DUE \_\_\_\_\_ 19` \_\_\_\_\_                       PRINTS RETURNED AFTER LOAN TO US

REMARKS IF YOU HAVE ANY QUESTIONS, PLEASE CALL.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

COPY TO FILE SIGNED: Monty Hurley





*Planning and Building*

July 3, 2001

Howard Goodman  
PO Box 1268  
Sherwood, OR  
97140

Subject: Minor Partition at Tax lot 8200, Assessor's map 31E2AB (File No. MIP-01-03)

Dear Mr. Goodman:

The City of West Linn is required by state law to notify applicants of the status of their application within 30 days of submittal. You submitted the above application on June 14, 2001. After review by both Engineering and Planning Departments, the application is found to be incomplete. You now have 180 days to make the application complete. The following shortcomings were noted:

- 85.160A            no city wide map
- 85.170A7        need table showing allowable number of lots
- 85.170A8        need map and table showing type I-IV lands
- 85.200A1        need City Engineer waiver  
                         of adjacent street improvements  
                         (request waiver in letter)

The Engineering Department identified the application as incomplete. Their punch list of incomplete items is attached.

Please call me at 656-4211 if you have any questions.

Sincerely,

Peter Spir  
Associate Planner

p:\DevRev\Completeness Check\CL-MIP0103

129-1233 9th St.  
Minor Partition  
MIP-01-03

8-28-01  
K King

Completeness Review Checklist

- 1) Pre-Application Conference Comments CDC.85.140.A. ✓
- ~~incomp~~ 2) Narrative addressing requirements per CDC.85.170 and 85.200. ✓
- 3) City map showing location of project CDC.85.160.A. ✓
- 4) Vicinity map-Show location of site, all streets, subdivisions, neighboring parcels within ¼ mile radius CDC.85.160.A. ✓
- 5) Subdivision- Tentative Plan prepared by a licensed Land Surveyor or licensed Civil Engineer  
Minor Partition- (3 lots or less) Draw proposal to scale; Tentative plan not required to be prepared by licensed Surveyor or Engineer CDC.85.160.B. ✓
- 6) Names and addresses of property owner, developer, and engineer or surveyor CDC.85.160.D.5. ✓
- 7) Legal description of property CDC.85.170.A.3. ✓
- 8) Scale: No smaller than 1 inch = 100 feet CDC.85.160.C. ✓
- 9) Graphic Bar Scale CDC.85.160.D.2. ✓
- 10) North Arrow CDC.85.160.D.2. ✓
- 11) Date CDC.85.160.D.2. ✓
- 12) Identify drawing as a tentative plan CDC.85.160.D.3. ✓
- 13) Locations, street and right-of-way widths of all existing or platted streets within 50 feet of the site CDC.85.160.E.1. ✓
- ~~N/A~~ 14) Street names CDC.85.160.E.1. ✓
- 15) Contour lines over entire property CDC.85.160.E.2. ✓
- 16) Surveying/mapping control points CDC.85.160.E.3. ✓
- 17) Drainageways, wetlands, flood plain boundaries, and natural features (trees, rock outcrops, etc.) CDC.85.160.E.5. ✓
- 18) Existing structures and buildings on-site CDC.85.160.E.6. ✓
- ~~incomp~~ 19) Existing structures and buildings on adjacent parcels CDC.85.160.E.9. ✓
- ~~incomp~~ 20) Existing sewers, water lines, culverts, drain pipes, gas, electric, any other utilities on-site and in adjoining streets and properties CDC.85.160.E.7. ✓
- ~~N/A~~ 21) Existing bike and pedestrian paths and transit stops adjacent to the site CDC.85.160.E.10.&11. ✓
- ~~incomp~~ 22) Zoning on and adjacent to the site CDC.85.160.E.8. ✓
- ~~N/A~~ 23) Proposed street improvements (street sections, curbs, gutters, sidewalks, dimensions, curve data, right-of-way dimensions), bike and pedestrian paths CDC.85.160.F.1. ✓
- ~~N/A~~ 24) Proposed water, sanitary and stormwater improvements, all locations, sizes, depths, invert elevations, easements CDC.85.170.D.,E.,F. ✓
- 25) Grading plan CDC.85.170.C.1. ✓
- 26) Sedimentation and erosion control measures CDC.85.160.F.2. ✓
- ~~N/A~~ 27) Traffic impact analysis CDC.85.170.B.2. ✓
- 28) Easements- Locations, widths, and purpose CDC.85.160.F.4. ✓
- 29) Statement of legal ownership-provide copy of County Assessor's map and Tax Lot number CDC.85.170.A.2. ✓
- ~~N/A~~ 30) Phasing plan if applicable CDC.85.170.A.4. ✓

- n/A 31) Master plan if proposal does not include entire site  
CDC.85.170.A.5.
- incorp 32) Table of Lots showing square footage CDC.85.170.A.7.
- incorp 33) Map and Table showing square footage of site comprising  
slopes per CDC.55.110.B.3.
- incorp 34) Street tree plan CDC.85.160.F.6.
- 

STREET LIGHTING PLAN

LANDSCAPE PLAN

— 85.200(I) 5' UTILITY EASEMENTS  
REQUIRED ON FRONT & REAR LOT LINES

9th St Minor Partition  
MIP-01-03

---

6-28-01  
⑩

Completeness Review

#2 85.200(I) 5' util. easement  
front & rear required.

**CITY OF WEST LINN  
LAND USE APPLICATION COMMENT FORM**

Type of review (check box):  Completeness check       Review comments

To Attention of: Pat Rich      Date sent: 6-15-01      Date due: 8-6-01

Project Name: 1229-1233 9<sup>th</sup> St (2 parcels)      File No. MIP-01-03

Type of Land Use Application: minor partition

Project Planner: Peter Spir      Phone No.: Ext 539

Date of staff review meeting (if applicable): \_\_\_\_\_ Time: \_\_\_\_\_

*Staff review meetings, if scheduled, will be held in the Willamette Conference Room, City Hall, 22500 Salamo Road, in the Planning & Building Department. Contact the project planner for more information.*



PLEASE SUBMIT ALL COMMENTS IN WRITING. Comments can also be e-mailed to the project planner.

*The following does not apply to completeness checks. Your comments, if relevant to the application, will be addressed in the staff report. Include conditions of approval relating to such issues as sanitary sewer, water, storm drainage, streets, dedication, and resource protection. Please justify why the conditions of approval are needed.*

water quality facility to be City approved (proposed direct release to wetland).

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\_\_\_\_\_

*(Continue comments on next page if needed.)*



ENGINEERING PLANNING

13910 S.W. Galbreath Dr., Suite 100  
SHERWOOD, OR 97140



SURVEYING

FORESTRY

TELEPHONE (503) 925-8799  
FAX (503) 925-8969  
E-MAIL: aks@aks-eng.com

### APPLICATION FOR TWO PARCEL PARTITION

Owner Handris Realty  
Contact: Mark Handris  
2008 Willamette Falls Drive, Suite B  
West Linn, OR 97068  
Ph: 503-657-1094  
Fax: 503-655-6026

Applicant Sheridan Classic Homes, LLC  
Contact: Howard Goodman  
P.O. Box 1268  
Sherwood, OR 97140  
Ph: 503-925-8500  
Fax: 503-925-8501

Consultant AKS Engineering & Forestry, LLC  
13910 SW Galbreath Drive, Suite 100  
Sherwood, OR 97140  
Ph: 503-925-8799  
Fax: 503-925-8969

Location The property is currently not addressed. The nearest addresses are 1229 and 1233 9<sup>th</sup> Street, West Linn, OR 97068.

Tax Lot Information The property is currently a part of Tax Lot 8200, Map Number 312E02AB. The Clackamas County Tax Assessor's Office is in the process of assigning separate tax account numbers to the property.

Section Information The property is in the NW ¼ of the NE ¼ of Section 2, Township 3 South, Range 1 East, Willamette Meridian.

Zoning Single-family residential detached, R-10

Site Size 64,800 square feet (1.49 acres)

## TABLE OF CONTENTS

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DEVELOPMENT REVIEW APPLICATION	1
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TAX ASSESSOR'S MAP	6
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PRE-APPLICATION MEETING NOTES AND SUBMITTED MATERIALS	8



## APPLICATION FOR TWO PARCEL PARTITION

### INTRODUCTION

The applicant proposes a two-parcel partition consistent with the Single-Family Detached R-10 zoning. The partition will create two parcels for two new single-family detached homes.

### SITE DESCRIPTION

The site has recently had its wetland delineated property lines adjusted per City Case File Numbers MISC-00-10 and LLA-00-10. The site is Tract 1 from the Property Line Adjustment Survey. The topography slopes downhill to the southeast. The slopes are mild averaging less than 5%. The property has no existing dwellings and is dominated by wetland (which were delineated as a part of MISC-00-10 and LLA-00-10). A portion of the site lies within the 100-year flood plain. This portion is within the delineated wetland and the 30-ft wetland buffer. There are no significant trees on site.

Both parcels will access 9<sup>th</sup> Street via a 20-ft private access and utility easement provided to Tract 1 through Tracts 2 and 3 of the Property Line Adjustment Survey LLA-00-10. The site has frontage on 4<sup>th</sup> Avenue, 8<sup>th</sup> Street, and 3<sup>rd</sup> Avenue, but none of these streets are improved. (They are "paper" streets.) The 20-ft private access and utility easement will be extended through Parcel 1 to serve Parcel 2. A 15-ft paved access with 2 ½ -ft gravel shoulders will be constructed to serve Tracts 2 and 3 per Tualatin Valley Fire & Rescue. Public sanitary sewer and water are both available in 9<sup>th</sup> Street. Two private sanitary sewer service laterals will be stubbed to the parcels via the 20-ft private access and utility easement. Due to the depth of the public sanitary sewer in 9<sup>th</sup> Street, the sanitary sewer for each parcel may have to be pumped by private grinder pumps. Two private water services will be stubbed to the parcels from 9<sup>th</sup> Street via the 20-ft private access and utility easement. Roof drains will release into an approved water quality measure and then release directly into the wetland.

**WEST LINN COMMUNITY DEVELOPMENT CODE**  
**APPLICABLE CRITERIA AND STANDARDS**

Chapter 11.000 Single-Family Residential Detached, R-10

- 11.030 Single-family detached residential units are a permitted use in this zone.
- 11.070 The created parcels meet the dimensional requirements and uses permitted outright.
- 11.070.1 The two parcels will have areas greater than the minimum 10,000 square feet (Parcel 1 = 21,539 square feet and Parcel 2 = 43,261 square feet).
- 11.070.2 Both parcels have front lot line lengths and minimum lot widths at the front lot line greater than the minimum 35 feet. Both parcels will access 9<sup>th</sup> Street via a 20-ft private access and utility easement.
- 11.070.3 Both parcels have average minimum lot widths greater than 50 feet.
- 11.070.4 Both parcels have lot depths, comprising non-Type 1 and II lands, less than two and one-half times the width and more than an average of 90 feet.
- 11.070.5 The minimum yard dimensions or minimum building setback area from the lot lines shall comply with the following requirements: front yard 20 feet, interior side yard 7 ½ feet, and rear yard 20 feet. Also, per section 32.050.4, a 15-ft setback shall apply from the 30-ft wetland transition area boundary. These criteria shall be reviewed and satisfied when building plans are submitted.
- 11.070.6 The maximum building height shall be two and one-half stories or 35 feet. This criterion shall be reviewed and satisfied when building plans are submitted.
- 11.070.7 The maximum lot coverage shall be 35 percent. This criterion shall be reviewed and satisfied when building plans are submitted.
- 11.070.8 The accessway to both parcels will be via a 20-ft private access and utility easement with a 15-ft paved driveway with 2 ½-ft gravel shoulders.

Chapter 24.000 Planned Unit Development

24.070 A planned unit development (PUD) shall not apply in this case because no density transfer is proposed, no development, construction, or grading will take place on Type I and II lands, and all Type I and II lands are protected by an easement with appropriate delineation.

#### Chapter 55.000 Design Review

25.025 Single-family residences and single-family detached housing land divisions are exempt from the provisions of this Chapter.

#### Chapter 85.000 Land Division

85.010 The partition is intended to meet all of the applicable requirements including all items listed in the Purpose. This application, including the cover, narrative, plans, and supplemental materials, is intended to satisfy all the items listed in the Purpose.

85.110 The applicant does not propose staged development.

85.120 The applicant does not propose partial development.

85.130 No other application is proposed.

85.140 A pre-application conference with staff was completed. Notes and submittal materials are included.

85.150 The application forms and required copies of the Tentative Plan and supplemental drawings are included with this submittal. The applicant shall pay the requisite fee.

85.160 The submittal requirements for the Tentative Plan are included in the application and supplemental materials.

85.160.A A city-wide map and vicinity map are included in this application and on Sheet 1 of the plans.

85.160.B The tentative minor partition plan is drawn to scale and is not required to have a stamp or signature.

85.160.C The tentative minor partition plan is drawn to a scale greater than 1 inch equals 100 feet.

85.160.D.1 This is a minor partition and no streets are proposed; therefore, this requirement is not applicable.

85.160.D.2 The date, north arrow, scale of drawing, and graphic bar scale are shown on Sheets 2, 3, 4, and 5 as required.

85.160.D.3 "Tentative Plan" appears atop each sheet.

85.160.D.4 The Tentative Plan shows all of the surrounding right-of-ways and sufficient information on surrounding properties. Also, a legal description of the property is included.

85.160.D.5 The names and addresses of the owner, developer (applicant), and engineer/surveyor (consultant) appear on the Tentative Plan.

85.160.E.1 The location and width of all existing street right-of-ways are shown on the Tentative Plan. Also, a copy of the Tax Assessor's Map is shown for reference to section lines, surrounding property lines, and City boundary lines.

85.160.E.2 Contour lines tied to the 1929 National Geodetic Vertical Datum were established for the property delineating the 100-year flood plain. The contour lines are shown at one-foot intervals.

85.160.E.3 Control points used for mapping purposes are shown on Sheet 2 Existing Conditions Plan. Exterior found monuments are also shown on Sheet 3 Preliminary Partition Plat.

85.160.E.4 The surveyed location of the delineated wetland boundary and 100-year flood plain appears on the Tentative Plan.

85.160.E.5 Significant natural features are shown on the Tentative Plan. These include the delineated wetland boundary and isolated trees.

85.160.E.6 The subject property was a part of a property line adjustment survey. The adjusted property does not have any existing structures and does not appear to have any existing use.

85.160.E.7 Existing utilities are shown on Sheet 2 Existing Conditions Plan and Sheet 4 Preliminary Utility Plan.

85.160.E.8 The zoning on and adjacent to the property is R10 (shown on Sheet 1 Cover Sheet).

85.160.E.9 The existing use of surrounding properties is single-family detached residential.

85.160.E.10 There are no existing bicycle or pedestrian ways near the property.

85.160.E.11 No transit lines serve 9<sup>th</sup> Street. The nearest known bus stops are on Willamette Falls Drive.

- 85.160.F.1 All existing street information is shown on the Tentative Plan. No new streets or right-of-ways are proposed.
- 85.160.F.2 All erosion and sediment control measures are shown on Sheet 5 Grading and Erosion Sediment Control Plan.
- 85.160.F.3 No new bicycle or pedestrian paths or transit stops are proposed.
- 85.160.F.4 Proposed easements are shown on the Tentative Plan.
- 85.160.F.5 Lot Dimensions and areas of the parcels are shown on Sheet 3 Preliminary Partition Plat.
- 85.160.F.6 No street tree planting plan is proposed because 8<sup>th</sup> Street, 3<sup>rd</sup> Avenue, and 4<sup>th</sup> Avenue are not improved streets. They are only “paper” streets.
- 85.160.F.7 No land is proposed to be dedicated to the City or put in common ownership; however, a wetland conservation easement for the benefit of the City of West Linn has already been placed over much of the property for the Property Line Adjustment Survey.
- 85.160.F.8 This is a single phase project.
- 85.170 The supplemental submittal requirements for the Tentative Plan are included in the application and supplemental materials.
- 85.170.A.1 A narrative is a part of this application.
- 85.170.A.2 The County Assessor’s Map and Lot Number are included with this application.
- 85.170.A.3 A legal description of the tract is included.
- 85.170.A.4 No phases are proposed.
- 85.170.A.5 There is no developable remaining portion of property to be further partitioned or subdivided.
- 85.170.A.6 The Type I and II lands are in a wetland conservation easement. Per Section 24.070, a PUD is not required.
- 85.170.A.7 This tract of land is 64,800 square feet (1.49 acres); however, 46,381 square feet (1.06 acres) is in a wetland conservation easement for the benefit of the city of West Linn. The remaining developable area is 18,419 square feet (0.43 acres). Based on the developable area, this property is being developed at the maximum allowable for this zone.

85.170.A.8 All of the property is comprised of slopes less than 15% (Type IV).

85.170.B.1 No public street improvements are proposed.

85.170.B.2 A traffic impact analysis has not been prepared for this application. This partition will allow only one single family dwelling unit on each parcel (two total).

8.170.C.1 Grading for the 15-ft paved access with 2 ½-ft gravel shoulders will be to the boundary of the parcels (Tract 1) as a part of the building permit for Tract 2. The grading for the extension of the 15-ft paved access with 2 ½-ft gravel shoulders to Parcels 1 and 2 will be done as a part of the building permits for each parcel. As shown on Sheet 5 Grading and Erosion / Sediment Control Plan, grading for the paved access driveway will closely match the existing ground. Cuts/Fills will be held at a minimum and should be less than one-foot. As stated, the grading will occur as a part of the building permit for the construction of the buildings / dwelling units.

85.170.C.2 The preliminary grading plan is shown on Sheet 5 Grading and Erosion / Sediment Control Plan.

85.170.D.1 An 8" public water main exists in 9<sup>th</sup> Street. New water services will be installed and private lines will be extended to the parcels. Both homes will be equipped with fire sprinklers.

85.170.D.2 No public water mains are proposed. New water services and private line extensions are proposed.

85.170.D.3 Looping the public water main is not proposed.

85.170.D.4 Calculations for fire flow for single-family developments are not required.

85.170.E.1-8 A public sanitary sewer main exists in 9<sup>th</sup> Street. No extensions of the public sanitary sewer are proposed. The public sanitary sewer main in 9<sup>th</sup> Street is shallow (4 ft depth +/-). Sanitary sewer service laterals will be installed and private lines will be extended to each of the parcels. Due to the depth of the public sanitary sewer in 9<sup>th</sup> Street, individual grinder pumps may be required for the dwelling units on each parcel.

85.170.F.1 The storm water for each parcel will be directed in an approved manner through a vegetative filter (see attached Vegetative Filter detail from the City of Portland Stormwater Management Manual adopted by the City of West Linn) and then released to the wetlands.

85.170.F.2 Storm water detention is not required on tracts less than one acre. This tract of land is 64,800 square feet (1.49 acres); however, 46,381 square feet (1.06 acres) is in a wetland conservation easement for the benefit of the City of West Linn. This includes the delineated wetland and a 30-ft buffer. The useable portion of property is 18,419

square feet (0.43 acres), much less than the one acre. Also, each parcel will only have one dwelling unit and driveway (additional impervious area). Storm water detention should not be required on this tract.

85.170.F.3 As stated in 8.170.F.1, the storm water for each parcel will be directed in an approved manner through a vegetative filter and then released into the wetlands.

85.170.F.4 As stated in 8.170.F.2, storm water detention should not be required on this tract.

85.180 A redivision is not possible on this property because the majority of the property is in a conservation easement (undevelopable). No further division property would be allowed under the current zoning. Therefore, a redivision plan is not applicable.

85.200 The Approval Criteria for the Tentative Plan are included in the application and supplemental materials.

85.200.A No public street improvements are proposed. The accessway to both parcels will be via a 20-ft private access and utility easement with a 15-ft paved driveway with 2 ½-ft gravel shoulders.

85.200.B.1 No public street improvements or new blocks are proposed. Both parcels will have access to a public right-of-way.

85.200.B.2 No block is proposed.

85.200.B.3 The lot size, width, shape, and orientation for both parcels is based on utilizing the buildable area. The lot configuration allows for protection of the wetlands with a wetland conservation easement, which will not have to be crossed or impacted. The buildable depth is less than two and one-half times the average width for both parcels.

85.200.B.4 The partition complies with Chapter 48 requirements; both parcels have access to the 9<sup>th</sup> Street public right-of-way.

85.200.B.5 Parcel 2 may be considered a “through” parcel; however, 3<sup>rd</sup> Avenue, 4<sup>th</sup> Avenue, and 8<sup>th</sup> Street are just “paper” streets. They are not improved streets.

85.200.B.6 Only one interior line was added to partition the property into two parcels. That interior line was simply extended northward to the P.G.E. right-of-way. The exterior lines either border existing right-of-ways or were adjusted as a part of the lot line adjustment.

85.200.B.7 Neither parcel would be considered a flag lot; however, both parcels will access the 9<sup>th</sup> Street public right-of-way via a 20-ft private access and utility easement with a 15-ft paved driveway with 2 ½-ft gravel shoulders.

85.200.B.8 No large lots are proposed. The parcels could not be redivided due to the wetland conservation easement.

85.200.C No pedestrian or bicycle trails are proposed.

85.200.D No transit facilities are proposed.

85.200.E Lot grading will occur as a part of the building permit for the construction of the buildings / dwelling units. Grading should be held to a minimum with cuts/fills generally less than one foot.

85.200.F An 8" public water main exists in 9<sup>th</sup> Street. New water services will be installed and private lines will be extended to the parcels. Both homes will be equipped with fire sprinklers.

85.200.G A public sanitary sewer main exists in 9<sup>th</sup> Street. No extensions of the public sanitary sewer are proposed. The public sanitary sewer main in 9<sup>th</sup> Street is shallow (4 ft depth +/-). Sanitary sewer service laterals will be installed and private lines will be extended to each of the parcels. Due to the depth of the public sanitary sewer in 9<sup>th</sup> Street, individual grinder pumps may be required for the dwelling units on each parcel.

85.200.H The storm water for each parcel will be directed in an approved manner through a vegetative filter (see attached Vegetative Filter detail from the City of Portland Stormwater Management Manual adopted by the City of West Linn) and then released to the wetlands.

85.200.I A minimum five-foot utility easement will be placed along the lot lines of each parcel. All required easements will be noted on the final partition plat.

85.200.J.1 As required by Chapter 30, Wetland and Riparian Area Protection and Chapter 32, Natural Drainageway Areas, the wetland was delineated with the lot line adjustment per MISC-00-10. The wetlands and a 30-foot buffer were placed in a wetland conservation easement for the benefit of the City of West Linn.

85.200.J.2 No Willamette and Tualatin Greenways dedications are proposed.

85.200.J.3 No street trees are proposed.

85.200.J.4 No street lighting is proposed.

85.200.J.5 No dedications or exactions are proposed.

85.200.J.6 Utilities are intended to be underground; however, because most of the adjacent properties are served with overhead services, the utility companies may prefer to serve these parcels with overhead services.



85.200.J.7 This item is not applicable because this project contains Type I lands and is a partition.

85.200.J.8 The Mix Requirement is not applicable.

85.200.J.9 No heritage trees, significant trees, or tree clusters are known of on this property.

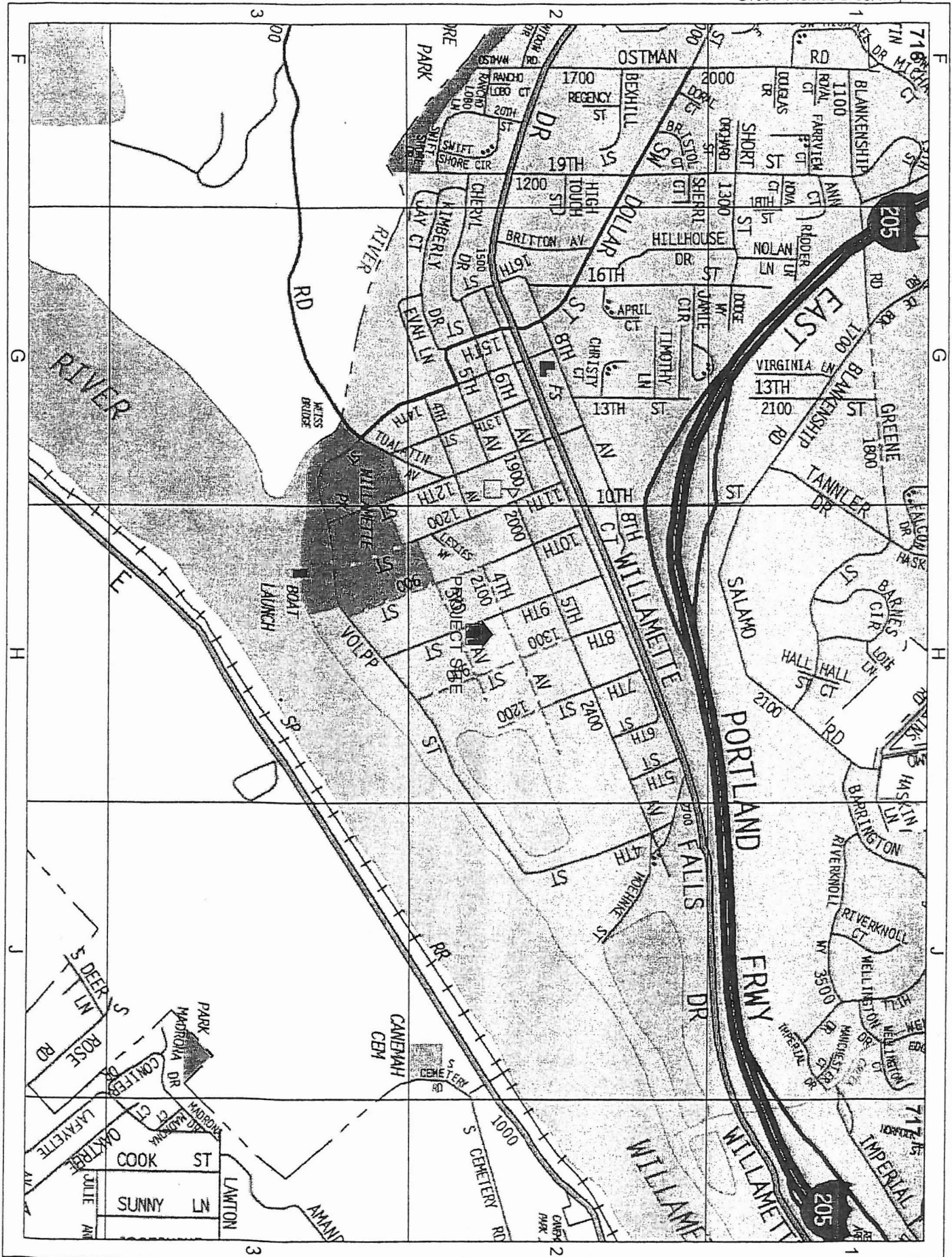
85.200.J.10 This item is not applicable.

#### Chapter 89.000 Subdivision and Partition Plats

This Chapter sets fourth the criteria for submission requirements for final subdivision and partition plats.

#### **CONCLUSION**

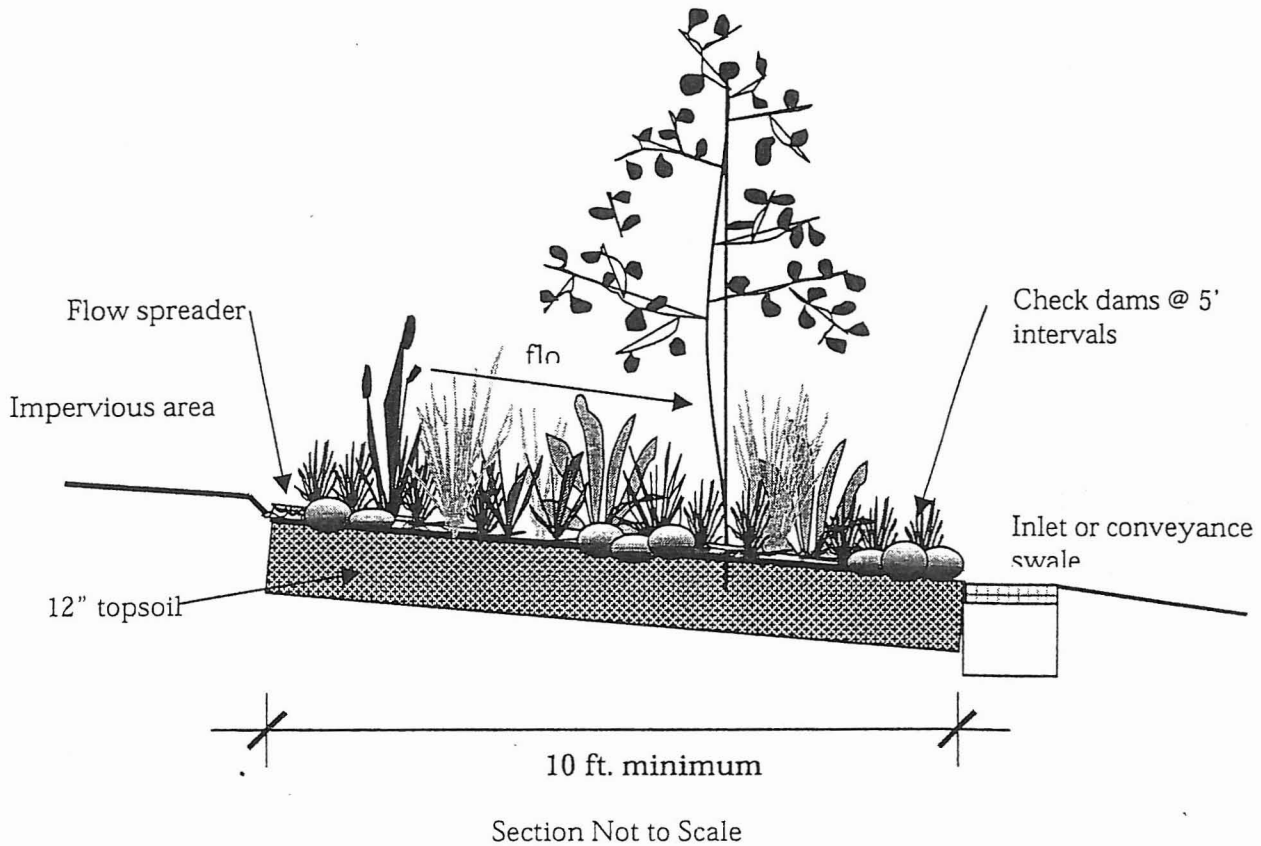
This narrative addresses the requirements of the City of West Linn Code for a partition. The project generally meets the requirements of the code and should be approved.





SITE MAP

Simplified Approach Design Criteria  
**Vegetative Filter**



**Description**

Vegetative filters are gently sloped areas, with direction of stormwater flow conforming to the slope. Stormwater enters the filter as sheet flow from an impervious surface or is converted to sheet flow using a flow spreader. Flow control is achieved using the relatively large surface area and a generous proportion of check dams. Pollutants are removed through filtration and sedimentation. Filters can be planted with a variety of trees, shrubs, and ground covers, including grasses.

**General specifications (Acceptable soil types A, B, C, & D)**

Filters shall be a minimum of 20 ft. x 10 ft. Maximum slope is 10%. Plantings shall be in accordance with Chapter 8.0,. Check dams shall be of durable, non-toxic materials- i.e., rock, brick, and old concrete. Check dams shall be 12" length x (width of filter) x 3-5" height. Filters designed using these criteria will not need to include a bypass of larger storms. Runoff shall enter the buffer as predominately sheet flow. Check dams and flow spreaders are required.

ENGINEERING PLANNING

13910 S.W. Galbreath Dr., Suite 100  
SHERWOOD, OR 97140



SURVEYING FORESTRY

TELEPHONE (503) 925-8799  
FAX (503) 925-8969  
E-MAIL: aks@aks-eng.com

May 18, 2001

City of West Linn  
Planning & Building  
22500 Salamo Road #1000  
West Linn, OR 97068

*Re: Statement addressing Section 85.170.F.3 of the West Linn Development Code for the 9<sup>th</sup> Street Minor Partition*

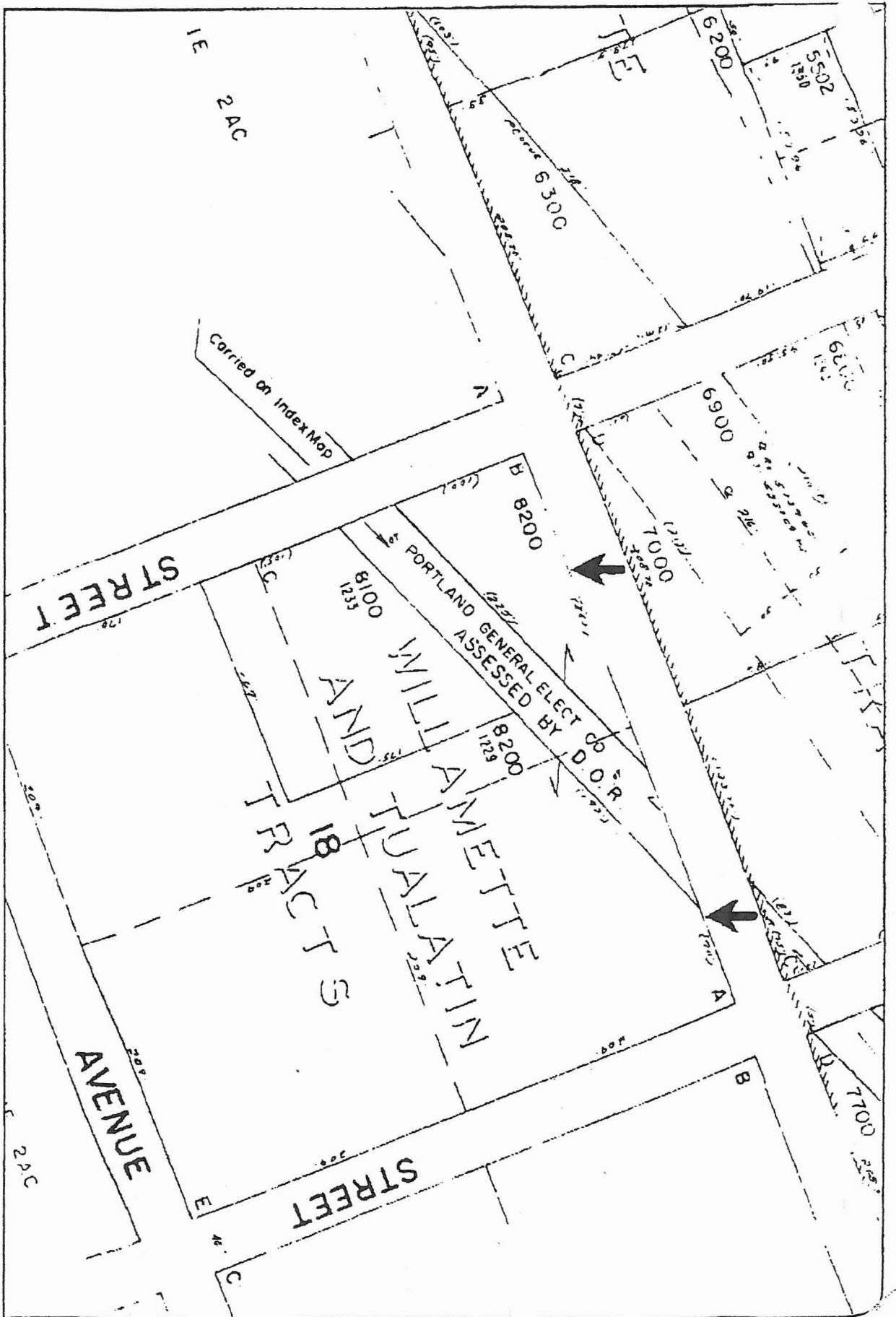
To Whom It May Concern:

This letter serves to address Section 85.170.F.3 of the West Linn Development Code. The stormwater for each parcel will be directed through a vegetative filter for water quality and then released into the wetlands. There will be no adverse impacts from the increased intensity of runoff downstream or constriction created upstream impacts.

Sincerely,  
***AKS Engineering & Forestry, LLC***

A handwritten signature in black ink, appearing to read 'Anthony C. Benthin', with a long horizontal flourish extending to the right.

Anthony C. Benthin – PE, PLS



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 MAP # R31E02AB000000 0200



ENGINEERING PLANNING

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SHERWOOD, OR 97140



SURVEYING FORESTRY

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## EXHIBIT A

Tract 1 per Property Line Adjustment Survey recorded as PS \_\_\_\_\_, Clackamas County Survey Records, located in Tract 18, Willamette and Tualatin Tracts in the NE ¼ of Section 2, Township 3S, Range 1E, Willamette Meridian, being a part of the Ambrose Fields DLC No. 52, City of West Linn, Clackamas County, Oregon, more particularly described as follows:

Beginning at the initial point said point being the most northwesterly corner of Lot B of the above referenced property line adjustment, said point being a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR.", located at the intersection of the southerly right-of-way line of 4<sup>th</sup> Avenue and the easterly right-of-way line of 9<sup>th</sup> Street; thence N67°39'58"E 349.89 feet along the southerly right-of-way line of 4<sup>th</sup> Avenue to the true point of beginning, said point being a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR."; thence S45°23'43"W 148.54 feet to a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR."; thence along the easterly boundary of Tract 2 S22°23'55"E 194.99 feet to a 5/8" iron rod with a yellow plastic cap located on the northerly boundary of Tract 4; thence N67°35'27"E 100.00 feet to the most northerly corner of Tract 4, being marked by a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR."; thence S22°23'55"E 166.36 feet to a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR.", said point also being located along the northerly right-of-way line of 3<sup>rd</sup> Avenue; thence along said right-of-way line N67°35'27"E 104.15 feet to a point of intersection of the northerly right-of-way line of 3<sup>rd</sup> Avenue and the westerly right-of-way line of 8<sup>th</sup> Street, said point being marked with a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR."; thence along the westerly right-of-way line of 8<sup>th</sup> Street N22°21'00"W 417.38 feet to a point of intersection of the westerly right-of-way line of 8<sup>th</sup> Street and the southerly right-of-way line of 4<sup>th</sup> Avenue, said point being marked by a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR."; thence along the southerly right-of-way line of 4<sup>th</sup> Avenue S67°39'58"W 66.98 feet to the true point of beginning.

The described lot above contains 64800 square feet, more or less. The basis of bearings for this description is per PS 25593, Clackamas County, Oregon.

**PRELIMINARY**



City of West Linn  
**PRE-APPLICATION CONFERENCE MEETING**  
**SUMMARY NOTES**  
 March 1, 2001

SUBJECT: 1229-1233 9<sup>th</sup> Street – Minor Partition

ATTENDEES: Mark Handris (applicant), Monty Hurley (applicant's engineer) Peter Spir,  
 Gordon Howard (Planning), Kenn Kemp (Engineering)

*The following is a summary of the meeting discussion, provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements or any other planning-related items. Please note disclaimer statement below.*

The applicant is in the process of completing a lot line adjustment. He wishes to take one of the readjusted lots and partition it into two new lots. The drainageway issues with this site have already been resolved with the approval of a natural drainageway permit. All necessary services are available to the site. The fire department will look at the need for an appropriate turnaround at the end of the private access driveway form 9<sup>th</sup> Street. The applicant is checking the depth of the sewer manhole on 9<sup>th</sup> Street to see if gravity sewer service to the street is feasible.

Please note that the County Surveyor has apparently refused to record the lot line adjustment, which will require a subdivision application to replat the property. The natural drainageway permit as approved is still valid in any circumstances.

**DISCLAIMER:** This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met.

p:/devrww/preapps/pre-app sumry.handris.3-1-01

Post-it® Fax Note	7671	Date	5/8/01	# of pages	1
To	Monty Hurley	From	K. Crowell		
Co./Dept.	AKS	Co.			
Phone #		Phone #			
Fax #	503-925-8969	Fax #			

**PRE-APPLICATION**

**February 26, 2001**

**Mark Handris; Minor partition @ lot line adjustment; 1229/33 9<sup>th</sup> St.**

Streets

Street improvements or an in lieu of fee is required.

Water

Water is available at 9th Street

Storm Drainage

An open channel ditch is located nearby.

Sanitary Sewer

Sanitary sewer is available at 9<sup>th</sup> Street.

ENGINEERING PLANNING

18961 SW 84<sup>th</sup> Ave./PO BOX 1730  
TUALATIN, OR 97602



SURVEYING FORESTRY

TELEPHONE (503) 692-5887  
FAX (503) 692-6431  
E-MAIL: aks@aks-eng.com

## 9<sup>TH</sup> STREET MINOR PARTITION

### DATE

February 13, 2001

### OWNER

Mark Handris  
2008 Willamette Falls Drive, Suite B  
West Linn, OR 97068  
Ph: 503-657-1094  
Fax: 503-655-6026

### APPLICANT

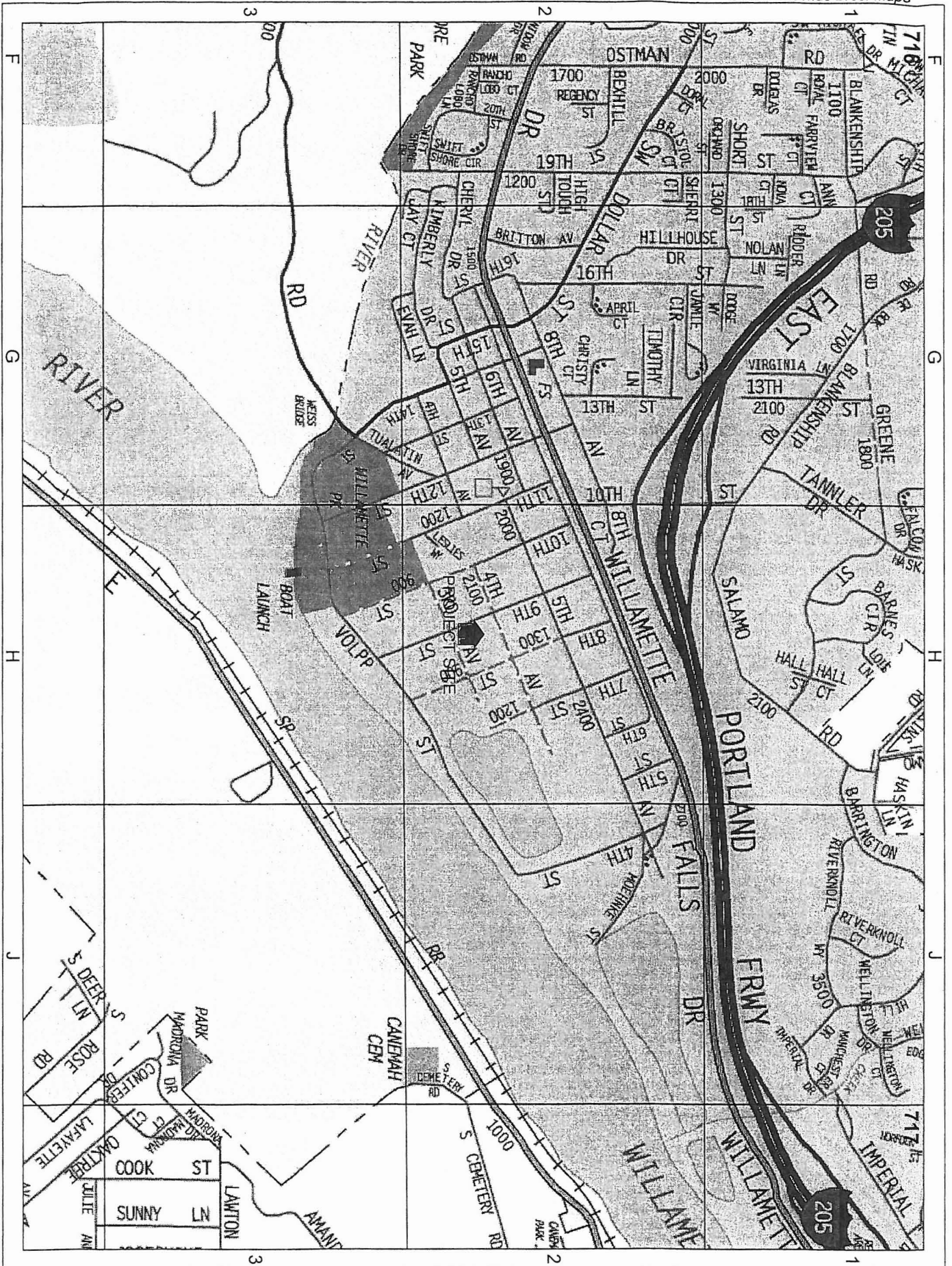
Mark Handris  
2008 Willamette Falls Drive, Suite B  
West Linn, OR 97068  
Ph: 503-657-1094  
Fax: 503-655-6026

### PLANNING / SURVEYING / ENGINEERING FIRM

AKS Engineering & Forestry  
18961 SW 84<sup>th</sup> Avenue  
Tualatin, OR 97062  
Ph: 503-692-5887  
Fax: 503-692-6431

### NARRATIVE – SCOPE OF PROJECT

Upon final approval of the Property Line Adjustment Survey (MISC-00-10 and LLA-00-10) by the City of West Linn and Clackamas County, the applicant is proposing a minor partition of the adjusted Lot A, Tract 18, Willamette and Tualatin Tracts in the NE ¼ of Section 2, T3s, R1E, W.M. being a part of the Ambrose Fields DLC No. 52 of West Linn, Clackamas County, Oregon. The created parcels will access 9<sup>th</sup> Street through the private access and utility easement shown on the Property Line Adjustment Survey. Sanitary sewer and water service will also be provided through the private access and utility easement. No public utility lines should be necessary.



PROJECT SITE: 1233 9th St, West Linn, 97068, Page & Grid 716 H2

Order No. 08-815647-28

FEE NO, 98-23379

**EXHIBIT "ONE"**

A portion of Tract 18, WILLAMETTE AND TUALATIN TRACTS, in the City of West Linn, Clackamas County, Oregon, described as follows:

Beginning at the Southwest corner of Tract 18; thence North along the Westerly line of said tract, a distance of 170 feet to the true point of beginning of herein described property; thence East parallel with Third Avenue 167 feet to a point; thence North parallel with Ninth Street to the North line of Lot C, Tract 18; thence West along the Northerly line of said Lot C to the West line of said Lot C; thence South along the West line of Lot C and Lot D to the place of beginning.

KNOW ALL MEN BY THESE PRESENTS, That MYRA ROSE DAVIS

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto STEVEN KARLI DAVIS hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the improvements, hereditaments and appurtenances thereto belonging or in anywise appertaining, situated in the County of Clackamas State of Oregon, described as follows, to-wit:

Tract 18, WILLAMETTE AND TUALATIN TRACTS, in Clackamas County, Oregon, except the following: Beginning at the southwesterly corner of said tract 18; thence northerly along the westerly line of said tract a distance of 170 feet to the true point of beginning of the excepted property; thence easterly parallel with Third Avenue 167 feet to a point; thence northerly parallel with Ninth Street to the north line of lot C, Tract 18; thence westerly along the northerly line of said lot C to the westerly line of said lot C; thence southerly along the westerly line of lot C and lot D to the place of beginning.

Pursuant to Decree of Dissolution of Marriage in the matter of the Marriage of Steven Karli Davis and Myra Rose Davis entered January 27, 1992, in Clackamas County Circuit Court, Case 89-11-9

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The amount of such value, if not ascertainable, should be stated. See ORS 81.010.) In executing this deed and where the contract so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals. In Witness Whereof, the grantor has executed this instrument this day of February, 1992: If a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Myra Rose Davis

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF ANY FEDERAL LAW OR STATE AND REGULATIONS, BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON, County of Clackamas. The foregoing instrument was acknowledged before me this day of February, 1992, by Myra Rose Davis.

STATE OF OREGON, County of Clackamas. The foregoing instrument was acknowledged before me this day of February, 1992, by Myra Rose Davis.



Myra Rose Davis, 8458 SW Mydeck Lane Apt. #101, Tualatin, OR 97062. Steven Karli Davis, 1229 SE 9th Street, West Linn, OR 97068.

Notary Public for Oregon, Myra Rose Davis, Commission Expires 6-1-93.

Edward F. Lohman, 1579 Buena Street, West Linn, OR 97068.

Steven Karli Davis, 1229 SE 9th Street, West Linn, OR 97068.

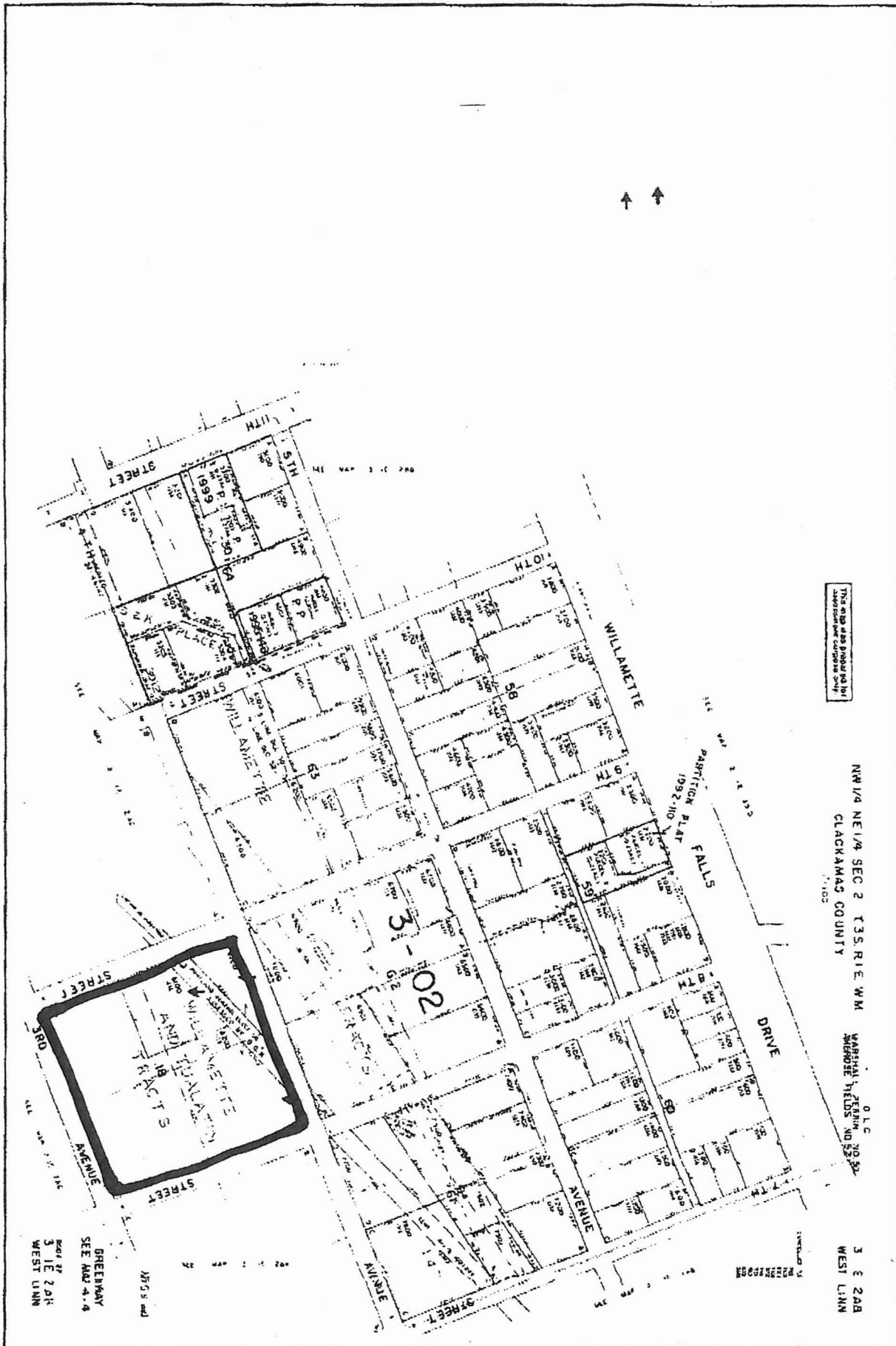
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Notary Public for Oregon, Myra Rose Davis, Commission Expires 6-1-93.

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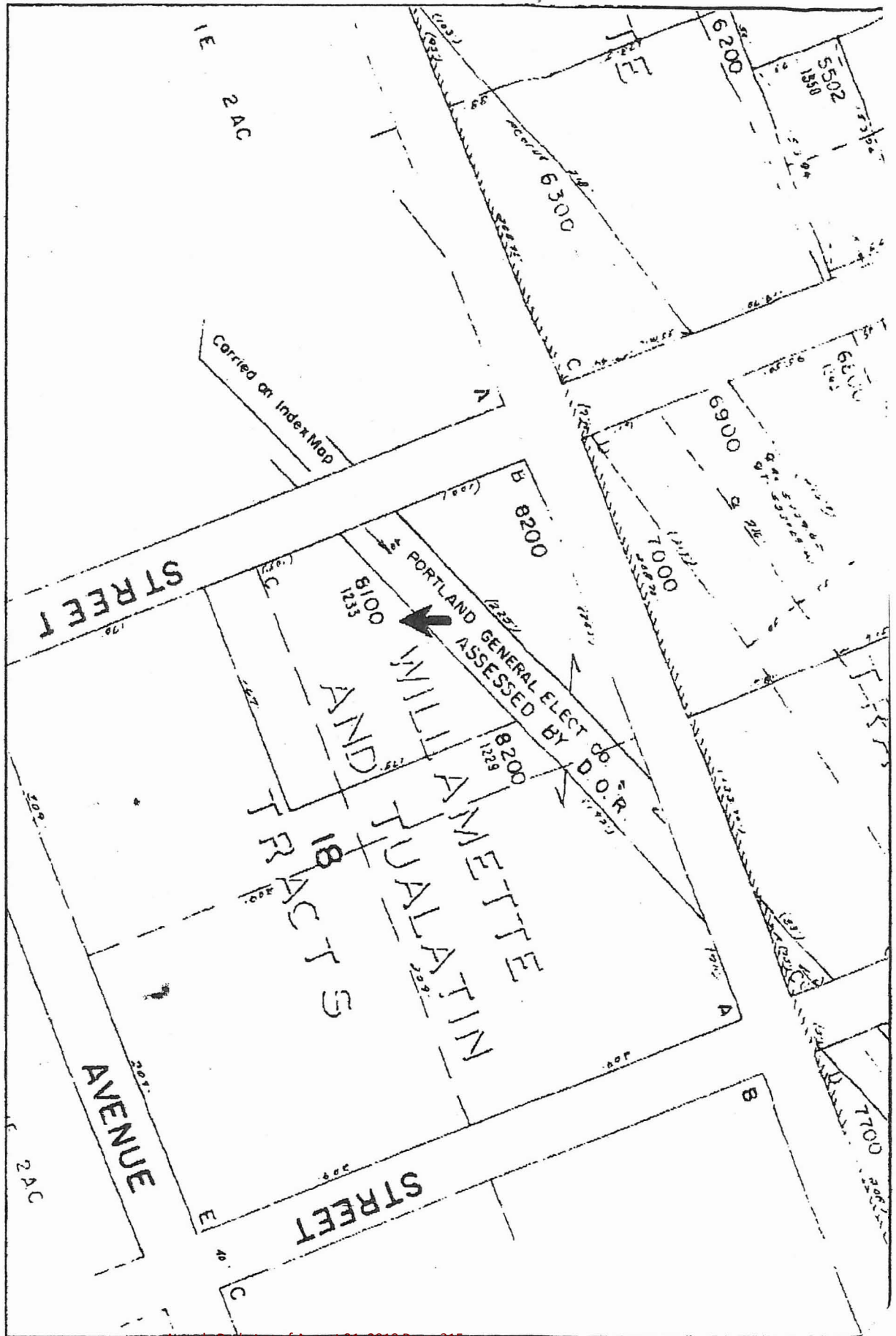
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MAP # R31E02 1100

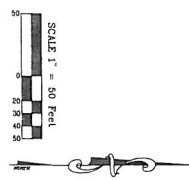
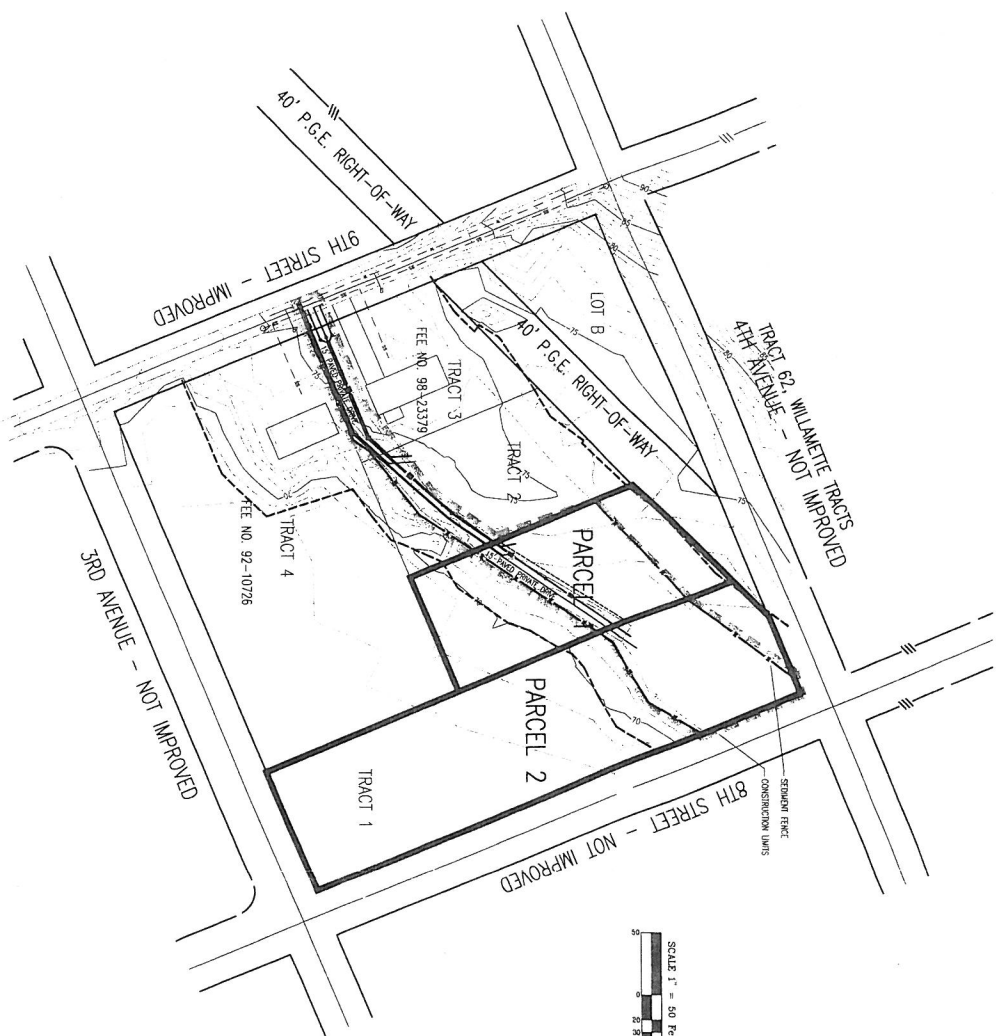


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 This map is not a survey and does not show the location of any improvements.  
 The company assumes no liability for errors therein.  
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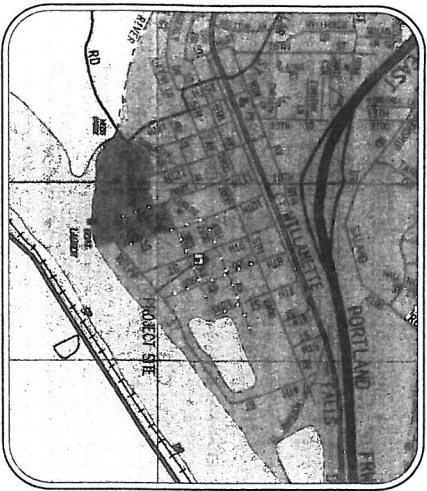




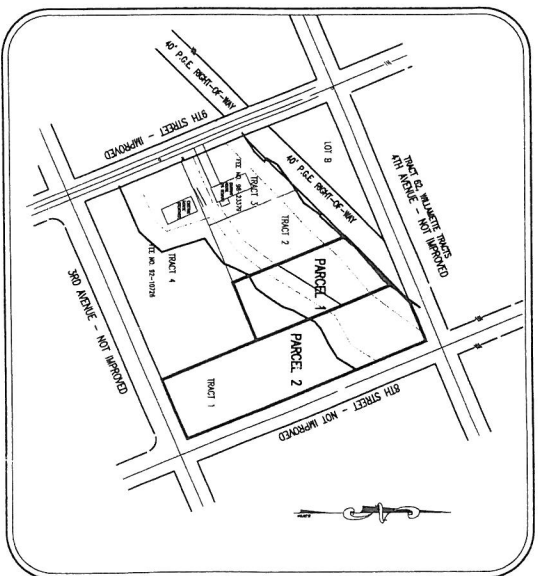
REVISIONS:		<b>PRELIMINARY GRADING AND EROSION/SEDIMENT CONTROL PLAN</b>				ENGINEERING - PLANNING - SURVEYING - FORESTRY LICENSED IN OR, WA & KY 13910 SW CALLEBACHA DRIVE, SUITE 100 SHERWOOD, OR 97136 PHONE: (503) 852-8795 FAX: (503) 852-8889	
DESIGNED BY:	DATE:	DRAWN BY:	DATE:	SCALE:	AS NOTED	PREPARED FOR:	HUNTER COMPANY SHERWOOD CLASSIC HOMES, LLC P.O. BOX 1288 SHERWOOD, OR 97140
<b>9TH STREET MINOR PARTITION</b> <b>WEST LINN</b> TRACT 1 PER CITY OF WEST LINN LOT LINE ADJUSTMENT PLANNING FILE NO. LA-10-10 A PORTION OF LOTS A AND E TRACT 18, WILLAMETTE AND TULLAH TRACTS, CLATSOP COUNTY, OREGON				SHEET DATE: 5/22/10		SHEET NUMBER: 744 OF: 5	



# 9TH STREET MINOR PARTITION TENTATIVE PLAN



VICINITY MAP  
NO SCALE



SITE MAP  
NO SCALE

**PROJECT PURPOSE:**

MINOR PARTITION ON TRACT 1 OF PROPERTY LINE ADJUSTMENT SURVEY PER CITY OF WEST LINN FILE NO. UA-00-10

**ZONING:**

R10 (SINGLE-FAMILY RESIDENTIAL DETACHED) SITE AND SURROUNDING PROPERTIES  
MINIMUM LOT AREA: 10,000 SF  
MINIMUM AVERAGE LOT WIDTH: 50 FT  
FRONT YARD SETBACK: 20 FT  
REAR YARD SETBACK: 20 FT  
INTERIOR SIDE YARD SETBACK: 7.5 FT  
NONE NOTED

**EXISTING LAND USE:**

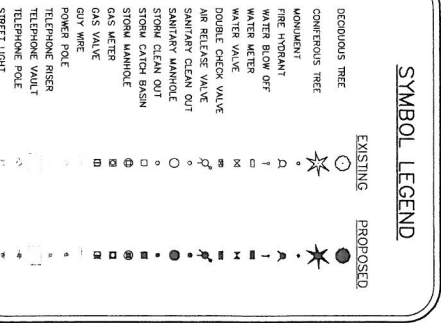
PROPERTY IS CURRENTLY NOT ADDRESSED  
NEAREST ADDRESS: 1233 9TH STREET, WEST LINN, OR 97088  
1229 9TH STREET, WEST LINN, OR 97088

**TAX LOT INFORMATION:**

TAX LOT NUMBER 8200 MAP NUMBER 31E02A8  
CLATSOP COUNTY TAX ASSESSOR'S OFFICE IS IN THE PROCESS OF ASSIGNING SEPARATE TAX ACCOUNT NUMBERS TO THE PROPERTY LINE ADJUSTED LOTS  
NW 1/4 OF THE NE 1/4 SECTION 2, TOWNSHIP 3 SOUTH, RANGE 1 EAST, T14M

**SECTION INFORMATION:**

BASE OF ALL ELEVATIONS IS A BRASS DISK LOCATED AT THE PUBLIC BOAT RAMP NEAR VOYER ROAD. THE BRASS DISK IS INSCRIBED "OSHR 0313 C3 1997" AND HAS AN ELEVATION=66.57 (NAD 1929).



REVISIONS:

NO.	DATE	DESCRIPTION

COVER SHEET



ENGINEERING, PLANNING, CONSTRUCTION, FORESTRY  
13910 SW CALBREATH DRIVE, SUITE 100  
SHERWOOD, OR 97062  
PHONE: (503) 925-8939 FAX: (503) 925-8989

DATE	BY	SCALE	DATE	BY	SCALE

9TH STREET MINOR PARTITION  
TENTATIVE PLAN  
WEST LINN  
OREGON  
TRACT 1 AND PART OF WEST LINN OF THE ADJUTMENT PLANNING FILE NO. UA-00-10 A PORTION OF LOTS 4 AND 5, TRACT 1B, WILLAMETTE AND TULLAH TRACTS, CLATSOP COUNTY

SHEET	JOB NUMBER
1 OF 5	744



West Linn

# DEVELOPMENT REVIEW APPLICATION

MIP-01-03

TYPE OF REVIEW (Please check all boxes that apply):

- Annexation
- Appeal and Review
- Conditional Use
- Design Review
- Easement Vacation
- Extraterritorial Ext. of Utilities
- Final Plat or Plan
- Flood Plain Construction
- Hillside Protection and Erosion Control
- Historic District Review
- Legislative Plan or Change
- Home Occupation/App
- Lot Line Adjustment
- Minor Partition (Preliminary Plat or Plan)
- Natural Drainageway Protection

- Non-Conforming Lots, Uses & Structures
- One-Year Extension
- Planned Unit Development
- Pre-Application Meeting
- Quasi-Judicial Plan or Zone Change
- Sidewalk Use App
- Sign Review
- Street Vacation
- Subdivision
- Temporary Use
- Tualatin River Greenway
- Variance
- Wetland
- Willamette River Greenway
- Other/Misc

RECEIVED

JUN 14 2001

PLANNING & DEVELOPMENT  
OFFICE OF WEST LINN

INIT. \_\_\_\_\_ TIME \_\_\_\_\_

TOTAL FEES/DEPOSIT 2,075.00  
 HANDRIS REALTY  
 MARK HANDRIS 2008 WILLAMETTE FALLS DR., SUITE B 97068

WEST LINN, OR 503-657-1094

OWNER'S ADDRESS CITY ZIP PHONE(res. & bus.)  
 SHERIDAN CLASSIC HOMES, LLC P.O. BOX 1268 SHERWOOD, OR 97140 503-925-8501

APPLICANT'S ADDRESS CITY ZIP PHONE(res. & bus.)  
 AKS ENGINEERING + FORESTRY CONSULTANT 13910 SW GALBREATH DR, SUITE 100 SHERWOOD, OR 97140 503-925-8799

CONSULTANT ADDRESS CITY ZIP PHONE

SITE LOCATION NEAR 1229 AND 1233 9TH STREET

Assessor's Map No.: 31E 02 AB Tax Lot(s): 8200 Total Land Area: 64,800SF (1.49ac)

1. All application fees are non-refundable (excluding deposit).
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or grant may be reversed on appeal. No permit will be in effect until the appeal period has expired.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application.

SIGNATURE OF PROPERTY OWNER(S)

X [Signature] Date 5-23-01

SIGNATURE OF APPLICANT(S)

X [Signature] Date 6/14/01

BY SIGNING THIS APPLICATION, THE CITY IS AUTHORIZED REASONABLE ACCESS TO THE PROPERTY.  
 ACCEPTANCE OF THIS APPLICATION DOES NOT INFER A COMPLETE SUBMITTAL.  
 COMPLETENESS WILL BE DETERMINED WITHIN 30 DAYS OF SUBMITTAL.

PLANNING AND BUILDING; 22500 SALAMO RD #1000; WEST LINN, OR 97068;  
 PHONE: 656-4211 FAX: 656-4106.

p:\DevRev\Forms\Application-Dev Review.doc (2/00 mvd)



22500 Salamo Rd.  
West Linn, Oregon 97068  
503 656-4211

RECEIPT NO.  
**921277**

DATE

6/14/01

Cash

Check No.

012931

CERT. \_\_\_\_\_

CASH \_\_\_\_\_

AMOUNT RECEIVED

2,075.00

TELEPHONE

NAME

Sheridan Classic Home

503 925 8500

ADDRESS

POB 1268

ZIP CODE

Sherwood

97140

BUILDING PERMIT # \_\_\_\_\_

PERMIT FEES

BP. \_\_\_\_\_

State Surcharge

ST \_\_\_\_\_

TYPE: \_\_\_\_\_

Business License Fee

BL \_\_\_\_\_

Home Occupation Fee

HO \_\_\_\_\_

Development Review Fees

LA \_\_\_\_\_

MIP - 12994 1233 9th St

DR \_\_\_\_\_

Water Connection Fee (DIG-IN) (DROP-IN) 5/8", 3/4", 1", 1 1/2"

WC 2,075.00

Sewer Connection Fee

SC \_\_\_\_\_

SYSTEM DEVELOPMENT FEES

Engineering Inspection Fee

EI \_\_\_\_\_

Engineering Street Cut Fee

ES \_\_\_\_\_

Engineering PIP Deposit

ED \_\_\_\_\_

Engineering Vacation Easement

EE \_\_\_\_\_

Engineering Final Plat

EF \_\_\_\_\_

Engineering Misc.

ME \_\_\_\_\_

Refundable Deposit

RD \_\_\_\_\_

Building Misc.

MB \_\_\_\_\_

Miscellaneous Charges & Fees

MG \_\_\_\_\_

Miscellaneous - Special

MS \_\_\_\_\_

Address of Site (Meter) \_\_\_\_\_

Legal Description LOT & BLOCK  
SUBDIVISION \_\_\_\_\_

Single Family

Multiple Family

• No. of M/F Units \_\_\_\_\_

Commercial

Apartment

• No. of Apartment Units \_\_\_\_\_

Meter Size \_\_\_\_\_

Inside City Limits

Outside City Limits

REMARKS:

Date Meter Installed: \_\_\_\_\_

Installed By: \_\_\_\_\_

Meter No.: \_\_\_\_\_

Meter Type: \_\_\_\_\_

Zone: \_\_\_\_\_

Account No.: \_\_\_\_\_

Recorded By:



EASEMENT

The undersigned, \_\_\_\_\_ Grantors, for the consideration of \_\_\_\_\_ Dollars to Grantors paid, do hereby grant unto the City of WEST LINN, a municipal corporation, its successors and assigns, referred to herein as CITY, a permanent right-of-way and easement to construct, reconstruct, operate, and maintain, utilities and all necessary related facilities under and along the following described premises:

*emailed  
to Kerry @  
Fidelity Title  
7/18/01 PM*

The permanent right-of-way or easement shall include the right, privilege, and authority of CITY to excavate for, and to construct, install, lay, operate, maintain, and remove underground pipelines and/or cables with the appurtenances incident thereto or necessary thereafter, for the purpose of supplying public utility service under and across the said premises, together with the right of CITY to place, install, maintain, inspect, add to the number of, and relocate pipelines and/or cables and necessary appurtenances and make excavations therefore from time to time, in, under and through the above described premises within said right-of-way, and to cut and remove from said right-of-way any trees and other obstructions which may endanger the safety or interfere with the use of said pipelines and/or cables or appurtenances attached to or connected therewith; and the right of ingress and egress to and over said above described premises at any and all times for the purpose of patrolling the pipelines and/or cables, or repairing, renewing, or adding to the number of pipelines and/or cables and appurtenances and for doing anything necessary, useful, or convenient for the enjoyment of the easement hereby granted.

CITY, upon the initial installation and upon each and every occasion that the same be repaired or removed shall restore the premises of the Grantor, by removing all debris and leaving the ground surface in a neat and presentable condition, buildings and improvements to be restored as near as possible to as good a condition as the same were, prior to any such installation. The only other persons, firms, or corporations known by Grantors to have any interest in the granted property are:

\_\_\_\_\_  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1998.  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF OREGON            )  
  ) ss  
COUNTY OF CLACKAMAS    )  
  \_\_\_\_\_, 19\_\_

Personally appeared the above named \_\_\_\_\_

and acknowledged the foregoing instrument to be \_\_\_\_\_ voluntary act and deed.

Before me: \_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires \_\_\_\_\_



# CLACKAMAS COUNTY

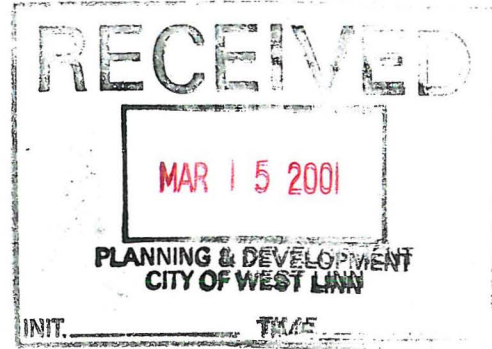
# COPY

## Office of the County Surveyor

R. CHARLES PEARSON  
COUNTY SURVEYOR

March 13, 2001

Dan Drentllaw  
Planning Director  
City of West Linn  
22500 Salamo Road, #1000  
West Linn, OR 97068



Dear Dan:

We have had several conversations with your staff regarding use of property line adjustments and the appropriate use of a replat, most recently as it pertains to the LLA-00-10 file. Our opinion, based on a formal 1990 Attorney General Opinion OP 6350 (copy attached), is that the referenced property line falls under the conclusion that “. . .lot line adjustments may not be used to redraw a previously platted subdivision when the result would be a reconfiguration of the subdivision.” The opinion further states, “We conclude that the legislature intended to authorize lot line adjustments in subdivisions only where there is a single adjustment, or a series of adjustments that are so minor as not to constitute a ‘reconfiguration’ of a subdivision.”

Additionally, we note that there is an inconsistency in the Conditions of Approval. Items No 13 and 14 call for a “final plat” for City approval and recording the approved plat with Clackamas County. For your background and information the County Surveyor only reviews and accepts maps for filing pursuant to ORS Chapter 209. We do not “approve” and the County Clerk does not “record” a record of survey.

It is not our intention to be a watchdog over your department. However, when something is brought to our attention that we understand to be unlawful, it is my duty to bring it to your attention. Regardless of whether a city or county approves an action, if such action is unlawful then to continue with that action could have a negative impact on any future buyer of such an adjusted lot.

Yours truly,

R. Charles Pearson, PLS  
Clackamas County Surveyor

cc: Kristi Crowell, Associate Planner, West Linn  
Tony Benthin, PLS, AKS Engineering

DAVE FROHNMAYER  
ATTORNEY GENERAL

JAMES E. MOUNTAIN, JR.  
DEPUTY ATTORNEY GENERAL

*Tom Milne*



Parker
Judd
Anderson
Ward
Gardiner

*Tom Milne*

**DEPARTMENT OF JUSTICE**

GENERAL COUNSEL DIVISION  
Justice Building  
Salem, Oregon 97310  
Telephone: (503) 378-4620

JAN 26 1990

January 25, 1990

*RE: Property Line /  
Lot Line Adjustment*

The Honorable John R. Brenneman  
State Senator  
2780 NE Jackson Place  
Newport, OR 97365

**RECEIVED**  
FEB 16 1990  
KAMPE ASSOC., INC.

Re: Opinion Request OP-6350

Dear Senator Brenneman:

You ask whether an existing undeveloped subdivision may be redrawn by the use of a substantial number of lot line adjustments rather than by replatting under ORS 92.180. Your request also incorporates a question posed by the Legislative Counsel's office: whether any state agency has authority to adopt rules clarifying this issue.

For the reasons that follow, we conclude that lot line adjustments may not be used to redraw a previously platted subdivision when the result would be a reconfiguration of the subdivision. We also conclude that no state agency has general authority to adopt rules clarifying when lot line adjustments may be used to redraw a subdivision. Certain agencies may have authority to adopt rules interpreting how such adjustments relate to specific programs that they administer.

Discussion

1. Background

The first question was raised by the developers of a residential subdivision in Newport. The subdivision was platted approximately 40 years ago, and comprises 65 lots of 5,000 square feet each. The developers now wish to redesign the subdivision to make better use of the natural terrain and vegetation and to reduce erosion and traffic circulation problems. The proposed new design will require an extensive series of adjustments to the boundaries between lots<sup>1</sup> and will reduce the number of lots. The redesign also requires the vacation of an existing street in the subdivision and the creation of new access by private easements or public dedication.

Honorable John R. Brenneman

Page 2

January 25, 1990

The developers propose to use lot line adjustments rather than replatting in order to avoid the expense and delay associated with complying with the current subdivision regulations. They maintain that it is commonplace to redraw subdivisions by use of lot line adjustments. (We have found no uniform practice in the state.) We understand that the City of Newport has been reluctant to proceed with necessary approvals because of a January 6, 1988, memorandum in which a Department of Justice attorney advised the Department of Revenue that a replat was the only proper method for reconfiguring or redesigning a subdivision.

## 2. History of the Replatting Statutes

A brief review of the history of Oregon's subdivision and partition statutes aids our analysis of the availability of lot line adjustments for redesign of a subdivision.

Oregon law has provided for "town plats" since 1864. General Laws of Oregon, ch LVI, at 925 (Deady 1866); Or Laws 1909, ch 70; Or Laws 1931, ch 227. The first modern subdivision statute, however, was enacted in 1947. Or Laws 1947, ch 346. It applied only to divisions of tracts of land into four or more units defined variously as "lots," "tracts" or "parcels," and it required the preparation and recording of a "plat."

In 1973, the legislature expanded the subdivision statute to cover all land divisions. Or Laws 1973, ch 696. Units of land in subdivisions were defined as "lots." Divisions of land into three units or less were defined as "partitions." The units created by partitions were defined as "parcels." "Major partitions" were divisions that included the creation of a street, and all other partitions were classified as minor. A graphic description of the division, referred to as a "map" rather than a plat, was required for major partitions.

The 1973 Act excluded from the definition of partition "any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced by the adjustment in size is not reduced below the minimum lot size established by any applicable zoning ordinance." Id. at § 3 (codified at ORS 92.010(7) (emphasis added)). The statutes were silent on whether adjustments of subdivision boundary lines were authorized and on how such adjustments might affect the accuracy of recorded plots.

In a separate statute also enacted in 1973, the legislature enacted a policy and procedure for reviewing undeveloped sub-

Honorable John R. Brenneman  
Page 3  
January 25, 1990

divisions platted before the adoption of modern comprehensive plans, zoning regulations, and subdivision control standards. Or Laws 1973, ch 569, § 1 (codified at ORS 92.205 to 92.245). Those statutes provide for the revision or vacation of non-complying undeveloped subdivisions. Id.

In 1983, the legislature authorized subdivision plat amendments. Or Laws 1983, ch 309, § 2 (codified at ORS 92.170). The amendment process includes the preparation and recording of a corrected plat and review by the city or county surveyor. The statute states, however, "Nothing in this section shall be construed to permit changes in courses or distances for the purpose of redesigning lot or parcel configurations." (Emphasis added.)

In 1985, the legislature enacted ORS 92.180 to 92.190, the replat provisions at issue here. Or Laws 1985, ch 369. Those statutes describe the process for replatting a subdivision, and set forth the legal effect of a replat. The amendments were proposed by the Oregon Association of County Engineers and Surveyors for the purpose of standardizing replatting procedures and clarifying that a separate action to vacate the original plat was not required.

Other 1985 legislation restructured the definitions of "partition" and "partition land." Or Laws 1985, ch 717 (amending ORS 92.010). Where the prior statute excepted from the definition of "partition land" an "adjustment of a lot line" under specified conditions, the amendments referred to an "adjustment of a property line." Id. at § 1. The amendment also clarified that lots and parcels shall remain "discrete" unless the lines are changed or vacated "as provided by law." Id. at § 3.

The subdivision and partition statutes were amended yet again in the 1989 legislative session. Or Laws 1989, ch 772 (effective January 1, 1990). These most recent amendments standardize the terminology used in ORS chapter 92 by removing the plat/map distinctions between subdivisions and partitions. Id. at §§ 1, 5, 8, 17. The amendments define the term "replat" to include both subdivision and partition plats. Id. at § 1, codified at ORS 92.010(10). (Some of the substantive provisions in ORS 92.180 and 92.190, however, continue to apply only to subdivisions. See Or Laws 1989, ch 772, § 1.) Many of the subdivision regulatory requirements now apply to partitions. These include recording of plats, prohibitions on sales prior to recording and plat amendments. Id. at §§ 4, 17, 23.

### 3. Purpose of the Subdivision and Partition Law

ORS chapter 92 contains no separate overall purpose section. Nonetheless, the purposes of the chapter have been fairly summarized as: (1) assuring accurate surveying, marking, and recording of individual parcels of land; (2) assuring that land is divided and improvements are provided within the framework of state-wide goals and community plans; (3) providing for infrastructure to serve the parcels; (4) providing improvements that relieve external effects of land division (e.g., pollution, congestion); and (5) protecting potential purchasers from fraud, deceit or misrepresentation by sellers. See Bureau of Governmental Research and Service (University of Oregon), The Changing Role of Government in the Subdivision and Partitioning of Land in Oregon 2-3 (1975). In addition, the statutes contain a number of individual policy declarations. See, e.g., ORS 92.205 (express policy of bringing previously platted but undeveloped subdivisions into compliance with comprehensive plans, zoning regulations and development standards).

### 4. Use of Lot Line Adjustments in Subdivisions

In addressing your first question, we focus primarily upon ORS 92.180 to 92.190, governing replatting. ORS 92.180 authorizes the replatting of previously platted subdivisions. Replatting allows the "reconfiguration" of lots and easements within the recorded plat of a subdivision. An approved replat vacates the previously platted lots and easements. ORS 92.185. A property owner wishing to replat must provide notice to certain affected property owners and utilities, must obtain approval from the appropriate unit of local government, and must comply with all of the provisions of ORS chapter 92 and applicable land division ordinances in effect at the time of replatting. ORS 92.185(2)-(5). "Replat" includes "a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the \* \* \* information concerning a recorded subdivision." ORS 92.010(10). The term "reconfiguration" is not defined.

ORS 92.190(3) provides that "[t]he governing body of a city or county may use procedures other than [the] replatting procedures in ORS 92.180 and 92.185 to adjust lot lines as described in ORS 92.010(7), as long as those procedures include the recording or other central filing of the final lot line adjustment." ORS 92.010(7) defines the phrase "[to] [p]artition land" to include all divisions of land other than subdivisions, but the definition excludes "[an] adjustment of a property line by the relocation of a common boundary where an additional unit

Honorable John R. Brenneman  
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January 25, 1990

of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance \* \* \*."

No statutory provisions in ORS chapter 92 expressly authorize or regulate lot line adjustments. Rather, such adjustments are merely excluded from the definition of "partition land" and, under stated conditions, exempted from the replat provisions. The legislature apparently believed that such express authorization was unnecessary; common law and statutory lot line adjustment mechanisms substantially predate the modern subdivision and partition regulations. See, e.g., ORS 105.705 (circuit court action to determine boundary line); Blaisdell v. Nelson, 66 Or App 511, 514-15, 674 P2d 1208 (1984) (and authorities therein discussing boundary lines by agreement). ORS chapter 92 does provide that once a lot line has been created, it cannot be changed or vacated except as provided by law. ORS 92.017.

No statute in ORS chapter 92 directly answers your first question. For the reasons that follow, however, we conclude that ORS 92.190 does not empower local governments to allow a subdivision to be reconfigured by an extensive series of lot line adjustments. A contrary conclusion would be inconsistent with the statutory policies and is unsupported by the legislative history of the provisions in question.

The governing statutes provide no explicit guidance.<sup>2</sup> Nor does the legislative history aid us here. The relationship between lot line adjustments and replats was discussed in testimony before the legislative committee that produced the 1985 amendments. The committee heard debate on whether lot line adjustments could be used at all to redraw boundary lines in subdivisions as opposed to partitions. It appears that this question was left unsettled.<sup>3</sup> Nor did any testimony address the use of a series of lot line adjustments.

Unfortunately, it is difficult to determine what the committee intended. Further, there is no indication that the committee's intent, whatever it may have been, was conveyed to the Legislative Assembly as a whole. Accordingly, the legislative history does not help us here.

Lacking any clear direction from the statutory language or the legislative history, we must rely on more general principles of statutory construction. First, it is our duty to construe statutes to accomplish the legislature's policies. ORS 174.020 (pursue the legislature's intent); see State v. Parker, 299 Or 534, 540, 704 P2d 1144 (1985).

Honorable John R. Brenneman  
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January 25, 1990

To construe ORS 92.190(3) to allow subdivisions to be significantly redrawn by simply making an extensive series of lot line adjustments would be inconsistent with the legislative policies described above. Except to the extent required by local ordinances, there would be no means to assure that the recorded plats are modified to reflect the new subdivision design. Property in a redrawn subdivision could not be conveyed by reference to lot number. Subdivisions might be redrawn without assuring consistency with state and local planning objectives, and without any provision for public notice or comment or local government review. For example, ORS 92.185(2)-(4), requiring notice to other affected landowners and utilities, could be circumvented. See also ORS 92.170(2) (prohibiting the use of affidavits of correction, which are recorded but not subject to public notice requirements, for purpose of "redesigning lot or parcel configurations"). In other land use matters, the Oregon courts consistently have refused to construe statutes in a manner that abridges notice and hearing requirements. See, e.g., Doughton v. Douglas County, 88 Or App 198, 202, 744 P2d 1299 (1987). Boundary line changes also might fail to conform with present development standards and thus be accomplished without mitigation of the external effects of the land division. We decline to construe ORS 92.190(3) in such a manner.

Additionally, to interpret ORS 92.190 to allow a subdivision to be reconfigured by a series of lot line adjustments effectively would limit the subdivision replat requirements to reconfigurations that create at least one additional lot. See ORS 92.010(7)(b). We understand, however, that such reconfigurations are only a small proportion of all reconfigurations, most of which are done to decrease the density of subdivisions. Thus, such an interpretation would produce an exception to the replat requirements that would virtually swallow the rule. We find it unlikely that the legislature intended ORS 92.190(3) to operate in that fashion.

We conclude that the legislature intended to authorize lot line adjustments in subdivisions only where there is a single adjustment, or a series of adjustments that are so minor as not to constitute a "reconfiguration" of a subdivision. This interpretation harmonizes ORS 92.190(3) with the other replatting provisions and their underlying policies.

Lot line adjustments in subdivisions under ORS 92.190(3) are allowed only when made pursuant to a valid local ordinance that regulates such adjustments and provides for "the recording or other central filing of the final lot line adjustment."



Honorable John R. Brenneman  
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January 25, 1990

Id. Thus, governing bodies of cities and counties that wish to permit lot line adjustments in subdivisions must enact appropriate ordinances.

As noted, we have concluded that a subdivision may not lawfully be "redesigned" or "reconfigured" by a series of lot line adjustments. We recognize that in some circumstances it will be difficult to determine whether the changes to a subdivision constitute a "reconfiguration." From the facts of which we are aware here, however (see above at 1-2 and n 1), it is plain that the proposed changes would result in an impermissible reconfiguration.

The use of lot line adjustments in subdivisions is a subject in need of legislative clarification. Specifically, we recommend that the legislature provide guidance on the extent to which a subdivision may be changed by lot line adjustments before it is "reconfigured." Similarly, it would be helpful for the legislature to clarify whether local ordinances must require recording of amendments to a plat map, as opposed to the mere filing of metes and bounds descriptions of the newly drawn lots.

##### 5. No State Agency Rulemaking Authority

The second question asks whether any state agency has the authority to adopt rules clarifying when lot line adjustments may be used in place of replatting. Only two state agencies, the Real Estate Agency and the Land Conservation and Development Commission (LCDC), have responsibilities that relate directly to subdivisions and partitions.<sup>4</sup> Neither agency, however, has the power to adopt rules on the matter in question.

The Real Estate Agency is responsible for enforcement of the Oregon subdivision and series partition control laws codified at ORS 92.305 to 92.495. These laws relate to public disclosure and consumer protection. The agency has no authority, however, to enforce other portions of ORS chapter 92. Compare ORS 92.490 to 92.495 with ORS 92.990.

LCDC, through the acknowledgment process and the periodic review process, is responsible for ensuring that all local land use regulations are in compliance with state-wide planning goals. See, e.g., ORS 197.250. LCDC may refuse to acknowledge any local ordinance that implements ORS 92.180 to 92.190 in a manner that fails to comply with the goals. Because LCDC does not enforce or administer ORS chapter 92, however, it lacks authority to adopt specific rules regulating the replatting of subdivisions.

Honorable John R. Brenneman  
Page 8  
January 25, 1990

6. Role of the Department of Justice

The Department of Justice does not act as legal counsel to the City of Newport. That city is entitled to seek and rely upon advice from its own counsel. The legal opinions stated in this letter of advice are given solely for your use and benefit.

Sincerely,



Donald C. Arnold  
Chief Counsel  
General Counsel Division

DCA:LK:tmt/0786H

---

<sup>1</sup> The Department of Justice has not received a copy of the proposed changes, so we do not know the exact number of lots affected. Correspondence we have received, however, indicates that the developers propose to "redesign" the subdivision, and that they "will be so severely redrawing the lot lines in parts of the subdivision that the new lots will bear virtually no resemblance to the original lots." Letter dated August 9, 1989, from J. Christopher Minor to Stan F. Mayfield. Similarly, the developer describes the changes as an "extended series," and his attorney notes that if the lot line adjustments are allowed, the resulting units of land will be described by metes and bounds rather than reference to the original lots. Letter dated September 20, 1989, from William Buchanan to Nikki Hollen; letter dated July 31, 1989, to Evan Boone from Kurt Carstens.

<sup>2</sup> One could argue from ORS 92.010(1) and (7) and 92.190(3) that lot line adjustments may not be used in subdivisions at all. The key source of that argument would be the 1985 amendment to the definition of "partition land," Or Laws 1985, ch 717, § 1 (now codified at 92.010(7)(b)). As noted above in text, where the prior statute excepted from the definition an "adjustment of a lot line" (emphasis added) under specified conditions, the amended statute referred to an "adjustment of a property line." (Emphasis added.) The term "lot" refers only to subdivisions. See ORS 92.010(1). The reference to ORS 92.010(7) in ORS 92.190(3) is the only statutory basis for adjusting boundary lines without replatting. Therefore, one could contend that the 1985 amendment to the definition of "partition land," by

Honorable John R. Brenneman  
Page 9  
January 25, 1990

deleting the reference to a subdivision-specific term, signaled the legislature's intent to permit boundary line adjustments without replatting only in partitions, not in subdivisions. Despite the surface appeal of that argument, it is ultimately unpersuasive.

First, ORS 92.190(3), enacted in the same session as the amendment discussed above, see Or Laws 1985, ch 369, § 4, uses the term "lot" line, despite its reference to ORS 92.010(7), which uses the term "property" line. That inconsistent language belies any legislative intent to change ORS 92.010(7) substantively by the change in terminology. Second, in 1985 the replat provisions applied only to subdivisions. Therefore, it would have been illogical for the legislature to have created an exemption from replatting limited to partitions. Third, we find in the legislative history no evidence that the legislature intended such a substantive change. Accordingly, although the argument for restricting lot line adjustments to partitions is superficially attractive, we reject it.

<sup>3</sup> On March 26, 1985, the House Committee on Housing and Urban Development took testimony on HB 2547, which became Oregon Laws 1985, chapter 369 (codified at ORS 92.180 to 92.190). The committee added the lot line adjustment language to the original language of the bill. Steven J. Hawes, the state's Deputy Real Estate Commissioner, testified and suggested that section 4 (now ORS 92.190) be amended to refer to lot line adjustments:

"[W]e were talking about the definition of partition land. And one of the things that, Elizabeth Norman, of legislative counsel, did was to cut apart that long, tortured definition and set out more clearly, two remaining exceptions. And one of those was lot line adjustments. And a lot line adjustment is where you simply redraw the line without creating a new buildable parcel, by the re-, or by the movement of that line. And all I'm suggesting here is that, the way the definition is drawn for replat, you may want to specify as is done in the definition of partition land, that this does not include lot line adjustments. You shouldn't have to go through the, the same formality of steps to adjust the lot line, as you would, for instance, for a replat of all or a portion of the subdivision."

House Committee on Housing and Urban Development (HB 2547),  
March 26, 1985, Tape No. 62 at 1320-1420.

Honorable John R. Brenneman  
Page 10  
January 25, 1990

A somewhat different position was taken by the representative of the Oregon Association of County Engineers and Surveyors. He stated:

"As far as lot line adjustments are concerned, if they are in a recorded subdivision, they should be done by the replat procedure. So, it seems to me that - it - this doesn't address the replat of partitionings, only of recorded subdivision plats. And the setback and so forth would be a problem with lot line adjustments if they weren't replatted."

Id. at 2010-2088.

Later in the same hearing, the committee considered additional testimony from a representative of the Oregon Association of County Engineers and Surveyors and testimony from a representative of the Oregon Professional Land Surveyors Association. These witnesses also disagreed about the practice and the legality of using the lot line adjustment process to change boundary lines in a recorded subdivision, because of the effect of such adjustments on the accuracy of the recorded plat. Id. at 2818-3387. There was no discussion of using a series of lot line adjustments to redraw boundaries of a subdivision.

<sup>4</sup> Several other agencies have tangential responsibilities. See, e.g., ORS 92.090 (Department of Environmental Quality approval of sewage systems); ORS 646.605 to 646.992 (Department of Justice enforcement of consumer protection laws).



*Planning and Building*

March 7, 2001

Carl Clinton  
Clackamas County Surveyor's Office  
9101 SE Sunnybrook Blvd.  
Clackamas, OR 97015

Subject: City Approval of Lot Line Adjustment

Dear Mr. Clinton:

I have enclosed the staff report regarding the lot line adjustment located in West Linn between 8<sup>th</sup> and 9<sup>th</sup> Streets and 3<sup>rd</sup> and 4<sup>th</sup> Avenues. It was the Planning Department's understanding that the concerns of the County Surveyor's Office regarding the lot line adjustment proposal would be sufficiently addressed if the lot located at the Northwest corner of 9<sup>th</sup> Street and 4<sup>th</sup> Avenue remained a separate lot (Lot B). The applicant originally proposed to consolidate this lot with another lot. I would like to stress that this lot line adjustment and the concerns of the County Surveyor's Office were discussed at length with City planning staff, including the Planning Director, prior to approval. I have notified the applicant regarding your concerns, and requested that the applicant's surveyor contact you directly. I hope the staff report clarifies the City's findings regarding the lot line adjustment. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Kristi Crowell".

Kristi Crowell  
Associate Planner

Enc.



**AKS Engineering & Forestry**

P.O. Box 1730  
Tualatin, OR 97062

Phone (503) 692-5887 • E-mail: aks@aks-eng.com • Fax (503) 692-6431

LETTER OF TRANSMITTAL

To CITY OF WEST LINN  
PLANNING AND BUILDING  
22500 SALAMO ROAD #1000  
WEST LINN, OR 97068

DATE	02/06/01	JOB NO	647
ATTENTION	KRISTI CROWELL		
RE:	HANDRIS PROPERTY LINE ADJUSTMENT		
FROM:	MONTY HURLEY		

WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:

Shop Drawings     Prints     Plans     Samples     Specifications  
 Copy of letter     Change order

COPIES	DATE	NO.	DESCRIPTION
1	02/06/01	1	PROPERTY LINE ADJUSTMENT SURVEY FOR MARK HANDRIS

THESE ARE TRANSMITTED as checked below:

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> For approval           | <input type="checkbox"/> Approved as submitted    | <input type="checkbox"/> Resubmit _____ copies for approval   |
| <input checked="" type="checkbox"/> For your use           | <input type="checkbox"/> Approved as noted        | <input type="checkbox"/> Submit _____ copies for distribution |
| <input checked="" type="checkbox"/> As requested           | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints        |
| <input checked="" type="checkbox"/> For review and comment | <input type="checkbox"/> _____                    |   |
| <input type="checkbox"/> FOR BIDS DUE _____ 19' _____      |   | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US     |

REMARKS IF YOU HAVE ANY QUESTIONS, PLEASE CALL.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

COPY TO FILE SIGNED: Monty B Hurley

**City of West Linn  
PLANNING & BUILDING DEPT.  
LAND USE ACTION**

TO: West Linn Planning Director  
FROM: West Linn Planning Staff (Kristi Crowell, Associate Planner)  
DATE: January 2, 2001  
FILE NO.: MISC-00-10 and LLA-00-10  
SUBJECT: Wetland and Riparian Area Permit and Lot Line Adjustment

---

**SPECIFIC DATA**

**APPLICANT:** Mark Handris, 2008 Willamette Falls Drive, Suite B, West Linn, OR 97068

**OWNER:** Mark Handris, 2008 Willamette Falls Drive, Suite B, West Linn, OR 97068  
Steven Davis, 1229 9<sup>th</sup> Street, West Linn, OR 97068

**CONSULTANT:** AKS Engineering and Forestry, 18961 SW 84<sup>th</sup> Avenue, Tualatin, OR 97062

**SITE LOCATION:** 1229 and 1233 9<sup>th</sup> Street

**LEGAL**

**DESCRIPTION:** Assessor's Map 3-1E-02AB, Tax Lots 8100 and 8200

**ZONING:** R-10, Single-Family Residential

**SITE SIZE:** Approximately 4 acres

**COMP PLAN**

**DESIGNATION:** Low Density Residential

**APPROVAL**

**CRITERIA:** CDC Chapters 30 and 85

**PUBLIC NOTICE:** Public notice was mailed to property owners within 500 feet of the property on November 20, 2000. A sign was posted on the property on December 1, 2000. Therefore, the notice requirements contained in CDC Chapter 99 have been fully satisfied.

**120-DAY RULE:** This application was deemed complete on November 1, 2000, and the 120 days for the local jurisdiction to exhaust all local review lapses on March 1, 2001.



## RECOMMENDATION

Based upon the findings attached as an addendum, staff recommends approval of a wetland and riparian area permit and lot line adjustment according to the submitted plans and materials, except as modified by the following recommended conditions of approval. The applicant shall conform to all City codes, policies, and standards unless granted a City Code-permitted waiver, exemption or other modification by the appropriate deciding body. Staff retains the right to address all approval criteria if this decision is appealed.

## CONDITIONS OF APPROVAL

Amended on 1-8-01. Changes are shown in [ ].

1. A Willamette River Greenway permit shall be required for any new structures on the site.
2. No development shall occur within Flood Management Area boundaries or within the wetland conservation easement without required permits.
3. Erosion control measures shall be installed as required by CDC Chapter 31, *Erosion Control*, prior to any development on the site, including driveways.
4. A wetland conservation easement shall be shown on the plat, and shall include the wetland and associated 30-foot transition area for the entire site. A note shall be placed on the plat identifying the 15-foot structure setback restriction measured from the wetland conservation easement.
5. The wetland shall not be mowed unless the Tualatin Valley Fire & Rescue designates it as a potential fire hazard.
6. All **[public]** water, stormwater, and sanitary sewer improvements shall be designed and constructed to meet the City of West Linn Public Works standards and CDC Chapter 33.
7. Proposed Lot D located north of the PGE right-of-way shall be a separate lot and not part of the lot containing 1233 9<sup>th</sup> Street. No more than five lots are permitted within the block without approval of a minor partition or subdivision.
8. The private road shall be built with a minimum 20-foot **[15-foot]** wide paved surface on a minimum 30-foot **[20-foot]** wide private access easement, and end with a turnaround that meets Tualatin Valley Fire and Rescue standards.
9. Right-of-way as required for a 28-foot street half-width shall be dedicated to the City along the site frontage for 9<sup>th</sup> Street.
10. Plans and profiles shall be prepared by a civil engineer, licensed in the state of Oregon, and submitted to the City for approval prior to construction **[for any public utility]**.
11. Lots shall have separate and clearly visible addresses from the abutting streets in order for emergency vehicles to easily identify the address of each home.

# ADDENDUM

## APPROVAL CRITERIA AND STAFF FINDINGS

FILE NO. MISC-00-10/LLA-00-10

30.000 WETLAND AND RIPARIAN AREA  
30.100 APPROVAL CRITERIA

- A. *The Planning Director or Planning Commission, as applicable, shall make findings with respect to the following criteria when approving, approving with conditions, or denying an application. The provisions of the following chapters shall be met as applicable:*
1. *Chapter 27, Flood Management Area*
  2. *Chapter 28, Willamette River Greenway*
  3. *Chapter 29, Tualatin River Protection*
  4. *Chapter 32, Natural Drainageway Protection*

### FINDING NO. 1

A large portion of the site is within the 100-year floodplain. However, the applicant proposes to adjust the lot lines in order to build within areas outside the floodplain and wetlands. Any new homes will need to be built outside of the 100-year floodplain in order to avoid a Flood Management Area permit. However, the site is within Willamette River Greenway boundaries. Therefore, prior to building permit submittal, the applicant will need to submit and receive approval for a Willamette River Greenway permit based on Chapter 28 approval criteria. Staff recommends that the Willamette River Greenway process occurs at such a time as architectural plans for new houses are available. Staff finds that the criteria have been met based on Conditions of Approval No. 1 and 2.

---

- B. *Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. For unavoidable adverse environmental impacts, alternatives which reduce or minimize these impacts shall be selected.*

### FINDING NO. 2

Development is not proposed to occur within the wetland. Erosion control measures as required by CDC Chapter 31 will need to be installed to protect wetlands from construction impacts, including driveways and utility installation. Staff finds that this criterion can be met through Condition of Approval No. 3.

---

- C. *Wetland and Riparian Transition Area. The size of the transition area necessary to protect each site will be identified and staked in the field with temporary wooden stakes clearly marked "Transition Area" and approved by the Planning Director prior to issuance of a permit. Once the location of these temporary stakes has been*

1. *Development within the transition area shall not result in significant adverse impacts on the adjacent natural resource area from any change of drainage patterns, erosion, sedimentation, litter, or exterior lighting; and,*
2. *The proposed construction management plan shall be adequate to protect the adjacent natural resource area.*
3. *The provisions of CDC Section 32.050(4) shall apply.*

#### FINDING NO. 4

No development is proposed within the wetland's transition zone. However, a driveway is proposed to be located within the 15-foot structure setback, which is allowed through CDC Chapter 30. Staff finds that the criteria have been met per Conditions of Approval No. 3 and 6.

---

*E. Development within the Wetland and Riparian Area zone. No development within the Wetland and Riparian Area zone shall be permitted unless the following requirements are met:*

1. *The proposal shall avoid or minimize adverse impacts on resource area and values, based on a case by case evaluation of impacts and consideration of the ESEE Analysis for the site;*
2. *Any adverse impacts on the resource area and values shall be compensated for through a mitigation plan; and,*
3. *The proposed construction management plan shall protect remaining natural resource areas during the construction period.*
4. *The provisions of CDC Section 32.050(4) shall apply.*

#### FINDING NO. 5

Development is not proposed in the wetland area. Stormwater run-off from impervious surfaces from driveways and roofs will need to be treated prior to reaching the wetland. The applicant will need to submit plans for stormwater collection and treatment as part of the plans for the access road. The stormwater plans will need to meet West Linn Public Works standards and the requirements of CDC Chapter 33, *Storm Water Quality and Detention*. Staff finds that the criteria can be met through Condition of Approval No. 6.

---

*F. Mitigation plans development within a natural resource area has the potential of degrading or destroying the natural resource and the values identified in the ESEE Analysis as being of public benefit. If an alternative analysis establishes that development outside of the resource area is not possible, the negative impacts must be eliminated or compensated for through mitigation. These provisions are intended to preserve the natural resource values of the resource while providing flexibility for development within or adjacent to a natural resource area. In*

The original plat from 1908 showed five lots in this block, including one lot north of the PGE right-of-way (Lot B of the 1908 plat). The applicant is proposing to make Lot B a part of Lot D. However, the County Surveyor stated to staff that it may be possible for Lot B to eventually become a separate lot from Lot D without going through a land division process. This would result in six lots rather than five lots. Therefore, staff added Condition of Approval No. 7 requiring that the original platted Lot B is not part of another lot, and requiring the applicant to remove a vacant buildable lot from the lot line adjustment proposal. Staff, therefore, finds that the approval criteria can be met.

---

2. *By reducing the lot size, the lot or structure(s) on the lot shall not be in violation of the site development regulations for that district. For example, the lot line adjustment shall not result in an overall loss of density below 70 percent except as allowed by CDC Section 85.200(J)(7).*

#### **FINDING NO. 9**

According to the applicant's plans, the two existing homes will maintain R-10 zoning requirements, including setbacks and maximum lot coverage. The vacant lots will also meet the lot dimensions of the R-10 zone. Staff finds that this criterion has been met based on the applicant's plans.

---

3. *The lot line adjustment is intended to allow minor lot line deviations, or to consolidate undersized or irregular shaped lots. It can also be used to change a limited number of property lines up to the point that the County Surveyor would determine a re-plat of the subdivision is in order. A replat is the complete reconfiguration and realignment of a subdivision's lot lines.*

#### **FINDING NO. 10**

Staff forwarded the proposed lot line adjustment to the County Surveyor. The County Surveyor has concerns regarding Lot D and the extent of the requested lot line adjustment. Staff finds that by removing a lot from the lot line adjustment proposal, the County Surveyor concerns are substantially addressed. Staff finds that the criterion can be met through Condition of Approval No. 7.

---

4. *New lot lines shall be generally straight with only a few deviations. Lot lines shall not gerrymander or excessively zig zag along to accommodate tool sheds, accessory structures, other buildings, etc.*

#### **FINDING NO. 11**

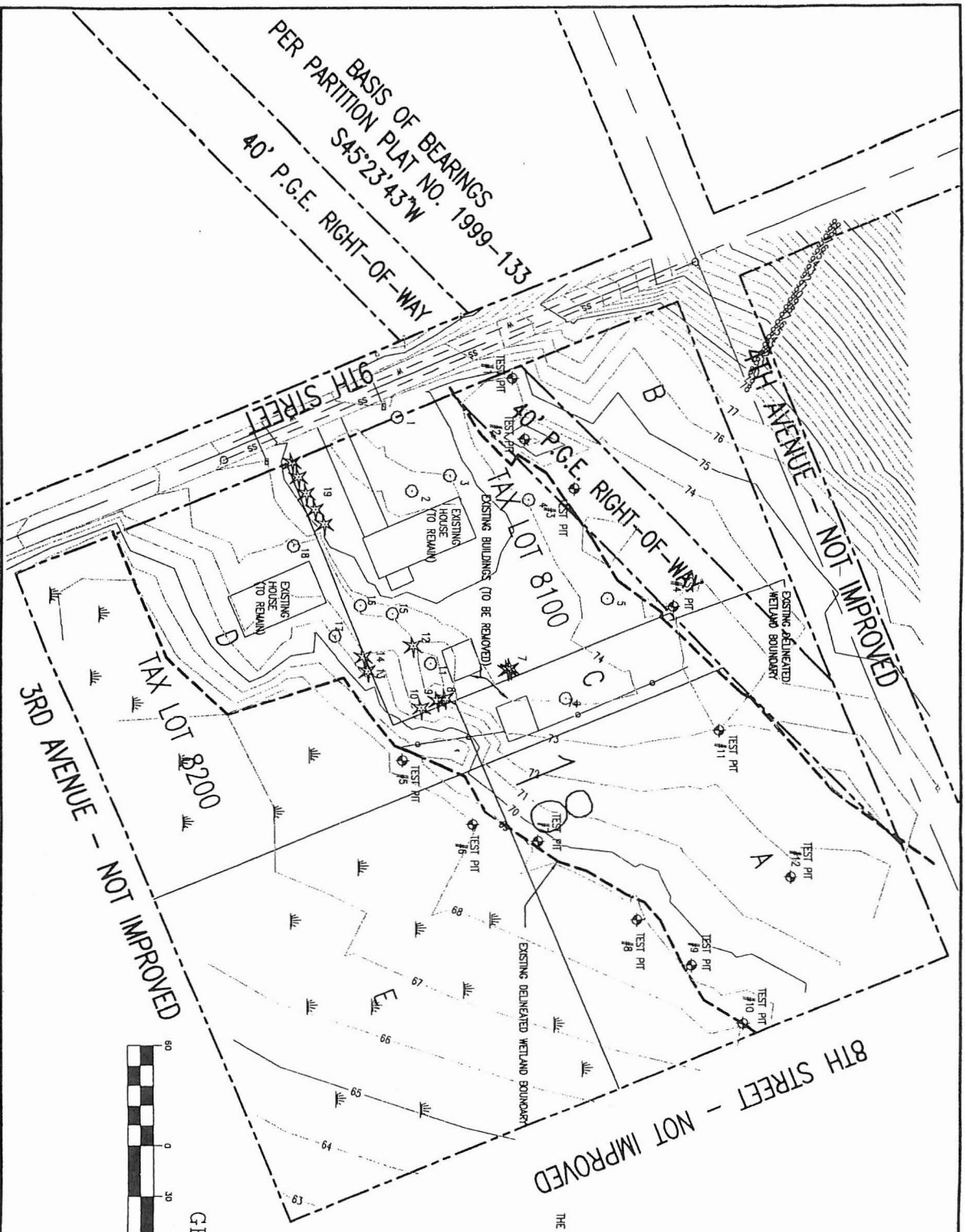
According to the applicant's plans, the lot lines are straight. Staff, therefore, finds that the approval criterion has been met.

---

# EXHIBIT A

## SITE MAP

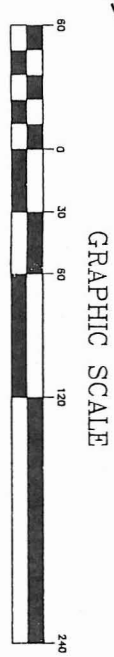




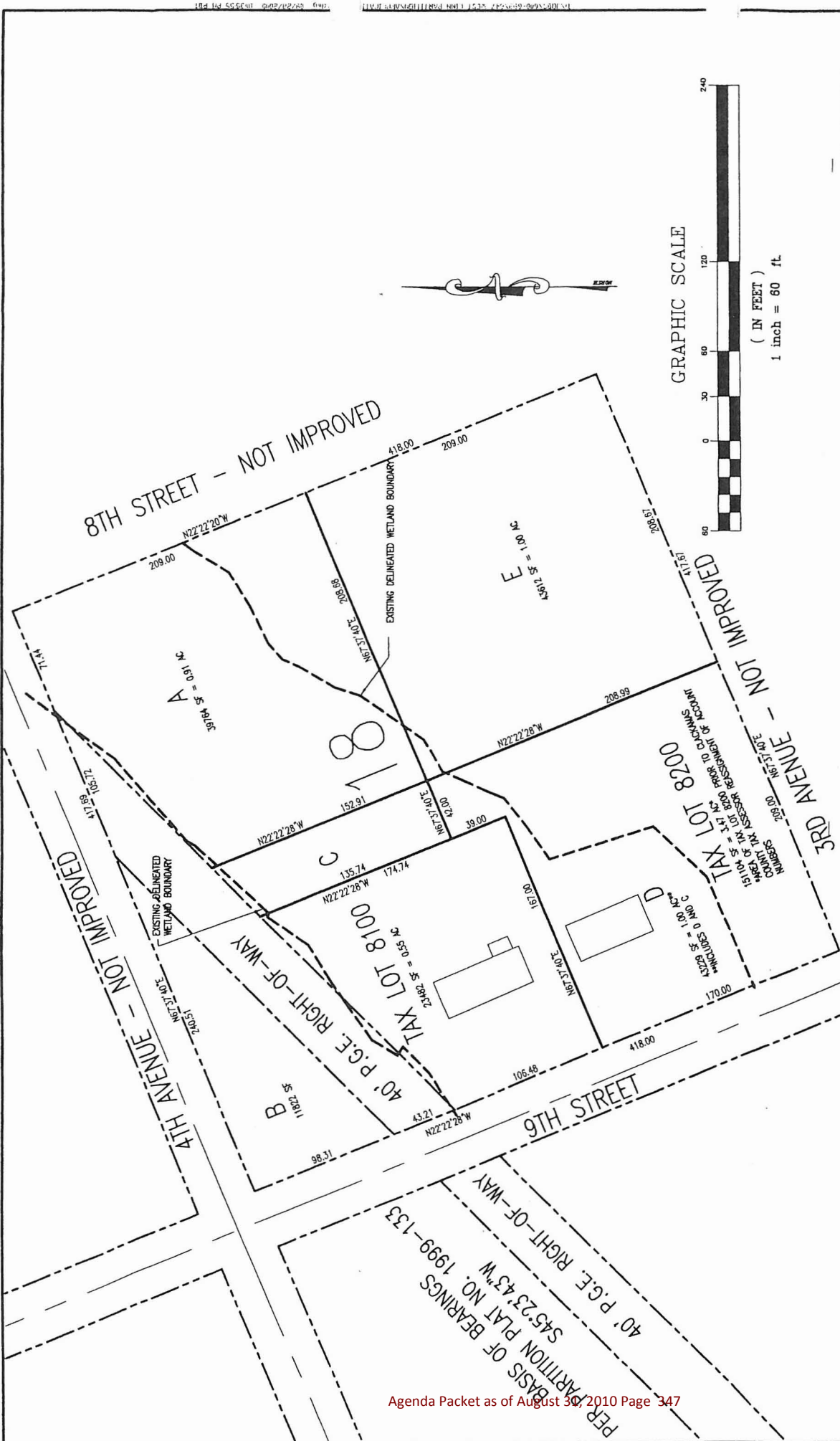
TREE TABLE

TREE NUMBER	TREE SPECIES	DBH (INCHES)
1	APPLE	7
2	WILLOW	22
3	COTTONWOOD	18
4	WILLOW	25
5	APPLE	6
6	APPLE	14
7	REDWOOD (2)	14, 14
8	PINE (DEAD)	10
9	PINE (DEAD)	10
10	PINE (DEAD)	10
11	HOLLY	10
12	SPRUCE	11
13	SPRUCE	15
14	PIR	15
15	UNKNOWN DECIDUOUS	20
16	UNKNOWN DECIDUOUS	13
17	WILLOW	14
18	WILLOW	20
19	CEDAR (ROW 5±)	8-10

THE 100-YEAR FLOOD PLAIN ELEVATION IS BETWEEN ELEVATION 71 AND 72.

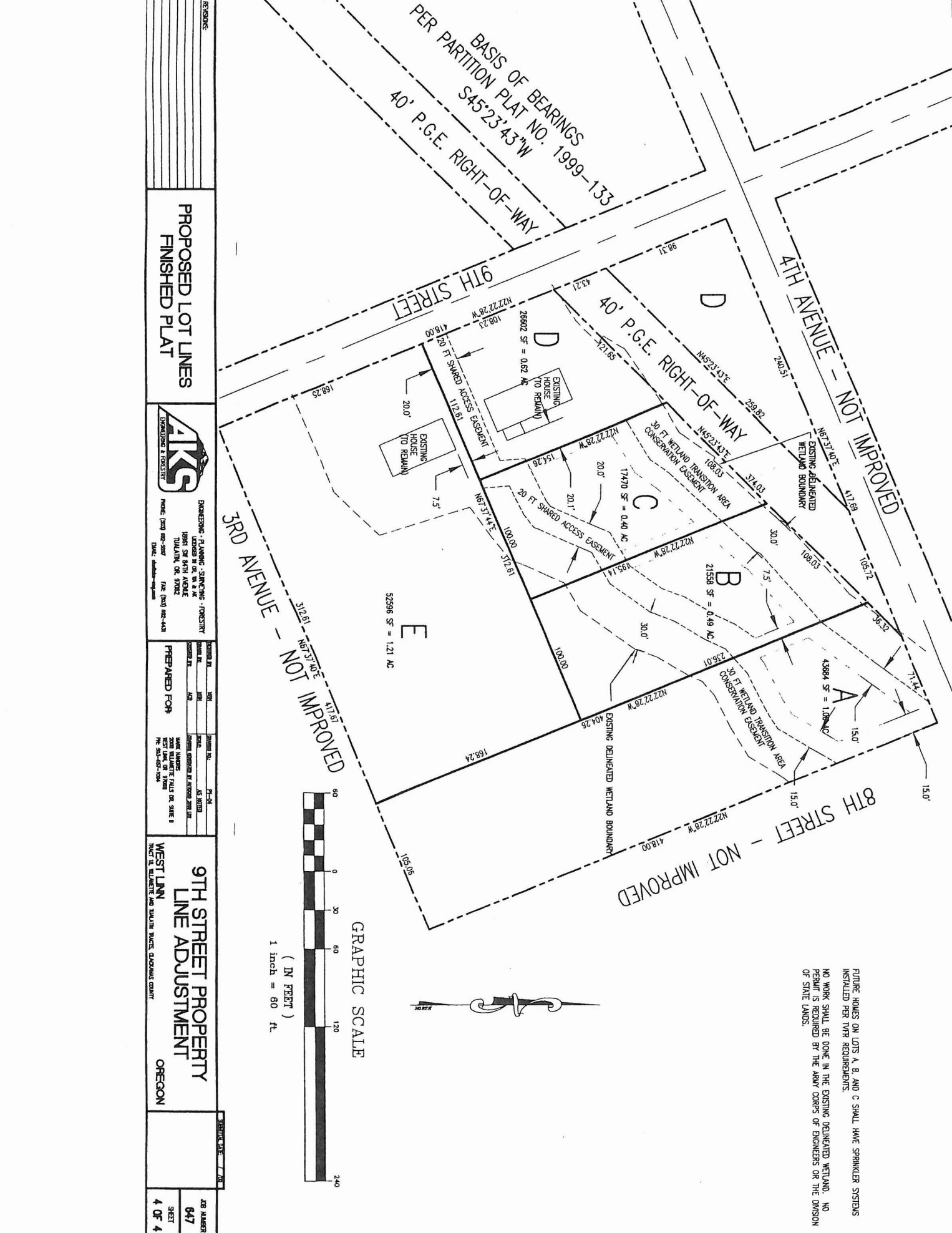


<b>EXISTING CONDITIONS PLAN</b>			<b>ENGINEERING - PLANNING - SURVEYING - FORESTRY</b> LICENSED IN THE STATE OF OREGON 18201 SW 94TH AVENUE TULAMIN, OR 97142 PHONE: (503) 637-3377 FAX: (503) 637-4411 DATE: 08/23/10		SHEET NO. 647 TOTAL SHEETS 987
<b>9TH STREET PROPERTY LINE ADJUSTMENT</b> WEST LANE TULAMIN, CLATSOP AND WAUWATAM TRACTS, CLATSOP COUNTY, OREGON			PREPARED FOR: WEST LANE 18201 SW 94TH AVENUE TULAMIN, OR 97142 PHONE: (503) 637-3377	JOB NUMBER <b>647</b> SHEET <b>2 OF 4</b>	



JOB NUMBER <b>047</b>		SHEET <b>3 OF 4</b>	
<b>9TH STREET PROPERTY LINE ADJUSTMENT</b> WEST LINN, OREGON <small>SUBJECT TO SURVEY AND TULALUM TRACTS, CLATSOP COUNTY</small>			
PREPARED FOR WEST LINN 1515 1/2 SW 3RD AVENUE WEST LINN, OR 97136 PHONE: (503) 862-2887 FAX: (503) 862-4471 EMAIL: daniel@akgs.com	ENGINEERING - PLANNING - SURVEYING - FORESTRY LICENSED IN OR, WA, & MT WEST SW BATH AVENUE TULALUM, OR 97062	PROJECT NO. DATE	PL. NO. DATE
<b>AKS</b> ENGINEERING & FORESTRY			
<b>PRESENT LOT LINES EXISTING PLAT</b>			
REVISIONS			





<b>PROPOSED LOT LINES</b> <b>FINISHED PLAT</b>			<b>ENGINEERING - PLANNING - SURVEYING - FORESTRY</b> 1000 1/2 1ST AVENUE TILLAMOOK, OR 97141 PHONE: (503) 862-2807 FAX: (503) 862-4438 WWW.AKS-ENGINEERING.COM	
PREPARED FOR:	WEST LINN PROJECT OF WILMETTE AND STAVIAI BRIDGE OVERLOOKS COUNTY		DRAWN BY:	DATE:
CHECKED BY:	DATE:	DESIGNED BY:	DATE:	
APPROVED BY:	DATE:	PROJECT NO.:	SHEET NO.:	
<b>9TH STREET PROPERTY</b> <b>LINE ADJUSTMENT</b> OREGON		SHEET NO.:	DATE:	
SHEET NUMBER:	647	SHEET:	4 OF 4	

FUTURE HOMES ON LOTS A, B, AND C SHALL HAVE SPRINKLER SYSTEMS  
 INSTALLED PER TFR REQUIREMENTS.  
 NO WORK SHALL BE DONE IN THE EXISTING DELINEATED WETLAND. NO  
 PERMIT IS REQUIRED BY THE ARMY CORPS OF ENGINEERS OR THE DIVISION  
 OF STATE LANDS.

September 14, 2000

Clackamas County Tax Assessor  
168 Warner Milne Road  
Oregon City, OR 97045

*PART OF DEC  
AS DEMAND*

Re: Reassignment of tax account numbers

Please reassign account numbers to the following lots of record: A, B, <sup>1</sup>D, & E of  
map #R31E02AB08100

*Steven K. Davis*  
Steven K. Davis

*Pamela Davis*  
Pamela Davis

STATE OF OREGON } ss.  
COUNTY OF CLACKAMAS }  
I, *Ray Erland* County Assessor of the State of Oregon for the County of  
Clackamas, do hereby certify that the foregoing copy of *Seg. Request*  
has been by me compared with the original, and that it is a correct transcript  
therefrom, and the whole of such original, as the name appears on file and of  
record in my office and in my care and custody.  
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my of-  
ficial seal this *18<sup>th</sup>* day of *SEPT* *19* *2000*  
By: *Jim Huley* Assessor  
*(Seal)*

West Linn

# DEVELOPMENT REVIEW APPLICATION

Misc-00-10  
LLA-00-10

TYPE OF REVIEW (Please check all boxes that apply):

- |                                     |  |                                     |  |
|-------------------------------------|--|-------------------------------------|--|
| <input type="checkbox"/>            | Annexation                                 | <input type="checkbox"/>            | Non-Conforming Lots, Uses & Structures |
| <input type="checkbox"/>            | Appeal and Review                          | <input type="checkbox"/>            | One-Year Extension                     |
| <input type="checkbox"/>            | Conditional Use                            | <input type="checkbox"/>            | Planned Unit Development               |
| <input type="checkbox"/>            | Design Review                              | <input type="checkbox"/>            | Pre-Application Meeting                |
| <input type="checkbox"/>            | Easement Vacation                          | <input type="checkbox"/>            | Quasi-Judicial Plan or Zoning Change   |
| <input type="checkbox"/>            | Extraterritorial Ext. of Utilities         | <input type="checkbox"/>            | Sidewalk Use App                       |
| <input type="checkbox"/>            | Final Plat or Plan                         | <input type="checkbox"/>            | Sign Review                            |
| <input type="checkbox"/>            | Flood Plain Construction                   | <input type="checkbox"/>            | Street Vacation                        |
| <input type="checkbox"/>            | Hillside Protection and Erosion Control    | <input type="checkbox"/>            | Subdivision                            |
| <input type="checkbox"/>            | Historic District Review                   | <input type="checkbox"/>            | Temporary Uses                         |
| <input type="checkbox"/>            | Legislative Plan or Change                 | <input type="checkbox"/>            | Tualatin River Greenway                |
| <input type="checkbox"/>            | Home Occupation/App                        | <input type="checkbox"/>            | Variance                               |
| <input checked="" type="checkbox"/> | Lot Line Adjustment                        | <input checked="" type="checkbox"/> | Wetland                                |
| <input type="checkbox"/>            | Minor Partition (Preliminary Plat or Plan) | <input type="checkbox"/>            | Willamette River Greenway              |
| <input type="checkbox"/>            | Natural Drainageway Protection             | <input type="checkbox"/>            | Other/Misc                             |

## RECEIVED

OCT 3 2000

PLANNING & DEVELOPMENT  
CITY OF WEST LINN

SA TIME 11:20 am

### TOTAL FEES/DEPOSIT

MARK HANDRIS 2008 WILLAMETTE FALLS DR, SUITE B WEST LINN, OR 97068 (503) 657-1094  
STEVEN DAVIS 1229 9TH ST, WEST LINN, OR 97068 (503) 656-0995

OWNER'S	ADDRESS	CITY	ZIP	PHONE(res. & bus.)
MARK HANDRIS	(REFER TO ABOVE)			
APPLICANT'S	ADDRESS	CITY	ZIP	PHONE(res. & bus.)
AKS ENGINEERING AND FORESTRY	18961 SW 84TH AVE	TUALATIN	OR 97062	(503) 692-5887
CONSULTANT	ADDRESS	CITY	ZIP	PHONE

SITE LOCATION 1229 AND 1233 9TH STREET WEST LINN, OR 97068

Assessor's Map No.: 3-1E-02AB Tax Lot(s): 8100, 8200\* Total Land Area: 4.0±

\*SEE ATTACHED LETTER REGARDING REASSIGNMENT OF TAX ACCOUNT NUMBERS

1. All application fees are non-refundable (excluding deposit).
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or grant may be reversed on appeal. No permit will be in effect until the appeal period has expired.

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application.

SIGNATURE OF PROPERTY OWNER(S)

X [Signature] Date 10-2-00

SIGNATURE OF APPLICANT(S)

X [Signature] Date 10-2-00

BY SIGNING THIS APPLICATION, THE CITY IS AUTHORIZED REASONABLE ACCESS TO THE PROPERTY. ACCEPTANCE OF THIS APPLICATION DOES NOT INFER A COMPLETE SUBMITTAL. COMPLETENESS WILL BE DETERMINED WITHIN 30 DAYS OF SUBMITTAL.

PLANNING AND BUILDING; 22500 SALAMO RD #1000; WEST LINN, OR 97068;  
PHONE: 656-4211 FAX: 656-4106.



2042 8th Avenue  
West Linn, Oregon 97068  
503 656-4211

RECEIPT NO.  
920103

DATE

10/3/00  Cash  Check No. 4297

CERT. \_\_\_\_\_

CASH

AMOUNT RECEIVED

1300.00

NAME

Mark Handris

TELEPHONE

657-1094

ADDRESS

2008 Will. Falls Dr.  
West Linn, OR

ZIP CODE

97068

BUILDING PERMIT # \_\_\_\_\_

TOTAL FEES

001-03-345 \_\_\_\_\_

5% State Surcharge

001-02-204 \_\_\_\_\_

Business License Fee

001-03-341 \_\_\_\_\_

Development Review Fees / Home Occupation Fee

001-03-347

Wetland  
LOT LINE Adjustment

900.00  
400.00

Water Connection Fee (DIG-IN) (DROP-IN) ¾", 1", 1½"

501-03-348 \_\_\_\_\_

Sewer Connection Fee

502-03-349 \_\_\_\_\_

SYSTEM DEVELOPMENT FEES

Engineering Inspection Fee

001-03-352 \_\_\_\_\_

Engineering Street Cut Fee

001-03-353 \_\_\_\_\_

Engineering Public Improvement Deposit

001-02-209 \_\_\_\_\_

Refundable Deposit

001-02-202 \_\_\_\_\_

Miscellaneous Charges & Fees

001-03-389

~~LOT LINE Adjustment 400.00~~

Address of Site (Meter) \_\_\_\_\_

Legal Description

LOT & BLOCK  
SUBDIVISION

Single Family

Multiple Family

• No. of M/F Units \_\_\_\_\_

Commercial

Apartment

• No. of Apartment Units \_\_\_\_\_

Meter Size \_\_\_\_\_

Inside City Limits

Outside City Limits

REMARKS:

Date Meter Installed: \_\_\_\_\_

Installed By: \_\_\_\_\_

Meter No.: \_\_\_\_\_

Meter Type: \_\_\_\_\_

Zone: \_\_\_\_\_

Account No.: \_\_\_\_\_

Recorded By: *GA*

make scientific and educational observations and studies in such a manner as will not disturb the quiet enjoyment of said property by the Grantor, his heirs and assigns.

///

///

///

After recording, return to:  
Engineering Division  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

## DEDICATION DEED

KNOW ALL MEN BY THESE PRESENT, that \_\_\_\_\_, as tenants by the entirety, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto the City of West Linn, Oregon, hereinafter called grantee and grantee's successor's and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas, State of Oregon, described as follows:

To have and to hold the same unto the said grantee and grantee's successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$\_\_\_\_\_.

In construing this deed and where the context so requires, the singular includes the plural.

This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate City or County Planning Department to verify approved uses.

Done by order of the Grantor on \_\_\_\_\_, \_\_\_\_\_.

Name:  
By: \_\_\_\_\_  
Grantor

By: \_\_\_\_\_  
Grantor

STATE OF OREGON )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ of \_\_\_\_\_, Year \_\_\_\_\_, by \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

STATE OF OREGON )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ of \_\_\_\_\_, Year \_\_\_\_\_, by \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

The foregoing deed is hereby approved by the City of \_\_\_\_\_, Oregon, and the property described therein is accepted for dedication.

\_\_\_\_\_  
City of West Linn – Grantee

STATE OF OREGON )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ of \_\_\_\_\_, Year \_\_\_\_\_, by \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

7/7,  
35,  
10,  
11



RECORDED IN CLACKAMAS COUNTY  
JOHN KAUFFMAN, COUNTY CLERK

2001-044110



\$56.00

06/12/2001 10:31:11 AM

D-E Cnt=1 Stn=3 BEVERLY  
\$35.00 \$11.00 \$10.00

After recording return to: The City Of West Linn, 22500 Salamo Rd #1000, West Linn OR 97068

OPEN SPACE CONSERVATION EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT Mark Handris of the County of Clackamas, State of Oregon, for valuable non-monetary consideration received, does hereby grant and convey unto the City of West Linn, a municipal corporation organized and existing under the laws of the State of Oregon, an easement on, over, across, and under the following described real property situated in the County of Clackamas, State of Oregon, to-wit:

PERMANENT EASEMENT DESCRIPTION

See Exhibit "A"

This instrument filed for record by Fidelity National Title as an accommodation only. It has not been examined as to its execution or as to its effect upon the title.

807327

EASEMENT PURPOSE

This easement is granted for the purpose of establishing an area of open space and conservation in perpetuity on, over, across, and under said described property, together with the following rights:

1. The right to retain and protect said property in its natural condition for the purpose of providing a scenic and aesthetic appearance; protecting natural processes; providing recreational uses; and maintaining natural vegetation.
2. The right to enter said property at all reasonable times for the purpose of inspecting said property to determine if the Grantor, or his heirs or assigns, is complying with the covenants and purposes of this grant; and further to observe and study nature and to



make scientific and educational observations and studies in such a manner as will not disturb the quiet enjoyment of said property by the Grantor, his heirs and assigns.

///

///

///

## EASEMENT TERMS, CONDITIONS, AND LIMITATIONS

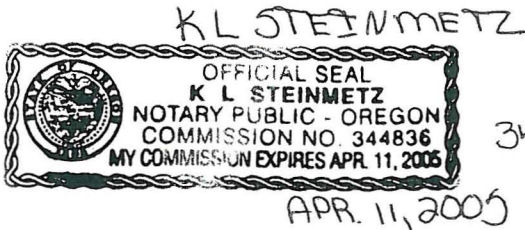
The terms, conditions, and limitations of the aforesaid grant are as follows:

1. Any development and/or activities which are in keeping with the above stated easement may be approved by the Grantee.
2. Without prior express written consent from the Grantee, on said property there shall be no:
  - a. Construction or placing of buildings, camping accommodations, mobilehomes, fences, signs, billboards, or other advertising material, installation or extension of utility facilities, or other structures;
  - b. Filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock, minerals, or other materials; nor any building of roads or change in the topography of the land in any manner excepting the maintenance of trails;
  - c. Removal, destruction or cutting of trees or plants (except removal of Himalayan blackberry, poison oak, English ivy), planting of non-native trees or plants including lawn, spraying with biocides, grazing of domestic animals, or disturbances or change of the natural habitat in any manner;
  - d. Dumping of ashes, trash, garbage, bark dust, lawn clippings or other unsightly or offensive materials; no changing of the topography through the placing of soil or other substance or material such as land fill or dredging spoils; and no use of the area for any sewage disposal field;
  - e. Manipulation or alteration of natural water courses, lake shores, marshes or other water bodies or activities, or uses detrimental to water purity, drainage, flood control, water conservation, erosion control, soil conservation, fish and wildlife or habitat preservation;
  - f. Operation of motorcycles, all-terrain vehicles, or any other types of motorized vehicles.
3. The grants, covenants and stipulations herein shall extend to and be binding upon the respective heirs, executors, administrators, successors, and assigns of the Grantor.
4. Grantor covenants to and with Grantee that he will not in any manner interfere with, or restrict, except as herein stated, Grantee's use of said easement.
5. This easement is granted with the understanding that any work done by the City of West Linn pursuant hereto will be so done as to leave the premises herein described in a

condition reasonably similar to the previous state thereof when any work is finished thereon.

- 6. Except as expressly limited herein, the Grantor reserves for himself, his heirs and assigns, all rights as owner of said property, including the right to use the property for all purposes not inconsistent with this grant.

TO HAVE AND TO HOLD THE HEREIN described easement unto the City of West Linn, its successors and assigns, forever. Done by order of the grantor on 5 JUNE, 2000.



344836

[Handwritten Signature]

Signature

MARK HANDRIS

Printed Name

State of Oregon )  
County of CLACKAMAS ) ss

The foregoing instrument was acknowledged before me on this 5 day of JUNE, 2000, by MARK HANDRIS, grantor.

[Handwritten Signature]  
Notary Public for Oregon  
My commission expires: 11 April 2005

The foregoing instrument is hereby approved by the City of West Linn, Oregon, and the property described therein is accepted for easement.

[Handwritten Signature]  
Dan Drentlaw  
City of West Linn Planning Director

State of Oregon )  
County of Clackamas ) ss

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of June, 2000, by Dan Drentlaw, Planning Director for the City of West Linn, a municipal corporation, on behalf of the corporation.

Susan M. Anderson  
Notary Public for Oregon  
My commission expires: 3/30/2004



ENGINEERING PLANNING

13910 S.W. Galbreath Dr., Suite 100  
SHERWOOD, OR 97140



SURVEYING FORESTRY

TELEPHONE (503) 925-8799  
FAX (503) 925-8969  
E-MAIL: aks@aks-eng.com

### EXHIBIT A

A Wetland Conservation Easement shown on the property line adjustment survey dated January 2001, recorded with the Clackamas County Surveyor's Office, located in the southern portion of Tract 18, Willamette and Tualatin Tracts in the NE ¼ of Section 2, Township 3S, Range 1E, Willamette Meridian, being a part of the Ambrose Fields DLC No. 52, City of West Linn, Clackamas County, Oregon, more particularly described as follows:

Beginning at the Southern corner of Tract 4 of the above referenced property line adjustment survey, said point being a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR.", located at the intersection of the northerly right-of-way line of 3<sup>rd</sup> Avenue and the easterly right-of-way line of 9<sup>th</sup> Street; thence along the easterly right-of-way line of 9<sup>th</sup> Street N22°23'55"W 89.62 feet to a point on said right-of-way line; thence N67°01'04"E 71.77 feet to a point; thence N43°50'51"E 24.90 feet to a point; thence N17°36'13"W 75.49 feet to a point; thence N53°41'14"E 67.89 feet to a point; thence N36°20'29"E 60.36 feet to a point; thence N32°19'27"E 127.43 feet to a point; thence N61°08'32"E 54.27 feet to a point; thence N32°25'16"E 49.51 feet to a point located on the westerly right-of-way line of 8<sup>th</sup> Street; thence S22°21'00"E 331.40 feet along the westerly right-of-way line of 8<sup>th</sup> Street to a point located at the intersection of the westerly right-of-way line of 8<sup>th</sup> Street and the northerly right-of-way line of 3<sup>rd</sup> Avenue said point also being a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR."; thence S67°35'27"W 416.52 feet along the northerly right-of-way line of 3<sup>rd</sup> Avenue to the true point of beginning.

The above described easement contains 88323 square feet, more or less. The basis of bearings for this description is per PS 25593, Clackamas County, Oregon.

4

ENGINEERING PLANNING

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## EXHIBIT A

A Wetland Conservation Easement shown on the property line adjustment survey dated January 2001, recorded with the Clackamas County Surveyor's Office, located on Tracts 1, 2, and 3 of Tract 18, Willamette and Tualatin Tracts in the NE ¼ of Section 2, Township 3S, Range 1E, Willamette Meridian, being a part of the Ambrose Fields DLC No. 52, City of West Linn, Clackamas County, Oregon, more particularly described as follows:

Beginning at the initial point, said point being the most northwesterly corner of Lot B of the above referenced property line adjustment survey, said point being a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR.", located at the intersection of the southerly right-of-way line of 4<sup>th</sup> Avenue and the easterly right-of-way line of 9<sup>th</sup> Street; thence along the easterly right-of-way line of 9<sup>th</sup> Street S22°23'55"E 143.22 feet to a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR.", said point also being the true point of beginning; thence N45°23'43"E 377.92 feet along the northern boundaries of Tracts 1, 2, and 3 to a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR.", said point located on the southern right-of-way line of 4<sup>th</sup> Avenue; thence N67°39'58"E 52.98 feet to a point located on the southern right-of-way line of 4<sup>th</sup> Avenue; thence S36°47'00"W 104.01 feet to a point; thence S49°04'58"W 74.78 feet to a point; thence S43°32'01"W 73.11 feet to a point; thence S48°28'25"W 77.88 feet to a point; thence S46°23'41"W 47.20 feet to a point; thence S44°29'57"W 63.69 feet to a point located on the easterly right-of-way line of 9<sup>th</sup> Street; thence N22°23'55"W 31.66 feet along the easterly right-of-way line of 9<sup>th</sup> Street to the true point of beginning.

The above described easement contains 12616 square feet, more or less. The basis of bearings for this description is per PS 25593, Clackamas County, Oregon.

7



**Fidelity National Title  
Company of Oregon**

**Kerry Steinmetz**  
Senior Project Coordinator

5 June 2001

Kristy Crowell  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

Re: Conservation Easement  
Mark Handris

Ms. Crowell:

Enclosed please find the revised conservation easement for Mark Handris. This easement follows the City of West Linn template exactly.

Please telephone me when this document is executed by the City and we will pick-up and record.

I greatly appreciate your assistance.

Sincerely,

Fidelity National Title

A handwritten signature in black ink, appearing to read "Kerry Steinmetz", written over the typed name.

Kerry Steinmetz



*Planning and Building*

May 22, 2001

Kerry Steinmetz  
Fidelity National Title  
401 SW Fourth Avenue  
Portland, OR 97204

Subject: Conservation Easement Document

Dear Mr. Steinmetz:

I forwarded the conservation easement document for Mark Handris to the City Attorney's office for their review. Their office identified two needed corrections in the easement document:

Properties containing the conservation easement should be described in the document.

Two conditions from the City's conservation easement were omitted from the applicant's easement document.

Once these changes have been made to the easement document, the Planning Director can sign it. I have enclosed a copy of the City's easement document and the memo from the City Attorney's office. I have also highlighted the two conditions on the City's easement document that need to be added. Please call me at (503) 723-2524 if you have any questions. Thank you.

Sincerely,

Kristi Crowell  
Associate Planner

c: Monty Hurley, AKS Engineering & Forestry  
Mark Handris, Handris Realty



**Crowell, Kristi**

---

**From:** Crowell, Kristi  
**Sent:** Thursday, February 08, 2001 9:03 AM  
**To:** Wright, Dennis  
**Subject:** r/w dedication

Dennis, are you familiar with a form that applicants fill out to dedicate r/w to the City? We recently approved a lot line adjustment with a condition of approval to dedicate r/w to the City. The applicant's engineer is telling me that he can't show the dedication on the plat, since no new lots have been created, but that the City should have some type of form for the applicant to fill out for dedication. Please let me know. Thanks!

Kristi Crowell  
City of West Linn  
kcrowell@ci.west-linn.or.us

Chuck PEARSON  
353-4499

After recording return to: The City Of West Linn, 22500 Salamo Rd #1000, West Linn OR  
97068

### OPEN SPACE CONSERVATION EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT Mark Handris of the County of Clackamas, State of Oregon, for valuable non-monetary consideration received, does hereby grant and convey unto the City of West Linn, a municipal corporation organized and existing under the laws of the State of Oregon, an easement on, over, across, and under the following described real property situated in the County of Clackamas, State of Oregon, to-wit:

### PERMANENT EASEMENT DESCRIPTION

See Exhibit "A"

### EASEMENT PURPOSE

This easement is granted for the purpose of establishing an area of open space and conservation in perpetuity on, over, across, and under said described property, together with the following rights:

1. The right to retain and protect said property in its natural condition for the purpose of providing a scenic and aesthetic appearance; protecting natural processes; providing recreational uses; and maintaining natural vegetation.
2. The right to enter said property at all reasonable times for the purpose of inspecting said property to determine if the Grantor, or his heirs or assigns, is complying with the covenants and purposes of this grant; and further to observe and study nature and to

## EASEMENT TERMS, CONDITIONS, AND LIMITATIONS

The terms, conditions, and limitations of the aforesaid grant are as follows:

1. Any development and/or activities which are in keeping with the above stated easement may be approved by the Grantee.
2. Without prior express written consent from the Grantee, on said property there shall be no:
  - a. Construction or placing of buildings, camping accommodations, mobilehomes, fences, signs, billboards, or other advertising material, installation or extension of utility facilities, or other structures;
  - b. Filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock, minerals, or other materials; nor any building of roads or change in the topography of the land in any manner excepting the maintenance of trails;
  - c. Removal, destruction or cutting of trees or plants (except removal of Himalayan blackberry, poison oak, English ivy), planting of non-native trees or plants including lawn, spraying with biocides, grazing of domestic animals, or disturbances or change of the natural habitat in any manner;
  - d. Dumping of ashes, trash, garbage, bark dust, lawn clippings or other unsightly or offensive materials; no changing of the topography through the placing of soil or other substance or material such as land fill or dredging spoils; and no use of the area for any sewage disposal field;
  - e. Manipulation or alteration of natural water courses, lake shores, marshes or other water bodies or activities, or uses detrimental to water purity, drainage, flood control, water conservation, erosion control, soil conservation, fish and wildlife or habitat preservation;
  - f. Operation of motorcycles, all-terrain vehicles, or any other types of motorized vehicles.
3. The grants, covenants and stipulations herein shall extend to and be binding upon the respective heirs, executors, administrators, successors, and assigns of the Grantor.
4. Grantor covenants to and with Grantee that he will not in any manner interfere with, or restrict, except as herein stated, Grantee's use of said easement.
5. This easement is granted with the understanding that any work done by the City of West Linn pursuant hereto will be so done as to leave the premises herein described in a

condition reasonably similar to the previous state thereof when any work is finished thereon.

- 6. Except as expressly limited herein, the Grantor reserves for himself, his heirs and assigns, all rights as owner of said property, including the right to use the property for all purposes not inconsistent with this grant.

TO HAVE AND TO HOLD THE HEREIN described easement unto the City of West Linn, its successors and assigns, forever. Done by order of the grantor on 5 June, 2000.



[Signature]  
Signature  
MARK HANDRIS  
Printed Name

State of Oregon )  
County of Clackamas ) ss

The foregoing instrument was acknowledged before me on this 5 day of JUNE, 2000, by MARK HANDRIS, grantor.

[Signature]  
Notary Public for Oregon  
My commission expires: 11 April 2005

The foregoing instrument is hereby approved by the City of West Linn, Oregon, and the property described therein is accepted for easement.

[Signature]  
Dan Drentlaw  
City of West Linn Planning Director

State of Oregon )  
County of Clackamas )

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of June, 2000, by Dan Drentlaw, Planning Director for the City of West Linn, a municipal corporation, on behalf of the corporation.

Susan M. Anderson  
Notary Public for Oregon  
My commission expires: 3/30/2004



ENGINEERING PLANNING

13910 S.W. Galbreath Dr., Suite 100  
SHERWOOD, OR 97140



SURVEYING FORESTRY

TELEPHONE (503) 925-8799  
FAX (503) 925-8969  
E-MAIL: aks@aks-eng.com

## EXHIBIT A

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The above described easement contains 88323 square feet, more or less. The basis of bearings for this description is per PS 25593, Clackamas County, Oregon.

ENGINEERING PLANNING

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SHERWOOD, OR 97140



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TELEPHONE (503) 925-8799

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## EXHIBIT A

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Beginning at the initial point, said point being the most northwesterly corner of Lot B of the above referenced property line adjustment survey, said point being a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR.", located at the intersection of the southerly right-of-way line of 4<sup>th</sup> Avenue and the easterly right-of-way line of 9<sup>th</sup> Street; thence along the easterly right-of-way line of 9<sup>th</sup> Street S22°23'55"E 143.22 feet to a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR.", said point also being the true point of beginning; thence N45°23'43"E 377.92 feet along the northern boundaries of Tracts 1, 2, and 3 to a 5/8" iron rod with a yellow plastic cap marked "AKS ENGR.", said point located on the southern right-of-way line of 4<sup>th</sup> Avenue; thence N67°39'58"E 52.98 feet to a point located on the southern right-of-way line of 4<sup>th</sup> Avenue; thence S36°47'00"W 104.01 feet to a point; thence S49°04'58"W 74.78 feet to a point; thence S43°32'01"W 73.11 feet to a point; thence S48°28'25"W 77.88 feet to a point; thence S46°23'41"W 47.20 feet to a point; thence S44°29'57"W 63.69 feet to a point located on the easterly right-of-way line of 9<sup>th</sup> Street; thence N22°23'55"W 31.66 feet along the easterly right-of-way line of 9<sup>th</sup> Street to the true point of beginning.

The above described easement contains 12616 square feet, more or less. The basis of bearings for this description is per PS 25593, Clackamas County, Oregon.



**RAMIS  
CREW  
CORRIGAN &  
BACHRACH, LLP**

**ATTORNEYS AT LAW**

1727 N.W. Hoyt Street  
Portland, Oregon 97209

(503) 222-4402  
Fax: (503) 243-2944

**FACSIMILE TRANSMISSION COVER SHEET**

THIS COMMUNICATION MAY CONSIST OF ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED BELOW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

DATE: May 21, 2001 CLIENT NO.: 96030-6

TO: Kristi Crowell - West Linn Planning & Building Department

FAX NO.: 503-656-4106 TELEPHONE NUMBER.: 503-656-4211

FROM: Dominic G. Colletta

DESCRIPTION OF DOCUMENT TRANSMITTED: Memo regarding proposed Hadris Conservation Easement

COMMENTS: Please call me if you have any questions.

1 PAGE(S) TO FOLLOW, EXCLUDING COVER SHEET.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL THE UNDERSIGNED AT (503) 222-4402 IMMEDIATELY. THANK YOU.

SIGNED: Dom Colletta

AN ORIGINAL IS BEING MAILED

AN ORIGINAL IS AVAILABLE UPON REQUEST



TO HAVE AND TO HOLD THE HEREIN described easement unto the City of West Linn, its successors and assigns, forever. Done by order of the grantor on \_\_\_\_\_, 2000.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

State of Oregon            )  
                                  ) ss  
County of \_\_\_\_\_)

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2000, by \_\_\_\_\_, grantor.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

The foregoing instrument is hereby approved by the City of West Linn, Oregon, and the property described therein is accepted for easement.

\_\_\_\_\_  
Dan Drentlaw  
City of West Linn Planning Director

State of Oregon            )  
                                  ) ss  
County of Clackamas )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2000, by Dan Drentlaw, Planning Director for the City of West Linn, a municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

## Crowell, Kristi

---

**From:** Crowell, Kristi  
**Sent:** Friday, April 20, 2001 10:50 AM  
**To:** Building  
**Subject:** Handris lot line adjustment

Please do not issue any building permits for new homes between 3rd & 4th Avenues and 8th & 9th Streets on vacant lots. I believe one of these lots recently went through a demo and rebuild, which is ok. But no new permits should be issued. Mark Handris needs to record his lot line adjustment and provide us with easement documents for PUE and a wetland conservation easement. Thanks!

Kristi Crowell  
kcrowell@ci.west-linn.or.us

*Also r/w dedication document.*

**RAMIS**  
**CREW**  
**CORRIGAN &**  
**BACHRACH, LLP**

ATTORNEYS AT LAW

1727 N.W. Hoyt Street  
 Portland, Oregon 97209

(503) 222-4402  
 Fax: (503) 243-2944

## MEMORANDUM

**TO:** Kristi Crowell - City of West Linn Planning & Building Department

**FROM:** Dominic G. Colletta

**DATE:** May 21, 2001

**RE:** Proposed Handris Conservation Easement

Pursuant to our telephone conversation this date, the following is a rewrite of the initial portions of the referenced easement intended to deal with multiple properties owned by the Grantor.

### OPEN SPACE CONSERVATION EASEMENT

KNOW ALL MEN BY THESE PRESENTS that Mark Handris ("Grantor"), is the owner of certain real property located in the County of Clackamas, State of Oregon and more particularly described in Exhibit "A" attached (the "Grantor Property"). [Exhibit "A" will contain the legal descriptions of all properties owned by Handris which are subject to the easement]

For valuable non-monetary consideration received, Grantor does hereby grant and convey unto the City of West Linn ("Grantee"), a municipal corporation organized and existing under the laws of the State of Oregon, an easement on, over, across and under the Grantor Property as described in Exhibit "B" attached. [Exhibit "B" will contain the legal description of the permanent easement]

### EASEMENT PURPOSE

[From this point, the easement document will conform to the City's standard form and shall include all provisions of that form]

Please contact me if you have any questions.

G:\Real\_Estate\West Linn\HandrisConservEasem\MemoKCrowell(052101).wpd

After recording return to: The City Of West Linn, 22500 Salamo Rd #1000, West Linn OR 97068

OPEN SPACE CONSERVATION EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT \_\_\_\_\_ of the County of Clackamas, State of Oregon, for valuable non-monetary consideration received, does hereby grant and convey unto the City of West Linn, a municipal corporation organized and existing under the laws of the State of Oregon, an easement on, over, across, and under the following described real property situated in the County of Clackamas, State of Oregon, to-wit:

PERMANENT EASEMENT DESCRIPTION

EASEMENT PURPOSE

This easement is granted for the purpose of establishing an area of open space and conservation in perpetuity on, over, across, and under said described property, together with the following rights:

1. The right to retain and protect said property in its natural condition for the purpose of providing a scenic and aesthetic appearance; protecting natural processes; providing recreational uses; and maintaining natural vegetation.
2. The right to enter said property at all reasonable times for the purpose of inspecting said property to determine if the Grantor, or his heirs or assigns, is complying with the covenants and purposes of this grant; and further to observe and study nature and to make scientific and educational observations and studies in such a manner as will not disturb the quiet enjoyment of said property by the Grantor, his heirs and assigns.

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/ / /



S 28557 TO ESTABLISH THE 4TH

S 25593 TO ESTABLISH THE P.G.E.

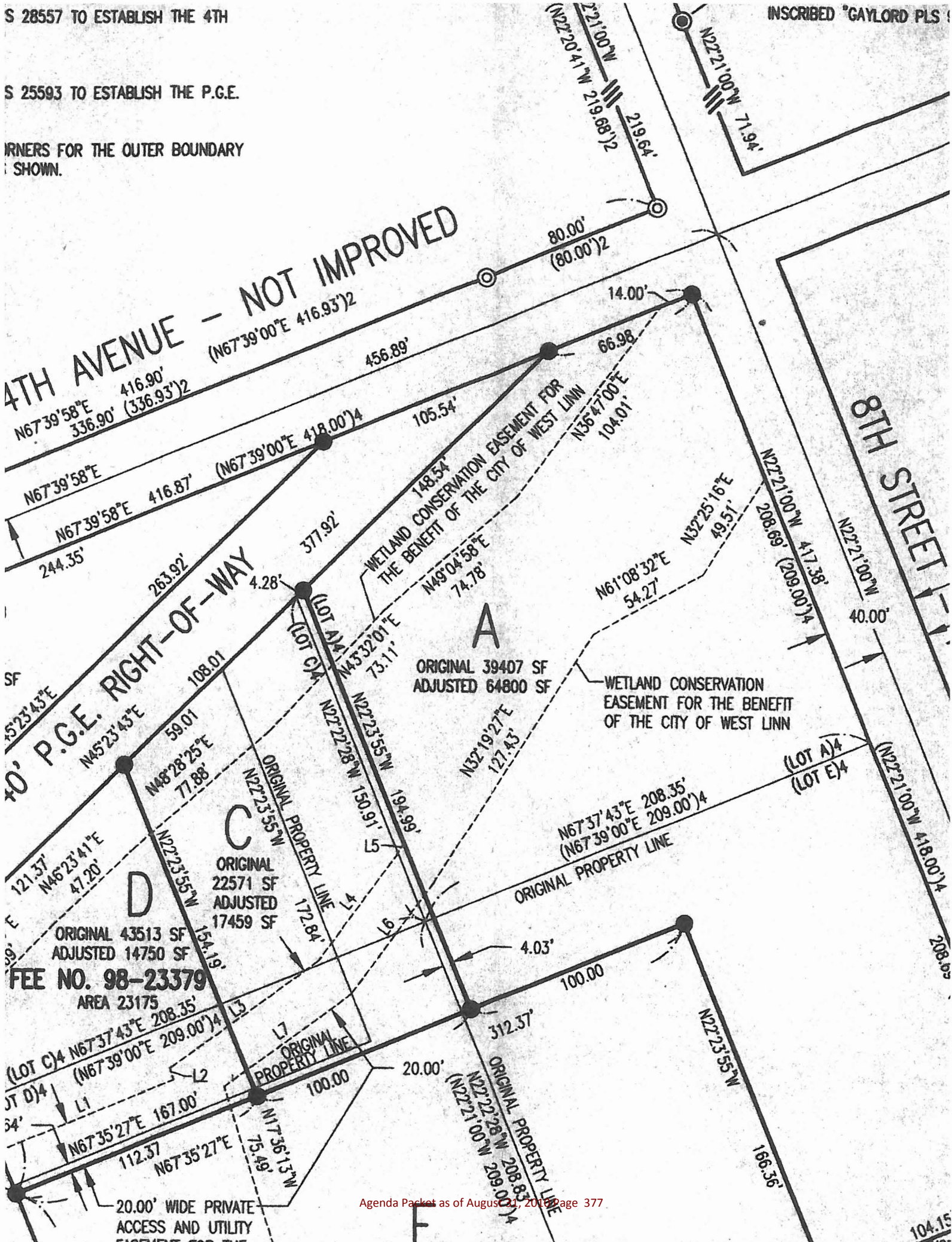
OWNERS FOR THE OUTER BOUNDARY SHOWN

INSCRIBED 'GAYLORD PLS

# 4TH AVENUE - NOT IMPROVED

## 10' P.G.E. RIGHT-OF-WAY

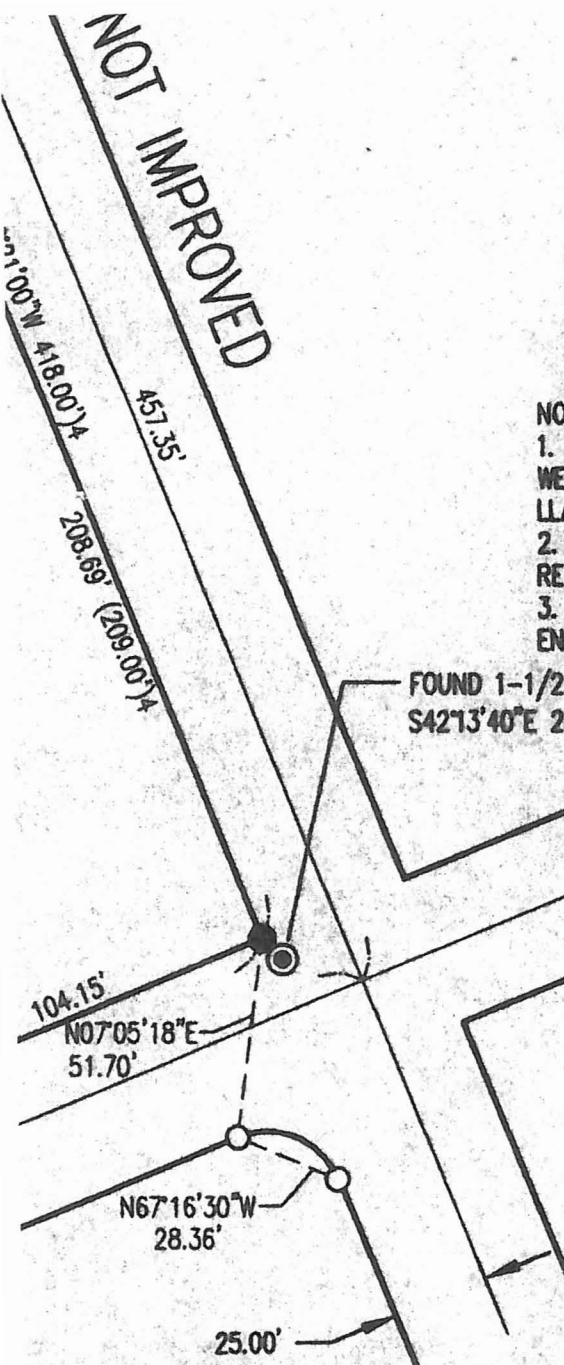
# 8TH STREET



**FEE NO. 98-23379**  
 AREA 23175

**C**  
 ORIGINAL 22571 SF  
 ADJUSTED 17459 SF

**A**  
 ORIGINAL 39407 SF  
 ADJUSTED 64800 SF



SF SQUARE FOOT

PS PROPERTY SURVEY

(RECORD)1 PS 20483

(RECORD)2 PS 28551

(RECORD)3 PS 25593

(RECORD)4 WILLAMETTE & TUALATIN TRACTS, PLAT NO. 198

NOTES:

1. THE LOTS SHOWN ON THIS SURVEY ARE SUBJECT TO THE CITY OF WEST LINN CONDITIONS OF APPROVAL FILE NO.S MISC-00-10 AND LLA-00-10.
2. ALL LOTS ARE SUBJECT TO A 15-FOOT STRUCTURE SETBACK RESTRICTION MEASURED FROM THE WETLAND CONSERVATION EASEMENT.
3. LOT B IS SUBJECT TO A WETLAND CONSERVATION EASEMENT OVER ITS ENTIRETY.

FOUND 1-1/2" IRON PIPE - NO RECORD  
S42°13'40"E 2.29'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Anthony C. Benthin*

OREGON  
JULY 18, 1994  
ANTHONY C. BENTHIN  
2655

EXPIRES 12/31/01

SCALE 1" = 50 Feet



CLACKAMAS COUNTY SURVEYOR

RECEIVED: \_\_\_\_\_

ACCEPTED FOR FILING: \_\_\_\_\_

SURVEY NUMBER: \_\_\_\_\_

I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT #51645A ON CONTINENTAL # JPC-4M2 POLYESTER FILM.

PROPERTY LINE ADJUSTMENT

OF SECTION 2, T3S, R1E, W.M.

DATE DRAWN: JANUARY 2001

DATE SURVEYED: JANUARY 2001

REVISED:

SHEET 1 OF 1

ENGINEERING • PLANNING • SURVEYING • FORESTRY

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