

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
March 7, 2013

SUBJECT: Water Resource Area (WRA) permit to construct a house or houses on lots of record on tax lot 8800 of 21E 25AA. A Street Vacation of part of Randall Street Rights-of-Way (ROW) is also proposed. Tax lot 800 of 22E30BB is also part of the proposal.

ATTENDEES: Applicants: Clay Poppert, Anthony Woods
Staff: Peter Spir (Planning Department); Khoi Le (Engineering Division)
Public Attendees: Sally McLarty (Bolton N.A.), Corey Armstrong

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

PROJECT DETAILS

The applicant wants to build two homes on lots of record located at the end of the paved portions of Geer and Holmes Streets. Owned by Union Pacific, these properties were part of a rail road ROW which has since been declared surplus and is being sold. The property (tax lot 8800 of 21E 25AA) comprises 19,954 square feet with an additional 2,380 square feet on tax lot 800 of 22E30BB. Within tax lot 8800 are two intact 5,000 square foot lots of record which can each be built upon as well as the portions of two other lots of record which may be consolidated to make a third buildable lot.

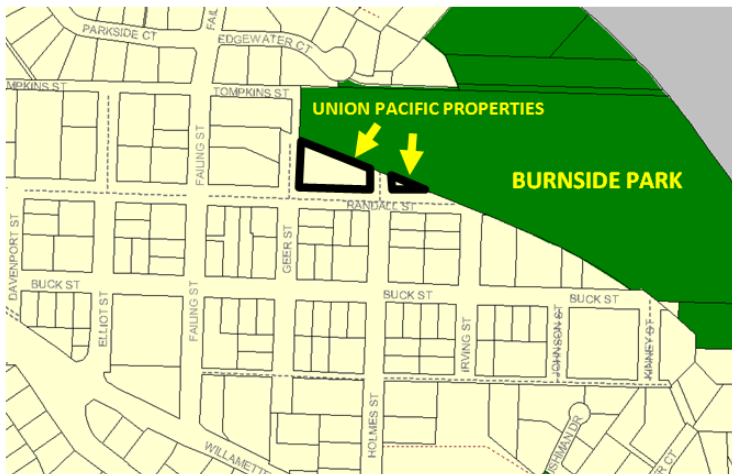


Figure 1

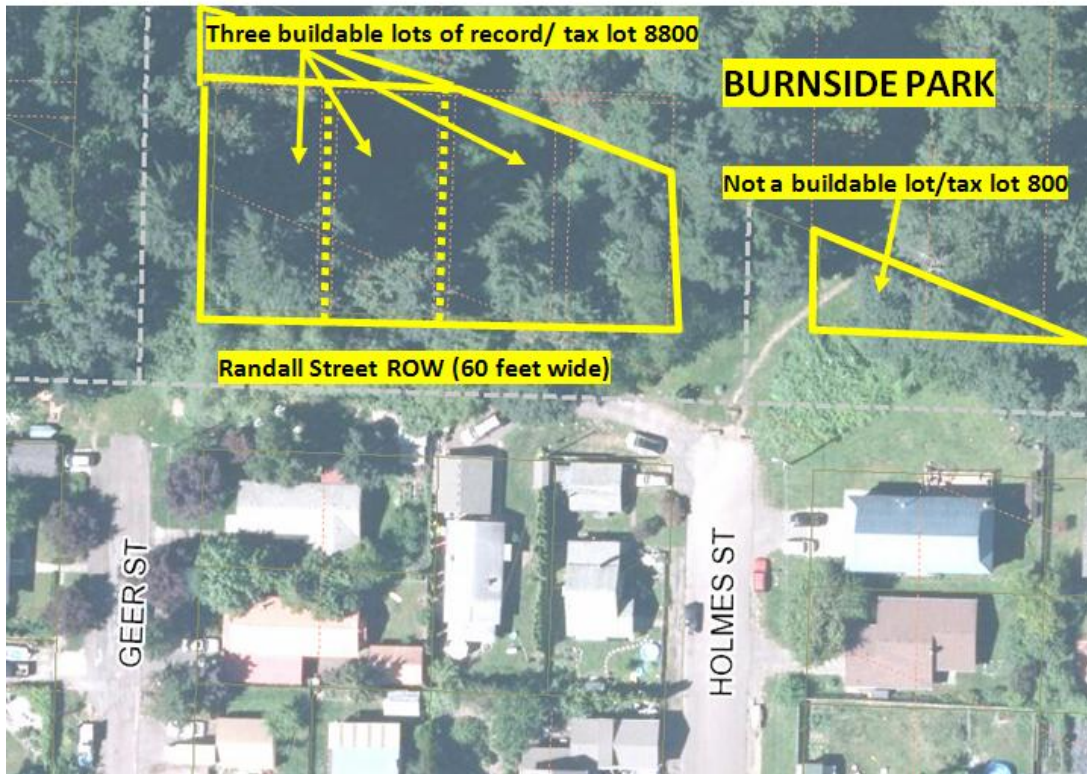


Figure 2

The applicant is considering building two houses on the lots of record that are within tax lot 8800 (see figure 2 above).

Zoning. The zoning is R-5 (single family residential and single family attached 5,000 square foot minimum lot size). All of the three lots in tax lot 8800 adjacent to Randall Street ROW meet the size and dimensional standards of the R-5 zone. The surrounding zoning is R-5 (single family residential 5,000 square foot minimum lot size) to the south. The zoning to the north is R-10 (single family residential 10,000 square foot minimum lot size).

Land Use. The surrounding land use is single family residential to the south and the forested landscapes of Burnside Park to the north. Much of the southern half of the Randall Street ROW has been encroached upon by abutting homeowners who have built driveways, fences, accessory structures, yards and gardens in the ROW (see figure 2 above).

There is a trail to Burnside Park at the north end of Holmes Street. The trail is partially located on tax lot 800 (see figure 2 above).

Site Analysis. The southern half of the Randall Street ROW is basically flat. The topography on the north half of the ROW transitions to a steep 40% slope that drops down to a creek 75 to 100 feet to the north. The west portion of the ROW is the steepest. Most of the Randall Street ROW and the applicant's property are forested with Douglas fir trees in addition to the usual understory and groundcover.

The Surface Water Management Plan incorrectly shows the main creek or open channel in this area running along the Randall Street ROW then turning northwards. In fact, site visits indicate that the open channel (red dashed line) drops down the steep slopes north of the corner of Geer and Randall Streets as reflected in the LIDAR based contour map and staff's site visits (see figure 3 below). *(The applicant contends that the stream channel is even further north but a survey will determine its exact location.)*

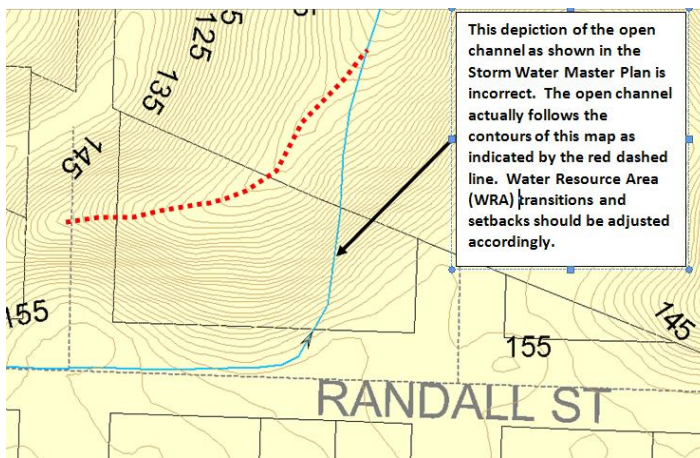


Figure 3

Per CDC Chapter 32, the steep drainageway is classified as a well defined ravine (see figure 4 below). The WRA transition extends 50 feet from the top of slope. There is also an additional 7.5 to 15 foot setback depending on the orientation of the house. When these dimensions are applied to the property, all of tax lot 8800 is within the WRA boundary. (None of tax lot 800 is in the WRA boundary.) There are no wetlands or riparian corridors at this site.

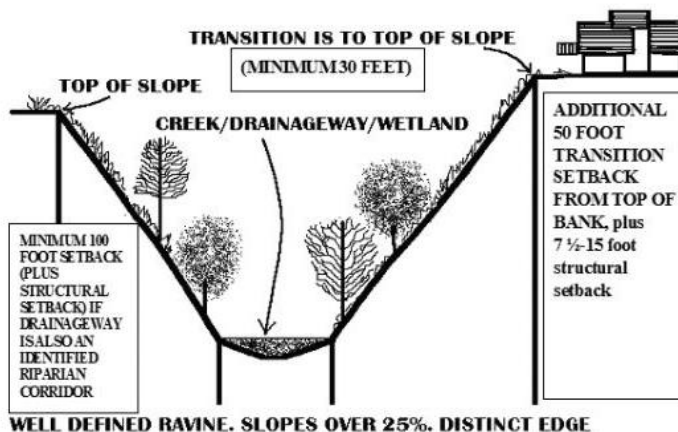


Figure 4

The site is not identified on the DOGAMI map as a potential land slide area but the City's Natural Hazards Mitigation Map identifies the steep slope on this site as a Landslide Hazard Area. To address this, the applicant will be required to submit an Oregon licensed geotechnical engineer's report recommending the appropriate building location and construction techniques to address the landslide risk.

APPLICANT'S PROPOSAL:

The applicant proposes one house near the corner of Holmes and Randall Streets and a second home near the corner of Geer and Randall Streets (see figure 5 below). Because each house would be located on an existing legal lot of record, the city is obliged to allow their construction; otherwise it would be considered a "taking". Access to the lots will be from Geer and Holmes Streets.

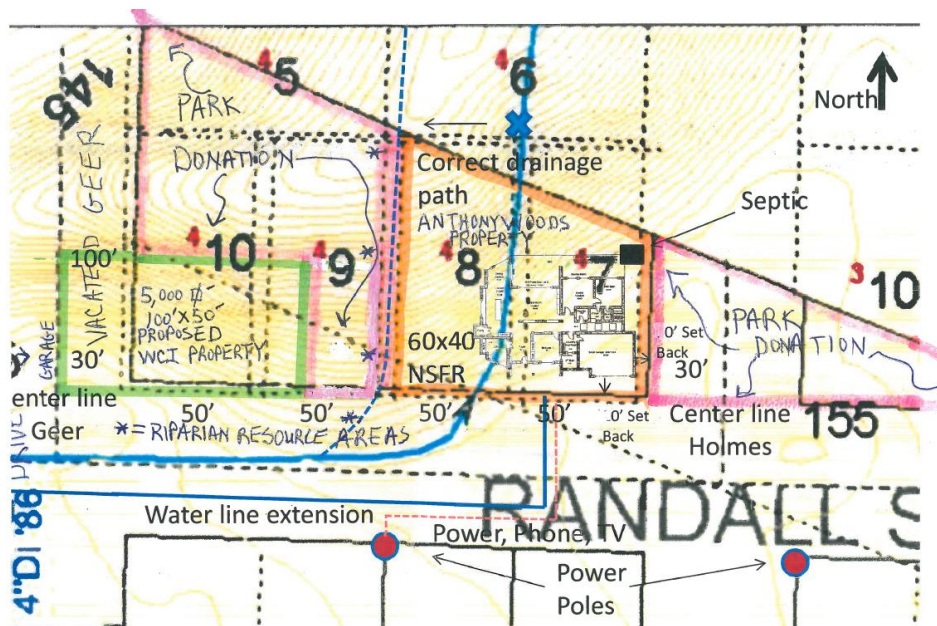


Figure 5: Applicant's drawing/plan. (Staff note: Geer Street has not been vacated. Also, the drainage channel, as shown, is incorrect.)

The applicant explained that deference to the neighbors would be facilitated by a 6:12 low pitched roof. Two designs were being considered with the single story design (as seen from Randall Street) being the least visually impactful. A two story design (as seen from Randall Street) although visually more impactful, could result in a smaller footprint and a commensurate lower impact on the WRA.

A WRA permit will be required for each house since all proposed home construction on tax lot 8800 is within the WRA transition and setback areas. WRA Chapter 32 has hardship provisions (below) which can make reasonable accommodation for development of lots completely or partially within the WRA. In order to make use of

those provisions the applicant needs to demonstrate that the disturbance area is the minimum needed for reasonable use of the land. Until further site analysis and surveys are completed, staff is assuming that “A. Lots located completely inside the water resource area” applies:

A. Lots located completely inside the water resource area. Development may occur on lots located completely within the water resource area that are recorded with the County Assessor’s Office on or before the effective date of the ordinance codified in this chapter. Development shall disturb the minimum necessary area to allow the proposed use or activity, and in any situation no more than 5,000 square feet of the water resource area, including access roads and driveways, subject to the erosion and sediment control standards in Chapter [31](#) CDC, and subject to a finding that the proposed development does not increase danger to life and property due to flooding and erosion.

B. Lots located partially inside the water resource area. A reduction to avoid the loss of all economically viable use of a vacant lot recorded with the County Assessor’s Office on or before the effective date of the ordinance codified in this chapter that is partially inside the water resource area is permitted. Development on such lots shall not disturb more than 5,000 square feet of the water resource area, including access roads and driveways, subject to the erosion and sediment control standards of Chapter [31](#) CDC. Applicants must demonstrate the following:

1. Without the proposed reduction, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.
2. The proposed intrusion is the minimum necessary to allow economically viable use of the subject property.
3. The proposed reduction will comply with Chapter [31](#) CDC, Erosion Control.

C. If a reduction in standards is granted pursuant to criteria of subsection B of this section, the reduction shall be subject to the following conditions:

1. The minimum width of the water resource area’s transition and setback area shall be 15 feet on each side of a wetland or drainage course.
2. As mitigation for the permanent disturbance of any portion of the normally required water resource area, an equal area on the property which would not normally be within the water resource area shall be revegetated to meet the standards of CDC [32.050\(K\)](#). If there does not exist enough site area to meet this requirement, the applicant shall revegetate the entire area of the property that

would not normally be within the water resource area, adjacent to the actual water resource area, and is not proposed for permanent disturbance to meet the standards of CDC [32.050\(K\)](#).

(Please note that if the site is only partially within the WRA then mitigation on a square foot by square foot basis would be required for the 5,000 square foot disturbed area per (C)(2) above. This mitigation would probably have to be off-site.)

In order to minimize disturbance of the WRA, the applicant may apply for Class II Variances that would reduce the front and side street setbacks. (The R-5 setbacks are 20 feet front and rear yard, 15 feet side street and 5 feet side yard.) Staff would support these variances. Class II Variances require a public hearing before the Planning Commission. The decision would be based upon criteria in CDC Chapter 75.

Alternately, the applicant could make use of the following italicized provisions in the CDC that do not require variances or special permits:

41.010 FRONT YARD SETBACK EXCEPTION

If the average slope of a building site is 25 percent or greater, as measured along the planes of the proposed structure, the minimum front yard setback for the garage shall be three feet. All structures other than the garage shall meet the setback requirement of the underlying zone, or as otherwise specified in this code.

When a garage is situated less than 20 feet from the front property line or less than 15 feet from a side property line facing a street, the following siting conditions shall apply:

- A. Where lot width allows, the garage shall be set parallel to the street (i.e., the garage doors shall be perpendicularly oriented to the street), and at least two off-street parking spaces shall be provided as specified in Chapter [46](#) CDC (i.e., paved).*
- B. If the lot width prohibits the parallel siting required above, the garage may be sited perpendicular to the street (i.e., the garage door or doors facing directly onto the street), provided, in addition to the sheltered parking spaces, two off-street parking spaces are provided on site. (Ord. 1226, 1988; Ord. 1276, 1990)*

CDC Chapter 32 has setback reductions that apply to homes being built under the hardship provisions:

The decision-making authority may approve a reduction in applicable front yard setbacks abutting a public street to a minimum of 15 feet and a reduction in applicable side yard setbacks abutting a public street to seven and one-half feet if the applicant demonstrates that the reduction is necessary to create a building envelope on an existing or proposed lot of at least 5,000 square feet.

Additionally, unenclosed porches with no living space above may encroach five feet into the front yard setback as follows:

Front and rear porches, covered porches, unroofed landings and stairs (over 30 inches in height) may encroach into the front or rear yard setback up to five feet. Homes on corner lots may have a front porch that wraps around to the side street side. The porch on the side street may also encroach five feet into the required street side setback area. Enclosed porches are not permitted to encroach. The roofline of the house may be extended to cover the porch but no living space shall be allowed inside the front yard setback (i.e., dormers).

The bottom line regarding setbacks is that even without a Class II Variance(s) the homes can be 15 feet from the front street and 7.5 from the side street, the garage can be three feet from front and side streets and the porch can be 10 feet from the front and side street. The nearest edge of the driveway to access the garage must be 35 feet from the intersection of any ROW's.

VACATION

The applicant also discussed having the City vacate Randall Street between Geer Street and Holmes Street. The vacated ROW would then be incorporated into the applicant's lots.

The expectation was that once the street ROW had been vacated and the north 30 feet of that ROW had been transferred to the applicant, two things would occur. First, the WRA permit application would be submitted showing the homes in the former ROW, further away from the WRA, which would put the application further into compliance with the WRA approval criteria which is to minimize disturbance of the WRA. Second, the applicant would dedicate or convey the remainder of his parcels to the City (tax lot 800 in its entirety and portions of tax lot 8800. The southern portion of the Randall Street ROW would be transferred to the contiguous property owners on the south side of the ROW. This would legitimize many of the encroachments (fences, accessory structures, etc.) that have been made by these properties upon the ROW.

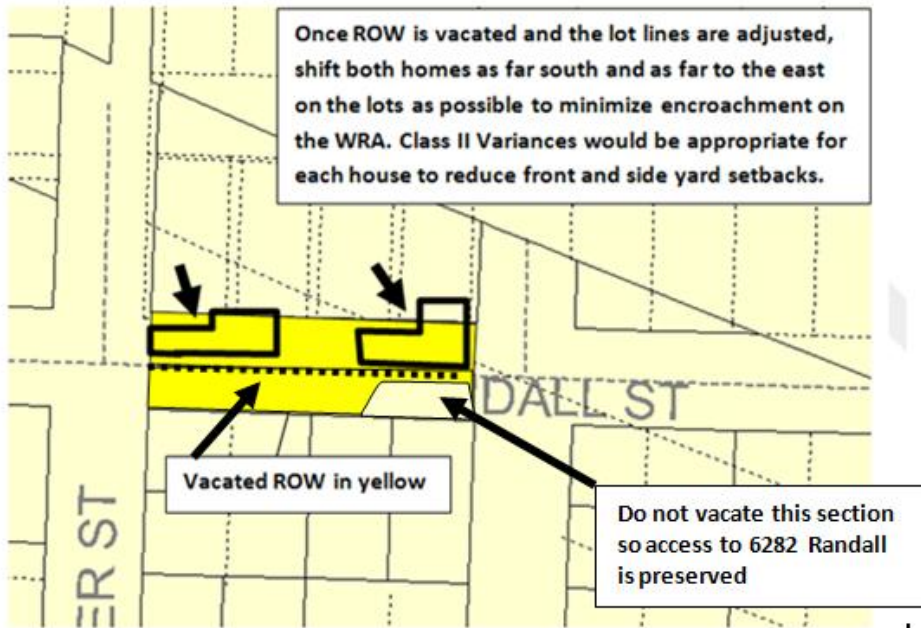


Figure 6

The downside of the vacation, apart from shifting the burden of time and dollar costs of the vacation onto the City, is that the property at 6282 Randall Street would be land locked by the vacation. A solution would be to exclude 70 feet of the Randall Street ROW from the vacation to ensure access for this lot.

The City initiated street vacation procedures are explained in Oregon Revised Statute (ORS) 271:

271.130 Vacation on city governing body's own motion; appeal. (1) *The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.*

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to

be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

271.140 Title to vacated areas. *The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]*

At the pre-app, staff explained that, although the city initiated method has merit, the City is not willing to support the request for a city initiated vacation. It was noted that the city initiated approach still carries the potential for appeal by neighbors. The applicant is still encouraged to undertake a street vacation on his own using the methodology explained in ORS 271 (see addendum). The City would support such a vacation proposal particularly since it would allow reduced impacts upon the WRA.

After the pre-application conference, the applicant directed a letter, dated March 11, 2013, to Mayor Kovash, Councilor Thomas Frank and Parks Director Ken Worcester requesting that the City undertake a City initiated street vacation of the Holmes Street ROW, and not the Randall Street ROW. (The letter is attached at the end of these notes.) Since this summary is of the meeting held March 7, 2013, staff will not specifically discuss the Holmes Street vacation proposal at this time.

ENGINEERING COMMENTS

Sewer

The closest sewer system is on Buck Street however it is less than five feet deep and is approximately 225' away from the property. Any public system has to be a gravity system.

Alternately, the developer can try to obtain permit for septic system through the County but the proximity of the drain field to the stream could be too close to meet County standards. At last check, a 100 foot separation is required between the stream and the drainfield. The drainfield etc. would count in the 5,000 square foot WRA disturbance.

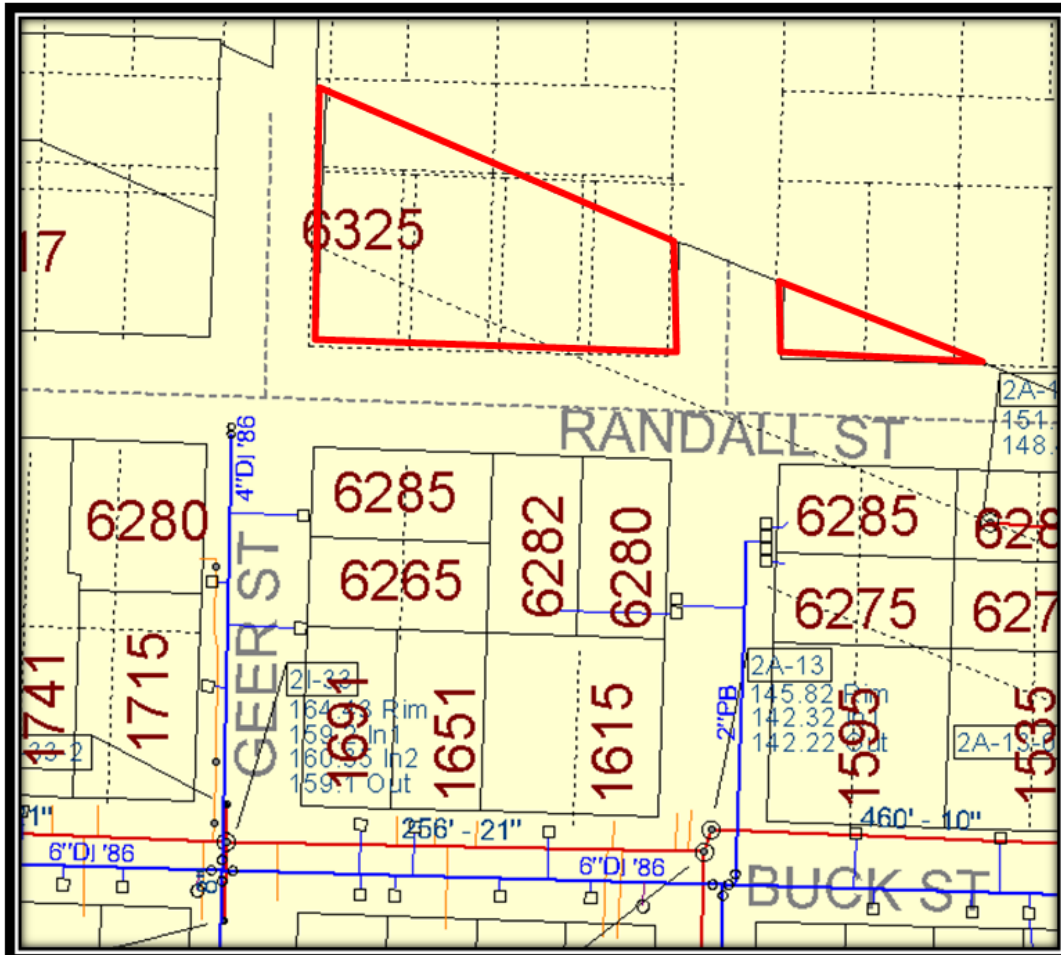
Water

A 4-inch water main on Geer Street has adequate capacity. Khoi Le P.E. explained that a service could be established from the existing Geer Street water line to a location near the corner of the Geer and Randall Street ROW for the applicant to connect to. The applicant would be responsible for trenching along Randall Street ROW to the homes. Connection to the 2-inch water main on Holmes Street will be less challenging construction wise but analysis is required to determine whether the 2-inch line is adequate or larger pipe must be installed. Contact John Nomie of the Building Department to determine the cost of “dig in/drop” in fees at 722-5510.

Storm water

If over 500 square feet of new impervious surface is created then treatment is required such as a rain garden. If over 5,000 square feet of impervious surface is created then detention is required. All storm facilities count against the WRA’s 5,000 square foot disturbed area allowance.

Per CDC Chapter 32: Stormwater treatment facilities may only encroach a maximum of 25 feet into the outside boundary of the water resource area; and the area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property. Facilities that infiltrate stormwater on site, including the associated piping, may be placed at any point within the water resource area outside of the actual drainage course so long as the forest canopy and the areas within 10 feet of the driplines of significant trees are not disturbed. Only native vegetation may be planted in these facilities.



Street

The applicant may request a waiver of standard half street improvements including gutter, curb, planter strip and sidewalks. The waiver is directed to the City Engineer. Fees in lieu should be anticipated for sidewalk improvements in the neighborhood. The amount would be proportionate to the number of homes built and the distance from the homes to the area of proposed sidewalk improvements.

Trees

City Arborist Mike Perkins should be contacted at such time that a building permit is being requested. His phone number is 723-2554. According to Mike Perkins, trees that are to be felled in the WRA to make room for the homes may be left in place as nursery trees but their limbs need to be removed.

Other

Although the applicant's initial offer to dedicate unused areas to the City would be greatly appreciated, the applicant is not required to do so. If the applicant wanted to fence tax lot 800, the fence would be limited to three feet in height in the front yard and six feet for other portions. Assuming the fence would block the existing trail to Burnside Park, the City would build a new trail in the Holmes Street ROW and around tax lot 800 to maintain park access.

PUBLIC COMMENT

Sally McLarty and Corey Armstrong were in attendance at the pre-application conference and explained the importance and value that neighbors have attached to the forested property and the adjacent Burnside Park. They also appreciate the trail at the end of Holmes Street. They recognize that this is private, developable land but were understandably concerned about its development particularly if the scale of the homes impacts their views or the preservation of trees and the WRA. Prospective homeowner, Anthony Woods, emphasized his plans to be part of the neighborhood.

PROCESS

No neighborhood meeting is required per CDC 99.038. However, as Sally McLarty explained, a Bolton Neighborhood Association meeting could be held to discuss the proposal further.

The first procedure to be undertaken is the street vacation by the City. Once the vacation has been completed and recorded, the applicant will get the north 30 feet of Randall Street ROW to incorporate into tax lot 8800 by a lot line adjustment (LLA). Concurrently, the City and the applicant will have to enter into an agreement that in return for the vacation, the applicant will convey tax lot 800 and portions of tax lot 8800 to the City.

For the LLA, prepare the application and submit it to the Planning Department with fees. The application form must be signed by the property owner. A LLA has a fee of \$800 and a final review fee of \$200. The approval criteria are in section 85.210. A completed application form and fees are required. It is a ministerial decision by the Planning Director so no hearing or public notice is required. According to the Clackamas County Surveyors Office, the lot line adjustment document will have to be submitted in a replat format for recording. In the initial submittal of the lot line adjustment, a surveyed map is not required; however, the map must be drawn to scale and with sufficient detail (including the footprint of the existing house and accessory structures and setbacks to the proposed lot line) for the Planning Director to determine the appropriateness of the LLA.

Once the LLA has been completed, the applicant can apply for two separate WRA permits so that in the event that one is denied the other may proceed unencumbered. Class II Variances may also be applied for to reduce building setbacks and associated impacts on the WRA.

The WRA permit requires a full and complete response to the submittal requirements and approval criteria of CDC Chapter 32. N/A is not an acceptable response to the approval criteria. The submittal requirements may be waived but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Director and must identify the specific grounds for that waiver. Prepare the application and submit it to the Planning Department with deposit fees of \$2,600. Staff bills hours against the deposit fee and returns any surplus at the conclusion of the process, regardless of whether it is approved or denied. If the application is more complex and time consuming, the applicant will be billed above and beyond the deposit fee that has been received.

To increase chances for approval of the WRA and to clearly demonstrate commitment to minimizing impact on the WRA, Class II Variances for each house would be appropriate (but not required) to reduce the front and side setbacks to the minimum. A Class II Variance costs \$2,900 for the first variance and \$1,450 for each variance thereafter. The submittal requirements and approval criteria are explained in CDC 75. An alternative would be to utilize the provisions explained on pages 6 and 7.

<p>The Natural Hazards Mitigation Map identifies the steep slope on this site as a Landslide Hazard Area. To address this, the applicant will be required to submit an Oregon licensed geotechnical engineer's report recommending the appropriate building location and construction techniques to address the landslide risk. The Building Official will review these recommendations.</p>
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The City has 30 days to determine if the application is complete or not. Most applications are incomplete, usually due to inadequate responses to approval criteria or lack of sufficient engineering information on the drawings. The applicant has 180 days to make it complete, although usually it is complete within three months of the original submittal. Once complete, the City has 120 days to exhaust all local review and appeals. The Planning Director decision will usually be rendered in four to six weeks. In the event of an appeal, the review body is the City Council. Subsequent appeals go to LUBA.

Please note that the ORS procedures to be followed by the City for street vacation were appealable by aggrieved property owners to the extent that the process may be delayed, denied or modified.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Also note that these notes have a limited “shelf life” in that changes to the CDC standards may require a different design or submittal. Pre-application reviews are only valid for 18 months. A new pre-application conference would have to be scheduled once that period lapses.

Preap-sumry- WRA RANDALL STREET VACATION pre-app

Addendum

VACATION (Procedure for Private Citizen)

271.080 Vacation in incorporated cities; petition; consent of property owners. (1)

Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefore setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by city governing body. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

271.120 Hearing; determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.



March 11, 2013

To: Peter Spir, Associate Planner
Mayor John Kovash, Mayor
Thomas Frank, City Councilor
Ken Worcester, Parks Director

Re: Project #PA-13-05

We have reevaluated our application request after receiving information at the pre-application conference for Bolton Plat Block 4 lots 7 and 8. Please accept this letter as an amendment or clarification of our original request.

Since Randall was not vacated by the City this would be the current home location:

The garage would front Randall on the Southeast corner of lot 7.

Assuming a City granted variance for a 3' garage set back; the front of the house, with a 20' front yard set back, would be located on the toe of the slope.

To keep the house less than 35' tall on the back side of the house, it could only be 30' deep. It would likely have two floors below ground and one floor above ground. The roof would be a flat membrane roof with an observation deck.

It is still our preference not to cut old growth trees. However, this Northerly location would require (5) 2'+ diameter old growth trees to be removed. Practically; a house narrower than 30' is not marketable, and even if the house were reduced to 20' in depth, the trees would still have to be removed.

Solution/ Amended Pre-Application Request 3/11/2013:

Please withdraw our request for the City to vacate Randall Street. Please substitute a request for the City to vacate Holmes Street instead.

It is our understanding that there are no abutting properties owned by individuals on Holmes Street between Randall and Tompkins. All of the abutting property is either Park owned or Railroad owned.

Clearly, the neighborhood has accepted, if not insisted, that the Eastern half of Holmes has in fact already been vacated for years because it has been an established Park entry.

5980 Bonita Road • Lake Oswego, OR 97035 • (503) 740-7143 • C.C.B. #152131

Our revised request for a City vacation of Holmes would give half of the 60' R.O.W. to the Park who is already using it; while the other half would go to Anthony Woods with lot 7.

With our donation of Block 3 Lot 10 to the Park, the entry would be permanently secured and legally established.

The vacation of Holmes Street is simply an Administrative Decision by the City for the benefit of the Park. With proper press coverage of the donation, the City should look pretty good by increasing an urban Park by .25 acres.

By allowing Anthony Woods to move his home site 30' to the East into the vacated Holmes R.O.W. then, his house may not straddle lots 7 & 8 and we could increase our Park donation to include all, or, most of the unused portion of lot 8.

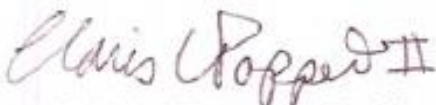
Moving the home site 30' to the East would save 2 or 3 old growth trees. It may also result in a house that could be one level below ground and one above ground, as the neighborhood would prefer.

It is a shame the City was unwilling to vacate at least 50' of Randall to get Anthony Woods' house entirely off the slope saving all the old growth and eliminating a daylight basement requirement. Please reconsider the City vacation of Randall R.O.W. to include only lot 7 and possibly a few feet in front of lot 8.

This location could not have a reasonable objection regarding a possible view obstruction as the houses across the street do not have windows on Randall facing the Park.

Attached is the original pre-application request. This amended request is the best compromise we could come up with; if the City has another suggestion we are certainly interested in receiving it.

Thank you for your professional courtesies. Special thanks to Peter Spir and the generosity of his time,



Claris "Clay" Poppert II, President
Willamette Construction, Inc.

c.c.: Anthony Woods