



**STAFF REPORT
FOR THE PLANNING COMMISSION**

FILE NUMBER: VAR-19-01

HEARING DATE: June 5, 2019

REQUEST: Class II Variance to construct a driveway with a grade in excess of fifteen percent at 1875 Carriage Way

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 48; Chapter 75; Chapter 96; and Chapter 99.

STAFF REPORT PREPARED BY: Darren Wyss, Associate Planner

Planning Manager's Initials AB Development Review Engineer's Initials EL

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GENERAL INFORMATION

OWNER/APPLICANT: Ivan Cam
P.O. Box 231
Woodburn, OR 97071

CONSULTANT: Pacific Northwest Engineering, Inc.
4242 Silver Falls Drive NE
Silverton, OR 97381

SITE LOCATION: 1875 Carriage Way

LEGAL DESCRIPTION: Clackamas County Assessor's Map 2S-1E-23CA, Taxlot 2101

SITE SIZE: 10,050 square feet

ZONING: R-10, Single-Family Residential Detached

COMP PLAN DESIGNATION: Low-Density Residential

120-DAY PERIOD: This application became complete on May 13, 2019. The 120-day maximum application-processing period ends on September 10, 2019.

PUBLIC NOTICE: Notice was mailed to property owners within 500 feet of the subject property and all neighborhood associations May 16, 2019. Notice was published in the West Linn Tidings on May 23, 2019. The property was posted with a notice sign on May 23, 2019. The notice and application were posted on the City's website May 16, 2019. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant proposes to build a single family home on the property located at 1875 Carriage Way. The preferred access to the property is via a combination of a 15 foot wide, undeveloped right-of-way strip that ends at the northwest corner of the property and a private access easement providing the remaining 50 feet of access on the adjacent property to the north. The undeveloped right-of-way strip, access easement, and subject property slope upward quickly from Carriage Way. The proposed driveway, which will be located in the undeveloped right-of-way strip and access easement, will have a 20 percent grade. CDC Chapter 48.030.B(3) states the “*Maximum driveway grade shall be 15 percent*”, otherwise a Class II Variance is needed to exceed the 15 percent grade. The applicant attempted to meet the 15 percent criteria with the use of retaining walls, but the West Linn Public Works Standards will not allow the needed nine-foot retaining wall in the right-of-way strip. The applicant also attempted to gain an access easement to share the driveway of the property to the north, but was not successful.

The West Linn Engineering Division (Exhibit PC-2) has reviewed and supports the proposed design. The applicant proposes to install fire suppression sprinklers and a fire apparatus turnaround. Tualatin Valley Fire & Rescue reviewed the design and had no conditions to add (Exhibit PC-3).

Public comment:

As of the publication date of this report, staff had received no written public comment.

RECOMMENDATION

Staff recommends approval of application VAR-19-01, based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plans.** With the exception of modifications required by these conditions, the project shall substantially conform to the Plan Sheets dated September 29, 2018.
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to the issuance of occupancy permits.

ADDENDUM

PLANNING COMMISSION STAFF REPORT
June 5, 2019

**STAFF EVALUATION OF THE PROPOSAL'S COMPLIANCE
WITH APPLICABLE CODE CRITERIA**

*I. CHAPTER 11, SINGLE-FAMILY RESIDENTIAL DETACHED, R-10
11.030 PERMITTED USES*

The following are uses permitted outright in this zoning district:

- 1. Single-family detached residential unit.
(...)*

Staff Finding 1: The applicant proposes to construct a single-family home on the subject property. The variance for driveway grade will provide access to the home. The criteria is met.

*II. CHAPTER 48, ACCESS, EGRESS AND CIRCULATION
48.020 APPLICABILITY AND GENERAL PROVISIONS
(...)*

- B. All lots shall have access from a public street or from a platted private street approved under the land division chapter.
(...)*

Staff Finding 2: The subject property will take access from Carriage Way via a private drive in an undeveloped public right-of-way and access easement. This criteria is met.

*48.025 ACCESS CONTROL
B. Access Control Standards*

- 1. Traffic impact analysis requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also CDC [55.125](#), Traffic Impact Analysis.)*

Staff Finding 3: No Traffic Impact Analysis (TIA) is required since none of the criteria of 85.170(B)(2) are met. The criteria is met.

- 2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.*
- 3. Access options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following*

methods (planned access shall be consistent with adopted public works standards and TSP). These methods are “options” to the developer/subdivider.

- a) Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
- b) Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
- c) Option 3. Access is from a public street adjacent to the development lot or parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in subsection (B) (6) of this section.

Staff Finding 4: The applicant proposes one access point to the subject property via an existing access easement located on the neighboring property to the north that provides direct access to the undeveloped right-of-way strip from Carriage Way. The West Linn Engineering Division has reviewed and supports the proposed driveway design. The proposed design will not require backing onto a public street. The criteria are met.

- 4. Subdivisions fronting onto an arterial street.
(...)
- 5. Double-frontage lots.
(...)

Staff Finding 5: The subject property has access to only one public street, with a functional classification of a neighborhood route, and therefore is not a double-frontage lot. These criteria do not apply.

- 6. Access spacing.
 - a. The access spacing standards found in Chapter 8 of the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections and non-traversable medians.
 - b. Private drives and other access ways are subject to the requirements of CDC 48.060.

Staff Finding 6: The proposal does not create any new intersections or non-traversable medians. CDC 48.060 is addressed in Staff Findings 13 to 16. These criteria are met.

- 7. Number of access points.
(...)
- 8. Shared driveways.
(...)

Staff Finding 7: The subject property proposes one access to a public street. The applicant attempted to create a shared driveway with the property to the north but was unsuccessful. The criteria are met.

C. Street connectivity and formation of blocks required.

In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. Block length and perimeter. The maximum block length shall not exceed 800 feet or 1,800 feet along an arterial.

Staff Finding 8: The applicant proposal is bounded by existing development and does not create any new blocks. The criteria is not applicable.

2. Street standards. Public and private streets shall also conform to Chapter 92 CDC, Required Improvements, and to any other applicable sections of the West Linn Community Development Code and approved TSP.

Staff Finding 9: Proposed street designs and improvements are consistent with the provisions of the West Linn Community Development Code and the West Linn Transportation System Plan. The applicant reviewed City regulations for the design of accessways and street cross-sections to enhance safety and convenience for all travel modes. The criteria is met.

(...)

48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

A. Direct individual access from single-family dwellings and duplex lots to an arterial street (...)

Staff Finding 10: The subject property has access to only one public street, with a functional classification of a neighborhood route. The criteria do not apply.

B. When any portion of any house is less than 150 feet from the adjacent right-of-way, access to the home is as follows:

1. One single-family residence, including residences with an accessory dwelling unit as defined in CDC 02.030, shall provide 10 feet of unobstructed horizontal clearance. Dual-track or other driveway designs that minimize the total area of impervious driveway surface are encouraged.

2. Two to four single-family residential homes equals a 14- to 20-foot-wide paved or all-weather surface. Width shall depend upon adequacy of line of sight and number of homes.

3. Maximum driveway grade shall be 15 percent. The 15 percent shall be measured along the centerline of the driveway only. Variations require approval of a Class II variance by the Planning Commission pursuant to Chapter 75 CDC. Regardless, the last 18 feet in front of the garage shall be under 12 percent grade as measured along the centerline of the driveway only. Grades elsewhere along the driveway shall not apply.

4. The driveway shall include a minimum of 20 feet in length between the garage door and the back of sidewalk, or, if no sidewalk is proposed, to the paved portion of the right-of-way.

C. *When any portion of one or more homes is more than 150 feet from the adjacent right-of-way, the provisions of subsection B of this section shall apply in addition to the following provisions.*

1. *A turnaround may be required as prescribed by the Fire Chief.*
2. *Minimum vertical clearance for the driveway shall be 13 feet, six inches.*
3. *A minimum centerline turning radius of 45 feet is required unless waived by the Fire Chief.*
4. *There shall be sufficient horizontal clearance on either side of the driveway so that the total horizontal clearance is 20 feet.*

Staff Finding 11: The applicant proposes one single-family home on the subject property. Some portions of the home will be more than 150 feet from the adjacent right-of-way. The applicant proposes a 10 foot wide driveway, with a minimum of 10 feet of horizontal clearance and 13 feet 6 inches of vertical clearance. The grade of the driveway will be 20 percent, thus the application for a Class II Variance. The applicant proposes to install fire suppression sprinklers in the home and provide a fire apparatus turnaround. The last 18 feet in front of the garage will be less than 10 percent grade. The West Linn Engineering Division (Exhibit PC-2) has reviewed and supports the proposed design. Tualatin Valley Fire & Rescue reviewed the design and had no conditions to add (Exhibit PC-3). Subject to the approval of the Class II Variance, the criteria are met.

D. *Access to five or more single-family homes (...)*

E. *Access and/or service drives for multi-family dwellings shall be fully improved with hard surface pavement:*

(...)

F. *Where on-site maneuvering and/or access drives are necessary to accommodate required parking, in no case shall said maneuvering and/or access drives be less than that required in Chapters 46 and 48 CDC.*

G. *The number of driveways or curb cuts shall be minimized on arterials or collectors. Consolidation or joint use of existing driveways shall be required when feasible.*

H. *In order to facilitate through traffic and improve neighborhood connections, it may be necessary to construct a public street through a multi-family site.*

I. *Gated accessways to residential development other than a single-family home are prohibited.*

Staff Finding 12: The applicant proposes one single-family home on the subject property and does not propose a gated accessway. Access is from Carriage Way, a neighborhood route. The criteria are met.

48.060 WIDTH AND LOCATION OF CURB CUTS AND ACCESS SEPARATION REQUIREMENTS

A. *Minimum curb cut width shall be 16 feet.*

B. *Maximum curb cut width shall be 36 feet, except along Highway 43 in which case the maximum curb cut shall be 40 feet. For emergency service providers, including fire stations, the maximum shall be 50 feet.*

Staff Finding 13: The applicant proposes one curb cut on Carriage Way with a width of 22 feet. The criteria are met.

C. No curb cuts shall be allowed any closer to an intersecting street right-of-way line than the following:

1. On an arterial when intersected by another arterial, 150 feet.

(...)

6. On a local street when intersecting any other street, 35 feet.

Staff Finding 14: The applicant proposes one curb cut on Carriage Way, a neighborhood route, to provide access to the site. The curb cut is a distance of 130 feet from the closest intersection with Sun Circle. The criteria are met.

D. There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:

1. On an arterial street, 150 feet.

2. On a collector street, 75 feet.

3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.

Staff Finding 15: The subject property is adjacent to a neighborhood route and contains one curb cut in an existing right-of-way. The criteria are met.

E. A rolled curb may be installed in lieu of curb cuts and access separation requirements.

F. Curb cuts shall be kept to the minimum, particularly on Highway 43. Consolidation of driveways is preferred. The standard on Highway 43 is one curb cut per business if consolidation of driveways is not possible.

G. Adequate line of sight pursuant to engineering standards should be afforded at each driveway or accessway.

Staff Finding 16: The applicant has designed the placement of curb cuts to meet City regulations. The accessway will adhere to engineering standards per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

III. CHAPTER 75, VARIANCES AND SPECIAL WAIVERS

75.020 CLASSIFICATION OF VARIANCES

A. Class I Variance. Class I variances provide minor relief from certain code provisions where it can be demonstrated that the modification will not harm adjacent properties, and it conforms with any other code requirements. Class I variances are allowed for the following code provisions:

1. Required Yard and Minimum Lot Dimensional Requirements. (...)

2. Off-street parking dimensional and minimum number of space requirements may be modified up to 10 percent (...)

3. Dimensional sign requirements may be modified up to 10 percent (...)

4. Landscaping requirements in the applicable zone may be modified up to 10 percent (...)

Staff Finding 17: The applicant did not request any Class I Variances. The criteria are not applicable.

B. Class II Variance. Class II variances may be utilized when strict application of code requirements would be inconsistent with the general purpose of the CDC and would create a burden upon a property owner with no corresponding public benefit. A Class II variance will involve a significant change from the code requirements and may create adverse impacts on adjacent property or occupants. It includes any variance that is not classified as a Class I variance or special waiver.

Staff Finding 18: The applicant is requesting a Class II Variance to allow a driveway grade in excess of 15 percent as required in CDC Section 48.030.B(3). Without granting the variance, the applicant would need to secure an access easement across an already developed single-family home lot to gain access to the legal lot of record. There is no guarantee an access easement could be secured. Without the variance or access easement, the applicant has no access to a legal lot of record. The criteria are met.

1. Class II Variance Approval Criteria. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared.

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.

Staff Finding 19: The applicant proposes one single-family home on a lot of record zoned R-10. The terrain rises approximately 25 feet from Carriage Way to the buildable portion of the property. The only way to access the property is via the proposed location. The proposed grade of the driveway will be 20 percent, which is the minimum required to make reasonable use of the property. The development of this driveway is similar in size and slope/grade to driveways on other properties located in West Linn, including the adjacent property to the north that has an existing driveway with a grade of 25 percent. Please see Exhibit PC-4 for a number of examples that show existing single-family homes with driveways in excess of 15 percent grade. Most of these driveways were built prior to 2005 (when the current 15 percent standard came into effect) and did not require a Class II Variance. Most examples have the same R-10 zoning designation. The criteria are met.

2) Physical characteristics of the property such as lot size or shape, topography, or the existence of natural resources.

Staff Finding 20: The topography of the subject property, combined with the only access being via the proposed location, makes this variance necessary to make reasonable use of the property. The buildable area of the property is located approximately 25 feet above Carriage Way, thus requiring the driveway to exceed the 15 percent grade criteria. Many residential properties on steep slopes have street frontages of 80-100 feet, which allows the driveway design to meander across the front of the property to help diminish the grade. The subject property has a 15 foot wide access right-of-way and easement. This eliminates the ability to meander the design and dictates the driveway must go straight uphill and exceed the 15 percent grade criteria. The criteria are met.

3) The potential for economic development of the subject property.

Staff Finding 21: The applicant proposes one single-family home on a lot of record zoned R-10. The terrain rises approximately 25 feet from Carriage Way to the buildable portion of the property. The only way to access the property is via the proposed location. The proposed grade of the driveway will be 20 percent, which is the required to make reasonable use of the property. The variance provides legal access and protects the applicant's property development rights. Without granting the variance, the applicant would need to secure an access easement across an already developed single-family home lot to gain access to the legal lot of record. There is no guarantee an access easement could be secured. Without the variance or access easement, the applicant has no access to a legal lot of record and a total loss of economic development value to the applicant. The criteria are met.

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.

Staff Finding 22: Approval of the variance for driveway grade will not result in the violation of any other code standard and will allow the reasonable use of the property. The criteria are met.

c. The need for the variance was not created by the applicant and/or owner requesting the variance.

Staff Finding 23: The topography of the subject property, combined with the only access being via the proposed location, makes this variance necessary to make reasonable use of the property. The applicant/owner did not create the need for the variance. The 15 foot wide right-of-way stem and access easement were created by the Sunburst Plat approved in 1976 for the purpose of providing access to the subject property. The criteria are met.

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.

Staff Finding 24: The applicant has requested one variance. The criteria are met.

IV. CHAPTER 96, STREET IMPROVEMENT CONSTRUCTION

96.010 CONSTRUCTION REQUIRED

A. New construction.

(...)

Staff Finding 25: The applicant shall install improvements to meet the West Linn Public Works Design Standards per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

96.020 STANDARDS

Street improvements shall be installed according to the City standards and shall be completed prior to the issuance of any occupancy permit for the new or remodeled structure or building. In unimproved areas of the City, the City Engineer may grant a time extension of the provisions of this section; provided, that the applicant provides sufficient security in amount and quantity satisfactory to the City Attorney to assure payment of such improvement costs.

Staff Finding 26: The applicant shall install improvements to meet the West Linn Public Works Design Standards per Condition of Approval 2. Subject to the Conditions of Approval, the criteria are met.

XIII. CHAPTER 99, PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES

(...)

B. Pre-application conferences.

1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:

(...)

o. Variances;

(...)

Staff Finding 27: The applicant attended a pre-application conference with City staff on April 18, 2019. The criteria are met.

99.060 APPROVAL AUTHORITY

B. Planning Commission authority. The Planning Commission shall have the authority to:

(...)

e. Class II variance or special waiver (Chapter 75 CDC).

(...)

Staff Finding 28: The applicant proposal will be heard by the Planning Commission at a public hearing scheduled for June 5, 2019.

99.080 NOTICE

Notice shall be given in the following ways:

A. *Class A Notice. (...)*

Staff Finding 29: The applicant proposal has been properly noticed by the City. Please see Staff Report for the Planning Commission Exhibit PC-6. These criteria are met.

EXHIBIT PC-1: APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Darren Wyss</i>	PROJECT NO(S) <i>VAR-19-01</i>	
NON-REFUNDABLE FEE(S) <i>\$ 2900</i>	REFUNDABLE DEPOSIT(S) <i>—</i>	TOTAL <i>\$ 2900</i>

Type of Review (Please check all that apply):

- | | | |
|--|--|--|
| <input type="checkbox"/> Annexation (ANX)
<input type="checkbox"/> Appeal and Review (AP) *
<input type="checkbox"/> Conditional Use (CUP)
<input type="checkbox"/> Design Review (DR)
<input type="checkbox"/> Easement Vacation
<input type="checkbox"/> Extraterritorial Ext. of Utilities
<input type="checkbox"/> Final Plat or Plan (FP)
<input type="checkbox"/> Flood Management Area
<input type="checkbox"/> Hillside Protection & Erosion Control | <input type="checkbox"/> Historic Review
<input type="checkbox"/> Legislative Plan or Change
<input type="checkbox"/> Lot Line Adjustment (LLA) */**
<input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan)
<input type="checkbox"/> Non-Conforming Lots, Uses & Structures
<input type="checkbox"/> Planned Unit Development (PUD)
<input type="checkbox"/> Pre-Application Conference (PA) */**
<input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)
<input type="checkbox"/> Temporary Uses *
<input type="checkbox"/> Time Extension *
<input checked="" type="checkbox"/> Variance (VAR)
<input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)
<input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)
<input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)
<input type="checkbox"/> Zone Change |
|--|--|--|

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: 1875 CARRIAGE WAY	Assessor's Map No.: 21E 23CA
	Tax Lot(s): 2101
	Total Land Area: 35,147 0.81 ac

Brief Description of Proposal: We purpose a driveway at 20% grade coming from carriage way so our neighbor and our driveway will meet on top of hill. Also will reduce retaining wall heights.

Applicant Name: IVAN CAM <small>(please print)</small> Address: P.O. BOX 231 City State Zip: WOODBURN OR, 97071	<div style="border: 2px solid black; padding: 10px; font-size: 2em; font-weight: bold; color: gray;">RECEIVED</div> <div style="border: 1px solid black; padding: 5px; color: red; font-weight: bold; margin: 5px 0;">APR 23 2019</div> <div style="border: 1px solid black; padding: 5px; font-size: 0.8em; color: gray;">PLANNING & BUILDING CITY OF WEST LINN INT. TIME</div>	Phone: 5036808711 Email: icam26@yahoo.com
Owner Name (required): CAM INC <small>(please print)</small> Address: P.O. BOX 231 City State Zip: WOODBURN OR 97071		Phone: 5036808711 Email: icam26@yahoo.com
Consultant Name: Pacific NorthWest Engineering, Inc <small>(please print)</small> Address: 4242 SILVER FALLS DR. NE City State Zip: SILVERTON, OR 97381		Phone: (503) 873-3184 Email: MSE@PACNWENG.COM

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**
 One (1) complete set of digital application materials must also be submitted on CD in PDF format.
 If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

 Applicant's signature	<i>3/28/19</i> Date	 Owner's signature (required)	<i>3/29/19</i> Date
---------------------------	------------------------	----------------------------------	------------------------



PACIFIC NORTHWEST ENGINEERING, INC.

March 18, 2019

City of West Linn
Planning Department
22500 Salamo Rd.
West Linn, OR 97068

Attn.: Darren Wyss

Re.: Ivan Cam
City Variance
1875 Carriage Way
West Linn, OR

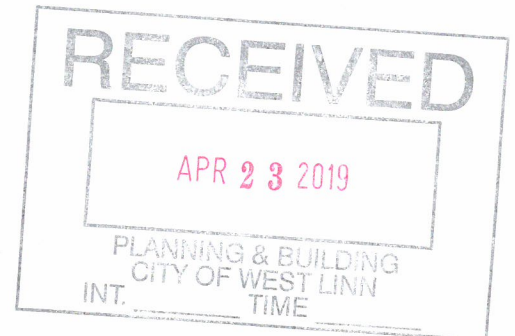
Dear Darren,

We have done a review of the City Variance requirements and the following is our formal application for and in behalf of Ivan Cam:

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district

1. Single-family detached residential unit.
In keeping with this Zone we purposed to build 2 story single family house with 3 car garage.
2. Community recreation.
3. Family day care.
4. Residential home.
5. Utilities, minor.
6. Transportation facilities (Type I).
7. Manufactured home. (Ord. 1226, 1988; Ord. 1500, 2003; Ord. 1584, 2008; Ord. 1635 § 8, 2014)

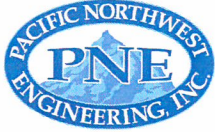


Chapter 75 of the CDC

B. Class II Variance. Class II variances may be utilized when strict application of code requirements would be inconsistent with the general purpose of the CDC and would create a

4242 Silver Falls Dr. N., Silverton, OR. 97381
ph # (503) 873-3184 fax # (503) 873-3907

P.E. # 13,676
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PACIFIC NORTHWEST ENGINEERING, INC.

burden upon a property owner with no corresponding public benefit. A Class II variance will involve a significant change from the code requirements and may create adverse impacts on adjacent property or occupants. It includes any variance that is not classified as a Class I variance or special waiver.

1. Class II Variance Approval Criteria. The approval authority may impose appropriate conditions to ensure compliance with the criteria. The appropriate approval authority shall approve a variance request if all the following criteria are met and corresponding findings of fact prepared.

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.

The code allows all "Single Family" dwellings in this zoned area. It also provides for steep drives, exceeding the 15% overall, with provisions for fire access. This type of exception is common throughout the City, so long as they try to meet the limitations as we have. This fire department has reviewed the application and attached is a copy of the letter stating their approval. It should be noted that the last eighteen (18) feet of driveway shall not exceed 12% grade (as measured at the centerline of the driveway). We have meet all the design criteria from CDC48.030.C. and that portion of section 48.030.B. with exception to "3" which is the purpose of this variance request.

2) Physical characteristics of the property such as lot size or shape, topography, or the existence of natural resources.

The length of the "Right Away" and steepness of the topography requires an overall grade of 20%. The site is large enough and flat enough that the grade rate is not an issue thereafter. We were able to plan and design the drive approach so that we did not exceed the 20% at any one point.

3) The potential for economic development of the subject property.

If the drive approach were to be limited to 15% grade then this lot would not have access and thereby have no value for "single family" residence.

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.

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No other codes will be affected by this variance. We propose to follow all other requirements.

c. The need for the variance was not created by the applicant and/or owner requesting the variance.

This lot has existed, with the drive approach "Right Away" from at least the 1970's, and the adjacent lots have been previously developed. One with a drive approach exceeding 28% grade. This topography was not created by any action on our part.

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.

We are only request one variance. No special waivers, other than as stated, are purposed.

Chapter 48.030(B&C) of the CDC

"B"

- 1.) We have provided 10' of horizontal clear drive from the roadway (Carriage way) to the proposed building site
- 2.) This proposed project is for only a single family dwelling, therefore this condition does not apply.
- 3.) We have shown that the existing grades require a variation in the code to the alternate allowable of 20% and have supplied a detailed drawing showing the same. We have applied for a "variance" on this section. The last 18 feet of the drive shall be less than 12% grade (in fact we purpose to make the last 18 feet at less than 10% grade.
- 4.) With the existing conditions the garage door is greater than 100' from the back side of the sidewalk. We therefore meet the criteria of the point.

"C"

- 1.) We propose to supply a "turn around" between the end of the drive (as shown on the supplied drawing) and the garage. This will be shown on the final construction drawings of the home. However, the letter from the Fire Marshal states that with fire Sprinklers the "turn around" will not be required. We are proposing to supply fire sprinklers in the home.
- 2.) At all points along the drive and up to the garage shall have a minimum vertical clearance of 13' 6".
- 3.) We are proposing a minimum turning radius of 76', meeting this requirement.
- 4.) The plans show our intent as to meeting this requirement. If any trees and or branches of the same are encountered they will be removed.

4242 Silver Falls Dr. N., Silverton, OR. 97381

ph # (503) 873-3184 fax # (503) 873-3907

P.E. # 13,676
6/5/2019 PC Hearing
Page 17



PACIFIC NORTHWEST ENGINEERING, INC.

We have explored three other options and found that they will not meet the criteria of the CDC and the existing conditions of this site. They are as follows:

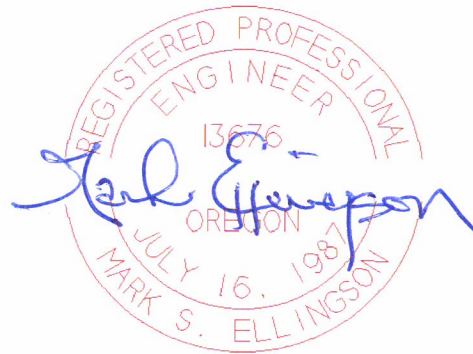
- 1.) Our first option was to obtain permission and a easement from the neighboring properties. We did request this and were told an emphatic "NO".
- 2.) We tried to meet the 15% grade requirement but found that due to existing conditions it would need a 9' tall retaining wall. This wall would be in direct conflict with CDC chapter 3.250(2). These conditions were beyond our control and were created at the initial subdivision of the property, back in the 1970's.
- 3.) We tried to meet the third option of vacating the existing easement and obtaining one from an adjacent property, this was the same answer as in the first option, everyone told us "NO".

If you have any questions, please feel free in calling me.

Thank You

A handwritten signature in blue ink that reads "Mark Ellingson".

Mark Ellingson, P.E.
President



EXP. 12-31-19

CA\WORK\BILLINGS\I-CAM24.DO

4242 Silver Falls Dr. N., Silverton, OR. 97381
ph # (503) 873-3184 fax # (503) 873-3907

P.E. # 13,676
6/5/2019 PC Hearing
Page 18

Mark Ellingson

From: "Ivan Cam" <icam26@yahoo.com>
Date: Tuesday, April 23, 2019 10:12 AM
To: "Mark Ellingson" <mse@pacnweng.com>
Attach: CCF12072017.pdf
Subject: FW: 1875 Carriage Way West Linn

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "Darby, Ty M." <Ty.Darby@tvfr.com>
To: "Ivan Cam" <icam26@yahoo.com>
Cc: "Spir, Peter" <pspir@westlinnoregon.gov>
Sent: Fri, Dec 8, 2017 at 8:21 AM
Subject: FW: 1875 Carriage Way West Linn

Hi Ivan,

The Fire District will not require a fire apparatus turn-a-round for this project. Any additional construction features (i.e. Fire Sprinklers) due to the excessive grade would need to be worked out with the Building Department.

The State of Oregon does allow the use of alternative construction standards for lack of meeting fire department requirements, however, the authority to enforce these standards rests with the Building Department.

Let me know if you have any more questions.

Ty Darby | Deputy Fire Marshal

Tualatin Valley Fire & Rescue

Direct: 503-259-1409

www.tvfr.com

From: Ivan Cam [mailto:icam26@yahoo.com]
Sent: Thursday, December 07, 2017 11:51 AM
To: Darby, Ty M. <Ty.Darby@tvfr.com>
Subject: 1875 Carriage Way West Linn

Ty, see attachment. We are putting a sprinkler system in house. For vertical we are removing trees and limbs needed. If you can respond to the questions needed it would help. Call if any questions
Thanks for your time.

Ivan Cam

Cell 503-680-8711

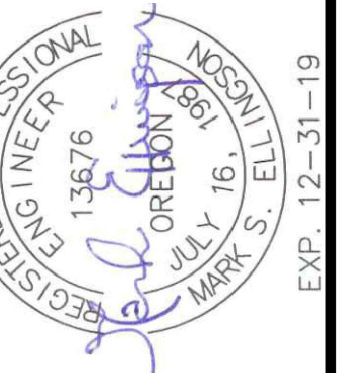


Pacific Northwest Engineering, Inc.

4242 Silver Falls Dr. N., Silverton, OR 97381

Ph. (503) 873-3184 Fax. (503) 873-3907

MSE@PACNWENG.COM



Cam inc. (Ivan Cam)
1875 Carriage Way
West Linn, OR

DATE: 09-29-2018

SCALE: 1"=10'

DRAWN: MSE

CHECKED: MSE

JOB: 18-547

SHEET

1

CARRIAGE WAY

TAX LOT 1200
2 1 E 23BD
LOT 1

15' X 50' UTILITY AND ACCESS EASEMENT
PER THE PLAT OF "SUNBURST"

6' TALL WOVEN
WIRE FENCE

BUILDING
OVERHANG

STA. 1+00
STA. 1+14
R11.0'
L:13.5'

25% EXISTING GRADE

20% GRADE

PC 1+83

R76.0'
L:76.8'

R15.0'
L:14.6'

STA. 2+60
R15.0'
L:14.6'

R15.0'
L:18.10'

4' TALL WOVEN WIRE FENCE

PROPOSED
GARAGE

PROPOSED
MAIN FLOOR

TAX LOT 5400
2 1 E 23CA
TRACT "A"
PLAT NO. 2623

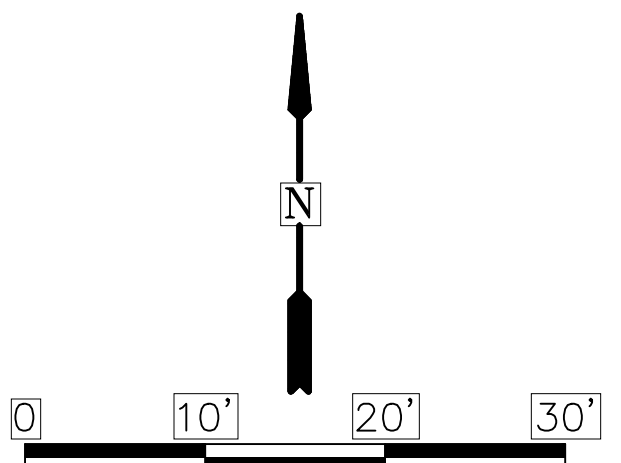
TAX LOT 2101
2 1 E 23CA
PARCEL 1
PLAT NO. 2015-034

EX SAN MH
RIM: 676.31
IE IN: 661.62 (8" SW)
IE IN: 661.85 (8" SE)
IE IN: 671.79 (8" SE)
IE OUT: 661-13 (8"NE)

HARDSHIP NOTE:
THIS LOT WITH THE DRIVE APPROACH
"RIGHT AWAY" EXCEEDING 28% GRADE
HAS EXISTED SINCE THE 1970'S. THE
TOPOGRAPHY WAS NOT CREATED BY
ANY ACTION ON OUR PART.

LEGEND

- PROPOSED WALL
- EXISTING TOPO
- PROPOSED TOPO



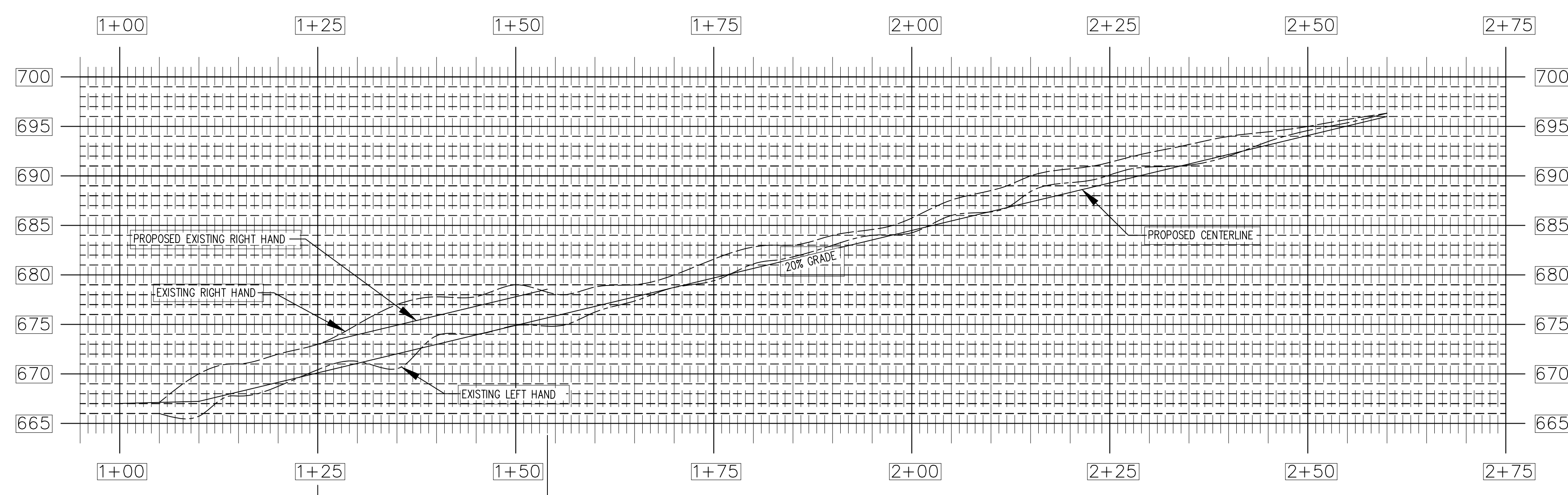


Pacific Northwest Engineering, Inc.
 4242 Silver Falls Dr. N., Silverton, OR 97381
 Ph. (503) 873-3184 Fax. (503) 873-3907
 MSE@PACNWENG.COM

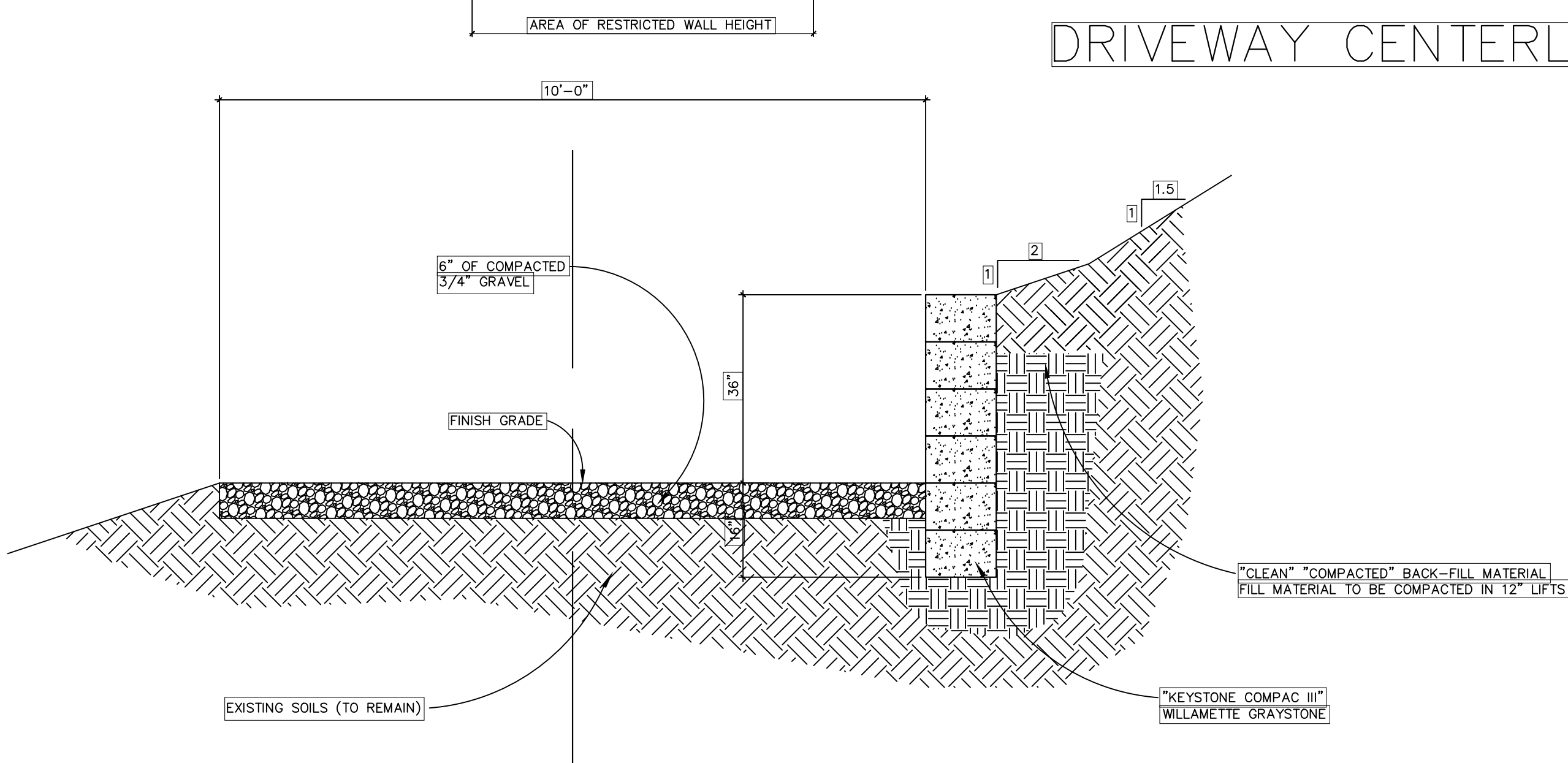


Cam inc. (Ivan Cam)
 1875 Carriage Way
 West Linn, OR

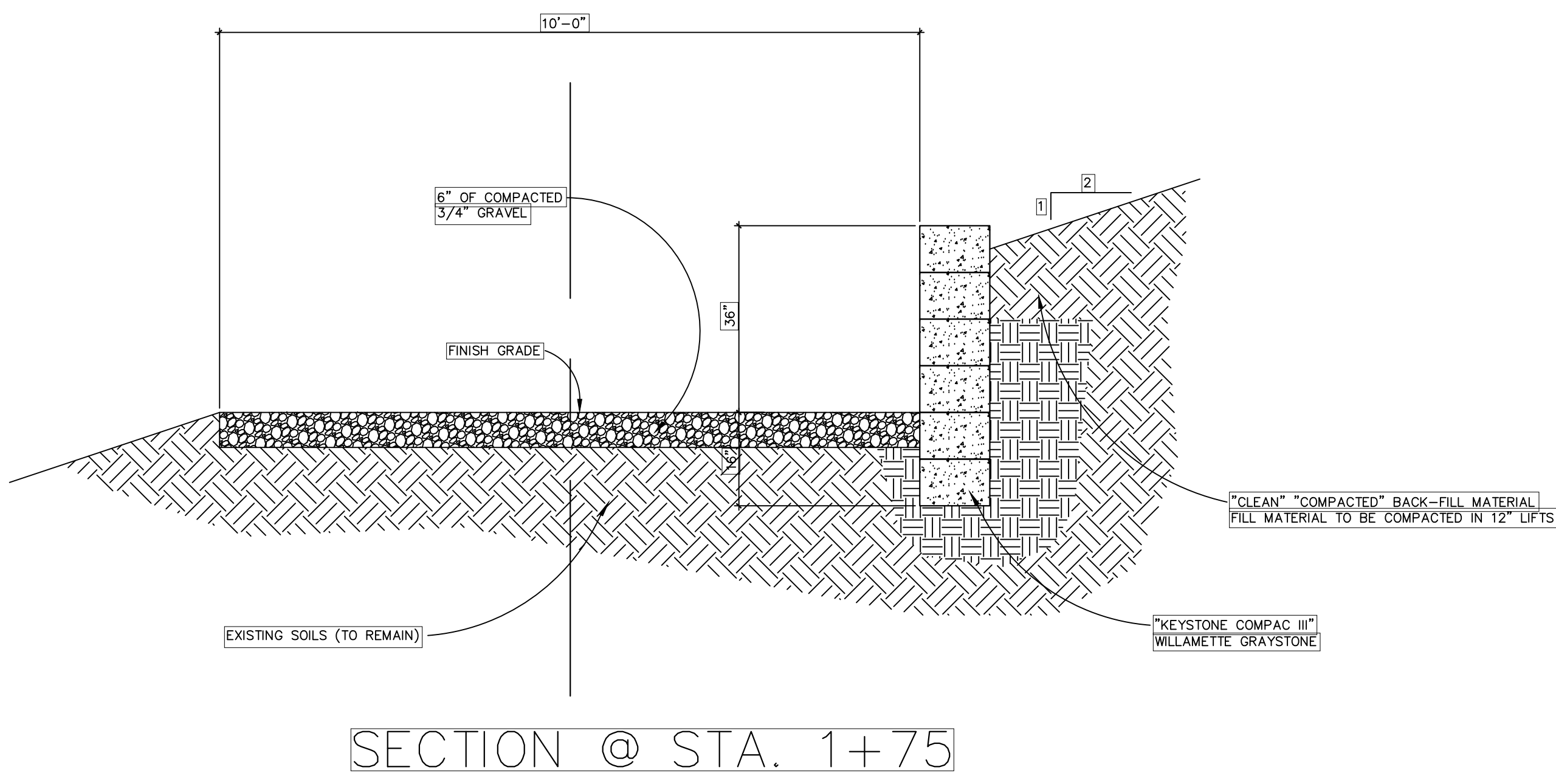
DATE: 09-29-2018
 SCALE: 1"=10'
 DRAWN: MSE
 CHECKED: MSE
 JOB: 18-547
 SHEET



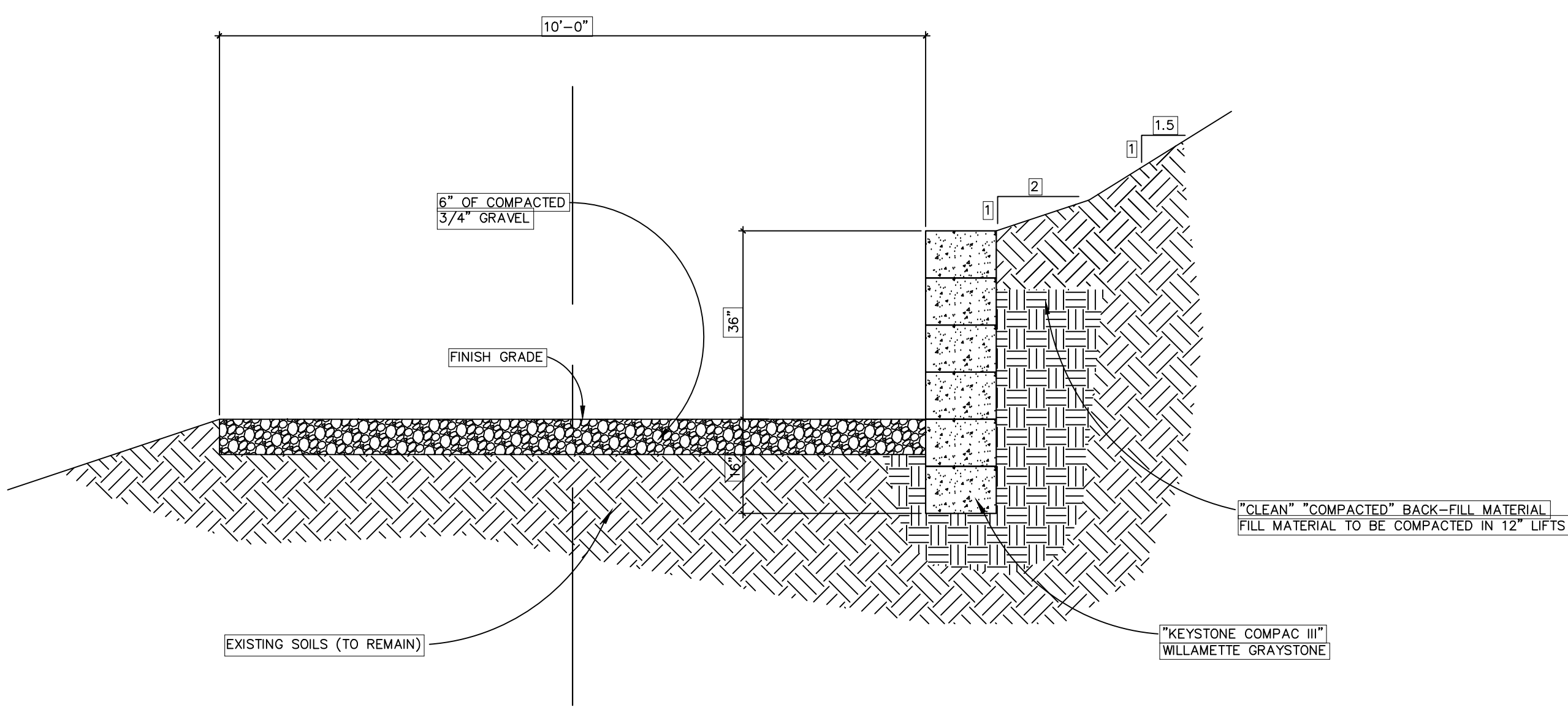
DRIVEWAY CENTERLINE PROFILE



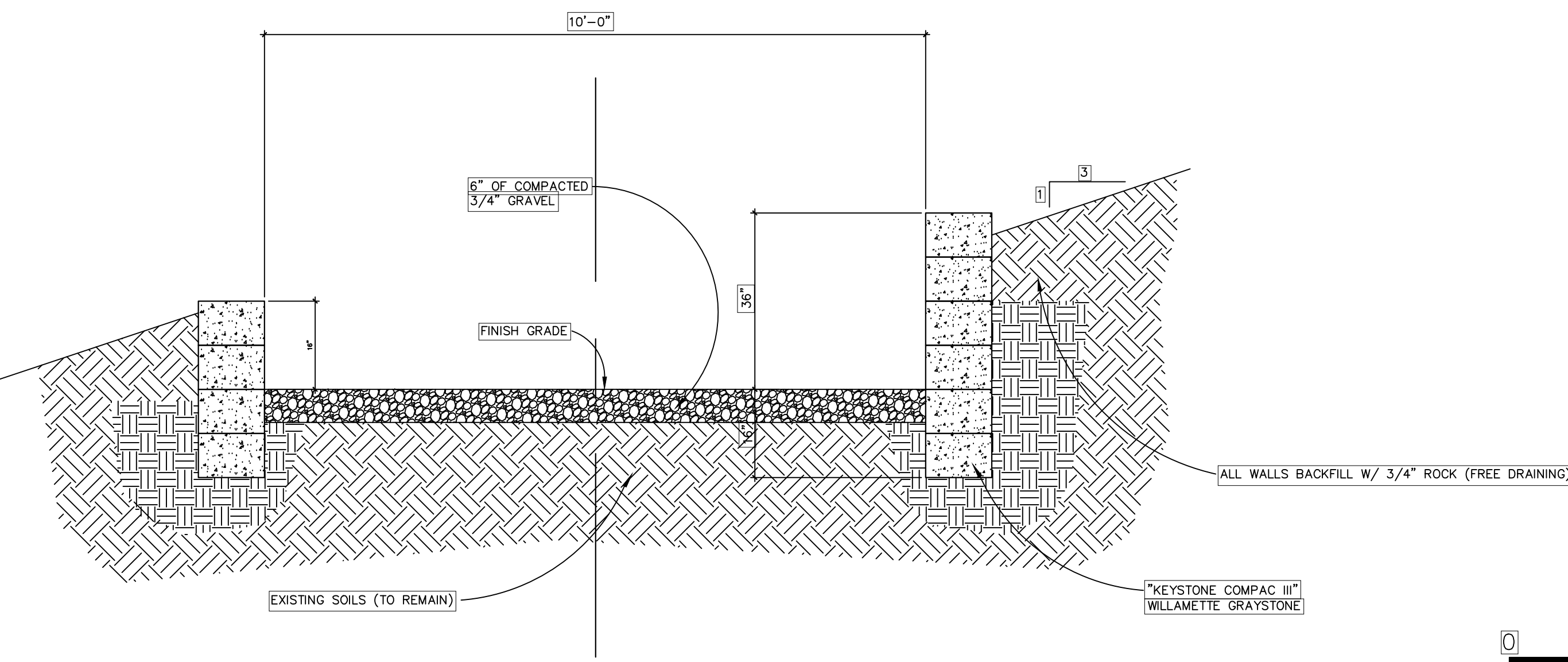
SECTION @ STA. 1+31



SECTION @ STA. 1+75



SECTION @ STA. 1+54



SECTION @ STA. 2+17

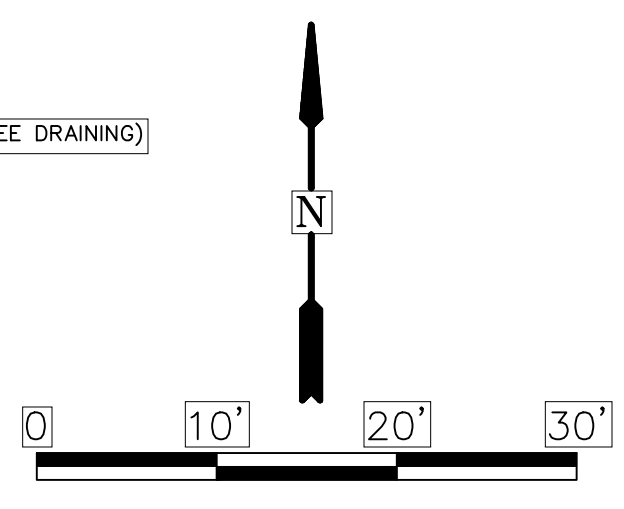


EXHIBIT PC-2: WEST LINN ENGINEERING COMMENTS

From: [Palmer, Morgan](#)
To: ["icam26@yahoo.com"](mailto:icam26@yahoo.com); [Wyss, Darren](#)
Subject: RE: Plans
Date: Tuesday, May 14, 2019 10:42:56 AM

Hi Ivan,

Yes, this looks good. All of our comments have been addressed.

Darren, please consider this email confirmation that Ivan has addressed all of our engineering concerns with his revised plans. Please let me know if you need anything else to process the application.

Thank you,
Morgan

From: Ivan Cam [mailto:icam26@yahoo.com]
Sent: Friday, May 10, 2019 12:29 PM
To: Wyss, Darren <dwyss@westlinnoregon.gov>
Cc: Palmer, Morgan <mpalmer@westlinnoregon.gov>
Subject: Fw: Plans

Guys does this look good. If so do you need hard copies?

[Sent from Yahoo Mail on Android](#)

----- Forwarded Message -----

From: "Evgeni Snegirev" <Evgeni@pacnweng.com>
To: ["icam26@yahoo.com"](mailto:icam26@yahoo.com) <icam26@yahoo.com>
Cc:
Sent: Fri, May 10, 2019 at 9:11 AM
Subject: Plans

Good morning, attached below is the modified plans of 1875 Carriage Way. If you have any questions or concerns please let me know.

Thank you,
Evgeni Snegirev

EXHIBIT PC-3: TUALATIN VALLEY FIRE & RESCUE COMMENTS

From: [Arn, Jason S.](#)
To: [Wyss, Darren](#)
Cc: [Clark, James](#)
Subject: VAR-19-01, 1875 Carriage Way
Date: Wednesday, May 15, 2019 9:39:36 AM
Attachments: [Land Use Application Comment Form.doc](#)

Hi Darren,

Tualatin Valley Fire & Rescue has no additional conditions to add to this residential variance application.

Fire department access and fire flow will be evaluated during the building permit review.

Please let me know if you have any questions or need further.

Best,

Jason Arn | Deputy Fire Marshal

Tualatin Valley Fire & Rescue

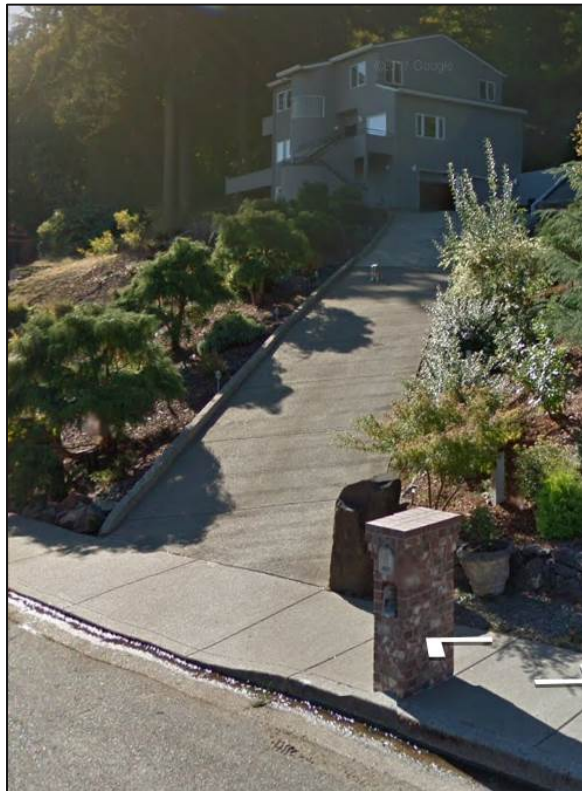
Direct: 503-259-1510

www.tvfr.com

EXHIBIT PC-4: DRIVEWAY GRADE EXAMPLES



6080 Caufield Drive – 19% driveway grade



6040 Caufield Drive – 24% driveway grade



3156 Oak Tree Court – 28% driveway grade



25140 Rancho Lobo Court – 24% driveway grade

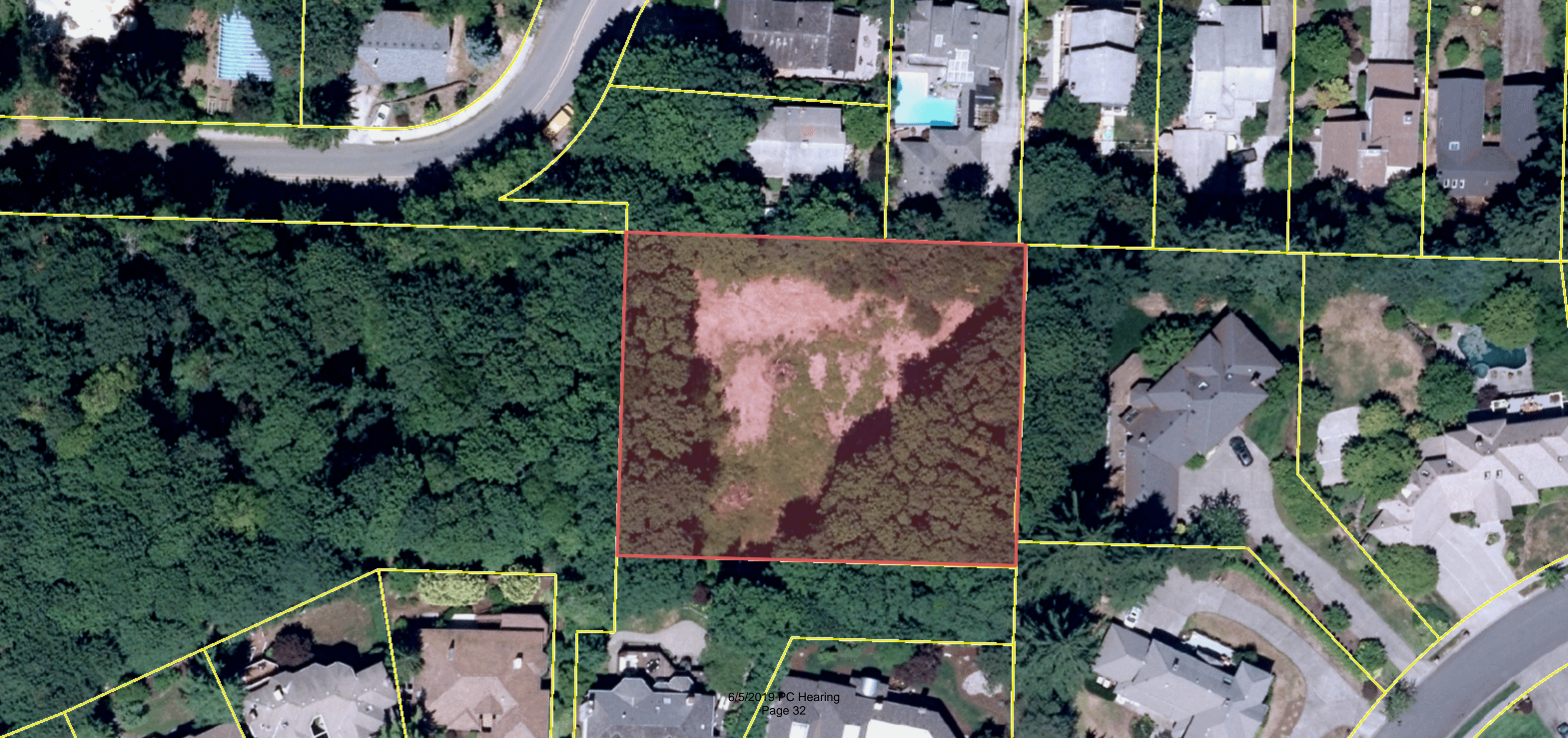


2463 Tipperary Court – 33% driveway grade

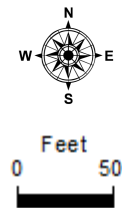
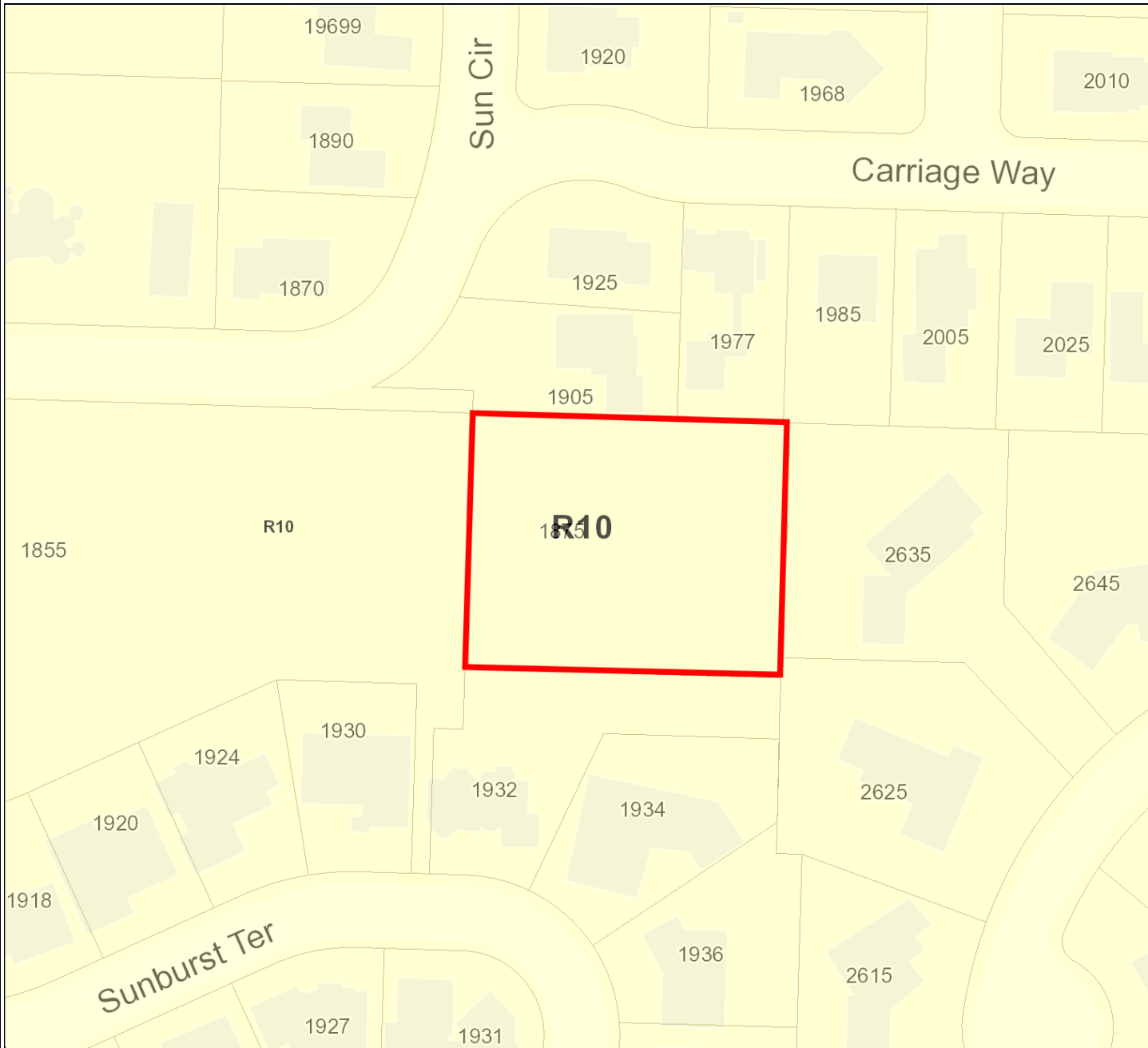


2567 Kilkenny Court – 27% driveway grade

EXHIBIT PC-5: PROPERTY MAPS



1875 Carriage Way Zoning



Scale 1:1,200 - 1 in = 100 ft
Scale is based on 8-1/2 x 11 paper size

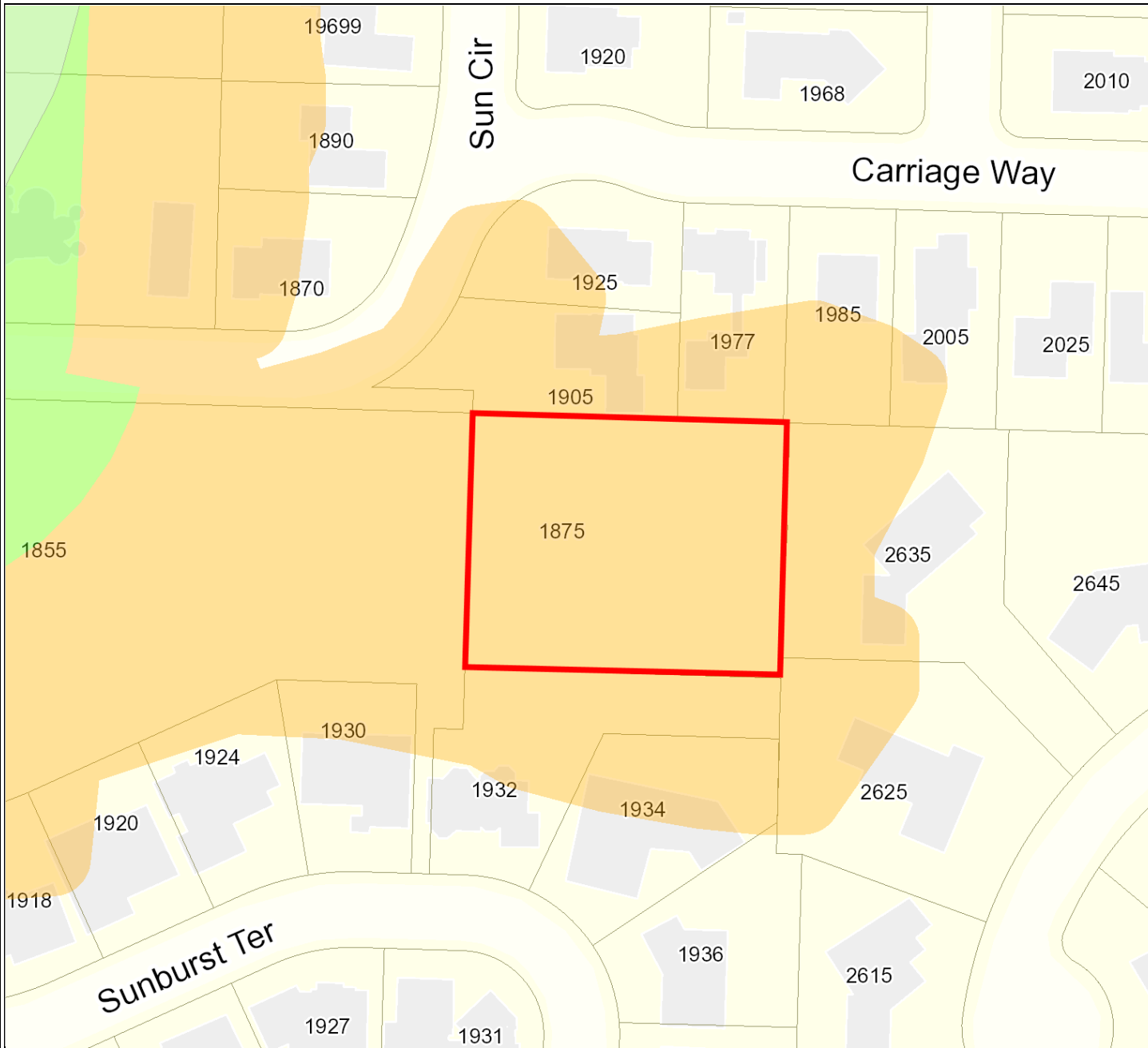


Map created by: DWYSS
Date Created: 21-May-19 03:01 PM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.

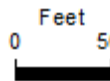
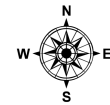
1875 Carriage Way Environmental Overlays



Legend

Metro Habitat Protection
Published October 2005

- Habitat Conservation Area
- Allow Development



Scale 1:1,200 - 1 in = 100 ft
Scale is based on 8-1/2 x 11 paper size

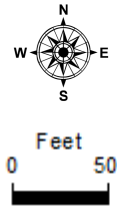
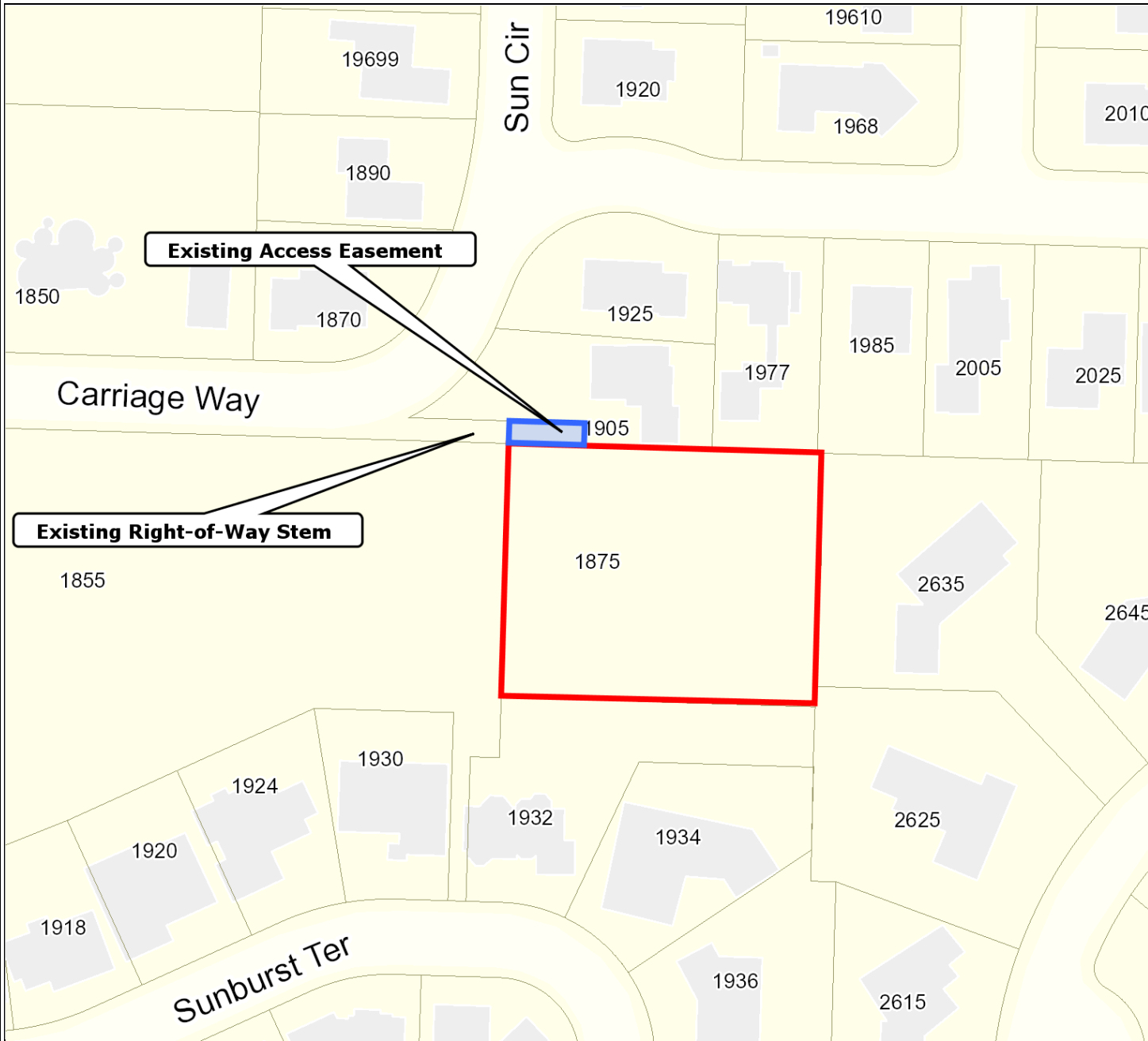


Map created by: DWYSS
Date Created: 21-May-19 03:02 PM

WEST LINN GIS

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1875 Carriage Way Access



Scale 1:1,200 - 1 in = 100 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: DWYSS
Date Created: 21-May-19 03:15 PM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapOptix.

EXHIBIT PC-6: AFFIDAVIT AND NOTICE PACKET

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-19-01 Applicant's Name Juan Cam
Development Name Driveway Variance at 1875 Carnegie Way
Scheduled Meeting/Decision Date PC 6/5/2019

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 below)

TYPE A

A. The applicant (date) 5/16/2019 (signed) Dan S Up
B. Affected property owners (date) 5/16/2019 (signed) Dan S Up
C. School District/Board (date) _____ (signed) _____
D. Other affected gov't. agencies (date) _____ (signed) _____
E. Affected neighborhood assns. (date) 5/16/2019 (signed) Dan S 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) 5/23/2019 (signed) Dan S Up
City's website (posted date) 5/16/2019 (signed) Dan S Up

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) 5/23/2019 (signed) Dan S Up

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 below)

TYPE B

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) _____

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

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

(date) 5/23/2019 (signed) Dan S Up

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
PUBLIC HEARING NOTICE
FILE NO. VAR-19-01**

The West Linn Planning Commission will hold a public hearing, on **Wednesday, June 5, 2019, starting at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request for a Class II Variance to allow a private driveway with a grade in excess of the allowed 15 percent at 1875 Carriage Way.

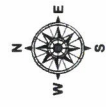
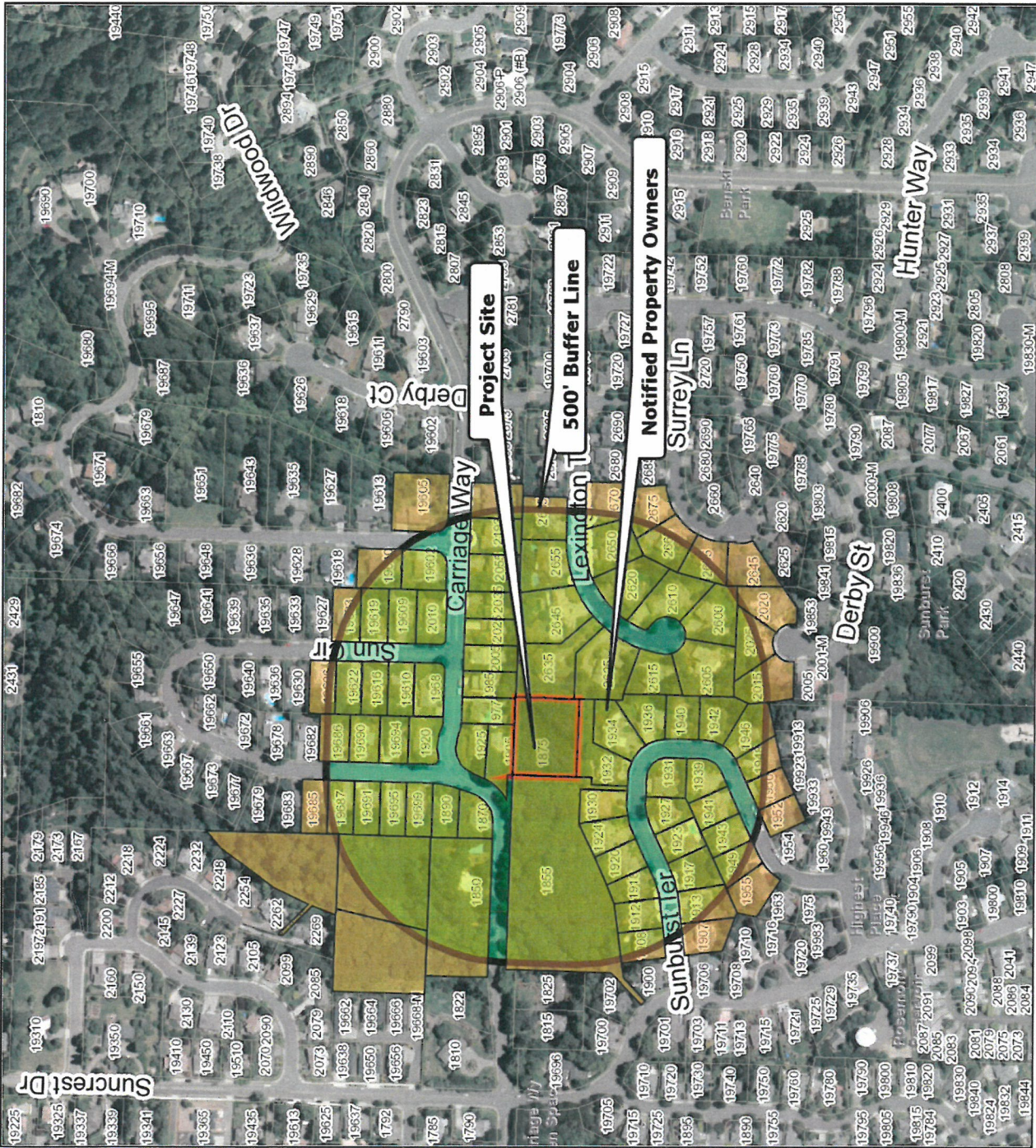
The decision by the Planning Commission to approve or deny this request will be based upon the applicable criteria found in Chapters 48 and 75 of the West Linn Community Development Code. At the hearing, it is important that comments relate specifically to the applicable criteria.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the subject property (Clackamas County Assessor's Map 2S-1E-23CA, Tax Lot 2101), or as otherwise required by Chapter 99 of the CDC.

The complete application in the above noted file is available for inspection at no cost at City Hall or via the web site at <https://westlinnoregon.gov/planning/1875-carriage-way-class-ii-variance-driveway-grade> or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available for inspection. For further information, please contact Associate Planner Darren Wyss at dwyss@westlinnoregon.gov or 503-742-6064. Alternately, visit City Hall, 22500 Salamo Road, West Linn, OR 97068.

The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC. 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 presentation, and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, leave the record open for additional evidence, arguments, or testimony, or close the public hearing and take action on the application as provided by state law. **In the event that the Planning Commission decision is appealed, City Council review of the appeal will be de novo.** 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 (LUBA) based on that issue.

1875 Carriage Way Notification Map



Scale 1:4,800 - 1 in = 400 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 23-Apr-19 04:00 PM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map scale is approximate. Source: West Linn GIS (Geographic Information System) MapInfo.



**NOTICE OF UPCOMING
PLANNING COMMISSION DECISION**

**PROJECT # VAR-19-01
MAIL: 3/16/2019 TIDINGS: 3/23/2019**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

EXHIBIT PC-7: COMPLETENESS LETTER



CITY OF
West Linn

May 13, 2019

Ivan Cam
P.O. Box 231
Woodburn, OR 97071

SUBJECT: Application for Class II Variance for driveway grade at 1875 Carriage Way (VAR-19-01)

Dear Mr. Cam:

Your application submitted on April 23, 2019 has been deemed **complete**. The city has 120 days to exhaust all local review; that period ends September 10, 2019.

Please be aware that determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Commission to render a decision on your proposal.

A 20-day public notice will be prepared and mailed for a public hearing scheduled before the Planning Commission at 6:30pm on June 5, 2019. The staff report will be available 10 days prior to the hearing. You should plan on attending the hearing.

Please contact me at 503-742-6064, or by email at dwyss@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Darren Wyss
Associate Planner