DATE: September 29, 2021

TO: Boardman Planning Commission and all interested parties

FROM: Barry C. Beyeler, Community Development Director

SUBJECT: LU 21-004 Variance Request – Woodhill Homes 129 SW Eagle Dr.

On August 26, 2021, the city received an application for a variance of the front yard setback for 129 SW Eagle Dr. The need for a variance was noted as for the driveway were being installed. It was noted the garage was within the 20’ setback by 2.6’, and the house encroaching into the 15’ setback 2.4’. Both measurements are greater than 10% allowance of a Class A decision and requiring a Class C variance, which is a Type III decision.

The house was more than 85% completed when this issue was discovered and the need for the variance was initiated. Attached with this report is the Zoning permit submitted which was signed by the Community Development Director. Also attached is the variance application and a redrawn site plan of what was under construction. The Community Development Director and the Building Official have established additional attention to setbacks and are putting two sets of eyes on lines strung from property corners. We have since found two other homes, all of which on cul-de-sacs or knuckle turns, which involve a radius measurement. We pointed out how to use the monuments to determine setbacks on these lots and the contractor is doing better on hitting the appropriate marks.

The reason this house was moved forward from the original approved site plan is the buyer want a bigger back yard. The house was moved closer to the street a few feet too much creating this situation. Aesthetically, the house does fit nicely with the neighboring homes.

Findings of Fact:

1) The house encroaches into the Front yard setback 2.4’ and the garage encroaches into the Front yard setback 2.6’.

2) The house is at 85% completion or greater.

3) The house is on a radius across the entire front yard.

4) The city has taken step between there Community Development Director and the Building Official to coordinate showing the contractor to measure using monuments to make their front yard setbacks to prevent mishaps like this.
Staff Recommendations:

Although this mistake should have been caught at an earlier point it was not. To punish the contractor by starting over would seem egregious for a home this far along. Staff recommendation is for APPROVAL of LU 21-004 and staff double check the setback are met.
ZONING APPROVAL

File Number 2021-018  Date Received 4-13-21  Date Completed 4-13-21  Fee $50.00

Applicant / Contractor: Name(s)  Sean Jackson Emerio Design / Woodhill Homes

Mailing Address  6445 SW Fallbrook PL #100, Beaverton, OR 97008

Phone  503-310-7113  E-mail address sean@emeriodesign.com

Legal Owner (if different from applicant):

Name(s)  Woodhill Homes

Address  70 SW Century Blvd Bend OR 97702

Property Description:

Township  4N  Range  25R  Section  17DB  Tax Lot  912

Physical Address  129 SW Eagle Drive, Boardman Oregon

Subdivision/Partition  River Ridge Estates Phase 3  Parcel Zoning  Residential

Proposed Set Backs: Lot Width ___________ ft. Lot Depth ___________ ft.

Front 15 ft. Side 7 ft. Side 7 ft. Rear 15 ft.

Proposed Structures: 1. Single Family Residence  Sq Ft 1600  Baths 2

2. ____________________________  Sq Ft ______________________  Baths __

3. ____________________________  Sq Ft ______________________  Baths __

Plot Plan: Attach a plot plan showing where on the lot the structures will be located. Identify setbacks, existing structures, location of access, septic system, drain field, and well if applicable. The drawing does not need to be to scale.

Certification: I, the undersigned, acknowledge I agree to the standards and limitations set forth by the Boardman Development Code. I propose to meet all standards set forth by the Boardman Development Code and any applicable State and Federal regulations. I certify that the statements and information provided with this application are true and correct to the best of my knowledge.

Signed: ____________________________  (Applicant / Contractor)

Printed: ____________________________  (Applicant / Contractor)

Signed: ____________________________  (Legal Owner)

Printed: ____________________________  (Legal Owner)

If this application is not signed by the property owner, a letter authorizing signature by the applicant must be attached.

Planning Approval Signature  ____________________________  Date  4-13-21

* UNOBSERVED STRING LINE ON SIDE YARD PROPERTY LINES

Rev. 3/2014
NOTE TO CONTRACTOR:

CONTRACTOR SHALL VERIFY ALL
CONDITIONS AND DIMENSIONS AND
SHALL REPORT ANY DISCREPANCIES TO
THE ENGINEER PRIOR TO THE
COMMENCEMENT OF WORK.

EMERIO DESIGN ASSUMES NO LIABILITY
FOR THE ACCURACY & COMPLETENESS
OF THE DRAWING. ALL EXISTING
UTILITIES SHOULD BE FIELD VERIFIED.

THE EXISTENCE AND LOCATION OF ANY
UNDERGROUND UTILITIES OR STRUCTURES
SHOWN ON THESE PLANS ARE OBTAINED
BY A SEARCH OF AVAILABLE RECORDS.
TO THE BEST OF OUR KNOWLEDGE,
THERE ARE NO EXISTING UTILITIES
EXCEPT THOSE SHOWN ON THESE PLANS.
THE CONTRACTOR IS REQUIRED TO TAKE
DUE PRECAUTIONARY MEASURES TO
PROTECT THE UTILITY LINES SHOWN ON
THOSE DRAWINGS. THE CONTRACTOR
FURTHER ASSUMES ALL LIABILITY AND
RESPONSIBILITY FOR THE UTILITY PIPES,
CONDUITS OR STRUCTURES SHOWN OR
NOT SHOWN ON THESE DRAWINGS.

PROPERTY DATA:

ZONE: R

SETBACKS (MINIMUM)
FRONT 15'  
GARAGE 20' (PARALLEL),  
SIDE 7' (19' STREET)  
REAR 15'

LOT AREA: 9,014 SF
LOT COVERAGE: 2,721 SF
PERCENT COVERAGE: 30.2%

SITE PLAN
RIVER RIDGE ESTATES PH3 - LOT 12
FOR: WOODHILL HOMES
CITY OF BOARDMAN, OREGON

EMERIO
ENGINEERIGNG & SURVEYING & DESIGN
6448 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 638-8552
www.emeriodesign.com

PROJECT NO. 0041-055
ORIG. DATE: 03/11/21
DRAWN BY:
SHEET No. 1 of 1

Plotted: 3/12/2021 - 9:11pm, P:\EMERIO PROJECTS\River Ridge Subdivision\drawing\sheet\0041-055_site.dwg, Layout: LOT 12
XBP Confirmation Number: 105383867

Transaction detail for payment to City of Boardman.

<table>
<thead>
<tr>
<th>Account #</th>
<th>Item</th>
<th>Quantity</th>
<th>Item Amount</th>
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<tr>
<td>LU21-004</td>
<td>Site Planning Fees</td>
<td>1</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

**TOTAL:** $150.00

Billing Information
James Campbell
70 SW Century Blvd
Bend, OR 97703

Transaction taken by: Jackie
Owner: Woodhill Homes  
Address: 70 SW Century Dr  
City: Bend  
State: OR  
Zip: 97702  
Phone: 503-70-7113

Applicant or Agent: Jesus Valencia  
Address: 70 SW Century Dr  
City: Bend  
State: OR  
Zip: 97702  
Phone: 503-520-9668

Property Address: 129 SW Eagle Dr  
Designed Zone: Residential

Map Number: NWZ517DB 912  
Lot: 12  
Block: 3

Subdivision: River Ridge Estates  
Tax Lot(s):

Proposed Usage: Single Family Residence - Front Yard Set-back

Estimated Construction Cost Evaluation: $  
Total Square Footage: ____________

Requested Action: (Please circle one)

Zone Change  Variance  Conditional Use Permit  Property Line Adjustment

Partition  Subdivision  Preliminary Plat  Other:

The following material and supplemental information must be submitted with this application as a requirement for submittal to the Planning Commission:

☐ Plans and specifications, drawn to scale, showing the actual shape, setbacks and dimensions of the property to be used, together with a plot plan and vicinity map of the subject property.

☐ The size and location of the property, buildings, other structures; and use of buildings or structures, existing and proposed.

☐ Plot plan indicating all on/off-site improvements, including streets, fire hydrants, water and sewer facilities, etc.

I acknowledge that I am familiar with the standards and limitations set forth by the City of Boardman Zoning Ordinance, and that additional information and materials may be required. I fully intend to comply with plans and specifications submitted with this application. I do hereby certify that the above information is correct and understand that issuance of a permit based on this application will not excuse me from complying with the effective Ordinances and Resolutions of the City of Boardman and Statutes of Oregon, despite any errors on the party of the issuing authority in checking this application.

Signed:  
(Applicant)

Signed:  
(Legal Owner)

Printed: Jesus Valencia  
(Applicant)

Printed: Jane D. Campbell  
(Legal Owner)

If this application is not signed by the property owner, a letter authorizing signature by the applicant must be attached.

Staff Comments:

Recommended Action: ____________

Decision:  
Approved  
Not Approved

Date:  
Signature:  
Title:  
Township 4 North, Range 25 East, W.M, Section 17
Tax Lot Map 4N 25 17DB, Tax Lot 912
Lot 12 of River Ridge Estates, Phase 3
129 SW Eagle Drive
City of Boardman, Oregon 97818
Morrow County

SURVEYORS NARRATIVE:
This Survey is based on the best available found evidence. I used the found Property Corners as indicated along Eagle Drive and the found property corners from The Flat River Ridge Estates, Phase 3 to establish the Lot Lines and the existing Right of Way Line of Eagle Drive and Lot 12. I measured distances from those Found Lot Lines to the Foundation of the Newly Constructed Residence located at 129 Eagle Drive. I have listed the found distances from the foundation to the established Lines of Lot 12, 4N 26E 17DB, Tax Lot 912.

I, Ronald V. McKinnis, being a Registered Professional Land Surveyor of the State of Oregon, certify that I have correctly surveyed and recorded the Found Structure Corners with the best available information as existed at the time of my field survey for this Lot 12 of River Ridge Estates, Phase 3, located in the City of Boardman, Morrow County, Oregon.

By my Seal:

Foundation Survey for:
Brian Decoursey & Crystal Davison,
Umpqua Bank,
Wood Hill Homes, Inc., &
Mid-Columbia Title Company
for:
129 SW Eagle Drive
Boardman, Oregon 97818
Morrow County
August, 2021

Rev. 08-10-21

ENGINEERING - LAND SURVEYING - WATER RIGHTS
R. V. McKINNIS ENGINEERING
79980 Prindle Loop Road
Hermiston, Oregon 97838
(541) -567-2017

REGISTERED
PROFESSIONAL
LAND SURVEYOR
OREGON
RONALD V. McKINNIS
JAN. 23, 1990
2451
Expires 12-31-22