



**STAFF REPORT
FOR THE PLANNING COMMISSION**

FILE NUMBER: VAR-21-04

HEARING DATE: June 16, 2021

REQUEST: Class II variance to allow a swimming pool to be located within the rear and side-yard setbacks of 2182 Tannler Drive.

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 12: Single-Family Residential, Detached and Attached (R-7); Chapter 34 Accessory Structures, Accessory Dwelling Units, and Accessory Uses; Chapter 75: Variances and Special Waivers; Chapter 99: Procedures for Decision-Making: Quasi-Judicial.

STAFF REPORT PREPARED BY: John Floyd, Associate Planner

Community Development Director's Initials *JRW*

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GENERAL INFORMATION

OWNER: Katie Spurlock
2182 Tannler Drive
West Linn, OR 97068

APPLICANT: Ritchie Cameron
17300 SE 82nd Drive
Clackamas, OR 97015

SITE LOCATION: 2182 Tannler Drive

LEGAL DESCRIPTION: Lot 3 of Savanna Heights Subdivision, Plat No. 4542
Clackamas County Assessor's Map 2S-1E-35BA, Tax lot 20803

SITE SIZE: 9,586 square feet

ZONING: R-7, Single-Family Residential Detached and Attached

COMP PLAN DESIGNATION: Low-Density Residential

120-DAY PERIOD: This application became complete on May 25, 2021. The 120-day maximum application-processing period ends on September 22, 2021.

PUBLIC NOTICE: Notice was mailed to property owners within 500 feet of the subject property and all neighborhood associations May 26, 2021. Notice was published in the West Linn Tidings on June 2, 2021. The property was posted with a notice sign on June 2, 2021. The notice and application were posted on the City's website June 2, 2021. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant has applied for a Class II variance to allow an approximately 512 square foot swimming pool and associated deck area to be located within side yard and rear yard setbacks applicable in the R-7 zone. Specifically, the eastern side yard setback would be reduced from 7.5 feet to 3 feet, and the rear setback would be reduced from 20 feet to 9.5 feet. The subject lot is irregular in shape and is the basis for the variance.

As noted on the proposed site plan, the irregular shape of the lot has resulted in a rear yard that is triangular in shape, making the construction of a rectangular pool difficult given the setbacks applicable in this zone. The shape of the lot is the result of a curve in Bland Street, located along the southern property line, which was reviewed and approved by the Planning Commission as part of the Savanna Heights Subdivision (SUB-15-02).

A single-family home was recently constructed, with final occupancy being issued by the city in March, 2020. The current owner purchased the home in June, 2020, and now seeks to make improvements consistent with other homes within the city.

The City Arborist, City Building Official, and Tualatin Valley Fire & Rescue reviewed the project and had no comments. West Linn Engineering Division commented that an existing drywell will need to be addressed as part of the building permit review, and must be relocated to a location outside of an existing public utility easement and public right-of-way. As this will be addressed as part of the building permit review process, a revision or condition of approval is not recommended by staff.

Public comment:

As of the publication date of this report, staff has received one letter from Alice Richmond dated June 16, 2021 (Exhibit PC-2). The letter is generally in support of the project, but requested a condition of approval to require relocation of vehicle access from Tannler Drive to Bland Circle. Staff does not recommend adoption of such a condition as the Planning Commission previously reviewed access for this parcel under SUB15-02 and VAR-20-03, and the addition of the pool is not anticipated to change the nature or intensity of the residential use.

RECOMMENDATION

Staff recommends approval of application VAR-21-04, 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 all Tentative Plan Sheets as seen on PC-1.**

**ADDENDUM
PLANNING COMMISSION STAFF REPORT**

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

CHAPTER 12

SINGLE-FAMILY RESIDENTIAL DETACHED AND ATTACHED, R-7

12.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

Staff Finding 1: This property is a residential lot within a 6-lot subdivision approved in 2015 (SUB-15-02). The proposed accessory structure is a swimming pool for the use of the occupants of an existing single-family home on the same lot. As further discussed in staff findings 4 and 5, the project complies with CDC Chapter 34 as amended through a Class II Variance under CDC Chapter 75. This standard is met.

12.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

G. The maximum lot coverage shall be 35 percent.

Staff Finding 2: For residential land uses, lot coverage is defined in CDC 02.030 as that area covered by the principal residence and any accessory structures requiring a building permit. As the pool requires a permit, it is therefore subject to lot coverage limitations. Per the proposed plans in Exhibit PC-1, the total lot coverage would increase to 27.22% which is less than the maximum allowed. This standard is met.

E. The minimum yard dimensions or minimum building setback areas from the lot line shall be:

- 1. For the front yard, 20 feet, except for steeply sloped lots where the provisions of CDC 41.010 shall apply.*
- 2. For an interior side yard, seven and one-half feet.*
- 3. For a side yard abutting a street, 15 feet.*
- 4. For a rear yard, 20 feet.*

Staff Finding 3: As discussed in Staff Findings 4 and 5, accessory structures larger than 500 square feet must comply with base zone setbacks, in this case 20 feet from the front property line, 7.5 feet from the side property line, and 20 feet from the rear property line. The project is in compliance with front yard setback requirements, and the applicant has submitted for a Type II Variance to provide relief from the side yard and rear yard setbacks as discussed later in this report. Through the variance, these standards are met.

Chapter 34

ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES
34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

A. Accessory structures shall comply with all requirements for the principal use except as provided in CDC 34.040 and where specifically modified by this code as follows.

Staff Finding 4: As discussing in staff findings 3, 5, and 7 through 12, the applicant has applied for relief from this standard through a Type II Variance application permitted under CDC Chapter 75. With the variance, this standard is met.

B. A side yard or rear yard requirement may be reduced to three feet for an accessory structure except for a side or rear yard abutting a street, with the exception of alleys platted and dedicated prior to September 30, 1984, as defined in this code; provided, that:

1. The structure is erected more than 60 feet from the front lot line;
2. The structure does not exceed one story or 15 feet in height;
3. The structure does not exceed an area of 500 square feet; and
4. The structure does not violate any existing utility easements.

Staff Finding 5: The proposed pool and deck area will be approximately 542 square feet in size. Therefore, reduced setbacks available under this section are not applicable.

CHAPTER 75, VARIANCES AND SPECIAL WAIVERS

75.020 CLASSIFICATION OF VARIANCES

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.

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 7: The applicant has constructed one single-family home on a lot of record zoned R-7, and lots within the immediate vicinity are developed with single-family homes of similar size. The CDC identifies swimming pools as a typical residential accessory structure in the definitions chapter (CDC 02.030). The pool and associated deck areas will be

approximately 542 square feet, or less than 6% of the total lot and of similar size to other private residential pools within the city (Exhibit PC-1). This criterion is met.

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

Staff Finding 8: Staff incorporates applicant findings (Exhibit PC-1) as excerpted below. This criterion is met.

“When the property was recently sub-divided to allow for multiple single-family residences, and to allow all lots, including this one, to meet the minimum size requirements, this specific lot was positioned with its rear property line abutting an existing roadway. The roadway is a curved road, which results in this lot having a rear yard that is somewhat triangular in shape, with the most acute angle being at the rear-most point of the property. Thus resulting in a shape of the lot as to make the installation of almost any swimming pool impossible without encroaching into the setbacks.”

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

Staff Finding 9: Staff incorporates applicant findings (Exhibit PC-1) that state that the potential for economic development is not a factor. This criterion does not apply.

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 10: Approval of the variance will not result in a violation of any other code standard. As demonstrated on the proposed site plan, the 8 foot public utility easement along the southern portion of the property will not be encroached upon. The purpose of the regulation will still be achieved through the remaining 3-foot side yard setback and 9.5-foot rear yard setback, that when combined with the existing wooden fencing will provide for visual and physical separation. This criterion is met.

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

Staff Finding 11: Neither the applicant nor the owner has created the need for the variance. The curve in Bland Street is evident in historical aerial photos at least as far back as 1968. The affected lot created in response to this curve was approved by the City in 2015, recorded in 2018, and sold to the current owner in 2020. Therefore, the need for the variance was created by actions made prior to the applicant and owner. This criterion is 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 12: The applicant has requested one variance. This criterion does not apply.

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 13: A pre-application meeting was held on March 4, 2021 (Exhibit PC-6). This standard is 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 14: The applicant proposal will be heard by the Planning Commission at a public hearing scheduled for June 16, 2021. This standard will be met.

99.080 NOTICE

Notice shall be given in the following ways:

A. Class A Notice. (...)

Staff Finding 15: The applicant proposal has been properly noticed by the City per Exhibit PC-4. This standard is met.

EXHIBIT PC-1: APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT JOHN FLOYD	PROJECT NO(S). VAR-21-04	PRE-APPLICATION NO. PA-21-04
NON-REFUNDABLE FEE(S) \$2,900	REFUNDABLE DEPOSIT(S)	TOTAL \$2,900

Type of Review (Please check all that apply):

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

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:	Assessor's Map No.: 21E35BA
2182 TANNER DR, WEST LINN, OR 97068	Tax Lot(s): 20803
	Total Land Area: 9,586 SF

Brief Description of Proposal:

WE PROPOSE TO ENCROACH INTO SETBACKS A TOTAL OF 172 SQUARE FEET TO ALLOW THE INSTALLATION OF A FIBERGLASS INGROUND SWIMMING POOL ONTO AN IRREGULAR SHAPED PROPERTY.

Applicant Name: Ritchie Cameron <small>(please print)</small>	Phone: 503.209.6248 (cell)
Address: 17300 SE 82nd Dr	Email: ritch.cameron@classicpoolandspa.com
City State Zip: Clackamas, OR 97015	

Owner Name (required): Katie Spurlock <small>(please print)</small>	Phone: 503.522.8779
Address: 2182 TANNER DRIVE	Email: kspurlock@windermere.com
City State Zip: WEST LINN, OR 97068	

Consultant Name: <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

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 decision may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **One complete hard-copy set of application materials must be submitted with this application.**
One complete digital set of application materials must also be submitted electronically in PDF format.
If large sets of plans are required in application please submit one set.

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.

<i>Ritchie Cameron</i>	04/09/2021	<i>K. Spurlock</i>	4/8/21
Applicant's signature	Date	Owner's signature (required)	Date

Received 4/12/21
by LS

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May 13, 2021

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

RE: Katie Spurlock Class II Variance Application
2182 Tannler Dr.
West Linn, OR 97068

SUBJECT: VAR-21-04 Application for a Class II variance to allow a swimming pool to be located within the rear and side-yard setbacks of 2182 Tannler Drive.

Dear Mr. Floyd:

On May 6, 2021, we received notice that the above referenced Application was deemed incomplete and additional information was requested. Below, and attached, is the additional information requested.

1. CDC Chapter 75.050.C.1 – Narrative

Please revise your response to CDC 75.020.B.1(a)(2) to more clearly address the shape of the lot and why a pool cannot be located within the standard setbacks.

Reply;

When the property was recently sub-divided to allow for multiple single-family residences, and to allow all lots, including this one, to meet the minimum size requirements, this specific lot was positioned with its rear property line abutting an existing roadway. The roadway is a curved road, which results in this lot having a rear yard that is somewhat triangular in shape, with the most acute angle being at the rear-most point of the property. Thus resulting in a shape of the lot as to make the installation of almost any swimming pool impossible without encroaching into the setbacks.

Page 1 of 2

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2. CDC Chapter 75.060.B.2(a) – “The lot or parcel configuration and dimensions, and the location of all existing structures; the setback distances and the location of all structures on abutting units of land, and the setback distances”

Please revise the site plan to include all existing and proposed structures, including:

- Retaining walls
- Fences
- Utility Boxes

Reply;

Attached landscaping site plan identifies a 24” high landscape wall. For the variance application VAR-21-04, there are no retaining walls proposed.

Attached Classic Pool Spa and Hearth revised site plan, pages 01 and 02, identify fencing and utility boxes.

Note regarding Utility Boxes; the water meter for this residence is not installed on this lot, and therefore is not shown. (The water meter is located next to the curb, on Tannler Dr., and is at least 200’ east of the property line of 2182 Tannler Dr. at its closest point.)

If you have any questions at all, please feel free to give me a call.

Ritchie Cameron
503.209.6248 (cell)

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April 9, 2021

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

RE: Katie Spurlock Class II Variance Application
2182 Tannler Dr.
West Linn, OR 97068

We have performed a review of the City Variance requirements, and the following is our formal application for a Class II variance for and on behalf of Katie Spurlock.

West Linn Community Development Code

Chapter 12

SINGLE-FAMILY RESIDENTIAL DETACHED AND ATTACHED, R-7

12.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

Chapter 34

34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

A. Accessory structures shall comply with all requirements for the principal use except as provided in CDC 34.040 and where specifically modified by this code as follows.

This variance request is to modify the rear and side yard setbacks of the property, as specified in 12.070, to allow for the installation of a fiberglass inground swimming pool.

Chapter 2

02.030 SPECIFIC WORDS AND TERMS

For the purpose of these regulations, the following terms or words are defined as follows.

Accessory dwelling unit (ADU). Attached or detached dwelling unit which is secondary to the primary dwelling unit and intended to provide convenient and affordable housing opportunities.

Accessory structure. A subordinate structure with a maximum area of 1,500 square feet, except for agricultural buildings, located on a lot or parcel with a principal use, the use of which is clearly incidental to and associated with the principal use. Examples of **accessory structures include**, but are not limited to, the following:

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1. Greenhouse or hothouse;
2. **Swimming pools;**
3. Children's playhouses and structures;
4. Sheds;
5. Barns;
6. Gazebos;
7. Solar and wind energy systems;
8. Garages;
9. Dog houses for up to four dogs, bird feeders, or other pet shelters;
10. Appurtenances such as mailboxes and heat pumps; and
11. Similar structures as determined by the Planning Director.

(NOTE: **Bold** accents added by CPS&H)

Chapter 12

12.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

- A. The minimum lot size shall be:
 1. For a single-family detached unit, 7,000 square feet.
 2. For each attached single-family unit, 5,500 square feet. No yard shall be required between the units.
- B. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
- C. The average minimum lot width shall be 35 feet.
- D. Repealed by Ord. 1622.
- E. The minimum yard dimensions or minimum building setback areas from the lot line shall be:
 1. For the front yard, 20 feet, except for steeply sloped lots where the provisions of CDC 41.010 shall apply.
 2. **For an interior side yard, seven and one-half feet.**
 3. For a side yard abutting a street, 15 feet.
 4. **For a rear yard, 20 feet.**
- F. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of CDC 41.010 shall apply.

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G. The maximum lot coverage shall be 35 percent.

(NOTE: **Bold** accents added by CPS&H)

Chapter 75

VARIANCES AND SPECIAL WAIVERS

75.020 CLASSIFICATION OF VARIANCES

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.

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 swimming pools as accessory structures in this zone.

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

The physical shape of this property is the reason for this variance request. The 20' rear setback creates a condition that the property cannot be used in a manner consistent with the underlying zoning and the addition of an accessory structure. We propose to encroach into one specific area of the rear yard setback with 105 square feet of accessory structure and impervious surface. We also propose, in order to mitigate the amount of encroachment into the rear yard setback, to encroach into the side yard setback with 72 square feet of accessory structure and impervious surface.

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

The potential for economic development on this property is not a factor.

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.

The variance will not result in the violation of any other code standards. (The eight foot P.U.D. easement on the rear property line will be maintained.)

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

The unique shape of the property was not created by us or the homeowner.

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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.

This request is for one variance only. No special waivers, other than what is included within, are proposed.

Additional information that is relevant to this variance request;

Because the swimming pool is an inground swimming pool, there is nothing above ground that will visually affect the adjoining property owners enjoyment of their property. The swimming pool equipment will be installed in the crawlspace of the home – thereby assuring there will be no visual or sound effects to the adjoining property owners for the enjoyment of their property.

Also, there is existing fencing on the property that shields, to an extent, the swimming pool from the adjoining property owners view.

In addition, the owner of this property is planning on planting shrubs between the pool deck and the existing fencing along the side yard to further visually shield the pool from the adjoining property owners.

Staff Summary Sheet, PA-21-04:

Item #3 references a dry well. Our research has found that the reference is actually for an underground drain line that runs from the crawlspace to a point as indicated on the site plan. Should the drain line be ‘discovered’ during the installation of the swimming pool, it will be relocated a minimum of five feet away from the swimming pool. Any required inspections will be called for before it is covered.

Item #5 requests attention be paid to the lot coverage. A note on the site plans addresses the issue, and affirms that the maximum lot coverage will not be exceeded.

Item #7 has been discussed with West Linn Building Department, and the position of the swimming pool in the site plan complies with the answer given.

Item #8, to our knowledge, has not been followed up by staff.

Chapter 99

PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

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

A. Who may apply.

1. Applications for approval required under this chapter may be initiated by:

a. The owner of the property that is the subject of the application or the owner’s duly authorized representative;

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A Latham *Grand Dealer*.

This application is being submitted at the request of the property owner, Katie Spurlock, by Ritchie Cameron, on behalf of Classic Pool Spa and Hearth (address and phone number below).

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;

As noted above, PA-21-04 pre-application conference for this Class II variance application has been completed.

If you have any questions at all, please feel free to give me a call.
Ritchie Cameron
503.209.6248 (cell)

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APPROXIMATE
FOOTPRINT OF
23109 BLAND CIR

APPROXIMATE
FOOTPRINT OF
2176 TANNER DR

1/30" = 1'



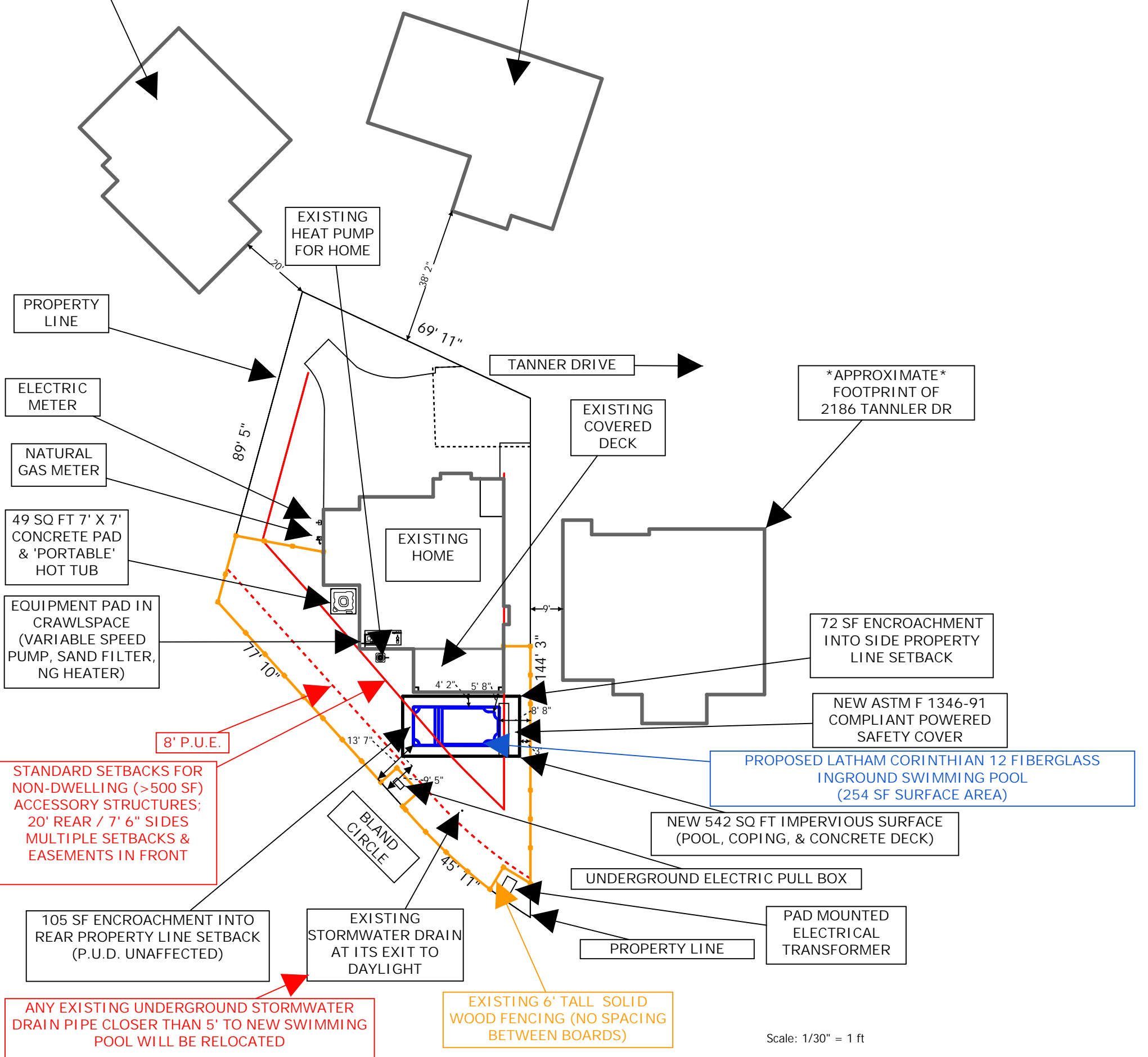
APPLICANT CONTACT INFORMATION;
Classic Pool Spa and Hearth
Ritchie Cameron
503.209.6248 (cell)
ritch.cameron@classicpoolandspa.com

VERSION 03
PAGE 1 of 2
05/12/2021

Primary Address: 2182 Tanner Dr
West Linn, OR 97068
Taxlot: 21E35BA20803

Katie Petzold Spurlock
LATHAM CORINTHIAN 12 FIBERGLASS
INGROUND SWIMMING POOL

CLASSIC POOL SPA & HEARTH
POOLS • SPAS • STOVES • FIREPLACES
17875 SE 82nd Dr., Gladstone, OR 97027
503.656.0021 OR CCB #60675



LOT COVERAGE: 35% MAX (R-7)
LOT AREA; 9,586 SF
MAXIMUM LOT COVERAGE; 3,355 SF

PROPOSED MODIFICATIONS TO PROPERTY;

BUILDING COVERAGE:
EXISTING STRUCTURE; 2,356 SF
ADD SWIMMING POOL; 254 SF
TOTAL PROPOSED COVERAGE; 2,610 SF (27.22%)

IMPERVIOUS SURFACES
ADD 542 SF POOL AND CONCRETE POOL DECK
ADD 49 SF CONCRETE HOT TUB PAD
PROPOSAL TOTAL ADDED; 591 SF
PROPOSED TOTAL; 4,888 SF.

ENCROACHMENT INTO SETBACKS
PROPOSED SIDE YARD ENCROACHMENT; 72 SF.
PROPOSED REAR YARD ENCROACHMENT; 105 SF.
PROPOSED TOTAL ENCROACHMENTS; 177 SF.

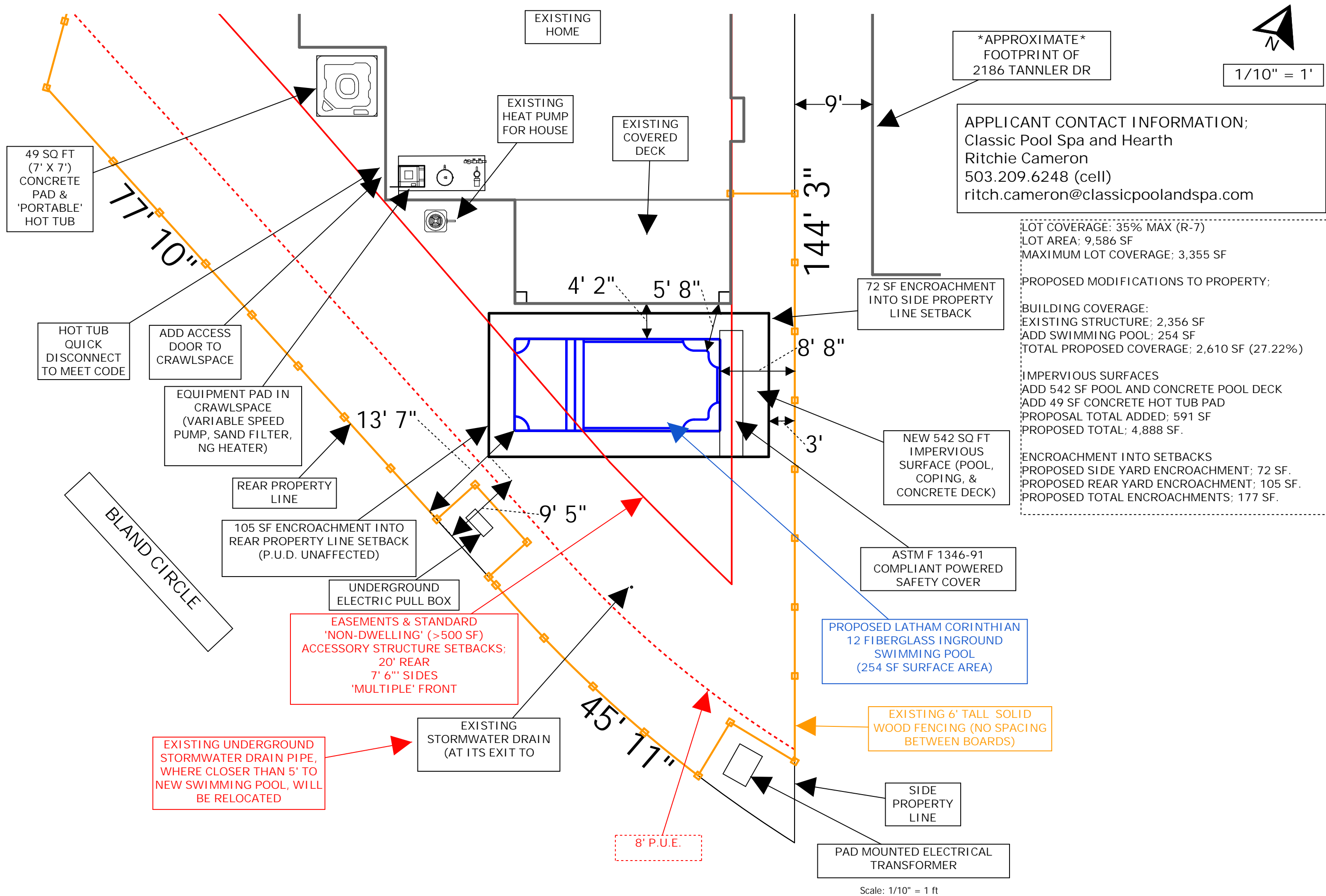
STANDARD SETBACKS FOR
NON-DWELLING (>500 SF)
ACCESSORY STRUCTURES;
20' REAR / 7' 6" SIDES
MULTIPLE SETBACKS &
EASEMENTS IN FRONT

105 SF ENCROACHMENT INTO
REAR PROPERTY LINE SETBACK
(P.U.D. UNAFFECTED)

ANY EXISTING UNDERGROUND
STORMWATER DRAIN PIPE
CLOSER THAN 5' TO NEW
SWIMMING POOL WILL BE
RELOCATED

EXISTING 6' TALL SOLID
WOOD FENCING (NO SPACING
BETWEEN BOARDS)

Scale: 1/30" = 1 ft



1/10" = 1'

APPROXIMATE
FOOTPRINT OF
2186 TANNER DR

APPLICANT CONTACT INFORMATION;
Classic Pool Spa and Hearth
Ritchie Cameron
503.209.6248 (cell)
ritch.cameron@classicpoolandspa.com

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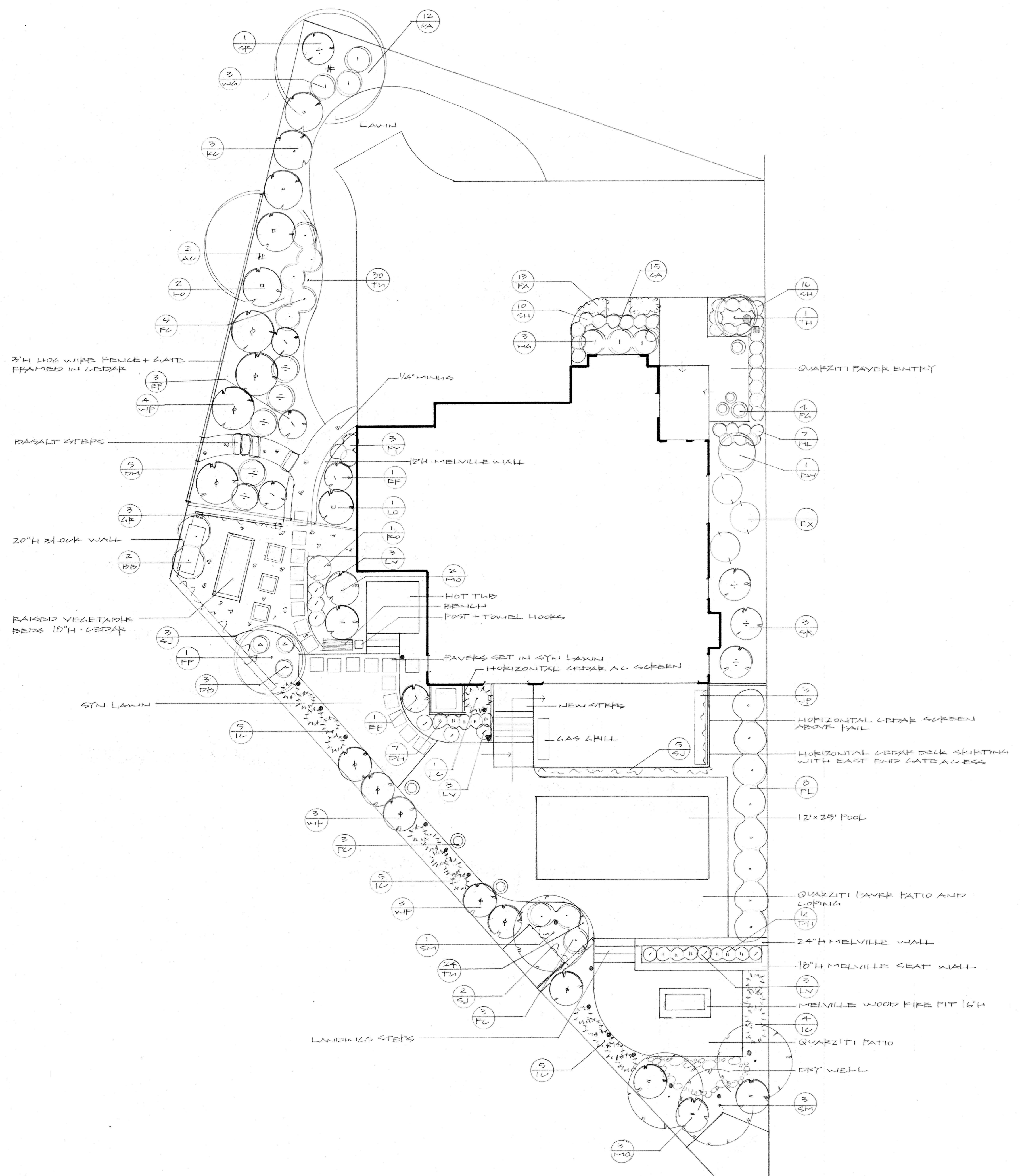
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Katie Petzold Spurlock
LATHAM CORINTHIAN 12 FIBERGLASS
INGROUND SWIMMING POOL

Scale: 1/10" = 1 ft

REVISIONS	BY



- Legend**
- AC Akebono Flowering Cherry
 - BB Black Bamboo in black powder coated planter
 - CA Camassia
 - DB Dwarf Blueberry
 - DH Dahlia
 - DM Dwarf Mock Orange
 - EF Eternal Fragrance Daphne
 - EW Edgeworthia
 - EX Existing Flax moved
 - FC Pink Flower Carpet Rose
 - FP Fuji Persimmon
 - GR Grapes
 - HL Helleborus
 - IC Italian Cypress
 - JP Star Jasmine in black powder coated planter
 - KC Kanjro Camellia
 - LC Lemon Cypress
 - LO Loropetalum
 - LV Lavender
 - MO Mexican Orange
 - PA Pachysandra
 - PC Pot of Citrus
 - PG Pot of Gardenia
 - PL Portuguese Laurel
 - PY Peony
 - RO Rosemary
 - SH Sarcococca humilis
 - SJ Star Jasmine on trellis
 - SM Dwarf Southern Magnolia
 - SR Sarcococca ruscifolia
 - TH Tree form Waxleaf Privet or Hydrangea
 - Wg Wedding Gown Hydrangea
 - WP Waxleaf Privet
 - ▽ Water Bio moved
 - Up Light

SPURLOCK
 2102 TANKLER DR. WEST LINN

Date
Scale 1/8"=1'-0"
Drawn
Job
Sheet 1
Of 1 Sheets

EXHIBIT PC-2: LETTER FROM ALICE RICHMOND DATED JUNE 16, 2021

for June 16, 2021 at 6:30 p.m.

this class II variance - 21-04 to build a swimming pool 12 ft x 25 ft in lot 2182 in an area where lots are a challenge even if said applicant owns the adjacent (yet) vacant lots.

the share driveway in this location (behind the frontaged-lots) creates a worrisome safety and security factors, even a distraction to Bland circle.

Unless 2182/2192/2196 are removed from this shared drive alley type access to these residences, and relocate their access to their home from Tumbler dr. and Bland circle, it might alleviate its traffic safety burden. - - -
- a pool invites pool parties, children's curiosity, and also other usage - etc.

Inasmuch, this whole circled lots area is so miss match shaped, I question how it was approved to be subdivided. Now, is the time, to facilitate certain driveways to access with safely traffic manner.

a Conditional approval is appropriate here when such infrastructure as a swimming pool is added.

a pool 12 ft by 25 ft is a major activity, social and sport amusement ventures.

submitted. June 15th 2021 by Alice Richmond
3939 Parker Rd / 97068
503 7230101.

P.C.N.A. -

P.S. is 20 ft set back enough? in this location site? —

EXHIBIT PC-3: WEST LINN ENGINEERING COMMENTS

Floyd, John

From: Pepper, Amy
Sent: Thursday, May 6, 2021 4:20 PM
To: Floyd, John; Lais, Erich
Subject: RE: VAR-21-04 Class 2 Variance at 2182 Tannler Drive

John ~

The only comment that will be addressed during the building permit review is that the drywell will need to be relocated to accommodate the pool and must be located outside of the right-of-way and public utility easement.

Like I said, this will be addressed during building permit review so it's not necessary to include in the land use decision if you want to keep the application tied to CDC code.

Amy

From: Floyd, John
Sent: Thursday, May 6, 2021 4:14 PM
To: Pepper, Amy <APepper@westlinnoregon.gov>; Lais, Erich <elais@westlinnoregon.gov>
Subject: FW: VAR-21-04 Class 2 Variance at 2182 Tannler Drive

Hello Erich and Amy,

Just following up on Lynn's email from April 14th. Did either of you have any concerns or comments on this application? I'll be asking for a revised siteplan showing more site details, but so far no one else has had any comments.

Thanks!

John

From: Schroder, Lynn
Sent: Wednesday, April 14, 2021 1:23 PM
To: Clark, James <jclark@westlinnoregon.gov>; Jason Arn <Jason.Arn@tvfr.com>; Jones, Ron <rjones@westlinnoregon.gov>; Lais, Erich <elais@westlinnoregon.gov>; Pepper, Amy <APepper@westlinnoregon.gov>; Perkins, Michael <mperkins@westlinnoregon.gov>
Cc: Floyd, John <JFloyd@westlinnoregon.gov>
Subject: VAR-21-04 Class 2 Variance at 2182 Tannler Drive

On April 12, 2021, the Planning Department received an application for a [Class 2 Variance at 2182 Tannler Drive to construct an in-ground pool encroaching into the setbacks on an irregular shaped lot.](#)

John Floyd is the staff planner. Please review the application on the City website and email any comments or concerns to [John Floyd](#) by 5/12/21. **City staff response is required, including no comment.**

Please address all approval conditions, including those related to sanitary sewer, water, storm drainage, streets, dedications, and resource protection. Please provide reference to statutes or policy memorandum that demonstrate why the proposed conditions of approval are required. The Planner will address your comments in the staff report.

Have a good week,
Lynn

Lynn Schroder
Administrative Assistant
Community Development

[#6061](#)



Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public

EXHIBIT PC-4: AFFIDAVIT AND NOTICE PACKET

AFFIDAVIT OF NOTICE
Type A

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:

PROJECT

File No.: **VAR-21-04**

Applicant's Name: **Katie Spurlock**

Development Name: **2182 Tannler Drive**

Scheduled Decision Date: **Planning Commission Hearing on 6/16/21 at 6:30 pm**

APPLICATION

The application, all documents or evidence relied upon by the applicant, and applicable criteria were posted on the website at least 20 days prior to the hearing or decision date per Section 99.040 of the Community Development Code.

5/12/21	<i>Lynn Schroder</i>
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MAILED NOTICE

Notices were mailed at least 20 days prior to the scheduled hearing date per Section 99.080 of the Community Development Code to:

1	Katie Spurlock, applicant	5/26/21	<i>Lynn Schroder</i>
2	Ritch Cameron, applicant's agent	5/26/21	<i>Lynn Schroder</i>
3	Property owners of record within 500 feet	5/26/21	<i>Lynn Schroder</i>
4	All Neighborhood Associations	5/26/21	<i>Lynn Schroder</i>

**Map Image for Notice incorrectly identified property as 2182 Bland Circle because the property fronts Bland Circle. The title on the map should be 2182 Tannler Drive. Noticed Property owners were correctly determined based on 2182 Tannler Drive.*

TIDINGS

Notice was posted in the West Linn Tidings at least 10 days prior to the hearing or meeting date per Section 99.080 of the Community Development Code.

6/2/21	<i>Lynn Schroder</i>
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WEBSITE

Notice was posted on the City's website at least 20 days prior to the scheduled hearing date.

6/2/21	<i>Lynn Schroder</i>
--------	----------------------

SIGN

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

6/3/21	<i>John Floyd</i>
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STAFF REPORT was posted on the website and mailed to the applicant and members of the decision-making body at least 10 days prior to the scheduled date of the public hearing per Section 99.040 of the Community Development Code.

6/3/21	<i>Lynn Schroder</i>
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FINAL DECISION notice mailed to applicant, parties with standing, and, if zone change, the County surveyor's office per Section 99.040 of the Community Development Code.

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**NOTICE OF UPCOMING
PLANNING COMMISSION DECISION**

**PROJECT # VAR-21-07
MAIL: 5/26/21 TIDINGS: 6/2/21**

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.

**CITY OF WEST LINN PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. VAR-21-04**

The West Linn Planning Commission will hold a virtual public hearing on **June 16, 2021 at 6:30 pm** to consider a Class II variance to allow a swimming pool to be located within the rear and side-yard setbacks of 2182 Tannler Drive.

The Planning Commission will decide the application based on criteria in Chapters 12 and 75 of the Community Development Code (CDC). The approval criteria from the CDC are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the property (Clackamas County Assessor's Map 21ESBA20803), or as otherwise required by CDC Chapter 99: Procedures for Decision Making.

The application is posted on the City's website, <https://westlinnoregon.gov/planning/2182-tannler-drive-class-2-variance>. Alternatively, the application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost. The staff report will be available for inspection at no cost, or copies may be obtained at a reasonable cost, at least 10 days before the hearing.

The hearing will be conducted following the rules of CDC Section 99.170. **Anyone wishing to present written testimony for consideration shall submit all material before noon on June 16, 2021.** Persons interested in party status should submit a letter outlining any concerns about the proposal by the comment deadline to jfloyd@westlinnoregon.gov.

It is important to submit all testimony in response to this notice. All comments submitted for consideration of this application should relate specifically to the applicable criteria. Failure to raise an issue by written comment or at the hearing, or failure to provide sufficient specificity to respond to the issue, precludes raising the issue on appeal before the Land Use Board of Appeals.

To testify at the hearing, go to <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> to **complete the speaker sign-up form before noon on the day of the meeting.** Instructions on how to access the virtual meeting will be emailed before the meeting. If you do not have email access, please call 503-742-6061 for assistance 48 hours before the meeting.

The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of the final decision pursuant to CDC [99.240](#).

Contact John Floyd, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6058 for additional information.

EXHIBIT PC-5: COMPLETENESS LETTER



CITY OF West Linn

May 25, 2021

Ritchie Cameron
17300 SE 82nd Dr.
Clackamas, OR 97015

SUBJECT: VAR-21-04 Application for a Class II variance to allow a swimming pool to be located within the rear and side-yard setbacks of 2182 Tannler Drive.

Dear Mr. Cameron:

You submitted this application on April 12 and May 12, 2021 and after reviewing the submittal, the Planning Department finds this application is complete. The city has 120 days to exhaust all local review; that period ends September 22, 2021.

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.

The 20-day public notice will be prepared and mailed for a public hearing before the West Linn Planning Commission tentatively scheduled for June 16, 2021.

Please contact me at 503-742-6058, or by email at jfloyd@westlinnoregon.gov if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink, consisting of several overlapping, fluid strokes.

John Floyd
Associate Planner

EXHIBIT PC-6: PRE-APPLICATION MEETING SUMMARY NOTES

City of West Linn
PRE-APPLICATION CONFERENCE
MEETING SUMMARY NOTES
March 4, 2021

SUBJECT: Proposed Class II Variance
FILE: PA-21-04
ATTENDEES: Applicant: Katie Spurlock, Ritchie Cameron
Staff: Chris Myers, Associate Planner
Public: Ed Schwarz

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Site Information

Site Address: 2182 Tannler Drive
Tax Not No.: Tax lot 21E35BA20803
Site Area: 0.22 Acres
Zoning: Single Family Residential Detached, R-10
Neighborhood: Savanna Oaks
Applicable Code: CDC Chapter 75: Variances and Special Waivers
CDC Chapter 99: Procedures for Decision Making – Quasi
Judicial

Project Details: The applicant proposes a Class II Variance to encroach into the rear setback 7' 4" in order to install an in-ground fiberglass pool.

Public Comments: None

Discussion: Applicant will need to address:

Chapter: 12 Single Family Residential Detached and Attached, R-7.

Chapter: 75 Variances and Special Waivers

75.020 (B.1) Classification of Variances, 75.060 Site Plans and Map,

Chapter: 99 Procedures for Decision Making: Quasi-Judicial

1. Setbacks related to the pool but also the "apron" or concrete surround are included in the 500 sq feet. Nothing closer than 3 feet on the side setback. That includes the apron around pool. Can have landscaping in the 3 foot setback and the rear setback.
2. No easements in the proposed pool area
3. Dry Well on site. Must move well if the pool will be in that spot
4. No environmental overlays or restrictions on site
5. Pay attention to lot coverage after adding pool and hot tub. It is possible to add a second variance if over the lot coverage. No more than two variances per application
6. Although it is not required, applicant may consider utilizing landscaping as a visual screen. Discussion from applicant stated that they will be implementing a landscaping plan which does include trees and shrubs for privacy screening.
7. Staff to follow up regarding pool distance from foundation of house.
8. Staff to follow up and ensure the drip line from neighbors tree isn't going to be an issue

9. Staff to email link to the fee schedule and the Community Development Code

Engineering Division Comments:

There is a dry well on site. Potentially where pool is to be located. Applicant may need to move well.

Process: The proposal is for a quasi-judicial Class II Variance, which is a Planning Commission decision. For the proposal, address the submittal requirements and standards for decision making in the Community Development Code (CDC) chapters 12, 75 and 99.

N/A is not an acceptable response to the approval criteria. The submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Manager and must identify the specific grounds for that waiver.

Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

Once the submittal is declared complete, staff will send out public notice of the anticipated Planning Manager's decision date at least 20 days before it occurs. A sign posted on the site. The Planning Commission's decision may be appealed to City Council by the applicant or anyone with standing.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application ***or provide any assurance of potential outcomes.*** Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. ***A new pre-application conference would have to be scheduled one that period lapses and these notes would no longer be valid. Any changes to the CDC standards may require a different design or submittal.***