City of West Linn Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068
Telephone 503.656.4211 • Fax 503.656.4106 • westlinnoregon.gov

RECEIVED
AUG 5
PLANNING & BUILDING

PRE-APPLICATION CONFERENCE

THIS SECTION FOR STAFF COMPLETION			
CONFERENCE DATE: 8/19/10	TIME: 9AM	PROJECT #: PA-10-26	
STAFF CONTACT: Tom Soppe		FEE: $1000.00	

Pre-application conferences occur on the first and third Thursdays of each month. In order to be scheduled for a conference, this form including property owner's signature, the pre-application fee, and accompanying materials must be submitted at least 14 days in advance of the conference date. Twenty-four hour notice is required to reschedule.

Address of Subject Property (or map/tax lot): 1575 Burns

Brief Description of Proposal: Mixed Use (Commercial + Residential)

Applicant's Name: Rolf Olson

Mailing Address: 3453 Augusta National Dr S Salem, OR 97302

Phone No: 503 364 6229 Email Address: rolfolson@comcast.net

Please attach additional materials relating to your proposal including a site plan on paper up to 11 x 17 inches in size depicting the following items:

- North arrow
- Scale
- Property dimensions
- Streets abutting the property
- Conceptual layout, design and/or building elevations
- Access to and from the site, if applicable
- General location of existing trees
- Location of creeks and/or wetlands
- Location of existing utilities (water, sewer, etc.)
- Easements (access, utility, all others)

Please list any questions or issues that you may have for city staff regarding your proposal:

By my signature below, I grant city staff right of entry onto the subject property in order to prepare for the pre-application conference.

Rolf Olson — Property owner's signature

8/5/10 — Date

Property owner's mailing address (if different from above)

LAND USE PRE-APPLICATION CONFERENCE

Thursday, August 19, 2010

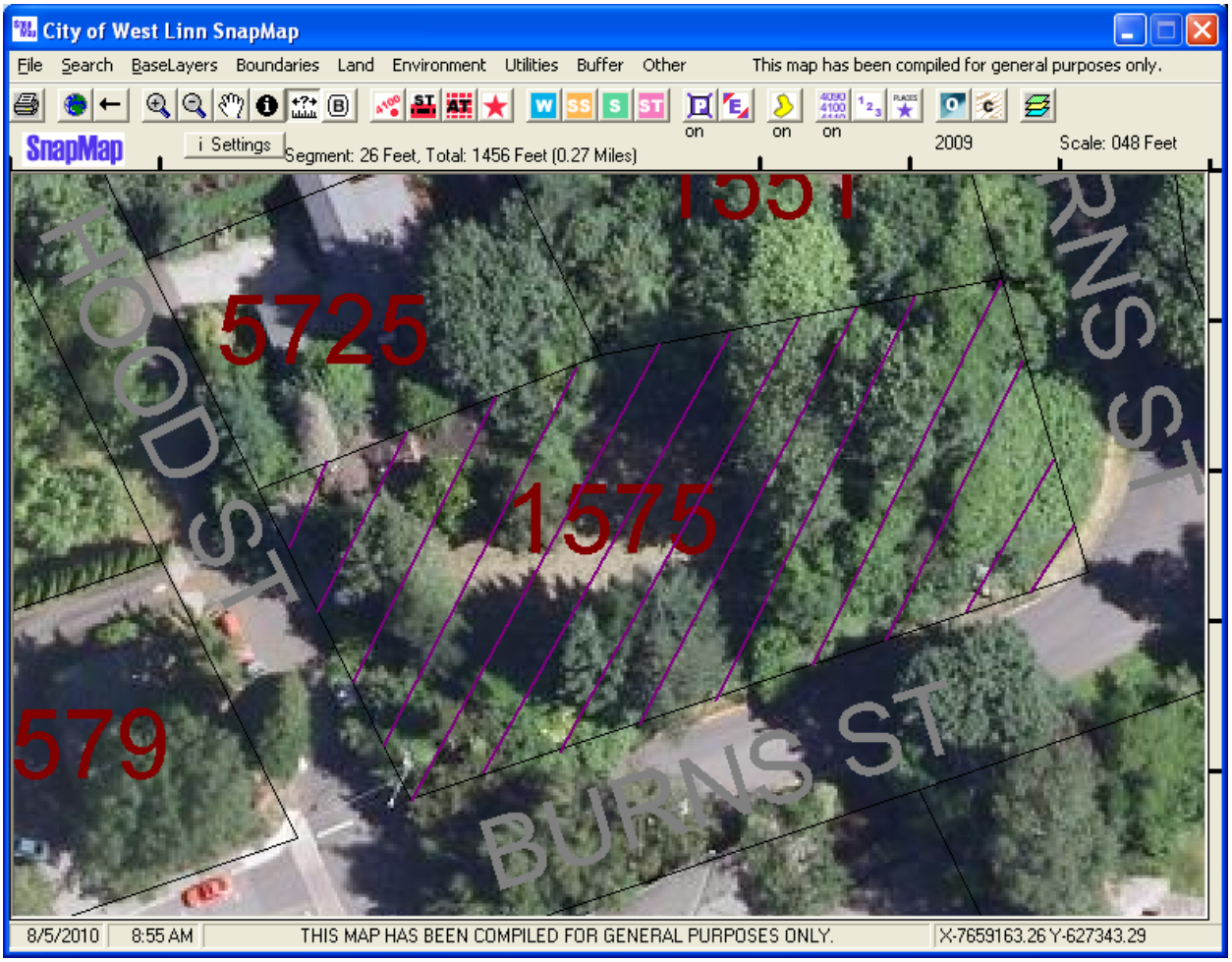
City Hall
22500 Salamo Road

Willamette Conference Room

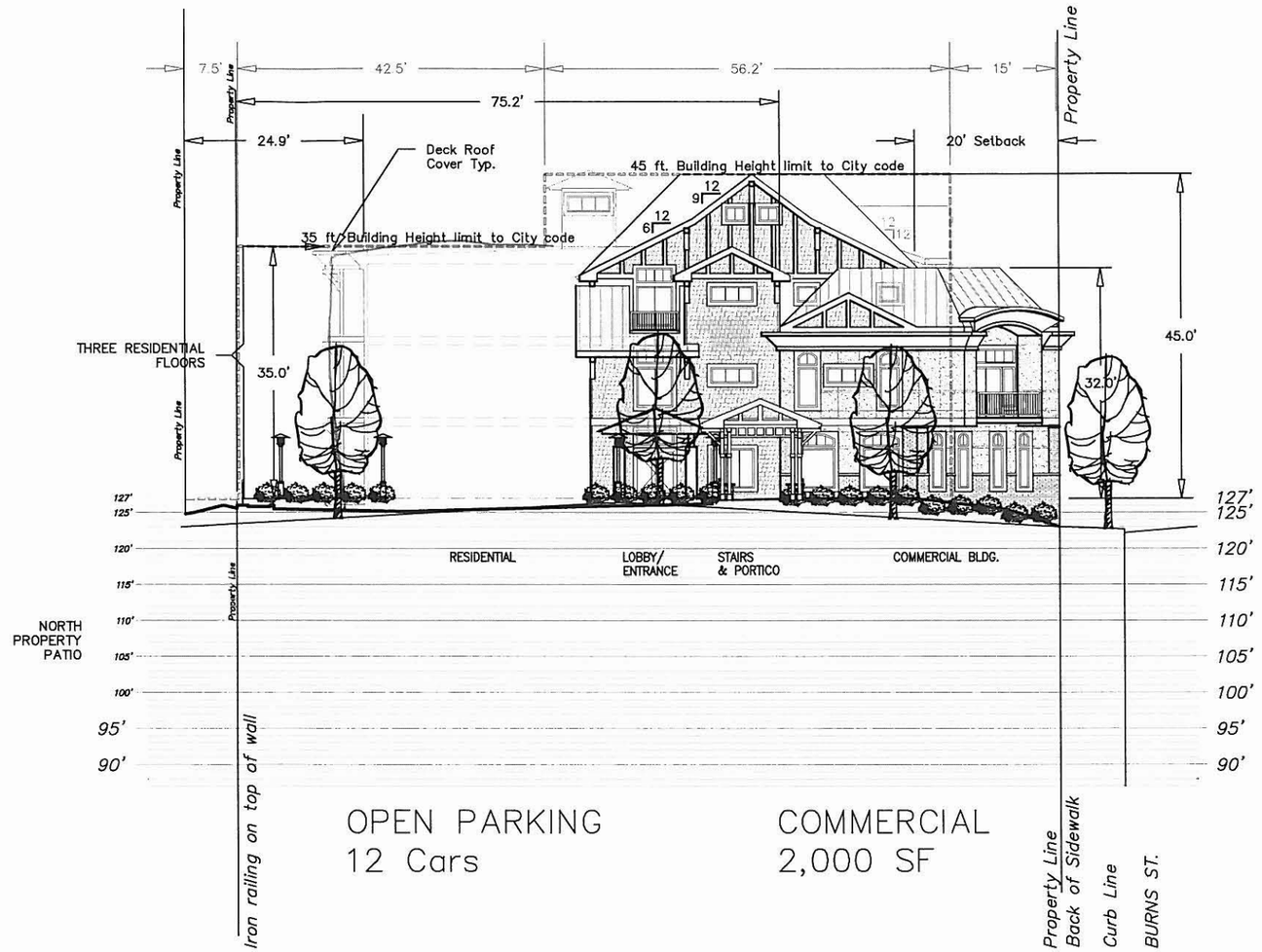
9:00 am Mixed Use (Commercial & Residential)
Applicant: Rolf Olson
Subject Property Address: 1575 Burns St

Neighborhood Assn: *Bolton*

Planner: Tom Soppe Project #: **PA-10-26**



LOOKING NORTH ALONG HOOD STREET
2·0·2010



site WEST ELEVATION

SCALE: 1"=20'-0"

EXHIBIT

4

NORTH
DATE: 7-20-10
SCALE: 1" = 20'-0"

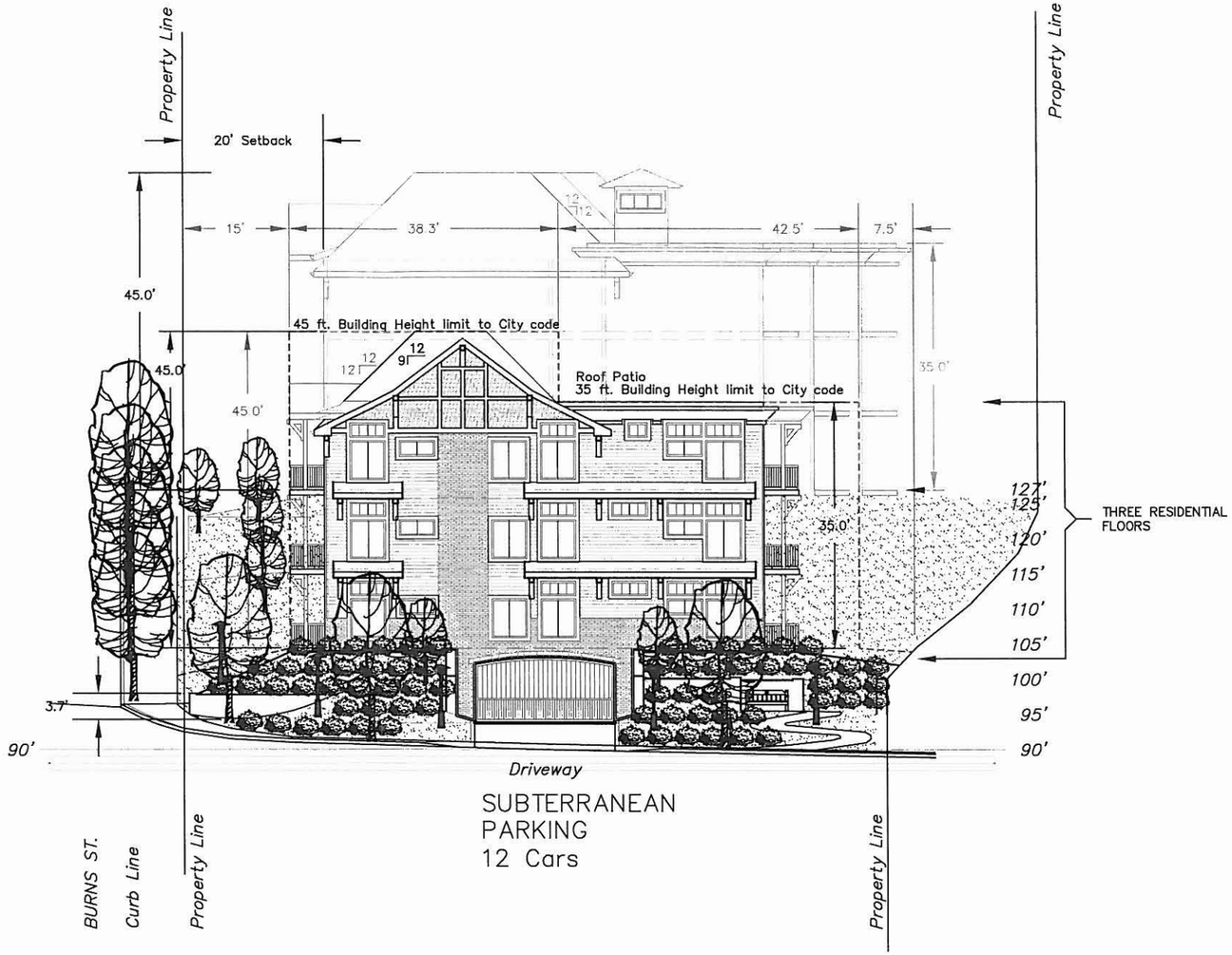
0' 10' 20' 40'

MODIFIED PLAN MASSING STUDY
BOLTON TERRACE, West Linn, OR

ROLF OLSON

ROBERT H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR.
97034 (503) 635-6190

16.38 X 10.53



site EAST ELEVATION

SCALE: 1"=20'-0"

NORTH
DATE: 7-20-10
SCALE: 1" = 20'-0"

0' 10' 20' 40'

MODIFIED CONCEPT LAYOUT PLAN
BOLTON TERRACE, West Linn, OR

ROLF OLSON

ROBERT H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR.
97034 (503) 635-6190

18-36 X 10.58

EXHIBIT

5

DECK
PORCH
CONCRETE
8"-WIDE CONC. WALL
8"-WIDE CONC. WALL
6"-WIDE WOOD WALL
24.0'
Detansion Ponds
BURNS STREET
Masonry retaining wall along parking lot with iron railing on top
Stepped Masonry wall along north property line with iron railings on top
Bio-Swale
42 in. tall Iron Railing on top of wall
1c 2c 1b 2b 3b 4b 5b 6b
OPEN PARKING
23b
24b
WEST DRIVEWAY
277sf Landscape
3c 4c 5c 6c
25b
Trash & Recycle
Bike Parking (20)
HOOD STREET
7b 8b 9b 10b 11b 12b 13b 14b 15b
SUBTERRANEAN PARKING
6a 7a 8a 9a 10a 11a 12a
1a 2a 3a 4a 5a
EAST DRIVEWAY
SUBTERRANEAN PARKING
22b 21b 20b 19b 18b 17b 16b
Entrance Stairs
Stepped Retaining walls
SOUTH DRIVEWAY
BURNS STREET

NORTH
DATE: 7-20-2010
SCALE: 1" = 20'-0"
0' 10' 20' 40'

MODIFIED PLAN PARKING LAYOUT
BOLTON TERRACE, West Linn, OR

ROLF OLSON

ROBERT H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR. 97034 (503) 635-6190

16.36 X 10.55

EXHIBIT 2

plan PARKING

SCALE: 1"=20'-0"

SUBTERRANEAN PARKING	COMMERCIAL	RESIDENTIAL
LOWER SUBTERR. EAST ENTRANCE 1a to 12a 12 Subterranean Parking		12 Subterr. Parking
UPPER SUBTERR. SOUTH ENTRANCE 7b to 25b 19 Subterranean Parking		19 Subterr. Parking
OPEN PARKING		
12 Standard Spaces 1c to 6c, & 1b to 6b	6 Open Parking	6 Open Parking
43 Total Site Parking	6 Total Commercial	37 Total Housing
	1 Pking/333sf Ratio	1.85 Pking/Unit Ratio

DECK
PORCH
CONCRETE
8"-WIDE CONC. WALL
8"-WIDE CONC. WALL
6"-WIDE WOOD WALL
24.0'
Detansion Ponds
Masonry retaining wall along parking lot with iron railing on top
Stepped Masonry wall along north property line with iron railings on top
Bio-Swale
Bench
Bench
Bench
20' SETBACK
BACK OF BUILDING 35' HEIGHT
BACK OF BUILDING 35' HEIGHT
5, 11 & 17
1,380 SF
3, 9 & 15
1,191 SF
Elevator
50' LINE
Vision Clearance
20' SETBACK
20' DRIVEWAY
Vision Clearance
Bike Rack
8 PARKING SPACES
42 in. tall Iron Railing on top of wall
RESIDENTIAL
1, 7, & 13
1,623 SF
SUBTERRANEAN FF 115'.75
19 PKING
SUBTERRANEAN FF 93.5'
12 PKING
6, 12 & 18
1,380 SF
NO PARKING
Vision Clearance 30ft.
PARKING LOT LANDSCAPE 277 sf 6.3%
10' SETBACK
50' SETBACK LINE
Mailboxes
LOBBY FF 127.00'
4, 10, & 16
1,154 SF
up
15' SETBACK
MAIN ENTRANCE EL. 127' 32' HEIGHT
4 PKING
MAIN ENTRANCE EL. 127' 45' HEIGHT
2, 8, & 14
1,346 SF
Entrance Stairs
Stepped Retaining walls
FRONT OF BUILDING 104' 45' HEIGHT
PORTICO ARBOR WITH 2 BENCHES
Trash & Recycle
COMMERCIAL
2,000 SF BLDG.
FF 127.00'
Bike Parking (20)
Vision Clearance
Vision Clearance
20' DRIVEWAY
MAIN ENTRANCE EL. 115.75' 45' HEIGHT
NO PARKING
19
1,230 SF
20
1,070 SF
Vision Clearance 30ft.
BACK OF BLDG. ELEVATION 121
PARALLEL PARKING 5 CARS
PARALLEL PARKING 2 CARS

NORTH
DATE: 7-20-2010
SCALE: 1" = 20'-0"
0' 10' 20' 40'

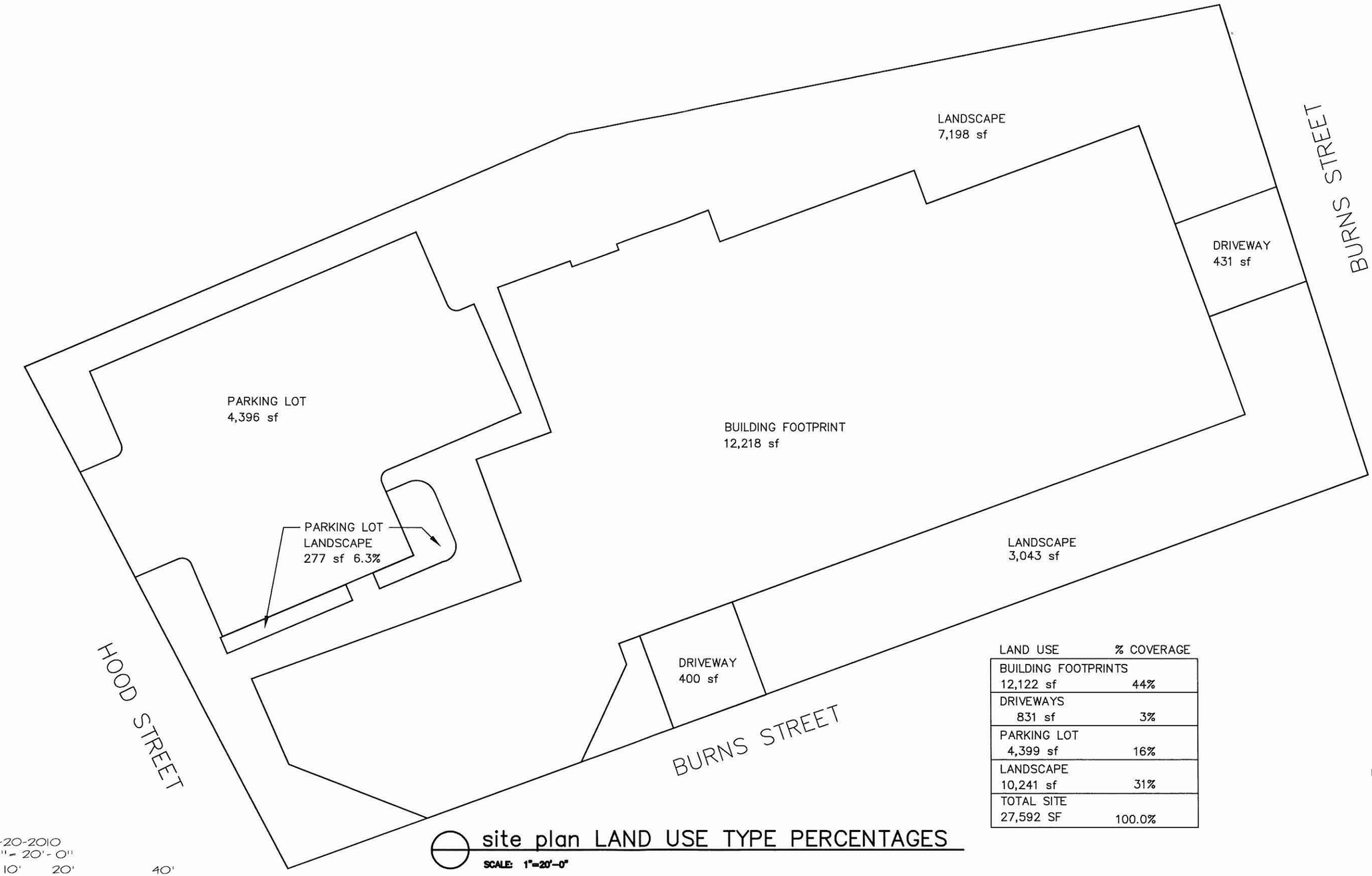
plan SHARED OUTDOOR AREA
SCALE: 1"=20'-0"

EXHIBIT
6

SHARED OUTDOOR AREA
4,014 SF

MODIFIED PLAN OPEN SPACE LAYOUT
BOLTON TERRACE, West Linn, OR
ROLF OLSON

ROBERT H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR. 97034 (503) 635-6190



site plan LAND USE TYPE PERCENTAGES

SCALE: 1"=20'-0"

LAND USE	% COVERAGE
BUILDING FOOTPRINTS 12,122 sf	44%
DRIVEWAYS 831 sf	3%
PARKING LOT 4,399 sf	16%
LANDSCAPE 10,241 sf	31%
TOTAL SITE 27,592 SF	100.0%

NORTH
DATE: 7-20-2010
SCALE: 1" = 20'-0"

0' 10' 20' 40'

EXHIBIT
8

MODIFIED PLAN MASSING STUDY
BOLTON TERRACE, West Linn, OR

ROLF OLSON

ROBERT H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR.
97034 (503) 635-6190

16.36 X 10.55

T.L. 2503

T.L. 2502

T.L. 2501

EXISTING HOUSE

DECK

PORCH

CONCRETE

11-STEPS

6"-WIDE WOOD WALL

8"-WIDE CONC. WALL

8"-WIDE CONC. WALL

24.0'

5/8" I.R. LEANING EASTERLY, UP 1.0' N 78°50'16" E 0.44'

EXISTING 6" WIDE CONC. RET. WALL

Detansion Ponds

50.0'

BURNS ST.

Masonry retaining wall along parking lot with iron railing on top

Stepped Masonry wall along north property line with iron railings on top

Bio-Swale

N 78°50'16" E

5/8" I.R. UP 0.4'

34.36'

120.01'

3/4" I.P. DOWN 0.4'
1/2" I.R. UP 0.7'
N 76°05'01" W 0.12'

16.8'

N 66°42'27" E

42 in. tall Iron Railing on top of wall

S 27°34'45" E

14.69'

POTENTIAL STREET CLOSURE AREA

N 13°56'15" W 99.77'

5/8" I.R. FLUSH

2.52'

PK. NAIL OVER MAG. SIGNAL

19.66'

Entrance Stairs

Stepped Retaining walls

233.27'

Trash & Recycle

Bike Parking (20)

N 69°56'15" E

HOOD STREET

40'

100.77'

BURNS STREET

50'

NORTH
DATE: 7-[illegible]-2010
SCALE: 1" = 20'-0"
0' 10' 20'

MODIFIED PLAN MASSING STUDY
BOLTON TERRACE, West Linn, OR

ROLF OLSON

ROBERT H. FOSTER CONSULTANTS TEL.
431 ASH ST., LAKE OSWEGO, OR. 97034
(503) 635-6190

5/8" I.R. UP 0.3'

5/8" I.R. W/YPC "REPPETO LS 657" DOWN 0.3'

18.36 X 10.55

site plan LANDSCAPE TREE PLANTING PLAN

SCALE: 1"=20'-0"

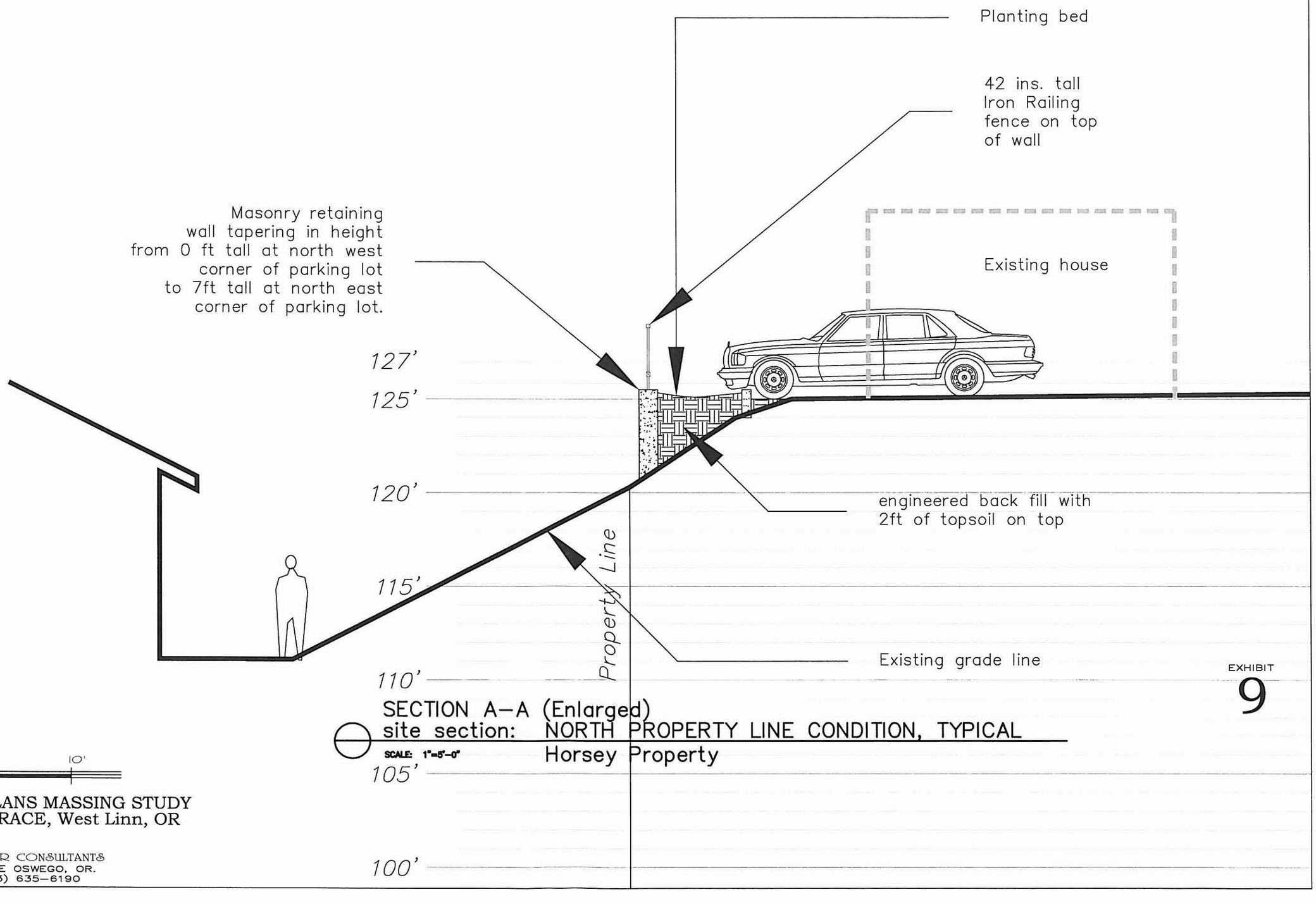
LANDSCAPE LEGEND

Symbol	Botanic & Common Names	Quantity	Size	Condition
TP	Thuja p. "Fastigiata", Hogan Cedar	25	8' tall 4" cal.	B&B
AB	Acer rubrum, "Bowhall" Red maple	9	2" cal.	B&B
CC	Cercis canadensis "Forest Pansy"	17	2" cal.	B&B
CK	Cornus kousa chinensis, Kousa dogwood	12	1" cal.	B&B
CJ	Cercidiphyllum japonicum, Katsuratree	13	1-1/2" cal.	B&B
GB	Ginkgo biliba, Ginkgo	4	2" cal.	B&B

TOTAL REPLACEMENT TREES TO BE PLANTED 80
TOTAL REPLACEMENT CALIPERS TO BE PLANTED 191.5" caliper inches

FIR TREES TO BE REMOVED 30" + 22" + 24" = 76"

EXHIBIT 7



SECTION A–A (Enlarged)
site section: NORTH PROPERTY LINE CONDITION, TYPICAL
SCALE: 1"=5'-0"
Horsey Property

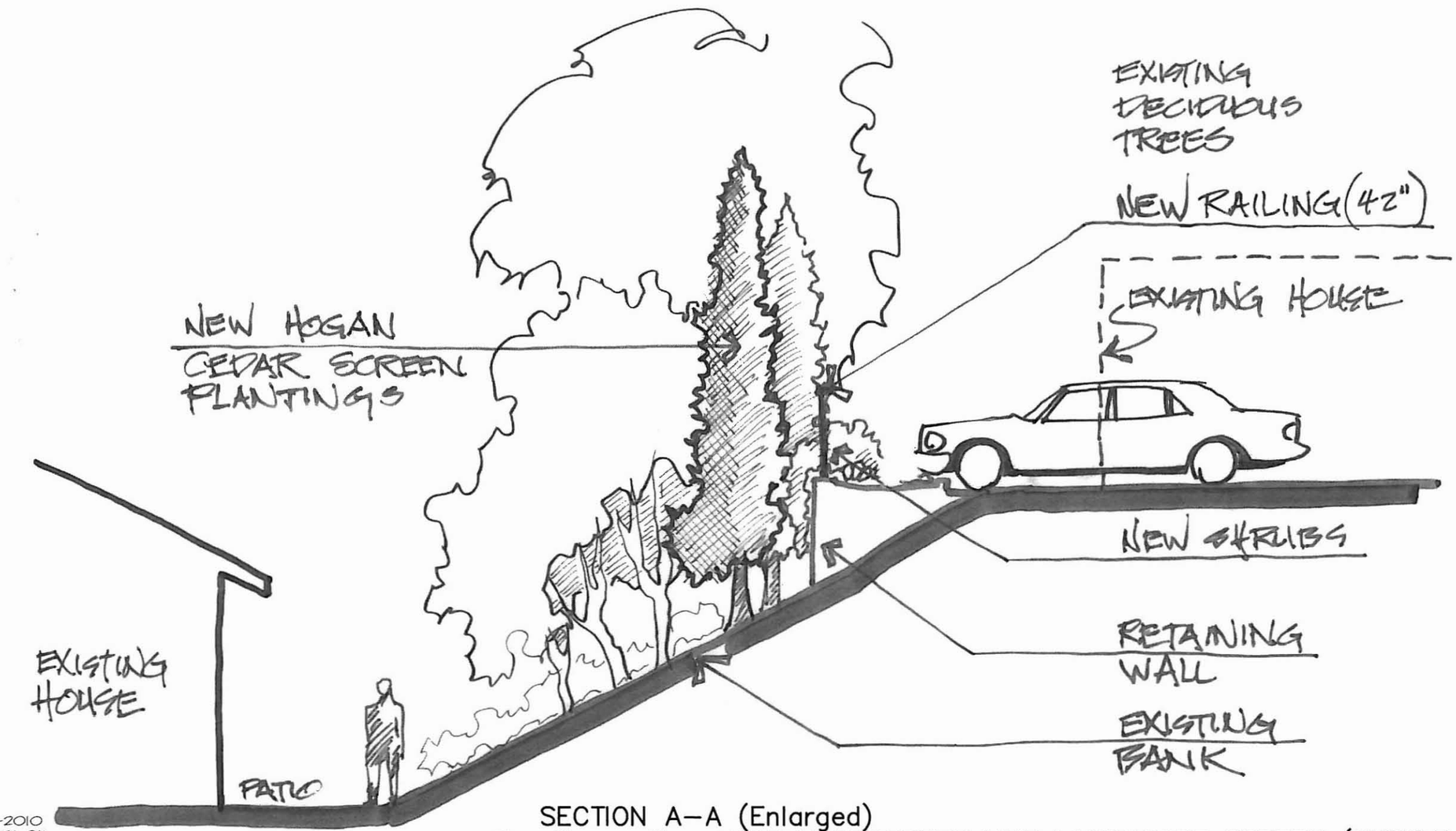
EXHIBIT
9

NORTH
DATE: 7-20-2010
SCALE: 1" = 5'-0"
0' 2.5' 5' 10'

MODIFIED PLANS MASSING STUDY
BOLTON TERRACE, West Linn, OR
ROLF OLSON

ROBERT H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR.
97034 (503) 635–6190

16.36 X 10.56



NORTH
DATE: 7-20-2010
SCALE: 1" = 5'-0"
0' 2.5' 5' 10'

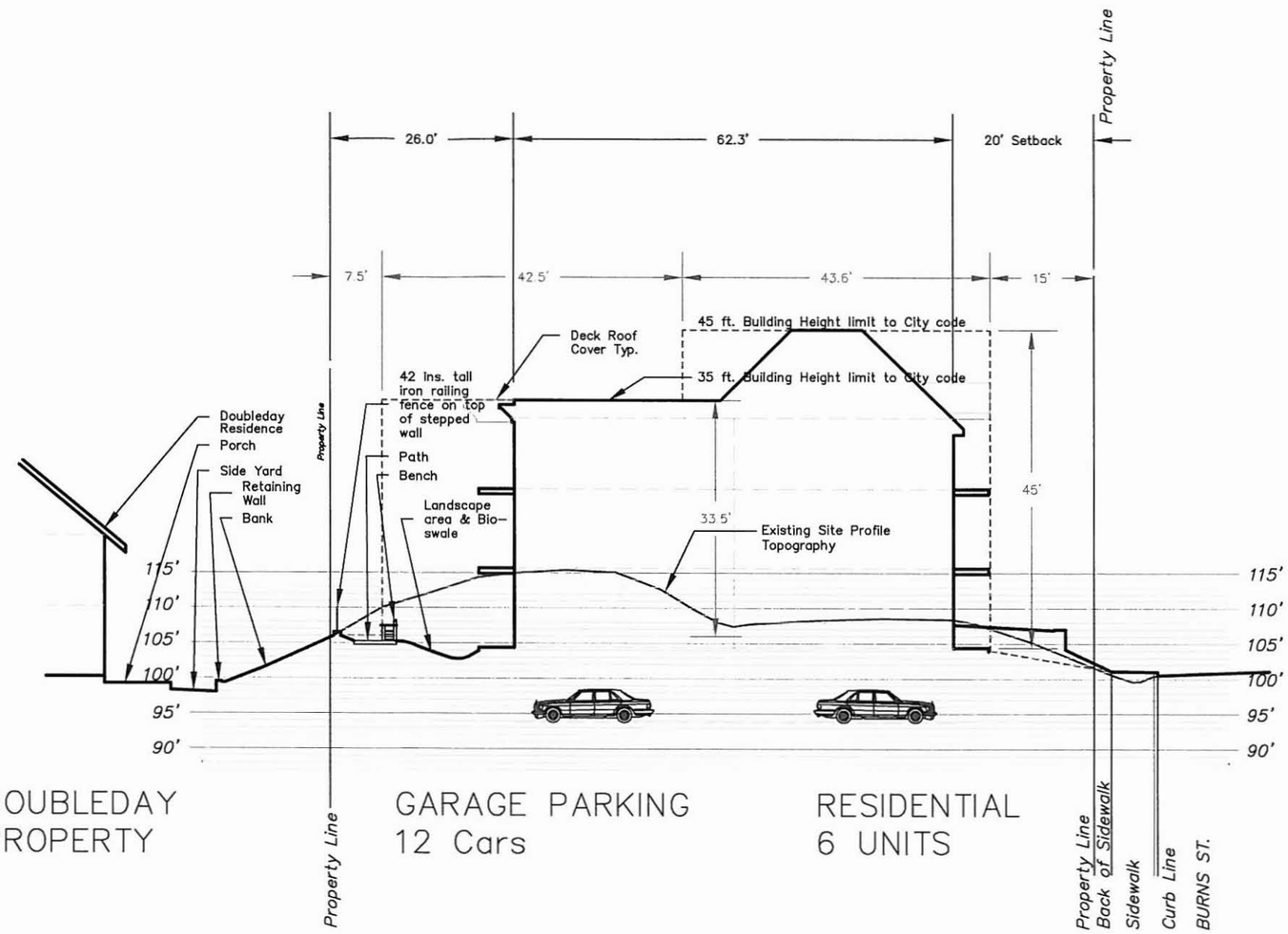
SECTION A–A (Enlarged)
site section NORTH PROPERTY LINE LANDSCAPE SCREEN (TYPICAL)
SCALE: 1"=20'-0" Horsey Property

EXHIBIT
10

MODIFIED PLAN MASSING STUDY
BOLTON TERRACE, West Linn, OR
ROLF OLSON

ROBERT H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR.
97034 (503) 635–6190

18.36 X 10.55



SECTION "B–B"
site section DOUBLEDAY PROPERTY

SCALE: 1"=20'–0"

EXHIBIT
11

NORTH
DATE: 7-20-2010
SCALE: 1" = 20'-0"

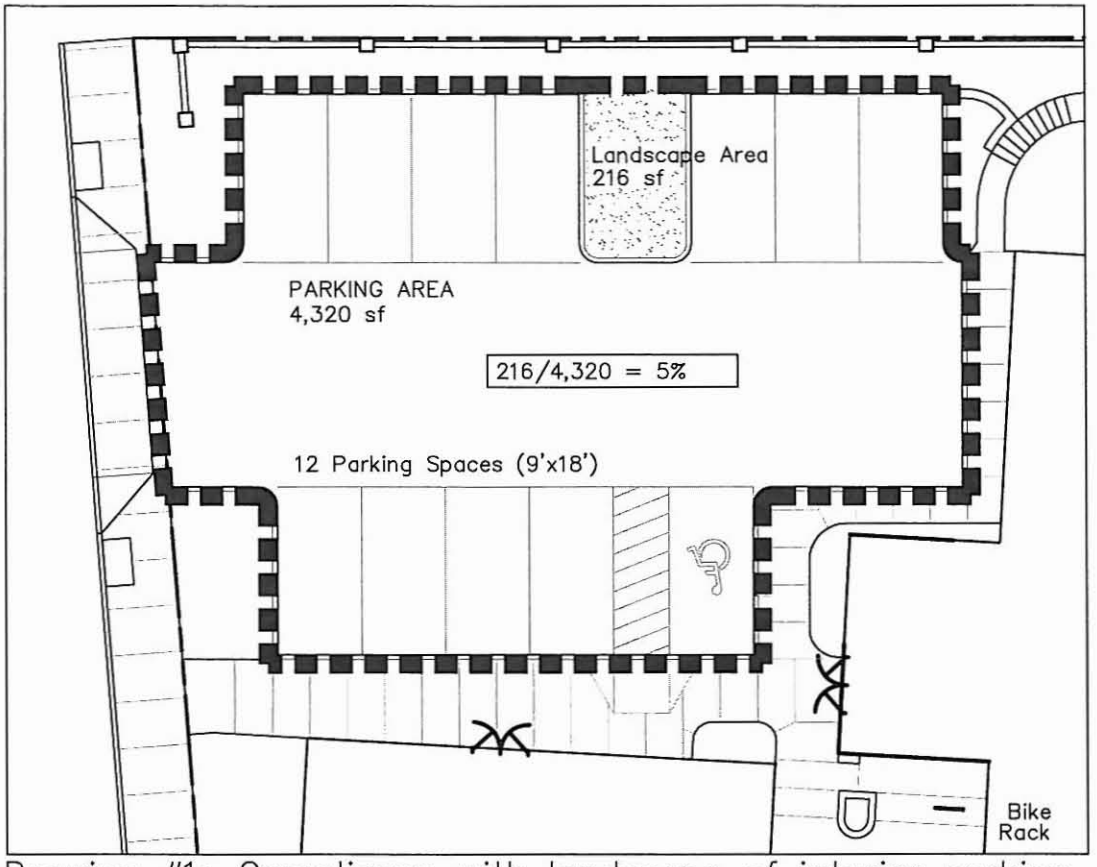
0' 10' 20' 40'

MODIFIED PLAN MASSING STUDY
BOLTON TERRACE, West Linn, OR

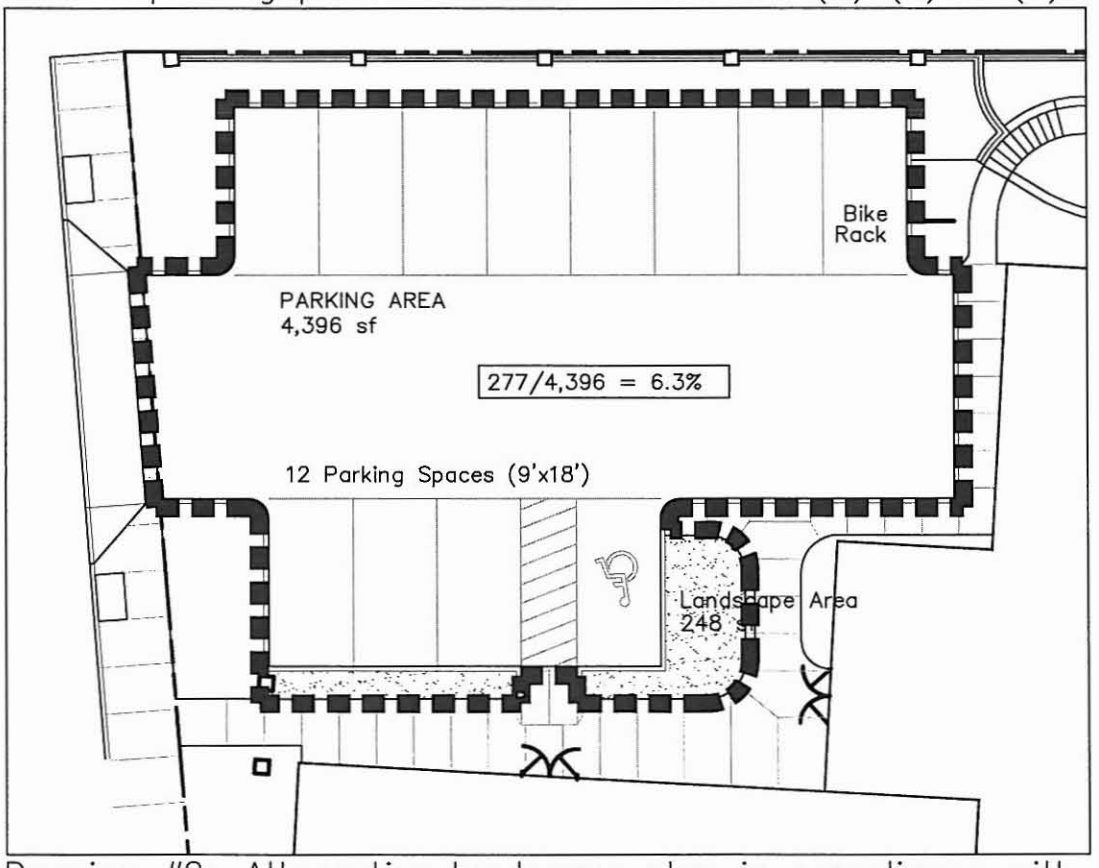
ROLF OLSON

ROBERT H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR.
97034 (503) 635–6190

18.38 X 10.55



Drawing #1: Compliance with landscape of interior parking area & parking perimeter area. 54.020 E. (3) (a) & (d).



Drawing #2: Alternative landscape plan in compliance with landscape of interior parking area & parking perimeter areas. 54.020 E. (3) (a) & (d).

7-20-2010

PARKING AREA LANDSCAPE COMPLIANCE

EXHIBIT A

BOLTON TERRACE VARIANCE NARRATIVE

SUBJECT PROPERTY

1575 Burns / Parcel #22E30BD02501
Size: .62 of Acre or 27,572.8 SF
Shape: Long and narrow as shown on attached map (233.27 feet from SW corner to SE corner; then 99.77 feet from SE corner to NE corner; then 254.37 feet from NE corner to NW corner; then 114.69 feet from NE corner to SW corner.
GIS Contours: Descending 10' W. to E. over the westerly portion of the lot a distance of 125' the average slope is 8%. Descending 17' W. to E. over the easterly portion of the lot a distance of 130' the average slope is 13%. See attached map.
Surveyed contours: See Slope analysis survey attached showing over 25% of the site having grades of 25% or more.
Existing structure: Small single family house
Adjacent: South: Burns Street and GC zone; West: Hood Street and OBC parcel; North: Single Family zone (two residential lots); East: Burns Street and Single Family zone.

VARIANCE REQUIREMENT

The exceptional or extraordinary circumstances applying to the Subject Property that do not apply generally to other "properties in the same zone or vicinity", listed below, include the following:

1. The size of the Subject Property is .62 acres and is smaller than all other properties with the exception of four parcels: (1) #22E30BD02300 / .23 Acres; (2) #22E30BD02401 / .29 Acres; (3) #22E30CA00500 / .50 Acres; (4) #22E30CA00600 / .31 Acres.

2. The shape of the property is long and narrow, having a disproportionate ratio of width to length (approximately 1 to 2.5). No other properties have this constrictive shape.

3. The longest side of the Subject Property is contiguous to a residential zone and further constricts development with height and transition limitations not normally applicable to OBC zoned properties. No other properties have this further constrictive condition.

4. Three sides of the Subject Property border on public streets. The only other property with this condition is the 3.14 acre parcel occupied by West Linn Central Village.

5. The grade of the Subject Property is overall approximately 12 degrees. In addition, more than 25% of the property has grades of 25 degrees or more. No other properties of an acre in size or less have this condition.

CONCLUSION

As noted in the Variance Narrative, the combined conditions of parcel size, shape, topography, and the long side of the parcel adjoining a residential zone meet the CDC Section 75.060 variance criteria for exceptional or extraordinary circumstances.

INDEX

PROPERTIES IN THE SAME ZONE OR VICINITY

1. 1730 Blankenship Rd / Parcel 21E35CB01200 / Zoned OBC
Size: 3.23 Acres
Shape: See attached map (191' x 146.58' x 180.42' x 160.70' x 297.17' x 277.18' x 121.25')
GIS Contours: Descending 40' N. to S. the first 150 lineal feet of the lot slopes down 40' or 26%. The remaining 200' of the lot slopes down 10' or 5%. See attached map.
Existing structure: Four story office, approximately 45' in height, plus roof appliances with screens, with surface parking
Adjacent: South: Blankenship Rd then GC; East: Summerlin St (formerly 13th) then OBC zone; North and West: Single and multi-family zone.

2. 1800 Blankenship Rd / Parcel #21E35C00801 / Zoned OBC
Size: 7.43 Acres
Shape: See attached map (462.13' x 835.29' x 411.36' x 116.75')
GIS Contours: Descending 36' N. to S. over a distance of 400 lineal feet the northern half of the lot has a 9% slope on average. The lower half has a 13.5% slope on average, descending 54' over a distance of 200 lineal feet. See attached map.
Existing structure: Four story office, approximately 55' in height, plus roof appliances with screens, with surface parking and two story office with surface parking.
Adjacent: South: Blankenship Rd then GC; East: vacant OBC parcels; West: Summerlin Street (formerly 13th St.); North: Single and multi-family zone.

3. Parcel #21E35C00100 (no address assigned) / Zoned OBC
4. Parcel #21E35C00102 (no address assigned) / Zoned OBC
5. Parcel #21E35C00200 (no address assigned) / Zoned OBC
These parcels have the same owner. They are unimproved. Total size is 10.71 acres.
GIS Contours: Descending 180' N. to S. over a distance of 835 lineal feet the slope is 21% on average over these three parcels. See attached map.

6. Parcel #21E35D00700 (no address assigned) / Zoned OBC
This is an unimproved parcel of 12.95 acres.
GIS Contours: Descending 210' N. to S. 950 lineal feet the slope is 21% on average. See attached map.

7. 1581 Burns St / Parcel #22E30BD02200 / Zoned OBC
Size: 1.40 Acres
Shape: See attached map (260.30' x 150.00' x 155.00' x 217.8' x 60.54' x 125.00')
GIS Contours: Descending 20' W. to E. over a distance of 260 lineal feet the slope is 7% on average. See attached map.
Existing structure: Library, one main floor and partial second floor.
Adjacent: South: Burns Street, then West Linn Central Village in GC zone consisting of 3.50 acres of surface parking, under structure parking, retail and offices with heights of 44 feet; West: Office building in GC zone; North: Single Family Residential zone; East: Office building in OBC zone.

8. 1579 Burns St / Parcel #22E30BD02300 / Zoned OBC
Size: .23 Acres
Shape: See attached map (100.00' x 100.77' x 100.9' x 100.56')
GIS Contours: Descending 4' W. to E. over a distance of 100 lineal feet the average slope is 4%. See attached map.
Existing structure: Office, one floor (converted from residential structure)
Adjacent: South: Burns Street, then West Linn Central Village described above; East: Hood Street, then undeveloped OBC parcel; West: West Linn City Library; North: Undeveloped OBC parcel.

9. 5750 Hood St / Parcel #22E30BD02401 / Zoned OBC
Size: .29 Acres
Shape: See attached map (65.06' x 117.47' x 48.10' x 110.09' x 100.77')
GIS Contours: Descending 30' S. to N. over a distance of 120 lineal feet the average slope is 25%. See attached map.
Existing structure: none
Adjacent: South: Office, single level, in OBC zone; West: Library; North: Residential zone; East: Hood Street, then Residential zone.

10. 1564 Burns Street / Parcel #22E30CA00500 / Zoned GC
Size: .50 Acres
Shape: See attached map (147.8' x 102.4' x 174.9' x 140')
GIS Contours: Descending 24' W. to E. over a distance of 160 lineal feet the average slope is 15%. See attached map.
Existing structure: Single family house
Adjacent: South: Post Office and Market of Choice in GC zone; West: Office, two level, in GC zone; North: Burns Street, then OBC zone; East: Single Family zone.

11. 5695 Hood Street / Parcels #22E30CA00600 / Zoned GC
Size: .31
Shape: See attached map (151.3' x 80' x 150' x 100')
GIS Contours: Descending 7' W. to E. over a distance of 150 lineal feet the average slope is 5%. See attached map.
Existing structure: Office, two level
Adjacent: South: West Linn Post Office in GC zone; West: Hood Street, then West Linn Central Village, described above, in GC zone; North: Burns Street, then OBC zone; East: Single Family house in GC zone.

12. 5639 Hood Street / Parcel #22E30CA00900 / Zone GC
Size: 3.50 Acres
Shape: See attached map
GIS Contours: Descending 10' W. to E. over the useable portion of the lot a distance of 225 lineal feet the average slope is 4%. See attached map.
Existing structure: Market of Choice grocery (Height: approximately 41') with surface parking.
Adjacent: South: Garden Street, then office in OBC zone and Key Bank in GC zone; West: Hood Street, then West Linn Central Village Center in GC zone; North: Post Office in GC zone; East: Single Family zone.

13. 5665 Hood Street / Parcel #22E30CA00700 / Zone GC
Size: .62 Acres.
Shape: See attached map: 150' x 60' parking lot and 220' x 80 West Linn Post Office.
GIS Contours: See #12 above.
Existing structure: This parcel is the public parking lot and also the location of the West Linn Post Office and is owned by same owners of the contiguous parcel occupied by Market of Choice and West Linn Central Village.
Adjacent: South: GC zone occupied by Market of Choice; West: Hood Street, then West Linn Central Village in GC zone; North: Office in GC zone; East: GC zone occupied by single family house.

14. 22000 Willamette Drive / Parcel #22E30CA03400 / Zone GC
Size: 3.14 Acres
Shape: See attached map
GIS Contours: Descending 22' W. to E. over a distance of 225 lineal feet the average slope is 9%. See attached map.
Existing structure: West Linn Central Village retail and office center with both surface and under building parking. Building height is approximately 44'.
Adjacent: South: Hood Street, the Key Bank in GC zone; West: Willamette Drive, then Single Family residential; North: Burns Street, then OBC zone and GC zone; East: Hood Street, then Market of Choice in GC zone.

15. 1570 Garden St / Parcel #22E30CA01800 / Zoned OBC

Size: .93 Acres
Shape: See attached map (175.00' x 200.90' x 226.70' x 208.70')
GIS Contours: Descending 7' W. to E. a distance of 150 lineal feet over the usable northern half of the lot the average slope is 4.5%. See attached map.
Existing structure: Office, single level
Adjacent: South: Residential zone; West: Key Bank in GC zone; North: Garden Street, then Market of Choice in GC zone; East: Private Street and residential zone.

16. 5290 West A St / Parcel #22E30CD04500 / Zoned OBC
Size: 7.51 Acres
Shape: See attached map
GIS Contours: See attached map showing a variety of slopes.
Existing structure: Parking lot for West Linn High School.
Adjacent: South: Greenway open space; West: Natural Open Space Park; North: High School; East: West A Street, then residential zone.

NOTE: GIS contour maps are intended to represent a general, smoothed over terrain without regard to excavations or other disturbance of the natural terrain.

First American Title Insurance Company of Orego

Clackamas (OR)

Prepared For:	Prepared By:
	Customer Service Department 222 SW Columbia St, Suite 400 - Portland, Oregon Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: Olson Rolf	*Ref Parcel Number*	: 22E30BD02501
CoOwner	:	*T*: 02S *R*: 02E *S*: 30	*Q*: 250
Site Address	: 1575 Burns St West Linn 97068	*Parcel Number*	: 00565427
Mail Address	: 3453 Augusta National Dr S Salem Or 97302		
Telephone	: *Owner*: *Tenant*:	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 04/25/2005	*Loan Amount*	:
Document #	: 005-036558	*Lender*	:
Sale Price	: $405,000	*Loan Type*	:
Deed Type	: Warranty	*Interest Rate*	:
% Owned	: 100	*Vesting Type*	:

PROPERTY DESCRIPTION

Map Page & Grid	: 687 B6
Census	: *Tract*: 206.00 *Block*: 1
Improvement Type	: 121 Sgl Family,R1-2,1-Story
Subdivision/Plat	: West Oregon City
Neighborhood Cd	:
Land Use	: 101 Res,Residential Land,Improved
Legal	: 469 UNIT D WEST ORE CITY PT LT 34
	:
	:

ASSESSMENT AND TAX INFORMATION

MktLand	: $167,269
MktStructure	: $51,400
MktTotal	: $218,669
M50 Assd Total	: $111,356
% Improved	: 24
09-10 Taxes	: $2,062.54
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	: 2	*Building SF*	: 842	*Stories*	: 1
Bathrooms	: 1.00	*1st Floor SF*	: 842	*Garage SF*	:
Fireplace	:	*Above Ground SF*	: 842	*Lot Acres*	: .62
Heat Type	: Forced Air-Gas	*Upper Finished SF*	:	*Lot SF*	: 27,093
Interior Material	: Plywood	*Unfin Upper Story*	:	*Year Built*	: 1930
Exterior Finish	: Tongue\groove	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	: Carpet	*Finished SF*	: 842	*Appraisal Area*	:
Roof Type	: Built Up	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	: Flat	*Basement Unfin SF*	:	*Utility District*	:
Foundation	: Concrete	*Basement Total SF*	:		

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First American Title Insurance Company of Oregon
An assumed business name of TITLE INSURANCE COMPANY OF OREGON

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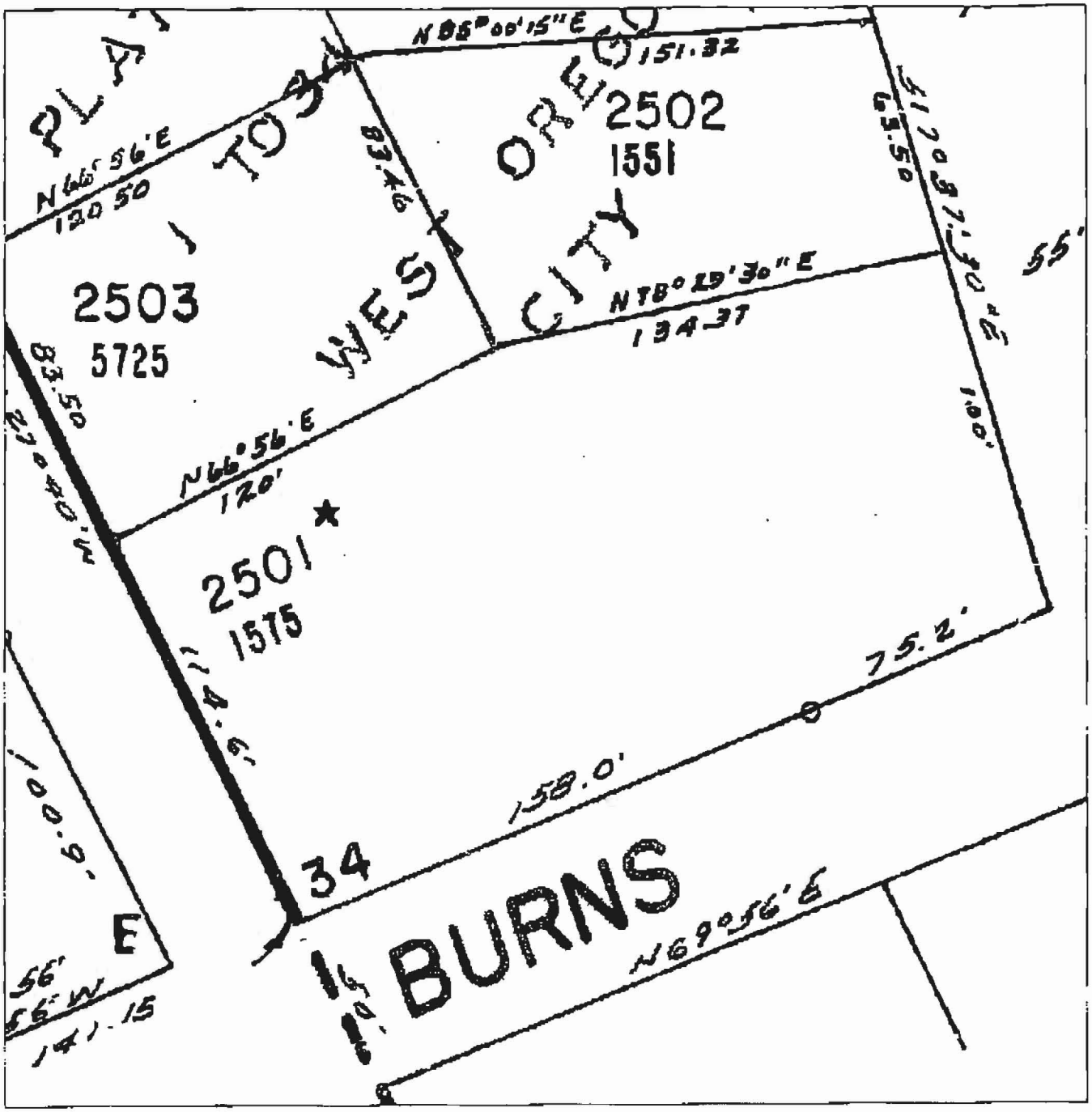
Reference Parcel Number 22E30BD02501



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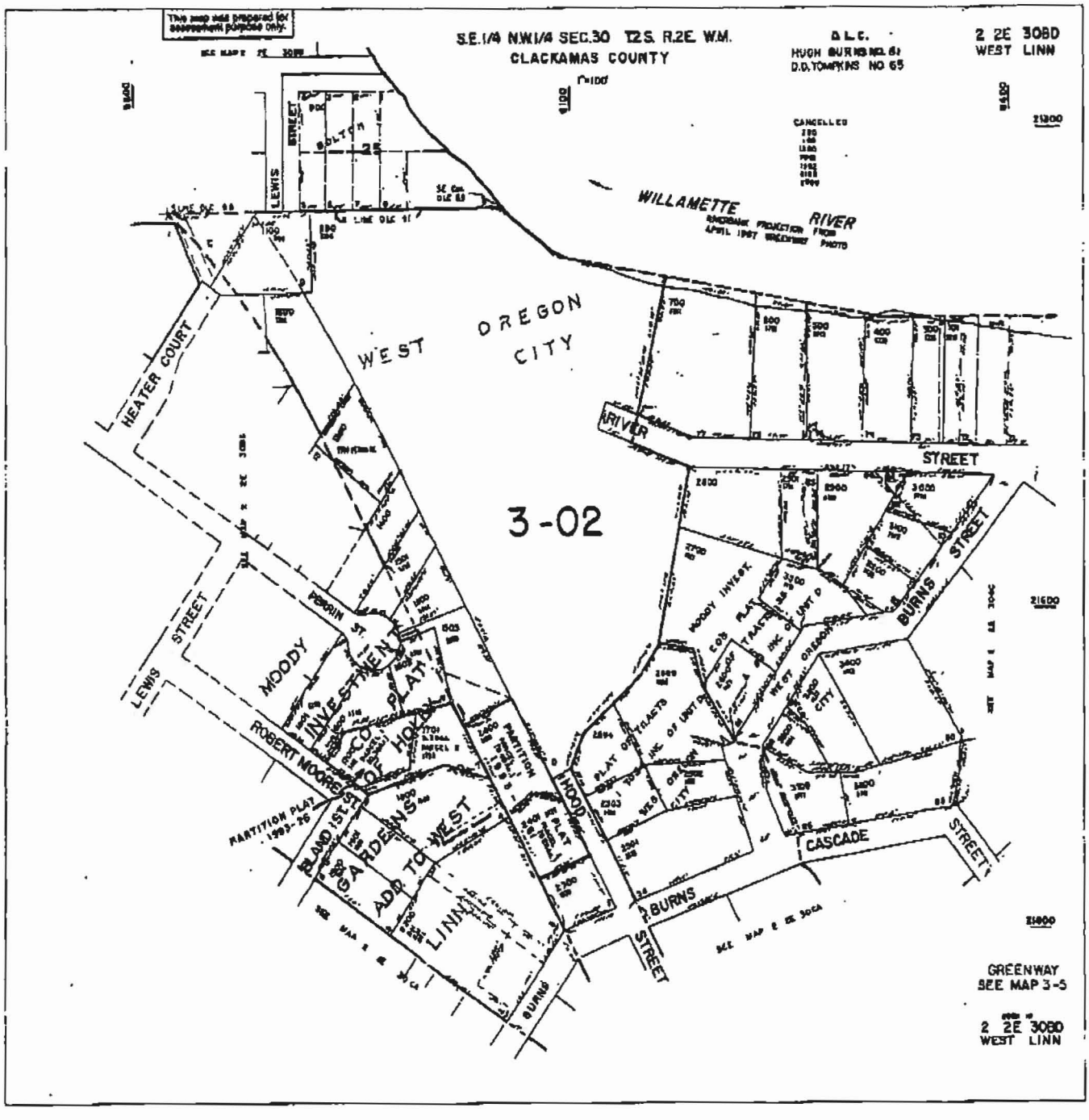
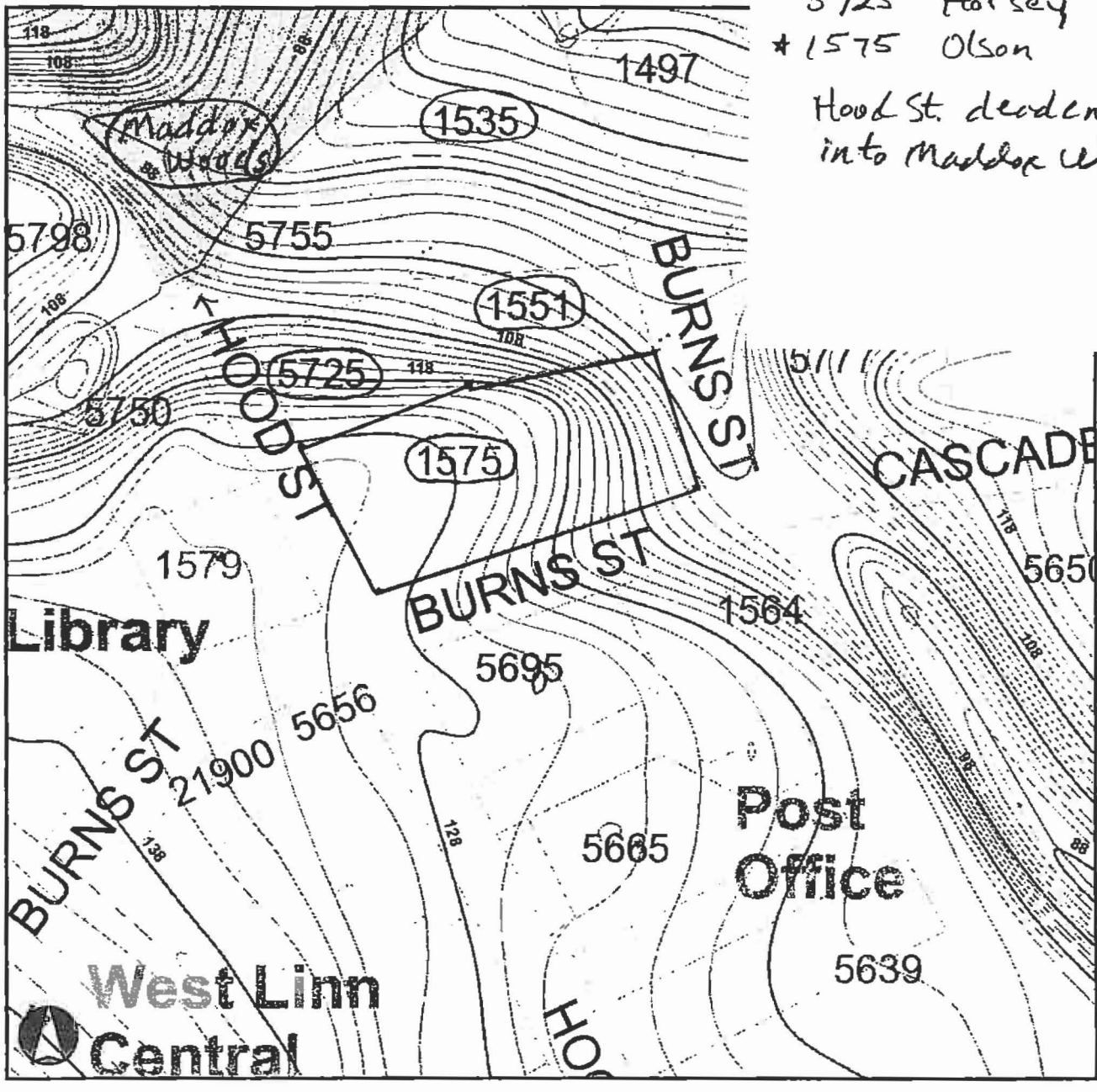
Reference Parcel Number 22E30BD02501



West Linn GIS Map

1535 McCarthy
1551 Doubleday
5725 Horsey
* 1575 Olson

Hood St. dead ends into Maddox Woods



Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

2010 West Linn GIS Map Disclaimer, click here

WestLinnBasemap_ex1004v1

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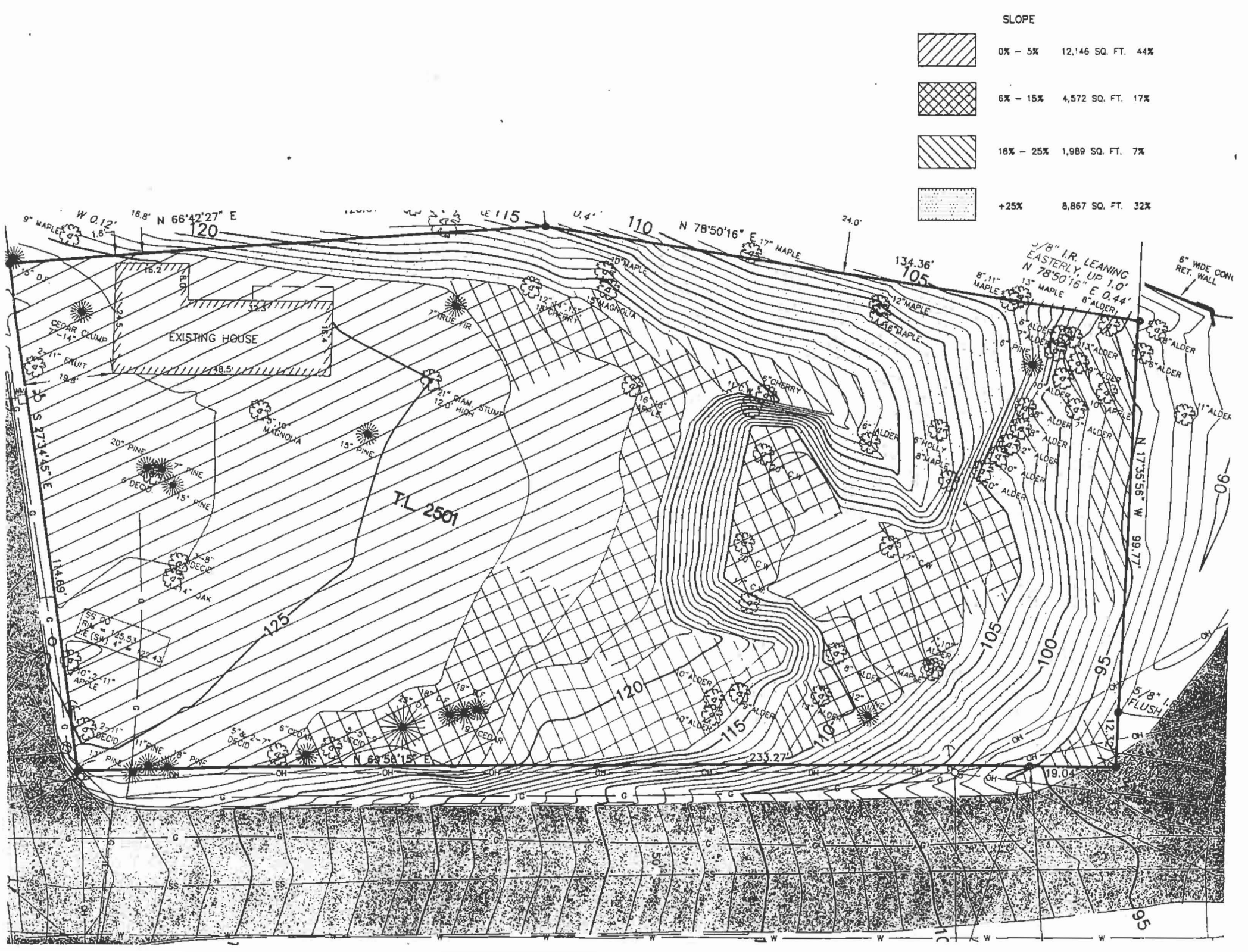
SLOPE
0% – 5% 12,146 SQ. FT. 44%
6% – 15% 4,572 SQ. FT. 17%
16% – 25% 1,989 SQ. FT. 7%
+25% 8,867 SQ. FT. 32%
EXISTING HOUSE
T.L. 2501
N 66°42'27" E
N 78°50'16" E
S 27°34'45" E
N 17°55'56" W
N 68°58'15" E
134.36'
114.89'
99.77'
233.27'
19.04'
5/8" I.R. LEANING EASTERLY, UP 1.0' N 78°50'16" E 0.44'
5/8" I.R. FLUSH
6" WIDE CONC. RET. WALL
9" MAPLE
7" TRUE FIR
21" DIAM. STUMP 12.0' HIGH
20" PINE
15" PINE
14" OAK
6" CHERRY
6" HOLLY
8" MAPLE
13" MAPLE
12" MAPLE
10" MAPLE
6" ALDER
8" ALDER
11" ALDER
10" ALDER
9" ALDER
7" ALDER
5" ALDER
SS 00 RIM = 125.53 I.E. (SW) 4"
OH
G
W
SS
UIT

First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:

Prepared By:
Customer Service Department
222 SW Columbia St, Suite 400 - Portland, Oregon 97201
Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: Blackhawk LLC	*Ref Parcel Number*	: 21E35CB01200
CoOwner	:	*T*: 02S *R*: 01E *S*: 35 *Q*: 252	
Site Address	: 1730 Blankenship Rd West Linn 97068	*Parcel Number*	: 00407884
Mail Address	: 1750 Blankenship Rd #200 West Linn Or 97068		
Telephone	: *Owner*: *Tenant*:	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 05/12/2004	*Loan Amount*	:
Document #	: 04-049820	*Lender*	:
Sale Price	: $950,000	*Loan Type*	:
Deed Type	:	*Interest Rate*	:
% Owned	: 100	*Vesting Type*	:

PROPERTY DESCRIPTION

Map Page & Grid	: 716 G1
Census	: *Tract*: 205.01 *Block*: 1
Improvement Type	: 132 Sgl Family,R1-3,1-Story (Basement)
Subdivision/Plat	: Willamette
Neighborhood Cd	:
Land Use	: 201 Com,Commercial Land,Improved
Legal	: SUBDIVISION WILLAMETTE TRACTS 147 : BLOCK 4 PT LT 4 VAC ST & PT SEC :

ASSESSMENT AND TAX INFORMATION

MktLand	: $4,092,729
MktStructure	: $9,783,900
MktTotal	: $13,876,629
M50 Assd Total	: $8,050,109
% Improved	: 71
09-10 Taxes	: $149,104.12
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	: 3	*Building SF*	:	*Stories*	: 1 Story-Bsmt
Bathrooms	: 1.00	*1st Floor SF*	: 1,202	*Garage SF*	:
Fireplace	:	*Above Ground SF*	: 1,202	*Lot Acres*	: 3.23
Heat Type	: Forced Air-Oil	*Upper Finished SF*	:	*Lot SF*	: 140,827
Interior Material	: Cld\paper	*Unfin Upper Story*	:	*Year Built*	: 1910
Exterior Finish	: Bevel Siding	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	: Tile	*Finished SF*	: 1,202	*Appraisal Area*	:
Roof Type	: Composition	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	: Gable	*Basement Unfin SF*	: 798	*Utility District*	:
Foundation	: Concrete	*Basement Total SF*	: 798		

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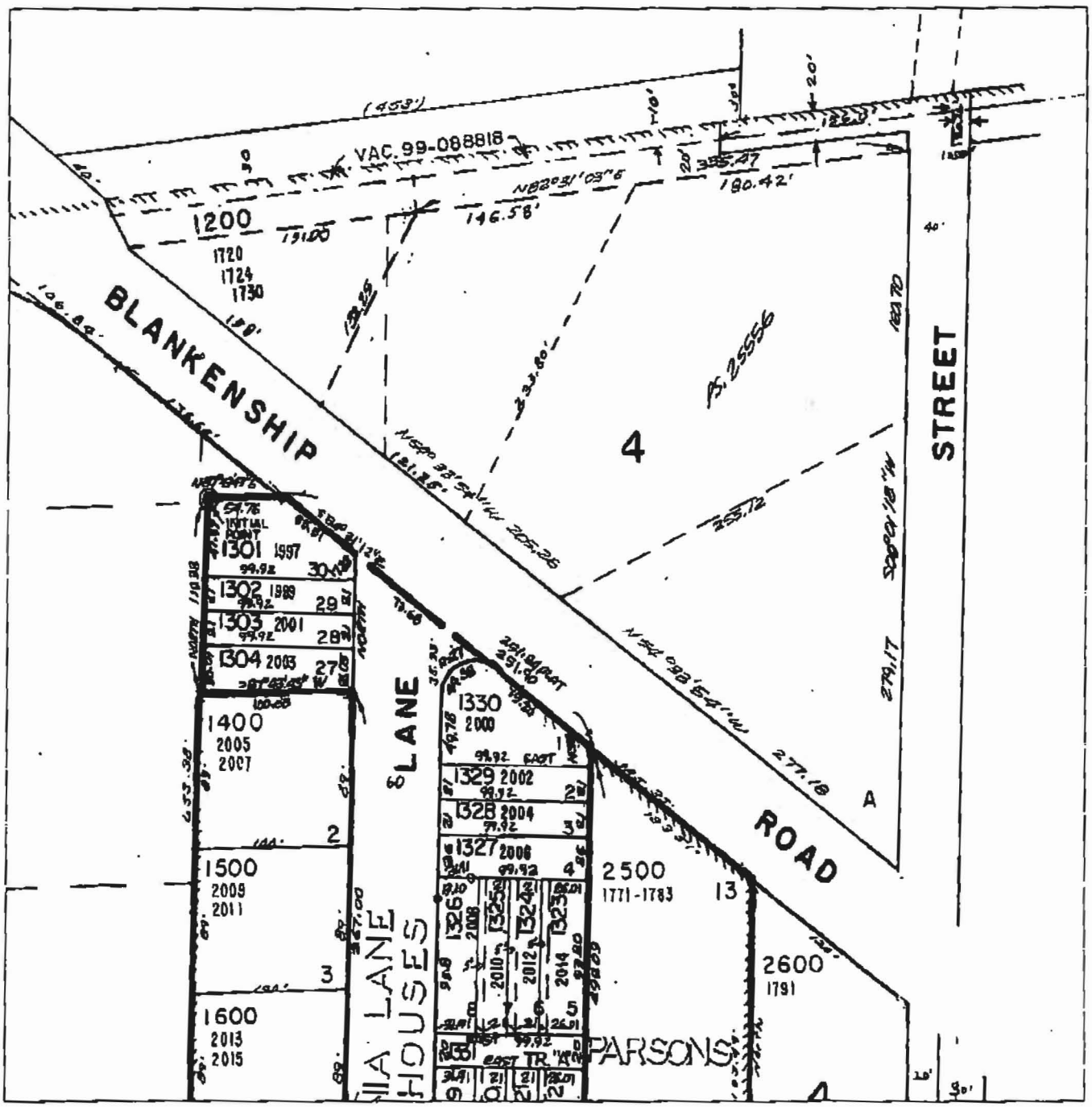
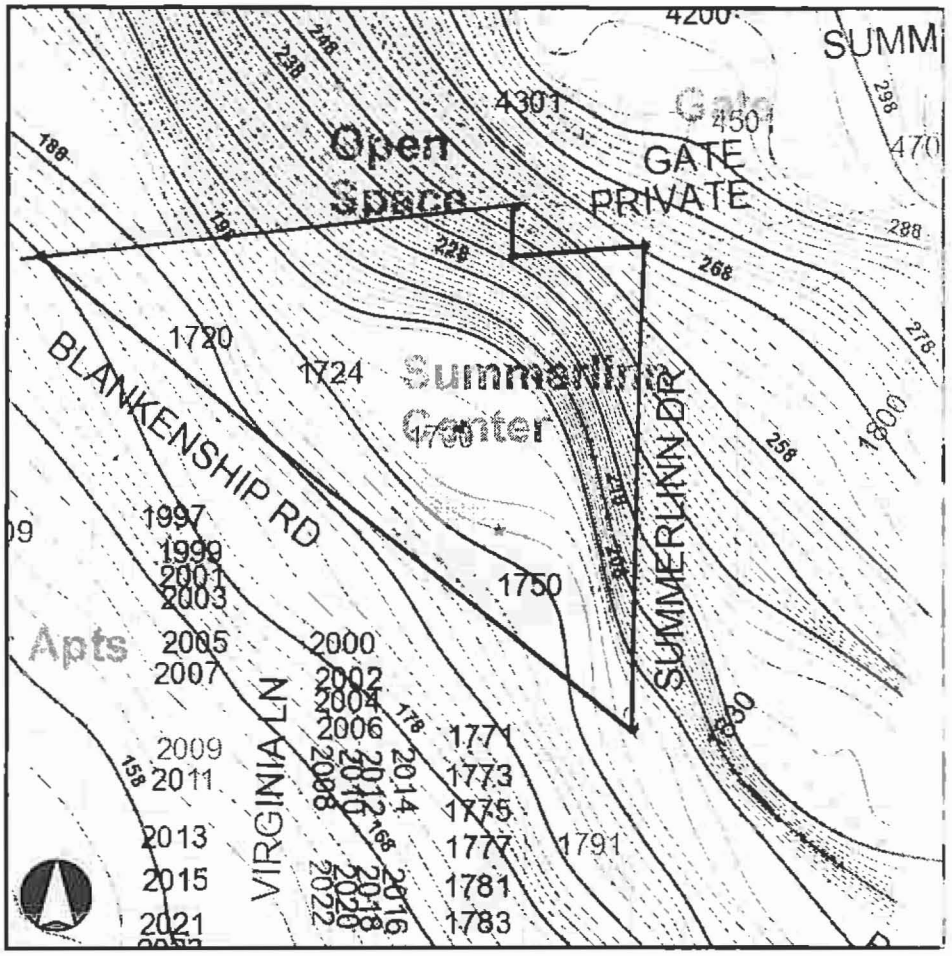
Reference Parcel Number 21E35CB01200



West Linn GIS Map



Addresses, MAF

Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

1730 Blankenship (1)

Addresses, MAF (1)

Site Address	Building Name	Tax Lot No	In West Linn City	In UGB	Neighborhood Association
1730 BLANKENSHIP RD	SUMMERLINN CENTER	21E35CB01200	Y	Y	

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OUTPATIENT
CLINIC

First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:	Prepared By:
	Customer Service Department 222 SW Columbia St, Suite 400 - Portland, Oregon 97201 Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: Blackhawk Nevada LLC	*Ref Parcel Number*	: 21E35C 00801
CoOwner	:	*T:* 02S *R:* 01E *S:* 35 *Q:* 252	
Site Address	: 1800 Blankenship Rd West Linn 97068	*Parcel Number*	: 00407599
Mail Address	: 1750 Blankenship Rd #200 West Linn Or 97068		
Telephone	: *Owner:* *Tenant:*	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 06/01/2006	*Loan Amount*	: $4,000,000
Document #	: 006-050100	*Lender*	: Homestreet Bk
Sale Price	: $23,500	*Loan Type*	: Conventional
Deed Type	: Warranty	*Interest Rate*	:Fixed
% Owned	: 50	*Vesting Type*	: Misc

PROPERTY DESCRIPTION

Map Page & Grid	: 716 G1
Census	: *Tract:* 205.01 *Block:* 1
Improvement Type	: 000 *unknown Improvement Code*
Subdivision/Plat	: Willamette Plat
Neighborhood Cd	:
Land Use	: 201 Com,Commercial Land,Improved
Legal	: 147 WILLAMETTE TRACTS PT LTS A-C : BLK 5 PT LT A BLK 17 & VAC ST :

ASSESSMENT AND TAX INFORMATION

MktLand	: $5,114,569
MktStructure	: $21,296,540
MktTotal	: $26,411,109
M50 Assd Total	: $15,156,294
% Improved	: 81
09-10 Taxes	: $280,724.88
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	:	*Building SF*	:	*Stories*	:
Bathrooms	:	*1st Floor SF*	:	*Garage SF*	:
Fireplace	:	*Above Ground SF*	:	*Lot Acres*	: 7.43
Heat Type	:	*Upper Finished SF*	:	*Lot SF*	: 323,481
Interior Material	:	*Unfin Upper Story*	:	*Year Built*	:
Exterior Finish	:	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	:	*Finished SF*	:	*Appraisal Area*	:
Roof Type	:	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	:	*Basement Unfin SF*	:	*Utility District*	:
Foundation	:	*Basement Total SF*	:		

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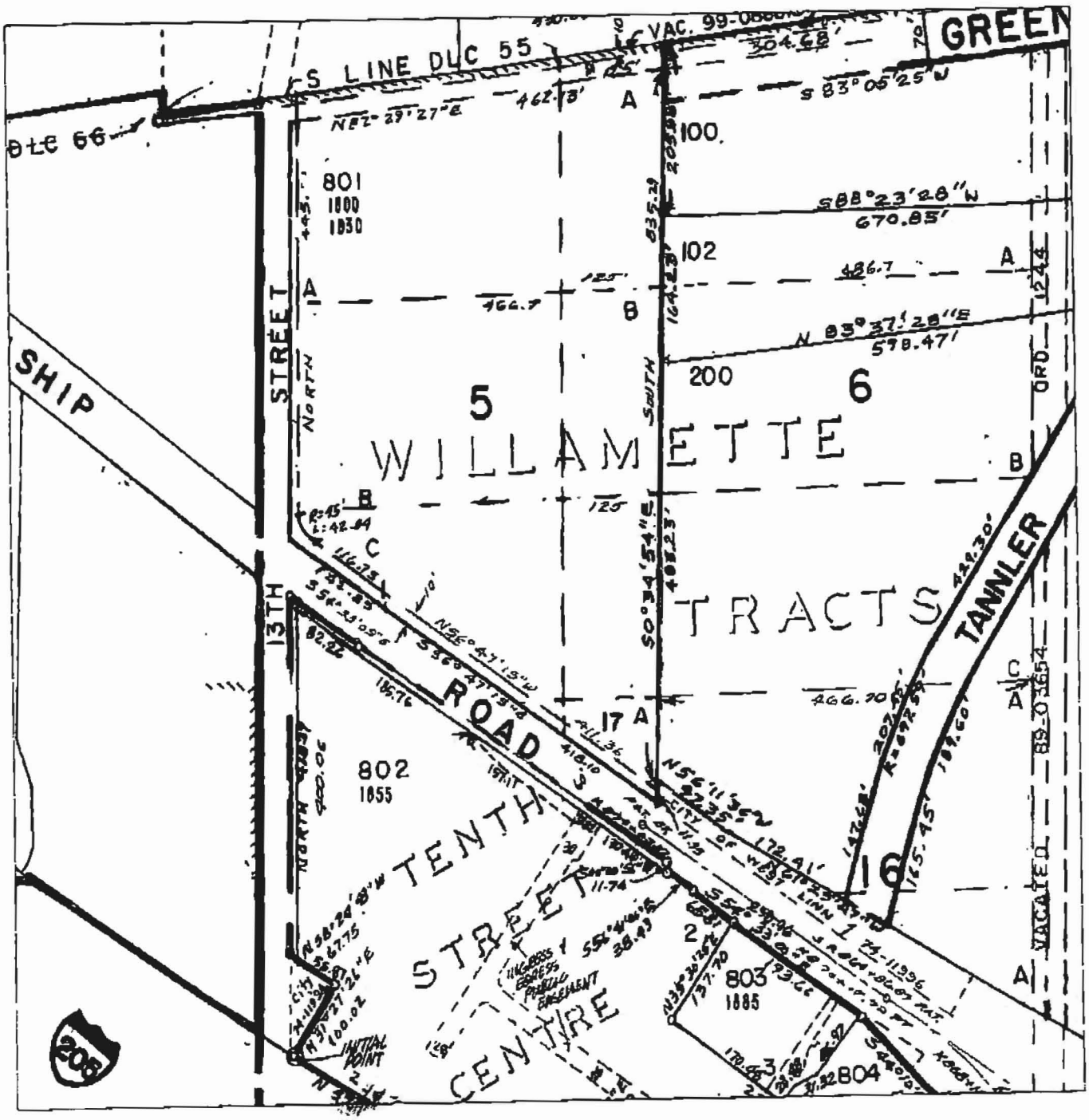
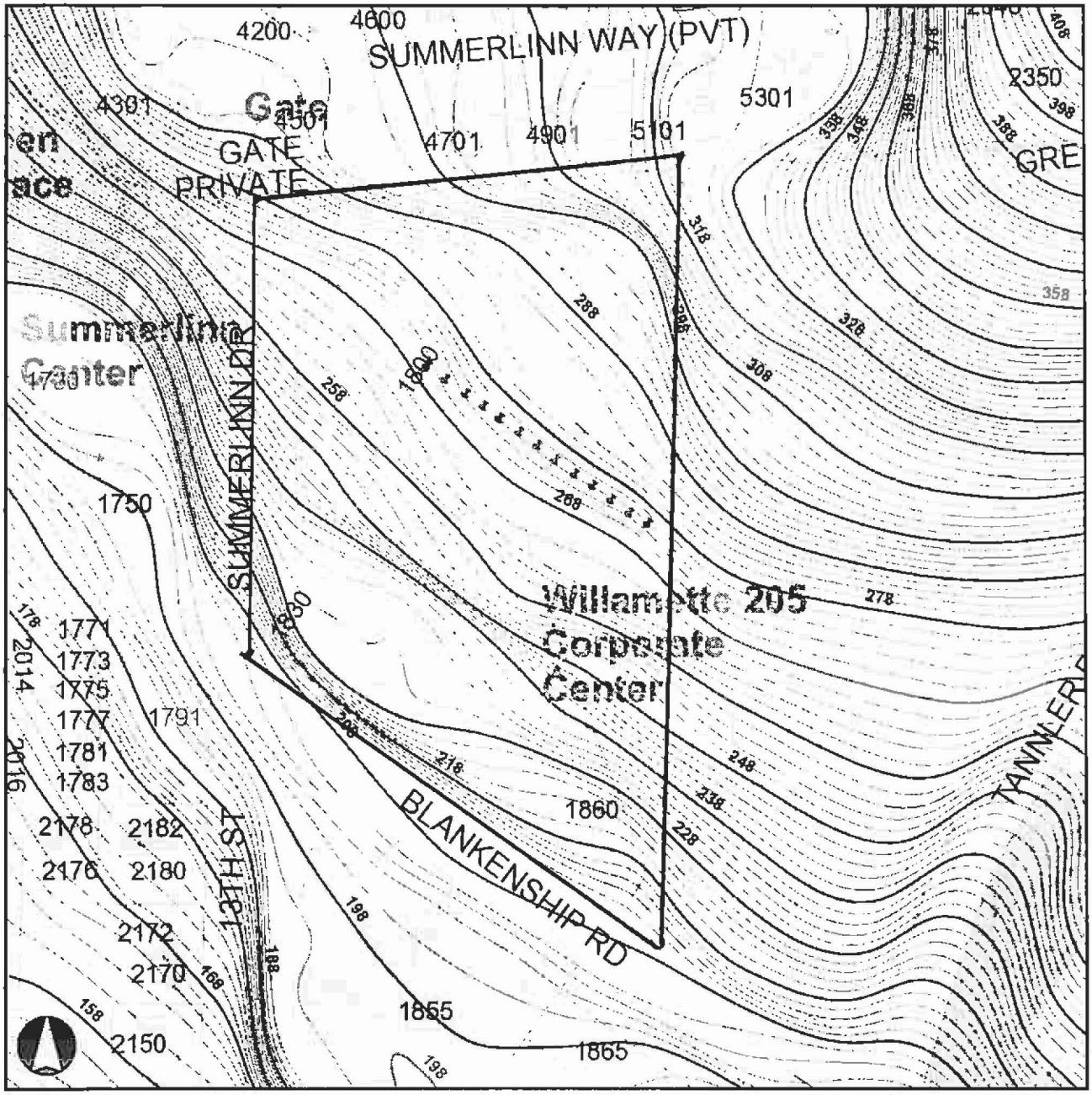
Reference Parcel Number 21E35C 00801



#2

West Linn GIS Map



Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

✓ 1800 Blankenship

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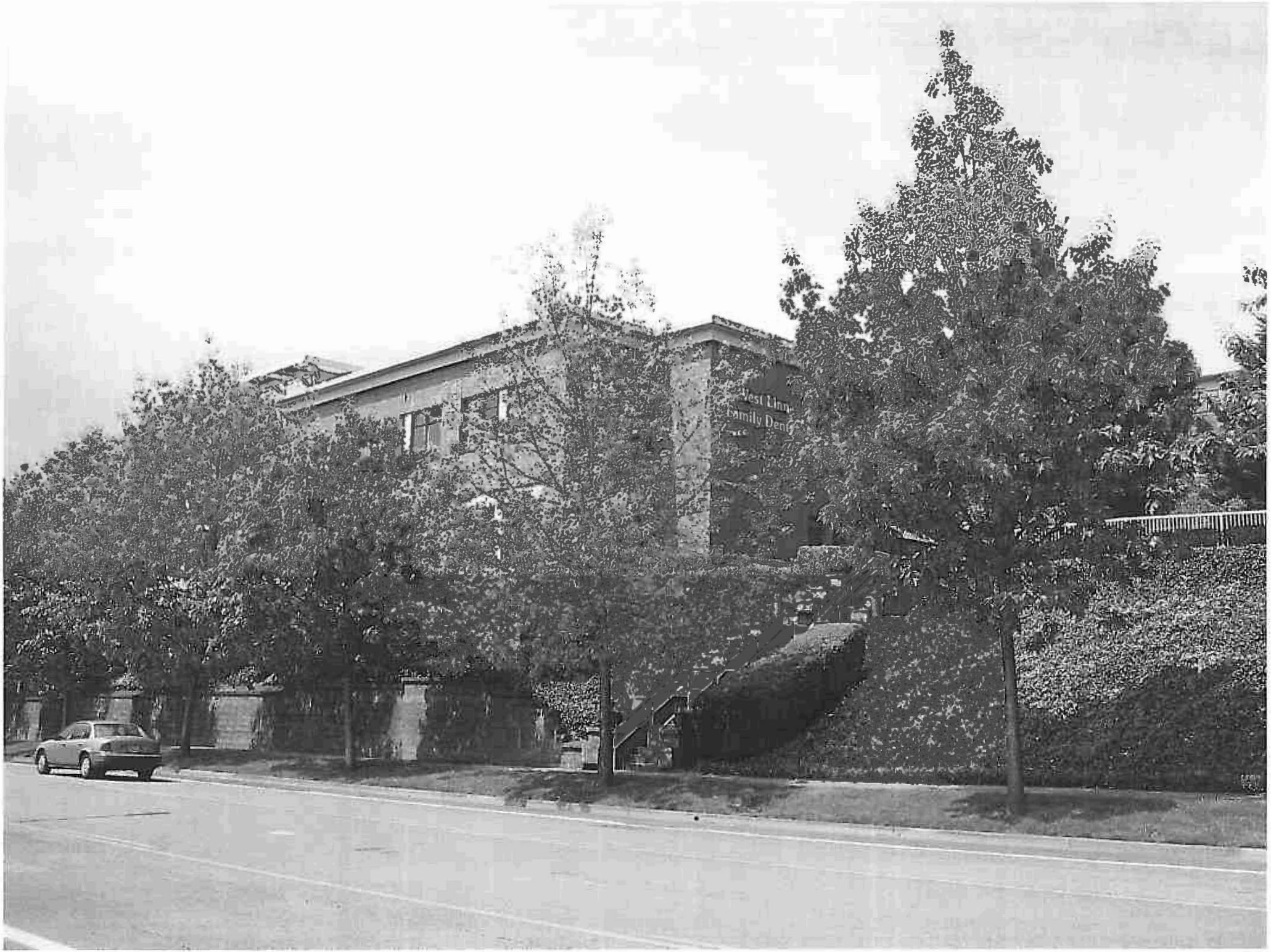

First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:	Prepared By:
	Customer Service Department 222 SW Columbia St, Suite 400 - Portland, Oregon 97201 Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: Blackhawk LLC	*Ref Parcel Number*	: 21E35C 00100
CoOwner	:	*T*: 02S *R*: 01E *S*: 35	*Q*: 252
Site Address	: *no Site Address*	*Parcel Number*	: 00407526
Mail Address	: 20200 SW 8th West Linn Or 97068		
Telephone	: *Owner*: *Tenant*:	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 12/20/2005	*Loan Amount*	: $3,300,000
Document #	: 005-126465 Multi-Parcel	*Lender*	: Sterling Svgs Bk
Sale Price	: $2,300,100	*Loan Type*	: Construction
Deed Type	: Warranty	*Interest Rate*	:Fixed
% Owned	: 100	*Vesting Type*	: Corporation

PROPERTY DESCRIPTION

Map Page & Grid	:
Census	: *Tract*: *Block*:
Improvement Type	: 000 *unknown Improvement Code*
Subdivision/Plat	: Willamette Plat
Neighborhood Cd	:
Land Use	: 200 Vacant,Commercial Land
Legal	: 147 WILLAMETTE TRACTS PT LT A BLK 6 : & PT LT A BLK 7 & VAC ST :

ASSESSMENT AND TAX INFORMATION

MktLand	: $391,311
MktStructure	:
MktTotal	: $391,311
M50 Assd Total	: $201,369
% Improved	:
09-10 Taxes	: $3,729.75
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	:	*Building SF*	:	*Stories*	:
Bathrooms	:	*1st Floor SF*	:	*Garage SF*	:
Fireplace	:	*Above Ground SF*	:	*Lot Acres*	: 3.63
Heat Type	:	*Upper Finished SF*	:	*Lot SF*	: 158,284
Interior Material	:	*Unfin Upper Story*	:	*Year Built*	:
Exterior Finish	:	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	:	*Finished SF*	:	*Appraisal Area*	:
Roof Type	:	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	:	*Basement Unfin SF*	:	*Utility District*	:
Foundation	:	*Basement Total SF*	:		

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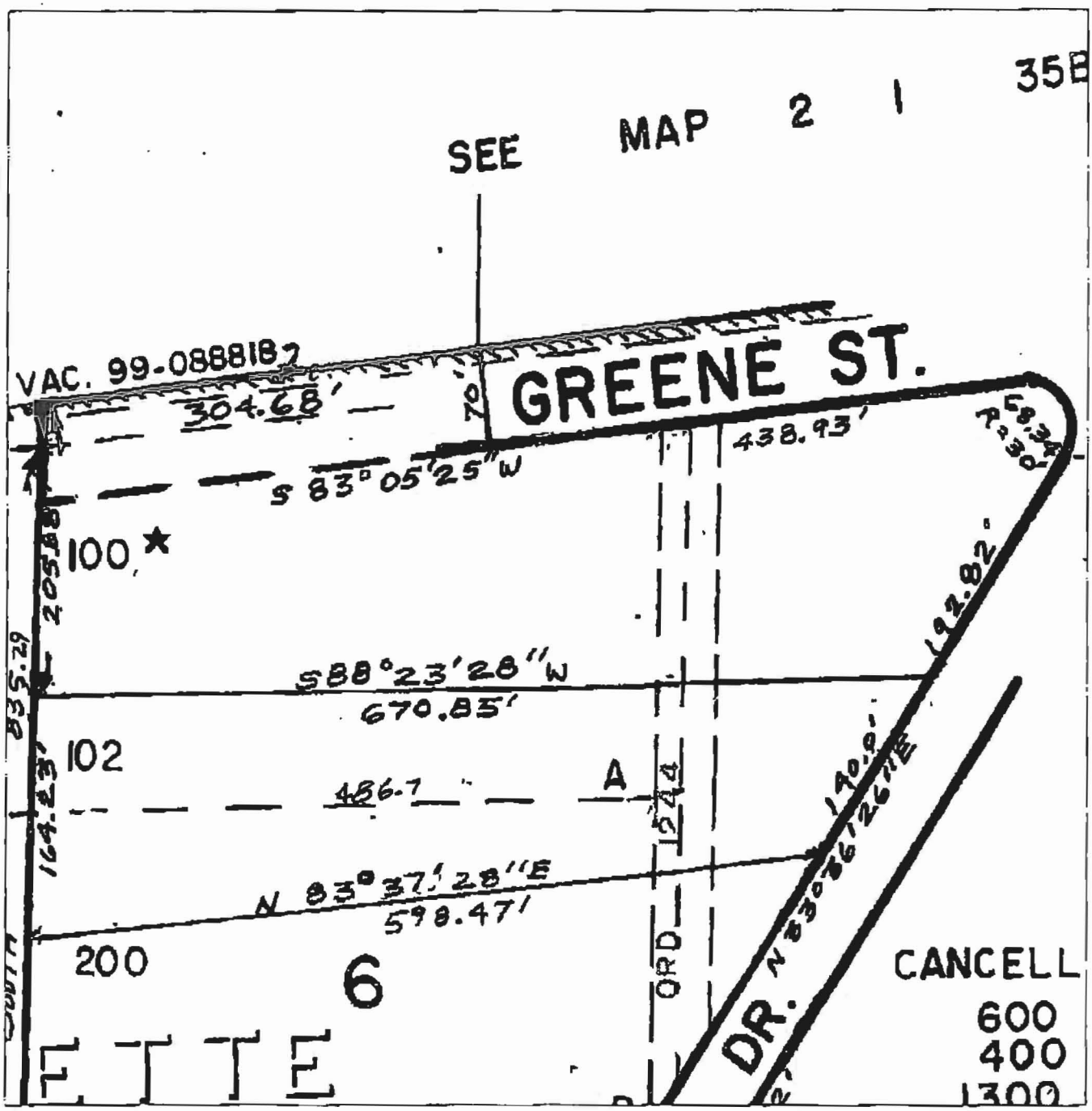
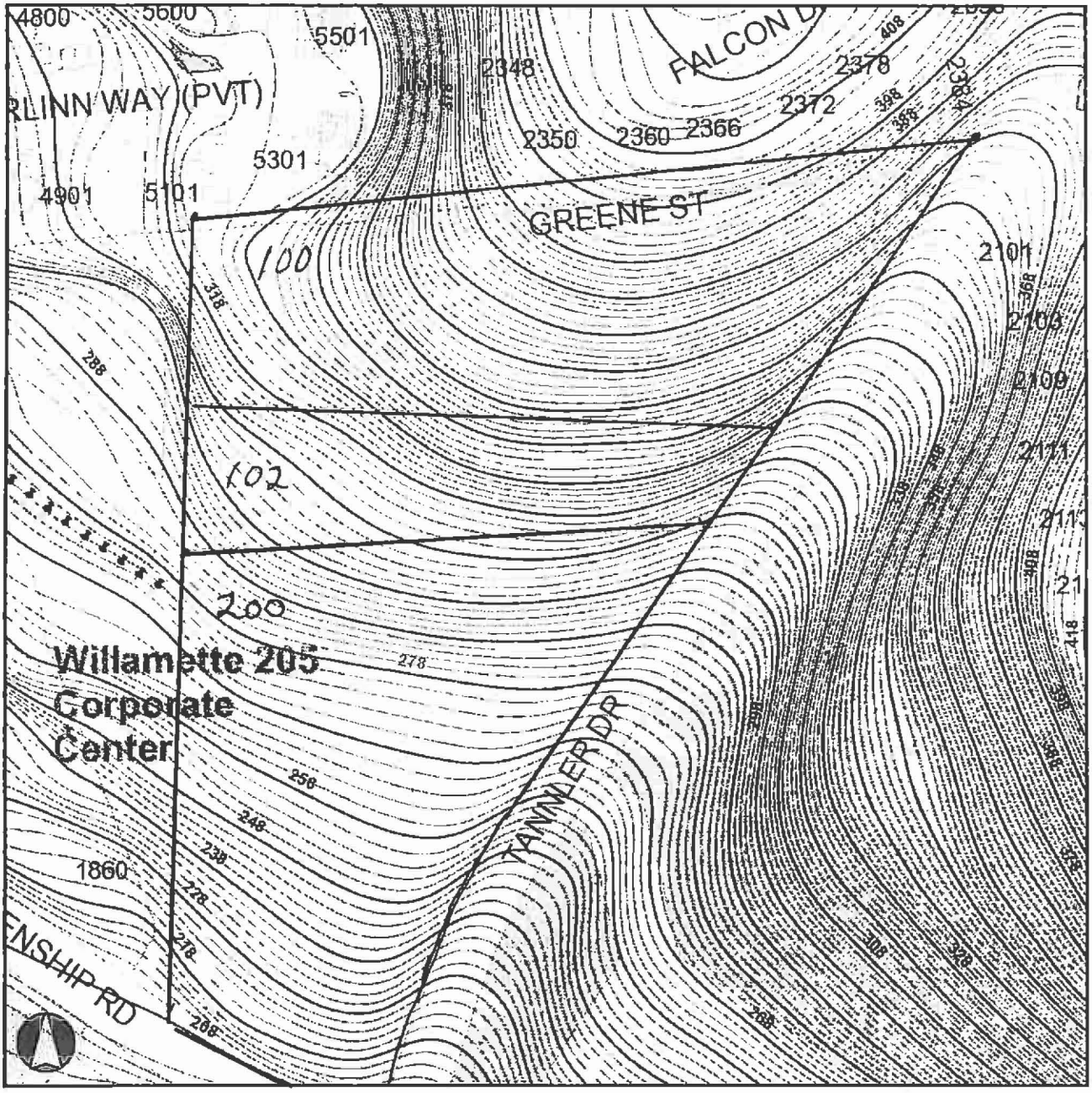


#3, 4, 5

West Linn GIS Map



Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

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First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:

Prepared By:
Customer Service Department
222 SW Columbia St, Suite 400 - Portland, Oregon 97201
Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: Blackhawk LLC	*Ref Parcel Number*	: 21E35C 00102
CoOwner	:	*T*: 02S *R*: 01E *S*: 35 *Q*: 252	
Site Address	: *no Site Address*	*Parcel Number*	: 00407535
Mail Address	: 20200 SW 8th West Linn Or 97068		
Telephone	: *Owner*: *Tenant*:	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 12/20/2005	*Loan Amount*	: $3,300,000
Document #	: 005-126465 Multi-Parcel	*Lender*	: Sterling Svgs Bk
Sale Price	: $2,300,100	*Loan Type*	: Construction
Deed Type	: Warranty	*Interest Rate*	:Fixed
% Owned	: 100	*Vesting Type*	: Corporation

PROPERTY DESCRIPTION

Map Page & Grid	:
Census	: *Tract*: *Block*:
Improvement Type	: 000 *unknown Improvement Code*
Subdivision/Plat	: Willamette Plat
Neighborhood Cd	:
Land Use	: 200 Vacant,Commercial Land
Legal	: 147 WILLAMETTE TRACTS PT LTS A&B
	: BLK 6 PT LTS A&B BLK 7 & VAC RD
	:

ASSESSMENT AND TAX INFORMATION

MktLand	: $238,865
MktStructure	:
MktTotal	: $238,865
M50 Assd Total	: $122,497
% Improved	:
09-10 Taxes	: $2,268.89
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	:	*Building SF*	:	*Stories*	:
Bathrooms	:	*1st Floor SF*	:	*Garage SF*	:
Fireplace	:	*Above Ground SF*	:	*Lot Acres*	: 1.97
Heat Type	:	*Upper Finished SF*	:	*Lot SF*	: 85,826
Interior Material	:	*Unfin Upper Story*	:	*Year Built*	:
Exterior Finish	:	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	:	*Finished SF*	:	*Appraisal Area*	:
Roof Type	:	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	:	*Basement Unfin SF*	:	*Utility District*	:
Foundation	:	*Basement Total SF*	:		

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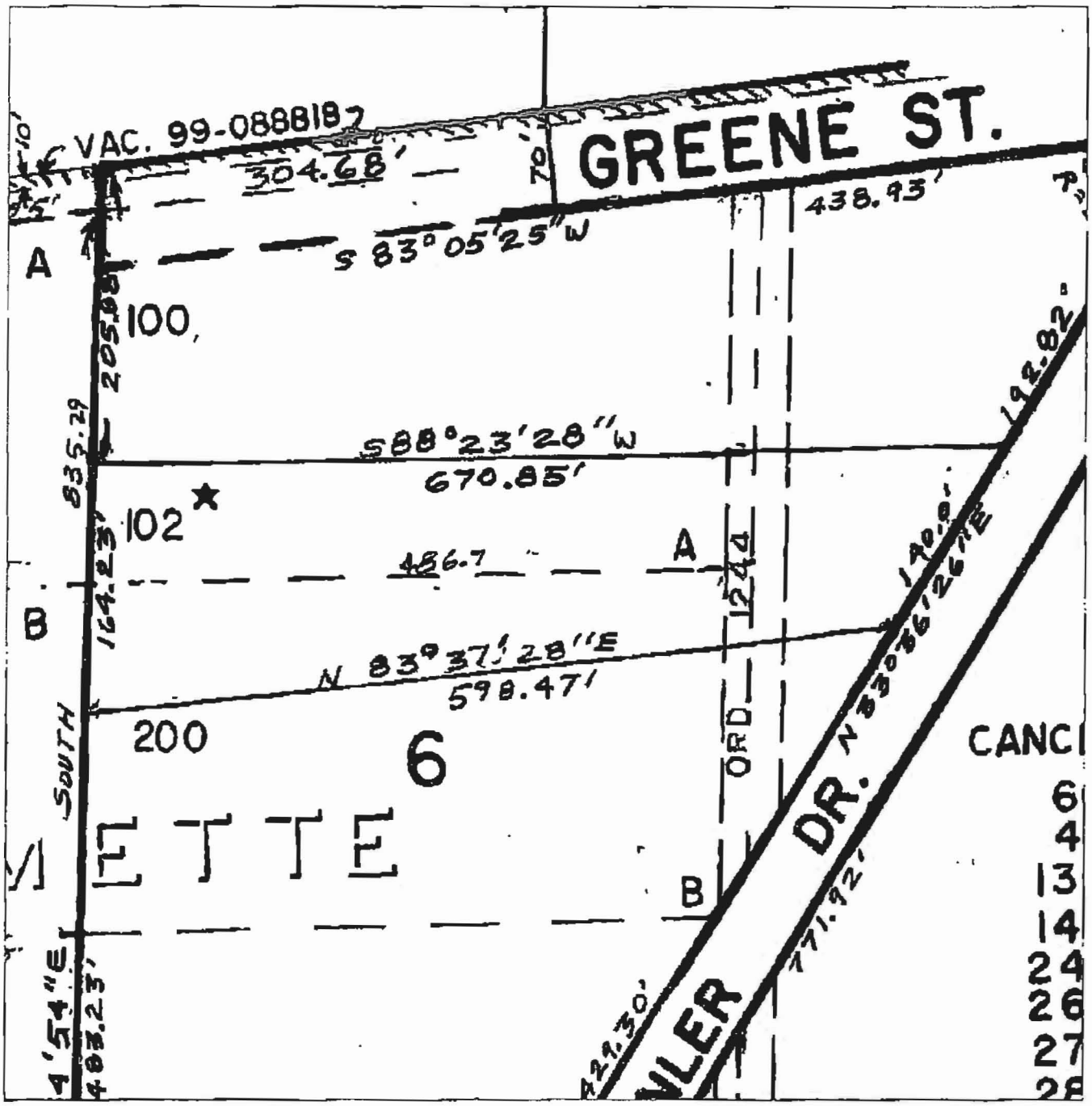
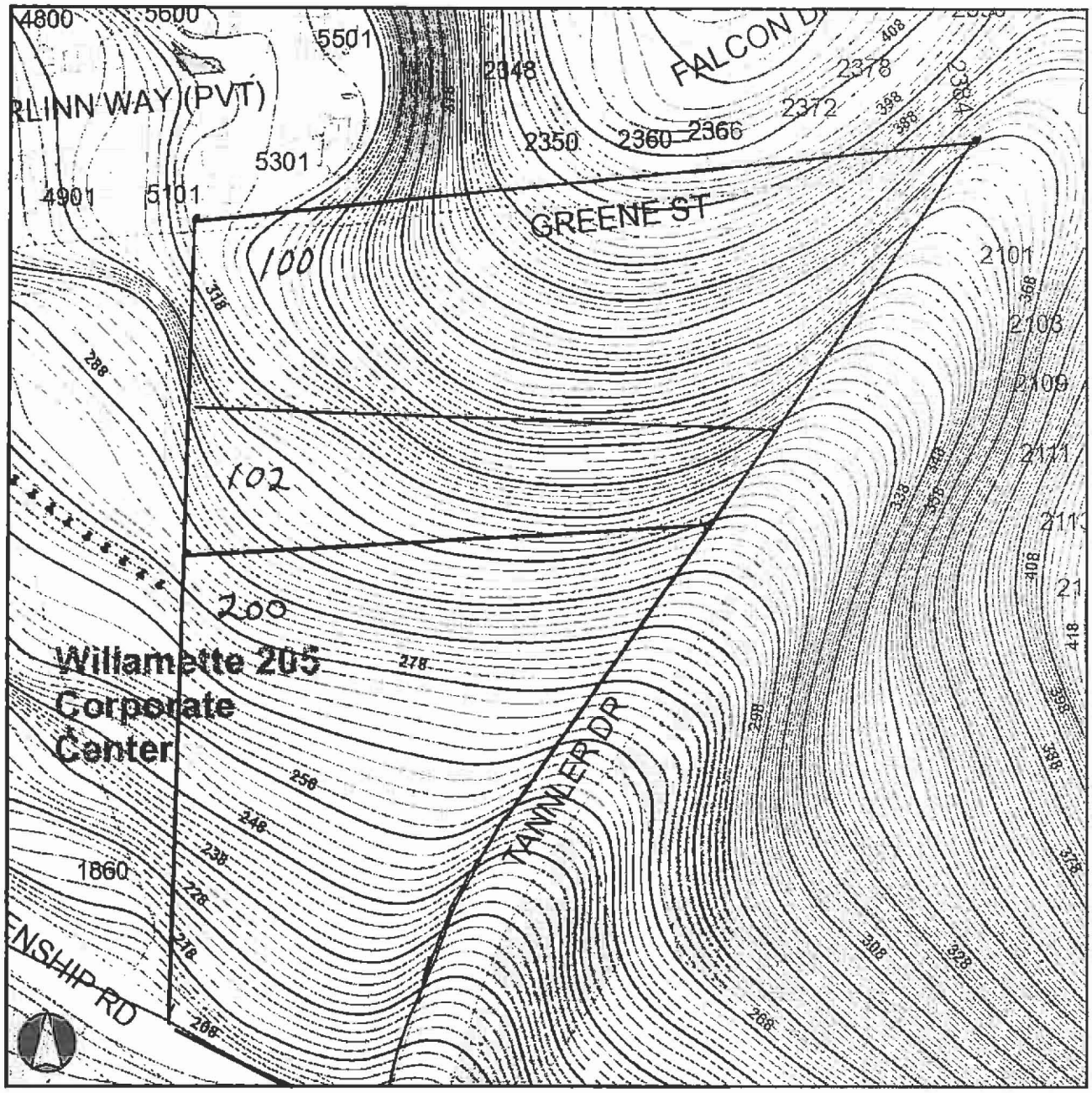
Reference Parcel Number 21E35C 00102



#3, 4, 5

West Linn GIS Map



Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

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Clackamas (OR)

Prepared For:

Prepared By:
Customer Service Department
222 SW Columbia St, Suite 400 - Portland, Oregon 97201
Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: Blackhawk LLC	*Ref Parcel Number*	: 21E35C 00200
CoOwner	:	*T*: 02S *R*: 01E *S*: 35	*Q*: 252
Site Address	: *no Site Address*	*Parcel Number*	: 00407544
Mail Address	: 20200 SW 8th West Linn Or 97068		
Telephone	: *Owner*: *Tenant*:	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 12/20/2005	*Loan Amount*	: $3,300,000
Document #	: 005-126465 Multi-Parcel	*Lender*	: Sterling Svgs Bk
Sale Price	: $2,300,100	*Loan Type*	: Construction
Deed Type	: Warranty	*Interest Rate*	:Fixed
% Owned	: 100	*Vesting Type*	: Corporation

PROPERTY DESCRIPTION

Map Page & Grid	:
Census	: *Tract*: *Block*:
Improvement Type	: 000 *unknown Improvement Code*
Subdivision/Plat	: Willamette Plat
Neighborhood Cd	:
Land Use	: 200 Vacant,Commercial Land
Legal	: 147 WILLAMETTE TRACTS PT LT A BLK : 16 PT LTS B & C BLK 6 & VAC RD :

ASSESSMENT AND TAX INFORMATION

MktLand	: $612,839
MktStructure	:
MktTotal	: $612,839
M50 Assd Total	: $315,370
% Improved	:
09-10 Taxes	: $5,841.28
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	:	*Building SF*	:	*Stories*	:
Bathrooms	:	*1st Floor SF*	:	*Garage SF*	:
Fireplace	:	*Above Ground SF*	:	*Lot Acres*	: 5.11
Heat Type	:	*Upper Finished SF*	:	*Lot SF*	: 222,486
Interior Material	:	*Unfin Upper Story*	:	*Year Built*	:
Exterior Finish	:	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	:	*Finished SF*	:	*Appraisal Area*	:
Roof Type	:	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	:	*Basement Unfin SF*	:	*Utility District*	:
Foundation	:	*Basement Total SF*	:		

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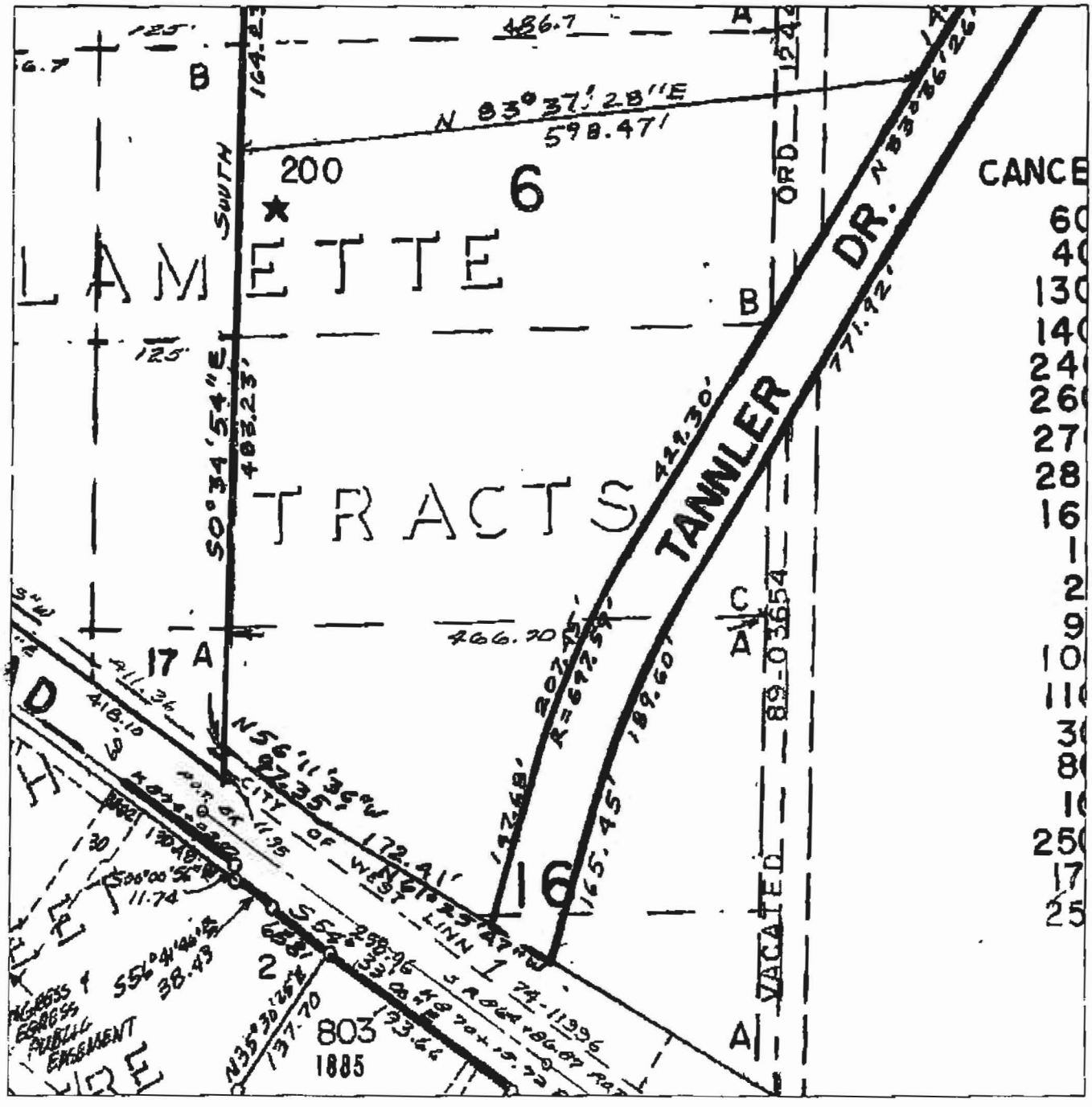
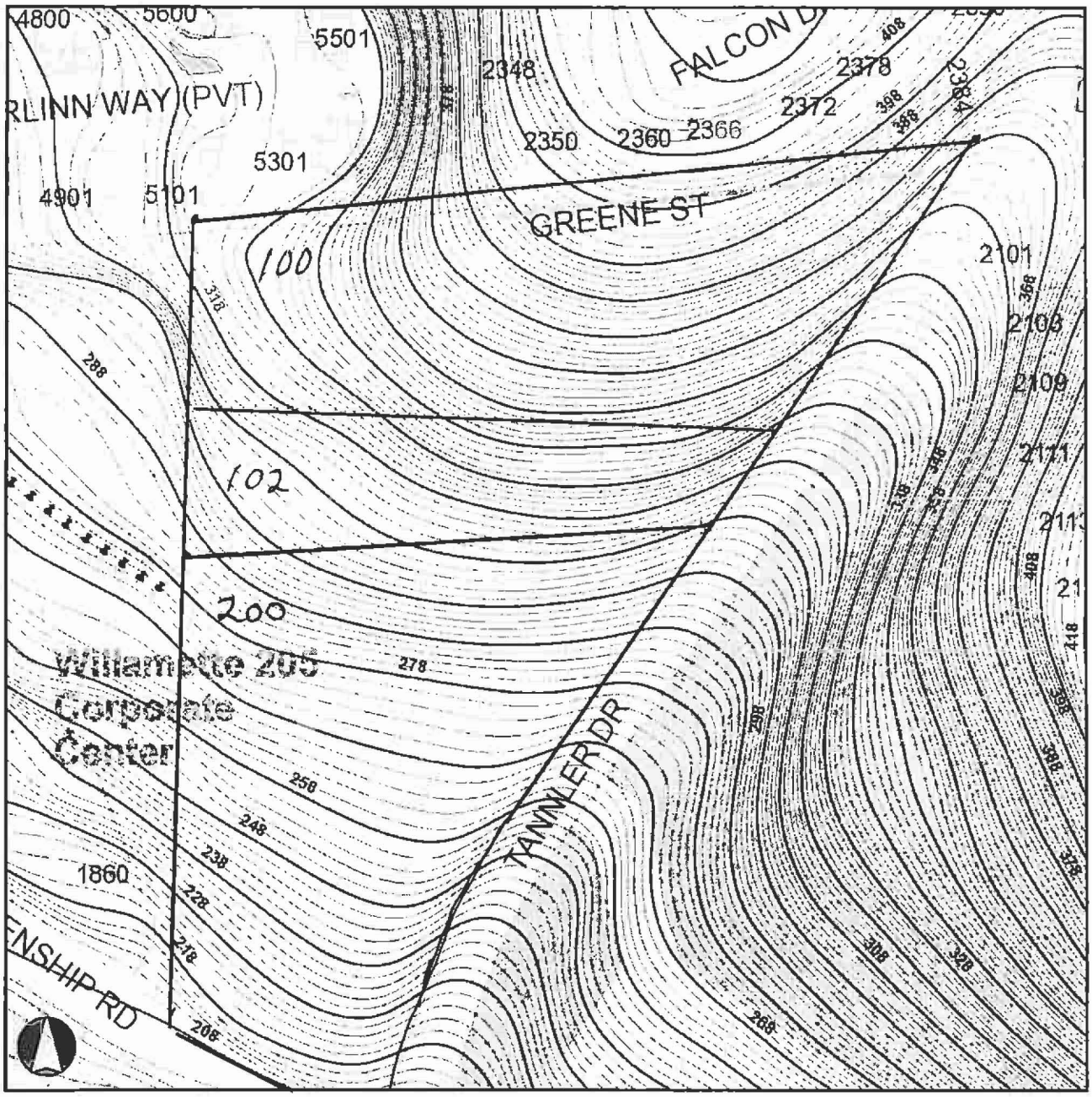
Reference Parcel Number 21E35C 00200



#3, 4, 5

West Linn GIS Map



Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

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First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:

Prepared By:
Customer Service Department
222 SW Columbia St, Suite 400 - Portland, Oregon 97201
Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: Rkm Development Inc	*Ref Parcel Number*	: 21E35D 00700
CoOwner	:	*T*: 02S *R*: 01E *S*: 35	*Q*: 251
Site Address	: *no Site Address*	*Parcel Number*	: 00409132
Mail Address	: 15285 NW Central Dr #100 Portland Or 97229		
Telephone	: *Owner*: *Tenant*:	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 06/22/2005	*Loan Amount*	: $3,575,000
Document #	: 005-057417 Multi-Parcel	*Lender*	: First Independent Bk
Sale Price	: $2,100,000	*Loan Type*	: Line of Credit
Deed Type	: Warranty	*Interest Rate*	:Fixed
% Owned	: 100	*Vesting Type*	: Corporation

PROPERTY DESCRIPTION

Map Page & Grid	:
Census	: *Tract*: *Block*:
Improvement Type	: 000 *unknown Improvement Code*
Subdivision/Plat	: Willamette Plat
Neighborhood Cd	:
Land Use	: 200 Vacant,Commercial Land
Legal	: 147 WILLAMETTE TRACTS PT LT C BLK 6 : PT LTS A B&C BLK 7 PT LT C BLK 8 PT : LT A BLK 14 RD PT LTS A&B BLK 15...

ASSESSMENT AND TAX INFORMATION

MktLand	: $1,388,326
MktStructure	:
MktTotal	: $1,388,326
M50 Assd Total	: $714,439
% Improved	:
09-10 Taxes	: $13,232.84
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	:	*Building SF*	:	*Stories*	:
Bathrooms	:	*1st Floor SF*	:	*Garage SF*	:
Fireplace	:	*Above Ground SF*	:	*Lot Acres*	: 12.95
Heat Type	:	*Upper Finished SF*	:	*Lot SF*	: 564,010
Interior Material	:	*Unfin Upper Story*	:	*Year Built*	:
Exterior Finish	:	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	:	*Finished SF*	:	*Appraisal Area*	:
Roof Type	:	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	:	*Basement Unfin SF*	:	*Utility District*	:
Foundation	:	*Basement Total SF*	:		

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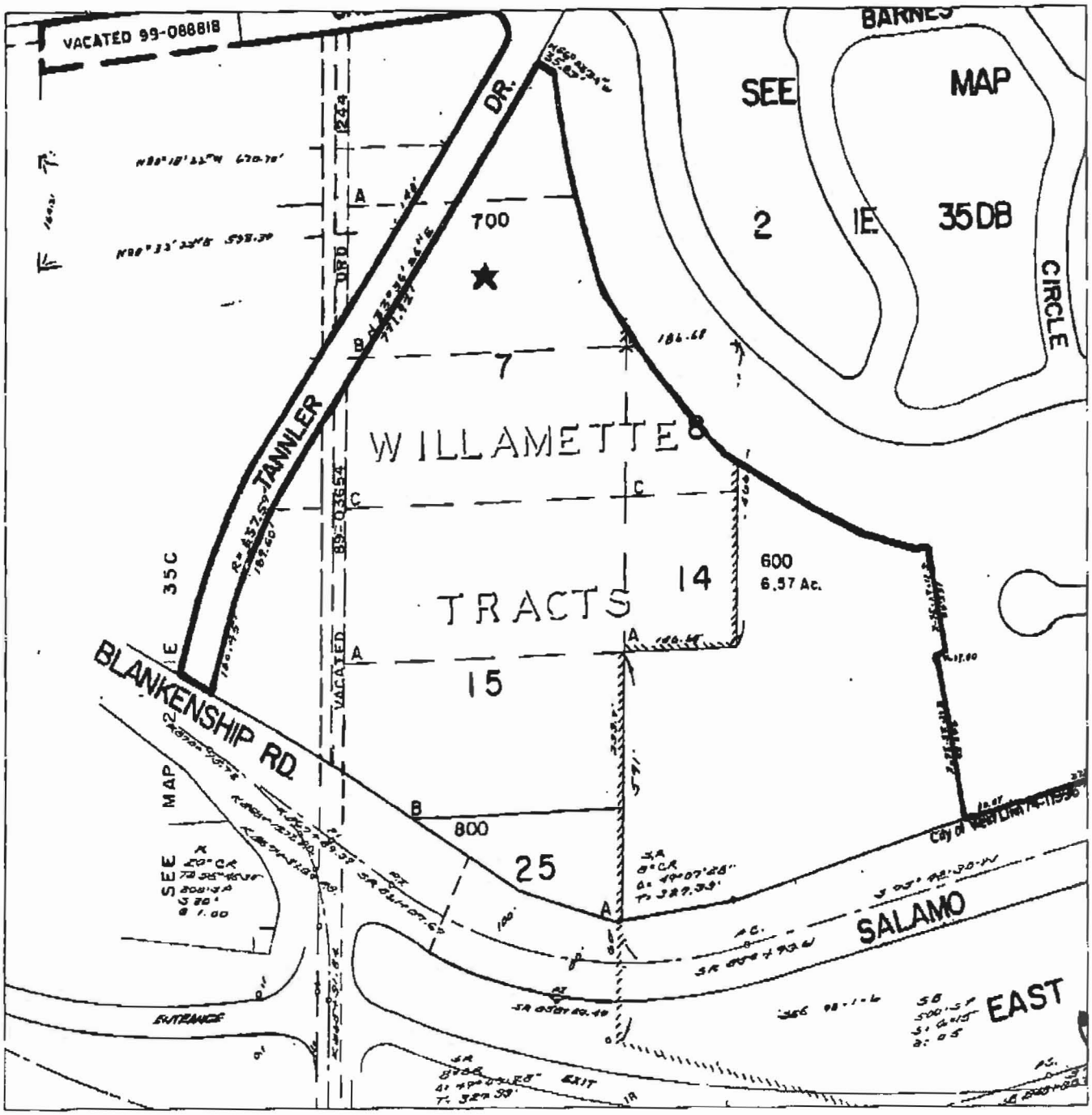
Reference Parcel Number 21E35D 00700



#6

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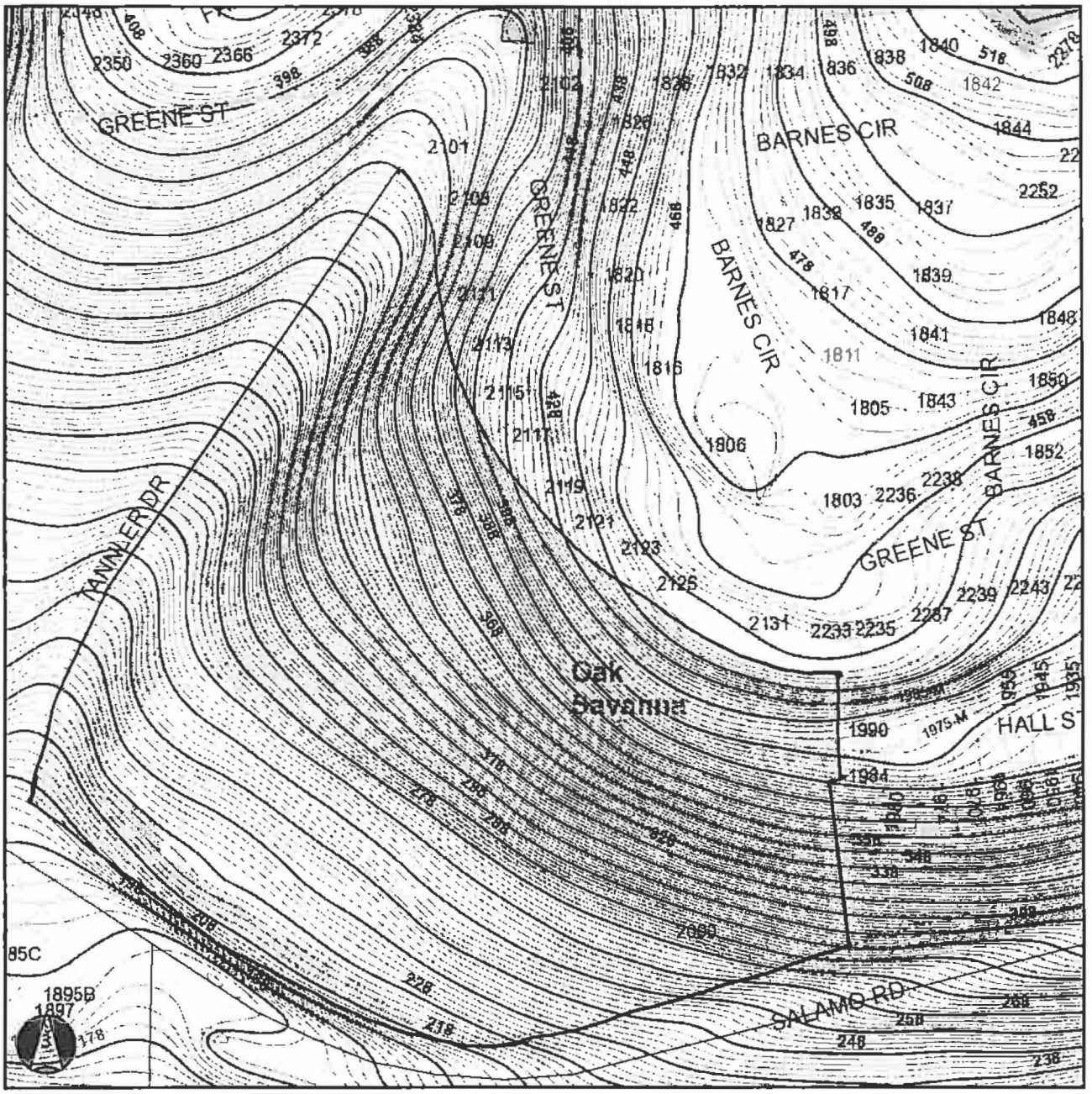

Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

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First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:

Prepared By:
Customer Service Department
222 SW Columbia St, Suite 400 - Portland, Oregon 97201
Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: City of West Linn	*Ref Parcel Number*	: 22E30BD02200
CoOwner	:	*T*: 02S *R*: 02E *S*: 30 *Q*: 250	
Site Address	: 1581 Burns St West Linn 97068	*Parcel Number*	: 00565383
Mail Address	: 22500 S Salamo Rd #600 West Linn Or 97068		
Telephone	: *Owner:* *Tenant:*	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 05/01/1988	*Loan Amount*	:
Document #	: 88-17627	*Lender*	:
Sale Price	: $200,000	*Loan Type*	:
Deed Type	: Warranty	*Interest Rate*	:
% Owned	:	*Vesting Type*	:

PROPERTY DESCRIPTION

Map Page & Grid	: 687 B6
Census	: *Tract*: 206.00 *Block*: 1
Improvement Type	: 604 Government Owned Improvements
Subdivision/Plat	: Holly Gardens
Neighborhood Cd	:
Land Use	: 201 Com,Commercial Land,Improved
Legal	: 443 HOLLY GARDENS LTS 2&3
	:
	:

ASSESSMENT AND TAX INFORMATION

MktLand	: $657,736
MktStructure	: $4,049,340
MktTotal	: $4,707,076
M50 Assd Total	: $2,782,078
% Improved	: 86
09-10 Taxes	:
Exempt Amount	: $2,782,078
Exempt Type	: Other
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	:	*Building SF*	:	*Stories*	:
Bathrooms	:	*1st Floor SF*	: 9,745	*Garage SF*	:
Fireplace	:	*Above Ground SF*	: 9,745	*Lot Acres*	: 1.40
Heat Type	:	*Upper Finished SF*	:	*Lot SF*	: 61,102
Interior Material	:	*Unfin Upper Story*	:	*Year Built*	: 1989
Exterior Finish	:	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	:	*Finished SF*	: 9,745	*Appraisal Area*	:
Roof Type	:	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	:	*Basement Unfin SF*	:	*Utility District*	:
Foundation	:	*Basement Total SF*	:		

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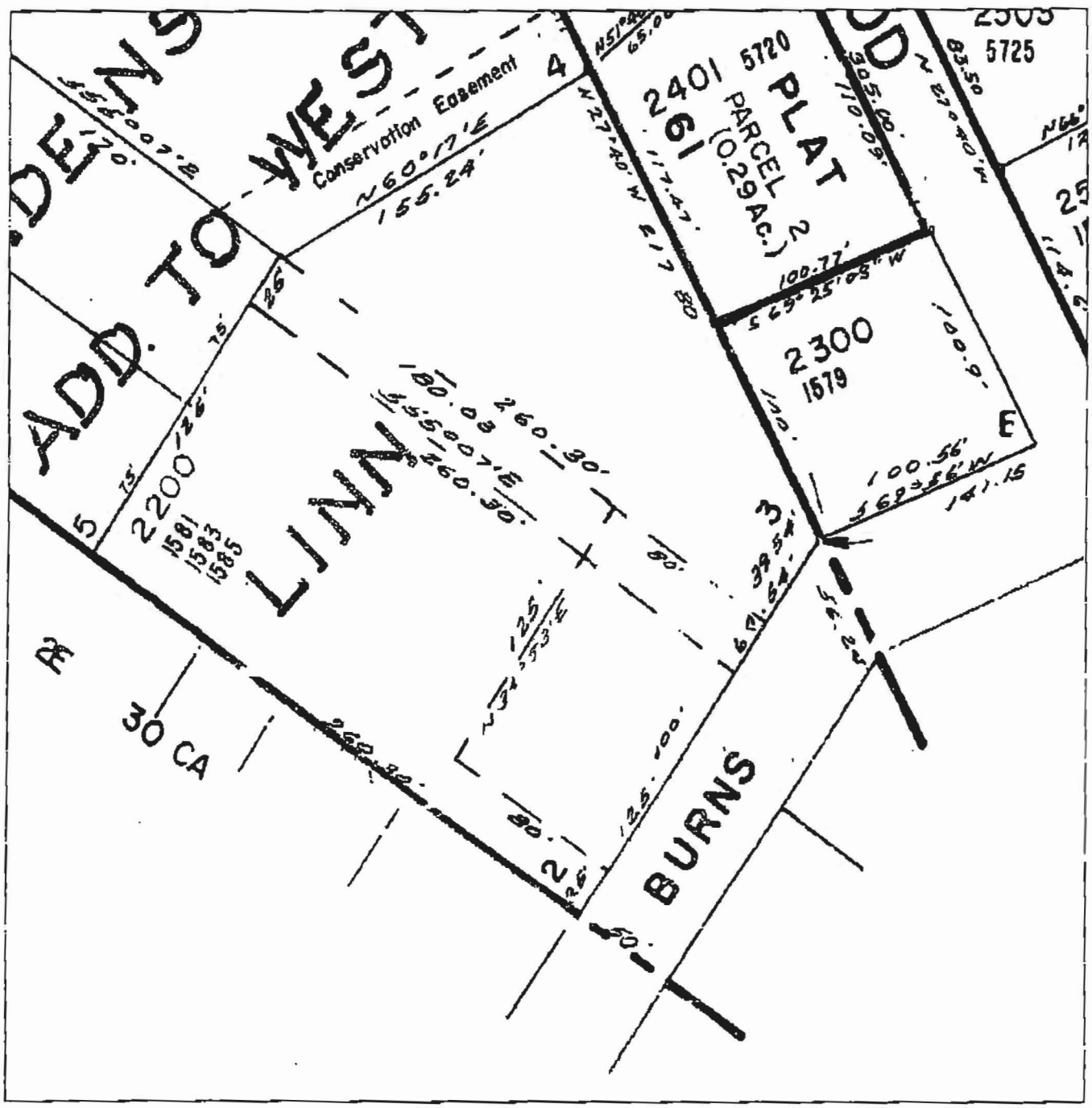
Reference Parcel Number 22E30BD02200



#7

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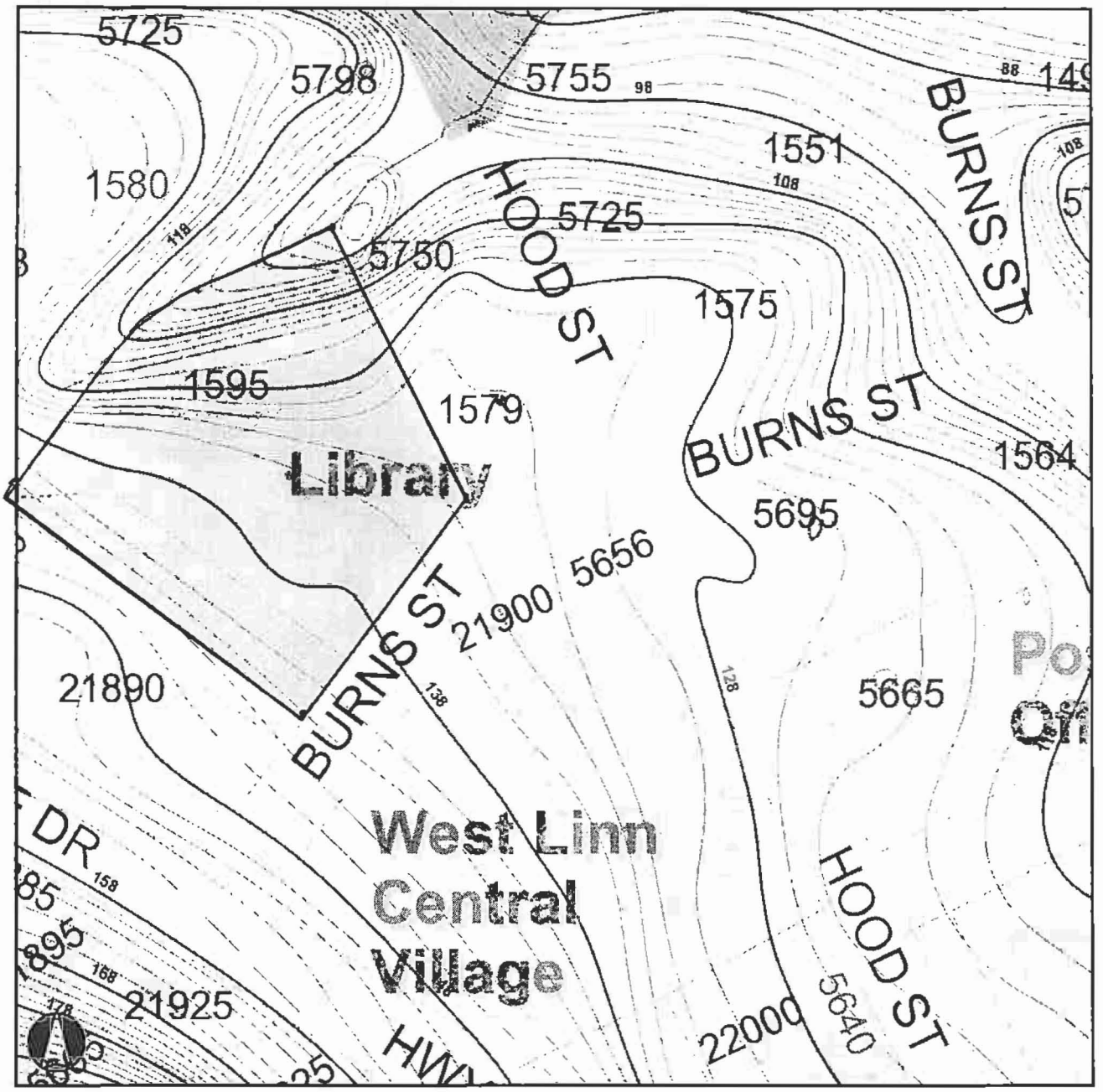

Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

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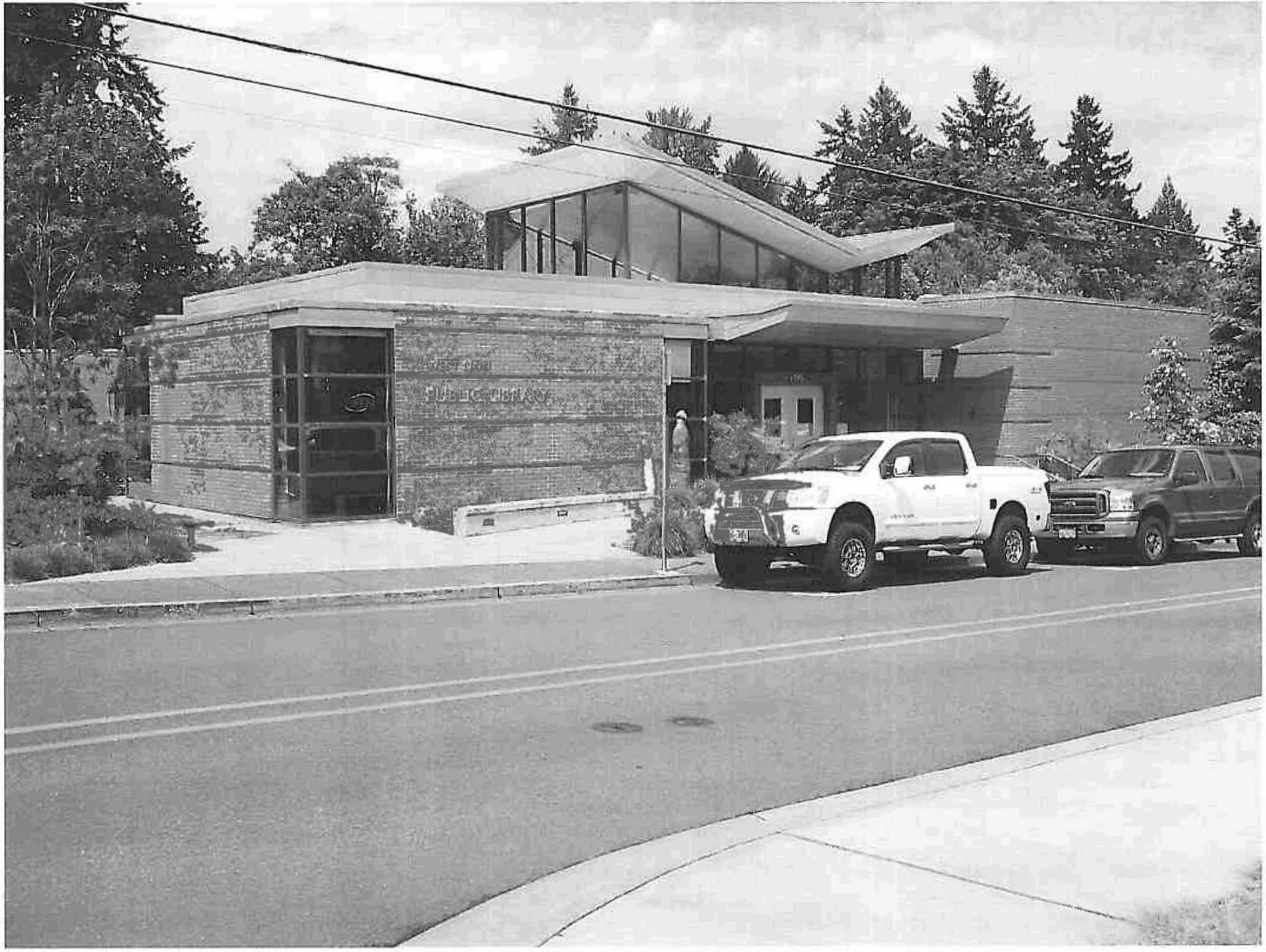
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First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:

Prepared By:
Customer Service Department
222 SW Columbia St, Suite 400 - Portland, Oregon 97201
Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: Lohman Edward F & Debbie Steiner	*Ref Parcel Number*	: 22E30BD02300
CoOwner	:	*T*: 02S *R*: 02E *S*: 30 *Q*: 250	
Site Address	: 1579 Burns St West Linn 97068	*Parcel Number*	: 00565392
Mail Address	: 1579 Burns St West Linn Or 97068		
Telephone	: *Owner*: *Tenant*:	*County*	: Clackamas (OR)

SALES AND LOAN INFORMATION

Transferred	: 09/28/2001	*Loan Amount*	: $131,000
Document #	: 001-079801	*Lender*	: Us Bk
Sale Price	: $28,000	*Loan Type*	: Conventional
Deed Type	: Bargain & Sale	*Interest Rate*	:Fixed
% Owned	: 100	*Vesting Type*	: Married Persons

PROPERTY DESCRIPTION

Map Page & Grid	: 687 B6
Census	: *Tract*: 206.00 *Block*: 1
Improvement Type	: 450 Offices
Subdivision/Plat	: West Oregon City
Neighborhood Cd	:
Land Use	: 201 Com,Commercial Land,Improved
Legal	: 368 WEST OREGON CITY PT LT E
	:
	:

ASSESSMENT AND TAX INFORMATION

MktLand	: $128,442
MktStructure	: $119,460
MktTotal	: $247,902
M50 Assd Total	: $140,655
% Improved	: 48
09-10 Taxes	: $2,605.21
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	:	*Building SF*	:	*Stories*	:
Bathrooms	:	*1st Floor SF*	: 1,307	*Garage SF*	:
Fireplace	:	*Above Ground SF*	: 1,307	*Lot Acres*	: .23
Heat Type	:	*Upper Finished SF*	:	*Lot SF*	: 10,078
Interior Material	:	*Unfin Upper Story*	:	*Year Built*	: 1989
Exterior Finish	:	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	:	*Finished SF*	: 1,307	*Appraisal Area*	:
Roof Type	:	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	:	*Basement Unfin SF*	:	*Utility District*	:
Foundation	:	*Basement Total SF*	:		

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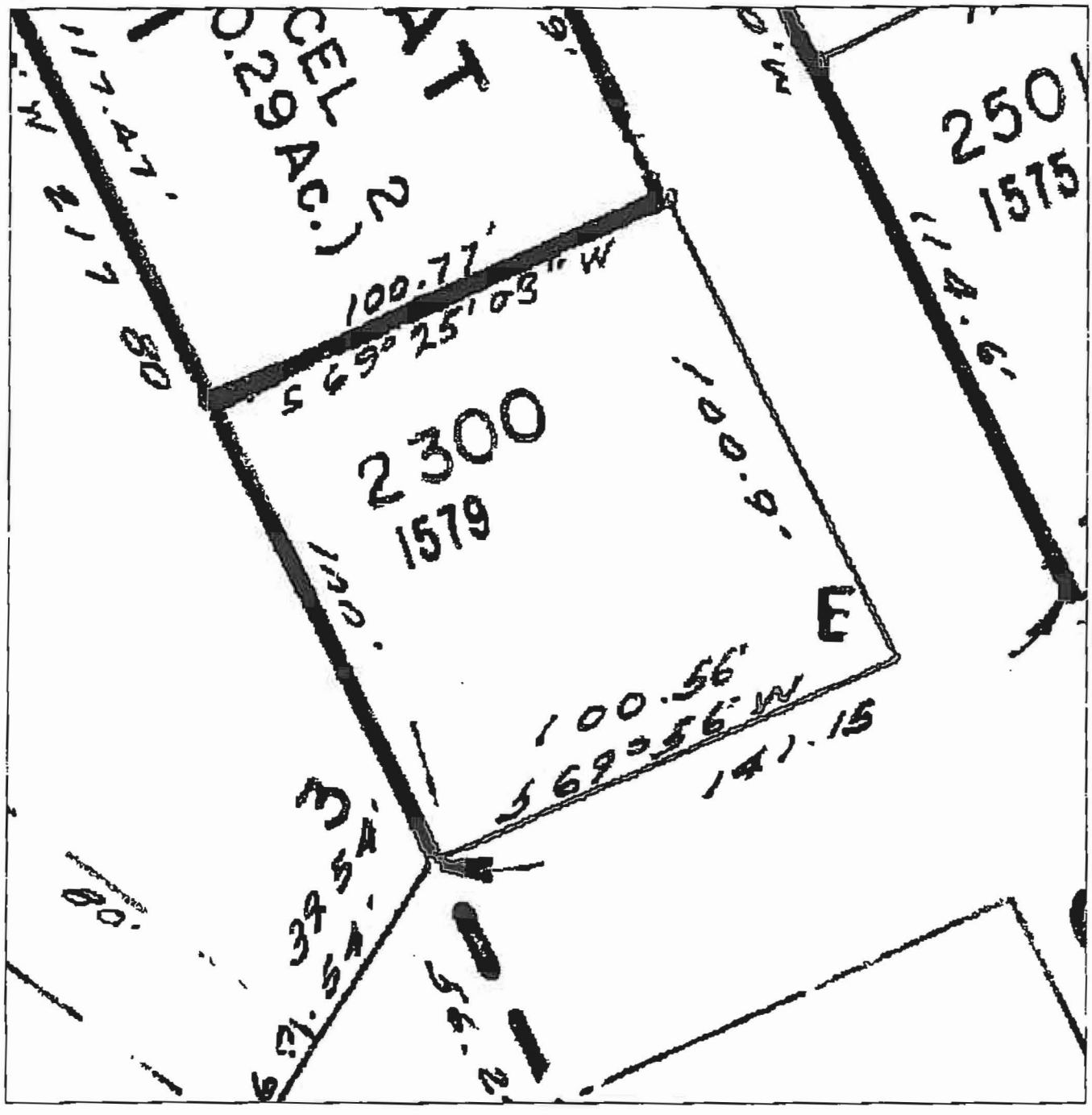

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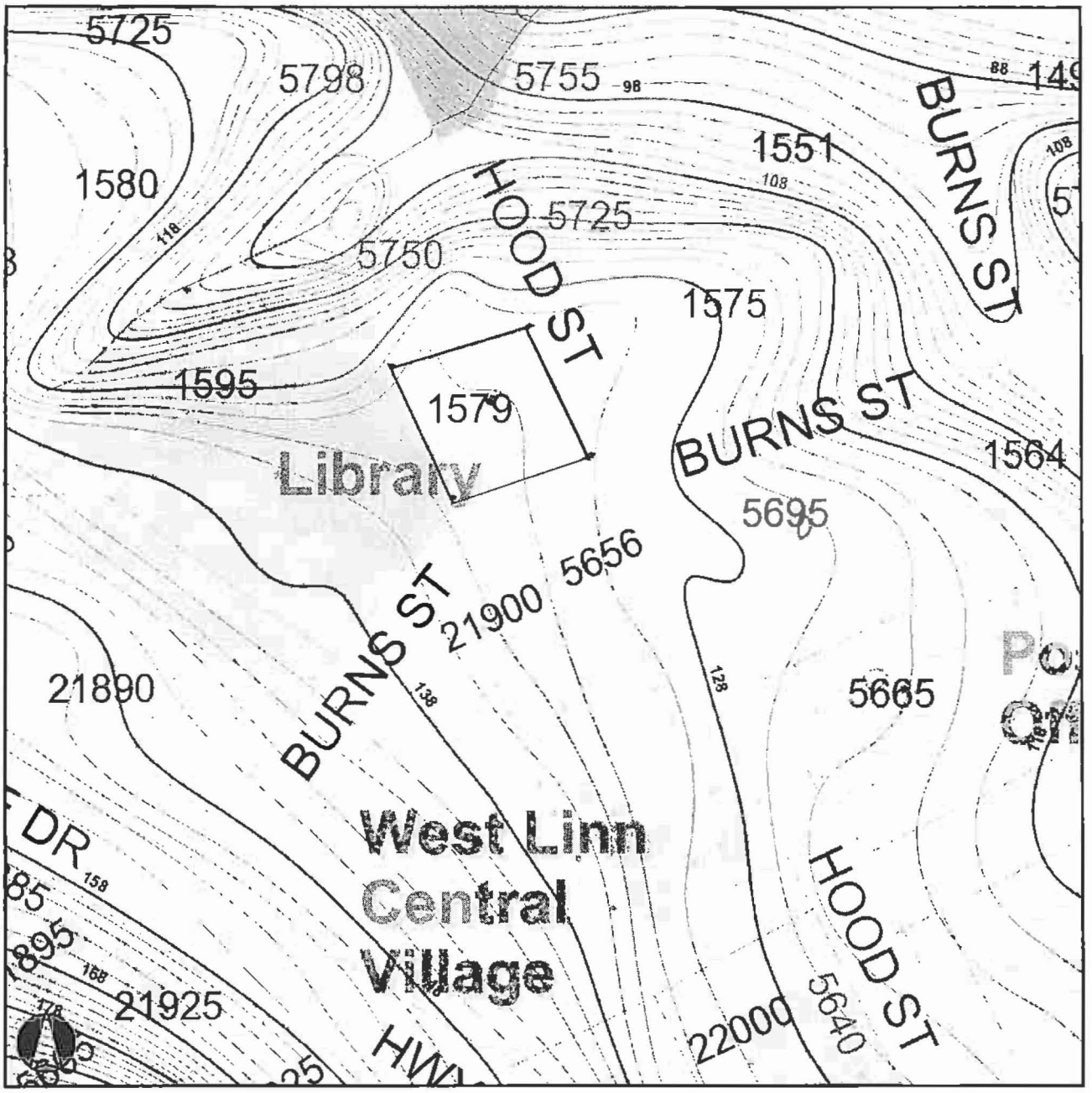

Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

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ENTER

First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:

Prepared By:
Customer Service Department
222 SW Columbia St, Suite 400 - Portland, Oregon 97201
Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: Coston William R Trustee	*Ref Parcel Number*	: 22E30BD02401
CoOwner	:	*T*: 02S *R*: 02E *S*: 30 *Q*: 250	
Site Address	: 5750 Hood St West Linn 97068	*Parcel Number*	: 01561508
Mail Address	: PO Box 387 West Linn Or 97068		
Telephone	: *Owner*: *Tenant*:	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	:	*Loan Amount*	:
Document #	: 73-03568	*Lender*	:
Sale Price	:	*Loan Type*	:
Deed Type	:	*Interest Rate*	:
% Owned	:	*Vesting Type*	:

PROPERTY DESCRIPTION

Map Page & Grid	: 687 B6
Census	: *Tract*: 206.00 *Block*: 1
Improvement Type	: 000 *unknown Improvement Code*
Subdivision/Plat	:
Neighborhood Cd	:
Land Use	: 100 Vacant,Residential Land
Legal	: 1993-61 PARTITION PLAT PARCEL 2 368
	: WEST OREGON CITY PT LT E
	:

ASSESSMENT AND TAX INFORMATION

MktLand	: $59,292
MktStructure	:
MktTotal	: $59,292
M50 Assd Total	: $31,689
% Improved	:
09-10 Taxes	: $586.94
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	:	*Building SF*	:	*Stories*	:
Bathrooms	:	*1st Floor SF*	:	*Garage SF*	:
Fireplace	:	*Above Ground SF*	:	*Lot Acres*	: .29
Heat Type	:	*Upper Finished SF*	:	*Lot SF*	: 12,612
Interior Material	:	*Unfin Upper Story*	:	*Year Built*	:
Exterior Finish	:	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	:	*Finished SF*	:	*Appraisal Area*	:
Roof Type	:	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	:	*Basement Unfin SF*	:	*Utility District*	:
Foundation	:	*Basement Total SF*	:		

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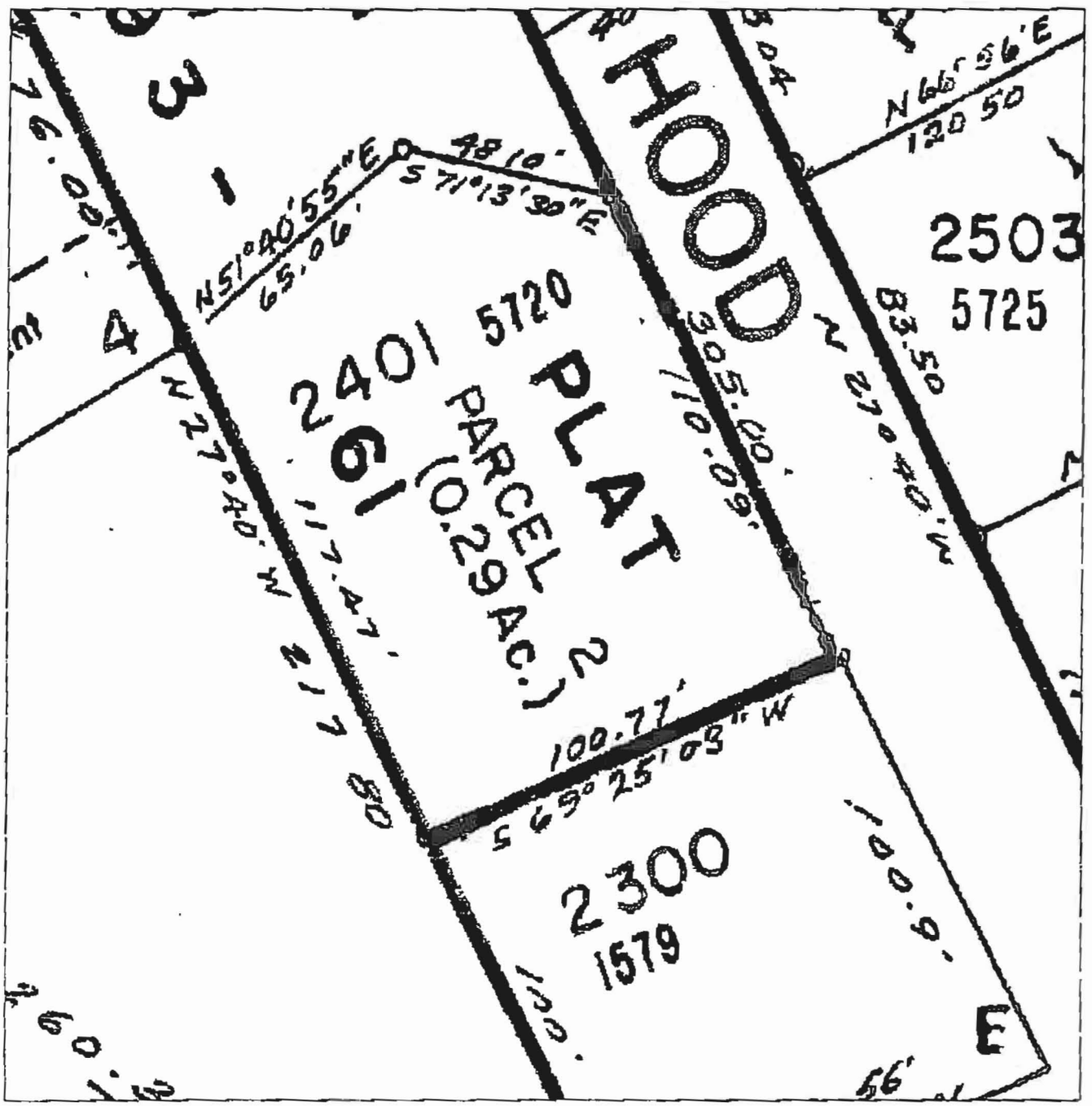
Reference Parcel Number 22E30BD02401



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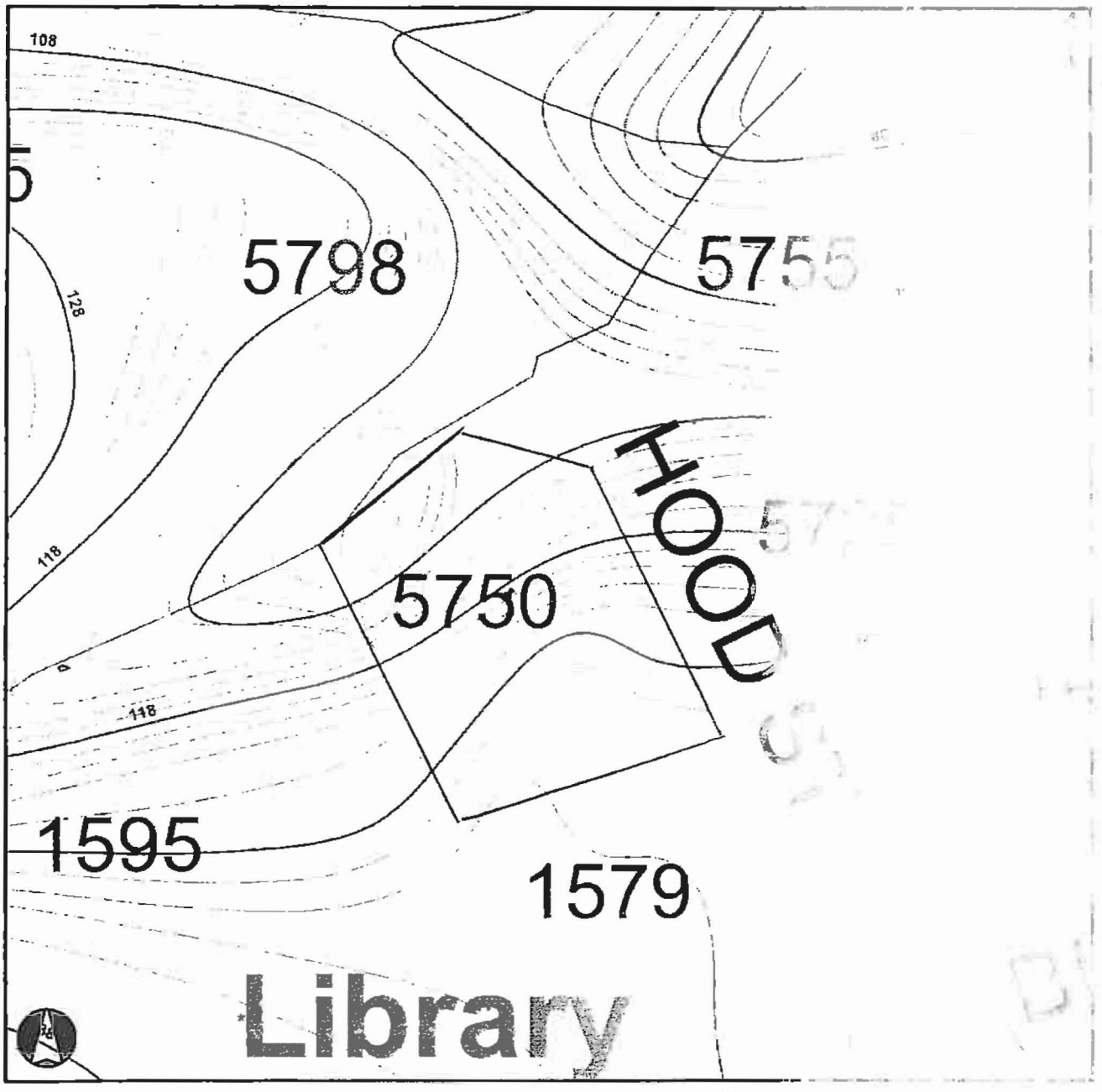

Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10

2 Foot Interval Contours

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First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:

Prepared By:
Customer Service Department
222 SW Columbia St, Suite 400 - Portland, Oregon 97201
Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: Lommen Erin Thonette & Jay H Mead	*Ref Parcel Number*	: 22E30CA00500
CoOwner	:	*T*: 02S *R*: 02E *S*: 30 *Q*: 252	
Site Address	: 1564 Burns St West Linn 97068	*Parcel Number*	: 00565631
Mail Address	: 3840 Calaroga Dr West Linn Or 97068		
Telephone	: *Owner:* *Tenant:*	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 11/02/2005	*Loan Amount*	:
Document #	: 05-114473	*Lender*	:
Sale Price	: $300,000	*Loan Type*	:
Deed Type	:	*Interest Rate*	:
% Owned	: 100	*Vesting Type*	:

PROPERTY DESCRIPTION

Map Page & Grid	: 687 B6
Census	: *Tract*: 206.00 *Block*: 1
Improvement Type	: 142 Sgl Family,R1-4,1-Story (Basement)
Subdivision/Plat	: West Oregon City
Neighborhood Cd	:
Land Use	: 101 Res,Residential Land,Improved
Legal	: 469 UNIT D WEST ORE CITY LT 33
	:
	:

ASSESSMENT AND TAX INFORMATION

MktLand	: $122,641
MktStructure	: $223,350
MktTotal	: $345,991
M50 Assd Total	: $175,813
% Improved	: 65
09-10 Taxes	: $3,256.41
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	: 3	*Building SF*	: 2,520	*Stories*	: 1 Story-Bsmt
Bathrooms	: 2.00	*1st Floor SF*	: 1,538	*Garage SF*	:
Fireplace	: Stacked	*Above Ground SF*	: 1,538	*Lot Acres*	: .50
Heat Type	: Forced Air-Gas	*Upper Finished SF*	:	*Lot SF*	: 21,612
Interior Material	: Drywall	*Unfin Upper Story*	:	*Year Built*	: 1957
Exterior Finish	: Bevel Siding	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	: Carpet	*Finished SF*	: 1,538	*Appraisal Area*	:
Roof Type	: Composition	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	: Hip	*Basement Unfin SF*	: 1,346	*Utility District*	:
Foundation	: Concrete	*Basement Total SF*	: 1,346		

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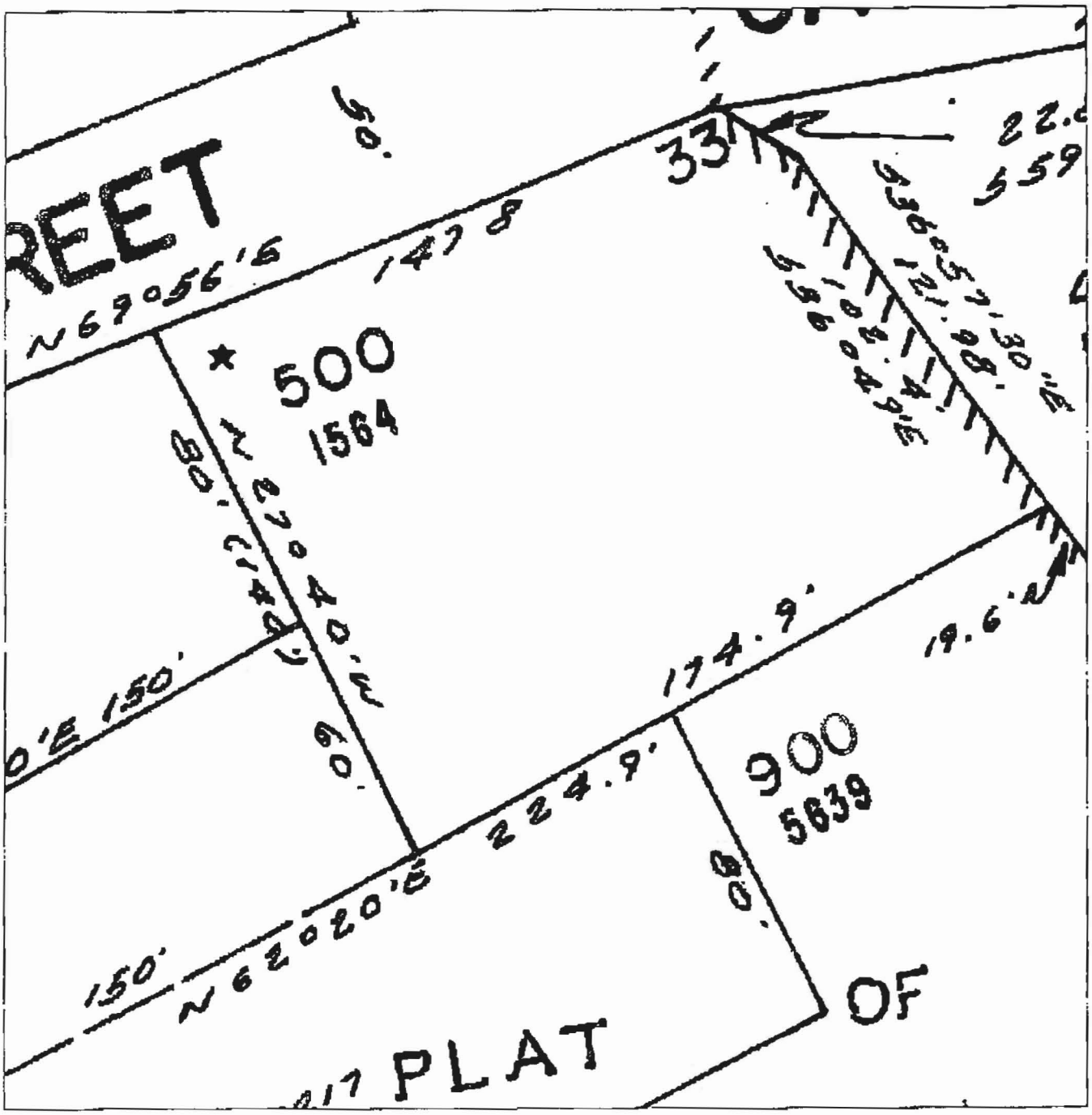
Reference Parcel Number 22E30CA00500



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Reference Parcel Number 22E30CA00500

#10

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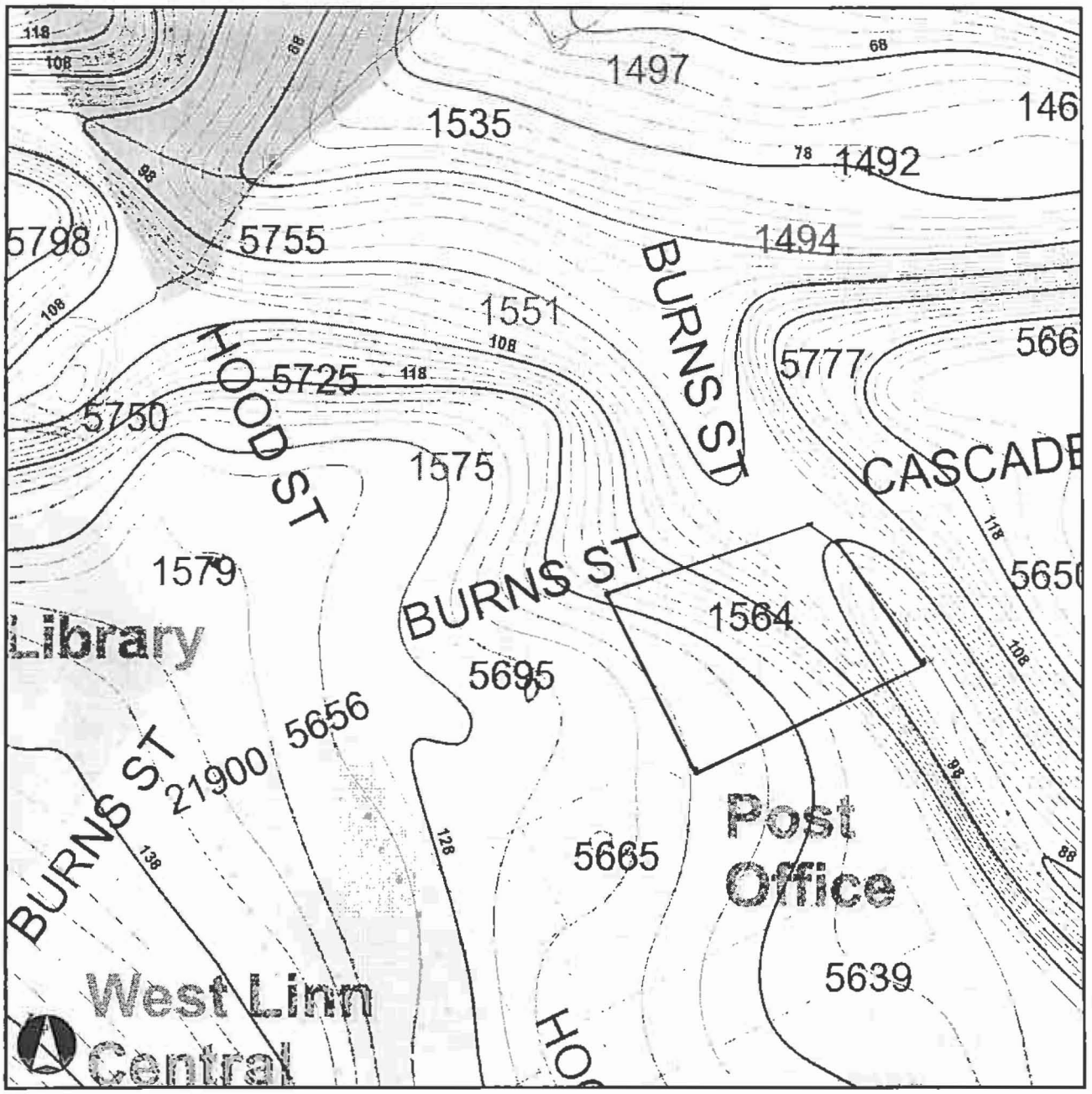

Addresses, MAF

Parcel Lines

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2 Foot Interval Contours

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First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:

Prepared By:
Customer Service Department
222 SW Columbia St, Suite 400 - Portland, Oregon 97201
Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: Dawson Larry/Sheri	*Ref Parcel Number*	: 22E30CA00600
CoOwner	:	*T*: 02S *R*: 02E *S*: 30 *Q*: 252	
Site Address	: 5695 Hood St West Linn 97068	*Parcel Number*	: 00565640
Mail Address	: 13442 Galium Black Butte Ranch Or 97759		
Telephone	: *Owner*: *Tenant*:	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 03/29/2010	*Loan Amount*	:
Document #	: 10 018618	*Lender*	:
Sale Price	:	*Loan Type*	:
Deed Type	: Bargain & Sale	*Interest Rate*	:
% Owned	: 100	*Vesting Type*	: Estate By Entire

PROPERTY DESCRIPTION

Map Page & Grid	: 687 B6
Census	: *Tract*: 206.00 *Block*: 1
Improvement Type	: 142 Sgl Family,R1-4,1-Story (Basement)
Subdivision/Plat	: West Oregon City
Neighborhood Cd	:
Land Use	: 201 Com,Commercial Land,Improved
Legal	: 469 UNIT D WEST ORE CITY PT LT 32
	:
	:

ASSESSMENT AND TAX INFORMATION

MktLand	: $127,135
MktStructure	: $248,900
MktTotal	: $376,035
M50 Assd Total	: $283,496
% Improved	: 66
09-10 Taxes	: $5,068.55
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	:	*Building SF*	:	*Stories*	: 1 Story-Bsmt
Bathrooms	:	*1st Floor SF*	: 1,158	*Garage SF*	:
Fireplace	: Stacked	*Above Ground SF*	: 1,158	*Lot Acres*	: .31
Heat Type	: Forced Air-Oil	*Upper Finished SF*	:	*Lot SF*	: 13,542
Interior Material	: Drywall	*Unfin Upper Story*	:	*Year Built*	: 1954
Exterior Finish	: Bevel Siding	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	: Carpet	*Finished SF*	: 2,316	*Appraisal Area*	:
Roof Type	: Composition	*Basement Fin SF*	: 1,158	*School District*	: 003
Roof Shape	: Hip	*Basement Unfin SF*	:	*Utility District*	:
Foundation	: Concrete	*Basement Total SF*	: 1,158		

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First American Title Insurance Company of Oregon

An assumed business name of TITLE INSURANCE COMPANY OF OREGON

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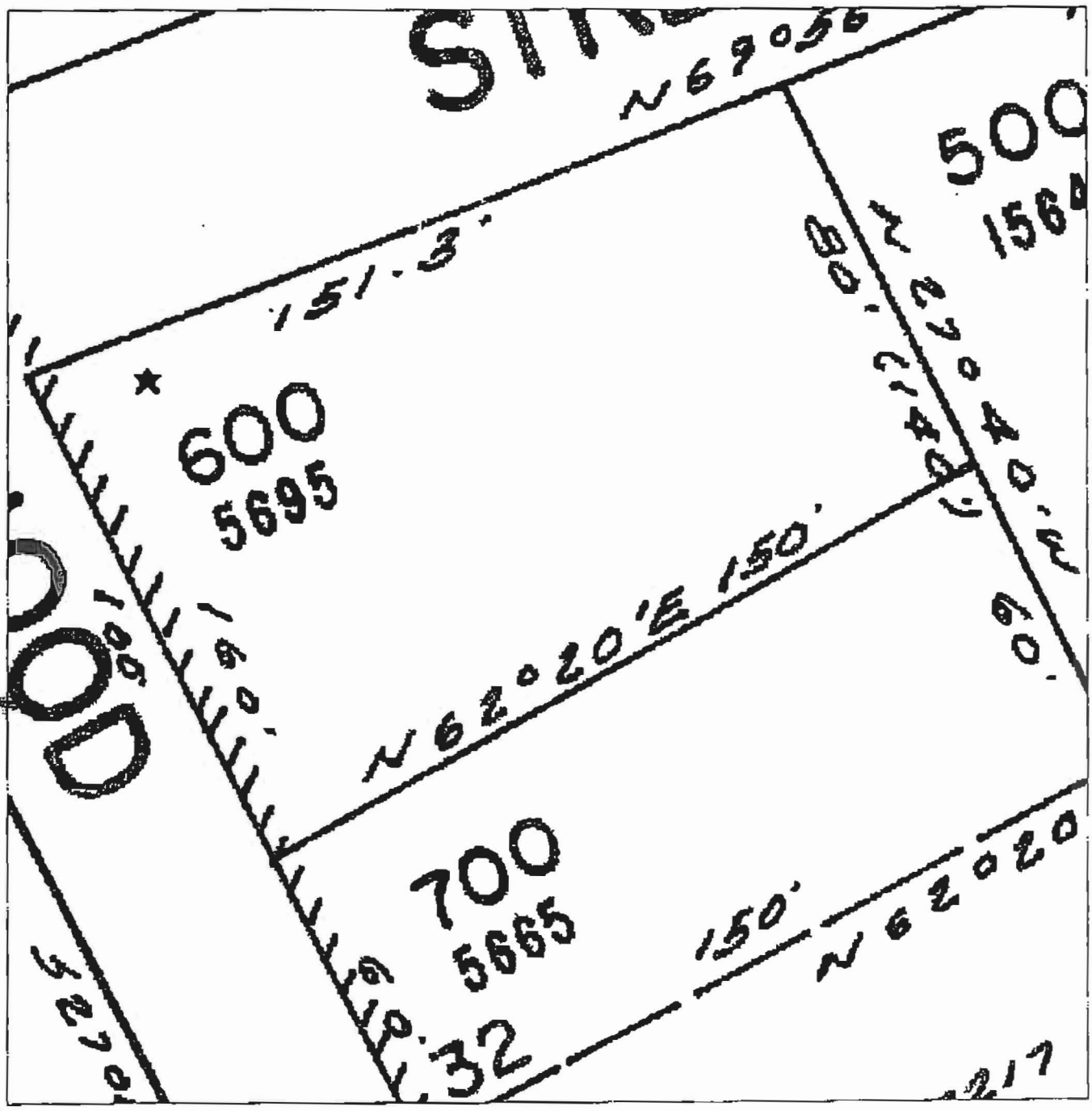
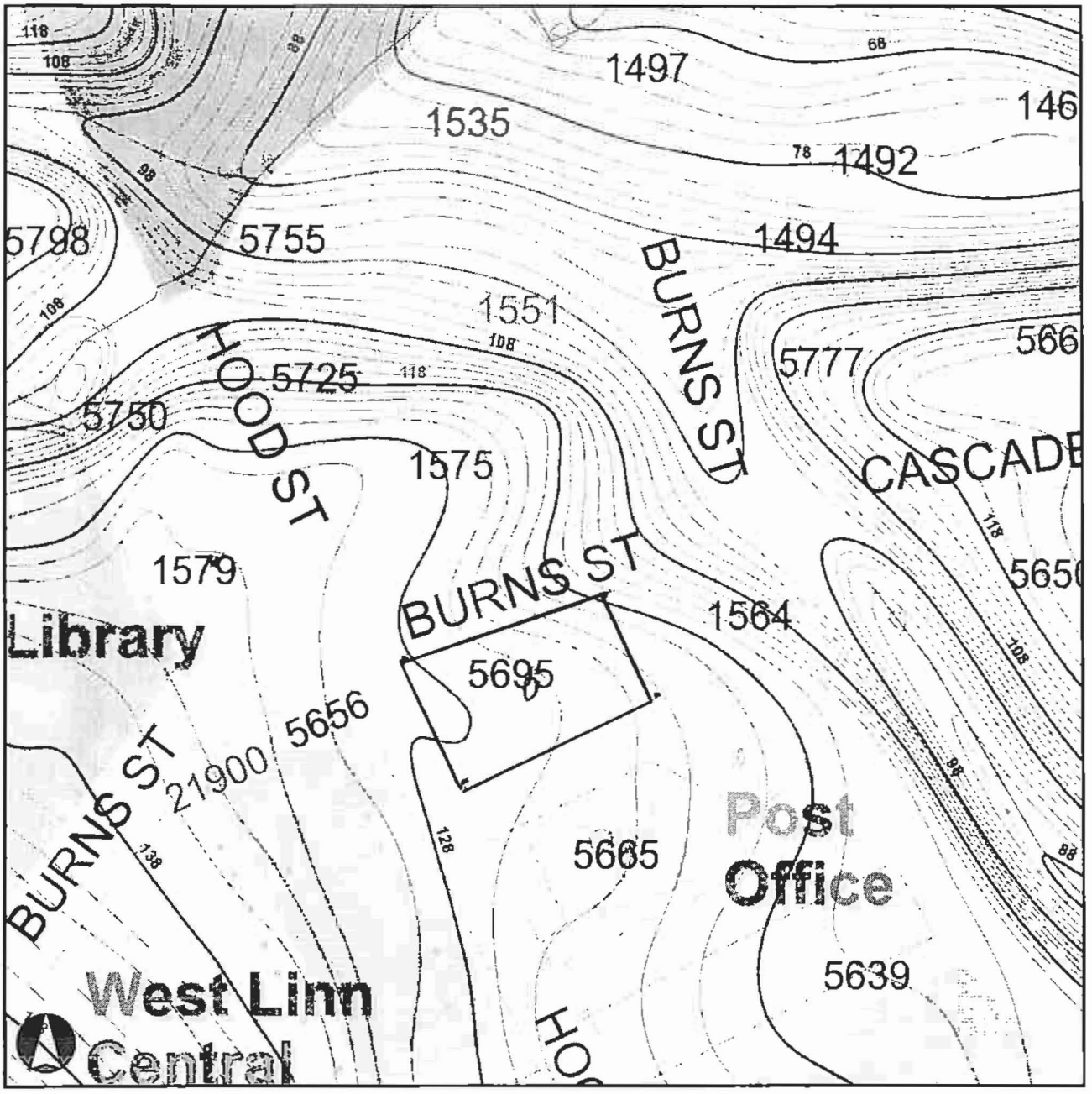
Reference Parcel Number 22E30CA00600



#11

West Linn GIS Map



Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

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First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:	Prepared By:
	Customer Service Department 222 SW Columbia St, Suite 400 - Portland, Oregon 97201 Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: West Linn Shopping Ctr Assoc LLC	*Ref Parcel Number*	: 22E30CA00900
CoOwner	:	*T*: 02S *R*: 02E *S*: 30 *Q*: 252	
Site Address	: 5639 Hood St West Linn 97068	*Parcel Number*	: 00565668
Mail Address	: 19767 SW 72nd Ave #100 Tualatin Or 97062		
Telephone	: *Owner*: *Tenant*:	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 05/16/2003	*Loan Amount*	: $5,660,000
Document #	: 003-061767 Multi-Parcel	*Lender*	: West Coast Bk
Sale Price	: $5,400,000	*Loan Type*	: Line of Credit
Deed Type	: Bargain & Sale	*Interest Rate*	:Fixed
% Owned	: 100	*Vesting Type*	: Corporation

PROPERTY DESCRIPTION

Map Page & Grid	: 687 B6
Census	: *Tract*: 206.00 *Block*: 1
Improvement Type	: 480 Service Stations
Subdivision/Plat	: West Oregon City
Neighborhood Cd	:
Land Use	: 201 Com,Commercial Land,Improved
Legal	: SUBDIVISION UNIT D WEST OREGON CITY : 469 LTS 28-30 & PT LT 31 :

ASSESSMENT AND TAX INFORMATION

MktLand	: $1,551,870
MktStructure	: $3,792,540
MktTotal	: $5,344,410
M50 Assd Total	: $3,299,383
% Improved	: 71
09-10 Taxes	: $61,111.17
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	:	*Building SF*	:	*Stories*	:
Bathrooms	:	*1st Floor SF*	:	*Garage SF*	:
Fireplace	:	*Above Ground SF*	:	*Lot Acres*	: 3.50
Heat Type	:	*Upper Finished SF*	:	*Lot SF*	: 152,620
Interior Material	:	*Unfin Upper Story*	:	*Year Built*	: 1973
Exterior Finish	:	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	:	*Finished SF*	:	*Appraisal Area*	:
Roof Type	:	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	:	*Basement Unfin SF*	:	*Utility District*	:
Foundation	:	*Basement Total SF*	:		

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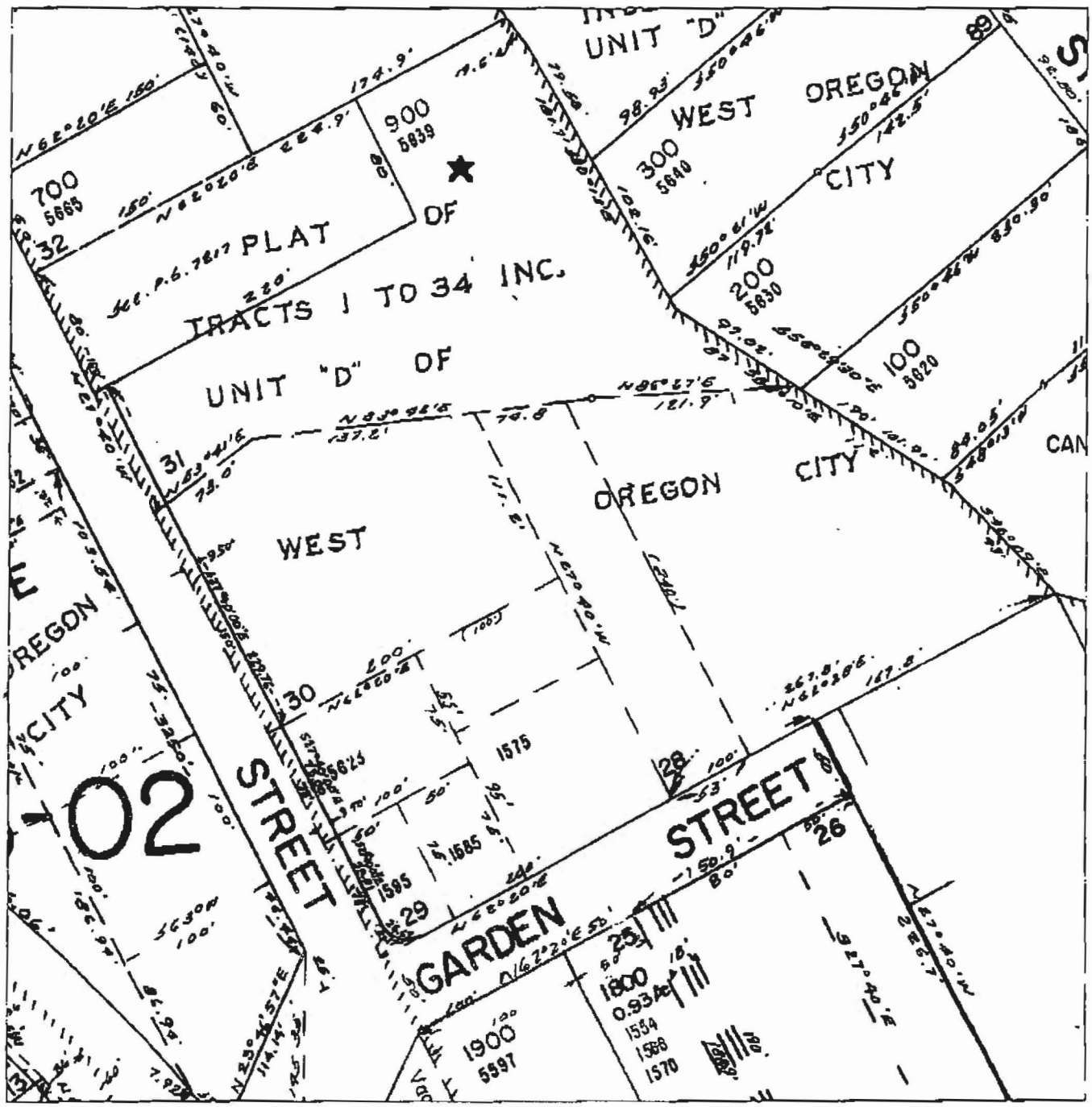
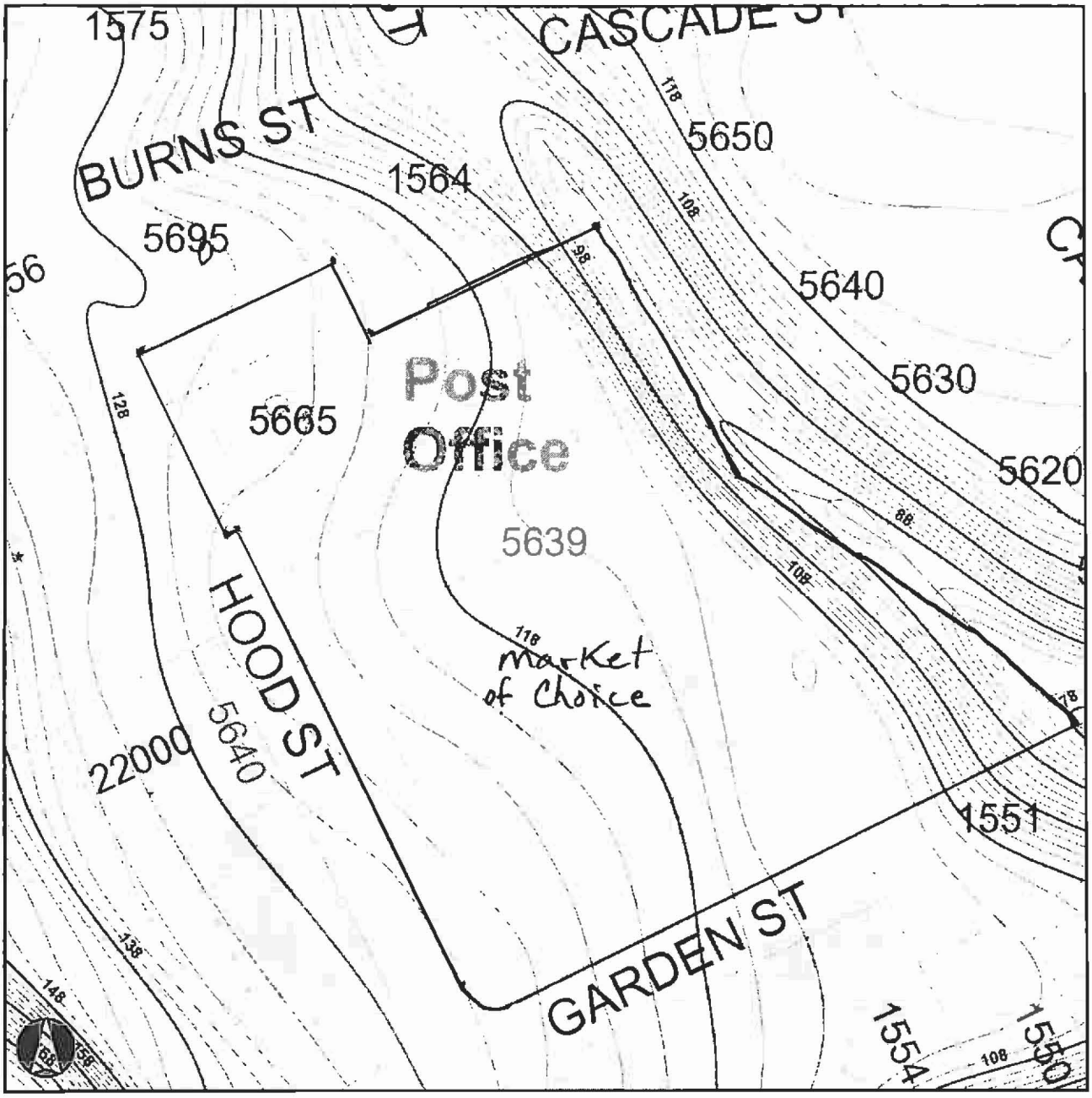
Reference Parcel Number 22E30CA00900



West Linn GIS Map

12, 13



Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

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MARKET OF CHO

First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:

Prepared By:
Customer Service Department
222 SW Columbia St, Suite 400 - Portland, Oregon 97201
Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: West Linn Shopping Ctr Assoc LLC	*Ref Parcel Number*	: 22E30CA00700
CoOwner	:	*T*: 02S *R*: 02E *S*: 30 *Q*: 252	
Site Address	: 5665 Hood St West Linn 97068	*Parcel Number*	: 00565659
Mail Address	: 19767 SW 72nd Ave #100 Tualatin Or 97062		
Telephone	: *Owner*: *Tenant*:	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 05/16/2003	*Loan Amount*	: $5,660,000
Document #	: 003-061767 Multi-Parcel	*Lender*	: West Coast Bk
Sale Price	: $5,400,000	*Loan Type*	: Line of Credit
Deed Type	: Bargain & Sale	*Interest Rate*	:Fixed
% Owned	: 100	*Vesting Type*	: Corporation

PROPERTY DESCRIPTION

Map Page & Grid	: 687 B6
Census	: *Tract*: 206.00 *Block*: 1
Improvement Type	: 450 Offices
Subdivision/Plat	: West Oregon City
Neighborhood Cd	:
Land Use	: 201 Com,Commercial Land,Improved
Legal	: 469 UNIT D WEST ORE CITY PT LTS
	: 31&32
	:

ASSESSMENT AND TAX INFORMATION

MktLand	: $284,347
MktStructure	: $375,230
MktTotal	: $659,577
M50 Assd Total	: $380,545
% Improved	: 57
09-10 Taxes	: $7,048.46
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	:	*Building SF*	:	*Stories*	:
Bathrooms	:	*1st Floor SF*	:	*Garage SF*	:
Fireplace	:	*Above Ground SF*	:	*Lot Acres*	: .62
Heat Type	:	*Upper Finished SF*	:	*Lot SF*	: 27,016
Interior Material	:	*Unfin Upper Story*	:	*Year Built*	: 1968
Exterior Finish	:	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	:	*Finished SF*	:	*Appraisal Area*	:
Roof Type	:	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	:	*Basement Unfin SF*	:	*Utility District*	:
Foundation	:	*Basement Total SF*	:		

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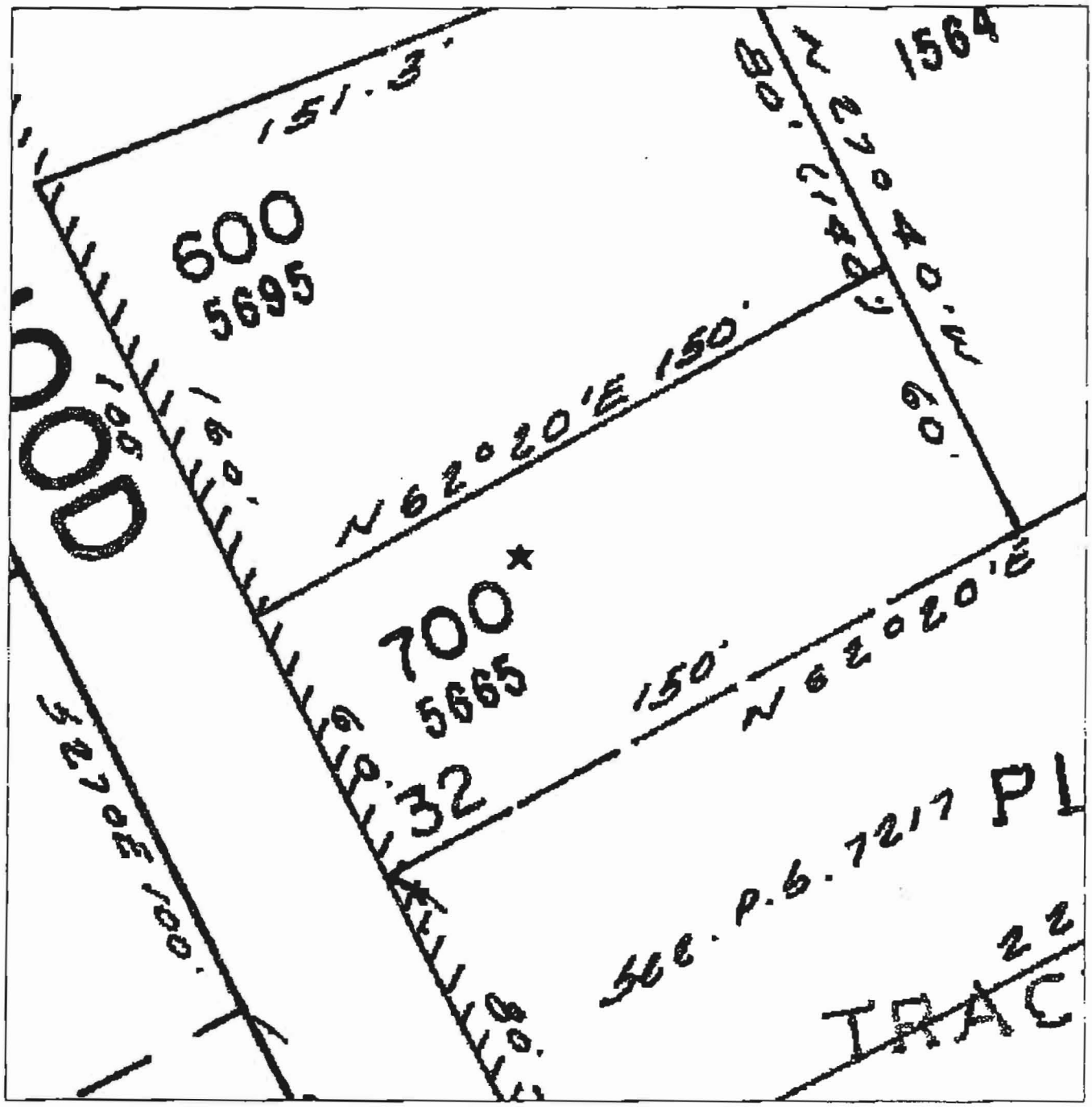
Reference Parcel Number 22E30CA00700



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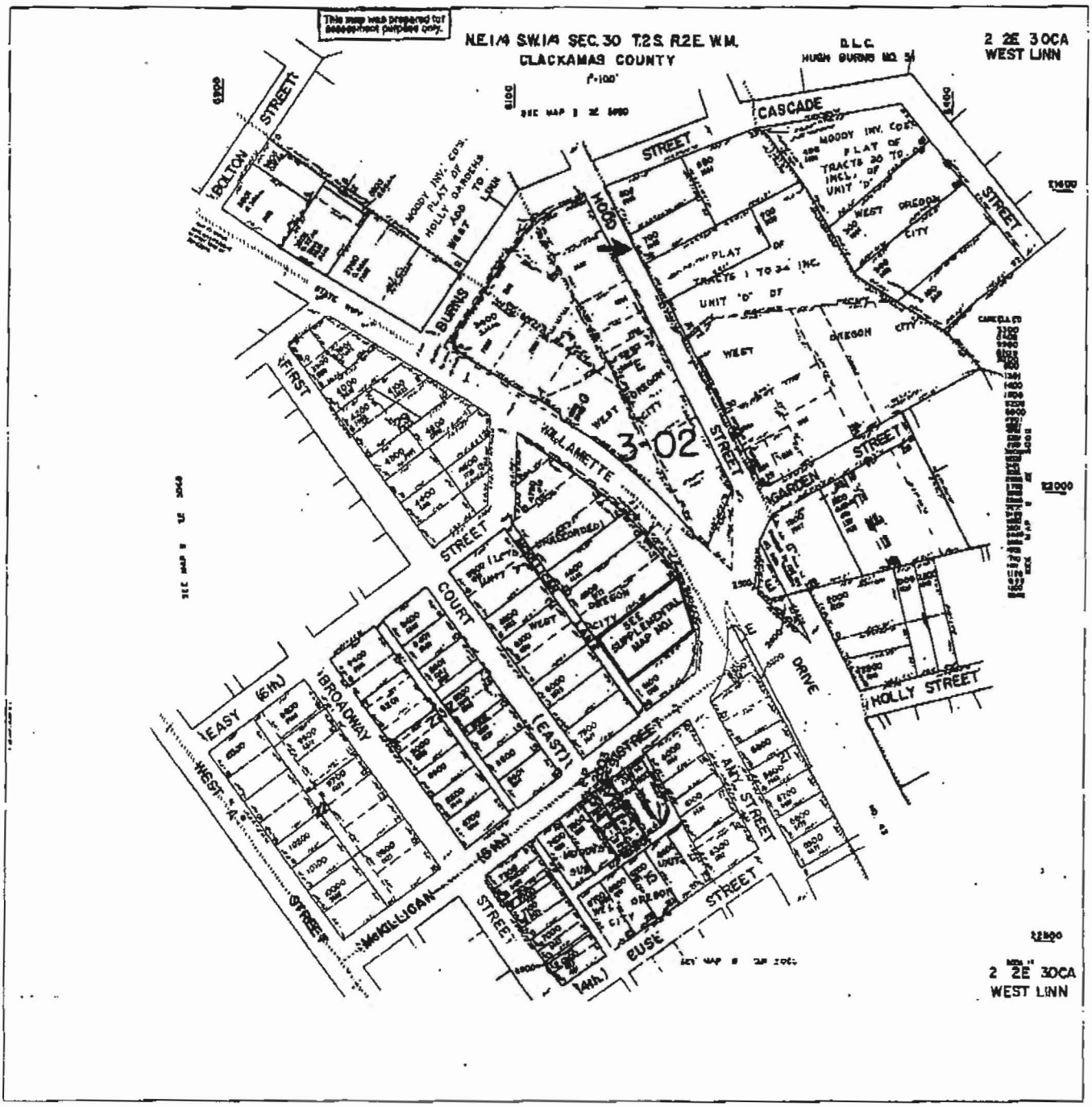
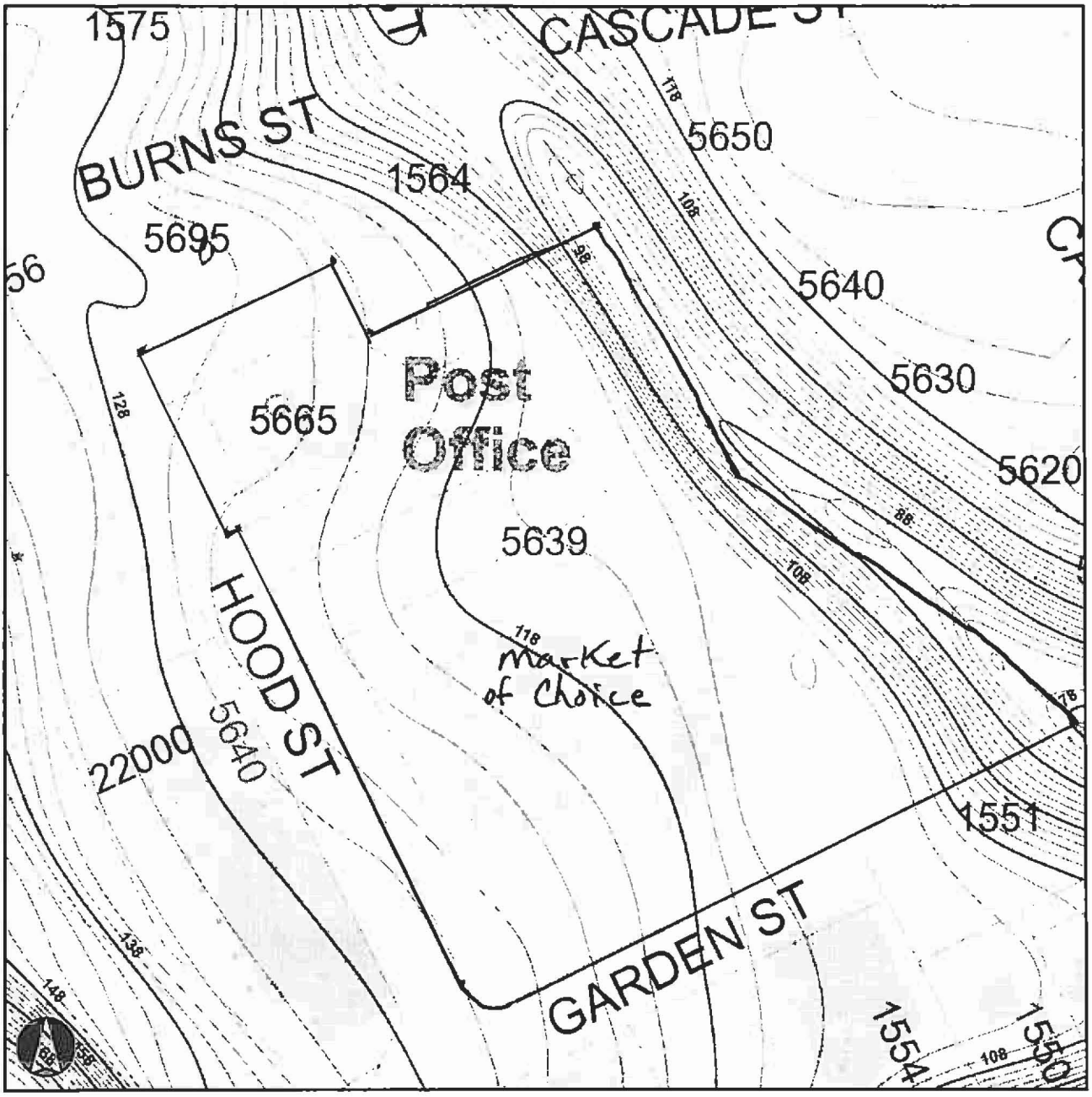
Reference Parcel Number 22E30CA00700



West Linn GIS Map

12, 13



Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

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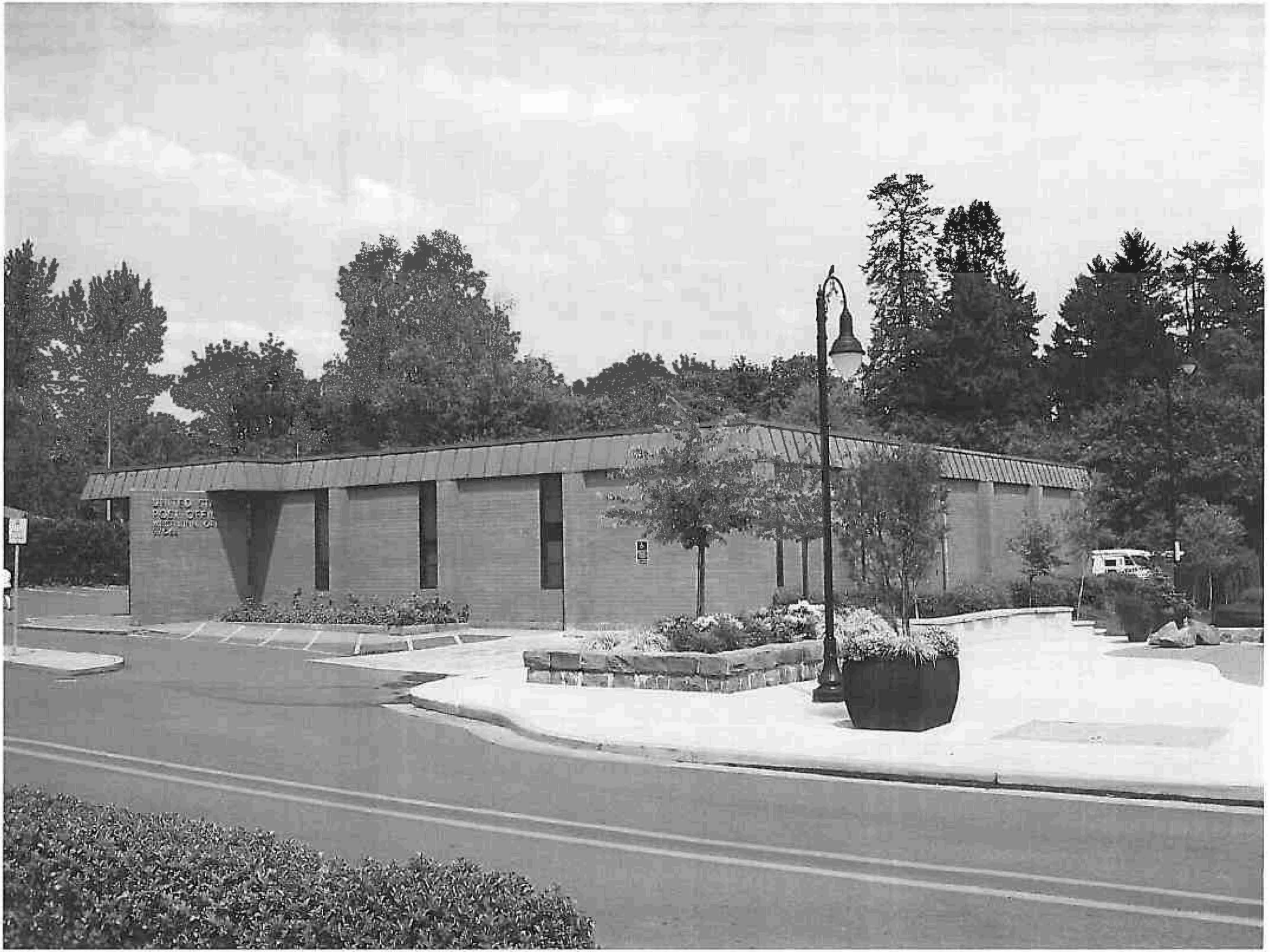

First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:

Prepared By:
Customer Service Department
222 SW Columbia St, Suite 400 - Portland, Oregon 97201
Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: West Linn Shopping Ctr Assoc LLC	*Ref Parcel Number*	: 22E30CA03400
CoOwner	:	*T*: 02S *R*: 02E	*S*: 30 *Q*: 252
Site Address	: 22000 Willamette Dr West Linn 97068	*Parcel Number*	: 00565891
Mail Address	: 19767 SW 72nd Ave #100 Tualatin Or 97062		
Telephone	: *Owner*: *Tenant*:	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 12/08/2006	*Loan Amount*	:
Document #	: 06-115133	*Lender*	:
Sale Price	:	*Loan Type*	:
Deed Type	:	*Interest Rate*	:
% Owned	: 100	*Vesting Type*	:

PROPERTY DESCRIPTION

Map Page & Grid	: 687 B6
Census	: *Tract*: 206.00 *Block*: 1
Improvement Type	: 310 Misc Yard Improvments
Subdivision/Plat	: West Oregon City
Neighborhood Cd	:
Land Use	: 201 Com,Commercial Land,Improved
Legal	: SUBDIVISION WEST OREGON CITY 368 PT : LTS E G & PT SEC :

ASSESSMENT AND TAX INFORMATION

MktLand	: $2,539,581
MktStructure	: $18,057,460
MktTotal	: $20,597,041
M50 Assd Total	: $12,754,551
% Improved	: 88
09-10 Taxes	: $236,239.80
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	:	*Building SF*	:	*Stories*	:
Bathrooms	:	*1st Floor SF*	:	*Garage SF*	:
Fireplace	:	*Above Ground SF*	:	*Lot Acres*	: 3.11
Heat Type	:	*Upper Finished SF*	:	*Lot SF*	: 135,472
Interior Material	:	*Unfin Upper Story*	:	*Year Built*	:
Exterior Finish	:	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	:	*Finished SF*	:	*Appraisal Area*	:
Roof Type	:	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	:	*Basement Unfin SF*	:	*Utility District*	:
Foundation	:	*Basement Total SF*	:		

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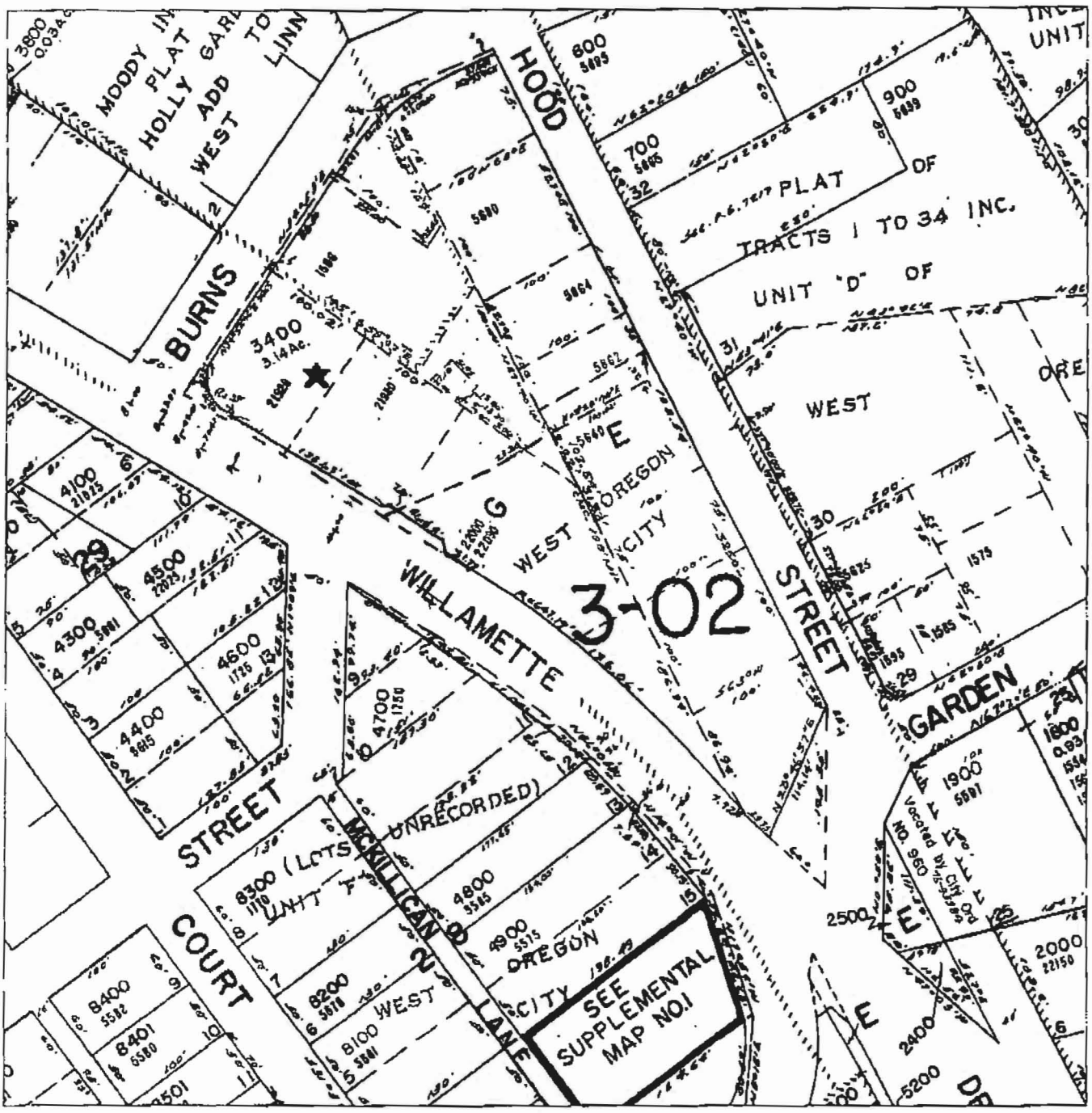
Reference Parcel Number 22E30CA03400



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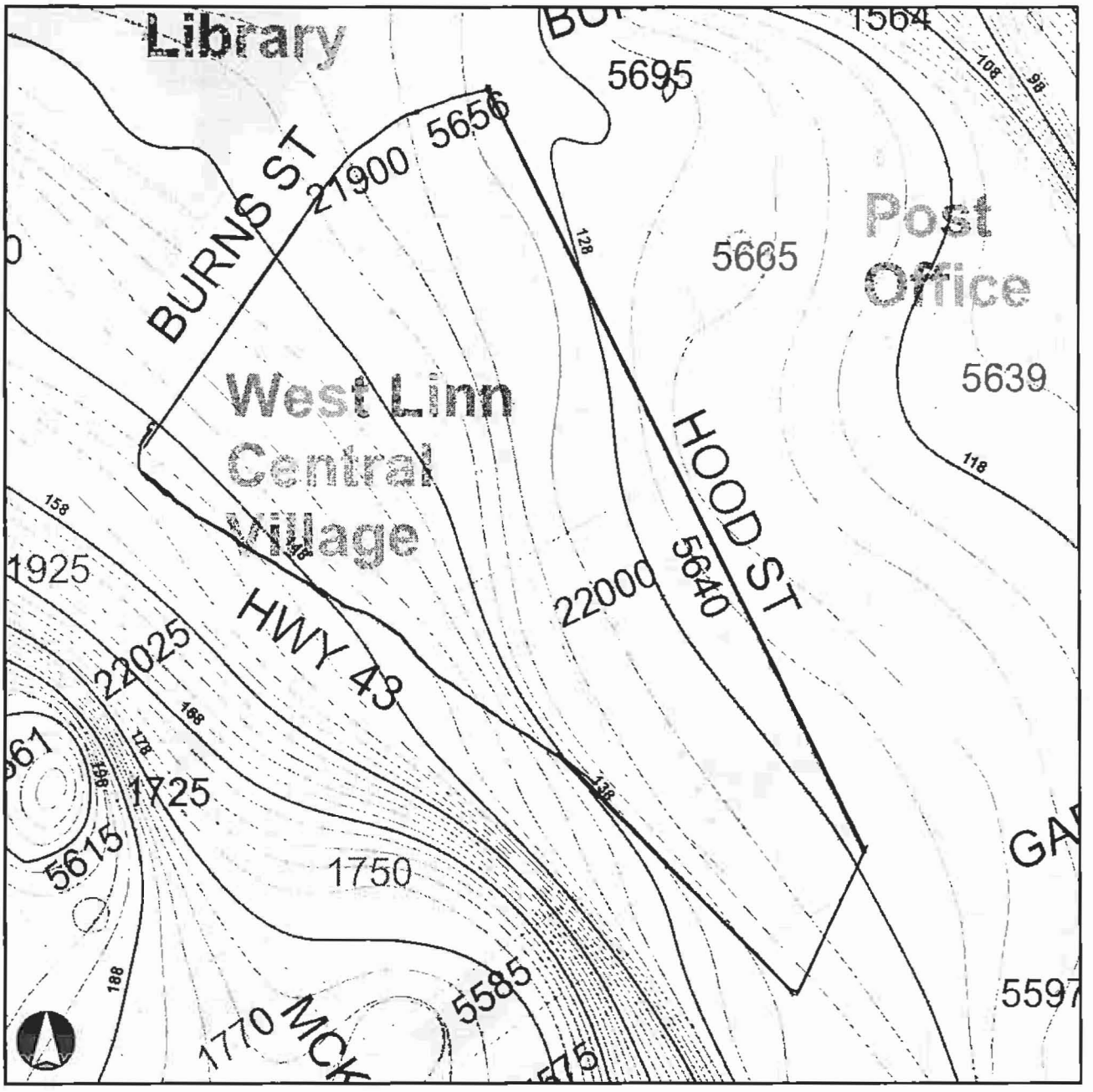
West Linn GIS Map



Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

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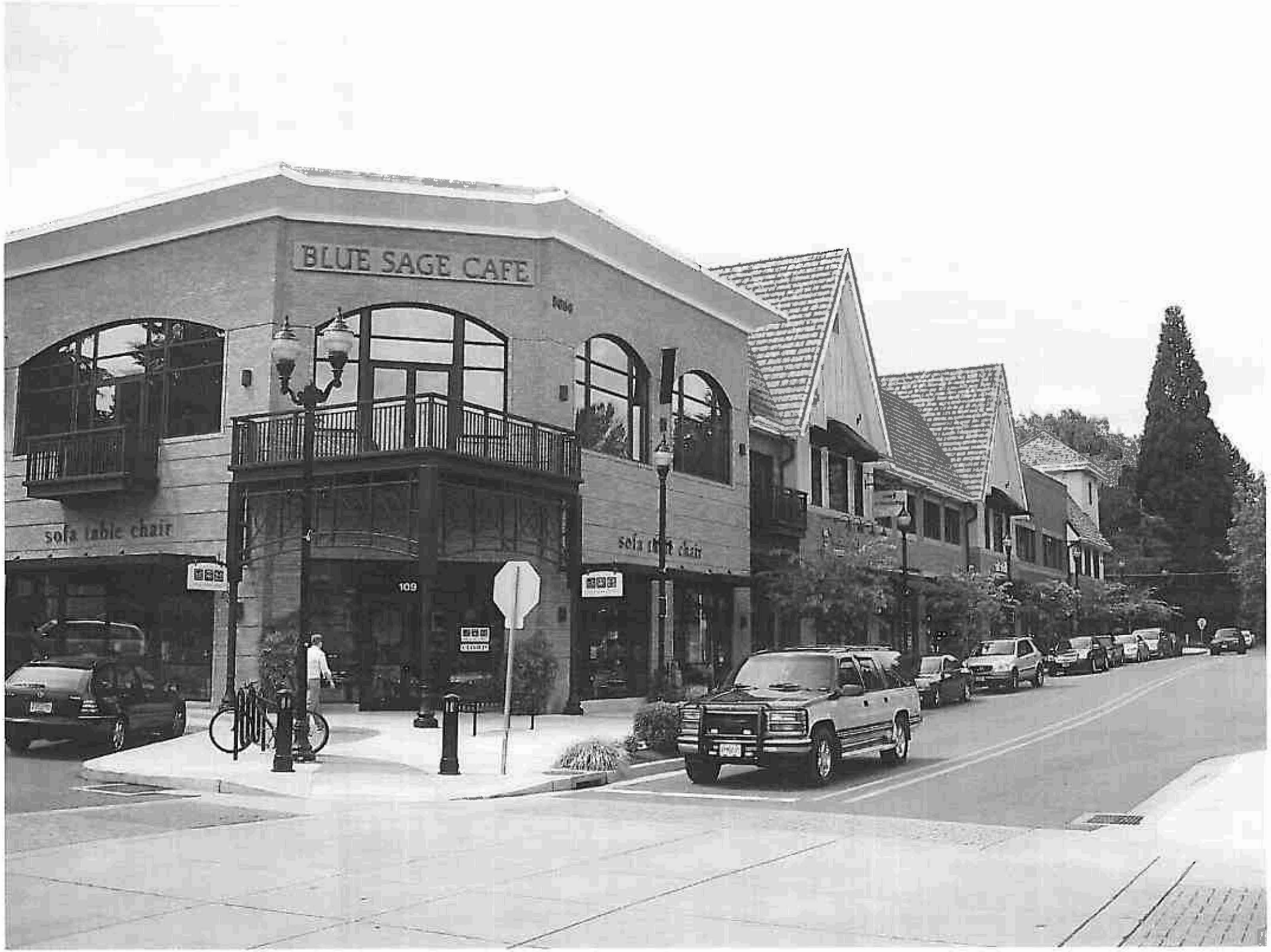
BLUE SAGE CAFE
109

21900
(five-0-three)
restaurant & bar
201
VIA LAGO

STOP
4-WAY

First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:

Prepared By:
Customer Service Department
222 SW Columbia St, Suite 400 - Portland, Oregon 97201
Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: West Linn Shopping Ctr Assoc LLC	*Ref Parcel Number*	: 22E30CA01800
CoOwner	:	*T*: 02S *R*: 02E *S*: 30 *Q*: 252	
Site Address	: 1570 Garden St West Linn 97068	*Parcel Number*	: 00565739
Mail Address	: 19767 SW 72nd Ave #100 Tualatin Or 97062		
Telephone	: *Owner*: *Tenant*:	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 05/16/2003	*Loan Amount*	: $5,660,000
Document #	: 003-061767 Multi-Parcel	*Lender*	: West Coast Bk
Sale Price	: $5,400,000	*Loan Type*	: Line of Credit
Deed Type	: Bargain & Sale	*Interest Rate*	:Fixed
% Owned	: 100	*Vesting Type*	: Corporation

PROPERTY DESCRIPTION

Map Page & Grid	: 687 C6
Census	: *Tract*: 206.00 *Block*: 1
Improvement Type	: 132 Sgl Family,R1-3,1-Story (Basement)
Subdivision/Plat	: West Oregon City
Neighborhood Cd	:
Land Use	: 201 Com,Commercial Land,Improved
Legal	: SUBDIVISION UNIT D WEST OREGON CITY : 469 LT 26 & PT LT 25 :

ASSESSMENT AND TAX INFORMATION

MktLand	: $733,283
MktStructure	: $1,130,860
MktTotal	: $1,864,143
M50 Assd Total	: $1,126,531
% Improved	: 61
09-10 Taxes	: $20,865.61
Exempt Amount	:
Exempt Type	:
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

Bedrooms	:	*Building SF*	:	*Stories*	: 1 Story-Bsmt
Bathrooms	:	*1st Floor SF*	: 1,046	*Garage SF*	:
Fireplace	: Single Fireplce	*Above Ground SF*	: 1,046	*Lot Acres*	: .93
Heat Type	: Forced Air-Oil	*Upper Finished SF*	:	*Lot SF*	: 40,394
Interior Material	: Drywall	*Unfin Upper Story*	:	*Year Built*	: 1947
Exterior Finish	: Shake	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	: Carpet	*Finished SF*	: 1,046	*Appraisal Area*	:
Roof Type	: Composition	*Basement Fin SF*	:	*School District*	: 003
Roof Shape	: Hip	*Basement Unfin SF*	: 920	*Utility District*	:
Foundation	: Concrete	*Basement Total SF*	: 920		

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only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in th

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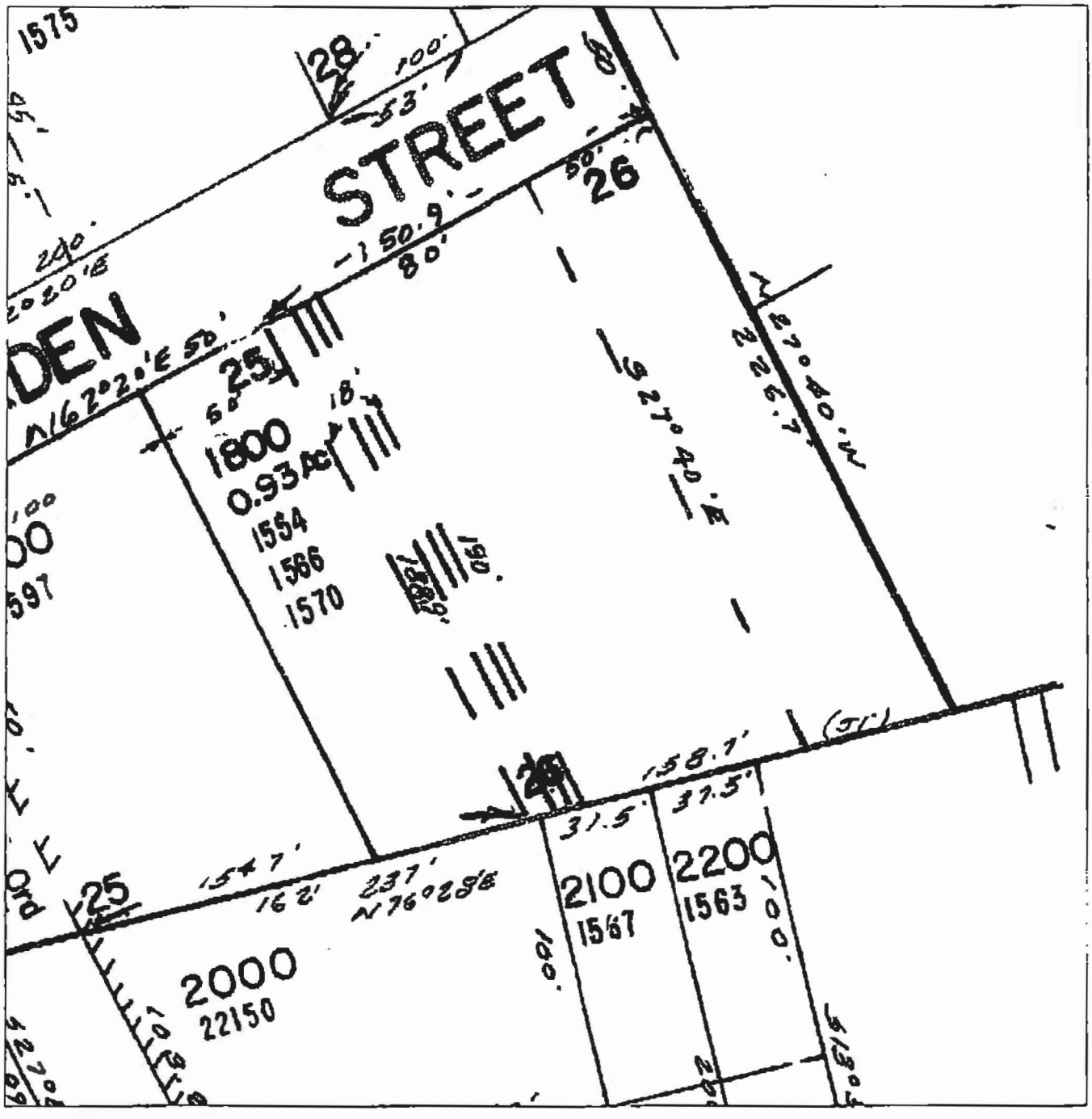
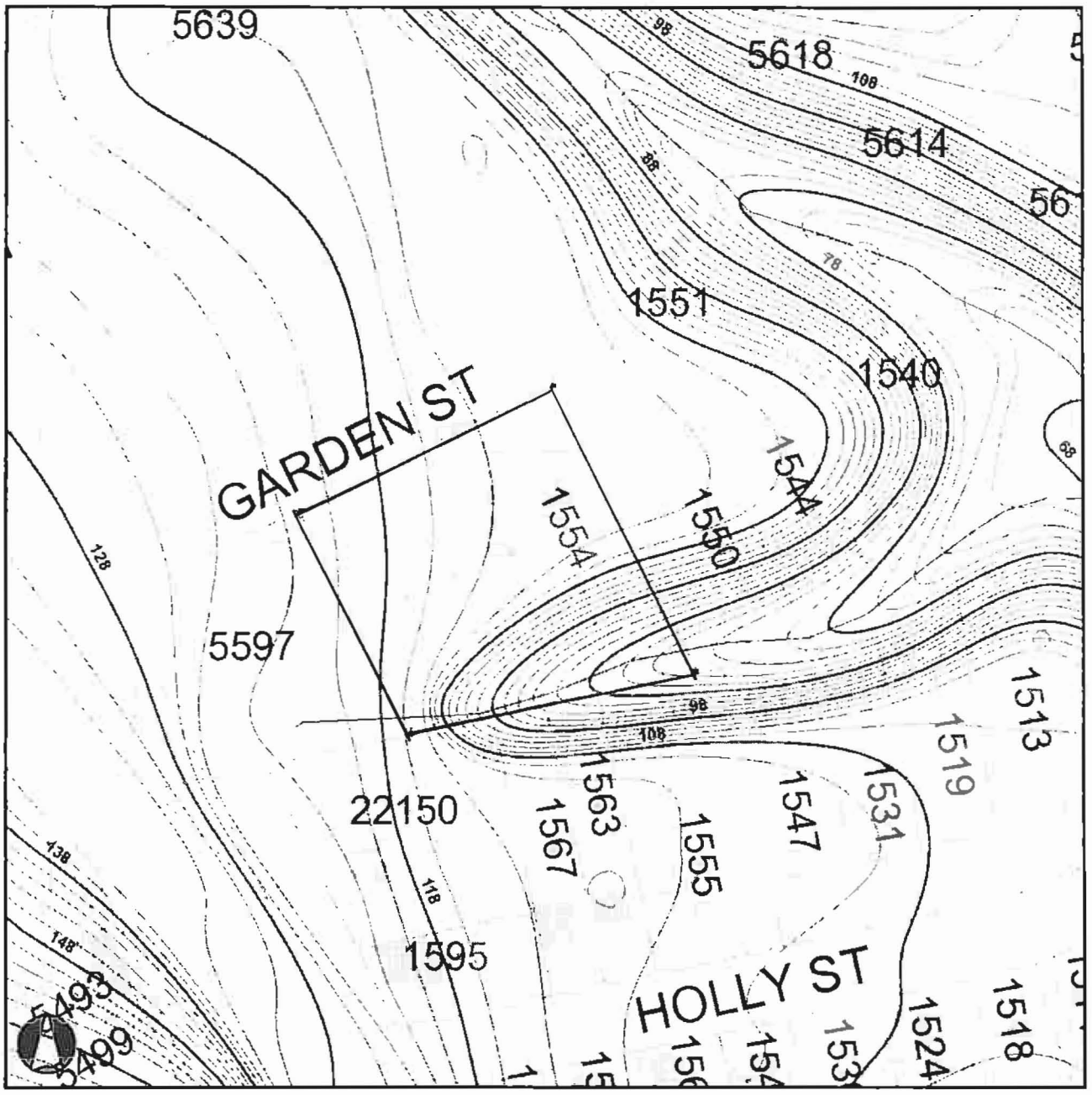
Reference Parcel Number 22E30CA01800



#15

West Linn GIS Map



Addresses, MAF

Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

2010 West Linn GIS Map Disclaimer, click here

WestLinnBasemap_ex1004v1

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1554
1554
OR LEASE

First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:	Prepared By:
	Customer Service Department 222 SW Columbia St, Suite 400 - Portland, Oregon 97201 Phone: (503) 219-TRIO Fax: (503) 790-7872

OWNERSHIP INFORMATION

Owner	: West Linn-Wils Sch Dist #3J	*Ref Parcel Number*	: 22E30CD04500
CoOwner	:	*T*: 02S *R*: 02E *S*: 30 *Q*: 252	
Site Address	: 5290 W A St West Linn 97068	*Parcel Number*	: 00567906
Mail Address	: PO Box 35 West Linn Or 97068		
Telephone	: *Owner:* *Tenant:*	*County*	: **Clackamas (OR)**

SALES AND LOAN INFORMATION

Transferred	: 08/01/1998	*Loan Amount*	:
Document #	: 98-80657	*Lender*	:
Sale Price	: $625,000	*Loan Type*	:
Deed Type	: Warranty	*Interest Rate*	:
% Owned	: 100	*Vesting Type*	:

PROPERTY DESCRIPTION

Map Page & Grid	: 687 B7
Census	: *Tract*: 206.00 *Block*: 2
Improvement Type	: 142 Sgl Family,R1-4,1-Story (Basement)
Subdivision/Plat	: West Oregon City
Neighborhood Cd	:
Land Use	: 401 Tract,Tract Land,Improved
Legal	: 368 WEST OREGON CITY PT LT J
	:
	:

ASSESSMENT AND TAX INFORMATION

MktLand	: $426,498
MktStructure	: $266,780
MktTotal	: $693,278
M50 Assd Total	: $367,451
% Improved	: 38
09-10 Taxes	:
Exempt Amount	: $367,451
Exempt Type	: Other
Levy Code	: 003002
Millage Rate	: 18.5220

PROPERTY CHARACTERISTICS

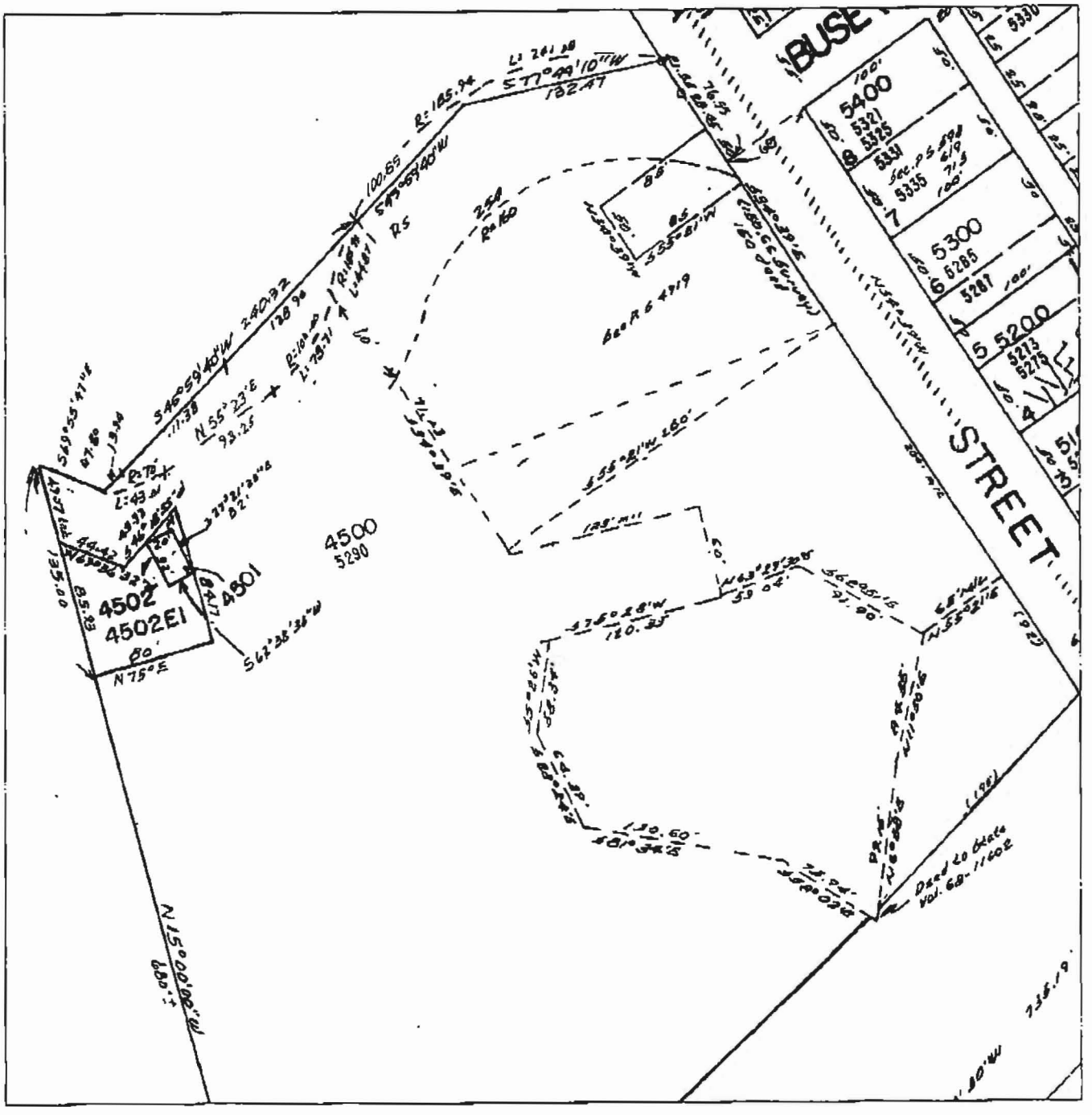
Bedrooms	: 4	*Building SF*	: 2,746	*Stories*	: 1 Story-Bsmt
Bathrooms	: 3.00	*1st Floor SF*	: 1,670	*Garage SF*	:
Fireplace	: Stacked	*Above Ground SF*	: 1,670	*Lot Acres*	: 7.51
Heat Type	: Forced Air-Oil	*Upper Finished SF*	:	*Lot SF*	: 327,315
Interior Material	: Drywall	*Unfin Upper Story*	:	*Year Built*	: 1958
Exterior Finish	: Bevel Siding	*Upper Total SF*	:	*Year Appraised*	:
Floor Cover	: Carpet	*Finished SF*	: 2,746	*Appraisal Area*	:
Roof Type	: Composition	*Basement Fin SF*	: 1,076	*School District*	: 003
Roof Shape	: Hip	*Basement Unfin SF*	: 594	*Utility District*	:
Foundation	: Concrete	*Basement Total SF*	: 1,670		

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in th

First American Title Insurance Company of Oregon
An assumed business name of TITLE INSURANCE COMPANY OF OREGON

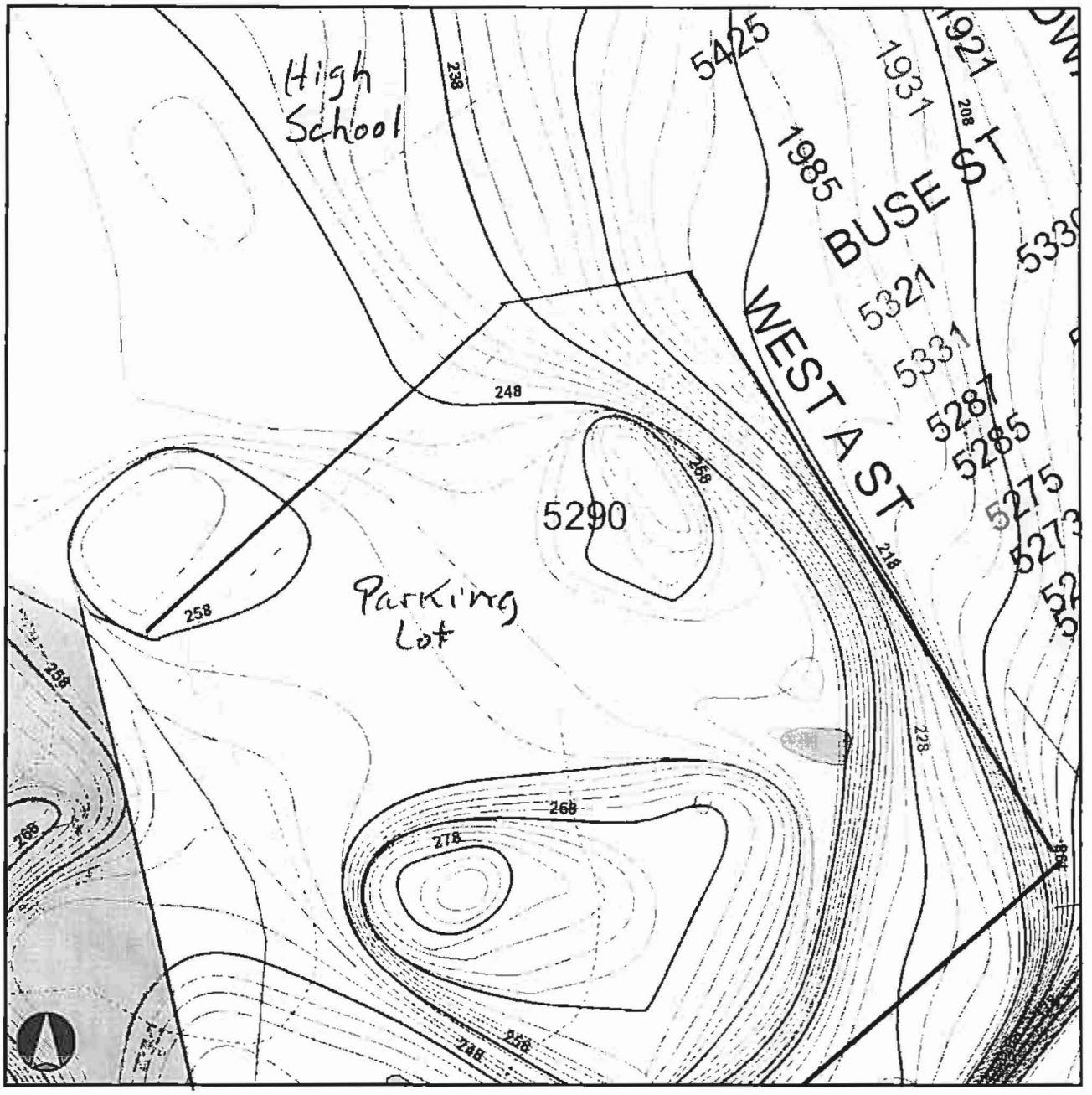
This map is provided as a convenience in locating property
First American Title Insurance Company assumes no liability for any variations as may be disclosed by an actual survey

Reference Parcel Number 22E30CD04500



West Linn GIS Map

#16



Parcel Lines

Preliminary Taxlot Lines

Freeway Lines

Unimproved Right-of-Way

Private Access

10 Foot Interval Contours

2 Foot Interval Contours

2010 West Linn GIS Map Disclaimer, click here

WestLinnBasemap_ex1004v1

West Linn GIS Map Disclaimer: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

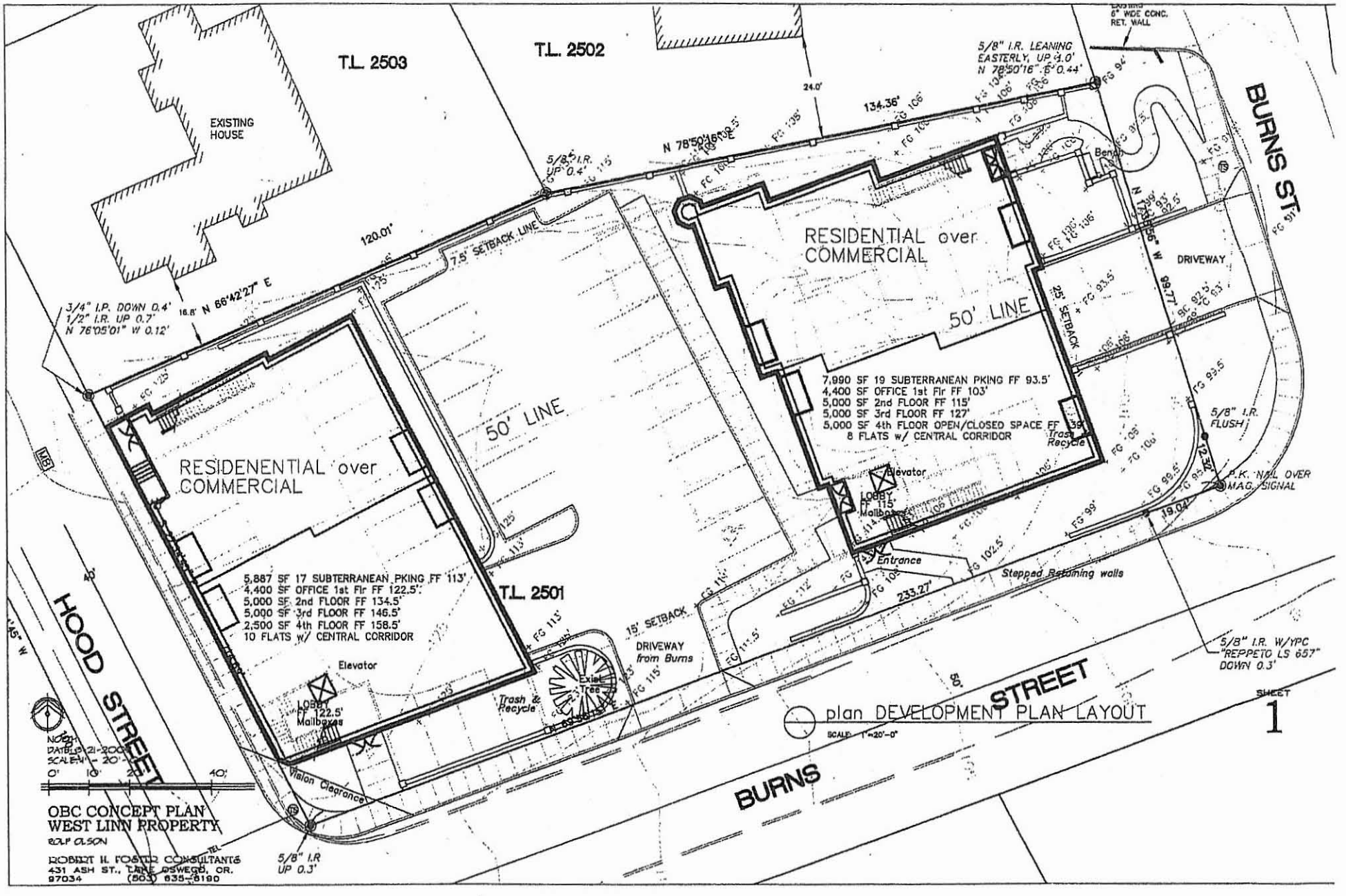
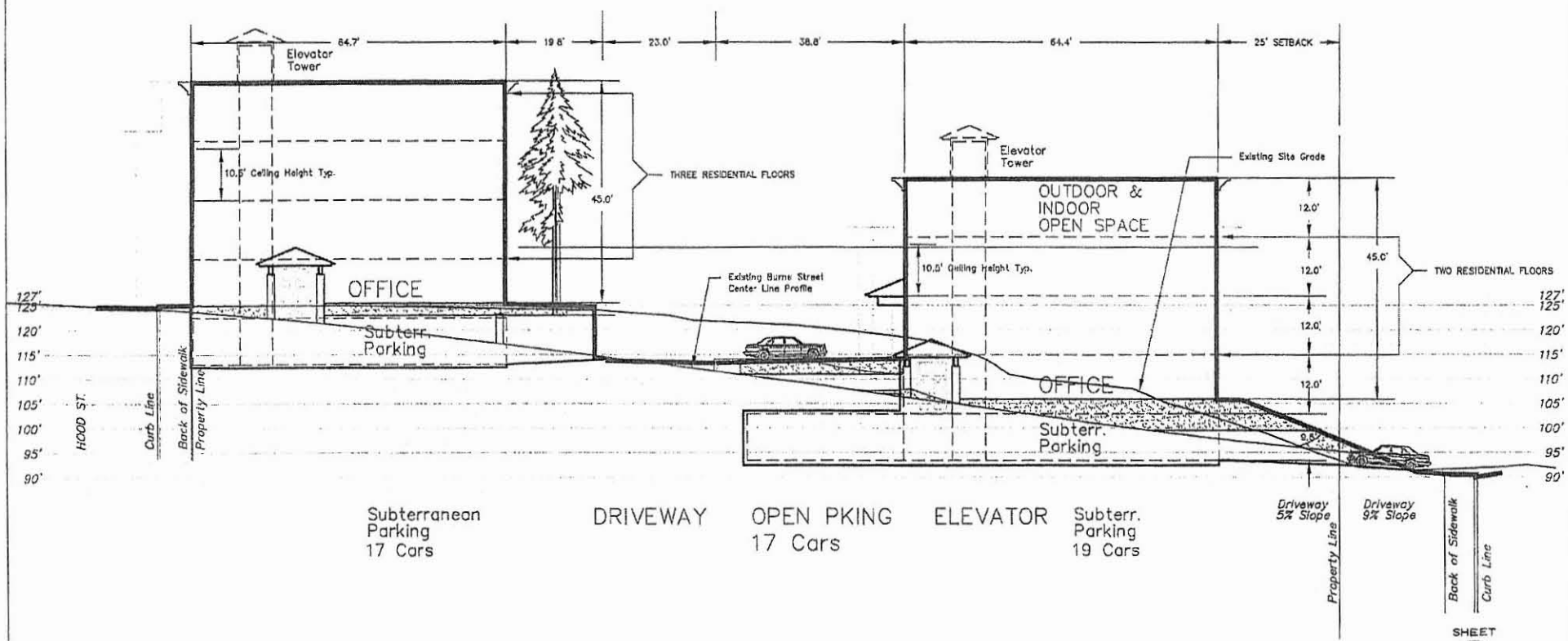


EXHIBIT B
Pages 1-5



SHEET
2

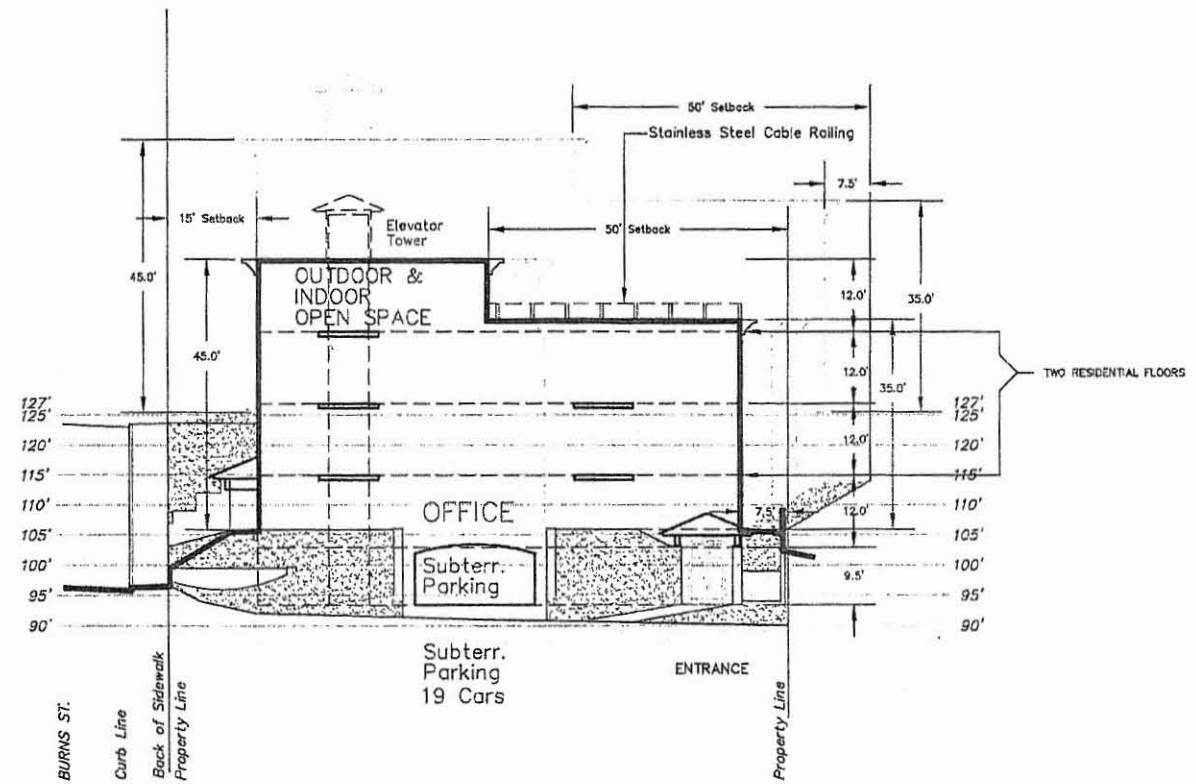
DATE: 5-21-2009
SCALE 1" = 20' - 0"
0' 10' 20' 40'

OBC PLAN MASSING STUDY
WEST LINN PROPERTY
ROLF OLSON

ROBERT H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR. 97034 (503) 635-6190

OBC SOUTH ELEVATION
site SECTION STUDY (east/west looking north from Burns St.)

SCALE: 1"=20'-0" Date: 11-24-08



SHEET
3

EAST ELEVATION
site SECTION STUDY (north/south looking west from Burns St.)

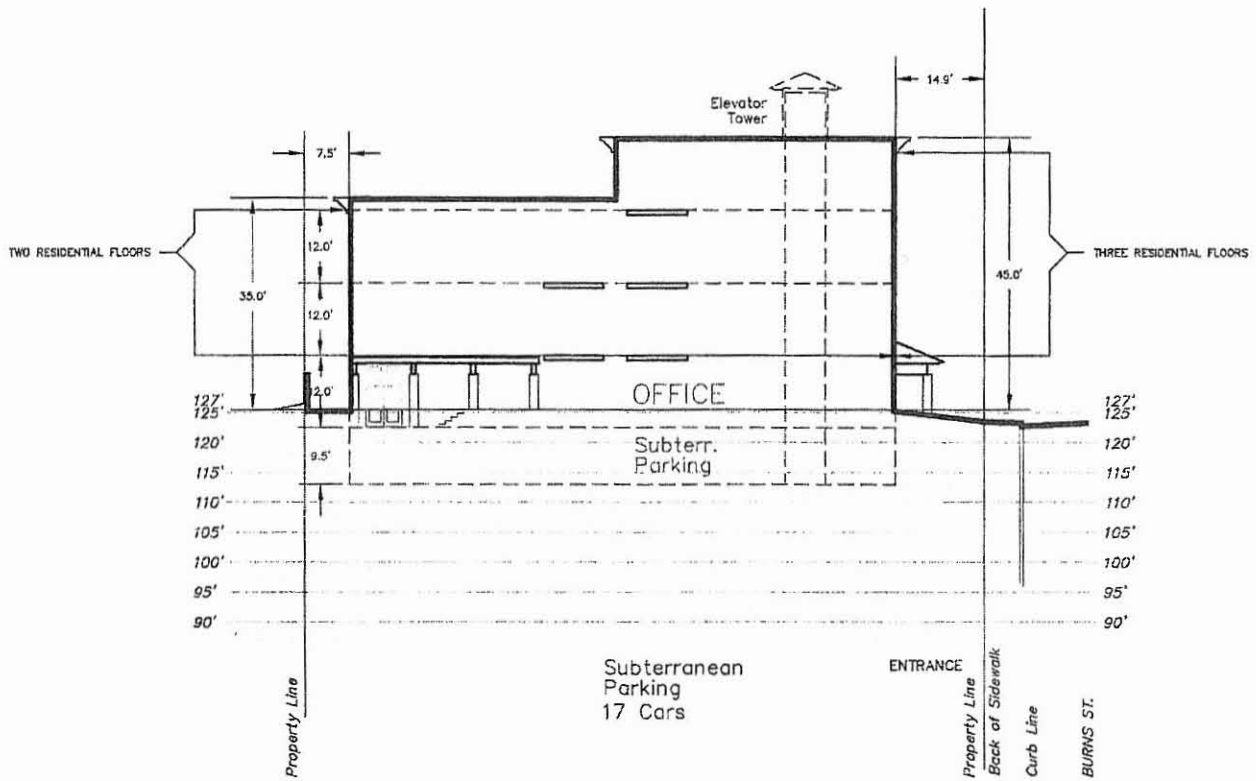
SCALE: 1"=20'-0"

NORTH
DATE: 5-21-2009
SCALE: 1" = 20'-0"
0' 10' 20' 40'

OBC PLAN MASSING STUDY
WEST LINN PROPERTY

ROLF OLSON

ROBERT H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR. 97034 (503) 635-6190



WEST ELEVATION

site ELEVATION/SECTION STUDY looking east from Hood Street

SCALE: 1"=20'-0"

SHEET 4

NORTH

DATE: 3-21-2009

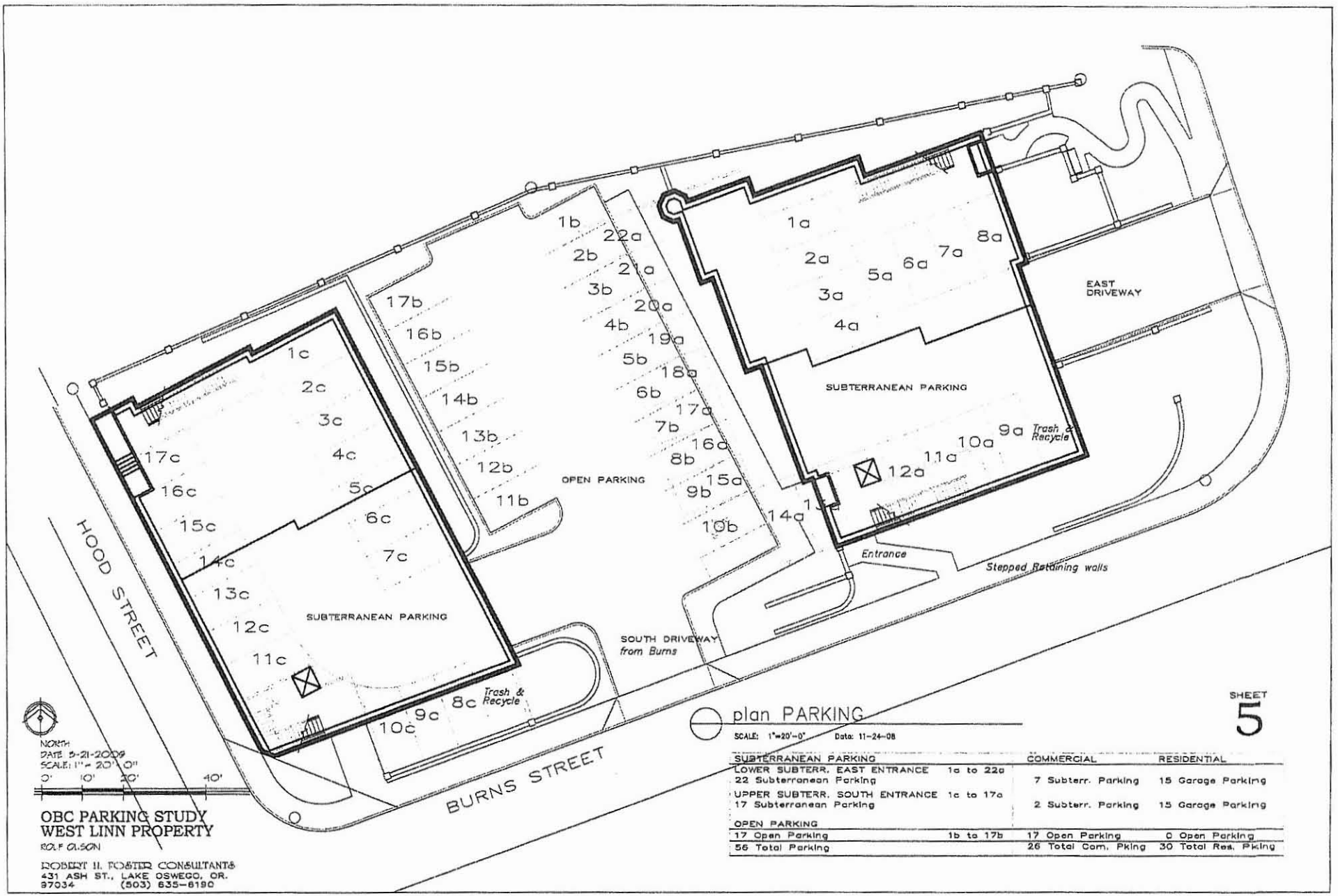
SCALE: 1" = 20'-0"

0' 10' 20' 40'

OBC PLAN MASSING STUDY
WEST LINN PROPERTY

ROLF OLSON

ROBERT H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR. 97034
(503) 635-6190



OBC PARKING STUDY
WEST LINN PROPERTY

ROLF OLSON

ROBERT H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR. 97034 (503) 635-6190

plan PARKING

SCALE: 1"=20'-0" Date: 11-24-08

SHEET 5

SUBTERRANEAN PARKING		COMMERCIAL	RESIDENTIAL
LOWER SUBTERR. EAST ENTRANCE 22 Subterranean Parking	1a to 22a	7 Subterr. Parking	15 Garage Parking
UPPER SUBTERR. SOUTH ENTRANCE 17 Subterranean Parking	1c to 17c	2 Subterr. Parking	15 Garage Parking
OPEN PARKING			
17 Open Parking	1b to 17b	17 Open Parking	0 Open Parking
56 Total Parking		26 Total Com. Pking	30 Total Res. Pking

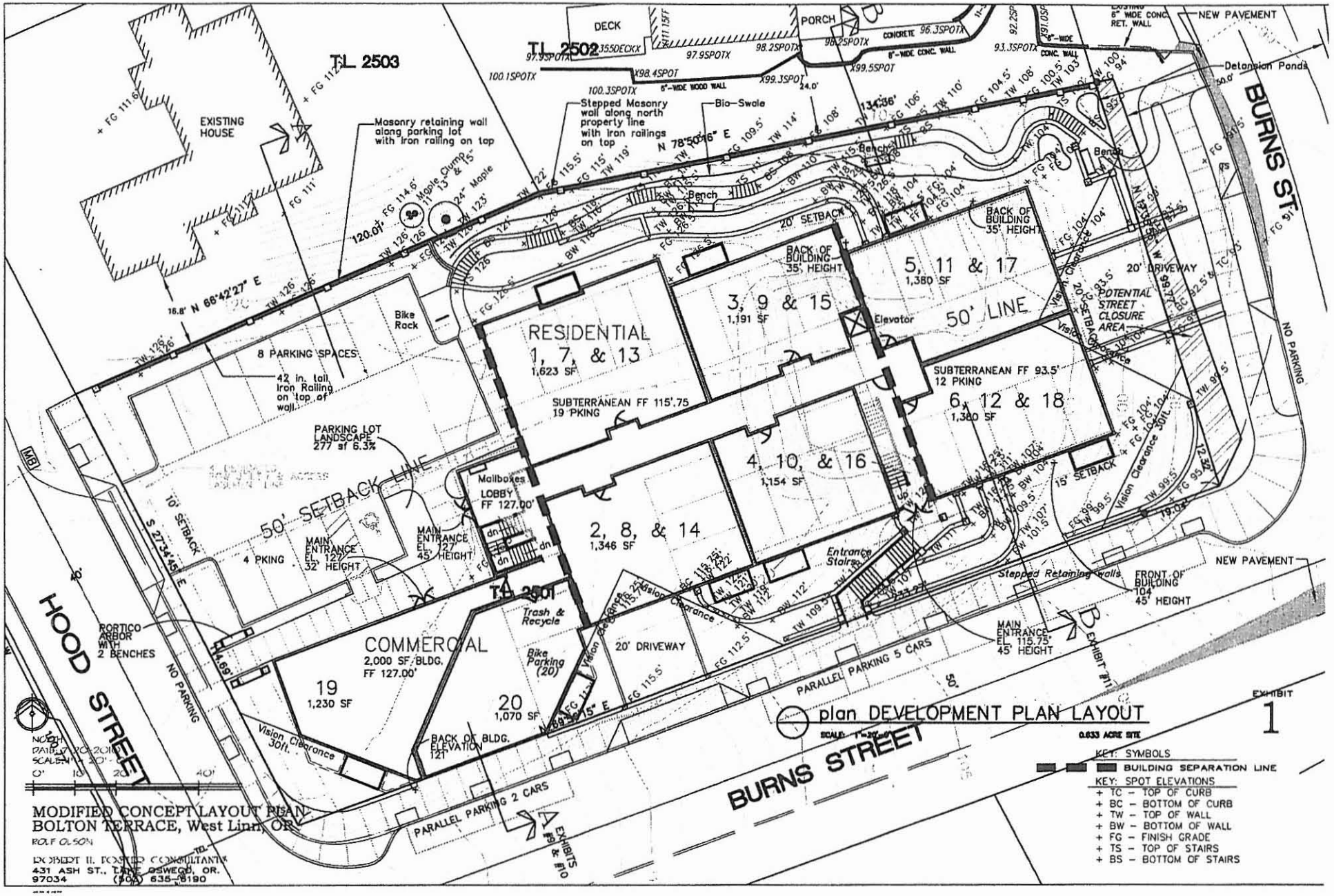
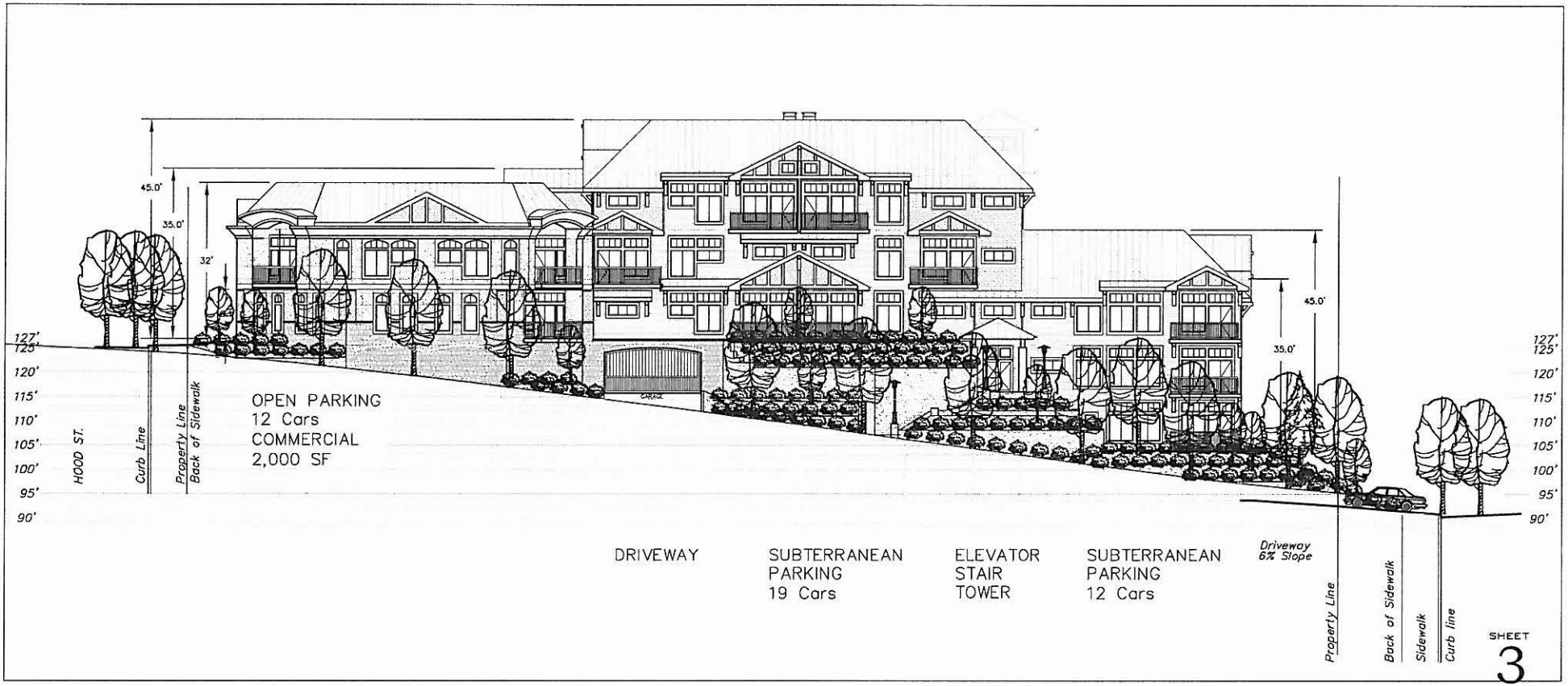


EXHIBIT C
Pages 1 -7



SHEET 3

site SOUTH ELEVATION

SCALE: 1"=20'-0"

DATE: 7-20-2010
SCALE: 1"= 20'-0"
0' 10' 20' 40'

MODIFIED PLAN MASSING STUDY
BOLTON TERRACE

ROU GLSON

ROBERT L. HOSTED CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR. 97034 (503) 635-6190

OPEN PARKING
12 Cars

COMMERCIAL
2,000 SF

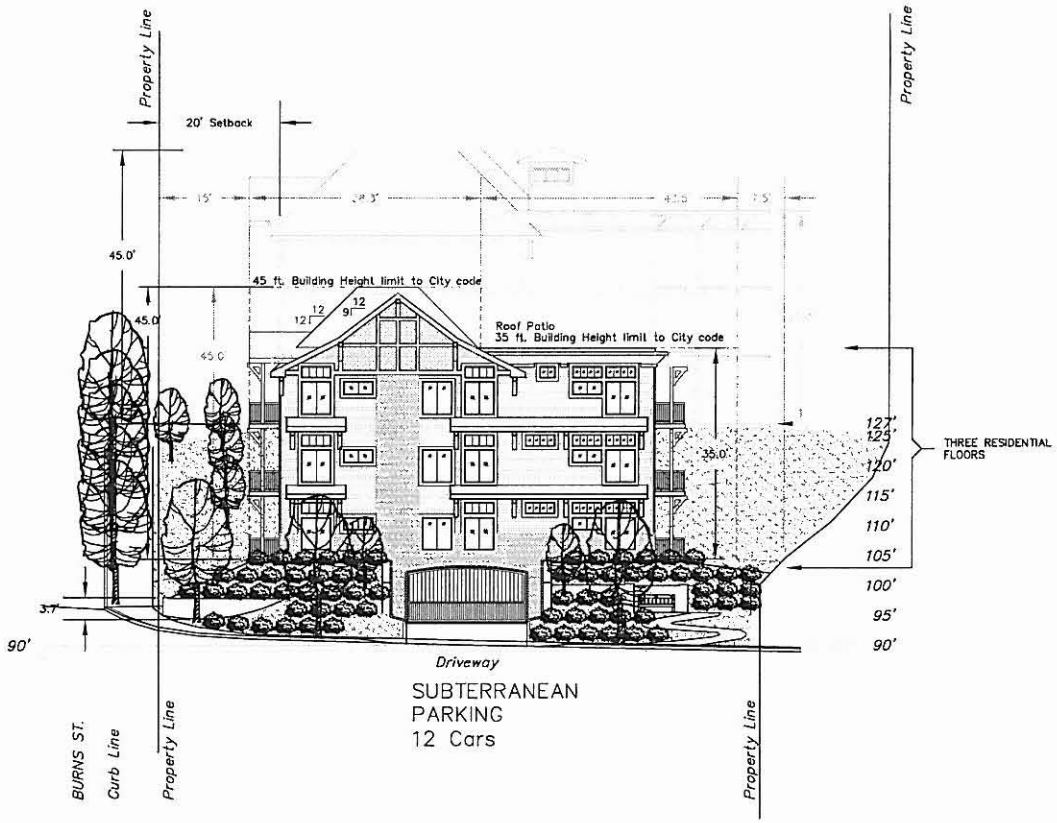
EXHIBIT
4

site WEST ELEVATION
SCALE: 1"=20'-0"

NORTH
DATE: 7/20/10
SCALE: 1" = 20'-0"
0' 10' 20' 40'

MODIFIED PLAN MASSING STUDY
BOLTON TERRACE, West Linn, OR
[illegible]

ROBERT H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR
97034 (503) 635-6190



site EAST ELEVATION

SCALE: 1"=20'-0"

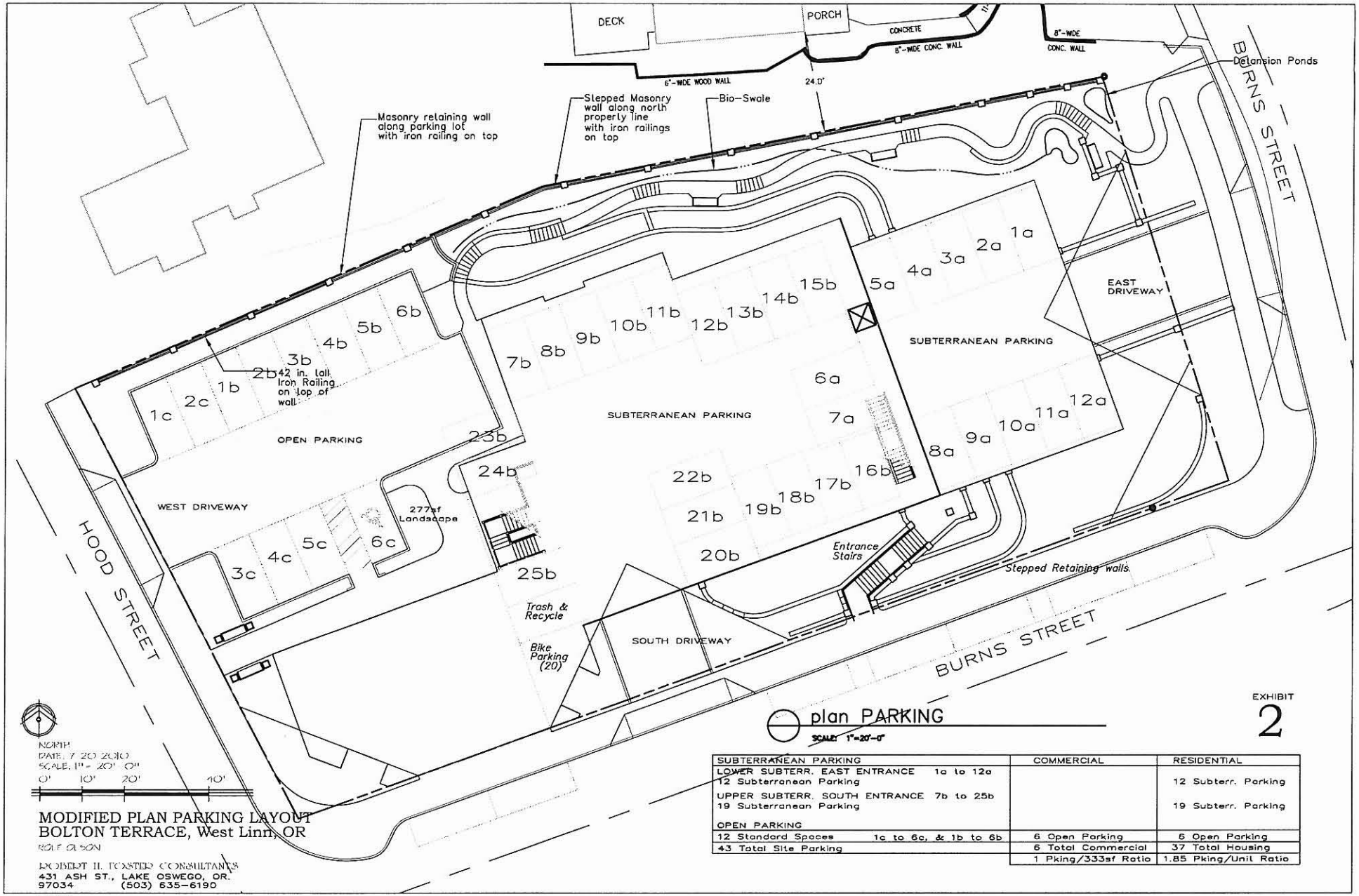
NORTH
DATE: 7-20-10
SCALE: 1" = 20'-0"
0' 10' 20' 40'

MODIFIED CONCEPT LAYOUT PLAN
BOLTON TERRACE, West Linn, OR

ROLF OLSON

DOMPIER H. FOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR. 97034 (503) 635-6190

EXHIBIT
5



NORTH
DATE: 7 20 2010
SCALE: 1" = 20' 0"
0' 10' 20' 40'

MODIFIED PLAN PARKING LAYOUT
BOLTON TERRACE, West Linn, OR

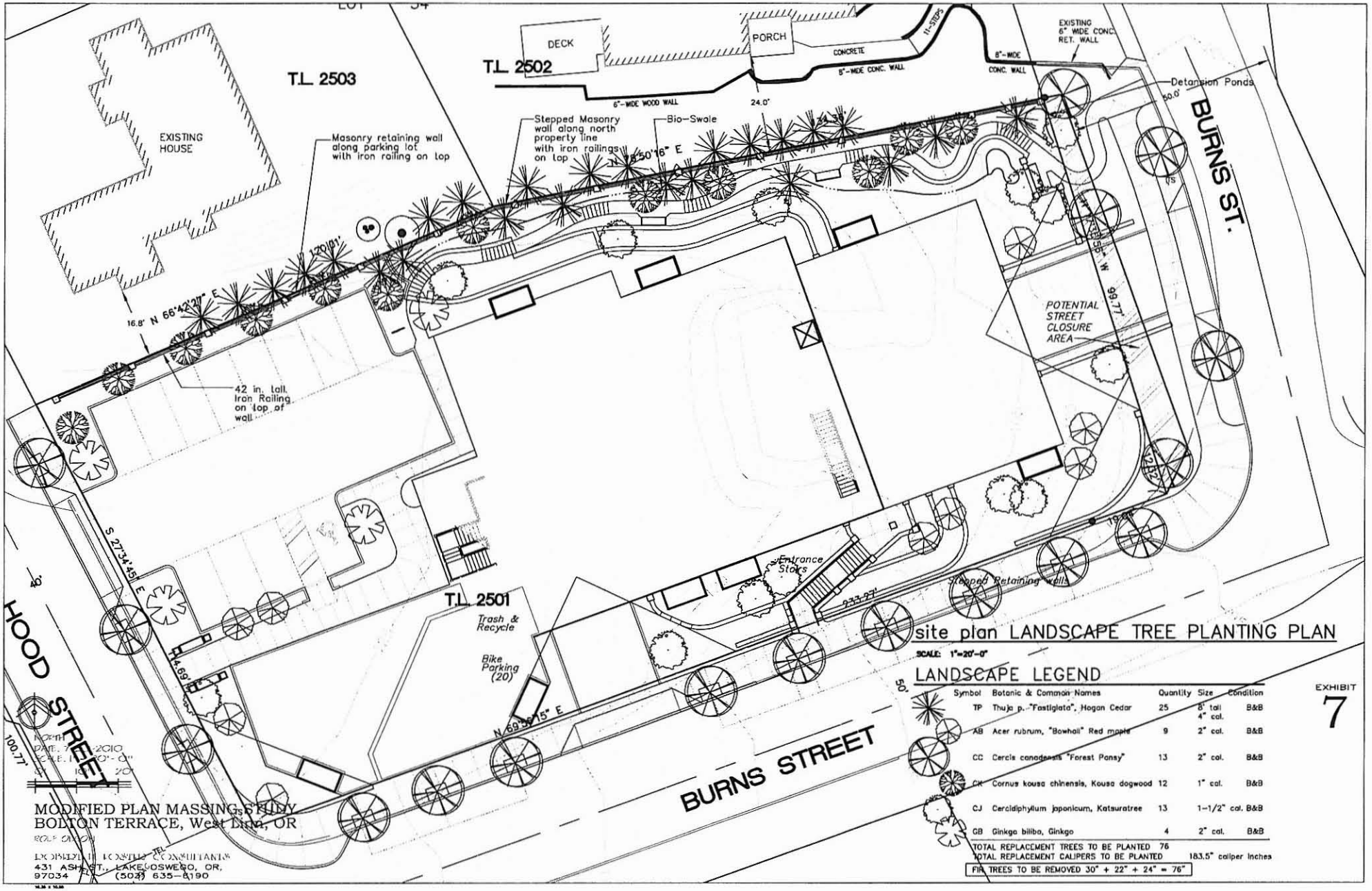
ROLF OLSON

ROBERT H. TOOSTER CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR. 97034 (503) 635-6190

plan PARKING
SCALE: 1"=20'-0"

EXHIBIT
2

SUBTERRANEAN PARKING	COMMERCIAL	RESIDENTIAL
LOWER SUBTERR. EAST ENTRANCE 1a to 12a 12 Subterranean Parking		12 Subterr. Parking
UPPER SUBTERR. SOUTH ENTRANCE 7b to 25b 19 Subterranean Parking		19 Subterr. Parking
OPEN PARKING		
12 Standard Spaces 1c to 6c, & 1b to 6b	6 Open Parking	6 Open Parking
43 Total Site Parking	6 Total Commercial	37 Total Housing
	1 Pking/333sf Ratio	1.85 Pking/Unit Ratio



site plan LANDSCAPE TREE PLANTING PLAN

SCALE: 1"=20'-0"

LANDSCAPE LEGEND

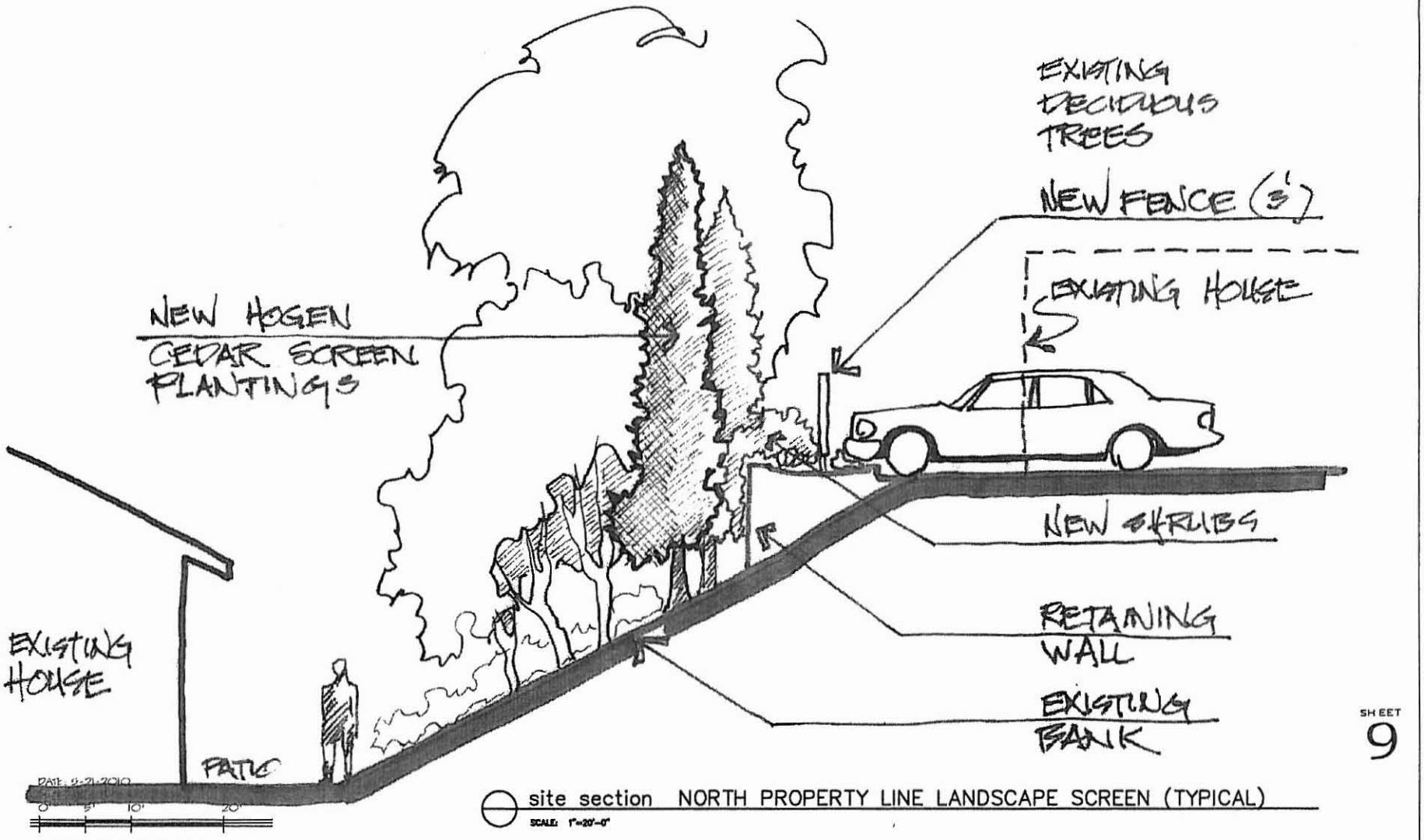
Symbol	Botanic & Common Names	Quantity	Size	Condition
TP	Thuja p.-"Fastigiata", Hogan Cedar	25	8' tall 4" cal.	B&B
AB	Acer rubrum, "Bowhall" Red maple	9	2" cal.	B&B
CC	Cercis canadensis "Forest Pansy"	13	2" cal.	B&B
CK	Cornus kousa chinensis, Kousa dogwood	12	1" cal.	B&B
CJ	Cercidiphyllum japonicum, Katsuratree	13	1-1/2" cal.	B&B
GB	Ginkgo biliba, Ginkgo	4	2" cal.	B&B

TOTAL REPLACEMENT TREES TO BE PLANTED 76
TOTAL REPLACEMENT CALIPERS TO BE PLANTED 183.5" caliper inches
FIR TREES TO BE REMOVED 30" + 22" + 24" = 76"

EXHIBIT 7

MODIFIED PLAN MASSING STUDY
BOLTON TERRACE, West Linn, OR

DOBLER/ DOSTIE CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR, 97034 TEL (503) 635-8190



site section NORTH PROPERTY LINE LANDSCAPE SCREEN (TYPICAL)

SCALE: 1"=20'-0"

SHEET 9

~~MODIFIED PLAN MASSING STUDY~~
WEST LINN PROPERTY
ROLF OLSON

ROBERT H. POSTEL CONSULTANTS
431 ASH ST., LAKE OSWEGO, OR. 97034
(503) 635-6190

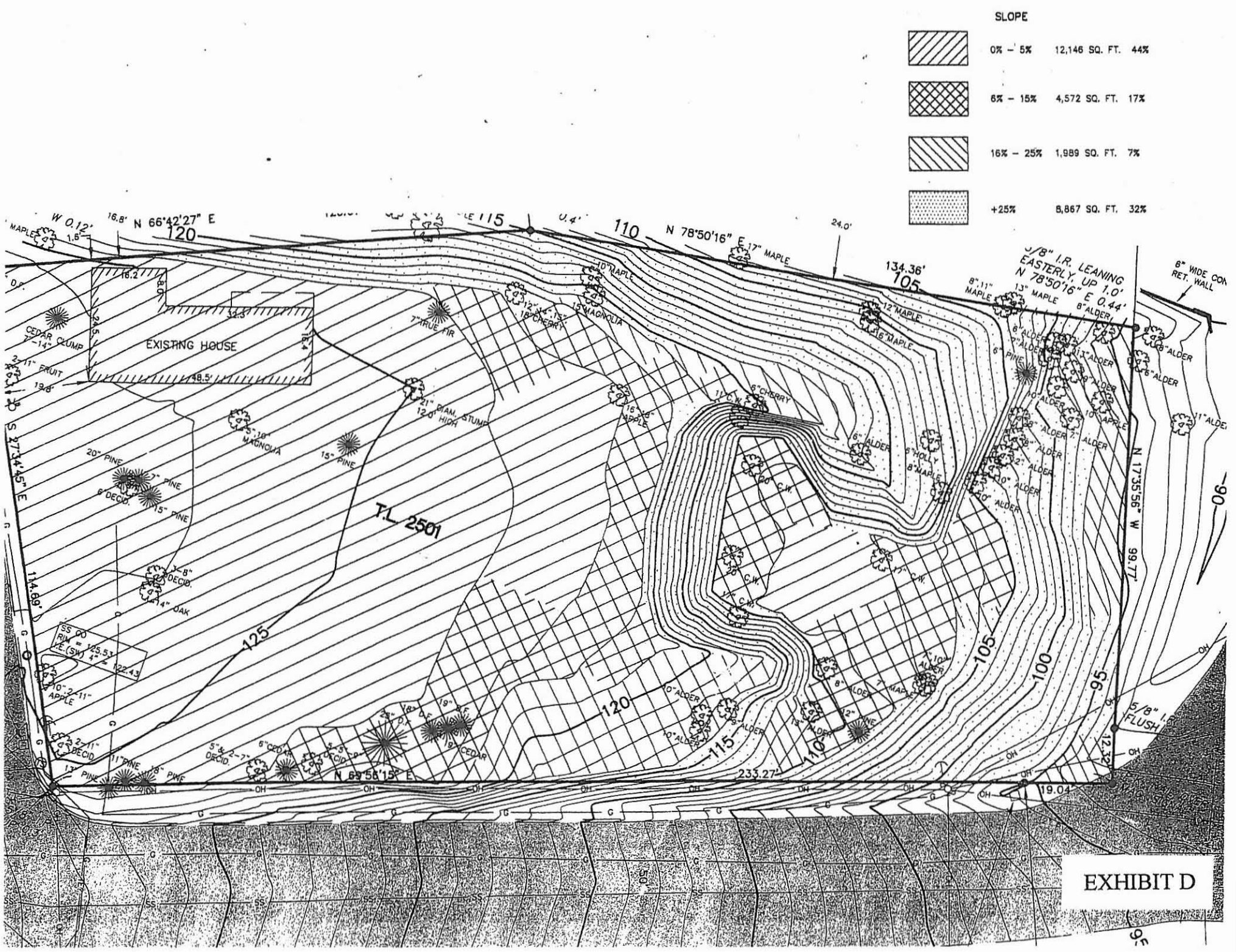
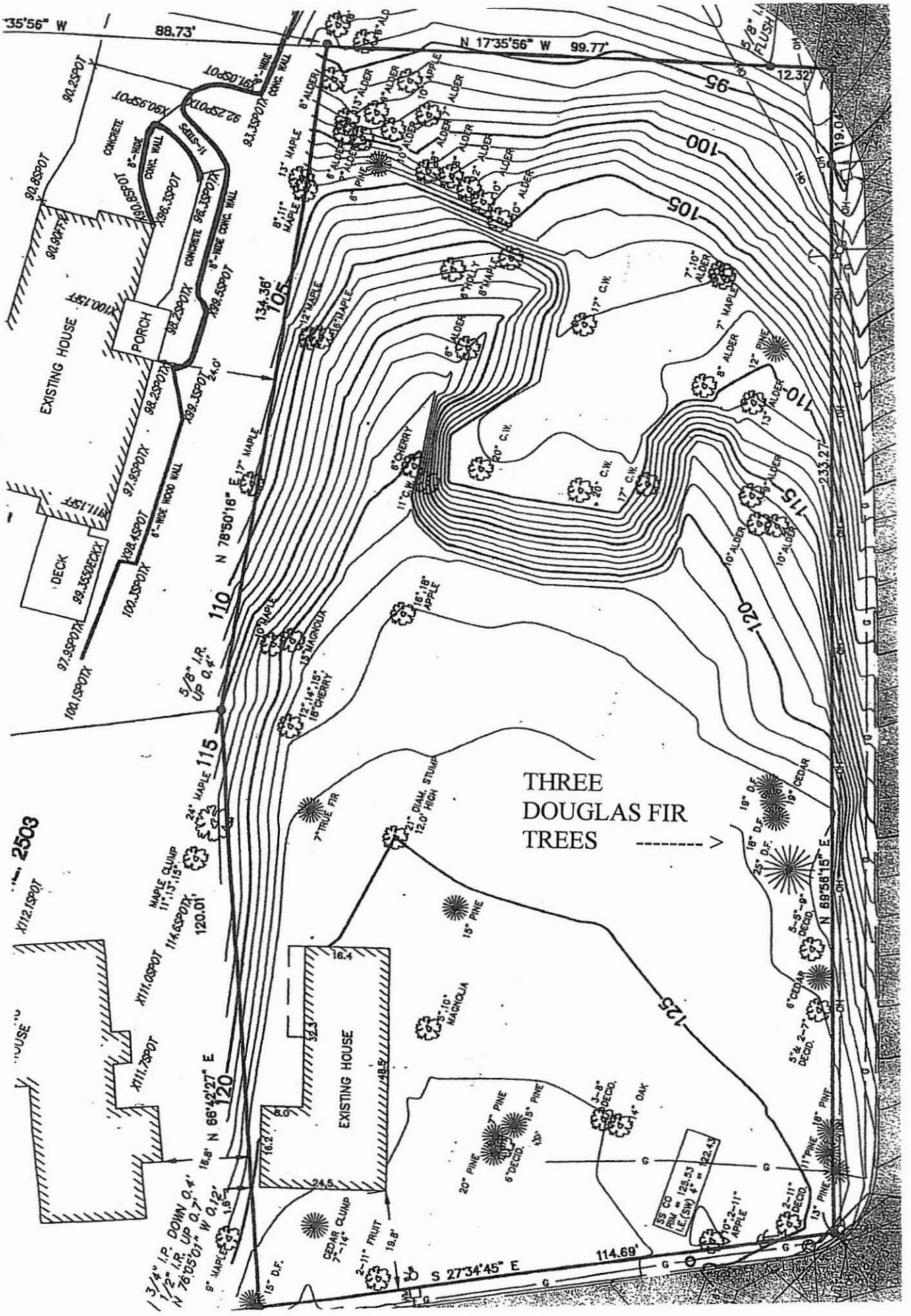

SLOPE
0% – 5% 12,146 SQ. FT. 44%
6% – 15% 4,572 SQ. FT. 17%
16% – 25% 1,989 SQ. FT. 7%
+25% 8,867 SQ. FT. 32%
EXISTING HOUSE
T.L. 2501
N 66°42'27" E
N 78°50'16" E
S 27°34'45" E
N 17°35'56" W 99.77'
N 69°56'15" E
233.27'
134.36'
114.69'
5/8" I.R. LEANING EASTERLY, UP 1.0' N 78°50'16" E 0.44'
5/8" I.R. FLUSH
8" WIDE CON RET. WALL
EXHIBIT D

EXHIBIT E


N 17°35'56" W 99.77'
88.73'
12.32'
N 78°50'16" E 134.36'
N 66°42'27" E 120'
S 27°34'45" E 114.69'
N 69°58'15" E 235.27'
EXISTING HOUSE
PORCH
DECK
EXISTING HOUSE
THREE DOUGLAS FIR TREES ------->
5/8" I.R. UP 0.4'
1 3/4" I.P. DOWN 0.4'
1/2" I.R. UP 0.7'
N 76°05'01" W 0.12'
SS CO RIM = 123.53 I.E.(SW) 4" = 122.43
95
100
105
110
115
120
125

BOLTON TERRACE

APPLICANT'S PRE-APPLICATION DISCUSSION NOTES

DISCUSSION ISSUES:

1. Mixed Use
   A. The "common wall"
   B. Type II Lands
2. Definition of "Building"
3. Height Measurement
4. Clear Vision Area
5. Retaining Walls and Terracing Walls
6. Shared Recreation Area
7. Private Outdoor Area
8. Setbacks
9. Landscape Plan Requirements
10. Variances
11. Density
12. Neighborhood Compatibility
13. Transportation Planning Rule
14. Parking
15. Engineering / Streets
16. Additional Staff Required Explanations and Information, CDC 55.070 (B)

PUD flexibility

~~28~~

— 55.100. B. 7. a & f

— Vision clearance

1. Mixed Use

Although the OBC zone allows residential use above the first floor of commercial use, the OBC zone code has no provision for residential use in buildings separate from commercial use, commonly referred to as "horizontal mixed use". Therefore this development concept requires either a code change to strike "only above the first floor of the structure", found at CDC 21.050 (2), or use of the PUD process in Chapter 24. Of these alternatives the applicant leans towards the PUD process primarily since, as the staff has indicated, a code change can take a long period of time. Other criteria that could place this project in the PUD process, namely the "common wall" criteria and the Type II lands criteria, are briefly discussed below. However, they are essentially moot issues since we agree that the Modified Plan will require a PUD application as a result of the "horizontal mixed use" character of the project.

A. The "common wall"

The criteria set forth in Section 24.060 B. 2. is open to interpretation. The applicant reads the language as ambiguous and confusing since, for example, one duplex would be "more than 20% of the dwelling units", because it would be 100% of the dwelling units and would trigger the need for a PUD application and approval. Also, the applicant points out that this provision exempts R-3 and R-2 zones, which are the City's highest density developments and since the Modified Plan has greater density than R-3 and R-2 it can be concluded that it was not the intent of the CDC to require the City's highest density multi-family developments to apply for PUD approval.

B. Type II Lands

The applicant takes the position that the site does not have Type II lands since Type II lands, by CDC definition, requires the Subject Property to have certain development constraints. As proposed the development of the applicant's property does not have development constraints that would preclude most types of development.

The site is narrow, being over twice as long as it is wide. The site has areas, along its northern edge and eastern end where slopes exceed 25%. Contributing to the degree of slope is an old abandoned excavation on the east end of the site. The side walls of this excavation have steep slopes contributing overall to the degree of slope on the site. Modest re-grading in the eastern portion of the site would lessen the degree and area of slope, qualifying the site as Type III land. Slopes on the site appear to have been artificially created, by the construction of Burns Street and what may have been previous historical alteration of the landscape on the northern edge of the site as evidenced by the table flat nature of the home sites directly north of the site. There is no evidence of any soil

instability on the site, the site having remained stable even after slope alterations of the site.

The criteria for identifying Type II lands is contained in CDC Section 02.030, Definition of Specific Words and Terms and reads as follows:

"Type II lands. Lands which have constraints that are sufficient to preclude most standard types of development. Constraints in these areas generally do not constitute a health or safety hazard, but require the use of non-standard technical design criteria.

Type II lands exist in the following areas:

Slope: All lands with slopes between 25 and 35 percent.
Drainage: All drainage courses.
Geology: All known mineral and aggregate deposits. (ORD. 1463)"

The subject site does not have constraints sufficient to preclude "most standard types of development", nor does the site "constitute a health or safety hazard", nor does construction on the site require "non-standard technical design criteria". There is no evidence of geologic instability despite previous historical grading on and adjacent to the site. The applicant is proposing a standard development generally allowed by the provision of the underlying zone and the proposed project's construction does not require "the use of non-standard technical design criteria". Many types of standard development could be constructed on this site "without the use of non-standard technical design criteria". Construction of this project will use standard design and construction techniques and, because of the project's design, could improve slope stability by terracing and grading the site to allow for underground parking and grade transitions. For these reasons, the proposed development concept does not fit the CDC definition of Type II lands.

The over arching purpose of overlay zones as they relate to Type II lands is to facilitate development of sites that may not be possible without code flexibility. In particular, there may be value in preserving existing land features that are technically difficult to develop and then transfer the potential density from those preserved areas to other more useable areas of the site. On this site, the area of most severe slope is due to the abandoned excavations or grading that may have occurred historically, and not to any special landscape feature or amenity. Also, transfer of density is a non-issue in an OBC zone since density is determined solely by the buildable "envelope" determined by permissible building heights and setbacks, not land area.

2. Definition of "Building"

On the Modified Plan three buildings are shown. The first building is a vertically mixed use structure on the southwest corner of the Subject property. The ground level floor is designated for commercial uses identified in Chapter 21, permitted or conditionally permitted. The main entrance to this building faces north, fronting on a surface parking lot, with a pedestrian access to Hood Street in close proximity to the intersection of Hood and Burns Street. The second level of this building is designated for residential use and is served by a stairway at the northeast corner of the building.

The second building is the western residential building located directly east of the first building. This building will share the stairway of the first building. This building is designated for residential use. The main entrance for this building faces west and fronts on Hood Street. This building has a second stairway at its east end and also an elevator at the same location.

The third building is the eastern residential building directly east of the western residential building. This building will share the stairway and elevator located at the east end of the second building. The main entrance for this third building faces south and fronts on Burns Street.

The stairway mentioned above is enclosed in a fire protected shaft and accessed from the exterior and interior of the buildings. Also, at each floor level the stairway is accessed through fire protection doors.

Whether these buildings are separate buildings under code provisions is a subject that has been discussed by the planning staff and the building official. There is no clear definition of what constitutes a "building" in either the development code or the building code. The consensus, however, is that they are separate buildings when separate building permits can be issued for each building. Under that standard the buildings shown in the development plan (separated by a heavy dotted line on the development plan layout drawing) are separate buildings, just as zero lot line buildings constructed side by side are separate buildings. As separate buildings each building is measured for height separately.

A point of previous discussion, now moot, was raised by CDC 55.100 b. 3. which states in part, "there shall be adequate distance between on site buildings . . . to provide for adequate light and air circulation and for fire protection". This statement does not speak to whether the proposed buildings are separate buildings. Rather, it raises the question of whether there is adequate light and air for these buildings. The buildings are designed to provide adequate light and air for the occupants from the north and south and for the end units, from the east and west as well. There appears to be no code provision requiring "light and air" from four sides. The distance between the east and west walls of the inside units is irrelevant. Fire protection can be provided by building interior fire sprinklers and the use of appropriate fire resistant building materials at the separation interface.

3. Height Measurement

Height is measured from the front elevation if there is a less than 10 foot difference between front and rear elevations. If less than a 10 foot difference exists the point of measurement is the grade elevation "five feet out from the exterior wall at the front of the building." See Chapter 2 Definitions under Building Height.

Chapter 41 does not define "grade". However, on sloping sites it is customary to "adjust" grades around buildings from natural grades. They are "finish" grades. CDC Section 2.00, Definitions, defines Grade, Ground Level as "the lowest point of elevation of the finished surface . . . ." The grades shown on the plans are permissible. See Planning file for 1800 Blankenship Rd for precedent using finish grades for measuring height where a building height of 55 feet was approved.

The front of the first building, the vertical mixed-use commercial building, is facing north and fronting on the surface parking lot. To achieve the desirable zero setback on the south side of the building the change in grade on Hood Street, sloping down toward Burns prevents an entrance located facing Burns. The grade elevation 5 feet out from the north exterior wall is 127 feet. The grade elevation at the south of the building is 121 feet. These measurements result in a six foot difference between front and back elevations, therefore a measurement for height from the front of the building controls.

The site plan shows the mixed use commercial building having a height measurement of 32 feet from a point 5 feet out from the north exterior wall. This height measurement is consistent with the height of this building shown on the south elevation study. The maximum height allowed in the OBC zone on this portion of the site is 45 feet and therefore the building is 13 feet below the height limit.

The front of the second building, the western residential building, is facing west and fronting on Hood Street. The grade elevation 5 feet out from the exterior wall is 127 feet. The grade elevation at the back of the building is also 127 feet. Since there is no difference in grade elevation comparing the front of the building to the back of the building, the height measurement is from the front of the building.

This second building is traversed by a height setback line. This height setback area applies in the OBC zone when the OBC lot has a common property line with a low density residential zone. CDC 21.070 A. 7. states that structures within 50 feet of the residential zone are limited to 35 feet in height. Therefore the height of the second building must be measured (1) five feet out from the exterior wall within the 50' setback area and (2) five feet out from the exterior wall outside the 50' setback area. As noted on the site plan and elevation studies the height of this building within the height setback area is 35 feet and the height of this building outside the setback area is 45 feet. These height measurements comply with CDC 21.070 A. 7.

The front of the third building, which is the eastern residential building, is faces south and fronts on Burns Street. The grade elevation five feet out from the exterior wall both at the front and back is 104 feet.

This third building is traversed by the same height setback line as described above. Therefore the height of the third building must be measured (1) five feet out from the exterior wall within the 50 foot setback area and (2) five feet out from the exterior wall outside the 50 foot setback area. The site plan and elevation studies show the height of this building within the height setback area as 35 feet and the height of this building outside the setback area as 45 feet. These height measurements comply with CDC 21.070 A. 7.

The buildings are designed and sited to provide the maximum buffer from the two residential lots bordering the north property line and to provide a reduction in building mass by stepping the buildings with the slope of the site.
The CDC provides for a 7 ½ foot interior side yard setback with a 35 foot building height limit within an area 50 feet from a residential zone. In the applicant's development plan the buildings meet the 35 foot height limit but are removed 20 feet from the residential zone in deference to the neighborhood.

Also, the commercial building is sited 75 feet or more from the residential zone and although a 45 foot high building is allowed in this area the commercial building is limited to 32 feet, again in deference to a neighborhood buffer.

4. Clear Vision Areas

The applicant's plans show a clear vision triangular area formed by the intersecting right-of-way lines along Burns Street and Hood Street 30 feet in length. This area complies with the requirement of CDC 42.040.

The plans also show the second story of the first building, the commercial mixed-use corner building, extending horizontally over the clear vision triangular area a distance of 5 feet. The underside of the cantilever is 10.1 feet from the ground of the clear vision triangular area. This cantilever is analogous to a roof soffit.

The code states, "A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction (except for an occasional utility pole or tree) exceeding three feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade, except that trees exceeding this height may be located in this area, provided all branches below eight feet are removed."

The intent of clear vision areas is to assure lookout safety for vehicle drivers approaching an intersection. The above quoted language describes the protected vertical clear view area as that space above 3 feet and below 8 feet.

The applicant's second story extension is well above this protected area and therefore does not violate the area described in 42.040.

According to the West Linn building official, there is nothing in the building code that prohibits a structure from overhanging a clear vision area, as long as the required vertical vision clearance is provided.

The driveway serving the west residential building fronts on the south portion of Burns Street. The site plan shows compliance with the clear vision area for this driveway.

The driveway serving the east residential building fronts on east portion of Burns Street. The site plan and street plan notes that a section of right-of-way may be dedicated to the applicant in this area. The clear vision area would be affected by such a dedication. The drawings will be amended to conform to any dedication decision.

5. Retaining Walls and Terracing Walls

The Development Plan Layout has spot elevations for all retaining and terracing walls. A "Key" on this sheet identifies seven categories of spot elevations covering all required elevations. None of these elevations are in conflict with any provision of the CDC.

6. Shared Recreation Area

The West Linn CDC at 55.110 F. requires shared outdoor or indoor recreational space of 200 square feet for multifamily units. The submitted plan shows twenty two bedroom residential units and therefore 4,000 square feet of space is required. The submitted plans show a shared outdoor area of 4,014 square feet. This area has a walking path with occasional benches. The path continues around the building to applicant installed sidewalks abutting the property on the east, south and west sides, enabling residents to be able to walk in a loop around the entire site.

7. Private Outdoor Area

The CDC requires a 48 square foot private outdoor area under section 55.110 E. The plans identify an outdoor patio for each residential unit of 50 square feet (5' x 10') and therefore the planned private outdoor areas are in compliance with the CDC.

8. Setbacks

The OBC zone setbacks are found at 21.070. They are (1) interior side yard, 7 ½ feet; (2) side yard abutting street, 15 feet; (3) rear yard, 25 feet; (4) no front yard minimum is stated and therefore is zero. This code section also states that for developments under PUD provisions the setbacks may be modified.

The Plan Layout shows the commercial building to have a zero setback from Burns Street. This is the preferred siting of the building since it will continue the Village setting of West Linn Central Village. The preferred Hood Street setback is also zero; however, the clear vision area prevents the corner commercial building from reaching closer to the right of way than 10 feet, as shown on the Development Plan Layout, except for the Portico Entry, which is set near the Hood right of way line.

The second and third buildings are setback 20 feet from the south and east Burns frontage and setback 20 feet from the north property line. Porches, up to five feet, are a permitted encroachment into the setback area. See Chapter 38.

9. Landscape Plan Requirements

Applicant's submitted Landscape Plan shows that 36.3% of the site is landscaped. Chapter 54 requires 25% gross area landscaped when the site is for residential use and 20% when the site is commercial use and therefore the landscape coverage complies with Chapter 54.

The landscape plan also shows compliance with the other requirements of Chapter 54. There is a minimum 10 foot landscape strip buffering the surface parking area from Hood street. There is a minimum 5 foot landscape strip buffering the parking area from the adjoining residential parcels. The minimum 5% landscape area required for the interior of the surface parking lot is increased to 6.3%. In the present case the interior of the parking lot includes the landscaped areas adjacent to the main entrance of the western residential building and the landscape strip north of the mixed-use commercial building sidewalk.

10. Variances

The applicant has submitted a Variance Narrative discussing three variances: (1) Height of the second and third residential buildings; (2) the PUD transition requirement; and (3) Significant Trees.

The narrative, with exhibits, is comprehensive and responsive to all variance criteria listed in CDC 75.060.

However, since the drafting of the Variance Narrative the applicant has revised the development plan to eliminate the need for a Height variance. That section of the Narrative is disregarded.

For the development plan submitted no additional variances are needed.

11. Density

Relevant density considerations include the following:

A. A specific residential unit density is not defined by the OBC zone. Rather, residential density in the OBC zone is defined through setbacks, heights, coverage limits, landscape requirements and the like. Residential use is just one of many identified uses allowed in this zone.

B. The applicant's property right is the right to develop and use the property in substantially the same manner as other owners of OBC zoned properties. This is a fundamental right that accompanies title to property. This right cannot be degraded by imposing standards of other zones on the applicant's property.

C. The degree of density is determined by the provisions of the West Linn CDC. "High" density in the proper location is beneficial to the community and local government. The addition of households through development of an infill site can: (1) strengthen the community economy generally; (2) increase the profitability of local businesses; (3) increase the utilization of public facilities, such as a library, parks, schools and transportation services, and 4) is consistent with the aspirations of "Imagine West Linn". This visionary document describes future development trends as follows:

Community Development Trends

> As urban land values continue to increase, West Linn's neighborhoods and town centers will experience significant redevelopment pressure. West Linn is already transitioning from a developing city to a redeveloping city.
>
> National and regional development trends indicate a shift away from suburban forms of development – i.e., neighborhoods primarily consisting of automobile-oriented subdivisions with large single-family homes – to more mixed use neighborhoods with a variety of housing types and lot sizes within walking distance of parks, schools, and neighborhood-oriented commercial services. The concept of the mixed-use neighborhood is no longer "a vision"; it is a reality in the marketplace. West Linn's planning program will be called upon to find better ways to interconnect the town's older subdivisions, while guiding new development and redevelopment.
>
> "Imagine West Linn" also describes the preferred future vision for the City. That vision is described, in part, as follows:
>
> "The notion that there should be some singular core commercial area that would provide for all the needs of the City was quickly put aside out of deference to the distances involved and in particular, the varied topography of West Linn.

Consequently, the mixed-use commercial centers of Willamette, Robinwood, Bolton and Tanner Basin provide neighborhood services at a "village-scale" that is compatible with the adjacent neighborhoods. A variety of housing is provided to meet the full range of housing needs in the community, with higher density housing clustered around the village centers. In recognition of the value of having seniors remain in the City, close to their families, the community provides housing opportunities for the elderly and those on fixed incomes."

The City's vision also contemplates increased densities along transit corridors with the subject site being located within one block of the Highway 43 transit corridor. Commercial Development Action Item No. 2 states: "Continue to plan for mixed use development and increased development densities along transit corridors."

D. Adding to residential density does not necessarily mean creation of traffic problems. The applicant's site borders a single family zone. It is not in a residential neighborhood. Two of the driveways to the site are across from OBC and GC zones. The third driveway is across from a single family zone, but does not conflict with any other single family driveway access. Traffic related to this project is not through a residential neighborhood. Rather, it is primarily on arterials and through commercial zoned properties.

E. Improvement coverage's on the Subject Property are well within code limits and do not overuse the site:

1. CDC 21.070 6. limits lot coverage to 50%. The applicant's Plan Layout limits coverage to 44.3%.
2. CDC 54.020 E. requires a minimum landscaped area for residential uses of 25% of the site and for non-residential uses a minimum of 20% of the site. The applicant's Landscape Plan identifies 36.3% of the site for landscaping.
3. CDC 21.070 A. 4. requires a setback of 7 ½ feet from an interior side yard. The applicant's plan expands this setback to 20 feet for the interior side yard.

F. The visibility of parked cars in relationship to density is minimal. An outright permissible use in the OBC zone is "Parking Facilities". This means the lot could be used exclusively for exposed automobile parking. The applicant's development plan screens vehicle parking by use of underground parking for both residential buildings. Because most on-site parking is underground, the only parked cars visible will be those using the 12 car surface parking accessed from Hood Street. This parking area is largely hidden from view by the commercial building at the corner of Hood and Burns and the landscaping along Hood Street. In addition this parking lot will be buffered from the two adjacent northern residential lots by walls or fencing and landscape screening. The applicant has had discussions with both neighbors to determine their buffering and screening preferences.

Bolton Neighborhood Plan Policy 3.3 of Goal 3 states: "Emphasize and accentuate buildings, public spaces, and landscaping within the Bolton Central Village over parking and service areas. Action Measures implementing Plan Policy 3.3 encourages "covered or stacked parking." Bolton Terrace proposes a total of 43 parking spaces. Thirty-one spaces are located under the two residential buildings and the remaining spaces are in the surface parking lot screened by the commercial building to the south and screened from the west by landscaping along Hood Street. These car spaces serve the commercial uses in the mixed use building and also the two second floor residential units.

G. As stated under Section 3 above, Height Measurement, the applicant's development plan sites the buildings a greater distance from the residential zone than required by the CDC. The density of the multi-family units has not impeded siting the buildings in consideration of neighborhood buffering. Centering the buildings on the Subject Property not only provides greater distance from the two residences but also allows for landscape buffering not otherwise available if the 7 ½ foot setback was utilized.

12. Neighborhood Compatibility

As an OBC zoned property the subject site is an integral component of the Bolton Center Village area as identified by the "Imagine West Linn" vision. Development on the subject site is positioned to support the adjacent retail, commercial and service uses of the Village, as well as take advantage of those uses. The intent of the OBC zone is to provide a transition from the General Commercial zone to residential zones. As planned, the proposed horizontal mixed use project is both a transition use within the site and a transition zone.

The subject property is located on the northeast corner of the intersection of Hood Street and Burns Street. The dominate feature of this intersection is the new West Linn Central Village retail center, located on the southwest corner. Within a block of the site is the West Linn Library, the West Linn Post Office, a bank, a high end grocery store, a variety of retail shops, multiple office spaces, Maddax Woods Park (7 AC) and a bus transit stop. Three blocks from the subject property is the West Linn High School and the Hammerle Elementary School.

The property to the west of the site is zoned OBC. A single level office building is located on this property. The properties to the south are zoned General Commercial and contain a converted residential commercial use and a single family residence. The current uses on these sites are relatively low intensity uses and could be redeveloped in the future to accommodate increased demand for development with walking distance of shopping and services.

The properties located east and north of the site are zoned low density residential. Contiguous to the north property line there are two residential lots occupied by single family dwellings. The topography of the area places these dwellings twelve to twenty feet lower than the subject site's elevations. The view south from these two properties is into a sloped bank of earth and vegetation.

The north east corner of the Hood and Burns intersection is the visual focal point for those entering the Village on either Burns Street or Hood Street. The primary architectural feature currently at the intersection is the existing retail building, part of the West Linn Village Center, located on the southeast corner of the intersection. This retail building has a height of 45 feet. The elevations of all the properties at the Hood an Burns intersection are similar. The applicant is proposing a development that would place a 32 foot two-story mixed use building on this corner. The proposed preferred development plan for the site, in terms of land use, scale and architectural features is compatible and complementary to the surrounding area.

The project has been designed to provide greater neighborhood compatibility than provided by the standards of the OBC zone in which the site is located. Adjacent to a low density residential neighborhood, the applicant developed alternative plans for the site. Consistent with the permitted uses in the OBC zone, the subject site

could be developed solely for commercial office or other uses less compatible with the adjacent residential development. However, the applicant, who has owned this site for a number of years, has always felt the site was best developed as primarily residential, with a minor commercial emphasis at the intersection of Hood and Burns Street. In order to evaluate alternative development scenarios on the site, the developer prepared two plans which illustrate the differential impact each plan could have on adjacent uses and to show the increased compatibility a quality residential plan would have over a more commercially oriented development.

The initial plan, consistent with the standards of the OBC zone, created a development that was not compatible with the adjacent residential neighborhood because it placed buildings 7.5 feet from the northern property line providing little room for transition between the proposed mixed-use buildings on the subject site and the two adjacent residential homes. Because of the OBC zone standards, the initial plan required two widely separated buildings on the site with surface parking between the two buildings, creating a more commercial looking development than the alternative plan subsequently created. The initial plan also created commercial space that was likely to remain vacant and unused because of its location downhill on Burns Street, visually and physically separated from the adjacent commercial neighborhood and potential customers or clients.

The alternative plan creates a horizontally mixed-use development of residential character, rather than the vertical mixed-use commercial character of the plan meeting the OBC standards. The alternative plan provides an attractive small commercial building at the intersection of Hood and Burns Streets and two high quality, well designed, adjacent residential buildings, moving from west to east set back 20 feet from the northern property line. The additional setback allows a much better transition between the mixed-use OBC site and the two single family homes directly adjacent to the site. The additional building setback of the alternative plan provides room for additional landscape buffering, and provides the opportunity to provide more privacy for the adjacent property than would adjacent buildings with a 7.5 foot setback. The alternative plan is consistent with the aspirations of the "Imagine West Linn" vision which anticipates "that as the City transitions from a developing city to a redeveloping city", housing design should "be sympathetic to surrounding homes." The alternative plan is clearly more sympathetic to the adjacent homes than a project conforming to the standards of the OBC zone.

13. Transportation Planning Rule

A. Applicant's commercial building is located at the NE corner of Hood Street and Burns Street. This building has a zero setback from Burns and is located as close as possible to Hood without violating the clear vision requirement of Chapter 42. CDC 55.100 (B) (7) (a).

The building has a public entrance on the north side of the building, adjacent to a surface parking lot. An entrance on Burns Street is not feasible since the building is set at the desired zero setback from Burns and a sloping elevation change occurs along the Burns Street sidewalk. In addition, an entrance along Hood Street is not practical because of a combination of the clear vision area requirements and the sloping sidewalk grade along Hood Street and down and around the intersecting Burns Street sidewalk. The necessary elevation for an exterior entrance landing on the angular portion of the building would be in the clear vision area.

An eight foot wide sidewalk accessway from Hood Street serves the entrance to this building as well as the main entrance to the west residential building. CDC 55.100 (B) (7) (d) and (e). In addition, a Portico Entry arching over this accessway at Hood Street serves to invite the public toward the entrances to these buildings. CDC 55.100 (B) (7) (f).

B. The parking for the multi-family buildings in this project are located out of sight under two building. In addition a surface parking lot, partially residential in use, and partially commercial in use is located north of the commercial building. The lot is screened behind the commercial building from Burns Street and is screened by landscaping along Hood Street. CDC 55.100 (B) (7) (b).

14. Parking

A. Parking for the commercial building is the surface parking lot described above. This parking lot provides 12 car spaces allocated as follows:

1) Six car spaces for 2,100 SF of commercial space. 46.090 (C) (2) requires one space for every 350 SF of commercial space.
2) Three car spaces for the two residential units above the commercial space. 46.090 (a) (3) (c) requires 1.50 spaces for each 2 bedroom residential unit.
3) Two car spaces for visitor residential parking. 46.090 (A) (3) (e) requires 1 space for every 5 residential units (20 units requires 4 spaces). This requirement is offset by two spaces as a result of the 100 lineal feet of abutting Burns Street parking.
4) One car space for persons with disabilities. 46.090 B.

B. Parking for the east and west residential buildings is provided as required under CDC 46.090 (A) (3) (c), which is 1.5 car spaces for each two bedroom unit.

1) The west residential building has 19 car spaces for 12 residential units.
2) The east residential building has 12 car spaces for 6 residential units.
3) The requirement for visitor parking is noted above in paragraph A. 3) and is met.

Overall, the ratio of residential units to car parking spaces is 1.85 spaces for every residential unit.

C. Parking for bicycles is provided as required under CDC 46.090 (D) (3).

1) One space for each residential unit for a total of 20 spaces.
2) Two spaces for 2,000 SF of office space.

15. Engineering

STREET IMPROVEMENTS

The engineering department for the City of West Linn is requesting the following:

A. For Burns Street South, on the southern side of the site, the City requests a ½ street improvement within the existing 50 foot right-of-way, including a 16 foot wide street improvement north from centerline and an adjacent 8 foot curbside sidewalk with tree wells, and on-street parking. The sidewalk standard reflects the existing OBC, Office, Business, Commercial, and GC, General Commercial zoning on both sides of Burns Street in this location. Curb extensions will be needed at the Burns and Hood Street and the Burns and Cascade Street intersections to facilitate traffic calming and pedestrian crossings.

B. For Burns Street East, on the eastern side of the site, the City requests a ½ street improvement. The vacation of a portion of Burns Street adjacent to the Subject Property was discussed and supported by the City presuming there is excess right-of-way not needed by the planned street improvement as agreed to by the City and the applicant. There would be no parking on this section of Burns Street due to the location of eastern residential driveway and its proximity to the intersection of Burns and Cascade Street. Because the subject is at its narrowest on its eastern end, there is inadequate space to safely accommodate additional parking.

C. For Hood Street, on the western side of the site, the City requests a ½ street improvement within the existing 40 foot right-of-way, including a 12 foot wide street improvement east from centerline and an adjacent 8 foot wide sidewalk with tree wells. No parking will be designated on this section of Hood Street. The applicant will provide a 4 foot wide public utility and access easement parallel to Hood Street for public improvements that are found to be necessary.

D. Amendments to the Traffic Study by Hann Lee and Street drawings by Bob Foster conform with the above descriptions of street improvements, the discussed changes of the intersection of Hood Street and Cascade Street and revised centerlines on Hood Street, south Burns Street and east Burns Street.

16. Staff Required Explanations and Information, CDC 55.070 (B)

Please review any topics not discussed above that are required inclusions in Staff Pre-App Notes or in the case of this development plan, may become optional inclusions in the Staff Pre-App Notes.

WEST LINN COMMUNITY DEVELOPMENT CODE / REQUEST FOR VARIANCE

BOLTON TERRACE

PURPOSE:

Because of the exceptional and extraordinary physical nature of the subject site, the applicant requests consideration of variances to allow mixed use development in a manner that would create a public benefit, where a literal interpretation of the Community Development Code (CDC) would unnecessarily limit development options more appropriate for community compatibility.

The variances are necessary to meet the purposes of CDC Section 24.010, Planned Unit Development which are quoted from the CDC as follows:

The purpose of the Planned Unit Development overlay zone is to provide a means for creating planned environments:

A. To produce a development which would be as good or better than that resulting from traditional lot by lot development.

B. To preserve, to the greatest extent possible, the existing landscape features and amenities through the use of a plan that relates the type and design of the development to a particular site.

C. To correlate comprehensively the provisions of this title, and all applicable plans; to encourage developments which will provide a desirable, attractive, and stable environment in harmony with that of the surrounding area.

D. To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off street parking areas, and to best utilize the potentials of sites characterized by special features of geography, topography, size, and shape.

E. To allow a mixture of densities between zoning districts and plan designations when more than one district or designation is included in the development.

F. To develop projects that are compatible with neighboring development in terms of architecture, massing, and scale. Where that cannot be accomplished, appropriate transitions should be provided that are deferential or sympathetic to existing development.

G. To carry out the goals of West Linn's Vision, Imagine West Linn; especially goals relating to housing, commercial, and public facilities.

SITE LOCATION:

The subject site is located in the Bolton Neighborhood at 1575 Burns Street, Clackamas County Parcel Reference Number: 22E30BD02501. The site is bordered on the west by Hood Street, and on the south and east sides by Burns Street.

ADJACENT ZONING / LAND USE

North: R-10, Single Family Residential Detached / Single Family Residential
West: OBC, Office Business Commercial / Office
South: GC, General Commercial / Office, Single Family Residential
East: R-10, Single Family Residential Detached / Single Family Residential

DEVELOPMENT CONTEXT:

Located adjacent to West Linn's Bolton Central Village, the proposed mixed use project is located on the northeast corner of Burns and Hood Street providing an excellent opportunity for mixed use infill development supporting and enhancing the Bolton Central Village development and the Bolton Neighborhood. The Village provides a central focus for the Bolton Neighborhood, providing a successful mix of land uses including the West Linn Post Office and Library, a grocery store, bank, and a mix of other specialty retail and office uses. The proposed site is located within a block of grocery, post office and library services and also a block from transit services located on Willamette Drive, connecting West Linn with Lake Oswego, Portland and Oregon City.

The Olson property is located at the interface of West Linn's more intensive Village Center, General Commercial (GC) zone and the lower density Single- Family Residential Detached (R-10) zone. The property is zoned Office-Business Center (OBC) allowing intensive development of a mixed array of uses, including business equipment sales and services, offices, family day care, indoor participant sports and parking facilities. Multi-family residential uses are allowed as a use in conjunction with commercial uses only above the first floor. Eating and drinking establishments are also an allowed use in the OBC zone, subject to a 20% floor area and drive-through limitation, as are indoor small animal sales and service uses. Day care centers, heliports, transient lodging and convention facilities, public safety offices and vehicle fuel sales are some of the uses allowed with conditional use approval in the OBC zone.

The property owner, Rolf Olson, has owned the site for several years, wishing to eventually improve the site with quality residences in a quality neighborhood in which he could eventually reside. Mr. Olson wishes to develop a quality mixed use project emphasizing residential uses compatible with both the Bolton Village Center uses and the adjacent single family residential development. The proposed project is a horizontally mixed use project with predominately underground parking, including a corner commercial building located at the intersection of Hood and Burns Street, and a 20 dwelling unit residential component sited along the Burns Street Frontage. The project's residential component would be developed as elevator served single level one or two bedroom dwelling units, suitable for smaller families or individuals or couples

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downsizing from larger homes in the community. The owner's desire is to provide West Linn a quality alternative housing type not currently available in the community.

The site size is .633 acres or 27,573 square feet. The site is much smaller than other OBC zoned sites in West Linn (Exhibit A). The site slopes gently eastward, with steep slopes along the site's northern and eastern sides and a portion of the south side. The site is approximately 253 feet long, east to west and has an average lot depth north to south of approximately 107 feet. The existing elevation difference between the subject site and the average base elevations of the single family residential parcels to the north ranges from 12 feet to over 20 feet.

The OBC, Office Business Commercial zone allows OBC structures within 50 feet of a residential zone to be constructed 3-stories or 35' feet high within a 7.5' setback. Beyond 50 feet from a residential zone OBC structures are allowed to a height of 45'. The applicant developed an original plan that would take advantage of this code allowance (Exhibit B –OBC Plan). However, the applicant does not feel that the type of project allowed in the OBC zone is in the public interest, because an alternative development proposal (Exhibit C – Modified Plan) provides an opportunity to create a development that can be better integrated into the Bolton Neighborhood and the Bolton Central Village development. However developing an alternative concept requires consideration of variances to provisions of the City's Community Development Code, specifically provisions related to building height, use transitions and significant trees.

The previous material is intended to be referenced and included as justification for each of the requested variances. The specific variances requested are described below. Individual responses to the three variance requests and the six variance criteria for each requested variance follow:

VARIANCES REQUESTED :

HEIGHT VARIANCE

A variance is requested to allow flexibility to the building height code standard of 35' found at CDC 21.070 (A) (7) for those portions of the residential buildings located within 50 feet of a low density residential zone.

PUD TRANSITION VARIANCE

A variance is requested to remove the 40- foot wide berm requirement as stated by CDC 24.140 (B) (3), as a transition between the OBC zone and the residential zone along the north property line.

SIGNIFICANT TREE VARIANCE

A variance is requested to allow development to occur without the preservation of a significant tree cluster as required by CDC 55.100 B. 2 a. – f.

REQUEST FOR VARIANCE – HEIGHT

Pursuant to CDC Section 75.050, the applicant submits this narrative to address the variance criteria set forth in CDC Section 75.060. The underlined sections below signify the applicable approval criteria and the text following each criteria provides a narrative response to each criterion and refers to evidence in support of the variance request. The request is to allow a variance from the requirements of CDC Section 21.070 A. 7. which requires that "the maximum building height shall be two and one one-half stories or 35 feet for any structure located within 50 feet of low or medium density residential zone and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential area." The applicant requests a variance to allow the construction of two adjacent residential buildings with a height of 40.4 feet and 36.4 feet within 50 feet of a low density residential zone, exceeding the OBC 35-foot height requirement by 5.4 feet and 1.4 feet, respectively.

The criteria listed below refer to "other properties in the same zone or vicinity". These other properties are listed on EXHIBIT A, attached to this narrative.

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography or other circumstances over which the applicant has no control.

   The size of the property is .62 acres. This is a smaller parcel than all other OBC zoned properties with the exception of three parcels. The code applies restrictions, such as setbacks and height limits, generally without consideration of lot size. Consequently the subject site is disproportionately impacted by code requirements reducing development flexibility, negatively impacting the ability to create a development alternative that would better address impacts to adjacent residential development.

   The shape of the Subject Property has a greater disproportionate ratio of width to length (approximately 1 to 2.5) than all other properties in the same zone or vicinity. This disproportionate ratio means that as width decreases and length increases code setback or height limits applying to the long side of the property are more restrictive to development than code provisions that may apply to the short side of the property. Although the Subject Property is bordered on three sides by public streets, the longest side of the lot is contiguous to a residential zone.

   As noted, the site is long and narrow, having dimensions as follows: (1) 252.31 feet from the southwest corner to the southeast corner; (2) 112.09 feet from the southeast corner to the northeast corner; (3) 254.37 feet from the northeast corner to the northwest corner; (4) 114.69 feet from the northwest corner to the southwest corner In addition the Subject Property has a descending slope eastward which, on average, approximates the adjacent Burns Street slope of approximately 12%. (Exhibit D). The shape, slope and topography of the property constitute exceptional or extraordinary circumstances as discussed below.

The long and narrow shape of the lot has a disproportionate ratio of length to width as compared to other OBC zoned lots in the City and within the vicinity of the subject site. In addition, this disproportionate ratio is amplified by the location of the longest side of the Subject Property being contiguous to a residential zone to the north. No other properties in the City zoned OBC, Office Business Commercial, have this property's size, configuration and relationship to adjacent residential property. Other sites zoned OBC accommodate taller buildings without a required variance because these structures are located on much larger sites than the subject site. See Exhibit A., Property Numbers 1, 2, 3, 4 and 5.
Tax Lot 2501 was legally created in 1974 prior to the date of adoption of the West Linn Community Development Code which was adopted December, 1983. Historically, the subject site was originally used for agricultural purposes as a fruit orchard with a barn and farm residence. The site slopes gently eastward, with the slopes steepening along its northern and eastern sides. The grades on the site existed in the mid 1950's and were most likely established earlier in the 20th Century for farming and the construction of Burns Street. The easterly portion of the site was modified for construction of a home that was planned at one time, but not constructed.

The site's relationship to the adjacent low density residential zone affects the flexibility to construct alternatives to OBC zone requirements that would be more compatible with the adjacent residential neighborhood. This is because the subject site is located within 50 feet of the adjacent residential zone requiring the OBC zone maximum building height of 45' be reduced to 35'within 50' of the adjacent low density residential zone. The code height reduction line splits the approximate center of the length of the Subject Property. The result is that approximately half of the developable area is on the 45' height side of the line and the other half is on the 35' side of the line. This height reduction covers approximately 46% of the property causing design challenges that deter siting a structure in the center of the parcel, allowing a greater setback from the adjacent low density residential area north of the site. If the same size property bordered a residential zone on the short side of the parcel the area covered by the 50' wide setback height reduction would be 23%.

In the OBC zone buildings can be located within 7 ½ feet of a residential zone without a variance. Roofs of those buildings could be stepped from 35' to 45' moving south, away from the residential zone (OBC Plan – Exhibit B), as required. However, as the CDC requires consideration of residential zones in project planning, the residential buildings shown in the Modified Plan (Exhibit C) have been pulled away from the residential zone and use an increased 20' setback rather than the allowable 7 ½' setback, to reduce the impact on the adjacent residential area by reducing the impact of building bulk relative to the adjacent residential area, as well as increasing privacy. This results in the buildings being centered in the parcel. This means that since the 50' setback line runs through the approximate center of the Subject Property, residential buildings are split by that line making it difficult to construct a residential structure with an even, consistent roof height, necessary in an elevator served building requiring level floors with a minimum of stairs. The applicant believes that the center of the property is the most appropriate location for development giving due consideration to surrounding uses.

Although the majority of the buildings, that is, the portion south of the 50' setback, could be 45' in height and four stories as shown on the OBC Plan (Exhibit B), the Modified Plan

buildings are held to three stories and a consistent height of 40.4' and 36.4' requiring a height variance of 5.4 feet for the main residential building and a height variance of 1.4 feet for the east residential building. The building heights strike a height compromise in deference to a uniform level roof design of structures centered on the property and accepts a stepped roof design east to west, rather than north to south. The Modified Plan allows the building to be pulled away from the northern property line, reducing the impact on the adjacent single family residential properties and allowing a project design that is more compatible with the adjacent residential and commercial neighborhoods

None of the OBC zoned properties developed in the vicinity has attempted to integrate commercial and residential uses on a single lot. This proposal is an opportunity to contribute to a sustainable West Linn community by use of an infill mixed use site near major transportation nodes and an existing community and retail center. The other OBC zoned parcels in the vicinity lend themselves to development with a single level roofline since the developments were not constrained by narrow lot features or the existing cross slope on the site. Compliance with code height limits of the CDC leads to an across the slope stepped roof design depicted in the OBC Plan (Exhibit B). A stepped roofline is the typical method for reducing the appearance of bulk but not across a slope where, in this case, there is the option of stepping down a slope. This site lends itself to the Modified Plan (Exhibit C) where buildings are stepped down the slope, west to east, and developed with a 12.5' greater setback than allowed in the OBC zone.

The Modified Plan has approximately 20% less square footage than the previously submitted pure OBC Plan having a 35' building height, located 7 ½' from the north property line.

2. The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

   While the applicant could build an OBC compliant development on the site as shown by the OBC Plan (Exhibit B) the resulting development character would harm the adjacent property by allowing construction of a 35' high building 7.5' from the northern property line. The policies of West Linn Comprehensive Plan and CDC contemplate the need for adequate transitions between developments of different intensities. In this case the OBC zone allows a much higher development intensity than the adjacent low density residential zone. The applicant wishes to provide a better transition between the different intensity uses through the use of the alternative Modified Plan and wishes to preserve his property right, which is substantially the right possessed by owners of other property in the same zone or vicinity with the use of the Modified Plan. The property right of the applicant is the right to develop and use the Subject Property in substantially the same manner as other owners of OBC zoned properties.

3. The authorization of the variance will not be materially detrimental to the purposes and standards of this Code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

The proposed project is a horizontally mixed use project with predominately underground parking, including a corner commercial building located at the intersection of Hood and Burns Street, and a 20 dwelling unit residential component sited along the Burns Street Frontage. The project's residential component would be developed as elevator served single level one or two bedroom dwelling units, suitable for individuals or couples downsizing from larger homes in the community. The owner's desire is to provide West Linn a quality alternative housing type not currently available in the community. The project design would better comply with the policies and goals of West Linn's Comprehensive Plan and vision than would development allowed by the City's current OBC – Office Business Commercial zone designation on the subject property.

The following excerpts from the City of West Linn's "Imagine West Linn" visioning document, supports and defines the type of development appropriate for this site:

COMMUNITY DEVELOPMENT TRENDS *(Page 8)*

- As urban land values continue to increase, West Linn's neighborhoods and town centers will experience significant redevelopment pressure. West Linn is already transitioning from a developing city to a redeveloping city

- National and regional development trends indicate a shift away from suburban forms of development – i.e., neighborhoods primarily consisting of automobile-oriented subdivisions with large single-family homes – to more mixed use neighborhoods with a variety of housing types and lot sizes within walking distance of parks, schools, and neighborhood-oriented commercial services. The concept of the mixed-use neighborhood is no longer "a vision"; it is a reality in the marketplace. West Linn's planning program will be called upon to find better ways to interconnect the town's older subdivisions, while guiding new development and redevelopment.

PREFERRED FUTURE WITH A VISION (*Page 12*)

Consequently, the mixed-use commercial centers of Willamette, Robinwood, **Bolton** (emphasis added) and Tanner Basin provide neighborhood services at a "village-scale" that is compatible with the adjacent neighborhoods. A variety of housing is provided to meet the full range of housing needs in the community, with higher density housing clustered around the village centers. In recognition of the value of having seniors remain in the City, close to their families, the community provides housing opportunities for the elderly and those on fixed incomes.

LAND USE AND QUALITY OF LIFE (*Page* 17)

To shape the physical design of West Linn so that citizens feel a sense of pride and are rooted to the community; where the human scale, history, centers, edges, patterns, textures, styles and visual reference points define the uniqueness and magic of a special place.

HOUSING ACTION ITEMS (*Page 18)*

1. Periodically update the City's Comprehensive Plan and Development Code to ensure an adequate supply of appropriately zoned land for need (sic) housing.

3. As the community transitions from a developing city to a redeveloping city, encourage the design of housing to be sympathetic to surrounding homes.

4. Adopt land use policies and regulations that allow for flexibility in housing types to meet the needs of the elderly with alternative lifestyle needs. These policies should provide for affordable housing, close to needed services and should encourage mode of transportation beyond the single occupancy vehicle.

COMMERCIAL DEVELOPMENT ACTION ITEMS *(Page 18)*

1. Continue to plan for mixed use development and increased development densities along transit corridors.

   The City's Comprehensive Plan and the Bolton Neighborhood Plan as well as the City's Community Development Code (CDC) place an emphasis on appropriate land use transitions between different types of land uses, while at same time providing an appropriate mix of land uses serving multiple land use goals. West Linn Comprehensive Plan, Goal 2: Land Use Planning, Section 1 Residential Development Goals summarizes the City's aspiration for West Linn housing as follows:

GOALS

1. Maintain land use and zoning policies that continue to provide for a variety of living environments and densities within the city limits

2. Allow mixed residential and commercial uses in existing commercial areas only in conjunction with an adopted neighborhood plan designed to ensure compatibility and maintain the residential character of existing neighborhoods

3. Consideration of the concept of carrying capacity should also include the transportation network, storm water management, air quality, and overall quality of life

4. Encourage energy efficient-housing (e.g., housing with solar energy, adequate insulation, weatherproofing, etc.).

DRAFT

West Linn Comprehensive Plan, Goal 2: Land Use Planning, Section 3: Mixed Use / Commerical Development summarize the City's aspirations for development in West Linn's Mixed Use areas as follows:

GOALS

1. Develop/redevelop commercial areas as mixed use/commercial districts that blend housing and commercial uses to: enhance the community's identity; encourage strong neighborhoods; increase housing choices; promote socioeconomic diversity; promote alternative modes of transportation; promote civic uses; and improve community interaction and involvement.

2. Consider the development of commercial and office facilities in West Linn that will increase employment opportunities, reduce dependence on services outside of the City, and promote energy-efficient travel and land use patterns, while recognizing that there will be limits imposed by West Linn's topography and limited available land.

3. Encourage retail commercial uses to be located in centers that facilitate one-stop shopping and discourage strip commercial development.

4. Protect surrounding residential areas from adverse effects of commercial development in terms of loss of privacy, noise, lights, and glare.

5. Require mixed use/commercial centers and uses to be aesthetically attractive and landscaped.

6. Provide for interconnections between mixed use/commercial centers via transit, pedestrian pathways, and other means.

7. Require standards for mixed-use areas that create livable areas that fit in with existing neighborhood character.

8. Provide enhanced opportunities for neighborhood involvement in neighborhood plan decisions to ensure they are livable, provide service improvements to area residents, and fit with the character of the neighborhood. Any significant changes of residential zones to commercial shall occur only after a neighborhood planning process is completed.

AT

West Linn Comprehensive Plan, Goal 10: Housing, identifies three Housing Goals follows:

1. Preserve the character and identity of established neighborhoods.

2. Assure good functional an aesthetic design of multi-family and clustered single-family developments.

3. Encourage the development of affordable housing for West Linn residents of all income levels.

   West Linn Comprehensive Plan, Housing Policy 5 directs the City to, "Allow for flexibility in lot design, size and building placement to promote housing variety and protection of natural resource."

   All of these goals will be met through granting the variances and approving the Modified Plan because the scale of the development of the residential portion of the project will best preserve the character of the neighborhood and on this OBC zoned site achieve an intended transition from mixed use development to the residential neighborhood. Further, the design features of a residential cluster will be both functional for tenants and aesthetically pleasing for neighbors in comparison to the OBC Plan, not requiring these variances. The proposed mixed use development enables the City to approve a project that will add to West Linn's residential types and options for residents of various income levels and physical abilities. The Modified Plan supports West Linn's vision for the future ("Imagine West Linn") by providing an alternative housing type, at a village scale more compatible with the adjacent neighborhood, located within an existing transit corridor. The Modified Plan is consistent with the purposes of the CDC Planned Unit Development (PUD) section by producing "development which would be as good or better than that resulting from traditional lot by lot development" (CDC 24.010, A.), in a manner that would "correlate comprehensively the provisions of this title, and all applicable plans; to encourage developments which will provide a desirable, attractive, and stable environments in harmony with the surrounding area"(CDC 24.010, C.). The Modified Plan is also consistent with following additional PUD purpose statements: CDC 24.010, D. "To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off street parking areas, and to best utilize the potentials of sites characterized by special features of geography, topography, size, and shape"; CDC 24.010 F. "To develop projects that are compatible with neighboring development in terms of architecture, massing, and scale. Where that cannot be accomplished, appropriate transitions should be provided that are deferential or sympathetic to existing development; and CDC 24.010, G. "To carry out the goals of West Linn's Vision, Imagine West Linn; especially goals relating to housing , commercial , and public facilities."

   The proposed Modified Plan (Exhibit C) allows the City to exercise its discretion to provide flexibility in lot design, size, and building placement in order to meet the housing goals discussed above. The West Linn Vision, Comprehensive Plan and Community Development Code provides the City with the discretion to allow this flexibility through its variance process.

4. The variance request is the minimum variance, which would alleviate the exceptional and extraordinary circumstances.

The mixed use character of the Modified Plan with underground parking, the sloping nature of the site, and the site's relationship to adjacent sites make this the minimum variance that can be requested to assure an economically viable, quality residential project. A quality multi-story residential development with underground parking requires a minimum number of dwelling units to meet the costs of developing a quality project of this type. Consequently the Modified Plan proposes 3 floors of living units on single levels, served by an elevator from underground parking garages dug into the site, with the two residential buildings stepped down the hill, west to east on the site. The grades on the site allow the buildings to be stepped down the hill and the construction of two adjacent underground parking garages on two levels, both accessed from Burns Street on the south and east sides of the site. The underground parking garages require a minimum height of 9.5 feet to accommodate the height of vehicles and ceiling utilities serving the dwelling units above and each dwelling unit floor requires a 10.5' ceiling height with 12' of height between floors to accommodate the floor structure and utilities. The roof structure accommodates screening for rooftop utilities. Taller ceiling heights are an important feature of quality dwelling units, providing a more dramatic character to the dwelling unit than a tradition lower ceiling height. The height between floors is determined by standard structural and utility requirements. The roof height is designed to screen rooftop utilities that might otherwise be located at ground level, which could create additional noise impacts on adjacent residential property than a rooftop location.

While the site could be graded to the level of Burns Street, this alternative would be cost prohibitive and would increase the impact on the adjacent residential property north of the site by placing development at the same grade level as the adjacent residential property. The applicant considered lowering the two residential buildings further into the site, to a grade less than shown shown on the Modified Plan, but greater than the level of Burns Street and concluded the proposed Modified Plan could not be sited lower on the site for the following reasons:

- The slope from the street to the parking structure would rise on the west side of the driveway from a negative 4 degrees to a positive 12 degrees and on the east side of the driveway from 12 degrees to 24 degrees. This is too severe a rise for safe and practical ingress and egress.

- Moving the driveway would require the parking level of the buildings to be lowered 3 to 4 feet, and the foundation walls increased in height the same distance. These are additional costs affecting the affordability of the dwelling units and the economic viability of this type of quality project.

- Disabled access from the handicapped parking space on the site to the commercial building and the western residential building entrances must meet minimum slope requirements. The small dimensions of the site do not allow sufficient distances to accommodate the required grades. Ideally these grades should be as level as possible.

- Lowering the residential buildings further would cause the lower portion of the ground floor units to be located below grade creating basement dwelling units, affecting the unit value and creating potential moisture issues for future residents.

Currently the two homes on the adjacent sites are located between 10 and 20 feet below the grade of the subject property and are thus provided additional privacy by the grade difference between the two sites. The southern views from the homes on these sites look directly south toward the subject site and look directly into the slope located on the south side of both of these properties. Consequently the southern views from these homes will not be impaired by the proposed project. The landscaping and wall / fences shown on the Modified Plan are designed to account for views from both the project toward the north and from the residential properties looking south, providing privacy in both directions. The proposed 20' setback increases the amount of property available for landscaping to create privacy and reduce visual impact, compared to the OBC Plan.

The alternative OBC Plan is also a mixed use plan with underground parking, but places the two OBC Plan buildings 7.5' from the north property line 35'high with no common open space and minimal buffering from the adjacent residential property. The OBC Plan also does not have residential character that can be provided by the Modified Plan that places two residential buildings directly adjacent each other.

Although the majority of the buildings, that is, the portion south of the 50' setback, could be 45' in height and four stories as shown on the OBC Plan (Exhibit B), the Modified Plan buildings are held to three stories and a consistent height of 40.4' and 36.4' requiring a height variance of 5.4 feet for the main residential building and a height variance of 1.4 feet for the east residential building. The request to exceed the building height limit by 5.4 feet for one building and 1.4 feet for the other building within the 50' area of reduced height adjacent to the residential zone is the minimum necessary to alleviate the impacts from the narrow parcel size to allow development that provides an appropriate transition in massing and height from existing residential to commercial uses. The height variance is also the minimum necessary to allow the same number of housing units in the Modified Plan as would be permitted outright in a pure OBC plan, similar to what has been previously proposed, supporting the applicant's property right.

5. <u>The exceptional and extraordinary circumstance does not arise from the violation of this ordinance.</u>

   This variance request arises from the narrow width of the parcel, not from any violation of this ordinance. The subject development will comply with all CDC standards not approved for variance from CDC standards.

6. <u>The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.</u>

This variance will not impose physical limitations on other properties or uses in the area. All of the surrounding properties have been developed or can be redeveloped without the proposed Modified Plan imposing any physical limitations on neighboring vacant or underdeveloped properties. Residential land uses are located directly adjacent the north side of the site and the Modified Plan will not impose any physical limitation on the future use of these properties. All other properties are across either Hood or Burns Street and are zoned OBC, Office Business Center or GC, General Commercial. None of the features of the Modified Plan will impose physical limitations on any of these properties or other properties in the vicinity of the site, nor will this variance request create conditions that would affect redevelopment of any of the adjacent properties or properties in the vicinity of the subject site. The variance does not create access restrictions or other conditions that would impose any physical limitation on the development or redevelopment of property in the vicinity of the site. All sites in the vicinity have separate access to public streets and all construction on the site will only impact the subject site, imposing no physical limitations on the future use of other property adjacent or in the vicinity of the site. Required street, water line and storm drainage improvements associated with the proposed development on the site may improve the ability of adjacent development to redevelop in the future, by improving public services in the area.

REQUEST FOR VARIANCE – PUD TRANSITION

Pursuant to CDC Section 75.050, the applicant submits this narrative to address the variance criteria set forth in CDC Section 75.060. The underlined sections below signify the applicable approval criteria and the text following each portion provides a narrative response to each criterion and refers to evidence in support of the variance request. The request is to allow a variance from the requirements of CDC Section 24.140 B. 3. that requires a "man-made berm (5 feet minimum height) with landscaping for adequate screening with a 40-foot minimum width. This transition must be on the subject parcel." The applicant requests removal of the forty foot wide berm requirement as stated by the CDC to allow an alternative transition between existing single family and proposed multi-family structures, due to the unique nature of the subject site.

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.

   This site is long and narrow, having dimensions as follows: (1) 252.31 feet from the southwest corner to the southeast corner; (2) 112.09 feet from the southeast corner to the northeast corner; (3) 254.37 feet from the northeast corner to the northwest corner; (4) 114.69 feet from the northwest corner to the southwest corner. In addition the Subject Property has a descending slope eastward which, on average, approximates the adjacent Burns Street slope of approximately 12%. The south to north elevation difference between the subject site and the adjacent residential properties is between 12 and greater than 20 feet as one moves from west to east along the property line of the subject property, with the subject site being higher than the adjacent residential properties. The applicant appreciates the City's requirement for

a transitional element between a higher density PUD project and low density residential uses, however, the 40' wide berm requirement appears to envision much larger scale multi-family developments on larger sites than the proposed Modified Plan infill project on an OBC zoned site. The shape and slope of the property constitutes exceptional or extraordinary circumstances as discussed below not present on other properties in the same zone or vicinity.

The long and narrow shape of the lot has a disproportionate ratio of length to width as compared to other OBC zoned lots in the vicinity. In addition, this disproportionate ratio is amplified by the location of the longest side of the Subject Property being contiguous to a residential zone to the north. No other properties in the City zoned OBC, Office Business Commercial, have this property's size, configuration and relationship to adjacent residential property. See Exhibit A. Tax Lot 2501 was legally created in 1974 prior to the date of adoption of the West Linn Community Development Code which was adopted, December, 1983. Historically, the subject site was originally used for agricultural purposes as a fruit orchard with a barn and farm residence. The site slopes gently eastward, with the slopes steepening along its northern, southern and eastern sides. The grades on the site were existing in the mid 1950's and were most likely established earlier in the 20th Century for farming and the construction of Burns Street. The easterly portion of the site was modified for construction of a home that was planned at one time, but not constructed.

The subject site's proximity to the adjacent low density residential zone affects the subject site as the transition requirements going from a PUD project to a residential zone is a transition consisting of a man-made berm 40' wide and 5' feet high along the common property line with the residential zone. Similar to the 50' height setback line from residential areas, noted in the height variance request for this project, the berm transition line splits the length of the Subject Property, from west to east. However, in the case of such a berm the berm itself constitutes an area that cannot be developed, severely restricting the use of the site relative to other properties zoned OBC.

A 40' wide berm transition area consumes approximately 36% of the Subject Property and makes less than half the property available for development. The berm requirement makes development of this small site marginal because the placement of the berm pushes any developed structure up against the Burns Street setback and results in a long, narrow building that lacks reasonable function. The average site depth is 113' leaving only an average 58' wide strip available for development along the length of the property, a proportionally far smaller area of development than available on other OBC zoned sites in the vicinity of this site or OBC sites in other areas of the City. Development requires parking and a single loaded parking aisle located behind any development constructed along the length of Burns Street would reduce the developable area by a minimum of another 30 feet in width, assuming a one-way single loaded parking aisle with diagonal parking spaces with setbacks and landscaped areas between the parking and developed structures. The remaining area available for building construction would then be reduced to a strip of land approximately 28' feet wide, not a practical width for the construction intensity contemplated and built on OBC zoned properties. Adding to the exceptional or extraordinary circumstances is a relatively steep elevation change shown on the survey (Exhibit D) from the Subject Property

to the first floor of the two houses in the residential zone to the north. Placing a 5' berm along the north property line increases the change in elevation.

2. The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

   While the applicant could build an OBC compliant development on the site as shown by the OBC Plan (Exhibit B), the resulting development character would harm the adjacent property by allowing construction of a 35' high building 7.5' from the northern property line. The policies of West Linn Comprehensive Plan and CDC contemplate the need for adequate transitions between developments of different intensities. In this case the OBC zone allows a much higher development intensity than the adjacent low density residential zone. The applicant wishes to provide a better transition between the different intensity uses through the use of the alternative Modified Plan and wishes to preserve his property right, which is substantially the right possessed by owners of other property in the same zone or vicinity with the use of the Modified Plan, the property right of the applicant is the right to develop and use the Subject Property in substantially the same manner as other owners of OBC zoned properties. Other sites zoned OBC accommodate taller buildings without a required variance because these structures are located on much larger sites than the subject site. The 40' berm transition requirement would severely limit the development intensity on this site as discussed in the response to Variance Criteria 1 and, as a result, would not allow a development right currently allowed by development in the OBC zone.

3. The authorization of the variance will not be materially detrimental to the purposes and standards of this Code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

   The proposed project is a horizontally mixed use project with predominately underground parking, including a corner commercial building located at the intersection of Hood and Burns Street, and a 20 dwelling unit residential component sited along the Burns Street Frontage. The project's residential component would be developed as elevator served single level dwelling units, suitable for smaller families or individuals or couples downsizing from larger homes in the community. The owner's desire is to provide West Linn a quality alternative housing type not currently available in the community. The project design would better comply with the policies and goals of West Linn's Comprehensive Plan and vision than would development allowed by the City's current OBC – Office Business Commercial zone designation on the subject property.

   The following excerpts from the City of West Linn's "Imagine West Linn" visioning document, supports and defines the type of development appropriate for this site:

   Community Development Trends *(Page 8)*

   - As urban land values continue to increase, West Linn's neighborhoods and town centers will experience significant redevelopment pressure. West Linn is already transitioning from a developing city to a redeveloping city

- National and regional development trends indicate a shift away from suburban forms of development – i.e., neighborhoods primarily consisting of automobile- oriented subdivisions with large single-family homes – to more mixed use neighborhoods with a variety of housing types and lot sizes within walking distance of parks, schools, and neighborhood-oriented commercial services. The concept of the mixed-use neighborhood is no longer "a vision"; it is a reality in the marketplace. West Linn's planning program will be called upon to find better ways to interconnect the town's older subdivisions, while guiding new development and redevelopment.

Preferred Future With A Vision (*Page 12*)

- Consequently, the mixed-use commercial centers of Willamette, Robinwood, **Bolton** (emphasis added) and Tanner Basin provide neighborhood services at a "village-scale" that is compatible with the adjacent neighborhoods. A variety of housing is provided to meet the full range of housing needs in the community, with higher density housing clustered around the village centers. In recognition of the value of having seniors remain in the City, close to their families, the community provides housing opportunities for the elderly and those on fixed incomes.

Land Use And Quality Of Life (*Page* 17)

To shape the physical design of West Linn so that citizens feel a sense of pride and are rooted to the community; where the human scale, history, centers, edges, patterns, textures, styles and visual reference points define the uniqueness and magic of a special place....

Housing Action Items (*Page 18)*

1. Periodically update the City's Comprehensive Plan and Development Code to ensure an adequate supply of appropriately zoned land for need (sic) housing.

2. As the community transitions from a developing city to a redeveloping city, encourage the design of housing to be sympathetic to surrounding homes.

3. Adopt land use policies and regulations that allow for flexibility in housing types to meet the needs of the elderly with alternative lifestyle needs. These policies should provide for affordable housing, close to needed services and should encourage mode of transportation beyond the single occupancy vehicle.

Commercial Development Action Items *(Page 18)*

1. Continue to plan for mixed use development and increased development densities along transit corridors.

The City's Comprehensive Plan and the Bolton Neighborhood Plan as well as the City's Community Development Code (CDC) place an emphasis on appropriate land use transitions between different types of land uses, while at same time providing an appropriate mix of land uses serving multiple land use goals. West Linn Comprehensive Plan, Goal 2: Land Use Planning, Section 1 Residential Development Goals summarizes the City's aspiration for West Linn housing as follows:

GOALS

1. Maintain land use and zoning policies that continue to provide for a variety of living environments and densities within the city limits

2. Allow mixed residential and commercial uses in existing commercial areas only in conjunction with an adopted neighborhood plan designed to ensure compatibility and maintain the residential character of existing neighborhoods

3. Consideration of the concept of carrying capacity should also include the transportation network, storm water management, air quality, and overall quality of life

4. Encourage energy efficient-housing (e.g., housing with solar energy, adequate insulation, weatherproofing, etc.).

West Linn Comprehensive Plan, Goal 2: Land Use Planning, Section 3: Mixed Use / Commerical Development summarize the City's aspirations for development in West Linn's Mixed Use areas as follows:

GOALS

1. Develop/redevelop commercial areas as mixed use/commercial districts that blend housing and commercial uses to: enhance the community's identity; encourage strong neighborhoods; increase housing choices; promote socioeconomic diversity; promote alternative modes of transportation; promote civic uses; and improve community interaction and involvement.

2. Consider the development of commercial and office facilities in West Linn that will increase employment opportunities, reduce dependence on services outside of the City, and promote energy-efficient travel and land use patterns, while recognizing that there will be limits imposed by West Linn's topography and limited available land.

3. Encourage retail commercial uses to be located in centers that facilitate one-stop shopping and discourage strip commercial development.

DRAFT

4. Protect surrounding residential areas from adverse effects of commercial development in terms of loss of privacy, noise, lights, and glare.

5. Require mixed use/commercial centers and uses to be aesthetically attractive and landscaped.

6. Provide for interconnections between mixed use/commercial centers via transit, pedestrian pathways, and other means.

7. Require standards for mixed-use areas that create livable areas that fit in with existing neighborhood character.

8. Provide enhanced opportunities for neighborhood involvement in neighborhood plan decisions to ensure they are livable, provide service improvements to area residents, and fit with the character of the neighborhood. Any significant changes of residential zones to commercial shall occur only after a neighborhood planning process is completed.

West Linn Comprehensive Plan, Goal 10: Housing, identifies three Housing Goals as follows:

1. Preserve the character and identity of established neighborhoods.

2. Assure good functional an aesthetic design of multi-family and clustered single-family developments.

3 Encourage the development of affordable housing for West Linn residents of all income levels.

West Linn Comprehensive Plan, Housing Policy 5 directs the City to, "Allow for flexibility in lot design, size and building placement to promote housing variety and protection of natural resource."

All of these goals will be met through granting the variances and approving the Modified Plan because the scale of the development of the residential portion of the project will best preserve the character of the neighborhood and in this OBC zone achieve an intended transition from mixed use development to the residential neighborhood. Further, the design features of a residential cluster will be both functional for tenants and aesthetically pleasing for neighbors in comparison to the OBC Plan, not requiring these variances. The proposed mixed use development enables the City to approve a project that will add to West Linn's residential types and options for residents of various income levels. The Modified Plan supports West Linn's vision for the future ("Imagine West Linn") by providing an alternative housing type, at a village scale more compatible with the adjacent neighborhood, located within an existing transit corridor. The Modified Plan is consistent with the purposes of the

CDC Planned Unit Development (PUD) section by producing "development which would be as good or better than that resulting from traditional lot by lot development" (CDC 24.010, A.), in a manner that would "correlate comprehensively the provisions of this title, and all applicable plans; to encourage developments which will provide a desirable, attractive, and stable environments in harmony with the surrounding area"(CDC 24.010, C.). The Modified Plan is also consistent with following additional PUD purpose statements: CDC 24.010, D. "To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off street parking areas, and to best utilize the potentials of sites characterized by special features of geography, topography, size, and shape"; CDC 24.010 F. "To develop projects that are compatible with neighboring development in terms of architecture, massing, and scale. Where that cannot be accomplished, appropriate transitions should be provided that are deferential or sympathetic to existing development; and CDC 24.010, G. "To carry out the goals of West Linn's Vision, Imagine West Linn; especially goals relating to housing , commercial , and public facilities."

The proposed Modified Plan (Exhibit C) allows the City to exercise its discretion to provide flexibility in lot design, size, and building placement in order to meet the housing goals discussed above. The West Linn Vision, Comprehensive Plan, and CDC provides the City with the discretion to allow this flexibility through its variance process.

4. The variance request is the minimum variance, which would alleviate the exceptional and extraordinary circumstance.

The applicant's Modified Plan proposes a setback 12.5' greater that the 7.5' setback allowed by the OBC zone without a variance. This additional setback provides additional buffer space while allowing the applicant use of the subject site in a manner which preserves a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity. Other properties in the same zone or vicinity are intensively developed with private and public buildings accomodating a variety of uses. The Modified Plan balances the property right of the applicant with the need for appropriate buffering between land use of differing intensity. To provide the transitional buffers contemplated by the City the applicant's Modified Plan – Landscaping Plan (Exhibit C) and the cross sections shown by Exhibit C) proposes extensive landscaping in the widened 20' setback as well as on the adjacent northern residential properties to mitigate the impacts of building height and privacy. The applicant proposes to heavily landscape the project with terraced landscaping beds including a mix of evergreen and deciduous plant materials, with landscaping also occurring on the adjacent residential property conforming to the wishes of the adjacent property owners, with whom the landscape plan has been coordinated. The landscaping is designed to account for views from both the project toward the north and from the residential properties looking south, providing privacy in both directions. The proposed 20' setback increases the amount of property available for landscaping to create privacy and reduce visual impact, compared to the OBC Plan. Currently the two homes on the adjacent sites are located significantly below the grade of the subject property and are thus provided additional privacy by the grade difference between the two sites. The landscaping plan is also integrated with a wall / fence plan which will be constructed along the entire northern boundary of the property adjacent the two adjacent residential properties. In addition the architectural style of the proposed buildings are designed to have a high

quality residential design consistent with the surrounding natural and built environment. See Exhibit C.

The proposal to eliminate the 40' wide berm transition requirement and replace the requirement with the proposed mitigating measures is the minimum necessary to alleviate the exceptional and extraordinary circumstances caused by the narrow width and sloping grades of the Subject Property. As noted above, the 40' foot wide berm would extend over approximately 36% of the property's width, severely restricting the development potential of the site relative to other sites in the same zone or vicinity.

5. The exceptional and extraordinary circumstance does not arise from the violation of this ordinance.

This variance request arises from the narrow width of the parcel, not from any violation of this ordinance. The subject development will comply with all CDC standards not approved for variance from CDC standards.

6. The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.

This variance will not impose physical limitations on other properties or uses in the area. All of the surrounding properties have been developed or can be redeveloped without the proposed Modified Plan imposing any physical limitations on neighboring vacant or underdeveloped properties. The Modified Plan will not impose any physical limitation on the future use of the residential land uses located directly adjacent, north side of the site. All other properties are across either Hood or Burns Street and are zoned OBC, Office Business Center or GC, General Commercial. None of the features of the Modified Plan will impose physical limitations on any of these properties or other properties in the vicinity of the site, nor will this variance request create conditions that would affect redevelopment of any of the adjacent properties or properties in the vicinity of the subject site. The variance does not create access restrictions or other conditions that would impose any physical limitation on the development or redevelopment of property in the vicinity of the site. All sites in the vicinity have separate access to public streets and all construction on the site will only impact the subject site, imposing no physical limitations on the future use of other property adjacent or in the vicinity of the site. Required street, water line and storm drainage improvements associated with the proposed development on the site may improve the ability of adjacent development to redevelop in the future, by improving public services in the area.

REQUEST FOR VARIANCE – SIGNIFICANT TREES

Pursuant to CDC Section 75.050, the applicant submits this narrative to address the variance criteria set forth in CDC Section 75.060. The underlined sections below signify the applicable approval criteria and the text following each portion provides a narrative response to each criterion and refers to evidence in support of the variance request. The request is to allow a

variance from the requirements of CDC Section 55.100.B.2.a. through f. which requires that "...all trees and clusters of trees (cluster is defined as three or more trees with overlapping driplines;...that are considered significant by the City Arborist, either individually on in consultation with certified arborists or similarly qualified professionals, based on accepted arboricultural standards including consideration of their size, type, location health, long term survivability, and/or numbers, shall be protected pursuant to the criteria of subsections 2(a-f) below." The City Arborist and the applicant's arborist have identified one significant cluster of fir trees on the site adjacent to Burns Street on the south side of the site approximately 75' from the southwest corner of the subject property (Exhibit E). The tree cluster is located approximately 10' above the grade of Burns Street, 10 to 15 feet from the south property line of the subject site. Because of the nature of the proposed mixed-use residential project it is extremely difficult to preserve this tree cluster, consequently the applicant requests a variance to remove the tree cluster with significant offset mitigation.

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.

   The size of the property is .62 acres. This is a smaller parcel than all other OBC zoned properties with the exception of three parcels. The code applies restrictions, such as setbacks and height limits, generally without consideration of lot size. Consequently the subject site is disproportionately impacted by code requirements reducing development flexibility, negatively impacting the ability to create a development alternative that would better address impacts to adjacent residential development.

   The shape of the Subject Property has a greater disproportionate ratio of width to length (approximately 1 to 2.5) than all other properties in the same zone or vicinity. This disproportionate ratio means that as width decreases and length increases code setback or height limits applying to the long side of the property are more restrictive to development than code provisions that may apply to the short side of the property. Although the Subject Property is bordered on three sides by public streets, the longest side of the lot is contiguous to a residential zone.

   As noted, the site is long and narrow, having dimensions as follows: (1) 252.31 feet from the southwest corner to the southeast corner; (2) 112.09 feet from the southeast corner to the northeast corner; (3) 254.37 feet from the northeast corner to the northwest corner; (4) 114.69 feet from the northwest corner to the southwest corner In addition the Subject Property has a descending slope eastward which, on average, approximates the adjacent Burns Street slope of approximately 12%. (Exhibit D). The shape, slope and topography of the property constitute exceptional or extraordinary circumstances as discussed below.

   The long and narrow shape of the lot has a disproportionate ratio of length to width as compared to other OBC zoned lots in the City and within the vicinity of the subject site. In addition, this disproportionate ratio is amplified by the location of the longest side of the Subject Property being contiguous to a residential zone to the north. No other properties in

the City zoned OBC, Office Business Commercial, have this property's size, configuration and relationship to adjacent residential property. See Exhibit A. Tax Lot 2501 was legally created in 1974 prior to the date of adoption of the West Linn Community Development Code which was adopted December, 1983. Historically, the subject was originally used for agricultural purposes as a fruit orchard with a barn and farm residence. The site slopes gently eastward, with the slopes steepening along its northern, southern and eastern sides. The grades on the site existed in the mid-1950's and were most likely established earlier in the 20th Century for farming and the construction of Burns Street. The easterly portion of the site was modified for construction of a home that was planned at one time, but not constructed.

The site's relationship to the adjacent low density residential zone affects the flexibility to construct alternatives to OBC zone requirements that would be more compatible with the adjacent residential neighborhood. In order to develop a project that is more compatible with the neighborhood, the applicant is proposing a Modified Plan (Exhibit C) that addresses compatibility with the low density residential area located north of the subject site. The Modified Plan introduces an alternative to the OBC Plan (Exhibit C), but moves the residential buildings away from the adjacent residential zone and places the residential building in the center of the site. Because of the steep grade on the southern edge of the site adjacent Burns Street, the Modified Plan takes advantage of this grade change to accommodate the underground parking structure driveway serving the western residential building shown on the Modified Plan. The Modified Plan has been designed to minimize the amount of grading necessary on the site while, at the same time, taking advantage of the grade differences between the subject site and the adjacent residential property to provide additional privacy through increased setbacks. The mixed-use commercial structure located at the corner of Burns and Hood Street is located on the flat western portion of the site where surface parking behind the building can be accommodated, providing convenient and easy access to future commercial uses in this building. The applicant has considered grading the site lower to accommodate the proposed development. However, the requirement for level floors and convenient and attractive level entries to the western commercial and residential buildings resulted in the Modified Plan design. Another reason to maintain the current flat grade on the western portion of the site, was the need for the Burn Street driveway entrance to the western residential building parking garage, which takes advantage of the elevation difference between the site and Burns Street. Because of the unique size, shape, and grades on this site, the mixed-use commercial building and the adjacent western residential structure, with its Burns Street driveway impact the significant tree cluster in a manner that makes the tree cluster impractical to preserve. Please note additional discussion in Variance Criteria 4.

2. <u>The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.</u>

While the applicant could build an OBC compliant development on the site as shown by the OBC Plan (Exhibit B), the resulting development character would harm the adjacent property by allowing construction of a 35' high building 7.5' from the northern property line. The policies of West Linn Comprehensive Plan and CDC contemplate the need for adequate

transitions between developments of different intensities. In this case the OBC zone allows a much higher development intensity than the adjacent low density residential zone. The applicant wishes to provide a better transition between the different intensity uses through the use of the alternative Modified Plan and wishes to preserve his property right, which is substantially the right possessed by owners of other property in the same zone or vicinity with the use of the Modified Plan. The property right of the applicant is the right to develop and use the Subject Property in substantially the same manner as other owners of OBC zoned properties. Preservation of the significant tree cluster would not allow the construction of the Modified Plan which better meets goals and policies of the City for transitions between land uses of differing intensity. Approving the Modified Plan would preserve the property right of the applicant while improving neighborhood compatibility. Because of the differential grade of Burns Street (12% Grade) and the need for a relatively flat grade for the west residential building underground parking driveway and garage, the garage driveway from Burns Street cannot practically be located further east in a manner that would preserve the tree cluster.

It should be noted that the OBC Plan would also require the removal of the subject tree cluster to preserve the applicant's property right, relative to other comparable properties. However, the Modified Plan provides the benefit of an additional setback that improves the ability to provide for an additional transition area between land uses of differing intensities. The Modified Plan allows landscaping buffer opportunities in a wider setback not provided by the OBC Plan. The Modified Plan – Landscaping Plan (Exhibit C) and the cross sections shown by Exhibit C, proposes extensive landscaping in the widened 20' setback as well as on the adjacent northern residential properties to mitigate any impacts. The applicant proposes to heavily landscape the project with terraced landscaping beds including a mix of evergreen and deciduous plant materials, with landscaping also occurring on the adjacent residential property conforming to the wishes of the adjacent property owners, with whom the landscape plan has been coordinated. The landscaping plan is also integrated with a wall / fence plan which will be constructed along the entire northern boundary of the property adjacent the two adjacent residential properties.

3. <u>The authorization of the variance will not be materially detrimental to the purposes and standards of this Code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.</u>

   The proposed project is a horizontally mixed use project with predominately underground parking, including a corner commercial building located at the intersection of Hood and Burns Street, and a 20 dwelling unit residential component sited along the Burns Street Frontage. The project's residential component would be developed as elevator served single level dwelling units, suitable for smaller families or individuals or couples downsizing from larger homes in the community. The owner's desire is to provide West Linn a quality alternative housing type not currently available in the community. The project design would better comply with the policies and goals of West Linn's Comprehensive Plan and vision than would development allowed by the City's current OBC – Office Business Commercial zone designation on the subject property.

The following excerpts from the City of West Linn's "Imagine West Linn" visioning document, supports and defines the type of development appropriate for this site:

Community Development Trends *(Page 8)*

- As urban land values continue to increase, West Linn's neighborhoods and town centers will experience significant redevelopment pressure. West Linn is already transitioning from a developing city to a redeveloping city

- National and regional development trends indicate a shift away from suburban forms of development – i.e., neighborhoods primarily consisting of automobile-oriented subdivisions with large single-family homes – to more mixed neighborhoods with a variety of housing types and lot sizes within walking distance of parks, schools, and neighborhood-oriented commercial services. The concept of the mixed-use neighborhood is no longer "a vision"; it is a reality in the marketplace. West Linn's planning program will be called upon to find better ways to interconnect the town's older subdivisions, while guiding new development and redevelopment.

Preferred Future With A Vision (*Page 12*)

Consequently, the mixed-use commercial centers of Willamette, Robinwood, **Bolton** (emphasis added) and Tanner Basin provide neighborhood services at a "village-scale" that is compatible with the adjacent neighborhoods. A variety of housing is provided to meet the full range of housing needs in the community, with higher density housing clustered around the village centers. In recognition of the value of having seniors remain in the City, close to their families, the community provides housing opportunities for the elderly and those on fixed incomes.

Land Use And Quality Of Life (*Page* 17)

To shape the physical design of West Linn so that citizens feel a sense of pride and are rooted to the community; where the human scale, history, centers, edges, patterns, textures, styles and visual reference points define the uniqueness and magic of a special place....

Housing Action Items (*Page 18)*

1. Periodically update the City's Comprehensive Plan and Development Code to ensure an adequate supply of appropriately zoned land for need (sic) housing.

2. As the community transitions from a developing city to a redeveloping city, encourage the design of housing to be sympathetic to surrounding homes.

3. Adopt land use policies and regulations that allow for flexibility in housing types to meet the needs of the elderly with alternative lifestyle needs. These policies should provide for affordable housing, close to needed services and should encourage mode of transportation beyond the single occupancy vehicle.

Commercial Development Action Items *(Page 18)*

1. Continue to plan for mixed use development and increased development densities along transit corridors.

The City's Comprehensive Plan and the Bolton Neighborhood Plan as well as the City's Community Development Code (CDC) place an emphasis on appropriate land use transitions between different types of land uses, while at same time providing an appropriate mix of land uses serving multiple land use goals.

West Linn Comprehensive Plan, Goal 2: Land Use Planning, Section 1: Residential Development Goals summarizes the City's aspiration for West Linn housing as follows:

GOALS

1. Maintain land use and zoning policies that continue to provide for a variety of living environments and densities within the city limits

2. Allow mixed residential and commercial uses in existing commercial areas only in conjunction with an adopted neighborhood plan designed to ensure compatibility and maintain the residential character of existing neighborhoods

3. Consideration of the concept of carrying capacity should also include the transportation network, storm water management, air quality, and overall quality of life

4. Encourage energy efficient-housing (e.g., housing with solar energy, adequate insulation, weatherproofing, etc.)

West Linn Comprehensive Plan, Goal 2: Land Use Planning, Section 3: Mixed Use / Commercial Development summarize the City's aspirations for development in West Linn's Mixed Use areas as follows:

GOALS

1. Develop/redevelop commercial areas as mixed use/commercial districts that blend housing and commercial uses to: enhance the community's identity; encourage strong neighborhoods; increase housing choices; promote socioeconomic diversity; promote alternative modes of transportation; promote civic uses; and improve community interaction and involvement.

2. Consider the development of commercial and office facilities in West Linn that will increase employment opportunities, reduce dependence on services outside of the City,

and promote energy-efficient travel and land use patterns, while recognizing that there will be limits imposed by West Linn's topography and limited available land.

3. Encourage retail commercial uses to be located in centers that facilitate one-stop shopping and discourage strip commercial development.

4. Protect surrounding residential areas from adverse effects of commercial development in terms of loss of privacy, noise, lights, and glare.

5. Require mixed use/commercial centers and uses to be aesthetically attractive and landscaped.

6. Provide for interconnections between mixed use/commercial centers via transit, pedestrian pathways, and other means.

7. Require standards for mixed-use areas that create livable areas that fit in with existing neighborhood character.

8. Provide enhanced opportunities for neighborhood involvement in neighborhood plan decisions to ensure they are livable, provide service improvements to area residents, and fit with the character of the neighborhood. Any significant changes of residential zones to commercial shall occur only after a neighborhood planning process is completed.

West Linn Comprehensive Plan, Goal 10: Housing, identifies three Housing Goals follows:

1. Preserve the character and identity of established neighborhoods.

2. Assure good functional an aesthetic design of multi-family and clustered single-family developments.

3. Encourage the development of affordable housing for West Linn residents of all income levels.

West Linn Comprehensive Plan, Housing Policy 5 directs the City to, "Allow for flexibility in lot design, size and building placement to promote housing variety and protection of natural resource."

All of these goals will be met through granting the variances and approving the Modified Plan because the scale of the development of the residential portion of the project will best preserve the character of the neighborhood and in this OBC zone achieve the intended transition from mixed use development to the residential neighborhood. Further, the design features of a residential cluster will be both functional for tenants and aesthetically pleasing for neighbors in comparison to the OBC Plan, not requiring these variances. The proposed

mixed use development enables the City to approve a project that will add to West Linn's residential types and options for residents of various income levels and physical abilities. The Modified Plan supports West Linn's vision for the future ("Imagine West Linn") by providing an alternative housing type, at a village scale more compatible with the adjacent neighborhood, located within an existing transit corridor. The Modified Plan is consistent with the purposes of the CDC Planned Unit Development (PUD) section by producing "development which would be as good or better than that resulting from traditional lot by lot development" (CDC 24.010, A.), in a manner that would "correlate comprehensively the provisions of this title, and all applicable plans; to encourage developments which will provide a desirable, attractive, and stable environments in harmony with the surrounding area"(CDC 24.010, C.). The Modified Plan is also consistent with following additional PUD purpose statements: CDC 24.010, D. "To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off street parking areas, and to best utilize the potentials of sites characterized by special features of geography, topography, size, and shape"; CDC 24.010 F. "To develop projects that are compatible with neighboring development in terms of architecture, massing, and scale. Where that cannot be accomplished, appropriate transitions should be provided that are deferential or sympathetic to existing development; and CDC 24.010, G. "To carry out the goals of West Linn's Vision, Imagine West Linn; especially goals relating to housing , commercial , and public facilities."

The proposed Modified Plan (Exhibit C) allows the City to exercise its discretion to provide flexibility in lot design, size, and building placement in order to meet the housing goals discussed above. The West Linn Vision, Comprehensive Plan and Community Development Code provides the City with the discretion to allow this flexibility through its variance process.

4. <u>The variance request is the minimum variance, which would alleviate the exceptional and extraordinary circumstance.</u>

The mixed use character of the Modified Plan with underground parking, the sloping nature of the site, and the site's relationship to adjacent sites make this the minimum variance that can be requested to assure an economically viable, quality residential project. A quality multi-story residential development with underground parking requires a minimum number of dwelling units to meet the costs of developing a quality project of this type. Consequently the Modified Plan proposes 3 floors of living units on single levels, served by an elevator from underground parking garages dug into the site, with the two residential buildings stepped down the hill, west to east on the site. The grades on the site allow the buildings to be stepped down the hill and the construction of two adjacent underground parking garages on two levels, both accessed from Burns Street on the south and east sides of the site The eastern residential building location and configuration is designed to accommodate the site's rectangular dimensions and compound grades, consequently the entry drive to the underground parking area must be located in the location shown on the Modified Plan to accommodate the required number of parking spaces for the dwelling units above. Because of the 12% grade of Burns Street on the south side of the site, the southern driveway entrance cannot be moved east a sufficient distance to preserve the tree cluster. This circumstance

was reviewed by the project designer and the option of moving the driveway was seriously considered, but was rejected for the following reasons:

a. The slope from the street to the parking structure would rise on the west side of the driveway from a negative 4 degrees to a positive 12 degrees and on the east side of the driveway from 12 degrees to 24 degrees. This is too severe a rise for safe and practical ingress and egress.

b. Moving the driveway would require (1) the parking level of the buildings to be lowered 3 to 4 feet, and the foundation walls increased in height the same distance. These are additional costs affecting the affordability of the dwelling units and the economic viability of the project.

Even assuming the driveway could be moved from the location shown on the Modified Plan, the location of the western residential building would interfere with the existing root system and therefore affect the sustainability of the trees. Douglas Fir trees, the type of tree comprising the tree cluster, are difficult to preserve when their root areas are affected in any way. Because they are a fast growing tree in this climate it is better to plant a smaller tree which can adapt to its new environment. Fir and cedar are best suited for the east end of the site, not the south side because there is addition room to plant larger trees on the eastern end of the site, and because Hood and Burns Street are best suited for tree species compatible with the types of trees designed and approved for the adjacent West Linn Central Village.

The applicant considered removing the two smallest firs and retaining the largest, but the applicant's arborist report (Exhibit F) recommended against this option stating as follows: "The current site plan shows the retention of the 30" Douglas-fir, but not the other two. This is not a feasible option since the trees are growing in a cluster and have adapted to being so close to one another over time. Removal of one or more trees will expose the remaining tree, revealing a one-sided crown and increased probability of wind throw. This is potentially hazardous considering the potential targets are powerlines, the roadway, and the project site."

The Modified Plan will accommodate, at a minimum, 38 2" caliber trees for mitigation purposes as shown on the Modified Plan - Landscape Plan (Exhibit G).

Because of these factors, the requested variance is the minimum variance necessary to alleviate the exceptional and extraordinary circumstances on this site that are caused by the unusual grades on this site relative to adjacent residential property as well as Burns Street.

5. <u>The exceptional and extraordinary circumstance does not arise from the violation of this ordinance.</u>

This variance request arises from the narrow width of the parcel, not from any violation of this ordinance. The subject development will comply with all CDC standards not approved for variance from CDC standards.

6. The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.

This variance will not impose physical limitations on other properties or uses in the area. All of the surrounding properties have been developed or can be redeveloped without the proposed Modified Plan imposing any physical limitations on neighboring vacant or underdeveloped properties. Residential land uses are located directly adjacent the north side of the site and the Modified Plan will not impose any physical limitation on the future use of these properties. All other properties are across either Hood or Burns Street and are zoned OBC, Office Business Center or GC, General Commercial. None of the features of the Modified Plan will impose physical limitations on any of these properties or other properties in the vicinity of the site, nor will this variance request create conditions that would affect redevelopment of any of the adjacent properties or properties in the vicinity of the subject site. The variance does not create access restrictions or other conditions that would impose any physical limitation on the development or redevelopment of property in the vicinity of the site. All sites in the vicinity have separate access to public streets and all construction on the site will only impact the subject site, imposing no physical limitations on the future use of other property adjacent or in the vicinity of the site. Required street, water line and storm drainage improvements associated with the proposed development on the site may improve the ability of adjacent development to redevelop in the future, by improving public services in the area.

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