

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Jennifer Arnold</i>	PROJECT NO(S). <i>ANX-18-03</i>	
NON-REFUNDABLE FEE(S) <i>18,000</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>18,000</i>

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input checked="" 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 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:

22915 S Weatherhill Road
 West Linn, OR 97068

Assessor's Map No.: 21E35B

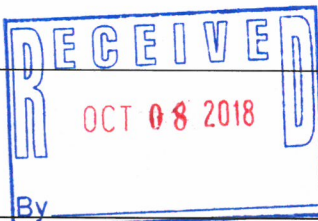
Tax Lot(s): 2s1e35b 00101

Total Land Area: 3.75

Brief Description of Proposal:

Annexation of a 3.75 acre rural island within the UGB, and a recommended zoning designation of R-3.

Applicant Name: (please print) Sequoia Heights Capital Partners, LLC Phone: 415-456-0600
Address: 1101 Fifth Avenue, Suit #300 Email:
City State Zip: San Rafael, CA 94901



Owner Name (required): (please print) David L. Hardy Phone:
Address: 22915 S Weatherhill Rd Email:
City State Zip: West Linn, OR 97068

Consultant Name: (please print) 3J Consulting, INC Phone: 503-545-1907
Address: 5075 SW Griffith Drive, Suite 150 Email: andrew.tull@3j-consulting.com
City State Zip: Beaverton, OR 97005

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

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

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

	<i>9/27/18</i>		<i>9/24/2018</i>
Applicant's signature	Date	Owner's signature (required)	Date



SEQUOIA ANNEXATION APPLICATION

Applicant:

Sequoia Heights Capital Partners, LLC
1101 Fifth Avenue, Suite #300
San Rafael, CA 94901

APPLICANT'S REPRESENTATIVE:

3J CONSULTING, INC
5075 SW GRIFFITH DRIVE, SUITE 150
BEAVERTON, OR 97005
CONTACT: ANDREW TULL
PHONE: 503-545-1907

CONTACT INFORMATION

Owner: **David Hardy**
22915 S Weatherhill Road
West Linn, OR 97068

Applicant: **Sequoia Heights Capital Partners**
1101 Fifth Avenue, Suite #300
San Rafael, CA 94901
Phone: 415-456-0600

Applicant's Representative: **3J Consulting, Inc**
5075 SW Griffith Drive Suite 150
Beaverton, OR 97005
Contact: Andrew Tull
Phone: 503-545-1907
Email: andrew.tull@3j-consulting.com

SITE DATA

OWNERS: David Hardy

SITE LOCATION: 22915 S Weatherhill Road
West Linn, OR 97068

SITE SIZE: 3.75 acres

DESCRIPTION: The site is identified as Tax Lot 2s1e35b 00101. The site is comprised of one lot of record, located west of Salamo Road, northeast of S Weatherhill Road and south of Day Rd.

APPROVAL CRITERIA: CDC Chapters 81 and 105
Municipal Code, Section 2.920
City of West Linn Comprehensive Plan Policies 2, 11, and 14
Metro Code Chapter 3.09

COUNTY ZONING: FU-10 – Future Urbanizable 10 acre district (Clackamas County)

COMPREHENSIVE PLAN DESIGNATION: Medium High Density Residential (City of West Linn)

BACKGROUND

GENERAL

The territory proposed for annexation to the City of West Linn is located west of Salamo Road, close to the West Linn City limits and UGB to the north of the subject property. The total area to be annexed is approximately 3.75 acres. A pre-application conference was held with the City to discuss the annexation of this property on May 17, 2018 by the property owners. This application details the Applicant and Owner's request to annex this territory into the City of West Linn. Through the annexation process, the owners also would like to annex into the Tri-City Service District and withdraw from the Clackamas County Enhanced Law Enforcement District.

SITE CONDITIONS

The site gently slopes downward to the southwest of the property. There is one single-family residential home on the property, one large detached garage and several smaller sheds. There are trees and grass/dirt fields on the property.

SURROUNDING LAND USES

Adjacent properties to the north and east are within the West Linn City limits and are zoned R-3. These properties are developed with multi-family dwellings and an assisted living facility. Southwest of the property to the south of Weatherhill Road are parcels zoned R-7 and one unincorporated parcel zoned FU-10. The southernmost R-7 parcels are currently under development for single-family homes, while the northern parcels are undeveloped with a handful of existing single-family homes. This site and those surrounding it are within the Savanna Oaks Neighborhood Association.

REASONS WHY THIS APPLICATION SHOULD BE APPROVED

The Applicant has provided the following reasons why the City Council should approve the annexation of the Sequoia property into the City of West Linn:

- The owners of this site and the registered voters on the site are 100% in favor of annexing this property into the City.
- The site represents a rural island within the City. Annexation of the property will help contribute to an orderly boundary for urban services.
- The addition of this site to the City's boundary will reduce demands upon Clackamas County by helping to contribute to a more orderly service boundary.

REASONS WHY THIS APPLICATION SHOULD NOT BE SUBJECT TO AN ADVISORY VOTE

Advisory votes regarding annexations are a provision to which the City Council is entitled, however, the information gathered from an advisory vote is probably best used to inform the Council about the potential for urban growth boundary expansions or annexations with significant cost or development implications. Advisory votes are generally not necessary for infill annexation applications and for the

annexation of rural islands surrounded by the City limits. The following reasons have been provided in support of the City's Decision to annex and not to seek an advisory vote:

- This property does not require any special planning or updates to the City's master plans, tax structure, or planning boundaries. As this is an island within the City, all required infrastructure to serve the property can be easily extended at no cost to the City.
- The development potential for the 3.75 acres in question is anticipated to have only a minimal on the City's infrastructure, housing supply, or school capacity.
- The City's most recent advisory vote for an annexation on Weatherhill Road returned results of approximately 69% in favor of annexation.

FINDINGS

The following sections of the Community Development Code, West Linn Municipal Code and Metro Code have been extracted as they have been deemed to be applicable to the proposal. Following each applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document that the proposal has satisfied the approval criteria for inclusion to the City of West Linn.

Community Development Code

Chapter 81 BOUNDARY CHANGES

81.040 PETITION

A. A petition to annex to the City of West Linn may be initiated by a property owner(s) of the area to be annexed, or the City, as set forth in Section 2.950(1) of the City Code.

Applicant's Finding: This petition to annex territory into the City of West Linn is being initiated by the property owners.

The requirements of this section have been satisfied.

B. A prerequisite to the filing of an annexation petition is a pre-application conference at which time the Director shall explain the requirements and provide the appropriate forms as specified in CDC 99.030(B) and (C).

Applicant's Finding: The owners of this property and their representatives joined City staff for a pre-application conference on May 17, 2018.

The requirements of this section have been satisfied.

C. A petition to annex shall include the completed petition form and three copies of each of the following, except for each drawing submitted, there shall be three copies at the original scale and three copies reduced to a paper size not greater than 11 inches by 17 inches.

- 1. The minimum petition requirements of Metro Code Section 3.09.040.**
- 2. A narrative which addresses the approval criteria set forth in Municipal Code Section 2.920 and Metro Code Sections 3.09.050(d) and, if applicable, (e).**
- 3. Vicinity, legal, and other descriptive maps necessary to show compliance with Municipal Code Section 2.920 and Metro Code 3.09.040.**

Applicant's Finding: The submitted application includes all of the required documentation and forms.

The requirements of this section have been satisfied.

D. A petition of any type of boundary change, other than annexation, shall be processed as provided by State law and Metro Code Chapter 3.09.

Applicant's Finding: This petition for annexation is proposed in compliance with State law and Metro Code Chapter 3.09.

The requirements of this section have been satisfied.

E. The applicant shall pay the requisite fee. The fee for a boundary change shall be established by resolution of the City Council. (Ord. 1442, 1999)

Applicant's Finding: This application includes submittal of the appropriate fees.

The requirements of this section have been satisfied.

81.050 APPROVAL CRITERIA

The City Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D).

81.050 APPROVAL CRITERIA

A. The City Council shall approve a boundary change proposal based on findings and conclusions that the proposal complies with the criteria of Metro Code Section 3.09.050(D).

Applicant's Finding: The applicable Metro Code sections are outlined below with responses to each criterion demonstrating the proposal's compliance.

The requirements of this section have been satisfied.

81.055 ZONING DESIGNATION

A decision on annexation shall also incorporate a decision on a zoning designation. The applicant may concurrently apply for a comprehensive plan amendment if desired. Any approval of an annexation shall designate the City zone to be applied if the annexation is approved by the voters. The City zone shall be designated based upon the existing West Linn comprehensive plan/land use designation, pursuant to the following table:

COMPREHENSIVE PLAN/LAND USE DESIGNATION	ASSIGNED ZONING DISTRICT
Medium High Density Residential	R-3 & R-2.1

Applicant's Finding:

The Comprehensive Plan/Land Use Designation of this property is Medium High Density Residential. The adjacent properties within the City of West Linn to the north and east of the subject properties are zoned R-3, one of the zones intended to implement the Medium High Density Residential designation of the Comprehensive Plan.

Per the West Linn Community Development Code, the purpose of the R-3 zone is “to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and public facilities and public transportation, and to the surrounding development pattern”. The R-3 zone is intended to implement the policies and locational criteria set forth in the Comprehensive Plan.

Designation of the subject property as R-3 would match existing zoning in the vicinity and promote residential development in appropriate proximity to commercial development, public facilities and public transportation, in accordance with the purpose of the R-3 zone.

The requirements of this section have been satisfied.

Where the City Council has discretion to apply zoning, the Council shall consider the following factors in making its decision:

A. Specific site characteristics such as topography, drainage, and existing vegetation.

Applicant's Finding:

The specific site characteristics are well suited for development of the parcels under R-3 zoning. The site is generally flat, the drainage can be easily accommodated on site. Vegetation consists of two mature stands of trees, all of which will eventually be evaluated for retention by the City's arborist if the property were to ever develop.

The requirements of this section have been satisfied.

B. The existing zoning and development patterns of surrounding properties.

Applicant's Finding:

The subject property is adjacent to many developed R-3 zoned properties to the north and east. Additionally, the site is designated as Medium High Residential in the Comprehensive Plan. Therefore, the proposed R-3 zoning fits within the existing zoning and development pattern and what is permitted by the Comprehensive Plan.

The requirements of this section have been satisfied.

C. The capacity of the City to provide road, sanitary sewer, storm drainage, and water service to the site. (Ord. 1442, 1999; Ord. 1528, 2005; Ord. 1590 § 1, 2009; Ord. 1635 § 30, 2014)

Applicant's Finding: Properties adjacent to this site are developed and provided with City services on all sides. Public sanitary sewer, storm and water lines are located west and south of the site along S Weatherhill Rd. There are sanitary lines ending just at the northwest and southwest corners of the site and storm lines located at the southwest corner of the site. There is an 8 in water main that follows S Weatherhill Rd along the western and southern edges of the site. Utilities in this area are adequate in capacity to serve the property proposed for annexation.

The requirements of this section have been satisfied.

105.050 QUASI-JUDICIAL AMENDMENTS AND STANDARDS FOR MAKING DECISION

A decision to approve, approve with conditions, or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

A. The standards set forth in CDC 99.110(A), which provide that the decision shall be based on consideration of the following factors:

- 1. The applicable Comprehensive Plan policies as identified in subsection C of this section and map designation.**
- 2. The applicable standards of any provision of this code or other applicable implementing ordinance.**

Applicant's Finding: The Comprehensive Plan Designation of this property is Medium High Density Residential. The proposed R-3 zoning designation is one of the identified zoning designations within the Comprehensive Plan Designation of Medium High Density Residential. This request for zone assignment to R-3 is consistent with all applicable Comprehensive Plan policies and standards of any provision of the Development Code or other applicable implementing ordinances.

The requirements of this section have been satisfied.

B. The standards set forth in CDC 99.110(B), which provide that, in making the decision, consideration may also be given to the following:

- 1. Proof of change in the neighborhood or community or a mistake or inconsistency in the Comprehensive Plan or Zoning Map as it relates to the property which is the subject of the development application.**
- 2. Factual oral testimony or written statements from the parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and**

criteria, possible negative or positive attributes of the proposal or factors in sub-section A or (B)(1) of this section.

Applicant's Finding: This annexation is proposed for consistency with the Comprehensive Plan and the surrounding land uses. There have been no identified mistakes on the Comprehensive Plan or Zoning Map in this area. Annexation of this property and application of the R-3 zoning district is supported by the City's Comprehensive Plan and development patterns in the area.

The requirements of this section have been satisfied.

C. The Comprehensive Plan, Plan and Ordinance Revision Process, and Specific Policy No. 4, which provides that the decision shall be based on consideration of the following criteria:

- 1. Conformance with the Comprehensive Plan policies and criteria.**
- 2. There is a public need for the change or the change can be demonstrated to be in the interest of the present and future community.**
- 3. The changes will not adversely affect the health, safety and welfare of the community.**

Applicant's Finding: The proposed annexation and application of the R-3 zoning district conforms completely with the Comprehensive Plan policies and criteria, which designate this property as Medium High Density Residential. This property was brought into the Urban Growth Boundary with the intent of development as residential housing to accommodate part of the housing need identified in the City's Comprehensive Plan. Development of this property as residential provides more opportunities for housing and is therefore in the interest of the present and future community. As a residential site, there are no proposed or anticipated changes that will adversely affect the health, safety and welfare of the community.

The requirements of this section have been satisfied.

D. Transportation Planning Rule compliance.

1. Review of applications for effect on transportation facilities. When a development application, whether initiated by the City or by a private interest, includes a proposed comprehensive plan amendment zone change or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule: "TPR"). "Significant" means the proposal would:

- a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- b. Change standards implementing a functional classification system; or**

c. As measured at the end of the planning period identified in the adopted transportation system plan:

- 1) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
- 2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
- 3) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Applicant's Finding:

The proposed annexation and application of the R-3 zoning district conforms completely with the Comprehensive Plan policies and criteria, which designate this property as Medium High Density Residential. The proposed annexation of the property will not require any changes to the functional classifications of any existing or planned transportation facilities, nor will the proposed annexation require any changes to the standards which implement the functional classification system.

The proposed designation of the site as a residential R-3 zoning district is consistent with the City's Comprehensive Planning Designation for the property and the potential density associated with this property has been considered within the City's transportation planning processes through incorporation into the City's Buildable Land Inventory. The proposed site falls within an area which has been included in the City's 2008 and 2016 updates to the Transportation System Plan.

OAR 660-012-0060(9) allows local governments to make findings that an amendment to the zoning map does not significantly affect an existing or planned transportation facility. The OAR is quoted below:

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

The property included within this application meets all three of these requirements and is not listed by ODOT as affecting a project subject to OAR chapter 731, division 15. The proposed zoning for the site (R-3) is consistent with the comprehensive plan map for the property. As described above, the City has a Transportation System plan which has been acknowledged and the proposed zoning for the site is consistent with the underlying comprehensive plan designation. Finally, the area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary adjustment. The City has an acknowledged TSP which accounted for the urbanization of this area.

The requirements of this section have been satisfied.

2. Amendments that affect transportation facilities. Amendments to the Comprehensive Plan and land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:

- a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.**
- b. Amending the TSP or Comprehensive Plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of OAR [660-012-0060](#) of the TPR.**
- c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.**
- d. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.**

Applicant's Finding: The proposed annexation does not contemplate the any amendments which would affect any planned transportation facilities. The requirements of this section do not apply.

3. Traffic impact analysis. A traffic impact analysis shall be submitted with a plan amendment or land use district change application. (Ord. 1584, 2008)

Applicant's Finding: An analysis of the applicable local and state requirements has been provided in response to section 1 of this code provision which satisfies the need for an analysis of the transportation impacts and documents compliance with Oregon's Transportation Planning Rule. The requirements of this section have been satisfied.

West Linn Municipal Code

Chapter 2 GOVERNMENT AND ADMINISTRATION

ANNEXATIONS

2.915 Annexation Purpose Statement.

(1) The purpose of Sections 2.915 to 2.940 is to establish a two-step process for annexation applications. The first step is a land use decision. The second step is a policy decision by the City Council to determine if the annexation should be approved. The Step 1 and Step 2 decisions can occur at the same meeting. An annexation to the City shall not be effective unless it is approved by the City Council at its discretion and by Metro pursuant to its authority regarding annexations within its boundaries.

(2) The procedures and standards established in this chapter are required for review of proposed annexations in order to:

- (a) Provide adequate public notice, information and sufficient time for public review before annexation hearings and elections;**
- (b) Maximize citizen involvement in the annexation review process; and**
- (c) Provide information to the public concerning the physical, environmental, financial and related social effects of annexation.**

Applicant's Finding: The Applicant acknowledges the City's Annexation Review Procedure as a two-step process.

The requirements of this section have been satisfied.

2.920 Conditions for Annexation -Step 1: Land Use Decision.

When an annexation application has been properly initiated pursuant to ORS 222.111, 222.125, 222.170, or 222.840, Step 1 shall include review of the land use aspect of the petition pursuant to Community Development Code Chapter 81. If the application receives Council approval through the Step 1 process, the Council shall proceed to Step 2. A determination that the application meets the land use requirements does not obligate the City to approve the annexation application.

Applicant's Finding:

Oregon Revised Statutes (ORS) Section 222.111(2) allows initiation of an annexation proposal “by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.”. This annexation is proposed by the owners of real property. Further, the requirements of the ORS for initiation of the annexation process have been adopted into the City of West Linn Municipal Code and have been followed in this application.

Review of the annexation pursuant to Community Development Code Section 81 is included in this narrative. The subject site is located within the Urban Growth Boundary (UGB). The subject site has been assigned the City Comprehensive Plan Map designation of Medium High Density Residential. The subject site is contiguous to the existing City limits directly.

The requirements of this section have been satisfied.

2.930 Step 2: Policy Decision.

(1) Step 2 of the annexation process is a policy decision and shall follow the steps in the subsections below.

(2) If the annexation is approved in the Step 1 process, the Planning Director shall prepare a report which includes the following information:

(a) General information on the property or properties, including but not limited to location, size, access to infrastructure, recommended zone, protected resource areas and infrastructure status;

(b) Impact on the school district, including but not limited to impacted schools, taxes, and anticipated number of additional students;

(c) Cost to City of infrastructure that is not funded by SDCs; and

(d) Tax implications for the City.

As part of the Step 1 process, the applicant shall provide to the Planning Director the information required above at the applicant's cost.

Applicant's Finding:

This narrative and the supporting documents submitted with the annexation request include general information on the property, as identified above.

The West Linn-Wilsonville School District Long Range Plan of 2014 identifies student yield factors for single-family detached housing units of 0.10 for K-5, 0.05 or 6-8 and 0.06 for 9-12. This means that development of this property with approximately 40 units could yield approximately 4 elementary students, 2 middle school students and 2 high school students. The anticipated 8 students that may enter the school district from these homes will have a negligible effect on the existing schools. The enrollment forecasts for all

schools in the district includes build-out of properties in the Urban Growth Boundary, such as this one.

The implementation of new capital facilities for schools is funded through municipal bonds. Bonds are prepared based upon estimates of the build-out needs for facilities using the potential for development within the City's Urban Growth Boundary. As new homes are added to the tax base through the conversion of rural lands to urban developments, the larger debt service associated with school bonds is spread across a larger tax base. The tax rates associated with voter-approved debt may drop as a result of the introduction of new homes within the service area. As such, additional students are anticipated will not cause significant impact to the school district. The annexation may have a positive effect on the tax roles for existing debt service associated with current school bonds.

All infrastructure needed to support development of this site will be installed with future construction as paid for by the developer. Any off-site infrastructure needs (parks, etc) will be funded through SDCs. There is no anticipated additional cost to the City for infrastructure that is not funded by SDCs.

The City will collect property taxes from the owners of the site once annexed to the City and from the subsequent owners of any new units built on the property if the property is further developed. The annexation of the subject property closes a gap in the City's boundary and provides for an orderly and well-considered City planning, maintenance, and jurisdictional boundary.

The requirements of this section have been satisfied.

(3) Following delivery of the report and consideration of the report by the City Council at a public meeting, the Council may, in its discretion, decide to set a public hearing for the annexation request, delay a public hearing on the requested annexation or pass a resolution placing the annexation request on a ballot for an advisory vote, at any election. At the public meeting, any person may appear and be heard on the questions of whether the annexation should proceed and whether the request should be placed on the ballot for an advisory vote.

(4) If City Council decides to proceed to a public hearing on the requested annexation without an advisory vote, a public hearing will be scheduled. Notice of the Step 2 public hearing shall be published in accordance with State law and the Metro Code.

Applicant's Finding: The Applicant understands the annexation request will be processed by the City in accordance with State law.

The requirements of this section have been satisfied.

(5) The City Council may approve an annexation request if it finds that the annexation is in the best interest of the City based on the report prepared by the Planning Director; testimony and evidence presented at the public hearing; and any other information, evidence, or analysis the City or the Council deems relevant to the application.

(6) The City Council may deny an annexation acting in its legislative capacity even after it has approved the annexation application through the Step 1 process. A decision to deny an annexation in Step 2 shall be specifically stated in the record and noted as a legislative act separate and apart from the land use decision in Step 1.

Applicant's Finding: The Applicant acknowledges the City Council's decision-making process regarding annexation requests.

The requirements of this section have been satisfied.

West Linn's Comprehensive Plan

The following Goals and Policies within the City of West Linn's Comprehensive Plan are applicable and provide guidance regarding the annexation of properties into the City. The City's Comprehensive Plan provides a series of over-arching guidance for growth and development within the City. Structured as a goal setting and policy document, the guidance provided by the Comprehensive plan is meant to inform decisions and create a framework for the Community Development Code, which implements the visions, goals, and policies of the Plan.

GOAL 2 LAND USE PLANNING

Applicant's Finding: The City's Comprehensive Plan addresses the need for new lands to be annexed into the City in order to accommodate growth within the City and within the overall region.

The Plan calls for medium high density residential lands to be located in areas with access to appropriate public facilities including, sewer, water, and drainage. The Plan also calls for the placement of medium high density residential in areas better suited for higher intensity uses and don't have development limitations such as topography or natural resources. The Plan calls for the implementation of measures to ensure connectivity, limitations on residential densities, a coordinated approach to development review and transportation management, and the preservation of environmentally sensitive open spaces.

Within Section five, the Plan also calls for intergovernmental coordination and cooperation to ensure a mutually beneficial relationship with adjoining and regional partners in governance.

As part of this goal, the site falls within an area which has been zoned by Clackamas County as a Future Urban residential property, preventing any intensification within the County until the property is annexed into the City. Services to the site are also restricted through the City's Community Development and Municipal codes, which only allow access to services following annexation.

The proposed annexation of this property into the City is consistent with the goals and policies of the City's Land Use Planning components of the plans because, annexation for the provision of urban services has been coordinated with Clackamas County, Metro and the applicable utility and service providers within the site's vicinity. Further, the Comprehensive plan has contemplated the most appropriate land use designation for this area and recommends a medium high density residential designation. The City's Transportation plans and master utility service plans have been designed to allow for this property to either connect to the existing system with ease or to allow for future development which will not affect the provider's ability to provide service within the City.

The proposed annexation is consistent with the Comprehensive Plans Goals and Policies.

GOAL 11 PUBLIC FACILITIES AND SERVICES

Applicant's Finding:

The City's Comprehensive Plan requires that essential public facilities be in place before new development occurs and that development encourages the provision of other public facilities and services. The Plan states that the City's first priority is to maintain existing services and infrastructure in all areas within the City's existing limits.

The Plan prioritizes the cooperation and coordination between public service agencies to maximize the orderly and efficient provision of services and system development. The Plan also indicates that the City must provide for the conversion of land within the City limits to urban uses by providing urban levels of public facilities and services.

The subject property is a rural island within the City of West Linn and therefore, each of the City's master plans for transportation, water, stormwater, and

sewer have considered the development potential of this property as these plans have been established. There are sanitary and storm lines running right to the edges of the site and a water main running along the west and south edges of the site.

As this property has been considered in the City's long-range planning efforts for the provision of utilities and urban services, annexation of the property and the eventual connection to the City's urban service lines maximizes the efficiency and effect of the City's long-range planning efforts.

The proposed annexation is consistent with the Comprehensive Plans Goals and Policies.

GOAL 14 URBANIZATION

**Applicant's
Finding:**

The Urbanization Goals of the City's Comprehensive Plan prioritize development within the City's Existing Urban Growth Boundary (UGB). The UGB is administered by the Metropolitan Regional Government and is part of a Statewide land use planning program used to manage growth, control sprawl, and protect resource lands.

The subject property is located within the City's UGB and has been accounted for within the City's acknowledged buildable lands inventory and utility master plans. The Comprehensive Plan identifies several policies which are implemented by the City's codes which assure compliance with Metro's Functional Plan while requiring the annexations into the City are well considered and do not detract from the City's ability to provide services to existing residents.

The proposed annexation of this site is consistent with the urbanization goals listed within the City's Comprehensive Plan. The site's annexation will not require the expansion of the Urban Growth Boundary and it will not require any significant planning for the extension of utilities. The City's master utility service plans have all contemplated the potential impacts associated with any future development on this site at the levels anticipated within the City's buildable lands inventory. Any upgrades to the surrounding infrastructure network which are required to allow for the future development of this property can be adjusted and paid for by future applicants, creating no burden on existing residents within the City's Service districts and urban service area.

The proposed annexation is consistent with the Comprehensive Plans Goals and Policies.

Metro Code

3.09.040 Requirements for Petitions

A. A petition for a boundary change must contain the following information:

- 1. The jurisdiction of the reviewing entity to act on the petition;**
- 2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;**
- 3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and**
- 4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.**

Applicant's Finding: The submittal for annexation includes all required information and documentation.

The requirements of this section have been satisfied.

B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

Applicant's Finding: The Applicant acknowledges the right of the City, County and Metro to charge fees to recover reasonable costs to review the annexation application.

The requirements of this section have been satisfied.

3.09.045 Expedited Decisions

A. The governing body of a city or Metro may use the process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.

Applicant's Finding: This proposal includes consent of one hundred percent of property owners and electors within the affected territory.

The requirements of this section have been satisfied.

B. The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.

Applicant's Finding: The Applicant acknowledges the 20-day notice period.
The requirements of this section have been satisfied.

C. At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:

- 1. The extent to which urban services are available to serve the affected territory, including any extra-territorial extensions of service;**
- 2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and**
- 3. The proposed effective date of the boundary change.**

Applicant's Finding: The Applicant acknowledges the City or Metro staff report requirements.
The requirements of this section have been satisfied.

D. To approve a boundary change through an expedited process, the city shall:

- 1. Find that the change is consistent with expressly applicable provisions in:**
 - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;**

Applicant's Finding: The City does not have any urban service provider agreements on this property and, therefore, this standard does not apply.

The requirements of this section have been satisfied.

b. Any applicable annexation plan adopted pursuant to ORS 195.205;

Applicant's Finding: There is no applicable annexation plan adopted pursuant to the ORS and, therefore, this standard does not apply.

The requirements of this section have been satisfied.

c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;

Applicant's Finding: There are no applicable cooperative planning agreements affecting this property and, therefore, this standard is not applicable.

The requirements of this section have been satisfied.

d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Applicant's Finding: All current public facility plans include UGB areas. This property has been within the UGB for a length of time adequate to be addressed on the plans.

The requirements of this section have been satisfied.

e. Any applicable comprehensive plan;

Applicant's Finding: The City of West Linn Comprehensive Plan indicates a Medium High Density designation for this property. The proposed zoning fits within this designation.

The requirements of this section have been satisfied.

f. Any applicable concept plan; and

Applicant's Finding: There is no applicable concept plan that includes this area and, therefore, this standard is not applicable.

The requirements of this section have been satisfied.

2. Consider whether the boundary change would:

a. Promote the timely, orderly and economic provision of public facilities and services;

Applicant's Finding: The proposed annexation promotes the requirements of this criterion. The City's facilities master plans include the subject parcel and provide all services to this site; thus the boundary change will allow development in a timely, orderly and economic manner. The development of this parcel will accompany other residential development in the area and provide more living opportunities for residents in the City of West Linn.

The requirements of this section have been satisfied.

b. Affect the quality and quantity of urban services; and

Applicant's Finding: The urban services that will serve this property are of adequate quality and contain adequate quantity to serve the site with no detrimental effects.

The requirements of this section have been satisfied.

c. Eliminate or avoid unnecessary duplication of facilities or services.

Applicant's Finding: No duplication of facilities of services is proposed or anticipated.

The requirements of this section have been satisfied.

E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

Applicant's Finding: This territory proposed for annexation lies entirely within the UGB.

The requirements of this section have been satisfied.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests that the City Council approve the Annexation proposal and assign an R-3 zoning designation for the property.

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
May 17, 2018

SUBJECT: Application for annexation including zone assignment for a 3.75 acre property owned by David Hardy at 22915 Weatherhill Road

FILE: PA-18-15

ATTENDEES: Applicants: Tim Hazen
Staff: Peter Spir (Planning)

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

SITE INFORMATION:

Site Address: 22915 Weatherhill Road (21E35B tax lot 101)
Site Area: 3.75
Neighborhood: Savanna Oaks
Comp. Plan: Medium High Density Residential (West Linn)
Zoning: Current zoning in Clackamas County: Future Urban 10 acre minimum
Applicable code: Community Development Code (CDC) Chapter 81: Boundary Changes
CDC Chapter 105: Amendments to the Code and Map
Municipal Code Chapter 2.915: Annexations
Metro Code Chapter 3.09 Local Boundary Changes (Expedited Decision)
See also Tri-City Service District
http://www.clackamas.us/wes/documents/tri_city_annexation_packet.pdf

PROJECT DETAILS: The property is an unincorporated "island" located 340 feet inside the city limits and UGB. The applicant proposes to annex the property to the City with an R-3 zoning designation. An R-3 designation would be compatible with the existing "Medium High Density Residential" comprehensive plan designation and surrounding properties. The property is serviceable by city utilities. No development is proposed at this time; however, the applicant represents the owners of the Tanner Springs Assisted Living Facility on the property to the east and anticipate a similar facility on this property.

Annexations go through a two-step hearing process. Step one is a land use decision. The Council determines whether the proposed annexation is consistent with the intent of the West Linn Comprehensive Plan and CDC Chapter 81. The Council will assign a zone for the property. At the conclusion of step one, the Council may, in its discretion, may: 1) decide to set a public hearing for the annexation request (step two), 2) delay a public hearing on the requested annexation or 3) pass a resolution placing the annexation request on a ballot for an advisory vote. (If an advisory vote is to be held, it would likely be at the November 2018 election date, unless the applicant pays for a special election.)

Step two review for annexation proposals is a legislative or policy decision that applies the standards of WLMC 2.930. (In the response, the applicant should quantify, to the degree possible, the cost of annexation.) Both Step 1 and Step 2 can occur on the same night.

There are concurrent requirements to annex to the Tri-City Service District and to withdraw from the Clackamas County Enhanced Law Enforcement District. Those take place after the City has approved the annexation.

Engineering/TVFR Comments: Contact Erich Lais at elais@westlinnoregon.gov for Engineering comments and Ty Darby at tdarby@tvfr.com for TVFR comments.

PROCESS: Submit completed application form and provide responses to approval criteria of CDC 81.040 and 81.050; and 81.055; West Linn Municipal Code 2.915 to 2.930; and Metro Code 3.09.040 and 3.09.045 (Expedited Decisions). (Regarding Municipal Code approval criteria 2.930(2) (b) please contact Tim Woodley, Director, Department of Operations, WLWV School District at Woodleyt@wlwv.k12.or.us) The application will also include completed "Annexation Petition" form, "Certification of Property Ownership" form and "Certification of Legal Description and Map" per Oregon Department of Revenue (DOR) specifications. <http://www.oregon.gov/DOR/programs/property/Pages/boundary-change.aspx>. See also http://www.oregon.gov/DOR/forms/FormsPubs/boundary-change_504-405.pdf . These forms and maps shall be signed and stamped by Clackamas County Tax and Assessment Department. Annexation to the Tri-City Service District requires responding to the submittal requirements as explained in the WES publication. Approval by the Clackamas County Board of Commissioners is required. Contact Erik Carr, Development Review Specialist, Clackamas County - Water Environment Services (503-742-4571) ECarr@co.clackamas.or.us. The application should also declare the intent to withdraw from the Clackamas County Enhanced Law Enforcement District. The City of West Linn's fee for an annexation is \$15,000 plus \$1,000 for every acre up to \$20,000 (excluding any applicable election costs, County/Tri-City (\$895 per WES handout), Metro (\$300 per Metro website), DOR, etc. fees which are the responsibility of the applicant). Please verify all fee amounts at the time of application.

For the zone assignment, respond to CDC 105.050 requirements. Because this a zone assignment and not a change of city zones, the requirements of Oregon Administrative Rule (OAR) 660-012-0060 including a Traffic Impact Analysis (TIA) per 105.050(D) (3) do not apply. At such time that a land development application is made, a TIA may be required. No neighborhood meeting, per CDC 99.038, is required. Once the submittal is deemed complete, staff will provide notice per CDC Chapter 99 and ORS and schedule a public hearing with the City Council. (The 120-day rule does not apply to legislative action.)

Typical land use applications can take 6-12 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes are not intended as minutes of the meeting. These notes do not constitute an endorsement of the proposed application **or provide any assurance of potential outcomes**. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. **A new pre-application conference would have to be scheduled after 18 months and these notes would no longer be valid. Any changes to the CDC standards may require a different design or submittal.**

CITY OF WEST LINN

CERTIFICATION OF PROPERTY OWNERSHIP

I hereby certify that the attached petition for annexation of the territory described herein to the City of West Linn contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.



NAME TERRY DONOVAN
TITLE GIS CARTOGRAPHER 2
DEPARTMENT ASSESSMENT AND TAX
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 10/4/18

* "Owner" means the owner of the title to real property or the contract purchaser of real property.

* * * * *

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition for annexation of territory described herein to the City of West Linn contains the names of at least a majority of the electors registered in the territory to be annexed.



NAME Jennifer Wessels
TITLE Deputy Clerk
DEPARTMENT Elections
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 10-4-18

CITY OF WEST LINN

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

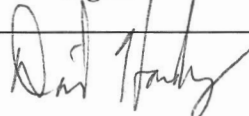
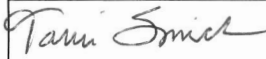
I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 251E3SB) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME TERRY DONOVAN
TITLE GIS CARTOGRAPHER 2
DEPARTMENT ASSESSMENT AND TAX
CLACKAMAS COUNTY ASSESSOR'S OFFICE
DATE 10/4/18



To the Council of the City of West Linn, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location and give consent to, annexation of said property to the City of West Linn. We understand that the City will review this request in accordance with ORS Chapter 222, and applicable regional and local policies prior to approving or denying the request for annexation.

Signature	Printed Name	I am a			Address	Property Description				Date
		PO	RV	OV		Township/ Section	Map	Tax Lot	Precinct	
	David Hardy	X			22915 S Weatherhill Road, West Linn, OR, 97068	2s1e	35b	00101	320	9/27/18
	Tami Smick		X		22915 S Weatherhill Road, West Linn, OR, 97068	2s1e	35b	00101	320	9/27/18

- PO Property Owner
- RV Registered Voter
- OV Property Owner & Registered Voter

A legal description of the property must be submitted with this petition

Initial _____

SECTION 1: LEGAL DESCRIPTION OF PROPERTY TO BE ANNEXED

A TRACT OF LAND SITUATED IN LOT 9, "BLAND ACRES", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON, SAID TRACT BEING LOCATED IN THE NORTH 1/2 OF SECTION 35 AND THE SOUTH 1/2 OF SECTION 26, TOWNSHIP 2 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF THE AFOREMENTIONED LOT 9, "BLAND ACRES" WITH THE EAST RIGHT OF WAY LINE OF WEATHERHILL ROAD (SAID BEGINNING POINT IS FURTHER DESCRIBED AS BEING LOCATED SOUTH 89°05'55" EAST 15.36 FEET FROM THE NORTHWEST CORNER OF SAID LOT 9); THENCE ALONG THE NORTH LINE OF SAID LOT 9 SOUTH 89°05'55" EAST 421.05 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO WILLIAM M. HARDY AND ETHEL N. HARDY, RECORDED AS DOCUMENT NUMBER 72-31847, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG THE EAST LINE OF SAID HARDY TRACT SOUTH 00°54'05" WEST 520.68 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF THE AFOREMENTIONED WEATHERHILL ROAD; THENCE ALONG SAID RIGHT OF WAY LINE (BEING PARALLEL WITH AND 15.00 FEET FROM THE CENTERLINE OF WEATHERHILL ROAD WHEN MEASURED IN A DIRECTION PERPENDICULAR THERETO) NORTH 62°01'43" WEST 388.25 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE NORTH 11°27'07" WEST 352.15 FEET TO THE POINT OF BEGINNING.



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

**OREGON
JULY 14, 1978
DON DEVLAEINCK
1634**

DATE OF SIGNATURE: 9/19/18
EXPIRES 12/31/2019

POINT OF BEGINNING

INTERSECTION OF NORTH LINE OF LOT 9, "BLAND ACRES" WITH THE EAST RIGHT OF WAY LINE OF WEATHERHILL ROAD

TAX LOT 1002
MAP 2-1E-26D

LOT 5, "BLAND ACRES"

NORTHEAST CORNER OF TRACT DESCRIBED IN DEED TO WILLIAM M. HARDY AND ETHEL N. HARDY BY DEED RECORDED AS DOCUMENT NO. 72-31847

NORTHWEST CORNER OF LOT 9, "BLAND ACRES"

S89°05'55"E
15.36'

S89°05'55"E 421.05'

NORTH LINE OF LOT 9,
"BLAND ACRES"

TAX LOT 101
MAP 2-1E-35B
DOCUMENT NO. 2013-068372

N112°10'7"W
352.15'

S00°54'05"W 520.68'

TAX LOT 100
MAP 2-1E-35B

EAST LINE OF TRACT DESCRIBED IN DEED TO WILLIAM M. HARDY AND ETHEL N. HARDY BY DEED RECORDED AS DOCUMENT NO. 72-31847

N62°01'43"W 388.25'

WEATHERHILL ROAD
(FORMERLY BLAND CIRCLE)
(CO. RD. NO. 1637)

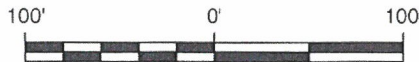
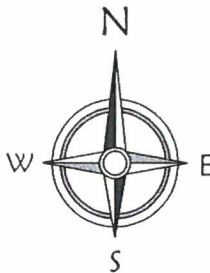
15'
30'



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAE MINCK
1634

DATE OF SIGNATURE: 9/19/18
EXPIRES 12/31/2019



Scale: 1" = 100'

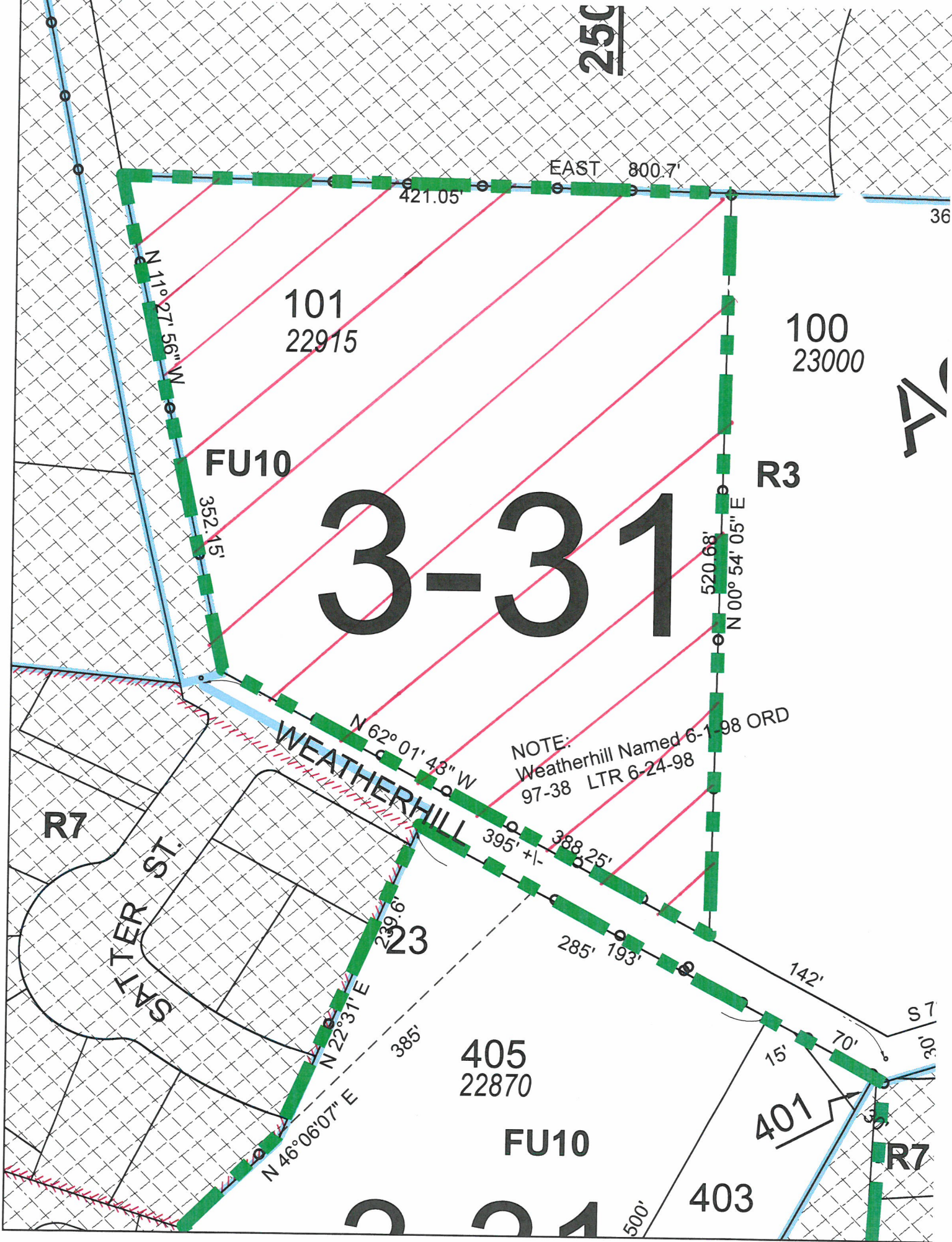
ANNEXATION EXHIBIT MAP

8118 Exh.dwg

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

LOCATED IN THE NORTH 1/2 OF SECTION 35 AND THE SOUTH 1/2 OF SECTION 26, T.2S., R.1E., W.M., CLACKAMAS COUNTY, OREGON

3-31



1972

KNOW ALL MEN BY THESE PRESENTS, That ... Clement F. Sparks and Joyce A. Sparks, husband and wife.

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by ... William M. Hardy and Ethel N. Hardy, husband and wife.

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas, and State of Oregon, described as follows, to-wit:

Westerly four acres of Lot 9 Bland Acres, Bland Circle, West Linn, Oregon A tract of land situated in Section 35, T28 R1E of the WM and being a part of Lot 9, Bland Acres, being more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Lot 9, Bland Acres, which northwest corner is in the center line of a 30.00 foot roadway. From said place of beginning, thence East along the Northerly line of said Lot 9, 137.00 feet; thence leaving said Northerly line, South 537.50 feet to the intersection of the center line of said 30.00 foot roadway; thence North 62° 58' West along said center line (Flat North 63° 02' West) 102.96 feet to an iron pipe; thence North 12° 27' West along said center line, 361.80 feet to the place of beginning, in the County of Clackamas and State of Oregon

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$12,000.00

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 18th day of October, 1972.

Clement F. Sparks
Joyce A. Sparks

STATE OF OREGON, County of Clackamas, ss. October 18, 1972. Personally appeared the above named

and acknowledged the foregoing instrument to be their voluntary act and deed.



Before me: Mr. Zimmerman, Notary Public for Oregon, My commission expires 3-23-75

WARRANTY DEED
Clement F. & Joyce A. Sparks, husband and wife
TO
William M. & Ethel N. Hardy, husband and wife
AFTER RECORDING RETURN TO
Wm M. Hardy,
6020 SW Harrington
Lake Grove, Oregon
STATE OF OREGON, County of Clackamas.
I, George D. Payne, Esq., Notary Public for Oregon, do hereby certify that the within and foregoing instrument was recorded for and recorded in the records of
OCT 18 PM 2:44 County of Clackamas
RECORDED
RECORDS OF CLACKAMAS COUNTY, OREGON
George D. Payne, Notary Public

72 31847

26
10
36

3P



After recording return to:
Sequoia Heights Capital Partners, LLC
1101 Fifth Avenue, Suite 300
San Rafael, CA 94901

Until a change is requested all tax statements
shall be sent to the following address:
Sequoia Heights Capital Partners, LLC
1101 Fifth Avenue, Suite 300
San Rafael, CA 94901

File No.: 7085-1088732 (SH)
Date: May 05, 2008

NCS-308960

FATCO

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2008-034572



\$41.00

01213971200800345720030037

05/12/2008 11:30:18 AM

D-D Cnt=1 Stn=10 JANISKEL
\$15.00 \$16.00 \$10.00

STATUTORY WARRANTY DEED

West Linn Senior Living, LLC, an Oregon limited liability company, Grantor, conveys and warrants to Sequoia Heights Capital Partners, LLC, a California limited liability company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$9,400,000.00**. (Here comply with requirements of ORS 93.030)

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, OF CHAPTER 424, OREGON LAWS 2007. 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, OF CHAPTER 424, OREGON LAWS 2007.

Dated this ~~28~~^{29th} day of May, 2008.

West Linn Senior Living, LLC, an Oregon
limited liability company

By: Jon M. Harder, Manager

STATE OF Oregon)
) ss.
County of Marion)

This instrument was acknowledged before me on this 7th day of May, 2008
by Jon M. Harder as Manager of West Linn Senior Living, LLC, on behalf of the limited liability company.

Sarah A. Bruck



Notary Public for Oregon
My commission expires: 10-12-09

2

Exhibit "A"

Real property in the County of Clackamas , State of Oregon, described as follows:

PART OF LOT 9, BLAND ACRES (PLAT PAGE 304), IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 9;
THENCE WEST ALONG THE NORTH LOT LINE 363.7 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO WILLIAM M. HARDY, ET UX, RECORDED OCTOBER 18, 1972 AS FEE NO. 72-31847, FILM RECORDS;
THENCE SOUTH ALONG THE EAST LINE OF SAID HARDY TRACT 537.50 FEET TO THE CENTERLINE OF A 30.00 FOOT ROADWAY;
THENCE SOUTH 63°02' EAST ALONG SAID CENTERLINE 142.04 FEET, MORE OR LESS, TO AN IRON PIPE;
THENCE NORTH 71°48' EAST ALONG THE CENTERLINE OF SAID ROAD A DISTANCE OF 235.00 FEET TO AN IRON PIPE;
THENCE NORTH 1°26' EAST ALONG THE EASTERLY LINE OF LOT 9, A DISTANCE OF 530.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF THE PROPERTY LYING WITHIN WEATHERHILL ROAD.

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

3

PERSONAL REPRESENTATIVE'S DEED

DAVID L. HARDY, Personal Representative of the Estate of WILLIAM M. HARDY,

Grantor

Clackamas County Official Records
Sherry Hall, County Clerk

2013-068372

DAVID L. HARDY

Grantee



\$53.00

After recording return to:

Pamela Pariani, Attorney at Law
11820 SW King James Place, #50
King City, OR 97224

D-D Cnt=1 Stn=1 JANIS
\$10.00 \$10.00 \$16.00 \$17.00

09/30/2013 11:42:25 AM

Until a change is requested, all tax statements shall be sent to the following address:

David L. Hardy
22915 S. Weatherhill Road
West Linn, Oregon 97068

PERSONAL REPRESENTATIVE'S DEED

DAVID L. HARDY, the duly appointed, qualified and acting Personal Representative of the Estate of WILLIAM M. HARDY, deceased, Clackamas County, Oregon, Circuit Court Case No. P1302017, Grantor, conveys to DAVID L. HARDY, Grantee, the decedent's interest in that real property situated in Clackamas County, State of Oregon, described as:

Street Address: 22915 S. Weatherhill Road, West Linn, Oregon 97068

Legal Description: Westerly four acres of Lot 9 Bland Acres, Bland Circle, West Linn, Oregon. A tract of land situated in Section 35, T2S R1E of the WH and being part of Lot 9, Bland Acres, being more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Lot 9, Bland Acres, which northwest corner is in the center line of a 30.00 foot roadway. From said place of beginning, thence East along the Northerly line of said Lot 9, 437.00 feet; thence leaving said Northerly line, South 537.50 feet to the intersection of the center line of said 30.00 foot roadway; thence North 62°58' West along said center line (Plat North 63° 02' West) 402.96 feet to an iron pipe; thence North 12° 27' West along said center line, 364.80 feet to the place of beginning, in the County of Clackamas and State of Oregon.

Parcel No.: 00405350

THE TRUE AND ACTUAL CONSIDERATION for this conveyance is \$0.00. This is a distribution of an estate for purposes of inheritance.

DATED this 27th day of September, 2013.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Personal Representative's Deed – 22915 S. Weatherhill Road, West Linn, OR 97068

DAVID L. HARDY – Personal Representative of the William M. Hardy Estate

Page 1 of 2

David L. Hardy

David L. Hardy, Personal Representative of the Estate of William M. Hardy, Deceased

STATE OF OREGON)
) ss
County of Washington)

Personally appeared David L. Hardy, Personal Representative of the Estate of William M. Hardy, and acknowledged the foregoing instrument to be his voluntary act and deed on September 27th, 2013.

Courtney K Rocha

Notary Public for Oregon



Personal Representative's Deed - 22915 S. Weatherhill Road, West Linn, OR 97068
DAVID L. HARDY - Personal Representative of the William M. Hardy Estate
Page 2 of 2

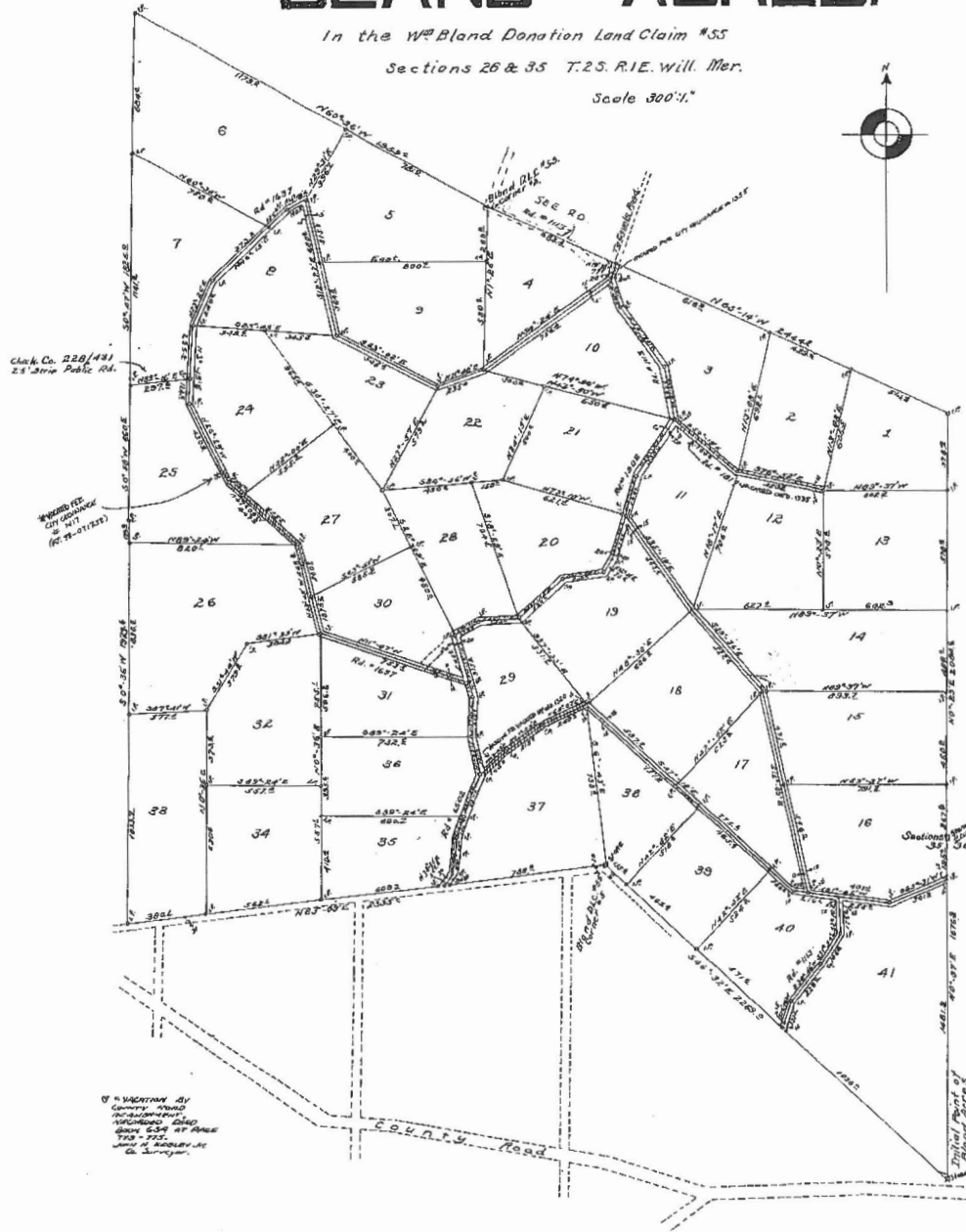
2

BLAND ACRES.

In the Wth Bland Donation Land Claim #55

Sections 26 & 35 T.2S. R.1E. Will. Mer.

Scale 300' = 1"



Clark Co. 220/441
2d June Public Ad.

WARRANT FOR
CITY CHAIRMAN
NOV 17 1891

OF VACATION BY
COUNTY BOARD
RESOLUTION
APPROVED 20th
JANUARY 1899 AT 10:00
A.M. T.2S. R.1E.
SOUTH OF BLAND ACRES
CL. SURVEYOR



DEDICATION

Know All Men By These Presents, that The Oregon Iron & Steel Company of Portland, Oregon, a private corporation incorporated and existing under and by virtue of the laws of the State of Oregon, do hereby certify that it is the owner in fee simple of the land described on the accompanying map and plat and it does hereby acknowledge and declare said map and plat to be the map and plat of Bland Acres showing the lots numbered from 1 to 41 inclusive.

That the description of said property is more particularly described in the certificate of Henry A. Ayres Engineer hereto attached and The Oregon Iron & Steel Company, of Portland, Oregon, a corporation, does hereby dedicate to the public to be used as public thoroughfares and highways, the roads as described and laid out thereon.

In Testimony Whereof The Oregon Iron & Steel Company, of Portland Oregon, pursuant to a resolution of its Board of Directors duly and regularly passed has caused these presents to be signed by its President and its Secretary, and its corporate seal to be hereunto affixed this 5th day of July AD 1911. Executed in presence of The Oregon Iron & Steel Company.

By W. M. Ladd President
By C. P. Woodworth Secretary
The Oregon Iron & Steel Company



State of Oregon } ss.
County of Multnomah }

This certifies that on this 5th day of July A.D. 1911, before me the undersigned a Notary Public in and for the said County and State personally appeared William M. Ladd and A.S. Paltullo President and Secretary respectively of The Oregon Iron & Steel Company, of Portland, Oregon, whose names are subscribed to the foregoing instrument, both personally known to me to be the individuals named and described in and who executed said instrument and acknowledged said instrument to be the free act and deed of said corporation, and the said William M. Ladd, being duly sworn did say that he is President of said corporation and the said A.S. Paltullo, being first duly sworn did say that he is the Secretary of said corporation and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal the day and year first in this my certificate written



CERTIFICATE.

State of Oregon } ss.
County of Multnomah }
I, Henry A. Ayres, being first duly sworn do depose and say that I have correctly surveyed the land represented on the annexed map or plat of Bland Acres in Sections 26 and 35 T.2S. R.1E. W.M. in the County of Clackamas State of Oregon, that I have marked with proper monuments the land as represented, that I have started from a proper monument to wit-

A stone with a cross on top which is 20" x 20" x 16" set six (6) inches below the surface of the ground indicating the Initial Point of said survey, the location of said Initial Point to be described as follows. Said Initial Point being the intersection of the southerly line of the Wth Bland D.L.C. #55 which bears S 46° 32' E and the line between Sections 35 and 36 T.2S. R.1E. W.M. and said Initial Point being more particularly described as being 2263 feet on the line of the Wth Bland D.L.C. #55 on a course S 46° 32' E from Corner #5 of said Wth Bland D.L.C. #55.

The tract platted being described as follows. Commencing at the aforesaid Initial Point thence N 0° 07' E along the section line between said Sections 35 and 36 1676.3 feet to the 1/2 Section corner between said sections 35 and 36, said 1/2 corner being marked by a stone with a cross and 1/4 marked on top and 20" x 16" x 16" in size, thence N 0° 28' E along said section line between said sections 35 and 36 2084.6 feet to an iron pipe 1 1/2" in diam, said iron pipe being the intersection of line between said sections 35 and 36 and line which bears N 65° 14' W of the Wth Bland D.L.C. #55, thence N 65° 14' W 2444.8 feet to an iron pipe 3/4" diam being corner #2 Wth Bland D.L.C. #55, thence N 60° 36' W 1935.0 feet to an iron pipe 1 1/2" in diam, thence S 0° 47' W 1825.0 feet to an iron pipe 3/4" in diam, thence S 0° 36' W 1976 feet to an iron pipe, thence N 53° 00' E along the line of said Wth Bland D.L.C. #55 2035.0 feet to a stone 20" x 24" x 20" with a cross on top being corner #5 of said Wth Bland D.L.C. #55, thence S 46° 32' E along line of said Wth Bland D.L.C. #55 2263.0 feet to the point of beginning.

Subscribed and sworn to before me this 25th day of June AD 1911.
Notary Public in and for the State of Oregon.



- Approved July 6th 1911.
W. B. Beattie County Judge
- W. M. Ladd County Commissioner
- A. S. Paltullo County Commissioner
- Approved July 6th 1911.
J. C. Jacob Assessor
- A. G. F. Johnson Deputy Assessor
- Approved July 6th 1911.
S. L. D. Hinggate Dep. County Surveyor
- Attest: W. C. Hurlong County Clerk.

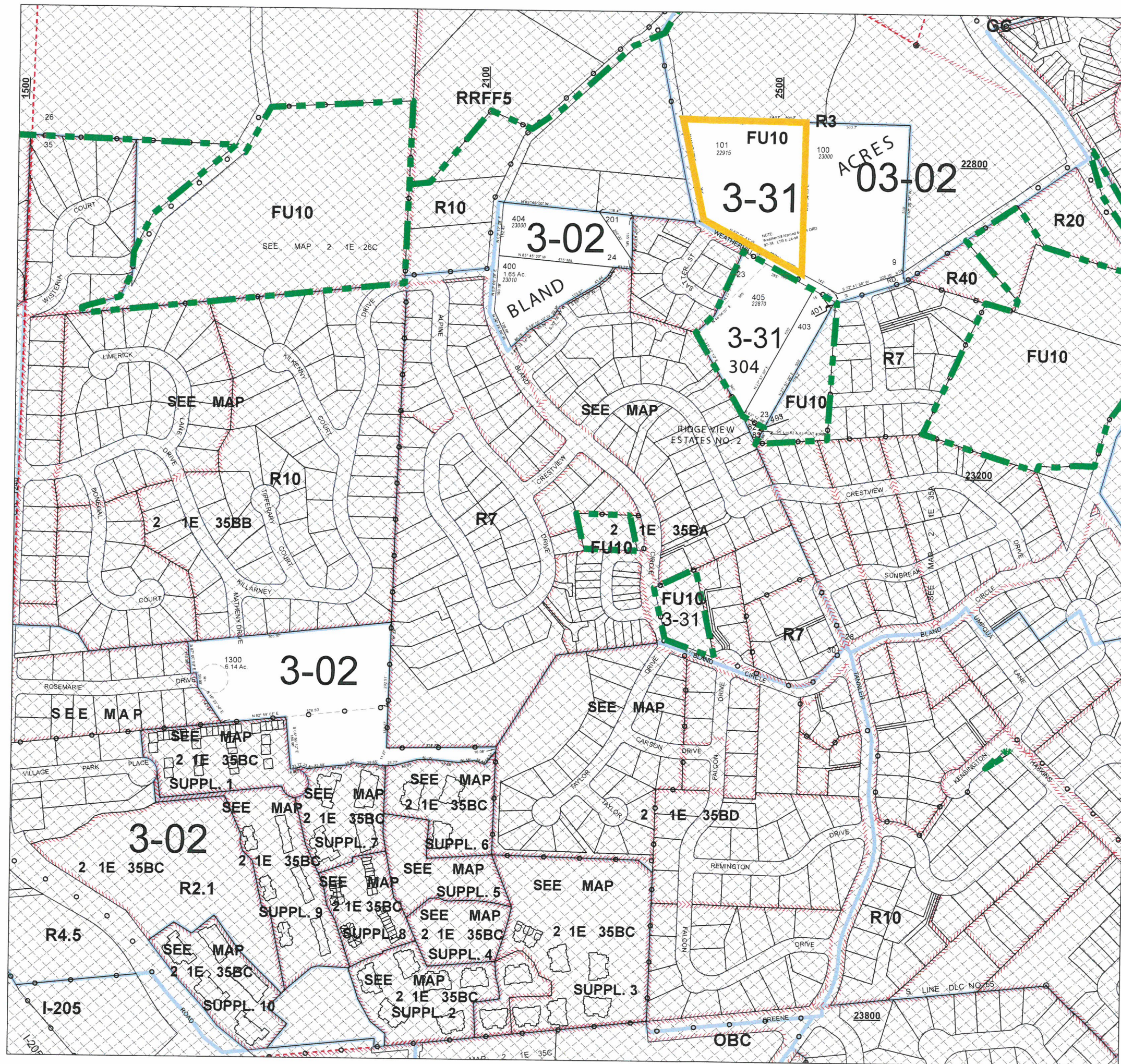
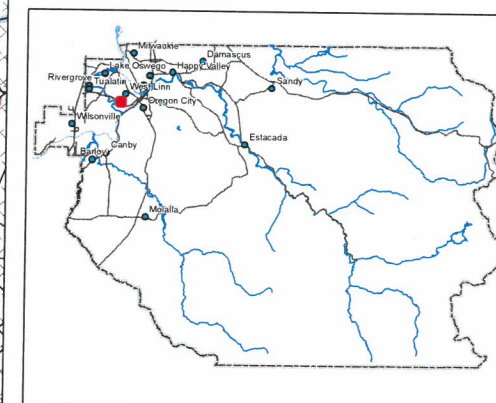
N.W.1/4 SEC.35 T.2S. R.1E. W.M.
CLACKAMAS COUNTY
1" = 200'

DLC
WILLIAM BLAND NO. 55

Cancelled Taxlots

- 1800 thru 1605
- 1900 thru 1910
- 200
- 2000 thru 2016
- 2100 thru 2103
- 2200 thru 2400
- 2109
- 300
- 1100
- 1000
- 1001
- 600
- 1400
- 406
- 407
- 1500 thru 1504
- 1600 thru 1701
- 1501
- 902
- 903
- 505
- 503
- 700
- 701
- 702
- 800
- 900
- 901
- 1201
- 301
- 2300
- 502
- 402
- 500
- 501
- 504

- Subject Parcel
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY