



CITY OF  
**West Linn**  
 PLANNING AND DEVELOPMENT

**STAFF REPORT  
 PLANNING MANAGER DECISION**

DATE: June 25, 2015

FILE NO.: MIP-15-01/WA-15-01

REQUEST: Request for a 2-lot Partition and Water Resource Area permit at 19055 Walling Circle

PLANNER: Peter Spir, Associate Planner

Planning Manager           DB           *[Signature]*  
 Development Review Engineer           KQL          

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## GENERAL INFORMATION

**OWNER:** Nick Safstrom, 19055 Walling Circle, West Linn, OR 97068

**APPLICANT/  
CONSULTANT:** Brad Miller, 18025 SW Brookman Road, Sherwood, OR. 97140

**SITE LOCATION:** 19055 Walling Circle

**SITE SIZE:** 32,064 square feet

**LEGAL  
DESCRIPTION:** Assessor's Map 2-1E-23AA Tax Lot 2900

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

**ZONING:** R-10, Single-Family Residential Detached (10,000 sq. ft. min. lot size)

**APPROVAL  
CRITERIA:** Community Development Code (CDC) Chapter 85, Land Division, General Provisions; Chapter 11, Single-Family Residential Detached, R-10; Chapter 32: Water Resource Area Protection.

**120-DAY RULE:** The application became complete on May 4, 2015. The 120-day period therefore ends on September 1, 2015.

**PUBLIC NOTICE:** Notice was mailed to property owners within 500 feet of the subject property and the Robinwood neighborhood association on May 19, 2015. A sign was placed on the property on May 22, 2015. The notice was also posted on the City's website and in the West Linn Tidings on May 28, 2015. Therefore, public notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

The application is for a two-lot partition of a 32,064 square foot parcel on the Walling Circle. Parcel 1 will comprise 15,633 square feet, while Parcel 2 will comprise 16,430 square feet (not counting the access easement). Each lot will exceed the 10,000 square foot minimum lot size of the single family residential R-10 zone.

Access to Parcel 1 will be the existing driveway. Parcel 2 will be accessed via an access easement parallel to the east (side) lot line.

The rear of the site is traversed by a minor tributary of Robin Creek. This creek is identified on the City's Water Resource Area (WRA) map and, thus, a WRA permit is required.

All lots exceed the dimensional standards, setbacks, lot coverage and other provisions of the underlying R-10 zone.

**Public comments:**

Mary Grace McDermott of 18976 Walling Way discussed the application with staff and was opposed to the partition. No other comments were received by the close of the comment period (June 9, 2015 at 5pm).

**DECISION**

The Planning Manager (designee) approves this application (MIP-15-01 and WA-15-01), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. Site Plan. With the exception of modifications required by these conditions, the final plat shall conform to the Tentative Development Plan, date stamped March 30, 2015.
2. Engineering Standards. All public improvements and facilities associated with public improvements including street improvements, utilities, grading, onsite stormwater design, street lighting, street trees, easements, and easement locations are subject to the City Engineer's review, modification, and approval. These must be designed, constructed, and completed prior to final plat approval. Alternately, the applicant may request to provide fees in lieu for street improvements for the frontage on Walling Circle.

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

Peter Spir

PETER SPIR, Associate Planner

June 25, 2015

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. An appeal to City Council of a decision by the Planning Director shall be heard on the record. The appeal must be filed by an individual who has established standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 25<sup>th</sup> day of June, 2015.

Therefore, the 14-day appeal period ends at 5 p.m., on July 9, 2015.

Notes to Developer/Builder: The developer/builder shall install cyclone fencing, per West Linn Tree Technical Manual, around the drip line of 60-inch cedar tree and a silt fence, erosion control measures plus an orange snow fence to delineate the WRA boundary prior to, and through completion of development of parcel 2.

WRA Re-vegetation. The developer/builder shall install all mitigation and re-vegetative measures as prescribed by Pacific Habitat Services in their report dated March 23, 2015. (See figure 6 for the location of plantings and the table on page 4 for the list of required shrubs and trees. Groundcover material is listed on page 5.)

**ADDENDUM  
APPROVAL CRITERIA AND FINDINGS  
MIP-14-09/WRA-15-01**

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

**Chapter 11  
SINGLE-FAMILY RESIDENTIAL DETACHED, R-10**

**11.030 PERMITTED USES**

*The following are uses permitted outright in this zoning district*

1. *Single-family detached residential unit.*

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

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

1. *The minimum lot size shall be 10,000 square feet for a single family detached unit.*
2. *The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.*
2. *The average minimum lot width shall be 50 feet.*
8. *The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.*

**Staff Response 1: The lots are proposed for single-family detached residential development. Both Parcels 1 and 2 exceed the 10,000 square foot minimum lot size comprising 15,633 and 16,430 square feet respectively. The 127 foot front lot line width of parcel 1 exceeds 35 foot standard.**

**Parcel 2 is at the rear of Parcel 1 and accessed via a 15 foot wide access easement which meets the standard. The required average width is 50 feet. Parcels 1 and 2 have average lot widths of 145 and 174 feet respectively and thus meet the standard. The 20 foot rear setback from the existing house to the lot line between parcels 1 and 2 is met. All other setback, FAR and lot coverage standards will be met when a building permit is applied for.**

## CHAPTER 85

### LAND DIVISION GENERAL PROVISIONS

#### 85.200 APPROVAL CRITERIA

*No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.*

A. Streets.

1. General. *The location, width and grade of streets shall be considered in their relation to existing and planned streets, to the generalized or reasonable layout of streets on adjacent undeveloped lots or parcels, to topographical conditions, to public convenience and safety, to accommodate various types of transportation (automobile, bus, pedestrian, bicycle), and to the proposed use of land to be served by the streets. The functional class of a street aids in defining the primary function and associated design standards for the facility. The hierarchy of the facilities within the network in regard to the type of traffic served (through or local trips), balance of function (providing access and/or capacity), and the level of use (generally measured in vehicles per day) are generally dictated by the functional class. The street system shall assure an adequate traffic or circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Streets should provide for the continuation, or the appropriate projection, of existing principal streets in surrounding areas and should not impede or adversely affect development of adjoining lands or access thereto.*

**Staff Response 2: Walling Circle is an existing local street per the City's Transportation System Plan. It has an existing ROW width of 45 feet in front of this property which meets the 40-60 foot standard. No additional ROW is required.**

**Walling Circle's paved width is 19 feet. Whereas local streets in new subdivisions must be designed with a minimum width of 12 feet per travel lane for a total width of 24 feet, Engineering staff finds that widening the south travel lane for this partition's frontage would have no functional value. Specifically, a widened section in front of 19055 Walling Circle would have to transition back to, and be inconsistent with, the 19 foot width that exists on either side of this property and for most of Walling Circle. There are also no sidewalks or curbs along Walling Circle. For these reasons, the City Engineer will accept fees in lieu of the required street improvements (including curb and sidewalks) to be installed elsewhere in the**

City (see condition of approval 2) if the applicant chooses to do so instead of completing the improvements.

The fee in lieu is a means of addressing the projected impact of the proposed development because the required half street improvements are directly related to the development of the single family residence, which will result in additional vehicular traffic. In addition, the required improvements are proportional to the development because the improvements are only required directly adjacent to the site and the improvements are the minimum necessary to improve vehicular passage along the frontage of the development.

The applicant has voluntarily proposed payment of fees in lieu for the required improvements. The City Engineer supports the fee in lieu proposal.

On the subject of safety, Walling Circle and other local streets have a speed limit of 25 mph. There is straight and unobstructed line of sight along Walling Circle east for 157 feet to Willamette Drive and a 267 foot line of sight west on Walling Circle. According to West Linn Police Department records, between January 2009 and March 2014 there have been no bicycle, pedestrian or vehicular crashes on Walling Circle. The Institute of Traffic Engineers (ITE) trip generation tables state that the average household generates 9.57 trips per day and one trip per evening peak hour. This traffic generation is not expected to have any adverse impact on traffic safety.

(...)

2. *Right-of-way and roadway widths. In order to accommodate larger tree-lined boulevards and sidewalks, particularly in residential areas, the standard right-of-way widths for the different street classifications shall be within the range listed below. But instead of filling in the right-of-way with pavement, they shall accommodate the amenities (e.g., boulevards, street trees, sidewalks). The exact width of the right-of-way shall be determined by the City Engineer or the approval authority. The following ranges will apply:*

<i>Street Classification</i>	<i>Right of Way</i>
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<i>Local Street</i>	<i>40-60</i>
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*Additional rights-of-way for slopes may be required. Sidewalks shall not be located outside of the right-of-way unless to accommodate significant natural features or trees.*

**Staff Response 3: Walling Circle, which is classified as a local street, has an existing ROW width of 45 feet in front of this property which meets the 40-60 foot standard. No additional ROW is required. Staff finds the criterion is met.**

(...)

16. Sidewalks. Sidewalks shall be installed per CDC 92.010(H), Sidewalks.  
(...)

17. Planter strip. The planter strip is between the curb and sidewalk providing space for a grassed or landscaped area and street trees.  
(...)

**Staff Response 5: Staff finds that there are no curbs and sidewalks on Walling Circle. The new house is expected to generate about five additional pedestrian trips per day. Instead of installing curbs and sidewalks, the applicant voluntarily proposes to maintain the character of the neighborhood's streetscape by paying fees in lieu (condition of approval 2).**

The fee in lieu is a means of addressing the projected impact of the proposed development because the required half street improvements are directly related to the development of the single family residence, which will result in additional pedestrian traffic. In addition, the required improvements are proportional to the development because the improvements are only required directly adjacent to the site and the improvements are the minimum necessary to improve pedestrian passage along the frontage of the development.

The applicant has voluntarily proposed payment of fees in lieu for the required improvements. The City Engineer supports the fee in lieu proposal.

**B. Blocks and lots.**

1. General. The length, width, and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated; consideration of the need for traffic safety, convenience, access, circulation, and control; and recognition of limitations and opportunities of topography and solar access.

2. Sizes. The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation. Designs of proposed intersections shall demonstrate adequate sight distances to the City Engineer's specifications. Block sizes and proposed accesses must be consistent with the adopted TSP.

3. Lot size and shape. Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features. No lot or parcel shall be dimensioned to



*contain part of an existing or proposed street. All lots or parcels shall be buildable. "Buildable" describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible. Lot or parcel sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD).*

*Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.*

**Staff Response 6: This project creates no new blocks. Regarding lot size and shape, all lots meet the minimum 10,000 square foot lot size of the R-10 zone. All lots exceed the R-10 zone's dimensional standards. Parcel 2 has a WRA in its southeastern half and a significant 60-inch cedar tree towards the northwest. Preserving the WRA and the cedar tree still leaves an approximate envelope of at least 50 X 50 feet in the southwest portion of Parcel 2 that is free of constraints and would be suitable for the construction of a home. The criteria are met.**

4. Access. *Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter 48 CDC, Access, Egress and Circulation.*

(....)

#### 48.025 ACCESS CONTROL

##### B. Access control standards.

1. Traffic impact analysis requirements. *The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also CDC 55.125, Traffic Impact Analysis.)*

(....)

2. *The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.*

**Staff Response 7: No traffic impact analysis (TIA) is required since none of the criteria of 85.170(B) (2) are met. Specifically, an Average Daily Trip count (ADT) of 250 is required before a TIA is needed. The Institute of Traffic Engineers (ITE) trip generation tables state that the average household generates 9.57 trips per day and one trip per evening PM peak**

hour, which is below the 250 ADT threshold. The low trip generation of this project and the fact that Walling Circle is a local street means that driveway consolidation is not required.

3. *Access options.* When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are “options” to the developer/subdivider.

(....)

c) *Option 3.* Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (B) (6) of this section.

**Staff Response 8:** The applicant will utilize “(c) Option 3” above. Specifically, separate access to Walling Circle will be provided for each parcel since consolidated access is not practicable. The driveways will fully comply with the access spacing standards of (B) (6) (see staff response 9). TVFR submitted comments and found that access to the proposed parcel 2 meets TVFR access requirements. Other TVFR comments are contingent on the, as yet to be determined, exact location of the proposed house and will be addressed when a building permit is applied for.

6. *Access spacing.*

(....)

b. *Private drives and other access ways are subject to the requirements of CDC 48.060.*

#### 48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

A. *Minimum curb cut width shall be 16 feet.*

B. *Maximum curb cut width shall be 36 feet ....*

C. *No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:*

(....)

6. *On a local street when intersecting any other street, 35 feet.*

D. *There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:*

(....)

3. *Between any two curb cuts on the same lot or parcel on a local street, 30 feet.*

**Staff Response 9:** The applicant proposes driveway curb cut widths of 16 feet (Parcel 1) and the 18 feet (Parcel 2) (Proposed 12 foot wide driveway plus 3 foot wings on each side for a total width of 18 feet). Those driveway widths meet the minimum curb cut width of 16 feet and

are below the maximum curb cut width of 36 feet. The proposed driveway for Parcel 2 will be 57 feet from the existing driveway for Parcel 1 (per D.3. above) and 125 feet from the private driveway to 19081 Walling Circle (nearest adjacent property). Therefore, the driveway separation standards are met.

(Return to 85.200(B))

*7. Flag lots. Flag lots can be created where it can be shown that no other reasonable street access is possible to achieve the requested land division. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be eight feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements. The following dimensional requirements shall apply to flag lots:*

- a. Setbacks applicable to the underlying zone shall apply to the flag lot.*
- b. Front yard setbacks may be based on the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured, or it is part of a pattern of development, or it better fits the topography of the site.*
- c. The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.*
- d. The lot depth requirement contained elsewhere in this code shall be measured from the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access.*
- e. As per CDC 48.030, the accessway shall have a minimum paved width of 12 feet.*
- f. If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be accessed from the public street by an access easement of a minimum 15-foot width across intervening property.*

**Staff Response 10: All setbacks of the underlying zone are met. The front yard setback of the proposed house on Parcel 2 will be oriented east towards the access easement. The placement of the existing home towards the front of the property and the presence of the WRA means that an access easement is the only reasonable development option available. The proposed access easement width and paved width of 15 and 12 feet respectively meet**

CDC requirements as well as TVFR standards. The square footage of the access easement has not been counted in the square footage of any of the two parcels.

(...)

C. Pedestrian and bicycle trails.

1. Trails or multi-use pathways shall be installed, consistent and compatible with federal ADA requirements and with the Oregon Transportation Planning Rule, between subdivisions, cul-de-sacs, and streets that would otherwise not be connected by streets due to excessive grades, significant tree(s), and other constraints natural or manmade. Trails shall also accommodate bicycle or pedestrian traffic between neighborhoods and activity areas such as schools, libraries, parks, or commercial districts. Trails shall also be required where designated by the Parks Master Plan.

(...)

**Staff Response 11: There are no pedestrian or bicycle paths or trails identified in the City's Transportation System Plan or Parks Master Plan for Walling Way; therefore, this criterion does not apply.**

D. Transit facilities.

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

(...)

**Staff Response 12: There is no transit service on Walling Circle; therefore, the criterion does not apply.**

E. Grading.

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

1. All cuts and fills shall comply with the excavation and grading provisions of the Uniform Building Code and the following:

(...)

*7 e. Roads shall be the minimum width necessary to provide safe vehicle access, minimize cut and fill, and provide positive drainage control.*

(...)

**Staff Response 13: Grading for the new home construction, the driveway and utilities will be very limited and in compliance with this section and Building Code provisions. Most grading will be in areas with slopes under 12%. There will be removal of non-native vegetation at the site; however, it will be re-vegetated with native vegetation to meet the standards of the WRA permit. An overflow storm water pipe and energy dissipater will be installed in the WRA. All disturbed areas in the WRA are proposed by the applicant's consultant (Pacific Habitat Services) to be mitigated for, on-site, in excess of a 1:1 minimum ratio required by the WRA chapter.**

**F. Water.**

- 1. A plan for domestic water supply lines or related water service facilities shall be prepared consistent with the adopted Comprehensive Water System Plan, plan update, March 1987, and subsequent superseding revisions or updates.*
- 2. Adequate location and sizing of the water lines.*

(...)

**G. Sewer.**

- 1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan (July 1989). Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and should allow for full gravity service.*
- 2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.*

(...)

**Staff Response 14: The existing house is already served by sanitary sewer and water. The new house on parcel 2 will have individual water and sanitary sewer service extended to it.**

I. Utility easements.

*Subdivisions and partitions shall establish utility easements to accommodate the required service providers as determined by the City Engineer. The developer of the subdivision shall make accommodation for cable television wire in all utility trenches and easements so that cable can fully serve the subdivision.*

**Staff Response 15: No easements are required for utilities. The criterion is met.**

J. *Supplemental provisions.*

1. *Wetland and natural drainageways. Wetlands and natural drainageways shall be protected as required by Chapter 32 CDC, Water Resource Area Protection. Utilities may be routed through the protected corridor as a last resort, but impact mitigation is required.*

**Staff Response 16: The southeast portion of the site is traversed by a minor tributary of Robin Creek. This creek is identified on the City's Water Resource Area (WRA) map and, thus, a WRA permit is required. The criteria of that chapter are addressed later in this Addendum.**

2. *Willamette and Tualatin Greenways. The approval authority may require the dedication to the City or setting aside of greenways which will be open or accessible to the public. Except for trails or paths, such greenways will usually be left in a natural condition without improvements. Refer to Chapter 28 CDC for further information on the Willamette and Tualatin River Greenways.*

**Staff Response 17: This property is not within the Willamette and Tualatin Greenways so this criterion does not apply.**

3. *Street trees. Street trees are required as identified in the appropriate section of the municipal code and Chapter 54 CDC.*

**Staff Response 18: The applicant will provide two street trees for the street frontage.**

(...)

6. Underground utilities. *All utilities, such as electrical, telephone, and television cable, that may at times be above ground or overhead shall be buried underground in the case of new development. The exception would be in those cases where the area is substantially built out and adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre.*

(....)

**Staff Response 19: Properties under an acre in size and with less than 200 lineal feet of street frontage are exempt from undergrounding utilities. The site meets the exception criteria. Also, the surrounding properties are fully built out and all electrical and telephone lines are above ground.**

*7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would not apply when density is transferred from Type I and II lands as defined in CDC 02.030. Development of Type I or II lands are exempt from these provisions. Land divisions of three lots or less would also be exempt.*

(...)

**Staff Response 20: This application is a two lot minor partition and is exempt from the density requirements.**

*9. Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping dripline; however, native oaks need not have an overlapping dripline) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC 55.100(B)(2). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk.*

(...)

*55.100 B. Relationship to the natural and physical environment.*

(....)

*2. All heritage trees, as defined in the municipal code, all trees and clusters of trees ("cluster" is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. In cases where there is a difference of opinion on the significance of a tree or tree cluster, the City Arborist's findings shall prevail. It is important to acknowledge that all trees are not significant and, further, that this code section will not necessarily protect all trees deemed significant.*

*a. Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by either the dedication of these areas or establishing tree conservation easements...*

*b. Non-residential and residential projects on non-Type I and II lands shall set aside up to 20 percent of the area to protect trees and tree clusters that are determined to be significant, plus any heritage trees....*

**Staff Response 21: There are no heritage trees on this property. The southeast portion of the site comprises a WRA that includes a number of significant trees as identified by the City Arborist. No development or grading is proposed in this Type I/II area (WRAs are Type I/II lands). A significant cedar tree, as determined by the City Arborist, occupies the northwest portion of Parcel 2.**

**Whereas 55.100(B)(2)(b) protects up to 20% of the significant trees on non-Type I and II lands, the applicant's proposed tree protection covers 100% of the significant trees (including the 60-inch Cedar) on the non-type I and II lands at this site.**

**The City Arborist's proposed protection of the 60-inch Cedar during development will come in the form of a cyclone fence around the tree drip line. This fence will remain in place until completion of development and home construction (see "Notes to Developer/Builder"). After the removal of the fencing, tree protection, provided through the Municipal Code, will apply.**

**The WRA boundary, as established by the Alternate Review process and trees within the WRA, is to be protected by a silt fence, erosion control measures and an orange snow fence. These measures will need to remain in place until completion of site development and home construction (see "Notes to Developer/Builder"). After the removal of the fencing, WRA protection, provided through CDC Chapter 32, will still apply. The criteria are met.**

## ***Chapter 32: WATER RESOURCE AREA PROTECTION***

### ***32.060 APPROVAL CRITERIA (STANDARD PROCESS)***

*No application for development on property containing a WRA shall be approved unless the approval authority finds that the proposed development is consistent with the following approval criteria, or can satisfy the criteria by conditions of approval:*

*A. WRA protection/minimizing impacts.*

*1. Development shall be conducted in a manner that will avoid or, if avoidance is not possible, minimize adverse impact on WRAs.*

*2. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC 32.090 and 32.100 respectively.*



**Staff Response 22:** With the exception of storm water facilities which are allowed in the WRA, all development and grading will occur outside of the WRA. The installation of fencing and erosion control measures around the WRA will enhance the protection. Staff finds that the setback proposed by consultant John Van Staveren of Pacific Habitat Services is appropriate to protect the resource and that the proposed removal of non-native and invasive plants and re-vegetation by native plants will result in a both a quantitative and qualitative improvement in the function and value of this WRA.

*B. Storm water and storm water facilities.  
(....)*

*2. Public and private storm water detention, storm water treatment facilities and storm water outfall or energy dissipaters (e.g., rip rap) may encroach into the WRA if:*

*a. Accepted engineering practice requires it;*

*b. Encroachment on significant trees shall be avoided when possible, and any tree loss shall be consistent with the City's Tree Technical Manual and mitigated per CDC 32.090;*

*c. There shall be no direct outfall into the water resource, and any resulting outfall shall not have an erosive effect on the WRA or diminish the stability of slopes; and*

*d. There are no reasonable alternatives available.*

*A geotechnical report may be required to make the determination regarding slope stability.*

**Staff Response 23:** The applicant will install storm water treatment swale or rain garden outside of the WRA to collect runoff from impervious surfaces. Most of this collected runoff is expected to percolate into the soil of the swale itself or evaporate. Any outfall from the swale or rain garden shall be directed through to the creek via a pipe to a rip rap energy dissipater next to the creek. The energy dissipater will prevent direct outfall into the creek and erosive discharge. The use of the creeks to handle the storm water is an accepted practice and the reasonable alternative at this site.

*D. WRA width. Except for the exemptions in CDC 32.040, applications that are using the alternate review process of CDC 32.070, or as authorized by the approval authority consistent with the provisions of this chapter, all development is prohibited in the WRA as established in Table 32-2 below:*

Table 32-2. Required Width of WRA

<b>Protected WRA Resource (see Chapter 2 CDC, Definitions)</b>	<b>Slope Adjacent to Protected Water Resource<sup>1, 3</sup></b>	<b>Starting Point for Measurements from Water Resource<sup>1, 3</sup></b>	<b>Width of WRA on Each Side of the Water Resource</b>
A. Water Resource	0% - 25%	OHW or delineated edge of wetland	65 feet

(....)

**Staff Response 24:** Under the standard provision of this chapter, the 10-14% slope adjacent to the creek would require a setback of 65 feet. However the applicant is using the Alternate Review process described below which allows the applicant’s wetland/biologist consultant John Van Staveren of Pacific Habitat Services to propose a non-standard WRA width that is appropriate to the quality and function of the WRA at this specific site. Pacific Habitat Service’s report indicates that a 25 foot setback combined with vegetative mitigation will produce a WRA that is both qualitatively and quantitatively superior to the existing WRA. By re-vegetating and mitigating with native material, eroded material and runoff will be substantially trapped, filtered and/or detained before it can get to the creek. (The alternative: establishing a standard 65 foot setback with no re-vegetation/mitigation would not improve the function and value of this WRA.) Staff finds that the criterion is met.

*E. Roads, driveways and utilities.*

1. *New roads, driveways, or utilities shall avoid WRAs unless the applicant demonstrates that no other practical alternative exists. In that case, road design and construction techniques shall minimize impacts and disturbance to the WRA by the following methods:*

a. *New roads and utilities crossing riparian habitat areas or streams shall be aligned as close to perpendicular to the channel as possible.*

(...)

**Staff Response 25:** The access easement driveway (Parcel 2) will be outside the WRA.

(....)

*H. The following habitat friendly development practices shall be incorporated into the design of any improvements or projects in the WRA to the degree possible:*

1. *Restore disturbed soils to original or higher level of porosity to regain infiltration and storm water storage capacity.*

2. *Apply a treatment train or series of storm water treatment measures to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.*
4. *Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.*
8. *Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.*
9. *Use pervious paving materials for driveways, parking lots, sidewalks, patios, and walkways.*
16. *Minimize the building, hardscape and disturbance footprint.*

**Staff Response 26:** Staff finds that the applicant will be using rain gardens or vegetated swales to treat storm water runoff per (H) (2, 4, and 8). Pervious paving will be used per (H) (9). By protecting the 60-inch Cedar tree the future home builder on Parcel 2 will be obliged to develop in a limited footprint per (H) (16).

### **32.080 APPROVAL CRITERIA (ALTERNATE REVIEW PROCESS)**

*Applications reviewed under the alternate review process shall meet the following approval criteria:*

*A. The proposed WRA shall be, at minimum, qualitatively equal, in terms of maintaining the level of functions allowed by the WRA standards of CDC 32.060(D). (Staff note: 32.060(D) is shown above in Table 32-2. Required Width of WRA above Staff Response 24)*

*B. If a WRA is already significantly degraded (e.g., native forest and ground cover have been removed or the site dominated by invasive plants, debris, or development), the approval authority may allow a reduced WRA in exchange for mitigation, if:*

*1. The proposed reduction in WRA width, coupled with the proposed mitigation, would result in better performance of functions than the standard WRA without such mitigation. The approval authority shall make this determination based on the applicant's proposed mitigation plan and a comparative analysis of ecological functions under existing and enhanced conditions (see Table 32-4).*

*(...)*

**Staff Response 27:** Pacific Habitat Services found this creek section to be degraded, primarily due to non-native and invasive understory and ground cover (e.g. laurel, holly, ivy and mowed lawn). Another concern was that the lack of a healthy native understory has meant that there is no impediment or barrier to erosion. The function and value can be restored by implementing the Pacific Habitat Services' mitigation and re-vegetation plan. The main functions that are improved include stream flow moderation and/or water storage, improved cooler water temperature due to more shade trees as well as sediment and pollution control. Most important: Pacific Habitat Services is proposing a mitigation area of 7,732 square feet which exceeds the disturbed area of 5,335 square feet. This yields a net increase in WRA, both in quantitative and qualitative terms.

**PD-1 AFFADAVIT OF NOTICE**

# AFFIDAVIT OF NOTICE

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-15-01 / WAP-15-01 Applicant's Name Brad Miller  
Development Name \_\_\_\_\_  
Scheduled Meeting/Decision Date 6-9-15

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

### TYPE A \* \*

- A. The applicant (date) 5-19-15 (signed) S. Shroyer  
B. Affected property owners (date) 5-19-15 (signed) S. Shroyer  
C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_  
D. Other affected gov't. agencies (date) 5-19-15 (signed) S. Shroyer  
E. Affected neighborhood assns. (date) 5-19-15 ALL (signed) S. Shroyer  
F. All parties to an appeal or review (date) 5-19-15 (signed) S. Shroyer

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 5/28/15 (signed) S. Shroyer  
City's website (posted date) 5/19/15 (signed) S. Shroyer

### 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) May 22 2015 (signed) [Signature]

**NOTICE:** Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

### TYPE B \_\_\_\_\_

- 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 assns. (date) \_\_\_\_\_ (signed) \_\_\_\_\_

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: \_\_\_\_\_ (signed) \_\_\_\_\_

**STAFF REPORT** mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

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

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

(date) 6-25-15 (signed) S. Shroyer

**PD-2 NOTICE**

**CITY OF WEST LINN  
NOTICE OF UPCOMING  
PLANNING MANAGER DECISION  
FILE NO. MIP-15-01/WAP-15-01**

The West Linn Planning Manager is considering a request for a two-lot minor partition and water resource area permit at 19055 Walling Circle.

The decision will be based on the approval criteria in chapters 11, 32 and 85 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

You have received this notice because County records indicate that you own property within 500 feet of this property (Tax Lot 2900 of Clackamas County Assessor's Map 21E 23AA) or as otherwise required by Chapter 99 of the CDC.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <http://westlinnoregon.gov/planning/19055-walling-circle-2-lot-minor-partition-and-water-resource-area-protection> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on June 9, 2015. Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline.** For further information, please contact Peter Spir, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 723-2539, [pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov).

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice. City Council will not accept additional evidence if there is an appeal of this proposal.** 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.

**PD-3 COMPLETENESS LETTER**





*Spir*

CITY OF  
**West Linn**

May 12, 2015

Brad Miller  
18025 SW Brookman Road  
Sherwood, OR. 97140

SUBJECT: MIP-15-01/WAP-15-01 application for 2-Lot Minor Partition and Water Resource Area permit at 19055 Walling Circle.

Dear Brad:

Your resubmittal, received on May 4, 2015, has been reviewed. Your application is **complete**. The City now has 120 days to exhaust all local review. That period lapses on September 1, 2015.

Staff will initiate public notice of the Planning Manager's pending decision. The earliest potential decision date will be identified in the 20-day public notice. Any appeals of the Planning Manager's decision will be heard by the City Council.

Please contact me at 503-723-2539, or by email at [pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

*Peter Spir*

Peter Spir  
Associate Planner

**PD-4 APPLICANT'S SUBMITTAL**

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Peter Spiv</i>	PROJECT NO(S). <i>MIP-15-01 / WAP-15-01</i>	
NON-REFUNDABLE FEE(S) <i>2600</i>	REFUNDABLE DEPOSIT(S) <i>3300</i>	TOTAL <i>5900 -</i>

**Type of Review** (Please check all that apply):

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Annexation (ANX)<br><input type="checkbox"/> Appeal and Review (AP) *<br><input type="checkbox"/> Conditional Use (CUP)<br><input type="checkbox"/> Design Review (DR) <i>2800</i><br><input type="checkbox"/> Easement Vacation <i>500</i><br><input type="checkbox"/> Extraterritorial Ext. of Utilities <i>3300</i><br><input type="checkbox"/> Final Plat or Plan (FP)<br><input type="checkbox"/> Flood Management Area<br><input type="checkbox"/> Hillside Protection & Erosion Control | <input type="checkbox"/> Historic Review<br><input type="checkbox"/> Legislative Plan or Change<br><input type="checkbox"/> Lot Line Adjustment (LLA) */**<br><input checked="" type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan)<br><input type="checkbox"/> Non-Conforming Lots, Uses & Structures<br><input type="checkbox"/> Planned Unit Development (PUD)<br><input type="checkbox"/> Pre-Application Conference (PA) */**<br><input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)<br><input type="checkbox"/> Temporary Uses *<br><input type="checkbox"/> Time Extension *<br><input type="checkbox"/> Variance (VAR) <i>2600</i><br><input checked="" type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)<br><input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)<br><input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)<br><input type="checkbox"/> Zone Change |
|---|---|--|

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: <i>19055 WALLING CIRCLE WEST LINN OR</i>	Assessor's Map No.: <i>00360852</i>
	Tax Lot(s): <i>2900</i>
	Total Land Area: <i>.74</i>

**Brief Description of Proposal:** *Divide Into 2 Lots Keep Home that is existing*

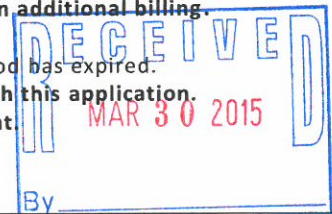
Applicant Name: <i>Brad Miller</i> <small>(please print)</small>	Phone: <i>503 544 6783</i>
Address: <i>18025 SW BROOKMAN RD</i>	Email: <i>bradlegacy@gmail.com</i>
City State Zip: <i>SHERWOOD OR 97140</i>	

Owner Name (required): <i>Nick Safstrom</i> <small>(please print)</small>	Phone: <i>503 572 4869</i>
Address: <i>19055 Walling Circle</i>	Email: <i>Nixzpf@gmail.com</i>
City State Zip: <i>West Linn OR</i>	

Consultant Name: <i>PHS JOHN VAN Staveren</i> <small>(please print)</small>	Phone: <i>503 570 0800</i>
Address: <i>9450 SW COMMERCE CIRCLE SUITE 180</i>	Email: <i>jvs@pacifichabitat.com</i>
City State Zip: <i>Wilsonville OR 97070</i>	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**  
One (1) complete set of digital application materials must also be submitted on CD in PDF format.  
If large sets of plans are required in application please submit only two sets.

\* No CD required / \*\* Only one hard-copy set needed



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. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>[Signature]</i>	<i>3/18/2015</i>	<i>[Signature]</i>	<i>3-20-2015</i>
Applicant's signature	Date	Owner's signature (required)	Date

**LAND USE REVIEW APPLICATION  
WEST LINN, OREGON**

**19055 WALLING CIRCLE  
WEST LINN, OREGON 97068**

**TWO-LOT MINOR PARTITION  
LEGAL DESCRIPTION: TAX LOT 2900, 21E23AA**

**MARCH 19, 2015**

**APPLICANT/OWNER:**

**NICK SAFSTROM  
19055 WALLING CIRCLE  
WEST LINN, OR 97068  
CELL: (503)572-4869  
EMAIL: NIXZPFI@GMAIL.COM**

**APPLICANT'S REPRESENTATIVE:**

**LEGACY HOMES, INC.  
18025 SW BROOKMAN ROAD  
SHERWOOD, OR 97140  
BRAD MILLER  
CELL: (503)544-6783  
EMAIL: BRADLEGACY@GMAIL.COM**

**I. FACT SHEET**

Project Name: Safstrom Partion  
Proposed Action: **2-Lot Minor Partition**  
Tax Map #: 21E23AA  
Tax Lots: 2900  
Site Size: 32,064 Sq. Ft.  
Address: 19055 Walling Circle, West Linn, OR 97068  
Zoning: R-10, Residential

**APPLICANT/OWNER:**

Nick Safstrom  
19055 Walling Circle  
West Linn, OR 97068  
Cell: 503-572-4869  
E-Mail: nixpfi@gmail.com

**APPLICANT'S REPRESENTATIVE:**

Legacy Homes, Inc.  
18025 SW Brookman Road  
Sherwood, OR 97140  
Brad Miller  
Cell: (503)544-6783  
E-Mail: bradlegacy@gmail.com

## INTRODUCTION

The subject site is specifically identified as Tax Lot 2900 of Map 21E23AA. This property contains approximately .74 acres. (= 32,064 sq. ft.) within the City of West Linn. The property is zoned R-10, Single Family Residential Zone.

This application involves two concurrent applications including the following requests:

- 1) Water Resource Area Permit; and
- 2) 2-Lot Minor Partition of Tax Lot 2900.

### Minor Partion:

This partition creates two parcels as follows:

Parcel 1	13,863; excluding the easement
Parcel 2	16,430
Easement Sq. Ftg.	<u>1,770</u>
Total	32,064 sq. ft.

Parcel 1 will continue to use the existing access of Walling Circle; Access to Parcel 2 will be through a 15' easement off Parcel 1.

Utilities will be extended from Walling Circle through Parcel 1 in the easement to serve Parcel 2. Storm drainage will be contained on-site and discharged into the water resource area.

## **CODE COMPLIANCE:**

### **Chapter 11 SINGLE-FAMILY RESIDENTIAL DETACHED, R-10**

Sections:

<u>11.010</u>	PURPOSE
<u>11.020</u>	PROCEDURES AND APPROVAL PROCESS
<u>11.030</u>	PERMITTED USES
<u>11.040</u>	ACCESSORY USES
<u>11.050</u>	USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
<u>11.060</u>	CONDITIONAL USES
<u>11.070</u>	DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT & USES PERMITTED UNDER PRESCRIBED CONDITIONS
<u>11.080</u>	DIMENSIONAL REQUIREMENTS, CONDITIONAL USES
<u>11.090</u>	OTHER APPLICABLE DEVELOPMENT STANDARDS

#### **11.010 PURPOSE**

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and to public facilities and public transportation. This zone is intended to implement the Comprehensive Plan policies and locational criteria, and is applicable to areas designated as Low Density Residential on the Comprehensive Plan Map and Type I and Type II lands identified under the Buildable Lands Policy.

#### **11.020 PROCEDURES AND APPROVAL PROCESS**

- A. A use permitted outright, CDC 11.030, is a use which requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- B. A use permitted under prescribed conditions (CDC 11.050) is a use for which approval will be granted provided all conditions are satisfied, and:
1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and
  2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).

**RESPONSE:** The subject property is zoned R-10. Therefore, the standards set forth in this Section are applicable to this Minor Partition.

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

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

- 1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.

**RESPONSE:** Each lot exceeds 10,000 sq. ft. The smallest (Parcel 1) is 15, 633 sq. ft. Therefore, this criteria is met.

- 2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

**RESPONSE:** Each lot has a minimum lot width exceeding 35', therefore, this criteria is met.

- 3. The average minimum lot width shall be 50 feet.

**RESPONSE:** Both lots exceed the minimum lot width of 50', therefore, this criteria is met.

- 4. *Repealed by Ord. 1622.*

- 5. Except as specified in CDC [25.070\(C\)\(1\)](#) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:

- a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC [41.010](#) shall apply.
- b. For an interior side yard, seven and one-half feet.
- c. For a side yard abutting a street, 15 feet.
- d. For a rear yard, 20 feet.

**RESPONSE:** The existing home will meet all required setbacks. No adjustments are requested. Both lots will meet the setbacks that are shown in the following table.

<b>Setback Standards</b>	<b>Parcel 1</b>	<b>Parcel 2</b>
Front 20 Ft.	20 ft.	20 ft.
Interior Side 7.5 Ft.	7.5 ft.	7.5 ft.
Side Abutting Street 15 Ft.	N/A	N/A
Rear 20 Ft.	20 ft.	20 ft.



6. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.

**RESPONSE:** Any new structure constructed on either of the two parcels will have to meet the height requirements of this code. Therefore, this criteria can be met.

7. The maximum lot coverage shall be 35 percent.

**RESPONSE:** Any new structure constructed on either of the two parcels, will have to meet the lot coverage standard. Therefore, criteria can be met.

8. The minimum width of an access way to a lot which does not abut a street or a flag lot shall be 15 feet.

**RESPONSE:** Applicant proposes a 15' wide access easement be given to benefit parcel 2 for paved access. The existing home on Parcel 1 will continue to use its existing 20' paved access. Therefore, criteria has been met.

## DIVISION 8. LAND DIVISION

# Chapter 85 GENERAL PROVISIONS

### Sections:

- [85.010](#) PURPOSE
- [85.020](#) SCOPE - CONFORMITY REQUIRED
- [85.030](#) SALE OR NEGOTIATION TO SELL LOT OR PARCEL PRIOR TO APPROVAL OF TENTATIVE PLAN
- [85.040](#) SALE OF LOTS PROHIBITED UNTIL SUBDIVISION PLAT IS RECORDED
- [85.050](#) APPROVAL REQUIRED BEFORE CREATING STREET OR ROAD TO PARTITION LAND
- [85.060](#) INCOMPLETE APPLICATIONS - DECISION-MAKING PERIOD
- [85.070](#) ADMINISTRATION AND APPROVAL PROCESS
- [85.080](#) SUBSTANTIAL DEVIATION FROM APPROVED PLAN PROHIBITED
- [85.085](#) SUBDIVISION/PARTITION AMENDMENT TRIGGER
- [85.090](#) EXPIRATION OR EXTENSION OF APPROVAL
- [85.100](#) NON-COMPLIANCE - BOND
- [85.110](#) STAGED DEVELOPMENT
- [85.120](#) PARTIAL DEVELOPMENT
- [85.130](#) LAND DIVISION APPLICATION IN CONJUNCTION WITH OTHER LAND USE APPLICATIONS
- [85.140](#) PRE-APPLICATION CONFERENCE REQUIRED
- [85.150](#) APPLICATION - TENTATIVE PLAN
- [85.160](#) SUBMITTAL REQUIREMENTS FOR TENTATIVE PLAN
- [85.170](#) SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN
- [85.180](#) REDIVISION PLAN REQUIREMENT
- [85.190](#) ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS
- [85.200](#) APPROVAL CRITERIA
- [85.210](#) PROPERTY LINE ADJUSTMENTS - APPROVAL STANDARDS

## 85.040 SALE OF LOTS PROHIBITED UNTIL SUBDIVISION PLAT IS RECORDED

- A. No person shall sell any lot in any subdivision until the plat has been acknowledged under Chapter 89 CDC, Subdivision and Partition Plats, and recorded with the recording officer of the County.
- B. No person shall sell any lot in any subdivision by reference to, or exhibition, or other use of a plat of such subdivision before the plat for such subdivision has been so recorded.

**RESPONSE:** The applicant understands the prohibition on sale of unrecorded lots.

## 85.050 APPROVAL REQUIRED BEFORE CREATING STREET OR ROAD TO PARTITION LAND

- A. No person shall create a street or road for the purpose of partitioning an area or tract of land without approval by the approval authority under the provisions of CDC 99.060(A) and (B).
- B. No instrument dedicating land to public use shall be accepted for recording unless such instrument bears the approval of the Planning Director or City Engineer, as applicable, under the provisions of CDC 99.060(A) and (B), procedures for decision-making. (Ord. 1382, 1995)

**RESPONSE:** The applicant understands these provisions and this application seeks preliminary approval for a two lot partition. The proposed partition, however, does not involve creation of any street or road or dedication of any land for public use, therefore, criteria has been met.

## 85.130 LAND DIVISION APPLICATION IN CONJUNCTION WITH OTHER LAND USE APPLICATIONS

As provided by CDC 99.070, a land division application filed under this code may be heard concurrently with another application, upon applicant's request.

## 85.140 PRE-APPLICATION CONFERENCE REQUIRED

- A. An applicant shall participate in a pre-application conference with staff prior to the submission of a complete tentative plan.
- B. The Planning staff shall explain the applicable plan policies, ordinance provisions, opportunities, and constraints which may be applicable to the site and type of proposed land division.
- C. The City Engineering staff shall explain the public improvement requirements which may be applicable to the site and type of proposed land division, including potential for the applicant to apply for a waiver of street improvements. (Ord. 1544, 2007)

**RESPONSE:** A pre-application conference was held December 4, 2014. Summary notes from this meeting are included with this application. This criteria has been met.

## 85.150 APPLICATION – TENTATIVE PLAN

A. The applicant shall submit a completed application which shall include:

1. The completed application form(s).
2. Copies of the tentative plan and supplemental drawings shall include one copy at the original scale plus one copy reduced in paper size not greater than 11 inches by 17 inches. The applicant shall also submit one copy of the complete application in a digital format acceptable to the City. When the application submittal is determined to be complete, additional copies may be required as determined by the Community Development Department.
3. A narrative explaining all aspects of land division per CDC [85.200](#).

B. The applicant shall pay the requisite fee. (Ord. 1401, 1997; Ord. 1408, 1998; Ord. 1442, 1999; Ord. 1613 § 19, 2013; Ord. 1621 § 25, 2014; Ord. 1622 § 19, 2014)

**RESPONSE:** This application includes the tentative plat, together with the required application form and fees, and the required copies including all supporting documentation as specified in the list above, including A 1-3. This narrative addresses compliance of the applicable provisions of Ch. 85. The proposed minor land partition creates two lots as follows:

Parcel 1 - 15,633 sq. ft.

Parcel 2 - 16,430 sq. ft.

Each lot meets the zoning criteria as listed above.

The pre-application conference notes indicate that frontage improvements are required including curb, planter strip, and pavement. No additional right-of-way was required.

Access to the existing home (Parcel 1) will remain the same. Access to Parcel 2 will be by easement, through Parcel 1. Applicant requests fee in lieu of frontage improvements.

Utilities:

Parcel 1 will use the existing utilities.

For Parcel 2, the utilities will be extended as follows:

Water and Sewer Available in Welling Circle. Applicant proposes to acquire a right-of-way permit and extend the utilities through the easement to Parcel 2.

Storm Drainage To be collected and directed to a flow-through planter. See form SW30, attached to this application. It will be piped to a discharge point, as shown on the tentative improvement plan.

Electrical Will run underground through the easement for Parcel 2. Parcel 1 will continue to use existing electrical service.

## 85.160 SUBMITTAL REQUIREMENTS FOR TENTATIVE PLAN

- A. A City-wide map shall identify the site. A vicinity map covering one-quarter-mile radius from the development site shall be provided in the application showing existing subdivisions, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.
- B. The tentative subdivision plan shall be prepared by a registered civil engineer and/or a licensed land surveyor. A stamp and signature of the engineer or surveyor shall be included on the tentative subdivision plan. A tentative minor partition plan (three lots or less) is only required to be drawn to scale and does not have to be prepared by an engineer or surveyor.
- C. The tentative plan of a subdivision or partition shall be drawn at a scale not smaller than one inch equals 100 feet, or, for areas over 100 acres, one inch equals 200 feet.

**RESPONSE:** This application is for a minor partition. It has been drawn to scale. The plan has been prepared by Compass Engineering, a licensed surveyor. Therefore, criteria has been met.

- D. The following general information shall be shown on the tentative plan of subdivision or partition:
  - 1. Proposed name of the subdivision and streets; these names shall not duplicate nor resemble the name of any other subdivision or street in the City and shall be determined by the City Manager or designee. Street names should be easily spelled, pronounced, and of limited length. All new street names must, to the greatest extent possible, respect and be representative of the surrounding geography and existing street names. Street names should consider any prominent historical City figures or neighborhood themes that exist. Subdivision street names may not reference names of the builder or developer.
  - 2. Date, north arrow, scale of drawing, and graphic bar scale.
  - 3. Appropriate identification clearly stating the drawing as a tentative plan.
  - 4. Location of the proposed division of land, with a tie to the City coordinate system, where established, and a description sufficient to define its location and boundaries, and a legal description of the tract boundaries.
  - 5. Names and addresses of the owner, developer, and engineer or surveyor.

**RESPONSE:** The tentative plan provides all the required information listed above, therefore, criteria has been met.

- E. The following existing conditions shall be shown on the tentative plan of a subdivision or partition:
  - 1. The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements and other important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments.

2. Contour lines related to the U.S. Geological Survey datum or some other established benchmark, or other datum approved by the Planning Director and having the following minimum intervals:
  - a. Two-foot contour intervals for ground slopes less than 20 percent.
  - b. Five-foot contour intervals for ground slopes exceeding 20 percent.
3. The location of any control points that are the basis for the applicant's mapping.
4. The location, by survey, and direction of all watercourses and areas subject to periodic inundation or storm drainageway overflow or flooding, including boundaries of flood hazard areas as established by the U.S. Army Corps of Engineers or the City zoning ordinance.
5. Natural features such as rock outcroppings, wetlands tied by survey, wooded areas, heritage trees, and isolated trees (six-inch diameter at five feet above grade) identified by size, type, and location. All significant trees and tree clusters identified by the City Arborist using the criteria of CDC 55.100(B)(2), and all heritage trees, shall be delineated. Trees on non-Type I and II lands shall have their "dripline plus 10 feet" protected area calculated per CDC 55.100(B)(2) and expressed in square feet, and also as a percentage of total non-Type I and II area.
6. Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after platting.
7. Identify the size and location of existing sewers, water mains, culverts, drain pipes, gas, electric, and other utility lines within the site, and in the adjoining streets and property.
8. Zoning on and adjacent to the tract.
9. Existing uses to remain on the adjoining property and their scaled location.
10. The location of any existing bicycle or pedestrian ways.
11. The location of adjacent transit stops.

**RESPONSE:** The tentative plan provides the required information listed above.

The subject property fronts Walling Circle. Hwy 43 is several hundred feet to the Northeast of the subject property. Required topographic information, together with existing trees and other features of this site, are provided on the existing conditions plan, including:

- Existing use of the property, including location of home.
- All existing utility information.

Therefore, criteria has been met.

- F. The following proposed improvements shall be shown on the tentative plan or supplemental drawings:

1. The street – street location, proposed name, right-of-way width, and approximate radius of curves of each proposed street and street grades. Proposed street names shall comply with the street naming method explained in CDC [85.200\(A\)\(12\)](#).
2. The type, method, and location of any erosion prevention and sediment control measures and/or facilities in accordance with the most current version of Clackamas County's *Erosion/Sedimentation Control Plans Technical Guidance Handbook*, which are necessary to prevent and control visible or measurable erosion as determined by the following criteria:
  - a. Deposition of soil, sand, dirt, dust, mud, rock, gravel, refuse, or any other organic or inorganic material exceeding one cubic foot in volume in a public right-of-way or public property, or into the City surface water management system either by direct deposit, dropping, discharge, or as a result of erosion; or
  - b. Flow of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion such as rivulets or bare soil slopes, where the flow of water is not filtered or captured on the development site; or
  - c. Earth slides, mud flows, land slumping, slope failure, or other earth movement that is likely to leave the property of origin.

Additional on-site measures may later be required if original measures prove to be inadequate in meeting these attainment standards. For the purposes of this code, "one cubic foot in volume" is defined to include the volume of material, wet or dry, at the time of deposition and includes any water of a discolored or turbid nature.

3. Any proposed infrastructure improvements that address those identified in the City Transportation System Plan.
4. Any proposed bicycle or pedestrian paths. The location of proposed transit stops.
5. Any easement(s) – location, width, and purpose of the easement(s).
6. The configuration including location and approximate dimensions and area of each lot or parcel, and in the case of a subdivision, the proposed lot and block number.
7. A street tree planting plan and schedule approved by the Parks Department.
8. Any land area to be dedicated to the City or put in common ownership.
9. Phase boundaries shall be shown. (Ord. 1382, 1995; Ord. 1403, 1997; Ord. 1544, 2007; Ord. 1565, 2008; Ord. 1636 §§ 53, 54, 2014)

**RESPONSE:** The tentative improvement plan provides details regarding the existing and proposed improvements associated with this partition. There are no new streets proposed.

Applicant proposes to handle new storm drainage water created on site through a pipe to a flow-through planter and then discharged to an energy dissipater riprap outfall, as shown on the tentative improvement plan.

The tentative improvement plan shows the location of proposed easements together with proposed lot configuration, including the location and approximate dimensions of lot area of each parcel created.

No land area is proposed to be dedicated to the City and no phasing is proposed.

Street trees will be shown as required, therefore, criteria is met.

### 85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

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

A. General.

1. Narrative stating how the plan meets each of the applicable approval criteria and each subsection below.
2. Statement or affidavit of ownership of the tract (County Assessor's map and tax lot number).
3. A legal description of the tract.
4. If the project is intended to be phased, then such a proposal shall be submitted at this time with drawing and explanation as to when each phase will occur and which lots will be in each phase.
5. Where the land to be subdivided or partitioned contains only a part of the contiguous land owned by the developer, the Commission or Planning Director, as applicable, shall require a master plan of the remaining portion illustrating how the remainder of the property may suitably be subdivided.
6. Where the proposed subdivision site includes hillsides, as defined in CDC 02.030 Type I and II lands, or any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the requirements for erosion control as described in CDC 85.160(F)(2) shall be addressed in a narrative.
7. Table and calculations showing the allowable number of lots under the zone and how many lots are proposed.
8. Map and table showing square footage of site comprising slopes by various classifications as identified in CDC 55.110(B)(3).

**RESPONSE:** This narrative satisfies A.1. The application materials include a county tax map, a copy of the deed, confirming ownership and a boundary survey of the property.

The property owner only has ownership of Tax Lot 2900. The surrounding properties are currently developed single-family homes, owned by others. There will be no phasing of this partition.

Applicant will install erosion control and take soil stability measures as required.

See following table:

### Allowed and Proposed Density Summary

Allowed Density	Proposed Density
Minimum      2	
Maximum      3	2

### Slope Density

Slope	Percent of Site
0-15	95
16-25	5
17-35	
36-50	
50>	

**B. Transportation.**

1. Centerline profiles with extensions shall be provided beyond the limits of the proposed subdivision to the point where grades meet, showing the finished grade of streets and the nature and extent of street construction.
2. Traffic Impact Analysis (TIA).
  - 1) Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer qualified under OAR [734-051-0040](#). The City shall commission the traffic analysis and it will be paid for by the applicant.
  - 2) Transportation Planning Rule compliance. See CDC [105.050\(D\)](#), Transportation Planning Rule Compliance.
  - 3) Pre-application conference. The applicant will meet with West Linn Public Works prior to submitting an application that requires a traffic impact application. This meeting will determine the required elements of the TIA and the level of analysis expected.

**RESPONSE:** The tentative improvement plan shows the existing and planned improvements. No new construction is proposed, except for a paved approach for the benefit of Parcel 2. The applicant proposes a fee in lieu of required street improvements.

**C. Grading.**



1. If areas are to be graded, a plan showing the location of cuts, fill, and retaining walls, and information on the character of soils shall be provided. The grading plan shall show proposed and existing contours at intervals per CDC 85.160(E)(2).
2. The grading plan shall demonstrate that the proposed grading to accommodate roadway standards and create appropriate building sites is the minimum amount necessary.

**RESPONSE:** No extensive grading is planned nor required with this application.

D. Water.

1. A plan for domestic potable water supply lines and related water service facilities, such as reservoirs, etc., shall be prepared by a licensed engineer consistent with the adopted Comprehensive Water System Plan and most recently adopted updates and amendments.
2. Location and sizing of the water lines within the development and off-site extensions. Show on-site water line extensions in street stubouts to the edge of the site, or as needed to complete a loop in the system.
3. Adequate looping system of water lines to enhance water quality.
4. For all non-single-family developments, calculate fire flow demand of the site and demonstrate to the Fire Chief. Demonstrate to the City Engineer how the system can meet the demand.

**RESPONSE:** The tentative improvement plan shows the main line in Walling Circle, that will be tapped, for the water line that will run through the easement that will benefit Parcel 2.

This is a single-family development, therefore, the fire flow demand calculations are not applicable.

E. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan and subsequent updates and amendments. Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is efficient. The sewer system must be in the correct zone.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depths. Show how each lot or parcel would be sewerred.
3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.

6. The sanitary sewer line shall minimize disturbance of natural areas and, in those cases where that is unavoidable, disturbance shall be mitigated pursuant to the appropriate chapters (e.g., Chapter 32 CDC, Water Resource Area Protection).
7. Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.
8. The sanitary sewer system shall be built pursuant to Department of Environmental Quality (DEQ), City, and Tri-City Service District sewer standards. This report should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.

**RESPONSE:** The tentative improvement plan shows the location of the existing sewer in Walling Circle. The applicant proposes to get the required right-of-way permit to tap the sewer and run the sewer line through the easement to benefit Parcel 2. Parcel 1 will use its existing sewer lateral.

F. Storm.

1. A proposal shall be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the most recently adopted Storm Drainage Master Plan.

**RESPONSE:** The tentative improvement plan shows a proposed riprap outfall that will be used as the overflow for a flow-through planter as demonstrated by the SW-130 form, that is included with this submittal. Storm drainage to be collected and piped to the planter and then discharged to the outfall.

## 85.190 ADDITIONAL INFORMATION REQUIRED AND WAIVER OF REQUIREMENTS

- A. The Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A).
- B. The applicant may request a waiver of any requirements for the application subject to the provisions of CDC 99.035(B) and (C).

**RESPONSE:** None requested.

## 85.200 APPROVAL CRITERIA

No tentative subdivision or partition plan shall be approved unless adequate public facilities will be available to provide service to the partition or subdivision area prior to final plat approval and the Planning Commission or Planning Director, as applicable, finds that the following standards have been satisfied, or can be satisfied by condition of approval.

A. Streets.

1. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to the generalized or reasonable layout of streets on adjacent undeveloped lots or parcels, to topographical conditions, to public convenience and safety, to accommodate various types of transportation (automobile, bus, pedestrian, bicycle), and to the proposed use of land to be

served by the streets. The functional class of a street aids in defining the primary function and associated design standards for the facility. The hierarchy of the facilities within the network in regard to the type of traffic served (through or local trips), balance of function (providing access and/or capacity), and the level of use (generally measured in vehicles per day) are generally dictated by the functional class. The street system shall assure an adequate traffic or circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Streets should provide for the continuation, or the appropriate projection, of existing principal streets in surrounding areas and should not impede or adversely affect development of adjoining lands or access thereto.

To accomplish this, the emphasis should be upon a connected continuous pattern of local, collector, and arterial streets rather than discontinuous curvilinear streets and cul-de-sacs. Deviation from this pattern of connected streets should only be permitted in cases of extreme topographical challenges including excessive slopes (35 percent-plus), hazard areas, steep drainageways, wetlands, etc. In such cases, deviations may be allowed but the connected continuous pattern must be reestablished once the topographic challenge is passed. Streets should be oriented with consideration of the sun, as site conditions allow, so that over 50 percent of the front building lines of homes are oriented within 30 degrees of an east-west axis.

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 System Plan (TSP) and any adopted updated plans.

An applicant may submit a written request for a waiver of abutting street improvements if the TSP prohibits the street improvement for which the waiver is requested. Those areas with numerous (particularly contiguous) under-developed or undeveloped tracts will be required to install street improvements. When an applicant requests a waiver of street improvements and the waiver is granted, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The amount of the fee shall be established prior to the Planning Commission's decision on the associated application. The in-lieu fee shall be used for in kind or related improvements.

Streets shall also be laid out to avoid and protect tree clusters and significant trees, but not to the extent that it would compromise connectivity requirements per this subsection (A)(1), or bring the density below 70 percent of the maximum density for the developable net area. The developable net area is calculated by taking the total site acreage and deducting Type I and II lands; then up to 20 percent of the remaining land may be excluded as necessary for the purpose of protecting significant tree clusters or stands as defined in CDC 55.100(B)(2).

**RESPONSE:** Property fronts Walling Circle. No additional right-of-way has been requested per the pre-application notes. Applicant is requesting fee in lieu of street improvements. Only improvements planned will be a 15' paved approach for the benefit of Parcel 2.

2. Right-of-way and roadway widths. In order to accommodate larger tree-lined boulevards and sidewalks, particularly in residential areas, the standard right-of-way widths for the different street classifications shall be within the range listed below. But instead of filling in the right-of-way with pavement, they shall accommodate the amenities (e.g., boulevards, street trees, sidewalks)...

Additional rights-of-way for slopes may be required. Sidewalks shall not be located outside of the right-of-way unless to accommodate significant natural features or trees.

**RESPONSE:** City Engineering has not indicated any additional right-of-way is necessary for Walling Circle.

B. Blocks and lots.

1. General. The length, width, and shape of blocks shall be designed with due regard for the provision of adequate building sites for the use contemplated; consideration of the need for traffic safety, convenience, access, circulation, and control; and recognition of limitations and opportunities of topography and solar access.

2. Sizes. The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation. Designs of proposed intersections shall demonstrate adequate sight distances to the City Engineer's specifications. Block sizes and proposed accesses must be consistent with the adopted TSP.

**RESPONSE:** No new streets or blocks are proposed. Therefore, these block criteria are not applicable.

3. Lot size and shape. Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainageways, trees, and other natural features. No lot or parcel shall be dimensioned to contain part of an existing or proposed street. All lots or parcels shall be buildable. "Buildable" describes lots that are free of constraints such as wetlands, drainageways, etc., that would make home construction impossible. Lot or parcel sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD).

Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

**RESPONSE:** The proposed lot sizes, widths and shape, are normal for this location and best utilized this parcel's development potential. There is a drainageway that is addressed in detail through a study done by Pacific Habitat. That study and narrative is attached to this proposal.

4. Access. Access to subdivisions, partitions, and lots shall conform to the provisions of Chapter 48 CDC, Access, Egress and Circulation.

**RESPONSE:** This partition complies with CDC 48 as follows:

# Chapter 48

## ACCESS, EGRESS AND CIRCULATION

### Sections:

<u>48.010</u>	PURPOSE
<u>48.020</u>	APPLICABILITY AND GENERAL PROVISIONS
<u>48.025</u>	ACCESS CONTROL
<u>48.030</u>	MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES
<u>48.040</u>	MINIMUM VEHICLE REQUIREMENTS FOR NON-RESIDENTIAL USES
<u>48.050</u>	ONE-WAY VEHICULAR ACCESS POINTS
<u>48.060</u>	WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS
<u>48.070</u>	PLANNING DIRECTOR'S AUTHORITY TO RESTRICT ACCESS APPEAL PROVISIONS
<u>48.080</u>	BICYCLE AND PEDESTRIAN CIRCULATION

### 48.010 PURPOSE

The purpose of this chapter is to ensure that efficient, safe, and well-directed vehicular, bicycle, and pedestrian access, circulation, and egress are designed into development proposals. Access management seeks to balance mobility, the need to provide efficient, safe and timely travel with the ability to allow access to individual properties. Proper implementation of access management techniques should guarantee reduced congestion, reduced accident rates, less need for roadway widening, conservation of energy, and reduced air pollution. (Ord. 1584, 2008)

### 48.020 APPLICABILITY AND GENERAL PROVISIONS

- A. The provisions of this chapter do not apply where the provisions of the Transportation System Plan or land division chapter are applicable and set forth differing standards.
- B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.
- C. No building or other permit shall be issued until scaled plans are presented to the City and approved by the City as provided by this chapter, and show how the access, egress, and circulation requirements are to be fulfilled. Access to State or County roads may require review, approval, and permits from the appropriate authority.
- D. Should the owner or occupant of a lot, parcel or building enlarge or change the use to which the lot, parcel or building is put, resulting in increasing any of the requirements of this chapter, it shall be unlawful and a violation of this code to begin or maintain such altered use until the provisions of this chapter have been met, and, if required, until the appropriate approval authority under Chapter 99 CDC has approved the change.
- E. Owners of two or more uses, structures, lots, parcels, or units of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the requirements as designated in this code; provided, that satisfactory legal evidence is

presented to the City Attorney in the form of deeds, easements, leases, or contracts to establish joint use. Copies of said instrument shall be placed on permanent file with the City Recorder.

F. Property owners shall not be compelled to access their homes via platted stems of flag lots if other driveways and easements are available and approved by the City Engineer. (Ord. 1584, 2008; Ord. 1636 § 32, 2014)

**RESPONSE:** The property proposed for partition fronts Walling Circle. The pre-application notes confirm that adequate right-of-way exists. Access to the existing home will remain the same. Access to Parcel 2 will be through an easement on Parcel 1. This easement will be recorded on the partition plat as well as a maintenance agreement, with the responsibilities assigned to the homeowners, as needed. This application proposes driveways for each home with adequate access and driveway spacing for each home.

85.200 Approved Criteria *continued:*

5. Double Frontage lots and parcels. Double frontage lots and parcels have frontage on a street at the front and rear property lines. Double frontage lots and parcels shall be avoided except where they are essential to provide separation of residential development from arterial streets or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen or impact mitigation easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

**RESPONSE:** No Double Frontage Lots are proposed.

6. Lot and parcel side lines. The lines of lots and parcels, as far as is practicable, should run at right angles to the street upon which they face, except that on curved streets they should be radial to the curve.

**RESPONSE:** The proposed lot lines are designed at right angles and parallel to each other.

7. Flag lots. Flag lots can be created where it can be shown that no other reasonable street access is possible to achieve the requested land division. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be eight feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements. The following dimensional requirements shall apply to flag lots:

- a. Setbacks applicable to the underlying zone shall apply to the flag lot.
- b. Front yard setbacks may be based on the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured, or it is part of a pattern of development, or it better fits the topography of the site.
- c. The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.

- d. The lot depth requirement contained elsewhere in this code shall be measured from the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access.
- e. As per CDC 48.030, the accessway shall have a minimum paved width of 12 feet.
- f. If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be accessed from the public street by an access easement of a minimum 15-foot width across intervening property.

**RESPONSE:** Parcel 2 is to be accessed by easement. The square footage of the easement has been removed from the square footage of Parcel 1. Both parcels still meet the minimum square footage required. The proposed access easement is 15' wide. The driveway will have a minimum paved area of 12'

- 8. Large lots or parcels. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may:
  - a. Require that the blocks be of such size and shape, and be so divided into building sites, and contain such easements and site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size; or
  - b. Alternately, in order to prevent further subdivision or partition of oversized and constrained lots or parcels, restrictions may be imposed on the subdivision or partition plat.

**RESPONSE:** Neither of the two parcels are sized such that they can be further divided under the R-10 zoning.

C. Pedestrian and bicycle trails.

- 1. Trails or multi-use pathways shall be installed, consistent and compatible with federal ADA requirements and with the Oregon Transportation Planning Rule, between subdivisions, cul-de-sacs, and streets that would otherwise not be connected by streets due to excessive grades, significant tree(s), and other constraints natural or manmade. Trails shall also accommodate bicycle or pedestrian traffic between neighborhoods and activity areas such as schools, libraries, parks, or commercial districts. Trails shall also be required where designated by the Parks Master Plan.
- 2. The all-weather surface (asphalt, etc.) trail should be eight feet wide at minimum for bicycle use and six feet wide at minimum for pedestrian use. Trails within 10 feet of a wetland or natural drainageway shall not have an all-weather surface, but shall have a soft surface as approved by the Parks Director. These trails shall be contained within a corridor dedicated to the City that is wide enough to provide trail users with a sense of defensible space. Corridors that are too narrow, confined, or with vegetative cover may be threatening and discourage use. Consequently, the minimum corridor width shall be 20 feet. Sharp curves, twists, and blind corners on the trail are to be avoided as much as possible to enhance defensible space. Deviations from the corridor and trail width are permitted only where topographic and ownership constraints require it.

3. Defensible space shall also be enhanced by the provision of a three- to four-foot-high matte black chain link fence or acceptable alternative along the edge of the corridor. The fence shall help delineate the public and private spaces.
4. The bicycle or pedestrian trails that traverse multi-family and commercial sites should follow the same defensible space standards but do not need to be defined by a fence unless required by the decision-making authority.
5. Except for trails within 10 feet of a wetland or natural drainageway, soft surface or gravel trails may only be used in place of a paved, all-weather surface where it can be shown to the Planning Director that the principal users of the path will be recreational, non-destination-oriented foot traffic, and that alternate paved routes are nearby and accessible.
6. The trail grade shall not exceed 12 percent except in areas of unavoidable topography, where the trail may be up to a 15 percent grade for short sections no longer than 50 feet. In any location where topography requires steeper trail grades than permitted by this section, the trail shall incorporate a short stair section to traverse the area of steep grades.

**RESPONSE:** No trails or pathways are proposed.

D. Transit facilities.

1. The applicant shall consult with Tri-Met and the City Engineer to determine the appropriate location of transit stops, bus pullouts, future bus routes, etc., contiguous to or within the development site. If transit service is planned to be provided within the next two years, then facilities such as pullouts shall be constructed per Tri-Met standards at the time of development. More elaborate facilities, like shelters, need only be built when service is existing or imminent. Additional rights-of-way may be required of developers to accommodate buses.
2. The applicant shall make all transit-related improvements in the right-of-way or in easements abutting the development site as deemed appropriate by the City Engineer.
3. Transit stops shall be served by striped and signed pedestrian crossings of the street within 150 feet of the transit stop where feasible. Illumination of the transit stop and crossing is required to enhance defensible space and safety. ODOT approval may be required.
4. Transit stops should include a shelter structure bench plus eight feet of sidewalk to accommodate transit users, non-transit-related pedestrian use, and wheelchair users. Tri-Met must approve the final configuration.

**RESPONSE:** Trimet currently provides service on Hwy 43, which is a few hundred feet of the proposed partition sight. No new service is planned on Walling Circle.

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

1. All cuts and fills shall comply with the excavation and grading provisions of the Uniform Building Code and the following:



- a. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically (i.e., 67 percent grade).
  - b. Fill slopes shall not exceed two feet horizontally to one foot vertically (i.e., 50 percent grade).
2. The character of soil for fill and the characteristics of lot and parcels made usable by fill shall be suitable for the purpose intended.
3. If areas are to be graded (more than any four-foot cut or fill), compliance with CDC 85.170(C) is required.
4. The proposed grading shall be the minimum grading necessary to meet roadway standards, and to create appropriate building sites, considering maximum allowed driveway grades.
5. Type I lands shall require a report submitted by an engineering geologist, and Type I and Type II lands shall require a geologic hazard report.
6. *Repealed by Ord. 1635.*
7. On land with slopes in excess of 12 percent, cuts and fills shall be regulated as follows:
  - a. Toes of cuts and fills shall be set back from the boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. Where an exception is required from that requirement, slope easements shall be provided.
  - b. Cuts shall not remove the toe of any slope where a severe landslide or erosion hazard exists (as described in subsection (G)(5) of this section).
  - c. Any structural fill shall be designed by a registered engineer in a manner consistent with the intent of this code and standard engineering practices, and certified by that engineer that the fill was constructed as designed.
  - d. Retaining walls shall be constructed pursuant to Section 2308(b) of the Oregon State Structural Specialty Code.
  - e. Roads shall be the minimum width necessary to provide safe vehicle access, minimize cut and fill, and provide positive drainage control.
8. Land over 50 percent slope shall be developed only where density transfer is not feasible. The development will provide that:
  - a. At least 70 percent of the site will remain free of structures or impervious surfaces.
  - b. Emergency access can be provided.
  - c. Design and construction of the project will not cause erosion or land slippage.
  - d. Grading, stripping of vegetation, and changes in terrain are the minimum necessary to construct the development in accordance with subsection J of this section.

**RESPONSE:** No cut or fill is planned as part of this proposal. The sight disturbance is only planned as part of the constructing of the home and any grading issues will be handled at that time. There is a small area of the sight with steeper slopes that are not going to be graded and are in the water resource area, which is to be enhanced and protected. Erosion control measures will be in place, as required, if and when grading is taking place.

F. Water.

1. A plan for domestic water supply lines or related water service facilities shall be prepared consistent with the adopted Comprehensive Water System Plan, plan update, March 1987, and subsequent superseding revisions or updates.
2. Adequate location and sizing of the water lines.
3. Adequate looping system of water lines to enhance water quality.
4. For all non-single-family developments, there shall be a demonstration of adequate fire flow to serve the site.
5. A written statement, signed by the City Engineer, that water service can be made available to the site by the construction of on-site and off-site improvements and that such water service has sufficient volume and pressure to serve the proposed development's domestic, commercial, industrial, and fire flows.

**RESPONSE:** The tentative plan shows an existing water main in Walling Circle. The applicant plans to tap that water main, place a meter at the street, and run a water line through the easement to Parcel 2. Parcel 1 will continue to use an existing water service.

G. Sewer.

1. A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan (July 1989). Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and should allow for full gravity service.
2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depth or invert elevations.
3. Sanitary sewer lines shall be located in the public right-of-way, particularly the street, unless the applicant can demonstrate why the alternative location is necessary and meets accepted engineering standards.
4. Sanitary sewer line should be at a depth that can facilitate connection with down-system properties in an efficient manner.
5. The sanitary sewer line should be designed to minimize the amount of lineal feet in the system.
6. The sanitary sewer line shall avoid disturbance of wetland and drainageways. In those cases where that is unavoidable, disturbance shall be mitigated pursuant to Chapter 32 CDC, Water

Resource Area Protection, all trees replaced, and proper permits obtained. Dual sewer lines may be required so the drainageway is not disturbed.

7. Sanitary sewer shall be extended or stubbed out to the next developable subdivision or a point in the street that allows for reasonable connection with adjacent or nearby properties.

8. The sanitary sewer system shall be built pursuant to DEQ, City, and Tri-City Service District sewer standards. The design of the sewer system should be prepared by a licensed engineer, and the applicant must be able to demonstrate the ability to satisfy these submittal requirements or standards at the pre-construction phase.

9. A written statement, signed by the City Engineer, that sanitary sewers with sufficient capacity to serve the proposed development and that adequate sewage treatment plant capacity is available to the City to serve the proposed development.

H. *Deleted during July 2014 supplement.*

**RESPONSE:** The tentative improvement plan shows an existing main line sewer in Walling Circle. The applicant proposes to apply for a right-of-way permit, tap the main line, and run a sewer line through the easement to Parcel 2. Sanitary sewer lines are at a depth in which they can service Parcel 2 with gravity flow to the main line. The sanitary sewer line does not disturb the water resource area or neighboring properties. The City Engineer has confirmed that capacity is available to service this home. Parcel 1 will use existing sewer services.

I. Utility easements. Subdivisions and partitions shall establish utility easements to accommodate the required service providers as determined by the City Engineer. The developer of the subdivision shall make accommodation for cable television wire in all utility trenches and easements so that cable can fully serve the subdivision.

**RESPONSE:** All utilities will be placed inside a 15' utility easement running through Parcel 1 to benefit Parcel 2. This easement will be recorded with the County.

J. Supplemental provisions.

1. Wetland and natural drainageways. Wetlands and natural drainageways shall be protected as required by Chapter 32 CDC, Water Resource Area Protection. Utilities may be routed through the protected corridor as a last resort, but impact mitigation is required.

**RESPONSE:** This property abuts a drainageway. As part of this application, a study was done by Pacific Habitat Services. Their report is recorded in this application. A water resource area permit has also been applied for. This report details enhancement and protection of this area.

2. Willamette and Tualatin Greenways. The approval authority may require the dedication to the City or setting aside of greenways which will be open or accessible to the public. Except for trails or paths, such greenways will usually be left in a natural condition without improvements. Refer to Chapter 28 CDC for further information on the Willamette and Tualatin River Greenways.

**RESPONSE:** This property is not within a Willamette or Tualatin Greenway.

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

**RESPONSE:** Applicant is willing to plan street trees as required.

4. Lighting. To reduce ambient light and glare, high or low pressure sodium light bulbs shall be required for all subdivision street or alley lights. The light shall be shielded so that the light is directed downwards rather than omni-directional.

**RESPONSE:** If street lighting is required, applicant request fee in lieu of.

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

**RESPONSE:** The City has not identified a need for dedications.

6. Underground utilities. All utilities, such as electrical, telephone, and television cable, that may at times be above ground or overhead shall be buried underground in the case of new development. The exception would be in those cases where the area is substantially built out and adjacent properties have above-ground utilities and where the development site's frontage is under 200 feet and the site is less than one acre. High voltage transmission lines, as classified by Portland General Electric or electric service provider, would also be exempted. Where adjacent future development is expected or imminent, conduits may be required at the direction of the City Engineer. All services shall be underground with the exception of standard above-grade equipment such as some meters, etc.

**RESPONSE:** All new utilities will be placed underground, consistent with criteria.

7. Density requirement. Density shall occur at 70 percent or more of the maximum density allowed by the underlying zoning. These provisions would not apply when density is transferred from Type I and II lands as defined in CDC 02.030. Development of Type I or II lands are exempt from these provisions. Land divisions of three lots or less would also be exempt.

**RESPONSE:** The subject property is zoned R-10, with a 10,000 sq. ft. minimum lot size. The allowed density is calculated as follows:

#### 24.110 RESIDENTIAL DENSITY CALCULATIONS

A. The PUD allows density to be transferred on residential portions of the site. The following sections explain how the allowed number of dwelling units per acre is calculated. The standards are also intended to ensure that PUDs and adjoining developments are compatible and maintain a sense of neighborhood unity.

B. Net acres for land to be developed with detached single-family dwellings, or multi-family dwellings including duplexes, is computed by subtracting the following from the gross acres:

1. Any land area which is included in a boundary street right-of-way or water course, or planned open space areas if density transfer is not requested.
  2. An allocation of 25 percent for public or private facilities (e.g., streets, paths, right-of-way, etc.) or, when a tentative plat or plan has been developed, the total land area allocated for public or private facilities.
  3. A lot or parcel of at least the size required by the applicable base zone, if an existing dwelling is to remain on the site.
- C. The allowed density or number of dwelling units on the site, subject to the limitations in CDC 24.140 and 24.150, is computed by dividing the number of square feet in the net acres by the minimum number of square feet required for each lot or parcel, by the base zone.

**RESPONSE:** The tentative plan provides an access easement which contains 1,770 sq. ft.

Parcel 1	13,863; excluding the easement
Parcel 2	16,430
Easement Sq. Ft.	<u>1,770</u>
Total	32,064 sq. ft.

Once you remove the access easement square footage and take into consideration the WRA square footage, as shown on the tentative improvement plan, the allowed density equals two lots.

8. Mix requirement. The “mix” rule means that developers shall have no more than 15 percent of the R-2.1 and R-3 development as single-family residential. The intent is that the majority of the site shall be developed as medium high density multi-family housing.

**RESPONSE:** The subject property is zoned R-10.

9. Heritage trees/significant tree and tree cluster protection. All heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping dripline; however, native oaks need not have an overlapping dripline) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC 55.100(B)(2). Trees are defined per the municipal code as having a trunk six inches in diameter or 19 inches in circumference at a point five feet above the mean ground level at the base of the trunk. (Ord. 1377, 1995; Ord. 1382, 1995; Ord. 1401, 1997; Ord. 1403, 1997; Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1442, 1999; Ord. 1463, 2000; Ord. 1526, 2005; Ord. 1544, 2007; Ord. 1584, 2008; Ord. 1590 § 1, 2009; Ord. 1604 § 64, 2011; Ord. 1613 § 20, 2013; amended during July 2014 supplement; Ord. 1635 § 34, 2014; Ord. 1636 § 56, 2014)

**RESPONSE:** This application includes a report and recommendations from Bob Mazany, a certified arborist. His recommendations have been followed as regards to retention and removal of trees, listed in the report, as noted on the tentative improvement plan.

**FINAL CONCLUSION:** The applicant has provided plans and findings demonstrating compliance with all applicable sections of the West Linn Development Code for the R-10 Zone and Minor Partition. We respectfully request approval from the City of West Linn.



## PACIFIC HABITAT SERVICES, INC

9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

(800) 871-9333 • (503) 570-0800 • Fax (503) 570-0855

March 23, 2015

Legacy Homes  
Attn: Brad Miller  
18025 SW Brookman Road  
Sherwood, OR 97140

**In Re: Water Resource Area Protection Assessment for the proposed development of  
19055 Walling Circle, West Linn, Oregon  
PHS Project Number: 5640**

Dear Brad:

Pacific Habitat Services, Inc. (PHS) conducted an assessment of a protected Water Resource Area (WRA) within 19055 Walling Circle; a residential lot in the City of West Linn (City). The approximately 0.74-acre property contains an approximately 110-foot long reach of an unnamed, non-fish bearing stream, with seasonal flow (i.e. intermittent). The stream is located in the southeast corner of the lot. The property contains a house and two storage sheds. A front and back lawn are present within the property. The proposed development plan will divide the lot into two parcels. A 15,633 square foot parcel will be located within the northern portion of the current tax lot and a 16,430 square foot parcel will be located within the southern portion of the parcel. A new house is proposed for construction within the southern parcel.

The proposed lot line adjustment and house construction requires review and approval through the City's Community Development Code (CDC). This letter specifically addresses Chapter 32 - Water Resource Area Protection of the CDC. There are a number of reasons the City must implement the provisions of Chapter 32, but chief among them is to ensure compliance with Title 13 and Title 3 of Metro's Urban Growth Management Functional Plan.

Based on our review of the existing conditions of the property and specifically the WRA, we believe the width of the WRA (as determined by Table 32-2) can be reduced while still protecting the functions of the water resource (i.e. the intermittent stream). This letter describes the existing conditions within the property, the width of the WRA, and a proposal to enhance/mitigate the WRA in order to comply with the provisions of 32.070 Alternate Review Process.

### **32.070 ALTERNATE REVIEW PROCESS**

### **32.080 APPROVAL CRITERIA (ALTERNATE REVIEW PROCESS)**

**Applications reviewed under the alternate review process shall meet the following approval criteria:**

- A. The proposed WRA shall be, at minimum, qualitatively equal, in terms of maintaining the level of functions allowed by the WRA standards of CDC 32.060(D).**

**Response:** The width of the WRA within the proposed development property ranges from 55 feet on the east (assuming a geotechnical report can substantiate the reduction in width) and 65 feet to the west. The WRA covers an area of 13,067 square feet. There is no wetland within the property, so the WRA distance is measured from the ordinary high water (OHW) mark of the stream. The slope to the west of the creek is less than 25%, which qualifies it for the 65-foot setback as per Table 32-2 of the CDC. The only proposed development activity within the property is to the west of the creek. As such, all discussions about proposed WRA reduction is focused on the west side of the stream. Figure 4 shows the existing conditions within the property.

The overall condition of the WRA is generally degraded. Approximately 50 percent of the WRA to the west is lawn. In addition, two storage sheds are located within the WRA. The overstory of the WRA, however, is generally in good condition, though tree cover to the west is relatively narrow. Dominant trees within the WRA include western red cedar (*Thuja plicata*), cottonwood (*Populus trichocarpa*), Douglas fir (*Pseudotsuga menziesii*), and big leaf maple (*Acer macrophyllum*). Non-native fruit trees, such as cherry, apple and pear are also present within the WRA. The understory, however, is degraded. The understory is dominated by non-native invasive species, such as English laurel (*Prunus laurocerasus*), ivy (*Hedera* spp.), and holly (*Ilex aquifolium*). Ivy covers a large portion of the understory. As stated above, much of the WRA to the west of the creek is mowed lawn.

The proposed WRA to the west of the creek ranges in width from 25 feet in the south to 55 feet in the north, with an average width of approximately 40 feet. The area of the proposed WRA is 7,732 square feet. As such, 5,335 square feet of the WRA will be impacted by the proposed development. Figure 5 shows the proposed permanent disturbance area and the proposed WRA.

Although smaller in size, the functions provided by the proposed WRA are equal if not greater than the standard width WRA. As described in more detail below, the proposed WRA will be planted with a native understory and non-native invasive species will be removed. This includes planting within the lawn, removing the two storage sheds from the WRA and restoring the area with a native seed mix and understory plants. The enhanced area will be slightly larger than the impact area. In addition, the mitigation (enhanced) portion of the WRA will be planted to the density required in CDC 32.100 in order to ensure the WRA is brought up to a good condition and the functions of the WRA are maintained.

**B. If a WRA is already significantly degraded (e.g., native forest and ground cover have been removed or the site dominated by invasive plants, debris, or development), the approval authority may allow a reduced WRA in exchange for mitigation, if:**

- 1. The proposed reduction in WRA width, coupled with the proposed mitigation, would result in better performance of functions than the standard WRA without such mitigation. The approval authority shall make this determination based on the applicant's proposed mitigation plan and a comparative analysis of ecological functions under existing and enhanced conditions (see Table 32-4).**

*Response:* Figure 6 shows the location of the proposed mitigation area, which covers 7,732 square feet and is larger than the proposed disturbance area (5,335 square feet). If the WRA is left in its current condition and the standard WRA width is applied, the functions of the stream and its riparian area will not improve and in time they will decline. The understory is dominated by non-native, invasive plants, such as ivy, holly and English laurel. All of these will be removed with the proposed mitigation plan and replaced with native species. In addition, the two storage sheds will be removed and the area restored. The lawn within the proposed WRA will also be planted with native species.

The removal of non-native vegetation, such as ivy (which dominates the understory) will ensure that sediment is better retained within the riparian area. Ivy is an effective ground cover, but there is very little root structure to bind the soil. As such, runoff reaches the stream faster than is natural, causing incision of the stream bed and bank instability downstream. Another function that will be improved is the contribution of organic material into the stream and riparian area. Ivy dominates the ground cover, out competing native species and ensuring that very little organic material is returned to the riparian area and stream. Ivy is a perennial plant. Its waxy leaves do not fall off in the autumn and so the benefits to invertebrate taxa from a layer of leaves are never realized.

The stream is currently shaded by the existing overstory, but the ability of the riparian area to provide a microclimate is reduced. This is because an understory of shrubs that act to moderate temperatures within the riparian area do not exist. With ivy removed and the area planted with native shrubs, the structure of a healthy riparian area will be restored.

- 2. The mitigation project shall include all of the following components as applicable. It may also include other forms of enhancement (mitigation) deemed appropriate by the approval authority.**
  - a. Removal of invasive vegetation.**
  - b. Planting native, non-invasive plants (at minimum, consistent with CDC 32.100) that provide improved filtration of sediment, excess nutrients, and pollutants. The amount of enhancement (mitigation) shall meet or exceed the standards of CDC 32.090(C).**



**c. Providing permanent improvements to the site hydrology that would improve water resource functions.**

**d. Substantial improvements to the aquatic and/or terrestrial habitat of the WRA.**

**Response:** Mitigation will be achieved through the enhancement of 5,893 square feet of the existing WRA. As such, mitigation will be achieved on-site. The amount of mitigation exceeds the amount prescribed in CDC 32.909 C, which states that mitigation is at a 1:1 ratio (permanent disturbed area to mitigation area). The proposed permanent disturbance area is 5,335 square feet.

The party responsible for implementing the mitigation is:

Legacy Homes  
 18025 SW Brookman Road  
 Sherwood, OR 97140

Non-native, invasive vegetation will be removed from the mitigation area. The species to be removed include English laurel, ivy, and holly. These three species are difficult to eradicate with herbicides due to the waxy cuticle on the leaves, which inhibits absorption. As such, the preferred method of removal will be through the physical removal of these plants. The removal of the non-native plants will be accomplished with minimal earth disturbance, which could create short term turbidity within the creek.

The two sheds will be removed from the WRA following the removal of the non-native species and disposed of off-site.

The table below includes the species to be planted within the WRA. The Douglas firs will be planted within the lawn.

Botanical Name	Common Name	Sizes (Height or gallon)	Planting density (on center)	Quantity
<b>Trees*</b>				
<i>Pseudotsuga menziesii</i>	Douglas fir	≥0.5" inch caliper	8-12'	7
<i>Acer macrophyllum</i>	Big leaf maple	≥0.5" inch caliper	8-12'	7
			<b>Total</b>	<b>14</b>
<b>Shrubs/Small Trees</b>				
<i>Symphoricarpos alba</i>	Snowberry	≥1 gallon	5'	84
<i>Mahonia aquifolium</i>	Oregon grape	≥1 gallon	5'	56
<i>Oemleria cerasiformis</i>	Indian plum	≥1 gallon	5'	42
<i>Polystichum munitum</i>	Sword fern	≥1 gallon	5'	98
			<b>Total</b>	<b>280</b>

\* 1,350 square feet is available for planting trees within the mitigation area.

Disturbed areas from the removal of ivy and other non-natives will be reseeded with the following mix:

Blue Wildrye (*Elymus glaucus*) 40%  
California Brome (*Bromus carinatus*) 30%  
California oatgrass (*Danthonia californica*) 10%  
Roemer's fescue (*Festuca roemerii*) 10%  
Prairie junegrass (*Koeleria macrantha*) 10%

The growth of a healthy understory will moderate flow into the creek, which will decrease the potential for bank erosion and even flood events downstream. At the moment, water runs into the creek unabated. Erosion of the banks is evident as is the incision of the creek bed. It is recommended that large wood be kept within the riparian area and at least two additional pieces added to delay surface water flow into the creek and to improve riparian functions. The role of wood decay in the diversity and distribution of native fauna and ecosystem processes has become an important focus in recent years. Numerous wildlife functions can be attributed to decaying wood as a source of food, nutrients, and cover for native organisms. The large wood should be placed prior to the area being replanted to ensure there is no damage to new plants.

At least 80% of the plants will be living at the end of three years after the planting.

**C. Identify and discuss site design and methods of development as they relate to WRA functions.**

**Response:** The outer portion of the standard WRA width will be impacted by the proposed development. The impact will be through the construction of a single family residence and an access road. The only portion of the WRA that will be impacted is currently mowed lawn dominated by non-native species. If the standard width of the WRA is used and the remainder of the WRA is kept intact as lawn, then the functions of the riparian area and the stream will not improve. Although there will be a loss of WRA area, the functions will improve given the fact that invasive species will be removed and native species will be planted. The portion of the lawn remaining within the WRA will be planted with trees and shrubs, which will increase the quality of the habitat for songbirds and other wildlife. There are no fish in the creek, but the ability of the riparian area to provide a microclimate will also improve with the addition of a native understory. Large wood will be placed within the riparian area, which will improve the sources of food, nutrients, and cover for native organisms. Two storage sheds that are located within the WRA will be removed.

**D. Address the approval criteria of CDC 32.060, with the exception of CDC 32.060(D).**

**32.060 APPROVAL CRITERIA (STANDARD PROCESS)**

No application for development on property containing a WRA shall be approved unless the approval authority finds that the proposed development is consistent with the following approval criteria, or can satisfy the criteria by conditions of approval:

**A. WRA protection/minimizing impacts.**

- 1. Development shall be conducted in a manner that will avoid or, if avoidance is not possible, minimize adverse impact on WRAs.**

**Response:** Avoidance of the WRA would have required the loss of a 60-inch diameter cedar and would not have resulted in a higher quality WRA. The proposed WRA to the west of the creek ranges in width from 25 feet in the south to 55 feet in the north, with an average width of approximately 40 feet. The area of the proposed WRA is 7,732 square feet. The standard width is 65 feet, with a total area of 13,067 square feet. As such, 5,335 square feet of the WRA will be impacted by the proposed development.

Although smaller in size, the functions provided by the proposed WRA are equal if not greater than the standard width WRA. The proposed WRA will be planted with a native understory and non-native invasive species will be removed. This includes planting within the lawn, removing the two storage sheds from the WRA and restoring the area with a native seed mix and understory plants. The enhanced area will be slightly larger than the impact area. In addition, the mitigation (enhanced) portion of the WRA will be planted to the density required in CDC 32.100 in order to ensure the WRA is brought up to a good condition and the functions of the WRA are maintained.

The only portion of the WRA that will be impacted is currently mowed lawn dominated by non-native species. If the standard width of the WRA is used and the remainder of the WRA is kept intact as lawn, then the functions of the riparian area and the stream will not improve. The portion of the lawn remaining within the WRA will be planted with trees and shrubs, which will increase the quality of the habitat for songbirds and other wildlife. There are no fish in the creek, but the ability of the riparian area to provide a microclimate will also improve with the addition of a native understory. Large wood will be placed within the riparian area, which will improve the sources of food, nutrients, and cover for native organisms.

- 2. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC 32.090 and 32.100 respectively.**

**Response:** As described above, mitigation will be achieved through the enhancement of 5,893 square feet of the existing WRA. As such, mitigation will be achieved on-site. The amount of mitigation exceeds the amount prescribed in CDC 32.909 C, which states that mitigation is at a 1:1 ratio (permanent disturbed area to mitigation area). The proposed permanent disturbance area is 5,335 square feet

**B. Storm water and storm water facilities.**

- 1. Proposed developments shall be designed to maintain the existing WRAs and utilize them as the primary method of storm water conveyance through the project site unless:
  - a. The surface water management plan calls for alternate configurations (culverts, piping, etc.); or****

- b. Under CDC 32.070, the applicant demonstrates that the relocation of the water resource will not adversely impact the function of the WRA including, but not limited to, circumstances where the WRA is poorly defined or not clearly channelized.**

**Re-vegetation, enhancement and/or mitigation of the re-aligned water resource shall be required as applicable.**

*Response:* Storm water will be discharged into the creek and above the creek's ordinary high water elevation from an approximately 32 square foot stormwater outfall/energy dissipater. No native vegetation will be impacted by its construction and it will not enter the water resource.

- 2. Public and private storm water detention, storm water treatment facilities and storm water outfall or energy dissipaters (e.g., rip rap) may encroach into the WRA if:**
- a. Accepted engineering practice requires it;**
  - b. Encroachment on significant trees shall be avoided when possible, and any tree loss shall be consistent with the City's Tree Technical Manual and mitigated per CDC 32.090;**
  - c. There shall be no direct outfall into the water resource, and any resulting outfall shall not have an erosive effect on the WRA or diminish the stability of slopes; and**
  - d. There are no reasonable alternatives available.**

**A geotechnical report may be required to make the determination regarding slope stability.**

*Response:* Storm water will be discharged into the creek through a 32-square foot storm water outfall/dissipater. The water resource will not be impacted by the proposed outfall/dissipater. As energy will be dissipated prior to reaching the creek, erosion of the bank will not occur. The outfall will not impact trees.

- 3. Roadside storm water conveyance swales and ditches may be extended within rights-of-way located in a WRA. When possible, they shall be located along the side of the road furthest from the water resource. If the conveyance facility must be located along the side of the road closest to the water resource, it shall be located as close to the road/sidewalk as possible and include habitat friendly design features (treatment train, rain gardens, etc.).**

*Response:* The project does not include a roadside storm water conveyance.

- 4. Storm water detention and/or treatment facilities in the WRA shall be designed without permanent perimeter fencing and shall be landscaped with native vegetation.**

**Response:** The project does not require a storm water detention or treatment facility inside the WRA. A flow-through planter will be constructed outside of the WRA.

- 5. Access to public storm water detention and/or treatment facilities shall be provided for maintenance purposes. Maintenance driveways shall be constructed to minimum width and use water permeable paving materials. Significant trees, including roots, shall not be disturbed to the degree possible. The encroachment and any tree loss shall be mitigated per CDC 32.090. There shall also be no adverse impacts upon the hydrologic conditions of the site.**

**Response:** The project does not require a public storm water detention or treatment facility.

**C. Dedications and easements. The City shall request dedications of the WRA to the City when acquisition of the WRA by dedication or easement would serve a public purpose. When such a dedication or easement is mutually agreed upon, the applicant shall provide the documentation for the dedication or easement. Nothing in this section shall prohibit the City from condemning property if:**

- 1. The property is necessary to serve an important public purpose; and**
- 2. Alternative means of obtaining the property are unsuccessful**

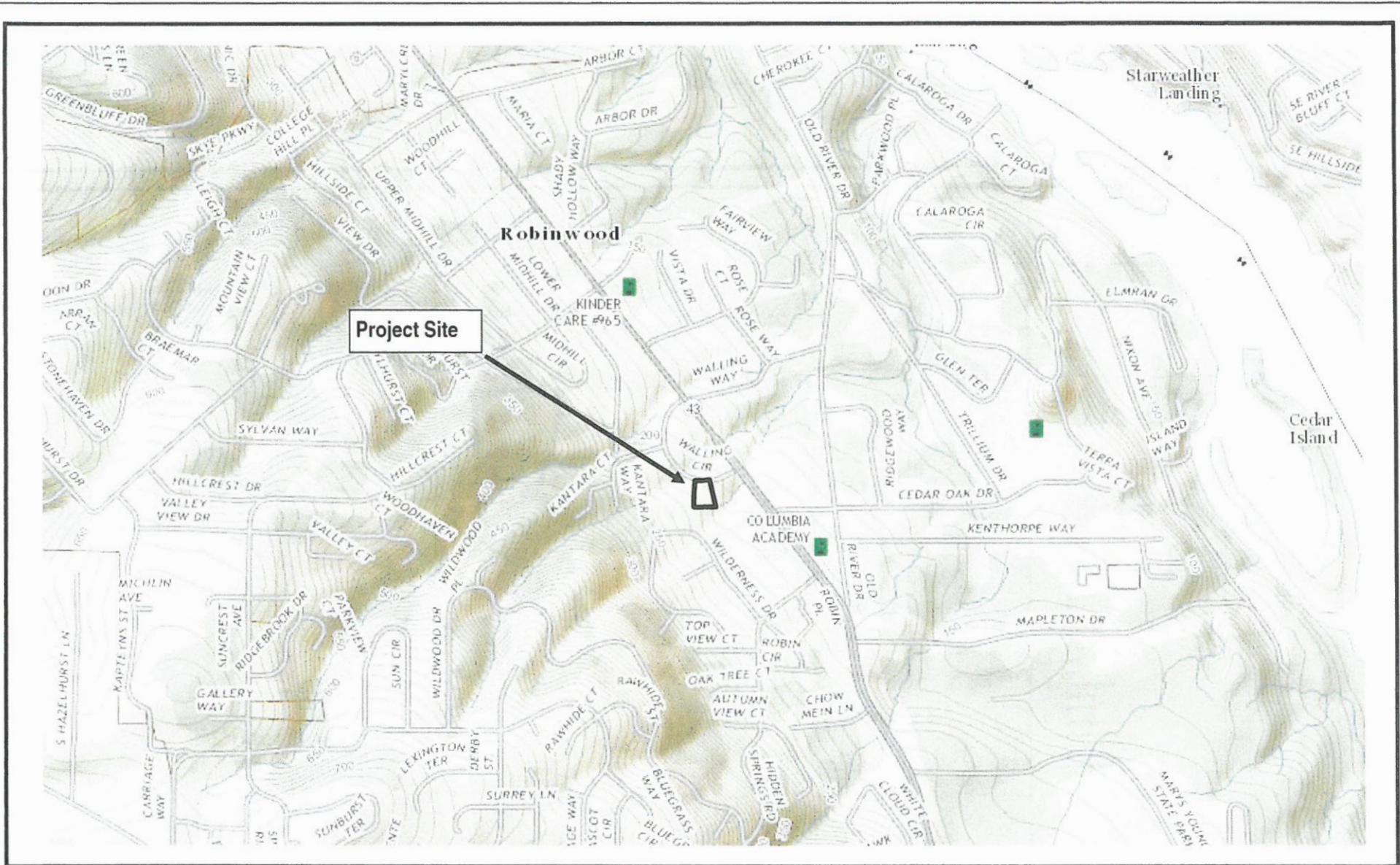
**Response:** The owner is willing to convey an easement of the WRA to the City if it is desired.

Please let me know if you have any questions.

Sincerely,



John van Staveren  
Project Manager



5640  
3/2/15

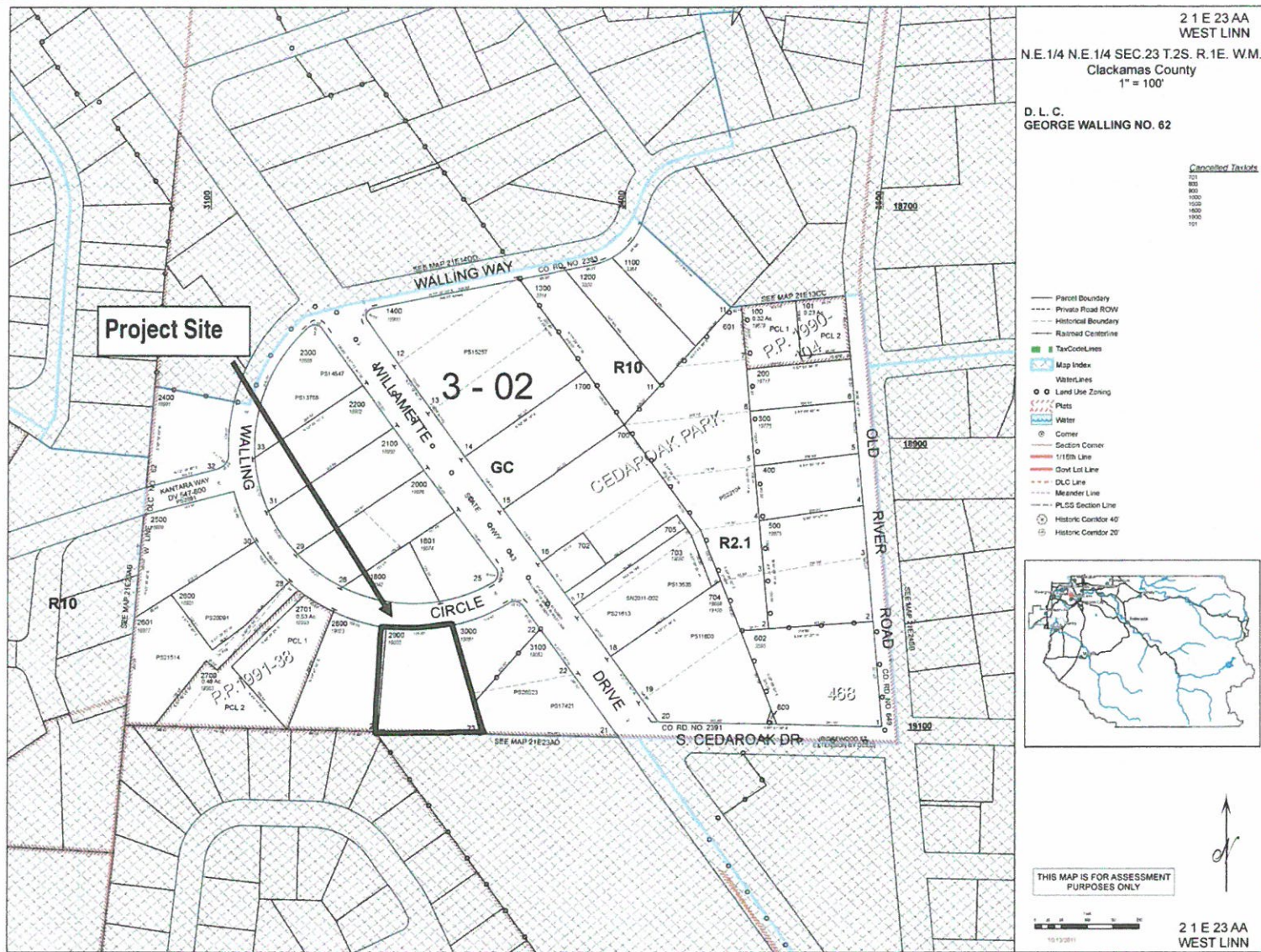


Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

General Location and Topography  
Proposed Development at 1905 Walling Circle, West Linn, Oregon  
USGS National Map Viewer, 2015 - Lake Owego quadrangle

FIGURE

1



5640  
3/2/15



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

Tax Lot Map  
Proposed Development at 1905 Walling Circle, West Linn, Oregon  
ormap.net, 2015

FIGURE  
2



5640  
3/2/15



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

Aerial Photo  
Proposed Development at 19055 Walling Circle, West Linn, Oregon  
GoogleEarth, 2015

FIGURE

3







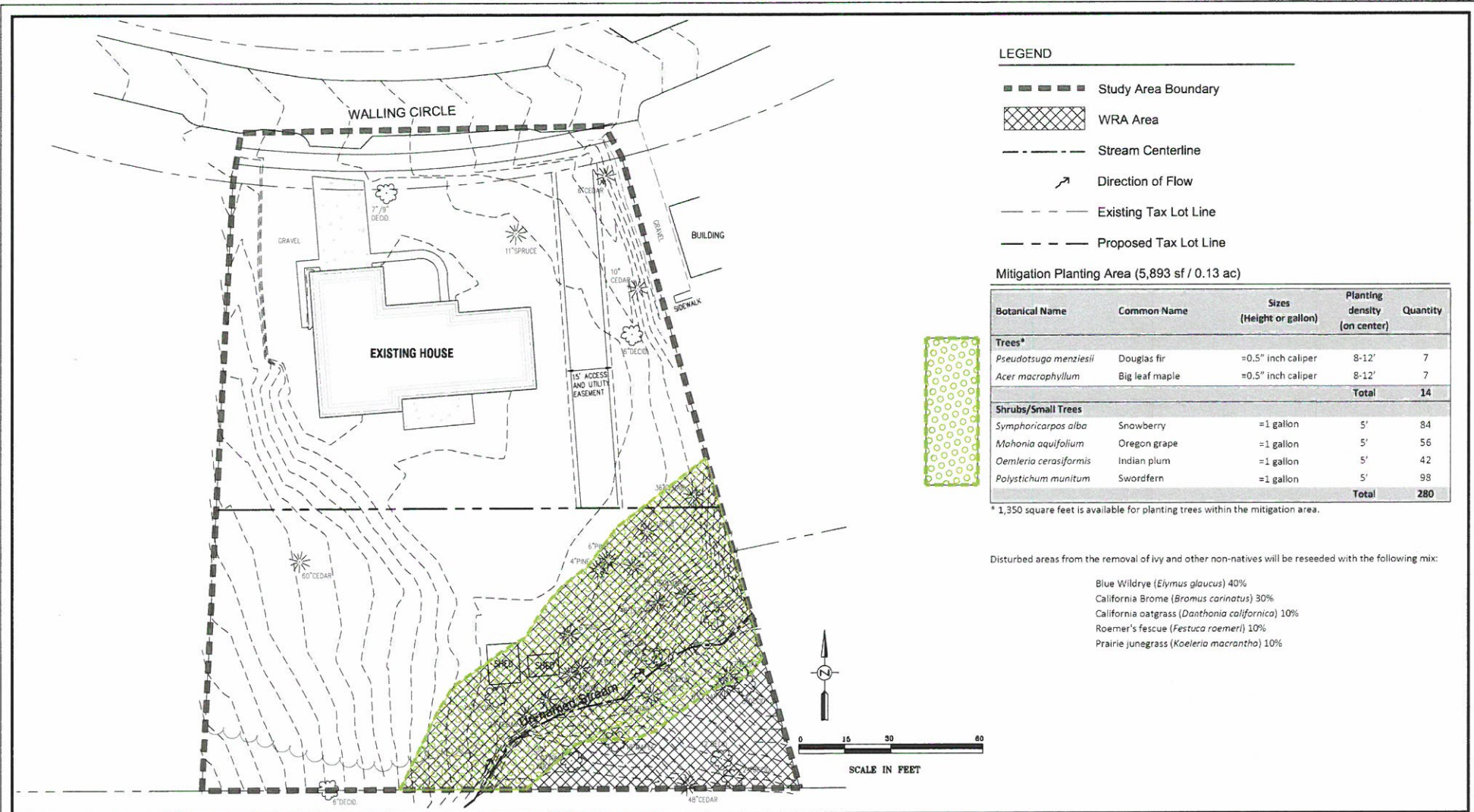
Survey provided by  
 Compass Land Surveying

19055 Walling Circle Water Resource Area Protection Assessment - West Linn, Oregon

Site Plan

FIGURE  
**5**

03-05-2015



- LEGEND**
- ▬▬▬▬▬▬ Study Area Boundary
  - ▨▨▨▨▨▨ WRA Area
  - - - - - Stream Centerline
  - ↗ Direction of Flow
  - - - - - Existing Tax Lot Line
  - - - - - Proposed Tax Lot Line

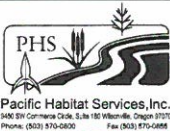
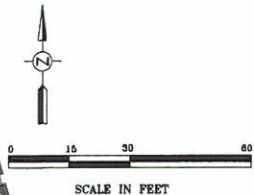
**Mitigation Planting Area (5,893 sf / 0.13 ac)**

Botanical Name	Common Name	Sizes (Height or gallon)	Planting density (on center)	Quantity
<b>Trees*</b>				
<i>Pseudotsuga menziesii</i>	Douglas fir	=0.5" inch caliper	8-12'	7
<i>Acer macrophyllum</i>	Big leaf maple	=0.5" inch caliper	8-12'	7
<b>Total</b>				<b>14</b>
<b>Shrubs/Small Trees</b>				
<i>Symphoricarpos alba</i>	Snowberry	=1 gallon	5'	84
<i>Mahonia aquifolium</i>	Oregon grape	=1 gallon	5'	56
<i>Oemleria cerasiformis</i>	Indian plum	=1 gallon	5'	42
<i>Polystichum munitum</i>	Swordfern	=1 gallon	5'	98
<b>Total</b>				<b>280</b>

\* 1,350 square feet is available for planting trees within the mitigation area.

Disturbed areas from the removal of ivy and other non-natives will be reseeded with the following mix:

- Blue Wildrye (*Elymus glaucus*) 40%
- California Brome (*Bromus carinatus*) 30%
- California oatgrass (*Danthonia californica*) 10%
- Roemer's fescue (*Festuca roemerii*) 10%
- Prairie junegrass (*Koeleria macrantha*) 10%



Survey provided by  
Compass Land Surveying

19055 Walling Circle Water Resource Area Protection Assessment - West Linn, Oregon

Mitigation Area  
**FIGURE 6**

03-05-2015

*Robert Mazany and Associates*  
*Tree and Landscape Consulting Service*

**MEMORANDUM**

**TO:** Brad Miller  
Legacy Homes, Inc.

**FROM:** Robert Mazany, ASCA  
Registered Consulting Arborist #133

**DATE:** January 23, 2015

**RE:** 19055 Walling Circle – West Linn



We have completed our site and plan review of the proposed residential site as requested. Thirty-nine trees are noted on the Topographic Site Map prepared by Compass Land Surveyors. The trees have been inspected for specie, diameter and condition. Number tags have been attached to each tree inspected and noted on a copy of the Topographic Site Map. The attached Field Note Narrative documents our findings during this site review, January 21, 2015.

Potential construction impacts are only preliminarily addressed based on our conversations during the initial site review on January 16, 2015. A more detailed impact assessment can be made following a review of the final site development plans if required.

Please contact me if you have any questions or when I may be of further assistance.

**Attachments:**

Numbered Site Plan  
Field Note Narrative  
Tree & Plant Preservation/Protection Specifications

## Field Note Narrative

### Legacy Homes Project 19055 Walling Circle – West Linn

This narrative identifies 39 trees on site by specie, diameter and condition. These have been number tagged in the field and the numbers correspondingly noted on the Topographic Site Map. Surveyor plan numbers were checked on site and adjusted where appropriate.

<u>Tree No.</u>	<u>Specie</u>	<u>Diameter</u>	<u>Condition/Comment</u>
01	Japanese maple sp.	6.0"/7.0"/9.0"	Fair – Triple stem at ground. Retain.
02	Colorado spruce spruce. Removal recommended.	6/5"	Poor – Crowded by adjacent larger
03	Colorado spruce	12.0"	Fair – Retain.
04	Western red cedar	7.0"	Fair – Retain.
05	Western red cedar	10.5"	Fair – Retain.
06	Dogwood sp.	6.0"	Fair – Retain.
07	Maple	6.0"/6.0"/6.0"	Fair – Remove.
08	Apple sp.	11.5"	Poor – Remove.
09	Apple sp.	6.0"	Poor – Remove.
10	Apple sp.	9.0" @ ground	Poor – Remove.
11	Western Red cedar	54.5" @ 2'	Good – Large specimen tree. Retaining should be considered. Specific therapeutic care will measurably increase the health and safety of this tree. Root zone intrusions up to 20 percent can be tolerated if care is exercised.
12	Pear sp.	8.5" @ 3'	Poor – Remove.
13	Cherry	12.0"	Poor – Dead – Remove.
14	Western Red cedar	36.0"	Fair – Retain.
15	Douglas fir	9.5"	Fair – Sparse lower crown.
16	Douglas fir	15.0"	Fair – Sparse lower crown.
17	Pine sp.	5.0"	Fair – Sparse lower crown.
18	Pine sp.	5.0"	Fair – Sparse lower crown.

<u>Tree No.</u>	<u>Specie</u>	<u>Diameter</u>	<u>Condition/Comment</u>
19	Pine sp.	6.0'	Fair – Sparse lower crown.,
20	Native cherry	15.0"	Fair – Sparse lower crown.
21	Western Red cedar	21.0"	Fair – Severe lean to northwest from past partial failure. Evidence in root and stem configuration indicates root system has recovered and tree appears to be stable.
22	Western Red cedar	21.0"	Fair.
23	Western Red cedar	7.0"	Fair.
24	Western Red cedar	7.5"	Fair.
25	Western Red cedar	42.0	Fair.
26	Western Red cedar	17.0"	Fair.
27	Maple	12.0"	Fair.
28	Cottonwood	19.5"	Fair.
29	Cottonwood	31.0"	Fair.
30	Cottonwood	8.0"	Fair.
31	Western Red cedar	7.0"	Fair.
32	Western Red cedar	6.0"	Fair.
33	Western Red cedar	9.5"	Fair.
34	Maple	13.0"	Fair.
35	Maple	26.0"	Fair.
36	Western Red cedar	45.0"	Fair.
37	Maple	20.5"	Fair – High crown.
38	Cottonwood	28.0"	Fair – Heavy ivy into crown.
39	Maple	8.0"/4.5"	Fair – Double stem at ground. Property line tree.

NOTE: Trees 21 through 38 are in a preserve area and to be protected. All other retained trees will benefit from pruning to ANSI A-300 Crown Cleaning Specifications. Pruning should be done by qualified Tree Care Firms employing ISA Certified Arborists.

Additional information may be submitted following a review of more detailed site improvement plans.

*End of Narrative*

NUMBERED TREE PLAN



19055 Walling Circle  
West Linn

BY THE ENGINEER (SEAL) DATE: 10/13/2011 (10/13/2011)



## **Tree & Plant Preservation/Protection**

### **PART 1 – GENERAL**

#### **1.01 DESCRIPTION:**

- A. **General requirements:** Preservation, protection, and trimming of existing trees and shrubs, and other vegetation indicated to remain.
  
- B. **Definitions:**
  - 1. **Registered Consulting Arborist (RCA):** A Consulting Arborist registered with the American Society of Consulting Arborists (ASCA).
  
  - 2. **Project Consulting Arborist (PCA):** A Registered Consulting Arborist engaged to be a member of the project team.
  
  - 3. **Certified Arborist:** Certified by the International Society of Arboriculture (ISA).

#### **1.02 PROJECT CONDITIONS:**

- A. **Make every effort to protect all trees, shrubs, ground cover and other vegetation existing on the Project site with the exception of that indicated to be removed.**
  
- B. **Meet local jurisdiction requirements for protection of existing trees and vegetation.**
  
- C. **Provide temporary fencing, barricades and guards as required to protect trees and other plants which are to remain from all damage. Erect prior to commencement of clearing and demolition work and remove only after all work potentially injurious to trees and other plants is complete. Fence shall be placed as far from trees as is practical, but in no instance closer than one foot behind required construction limits.**

Fence should be semi-permanent six-foot chain link fence on steel posts placed no further than ten feet apart, kept taut and in place throughout the duration of construction or as authorized by the PCA.. Four foot visibility plastic fence may be used, if acceptable to the local jurisdiction, on steel posts six feet apart.

- D. Protect all trees from stockpiling, material storage, vehicle parking and driving within the tree drip line or tree protection fence area.
- E. Protect all plant growth including root systems of trees and plants from:
  - 1. Dumping of refuse.
  - 2. Chemically injurious materials and liquids.
  - 3. Noxious materials in solution caused by run-off and spillage during mixing and placement of construction materials, and drainage from stored materials.
  - 4. Continual puddling of running water.
- F. Restrict vehicular and foot traffic to prevent compaction of soil over root systems.

## **PART 2 – PRODUCTS**

### **2.01 – MATERIALS:**

- A. As indicated and required elsewhere in the Specification Section, and as may be recommended by the PCA.

## PART 3 – EXECUTION

### 3.01 – GENERAL:

- A. Protect root systems of existing trees, shrubs and ground covers from damage due to noxious materials in solution caused by run-off and spillage during mixing and placement of construction materials, and drainage from stored materials.
- B. Protect root systems from flooding, erosion, excessive wetting and drying resulting from de-watering and other operations.
- C. Protect all existing plant material to remain against unnecessary cutting, breaking and skinning of roots and branches, skinning or bruising of bark.
- D. Do not allow fires under and adjacent to trees or other plants which are to remain.
- E. The PCA should direct removal of branches from trees and large shrubs, which are to remain, if required to clear new construction and where indicated; and to direct tree root pruning and relocation work.
- F. Where directed by the PCA, extend pruning operations to restore natural shape of entire tree.
- G. Cut branches and roots with sharp pruning instruments. Do not break, chop or mutilate.
- H. Water trees and other vegetation, which are to remain, as necessary to maintain their health during the course of the work. Maintain a water schedule and document.

### 3.02 – EXCAVATION AROUND TREES:

- A. Excavate within root zone of trees only where indicated and acceptable to the PCA.
- B. Excavate around tree roots within tree root zone only under the direction of the PCA.
- C. Where trenching for utilities is required within root zones, tunnel under and around roots by hand digging. Do not cut main lateral support roots. Cut smaller roots that interfere with installation of new work; use sharp pruning tools.
- D. Where excavating for new construction is required within root zones of trees, hand excavate to minimize damage to root systems. Use narrow tine spading forks and comb soil to expose roots. Relocate roots in backfill areas whenever possible. If large, main lateral roots are encountered, expose beyond excavation limits as required to bend and relocate without breaking.
- E. If encountered immediately adjacent to location of new construction and relocation is not practical, cut roots approximately 6 inches back from new construction.
- F. Do not allow exposed roots to dry out before permanent backfill is placed; provide temporary earth cover, pack with wet peat moss or 4 layers of wet untreated burlap and temporarily support and protect from damage until permanently relocated and covered with backfill. Water puddle backfill to eliminate voids and air pockets.
- G. All pruning shall be performed to ANSI A-300 pruning standards by Oregon state registered tree care firms employing Certified Arborists. Other therapeutic care work shall be performed to Tree Care Industry Standards.

### 3.03 – GRADING AND FILLING AROUND TREES:

- A. Maintain existing grade within root zones of trees unless otherwise indicated or acceptable to the PCA.
- B. Lowering Grades: Where existing grade is above new finish grade shown around trees, under direction of PCA, carefully hand excavate within root zones to new grade. Cut roots exposed by excavation to approximately 3 inches below elevation of new finish grade.
- C. Raising Grades: Permitted only as acceptable to the PCA.

### 3.04 – REPAIR AND REMOVAL OF TREES:

- A. The PCA should direct tree repair work. Engage a Certified Arborist, acceptable to the PCA, to perform tree repair work. Repair trees damaged by construction operations in a manner acceptable to the PCA. Make repairs promptly after damage occurs to prevent progressive deterioration of damaged trees.
- B. Remove dead and damaged trees that are determined by the PCA to be incapable of restoration to normal growth pattern.

### 3.05 – REPAIR AND REPLACEMENT OF SHRUBS:

- A. Repair shrubs, and other vegetation damaged by construction operations in a manner acceptable to the PCA. Make repairs promptly after damage occurs to prevent progressive deterioration of damaged plants.
- B. Remove and replace dead and damaged plants that are determined by the PCA incapable of restoration to normal growth pattern.

1. Provide new shrubs of same size and specie as those replaced or as otherwise acceptable to the PCA and Landscape Architect.
2. Plant and maintain as acceptable to the PCA and Landscape Architect.

### 3.06 – HARDSCAPE INSTALLATION WITHIN THE PROTECTION ZONES:

- A. Electrical conduit and irrigation main lines should be run under walkways, within stone or concrete sub-base, and should not cut into native soil within the Tree Protection Zone (within the drip line). Drip irrigation shall be installed within the Tree Protection Zone. Lateral electrical lines to individual lights, should be installed as close to the soil surface as possible with short runs from the main conduit.
- B. Electrical fixtures, housing, and irrigation valves must be installed with care to avoid cutting roots. Digging must be minimal with excess dirt removed from the tree preservation area. Do not cut roots greater than 1" in diameter without the approval of the PCA. Roots greater than 1" in diameter exposed during excavation should be cut squarely at the edge of the excavation with a sharp saw or appropriate pruning tool.
- C. Install walkways as close to grade as possible to minimize excavation into the soil where large roots and areas of high root density exist. Backfill with loose dirt to the minimum depth necessary to achieve a natural look. Mulch if appropriate, as directed by the PCA.

### 3.07 – COMPENSATION TO OWNER FOR TREES:

- A. Contractor shall pay the Owner the value of existing trees to remain that died or were damaged and required removal because of the Contractor's failure to provide adequate protection and maintenance.

- B. Value of existing trees will be determined by the PCA in accordance with the evaluation formula set forth in "The Council of Tree and Landscape Evaluation Guide for Plant Appraisal," ninth edition, 2000.
- C. Any wound or damage to a preserved tree constitutes partial injury. These include, but are not limited to:
  - Any cambian tissue damage.
  - Unauthorized cutting, breaking or removing tree branches.
  - Unauthorized cutting or damaging protected root zones.
  - Soil compaction.
  - Toxic run-off into tree preservation area.
- D. Partial injury will be calculated by percentage of the total value of the damaged tree.
- E. The loss value penalty will include cost to the Owner for loss appraisal by the PCA plus the cost for necessary damage repair.

#### **PART 4 – PRE-CONSTRUCTION TREE CARE**

##### **4.01 – PRUNING AND STRUCTURAL SUPPORT:**

- A. All trees designated to be retained within the project limits shall be pruned to ANSI A-300 Pruning standards with selective low limb removal, as directed and approved by the PCA, where required for construction clearance.
- B. Structural support (cabling) may be required on specific trees as identified by the PCA to Tree Care Industry Standards.

- C. All therapeutic care recommended should be directed, inspected, and approved by the PCA.

## **PART 5 – POST-CONSTRUCTION TREE CARE**

### **5.01 – FERTILIZATION/AERATION:**

- A. Aeration as determined by the PCA may be required in areas where construction compaction has occurred.
- B. Deep root liquid injection fertilizing of all trees retained within the project limits may be required following the completion of construction to Tree Care Industry Standards. The timing of this fertilizing will be determined by the PCA.

Prepared by:

Robert Mazany, ASCA  
Registered Consulting Arborist #133  
Robert Mazany and Associates  
PO Box 1305  
Beaverton, OR 97075  
(503) 533-1064



**RECORDING REQUESTED BY:**

Chicago Title Company of Oregon  
1500 NW Bethany Blvd, Ste 155  
Beaverton, OR 97006

**GRANTOR:**  
William S. Craig and Roxie Anne Craig

**GRANTEE:**  
Nicholas Safstrom and Heather Safstrom

**SEND TAX STATEMENTS TO:**  
Nicholas Safstrom and Heather Safstrom  
19055 Walling Circle  
West Linn, OR 97068

**AFTER RECORDING RETURN TO:**  
Nicholas Safstrom and Heather Safstrom  
19055 Walling Circle  
West Linn, OR 97068

Escrow No: 472514519622HL-CT34

C166681  
19055 Walling Circle  
West Linn, OR 97068

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CHICAGO TITLE 472514519622HL-CT34

**STATUTORY WARRANTY DEED**

William S. Craig and Roxie Anne Craig, Grantor, conveys and warrants to

Nicholas Safstrom and Heather Safstrom, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

Tract No. 23, CEDAROAK PARK, in the City of West Linn, County of Clackamas and State of Oregon.

EXCEPT the Northerly 5.00 feet thereof conveyed to the public.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$327,000.00. (See ORS 93.030)

**Subject to and excepting:**

See Exhibit A attached

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE

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Deed (Warranty-Statutory)

APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 10/24/2014

William S. Craig  
William S. Craig  
Roxie Anne Craig  
Roxie Anne Craig

STATE OF OREGON  
County of Clackamas

This instrument was acknowledged before me on 10/24/14 by William S. Craig and Roxie Anne Craig

Heather A. Levy  
Notary Public for Oregon

My Commission Expires Aug 14 2018

(SEAL)



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EXHIBIT "A"

City Liens, if any, in favor of the City of West Linn. None found as of October 3, 2014.

Rights of the public to any portion of the Land lying within the area commonly known as Walling Road (County Road No. 2383).

Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: September 20, 1948  
Recording No.: Book 411, Page 392

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: November 16, 1954  
Recording No: Book 488, Page 467

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

Recording Date: October 30, 1956  
Recording No: Book 518, Page 255

Amendment(s)/Modification(s) of said covenants, conditions and restrictions

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Recording No: Book 528, Page 595

Clackamas County Official Records **2014-055985**  
Sherry Hall, County Clerk 10/30/2014 01:23:18 PM  
D-D Cnt=1 Str=2 LESLIE  
\$15.00 \$16.00 \$10.00 \$22.00 \$63.00

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DATED: 10/24/2014

William S. Craig  
William S. Craig  
Roxie Anne Craig  
Roxie Anne Craig

STATE OF OREGON  
County of Clackamas

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Heather A. Levy  
Notary Public for Oregon  
My Commission Expires Aug 14 2018

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**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**Notes**  
**December 4, 2014**

SUBJECT: Proposed 2-lot partition

FILE: PA-14-43

ATTENDEES: Applicant: Brad Miller  
Staff: Peter Spir, Associate Planner; Khoi Le, Development Engineer  
Other: Ty Darby, TVF&R

*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.*

**Site Information**

Site Address: 19055 Walling Circle  
Area: 32,072 sq. ft.  
Comprehensive Plan Designation: Low Density Residential  
Zoning Classification: R-10 (10,000 square foot minimum lot size)  
Overlays: Water Resource Area (WRA) (partially)

**Project Details**

There is an existing single family home towards the front of the property. The proposed plan preserves the home on Lot 1 and considers two options: a 2-lot and 3-lot partition. The two lot option would have a flag lot (lot 2) at the rear of the house. The three lot option would have two flag lots behind the house. The southernmost lot would be located substantially within the WRA setback. Any square footage in the flag lot stem cannot count to the square footage of any lot.

**Site Analysis**

There is a modest west to east downslope. The significant natural feature is a tributary of Robin Creek and associated water resource area (WRA) which traverses the southern edge of the site. The creek will need to be surveyed and mapped and the appropriate WRA setback established.

There are a number of trees on the site including a mature tree on a slight rise on the west side of lot 2. Mike Perkins, the City Arborist, will need to make a determination of significance for the on-site trees ([mperkins@westlinnoregon.gov](mailto:mperkins@westlinnoregon.gov)).

Contact Khoi Le at [kle@westlinnoregon.gov](mailto:kle@westlinnoregon.gov) or 503-722-5517 for engineering requirements. Contact Ty Darby from Tualatin Valley Fire and Rescue (TVF&R) at [ty.darby@tvfr.com](mailto:ty.darby@tvfr.com) or 503-259-1409 for their requirements.

## Process

A minor partition is required. Prepare an application form, narrative and plans which respond to the applicable criteria of the CDC. Follow 85.160 and 85.170 for what to submit in addition to the narrative responding to all criteria of 85.200. The CDC is online at <http://westlinnoregon.gov/cdc>. The application form must be signed by the property owner.

A WRA permit is only required if physical development, grading, utilities, etc. are proposed within the WRA. If a WRA is required, the provisions of CDC Chapter 32 must be met and a permit fee of \$2,600 is required. The three lot option 2, as proposed, would trigger a WRA permit.

N/A is not an acceptable response to the minor partition (or WRA) approval criteria. The submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Manager and must identify the specific grounds for that waiver.

A deposit of \$2,800 is required for the minor partition at the time of application. **PLEASE NOTE that a deposit (not a fee) is an initial deposit, and staff time is charged against the deposit account. It is common for there to be more staff time spent on development applications than deposits cover, and therefore additional billing may be likely to occur.** For the partition, the applicant must apply for Final Plat after improvements are complete. The fee is \$1,500. Other fees, including building, engineering, and SDCs may be required.

Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

Once the submittal is deemed complete, the staff will notify the affected parties of the proposal and invite comment. The Planning Manager will issue a decision to approve, approve with conditions or deny the application and notify affected parties. There is a 14-day window to appeal the decision of the Planning Manager following notice of the decision. If no appeal has been received by the close of the appeal period, the Planning Manager decision becomes final and the applicant may move forward with the development of their proposal.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

### ***Typical land use applications can take 6-10 months from beginning to end.***

**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. These notes do not constitute an endorsement of the proposed application **or provide any assurance of potential outcomes**. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. **A new pre-application conference would have to be scheduled one that period lapses and these notes would no longer be valid. Any changes to the CDC standards may require a different design or submittal.**



# Pre Ap Notes

**Property Address: 19055 Walling Cir – West Linn, OR 97068**  
**2 or 3 Lot-Partition Development**

## **TRANSPORTATION**

### **Minimum Required Improvement:**

- Walling street improvement:
  - Minimum 5.5' planter. Planter can be utilized as street swale for water quality requirement.
  - 6' sidewalk excluded curb with tree well
  - 0.5' curb and gutter.
  - 12' wide pavement improvement for a travel lane
  - Pavement shall be constructed with 4" asphalt pavement over 12" rock base.
  
- Street trees: coordinate with Parks Department to install appropriate number and tree species.
  - Parks Contact: Mike Perkins  
503-723-2554  
[mperkins@westlinnoregon.gov](mailto:mperkins@westlinnoregon.gov)
  
- Street lightings:
  - Coordinate with City to install appropriate number and type of pole and decorative fixtures or
  - Coordinate with PGE to install appropriate number and type of pole and LED fixtures. Normally, pole will be bronze, 30' height with 6' mast arm and LED Beta fixture.
  - PGE Contact: Jeff Steigleder  
503-849-6548  
[jeffery.steigleder@pgn.com](mailto:jeffery.steigleder@pgn.com)
  
- Applicant may request to pay a fee in-lieu to above improvements.
  
- Driveway approach and spacing: driveway approach shall be 36' wide max including wing. Driveway on the Nursery shall be designed in accordance with West Linn Commercial Driveway standards (WL-504A or WL504B). Driveway space should meet Community Development Code.
  
- Development shall pay all applicable Transportation and Parks SDC fees.

## **SURFACE WATER (STORM SEWER)**

### **Minimum Required Improvement:**

- Run-off generated from new impervious area: street widening and sidewalk must be captured, treated, detained and conveyed to nearest public stormwater system.

- Onsite run-off generated from new impervious area of greater than 500 square feet must be captured, treated, and conveyed to nearest public stormwater system.
- Onsite run-off generated from new impervious are of greater than 5000 square feet must be captured, treated, detained and conveyed to nearest public stormwater system.
- Discharge from offsite improvement can be directed to the closest existing catch basin on Walling Cir.
- Discharg from onsite storm facility can be directed to either existing catch basin on Walling Cir or to the drainage way in the back of the property with appropriate erosion control and dissipated measures.

### **WASTER WATER (SANITARY SEWER)**

#### **Minimum Required Improvement:**

- There is public sanitary sewer main available along the frontage of the proposed development on Walling Cir for connection.
- Existing sanitary sewer main is approximate 5' deep.
- Development shall pay all applicable Sanitary Sewer SDC fees.

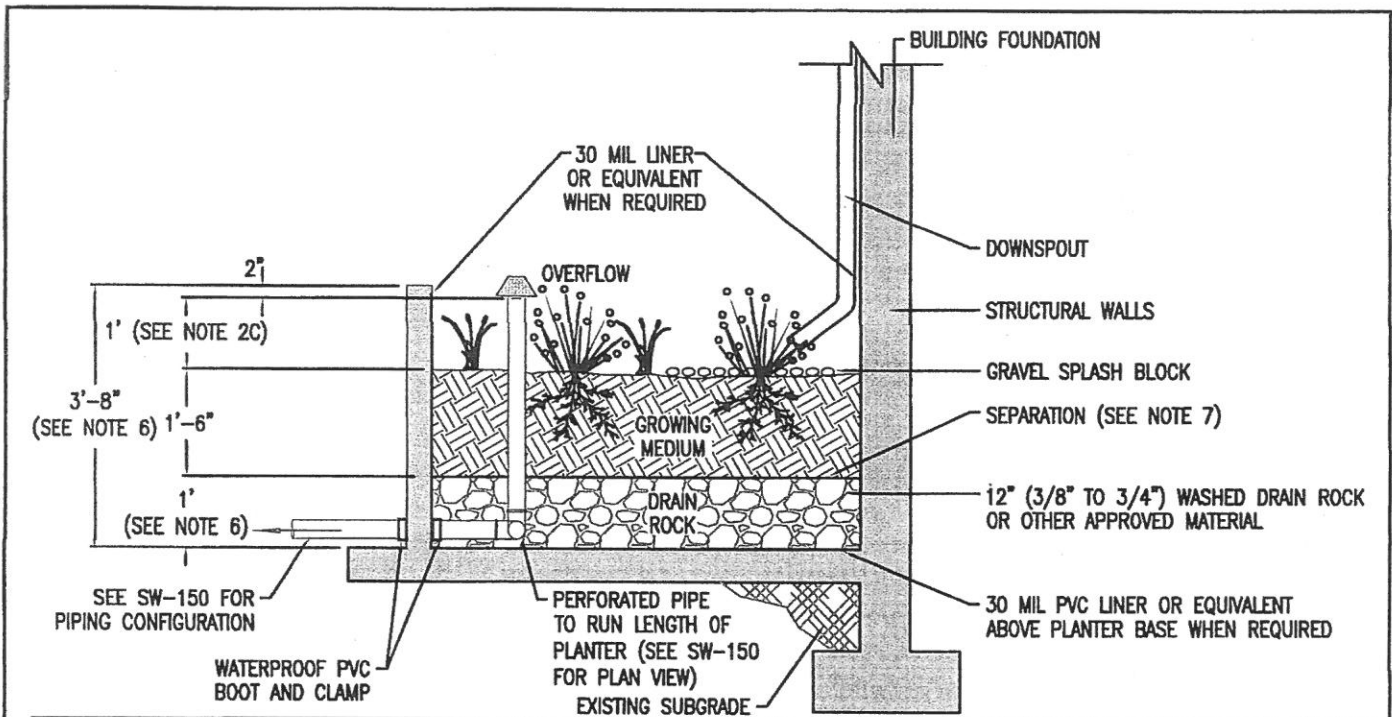
### **DOMESTIC WATER**

#### **Minimum Required Improvement:**

- Applicant can pay a dig-in and drop-in fee for new water services.
- Development shall pay all applicable Water SDC fees.

### **OTHER RELATED IMPROVEMENTS**

- All existing overhead utilities and new dry utilities along the development frontage must be placed underground.



1. Provide protection from all vehicle traffic, equipment staging, and foot traffic in proposed infiltration areas prior to, during, and after construction.
2. Dimensions:
  - a. Width of flow-through planter: 18" minimum.
  - b. Width of infiltration planter: 30" minimum.
  - c. Depth of planter (from top of growing medium to overflow elevation); Simplified: 12", Presumptive: 6"–18".
  - d. Longitudinal slope of planter: 0.5% or less.
3. Setbacks (from centerline of facility):
  - a. Infiltration planters must be 10' from foundations and 5' from property lines.
  - b. Flow-through planters must be less than 30" in height above surrounding area if within 5-feet of property line.
4. Overflow:
  - a. Overflow required for Simplified Approach
  - b. Inlet elevation must allow for 2" of freeboard, minimum.
  - c. Protect from debris and sediment with strainer or grate.
5. Piping: shall be ABS Sch.40, cast iron, or PVC Sch.40. 3" pipe required for up to 1,500 sq ft of impervious area, otherwise 4" min. Piping must have 1% grade and follow the Uniform Plumbing Code.
6. Drain rack:
  - a. Size for infiltration planter: 1-1/2" – 3/4" washed
  - b. Size for lined, flow-through planter: 3/4" washed
  - c. Depth for Simplified: 12"
  - d. Depth for Presumptive: 0–48", see calcs.
7. Separation between drain rock and growing medium: Use filter fabric (see SWMM Exhibit 2–4 Geotextile table) or a gravel lens (3/4– 1/4 inch washed, crushed rock 2 to 3 inches deep).
8. Growing medium:
  - a. 18" minimum
  - b. See Appendix F.3 for topsoil specification or use sand/loam/compost 3-way mix.
9. Vegetation: Follow landscape plans otherwise refer to plant list in SWMM Appendix F. Minimum container size is 1 gallon. # of plantings per 100sf of facility area: Zone A (wet):
  - a. 115 herbaceous plants OR;
  - b. 100 herbaceous plants and 4 small shrubs.
10. Planter walls:
  - a. Material shall be stone, brick, concrete, wood or other durable material (no chemically treated wood).
  - b. Concrete, brick, or stone walls shall be included on foundation plans.
11. Waterproof liner: Shall be 30 mil PVC or equivalent for flow-through facilities.
12. Install washed pea gravel or river rock to transition from inlets and splash pad to growing medium.
13. Inspections: Call BDS IIR Inspection Line, (503) 823-7000, for appropriate inspections.

- DRAWING NOT TO SCALE -

## STORMWATER MANAGEMENT TYPICAL DETAILS

- Simplified / Presumptive Design Approach -  
Planter

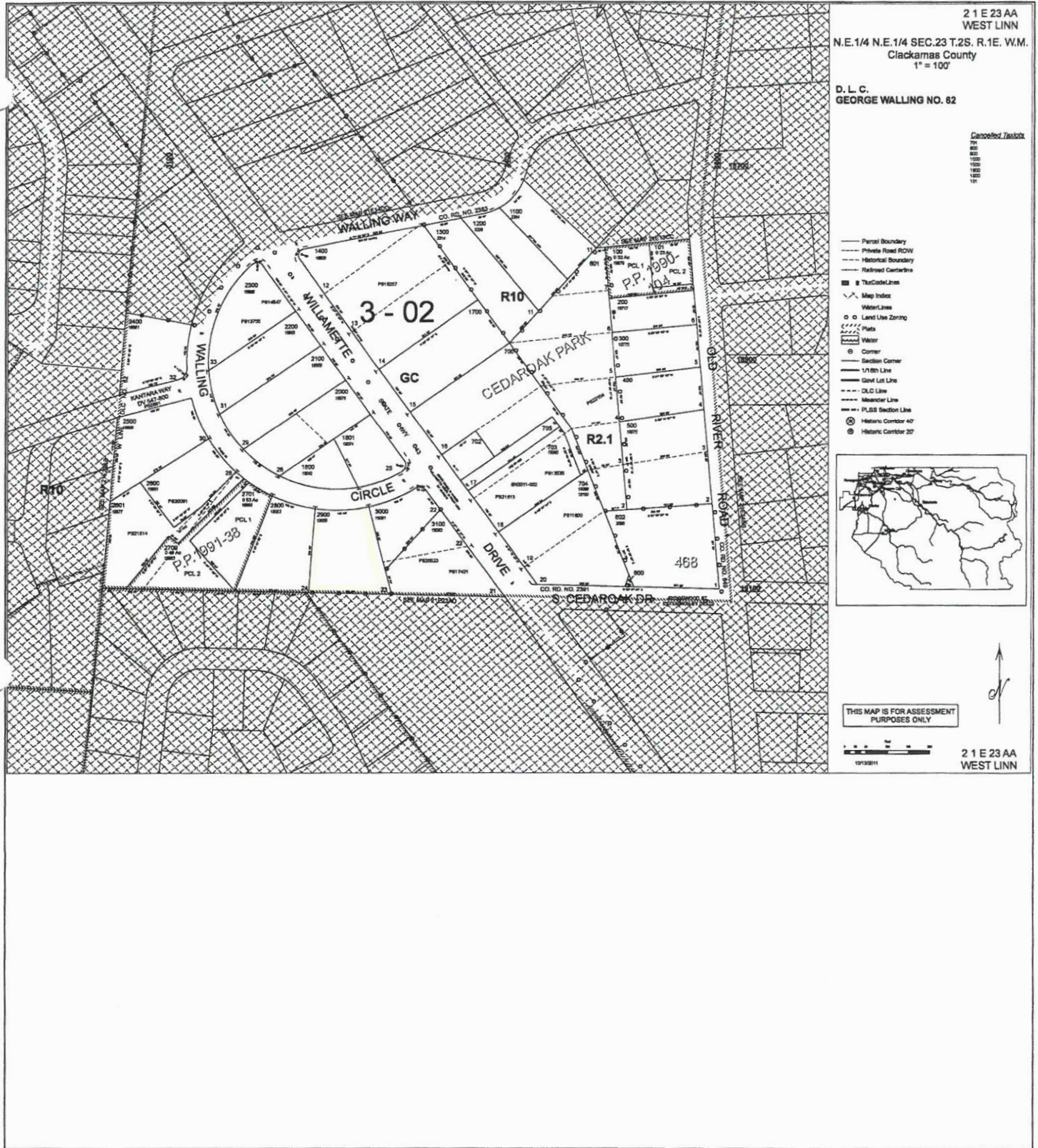
NUMBER

SW-130



Bureau of Environmental Services



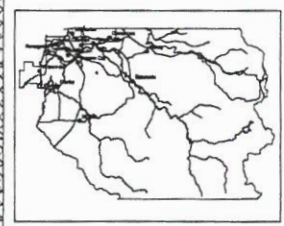


2 1 E 23 AA  
 WEST LINN  
 N.E. 1/4 N.E. 1/4 SEC. 23 T. 2S. R. 1E. W.M.  
 Clackamas County  
 1" = 100'

D. L. C.  
 GEORGE WALLING NO. 82

Cancelled Taxlots  
 75  
 80  
 85  
 90  
 95  
 100

- Parcel Boundary
- Private Road RCW
- Historical Boundary
- Railroad Centerline
- TaxCaster Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plat
- Water
- Corner
- Section Corner
- 1/16th Line
- Galt Lot Line
- D.L.C. Line
- Measuror Line
- P.L.S.S. Section Line
- Historic Corner 40'
- Historic Corner 20'



THIS MAP IS FOR ASSESSMENT  
 PURPOSES ONLY

13/13/2011

2 1 E 23 AA  
 WEST LINN

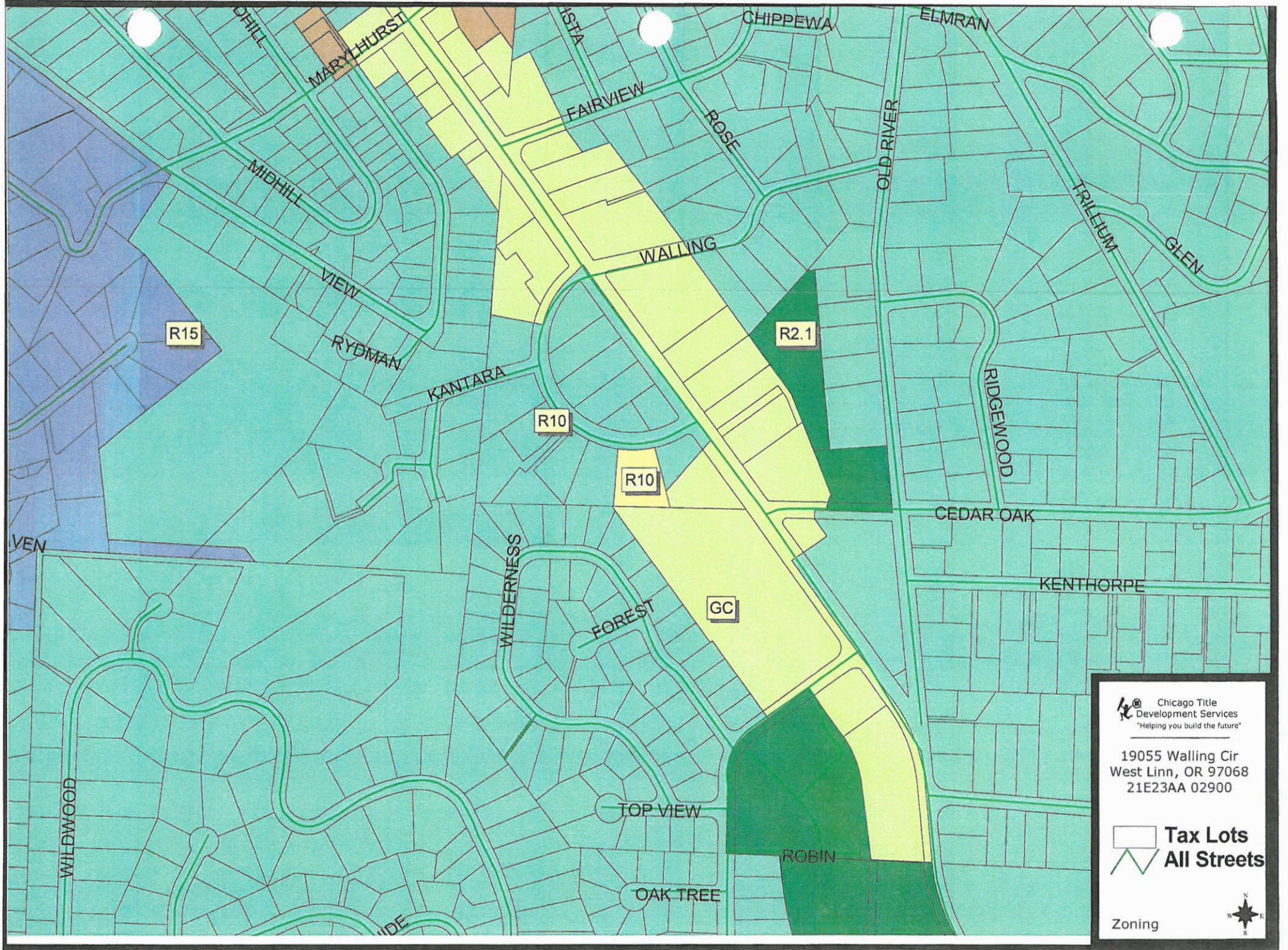
### Map No. 21E23AA02900



CHICAGO TITLE COMPANY  
 10135 S.E. SUNNYSIDE ROAD Suite 200  
 CLACKAMAS, OREGON 97015



"This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for any loss occurring by reason of reliance thereon."

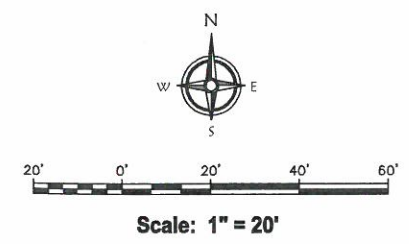
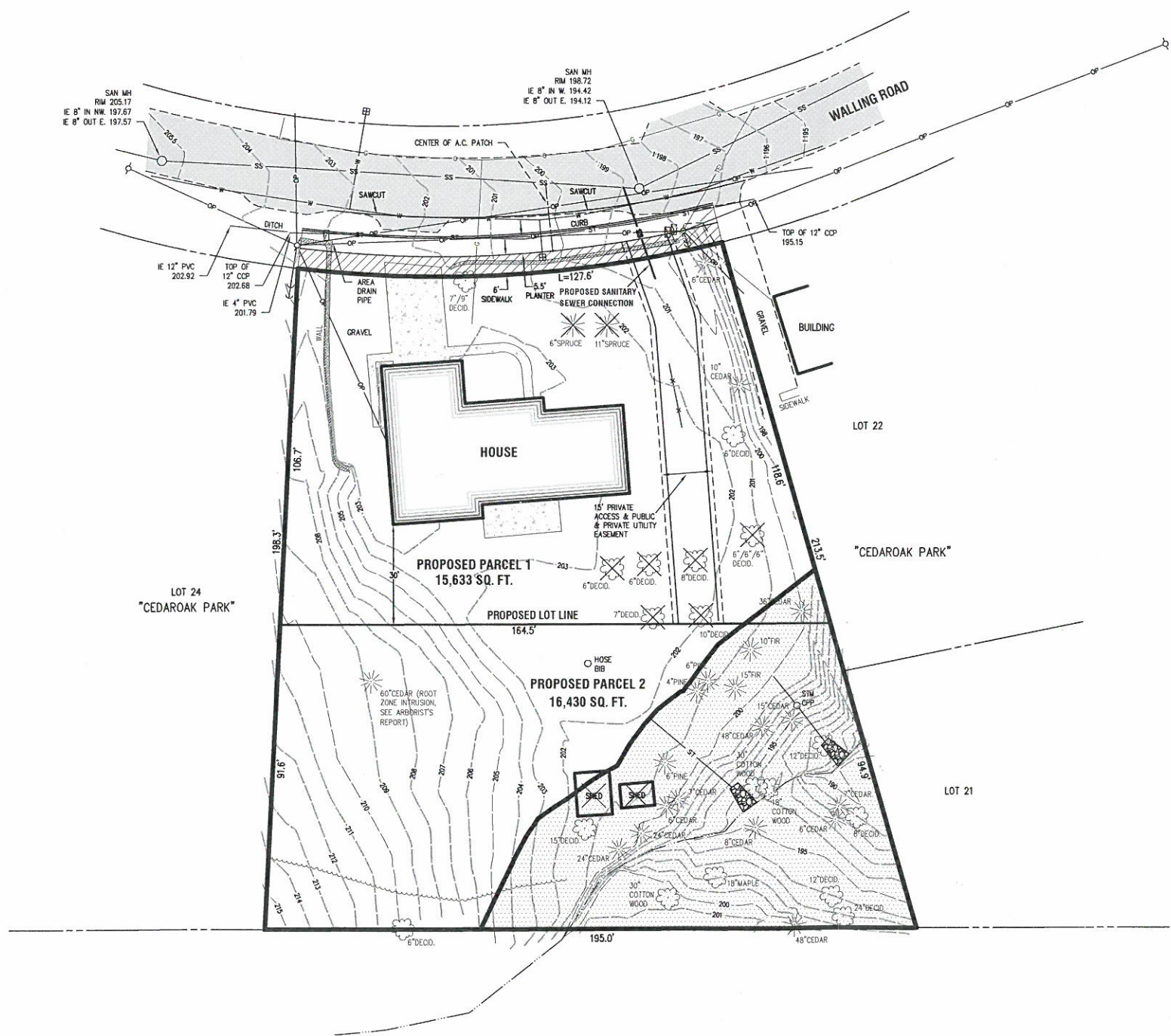


 Chicago Title  
Development Services  
"Helping you build the future"

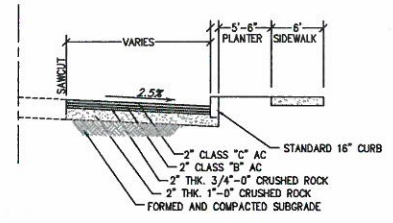
19055 Walling Cir  
West Linn, OR 97068  
21E23AA 02900

 Tax Lots  
All Streets

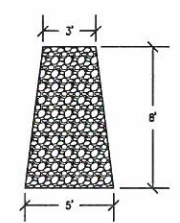
Zoning 



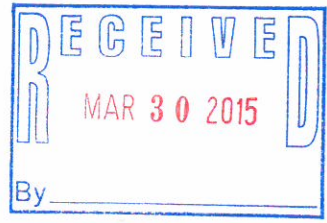
- NOTES:**
1. TOTAL SITE AREA = 32,064 SQUARE FEET.
  2. STREAM BUFFER AREA = 7764 SQ. FT. (24% OF SITE)
  3. UTILITIES TO PARCEL 2 WILL BE PROVIDED IN THE 15' PRIVATE ACCESS AND PUBLIC AND PRIVATE UTILITY EASEMENT.



**Road Section**  
NOT TO SCALE



**Rip Rap Detail**  
NOT TO SCALE



**TENTATIVE DEVELOPMENT PLAN**

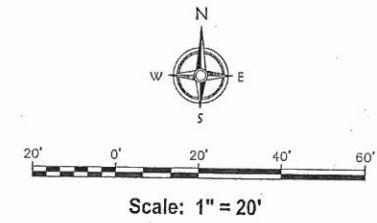
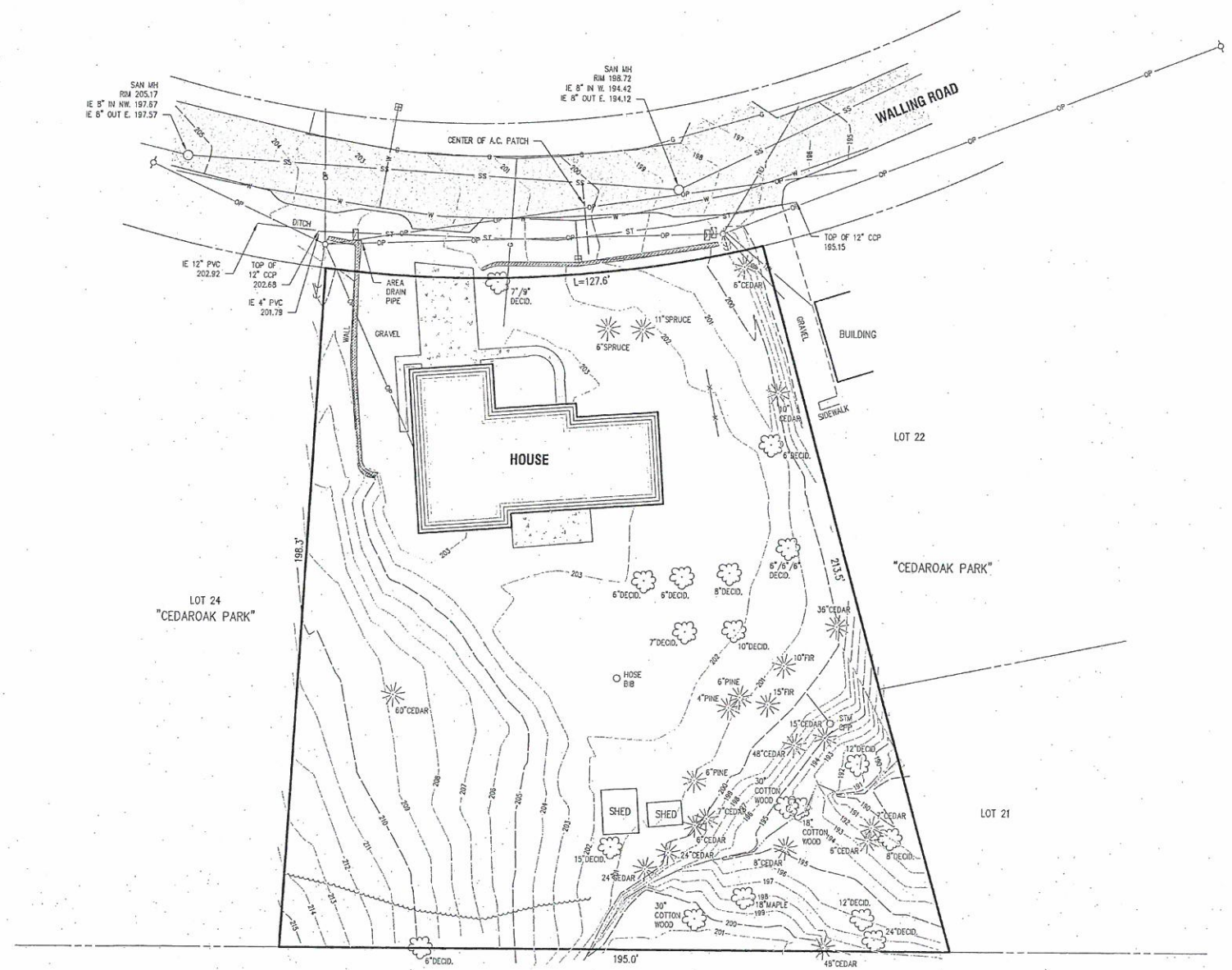
DATE	NO.	REVISION	PLAN	7460 Prelim.dwg
			DRAWN	MMM
			DESIGN	
			CHECK	MAR
			SCALE	1" = 20'
			DATE	JAN., 2015

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

**LEGACY HOMES**  
18025 SW BROOKMAN ROAD  
SHERWOOD, OREGON 97140

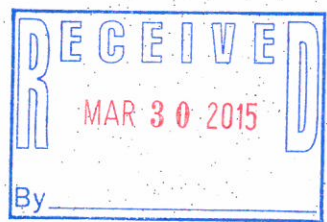
**LOT 23, "CEDAROAK PARK"**  
IN THE NE 1/4 OF SECTION 23, T. 2S., R. 1E., W.M.  
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

P:\7400\7460\AutoCAD\7460 Prelim.dwg, 3/30/2015 10:45:14 AM, 1:2.16943



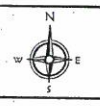
**Notes:**

1. UTILITY INFORMATION SHOWN ON THIS MAP IS BASED UPON OBSERVED FEATURES. NO WARRANTIES ARE MADE REGARDING THE ACCURACY OR COMPLETENESS OF THE UTILITY INFORMATION SHOWN. ADDITIONAL UTILITIES MAY EXIST. INTERESTED PARTIES ARE HEREBY ADVISED THAT UTILITY LOCATIONS SHOULD BE VERIFIED PRIOR TO DESIGN OR CONSTRUCTION OF ANY CRITICAL ITEMS.
2. VERTICAL DATUM: NAVD '88.
3. CONTOUR INTERVAL IS ONE FOOT.
4. TOPOGRAPHIC FEATURES SHOWN ON THIS MAP WERE LOCATED USING STANDARD PRECISION TOPOGRAPHIC MAPPING PROCEDURES. THIRD PARTY USERS OF DATA FROM THIS MAP PROVIDED VIA AUTOCAD DRAWING FILES OR DATA EXCHANGE FILES SHOULD NOT RELY ON ANY AUTOCAD GENERATED INFORMATION WHICH IS BEYOND THE LIMITS OF PRECISION OF THIS MAP. THIRD PARTIES USING DATA FROM THIS MAP IN AN AUTOCAD FORMAT SHOULD VERIFY ANY ELEMENTS REQUIRING PRECISE LOCATIONS PRIOR TO COMMENCEMENT OF ANY CRITICAL DESIGN OR CONSTRUCTION. CONTACT COMPASS LAND SURVEYORS FOR FURTHER INFORMATION. FURTHERMORE, COMPASS LAND SURVEYORS WILL NOT BE RESPONSIBLE NOR HELD LIABLE FOR ANY DESIGN OR CONSTRUCTION RELATED PROBLEMS THAT ARISE OUT OF THIRD PARTY USAGE OF THIS MAP (IN AUTOCAD OR OTHER FORMAT) FOR ANY PURPOSE OTHER THAN SPECIFICALLY STATED HEREIN. THIS STATEMENT IS AN OFFICIAL PART OF THIS MAP.
5. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHOULD NOT BE CONSTRUED AS SUCH. PROPERTY LINES ARE BASED ON RECORDED SURVEYS.



**TOPOGRAPHIC SITE MAP**

DATE	NO.	REVISION	PLAN	7480 Topo.dwg
			DRAWN	MMM
			DESIGN	
			CHECK	MAR
			SCALE	1" = 20'
			DATE	JAN., 2015



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 4107 SE International Way, Suite 705  
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 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

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