

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT: <i>Peter Spiv</i>	PROJECT NO(S): <i>MISC-17-06</i>	
NON-REFUNDABLE FEE(S): <i>6000</i>	REFUNDABLE DEPOSIT(S): <i>0</i>	TOTAL: <i>6000</i>

Type of Review (Please check all that apply):

- | | | |
|--|---|---|
| <input type="checkbox"/> Annexation (ANX)
<input type="checkbox"/> Appeal and Review (AP) *
<input type="checkbox"/> Conditional Use (CUP)
<input type="checkbox"/> Design Review (DR)
<input type="checkbox"/> Easement Vacation
<input type="checkbox"/> Extraterritorial Ext. of Utilities
<input type="checkbox"/> Final Plat or Plan (FP)
<input type="checkbox"/> Flood Management Area
<input type="checkbox"/> Hillside Protection & Erosion Control | <input type="checkbox"/> Historic Review
<input type="checkbox"/> Legislative Plan or Change
<input type="checkbox"/> Lot Line Adjustment (LLA) */**
<input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan)
<input type="checkbox"/> Non-Conforming Lots, Uses & Structures
<input type="checkbox"/> Planned Unit Development (PUD)
<input type="checkbox"/> Pre-Application Conference (PA) */**
<input checked="" type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)
<input type="checkbox"/> Temporary Uses *
<input type="checkbox"/> Time Extension *
<input type="checkbox"/> Variance (VAR)
<input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)
<input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)
<input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)
<input type="checkbox"/> Zone Change |
|--|---|---|

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: <i>1220 9th St</i> Between 9th and 10th Streets, south of 3rd Avenue	Assessor's Map No.: 31E02AC Tax Lot(s): 800 Total Land Area: 3.76
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Brief Description of Proposal:

Vacate portions of the unimproved rights-of-way on 10th Street and 3rd Avenue

Applicant Name: <i>Roy Marvin EMBRY SMITH DBA ENCORE HOMES ULL</i> <small>(please print)</small> Address: 7989 SE Towhee Ct. City State Zip: Milwaukie, OR 97267	Phone: Email: Please contact Applicant's representative
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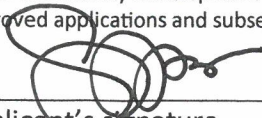
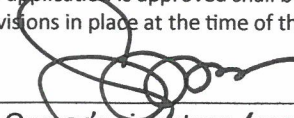
Owner Name (required): <small>(please print)</small> Address: Same as applicant City State Zip:	Phone: Email:
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Consultant Name: Zach Pelz, AICP <small>(please print)</small> Address: AKS Engineering & Forestry 12965 SW Herman Rd., Suite 100 City State Zip: Tualatin, OR 97062	Phone: (503) 563-6151 Email: pelzz@aks-eng.com
---	---

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**
One (1) complete set of digital application materials must also be submitted on CD in PDF format.
If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

 Applicant's signature	<i>5/22/17</i> Date	 Owner's signature (required)	<i>5/22/17</i> Date
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June 16, 2017

Lance Calvert, P.E.
Public Works Director
City of West Linn
West Linn, OR 97068

RE: Petition to Vacate a Portion of the Unimproved 3rd Avenue and 10th Street Right-of-Way

Dear Mr. Calvert,

We are submitting this request to vacate a portion of the unimproved rights-of-way that comprise 10th Street and 3rd Avenue (see attached Exhibit A) to develop the property described as Clackamas County Assessor's Map 3-1E-02AC, Tax Lot 800. Improving the subject rights-of-way along the frontage of the site is not feasible given the high degree of constraint posed by water resource, habitat conservation, and flood management areas located within Tax Lot 800.

Our review of the site, in the context of recent advice from City Planning and Engineering staff and applicable development criteria, revealed the potential for three new residential dwelling units on Tax Lot 800. New single-family homes on these three lots will be responsible for public street improvements along more than 1,100 linear feet of public right-of-way. In addition to the sheer length of the potential street improvements, much of this frontage is located within environmentally sensitive and flood management areas which will unquestionably raise the cost of permitting and construction beyond that typically associated with public street improvements. Exhibit B illustrates impracticality to construct these improvements, and depicts the several unimproved public rights-of-way and under-improved tracts in the immediate vicinity of the subject site. Considerably denser residential development and improved public rights-of-way are located immediately outside of the environmentally constrained areas encompassing the subject site.

Vacating these public rights-of-way is also in the best interest of the City's habitat preservation and flood management objectives for the area. The potential environmental impact necessary to construct public street improvements cannot be justified by the provision of limited needed housing (subject property and surrounding area is zoned R10) that may be provided in this part of West Linn.

We have obtained consent from all abutting and affected property owners, per ORS 271.080, and have found no public or franchise utilities located within the rights-of-way subject to this vacation request.

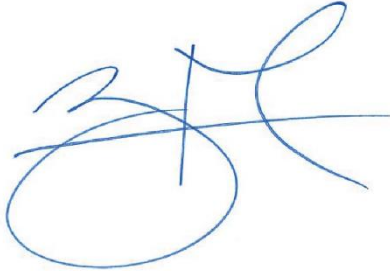
For these reasons, we respectfully request that the City approve the vacation of the existing public rights-of-way, as described in Exhibit A. Per ORS 271.080, the following additional documents are included with this submittal:

- Fully executed City of West Linn Development Review Application Form
 - Fee for a public right-of-way vacation
 - Consent of owners of abutting property, per ORS 271.080(2)
 - Exhibit A – Exhibit map illustrating right-of-way subject to this vacation request
 - Legal Description of right-of-way subject to this vacation request
-

Thank you for your consideration in this matter. Please do not hesitate to contact me with any questions regarding this vacation request.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in blue ink, appearing to be 'Zach Pelz', written in a cursive style.

Zach Pelz, AICP

(503) 563-6151

pelzz@aks-eng.com

DEVELOPMENT REVIEW APPLICATION

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

Type of Review (Please check all that apply):

- | | | |
|--|---|---|
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Site Location/Address:	Assessor's Map No.: 31E02AC
Between 9th and 10th Streets, south of 3rd Avenue	Tax Lot(s): 800
	Total Land Area: 3.76

Brief Description of Proposal:

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Applicant Name: <small>(please print)</small> Roy Marvin EMERY SMITH DBA ENCORE HOMES ULL	Phone:
Address: 7989 SE Towhee Ct.	Email: Please contact Applicant's representative
City State Zip: Milwaukie, OR 97267	

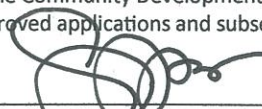
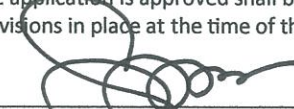
Owner Name <small>(required)</small> <small>(please print)</small>	Phone:
Address: Same as applicant	Email:
City State Zip:	

Consultant Name: <small>(please print)</small> Zach Pelz, AICP	Phone: (503) 563-6151
Address: AKS Engineering & Forestry 12965 SW Herman Rd., Suite 100	Email: pelzz@aks-eng.com
City State Zip: Tualatin, OR 97062	

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	5/22/17		5/22/17
Applicant's signature	Date	Owner's signature <i>(required)</i>	Date



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #5926

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

EXHIBIT A

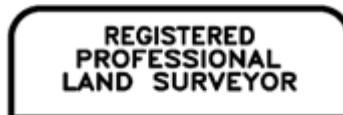
Right-of-Way Vacation Description

A portion of right-of-way of the plat "Willamette & Tualatin Tracts", Plat No. 198, Clackamas County Plat Records, located in the Northeast One-Quarter of Section 2, Township 3 South, Range 1 East, Willamette Meridian, City of West Linn, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the northeasterly corner of Lot A, Tract 20 of said plat; thence along the southerly right-of-way line of 3rd Avenue (20.00 feet from centerline), South 67°39'00" West 418.00 feet to the northwesterly corner of Lot B of said Tract; thence leaving said southerly right-of-way line, North 22°21'00" West 40.00 feet to the southwesterly corner of Lot C, Tract 21 of said plat, also being on the northerly right-of-way line of 3rd Avenue (20.00 feet from centerline); thence along said northerly right-of-way line, North 67°39'00" East 418.00 feet to the southeasterly corner of Lot D of said Tract; thence leaving said northerly right-of-way line, South 22°21'00" East 40.00 feet to the Point of Beginning.

The above described tract of land contains 16,720 square feet, more or less. The Basis of Bearings is per said plat.

6/14/2017



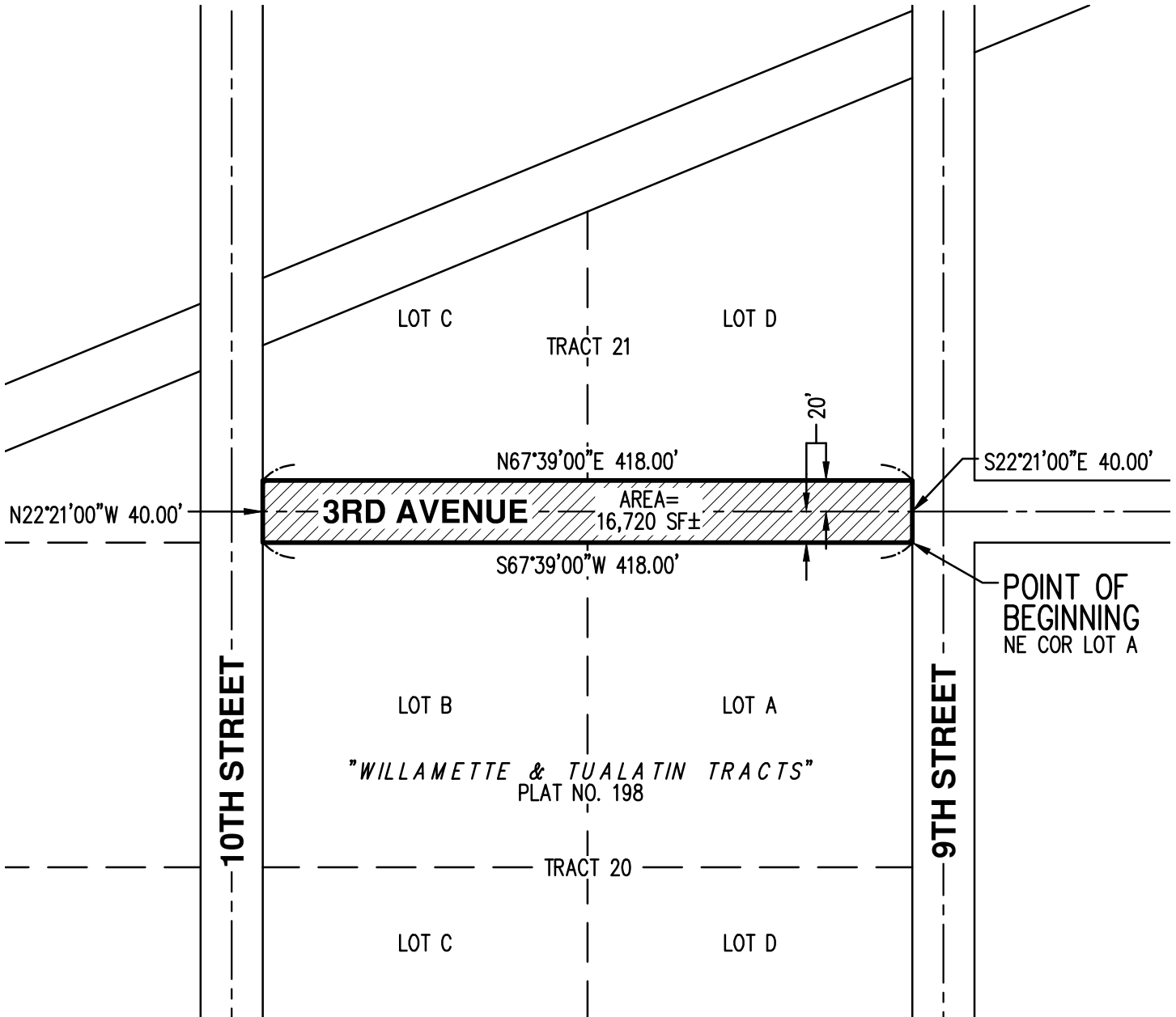
D. Gary Hutcherson



RENEWS: 6/30/19

EXHIBIT B

A PORTION OF RIGHT-OF-WAY OF THE PLAT "WILLAMETTE & TUALATIN TRACTS",
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 2,
 TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON



6/14/2017

**REGISTERED
 PROFESSIONAL
 LAND SURVEYOR**

D. Gary Hutcheson

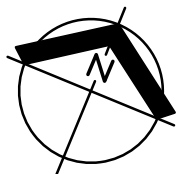
**OREGON
 DECEMBER 2, 1983
 D. GARY HUTCHESON
 2072
 RENEWS: 6/30/19**

PREPARED FOR

ENCORE HOMES LLC
 7989 SE TOWHEE COURT
 MILWAUKIE, OR 97267

THE BASIS OF
 BEARINGS IS PER
 THE PLAT
 "WILLAMETTE &
 TUALATIN TRACTS",
 PLAT NO. 198.

SCALE: 1" = 100 FEET



MAP OF RIGHT-OF-WAY VACATION		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: WCB CHKD: DGH AKS JOB: 5926





AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #5926

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

EXHIBIT A

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Beginning at the southwesterly corner of Lot C, Tract 20 of said plat; thence South 67°39'00" West 40.00 feet to the southeasterly corner of Lot D, Tract 23 of said plat, also being on the westerly right-of-way line of 10th Street (20.00 feet from centerline); thence along said westerly right-of-way line, North 22°21'00" West 528.54 feet to the northeasterly corner of Lot E, Tract 22 of said plat, also being on the southerly right-of-way line of a 40.00 foot wide Portland General Electric easement; thence leaving said westerly right-of-way line, North 45°17'00" East 43.25 feet to the northwesterly corner of Lot C, Tract 21 of said plat, also being on the easterly right-of-way line of 10th Street (20.00 feet from centerline); thence along said easterly right-of-way line, South 22°21'00" East 545.00 feet to the Point of Beginning.

The above described tract of land contains 21,471 square feet, more or less. The Basis of Bearings is per said plat.

6/14/2017



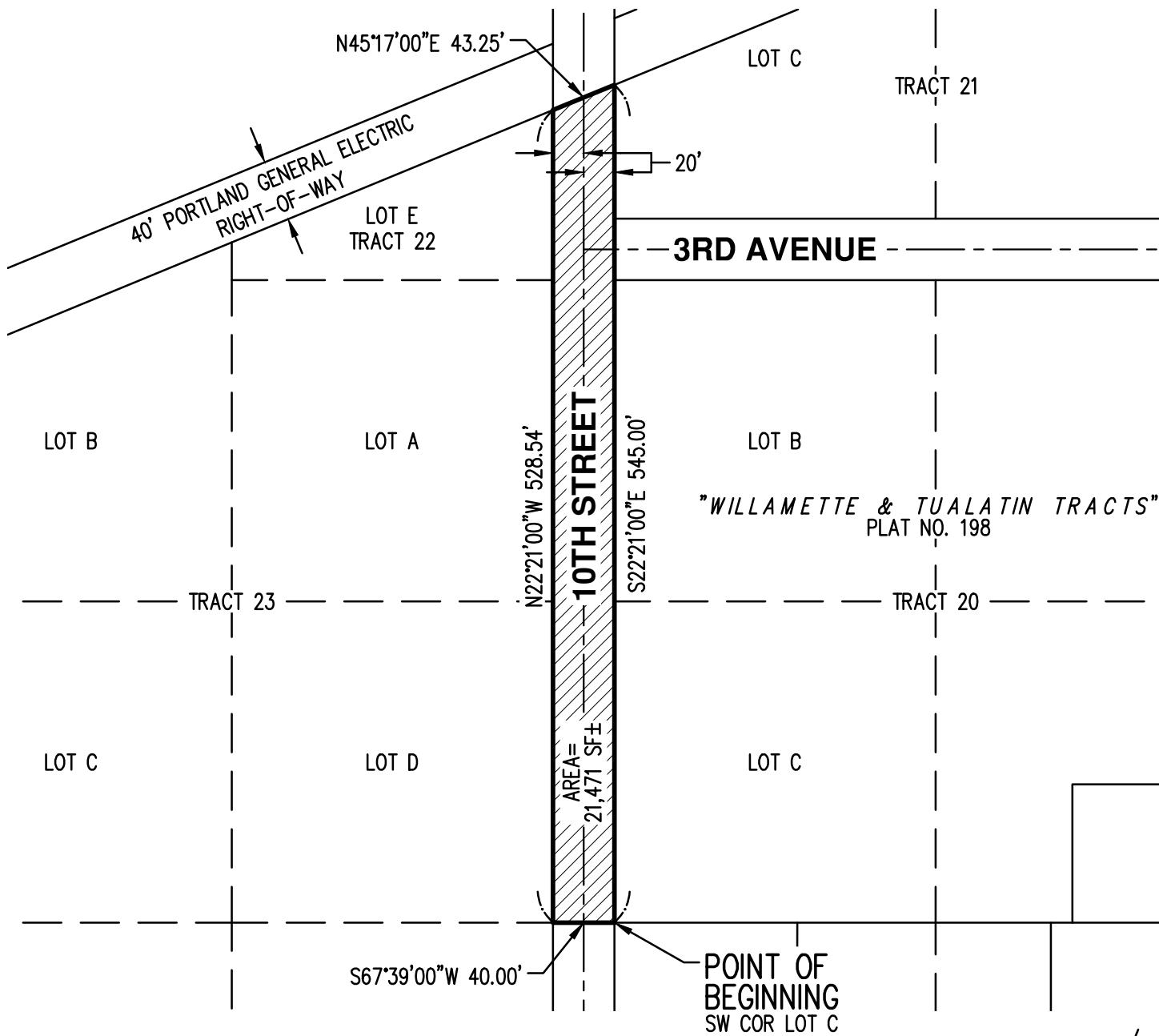
D. Gary Hutcheson



RENEWS: 6/30/19

EXHIBIT B

A PORTION OF RIGHT-OF-WAY OF THE PLAT "WILLAMETTE & TUALATIN TRACTS",
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 2,
 TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN,
 CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON



6/14/2017

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

D. Gary Hutcheson

OREGON
 DECEMBER 2, 1983
 D. GARY HUTCHESON
 2072

RENEWS: 6/30/19

PREPARED FOR

ENCORE HOMES LLC
 7989 SE TOWHEE COURT
 MILWAUKIE, OR 97267

THE BASIS OF
 BEARINGS IS PER
 THE PLAT
 "WILLAMETTE &
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SCALE: 1" = 100 FEET



MAP OF RIGHT-OF-WAY VACATION		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: WCB CHKD: DGH AKS JOB: 5926



Exhibit B - Environmental Constraints Limit Potential for Residential Development



Legend

Flood Management Areas



Wetland Inventory 2005 Goal 5



Stream Lines



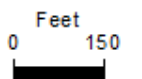
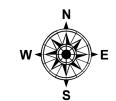
Significant Riparian Goal 5



Unimproved Right of Way



Historic Parcel Lines



Map created by: public
Date Created: 13-Jun-17 04:12 PM

WEST LINN GIS

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. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.



Acknowledgment by Individual

State of Oregon County of Clackamas

On this 25 day of April, 2017, before me, Naghmeh Asiatic Pourassef
Name of Notary Public

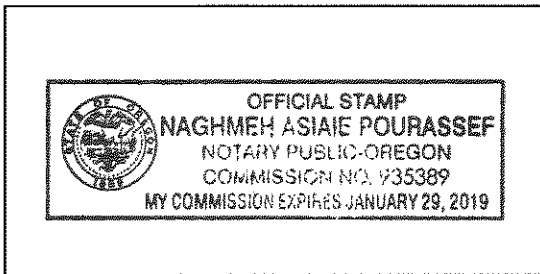
the undersigned Notary Public, personally appeared
Euan Currie.

Name of Signer(s)

- Proved to me on the oath of _____
- Personally known to me
- Proved to me on the basis of satisfactory evidence _____
(Description of ID)

to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed it.

WITNESS my hand and official seal.



Notary Seal

Naghmeh Asiatic Pourassef
(Signature of Notary Public)

My commission expires 1-29-19

Optional: A thumbprint is only needed if state statutes require a thumbprint.

Right Thumbprint of Signer	
Top of thumb here	

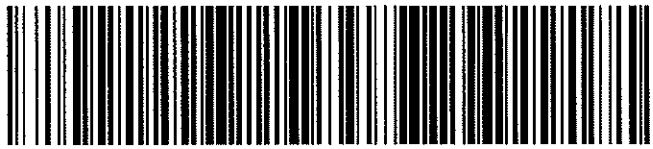
Description of Attached Document

Type or Title of Document
Proposed street Vacation Exhibit A

Document Date
4-24-17

Number of Pages
4

Signer(s) Other Than Named Above



Notice of Non Solicitation: This notice advises Buyers who have entered into an Oregon Real Estate Agency contract with a Realtor in the State of Oregon, that all terms and obligations of such contract(s) remain in full force, until such time that the contract expires or is terminated or canceled. If you have questions about the term of the contract you are advised to discuss it with your Realtor or seek competent legal counsel. The Buyer acknowledges that they have contacted the Realtor on their own behalf and at no time has the Realtor solicited such contact while client was already under contract. Any decision by the Buyer to enter into a new Oregon Real Estate Agency contract with the Realtor shall be of their own desire and such contract shall not begin until prior contract(s) have expired or have been mutually cancelled by the parties, as evidenced in writing.

I have read the above disclosures and have also received copies of the following checked documents:

Oregon Real Estate Agency Disclosure Pamphlet

Protect Your Family/Lead Paint EPA Handout (If built prior to 1978)

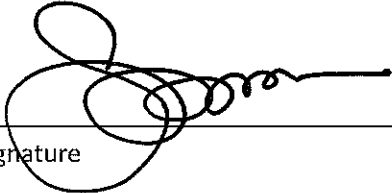
Home Warranty Brochure

Encore Homes, LLC.

Buyer - Print Name

Buyer - Print Name

BY



Buyer Signature

Date

Buyer Signature

Date

Coral Gonzalez

Broker Signature

Date

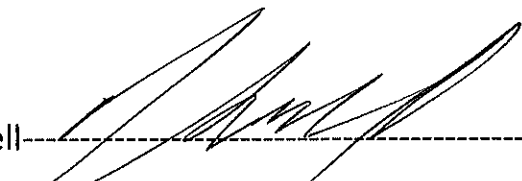
To whom it may Concern,

Re; Proposed street vacation of 3rd Ave & 10th st on Tax lot #'s

00748668-00748613


West Linn, Or 97068

We the undersigned support the proposed street vacation as shown in exhibit A.

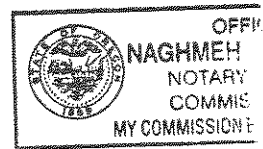
Thomas Farwell  4-24-17


1220 9th St West Linn



Susan Farwell  4-24-17

1220 9th st West Linn



Ann Miller  4/24/17

1009 9th St West Linn

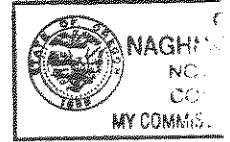


Euan Currie

[Handwritten signature]

4/25/17

1209 9th St West Linn



Carol Gronvold

[Handwritten signature]

4/24/17

1307 9th st

West Linn, Or

