



## LAND USE PRE-APPLICATION CONFERENCE

Thursday, January 6, 2011

City Hall  
22500 Salamo Road

Willamette Conference Room

**9:00 am** Water resource permit and rear setback variance

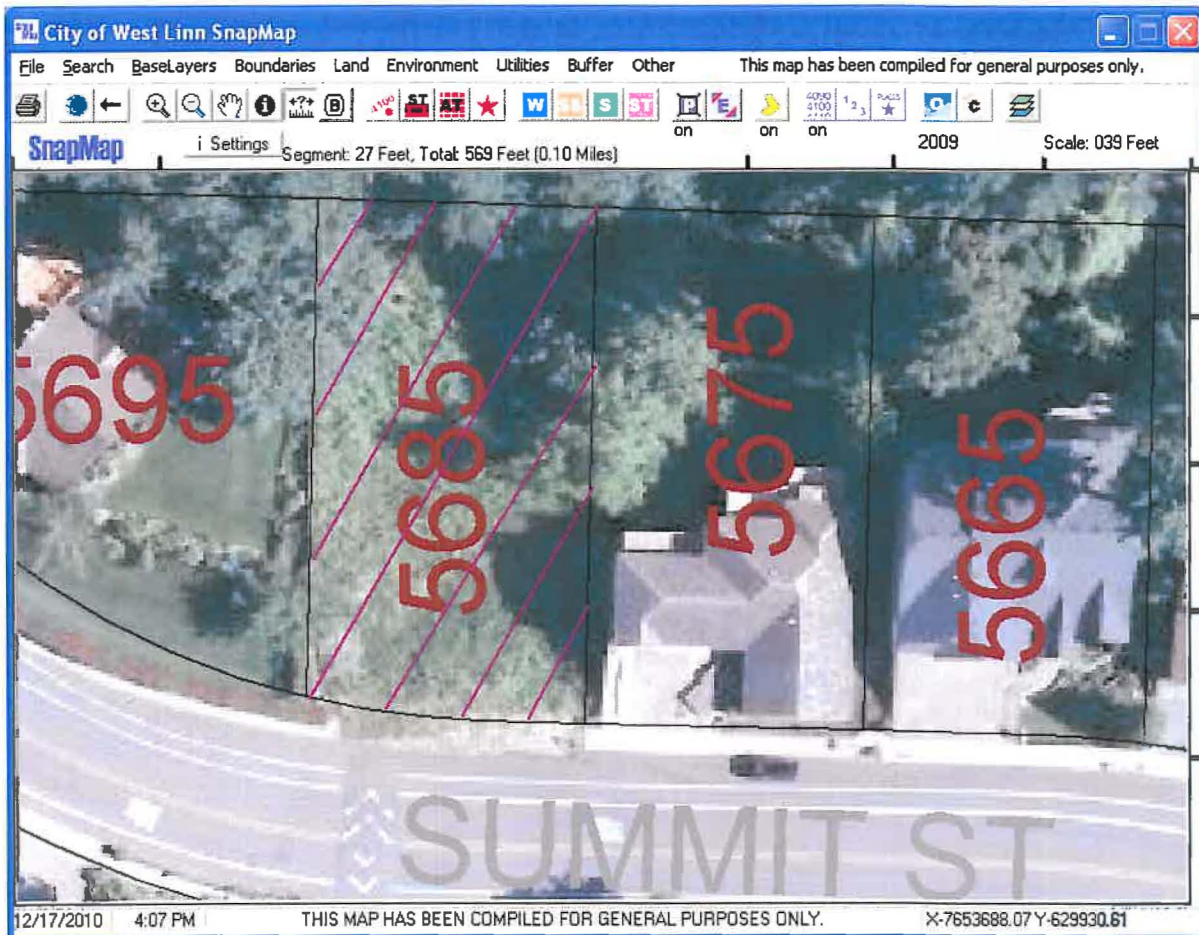
**Applicant:** Ken and Wendy Tinseth

**Subject Property Address:** 5685 Summit St.

**Neighborhood Assn:** Rosemont Summit, Hidden Springs and Bolton

**Planner:** Tom Soppe

**Project #:** PA-10-36



**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**Notes**  
**January 6, 2011**

SUBJECT: Water Resources Area permit and Class II Variance for new house on existing lot of record at 5685 Summit Street

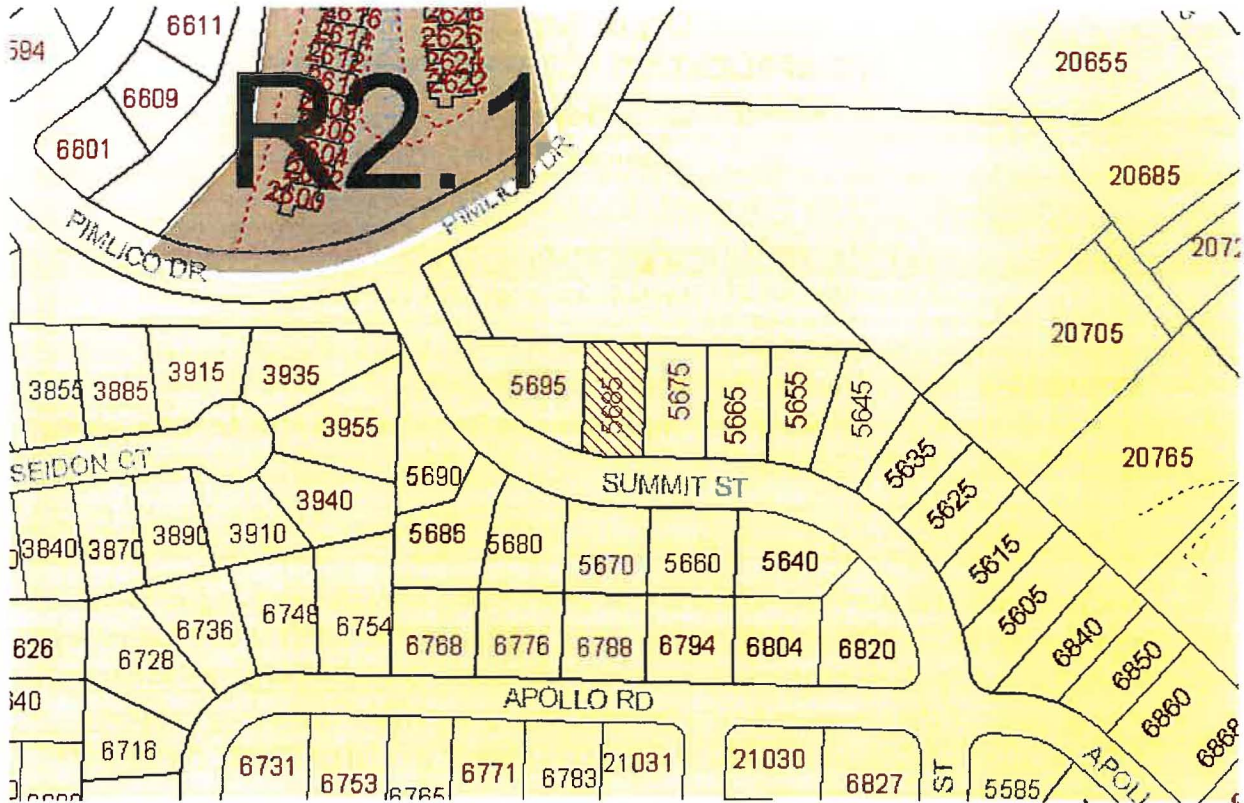
ATTENDEES: Applicants: Wendy & Ken Tinseth  
Staff: Tom Soppe (Planning Department), Khoi Le (Engineering Division)

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*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**

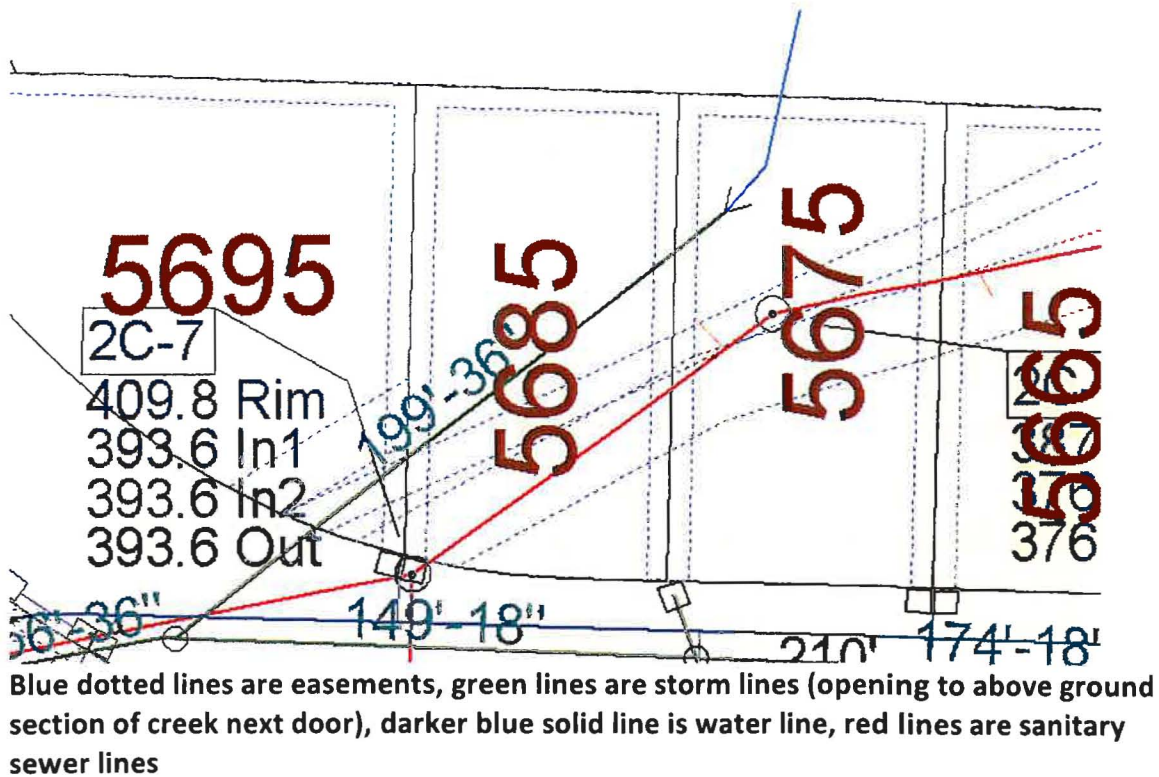
The site is a vacant undeveloped lot in the Serango #1 subdivision in the Rosemont Summit neighborhood. The Bolton and Hidden Springs neighborhoods also lie within 500 feet of the site. Because the Planning file under which the subdivision was approved was applied for over 10 years ago, the current Water Resource Area protections in Chapter 32 of the Community Development Code *do* apply to this legal, platted lot of record. The subdivision plat was recorded in 1978. The site is located in R-10 zoning. It is an undeveloped lot in an area of town where most residential lots are developed. It is located on the north side of Summit Street just south of Pimlico Drive. It backs up to City-owned open space. The lot slopes steeply from the street to the border with the open space, with some fairly flat areas in the central, western, and northwestern parts of the lot. Below is a zoning map of the site and the surrounding area. (Yellow represents R-10 zoning)



The lot has a sanitary sewer line running diagonally through the front portion of the lot in a sanitary sewer utility easement. A stormwater line consisting of a piped section of Mary S. Young creek also traverses the lot diagonally, in the center section of the lot. This line has a related stormwater easement, but the easement is not located in the correct area, over the piped creek segment that acts as part of the City's stormwater system. Because of these utility lines and easements that take up much of the front and central areas of the lot, development of the lot must be done mainly in the rear.

See the map below showing the aforementioned utilities and easements on site. This map also shows the 6-foot-wide utility easements along the rim of each side of each lot in this subdivision, as designated by the notes on the plat for Serango #1. Because of this standard perimeter easement, the variance application can be for no more than a 6-foot rear setback, instead of the 5-foot one the applicant shows on the site plan.





Further restricting development on the site is the fact that the site is within the transition area the Mary S. Young Creek significant riparian corridor. Significant riparian corridors have a minimum 100-foot setback. On the property east of the site, Mary S. Young Creek emerges from the above mentioned pipe (see the light blue line on the map above), but even areas of the creek that are piped get the minimum 100 foot setback because they are all part of the ecological corridor connecting all parts of the creek corridor, open or piped. Because of this, the entire lot is in the transition area as it is all within 100 feet of the pipe and/or open creek.

The water resource and utility/easement related constraints are why the applicant plans to apply for the rear setback variance and the Water Resource Area permit in order to develop the property with a single-family house.

The City Engineering Division would like to have the stormwater easement location corrected. The applicant is cooperating with the goals of the Engineering Division by proposing a 15 foot stormwater easement over the actual storm line/piped creek on site, as shown on their site plan.

To build on a lot with these water resource area constraints the applicant will apply for the Water Resource Area permit under the hardship provisions of 32.090. To address both the requirements regarding water resource protection in Chapter 32 and the variance provisions of Chapter 75 regarding modified property line setbacks, the applicant will need to propose a maximum footprint area and prove the area is



necessary for the lot to be buildable. CDC 32.090 requires that the development on the lot be limited to minimum economic viability. As part of the analysis for a previous Water Resource Area permit in 2010, staff did research regarding the minimum value of a house that banks are generally willing to provide construction loans for in West Linn, relative to the value of the lot. Staff found that new home construction in West Linn can be expected to be about \$100 per square foot of living area and improvement costs should be approximately 3 times the value of the lot. Staff recommends the applicants use these figures in relation to the value of the lot to help determine the square footage that would represent minimum economic viability on the lot, and argue their application accordingly. That is unless the applicants can find a more precise and accurate way to measure or estimate minimum economic viability.

The applicant shows 15 feet as the standard setback on the submitted information. This is the R-10 zone and 20 feet is the standard rear setback except for Planned Unit Developments (PUD). Staff cannot find in the original file for this subdivision (SUB-77-18) where it is applied for as a PUD and/or otherwise has any alternative setbacks allowed. Unless the applicant can prove otherwise, staff assumes that 20 feet is the required setback, so any variance applied for shall be presented in relation to the 20 foot standard. (I.e. a desired 6 foot setback being presented as a 14-foot deviation from the standard rather than a 9 foot difference).

### **Engineering Comments**

The applicant shall provide a professional survey to determine the exact location of all public utilities and easements crossing the property. The applicant shall provide a professional survey map showing the location of all public utilities and easements crossing the property. The applicant shall provide and record necessary easements for utilities that are located outside of existing easements.

### **Process**

The Water Resources Area permit and the Class II Variance permit are required.

A neighborhood meeting is not required for either of these permits, but they are always encouraged. Contact Dean Suhr, President of the Rosemont Summit Neighborhood Association, at (503) 656-4808 or [deansuhr@deansuhr.us](mailto:deansuhr@deansuhr.us). The contact for Bolton is Sally McLarty, President, at 503-722-2137 or [gbryck@easystreet.net](mailto:gbryck@easystreet.net). The contact for Hidden Springs is Alex Kachirisky, President, at 503-343-4752 or [alex.kachirisky@gmail.com](mailto:alex.kachirisky@gmail.com). If the applicant decides to present at a meeting, the applicant is required to provide the neighborhood association with conceptual plans and other material at least 10 days prior to the meeting.

The following criteria shall be responded to in a narrative:

- 32.050
- 32.070
- 32.080
- 32.090(A)
- 75.060

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. The waiver may or may not be granted by the Planning Director.

N/A is not an acceptable response to the approval criteria. Prepare the application and submit to the Planning Department with deposit fees and signed application form.

The deposit for a Water Resources Area permit is \$1,850. A Class II Variance requires a deposit of \$1,800. Any cost overruns to the extension deposit will result in additional billings.

**Please note that the deposit is a “down payment” in the sense that staff hours are charged against the deposit funds, and more billing may be needed eventually depending on the number of staff hours eventually spent on the application.** The City has 30 days to determine if the application is complete or not. The applicant has 180 days to make the application 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.

Because a Class II Variance will be applied for along with the Water Resource Area permit, the application will require Planning Commission review including a public hearing. Staff prepares public notice and schedules the hearing. The Planning Commission holds a hearing and renders a final decision. The first hearing may be continued to a subsequent hearing depending on the circumstances. The decision may be appealed to the City Council. If appealed, the City Council hearing is 6-8 weeks from the Planning Commission hearing date. Subsequent appeals go to LUBA (the state’s Land Use Board of Appeals).

Once approved, the applicant has three years to satisfy conditions of approval and fulfill all entitlements before approval lapses and it is void.

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. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Thus, there is no "shelf life" for pre-apps.

Pre-app2011/Preapp 2011-01-06/PA-10-36 Tinseth





















































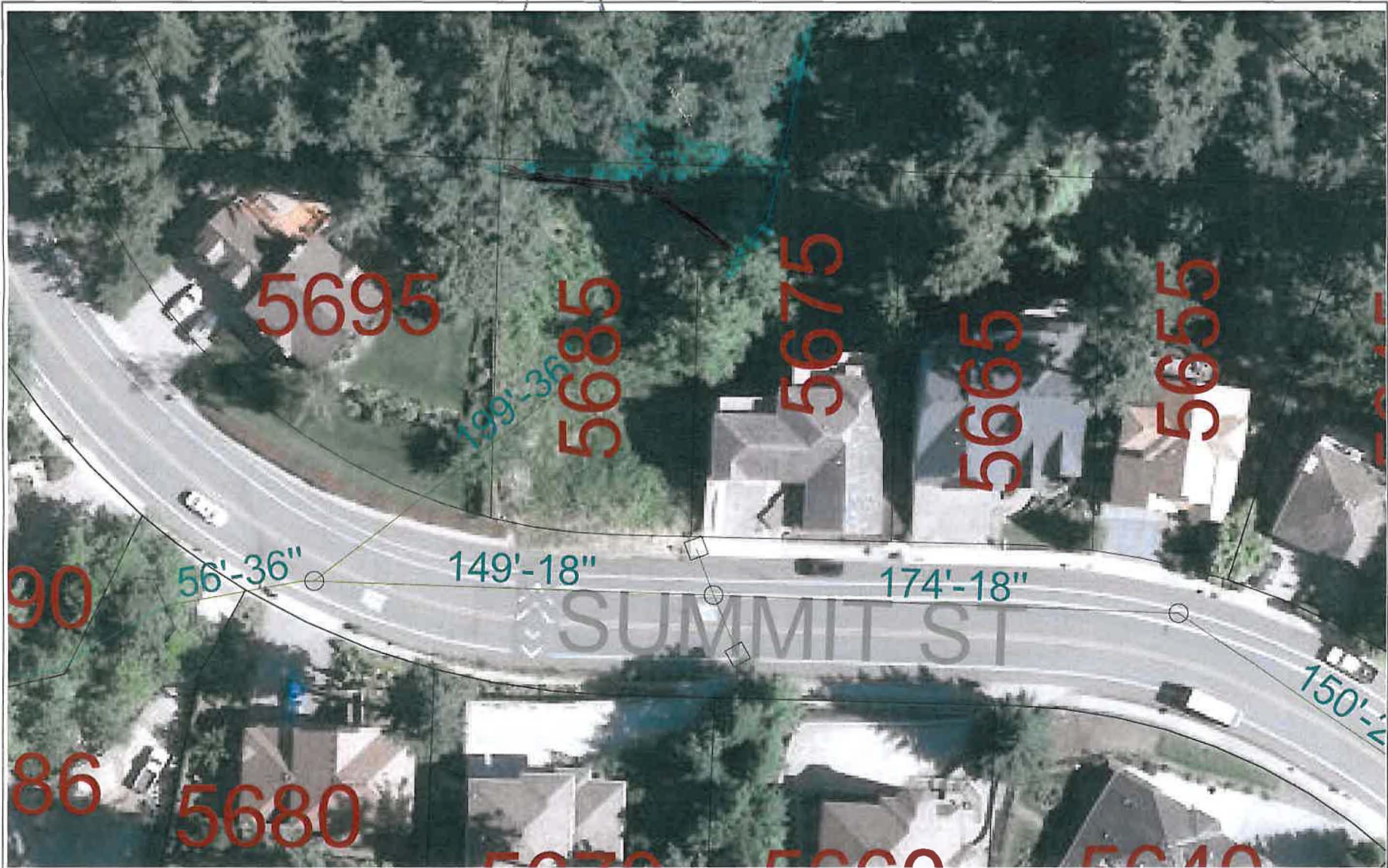








Blue area  
in  
transition  
area



City of West Linn GIS (Geographic Information System), SnapMap Date: 12/20/2010

Scale: 064 Feet

**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.





RECEIVED

DEC 17 2010

PRE-APPLICATION CONFERENCE

PLANNING & BUILDING  
CITY OF WEST LINN

THIS SECTION FOR STAFF COMPLETION

CONFERENCE DATE: 1/6/2010	TIME: 9 AM	PROJECT #: PA-10-36
STAFF CONTACT: Tom Soppe		FEE: \$350 <sup>00</sup>

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): 5685 Summit Street

Brief Description of Proposal: The information provided is for a water resource permit that will be applied for concurrently with the rear set back variance in which the city of West Linn will be acting as a co-applicant

Applicant's Name: Ken and Wendy Tinseth  
Mailing Address: 903 5<sup>th</sup> Avenue, Oregon City, OR 97045  
Phone No: (503) 975-0636 Email Address: wendy.ti@johnlscott.com

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 (tree canopy is from trees on adjacent lots)
- 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.

[Signature] \_\_\_\_\_ 9 Nov 2010  
Property owner's signature Date

903 5<sup>th</sup> Avenue Oregon City, OR 97045  
Property owner's mailing address (if different from above)



Ken and Wendy Tinseth  
903 5<sup>th</sup> Avenue  
Oregon City, OR 97045  
November 3, 2010

Dennis Wright  
Engineering Manager  
City of West Linn  
22500 Salamo Road, Box 800  
West Linn, OR 97068

Mr Wright:

We are writing the following as the property owners of the vacant lot at 5685 Summit Street. The information provided is for a water resource permit that will be applied for concurrently with the rear set back variance in which the city of West Linn will be acting as a co-applicant.

### **32.000 Water Resource Area Protection**

#### **32.050 Approval Criteria**

- A. Water resource is identified accurately on the City maps with a buried storm line nearly bisecting the property at an angle from West to East. The storm pipe becomes an open ditch/creek at a point approximately 105' North along the Eastern property line and then perpendicular 15' to the East on the adjoining lot.
- B. Proposed development shall be so designed as to maintain the existing natural drainage ways with no major changes to the existing contours with the exception of the dwelling footprint itself.
- C. See 32.070
- D. Final water source area can be preserved through a protective easement.
- E. Slope of the lot falls into the 0% - 25% slope and required width of setback and transition area on each side of the water feature per table 32-1 is 57.5' (50' plus structural setback of 7.5').
- F. No roads, driveways, utilities, or passive use recreation facilities will be built in or cross water resource areas.
- G. Prior to construction the water resource area will be protected with an approved fencing at its perimeter and such fencing will remain until construction is complete.



- H. N/A
- I. See 32.070 and/or site drawing
- J. See 32.070 and/or site drawing
- K. See 32.070 and/or site drawing
- L. See 32.070 and/or site drawing
- M. N/A
  
- N. N/A
- O. N/A
- P. N/A

**32.060            Site Plan**

See attached site plan.

**32.070            Mitigation Plan**

- A. With storm water and sanitary water easements the only area left with any usable square footage is the NW corner. Easement movement has been deemed not a financially feasible option. A compromise in building width was made, requesting a maximum of 40' in width, which is still considerably narrower than structures in the neighborhood but not as inconstant as a 25' wide structure would be.
- B. Adverse impacts will be minimal. Lot is kept in a cleared condition to adhere to the cities noxious vegetation guidelines. Lot has very little vegetation and so little to no de-vegetation will occur. Site runoff will be mitigated through down slope installation of filter/barrier fencing along the entire eastern property boundary encompassed in the setback/transition area. Owner will be responsible for adherence of this mitigation plan.
- C. A mitigation area equal to the area that the final building design encroaches upon the water resource area will be provided on the existing lot and re-vegetated to 32.050(K) requirements. Most suitable area will be the SE section.
- D. N/A
- E. Mitigation area will be protected through an easement with the City.

**32.080            Re-vegetation Plan Requirements**

Re-vegetation in the water resource area and mitigation area will follow the provisions this section.



**32.090            Reduction Standards for Hardships**

- A. N/A
- B. This lot is located partially inside the water resource area. We are requesting a hardship reduction of approximately 800sf (see site plan) due to the combination of the water resource area, storm and sanitary easements and standard structural setbacks. Without the water resource area reduction we would be denied our ability to build a structure consistent with the architectural designs of the neighborhood. While a 25' wide design could be built this design is more fitting in neighborhoods designed with narrower lots, is very limiting in design choices and would look out of place and in our opinion would do a disservice to the overall look of the neighborhood. While our request for a 40' width is not the largest width request we could have made, we do feel it is a reasonable compromise between minimizing the impact to the water resource area and suitable design restraints for the structure and the neighborhood.

Sincerely,

Ken and Wendy Tinseth  
PH: (503) 975-0636

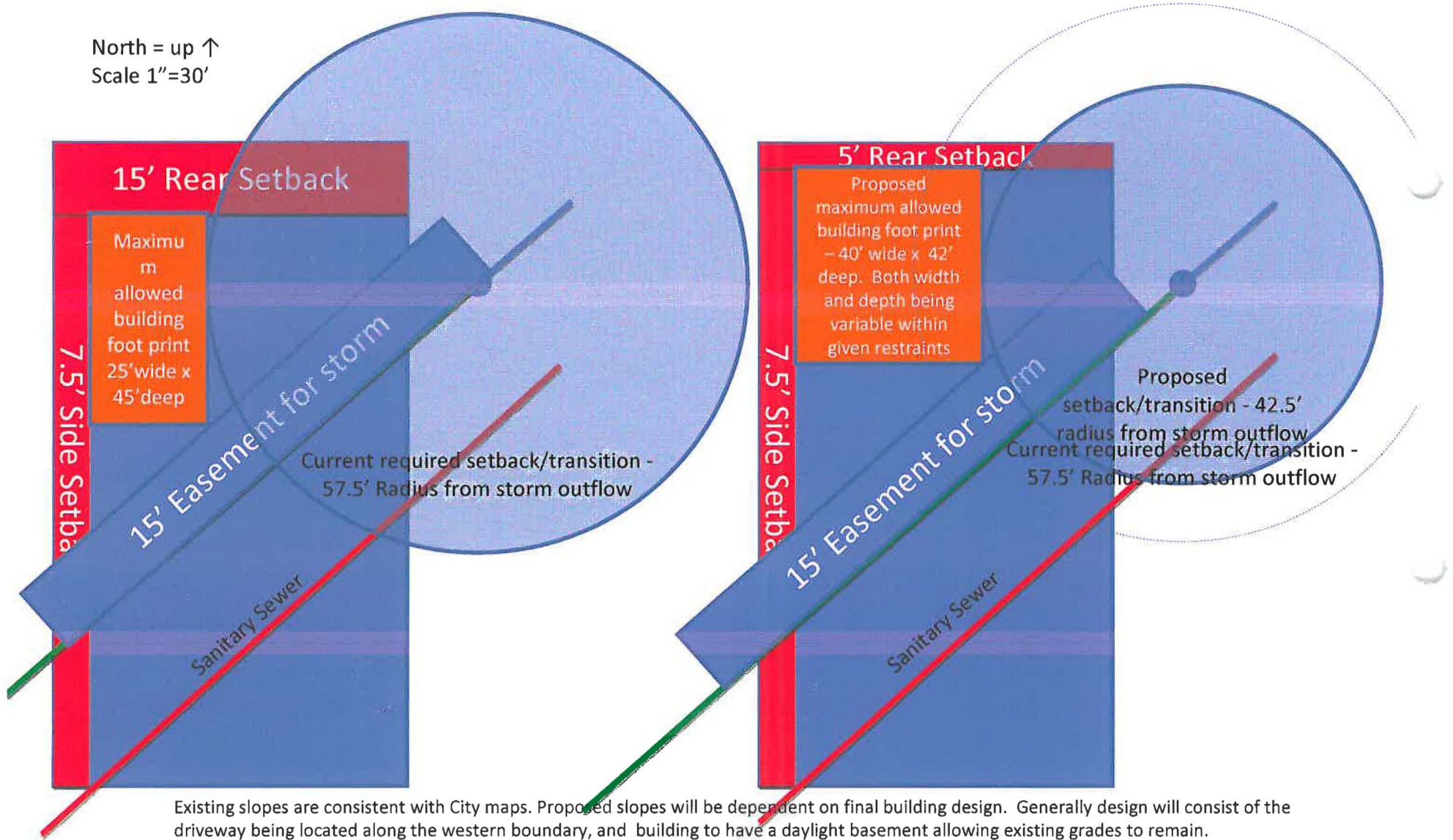


# Tinseth 5685 Summit Street-Water Resource Permit Drawing

Drawing depicting proposed changes to the water resource setback/transition area. Current on left, proposed on right.

Ken and Wendy Tinseth, 903 5<sup>th</sup> Ave, Oregon City, OR 97045, PH (503) 975-0636

North = up ↑  
Scale 1"=30'



Existing slopes are consistent with City maps. Proposed slopes will be dependent on final building design. Generally design will consist of the driveway being located along the western boundary, and building to have a daylight basement allowing existing grades to remain.