

## Memorandum

**Date:** September 12, 2014

**To:** John Kovash, Mayor  
Members, West Linn City Council

**From:** Chris Jordan, City Manager *CJ*

**Subject:** September 15 Work Session

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The City Council will be holding a Work Session on September 15 at 6:00 in the Council Chambers. Items on the agenda for that evening are:

- Update on the Arch Bridge Master Plan process. Staff wants to make sure the Council remains informed on the process and timing of this important project.
- Briefing on the proposed Community Development Code amendments pertaining to Planned Unit Development (PUDs) and other infill provisions. Attached is a memorandum from Associate Planner Sara Javoronok discussing the provisions and the Planning Commission's recommendation.
- West Linn Farmer's Market. Staff will provide a brief report and discussion points. Representatives from the West Linn Farmer's Market will also be in the audience if you have follow up questions. To prepare for this discussion, the financial information from the Farmer's Market and their fee waiver request are attached to this memo.

Please let me know if you have any questions.

Attachment

## Memorandum

Date: September 5, 2014

To: Chris Jordan, City Manager

From: Sara Javoronok, Associate Planner

Through: Chris Kerr, Community Development Director

Subject: PUD and infill code amendments (CDC 10-02)

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### **Purpose**

The primary purpose of the work session on September 15, 2014, is to brief the City Council on the attached CDC amendments related to infill development. The Planning Commission reviewed and recommended approval of these amendments, with minor changes, on August 6, 2014. The Planning Commission's recommendations are reflected in the attached draft. The amendments address a variety of different kinds of infill development: planned unit developments (PUDs), flag lots, cluster development, cottage housing, and zero lot line housing.

### **Background**

The City began this project in 2010. The goal was to amend the planned unit development (PUD) regulations to no longer require a PUD to develop natural resources/constrained areas, better coordinate with other applicable regulations, remove obsolete and ineffective provisions, clarify confusing and contradictory provisions, and facilitate appropriate development. It also sought to identify and implement ways to improve the design and minimize the adverse impacts of flag lots.

Chris Kerr, then the City's Senior Planner, led the project in 2010 and 2011, working with a Task Force appointed by the City Council. Staff resumed work on the project in 2013, recommended additional changes, and presented these to the Planning Commission in 2013 and 2014. In June 2014, a Measure 56 notice of the Planning Commission hearing was mailed to over 1,000 properties, including those that could be divided or more intensively developed. On June 19, 2014, staff held an open house, attended by about 50 property owners, that allowed them to find out more about the regulations and how the changes may affect them. Nearly 100 property owners called or visited City Hall to find out more about the regulations.

### **Discussion**

#### *Draft Amendments*

There are three main components to the draft amendments:

- PUDs
- Flag Lots
- Alternative Development Standards (cluster development, cottage housing, and zero lot line housing)

### Planned Unit Developments

Generally, PUDs are larger developments, often with a variety of uses or housing types. Typically, city regulations allow for additional flexibility from standard zoning regulations. The flexibility may include variations from the required lot sizes and yard setbacks. In exchange for the greater flexibility, additional benefits are provided to the residents and community than would have been provided had the development not been built as a PUD. Examples include an open space area, community center, or conservation tract.

There are many existing PUD developments in the City. More recent developments include Rosemont Crossing (near the intersection of Santa Anita and Rosemont), Douglas Park (between Salamo and Tannler), Maxfield (off of Rosemont), Rosemont Pointe (off of Rosemont), Chinook Terrace (off of Parker), and Fern Creek Place (off of Suncrest).

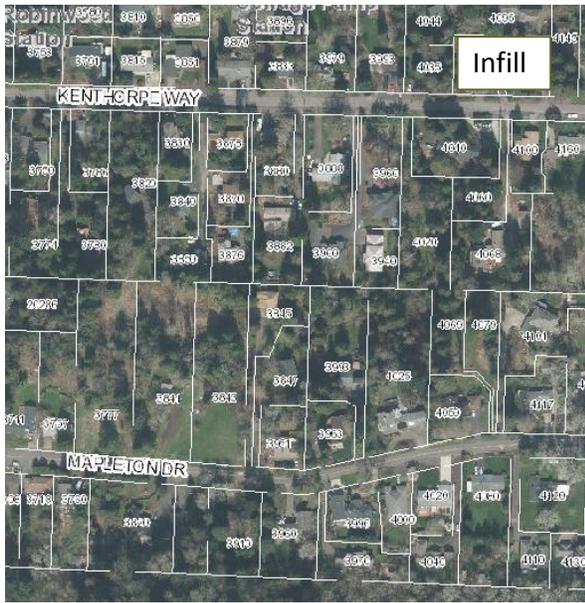
A major change in the proposed PUD language is to restrict them to residential development rather than allowing them for commercial, industrial, and residential development. Commercial and industrial PUDs have not been common in the City. One reason for this could be the difficulty these property owners faced in meeting the existing PUD criteria. In 2010, Council's direction to staff was to have the PUD regulations apply only to residential properties and not those in other zones.

One impetus for change is that the City's current PUD language is most often applied to small infill subdivisions with natural resources/constrained areas, which was not its original intent. Some communities have separate provisions for the development of these areas, often called "cluster development". Code permitting cluster development is also recommended as part of this code amendment package and is discussed below. Examples of existing PUD developments that may have been developed under cluster provisions, had they been in place, are Chinook Terrace and Fern Creek Place.

Staff and the Planning Commission discussed at length whether to have a minimum site area for a PUD, such as three acres. Staff did not ultimately recommend a minimum site area. Based on the additional development types discussed below, it is unlikely that small parcels will apply for a PUD. However, two of the most recent applications for a PUD are less than three acres. Staff and the Planning Commission determined that while it may be difficult for smaller properties to meet the PUD criteria, the minimum size provision would preclude property owners from even considering a PUD. Because the proposed PUD language requires a discretionary review and will result a preferable development type that provides amenities beyond the requirements of a standard subdivision, there is no reason to. The Planning Commission's recommendation is also to allow the PUD provisions to apply to developments of any size.

### Flag Lots

Flag lot development is common throughout the City, typically on lots where there is an existing house and enough land to partition, or divide, the property and add one or two additional houses. There are numerous examples around the City, including on Mapleton and Kenthorpe, which are shown below. When these areas were originally platted, they were developed with large lots, many close to an acre (43,560 square feet). The area is now zoned R-10, which sets a minimum lot size of 10,000 square feet. As a result, many of them have been partitioned into smaller lots. Often, new residences are built either in front of or behind existing residences. In some cases, this has created conflict with adjacent properties because of the proximity of driveways, windows, and situations where visually the properties clash with the surrounding development due to height, style, or other aesthetic issues.



Mapleton & Kenthorpe



Rosemont Pointe

Less frequently, there are flag lots in new subdivisions where due to site conditions there is room for an additional lot or more, but there is not room for the lot(s) to front a public street. By definition, subdivisions involve four or more lots. Recently, some new subdivisions have had lots that are flag lots. These are often due to the shape of the underlying parcel and the desire and need for additional density.

Particularly on infill sites, there can be tight access and differences in scale and style between residences and neighboring properties. The provisions direct flag lot development, when possible, to mid-block lanes, which would increase connectivity, and, as possible, orient houses to the lanes (see page 11). Additional provisions require screening of the flag portion of the lot when it is near adjacent residences, decreasing the front yard setback to 10 feet, and requiring a 20 foot yard setback for garages. The Planning Commission recommended a provision that the height of new flag lot development shall not be taller than the average of the dwelling units on the abutting properties (see page 12). This was seen as a protection for the existing properties against potential incongruous homes built on flag lots. Staff does not support this because it would restrict the height of structures on many lots based on the existing adjacent structures, which often times includes the applicant's home, and which does not address the redevelopment potential of the surrounding homes. In addition, in 2010, the Planning Department changed its height requirement to be from peak to grade rather than midpoint of the roof to grade, which lowered the permitted height of structures by approximately seven feet. Staff's believes that many of the concerns regarding height were alleviated with the change in measurement.

#### Alternative Development Standards

Staff and the Planning Commission recommend standards for cluster development, cottage housing, and zero lot line development. Cluster development (see page 15) allows for the lots to be concentrated on a portion of the site and the remainder of the site is undeveloped. It would be permitted in areas with natural resources or other constraints. The proposed regulations allow for a by right 30 percent reduction in lot size, yard setbacks, and dimensions. The remainder of the property would be set aside in a conservation tract or other format approved by the City.

A second recommended addition is language permitting cottage housing. This development type is becoming more common and there are a number of successful developments in the Northwest (see page 17). Cottage housing is typically smaller than other new construction – the proposal is for residences not to exceed 1,200 square feet – and constructed in groups of four to 12 houses. Common open space and a courtyard are required and there is often a community building or other space available for group use. Homes typically have one to two residents and are occupied by young professionals, single parents, or those downsizing to a smaller home.

The final recommendation is for zero lot line housing (see page 19). This type of development allows for greater use of side yards by placing a double side yard on one side of the property and the house on the side lot line on the other side. The proposed language allow eaves to extend over the property line, provides for maintenance easements on the adjacent property, and regulates building and window location to provide for privacy.

**Attachments:**

1. City Council Discussion Draft, September 5, 2014

**PROPOSED AMENDMENTS TO REPEAL AND REPLACE COMMUNITY DEVELOPMENT CODE CHAPTER 24, MOVE AND CONSOLIDATE CHAPTERS 34, 36, 37, AND 43 TO FORM CHAPTER 17, ADD PROVISIONS RELATING TO CLUSTER, COTTAGE, AND ZERO LOT LINE HOUSING AND AMENDING CHAPTERS 2, 8, 9, 10, 11, 12, 13, 14, 15, 18, 19, 21, 22, 23, 28, 55, 59 AND 85.**

**CITY COUNCIL DISCUSSION DRAFT**

September 5, 2014

Notes:	
Plain text =	existing regulation (except for Chapter 24, which is repealed and replaced)
<del>Strike through</del> =	proposed deletion to existing regulations
<b><u>Underline</u></b> =	proposed addition to existing regulations
<i>Italic</i> =	staff comment

<b>Proposed Amendment</b>	<b>Page</b>
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**PLANNED UNIT DEVELOPMENTS**

*(Overview: Staff and the Task Force developed a “repeal and replace” Planned Unit Development Chapter. The existing chapter requires property owners with constrained natural resource lands to develop as a PUD. It also enables properties without constraints to develop as a PUD, if they choose.*

*Generally, the PUD chapter allows for greater flexibility in lot size, lot coverage, and FAR. In addition, it allows for the mixing of housing types beyond what is typically allowed in a traditional subdivision, ex. attached or MF housing would be permitted in a PUD, subject to the requirements in this chapter. Other changes include the rate of density transfer and the proposed density bonuses. The draft developed by the Task Force did not include density bonuses; however, staff recommends them with some modifications from what is in the existing chapter.)*

**Repeal and Replace.** Chapter 24 of the City of West Linn Community Development

Code is repealed in its entirety and replaced to read as follows:

**Sections:**

**24.010 PURPOSES**

**24.020 APPLICABILITY AND APPROVAL PROCESS**

**24.030 EXPIRATION OF APPROVAL**

**24.040 SUBMITTAL REQUIREMENTS**

**24.050 PERMITTED USES**

**24.060 APPROVAL CRITERIA**

**24.070 DEVELOPMENT STANDARDS**

**24.010 PURPOSES**

**The purposes of the Planned Unit Development (PUD) overlay are to:**

- A. Provide a regulatory framework that can be applied voluntarily to encourage superior, cohesive planned developments by allowing greater creativity in site design than afforded by the zoning and subdivision standards of the CDC;**
- B. Utilize flexibility in site design, placement of buildings, and use of open spaces to optimize the potential of the site while preserving, to the greatest extent possible and consistent with the applicable regulations, the existing natural and topographic features and amenities;**
- C. Produce development that is compatible and consistent with neighboring development in terms of architecture, massing, and scale;**
- D. Allow a mixture of housing types within the established density range for the zoning district; and**
- E. Promote sustainable development through the use of green building technologies, pedestrian friendly streets, low impact development practices and, as appropriate, measures that reduce vehicle miles traveled.**

**24.020 APPLICABILITY AND APPROVAL PROCESS**

- A. A PUD may be requested in one or more residential zoning districts (R-40 – R-2.1) and the Willamette Neighborhood Mixed Use Transitional Zone.**
- B. The application shall be processed as provided by CDC Chapter 99, Procedures for Decision-Making.**

**24.030 EXPIRATION OF APPROVAL**

**If the final plat has not been recorded with the County within three years from the date of approval of the development plan, or within five years in the case of a phased development (see Section 99.125), the application shall be null and void.**

**24.040 SUBMITTAL REQUIREMENTS**

**In addition to the submittal requirements and responses to the approval criteria for all other concurrent land use applications under review, the submittal for a PUD shall include the following:**

- A. Narrative describing the proposed development and specifying how it satisfies each of the approval criteria in CDC 24.060;
- B. Narrative, table, and map showing how the proposed uses and densities will be distributed within the project site;
- C. If applicable, tables and maps indicating location, acreage, and type of all:
  - 1. Flood management areas regulated by Chapter 27;
  - 2. Willamette and Tualatin River protection areas regulated by Chapter 28;
  - 3. Water resource areas regulated by Chapter 32;
  - 4. areas identified as a potential landslide or a landslide hazard area in the City's Natural Hazard Mitigation Plan;
  - 5. slopes greater than 25%;
  - 6. trees and documents required per the Tree Technical Manual; or
  - 7. cultural or historic resources.
- D. If applicable, covenants proposed to address the approval criteria;
- E. If applicable, a PUD phasing plan that:
  - 1. delineates the extent of development proposed for each phase;
  - 2. includes a schedule of required public improvements and proposed community facilities for each phase of the development; and
  - 3. meets the applicable provisions of this chapter and CDC 99.125; and
- F. Any additional information required by the Community Development Director pursuant to CDC 99.035(A).

#### 24.050 PERMITTED USES

The permitted, accessory and conditional uses, and uses permitted under prescribed conditions in a PUD shall be the same as the underlying district. In addition, the following uses are permitted in all PUDs:

- A. Duplexes, attached housing and multiple-family housing, including cluster development, cottage housing and zero lot line development;
- B. Community buildings scaled to serve the needs of the residents of the development;
- C. Indoor recreation facilities, athletic clubs, fitness centers, racquetball courts, swimming pools, tennis courts, or similar uses scaled to serve the needs of the development;
- D. Outdoor recreation facilities, golf course, swimming pools, tennis courts, or similar use; and
- E. Recreation vehicle storage areas.

#### 24.060 APPROVAL CRITERIA

PUDs must comply with the following standards:

- A. Compatibility. The PUD shall be developed so it achieves compatibility with abutting development in terms of architectural character, massing, and scale. In addition, the development must include at least one of the following:
  - 1. Community facilities. Provision of community facilities beyond what the City requires without a PUD. Community facilities may be located on or off-site. For phased PUDs, the proposed benefits required by this section shall be commensurate with the level of

development for each phase, as determined by the approval authority. The community benefit shall be provided either concurrent with, or prior to, the development of each phase.

a. Types of community facilities. Examples of community facilities include, but are not limited to:

- 1) Parks or open spaces, recreational facilities such as tennis courts, active play areas and swimming pools;
- 2) Infrastructure improvements that provide benefits for residents of West Linn, including storm water, utility, or other facilities; and
- 3) Transit facilities, bicycle/pedestrian pathway systems or other transportation improvements.

b. Ownership. The proposed facilities may be publicly or privately owned in accordance with the following requirements:

- 1) If a facility is to be privately owned, the City must find that acceptable terms for the ongoing maintenance of the facility have been provided.
- 2) If a facility is to be publicly owned, any facilities that are to be dedicated to the City must serve the public and be acceptable to the City.

2. Natural, cultural or historical resources. The proposed PUD preserves, enhances or rehabilitates natural, cultural or historical features of the subject property beyond what the City requires without a PUD. Examples of these resources include, but are not limited to:

- a. Significant natural areas, publically accessible views, and wildlife habitats or corridors; and
- b. Historical and cultural features.

B. Site design. The proposed PUD provides a superior site design with elements that exceed what the City requires without a PUD. Examples of elements that represent superior site design include, but are not limited to, site designs that provide:

1. Internal pedestrian, bicycle, or vehicular circulation paths or patterns that exceed city requirements;
2. Location and/or screening of parking facilities, and
3. High quality and/or extensive landscaping, buffering, and/or screening.

C. Architectural design. The proposed PUD provides superior architectural features that exceed what the City requires without a PUD. Examples of elements that represent superior architectural design include, but are not limited to:

1. High quality materials, finishes and textures;
2. For single family attached or multi-family housing, facades that include horizontal and vertical variations in the building silhouette that are consistent with single family housing;
3. Contextual design in terms of building orientation, placement, articulation, scale and roof form; and
4. Compatibility with the neighboring development's architecture, massing, and scale.

**D. Sustainable design. The proposed PUD includes sustainable design features or methods that exceed what the City requires without a PUD. Examples of sustainable design features or methods include, but are not limited to:**

- 1. Siting and orientation of buildings, windows, and/or landscaping to take advantage of solar, shade, and wind impacts;**
- 2. Onsite generation of renewable energy for heating and/or cooling such as passive or active solar, wind, or biomass;**
- 3. Transportation demand management strategies or transportation management systems;**
- 4. Minimal use of impervious surface area and materials;**
- 5. Use of green streets or low impact development, including, but not limited to, street side planters, swales, rain gardens, native vegetation, or permeable pavement, when acceptable to the City; and**
- 6. LEED or similar certification.**

**E. Transitions and buffers. Transitions or buffers between the site and adjacent properties shall be provided as follows:**

- 1. Active recreational facilities, such as hard surface athletic courts or swimming pools, and recreational vehicle storage areas shall be located internal to the development where possible. Upon demonstration by the applicant that this is not possible, such facilities located along the perimeter of the development shall be buffered and/or screened to minimize adverse impact to neighbors.**
- 2. When more than two attached housing units (e.g., a triplex) are proposed adjacent to and visible from existing dwellings within 120 feet or directly across the street and visible from an existing single-family dwelling, the multifamily structures shall include architectural design elements, such as building modulation and roof styles, that mimic those of single family dwellings.**
- 3. All parking and access serving multi-family units shall be set back a minimum of 20 feet from the abutting property line, unless the approval authority, based upon the City Engineer or Community Development Director's recommendation, approves a smaller setback or joint access between adjoining properties.**
- 4. Other transition proposed by the applicant that meets the intent of this Subsection (E).**

#### **24.070 DEVELOPMENT STANDARDS**

##### **A. Applicable Zone Exceptions.**

**The provisions of the applicable zoning district apply, except as follows:**

- 1. The floor area ratio and lot coverage requirements of the underlying zone may be applied to the total project area, exclusive of right-of-way/private streets, rather than on a lot by lot basis;**
- 2. Lot size, yards, and lot dimensions may be modified; and**

**3. Lots along the perimeter of a PUD that abut existing single family homes shall not be reduced to less than 75% of the minimum lot size of the underlying zone and shall contain single family homes.**

**B. Open space. PUDs that contain multi-family units, 10 or more duplexes or single-family attached dwellings on lots under 4,000 square feet shall comply with the requirements of CDC 55.100(F).**

**C. Density Transfer. Density transfers shall be based on the minimum lot size in the applicable zoning district and at the following rates:**

**1. Density may be transferred at a rate of up to 50% from lands where development is not allowed by the following:**

- a. Chapter 27, Flood Management Areas;**
- b. Chapter 28, Willamette and Tualatin River Protection;**
- c. Chapter 32, Water Resource Area Protection; or**
- d. areas identified as a potential landslide or a landslide hazard area in the City's Natural Hazard Mitigation Plan.**

**2. Density may be transferred at a rate of up to 100% from land with the following characteristics**

- a. Heritage Trees and significant trees, consistent with Section 55.100(b), or**
- b. slopes between 25-50%.**

**3. Density Calculation. The total number of dwelling units shall be calculated as follows:**

- a. Subtract the square footage of the natural resource area from the total square footage of the property. Property size – Natural Resource Area = Remaining Area.**
- b. Multiply the square footage of the natural resource area by 0.5. Natural Resource Area x 0.5 = Additional Area for Development.**
- c. Add the result from Subsections (a) and (b) above. Remaining Area + Additional Area for Development = Total Development Area.**
- d. Divide the total development area by the minimum lot size in the zoning district for the housing type proposed. If not an even number, this number shall be rounded down to the nearest whole number.**

<b>Example: Density Calculation</b>	
Zone:	R-7
Property size:	90,000 sq. ft.
Natural resource area:	25,000 sq. ft.
Additional area for development:	12,500 sq. ft.
Remaining area:	65,000 sq. ft.
Total development area:	65,000 + 12,500 = 77,500 sq. ft.
Number of units:	77,500/7,000 = 11.07, 11 units

**4. A tentative subdivision plan or partition approved under Subsection 17.030(A) shall contain the natural resource area in a separate tract that is permanently restricted from future development, consistent with applicable provisions of the CDC. This restriction**

shall be provided on the final plat and the area shall be preserved by common ownership of the development, in a manner approved by the City Attorney prior to recording; or, if acceptable to the City, the tract may be dedicated to the City.

**D. Density Bonus. Density bonuses, using the minimum lot size in the underlying zone, may be given for the categories below. The cumulative density bonus from all of the provisions below shall not exceed 40%.**

**1. Affordable housing. Affordable housing units may receive a density bonus of up to 30% when the dwellings are part of a Federal, State, or local housing program, at least 20% of the dwellings are available for populations with household incomes that are up to 80 percent of the area median family income, and their affordability is guaranteed.**

*(Staff comment: 80% of the area median income in the Portland area is currently \$38,850 for a single person household and \$55,500 for a four person family. The median income for a family of four is \$68,000. ORS 197.309 prevents cities from establishing inclusionary zoning, but does not prohibit cities from enacting voluntary regulations, density bonuses, or other policies to increase the supply of these units.)*

**2. Additional open space land. The dedication of additional natural resource areas beyond what is required under the approval criteria, including trails, paths, significant trees, stands of trees, and trailheads may result in a density bonus up to 5% per ½ acre, with a maximum density bonus under this provision of up to 20%.**

**3. Parks. The dedication of improved site area that is accepted by the City, consistent with the Parks, Recreation, and Open Space Master Plan, or another public agency, as usable, accessible park land, may result in a density bonus of 5% per ½ acre, with a maximum density bonus under this provision of up to 30%.**

#### **FLAG LOTS**

*(Overview: The proposal is to replace the existing flag lot definition and flag lot standards found in Chapter 85. Flag lots can provide additional housing opportunities, promote the efficient use of residential land and ensure the protection of property rights. However, flag lots can diminish the privacy and livability of adjoining residences. The proposed standards in this section provide options for additional restrictions on flag lot development in order to protect the privacy of the abutting adjacent residences, minimize any disruption to the character of the neighborhood, and be consistent with the Transportation System Plan. Mid-block lanes are recommended as a tool for infill development in large lots in the ODOT TGM program Infill and Redevelopment Code Handbook, <http://www.oregon.gov/LCD/docs/publications/infilldevcode.pdf>)*

**Amendment.** CDC 02.030 Definitions is amended as follows:

~~Flag lot. A lot complying with all other provisions of the Community Development Code which does not meet the minimum street frontage requirement of 35 feet, and which gains access to the public right-of-way via an access strip no less than 15 feet in width.~~

**Flag Lot. A lot located partially behind another lot with street frontage less than the minimum required under this code and where access is provided to the rear lot via a narrow "flag pole" or access easement that contains a driveway. There are two distinct parts of a flag lot; the "flag" which comprises the actual building site located behind another lot, and the "pole" which provides access from the street to the flag.**

**The existing lot is considered the "parent lot".**

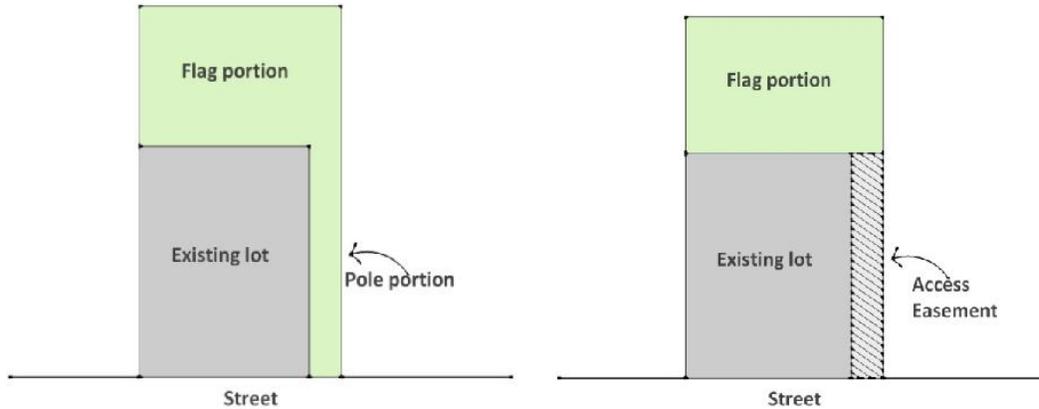


Figure \_\_: Flag lot that utilizes a pole attached to the flag.

Figure \_\_: Flag lot that utilizes an access easement. Both lots must meet the minimum requirements for lot size.

**Amendment.** CDC 85.200 is amended to read as follows:

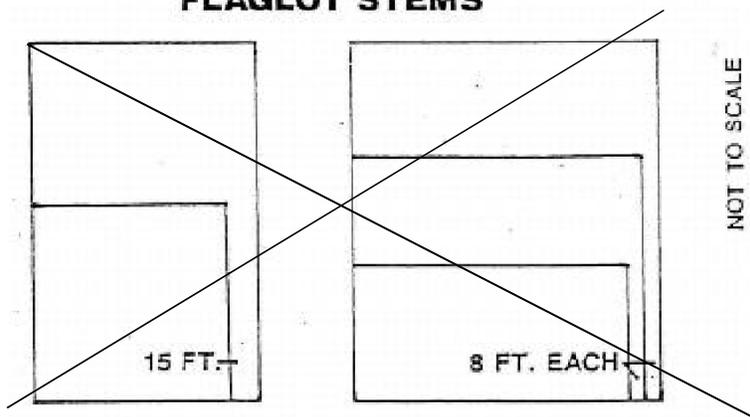
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B. Blocks and lots.

...

7. Flag lots. Flag lots can be created where it can be shown that no other reasonable street access is possible to achieve the requested land division. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be eight feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements. The following dimensional requirements shall apply to flag lots:

## FLAGLOT STEMS



- a. ~~Setbacks applicable to the underlying zone shall apply to the flag lot.~~
- b. ~~Front yard setbacks may be based on the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured, or it is part of a pattern of development, or it better fits the topography of the site.~~
- c. ~~The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.~~
- d. ~~The lot depth requirement contained elsewhere in this code shall be measured from the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access.~~
- e. ~~As per CDC 48.030, the accessway shall have a minimum paved width of 12 feet.~~
- f. ~~If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be accessed from the public street by an access easement of a minimum 15 foot width across intervening property.~~

### 7. Mid-block lanes and flag lots.

- a. When permitted. Mid-block lanes and flag lots are permitted, consistent with subsections 1) and 2) below, when there is adequate lot area to divide the property into two or more lots but not enough street frontage to meet the applicable minimum front lot line width:
  - 1) Mid-block lanes. When frontage onto a public street cannot be provided for new land divisions due to physical constraints, including, but not limited to, the existing parcel configuration, topographic constraints, or the location of existing dwellings, lots may receive access from mid-block lanes, as shown in Figure 2. Mid-block lanes shall be required, whenever practicable, as an alternative to approving flag lots. If possible, houses on mid-block lanes shall face the lane.
  - 2) Flag lots. Flag lots shall only be permitted when a public through street is not required to meet the connectivity standards of the TSP and a mid-block lane cannot be extended to serve future development (See Figure 2).

**b. Development Standards. Mid-block lanes and flag lots shall comply with CDC 48.030 and the following, as applicable:**

**1) Width.**

**i. Mid-block lanes shall have:**

- A) A minimum paved width of 20 feet, or**
- B) The minimum width needed to provide adequate fire protection.**

**ii. Flag pole accesses shall have:**

- A) A minimum paved width of 12 feet and an overall minimum width of 15 feet, or**
- B) The minimum width needed to provide adequate fire protection.**

**2) Area. Only the flag portion of the lot is included when calculating minimum lot area and lot depth.**

**3) Access. Shared access easements along existing driveways shall be provided unless the location of existing residences or accessory structures prevents it. No more than two accessways shall be permitted within a distance equal to the average required minimum lot width for the underlying zone.**

**4) Mid-block lane/accessway ownership and maintenance. Easements for private accessways and lanes shall be provided at the time of partition or subdivision.**

**5) Future street plans. Building placement and alignment of shared accessways shall be designed so that future street, lane, and accessway connections can be made when surrounding properties develop. If adjacent parcels can be partitioned or subdivided, an overall redevelopment concept showing street or lane connections through the adjacent property shall be completed.**

**6) Screening. A screen shall be placed between the flag portion of a lot and neighboring properties when the flag portion of a lot is within seven and one half feet of a residence. A screen shall be:**

- i. A landscaping strip that includes shrubs, trees, and groundcover that is at least five feet in width and a minimum height of six feet at maturity, or**
- ii. A fence, six feet in height or the maximum height allowed per CDC 44.020.**

**The screening requirements shall not apply if fencing or landscaping is restricted due to natural resource constraints.**

*(Staff Comment: Tualatin Valley Fire and Rescue (TVF&R) states that when serving two or less dwelling units and accessory buildings, the driving surface may be reduced to 12 feet, although the unobstructed width shall be 20 feet.)*

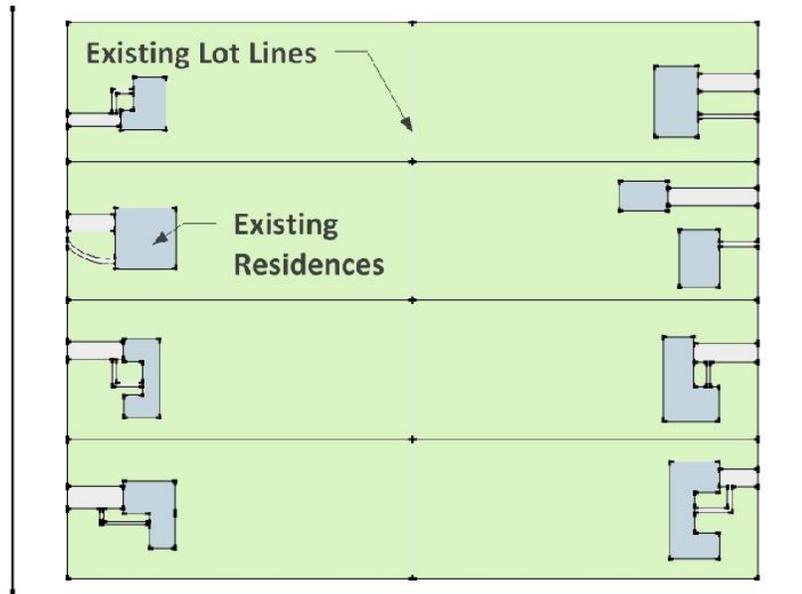


Figure \_\_: Mid-Block Lanes - Before Infill

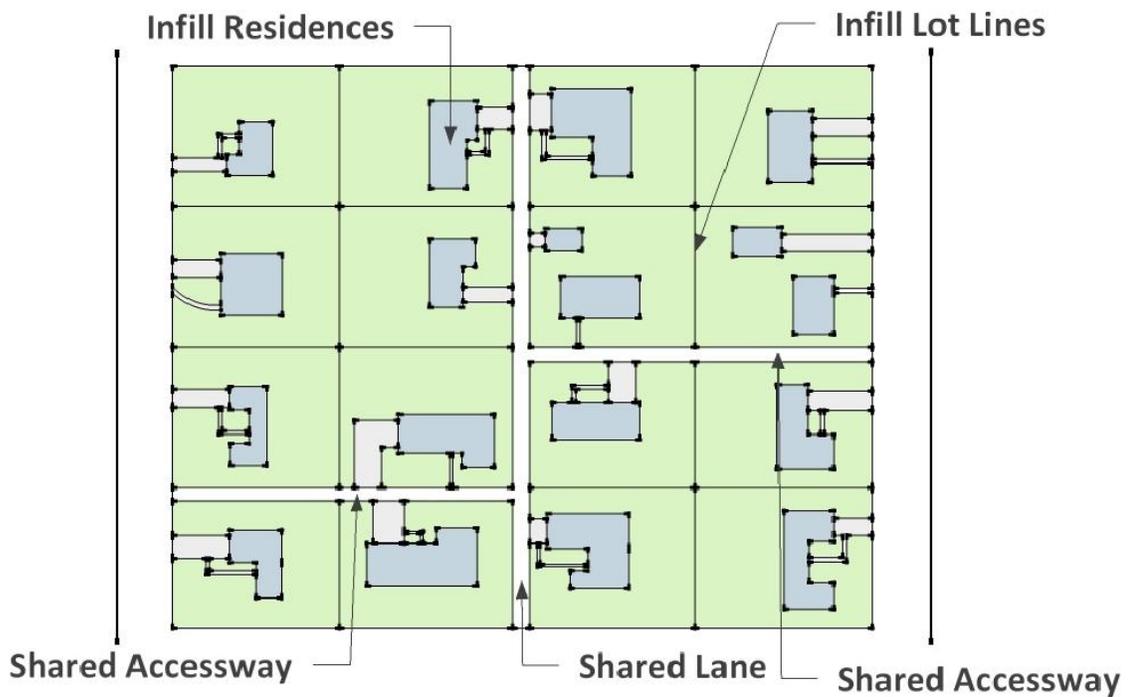


Figure \_\_: Mid-Block Lanes - After Infill

**7) Orientation. New residences on flag lots shall face the access easement, unless restricted due to environmental constraints. If an access easement is not proposed, then the applicant shall use a line that is parallel to the projected extension of the access easement if the access easement continued through the property. The yard setback requirements**

and associated exceptions of the applicable zoning district apply, with the following exceptions:

(A) The front yard setback shall be at least 10 feet. The front yard shall be measured from the lot line that runs closest to, and parallel with the accessway. If no accessway is proposed, the applicant shall use the lot line that is parallel to the projected extension of the accessway if the accessway continued through the property.

(B) The yard setback between the face of the garage and the nearest edge of the access easement shall be at least 20 feet.

**8) Building Height Limitation. The maximum building height for structures on flag lots shall be the average height of the dwelling units on the abutting properties.**

**9) Addresses for all flag lot residences shall be posted where the access lane or driveway meets the public right-of-way.**

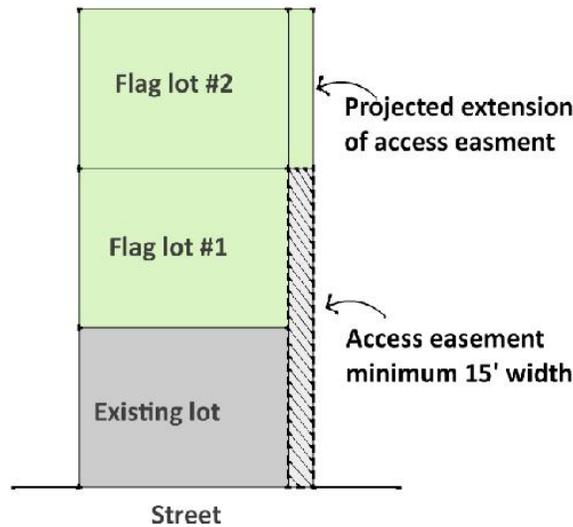


Figure \_\_: Multiple flag lots shall have a shared access easement

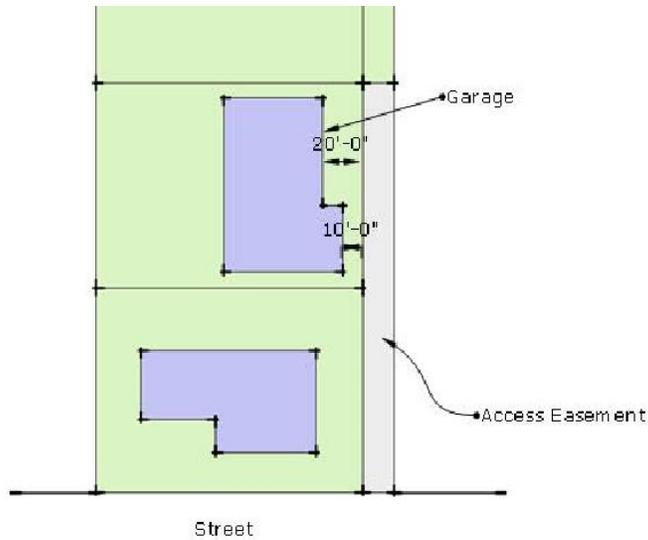


Figure \_\_: Flag lot front yard setback requirements

### **RESIDENTIAL DISTRICTS' USE STANDARDS**

*(Staff comment: The following proposed new chapter would add regulations dealing with cluster development, cottage housing, zero lot line development and, as proposed, consolidate existing standards that are only applicable to residential uses. These include home occupations (from Chapter 37), and manufactured homes (from Chapter 36), accessory dwelling units (from Chapter 34), and side yard transitions (from Chapter 43).*

**Amendment.** CDC 02.030 is amended to read as follows:

**Cottage. A cottage is a detached form of single-family housing that is located on a legal lot of record and does not exceed 1,200 square feet in floor area or is a condominium unit at densities generally exceeding the zoning district in which it is located.**

**Cottage housing development. Four to twelve detached dwelling units sharing a commonly owned courtyard/common area and parking area.**

**Zero lot line development.** A zero lot line development is where houses in a development on a common street frontage are shifted to one side of their lot to provide greater usable yard space on each lot. See Figure \_\_.

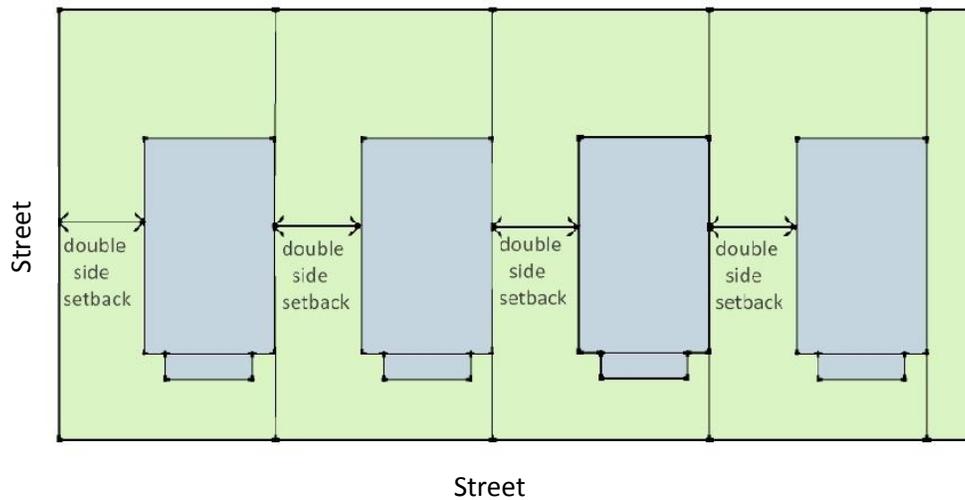


Figure \_\_: Zero lot line development

**New.** Chapter 17 is added to the CDC as follows:

**17.010 PURPOSE**

**17.020 APPLICABILITY**

**17.030 ALTERNATIVE DEVELOPMENT STANDARDS**

**17.010 PURPOSE**

- A. Allow for accessory uses that are customary and incidental to the primary use.**
- B. Allow for accessory dwelling units in conjunction with a primary single-family dwelling to facilitate increased density and housing choices for residents.**
- C. Allow for variation from development standards while maintaining or enhancing the overall character of existing neighborhoods.**
- D. Provide opportunities for a variety of housing types and affordable housing.**
- E. Provide for home occupations in residential zones as a means of providing convenient employment opportunities and decreasing auto dependence.**
- F. Reduce the impact that new development may have on surrounding development.**
- G. Allow for development that is sensitive to the environment, especially in areas with steep slopes, water resource areas, and other riparian habitats.**
- H. Allow for the preservation of open and natural areas.**

**17.020 APPLICABILITY**

**This chapter applies to the following uses on residential lots, sites, and common areas in the R-40, R-20, R-15, R-10, R-7, R-5, R-4.5, R-3, and R-2.1 districts, the Willamette Neighborhood Mixed Use Transitional Zone, and to residential development and uses in other districts:**

- A. Accessory dwelling units (to be moved from Chapter 34);**

- B. Cluster development;**
- C. Cottage housing;**
- D. Home occupations (to be moved from Chapter 37);**
- E. Manufactured homes (to be moved from Chapter 36);**
- F. Single-family and duplex side yard transitions. (to be moved from Chapter 43)**
- G. Additional yard requirements and exceptions (to be moved from Chapter 38); and**
- H. Zero lot line development**

**17.030 ALTERNATIVE DEVELOPMENT STANDARDS**

**Relocate.** Chapter 34, Accessory structures is moved and relocated to CDC 17.030(A).

**Amendment.** CDC 34.030 is amended to read as follows:

A. An accessory dwelling unit (ADU) may be allowed in conjunction with an existing primary single-family dwelling, **except cottage housing subject to CDC 17.030,** by conversion of existing space inside the primary dwelling; by means of an addition to an existing dwelling; by means of an addition as an accessory structure; or by converting or adding to an existing accessory structure, such as a garage, on the same lot with an existing primary dwelling, when the following conditions are met:

**B. Cluster development. This section provides for development while avoiding or minimizing impacts to natural resources on the site. A portion of the allowed residential density from the area to be conserved may be transferred to an unencumbered, or less impactful, portion of the site.**

**1. Applicability.**

**a. A property may utilize these provisions if it has the following:**

- 1) Flood management areas regulated by Chapter 27;**
- 2) Willamette and Tualatin River protection areas regulated by Chapter 28;**
- 3) Water resource areas regulated by Chapter 32;**
- 4) areas identified as a potential landslide or a landslide hazard area in the City's Natural Hazard Mitigation Plan;**
- 5) slopes greater than 25%;**
- 6) Heritage Trees or significant trees; or**
- 7) Other natural, cultural or hazardous areas proposed by the applicant and determined to be significant and worthy of preservation.**

**b. A single lot is not eligible for land division under this subsection if the lot is completely encumbered by:**

- 1) Flood management areas regulated by Chapter 27;**
- 2) Willamette and Tualatin River protection areas regulated by Chapter 28;**
- 3) Water resource areas regulated by Chapter 32;**
- 4) areas identified as a potential landslide or a landslide hazard area in the City's Natural Hazard Mitigation Plan; or**
- 5) slopes greater than 50%.**

**2. Density Transfer. Density transfers shall be based on the minimum lot size in the applicable zoning district. The allowed density for such areas may be transferred to a portion of the site unencumbered by natural resources.**

**a. Except as provided in Subsection (2)(b), density may be transferred at a rate of up to 50% from lands where development is not allowed by:**

- 1) Chapter 27, Flood Management Areas;**
- 2) Chapter 28, Willamette and Tualatin River Protection;**
- 3) Chapter 32, Water Resource Area Protection; and**
- 4) areas identified as a potential landslide or a landslide hazard area in the City's Natural Hazard Mitigation Plan.**

**b. Density may be transferred at a rate of up to 100% from land with the following characteristics:**

- 1) Heritage Trees and significant trees, consistent with Section 55.100(B), and**
- 2) Slopes between 25-50%.**

**3. Density Calculation. The total number of dwelling units shall be calculated as follows:**

**a. Subtract the square footage of the natural resource area from the total square footage of the property. Property size – Natural Resource Area = Remaining Area.**

**b. Multiply the square footage of the natural resource area by 0.5. Natural Resource Area x 0.5 = Additional Area for Development.**

**c. Add the result from Subsections (a) and (b) above. Remaining Area + Additional Area for Development = Total Development Area.**

**d. Divide the total development area by the minimum lot size in the zoning district for the housing type proposed. If not an even number, this number shall be rounded down to the nearest whole number.**

<b>Example: Density Calculation</b>	
Zone:	R-7
Property size:	90,000 sq. ft.
Natural resource area:	25,000 sq. ft.
Additional area for development:	12,500 sq. ft.
Remaining area:	65,000 sq. ft.
Total development area:	65,000 + 12,500 = 77,500 sq. ft.

**4. Clustering. The permitted number of lots and associated structures on the site may be clustered as follows:**

- a. Lot sizes, lot dimensions and yards may be reduced by up to 30% in order to cluster housing/development, provided setbacks are not less than three feet, except for zero lot line development authorized under Subsection 17.030(C).
- b. Platted lots that are completely encumbered by a designated natural resource area (e.g., a Water Resource Area such as a stream or wetland or a slope over 50%) may cluster development further from the resource or in a less impactful location. However, the number of buildable platted lots within the designated natural resource area shall not increase.

**5. Restricted use of natural resource areas. A tentative subdivision plan or partition approved under Subsection 17.030(A) shall contain the natural resource area in a separate tract that is permanently restricted from future development, consistent with applicable provisions of the CDC. This restriction shall be provided on the final plat and the area shall be preserved by common ownership of the development, in a manner approved by the City Attorney prior to recording; or, if acceptable to the City, the tract may be dedicated to the City.**

*(Staff Comment: Cottage housing would provide additional opportunities for smaller, quality single family homes in West Linn. These houses are typically occupied by young professionals, single parents, the newly single, and empty nesters. Typically they have 1-2 residents. Often these individuals do not want, or cannot afford larger homes and lots, and this type of development enables them to remain in their community. See <http://www.mrsc.org/qovdocs/s42cottagehousingguide.pdf>, "Cottage Housing in Your Community" for additional information. Staff also referenced work by Ross Chapin on "Pocket Neighborhoods", Metro's Innovative Design and Development Codes Toolkit, Metro's Case Study on cottage housing in Wood Village ([http://library.oregonmetro.gov/files//wood\\_village\\_case\\_study.pdf](http://library.oregonmetro.gov/files//wood_village_case_study.pdf)) and regulations in various communities including Oregon City, Wood Village, Seattle, Battle Ground, WA, and Kirkland, WA. Staff proposes allowing them as a permitted use in the R-3 – R-10 zones. Staff recommends higher density multi-family in R-2.1 and lower density housing for the R-15 – R-40 zones. There are few undeveloped areas in West Linn that are zoned with a density less than R-10.)*

**C. Cottage Housing. This section allows for the development of smaller units of detached housing to provide variety in housing design and the availability of units for populations that are diverse in age, income, and household composition. Cottage housing developments shall comply with the following requirements:**

**1. Open space. The development shall provide open space as follows:**

- a. A minimum of 250 square feet of privately owned, contiguous, usable, open space adjacent to each dwelling unit. No dimension of this open space area shall be less than 10 feet.
- b. The development shall contain a courtyard or usable landscaped area owned in common by the owners of the dwellings (i.e., available for the use of all residents of the development) that contains a minimum of 1,500 square feet or 500 square feet per unit, whichever is greater. This open space shall be contained in a

- contiguous area with no dimension less than 30 feet. Open space meeting the minimum requirement of this subsection shall not have a slope in excess of 5%.
- c. Up to 25% of the required open space may be satisfied by building a community building for the use of the cottage housing residents.
2. Site design. Dwelling units shall be located on at least two sides of the courtyard or common area.
3. Cottage design. Cottages shall have the following features:
- a. Window and door trim with a minimum width of 3.5 inches, except for the sill, on all structures.
  - b. Eaves of at least 12 inches on all structures on at least two sides of each building.
  - c. To avoid blank facing walls cottages shall have one of the following on street and courtyard facades:
    - i. Changes in exterior siding material and paint color;
    - ii. Windows, including bay windows; or
    - iii. Building modulation with a depth measuring at least one foot.
4. Porches. There shall be a usable covered porch with a minimum of 80 square feet and a minimum dimension of five feet.
5. Dwelling size. Dwellings shall not have footprint greater than 1,000 square feet, excluding a garage. Two story dwellings shall not exceed 1,200 square feet in size. Floor area shall not include any space with a floor-to-ceiling height of less than six feet.
6. Height. Dwellings shall not be more than 28 feet in height. All parts of the roof greater than 18 feet in height shall have a minimum slope of 6:12.
7. Lot size and density. The permitted density in cottage housing developments shall not exceed one dwelling unit per 3,000 square feet.
8. Lot coverage. Lot coverage shall be calculated for the entire development site and shall not exceed 40 percent.
9. Floor area ratio (FAR). The FAR for the underlying zone shall not apply.
10. Interior separation. A minimum separation of ten feet is required between primary structures. Facades of primary structures that face facades of accessory structures shall be separated by a minimum of three feet. Primary entrances that face each other shall be separated by a minimum of 10 feet.
11. Number of units. The development shall include no less than four and no more than 12 dwelling units per courtyard. A development may contain more than one courtyard. An accessory dwelling unit (Chapter 34) may not be added to an existing cottage development.
12. Yards. Yards for the exterior perimeter of the project shall be those specified in the underlying zoning district.
13. Garages and Parking. Garages and parking areas shall have the following features:
- a. Parking shall be shared, screened and in accordance with the single family requirements in Chapter 46. It shall not be located in the front yard.
  - b. Shared garages shall be limited to a maximum of four stalls per structure and shall be detached from the dwelling units.

- c. The garages shall have roof lines similar to the dwelling units.**
- 14. Pathway. A pedestrian pathway, a minimum of four feet in width, shall connect the public street with all cottages and the shared parking areas with all cottages.**
- 15. Covenants. Covenants shall be recorded that establish common areas maintained by the owners and that preclude their conversion to another use.**
- 16. Density bonuses. Other density bonuses in the code, including CDC 24.080(D) shall not apply to cottage developments.**
- 17. Community Buildings. Any community building shall be no more than one story and shall be clearly incidental in use and size to the dwelling units.**

**Relocate.** Chapter 37, Home occupations is moved and relocated to CDC 17.030(D).

**Relocate.** Chapter 36, Manufactured homes, is moved and relocated to CDC 17.030(E).

**Relocate.** Chapter 43, Single-family and duplex side yard transitions, is moved and relocated to CDC 17.030(F).

**Relocate.** Chapter 38, Additional yard requirements and exceptions, is moved and relocated to CDC 17.030(G).

*(Staff comment: Zero lot line developments allow for greater use of side yards by placing a double side yard on a single side of a property. This requires consideration of window placement and owner access through an easement. Much of the language below is from the City of Portland.)*

**New.** The following is added to CDC 17.030 as follows:

**H. Zero lot line development. A zero lot line development allows houses along common street frontage to be shifted to one side of each lot to provide greater usable yard space on each lot.**

**1. Side yards.**

- a. The required side yard on one side of the house may be reduced to zero. This does not apply to the side street yard, or to the side yard adjacent to lots that are not part of the zero lot line development.**
- b. The minimum distance between all buildings in the development must be equal to at least twice the side yard required in the applicable zoning district.**
- c. The setbacks established under this section shall appear upon the face of the plat or partition. A deed restriction must be recorded on the deed of each applicable lot to ensure the side yard is maintained.**

**2. Eaves. The eaves on the side of a house with a reduced side yard may project a maximum of 18 inches over the adjacent property line. An easement for the eave projection must be recorded on the deed for the lot where the projection occurs.**

**3. Maintenance. An easement between the two property owners to allow for maintenance or repair of the house is required when the eaves or side wall of the house are closer than three feet to the adjacent property line. The easement on the adjacent property must be**

wide enough to allow four feet between the eaves or side wall and the edge of the easement.

4. Privacy. If the side wall of the house is on the property line, or within three feet of the property line, windows or other openings which allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.
5. Locating dwellings and windows. The planning for the locations of houses and windows along side yards shall be done at the same time.

#### RELATED PROVISIONS

**Amendment.** CDC 08.050 is amended to read as follows:

The following uses are allowed in this zone under prescribed conditions.

...

5. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24.

**Amendment.** CDC 09.050 is amended to read as follows:

The following uses are allowed in this zone under prescribed conditions.

...

7. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24.

**Amendment.** CDC 10.050 is amended to read as follows:

The following uses are allowed in this zone under prescribed conditions.

...

7. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24.

**Amendment.** CDC 11.050 is amended to read as follows:

The following uses are allowed in this zone under prescribed conditions.

...

8. Cottage housing, subject to the provisions of Chapter 17.030.
9. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24.

**Amendment.** CDC 12.050 is amended to read as follows:

The following uses are allowed in this zone under prescribed conditions.

...

8. Cottage housing, subject to the provisions of CDC 17.030.
9. Duplex residential units, and multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24.

**Amendment.** CDC 13.050 is amended to read as follows:

The following uses are allowed in this zone under prescribed conditions.

...

**9. Cottage housing, subject to the provisions of CDC 17.030.**

**10. Multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24.**

**Amendment.** CDC 14.050 is amended to read as follows:

The following uses are allowed in this zone under prescribed conditions.

...

**7. Cottage housing, subject to the provisions of CDC 17.030.**

**8. Multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24.**

**Amendment.** CDC 15.050 is amended to read as follows:

The following uses are allowed in this zone under prescribed conditions.

...

**6. Cottage housing, subject to the provisions of CDC 17.030.**

**Amendment.** CDC 19.070 is amended to read as follows:

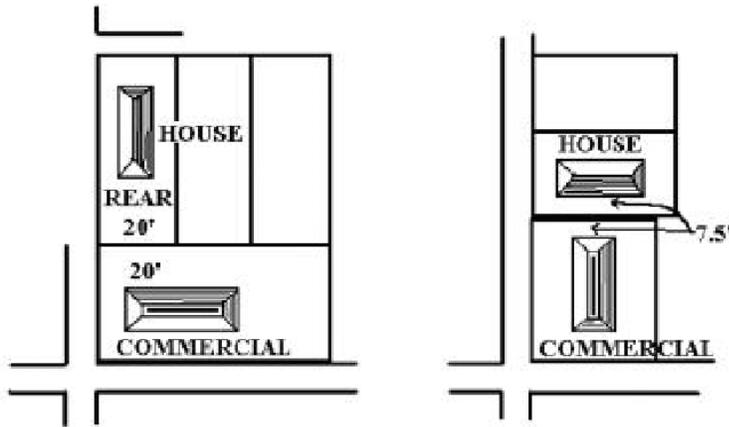
~~A.~~ Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

~~A1.~~ The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

~~B2.~~ The average minimum lot width shall be 50 feet.

~~C3.~~ The average minimum lot depth shall not be less than 90 feet.

~~D4.~~ Where the use abuts a residential district, the setback distance of the residential zone shall apply. For example, when the rear of a residential property abuts the side of a commercial property, the residential 20-foot setback shall apply to the commercial property. When the side of a residential property abuts the rear of a commercial property, the residential five- to seven-and-one-half-foot setback shall apply to the commercial property. In addition, a buffer of up to 50 feet may be required.



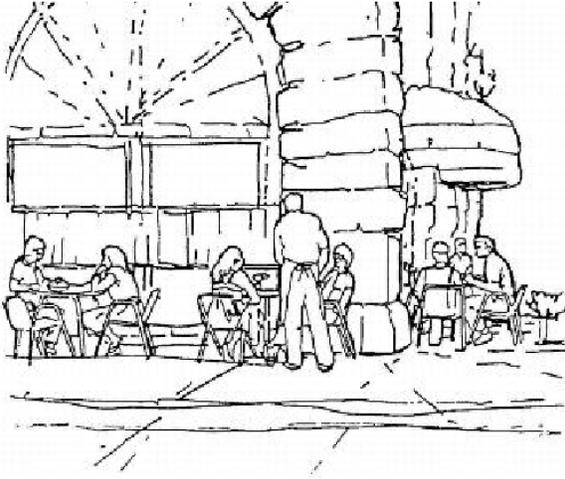
**SETBACK OF ABUTTING HOUSE  
DICTATES COMMERCIAL SETBACK**

- E5-** The maximum lot coverage shall be 50 percent.
- F6-** The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone, and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential zone.
- G7-** For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas, with at least 25 percent of the front setback area consisting of landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.
- ~~B-~~ The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

**Amendment.** CDC 21.070 is amended to read as follows:

- A.— Except as may be otherwise provided by the provisions of this code, the following are requirements for uses within this zone:
  - A1-** The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
  - B2-** The average minimum lot width shall be 35 feet.
  - C3-** The average minimum lot depth shall not be less than 90 feet.
  - D4-** The minimum yard dimensions or minimum building setback area from the lot line shall be:
    - 1a-** For an interior side yard, seven and one-half feet.
    - 2b-** For a side yard abutting a street, 15 feet.
    - 3c-** For a rear yard, 25 feet; however, where the use abuts a residential district, the setback distance of the residential zone shall apply and, in addition, a buffer of up to 50 feet may be required.
- E5-** For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular

hardscape areas (covered with impervious surfaces) and landscaped areas, with at least 25 percent of the front setback area consisting of landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.



~~F6.~~ The maximum lot coverage shall be 50 percent.

~~G7.~~ The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential area.

~~B.~~ The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

**Amendment.** CDC 22.080 is amended to read as follows:

All development within this district is subject to the review procedures and application requirements under Chapter 55 CDC. In addition, the following specific standards, requirements, and objectives shall apply to all development in this district:

...

~~H.~~ The requirements of subsections A through G of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

**Amendment.** CDC 23.070 is amended to read as follows:

~~A.~~ Except as may be otherwise provided by the provisions of this code, the following are requirements for uses within this zone:

~~A1.~~ The minimum front lot line length of the minimum lot width at the front lot line shall be 50 feet.

~~B2.~~ The average minimum lot width shall be 50 feet.

~~C3.~~ The average minimum lot depth shall not be less than 90 feet.

~~D4.~~ Where the use abuts a residential district, the setback distance of the residential zone shall apply, and, in addition, a buffer of up to 50 feet may be required.

~~E5.~~ The maximum lot coverage shall be 50 percent.

~~F6.~~ The maximum building height shall be two and one-half stories or 35 feet for any structure located within 100 feet of a residential zone and three and one-half stories or 45 feet for any structure located 100 feet or more from a residential zone.

~~B.~~ The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

**Amendment.** CDC 28.110 is amended to read as follows:

H. Partitions, subdivisions and incentives.

...

3. Development of HCA-dominated lands shall be undertaken as a last resort. **The applicant may develop using the provisions in CDC 17.030, Cluster Development, or Chapter 24, Planned Residential Development.** A planned unit development (PUD) of Chapter 24 CDC may be required.

**Amendment.** CDC 55.100 is amended to read as follows:

F. Shared outdoor recreation areas. This section only applies to multi-family projects and projects with 10 or more duplexes or single-family attached dwellings on lots under 4,000 square feet. In those cases, shared outdoor recreation areas are calculated on the duplexes or single-family attached dwellings only. It also applies to qualifying PUD under the provisions of CDC 24.17070(B).

**Amendment.** CDC 59.050 is amended to read as follows:

The following uses are allowed in this zone under prescribed conditions:

...

**4. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PUD and subject to the provisions of Chapter 24 CDC.**

*(Staff Comment: The following language is recommended based on the requirements of the Clackamas County Surveyor. The City's current requirement for direct frontage results in numerous lots with flags rather than a single access easement, which is preferred and required by the Surveyor.)*

**Amendment.** CDC 85.200 is amended to read as follows:

A.

...

19. All lots in a subdivision **or created by a partition** shall have access to a public street **through direct frontage or an access easement.** ~~Lots created by partition may have access to a public street via an access easement pursuant to the~~ **Easements shall comply with** the standards and limitations set forth for such accessways in Chapter 48 **of the** CDC.

## Wyatt, Kirsten

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**From:** Jordan, Chris  
**Sent:** Thursday, September 11, 2014 2:02 PM  
**To:** Wyatt, Kirsten  
**Subject:** FW: Fee Waiver

Chris Jordan, City Manager  
Administration.#1422



Please consider the impact on the environment before printing a paper copy of this email.  
This e-mail is subject to the State Retention Schedule and may be made available to the public.

**From:** A Sight for Sport Eyes [mailto:sporteyes@yahoo.com]  
**Sent:** Thursday, September 11, 2014 1:57 PM  
**To:** Jordan, Chris  
**Subject:** Fee Waiver

Per my conversation with Kirsten Wyatt earlier this week, this is our official request for a fee waiver for Farmers Market. Farmers Market, in my opinion, should not be considered an "event". Unlike other "events" in the city, the Market brings much needed business activity to the Willamette District that is struggling right now. It should be looked at as an "economic development activity" for the Willamette area.

I wanted to throw out a few facts for you to ponder:

- Main Street is struggling. 3 businesses have gone out of business in the last year alone. Two more are on the verge of shutting down. Bows of Holly has shut its doors, though it is unclear what they may be doing with the space.
  - Farmers Market brings an influx of people to the business district every Wednesday night for 3 months. Most of the businesses (especially restaurants) benefit directly and we have been told by certain businesses that it is the best night of their week during the summer in terms of cash flow.
  - National statistics state that 60% of market shoppers also visit nearby stores on the same day. Of those 60%, 60% of them said they visited those stores ONLY on market days. Studies also show that 90% of the money from farmers markets stay within the community and this goes towards community development.
  - A study on Portland markets estimated that markets have \$17M in regional economic impact.
- In addition to supporting the Willamette area, the market is also a place where other West Linn businesses, home based and otherwise, come to market their businesses. The market also provides a way for West Linn residents to be involved in the community.
  - 18 West Linn based businesses were featured in our market this year. Several other community groups were also part of the market including the West Linn Old Time Fair. We even had a local author sell his self published book. In total, about 80% of our vendors come from Clackamas County.
  - Some of the music at the market was performed by West Linn residents and we would like to tie in with the Youth Music Project and other West Linn musicians in the future.

- The market was also a place for political candidates to meet and greet with the residents. We even had Councilor Jenni Tan as a judge at the pie baking contest, which was a great way to showcase the city council's involvement in the community.
- Our logo was designed by a West Linn High student. Last year we worked with the high school's graphic arts program and had students compete to design the best logo.
- The market is a great place for the community to get together as a family. It is a family friendly environment with a puppet show that had regular attendance of about 30 kids, along with balloons, face painting, a bouncy house, and more. Families can enjoy a meal, do some shopping, meet their neighbors and while their kids can play. All these things foster a great community.
- Other cities think Farmers Markets are important. Some stats/info:
  - Cities are under a mandate from President Obama to provide access to healthy food. Farmers' Markets do this and cities can aid in combating obesity and other health conditions by increasing access to fresh food and vegetables.
  - Farmers' markets create jobs. Businesses hire more staff for farmers' market evenings and market vendors often hire people to run their booths. Our market employs the market manager, a set up/breakdown person, musicians and puppeteers. Pike's Place Market in Seattle estimates that 2400 jobs are created during the peak season.
- The most successful markets have *significant* city involvement. Many local governments get involved because they recognize the benefits that go beyond buying and selling of goods and crafts. Markets like these help sustain small, local farms (the West Linn market has three such farms), encourages people to buy locally, and helps put money directly back into the community.
  - Our immediate neighbors have *substantial* city support. Both the Lake Oswego and Oregon City Downtown markets are managed by the city. The City of Tualatin provides a free space for the market to be held. The Milwaukie market has a city council member on its board volunteering time. The City of Tigard is an official partner of the market. All of our neighboring cities feel that the farmers' market is an integral part of city planning.

All we are asking is for the city to reconsider how Main Street/Farmers Market is assessed fee wise. Unlike other community events that are one day or weekend events that only benefit certain groups of people (i.e baseball tournament or other club events), Farmers Market exists to provide economic vitality to an area that is struggling right now. We should not have to be assessed the same fees as an event that is just for "fun" or private events that benefit private groups, businesses, or individuals. Main Street and the West Linn Farmers' Market are pseudo-city groups as they exist solely to improve the community. The Farmers' Market offers a way for local businesses to showcase their businesses, brings an influx of traffic to Willamette businesses and puts money back into the community. There just has to be a way for our organization to be re-categorized as something else rather than an "event" subject to current event permitting fees.

Thank you for your time.

A Sight for Sport Eyes  
 1553 11<sup>th</sup> St.  
 West Linn, OR 97068  
 503-699-4160  
 888-223-2669  
 888-240-6551 (fax)  
[www.sporteyes.com](http://www.sporteyes.com)

West Linn Farmers Market  
Reconciliation of Cash Balance

Beginning Cash Balance (received from Miles McCoy, previous market manager)	2,327.72
2013 Net Income (detail attached)	5,391.02
2013 Transfer to Main Street	<u>(2,000.00)</u>
Cash Balance 12/31/13	5,718.74
2014 Net Income (detail attached)	401.55
2014 City of West Linn Special Event Cleaning Deposit	(500.00)
2014 Transfer to Main Street	<u>(1,000.00)</u>
Cash Balance 9/9/14	<u>4,620.29</u>

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09/09/14

Accrual Basis

## Farmers Market - Summary P&L

January 1, 2013 through September 9, 2014

	<u>Jan - Dec 13</u>	<u>Jan 1 - Sep 9, 14</u>	<u>TOTAL</u>
<b>Income</b>			
Farmers Market - Booth Fees	13,939.92	14,218.88	28,158.80
Farmers Market - Centennial	20.50	0.00	20.50
Farmers Market - Grants	2,500.00	1,000.00	3,500.00
Farmers Market - Raffle Money	43.00	0.00	43.00
Farmers Market - Sponsor Fees	100.00	0.00	100.00
<b>Total Income</b>	<u>16,603.42</u>	<u>15,218.88</u>	<u>31,822.30</u>
<b>Expense</b>			
Farmers Market - Electricity	380.00	0.00	380.00
Farmers Market - Entertainment	4,400.00	5,335.00	9,735.00
Farmers Market - Insurance	0.00	370.00	370.00
Farmers Market - Manager Fee	3,400.00	3,890.00	7,290.00
Farmers Market - Marketing	267.00	410.09	677.09
Farmers Market - Permits	100.00	2,050.00	2,150.00
Farmers Market - Set Up Labor	1,350.00	1,585.00	2,935.00
Farmers Market - Supplies	559.40	1,012.24	1,571.64
Farmers Market - Vendor Mgmt	756.00	165.00	921.00
<b>Total Expense</b>	<u>11,212.40</u>	<u>14,817.33</u>	<u>26,029.73</u>
<b>Net Income</b>	<u><u>5,391.02</u></u>	<u><u>401.55</u></u>	<u><u>5,792.57</u></u>

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09/09/14

Accrual Basis

## Farmers Market - Detail P&L

January 1 through September 9, 2014

Type	Date	Num	Name	Memo	Amount
<b>Income</b>					
<b>Farmers Market - Booth Fees</b>					
Deposit	2/19/2014				445.00
Deposit	3/12/2014				790.00
Deposit	4/22/2014				647.50
Deposit	4/30/2014			Deposit	365.00
Deposit	5/23/2014			Deposit	212.00
Deposit	6/4/2014			Pacific West Bank	56.00
Deposit	6/6/2014			Deposit	2,099.00
Deposit	6/12/2014			Deposit	1,053.00
Deposit	6/19/2014			Deposit	874.00
Deposit	6/26/2014			Deposit	854.00
Deposit	7/3/2014			Deposit	940.00
Deposit	7/10/2014			Deposit	938.00
Deposit	7/17/2014			Deposit	697.00
Deposit	7/24/2014			Deposit	248.00
Deposit	7/31/2014			Deposit	828.00
Deposit	8/7/2014			Deposit	843.00
Deposit	8/14/2014			Deposit	521.00
Deposit	8/27/2014			Deposit	450.00
Deposit	8/28/2014			Deposit	252.00
Check	9/3/2014	244	Autumn Sullivan	Refund	-28.00
Deposit	9/9/2014			Paypal Account	1,134.38
Total Farmers Market - Booth Fees					14,218.88
<b>Farmers Market - Grants</b>					
Deposit	7/9/2014		City of West Linn	Deposit	1,000.00
Total Farmers Market - Grants					1,000.00
Total Income					15,218.88
<b>Expense</b>					
<b>Farmers Market - Entertainment</b>					
Check	6/4/2014	179	Jason Ropp	Puppets	200.00
Check	6/4/2014	181	Dancehall Days	Music	500.00
Check	6/11/2014	185	Jason Ropp	Puppets	200.00
Check	6/11/2014	187	Lead and Lace	Music	350.00
Check	6/18/2014	189	Jason Ropp	Puppets	200.00
Check	6/18/2014	191	Jim Mesri Band	Music	200.00
Check	6/25/2014	195	Jason Ropp	Puppets	200.00
Check	6/25/2014	197	Max James Band	Music	175.00
Check	7/2/2014	198	Jim Mesri Band	Music	100.00
Check	7/2/2014	202	Jason Ropp	Puppets	200.00
Check	7/2/2014	204	Alex Koehler Band	Music	200.00
Check	7/9/2014	206	Jason Ropp	Puppets	200.00
Check	7/9/2014	208	Robert Richter	Music	150.00
Check	7/16/2014	211	Jason Ropp	Puppets	200.00
Check	7/16/2014	213	Dana Fontaine	Music	150.00
Check	7/23/2014	216	Jason Ropp	Puppets	200.00
Check	7/23/2014	218	Phil & Lynn Santilli	Music	100.00
Check	7/30/2014	221	Jason Ropp	Puppets	200.00
Check	7/30/2014	223	Mark Perry - Slim ...	Music	60.00
Check	8/6/2014	225	Jason Ropp	Puppets	200.00
Check	8/6/2014	227	Tyler Stenson	Music	300.00
Check	8/13/2014	230	Jason Ropp	Puppets	200.00
Check	8/13/2014	232	Alex Koehler Band	Music	200.00
Check	8/20/2014	234	Jason Ropp	Puppets	200.00
Check	8/20/2014	235	Phil & Lynn Santilli	Music	100.00
Check	8/27/2014	240	Jason Ropp	Puppets	200.00
Check	8/27/2014	242	Anna Lisa	Music	150.00
Total Farmers Market - Entertainment					5,335.00
<b>Farmers Market - Insurance</b>					
Check	4/30/2014	175	Liberty Mutual Insur...		370.00
Total Farmers Market - Insurance					370.00

