

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
September 17, 2015

SUBJECT: Proposed Easement Vacation
FILE: PA-15-35
ATTENDEES: Applicants: Chris Sakys
Staff: Darren Wyss (Planning), Khoi Le (Engineering)

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

Site Information

Site Address: Behind 1722 8th Avenue
Lot Area: 22,835 square feet
Neighborhood: Willamette NA
Comp. Plan: Low density residential
Zoning: R-10 (Single family residential detached / 10,000 sq. ft. minimum lot size)
Applicable code: CDC Chapter 11

Project Details: The applicant proposes to vacate an existing utility easement located along the west property line.

Process

Based on the information discussed during the pre-application conference, no Planning Department review of this proposal is warranted. The City's Engineering Department will process the easement vacation request pursuant to the procedures outlined in the attached *Easement Vacation Procedures* document. Engineering will need a verification from private utilities that none exist in the easement and also a legal description.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

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 **or provide any assurance of potential outcomes**. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. **A new pre-application conference would have to be scheduled one that period lapses and these notes would no longer be valid. Any changes to the CDC standards may require a different design or submittal.**

Easement Vacation Information Bulletin

Engineering Division Box 800 22500 Salamo Rd., West Linn, OR 97068 (503) 722-5500

Definition and Purpose

Public easements exist over private property to provide defined areas for construction and maintenance of public utilities. Some easements provide public access through private property. Easements may be vacated when it can be shown that the area in question serves no public need or that alternative easement(s) exist which meet the public's needs for access to utility lines or through private properties.

Application Fee

An application to vacate a public easement requires a \$1500 fee. The applicant will also be billed for recording a "Quitclaim Deed" should the proposal be approved.

Application deadline and processing time

Utility easement vacations are decided administratively by the City Engineer's office. Vacation of park or access easements must go to the City Council. Applications may be submitted at any time to the Engineering Division. Processing time typically ranges from three to five weeks.

Type of public notice

Utility easement vacations are ministerial decisions by the City Engineer; no public notice is provided.

PROCEDURE

Step 1: Attend a pre-application conference

The applicant must participate in a pre-application conference with Engineering staff prior to submitting an application to vacate an easement. The staff will review the proposal and explain submittal requirements, utility service issues and applicable City policies. Staff may require additional information or waive certain requirements as part of the application.

Step 2: Complete a development review application form and prepare a letter requesting that the utility easement be vacated. Please include the following information in your letter:

1. Address the letter to the West Linn City Engineer;
2. Describe the utility easement area proposed to be vacated, detailing existing public utilities with and nearby the easement (i.e., utility type, pipe sizes, etc.);
3. Offer reasons which justify the requested vacation. Describe alternative utility line locations, surrounding development patterns and other pertinent factors which demonstrate that the easement area is not needed by the public now or in the future;

4. The letter must identify each property containing the area proposed to be vacated and include the consent of all owners.

Step 3: Prepare an area map. Please submit an area map, drawn to an appropriate scale (i.e., 1" = 10'; up to 1" = 40') which contains the following information:

1. The date, north arrow, and scale;
2. The boundary of the easement area proposed to be vacated;
3. The applicant's property bounds and surrounding property boundaries to a distance sufficient to review the relationship between the easement proposal area and nearby public easements and rights-of-way;
4. The location, dimensions, and names of all existing rights-of-way and public easements in the vicinity of the proposal area;
5. The location, type, and size of all existing or proposed public utilities abutting and near the area proposed to be vacated;
6. Additional information (i.e., contours, building locations, etc.) pertaining to the proposal.

Step 4: Submit your application. The following items must be submitted at the time of the application:

1. A completed application form;
2. A letter requesting and justifying the easement vacation;
3. Five copies of the area map and any supplemental drawings or information on 11x17" paper.
4. A legal description of the easement area proposed to be vacated, prepared by a registered engineer or surveyor.
5. \$1500 easement vacation fee.

Step 5: Await City decision. The decision will normally be made within three to five weeks. If approved, the City will file a Quit Claim Deed for the area with the Clackamas County Recorder's Office. The applicant will be billed the recording fee.