



City of Sandy

Agenda

City Council Meeting

Meeting Date: Monday, October 18, 2021

Meeting Time: 6:00 PM

Page

1. MEETING FORMAT NOTICE

This meeting will be conducted in a hybrid in-person / online format. The Council will be present in-person in the Council Chambers and members of the public are welcome to attend in-person as well. Members of the public also have the choice to view and participate in the meeting online via Zoom.

To attend the meeting in-person:

Come to Sandy City Hall (lower parking lot entrance).
39250 Pioneer Blvd., Sandy, OR 97055

To attend the meeting online via Zoom:

Please use this link: <https://us02web.zoom.us/j/87390315865>

Or by phone: (253) 215-8782; Meeting ID: 873 9031 5865

Please also note the new public comment signup process below.

2. CITY COUNCIL WORK SESSION - 6:00 PM

2.1. Wastewater System Improvements Communications

4 - 12

[Wastewater System Improvements Communications - Pdf Presentation Slides](#)

3. CITY COUNCIL REGULAR MEETING - 7:00 PM

4. PLEDGE OF ALLEGIANCE

5. ROLL CALL

6. CHANGES TO THE AGENDA

7. PUBLIC COMMENT

Please note: there will be an opportunity to provide testimony on the Royal Lane annexation later in the agenda.

The Council welcomes your comments on other matters at this time.

If you are attending the meeting in-person

Please submit your comment signup form to the City Recorder before the regular meeting begins at 7:00 p.m. Forms are available on the table next to the Council Chambers door.

If you are attending the meeting via Zoom

Please complete the [online comment signup webform](#) by 3:00 p.m. on the day of the meeting.

The Mayor will call on each person when it is their turn to speak for up to three minutes.

8. RESPONSE TO PREVIOUS PUBLIC COMMENTS

9. CONSENT AGENDA

- 9.1. **City Council Minutes** 13 - 17
[City Council - 04 Oct 2021 - Minutes - Pdf](#)

10. ORDINANCES

- 10.1. **PUBLIC HEARING: 16370 Royal Lane Annexation** 18 - 107
Quasi-Judicial
[16370 Royal Lane Annexation - City Council Report - Pdf](#)
[Staff Presentation Slides](#)

11. OLD BUSINESS

- 11.1. **Special Service Contract Program Grant Awards** 108 - 115
[Special Service Contract Program Grant Awards - Pdf](#)

12. NEW BUSINESS

13. REPORT FROM THE CITY MANAGER

- 13.1. **Selection of Interview Panel for Planning Commission Applicants** 116
[Selection of Interview Panel for Planning Commission Applicants - Pdf](#)

14. COMMITTEE /COUNCIL REPORTS

14.1. **Memo from Chair Crosby: Planning Commission Terms**

117 - 118

[Memo 10.13.21](#)

15. STAFF UPDATES

15.1. [Monthly Reports](#)

16. ADJOURN



Staff Report

Meeting Date: October 18, 2021

From Jordan Wheeler, City Manager

SUBJECT: Wastewater System Improvements Communications

DECISION TO BE MADE:

Council consensus on Sandy Wastewater Improvements Project communications goals and strategy. Identify areas for improved communications efforts.

PURPOSE / OBJECTIVE:

Advance the council goals of providing sustainable infrastructure and engaging the community.

BACKGROUND / CONTEXT:

- Council expressed its desire for a work session on the progress and communications strategies of the Sandy Wastewater Improvements Project.
- The work session was developed with input from the Sandy Wastewater Advisory Council Committee.

KEY CONSIDERATIONS / ANALYSIS:

- Key topics for discussion include:
 - Do the program's communication goals and principles meet the needs of the City of Sandy?
 - Where would Council want to see greater community engagement?
 - What resources does Council need to be an effective partner of the communications strategy?

LIST OF ATTACHMENTS/EXHIBITS:

- Sandy Wastewater Improvements October 2021 Fact Sheet

Sandy Wastewater System Improvements Project – October 2021 Update



Overview

The City of Sandy is updating its wastewater facilities to meet federal and state requirements and provide reliable service for the growing City. The Wastewater System Facilities Plan identified the system improvements needed to protect the Clackamas and Sandy River Basins. The Sandy Wastewater System Improvements Project includes upgrades to the existing collection system to address infiltration and inflow, upgrades to the current wastewater treatment plant to meet permit requirements, a new satellite wastewater treatment plant, and an outfall to the Sandy River.

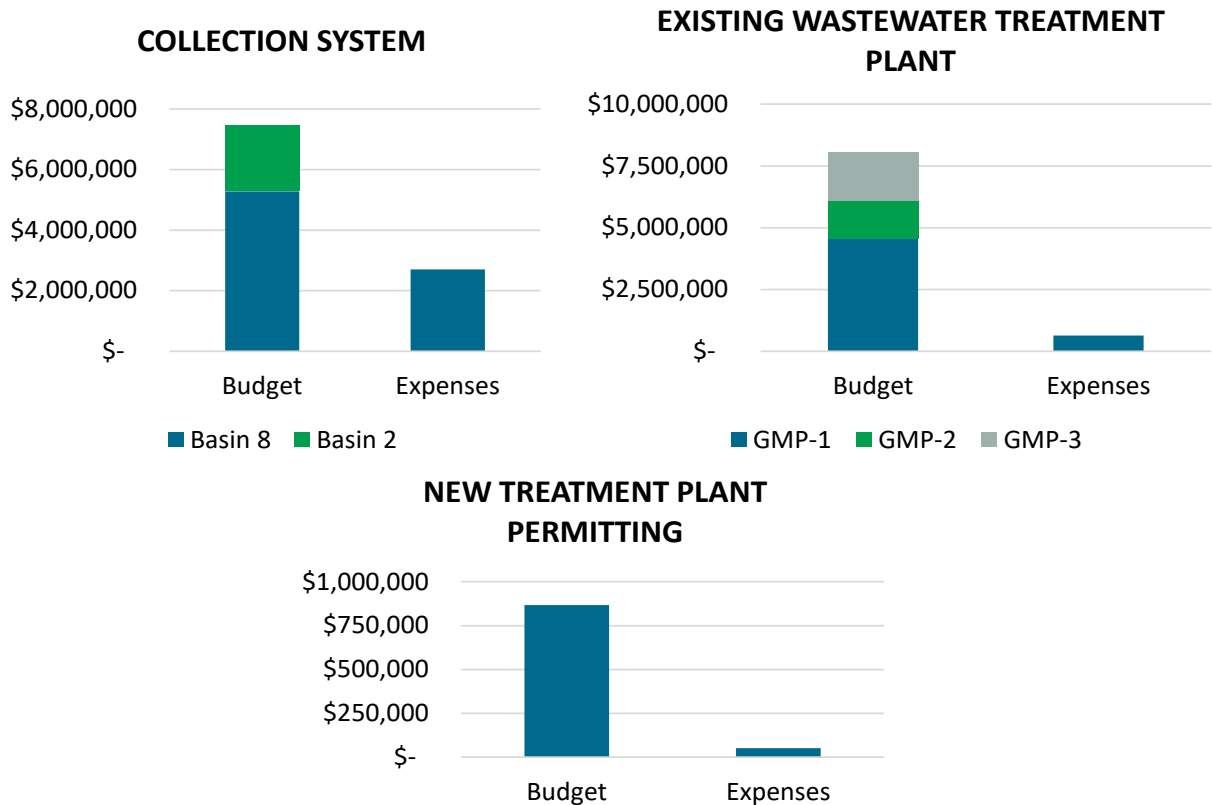
What’s happening now

- ✓ **Construction is ongoing at the wastewater treatment plant for GMP-1 and GMP-2.** Upgrades to two clarifiers and one aeration basin train is estimated to be complete in November 2021. **Completion of the three construction packages will bring the WWTP into regulatory compliance.**
- ✓ **Construction on Basin 8 is nearly complete and Construction has started on Basin 2.** Basin 8 construction is designed to reduce infiltration and inflow into the sewer collection system. **Completing Basin 2 and Basin 8 construction could reduce infiltration and inflow by 40%.**
- ✓ **The Temperature Mitigation Alternatives Analysis will be complete in November.** The study investigates methods for temperature mitigation at the Sandy River Outfall. **Temperature mitigation is necessary to protect the Sandy River.** Some alternatives researched include: Roslyn Lake wetland, riparian planting, and mechanical cooling.
- ✓ **Sandy’s WIFIA application is nearly complete.** WIFIA will fund about 65% of the project at low-interest rate and generous payment terms. **The application will be submitted in November 2021 and the loan will close mid-2022.**

Schedule

	Oct 21	Nov 21	Dec 21	Q1 22	Q2 22	Q3 22	Q4 22	Q1 23
Infiltration and Inflow Reduction								
Basin 2 and 8	Construction							
Next Basin	Design/Construction							
Current Plant Improvements								
GMP-1	Construction							
GMP-2	Construction							
GMP-3	Design				Construction			
Future Plant and Outfall								
MBR Treatment Plant	Permitting					Permitting/Design		
Sandy River Outfall	Permitting					Permitting/Design		
Roslyn Lake Wetlands	TBD							

Budget



Financing

\$63 M from WIFIA

- Low-interest loan
- Repayment begins 5 years after project is complete
- Application will be submitted in November
- Loan to close mid-2022

\$16.5 M from Clean Water State Revolving Fund

- Low-interest loan
- \$500,000 principal forgiveness upon loan completion

\$14.7 M from America Rescue Plan Act

- Federal grant
- First disbursement in 2022

Current Studies

Temperature Mitigation Alternatives Analysis

Estimated completion: Nov 2021

- What are the potential solutions for temperature mitigation?
- What is the required period and quantity of effluent cooling?
- What are the most effective alternatives for mitigating effluent temperatures?

Sandy River Outfall Mixing Zone Study

Estimated completion: Summer 2022

- Analysis of site data, environmental mapping, critical conditions, maximum expected, effluent concentrations, dilution modeling, and the antidegradation analysis

Sandy City Council

Wastewater Improvements Work Session



Communication Values & Guiding Principles

- Transparent
- Stay on-message with consistent tone
- Proactive: staying ahead of unfolding events (vs. reactive)
- Factual and scientific
- Responsive – when appropriate
- Focused, strategic, **efficient**
- Persistent

Key Messages

- **Momentum and progress**
 - Basin 8 infiltration and inflow work nearly complete, Basin 2 coming next.
 - Construction on the existing treatment plant is underway and will contribute to a healthier Tickle Creek
 - Permitting Studies are underway
- **Scientific and factual concentration on what's best for the environment**
 - All project work is based on solid, scientific, data-driven, studies: Mixing Zone study, Discharge Alternatives study, Temperature Mitigation study
- **Strategic financing to keep rates affordable**
 - \$63 million from WIFIA, \$16.5 million from SRF, and \$14.7 million from ARPA

Next Focus: Online Engagement

- **Updating project website**
 - Easier to read and understand
 - More graphics and videos to engage community members
- **Establishing a greater social media presence**

Wastewater System Improvements

Modernizing Infrastructure and Protecting Rivers

[PROJECT UPDATE - SEPTEMBER 2021](#)

[LEARN ABOUT THE SANDY RIVER DISCHARGE ALTERNATIVE](#)

[CLICK HERE TO SUBMIT QUESTIONS / COMMENTS](#)

WHAT IS THE PROBLEM?

The City of Sandy is confronting multiple urgent challenges with our wastewater infrastructure. The City is working collaboratively with the Oregon Department of Environmental Quality (DEQ) and other regulatory partners to solve these pressing problems to protect our environment and modernize our system.

The city's existing wastewater treatment plant and sewer pipes are aging, undersized, and in need of repair. Sandy is a growing community – in just 20 years the population has doubled to 11,000 residents and will double again over the next 20 years. Despite improved operations, our wastewater treatment plant has been unable to reliably meet federal/state permit requirements. We are working with our agency partners to make investments that are needed immediately to treat the city's wastewater and comply with laws designed to protect our streams and rivers.



How Council Can Engage

- **Share** social media posts from the City account about the project
- **Learn** through the monthly Council fact sheet with project updates
- Continue to **speak** with the community using the key messages



What's Happening Now

- **Collection System**

- Complete construction of Basins 2 and 8 in 2021
- Preliminary investigation of Basins 6 and 7, I/I rehab project in 2022

- **Existing WWTP**

- GMP-1 and GMP-2 Construction
- GMP-3 Design
- Construction complete Summer 2022

- **NPDES Permitting**

- Temperature mitigation workshop in November 2021
- Evaluating feasibility of infiltration to groundwater (
- Draft NPDES permit in early Fall 2022

- **WIFIA Application in November 2021**



MINUTES
City Council Meeting
Monday, October 4, 2021 6:00 PM

COUNCIL PRESENT: Stan Pulliam, Mayor; Jeremy Pietzold, Council President; Laurie Smallwood, Councilor; Richard Sheldon, Councilor; Kathleen Walker, Councilor; Carl Exner, Councilor; and Don Hokanson, Councilor

COUNCIL ABSENT: none

STAFF PRESENT: Jordan Wheeler, City Manager; Jeff Aprati, City Recorder; Tyler Deems, Deputy City Manager / Finance Director; Ernie Roberts, Police Chief; Greg Brewster, IT/SandyNet Director; and David Doughman, City Attorney

MEDIA PRESENT: none

1. CITY COUNCIL WORK SESSION - 6:00 PM

1.1. Government Relations Update (Pac/West)

Staff Report - 0484

Ryan Tribbett and Phil Scheuers with Pac/West delivered a government relations report for the Council. Their presentation slides were included in the agenda packet. The report involved a recap of legislative interim timelines, an update on redistricting, 2021-22 interim topics of import, and planning for the 2022 legislative session.

Discussion with the Council ensued, covering the following topics:

- The definition of 'surplus land' in HB 2918
 - The City's plans / intentions for property not yet developed
 - The importance of the City determining its own future rather than the State
- The possibility of being required to update the housing needs analysis again, and the cost for doing so
- Infrastructure funding opportunities
- Data gathering on system development charges
- Recycling policy
- Greenhouse gas emissions
- Wildfire recovery and prevention

- The February 2022 legislative session, and the possibility of securing a portion of remaining ARPA funds
 - The need to communicate with state representatives as soon as possible
 - The advantages of proposing smaller, shovel-ready projects; the need to quickly develop 1-page project summaries
- The Executive Branch's role in reviewing whether ARPA projects are truly shovel-ready
- The possibility of additional lottery funds
- The importance of projects including a climate resiliency component

Pac/West agreed to pursue the following issues further and report back to the City:

- The importance of streamlining land use-related reporting requirements to ease the burden on cities
- Infrastructure funding opportunities
- Timing requirements for updating the housing needs analysis
- Possible litigation on redistricting and its impacts on the timing of implementing new districts
- The impact of zoning designation on surplus property status (e.g. parks, etc)

2. CITY COUNCIL REGULAR MEETING - 7:00 PM

3. Pledge of Allegiance

4. Roll Call

5. Changes to the Agenda

An item was added to the agenda under New Business to discuss a Veterans Day event in Centennial Plaza.

6. Public Comment

Bert Key addressed the Council, requesting a waiver of the \$200 fee to reserve Centennial Plaza for the VFW's Veterans Day event.

7. Response to Previous Public Comments

none

8. Presentation

8.1. Oath of Office: Sergeant Craven

Mayor Pulliam administered the police sergeant oath of office to Sergeant Craven.

9. Consent Agenda

9.1. **City Council Minutes**

September 20, 2021

Moved by Kathleen Walker, seconded by Richard Sheldon

Adopt the consent agenda.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,
Richard Sheldon, Kathleen Walker, Carl Exner, and Don
Hokanson

10. New Business

10.1. **Centennial Plaza Veterans Day Ceremony Conversation**

Councilor Hokanson stated support for honoring veterans, but also noted the importance of consistently adhering to the City's policies. He proposed that the City could sponsor the event in partnership with the VFW, and possibly with other organizations as well.

Councilor Exner proposed waiving the VFW's reservation fee.

After discussion, the Council determined the best course of action would be to co-sponsor the event with the VFW for this particular year. The Council also noted the importance of avoiding setting a precedent of waiving fees. The **City Attorney** also cautioned avoiding the appearance of making a speech content-related decision to waive fees. In response to **Councilor Walker**, it was also noted that the event would not include political speeches.

Moved by Carl Exner

Waive the \$200 fee for reserving Centennial Plaza.

NOT SECONDED

Moved by Jeremy Pietzold, seconded by Don Hokanson

Co-sponsor the VFW's Veterans Day ceremony in Centennial Plaza this year.

CARRIED. 7-0

Ayes: Stan Pulliam, Jeremy Pietzold, Laurie Smallwood,
Richard Sheldon, Kathleen Walker, Carl Exner, and Don
Hokanson

11. Report from the City Manager

- The application period for Round 2 of the Covered Structures program will open soon
- A fireworks display event will occur at the high school on October 29th
- A storybook trail is underway at Bluff Park
- The Council will consider changes to the parks code at the next meeting
- A homelessness policy work session is forthcoming soon
- A wastewater project communications work session is also forthcoming soon
- A work session on 362nd and Bell is also upcoming

12. Committee /Council Reports

Councilor Hokanson

- Importance of meaningfully exploring wastewater alternatives other than discharging to the Sandy River
- Importance of including a fresh water source exploration project in the requests for additional ARPA funds

Councilor Exner

- Recent Bull Run CPO meeting, and the need for more strategic communications inside and outside the city

Councilor Walker

- Importance of communicating especially with Sandy ratepayers, and consideration of their interests was wastewater system project options are evaluated
- Desire for assurance that changes to the parks code will lead to successful implementation of the Parks and Trails Master Plan

Councilor Sheldon

- Agreement on the importance of prioritizing Sandy ratepayers
- Importance of coordinating Councilors' advocacy efforts in the interest of local control

Councilor Smallwood

- Agreement on the importance of prioritizing Sandy ratepayers
- Acknowledgement that cost is not the only consideration for wastewater project options

Council President Pietzold

- Benefits of contracting with a government relations firm
- Desire to use ARPA funds for part of the Special Service Contract Program allocations, though funds need to be spent within city limits
- Traffic concerns and U-turn safety at the Ten Eyck / Hwy 26 intersection
- Desire for a work session with ODOT
- Efforts continue on the initial stages of an economic development strategic plan

Mayor Pulliam

- Importance of shovel-ready projects to secure remaining ARPA funds
- Recent ride-along with police; process for dealing with abandoned RVs
- Advantages of revenue replacement for ARPA funds and the resulting flexibility
- Challenges regarding homelessness and newly-constructed covered structures
- Opportunities regarding wetlands construction with regard to the wastewater project
- Need for a work session with state representatives
- Question of why Portland State's population estimates for Sandy were too low, and concern about potential lost revenue

13. Staff updates

13.1. [Monthly Reports](#)

14. Adjourn

Mayor, Stan Pulliam

City Recorder, Jeff Aprati



Staff Report

Meeting Date: October 18, 2021

From Kelly O'Neill, Development Services Director

SUBJECT: 16370 Royal Lane Annexation - City Council Report

BACKGROUND / CONTEXT:

The City of Sandy is requesting annexation of 16370 Royal Lane on behalf of the Miller Family Trust and Douglas and Barbara Rebok Revocable Trust. The annexation area includes 15.21 acres and the conceptual zoning designation for the property is General Commercial (C-2). The primary reason for the annexation is to accommodate the future extension of Bell Street, but the annexation will also allow the 15.21 acres to develop as an urban use.

RECOMMENDATION:

The Planning Commission recommends that the City Council **approve Ordinance 2021-29** for the Type IV Annexation of 16370 Royal Lane subject to the conditions of approval in the staff report.

BUDGETARY IMPACT:

Additional tax revenue.

LIST OF ATTACHMENTS/EXHIBITS:

Attachment 1: City Council Staff Report

Attachment 2: Exhibits A. through K.

Attachment 3: Ordinance 2021-29

**CITY COUNCIL STAFF REPORT
TYPE IV LAND USE PROPOSAL**

This proposal was reviewed as a Type IV Annexation. The following exhibits and findings of fact explain the proposal and support the staff recommendation.

MEETING DATE: October 18, 2021

FILE NO.: 21-041 ANN

PROJECT NAME: Annexation of 16370 Royal Lane

APPLICANT: City of Sandy

OWNER: Miller Family Trust, Douglas and Barbara Rebok Revocable Trust

LEGAL DESCRIPTION: 24E11, Tax Lot 3500

TABLE OF CONTENTS:

EXHIBITS..... 2

FINDINGS OF FACT..... 3

GENERAL FINDINGS..... 3

ANNEXATION – CHAPTER 17.78 5

RECOMMENDATION..... 7

CONDITIONS OF APPROVAL..... 7

EXHIBITS

Applicant's Submittals:

- A. Land Use Application from Miller Family Trust
- B. Authorization Letter from Rebok Revocable Trust
- C. Supplemental Annexation Form
- D. Supplemental Land Use Application Form
- E. Project Narrative
- F. Preliminary Title Report
- G. Legal Description
- H. Pre-application Notes

Agency Comments:

- I. Fire District No. 72 Fire Marshal (August 24, 2021)

Public Comments:

- J. Joe and Teresa Smith (August 24, 2021)

Additional Documents:

- K. Planning Commission Staff Report from September 27, 2021

FINDINGS OF FACT

GENERAL FINDINGS

1. These findings are based on the applicant's submittal received on July 1, 2021. This report is based upon the Exhibits listed above as well as an agency comment from the Fire District (Exhibit I).
2. The subject site is approximately 15.21 acres. The site is located at 16370 Royal Lane.
3. The parcel has a Comprehensive Plan Map designation of Retail/Commercial and a conceptual zoning map designation of General Commercial (C-2). The property has a County zoning designation of RRFF-5 (Rural Residential Farm Forest, 5 acre).
4. The City of Sandy is requesting annexation of 16370 Royal Lane on behalf of the Miller Family Trust and Douglas and Barbara Rebok Revocable Trust. The annexation area includes 15.21 acres and the conceptual zoning designation for the property is General Commercial (C-2). The primary reason for the annexation is to accommodate the future extension of Bell Street, but the annexation will also allow the 15.21 acres to develop as an urban use.
5. On page 5 of the project narrative (Exhibit E) the applicant asked to elevate this annexation request directly to City Council and bypass the Planning Commission recommendation. The Development Services Director did not agree to this request and scheduled hearings before the Planning Commission and City Council in compliance with Section 17.78.70.
6. The project narrative (Exhibit E) includes information on the FSH Overlay that is located on the subject property. Since this application is for annexation and not development, an FSH Overlay review is not relevant at this time but will be applicable upon future development of the property. In accordance with the submission requirements in Section 17.78.60 (F)(3) the applicant may submit either an approximate or surveyed location of the FSH Overlay boundaries to fulfill the annexation application submission requirement; however, a surveyed location of the FSH overlay will be required at the time of development. The existing mapped FSH overlay on the zoning map details the approximate boundaries of the FSH and will be applied as part of the zone change that will occur with the annexation; however, the existing FSH overlay is not based on a survey. Surveying the exact location of existing streams and wetlands is important to define setback requirements. The existing conceptual location of Bell Street is crossing a wetland on the subject property and the conceptual location of Kate Schmitz appears almost entirely in a wetland on the subject property. Because the applicant is proposing to only submit an approximate FSH location with this annexation application, the Planning Commission recommended adding the following condition in compliance with Section 17.78.60(F.3): **The applicant and/or property owner shall survey the FSH boundaries prior to any road construction (Bell Street or Kate Schmitz Avenue) and prior to any further development of the subject property. If the survey determines that the existing FSH Overlay boundary is correct then no map corrections are needed, but if the survey reveals that the existing FSH Overlay boundary is incorrect then a zone map amendment shall be required.** A zone map amendment is a Type IV process. If the FSH Overlay boundary needs to be updated in the future based on the survey, staff recommends the applicant consider applying for the zone

change separate from any development proposals to avoid elevating the entire development proposal to a Type IV review.

7. Notification of the proposed application was mailed to affected agencies on August 17, 2021 and to surrounding property owners within 1,000 feet of the subject property on August 18, 2021. The proposal was submitted to DLCD on July 29, 2021.
8. A legal notice was printed in the Sandy Post on September 15, 2021.
9. According to the Fire District No. 72 Fire Marshal (Exhibit I), **all future construction activities shall comply with the applicable Oregon Fire Code. Fire apparatus access and fire protection water supply shall be reviewed and approved by the Sandy Fire District. All other requirements submitted by the Fire Marshal shall be conditions for future development.**
10. As of publication of this staff report, one public comment has been received. The public comment from Joe and Teresa Smith (Exhibit J) was supportive of this annexation request.
11. On September 27, 2021 the Planning Commission reviewed the proposed annexation. The Planning Commission added a condition related to surveying the FSH Overlay boundary and forwarded a recommendation of approval to the City Council by a vote of 7:0.

ANNEXATION – Chapter 17.78

12. Section 17.78.15 explains the types of annexation. Because the applicant is proposing to defer the FSH overlay survey to the time of development and, therefore, is not proposing any changes to the existing mapped FSH overlay at this time, this proposal qualifies as a Type A annexation, which is an annexation in conformance with the City’s conceptual zoning designations.
13. Section 17.78.20 details conditions for annexation.
 - a. Subsection (A) requires that ORS standards for annexation be met. Staff has determined that the process that Sandy uses to annex properties meets state requirements.
 - b. Subsection (B) requires that the property be within Sandy’s Urban Growth Boundary (UGB). The subject property is located in the UGB.
 - c. Subsection (C) explains that the site must be contiguous to the city or separated from it only by a public right-of-way. The site is surrounded by city limits. Page 4 of the project narrative (Exhibit E) includes diagrams detailing how the city limits line would be modified if the subject property is annexed.
14. Section 17.78.25 outlines requirements for tree retention and prohibits certain properties from being annexed if their respective property owners removed a certain number of trees within ten years of the application. Staff has not identified any significant tree removal from the subject property within the last ten (10) years. **Prior to any future tree removal on the subject property the applicant shall apply and receive approval for a tree removal permit in compliance with Chapter 17.102 and potentially Chapter 17.60. Removal of trees without a permit after annexation shall be enforced in compliance with Chapter 17.06.**
15. Section 17.78.30 explains that all lands within the urban growth boundary have been classified according to the appropriate city land use designations as noted on the Comprehensive Plan map. The applicant requests that the current Comprehensive Plan map of Retail/Commercial and the conceptual zoning designation of General Commercial (C-2) be applied to the property upon annexation.
16. Section 17.78.40 includes information on existing uses and structures. The subject property has an existing house and associated accessory building. If the subject property is annexed these structures will be existing non-conforming uses. Once located in city limits, any future development of the property would need to adhere to the uses in the General Commercial (C-2) zoning district.
17. Section 17.78.50 details annexation criteria. On pages 16-19 of the project narrative (Exhibit E) the applicant explains how the subject annexation request meets the applicable annexation criteria. While this analysis completed by the applicant is appreciated by staff, Section 17.78.50(B.2) allows for “island” annexations under ORS 222.750 without completing the analysis in Sections 17.78.50 (A.1.) and (A.2.). Currently, the subject property is within an unincorporated island. Generally, it is good planning practice to annex land within unincorporated islands. Furthermore, since this property was located inside the UGB at the

time of the last Transportation System Plan (TSP) adoption this subject property is not subject to TPR finding requirements in Section 17.78.50 (A.3).

18. In conformance with Section 17.78.50 (A.4.c.) the proposed annexation is in the best interest of the City of Sandy as it provides for a needed transportation connection (i.e., Bell Street) as defined in the Transportation System Plan.
19. Section 17.78.60(F.3) requires the applicant to submit a site plan detailing the approximate or surveyed location of areas subject to regulation under Chapter 17.60, Flood and Slope Hazard (FSH) Overlay District, including, but not limited to, wetland boundaries, streams, top of bank, buffers, areas of 25 percent or greater slope, restricted development areas, and the FSH analysis area. If the applicant wants to avoid an additional zone map modification request at time of development, then these areas will need to be surveyed at the time of annexation application submittal. As previously addressed in Finding #6, the subject property already has an approximate location of the FSH overlay mapped on the City's zoning map. The applicant is not proposing to survey the FSH boundaries as part of the annexation process; therefore, the FSH boundaries will need to be surveyed prior to future development. At the September 27, 2021 Planning Commission hearing, the Commission recommended adding a condition of annexation as follows in compliance with Section 17.78.60(F.3): **The applicant and/or property owner shall survey the FSH boundaries prior to any road construction (Bell Street or Kate Schmitz Avenue) and prior to any further development of the subject property. If the survey determines that the existing FSH Overlay boundary is correct then no map corrections are needed, but if the survey reveals that the existing FSH Overlay boundary is incorrect then a zone map amendment shall be required.**

RECOMMENDATION

The Planning Commission recommends the City Council **approve** this Type IV Annexation request subject to the conditions of approval below.

CONDITIONS OF APPROVAL

1. The zoning map designation for this property shall be General Commercial (C-2) with the Flood and Slope Hazard (FSH) Overlay on a portion of the property as identified on the zoning map.
2. The comprehensive plan map designation for this property shall be Retail/ Commercial.
3. The applicant and/or property owner shall survey the FSH boundaries prior to any road construction (Bell Street or Kate Schmitz Avenue) and prior to any further development of the subject property. If the survey determines that the existing FSH Overlay boundary is correct then no map corrections are needed, but if the survey reveals that the existing FSH Overlay boundary is incorrect then a zone map amendment shall be required.
4. Any future development shall meet the Sandy Municipal Code requirements.
5. Stormwater treatment and detention conforming to Chapters 13.18 and 13.20 of the Sandy Municipal Code shall be required upon further development of the property.
6. Prior to any future tree removal on the subject property the applicant shall apply and receive approval for a tree removal permit in compliance with Chapter 17.102 and potentially Chapter 17.60. Removal of trees without a permit after annexation shall be enforced in compliance with Chapter 17.06.
7. All future construction activities shall comply with the applicable Oregon Fire Code. Fire apparatus access and fire protection water supply shall be reviewed and approved by the Sandy Fire District. All other requirements submitted by the Fire Marshal shall be conditions for future development.

Exhibit A



General Land Use Application

1 page

Name of Project:	16370 SE Royal Lane Annexation
Location or Address:	16370 SE Royal Lane Sandy, OR 97055

Map & Tax Lot #	T: 2S	R: 4E	Section: 11	Tax Lot (s): 03500
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Request:	The applicant is requesting to annex the property into the City of Sandy. There is no design review or site plan review included with this application.

I am the 1/3 owner of the property listed above, and the statements and information contained herein are in all respects true, complete and correct to the best of my knowledge and belief.

Applicant (if different than owner) City of Sandy, Attn: Mike Walker	1/3 Owners: Miller Family Trust Dated June 19, 2017, Trustees Edward Blair Miller and Nancy Lu Miller
Address 39250 Pioneer Blvd	Address 1709 Timber Hills Road
City/State/Zip Sandy, OR 97055	City/State/Zip Mount Shasta, CA 96067
Email mwalker@ci.sandy.or.us	Email ebm@edmillermd.com
Phone 503-489-2162	Phone 530-925-5211 / 530-926-4901
Signature	Signature <i>Ed Miller Nancy L. Miller</i>

Staff Use Only

File #:	Date:	Fee\$:	Planner:
Type of review: Type I <input type="checkbox"/> Type II <input type="checkbox"/> Type III <input type="checkbox"/> Type IV <input type="checkbox"/>			
Has applicant attended a pre-app? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, date of pre-app meeting:			

Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160

Exhibit B

June 28, 2021

Mike Walker
Director of Public Works
City of Sandy
39250 Pioneer Blvd.
Sandy, Oregon 97055

Mike,

The purpose of this letter is to authorize you on behalf of the Douglas and Barbara Rebok Revocable Trust (1/3 owners) to initiate the annexation of the property at 16370 SE Royal Lane in Sandy.

Please let us know if you need anything further from us to move forward with the annexation process.

Sincerely,

Barbara A. Rebok

Barbara A. Rebok, Trustee

Douglas E. Rebok

Douglas E. Rebok, Trustee

Exhibit C



Supplemental Annexation Land Use
Application Form (No. 2)

Page 1

1 page

List of all owners of property included in the application

Owner:	Nancy Miller, Trustee
Address:	1709 Timber Hills Road Mount Shasta, CA 96067
Email:	
Phone:	
Property Description: (TL, Section, Township, Range)	03500, 11, 2S, 4E, WM

Owner:	Douglas E Rebok, Trustee
Address:	
Email:	
Phone:	
Property Description: (TL, Section, Township, Range)	03500, 11, 2S, 4E, WM

Owner:	Edward Blair Miller, Trustee
Address:	1709 Timber Hills Road Mount Shasta, CA 96067
Email:	
Phone:	
Property Description: (TL, Section, Township, Range)	03500, 11, 2S, 4E, WM

Owner:	Julie K. Miller, Trustee
Address:	PO Box 870 Turner, OR 97392
Email:	
Phone:	
Property Description: (TL, Section, Township, Range)	03500, 11, 2S, 4E, WM

Staff Use Only

File #:	Date:	Fee\$:	Planner:
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Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160



List of all owners of property included in the application

Owner:	Barbara A. Rebok, Trustee
Address:	4300 Indian Creek Road Lincoln, CA 95678
Email:	
Phone:	
Property Description: (TL, Section, Township, Range)	03500, 11, 2S, 4E, WM

Owner:	
Address:	
Email:	
Phone:	
Property Description: (TL, Section, Township, Range)	

Owner:	
Address:	
Email:	
Phone:	
Property Description: (TL, Section, Township, Range)	

Owner:	
Address:	
Email:	
Phone:	
Property Description: (TL, Section, Township, Range)	

Staff Use Only

File #:	Date:	Fee\$:	Planner:
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Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160

EXHIBIT D



Supplemental Land Use Application
Form (No. 1)

4 pages

ANNEXATION

ZONE CHANGE

COMPREHENSIVE PLAN AMENDMENT

PROPERTY IDENTIFICATION

TAX LOT NUMBER	TOWNSHIP	RANGE	SECTION

EXISTING AND PROPOSED LAND USE DESIGNATIONS

TAX LOT NUMBER (S)	COMPREHENSIVE PLAN EXISTING / PROPOSED	ZONING MAP EXISTING / PROPOSED

IMPORTANT: Each section on this application must be fully completed or your application could be deemed incomplete.

Development Services Department, 39250 Pioneer Blvd, Sandy, OR 97055, 503.489.2160



TAX LOT NUMBER	CLACKAMAS COUNTY RECORDING NUMBER	ASSESSED LAND VALUE	SIZE IN ACRES OR SQ. FT.

LEGAL DESCRIPTION: Attach a separate page with the written metes and bounds legal description. Accuracy of the legal description (s) must be certified by a registered land surveyor for all annexation applications.

DESCRIBE EXISTING USES

DESCRIBE EXISTING BUILDINGS

How many buildings are located on the property?	
Number of total dwellings?	



DESCRIBE EXISTING TOPOGRAPHY

Approximate acreage with slopes less than 14.9%:	
Approximate acreage with slopes 15% to 24.9%:	
Approximate acreage with slope in excess of 25%:	
Any creeks, water sources, drainageways or wetlands within the property? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Any steep slopes, ravines, draws or bluffs within or abutting the property? Yes <input type="checkbox"/> No <input type="checkbox"/>	

DESCRIBE EXISTING ACCESS

Does the subject property abut a public right-of-way? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Name of public right-of-way:	
Does the property abut a private road? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Name of abutting private road(s):	
Describe any unusual difficulties in accessing the property:	

DESCRIBE SURROUNDING USES ON ADJACENT PROPERTIES



DESCRIBE PROPOSED USE OF THE PROPERTY OR LAND DIVISIONS
Include number of lots, densities, etc.

EXHIBIT E

Royal Lane Annexation

Type IV Annexation (Type A)

Owner:	Multiple Owners – See attached list (Supplemental Annexation Land Use Application form #2)
Applicant:	City of Sandy Attn: Mike Walker, Public Works Director 39250 Pioneer Blvd. Sandy, OR 97055 mwalker@ci.sandy.or.us 503- 489-2162
Planner:	Harper Houf Peterson Righellis, Inc. Brad Kilby, AICP 205 SE Spokane St, Suite 200 Portland, OR 97202 bradk@hhpr.com 503-221-1131
Site Location:	16370 SE Royal Lane Sandy, OR 97055
Tax Lot:	24E1103500
Parcel Size:	15.21 acres
Zone:	General Commercial (C-2)
Comprehensive Plan:	Retail/Commercial
Overlay District:	Flood and Slope Hazard Overlay (FSH)
Summary of Request:	The applicant is proposing to annex the subject site into the City of Sandy. There is no design review or site plan review included with this application.
Date:	July 2, 2021



Table of Contents

I. SUMMARY OF PROPOSAL AND REQUEST.....	3
Existing Conditions	3
Proposal.....	4
II. RESPONSES TO APPLICABLE CODE SECTIONS.....	5
Chapter 17.12: Procedures for Decision Making.....	5
Chapter 17.18: Processing Applications	6
Chapter 17.44: General Commercial (C-2)	7
Chapter 17.60: Flood & Slope Hazard Overlay District	8
Chapter 17.78: Annexation.....	122
III. CONCLUSION	200

ATTACHMENTS

- A. Application form with Miller family signatures
- B. Letter from Rebok family authorizing application
- C. Supplemental application form with owners listed
- D. Supplemental application form with property information
- E. Preliminary title report
- F. Legal description
- G. Tax map
- H. Pre-application conference notes



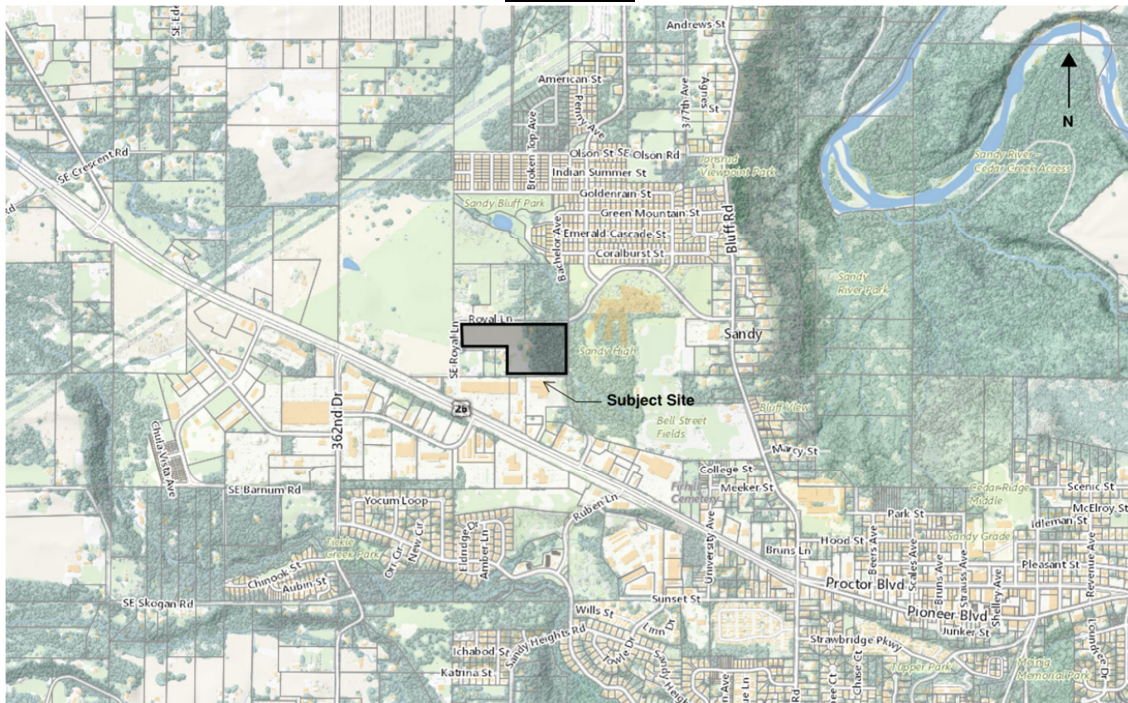
I. SUMMARY OF PROPOSAL AND REQUEST

Existing Conditions

The project site is located at 16370 SE Royal Lane in Sandy, Oregon and includes the entirety of Tax Lot 2S4E1103500. The subject site is located in unincorporated Clackamas County but within the Sandy urban growth boundary (UGB) and zoned Rural Residential Farm Forest 5-Acre (RRFF-5). The Sandy Zoning Map designates the property as C-2 (General Commercial) and the Sandy Comprehensive Plan designate the property Retail Commercial.

The area of the property is approximately 15.21 acres and has an existing detached single-family residence on site with several associated outbuildings. The project site is bordered by SE Royal Lane to the west and the north, and Sandy High School to the east. There is a large grove of trees located on the eastern half of the property, while the western half of the property is used for agriculture. A creek runs along the eastern border of the site with a Flood and Slope Hazard Overlay over a portion of the eastern property.

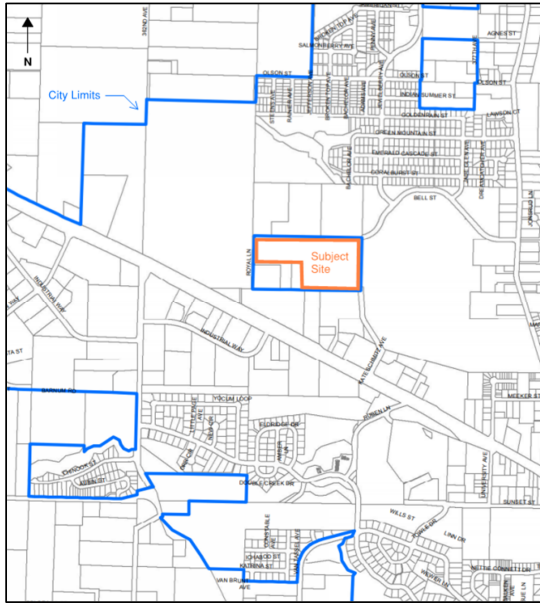
Vicinity Map



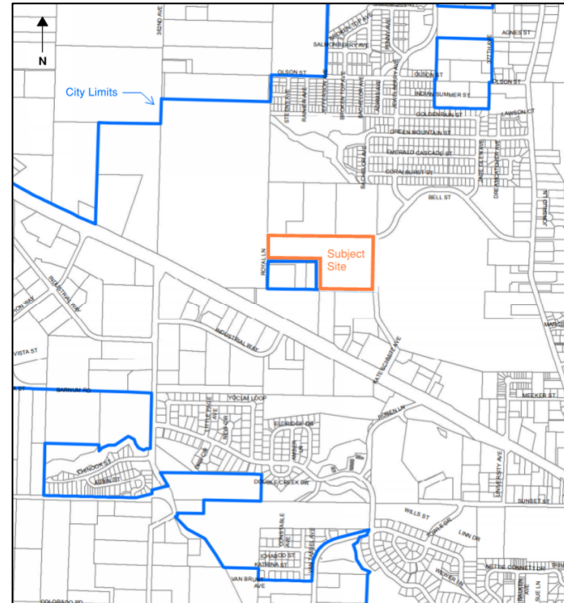
Proposal

The applicant is proposing to annex the property into the City of Sandy. The Sandy City Limits would be altered as shown below, with the City limits shown in blue and the subject site shown in orange.

Existing City Limits



Proposed City Limits



Upon approval of the annexation, the property would assume the City zoning (C-2) and comprehensive plan (retail/commercial) designations. The applicant is not requesting the approval of a site plan review or design review with this application. The purpose for this annexation is to accommodate the future extension of 362nd Drive to Bell Street. As demonstrated throughout this narrative and supporting documentation, the applicant is requesting approval of a Type IV (Type A) Annexation.



II. RESPONSES TO APPLICABLE CODE SECTIONS

Chapter 17.12: Procedures for Decision Making

Section 17.12.40: Type IV

Type IV decisions are usually legislative but may be quasi-judicial. Type IV (Quasi-Judicial) procedures apply to individual properties. This type of application is generally considered initially by the Planning Commission with final decisions made by the City Council. Type IV (Legislative) procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts, not just one property). Type IV matters are typically considered first by the Planning Commission with final decisions made by the City Council. Occasionally, the Planning Commission will not consider a legislative matter prior to its consideration by the City Council.

Response: A Type A Annexation for the individual subject property falls under a Type IV (Quasi-Judicial) procedure. However, the proposed annexation is being proposed in support of the extension of a major public facility and in the interest of time, the applicant is requesting that this application be elevated directly to the City Council for consideration.

Applications processed under a Type IV procedure involve a public hearing pursuant to the requirements of Chapter 17.20. Notification of this public hearing shall be noticed according to the requirements of Chapter 17.22 with appeal of a Type IV decision made to the state Land Use Board of Appeals according to the provisions of Chapter 17.28.

Response: The applicant acknowledges that as a Type IV procedure, a public hearing and noticing will be required. The applicant is requesting that the matter be considered directly by the City Council. The applicant will comply with all of the applicable notice requirements of Chapter 17,20, 17.22, and 17.28.

- A. *The City Council shall consider the recommendation of the Planning Commission and shall conduct a public hearing pursuant to Chapter 17.20. The Director shall set a date for the hearing. The form of notice and persons to receive notice are as required by the relevant sections of this Code. At the public hearing, the staff shall review the report of the Planning Commission and provide other pertinent information, and interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission and make final arguments why the matter should or should not be approved and, if approved, the nature of the provisions to be contained in approving action.*
- B. *To the extent that a finding of fact is required, the City Council shall make a finding for each of the applicable criterion and in doing so may sustain or reverse a finding of the Planning Commission. The City Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the City Council determines the conditions are appropriate to fulfill the criteria for approval.*



- C. *To the extent that a policy is to be established or revised, the City Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an ordinance.*

Response: Acknowledged by the applicant.

D. *Types of Applications:*

1. *Appeal of Planning Commission decision.*
2. *Comprehensive Plan text or map amendment.*
3. *Zoning District Map changes.*
4. *Planned Developments.*
5. *Village Specific Area Plan (master plan).*
6. *Annexations.*
7. *Extension of City Services Outside the City Limits.*
8. *Vacating of Public Lands and Plats.*
9. *Zoning Map Overlay Districts.*

Response: This project is proposing the annexation of a property. Therefore, a Type IV application is required under standard (D)(6) above.

Chapter 17.18: Processing Applications

Section 17.18.20: Pre-Application Conference

A pre-application conference is required for all Type II, III, and IV applications unless the Director determines a conference is not needed. A request for a pre-application conference shall be made on the form provided by the city and will be scheduled following submittal of required materials and payment of fees. The purpose of the conference is to acquaint the applicant with the substantive and procedural requirements of the Code, provide for an exchange of information regarding applicable elements of the Comprehensive Plan and development requirements, arrange such technical and design assistance which will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development. The Director will provide the applicant with notes from the conference within 10 days of the conference. These notes may include confirmation of the procedures to be used to process the application, a list of materials to be submitted, and the applicable code sections and criteria that may apply to the application. Any opinion expressed by the Director or City staff during a pre-application conference regarding substantive provisions of the City's code is advisory and is subject to change upon official review of the application.

Response: The project complies with this standard. A pre-application was held with the City of Sandy on January 14, 2021. The notes of the pre-application conference are included with this application as

Section 17.18.30: Land Use Application Materials

Unless otherwise specified in this Code, an application shall consist of the materials specified in this section, plus any other materials required by this Code.



- A. A completed application form and payment of fees.
- B. List and mailing labels of Affected Property Owners.
- C. An explanation of intent, stating the nature of the proposed development, reasons for the request, pertinent background information, information required by the Development Code and other material that may have a bearing in determining the action to be taken.
- D. Proof that the property affected by the application is in the exclusive ownership of the applicant, that the applicant has the consent of all parties in ownership of the affected property, or the applicant is the contractual owner.
- E. Legal description of the property affected by the application.
- F. Written narrative addressing applicable code chapters and approval criteria.
- G. Vicinity Map showing site in relation to local and collector streets, plus any other significant features in the nearby area.
- H. Site plan of proposed development
- I. Number of Copies to be Submitted:
 - 1. One copy of items A through D listed above;
 - 2. Type I: Two copies of site plan and other materials required by the Code.
 - 3. Type II: Eight copies of site plan and other materials required by the Code
 - 4. Type III: 15 copies of site plan and other materials required by the Code
 - 5. Type IV: 20 copies of site plan and other materials required by the Code

Response: The project complies with this standard. Please see the response in this narrative and the attached materials for all the above applicable information.

Section 17.18.80: Type II or IV Decisions

The Director shall schedule a public hearing in accordance with procedures listed in Chapter 17.20.

Response: Acknowledged by the applicant. As a Type IV application, a public hearing will be scheduled in accordance with Chapter 17.20 of the Sandy Development Code.

Chapter 17.44: General Commercial (C-2)

Response: Upon annexation of the subject site into the Sandy city limits, the property will assume the C-2 zoning district designated on the City of Sandy zoning map. The existing lot meets the dimensional standards for a property within the C-2 zoning district – the lot area is 15.21 acres and the dimensions are approximately 1,500 feet deep and 440 feet wide. This application does not include a site plan review or design review, but once the property is annexed and development is proposed, all development standards of the C-2 zoning district will be required to be met.



Chapter 17.60: Flood & Slope Hazard Overlay District

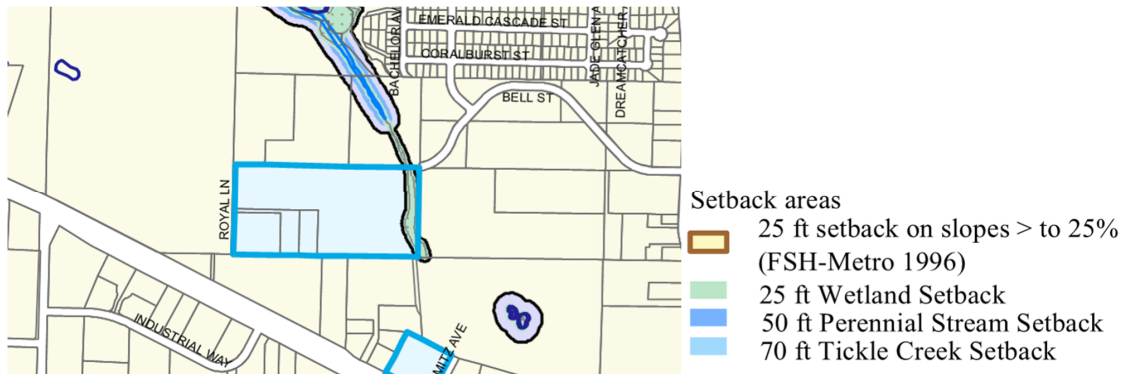
Section 17.60.20: Permitted Uses and Activities

This chapter lists permitted uses, or uses allowed under prescribed conditions, within the FSH overlay district. Where there are conflicts, this chapter supersedes the use provisions of the underlying district.

A. *Restricted Development Areas.* Restricted development areas within the FSH overlay district as shown on the City of Sandy Zoning Map include:

1. Slopes of 25 percent or greater that (a) encompass at least 1,000 square feet and (b) have an elevation differential of at least ten feet.
2. Protected water features, including locally significant wetlands, wetland mitigation areas approved by the Division of State Lands, and perennial streams.
3. Required setback areas as defined in Section 17.60.30.

Response: A Flood and Slope Hazard (FSH) overlay is located on a portion of the subject property - a waterway on the eastern property line with a required 25-foot setback. There is no existing development within this setback, nor are there any changes or new development proposed with this annexation request. Please see the map below for exact location of the 25-foot wetlands setback according to the City of Sandy's Flood Slope Hazard (FSH) Analysis Map. Future construction of the street extension will be subject to the development review standards of this section.



B. *Permitted Uses.* Permitted uses within restricted development areas are limited to the following: [...]

Response: There are no uses proposed within the restricted development area with this application. Therefore, this standard does not apply.

C. *Platting of New Lots.* No new lot shall be platting or approved for development that is exclusively in restricted development areas as defined in subsection 17.60.20.A.



Response: There are no new lots proposed to be platted or approved for development with this application. Therefore, this standard does not apply to this project.

Section 17.60.30: Required Setback Areas

Setback areas shall be required to protect water quality and maintain slope stability near stream corridors and locally significant wetlands. Setbacks are measured horizontally from, parallel to and upland from the protected feature.

Response: The project complies with this standard. There is no proposed change to the existing required 25-foot wetland setback on the project site with this application.

Section 17.60.40: Review Procedures

Review of development requests within the FSH Overlay District shall occur subject to the following procedures. Unless otherwise indicated below, the Director may approve Type I permits over the counter or following a field check. Type II and III development applications shall be reviewed by the Director to ensure consistency with Section 17.60.60-17.60.70. Section 17.60.50 special reports shall also be required, unless specifically exempted by the Director

Response: There is no proposed development within the FSH Overlay District with this application. Therefore, this standard does not apply.

- A. *Establishment of Development Permit. A development permit shall be obtained before construction or development begins, within any Area of Special Flood Hazard. Application for a development permit may be made on forms provided by the Director and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question, existing or proposed structures, fill storage of materials, drainage facilities and the location of the aforementioned. Specifically, the following information is required: [...]*

Response: As mentioned previously, there is no development proposed with this application. Therefore, this standard does not apply, and the code language has been omitted.

Section 17.60.50: Special Reports

Where development is proposed on restricted development areas within the FSH overlay district as defined in Section 17.60.20.A., the Director shall require submission of the following special reports. These reports shall be in addition to other information required for specific types of development and shall be prepared by professionals in their respective fields. The Director may require one of more of these reports where necessary to address potential adverse impacts from development on buildable land within the FSH overlay district. The Director may exempt Type II permit applications from one or more of these reports where impacts are minimal, and the exemption is consistent with the purpose of the FSH overlay zone as stated in Section 17.60.00. [...]

Response: While there is no development proposed with this application, the future extension of 362nd Drive to Bell Street will require the preparation of reports related to the resource area, design of the street extension,



and related construction. However, this standard does not apply since no physical alterations to the land are proposed with this annexation, and the code language has been omitted.

Section 17.60.60: Approval Standards and Conditions

The approval authority may approve, approve with conditions, or deny an application based on the provisions of this chapter. The approval authority may require conditions necessary to comply with the intent and provisions of this chapter.

- A. *Approval Standards. The following approval standards apply to development proposed within restricted development areas of the FSH overlay district.*
 - 1. *Cumulative Impacts. Limited development within the FSH overlay district, including planned vegetation removal, grading, construction, utilities, roads and the proposed use(s) of the site will not measurably decrease water quantity or quality in affected streams or wetlands below conditions existing at the time the development application was submitted.*
 - 2. *Impervious Surface Area. Impervious surface area within restricted development areas shall be the minimum necessary to achieve development objectives consistent with the purposes of this chapter.*
 - 3. *Construction Materials and Methods. Construction materials and methods shall be consistent with the recommendations of special reports, or third-party review of special reports.*
 - 4. *Cuts and Fills. Cuts and fills shall be the minimum necessary to ensure slope stability, consistent with the recommendations of special reports, or third-party review of special reports.*
 - 5. *Minimize Wetland and Stream Impacts. Development on the site shall maintain the quantity and quality of surface and groundwater flows to locally significant wetlands or streams regulated by the FSH Overlay District.*
 - 6. *Minimize Loss of Native Vegetation. Development on the site shall minimize the loss of native vegetation. Where such vegetation is lost as a result of development within restricted development areas, it shall be replaced on-site on a two:one basis according to type and area. Two native trees of at least one and one-half-inch caliper shall replace each tree removed. Disturbed understory and groundcover shall be replaced by native understory and groundcover species that effectively covers the disturbed area.*
- B. *All development permits for areas partially or fully within the Area of Special Flood Hazard shall be reviewed by the Director to determine that:*
 - 1. *The permit requirements of Chapter 17.60 have been satisfied;*
 - 2. *All other required state and federal permits have been obtained; and,*
 - 3. *The site is reasonably safe from flooding.*
- C. *Conditions. The required reports shall include design standards and recommendations necessary for the engineer and landscape expert to certify that the standards of this chapter can be met with appropriate mitigation measures. These measures, along with third party reviewer and staff recommendations, shall be incorporated as conditions into the final decision approving the proposed development.*
- D. *Assurances and Penalties. Assurances and penalties for failure to comply with mitigation, engineering, erosion and water quality plans required under this chapter shall be as stated in Chapter 17.06.*



Response: As mentioned, there is no proposed development within the FSH overlay district or the required 25-foot wetland setback with this annexation request. Therefore, there are no required development permits needed.

Section 17.60.70: Floodplain Regulations

This section regulates development within the Area of Special Flood Hazard. [...]

Response: There is no development proposed with this application, including development within the Area of Special Flood Hazard. Therefore, this standard does not apply, and the code language has been omitted.

Section 17.60.80: Notification to Other Entities and Recordkeeping

- A. *Whenever a watercourse is to be altered or relocated, notification shall be sent to Clackamas County and DLCD prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator through appropriate notification means (i.e. submittal of a Letter of Map Revision (LOMR)), and assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.*
- B. *Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Director shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Volume 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.*
- C. *Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.*
- D. *Obtain and maintain the following for public inspection and make available as needed:*
 1. *Obtain and record the actual elevation (in relation to the mean sea level) of the lowest floor (including basements) of all new or substantially improved structures, and whether or not the structure contains a basement.*
 2. *For all new or substantially improved floodproofed structures:*
 - a. *Verify and record the actual elevation (in relation to mean sea level), and*
 - b. *Maintain the floodproofing certifications required in Section 17.60.70.F.*
 3. *Obtain and maintain certification for flood openings when certification is required under Section 17.60.70.E.5.*

Response: Acknowledged by the applicant. As mentioned, there is no proposed alteration to a watercourse with this annexation request. These standards are not applicable.



Sec. 17.60.90. - Water Quality Treatment Facilities

Tickle Creek, the Sandy River and associated natural drainage ways are vital to Sandy's recreationally based economy and to the quality of life of Sandy residents. Placement of water quality facilities shall be limited as follows: [...]

Response: There are no water quality treatment facilities proposed with this application. Therefore, this standard does not apply, and the code language has been omitted.

Sec. 17.60.110. - Adjustments

Variances to Chapter 17.60 provisions are not permitted. In contrast, adjustments to dimensional standards of the underlying zoning district may be approved when necessary to further the intent of this overlay district.

Response: The applicant is not proposing any adjustments to the standards of this chapter. Therefore, this section does not apply, and the code language has been omitted. Future development of the property to be annexed and the future design and construction of the proposed extension of 362nd Drive to Bell Street will be to the City standards once the property has been annexed and the property is within the City of Sandy.

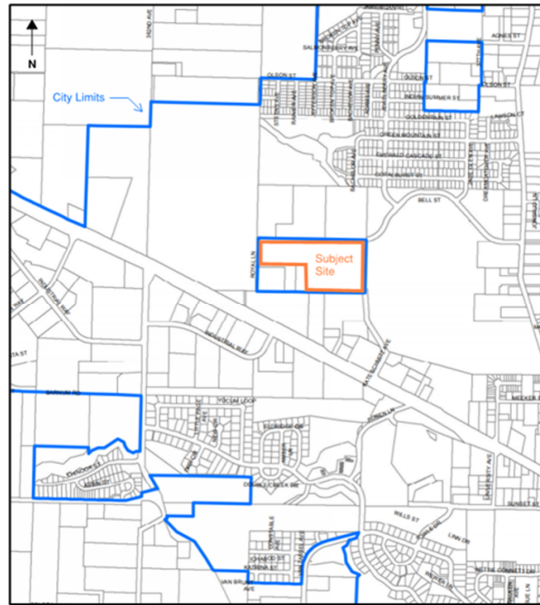
Chapter 17.78: Annexation

Sec. 17.78.10. - Procedural Considerations

- A. *The corporate limits of the City shall include all territory encompassed by its boundaries as they now exist or are modified as provided herein unless mandated by State Law.*
- B. *The City may annex an unincorporated area that is surrounded by the City boundary.*
- C. *The City may annex land for public facilities. Public facilities include but are not limited to schools, senior centers, roads, police and fire stations, parks or open space, and public water, sewer and storm drainage facilities.*

Response: The project complies with this standard. The subject site proposed to be annexed is currently located in unincorporated Clackamas County but is within the Sandy UGB and is surrounded by the City of Sandy, meeting standard (B) above. Further, the property is being annexed to accommodate the future construction of the extension of 362nd Avenue to Bell Street.





Sec. 17.78.15. - Types Of Annexation

- A. *Type A: Annexation in conformance with conceptual zoning designation*
- B. *Type B: Annexation + zone change, including Parks and Open Space (POS) and/or Flood and Slope Hazard (FSH) Overlay District*
- C. *Type C: Annexation + plan map change + zone change*

Response: The project meets the standards for a Type A Annexation. The site will assume the C-2 zoning designation upon annexation. This request is consistent with the City of Sandy’s zoning and Comprehensive Plan map.

Sec. 17.78.20. - Conditions For Annexation

The following conditions must be met prior to beginning an annexation request:

- A. *The requirement of Oregon Revised Statutes, Chapters 199 and 222 for initiation of the annexation process are met;*

Response: The annexation processes in the City of Sandy presumably comply with Chapters 199 and 222 of the Oregon Revised Statutes and the applicant is initiating this request in accordance with those requirements. Therefore, the project complies with this standard.

- B. *The site must be within the City of Sandy Urban Growth Boundary (UGB);*
- C. *The site must be contiguous to the city or separated from it only by a public right-of-way or a stream, bay, lake or other body of water; and*



Response: The project complies with this standard. The project site is located within the City of Sandy Urban Growth Boundary and is contiguous to the City limits to the west, north, and east.

D. The site has not violated Section 17.78.25.

Response: The project complies with this standard. None of the standards within Section 17.78.25 have been violated. Please see the response within the following section for additional details on compliance.

Sec. 17.78.25. - Tree Retention

The intent of this section is to treat property with annexation potential (in the UGB) as if it had been subject, prior to annexation, to the tree retention provisions of the City's Urban Forestry Ordinance (Chapter 17.102) and Flood and Slope Hazard (FSH) Overlay District (Chapter 17.60), to discourage property owners from removing trees prior to annexation as a way of avoiding Urban Forestry Ordinance provisions, and to prevent unnecessary tree removal for future subdivision layout. In accordance with ORS 527.722, the State Forester shall provide the City with a copy of the notice or written plan when a forest operation is proposed within the UGB. The City shall review and comment on an individual forest operation and inform the landowner or operator of all other regulations that apply but that do not pertain to activities regulated under the Oregon Forest Practices Act.

A. Properties shall not be considered for annexation for a minimum of ten years if any of the following apply:

- 1. Where any trees six inches or greater diameter at breast height (DBH) have been removed within 25 feet of the high water level along a perennial stream in the ten years prior to the annexation application.*
- 2. Where more than two trees (six inches or greater DBH) per 500 linear feet have been removed in the area between 25 feet and 80 feet of the high water level of Tickle Creek in the ten years prior to the annexation application.*
- 3. Where more than two trees (six inches or greater DBH) per 500 linear feet have been removed in the area between 25 feet and 50 feet of the high water level along other perennial streams in the ten years prior to the annexation application.*
- 4. Where any trees six inches or greater DBH have been removed on 25 percent or greater slopes in the ten years prior to the annexation application.*
- 5. Where more than ten trees (11 inches or greater DBH) per gross acre have been removed in the ten years prior to the annexation application, except as provided below: [...]*

Response: The owner has indicated that there have been no trees removed within the past 10 years that meet any of the above standards (A)(1) through (A)(2). Therefore, the project meets this standard.

Sec. 17.78.30. - Zoning Of Annexed Areas

All lands within the urban growth boundary of Sandy have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (as per the city/county urban growth management area agreement). The zoning classification shall reflect the city land use classification as illustrated in Table 17.26.20.



Response: The property is within the Sandy UGB and is classified retail/commercial in the comprehensive plan and C-2 on the zoning map. Once annexed, the project site will assume both the comprehensive plan designation and zoning district.

Sec. 17.78.40. - Existing Use, Activity Or Structure.

- A. *As of the effective date of annexation, no use or activity shall be considered non-conforming if the use or activity: (1) violates or conflicts with county zoning regulations and (2) is not classified as non-conforming under county zoning regulations. Any such use or activity shall constitute a violation of this chapter.*
- B. *Any use, activity or structure that is existing at the effective date of annexation, under a Clackamas County use permit with a time limit imposed, shall not be a non-conforming use, but may continue for the extent of the time limit. Such use permits may not be extended without City approval.*
- C. *Any lot or parcel of land duly recorded in the Clackamas County Recorder's Office prior to the effective date of the ordinance from which this chapter is derived and having an area, width, depth, or street frontage less than that required in the Zoning District regulations in which such lot or parcel is situated, shall be deemed to be a lot and may be used as a building site, provided that all other regulations for the Zoning District shall apply.*

Response: The project complies with this standard. The subject property is currently in compliance with the Clackamas County zoning regulations for the RRRF-5 zoning district. Detached Single-Family homes are a permitted use in the County Zoning and Development Ordinance (ZDO 316-1). Additionally, all development standards, including lot coverage, setbacks, and lot size, comply with Table 316-2 in the Clackamas County Zoning and Development Ordinance, and the subject property is conforming to the ZDO.

Sec. 17.78.50. - Annexation Criteria.

Requests for annexation shall not have an adverse impact on the citizens of Sandy, either financially or in relation to the livability of the city or any neighborhoods within the annexation area.

- A. *Except as provided in subsection B. of this section, an application to annex property into the city shall meet the following criteria:*
 1. *The application demonstrates how the property will be served by adequate public facilities and services, including sanitary sewer, domestic water, transportation, internet and parks. Public facilities and services must be provided in a manner consistent with the City's adopted public facility plans, comprehensive plan, transportation system plan, parks and trails master plan, and any applicable area plan or master plan. The application must demonstrate how the public facilities and services will be provided to the property in an orderly, efficient, and timely manner.*



Response:

Water

An existing water line is located at the western boundary of the subject site along SE Royal Lane. The waterline will be extended to the east, connecting to the existing line in Bell St. to serve future development on the site concurrent with the 362nd/Bell St. Project.

Sanitary Sewer

Sanitary sewer infrastructure is not currently available to the site. There is an existing sewer line located approximately 1,000 feet north of the site. It is expected that the public sewer can be extended to serve the subject property in the future after annexation occurs to serve any use within the C-2 zoning district.

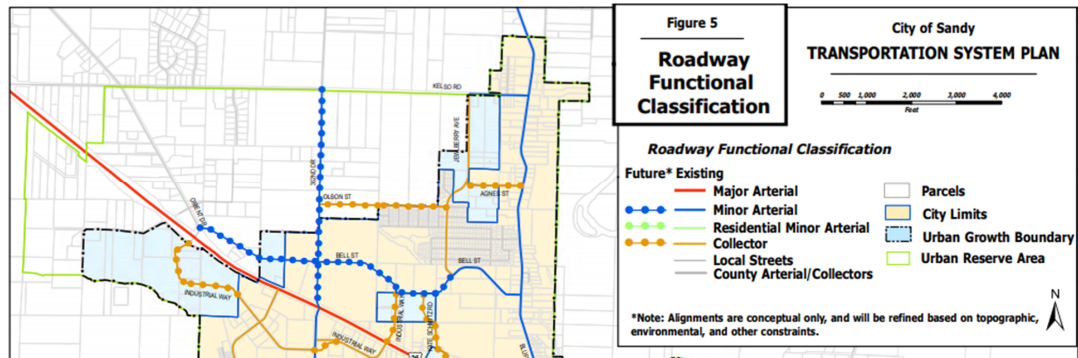
Storm Water Drainage

The stormwater runoff from the site currently flows to the south and east according to the topography of the site. The stormwater sheet flows from the property to the water resource located along the east edge of the property. Stormwater detention and water quality standards of the City of Sandy will be required to be satisfied with future development. All of the costs for the construction and maintenance of the storm drainage improvements to serve future development are expected to be borne by the developer of the property; however, stormwater facilities associated with capturing and treating stormwater from the future right-of-way improvements will be constructed by the City as part of the extension of 362nd Drive to Bell Street. The cost of these improvements will be borne by the City.

Streets

The proposed annexation site is already served by Royal Lane, a local street. In the future, the site would be served by the extension of 362nd Drive to Bell Street consistent with the City's Transportation System Plan. The future street is in the process of being designed to meet the City's standards for a minor arterial and includes the provision of sidewalks and street trees on the south side of Bell street. A landscaped center median, used for stormwater treatment and bike lanes on each side of the street are also provided with the improvement. The future extension of 362nd Drive to Bell Street is an identified capital improvement that will be paid for by the City. Development of the subject site may trigger improvements to Royal Lane and the construction of new streets which will be paid for by future developers.





Pedestrian and Bicycle Facilities

There are presently no pedestrian or bicycle facilities adjacent to the site. As stated above, the extension of 362nd Drive to Bell Street is in the process of being designed to meet the City's standards for a minor arterial and will include the provision of bike lanes and sidewalks.

Transit

Limited transit service is provided to the City of Sandy by Sandy Area Metro (SAM). The nearest line runs along Hwy 26. There are no planned transit facilities for the proposed annexation area. Any future transit improvements to serve the annexation area would be paid for by future development, unless initiated by the transit agency which would pay for and construct improvements with capital improvement funds.

Fire Protection and Emergency Services

Fire protection and emergency services are provided by the Sandy Fire District #72. The Sandy Fire District has one operating station (No. 71), located at 17460 Bruns Avenue, approximately 1.6 miles from the site.

Police

Currently, the Clackamas County Sheriff's Office provides law enforcement services to the proposed annexation area. If the application is approved, the Sandy Police Department would provide law enforcement services within the City limits. The Police Department office is located approximately 2.2 miles from the site at 39850 Pleasant St.

Parks and Recreation

The City of Sandy Parks and Recreation Department is responsible for parks, trails, open space and recreation services. The nearest park is Sandy Bluff Park and Dog Park located 36910 Goldenrain Street which is approximately 2.6 miles from the site. The park is a neighborhood park. According to the Parks and Trails Master Plan update, there are no proposed parks within the annexation area, however, a



future trail is identified along the east edge of the property. Future extensions of the trail will likely be paid for through capital funds, grants, and systems development charges.

Once the property has been annexed into the City, future public facilities and services will be provided consistent with the City of Sandy's comprehensive plan, transportation system plan, utilities plans, and parks and trails master plan as needed. The property is designated as Retail Commercial in the Sandy Comprehensive Plan, and future development of the site will be expected to comply with the applicable development standards within the Code once annexed into the city.

2. *The application demonstrates how impacts to existing City public facilities and services (sewer, water, stormwater, and transportation) from development of the property will be mitigated, if necessary. Mitigation may include construction of on-site or off-site improvements or improvements to existing infrastructure to City standards and specifications. The application must demonstrate adequate funding for the mitigation. If the financing requires City funds, the funding must be approved by the City Council prior to annexation. The City may rely on the standards and criteria of SMC Chapter 17.84 (Improvements Required with Development) and other relevant standards and criteria in the comprehensive plan or development code to analyze an applicant's proposed mitigation of impacts. In order to ensure adequate public facilities and services will exist to serve property annexed to the City, an applicant may be required to enter into an agreement with the City that governs the extent and timing of infrastructure improvements.*

Response: As described above the costs associated with serving future development on the site proposed to be annexed will be paid for by development, systems development charge credits, or in the case of the extension of 362nd Avenue to Bell Street, through grants and capital funds.

3. *The application demonstrates that the annexation and proposed zoning is consistent with the Transportation Planning Rule (TPR) or explains that the TPR analysis is not required.*

Response: Acknowledged by the applicant. The subject property is located within the Sandy urban growth boundary (UGB) and has been planned for future urbanization. Conceptual zoning has already been applied to the property and will be assumed upon annexation. Traffic generated from future development of the site has been considered in recent updates consistent with this designation. Since no development is proposed with this annexation request and the proposed annexation does not result in any impacts to the transportation system plan that would result in the alteration of an existing street classification compliance with the TSP is not applicable to this request.

4. *The annexation is in the best interest of the City. Generally, the annexation is in the best interest of the city if it meets one or more of the following criteria:*
 - a. *A needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service related problems; or*
 - b. *Land for development to meet urban needs and that meets a logical growth pattern of the city and encourages orderly growth; or*



c. *Needed routes for utility and transportation networks.*

Response: The project complies with this standard. The property proposed to be annexed is surrounded by properties already within the Sandy city limits on three sides and annexing the subject site would allow for an orderly and efficient extension of urban services. The annexation is proposed in order to accommodate the planned future extension of 362nd Avenue to Bell Street along the northern property line.

Sec. 17.78.60. - Application Submission Requirements.

Requests for annexation shall be made on forms provided by the city for such purposes and shall be accompanied by all of the following:

- A. *Written consent form to the annexation signed by the owners of all land to be annexed.*
- B. *A legal description certified by a registered surveyor or engineer.*
- C. *The application fee established by the city.*
- D. *A list of property owners within 1,000 feet of the subject property and two sets of mailing labels.*
- E. *Vicinity map showing the area to be annexed including adjacent city territory.*
- F. *Site Plan drawn to scale (not greater than one inch = 50 feet), indicating:*
 1. *The location of existing structures (if any);*
 2. *The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;*
 3. *Approximate or surveyed location of areas subject to regulation under Chapter 17.60, Flood and Slope Hazard (FSH) Overlay District, including, but not limited to, wetland boundaries, streams, top of bank, buffers, areas of 25 percent or greater slope, restricted development areas, and the FSH analysis area. If the applicant wants to avoid an additional zone map modification request at time of development, then these areas will need to be surveyed at the time of annexation application submittal.*
- G. *Narrative Statement Explaining the Proposal and Addressing.*
 1. *Availability, capacity and status of existing water, sewer, drainage, transportation, fire, and park facilities;*
 2. *Additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;*
 3. *Ability to adhere to adopted City plans including, but not limited to, the Transportation System Plan, Parks and Trails Master Plan, Comprehensive Plan, and Specific Area Plans; this analysis may be deferred if the applicant enters into an annexation agreement as provided in Section 17.78.50.B.; and,*
 4. *Method and source of financing required to provide additional facilities, if any.*
- H. *Transportation Planning Rule Findings, if Applicable.*

Response: The project complies with this standard. All of the above materials are included with this application and where applicable, are addressed in the approval criteria above.



Sec. 17.78.70. - Review Procedure

Type A, B and C:

- A. Pre-application conference;
- B. Submission of completed application;
- C. Review by Planning Commission with recommendation to City Council;
- D. Review by City Council;
- E. Approval or denial by City Council.

Response: Acknowledged by the applicant. A pre-application was held with the City of Sandy on January 14, 2021 and a completed application is being submitted with this written statement. The applicant will comply with all procedures of the review and approval process.

Sec. 17.78.80. - Exceptions

Exceptions may be granted for identified health hazards and for those matters which the City Council determines that the public interest would not be served by undertaking the entire annexation process. The City Council may authorize an exception to any of the requirements of this chapter. An exception shall require a statement of findings that indicates the basis for the exception.

Response: The applicant is not requesting an exception to the City's annexation process.

Sec. 17.78.90. - Annexation Conditions

- A. All properties annexed are subject to inclusion within applicable advance financing districts and urban renewal districts.
- B. These conditions apply to all annexed properties regardless of transfers of the ownership of such properties.

Response: The property will be subject to adopted financing districts and urban renewal districts once annexed into the City as required.

III. CONCLUSION

This written statement and the accompanying supporting documents demonstrate compliance with the applicable approval criteria for a Type IV Annexation in the City of Sandy. Therefore, the applicant respectfully requests that the City approve the application.



EXHIBIT E



Fidelity National Title
Company of Oregon

PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Fidelity National Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a/an Florida corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

A handwritten signature in black ink, appearing to read "K. Allen Huss", written over a horizontal line.



Fidelity National Title
Company of Oregon

1433 SW Sixth Avenue, Portland, OR 97201
(503)646-4444 FAX (503)469-4198

PRELIMINARY REPORT

TITLE OFFICER: Kevin Kimball

ORDER NO.: 45142011576

TO: Epic Land Solutions, Inc
Nikki Moyo
10300 SW Greenburg Road, Suite 370
Portland, OR 97223

OWNER/SELLER: Douglas & Barbara Rebok Revocable Trust

BUYER/BORROWER: TBD

PROPERTY ADDRESS: 16370 Royal Lane, Sandy, OR 97055

EFFECTIVE DATE: April 16, 2020, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2006 Owner's Standard	\$ TBD	\$ TBD

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Edward Blair Miller and Nancy Lu Miller, trustees of the Miller Family Trust dated June 19, 2017, as to an undivided one-third (1/3) interest, Julie K. Miller, trustee of the Gordon A. Miller Marital Trust, as to an undivided one-third (1/3) interest, and Douglas E. Rebok and Barbara A. Rebok, trustees of the Douglas and Barbara Rebok Revocable Trust, established February 16, 2005, as to an undivided one-third (1/3) interest, as tenants in common

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF CLACKAMAS, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

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

EXHIBIT "A"
Legal Description

The South one-half of the Southeast one-quarter of the Southwest one-quarter of Section 11, Township 2 South, Range 4 East of the Willamette Meridian, in the County of Clackamas and State of Oregon.

EXCEPTING THEREFROM 20.00 feet along the West side that is reserved as a roadway.

ALSO EXCEPTING THEREFROM the following:

Beginning at an iron pipe on the South line of said Section 11, said iron pipe being 20.00 feet East from the Southwest corner of the Southeast one-quarter of the Southwest one-quarter of said Section 11; thence East along the South line of said Section 11 a distance of 594.00 feet to an iron pipe; thence North parallel to and 614.00 feet distant from the West line of the Southeast one-quarter of the Southwest one-quarter of said Section 11 a distance of 330.00 feet to an iron pipe; thence West, parallel to and 330.00 feet distant from the South line of said Section 11, a distance of 594.00 feet to an iron pipe set 20.00 feet from when measured at right angles to the West line of the Southeast one-quarter of the Southwest one-quarter of said Section 11; thence South, parallel to and 20.00 feet distant from the West line of the Southeast one-quarter of the Southwest one-quarter of said Section 11, a distance of 330.00 feet to the point of beginning.

TOGETHER WITH a non-exclusive Easement for ingress, egress and all utility purposes over the Southerly 20 feet of the Southwest one-quarter of the Southwest one-quarter of Section 11, Township 2 South, Range 4 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, lying Northerly of Mt. Hood Highway #26.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. The Land has been classified as Farmland, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
7. Terms and provisions, including obligations for maintenance of Easement as established by Oregon Law and by instrument;
Recording Date: February 28, 1905
[Book: 102](#)
[Page: 384](#)
8. A certified copy of a short-form death certificate for Donald B. Miller, former vestee, must be furnished for recording.

NOTE: Pursuant to ORS 432.355, as revised by 2014 Oregon Laws, Chapter 60, if the death certificate is from another state or the death occurred in Oregon prior to January 1, 2014, a long-form death certificate (that is, one containing medical information related to the cause of death) may be recorded.

9. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
10. Any invalidity or defect in the title of the vestees in the event that the trusts referred to herein are invalid or fail to grant sufficient powers to the trustee(s) or in the event there is a lack of compliance with the terms and provisions of the trust instruments.
If title is to be insured in the trustee(s) of a trust (or if their act is to be insured), this Company will require a copy of said Trust Agreement or a Trust Certification pursuant to ORS Chapter 130.860.

The Company reserves the right to make additional requirements or add additional items or exceptions after review of the requested documentation.

11. If requested to issue an extended coverage ALTA loan policy, the following matters must be addressed:
- a) The rights of tenants holding under unrecorded leases or tenancies
 - b) Matters disclosed by a statement as to parties in possession and as to any construction, alterations or repairs to the Land within the last 75 days. The Company must be notified in the event that any funds are to be used for construction, alterations or repairs.

ADDITIONAL REQUIREMENTS/NOTES:

- A. NOTE: Property taxes for the fiscal year shown below are paid in full.
Fiscal Year: 2019-2020
Amount: \$4,434.21
Levy Code: 046-004
[Account No.: 00653983](#)
Map No.: 24E11 03500

The lien amounts of the assessments shown below are included in the property taxes shown above.

- a: Assessment: Fire Patrol District Principal
Amount: \$18.75
- b: Assessment: Fire Patrol District Surcharge
Amount: \$47.50

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- B. NOTE: The name(s) of the proposed insured(s) furnished with this application for title insurance is/are:
- No names were furnished with the application. Please provide the name(s) of the buyers as soon as possible.
- C. NOTE: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.
- D. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.
- E. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

F. Recording Charge (Per Document) is the following:

County	First Page	Each Additional Page
Multnomah	\$82.00	\$5.00
Washington	\$81.00	\$5.00
Clackamas	\$93.00	\$5.00

Note: When possible the company will record electronically. An additional charge of \$5.00 applies to each document that is recorded electronically.

Note: Please send any documents for recording to the following address:
Portland Title Group
Attn: Recorder
1433 SW 6th Ave.
Portland, OR. 97201

G. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA Policy unless removed prior to issuance.

H. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

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

J. NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS

Fiscal Year:	July 1 st through June 30 th
Taxes become a lien on real property, but are not yet payable:	July 1 st
Taxes become certified and payable (approximately on this date):	October 15 th
First one third payment of taxes is due:	November 15 th
Second one third payment of taxes is due:	February 15 th
Final payment of taxes is due:	May 15 th

Discounts: If two thirds are paid by November 15th, a 2% discount will apply.
If the full amount of the taxes are paid by November 15th, a 3% discount will apply.

Interest: Interest accrues as of the 15th of each month based on any amount that is unpaid by the due date. No interest is charged if the minimum amount is paid according to the above mentioned payment schedule.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
 - Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;
 - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
 - Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
 - Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions or location of any improvement erected on the land;
 - the subdivision of land; or
 - environmental protection;or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
 - Defects, liens, encumbrances, adverse claims, or other matters
 - created, suffered, assumed or agreed to by the Insured Claimant;
 - not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - a fraudulent conveyance or fraudulent transfer, or
 - a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
 - Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
- Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
- Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.



Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. **DO NOT** use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** **DO NOT** send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and **DO NOT** reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
<http://www.fbi.gov>

Internet Crime Complaint Center:
<http://www.ic3.gov>

Wire Fraud Alert
Original Effective Date: 5/11/2017
Current Version Date: 5/11/2017

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45142011576 - WIRE0016 (DSI Rev. 12/07/17)

FIDELITY NATIONAL FINANCIAL PRIVACY NOTICE

Effective April 9, 2020

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF," "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

A limited number of FNF subsidiaries have their own privacy notices. If a subsidiary has its own privacy notice, the privacy notice will be available on the subsidiary's website and this Privacy Notice does not apply.

Collection of Personal Information

FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

We may collect Personal Information about you from:

- information we receive from you or your agent;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

Collection of Browsing Information

FNF automatically collects the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to unaffiliated third-party websites. FNF is not responsible for the privacy practices or content of those websites. We recommend that you read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and others' products and services, jointly or independently.

When Information Is Disclosed

We may disclose your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law. We may share your Personal Information with affiliates (other companies owned by FNF) to directly market to you. Please see "Choices with Your Information" to learn how to restrict that sharing.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to protect your Personal Information.

Choices With Your Information

If you do not want FNF to share your information among our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you without your consent.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law. For additional information about your California privacy rights, please visit the "California Privacy" link on our website (<https://fnf.com/pages/californiaprivacy.aspx>) or call (888) 413-1748.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about your creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except as required or authorized by contract with the mortgage loan servicer or lender, or as required by law or in the good-faith belief that such disclosure is necessary: to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

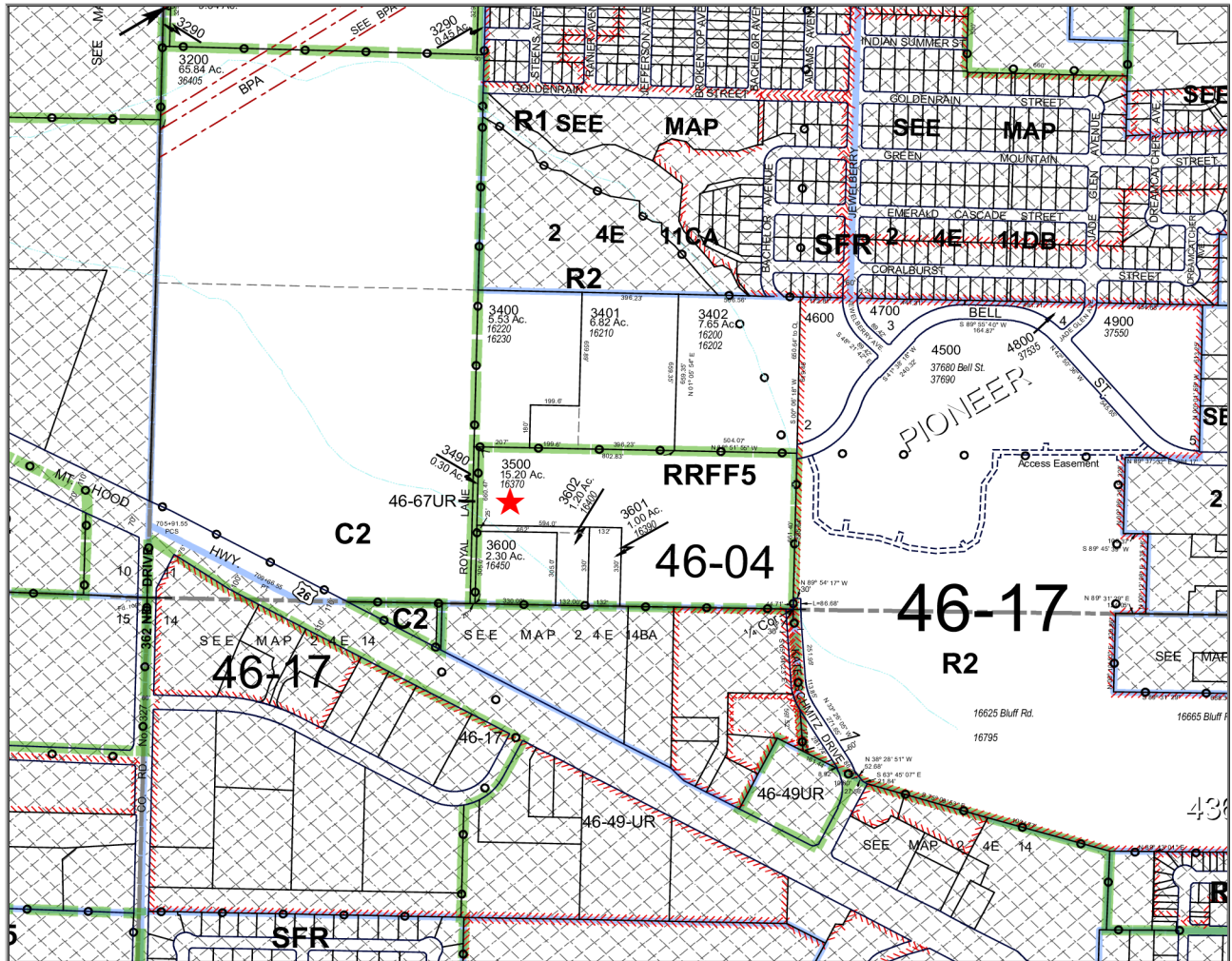
Your Consent To This Privacy Notice; Notice Changes; Use of Comments or Feedback

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The Privacy Notice's effective date will show the last date changes were made. If you provide information to us following any change of the Privacy Notice, that signifies your assent to and acceptance of the changes to the Privacy Notice. We may use comments or feedback that you submit to us in any manner without notice or compensation to you.

Accessing and Correcting Information; Contact Us

If you have questions, would like to correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests to privacy@fnf.com, by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer



ParcelID: 00653983

**16370 SE Royal Ln
Sandy, OR 97055**

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

TA

WARRANTY DEED—STATUTORY FORM
INDIVIDUAL GRANTOR

LESLIE BERTANYI and THERESA BERTANYI, husband and wife Grantor,
conveys and warrants to DONALD R. MILLER and WILMA A. MILLER, husband and wife
Grantor, the following described real property
free of encumbrances except as specifically set forth herein situated in... Clackamas County, Oregon, to-wit:

The South one-half of the Southeast quarter of the Southwest quarter
of Section 11, T.2S., R.4E., of the W.M., in the County of Clackamas
and State of Oregon, EXCEPT 20.00 feet along the West side that is
reserved as a roadway.

ALSO EXCEPT therefrom the following:

Beginning at an iron pipe on the South line of said Section 11, said
Iron pipe being 20.00 feet East from the Southwest corner of the South-
east quarter of the Southwest quarter of said section 11; thence East
along the South line of said Section 11, a distance of 594.00 feet to an
iron pipe; thence North parallel to and 614.00 feet distant from the
West line of the Southeast quarter of the Southwest quarter of said Section
11, a distance of 330.00 feet to an iron pipe; thence West parallel to and
330.00 feet distant from the South line of said Section 11, a distance of
594.00 feet to an iron pipe set 20.00 feet from when measured at right
angles to, the West line of the Southeast quarter of the Southwest quarter
of said Section 11; thence South parallel to and 20.00 feet distant from the
West line of the Southeast quarter of the Southwest quarter of said Section
11, a distance of 330.00 feet to the point of beginning.

TOGETHER WITH a Non-exclusive easement for ingress, egress and all utility purposes
over the Southerly 20 feet of the Southwest quarter of the Southwest quarter of
Section 11, T.2S., R.4E. of the W.M., in the County of Clackamas and State of
Oregon, lying Northerly of Mt. Hood Highway #26. 77 9443

Recorded by
Title Insurance Company
No. 43012

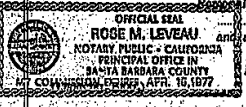
IN WITNESS WHEREOF, CONTINUE DECLARATION ON REVERSE SIDE
 The said property is free from encumbrances except
 The true consideration for this conveyance is \$ 33,500.00 (Here comply with the requirements of ORS 93.030)

Dated this 17 day of February, 1977

x Leslie Bertany
 x Theresa Bertany

CALIFORNIA
 STATE OF CALIFORNIA, County of SANTA BARBARA, February 22, 1977

Personally appeared the above named Leslie Bertany and Theresa Bertany, husband and wife



and acknowledged the foregoing instrument to be their voluntary act and deed.
 Before me: Rose M. Leveau
 Notary Public for California My commission expires: 4-16-77

431506 WARRANTY DEED #8665

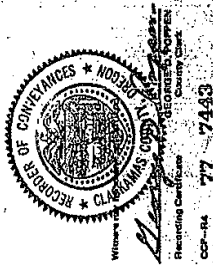
Leslie Bertany GRANTOR
 Donald B. Miller GRANTEE

GRANTEE'S ADDRESS, ZIP
 After recording return to:
 GUARANTY ESCROWS, INC.
 5539 E. Burnside
 Portland, Oregon 97215

NAME, ADDRESS, ZIP
 Until a change is requested, all tax statements
 shall be sent to the following address:
 Donald B. Miller
 Rt. 1, Box 17,
 Day Creek, Oregon 97429

STATE OF OREGON
 County of Clatsop
 I, George D. Poppen, County Clerk, Ex-Officio
 Recorder of Conveyances and Escheator
 do hereby certify that the within instrument of writing was recorded for
 and returned in the records of said county at

77 FEB 23 8:24



77 7493
 Recording Clerk
 Clatsop County, Oregon
 CDP-84

2

3

Clackamas County Official Records
Sherry Hall, County Clerk

2010-072729

MAIL TAX STATEMENTS TO:

Gordon A. Miller
6920 Mickey Ln SE
Turner, OR 97392



\$57.00

11/15/2010 12:03:05 PM

D-D Cnt=1 Stn=9 DIANNAW
\$15.00 \$10.00 \$16.00 \$16.00

AFTER RECORDING RETURN TO:

Robert J. Saalfeld, Attorney
PO Box 470
Salem, OR 97308

WARRANTY DEED

Wilma A. Miller, Grantor, conveys to **Edward B. Miller, Barbara A. Rebok and Gordon A. Miller**, each as to an undivided one-third (1/3 interest as tenants in common, Grantees, the following described real property situated in the County of Clackamas, State of Oregon:

See Exhibit "A" attached hereto and made a part hereof by this reference.

Grantor covenants that Grantor is seized of an indefeasible estate in the real property described above in fee simple, that Grantor has good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantor, provided that the foregoing covenants are limited to the extent of coverage available to Grantor under any applicable standard or extended policies of title insurance, it being the intention of the Grantor to preserve any existing title insurance coverage.

The true and actual consideration stated in terms of dollars is NONE.

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

PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009."

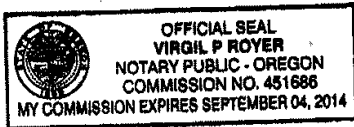
WITNESS Grantor's hand this 9th day of November, 2010.

Wilma A. Miller
Wilma A. Miller

STATE OF OREGON)
) ss.
COUNTY OF MARION)

On this 9th day of November, 2010, personally appeared the above named Wilma A. Miller and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:



[Signature]
Notary Public for Oregon County of Marion
My Commission Expires: 9-4-14

EXHIBIT "A"

The South one-half of the Southeast quarter of the Southwest quarter of Section 11, T.2S., R.4E., of the W.M., in the County of Clackamas and State of Oregon, EXCEPT 20.00 feet along the West side that is reserved as a roadway.

ALSO EXCEPT therefrom the following:

Beginning at an iron pipe on the South line of said Section 11, said iron pipe being 20.00 feet East from the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 11, thence East along the South line of said Section 11, a distance of 594.00 feet to an iron pipe; thence North parallel to and 614.00 feet distant from the West line of the Southeast quarter of the Southwest quarter of said Section 11, a distance of 330.00 feet to an iron pipe; thence West parallel to and 330.00 feet distant from the South line of said Section 11, a distance of 594.00 feet to an iron pipe set 20.00 feet from when measured at right angles to, the West line of the Southeast quarter of the Southwest quarter of said Section 11; thence South parallel to and 20.00 feet distant from the West line of the Southeast quarter of the Southwest quarter of said Section 11, a distance of 330.00 feet to the point of beginning.

TOGETHER WITH a non-exclusive easement for ingress, egress and all utility purposes over the Southerly 20 feet of the Southwest quarter of the Southwest quarter of Section 11, T.2S., R.4E., of the W.M., in the County of Clackamas and State of Oregon, lying Northerly of Mt. Hood Highway #26.

4P

MAIL TAX STATEMENTS TO:

GORDAN A. MILLER
6920 Mickey Lane SE
Turner
Oregon 97392

Clackamas County Official Records
Sherry Hall, County Clerk

2017-046583



\$68.00

07/10/2017 11:43:33 AM

D-D Cnt=1 Stn=52 CONNIE
\$20.00 \$18.00 \$22.00 \$10.00

AFTER RECORDING RETURN TO:

EDWARD BLAIR MILLER
NANCY LU MILLER
1709 Timber Hills Road
Mount Shasta
California 96067

WARRANTY DEED

Edward B. Miller, Grantor, conveys to **EDWARD BLAIR MILLER and NANCY LU MILLER, trustees of the MILLER FAMILY TRUST DATED JUNE 19, 2017**, his undivided one-third (1/3) interest, Grantee, the following described real property situated in the County of Clackamas, State of Oregon:

See Exhibit "A", attached hereto and made a part hereof by this reference.

Grantor covenants that Grantor is seized of an indefeasible estate in the real property described above in fee simple, that Grantor has good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantor, provided that the foregoing covenants are limited to the extent of coverage available to Grantor under any applicable standard or extended policies of title insurance, it being the intention of the Grantor to preserve any existing title insurance coverage.

The true and actual consideration stated in terms of dollars is NONE.

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

Warranty Deed (16370 SE Royal Ln.; Sandy OR)

PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009."

WITNESS Grantor's hand June 19, 2017.

Edward B. Miller

Edward B. Miller

2

EXHIBIT "A"

The South one-half of the Southeast quarter of the Southwest quarter of Section 11, T.2S., R.4E., of the W.M., in the County of Clackamas and State of Oregon, EXCEPT 20.00 feet along the West side that is reserved as a roadway.

ALSO EXCEPT therefrom the following:

Beginning at an iron pipe on the South line of said Section 11, said iron pipe being 20.00 feet East from the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 11, thence East along the South line of said Section 11, a distance of 594.00 feet to an iron pipe; thence North parallel to and 614.00 feet distant from the West line of the Southern quarter of the Southwest quarter of said Section 11, a distance of 330.00 feet to an iron pipe; thence West parallel to and 330.00 feet distant from the South line of said Section 11, a distance of 594.00 feet to an iron pipe set 20.00 feet from when measured at right angles to, the West line of the Southeast quarter of the Southwest quarter of said Section 11; thence South parallel to and 20.00 feet distant from the West line of the Southeast quarter of the Southwest quarter of said Section 11, a distance of 330.00 feet to the point of beginning.

TOGETHER WITH a non-exclusive easement for ingress, egress and all utility purposes over the Southerly 20 feet of the Southwest quarter of the Southwest quarter of Section 11, T.2S., R.4E., of the W.M., in the County of Clackamas and State of Oregon, lying Northerly of Mt. Hood Highway #26.

3

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Siskiyou)

On June 19, 2017, before me, Renae J. Hanson, Notary Public, personally appeared **EDWARD B. MILLER**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(~~s~~) are subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/~~her~~/their authorized capacity(~~ies~~), and that by ~~his~~/~~her~~/their signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Renae J. Hanson (Seal)



24

Clackamas County Official Records
Sherry Hall, County Clerk

2018-004926

01/23/2018 03:53:00 PM

D-D Cnt=1 Stn=76 JANIS
\$15.00 \$16.00 \$10.00 \$22.00

\$63.00

MAIL TAX STATEMENTS TO:

Julie K. Miller, Trustee
Gordon A. Miller Living Trust
P. O. Box 870
Turner, OR 97392

AFTER RECORDING RETURN TO:

Freeman Green, Attorney
Saalfeld Griggs PC
P.O. Box 470
Salem, OR 97308

DEED OF CLAIMING SUCCESSOR

THIS INDENTURE is made on January 20, 2018, by and between *Julie K. Miller, Trustee of the Gordon A. Miller Living Trust dated February 25, 2004*, the acting Claiming Successor of *Gordon A. Miller, "Deceased"*, pursuant to an Affidavit of Claiming Successor in Small Estate dated 1-19-2018 in the Circuit Court of the State of Oregon for the County of Marion, case number 18PB00507 hereinafter called the "*Grantor*" and *Julie K. Miller, Trustee of the Gordon A. Miller Living Trust dated February 25, 2004*, hereinafter called the "*Grantee*." Sale of the property described herein is not restricted by any conditions set forth in ORS 114.325(2).

RECITALS:

For value received and the consideration hereinafter stated, the receipt whereof hereby is acknowledged, the Grantor, as to an undivided one-third (1/3) interest in the subject property, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said Grantee and Grantee's successors, and assigns, all the estate, right, and interest of the said Deceased at the time of decedent's death, and all the right, title, and interest that the said estate of said Deceased by operation of the law or otherwise may have thereafter acquired in that certain real property situate in the County of Clackamas, and State of Oregon, and more particularly described in *Exhibit "A"*, which is attached hereto and incorporated by this reference herein.

This deed is executed by Grantor to Grantee as a part of Grantee's distributive share of estate assets, and the true and actual consideration stated in terms of dollars is NONE.

To Have and To Hold the same unto the said Grantee, and Grantee's heirs and successors, and assigns forever.

The following is the notice as required by Oregon law: "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

DEED OF CLAIMING SUCCESSOR (16370 SE Royal Ln., Sandy, Oregon)
(PFG:gr)

1

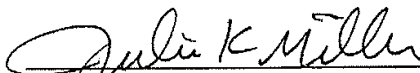
4814-1567-4458, v. 1

© 2018 SGLaw. All Rights Reserved.

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.”

In construing this deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, Grantor has hereunto caused this deed to be executed the day and year first written above.

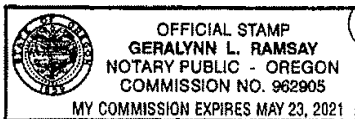


Julie K. Miller, Trustee of the Gordon A. Miller Living Trust dated February 25, 2004 Claiming Successor of Gordon A. Miller, Deceased

State of Oregon)
) ss.
County of Marion)

On this 20th day of January, 2018, personally appeared the above named Julie K. Miller, Trustee of the Gordon A. Miller Living Trust dated February 25, 2004, Claiming Successor of Gordon A. Miller, Deceased, pursuant to an Affidavit of Claiming Successor in Small Estate dated 1-19-2018 in the Circuit Court of the State of Oregon for the County of Marion, Case No. 18P600507, and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:





Notary Public for OREGON
My Commission Expires: 5-23-2021

EXHIBIT "A"

The South one-half of the Southeast quarter of the Southwest quarter of Section 11, T.2S., R.4E., of the W.M., in the County of Clackamas and State of Oregon, EXCEPT 20.00 feet along the West side that is reserved as a roadway.

ALSO EXCEPT therefrom the following:

Beginning at an iron pipe on the South line of said Section 11, said iron pipe being 20.00 feet East from the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 11, thence East along the South line of said Section 11, a distance of 594.00 feet to an iron pipe; thence North parallel to and 614.00 feet distant from the West line of the Southeast quarter of the Southwest quarter of said Section 11, a distance of 330.00 feet to an iron pipe; thence West parallel to and 330.00 feet distant from the South line of said Section 11, a distance of 594.00 feet to an iron pipe set 20.00 feet from when measured at right angles to, the West line of the Southeast quarter of the Southwest quarter of said Section 11; thence South parallel to and 20.00 feet distant from the West line of the Southeast quarter of the Southwest quarter of said Section 11, a distance of 330.00 feet to the point of beginning.

TOGETHER WITH a non-exclusive easement for ingress, egress and all utility purposes over the Southerly 20 feet of the Southwest quarter of the Southwest quarter of Section 11, T.2S., R.4E., of the W.M., in the County of Clackamas and State of Oregon, lying Northerly of Mt. Hood Highway #26.

Clackamas County Official Records
Sherry Hall, County Clerk

2019-043116

07/24/2019 02:32:00 PM

D-D Cnt=1 Stn=76 CONNIE
\$10.00 \$16.00 \$10.00 \$62.00

\$98.00

MAIL TAX STATEMENTS TO:

Julie K. Miller, Trustee
Gordon A. Miller Marital Trust
P.O. Box 870
Turner, OR 97392

AFTER RECORDING RETURN TO:

Freeman Green, Attorney
Saalfeld Griggs PC
PO Box 470
Salem, OR 97308-0470

STATUTORY BARGAIN AND SALE DEED

Julie K. Miller, Trustee of the Gordon A. Miller Living Trust dated February 25, 2004, Grantor, conveys to *Julie K. Miller, Trustee of the Gordon A. Miller Marital Trust*, Grantee, any and all of Grantor's interest in the following described real property situated in the County of Clackamas County, State of Oregon:

The South one-half of the Southeast quarter of the Southwest quarter of Section 11, T.2S., R.4E., of the W.M., in the County of Clackamas and State of Oregon, EXCEPT 20.00 feet along the West side that is reserved as a roadway.

ALSO EXCEPT therefrom the following:

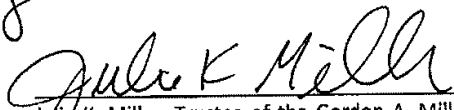
Beginning at an iron pipe on the South line of said Section 11, said iron pipe being 20.00 feet East from the Southwest corner of the Southeast quarter of the Southwest quarter of said Section 11, thence East along the South line of said Section 11, a distance of 594.00 feet to an iron pipe; thence North parallel to and 614.00 feet distant from the West line of the Southeast quarter of the Southwest quarter of said Section 11, a distance of 330.00 feet to an iron pipe; thence West parallel to and 330.00 feet distant from the South line of said Section 11, a distance of 594.00 feet to an iron pipe set 20.00 feet from when measured at right angles to, the West line of the Southeast quarter of the Southwest quarter of said Section 11; thence South parallel to and 20.00 feet distant from the West line of the Southeast quarter of the Southwest quarter of said Section 11, a distance of 330.00 feet to the point of beginning.

TOGETHER WITH a non-exclusive easement for ingress, egress and all utility purposes over the Southerly 20 feet of the Southwest quarter of the Southwest quarter of Section 11, T.2S., R.4E., of the W.M., in the County of Clackamas and State of Oregon, lying Northerly of Mt. Hood Highway #26.

The true and actual consideration for this conveyance stated in terms of dollars is NONE (\$0.00). This transfer is being made as a result of Gordon A. Miller's death on November 17, 2017 and pursuant to the terms of the Gordon A. Miller Living Trust.

The following is the notice as required by Oregon law: "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."

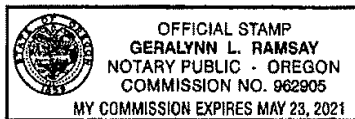
Dated this 24th day of July, 2019.

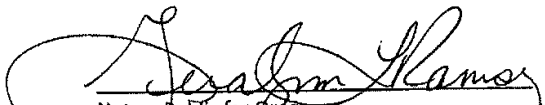

Julie K. Miller, Trustee of the Gordon A. Miller
Living Trust dated February 25, 2004

STATE OF OREGON)
) ss.
COUNTY OF MARION)

On this 24th day of July, 2019, personally appeared the above named *Julie K. Miller, Trustee of the Gordon A. Miller Living Trust dated February 25, 2004* and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:




Notary Public for Oregon
My Commission Expires: 5-23-2021

12

RECORDING REQUESTED BY:

IRVING B. JOSEPH

WHEN RECORDED MAIL TO:

MEISSNER JOSEPH PALLEY & RUGGLES
1555 River Park Drive, Suite #108
Sacramento, California 95815

MAIL TAX STATEMENTS TO:

Barbara A. Rebok
4300 Indian Creek Rd.
Lincoln, CA 95648

Clackamas County Official Records
Sherry Hall, County Clerk

2019-064665



\$98.00

02271253201900646650020028

10/15/2019 02:56:52 PM

D-D Cnt=1 Stn=7 LISA
\$10.00 \$16.00 \$82.00 \$10.00

- Space Above This Line Reserved for Recorder's Use -

QUITCLAIM DEED

BARBARA A. REBOK does hereby remise, release and quitclaim her undivided one-third (1/3) interest in the real property described below to DOUGLAS E. REBOK and BARBARA A. REBOK, Trustees of the DOUGLAS AND BARBARA REBOK REVOCALBE TRUST, established February 16, 2005. Said real property is situate in the County of Clackamas, State of Oregon, described as follows:

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

Assessor Parcel Number: 00653983
Property Address: 16370 SE Royal Lane, Sandy, OR 97055

The true and actual consideration stated in terms of dollars is NONE.

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

PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009."

Dated this 27 day of September, 2019.

Barbara A. Rebok
BARBARA A. REBOK

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Placer

On 9-27-19, 2019, before me, Lorene L. Meek, Notary Public, personally appeared BARBARA A. REBOK, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

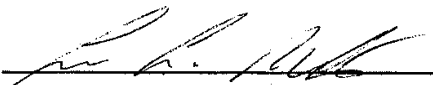
Signature  (Seal)



EXHIBIT G

Clackamas County Official Records	2018-004926
Sherry Hall, County Clerk	01/23/2018 03:53:00 PM
D-D Cnt=1 Stn=76 JANIS	\$63.00
\$15.00 \$16.00 \$10.00 \$22.00	

MAIL TAX STATEMENTS TO:

Julie K. Miller, Trustee
Gordon A. Miller Living Trust
P. O. Box 870
Turner, OR 97392

AFTER RECORDING RETURN TO:

Freeman Green, Attorney
Saalfeld Griggs PC
P.O. Box 470
Salem, OR 97308

DEED OF CLAIMING SUCCESSOR

THIS INDENTURE is made on January 20, 2018, by and between **Julie K. Miller, Trustee of the Gordon A. Miller Living Trust dated February 25, 2004**, the acting Claiming Successor of **Gordon A. Miller, "Deceased"**, pursuant to an Affidavit of Claiming Successor in Small Estate dated 1-19-2018 in the Circuit Court of the State of Oregon for the County of Marion, case number 18PB00507 hereinafter called the "**Grantor**" and **Julie K. Miller, Trustee of the Gordon A. Miller Living Trust dated February 25, 2004**, hereinafter called the "**Grantee**." Sale of the property described herein is not restricted by any conditions set forth in ORS 114.325(2).

RECITALS:

For value received and the consideration hereinafter stated, the receipt whereof hereby is acknowledged, the Grantor, as to an undivided one-third (1/3) interest in the subject property, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said Grantee and Grantee's successors, and assigns, all the estate, right, and interest of the said Deceased at the time of decedent's death, and all the right, title, and interest that the said estate of said Deceased by operation of the law or otherwise may have thereafter acquired in that certain real property situate in the County of Clackamas, and State of Oregon, and more particularly described in **Exhibit "A"**, which is attached hereto and incorporated by this reference herein.

This deed is executed by Grantor to Grantee as a part of Grantee's distributive share of estate assets, and the true and actual consideration stated in terms of dollars is NONE.

To Have and To Hold the same unto the said Grantee, and Grantee's heirs and successors, and assigns forever.

The following is the notice as required by Oregon law: "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

DEED OF CLAIMING SUCCESSOR (16370 SE Royal Ln., Sandy, Oregon)
iPFG:gn

1

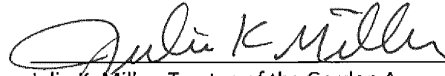
4814-1567-4458, v. 1

© 2018 SGLaw. All Rights Reserved.

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."

In construing this deed and where the context so requires, the singular includes the plural.

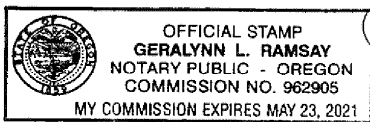
IN WITNESS WHEREOF, Grantor has hereunto caused this deed to be executed the day and year first written above.


 Julie K. Miller, Trustee of the Gordon A. Miller Living Trust dated February 25, 2004
 Claiming Successor of Gordon A. Miller,
 Deceased

State of Oregon)
) ss.
 County of Marion)

On this 20th day of January, 2018, personally appeared the above named Julie K. Miller, Trustee of the Gordon A. Miller Living Trust dated February 25, 2004, Claiming Successor of Gordon A. Miller, Deceased, pursuant to an Affidavit of Claiming Successor in Small Estate dated 1-19-2018 in the Circuit Court of the State of Oregon for the County of Marion, Case No. 18PB00507, and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:



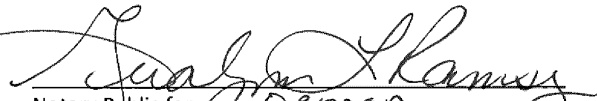

 Notary Public for Oregon
 My Commission Expires: 5-23-2021

EXHIBIT "A"

The South one-half of the Southeast quarter of the Southwest quarter of Section 11, T.2S., R.4E., of the W.M., in the County of Clackamas and State of Oregon, EXCEPT 20.00 feet along the West side that is reserved as a roadway.

ALSO EXCEPT therefrom the following:

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TOGETHER WITH a non-exclusive easement for ingress, egress and all utility purposes over the Southerly 20 feet of the Southwest quarter of the Southwest quarter of Section 11, T.2S., R.4E., of the W.M., in the County of Clackamas and State of Oregon, lying Northerly of Mt. Hood Highway #26.

PRE-APPLICATION CONFERENCE NOTES

Project Name: 16370 Royal Lane Annexation

Pre-Application Conference Date: January 14, 2021

Applicant Name: Frank Walker

Owner Name: Julie K. Walker

Site Address: 16370 Royal Lane

Staff: Shelley Denison, Mike Walker, Kelly O’Neill Jr., Thomas Fisher

FIRE DISTRICT REVIEW

If annexation is approved, future development shall meet the requirements of the Sandy Fire District for fire apparatus access and fire protection water supplies.

Contact Gary Boyles, District No. 72 Fire Marshal, with questions: 503-668-8093,
fmboyles.sandyfire@gmail.com

PLANNING DEPARTMENT REVIEW

Sandy Development Code: 17.12 Procedures for Decision Making; 17.18 Processing Applications; 17.22 Notices; 17.44 General Commercial (C-2); 17.60 Flood & Slope Hazard Overlay District; 17.78 Annexation

***Caveat:** This analysis includes a review of those code sections staff believes are relevant to the proposal based on preliminary information. This review is not intended to be a comprehensive analysis nor shall this review nullify code requirements that are determined necessary during land use review.*

Planning Comments

- This qualifies as a Type A Annexation: Annexation in conformance with conceptual zoning designation of C-2 with FSH overlay.
- Properties shall not be considered for annexation for a minimum of ten (10) years if any tree removal listed in 17.78.25(A) has occurred.
- An application to annex property into the city shall meet the following criteria:
 - 1. The application demonstrates how the property will be served by adequate public facilities and services, including sanitary sewer, domestic water (there is a water line at the west boundary of the site, and a sewer line 1000 feet north of site), transportation, internet and parks. Public facilities and services must be provided in a manner consistent with the City’s adopted public facility plans, comprehensive plan, transportation system plan, parks and trails master plan, and any applicable area plan or master plan. The application must demonstrate how the public facilities and services will be provided to the property in an orderly, efficient, and timely manner. NOTE: If annexation is requested prior to the extension of Bell Street and 362nd Drive then the public, the Planning Commission, and ultimately the City Council might find that the annexation is not timely as streets are not installed to adequately provide access to the subject site.
 - 2. The application demonstrates how impacts to existing City public facilities and services (sewer, water, stormwater, and transportation) from development of the property will be mitigated, if necessary. Mitigation may include construction of on-site or off-site improvements or improvements to existing infrastructure to City standards and specifications. The application must demonstrate adequate funding for the mitigation. If the financing requires City funds, the funding must be approved by the City Council prior to annexation. The City may rely on the standards and criteria of SMC Chapter 17.84 (Improvements Required with Development) and

other relevant standards and criteria in the comprehensive plan or development code to analyze an applicant’s proposed mitigation of impacts. In order to ensure adequate public facilities and services will exist to serve property annexed to the City, an applicant may be required to enter into an agreement with the City that governs the extent and timing of infrastructure improvements.

- 3. The application demonstrates that the annexation and proposed zoning is consistent with the Transportation Planning Rule (TPR) or explains that the TPR analysis is not required. NOTE: Since this property was already in the UGB prior to the UGB expansion in 2017, TPR analysis is not required.
- 4. The annexation is in the best interest of the City. Generally, the annexation is in the best interest of the city if it meets one or more of the following criteria:
 - a. A needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service related problems; or
 - b. Land for development to meet urban needs and that meets a logical growth pattern of the city and encourages orderly growth; or
 - c. Needed routes for utility and transportation networks.

Projected Application Type and Fees (fees subject to change):

Type	Fee
Type IV Annexation (Type A)	\$2,194

Projected Processing Steps:

- Submittal Requirements, 2 hard copies and 1 digital copy (Section 17.90.100) submitted with the application. During completeness check staff will determine if additional hard copies are necessary. Submit the following:
 - Land use application
 - Applicable fees
 - Project narrative detailing compliance with applicable code criteria **including what C-2 zoning would allow and support in relation to utilities.**
 - **Also include 2011 TSP analysis.**
 - Written consent form to the annexation signed by the owners of all land to be annexed.
 - A legal description certified by a registered surveyor or engineer.
 - A list of property owners within one thousand (1,000) feet of the subject property and two sets of mailing labels. A title company can provide the list of property owners.
 - Vicinity map showing the area to be annexed including adjacent city territory.
 - Site Plan drawn to scale indicating:
 - The location of existing structures (if any);
 - The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed;
 - Approximate or surveyed location of areas subject to regulation under Chapter 17.60, Flood and Slope Hazard (FSH) Overlay District, including, but not limited to, wetland boundaries, streams, top of bank, buffers, areas of 25 percent or greater slope, restricted development areas, and the FSH analysis area. If the applicant wants to avoid an additional zone map modification request at time of development, then these areas will need to be surveyed at the time of annexation application submittal.
 - Narrative Statement explaining the proposal and addressing:

- 1. Availability, capacity and status of existing water, sewer, drainage, transportation, fire, and park facilities;
 - 2. Additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
 - 3. Ability to adhere to adopted City plans including, but not limited to, the Transportation System Plan, Parks and Trails Master Plan, Comprehensive Plan, and Specific Area Plans; this analysis may be deferred if the applicant enters into an annexation agreement as provided in Section 17.78.50(B); and,
 - 4. Method and source of financing required to provide additional facilities, if any.
- Staff review for completeness (30 days max.). If determined incomplete then the applicant submits additional information as required, staff then reviews for completeness again. If the application is deemed complete, then the application is typically processed within 120 days; however, since this is an annexation with a comprehensive plan amendment the 120 rule is not applicable.
 - Approval. If the annexation is approved by the City Council, then the annexation is effective 30 days after the second reading of the ordinance and confirmation of the annexation by the Oregon Department of Revenue. If approved, the ordinance is the land use decision.
 - Denial. If the annexation is denied, then you can file an appeal to LUBA per their requirements. An appeal cannot be filed until the final order is issued.

8/24/2021

City of Sandy Mail - Request for Review: 16370 Royal Lane Annexation (File No. 21-041 ANN)



EXHIBIT I

Marisol Martinez <mmartinez@ci.sandy.or.us>

Request for Review: 16370 Royal Lane Annexation (File No. 21-041 ANN)

Gary Boyles <fmboyles.sandyfire@gmail.com>
To: Planning <planning@cityofsandy.com>

Comments from the Fire District:

- All future construction activities shall comply with the applicable Oregon Fire Code. Construction documents detailing c requirements shall be provided to Sandy Fire District No. 72 for review and approval.

Gary Boyles
Fire Marshal
Sandy Fire District No. 72
PO Box 518
17460 SE Bruns Ave.
Sandy, Oregon 97055


Business line: 503-668-8093
Cell number: 503-891-7042

CONFIDENTIALITY NOTICE- This email, and any attachments may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. It is intended only for the use of the person(s) names above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution, or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact me by reply email and delete the message and any attachments from your system.

[Quoted text hidden]

This e-mail is a public record of the City of Sandy and is subject to the State of Oregon Retention Schedule and may be subject to public release. Any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

2 attachments

 **21-041 ANN Annexation of 16370 Royal Lane Notice.pdf**
334K

 **Annexation Application Narrative.pdf**
7693K

8/25/2021

City of Sandy Mail - Request for Comments on Proposed New Development



EXHIBIT J

Marisol Martinez <mmartinez@ci.sandy.or.us>

Request for Comments on Proposed New Development

Joe Smith <Joe.Smith@redw.com>
To: "planning@ci.sandy.or.us" <planning@ci.sandy.or.us>

Tue, Aug 24, 2021 at 3:52 PM

Dear Sir or Madam,

Thank you for your letter of August 18, 2021 seeking comment on proposed annexation of 16370 Royal Lane. We support the City's proposed acquisition of the 15.21 acres in question; however, we would like to add additional comment for the Planning Commission's consideration. It is our understanding that Bell Street is contemplated to be extended to intersect with Highway 26. We believe the better option would be for it to turn West and intersect with Royal Lane for connection to Highway 26 or possibly continue on to 362nd for intersection with the highway (traffic light already exists).

For several years we have enjoyed walking the trails behind the high school from the end of Bell over to highway 26. It is our understanding that the area is zoned for medium residential development. We would suggest that the Commission consider preserving it as a nature area.

Although our final comment is really not for the Commission, we would like to share anyway. We are concerned for the safety of the kids leaving the school in the afternoons and entering onto Bluff Street. The line of sight for vehicles going North on Bluff is limited and people sometimes drive faster than they should. If the Police Department could station a car at the intersection or place temporary flashing lights during rush hour, maybe the risk associated with the intersection could be mitigated.

Thank you for seeking our input.

Sincerely,

Joe and Teresa Smith
37167 Coralburst Street
(503) 314-2009



EXHIBIT K

39250 Pioneer Blvd
Sandy, OR 97055
503-668-5533

PLANNING COMMISSION STAFF REPORT TYPE IV LAND USE PROPOSAL

This proposal was reviewed as a Type IV Annexation. The following exhibits and findings of fact explain the proposal and support the staff recommendation.

DATE: September 17, 2021

FILE NO.: 21-041 ANN

PROJECT NAME: Annexation of 16370 Royal Lane

APPLICANT: City of Sandy

OWNER: Miller Family Trust, Douglas and Barbara Rebok Revocable Trust

LEGAL DESCRIPTION: 24E11, Tax Lot 3500

TABLE OF CONTENTS:

EXHIBITS..... **2**

FINDINGS OF FACT..... **3**

GENERAL FINDINGS..... **3**

ANNEXATION – CHAPTER 17.78 **4**

RECOMMENDATION..... **6**

CONDITIONS OF APPROVAL..... **6**

EXHIBITS

Applicant's Submittals:

- A. Land Use Application from Miller Family Trust
- B. Authorization Letter from Rebok Revocable Trust
- C. Supplemental Annexation Form
- D. Supplemental Land Use Application Form
- E. Project Narrative
- F. Preliminary Title Report
- G. Legal Description
- H. Pre-application Notes

Agency Comments:

- I. Fire District No. 72 Fire Marshal (August 24, 2021)

Public Comments:

- J. Joe and Teresa Smith (August 24, 2021)

FINDINGS OF FACT

GENERAL FINDINGS

1. These findings are based on the applicant's submittal received on July 1, 2021. This report is based upon the Exhibits listed above as well as an agency comment from the Fire District (Exhibit I).
2. The subject site is approximately 15.21 acres. The site is located at 16370 Royal Lane.
3. The parcel has a Comprehensive Plan Map designation of Retail/Commercial and a conceptual zoning map designation of General Commercial (C-2). The property has a County zoning designation of RRRFF-5 (Rural Residential Farm Forest, 5 acre).
4. The City of Sandy is requesting annexation of 16370 Royal Lane on behalf of the Miller Family Trust and Douglas and Barbara Rebok Revocable Trust. The annexation area includes 15.21 acres and the conceptual zoning designation for the property is General Commercial (C-2). The primary reason for the annexation is to accommodate the future extension of Bell Street, but the annexation will also allow the 15.21 acres to develop as an urban use.
5. On page 5 of the project narrative (Exhibit E) the applicant asked to elevate this annexation request directly to City Council and bypass the Planning Commission recommendation. The Development Services Director did not agree to this request and has scheduled hearings before the Planning Commission and City Council in compliance with Section 17.78.70.
6. The project narrative (Exhibit E) includes information on the FSH Overlay that is located on the subject property. Since this application is for annexation and not development, an FSH Overlay review is not relevant at this time but will be applicable upon future development of the property. The existing mapped FSH overlay on the zoning map will be applied as part of the zone change that will occur with the annexation.
7. Notification of the proposed application was mailed to affected agencies on August 17, 2021 and to surrounding property owners within 1,000 feet of the subject property on August 18, 2021. The proposal was submitted to DLCD on July 29, 2021.
8. A legal notice was printed in the Sandy Post on September 15, 2021.
9. According to the Fire District No. 72 Fire Marshal (Exhibit I), **all future construction activities shall comply with the applicable Oregon Fire Code. Fire apparatus access and fire protection water supply shall be reviewed and approved by the Sandy Fire District. All other requirements submitted by the Fire Marshal shall be conditions for future development.**
10. As of publication of this staff report, one public comment has been received. The public comment from Joe and Teresa Smith (Exhibit J) was supportive of this annexation request.

ANNEXATION – Chapter 17.78

11. Section 17.78.15 explains the types of annexation. This proposal qualifies as a Type A annexation, which is an annexation in conformance with the City’s conceptual zoning designations.
12. Section 17.78.20 details conditions for annexation.
 - a. Subsection (A) requires that ORS standards for annexation be met. Staff has determined that the process that Sandy uses to annex properties meets state requirements.
 - b. Subsection (B) requires that the property be within Sandy’s Urban Growth Boundary (UGB). The subject property is located in the UGB.
 - c. Subsection (C) explains that the site must be contiguous to the city or separated from it only by a public right-of-way. The site is surrounded by city limits. Page 4 of the project narrative (Exhibit E) includes diagrams detailing how the city limits line would be modified if the subject property is annexed.
13. Section 17.78.25 outlines requirements for tree retention and prohibits certain properties from being annexed if their respective property owners removed a certain number of trees within ten years of the application. Staff has not identified any significant tree removal from the subject property within the last ten (10) years. **Prior to any future tree removal on the subject property the applicant shall apply and receive approval for a tree removal permit in compliance with Chapter 17.102 and potentially Chapter 17.60. Removal of trees without a permit after annexation shall be enforced in compliance with Chapter 17.06.**
14. Section 17.78.30 explains that all lands within the urban growth boundary have been classified according to the appropriate city land use designations as noted on the Comprehensive Plan map. The applicant requests that the current Comprehensive Plan map of Retail/Commercial and the conceptual zoning designation of General Commercial (C-2) be applied to the property upon annexation.
15. Section 17.78.40 includes information on existing uses and structures. The subject property has an existing house and associated accessory building. If the subject property is annexed these structures will be existing non-conforming uses. Once located in city limits, any future development of the property would need to adhere to the uses in the General Commercial (C-2) zoning district.
16. Section 17.78.50 details annexation criteria. On pages 16-19 of the project narrative (Exhibit E) the applicant explains how the subject annexation request meets the applicable annexation criteria. While this analysis completed by the applicant is appreciated by staff, Section 17.78.50(B) allows for “island” annexations under ORS 222.750 without completing the analysis in Section 17.78.50 (A.1.) and (A.2.). Currently, the subject property is within an unincorporated island. Generally, it is good planning practice to annex land within unincorporated islands. Furthermore, since this property was located inside the UGB at the time of the last Transportation System Plan (TSP) adoption this subject property is not subject to TPR finding requirements in Section 17.78.50 (A.3.).

17. In conformance with Section 17.78.50 (A.4.c.) the proposed annexation is in the best interest of the City of Sandy as it provides for a needed transportation connection (i.e. Bell Street) as defined in the Transportation System Plan.

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation of **approval** to City Council for the Type IV Annexation request subject to the conditions of approval below.

CONDITIONS OF APPROVAL

1. The zoning map designation for this property shall be General Commercial (C-2) with the Flood and Slope Hazard (FSH) Overlay on a portion of the property as identified on the zoning map.
2. The comprehensive plan map designation for this property shall be Retail/ Commercial.
3. Any future development shall meet the Sandy Municipal Code requirements.
4. Stormwater treatment and detention conforming to Chapters 13.18 and 13.20 of the Sandy Municipal Code shall be required upon further development of the property.
5. Prior to any future tree removal on the subject property the applicant shall apply and receive approval for a tree removal permit in compliance with Chapter 17.102 and potentially Chapter 17.60. Removal of trees without a permit after annexation shall be enforced in compliance with Chapter 17.06.
6. All future construction activities shall comply with the applicable Oregon Fire Code. Fire apparatus access and fire protection water supply shall be reviewed and approved by the Sandy Fire District. All other requirements submitted by the Fire Marshal shall be conditions for future development.



NO. 2021-29

AN ORDINANCE APPROVING ANNEXATION OF ONE PROPERTY TOTALING APPROXIMATELY 15.21 ACRES AND ASSIGNING GENERAL COMMERCIAL ZONING IN CONFORMANCE WITH THE CONCEPTUAL ZONING MAP.

WHEREAS, the City of Sandy submitted the application on behalf of Miller Family Trust and Douglas and Barbara Rebok Revocable Trust (File No. 21-041 ANN) requesting annexation of one parcel approximately 15.21 acres in size and known as 16370 Royal Lane, and requested that General Commercial (C-2) zoning be assigned to the property in conformance with the conceptual zoning map.

WHEREAS, ORS chapter 222 (Boundary Changes) and Sandy Municipal Code Chapter 17.78 (Annexation) identify the procedures to be followed by the City for the proposed annexation;

WHEREAS, pursuant to ORS 222.127, the proposed annexation may not be submitted to the voters;

WHEREAS, notice of the proposed annexation was sent to the Department of Land Conservation and Development on July 29, 2021. A separate notice was sent to the property owners and other property owners within 500 feet of the subject property on August 19, 2021. Notice of the annexation including a legal description of the property was published in the Sandy Post on September 15, 2021;

WHEREAS, the Sandy Planning Commission reviewed the annexation application at a public hearing on September 27, 2021 and recommended City Council approve the annexation with the conditions of approval identified in the staff report; and

WHEREAS, the Sandy City Council reviewed the annexation application at a public hearing on October 18, 2021 and determined the application complies with the criteria in ORS chapter 222 and the Sandy Municipal Code Chapter 17.78.

NOW, THEREFORE, THE CITY OF SANDY ORDAINS AS FOLLOWS:

Section 1: Based on the testimony and evidence in the record, the City Council adopts the findings in the October 18, 2021 staff report as its own, including the conditions of approval and any interpretations of the Sandy Municipal Code set forth therein.

#2021-29

Section 2: The City Council directs staff to amend the city boundary and to provide notice of the annexation to other agencies and organizations as required by state law.

Section 3: Following adoption of this Ordinance, the zoning designation for the subject property will be changed to C-2, General Commercial as shown on the adopted zoning map.

Section 4: A legal description and map of the property are attached to this ordinance as Exhibits A and B.

THIS ORDINANCE IS ADOPTED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR THIS 18TH DAY OF OCTOBER, 2021.

This ordinance is adopted by the Common Council of the City of Sandy and approved by the Mayor this 18 day of October 2021

Stan Pulliam, Mayor

ATTEST:

Jeff Aprati, City Recorder

#2021-29

EXHIBIT "A"

October 11, 2021

Annexation

A parcel of land, as shown on attached Exhibit "B", lying in the Southeast One-Quarter of the Southwest One-Quarter of Section 11, Township 2 South, Range 4 East of the Willamette Meridian, Clackamas County, Oregon, and being all of that tract of land described and conveyed to Douglas E Rebok and Barbara A Rebok, Trustees of the Douglas and Barbara Rebok Revocable Trust, established February 16, 2005, in Quitclaim Deed, recorded February 24, 2020 as Document No. 2020-013007, Clackamas County Deed Records; said parcel being more particularly described as follows;

Beginning at the southeast corner of said Document No. 2020-013007, said point bears S88°58'38"E, as measured along the south line of said Section 11, 2652.94 feet from a 3-1/4" bronze disk marking the section corner common to sections 10, 11, 14 and 15, Township 2 South, Range 4 East of the Willamette Meridian, Clackamas County Oregon.

Thence N88°58'38"W, along the south line of said Document No. 2020-013007, 712.45 feet to the most southerly southwest corner thereof;

Thence N01°27'53"E, along the most southerly west line of said Document No. 2020-013007, 330.01 feet to an interior corner thereof;

Thence N88°58'38"W, along the most westerly south line of said Document No. 2020-013007, 594.02 feet to the most westerly southwest corner thereof;

Thence N01°27'53"E, along the most northerly west line of said Document No. 2020-013007, 329.09 feet to the northwest corner thereof;

Thence S88°50'34"E, along the north line of said Document No. 2020-013007, 1305.09 feet to the northeast corner thereof;

Thence S01°20'44"W, along the east line of said Document No. 2020-013007, 656.02 feet to the Point of Beginning.

The parcel of land to which this description applies contains 662,586 square feet or 15.20 acres more or less.

This legal description, along with the Basis of Bearings thereof, is based on the Oregon State Plane Coordinate System-North Zone. The South Line of Document No. 2020-013007, Clackamas County Deed Records was Held to be N88°58'38"W.

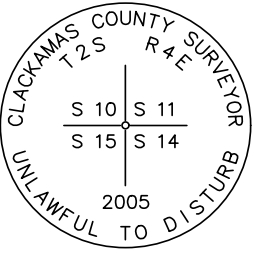
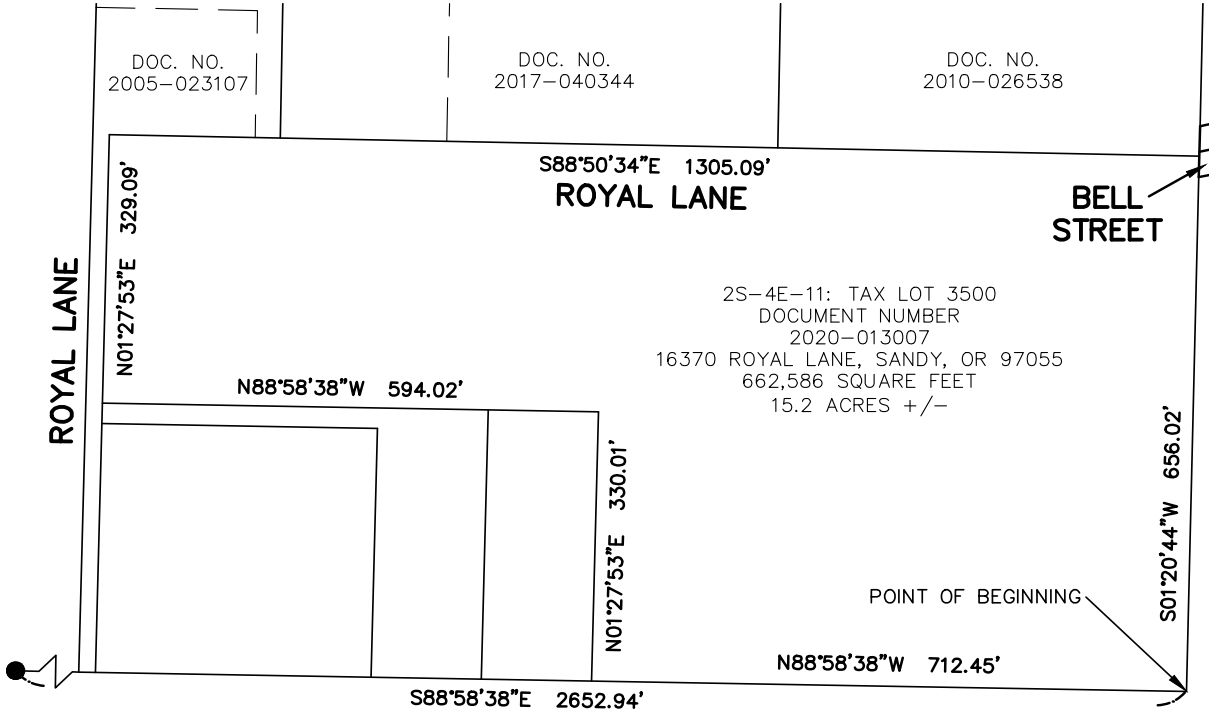
REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell
OREGON
July 15, 2003
JOHN T. CAMPBELL
60073

RENEWS: 12/31/2021

EXHIBIT "B"
ANNEXATION EXHIBIT MAP

LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 11,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



3-1/4" BRONZE DISK
SECTION CORNER COMMON
TO SECTIONS 10, 11, 14 AND 15,
T.2S., R.4E., W.M.
CLACKAMAS COUNTY, OREGON
PER USBT ENTRY 2005-065



SCALE
1" = 200'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John T. Campbell
OREGON
JULY 15, 2003
JOHN T. CAMPBELL
60070 LS



**Harper
Houf Peterson
Righellis Inc.**

ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202
phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

SDY-06 TMW 10/11/2021 PAGE 1 OF 1

SEE ATTACHED
LEGAL DESCRIPTION

EXPIRES 12-31-21



File # 21-041 ANN

16370 Royal Lane Annexation

City Council
October 18, 2021

16370 SE Royal Lane
Annexation

Vicinity Map

Red Line Outlines
Property to be
Annexed

Island remains

Google Earth



600 ft

Request

- Type IV Annexation
- Three types of annexation
 - A: Annexation in conformance with conceptual zoning designation
 - B: Annexation + zone change
 - C: Annexation + zone change + comp plan map change

Conditions for Annexation

- The site must be within the urban growth boundary
- The site must be contiguous with city limits
- The procedural statutes in ORS Chapter 222 have been met
- The property owner has not violated tree retention requirements



Conditions for Annexation

- For an island annexation:
 - TPR analysis is not required.
 - Meets a logical growth pattern.
 - City is participating in the request so that the extension of Bell Street is inside City limits.

FSH Overlay boundary

- The FSH Overlay on the subject property shall be surveyed prior to extending Bell Street, Kate Schmitz, and/or developing the subject property.
- If the existing FSH Overlay boundary is incorrect then the City and the property owner shall be conditioned to revise the zoning map.

Recommendation

The Planning Commission recommends approval of the annexation with the conditions in the staff report.





Staff Report

Meeting Date: October 18, 2021
From David Snider, Economic Development Manager
SUBJECT: Special Service Contract Program Grant Awards

DECISION TO BE MADE:

Whether to adopt the funding recommendations from the SSCP review subcommittee for the 2021-2023 biennium

PURPOSE / OBJECTIVE:

The objective of the SSCP is to provide financial support to our local non-profit organizations to help them achieve their individual missions for the greater community.

BACKGROUND / CONTEXT:

On September 29th, the Special Service Contract Program (SSCP) subcommittee met to review applications for the current program period. \$60,000 in general fund dollars were allocated to the Economic Development budget for this grant program for the 2021-2023 biennium. Four local non-profit organizations submitted applications for project funding in this grant cycle. Upon completing their review, the SSCP subcommittee makes the following recommendations to the full Council.

FUNDING DISTRIBUTION:

Funding requests from applicants:

- AntFarm Youth Services: **\$6,000** (CommunityConnect Program)
- Sandy Area Chamber of Commerce: **\$20,000** (Business Resource Center program)
- Sandy Community Action Center: **\$20,000** (Food box program; improve outreach)
- Sandy Historical Museum: **\$14,555** (Student intern program)
- **Total funds requested: \$60,555**

Recommended funding allocations -- SSCP subcommittee

- AntFarm Youth Services: **\$6,000** (CommunityConnect Program)
- Sandy Area Chamber of Commerce: **\$19,000** (Business Resource Center program)
- Sandy Community Action Center: **\$20,000** (Food box program; improve outreach)
- Sandy Historical Museum: **\$15,000** (Student intern program)

- **Total funds allocated: \$60,000**

The subcommittee slightly adjusted the requests for funding and approved all four applications. Staff contacted the Sandy Area Chamber of Commerce on September 30th to inquire about the reduction to their funding request and if this reduction will impact the ability of the Chamber to effectively operate their proposed program. Executive Director Jones replied that the recommended funding level is sufficient and that she has no concerns.

The subcommittee also determined that they would like to continue with the current system of funding distribution, with 80% of annual project funds being distributed at the beginning of the fiscal year (after contracts are signed in Year 1), and the remaining 20% of annual project funds distributed after performance measures are reported at the calendar year end. While this system provides a fairly strong incentive for timely reporting, the subcommittee also determined that failure to submit performance measures in a timely manner could have a negative impact the acceptance of future applications, and that this should be communicated to applicants going forward.

ARPA Reimbursement Opportunity

Finally, the subcommittee recommended that staff research ARPA funding to see if it would be possible to replace the general fund money used for the Chamber of Commerce's program with ARPA funding and move that money back into the general fund. After researching, staff determined that it is possible to use ARPA funding to reimburse the general fund for any program money spent on providing BRC services to businesses within Sandy city limits. As such, staff recommends that the location of service recipients in relation to Sandy city limits should be one of the performance measures for the Chamber's program.

PERFORMANCE MEASURES:

After discussion, the subcommittee determined that they would like to continue with the current method of data collection for this grant period. This includes the following elements:

- Performance measures to be determined by the Economic Development Manager. The current performance measures for the three continuing programs (AntFarm, Action Center, Museum) are sufficient, and the subcommittee recommended that performance measures to be collected from the Chamber should be focused on business assistance offered outside of city limits vs. inside city limits, and what type of assistance was provided. *The performance measures regarding city limits are critical to determine how much general fund money may be reimbursed using ARPA funding.*

- A biennial report from the Economic Development Manager showing data for the performance measures requested and a brief narrative describing the program and its achievements.
- The subcommittee also liked the idea of inviting the four applicants in to a regular City Council meeting to "tell the story in their own words" about their programs. Staff will schedule this for sometime close to the end of the first fiscal year of this grant period.

For Council's reference, there is an attachment to this report entitled "Exhibit A from SSCP contracts". This document shows the "Exhibit A" section of each of the four prepared SSCP contracts, which provides details about the performance measures and financial aspects of each contract.

FUTURE PROGRAM ADMINISTRATION:

Council has previously indicated that they would like the current grant period to be the final biennial grant period for the SSCP, switching to an annual grant period at the end of the 2021-2023 biennium. Staff will make the requested change at that time as well as switching all reporting to an annual cycle. Staff will also check in with Council at that time to see if they would prefer to make other adjustments to the program, such as taking a more active role in determining performance measures, making changes to the grant application, and similar adjustments.

Council also requested that staff develop a proposal for a parallel ARPA-funded grant program to allow additional non-profits to apply for funding assistance. A proposal will be forthcoming in the near future.

RECOMMENDATION:

Staff recommends the approval of the SSCP subcommittee's recommendations.

BUDGETARY IMPACT:

The SSCP was funded with \$60,000 in general fund money for the 2021-2023 biennial budget. The SSCP subcommittee recommends allocating \$60,000 to program applicants, and asking staff to pursue reimbursement of as much of the Chamber of Commerce's allocation as possible using ARPA funds.

SUGGESTED MOTION LANGUAGE:

"I move to approve the SSCP Review Subcommittee's recommendations for Special Service Contract Program awards, and direct staff to facilitate performance measure and reporting information as suggested in the staff report."

LIST OF ATTACHMENTS/EXHIBITS:

- Funding Request Synopsis
- Exhibit A from SSCP contracts

2021 SSCP FUNDING REQUEST SYNOPSIS

AntFarm Youth Services

CommunityConnect Program

AntFarm has traditionally used their SSCP funding to expand the outreach of their CommunityConnect program. CommunityConnect is a program that creates opportunities for the most vulnerable senior citizens to "age in place" by providing home management assistance free of charge. Assistance with things like cutting and stacking firewood, mowing lawns, weeding, cleaning gutters, etc. is offered through a youth volunteer and adult team. Youth also benefit from this program by learning responsibility and work skills. This request represents about 8% of this program's total cost.

Sandy Community Action Center

Food Box Distribution

The Action Center has traditionally used their SSCP allocation for the dual purposes of increasing outreach for their services (particularly in the local Spanish-speaking community) and for increasing food box distribution.

Sandy Historical Museum

Student Interns

Since the 2017- 2019 biennium, the Sandy Historical Museum has been using their SSCP allocation to hire part-time student interns to help staff the museum and visitor's center. This expenditure has provided a dual public benefit for the community by a) providing part-time employment opportunities to local youth, and b) to get local youth engaged in local history and the tourism industry by working with visitors to our community. These internships have also provided some diversity to museum staff who have traditionally been senior citizen volunteers, and the organization is hoping that one or two of these interns may develop into future employees.

Sandy Area Chamber of Commerce

Continuing the Sandy Business Resource Center

This project proposal is to continue the work of the Sandy Business Resource Center through the end of this biennium. The BRC network, funded by Clackamas County, created seven business resource centers throughout the county tasked with helping businesses navigate the numerous federal, state and local pandemic assistance programs available and connect with resources like free PPE and technical assistance. The BRCs provide technical and financial resource assistance, individualized answers to business questions, referrals to organizations and resources, pre-paid access to business consultants, access to translators and free PPE, and other assistance. This program is no longer funded by Clackamas County.

Exhibit A

Annual grant amount awarded: \$10,000

Scope of work: Contractor shall use funds provided to:

- Increase program outreach to all eligible populations in the district
- Increase in food supplies distributed
- Improve communication and coordination with other area service organizations

Reporting:

As a condition for the receipt of grant funds, Contractor agrees to track the following information annually and report back to City:

- Number of food boxes being distributed monthly
- Descriptive narrative of the types of service outreach efforts made by the SCAC
- Descriptive narrative of coordinating efforts with other area service organizations

Contractor agrees to provide this information to City no later than March 31st, 2022 during Year 1 of the contract, and no later than March 31st, 2023 during Year 2 of the contract.

Auditing:

Contractor agrees to provide access to its financial systems to a representative from City under Section 20 (Access to Records) of this contract for the purpose of auditing grant funds to ensure that they are being used in a manner appropriate to the terms of this contract. This audit shall be completed no later than March 31st, 2022 in Year 1 of the contract, and no later than March 31st, 2023 in Year 2 of the contract.

Payment schedule:

Year 1: City will distribute 80% (\$8,000) of stated annual grant amount awarded to Contractor upon signing of this contract.

City will distribute the remaining 20% (\$2,000) of the annual grant amount awarded to Contractor upon successful completion of an audit of grant funds by City as described in the "Auditing" section of Exhibit A AND complete reporting of the information listed under the "Reporting" section of Exhibit A to City. This distribution will occur no earlier than April 1, 2022.

Year 2: City will distribute 80% (\$8,000) of stated annual grant amount awarded to Contractor on July 1, 2022.

City will distribute the remaining 20% (\$2,000) of the annual grant amount awarded to Contractor upon successful completion of an audit of grant funds by City as described in the "Auditing" section of Exhibit A AND complete reporting of the information listed under the "Reporting" section of Exhibit A to City. This distribution will occur no earlier than April 1, 2023.

Exhibit A

Annual grant amount awarded: \$3,000

Scope of work: Contractor shall use funds provided to supplement their CommunityConnect Program for the purposes of:

- Increasing the number of clients they are able to serve through this program
- Increasing the number of youth trained through the CommunityConnect Program

Reporting:

As a condition for the receipt of grant funds, Contractor agrees to track the following information annually and report back to City:

- Number of unduplicated visits (i.e. homes served) completed through the AntFarm CommunityConnect program
- Number of youth actively involved in the AntFarm CommunityConnect program
- Number of volunteer hours spent providing services to end users through the AntFarm CommunityConnect program
- Total donations specifically earmarked for the AntFarm CommunityConnect program

Contractor agrees to provide this information to City no later than March 31st, 2022 during Year 1 of the contract, and no later than March 31st, 2023 during Year 2 of the contract.

Auditing:

Contractor agrees to provide access to its financial systems to a representative from City under Section 20 (Access to Records) of this contract for the purpose of auditing grant funds to ensure that they are being used in a manner appropriate to the terms of this contract. This audit shall be completed no later than March 31st, 2022 in Year 1 of the contract, and no later than March 31st, 2023 in Year 2 of the contract.

Payment schedule:

Year 1: City will distribute 80% (\$2,400) of stated annual grant amount awarded to Contractor upon signing of this contract.

City will distribute the remaining 20% (\$600) of the annual grant amount awarded to Contractor upon successful completion of an audit of grant funds by City as described in the "Auditing" section of Exhibit A **AND** complete reporting of the information listed under the "Reporting" section of Exhibit A to City. This distribution will occur no earlier than April 1, 2022.

Year 2: City will distribute 80% (\$2,400) of stated annual grant amount awarded to Contractor on July 1, 2022.

City will distribute the remaining 20% (\$600) of the annual grant amount awarded to Contractor upon successful completion of an audit of grant funds by City as described in the "Auditing" section of Exhibit A **AND** complete reporting of the information listed under the "Reporting" section of Exhibit A to City. This distribution will occur no earlier than April 1, 2023.

Exhibit A

Annual grant amount awarded: \$7,500

Scope of work: Contractor shall use funds provided to create two part-time (10 hours/week each) tourism & historical services youth intern positions for the duration of the grant period.

Reporting:

As a condition for the receipt of grant funds, Contractor agrees to track the following information annually and report back to City:

- Number of visitors per year (both total visitors and % increase from prior year)
- Place of origin of visitors (Sandy, Oregon, Out of State U.S. and International)
- Self-reported visitor reasons for visit
- Number of hours worked for each student intern

Contractor agrees to provide this information to City no later than March 31st, 2022 during Year 1 of the contract, and no later than March 31st, 2023 during Year 2 of the contract.

Auditing:

Contractor agrees to provide access to its financial systems to a representative from City under Section 20 (Access to Records) of this contract for the purpose of auditing grant funds to ensure that they are being used in a manner appropriate to the terms of this contract. This audit shall be completed no later than March 31st, 2022 in Year 1 of the contract, and no later than March 31st, 2023 in Year 2 of the contract.

Payment schedule:

Year 1: City will distribute 80% (\$6,000) of stated annual grant amount awarded to Contractor upon signing of this contract.

City will distribute the remaining 20% (\$1,500) of the annual grant amount awarded to Contractor upon successful completion of an audit of grant funds by City as described in the "Auditing" section of Exhibit A AND complete reporting of the information listed under the "Reporting" section of Exhibit A to City. This distribution will occur no earlier than April 1, 2022.

Year 2: City will distribute 80% (\$6,000) of stated annual grant amount awarded to Contractor on July 1, 2022.

City will distribute the remaining 20% (\$1,500) of the annual grant amount awarded to Contractor upon successful completion of an audit of grant funds by City as described in the "Auditing" section of Exhibit A AND complete reporting of the information listed under the "Reporting" section of Exhibit A to City. This distribution will occur no earlier than April 1, 2023.

Exhibit A

Annual grant amount awarded: \$9,500

Scope of work: Contractor shall use funds provided to continue to provide the services that were available through the Clackamas County Business Recovery Center system during the COVID pandemic to businesses in the greater Sandy area.

Reporting:

As a condition for the receipt of grant funds, Contractor agrees to provide the City of Sandy with the following information about the Business Recovery Center program:

- Total number of BRC contacts made per month, specifically:
 - Track the number of BRC requests for service made by businesses within Sandy city limits versus requests for service made by businesses outside of Sandy city limits.
 - Track what type of service is requested (i.e., PPE provision and delivery, answers to business questions, assistance with connecting to financial or technical resources, access to interpreters, referrals to other service organizations, etc.) and provide this information in a relevant graph format (i.e., bar chart, pie chart, etc.)
- Provide general narrative to describe what services were offered by the Chamber for this program, as well as what services were most desired by businesses and why.

Contractor agrees to provide this information to City no later than March 31st, 2022, during Year 1 of the contract, and no later than March 31st, 2023, during Year 2 of the contract.

Auditing:

Contractor agrees to provide access to its financial systems to a representative from City under Section 20 (Access to Records) of this contract for the purpose of auditing grant funds to ensure that they are being used in a manner appropriate to the terms of this contract. This audit shall be completed no later than March 31st, 2022, in Year 1 of the contract, and no later than March 31st, 2023, in Year 2 of the contract.

Payment schedule:

Year 1: City will distribute 80% (\$7,600) of stated annual grant amount awarded to Contractor upon signing of this contract.

City will distribute the remaining 20% (\$1,900) of the annual grant amount awarded to Contractor upon successful completion of an audit of grant funds by City as described in the "Auditing" section of Exhibit A AND complete reporting of the information listed under the "Reporting" section of Exhibit A to City. This distribution will occur no earlier than April 1, 2022.

Year 2: City will distribute 80% (\$7,600) of stated annual grant amount awarded to Contractor on July 1, 2022.

City will distribute the remaining 20% (\$1,900) of the annual grant amount awarded to Contractor upon successful completion of an audit of grant funds by City as described in the "Auditing" section of Exhibit A AND complete reporting of the information listed under the "Reporting" section of Exhibit A to City. This distribution will occur no earlier than April 1, 2023.



Staff Report

Meeting Date: October 18, 2021

From Jordan Wheeler, City Manager

SUBJECT: Selection of Interview Panel for Planning Commission Applicants

DECISION TO BE MADE:

Selection of three Councilors to serve on a panel to interview applicants for the Planning Commission.

BACKGROUND / CONTEXT:

The terms for Planning Commission seats 1, 2, 3, and 7 expire at the end of this year. Applications are currently being accepted; the application period expires on October 31st.

Staff anticipates interviews to occur in mid-November. The exact date is yet to be determined.

Three Councilors are needed to serve on the interview panel. Because the current Chair and Vice Chair are expected to be applicants, the Planning Commission will select another of its members to be their representative on the interview panel.

RECOMMENDATION:

Select three Councilors to serve on a panel to interview applicants for the Planning Commission.

To: Mayor Pulliam and Sandy City Council
From: Jerry Crosby, City of Sandy Planning Commission Chair
Re: Planning Commissioner Rotation Schedule
Date: October 14, 2021

Preface: While some on the current Planning Commission have discussed the issue I highlight here, there has been no official statement made by us. These comments are my own, but I believe them to be shared by most—if not all—of the current Planning Commissioners.

Resolution 2021-07, passed earlier this year set the terms of service and rotation cycles for City boards, which would include the Planning Commission.

Under that Resolution, seat terms now exist in two staggered cohorts. Approximately half of the seats on a board are assigned the same term beginning and end date, while the other half share a different term beginning and end date. In the case of the Planning Commission, those two cohorts number four and three members each.

The Planning Commission's four-member cohort terms end this December 31. This means that, in theory at least, over half of the current Planning Commission could change over to new, inexperienced commissioners overnight.

Of course, taking on new Planning Commissioners is a frequent occurrence, but the potential of there being up to four new commissioners at once is of concern to me for a number of reasons.

You know from your experiences as past planning commissioners or as current city councilors that land use decisions often engage complex issues, employ a unique and sometimes confusing vocabulary, and frequently carry touchy legal concerns. A decision made by a mostly inexperienced Commission could have a significant impact on City resources, community goodwill and the desired direction of the City.

The learning curve for most new commissioners can be steep and long. There are many new things to learn and a short time to learn them. I continue learning things myself!

As a Statuary Body, decisions by the Planning Commission differ in authority and scope from those made by council-appointed groups, such as Advisory Boards, Task Forces and Council subcommittees.

To correct this potential problem, I suggest you consider changing the current cohort structure—at least for the Planning Commission—into a 2-2-2-1 rotation schedule. Yes, it would mean more frequent appointments by the Council but it would ensure a Commission where the majority continue to be knowledgeable and experienced on critical issues.

To make such a change there would obviously need to be changes made to Resolution 2021-07, or a new overriding Resolution passed. I would be glad to share a plan you could employ to

initialize a new rotation schedule, but I felt it was beyond the purpose of this memo. I just wanted to raise the issue.

Thank you for listening!