

**From:** [Robinson, Michael C. \(Perkins Coie\)](#)  
**To:** [Hastay, Johanna](#)  
**Cc:** "[pdgplanning@comcast.net](mailto:pdgplanning@comcast.net)"; "[Ron Cain](#)"; [Bledsoe, David \(Perkins Coie\)](#); [Mary Ellen Farr \(mefarr@maryellenfarr.com\)](#); [Boone, Evan](#)  
**Subject:** Cain Service Station  
**Date:** Monday, August 28, 2017 9:48:53 AM  
**Attachments:** [image002.png](#)

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Good morning, Johanna. Thanks for your voicemail message from Friday morning. My client appreciates the City's help and understanding, including the City having worked with Cain on the sidewalk narrowing(that was in the original City Council adoption approving the BFR Project)and assuring that the business won't be damaged further by the take for the Boones Ferry Road improvements.

Dave has been working with Stacey Bluhm on moving the propane tank. I have attached his most recent email to Stacey in which Dave states that Stacey has said that the City will either pay to move the propane tank, or include the propane tank relocation costs in the damages in the compensation. This issue has not been resolved as of today, although my colleague David Bledsoe is talking to the City's condemnation agent about it. However, until it is resolved, as explained below, Cain believes that the possibility should be maintained in the ordinance that the Chevron property may lose up two parking spaces.

Whether the propane tank is non-code compliant or not is irrelevant to our conversation on moving the propane tank. The propane tank must be moved because of the City's street improvement project; otherwise, it could stay where it is. The staff commentary to Attachment 1 to the Ordinance, page 5 of 7, acknowledges that any parking space lost to the BFR Project should be eligible for parking credits("The exception allowing a parking credit for spaces lost due to the BFR project is existing code. The proposed changes are to: reference an Attachment D of the Ordinance(table and an associated index map that lists the properties and the number of parking spaces lost, if any)..."). If the propane tank can be relocated as a vertical tank, then Cain will not lose any parking spaces but Cain will install it as a vertical tank only if he City agrees to pay for it, which is outside of the ordinance amendment's consideration. If the City does not pay for the propane tank relocation, then a horizontal propane tank may take up two of the existing limited off-street parking spaces. Thus, until the cost issue is resolved, the Ordinance should include the Chevron property.

Cain appreciates everything the City has done to mitigate the impacts from the BFR project on the property. The property is a corner lot that has been squeezed over the years by City street improvements and it's important that the property not be so diminished through the loss of parking spaces that its viability as a business is damaged. I will also add that the propane tank is an important profit source for the business. According to Ron Cain, the propane tank consistently generates between \$000 and \$5000 per month in profits.

**From:** [pdgplanning@comcast.net](mailto:pdgplanning@comcast.net) [<mailto:pdgplanning@comcast.net>]  
**Sent:** Thursday, August 24, 2017 8:26 AM  
**To:** Robinson, Michael C. (POR)  
**Cc:** Cain, Ron; Delmar, David (POR); Bledsoe, David (POR); Farr, Mary Ellen  
**Subject:** Re: Lake Oswego

Michael,

That is my understanding as well. I think the Cain's need contingencies on this, because we don't have any actual answers from the City. It is too much of a moving target with verbal assurances that may not end up being true. It is my understanding from Stacy Bluhm the City intends to either pay to have the propane tank relocated or include it in the condemnation amounts, but again we don't have anything in writing.  
Dave

Michael C. Robinson | **Perkins Coie LLP**

**PARTNER**

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