



CITY OF
West Linn

**STAFF REPORT
PLANNING MANAGER DECISION**

DATE: August 7, 2023

FILE NO.: VAR-22-02

REQUEST: Class I Variance to reduce the rear yard setback for a rear patio cover from 15 feet to 12 feet (a 20% reduction) at 2005 Caliente Court.

PLANNER: John Floyd, Associate Planner

Planning Manager

DSW

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GENERAL INFORMATION

OWNER/APPLICANT: Alexander Laster
2005 Caliente Ct
West Linn, OR 97068

SITE LOCATION: 2005 Caliente Court

LEGAL DESCRIPTION: Lot 39, Hidden Springs Summit No. 2
Tax Lot Number 21E23CA13100

SITE SIZE: 9,875 Square feet

COMP PLAN DESIGNATION: Low Density Residential

ZONING: Residential, R-10

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 11: R-10; Chapter 38: Projections into Yards; Chapter 75: Variances and Special Waivers; Chapter 99: Procedures for Decision-Making: Quasi-Judicial.

120-DAY RULE: The application became complete on June 14, 2023. The 120-day period therefore ends on October 12, 2023.

PUBLIC NOTICE: Notice was mailed to property owners within 300 feet of the subject property and the Hidden Springs Neighborhood Association on June 29, 2023. The property was posted with a notice sign on July 3, 2023. The notice and application were posted on the City's website June 29, 2023. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The request includes the reduction of the rear yard setback from 15 feet to 12 feet, as allowed in a Class I Variance. The purpose of the variance is to permit the property owner/applicant to construct a deck cover on the rear of an existing single-family dwelling at 2005 Caliente Ct.

The Class I Variance provides minor relief from certain code provisions that will not harm adjacent properties and conforms to any other code provisions. With approval of the variance, the rear yard setback would be reduced to 12 feet.

Public comments:

No public comments were received.

DECISION

The Community Development Director (designee) approves this application (VAR-22-03), based on: 1) the findings submitted by the applicant, which are incorporated by this reference; 2) supplementary staff findings included in the Addendum; and, 3) by the condition of approval below:

Condition of Approval

- 1. The final plan shall conform to the plans for Proposed Class I Variance contained in PD-1.**

The provisions of the Community Development Code Chapter 99 have been met.



John Floyd, Associate Planner

August 7, 2023

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. An appeal to City Council of a decision by the Planning Manager shall be heard on the record. The appeal must be filed by an individual who has established standing by submitting comments prior to the decision date. Approval will lapse 3 years from effective approval date unless substantial construction has taken place or an extension is granted per Chapter 99 CDC.

Mailed this **8th** day of **August 2023**.

Therefore, the 14-day appeal period ends at 5 p.m., on **August 22, 2023**.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
VAR-22-02**

This decision adopts the findings for approval contained within the applicant’s submittal, with the following exceptions and additions:

CRITERIA 1:

11.030 PERMITTED USES

The following uses are permitted outright in this zone:

1. *Single-family attached and detached residential unit.*

...

STAFF FINDING 1:

The applicant proposes a deck cover attached to an existing single-family home. Single-family detached homes are permitted uses in the R-10 zone. The criteria is met.

CRITERIA 2:

11.070 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:

STANDARD	REQUIREMENT	ADDITIONAL NOTES
<i>Minimum lot size Average minimum lot or parcel size for a townhouse project</i>	<i>10,000 sf 1,500 sf</i>	<i>For a single-family attached or detached unit</i>
<i>Minimum lot width at front lot line</i>	<i>35 ft</i>	<i>Does not apply to townhouses or cottage clusters</i>
<i>Average minimum lot width</i>	<i>50 ft</i>	<i>Does not apply to townhouses or cottage clusters</i>
<i>Minimum yard dimensions or minimum building setbacks</i>		<i>Except as specified in CDC 25.070(C)(1) through (4) for the Willamette Historic District. Front, rear, and side yard setbacks in a cottage cluster</i>

STANDARD	REQUIREMENT	ADDITIONAL NOTES
		<i>project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.</i>
<i>Front yard</i>	<i>20 ft</i>	<i>Except for steeply sloped lots where the provisions of CDC 41.010 shall apply</i>
<i>Interior side yard</i>	<i>7.5 ft</i>	<i>Townhouse common walls that are attached may have a 0-ft side setback.</i>
<i>Street side yard</i>	<i>15 ft</i>	
<i>Rear yard</i>	<i>20 ft</i>	
<i>Maximum building height</i>	<i>35 ft</i>	<i>Except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.</i>
<i>Maximum lot coverage</i>	<i>35%</i>	<p><i>Maximum lot coverage does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit.</i></p> <ul style="list-style-type: none"> <i>• This does not include detached garages, carports, or accessory structures.</i> <i>• A developer may deduct up to 200 sf for an attached garage or carport.</i>
<i>Minimum accessway width to a lot which does not abut a street or a flag lot</i>	<i>15 ft</i>	
<i>Maximum floor area ratio</i>	<i>0.45</i>	<i>Maximum FAR does not apply to cottage clusters.</i>
<i>Duplex, triplex, and quadplex</i>	<i>0.60</i>	<i>Type I and II lands shall not be counted toward lot area</i>

STANDARD	REQUIREMENT	ADDITIONAL NOTES
		<p><i>when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property, including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.</i></p>

...

STAFF FINDING 2:

The subject property is 9,875 square feet in size per the recorded plat, and was legally created as Lot 39 of the Hidden Springs Summit No. 2 subdivision (Clackamas County Plat 2780). A single-family dwelling constructed circa 1990 stands on the property, with an approximate footprint of 2,797 square feet. With the proposed patio cover, the proposed lot coverage would be approximately 32.2%, below the maximum of 35%. The proposed roof would be located approximately 39 feet north of the side property line, well in excess of the 15 foot minimum permitted per 38.060 and discussed in Criteria 3 below, but within 12 feet of the rear property line. With the Class I variance reducing the rear setback to 12 feet for the proposed addition, the criteria will be met.

Criteria 3:

38.060 PROJECTIONS INTO REQUIRED YARDS

...

F. Front and rear porches, covered porches, unroofed landings and stairs (over 30 inches in height) may encroach into the front or rear yard setback up to five feet. Homes on corner lots may have a front porch that wraps around to the side street side. The porch on the side street may also encroach five feet into the required street side setback area. Enclosed porches are not permitted to encroach. The roofline of the house may be extended to cover the porch but no living space shall be allowed inside the front yard setback (i.e., dormers). The Planning Director shall determine compliance with this section as provided by CDC 99.060(A)(3). These provisions do not apply in the Willamette Historic District.

...

Staff Finding 3:

The applicant is proposing a covered rear porch, which is therefore allowed to encroach 5-feet into the required rear setback of 20 feet, for an effective required setback of 15 feet. The proposed addition would encroach into the rear setback an additional 3 feet (20%). With the Class I Variance authorizing a 20% reduction, the criteria will be met.

Criteria 4:

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. Required yards may be modified up to 20 percent, lot dimensions by up to 10 percent and lot area by up to five percent if the decision-making authority finds that the resulting approval:

- a. Provides for a more efficient use of the site;*
- b. Preserves and incorporates natural features into the overall design of the project;*
- c. Does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards; and*
- d. Provides for safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.*

...

Staff Finding 4:

Staff adopts applicant's findings in Exhibit PD-1. The additional area will result in a more efficient use of the site, there are no natural features that will be impacted, the abutting property to the rear will not be impacted by the reduction, and access to the site will be unaffected. The criteria are met.

EXHIBIT PD-1 APPLICANT SUBMITTAL

DEVELOPMENT REVIEW APPLICATION

For Office Use Only			
STAFF CONTACT	PROJECT NO(S). VAR-23-02	PRE-APPLICATION NO. n/a	
NON-REFUNDABLE FEE(S) \$825	REFUNDABLE DEPOSIT(S)	TOTAL	\$825

Type of Review (Please check all that apply):



- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX)
<input type="checkbox"/> Appeal (AP)
<input type="checkbox"/> CDC Amendment (CDC)
<input type="checkbox"/> Code Interpretation (MISC)
<input type="checkbox"/> Conditional Use (CUP)
<input type="checkbox"/> Design Review (DR)
<input type="checkbox"/> Tree Easement Vacation (MISC)
<input type="checkbox"/> Expediated Land Division (ELD)
<input type="checkbox"/> Extension of Approval (EXT) | <input type="checkbox"/> Final Plat (FP)
<input type="checkbox"/> Flood Management Area (FMA)
<input type="checkbox"/> Historic Review (HDR)
<input type="checkbox"/> Lot Line Adjustment (LLA)
<input type="checkbox"/> Minor Partition (MIP)
<input type="checkbox"/> Modification of Approval (MOD)
<input type="checkbox"/> Non-Conforming Lots, Uses & Structures
<input type="checkbox"/> Planned Unit Development (PUD)
<input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)
<input type="checkbox"/> Temporary Uses (MISC)
<input type="checkbox"/> Time Extension (EXT)
<input type="checkbox"/> Right of Way Vacation (VAC)
<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 (ZC) |
|--|---|--|

Pre-Application, Home Occupation, Sidewalk Use, Addressing, and Sign applications require different forms, available on the website.

Site Location/Address: 2005 Caliente Court, West Linn, OR, 97068	Assessor's Map No.: 21E23CAS1
	Tax Lot(s): 21E23CA13100
	Total Land Area: 0.23 Acres

Brief Description of Proposal:

The Homeowners would like to apply for a class 1 Variance for the property to reduce the rear set backs by 20%. The homeowners are constructing a patio cover to cover their deck. They own a small taxlot next to the site location, that cannot be used in the setback calculation despite owning it, and the lot being unbuildable, therefore believe no inconvenience will be received by neighbors or the city.

Applicant Name*: Alexander Laster Address: 2005 Caliente Ct City State Zip: West Linn, OR 97068	Phone: 503-312-8635 Email: Alexhlaster@gmail.com
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Owner Name (required): Alexander Laster Address: 2005 Caliente Ct City State Zip: West Linn, OR 97068	Phone: 503-312-8635 Email: Alexhlaster@gmail.com
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Consultant Name: N/A Address: City State Zip:	Phone: N/A Email:
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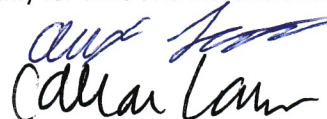
1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. ***The applicant is financially responsible for all permit costs.**
2. The owner/applicant or their representative should attend all public hearings.
3. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
4. Submit this form, application narrative, and all supporting documents as a single PDF through the [Submit a Land Use Application](https://westlinnoregon.gov/planning/submit-land-use-application) web page: <https://westlinnoregon.gov/planning/submit-land-use-application>

The undersigned property owner authorizes the application and grants city staff the **right of entry** onto the property to review the application. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

Same as owners

Applicant's signature

Date



Owner's signature (required)

5-12-23
5/12/2023

Date

Class 1 Variance Narrative for Property Located at 2005 Caliente Court, West Linn, OR 97068

To whom it may concern,

Hello, our names are Alex & Callan Laster, the property owners of 2005 Caliente Ct. We have submitted a building permit for the construction of a patio cover, covering our deck at the rear of our home. The rear setbacks for our property are 15’, and we are requesting a class 1 variance to reduce that setback to 12’.

In 2022, we purchased a piece of property directly behind our house from a taxpayer that was delinquent on the property taxes. We’ve subsequently moved our fence back to that property line and have improved the landscaping around it. The property purchased was the residual lot from an old flagpole lot for a driveway easement on the road above us, on Sunburst Terrace, that over the years was subdivided into different lots, except for this remaining lot. We purchased our house in 2020, so this all occurred well before we moved in. This lot, tax lot number 21E23CA18000, is not buildable and has no market value to anyone other than the owner of our house, or our rear neighbor.

During the permit process for our patio cover, we discovered that we don’t meet the setbacks required. This is because we cannot use the unbuildable property that we purchased and subsequently included in our yard. Despite visually meeting the setback requirements if you were to look at our backyard, our actual property line goes through the middle of our yard. A lot line adjustment is not a financially feasible option for us at this time, so we are requesting a Class 1 variance to reduce our setbacks to allow for the patio cover. The approval of the variance will still require us to reduce the footprint of the patio cover, but we feel it is a good compromise compared to the size the patio cover would be if we did not get the variance. The patio cover will extend the full back wall of our home, where we exit the home into the backyard and approximately 11’ into the yard. The patio cover, excluding eaves, will be approximately 27’x11’.

We believe that we meet the following Dimensional criteria of a class 1 lot variance per CDC 11.070 , due to the following:

STANDARD	REQUIREMENT	ADDITIONAL NOTES	Homeowner Notes for Variance Request
Minimum lot size Average minimum lot or parcel size for a townhouse project	10,000 sf 1,500 sf	For a single-family attached or detached unit	Home meets the lot size requirements, no change proposed
Minimum lot width at front lot line	35 ft	Does not apply to townhouses or cottage clusters	Home meets the lot width requirements, no change proposed
Average minimum lot width	50 ft	Does not apply to townhouses or cottage clusters	Home meets the average minimum lot width requirements, no change proposed
Minimum yard dimensions or minimum building setbacks		Except as specified in CDC <u>25.070(C)(1)</u> through (4) for the Willamette Historic District.	Home meets the minimum yard dimensions or minimum

STANDARD	REQUIREMENT	ADDITIONAL NOTES	Homeowner Notes for Variance Request
		structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.	
Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC <u>41.010</u> shall apply	Home meets the front yard requirements, no change proposed
Interior side yard	7.5 ft	Townhouse common walls that are attached may have a 0-ft side setback.	Home meets the front yard requirements, no change proposed
Street side yard	15 ft		Home meets the front yard requirements, no change proposed
Rear yard	20 ft		The covered porch project with a class 1 variance would reduce the rear setbacks to 12' (per cdc 38.060(f) a covered porch can encroach 5' into the 20' setbacks. This would reduce the setback to 15', a class 1 variance would reduce the setback to 12'. The project will not encroach the 12' rear setback, see attached Site Map
Maximum building height	35 ft	Except for steeply sloped lots in which case the provisions of Chapter <u>41</u> CDC shall apply.	Project meets the maximum building height. The Covered patio will not go above the current roof line. No change proposed.
Maximum lot coverage	35%	Maximum lot coverage does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. <ul style="list-style-type: none"> • This does not include detached garages, carports, or accessory structures. • A developer may deduct up to 200 sf for an attached garage or carport. 	Project meets the maximum lot coverage. See Attached Calculation. No change proposed.
Minimum accessway width to a lot which does not abut a street or a flag lot	15 ft		Home meets the front yard requirements, no change proposed
Maximum floor area ratio Duplex, triplex, and quadplex	0.45 0.60	Maximum FAR does not apply to cottage clusters. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property, including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter <u>66</u> CDC.	Home meets the front yard requirements, no change proposed. N/A

We believe that we meet the following criteria of a class 1 lot variance per CDC 38.060(F) , due to the following:

- a. **Front and rear porches, covered porches, unroofed landings and stairs (over 30 inches in height) may encroach into the front or rear yard setback up to five feet. Homes on corner lots may have a front porch that wraps around to the side street side. The porch on the side street may also encroach five feet into the required street side setback area. Enclosed porches are not permitted to encroach. The roofline of the house may be extended to cover the porch but no living space shall be allowed inside the front yard setback (i.e., dormers). The Planning Director shall determine compliance with this section as provided by CDC 99.060(A)(3). These provisions do not apply in the Willamette Historic District. (Ord. 1291, 1990; Ord. 1308, 1991; Ord. 1401, 1997; Ord. 1635 § 22, 2014).** Our plans are to create a covered porch over our deck in the rear of the home. Per this chapter, it allows us to go 5' into our rear setback. Moving our setback requirement from 20' to 15', and with a variance, reducing that to 12'.

We believe that we meet the following criteria of a class 1 lot variance per CDC 75.020(A)(1), due to the following:

- a. **Provides for a more efficient use of the site;** The variance will allow us to build the patio cover over our deck, this will create a 4-season area of the yard that can be enjoyed year-round. I've always believed that the weather in Portland is nice enough to enjoy all year if you can be covered from the rain. This will allow us to utilize our yard all year round.
- b. **Preserves and incorporates natural features into the overall design of the project;** the patio cover that will be built as a result will mirror the design elements of the existing home. It will highlight the natural features in the yard and allow for more enjoyment of the outdoors.
- c. **Does not adversely affect adjoining properties in terms of light, air circulation, noise levels, privacy, and fire hazards;** The patio cover will not adversely affect adjoining properties in any regard. Approval from our neighbors has already been granted as a result of the approval process of the project with our Homeowners Association. The patio cover will only be one story tall, compared to our 2-story tall home, and as a result will not impact any of the above noted criteria.
- d. **Provides for safe vehicular and pedestrian access to the site and safe on-site vehicular and pedestrian circulation.** The patio cover will go over a deck and will have no impact on vehicular or pedestrian access to the site or circulation. Engineered plans have been drawn, and a city permit is in the process of being obtained, to ensure safe on site pedestrian circulation.

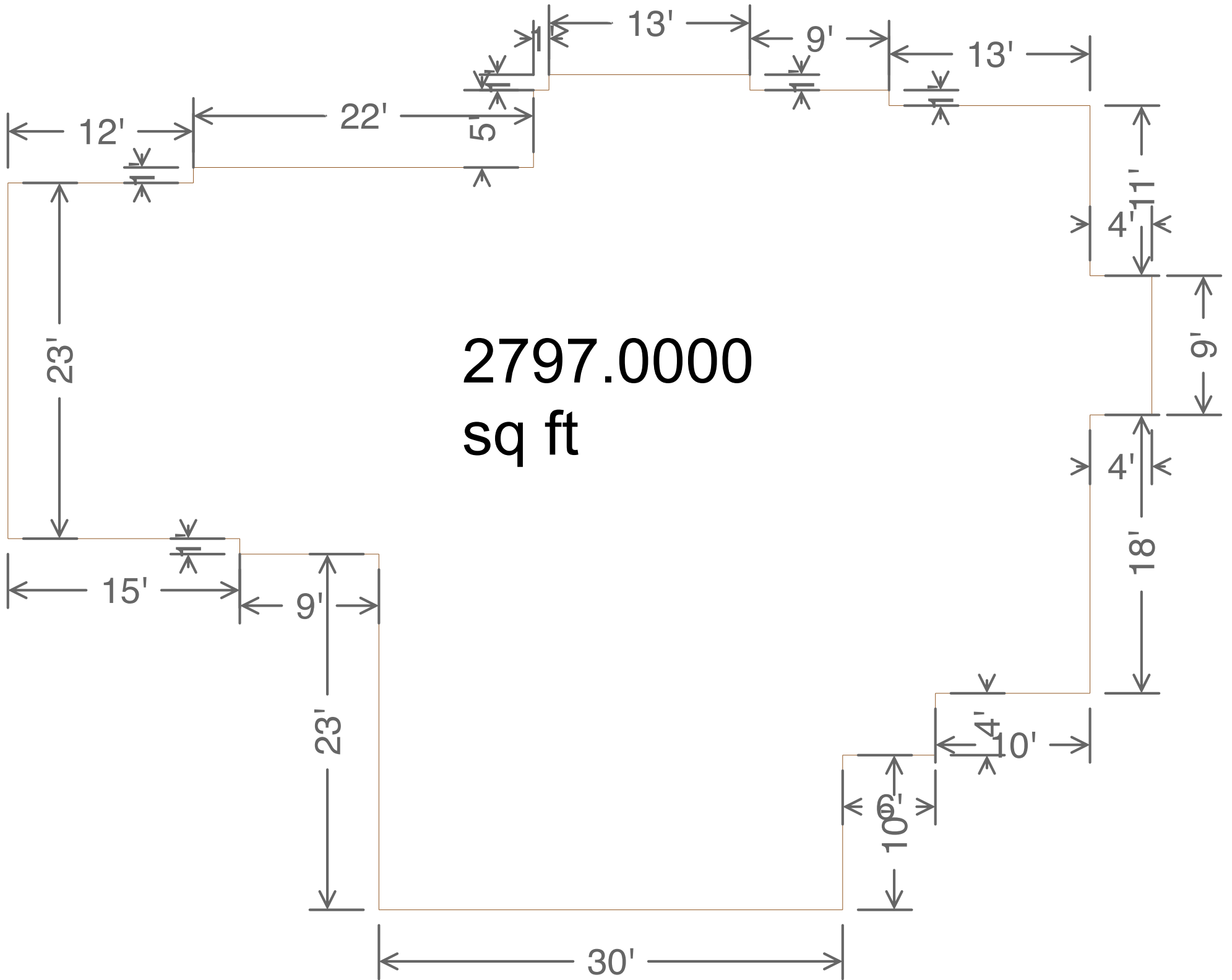
Thank you so much for considering the Class 1 Variance for our home so that we can move forward with our project and improve the enjoyment our growing family receives from our home for years to come.

---Alex and Callan Laster

Calculation of Lot Coverage Ratio

Property Lot Size	10,019.00	As reported on tax statements
	<u>35%</u>	Maximum allowable percentage
	3,506.65	Calc'd maximum sqft
Existing Home Roof Sqft	<u>2,797.00</u>	As calc'd on supporting document
	709.65	Excess allowable after house
Patio Cover	<u>385</u>	Sqft of Patio cover roof
	<u><u>324.65</u></u>	Excess lot coverage allowable - within permissible range

Lot, coverage. The area covered by a building or buildings, expressed as a percentage of the total land area. For residential uses, these buildings shall include the principal residence or house, any accessory dwelling unit, and accessory structures requiring a building permit.



SURVEY NOTES:

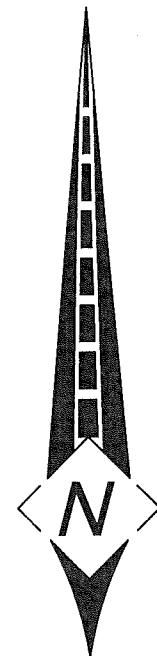
THE BASIS OF BEARINGS FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER "HIDDEN SPRINGS SUMMIT NO. 2" PLAT NO. 2780, CLACKAMAS COUNTY PLAT RECORDS

NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE, ETC.

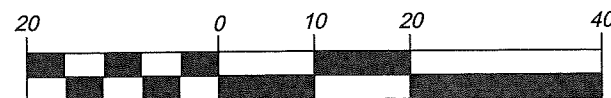
NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

PROPERTY LINES SHOWN HEREON ARE APPROXIMATE IN NATURE AND SHOULD BE TREATED AS SUCH, NO RESOLUTION WAS PERFORMED. LINES SHOWN ARE FROM EXISTING SURVEY DATA AND EXISTING PARCEL MAP DATA.

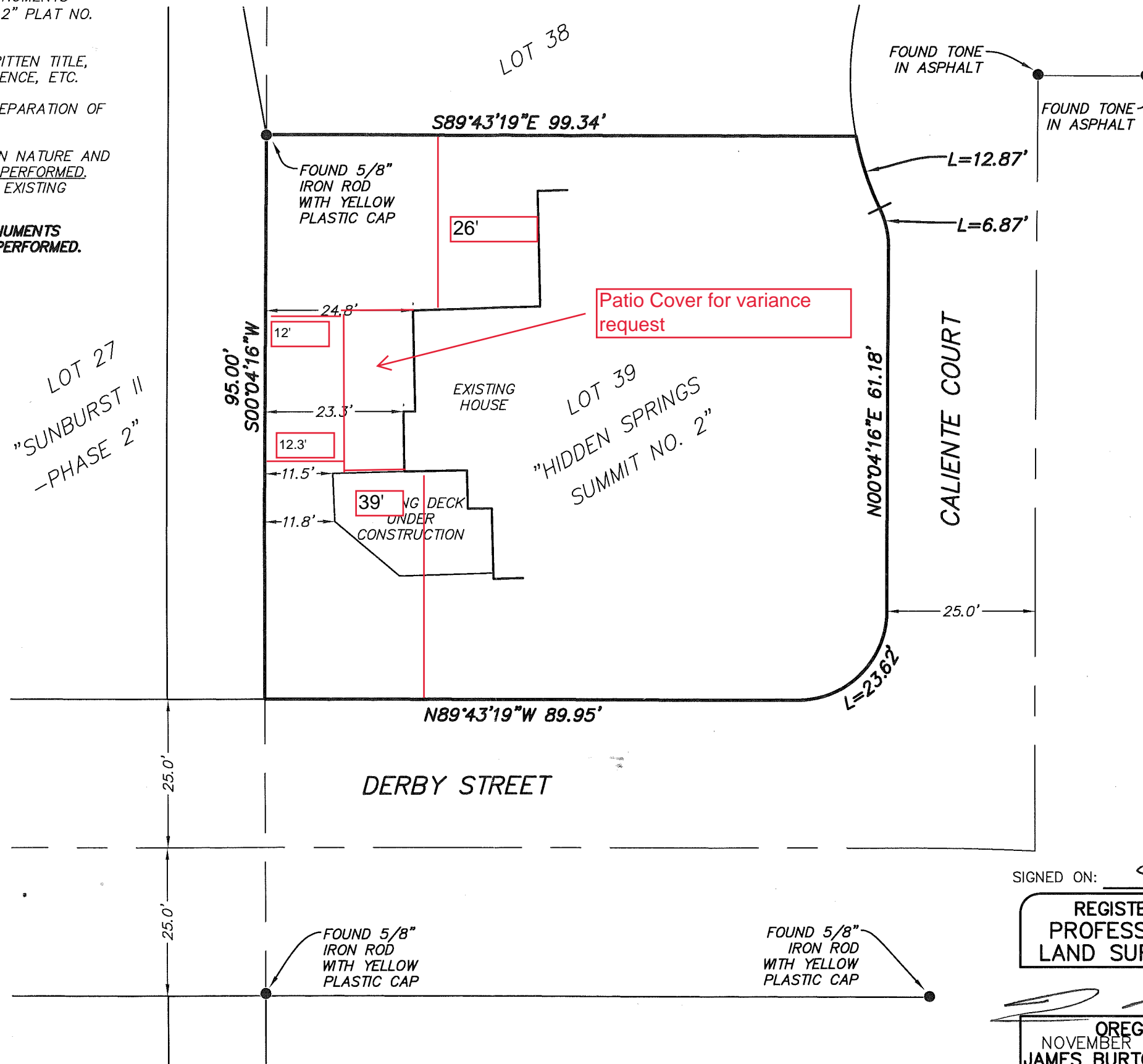
RECORD OF SURVEY IS RECOMMENDED, AS FOUND MONUMENTS CANNOT BE VERIFIED WITHOUT FURTHER WORK BEING PERFORMED.



GRAPHIC SCALE



(IN FEET)
1 INCH = 20 FT.



SIGNED ON: 4-27-23

REGISTERED
PROFESSIONAL
LAND SURVEYOR

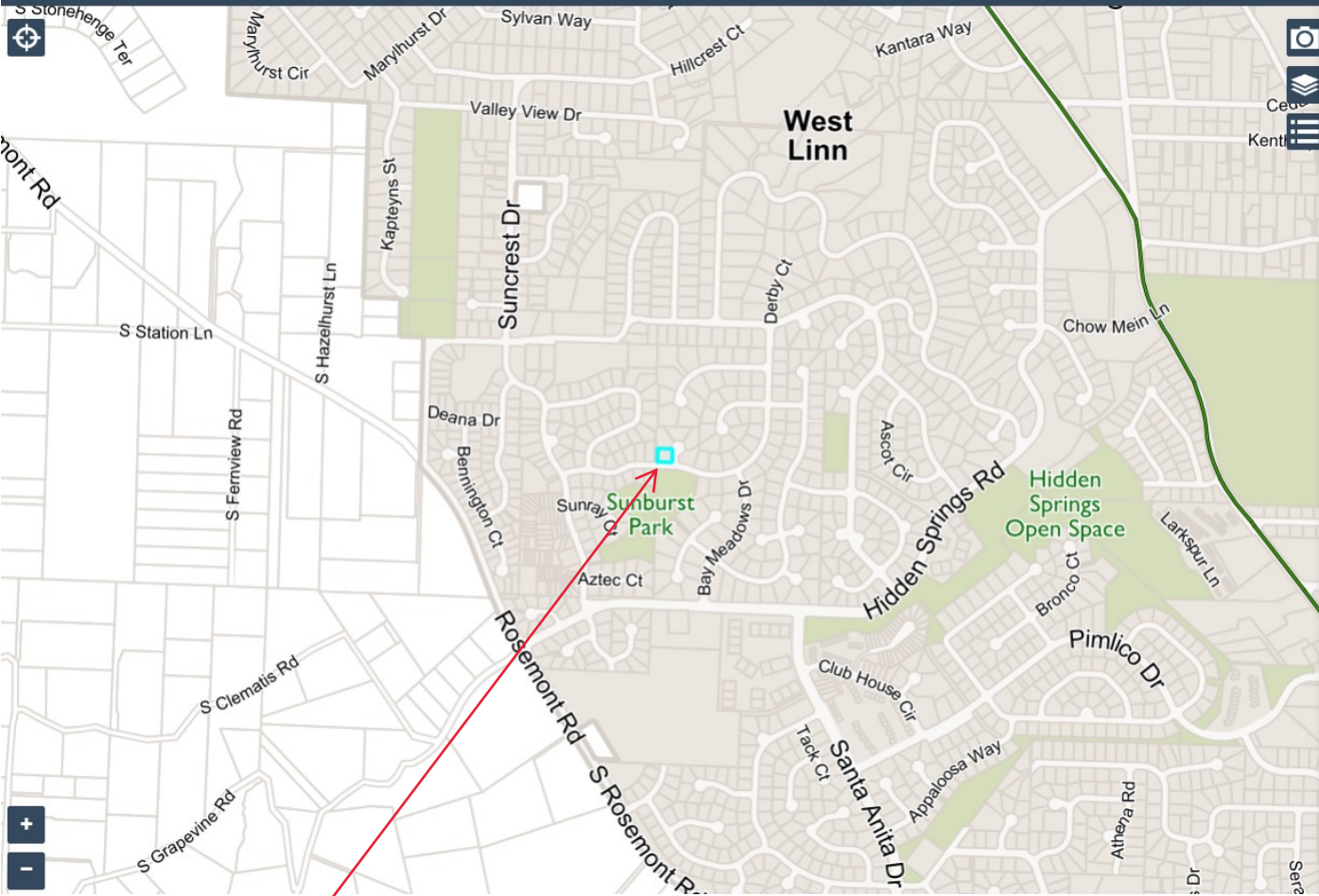
[Signature]
OREGON
NOVEMBER 30, 2007
JAMES BURTON BROWN
60379

RENEWS: DECEMBER 31, 2023

CENTERLINE CONCEPTS
LAND SURVEYING, INC.
19376 MOLALLA AVE., SUITE 120
OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

SCALE DRAWING
"HIDDEN SPRINGS SUMMIT NO.2" LOT 39
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
Scale: 1"=20'

CLIENT: ALEX LASTER
ORIG. DATE: 4/27/2023
DRAWN BY: CS
SHEET No. 1 OF 1



Objectid: 127326
Primary Address: 2005 Caliente Ct, West Linn, 97068
Jurisdiction: [West Linn](#)
Map Number: 21E23CAS1
Taxlot Number: 21E23CA13100
Parcel Number: 01342871
Document Number: 2020-079851
Census Tract: 020504
Landclass: 101

- Assessment
- Schools
- Public Safety
- Zoning & Development
- Voting
- Utilities & Districts
- Environmental & Hazards
- Parks
- Documents

Property of class 1 land variance request

EXHIBIT PD-2 COMPLETENESS LETTER



CITY OF
West Linn

June 14, 2023

Alexander Laster
2005 Caliente Ct.
West Linn, OR 97068

SUBJECT: VAR-23-02 Application for a Class I Variance at 2005 Caliente Ct.

Dear Mr. Laster:

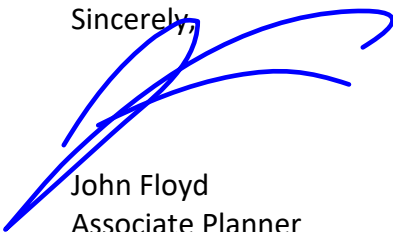
The city accepted this application for review on May 15, 2023. The Planning Department finds the application to be **complete** as of June 14, 2023. The city has 120 days to exhaust all local review once an application has been deemed complete; that period ends October 12th, 2023.

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

A 14-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

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, appearing to read "John Floyd", is written over the word "Sincerely,". The signature is fluid and stylized, with a long horizontal stroke extending to the right.

John Floyd
Associate Planner

EXHIBIT PD-3 AFFADIVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
PLANNING MANAGER DECISION**

We, the undersigned, 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-23-02** Applicant's Name: Alex Laster
Development Address: 2005 Caliente Court
Planning Manager Decision no earlier than July 13, 2023

APPLICATION

The application was posted on the website at least 14 days before the decision.

6/29/23	<i>Lynn Schroder</i>
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MAILED NOTICE

Notice of Upcoming Planning Manager Decision was mailed at least 20 days before the decision, per Section 99.080 of the CDC to:

Alex Laster, property owner	6/29/23	<i>Lynn Schroder</i>
Property owners within 300ft of the site perimeter	6/29/23	<i>Lynn Schroder</i>
Hidden Springs Neighborhood Association	6/29/23	<i>Lynn Schroder</i>

EMAILED NOTICE

Notice of Upcoming Planning Manager Decision was emailed at least 14 days before the decision date to:

Neighborhood Association	6/29/23	<i>Lynn Schroder</i>
Alex Laster, applicant	6/29/23	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website at least 14 days before the decision.

6/29/23	<i>Lynn Schroder</i>
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SIGN

A sign was posted on the property at least 10 days before the decision, per Section 99.080 of the CDC.

7/3/23	<i>John Floyd</i>
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FINAL DECISION

Notice of Final Decision was mailed to the applicant, all parties with standing, and posted on the City's website, per Section 99.040 of the CDC.

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**CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. VAR-23-02**

The West Linn Planning Manager is considering a Class I Variance at 2005 Caliente Court to reduce the minimum required setback for a rear patio cover by up to 20%.

The Planning Manager will decide the application based on criteria in Chapters 11, 38, 75, and 99 of the Community Development Code (CDC). The CDC approval criteria are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The application is posted on the City's website, <https://westlinnoregon.gov/planning/2005-caliente-court-class-1-variance-20-reduction-rear-yard-setback>. 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.

A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration must submit all material before 4:00 p.m. on July 13, 2023 to jfloyd@westlinnoregon.gov or mail them to City Hall. All comments must be received by the deadline.**

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 in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue (CDC Section 99.090).

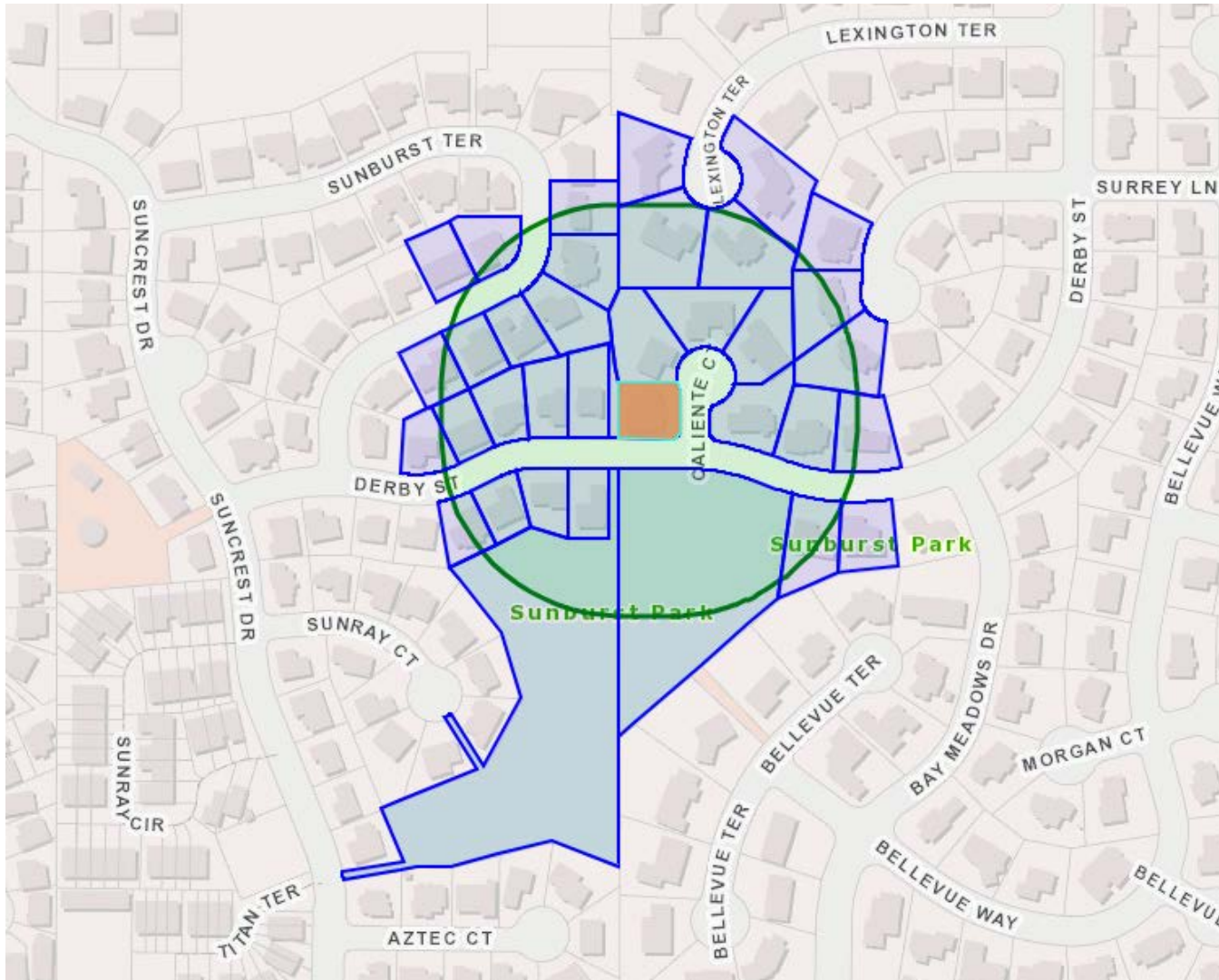
The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC [99.240](#).

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

Scan this QR Code to go to Project Web Page:



VAR-23-02 Notified Properties within 300 feet of 2005 Caliente Court





**NOTICE OF UPCOMING
PLANNING MANAGER DECISION**

**PROJECT # VAR-23-02
MAIL: 6/29/23 TIDINGS: N/A**

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.



**AFFIDAVIT OF NOTICE
PLANNING MANAGER DECISION**

We, the undersigned, 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-23-02** Applicant's Name: Alex Laster
Development Address: 2005 Caliente Court
Planning Manager Decision no earlier than July 13, 2023

APPLICATION

The application was posted on the website at least 14 days before the decision.

6/29/23	<i>Lynn Schroder</i>
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MAILED NOTICE

Notice of Upcoming Planning Manager Decision was mailed at least 20 days before the decision, per Section 99.080 of the CDC to:

Alex Laster, property owner	6/29/23	<i>Lynn Schroder</i>
Property owners within 300ft of the site perimeter	6/29/23	<i>Lynn Schroder</i>
Hidden Springs Neighborhood Association	6/29/23	<i>Lynn Schroder</i>

EMAILED NOTICE

Notice of Upcoming Planning Manager Decision was emailed at least 14 days before the decision date to:

Neighborhood Association	6/29/23	<i>Lynn Schroder</i>
Alex Laster, applicant	6/29/23	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website at least 14 days before the decision.

6/29/23	<i>Lynn Schroder</i>
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SIGN

A sign was posted on the property at least 10 days before the decision, per Section 99.080 of the CDC.

7/3/23	<i>John Floyd</i>
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FINAL DECISION

Notice of Final Decision was mailed to the applicant, all parties with standing, and posted on the City's website, per Section 99.040 of the CDC.

8/8/23	Lynn Schroder
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