

**CITY OF WEST LINN  
 PLANNING COMMISSION PUBLIC HEARING  
 DATE: MAY 6, 2009**

**FILE NO.:** VAR 09-04 / VAR 09-05 / VAR 09-06

**REQUEST:** Three (3) Class II variance requests to permit structural encroachments into front yard setbacks on lots 1, 3, and 28 of the Parker Crest subdivision

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**City of West Linn  
PLANNING & DEVELOPMENT  
STAFF REPORT**

TO: West Linn Planning Commission (for May 6, 2009 meeting)

FROM: West Linn Planning Staff (Chris Kerr, Acting Planning Director) 

DATE: Report completed April 22, 2009

FILE NO: VAR 09-04 / VAR 09-05 / VAR 09-06

SUBJECT: Three (3) Class II variance requests to permit structural encroachments into front yard setbacks on lots 1, 3, and 28 of the Parker Crest subdivision

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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)

James & Karen Erne; 2998 Winkel Way; West Linn, OR 97068  
(owner of lot 1)

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

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

**SITE LOCATION:** Lot 1: 2998 Winkel Way  
Lot 3: 2982 Winkel Way  
Lot 28: 2981 Winkel Way

**COMP PLAN**

**DESIGNATION:** Low Density Residential

**ZONING:** R-7

**APPROVAL**

**CRITERIA:** CDC Chapter 75 Variances

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

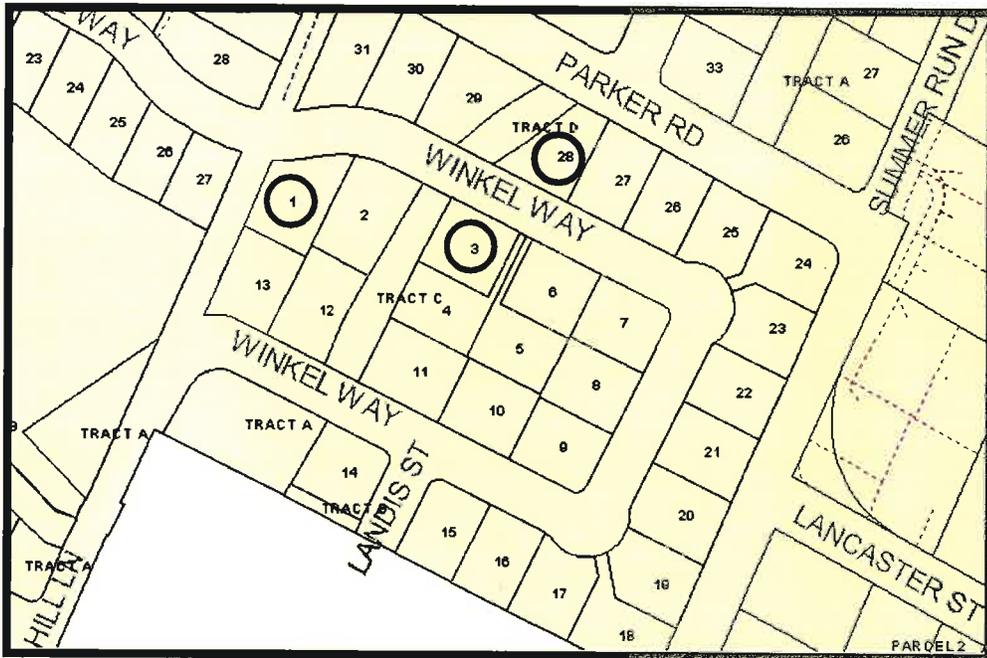
**PUBLIC NOTICE:** Mailed public notice to property owners within 500 feet on April 16, 2009. The property was posted with a sign on April 20, 2009. The notice was also posted on the city's website. Notice was published in the West Linn Tidings on April 23, 2009. Therefore, the public notice requirements of Chapter 99 of the Community Development Code have been satisfied.

**EXECUTIVE SUMMARY**

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

<i>Lot #/ address</i>	<i>Required front setback (R-7)</i>	<i>Proposed front setback*</i>	<i>Requested variance</i>
Lot 1, 2998 Winkel Way	20 feet	15'- 7"	4' - 5"
Lot 3, 2982 Winkel Way	20 feet	16 feet	4 feet
Lot 28, 2981 Winkel Way	20 feet	16'- 6"	3'- 6"

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



The applicant, D.R. Horton, has submitted three Class II variance applications to authorize the encroachment of homes already constructed to encroach into the front yard setback on three separate lots in the Parker Crest subdivision. Each of the variances request relief from the same provision of the CDC. Due to their similarities, they are being consolidated into one Staff Report that is applicable to each of the requested variances. The Recommendations, Conditions, and Findings in this report are applicable to each of the three variance applications. Staff's presentation will be consolidated as well.

However, the Planning Commission (PC) will need to vote on each application, and distinctly note the findings and conditions that apply to each of the three variances.

Although not included for review by the PC, please be aware that the applicant has also submitted a Class I variance to permit a structure to encroach into the front setback 1'-2" for lot 17 of this subdivision. The CDC states that Class II (more than 2 feet) variances require approval from the Planning Commission whereas Class I variances (less than 2 feet) receive approval from the Planning Director. A decision from the Planning Director on the Class I application is expected to be made after the Class II variances are processed.

## **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 these 'after-the fact' variances came about due to a relatively simple and seemingly unintentional error made by the builder in their building permit review dating from to approximately June 2008 to February 2009.

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 building permits on several lots to the City indicating setbacks less than twenty feet; and as part of its plan review the City 'redlined' the plans 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 four of the homes. One of the homes, located at 2998 Winkel Way, was issued a certificate of occupancy in August of 2008. The current homeowners (Lot 1 - Mr. and Mrs. Erne) knew nothing of the mistake on their house plans until contact in February of this year. Staff has met with the homeowners, who have provided consent for the variance application on their behalf for their house.

Other developments in the City of West Linn have requested and received reduced building setbacks as part of a Planned Unit Development (PUD) approval, but the 31 lot Parker Crest subdivision did not include any variances and was not approved as a PUD, and is therefore subject to the 20 foot front setback requirements of the R-7 Zoning District.

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. 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.

It is always the builder's responsibility to submit permits that meet all Code requirements and, particularly, to modify their permits when Staff indicates that they are not accurate (as was the case here). However, this does not absolve Staff from their failure to review and identify the errors during the review of the foundation plans.<sup>1</sup>

In order to help mitigate any adverse impacts from the reduced front yard setbacks, the applicant is proposing landscaping amenities in two areas: (1) on the lots that require the variance, specifically, 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 attached April 13, 2009 letter from the applicant.

## **RECOMMENDATION**

Based upon the findings prepared by the applicant and supplemented by staff in this report, staff recommends approval of the application with a single condition of approval which will require the proposed mitigation improvements to be made.

Staff does not believe that the minor encroachments into the front setbacks on these homes 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 2-4 feet from the homes 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 2-4 feet 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. All of the homes are centrally located on interior lots 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.

Each of the variance requests involve interior facing lots in a newly approved subdivision that is under construction. These homes do not represent 'infill' redevelopment whereby a modified building setback could adversely impact an adjacent property, or could be

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<sup>1</sup> Although not for consideration as part of these variance application, be aware that immediately following the discovery of this issue in February, the department made internal changes to our permit review processes that we believe will prevent similar oversights from taking place in the future.

inconsistent with the overall character of the neighborhood. In this situation, the character of the neighborhood is actually being established by the construction of these homes. New buyers to the neighborhood are fully aware of, and supportive of, the location of the homes on the lots as constructed (based on the fact that they made the purchase).

Historically, the City has supported developments that propose minor modifications to building setbacks, provided that those modifications improve the quality of the overall design, and don't adversely impact the surrounding community. This flexibility in design can be accomplished through the PUD process, but is sometimes approved through the variance process of the CDC. The applicant provides the example, attached to April 2, 2009 correspondence, of 'Arbor Cove' (VAR-07-03) as an example of the latter.

### **PUBLIC COMMENTS**

One letter was received from William Relyea, the president of the PCNA (attached). It requests that the PCNA receive a specific capital benefit in proportion to the enrichment that the developer has received for the encroachment into the setback. The applicant was provided a copy of this correspondence. Staff cannot legally require cash payments for variance requests, but mitigation measures can be offered by the applicant to offset any adverse impacts. The mitigation proposed (landscaping, streetscape improvements) directly relate to the impacts of the homes being closer to the street. In any case, Staff does not believe that the error made by the developer has afforded them any monetary benefit (on the contrary, it has likely been costly in terms of time, attorney fees, uncertainty for future buyers about the code violation, and the specific cloud on the title of a home that they recently sold).

### **RECOMMENDED CONDITIONS OF APPROVAL**

The following condition of approval would be appropriate:

1. Prior to the issuance of a certificate of occupancy for the homes on lots 3, 17, and 28, the applicant shall install the associated improvements, including those in Tract A, as proposed in the April 13, 2009 letter from Mr. Jimmy Luker to the City of West Linn.

# ADDENDUM

## APPROVAL CRITERIA AND FINDINGS

VAR 09-04 / VAR 09-05 / VAR 09-06

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	AFFIDAVIT(S) AND NOTICE(S).....	8-15
PC-2	MITIGATION MEASURES SUBMITTED (April 13, 2009).....	16-23
PC-3	SUPPLEMENTAL INFORMATION FROM APPLICANT (April 2, 2009).....	24-31
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PC-5	APPLICANT'S SUBMITTAL.....	A1-A18

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. Var-09-04 Applicant's Name Dr. Horton
Development Name 2992 Winfield Way
Scheduled Meeting/Decision Date 5/16/09

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 X

- 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) up
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) 4/23/09 (signed) 13
City's website (posted date) 4/16/09 (signed) 13

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) up

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: [redacted] (signed)

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)

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-09-04**

The West Linn Planning Commission, at a regular meeting on **Wednesday May 6, 2009 starting at 7:00 p.m.** in the Council Chambers of City Hall (located at 22500 Salamo Road, West Linn, OR), will hold a public hearing at the request of D.R. Horton, Inc. for a Class II Variance to allow a 16 foot front yard setback, where the Community Development Code (CDC) requires a 20 foot front setback. The property is located at 2982 Winkel Way. CDC Chapter 75 (Variance) applies. Approval or disapproval of the request by the Planning Commission will be based upon Chapter 75 criteria only. At the hearing, it is important that comments relate specifically to the applicable criteria (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](mailto:ckerr@westlinnoregon.gov) or phone 503-723-2538).

The hearing will be conducted in accordance with the rules of Section 99.170 of the Community Development Code, adopted December 14, 1987, Ordinance 1129. Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff report presentation from the City Planner; and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, or close the public hearing and take action on the application. If a person submits evidence in support of the application, any party is entitled to request a continuance of the hearing. If there is no continuance granted at the hearing, any participant in the hearing may request that the record remain open for at least seven days after the hearing. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals based on that issue.

TERESA ZAK  
Planning Commission  
Administrative Assistant

p:\devrvw\notices\pcnotice VAR-09-04 etc.  
(publish west tidings 4/23/09)

# 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-09-05 Applicant's Name DR Horton  
Development Name 2981 Wintel Way  
Scheduled Meeting/Decision Date 5/6/09

**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) 4/16/09 (signed) W  
 B. Affected property owners (date) 4/16/09 (signed) W  
C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_  
D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_  
 E. Affected neighborhood assns. (date) 4/16/09 (signed) W  
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) 4/23/09 (signed) TJ  
City's website (posted date) 4/16/09 (signed) TJ

**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) W  
 B. Affected property owners (date) 4/16/09 (signed) W  
C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_  
D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_  
 E. Affected neighborhood assns. (date) 4/16/09 (signed) W

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.  
Date: \_\_\_\_\_ (signed) \_\_\_\_\_

## 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) \_\_\_\_\_

**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-09-05**

The West Linn Planning Commission, at a regular meeting on **Wednesday May 6, 2009 starting at 7:00 p.m.** in the Council Chambers of City Hall (located at 22500 Salamo Road, West Linn, OR), will hold a public hearing at the request of D.R. Horton, Inc. for a Class II Variance to allow a 16' 6" front yard setback, where the Community Development Code (CDC) requires a 20 foot front setback. The property is located at 2981 Winkel Way. CDC Chapter 75 (Variance) applies. Approval or disapproval of the request by the Planning Commission will be based upon Chapter 75 criteria only. At the hearing, it is important that comments relate specifically to the applicable criteria (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](mailto:ckerr@westlinnoregon.gov) or phone 503-723-2538).

The hearing will be conducted in accordance with the rules of Section 99.170 of the Community Development Code, adopted December 14, 1987, Ordinance 1129. Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff report presentation from the City Planner; and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, or close the public hearing and take action on the application. If a person submits evidence in support of the application, any party is entitled to request a continuance of the hearing. If there is no continuance granted at the hearing, any participant in the hearing may request that the record remain open for at least seven days after the hearing. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals based on that issue.

TERESA ZAK  
Planning Commission  
Administrative Assistant

p:\devrvw\notices\pcnotice VAR-09-05  
(publish west tidings 4/23/09)

# 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. VAR 09-06 Applicant's Name DR. Notron  
Development Name 2998 Winkle Way Class II  
Scheduled Meeting/Decision Date 5/6/09

**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) 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) up  
F. All parties to an appeal or review (date) \_\_\_\_\_ (signed) \_\_\_\_\_

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Type B \_\_\_\_\_

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~~D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_~~  
~~E. Affected neighborhood assns. (date) 4/16/09 (signed) up~~

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.  
Date: \_\_\_\_\_ (signed) \_\_\_\_\_

## 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) \_\_\_\_\_

**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-09-06**

The West Linn Planning Commission, at a regular meeting on **Wednesday May 6, 2009 starting at 7:00 p.m.** in the Council Chambers of City Hall (located at 22500 Salamo Road, West Linn, OR), will hold a public hearing at the request of D.R. Horton, Inc. for a Class II Variance to allow a 15' 7" front yard setback, where the Community Development Code (CDC) requires a 20 foot front setback. The property is located at 2998 Winkel Way. CDC Chapter 75 (Variance) applies. Approval or disapproval of the request by the Planning Commission will be based upon Chapter 75 criteria only. At the hearing, it is important that comments relate specifically to the applicable criteria (available for viewing at City Hall or on our website).

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TERESA ZAK  
Planning Commission  
Administrative Assistant

p:\devrvw\notices\pcnotice VAR-09-06.  
(publish west tidings 4/23/09)

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, 10<sup>TH</sup> FLOOR  
PORTLAND, OR 97209

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



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.<sup>1</sup> 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.

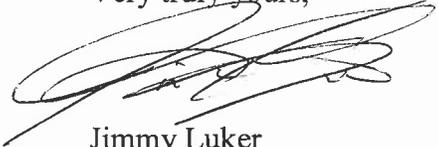
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<sup>1</sup> However, please note that to a person on the street, the houses will not appear closer to the front yard because the property line is behind the sidewalk. If the property line were adjacent to the curb, each of the houses would meet the 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,



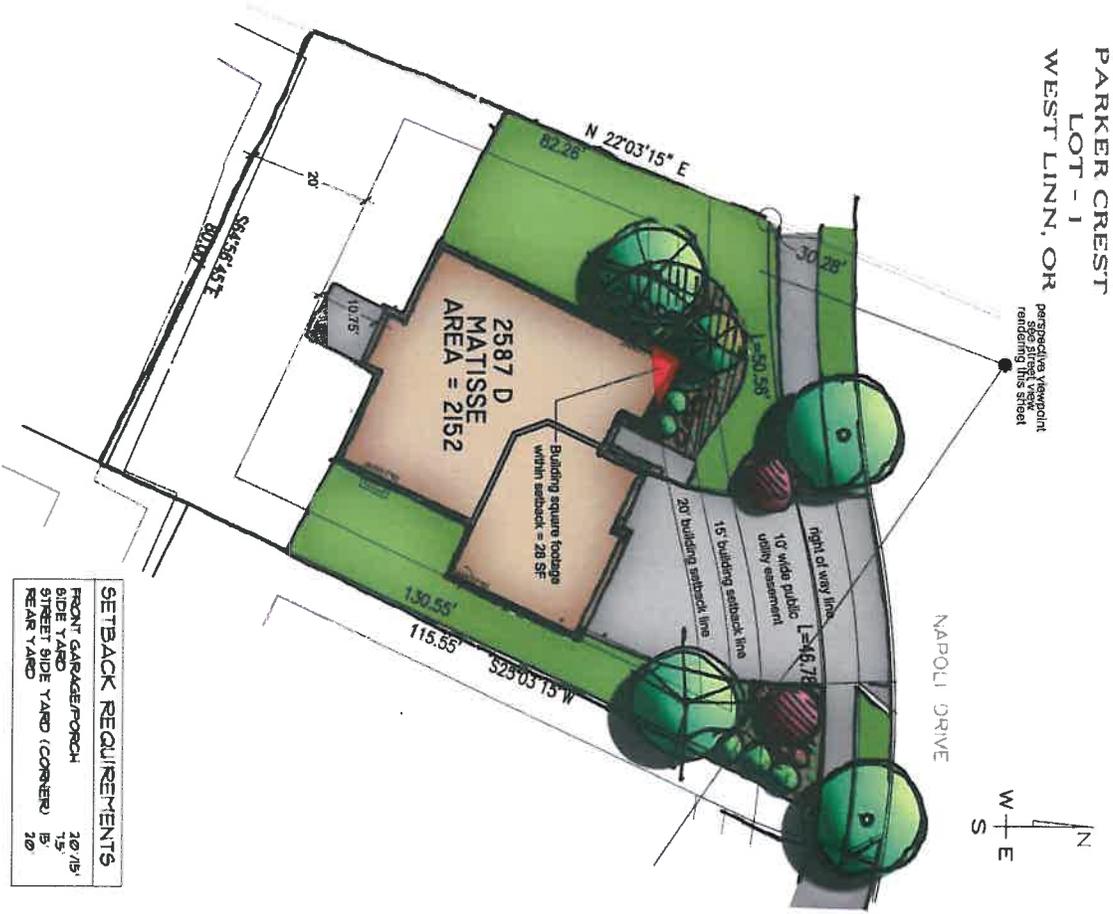
Jimmy Luker  
Portland Division President

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 this sheet



SETBACK REQUIREMENTS	
FRONT GARAGE/PORCH	10' / 15'
SIDE YARD	15'
STREET SIDE YARD (CORNER)	5'
REAR YARD	20'

**Parker Crest**

A "DR Horton" Development

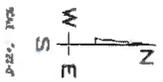
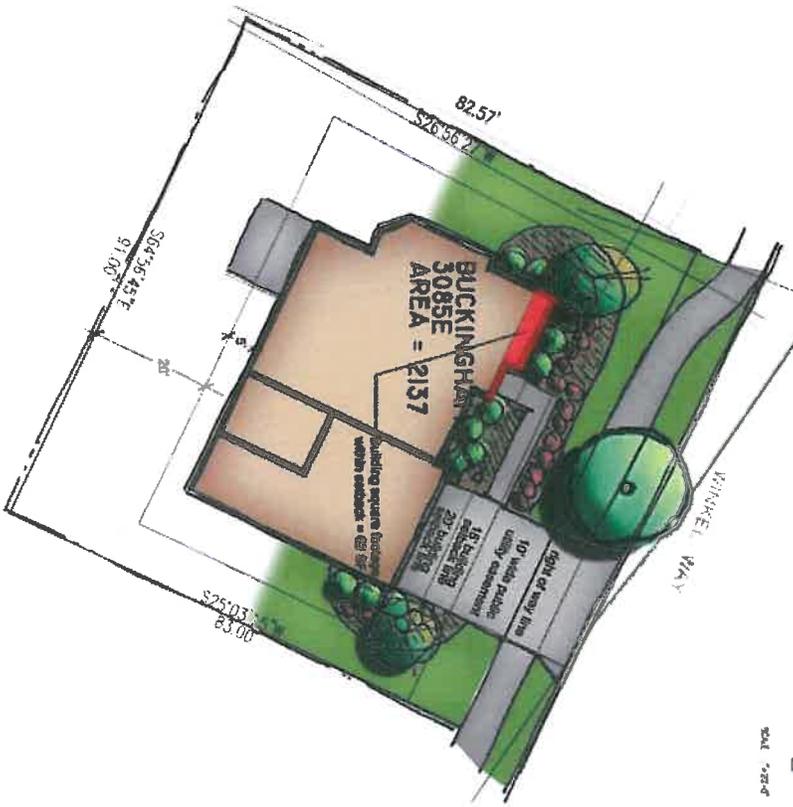


February 2009  
**W R G**  
DESIGN INC.

Lot 1 Proposed Easement Encroachment Mitigation

**PARKER CREST  
LOT - 3  
WEST LINN, OR**

perspective viewpoint  
reference for street



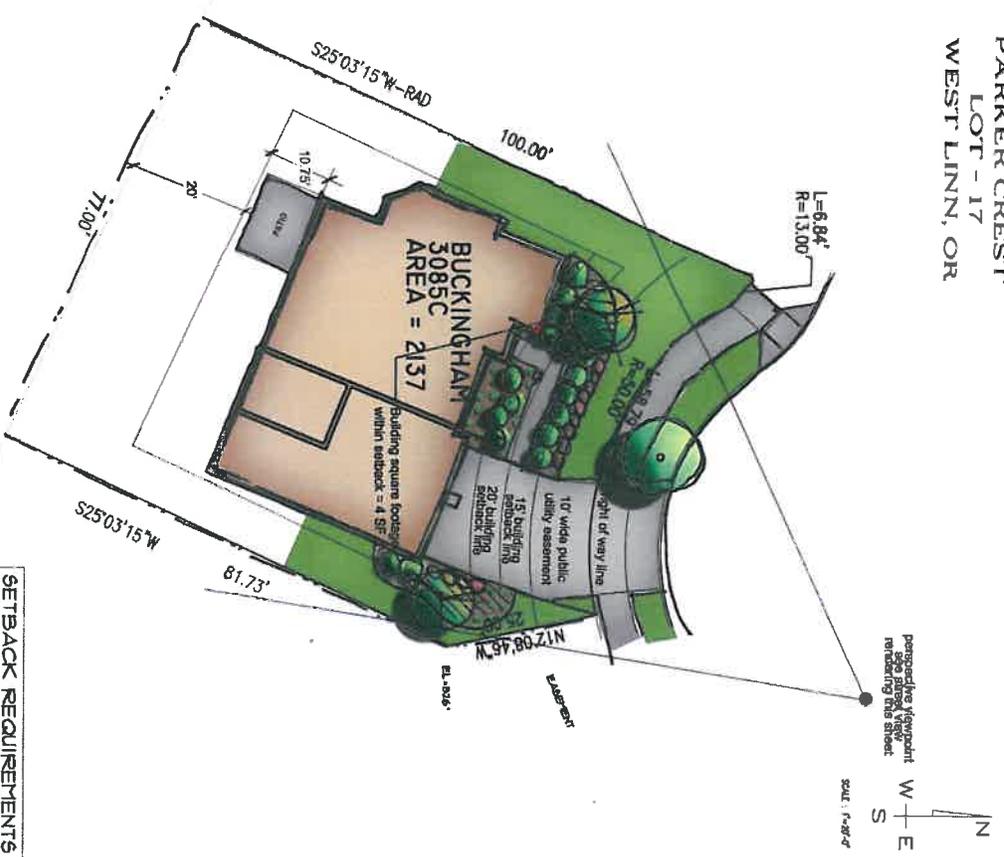
SETBACK REQUIREMENTS	
FRONT GARAGE/PORCH	10'/0"
SIDE YARD	15'
STREET SIDE YARD (CORNER)	0'
REAR YARD	20'



**Parker Crest  
A "DR Horton" Development**

**Lot 3 Proposed Easement Encroachment Mitigation**

PARKER CREST  
 LOT - 17  
 WEST LINN, OR



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

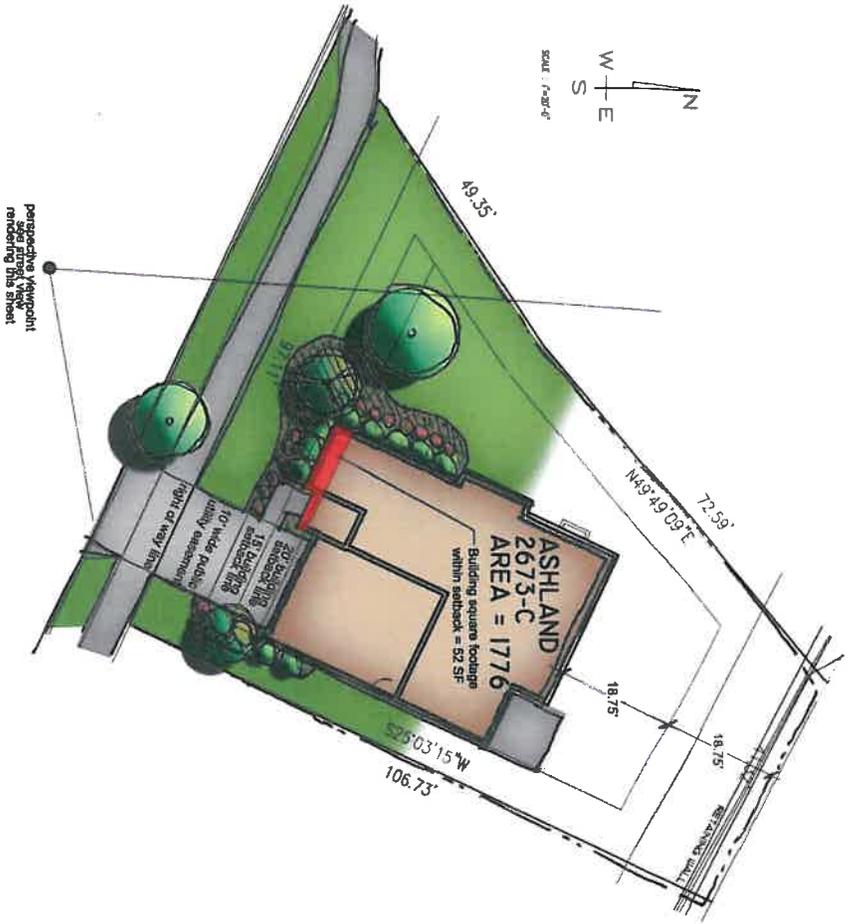
# Parker Crest

A "DR Horton" Development



Lot 17 Proposed Easement Encroachment Mitigation

PARKER CREST  
 LOT - 28  
 WEST LINN, OR



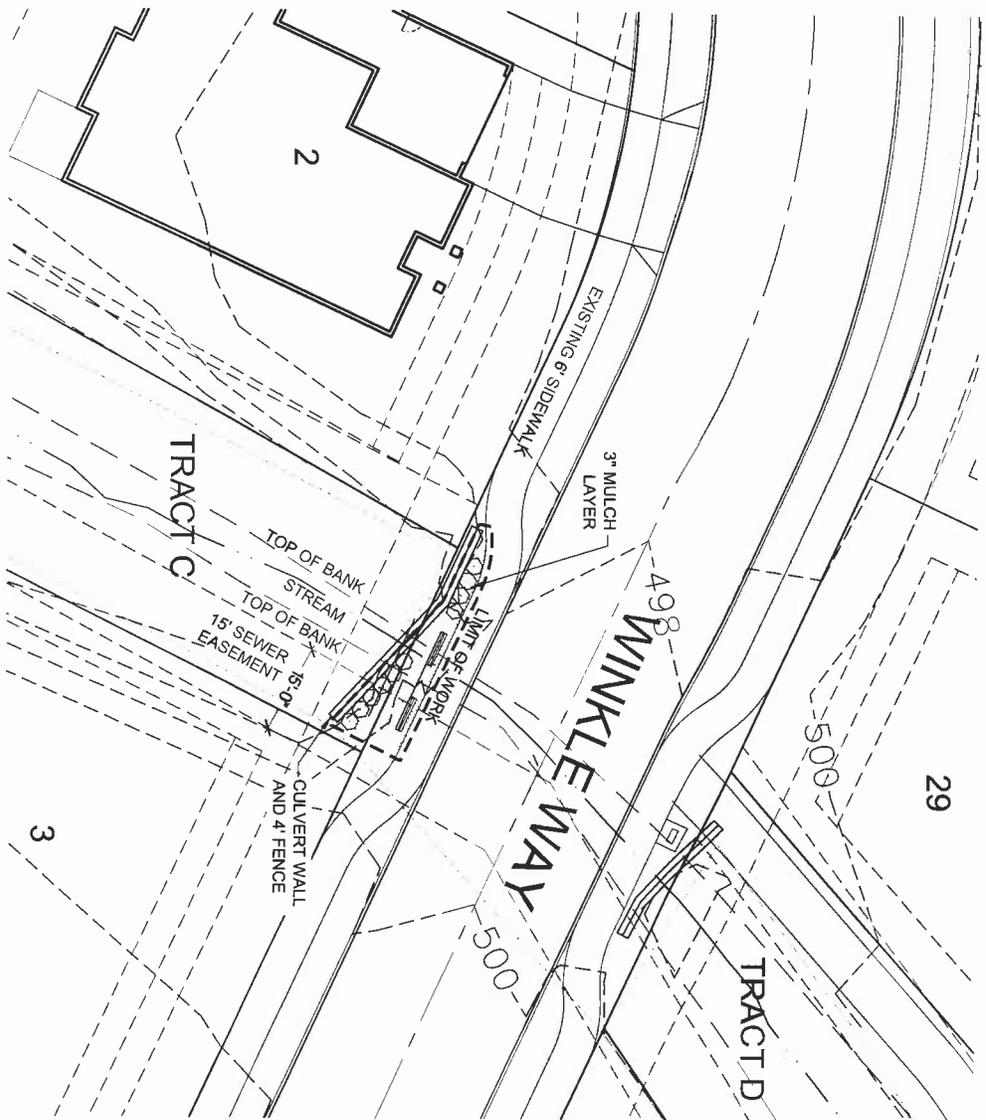
SETBACK REQUIREMENTS	
FRONT GARAGE/PORCH	30' / 15'
SIDE YARD	15'
STREET SIDE YARD (CORNER)	15'
REAR YARD	15'

Parker Crest  
 A "DR Horton" Development



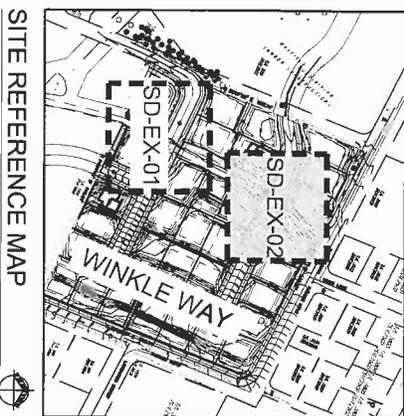
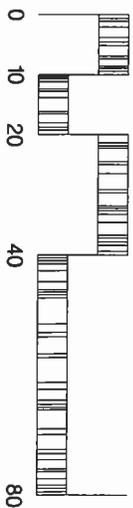
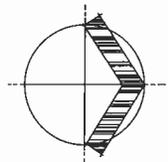
Lot 28 Proposed Easement Encroachment Mitigation





# PLANT SCHEDULE

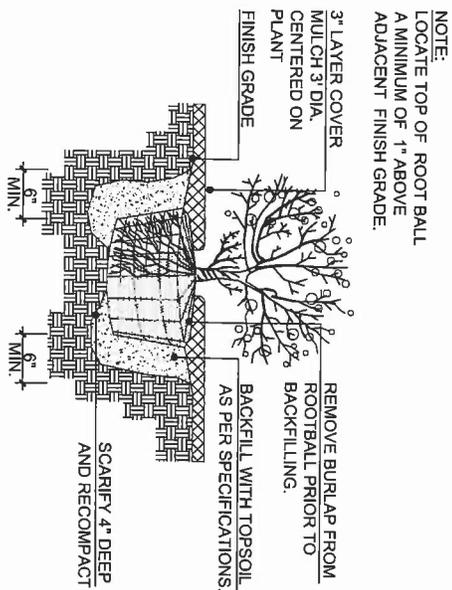
SHRUBS	QTY COMMON	BOTANICAL	SIZE / SPACING
	10	RED TWIG DOGWOOD CORNUS SERICEA	24" HT. / AS SHOWN
	2	RELOCATE EXISTING RED TWIG	OUT OF BENCH FOOTPRINTS.
	2	6' LONG BACKLESS WOODEN BENCH	DEVELOPER TO MAKE FINAL DECISION ON MANUFACTURER MODEL. MOUNT BENCH ON CONCRETE BLOCKS UNDER LEGS.



SITE REFERENCE MAP

## 2 DECIDUOUS SHRUB PLANTING

N.T.S.



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

23

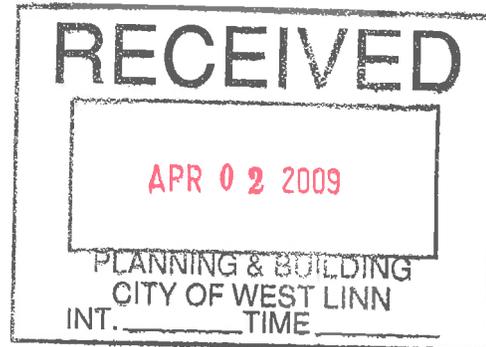
**W R G**  
 DESIGNING  
 PORTLAND • LAS VEGAS • PHOENIX  
 SACRAMENTO • BOISE • CHARLOTTE  
 PLANNERS • DESIGNERS • LANDSCAPE ARCHITECTS • SURVEYORS

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

April 2, 2009

**VIA EMAIL AND FIRST-CLASS MAIL**

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



**Re: Supplement to Variance Applications for Parker Crest Subdivision,  
Lots 1, 3, and 28**

Dear Chris:

This office represents D.R. Horton, Inc.-Portland. The purpose of this letter is to provide supplemental information in support of the applications for Class II Variances regarding three lots in the Parker Crest Subdivision.<sup>1</sup> The front yard setback standard for each lot is twenty feet (20'). The applicant seeks variances to allow a fifteen foot, seven inch (15' 7") front yard setback on Lot 1, a sixteen foot (16') front yard setback on Lot 3, and a sixteen foot, six inch (16' 6") front yard setback on Lot 28. The requests are subject to Class II Variances because they represent a 17% to 22% variance to the standard, whereas a 10% or less variance is subject to a Class I Variance, which is reviewed by the Planning Director. Lot 1 is currently occupied, and Lots 3 and 28 are unoccupied, but have families awaiting completion of the homes and a decision on these applications.

- 1. The Planning Commission has previously approved front yard setback variances in a new subdivision.**

The West Linn Planning Commission has approved variances for front yard setbacks by balancing the approval criteria and finding that the variances fulfilled the purpose of the

<sup>1</sup> D.R. Horton, Inc. – Portland has also applied for a Class I Variance for Lot 17 in the Parker Crest Subdivision that is subject to review and approval by the Planning Director. The variance seeks an eighteen foot, ten inch (18' 10") front yard setback, where twenty feet (20') is the standard. Lot 17 is currently unoccupied, but has a family awaiting completion of the home and a decision on the application.

Chris Kerr  
Interim Planning Director  
City of West Linn Planning and Building Department  
April 2, 2009  
Page 2

Variance section of the Community Development Code ("CDC"). In West Linn File No. VAR-07-03, the West Linn Planning Commission approved Class II Variances for front and rear yard setbacks on 54 of 71 lots at an already-approved subdivision known as Arbor Cove. In approving the variance, the Planning Commission found as follows:

"The variance would violate no individual or property owner and would in no way negatively affect existing development, as it would simply improve aesthetics within an all-new development containing no pass-through streets. Therefore, although staff found the variance to technically be in compliance with some variance criteria, the variance is fully compliant with the purpose of the variance ordinance (CDC 75.010) regarding relief of an 'undue burden' on the property owner when said burden provides 'no corresponding public benefit.'

"In order to assure the aesthetic improvement anticipated by the Commission, it is important to ensure the applicant remains true to his stated intentions regarding the use of the requested variance to extend only the living area (not the garage) of each house further towards the front of the lot than the zone's setback allows."

Final Decision Notice, VAR-07-03. (See Exhibit 1 attached hereto.)

Similarly, the variances here will also fully comply with the purpose of the Variance ordinance. The purpose statement of the Variance section of the CDC states that variances shall be granted when "the literal interpretation of the provisions of applicable zone would create a burden upon a property owner with no corresponding public benefit." CDC 75.010. Approval of the variances here will not violate any individual or property owner's interest and will not negatively affect the existing development because the subdivision is new and the affected lots are all interior or internal-facing lots.

Moreover, only a small area of each house on each affected lot is actually in violation of the setback standard. It is important to note that the need for the variance of the front yard setback standards is not the result of any increase in square footage of the houses. The homes are all appropriately sized to fit within the lots while meeting all setback standards. None of the adjacent homes are occupied and the applicant will agree to notify potential purchasers in writing of the variance approvals. Furthermore, the requested variances will only apply to the living area, and not to the garage area, of any house. Therefore, a strict application of the front yard setback standard will provide no public benefit and would unduly burden the property owners.

Chris Kerr  
Interim Planning Director  
City of West Linn Planning and Building Department  
April 2, 2009  
Page 3

**2. The applicant has proposed additional landscaping on each of the affected front yards and in common areas of the subdivision.**

In order to mitigate any potential impact of the slightly reduced front yard setback standard, the applicant has prepared a front yard landscaping plan for each affected lot. The proposed plans also include common tract landscaping features. The proposed landscaping plans have been submitted to the City.

**3. The applicant has implemented internal procedures to prevent future setback violations.**

To ensure that these types of violations do not occur again in the future, the applicant has prepared internal procedures related to plot-plans and staking of lots that are to be implemented immediately. D.R. Horton, Inc. – Portland's new internal procedure is enclosed as Exhibit 2.

**4. Red-lined site plan for Lot 1.**

Enclosed as Exhibit 3 is the red-lined site plan for Lot 1 approved by the City.

**5. The applicant considered several other methods for resolving the reduced setback standards.**

In analyzing the most reasonable and efficient approach to resolving the violations of the front-yard setback standards on Lots 1, 3, and 28 in the Parker Crest Subdivision, the applicant considered several other methods. These methods of resolution are discussed in more detail below.

A. Categorization of front yards.

As an initial matter, we reviewed the categorization of front yards on each Lot to ensure that the appropriate setback standards were being applied to each Lot. City of West Linn Community Development Code Chapter 2 defines "Yard, front" as "A yard between side lot lines measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building . . . . The front of the house or building faces the front yard." It also defines "Lot line, front" as "For an interior lot, a line separating the lot from the street."

As shown on the Tentative Subdivision Plat accompanying each variance application, all affected Lots are interior or interior-facing lots that have homes facing the internal roadway accessing the subdivision. Accordingly, the front yards have been designated as the yards

Chris Kerr  
Interim Planning Director  
City of West Linn Planning and Building Department  
April 2, 2009  
Page 4

between the internal street and the front of the homes. Therefore, the categorization of front yards and the applicable setback standards on the affected lots appear to be accurate.

B. Right-of-way vacation.

Another option that we considered was to vacate part of the internal public street to extend the front lot lines and provide a permanent easement along the vacated right-of-way. We understand from our discussions that the City does not favor having to vacate its right-of-way. We also understand that the City does not favor the use of permanent easements because of the difficulty in ensuring that the easement gets recorded with every transfer of title.

C. Lot line adjustment.

We also considered the efficacy of initiating a lot line adjustment under Development Code Chapter 85.210 to cure the front yard setback violations. However, since the front yards of all affected lots abut the internal right-of-way, as described above, a front lot line adjustment is not possible.

After a thorough analysis of the possible means by which to cure the front yard setback violations on Lots 1, 3, and 28, the applicant concluded that requests for variances appeared to be the most reasonable and efficient method available.

For the reasons described above and in the application narratives, we request that the subject variances be granted. Please contact me if you have any questions about this supplemental material or if you require additional information.

Thank you in advance for your assistance.

Very truly yours,



Michael C. Robinson

MCR:crl

Enclosures

cc: Client (w/encs.) (via email)

# FINAL DECISION NOTICE

VAR-07-03

RECEIVED

MAY 24 2007

PERKINS COIE

## IN THE MATTER OF A CLASS II VARIANCE AT 985 COVE PLACE

At their special meeting of May 18, 2007, the West Linn Planning Commission held a public hearing to consider the request by West Hills Development for a Class II Variance for front and/or rear yard setbacks for 54 of the 71 lots at an already-approved subdivision at 985 Cove Place. The approval criteria for a variance is found in the Community Development Code (CDC) Chapter 75. The hearing was conducted pursuant to the provisions of CDC, Chapter 99.

The hearing commenced with a staff report presented by Tom Soppe, Associate Planner. Dan Grimberg of West Hills Development and Michael Robinson of Perkins Coie gave the applicant's presentation. Ruth Offer, speaking for Willamette Neighborhood Association, and Alice Richmond spoke in favor of the application. No one spoke neutrally on the application or against the application. Mr. Robinson provided the applicant's rebuttal. The public hearing was closed.

A motion was made and seconded to approve the application with staff's conditions of approval, plus two additional findings and one additional condition of approval, as shown below. The motion passed.

### Findings:

The variance would violate no individual or property owner and would in no way negatively affect existing development, as it would simply improve aesthetics within an all-new development containing no pass-through streets. Therefore, although staff found the variance to technically be incompliant with some variance criteria, the variance is fully compliant with the purpose of the variance ordinance (CDC 75.010) regarding the relief of an "undue burden" on the property owner when said burden provides "no corresponding public benefit".

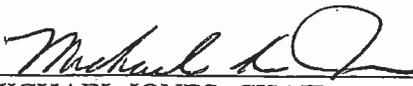
In order to assure the aesthetic improvement anticipated by the Commission, it is important to ensure the applicant remains true to his stated intentions regarding the use of the requested variance to extend the only the living area (not the garage) of each house further towards the front of the lot than the zone's setback allows.

### Condition of Approval:

The front of each house's garage shall meet the standard front yard setback of the base zone, 20 feet.

This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearing, or signed in on the attendance sheet at the hearing, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community

Development Code. Such appeals would require a fee of \$400 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.

  
\_\_\_\_\_  
MICHAEL JONES, CHAIR  
WEST LINN PLANNING COMMISSION

5/21/07  
\_\_\_\_\_  
DATE

Mailed this 23<sup>rd</sup> day of May, 2007.

Therefore, this decision becomes final at 5 p.m., June 6, 2007.

Devrev/Finaldecisions/final decision VAR-07-03

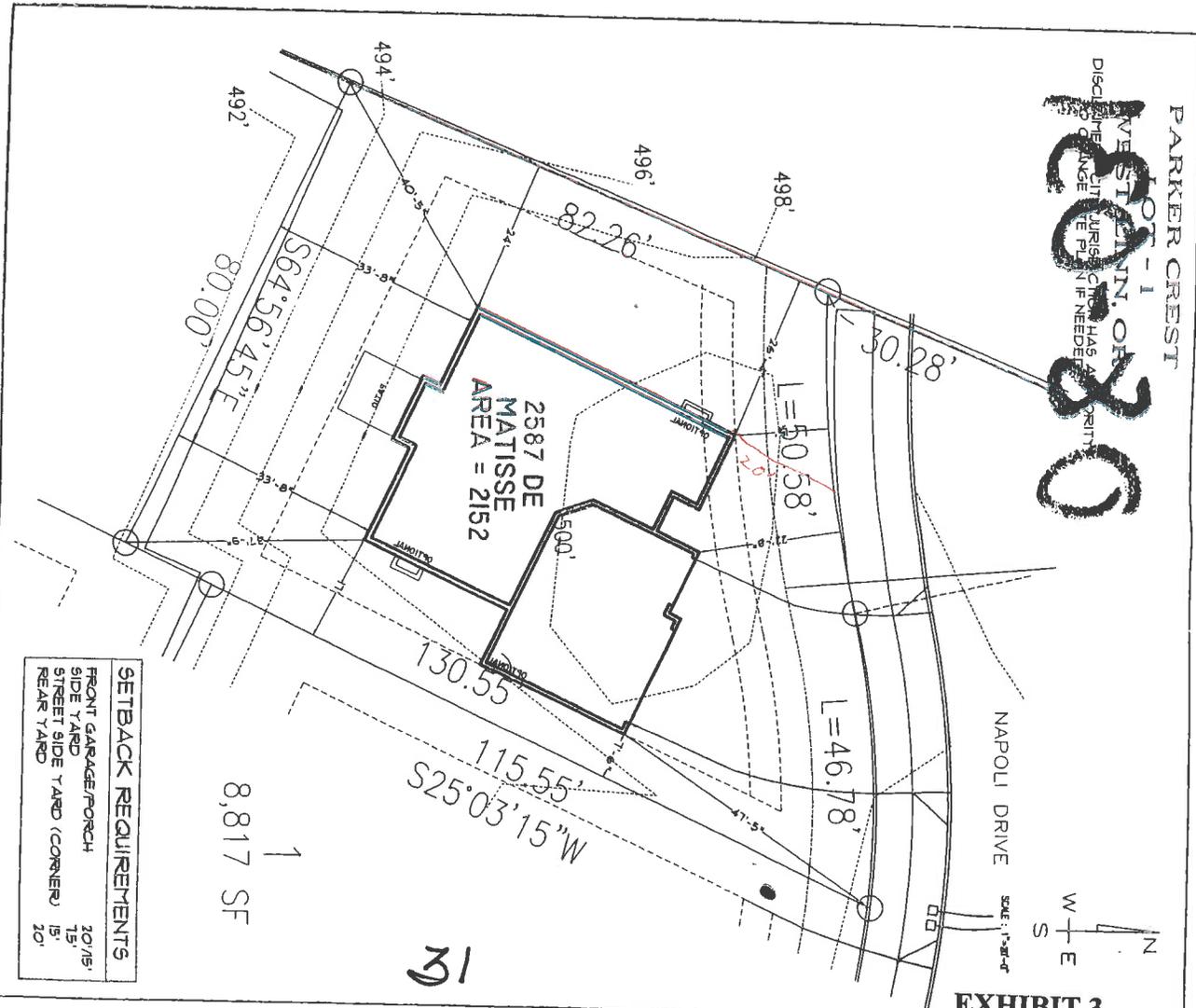
Recent events have identified a weak link in internal procedures as they relate to plot-plans and lot staking. In an effort to refine those procedures, it is recommended that the following steps be taken:

- 1) Establish a policy with each jurisdiction stating that the jurisdiction shall inform DRHI of any home placement/setback issues prior to completion of the plan review/pulling of permit so that corrections can be made. Getting feedback from the jurisdiction prior to pulling the permit will also allow DRHI to send in corrections to ensure that the recorded plot-plan is correct.
- 2) Institute a policy stating that the agent acting on behalf of DRHI to pull permits is required to bring in all plot plans on approved homes into the DRHI office for review so they can be double-checked for red-line changes that may affect the placement of the home on the lot.
- 3) Because those responsible for staking rely on the CAD plot plan file (not the red-line plot plan from the city), it is critical that any changes to home location, whether pre- or post-permit pull, are made on CAD plot-plan file so staking is accurate and reflects the intent of the correction notice/red-lines.
- 4) Once office review and CAD file update is complete, permit can be sent to the field.
- 5) For each home start, the superintendant must review the red-lined plot plan with those responsible for staking the lot to ensure that the red-lined plot plan and the CAD staking plan are in agreement.

It is recommended that these check/double check procedures are implemented immediately.

PARKER CREST  
 LOT -1  
 WEST LANN, OH  
 DISCUSS WITH JURISDICTION HAS A CRIT  
 CHANGE THE PLAN IF NEEDED

# 150-280



**SETBACK REQUIREMENTS**

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

ADDRESS: 7180  
 PLAT: 7180  
 SCALE: 1" = 20'  
 DATE: 1/23/08

**D.R. Horton Homes**  
 4386 SW Macadam Avenue, Suite 102  
 Portland Oregon  
 PHONE: 503.227.2181 FAX: 503.223.3111



1-23-08  
 [Handwritten signature]

1/23/08

Store the Scan Cleaner here. —

EXHIBIT 3



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

# EXHIBIT PC-5

## APPLICANTS INITIAL SUBMITTAL