



CITY OF  
**West Linn**

**STAFF REPORT  
FOR THE PLANNING COMMISSION**

**FILE NUMBER:** VAR-24-18

**HEARING DATE:** January 15, 2025

**REQUEST:** Class II Variance to reduce the rear-yard setback for installation of a new swimming pool at 1490 Skye Parkway

**APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 11 Residential, R-10, Chapter 34 Accessory Structures, Accessory Dwelling Units, and Accessory Uses, Chapter 75: Variances and Special Waivers.

**STAFF REPORT PREPARED BY:** Chris Myers, Associate Planner

Planning Manager's Initials DSW

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## GENERAL INFORMATION

**OWNER:** Megan and Brandon Kemp  
1490 Skye Pkwy  
West Linn, OR 97068

**APPLICANT:** Clement Walsh  
8215 SW Tualatin-Sherwood Rd #200  
Tualatin, OR 97062

**SITE LOCATION:** 1490 Skye Pkwy

**LEGAL DESCRIPTION:** Clackamas County Assessor's Map 21E14CC01100  
Skyline Ridge Lot 3

**SITE SIZE:** 10,159 square feet (.23 Acres)

**ZONING:** R-10, Single-Family Residential Detached

**COMP PLAN DESIGNATION:** Low-Density Residential

**120-DAY PERIOD:** This application became complete on November 21, 2024. The 120-day maximum application-processing period ends on March 21, 2025.

**PUBLIC NOTICE:** Notice was mailed to property owners within 500 feet of the subject property and all neighborhood associations December 5, 2024. Notice was published in the West Linn Tidings on January 1, 2025. The property was posted with a notice sign on January 3, 2025. The notice and application were posted on the City's website December 5, 2024. Therefore, public notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

The applicants propose the installation of a 741 square foot swimming pool in the rear yard of 1490 Skye Pkwy. There is an existing detached single-family home on the subject property.

The West Linn Community Development Code Chapter 34.060 allows for accessory structures to reduce the required rear-yard setback from 20 feet to 3 feet as long as the accessory structure is 500 square feet or less. As the proposed swimming pool is larger than 500 square feet and not eligible for the reduced rear-yard setback, the applicants are requesting a Class II Variance to reduce the required 20-foot rear-yard setback for the pool to be approximately 8 feet from the rear property line.

A desire to save a large Douglas fir tree and sloping terrain make the need for a variance necessary. Complying with the R-10 zoning requirement of a 20-foot setback would require removing the Douglas fir tree.

There are at least 5 nearby swimming pools that average more than 900 square feet each. Only one of those pools is under the 741 square foot proposed pool.

### **Public comment:**

As of the publication date of this report, staff has received no public comment communications.

## RECOMMENDATION

If the Planning Commission finds the application meets the Class II Variance criteria, Staff recommends approval of application VAR-24-18, 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 in Exhibit PC-1.**

**ADDENDUM  
PLANNING COMMISSION STAFF REPORT  
Meeting Date: January 15, 2025**

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

*CHAPTER 11 RESIDENTIAL, R-10*

*11.030 PERMITTED USES*

The following are uses permitted outright in this zoning district:

1. Single-family attached or detached residential unit.

(...)

**Staff Finding 1: The subject property is zoned Residential R-10 and has an existing single-family detached residential unit. The criteria are met.**

*11.040 ACCESSORY USES*

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

**Staff Finding 2: The applicants propose the installation of a swimming pool, an allowed accessory use in the Residential R-10 zone. See staff finding 4 for compliance with Chapter 34 code requirements. The criteria are met.**

*11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS*

**Staff Finding 3: The subject property is zoned Residential R-10 which has dimensional setback requirements of 20 feet for front and rear setbacks and 7.5 feet for side yard setbacks. The proposed pool is located within 8 feet of the rear yard setback thus a Class II Variance is requested.**

*CHAPTER 34 ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES*

*34.060 SEBACK 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.

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 4: The proposed swimming pool is more than 60 feet from the front property line, it is less than 15 feet in height, and it does not violate any utility easements. The structure is proposed to be 741 square feet and therefore does not qualify for a reduced setback. The applicant has requested a Class II Variance to reduce the rear-yard setback from 20-feet to 8-feet (see Staff Findings 5-10). The criteria are not applicable.**

#### *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 5: The application is for the installation of a 741 square foot swimming pool within eight feet of the rear property line of the subject property. There are approximately five swimming pools within one-half mile of the subject property in the City of West Linn.**

**Below are the sizes of the nearby pools:**

- 1. Stonehaven Drive = 800 square feet**
- 2. Marylhurst Drive = 844 square feet**
- 3. Marylhurst Drive = 595 square feet**
- 4. Stonehaven Drive = 1185 square feet (HOA pool)**
- 5. Valley View Drive = 1200 Square feet (HOA pool)**

**Pools within the vicinity of the subject property are, on average, 925 square feet in size. The development of this pool is similar in size to swimming pools on nearby properties in West Linn. 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 6:** The subject property has physical characteristics that make it challenging to install an in-ground swimming pool without encroaching on the setback. The property contains a 40" (diameter at breast height, DBH) Douglas fir tree. The tree would need to be removed if the swimming pool is to be constructed without a variance. Due to the site's topography, it would require significant excavation of the property to create a space for a swimming pool. The Douglas fir tree and the extensive excavation make this variance necessary. The criteria are met.

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

**Staff Finding 7:** The site has an existing single-family home. The applicant has requested a Class II Variance to reduce the required rear-yard setback from 20-feet to 8-feet to allow for the installation of a 741 square foot swimming pool. The applicants have expressed that two of their children need water therapy for a medical condition. The larger size of the pool is critical in helping the children maximize the benefits of swimming which include cognitive skills, mental health, academic performance, and many others. 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 8:** Approval of the variance will not result in a violation of any other code standard. As demonstrated on the proposed site plan (PD-1), the five-foot public utility easement along the eastern portion of the property will not be encroached upon. The proposed swimming pool will be, at its closest point, approximately 8 feet from the rear property line. All other required dimensions for the site have been achieved. The criteria are met.

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

**Staff Finding 9:** The need for the variance is due, in part, to the desire to save the large Douglas fir tree and the large amount of excavation due to the topographical challenges of the site. The applicants have expressed that two of their children need water therapy for a medical condition. The larger size of the pool is critical in helping the children maximize the benefits of swimming which include cognitive skills, mental health, academic performance, and many others. 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 10: The applicant has requested one Class II Variance for the location of a swimming pool within the 20-foot rear setback. The criteria are met.**

*75.030 ADMINISTRATION AND APPROVAL PROCESS*

...

*B. Class II variances and special waivers shall be decided by the Planning Commission in the manner set forth in CDC 99.060(B). A petition for review by the Council may be filed as provided by CDC 99.240(B).*

**Staff Finding 11: The proposal is schedule for a public hearing at the West Linn Planning Commission on January 15, 2025. The criteria are met.**

*C. No variance shall violate land use regulations mandated by the Oregon Revised Statutes or Oregon Administrative Rules.*

**Staff Finding 12: The proposal does not violate any regulations mandated by the Oregon Revised Statutes or Oregon Administrative Rules. The criteria are met.**

## **EXHIBIT PC-1: APPLICANT SUBMITTAL**



### DEVELOPMENT REVIEW APPLICATION

STAFF CONTACT	Chris Myers	For Office Use Only	
		PROJECT NO(S)	VAR-24-18
			PRE-APPLICATION NO.
			PA-24-18
NON-REFUNDABLE FEE(S)	\$3,450.00	REFUNDABLE DEPOSIT(S)	0
		TOTAL	\$3,450.00

**Type of Review** (Please check all that apply):

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Annexation (ANX)               | <input type="checkbox"/> Final Plat (FP) <i>Related File#</i>   | <input type="checkbox"/> Subdivision (SUB)                               |
| <input type="checkbox"/> Appeal (AP)                    | <input type="checkbox"/> Flood Management Area (FMA)            | <input type="checkbox"/> Temporary Uses (MISC)                           |
| <input type="checkbox"/> CDC Amendment (CDC)            | <input type="checkbox"/> Historic Review (HDR)                  | <input type="checkbox"/> Time Extension (EXT)                            |
| <input type="checkbox"/> Code Interpretation (MISC)     | <input type="checkbox"/> Lot Line Adjustment (LLA)              | <input type="checkbox"/> Right of Way Vacation (VAC)                     |
| <input type="checkbox"/> Conditional Use (CUP)          | <input type="checkbox"/> Minor Partition (MIP)                  | <input checked="" type="checkbox"/> Variance (VAR)                       |
| <input type="checkbox"/> Design Review (DR)             | <input type="checkbox"/> Modification of Approval (MOD)         | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation (MISC)  | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)    |
| <input type="checkbox"/> Expediated Land Division (ELD) | <input type="checkbox"/> Planned Unit Development (PUD)         | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)      |
| <input type="checkbox"/> Extension of Approval (EXT)    | <input type="checkbox"/> Street Vacation                        | <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: 1490 Skye Pkwy West Linn OR 97068	Assessor's Map No.: 00302924
	Tax Lot(s): 21E14CCO11
	Total Land Area: .23 ACRES

**Brief Description of Proposal:**

Application for a Class II Variance to exceed the 500-square-foot limit for an accessory structure located 3 feet from the rear property line.

Applicant Name*: Clement Walsh	Phone: 503 898 0130
Address: 8215 SW Tualatin-Sherwood Rd #200	Email: clement@clementwalsh.com
City State Zip: Tualatin OR 97062	

Owner Name (required): Megan and Brandon Kemp	Phone: 503 688 4091
Address: 1490 Skye Pkwy	Email: meg@provprops.com
City State Zip: West Linn, OR 97068	

Consultant Name:	Phone: 503 898 0130
Address: Clement Walsh	Email: clement@clementwalsh.com
City State Zip: 8215 SW Tualatin-Sherwood Rd #200 Tualatin, OR 97062	

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 related to the propose land use.
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 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.

*Clement Walsh*  
Applicant's signature

10/10/2024  
Date

*Meg Kemp & Brandon Kemp*  
Owner's signature (required)

Date 10-15-24



City of West Linn  
Planning Department  
22500 Salamo Rd. #900  
West Linn, OR 97068

October 10, 2024

Kemp Residence – Proposed Class II Variance  
Project Narrative: Class II Variance for Swimming Pool at 1490 Skye Parkway  
Owners: Megan and Brandon Kemp  
Property Address: 1490 Skye Parkway, West Linn, OR

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The owners propose the installation of a 741-square-foot inground swimming pool in the rear yard of 1490 Skye Parkway. Due to the constraints of the site, they are requesting a Class II Variance to exceed the 500-square-foot limit for an accessory structure located 3 feet from the rear property line.

The applicants are seeking to install a swimming pool that exceeds the typical 500-square-foot limitation associated with standard permits. The primary motivation for this request is the well-being of their four children, two of whom have ADHD and benefit from water therapy. As a family that prefers non-medication approaches, they seek alternative ways to support their children. Swimming has proven to be an effective treatment that helps improve cognitive skills, behavior, academic performance, and mental health for kids with ADHD. The applicant is applying for a Class II permit because the proposed pool's size is essential for allowing their children enough space to float and enjoy the water comfortably.

The angled property line at the northwest corner limits the available space for pool placement. The property's sloping terrain and the proximity of a large 40" DBH Douglas Fir tree make complying with the setback difficult. Complying with the 20' setback would require significant additional soil excavation, increasing costs and potentially harming the site's natural features, including the large tree, which the applicants seek to preserve.

The in-ground design of the pool also minimizes visual impact on neighboring properties, as it will be flush with the ground and less intrusive compared to an above-ground structure. Also, there is existing fencing on the property that shields, to an extent, the swimming pool from the adjoining property owners view.



## SUMMARY OF SUBMITTED MATERIALS

**The land use application consists of the following documentation:**

- Proposed Class II Variance Narrative
- Tualatin Valley Fire & Rescue Service Provider Email Correspondence
- Site Plan, Sheet S100
- Existing Conditions Plan, Sheet E100
- Landscape Plan, Sheet L100

**SUBJECT: Project No.: PA-24-18: Application for a Class II Variance to exceed the 500-square-foot limit for an accessory structure located 3 feet from the rear property line.**

We have performed a review of the City of West Linn variance requirements, and the following is our formal application for a Class II Variance for and on behalf of Megan and Brandon Kemp.

### *WEST LINN COMMUNITY DEVELOPMENT CODE*

#### *CHAPTER 11: RESIDENTIAL, R-10*

##### *11.030 Permitted Uses*

*The following are uses permitted outright in this zoning district:*

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

**Applicant Response: The existing single-family detached home is a permitted use in this zone.**

#### *CHAPTER 34: ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES*

##### *34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)*

*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.*

*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:*

- 3. The structure does not exceed an area of 500 square feet; and*
- 4. The structure does not violate any existing utility easements*

**Applicant Response: We request approval for a Class II Variance to allow our accessory structure to exceed the 500-square-foot limit, while maintaining a 3-foot distance from the rear property line.**

Website: [clementwalsh.com](http://clementwalsh.com) | Email: [info@clementwalsh.com](mailto:info@clementwalsh.com) | Tel: 503-898-0130

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.*

**Applicant Response:** Our proposed accessory structure is a swimming pool that is smaller than the standard size of 20x40'. This smaller design, which measures 38'x18', reflects our intention to complement the existing backyard and preserve the mature tree on the property.

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

**Applicant Response:** The request for a variance is based on several unique physical characteristics of the property, which makes compliance with the 20-foot rear setback requirement impractical to have a reasonable sized swimming pool off the house:

- **Significant Tree Preservation:** The property contains a large 40" DBH Douglas fir tree, which would need to be removed if the pool were to be constructed without a variance.
- **Topographical Challenges:** Adhering to the current setback would require substantial soil excavation due to the site's topography. Lowering the grade in this area would significantly increase

construction costs and potentially cause further disruption to the property.

- **Irregular Lot Shape:** The angled property line at the northwest corner of the lot restricts the available buildable space. This irregularity makes it difficult to situate the pool while maintaining both the design and functional requirements of the pool area.

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

**Applicant Response:** 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.*

**Applicant Response:** The variance will not result in the violation of any other code standards. (The five-foot 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.*

**Applicant Response:** The need for this variance arises from the existing conditions of the property, specifically the irregular lot shape, the presence of a 40" DBH Douglas fir tree, and the natural topography, all of which were present prior to the applicant's request. The applicant did not create these physical constraints.

- 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.*

**Applicant Response:** 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;**

**As an in-ground pool, its installation within the setback area is less intrusive and visible compared to above-ground options. This placement minimizes sight disturbance to neighbors, as the pool's level is flush with the ground and less conspicuous from neighboring properties.**



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

**The pre-application conference for this Class II variance application has been completed on date October the 3<sup>rd</sup> at 9 a.m.**

**From:** Arn, Jason S. Jason.Arn@tvfr.com  
**Subject:** New Pool for Megan and Brandon Kemp- 1490 Skye Pkwy  
**Date:** October 22, 2024 at 1:59 PM  
**To:** clement@clementwalsh.com  
**Cc:** McGladrey, Alexander M. alexander.mcgladrey@tvfr.com

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Hi,

We have reviewed your permit application, and it does not meet our permitting requirements. Tualatin Valley Fire & Rescue has no conditions to apply to this project.

Thank you for reaching out.

**Jason Arn | Deputy Fire Marshal CFI**  
Tualatin Valley Fire & Rescue  
Direct: 503-259-1510  
[www.tvfr.com](http://www.tvfr.com)



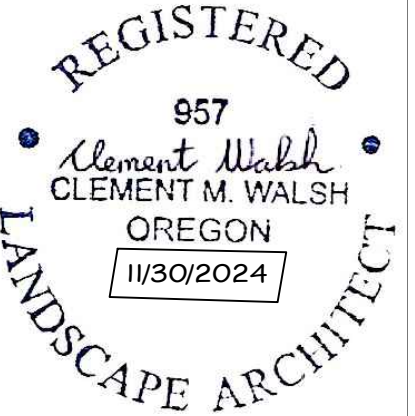
Revisions:

Project Information:

**KEMP RESIDENCE**

Project address:  
1490 SKYE PKWY  
WEST LINN, OR 97068

Issue Information:



CLEMENT WALSH  
LANDSCAPE ARCHITECT, INC.  
8215 SW Tualatin-Sherwood Rd. Suite #200  
Tualatin, OR 97062  
503.898.0130 ClementWalsh.com

Project no.: 2024-027  
Drawn by: Danielle Street  
Checked by: Clement Walsh  
Sheet size: 24" x 36"  
Scale: Noted  
Plot date: October 11, 2024  
Sheet no.: 1 of 1

**SITE PLAN**

Drawing:  
**S100**

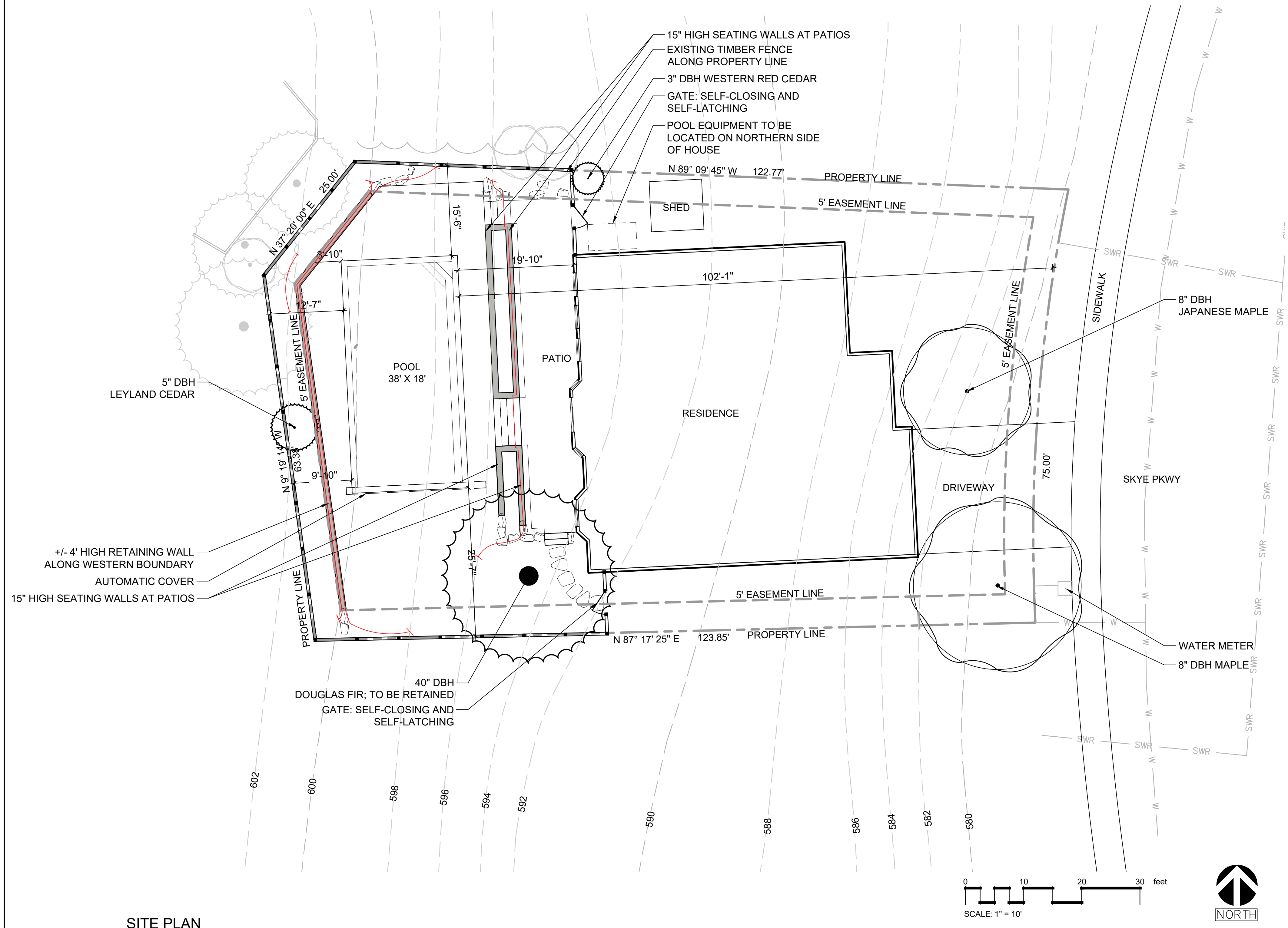
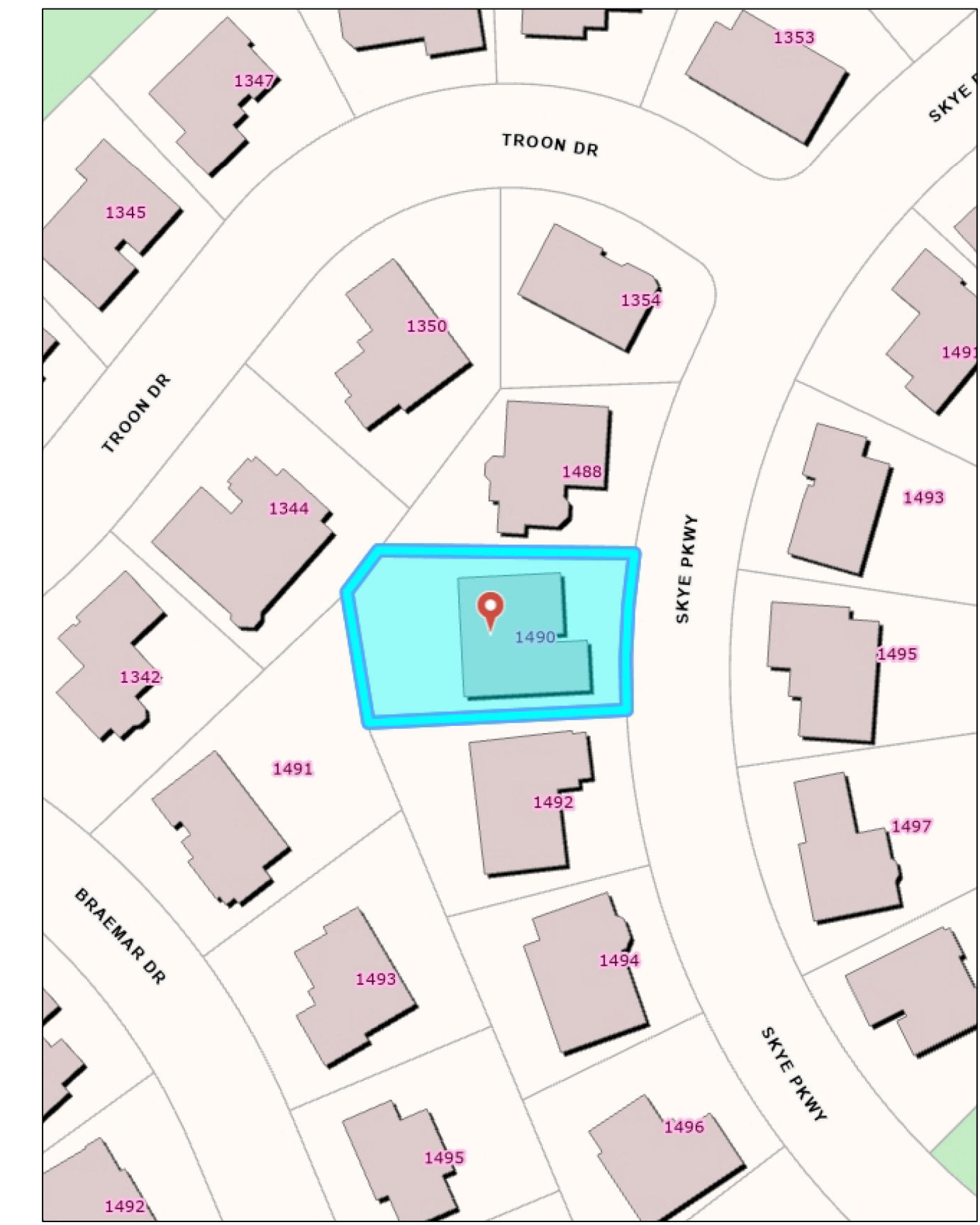
**LEGEND**

- PROPERTY LINE
- 5' EASEMENT LINE
- WATER LINE
- SEWER LINE
- EXISTING 2' CONTOURS
- PROPOSED 2' CONTOURS
- PROPOSED RETAINING WALLS

**POOL GENERAL NOTES:**

1. SWIMMING POOL HAS AN AUTOMATIC COVER THAT COMPLIES WITH ASTM F1346-91 (LATEST EDITION) STANDARD PERFORMANCE SPECIFICATIONS FOR SAFETY COVERS AND LABELING REQUIREMENTS FOR ALL COVERS FOR SWIMMING POOLS, SPAS AND HOT TUBS.
2. POOL BARRIER SHALL CONFORM TO OREGON RESIDENTIAL SPECIALTY CODE (LATEST EDITION) APPENDIX G SECTION AG105 TITLES BARRIER REQUIREMENTS.
3. GATES TO BE SELF-CLOSING AND SELF-LATCHING.

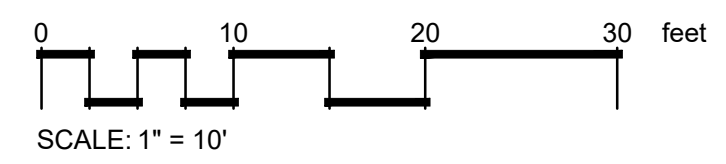
**VICINITY MAP**



**SITE PLAN**

**SITE INFORMATION:**

SITE ADDRESS: 1490 SKYE PARKWAY  
LEGAL DESCRIPTION: SECTION 14, TOWNSHIP 2S, RANGE 1E, TAX LOT 01100  
TAX LOT NO.: 21E14CC01100  
SITE AREA: ~10,159 SQUARE FEET  
NEIGHBORHOOD: SKYLINE RIDGE NEIGHBORHOOD ASSOCIATION  
COMP. PLAN: LOW-DENSITY RESIDENTIAL  
ZONING: R-10, RESIDENTIAL  
ZONING OVERLAYS: NO ENVIRONMENTAL ZONING OVERLAYS





Revisions:

Project Information:

Project name:  
**KEMP RESIDENCE**

Project address:  
1490 SKYE PKWY  
WEST LINN, OR 97068

Issue Information:

CLEMENT WALSH  
LANDSCAPE ARCHITECT, INC.  
8215 SW Tualatin-Sherwood Rd. Suite  
#200  
Tualatin, OR 97062  
503.898.0130 ClementWalsh.com

Project no.: 2024-027  
Drawn by: Danielle Street  
Checked by: Clement Walsh  
Sheet size: 24" x 36"  
Scale: Noted  
Plot date: October 3, 2024  
Sheet no.: 1 of 1

Sheet title:  
**EXISTING  
CONDITIONS  
PLAN**

Drawing:

**E100**

**DEMOLITION GENERAL NOTES:**

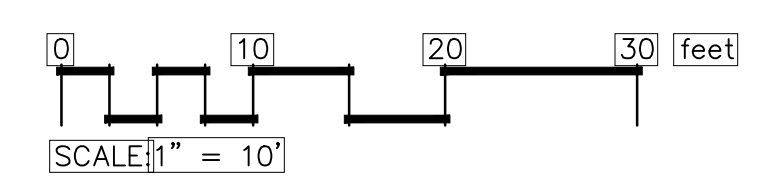
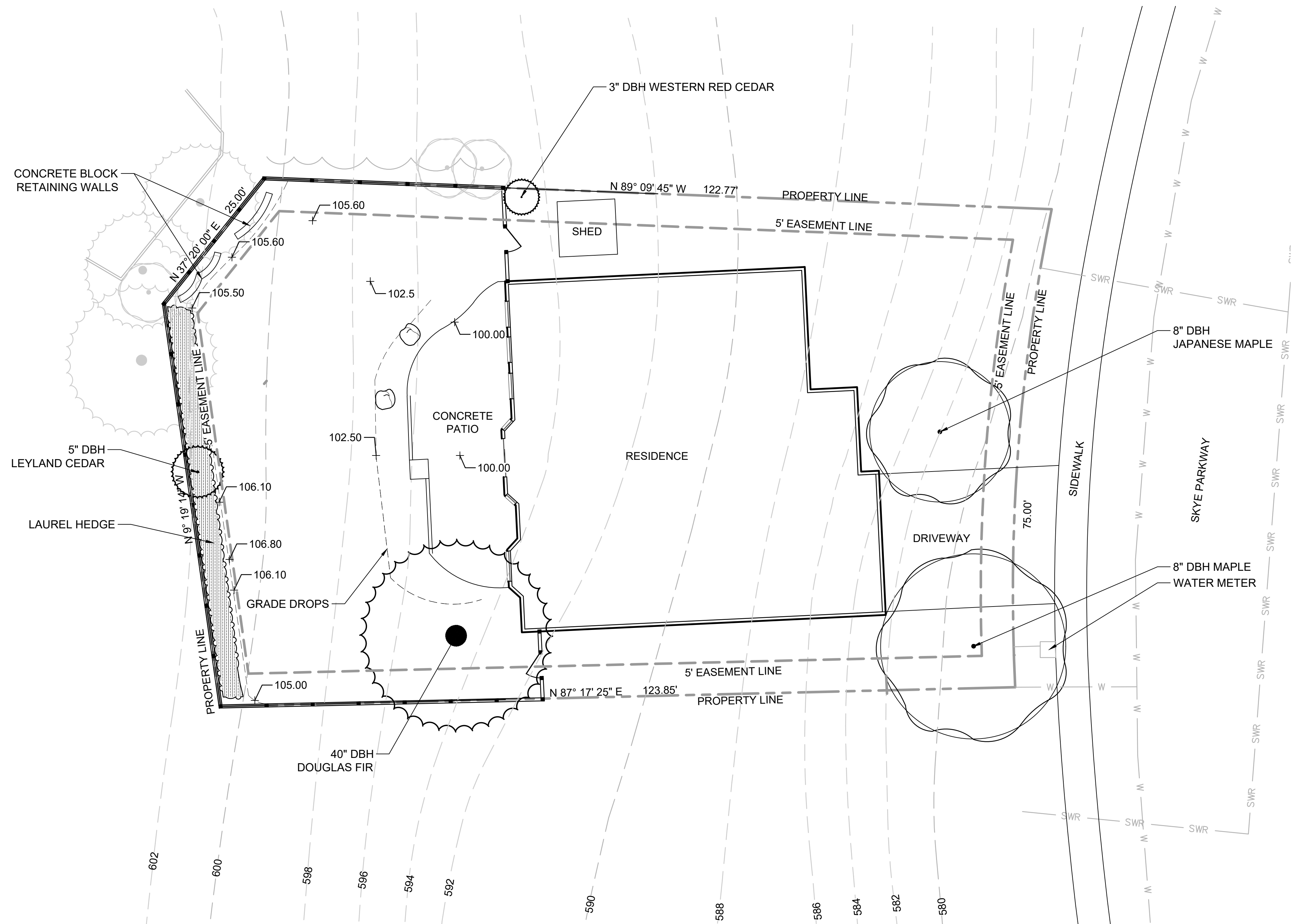
1. CONTRACTOR SHALL PROTECT AND MAINTAIN UNINTERRUPTED UTILITY SERVICE TO NEIGHBORING HOMES DURING DEMOLITION AND CONSTRUCTION.
2. SURFACE AND BELOW GRADE IMPROVEMENTS INTENDED TO REMAIN INTACT SHALL BE REPLACED AT CONTRACTOR'S EXPENSE IF DAMAGED DURING DEMOLITION OR CONSTRUCTION ACTIVITIES.
3. CONTRACTOR SHALL PROVIDE CONSTRUCTION FENCING, SIGNAGE, AND BARRIERS AS REQUIRED TO PREVENT UNAUTHORIZED ACCESS INTO DEMOLITION AREA.

**EXISTING CONDITIONS GENERAL NOTES:**

1. EXISTING CONDITIONS PLAN IS A SCHEMATIC/CONCEPTUAL DRAWING. PROPERTY LINES, HOUSE LAYOUT, STRUCTURE, TREES, AND LANDSCAPE LAYOUT ARE REPRESENTED ON THIS PLAN AND ARE CONCEPTUAL IN NATURE.
2. LOCATION OF EXISTING TREES SHALL BE VERIFIED IN THE FIELD BY THE CONTRACTOR PRIOR TO COMMENCEMENT OF WORK. PROTECT & KEEP EXISTING TREES AND COORDINATE WITH ARBORIST FOR PRUNING IF NECESSARY.

**LEGEND**

- 5' EASEMENT LINE
- PROPERTY LINE
- SWR SEWER LINE
- W WATER LINE
- - - - - EXISTING 2' CONTOURS



**EXISTING CONDITIONS PLAN**

LOT SIZE: 10,159 SF



Revisions:

Project Information:

**KEMP RESIDENCE**

Project address:  
1490 SKYE PKWY  
WEST LINN, OR 97068

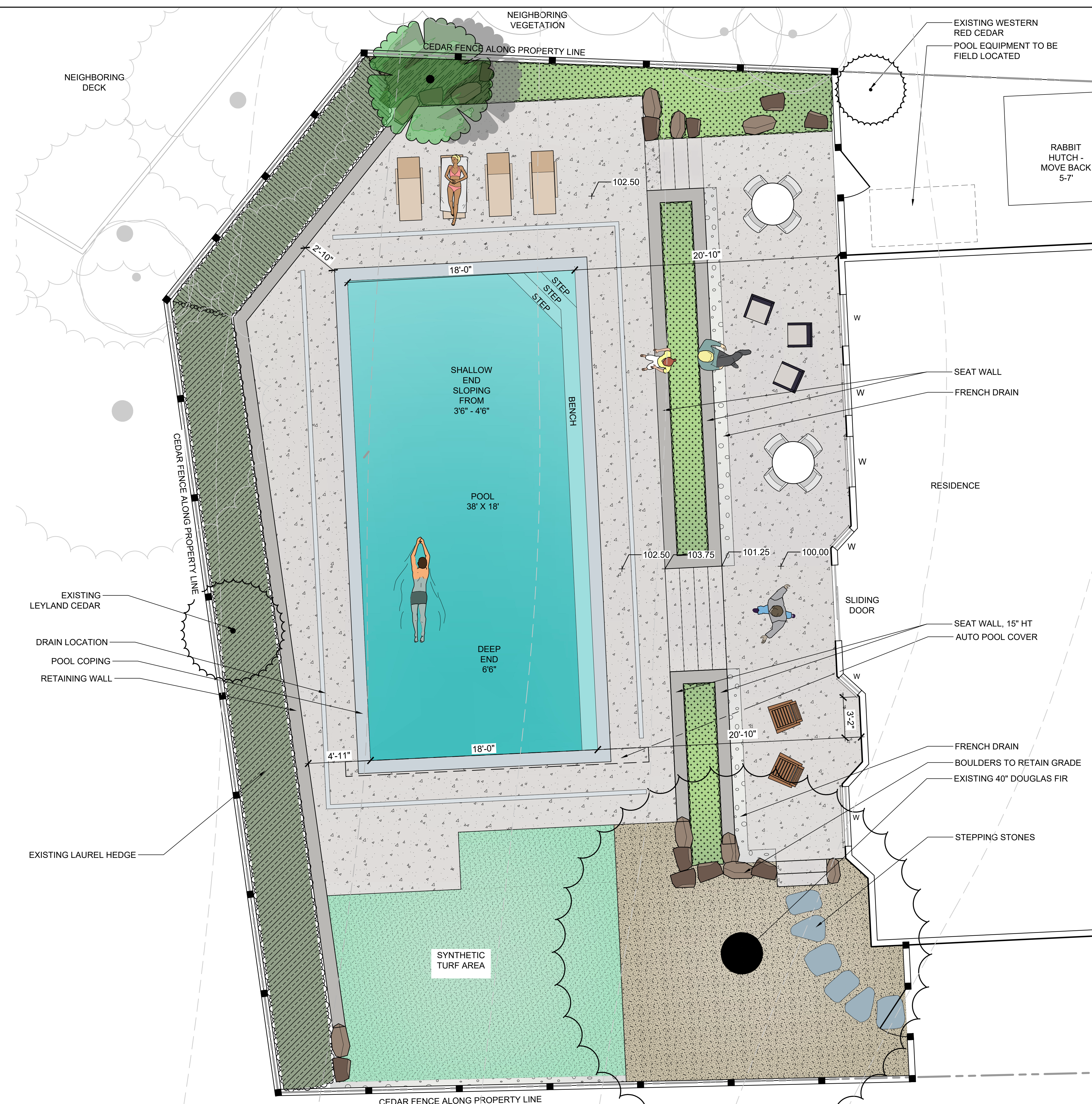
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Plot date: October 3, 2024  
Sheet no. 1 of 1

Sheet title:  
**LANDSCAPE PLAN**

Drawing:  
**L100**



**CONCEPT PLANT SCHEDULE**

	PROPOSED SMALL SPECIMEN TREE - 10 FT	1
	PLANT BED	210 sf
	HEDGE	60 sf
	GROUND COVER 2	32 sf

**REFERENCE NOTES SCHEDULE**

SYMBOL	DESCRIPTION	QTY
	Stepping Stones	6
	Mulch	366 sf
	Synthetic Turf	419 sf
	1.5" - 3" Diameter River Rock	59 sf
	Retaining Wall - Board-form Concrete	198 lf
	Concrete - Sand Finish	2,356 sf

**LANDSCAPE PLAN GENERAL NOTES:**

- CONTRACTOR SHALL VERIFY UTILITY LOCATIONS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL TAKE NECESSARY PRECAUTIONS TO PROTECT EXISTING SITE IMPROVEMENTS, PAVING, WALLS, AND UNDERGROUND UTILITIES. DAMAGE SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT NO ADDITIONAL COST.
- CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OR OWNER'S REPRESENTATIVE:
  - IF ANY CONFLICTS OR DISCREPANCIES ARE OBSERVED BETWEEN THE LANDSCAPE DRAWINGS, EXISTING CONDITIONS, AND/OR UTILITY LOCATIONS.
  - OF ANY SITE CHANGES THAT MAY BE DAMAGING TO PLANT HEALTH OR CAUSE FUTURE PROBLEMS.
  - IF SPECIFIED MATERIALS OR METHODS ARE NOT CONSISTENT WITH LOCAL CLIMATE AND/OR PRACTICES.
- THE PROPOSED LANDSCAPE IMPROVEMENTS ARE DEPENDENT ON CITY APPROVAL AND PERMITS.

**SCHMATIC LANDSCAPE PLAN**



## **EXHIBIT PC-2: COMPLETENESS LETTER**



CITY OF  
**West Linn**

November 21, 2024

Megan and Brandon Kemp  
1490 Skye Pkwy  
West Linn, OR 97068

SUBJECT: VAR-24-18 Application for a Class II Variance at 1490 Skye Pkwy

Dear Mr. and Mrs. Kemp:

The city accepted this application for review on October 24, 2024. The Planning Department finds the application to be **complete** as of November 21, 2024. The city has 120 days to exhaust all local review once an application has been deemed complete; that period ends February 27, 2025.

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 503-742-6062, or by email at [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) if you have any questions or comments.

Sincerely,

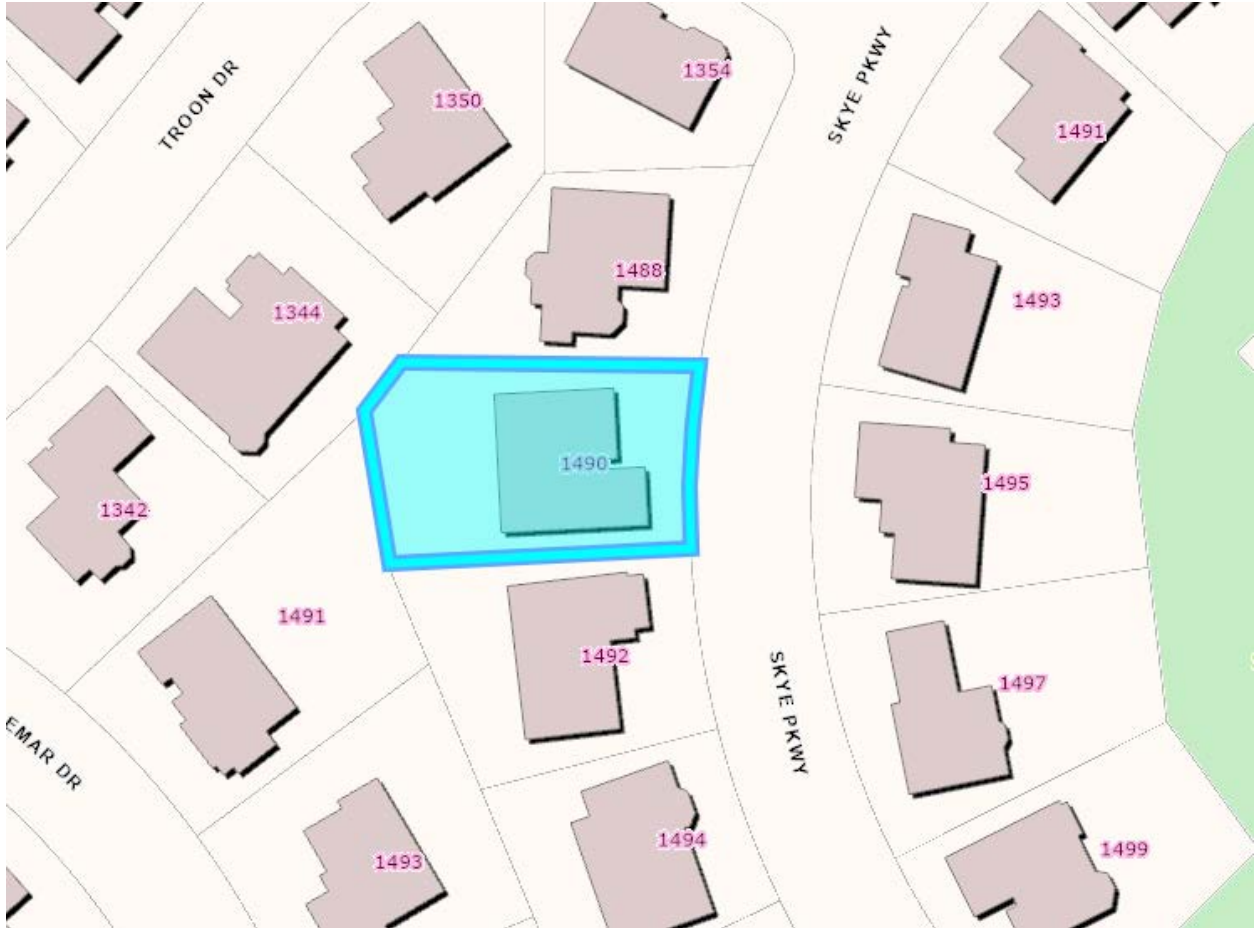
Chris Myers  
Associate Planner

## EXHIBIT PC-3: PROPERTY MAPS

## Subject Property



## Subject Property



## **EXHIBIT PC 4: AFFIDAVIT AND NOTICE PACKET**





**STAFF REPORT**

The staff report was posted on the website and provided to the applicant and Planning Commissioners at least 10 days before the hearing, per Section 99.040 of the CDC.

12/31/24	<i>Lynn Schroder</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 PLANNING COMMISSION  
PUBLIC HEARING NOTICE  
FILE NO. VAR-24-18**

The West Linn Planning Commission will hold a hybrid public hearing on **January 15, 2025** at 6:30 pm in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request for VAR 24-18 at 1490 Skye Pkwy. The applicants are requesting approval for a Class II Variance to allow a swimming pool to exceed the 500 square foot limit for an accessory structure located within three feet of a property line.

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 21E14CC01100, or as otherwise required by CDC Chapter 99.080).

The Planning Commission will make its decision based on applicable criteria found in Chapter 75 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/projects>. 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 a reasonable cost. The staff report will be posted on the website and available for inspection at no cost, or copies may be obtained at a reasonable cost, at least ten days before the hearing.

The hearing will be conducted according to CDC Section 99.170 in a hybrid format with some Commissioners, staff, presenters, and members of the public attending remotely via Webex and others attending in-person at City Hall. The public can watch the meeting online at <https://westlinnoregon.gov/meetings> or on Cable Channel 30.

**Anyone wishing to present written testimony for consideration may submit all materials before 12:00 pm on the meeting day to [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) or mail them to City Hall.**

Those who wish to participate remotely should complete the speaker form at <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> **before 4:00 pm on the meeting day** to receive an invitation to join the meeting. Virtual participants can log in through a computer, mobile device, or call-in.

**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 Chris Myers, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6062 for additional information.



**NOTICE OF UPCOMING  
PLANNING MANAGER DECISION**

**PROJECT # VAR-24-18  
MAIL: 12/5/24 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.

VAR-24-18 - Notified Properties within 500 feet of 1490 Skye Parkway

