



CITY OF
West Linn

PLANNING MANAGER DECISION

DATE: February 27, 2024

FILE NO.: LLA-23-02 & 03

REQUEST: Property Line Adjustments between tax lots 1700, 1900, and 2200 of Clackamas County Tax Map 22E30DC

PLANNER: John Floyd, Senior Planner

DSW Planning Manager

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GENERAL INFORMATION

OWNERS: Sands LLC
1470 SW Myrtle Dr.
Portland OR 97201

APPLICANT: Greg Nitta
1470 SW Myrtle Dr.
Portland OR 97201

SITE LOCATION: 5007 and 5023 Territorial Drive, and unaddressed Clackamas County tax lot 22E30DC02200

LEGAL DESCRIPTION: Tax lot 22E30DC01700 / Doc No. 2021-043944
Tax lot 22E30DC01900 / Doc. No. 2019-011354
Tax Lot 22E30DC02200 / Doc. No. 2019-011354

EXISTING & PROPOSED LOT SIZE: 6,785 SF (Existing) 8,097 SF (Proposed)
23,487 SF (Existing) 8,462 SF (Proposed)
2,269 SF (Existing) 11,745 (proposed)

COMP PLAN DESIGNATION: Medium Density Residential (All Lots)

ZONING: Residential, R-5 (All Lots)

APPROVAL CRITERIA: Community Development Code (CDC):
Chapter 13: Residential, R-5
Chapter 85: Land Division

120-DAY RULE: The application became complete on December 4, 2023. The 120-day period therefore ends on April 2, 2023.

PROJECT BACKGROUND

The applicant proposes two lot line adjustments affecting three contiguous parcels with frontage on Territorial Drive. The goal of the adjustment is to create three more equally shaped parcels and place an existing commercial marina on its own lot. All lots are zoned Residential, R-5, and in common ownership.



Tax Lot	Address	Existing SF	Proposed SF	Improvements
22E30DC01700	5023 Territorial Dr	6,785	8,097	Single-Family Home
22E30DC01900	5007 Territorial Dr	23,487	8,462	Single-Family Home / Marina
22E30DC02200	None Assigned	2,269	11,745	None

The first lot line adjustment will adjust the property line between Tax Lot 1700 and Tax Lot 1900. Both of these parcels have existing detached single-family homes on them. Tax Lot 1900 is 23,487 square feet in size, and Tax Lot 1700 is 6,785 square feet in size. This adjustment will improve the usable outdoor space for the house on Tax Lot 1700 via the transfer of 2,011 square of land from Tax Lot 1900.

The second lot line adjustment will adjust the lot line between Tax Lot 1900 and Tax lot 2200. This adjustment will transfer 9,476 square feet from tax lot 1900 to Tax lot 2200, resulting in approximately even sized lots and placing Tax Lot 1900 at 12,024 sf and Tax Lot 2200 at 11,721 sf, evening out square footages while creating a more well-defined separation between the exiting marina and the house.

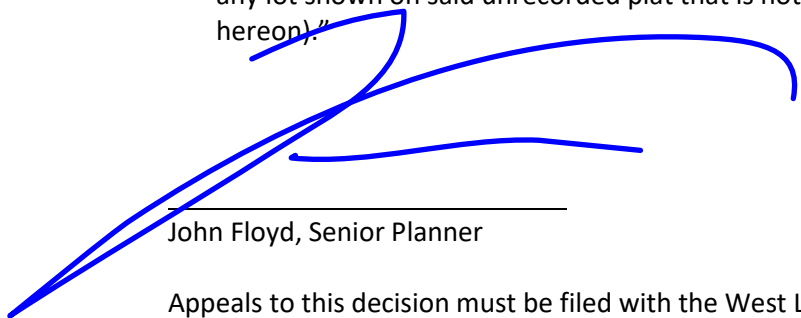
All requirements of CDC Chapter 85.210 are met. No additional lots will be created, no easements are expected to be adversely impacted, and the reconfiguration of the properties will meet all dimensional requirements of the underlying R-10 zone.

DECISION

The Planning Manager (designee) approves this application (LLA-23-02 & 03), based on: 1) the findings submitted by the applicant, which are incorporated by this reference; 2) supplementary staff findings included in the Addendum; and, 3) by the conditions of approval below:

1. The applicant shall file, with the Clackamas County Clerk, conveyances conforming the approved property line adjustment as surveyed in accordance with ORS 92.060(7) and any documents required by the county surveyor (such as an overplat).
2. The recorded survey or other document required by the county surveyor shall be signed by the City of West Linn Planning Manager and contain the following language waiving any rights to more than three lots of record:

“Certain surveys and plats have referred to an unrecorded plat “Unit B West Oregon City 368-A in the SW and SE ¼ of Section 30, and the NW and NE ¼ of Section 31, T. 2 S, R 2 E, WM, City of West Linn Clackamas County.” This Survey/Plat is intended to supersede the said unrecorded plat with respect to the area shown hereon, and the signatories hereto waive any claims to the existence of any lot shown on said unrecorded plat that is not shown on this plat (with respect to the area shown hereon).”



John Floyd, Senior Planner

February 28, 2024

Date

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date listed below. The cost of an appeal is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the date identified in the public notice. Appeals will be heard by City Council. Approval will lapse 3 years from effective approval date if the final plat is not recorded.

Mailed this 29th Day of February, 2024.

Therefore, the 14-day appeal period ends at 4 p.m. on March 14, 2024.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
LLA-23-02 & 03**

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

CDC 13.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

1. *Single-family attached or detached residential unit.*

[...]

13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

[...]

5. *Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.*

[...]

Staff Finding 1: The applicant proposal consists of the adjustment of three parcels, two of which contain single-family dwellings. The proposed adjustments will not change their residential use or number of homes on the affected lots. There is an existing water-dependent use within the project area whose physical configuration will not change as a result of the lot line adjustment, and whose location will meet the required 5-foot side yard setback required in CDC 34.050. These use criteria are met.

CDC 13.070 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:

<i>STANDARD</i>	<i>REQUIREMENT</i>	<i>ADDITIONAL NOTES</i>
<i>Minimum lot size</i>		
	<i>For single-family detached units</i>	<i>5,000 sf</i>
	<i>For single-family attached units</i>	<i>4,500 sf</i>
	<i>Average minimum lot or parcel size for a townhouse project</i>	<i>1,500 sf</i>
<i>Minimum lot width at front lot line</i>	<i>35 ft</i>	<i>Does not apply to townhouses or cottage clusters</i>
<i>Average minimum lot width</i>	<i>35 ft</i>	<i>Does not apply to townhouses or cottage clusters</i>
<i>Minimum yard dimensions or minimum building setbacks</i>		<i>Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District.</i>

<i>STANDARD</i>		<i>REQUIREMENT</i>	<i>ADDITIONAL NOTES</i>
			<i>Front, rear, and side yard setbacks for a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</i>
	<i>Front yard</i>	<i>20 ft</i>	<i>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply</i>
	<i>Interior side yard</i>	<i>5 ft</i>	<i>Townhouse common walls that are attached may have a 0 ft side setback.</i>
	<i>Street side yard</i>	<i>15 ft</i>	
	<i>Rear yard</i>	<i>20 ft</i>	
<i>Maximum building height</i>		<i>35 ft</i>	<i>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</i>
<i>Maximum lot coverage</i>		<i>40%</i>	<i>Maximum lot coverage does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit.</i> <ul style="list-style-type: none"> • <i>This does not include detached garages, carports, or accessory structures.</i> • <i>A developer may deduct up to 200 sf for an attached garage or carport.</i>
<i>Minimum accessway width to a lot which does not abut a street or a flag lot</i>		<i>15 ft</i>	
<i>Maximum floor area ratio</i>		<i>0.45</i>	<i>Maximum FAR does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters.</i> <i>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.</i>

...

Staff Finding 2: Staff adopts the applicant’s findings. The proposed boundary adjustments will result in three newly configured lots that exceed the minimum size and frontage standards. Front and rear yard setbacks and height of the structures remain unaffected by the proposed adjustments, and both homes and the dock will comply with the minimum side yard setback of five feet. Neither lot will result in a home exceeding the maximum lot coverage or floor area ratio standards. These criteria are met.

34.050 BOAT HOUSES AND DOCKS

Only side yard setback requirements apply to boat houses and docks.

Staff Finding 3: The existing dock on tax lot 1900 will be transferred to tax lot 2200 as a result of the boundary change. The proposed reconfiguration will place the dock well in excess of five feet from the new side property lines. This standard is met.

CDC 85.210 Property Line Adjustments – Approval Standards

A. The Director shall approve or deny a request for a property line adjustment based on the criteria stated below:

1. An additional lot or parcel shall not be created by the line adjustment.

Staff Finding 4: The applicant is proposing to adjust three parcels described by deed descriptions that correspond to tax lot boundaries, by transferring land area between them which would result in an equal number of parcels after adjustment (three existing / three proposed). However, the survey record includes an unrecorded plat that results in uncertainty regarding the number of lots affected by the application, as the same area described by deed also contains lots 20 through 25 of the unrecorded plat of Unit B, West Oregon City (PS3544 & PS864). Were a claim to be made that the underlying lots are lots of record, the proposed lot line adjustment could result in the creation of potentially new and substandard lots.

To comply with this standard, the applicant shall comply with the following condition of approval that requires the owner to waive rights to more than three lots:

The recorded survey or other document required by the county surveyor shall be signed by the Property Owner and the Planning Manager, and contain the following language waiving any rights to more than three lots of record:

Certain surveys and plats have referred to an unrecorded plat “Unit B West Oregon City 368-A in the SW and SE ¼ of Section 30, and the NW and NE ¼ of Section 31, T. 2 S, R 2 E, WM, City of West Linn Clackamas County.” This [Survey/Plat] is intended to supersede the said unrecorded plat with respect to the area shown hereon, and the signatories hereto waive any claims to the existence of any lot shown on said unrecorded plat that is not shown on this plat (with respect to the area shown hereon).

As conditioned, this standard will be met.

2. The existing property shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district. The property line adjustment shall not enlarge, increase or extend the non-conformity of a non-conforming lot or non-conforming structure.

Staff Finding 5: The proposed reconfiguration does not reduce any of the proposed lots below 5,000 square feet in size. Nor does the movement of side property lines affect any nonconformities on the property. The criteria are met.

3. *Property line adjustments shall be either:*
 - a. *A straight line (see Figure 1 example);*
 - b. *A line with maximum of two 45- to 90-degree turns (see Figure 2 example); or*
 - c. *A maximum of three turns less than 45 degrees (see Figure 3 example).*
(The following figures are only intended as examples.)

Staff Finding 6: As shown in the survey within Exhibit PD-1, the applicant has proposed a new property line between tax lots 1700 and 1900 that is straight, and a line between tax lots 1900 and 2200 that has no more than two turns of between 45 and 90 degrees. These criteria are met.

4. *The property line adjustment shall not create a lot or parcel that violates applicable site development regulations.*

Staff Finding 7: The consolidated lot/parcel will continue to meet site development regulations (see Staff Finding 2). No physical development is proposed. The criteria are met.

5. *The property line adjustment will not adversely affect existing easements or existing utilities unless an easement vacation is obtained, replacement easements are established, or any required utility relocations are paid for by the applicant.*

Staff Finding 8: The proposal includes a 20 foot easement for PGE electric transmission and will remain in its entirety on Tax Lot 2200, and is not impacted by the adjustment. The criteria is met.

6. *Proposed property line adjustments that cannot meet these standards are subject to review under CDC 99.060(B)(2)(e).*

Staff Finding 9: The proposal meets the standards for a property line adjustment and does not require a variance (see Staff Findings 3 to 7). The criteria are met.

7. *Any appeal must be filed in accordance with CDC 99.240.*
 - B. *The provisions of CDC 85.070 shall also apply to property line adjustments.*

Staff Finding 10: The applicant understands the process and right to appeal the decision. The provisions of CDC section 85.070 are satisfied by this application (see Exhibit PD-1) for the lots of record subject to the proposal. The application is being processed in conformance with the provisions of CDC Chapter 99. The criteria are met.

PD-1 APPLICANT SUBMITTAL

LOT LINE ADJUSTMENT APPLICATION

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DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT No(s).	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

Type of Review (Please check all that apply):

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

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

Site Location/Address: Lot Line Adjustment #1: 5007 Territorial Dr. and 5023 Territorial Dr. 97068 Lot Line Adjustment #2: Tax lot 2200 and 5007 Territorial Dr, 97068	Assessor's Map No.: 22E30DC Tax Lot(s): 1700, 1900, 2200 Total Land Area: .702 AC
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Brief Description of Proposal:

This proposal consists of 2 lot line adjustments, one between Tax lot 1900 and 1700 (LLA#1) and one between 1900 and 2200 (LLA#2). These are to improve the lots/properties by turning one huge lot and 2 small lots into 3 roughly equally sized and logically configured lots. No development on any of the lots is being proposed at this time.

Applicant Name*: Gregg Nitta Address: 1470 SW Myrtle Dr. City State Zip: Portland, OR 97201	Phone: (503) 793-2509 Email: greggnitta@gmail.com
--	--

Owner Name (required): Sands LLC Address: 1470 SW Myrtle Dr. City State Zip: Portland, OR 97201	Phone: (503) 793-2509 Email: greggnitta@gmail.com
--	--

Consultant Name: Ben Stacy / Caswell Hertel Address: 6150 SW 124th Ave. City State Zip: Beaverton, OR 97008	Phone: (503) 644-3179 Email: info@chsurveyinc.com
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1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. ***The applicant is financially responsible for all permit costs.**
2. The owner/applicant or their representative should attend all public hearings.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page: <https://westlinnoregon.gov/planning/submit-land-use-application>

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

 Applicant's signature	6/13/23 Date	 Owner's signature (required)	6/13/23 Date
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NARRATIVE FOR TWO PROPOSED LOT LINE ADJUSTMENTS

There are two proposed Lot Line Adjustments affecting 3 adjacent lots. Both will adjust the size of the middle lot; they are therefore they are being submitted together. Sands LLC is the owner of all tax lots.

LLA#1 will adjust the lot line between Tax Lot 1700 and Tax Lot 1900. Both of these lots have existing detached single family homes on them. Tax Lot 1900 is 23,487 sf and Tax Lot 1700 is 6,785 sf. This adjustment will improve the usable outdoor space for the house on Tax Lot 1700 via the transfer of 2,011 sf of land without substantially detracting from the house on Tax Lot 1900.

LLA#2 will adjust the lot line between Tax Lot 1900 and Tax lot 2200. Tax Lot 2200 is currently a small triangular lot while Tax Lot 1900, even after LLA#1, is an oversized lot of 21,476sf. This adjustment will put Tax Lot 1900 at 12,024 sf and Tax Lot 2200 at 11,721 sf, evening out square footages while creating a more well defined separation between the exiting dock and the house.

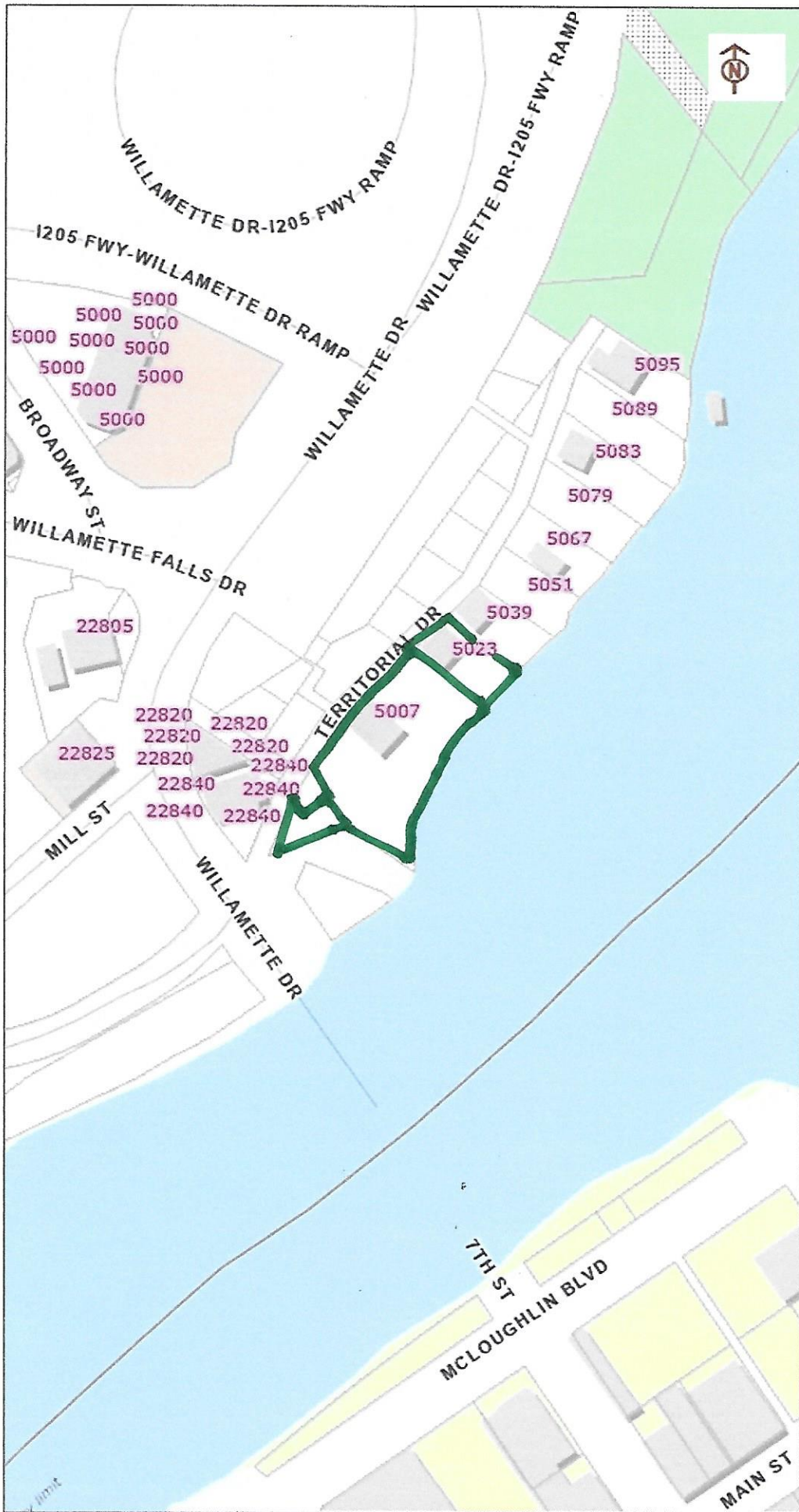
These Lot Line Adjustments do not propose changes to any structure, landscaping or land use. The existing off street parking area in LLA#1 is currently used by both properties. LLA#1 will formalize the boundaries of the parking area for both lots. LLA#2 will result in a small area currently used by Tax Lot 2200 to remain on Tax Lot 1900. There will be no easement, it will become owned by Tax Lot 1900 and delineated as such. Neither LLA#1 nor LLA#2 will result in any proposed development at this time.

VICINITY MAP



Legend

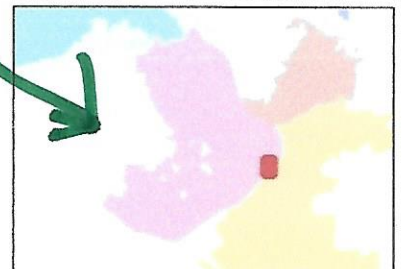
- Addresses dissolved 0-5K
- City Limit
- Unimproved ROW
- Parks and Open Space
- City Owned Property



0 0.03 0.1 Miles



1: 2,747.74



Notes

This map was automatically generated using Geocortex Essentials.

SITE PLAN PROPOSED PROPERTY LINE ADJUSTMENT #1 EXISTING CONDITIONS

A PORTION OF UNIT "B", PLAT OF "WEST OREGON CITY" PLAT NO. 388,
IN LOTS 20 AND 21 AND A PORTION OF LOT 22, 23 AND 24
OF THE UNRECORDED PLAT "UNIT B WEST OREGON CITY" 388-A
IN THE SW AND SE 1/4 OF SECTION 30 AND THE NW AND NE 1/4 OF SECTION 31,
T. 2 S., R. 2 E., W.M.
CITY OF WEST Linn
CLATSOP COUNTY
SCALE 1" = 20'

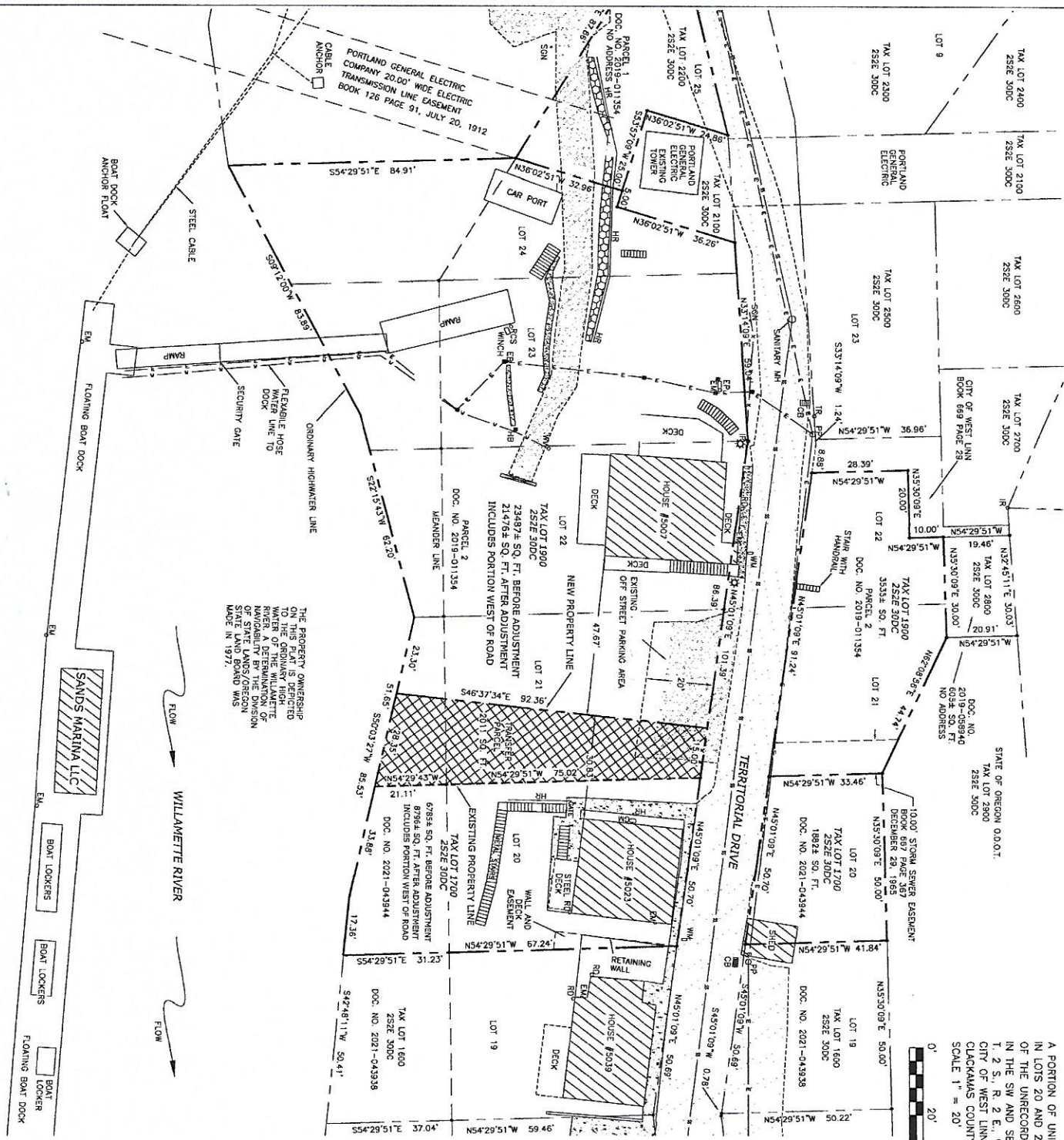
BOLTON NEIGHBORHOOD ASSN
R-5 ZONING

OREGON
MARCH 30, 2023



REGISTERED
PROFESSIONAL
LAND SURVEYOR
Bryan Abbey
OREGON
JANUARY 14, 2003
BENJAMIN S. STACY
57191
RENEWALS: 6/30/2024

CASWELL/HERTEL
SURVEYORS INC.
6150 S.W. 124TH AVE.
BEAVERTON, OR 97008
(503) 644-3179
info@caswellhertel.com
www.caswellhertel.com



THE PROPERTY OWNERSHIP
ON THIS PLAT IS DEPICTED
WITHIN THE BOUNDARIES OF
WATER OF THE WILLAMETTE
RIVER. A DETERMINATION OF
OWNERSHIP BY THE DIVISION
OF STATE LAND (OSL) OREGON
STATE LAND BOARD WAS
MADE IN 1977.

- LEGEND
- RF BASE FLOOD ELEVATION
 - CB CATCH BASIN
 - CO CLEAN OUT
 - EB ELECTRICAL BOX
 - EP ELECTRIC PANEL
 - GM GAS METER
 - HC HAND RAIL
 - IR IRON PIPE PROPERTY CORNER
 - LP LIGHT POLE
 - MB MAIL BOX
 - PP POWER POLE
 - RD ROOF DRAIN
 - SP SPRINKLER
 - TR TELECOM RISER
 - WV WATER VALVE
 - UV UTILITY VALVE
 - UT UTILITY WALL
 - SS SANITARY SEWER
 - ST STORM SEWER
 - WL WATER LINE
 - OE OVERHEAD ELECTRIC/UTILITY LINES
 - X- FENCE
 - CONCRETE SURFACE
 - ASPHALT SURFACE
 - ROCKED SURFACE
 - RECORD DEED BEARING AND DISTANCE UNLESS OTHERWISE NOTED
 - FOUND PROPERTY CORNER MONUMENT
 - PROPERTY CORNER ESTABLISHED BY SURVEY
 - YARD LIGHT

REVISIONS:
03/16/2023 ADDED BASE FLOOD ELEVATION CONTOUR
ADDED HAND RAIL ALONG TOP OF ROCK WALL
EXTENDED OFF STREET PARKING TO 20'

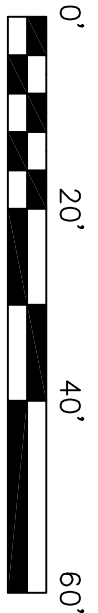
JOB NUMBER 2023-034

PROPERTY LINE ADJUSTMENT SURVEY

FOR SANDS LLC

A PORTION OF UNIT "B", PLAT OF "WEST OREGON CITY", PLAT NO. 368 AND OTHER LANDS, IN LOTS 21, 24, 25 AND A PORTIONS OF LOTS 22 AND 23 OF THE UNRECORDED PLAT "UNIT B WEST OREGON CITY" 368-A IN THE SW AND SE 1/4 OF SECTION 30 AND THE NW AND NE 1/4 OF SECTION 31, T. 2 S., R. 2 E., W.M. CITY OF WEST LINN CLACKAMAS COUNTY SCALE 1" = 20'

CITY OF WEST LINN FILE NO. LLA-23-02



BASIS OF BEARINGS

OREGON COORDINATE REFERENCE SYSTEM, PORTLAND ZONE, WITH REFERENCE TO GEOID 12A (NAD 83(2011) EPOCH 2010); SEE OAR 734-005-0015 (3)(dd), BETWEEN POINTS (311) - (1097).

LEGEND

- MONUMENT FOUND AS NOTED.
- FOUND 5/8" X 30" IRON REBAR SET WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179" SET IN SN 2022-191.
- FOUND 1" BRASS DISK INSCRIBED "CASWELL HERTEL" SET IN SN 2022-191
- ✱ 5/8" X 30" IRON REBAR SET WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179".
- () RECORD BEARING AND/OR DISTANCE PER SN 3544 UNLESS OTHERWISE NOTED.
- [] PROBABLE ORIGIN OF MONUMENT BY SURVEY NUMBER OR PLAT NAME
- ① COMPUTER POINT NUMBER.
- DOC NO. DOCUMENT NUMBER
- O.D.O.T. OREGON DEPARTMENT OF TRANSPORTATION
- SQ. FT. SQUARE FEET

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH CORNERS FOR TWO PROPOSED PROPERTY LINE ADJUSTMENTS. THE FIRST PROPERTY LINE ADJUSTMENT BETWEEN CERTAIN PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2019-011354, REFERRED TO IN SAID DOCUMENT AS PARCEL 2 AND THAT CERTAIN PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2021-043944, THE SECOND PROPERTY LINE ADJUSTMENT BETWEEN THAT CERTAIN PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2019-011354, REFERRED TO IN SAID DOCUMENT AS PARCEL 2 AND THAT CERTAIN PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2019-011354, REFERRED TO AS PARCEL 2 IN SAID DOCUMENT, ALL IN CLACKAMAS COUNTY DEED RECORDS, WORK BEGAN AUGUST, 2023 WITH DUSTIN STACY AND BEN OVERLUND IN THE FIELD, UNDER MY DIRECT SUPERVISION, A TRIMBLE S7 TOTAL STATION AND R10 GNSS RECEIVER WERE USED FOR MEASUREMENTS.

- 1) HELD MONUMENTS FOUND OR SET IN MY SURVEY DATED MAY 24, 2022 TO ESTABLISH THE OUT BOUNDS OF THE SUBJECT PROPERTIES. NEW CORNERS WERE SET TO THE CLIENTS SPECIFICATIONS.

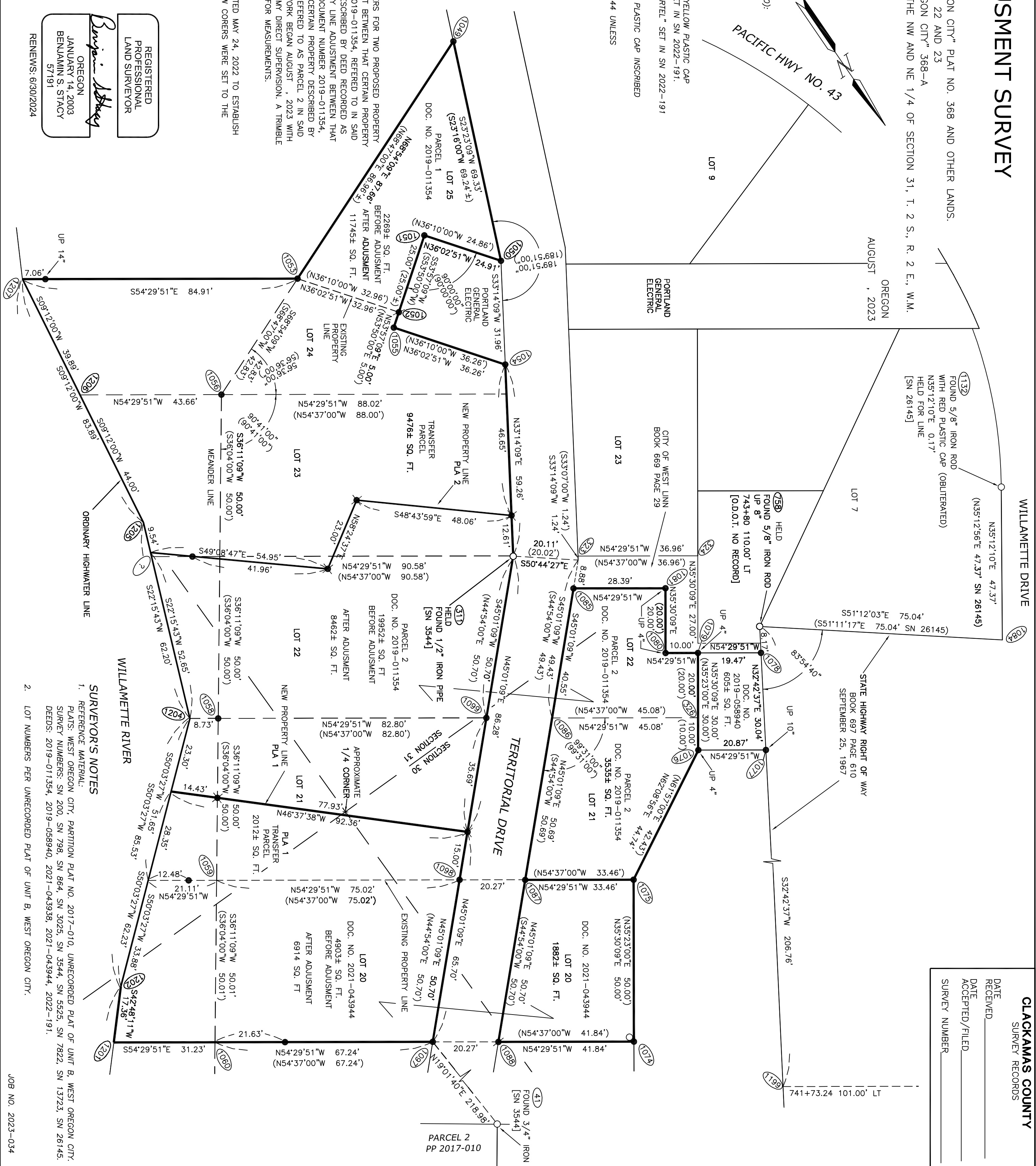
CASWELL/HERTEL
SURVEYORS INC.

6150 S.W. 124TH AVE.
BEAVERTON, OR 97008
(503) 644-3179
info@caswellherfelsurveyors.com
www.caswellherfelsurveyors.com

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Benjamin Stacy
OREGON
JANUARY 14, 2003
BENJAMIN S. STACY
57191

RENEWALS: 6/30/2024



CLACKAMAS COUNTY
SURVEY RECORDS

DATE RECEIVED _____
DATE ACCEPTED/FILED _____
SURVEY NUMBER _____

SURVEYOR'S NOTES

1. REFERENCE MATERIAL:
PLATS: WEST OREGON CITY, PARTITION PLAT NO. 2017-010, UNRECORDED PLAT OF UNIT B, WEST OREGON CITY, SURVEY NUMBERS: SN 200, SN 798, SN 864, SN 3025, SN 3544, SN 5525, SN 7822, SN 13723, SN 26145, DEEDS: 2019-011354, 2019-058940, 2021-043944, 2022-191.
2. LOT NUMBERS PER UNRECORDED PLAT OF UNIT B, WEST OREGON CITY.

JOB NO. 2023-034

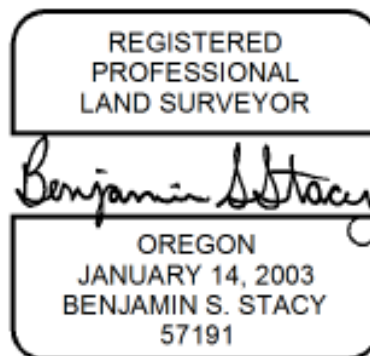
EXHIBIT "A"

LEGAL DESCRIPTION

TRANSFER PARCEL PLA 1

A TRACT OF LAND THE SOUTHEAST ONE QUARTER AND SOUTHWEST ONE QUARTER OF SECTION 30 AND THE NORTHEAST ONE QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, COUNTY OF CITY OF WEST LINN, COUNTY OF CLACKAMAS, STATE OF OREGON, BEING A PORTION OF THAT CERTAIN PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2019-011354, REFERED TO IN SAID DOCUMENT AS PARCEL 2, CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WERE THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354 INTERSECTS THE SOUTHEASTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE; THENCE FOLLOWING THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354 S54°29'51"E A DISTANCE OF 96.13 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354; THENCE FOLLOWING SAID SOUTHERLY LINE S50°03'27"W A DISTANCE OF 28.35 FEET, TO A POINT FROM WHICH A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179" BEARS N46°37'38"W A DISTANCE OF 14.43 FEET; THENCE N46°37'38"W A DISTANCE OF 92.36 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179" ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE; THENCE FOLLOWING SAID SOUTHEASTERLY RIGHT OF WAY LINE N45°01'09"E A DISTANCE OF 15.00 FEET; TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 2,011 SQUARE FEET. REFERENCE IS MADE TO A BENJAMIN STACY SURVEY DATED MAY 24,2022 AND FILED WITH THE CLACKAMAS COUNTY SURVEYOR AS SURVEY NUMBER 2022-191 AND BY THIS REFERENCE IS MADE A PART HEREOF.



RENEWS 6/30/2024

EXHIBIT "A"

LEGAL DESCRIPTION

NORTH PARCEL PLA 1

A TRACT OF LAND THE SOUTHEAST ONE QUARTER AND SOUTHWEST ONE QUARTER OF SECTION 30 AND THE NORTHEAST ONE QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, COUNTY OF CITY OF WEST LINN, COUNTY OF CLACKAMAS, STATE OF OREGON, BEING ALL OF THAT CERTAIN PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2021-043944 TOGETHER WITH A PORTION OF THAT CERTAIN PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2019-011354, REFERED TO IN SAID DOCUMENT AS PARCEL 2, ALL IN CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WERE THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354 INTERSECTS THE SOUTHEASTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE; THENCE FOLLOWING THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID TERRITORIAL DRIVE N45°01'09"E A DISTANCE OF 50.70 FEET, TO A POINT ON THE NORTHEASTERLY LINE OF SAID DOCUMENT NUMBER 2021-043944; THENCE FOLLOWING THE NORTHEASTERLY LINE OF SAID DOCUMENT NUMBER 2021-043944, S54°29'51"E A DISTANCE OF 98.47 FEET TO THE MOST EASTERLY CORNER THEREOF; THENCE FOLLOWING THE SOUTHEASTERLY LINE OF SAID DOCUMENT NUMBER 2021-043944, S42°48'11"W A DISTANCE OF 17.36 FEET TO AN ANGLE POINT IN SAID SOUTHEASTERLY LINE; THENCE CONTINUING TO FOLLOW THE SOUTHEASTERLY LINE OF SAID DOCUMENT NUMBER 2021-043944 AND THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, S50°03'27"W A DISTANCE OF 62.23 FEET, TO A POINT FROM WHICH A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179" BEARS N46°37'38"W A DISTANCE OF 14.43 FEET; THENCE N46°37'38"W A DISTANCE OF 92.36 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179" ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE; THENCE FOLLOWING SAID SOUTHEASTERLY RIGHT OF WAY LINE N45°01'09"E A DISTANCE OF 15.00 FEET; TO THE POINT OF BEGINNING, THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 6,914 SQUARE FEET.

TOGETHER WITH THE FOLLOWING DESCRIBED TRACT OF LAND. BEGINNING AT A POINT WERE THE NORTHWESTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE INTERSECTS THE SOUTHWESTERLY LINE OF SAID DOCUMENT NUMBER 2021-043944, SAID POINT BEARS N54°29'51"W A DISTANCE OF 20.27 FEET FROM THE PREVIOUSLY DESCRIBED POINT OF BEGINNING; THENCE FOLLOWING THE

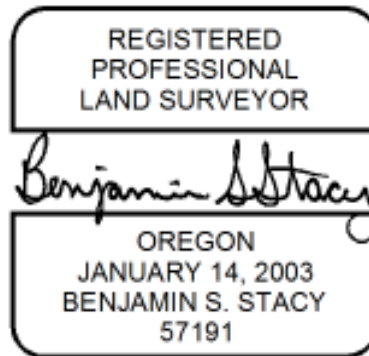
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Professional Land Surveyors
info@chsurveyinc.com

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Beaverton, Oregon 97008-4724

Telephone 503/644-3179
Fax 503/644-3190

SOUTHWESTERLY LINE OF SAID DOCUMENT NUMBER 2021-043944, N54°29'51"W A DISTANCE OF 35.46 FEET TO THE MOST WESTERLY CORNER THEREOF; THENCE FOLLOWING THE NORTHWESTERLY LINE OF SAID DOCUMENT NUMBER 2021-043944 N35°30'09"E A DISTANCE OF 50.00 FEET, TO THE MOST NORTHERLY CORNER THEREOF; THENCE FOLLOWING THE NORTHEASTERLY LINE OF SAID DOCUMENT NUMBER 2021-043944, S54°29'51"E A DISTANCE OF 41.84 FEET, TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE; THENCE FOLLOWING SAID NORTHWESTERLY RIGHT OF WAY LINE, S45°01'09"W A DISTANCE OF 50.70 FEET, TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 1,882 SQUARE FEET. REFERENCE IS MADE TO A BENJAMIN STACY SURVEY DATED MAY 24, 2022 AND FILED WITH THE CLACKAMAS COUNTY SURVEYOR AS SURVEY NUMBER 2022-191 AND BY THIS REFERENCE IS MADE A PART HEREOF.



RENEWS 6/30/2024

EXHIBIT "A"

LEGAL DESCRIPTION

TRANSFER PARCEL PLA 2

A TRACT OF LAND IN THE NORTHWEST ONE QUARTER AND NORTHEAST ONE QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, COUNTY OF CITY OF WEST LINN, COUNTY OF CLACKAMAS, STATE OF OREGON, BEING A PORTION OF THAT CERTAIN PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2019-011354, REFERED TO IN SAID DOCUMENT AS PARCEL 2, CLACKAMASF COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT WERE THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354 INTERSECTS THE SOUTHEASTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE; THENCE FOLLOWING THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID TERRITORIAL DRIVE, S45°01'09"W A DISTANCE OF 101.28 FEET TO AN IRON PIPE AT AN ANGLE POINTT IN THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID TERRITORIAL DRIVE; THENCE CONTINUING TO FOLLOW SAID RIGHT OF WAY LINE S33°14'09"W A DISTANCE OF 12.61 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179", AND THE **TRUE POINT OF BEGINNING** FOR THE TRACT OF LAND HEREIN DESCRIBED; THENCE S48°43'59"E A DISTANCE OF 48.06 FEET, TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-33179"; THENCE N58°24'37"E A DISTANCE OF 23.00 FEET, TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179"; THENCE S49°08'47"E A DISTANCE OF 54.95 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, FROM WHICH POINT A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179" BEARS N49°08'47"W A DISTANCE OF 12.99 FEET; THENCE FOLLOWING THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, S22°15'43"W A DISTANCE OF 9.54 FEET; THENCE CONTINUING TO FOLLOWING THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, S09°12'00"W A DISTANCE OF 83.89 FEET, TO THE SOUTHEAST CORNER THEREOF; THENCE FOLLOWING THE SOUTHWESTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, N54°29'51"W A DISTANCE OF 84.91 FEET; THENCE CONTINUING TO FOLLOW THE SOUTHWESTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, N36°02'51"W A DISTANCE OF 32.96 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF A TRACT OF LAND CONVEYED TO PORTLAND RAILWAY LIGHT AND POWER; THENCE FOLLOWING THE SOUTHEASTERLY LINE OF SAID PORTLAND RAILWAY LIGHT AND POWER TRACT, N53°57'09"E A DISTANCE OF 5.00 FEET TO THE MOST EASTERLY CORNER THEREOF; THENCE FOLLOWING THE NORTHEASTERLY LINE OF SAID PORTLAND RAILWAY LIGHT AND POWER TRACT, BEING THE SOUTHWESTERLY LINE OF SAID PARCEL 2, DOCUMENT

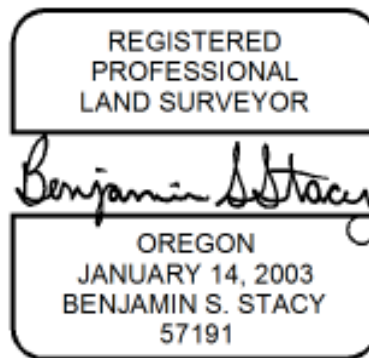
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Professional Land Surveyors
info@chsurveyinc.com

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Beaverton, Oregon 97008-4724

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Fax 503/644-3190

NUMBER 2019-011354, N36°02'51"W A DISTANCE OF 36.26 FEET, TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE; THENCE FOLLOWING SAID SOUTHEASTERLY RIGHT OF WAY LINE, N33°14'09"E A DISTANCE OF 46.65 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 9476 SQUARE FEET. REFERENCE IS MADE TO A BENJAMIN STACY SURVEY DATED MAY 24,2022 AND FILED WITH THE CLACKAMAS COUNTY SURVEYOR AS SURVEY NUMBER 2022-191 AND BY THIS REFERENCE IS MADE A PART HEREOF.



RENEWS 6/30/2024

EXHIBIT "A"

LEGAL DESCRIPTION

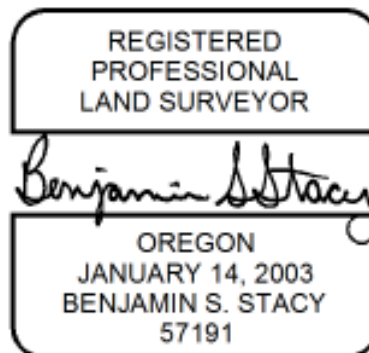
MIDDLE PARCEL PLA 2

A TRACT OF LAND THE SOUTHEAST ONE QUARTER AND SOUTHWEST ONE QUARTER OF SECTION 30 AND THE NORTHWEST ONE QUARTER AND NORTHEAST ONE QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, COUNTY OF CITY OF WEST LINN, COUNTY OF CLACKAMAS, STATE OF OREGON, BEING A PORTION OF THAT CERTAIN PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2019-011354, REFERED TO IN SAID DOCUMENT AS PARCEL 2, CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179" ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE, SAID POINT BEARS S45°01'09"W A DISTANCE OF 15.00 FEET FROM A POINT WERE THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354 INTERSECTS THE SOUTHEASTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE; THENCE S46°37'38"E A DISTANCE OF 92.36 FEET, TO A POINT ON THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, FROM WHICH POINT A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179" BEARS N46°37'38"W A DISTANCE OF 14.43 FEET; THENCE FOLLOWING THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, S50°03'27"W A DISTANCE OF 23.30 FEET TO AN ANGLE POINT IN SAID SOUTHEASTERLY LINE; THENCE CONTINUING TO FOLLOW THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, S22°15'43"W A DISTANCE OF 52.65 FEET TO A POINT FROM WHICH A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179" BEARS N49°08'47"W A DISTANCE OF 12.99 FEET; THENCE N49°08'47"W A DISTANCE OF 54.95 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179"; THENCE S58°24'37"W A DISTANCE OF 23.00 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179"; THENCE N48°43'59"W A DISTANCE OF 48.06 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE; THENCE FOLLOWING SAID SOUTHEASTERLY RIGHT OF WAY LINE N33°14'09"E A DISTANCE OF 12.61 FEET TO AN IRON PIPE AT AN ANGLE POINT IN SAID SOUTHEASTERLY RIGHT OF WAY LINE; THENCE CONTINUING TO FOLLOW SAID SOUTHEASTERLY RIGHT OF WAY LINE N45°01'09"E A DISTANCE OF 86.28 FEET TO THE POINT OF BEGINNING, THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 8,489 SQUARE FEET.

TOGETHER WITH THE FOLLOWING DESCRIBED TRACT OF LAND. BEGINNING AT A POINT WERE THE NORTHWESTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE INTERSECTS THE NORTHEASTERLY LINE OF

SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, SAID POINT BEARS N45°01'09"E A DISTANCE OF 15.00 FEET AND N54°29'51"W A DISTANCE OF 20.27 FEET FROM THE PREVIOUSLY DESCRIBED POINT OF BEGINNING; THENCE FOLLOWING THE NORTHWESTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE S45°01'08"W A DISTANCE OF 91.24 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THAT CERTAIN PROPERTY CONVEYED TO THE CITY OF WEST LINN DESCRIBED BY DEED RECORDED IN BOOK 669 PAGE 29, CLACKAMAS COUNTY DEED RECORDS; THENCE FOLLOWING THE NORTHEASTERLY LINE OF SAID BOOK 669 PAGE 29 THE FOLLOWING BEARINGS AND DISTANCES, N54°29'51"W A DISTANCE OF 28.39 FEET; THENCE N35°30'09"E A DISTANCE OF 20.00 FEET; THENCE N54°29'51"W A DISTANCE OF 10.00 FEET, TO A POINT ON THE SOUTHEASTERLY LINE OF THAT CERTAIN PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2019-058940 IN CLACKAMAS COUNTY DEED RECORDS; THENCE FOLLOWING THE NORTHEASTERLY LINE OF SAID DOCUMENT NUMBER 2019-058940, N35°30'09"E A DISTANCE OF 30.00 FEET, TO AN ANGLE POINT IN THE NORTHWESTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354; THENCE FOLLOWING THE NORTHWESTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, N62°08'56"E A DISTANCE OF 44.74 FEET, TO THE MOST NORTHERLY CORNER THEREOF; THENCE FOLLOWING THE NORTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, S54°29'51"E A DISTANCE OF 33.46 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 3,535 SQUARE FEET. REFERENCE IS MADE TO A BENJAMIN STACY SURVEY DATED MAY 24, 2022 AND FILED WITH THE CLACKAMAS COUNTY SURVEYOR AS SURVEY NUMBER 2022-191 AND BY THIS REFERENCE IS MADE A PART HEREOF.



RENEWS 6/30/2024

EXHIBIT "A"

LEGAL DESCRIPTION

SOUTH PARCEL PLA 2

A TRACT OF LAND IN THE NORTHWEST ONE QUARTER AND NORTHEAST ONE QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, COUNTY OF CITY OF WEST LINN, COUNTY OF CLACKAMAS, STATE OF OREGON, BEING ALL OF THAT CERTAIN PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2019—01354, RREFEREDD TO IN SAI DDOCUMENT AS PARCEL 1, TOGETHER WITH A PORTION OF THAT CERTAIN PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2019-011354, REFERED TO IN SAID DOCUMENT AS PARCEL 2, CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT WERE THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354 INTERSECTS THE SOUTHEASTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE; THENCE FOLLOWING THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID TERRITORIAL DRIVE, S45°01'09"W A DISTANCE OF 101.28 FEET TO AN IRON PIPE AT AN ANGLE POINT IN THE SOUTHEASTERLY RIGHT OFF WAY LINE OF SAID TERRITORIAL DRIVE; THENCE CONTINUING TO FOLLOW SAID RIGHT OF WAY LINE S33°14'09"W A DISTANCE OF 12.61 FEET TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179", AND THE **TRUE POINT OF BEGINNING** FOR THE TRACT OF LAND HEREIN DESCRIBED; THENCE S48°43'59"E A DISTANCE OF 48.06 FEET, TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-33179"; THENCE N58°24'37"E A DISTANCE OF 23.00 FEET, TO A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179"; THENCE S49°08'47"E A DISTANCE OF 54.95 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, FROM WHICH POINT A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "CASWELLHERTEL 503-644-3179" BEARS N49°08'47"W A DISTANCE OF 12.99 FEET; THENCE FOLLOWING THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, S22°15'43"W A DISTANCE OF 9.54 FEET; THENCE CONTINUING TO FOLLOWING THE SOUTHEASTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, S09°12'00"W A DISTANCE OF 83.89 FEET, TO THE SOUTHEAST CORNER THEREOF; THENCE FOLLOWING THE SOUTHWESTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354, N54°29'51"W A DISTANCE OF 84.91 FEET, TO THE MOST EASTERLY CORNER OF SAID PARCEL 1, DOCUMENT NUMBER 2019-011354; THENCE FOLLOWING THE SOUTHEASTERLY LINE OF SAID PARCEL 1, DOCUMENT NUMBER 2019-011354, S68°54'09"W A DISTANCE OF 87.66 FEET, TO THE MOST WESTERLY CORNER THEREOF, BEING A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF

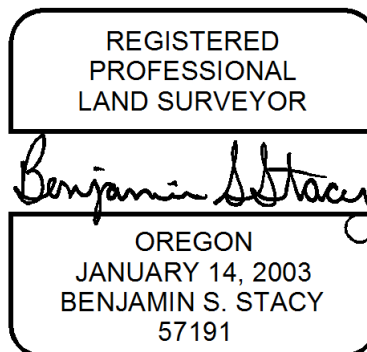
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Professional Land Surveyors
info@chsurveyinc.com

• 6150 S.W. 124th Avenue •
Beaverton, Oregon 97008-4724

Telephone 503/644-3179
Fax 503/644-3190

TERRITORIAL DRIVE; THENCE FOLLOWING SAID SOUTHEASTERLY RIGHT OF WAY LINE, N23°23'09"E A DISTANCE OF 69.33 FEET; THENCE FOLLOWING THE SOUTHWESTERLY LINE OF A TRACT CONVEYED TO PORTLAND RAILWAY LIGHT AND POWER, S36°02'51"E A DISTANCE OF 24.91 FEET TO THE MOST SOUTHERLY CORNER THEREOF; THENCE FOLLOWING THE SOUTHEASTERLY LINE OF SAID PORTLAND RAILWAY LIGHT AND POWER TRACT, N53°57'09"E A DISTANCE OF 30.00 FEET TO THE MOST EASTERLY CORNER THEREOF; THENCE FOLLOWING THE NORTHEASTERLY LINE OF SAID PORTLAND RAILWAY LIGHT AND POWER TRACT, BEING THE SOUTHWESTERLY LINE OF SAID PARCEL 2, DOCUMENT NUMBER 2019-011354; N36°02'51"W A DISTANCE OF 36.26 FEET, TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE; THENCE FOLLOWING SAID SOUTHEASTERLY RIGHT OF WAY LINE, N33°14'09"E A DISTANCE OF 46.65 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 11,721 SQUARE FEET. REFERENCE IS MADE TO A BENJAMIN STACY SURVEY DATED MAY 24,2022 AND FILED WITH THE CLACKAMAS COUNTY SURVEYOR AS SURVEY NUMBER 2022-191 AND BY THIS REFERENCE IS MADE A PART HEREOF.



RENEWS 6/30/2024

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PARTITION THAT CERTAIN PROPERTY DESCRIBED BY DEED RECORDED AS DOCUMENT NUMBER 2016-007018 IN CLACKAMAS COUNTY DEED RECORDS. WORK BEGAN JULY 15, 2015 WITH BOB WHITE PLS 2329 AND BEN STACY PLS 57191 IN THE FIELD. A TRIMBLE 5600 TOTAL STATION WAS USED FOR MEASUREMENTS.

THE BEARINGS AND DISTANCES FOR THE VESTING DEED OF THE PARENT PARCEL AND DEEDS FOR ADJOINING PARCELS APPEARS TO HAVE BEEN BASED ON SN 3544 WHICH SURVEY FOLLOWED SN 864 AND PLAT RECORD 368-A, ALL OF WHICH ARE IDENTICAL IN BEARINGS AND DISTANCES. THE SIGNIFICANCE OF SN 3544 IS THE INDICATION THAT MONUMENTS WERE SET AT CERTAIN CORNERS. SN 3544 WAS USED FOR THE BASIS OF BEARINGS BETWEEN (141) - (142).

ESTABLISHED THE SOUTHEASTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE BY HOLDING RECORD BEARINGS AND DISTANCES SOUTH FROM (141) PER SN 3544 AND ROTATED THIS ALIGNMENT TO MATCH (11), THEN HELD A 20.00' OFFSET NORTHWESTERLY TO ESTABLISH THE NORTHWESTERLY RIGHT OF WAY LINE.

HELD (41) FOR THE MOST WESTERLY PROPERTY CORNER OF THAT PORTION LYING WEST OF TERRITORIAL DRIVE PER SN 3544. ACCEPTED (39) AS BEING ON THE SOUTHWESTERLY LINE OF THAT PORTION LYING WEST OF TERRITORIAL DRIVE, HELD LINE (41) - (39) TO INTERSECT THE NORTHWESTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE AT (194). TO ESTABLISH (188) EXTENDED LINE (41) - (42) AND INTERSECTED THE NORTHWESTERLY RIGHT OF WAY LINE.

HELD (141) FOR THE MOST NORTHERLY PROPERTY CORNER OF THAT PORTION LYING EAST OF TERRITORIAL DRIVE PER SN 3544. HELD (142) AS BEING ON THE NORTHERLY LINE OF THE PROPERTY LYING EAST OF TERRITORIAL DRIVE AND HELD RECORD DISTANCE EASTERLY FROM (141) ON LINE WITH 142 TO ESTABLISH THE MEANDER LINE PER DOCUMENT NUMBER 2016-007018.

OFFSET LINE (41) - (39) SOUTHWESTERLY 10.00' TO ESTABLISH THE SOUTHERLY LINE OF THE 10.00' WIDE ALLEY PER SN 3544. INTERSECTED THE NORTHWESTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE WITH THE SOUTHERLY LINE OF ALLEY TO ESTABLISH (187).

HELD (140) AS BEING ON THE SOUTHERLY PROPERTY LINE OF THAT PORTION LYING EAST OF TERRITORIAL DRIVE. HELD LINE (187) - (140) TO INTERSECT THE SOUTHEASTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE AT (185). HELD RECORD DISTANCE PER SN 3544 SOUTHEASTERLY FROM (185) ON LINE WITH (140) TO ESTABLISH THE MEANDER LINE AT (184). PRORATED RECORD BEARINGS AND DISTANCES PER SN 3544 BETWEEN (183) - (184) TO ESTABLISH THE ANGLE POINT IN THE MEANDER LINE AT (186).

THE EAST LINE OF THE PROPERTY IS AT THE ORDINARY HIGH WATER MARK OF THE WILLAMETTE RIVER PER DOCUMENT NUMBER 2016-007018. OREGON DEPARTMENT OF TRANSPORTATION CHECK LIST FOR THE FIELD DETERMINATION OF ORDINARY HIGH WATER WAS USED TO HELP ESTABLISH THE ORDINARY HIGH WATER MARK. MEASUREMENTS WERE TAKEN AT POINTS ALONG A DEFINITE LINE OF WASHED ROCK, WITH FLOAT DEBRIS IN EVIDENCE AT CERTAIN POINTS. THIS LINE MATCHED WELL WITH THE LINE OF THE LOWEST EXTENT OF WOODY VEGETATION PRESENT ON EITHER SIDE OF THE PROPERTY.

CORNERS FOR THE NEW PARCELS WERE SET TO THE CLIENT'S SPECIFICATIONS. ALL CORNERS WERE SET JUNE 07, 2016.

SURVEYOR'S CERTIFICATE

I, ALBERT HERTEL, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LAND REPRESENTED ON THE ANNEXED MAP, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PORTION OF UNIT B, PLAT OF "WEST OREGON CITY", IN THE SW 1/4 OF THE SE 1/4 OF SECTION 30, T. 2 S., R. 2 E., W.M., CITY OF WEST LINN, COUNTY OF CLACKAMAS, STATE OF OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE INITIAL POINT, SAID POINT BEING A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "HERTEL PLS 1896" MARKING THE MOST WESTERLY CORNER OF LOT 15 OF THE UNRECORDED PLAT OF "SUBDIVISIONS OF UNIT "B" WEST OREGON CITY" AND WHICH POINT BEARS N22°26'05"W A DISTANCE OF 796.32 FEET FROM THE INITIAL POINT OF PARTITION PLAT NO. 2012-016 A DULY RECORDED PLAT IN CLACKAMAS COUNTY PLAT RECORDS; THENCE N18°37'59"E, ALONG SOUTHEASTERLY RIGHT-OF-WAY LINE OF TERRITORIAL DRIVE BEING THE NORTHWESTERLY LINE OF SAID LOT 15, A DISTANCE OF 101.49 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 15; THENCE S56°02'00"E, ALONG THE NORTHEASTERLY LINE OF SAID LOT 15, A DISTANCE OF 136.78 FEET TO A POINT ON THE ORDINARY HIGH WATER MARK OF THE WILLAMETTE RIVER, SAID POINT BEARS S56°02'00"E 31.64 FEET FROM A 1/2 INCH IRON PIPE; THENCE SOUTHERLY ALONG SAID ORDINARY HIGH WATER MARK S05°24'41"E A DISTANCE OF 26.22 FEET; THENCE CONTINUING ALONG SAID ORDINARY HIGH WATER MARK S16°42'51"W, A DISTANCE OF 20.82 FEET; THENCE CONTINUING ALONG SAID ORDINARY HIGH WATER MARK S36°00'02"W, A DISTANCE OF 60.86 FEET, SAID POINT BEARS S54°40'27"E A DISTANCE OF 28.77 FEET FROM A 1/2 INCH IRON PIPE; THENCE N54°40'27"W, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 15, A DISTANCE OF 130.63 FEET TO THE INITIAL POINT.

TOGETHER WITH, A TRACT OF LAND DESCRIBED AS FOLLOWS:

COMMENCING AT THE ABOVE DESCRIBED INITIAL POINT; THENCE N54°40'27"W, A DISTANCE OF 20.88 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF TERRITORIAL DRIVE; THENCE N18°37'59"E, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 10.44 FEET TO THE POINT OF BEGINNING, FROM WHICH POINT A 5/8 INCH IRON ROD BEARS S54°45'41"E, A DISTANCE OF 0.11 FEET; THENCE N54°45'41"W, A DISTANCE OF 23.29 FEET TO A 3/4 INCH IRON PIPE; THENCE N35°09'46"E, A DISTANCE OF 78.45 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF TERRITORIAL DRIVE AND FROM WHICH POINT A RAILROAD SPIKE SET IN A ROCK WALL BEARS N85°53'02"E 0.28 FEET; THENCE S18°37'59"W, ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 81.87 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACTS OF LAND CONTAINS 15,006 SQUARE FEET, MORE OR LESS.

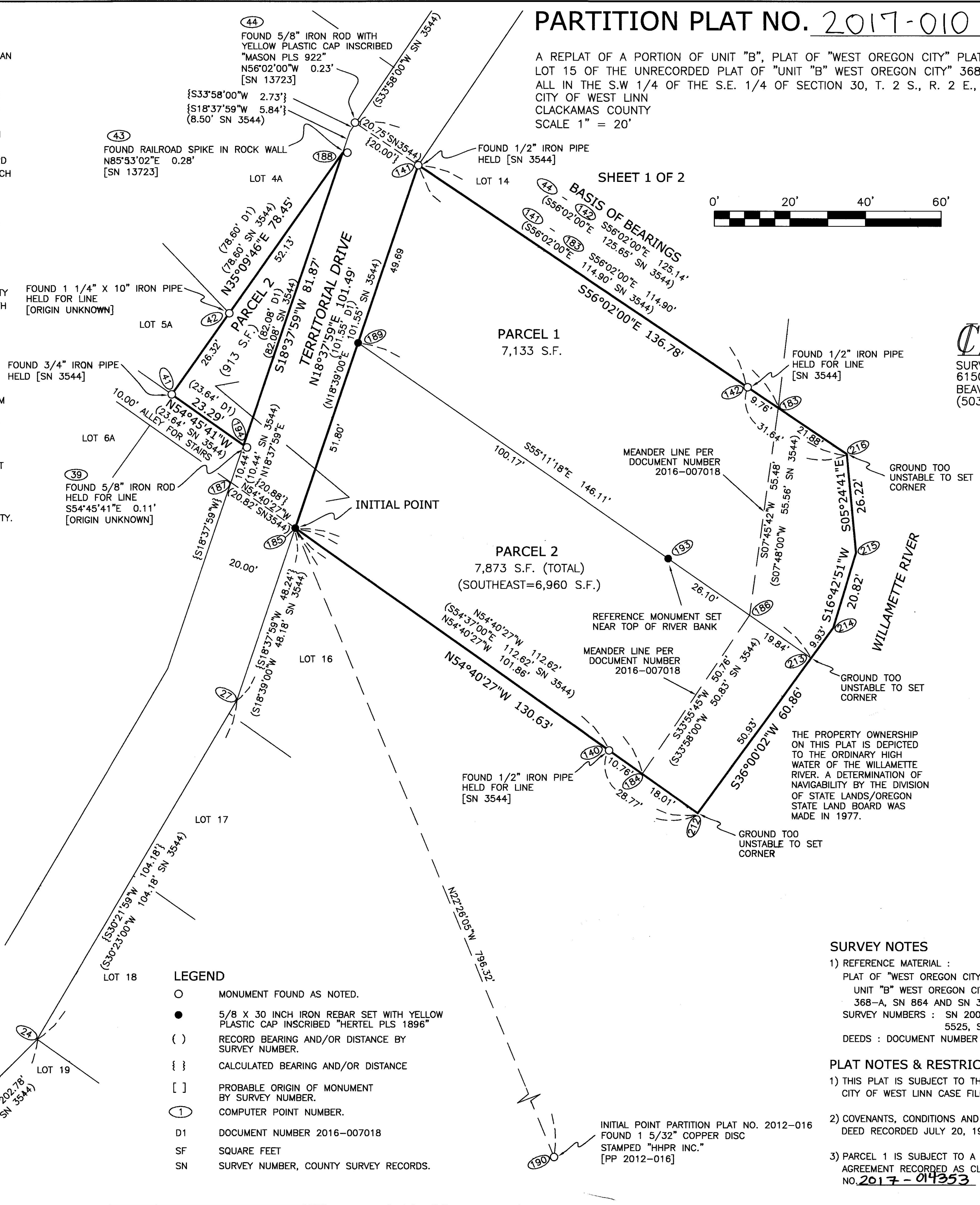
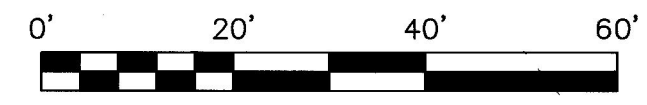
PARTITION PLAT NO. 2017-010

A REPLAT OF A PORTION OF UNIT "B", PLAT OF "WEST OREGON CITY" PLAT NO. 368 AND OTHER LANDS. LOT 15 OF THE UNRECORDED PLAT OF "UNIT "B" WEST OREGON CITY" 368-A ALL IN THE S.W 1/4 OF THE S.E. 1/4 OF SECTION 30, T. 2 S., R. 2 E., W.M. CITY OF WEST LINN CLACKAMAS COUNTY SCALE 1" = 20'

OREGON
JUNE 07, 2016



CASWELL/HERTEL
SURVEYORS INC.
6150 S.W. 124th AVE.
BEAVERTON, OREGON 97008
(503) 644-3179



SURVEY NOTES

- 1) REFERENCE MATERIAL :
PLAT OF "WEST OREGON CITY" PLAT NO. 368, "SUBDIVISIONS OF UNIT "B" WEST OREGON CITY" UNRECORDED PLAT RECORDED AS 368-A, SN 864 AND SN 3544.
SURVEY NUMBERS : SN 200, SN 798, SN 864, SN 3544, SN 5525, SN 7822, SN 13723, SN 26145
DEEDS : DOCUMENT NUMBER 2016-007018

PLAT NOTES & RESTRICTIONS

- 1) THIS PLAT IS SUBJECT TO THE CONDITIONS OF APPROVAL PER CITY OF WEST LINN CASE FILE MIP-15-02
- 2) COVENANTS, CONDITIONS AND RESTRICTIONS AS SET FORTH IN DEED RECORDED JULY 20, 1912 IN BOOK 126 PAGES 91-97.
- 3) PARCEL 1 IS SUBJECT TO A BOUNDARY LINE RECOGNITION AGREEMENT RECORDED AS CLACKAMAS COUNTY DOCUMENT NO. 2017-014353

REGISTERED PROFESSIONAL LAND SURVEYOR
Albert Hertel 9/15/16
OREGON
JULY 18, 1980
ALBERT HERTEL
1896

HELD FOUND 1/2" IRON PIPE [SN 3544]

INITIAL POINT PARTITION PLAT NO. 2012-016 FOUND 1 5/32" COPPER DISC STAMPED "HPR INC." [PP 2012-016]

RENEWS: 6/30/2017

JOB NUMBER 8374

PARTITION PLAT NO. 2017-010

A REPLAT OF A PORTION OF UNIT "B", PLAT OF "WEST OREGON CITY" PLAT NO. 368 AND OTHER LANDS. IN LOT 15 OF THE UNRECORDED PLAT OF "UNIT "B" WEST OREGON CITY" 368-A ALL IN THE S.W 1/4 OF THE S.E. 1/4 OF SECTION 30, T. 2 S., R. 2 E., W.M. CITY OF WEST LINN CLACKAMAS COUNTY

OREGON
JUNE 07, 2016

SHEET 2 OF 2

DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT NANCY WESTERMEIJER IS THE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE AND HAS CAUSED THE SAME TO BE PARTITIONED INTO PARCELS AS SHOWN ON THE ANNEXED MAP IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES.

Nancy Westermeyer
NANCY WESTERMEIJER

ACKNOWLEDGEMENT

STATE OF OREGON)
COUNTY OF Washington)SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 6th DAY OF October, 2016, BY NANCY WESTERMEIJER.

Benjamin S. Stacy
NOTARY SIGNATURE

Benjamin S. Stacy
NOTARY PUBLIC - OREGON

948924
COMMISSION NUMBER

MY COMMISSION EXPIRES ON March 28, 2020

APPROVALS

APPROVED THIS 1ST DAY OF NOVEMBER, 2016.

BY John A. Byrd
CITY OF WEST LINN PLANNING DIRECTOR

MINISTERIALLY APPROVED THIS 7th DAY OF DEC, 2016.

BY [Signature]
CITY OF WEST LINN ENGINEER

APPROVED THIS 14th DAY OF FEBRUARY, 2017

BY [Signature]
CLACKAMAS COUNTY SURVEYOR

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES AS PROVIDED BY ORS 92.095 HAVE BEEN PAID THROUGH JUNE 30, 2017.

APPROVED THIS 02 DAY OF March, 2017

CLACKAMAS COUNTY ASSESSOR AND TAX COLLECTOR

BY [Signature]
DEPUTY

STATE OF OREGON)
COUNTY OF CLACKAMAS)

I DO HEREBY CERTIFY THAT THE ATTACHED PARTITION WAS RECEIVED FOR RECORD ON THE 2nd DAY OF March, 2017, AT 9:04 O'CLOCK A.M.

AS PARTITION PLAT NO. 2017-010

DOCUMENT NO. 2017-14352

SHERRY HALL, CLACKAMAS COUNTY CLERK

BY: [Signature]
DEPUTY

CASWELL/HERTEL
SURVEYORS INC.
6150 S.W. 124th AVE.
BEAVERTON, OREGON 97008
(503) 644-3179

REGISTERED PROFESSIONAL LAND SURVEYOR

Albert Hertel 9/15/16

OREGON
JULY 18, 1980
ALBERT HERTEL
1896

RENEWS: 6/30/2017


68

After recording return to:
Sands, LLC
1470 SW Myrtle Drive
Portland, Oregon 97201
Gregg Nitta
Until a change is requested all tax
statements shall be sent to the
following address:
Sands, LLC
1470 SW Myrtle Drive
Portland, Oregon 97201

Date: February 13, ~~2015~~ 2019

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records **2019-011354**
Sherry Hall, County Clerk

 **\$118.00**

02212012201900113540060066 **03/05/2019 10:49:02 AM**

D-D Cnt=1 Stn=9 COUNTER1
\$30.00 \$16.00 \$62.00 \$10.00

STATUTORY BARGAIN AND SALE DEED

Gregg C Nitta and Andrea C Nitta, Grantor, conveys to **Sands, LLC, an Oregon Limited Liability Company**, Grantee, the following described real property:

LEGAL DESCRIPTION: Real property in the County of ~~Multnomah~~ ^{Clackamas}, State of Oregon, described as follows:

LEGAL DESCRIPTION AS PER EXHIBIT A attached hereto and made apart hereof

NOTE: This legal description was created prior to January 1, 2008.

The true consideration for this conveyance is **\$1.00** (Here comply with requirements of ORS 93.030)

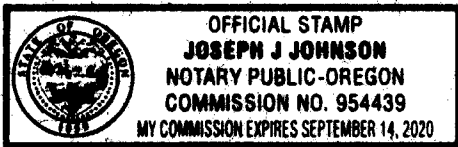
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 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.

Dated this 12 day of February, ~~2015~~ 2019

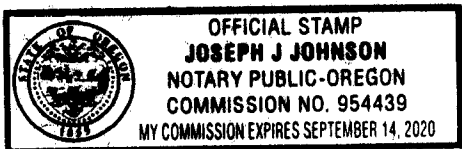
Gregg C Nitta
Gregg C Nitta
Andrea C Nitta
Andrea C Nitta

STATE OF Oregon)
County of Multnomah)ss.
)

This instrument was acknowledged before me on this 12 day of February, ~~2015~~ 2019
by Gregg C Nitta and Andrea C Nitta



[Signature]
Notary Public for Oregon
My commission expires: 14 September 2020



2

EXHIBIT A

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

PARCEL I:

BEGINNING AT A POINT IN BLOCK "B", WEST OREGON CITY, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, WHICH IS SOUTH 56° 24' WEST, 154.32 FEET DISTANT FROM THE QUARTER CORNER BETWEEN SECTIONS 30, AND 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 36° 15-1/2' EAST, 48.42 FEET TO A POINT; THENCE SOUTH 53° 44-1/2' WEST, 15.0 FEET TO A POINT, HEREIN DESIGNATED AS "POINT X"; THENCE CONTINUING ON THE LAST NAMED COURSE, 15.0 FEET TO A POINT; THENCE NORTH 36° 15-1/2' WEST, 24.86 FEET TO A POINT, SAID POINT MARKS THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE SOUTH 23° 16' WEST, 69.24 FEET, MORE OR LESS; THENCE NORTH 68° 47' EAST, 86.96 FEET, MORE OR LESS, TO THE MOST SOUTHERLY CORNER OF A TRACT CONVEYED TO BESSIE KLOLLEVOLD BY DEED RECORDED AUGUST 25, 1948 IN BOOK 410, PAGE 428, DEED RECORDS; THENCE NORTH 36° 10' WEST, 32.96 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF THE AFOREMENTIONED PORTLAND RAILWAY LIGHT AND POWER TRACT; THENCE SOUTH 53° 44-1/2' WEST ALONG SAID SOUTHEASTERLY LINE, 25 FEET, MORE OR LESS, TO THE MOST SOUTHERLY CORNER OF SAID PORTLAND RAILWAY LIGHT AND POWER TRACT; THENCE NORTH 36° 15-1/2' WEST, 24.86 FEET TO THE POINT OF BEGINNING.

PARCEL II:

BEGINNING AT THE ONE-QUARTER SECTION CORNER BETWEEN SECTIONS 30 AND 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, AND RUNNING THENCE NORTH 38° 39-1/2' WEST, 113.29 FEET; THENCE SOUTH 35° 23' WEST 110 FEET TO THE TRUE BEGINNING POINT OF TRACT CONVEYED; THENCE NORTH 35° 23' EAST 50 FEET; THENCE SOUTH 54° 37' EAST, 45.08 FEET; THENCE SOUTH 44° 54' WEST 49.43 FEET TO AN IRON PIPE; THENCE SOUTH 33° 07' WEST 1.24 FEET; THENCE NORTH 54° 37' WEST 36.96 FEET TO THE TRUE BEGINNING POINT OF TRACT CONVEYED.

ALSO BEGINNING AT AN IRON PIPE WHICH BEARS SOUTH 54° 37' EAST 56.98 FEET FROM THE TRUE BEGINNING POINT OF THE FOREGOING DESCRIBED TRACT; THENCE NORTH 44° 54' EAST 50.70 FEET; THENCE SOUTH 54° 37' EAST 82.80 FEET TO LEFT BANK OF WILLAMETTE RIVER; THENCE SOUTH 36° 04' WEST ALONG MEANDER LINE OF SAID RIVER 50 FEET; THENCE NORTH 54° 37' WEST 90.58 FEET TO THE BEGINNING OF THE LAST DESCRIBED TRACT.

AND ALSO A PART OF UNIT "B" OF WEST OREGON CITY, ACCORDING TO THE DULY RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

3

BEGINNING AT THE ONE-QUARTER CORNER BETWEEN SECTIONS 30 AND 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, AND RUNNING THENCE NORTH 38° 39-1/2' WEST 113.29 FEET; THENCE SOUTH 35° 23' WEST 60 FEET TO TRUE BEGINNING POINT OF TRACT CONVEYED; THENCE NORTH 35° 23' EAST 10 FEET; THENCE NORTH 61° 57' EAST 42.43 FEET; THENCE SOUTH 54° 37' EAST 33.46 FEET; THENCE SOUTH 44° 54' WEST 50.69 FEET; THENCE NORTH 54° 37' WEST 45.08 FEET TO TRUE BEGINNING POINT OF TRACT CONVEYED.

Z

ALSO BEGINNING AT A POINT WHICH BEARS SOUTH 54° 37' EAST 65.36 FEET FROM THE TRUE BEGINNING POINT OF FOREGOING DESCRIBED TRACT; THENCE NORTH 44° 54' EAST 50.69 FEET; THENCE SOUTH 54° 37' EAST 75.02 FEET TO LEFT BANK OF WILLAMETTE RIVER; THENCE SOUTH 36° 04' WEST ALONG THE MEANDER LINE OF SAID RIVER 50 FEET; THENCE NORTH 54° 37' WEST 82.80 FEET TO BEGINNING POINT OF LAST DESCRIBED TRACT.

A

ALSO A PART OF UNIT "B" OF WEST OREGON CITY, ACCORDING TO THE DULY RECORDED PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE ONE-QUARTER CORNER BETWEEN SECTIONS 30 AND 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, AND RUNNING THENCE NORTH 38° 39-1/2' WEST 113.29 FEET; THENCE SOUTH 35° 23' WEST 110 FEET; THENCE SOUTH 54° 37' EAST 56.98 FEET TO AN IRON PIPE SET AT THE BEGINNING POINT OF THE TRACT TO BE DESCRIBED; THENCE FROM SAID BEGINNING POINT SOUTH 54° 37' EAST 90.58 FEET; THENCE SOUTH 36° 04' WEST 50 FEET TO AN IRON PIPE; THENCE SOUTH 68° 47' WEST 42.83 FEET; THENCE NORTH 36° 10' WEST 32.96 FEET; THENCE NORTH 53° 50' EAST 5 FEET; THENCE NORTH 36° 10' WEST 36.26 FEET TO AN IRON PIPE; THENCE NORTH 33° 07' EAST 59.04 FEET TO AN IRON PIPE SET AT THE PLACE OF BEGINNING OF THE DESCRIPTION OF THE TRACT TO BE CONVEYED.

B

EXCEPTING THEREFROM THAT PORTION CONVEYED IN THE CITY OF WEST LINN, COUNTY OF CLACKAMAS AND STATE OF OREGON, TO THE CITY OF WEST LINN BY DEED RECORDED FEBRUARY 4, 1966, IN BOOK 669, PAGE 29.

FURTHER EXCEPTING THEREFROM ALL THE ABOVE DESCRIBED LAND OWNERSHIP OF THE STATE OF OREGON IN AND TO THAT PORTION LYING BELOW THE LINE OF ORDINARY HIGH WATER OF THE WILLAMETTE RIVER.

NOTE: This legal description was created prior to January 1, 2008.

4

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

PARCEL III

A part of Unit "B" of WEST OREGON CITY, in the County of Clackamas and State of Oregon, described as follows:

BEGINNING at the quarter section corner between Sections 30 and 31, Township 2 South, Range 2 East, of the Willamette Meridian; and running thence North 35°18' West 94.22 feet; thence North 35°23' East 190 feet to an iron pipe set for the true point of beginning of tract described; then North 35°23' East 50 feet; thence South 54°37' East 26.64 feet to an iron pipe; thence South 18°39' West 52.21 feet to an iron pipe; thence North 54°37' West 41.67 feet to the true beginning point of the tract herein described.

ALSO BEGINNING at an iron pipe which bears South 54°37' East 61.75 feet from the true beginning point of foregoing described tract; thence North 30°23' East 3.80 feet to an iron pipe; thence North 18°39' East 48.18 feet to an iron pipe; thence South 54°37' East 112.62 feet to the left bank of Willamette River; thence South 23°51' West along meander line of said river 51 feet; thence North 54°37' West 108.62 feet to the true beginning point of this last tract described.

PARCEL IV

All that portion of Unit "B" of WEST OREGON CITY, Lot 17, in the County of Clackamas and State of Oregon, described as follows:

BEGINNING at the quarter corner between Sections 30 and 31, Township 2 South, Range 2 East, of the Willamette Meridian; and running thence North 35°18' West 94.22 feet; thence North 35°23' East 140 feet to the true beginning point of tract herein described; thence North 35°23' East 50 feet to an iron pipe; thence South 54°37' East 41.67 feet to an iron pipe; thence South 30°23' West 50.19 feet; thence North 54°37' West 46.04 feet to the true beginning point of the tract herein described.

ALSO BEGINNING at a point which bears South 54°37' East 66.12 feet from the true beginning point of foregoing described tract; thence North 30°23' East 50.19 feet to an iron pipe; thence South 54°37' East 108.62 feet to the left bank of the Willamette River; thence South 73°55' West along meander line of said river 63.92 feet; thence North 54°37' West 64.43 feet to the beginning point of this last described tract.

PARCEL V

A part of Unit "B" of WEST OREGON CITY, in the County of Clackamas and State of Oregon, described as follows:

5

BEGINNING at the quarter section corner between Sections 30 and 31, Township 2 South, Range 2 East, of the Willamette Meridian; and running thence North 35°18' West 94.22 feet; thence North 35°23' East to the true beginning point of tract conveyed; thence North 35°23' East 50 feet; thence South 54°37' East 46.04 feet; thence South 30°23' West 49.41 feet to an iron pipe; thence South 44°54' West 0.78 feet; thence North 54°37' West 50.22 feet to the true beginning point of tract conveyed.

ALSO BEGINNING at an iron pipe set at a point which bears South 54°37' East 70.50 feet from the true beginning point of foregoing described tract; thence North 30°23' East 50.19 feet; thence South 54°37' East 64.43 feet to left bank of Willamette River; thence South 36°04' West, along meander line of said river 50 feet; thence North 54°37' West 59.46 feet to beginning point of this last described tract.

6



After recording return to:
Sands, LLC
5023 Territorial Drive
West Linn, OR 97068

Until a change is requested all tax
statements shall be sent to the
following address:
Sands, LLC
5023 Territorial Drive
West Linn, OR 97068

File No.: 7013-3707234 (WH)
Date: April 23, 2021

THIS SPACE RESERVED FOR RECORDER'S USE

707234-HW
First American Title Accommodation
Recording Assumes No Liability

STATUTORY BARGAIN AND SALE DEED

Grant Dunahm and Christina Dunham, as tenants by the entirety , Grantor, conveys to **Sands, LLC, an Oregon limited liability company**, Grantee, the following described real property:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **\$0.00**. (Here comply with requirements of ORS 93.030)

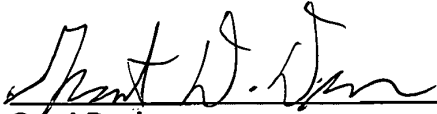
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 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.

Dated this 27 day of April, 2021.


APN: 00569209

Bargain and Sale Deed
- continued

File No.: 7013-3707234 (WH)
Date: 04/23/2021



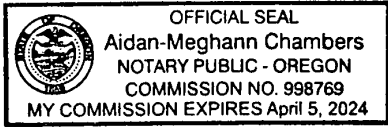
Grant Dunham




Christina Dunham

STATE OF Oregon)
County of ~~Multnomah~~ ^{WMC} Clackamas) ss.

This instrument was acknowledged before me on this 27 day of April, 2021
by **Grant Dunham and Christina Dunham.**





Notary Public for Oregon
My commission expires: 4/5/2024

EXHIBIT A

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

PART OF UNIT "B", WEST OREGON CITY, IN THE CITY OF WEST LINN, COUNTY OF CLACKAMAS, AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE ONE-QUARTER SECTION CORNER BETWEEN SECTIONS 30 AND 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, AND RUNNING THENCE NORTH 35° 18' WEST 94.22 FEET; THENCE SOUTH 35° 23' WEST 10 FEET TO THE TRUE POINT OF BEGINNING OF TRACT CONVEYED; THENCE NORTH 35° 23' EAST 50 FEET; THENCE SOUTH 54° 37' EAST 41.84 FEET; THENCE SOUTH 44° 54' WEST 50.70 FEET; THENCE NORTH 54° 37' WEST 33.46 FEET TO THE TRUE BEGINNING POINT OF THE TRACT CONVEYED. ALSO, BEGINNING AT A POINT WHICH BEARS SOUTH 54° 37' EAST 53.74 FEET FROM THE TRUE BEGINNING POINT OF HERETOFORE DESCRIBED TRACT; THENCE NORTH 44° 54' EAST 50.70 FEET; THENCE SOUTH 54° 37' EAST 67.24 FEET TO LEFT BANK OF WILLAMETTE RIVER; THENCE SOUTH 36° 04' WEST ALONG MEANDER LINE OF SAID RIVER 50.01 FEET; THENCE NORTH 54° 37' WEST 75.02 FEET TO THE BEGINNING POINT OF LAST DESCRIBED TRACT,

EXCEPTING THEREFROM OWNERSHIP OF THE STATE OF OREGON IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING BELOW THE LINE OF ORDINARY HIGH WATER OF THE WILLAMETTE RIVER.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

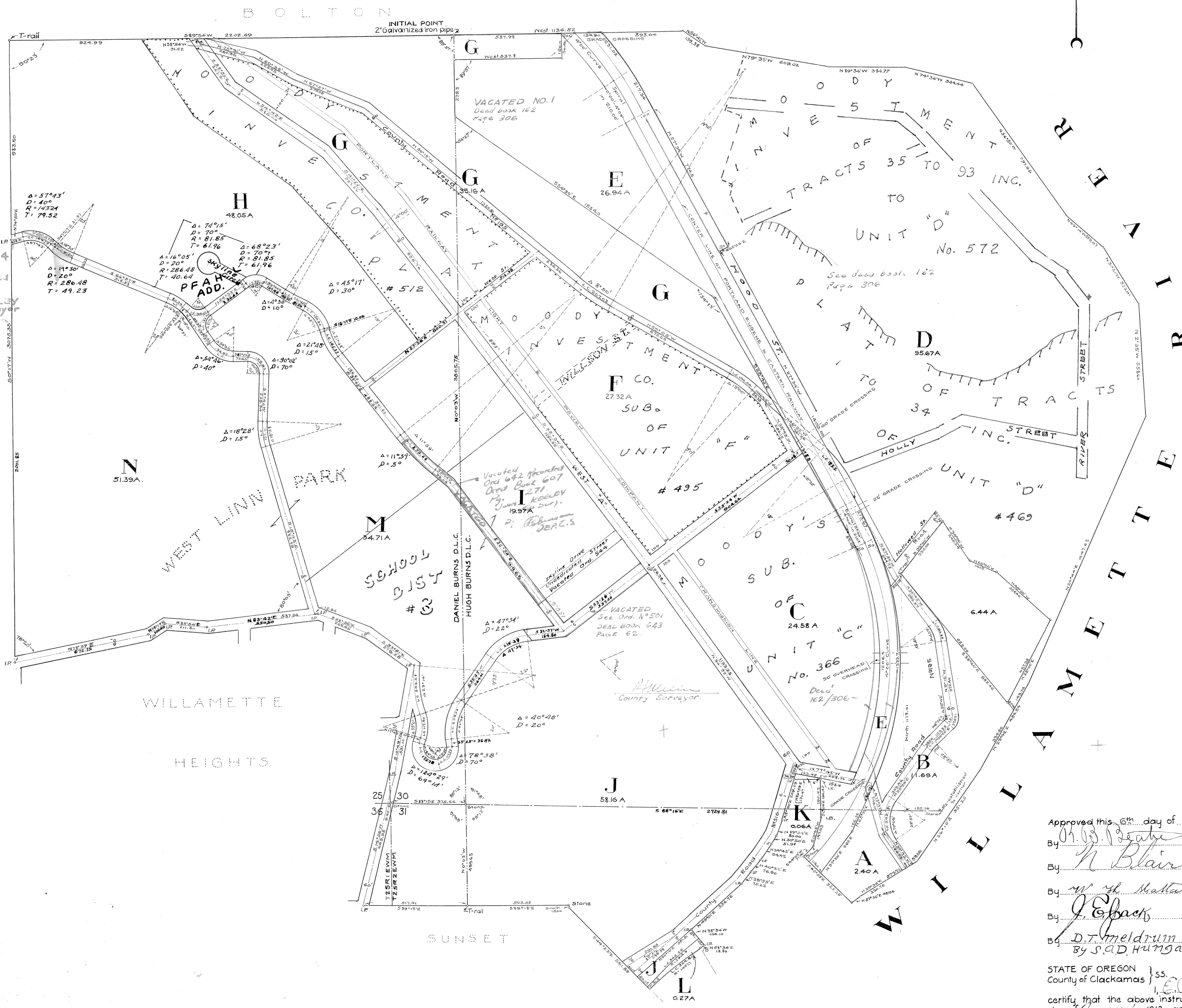
A.P.N.: 00569209

PLAT OF WEST OREGON CITY

SITUATED IN THE DANIEL BURNS D.L.C. NOS 59 & 68, & HUGH BURNS D.L.C. NO 51 IN SECS. 25 AND 36 T.2S., R.1E.W.M., AND SECS. 30 AND 31 T.2S., R.2E.W.M., CLACKAMAS COUNTY, OREGON

SCALE 1 INCH=300 FEET

C.C. COTTRELL, ENGINEER



SURVEYOR'S CERTIFICATE

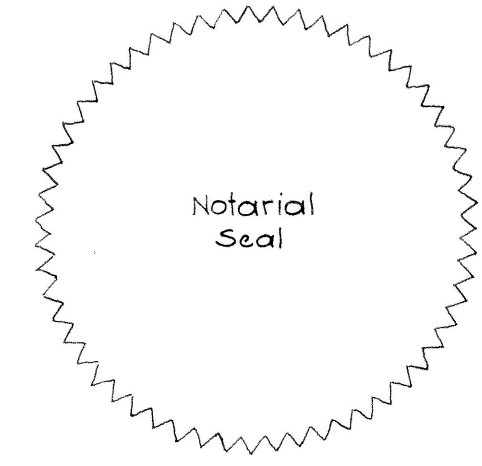
STATE OF OREGON } ss.
 County of Clackamas } ss.
 I, C.C. Cottrell, being first duly sworn, say that I have accurately surveyed and marked with proper monuments the tract represented on the annexed plat of West Oregon City, the outside boundaries of which are described as follows, to-wit:

Beginning at the Initial Point, which is the Northwest corner of the Hugh Burns D.L.C. No. 51, Notification No. 645, Certificate No. 143, said Initial Point being a 2-inch galvanized iron pipe three feet long and set 6 inches below the surface of the ground, said Initial Point is 388°15'E 378.66 ft. and N0°03'W 388.78 ft. from the Corner common to Sections 25 & 36 of T.2S. R.1E.W.M. and Sections 30 & 31 of T.2S. R.2E.W.M., thence S89°54'W 2202.69 ft. to the Northwest Corner of the Daniel Burns D.L.C. No. 68, Notification No. 788, Certificate No. 4332; thence S0°17'W along the west boundary of said Daniel Burns D.L.C. 3075.35 ft. to a 2-inch iron pipe, thence N58°17'E 100.40 ft. to a 2-inch iron pipe; thence N78°37'E 672.75 ft. to a 2-inch iron pipe; thence N83°42'E 550.50 ft. to a 2-inch iron pipe; thence S68°36'E 265.65 ft. to a 2-inch iron pipe; thence S53°51'E 279.25 ft. to a 2-inch iron pipe; thence S10°49'W 551.10 ft. to a 2-inch iron pipe; thence S14°36'W 663.95 ft. to a 2-inch iron pipe which is on the North boundary line of Sunset, Oregon; thence S89°18'E 517.41 ft. to a Railroad tie-rail set at the re-established Southwest Corner of the said Hugh Burns D.L.C.; thence S89°18'E along the North boundary line of Sunset, Oregon 503.58 ft. to a stone; thence South 15.00 ft. to the re-entrant corner of said Hugh Burns D.L.C.; thence S44°23'E 561.89 ft. to a point; thence Northeastly along a curve to the right, with a radius of 1457.69 ft. a distance of 324.65 ft. to a point which is the beginning of a tangent to said curve; thence N58°34'E along said tangent 18.80 ft. to an iron bolt; thence N38°34'W 104.10 ft.; thence N49°01'E 336.72 ft. to an iron bolt; thence N38°58'E 75.25 ft. to an iron pipe; thence N40°22'E 76.90 ft. to an iron pipe; thence N34°45'E 94.45 ft. to an iron pipe; thence N30°50'E 51.98 ft.; thence N17°34'E 80.00 ft. to an iron pipe; thence N18°40'E 209.29 ft. to an iron pipe; thence N89°59'E 131.47 ft. to an iron rod; thence S0°04'E 190.42 ft. to an iron bar; thence S15°46'W 147.93 ft. to a stone; thence S44°03'W 71.90 ft. to a stone; thence S45°55'E 328.25 ft. to a point which is on the Meander Line of the West Bank of the Willamette River; thence along said Meander Line as follows: N51°36'E 48.94 ft.; N59°35'E 330.78 ft.; N36°10'E 551.25 ft.; N29°42'E 484.54 ft.; N24°44'E 1447.63 ft.; N2°35'W 558.60 ft.; N31°21'W 332.41 ft.; N49°14'W 239.07 ft.; N34°50'W 797.66 ft.; N74°36'W 344.44 ft.; N89°34'W 384.77 ft.; N79°35'W 609.02 ft.; N54°42'W 139.38 ft. to the Northeast Corner of said Hugh Burns D.L.C.; thence leaving said Meander Line of the Willamette River and following the North Boundary line of said Hugh Burns D.L.C. due West 1136.52 ft., more or less, to the place of beginning, containing 442.85 acres. Excepting therefrom a tract of land described as follows: Beginning at a railroad tie-rail which bears N88°15'W 185.76 ft. and North 178.41 ft. from the re-established one-quarter Corner common to Sections 30 and 31, T.2S. R.2E.W.M.; thence S38°40'E 825.00 ft.; thence N28°00'E 457.38 ft.; thence N48°00'W 356.40 ft.; thence N65°00'W 141.90 ft.; thence N34°00'W 240.24 ft.; thence S39°00'W 330.00 ft. to the place of beginning, containing 6.44 acres. This plat consists of Units 'A' to 'N' inclusive.

b.b. Cottrell
Surveyor.

Subscribed and sworn to before me this 4th day of June 1913.

Paul C. Fischer
Notary Public for Oregon.



DEDICATION

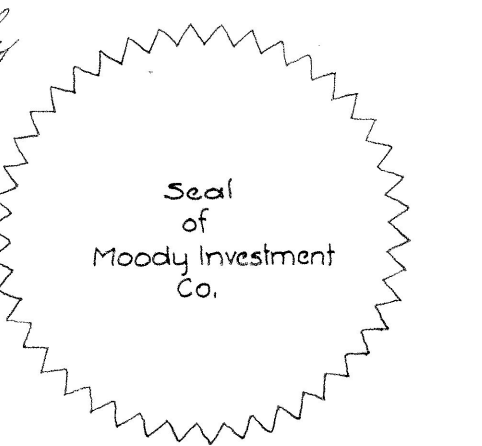
KNOW ALL MEN BY THESE PRESENTS: That MOODY INVESTMENT CO., a corporation duly incorporated, organized and existing under and by virtue of the laws of the State of Oregon, and having its principal office and place of business at Portland, Oregon, in said State, with power to take, hold and dispose of title to real estate, being the owner of the tract of land described in the foregoing Surveyor's Certificate of the plat of West Oregon City, situated in Clackamas County, State of Oregon, and does hereby dedicate to the public forever, all the avenues, streets, driveways and alleys shown thereon.

IN WITNESS WHEREOF, the said Moody Investment Co. has caused its corporate name to be hereunto subscribed, and the said Moody Investment Co. has caused these presents to be executed by its President, and its corporate seal to be hereunto affixed, attested by the signature of its Secretary, this 4th day of June 1913.

MOODY INVESTMENT CO.
By H.L. Moody
President.

Attest: R.A. Leiter
Secretary.

in the Presence of
 Dawson N. Colburn
 A.M. Burke



STATE OF OREGON } ss.
 County of Multnomah } ss.
 On this 4th day of June 1913, before me appeared H.L. Moody and R.A. Leiter to me personally known, who being duly sworn, do say that the said H.L. Moody is the President and the said R.A. Leiter is the Secretary of Moody Investment Co., and that the seal of said corporation 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 and said H.L. Moody and R.A. Leiter acknowledged said instrument to be the free act and deed of said corporation.

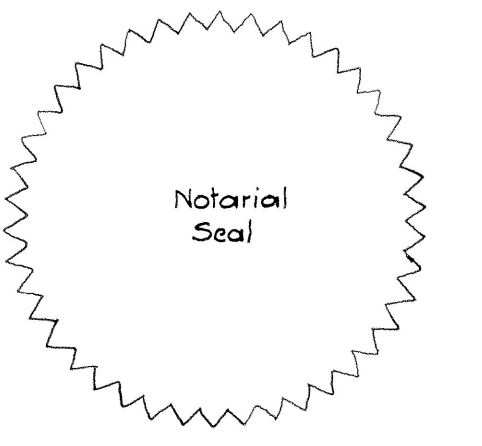
IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my Notarial seal, this day and year first above written.

Geo. C. Sheffer
Notary Public for Oregon.

Approved this 6th day of June 1913
 By J. B. Beach County Judge, Clackamas County Oregon.
 By H. Blair County Commissioner.
 By W. H. Matheson County Commissioner.
 By J. E. Backs County Assessor
 By D. T. Meldrum County Surveyor.
 By S. A. D. Hungate Dep

STATE OF OREGON } ss.
 County of Clackamas } ss.
 I, C.C. Cottrell, County Recorder in and for said County do hereby certify that the above instrument of writing was received for record at 2:45 P.M. on this 4th day of June 1913, and recorded on page 3 in book 162/306 Record of Town Plats of said County and State.

WITNESS my hand and seal of office affixed.
 C.C. Cottrell County Recorder.

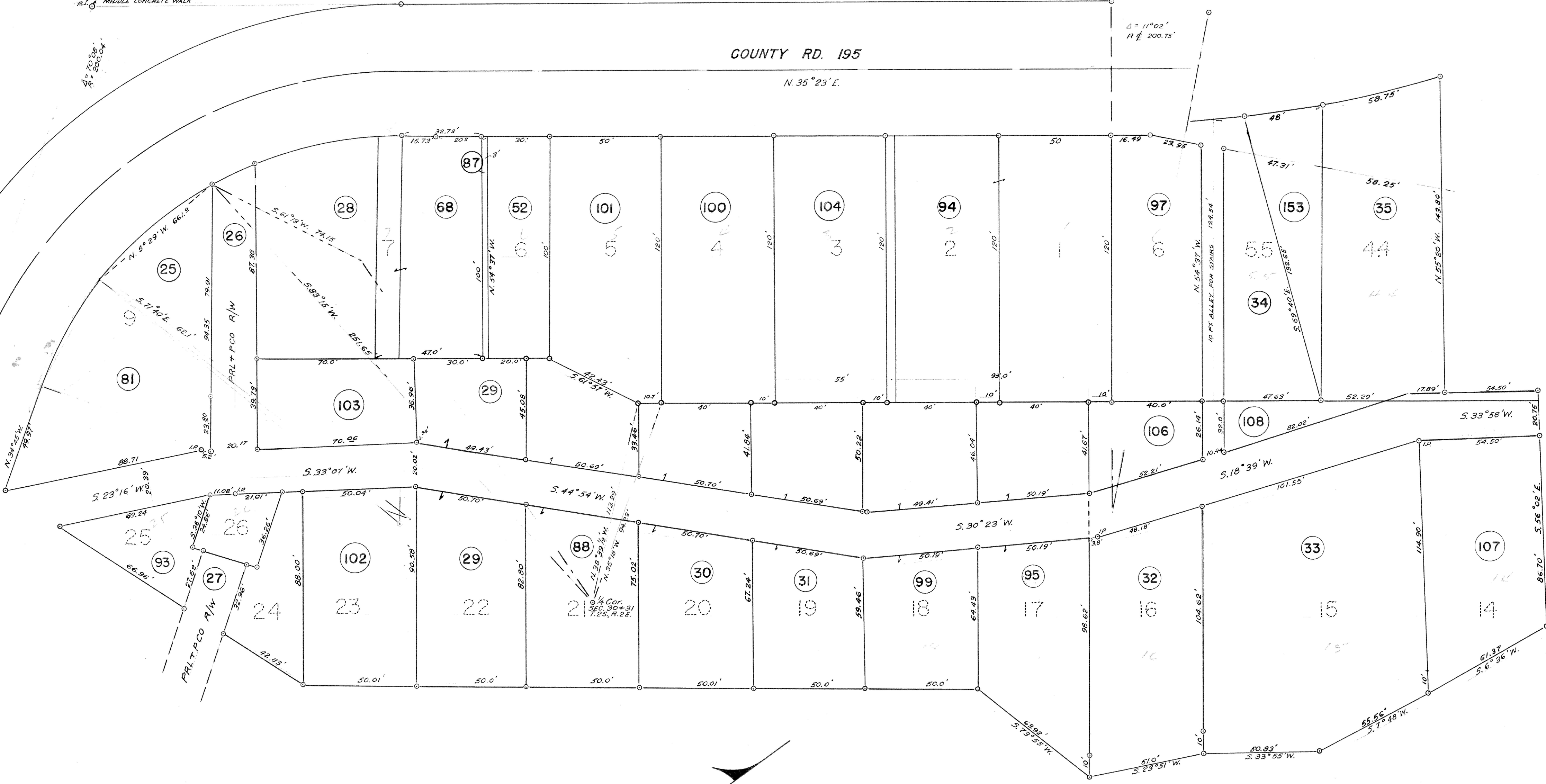


METAL POINT IN CENTER
BRASS RING SET IN
MIDDLE CONCRETE WALK

COUNTY RD. 195

N. 35° 23' E.

$\Delta = 11'02''$
 $R \neq 200.75'$



UNIT "B"
WEST OREGON CITY

SCALE 1" = 30'

NOTE: TRACED FROM A TRACING
OF A RANDS AND WHITE MAP.

OFFICE OF A.W. MEYERS - ASSESSOR - CLACKAMAS CO.
SUBJECT TO CORRECTION 1956

Chapter 13

RESIDENTIAL, R-5

Sections:

- 13.010 PURPOSE
- 13.020 PROCEDURES AND APPROVAL PROCESS
- 13.030 PERMITTED USES
- 13.040 ACCESSORY USES
- 13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS
- 13.060 CONDITIONAL USES
- 13.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS
- 13.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE
- 13.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

13.010 PURPOSE

The purpose of this zone is to provide for urban development at levels which relate to the site development limitations, proximity to commercial development and public facilities and public transportation, and to the surrounding development pattern. This zone is intended to carry out the intent of the Comprehensive Plan which is to provide for a choice in housing types and is intended to implement the policies and locational criteria in the Comprehensive Plan for medium density residential housing.

13.020 PROCEDURES AND APPROVAL PROCESS

- A. A use permitted outright, CDC 13.030, is a use which requires no approval under the provisions of this code. If a use is not listed as a use permitted outright, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- B. A use permitted under prescribed conditions, CDC 13.050, is a use for which approval will be granted provided all conditions are satisfied, and:
1. The Planning Director shall make the decision in the manner provided by CDC 99.060(A)(2), Administrative Procedures, except that no notice shall be required; and
 2. The decision may be appealed by the applicant to the Planning Commission as provided by CDC 99.240(A).
- C. The approval of a conditional use (CDC 13.060) is discretionary with the Planning Commission. The approval process and criteria for approval are set forth in Chapter 60 CDC, Conditional Uses. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 80 CDC.
- D. The following code provisions may be applicable in certain situations:
1. Chapter 65 CDC, Non-conforming Uses Involving a Structure.
 2. Chapter 66 CDC, Non-conforming Structures.
 3. Chapter 67 CDC, Non-conforming Uses of Land.
 4. Chapter 68 CDC, Non-conforming Lots, Lots of Record.
 5. Chapter 75 CDC, Variance.

13.030 PERMITTED USES

The following uses are permitted outright in this zoning district:

1. Single-family attached or detached residential unit.

LLA#1 and LLA#2 both currently have existing single family detached residential units in place, so these uses are permitted in this zone.

- a. Duplex residential units.
 - b. Triplex residential units.
 - c. Quadplex residential units.
2. Cottage cluster.
 3. Townhouse.
 4. Community recreation.
 5. Family day care.
 6. Residential home.
 7. Utilities, minor.
 8. Transportation facilities (Type I).
 9. Manufactured home. (Ord. 1308, 1991; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1614 § 3, 2013; Ord. 1635 § 12, 2014; Ord. 1736 § 1 (Exh. A), 2022)

13.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Sign, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.

Please review the included narrative for Chapters 28 and 34 regarding LLA#2, confirming that the existing dock is an approved water dependent use.

6. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC. (Ord. 1308, 1991; Ord. 1408, 1998; Ord. 1565, 2008; Ord. 1624 § 7, 2014; Ord. 1635 § 13, 2014)

13.060 CONDITIONAL USES

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

1. Certified child care center.
2. Cultural exhibits and library services.
3. Lodge, social, community center and civic assembly.
4. Manufactured home subdivision subject to the provisions of Chapter 36 CDC.
5. Public safety facilities.
6. Public support facilities.
7. Recycle collection center.
8. Schools.
9. Senior center.
10. Utilities, major.
11. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria. (Ord. 1308, 1991; Ord. 1377, 1995; Ord. 1378, 1995; Ord. 1411, 1998; Ord. 1565, 2008; Ord. 1584, 2008; Ord. 1604 § 9, 2011; Ord. 1675 § 13, 2018)

**13.070 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:

STANDARD		REQUIREMENT	ADDITIONAL NOTES
Minimum lot size			
	For single-family detached units	5,000 sf	No yard shall be required between units. LLA#1 will change Tax Lot 1700 to 8796sf, and LLA#1 and LLA#2 concurrently will change Tax Lot 1900 to 12024sf, both of which are above the minimum requirement for single family detached units.
	For single-family attached units	4,500 sf	
	Average minimum lot or parcel size for a townhouse project	1,500 sf	
Minimum lot width at front lot line		35 ft	Does not apply to townhouses or cottage clusters LLA#1 will increase the front lot line width of Tax Lot 1700 to 65.70', and LLA#1 and LLA#2 concurrently will change the front lot line width of Tax Lot 1900 to 99', both of which are above the minimum requirement for single family attached units
Average minimum lot width		35 ft	Does not apply to townhouses or cottage clusters No portion of either tax lot is less than the required average minimum lot widths of 35'.
Minimum yard dimensions or minimum building setbacks			Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District. Front, rear, and side yard setbacks for a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
	Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC 41.010 shall apply. These are existing houses with no front yards. This is an unusual situation, however, where the city street bisects the properties. There is a minimum of 28' of depth on the portion of the property on the other side of the street that can be used to meet this code if needed.
	Interior side yard	5 ft	Townhouse common walls that are attached may have a 0 ft side setback. Adjusted lots have no side setback of less than 7 feet to any existing house or deck.
	Street side yard	15 ft	N/A
	Rear yard	20 ft	A minimum rear yard setback of 55' exists on the house on Tax Lot 1900, and a minimum of 59' exists on the house on Tax Lot 1700, as measured from the rear decks to the property line at the river
Maximum building height		35 ft	Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply. The existing house on Tax Lot 1700 is NOT on a steeply sloped lot (less than a 10' difference in grade between the front and rear of the building) and does not exceed 35' in height. The existing house on Tax Lot 1700 IS on a steeply sloped lot (greater than a 10' difference in grade between the front and

The West Linn Municipal Code is current through Ordinance 1741, and legislation passed through December 12, 2022, and Resolution 2023-01, passed January 9, 2023.

STANDARD	REQUIREMENT	ADDITIONAL NOTES
		rear of the building), and meets the height exception as described in 41.020 of not exceeding 45' and the building height does not project more than 24' above street grade.
Maximum lot coverage	40%	Maximum lot coverage does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. <ul style="list-style-type: none"> • This does not include detached garages, carports, or accessory structures. • A developer may deduct up to 200 sf for an attached garage or carport. Both residences have lot coverages below 15% after LLA's.
Minimum accessway width to a lot which does not abut a street or a flag lot	15 ft	
Maximum floor area ratio	0.45	Maximum FAR does not apply to duplexes, triplexes, quadplexes, townhouses or cottage clusters. FAR of 5007 Territorial will be $3,284/12,024=.27$, FAR of 5023 Territorial will be $2,144/8,796=.24$ so maximum FAR requirement is met given new lot sizes after LLA's. 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.

A. The sidewall provisions of Chapter 43 CDC shall apply. (Ord. 1377, 1995; Ord. 1538, 2006; Ord. 1614 § 4, 2013; Ord. 1622 § 24, 2014; Ord. 1675 § 14, 2018; Ord. 1736 § 1 (Exh. A), 2022)

13.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B). (Ord. 1636 § 11, 2014)

13.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

- A. The following standards apply to all development including permitted uses:
1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 2. Chapter 35 CDC, Temporary Structures and Uses.
 3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
 4. Chapter 41 CDC, Building Height, Structures on Steep Lots, Exceptions.
 5. Chapter 42 CDC, Clear Vision Areas.
 6. Chapter 44 CDC, Fences.
 7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
 8. Chapter 48 CDC, Access, Egress and Circulation.
 9. Chapter 52 CDC, Signs.
 10. Chapter 54 CDC, Landscaping.
- B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except attached and/or detached single-family dwellings, residential homes and residential facilities. (Ord. 1590 § 1, 2009; Ord. 1675 § 15, 2018; Ord. 1736 § 1 (Exh. A), 2022)

Chapter 28

WILLAMETTE AND TUALATIN RIVER PROTECTION

28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT

The following development activities do not require a permit under the provisions of this chapter. (Other permits may still be required.)

G. Maintenance or repair of existing residential houses, structures and docks, provided the work does not involve expansion of building square footage or building footprint.

Comment: Both LLA#1 and #2 are not requesting any expansion of building square footage, footprint, or dock

28.050 PROHIBITED USES

The following are prohibited:

1. Residential floating structures, also known as floating homes or houseboats.
2. Permanent ski jumps.
3. More than one dock with or without a boat house per riverfront lot of record, except City-owned tax lots 100, 200, 300, 400, and 500 of Assessor's Map 21 East 24.
4. The location of any dock under any water condition that prevents what would otherwise be historic, safe, uninterrupted water passage.
5. Any new lawn area or garden area consisting primarily of non-native vegetation within HCA lands. A lawn area in the "Allowed Development" area is permitted.
6. Planting of any species identified as nuisance or prohibited plants on the Metro Native Plant List.
7. Non-permitted storage of hazardous materials as defined by the Oregon Department of Environmental Quality and dumping of any materials of any kind.
8. Excessive trimming or removal of existing native vegetation within the HCA unless it is to reestablish native vegetation in place of non-native or invasive vegetation. (Ord. 1576, 2008)

Comment: No prohibited uses exist or are being requested

28.110 APPROVAL CRITERIA

No application for development on property within the protection area shall be approved unless the decision-making authority finds that the following standards have been met or can be met by conditions of approval. The development shall comply with the following criteria as applicable:

K. Non-conforming docks and other water-related structures. Pre-existing non-conforming structures, including docks, ramps, boat houses, etc., as defined in this chapter may remain in place. Replacement in kind (e.g., replacement of decking and other materials) will be allowed provided the replacement meets the standards of this chapter. However, if any non-conforming structure that is damaged and destroyed or otherwise to be replaced to the extent that the rebuilding or replacing (including replacement in kind) would exceed 50 percent of the current replacement cost of the entire structure, the owner shall be required to meet all the standards of this chapter.

Comment: No development or replacement is being requested. Pre-existing dock will remain in place as-is.

Chapter 34

ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND

34.050 BOAT HOUSES AND DOCKS

Only side yard setback requirements apply to boat houses and docks.

Comment: A side yard setback of 5' from the dock to a side yard lot line is required for R5 zoning, For LLA#2, no portion of the dock is less than 25' from a side lot line.

LLA#1 does not apply.

85.210 PROPERTY LINE ADJUSTMENTS – APPROVAL STANDARDS

A. The Director shall approve or deny a request for a property line adjustment based on the criteria stated below:

1. An additional lot or parcel shall not be created by the property line adjustment.

Tax Lots 2200, 1900 and 1700 all remain with no additional lot created.

2. The existing property shall not be reduced in size by the adjustments below the minimum lot or parcel size established by the approved zoning for that district. The property line adjustment shall not enlarge, increase or extend the non-conformity of a non-conforming lot or non-conforming structure.

Lot sizes meet all standards of R5 zoning per chapter 13 descriptions.

3. Property line adjustments shall be either:
 - a. A straight line (see Figure 1 example);
 - b. A line with maximum of two 45- to 90-degree turns (see Figure 2 example); or
 - c. A maximum of three turns less than 45 degrees (see Figure 3 example).

LLA#1 meets 3.a above, a straight line, while LLA#2 meets 3.c above with 2 turns of less than 45 degrees.

(The following figures are only intended as examples.)

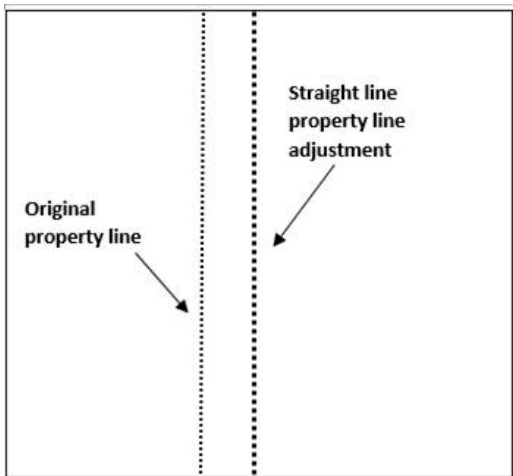


Figure 1.

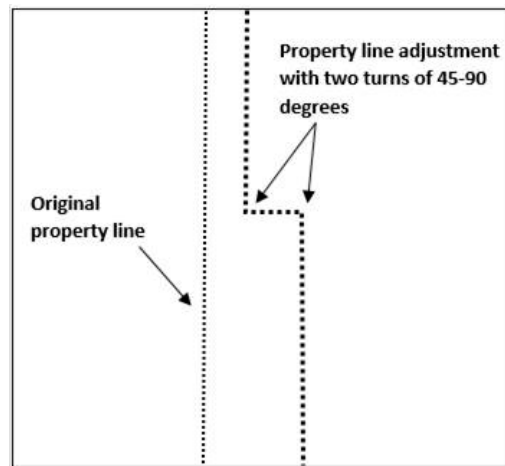


Figure 2.

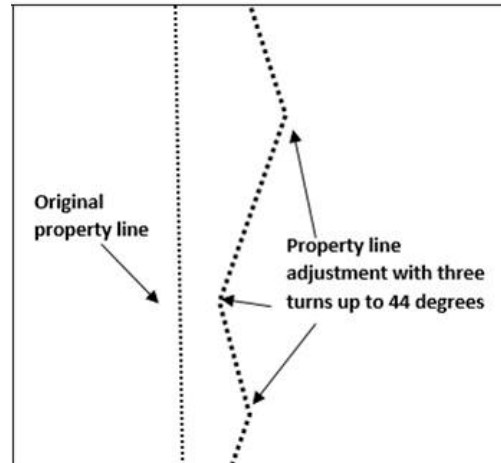


Figure 3.

4. The property line adjustment shall not create a lot or parcel that violates applicable site development regulations.

No site development being proposed.

5. The property line adjustment will not adversely affect existing easements or existing utilities unless an easement vacation is obtained, replacement easements are established, or any required utility relocations are paid for by the applicant.

Tax Lot 2200 contains a 20' wide easement for PGE electric line transmission. Per LLA#2, this easement will still be in its entirety on Tax Lot 2200, so no adjustment to this easement is needed.

6. Proposed property line adjustments that cannot meet these standards are subject to review under CDC 99.060(B)(2)(e).

7. Any appeal must be filed in accordance with CDC 99.240.

B. The provisions of CDC 85.070 shall also apply to property line adjustments. (Ord. 1401, 1997; Ord. 1442, 1999; Ord. 1635 § 35, 2014; Ord. 1636 § 57, 2014; Ord. 1675 § 54, 2018)

Chapter 99

PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

Sections:

- 99.010 PURPOSE
- 99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE,
REQUIREMENTS, REFUSAL OF APPLICATION, FEES
- 99.033 FEES
- 99.035 ADDITIONAL INFORMATION REQUIRED, WAIVER OF REQUIREMENTS AND REPORT
REQUIRED
- 99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS
- 99.040 DUTIES OF DIRECTOR
- 99.060 APPROVAL AUTHORITY
- 99.070 CONSOLIDATION OF PROCEEDINGS
- 99.080 NOTICE
- 99.090 CONTENTS OF NOTICE
- 99.100 MECHANICS OF GIVING NOTICE AND FAILURE TO RECEIVE NOTICE
- 99.110 DECISION-MAKING PROCESS OF APPROVAL AUTHORITY
- 99.120 AMENDMENTS
- 99.125 STAGED OR PHASED DEVELOPMENT
- 99.130 NOTICE OF FINAL DECISION
- 99.140 ESTABLISHING STANDING TO APPEAL
- 99.160 DECISION BY DIRECTOR
- 99.170 HEARING PROCEDURES
- 99.180 EX PARTE CONTACTS, IMPARTIALITY, DISQUALIFICATION, AND ABSTENTION
- 99.190 CONTINUATION OF HEARING – NOTICE
- 99.200 EVIDENCE
- 99.220 RECORD OF PROCEEDINGS
- 99.230 EFFECTIVE DATE OF DECISION – APPEAL OR REVIEW
- 99.240 AUTHORITY TO APPEAL OR SEEK REVIEW OF A DECISION – EXHAUSTION OF
ADMINISTRATIVE REMEDIES
- 99.250 APPLICATION FOR APPEAL OR REVIEW
- 99.260 PERSONS ENTITLED TO NOTICE ON APPEAL – TYPE OF NOTICE
- 99.270 CONTENTS OF PUBLIC NOTICE OF APPEAL HEARING
- 99.280 TYPE OF APPEAL HEARING AND SCOPE OF REVIEW
- 99.290 ACTION ON APPEAL OR REVIEW – TIME LIMIT AND AUTHORITY TO CHANGE DECISION
- 99.300 PARTICIPATION BY MEMBERS OF APPROVAL AUTHORITY IN DECISION AND VOTING
- 99.320 DENIAL OF APPLICATION – RESUBMITTAL
- 99.325 EXTENSIONS OF APPROVAL
- 99.330 REVOCATION OF APPROVALS – FAILURE TO FULFILL CONDITIONS

**99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE,
REQUIREMENTS, REFUSAL OF APPLICATION, FEES**

A. Who may apply.

1. Applications for approval required under this chapter may be initiated by:
 - a. The owner of the property that is the subject of the application or the owner's duly authorized representative; **I, Gregg Nitta, am the managing member of Sands LLC, owner of all applicable lots/properties**
 - b. The purchaser of such property who submits a duly executed written contract or copy thereof, which has been recorded with the Clackamas Clerk;
 - c. A lessee in possession of such property who submits written consent of the owner to make such application; or
 - d. Motion by the Planning Commission or City Council.
2. Any person authorized by this chapter to submit an application for approval may be represented by an agent who is authorized in writing by such a person to make the application.

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:
 - a. Boundary changes, per Chapter 81 CDC;
 - b. Amendments to the Comprehensive Plan;
 - c. Amendments to the Zoning Map;
 - d. Conditional uses;
 - e. Design review (Class I and Class II);
 - f. Historic Design Review (Class II);
 - g. Designation of a historic resource or removal of a historic resource designation;
 - h. Demolition of a historic resource;
 - i. Relocation of a historic resource;
 - j. New construction or remodels in the Willamette Falls Drive Commercial Design District, except as provided for in subsection (B)(2)(h) of this section;
 - k. Minor partitions;
 - l. Land divisions;
 - m. Enlargement of non-conforming uses or alteration of a structure containing a non-conforming use;
 - n. Planned unit developments;
 - o. Variances;

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- p. Development subject to Chapter 32 CDC, Water Resource Area Protection;
 - q. Development subject to Chapter 27 CDC, Flood Management Areas;
 - r. Development subject to Chapter 28 CDC, Willamette and Tualatin River Protection;
 - s. Right-of-way and easement vacations; and
 - t. Extensions of approval with modifications to original approval.
2. Subject to subsection (B)(3) of this section, the following applications are exempt from subsection (B)(1) of this section, Pre-Application Conference:
- a. Signs;
 - b. Home occupations;
 - c. Temporary use permits;
 - d. Sidewalk uses;
 - e. Final plats;
 - f. Property line adjustments; **No Pre-application conference required**
 - g. Re-vegetation plans;
 - h. Painting, signage, awnings, or architectural in-kind replacements in the Willamette Falls Drive Commercial Design District;
 - i. Appeals of land use decisions; and
 - j. Extensions of approval with no modification to original approval.
3. The Planning Director shall have the authority to require a preapplication conference prior to the submittal of any application that is not listed in subsection (B)(1) of this section if they determine that the potential development is of significant complexity or magnitude to merit a preapplication conference.
4. The Planning Director may waive the requirement for a pre-application conference for any application if they determine that such a conference is not warranted. Upon making such a determination, the Planning Director shall provide written notification (i.e., e-mail or letter) to the Planning Commission and applicable neighborhood association.
5. At such conference, the Planning Director or designee shall:
- a. Cite the Comprehensive Plan map designation;
 - b. Cite the applicable substantive and procedural ordinance provisions;
 - c. Provide technical data and assistance which will aid the applicant;
 - d. Identify other policies and regulations that relate to the application;
 - e. Identify other pertinent factors that relate to the application; and

99.060 APPROVAL AUTHORITY

This section explains the authority of the Planning Director, Planning Commission, City Council, and Historic Review Board as it relates to quasi-judicial and legislative action.

- A. Planning Director authority. The Planning Director shall have the authority to:
1. Approve, deny, or approve with conditions the following applications:
 - a. A temporary use or structure application for a period no more than 120 days, including all extensions (Chapter 35 CDC), and not associated with another land use approval.
 - b. A home occupation application (Chapter 37 CDC).
 - c. Access restrictions (Chapter 48 CDC).
 - d. A minor partition (Chapter 85 CDC).
 - e. A final subdivision plat (Chapter 89 CDC).
 - f. A final partition plat (Chapter 89 CDC).
 - g. A lot line adjustment (Chapter 85 CDC). **Application being submitted to Planning Director via Development Review Application, Lot Line Adjustment**
 - h. Enlargement or alteration of a non-conforming single-family structure containing a conforming use (Chapter 66 CDC).
 - i. Decide applications for a determination of unlisted parking requirements (Chapter 46 CDC).
 - j. *Repealed by Ord. 1735.*
 - k. Parks Design Review, Class I (Chapter 56 CDC).
 - l. Design Review, Class I (Chapter 55 CDC).
 - m. A sign application (Chapter 52 CDC).
 - n. Sidewalk use permit (Chapter 53 CDC).
 - o. Flood management area permit (Chapter 27 CDC).
 - p. *Repealed by Ord. 1622.*
 - q. Tualatin River protection permit (Chapter 28 CDC).
 - r. Water resource area permit (Chapter 32 CDC).
 - s. Class I variance (Chapter 75 CDC).
 - t. Willamette River Greenway permit (Chapter 28 CDC).
 - u. Extensions of approval when the Planning Director acted as the initial decision-making authority.
 - v. Class I Historic Design Review (Chapter 25 CDC).
 - w. A demolition permit for a non-contributing or not in period primary structure or an accessory structure (Chapter 25 CDC).

The West Linn Municipal Code is current through Ordinance 1741, and legislation passed through December 12, 2022, and Resolution 2023-01, passed January 9, 2023.

Class I Historic Design Review	B
Class II Historic Design Review	B
Designation or Removal of Historic Resource Designation	A
Demolition	A
Relocation	B
Home Occupation	No Notice
Minor Partition	A
Planned Unit Development	A
Property Line Adjustment	No Notice
Revocation of Approval	A
Sidewalk Use Permit	No Notice
Sign Permit	No Notice
Subdivision	A
Temporary Use Permit:	
60 days or less; 60-day extension	No Notice
Over 60 days, up to 1 year	A
Tualatin River Setback:	
Uses permitted outright and not subject to design review	No Notice
Uses permitted outright and subject to design review	B
Uses requiring conditional use permit and design review	A
Street Vacations	(per State statute requirements)
Variances:	
Class I (involves a small change with minor or no effect)	B
Class II (involves a significant change from code requirements)	A
Water Resource Area Permit (NDW)	A**
Willamette River Greenway:	
Development Permit	A**
Uses requiring conditional use permit and design review	A**
Zone Change	A

**Plus COE/DSL is notified

***Plus DLCD notice

(Ord. 1425, 1998; Ord. 1474, 2001; Ord. 1545, 2007; Ord. 1547, 2007; Ord. 1565, 2008; Ord. 1568, 2008; Ord. 1589 § 1 (Exh. A), 2010; Ord. 1613 § 25, 2013; Ord. 1614 § 16, 2013; Ord. 1621 § 25, 2014; Ord. 1635 § 40, 2014; Ord. 1636 § 61, 2014

The West Linn Municipal Code is current through Ordinance 1741, and legislation passed through December 12, 2022, and Resolution 2023-01, passed January 9, 2023.

PD-2 TAX MAP

2 2 E 30DC
WEST LINN

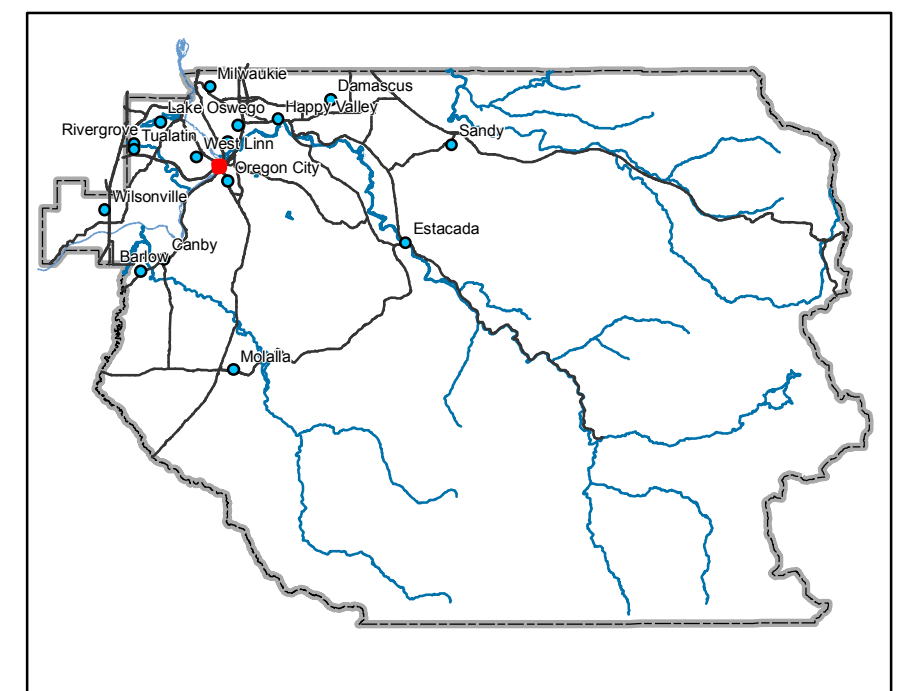
S.W.1/4 S.E.1/4 SEC.30 T.2S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
HUGH BURNS NO. 51

Cancelled Taxlots

- 1800
- 2000
- 500
- 3000
- 3100
- 3200
- 3400

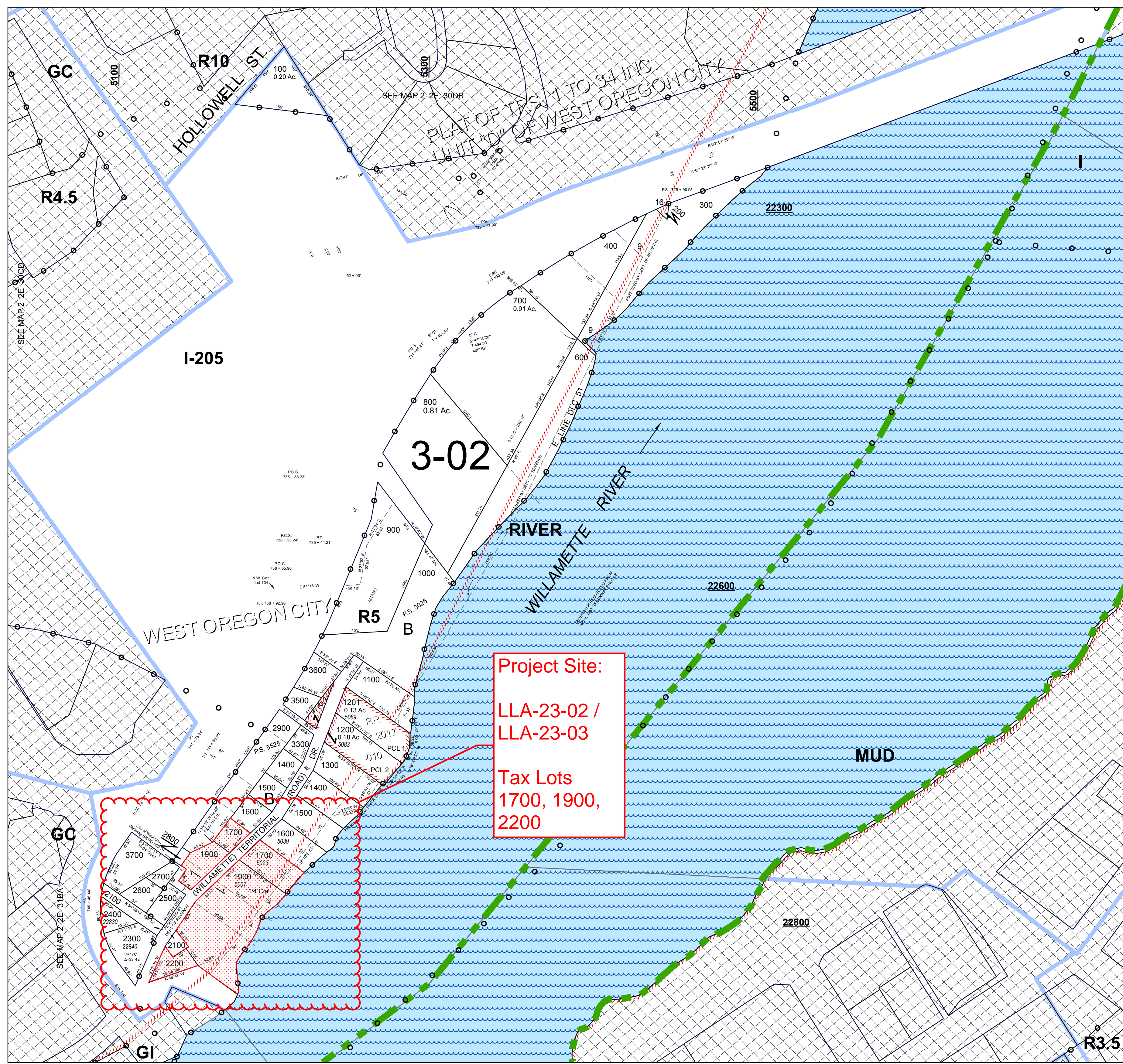
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor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



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

3/27/2017

2 2 E 30DC
WEST LINN



PD-3 COMPLETENESS LETTER



CITY OF
West Linn

December 4, 2024

Ben Stacy / Caswell Hertel
6150 SW 124th Ave.
Beaverton, OR 97008

SUBJECT: Lot Line Adjustments between three lots located at and adjacent to 5007 & 5023 Territorial Drive (LLA-23-02/03)

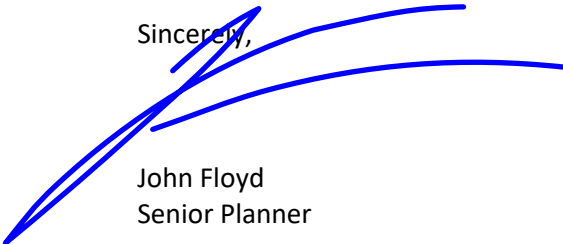
Dear Ben and Caswell:

The application for two lot line adjustments, submitted on July 10, 2023, was deemed complete as of December 4, 2023 after the waiving of one outstanding completeness item (Title Report for Tax Lot22E30DC02200). The City has up to 120 days to review and decide the application, with a final decision by April 2, 2024.

Please be aware that the determination of a complete application is not an approval of your application. The Completeness Determination means that you have provided the necessary information to review the application. The decision for this application will be made by the Planning Manager.

Please contact me at 503-742-6058, or by email at jfloyd@westlinnoregon.gov if you have any questions about the process.

Sincerely,



John Floyd
Senior Planner