



22500 Salamo Road  
West Linn, Oregon 97068  
<http://westlinnoregon.gov>

# **WEST LINN CITY COUNCIL MEETING NOTES January 6, 2025**

## **[Swearing-In Ceremony](#)**

Municipal Judge Rhett Bernstein administered the Oath of Office for Mayor Rory Bialostosky, Council President Mary Baumgardner, and Councilor Carol Bryck.

## **[Call to Order \[6:00 pm/5 min\]](#)**

### **Council Present:**

Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Councilor Kevin Bonnington.

### **Staff Present:**

City Manager John Williams, City Recorder Kathy Mollusky, Finance Director Lauren Breithaupt, Library Director Doug Erickson, Associate Planner Aaron Gudelj, Administrative Assistant Teresa Howard, and City Attorney Kaylie Klein.

## **[Approval of Agenda \[6:05 pm/5 min\]](#)**

Council President Mary Baumgardner moved to approve the agenda for the January 6, 2025, West Linn City Council Meeting. Councilor Leo Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

**[Public Comment \[6:10 pm/10 min\]](#)**

Teresa Coughenaur re: gas powered leaf blowers.

**[Mayor and Council Reports \[6:20 pm/15 min\]](#)**

**[Election of Council President](#)**

Councilor Carol Bryck moved to Nominate Mary Baumgardner for Council President. Councilor Leo Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

**[Reports from Community Advisory Groups](#)**

Mayor Bialostosky reported that there was great discussion at the retreat, and the Council will work to provide each group with clear direction and goals for the year.

Council President Baumgardner commented that they had an excellent and productive goal setting session on Saturday. She added that she is excited about the topics that were covered, reviewing goals from last year, what has been accomplished, and items they will continue to work on this year. Additionally, there was a new discussion on the importance of neighborhood associations and the need to emphasize that everyone can be engaged with NAs and welcome to join. Council will be working on public engagement in the coming year.

Mayor added that City Council occasionally works on weekends.

**[Audit Report \[6:35 pm/10 min\]](#)**

Mayor Bialostosky was pleased to see another great audit this year.

City Manager Williams added that the audit is a tremendous amount of work managing the City's financials throughout the year.

Finance Director Breithaupt noted the successful completion of the Fiscal Year 2024 audit. Lauren expressed her gratitude to the finance team for their dedication and the hours invested in the audit process. She added that the audit committee had a productive meeting earlier in the evening.

Tonya Moffit, Managing Partner at Merina+Co, reported that for the fiscal year ending June 30, 2024, the City received a clean, unmodified opinion, the highest level of financial statement opinion. She highlighted that there were no findings and that the City is in full compliance with Oregon's minimum requirements. Tonya also noted that the financial statements for the fiscal year ending June 30, 2023, as reflected in the ACFAR (Annual Comprehensive Financial and Accountability Report), show that the City goes beyond what is required, earning the 'gold standard' award. She anticipates the City will receive this recognition again for 2024.

Councilor Bryck thanked Tonya, Merina & Co., and the Finance Department for their hard work and the overview they received at the audit committee meeting.

Councilor Groner added that he was impressed how short the audit committee meeting was due to the clean audit.

Mayor Bialostosky thanked everyone for their work and ensuring that the City's finances are in good standing.

#### **[Consent Agenda \[6:45 pm/5 min\]](#)**

Council President Mary Baumgardner moved to the Consent Agenda for the January 6, 2025, West Linn City Council Meeting which includes the December 9 and 16, 2024, meeting minutes and Arts & Culture Commission process and recommendations for acquisition of public art for the Percentage for the Arts Program. Councilor Carol Bryck seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

#### **Agenda Bill 2025-01-06-01: Meeting Minutes for December 9 and 16, 2024**

**[Draft Minutes Information](#)**

#### **Agenda Bill 2025-01-06-02: Arts and Culture Commission process and recommendations for acquisition of public art for the Percentage for the Arts Program**

**[ACC Process & Recommendation](#)**

## Business Meeting [6:50 pm/60 min]

### Agenda Bill 2025-01-06-03: Public Hearing: Appeal of Planning Commission Decision MIP-24-02/VAR-24-05, 2830 Coeur D Alene

#### Appeal Information

Mayor Bialostosky read a statement abstaining from participation in the hearing. He cited his professional relationship and friendship with Mr. Harper, who represents the appellants, as well as his personal friendship with Mr. Baker, a party involved in the case, who is represented by counsel participating in the matter. To avoid any conflict of interest, Mayor Bialostosky vacated his seat and confirmed that he had not discussed the matter with any other members of the council. He then passed the responsibility for the hearing over to Council President Baumgardner.

Council President Baumgardner stated Council is holding a public hearing regarding application number AP-24-02, a de novo hearing for the appeal of the Planning Commission approval of MIP-24-02/VAR-24-05; a 3-Parcel Minor Partition and a Class II Variance at 2830 Coeur D Alene Drive. The Class II Variance is to allow five single-family homes to take access from a 20-foot shared private driveway. The appeal was filed by Gary and Susie Alfson. This is a quasi-judicial decision where rulings must be grounded in the relevant code. She explained how the hearing would proceed and called the hearing to order.

City Attorney Klein covered the preliminary legal matters. The criteria that must be addressed in this hearing are Community Development Code:

- Chapter 12, Residential, R-7
- Chapter 48, Access, Egress, and Circulation
- Chapter 75, Variances and Special Waivers
- Chapter 85, Land Divisions – General Provisions
- Chapter 92, Required Improvements
- Chapter 99, Procedures for Decision-Making: Quasi-Judicial

As the City Council is sitting quasi-judicially, any testimony, argument, or evidence that speakers give the Council must be directed at these criteria, or at some other criteria in the code or comprehensive plan which the speaker believes should apply to this decision. Only those who have appeared before the City Council, in person or in writing, will have standing to appeal this item to the Land Use Board of Appeals. Failure to raise an issue accompanied by statements or evidence sufficient to allow the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city or its designee to respond to the issue precludes an action for damages in circuit court.



No Council members declared a potential or actual conflict of interest or bias.

No Council members declared any site visits or ex parte contacts.

No member of the audience challenged the jurisdiction of the Council to hear this matter.

No member of the audience challenged a conflict of interest or impartiality of a member of the Council, rebutted, or asked questions about the ex parte disclosures of any member of the Council.

Legal matters were concluded.

Council President Baumgardner proceeded to the staff presentation. Assistant Planner Gudelj stated in lieu of presentation he will defer to the appellant.

Kevin Hart attorney the Alfson's requested a 120-day set over to explore a couple options: a judicial determination to resolve conflict between the note on the plat and the language on the easement or to withdraw the current application and submit a new application adding one additional parcel with multi-family housing.

City Attorney Klein stated that a date and time will need to be set for a new hearing.

City Manager Williams proposed extending to the April 14, 2025, meeting at 6:00pm. Attorney Harper agreed to the extend hearing to April 14, 2025.

City Manager Williams confirmed that the record will remain open for written testimony until 12:00pm on April 14, 2025.

Councilor Carol Bryck moved to Continue the hearing to April 14 at 6:00 pm and leave the record open for written testimony until April 14 at noon. Councilor Leo Groner seconded the motion.

**Ayes: Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 4 - 0**

Council President Baumgardner closed the public hearing.

**[Agenda Bill 2025-01-06-04: Arts and Culture Commission Recommendations for the Commissioning of an Artist for Art for the Willamette Main Street Bicycle Kiosk](#)**

### Artist Recommendation

Library Director and Community Services Director Erickson introduced the Co-Chairs of the Arts & Culture Advisory Committee to present the Willamette bike kiosk project, developed as part of the Percent for Art program. He thanked the Council for approving the process and guidelines supporting this and future public art projects in West Linn.

Co-Chairs Shatrine Krake and Charity Hudnut talked through the process that began with a call for artists issued in September closing on September 20<sup>th</sup>. Six applications were received, from there the committee selected two candidates for interviews. Today, they are recommending the final artist and project to the Council.

Ms. Hudnut explained that this was a yearlong process, with submissions from painters, sculptors, and glassmakers. The goal was to select a piece that would be a timeless and permanent addition to West Linn. Ms. Krake and Ms. Hudnut presented renderings and confirmed that this is the first piece of art commissioned by the Arts and Culture Commission.

Council President Baumgardner thanked them for going through the process and presenting an excellent result.

Councilor Bryck commented that the piece looks amazing incorporating visions of West Linn.

Councilor Groner asked if there will be a plaque or explanation of the art.

Ms. Hudnut responded that there will be a QR code and a link to the documentary being made about the artist and history.

Jody Carson, representing the Design Committee of the Historical Willamette Main Street group, expressed strong support for the project. They appreciate the efforts involved and are excited about the addition of public art to Main Street. She is looking forward to receiving approval to moving forward.

Council President Mary Baumgardner moved to Authorize Staff to negotiate with Travis Pond, for the purposes of a contract, for the commission of art for the Historic Willamette Main Street Bicycle Kiosk Councilor Leo Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

Mayor Bialostosky expressed excitement about the first art project being approved and hopes to streamline the process to bring more art into the community. The Mayor also shared enthusiasm about the Arts & Culture Advisory Committee's success in growing its membership.

Council President Baumgardner thanked Jody Carson for the time and effort she has dedicated to the community.

Director Erickson highlighted the collaboration between the community advisory group and the Willamette Main Street group, which is not affiliated with the city. He praised Jody Carson for her involvement throughout the process and called the project a wonderful addition to the community.

#### [City Manager Report \[7:50 pm/5 min\]](#)

City Manager Williams went through the upcoming Council Meetings calendar. He congratulated all who were re-elected and said that the Council Retreat was very productive. During the retreat, Council spent time looking 30 months ahead; discussed meeting the community in new ways; celebrated 2024 wins and are looking forward to more in 2025; set the sustainability vision focus and milestones on projects is continuing their current priorities and adding issues heard from community, i.e., traffic safety. Council discussed taking care of basic infrastructure, water and road systems, and the operations complex. We are looking to enhancing partnerships with other agencies such as TriMet, Clackamas County, the school district, and Willamette Locks to achieve community goals. Staff will be drafting a revised set of priorities and will distribute to City Council for discussion at an upcoming council meeting.

Outreach projects are currently underway with business owners, including an open house this evening for Highway 43. The library is running a reading resolution program with a goal of 2,000 pages or 25 hours of reading in January. Additionally, there is a craft project called 'Glove Monsters,' where artwork is created from single gloves left behind in sets. Many exciting initiatives are taking place throughout West Linn.

Mayor Bialostosky asked if the library puppy could make a visit to one of the Council meetings. He added that he and Council President Baumgardner attended the swearing in of Sheriff Craig Roberts as Clackamas County Commission Chair and will be having coffee in the near future and working on establishing relationships with elected.

Councilor Bryck's reminded everyone the meeting on the 21<sup>st</sup> is at Tuesday as Monday is Martin Luther King Jr. Day.

#### [Adjourn \[7:55 pm\]](#)

Minutes approved 2-10-25.



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## CITY COUNCIL AGENDA

Monday, January 6, 2025

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5:30 p.m. – Swearing-In Ceremony – Council Chambers & Virtual\*

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6:00 p.m. – Special Meeting – Council Chambers & Virtual\*

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|-----------------------|------------------|
| 1. Call to Order      | [6:00 pm/5 min]  |
| 2. Approval of Agenda | [6:05 pm/5 min]  |
| 3. Public Comment     | [6:10 pm/10 min] |

The purpose of Public Comment is to allow the community to present information or raise an issue regarding items that do not include a public hearing. All remarks should be addressed to the Council as a body. This is a time for Council to listen, they will not typically engage in discussion on topics not on the agenda. Time limit for each participant is three minutes, unless the Mayor decides to allocate more or less time. Designated representatives of Neighborhood Associations and Community Advisory Groups are granted five minutes.

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|---|------------------|
| 4. Mayor and Council Reports              | [6:20 pm/15 min] |
| a. Election of Council President          |                  |
| b. Reports from Community Advisory Groups |                  |
| 5. Audit Report                           | [6:35 pm/10 min] |
| 6. Consent Agenda                         | [6:45 pm/5 min]  |

The Consent Agenda allows Council to consider routine items that do not require a discussion. An item may only be discussed if it is removed from the Consent Agenda. Council makes one motion covering all items included on the Consent Agenda.

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|---|
| a. <u>Agenda Bill 2025-01-06-01</u> : Meeting Minutes for December 9 and 16, 2024   |
| b. <u>Agenda Bill 2025-01-06-02</u> : Arts and Culture Commission process and recommendations for acquisition of public art for the Percentage for the Arts Program |

7. Business Meeting

[6:50 pm/60 min]

Persons wishing to speak on agenda items shall complete the form provided in the foyer and hand them to staff prior to the item being called for discussion. A separate slip must be turned in for each item. The time limit for each participant is three minutes, unless the Mayor decides to allocate more or less time. Designated representatives of Neighborhood Associations and Community Advisory Groups are granted five minutes.

- a. Agenda Bill 2025-01-06-03: **Public Hearing:** Appeal of Planning Commission Decision MIP-24-02/VAR-24-05, 2830 Coeur D Alene
- b. Agenda Bill 2025-01-06-04: Arts and Culture Commission Recommendations for the Commissioning of an Artist for Art for the Willamette Main Street Bicycle Kiosk

8. City Manager Report

[7:50 pm/5 min]

9. Adjourn

[7:55 pm]



## **Agenda Bill 2025-01-06-01**

Date: December 11, 2024

To: Rory Bialostosky, Mayor  
Members, West Linn City Council

From: Kathy Mollusky, City Recorder *KM*

Through: John Williams, City Manager *JRW*

Subject: Draft Meeting Minutes

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**Purpose:** Approval of City Council Meeting Minutes.

**Question(s) for Council:**

Does Council wish to approve the attached City Council Meeting Minutes?

**Public Hearing Required:** None required.

**Background & Discussion:**

The attached City Council Meeting Minutes are ready for Council approval.

**Budget Impact:** N/A

**Sustainability Impact:**

Council continues to present its meeting minutes online, reducing paper waste.

**Council Goal/Priority:**

Guiding Principle #0: Core Services of West Linn City Government. Continue to record and document the proceedings of the West Linn City Council. Guiding Principle #3: Sustainability. Incorporate environmentally sustainable practices in City activities and decision making, including reducing waste generation and energy consumption.

**Council Options:**

1. Approve the Council Meeting Minutes.
2. Revise and approve the Council Meeting Minutes.

**Staff Recommendation:**

Approve Council Meeting Minutes.

**Potential Motions:**

Approving the Consent Agenda will approve these minutes.

**Attachments:**

1. December 9, 2024, Council Meeting Minutes
2. December 16, 2024, Council Meeting Minutes



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# **WEST LINN CITY COUNCIL MEETING NOTES December 9, 2024**

## **Pre-Meeting**

### **Call to Order and Pledge of Allegiance [6:00 pm/5 min]**

#### **Council Present:**

Council President Mary Baumgardner, Councilor Kevin Bonnington, Councilor Carol Bryck, and Councilor Leo Groner.

#### **Council Excused:**

Mayor Rory Bialostosky.

#### **Staff Present:**

City Manager John Williams, City Attorney Kaylie Klein, City Recorder Kathy Mollusky, Planning Manager Darren Wyss, and Administrative Assistant Teresa Howard.

### **Approval of Agenda [6:05 pm/5 min]**

Councilor Leo Groner moved to approve the agenda for the December 9, 2024, West Linn City Council Meeting. Councilor Carol Bryck seconded the motion.

**Ayes: Council President Mary Baumgardner, Councilor Kevin Bonnington, Councilor Carol Bryck, and Councilor Leo Groner.**

**Nays: None.**

**The motion carried 4 - 0**

#### **Public Comment [6:10 pm/10 min]**

Jim Edwards re: Lady B Tugboat

#### **Presentation**

Dean Suhr re: Oppenlander and Tolling.

#### **Mayor and Council Reports [6:20 pm/15 min]**

##### **Reports from Community Advisory Groups**

Council President Baumgardner showed off her high school cheerleading jacket supporting the West Linn Lions who won the state football championship game.

Councilor Bryck stated the Planning Commission is working on their annual report to Council, their accomplishments and what they need from Council. The tree lighting event had great turnout. She is attending the Robinwood Neighborhood Association (NA) Meeting tomorrow.

Councilor Groner seconded the good turnout for the tree lighting, it was heartwarming.

Councilor Bonnington attended the tree lighting also and the City of West Linn's mascot (COWL) was there.

Council President Baumgardner thanked COWL and everyone who was in attendance. Saturday is the winter market at 10:00 am in Willamette and the parade starts at 5:00 pm. The Committee for Community Involvement (CCI) discussed merging NAs due to quorum issues and their inability to hold meetings. She attended Portland State University's leadership workshop on Saturday, and she learned a lot that she will use.

#### **Police Review & Recommend Committee Appointments**

Council President Baumgardner placed before Council the reappointment of Keisha Omlid and Sara Werboff to remain on the Police Review and Recommend Committee.

Councilor Leo Groner moved to approve the Mayor's appointments. Councilor Carol Bryck seconded the motion.



**Ayes: Council President Mary Baumgardner, Councilor Kevin Bonnington, Councilor Carol Bryck, and Councilor Leo Groner.**

**Nays: None.**

**The motion carried 4 - 0**

**[Consent Agenda \[6:35 pm/5 min\]](#)**

**Agenda Bill 2024-12-09-01: Meeting Minutes for November 12, 2024**

**[Draft Minutes Information](#)**

**Agenda Bill 2024-12-09-02: RES 2024-12, CERTIFYING THE RESULTS OF THE NOVEMBER 5, 2024 GENERAL ELECTION**

**[RES 2024-12 Information](#)**

Councilor Leo Groner moved to approve the Consent Agenda for the December 9, 2024, West Linn City Council Meeting which includes the November 12 meeting notes and Resolution 2024-12, certifying the results of the November 5, 2024 General Election. Councilor Carol Bryck seconded the motion.

**Ayes: Council President Mary Baumgardner, Councilor Kevin Bonnington, Councilor Carol Bryck, and Councilor Leo Groner.**

**Nays: None.**

**The motion carried 4 - 0**

**[Business Meeting \[6:40 pm/90 min\]](#)**

**Agenda Bill 2024-12-09-03: Public Hearing: ORDINANCE 1755, ADOPTING TEXT AMENDMENTS TO THE WEST LINN COMMUNITY DEVELOPMENT CODE CHAPTERS 2, 37, 85, AND 99 IN ORDER TO UPDATE LANGUAGE FOR HOME OCCUPATIONS, EXTENSIONS OF APPROVAL, APPEALS OF DEVELOPMENT PERMITS, EXPIDITED LAND DIVISIONS, AND MIDDLE HOUSING LAND DIVISIONS**

**[ORD 1755 Information](#)**

Council President Baumgardner called to order the legislative public hearing on CDC-24-01, a proposal to amend Chapters 2, 37, 85, and 99 of the West Linn Community Development Code (CDC) and explained how the hearing would proceed.

City Attorney Klein explained that the Council's decision must be based on consideration of (1) the statewide planning goals and administrative rules adopted under ORS Chapter 197, (2) applicable federal or state statutes or rules, (3) applicable plans and rules adopted by Metro, and (4) on the City's comprehensive plan and development code. Council may consider any relevant testimony received. Any party with standing may appeal the decision of the City

Council to the State Land Use Board of Appeals (LUBA) according to the rules adopted by that Board. Persons with standing include those who submit written comments or present oral arguments.

None of the Councilors declared a potential or actual conflict of interest.

Planning Manager Wyss gave the staff report.

[Presentation](#)

In response to Council questions, staff responded:

- A referee is an independent third party, typically a land use attorney or a hearings officer that the City would have under contract - not an employee.
- Updates to Chapter 85 are aligning the City with Oregon Revised Statutes (ORS) that are already in place.

Council President Baumgardner closed the public Hearing.

Councilor Leo Groner moved to approve First Reading for Ordinance 1755, adopting text amendments to the West Linn Community Development Code Chapters 2, 37, 85, and 99 in order to update language for home occupations, extensions of approval, appeals of development permits, expedited land divisions, and middle housing land divisions, with additional changes as proposed by the City Attorney in Attachment 1, and set the matter for Second Reading. Councilor Carol Bryck seconded the motion.

**Ayes: Council President Mary Baumgardner, Councilor Kevin Bonnington, Councilor Carol Bryck, and Councilor Leo Groner.**

**Nays: None.**

**The motion carried 4 - 0**

Councilor Leo Groner moved to approve Second Reading for Ordinance 1755, adopting text amendments to the West Linn Community Development Code Chapters 2, 37, 85, and 99 in order to update language for home occupations, extensions of approval, appeals of development permits, expedited land divisions, and middle housing land divisions, with additional changes as proposed by the City Attorney in Attachment 1, and adopt the ordinance. Councilor Carol Bryck seconded the motion.

Councilor Bryck stated that the Planning Commission went through a lot of work to get these to the point where they are. They had public comment at the work sessions. By the time it got to the public hearing, it was refined to what looking they were looking for.

Council President Baumgardner recognized all the work this takes and thanked the Planning Commission.

**Ayes: Council President Mary Baumgardner, Councilor Kevin Bonnington, Councilor Carol Bryck, and Councilor Leo Groner.**

**Nays: None.**

**The motion carried 4 - 0**

**[Agenda Bill 2024-12-09-04: City-led Homelessness Initiatives Program Intergovernmental Agreement with Clackamas County](#)**

**[IGA Information](#)**

City Manager Williams summarized the agenda bill and commended Doug Erickson's work on this through the years.

Council President Baumgardner expressed gratitude for Doug and his contributions.

In response to Councilor's questions, staff replied:

- This is instead of building a facility. The state law changed, and it is no longer clear that cities need to provide a facility. There is not a pressing need for a facility in our community; however, the City does have pressing hunger issues. The City cannot sit on these funds, they must be allocated.
- Staff believes this is year one of the three-year funds.
- The food pantry will have access to funds once the Intergovernmental Agreement (IGA) is executed. The IGA describes eligible funding: food, wages, rent - anything to make the pantry run.
- There are concerns that these funds will drive down other funding sources for the food pantry. These funds are intended to support the food pantry, and we encourage other organizations continue to do the same. The current level of funding cannot meet the need.

Council asked the City to send out communication on that and to share the good news. They also mentioned the Robinwood Community Garden donates food in the summer and occasionally in the winter and will continue to do so.

Staff will report back on the Behavioral Health Specialist's work - how it is going, the successes, the budget need, and how else the community can access these services besides through the police department.

Councilor Leo Groner moved to the City Manager to sign the Inter-Governmental Agreement with Clackamas County awarding the City of West Linn funding and providing \$100,000 for the West Linn Food Pantry and \$45,000 for Emergency Human Services Funds to be used by the Police Department, Behavioral Health and Community Services for emergency assistance needs. Councilor Carol Bryck seconded the motion.

**Ayes: Council President Mary Baumgardner, Councilor Kevin Bonnington, Councilor Carol Bryck, and Councilor Leo Groner.**

**Nays: None.**

**The motion carried 4 - 0**

**[City Manager Report \[8:10 pm/5 min\]](#)**

City Manager Williams appreciates the work Council has done and is excited to implement it. A wide variety of items come before Council, and it is a pleasure to watch Council handle them. He talked about the upcoming Council meeting agenda items and is working to find a facilitator for the Council Retreat. Susan Shenk is the artist this month. The NAs and Community Advisory Groups (CAGS) are working on year-end reports. He thanked the Parks Department, Library, and others for all the events that are happening. Engineering is doing a traffic issues assessment on Sunset and 19th, collecting and have communicating to the neighbors. Planning will have Vision 43 and Waterfront Project updates in the new year. The NAs are having quorum issues and are meeting with staff to talk through options. Lady B and Oppenlander will be 2025 topics. Staff will not access the bond funds until Council decides to use the funds.

Council President Baumgardner thanked staff for all their help and stated this year has been amazing in many ways. She thanked the students that were attending the meeting and let them know Mayor Bialostosky ran for Council at 21 years of age.

**[Adjourn \[8:15 pm\]](#)**

Draft Minutes.



CITY OF  
**West Linn**

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# **WEST LINN CITY COUNCIL MEETING NOTES December 16, 2024**

## **[Call to Order \[6:00 pm/5 min\]](#)**

### **Council Present:**

Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Councilor Kevin Bonnington,

### **Staff Present:**

City Manager John Williams, City Recorder Kathy Mollusky, Administrative Assistant Teresa Howard, City Attorney Kaylie Klein, and Deputy City Manager Elissa Preston.

## **[Approval of Agenda \[6:05 pm/5 min\]](#)**

Council President Mary Baumgardner moved to approve the Agenda for Monday, December 16 Special Meeting and Work Session. Councilor Leo Groner seconded the motion.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

### [Public Comment \[6:10 pm/10 min\]](#)

There were none.

### [Mayor and Council Reports \[6:20 pm/15 min\]](#)

#### [Reports from Community Advisory Groups](#)

Mayor Bialostosky stated the Youth and Advisory Council is going to report to Council on pedestrian and traffic safety in January.

Council President Baumgardner attended the Willamette Neighborhood Association (NA) meeting. The NAs are having a challenge meeting quorum and Willamette NA is considering combining with the Savannah Oaks NA. Council needs to discuss this topic soon.

Councilor Groner attended the waterfront meeting; the project looks promising.

Councilor Bonnington attended the parade. It is impressive how fast the staff closed the streets and reopened them. In the Historic Willamette wreath decorating contest, the police department received second place. The Parks & Recreation Advisory Board discussed a conference staff went to and what they are planning for 2025. The Economic Development Committee discussed what their job is, what their role is, what Council wants them to do and are hoping for direction from Council.

Mayor Bialostosky directed staff to add the NA & Community Advisory Group items to the Council Retreat agenda.

### [Business Meeting \[6:35 pm/15 min\]](#)

#### [Agenda Bill 2024-12-16-01: City Manager Employment Agreement](#) [City Manager Employment Agreement](#)

Deputy City Manager Preston stated it is time to review and renew the City Manager's Employment Agreement. It has been reviewed by attorneys to update terms, clarify language, add an automatic one-year renewal - to ensure if there is a gap between the next renewal, the contract will cover that - and salary for December 2024 to December 2026.

Council President Mary Baumgardner moved to approve the City Manager Employment Agreement for December 2024 to December 2026. Councilor Leo Groner seconded the motion.

Mayor Bialostosky thanked City Manager Williams for being our City Manager and for his service to the community. Council is grateful to have him onboard for another two years.

Councilor Bonnington stated this is the first auto-renewal he has been excited about.

Council President Baumgardner gave her vote of confidence to City Manager Williams. The Mayor and her have been on Council long enough to have experienced two different City Managers' styles and appreciates Mr. Williams excellent leadership and is constantly reminded when speaking with regional partners who have worked with Mr. Williams what an excellent co-worker and leader he is.

Councilor Bryck commended Mr. Williams for getting the ICMA's certification, it is not easy and is really a big deal. She appreciates that he went above and beyond to get it.

**Ayes: Mayor Rory Bialostosky, Council President Mary Baumgardner, Councilor Carol Bryck, Councilor Leo Groner, and Councilor Kevin Bonnington.**

**Nays: None.**

**The motion carried 5 - 0**

City Manager Williams appreciates it very much. This job has been a pleasure almost every single day and he is excited to come to work. It is a team effort. He coordinates things, connects pieces, works with Council, and the community. It is really the other 140 people who work here that do more than 100 percent of the work. It is a pleasure to work with them and Council. The contract is very much appreciated. It is a pleasure work here, to work for Council, and to live in this community. It is an honor and Council's confidence in him is appreciated. He is looking forward to 2025.

Council President Baumgardner believes West Linn is the only city that has a city manager who has run every single street in the whole entire city.

City Manager Williams said there are two small cul-de-sacs that he is running Friday. It has been a journey. He got an okay from the Tidings to write a piece about what he saw while running every street, path, and park. People may have seen him in the Willamette District today going back and forth down every alley because he must do both sides of every street. It has been educational and fantastic and now when people say I bet have never been down my street, he can guarantee he has.

Mayor Bialostosky will work on City Manager goals and bring before Council, possibly at the retreat, and get adopted in January for next year. He congratulated City Manager Williams on the outstanding job he is doing.

**[Adjourn to Work Session \[6:50 pm/5 min\]](#)**

Draft Minutes.

## **Agenda Bill 2025-01-06-02**

Date Prepared: December 13, 2024

For Meeting Date: January 6, 2025

To: Rory Bialostosky, Mayor West Linn City Council

Through: John Williams, City Manager *JRW*

From: Doug Erickson, Director Library and Community Services (*DE*)

Subject: Arts and Culture Commission, process and recommendations for acquisition of public art for the Percentage for the Arts Program

### **Purpose:**

The Arts and Culture Commission would like for City Council to consider allowing up to \$1000, per project, for design renderings and to adopt a detailed process for the Arts and Culture Commission to make final recommendations for the acquisition of public art to the City Council.

### **Public Hearing Required:**

No

### **Background & Discussion:**

The Percent for the Arts Program is established in West Linn Municipal Code (WLMC) 2.200. The program was established to set aside a percentage of the total cost of City projects (capital projects) for public art.

At the October 14, 2024 City Council Meeting, the Council directed that any proposed changes by Staff or the Arts & Culture Commission (ACC) be added to the existing “West Linn Percent for Art” Program Governing Guidelines” (Governing Guidelines). Those guidelines were last approved by the Council on March 14, 2022. Staff’s proposed clarifications to the art design and selection process are indicated in redline in the Attachment.

The Arts and Culture Commission is involved at every step in the public art selection/acquisition process. The process for selection follows the West Linn Percent for Art Program Governing Guidelines, and includes the Commission evaluating the type and locations of the artwork; identifying community values and themes for the artwork; reviews artist materials and/or interviews artists; selects the artworks or artists; provides feedback on and approves artists’ conceptual designs; and makes a recommendation to Council for final approval of art/artist.

The Arts and Culture Commission would like for City Council to consider two things.



First, to allow up to \$1000 of financial assistance to be awarded to finalists (\$1000 to be split among the finalists, if more than one), per project, for renderings, drawings, and other appropriate documents needed for conceptualizing and understanding how the art will look in the area dedicated for the placement of the art.

We suggest adding to the Percent for Art Program Governing Guidelines the following language:

Financial assistance may be awarded to the finalist(s), up to \$1,000 in total per Project, to produce renderings, drawings, and/or other documents necessary to conceptualize the proposed art piece, including how it will look when installed at the proposed site.

This use of funds is consistent with the ordinance establishing the Percent for Art program: WLMC 2.220(1)(a) provides that at least 1% of project funds shall be used for “costs associated with the acquisition of public art, including, but not limited to, the design, purchase and siting of the public art.” A rendering or mockup is part of the “design” of the art.

Second, we recommend clarifications to the process used by the Arts and Culture Commission to bring a final recommendation to the Council for approval, following the Governing Guidelines and code. The Governing Guidelines outline a general process, but Staff proposes a more detailed framework that will help the Arts and Culture Commission complete their work in a timely manner to meet deadlines and expectations of the project.

We suggest adding the following language to the Governing Guidelines:

The Commission will present the chosen finalist to the City Council at a public meeting for approval. The presentation may include a discussion of:

- A. How the “Required Conditions” of the Art Selection Criteria, 2.1(1) of the Governing Guidelines, are satisfied;
- B. How the selected art comports with the Public Art Project Proposal, 2.2(1)(A)-(E) of the Governing Guidelines;
- C. A preliminary rendering, where possible, of the selected art; and
- D. A clear description, and photo where possible, of the proposed site for the selected art.

This proposed framework is consistent with the broad discretion granted to establish the art design and selection process: WLMC 2.230 “The City Council shall adopt guidelines for the administration of the Percent for the Art program.” Such guidelines may “(3) Provide for a method or methods of selecting and contracting with artists for the design, execution and siting of public art . . . (8) Set forth any other matter appropriate to the administration of this chapter.”

**Budget Impact:**

1.5% of each city capital project has been set aside in the Percentage for the Arts fund for acquisition and maintenance of public art as outlined by city code, with 1% for acquisition, and 0.5% for maintenance. The Percentage for the Arts would be the funding mechanism for these public art installations.

**Sustainability Impact:**

NA

**Council Options:**

The options for council to consider are:

Allowing the Arts and Culture Commission to go forward with the proposal to update the Governing Guideline to allow use of some resources, up to \$1000 per project, in the design phase to assist in the process of selection of public art, and establish a more detailed framework for presenting final selection recommendations to the Council for public art for the City of West Linn.

City Council using other methods, and approaches for process and procedure for selecting and acquiring public art for the City of West Linn.

**Staff Recommendation:**

Staff and Arts and Culture Commission recommend allowing the Arts and Culture Commission to go forward with the proposed plan using some resources, up to \$1000 per project, in the design phase to assist in the process of selection of public art and presenting for final selection recommendations for commissioning to Council for public art for the City of West Linn.

**Potential Motion:**

I move to authorize the Arts and Culture Commission to use up to \$1000, per project, for assistance in the art design/selection process, and to establish a more detailed framework for presenting final art selections to the Council for approval, as described in the Percentage for the Art Program Governing Guidelines attached.

**Attachments:**

1. West Linn "Percent for Art" Program Governing Guidelines (WLACC Guidelines\_redlines for 1.6.25 meeting)

## **West Linn “Percent for Art” Program Governing Guidelines**

*Last revised 2/4/2022 to incorporate edits accepted by commission on 4/7/2021 Last approved by the City Council at the 1/6/2512/16/24 Public Meeting.*

Submitted by the West Linn Arts and Culture Commission to inform the City of West Linn’s administration of the Percent for Art program, as defined in Section 2.2 of the West Linn Municipal Code. Please refer to Section 2.2 for definitions of capitalized terms.

### **1.0 PURPOSE**

#### **1.1 Mission Statement**

The West Linn Arts and Culture Commission (hereinafter referred to as the Commission) promotes arts and culture as a vital element in the quality of life for all residents of and visitors to the City. Its mission is to:

1. Advance the arts in a way that promotes communication, education, appreciation, and collaboration throughout the City of West Linn
2. Preserve, celebrate, and share the arts and culture of the many diverse groups, peoples, and history of the area
3. Create partnerships with business and government
4. Increase understanding between all people through many aspects of art and culture, including, but not limited to, visual arts, music, dance, language, theater arts, and all cultural attributes
5. Advise the City Council on matters and issues relevant to arts and culture

#### **1.2 Goals**

The Commission is committed to advancing equity and diversity and strives to foster an atmosphere of inclusivity, creativity, and respect so all feel inspired to participate and express themselves and their identities. The Commission believes the variety of cultures in the region enriches all citizens lives. The Commission seeks to create space for dialogue that includes and connects all members of the West Linn community. The Commission’s goals are to:

1. Increase access to the arts for all members of our community, regardless of age, income, ability, background, or prior experience with the arts, through affordable, inclusive, and diverse displays, events, and performances
2. Advocate for and partner with artists, arts organizations, and cultural heritage groups by providing opportunities to showcase and educate others about their work
3. Preserve and promote our heritage by hosting events that celebrate the intersection of the arts and culture, including opportunities for people with diverse backgrounds to share their heritage
4. Empower our community to experience art, value art spaces, appreciate diversity, and participate in the creative process

### **1.3 Key Responsibilities**

The Commission will implement its mission and goals through activities such as:

1. Providing recommendations regarding specific art and cultural heritage projects to the City Council for approval.
2. Supporting City Council with developing the city art collection by making recommendations on the acquisition of artwork through various means, including donations and commissions.
3. Contributing to the catalog of the city art collection.
4. Assisting other city commissions, agencies, and departments in using public art to enhance and enrich the lives of all visitors and residents.
5. Recommending other potential funding procedures for ongoing and temporary programs from various sources.
6. Identifying and providing educational and awareness opportunities associated with arts and cultural events, and helping facilitate their implementation.
7. Providing connections with other local, regional, and national organizations working for the benefit and preservation of artistic and cultural values.
8. Identifying and establishing communications with groups and organizations that enrich West Linn life by bringing cultural and artistic values and artifacts to the city.

## **2.0 ACQUISITION OF ARTWORK**

### **2.1 Art Selection Criteria**

The following sections define criteria, both mandatory and desired, to be considered during the accession process. These criteria apply regardless of accession method, including but not limited to purchase, loan, donation, or other means.

#### **1. Required Conditions**

All pieces of Public Art selected for inclusion in the collection of the City of West Linn must meet all of the following criteria.

- A. **Clear Title.** The artwork must be able to be transferred to the City of West Linn with clear title. Purchased art shall be by a formal bill of sale from the owner(s) or artist(s). Contributed art must be accompanied by an appropriate deed of gift. Loaned art terms will be determined on a case-by-case basis and agreed to by all involved parties.
- B. **Restrictions.** Artwork accessioned by the City of West Linn must not have attendant restrictions. The City will attempt to acknowledge artists and donors in the display of artwork, but shall be under no obligation to do so.

- C. **Reflects Community Values.** The City of West Linn reserves the right to not select artwork that does not reflect the values of the community.
- D. **Original Works and Authentication.** Unless otherwise approved by the City Council, only original works of art (unique work or one of a limited edition) shall be accessioned for the collection. Unauthorized copies or reproductions are not acceptable. In cases where the authenticity of a piece could reasonably be questioned it must be authenticated before accession.
- E. **Suitability, Safety and Maintenance.** The City of West Linn can only accept artwork that the Commission and City Council believe can, within the financial confines of the foreseeable future, be adequately and safely displayed, maintained and reasonably secured. Factors affecting these considerations may include materials, construction, durability (long and short term, depending on the intended life of the piece), maintenance, repair costs, potential for theft or vandalism, public access, and safety. All pieces must be reviewed by the City and deemed appropriate prior to accession.
- F. **Feasibility.** Artwork must be deemed feasible to successfully complete as proposed, based on the artist's experience, durability of materials, project budget, timeline, and city zoning, construction, and design guidelines.

## 2. Desired Attributes

The criteria listed below describe the desired attributes of all art in the collection.

- A. **Artistic Quality.** Art selected for the collection should represent the skill and competence of the originator, as evidenced through strength of the concept, vision, and craftsmanship of the artwork.
- B. **Diversity.** Art selected for the collection should represent a variety of media, styles, and techniques, ranging from experimental to established art forms, including disciplines and media that are temporary and survive only through documentation after the life of the piece has ended. The collection of the City of West Linn should strive to represent works from a wide range of artists of varied cultures, backgrounds, experience, and public status.
- C. **Value.** The price of any proposed piece of art should represent a responsible investment for the City collection.
- D. **Appropriateness for site.** Art pieces will be selected as part of a process that takes into account the final display site for the piece. This will be based on how well the piece fits an intended space, the use patterns of the area, and the architectural, historical, geographical, and socio-cultural context of the site.

## 2.2 Process for Acquiring Artwork

- 1. The Commission shall oversee the development of goals and processes for the selection, location, and placement of Public Art. In initiating any public art project, the Commission shall

prepare a Public Art Project Proposal, which will be submitted to City Council for approval and include:

- A. An overview of the project
  - B. The proposed project budget, including purchase of services and/or artwork and installation costs
  - C. The proposed site for the final location of art or the project where an artist may be included on the design team. If the Commission is considering a site in the public right of way, all appropriate departments must be consulted through the staff liaison before the site is finalized. Likewise, if any elements of the project fall under the jurisdiction of another public agency, that agency must be consulted early in the selection process.
  - D. The recommended accession method, including any relevant processes and timelines for receiving and processing entries. The Commission may use one of five methods: open competition, artist invitation, direct purchase, loan, or donation (as outlined in Section 5.0).
  - E. The recommended selection panel members. Each panel serves through the completion of one public art project. For complex projects, a selection panel may appoint a sub-committee to make recommendations to the full panel. Panels may be composed of artists, arts professionals, the project's building and/or landscape architect or engineer, a representative of the participating department, and citizens, preferably from the neighborhood affected by the project. Depending on the project, the Commission may serve on or as the selection panel.
2. Once City Council has approved the Public Art Project Proposal, the Commission will appoint the selection panel, providing all panelists with an overview of the project and their role within it. All panelists must be appointed prior to commencing the review of any artists or artist proposals. The Commission will coordinate the selection panel's efforts, ensuring panelists have the necessary resources to provide an informed recommendation free from undue influence.
  3. Once the selection panel is in place, the Commission will initiate the accession process outlined in the proposal, including the issuance of any relevant calls for artists (e.g., in the case of projects where the art will be accessioned via open competition or artist invitation).
  - 3.4. Financial assistance may be awarded to the finalist(s), up to \$1,000 in total per Project, to produce renderings, drawings, and/or other documents necessary to conceptualize the proposed art piece, including how it will look when installed at the proposed site.
  - 4.5. Per the accession process details in the Public Art Project Proposal, the selection panel will submit its recommendations to the Commission. The Commission approves all selections by a majority vote or consensus and submits them to the City Council for final purchase approval. In some cases, the Commission may select a final recommendation from a pool of semi-finalists provided by the selection panel.

6. The Commission reserves the option to make no selection from submitted applications and to reopen the competition or propose other methods of selection if no proposal is accepted.

7. The Commission will present the chosen finalist to the City Council at a public meeting for approval. The presentation may include a discussion of:

A. How the “Required Conditions” of the Art Selection Criteria, 2.1(1) of the Governing Guidelines, are satisfied;

B. How the selected art comports with the Public Art Project Proposal, 2.2(1)(A)-(E) of the Governing Guidelines;

C. A preliminary rendering, where possible, of the selected art; and

A-D. A clear description, and photo where possible, of the proposed site for the selected art.

## **2.4 Artist Selection Criteria**

Artists will be selected on the basis of their qualifications as demonstrated by a portfolio, appropriateness of the proposal to the project, the proposed project’s probability of successful completion as determined by the Commission, and the artist’s ability to meet the City’s art selection criteria as set forth above. Additional criteria for selecting artists for design teams may include a proven ability to collaborate effectively, strong communication skills, and a willingness to learn.

## **2.5 Artist Contracts**

The City shall enter into a contractual agreement any time an artist is hired to perform services for the City, including participating on a design team, creating a work of art, or selling or leasing their work. The contract should define the scope of work for artist services and payment procedure for the purchase, commissioning, or leasing of a work of art. The contract may require the artist to do the following:

1. Produce a work of art for a guaranteed maximum cost, including all installation costs.
2. Submit the following items before final payment is authorized:
  - A. A completed catalog form that describes the work of art (material, size, weight, artist biography, address, and contact information)
  - B. Digital photographs of the completed work of art
  - C. Detailed instructions for cleaning and maintaining the artwork as necessary, such as the frequency of cleaning, method and materials used, and any other recommendations for maintaining artwork
  - D. Description of all materials and processes used to fabricate art, including names and contact information of material suppliers, fabricators, and installers as needed

## **2.6 Conflicts of Interest**

1. An artist serving on the Commission may not be considered for any public art projects over which the Commission has approval authority during the artist's tenure.
2. No member of a project architect's firm or design team may apply for a Percent for Art project being designed by that firm.
3. No artist sitting on a selection panel may submit for the project for which the panel was formed.
4. All selection panel members are required to disclose any direct or indirect financial or non-financial conflicts of interest. Disclosure should occur in a timely manner upon the discovery of the conflict of interest, and prior to the panelist's participation in any discussions related to the artist selection process. Following the disclosure of the conflict of interest, the panelist must refrain from voting on the artist in question. The panelist may also choose to refrain from discussion (although both discussion and voting is permissible under Oregon statutes).

## **3.0 MAINTENANCE OF THE PUBLIC ART COLLECTION**

### **3.1 Cataloging the Collection**

The Commission shall maintain a listing of all holdings in the City of West Linn Public Art Collection, including all pertinent information such as title, artist, medium, accession date, placement, purchase value, and other information. In addition, the Commission shall, where appropriate, create catalogs describing the collection and make them available to the public.

### **3.2 Periodic Review of Collection**

The Commission shall annually review all holdings in the art collection. During this review, the commission shall inventory the collection, examine the condition of each piece to determine any restoration or preservation needs, and examine the display or storage conditions of each piece. The review, when determined necessary, can include coordinating an appraisal of each piece for insurance coverage and the City's fixed asset inventory. In addition, the Commission shall update the current listing of all holdings in the art collection catalog that is available to the public.

### **3.3 Maintenance of Collection**

The Commission, in consultation with the affiliated City department(s), may make recommendations for and may solicit bids to perform repairs, cleaning, labeling, or other efforts that may be necessary to maintain the public art collection. Should repairs and/or maintenance to outdoor sculptures be necessary, the Commission shall notify the appropriate department of those needs.

### **3.4 Maintenance Instructions**

When the City purchases a new work of art, the artist shall include a maintenance plan and instructions to be kept on file by the Commission. These instructions shall outline cleaning methods and materials for the artwork, as well as a timeline and plan for regular maintenance of the work.

### **3.5 Placement of Works of Art**



1. While it is the intent that site-specific works will remain in the site for which they were created, a piece may be moved if circumstances dictate. City staff will work with the Commission to determine appropriate relocation of the work of art. A reasonable effort shall be made to notify the artist in advance of the move. The City may consider re-sitting a site-specific artwork for one or more of the following reasons:
  - A. The condition or security of the artwork can no longer be reasonably guaranteed at its current site.
  - B. The artwork has become a danger to public safety in its current site.
  - C. The site has changed so that the artwork is no longer compatible as placed.
2. Temporary works of art commissioned will be documented with appropriate media either by the artist(s) or by the Commission.

#### **4.0 REMOVAL OF WORKS OF ART**

##### **4.1 Criteria for Removal of Artwork**

The Commission may consider the removal of artwork for one or more of the following reasons:

1. The work was intended to be temporary in nature (including works on loan).
2. The work is not, or is only rarely, on display due to the lack of a suitable site.
3. The work is in an isolated location that does not allow for public viewing or allow appropriate access.
4. The condition or security of the artwork cannot be reasonably guaranteed.
5. The artwork has been damaged or has deteriorated and repair is impractical or unfeasible.
6. The artwork endangers public safety.
7. The artwork has been determined to be significantly incompatible or inferior in the context of the collection.
8. The City wishes to replace the artwork with work of more significance by the same artist.
9. The artwork requires excessive maintenance or has faults of design or workmanship.
10. There has been sustained and overwhelming public objection to the artwork.

##### **4.2 Disposition of Artwork**

The Commission shall recommend to the City Council that the artwork be removed from the collection and the proposed disposition of the artwork. The disposition may include:

1. Sale or Trade
  - A. Artist, artist's family, or artist's estate will be given first option to purchase or trade artwork.
  - B. Sale or trade (including auction, gallery resale, or direct bidding) in a manner approved by the City Council.
  - C. Trade may be through artist, gallery, museum, or other institutions for one or more artworks(s) of comparable value.
  - D. No works of art shall be sold or traded to Public Officials or City staff except through a public sale process.
  - E. Proceeds from the sale of artwork shall be designated for use by the Commission in acquiring additional artwork, and placed in the Public Art Trust Fund.
2. Destruction of work that is deteriorated or damaged beyond repair and deemed to be of negligible value.
3. Donation of the work to a non-profit organization or otherwise disposed of as the City Council deems appropriate.

## **5.0 PUBLIC ART DONATIONS AND MEMORIALS POLICY**

In addition to City financial support, the public art collection may grow through the generous gifts of private citizens and corporations. A consistent and fair process for considering public art donations and memorials shall be followed. The art selection criteria outlined in Section 2.1 will be applied when considering public art donations.

Donated memorials and permanent pieces, whether located on the interior or exterior of a City-owned building, will be recommended by the Commission to City Council.

Anyone wishing to sponsor a donation of artwork to the City should contact the Commission to discuss the review and acceptance process for donated artworks.

### **5.1 Acceptance and Acquisition Procedures**

The City will consider gifts of art for placement at a public site with the understanding that minimal civic funds will be required for production, siting and installation of the work. Detailed information shall be included on the maintenance requirements for the art. Donors may be required to deposit funds to the City for upkeep of the artwork.

### **5.2 Donation Request Process**

A sponsor wishing to donate a work of art (as defined above) must complete the following requirements:

1. The sponsor will submit a written proposal to the Commission, which is responsible for reviewing proposals and reporting its recommendations to City Council. The proposal should include:
  - A. A brief statement of purpose from the artist
  - B. Drawings, photographs, and/or models of the proposed work with scale and materials included
  - C. Artist resume and any additional supporting material
  - D. Detail of projected required annual maintenance
  - E. Estimated value of the work of art for insurance purposes
  - F. Timeline for the donation
  - G. Any special stipulations or requests that the donor wishes to include as part of the donation criteria.
2. Once the proposal is submitted, the Commission will review it to determine if the proposed work of art meets the selection criteria set by the Commission and the current goals and objectives for the City's public arts program.
3. If additional information or clarification is needed, the Commission will contact the sponsor and request the needed details. The additional information will be due within two (2) weeks of the request, unless additional time is requested by the sponsor.
4. If the proposal is approved by the Commission, it will be forwarded to the affiliated department(s), who will work with all appropriate City departments to address issues of public safety, installation, maintenance, and finance.
5. The proposal will be taken to the City Council for final acceptance of the donation.
6. Upon acceptance of the proposal, the sponsor and the City will sign a letter of agreement which acknowledges the guidelines in writing, including the recommendations regarding:
  - A. Site selection and design
  - B. Detailed maintenance requirements
  - C. Completion calendar
  - D. Insurance requirements
  - E. Budget, including maintenance reserve
  - F. Expected life of the work (how long the piece will be displayed)
  - G. If a temporary work of art, anticipated removal procedures will be addressed

## **6.0 ANNUAL STRATEGIC ARTS PLAN**

Each fall, the Commission will prepare a proposal for the following year's strategic arts plan. This proposal will take into account:

1. Funds currently available per the Percent for Art program, including prior FY liabilities
2. Potential partnership opportunities with key departments within the City (such as Parks, Library, and Transportation) for the coming year based on identified upcoming projects

Upon its completion, this proposal will be presented to City Council for approval.

## **7.0 COMMITMENT TO EQUITY AND INCLUSION**

Throughout this document, the Commission has attempted to define fair and equitable processes for developing, growing and maintaining a public art collection representative of the values and heritage of the region. The Commission is committed to listening and learning from the West Linn community and welcomes any input on how to continually improve its processes to further its mission and goals.

WEST LINN CITY COUNCIL APPROVED ON Monday, ~~March 14, 2022 MN~~January 6December 16, 20254.

**Agenda Bill 2025-01-06-03**

Date Prepared: December 24, 2024

For Meeting Date: January 6, 2025

To: Rory Bialostosky, Mayor  
West Linn City Council

Through: John Williams, City Manager *JRW*

From: Darren Wyss, Planning Manager *DSW*

Subject: AP-24-02 (Appeal of MIP-24-01/VAR-24-05 – Planning Commission Decision)

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**Purpose**

To hold a public hearing and consider the appeal ([AP-24-02](#)) by Gary and Susie Alfson of the Planning Commission conditional approval ([MIP-24-02/VAR-24-05](#)) to allow 3-Parcel Minor Partition and a Class II Variance at 2830 Coeur D Alene Drive. The variance is for an exception to the public street requirements of West Linn Community Development Code Chapter 48.030(D) for use of a private driveway by five residential units.

**Question(s) for Council:**

Should the Council approve the appeal AP-24-02 or deny the appeal and uphold the Planning Commission approval of MIP-24-02/VAR-24-05?

**Public Hearing Required:**

Yes

**Background & Discussion:**

The Applicant (Gary Alfson & Susie Alfson) submitted an application on August 1, 2024 for a 3-Parcel Minor Partition and Class II Variance ([MIP-24-02/VAR-24-05](#)) to allow the division of one property into three new parcels, with the existing detached single-family home remaining on newly created Parcel 1. The variance request is for an exception to the public street requirements of West Linn Community Development Code Chapter 48.030(D) for use of a private driveway by five residential units. Planning staff deemed the application complete on September 9, 2024.

The 3-Parcel Minor Partition and Class II Variance were conditionally approved by the Planning Commission at a quasi-judicial public hearing on [November 6, 2024](#). A [Final Decision and Order](#) was mailed to parties of record on November 21, 2024.

The appellants submitted a timely appeal of the decision on December 5, 2024 to remove the requirement of Condition of Approval #2 of the [Final Decision and Order](#). The grounds for the appeal specifically address the Planning Commission Conditional of Approval #2 including a letter from Kevin V.



Harker of Harker/Lepore Attorneys at Law outlining findings in support of the request to remove Condition of Approval #2.

#### Appeal Hearing Responsibility

The City Council is assigned the responsibility of hearing an appeal of a Planning Commission decision by CDC 99.060.C(3).

#### Appeal Applicable Criteria

The applicable criteria for this appeal are CDC Chapters 12, 48, 75, 85, 92, and 99.

#### Appeal Hearing Process

Appeal hearings in the City of West Linn are de novo, meaning new information can be submitted for consideration (CDC 99.280). An application for appeal also does not require the Appellant to identify the grounds for appeal or the applicable criteria that were misapplied. (CDC 99.250) These are the rules this appeal hearing must follow.

#### **Budget Impact:**

None

#### **Sustainability Impact:**

None

#### **Council Goal/Priority:**

Not related to a Council goal

#### **Council Options:**

1. Overturn the Planning Commission approval of MIP-24-02/VAR-24-05 by approving the appeal (AP-24-02).
2. Uphold the Planning Commission approval of MIP-24-02/VAR-24-05 by denying the appeal (AP-24-02).
3. Modify the Planning Commission approval of MIP-24-02/VAR-24-05 and deny the appeal (AP-24-02).

#### **Recommendation:**

City legal counsel recommends denial of the appeal (AP-24-02) based on the findings in the record for MIP-24-02/VAR-24-05 and modification of Condition #2 of the Planning Commission Final decision and Order to read as follows:

*"2. Prior to recordation of the plat with Clackamas County, the applicant shall provide the City with one or more recorded documents or court orders demonstrating that all three resulting legal parcels have (a) rights of access to a public right of way for ingress, egress, and utility purposes and (b) a joint agreement regarding maintenance of such access and utility location(s)."*

**Potential Motion:**

1. Move to tentatively deny the appeal AP-24-02 and **uphold** the Planning Commission approval of MIP-24-02/VAR-24-05 with the following modifications (**list modifications**), and direct staff to bring back findings for adoption.
2. Move to tentatively deny the appeal AP-24-02 and **uphold** the Planning Commission approval of MIP-24-02/VAR-24-05 and direct staff to bring back findings for adoption.
3. Move to make a tentative decision to approve the appeal AP-24-02, thereby **overturning** the Planning Commission approval of MIP-24-02/VAR-24-05 for the following reasons (**list reasons**), and direct staff to bring back findings for adoption.

**Attachments:**

1. AP-24-02 Staff Report to City Council
2. [Appellant application AP-24-02](#)
3. [MIP-24-02/VAR-24-05 Planning Commission Final Decision and Order](#)
4. [Planning Commission Meeting Notes for November 6, 2024, Public Hearing](#)
5. AP-24-02 City Council Hearing Affidavit and Notice Packet
6. [Staff Report to the Planning Commission for November 6, 2024 Public Hearing](#) (hyperlink only)
7. [MIP-24-02/VAR-24-05 Project Page](#) (hyperlink only)
8. [Planning Commission Hearing Video](#) (hyperlink only)

## **Attachment 1: AP-24-02 Staff Report to City Council**





# CITY OF West Linn

## STAFF REPORT FOR THE CITY COUNCIL

**FILE NUMBER:** AP-24-02

**HEARING DATE:** January 6, 2025

**REQUEST:** Appeal of the Planning Commission's approval with conditions of MIP-24-02/VAR-24-05 for approval of a 3-Parcel Minor Partition and a Class II Variance for five single-family homes to take access from a shared private driveway at 2830 Coeur D Alene Drive.

**APPROVAL  
CRITERIA:** Community Development Code (CDC) Chapters 12, 48, 75, 85, 92, and 99.

**PREPARED BY:** Aaron Gudelj, Associate Planner

\_\_\_\_\_  
Planning Manager\_\_\_\_\_

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## GENERAL INFORMATION

**APPELLANT/  
PROPERTY OWNER:**

Gary Alfson & Susie Alfson  
2830 Coeur D Alene Drive  
West Linn, OR 97068

**APPEAL DEADLINE:**

The appeal deadline was 5:00pm on December 5, 2024. The applicant filed a complete appeal application on December 5, 2024, thus meeting the deadline.

**PUBLIC NOTICE:**

Notice was mailed to property owners within 500 feet of the subject property and all neighborhood associations December 11, 2024. Notice was published in the West Linn Tidings on December 26, 2024. The property was posted with a notice sign on December 20, 2024. The notice and application were posted on the City's website December 11, 2024. Therefore, public notice requirements of CDC Chapter 99 have been met.

**SITE LOCATION:**

2830 Coeur D Alene Drive

**TAX LOT ID:**

21E35DA04400

**SITE SIZE:**

39,636 square feet

**ZONING:**

R-7, Single-Family Residential

**COMP PLAN  
DESIGNATION:**

Low-Density Residential

**120-DAY PERIOD:**

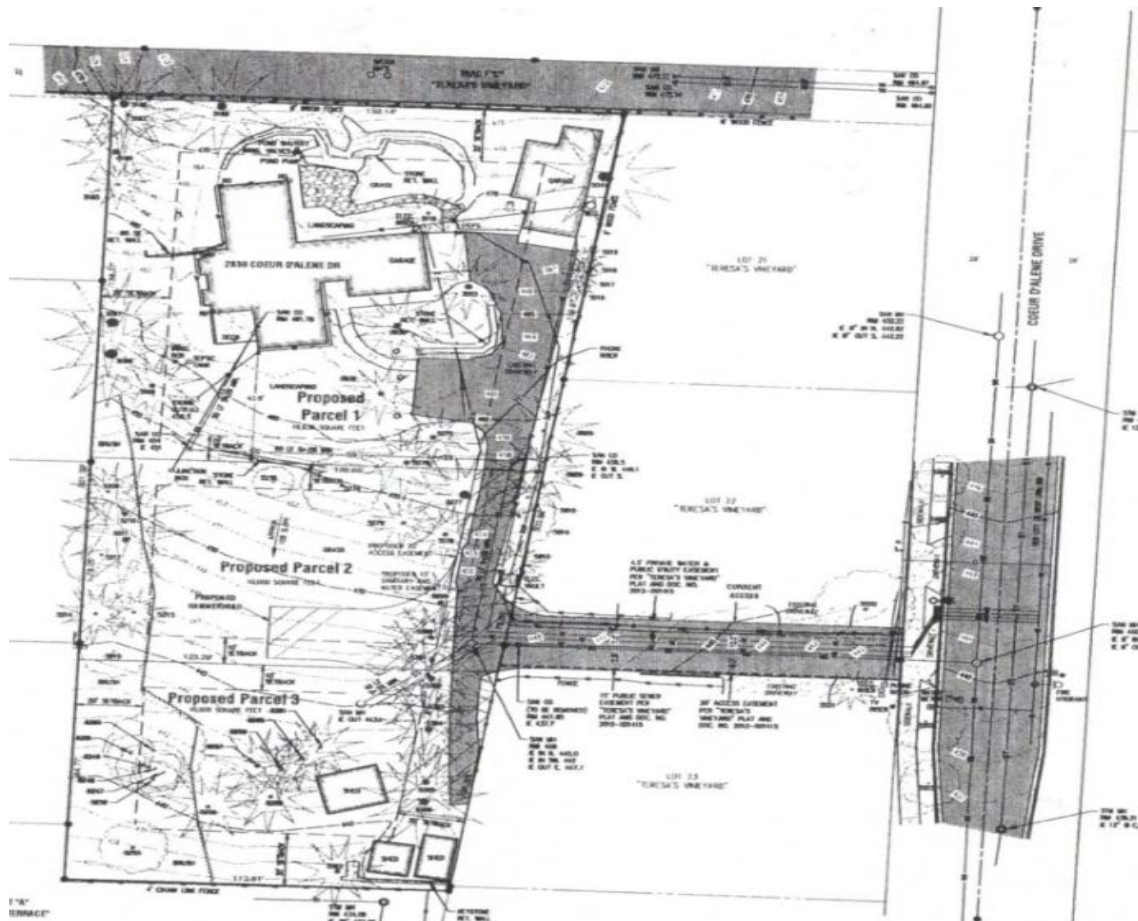
This application became complete on September 9, 2024. The applicant granted a 30-day extension on the 120-day period therefore, the 120-day maximum application-processing period ends on February 6, 2025.

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## BACKGROUND

### Project Description

The applicant currently owns the subject property with an existing single-family home with detached garage on a 39,636 square foot lot at 2830 Coeur D Alene Drive. Existing access to the lot is provided via by a 20-foot-wide shared private driveway connecting to Coeur D Alene Drive via a shared access easement located on Lots 22 and 23 of the Teresa's Vineyard Tract, both developed with single-family homes.



The applicant proposes to divide the existing 39,636 sq. ft. lot into three parcels – Parcel 1 = 19,336 sq. ft., Parcel 2 = 10,000 sq. ft., Parcel 3 = 10,000 sq. ft. Access to the new parcels is proposed from the existing 20 ft. private access driveway currently shared with Lots 22 and 23 of Teresa's Vineyard. The proposed Minor Partition will increase the number of lots from one to three on the subject parcel and the applicant proposes to utilize the shared driveway - currently used for shared-access to the single-family homes at Lot 22 and 23 of Teresa's Vineyard Tract - as the access for the newly created lots thereby requesting 5 lots to use the private vehicle access.

Pursuant to West Linn Community Development Code Chapter (CDC) 48.030(D), "Access to five or more single-family homes shall be by a street built to City of West Linn Standards, consistent

*with the TSP (Tables 26 through 30 and Exhibits 6 through 9) and the Public Works Design Standards. All streets shall be public. This full street provision may only be waived by variance.”; as such the applicant applied for a Class II Variance for an exemption to the public street standards of CDC 48.030(D) to allow the shared private driveway to be used as access for five single-family homes.*

#### **PUBLIC COMMENT**

As of the publication date of this report, staff has received no public comment communications.

#### **PROCEDURAL HISTORY**

The applicant (Gary & Susie Alfson) applied for a Minor Partition and Class II Variance on August 1, 2024. The application was deemed incomplete on August 29, 2024 and the applicant re-submitted the requested materials on September 9, 2024, at which time the application was deemed complete. The application was heard and conditionally approved by the Planning Commission at its November 6, 2024 meeting.

The initial evidentiary hearing commenced with a staff report presented by Aaron Gudelj, Associate Planner, and with a recommendation of approval of the 3-parcel partition and Class II Variance subject to four conditions. Written and oral testimony was received by David Baker, Richard Faith & Cynthia Lacro, Rufus & Julia Timberlake, Carlos Ugalde-Meza, Amy Graham, & Tom Loun. Primary concerns raised during the testimony included:

- Traffic Safety and public street standards
- Sharing of access easement
- Plat notes
- Property views
- Property values
- Middle housing development on new lots.

After closing of the public hearing, the Planning Commission deliberated and discussed concerns regarding the plat notes, the existing septic system, easement requirements, potential access to the subject lot via the city-owned Tract C, historic development patterns and original property access, and homeowner association affiliation.

A motion was made by Commissioner Evans to approve MIP-24-01/VAR-24-05 as presented with the four conditions of approval. The motion was seconded by Chair Carr. The motion passed unanimously 5-0 (Carr, Evans, Jones, Metlen, Schulte-Hillen, and Walvatne).

The Planning Commission Conditional Approval of MIP-24-02/VAR-24-05 was appealed on December 5, 2024 by the applicant/appellant, pursuant to CDC 99.250. The appellant met the appeal application requirements by completing a form, providing the prerequisite fee, and referencing the findings and Conditions of approval of the Final Decision and Order. Since the appellant is both the applicant for MIP-24-02/VAR-24-05 and the owner of the subject site, the appellant has standing.

The grounds for the appeal address Condition #2 of the Planning Commission Final Decision and Order, the applicability of the existing private access and utility and joint maintenance agreement, and historical platting.

#### **APPELLANT RESPONSE AND STAFF ANALYSIS**

In this analysis, staff has provided the applicable provisions of the West Linn Community Development Code as identified in the Final Decision and Order for MIP-24-02/VAR-24-05. The analysis includes information gleaned from the appeal, and the record for MIP-24-02/VAR-24-05.

**Appellant Issue: Condition #2 requires an executed shared access, utility and joint maintenance agreement to be signed by all owners of property using the private driveway prior to plat recordation with the Clackamas County.**

The Final Decision and Order adopted the findings in the Staff Report for MIP-24-02/VAR-24-05. Finding #54 of the report read as follows:

##### *85.070 ADMINISTRATION AND APPROVAL PROCESS*

*A. The application shall be filed by the record owner(s) of the property or by an authorized agent who has a letter of authorization from the property owners of record. The burden of proof will be upon the applicant to demonstrate the validity of the ownership, if challenged.*

*Staff Finding 54: The application for a Minor Partition and Class II Variance was filed by owner of 2830 Coeur D Alene Drive; absent the owners of Lot 22 and Lot 23 of Teresa's Vineyard Tract signatures. Staff has recommended a condition of approval requiring a revised shared access and utility easement and joint maintenance agreement between all five owners of land. As conditioned, the criteria are met.*

In making a finding of noncompliance, the Planning Commission included a condition of approval in their Final Decision and Order that reads as follows:

*2. Shared Access Agreement. Prior to recordation of the Plat with Clackamas County the applicant shall provide a signed access and utility easement and joint maintenance agreement between all owners of property using the private driveway as access. The access and utility easement and joint maintenance agreement shall have the signatures form all owners of land using the private access and shall acknowledge the total number of lots using the private access.*

The appellant responds to this finding with the following response:

*The current configuration is a result of development around the Alfson Property over the past 40 years. A topographic site map produced by Compass Land Surveyors is attached*

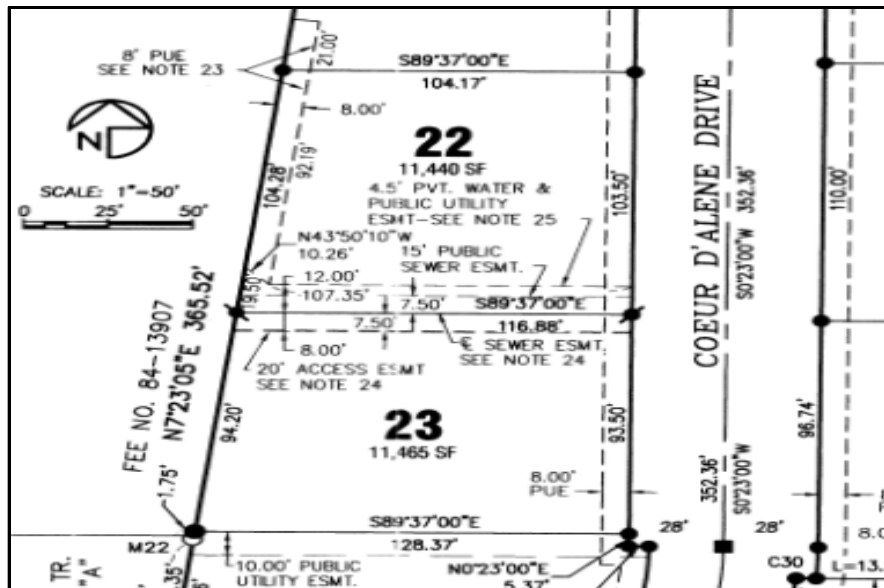
*hereto as Exhibit B. If the Alfson Property is required to obtain signatures from Lot 22 and Lot 23, two lot would be required to access what is labeled as "tract C" on site map creation of this access would cause the Alfson's undue hardship, from demolition of the existing detached shop/garage, re-grading of the area, and impacts to adjacent properties and landscaping. It would also create safety concerns due to the limited site distance for neighborhood pedestrians and children playing in the street.*

*Despite the requirements of Condition #2, I believe an existing 2012 easement and maintenance agreement, development of staff recommendations, the Alfson letter dated September 5, 2024, final Planning Commission Conditions of approval, as well as the historical platting of the relevant properties, call for the waiving of this condition.*

*In 2012, the Alfsons and the then-owner of Lot 22 and Lot 23 executed an access and utility easement and joint maintenance agreement, recorded in the official records of Clackamas County as document no 2012-001415. This agreement granted the Alfson Property, Lot 22, and Lot 23 a non-exclusive, reciprocal easement over and under Lot 22 and Lot 23 to be used "for ingress, egress and private and public utility purposes..." This agreement is attached hereto as Exhibit C.*

*Section 4.4 of that agreement explicitly contemplates the future partition of the Alfson Property without any need for amending the agreement. Specifically, the agreement states: "For example, if the Alfson Property is subdivided into four (4) total lots, as is anticipated, then lot 22, Lot 23, and any of the four total lots created from the Alfson Property take access from the Access and Utility Easements shall be responsible for their proportionate share of the normal maintenance and repair costs for the Access and Utility Easements."*

*This agreement was recorded with the County and explicitly binds all future owners of Lot 22 and Lot 23. The access easement created under this agreement also appears on the plat recorded as document no. 2012-1405. I have inserted the relevant portion of the plat below:*



Note #24 of the plat states:

*"Lots 22 and 23 are subject to a 20-foot access easement and joint maintenance agreement per instrument no 2012-001415, Clackamas County deed records. The access easement will provide access for the adjoining parcel to the west described in fee no 84-13907, or a maximum of two lots if said adjoining parcel to the west is developed. Lots 22 and 23 are also subject to a 15-foot public sanitary sewer easement as shown hereon."*

*As such, the current owners of Lot 22 and Lot 23 were on notice of the existing access easement when they purchased their respective parcels. Thus, I see no reason why these owners must consent to the use of an access easement that already binds these lots.*

*In light of the above analysis, please consider this a formal request for the planning commission to waive Condition #2 contained in the Commission's final decision. If this request needs to come in the form of an appeal, I ask that you please notify me of such requirement as soon as possible, in light of the final decision's effective date of 5 P.M. on December 4, 2024.*

*Please contact my office at your earliest convenience,*

*Sincerely, Kevin H. Harker (on behalf of Gary & Susie Alfson)*

The City notes that Teresa's Vineyard Tract Note(s) 9 & 24 discuss the subject lot (2830 Coeur D Alene Drive) and its potential division and access and read as follows:

*9. Tract "C" will provide access to a maximum of two future lots in the adjoining parcel to the south described in Fee No. 84-13907.*

*24. Lots 22 and 23 are subject to a 20-foot access easement and joint maintenance agreement per instrument No. 2012-001415, Clackamas County Deed Records. The access easement will provide access for the adjoining parcel to the west described in Fee No. 84-13907, or a maximum of two lots if said adjoining parcel to the west is developed. Lots 22 and 23 are also subject to a 15-foot public sanitary sewer easement as shown hereon.*

Upon review of the applicant's appeal request and review of the record, City legal counsel notes that the existing access easement and maintenance agreement, (1) provides an access and utility easement right and joint maintenance agreement to the benefit of the Alfson property, and (2) contemplates future division of the Alfson property and how maintenance costs would be apportioned in that context, but (3) the plat notes (9 & 24) further restrict access for future division of the Alfson property to a "maximum of two lots if said parcel...is developed." Ultimate interpretation and analysis of the access and utility easement and joint maintenance agreement would be a civil matter and not be within the purview of the City's review of the applicants/appellants Minor Partition and Class II Variance application. The City's legal guidance disagrees with the applicant's attorney's approach of declaring the condition to be met with the existing easement.

The City's legal guidance disagrees with the applicant's attorneys assessment of the Condition #2 being met by the existing agreement, however, amending of Condition #2 is recommended for more clear and objective language.

### **RECOMMENDATION**

City legal guidance ultimately supports a recommendation to modify Planning Commission Final Decision and Order and amend Condition #2 to read as follows:

*"2. Prior to recordation of the plat with Clackamas County, the applicant shall provide the City with one or more recorded documents or court orders demonstrating that all three resulting legal parcels have (a) rights of access to a public right of way for ingress, egress, and utility purposes and (b) a joint agreement regarding maintenance of such access and utility location(s)."*

Should the Council decide to modify Condition #2, legal counsel recommends denial of application AP-24-02 and modify the Planning Commission Final Decision and Order, subject to the following conditions - including the amended Condition #2:

1. **Site Plans.** With the exception of modifications required by these conditions, the final plat shall substantially conform to the Tentative Plan.
2. **Shared Access Agreement.** Prior to recordation of the plat with Clackamas County, the applicant shall provide the City with one or more recorded documents or court orders demonstrating that all three resulting legal parcels have (a) rights of access to a public right of way for ingress, egress, and utility purposes and (b) a joint agreement regarding maintenance of such access and utility location(s).



**3. Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. The City may partner with the applicant to fund additional improvements as part of the project.

**4. Reciprocal Access and Utility Easement.** Prior to final plat approval, the applicant shall record and show on the face of the plat a 20-foot wide reciprocal access and utility easement and mutual maintenance agreement on Proposed Parcel 2 for the benefit of proposed Parcels 1 and 3. The easement will create legal access for ingress/egress and utility placement. The easement recording number shall be provided on the face of the final plat.

## **Attachment 2: Appellant Application AP-24-02**

## DEVELOPMENT REVIEW APPLICATION

| For Office Use Only   |                       |                        |
|-----------------------|-----------------------|------------------------|
| STAFF CONTACT         | Aaron Gudelj          | PROJECT NO(S) AP-24-02 |
| NON-REFUNDABLE FEE(S) | \$400                 | PRE-APPLICATION NO.    |
|                       | REFUNDABLE DEPOSIT(S) | TOTAL \$400            |

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

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Annexation (ANX)               | <input type="checkbox"/> Final Plat (FP) Related File#          | <input type="checkbox"/> Subdivision (SUB)                               |
| <input checked="" type="checkbox"/> Appeal (AP)         | <input type="checkbox"/> Flood Management Area (FMA)            | <input type="checkbox"/> Temporary Uses (MISC)                           |
| <input type="checkbox"/> CDC Amendment (CDC)            | <input type="checkbox"/> Historic Review (HDR)                  | <input type="checkbox"/> Time Extension (EXT)                            |
| <input type="checkbox"/> Code Interpretation (MISC)     | <input type="checkbox"/> Lot Line Adjustment (LLA)              | <input type="checkbox"/> Right of Way Vacation (VAC)                     |
| <input type="checkbox"/> Conditional Use (CUP)          | <input type="checkbox"/> Minor Partition (MIP)                  | <input type="checkbox"/> Variance (VAR)                                  |
| <input type="checkbox"/> Design Review (DR)             | <input type="checkbox"/> Modification of Approval (MOD)         | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation (MISC)  | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)    |
| <input type="checkbox"/> Expediated Land Division (ELD) | <input type="checkbox"/> Planned Unit Development (PUD)         | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)      |
| <input type="checkbox"/> Extension of Approval (EXT)    | <input type="checkbox"/> Street Vacation                        | <input type="checkbox"/> Zone Change (ZC)                                |

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

|   |                           |
|---|---------------------------|
| Site Location/Address: 2830 Coeur d'Alene Dr<br>West Linn, OR 97068 | Assessor's Map No.: 04400 |
|   | Tax Lot(s): 21E-35DA-4400 |
|   | Total Land Area: 39636    |

Brief Description of Proposal: Appeal of Planning Commission Decision MIP 24-02/  
VAR-24-05 - Satisfaction of Condition #2 - Remove requirement of  
signatures of Lots 22 + 23 of Teresa's Vineyard subdivision.

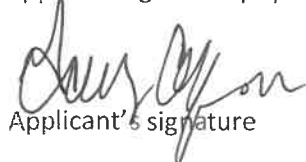
|                                      |                             |
|--------------------------------------|-----------------------------|
| Applicant Name*: Gary + Susie Alfson | Phone: 503-656-3039         |
| Address: 2830 Coeur d'Alene Dr.      | Email: galfson2@comcast.net |
| City State Zip: West Linn, OR. 97068 | Suzalfson@aol.com           |

|  |                             |
|--|-----------------------------|
| Owner Name (required): Gary + Susie Alfson | Phone: 503-656-3039         |
| Address: 2830 Coeur d'Alene Dr.            | Email: galfson2@comcast.net |
| City State Zip: West Linn, OR. 97068       | Suzalfson@aol.com           |

|                                    |                               |
|------------------------------------|-------------------------------|
| Consultant Name: Kevin V. Harker   | Phone: 503-922-1939           |
| Address: 915 NW 19th Ave., Ste H   | Email: kevin@harkerlepore.com |
| City State Zip: Portland, OR 97209 |                               |

1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. **\*The applicant is financially responsible for all permit costs.**
2. The owner/applicant or their representative should attend all public hearings related to the propose land use.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF through the  
Submit a Land Use Application web page: <https://westlinnoregon.gov/planning/submit-land-use-application>

The undersigned property owner authorizes the application and grants city staff the **right of entry** onto the property to review the application. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

  
Applicant's signature

12/5/24  
Date

Owner's signature (required)

Date



# HARKER I LEPORE

Attorneys at Law

December 4, 2024

West Linn City Council  
22500 Salamo Road  
West Linn, OR 97068

RE: Appeal of Planning Commission Decision MIP 24-02/  
VAR-24-05 - Satisfaction of Condition #2

Dear Council Members:

I represent Susie and Gary Alfson, owners of the property commonly known as 2830 Coeur D'Alene Dr., West Linn, OR 97068 ("Alfson Property"). I am writing to appeal the above referenced planning commission decision dated November 20, 2024. The decision is attached hereto as Exhibit A.

The commission's final decision approved a 3-parcel minor partition of the Alfson Property and a Class II Variance to allow access from a shared driveway to five total lots: three lots from the Alfson Property and two neighboring lots, 2934 ("Lot 22") and 2826 ("Lot 23").

In Section IV of the decision, the commission identified several conditions of approval. Condition #2 requires the Alfsons to provide an access and utility easement and joint maintenance agreement, signed by all owners of land using the private access. The owners of Lot 22 and Lot 23 have communicated to the Alfsons that they will not consent to any such agreement.

The current configuration is a result of development around the Alfson Property over the past 40 years. A topographic site map produced by

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Kevin V. Harker, Partner  
kevin@harkerlepore.com  
503-922-1939

Portland Office:  
915 NW 19th Ave., Ste H  
Portland, OR 97209

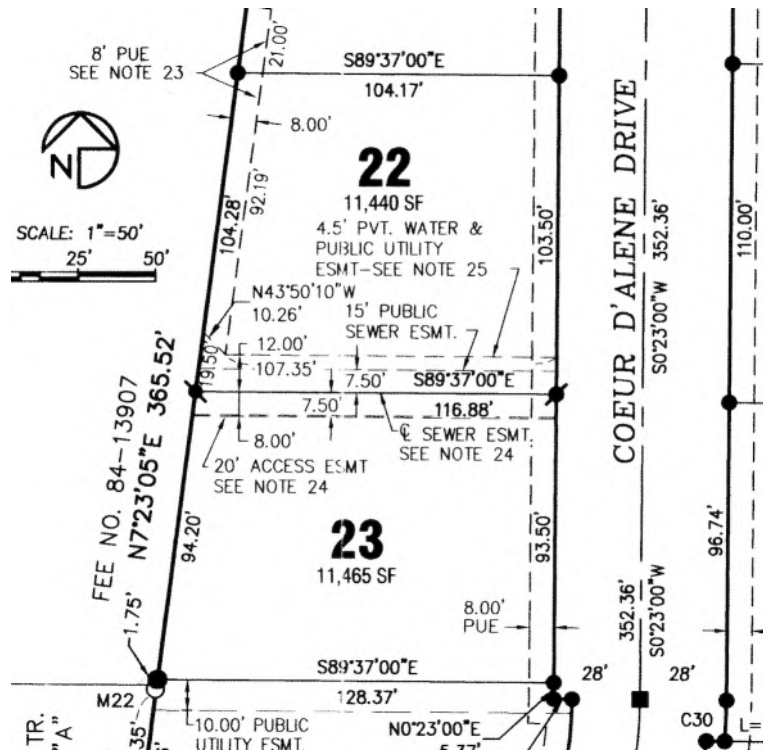
Compass Land Surveyors is attached hereto as Exhibit B. If the Alfson Property is required to obtain signatures from Lot 22 and Lot 23, and those lots refuse to cooperate, additional access would be required to reach what is labeled as Tract "C" on the site map. Creation of this access would cause the Alfsons undue hardship, from demolition of the existing detached shop/garage, re-grading of the area, and impacts to adjacent properties and landscaping. It would also create safety concerns due to the limited site distance for neighborhood pedestrians and children playing in the street.

Despite the requirements of Condition #2, I believe an existing 2012 easement and maintenance agreement, development of staff recommendations, the Alfson letter dated September 5, 2024, final Planning Commission conditions of approval, as well as the historical platting of the relevant properties, call for this Condition to be considered already satisfied.

In 2012, the Alfsons and the then-owner of Lot 22 and Lot 23 executed an access and utility easement and joint maintenance agreement, recorded in the official records of Clackamas County as document no. 2012-001415. This agreement granted the Alfson Property, Lot 22, and Lot 23 a non-exclusive, reciprocal easement over and under Lot 22 and Lot 23 to be used "for ingress, egress and private and public utility purposes . . . ." This agreement is attached hereto as Exhibit C.

Section 4.4 of that agreement explicitly contemplates the future partition of the Alfson Property without any need for amending the agreement. Specifically, the agreement states: "For example, if the Alfson Property is subdivided into four (4) total lots, as is anticipated, then Lot 22, Lot 23, and any of the four lots created from the Alfson Property that take access from the Access and Utility Easements shall be responsible for their proportionate share of the normal maintenance and repair costs for the Access and Utility Easements."

This agreement was recorded with the County and explicitly binds all future owners of Lot 22 and Lot 23. The access easement created under this agreement also appears on the plat recorded as document no. 2012-1405. I have inserted the relevant portion of the plat below:



Note #24 of the plat states:

*Lots 22 and 23 are subject to a 20-foot access easement and joint maintenance agreement per instrument no. 2012-001415, Clackamas County deed records. The access easement will provide access for the adjoining parcel to the west described in fee no. 84-13907, or a maximum of two lots if said adjoining parcel to the West is developed. Lots 22 and 23 are also subject to a 15-foot public sanitary sewer easement as shown hereon.*

As such, the current owners of Lot 22 and Lot 23 were on notice of the existing access easement when they purchased their respective parcels. Thus, I see no reason why these owners must consent to the use of an access easement that already binds these lots.

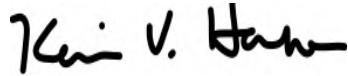
In light of the above analysis, this appeal formally requests that the City Council deem Condition #2 to be already satisfied. Please contact my office with any questions.

#### STATEMENT OF STANDING:

Pursuant to West Linn Community Development Code 99.140(B), Gary and Susie Alfson have standing to appeal the above referenced planning

commission decision, as they have appeared orally before the Commission and provided their name and address.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin V. Harker". The signature is written in a cursive, somewhat stylized font.

Kevin V. Harker

# EXHIBIT A

## WEST LINN PLANNING COMMISSION NOTICE OF FINAL DECISION AND ORDER MIP-24-02 & VAR-24-05

### IN THE MATTER OF A 3-PARCEL MINOR PARTITION AT 2830 COEUR D ALENE DRIVE AND A CLASS II VARIANCE PROPOSAL FOR ALLOWING MORE THAN FOUR LOTS TO BE SERVED FROM A PRIVATE DRIVEWAY.

**Planning Commission Decision:** The Planning Commission has **approved** the above referenced land use application, based on the Findings and Conclusions and Conditions of Approval, stated in the staff report, except as modified herein.

**Materials:** The applicant submittal and Staff Report, is available at

- <https://westlinnoregon.gov/planning/2830-coeur-d-alene-drive-minor-partition-and-class-2-variance>

#### I. Overview

At its meeting on November 6, 2024, the West Linn Planning Commission ("Commission") held the initial evidentiary public hearing to consider the request by Gary Alfson & Susie Alfson, applicant, to approve a 3-Parcel Minor Partition at 2830 Coeur D Alene Drive and a Class II Variance to allow access from a shared driveway to more than four lots (five total lots) at 2934, 2826, 2830, Coeur D Alene Drive and the two additional lots created by the Minor Partition. The approval criteria for this proposal are Community Development Code (CDC) Chapter 12, Chapter 48, Chapter 75, Chapter 85, Chapter 92, and Chapter 99. The hearing was conducted pursuant to the provisions of CDC Chapter 99.170.

The initial evidentiary hearing commenced with a staff report presented by Aaron Gudelj, Associate Planner. The applicant(s) provided verbal testimony. Written testimony was submitted by Rich Faith and Cynthia Lacro, Rufus Timberlake & Julia Timberlake, Carlos Ugalde and Amy Ugalde, and David Baker. Oral testimony was provided at the hearing by Carlos Ugalde, Rufus Timberlake, Julia Timberlake, David Baker, and Thomas Laun. Applicant rebuttal was provided by the applicant(s). The primary concerns raised during testimony included:

- Traffic Safety
- Sharing of Access easement
- Plat notes
- Views
- Property Values
- Middle housing development on new lots

The hearing was closed, and the Commission deliberated whether the request meets the minimum necessary standards of CDC Chapter 75. A motion was made by Commissioner Evans to approve the application in accordance with the Staff Report and the recommended



conditions of approval. The motion was seconded by Chair Carr. The motion passed unanimously, 6-0 (Jones, Metlen, Walvatne, Evans, Schulte-Hillen, Carr).

## **II. The Record**

The record was finalized at the November 6, 2024 public hearing.

### **Findings of Fact**

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Gary Alfson and Susie Alfson.
- 3) The Commission finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment; and the evidence in the whole record.

## **III. Findings**

The Commission makes this decision based on the findings described in the Staff Report and in addition to or as modified below, the submitted written comments, and evidence in the whole record. The Commission concludes that the record satisfies the Applicant's burden to prove compliance with all applicable criteria including the following:

1. CDC 48.030(D) – Commission finds the application meets Class II Variance requirements thus granting relief from this provision.
2. CDC 75.020.B.1(c) – Commission finds the physical limitations of providing access to Tract C for Parcel 1 and that the property has been surrounded by subdivision development over time, thus limiting options for access, were not created by the applicant/owner requesting the variance.
3. CDC 85.200.B.8(b) – Commission finds the City, as a public agency, cannot legally prohibit development of middle housing on the newly created parcels and that this criterion is met without the proposed condition of approval in Finding No. 109.

## **IV. Conditions of Approval**

**The Planning Commission Approves MIP 24-02/VAR-24-05 subject to the identified conditions of approval.**

**1. Site Plans.** With the exception of modifications required by these conditions, the final plat shall substantially conform to the Tentative Plan.

**2. Shared Access Agreement.** Prior to recordation of the Plat with Clackamas County the applicant shall provide a signed access and utility easement and joint maintenance agreement between all owners of property using the private driveway as access. The access and utility easement and joint maintenance agreement shall have signatures from all owners of land using the private access and shall acknowledge the total number of lots using the private access.

**3. Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. The City may partner with the applicant to fund additional improvements as part of the project.

**4. Reciprocal Access and Utility Easement.** Prior to final plat approval, the applicant shall record and show on the face of the plat a 20-foot wide reciprocal access and utility easement and mutual maintenance agreement on Proposed Parcel 2 for the benefit of proposed Parcels 1 and 3. The easement will create legal access for ingress/egress and utility placement. The easement recording number shall be provided on the face of the final plat.

**V. Order**

The Commission concludes that MIP 24-02/VAR-24-05 is approved based on the Findings and Conclusions and Conditions of Approval, stated in the staff report, except as added to or modified herein.

  
\_\_\_\_\_  
JOHN CARR, CHAIR  
WEST LINN PLANNING COMMISSION

  
\_\_\_\_\_  
DATE

**APPEAL**

This decision may be appealed to the City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. This decision will become effective 14 days from the date of mailing of this final decision as identified below. A person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830. The decision will not become final until the period for filing a local appeal has expired.

More information about filing an appeal can be found at:

- <https://westlinnoregon.gov/planning/appeals>

Mailed this 21 day of November, 2024.

Therefore, this decision becomes effective at 5 p.m., December 4, 2024.

Contact: If you have any questions about this project, please contact Aaron Gudelj, Associate Planner, at [agudelj@westlinnoregon.gov](mailto:agudelj@westlinnoregon.gov) or (503)742-6057.

19/03/2014 Votacao CAD/OTM Eleiting Candidates 3/11/2014 8:34:42 AM memoriant...



**Grantor/ Grantee:**

TV 29, LLC  
5285 Meadows Road, Suite 171  
Lake Oswego, OR 97035

Gary A. Alfson and Carolyn Sue Alfson *Grantee*  
3401 S. Haskins Lane  
West Linn, OR 97068

Clackamas County Official Records  
Sherry Hall, County Clerk

2012-001415



\$82.00

01550058201200014150070070

01/12/2012 03:26:35 PM

**AFTER RECORDING RETURN TO:**

Charles Harrell  
Buckley Law P.C.  
Three Centerpointe Drive, Suite 250  
Lake Oswego, OR 97035

D-E Cnt=2 Stn=11 TINAJAR  
\$35.00 \$5.00 \$16.00 \$16.00 \$10.00

**ACCESS AND UTILITY EASEMENT****AND JOINT MAINTENANCE AGREEMENT**

This ACCESS AND UTILITY EASEMENT AND JOINT MAINTENANCE AGREEMENT (this "AGREEMENT") is made this 12 day of December 2011, by and among TV 29, LLC, an Oregon limited liability company, ("TV 29") and Gary A. Alfson and Carolyn Sue Alfson, Husband and Wife ("Alfson").

**RECITALS**

A. WHEREAS, TV 29 owns certain real property located in the County of Clackamas, State of Oregon and more particularly described as Lot 22, TERESA'S VINEYARD, in the City of West Linn, County of Clackamas, State of Oregon ("Lot 22").

B. WHEREAS, TV 29 owns certain real property located in the County of Clackamas, State of Oregon and more particularly described as Lot 23, TERESA'S VINEYARD, in the City of West Linn, County of Clackamas, State of Oregon ("Lot 23").

C. WHEREAS, Alfson owns certain real property located at 3401 S. Haskins Lane, West Linn, in the County of Clackamas, State of Oregon and more particularly and legally described as follows:

Beginning at a point 401.30 feet East of the Northwest corner of Tract No. 16, BLAND ACRES, according to the map and plat thereof on file in the office of the County Clerk for Clackamas County, State of Oregon, on the North boundary thereof; thence South 0°23' West 302.76 feet to a point; thence South 89°37' East 122.80 feet; thence North 7°23'15" East 305.05 feet to a point on the North line of said Tract 16, BLAND ACRES; thence West 150 feet along said line to the place of beginning, as identified in Fee No. 84-13907 / tax lot number 21E35A-02600 (the "Alfson Property").

D. WHEREAS, TV 29 and Alfson have determined that there is, or will be, a need for non-exclusive and reciprocal easements on Lot 22 and Lot 23, for ingress, egress and placement of private and public utilities for the benefit of each of Lot 22, Lot 23 and the Alfson Property.

E. WHEREAS, TV 29 and Alfson desires to create the non-exclusive and reciprocal easements described herein for the purpose of ingress, egress and placement of private and public utilities over and under Lot 22 and Lot 23 for the benefit of each of Lot 22, Lot 23 and the Alfson Property.

### **ACCESS AND UTILITY EASEMENT**

NOW, THEREFORE, in consideration of the covenants contained herein and the consideration described herein, the parties agree as follows:

1. **INCORPORATION OF RECITALS.** The Recitals set forth above are true and accurate and are incorporated herein as though set forth in full.

2. **GRANT OF EASEMENT.** TV 29 hereby creates and grants to the present and future owners of Lot 22, Lot 23 and the Alfson Property a non-exclusive, reciprocal easement over and under Lot 22 and Lot 23 to be used for ingress, egress and private and public utility purposes as more specifically described on the Plat of Teresa's Vineyard recorded in Book 142, Page 021, as Document No. 2012- and by this reference incorporated herein (the "ACCESS AND UTILITY EASEMENTS"). 001405

3. **USE OF EASEMENT.** TV 29 grants the ACCESS AND UTILITY EASEMENTS for use by the present and future owners of Lot 22, Lot 23 and the Alfson Property and any future development thereof for the non-exclusive purpose of normal residential vehicular ingress and egress to and from Lot 22, Lot 23 and the Alfson Property and for the placement of private and public utilities, including, but not limited to, water, sewer, electricity, gas, cable television, internet access and telephone service for the benefit of Lot 22, Lot 23 and/or the Alfson Property.

4. **MAINTENANCE.** The costs of any and all normal maintenance and repair of the ACCESS AND UTILITY EASEMENTS shall be apportioned among the affected owner(s) of Lot 22, Lot 23 and the Alfson Property on the following basis and criteria regardless of frontage, location, or improvements:

4.1 A one-thirds share (1/3 share) of the normal maintenance and repairs costs for the ACCESS AND UTILITY EASEMENTS shall be apportioned to the owner(s) of Lot 22;

4.2 A one-thirds share (1/3 share) of the normal maintenance and repair costs for the ACCESS AND UTILITY EASEMENTS shall be apportioned to the owner(s) of Lot 23; and

4.3 A one-thirds share (1/3 share) of the normal maintenance and repair costs for the ACCESS AND UTILITY EASEMENTS shall be apportioned to the owner(s) of the Alfson Property.

4.4 In the event that the Alfson Property is partitioned or subdivided, the maintenance costs

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for the ACCESS AND UTILITY EASEMENTS shall be apportioned equally between all lots or parcels benefitted and/or burdened by the ACCESS AND UTILITY EASEMENTS. For example, if the Alfson Property is subdivided into four (4) total lots, as is anticipated, then Lot 22, Lot 23 and any of the four lots created from the Alfson Property that take access from the ACCESS AND UTILITY EASEMENTS shall be responsible for their proportionate share of the normal maintenance and repair costs for the ACCESS AND UTILITY EASEMENTS.

**5. CONSIDERATION.** The true and actual consideration for this grant of ACCESS AND UTILITY EASEMENTS is no money, but consists of other valuable consideration. As this AGREEMENT does not convey or contract to convey fee title, compliance with ORS 93.030 is not required.

**6. INDEMNITY OF OWNER OF LOT 22.** The owners of Lot 23 and the Alfson Property hereby agree to indemnify, and save the owner of Lot 22 and hold the owner of Lot 22 harmless from and against any and all claims of third persons for damages suffered, and any other loss, cost, or other expense incurred by the owner of Lot 22, or any claim, demand or action asserted against the owner of Lot 22, arising out of the use of the ACCESS AND UTILITY EASEMENTS, this AGREEMENT and/or the owners of Lot 23's and the Alfson Property's exercise of the rights granted herein.

**7. INDEMNITY OF OWNER OF LOT 23.** The owners of Lot 22 and the Alfson Property hereby agree to indemnify, and save the owner of Lot 23 and hold the owner of Lot 23 harmless from and against any and all claims of third persons for damages suffered, and any other loss, cost, or other expense incurred by the owner of Lot 23, or any claim, demand or action asserted against the owner of Lot 23, arising out of the use of the ACCESS AND UTILITY EASEMENTS, this AGREEMENT and/or the owner of Lot 22's and the Alfson Property's exercise of the rights granted herein.

**8. INDEMNITY OF OWNER OF THE ALFSON PROPERTY.** The owners of Lot 22 and Lot 23 hereby agree to indemnify, and save the owner of the Alfson Property and hold the owner of the Alfson Property harmless from and against any and all claims of third persons for damages suffered, and any other loss, cost, or other expense incurred by the owner of the Alfson Property, or any claim, demand or action asserted against the owner of the Alfson Property, arising out of the use of the ACCESS AND UTILITY EASEMENTS, this AGREEMENT and/or the owner of Lot 22's and Lot 23's exercise of the rights granted herein.

**9. EXCEPTIONS OF RECORD.** The ACCESS AND UTILITY EASEMENTS are granted subject to all prior easements or encumbrances of record.

**10. TERMS AND CONDITIONS.**

**10.1 General.** The owners of each of Lot 22, Lot 23 and the Alfson Property, their heirs, successors and assigns, shall exercise their rights under this AGREEMENT with regard to the ACCESS AND UTILITY EASEMENTS in a manner that: (i) minimizes, to the extent reasonably practicable, any material interference with the use and occupancy of each lot by each respective lot owner; and (ii) is in compliance with all applicable federal, state and local laws rules and regulations. Neither the Teresa's Vineyard Homeowners Association, lot owner nor any other

permitted user of the EASEMENT shall park any vehicle or otherwise place an obstruction on or in the EASEMENT area except as necessary in connection with such user's maintenance and repair obligations as agent hereunder.

**10.2 Access.** The owners of Lot 22 and Lot 23 shall provide reasonable access to the portion of the ACCESS AND UTILITY EASEMENT located on such owner's lot to the owners of the other affected lots, for purposes granted herein and for the maintenance and repair of said ACCESS AND UTILITY EASEMENTS as needed.

**10.3 Maintenance.** The owners of Lot 22, Lot 23 and the Alfson Property shall have the obligation to maintain the ACCESS AND UTILITY EASEMENTS in good condition and repair in compliance with ORS 105.170 through 105.185, except as otherwise provided in this agreement.

**10.4 Costs.** The cost of any installation, removal or replacement of any improvements on an individual lot necessary for access to and use of the ACCESS AND UTILITY EASEMENTS, including, but not limited to, the installation of private or public utilities, will be borne by the owner of the affected lot.

**10.5 No encroachment.** No party may install landscaping or improvements that will impair the use of the ACCESS AND UTILITY EASEMENTS for the other lot owners.

**10.6 Emergency Action.** The owners of Lot 22, Lot 23 and the Alfson Property shall have the right to act to correct an emergency situation and shall have access to the ACCESS AND UTILITY EASEMENT in the absence of the consent of the other lot owners in such emergency situation.

**10.7 Perpetual Term.** The term of this AGREEMENT shall be perpetual, except as otherwise herein limited.

**10.8 Binding Effect.** The benefits and burdens of this AGREEMENT shall constitute a covenant running with Lot 22, Lot 23 and the Alfson Property herein described and shall be binding upon the heirs, successors in title and assigns of the parties hereto.

**10.9 Injunctive Relief Available** Except as otherwise provided herein, in the event that any owner herein bound shall fail to perform its obligations under this AGREEMENT, the other owner(s) shall be entitled to require such performance or, where appropriate, through injunctive relief. Such remedies shall be in addition to any other remedies afforded under Oregon law. The prevailing party in any litigation under this AGREEMENT shall be entitled to recover attorney fees and all costs and expenses associated therewith.

**10.10 No Merger.** If any one or more of the lot(s) benefited by the EASEMENT granted herein is at anytime owned by the same person or entity then owning another lot burdened by the EASEMENT, the EASEMENT granted herein shall not be deemed to terminate by merger of the dominant and servient estates.

**10.11 Modification and Termination.** This AGREEMENT may only be amended, modified or terminated only by unanimous consent of the current owners of Lot 22, Lot 23 and

the Alfson Property and any future development thereof in writing, or by an Order of a court of competent jurisdiction. If any provision herein shall be invalid, illegal or unenforceable in any respect, the validity of the remaining provisions shall not be affected.

**10.12 Governing Law.** This AGREEMENT and the terms of the ACCESS AND UTILITY EASEMENTS shall be construed in accordance with the laws of the State of Oregon.

**10.13 Notices.** All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered (including by means of professional messenger service) or sent by registered or certified mail, postage prepaid, return receipt requested, and shall be deemed received five (5) days after deposit in the United States mail.

If to TV 29: TV 29, LLC  
5285 Meadows Road, Suite 171  
Lake Oswego, OR 97035  
Attn: Jeff Smith

with a copy to: Charles E. Harrell  
BUCKLEY LAW P.C.  
Three Centerpointe Drive, Suite 250  
Lake Oswego, OR 97035

If to Alfson: Gary A. and Carolyn Sue Alfson  
3401 Haskins Lane  
West Linn, OR 97068

**10.14 Further Assurances.** The parties each agree, at the request of the other party, at any time and from time to time after the date hereof, to execute and deliver all such further documents as may be reasonably necessary or appropriate in order to confirm, record or carry out the provisions of this AGREEMENT.

**10.15 Resolution by Arbitration.** Any disagreements associated with this said AGREEMENT or the ACCESS AND UTILITY EASEMENTS are to be resolved via binding arbitration pursuant to the Clackamas County Circuit Court arbitration rules, with the presiding judge of the Clackamas County Circuit Court appointing one arbitrator whose decision will be binding and final. The non-prevailing party is to pay the cost of the arbitration.

**10.16 Other Remedies Available.** The owners of Lot 22, Lot 23 and the Alfson Property are also entitled to all remedies at law and equity associated with any breach of any term or condition of this AGREEMENT or the ACCESS AND UTILITY EASEMENTS by any other property owner or person.

**10.17 Attorney's Fees.** If any suit or action arising out of or related to this AGREEMENT or the ACCESS AND UTILITY EASEMENTS is brought by any party, the prevailing



party or parties shall be entitled to recover the costs and fees (including reasonable attorneys' fees, the fees and costs of experts and consultants, copying, courier and telecommunication costs, and deposition costs and all other costs of discovery) incurred by such party or parties in such suit or action, including any post-trial or appellate proceeding, or in the collection or enforcement of any judgment or award entered or made in such suit or action.

IN WITNESS WHEREOF, TV 29, LLC and Alfson have caused this instrument to be executed the day and year first written above.

**TV-29, LLC**

By:  Oakridge Estates Development Corporation

Its: Member

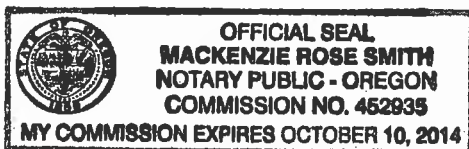
By: Jeffrey Smith

Its: President

State of Oregon )

County of Clackamas )

The foregoing instrument was acknowledged before me on this 12<sup>th</sup> day of December, 2011, by Jeffrey Smith, President of Oakridge Estates Development Corporation, as Member of TV 29, LLC, and who acknowledged the foregoing to be his voluntary act and deed.



  
Notary Public for Oregon

My Commission expires: October 10, 2014

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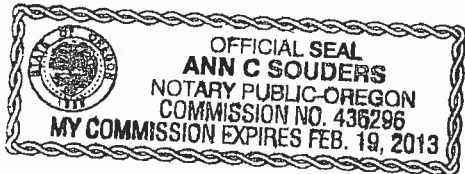
Gary A. Alfson  
Gary A. Alfson

Carolyn Sue Alfson  
Carolyn Sue Alfson

State of Oregon )

County of Multnomah )

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of December, 2011, by Gary A. Alfson and Carolyn Sue Alfson, and who acknowledged the foregoing to be their voluntary act and deed.



Ann C. Souders  
Notary Public for Oregon

My Commission expires: February 19, 2013

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**Attachment 3: MIP-24-02/VAR-24-05 PC Final Decision and Order**

**WEST LINN PLANNING COMMISSION  
NOTICE OF FINAL DECISION AND ORDER  
MIP-24-02 & VAR-24-05**

**IN THE MATTER OF A 3-PARCEL MINOR PARTITION AT 2830 COEUR D ALENE  
DRIVE AND A CLASS II VARIANCE PROPOSAL FOR ALLOWING MORE THAN FOUR  
LOTS TO BE SERVED FROM A PRIVATE DRIVEWAY.**

**Planning Commission Decision:** The Planning Commission has **approved** the above referenced land use application, based on the Findings and Conclusions and Conditions of Approval, stated in the staff report, except as modified herein.

**Materials: The applicant submittal and Staff Report, is available at**

- <https://westlinnoregon.gov/planning/2830-coeur-d-alene-drive-minor-partition-and-class-2-variance>

**I. Overview**

At its meeting on November 6, 2024, the West Linn Planning Commission ("Commission") held the initial evidentiary public hearing to consider the request by Gary Alfson & Susie Alfson, applicant, to approve a 3-Parcel Minor Partition at 2830 Coeur D Alene Drive and a Class II Variance to allow access from a shared driveway to more than four lots (five total lots) at 2934, 2826, 2830, Coeur D Alene Drive and the two additional lots created by the Minor Partition. The approval criteria for this proposal are Community Development Code (CDC) Chapter 12, Chapter 48, Chapter 75, Chapter 85, Chapter 92, and Chapter 99. The hearing was conducted pursuant to the provisions of CDC Chapter 99.170.

The initial evidentiary hearing commenced with a staff report presented by Aaron Gudelj, Associate Planner. The applicant(s) provided verbal testimony. Written testimony was submitted by Rich Faith and Cynthia Lacro, Rufus Timberlake & Julia Timberlake, Carlos Ugalde and Amy Ugalde, and David Baker. Oral testimony was provided at the hearing by Carlos Ugalde, Rufus Timberlake, Julia Timberlake, David Baker, and Thomas Laun. Applicant rebuttal was provided by the applicant(s). The primary concerns raised during testimony included:

- Traffic Safety
- Sharing of Access easement
- Plat notes
- Views
- Property Values
- Middle housing development on new lots

The hearing was closed, and the Commission deliberated whether the request meets the minimum necessary standards of CDC Chapter 75. A motion was made by Commissioner Evans to approve the application in accordance with the Staff Report and the recommended

conditions of approval. The motion was seconded by Chair Carr. The motion passed unanimously, 6-0 (Jones, Metlen, Walvatne, Evans, Schulte-Hillen, Carr).

## **II. The Record**

The record was finalized at the November 6, 2024 public hearing.

### **Findings of Fact**

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Gary Alfson and Susie Alfson.
- 3) The Commission finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment; and the evidence in the whole record.

## **III. Findings**

The Commission makes this decision based on the findings described in the Staff Report and in addition to or as modified below, the submitted written comments, and evidence in the whole record. The Commission concludes that the record satisfies the Applicant's burden to prove compliance with all applicable criteria including the following:

1. CDC 48.030(D) – Commission finds the application meets Class II Variance requirements thus granting relief from this provision.
2. CDC 75.020.B.1(c) – Commission finds the physical limitations of providing access to Tract C for Parcel 1 and that the property has been surrounded by subdivision development over time, thus limiting options for access, were not created by the applicant/owner requesting the variance.
3. CDC 85.200.B.8(b) – Commission finds the City, as a public agency, cannot legally prohibit development of middle housing on the newly created parcels and that this criterion is met without the proposed condition of approval in Finding No. 109.

## **IV. Conditions of Approval**

**The Planning Commission Approves MIP 24-02/VAR-24-05 subject to the identified conditions of approval.**

**1. Site Plans.** With the exception of modifications required by these conditions, the final plat shall substantially conform to the Tentative Plan.

**2. Shared Access Agreement.** Prior to recordation of the Plat with Clackamas County the applicant shall provide a signed access and utility easement and joint maintenance agreement between all owners of property using the private driveway as access. The access and utility easement and joint maintenance agreement shall have signatures from all owners of land using the private access and shall acknowledge the total number of lots using the private access.

**3. Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. The City may partner with the applicant to fund additional improvements as part of the project.

**4. Reciprocal Access and Utility Easement.** Prior to final plat approval, the applicant shall record and show on the face of the plat a 20-foot wide reciprocal access and utility easement and mutual maintenance agreement on Proposed Parcel 2 for the benefit of proposed Parcels 1 and 3. The easement will create legal access for ingress/egress and utility placement. The easement recording number shall be provided on the face of the final plat.

**V. Order**

The Commission concludes that MIP 24-02/VAR-24-05 is approved based on the Findings and Conclusions and Conditions of Approval, stated in the staff report, except as added to or modified herein.

  
\_\_\_\_\_  
JOHN CARR, CHAIR  
WEST LINN PLANNING COMMISSION

  
\_\_\_\_\_  
DATE

**APPEAL**

This decision may be appealed to the City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. This decision will become effective 14 days from the date of mailing of this final decision as identified below. A person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830. The decision will not become final until the period for filing a local appeal has expired.

More information about filing an appeal can be found at:

- <https://westlinnoregon.gov/planning/appeals>

Mailed this 21 day of November, 2024.

Therefore, this decision becomes effective at 5 p.m., December 4, 2024.

Contact: If you have any questions about this project, please contact Aaron Gudelj, Associate Planner, at [agudelj@westlinnoregon.gov](mailto:agudelj@westlinnoregon.gov) or (503)742-6057.

## **Attachment 4: PC Meeting Notes 11.06.2024**



**PLANNING COMMISSION**  
**Meeting Notes of November 6, 2024**

**Commissioners present:** John Carr, Joel Metlen, Gary Walvatne, David D. Jones, Kathryn Schulte-Hillen, and Jason Evans  
**Commissioners Absent** Tom Watton  
**Staff present:** Planning Manager Darren Wyss, Associate Planner Aaron Gudelj, Management Analyst Lynn Schroder, and City Attorney Ashley Wigod

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The meeting video is available on the [City website](#).

**Pre-Meeting Work session**

Chair Carr reviewed the order of business for the hearing for MIP-24-02/VAR-24-05. Commissioners asked procedural questions.

**1. Call To Order and Roll Call**

Chair Carr called the meeting to order. Planning Manager Wyss called the roll.

**2. Public Comment related to Items not on the Agenda**

None.

**3. Public Hearing: MIP-24-02/VAR-24-05 (Quasi-Judicial): [Three-Parcel Minor Partition and Class II Variance to allow five single-family homes to take access from a shared private drive at 2830 Coeur D Alene Drive](#)**

Chair Carr introduced application MIP-24-02/VAR-24-05, a three-Parcel Minor Partition and Class II Variance to allow five single-family homes to take access from a shared private drive at 2830 Coeur D Alene Drive. Carr provided an overview of the hearing process and opened the public hearing.

City Attorney Wigod addressed legal standards and appeal rights. The substantive criteria for the application are Community Development Code (CDC) Chapters 12, 48, 75, 85, 92, and 99.

City Attorney Wigod addressed the Planning Commissioners' conflicts of interest, bias, ex-parte contacts, and site visits. None of the Planning Commissioners disclosed conflicts of interest, bias, or ex-parte contact. Commissioner Schulte acknowledged her familiarity with the property because of its proximity to family members. She affirmed that she could remain impartial in evaluating and deciding on the application. Chair Carr acknowledged his familiarity with the property, noting that he walks his dog in the area. He affirmed that he could remain impartial in evaluating and deciding on the application. Wigod then invited audience members to raise any objections regarding the Planning Commission's jurisdiction or any potential biases or ex-parte disclosures by the Commissioners. There was none.

Associate Planner Aaron Gudelj delivered the staff report. The applicants currently own the subject property, which includes an existing single-family home with a detached garage on a 39,636-square-foot lot located at 2830 Coeur D'Alene Drive. Access to the lot is provided via a 20-foot-wide shared private driveway that connects to Coeur D'Alene Drive through a shared access easement on Lots 22 and 23 of the Teresa's Vineyard Tract.



No physical development is being proposed for the properties. The applicant proposes to divide the existing 39,636-square-foot lot into three parcels:

- Parcel 1: 19,336 sq. ft.
- Parcel 2: 10,000 sq. ft.
- Parcel 3: 10,000 sq. ft.

Access to the new parcels would utilize the existing 20-foot shared private driveway, currently serving Lots 22 and 23 of Teresa's Vineyard Tract, along with the subject property. The proposed minor partition would increase the number of lots from one to three, with the shared driveway providing access to all newly created parcels as well as the existing single-family home.

Pursuant to the West Linn Community Development Code (CDC) Chapter 48.030(D), a residential access serving five or more lots is required to be a public street unless waived through a variance. To address this requirement, the applicant has applied for a Class II Variance requesting an exemption from the public street standards of CDC 48.030(D), allowing the shared private driveway to serve all five lots. There are no environmental overlays on the property. Tualatin Valley Fire and Rescue and has reviewed the proposed design and had no conditions to add. Gudelj recommended approval of application with four conditions of approval including a condition that the property owner obtain an access easement agreement from the affected properties owners.

Commissioners asked questions about the plat notes, the existing septic system, easement requirements, potential access via Tract C, historic development patterns and original property access, and homeowner association affiliation.

Gary Alfson, a homeowner, presented the application request. He and his wife have owned the property for 40 years. He explained that the variance to add additional lots with private driveway access is necessary due to the property's physical constraints, which make dividing it into smaller lots impossible without a variance. He emphasized that the burden was not created by them but resulted from surrounding development over time. Susie Alfson, the co-applicant, testified that they have lived in their home since 1997 and have witnessed significant development around their property. Their driveway and address were relocated to Coeur D Alene Drive with the private easement access when the Teresa's Vineyard tract was developed.

Written testimony was submitted by Rich Faith, Cynthia Lacro, Rufus Timberlake, Julia Timberlake, Carlos Ugalde, Amy Ugalde, and David Baker. Oral testimony opposing the application was presented at the hearing by Carlos Ugalde, Julia Timberlake, and David Baker. The primary concerns raised during testimony included:

- Traffic Safety & public street standards
- Sharing of Access easement
- Plat notes
- Views
- Property Values
- Middle housing development on new lots

Thomas Laun, a resident of the neighborhood, expressed his support for the application. He testified that approximately 46 homes have been constructed near the applicant's property since 1997. He highlighted that access to the applicant's property had been constrained by the surrounding developments and that this issue had already been a concern during the development of the adjacent properties.

Gary Alfson rebutted stating that the driveway easement was designed for vehicle access, not as a play area for children. He also emphasized that he is not required to maintain trees on his property for the purpose of preserving someone else's view. Additionally, he mentioned that he had discussed his variance request with all neighboring property owners and noted that most did not express any concerns.

There was a discussion about a continuance to receive written comments from the neighborhood association. It was determined that the neighborhood association had opportunity to submit comments and did not, itself, request a continuance to submit testimony.

Commissioners asked questions of staff about the criteria for a variance approval and recommended conditions. Associate Planner Gudelj provided responses.

Chair Carr closed the public hearing and open deliberations. Commissioners deliberated whether the request meets the minimum necessary standards of CDC Chapter 75.

Commissioner Evans moved to approve MIP-24-01/VAR-24-05 as presented with four conditions of approval and directed staff to prepare a Final Decision and Order based on the findings in the staff report and the record. Chair Carr seconded. **Ayes: Jones, Metlen, Evans, Schulte-Hillen, Walvatne, and Carr. Nays: Watton and Walvatne. Abstentions: None. The motion passed 6-0-0.**

#### **4. Planning Commission Announcements**

Commissioner Walvatne acknowledged the community's concerns regarding the possible closure of Bolton Primary School and suggested that it would be beneficial for the school district to offer a courtesy presentation to the Planning Commission and City Council.

Commissioner Jones provided a brief update on the VISION43 project and working group.

#### **5. Staff Announcements**

Planning Manager Wyss noted that the November 20, 2024 Planning Commission meeting is canceled. Instead, the PC will meet with the City Council in a joint meeting on November 18, 2024.

#### **6. Adjourn**

Chair Carr adjourned the meeting at 8:55pm.

**Attachment 5: AP-24-02 CC PH Affidavit and Notice Packet**



**AFFIDAVIT OF NOTICE  
CITY COUNCIL DECISION**

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

**PROJECT**

File No.: **AP-24-02**                      Applicant's Name: **Gary Alfson & Susie Alfson**  
Development Address: 2830 Coeur D Alene Drive  
City Council Hearing Date: January 6, 2024

**MAILED NOTICE**

Notice of Upcoming CC Hearing was mailed at least 20 days before the hearing, per Section 99.080 of the CDC to:

|  |          |                      |
|--|----------|----------------------|
| Gary Alfson, applicant/owner                       | 12/11/24 | <i>Lynn Schroder</i> |
| Property owners within 500ft of the site perimeter | 12/11/24 | <i>Lynn Schroder</i> |
| Kevin Harker, applicant rep                        | 12/11/24 | <i>Lynn Schroder</i> |
| Neighborhood Association, Savanna Oaks             | 12/11/24 | <i>Lynn Schroder</i> |
| Parties of record for MIP-24-02/VAR-24-05          | 12/11/24 | <i>Lynn Schroder</i> |

**EMAILED NOTICE**

Notice of Upcoming CC Hearing was emailed at least 20 days before the hearing date to:

|                                       |          |                      |
|---------------------------------------|----------|----------------------|
| Savanna Oaks Neighborhood Association | 12/11/24 | <i>Lynn Schroder</i> |
| Gary Alfson, applicant/owner          | 12/11/24 | <i>Lynn Schroder</i> |
| Kevin V. Harker, applicant consultant | 12/11/24 | <i>Lynn Schroder</i> |
| David Baker                           | 12/11/24 | <i>Lynn Schroder</i> |
| Rich Faith                            | 12/11/24 | <i>Lynn Schroder</i> |
| Rufus Timberlake                      | 12/11/24 | <i>Lynn Schroder</i> |

**WEBSITE**

Notice of Upcoming CC Hearing was posted on the City's website at least 20 days before the hearing.

|          |                      |
|----------|----------------------|
| 12/11/24 | <i>Lynn Schroder</i> |
|----------|----------------------|

**TIDINGS**

Notice of Upcoming CC Hearing was posted in the West Linn Tidings at least 10 days before the hearing, per Section 99.080 of the CDC.

|          |                      |
|----------|----------------------|
| 12/25/24 | <i>Lynn Schroder</i> |
|----------|----------------------|

**SIGN**

A sign for the Upcoming CC Hearing was posted on the property at least 10 days before the hearing, per Section 99.080 of the CDC.

|            |                     |
|------------|---------------------|
| 12/20/2024 | <i>Aaron Gudely</i> |
|------------|---------------------|

**STAFF REPORT**

The staff report was posted on the website and provided to the applicant and City Councilors at least 10 days

before the hearing, per Section 99.040 of the CDC.

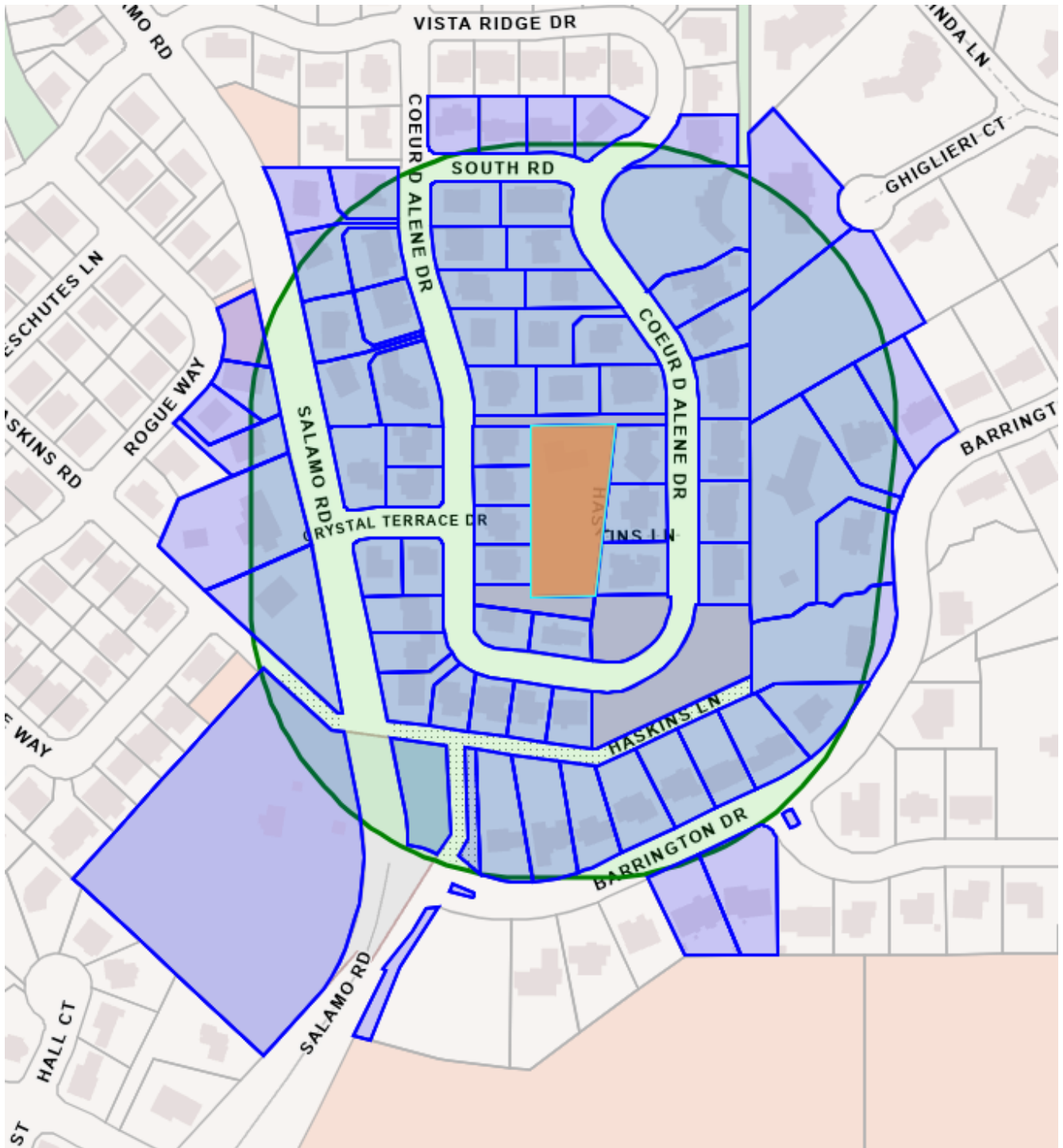
|            |                      |
|------------|----------------------|
| 12/26/2024 | <i>Lynn Schroder</i> |
|------------|----------------------|

**FINAL DECISION**

Notice of Final Decision was mailed to the applicant, all parties with standing, and posted on the City’s website, per Section 99.040 of the CDC.

|  |                      |
|--|----------------------|
|  | <i>Lynn Schroder</i> |
|--|----------------------|

AP-24-02 – Notified Properties within 500 feet of 2830 Coeur d Alene Drive





**NOTICE OF UPCOMING  
CITY COUNCIL PUBLIC HEARING**

**PROJECT # AP-24-02  
MAIL: 12/17/2024 TIDINGS: 12/17/2024**

**CITIZEN CONTACT INFORMATION**

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

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

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

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

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

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

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

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

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

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

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

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

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

Scan this QR Code to go to Project Web Page:



## Mollusky, Kathy

**From:** David Baker <dbaker97068@gmail.com>  
**Sent:** Sunday, January 5, 2025 5:17 PM  
**To:** Mollusky, Kathy  
**Cc:** Kyle Grant  
**Subject:** Images For Testimony

You don't often get email from dbaker97068@gmail.com. [Learn why this is important](#)

**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hi Kathy,

Would it be possible to have the attached images shown on the large screen behind City Council's dias when I give a comment during the appeal hearing tomorrow?

Thanks so much,

David











Kyle L. Grant  
Kyle.Grant@tonkon.com

503.802.2092 direct  
503.221.1440 main

January 2, 2025

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

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

Dear City Councilors:

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

## **I. Summary**

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

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

## **II. Class II Variance**

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

**III. Condition No. 2**

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



January 2, 2025  
Page 5

#### **IV. Conclusion**

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

Thank you for your consideration in this matter.

Sincerely,



Kyle L. Grant

KLK/

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





# TERESA'S VINEYARD

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

BOOK 142 PAGE 021  
RECORDED AS DOCUMENT NO. 2012-1405  
PLAT NO. 4339

## SHEET INDEX

SHEET 1 - OVERALL PLAN, SHEET INDEX, LEGEND, NOTES  
& PLAT RESTRICTIONS AND MONUMENT TABLE  
SHEET 2 - NORTH HALF OF SITE  
SHEET 3 - SOUTH HALF OF SITE  
SHEET 4 - APPROVALS, SURVEYOR'S CERTIFICATE,  
DECLARATION & ACKNOWLEDGMENTS

## NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENTS 95-14166 AND 2011-047083 AS SHOWN IN S.N. 2011-170, CLACKAMAS COUNTY SURVEY RECORDS. BEARINGS ARE BASED ON HOLDING SOUTH 89°39'09" EAST BETWEEN FOUND MONUMENTS M1 AND M5 AS DESCRIBED IN S.N. 2011-170.

## NOTES AND PLAT RESTRICTIONS

1. BASIS OF BEARINGS AND BOUNDARY DETERMINATION ARE PER SN#2011-170, CLACKAMAS COUNTY SURVEY RECORDS.
2. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL AS LISTED IN THE WEST LINN FINAL LAND USE DECISION NOTICE. SUB-07-02/NDW-07-02/VAR-07-01
3. LOTS 1-29 ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF "TERESA'S VINEYARD" RECORDED UNDER DOCUMENT NO. 2012-001411, CLACKAMAS COUNTY DEED RECORDS.
4. THERE IS AN 8-FOOT PUBLIC UTILITY EASEMENT ON THE FRONT OF ALL LOTS AND TRACTS "A", "B" AND "C" AND ON THE STREET SIDES OF CORNER LOTS AS SHOWN HEREON.
5. TRACTS "A" AND "B" ARE TRACTS FOR THE PURPOSE OF OPEN SPACE AND STORM WATER FACILITIES SUBJECT TO A PUBLIC STORM WATER EASEMENT OVER THEIR ENTIRETY AND ARE CONVEYED TO THE CITY OF WEST LINN PER INSTRUMENT NO. 2012-001411, CLACKAMAS COUNTY DEED RECORDS, SUBJECT TO THE WETLAND DEED RESTRICTION PER INSTRUMENT NO. 2012-001411.
6. TRACT "A" IS SUBJECT TO A 16.5-FOOT PUBLIC SANITARY SEWER EASEMENT ALONG ITS NORTH LINE AND A 16.5-FOOT ACCESS EASEMENT FOR SURVEY PURPOSES ONLY TO ALLOW ACCESS TO THE QUARTER CORNER MONUMENT ON THE EAST LINE OF LOT 24.
7. TRACT "B" IS SUBJECT TO A 10-FOOT PUBLIC UTILITY EASEMENT ALONG ITS NORTH LINE.
8. TRACT "C" IS A TRACT FOR THE PURPOSE OF PUBLIC PEDESTRIAN ACCESS, LOCAL ACCESS TO LOTS 10 AND 20, EMERGENCY VEHICULAR ACCESS, AND PUBLIC WATER LINE EASEMENT AND IS GRANTED TO THE CITY OF WEST LINN PER INSTRUMENT NO. 2012-001411, CLACKAMAS COUNTY DEED RECORDS. TRACT "C" IS SUBJECT TO THE 8-FOOT PRIVATE UTILITY EASEMENT FOR THE BENEFIT OF LOTS 10 AND 20 FOR THE PURPOSE OF SANITARY SEWER, WATER LINE AND STORM DRAINAGE AS SHOWN HEREON.
9. TRACT "C" WILL PROVIDE ACCESS TO A MAXIMUM OF TWO FUTURE LOTS IN THE ADJOINING PARCEL TO THE SOUTH DESCRIBED IN FEE NO. 84-13907.
10. TRACT "D" IS A PRIVATE TRACT AND IS CONVEYED TO THE OWNER OF LOT 2 "CRYSTAL TERRACE" PER INSTRUMENT NO. 2012-001413, CLACKAMAS COUNTY DEED RECORDS. TRACT "D" IS NOT SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3. TRACT "D" IS SUBJECT TO A PUBLIC STORM EASEMENT OVER ITS ENTIRETY AS SHOWN HEREON. EASEMENT DOCUMENT NO.2011-54002 IS EXTINGUISHED BY MERGER UPON THE CONVEYANCE OF THE TRACT ABOVE.
11. TRACT "E" IS A PRIVATE TRACT AND IS CONVEYED TO THE OWNER OF LOT 1 "CRYSTAL TERRACE" PER INSTRUMENT NO. 2012-001414, CLACKAMAS COUNTY DEED RECORDS. TRACT "E" IS NOT SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3. TRACT "E" IS SUBJECT TO A PUBLIC STORM EASEMENT OVER ITS ENTIRETY AS SHOWN HEREON. EASEMENT DOCUMENT NO.2011-54001 IS EXTINGUISHED BY MERGER UPON THE CONVEYANCE OF THE TRACT ABOVE.
12. LOT 2 IS SUBJECT TO A PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF LOT 3 AS SHOWN HEREON. MAINTENANCE OF THE SANITARY LINE IS THE RESPONSIBILITY OF THE OWNER OF LOT 3. THAT PORTION OF THE GROUND SURFACE OF LOT 2 SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF LOT 2.
13. LOTS 2 AND 3 ARE SUBJECT TO A RECIPROCAL DRIVEWAY ACCESS EASEMENT AS SHOWN HEREON AND DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3.
14. LOTS 2, 3, 6 AND 7 ARE SUBJECT TO A 1-FOOT PUBLIC SIDEWALK EASEMENT AS SHOWN HEREON TO SERVE SALAMO ROAD.
15. LOTS 2, 3, 6, 7 AND 8 ARE SUBJECT TO A PUBLIC STORM DRAINAGE EASEMENT AS SHOWN HEREON. THAT PORTION OF THE GROUND SURFACE SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNERS OF SAID LOTS. NO PERMANENT STRUCTURES SHALL BE ERECTED WITHIN THE EASEMENT SO AS NOT TO INTERFERE WITH THE PUBLIC OPERATIONS AND MAINTENANCE OF THE STORM SEWER SYSTEM.
16. LOT 3 IS SUBJECT TO A PRIVATE STORM DRAINAGE EASEMENT FOR THE BENEFIT OF LOT 2 AS SHOWN HEREON. MAINTENANCE OF THE STORM DRAIN LINE IS THE RESPONSIBILITY OF THE OWNER OF LOT 2. THAT PORTION OF THE GROUND SURFACE OF LOT 3 SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF LOT 3.
17. LOTS 3, 6, 7 AND 8 ARE ALSO SUBJECT TO A PUBLIC STORM DRAINAGE EASEMENT AS SHOWN HEREON. THAT PORTION OF THE GROUND SURFACE SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNERS OF SAID LOTS. NO PERMANENT STRUCTURES SHALL BE ERECTED WITHIN THE EASEMENT SO AS NOT TO INTERFERE WITH THE PUBLIC OPERATIONS AND MAINTENANCE OF THE STORM SEWER SYSTEM.
18. LOTS 5, 6, 7 AND 8 ARE SUBJECT TO A PRIVATE STORM DRAINAGE EASEMENT AS SHOWN HEREON FOR THE BENEFIT OF TERESA'S VINEYARD HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF CONVEYING RETAINING WALL DRAINAGE TO A PUBLIC STORM DRAINAGE SYSTEM.
19. LOTS 6 AND 7 ARE SUBJECT TO A RECIPROCAL DRIVEWAY ACCESS EASEMENT AS SHOWN HEREON AND DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3.
20. LOTS 10 AND 20 ARE SUBJECT TO AN 8-FOOT PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
21. LOT 12 IS SUBJECT TO A 10-FOOT PRIVATE SANITARY SEWER AND STORM DRAINAGE EASEMENT AS SHOWN HEREON FOR THE BENEFIT OF LOT 11. MAINTENANCE OF THE SANITARY AND STORM LINES IS THE RESPONSIBILITY OF THE OWNER OF LOT 11. THAT PORTION OF THE GROUND SURFACE OF LOT 12 SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF LOT 12.
22. LOTS 15, 16, 29 AND 30 ARE SUBJECT TO A PUBLIC SIDEWALK EASEMENT AS SHOWN HEREON.
23. LOTS 21 AND 22 ARE SUBJECT TO AN 8-FOOT PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
24. LOTS 22 AND 23 ARE SUBJECT TO A 20-FOOT ACCESS EASEMENT AND JOINT MAINTENANCE AGREEMENT PER INSTRUMENT NO. 2012-001415, CLACKAMAS COUNTY DEED RECORDS. THE ACCESS EASEMENT WILL PROVIDE ACCESS FOR THE ADJOINING PARCEL TO THE WEST DESCRIBED IN FEE NO. 84-13907, OR A MAXIMUM OF TWO LOTS IF SAID ADJOINING PARCEL TO THE WEST IS DEVELOPED. LOTS 22 AND 23 ARE ALSO SUBJECT TO A 15-FOOT PUBLIC SANITARY SEWER EASEMENT AS SHOWN HEREON.
25. LOT 22 IS SUBJECT TO A 4.5-FOOT PRIVATE WATER LINE EASEMENT FOR THE BENEFIT OF THE PARCEL DESCRIBED IN FEE NO. 84-13907 AND A PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
26. LOT 24 IS SUBJECT TO AN 8-FOOT ACCESS EASEMENT, AS SHOWN HEREON. ACCESS ON TO LOT 24 FOR SURVEY PURPOSES SHALL BE ALLOWED AT 412.72' TO O.R.S. 672.047. THE QUARTER CORNER MONUMENT AND ITS ACCESSORIES ARE PUBLIC LAND SURVEY MONUMENTS THAT SHALL BE PROTECTED AND PRESERVED AT ALL TIMES.
27. THERE SHALL BE NO VEHICULAR ACCESS TO SALAMO ROAD FROM LOTS 2, 3, 6 AND 7.
28. SEE SHEET 4 FOR LISTING OF RELEASES OF EXISTING EASEMENTS AND EASEMENTS DEFINED IN THE COVENANTS, CONDITIONS & RESTRICTIONS REFERENCE IN NOTE #3.

## LEGEND

- - SET 5/8"X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TSCS" - SET NOVEMBER & DECEMBER, 2011
- - SET 5/8"X 30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" FLUSH IN PAVEMENT
- - SET 5/8"X 30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" IN MONUMENT BOX
- - FOUND MONUMENT AS NOTED
- △ - FOUND QUARTER CORNER - 3-1/4" BRONZE CAP
- FND - FOUND
- IR - IRON ROD
- IP - IRON PIPE
- IB - IRON BAR
- YPC - YELLOW PLASTIC CAP
- OPC - ORANGE PLASTIC CAP
- SN# - CLACKAMAS COUNTY SURVEY RECORD
- ESMT - EASEMENT
- PUE - PUBLIC UTILITY EASEMENT
- TSCS - THE SAUNDERS COMPANY SURVEY

01/11/12  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Theodore G. Lambert*  
OREGON  
JULY 16, 1987  
THEODORE G. LAMBERT  
2294

RENEWES: 12-31-2012

The Saunders Company Inc.

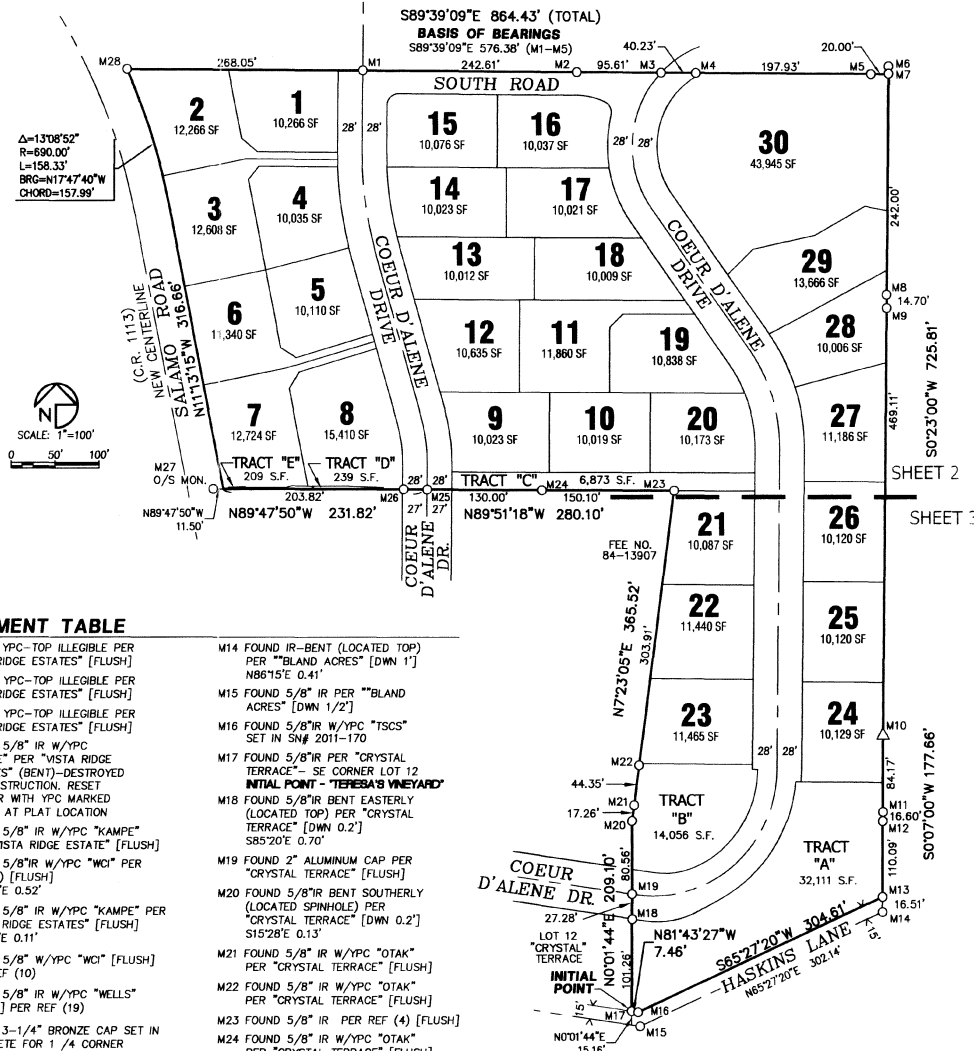
SURVEY DIVISION  
901 N. BRUSH ST., SUITE#201  
NEWBERG, OREGON 97132  
TEL: 503-537-4347 FAX: 503-554-9107  
WWW.THESAUNDERSCOMPANY.NET

SHEET 1 OF 4

JOB NO. 9130

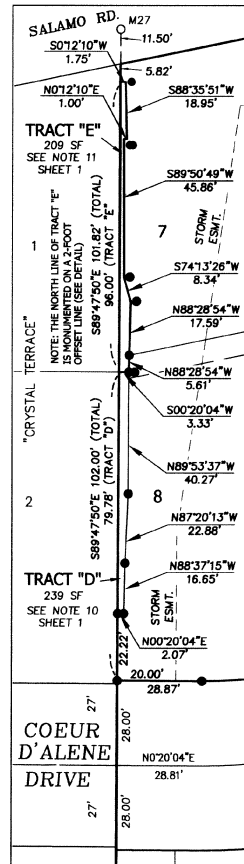
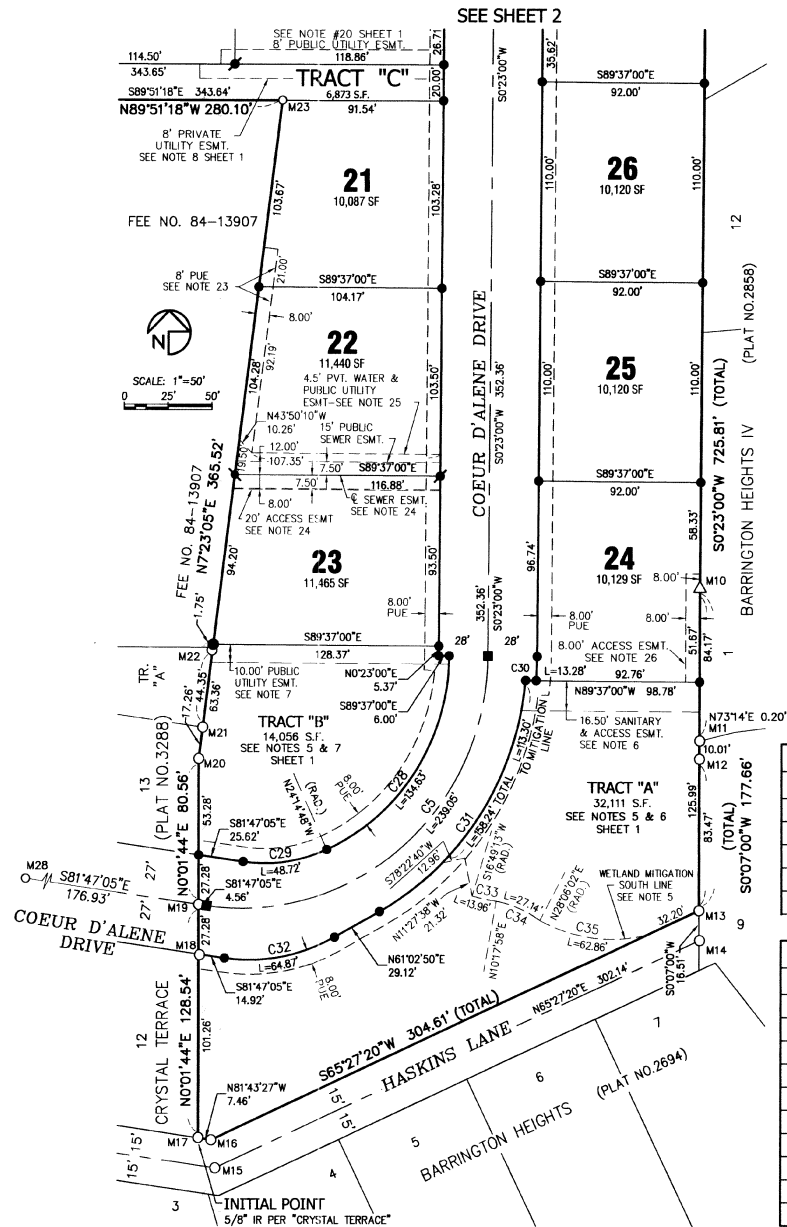
## MONUMENT TABLE

- |   |  |
|---|--|
| M1 FOUND YPC-TOP ILLIGIBLE PER "VISTA RIDGE ESTATES" [FLUSH]  | M14 FOUND IR-BENT (LOCATED TOP) PER "BLAND ACRES" [DWN 1"] N86°15' 0.41'                             |
| M2 FOUND YPC-TOP ILLIGIBLE PER "VISTA RIDGE ESTATES" [FLUSH]  | M15 FOUND 5/8" IR PER "BLAND ACRES" [DWN 1/2"]   |
| M3 FOUND YPC-TOP ILLIGIBLE PER "VISTA RIDGE ESTATES" [FLUSH]  | M16 FOUND 5/8" IR W/ YPC "TSCS" SET IN SN# 2011-170  |
| M4 FOUND 5/8" IR W/ YPC "KAMPE" PER "VISTA RIDGE ESTATES" (BENT)-DESTROYED IN CONSTRUCTION. RESET 5/8" IR WITH YPC MARKED "TSCS" AT PLAT LOCATION | M17 FOUND 5/8" IR PER "CRYSTAL TERRACE"- SE CORNER LOT 12 INITIAL POINT - "TERESA'S VINEYARD"        |
| M5 FOUND 5/8" IR W/ YPC "KAMPE" PER "VISTA RIDGE ESTATE" [FLUSH]  | M18 FOUND 5/8" IR BENT EASTERLY (LOCATED TOP) PER "CRYSTAL TERRACE" [DWN 0.2"] S85°20'E 0.70'        |
| M6 FOUND 5/8" IR W/ YPC "WCI" PER REF. (6) [FLUSH] N00°23'E 0.52'   | M19 FOUND 2" ALUMINUM CAP PER "CRYSTAL TERRACE" [FLUSH]  |
| M7 FOUND 5/8" IR W/ YPC "KAMPE" PER "VISTA RIDGE ESTATES" [FLUSH] S89°39'E 0.11'  | M20 FOUND 5/8" IR BENT SOUTHERLY (LOCATED SPINHOLES) PER "CRYSTAL TERRACE" [DWN 0.2"] S15°28'E 0.13' |
| M8 FOUND 5/8" IR W/ YPC "WCI" [FLUSH] PER REF (10)  | M21 FOUND 5/8" IR W/ YPC "OTAK" PER "CRYSTAL TERRACE" [FLUSH]  |
| M9 FOUND 5/8" IR W/ YPC "WELLS" [FLUSH] PER REF (19)  | M22 FOUND 5/8" IR W/ YPC "OTAK" PER "CRYSTAL TERRACE" [FLUSH]  |
| M10 FOUND 3-1/4" BRONZE CAP SET IN CONCRETE FOR 1/4 CORNER BETWEEN SECTIONS 35 & 36 [FLUSH] PER USBT 2007-091 AND REF (14)                        | M23 FOUND 5/8" IR PER REF (4) [FLUSH]  |
| M11 FOUND 5/8" IR W/ YPC "WELLS" PER "BARRINGTON HEIGHTS IV" [UP 1/2"] N73°14'E 0.20'   | M24 FOUND 5/8" IR W/ YPC "OTAK" PER "CRYSTAL TERRACE" [FLUSH]  |
| M12 FOUND 5/8" IR PER REF 3, 4) [UP 1/2"]   | M25 FOUND 2" ALUMINUM CAP PER "CRYSTAL TERRACE" [FLUSH]  |
| M13 FOUND 5/8" IR W/ YPC "TSCS" SET IN SN# 2011-170   | M26 FOUND 5/8" IR PER "CRYSTAL TERRACE"  |
|   | M27 FOUND 1" BERNTSTEN BRONZE PLUG "TSCS" SET IN SN#2011-170.  |
|   | M28 FOUND 1" BERNTSTEN BRONZE PLUG "TSCS" SET IN SN# 2011-170.                                       |



# TERESA'S VINEYARD

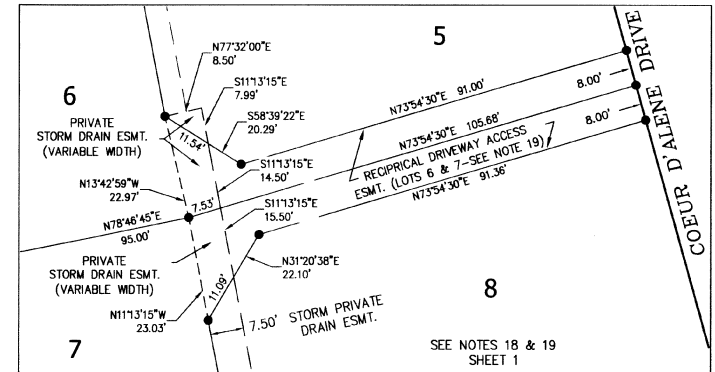
BEING A REPLAT OF A PORTION OF LOTS 15 AND 16, BLAND ACRES,  
PLAT NO. 304, LOCATED IN THE NE 1/4 AND THE SE 1/4 SEC. 35, T2S, R1E, W.M.  
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON  
CITY OF WEST LINN FILE NO. SUB-07-02/NDW-07-02/VAR-07-01  
SURVEYED: DECEMBER, 2011



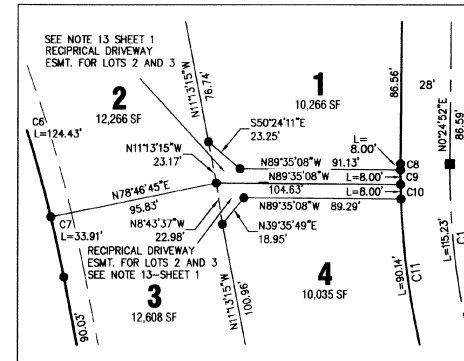
TRACTS "D" & "E" DETAIL  
SCALE: 1"=30'

| CENTERLINE CURVE TABLE |           |         |          |               |         |
|------------------------|-----------|---------|----------|---------------|---------|
| CURVE #                | DELTA     | RADIUS  | LENGTH   | CHORD BEARING | CHORD   |
| C1                     | 16°30'22" | 400.00' | 115.234' | S75°09'19"E   | 114.84' |
| C2                     | 16°25'33" | 185.00' | 53.037'  | N75°43'37"W   | 52.86'  |
| C3                     | 79°25'08" | 116.86' | 161.982' | S3°59'44"W    | 149.32' |
| C4                     | 36°05'50" | 185.00' | 116.553' | N17°39'55"W   | 114.63' |
| C5                     | 97°49'55" | 140.00' | 239.048' | N49°17'57"E   | 211.05' |

| RIGHT-OF-WAY CURVE TABLE |            |         |          |               |         |
|--------------------------|------------|---------|----------|---------------|---------|
| CURVE #                  | DELTA      | RADIUS  | LENGTH   | CHORD BEARING | CHORD   |
| C23                      | 1°32'00"   | 157.00' | 36.541'  | N29°02'47"W   | 36.46'  |
| C24                      | 22°45'43"  | 157.00' | 62.372'  | N10°59'52"W   | 61.96'  |
| C25                      | 18°36'20"  | 213.00' | 69.167'  | N85°51'07"W   | 68.86'  |
| C26                      | 17°29'30"  | 213.00' | 65.026'  | N26°58'05"W   | 64.77'  |
| C27                      | 100°36'03" | 88.86'  | 156.022' | S14°35'12"W   | 136.74' |
| C28                      | 65°22'12"  | 118.00' | 134.629' | N33°04'06"E   | 127.44' |
| C29                      | 32°27'42"  | 86.00'  | 48.725'  | N81°59'04"E   | 48.08'  |
| C30                      | 4°31'42"   | 168.00' | 13.278'  | N2°38'51"E    | 13.27'  |
| C31                      | 55°58'03"  | 162.00' | 158.244' | N33°03'49"E   | 152.03' |
| C32                      | 37°10'04"  | 100.00' | 64.870'  | N79°37'52"E   | 63.74'  |



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

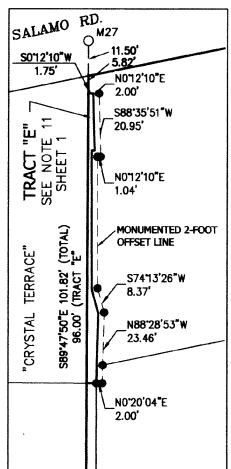


RECIPROCAL DRIVEWAY ACCESS EASEMENT DETAIL  
SCALE: 1"=50'

| WETLAND MITIGATION CURVE TABLE |           |        |         |               |        |
|--------------------------------|-----------|--------|---------|---------------|--------|
| CURVE #                        | DELTA     | RADIUS | LENGTH  | CHORD BEARING | CHORD  |
| C33                            | 9°26'33"  | 84.68' | 13.956' | S77°54'03"E   | 13.94' |
| C34                            | 25°05'07" | 61.98' | 27.136' | N6°70'28"W    | 26.92' |
| C35                            | 41°30'23" | 86.77' | 62.855' | S82°39'09"E   | 61.49' |

## LEGEND

- SET 5/8"x30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TSCS" - SET NOVEMBER & DECEMBER, 2011
- SET 5/8"x30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" FLUSH IN PAVEMENT
- SET 5/8"x30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" IN MONUMENT BOX
- FOUND MONUMENT AS NOTED
- △ FOUND QUARTER CORNER - 3-1/4" BRONZE CAP
- FOUND
- IR IRON ROD
- IP IRON PIPE
- IB IRON BAR
- YPC - YELLOW PLASTIC CAP
- OPC - ORANGE PLASTIC CAP
- SNV - CLACKAMAS COUNTY SURVEY RECORD
- ESMT - EASEMENT
- PUE - PUBLIC UTILITY EASEMENT
- TSCS - THE SAUNDERS COMPANY SURVEY



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

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

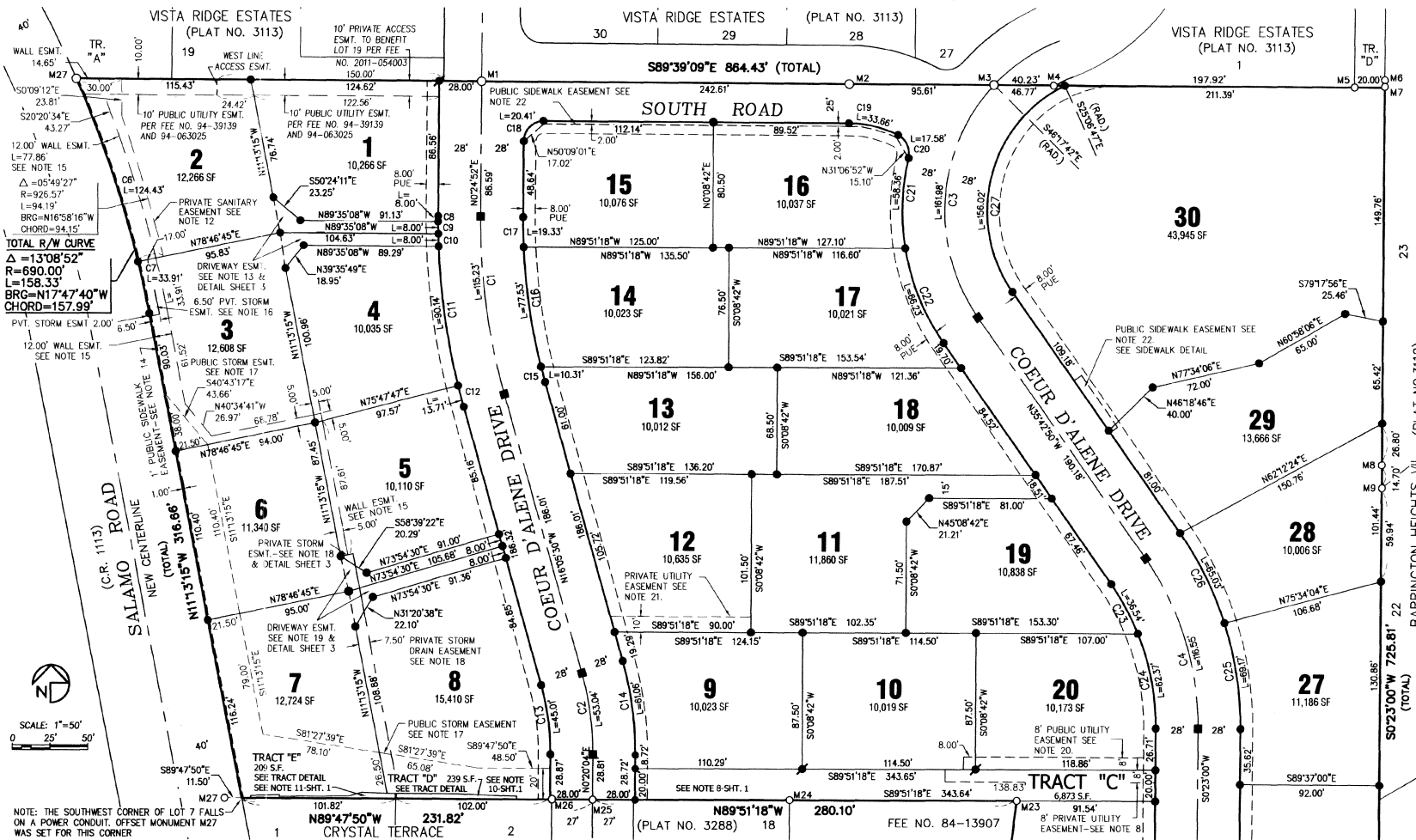
## The Saunders Company Inc.

SURVEY DIVISION  
901 N. BRITISH ST., SUITE #201  
NEWBERG, OREGON 97132  
TEL: 503-537-9347 FAX: 503-554-9107  
WWW.THESAUNDERSCOMPANY.NET

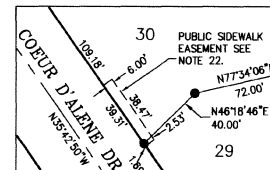
# TERESA'S VINEYARD

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

BOOK 142 PAGE 021  
RECORDED AS DOCUMENT No. 2012-1405  
PLAT NO. 4339



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



LOTS 29 & 30  
SIDEWALK DETAIL  
SCALE: 1"=50'

## LEGEND

- - SET 5/8"x30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TSCS" - SET NOVEMBER & DECEMBER, 2011
- - SET 5/8"x30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" FLUSH IN PAVEMENT
- - SET 5/8"x30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" IN MONUMENT BOX
- - FOUND MONUMENT AS NOTED
- △ - FOUND QUARTER CORNER - 3-1/4" BRONZE CAP
- FND - FOUND
- IR - IRON ROD
- IP - IRON PIPE
- IB - IRON BAR
- YPC - YELLOW PLASTIC CAP
- OPC - ORANGE PLASTIC CAP
- SN# - CLACKAMAS COUNTY SURVEY RECORD
- ESMT - EASEMENT
- PUE - PUBLIC UTILITY EASEMENT
- TSC - THE SAUNDERS COMPANY SURVEY

SEE SHEET 3

| CURVE # | DELTA     | RADIUS  | LENGTH   | CHORD BEARING | CHORD   |
|---------|-----------|---------|----------|---------------|---------|
| C1      | 16°30'22" | 400.00' | 115.234' | S75°09'E      | 114.84' |
| C2      | 16°25'33" | 185.00' | 53.037'  | N7°52'43"W    | 52.86'  |
| C3      | 79°25'08" | 116.86' | 161.982' | S3°59'44"W    | 149.32' |
| C4      | 36°05'50" | 185.00' | 116.553' | N17°39'55"W   | 114.63' |
| C5      | 97°49'55" | 140.00' | 239.048' | N45°17'57"E   | 211.05' |
| C6      | 10°19'56" | 690.00' | 124.428' | N19°12'08"W   | 124.26' |
| C7      | 2°48'56"  | 690.00' | 33.907'  | N12°37'43"W   | 33.90'  |
| C8      | 0°27'40"  | 428.00' | 3.444'   | S01°10'2"W    | 3.44'   |
| C9      | 1°04'16"  | 428.00' | 8.001'   | S0°34'56"E    | 8.00'   |
| C10     | 1°04'18"  | 428.00' | 8.005'   | S1°39'13"E    | 8.01'   |
| C11     | 12°03'59" | 428.00' | 90.136'  | S81°13'21"E   | 89.97'  |

| CURVE # | DELTA     | RADIUS  | LENGTH  | CHORD BEARING | CHORD  |
|---------|-----------|---------|---------|---------------|--------|
| C12     | 1°50'09"  | 428.00' | 13.714' | S15°02'25"E   | 13.71' |
| C13     | 16°25'33" | 157.00' | 45.010' | N75°24'3"W    | 44.86' |
| C14     | 16°25'33" | 213.00' | 61.064' | N75°24'3"W    | 60.86' |
| C15     | 1°35'16"  | 372.00' | 10.309' | S15°17'52"E   | 10.31' |
| C16     | 11°56'28" | 372.00' | 77.526' | S8°32'00"E    | 77.39' |
| C17     | 2°58'39"  | 372.00' | 19.332' | S1°04'28"E    | 19.33' |
| C18     | 89°55'59" | 13.00'  | 20.405' | S45°22'51"W   | 18.37' |
| C19     | 25°42'58" | 75.00'  | 33.662' | N76°47'40"W   | 33.38' |
| C20     | 77°29'58" | 13.00'  | 17.584' | N25°11'12"W   | 16.27' |
| C21     | 23°04'59" | 144.86' | 58.360' | S20°11'18"W   | 57.97' |
| C22     | 26°11'38" | 144.86' | 66.226' | S22°37'01"E   | 65.65' |

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

01/11/12  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Theodore G. Lambert*  
OREGON  
JULY 16, 1987  
THEODORE G. LAMBERT  
2294

The Saunders Company Inc.

SURVEY DIVISION  
901 N. BRUTSCHER ST., SUITE#201  
NEWBERG, OREGON 97132  
TEL: 503-537-9347 FAX: 503-554-9107  
WWW.THESAUNDERSCOMPANY.NET

RENEWS: 12-31-2012

SHEET 2 OF 4

JOB NO. 9130

## TERESA'S VINEYARD

BEING A REPLAT OF A PORTION OF LOTS 15 AND 16, BLAND ACRES, PLAT NO. 304, LOCATED IN THE NE 1/4 AND THE SE 1/4 SEC. 35, T2S, R1E, W.M.

CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

CITY OF WEST LINN FILE NO. SUB-07-02/NDW-07-02/VAR-07-01

SURVEYED: DECEMBER, 2011

## DECLARATION:

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

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

TV 29, LLC

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

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

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

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

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

## ACKNOWLEDGMENTS

STATE OF OREGON

COUNTY OF CLACKAMAS

S.S.

THIS DECLARATION WAS ACKNOWLEDGED BEFORE ME ON JANUARY 11

2012 BY JEFFERY D. SMITH, PRESIDENT, OAKRIDGE ESTATES DEVELOPMENT CORP., AN OREGON CORPORATION, AS MANAGING MEMBER OF TV 29, LLC, AN OREGON LIMITED LIABILITY COMPANY ON BEHALF OF THE COMPANY.

NOTARY PUBLIC - OREGON

PRINT NAME

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

STATE OF OREGON

COUNTY OF CLACKAMAS

S.S.

THIS DECLARATION WAS ACKNOWLEDGED BEFORE ME ON January 11<sup>th</sup>

2012 BY JEFFERY D. SMITH, PRESIDENT OF J. T. SMITH COMPANIES (MANAGER OF TV29 LLC)

NOTARY PUBLIC - OREGON

PRINT NAME

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

STATE OF OREGON

COUNTY OF CLACKAMAS

S.S.

THIS DECLARATION WAS ACKNOWLEDGED BEFORE ME ON January 11<sup>th</sup>

2012 BY JEFFERY D. SMITH AND TERESA D. SMITH, PERSONALLY AS OWNERS OF THE PROPERTY DESCRIBED IN INSTRUMENT NO. 95-14166.

NOTARY PUBLIC - OREGON

PRINT NAME

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

## SURVEYOR'S CERTIFICATE:

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

BEGINNING AT THE INITIAL POINT, A 5/8" IRON ROD MARKING THE SOUTHEAST CORNER OF LOT 12, "CRYSTAL TERRACE", PLAT NO. 3288, CLACKAMAS COUNTY PLAT RECORDS; THENCE NORTH 00°01'44" EAST ALONG THE MOST EASTERLY LINE OF SAID CRYSTAL TERRACE 209.10 FEET TO AN ANGLE POINT; THENCE NORTH 07°23'05" EAST ALONG SAID EASTERLY LINE AND THE EAST LINE OF THE TRACT OF LAND DESCRIBED IN FEE NO. 84-13907, CLACKAMAS COUNTY DEED RECORDS, A DISTANCE OF 365.52 FEET TO THE NORTHEAST CORNER OF SAID TRACT DESCRIBED IN FEE NO. 84-13907; THENCE NORTH 89°51'18" WEST ALONG THE NORTH LINE OF SAID TRACT AND THE NORTHERLY LINE OF SAID "CRYSTAL TERRACE" 280.10 FEET TO THE CENTERLINE TERMINUS OF COEUR D'ALENE DRIVE AS SHOWN ON SAID PLAT; THENCE CONTINUING ALONG THE NORTH LINE OF SAID "CRYSTAL TERRACE" NORTH 89°47'50" WEST 231.82 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SALAMO ROAD AS DESCRIBED IN THE DEDICATION DEED TO CLACKAMAS COUNTY RECORDED AS FEE NO. 2008-067685, SAID COUNTY DEED RECORDS; THENCE NORTH 11°31'51" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE 316.66 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 690.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 13°08'52" AN ARC DISTANCE OF 158.33 FEET (THE CHORD OF WHICH BEARS NORTH 17°47'40" WEST 157.99 FEET) TO THE SOUTHWEST CORNER OF "VISTA RIDGE ESTATES", PLAT NO. 3113, SAID COUNTY PLAT RECORDS; THENCE SOUTH 89°39'09" EAST ALONG THE SOUTH LINE OF SAID "VISTA RIDGE ESTATES" 864.43 FEET TO THE SOUTHEAST CORNER OF SAID "VISTA RIDGE ESTATES", SAID POINT ALSO BEING ON THE WEST LINE OF "BARRINGTON HEIGHTS VII", PLAT NO. 3112, SAID COUNTY PLAT RECORDS; THENCE SOUTH 00°23'00" WEST ALONG SAID WEST LINE OF "BARRINGTON HEIGHTS VII" AND "BARRINGTON HEIGHTS IV", PLAT NO. 2858, SAID COUNTY PLAT RECORDS, 725.81 FEET TO A 3-1/4" BRONZE CAP MARKING THE QUARTER CORNER BETWEEN SECTIONS 35 AND 36; THENCE SOUTH 00°07'00" WEST ALONG THE WEST LINE OF SAID "BARRINGTON HEIGHTS IV" A DISTANCE OF 177.66 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF HASKINS LANE; THENCE SOUTH 65°27'20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY 304.61 FEET TO AN ANGLE POINT; THENCE NORTH 81°43'27" WEST 7.46 FEET TO THE SOUTHEAST CORNER OF SAID "CRYSTAL TERRACE" AND SAID INITIAL POINT.

CONTAINING 11.59 ACRES, MORE OR LESS.

## CONSENT AFFIDAVITS:

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

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

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

## RELEASE OF EXISTING EASEMENTS:

ALL DOCUMENTS LISTED BELOW REFER TO CLACKAMAS COUNTY DEED RECORDS.

THE EASEMENTS LISTED IN DOCUMENT NOS. 1991-005176, 1991-008345 AND 1992-055742 AND RE-RECORDED AS DOCUMENT NOS. 1994-046028, 1994-039138 AND 1994-063024 HAVE BEEN RELEASED PER DOCUMENT NO. 2012-001406

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

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

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

## EASEMENTS PER COVENANTS, CONDITIONS &amp; RESTRICTIONS:

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

## CITY OF WEST LINN APPROVALS:

APPROVED THIS 12<sup>th</sup> OF January, 2012

CITY OF WEST LINN PLANNING DIRECTOR

APPROVED THIS 12<sup>th</sup> OF January, 2012

CITY OF WEST LINN CITY ENGINEER

## CLACKAMAS COUNTY APPROVALS:

APPROVED THIS 12<sup>th</sup> OF JANUARY, 2012

Carl R. Plante  
CLACKAMAS COUNTY SURVEYOR, AND CLACKAMAS COUNTY BOARD OF COMMISSIONERS DELEGATE PER COUNTY CODE CHAPTER 11.02

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID THROUGH

JULY 2012

APPROVED: 12<sup>th</sup> January, 2012

CLACKAMAS COUNTY ASSESSOR &amp; TAX COLLECTOR

BY: Bh Bleing  
DEPUTY

STATE OF OREGON

COUNTY OF CLACKAMAS

S.S.

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

AS PLAT NO. 4339DOCUMENT NO. 2012-1405

SHERRY HALL, CLACKAMAS COUNTY CLERK

BY: Lina J Garboe  
DEPUTY

01/11/12  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 16, 1987  
THEODORE G. LAMBERT  
2294

RENEWALS: 12-31-2012

The Saunders Company Inc.

SURVEY DIVISION  
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NEWBERG, OREGON 97132  
TEL: 503-537-9347 FAX: 503-554-9107  
WWW.THESAUNDERSCOMPANY.NET

SHEET 4 OF 4

JOB NO. 9130



**CITY OF WEST LINN  
PLANNING COMMISSION MINUTES**

**Thursday, June 28, 2007**

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

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

Members absent: Commissioners Paul Fisher and John Kovash

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

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

**PUBLIC COMMENTS (None)**

**PUBLIC HEARINGS**

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

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

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

=====

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

Chair Jones opened the public hearing, explained the applicable criteria and procedure, and announced the time limits for testimony. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contacts (including site visits). Commissioner Wittenbrink recused herself because the applicant was her employer. The other Commissioners present each reported they had driven or walked around the site. When invited by the Chair, no one in the audience challenged the authority of the Planning Commission or the ability of any individual Commissioner to hear the matter.

*Staff Report*

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

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

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

*Applicant*

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

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



**Oregon, 97035**, the applicant's project engineer, assured the Commissioners the technical engineering changes were items typically addressed in the final design stage and they would not significantly change the proposal. Mr. Robinson clarified that the applicant had never received a February 2, 2007 letter conveying the City's consultant's suggestions, but they had received a March 22, 2007 memorandum that also contained the suggestions and Mr. Stairs had responded to it on April 10, 2007. He noted the response was that the applicant's consultant had seen evidence that the site should be treated as one sub basin, not two, and it also addressed an issue regarding how fast the water flowed. He stressed that the applicant had incorporated the City consultant's suggestions and met Code criteria related to how water was collected and treated, thus, he had met the related recommended conditions.

#### *Proponents*

Chair Jones read aloud written comments submitted by **Alice Richmond, 3939 Parker Rd.** She wrote that she would be sad to see the vineyard lost, but she supported the application because the City would gain 30 lots in return and the related revenue to pay for schools and City services.

#### *Opponents*

**Michael Riley, 3445 Vista Ridge Dr., had submitted a June 20, 2007 Memorandum on behalf of the Vista Ridge Estates Homeowners Association.** He said he believed that almost all of the Association members supported it. He said the slope of the proposed road extension was not desirable, safe, or efficient. He said he did not believe people would use it because of the slope, unsafe intersection sight distance, and a large divot. He wanted the new subdivision to take access from Salamo Road. He described other street layouts that he thought would work better. During the questioning period, the applicant explained that the owner of the site and the City Engineer had agreed that when the site was developed the owner would close its access to Salamo Road. The staff clarified that the agreement was that closure was to happen if that driveway were not utilized. Mr. Riley said he thought the applicant could have proposed a more efficient street system. Chair Jones announced a recess at 9:00 pm and reconvened the hearing at 9:10 p. m.

**Lisa Tsukamoto, 3344 Coeur d'Alene Dr.; and Kevin and Nicole Vedder, 3549 South Rd.,** had indicated on the Testimony Form that they were opposed to the proposed layout but did not wish to testify at the hearing.

#### *Neither for nor Against*

**Gary Alfson, 3401 S Haskins Ln,** an adjacent property owner, anticipated that he could develop as many as four or five lots on his property in the future, but it would be "land locked" by the applicant's development, so he asked for vehicle and utility access to his property. He also asked that the future access be paved, as his current access was. **Mr. Robinson reported that the applicant agreed and would put in two paved vehicular access points to serve the Alfson's future subdivision and utilities, and a third easement for sanitary sewer.** He added that the applicant might even install the sanitary sewer line, if the Alfsons would pay for it. **Mr. Alfson asked for**



a specific written related condition of approval. The applicant agreed to that and Chair Jones directed the staff to craft such a condition.

#### *Rebuttal*

Mr. Robinson explained the Code required the applicant to connect the streets and the staff had specifically requested that. He said the stubbed streets were already there to extend, and the Code called for limiting driveways along arterial streets. He said the project would generate much less traffic the volume a local street was capable of handling. He said most fire districts allowed streets to slope as much as 20%. He noted the City preferred not to have cul-de-sacs. He asked for approval subject to the conditions recommended by staff and the additional condition to provide for Alfson property access. During the questioning period, the applicant's representatives clarified that the tree mitigation plan referred to removed trees with a combined total of 50 inches DBH. They agreed with Commissioner Bonoff's suggestion to add a condition that the applicant was to observe Oregon Department of Fish & Wildlife "water work periods" to protect fish. Chair Jones announced five-minute recess to allow the staff and the applicant to discuss the new access condition, and thereafter Mr. Soppe suggested the following language:

**"The applicant shall provide an additional utility easement along the northern boundary of the open space tract south of proposed lot 23. The access easements between proposed Lots 22 and 23, as well as the access utility easement along the north property line of proposed Lot 21 shall be paved with 20 feet of pavement. The applicant shall stub the utilities to the property line for Lots GA2 through GA4. For Lot GA1 the applicant shall stub utilities to the west end of the right-of-way."**

Mr. Robinson clarified for Commissioner Bonoff that if right-of-way modifications described in Mr. Kilby's June 14, 2007 letter were not approved, and additional trees were lost to right-of-way, the applicant would increase the proposed mitigation (called for by Condition 20) accordingly on a 1:1 basis.

#### *Deliberations/Motions*

Chair Jones closed the hearing to public testimony. Commissioner Martin indicated that although he would be sad to see the vineyard property developed, he could support the application. He said he had been concerned about the safety of the steep road, but heard testimony that it was within safety standards, so he could agree to that. He said he appreciated the applicant's willingness to accommodate the adjacent property owner. Vice Chair Babbitt said he still did not believe the application was complete, but the applicant had explained it well enough in his testimony that he could approve it. Commissioner Bonoff agreed with Vice Chair Babbitt's comments. He opined that the Commissioners had spent unnecessary time on drainage issues and that could have been avoided if they had been presented with related exhibits. But he said the applicant had tied up the "loose ends," and he could support the application. Chair Jones commented that the application was confusing and he agreed it should not have been necessary for the Planning Commission to spend so much time trying to understand the drainage plan.

**Commissioner Martin moved to approve SUB-07-02/NDW-07-02/VAR-07-01 subject to the conditions recommended in the staff report, but without recommended Conditions 14 and 18; with the additional condition crafted by the staff during the hearing that related to providing access to the Alfson property; and with added language in Condition 15 that limited work in the wetland to "water work periods" set by the Oregon Fish & Wildlife Department. Commissioner Bonoff seconded the motion and it passed 3:0. Chair Jones announced five-minute break and thereafter reconvened the meeting.**

=====

**MIP-07-01/NDW-07-04, 3-Lot Minor Partition, 18822 Old River Drive**

Commissioner Wittenbrink rejoined the other Commissioners and Commissioner Martin left the meeting. Chair Jones opened the public hearing, explained the applicable criteria and procedure, and announced the time limits for testimony. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contacts (including site visits). The only declarations were that Commissioner Wittenbrink and Chair Jones each reported they had made a site visit. When invited by the Chair, no one in the audience challenged the authority of the Planning Commission or the ability of any individual Commissioner to hear the matter.

*Staff Report*

**Tom Soppe, Associate Planner**, presented the staff report. (See Planning & Building Department report dated June 18, 2007). He pointed out the location of the creek that ran through the site. He noted that the originally proposed configuration of the lots allowed the stems of the flags of the two rear lots to run back from Robin View Drive on each side of the front lot. However, he reported the applicant had just submitted a drawing showing that he wanted to change the stems to easements over the front lot so the rear lots would be larger and have more room for houses (see Exhibit \_\_\_\_). He said the applicant might chose to have Lots 1 and 2 share a driveway, so a house could be placed where it would not impact significant tree area. He noted that the recommended conditions of approval called for the house to be repositioned to save trees, for a slope map, and for the storm system to be redesigned to drain away from the frontage. He reported that Engineering Department staff had very recently recognized that the application proposed laterals into Robin View Drive, but they preferred that the applicant install a sewer main to serve his property. However, the Public Works Director had acknowledged that because the installation might have to be as long as 100 feet and there were other places in the City that featured that configuration of laterals, his department could accept a Planning Commission decision to allow the laterals. The Commissioners contemplated whether they should continue the hearing to allow time for submission of revised exhibits showing the changes, but they generally agreed to hear testimony that evening.

During the questioning period, Mr. Soppe clarified that the applicant had submitted a slope map, which made the application "complete," but the staff wanted one that more clearly showed grade percentages. He also clarified that with proper house placement the application could meet the provision that 20% of non-Type 1 and 2 lands with significant trees was to be preserved. He clarified that the Engineering Department would accept a condition for calling for a redesign of the storm system, and the applicant would have to submit the redesign later in the process. The



June 27, 2007

To: City of West Linn Planning Commission

From: Gary and Susie Alfson  
3401 S Haskins Lane



RE: 30 Lot Subdivision – File # SUB-07-02, VAR-07-02, NDW-07-02

We have a one acre parcel located at the inside corner of the proposed development. Two sides of our acre is immediately adjacent to the subject property. We do not have frontage on a public road way, therefore our acre is land locked by the subject property. The attached plan shows the location of our property, (Sheet C3). We are not opposed to the 30 lot subdivision. However we do have some concerns regarding the impacts of the development on our land locked parcel.

We would appreciate your consideration in including conditions to the approval of the proposed development to ensure adequate vehicular and utility access to our site, for the current configuration and for the potential future development.

The one acre is currently zoned R-7. We have shown the potential platting of this property into 4 lots designated as GA1 through GA4. Five lots are possible based on the zoning of the parcel but, due to the topography of the site and the land locked nature of the parcel, four are being shown at this time, (Sheet C6).

The proposed development has shown an access and utility tract along the entire north edge of our parcel. We request that a condition be included in the approval to allow access to this tract for future vehicular and utility access from lots GA3 and GA4 (Sheet C6). The proposed access shown to the east of our property needs to remain to provide access for our current residence and for future lots GA1 and GA2.

We request that the development of the 30 lot subdivision be conditioned to provide utility access to public sanitary sewer, storm drainage, and water services (wet utilities) to our property line. Sanitary sewer and storm drainage access need to be provided to allow gravity flow from the lowest lot GA1. These utility connections are currently being provided from the proposed access to the east between lots 22 and 23. Gravity flow for sanitary sewer and storm drainage from lot GA1 cannot be achieved at the location shown. These services need to be provided from the lower, south edge of lot GA1, (Sheet C9).

We are also requesting that power, telephone, cable TV, & Gas utility access (dry utilities) be provided to our property line. These are not shown in the drawings provided at this time.

Sincerely,



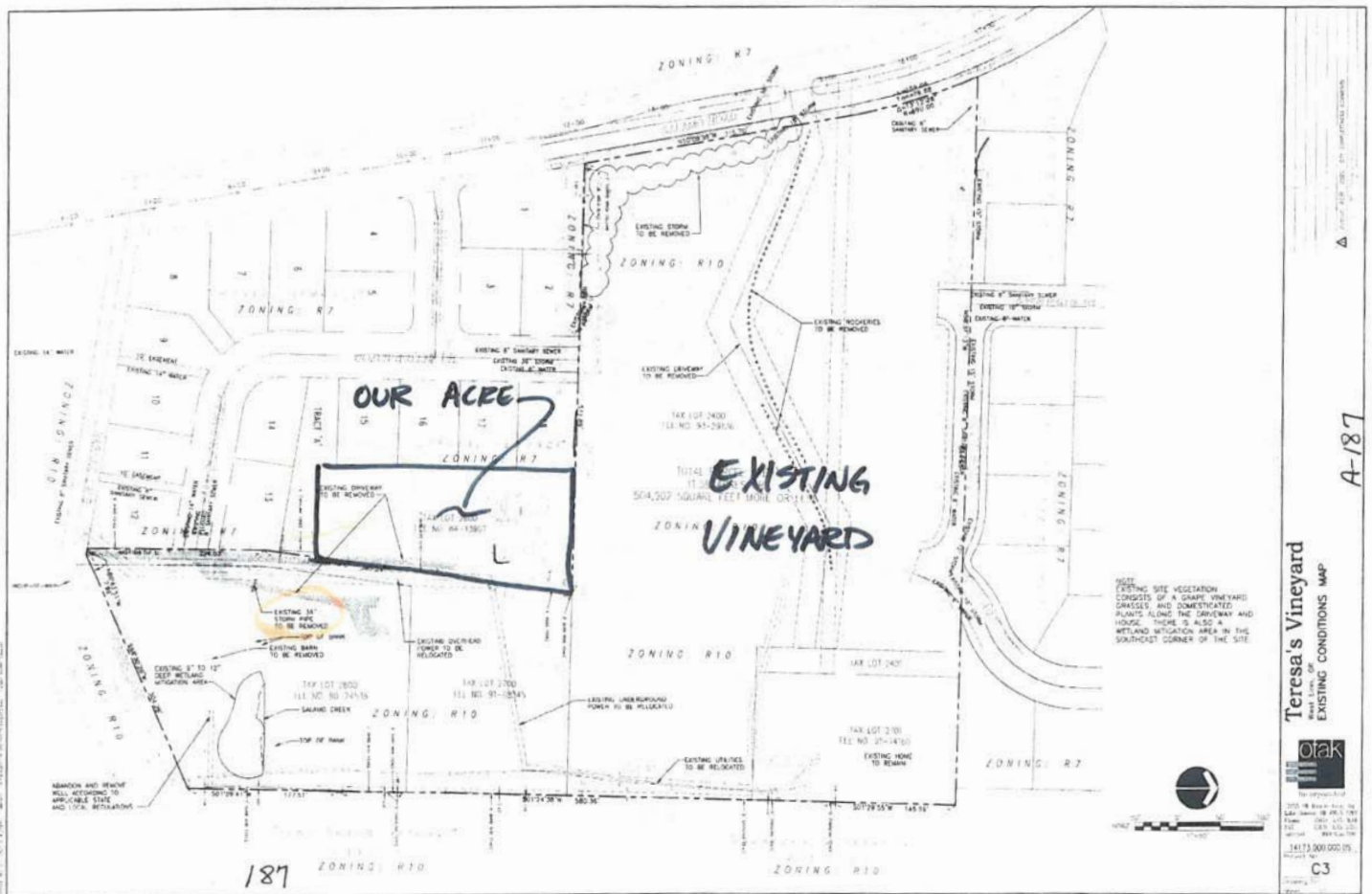
Gary & Susie Alfson

RECEIVED

JUN 28 2007

Via email

PLANNING & BUILDING  
CITY OF WEST LINN  
INT. TIME



Teresa's Vineyard  
West Linn, OR  
EXISTING CONDITIONS MAP



2007-08-01  
Scale: 1" = 100'  
Date: 08-01-07  
Author: J. L. Smith  
Title: Existing Conditions Map  
14173.000.000.005  
C3

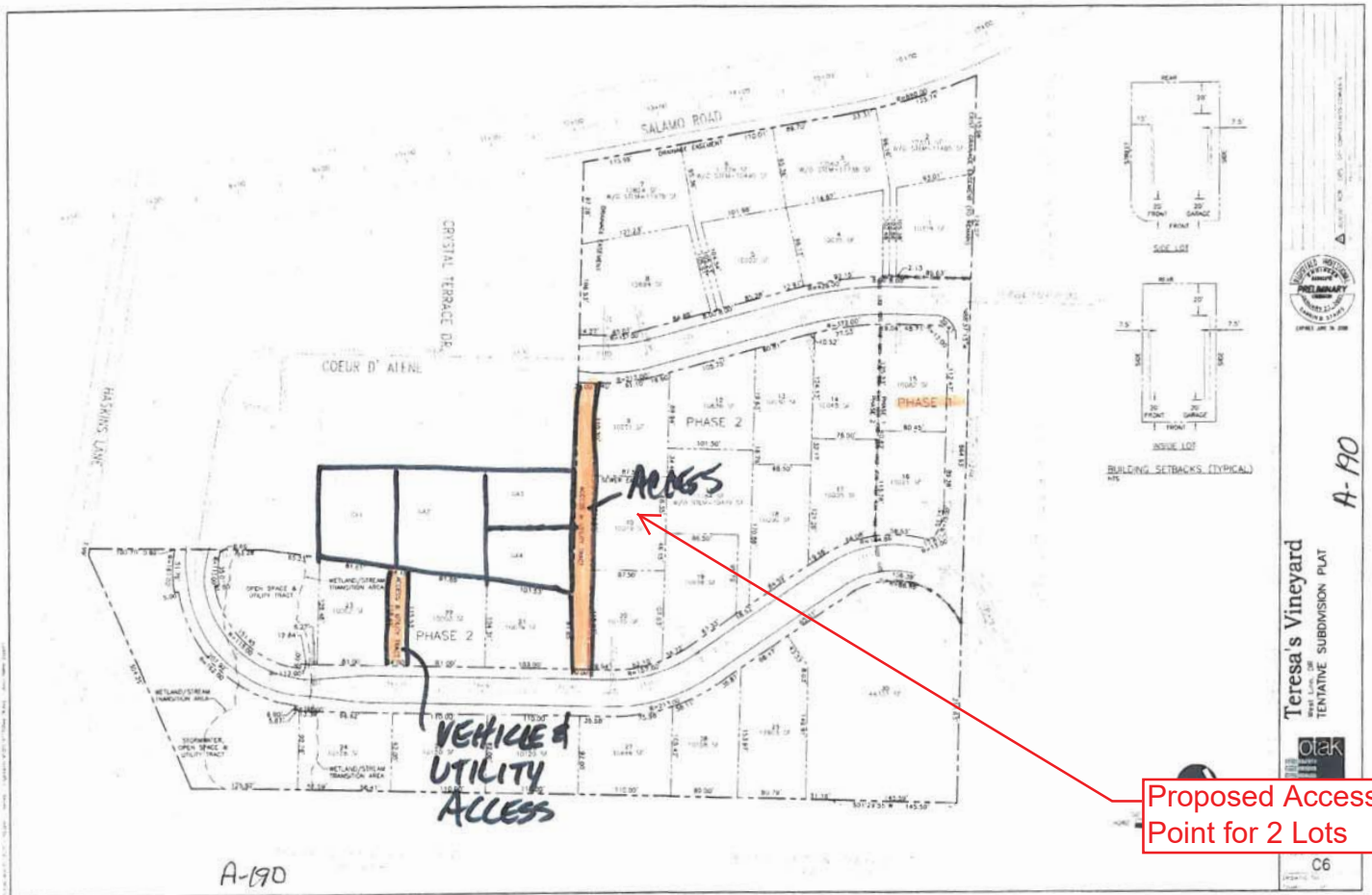
A-187

RECEIVED

JUN 28 2007

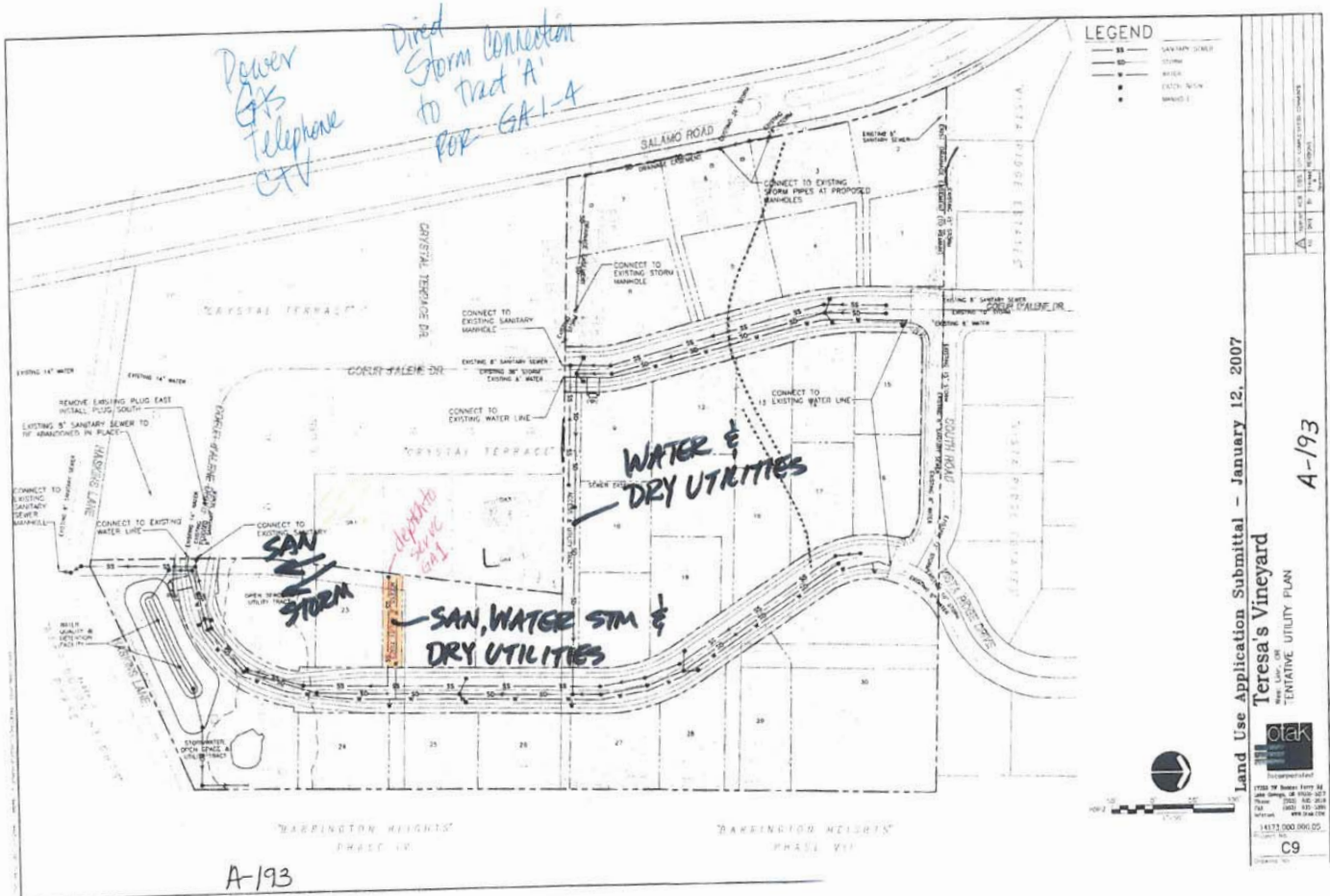
Via email

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



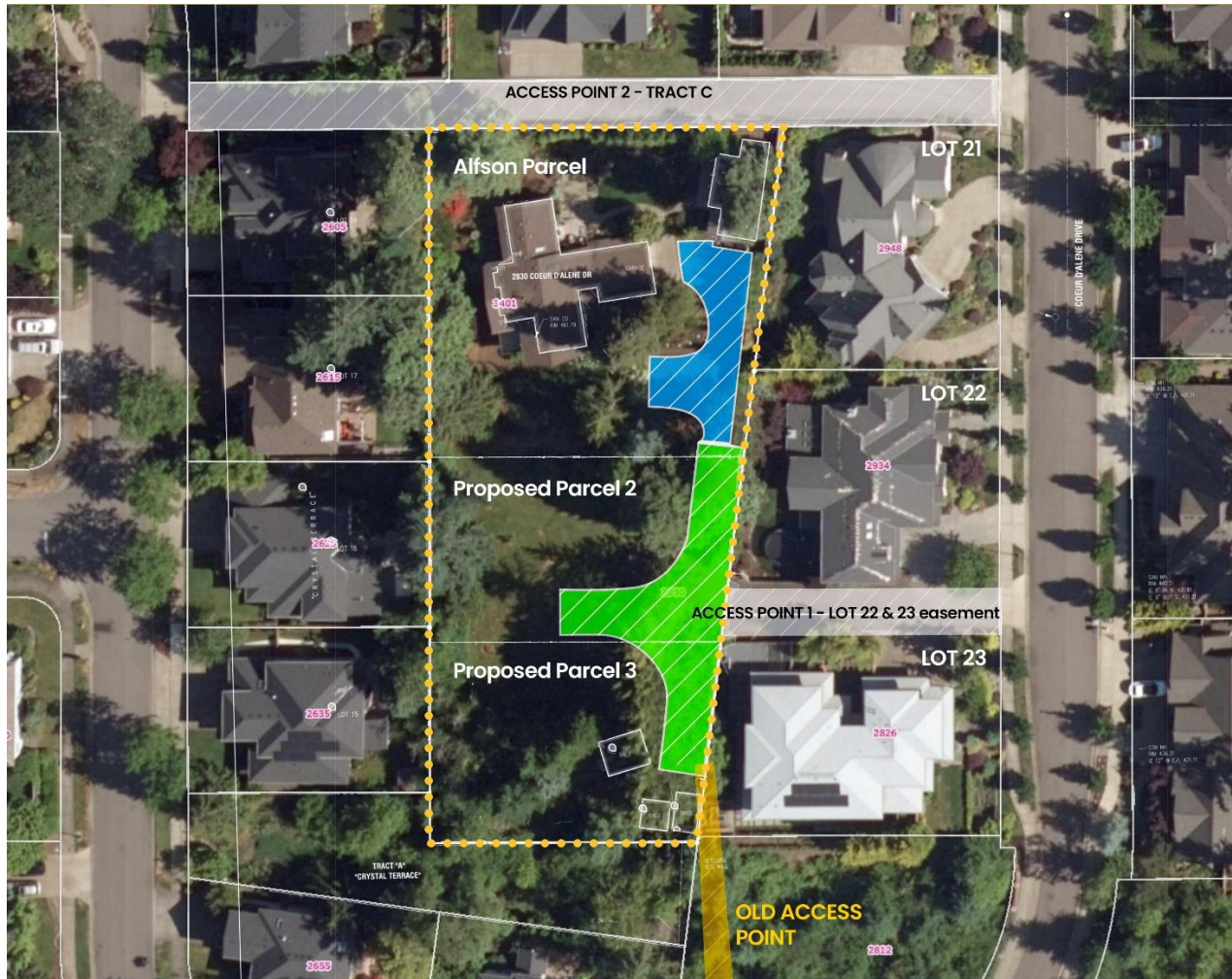


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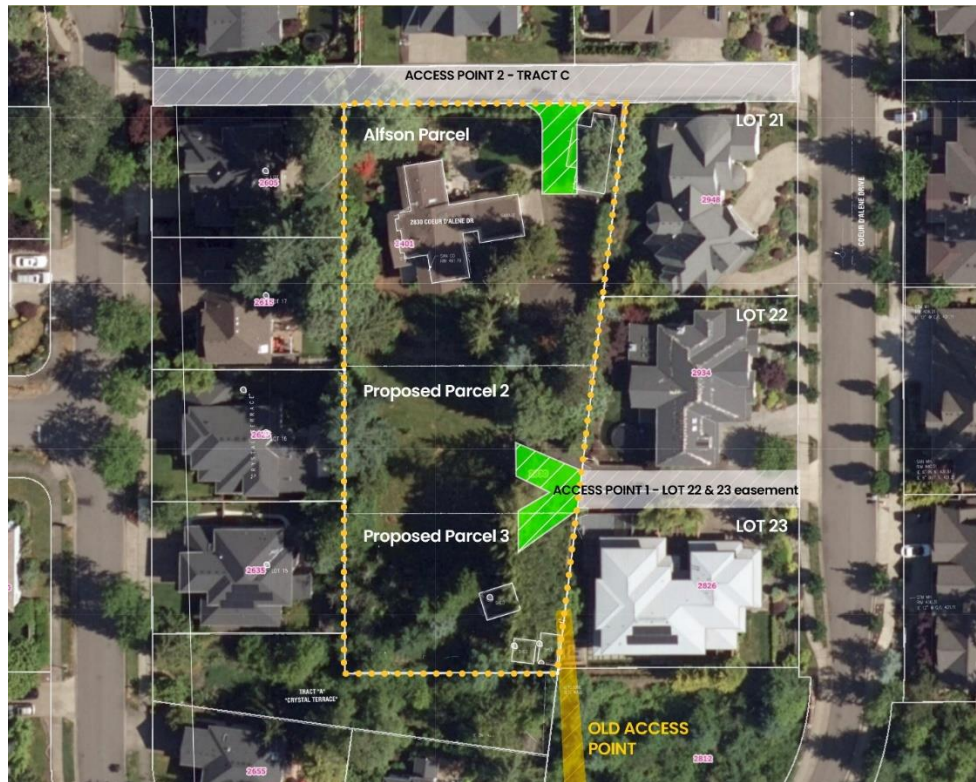
## Exhibit D

Applicant's proposed variance:





Alternative plans without need for variance:





Tract C:



Shared Access Easement between Lots 22 and 23:



038450\00001\17922727v1

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

David,

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

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

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

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

**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Good evening Mr. Lais,

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

Sincerely,

David Baker

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

Dear Mr. Lais,

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

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

Notes and Plat Restrictions 9 on Plat No. 4339 states that "Tract C will provide access to a maximum of two future lots in the adjoining parcel to the south described in fee no 84-13907" (also known as the Alfson property).

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

Thank you,

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

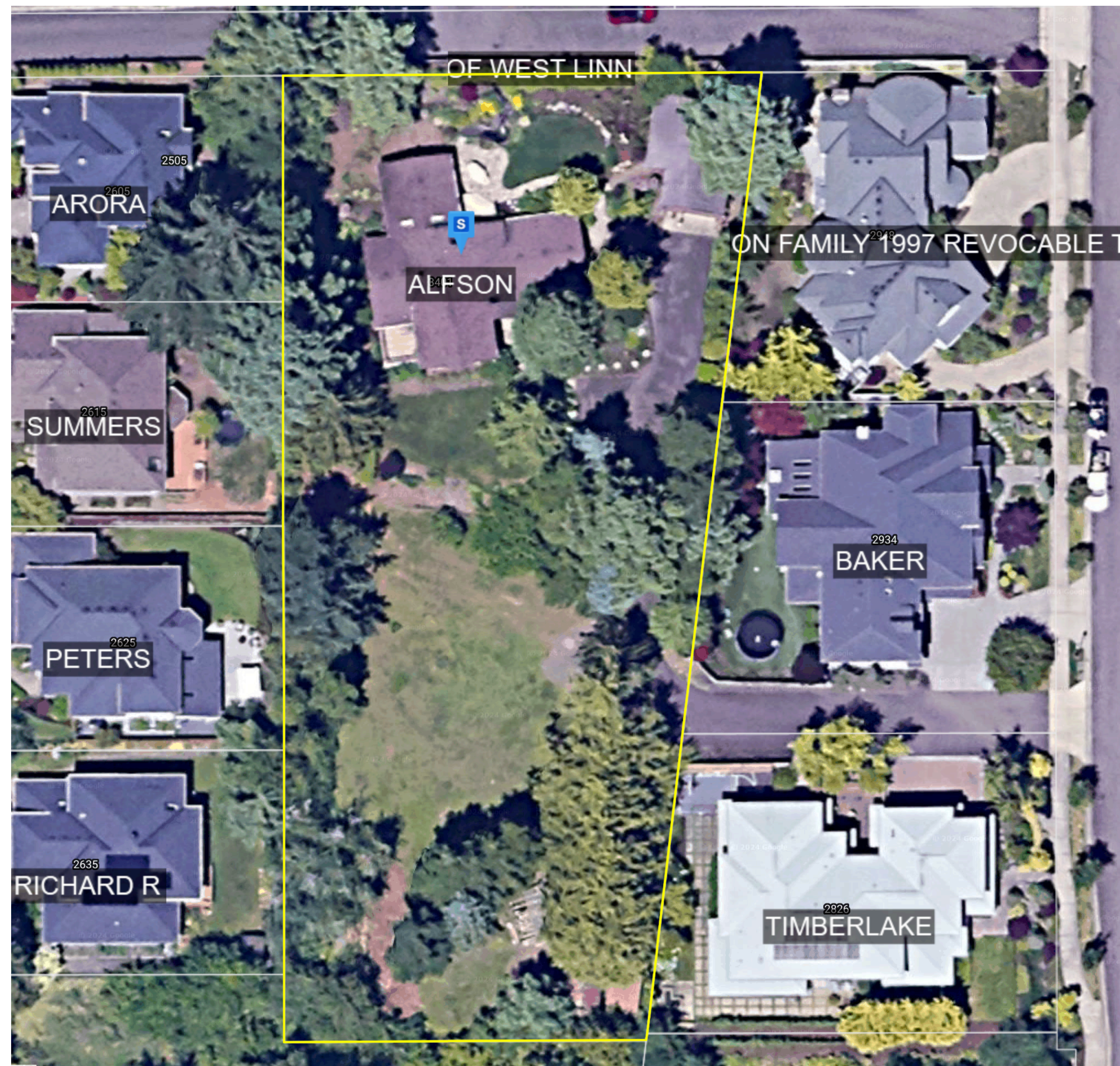
**Darren Wyss**  
*Planning Manager*  
Planning

22500 Salamo Rd.  
West Linn, Oregon 97068  
[dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
503-742-6064



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OF WEST LINN

ARORA

2505

2605

SUMMERS

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PETERS

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RICHARD R

2635

ALFSON

S

ON FAMILY 1997 REVOCABLE T

BAKER

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TIMBERLAKE

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

PLAT NO. 4339

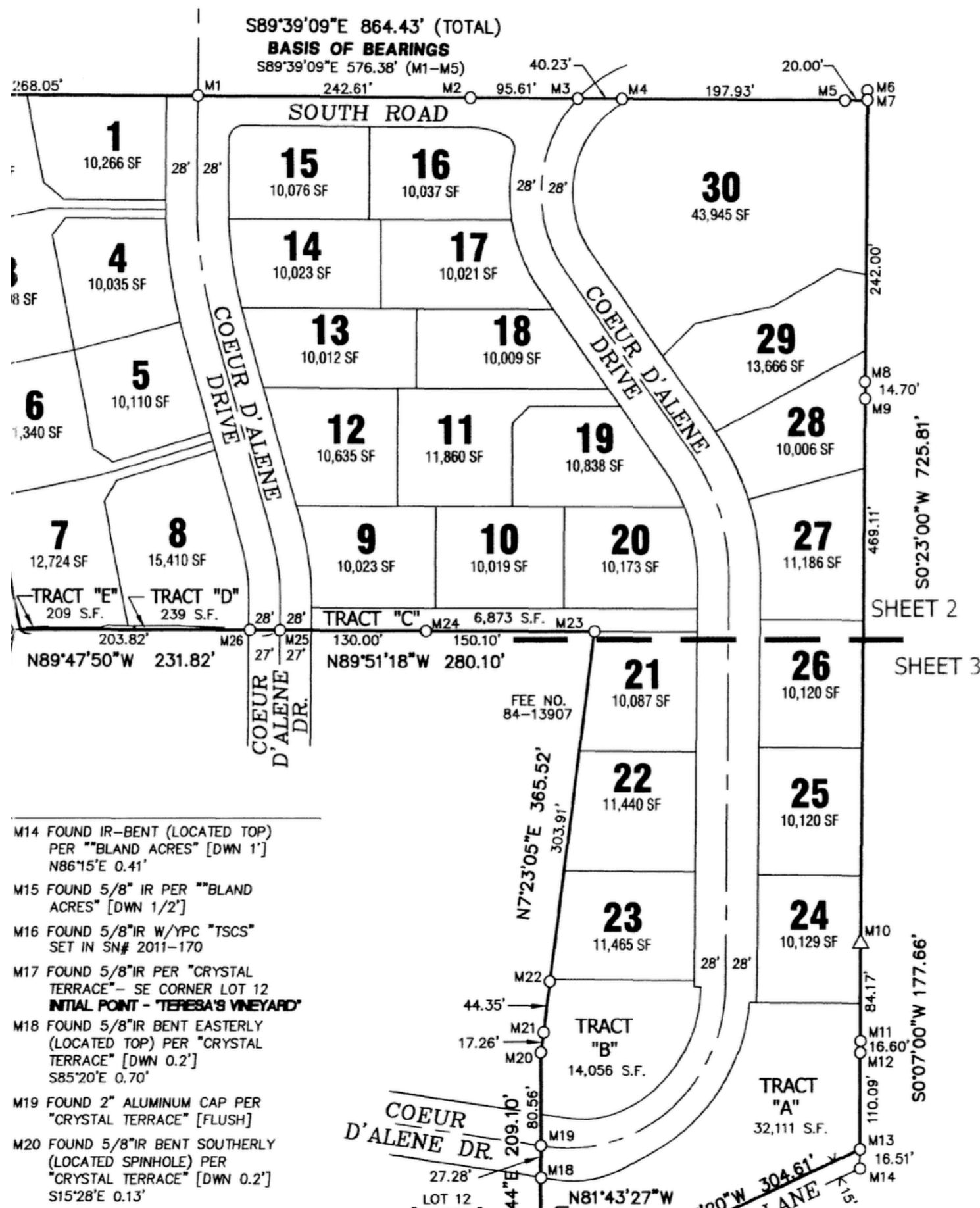
**SHEET 1 - OVERALL PLAN, SHEET INDEX, LEGEND, NOTES  
& PLAT RESTRICTIONS AND MONUMENT TABLE**  
**SHEET 2 - NORTH HALF OF SITE**  
**SHEET 3 - SOUTH HALF OF SITE**  
**SHEET 4 - APPROVALS, SURVEYOR'S CERTIFICATE,  
DECLARATION & ACKNOWLEDGMENTS**

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENTS 95-14166 AND 2011-047083 AS SHOWN IN S.N. 2011-170, CLACKAMAS COUNTY SURVEY RECORDS. BEARINGS ARE BASED ON HOLDING SOUTH 89°39'09" EAST BETWEEN FOUND MONUMENTS M1 AND M5 AS DESCRIBED IN S.N. 2011-170.

1. BASIS OF BEARINGS AND BOUNDARY DETERMINATION ARE PER SN#2011-170, CLACKAMAS COUNTY SURVEY RECORDS.
2. THIS PLAN IS SUBJECT TO THE CONDITIONS OF APPROVAL AS LISTED IN THE WEST LINN FINAL LAND USE DECISION NOTICE. SUB-07-02/NDW-07-02/VAR-07-01
3. LOTS 1-29 ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF "TERESA'S VINEYARD" RECORDED UNDER DOCUMENT NO. 2012-001410, CLACKAMAS COUNTY DEED RECORDS.
4. THERE IS AN 8-FOOT PUBLIC UTILITY EASEMENT ON THE FRONT OF ALL LOTS AND TRACTS "A", "B" AND "C" AND ON THE STREET SIDES OF CORNER LOTS AS SHOWN HEREON.
5. TRACTS "A" AND "B" ARE TRACTS FOR THE PURPOSE OF OPEN SPACE AND STORM WATER FACILITIES SUBJECT TO A PUBLIC STORM WATER EASEMENT OVER THEIR ENTIRETY AND ARE CONVEYED TO THE CITY OF WEST LINN PER INSTRUMENT NO. 2012-001411, CLACKAMAS COUNTY DEED RECORDS, SUBJECT TO THE WETLAND DEED RESTRICTION PER INSTRUMENT NO. 2012-001412.
6. TRACT "A" IS SUBJECT TO A 16.5-FOOT PUBLIC SANITARY SEWER EASEMENT ALONG ITS NORTH LINE AND A 16.5-FOOT ACCESS EASEMENT FOR SURVEY PURPOSES ONLY TO ALLOW ACCESS TO THE QUARTER CORNER MONUMENT ON THE EAST LINE OF LOT 24.
7. TRACT "B" IS SUBJECT TO A 10-FOOT PUBLIC UTILITY EASEMENT ALONG ITS NORTH LINE.
8. TRACT "C" IS A TRACT FOR THE PURPOSE OF PUBLIC PEDESTRIAN ACCESS, LOCAL ACCESS TO LOTS 10 AND 20, EMERGENCY VEHICULAR ACCESS, AND A PUBLIC WATER LINE OVER ITS ENTIRETY AND IS GRANTED TO THE CITY OF WEST LINN PER INSTRUMENT NO. 2012-001411, CLACKAMAS COUNTY DEED RECORDS. TRACT "C" IS SUBJECT TO THE 8-FOOT PRIVATE UTILITY EASEMENT FOR THE BENEFIT OF LOTS 10 AND 20 FOR THE PURPOSE OF SANITARY SEWER, WATER LINE AND STORM DRAINAGE AS SHOWN HEREON.
9. TRACT "C" WILL PROVIDE ACCESS TO A MAXIMUM OF TWO FUTURE LOTS IN THE ADJOINING PARCEL TO THE SOUTH DESCRIBED IN FEE NO. 84-13907.
10. TRACT "D" IS A PRIVATE TRACT AND IS CONVEYED TO THE OWNER OF LOT 2 "CRYSTAL TERRACE" PER INSTRUMENT NO. 2012-001413, CLACKAMAS COUNTY DEED RECORDS. TRACT "D" IS NOT SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3. TRACT "D" IS SUBJECT TO A PUBLIC STORM EASEMENT OVER ITS ENTIRETY AS SHOWN HEREON. EASEMENT DOCUMENT NO.2011-54002 IS EXTINGUISHED BY MERGER UPON THE CONVEYANCE OF THE TRACT ABOVE.
11. TRACT "E" IS A PRIVATE TRACT AND IS CONVEYED TO THE OWNER OF LOT 1 "CRYSTAL TERRACE" PER INSTRUMENT NO. 2012-001414, CLACKAMAS COUNTY DEED RECORDS. TRACT "E" IS NOT SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3. TRACT "E" IS SUBJECT TO A PUBLIC STORM EASEMENT OVER ITS ENTIRETY AS SHOWN HEREON. EASEMENT DOCUMENT NO.2011-54001 IS EXTINGUISHED BY MERGER UPON THE CONVEYANCE OF THE TRACT ABOVE.
12. LOT 2 IS SUBJECT TO A PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF LOT 3 AS SHOWN HEREON. MAINTENANCE OF THE SANITARY LINE IS THE RESPONSIBILITY OF THE OWNER OF LOT 3. THAT PORTION OF THE GROUND SURFACE OF LOT 2 SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF LOT 2.
13. LOTS 2 AND 3 ARE SUBJECT TO A RECIPROCAL DRIVEWAY ACCESS EASEMENT AS SHOWN HEREON AND DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3.
14. LOTS 2, 3, 6 AND 7 ARE SUBJECT TO A 1-FOOT PUBLIC SIDEWALK EASEMENT AS SHOWN HEREON TO SERVE SALAMO ROAD.
15. LOTS 2, 3, 4, 5 AND 6 ARE SUBJECT TO A WALL EASEMENT AND MAINTENANCE CONDITIONS AS DESCRIBED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR TERESA'S VINEYARD AND AS SHOWN HEREON.
16. LOT 3 IS SUBJECT TO A PRIVATE STORM DRAINAGE EASEMENT FOR THE BENEFIT OF LOT 2 AS SHOWN HEREON. MAINTENANCE OF THE STORM DRAIN LINE IS THE RESPONSIBILITY OF THE OWNER OF LOT 2. THAT PORTION OF THE GROUND SURFACE OF LOT 3 SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF LOT 3.
17. LOTS 3, 6, 7 AND 8 ARE SUBJECT A PUBLIC STORM DRAINAGE EASEMENT AS SHOWN HEREON. THAT PORTION OF THE GROUND SURFACE SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNERS OF SAID LOTS. NO PERMANENT STRUCTURES SHALL BE ERECTED WITHIN THE EASEMENT SO AS NOT TO INTERFERE WITH THE PUBLIC OPERATIONS AND MAINTENANCE OF THE STORM SEWER SYSTEM.
18. LOTS 5, 6, 7 AND 8 ARE SUBJECT TO A PRIVATE STORM DRAINAGE EASEMENT AS SHOWN HEREON FOR THE BENEFIT OF TERESA'S VINEYARD HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF CONVEYING RETAINING WALL DRAINAGE TO A PUBLIC STORM DRAINAGE SYSTEM.
19. LOTS 6 AND 7 ARE SUBJECT TO A RECIPROCAL DRIVEWAY ACCESS EASEMENT AS SHOWN HEREON AND DESCRIBED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3.
20. LOTS 10 AND 20 ARE SUBJECT TO AN 8-FOOT PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
21. LOT 12 IS SUBJECT TO A 10-FOOT PRIVATE SANITARY SEWER AND STORM DRAINAGE EASEMENT AS SHOWN HEREON FOR THE BENEFIT OF LOT 11. THAT PORTION OF THE GROUND SURFACE OF LOT 12 SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF LOT 11. THAT PORTION OF THE GROUND SURFACE OF LOT 11 SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF LOT 12.
22. LOTS 15, 16, 29 AND 30 ARE SUBJECT TO A PUBLIC SIDEWALK EASEMENT AS SHOWN HEREON.
23. LOTS 21 AND 22 ARE SUBJECT TO AN 8-FOOT PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
24. LOTS 22 AND 23 ARE SUBJECT TO A 20-FOOT ACCESS EASEMENT AND JOINT MAINTENANCE AGREEMENT PER INSTRUMENT NO. 2012-001415, CLACKAMAS COUNTY DEED RECORDS. THE ACCESS EASEMENT WILL PROVIDE ACCESS FOR THE ADJOINING PARCEL TO THE WEST DESCRIBED IN FEE NO. 84-13907, OR A MAXIMUM OF TWO LOTS IF SAID ADJOINING PARCEL TO THE WEST IS DEVELOPED. LOTS 22 AND 23 ARE ALSO SUBJECT TO A 15-FOOT PUBLIC SANITARY SEWER EASEMENT AS SHOWN HEREON.
25. LOT 22 IS SUBJECT TO A 4.5-FOOT PRIVATE WATER LINE EASEMENT FOR THE BENEFIT OF THE PARCEL DESCRIBED IN FEE NO. 84-13907 AND A PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
26. LOT 24 IS SUBJECT TO AN 8-FOOT ACCESS EASEMENT AS SHOWN HEREON. ACCESS ON TO LOT 24 FOR SURVEY PURPOSES SHALL BE ALLOWED AT ALL TIMES, PURSUANT TO O.R.S. 672.047. THE QUARTER CORNER MONUMENT AND ITS ACCESSORIES ARE PUBLIC LAND SURVEY MONUMENTS THAT SHALL BE PROTECTED AND PRESERVED AT ALL TIMES.
27. THERE SHALL BE NO VEHICULAR ACCESS TO SALAMO ROAD FROM LOTS 2, 3, 6 AND 7.
28. SEE SHEET 4 FOR LISTING OF RELEASES OF EXISTING EASEMENTS AND EASEMENTS DEFINED IN THE COVENANTS, CONDITIONS & RESTRICTIONS REFERENCE IN NOTE #3..

● - SET 5/8"X 30" IRON ROD WITH YELLOW PLASTIC CAP

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR





117  
m  
**Grantor/ Grantee:**

TV 29, LLC  
5285 Meadows Road, Suite 171  
Lake Oswego, OR 97035

Gary A. Alfson and Carolyn Sue Alfson *Grantee*  
3401 S. Haskins Lane  
West Linn, OR 97068

**AFTER RECORDING RETURN TO:**

Charles Harrell  
Buckley Law P.C.  
Three Centerpointe Drive, Suite 250  
Lake Oswego, OR 97035

Clackamas County Official Records  
Sherry Hall, County Clerk

2012-001415



\$82.00

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D-E Cnt=2 Stn=11 TINAJAR  
\$35.00 \$5.00 \$16.00 \$16.00 \$10.00

**ACCESS AND UTILITY EASEMENT**

**AND JOINT MAINTENANCE AGREEMENT**

141  
This ACCESS AND UTILITY EASEMENT AND JOINT MAINTENANCE AGREEMENT (this "AGREEMENT") is made this 12 day of December 2011, by and among TV 29, LLC, an Oregon limited liability company, ("TV 29") and Gary A. Alfson and Carolyn Sue Alfson; Husband and Wife ("Alfson").

**RECITALS**

A. WHEREAS, TV 29 owns certain real property located in the County of Clackamas, State of Oregon and more particularly described as Lot 22, TERESA'S VINEYARD, in the City of West Linn, County of Clackamas, State of Oregon ("Lot 22").

B. WHEREAS, TV 29 owns certain real property located in the County of Clackamas, State of Oregon and more particularly described as Lot 23, TERESA'S VINEYARD, in the City of West Linn, County of Clackamas, State of Oregon ("Lot 23").

C. WHEREAS, Alfson owns certain real property located at 3401 S. Haskins Lane, West Linn, in the County of Clackamas, State of Oregon and more particularly and legally described as follows:



AND UTILITY EASEMENTS”). 001405

**3. USE OF EASEMENT.** TV 29 grants the ACCESS AND UTILITY EASEMENTS for use by the present and future owners of Lot 22, Lot 23 and the Alfson Property and any future development thereof for the non-exclusive purpose of normal residential vehicular ingress and egress to and from Lot 22, Lot 23 and the Alfson Property and for the placement of private and public utilities, including, but not limited to, water, sewer, electricity, gas, cable television, internet access and telephone service for the benefit of Lot 22, Lot 23 and/or the Alfson Property.

**4. MAINTENANCE.** The costs of any and all normal maintenance and repair of the ACCESS AND UTILITY EASEMENTS shall be apportioned among the affected owner(s) of Lot 22, Lot 23 and the Alfson Property on the following basis and criteria regardless of frontage, location, or improvements:

**4.1** A one-thirds share (1/3 share) of the normal maintenance and repairs costs for the

4.3 A one-thirds share (1/3 share) of the normal maintenance and repair costs for the ACCESS AND UTILITY EASEMENTS shall be apportioned to the owner(s) of the Alfson Property.

4.4 In the event that the Alfson Property is partitioned or subdivided, the maintenance costs

2

for the ACCESS AND UTILITY EASEMENTS shall be apportioned equally between all lots or parcels benefitted and/or burdened by the ACCESS AND UTILITY EASEMENTS. For example, if the Alfson Property is subdivided into four (4) total lots, as is anticipated, then Lot 22, Lot 23 and any of the four lots created from the Alfson Property that take access from the ACCESS AND UTILITY EASEMENTS shall be responsible for their proportionate share of the normal maintenance and repair costs for the ACCESS AND UTILITY EASEMENTS.



# CITY OF West Linn

## Memorandum

Date: January 6, 2025

To: Mayor Bialostosky  
West Linn City Council

From: Aaron Gudelj; Associate Planner

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

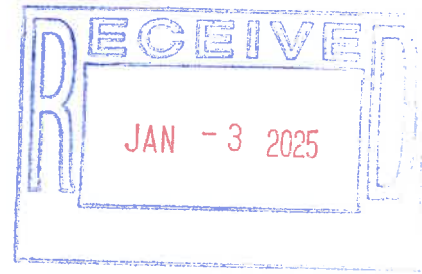
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Two public comments were submitted after the publication of the staff report. The comment letters and documents are as follows:

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

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

January 3, 2025



To: City of West Linn City Council

From: William and Patricia Nelson

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

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

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

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

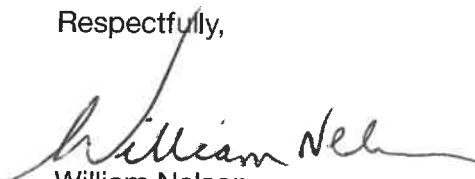
The neighborhood sees little traffic on Coeur d Alene Drive. Residents, tradespeople and delivery trucks represent the bulk of vehicles observed. There is no 'through' traffic.

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

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

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

Respectfully,

  
William Nelson  
2948 Coeur d Alene Drive  
West Linn

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

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

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

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

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

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

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

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

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

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

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

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



Scan this QR Code to go to Project Web Page:



January 2, 2025

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

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

Dear City Councilors:

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

## **I. Summary**

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

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

## **II. Class II Variance**

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

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

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

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

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

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

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



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

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

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

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

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

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





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

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

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

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

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

**III. Condition No. 2**

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



January 2, 2025  
Page 5

#### **IV. Conclusion**

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

Thank you for your consideration in this matter.

Sincerely,



Kyle L. Grant

KLK/

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



# TERESA'S VINEYARD

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

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

PLAT NO. 4339

## SHEET INDEX

SHEET 1 - OVERALL PLAN, SHEET INDEX, LEGEND, NOTES  
& PLAT RESTRICTIONS AND MONUMENT TABLE  
SHEET 2 - NORTH HALF OF SITE  
SHEET 3 - SOUTH HALF OF SITE  
SHEET 4 - APPROVALS, SURVEYOR'S CERTIFICATE,  
DECLARATION & ACKNOWLEDGMENTS

## NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENTS 95-14166 AND 2011-047083 AS SHOWN IN S.N. 2011-170, CLACKAMAS COUNTY SURVEY RECORDS. BEARINGS ARE BASED ON HOLDING SOUTH 89°39'09" EAST BETWEEN FOUND MONUMENTS M1 AND M5 AS DESCRIBED IN S.N. 2011-170.

## NOTES AND PLAT RESTRICTIONS

1. BASIS OF BEARINGS AND BOUNDARY DETERMINATION ARE PER SN#2011-170, CLACKAMAS COUNTY SURVEY RECORDS.
2. THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL AS LISTED IN THE WEST LINN FINAL LAND USE DECISION NOTICE. SUB-07-02/NDW-07-02/VAR-07-01
3. LOTS 1-29 ARE SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF "TERESA'S VINEYARD" RECORDED UNDER DOCUMENT NO. 2012-001411, CLACKAMAS COUNTY DEED RECORDS.
4. THERE IS AN 8-FOOT PUBLIC UTILITY EASEMENT ON THE FRONT OF ALL LOTS AND TRACTS "A", "B" AND "C" AND ON THE STREET SIDES OF CORNER LOTS AS SHOWN HEREON.
5. TRACTS "A" AND "B" ARE TRACTS FOR THE PURPOSE OF OPEN SPACE AND STORM WATER FACILITIES SUBJECT TO A PUBLIC STORM WATER EASEMENT OVER THEIR ENTIRETY AND ARE CONVEYED TO THE CITY OF WEST LINN PER INSTRUMENT NO. 2012-001411, CLACKAMAS COUNTY DEED RECORDS, SUBJECT TO THE WETLAND DEED RESTRICTION PER INSTRUMENT NO. 2012-001411.
6. TRACT "A" IS SUBJECT TO A 16.5-FOOT PUBLIC SANITARY SEWER EASEMENT ALONG ITS NORTH LINE AND A 16.5-FOOT ACCESS EASEMENT FOR SURVEY PURPOSES ONLY TO ALLOW ACCESS TO THE QUARTER CORNER MONUMENT ON THE EAST LINE OF LOT 24.
7. TRACT "B" IS SUBJECT TO A 10-FOOT PUBLIC UTILITY EASEMENT ALONG ITS NORTH LINE.
8. TRACT "C" IS A TRACT FOR THE PURPOSE OF PUBLIC PEDESTRIAN ACCESS, LOCAL ACCESS TO LOTS 10 AND 20, EMERGENCY VEHICULAR ACCESS, AND PUBLIC WATER LINE EASEMENT AND IS GRANTED TO THE CITY OF WEST LINN PER INSTRUMENT NO. 2012-001411, CLACKAMAS COUNTY DEED RECORDS. TRACT "C" IS SUBJECT TO THE 8-FOOT PRIVATE UTILITY EASEMENT FOR THE BENEFIT OF LOTS 10 AND 20 FOR THE PURPOSE OF SANITARY SEWER, WATER LINE AND STORM DRAINAGE AS SHOWN HEREON.
9. TRACT "C" WILL PROVIDE ACCESS TO A MAXIMUM OF TWO FUTURE LOTS IN THE ADJOINING PARCEL TO THE SOUTH DESCRIBED IN FEE NO. 84-13907.
10. TRACT "D" IS A PRIVATE TRACT AND IS CONVEYED TO THE OWNER OF LOT 2 "CRYSTAL TERRACE" PER INSTRUMENT NO. 2012-001413, CLACKAMAS COUNTY DEED RECORDS. TRACT "D" IS NOT SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3. TRACT "D" IS SUBJECT TO A PUBLIC STORM EASEMENT OVER ITS ENTIRETY AS SHOWN HEREON. EASEMENT DOCUMENT NO.2011-54002 IS EXTINGUISHED BY MERGER UPON THE CONVEYANCE OF THE TRACT ABOVE.
11. TRACT "E" IS A PRIVATE TRACT AND IS CONVEYED TO THE OWNER OF LOT 1 "CRYSTAL TERRACE" PER INSTRUMENT NO. 2012-001414, CLACKAMAS COUNTY DEED RECORDS. TRACT "E" IS NOT SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS REFERENCED PER NOTE #3. TRACT "E" IS SUBJECT TO A PUBLIC STORM EASEMENT OVER ITS ENTIRETY AS SHOWN HEREON. EASEMENT DOCUMENT NO.2011-54001 IS EXTINGUISHED BY MERGER UPON THE CONVEYANCE OF THE TRACT ABOVE.
12. LOT 2 IS SUBJECT TO A PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF LOT 3 AS SHOWN HEREON. MAINTENANCE OF THE SANITARY LINE IS THE RESPONSIBILITY OF THE OWNER OF LOT 3. THAT PORTION OF THE GROUND SURFACE OF LOT 2 SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF LOT 2.
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20. LOTS 10 AND 20 ARE SUBJECT TO AN 8-FOOT PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
21. LOT 12 IS SUBJECT TO A 10-FOOT PRIVATE SANITARY SEWER AND STORM DRAINAGE EASEMENT AS SHOWN HEREON FOR THE BENEFIT OF LOT 11. MAINTENANCE OF THE SANITARY AND STORM LINES IS THE RESPONSIBILITY OF THE OWNER OF LOT 11. THAT PORTION OF THE GROUND SURFACE OF LOT 12 SUBJECT TO THE EASEMENT SHALL BE MAINTAINED BY THE OWNER OF LOT 12.
22. LOTS 15, 16, 29 AND 30 ARE SUBJECT TO A PUBLIC SIDEWALK EASEMENT AS SHOWN HEREON.
23. LOTS 21 AND 22 ARE SUBJECT TO AN 8-FOOT PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
24. LOTS 22 AND 23 ARE SUBJECT TO A 20-FOOT ACCESS EASEMENT AND JOINT MAINTENANCE AGREEMENT PER INSTRUMENT NO. 2012-001415, CLACKAMAS COUNTY DEED RECORDS. THE ACCESS EASEMENT WILL PROVIDE ACCESS FOR THE ADJOINING PARCEL TO THE WEST DESCRIBED IN FEE NO. 84-13907, OR A MAXIMUM OF TWO LOTS IF SAID ADJOINING PARCEL TO THE WEST IS DEVELOPED. LOTS 22 AND 23 ARE ALSO SUBJECT TO A 15-FOOT PUBLIC SANITARY SEWER EASEMENT AS SHOWN HEREON.
25. LOT 22 IS SUBJECT TO A 4.5-FOOT PRIVATE WATER LINE EASEMENT FOR THE BENEFIT OF THE PARCEL DESCRIBED IN FEE NO. 84-13907 AND A PUBLIC UTILITY EASEMENT AS SHOWN HEREON.
26. LOT 24 IS SUBJECT TO AN 8-FOOT ACCESS EASEMENT, AS SHOWN HEREON. ACCESS ON TO LOT 24 FOR SURVEY PURPOSES SHALL BE ALLOWED AT 412.72' TO O.R.S. 672.047. THE QUARTER CORNER MONUMENT AND ITS ACCESSORIES ARE PUBLIC LAND SURVEY MONUMENTS THAT SHALL BE PROTECTED AND PRESERVED AT ALL TIMES.
27. THERE SHALL BE NO VEHICULAR ACCESS TO SALAMO ROAD FROM LOTS 2, 3, 6 AND 7.
28. SEE SHEET 4 FOR LISTING OF RELEASES OF EXISTING EASEMENTS AND EASEMENTS DEFINED IN THE COVENANTS, CONDITIONS & RESTRICTIONS REFERENCE IN NOTE #3.

## LEGEND

- - SET 5/8"X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TSCS" - SET NOVEMBER & DECEMBER, 2011
- - SET 5/8"X 30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" FLUSH IN PAVEMENT
- - SET 5/8"X 30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" IN MONUMENT BOX
- - FOUND MONUMENT AS NOTED
- △ - FOUND QUARTER CORNER - 3-1/4" BRONZE CAP
- FND - FOUND
- IR - IRON ROD
- IP - IRON PIPE
- IB - IRON BAR
- YPC - YELLOW PLASTIC CAP
- OPC - ORANGE PLASTIC CAP
- SN# - CLACKAMAS COUNTY SURVEY RECORD
- ESMT - EASEMENT
- PUE - PUBLIC UTILITY EASEMENT
- TSCS - THE SAUNDERS COMPANY SURVEY

01/11/12  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Theodore G. Lambert*  
OREGON  
JULY 16, 1987  
THEODORE G. LAMBERT  
2294

RENEWS: 12-31-2012

The Saunders Company Inc.

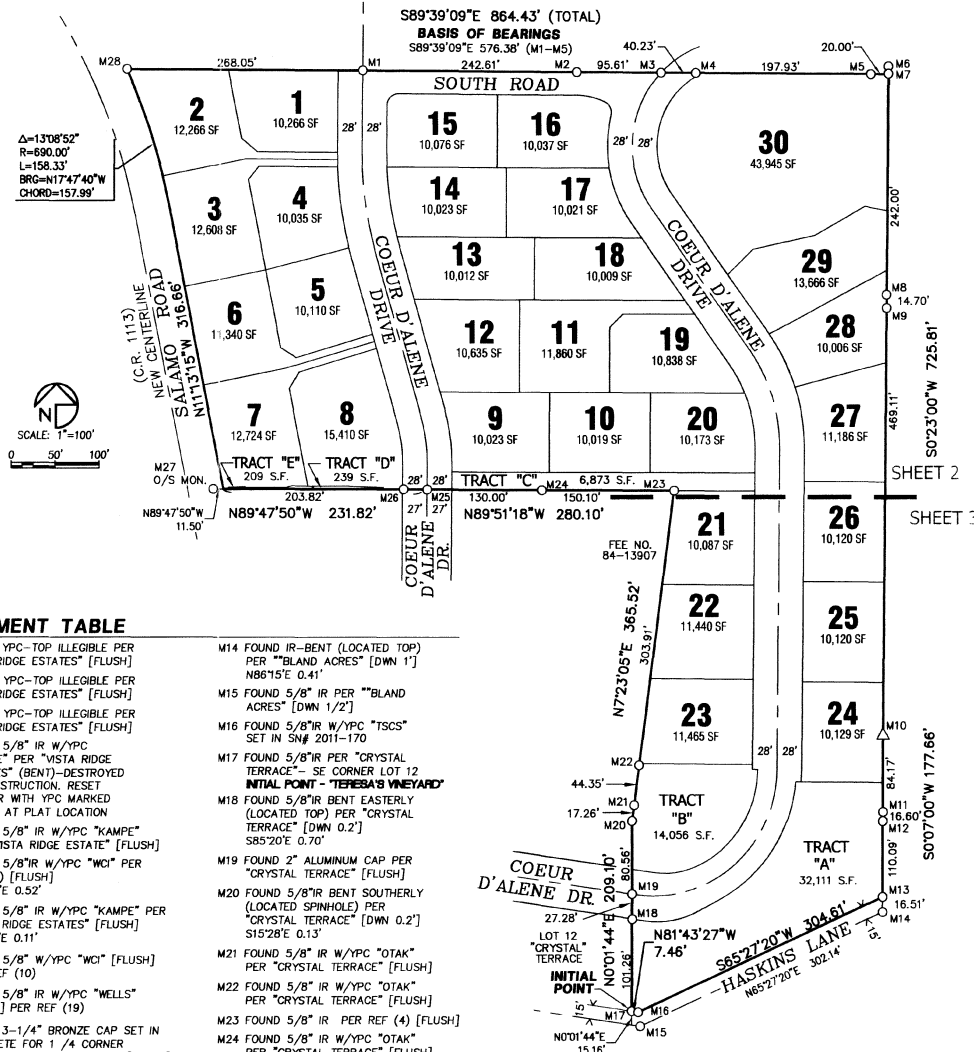
SURVEY DIVISION  
901 N. BRUSH ST., SUITE#201  
NEWBERG, OREGON 97132  
TEL: 503-537-4347 FAX: 503-554-9107  
WWW.THESAUNDERSCOMPANY.NET

SHEET 1 OF 4

JOB NO. 9130

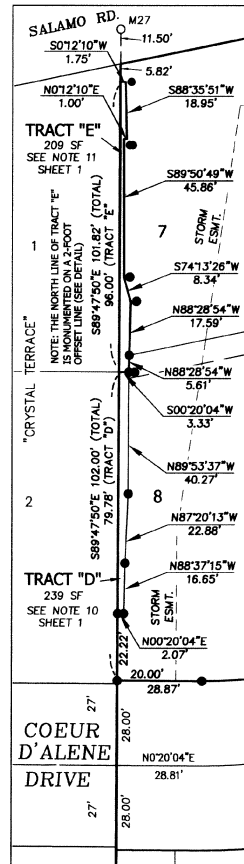
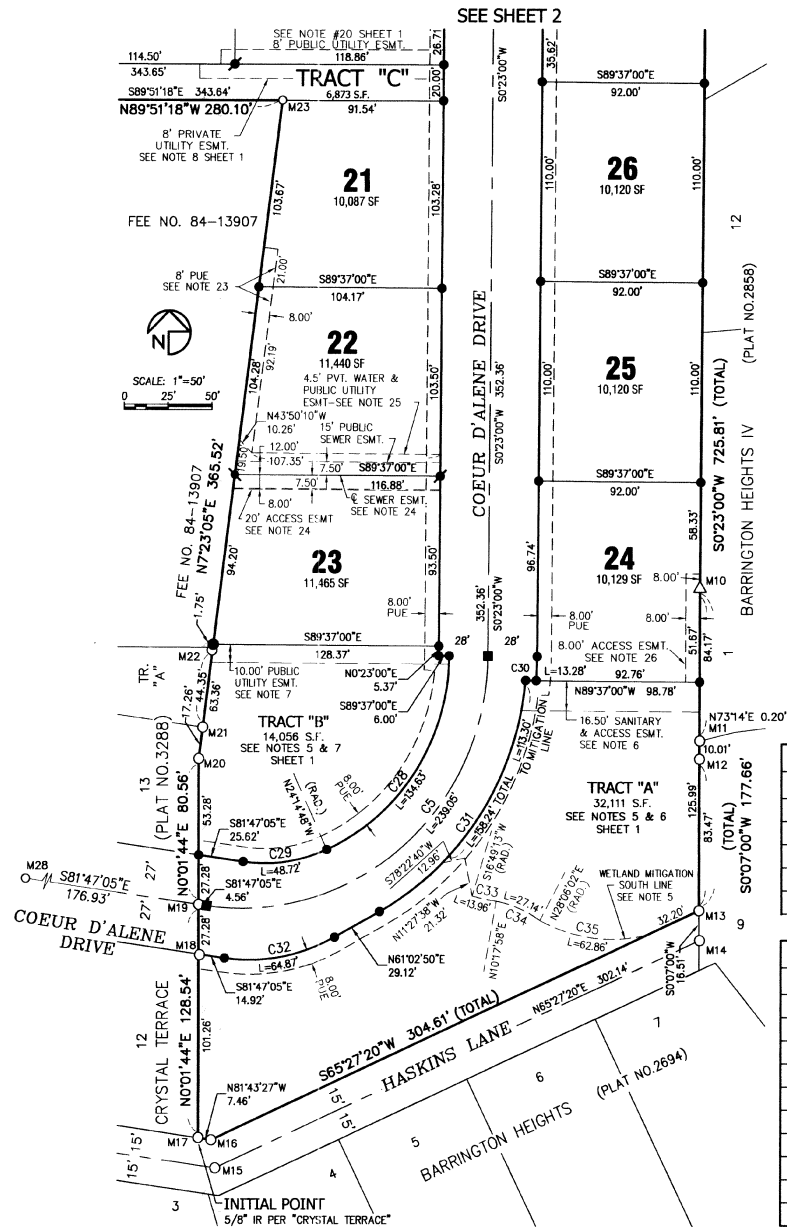
## MONUMENT TABLE

- |   |  |
|---|--|
| M1 FOUND YPC-TOP ILLEGIBLE PER "VISTA RIDGE ESTATES" [FLUSH]  | M14 FOUND IR-BENT (LOCATED TOP) PER "BLAND ACRES" [DWN 1"] N86°15' 0.41'                             |
| M2 FOUND YPC-TOP ILLEGIBLE PER "VISTA RIDGE ESTATES" [FLUSH]  | M15 FOUND 5/8" IR PER "BLAND ACRES" [DWN 1/2"]   |
| M3 FOUND YPC-TOP ILLEGIBLE PER "VISTA RIDGE ESTATES" [FLUSH]  | M16 FOUND 5/8" IR W/PC "TSCS" SET IN SN# 2011-170  |
| M4 FOUND 5/8" IR W/PC "KAMPE" PER "VISTA RIDGE ESTATES" (BENT)-DESTROYED IN CONSTRUCTION. RESET 5/8" IR WITH YPC MARKED "TSCS" AT PLAT LOCATION | M17 FOUND 5/8" IR PER "CRYSTAL TERRACE"- SE CORNER LOT 12 INITIAL POINT - "TERESA'S VINEYARD"        |
| M5 FOUND 5/8" IR W/PC "KAMPE" PER "VISTA RIDGE ESTATE" [FLUSH]  | M18 FOUND 5/8" IR BENT EASTERLY (LOCATED TOP) PER "CRYSTAL TERRACE" [DWN 0.2"] S85°20'E 0.70'        |
| M6 FOUND 5/8" IR W/PC "WCI" PER REF. (6) [FLUSH] N00°23'E 0.52'   | M19 FOUND 2" ALUMINUM CAP PER "CRYSTAL TERRACE" [FLUSH]  |
| M7 FOUND 5/8" IR W/PC "KAMPE" PER "VISTA RIDGE ESTATES" [FLUSH] S89°39'E 0.11'  | M20 FOUND 5/8" IR BENT SOUTHERLY (LOCATED SPINHOLES) PER "CRYSTAL TERRACE" [DWN 0.2"] S15°28'E 0.13' |
| M8 FOUND 5/8" IR W/PC "WCI" [FLUSH] PER REF (10)  | M21 FOUND 5/8" IR W/PC "OTAK" PER "CRYSTAL TERRACE" [FLUSH]  |
| M9 FOUND 5/8" IR W/PC "WELLS" [FLUSH] PER REF (19)  | M22 FOUND 5/8" IR W/PC "OTAK" PER "CRYSTAL TERRACE" [FLUSH]  |
| M10 FOUND 3-1/4" BRONZE CAP SET IN CONCRETE FOR 1/4 CORNER BETWEEN SECTIONS 35 & 36 [FLUSH] PER USBT 2007-091 AND REF (14)                      | M23 FOUND 5/8" IR PER REF (4) [FLUSH]  |
| M11 FOUND 5/8" IR W/PC "WELLS" PER "BARRINGTON HEIGHTS IV" [UP 1/2"] N73°14'E 0.20'   | M24 FOUND 5/8" IR W/PC "OTAK" PER "CRYSTAL TERRACE" [FLUSH]  |
| M12 FOUND 5/8" IR PER REF 3, 4) [UP 1/2"]   | M25 FOUND 2" ALUMINUM CAP PER "CRYSTAL TERRACE" [FLUSH]  |
| M13 FOUND 5/8" IR W/PC "TSCS" SET IN SN# 2011-170   | M26 FOUND 5/8" IR PER "CRYSTAL TERRACE"  |
|   | M27 FOUND 1" BERNTSTEN BRONZE PLUG "TSCS" SET IN SN#2011-170.  |
|   | M28 FOUND 1" BERNTSTEN BRONZE PLUG "TSCS" SET IN SN# 2011-170.                                       |



# TERESA'S VINEYARD

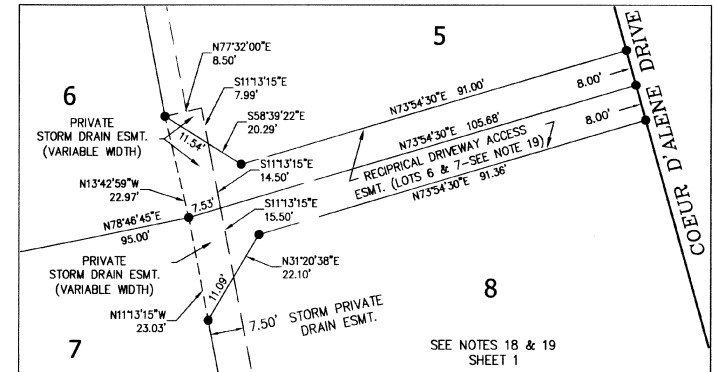
BEING A REPLAT OF A PORTION OF LOTS 15 AND 16, BLAND ACRES,  
PLAT NO. 304, LOCATED IN THE NE 1/4 AND THE SE 1/4 SEC. 35, T2S, R1E, W.M.  
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON  
CITY OF WEST LINN FILE NO. SUB-07-02/NDW-07-02/VAR-07-01  
SURVEYED: DECEMBER, 2011



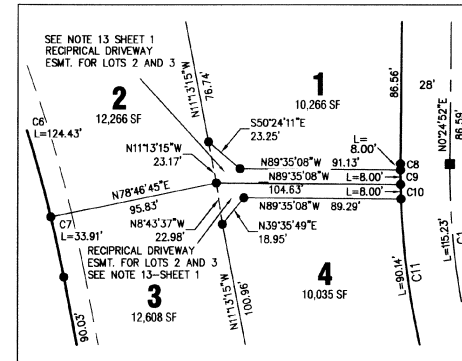
TRACTS "D" & "E" DETAIL  
SCALE: 1"=30'

| CENTERLINE CURVE TABLE |           |         |          |               |         |
|------------------------|-----------|---------|----------|---------------|---------|
| CURVE #                | DELTA     | RADIUS  | LENGTH   | CHORD BEARING | CHORD   |
| C1                     | 16°30'22" | 400.00' | 115.234' | S75°00'19"E   | 114.84' |
| C2                     | 16°25'33" | 185.00' | 53.037'  | N75°43'37"W   | 52.86'  |
| C3                     | 79°25'08" | 116.86' | 161.982' | S3°59'44"W    | 149.32' |
| C4                     | 36°05'50" | 185.00' | 116.553' | N17°39'55"W   | 114.63' |
| C5                     | 97°49'55" | 140.00' | 239.048' | N49°17'57"E   | 211.05' |

| RIGHT-OF-WAY CURVE TABLE |            |         |          |               |         |
|--------------------------|------------|---------|----------|---------------|---------|
| CURVE #                  | DELTA      | RADIUS  | LENGTH   | CHORD BEARING | CHORD   |
| C23                      | 1°32'00"   | 157.00' | 36.541'  | N29°02'47"W   | 36.46'  |
| C24                      | 22°45'43"  | 157.00' | 62.372'  | N10°59'52"W   | 61.96'  |
| C25                      | 18°36'20"  | 213.00' | 69.167'  | N85°51'00"W   | 68.86'  |
| C26                      | 17°29'30"  | 213.00' | 65.026'  | N26°58'05"W   | 64.77'  |
| C27                      | 100°36'03" | 88.86'  | 156.022' | S14°35'12"W   | 136.74' |
| C28                      | 65°22'12"  | 118.00' | 134.629' | N33°04'06"E   | 127.44' |
| C29                      | 32°27'42"  | 86.00'  | 48.725'  | N81°59'04"E   | 48.08'  |
| C30                      | 4°31'42"   | 168.00' | 13.278'  | N2°38'51"E    | 13.27'  |
| C31                      | 55°58'03"  | 162.00' | 158.244' | N33°03'49"E   | 152.03' |
| C32                      | 37°10'04"  | 100.00' | 64.870'  | N79°37'52"E   | 63.74'  |



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

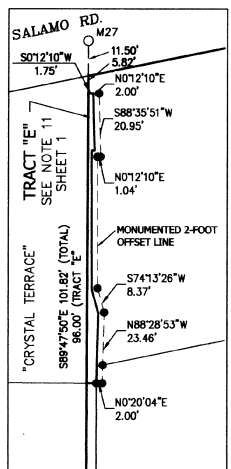


RECIPROCAL DRIVEWAY ACCESS EASEMENT DETAIL  
SCALE: 1"=50'

| WETLAND MITIGATION CURVE TABLE |           |        |         |               |        |
|--------------------------------|-----------|--------|---------|---------------|--------|
| CURVE #                        | DELTA     | RADIUS | LENGTH  | CHORD BEARING | CHORD  |
| C33                            | 9°26'33"  | 84.68' | 13.956' | S77°54'03"E   | 13.94' |
| C34                            | 25°05'07" | 61.98' | 27.136' | N6°70'28"W    | 26.92' |
| C35                            | 41°30'23" | 86.77' | 62.855' | S82°39'09"E   | 61.49' |

## LEGEND

- SET 5/8"x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TSCS" - SET NOVEMBER & DECEMBER, 2011
- SET 5/8"x 30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" FLUSH IN PAVEMENT
- SET 5/8"x 30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" IN MONUMENT BOX
- FOUND MONUMENT AS NOTED
- △ FOUND QUARTER CORNER - 3-1/4" BRONZE CAP
- FOUND
- IRON ROD
- IP IRON PIPE
- IB IRON BAR
- YPC - YELLOW PLASTIC CAP
- OPC - ORANGE PLASTIC CAP
- SNV - CLACKAMAS COUNTY SURVEY RECORD
- ESMT - EASEMENT
- PUE - PUBLIC UTILITY EASEMENT
- TSCS - THE SAUNDERS COMPANY SURVEY



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

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

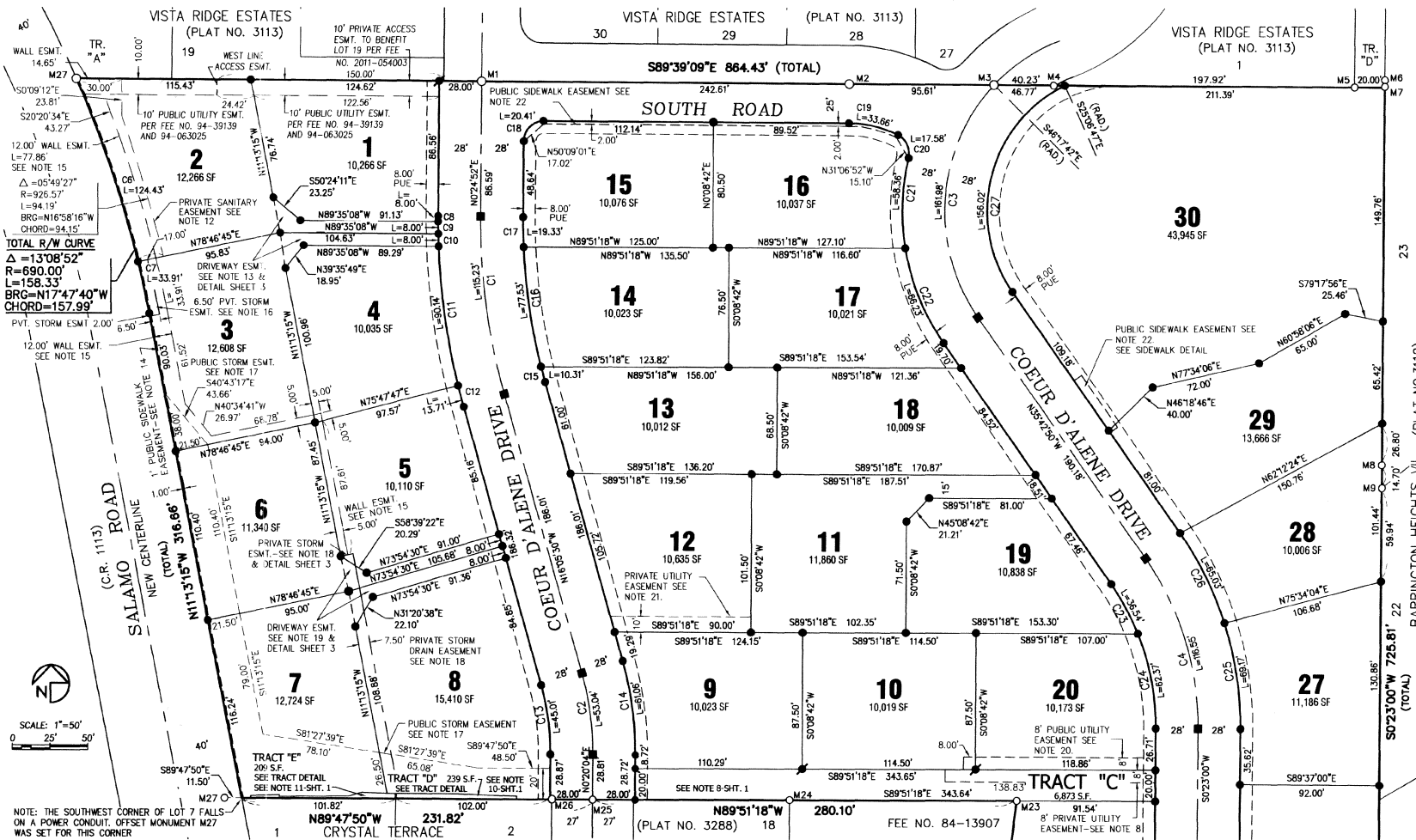
## The Saunders Company Inc.

SURVEY DIVISION  
901 N. BRITISH ST., SUITE#201  
NEWBERG, OREGON 97132  
TEL: 503-537-9347 FAX: 503-554-9107  
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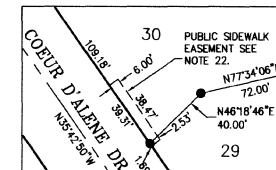
# TERESA'S VINEYARD

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

BOOK 142 PAGE 021  
RECORDED AS DOCUMENT No. 2012-1405  
PLAT NO. 4339



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



LOTS 29 & 30  
SIDEWALK DETAIL  
SCALE: 1"=50'

- LEGEND**
- - SET 5/8"x30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TSCS" - SET NOVEMBER & DECEMBER, 2011
  - - SET 5/8"x30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" FLUSH IN PAVEMENT
  - - SET 5/8"x30" IRON ROD WITH 1-1/2" ALUMINUM CAP MARKED "TSCS" IN MONUMENT BOX
  - - FOUND MONUMENT AS NOTED
  - △ - FOUND QUARTER CORNER - 3-1/4" BRONZE CAP
  - FND - FOUND
  - IR - IRON ROD
  - IP - IRON PIPE
  - IB - IRON BAR
  - YPC - YELLOW PLASTIC CAP
  - OPC - ORANGE PLASTIC CAP
  - SN# - CLACKAMAS COUNTY SURVEY RECORD
  - ESMT - EASEMENT
  - PUE - PUBLIC UTILITY EASEMENT
  - TSC - THE SAUNDERS COMPANY SURVEY

| CENTERLINE CURVE TABLE |           |         |          |               |         |
|------------------------|-----------|---------|----------|---------------|---------|
| CURVE #                | DELTA     | RADIUS  | LENGTH   | CHORD BEARING | CHORD   |
| C1                     | 16°30'22" | 400.00' | 115.234' | S75°09'E      | 114.84' |
| C2                     | 16°25'33" | 185.00' | 53.037'  | N7°52'43"W    | 52.86'  |
| C3                     | 79°25'08" | 116.86' | 161.982' | S3°59'44"W    | 149.32' |
| C4                     | 36°05'50" | 185.00' | 116.553' | N17°39'55"W   | 114.63' |
| C5                     | 97°49'55" | 140.00' | 239.048' | N45°17'57"E   | 211.05' |
| C6                     | 10°19'56" | 690.00' | 124.428' | N19°12'08"W   | 124.26' |
| C7                     | 2°48'56"  | 690.00' | 33.907'  | N12°37'43"W   | 33.90'  |
| C8                     | 0°27'40"  | 428.00' | 3.444'   | S01°10'2"W    | 3.44'   |
| C9                     | 1°04'16"  | 428.00' | 8.001'   | S0°34'56"E    | 8.00'   |
| C10                    | 1°04'18"  | 428.00' | 8.005'   | S1°39'13"E    | 8.01'   |
| C11                    | 12°03'59" | 428.00' | 90.136'  | S81°13'21"E   | 89.97'  |

| CENTERLINE & R/W CURVE TABLE |           |         |         |               |        |
|------------------------------|-----------|---------|---------|---------------|--------|
| CURVE #                      | DELTA     | RADIUS  | LENGTH  | CHORD BEARING | CHORD  |
| C12                          | 1°50'09"  | 428.00' | 13.714' | S15°02'25"E   | 13.71' |
| C13                          | 16°25'33" | 157.00' | 45.010' | N75°24'3"W    | 44.86' |
| C14                          | 16°25'33" | 213.00' | 61.064' | N75°24'3"W    | 60.86' |
| C15                          | 1°35'16"  | 372.00' | 10.309' | S15°17'52"E   | 10.31' |
| C16                          | 11°56'28" | 372.00' | 77.526' | S8°32'00"E    | 77.39' |
| C17                          | 2°58'39"  | 372.00' | 19.332' | S10°42'28"E   | 19.33' |
| C18                          | 89°55'59" | 13.00'  | 20.405' | S45°22'51"W   | 18.37' |
| C19                          | 25°42'58" | 75.00'  | 33.662' | N76°47'40"W   | 33.38' |
| C20                          | 77°29'58" | 13.00'  | 17.584' | N25°11'12"W   | 16.27' |
| C21                          | 23°04'59" | 144.86' | 58.360' | S20°11'18"W   | 57.97' |
| C22                          | 26°11'38" | 144.86' | 66.226' | S22°37'01"E   | 65.65' |

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

SEE SHEET 3

01/11/12  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Theodore G. Lambert*  
OREGON  
JULY 16, 1987  
THEODORE G. LAMBERT  
2294

**The Saunders Company Inc.**  
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## TERESA'S VINEYARD

BEING A REPLAT OF A PORTION OF LOTS 15 AND 16, BLAND ACRES, PLAT NO. 304, LOCATED IN THE NE 1/4 AND THE SE 1/4 SEC. 35, T2S, R1E, W.M.

CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

CITY OF WEST LINN FILE NO. SUB-07-02/NDW-07-02/VAR-07-01

SURVEYED: DECEMBER, 2011

## DECLARATION:

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

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

TV 29, LLC

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

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

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

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

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

## ACKNOWLEDGMENTS

STATE OF OREGON

COUNTY OF CLACKAMAS

S.S.

THIS DECLARATION WAS ACKNOWLEDGED BEFORE ME ON JANUARY 11

2012 BY JEFFERY D. SMITH, PRESIDENT, OAKRIDGE ESTATES DEVELOPMENT CORP., AN OREGON CORPORATION, AS MANAGING MEMBER OF TV 29, LLC, AN OREGON LIMITED LIABILITY COMPANY ON BEHALF OF THE COMPANY.

NOTARY PUBLIC - OREGON

PRINT NAME

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

STATE OF OREGON

COUNTY OF CLACKAMAS

S.S.

THIS DECLARATION WAS ACKNOWLEDGED BEFORE ME ON January 11<sup>th</sup>

2012 BY JEFFERY D. SMITH, PRESIDENT OF J. T. SMITH COMPANIES (MANAGER OF TV29 LLC)

NOTARY PUBLIC - OREGON

PRINT NAME

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

STATE OF OREGON

COUNTY OF CLACKAMAS

S.S.

THIS DECLARATION WAS ACKNOWLEDGED BEFORE ME ON January 11<sup>th</sup>

2012 BY JEFFERY D. SMITH AND TERESA D. SMITH, PERSONALLY AS OWNERS OF THE PROPERTY DESCRIBED IN INSTRUMENT NO. 95-14166.

NOTARY PUBLIC - OREGON

PRINT NAME

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

## SURVEYOR'S CERTIFICATE:

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

BEGINNING AT THE INITIAL POINT, A 5/8" IRON ROD MARKING THE SOUTHEAST CORNER OF LOT 12, "CRYSTAL TERRACE", PLAT NO. 3288, CLACKAMAS COUNTY PLAT RECORDS; THENCE NORTH 00°01'44" EAST ALONG THE MOST EASTERLY LINE OF SAID CRYSTAL TERRACE 209.10 FEET TO AN ANGLE POINT; THENCE NORTH 07°23'05" EAST ALONG SAID EASTERLY LINE AND THE EAST LINE OF THE TRACT OF LAND DESCRIBED IN FEE NO. 84-13907, CLACKAMAS COUNTY DEED RECORDS, A DISTANCE OF 365.52 FEET TO THE NORTHEAST CORNER OF SAID TRACT DESCRIBED IN FEE NO. 84-13907; THENCE NORTH 89°51'18" WEST ALONG THE NORTH LINE OF SAID TRACT AND THE NORTHERLY LINE OF SAID "CRYSTAL TERRACE" 280.10 FEET TO THE CENTERLINE TERMINUS OF COEUR D'ALENE DRIVE AS SHOWN ON SAID PLAT; THENCE CONTINUING ALONG THE NORTH LINE OF SAID "CRYSTAL TERRACE" NORTH 89°47'50" WEST 231.82 FEET TO THE EASTERLY RIGHT OF WAY LINE OF SALAMO ROAD AS DESCRIBED IN THE DEDICATION DEED TO CLACKAMAS COUNTY RECORDED AS FEE NO. 2008-067685, SAID COUNTY DEED RECORDS; THENCE NORTH 11°31'51" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE 316.66 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 690.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 13°08'52" AN ARC DISTANCE OF 158.33 FEET (THE CHORD OF WHICH BEARS NORTH 17°47'40" WEST 157.99 FEET) TO THE SOUTHWEST CORNER OF "VISTA RIDGE ESTATES", PLAT NO. 3113, SAID COUNTY PLAT RECORDS; THENCE SOUTH 89°39'09" EAST ALONG THE SOUTH LINE OF SAID "VISTA RIDGE ESTATES" 864.43 FEET TO THE SOUTHEAST CORNER OF SAID "VISTA RIDGE ESTATES", SAID POINT ALSO BEING ON THE WEST LINE OF "BARRINGTON HEIGHTS VII", PLAT NO. 3112, SAID COUNTY PLAT RECORDS; THENCE SOUTH 00°23'00" WEST ALONG SAID WEST LINE OF "BARRINGTON HEIGHTS VII" AND "BARRINGTON HEIGHTS IV", PLAT NO. 2858, SAID COUNTY PLAT RECORDS, 725.81 FEET TO A 3-1/4" BRONZE CAP MARKING THE QUARTER CORNER BETWEEN SECTIONS 35 AND 36; THENCE SOUTH 00°07'00" WEST ALONG THE WEST LINE OF SAID "BARRINGTON HEIGHTS IV" A DISTANCE OF 177.66 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF HASKINS LANE; THENCE SOUTH 65°27'20" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY 304.61 FEET TO AN ANGLE POINT; THENCE NORTH 81°43'27" WEST 7.46 FEET TO THE SOUTHEAST CORNER OF SAID "CRYSTAL TERRACE" AND SAID INITIAL POINT.

CONTAINING 11.59 ACRES, MORE OR LESS.

## CONSENT AFFIDAVITS:

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

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

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

## RELEASE OF EXISTING EASEMENTS:

ALL DOCUMENTS LISTED BELOW REFER TO CLACKAMAS COUNTY DEED RECORDS.

THE EASEMENTS LISTED IN DOCUMENT NOS. 1991-005176, 1991-008345 AND 1992-055742 AND RE-RECORDED AS DOCUMENT NOS. 1994-046028, 1994-039138 AND 1994-063024 HAVE BEEN RELEASED PER DOCUMENT NO. 2012-001406

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

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

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

## EASEMENTS PER COVENANTS, CONDITIONS &amp; RESTRICTIONS:

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

## CITY OF WEST LINN APPROVALS:

APPROVED THIS 12<sup>th</sup> OF January, 2012

CITY OF WEST LINN PLANNING DIRECTOR

APPROVED THIS 12<sup>th</sup> OF January, 2012

CITY OF WEST LINN CITY ENGINEER

## CLACKAMAS COUNTY APPROVALS:

APPROVED THIS 12<sup>th</sup> OF JANUARY, 2012

Carl R. Plante  
CLACKAMAS COUNTY SURVEYOR, AND CLACKAMAS COUNTY BOARD OF COMMISSIONERS DELEGATE PER COUNTY CODE CHAPTER 11.02

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID THROUGH

JULY 2012

APPROVED: 12<sup>th</sup> January, 2012

CLACKAMAS COUNTY ASSESSOR &amp; TAX COLLECTOR

BY: Bh Bleing  
DEPUTY

STATE OF OREGON

COUNTY OF CLACKAMAS

S.S.

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

AS PLAT NO. 4339DOCUMENT NO. 2012-1405

SHERRY HALL, CLACKAMAS COUNTY CLERK

BY: Lina J Garboe  
DEPUTY

01/11/12  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 16, 1987  
THEODORE G. LAMBERT  
2294

RENEWES: 12-31-2012

The Saunders Company Inc.

SURVEY DIVISION  
901 N. BRUTSHER ST., SUITE#201  
NEWBERG, OREGON 97132  
TEL: 503-537-9347 FAX: 503-554-9107  
WWW.THESAUNDERSCOMPANY.NET

SHEET 4 OF 4

JOB NO. 9130



**CITY OF WEST LINN  
PLANNING COMMISSION MINUTES**

**Thursday, June 28, 2007**

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

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

Members absent: Commissioners Paul Fisher and John Kovash

**CALL TO ORDER**

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

**APPROVAL OF MINUTES**

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

**PUBLIC COMMENTS (None)**

**PUBLIC HEARINGS**

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

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

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

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

Chair Jones opened the public hearing, explained the applicable criteria and procedure, and announced the time limits for testimony. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contacts (including site visits). Commissioner Wittenbrink recused herself because the applicant was her employer. The other Commissioners present each reported they had driven or walked around the site. When invited by the Chair, no one in the audience challenged the authority of the Planning Commission or the ability of any individual Commissioner to hear the matter.

*Staff Report*



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

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

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

*Applicant*

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

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



**Oregon, 97035**, the applicant's project engineer, assured the Commissioners the technical engineering changes were items typically addressed in the final design stage and they would not significantly change the proposal. Mr. Robinson clarified that the applicant had never received a February 2, 2007 letter conveying the City's consultant's suggestions, but they had received a March 22, 2007 memorandum that also contained the suggestions and Mr. Stairs had responded to it on April 10, 2007. He noted the response was that the applicant's consultant had seen evidence that the site should be treated as one sub basin, not two, and it also addressed an issue regarding how fast the water flowed. He stressed that the applicant had incorporated the City consultant's suggestions and met Code criteria related to how water was collected and treated, thus, he had met the related recommended conditions.

#### *Proponents*

Chair Jones read aloud written comments submitted by **Alice Richmond, 3939 Parker Rd.** She wrote that she would be sad to see the vineyard lost, but she supported the application because the City would gain 30 lots in return and the related revenue to pay for schools and City services.

#### *Opponents*

**Michael Riley, 3445 Vista Ridge Dr., had submitted a June 20, 2007 Memorandum on behalf of the Vista Ridge Estates Homeowners Association.** He said he believed that almost all of the Association members supported it. He said the slope of the proposed road extension was not desirable, safe, or efficient. He said he did not believe people would use it because of the slope, unsafe intersection sight distance, and a large divot. He wanted the new subdivision to take access from Salamo Road. He described other street layouts that he thought would work better. During the questioning period, the applicant explained that the owner of the site and the City Engineer had agreed that when the site was developed the owner would close its access to Salamo Road. The staff clarified that the agreement was that closure was to happen if that driveway were not utilized. Mr. Riley said he thought the applicant could have proposed a more efficient street system. Chair Jones announced a recess at 9:00 pm and reconvened the hearing at 9:10 p. m.

**Lisa Tsukamoto, 3344 Coeur d'Alene Dr.; and Kevin and Nicole Vedder, 3549 South Rd.,** had indicated on the Testimony Form that they were opposed to the proposed layout but did not wish to testify at the hearing.

#### *Neither for nor Against*

**Gary Alfson, 3401 S Haskins Ln,** an adjacent property owner, anticipated that he could develop as many as four or five lots on his property in the future, but it would be "land locked" by the applicant's development, so he asked for vehicle and utility access to his property. He also asked that the future access be paved, as his current access was. **Mr. Robinson reported that the applicant agreed and would put in two paved vehicular access points to serve the Alfson's future subdivision and utilities, and a third easement for sanitary sewer.** He added that the applicant might even install the sanitary sewer line, if the Alfsons would pay for it. **Mr. Alfson asked for**

a specific written related condition of approval. The applicant agreed to that and Chair Jones directed the staff to craft such a condition.

#### *Rebuttal*

Mr. Robinson explained the Code required the applicant to connect the streets and the staff had specifically requested that. He said the stubbed streets were already there to extend, and the Code called for limiting driveways along arterial streets. He said the project would generate much less traffic the volume a local street was capable of handling. He said most fire districts allowed streets to slope as much as 20%. He noted the City preferred not to have cul-de-sacs. He asked for approval subject to the conditions recommended by staff and the additional condition to provide for Alfson property access. During the questioning period, the applicant's representatives clarified that the tree mitigation plan referred to removed trees with a combined total of 50 inches DBH. They agreed with Commissioner Bonoff's suggestion to add a condition that the applicant was to observe Oregon Department of Fish & Wildlife "water work periods" to protect fish. Chair Jones announced five-minute recess to allow the staff and the applicant to discuss the new access condition, and thereafter Mr. Soppe suggested the following language:

**"The applicant shall provide an additional utility easement along the northern boundary of the open space tract south of proposed lot 23. The access easements between proposed Lots 22 and 23, as well as the access utility easement along the north property line of proposed Lot 21 shall be paved with 20 feet of pavement. The applicant shall stub the utilities to the property line for Lots GA2 through GA4. For Lot GA1 the applicant shall stub utilities to the west end of the right-of-way."**

Mr. Robinson clarified for Commissioner Bonoff that if right-of-way modifications described in Mr. Kilby's June 14, 2007 letter were not approved, and additional trees were lost to right-of-way, the applicant would increase the proposed mitigation (called for by Condition 20) accordingly on a 1:1 basis.

#### *Deliberations/Motions*

Chair Jones closed the hearing to public testimony. Commissioner Martin indicated that although he would be sad to see the vineyard property developed, he could support the application. He said he had been concerned about the safety of the steep road, but heard testimony that it was within safety standards, so he could agree to that. He said he appreciated the applicant's willingness to accommodate the adjacent property owner. Vice Chair Babbitt said he still did not believe the application was complete, but the applicant had explained it well enough in his testimony that he could approve it. Commissioner Bonoff agreed with Vice Chair Babbitt's comments. He opined that the Commissioners had spent unnecessary time on drainage issues and that could have been avoided if they had been presented with related exhibits. But he said the applicant had tied up the "loose ends," and he could support the application. Chair Jones commented that the application was confusing and he agreed it should not have been necessary for the Planning Commission to spend so much time trying to understand the drainage plan.



**Commissioner Martin moved to approve SUB-07-02/NDW-07-02/VAR-07-01 subject to the conditions recommended in the staff report, but without recommended Conditions 14 and 18; with the additional condition crafted by the staff during the hearing that related to providing access to the Alfson property; and with added language in Condition 15 that limited work in the wetland to "water work periods" set by the Oregon Fish & Wildlife Department. Commissioner Bonoff seconded the motion and it passed 3:0. Chair Jones announced five-minute break and thereafter reconvened the meeting.**

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**MIP-07-01/NDW-07-04, 3-Lot Minor Partition, 18822 Old River Drive**

Commissioner Wittenbrink rejoined the other Commissioners and Commissioner Martin left the meeting. Chair Jones opened the public hearing, explained the applicable criteria and procedure, and announced the time limits for testimony. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contacts (including site visits). The only declarations were that Commissioner Wittenbrink and Chair Jones each reported they had made a site visit. When invited by the Chair, no one in the audience challenged the authority of the Planning Commission or the ability of any individual Commissioner to hear the matter.

*Staff Report*

**Tom Soppe, Associate Planner**, presented the staff report. (See Planning & Building Department report dated June 18, 2007). He pointed out the location of the creek that ran through the site. He noted that the originally proposed configuration of the lots allowed the stems of the flags of the two rear lots to run back from Robin View Drive on each side of the front lot. However, he reported the applicant had just submitted a drawing showing that he wanted to change the stems to easements over the front lot so the rear lots would be larger and have more room for houses (see Exhibit \_\_\_\_). He said the applicant might chose to have Lots 1 and 2 share a driveway, so a house could be placed where it would not impact significant tree area. He noted that the recommended conditions of approval called for the house to be repositioned to save trees, for a slope map, and for the storm system to be redesigned to drain away from the frontage. He reported that Engineering Department staff had very recently recognized that the application proposed laterals into Robin View Drive, but they preferred that the applicant install a sewer main to serve his property. However, the Public Works Director had acknowledged that because the installation might have to be as long as 100 feet and there were other places in the City that featured that configuration of laterals, his department could accept a Planning Commission decision to allow the laterals. The Commissioners contemplated whether they should continue the hearing to allow time for submission of revised exhibits showing the changes, but they generally agreed to hear testimony that evening.

During the questioning period, Mr. Soppe clarified that the applicant had submitted a slope map, which made the application "complete," but the staff wanted one that more clearly showed grade percentages. He also clarified that with proper house placement the application could meet the provision that 20% of non-Type 1 and 2 lands with significant trees was to be preserved. He clarified that the Engineering Department would accept a condition for calling for a redesign of the storm system, and the applicant would have to submit the redesign later in the process. The

June 27, 2007

To: City of West Linn Planning Commission

From: Gary and Susie Alfson  
3401 S Haskins Lane



RE: 30 Lot Subdivision – File # SUB-07-02, VAR-07-02, NDW-07-02

We have a one acre parcel located at the inside corner of the proposed development. Two sides of our acre is immediately adjacent to the subject property. We do not have frontage on a public road way, therefore our acre is land locked by the subject property. The attached plan shows the location of our property, (Sheet C3). We are not opposed to the 30 lot subdivision. However we do have some concerns regarding the impacts of the development on our land locked parcel.

We would appreciate your consideration in including conditions to the approval of the proposed development to ensure adequate vehicular and utility access to our site, for the current configuration and for the potential future development.

The one acre is currently zoned R-7. We have shown the potential platting of this property into 4 lots designated as GA1 through GA4. Five lots are possible based on the zoning of the parcel but, due to the topography of the site and the land locked nature of the parcel, four are being shown at this time, (Sheet C6).

The proposed development has shown an access and utility tract along the entire north edge of our parcel. We request that a condition be included in the approval to allow access to this tract for future vehicular and utility access from lots GA3 and GA4 (Sheet C6). The proposed access shown to the east of our property needs to remain to provide access for our current residence and for future lots GA1 and GA2.

We request that the development of the 30 lot subdivision be conditioned to provide utility access to public sanitary sewer, storm drainage, and water services (wet utilities) to our property line. Sanitary sewer and storm drainage access need to be provided to allow gravity flow from the lowest lot GA1. These utility connections are currently being provided from the proposed access to the east between lots 22 and 23. Gravity flow for sanitary sewer and storm drainage from lot GA1 cannot be achieved at the location shown. These services need to be provided from the lower, south edge of lot GA1, (Sheet C9).

We are also requesting that power, telephone, cable TV, & Gas utility access (dry utilities) be provided to our property line. These are not shown in the drawings provided at this time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gary Alfson".

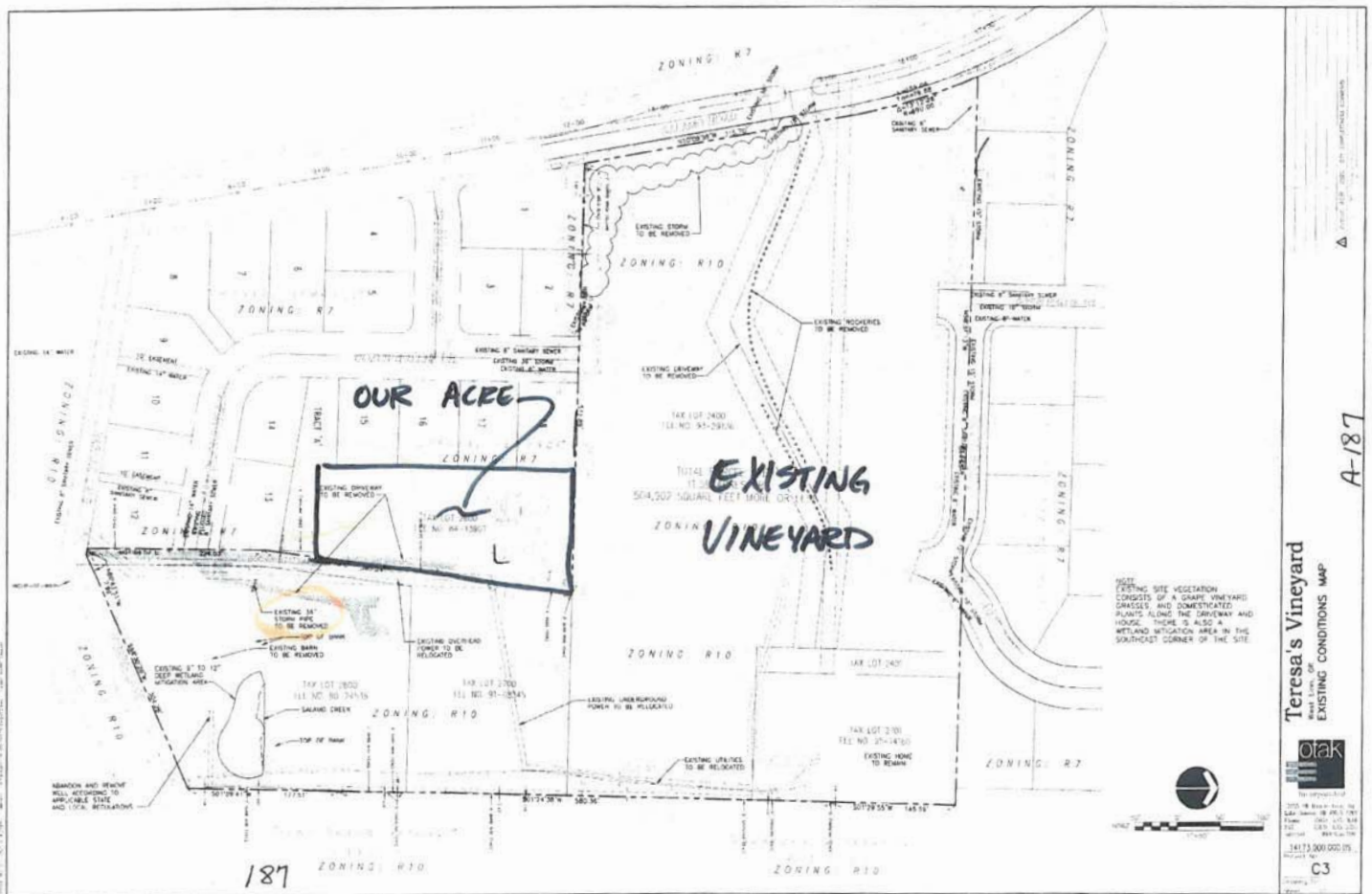
Gary & Susie Alfson

RECEIVED

JUN 28 2007

Via email

PLANNING & BUILDING  
CITY OF WEST LINN  
INT. TIME



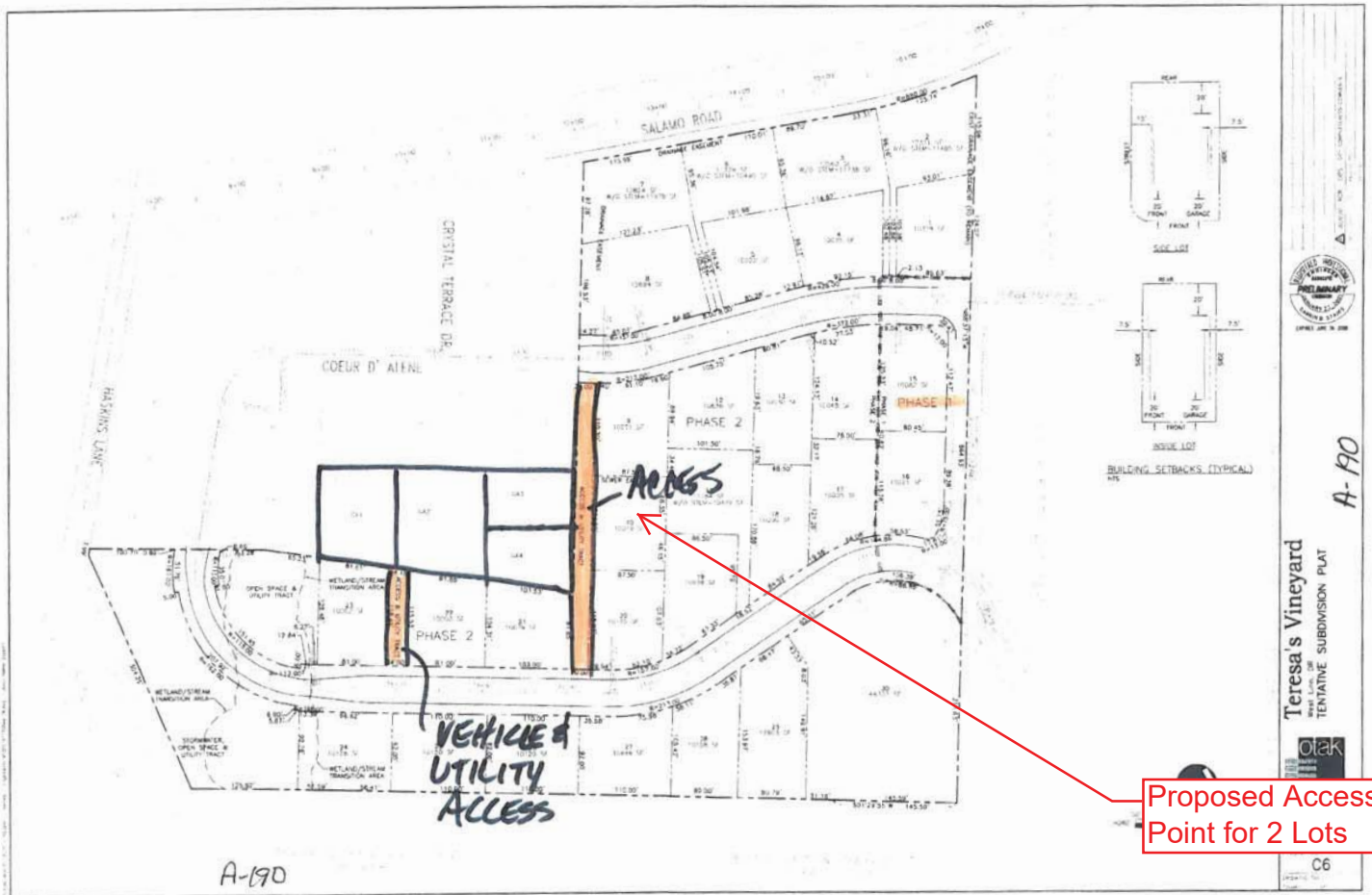


RECEIVED

JUN 28 2007

Via email

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

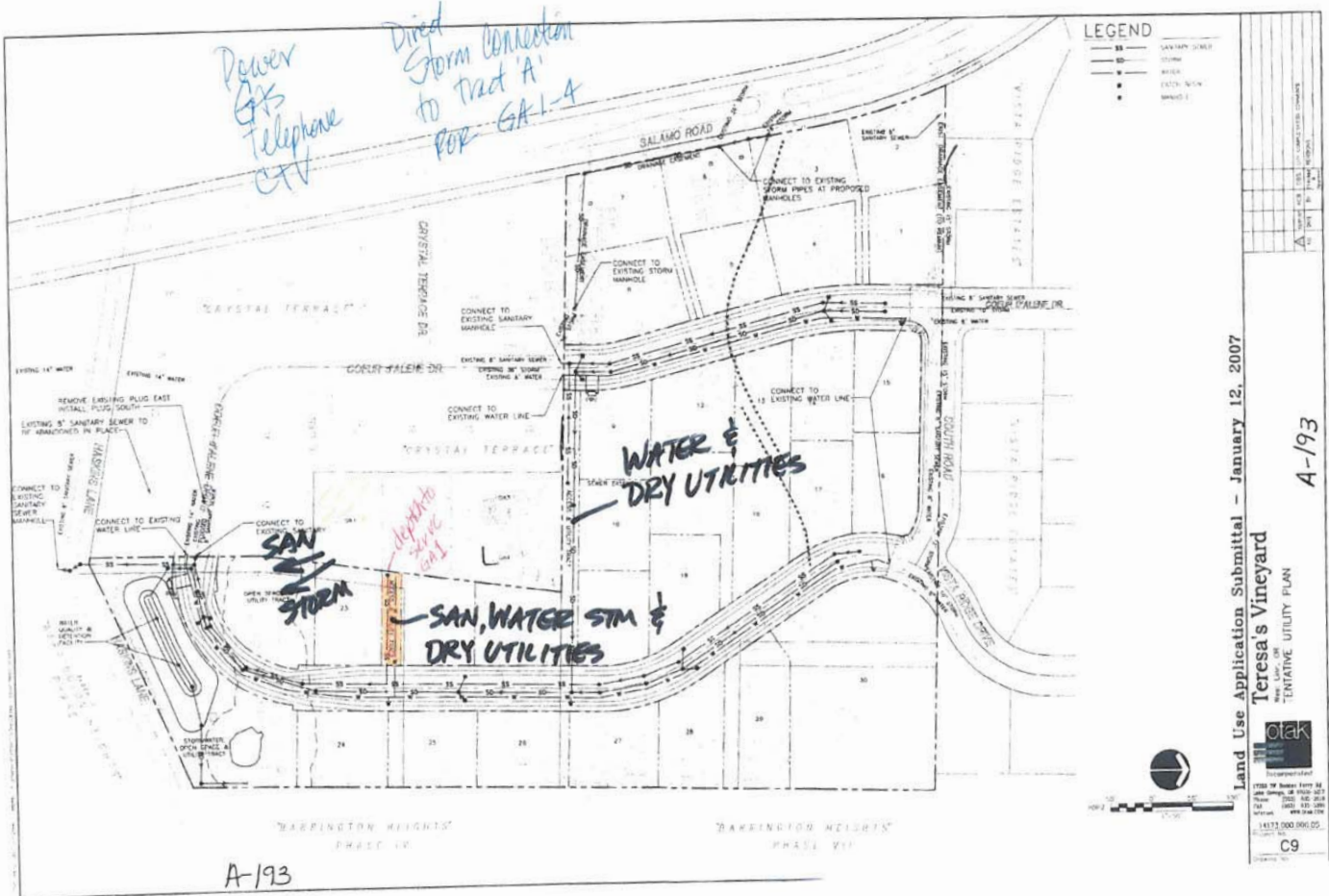


# RECEIVED

JUN 28 2007

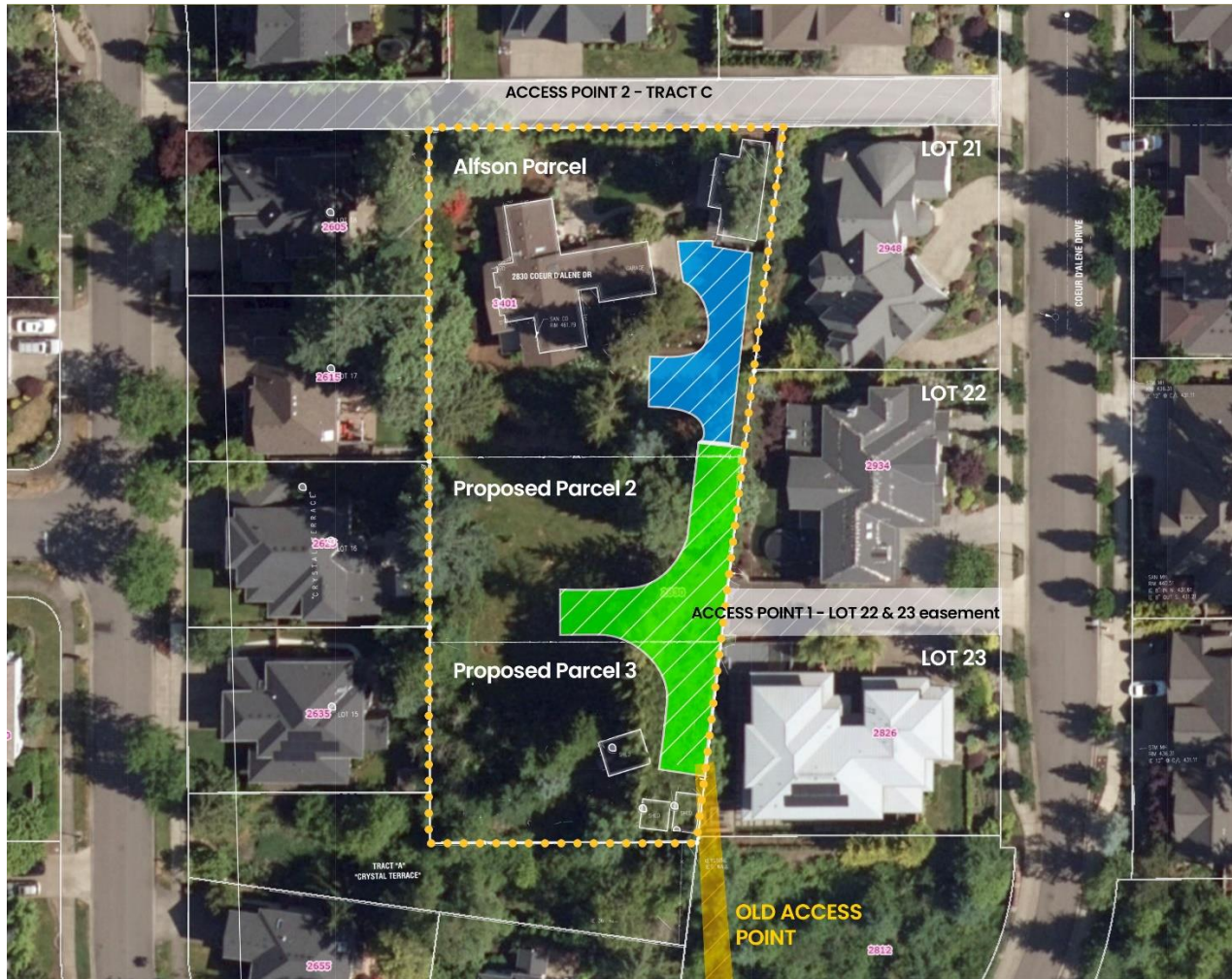
Via email

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



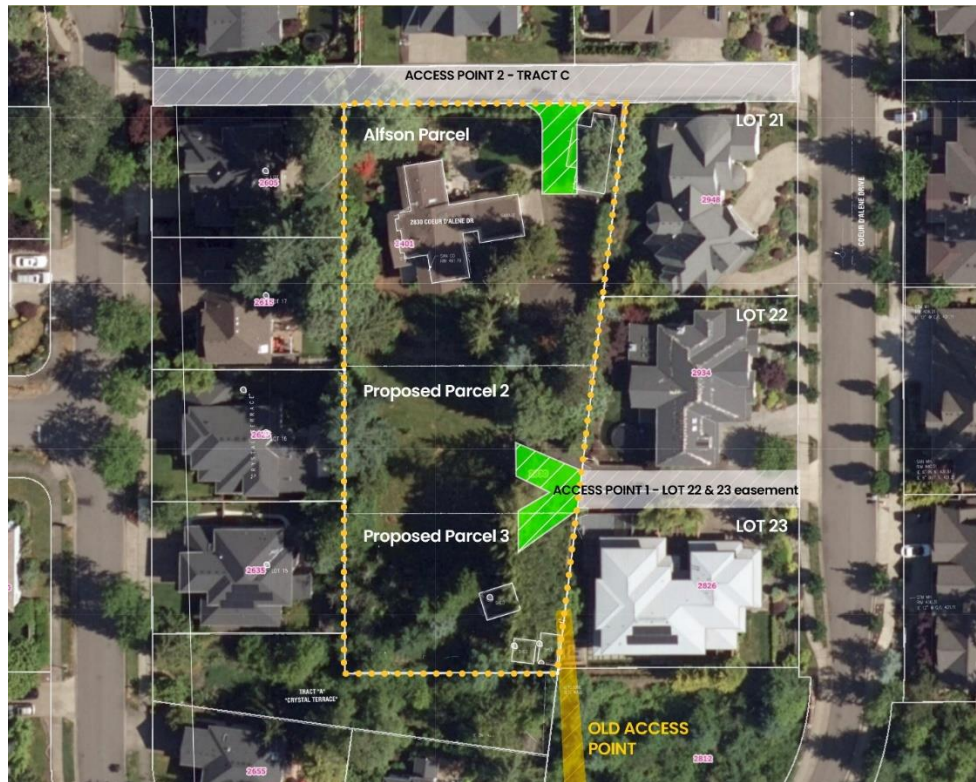
## Exhibit D

Applicant's proposed variance:





Alternative plans without need for variance:





Tract C:



Shared Access Easement between Lots 22 and 23:



038450\00001\17922727v1



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

David,

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

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

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

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

**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Good evening Mr. Lais,

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

Sincerely,

David Baker

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

Dear Mr. Lais,

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

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

Notes and Plat Restrictions 9 on Plat No. 4339 states that "Tract C will provide access to a maximum of two future lots in the adjoining parcel to the south described in fee no 84-13907" (also known as the Alfson property).

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

Thank you,

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

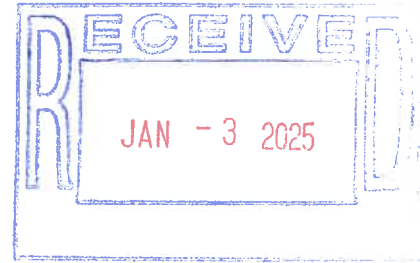
**Darren Wyss**  
*Planning Manager*  
Planning

22500 Salamo Rd.  
West Linn, Oregon 97068  
[dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
503-742-6064



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January 3, 2025



To: City of West Linn City Council

From: William and Patricia Nelson

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

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

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

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

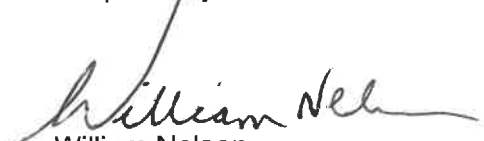
The neighborhood sees little traffic on Coeur d Alene Drive. Residents, tradespeople and delivery trucks represent the bulk of vehicles observed. There is no 'through' traffic.

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

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

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

Respectfully,

  
William Nelson  
2948 Coeur d Alene Drive  
West Linn

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

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

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

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

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

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

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

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

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

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

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

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



Scan this QR Code to go to Project Web Page:



AP-24-02 – Notified Properties within 500 feet of 2830 Coeur d Alene Drive



**Agenda Bill 2025-01-06-04**

Date Prepared: December 13, 2024

For Meeting Date: January 6, 2025

To: Rory Bialostosky, Mayor  
West Linn City Council

Through: John Williams, City Manager *JRW*

From: Doug Erickson, Director Library & Community Service (*DE*)

Subject: Arts And Culture Commission Recommendations For The Commissioning Of An Artist For Art For The Willamette Main Street Bicycle Kiosk

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**Purpose:**

The Arts and Culture Commission would like to make a recommendation to authorize the commission of work by an artist for the art installation in the Willamette Main Street Bicycle Kiosk, owned by the City of West Linn.

**Question(s) for Council:**

Should the West Linn City Council authorize the commission for art to be entered into with an artist, Travis Pond, which has been selected as a finalist for creating an art installation for the Willamette Main Street Bicycle Kiosk?

**Public Hearing Required:**

No

**Background & Discussion:**

The Arts and Culture Commission is a Citizen Advisory Group, appointed by the City Council, to promote arts and culture as a vital element in the quality of life for all residents of and visitors to the City.

Historic Willamette Main Street came to the Arts and Culture Commission asking to partner with them for the possibility for a public art installation for a new bicycle kiosk along Willamette Main Street.

According to the West Linn Municipal Code the Percentage for the Arts program provides money for public art at City facilities, structures, and capital improvements. One-percent of capital projects is set aside for the acquisition of public art, and .5% for administration of the public art program, including maintenance and care, in West Linn.

The Arts and Culture Commission put out a call for artists, utilizing Clackamas County Arts Alliance, City website and City social media channels for helping to promote this opportunity. Proposals were entertained during the August and September 2024. A total of seven applications were submitted. The Arts and Culture Commission reviewed and ranked each application and chose two artists who the Arts

and Culture Commission wished to interview as finalists. Upon those interviews the A&CC selected Travis Pond to recommend for this art project.

According to the West Linn “Percent for Art” Program Governing Guidelines:

The Commission will present the chosen finalist to the City Council at a public meeting for approval. The presentation may include a discussion of:

- A. How the “Required Conditions” of the Art Selection Criteria, 2.1(1) of the Governing Guidelines, are satisfied;
- B. How the selected art comports with the Public Art Project Proposal, 2.2(1)(A)-(E) of the Governing Guidelines;
- C. A preliminary rendering, where possible, of the selected art; and
- D. A clear description, and photo where possible, of the proposed site for the selected art.

**Budget Impact:**

\$ 7500 from the Percentage for the Arts Funds.

**Sustainability Impact:**

A Bicycle Kiosk will add a place where bicyclist can repair their bicycles, a respite for bikers and for the community walking through the Willamette Main Street area to enjoy.

**Council Options:**

1. Approve the Arts and Culture Commission proposal to award artist Travis Pond the contract for the art project of the bike kiosk on Willamette Main Street.
2. Direct staff to go back to the Commission to amend their recommendation.

**Staff Recommendation:**

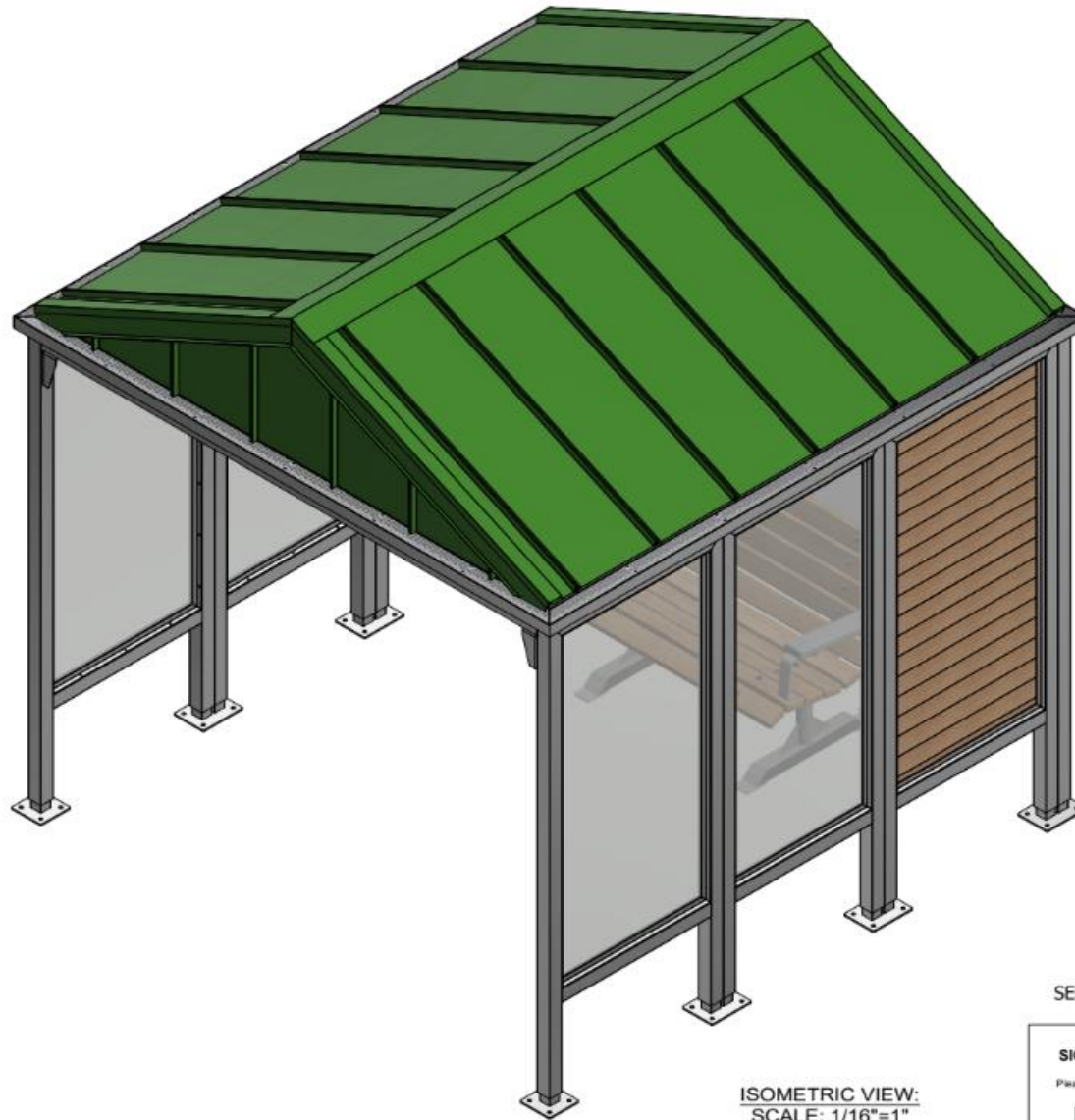
Staff, and the Arts and Culture Commission recommend the authorization for entering a contract with Travis Pond for the commission of art to be installed in the Historic Willamette Main Street Bicycle Kiosk. The Council may consider the following when evaluate the opportunities and obstacles; the art and impact it will have on the community, the maintenance of the art, the visibility of the art.

**Potential Motion:**

I move to authorize Staff to negotiate with Travis Pond, for the purposes of a contract, for the commission of art for the Historic Willamette Main Street Bicycle Kiosk.

**Attachments:**

1. Bike Kiosk Structure Rendering
2. Call for Artists Publishing
3. HWMS Bike Kiosk Artist Renderings – Travis Pond



ISOMETRIC VIEW:  
SCALE: 1/16"=1"

SEE SALES ORDER FOR OPTIONS AND FINISHES

**CONCEPTUAL DRAWING FOR CUSTOMER  
SIGN OFF ONLY, NOT INTENDED FOR PRODUCTION**

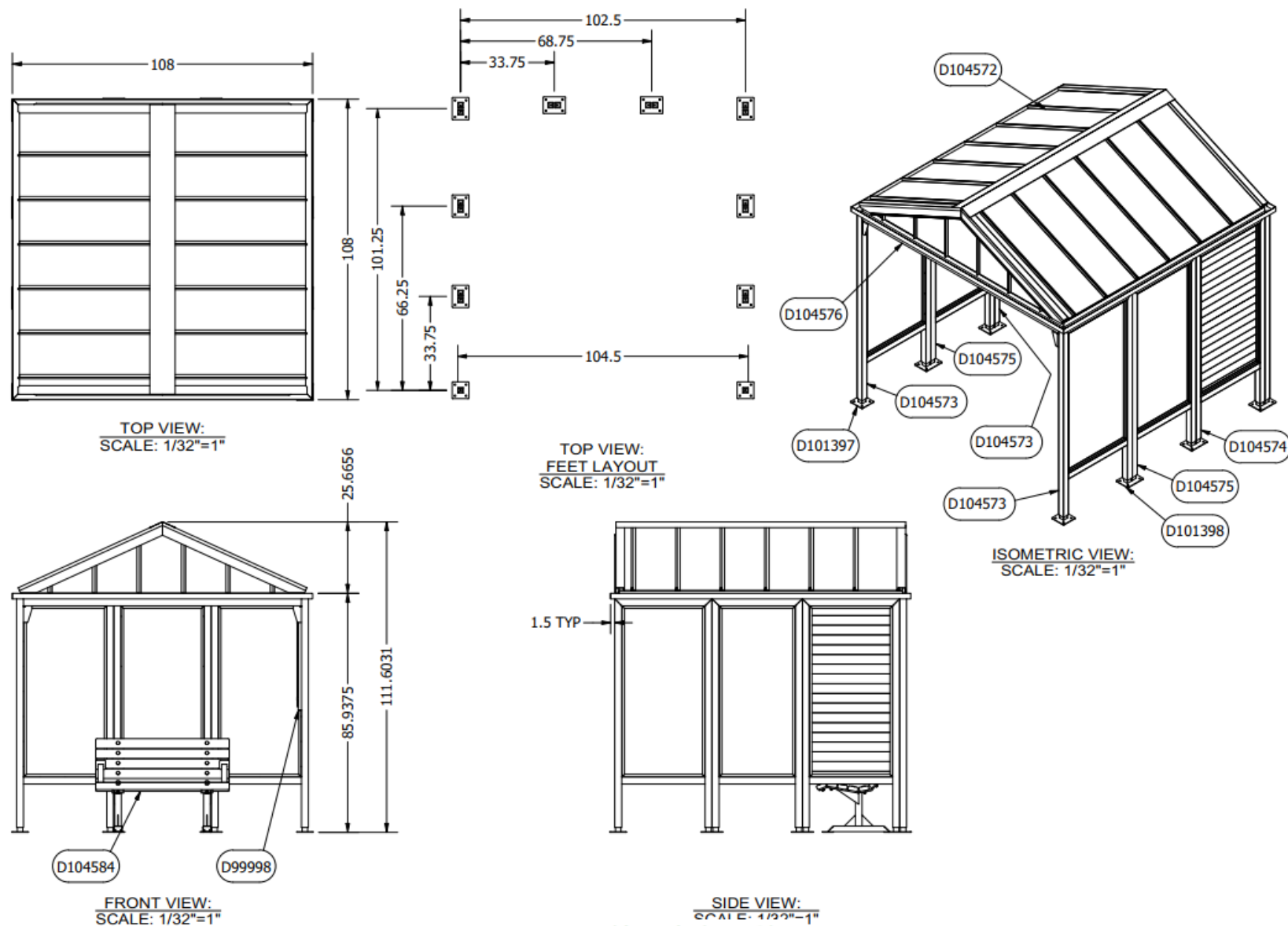
Please provide comment on conceptual drawing, mark appropriate box below,  
provide authorized signature and fax to 503-373-1086

☐ No Exceptions Noted

☐ Revise & Re-Submit

X  
Signature


Date







# Community

 Submissions for this form are closed.

## Contact Information

West Linn City Hall  
22500 Salamo Road  
West Linn, OR 97068  
503-657-0331

[View Full Contact Details](#)

## Upcoming Events

Christmas Day Observance - City Offices Closed  
12/25/2024 (All day)

New Year's Day - City Offices Closed  
01/01/2025 (All day)

Martin Luther King Jr Day - City Offices Closed  
01/20/2025 (All day)

President's Day - City Offices Closed  
02/17/2025 (All day)

Memorial Day - City Offices Closed  
05/26/2025 (All day)

Juneteenth - City Offices Closed  
06/19/2025 (All day)

[View the Monthly Calendar](#)

## Call for Art and/or Proposals: Bike Repair Kiosk

**\*\*This Call for Artists is Now Closed\*\***

Call for Art and/or Proposals: Art Installation for Bike Repair Kiosk: "Where rivers and people meet"

Proposal Deadline: 5pm on September 20, 2024

Send questions to [westlinnartsandculture@gmail.com](mailto:westlinnartsandculture@gmail.com).

The City of West Linn Arts and Culture Commission (WLACC), in partnership with Historic Willamette Main Street (HWMS), is seeking proposals for art to enhance a new bike repair kiosk to be installed on Willamette Falls Drive, planned for Fall of 2024. This project aims to transform functional infrastructure into a vibrant community asset by integrating artistic expression into an urban space.

Artists are invited to explore the theme of "Where rivers and people meet" (the motto of Historic Willamette Main St). As this bike kiosk will provide basic bicycle servicing equipment and will serve as a small respite for cyclists, we seek artworks that celebrate the spirit of movement, connectivity, and community. Whether through vibrant colors, dynamic patterns, or thought-provoking imagery, the artwork should evoke a sense of energy and inclusivity.

**Award: The all-inclusive budget is \$7,500 which would include all conceptual sketches, materials, and final art ready for installation.**

### Specifications

- See drawings in [attached pdf](#).
- If 2-D, the artwork would be applied to, compressed between, or etched into thick plexiglass walls. If 3-D, the artist will need to provide information about attachment mechanisms. Submissions should include how the art will be installed in/on/around the transparent walls of the bike shelter, providing both visibility and protection from the elements. Artists are expected to provide all materials for installation. The kiosk provider will work with the artist for final specs and installation.
- Artists are encouraged to consider the transparent nature of the walls and how their designs will interact with natural light and the surrounding environment. The art will be viewable from all sides. The steel framed structure is suitable for powder coating.
- Submissions should consider the dimensions of the walls and ensure that the artwork is scalable and adaptable to the space provided. (Specification and draft rendering provided below). All surfaces of the structure can be considered as potential for art.
- Signage for the kiosk, "Willamette Bike Kiosk," may be included as part of the proposal, but is not required. The plan calls for a sign at the top of the structure, but could be incorporated into the design, particularly if the art is sculptural.
- All work must be original, although can have been displayed previously in total or in part. Credits will be given both on site and on the City web site.
- All images must have been created by the maker(s), no stock or AI images.
- Artist(s) will be responsible for delivery and must be on site for installation according to a schedule to be determined.
- This is a work for purchase. The City will take over maintenance and insurance after installation.

### Selection Criteria

- Detail and completeness of application/proposal
- Overall aesthetic of artwork or proposed artwork
- Compatibility with the theme of "Where Rivers and People Meet"
- Appropriateness for public display:
  - Of suitable scale
  - Able to withstand the elements and normal wear and tear experienced by public art in an outdoor setting.
  - Able to withstand pedestrian contact & interaction.
- If submitting a proposal, artist(s) must demonstrate/provide evidence of ability to follow through for fabrication and meet deadlines.
- Compatibility with safety standards. Artworks must not obstruct visibility or compromise the structural integrity of the shelter.

### Submission Guidelines

- Artist(s) may apply individually or in partnership with other artists. Include contact information for all participants, indicating who is the lead.
- If art has not already been created, artist(s) should submit a proposal outlining their concept, including sketches or digital mock-ups of the proposed artwork.
- Submissions should include details such as materials, dimensions, and any additional requirements for installation.
- Personal statement, including experience and examples of work that is similar in size and scope. We are awarding a contract for the completed work of art, not just a concept.
- Submissions should include an overall cost for artist's time, materials, and delivery all-inclusive of creating and installing the artwork.
- Submissions will be evaluated by the Arts and Culture Commission (WLACC), in partnership with Historic Willamette Main Street. Additional information may be required as part of a second round, if needed.

### Timeline

**All proposals must be received by 5pm on September 20, 2024.** Late submissions will not be considered. *The Commission reserves the right to extend the deadline if an insufficient number of proposals are submitted by September 20, 2024.*

Selected artists will be notified by October 15, 2024, and provided with further details regarding installation and compensation.

It is anticipated that installation will occur in fall 2024.

**WLACC reserves the right to reject work that, upon delivery, differs from the original submission, or does not meet standards of durability, safety, equity, and quality.**

### About Historic Willamette Main Street

Historic Willamette Main Street is a not-for-profit organization whose mission is to celebrate and preserve the rich history and natural beauty of the area, invest in the heart of our downtown by promoting our local businesses. Our purpose is to foster an inclusive, diverse community where local residents and visitors feel welcome to dine, shop, connect and socialize with others.

### About the West Linn Arts and Culture Commission

The Arts and Culture Commission of the City of West Linn promotes arts and culture as a vital element in the quality of life for all residents of and visitors to the City. The Commission is committed to advancing equity and diversity and strives to foster an atmosphere of inclusivity, creativity, and respect so all feel inspired to participate and express themselves and their identities. The Commission believes the variety of cultures in the region enriches all citizens' lives. The Commission seeks to create space for dialogue that includes and connects all members of the West Linn community. The Commission's goals are to: 1. Increase access to the arts for all members of our community, regardless of age, income, ability, background, or prior experience with the arts, through affordable, inclusive, and diverse displays, events, and performances 2. Advocate for and partner with artists, arts organizations, and cultural heritage groups by providing opportunities to showcase and educate others about their work 3. Preserve and promote our heritage by hosting events that celebrate the intersection of the arts and culture, including opportunities for people with diverse backgrounds to share their heritage 4. Empower our community to experience art, value art spaces, appreciate diversity, and participate in the creative process

THE WEST LINN ARTS AND CULTURE COMMISSION STRONGLY BELIEVES THAT WE ALL BENEFIT FROM DIVERSITY. THE WLACC DOES NOT DISCRIMINATE ON THE BASIS OF RACE, SEX, AGE, RELIGION, SEXUAL ORIENTATION, OR GENDER IDENTITY.

### Supporting Documents

 Bike Kiosk Drawings (259 KB)



**Travis Pond:**

Response/Answers to Questions:

*We appreciate your examples of prior commissioned work; they are very unique! The committee would like you to provide additional detail about what you visualize for the bike kiosk artwork specifically that would fit the feel of West Linn.*

My vision for this project ... although I need to see the kiosk and its placement...is to make panels to fit the existing architecture of the kiosk, that are made partially of repurposed metals, mainly bikes if possible, that have imagery and subject matter relating to the community and the “where rivers meet.” In addition to the repurposed materials there will be laser cut scapes of birds in migration rivers flowing and the western vibe of the old town area. The panels will be then galvanized, or powder coated with colors that complement the design and surrounding ascetics.

*In addition, can you provide additional context around how you intend to address the City’s requirement for visibility and transparency? (for safety and natural light) on 70% of the kiosk walls. Please note the roof of the structure is copper and the solid walls in the mockup will be black.*

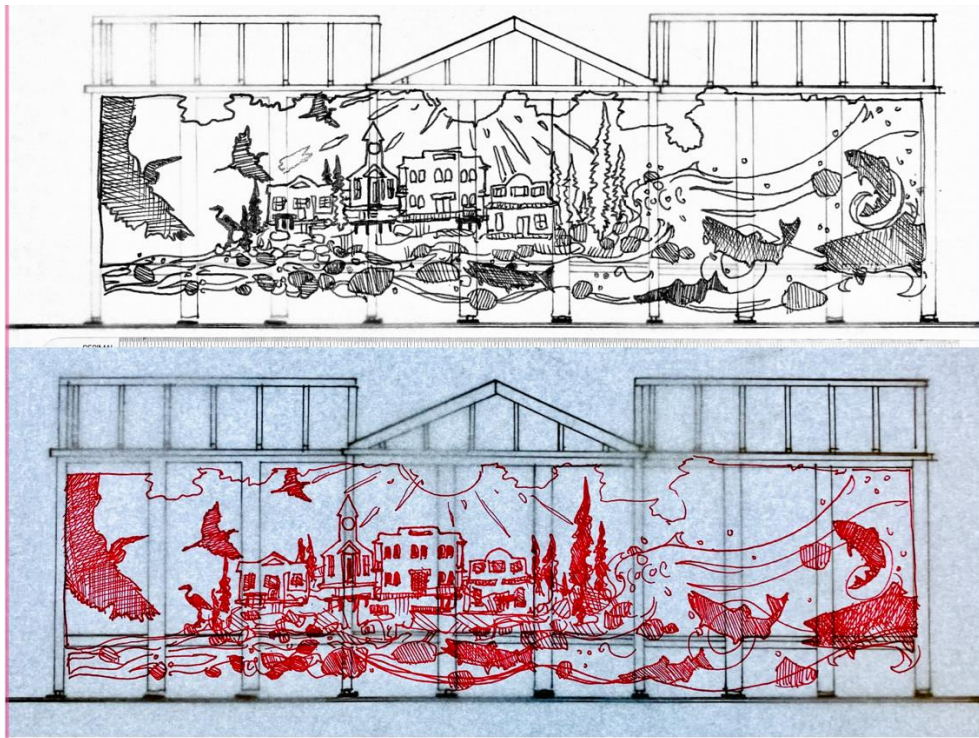
*Some of the elements in your metal sculpture examples include sharp or pointed features. Please provide insight into how you would ensure that the design and position of the artwork is such that there is no risk to the safety of people in proximity to the kiosk.*

Let me assure you that there are no sharp edges. Every piece that makes up my work is polished and worked down to make it safe for the audience to engage with the work.

In addition... I am having an open studio event the weekend prior ..October 5 & 6... of which I would like to invite all the committee members to see my work & see the quality and craftsmanship up close. Also, OPB is filming a documentary on me and my work currently and over the next several months. ... inso this project may be considered for them to follow as part of this documentary if we proceed. With that... they will be filming the open studio event on the 5th so that would be a great day to visit.



**SAMPLES from Travis Pond:**





CITY OF  
**West Linn**

## Public Comment Form

I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): Art Selection

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):  
\_\_\_\_\_

Please print:

Name: Sody Carson

Phonetic spelling, if difficult to pronounce: \_\_\_\_\_

Address (Optional): \_\_\_\_\_

City: West Linn State: OR Zip: \_\_\_\_\_

Email (Optional): \_\_\_\_\_ Phone (Optional): \_\_\_\_\_

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.

This form is subject to public records laws. If requested, it may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law.



CITY OF  
**West Linn**

## Public Comment Form

I wish to speak during Public Comments (comments are limited to three minutes). Topic listed will be reflected in the meeting minutes.

Please specify topic (required): GAS POWERED leaf blowers

I wish to wait and speak on the agenda item listed below (comments are limited to three minutes).

Please specify agenda item (required):  
\_\_\_\_\_

Please print:

Name: Teresa Coughanar

Phonetic spelling, if difficult to pronounce: \_\_\_\_\_

Address (Optional): 19341 Suncrest Dr

City: West Linn State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email (Optional): \_\_\_\_\_ Phone (Optional): \_\_\_\_\_

Please submit this form to the City Recorder along with copies of any material to be handed out to the Council.