

**PRELIMINARY FINDINGS OF FACT  
PLANNING COMMISSION  
VARIANCE VAR22-002**

**REQUEST:** To allow a side yard setback variance of greater than 10 percent.

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**APPLICANT/OWNER:** Wood Hill Home  
Isaias Valencia  
70 SW Century Drive, Suite 100-240  
Bend, Oregon 97702

**PROPERTY DESCRIPTION:** Tax Lot 904 of Assessor's Map 4N 25 17DB.

**ZONING OF THE AREA:** Residential

**PROPERTY LOCATION:** South of Wilson Road and west of Main Street off River Ridge Drive; part of the River Ridge Subdivision

- I. **GENERAL INFORMATION:** During preparation for closing on the home to the west it was identified that the side yard with frontage to River Ridge Drive is at the closest 13.1 feet, which is not in conformance with the 15-foot side yard setback requirement.
- II. **APPROVAL CRITERIA:** The application has been filed under the City of Boardman Development Code Chapter 5.1 Variances, more specifically 5.1.400 Class C Variances. The criteria are identified below in **bold** type with responses in regular type.

**5.1.400 Class C Variances**

- A. **Purpose.** The purpose of this section is to provide standards for variances which exceed the Class A and Class B variance criteria in Sections 5.1.200 and 5.1.300. Class C variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development which is peculiar to the lot size or shape, topography, sensitive lands (Chapter 3.7), or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district); except that no variances to "permitted uses" or "prohibited uses" shall be granted.

At the time of closing of the property to the west of this home it was identified that this home did not meet side yard setback requirements of 15-feet when a structure is on a corner lot or has frontage on more than one side. This triggered the need for a variance.

- B. **Applicability.**
1. The variance standards are intended to apply to individual platted and recorded lots only.
  2. An applicant who proposes to vary a specification standard for lots not yet created through a land division process may not utilize the Class C variance procedure.

3. A variance shall not be approved which would vary the “permitted uses” or “prohibited uses” of a land use district (Chapter 2).
4. Variance to Parking Standards (Chapter 3.3).
  - a. The City may approve variances to the minimum or maximum standards for off-street parking in Section 3.3.100 upon finding all of the following:
    - (1) The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;
    - (2) The need for additional parking cannot reasonably be met through shared parking with adjacent or nearby uses; and
    - (3) All other parking design and building orientation standards are met, in conformance with the standards in Chapter 2 and Chapter 3.
  - b. The City may approve a reduction of required bicycle parking per Section 3.3.200, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.
  - c. The City may allow a reduction in the amount of vehicle stacking area required for drive-through facilities if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.

This Variance is applicable to a platted lot, is not for a lot not yet created, and does not address a permitted or prohibited uses. It is also not concerned with parking standards.

**C. Approvals Process and Criteria.**

1. Class C variances shall be processed using a Type III procedure, as governed by Section 4.1.500, using the approval criteria in subsection 2, below. In addition to the application requirements contained in Section 4.1.500, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 2.

This Variance request has been processed as a Type III with notice and a public hearing before the Planning Commission.

2. The City shall approve, or approve with conditions, an application for a variance based on finding that all of the following criteria are satisfied:
  - a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
  - b. A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);
  - c. The use proposed will be the same as permitted under this title, and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
  - d. Existing physical and natural systems, such as, but not limited to, traffic, drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;

- e. The hardship is not self-imposed; and
- f. The variance requested is the minimum variance which would alleviate the hardship.

The proposed variance is not materially detrimental to this Code or applicable policies or standards. The subject property is relatively flat and has no development impediments. The Variance will not impact the proposed residential use. Physical and natural systems are not impacted by the use or this Variance. The Variance requested is the minimum needed to alleviate the hardship.

The hardship could be deemed to have been self-imposed as the standard for a 15-foot setback was known with a 16-foot setback shown on the Zoning Approval Site Plan. It is unclear how the dwelling, at the time of the foundation survey, was identified to be between 13.1-feet and 13.9-feet from the property line. But it is. The pertinent question at this point is how to assure that this type of error does not continue.

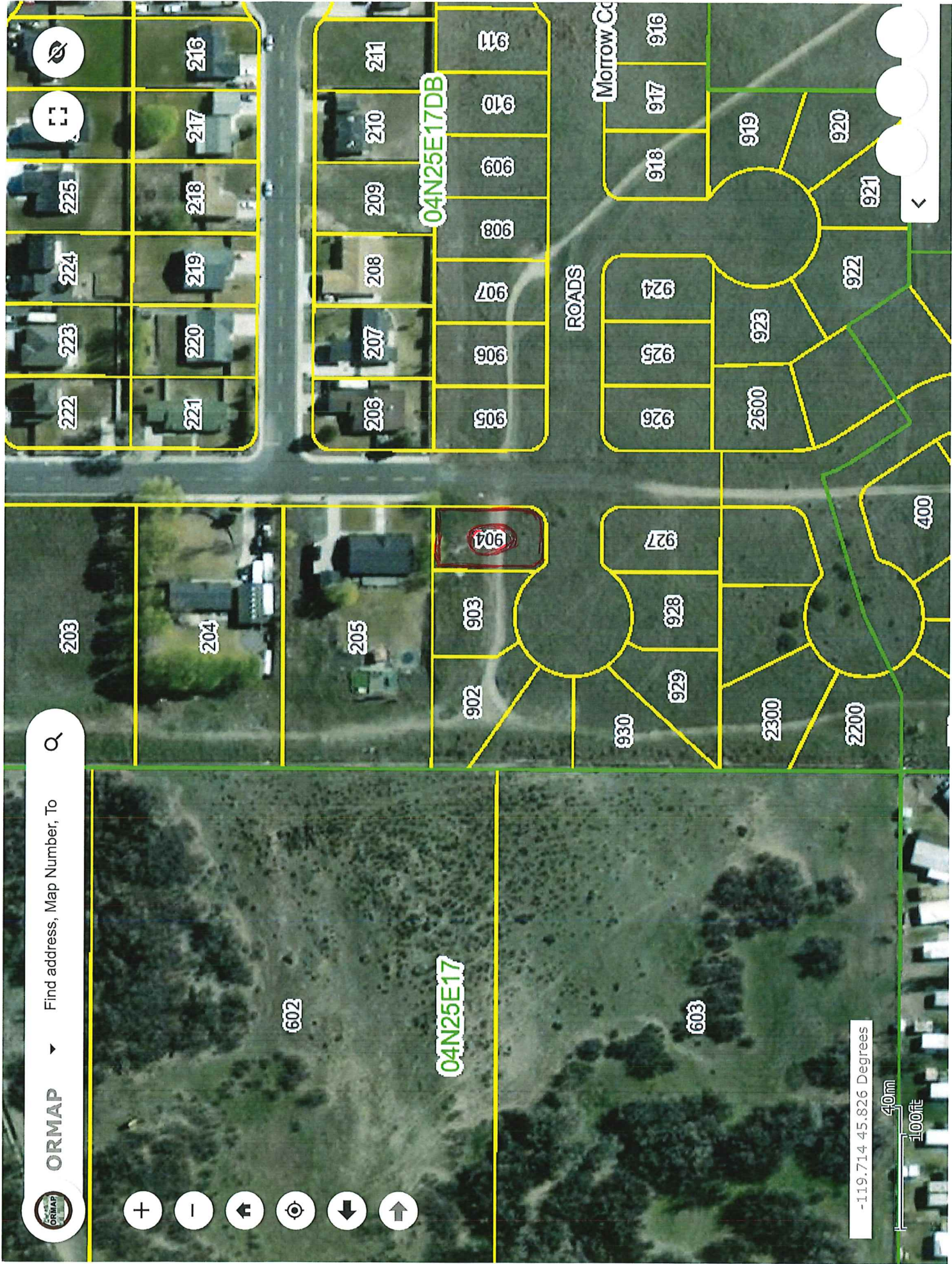
- III. **LEGAL NOTICE PUBLISHED:** June 30, 2022 East Oregonian
- IV. **PROPERTY OWNERS NOTIFIED:** June 30, 2022
- V. **AGENCIES NOTIFIED:** Glenn McIntyre, Building Official; Kevin Kennedy, Public Works Director; Rolf Prag, Special Projects Manager
- VI. **HEARING DATE:** July 20, 2022  
Council Chambers  
Boardman City Hall  
200 City Center Circle  
Boardman, Oregon 97818
- VII. **PLANNING OFFICIAL RECOMMENDATION:** The Planning Official recommends approval.

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Jacob Cain, Chair  
Planning Commission

Date

ATTACHMENTS:  
Vicinity Map



**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.

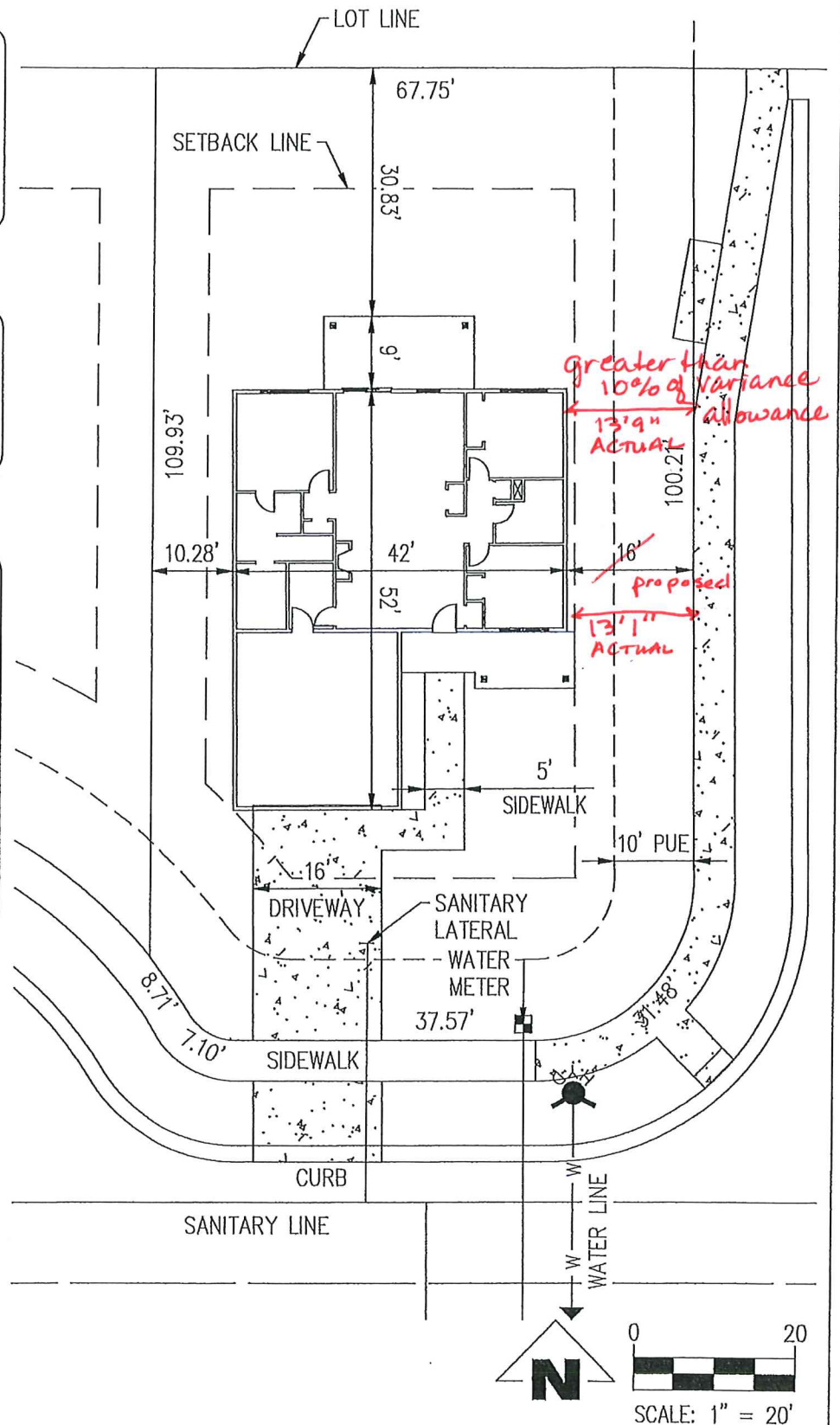
THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE 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' (15' STREET)  
REAR 15'

LOT AREA: 8,079 SF  
LOT COVERAGE: 2,620 SF  
PERCENT COVERAGE: 32.4%



PROJECT NO. 0041-055  
ORIG. DATE: 08/12/21  
DRAWN BY:  
SHEET No. 1 of 1

**SITE PLAN**  
**RIVER RIDGE ESTATES PH3 - LOT 4**  
FOR: WOODHILL HOMES  
CITY OF BOARDMAN, OREGON

**EMERIO**  
ENGINEERING • SURVEYING • DESIGN  
6445 SW FALLBROOK PLACE, SUITE 100  
BEAVERTON, OREGON 97008  
TEL: (503) 746-8812  
FAX: (503) 639-9592  
www.emeriodesign.com