

**CITY OF WEST LINN
PLANNING DIRECTOR'S DECISION
DATE: MAY 14, 2009**

FILE NO.: VAR 09-01

REQUEST: Class I variance request to permit structural encroachment into front yard setback at 2921 Winkel Way

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SPECIFIC DATA

OWNERS: D.R. Horton, Inc., 4386 SW Macadam Ave. #102; Portland, OR 97239 (applicant for all and owner of lots 3 and 28)

APPLICANT: D.R. Horton, Inc., 4386 SW Macadam Ave. #102; Portland, OR 97239

CONSULTANT: Michael Robinson; 1120 Couch St. 10th Floor; Portland OR 97209
Jeff Smith; 4386 SW Macadam Ave. #102; Portland, OR 97239

SITE LOCATION: Lot 17 2921 Winkel Way

COMP PLAN DESIGNATION: Low Density Residential

ZONING: R-7

APPROVAL CRITERIA: CDC Chapter 75 Variances

120-DAY RULE: The application was deemed complete on March 25, 2009. Therefore, the City must exhaust all local review by July 23, 2009 per the 120-day rule.

PUBLIC NOTICE: Mailed public notice to property owners within 500 feet (only 100 feet is required by CDC) on April 16, 2009. The property was posted with a sign on April 20, 2009. The notice was also posted on the city's website. Notice was published in the West Linn Tidings on April 23, 2009. Therefore, the public notice requirements of Chapter 99 of the Community Development Code have been satisfied and/or exceeded.

EXECUTIVE SUMMARY

The following table and plat map summarize the proposed variance request:

<i>Lot #/ address</i>	<i>Required front setback (R-7)</i>	<i>Proposed front setback*</i>	<i>Requested variance</i>
Lot 17, 2921 Winkel Way	20 feet	18'- 10"	1' - 2"

** requested only for non-garage portion of the home; the required 20 foot setback will still be provided in front of the garage which will allow for adequate off-street parking.*

Also, the applicant also submitted and received three Class II variance applications from the Planning Commission for the encroachment of homes already constructed into the front yard setback on three separate lots in this same Parker Crest subdivision.

BACKGROUND AND DISCUSSION

Parker Crest is a 31 lot single-family residential subdivision, located in the R-7 zoning district, that was approved by the Planning Commission in March of 2006. It is important to recognize that the impetus for this 'after-the fact' variance came about due to a relatively simple and seemingly unintentional error made by the builder in their building permit review.

It is Staff's understanding that the builder, D.R. Horton, mistakenly thought that the minimum front setbacks for the subdivision were 15 feet. The builder submitted a building permit indicating a setback less than twenty feet; and as part of its plan review the City 'redlined' the plan highlighting the corrected setback and returned the plans to the builder. The builder misunderstood the redlined plans indicating the corrected setback and continued onward with the permitting process with the incorrect front setback. Unfortunately, City Staff did not identify the error when foundation permits were submitted and construction began on this home (and three other homes).

Neither party discovered the error on the permits submitted, nor during construction, until early February of 2009 when a City inspector, on an unrelated inspection, double-checked the setbacks on the permits and brought this issue to light. Upon notification of the error, the builder corrected those permits that were under review and, after discussing their options with Staff, decided to submit variance applications for those lots with homes that were either fully constructed, or nearly fully constructed (such as this home). As provided in the supplemental information provided by the applicant, dated April 2, 2009, the variance application process is the best, and most reasonable, opportunity for the applicant to resolve this situation.

In order to help mitigate any adverse impacts from the reduced front yard setback, the applicant is proposing landscaping amenities in two areas: (1) on the lots that require the variance, for this lot, denser landscaping in accordance with a landscaping plan; and (2) a seating area within community Tract 'A' of the subdivision, a 4" scarlet oak tree, two benches and shrub plantings. Details of these proposed landscaping upgrades are provided in the April 13, 2009 letter from the applicant addressed to the City.

FINDINGS

Based upon the findings prepared by the applicant and supplemented in this report; Staff finds that this application meets the criteria of the CDC Chapter 75, with a single condition of approval which will require the proposed mitigation improvements to be made.

Staff does not believe that the minor encroachment into the front setback will have an adverse impact on the community. In fact, it is often preferable to have a degree of variation in front setbacks. Therefore, while the errors are not excusable and Staff has taken actions to prevent them from taking place again, the impacts of this mistake on the permit plans will result in a development with improved design and with more amenities than the City would have received if the standard 20 foot setback had been applied. The option of 'chopping off' the front portion of the home in order to meet the 20 setback

would result in a streetscape that has less articulation and interest than would be permitted with the approval of these variances.

Nor does granting of the variance provide any overriding benefit to the developer – the location of the house on the lot has simply been moved closer to the street. This will allow for a slightly larger back yard, without impacting the surrounding lots because all other setback requirements are met. There is no increase in square footage or footprint size and the floor area ratio (FAR) standards are still being met. The home is centrally located on an interior lot within the subdivision.

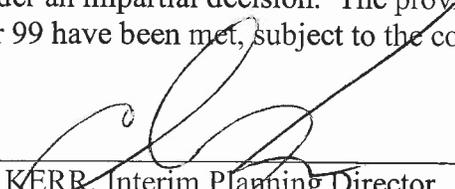
Owing to the fact that there is a sidewalk and landscape buffer between the property line and curb of the road, the setback from the street to the home will always be at least 25 feet. Importantly, the reduction in the front yard setback does not apply in front of the garages; therefore, adequate space is available (20 feet) for cars to park in front of the garage doors.

Condition of Approval:

1. Prior to the issuance of a certificate of occupancy for the home, the applicant shall install the associated improvements, including those in Tracts A and C, as proposed in the April 13, 2009 letter from Mr. Jimmy Luker to the City of West Linn.

DECISION

I/We declare to have no interest in the outcome of this decision due to some past or present involvement with the applicant, the subject property, or surrounding properties, and therefore, can render an impartial decision. The provisions of the Community Development Code Chapter 99 have been met, subject to the condition of approval listed above.



CHRIS KERR, Interim Planning Director

5/14/09

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. The fee is \$400. The appeal must be filed by an individual who has established standing by submitting written comments prior to or on 5/28/09. Approval will lapse 3 years from effective approval date unless an extension is obtained.

Mailed this 14 day of May, 2009.

Therefore, the 14-day appeal period ends at 5 p.m., on 5/28, 2009.

ADDENDUM

APPROVAL CRITERIA AND FINDINGS

VAR 09-01

Staff recommends adoption of the findings for approval contained within the applicant's submittal, augmented with the following additions:

75.060 THE APPROVAL CRITERIA

The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The approval authority shall deny the variance if any of the criteria are not met.

75.060.1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.

FINDING NO. 1:

The unusual circumstance is the error made on the permit plans, which was not corrected by the applicant or the City in a timely enough manner to prevent the construction of the buildings in the setback.

75.060.2. The variance is necessary for the preservation of a property right of the applicant, which is substantially the same as a right possessed by owners of other property in the same zone or vicinity.

FINDING NO. 2:

The unusual circumstances surrounding the approval of the construction of the homes has created a situation whereby the applicant, and homeowner, would be forced to essentially demolish and reconstruct the home 2-4 feet further from the front property line. This would be an undue burden on the homeowner and applicant, with little benefit to the community.

75.060.3. The authorization of the variance will not be materially detrimental to the purposes and standards of this Code, will not be inconsistent with all other regulatory requirements, and will not conflict with the goals and policies of the West Linn Comprehensive Plan.

FINDING NO. 3:

As discussed above, the approval of the variance will provide for a more interesting building layout with an enhanced streetscape on this street. It also furthers Goal 10, Policy 5 of the Comprehensive Plan: "Allow for flexibility in lot design, size, and building placement to promote housing variety and protect natural resources."

75.060.4. The variance request is the minimum variance, which would alleviate the exceptional and extraordinary circumstance.

FINDING NO. 4:

The requested variances will be, to the inch, the minimum necessary to alleviate the extraordinary circumstance.

75.060.5. The exceptional and extraordinary circumstance does not arise from the violation of this ordinance.

FINDING NO. 5:

The exceptional circumstance involves an unintentional error that was made at the building permit level. As discussed in detail in this report, the community will ultimately benefit from the design of the homes in the configuration that they have been constructed, with the landscape enhancements proposed.

75.060.6 The variance will not impose physical limitations on other properties or uses in the area, and will not impose physical limitations on future use of neighboring vacant or underdeveloped properties as authorized by the underlying zoning classification.

FINDING NO. 6:

The variance will not have a negative impact on neighboring properties or other properties off site. It will not impose limitations on adjacent vacant or undeveloped properties.

EXHIBITS

PC-1	ADDITIONAL CORRESPONDENCE	7-13
PC-2	AFFIDAVIT AND NOTICE 4/16/09.....	14-18
PC-3	MITIGATION MEASURES SUBMITTED 4/13/09.....	19-26
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1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2000
FAX: 503.727.2222
www.perkinscoie.com

Michael C. Robinson
PHONE: (503) 727-2264
FAX: (503) 346-2264
EMAIL: MRobinson@perkinscoie.com

April 23, 2009

VIA EMAIL

Mr. Chris Kerr
Interim Planning Director
City of West Linn Planning and Building Department
22500 Salamo Road, Suite 1000
West Linn, OR 97068

Re: My Client, D.R. Horton — Parker Crest Subdivision Variances

Dear Chris:

I am writing to respond to the comments from Mr. Bill Relyea of the Parker Crest Neighborhood Association (the "Association") in a letter to the City of West Linn dated March 16, 2009.¹ The comments represent a fundamental misunderstanding of why the frontyard setback encroachments occurred and the effect of those encroachments.

First, and there is no dispute about this, D.R. Horton made a mistake — it inadvertently located four single family homes within the 20 foot front yard setback required by the R-7 zoning district. Horton acknowledges that this was a mistake and has since instituted practices to avoid this happening in the future. However, Horton also sent "hub and tack" surveys to the City showing the setbacks prior to completing the homes.

Second, the encroachments into the required frontyard setbacks did not result in larger homes than would otherwise be allowed in the R-7 zoning district. Each of the homes continues to meet the lot coverage standard of 40% in the R-7 zoning district. Each of

¹ The March 16, 2009 letter from William Relyea, President of the Parker Crest Neighborhood Association, does not state that the Association authorized Mr. Relyea to send the letter. As you know, I made several offers to appear before the Association but my offers were not accepted.

Mr. Chris Kerr
April 23, 2009
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the homes has a larger rear yard setback than is otherwise required. In other words, the City can find that the total amount of perimeter setbacks on these lots required by the R-7 zoning district is still provided, albeit in the form of a larger rear yard setback and a reduced front yard setback. However, the reduced front yard setbacks did not result in larger homes. The homes placed on these lots were not larger than would otherwise be allowed in the R-7 zoning district if the required setbacks had been met.

Third, the areas of the encroachments are quite small. The amount of the encroachment within the required front yard setback of each lot is shown below:

Lot 1 = 4' 5"
Lot 3 = 4'
Lot 28 = 3' 6"
Lot 17 = 1' 2"

Horton has proposed landscaping mitigation addressing the reduced front yard setbacks. It has proposed enhanced frontyard landscaping for each of the four lots (assuming that Horton can receive permission from the owner of Lot 1 for enhanced landscaping on that lot), and has proposed additional landscaping within a common tract in the Parker Crest Subdivision to ameliorate any adverse impacts from the reduced setbacks. This will adequately address whatever impacts have occurred from the reduced setbacks.

There are no adverse impacts from the reduced front yard setbacks. If the property line were on the front of the sidewalk rather than on the back of the sidewalk, then each lot would meet the required front yard setback. The point is that most people do not know where the property line is (in this case, as noted above, it is on the back of the sidewalk), and most people walking along the public street would be unable to see any difference between these four lots and any other lots in the Parker Crest Subdivision, let alone discern any adverse impact.

The above information shows that Horton did not knowingly and intentionally violate the setbacks. Since the houses are the same size as if the front yard setbacks had been met, there is no possibility that Horton profited from the encroachments.

Additionally, there is no requirement for a "cost/benefit" analysis. Horton has not received additional value; if anything, the cost of these variances has reduced the profitability of these homes.

Mr. Chris Kerr
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We appreciate the time that the Association took in reviewing the applications, and we hope that it will support the variances with appropriate mitigation. As always, we remain willing to meet with the Association at any time.

Very truly yours,



Michael C. Robinson

MCR:cfr

Enclosure

cc: Mr. Jimmy Luker (w/encl.) (via email)
Ms. Melissa Trunnell (w/encl.) (via email)
Mr. William Relyea (w/encl.) (via email)
Mr. Jeff Smith (w/encl.) (via email)



CITY OF
West Linn

PARKER CREST NEIGHBORHOOD ASSOCIATION

Subject: Land Use Pre-Application Meeting

Case : PA-09-04

Type: One Class I Variance and three Class II Variances to non-garage front yard setback standard for (4) lots in Parker Crest

Address: 2921 Winkel Way; 2977 Winkel Way; 2982 Winkel Way; 2998 Winkel Way

Applicant Name: Jeff Smith and Michael Robinson

Date: March 16, 2009

Dear Mr. Kerr,

The applicants have filed a variance request for the properties listed above. The file appears complete. The issue raised within the variance request is in part premised upon the need to allow the variance, because the properties are already built, and a cost benefit analysis does not justify demolition of the houses in order to meet the code.

The variance request raises multiple questions about how a property could move through the permitting process, when the properties are not in conformance with the current CDC requirements. These questions will need to be addressed by City staff and appropriate steps taken to ensure that future developments are not impacted by this issue. Analysis of the variance issue, brings the Parker Crest Neighborhood Association (PCNA) to the conclusion that the developer benefited from the act of building the property in a non-conforming manner. The developer makes reference to the non-conformance and states that they were not aware of the non-conformance, until after the homes were built. In response the PCNA poses that it is the developers responsibility to know the requirements and conform to them prior to permitting and building.

The PCNA community should receive a benefit in exchange for the enrichment that the developer has received. The developer has posed that mitigation can take place by increasing front yard landscaping on other lots within the subdivision. This proposed mitigation would be a benefit to the developer, and not the community.

The PCNA proposes that the city take into account the total square footage of the house as built and compare it to the total square footage of the house, as it would have been built had the developer conformed to the code. The delta in the square footage represents a known value, upon which restitution can be made in the form of capital. The PCNA in conjunction with the City would then utilize the capital for infrastructure improvements within the PCNA, per our Neighborhood Development Plan.

Best regards,

William Relyea, President

Parker Crest Neighborhood Association (PCNA)

Cc: PCNA; City of West Linn, Planning Department; City of West Linn Planning Commission; City of West Linn, City Manager, Chris Jordan; Jeff Smith and Michael Robinson

Kerr, Chris

From: Hidden Springs Neighborhood Assoc. [WLHSNA@msn.com]
Sent: Thursday, April 23, 2009 1:43 PM
To: Kerr, Chris
Subject: Re: Planning Commission Agenda for May 6, 2009

Hello Chris,

Thank you for your prompt and helpful reply.

Cordially,

Lynn Fox, President
Hidden Springs NA

----- Original Message -----

From: Kerr, Chris
To: Hidden Springs Neighborhood Assoc. ; Zak, Teresa
Cc: City Council ; Jordan, Chris
Sent: Thursday, April 23, 2009 9:33 AM
Subject: RE: Planning Commission Agenda for May 6, 2009

Good morning Lynn -

I have added my responses to your questions below. Call me with any questions or clarifications.

I will put your comments into the public record. Thanks

*Chris Kerr
723-2538*

From: Hidden Springs Neighborhood Assoc. [mailto:WLHSNA@msn.com]
Sent: Wednesday, April 22, 2009 10:07 PM
To: Zak, Teresa
Cc: City Council; Kerr, Chris
Subject: Re: Planning Commission Agenda for May 6, 2009

Hello Ms. Zak,

If I understand the agenda and attachments correctly regarding VAR 09-04,09-05 and 09-06 scheduled for the May 6,2009 meeting of the Planning Commission, the applicant that received approval to build three homes on Winkler Way is requesting variances. Apparently the developer made significant mistakes in setback measurements and inadvertently reduced the front setbacks from the required 20 feet to 16.5 feet, a change of over 15% in front yard setback space required by the CDC. It appears the original applicant is proposing that the city reward this mistake by providing a variance that has apparently received approval from the Director of the Park and Recreation Department.

There have been several questions which I would appreciate assistance in answering.

1.) Does the Planning Department or the Public Works Department periodically inspect approved developments during the course of construction? [**Kerr, Chris**] Yes, the Building Dept.

completes various inspections during the course of construction, depending on the type of permit.

2.) Is it the function of the Director of Park and Recreation to provide evaluation and approval regarding a CDC violation of a front yard setback? **[Kerr, Chris]** No, that Department is not involved.

3.) When there has been a violation of a plan approved by the planning commission, what is the process to address the violation and are there generally fines involved? **[Kerr, Chris]** Permits should be consistent with the plans approved by the planning commission. Violations are addressed by notifying the offending party of the violation and requiring them to come into compliance. Fines can be imposed for certain violations, but it is rare.

4.) If there is a construction error larger than 10% of the approved application, is it necessary to apply for a new permit and approval from the Planning Commission? **[Kerr, Chris]** Not sure I understand this question. If an applicant wants to modify their plans from the plan that was approved by the PC (or CC) the CDC has a process to do so - and it may involve returning to the Planning Commission.

5.) Could the current request for variances to legitimize these mistakes set a precedent and create expectations that future violations of the CDC would be rewarded with a variance? **[Kerr, Chris]** No. Could future developers that are not granted variances to legitimize their oversights seek legal redress against the City? **[Kerr, Chris]** Not sure I understand this question, But keep in mind that every applicant always has the opportunity to appeal a land use decision made by the City. Could granting the currently requested variances place the city at risk for future litigation and legal costs which the tax payers would have to absorb? **[Kerr, Chris]** No more so than any other land use decision.

There are current and potential developments that impact the Suncrest, Carriage Way, Hidden Springs, Churchill Downs Way, Bay Meadows, Martin Court, Hidden Springs Court and Furlong areas of HSNA. The orderly development of these areas is of much interest to local residents. They would like to know which department is responsible for providing the necessary oversight during construction, how to assure compliance with the decisions of the Planning Commission and the process for addressing issues like those regarding the Winkler Way properties. **[Kerr, Chris]** I think I've answered these in my responses above - but the scope may be going beyond the variance applications being reviewed on Winkle Way. If you have specific questions about these other projects, give me a call about your concerns and questions.

Thank you for your assistance regarding this matter.

Cordially,

Lynn Fox, President
Hidden Springs NA

----- Original Message -----

From: Zak, Teresa

Sent: Wednesday, April 22, 2009 9:36 AM

Subject: Planning Commission Agenda for May 6, 2009

Good Morning,

You will find the City web site has been updated with the Planning Commission agenda and associated projects for the meeting of May 6, 2009.

Thank you.

*Teresa Zak
City of West Linn
Planning Department Administrative Assistant
503.723.2533
tzak@westlinnmoregon.gov*

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. VAB-09-01 Applicant's Name DR Horton
Development Name 2921 Wunford Way
Scheduled Meeting/Decision Date 5/13/09

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check one below)

Type A _____

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/ Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____
- F. All parties to an appeal or review (date) _____ (signed) _____

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) _____ (signed) _____
City's website (posted date) _____ (signed) _____

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check one below)

Type B

- A. The applicant (date) 4/16/09 (signed) UP
- B. Affected property owners (date) 4/16/09 (signed) UP
- C. School District/ Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 4/16/09 (signed) WSEday
Parker Crest + ALL

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: 4/15/09 (signed) [Signature]

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) 4/21 (signed) CK

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) _____ (signed) _____

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

**CITY OF WEST LINN
PLANNING COMMISSION MEETING
PUBLIC HEARING NOTICE
FILE NO. VAR-09-01**

The West Linn Planning Director is considering the request of D.R. Horton for a Class I Variance to allow an 18' 10" front yard setback, where the Community Development Code (CDC) requires a 20 foot front setback. The property is located at 2921 Winkel Way. CDC Chapter 75 (Variance) applies. Approval or disapproval of the request by the Planning Director will be based upon Chapter 75 criteria only (available for viewing at City Hall or on our website).

All documents and applicable criteria in the above-noted file are available for inspection at no cost, or copies can be obtained for a minimal charge per page. At least 10 days prior to the hearing, a copy of the staff report will be available for inspection. Information related to the application is also on the City's web site. For further information, please contact Chris Kerr, Acting Planning Director, at City Hall, 22500 Salamo Road, #1000, West Linn, OR 97068 (e-mail at ckerr@westlinnoregon.gov or phone 503-723-2538).

Although there is no public hearing, your comments and ideas can influence the final decision of the Director. Planning staff looks forward to discussing the application with you. The final decision is expected to be made on, and no earlier than, May 13, 2009. Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

TERESA ZAK
Planning Commission
Administrative Assistant

p:\devrvw\notices\pcnotice VAR-09-01
(publish west tidings 4/23/07)

AMBORN WILLIAM G & SHEN C
2993 WINKEL WAY
WEST LINN, OR 97068

BAROTT JAY A & JANET E
3009 SABO LN
WEST LINN, OR 97068

BELL RONALD C & KARLA L
2659 PARKER RD
WEST LINN, OR 97068

BLACK BRADFORD T
3007 SABO LN
WEST LINN, OR 97068

BOWERS TROY L & C M
2790 LANCASTER ST
WEST LINN, OR 97068

BRIGGS MARJORIE DON TRSTEE
4270 S REED ST
WEST LINN, OR 97068

CARLSON JEFFERY
2791 WARWICK ST
WEST LINN, OR 97068

CHRISMAN L OWEN
4705 COHO LN
WEST LINN, OR 97068

CHUN PETER H
4750 COHO LN
WEST LINN, OR 97068

DAVIS EUGENE K TRUSTEE
4340 S PARKER RD
WEST LINN, OR 97068

DEZHNYUK SLAVIK
9356 SE WYNDHAM WAY
HAPPY VALLEY, OR 97086

DR HORTON INC-PORTLAND
4386 SW MACADAM AVE STE 102
PORTLAND, OR 97239

ERNE JAMES D & KAREN L
2998 WINKEL WAY
WEST LINN, OR 97068

FARLEY CRAIG D & PAMELA K
21370 HORTON CT
WEST LINN, OR 97068

FARNBACH FREDERICK S & HEIDI K
2880 WHITE SALMON CT
WEST LINN, OR 97068

FARVAN FAMILY TRUST
2890 WHITE SALMON CT
WEST LINN, OR 97068

FIELDER JEFF A
2905 WHITE SALMON ST
WEST LINN, OR 97068

FRANK DONALD H & ANNE S
4700 COHO LN
WEST LINN, OR 97068

FROST JEFFREY G & SUSAN J
2910 WHITE SALMON ST
WEST LINN, OR 97068

HUGHES COREY P & SHAWN M
2794 LANCASTER ST
WEST LINN, OR 97068

HUGHES COREY P & SHAWN M
2794 LANCASTER ST
WEST LINN, OR 97068

LANE DALE & JENNIFER
4700 SUMMER RUN DR
WEST LINN, OR 97068

LAO SAN & LY CHHEAU
PO BOX 483
LAKE OSWEGO, OR 97034

LUCESCU BENIAMIN L &
GEORGETTA
4647 SUMMER RUN DR
WEST LINN, OR 97068

MANN ANTHONY B
4730 COHO LN
WEST LINN, OR 97068

MARR EILEEN A & CHRISTOPHER S
3005 SABO LN
WEST LINN, OR 97068

MATRIX DEVELOPMENT CORP
12755 SW 69TH AVE STE 100
PORTLAND, OR 97223

MOSER LEROY J TRUSTEE
6424 WASHINGTON CT
LAKE OSWEGO, OR 97035

NEDELCOVE DEBORAH E
2825 WARWICK ST
WEST LINN, OR 97068

NIETUPSKI JOSEPH T & MARY VALE
4720 COHO LN
WEST LINN, OR 97068

NOYE STEVE H
3003 SABO LN
WEST LINN, OR 97068

PAP SAMUEL & LIDIA
2799 LANCASTER ST
WEST LINN, OR 97068

PAP SAMUEL A & LIDIA
2799 LANCASTER ST
WEST LINN, OR 97068

PETERSON CHERYL A & STEVEN M
2906 WINKEL WAY
WEST LINN, OR 97068

PINA LAWRENCE G
2920 WHITE SALMON ST
WEST LINN, OR 97068

PRICE NOELL H & CAROL F
3015 S PARKER RD
WEST LINN, OR 97068

RENAISSANCE CUSTOM HOMES
LLC
16771 BOONES FERRY RD
LAKE OSWEGO, OR 97035

RHOADES FRANK D & DANIELLE M
2792 WARWICK ST
WEST LINN, OR 97068

ROMINE GUY & LISA
2824 WARWICK ST
WEST LINN, OR 97068

SABO SAMUEL L TRUSTEE
18171 S WALDOW RD
OREGON CITY, OR 97045

SEDWICK RICHARD A
9302 NE 45TH AVE
VANCOUVER, WA 98665

SHEN DANBO & LING XU
2902 WINKEL WAY
WEST LINN, OR 97068

SHEPHARD ELAINE
12969 SE 21ST AVE
MILWAUKIE, OR 97222

STEVENSON CINDY K
4710 SUMMER RUN DR
WEST LINN, OR 97068

SUN SUSAN S & BENEDICT H
2919 WHITE SALMON ST
WEST LINN, OR 97068

SUPPERSTEIN SCOTT M & SUZAN
M
4740 COHO LN
WEST LINN, OR 97068

SUTTON GERARD & APRIL
2916 WHITE SALMON ST
WEST LINN, OR 97068

TAMERLANO TONNE S TRUSTEE
4715 COHO LN
WEST LINN, OR 97068

THOMAS BILLY & CATHY
2785 SUNSET AVE
WEST LINN, OR 97068

TRAN ANDREW
2986 WINKEL WAY
WEST LINN, OR 97068

VALERIUS KRISTIN
2917 WINKEL WAY
WEST LINN, OR 97068

VARGA JASON
2915 WHITE SALMON ST
WEST LINN, OR 97068

WHITCHER JOHN L & SUSAN G
4260 S REED ST
WEST LINN, OR 97068

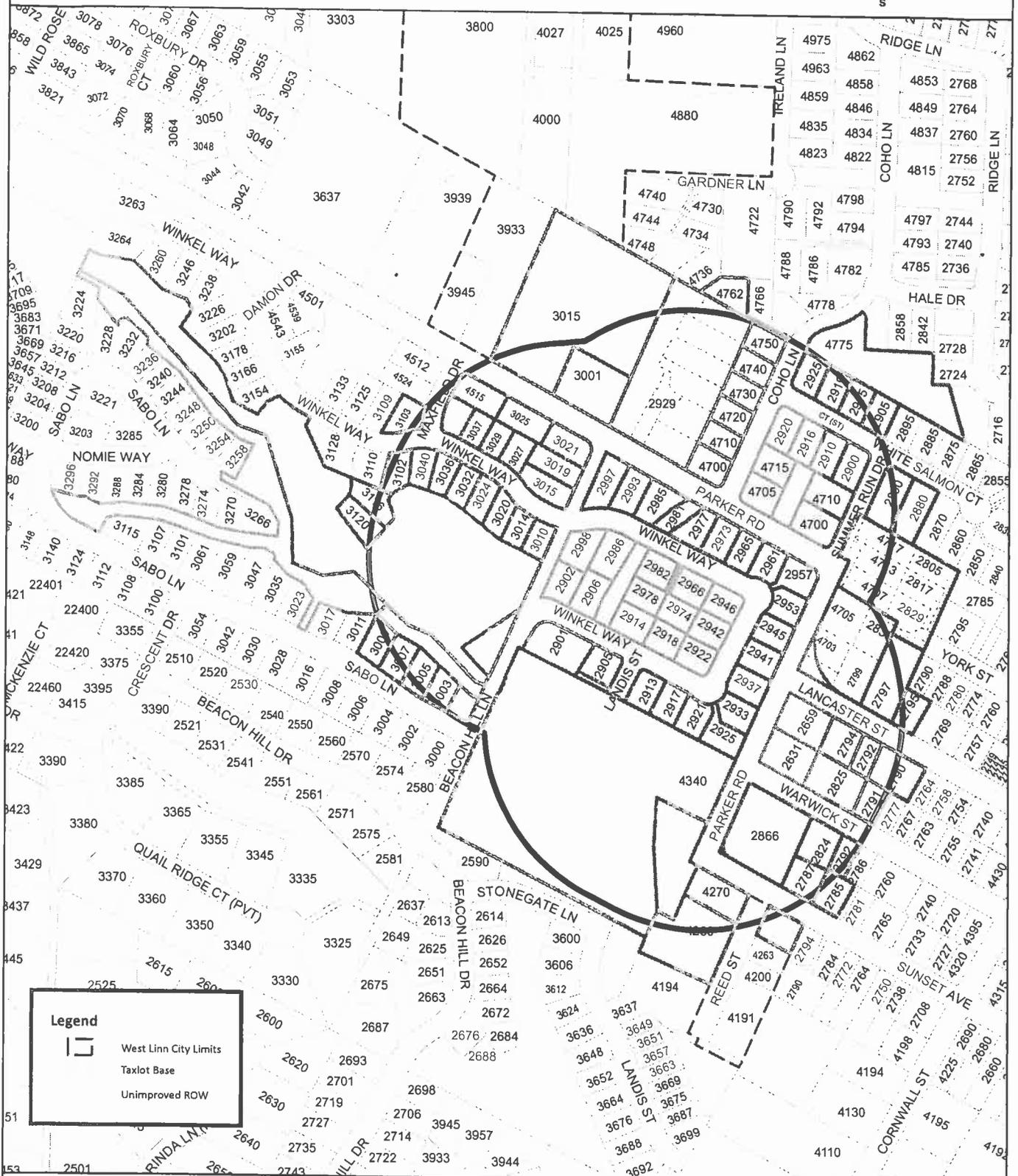
WINKEL ROBERT J & ANNA F
2797 LANCASTER ST
WEST LINN, OR 97068

YAO MENG & SHANG CAO
2925 WHITE SALMON ST
WEST LINN, OR 97068

MICHAEL ROBINSON
1120 COUCH ST, 10TH FLOOR
PORTLAND, OR 97209

JT SMITH COMPANIES
4836 SE MACADAM, STE 305
PORTLAND, OR 97239

VAR-09-01/04/05/06



Legend

-  West Linn City Limits
-  Taxlot Base
-  Unimproved ROW

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.

Taxlot Base Source: Metro RLIS

NOT TO SCALE

West Linn
GIS
 GEOGRAPHIC INFORMATION SYSTEMS

SNAPNOTIFY.MXD / APP 2-11-09

User Name: T Zak
 Map Creation Date: Apr 16, 2009



April 13, 2009

VIA U.S. MAIL

Mr. Chris Kerr
Interim Planning Director
City of West Linn Planning and Building Department
Suite 1000
22500 Salamo Road
West Linn, OR 97068

Re: Parker Crest Variances

Dear Mr. Kerr:

I am the Division President for D.R. Horton in Portland. As you know, we have been discussing proposed mitigation for the reduced front yard setbacks for the lots on which Horton is seeking variances to the front yard setbacks. Horton made a mistake and inadvertently located the houses within the required 20 foot front yard setbacks of the R-7 zoning district.

I have enclosed drawings prepared by Mike Andrews of CardnoWRG, our landscape architect. The drawings show landscaping mitigation on three of the four lots and in Tract "C." I have not included any landscaping for Lot 1 because it is no longer owned by Horton. I will propose to the owners of Lot 1 that D.R. Horton install the landscaping mitigation on that lot; however, since we no longer own that lot, we can not guarantee that we will be able to install identical landscaping on that lot.

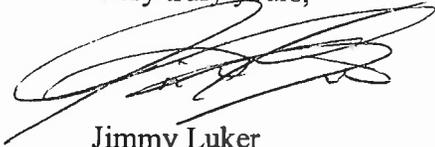
The front yard landscaping adds additional landscaping, so any potential impacts from having the houses closer to the front yard setback are effectively mitigated.¹ Horton also proposes landscaping in the tract. The proposed landscaping replaces a large tree that had to be removed in order to install electric utility lines and adds a seating area.

¹ However, please note that to a person on the street, the houses will not appear closer to the front yard because the property line is behind the sidewalk. If the property line were adjacent to the curb, each of the houses would meet the 20 foot yard setback requirement. Therefore, to the average person walking along the street, there will be little if any discernable impact.

Mr. Chris Kerr
April 13, 2009
Page 2

I understand that you and the Parks Director have agreed that this is appropriate mitigation.
Please feel free to call me if you have further questions.

Very truly yours,



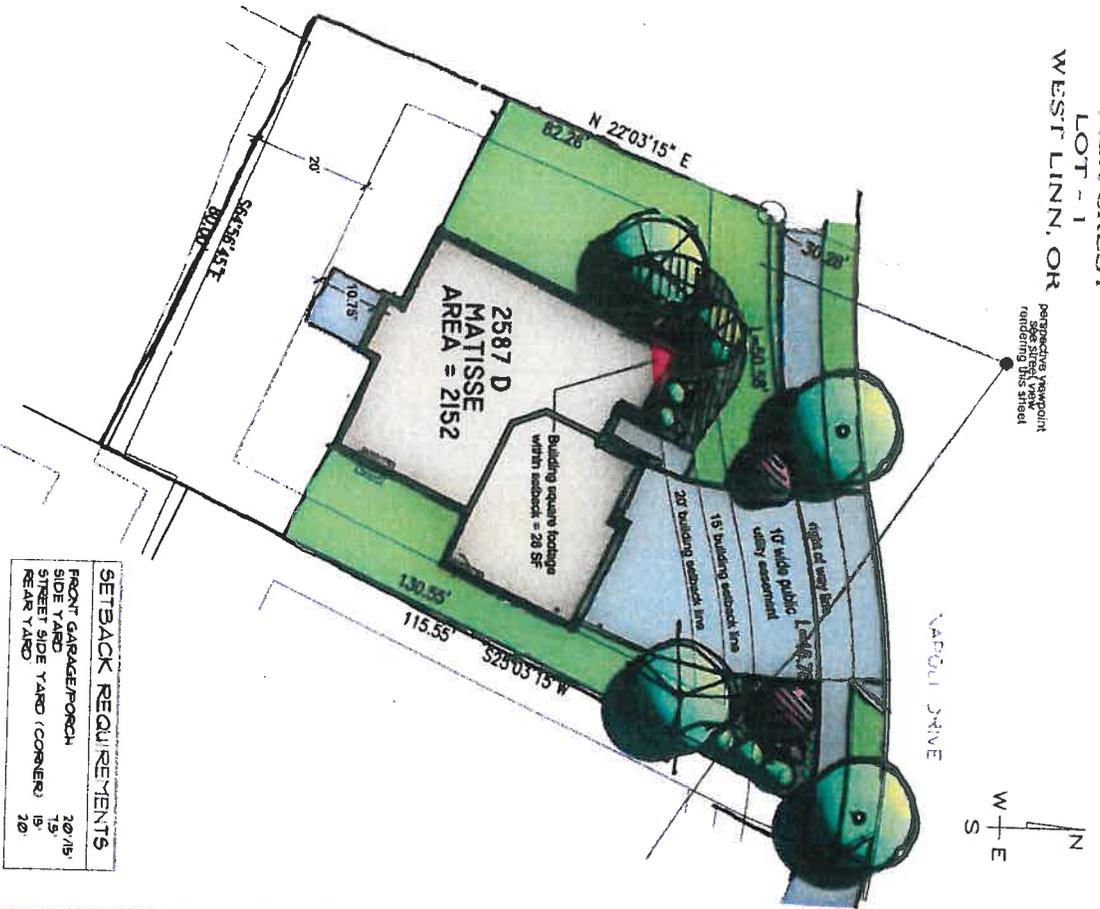
Jimmy Luker
Portland Division President

Enclosures

cc: Mr. Mike Andrews (w/o encls.)
Mr. Michael Robinson (w/o encls.)
Ms. Corinne Celko (w/o encls.)

PARKER CREST
LOT - 1
WEST LINN, OR

perspective viewpoint rendering of this street

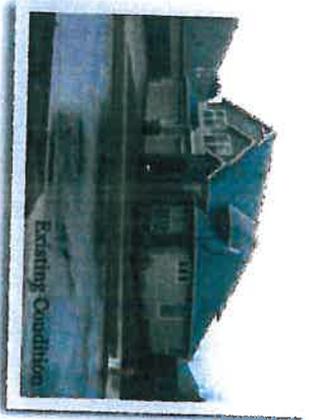


SETBACK REQUIREMENTS

FRONT GARAGE/PORCH	20'/15'
SIDE YARD	15'
STREET SIDE YARD (CORNER)	15'
REAR YARD	20'

Parker Crest

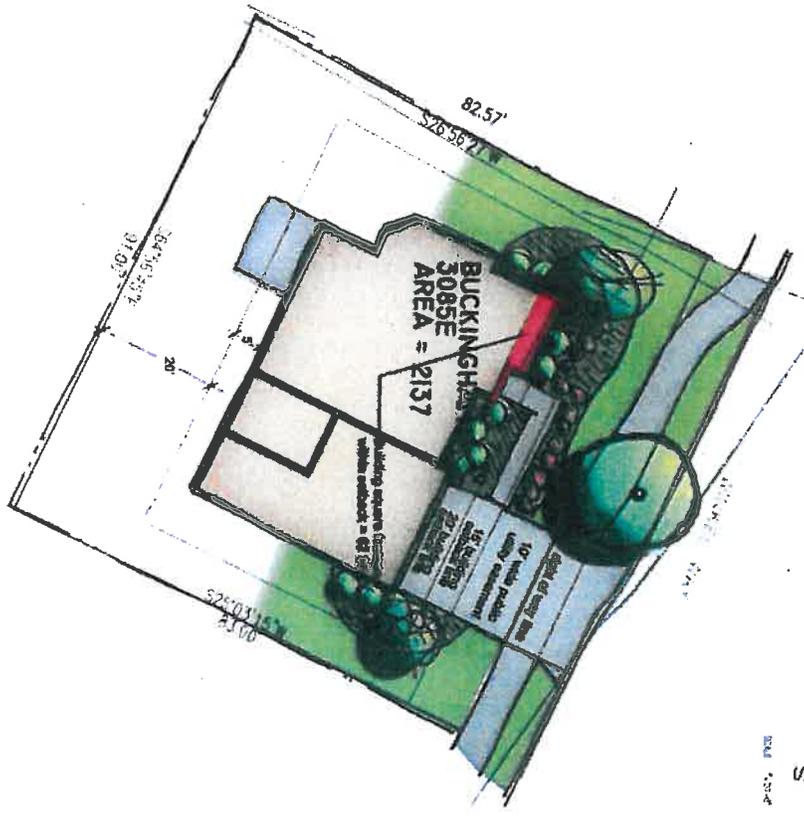
A "DR Horton" Development



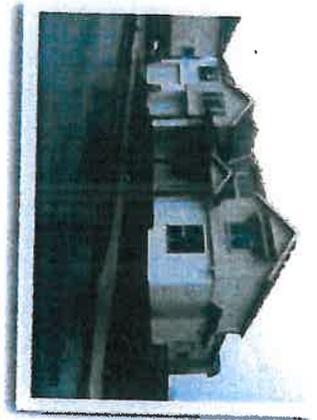
Lot 1 Proposed Easement Encroachment Mitigation

PARKER CREST
 LOT - 3
 WEST LINN, OH

perspective viewpoint
 rendered from street



SETBACK REQUIREMENTS	
FRONT GARAGE ENCROACH	12' 0"
SIDE YARD	5' 0"
REAR SIDE YARD (CORNER)	3' 0"
REAR YARD	22' 0"



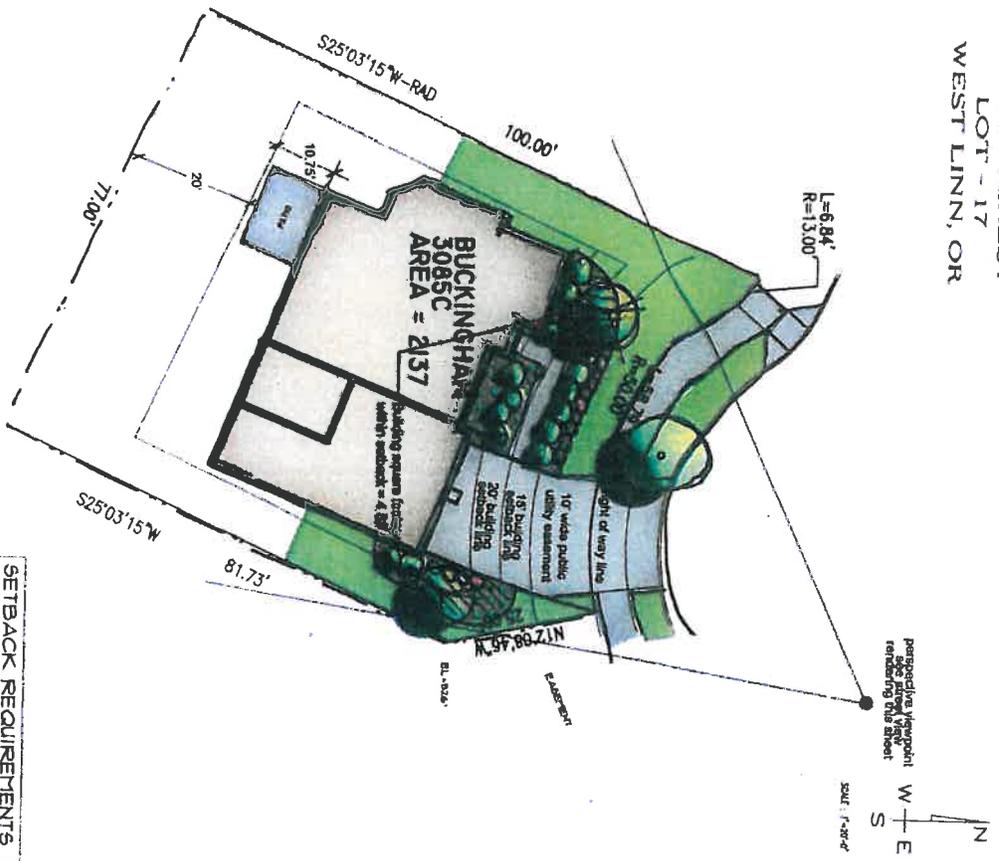
Parker Crest

A "DR Horton" Development

Lot 3 Proposed Easement Encroachment Mitigation

22

PARKER CREST
 LOT - 17
 WEST LINN, OR



SETBACK REQUIREMENTS	
FRONT GARAGE/PORCH	20' / 15'
SIDE YARD	7.5'
STREET SIDE YARD (CORNER)	5'
REAR YARD	20'

Parker Crest

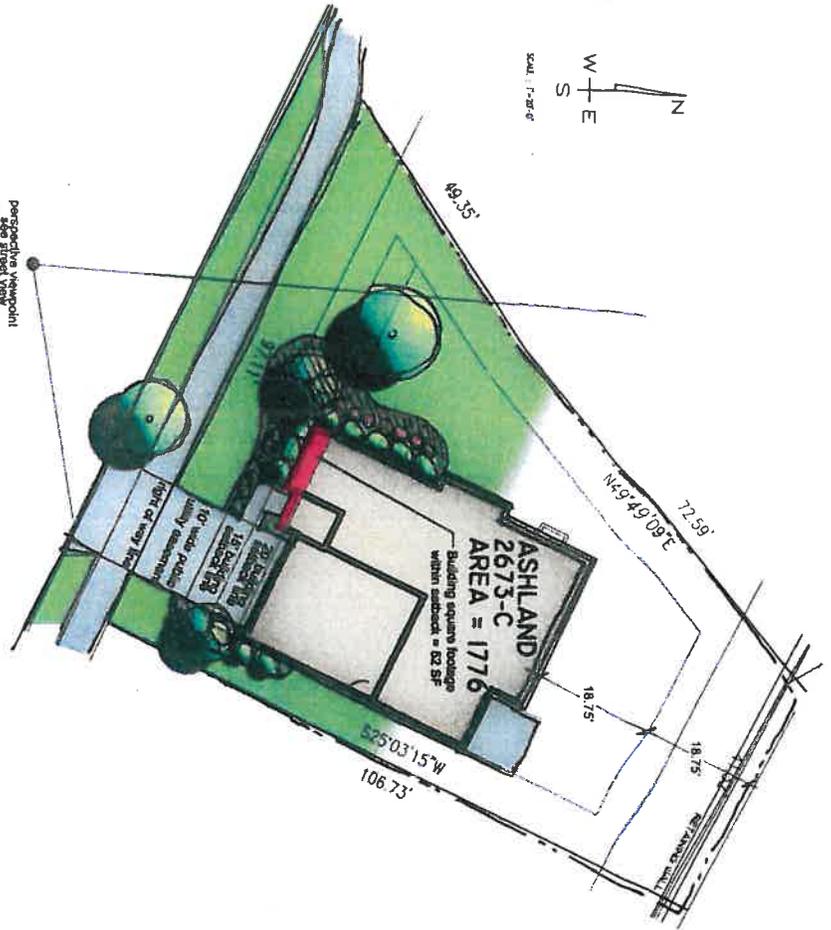
A "DR Horton" Development



Lot 17 Proposed Easement Encroachment Mitigation

February 2009
 W R G
 DESIGN INC.

PARKER CREST
 LOT - 28
 WEST LINN, OR



perspective viewpoint
 rendered from view
 rendering the sheet

SETBACK REQUIREMENTS	
FRONT GARAGE/PORCH	20'/15'
FRONT YARD	15'
STREET SIDE YARD (CORNER)	15'
REAR YARD	15'



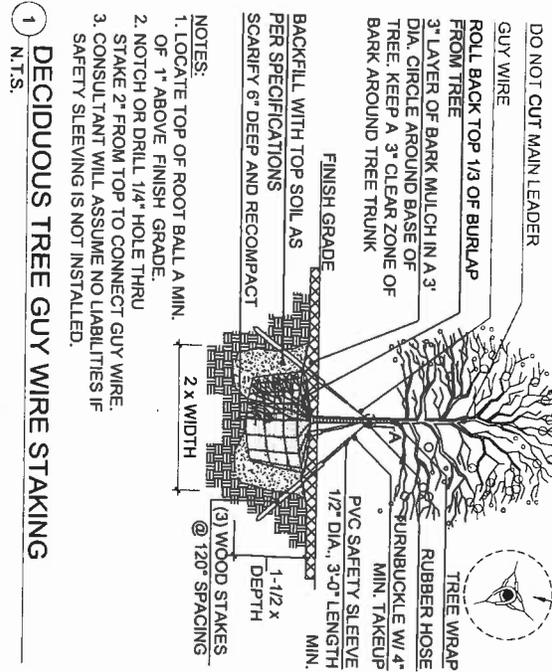
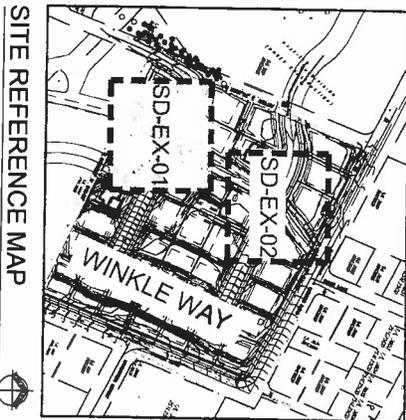
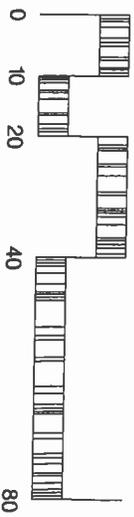
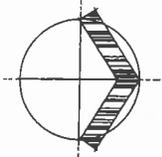
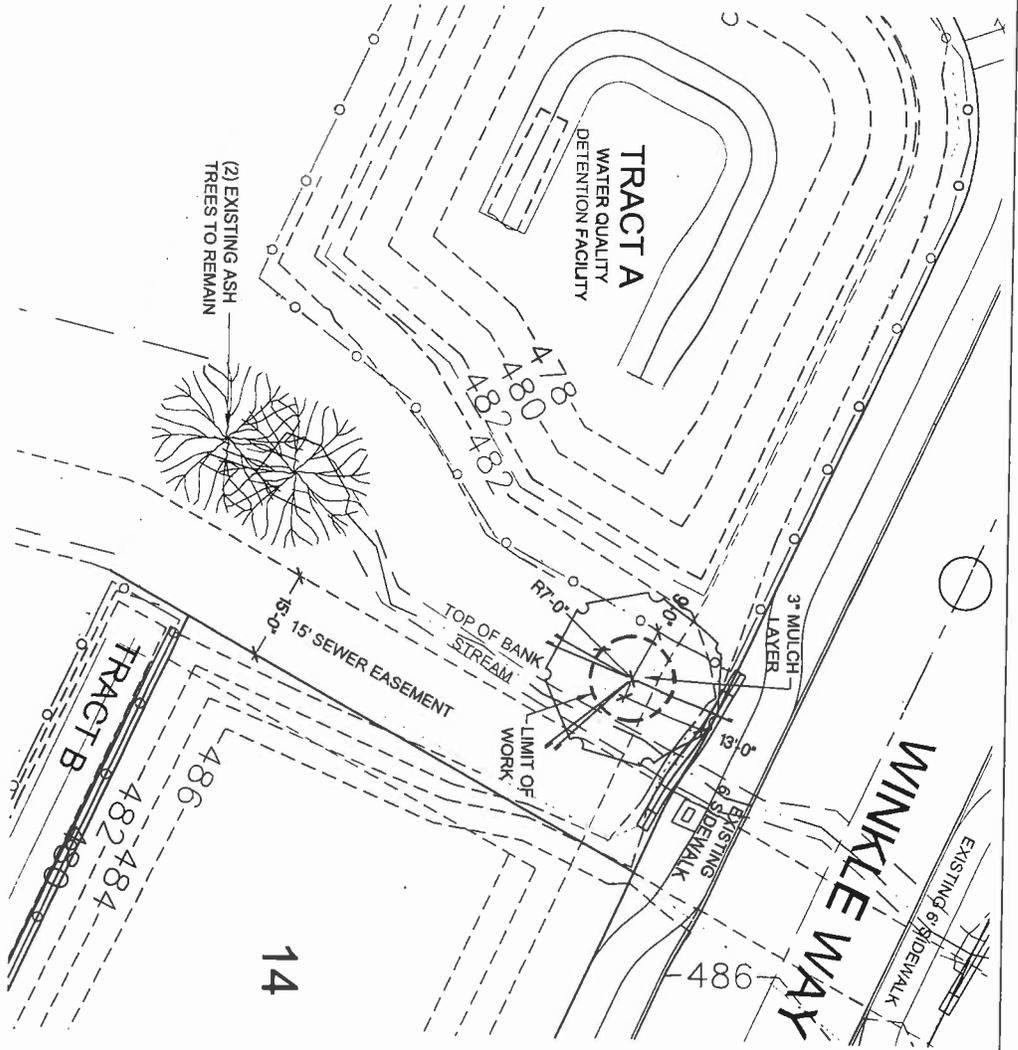
Parker Crest

A "DR Horton" Development

Lot 28 Proposed Easement Encroachment Mitigation

PLANT SCHEDULE

TREES	CITY COMMON	BOTANICAL	SIZE / SPACING
	1	QUERCUS COCCINEA	4" CAL. / AS SHOWN



PROJECT NO. DRH8839
 DATE: 03/18/2009
 BY: PEG
 SHEET NO. SD-EX-01

TRACT 'A' TREE PLANTING EXHIBIT PARKER CREST

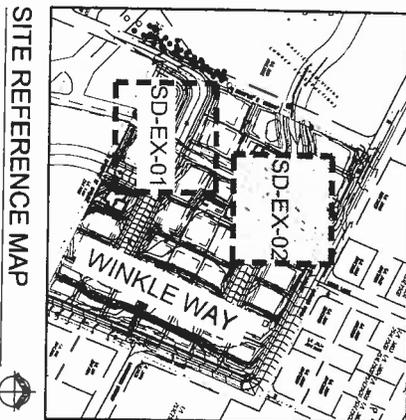
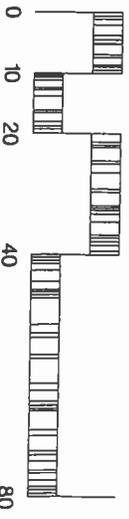
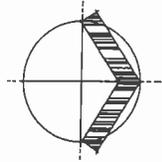
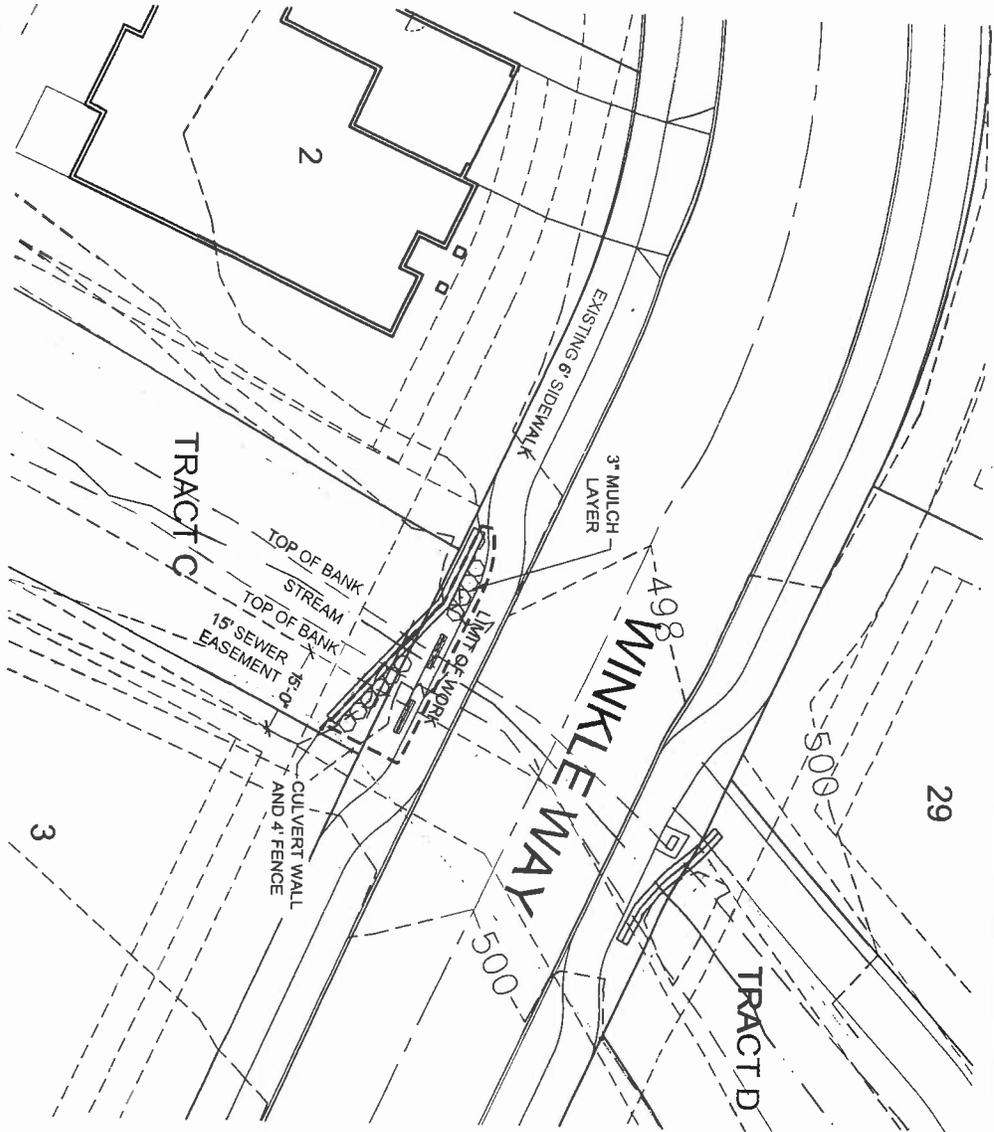
DR HORTON
WEST LINN, OREGON

W R G
DESIGN INC.
PORTLAND • LAS VEGAS • PHOENIX
SACRAMENTO • BOISE • CHARLOTTE
PLANNING • BUSINESS • LANDSCAPE ARCHITECTS • SURVEYING

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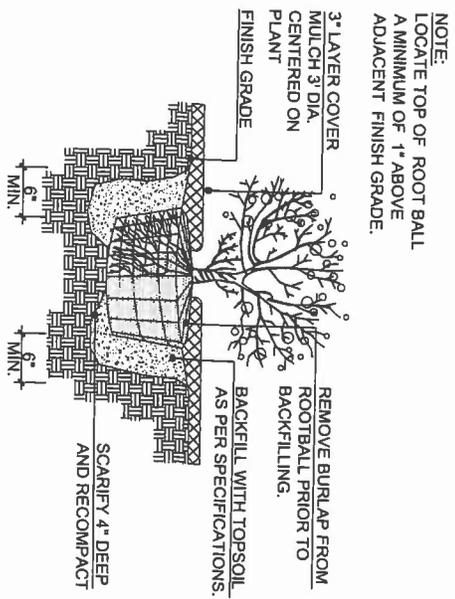
PLANT SCHEDULE

SHRUBS	QTY COMMON	BOTANICAL	SIZE / SPACING
	10	RED TWIG DOGWOOD CORNUS SERICEA	24" HT. / AS SHOWN
	2	RELOCATE EXISTING RED TWIG	OUT OF BENCH FOOTPRINTS.
	2	6' LONG BACKLESS WOODEN BENCH	DEVELOPER TO MAKE FINAL DECISION ON MANUFACTURER/MODEL. MOUNT BENCH ON CONCRETE BLOCKS UNDER LEGS.



2 DECIDUOUS SHRUB PLANTING

N.T.S.



NOTE:
LOCATE TOP OF ROOT BALL
A MINIMUM OF 1" ABOVE
ADJACENT FINISH GRADE.

PROJECT NO. DRH8839
DATE: 03/18/2009
BY: PEG
SHEET NO. SD-EX-02

TRACT 'C' BENCH AND PLANTING EXHIBIT PARKER CREST

DR HORTON
WEST LINN, OREGON

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SACRAMENTO • BOISE • CHARLOTTE
PHOENIX • BIRMINGHAM • LANDSCAPE ARCHITECTS • SURVEYORS

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