

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: October 31, 2018

FILE NO.: MIP-18-03

REQUEST: Approval of a minor partition to consolidate two parcels of land at 2330 Debok Rd.

PLANNER: Jennifer Arnold, Associate Planner

Planning Manager QB Development Review Engineer EL

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GENERAL INFORMATION

OWNER: Terri Waldroff
1800 Blankenship Road #475
West Linn, OR 97068

CONSULTANT: Robin Scholetzky
UrbanLens Planning, LLC
2744 SE 34th Ave.
Portland, OR 97202

SITE LOCATION: 2330 Debok Road
West Linn, OR 97068

SITE SIZE: 2.26 Acres (98,445.6 square feet)

LEGAL DESCRIPTION: Tax lots 3000 of Assessor's Map 21E 35BC

COMP PLAN DESIGNATION: Medium-Density Residential

ZONING: R-4.5, Single-Family Residential Attached and Detached/Duplex (4,500 sq. ft. min. lot size)

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 14: Single-Family Residential Attached and Detached/Duplex, R-4.5; Chapter 48: Access, Egress and Circulation; Chapter 85: Land Division, General Provisions; Chapter 92: Required Improvements; Chapter 99: Procedures for Decision Making: Quasi-Judicial.

120-DAY RULE: The application became complete on August 27, 2018. The 120-day period therefore ends on December 28, 2018.

PUBLIC NOTICE: Notice was mailed to property owners within 500 feet of the subject property and the Willamette Neighborhood Association on October 10, 2018. A sign was placed on the property on October 19, 2018. The notice was also posted on the City's website on October 10, 2018. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant seeks approval for a minor partition to consolidate two lots of record into one. Parcel I is 42,253.2 square feet and Parcel II is 56,192.4 square feet. The applicant does not propose any changes to the facility, access, parking, or utility connections with this application. The property is zoned R-4.5 (minimum 4,500 square foot lot requirement) and with this proposed lot consolidation the property will exceed the zoning dimensional standards.

Public comments: No public comments were received by the close of the comment period

DECISION

The Planning Manager (designee) approves this application (MIP-18-03) based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan.** With the exception of modifications required by these conditions, the final plat shall conform to the submitted Tentative Plan, (Sheet C200).

The provisions of the Community Development Code Chapter 99 have been met. Per CDC 99.160 (B) (7), I declare to have no past or present involvement with the applicant, other interested persons or the property and I am able to render a fair and impartial decision.


Jennifer Arnold, Associate Planner

10-31-18
Date

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

Mailed this 31st day of October, 2018.

Therefore, the 14-day appeal period ends at 4 p.m., on November 14, 2018.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
MIP-18-03

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

CHAPTER 14

SINGLE-FAMILY RESIDENTIAL ATTACHED AND DETACHED/DUPLEX, R-4.5

14.060 PERMITTED USES

The following are conditional uses which may be allowed in this zone subject to the provisions of Chapter 60 CDC, Conditional Uses.

(...)

5. Nursing home.

(...)

Staff Finding 1: There is an existing skilled nursing facility (Rose Linn Care Center) located on the subject property. The applicant proposes no changes to the existing use with this application.

14.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

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

A. The minimum lot size shall be:

- 1. For a single-family detached unit, 4,500 square feet.*
- 2. For each attached single-family unit, 4,000 square feet.*
- 3. For a duplex, 8,000 square feet or 4,000 square feet for each unit.*

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

C. The average minimum lot width shall be 35 feet.

D. Repealed by Ord. 1622.

E. The minimum yard dimensions or minimum building setback areas from the lot line shall be:

- 1. For a front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.*

2. For an interior side yard, five feet.
3. For a side yard abutting a street, 15 feet.
4. For a rear yard, 20 feet.

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

G. The maximum lot coverage shall be 40 percent.

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

I. The maximum floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.

J. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1538, 2006; Ord. 1622 § 24, 2014; Ord. 1675 § 17, 2018)

Staff Finding 2: The subject property is approximately 41,571 square feet or 0.95 acres which exceeds the minimum lot size requirements. No proposed changes to the existing Rose Linn Care Center (skilled nursing facility) with this application. The existing nursing home facility was approved by a conditional use permit in 1981 and then modified by a conditional use permit in 1998 (Planning Department File No. CUP-98-05/DR-98-19).

CHAPTER 48 ACCESS, EGRESS AND CIRCULATION

48.020 APPLICABILITY AND GENERAL PROVISIONS

B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.

Staff Finding 3: Access to the Rose Linn Care Center (skilled nursing facility) on the subject property has access via Debok Road. The applicant does not propose any changes to the existing access to the subject property with this application. The criteria is met.

48.025 ACCESS CONTROL

B. Access Control Standards

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

Staff Finding 4: No Traffic Impact Analysis (TIA) is required since none of the criteria of 85.170(B) (2) are met. The applicant does not propose any additional staff, number of rooms or residents with this application. This application is to consolidate two lots into one. This criteria does not apply.

CHAPTER 55 DESIGN REVIEW

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

(Design Review is only applicable to significant trees as cross referenced by CDC 85.200(J) (9))

B. Relationship to the natural and physical environment.

1. *The buildings and other site elements shall be designed and located so that all heritage trees, as defined in the municipal code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction.*

2. *All heritage trees, as defined in the municipal code, all trees and clusters of trees (“cluster” is defined as three or more trees with overlapping driplines; however, native oaks need not have an overlapping dripline) that are considered significant by the City Arborist, either individually or in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location, health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections (B)(2)(a) through (f) of this section. (...)*

Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and tree clusters by limiting development in the protected area. (...)

Staff Finding 5: The applicant is not proposing any changes to the existing parking, existing structure or existing landscaping. The applicant is proposing to consolidate the two lots of record into one lot of record. The criteria is met.

CHAPTER 85

GENERAL PROVISIONS (LAND DIVISION)

85.200 APPROVAL CRITERIA

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

A. Streets.

1. *General. The location, width and grade of streets shall be considered in their relation to existing and planned streets (...) Internal streets are the responsibility of the developer. All streets bordering the development site are to be developed by the developer with, typically, half-street improvements or to City standards prescribed by the Public Works Director. (...)*

Staff Finding 6: The applicant has requested (see exhibit PD-4) all street improvements be differed to the next application for this property (example: a design review application to modify the existing structure). This request was granted and therefore no street improvements are required with this application.

(...)

16. *Sidewalks. Sidewalks shall be installed per CDC 92.010(H), Sidewalks. The residential sidewalk width is six feet plus planter strip...or to match existing sidewalks or right-of-way limitations.*

(...)

Staff Finding 7: The applicant has requested (see exhibit PD-4) all street improvements be differed to the next application for this property (example: a design review application to modify the existing structure). This request was granted and therefore no street improvements are required with this application.

(...)

19. *All lots in a subdivision shall have access to a public street. Lots created by partition may have access to a public street via an access easement pursuant to the standards and limitations set forth for such accessways in Chapter 48 CDC.*

Staff Finding 8: Access to the existing Rose Linn Care Center (skilled nursing facility) on the subject property has access via Debok Road. The applicant does not propose any changes to the existing access to the subject property with this application. The criteria is met.

(...)

22. *Based upon the determination of the City Manager or the Manager's designee, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC 85.170(B)(2) that are required to mitigate impacts from the proposed subdivision.*

Staff Finding 9: No off-site improvements are proposed. This criteria does not apply.

C. Pedestrian and bicycle trails.

(...)

Staff Finding 10: The property is located on Debok Road which has a sidewalk along the property's frontage. The Trails Master Plan does not indicate the need for a trail through the existing property beyond the existing sidewalk. This criteria is met.

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

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

F. Water.

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

2. *Adequate location and sizing of the water lines.*

(....)

G. Sewer.

1. *A plan prepared by a licensed engineer shall show how the proposal is consistent with the Sanitary Sewer Master Plan (July 1989). Agreement with that plan must demonstrate how the sanitary sewer proposal will be accomplished and how it is gravity-efficient. The sewer system must be in the correct basin and should allow for full gravity service. (....)*

Staff Finding 11: This application is consolidate two parcels into one unit of land. No proposed changes to existing utility connections. This application does not propose any grading or expansion of the existing facility. These criteria do not apply.

85.200 (J)...

(...)

6. *Underground utilities.*

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

Staff Finding 12: The subject property is exempt from this requirement because there are no overhead utilities on the subject property. The criteria does not apply.

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

Staff Finding 13: This application is consolidate two parcels into one unit of land. The existing Rose Linn Care Facility is a skilled nursing facility approved through a conditional use permit in 1981. The facility was further modified/expanded by a conditional use permit and design review application (CUP-98-05/DR-98-19). No changes to the existing facility are proposed at this time. No redevelopment plan is required. This criteria does not apply.

(...)

9. Heritage trees/significant tree and tree cluster protection.

All heritage trees, as defined in the Municipal Code, shall be saved. Diseased heritage trees, as determined by the City Arborist, may be removed at his/her direction. All non-heritage trees and clusters of trees (three or more trees with overlapping dripline; however, native oaks need not have an overlapping dripline) that are considered significant by virtue of their size, type, location, health, or numbers shall be saved pursuant to CDC 55.100(B)(2).

Staff Finding 14: The City Arborist determined that there are no heritage trees on the subject property. The criteria does not apply.

V. CHAPTER 92, REQUIRED IMPROVEMENTS

92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT

The following improvements shall be installed at the expense of the developer and meet all City codes and standards:

A. *Streets within subdivisions.*

1. All streets within a subdivision, including alleys, shall be graded for the full right-of-way width and improved to the City's permanent improvement standards and specifications which include sidewalks and bicycle lanes, unless the decision-making authority makes the following findings:

a. The right-of-way cannot be reasonably improved in a manner consistent with City road standards or City standards for the protection of wetlands and natural drainageways.

b. The right-of-way does not provide a link in a continuous pattern of connected local streets, or, if it does provide such a link, that an alternative street link already exists or the applicant has proposed an alternative street which provides the necessary connectivity, or the applicant has proven that there is no feasible location on the property for an alternative street providing the link.

2. When the decision-making authority makes these findings, the decision-making authority may impose any of the following conditions of approval:

a. A condition that the applicant initiate vacation proceedings for all or part of the right-of-way.

b. A condition that the applicant build a trail, bicycle path, or other appropriate way.

If the applicant initiates vacation proceedings pursuant to subsection (A)(2)(a) of this section, and the right-of-way cannot be vacated because of opposition from adjacent property owners, the City Council shall consider and decide whether to process a City-initiated street vacation pursuant to Chapter 271 ORS.

92.020 IMPROVEMENTS IN PARTITIONS

The same improvements shall be installed to serve each lot of a partition as are required of a subdivision. However, if the approval authority finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, at the written request of the applicant those improvements may be waived. If the street improvement requirements are waived, the applicant shall pay an in-lieu fee for off-site street improvements, pursuant to the provisions of CDC 85.200(A)(1).

In lieu of accepting an improvement, the Planning Director may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

Staff Finding 15: The applicant has requested (see exhibit PD-4) all street improvements be deferred to the next application for this property (example: a design review application to modify the existing structure). This request was granted and therefore no street improvements are required with this application. This criteria is met.

PD-1 AFFADAVIT AND NOTICE PACKET

AFFIDAVIT OF NOTICE

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

GENERAL

File No. MIP-1803 Applicant's Name Robin Scholetzky
Development Name _____
Scheduled Meeting/Decision Date 10-31-18

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

TYPE A /

- A. The applicant (date) 10-10-18 (signed) U. Shroyer
- B. Affected property owners (date) 10-10-18 (signed) U. Shroyer
- C. School District/ Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 10-10-18 (All) (signed) U. Shroyer
- F. All parties to an appeal or review (date) _____ (signed) _____

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

Tidings (published date) N/A (signed) U. Shroyer
City's website (posted date) 10-10-18 (signed) U. Shroyer

SIGN

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

(date) 10/17/18 (signed) Jenith Auld

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

TYPE B _____

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/ Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: _____ (signed) _____

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

(date) _____ (signed) _____

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

(date) 10-31-18 (signed) Jenith Auld

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. MIP-18-03**

The West Linn Planning Manager is considering a request to consolidate two lots of record into one unit of land at 2330 Debok Road.

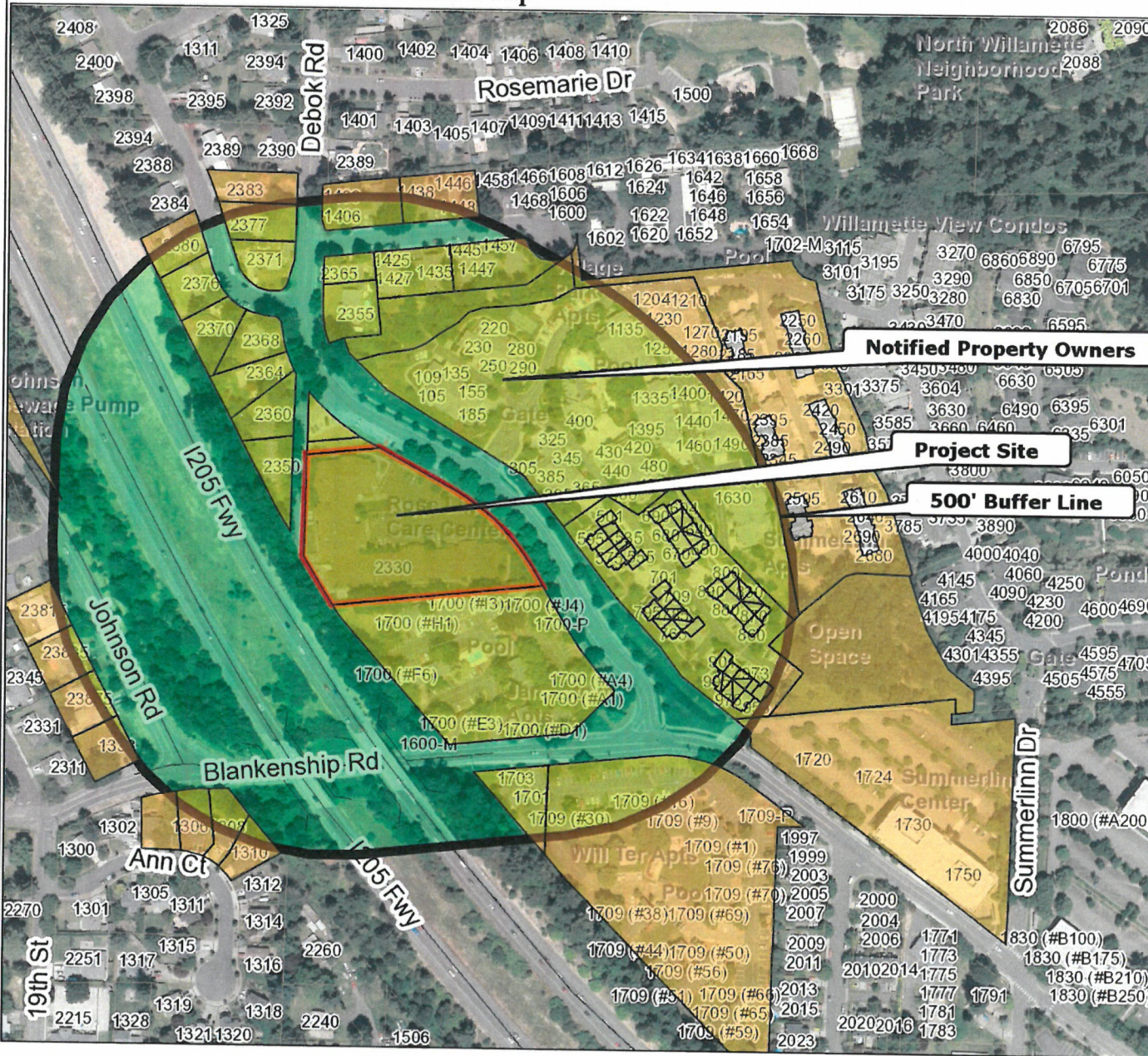
The decision will be based on the approval criteria in Chapters 14, 48, 55, 85, 92, and 99 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

You have received this notice because County records indicate that you own property within 500 feet of this property (Tax Lot 3000 of Clackamas County Assessor's Map 21E 35BC) or as otherwise required by Chapter 99 of the CDC.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <https://westlinnoregon.gov/planning/2330-debok-road-minor-partition-consolidate-two-parcels-land> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on October 30, 2018. Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline.** For further information, please contact Jennifer Arnold, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-6057, jarnold@westlinnoregon.gov

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice. City Council will not accept additional evidence if there is an appeal of this proposal.** Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

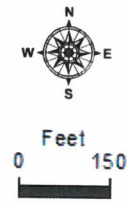
2330 Debok Road Notification Map



Notified Property Owners

Project Site

500' Buffer Line



Scale 1:3,600 - 1 in = 300 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 10-Oct-18 11:24 AM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOxy.



CITY OF
West Linn

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # MIP-18-03
MAIL: 10/10/18 TIDINGS: N/A**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets, land use application notice, and to address the worries 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.

PD-2 COMPLETENESS LETTER



CITY OF West Linn

August 30, 2018

Robin Scholetzky
UrbanLens Planning, LLC
2744 SE 34th Ave.
Portland, OR 97202

SUBJECT: MIP-18-03 application for partition/lot consolidation at 2330 Debok Road

Dear Robin Scholetzky:

You submitted this application on May 29, 2018. The Planning and Engineering Departments find that this application is **incomplete**. On August 20, 2018 you requested the street improvements requirements be waived until the next land use application for this property. On August 27, 2018 the Planning Manager granted your request making this application **complete**. The City has 120 days to exhaust all local review; that period ends December 28, 2018.

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

A 20-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

Please contact me at 503-742-6057, or by email at jarnold@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Jennifer Arnold
Associate Planner

PD-3 APPLICANT'S SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Jennifer Arnold</i>	PROJECT NO(S). <i>MIP-18-03</i>	
NON-REFUNDABLE FEE(S) <i>-</i>	REFUNDABLE DEPOSIT(S) <i>2800</i>	TOTAL <i>2800</i>

Type of Review (Please check all that apply):

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

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

Site Location/Address: 2330 Debok Road, West Linn Oregon 97068	Assessor's Map No.: 21E35BC03000
	Tax Lot(s): 03000
	Total Land Area: 2.33 acres

Brief Description of Proposal: Minor Partition to consolidate two parcels of land.

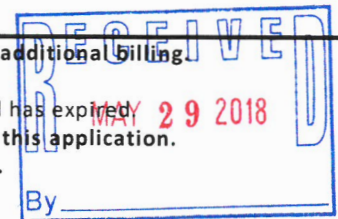
Applicant Name: Robin Scholetzky, UrbanLens Planning LLC <small>(please print)</small>	Phone: 971-706-8720
Address: 2744 SE 34th Avenue	Email: robin@urbanlensplanning.net
City State Zip: Portland Oregon 97202	

Owner Name: (required): Terri Waldroff <small>(please print)</small>	Phone: 503-344-6065
Address: 1800 Blankenship Road, #475	Email: terriw@beniciallc.com
City State Zip: West Linn, Oregon 97068	

Consultant Name: Mark Miller, Ankrom Moisan Architects <small>(please print)</small>	Phone: 503-245-7100
Address: 38 NW Davis, #300	Email: markcm@ankrommoisan.com
City State Zip: Portland Oregon 97209	

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

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



The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

	May 22, 2018		5-21-18
Applicant's signature	Date	Owner's signature (required)	Date

Application for Minor Partition

2330 Debok Road, West Linn Oregon

Taxlot ID #: 21E35BC03000

UrbanLens Planning

Project:	Rose Linn Care Center
Location:	2300 and 2330 Debok Road
Property ID:	21E35BC03000
Applicant:	Robin Scholetzky, AICP, UrbanLens Planning
Architecture Firm:	Mark Miller, Ankrom Moisan Architects
Zoning:	Zoning: R4.5
Request:	Minor Partition (Consolidation of two lots of record to one)
Submittal includes:	<p>City of West Linn Application Form Application Narrative/Approval Criteria</p> <p>Attachments: Existing Conditions Plan, Attachment A Proposed Consolidation Plat Drawing, Attachment B Title Report 2018, Attachment C</p>

Table of Contents

- I. Project Overview
- II. Site Zoning/Standards
- III. Response to Applicable Criteria, Development Standards
- IV. Conclusion

I. Project Overview

This project is to consolidate two parcels into one; removing a lot line that continues across a footprint of an existing building located on Parcel 1 and 2. As this footprint of the existing building crosses property lines is in potential conflicting with Building Code requirements, the Applicant is proposing to replat the site to consolidate the two existing lots of record into a single parcel. The site is already considered one unit of land for tax purposes. The result will be a net decrease of one lot of record, as the two lots are consolidated into one. No other changes are proposed.

Site History

These lots have been created by deed reference only. The site is under one ownership and tax lot. No prior platting history has been found from research with the City of West Linn or Clackamas County.

Comprehensive Plan designation/Zoning classification

Comprehensive Plan is Low Density Residential/Zoning is R4.5

Street Designations

Site has access from Debok Road, a Neighborhood Route. Summerlinn Drive is a private street which forms an intersection at the site. Additionally, the site is adjacent to Interstate 205, but does not have access or direct frontage due to grade changes.

II. Project Description

The site consists of two parcels at 2300-2330 Debok Road - and one tax lot: 21E35BC03000 of Clackamas County Assessor’s Map 21E35BC03000. The site is located in the Willamette Neighborhood Association. The site includes a multi-story and single story building approximately 36,208 square feet. The site has Debok Road to the north and public right of way to the west. The site is within a

neighborhood containing multi-family and single-family detached residences. The site is located in the R4.5 Residential zone.

III. Response to Applicable Criteria, Development Standards

85.150 Application – Tentative Plan

A. The applicant shall submit a completed application which shall include: 1. The completed application form(s).

Response: The submitted application contains a copy of the application form.

2. Copies of the tentative plan and supplemental drawings shall include one copy at the original scale plus one copy reduced in paper size not greater than 11 inches by 17 inches. The applicant shall also submit one copy of the complete application in a digital format acceptable to the City. When the application submittal is determined to be complete, additional copies may be required as determined by the Community Development Department.

Response: The Applicant submitted a plat drawing prepared by Northwest Surveying, **Proposed Consolidation Plat Drawing**, Attachment B.

3. A narrative explaining all aspects of land division per CDC 85.200.

Response: The Applicant's narrative responding to all aspects of CDC 85.200 is included below.

B. The applicant shall pay the requisite fee.

Response: The Applicant paid the appropriate application review fee.

85.160 Submittal Requirements for Tentative Plan

A. A City-wide map shall identify the site. A vicinity map covering one-quarter-mile radius from the development site shall be provided in the application showing existing subdivisions, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.

Response: The Applicant provided a vicinity map as part of the **Proposed Consolidation Plat Drawing**, Attachment B. The subject property is located in a residentially-zoned area along Debok Road. The vicinity of the site is built-out and includes ample connections to rights of way and utilities. No extension of streets and utilities would be needed to serve the existing development.

B. The tentative subdivision plan shall be prepared by a registered civil engineer and/or a licensed land surveyor. A stamp and signature of the engineer or surveyor shall be included on the tentative subdivision plan. A tentative minor partition plan (three lots or less) is only required to be drawn to scale and does not have to be prepared by an engineer or surveyor.

Response: The Applicant provided a proposed plat drawing prepared by Professional Land Surveyor Scott Field of Northwest Surveying. See **Proposed Consolidation Plat Drawing**, Attachment B.

C. The tentative plan of a subdivision or partition shall be drawn at a scale not smaller than one inch equals 100 feet, or, for areas over 100 acres, one inch equals 200 feet.

Response: The proposed plat drawing complies with this requirement. See **Proposed Consolidation Plat Drawing**, Attachment B.

D. The following general information shall be shown on the tentative plan of subdivision or partition:

Rose Linn Care Center, Minor Partition Land Use Application
MIP-18-03
P.22

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

Response: The proposed plat drawing complies with these requirements. See **Proposed Consolidation Plat Drawing**, Attachment B.

E. The following existing conditions shall be shown on the tentative plan of a subdivision or partition:

1. *The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements and other important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments.*
2. *Contour lines related to the U.S. Geological Survey datum or some other established benchmark, or other datum approved by the Planning Director and having the following minimum intervals:*
 - a. *Two-foot contour intervals for ground slopes less than 20 percent.*
 - b. *Five-foot contour intervals for ground slopes exceeding 20 percent.*
3. *The location of any control points that are the basis for the applicant's mapping.*
4. *The location, by survey, and direction of all watercourses and areas subject to periodic inundation or storm drainageway overflow or flooding, including boundaries of flood hazard areas as established by the U.S. Army Corps of Engineers or the City zoning ordinance.*
5. *Natural features such as rock outcroppings, wetlands tied by survey, wooded areas, heritage trees, and isolated trees (six-inch diameter at five feet above grade) identified by size, type, and location. All significant trees and tree clusters identified by the City Arborist using the criteria of CDC [55.100\(B\)\(2\)](#), and all heritage trees, shall be delineated. Trees on non-Type I and II lands shall have their "dripline plus 10 feet" protected area calculated per CDC [55.100\(B\)\(2\)](#) and expressed in square feet, and also as a percentage of total non-Type I and II area.*
6. *Existing uses of the property, including location of all existing structures. Label all structures to remain on the property after platting.*
7. *Identify the size and location of existing sewers, water mains, culverts, drain pipes, gas, electric, and other utility lines within the site, and in the adjoining streets and property.*
8. *Zoning on and adjacent to the tract.*
9. *Existing uses to remain on the adjoining property and their scaled location.*
10. *The location of any existing bicycle or pedestrian ways.*
11. *The location of adjacent transit stops.*

Response: The proposed plat drawing complies with this requirement. See **Proposed Consolidation Plat Drawing**, Attachment B.

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

1. *The street – street location, proposed name, right-of-way width, and approximate radius of curves of each proposed street and street grades. Proposed street names shall comply with the street naming method explained in CDC 85.200(A)(12).*

2. *The type, method, and location of any erosion prevention and sediment control measures and/or facilities in accordance with the most current version of Clackamas County's Erosion/Sedimentation Control Plans Technical Guidance Handbook, which are necessary to prevent and control visible or measurable erosion as determined by the following criteria:*

- a. Deposition of soil, sand, dirt, dust, mud, rock, gravel, refuse, or any other organic or inorganic material exceeding one cubic foot in volume in a public right-of-way or public property, or into the City surface water management system either by direct deposit, dropping, discharge, or as a result of erosion; or*
- b. Flow of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion such as rivulets or bare soil slopes, where the flow of water is not filtered or captured on the development site; or*
- c. Earth slides, mud flows, land slumping, slope failure, or other earth movement that is likely to leave the property of origin.*

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

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

Response: The proposed plat drawing complies with this requirement. See **Proposed Consolidation Plat Drawing**, Attachment B.

85.170 Supplemental Submittal Requirements for Tentative Subdivision or Partition Plan

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

A. General.

1. Narrative stating how the plan meets each of the applicable approval criteria and each subsection below.

Response: This narrative responds to and satisfies this requirement.

2. Statement or affidavit of ownership of the tract (County Assessor's map and tax lot number).

Response: The Applicant submitted a copy of the vesting deed, Statutory Bargain and Sale recorded as Clackamas County Record No. 2012-031336. (See Attachment C.) Exhibit A to that deed identifies the two lots of record as Parcels I and II.

3. A legal description of the tract.

Response: Because this plat will consolidate properties into one parcel of record, the plat drawing itself provides a legal description of the subject property. See **Proposed Consolidation Plat Drawing**, Attachment B.

The Applicant submitted a copy of the vesting deed, Statutory Bargain and Sale recorded as Clackamas County Record No. 2012-031336. (See Attachment C.) Exhibit A to that deed identifies the two lots of record as Parcels I and II.

4. If the project is intended to be phased, then such a proposal shall be submitted at this time with drawing and explanation as to when each phase will occur and which lots will be in each phase.

Response: No phasing is to occur as part of this project.

5. Where the land to be subdivided or partitioned contains only a part of the contiguous land owned by the developer, the Commission or Planning Director, as applicable, shall require a master plan of the remaining portion illustrating how the remainder of the property may suitably be subdivided.

Response: This is not applicable as the land is under the same ownership and is contiguous.

6. Where the proposed subdivision site includes hillsides, as defined in CDC 02.030 Type I and II lands, or any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the requirements for erosion control as described in CDC 85.160(F)(2) shall be addressed in a narrative.

Response: No hillside development is proposed with this application.

7. Table and calculations showing the allowable number of lots under the zone and how many lots are proposed.

Response: Only one lot is proposed.

8.. Map and table showing square footage of site comprising slopes by various classifications as identified in CDC 55.110(B)(3).

Response: This information is provided on EX 1 and EX 2 drawings.

85.170.B. Transportation

85.170.C. Grading

85.170.D. Water

85.170.E. Sewer

85.170.F. Storm

Response: No changes to transportation facilities are part of this request. Water, sewer, and utility facilities to serve the site are existing and will continue to be adequate to serve the existing development.

85.190 Additional Information Required and Waiver of Requirements

The Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A).

The applicant may request a waiver of any requirements for the application subject to the provisions of CDC 99.035(B) and (C).

Response: Should additional information be necessary, the applicant will work with City staff to provide a complete application. No waiver of any requirements is being currently sought by the applicant.

85.200 Approval Criteria

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

A. Streets.

Response: No new streets are proposed as part of the partition. The site is currently served by Debok Road and an adjacent right of way to the west of the site.

B. Blocks and lots.

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

Response: No new blocks are proposed or required as part of the partition. These provisions are not applicable.

2. Sizes. The recommended block size is 400 feet in length to encourage greater connectivity within the subdivision. Blocks shall not exceed 800 feet in length between street lines, except for blocks adjacent to arterial streets or unless topographical conditions or the layout of adjacent streets justifies a variation. Designs of proposed intersections shall demonstrate adequate sight distances to the City Engineer's specifications. Block sizes and proposed accesses must be consistent with the adopted TSP. Subdivisions of five or more acres that involve construction of a new street shall have block lengths of no more than 530 feet. If block lengths are greater than 530 feet, accessways on public easements or right-of-way for pedestrians and cyclists shall be provided not more than 330 feet apart. Exceptions can be granted when prevented by barriers such as topography, rail lines, freeways, pre-existing development, leases, easements or covenants that existed prior to May 1, 1995, or by requirements of Titles 3 and 13 of the UGMFP. If streets must cross water features protected pursuant to Title 3 UGMFP, provide a crossing every 800 to 1,200 feet unless habitat quality or the length of the crossing prevents a full street connection.

Response: No new blocks are proposed or required as part of the partition. These provisions are not applicable.

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

Response: The proposed lot does not contain any part of an existing or proposed street. The proposed consolidated lot is buildable, as evident by the existing buildings. See **Existing Conditions Plan**, Attachment A.

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

Response: Access to the site is obtained via existing access on Debok Road. See **Existing Conditions Plan**, Attachment A.

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

Response: The roadway configuration is an existing condition based on two existing deeded parcels and no new lot lines are being drawn.

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

Response: The partition combines previously existing lots and no new lot lines are being drawn. These provisions are not applicable.

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

Response: Not applicable, no flag lot is proposed as part of the site development.

C. *Pedestrian and bicycle trails.*

Response: Not applicable, no new pedestrian or bicycle trails are proposed as part of the site development.

D. *Transit facilities.*

Response: Not applicable, transit facilities are not required or proposed as part of the site development.

E. *Grading.*

Response: No grading is proposed as part of this consolidation. This is not applicable.

F. *Water.*

G. *Sewer.*

H. *Storm detention and treatment*

I. *Utility easements.*

Response: Water, sewer, and utility facilities to serve the site are existing and will continue to be adequate to serve the existing development.

J. Supplemental provisions.

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

Response: The site does not contain any identified wetlands. No development that would affect natural drainageways is proposed as part of this minor partition (consolidation).

2. Willamette and Tualatin Greenways. The Willamette and Tualatin River Greenways shall be protected as required by Chapter 28 CDC, Willamette and Tualatin River Protection.

Response: The site does not contain either of these Greenways. No development that would affect either of these Greenways is proposed as part of this minor partition (consolidation).

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

4. Lighting. All subdivision street or alley lights shall meet West Linn Public Works Design Standards.

Response: No development is proposed with this application.

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

Response: No development is proposed with this application.

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

Response: All utilities are existing on-site.

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

Response: The existing use on-site is a Skilled Nursing Facility as approved through CU 98-05/DR 98-19. The project received approval to expand the facility from 62 to 71 beds and construct an assisted nursing facility for 44 beds. (115 beds total).

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

Response: This provision is not applicable because the subject property is located in R-4.5 zone.

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

Response: No heritage trees are located on-site.

IV. Conclusion

This application to consolidate two existing parcels through the partition review/approval process and to remedy a prior City-approved site condition.



1433 SW 6th Avenue
(503)646-4444

OWNERSHIP AND ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary and Non-Monetary Encumbrances

To ("Customer"): UrbanLens Planning
2744 SE 34th Avenue
Portland, OR 97202

Customer Ref.: 2330 DeBok Road
Order No.: 472518002118
Effective Date: April 30, 2018 at 08:00 AM
Charge: \$350.00

The information contained in this report is furnished by Chicago Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES MONETARY AND NON-MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of property ("the Property") as of the Effective Date is:

West Linn Care Center Holding Company LLC, an Oregon limited liability company

Premises. The Property is:

(a) Street Address:

2330 DeBok Road, West Linn, OR 97068

(b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Part Two - Encumbrances

Encumbrances. As of the Effective Date, the Property appears subject to the following monetary and non-monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

SPECIFIC ITEMS AND EXCEPTIONS:

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2017-2018
Amount: \$55,957.37
Levy Code: 003-002
Account No.: 00407170
Map No.: 21E35BC03000
Affects: Parcel I

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2017-2018
Amount: \$58,480.10
Levy Code: 003-02
Account No.: 00407161
Map No.: 21E35BC02900
Affects: Parcel II

1. City Liens, if any, in favor of the City of West Linn.
2. Access Restrictions contained in Final Judgment filed in the Circuit Court of Clackamas County, Oregon, including the terms and provisions thereof,
Case No.: 68215
In Favor Of: State of Oregon, by and through its State Highway Commission,
Entry Date: November 6, 1969
Affects: Parcel II
3. MDU Broadband Services Agreement and Memorandum of Easement, including the terms and provisions thereof;
Executed by: Rose Linn, Inc. and TCI Cablevision of Oregon, Inc.
Recording Date: August 17, 2001
Recording No.: 2001-066185
(Affects Parcel I)
4. Maintenance Agreement, including the terms and provisions thereof;
Executed by: The City of West Linn and Rose Linn, Inc.
Recording Date: June 16, 2004
Recording No.: 2004-054765

5. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
To: Comcast of Oregon II, Inc. as Grantee
Recording Date: March 1, 2012
Recording No.: 2012-012035
Affects: Parcel I

6. A healthcare deed of trust to secure an indebtedness in the amount shown below,

Amount: \$11,702,900.00
Dated: July 1, 2014
Trustor/Grantor: Rose Linn Care Center
Trustee: Chicago Title Insurance Company
Beneficiary: Prudential Huntoon Paige Associates, LLC
Loan No.: FHA Project No. 126-22133
Recording Date: July 23, 2014
Recording No.: 2014-035766

An assignment of all moneys due, or to become due as rental or otherwise from said Land, to secure payment of an indebtedness, shown below and upon the terms and conditions therein

Assigned to: Prudential Huntoon Paige Associates, LLC
Assigned By: West Linn Care Center Operating Company LLC
Recording Date: July 23, 2014
Recording No: 2014-035803

7. Healthcare Regulatory Agreement including the terms and provisions thereof

Executed by: West Linn Care Center Holding Company LLC and the U.S. Department of Housing and Urban Development
Recording Date: July 23, 2014
Recording No.: 2014-035767

8. A financing statement as follows:

Debtor: West Linn Care Center Holding Company LLC
Secured Party: Prudential Huntoon Paige Associates, LLC
Recording Date: July 23, 2014
Recording No: 2014-035768

9. Healthcare Regulatory Agreement including the terms and provisions thereof

Executed by: West Linn Care Center Operating Company LLC and the U.S. Department of Housing and Urban Development
Recording Date: July 23, 2014
Recording No.: 2014-035769

10. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Memorandum of Lease
Lessor: West Linn Care Center Holding Company LLC
Lessee: West Linn Care Center Operating Company LLC
Recording Date: July 23, 2014
Recording No: 2014-035770

An agreement recorded July 23, 2014 at [2014-035801](#) which states that this instrument was subordinated to the document or interest described in the instrument

Recording Date: July 23, 2014
Recording No.: [2014-035766](#)

11. A financing statement as follows:

Debtor: West Linn Care Center Operating Company LLC
Secured Party: Prudential Huntoon Paige Associates, LLC

Recording Date: July 23, 2014
Recording No: [2014-035802](#)

12. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document

Entitled: Assignment of Leases and Rents
Lessor: West Linn Care Center Operating Company LLC
Lessee: Rose Linn Care Center
Recording Date: July 23, 2014
Recording No: [2014-035803](#)

Potential encroachments as set forth on survey prepared by Northwest Surveying, Inc., dated May 17, 2012 and last revised May 27, 2014, Job No. 805, which are referenced as follows:

A. At the Northwest corner of the property there is a Keystone retaining wall that extends 0.7 feet over the most Northerly property line onto the adjacent land owned by the State of Oregon. There is also a light pole with an overhead cobra light oriented towards the public right-of-way that is 0.8 feet South of the property line. It is unknown if this is a public or private light.

Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Norman Lee
503-469-4128
Norman.Lee@TitleGroup.FNTG.com
Chicago Title Company of Oregon
1433 SW 6th Avenue
Portland, OR 97201

EXHIBIT "A"
Legal Description

PARCEL I:

Part of the William Bland Donation Land Claim in Township 2 South, Range 1 East of the Willamette Meridian, in the City of West Linn, County of Clackamas and State of Oregon:

Beginning at an iron pipe at a point North 00°30' East 5 chains from the Southwest corner of said Bland Donation Land Claim; thence continuing North 00°30' East 150 feet; thence North 83° East 300 feet; thence South 00°30' West 150 feet to an iron pipe; thence South 83° West 300 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its State Highway commission, by final Judgment filed December 22, 1969 in Volume 195, Page 122 in the circuit Court of the State of Oregon for the County of Clackamas, Case No. 68212.

PARCEL II:

Part of the William Bland Donation Land Claim in Section 35 Township 2 South, Range 1 East of the Willamette Meridian, in the City of West Linn, County of Clackamas and State of Oregon:

Beginning at an iron pipe at a point North 00°30' East 5 chains from the Southwest corner of said Bland Donation Land Claim; thence continuing North 00°30' East 330 feet; thence North 83° East 660 feet; thence South 00°30' West 330 feet to an iron pipe; thence South 83° West 660 feet to the point of beginning.

EXCEPTING THEREFROM the following described land:

Beginning at an iron pipe at a point North 00°30' East 5 chains from the Southwest corner of said Bland Donation Land Claim; thence continuing North 00°30' East 150 feet; thence North 83° East 300 feet; thence South 00°30' West 150 feet to an iron pipe; thence South 83° West 300 feet to the point of beginning.

ALSO EXCEPTING THEREFROM any portion thereof lying East of the West line of George De Bok Road.

LASTLY EXCEPTING THEREFROM any portion lying within vacated road area described in City of West Linn Ordinance No. 1451, Recorded November 3, 2000 as Recording No. 2000-071888.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

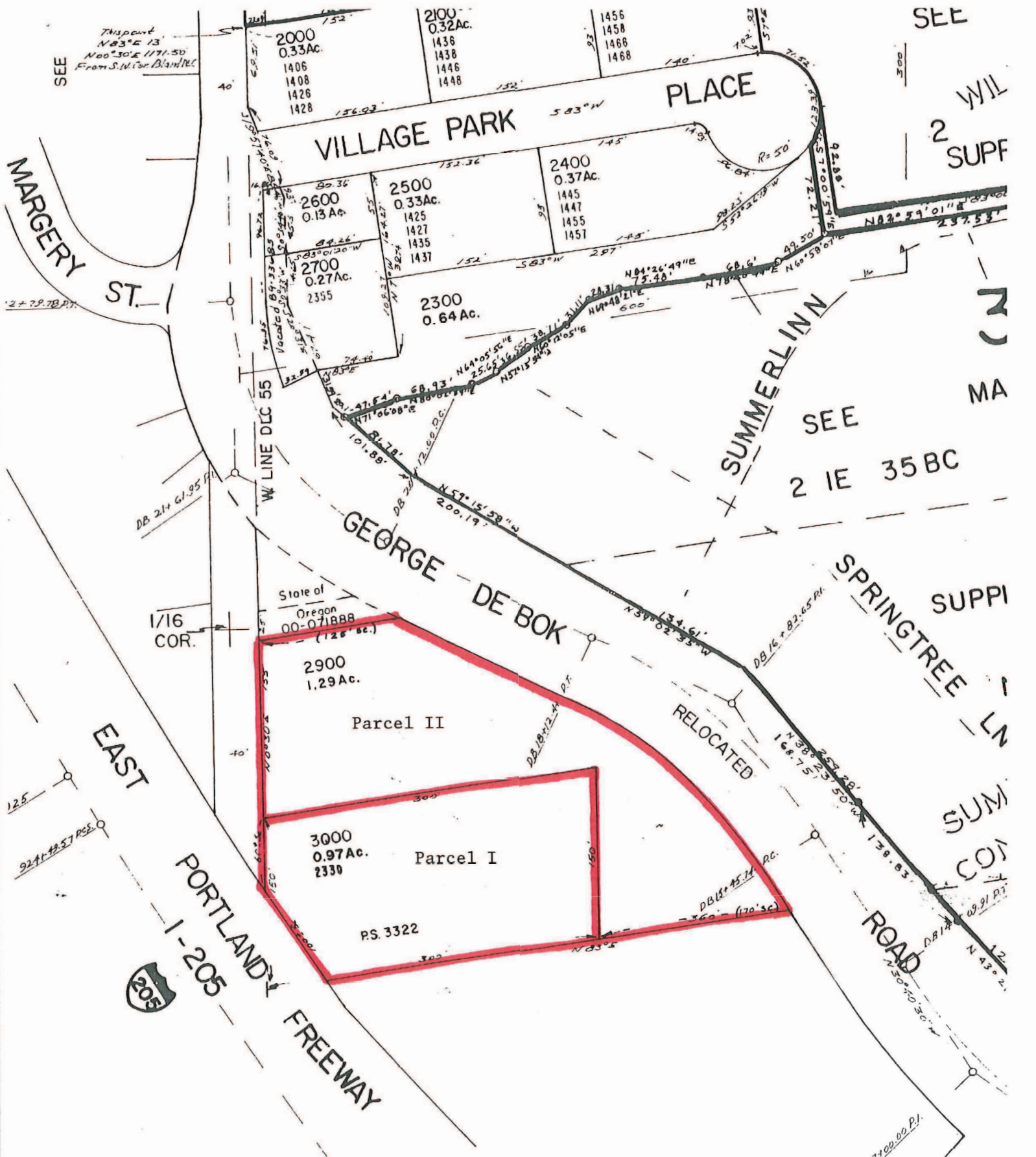
THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY



SEE
 This point
 N83°E 13'
 N00°30'E 1171.50'
 From S.W. cor. Blaine Pl.

SEE
 WILL
 2
 SUPP

SEE
 2 IE 35 BC

SUPPI

SUM
 COM

1/16
 COR.

State of
 Oregon
 00-071888
 (126' ac.)

RELOCATED



This map has been copied from the public records and is provided solely for the purpose of assisting in locating the premises. No liabilities are assumed for inaccuracies contained herein or for variations, if any, in dimensions, area or location of the premises or the location of improvements ascertained by actual survey.

AFTER RECORDING RETURN TO:
West Linn Care Center Holding Company LLC
1521 2nd Avenue, Suite 605
Seattle, WA 98101

Clackamas County Official Records	2012-031336
Sherry Hall, County Clerk	05/18/2012 01:48:04 PM
D-D Cnt=1 Str=25 LESLIEFLY	\$57.00
\$15.00 \$16.00 \$10.00 \$16.00	

UNTIL A CHANGE IS REQUESTED, ALL
TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:
West Linn Care Center Holding Company LLC
1521 2nd Avenue, Suite 605
Seattle, WA 98101

STATUTORY BARGAIN AND SALE DEED

(ORS 93.860)

Edgar M. Cleveland, Grantor, conveys to West Linn Care Center Holding Company LLC, an Oregon limited liability company, Grantee, the real property described on the attached Exhibit A, which description by this reference is hereby incorporated herein as if set forth in full.

The true and actual consideration for this conveyance is \$7,500,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

(SEE ATTACHED SIGNATURE PAGES)

PAGE 1 BARGAIN AND SALE DEED

Recorded by TICOR TITLE 362600 44448-50

DATED this 11 day of May, 2012.

Edgar M. Cleveland
Edgar M. Cleveland

STATE OF Texas)
COUNTY OF VanZandt) ss

This instrument was acknowledged before me on this 11 day of May, 2012 by
Edgar M. Cleveland.

Dianne Elliott
Notary Public for Texas
My Commission Expires: 6/17/12

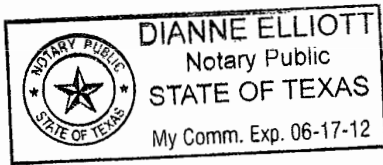


EXHIBIT A

PARCEL I:

Part of the William Bland Donation Land Claim in Township 2 South, Range 1 East of the Willamette Meridian, in the City of West Linn, County of Clackamas and State of Oregon:

Beginning at an iron pipe at a point North 00°30' East 5 chains from the Southwest corner of said Bland Donation Land Claim; thence continuing North 00°30' East 150 feet; thence North 89° East 300 feet; thence South 00°30' West 150 feet to an iron pipe; thence South 83° West 300 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its State Highway commission, by final Judgment filed December 22, 1969 in Volume 195, Page 122 in the circuit Court of the State of Oregon for the County of Clackamas, Case No. 68212.

PARCEL II:

Part of the William Bland Donation Land Claim in Section 35, Township 2 South, Range 1 East of the Willamette Meridian, in the City of West Linn, County of Clackamas and State of Oregon:

Beginning at an iron pipe at a point North 00°30' East 5 chains from the Southwest corner of said Bland Donation Land Claim; thence continuing North 00°30' East 330 feet; thence North 83° East 660 feet; thence South 00°30' West 330 feet to an iron pipe; thence South 83° West 660 feet to the point of beginning.

EXCEPTING THEREFROM the following described land:

Beginning at an iron pipe at a point North 00°30' East 6 chains from the Southwest corner of said Bland Donation Land Claim; thence continuing North 00°30' East 150 feet; thence North 83° East 300 feet; thence South 00°30' West 150 feet to an iron pipe; thence South 83° West 300 feet to the point of beginning.

ALSO EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its State

Highway Commission, by Final Judgment filed November 6, 1969, in Volume 194, Page 35, in the Circuit Court of the State of Oregon for the County of Clackamas, Case No. 68215.

FURTHER EXCEPTING THEREFROM that portion conveyed to the State of Oregon by and through its State Highway Commission, by Final Judgment filed August 29, 1997, as File No. 9708643, in the Circuit Court of the State of Oregon for the County of Clackamas.

PAGE 3 BARGAIN AND SALE DEED

SURVEYOR NOTES

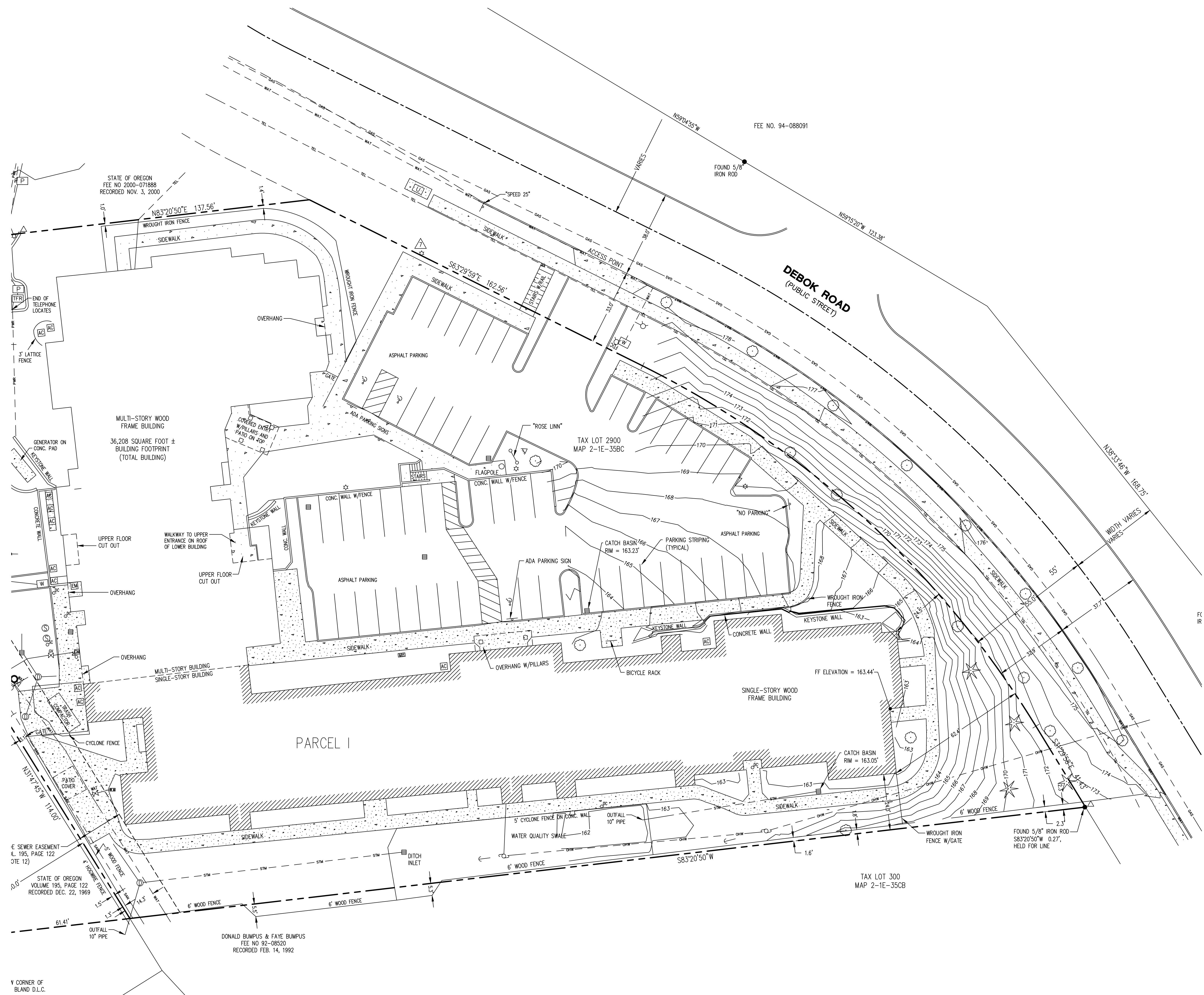
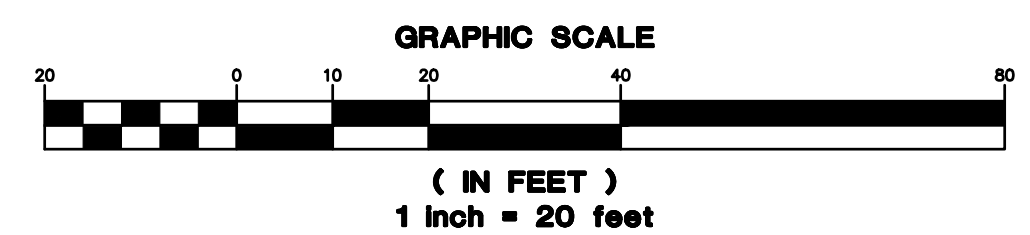
- NOTES**
1. THE FIELD SURVEY FOR THIS MAP WAS COMPLETED ON MAY 3, 2017.
 2. ELEVATIONS AND CONTOURS ARE BASED ON THE NAVD 1988 VERTICAL DATUM AND WERE GPS DERIVED.
 3. THE RIGHT-OF-WAY WIDTH IS BASED ON THE CLACKAMAS COUNTY ASSESSOR'S MAP, DEDICATION DOCUMENTS AND MULTIPLE SURVEYS OF THE AREA.
 4. BASED ON THE TITLE REPORT, PREPARED BY CHICAGO TITLE INSURANCE COMPANY OF OREGON WITH AN EFFECTIVE DATE OF APRIL 29, 2014 AT 8:00 A.M. AND FILE NO. 472513513764JL-CT50, THERE ARE NO EASEMENTS FOUND IN THE SURVEYED AREA.
 5. THE UNDERGROUND UTILITIES ARE BASED ON THE MARKINGS PER LOCATE TICKET NUMBERS 17090251 AND 17099783.

UTILITY STATEMENT

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPREHEND ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

LEGEND

DECIDUOUS TREE	
CONIFEROUS TREE	
WATER VAULT	
FIRE HYDRANT	
FIRE DEPARTMENT CONNECTION	
GUY WIRE ANCHOR	
UTILITY POLE	
STREET LIGHT	
HVAC UNIT	
AREA LIGHT	
TELEPHONE/TELEVISION JUNCTION BOX	
SIGN	
FOUND SURVEY MONUMENT	
STORM SEWER CLEAN OUT	
STORM SEWER CATCH BASIN	
RIGHT-OF-WAY LINE	
BOUNDARY LINE	
PROPERTY LINE	
CENTERLINE	
CURB	
FENCE LINE	
OVERHEAD WIRE	
TELEPHONE LINE	
GAS LINE	
STORM SEWER LINE	
WATER LINE	



ROSE LINN CARE CENTER
 2330 DEBOK ROAD
 WEST LINN, OREGON

EXISTING CONDITIONS

DATE: 09/22/2017

DRAWN: AFR

CHECKED: NWS

REVISIONS:

AAI ENGINEERING INC. 2017, ALL RIGHTS RESERVED

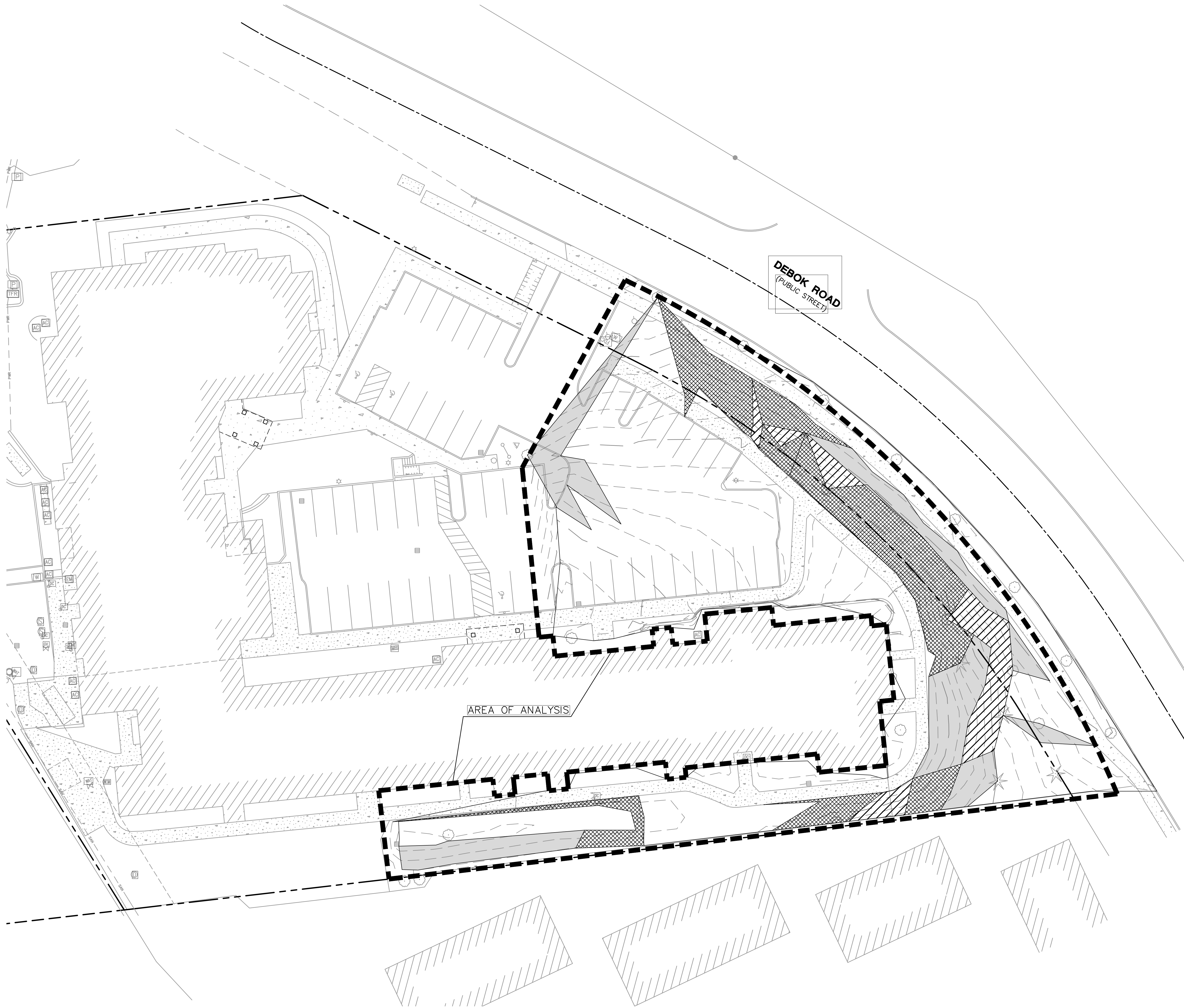
THESE DRAWINGS ARE THE PROPERTY OF AAI ENGINEERING INC. AND ARE NOT TO BE USED OR REPRODUCED IN ANY MANNER, EXCEPT WITH THE PRIOR WRITTEN PERMISSION OF AAI ENGINEERING INC.

SHEET

C0.1

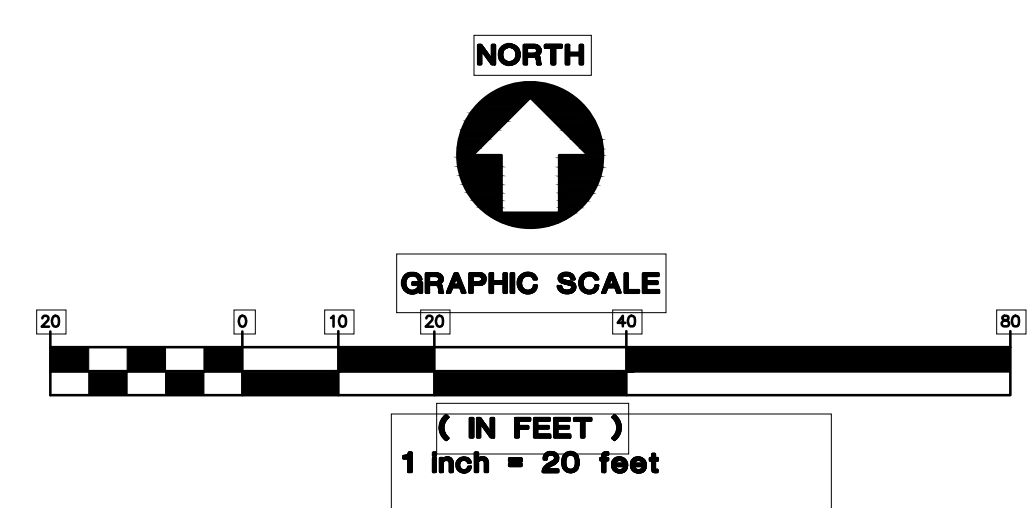
JOB NUMBER:
 A17049.11

LAND USE SUBMITTAL



LEGEND

PATTERN	DESCRIPTION	AREA (SF)	
[Diagonal lines]	LESS THAN 15% SLOPES	22,611	68.5%
[Cross-hatching]	15% TO 25% SLOPES	4,229	12.8%
[Diagonal lines]	25% TO 35% SLOPES	4,636	14.0%
[Diagonal lines]	MORE THAN 35% SLOPES	1,546	4.7%
	TOTAL AREA OF WORK	33,022	100%



AAI aaligan associates, inc.
ENGINEERING
 4875 SW Griffin Drive | Suite 300 | Beaverton, OR 97005
 503.620.3030 | tel | 503.620.5539 | fax | www.aaleng.com

ROSE LINN CARE CENTER
 2330 DEBOK ROAD
 WEST LINN, OREGON

SLOPE ANALYSIS OF EXISTING GRADING

DATE: 09/22/2017
 DRAWN: AFR
 CHECKED: NWS

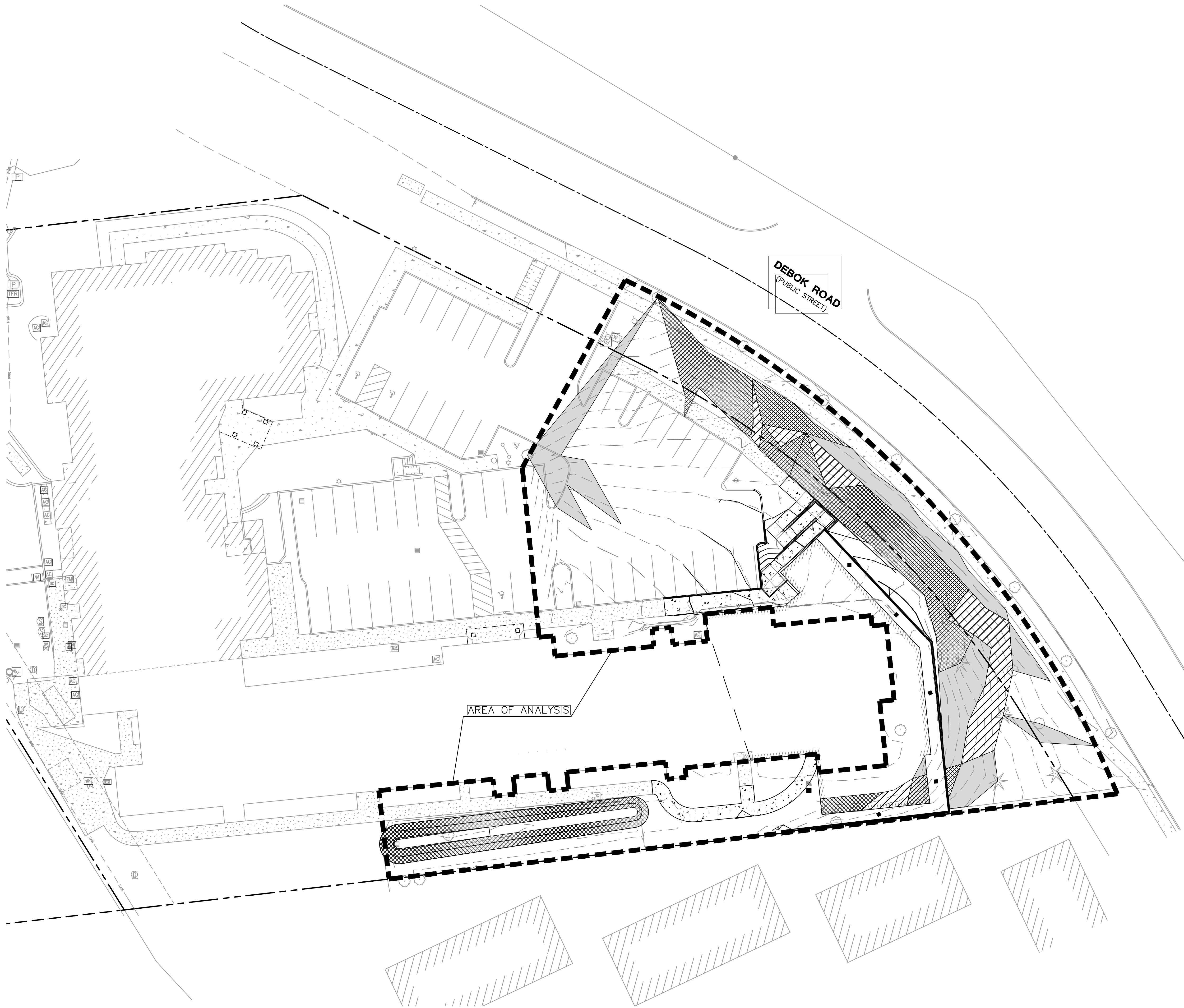
REVISIONS:

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SHEET
EX1

JOB NUMBER:
 A17049.11

LAND USE RESUBMITTAL



LEGEND

PATTERN	DESCRIPTION	AREA (SF)	
[Diagonal lines]	LESS THAN 15% SLOPES	23,545	71.3%
[Cross-hatching]	15% TO 25% SLOPES	3,239	9.8%
[Grid pattern]	25% TO 35% SLOPES	4,786	14.4%
[Diagonal lines]	MORE THAN 35% SLOPES	1,452	4.5%
	TOTAL AREA OF WORK	33,022	100%



AAI aaligan associates, inc.
ENGINEERING
 4875 SW Griffin Drive | Suite 300 | Beaverton, OR 97005
 503.620.3030 | tel | 503.620.5539 | fax | www.aaligan.com

ROSE LINN CARE CENTER
 2330 DEBOK ROAD
 WEST LINN, OREGON

SLOPE ANALYSIS OF PROPOSED GRADING

DATE: 09/22/2017
 DRAWN: AFR
 CHECKED: NWS

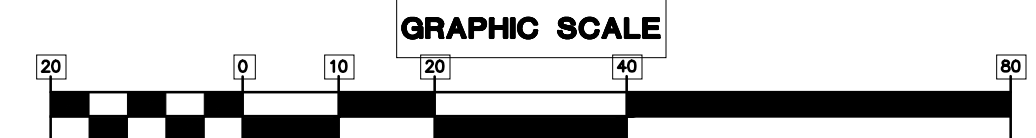
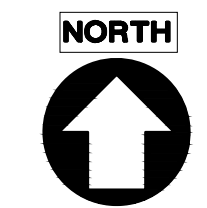
REVISIONS:

© AAI ENGINEERING INC. 2017. ALL RIGHTS RESERVED.
 THESE DRAWINGS ARE THE PROPERTY OF AAI ENGINEERING INC. AND ARE NOT TO BE USED OR REPRODUCED IN ANY MANNER, EXCEPT WITH THE PRIOR WRITTEN PERMISSION OF AAI ENGINEERING INC.

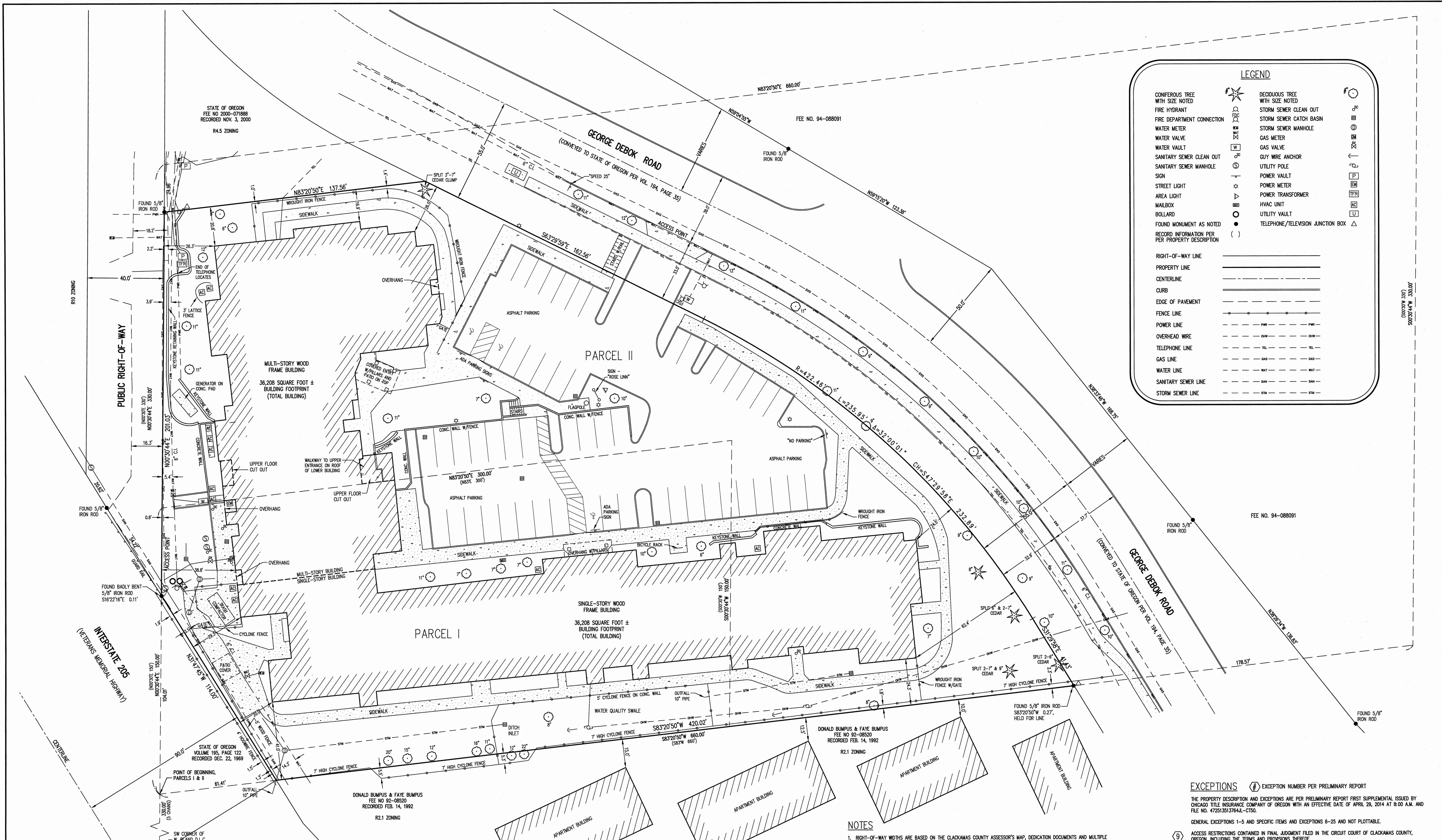
SHEET

EX2

JOB NUMBER: A17049.11



LAND USE RESUBMITTAL



LEGEND	
CONIFEROUS TREE WITH SIZE NOTED	DECIDUOUS TREE WITH SIZE NOTED
FIRE HYDRANT	STORM SEWER CLEAN OUT
FIRE DEPARTMENT CONNECTION	STORM SEWER CATCH BASIN
WATER METER	STORM SEWER MANHOLE
WATER VALVE	GAS METER
WATER VAULT	GAS VALVE
SANITARY SEWER CLEAN OUT	GUY WIRE ANCHOR
SANITARY SEWER MANHOLE	UTILITY POLE
SIGN	POWER VAULT
STREET LIGHT	POWER METER
AREA LIGHT	POWER TRANSFORMER
MAILBOX	HVAC UNIT
BOLLARD	UTILITY VAULT
FOUND MONUMENT AS NOTED	TELEPHONE/TELEVISION JUNCTION BOX
RECORD INFORMATION PER PROPERTY DESCRIPTION	
RIGHT-OF-WAY LINE	---
PROPERTY LINE	---
CENTERLINE	---
CURB	---
EDGE OF PAVEMENT	---
FENCE LINE	---
POWER LINE	---
OVERHEAD WIRE	---
TELEPHONE LINE	---
GAS LINE	---
WATER LINE	---
SANITARY SEWER LINE	---
STORM SEWER LINE	---

NORTHWEST SURVEYING, Inc.
 1815 NW 169TH PLACE, SUITE 2090
 BEAVERTON, OR 97006
 PHONE: (503) 848-2127 FAX: (503) 848-2179

LOCATED IN THE NORTHWEST 1/4 A OF SECTION 26,
 TOWNSHIP 2 SOUTH, RANGE 1 EAST, WM., CITY OF
 WEST LINN, CLACKAMAS COUNTY, OREGON

PRELIMINARY PLAT
ROSE LINN CARE CENTER
WEST LINN, OREGON

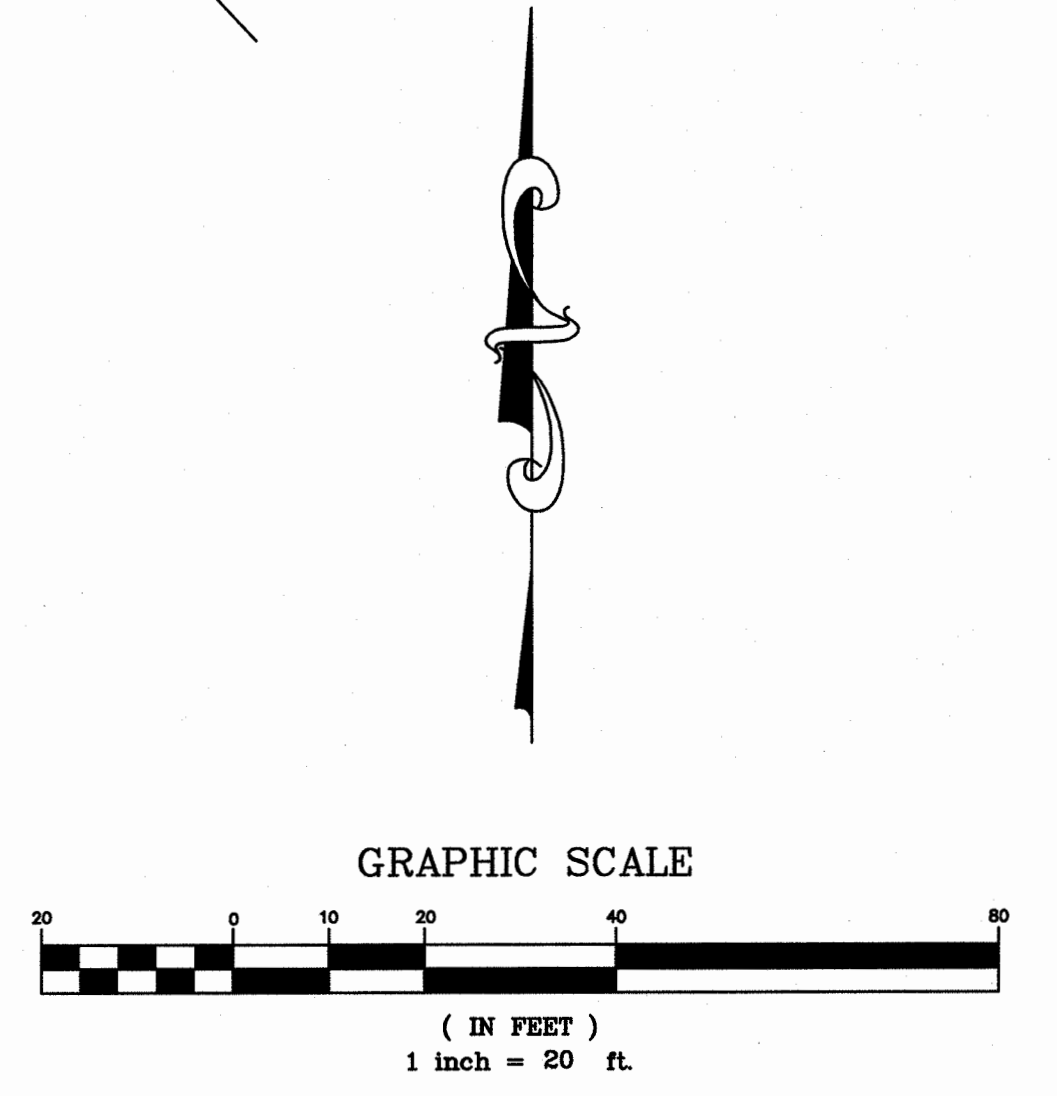
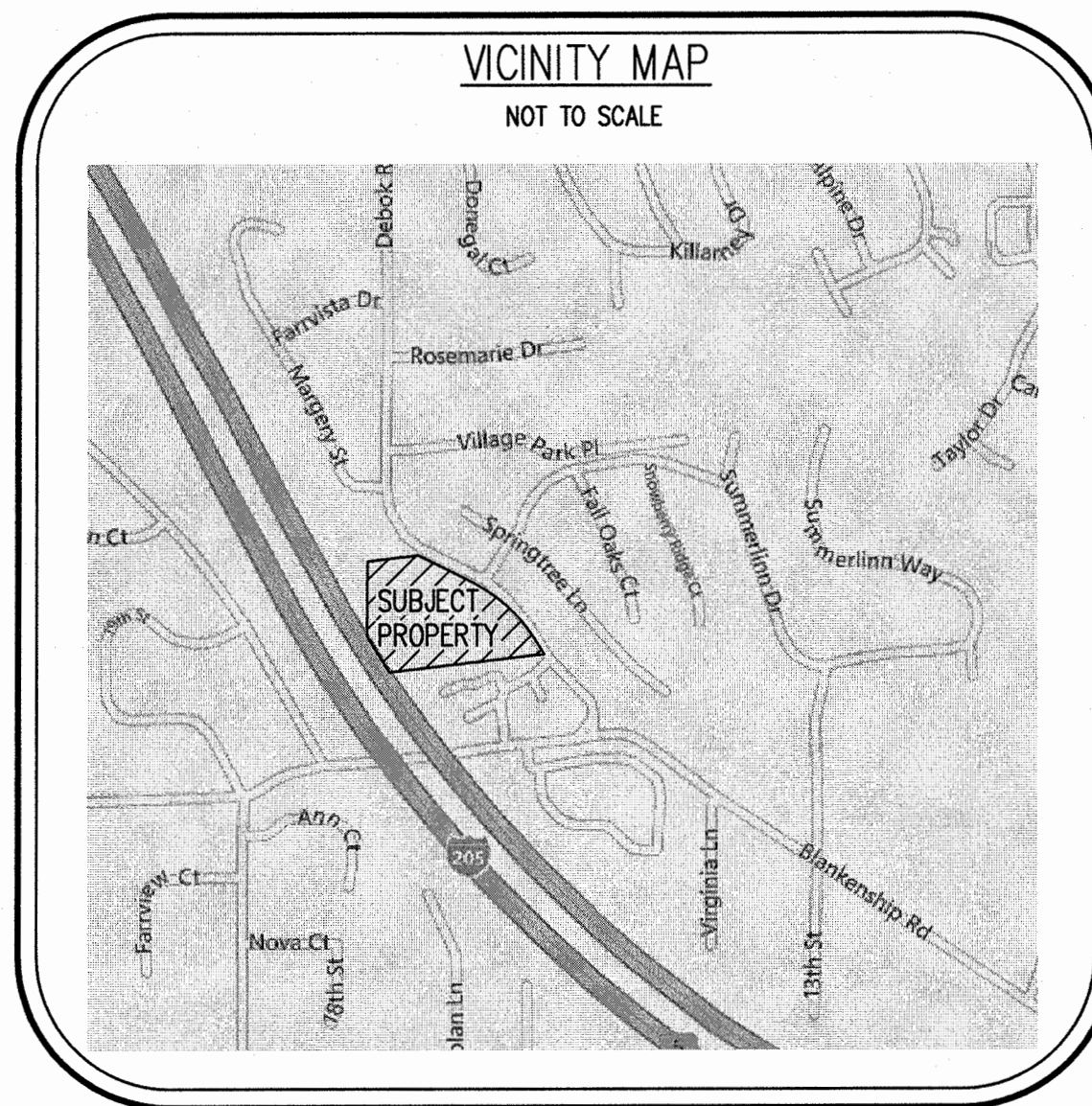
DRAWING NO.: 805 PRE-PLAT
 SCALE: AS NOTED
 DRAWING GENERATED BY: LOGGON
 CHECKED BY: SFT
 PREPARED FOR:
 BENICIA SENIOR LIVING, LLC
 1800 BLANKENSHIP ROAD #475
 WEST LINN, OR 97068

REVISIONS:
 DATE: MARCH 20, 2018

REGISTERED PROFESSIONAL LAND SURVEYOR
 JUNE 28, 1997
 SCOTT F. FIELD
 2844
 12-31-2019
 RENEWAL DATE

JOB NUMBER
805

SHEET
1 OF 1



PROPERTY DESCRIPTION

PARCEL 1:
 PART OF THE WILLIAM BLAND DONATION LAND CLAIM IN TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF WEST LINN, COUNTY OF CLACKAMAS AND STATE OF OREGON:
 BEGINNING AT AN IRON PIPE AT A POINT NORTH 00°30' EAST 5 CHAINS FROM THE SOUTHWEST CORNER OF SAID BLAND DONATION LAND CLAIM; THENCE CONTINUING NORTH 00°30' EAST 150 FEET; THENCE NORTH 83° EAST 300 FEET; THENCE SOUTH 00°30' WEST 150 FEET TO AN IRON PIPE; THENCE SOUTH 83° WEST 300 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON BY AND THROUGH ITS STATE HIGHWAY COMMISSION, BY FINAL JUDGMENT FILED DECEMBER 22, 1969 IN VOLUME 195, PAGE 122 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF CLACKAMAS, CASE NO. 68212.

PARCEL 2:
 PART OF THE WILLIAM BLAND DONATION LAND CLAIM IN SECTION 35, TOWNSHIP 2 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF WEST LINN, COUNTY OF CLACKAMAS AND STATE OF OREGON:
 BEGINNING AT AN IRON PIPE AT A POINT NORTH 00°30' EAST 5 CHAINS FROM THE SOUTHWEST CORNER OF SAID BLAND DONATION LAND CLAIM; THENCE CONTINUING NORTH 00°30' EAST 330 FEET; THENCE NORTH 83° EAST 660 FEET; THENCE SOUTH 00°30' WEST 330 FEET TO AN IRON PIPE; THENCE SOUTH 83° WEST 660 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LAND:
 BEGINNING AT AN IRON PIPE AT A POINT NORTH 00°30' EAST 5 CHAINS FROM THE SOUTHWEST CORNER OF SAID BLAND DONATION LAND CLAIM; THENCE CONTINUING NORTH 00°30' EAST 150 FEET; THENCE NORTH 83° EAST 300 FEET; THENCE SOUTH 00°30' WEST 150 FEET TO AN IRON PIPE; THENCE SOUTH 83° WEST 300 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ANY PORTION THEREOF LYING EAST OF THE WEST LINE OF GEORGE DEBOK ROAD.

LASTLY EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE VACATED ROAD AREA DESCRIBED IN CITY OF WEST LINN ORDINANCE NO. 1451, RECORDED NOVEMBER 3, 2000 AS RECORDING NO. 2000-07188.

NOTES

- RIGHT-OF-WAY WIDTHS ARE BASED ON THE CLACKAMAS COUNTY ASSESSOR'S MAP, DEDICATION DOCUMENTS AND MULTIPLE SURVEYS OF THE AREA.
- ACCESS POINTS TO ADJACENT STREET(S) ARE WHERE NOTED.
- THE PROPERTY IS ADDRESSED AS 2300 AND 2330 DEBOK ROAD.
- THE GROSS LAND AREA IS 101,386 SQUARE FEET (2.328 ACRES), MORE OR LESS.
- STORM SEWER LINES AS SHOWN ARE BASED ON FIELD TIES TO STRUCTURES AND CITY OF WEST LINN AS-BUILT DRAWINGS. OTHER STORM SEWER PIPES MAY EXIST ON SITE THAT ARE NOT DEPICTED ON THIS DRAWING.
- THERE ARE 54 STRIPED VEHICLE PARKING SPACES WITH 3 OF THOSE SPACES DESIGNATED FOR HANDICAPPED PARKING.
- PER FLOOD INSURANCE RATE MAP (FIRM) 4105020260 WITH AN EFFECTIVE DATE OF JUNE 17, 2008, THE ENTIRE SURVEYED PROPERTY IS LOCATED IN ZONE X. ZONE X IS DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN".
- PARCELS 1 TO 2 ARE ZONED R4.5 (MEDIUM DENSITY RESIDENTIAL) BY THE CITY OF WEST LINN.
- FOR R4.5 ZONING PER THE CITY OF WEST LINN COMMUNITY DEVELOPMENT CODE:
 FRONT SETBACK: 20 FEET
 INTERIOR SIDE YARD SETBACK: 5 FEET
 SIDE YARD ABUTTING STREET: 15 FEET
 REAR YARD: 20 FEET
 MAXIMUM BUILDING HEIGHT: 35 FEET
 MAXIMUM LOT COVERAGE: 40 PERCENT
- PARCEL 1 IS SUBJECT TO A 20.00 FOOT WIDE SEWER EASEMENT PER VOLUME 195, PAGE 122.
- PER A PHASE I ENVIRONMENTAL SITE ASSESSMENT PREPARED BY ENR CONSULTING WITH PROJECT NO. 17130553 DATED NOVEMBER 22, 2013, THERE ARE NO VISIBLE INDICATIONS OF POTENTIAL WETLANDS AREAS ON OR ADJACENT TO THE SURVEYED PROPERTY.
- THERE ARE "NO RIGHTS OF ACCESS OF ANY NATURE" BETWEEN PARCEL 1 AND THE INTERSTATE 205 RIGHT-OF-WAY PER VOLUME 195, PAGE 122.
- THERE ARE NO OFFSITE EASEMENTS OR SERVITUDES BENEFITING THE SURVEYED PROPERTY DISCLOSED IN THE RECORD DOCUMENTS PROVIDED TO THE SURVEYOR.
- BUILDING LOCATIONS ON THE ADJACENT PROPERTY TO THE SOUTH ARE BASED ON AERIAL PHOTOGRAPHY.

EXCEPTIONS

- EXCEPTION NUMBER PER PRELIMINARY REPORT
- THE PROPERTY DESCRIPTION AND EXCEPTIONS ARE PER PRELIMINARY REPORT FIRST SUPPLEMENTAL ISSUED BY CHICAGO TITLE INSURANCE COMPANY OF OREGON WITH AN EFFECTIVE DATE OF APRIL 29, 2014 AT 8:00 A.M. AND FILE NO. 4729135137848-0750.
- GENERAL EXCEPTIONS 1-5 AND SPECIFIC ITEMS AND EXCEPTIONS 6-25 AND NOT PLOTTABLE.
- ACCESS RESTRICTIONS CONTAINED IN FINAL JUDGMENT FILED IN THE CIRCUIT COURT OF CLACKAMAS COUNTY, OREGON, INCLUDING THE TERMS AND PROVISIONS THEREOF.
 CASE NO.: 8202?
 IN FAVOR OF: STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION,
 ENTRY DATE: NOVEMBER 6, 1969
 AFFECTS: PARCEL 1
 - SURVEYOR'S NOTE: THE DOCUMENT SPECIFICALLY NOTES THAT THERE ARE NO ACCESS RESTRICTIONS.
 - MDU BROADBAND SERVICES AGREEMENT AND MEMORANDUM OF EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF;
 EXECUTED BY: ROSE LINN, INC. AND TCI CABLEVISION OF OREGON, INC.
 RECORDING DATE: AUGUST 17, 2001
 RECORDING NO.: 2001-066185
 AFFECTS: PARCEL 1
 - SURVEYOR'S NOTE: PER THE TERMS OF THE DOCUMENT THERE IS AN EASEMENT "OVER AND UPON" THE PROPERTY DESCRIBED ON EXHIBIT A ATTACHED TO THE AGREEMENT". THERE IS NO EXHIBIT A ATTACHED TO THE RECORDED DOCUMENT SO IT IS UNKNOWN IF THE EASEMENT IS FOR THE ENTIRE PROPERTY OR A PORTION THEREOF.
 - MAINTENANCE AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF;
 EXECUTED BY: THE CITY OF WEST LINN AND ROSE LINN, INC.
 RECORDING DATE: JUNE 16, 2004
 RECORDING NO.: 2004-054785
 - GRANT OF EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF,
 BY AND BETWEEN:
 ROSE LINN, INC. AS GRANTOR AND
 COMCAST OF OREGON, INC. AS GRANTEE
 RECORDING DATE: MARCH 1, 2012
 RECORDING NO.: 2012-012035
 - SURVEYOR'S NOTE: THE EASEMENT IS OVER THE ENTIRETY OF PARCEL 1. PARCEL 2 IS NOT INCLUDED.
 - POTENTIAL ENCROACHMENTS AS SET FORTH ON SURVEY PREPARED BY NORTHWEST SURVEYING INC. DATED NOVEMBER 27, 2013.
 - SURVEYOR'S NOTE: THE ENCROACHMENTS NOTED ARE FROM AN EARLIER VERSION OF THIS SURVEY AND ARE SHOWN AND NOTED HEREON.

PD-4 APPLICANT'S REQUIREMENT WAIVER REQUEST

Memorandum

To: John Boyd/John Williams, City of West Linn
From: Robin Scholetzky, UrbanLens Planning
Copy: Terri Waldroff, Rose Linn, Mark Miller, Ankrom Moisan
Date: August 20, 2018
Re: MIP 18-03, 2330 Debok Road

Context

This application with the City of West Linn is currently pending. It is to consolidate two parcels into one; removing a lot line that continues across a footprint of an existing building located across Parcel 1 and 2. As this footprint of the existing building crosses property lines, it is in potential conflicting with City Building Code requirements, we are proposing to overplat the site to consolidate the two existing lots of record into a single parcel. The site is already considered one unit of land for tax purposes. The result will be a net decrease of one lot of record, as the two lots are consolidated into one. These lots have been created by deed reference only. The site is under one ownership and tax lot.

Issue

The process for lot consolidation is defined for the City of West Linn under the minor partition process, 85.200. This is the only process currently available in order to meet the requirements of Clackamas County for vacating a property line. In general, a minor partition process assumes that a new buildable parcel will be created, which is not the case in this situation. In conjunction with this land use review, we received an incompleteness letter (attached) which notes that Amy Pepper, Engineering will be requiring street improvements as part of this process: either as improvements or as a fee-in-lieu request. We believe that requiring these improvements at this time is out of proportion with the land use action being proposed.

Request

Our request is for the City of West Linn to limit this review to the removal of the lot line between the parcels and defer any future street improvements in conjunction with a future land use review. As no development is being proposed at this time, we would like the City to consider that this process for a simple consolidation remain unencumbered by street improvements. Our expectation is that the owner will be making improvements to the building and site which will trigger a land use review following the completion of the consolidation. We understand that any future development on the site involving a land use review could trigger a requirement for future street improvements and we would be willing to have that conversation at that time.

Thank you for your consideration.



CITY OF West Linn

June 26, 2018

Robin Scholetzky
UrbanLens Planning, LLC
2744 SE 34th Ave.
Portland, OR 97202

SUBJECT: MIP-18-03 application for partition/lot consolidation at 2330 Debok Road

Dear Robin Scholetzky:

You submitted this application on May 29, 2018. The Planning and Engineering Departments find that this application is **incomplete**. The following items must be addressed:

1. CDC 92.020 "IMPROVEMENTS IN PARTITIONS" states: *"The same improvements shall be installed to serve each parcel of a partition as are required of a subdivision. However, if the approval authority finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, at the written request of the applicant those improvements may be waived. If the street improvement requirements are waived, the applicant shall pay an in-lieu fee for off-site street improvements, pursuant to the provisions of CDC [85.200\(A\)\(1\)](#)."*

Please contact Amy Pepper, Engineering, for more information on the waiver process by email at apepper@westlinnoregon.gov or by phone at 503-722-3437.

2. 85.200(A) (16) Sidewalks. *Sidewalks shall be installed per CDC [92.010\(H\)](#), Sidewalks. The residential sidewalk width is six feet plus planter strip as specified below. Sidewalks in commercial zones shall be constructed per subsection (A)(3) of this section. See also subsection C of this section. Sidewalk width may be reduced with City Engineer approval to the minimum amount (e.g., four feet wide) necessary to respond to site constraints such as grades, mature trees, rock outcroppings, etc., or to match existing sidewalks or right-of-way limitations.*

Pursuant to CDC 99.035, the Planning Director may require information in addition to that required by a specific chapter in the Community Development Code or may waive a specific requirement for information or a requirement to address a certain approval standards. Pursuant to ORS 227.178 "If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section upon receipt by the governing body or its designee of:

- (a) All of the missing information;
- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (c) Written notice from the applicant that none of the missing information will be provided.

You now have 180 days, through October 24, 2018, to make the application complete by providing the information outlined above. On the 181st day after first being submitted, the application will be considered void if the applicant has been notified of the missing information and has not submitted the information as requested above or a written notice responding to the above options.

Please contact me at 503-742-6057, or by email at jarnold@westlinnoregon.gov if you have any questions or comments.

Sincerely,



Jennifer Arnold
Associate Planner

Boyd, John

From: Boyd, John
Sent: Monday, August 27, 2018 4:24 PM
To: Pepper, Amy
Subject: FW: FW: MIP 18-03 - a Lot line vacation
Attachments: Memorandum_City of West Linn.pdf

**Original email to Robin Scholetky
Copied separately on same day to:
Jennifer Arnold
Amy Pepper P.E.
Attested: John Boyd**

Hi Robin

The City has received the letter you submitted on August 20, 2018 containing a request to defer any future street improvement in conjunction with a future land use review (such as the Design Review for the expansion of the Rose Linn Care Center). Your attached letter noted:

“Our request is for the City of West Linn to limit this review to the removal of the lot line between the parcels and defer any future street improvements in conjunction with a future land use review. As no development is being proposed at this time, we would like the City to consider that this process for a simple consolidation remain unencumbered by street improvements. Our expectation is that the owner will be making improvements to the building and site which will trigger a land use review following the completion of the consolidation. We understand that any future development on the site involving a land use review could trigger a requirement for future street improvements and we would be willing to have that conversation at that time.”

As requested, I met with Director John Williams today; he has reviewed your submittal and has accepted your request to defer any road improvements to the next land use action at the site (the improvements to the building requiring design review). Jennifer Arnold, Associate Planner was also briefed on this update and noted that removal of that item would remove the remaining completeness item. Jennifer Arnold will be contacting you shortly to formally update the status of your application.

Thank you

John J. Boyd AICP CFM
Planning Manager