

MINOR DEVELOPMENT REQUEST

RECEIVED

**Applicant: Frank Gray
14711 Rainbow Drive
Lake Oswego, Oregon 97035**

AUG 20 2007

**City of Lake Oswego
Community Development Dept.**

**Represented by: Edward J. Sullivan
Garvey Schubert Barer
121 SW Morrison St. #1100
Portland Oregon 97204**

I. APPLICANT'S REQUEST

The applicant is proposing to remodel an existing single-family residential structure to include extending a portion of the exterior front façade out an additional five feet to provide expansion of the master bathroom making it accessible for those with disabilities and is requesting approval of the following:

- 1. Delineation of the RP District.
- 2. RP buffer modification to expand a single-family residential structure.
- 3. Class I Variance to reduce the front setbacks by up to 20%.
- 4. Type I Tree Permit

II. APPLICABLE REGULATIONS

- A. City of Lake Oswego Community Development Code [LOC Chapter 50]:
- LOC 50.08.005 - 50.08.055 R-15 Zone Descriptions
- LOC 50.16.005 - 50.16.110 Sensitive Lands Overlay District
- LOC 50.40.005 - 50.40.030 Drainage Standard for Minor Development
- LOC 50.64.005 - 50.64.035 Utilities
- LOC 50.68.005 - 50.68.017 Variances
- LOC 50.70.005-50.70.040 Non-Conforming Uses
- LOC 50.77.005 Application for Development
- LOC 50.77.007 Burden of Proof
- LOC 50.79.025 Review Criteria for Minor Developments
- LOC 50.79.040 Conditions of Approval
- LOC 50.81.005 - 50.81.020 Review of Minor Development Applications
- LOC 55.02.042(1) Type I Tree Removal Permit
- LOC 57.06.065 Solar Access

III. PROPOSAL

Background/Existing Conditions:

<p>EXHIBIT F-1 LU 07-0069 15 pages</p>

1. The Springbrook Park Tributary of Springbrook Creek exits from a culvert south of Rainbow Drive and flow across the abutting property to the east from northeast to southwest. Part of the top of bank and stream buffer extends onto the subject property. However, all of the resource and most of the buffer are located on an adjacent property.

2. The existing dwelling is non-conforming with regard to the RP buffer and setback requirements and may be non-conforming to one or more of the R-10 zone standards.

3. The lot is zoned R-10 residential, and the surrounding properties are also zoned R-10. They are similarly developed with single-family dwellings.

4. The Sensitive Lands Overlay District requirements (LOC 50.16) apply to all lands designated RP on the Sensitive Lands Atlas. Development that would result in any land disturbance within the RP District or within 30 feet of the RP district boundary is subject to the standards and criteria of LOC Article 50.16.

Compliance with Criteria for Approval:

As per LOC 50.79.035 and LOC 50.79.015, staff must consider the following criteria when evaluating minor developments:

The applicant applying for a development permit shall bear the burden of proof that the application complies with all applicable review criteria, or can be made to comply with applicable criteria by imposition of conditions of approval [LOC 50.79.040].

Minor Development LOC 50.79.020

The subject proposal is appropriately being processed as a minor development because it requires a variance to the front yard setback and includes development in the RP buffer area. Minor Development permit applications are typically reviewed and decided by the Community Development Director.

LOC 50.16.015 applies to all lands designated RP on the sensitive lands atlas. The applicant is proposing the following: Delineation of the RP District, RP buffer modification to expand a single-family residential structure, a Class I Variance to reduce the front yard setbacks by up to 20% and a tree removal permit.

The site is in the R-10 residential zone, and is subject to the following minimum requirements found under LOC 50.08.005-50.08.025. A comparison between the required building dimensions and the proposed dimensions after the buffer and setback reductions for the R-10 zone are listed below:

<u>Setbacks</u>	<u>Requirement</u>		<u>14711 Rainbow Drive</u>	
	<u>> 18' in height</u>	<u>< 18' in height</u>	<u>Existing</u>	<u>Proposed</u>
Front Yard	25 feet	25 feet	24.9 feet	21.4 feet
Side Yard north	15 feet	10 feet	5.7 feet	5.7 feet
Side Yard south	15 feet	10 feet	8.7 feet	8.7 feet
Rear Yard	30 feet	30 feet	70.8 feet	70.8 feet
<u>Lot Coverage</u>	<u>< 22' in height</u>	<u>> 22' in height</u>		
	35% for structure	23% for structure	10.7%	11.1%
<u>Height</u>	30 feet		22 feet at gable	22 feet at gable
<u>Front Setback Plane</u>			68.5 feet incl. garage	68.5 feet incl. garage
	750 feet			
<u>Side Setback Plane (south)</u>	750 feet		27 feet	30.5 feet

Sensitive Lands Overlay District - LOC 50.16.015

This standard applies to all lands designated as RP districts on the Sensitive Lands Map. This site contains an RP District. The RP buffer occupies a 30-foot margin of land located along the top of bank as shown on Exhibit A.

Delineation -LOC 50.16.035

1. Preparation /Criteria: delineation is a more precise site-specific determination of the location of the resource prepared by a qualified professional. The delineation shall include a map and show the buffer area, if required for the particular resource.

The applicant has provided a delineation of the stream corridor and is included in Exhibit A.

Resource Preservation (RP District Environmental Review Standards; Applicability and Purpose - LOC 50.16.065

Development that is subject to environmental review on property containing an RP District shall comply with the standards contained in LOC 50.16.065 to 50.16.085 in order to:

1. Prohibit new development within an RP District following delineation of the resource or resources except as provided in this section. In the event that development is allowed within an RP District, the applicant shall mitigate for the loss of or damage to the RP resource pursuant to LOC 50.16.100 to 50.16.110.

2. Ensure that new development and alterations are compatible with and maintain the total land area and functions and values of resources designated as RP.

3. Allow for the development opportunities for at least one single family home in residential zones where an RP District occupies most or all of an individual property, pursuant to applicable mitigation criteria of LOC 50.16.100 to 50.16.110.

The standards that address the above-mentioned purpose statements are listed below.

The existing structure is non-conforming in that it was built before the RP District Buffer Regulations were in place. At present, the southeast corner of the existing dwelling is located 14 feet from the top of bank. The expansion will extend the structure an additional 3.5 feet toward the street resulting in an additional impact in the buffer area of approximately 56 square feet.

RP District Buffer Requirements - LOC 50.16.070

The subject site as a Class I stream corridor; therefore, the 30-foot buffer (and 10-foot construction buffer) applies to this site. Exhibit A shows the general location of the RP boundary.

a. Stream corridor:

Pursuant to LOC 50.16.035, a stream corridor boundary shall be measured or delineated based on topographic maps, hydrology maps, and/or field observations, and the measurement of this boundary is limited to those methods found in Appendix 50.16-B, "Methods for Establishing Stream Corridor Boundaries". The City's Code defines stream corridors and the associated natural features within the streams. These natural features include stream channels, flood plains, wetlands, riparian vegetation, associated vegetation, steep slopes, and habitat features. A delineation is a more precise site specific determination of the location of a resource that is accurate to within two feet.

City staff visited the site in July of 2007, and verified the location of the top of bank indicated on the site plan (Exhibit A). Based on this field visit and all of the information provided, staff applied the methodology related to streams that have ravines and steep slopes found in Appendix 50.16-B. Staff found that the edge of the stream corridor was located at the contour where the flat land meets the slope of the stream.

Exceptions/Modifications to Buffer Requirements – 50.16.070(3)

c. *The review authority may permit a buffer width that is less than the average minimums required in subsections (3)(a) or (3)(b) of this section when a qualified professional shows that such an adjustment will not damage the system as a whole, and one of the following conditions exist:*

- i. *The presence of an existing topographic feature or human-made development physically precludes establishment of the minimum buffer width required; or*
- ii. *The size or configuration of the subject parcel is insufficient to provide the minimum buffer width required.*

4. *The review authority shall not permit a reduction in buffer width solely for the purpose of maximizing development of the site.*

City staff has flagged the top of the bank thereby establishing the 30 foot buffer boundary. At its southeast corner, the existing structure is located 14 feet from the top of bank. Rather than extend the structure closer toward the resource, the expansion will extend towards Rainbow Drive an additional 3.5 feet maintaining the same distance from the resource. After expansion, the structure will still retain a side setback from the resource of 14 feet. 54 square feet of buffer will be lost as a result of this expansion. The proximity of two significant man-made improvements, a street and an existing structure, precludes establishment of the buffer in this area.

Mitigation of the potential loss of the buffer will be provided through tree planting and native landscape planting. [LOC 50.79.040(1)(c)] This will allow compliance to the maximum extent possible with the buffer requirements, while permitting structure expansion to accommodate master bathroom renovations to serve those with disabilities. It is the existing configuration of the structure and its existing location within the buffer that requires buffer reduction.

RP District Development Standards - LOC 50.16.075

Landscaping: The delineated RP resource and buffer zone shall maintain the natural function and character of the resource area, which provides food and shelter for native wildlife. Landscaping in this area will consist of native vegetation at similar densities as the resource and needs to follow the criteria outlined in LOC 50.16.0751(a-f).

Tree Removal: The applicant is proposing to remove one tree that is unrelated to the expansion request. Therefore, it can be removed under a Type I Tree permit. LOC 55.02.042(1). The tree is a 6.24" caliper maple tree that is not located within the RP District. This tree is not considered native species and their removal will not affect the Habitat Assessment Score (HAS) rating of the resource, provided that the removal of these trees are replaced with native species.

Streets Driveways and Public Transportation Facilities: This standard does not apply.

Structures, Parking Areas Pathways Driveways Lighting and Fences: This standard addresses the 10-foot construction setback from the RP Buffer and allowable uses within the buffer. The applicant is not proposing any new construction within the 10-foot construction setback, this standard does not apply.

a. Passive use recreational facilities, such as soft surface trails and pedestrian bridges, may be located within the RP district or its buffer. Any disturbed land area shall be restored with plants as described on the Restoration Plants List.

The applicant is not proposing any trails or pedestrian bridges with the RP district or its buffer. This standard does not apply.

b. Exterior lights shall be hooded and positioned so that light does not shine directly into the RP District.

The applicant is not proposing any lighting as a part of this request. Therefore, this standard does not apply.

c. Fences shall not be placed in a resource or its buffer, unless they are constructed to allow wildlife passage.

The applicant has not proposed fencing as a part of this application this standard does not apply.

Mitigation Requirements [LOC 50.16.110]

The applicant will mitigate for the loss of 56 square feet of buffer area by planting a variety of trees and shrubs that are compatible with the existing stream corridor and riparian habitat similar densities as the existing resource. The restoration plan will include native shrubs such as: Sword fern, Salal, Elderberry, Vine Maple, Willows, Red Osier Dog Wood and other plant species in the City's native plant list.

Drainage Standard [LOC 50.40.005-50.40.035]

The applicant has not submitted a utility plan for this site because the structure expansion will not create enough impermeable surface to trigger this standard. The applicant will be connecting to the existing storm drain system that will be reviewed and approved by the Building Division. This standard does not apply.

Hillside Protection [LOC 50.43.005-50.43.035]

New development is not being proposed; therefore, this standard does not apply.

On-Site Circulation - Driveways and Fire Access Roads - [LOC 50.58.05-50.58.035]

This standard is applicable to all development proposing a new use or an increased use on a site when the development will result in the use of private streets. There will be no new or increased uses proposed with this application; therefore this standard does not apply.

Variances LOC 50.68.005 – 50.68.017

1. The reviewing authority may grant a variance from the requirements of this Code, except as expressly prohibited, if it is established that:

a. Class 1 (Minor) Variance Standards.

i. The granting of the variance will not be detrimental to the public health or safety, or materially injurious to properties or improvements within 300 feet of the property.

As discussed above, the applicant proposes an addition that will extend the front of the structure an additional 3.5 feet towards Rainbow Drive. As shown in the attached house plans, Exhibit B, the structure will be compatible in design and character with the existing house and neighboring homes. The existing topography recedes toward the rear of the property meaning that the front

of the house is lower than the road elevation making the additional less visible from the houses across the street. Further the street is 40 feet wide providing an adequate light and noise buffer of adjacent structures. The addition is an extension of an existing house; does not increase building height; and is fully within the character of the neighboring houses.

ii. The proposed development will not adversely affect existing physical and natural systems such as traffic, drainage, Oswego Lake, hillsides, designated sensitive lands, historic resources, or parks, and the potential for abutting properties to use solar energy devices any more than would occur if the development were located as specified by the requirements of the zone.

Traffic: The property will continue to be a single-family residence and no additional automobile access or parking will be necessary.

Drainage: The subject house is located on a flat lot and replaces a previously existing concrete pad. Increase of impervious surface for drainage purposes, therefore, is not materially increased.

Oswego Lake: The subject property is located several miles from Oswego Lake. There are no lake easements connected to the property and no lake use anticipated.

Hillside: Although this property gently slopes to the west, the overall structure height will remain the same.

Designated Sensitive Lands: The subject property is not abutted to or located near any designated sensitive lands.

Historic Resources: There are no designated historic areas within a reasonable distance to the subject property.

Parks: No parks will be affected in any way by the proposed property addition.

Solar Devises: The existing house height will be maintained and the addition is not very close to any neighboring property. No increase in shadowing or other conditions that could reduce the potential for solar devices will be created by the addition.

Non-Conforming Uses LOC 50.70.005-50.70.040

The square footage of the existing structure is 2,200 with an additional 480 square feet for the garage. Using the Building Department's standard for replacement (\$92.40 per square foot), replacement cost for the existing structure is \$247,642. The new addition square foot is less than 100 square feet or 3.7% of the existing structure. Using the same cost per square foot, construction cost for the addition is estimated at \$9,240 or 3.7% of replacement cost.

City of Lake Oswego Tree Ordinance [LOC Chapter 55]

The applicant wishes to remove a 6.25 caliper maple tree that is located near the expansion site but is not proposed for removal for development purposes. Therefore, it can be reviewed through a Type I permit. LOC 55.02.042.

IV. CONCLUSION

Based upon the materials submitted, this application may be approved.

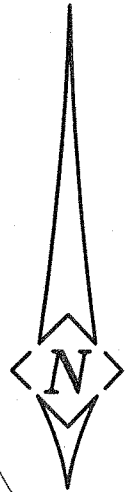
V. ATTACHMENTS

- A. Survey of property including RP Boundary and buffer line
- B. Site plan showing addition area
- C. Building plans sheets 2, 3, 5, 7, and 8

PDX_DOCS:398030.1 [36821-00100]

NOTE: THIS IS NOT A BOUNDARY SURVEY. BOUNDARY SHOWN PER INFORMATION OF RECORD. I HEREBY DECLARE THE REAL IMPROVEMENTS TO THE ABOVE SHOWN PROPERTY TO BE SITUATED THEREON AS SHOWN. THERE ARE NO APPARENT ENCROACHMENTS BY OR AGAINST THE DEPICTED PROPERTY, EXCEPT AS NOTED HEREON, THIS LOCATION IS BASED UPON MONUMENTS FOUND, IN PLACE, THAT APPEAR TO BE PROPERTY CORNERS. THIS DECLARATION IS MADE AT THE REQUEST, AND FOR THE EXCLUSIVE USE, OF THE ABOVE NAMED CLIENT, AND IS NOT TO BE USED FOR FUTURE IMPROVEMENTS, LAND DIVISION OR BOUNDARY LOCATION. PROPERTY SUBJECT TO EASEMENTS OF RECORDS.

FD MONUMENT



N 00°12'00" W

170.00'

N 65°55'00" E
128.64'

70.8' +/-

FD MONUMENT

5.7' +/-

ASPHALT DRIVEWAY
75.184'

19.4' +/-

EXISTING HOUSE

NOT FD

RAINBOW DRIVE

EDGE OF PAVEMENT

30.00' BUFFER LINE FROM LOCATED FLAGS

38

220.72'

CULVERT 12" CONCRETE

CENTERLINE OF CREEK

CULVERT STEEL

MONUMENT SEARCH

S.E. 1/4 SEC. 5, T.2S., R.1E., W.M.

14711 RAINBOW DRIVE

CITY OF LAKE OSWEGO

CLACKAMAS COUNTY, OREGON

AUGUST 16, 2007

DRAWN: MSG CHECKED: WGDIII

SCALE 1"=30' ACCOUNT # -5659

M: \BLDS\DWG\L38RAINB

▲ = FLAGS

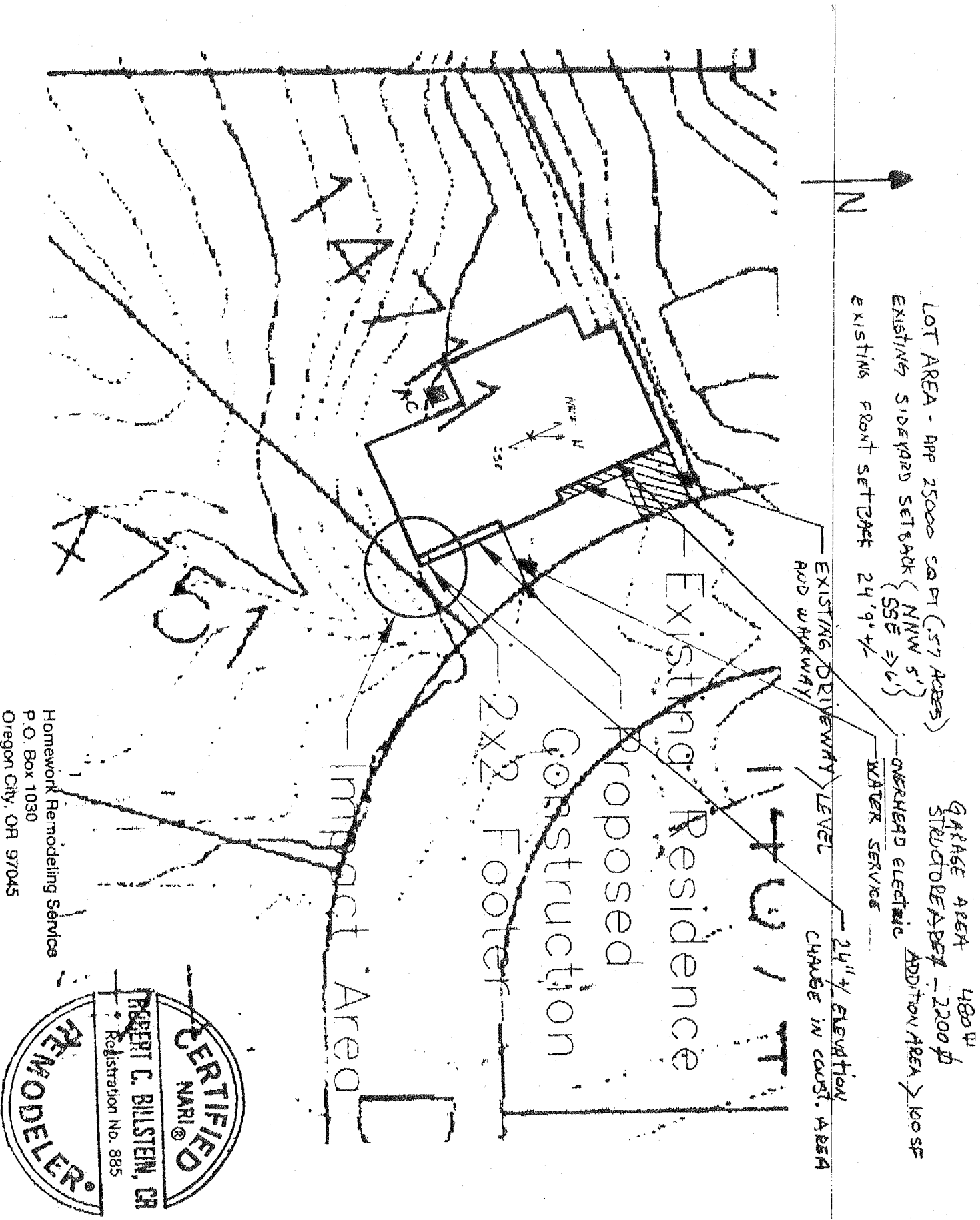
37

S 43°53'00" W

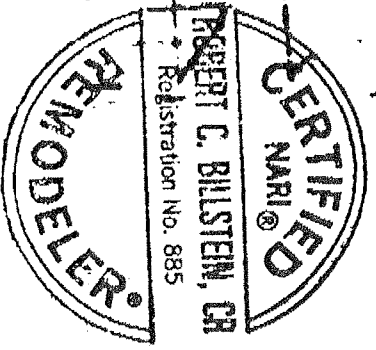
Centerline Concepts Inc.

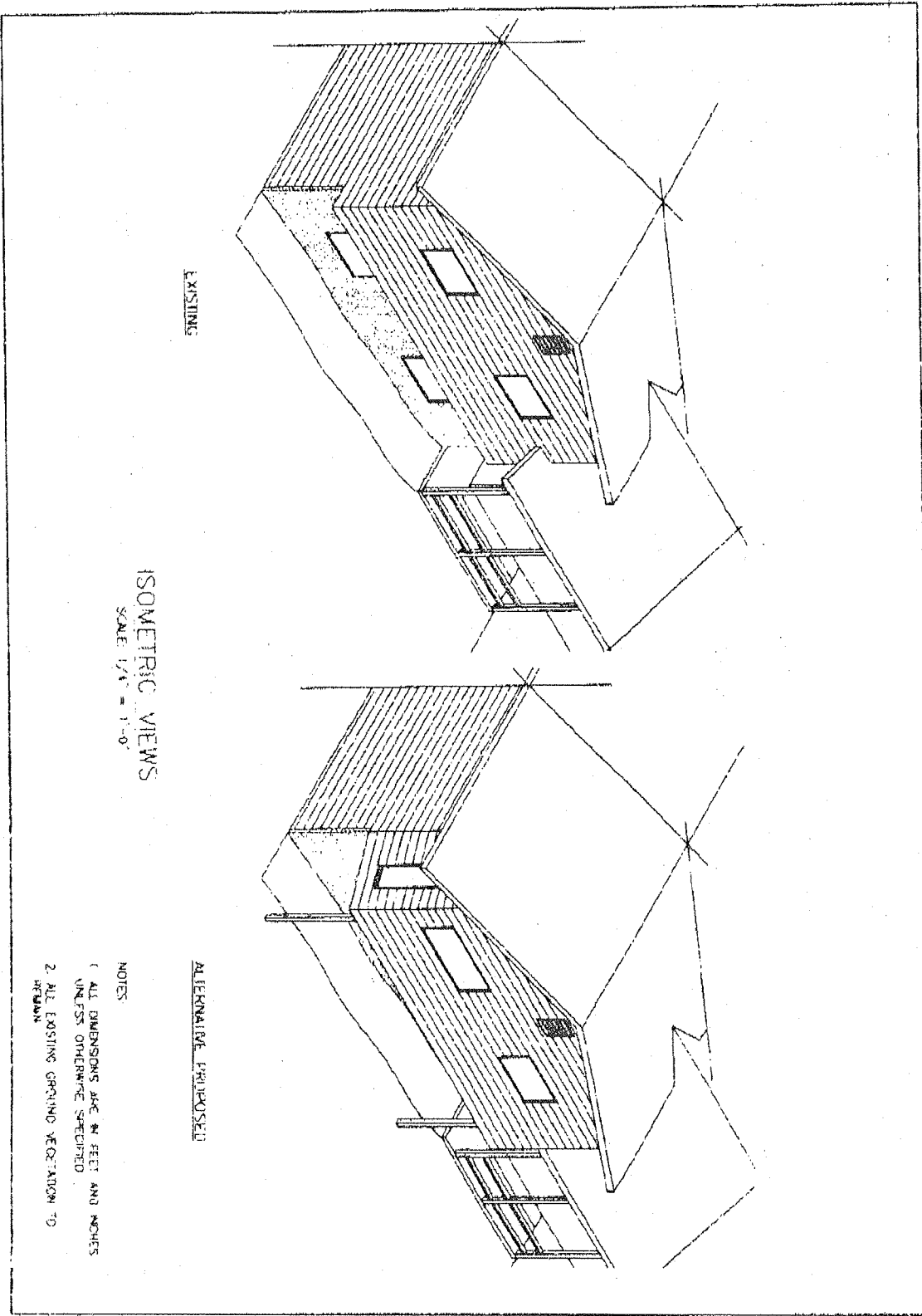
700 MOLALLA AVE., OREGON CITY, OREGON 97045
PHONE 503.650.0188 FAX 503.650.0189

ATTACHMENT A



Homework Remodeling Service
 P. O. Box 1030
 Oregon City, OR 97045





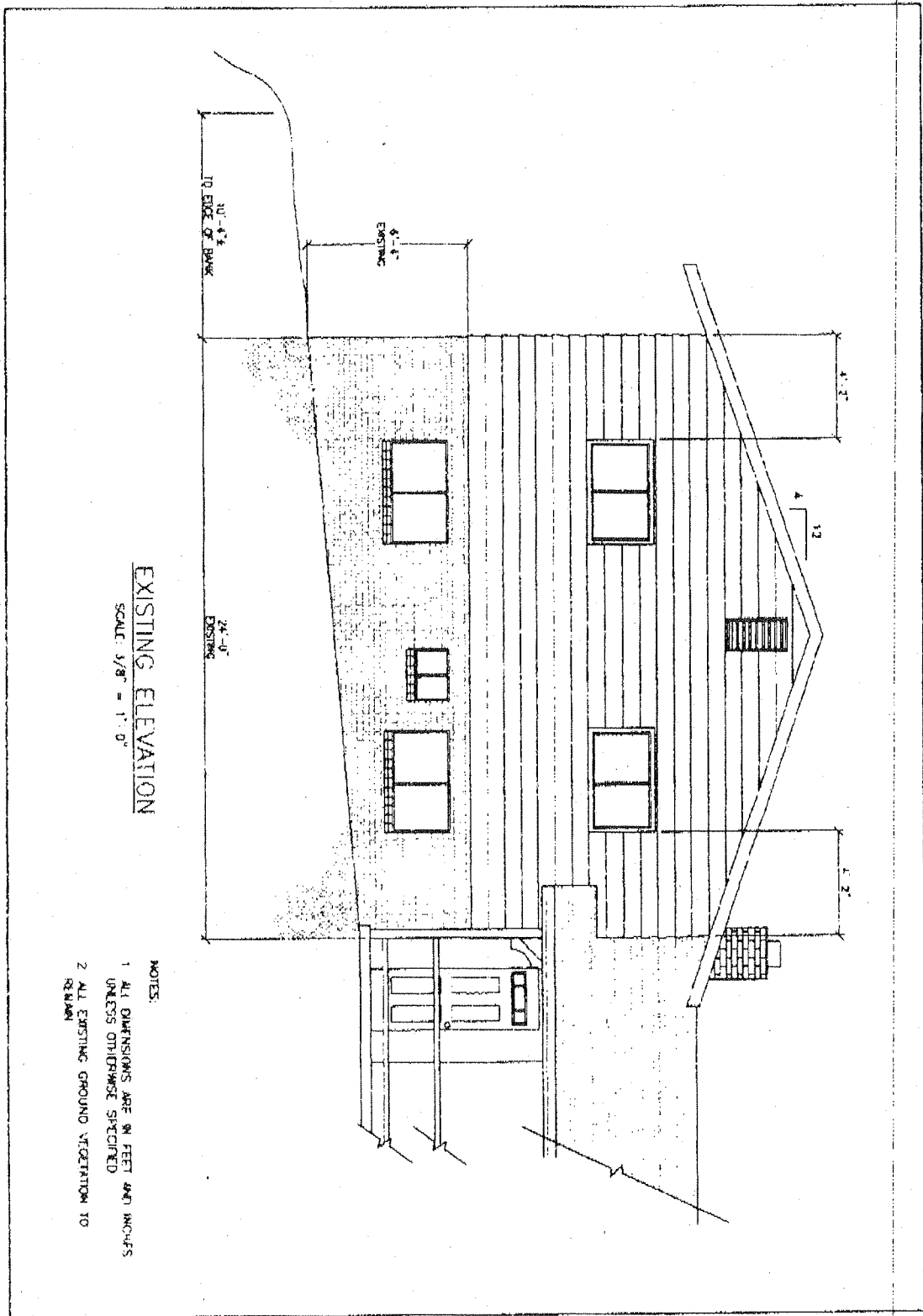
EXISTING

ISOMETRIC VIEWS
SCALE 1/8" = 1'-0"

ALTERNATIVE PROPOSED

- NOTES
- 1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.
 - 2. ALL EXISTING GROUND VEGETATION TO REMAIN.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32		PROJECT NO. 7-1-2007 AS NOTED	
			Homecraft Remodeling 4800 10th Street Denver, CO 80202 303.733.2149

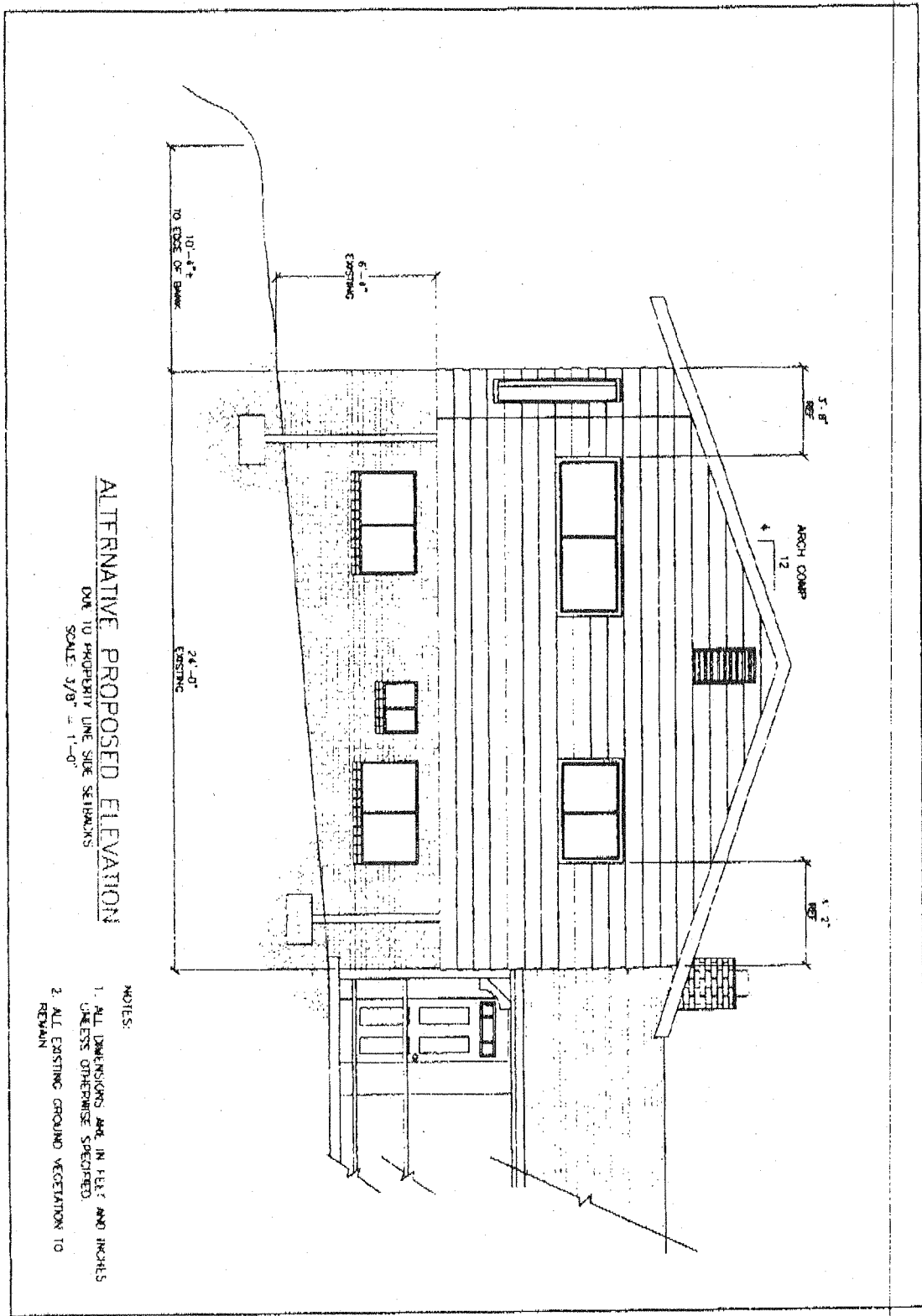


EXISTING ELEVATION

SCALE: 3/8" = 1'-0"

- NOTES:
- 1 ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED
 - 2 ALL EXISTING GROUND VEGETATION TO REMAIN

	PROJECT NO. 100-100-100 PROJECT NAME ADDRESS	DRAWN BY: John CHECKED BY: DATE: 7-1-2007 SCALE: AS SHOWN	SHEET NO. 3 TOTAL SHEETS 8	Homework Remodeling P.O. Box 1132 Greater Wm. Dunlap 87040 804.788.1744
	CLIENT:			PROJECT:

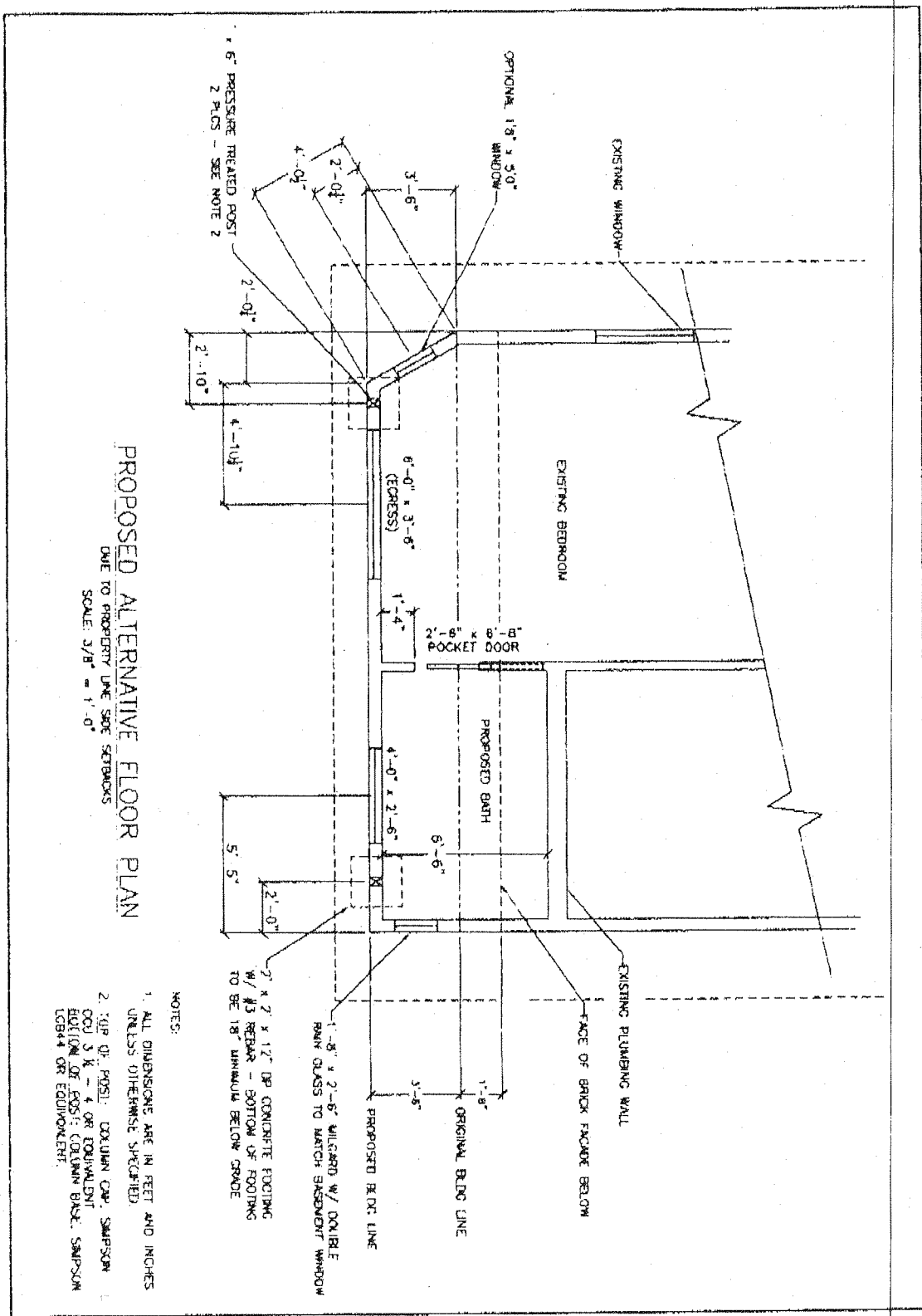


ALTERNATIVE PROPOSED ELEVATION

DWG TO PROPERTY LINE SIDE SETBACKS
SCALE: 3/8" = 1'-0"

- NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.
 2. ALL EXISTING GROUND VEGETATION TO REMAIN

 SHEET 5 8	PROJECT NO. _____ DRAWN BY _____ DATE 7-1-2007 SCALE AS SHOWN	P.O. Box 1114 Omaha, Neb. 68101-0114 402.466.0700
	PROJECT NAME _____ DRAWN BY _____ DATE _____ SCALE _____	Homework Remodeling



PROPOSED ALTERNATIVE FLOOR PLAN

DATE TO PROPERTY LINE SIDE SETBACKS
SCALE: 3/8" = 1'-0"

- NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.
 2. TOP OF POST: COLUMN CAP, SAMPSON CO. S.K.-4 OR EQUIVALENT BOTTOM OF CROSS: COLUMN BASE, SAMPSON CO. S.K.-4 OR EQUIVALENT.

7' x 7' x 12" DP CONCRETE FOOTING w/ #3 REBAR - BOTTOM OF FOOTING TO BE 18" MINIMUM BELOW GRADE

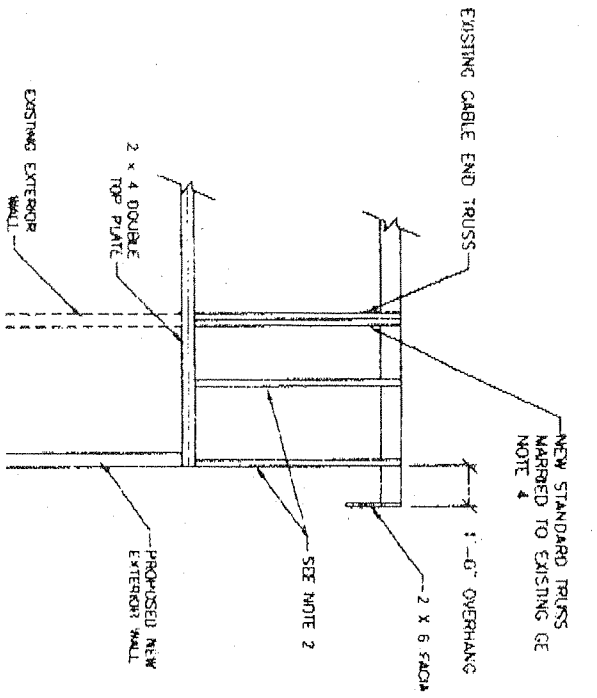
1'-8" x 2'-6" WILGARD w/ DOUBLE RAIN GLASS TO MATCH BASEMENT WINDOW

PROPOSED B.D.C. LINE

ORIGINAL B.D.C. LINE

5'-8"

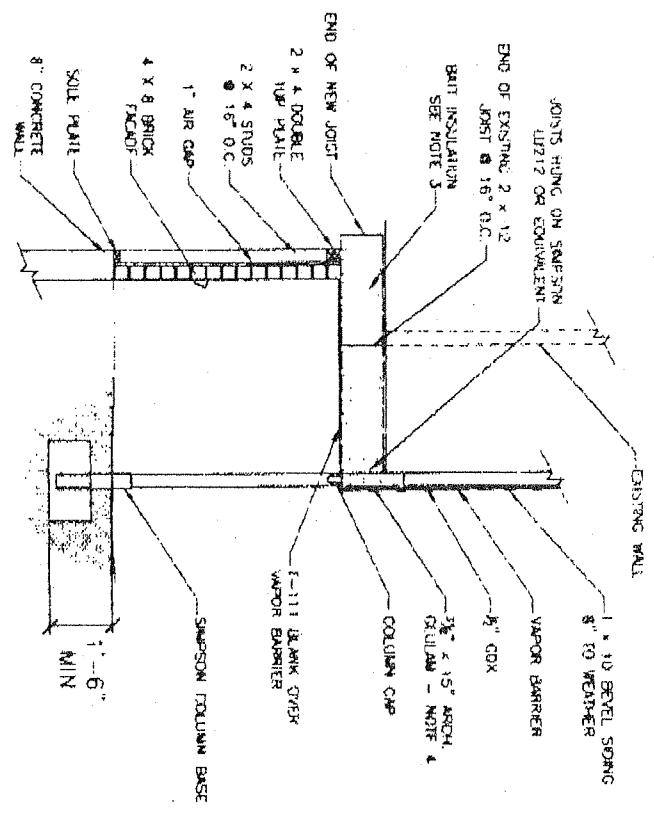
	PROJECT: SHEET: DATE: DRAWN BY: CHECKED BY:	SCALE: DATE: DRAWN BY: CHECKED BY:	Hamework Remodeling P.O. Box 4140 Magnolia, Oregon 97130 503.396.0144
	ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.		



TRUSS DETAIL
SCALE: 1/2" = 1'-0"

NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE SPECIFIED.
2. 2 EA. STANDARD TRUSSES, 1 EA. CABLE END TRUSS, THE INTO EXISTING ROOF SYSTEM W/ 1/2" GCM, 15LB FELT, ARCH COMPOSITE, NEW FLASHING AND GUTTERS.
3. INSULATION:
AS PER CRITICAL PATH
R18 INSULATION IN NEW 2 X 4 WALLS
R-30 INSULATION IN FLOOR
R-30 INSULATION IN NEW CEILING
4. SEE ATTACHED ENGINEERING DRAWINGS FOR FULL TRUSS DETAILS.



TYPICAL SECTION
SCALE: 1/2" = 1'-0"

	SHEET: 8 OF 8	PROJECT: [Blank] DRAWING NO.: [Blank]	DATE: [Blank]	DRAWN BY: [Blank]	CHECKED BY: [Blank]	APPROVED BY: [Blank]	Homework Remodeling P.O. Box 1038 Street City, Oregon 97103 503-555-1234
	[Blank space for additional notes or signatures]						