

Memorandum

Date: September 19, 2014

To: Planning Commission

From: John Boyd, Planning Manager

Subject: Code Maintenance Project: (CDC 14-02)

Purpose

Staff is seeking a recommendation from the Planning Commission regarding the attachment to this document (a September 19, 2014 Memo entitled "CDC 14-02 – Maintenance amendments to the Community Development Code"). This staff report that supports the proposed amendments to various chapters of the Community Development Code (CDC). The purpose of the proposed amendments is to modify our code to be consistent with Oregon Revised Statute (ORS) and Oregon Administrative Rules (OAR), to correct errors or outdated information, to re-organize code provisions and to clarify/provide consistency for certain code provisions. This project is a City Council's docket item listed for completion within this year. It serves as a key supporting component of the Council's stated mission to keep West Linn, *"on the path to becoming the finest community in the state to live, work and play – both for ourselves and future generations."*

Background

The City Council adopted on January 27, 2014, the City Council Goals including "Continue efforts to update & improve the Community Development Code." On April 25, 2014, the "Docket of CDC and Comprehensive Plan Amendments" was reviewed by City Council and updated. Item 4 of the Docket described an action to complete "Routine minor code refinements." The project description supported "Recurring package of targeted CDC amendments that are critical to administering and applying the Code. Staff anticipates processing several of these per year." The estimated hearing dates for Docket Item 4 was July 2014 for the Planning Commission review and September 2014 for City Council action.

Beginning in May 23, 2014, and continuing over the summer, Staff has been collecting comments on the Community Development Code and developing the Community Development Code (CDC) maintenance edits. Informational updates were provided to the Planning Commission at three separate meetings:

- August 20, 2014,
- July 16, 2014, and
- June 18, 2014.

A work session on the proposed CDC Maintenance amendments to the CDC was held on September 17, 2014.

The project was also introduced and discussed at numerous other regularly scheduled City meetings of the City Council. All of the above actions are in addition to the required public hearing notification

processes and procedures that will be undertaken with the upcoming hearings before the Planning Commission and City Council.

Public Comments

At the time this Staff Report was prepared, no written responses were submitted.

Discussion

Generally, these maintenance amendments have been divided into four categories. The proposed amendment packet is attached to this staff report and is summarized as follows.

The maintenance packet contains needed amendments for:

- 1. Consistency with Oregon Revised Statutes or Administrative Rules,**
- 2. Corrections,**
- 3. Re-organization, or**
- 4. Clarification or consistency.**

Recommendation

Staff recommends that the Planning Commission consider the proposed CDC amendments, revise them as warranted, and recommend approval to the City Council.

ADDENDUM

PLANNING COMMISSION STAFF REPORT

For the public hearing dated October 1, 2014

STAFF EVALUATION OF THE PROPOSAL'S COMPLIANCE WITH APPLICABLE CRITERIA

CDC Section 98.100 lists the factors to be addressed in the staff report for legislative proposals. The applicable factors along with staff's response are as follows:

1. *The Statewide Planning Goals and rules adopted under ORS Chapter 197 and other applicable state statutes.*

Staff Response: Staff reviewed the Statewide Planning Goals and found that the following goals are applicable. Staff is not aware of any other state regulations that apply to the proposed amendments that are not reflected in the Metro and City plans and regulations addressed in this Addendum.

Goal 1: Citizen Involvement: *"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process".*

Staff Response: The City has a citizen involvement program which has been acknowledged and adopted by the State. One amendment proposed, for example: not requiring an applicant to send a request to be placed upon a Neighborhood Association (NHA) agenda by certified mail, could be perceived as indirectly impacting the citizen involvement process. Staff has determined that the proposed amendments will simplify the process for requesting placement on the NA agenda and not adversely hinder opportunities for involvement. This legislative update process to review the packet of proposed amendments will require two public hearings pursuant to CDC Chapter 98.

Goal 2, Land Use Planning: *"To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions." Guidelines for implementing Goal 2 call for collection of factual information pertaining to ordinances implementing land use plans and consideration of alternative solutions.*

All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the Plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.

Staff Response: The Public Hearing Draft contains appendices with factual background information pertaining to the proposed amendments. Some alternative solutions for dealing with the issues are proposed and all will be considered as part of the public hearing process. Alternative solutions that are proposed by the Planning Commission will be provided to the City Council for consideration.

The City Council has adopted Council Goals and CDC Docket provisions for routine maintenance of the CDC. The intent of this update as stated is to complete an update to address: consistency with Oregon Revised Statute/Oregon Administrative Rules, needed corrections, needed re-organization, and to complete clarification or consistency changes. This action meets the intent of Goal 2.

2. *Any federal or state statutes or rules found to be applicable;*

Staff Response: Staff is not aware of any applicable state or federal regulations which are not implemented by the Metro and City plans and codes addressed in this Addendum.

3. *Metro plans and rules found to be applicable*

Staff Response: Staff is not aware of any applicable Metro plans which are not implemented by Metro and City plans and codes address in this Addendum.

4. *Applicable Comprehensive Plan provisions;*

Goal 1 sub-goals:

4. *Provide clear, simple, user-friendly information about how the planning process works and how citizens can be involved in land use and other City policy decisions.*

Policy 5: *Communicate with citizens through a variety of print and broadcast media early in and throughout the decision-making process.*

Staff response: The proposed amendments include provisions that will make the City's development process easier to understand. Regarding Policy 5; this process communicated on the progress of this process early and throughout the decision making process. Where possible, the outreach/involvement process undertaken as part of this project utilized not just print and broadcast media, but also online and social media.

5. *Portions of implementing ordinances relevant to the proposal*

Staff response: Staff is not aware of any ordinances relevant to the proposed amendments that are not addressed above.

Memorandum

Date: September 19, 2014

To: Planning Commissioners

From: Chris Kerr, Community Development Director; Megan Thornton, Assistant City Attorney; and,
John Boyd, Planning Manager

Subject: CDC-14-02 – Maintenance amendments to Community Development Code

With the adoption of the 2014 City Council goals, a priority was established to complete maintenance updates to the Community Development Code. There are a total of 26 amendments to the CDC being proposed as part of this project. The amendments range from updating definitions to removing outdated extension language that has past the horizon deadline.

Staff's proposal is being presented in three parts; a summary table of the amendments being proposed and a more in-depth discussion and analysis of each issue in Attachment A along with a detailed list of changes to lot or parcel in Attachment B.

Contents

1	Amendments for consistency with Oregon Revised Statutes or Administrative Rules.....	11
2	Corrections	21
3	Re-Organization	30
4	Clarification or consistency	36
5	Amendments to Tract, Lot or Parcel.....	43

Table 1 Summary of proposed CDC amendments

Oregon Revised Statutes/Oregon Administrative Rule		
	Proposed Amendment	General Description/Comments
1	Remove Section 01.050 Certificate of Occupancy	Section 01.050 Certificate of Occupancy is identified in ORS 455 and in Oregon Administrative Rules - Department of Consumer and Business Services- Building Code Division (Numerous Divisions)
2	Amend Lot, Parcel and property line adjustment to be consistent with ORS 92	2.030 and throughout CDC . Add Lot, Parcel and Property Line Adjustment definitions for consistency with Statute. See detailed breakdown in Attachment B.
3	Amend the definition of grade to be consistent with Building Code	Section 2.030 Definitions.

4	Amend the definition of structure and utilities	Section 2.030 - The definition of structure was revised to duplicate building code. The remainder of the definition duplicated other sections of CDC and was removed. The definition of utilities was simplified.
5	Projection into yards	Section 38.060 Provide setback consistency for both accessory structures and decks. Neither may obstruct easements
6	Needed Housing.	36.020 and all applicable residential zones (9, 10, 11, 12, 13, and 16). Any residential zone allowing single family dwelling shall allow a manufactured dwelling on individual lots unless an exception to the SWPG is taken

<u>7</u>	Remove prohibition to home occupation type	Section 37.030.A (Page 37-2) Oregon case law allows items prohibited by the City of West Linn. Consistent with City Attorney determination
<u>8</u>	Accessible Parking	Section 46.150 Table (Page 46-17) is out of date. Building Code Table 1106.1 will be used to provide minor update to table
<u>9</u>	Access Spacing	Section 48.025 and 48.060. Duplicative standards with TSP. TSP intended to address street standards and spacing. CDC addresses accessway spacing. Resolve conflicting language and provide flexibility
<u>10</u>	Notice of Planning Director decision	Section 99.080 Removes the requirement for the notice of a Planning Director decision to be posted in the newspaper.

Correction		
<u>11</u>	Type I-IV lands	Section 2.030, 55.110.B, 85.170, 85.200; Clarify definition to remove overlap and address items in CDC and Natural Hazard Mitigation Plan
<u>12</u>	Docks	Section 28.040, 28.050, 28.110; Recognize difference between public and private dock functions. Allow for new private dock
<u>13</u>	Remove references to Chapter 33 Drainage	Section 55.100 and 85.170; Chapter 33 was recently repealed and this language should also be removed. This use is now addressed by Public Works outside the CDC
<u>14</u>	Boundary Changes	Chapter 81 and Section 85.200.J.10; Update boundary change chapter to be consistent with recent municipal code annexation changes and remove outdated language
<u>15</u>	Consolidation of proceedings	Section 99.070, 99.160.A, 99.180.F; Provide recognition of the complicated Oregon Land use process and provides a remedy to complete ministerial or some administrative actions needed to complete site analysis prior to planning commission review.

<u>16</u>	Pre-application requirement change	Section 99.030. Remove pre-application requirement for Class I Historic Design Review
<u>17</u>	Quasi-judicial decision process	Section 99.160. 99.180; Clarifies the order of succession or provides alternative language to existing CDC
Re-Organization		
<u>18</u>	Consolidate Floodplain definitions under one subsection	Section 2.030; Move all flood definitions under one section. These are only re-organization and are not new definitions.
<u>19</u>	Lot Line Adjustment	Section 85.210; Rename to property line adjustment and re-organize section to clearly define criterion for approval. Reference ORS 92 definitions, and update information.
<u>20</u>	Extensions	Section 99.325; Remove – provision has a sunset clause

Clarification or Consistency		
<u>21</u>	Consistent language 01.030 and 106.020	Section 01.030 Compliance has differing language than Section 106.020 Violation of Code Prohibited. This change makes those sections consistent.
<u>22</u>	Ordinary High Water Line	Section 2.030; Change all parts of CDC to Ordinary High Water Line to be consistent with ORS
<u>23</u>	Utilities clarified within the definition of structure	Section 2.030; Simplify definition, These types of uses are not structural, are often completed by developers when extending utilities. Needs simplification

<u>24</u>	Design Review of Commercial Buildings	Section 19.090, 60.030; Removes requirement for design review on existing structures for commercial uses.
<u>25</u>	Remove references to Chapter 31	Chapter 28, 32 (various sections), Section 85.170; Chapter 31 was repealed. References to that Chapter remain and are proposed for removal.
<u>26</u>	Notification for Neighborhood Organizations	Section 99.038; Remove requirement for certified mail, return receipt requested.

Attachment A: Detail of proposed CDC Amendments

How to use this document

This document supplements the September 12, 2014 memo and summary table for CDC-14-02 and provides additional detail for the Planning Commission's review of each proposed item. This document includes: a description of each issue and where it originated; Text changes to the CDC are shown in bold strikethrough (proposed deletion) and underline (proposed addition).

Issue No. 1: Remove Section 01.050 Certificate of Occupancy Section 01.050

Certificate of Occupancy is identified in ORS 455 and in Oregon Administrative Rules - Department of Consumer and Business Services-Building Code Division (Numerous Divisions). This section is not required in the Community Development Code and was deemed to be a Building Official approval process located in Building Code.

~~01.050 CERTIFICATE OF OCCUPANCY~~

~~In order to assure completion of the work in the manner and at the time approved, the premises shall not be used or occupied for the purposes set forth in the permit until the City has issued a certificate of occupancy following completion of the work in substantial conformance to the permit. The Building Official shall not approve the final inspection of the building until all required conditions of approval established by the decision-making authority, including the Planning Director and City Engineer, are met. Prior to the final completion of all work, a final inspection approval and a certificate of occupancy may be issued for the premises on condition that all further work shall be completed by a date certain and guaranteed by cash deposit of 200 percent of accepted estimated cost of project or improvements. The Building Official shall also require that the following statement be printed on all permits issued that have conditions of approval imposed upon them:~~

~~The issuance of this permit should not be construed to be a permit for, or approval of, any violation of the provisions of any relevant state building, mechanical, or other specialty code, or any City Code or conditions imposed on the permit holder for the development/use of the property involved herein.~~

~~The issuance of this permit shall not prevent the Building Official from requiring correction of errors by the permit holder or others acting under this permit or preventing the denial of a Certificate of Occupancy for failure to comply with all pertinent code provisions or conditions of approval.~~

Staff's position: Removes un-necessary duplication of language found in ORS and OAR. Staff supports proposal to remove this section.

[BACK TO TOP](#)

Issue No. 2 Add Lot, Parcel and Property Line Adjustment definitions for consistency with Statute

Amend definitions to be consistent with ORS 92.010 *and correct these terms throughout the CDC.*

Refer to Attachment B for a detailed breakdown of each of these changes.

BACK TO TOP

Issue No. 3: Definitions (Page 2-13) Use Grade, Ground level to grade 28.040, 38.060 and 44.020

Section 2.030

Grade, Street. The slope of a road, street, ~~or~~ other public way, **or sidewalk** specified in terms of percentage of slope.

~~**Grade, ground level. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.**~~

Grade: The finished ground level adjoining the building at all exterior walls.

28.040

T. The construction, remodeling or additions of home and accessory structures that take place completely within the “Habitat and Impact Areas Not Designated as HCAs” shall be exempt from a Willamette or Tualatin River Protection Area permit. Where the “Habitat and Impact Areas Not Designated as HCAs” goes to the edge of a clearly defined top of bank, the applicant’s home and accessory structures shall be set back at least 15 feet from top of bank. At-grade patios and deck areas within 30 inches of **natural** grade may extend to within five feet from top of bank. No overhang or cantilevering of structures is permitted over HCA or over setback area. If these terms are met then no permit will be required under this chapter.

38.060

E. Uncovered open porches, decks, or balconies, not more than 30 inches in height above **natural** grade and not covered by a roof or canopy, may extend or project into a required front or rear yard to utility easements or five feet of the property line, whichever is more. The uncovered deck, porch or balcony may go into side yard setback leaving at least three feet to the property line. No encroachment upon utility easement is allowed. These provisions do not apply in the Willamette Historic District.

Page 44-2

44.020 untitled diagram.

Change “~~Natural Grade~~” to “**Grade**”

Staff’s position: The proposed change is intended to be consistent with building code. (2010 Oregon Structural Specialty Code section 502 definitions)-

[BACK TO TOP](#)

1 Issue No. 4: Building Code has differing terms for structure – amend for consistency with code.

2 CDC 2.030 Page 2-32

3 **Structure.** Anything **built or** constructed, ~~or erected, the use of which requires location on or in~~
4 ~~the ground or attachment to something having such location, including buildings, fences,~~
5 ~~towers, utility equipment, utility poles, flag poles, signs, porches, pools, carports, platforms,~~
6 ~~walks, staircases, driveways and other similar objects, but not including fixtures or equipment~~
7 ~~attached to structures (e.g., antennas, lights).~~

8
9
10
11
12
13
14
15 *Note: Items deleted as unnecessary; yard requirements are addressed in Chapter 38, projections*
16 *are addressed in Chapter 41 and fences are addressed in Chapter 44.*

[BACK TO TOP](#)

Issue No. 5: Provide consistency for projections into yards for decks.

38.060 PROJECTIONS INTO REQUIRED YARDS

~~A. An open deck may extend into an existing utility easement, provided a minimum vertical clearance of 12 feet is maintained between the lowest point of the deck and the ground, and that no posts are installed within the easement. No other structures shall be allowed in an easement.~~

E. Uncovered open porches, decks, or balconies, not more than 30 inches in height above **natural** grade and not covered by a roof or canopy, may extend or project into a required front or rear yard to utility easements or five feet of the property line, whichever is more. The uncovered deck, porch or balcony may go into side yard setback leaving at least three feet to the property line. No encroachment upon utility easement is allowed.

1. The presence of an easement within a required yard is a limitation to projections. An open deck may extend into an existing utility easement, provided a minimum vertical clearance of 12 feet is maintained between the lowest point of the deck and the ground, and that no posts are installed within the easement. No other structures shall be allowed to project into an easement.

2. These provisions do not apply in the Willamette Historic District.

[BACK TO TOP](#)

Issue No. 6: Needed Housing

Section 36.020 should be changed to be consistent with ORS (to allow Manufactured Homes in all zones allowing Single Family Dwelling.) Manufactured Housing or Manufactured Homes (either term is used) should be added or moved (from Conditional Uses) as follows:

(R20) 09.030 **7. Manufactured home**

~~09.050 5. Manufactured home, subject to the provisions of CDC 36.020, Manufactured Homes Standards.~~

10.030 (R.15) **7. Manufactured home**

~~10.050 5. Manufactured home, subject to the provisions of CDC 36.020, Manufactured Homes Standards.~~

(R 10) 11.030 **7. Manufactured home**

~~11.050 6. Manufactured home, subject to the provisions of CDC 36.020, Manufactured Homes Standards.~~

(R-7) 12.030 **8. Manufactured home**

~~12.050 6. Manufactured home, subject to the provisions of CDC 36.020, Manufactured Homes Standards.~~

(R-5) 13.030 **9. Manufactured home**

~~13.050 6. Manufactured home, subject to the provisions of CDC 36.020, Manufactured Homes Standards.~~

Comprehensive Plan is already consistent and Policy 3 requires Manufactured Homes in all residential zones...

[BACK TO TOP](#)

Issue No. 7: Remove prohibition to home occupation type.

1 **~~Section 37.030 SPECIFIC HOME OCCUPATION USES PROHIBITED~~**

2 **~~A. Any occupation involving the repetitive purchase and resale, exchange, production,~~**
3 **~~refinement, packaging or handling of firearms, explosives, or any other dangerous weapons or~~**
4 **~~hazardous materials by any person who devotes time or attention to such items as a regular or~~**
5 **~~part-time course of trade or business with the objective of livelihood or principal means of~~**
6 **~~profit.~~**

[BACK TO TOP](#)

Issue No. 8: Accessible Parking Table is out of date. Building Code Table 1106.1 will be used to provide minor update to table

Update Section 46.150.B.1 - the table on page 46-17

For the Category 201-300 increase the spaces signed “Wheelchair use only” to 2

For the Category 301-400 increase the spaces signed “Wheelchair use only” to 2

For the Category 501-999 increase the spaces signed “Wheelchair use only” to 1 in every 6 accessible spaces

For the Category over 1000 increase the spaces signed “Wheelchair use only” to 1 in every 6 accessible spaces

Existing Table on page 46-17

MINIMUM REQUIRED NUMBER OF TOTAL PARKING SPACES	TOTAL NUMBER OF ACCESSIBLE SPACES	NUMBER OF VAN- ACCESSIBLE SPACES REQUIRED, OF TOTAL	SPACES SIGNED “WHEELCHAIR USE ONLY”
1 – 25	1	1	–
26 – 50	2	1	–
51 – 75	3	1	–
76 – 100	4	1	–
101 – 150	5	–	1
151 – 200	6	–	1
201 – 300	7	–	1
301 – 400	8	–	1
401 – 500	9	–	2
501 – 999	2 percent of total spaces	–	1 in every 8 accessible spaces or portion thereof
Over 1,000	20 spaces plus 1 for every 100 spaces, or fraction thereof, over 1,000	–	1 in every 8 spaces or portion thereof

[BACK TO TOP](#)

Issue No. 9: Access Spacing

Duplicative standards with TSP. TSP intended to address street standards and spacing. CDC addresses accessway spacing. Provide a definition for City Engineer, resolve conflicting language and provide flexibility.

Section 48.025.B (Page 48.3)

6. Access spacing.

a) The access spacing standards found in Chapter 8 of the adopted Transportation System Plan (TSP) shall be applicable to all newly established public street intersections, ~~private drives~~, and non-traversable medians.

b) Private drives and other access ways are subject to the requirements of 48.060

48.025.B.6 references Table 8-3 in the TSP *(The following table 8.3 is not proposed for amendment. It is provided for convenience of review only.)*

New development and roadway projects on city street facilities should meet the recommended access spacing standards summarized in Table 8-3.

Table 8-3: Access Spacing Standards for City Street Facilities

Roadway Functional Classification	Area	Traffic Signals (miles)	Public Intersections (feet)	Private Driveways (feet)	Median Opening (feet)
Arterial	Urban	½	600	300	600
	Commercial area	¼	NA	NA	NA
Collector	All	¼	200	150	NA
Neighborhood Route	All	¼	150	100	NA
Local Residential Street	All	NA	100	50	NA
Local Commercial Street	All	NA	100	50	NA

"Urban" refers to intersections inside the West Linn urban growth boundary and outside the central business district or designated town centers.

"Commercial" refers to the designated commercial areas located in the Robinwood, Bolton, and Willamette neighborhoods.

Many existing roadways and/or driveways do not currently meet these standards. These access points were installed when traffic volumes were substantially lower and no access spacing criteria were mandated. With higher traffic volume in the future, the need for access control on all arterial and collector roadways is critical to allow for safe mobility.

[BACK TO TOP](#)

Issue No. 10:

99.080 NOTICE

99.080.A Class A Notice.

2. At least 10 days prior to the hearing or meeting date, notice shall be given in a newspaper of general circulation in the City. An affidavit of publication shall be made part of the administrative record.

a. Decisions pursuant to 99.060(A) "Planning Director authority" are exempted from the requirements of this section.

[BACK TO TOP](#)

Issue No. 11: Type I – IV Lands Clarify definition to remove overlap and address items in CDC and Natural Hazard Mitigation Plan

2.030 Definitions

Type I lands. Lands that have severe constraints that preclude the use of standard development techniques and technical criteria. Type I lands exist in one or more of the following areas:

A. Slope: All lands where more than 50% of the site, with 35 percent or more slopes as shown on the RLIS topography GIS layer.

B. Drainage: All lands within the ~~100-year floodplain~~ designated floodway as shown on the appropriate FEMA flood panel.

C. Geological hazard: All ~~existing or known~~ landslide areas shown in the City's Natural Hazard Mitigation Plan ("NHMP") and identified as "landslide potential exists" on Map 16 of the NHMP, or areas outside Map 16, but within Map 17, Landslide Vulnerable Analysis Area.

Type II lands. Lands which have constraints that are sufficient to preclude most standard types of development. Constraints in these areas generally do not constitute a health or safety hazard, but require the use of non-standard technical design criteria. Type II lands exist in one or more of the following areas:

Slope: All lands where more than 50% of the site, with slopes over 25 percent to 35 percent as shown on the RLIS topography GIS layer.

Drainage: All drainage courses identified on the Water Resource Area maps or areas identified as protected Goal 5 Wetlands, and areas outside the floodway, but within the floodway fringe, also known as the 100 year flood plain.

Geology: All known mineral and aggregate deposits identified on the Comprehensive Plan map as protected Goal 5 resources.

Type III lands. These lands are considered within the major portion of the City's developable lands. Standard development criteria can be applied through normal implementation measures.

Type III lands where more than 50% of the site have slopes between ~~15~~ percent to and 25 percent as shown on the RLIS topography GIS layer.

Type IV lands. These lands are considered to have few, if any, constraints to development and are within the major portion of the City's developable lands. Normal development standards will apply in these areas.

Type IV lands where more than 50% of the site, have slopes ~~between zero and~~ under 15 percent as shown on the RLIS topography GIS layer.

36.020 MANUFACTURED HOMES STANDARDS

Manufactured homes shall be subject to the following requirements in all of the zoning districts in which they are allowed.

A. The unit shall satisfy the requirements for a manufactured home as defined in CDC ~~03.030~~ 2.030.

Section 55.110.B.

3. A slope analysis which identifies portions of the site according to the slope ranges as follows:

- a. Type I - Zero to 15 percent (Under 15 percent);
- b. Type II - Sixteen (Fifteen to 25 percent);
- c. Type III – (Over Twenty-six 25 to 35 percent);
- d. Thirty-six to 50 percent; Type IV (Over 35 percent)
- e. Greater than 50 percent.

6. Potential natural hazard areas including:

- a. Floodplain areas pursuant to the site's applicable FEMA Flood Map panel;
- b. ~~Seeps and springs~~ Water Resource Areas as defined by CDC 32;;
- c. Designated Landslide areas designated by the Natural Hazard Mitigation Plan, Map 16 ; and
- d. ~~Areas having a high erosion potential~~ Landslide Vulnerable Analysis areas, designate by the Natural Hazard Mitigation Plan, Map 17 .

Section 85.170.A

6. Where the proposed subdivision site includes hillsides, ~~or where erosion hazard potential exists, including Type I and II lands~~ as defined in CDC 02.030 Type I and II lands, and ~~or~~ any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the ~~standards and requirements of Chapter 24 CDC, Planned Unit Development, as well as the~~ requirements for erosion control as described in CDC 85.160(F)(2), shall be addressed in a narrative.

85.200.E.5.

5. Type I Lands shall require a report submitted by an engineering geologist and Type I and Type II Lands shall require a Geologic Hazard report.

~~5. Where landslides have actually occurred, where the area is identified as a hazard site in the West Linn Comprehensive Plan Report, or where field investigation by the City Engineer confirms the existence of a severe landslide hazard, development shall be prohibited unless satisfactory evidence is additionally submitted by a registered geotechnical engineer which certifies that methods of rendering a known hazard site safe for construction are feasible for a given site. The City Engineer's field investigation shall include, but need not be limited to, the following elements:~~

- ~~a. Occurrences of geotropism.~~
- ~~b. Visible indicators of slump areas.~~
- ~~c. Existence of known and verified hazards.~~
- ~~d. Existence of unusually erosive soils.~~

~~e. Occurrences of unseasonably saturated soils. The City Engineer shall determine whether the proposed methods or designs are adequate to prevent landslide or slope failure. The City Engineer may impose conditions consistent with the purpose of these ordinances and with standard engineering practices including limits on type and intensity of land use, which have been determined necessary to assure landslide or slope failure does not occur.~~

~~6. All cuts and fills shall conform to the Uniform Building Code.~~

Note: Sub-section E.6 duplicates provision in subsection E.1

[BACK TO TOP](#)

Issue No. 12: Need A New Uses Permitted Outright: Dock. This Section Allows Maintenance Of Existing And Prohibits More Than One Dock

28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT The following development activities do not require a permit under the provisions of this chapter. (Other permits may still be required.)

G. Maintenance or repair of existing residential houses, structures and docks, provided the work does not involve expansion of building square footage or building footprint.

M. Minor modifications. A modification shall be considered "minor" when it results in a change in the approved design that is equal to or less than a 10 percent increase in the length, width or height of the facility. A change of location by under 20 feet laterally for any part of the structure, ramp, dock, etc., also constitutes a minor modification.

BB. A new dock subject to the approval criteria of this Chapter.

28.040.CC. Public docks, gangways, and other water related accessory facilities.

28.050 PROHIBITED USES The following are prohibited:

3. More than one dock with or without a boat house per riverfront lot of record, except City-owned tax lots 100, 200, 300, 400, and 500 of Assessor's Map 21 East 24.

4. The location of any dock under any water condition that prevents what would otherwise be historic, safe, uninterrupted water passage.

28.110.I.3. In no case except as provided in this section shall the a private ramp and private dock extend more than 100 feet from OLW towards the center of the river or slough. In the case of L-shaped docks, the 100 feet shall be measured from the OLW to the furthest part of the private dock closest to the center of the river.

28.110.I.7. For both only single-user and joint-user docks, pilings shall not exceed a maximum height of eight feet above the 100-year flood elevation.

28.130.A.3. ~~Docks, shall be reviewed and approved by Department of State Lands for the area within their jurisdiction. The Grading Plan shall collect information for use in submitting elevation certificate and if necessary, no rise analysis for potential impacts to the designated floodplain or floodway. All grading in the 100-year and 1996 floodplain areas and in areas at, or below,~~

~~OHWM shall require a study by an accredited professional to demonstrate that the addition or removal of material including the addition of rip rap and other stabilization measures will not adversely impact the subject property plus upstream or downstream properties by causing erosion or deposits on those properties, particularly in the event of a flood.~~

~~4. Show erosion control measures. (Ord. 1576, 2008)~~

[BACK TO TOP](#)

Issue No. 13: Chapter 33 was recently repealed and this language should also be removed. It is addressed by Public Works outside the CDC

55.100 Page 55-23

CDC 33 was removed and this reference should also be removed. The review is outside the CDC and is other sections of City Code.

~~**2. Drainage. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine off-site impacts from a 25-year storm. The City Engineer shall adjust storm drainage facilities for applications which contain permeable parking surfaces based upon a quantitative analysis of the increased water retention and water quality characteristics of the permeable parking surface. Catch basins shall be installed and connected to pipelines leading to storm sewers or drainageways. All plans will then be reviewed by the City Engineer.**~~

[BACK TO TOP](#)

Issue No. 14: Update boundary change chapter to be consistent with recent municipal code annexation changes and remove outdated language

West Linn Community Development Code Section 81.050 , 81.055, 81.060, 81.070, 85.200.J.10 and 99.080 are amended to read as follows:

81.050 APPROVAL CRITERIA

The City Council shall approve ~~or deny~~ a boundary change proposal based on findings and conclusions ~~addressing the following criteria:~~

~~1. If an annexation, the proposal complies with the requirements of Municipal Code Section 2.920(1); and~~

~~2. For all boundary changes, that the proposal complies with the criteria of Metro Code Section 3.09.050(D) and, if applicable, (e).~~

81.055 ZONING DESIGNATION

A decision on annexation shall also incorporate a decision on a ~~zone change zoning designation~~. The applicant may concurrently apply for a comprehensive plan amendment if desired. Any approval of an annexation shall designate the City zone to be applied if the annexation is approved by the voters. The City zone shall be designated based upon the existing West Linn comprehensive plan/land use designation, pursuant to the following table:

...

81.060 EXPEDITED PROCESS

A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.

B. An expedited boundary change proposal ~~shall~~ may be considered by the City Council without a public hearing. The Council decision on the proposal shall be considered the final decision for purposes of compliance with Metro Code Chapter 3.09.

...

Repeal. West Linn Community Development Code Section 81.070 [Appeals] is repealed in its entirety. Any Community Development Code provisions in conflict with the provisions contained herein are also repealed.

99.80 NOTICE

...

D. Notice for a boundary change applications shall comply with the requirements of ~~Chapter 222 ORS and relevant Metro statutes.~~ ORS 197.763, ORS Chapter 222, and the Metro Code.

...

85.200 APPROVAL CRITERIA

J. Supplemental provisions.

~~10. Annexation and street lights. Developer and/or homeowners association shall, as a condition of approval, pay for all expenses related to street light energy and maintenance costs until annexed into the City, and state that: "This approval is contingent on receipt of a final order by the Portland Boundary Commission, approving annexation of the subject property." This means, in effect, that any permits, public improvement agreements, final plats, and certificates of occupancy may not be issued until a final order is received.~~

Note: Boundary Commission no longer exists. The provision of street light services is a Public Works function addressed in the municipal code and not applicable in the General Provisions of the Land Division Chapter

[BACK TO TOP](#)

Issue No. 15: Consolidation of proceedings: Provides recognition of the complicated Oregon Land use process and provides a remedy to complete ministerial or some administrative actions needed to complete site analysis prior to planning commission review. 99.070; 99.160.A; 99.180.F;

MODIFY 99.070 PROVIDE A REMEDY TO CONSOLIDATION IN SPECIFIC INSTANCES: ALLOW THE APPLICANT TO REQUEST A LOWER (MINISTERIAL OR ADMINISTRATIVE) DECISION TO BE MADE BEFORE MOVING FORWARD WITH A GREATER (AND MORE COSTLY) APPLICATION PROCESS.

99.070 CONSOLIDATION OF PROCEEDINGS

A. ~~Whenever~~ an applicant requests more than one approval, and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding. In such cases, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under CDC 99.060, in the following order of preference: City Council, Planning Commission, or the Planning Director, :

1. ~~Except for~~ **However,** expedited land division applications ~~which~~ shall be processed as described in Chapter 197 ORS, **regardless of the number of approvals requested.**

~~For example, if a conditional use permit (CUP) and Class I design review application were submitted, ordinarily the CUP would be heard by the Planning Commission, and Class I design review by the Planning Director. This hierarchy dictates that the higher body, the Planning Commission, would hear the consolidated hearing.~~

B. When an applicant requests to undertake preliminary work, for site preparation or analysis, the Director may allow lower decisions to precede the subsequent decision required for review by the Planning Commission or City Council.

[BACK TO TOP](#)

Issue No. 16: Pre-application requirement change. Remove pre-application requirement for Class I

Historic Design Review

- 1 Remove need for pre-app for Class I Historic Design Review
- 2 Section 99.030.B.1.
- 3 f. Historic design review(~~Class I and~~ Class II);
- 4
- 5

[BACK TO TOP](#)

Issue No. 17: Quasi-judicial decision process Section 99.160. 99.180; Clarifies the order of succession or provides alternative language to existing CDC

Page 99-22

99.160(A) Pursuant to CDC 99.060(A), the Director is authorized to make certain decisions, and no hearing shall be held except where the Director has an interest in the outcome of the decision, due to some past or present involvement with the applicant or other interested persons or in the property or surrounding property, and cannot render an impartial decision. In such cases, **the application shall be reviewed by the Planning Manager or if no alternatives available,** the application shall be subject to the jurisdiction of the Planning Commission.

99.180.F. Rights of abstaining or disqualified member of the hearing body.

2. If sufficient members of a hearing body abstain or are disqualified, that renders the hearing body unable to take action on the application consistent with the applicable authority of the hearing body, all members of the hearing body shall be reinstated and participate in the decision of the application, consistent with the rule of necessity.

a. Planning Director disqualified – referred to **Planning Manager or if no alternatives available, referred to the Planning Commission or subject to the provision of 99.180(F)(2)(c) referred to the** City Council for hearing and decision.

b. Historic Review Board disqualified – referred to Planning Commission for hearing and decision.

c. Planning Commission disqualified – referred to City Council for hearing and decision.

~~d.e.~~ City Council disqualified – ~~referred to Planning Commission for hearing and decision~~

City Council will hear it and make a decision if the disqualified member's vote is required to achieve a quorum and reach a decision on the matter, and no other person can act in the place of the disqualified person."

~~e. d.~~ City Council acting as appellate hearing authority disqualified – decision of the original authority becomes the final City decision.

[BACK TO TOP](#)

Issue No 18. Flood Plain Definitions 2.030 These terms apply only to Chapter 27. Group under one sub-area within definitions. No change to definitions.

02.030 Specific Words and Terms

FLOODPLAIN DEFINITIONS *Move all flood definitions under one section. These are not new definitions. (Future consideration will review replacing Chapter 27 Flood Management Areas with the model code from DLCD.)*

Area of shallow flooding. A designated AO or AH zone as seen on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of special flood hazard. The land in the floodplain subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Base flood. The flood having a one percent chance of being equated or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letters A or V.

Base flood elevation. The base flood elevation is the elevation (normally in feet above sea level) which the base flood is expected to reach.

Below-grade crawlspace. An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lower adjacent exterior grade. The height of the crawlspace, as measured from the interior grade of the crawlspace to the top of the crawlspace foundation, may not exceed four feet at any point.

Design flood elevation. The elevation of the 100-year storm as defined in FEMA Flood Insurance Studies or, in areas without FEMA floodplains, the elevation of the 25-year storm, or the edge of mapped floodprone soils or similar methodologies.

FEMA (Federal Emergency Management Agency). The agency which administers the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

Flood management areas. All lands contained in the Flood Management Area Overlay Zone, which include: lands within the 100-year floodplain, flood area, and floodway as shown on the FEMA flood insurance map dated June 17, 2008; the area of inundation for the February 1996 flood; and lands which have documented evidence of flooding.

1 **Flood or flooding.** A general and temporary condition of partial or complete inundation of
2 normally dry land areas from the overflow of inland or tidal waters, and/or the unusual and rapid
3 accumulation of runoff of surface waters from any source.

4
5 **Flood, base.** The flood having a one percent chance of being equaled or exceeded in any given
6 year.

7
8 **Floodplain.** Land subject to periodic flooding, including the 100-year floodplain as mapped
9 by FEMA Flood Insurance Studies or other substantial evidence of actual flood events.

10
11 **Floodway.** The portion of a watercourse required for the passage or conveyance of a given
12 storm event as identified and designated by the City. The floodway includes the channel of the
13 watercourse and the adjacent floodplain that must be reserved in an unobstructed condition in
14 order to discharge the base flood.

15
16 **Floodway fringe.** The area of the floodplain, lying outside the floodway, which does not contribute
17 appreciably to the passage of floodwater, but serves as a retention area.

18
19 **Lowest floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or
20 flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area
21 other than a basement area is not considered a building's lowest floor; provided, that such enclosure
22 is not built so as to render the structure in violation of the applicable non elevation design
23 requirements of Chapter 27 CDC.

24
25 **Substantial construction.** An approved application shall have undertaken substantial construction
26 when any of the following have taken place: utilities have been installed to serve the project;
27 approved grading has been undertaken representing at least 25 percent of all the required preliminary
28 grading; foundation excavation has occurred; foundation or building construction has occurred; street
29 improvements are being installed; or a major physical improvement, required as part of the approved
30 permit, has clearly begun. Substantial construction is not satisfied by simply having approved pre-
31 construction plans or building permits, or by site clearing and grubbing. Actual physical
32 improvements as identified above must have taken place.

33
34 **Substantial damage.** Within the flood management area, damage of any origin sustained by a
35 structure whereby the cost of restoring the structure to its before-damaged condition would equal or
36 exceed 50 percent of the market value of the structure before damage occurred.

37
38 **Substantial improvement.** Any repair, reconstruction, or improvement of a structure, the cost of
39 which equals or exceeds 50 percent of the market value of the structure either before the
40 improvement or repair is started or, if the structure has been damaged and is being restored, before
41 the damage occurred. For the purposes of this definition "substantial improvement" is considered to
42 occur when the first alteration of any wall, ceiling, floor, or other structural part of the building
43 commences, whether or not that alteration affects the external dimensions of the structure. The term
44 does not, however, include any project for improvement of a structure to comply with existing State
45 or local health, sanitary, or safety code specifications which are solely necessary to assure safe living
46 conditions.

[BACK TO TOP](#)

Issue No. 19: Re-organize Lot Line Adjustment section to clearly define criterion for approval.
Reference ORS 92 definitions, and update information.

85.210 LOT LINE ADJUSTMENTS – APPROVAL STANDARDS

A. The Director shall approve or deny a request for a lot line adjustment based on the criteria stated below:

1. An additional lot or buildable lot shall not be created by the lot line adjustment ~~and~~
2. the existing parcel shall not be reduced in size by the adjustments below the minimum lot size established by the approved zoning for that district.

3. By reducing the lot size, the lot or structure(s) on the lot shall not be in violation of the site development regulations for that district. For example, the lot line adjustment shall maintain setback requirements and shall not result in an overall loss of density below 70 percent except as allowed by CDC 85.200(J)(7).

4. The lot line adjustment is ~~3. The lot line adjustment is intended to allow minor lot line deviations, or to consolidate undersized or irregular shaped lots. It can also be used to change a limited number of property lines up to the point that the County Surveyor would determine not a replat of the subdivision is in order. A replat is the complete reconfiguration and realignment of a subdivision's lot lines as defined by ORS 92~~

~~4. The lot lines shall be generally straight with only a few deviations. Lot lines shall not gerrymander or excessively zigzag along to accommodate tool sheds, accessory structures, other buildings, etc. The figure below serves as a guide to lot line adjustments.~~

5. The lot line adjustment will not affect existing ~~public utility~~ easements ~~nor~~ existing utilities unless an easement vacation is obtained, replacement easements are dedicated or ~~and~~ any required utility relocations are paid for by the applicant.

6. Any appeal must be filed in accordance with CDC 99.240.

B. The provisions of CDC 85.070 shall also apply to lot line adjustments.

Staff's position: The proposal is consistent with ORS 92 criteria for approval.

[BACK TO TOP](#)

Issue No. 20: Extensions Remove – provision has a sunset clause

99.325 Extensions

D. Eligibility for extensions.

~~1. Only those applications approved between July 1, 2006, and December 31, 2009, shall be eligible for an extension.~~

~~2. Any application eligible for an extension under subsection (D)(1) of this section that would expire by June 30, 2010, shall be exempt from expiration pending a decision regarding the extension application; provided, that a complete application and deposit fee have been submitted to the Planning Director prior to that date. However, the extension shall begin on the date that the application's initial approval lapsed.~~

[BACK TO TOP](#)

Issue No. 21: Compliance and Violations 1.030 and 106.020 Use consistent terms

01.030 COMPLIANCE

A. Except as otherwise specifically provided by this zoning code, no building or other structure shall be **erected** constructed, **established, occupied, altered, maintained,** improved, ~~altered,~~ enlarged or moved, nor shall any use or occupancy of premises within the City be commenced or changed, nor shall any condition of or upon real property be caused or maintained after the effective date of this code, except in conformity with conditions prescribed for each of the several zones and general regulations established hereunder.

B. It shall be unlawful for any person to erect, construct, establish, occupy, alter, enlarge, or use, or cause to be used, any building, structure, improvement or use of premises located in any zone described in this zoning code contrary to the provisions of this code. Where this zoning code imposes greater restrictions than those imposed or required by other rules or regulations or code provisions, the provisions of this zoning code shall control.

106.020 VIOLATION OF CODE PROHIBITED

No person shall erect, construct, **establish, occupy,** alter, maintain, **enlarge, use** or **cause to be used,** any building or structure, **improvement** or use **of premises** or transfer any land in violation of this zoning code or any amendment thereto.

[BACK TO TOP](#)

Issue No. 22: Revise 02.030, Chapter 27, Chapter 32 and 106.020 in the CDC to provide consistent language.

Remove definitions of Access and Access point. Common terms not requiring special definitions.
Definitions: (Page 2-1) ~~Access. The way or means by which pedestrians and vehicles enter and leave property.~~
~~Access point. An access point includes a driveway, public or private street or access easement.~~

Remove references to “Bankful” and “Bankfull” flow and replace with below the Ordinary High Water Line.

Definitions: (Page 2-5) ~~Bankful stage. The stage or elevation at which water overflows the natural banks of a stream or other waters of the State and begins to inundate upland areas. In the absence of physical evidence, the two-year recurrent flood elevation may be used to approximate the bankful stage.~~

(Page 2-33) ~~Top of bank. The same as “bankful stage.”~~

Table 32-1 (Page 32-6). Required Widths of Setback and Transition Area
~~“Edge of bankful flow or 2-year storm level”~~

Section 27.060 (Page 27-3 “Any excavation below ~~bankful stage~~ shall not count toward compensating for fill.

Section 2.030

City Engineer. The City Engineer of West Linn, Oregon, or authorized agent.

[BACK TO TOP](#)

Issue No. 23: Utilities and the following listed uses are not structural, are often completed by developers when extending utilities. Needs simplification

Section 2.030 (Page 2-36)

Utilities. All lines, ~~and~~ facilities and services related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity, or similar service. There are two classes of utilities – major and minor:

Utility, major. A major utility facility or service that ~~will have, or the installation of which will have, a significant impact on the surrounding uses or the community in terms of generating or disrupting traffic, interfering with access to adjacent properties, creating noise or causing adverse visual effects.~~ “Major utility” includes, but is not limited to, a substation, pump station, water storage tank, sewerage treatment plant, water treatment plant, and transmission lines for water, drainage or sewerage collection systems, gas or electric, or other similar use.)

Utility, minor. A minor utility facility or service that ~~will have, or the installation of which will have, a minor impact on the surrounding uses or on the community in terms of generating or disrupting traffic or access to adjacent properties, creating noise or causing adverse visual effects.~~ “Minor utility” includes, but is not limited to, overhead or underground electric, telephone or cable television poles and wires, and distribution lines for electric, gas, water, drainage or sewerage collection systems, or other similar use.)

[BACK TO TOP](#)

Issue No. 24: Removes requirement for design review on existing structures for commercial uses

Conditional Uses

19.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.

2. Chapter 35 CDC, Temporary Structures and Uses.

3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.

4. Chapter 40 CDC, Building Height Limitations, Exceptions.

5. Chapter 42 CDC, Clear Vision Areas.

6. Chapter 44 CDC, Fences.

7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.

8. Chapter 48 CDC, Access, Egress and Circulation.

9. Chapter 52 CDC, Signs.

10. Chapter 54 CDC, Landscaping.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings **and approved conditional use applications pursuant to 60.030.C.**

60.030 ADMINISTRATION AND APPROVAL PROCESS

A. Conditional use applications shall be decided by the Planning Commission in the manner set forth in CDC 99.060(B). A petition for review by the Council may be filed as provided by CDC 99.240(B).

B. All approved conditional use applications **in new buildings or buildings with a major modification.** shall be subject to design review under the provisions of Chapter 55 CDC, and in the manner set forth in CDC 99.060(B).

C. All approved conditional use applications within existing buildings shall not be subject to design review.

Staff's position: a CUP in an existing building does not require additional design review.

[BACK TO TOP](#)

Issue No. 25 Remove References to Chapter 31

28.110.A.4

4. All development, including exempted activities of CDC 28.040, shall ~~have approved erosion control measures per Chapter 31 CDC in place prior to site disturbance and~~ be subject to the requirements of CDC 32.070 and 32.080 as deemed applicable by the Planning Director.

32.050.J Page 32-9

~~J. Appropriate erosion control measures based on Chapter 31 CDC requirements shall be established throughout all phases of construction~~

32.090. Page 32-14

A. Lots located completely inside the water resource area. Development may occur on lots located completely within the water resource area that are recorded with the County Assessor's Office on or before the effective date of the ordinance codified in this chapter. Development shall disturb the minimum necessary area to allow the proposed use or activity, and in any situation no more than 5,000 square feet of the water resource area, including access roads and driveways, ~~subject to the erosion and sediment control standards in Chapter 31 CDC,~~ and subject to a finding that the proposed development does not increase danger to life and property due to flooding ~~and erosion.~~

B. Lots located partially inside the water resource area. A reduction to avoid the loss of all economically viable use of a vacant lot recorded with the County Assessor's Office on or before the effective date of the ordinance codified in this chapter that is partially inside the water resource area is permitted. Development on such lots shall not disturb more than 5,000 square feet of the water resource area, including access roads and driveways, ~~subject to the erosion and sediment control standards of Chapter 31 CDC.~~ Applicants must demonstrate the following:

1. Without the proposed reduction, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.

2. The proposed intrusion is the minimum necessary to allow economically viable use of the subject property.

~~3. The proposed reduction will comply with Chapter 31 CDC, Erosion Control.~~

NO LONGER APPLICABLE. CHAPTER 31 & 33 removed. These items are addressed outside the CDC

85.170.F. Page 85-14

~~2. Storm treatment and detention facilities shall be sized to accommodate a 25-year storm incident. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff downstream or constriction created upstream impacts. The plan and statement shall identify all on- or off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 25-year storm.~~

~~3. Plans shall demonstrate how storm drainage will be collected from all impervious surfaces including roof drains. Storm drainage connections shall be provided to each dwelling unit/lot.~~

~~The location, size, and type of material selected for the system shall correlate with the 10-year storm incident and agree with the factual information provided in response to subsection (F)(2) of this section.~~

~~4. The detention facilities shall be designed by a licensed engineer to meet City standards. The detention facilities should include a vegetation plan for the facility and environs, if applicable. (Ord. 1382, 1995; Ord. 1401, 1997; Ord. 1425, 1998; Ord.~~

~~1442, 1999; Ord. 1584, 2008; Ord. 1604 § 65, 2011)~~

85.200.H. Page 85-33

H. Storm.

~~1. A stormwater quality and detention plan shall be submitted which complies with the submittal criteria and approval standards contained within Chapter 33 CDC. It shall include profiles of proposed drainageways with reference to the adopted Storm Drainage Master Plan.~~

~~2. Storm treatment and detention facilities shall be sized to accommodate a 25-year storm incident. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse offsite impacts from increased intensity of runoff downstream or constriction causing ponding upstream. The plan and statement shall identify all on- or off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 25-year storm.~~

~~3. Plans shall demonstrate how storm drainage will be collected from all impervious surfaces including roof drains. Storm drainage connections shall be provided to each dwelling unit/lot. The location, size, and type of material selected for the system shall correlate with the 25-year storm incident.~~

~~4. Treatment of storm runoff shall meet municipal code standards~~

[BACK TO TOP](#)

Issue No. 26: Notification for Neighborhood Organizations: Remove requirement for certified mail.

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

A. (Second Paragraph)

The letter shall be sent by ~~certified mail, return receipt requested~~, to the president of the neighborhood association, and to one designee as submitted to the City by the neighborhood association, and shall be sent by regular mail to the other officers of the association and the property owners within 500 feet. If another neighborhood association boundary is located within the 500-foot notice radius, the letter shall be sent to that association's president, and to one designee as submitted to the City by the neighborhood association as well. The letter shall briefly describe the nature and location of the proposed development, and invite the association and interested persons to a meeting to discuss the proposal in more detail . . .

[BACK TO TOP](#)

Attachment B: Detailed breakdown of Lot & Parcel proposed Amendments

Amendments to Tract, Lot or Parcel

Page 1-2 Section 1.030

C. No lot area, yards, other open space or off-street parking or loading area existing on or after the effective date of this code shall be reduced below the minimum required for it by this code. No fee conveyance of any portion of a lot **or parcel**, for other than a public use, shall leave a structure on the remainder of the lot with less than minimum ordinance requirements.

Page 2.1 Section 2.010

C. The word “lot” **or “parcel”** includes the future tense, the singular number includes the plural, and the plural number includes the singular.

Page 2-1 Section 2.030

Acres, gross. All of the land area owned by the applicant ~~in the subject parcel or parcels~~ under consideration. **See “Tract”**

Page 2-1

Accessory structure. A subordinate structure with a maximum area of 1,500 square feet, except for agricultural buildings, located on a lot **or parcel** with a principal use, the use of which is clearly incidental to and associated with the principal use. Examples of accessory structures include, but are not limited to, the following:

Page 2-6

~~**Buildable lot.** A lot legally created through a West Linn or Clackamas County land use action, which meets the area and dimensional requirements of the underlying zone or that is a non-conforming lot of record that meets the requirements of CDC 68.040.~~

NOTE: this definition is only used once in 85.210 and appears self-explanatory.

Page 2-7 Section 2.030

Clear vision area. An area which consists of a triangular area, two sides of which are ~~lot property~~ lines measured from the corner intersection of the access point lot lines for a distance specified in this regulation.

~~**Court.** A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.~~

~~***NOTE- proposed for deletion. As defined this is not utilized in the CDC. The term court used in CDC relates to a type of street and an activity field (i.e. tennis court).***~~

Page 2-9

Development. Any manmade change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards on any lot **parcel**, or **lot of record excavation**. Within the flood management area, this term shall also include storage of equipment or materials. Within the Willamette and Tualatin River Protection Areas, this term shall also include any change of use or intensification of the use of land or water, including construction of structures (such as houses, structures, docks and associated pilings or piers), significant grading, or removal or addition of vegetation and groundcover unless specifically

exempted per CDC 28.040. Development shall not include grading, site clearing, grubbing or filling where it is part of a submitted land use application that includes the restoration of grades and replanting the affected area with native vegetation per a re-vegetation plan. This definition is distinct and separate from previously disturbed areas (PDAs) and temporarily disturbed areas (TDAs).

Page 2-9 Section 2.030

Division of land. The process of dividing a tract, lot or parcel ~~into two or more lots or parcels~~ by subdividing (four or more lots) or partitioning (three parcels or less in a calendar year). A division of land shall be deemed to have occurred at the time when the final approved plat is recorded with the County Recorder's office.

Duplex residential units. Two dwelling units placed so that some structural parts are in common and are located on a single lot, parcel or tract development site.

Page 2-11

Flag Lot.

Note: No action needed. Changes were addressed in CDC 10-02

Page 2-14

~~**Front of house on corner lot.** The side of the house that incorporates features such as front door, driveway, garage, large amount of glazing relative to other sides of house and other design features. The rear of the house that is functionally the main activity area typically includes the family room and/or dining room, etc. The functional front and rear do not have to be opposite from one another.~~

Note: duplicative – front yard is previously defined and has clear definition

Page 2-18 Section 2.030

Legislative. Any proposed action which would result in a change in City policy including:

1. A change to the Comprehensive Plan text.
2. A change to the Comprehensive Plan Map which involves a number of lots or parcels of land.
3. A change to the text of an implementing ordinance.
4. A change to the zoning map which involves a number of lots or parcels of land.
5. A change to any land use plan or map which represents a change in City land use policy.

Page 2-18 Section 2.030

Loading space. An off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle which is loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of access or egress.

No changes needed – provided as listing only

Lot. ~~A plot, parcel, or area of land owned by or under the lawful control and the lawful possession of one distinct ownership.~~

a. A single unit of land that is created by a subdivision of land.

b. As a general term (lot) retained to define characteristics or dimensional attributes of a lot/parcel (i.e. flag lot, lot area, lot coverage.)

Lot area. The total area of a **lot unit of land** measured in a horizontal plane within the **lot boundary property** lines exclusive of public and private roads, and easements of access to other property or the private driveway area of a flag lot.

~~Lot, corner. abutting on two or more streets, other than an alley, at their intersection.~~

Note – Removed as a duplication of “Corner Lot”

Lot, coverage. The area covered by a building or buildings ~~on a lot~~, expressed as a percentage of the total **lot land** area. For residential **uses lots**, these buildings shall include the principal residence or house, any accessory dwelling unit, and ~~the next largest~~ accessory structures **requiring a build permit, such as a garage, etc.** ~~Additional structures shall not count. Paved surfaces do not count.~~

Lot, depth. The average horizontal distance between the front **lot line** and rear **lot property** line.

Lot, double-frontage. See ~~“Lot, through.”~~ **A unit of land having frontage on two streets.**

~~**Lot, flag.** A lot or parcel which includes a private accessway as part thereof.~~

Note – Removed as duplication of Flag Lot

Property Lot line. ~~The property line bounding a lot~~ **the division line between two units of land.**

~~**Lot Property line adjustment.** The relocation of recorded lot property lines which does not result in the creation of an additional lot or buildable lot. relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.~~

Lot line, front. ~~For an interior lot,~~ The lot line or lines common to the lot and a street other than alley, and in case of a corner lot, the shortest lot line along a street other than an alley a line separating the lot from the street; ~~for a corner lot, a line separating either (but not both) frontage of the lot from the street~~ as determined by the City.

Lot line, rear. ~~For an interior lot,~~ a line separating one lot from another on the opposite side of the lot from the front **lot property** line; for corner **lots properties** ~~either (but not both) interior lot line separating one lot from another; and for an irregular or triangular shaped lot, a straight line 10 feet in length that is parallel to and at the maximum distance from the front lot line. The line opposite the front property line as~~ **The City shall determined by the City the rear lot line for corner lots.**

Lot line, side. ~~For interior lots,~~ a line separating one **lot property** from the abutting **lot property** or lots fronting on the same street; ~~for corner lots, a line other than the front lot line separating the~~

~~lot from the street or a line separating the lot from the abutting lot along the same frontage.~~
Any lot line or lines not a front or rear lot line. An interior side lot line is a lot line common to more than one lot or to the lot and an alley. An exterior side lot line is a lot line common to the lot and a street other than an alley

~~Lot of record. A lot which, when created, was in conformance with applicable land use regulations.~~ A unit of land created as follows:

- a. A lot in an existing, duly recorded subdivision; or,
- b. A parcel in an existing, duly recorded major or minor land partition; or,
- c. An existing unit of land for which a survey has been duly filed which conformed to all applicable regulations at the time of filing; or,
- d. Any unit of land created prior to zoning and partitioning regulations by deed or metes and bounds description, and recorded with the County Clerk.

~~Lot, through. An interior lot having frontage on two streets.~~
Note – deleted as duplicative

Lot width. The horizontal distance between side property lot lines, measured at the building line.

Manufactured home park or subdivision. ~~A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale~~ or a subdivision pursuant to ORS 92.830 to 92.845.

Page 2-20

~~Minimum lot size. The smallest area permitted for a new lot in a particular zone. For example, in a single-family residential zone, a single house may be constructed on a lot no smaller than a certain size (e.g., 5,000 square feet). In a multi-family zone, the smallest allowable size of the lot may vary depending on the number of apartments or other units constructed.~~

Note – this term is defined by the dimensional standards of each zone. Provides no clarity considered redundant.

Page 2-21

Non-conforming lot. A lot or parcel which does not meet the requirements of the applicable zone in terms of required ~~lot~~ area, width, or depth.

Page 2-22

Partition land. to divide land to create not more than three parcels of land within a calendar year. ~~To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of the year. “Partition land” does not include divisions of land resulting from lien foreclosures, divisions of land from foreclosures of recorded contracts for the sale of real property or division of land resulting from the creation of cemetery lots; and “partition land” does not include any adjustment of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards established by the zoning ordinance. “Partition land” does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner. When~~

~~it appears to the Planning Director that the area is to ultimately be divided into four or more lots or parcels, conformance with the provisions of this code pertaining to subdivisions may be required.~~

~~**Replacement.** The removal of an existing structure and placement of a new structure on the site of the removed structure or elsewhere on the same lot. For purposes of this definition, diminution of an existing structure by more than 50 percent of its floor area shall constitute its removal.~~

Note – proposed for deletion as most uses of this term are for replacement of component pieces of structures or is found to be repetitive of other definitions (such as non-conforming structure)

Page 2-25

“Property line” means the division line between two units of land.

Page 2-32

Single-family attached residential units. Two dwelling units attached side by side with some structural parts in common at a common property line on separate lots **or parcel.**

Single-family detached residential units. One dwelling unit, freestanding and structurally separated from other dwelling units or buildings, located on a lot **or parcel.**

Page 2-35 Section 2.030

Tract” means a lot or parcel or more than one contiguous lot or parcel in a single ownership.

Page 2-39

Yard, front. A yard between side ~~lot~~ **property** lines and measured horizontally at right angles to the front ~~lot~~ **property** line from the ~~lot~~ **property** line to the nearest point of the building. In the case of flag lots, the front yard may either face an adjacent street right-of-way or the access driveway along the flag lot stem. The front of the house or dwelling faces the front yard. (See Figure B.)

Yard, rear. A yard between side lot lines or between a street side yard and opposite side lot line and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building. The rear of the house or dwelling faces the rear yard. In the case of corner lots, the rear yard is not always on the opposite side of the house or dwelling as the front yard. ~~Please see definition for “front of house on corner lot.”~~ (See Figure A.)

Yard, side. A yard between the front and rear yard measured horizontally and at right angles from the side ~~lot~~ **property** line to the nearest point of the building. The side of the house or dwelling faces the side yard. (See Figure A.)

Page 5-3 Section 05-040

B. Boundaries indicated as approximately following platted lot **or parcel** lines shall be construed as following such lot **or parcel** lines

Page 8-5

08.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

Page 9-5

09.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

Page 9-6

09.100

D. A building permit issued shall be for a specified future lot or parcel and the building shall meet the setback provisions of the Low Density Residential, R-20 zone.

Page 10-4

10.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

Page 11-5

11.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

Page 12-4

12.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

Page 13-4

13.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USE

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

Page 14-6

14.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

Page 15-6

1 15.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

2 Except as may otherwise be established by this code, the appropriate lot or parcel size for a
3 conditional use shall be determined by the approval authority at the time of consideration of the
4 application based upon the criteria set forth in CDC 60.070(A) and (B).

5
6 Page 16-6

7 16.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

8 Except as may otherwise be established by this code, the appropriate lot or parcel size for a
9 conditional use shall be determined by the approval authority at the time of consideration of the
10 application, based upon the criteria set forth in CDC 60.070(A) and (B).

11
12 Page 19-7

13 19.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

14 Except as may otherwise be established by this code, the appropriate lot or parcel size for a
15 conditional use shall be determined by the approval authority at the time of consideration of the
16 application based upon the criteria set forth in CDC 60.070(A) and (B).

17
18 Page 21-5

19 21.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

20 Except as may otherwise be established by this code, the appropriate lot or parcel size for a
21 conditional use shall be determined by the approval authority at the time of consideration of the
22 application based upon criteria set forth in CDC 60.070(A) and (B).

23
24 -----
25 Page 22-5 Section 22.070.B

26 1. A ~~single tax lot~~ parcel or lot, or ~~tract two or more contiguous tax lots, under the same~~
27 ~~ownership.~~

28 2. Two or more contiguous ~~tax lots~~ tracts, lots or parcels under separate ownership; provided, that:

29 a. All individual property owners are members of a group formed for the purpose

30 of developing the properties as a single planned development; or

31 b. All individual ~~tax lot~~ ownerships are converted into development shares prior to any building
32 permit being issued for the project; or

33 c. The owners shall record, in the office of the City Recorder, a contract in which all owners agree to
34 subject the use and development of individual ~~tax lots or~~ ownerships to the development plan for the
35 site area as approved by the City. No permit shall be issued on any structure or use not indicated on
36 the City-approved development plan for the site area.

37
38
39 Page 22-6 Section 22.070

40 D. Undersized lots. Any permitted use under CDC 22.030, and accessory uses, may be established on
41 a lot or parcel smaller than the minimum site area requirements which is physically separated from
42 all other undeveloped or underdeveloped properties in this district, or which is approved as a
43 conditional use under CDC 22.060. Uses under CDC 22.050 shall not be included in undersized lot
44 developments.

45
46 -----
47 Page 22.9

48 22.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by CDC 22.070, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

Page 23-4

23.080 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot or parcel size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

Page 24-3 24.060 AREA OF APPLICATION

A. Planned unit developments (PUDs) may be established in all residential, commercial, and industrial districts on lots or parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes of this section.

Page 24-4 Section 24.120.B.

3. A lot or parcel of at least the size required by the applicable base zone, if an existing dwelling is to remain on the site

Page 24-6 Section 24.120.C

C. The allowed density or number of dwelling units on the site, subject to the limitations in CDC 24.140 and 24.150, is computed by dividing the number of square feet in the net acres by the minimum number of square feet required for each lot or parcel, by the base zone.

Page 24-9

B. Where transitions are required, they shall be satisfied by at least one of the following provisions:

1. An intervening street or driveway that is existing, platted or specifically proposed in the Transportation Master Plan and has a minimum width of 24 feet;
2. Natural topography such as a drainageway or wetland that provides adequate horizontal separation (minimum 40 feet), or a cliff or embankment that provides adequate vertical separation which shall be defined as having the PUD site at least 10 feet below the abutting non-PUD site, plus vegetation for adequate screening. The natural topography may be on an adjoining lot or parcel;
3. Manmade berm (five feet minimum height) with landscaping for adequate screening with a 40-foot minimum width. This transition must be on the subject lot or parcel;

Page 24-10 Section 24.150.B

4. The on-site lot or parcel sizes for detached single-family homes adjacent to each property line shall not be smaller than a lot 75 percent of the minimum size of the lot size allowed on the abutting lots or parcels by the applicable zone, or 7,000 square feet, whichever is less; or

Page 25-17 Section 25.070.B.1

1 a. Lot or parcel size, massing, scale, proportion, form, siting, floor area ratio, window patterns,
2 building divisions, and height shall correspond to the contributing buildings within the district, and
3 any specific historic district standards and the applicable requirements of the underlying zone.
4

5 -----
6
7 Page 27-2 Section 27.050

8 D. A map of the property ~~pareel~~ indicating the nature of the proposed alteration and its relationship
9 to property zones, structures, trees, and any other pertinent features ~~of the pareel~~.
10

11 Page 27-3 Section 27.060

12 C. Excavation to balance a fill shall be located on the same lot or parcel as the fill unless it is not
13 reasonable or practicable to do so. In such cases, the excavation shall be located in the same drainage
14 basin and as close as possible to the fill site, so long as the proposed excavation and fill will not
15 increase flood impacts for surrounding properties as determined through hydrologic and hydraulic
16 analysis.
17 -----

18 Page 28-2 Section 28.030.A

19 3. In addition to the Willamette Greenway and Tualatin River Protection Area boundaries, this
20 chapter also relies on the HCA Map to delineate where development should or should not occur.
21 Specifically, the intent is to keep out of, or minimize disturbance of, the habitat conservation areas
22 (HCAs). Therefore, if all, or any part, of a lot or parcel is in the Willamette Greenway and Tualatin
23 River Protection Area boundaries, and there are HCAs on the lot or parcel, a Willamette and
24 Tualatin River Protection Area permit shall be required unless the development proposal is exempt
25 per CDC 28.040.
26

27 28.030

28 B. At the confluence of a stream or creek with either the Tualatin or Willamette River, the standards
29 of this chapter shall apply only to those portions of the lot or parcel fronting the river.
30 Meanwhile, development in those portions of the property facing or adjacent to the stream or creek
31 shall meet the transition, setbacks and other provisions of Chapter 32 CDC, Water
32 Resource Area Protection.
33

34 Page 28-13 Section 28.110

35 H. Partitions, subdivisions and incentives.

36 1. When partitioning a property into parcels, an applicant shall verify the boundaries of
37 the HCA on the property.
38
39

40 Page 28-19 Section 28.130

41 2. The lot or parcel boundaries, dimensions and gross area.
42
43

44 Page 42-1

45 **42.030 EXCEPTIONS**

46 The following described area in Willamette shall be exempt from the provisions of this chapter.
47 The ~~pareels of land~~ properties zoned General Commercial which abuts Willamette Falls Drive,
48 located between 10th and 16th Streets. Beginning at the intersection of Willamette Falls Drive and

1 11th Street on 7th Avenue to 16th Street; on 16th Street to 9th Avenue; on 9th Avenue to 14th Street
2 to the Tualatin River; following the Tualatin River and Willamette River to 12th Street; on 12th Street
3 to 4th Avenue; on 4th Avenue to 11th Street; on 11th Street to Willamette Falls Drive. This
4 described area does not include the northerly side of Willamette Falls Drive.

5
6 Page 46-1

7 **46.020 APPLICABILITY AND GENERAL PROVISIONS**

8 A. At the time a structure is erected or enlarged, or the use of a structure or ~~pareel-of~~ unit of land is
9 changed within any zone, parking spaces, loading areas and reservoir areas shall be provided
10 in accordance with the requirements of this chapter unless other requirements are otherwise
11 established as a part of the development approval process.

12
13 Page 46-4

14 **46.080 COMPUTATION OF REQUIRED PARKING SPACES AND LOADING**
15 **AREA**

16 A. Where several uses occupy a single structure or ~~pareel~~ unit of land, a combination of uses is
17 included in one business, or a combination of uses in the same or separate buildings share a common
18 parking area as in the case of a shopping center, the total off-street parking spaces and loading area
19 shall be the sum of the requirements of the several uses, computed separately. For example, parking
20 for an auto sales and repair business would be calculated using the “retail-bulky” calculation for the
21 sales area and the “service and repair” calculation for the repair area. In another example, parking for
22 a shopping center with a grocery store, a restaurant, and a medical office would be calculated using
23 the “general retail store” calculation for the grocery store, the “restaurant” calculation for the
24 restaurant, and the “medical/dental clinics” calculation for the medical office. The total number of
25 required parking spaces may be reduced by up to 10 percent to account for cross-patronage (when a
26 customer visits several commercial establishments during one visit to the commercial center) of
27 adjacent businesses or services in a commercial center with five or more separate commercial
28 establishments.

29
30
31 -----
32 Page 48-1

33 D. Should the owner or occupant of a lot, parcel or building enlarge or change the use to which the
34 lot, parcel or building is put, resulting in increasing any of the requirements of this chapter, it shall be
35 unlawful and a violation of this code to begin or maintain such altered use until the provisions of this
36 chapter have been met, and, if required, until the appropriate approval authority under Chapter 99
37 CDC has approved the change.

38
39 E. Owners of two or more uses, structures, lots, parcels or unit of land may agree to utilize jointly
40 the same access and egress when the combined access and egress of both uses, structures, or parcels
41 of land satisfies the requirements as designated in this code; provided, that satisfac...

42
43 Page 48-3 Section 48.025

44 c) Option 3. Access is from a public street adjacent to the development lot or parcel. If practicable,
45 the owner/developer may be required to close or consolidate an existing access point as a condition of
46 approving a new access. Street accesses shall comply with the access spacing standards in subsection
47 (B)(6) of this section.

Section 48.025.B

5. Double-frontage lots. When a lot or parcel has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. When a lot or parcel has frontage opposite that of the adjacent lots or parcels, access shall be provided from the street with the lowest classification.

Section 48.025.B

7. Number of access points. For single-family (detached and attached), two-family, and duplex housing types, one street access point is permitted per lot or parcel, when alley access cannot otherwise be provided; except that two access points may be permitted corner lots (i.e., no more than one access per street), subject to the access spacing standards in subsection (B)(6) of this section. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with subsection (B)(8) of this section, in order to maintain the required access spacing, and minimize the number of access points.

Page 48-4 Section 48.025.8

a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent lot or parcel develops. “Developable” means that a lot or parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, lot or parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

Page 48-5

48.030 MINIMUM VEHICULAR REQUIREMENTS FOR RESIDENTIAL USES

A. Direct individual access from single-family dwellings and duplex lots to an arterial street, as designated in the transportation element of the Comprehensive Plan, is prohibited for lots or parcels created after the effective date of this code where an alternate access is either available or is expected to be available by imminent development application. Evidence of alternate or future access may include temporary cul-de-sacs, dedications or stubouts on adjacent lots or parcels, or tentative street layout plans submitted at one time by adjacent property owner/developer or by the owner/developer, or previous owner/developer, of the property in question.

Page 48-8 Section 48.060.D

3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.

Page 54-2 Section 54.020

d. A parking, loading, or service area which abuts a street shall be set back from the right-of-way line by perimeter landscaping in the form of a landscaped strip at least 10 feet in width. When a parking,

loading, or service area or driveway is contiguous to an adjoining **lot or** parcel, there shall be an intervening five-foot-wide landscape strip. The landscaped area shall contain:

Page 55-9 Section 55.100

c. Where stubouts of streets occur on abutting properties, and the extension of those streets will mean the loss of significant trees, tree clusters, or heritage trees, it is understood that tree loss may be inevitable. In these cases, the objective shall be to minimize tree loss. These provisions shall also apply in those cases where access, per construction code standards, to a **lot or** parcel is blocked by a row or screen of significant trees or tree clusters.

Page 55-21 Section 55.100.2.d

d. In considering the requirements of this subsection F, the emphasis shall be on usable recreation space. No single area of outdoor recreational space shall encompass an area of less than 250 square feet. All common outdoor recreational space shall be clearly delineated and readily identifiable as such. Small, marginal, and incidental **lots or** parcels of land are not usable recreation spaces. The location of outdoor recreation space should be integral to the overall design concept of the site and be free of hazards or constraints that would interfere with active recreation.

Page 55-2 Section 55.110

B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:

1. The ~~pareel~~ **property** boundaries, dimensions, and gross area.

Page 55-29 Section 55.120

B. Boundary lines and dimensions for the perimeter of the property and the dimensions for all proposed lot **or parcel** lines.

Page 56-9 Section 56.070.B.2

d. The ~~pareel~~ **property**'s location and size, the Comprehensive Plan, zoning, and other possible and applicable ordinance provisions.

Page 56-19 Section 56.110

B. A site analysis on a drawing at a suitable scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which shows:

1. The **lot or** parcel boundaries, dimensions, and gross area.

Page 59-6

59.090 DIMENSIONAL REQUIREMENTS, CONDITIONAL USES

Except as may otherwise be established by this code, the appropriate lot **or parcel** size for a conditional use shall be determined by the approval authority at the time of consideration of the application based upon the criteria set forth in CDC 60.070(A) and (B).

Page 60-4 Section 60.080.B.

2. The **lot or** parcel boundaries, dimensions, and gross area.

Page 65-6 Section 65.140.B

2. The lot or parcel boundaries, dimensions, and gross area.

Page 67-1 Section 67.040.A

2. Moved in whole or in part to any portion of the lot or parcel other than that occupied on the effective date of this code.

Page 68-2 Section 68.040.A.5

d. Sanitary sewer. Each developed lot or parcel shall be connected to the sanitary sewer at developer cost.

Page 75-3 Section 75.050

D. Requests for more than one Class II variance for the same lot or parcel shall be consolidated in one application and reviewed concurrently by the City.

E. Not more than two Class II variances may be approved for any one lot or parcel in a continuous 12-month period.

Page 76-03 Section 75.060.B

2. In the case of a request for a variance to a lot or parcel dimensional or building setback requirement:

a. The lot or parcel configuration and dimensions, and the location of all existing structures ~~on the lot~~; the setback distances and the location of all structures on abutting properties lots, and the setback distances; and

Page 85-2 Section 85-010.B

8. To arrange for the efficient layout of utilities and infrastructure as well as their extension to adjacent properties parcels in a manner consistent with either adopted utility plans or sound engineering practices.

Page 85-3 Section 85.020.

C. No building permit ~~or certificate of occupancy~~ shall be issued for any parcel or lot which was created by subdivision or partition if it is not approved and in conformity with the provisions of this code.

Section 85.030

85.030 SALE OR NEGOTIATION TO SELL LOT OR PARCEL PRIOR TO APPROVAL OF TENTATIVE PLAN NEGOTIATION OF SALE OF LOTS OR PARCELS PROHIBITED UNTIL APPROVAL IS GRANTED

~~A. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved~~ **A person may not negotiate the sale or sell a lot in a subdivision until the tentative plan has been approved.**; but

B. A person may negotiate to sell any parcel in a partition for which approval of a tentative plan is required, but shall not sell a lot parcel until the tentative plan has been approved.

C. No building permits will be issued for tentatively approved lots or parcels. The final plat must be recorded before permits will be issued.

**~~85.040 SALE OF LOTS PROHIBITED UNTIL SUBDIVISION PLAT IS
RECORDED~~**

~~A. No person shall sell any lot in any subdivision until the plat has been acknowledged under Chapter 89 CDC, Subdivision and Partition Plats, and recorded with the recording officer of the County.~~

~~B. No person shall sell any lot in any subdivision by reference to, or exhibition, or other use of a plat of such subdivision before the plat for such subdivision has been so recorded.~~

Changed to comply with ORS 92.016

Page 85-9 Section 85.160

6. The ~~lot~~ configuration including location and approximate dimensions and ~~lot~~ area of each lot or parcel, and in the case of a subdivision, the proposed lot and block number.

Page 85-13 Section 18.170.E

2. Sanitary sewer information will include plan view of the sanitary sewer lines, including manhole locations and depths. Show how each lot or parcel would be sewerred.

Page 85-15 Section 85.180

C. A building permit issued shall be for a specified future lot or parcel and the building shall meet the setback provisions of the zoning district in which the property is located

Page 85-16 Section 85-200

A. Streets.

1. General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, to the generalized or reasonable layout of streets on adjacent undeveloped lot or parcels, to topographical conditions, to public convenience and safety, to accommodate various types of transportation (automobile, bus, pedestrian, bicycle), and to the proposed use of land to be served by the streets. The functional class of a street aids in defining the primary function and associated design standards for the facility. The hierarchy of the facilities within the network in regard to the type of traffic served (through or local trips), balance of function (providing access and/or capacity), and the level of use (generally measured in vehicles per day) are generally dictated by the functional class. The street system shall assure an adequate traffic or circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried. Streets should provide for the continuation, or the appropriate projection, of existing principal streets in surrounding areas and should not impede or adversely affect development of adjoining lands or access thereto.

Page 85-24 Section 85.200

15. Alleys. Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the decision-making authority. While alley intersections and sharp changes in alignment should be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet. Alleys may be provided in residential subdivisions or multi-family projects. The decision to locate alleys shall consider the relationship and impact of the alley to adjacent land uses. In determining whether it is appropriate to require alleys in a subdivision or partition, the following factors and design criteria should be considered:

a. The alley shall be self-contained within the subdivision. The alley shall not abut undeveloped lot or parcels which are not part of the project proposal. The alley will not stub out to abutting undeveloped parcels which are not part of the project proposal.

Page 85.26 Section 85.200

3. Lot size and shape. Lot or parcel size, width, shape, and orientation shall be appropriate for the location of the subdivision or partition, for the type of use contemplated, for potential utilization of solar access, and for the protection of drainage ways, trees, and other natural features. No lot or parcel shall be dimensioned to contain part of an existing or proposed street. All lots or parcels shall be buildable, ~~and the buildable depth should not exceed two and one-half times the average width~~. "Buildable" describes lots that are free of constraints such as wetlands, drainage ways, etc., that would make home construction impossible. Lot or parcel sizes shall not be less than the size required by the zoning code unless as allowed by planned unit development (PUD). Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Page 85-27 Section 85-200

5. ~~Through Double Frontage~~ lots and parcels. ~~Through Double Frontage~~ lots and parcels have frontage on a street at the front and rear property lines of the lot. ~~They are also called double-frontage lots.~~ Through Double Frontage lots and parcels shall be avoided except where they are essential to provide separation of residential development from arterial streets or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen or impact mitigation easement at least 10 feet wide, and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

Page 85-27 Section 85-200.B.7

b. Front yard setbacks may be based on the rear property line of the lot or 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.

d. The lot depth requirement contained elsewhere in this code shall be measured from the rear property line of the lot or parcel which substantially separates the flag lot from the street from which the flag lot gains access.

8. Large lots or parcels. In dividing tracts into large lots or parcels which, at some future time, are likely to be redivided, the approval authority may

a. require that the blocks be of such size and shape, and be so divided into building sites, and contain such easements and site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots ~~or parcels~~ of smaller size.

b. Alternately, in order to prevent further subdivision or partition of oversized and constrained lots or parcels, restrictions may be imposed on the subdivision or partition plat.

Page 85-30 Section 85.200

E. ~~Lot~~-grading. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

Page 85.35

85.210 ~~LOT~~ PROPERTY LINE ADJUSTMENTS – APPROVAL STANDARDS

A. The Director shall approve or deny a request for a ~~lot~~ property line adjustment based on the criteria stated below:

1. An additional lot or ~~parcel~~ buildable lot shall not be created by the ~~lot~~ line adjustment and the existing ~~parcel~~ property shall not be reduced in size by the adjustments below the minimum lot ~~or~~ parcel size established by the approved zoning for that district.

2. ~~By Reducing the lot or parcel size, the lot or structure(s) on the lot shall not be in violation~~ violate of the site development regulations for that district. For example, the ~~lot~~ property line adjustment shall not result in an overall loss of density below 70 percent except as allowed by CDC 85.200(J)(7).

3. The ~~lot~~ property line adjustment is intended to allow minor lot line deviations, or to consolidate undersized or irregular-shaped lots. It can also be used to change a limited number of property lines up to the point that the County Surveyor would determine a replat of the subdivision is in order. A replat ~~is the complete reconfiguration and realignment of a subdivision's lot lines. the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.~~

4. New lot lines shall be generally straight with only a few deviations. Lot lines shall not gerrymander or excessively zigzag along to accommodate tool sheds, accessory structures, other buildings, etc. The figure below serves as a guide to lot line adjustments.

Note: the CDC Maintenance is re-organizing this section to comply with ORS 92

Page 91-3 Section 91-030

B. By leasing or conveying title (including beneficial ownership) to a corporation, owners' association, or other legal entity. Restrictions on development of the ~~lot or~~ parcel shall be placed on the final plat or otherwise recorded. The specific language of the restrictions shall be approved by the City prior to recordation. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:

Page 92-5 Section 92.020

92.020 IMPROVEMENTS IN PARTITIONS

The same improvements shall be installed to serve each ~~lot~~ parcel of a partition as are required of a subdivision. However, if the approval authority finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, at the written request of the applicant those improvements may be waived. If the street improvement requirements are waived, the applicant shall pay an in-lieu fee for off-site street improvements, pursuant to the provisions of CDC 85.200(A)(1).

In lieu of accepting an improvement, the Planning Director may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

Page 99-3 Section 99.030.B.2

f. ~~Lot~~ Property line adjustments;

- 1
- 2 Page 99-17 Notice Table
- 3
- 4 Change ~~Lot~~ line adjustment to **Property** line adjustment
- 5