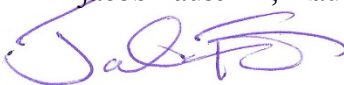




## MEMORANDUM

To: Ken Worcester, City of West Linn    Date: May 22, 2015

From: Jacob Faust PE, Maul Foster & Alongi, Inc.                                      Project: 0161.01.05



RE: Cedaroak Boat Ramp Completeness Response

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The purpose of this memorandum is provide information requested by the City of West Linn Planning department to complete the planning permit application submitted by the City Parks and Recreation department for the Cedaroak Boat Ramp. The City Planning department issued a letter regarding completeness on April 30, 2015. The following items were noted by the City Planning department as “needed” to complete the application:

**Needed:** A map indicating the zoning designation in the vicinity of the property and showing the distance to adjacent structures.

**Response:** Figure 1, attached, shows the zoning boundaries and distance to adjacent structures.

**Needed:** A map, approved or acknowledged by the Oregon Department of State Lands (DSL), of the preference rights and authorized areas.

**Response:** DSL reviewed and approved the maps and plans submitted as part of the Joint Permit Application (October 23, 2012). Attached are the lease for the current boat ramp and the letter from DSL authorizing the construction and use of the boat ramp facility.

**Needed:** A map showing the existing project and new project boundaries.

**Response:** Figure 1, attached, shows the boundary of the proposed project. The existing boat launch is visible on the figure inside of the project boundary. There is no impact to existing upland wetlands as a result of the project.

**Needed:** A pedestrian and automobile circulation plan for the existing and revised parking area.

**Response:** Figures 2 and 3 show existing and proposed (respectively) pedestrian and automobile circulation plans.

**Needed:** A utility plan appropriate to respond to approval criteria of CDC 55.100(I)(1) through (5) relating to streets, drainage, municipal water, sanitary sewers, solid waste, and recycling storage.

**Response:** Figure 4 shows all public and private utilities on the site. The only public utility connection to the site is a water line servicing the on-site restroom. No increases in public utility demand or capacity are proposed nor required as part of the project, as land use and site use will not be altered. No issues have been identified in current capacity of utility services to the site. Details for the stormwater facility are included on sheets C2.0, C3.0, C4.0, and L1.0 of the preliminary design plans included with the permit application.

Additionally, the following items are noted on the incompleteness letter that require additional coordination, and are as follows:

1) The portion of the proposal (if any) that is within the Habitat Conservation Area boundaries.

**Response:** Figure 1 includes the HCA boundaries. The project is an exempted use as described in the permitting narrative; however, the boundary is provided as reference.

2) The portion of the project located within the Willamette Greenway is exempt from the Water Resource Area (Chapter 32).

**Response:** As shown in Figure 1, the entire project site is within the Willamette Greenway. Although a small portion of the tax lot is a mapped wetland, that area is outside the project's disturbed area limits and will not be affected by the project. The project is exempt from the requirements of Chapter 32.

3) What portion of the project (if any) is located outside of the Willamette Greenway and inside of the Water Resource Area?

**Response:** As shown in Figure 1, the entire project footprint is within the Willamette Greenway, therefore this WRA criteria do not apply.

## ATTACHMENTS

DSL Lease Document (1992)

DSL Removal/Fill Permit Renewal (2014)

Figure 1—Cedaroak Boat Ramp Boundaries

Figure 2—Vehicle and Pedestrian Circulation Plan, Existing Condition

Figure 3—Vehicle and Pedestrian Circulation Plan, Proposed Condition

Figure 4—Utility Plan

### PUBLIC RECREATION FACILITY EASEMENT

The STATE OF OREGON, by and through its Division of State Lands, GRANTOR, for and in consideration of \$250, does hereby grant to the City of West Linn, GRANTEE, its successors and assigns, an easement for the construction, maintenance, repair, and/or replacement of a public recreational facility for the specific purpose of reconstructing existing boarding floats and construct new boarding floats on the following described property, to wit:

All that part of the Geo. W. Walling DLC in Township 2 South, Range 1 East, W. M. lying immediately East of the Tax Lots 96, 97, 100, 101, and 104 of CEDAROAK PARK, according to the duly recorded plat thereof and the corrected plat in Book 404, Page 230, except that part thereof within the boundaries of Elmran Avenue extension and within the boundaries of what is known as Cedar Island.

The land to be used for free public park recreation, boating and fishing privileges for the benefit of the public at large.

1. Construction in navigable waters shall conform to standards and specifications set by U.S. Army Corps of Engineers or U.S. Coast Guard for the project.

2. The bed and banks of the waterway shall be restored to a condition acceptable to the Division as soon as construction or maintenance is completed.

3. Any blasting construction shall be performed according to the laws of the State. Underwater blasting permits are required under ORS 509.140.

4. Public access to the navigable waters must be maintained and/or restored upon completion of construction or maintenance.

5. The GRANTEE shall pay the Division the current market value, as determined by the director, of any actual damages to State-owned submerged and submersible land, for example, the loss of minable gravel.

6. Any removal/fill activity in the waters of the State shall require a permit from the director in accordance with ORS 541.605 et seq.

7. GRANTOR reserves the right to lease or otherwise utilize the State-owned lands within the granted area hereinabove described in a manner and for uses that will not be incompatible with the primary use for which this easement is granted.

8. This easement is granted in order that GRANTEE can provide public recreational utilization of the premises at no charge to the public. If the facility is not used in compliance with this condition, the easement will automatically terminate and the land shall revert to GRANTOR.

9. GRANTEE agrees to post a sign provided by the Division of State Lands on the easement premises explaining the State's interest in submerged and submersible lands.

STATE TO CITY OF WEST LINN PARKS DEPARTMENT  
Willamette River  
Page 1 of 2  
eas:174

10. GRANTEE agrees to make all repairs to the premises which are necessary for the purposes set forth in this easement. GRANTEE further agrees to maintain the premises in reasonable safe condition during the period of this easement. If GRANTEE fails to make the repairs required under this provision or fails to maintain the premises in reasonably safe condition, GRANTOR may revoke this easement, provided GRANTEE fails to make the necessary repairs or perform the required maintenance within a reasonable time not to exceed thirty (30) days after written notification by GRANTOR.

11. GRANTEE agrees to defend and hold GRANTOR harmless from any and all claims suffered or alleged to be suffered on the premises. Further, GRANTEE shall be responsible for the payment of any fines or penalties charged against the premises as a result of GRANTEE's action in not complying with laws or regulations affecting the premises.

12. In addition to the provisions for the termination in Paragraphs 8 and 10 above, the director, after thirty (30) days written notice, may revoke this easement for non-compliance with any of the terms or conditions of the easement.

13. The term of this easement shall be forty (40) years from the date hereof.

WITNESS the seal of the Division of State Lands affixed this 9th day of October, 1992.

STATE OF OREGON, acting by and through its  
Division of State Lands

/seal/

/s/

Stephen J. Purchase, Assistant Director

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
☎ 503-986-5200

Permit No.:	<u>47263-RF Renewal</u>
Permit Type:	<u>Removal/Fill</u>
Waterway:	<u>Willamette River</u>
County:	<u>Clackamas</u>
Expiration Date:	<u>October 6, 2015</u>


**CITY OF WEST LINN PARKS AND RECREATION**

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action, which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
6. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
7. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390, and related administrative rules.
8. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.
9. Authorization from the U.S. Army Corps of Engineers may also be required.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 to 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 503-986-5200.

Kirk Jarvie, Northern Region Manager  
Wetlands & Waterways Conservation Div.  
Oregon Department of State Lands

  
\_\_\_\_\_  
**Authorized Signature**

August 27, 2014  
**Date Issued**

## ATTACHMENT A

Permittee: City of West Linn Parks & Recreation

Special Conditions for Removal/Fill Permit No. 47263-RF

### READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.

The project site may be inspected by the Department of State Lands (DSL) as part of our monitoring program. DSL has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. **Authorization to Conduct Removal and/or Fill:** This permit authorizes the placement of up to 9500 cubic yards and removal of up to 200 cubic yards of material in T02S R01E Section 13, Tax Lot 200, Willamette River, Clackamas County, as described in the attached permit application, map and drawings, received May 23, 2011. In the event information in the application conflicts with these permit conditions, the permit conditions prevail.
2. **Work Period in Jurisdictional Areas:** Fill or removal activities below the ordinary high water elevation of the Willamette River shall be conducted between July 1 and October 31, unless otherwise coordinated with Oregon Department of Fish and Wildlife and approved in writing by DSL.
3. **Authorization to Conduct Compensatory Mitigation:** This permit also authorizes removal and fill activities necessary to complete the required compensatory mitigation.
4. **Changes to the Project or Inconsistent Requirements from Other Permits:** It is the permittee's responsibility to ensure that all state, federal and local permits are consistent and compatible with the final approved project plans and the project as executed. Any changes made in project design, implementation and/or operating conditions to comply with conditions imposed by other permits must be approved by DSL prior to implementation.
5. **DSL May Halt or Modify:** DSL retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.
6. **DSL May Modify Conditions Upon Permit Renewal:** DSL retains the authority to modify conditions upon renewal, as appropriate, pursuant to the applicable rules in effect at the time of the request for renewal or to protect waters of this state.

### Pre-Construction

7. **Local Government Approval Required Before Beginning Work:** Issuance of this permit is contingent upon acquisition of a Development permit from the City of West Linn.
8. **Stormwater Management Approval Required Before Beginning Work:** Issuance of the permit is contingent upon acquisition of a National Pollution Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality.

9. **Pre-construction Resource Area Flagging:** Before any site grading, the surveyed boundaries of the avoided riparian area shall be surrounded by bright orange construction fencing, which shall be maintained during construction of the project. There shall be no heavy equipment within fenced areas, except during mitigation construction.

### **General Construction Conditions**

10. **Water Quality Certification:** The Department of Environmental Quality (DEQ) may evaluate this project for a Clean Water Act Section 401 Water Quality Certification (WQC). If the evaluation results in issuance of a Section 401 WQC, that turbidity condition will govern any allowable turbidity exceedance and monitoring requirements.
11. **Erosion Control Methods:** The following erosion control measures (and others as appropriate) shall be installed prior to construction and maintained during and after construction as appropriate, to prevent erosion and minimize movement of soil into waters of this state.
- a. All exposed soils shall be stabilized during and after construction in order to prevent erosion and sedimentation.
  - b. Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures shall be used to prevent movement of soil into waterways and wetlands.
  - c. To prevent erosion, use of compost berms, impervious materials or other equally effective methods, shall be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours.
  - d. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian and wetland areas shall use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities shall be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control. If soils are to remain exposed more than seven days after completion of the permitted work, they shall be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.
  - e. Where vegetation is used for erosion control on slopes steeper than 2:1, tackified seed mulch shall be used so the seed does not wash away before germination and rooting.
  - f. Dredged or other excavated material shall be placed on upland areas having stable slopes and shall be prevented from eroding back into waterways and wetlands.
  - g. Erosion control measures shall be inspected and maintained as necessary to ensure their continued effectiveness until soils become stabilized.
  - h. All erosion control structures shall be removed when the project is complete and soils are stabilized and vegetated.
12. **Hazardous, Toxic, and Waste Material Handling:** Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint, wood treated with leachable preservatives or other deleterious waste materials shall not be allowed to enter waters of this state. Machinery refueling is to occur at least 150 feet from waters of this state and confined in a designated

area to prevent spillage into waters of this state. Barges shall have containment system to effectively prevent petroleum products or other deleterious material from entering waters of this state. Project-related spills into waters of this state or onto land with a potential to enter waters of this state shall be reported to the Oregon Emergency Response System (OERS) at 1-800-452-0311.

13. **Federally Listed Endangered or Threatened Species:** When listed species are present, the authorization holder must comply with the Federal Endangered Species Act. If previously unknown listed species are encountered during construction, all construction activity shall immediately cease and the permit holder must contact DSL.
14. **Archaeological Resources:** If any archaeological resources and/or artifacts are encountered during construction, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted at 503-986-0674.
15. **Hazards to Recreation, Navigation or Fishing:** The activity shall be timed so as not to interfere with or create a hazard to recreational or commercial navigation or fishing.
16. **Construction Corridor:** There shall be no removal of vegetation or heavy equipment operating or traversing outside the designated construction corridor or footprint (Figure 4).
17. **Work Area Isolation:** The work area shall be isolated from the water during construction according to the Work Area Isolation Plan contained in the application. All structures and materials used to isolate the work area shall be removed immediately following construction and water flow returned to pre-construction conditions.
18. **Temporary Ground Disturbances:** All temporarily disturbed areas shall be returned to original ground contours at project completion, as proposed in the Site Restoration Plan in the application.
19. **Site Restoration Required:** Site restoration for the slopes along the fill area shown in Figure 9, shall be conducted according to the rehabilitation plan included with the application. Failure to implement the rehabilitation plan may result in additional compensatory mitigation.
20. **Operation of Equipment in the Water Prohibited:** There shall be no operation of equipment in the water. Work in the waterway shall be conducted from top of the bank.
21. **Fish Passage Required:** The project shall meet Oregon Department of Fish and Wildlife requirements for fish passage.
22. **Riprap Placement Methods:** Riprap/rock shall be placed under the following conditions:
  - a. Only clean, erosion resistant rock from an upland source shall be used as riprap. No broken concrete or asphalt shall be used.
  - b. Riprap rock shall be placed in a manner that does not increase the upland surface area.
  - c. Riprap shall be placed in a way as to minimize impacts to the active stream channel.
  - d. Gravel or filter fabric should be placed behind the riprap rock, including the toe trench rock, as a filter blanket.



- e. All riprap rock shall be placed, not dumped, from above the bank line.

**Pilings/Dock Structures**














23. **Piling Placement and/or Removal Location:** Piling shall be placed and/or removed from locations depicted in the Application, Figure 4.
24. **Method of Piling Placement:** Pilings must be placed by means of impact or vibratory methods or removed (to the extent regulated as material pursuant to OAR 141-085-0010(125)) by means of vibratory method only.
25. **Method of Piling Removal:** Removal of pile shall be conducted by means of vibratory removal.
26. **Backfilling after Piling Removal Required:** The area vacated from structure removal must be backfilled with native material upon removal completion.
27. **Piling Placement Equipment Location:** Pilings must be placed using equipment located above top-of-bank.
28. **Sound Reduction:** Sound reduction measures, such as vibration dampeners and bubble curtains, shall be used during piling installation.
29. **Dock Light Penetration:** The dock shall be designed to allow at least 60% light penetration.
30. **Barge Grounding Prohibited:** If barge-mounted, the barge shall not at any time be grounded on the bed or banks of the waterway.
31. **Creosote Prohibited:** There shall be no wood products treated with creosote or other leachable preservatives in the new structure.
32. **Waste Pilings Disposal:** Old piling and other waste material shall be disposed of in a disposal facility approved for this purpose. There shall be no temporary storage of piling or other waste material below top of bank or in any wetland, Federal Emergency Management Administration designated floodway, or an area historically subject to landslides.
33. **Anti-Perching Devices Required:** Pilings must be fitted with devices to effectively prevent perching by fish eating bird species.

**Renewal Issued:** August 27, 2014

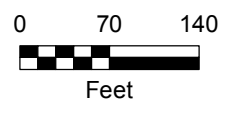


Source: Aerial photograph obtained from ESRI, Inc. ArcGIS Online; Tax Lots, buildings, and habitat obtained from Metro Data Resource Center. Greenway and wetlands obtained from the City of West Linn.

Note: HCA = habitat conservation area

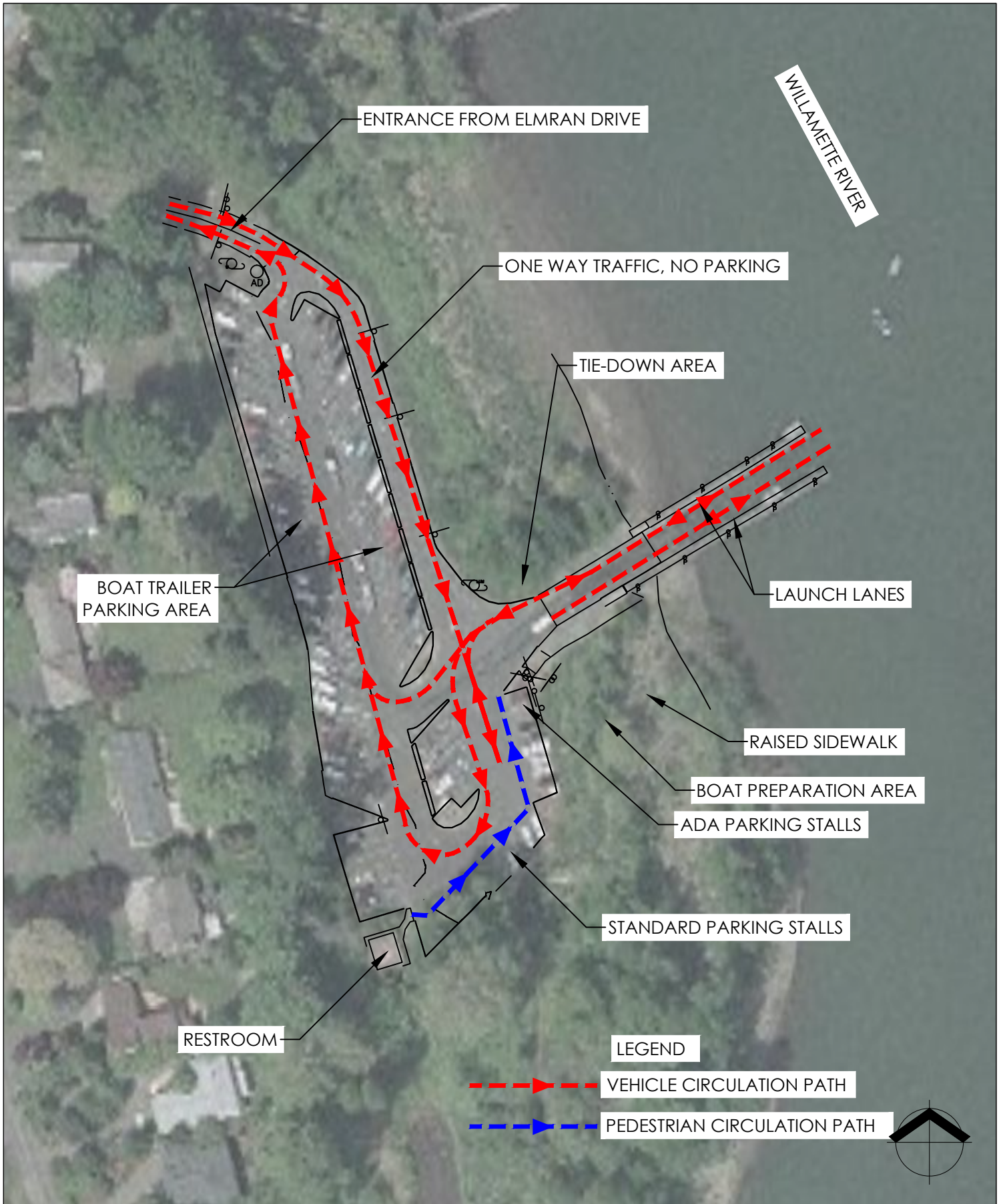
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|---|-----------------------------|
|  | Boat Ramp                   |
|  | Existing Boat Ramp Boundary |
|  | Proposed Project Boundary   |
|  | Willamette River Greenway   |
|  | Wetlands                    |
|  | Buildings                   |
|  | Site Tax Lot                |
|  | Tax Lots                    |
- 
- |  |   |
|--|---|
| <b>Legend</b>  |   |
| <b>HCA Boundaries (METRO)</b>  |   |
| <b>Upland Wildlife Habitat Quality</b>   |   |
|  | Class A   |
| <b>Riparian Wildlife Habitat Quality</b>   |   |
|  | Class I   |
|  | Class II  |
|  | Class III   |
| <b>Other</b>   |   |
|  | Areas where nearby activities have an impact on resources |

**Figure 1**  
**Cedar Oak Boat Ramp Boundaries**  
 City of West Linn  
 Parks & Recreation  
 West Linn, Oregon



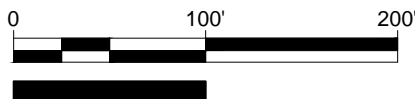
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360.694.2691 | www.maulfooster.com  
THIS FIGURE PREPARED AS SUPPLEMENTAL VISUAL INFORMATION ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES. ONLY PLAN SHEETS APPROVED, STAMPED AND SIGNED BY A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF GOVERNING JURISDICTION SHALL BE USED FOR CONSTRUCTION. ADDITIONALLY, ONLY PLANS APPROVED BY THE APPLICABLE GOVERNING JURISDICTION(S) SHALL BE USED FOR FINAL CONSTRUCTION UNLESS OTHERWISE EXPRESSLY NOTED IN WRITING BY THE ENGINEER OF RECORD.

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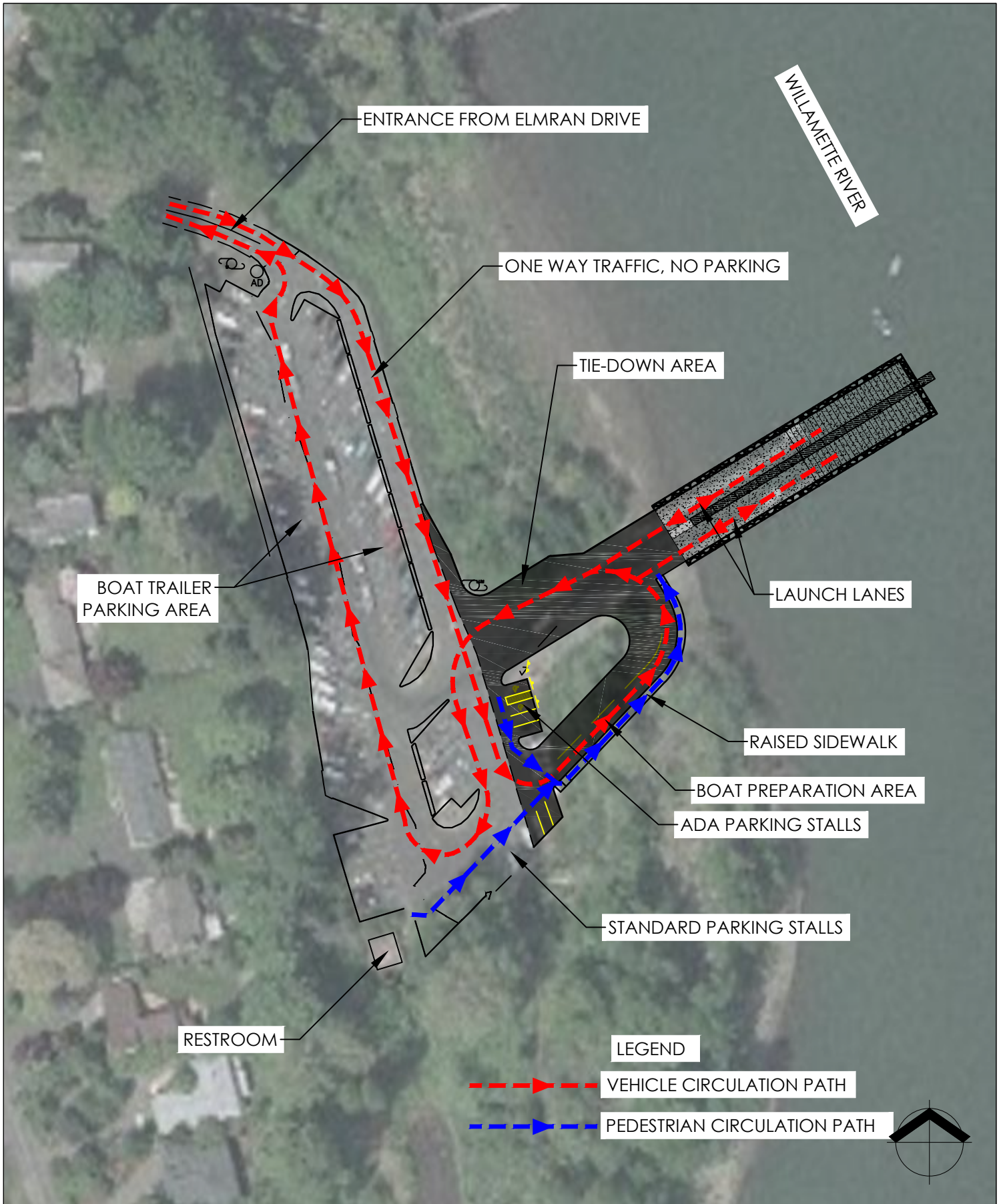
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Figure 2  
Vehicle and Pedestrian Circulation Plan  
Existing Condition

Cedar Oak Boat Launch  
City of West Linn Parks and Recreation  
West Linn, Oregon

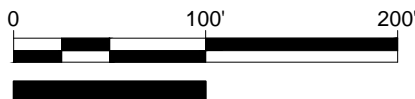
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PLOTTED BY: Jacob Faust FILENAME: G:\00\_MFA\_Civil 3D\00\_PROJECTS\0161.01 Cedar Oak Boat Launch\EXHIBIT\Fig 4-Pedestrian and Auto Circulation Plan.dwg  
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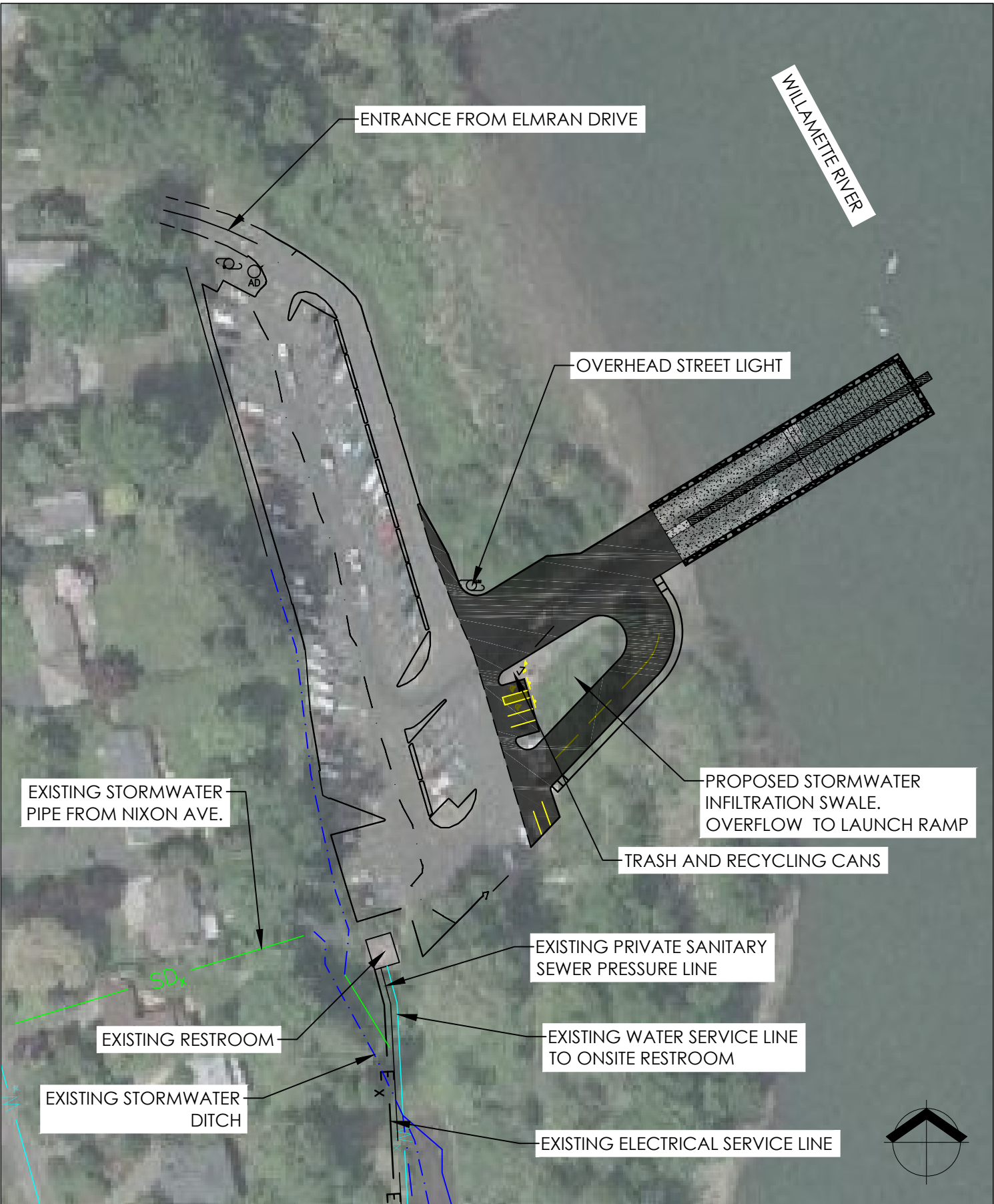
Figure 3  
Vehicle and Pedestrian Circulation Plan  
Proposed Condition

Cedar Oak Boat Launch  
City of West Linn Parks and Recreation

West Linn, Oregon

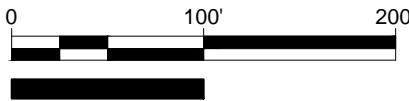
PLOTTED BY: Jacob FouastFILENAME: G:\00\_MFA Civil 3D\00\_PROJECTS\0161.01 Cedar Oak Boat Launch\EXHIBIT\Fig 4-Utility Plan.dwg

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**Figure 4**  
**Utility Plan**

**Cedar Oak Boat Launch**  
 City of West Linn Parks and Recreation  
 West Linn, Oregon