



## LAND USE APPLICATION FORM

### Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review

### Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☒ Minor Variance
- ☐ Natural Resource (NROD) Review

### Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

**File Number(s):** GLUA-19-00021 (AN-19-00002/SUB-19-00001 / 2C-19-00002)

**Proposed Land Use or Activity:** Variance for lot depth for maplelane subdivision

**Project Name:** \_\_\_\_\_ **Number of Lots Proposed (If Applicable):** 7 lots

**Physical Address of Site:** 14576 S Maplelane Rd. Oregon City, OR 97504

**Clackamas County Map and Tax Lot Number(s):** 3-2E-04DB-00200

### Applicant(s):

**Applicant(s) Signature:**  Desiree Rowland

**Applicant(s) Name Printed:** Nathan & Desiree Rowland **Date:** 9-30-19

**Mailing Address:** 13310 SE Valemont Ln, Happy Valley OR 97086

**Phone:** 503-913-2386 **Fax:** \_\_\_\_\_ **Email:** rowland.desiree@yahoo.com

### Property Owner(s):

**Property Owner(s) Signature:** Same as above

**Property Owner(s) Name Printed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **Email:** \_\_\_\_\_

### Representative(s):

**Representative(s) Signature:** \_\_\_\_\_

**Representative (s) Name Printed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **Fax:** \_\_\_\_\_ **Email:** \_\_\_\_\_

*All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.*

**RECEIPT (REC-005985-2019)  
FOR CITY OF OREGON CITY**

**BILLING CONTACT**

Desiree Rowland  
13310 Se Valemont Ln  
Happy Valley, Or 97086



Payment Date: 10/01/2019

Reference Number	Fee Name	Transaction Type	Payment Method	Amount Paid
VAR-19-00005	Mailing Labels	Fee Payment	Credit Card	\$17.00
	Variance - Administrative	Fee Payment	Credit Card	\$1,450.00
14576 S Mapelane Rd Oregon City, OR 97045				<b>SUB TOTAL</b> \$1,467.00
				<b>TOTAL</b> \$1,467.00

**TYPE II – ADMINISTRATIVE VARIANCE**  
**Applicant's Submittal**

**APPLICANT:** Nathan and Desiree Rowland  
13310 SE Valemont Ln  
Happy Valley, OR 97086  
Phone: 503-913-2386  
Email: rowland.desiree@yahoo.com

**OWNER:** Nathan and Desiree Rowland  
13310 SE Valemont Ln  
Happy Valley, OR 97086

**REQUEST:** Seeking approval of a minor variance to the lot depth of Lot number 3 in a seven lot subdivision on Maplelane. The required lot depth within the R-3.5 dwelling district is 70 feet and the request is for 63 feet deep, however the lot will be over 40 feet wide and the requirement is only 25 feet wide within the R-3.5 dwelling district.

**LOCATION:** 14576 S Maplelane Rd, Oregon City, OR 97045  
Clackamas County Map 3-2E-04DB-00200

**I. BACKGROUND:**

**1. Existing Conditions**

The property addressed in this application is .96 acres and primarily flat. The site is developed with a single family home and attached garage built in 1965. The property is currently in Clackamas County and zoned FU-10, but within the Urban Growth Boundary with an Oregon City Comprehensive Plan designation of Medium Density Residential. An application with the city has been submitted to annex the property from Clackamas County to Oregon City, a zone change from the current zoning of FU-10 to R-3.5 and a partition to divide the property into a seven lot subdivision. The current home is in good condition and will remain, so the subdivision layout proposed took into account the existing home, the shadow plat and future connectivity, along with advice from the Oregon City planning team to come up with the best possible layout and elevation for the future houses to be built. This in turn affected the lot dimensions and Lot 3 as proposed does not meet the lot depth requirements and a variance is being requested.

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## 2. Project Description

As noted above, in order to accommodate the existing house and meet setback requirements, along with trying to achieve the best possible layout of the subdivision, it forced Lot 3 to not meet the minimum lot depth requirement of 70 feet (for the R-3.5 zone designation.) A variance is being requested for Lot 3 from 70 feet deep to 63 feet deep. However, this lot will be over 40 feet wide and the requirement is only 25 feet wide. So the lot will be much wider and lends itself to more curb appeal and a better elevation for the future house to be built.

If you average out the width and depth of the proposed lots, they will exceed the minimum requirements for the R-3.5 zone. Taking into account the width of all proposed lots, the average lot is more than 50 feet wide, which is double the requirement. Taking into account the depth of all proposed lots, the average lot is more than 75 feet deep.

## II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

### **CHAPTER 17.60 - VARIANCES**

#### ***17.60.020 - Variances—Procedures.***

***17.60.020.A.*** A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.

#### **Applicant's Response:**

An application with the city was submitted to annex the property from Clackamas County to Oregon City, a zone change from the current zoning of FU-10 to R-3.5 and a partition to divide the property into a seven lot subdivision. The application was deemed complete on 7/25/2019. This application is being submitted in addition for the minor variance to the lot depth for Lot 3 within the proposed subdivision.

***17.60.020.B.*** A nonrefundable filing fee, as listed in Section 17.50.[0]80, shall accompany the application for a variance to defray the costs.

#### **Applicant's Response:**

All fees have been paid thus far and the applicant will pay the required fee for the minor variance application.

***17.60.020.C.*** Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in Section 17.60.030, Variances — Grounds.

#### **Applicant's Response:**

The proposed variance is for lot depth as demonstrated in OCMC 17.60.020 E

***17.60.020.D.*** Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in Section 17.50.030.B., and shall address the criteria identified in Section 17.60.030, Variance — Grounds.



**Applicant's Response:**

The application is a minor variance and will be processed as a Type II application.

**17.60.020.E.** *For the purposes of this section, minor variances shall be defined as follows:*

1. *Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
2. *Variances to width, depth and frontage requirements of up to twenty percent;*
3. *Variances to residential yard/setback requirements of up to twenty-five percent;*
4. *Variances to nonresidential yard/setback requirements of up to ten percent;*
5. *Variances to lot area requirements of up to five;*
6. *Variance to lot coverage requirements of up to twenty-five percent;*
7. *Variances to the minimum required parking stalls of up to five percent; and*
8. *Variances to the floor area requirements and minimum required building height in the mixed-use districts.*
9. *Variances to design and/or architectural standards for single family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.*

**Applicant's Response:**

The applicant has proposed a 7 lot subdivision in a R-3.5 designation and to accommodate the existing home and meet the set back requirements, a variance to the depth for Lot 3 is being requested, from 70 feet deep to 63 feet deep. This is only a 9% variance and up to 20% is allowed.

**17.60.030 - Variance—Grounds.**

*A variance may be granted only in the event that all of the following conditions exist:*

**17.60.030.A.** *That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*

**Applicant's Response:**

The applicant is requesting a variance to the lot depth for Lot 3, from 70 feet to 63 feet. The lot will exceed minimum lot width requirements and meet all set back requirements. In addition, lot 3 is on a corner lot which provides additional room, light and air. There should be no damage to adjacent properties by reducing light, air or safe access.

**17.60.030.B.** *That the request is the minimum variance that would alleviate the hardship;*

**Applicant's Response:**

The applicant has requested a variance to the lot depth for Lot 3, from 70 feet to 63 feet or 9%. This is the minimum required to meet the setbacks for the existing house on Lot 1.

**17.60.030.C.** *Granting the variance will equal or exceed the purpose of the regulation to be modified.*

**Applicant's Response:**

Minimum lot widths and depths create a consistent standard to provide the public with an expectation on how development will occur. The minor variance of 9% to the lot depth will not affect the overall look and standard of the lot and in fact, in this case, the lot width is much wider so the lot will actually provide a better appearance and overall layout for the development as a whole.

**17.60.030.D.** *Any impacts resulting from the adjustment are mitigated;*

**Applicant's Response:**

The applicant requested a variance for the depth of Lot 3 from 70 feet to 63 feet. The minimum setbacks for the R-3.5 single family dwelling district mitigate any impacts resulting from the minor variance by allowing space between the additional lots in the development.

**17.60.030.E.** *No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*

**Applicant's Response:**

In order for the existing house on the property to remain and create 6 new lots (in accordance with the R-3.5 zone designation), and allow for the new street Oregon Iris Way and sidewalks, this was the best possible subdivision layout, with no other good alternative.

In addition, the minimum required density for this zone is 10 units/acre, and the minor variance would allow this layout to achieve the minimum density requirements consistent with the Comprehensive Plan Use Goal 2.1 - Efficient Use of Land.

For more detail and calculations regarding the density requirement see below, Seven total lots proposed (including the existing house and six new lots) on .96 acres. After subtracting out roads and dedications, there is a total of 29,417 SF of developable land. Given the density of 3.500 SF per lot, there is an allowance for 8.4 lots. However, due to the placement of the existing house and set back requirements, the lot the current house resides on will be over 9,000 SF. So we have proposed seven lots in total (six new lots plus the lot for the existing house.) The requested variance will allow for the sixth new lot. or seven lots in total, in order to meet the density requirements.

**17.60.030.F.** *The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

**Applicant's Response:**

The proposed minor variance allows development of the subject site in accordance with the following Comprehensive Plan Goals and Policies. Approval would result in the additional lot within the Mapelane subdivision resulting in greater housing options as well as efficient use of land and public facilities. The subdivision layout proposed took into account the existing home, the shadow plat and future connectivity, along with advice from the Oregon City planning team to come up with the best possible layout and elevation for the future houses to be built within this subdivision.

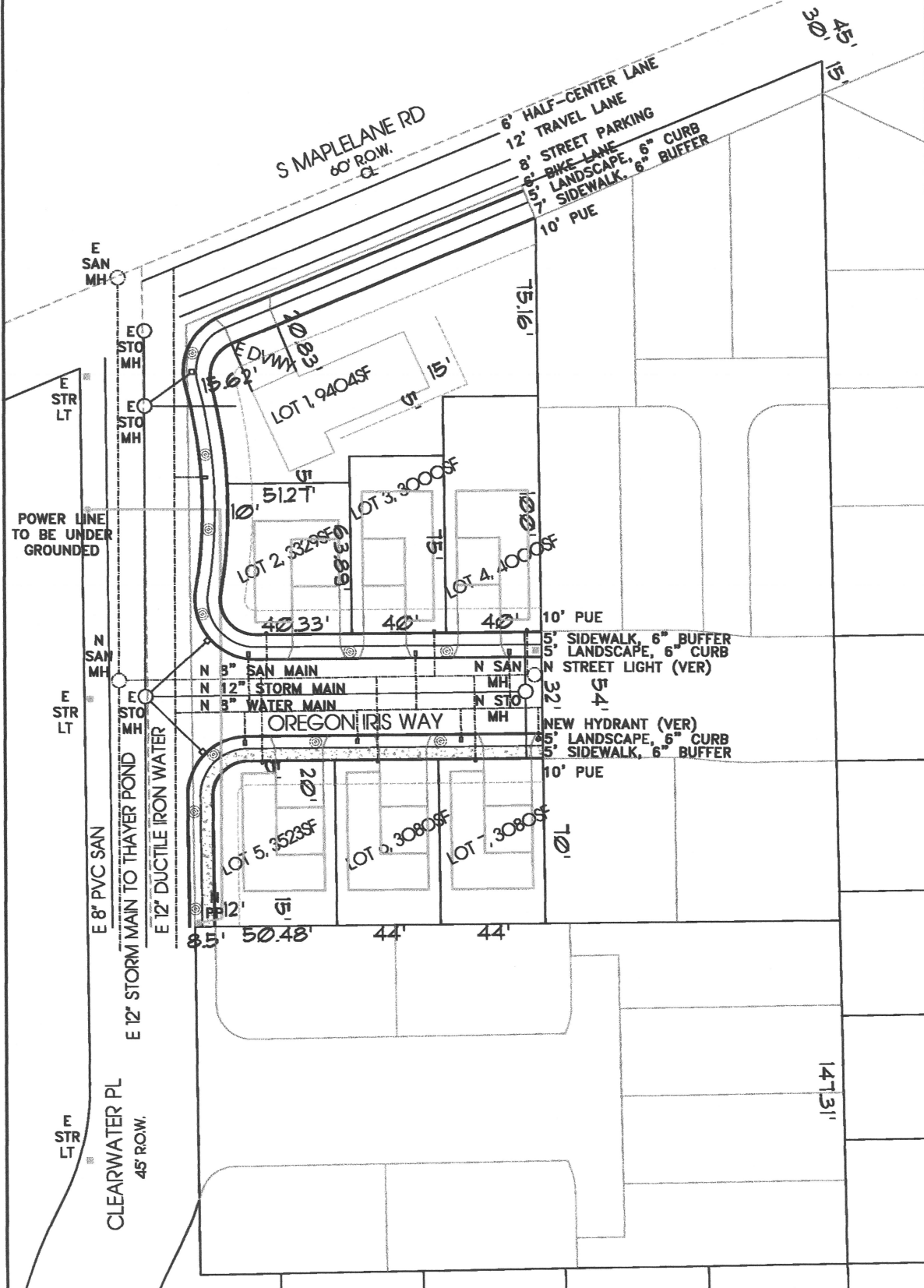
As noted above, the minimum required density for this zone is 10 units/acre, and the minor variance would allow this layout to achieve the minimum density requirements consistent with the Comprehensive Plan Use Goal 2.1 - Efficient Use of Land.

SCALE: 1" = 40'



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PLAN: 145716-6  
NAME: MAPLELANE  
SHEET: 1001 AND 1002  
DATE: 6/13/19  
SHEET: 0



From: Desiree Rowland rowland.desiree@yahoo.com  
Subject: Fwd: Caufield neighborhood meeting  
Date: Jun 25, 2019 at 9:19:18 AM  
To: dvassileva@orcity.org

Confirmation of attendance from chair (email below) and sign in sheet

CAUFIELD NEIGHBORHOOD ASSOC. - MAY 29, 2019			NAME	ADDRESS	EMAIL ADDRESS
			Robert Malchow	2053 WOODLAND WAY	R. MALCHOW @ COMCAST.NET
			Kim & Jane Rowland	2023 SUMMIT RD. SE.	JK ROWLAND @ BTCLINKS.COM
			Desiree Rowland	1330 SE VALMONT LN	rowland.desiree@yahoo.com
			Darlene Benson		
			JOHN KIES	1918 BERRARD	john.kies@gmail.com
			Guy Carter	14946 Cogswell Ct	guycarter@btclinks.com
			Maggie Grant		
			Rocky & Debra Butler	19346 BOWENS ST.	mejory1@gmail.com
			Jones, Mary Tyler	2006 Mossy Meadows	aria@barr46@gmail.com
			Wayne & Lillian Bauer	19931 Bonnie Ct	
			Yvonne Bush	20231 Melrose Dr.	MIKE WOOD @ COMCAST.NET
			Spencer Cook	20243 "	
			Debra, Robin	15091 Persimmon	
			Manuelita	20226 Mendocino	
			Dora Louie	2013 Conover Court	desiree.rowland@yahoo.com
			Bill McConne	1405 EDGEMONT DR	BillMcConne@yahoo.com
			ROSEANN JOHNSON		roseannjohnson.org
			CAROL LARSON	15025 St Andrews Dr	
			CHARLES POLANET		charpolanet@yahoo.com
			Robert Core	14977 Andra Ln	Robert.Core@comcast.net
			M. HE MY	5500	mhe@orc.org

Sent from my iPhone

Begin forwarded message:

From: "Robert Malchow" <[r.malchow@comcast.net](mailto:r.malchow@comcast.net)>  
Date: June 16, 2019 at 9:14:17 PM PDT  
To: "'Desiree Rowland'" <[rowland.desiree@yahoo.com](mailto:rowland.desiree@yahoo.com)>  
Subject: RE: Caufield neighborhood meeting

At the May 29, 2019 Caufield Neighborhood Assoc. meeting, Desiree Rowland presented her plans for building several new homes off of Maple Lane, near Clearwater Place. After the

presentation, a motion was made and seconded to approve her plan as presented. A voice vote was called for, and the motion was unanimously approved. Official minutes are not yet out as of this date. Please contact our secretary, Tori Skipper, if official minutes are required. Tori can be reached at [t.skipper@bhhsnw.com](mailto:t.skipper@bhhsnw.com)

Cordially,

Robert  
Robert Malchow  
Chairman, Caufield Neighborhood Assoc.  
[503-888-1622](tel:503-888-1622)

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**From:** Desiree Rowland <[rowland.desiree@yahoo.com](mailto:rowland.desiree@yahoo.com)>  
**Sent:** Wednesday, June 12, 2019 9:15 AM  
**To:** r.malchow <[r.malchow@comcast.net](mailto:r.malchow@comcast.net)>  
**Subject:** Re: Caufield neighborhood meeting

Hi Robert,

Thank you! If you could just confirm back via this email that I did present and all were in favor I think that will work for now.

Thank you for your time!  
Desiree Rowland

Sent from my iPhone

On Jun 11, 2019, at 11:21 PM, r.malchow <[r.malchow@comcast.net](mailto:r.malchow@comcast.net)> wrote:

Hi Desiree,  
Our secretary, Tori, is still working on the minutes. If you have a person I need to contact in the short term, just let me know.  
Robert  
[503-888-1622](tel:503-888-1622)

Sent from my Samsung Galaxy , an AT&T LTE smartphone

----- Original message -----

**From:** Desiree Rowland <[rowland.desiree@yahoo.com](mailto:rowland.desiree@yahoo.com)>  
**Date:** 6/9/19 9:10 PM (GMT-08:00)