

CITY OF WEST LINN
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
10/3/24

SUBJECT: Proposed Class II Variance
FILE: PA-24-14
APPLICANTS PRESENT: Megan Kemp (Property Owner), Clement Walsh (Consultant)
STAFF PRESENT: Chris Myers, Associate Planner
PUBLIC PRESENT: No public present

These pre-application summary notes have been prepared for the applicant to identify applicable code sections and critical issues for the proposed application and summarize the application process and fees. Pre-Application summary notes are based on preliminary information and may not include all considerations. Contact the assigned planner for additional information regarding the process, approval criteria, submittal requirements, questions, and clarifications. Pre-Application Conference summary notes are valid for eighteen months from the meeting date. Once a complete application is submitted, the final decision can take 6-10 months.*

SITE INFORMATION:

Site Address: 1490 Skye Parkway
Legal Description: Section 14, Township 2S, Range 1E, Tax Lot 01100
Tax Lot No.: 21E14CC01100
Site Area: ~10,159 square feet
Neighborhood: Skyline Ridge Neighborhood Association
Comp. Plan: Low-Density Residential
Zoning: R-10, Residential
Zoning Overlays: No environmental zoning overlays

PROJECT DESCRIPTION:

The applicant requests a Class II Variance to reduce the rear-yard setback to accommodate construction of a new swimming pool.

APPLICABLE COMMUNITY DEVELOPMENT CODE SECTIONS:

Approval standards and criteria in effect when an application is *received* will be applied to the proposed development. The following Community Development Code (CDC) Chapters apply to this proposal:

- [Chapter 2: Definitions](#)
- [Chapter 11: Residential, R-10](#)
- [Chapter 34: Accessory Structures, Accessory Dwelling Units and Accessory Uses](#)
- [Chapter 75: Variances and Special Waivers](#)
- [Chapter 99: Procedures for Decision Making: Quasi-Judicial](#)

KEY ISSUES & CONSIDERATIONS

Staff has identified the following development issues, design considerations, or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of additional issues or considerations:

Chapter 2: Definitions

- This chapter included as a good reference for information when putting together the application. No requirements within this chapter need to be addressed for the application.

Chapter 11: Residential R-10

- 11.030 Permitted uses. The existing single-family detached home is a permitted use in this zone.

Chapter 34: Accessory Structures, Accessory Dwelling Units, and Accessory Uses

- 34.060 Setback Provisions for Accessory Structures (non-dwelling). This subsection is why you must request a variance. Section B3 expresses that an accessory structure may be within 3 feet of the rear property line, but it must not exceed 500 square feet.

Chapter 75 Variances and Special Waivers

- 75.020 Classification of Variances. Difference between Class I and Class II Variances. This is a Class II request. Pay close attention and address the criteria for a Class II Variance.
 - a. The variance is the minimum variance necessary to make reasonable use of the property. To make this determination, the following factors may be considered, together with any other relevant facts or circumstances:
 - 1) Whether the development is similar in size, intensity and type to developments on other properties in the City that have the same zoning designation.
 - 2) Physical characteristics of the property such as lot size or shape, topography, or the existence of natural resources.
 - 3) The potential for economic development of the subject property.
 - b. The variance will not result in violation(s) of any other code standard, and the variance will meet the purposes of the regulation being modified.
 - c. The need for the variance was not created by the applicant and/or owner requesting the variance.
 - d. If more than one variance is requested, the cumulative effect of the variances results in a project that is consistent with the overall purpose of the zone.

Chapter 99: Procedures for Decision Making: Quasi-Judicial

- You do not need to address this chapter in your application and findings. It's a good reference to read through so the applicant understands the process.

RESPONSE TO APPLICANT QUESTIONS:

Applicant asked about the process for approval. Discussed that the Planning Commission is the approval authority, there will be a public hearing, supportive comments from adjacent property owners would be helpful.

Applicant's consultant asked about how to address finding. Staff planner discussed and committed to sending a link to a similar application (link pasted below).

<https://westlinnoregon.gov/planning/2182-tannler-drive-class-2-variance>

Staff planner, Chris Myers, discussed the timeline for a Class II Variance, the process and how long it takes, and what a public hearing process looks like.

It was also discussed that a TVF&R provider permit is required as part of the application. A link to the provider permit portal is below on page 3 of these summary notes.

PUBLIC COMMENT:

No public comment received.

ENGINEERING:

The Engineering department does not have any comments for this pre-application conference. For further details, contact Clark Ide at 503-722-3437 or Clde@westlinnoregon.gov.

BUILDING:

For building code and ADA questions, contact Adam Bernert at abernert@westlinnoregon.gov or 503-742-6054 or Alisha Bloomfield at abloomfield@westlinnoregon.gov or 503-742-6053.

TUALATIN VALLEY FIRE & RESCUE:

A Service Provider Permit must be provided with this application - <https://www.tvfr.com/399/Service-Provider-Permit>. Contact Jason Arn at jason.arn@tvfr.com or 503-259-1510 with any questions.

TREES:

For information on the tree requirements for this proposal, contact the Ron Jones, City Arborist at mperkins@westlinnoregon.gov or 503-722-4728.

PROCESS:

A Class II Variance is a Planning Commission decision. A public hearing is required. Once the application is declared complete, staff will review the application, send a 20-day public comment notice, and post a notice sign on the property. When the public comment period closes, the Planning Director will prepare a decision. A final decision can take 4-6 months.

There is a 14-day appeal period after the decision. If the decision is not appealed, the applicant may proceed with the development.

HOW TO SUBMIT AN APPLICATION:

Submit a complete application in a single PDF document through the [Submit a Land Use Application](#) web portal. A complete application should include:

1. A [development application](#);
2. A project summary outlining the scope of the project;
3. Full written responses to approval criteria in the identified CDC chapters;
4. A Service Provider Letter from Tualatin Valley Fire and Rescue; and
5. Demonstration of compliance with Neighborhood Association meeting requirements per [CDC 99.038\(E1-5\)](#).

COMPLIANCE NARRATIVE:

Written responses supported by substantial evidence must address all applicable approval standards and criteria. Written materials must explain how and why the proposed application will meet each applicable approval criteria. "Not Applicable" is not an acceptable response to the approval criteria.

Submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in writing, that the Planning Manager waive the requirement. The applicant must identify the specific grounds for the waiver. The Planning Manager will respond with a written determination about the waiver request before applying.

APPLICATION FEES & DEPOSITS:

The Planning Division Fee Schedule can be found on our website: <https://westlinnoregon.gov/finance/current-fee-schedule>

- Fee for a Class II Variance = \$3,450

Applications with deposits will be billed monthly for time and materials. Please provide the name and address of the party responsible for the final invoice in your application.

Timelines:

Once the application and payment are received, the City has 30 days to determine if the application is complete. If the application is incomplete, the applicant has 180 days to complete it or provide written notice to staff that no other information will be provided. Once complete, the City has 120 days from the completeness determination

to make a final decision on the application. Typical land use applications can take 6-10 months from beginning to end.

*** DISCLAIMER:** *These pre-application notes have been prepared per [CDC Section 99.030.B.7](#). The information provided is an overview of the proposal considerations and requirements. Staff responses are based on limited material presented at the pre-application conference. New issues and requirements can emerge as the application is developed. Failure to provide information does not constitute a waiver of the applicable standards or requirements. The applicant has the burden of proof to demonstrate that all approval criteria have been satisfied. These notes do not constitute an endorsement of the proposed application or assure project approval.*