



CITY OF  
**West Linn**

PLANNING AND DEVELOPMENT

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**RESIDENTIAL INFILL / PUD TASK FORCE**

**July 13, 2011 meeting materials**

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For review and discussion at our next meeting, please find below: (I) draft language for your consideration that for flag lots - specifically addresses issues raised by the TF. It is proposed in underline format within the City's existing Code language for flag lots. Also provided in (II) relevant existing language in the CDC relating to flag lots.

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**I.**  
(Definition)

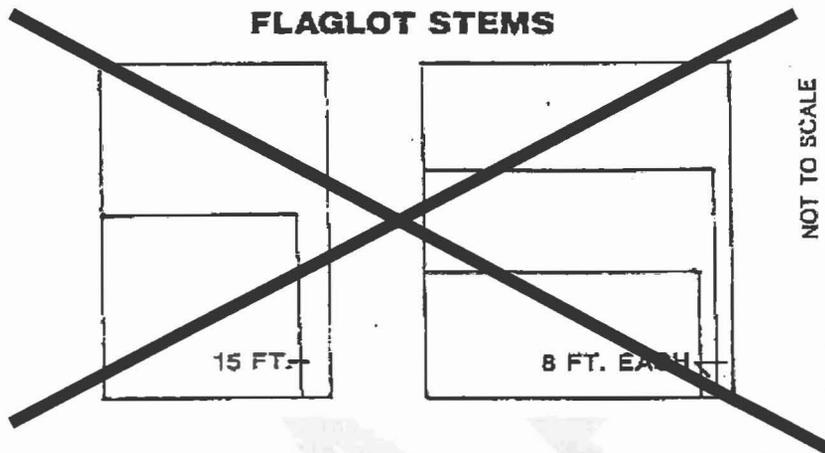
~~Flag lot. A lot complying with all other provisions of the Community Development Code which does not meet the minimum street frontage requirement of 35 feet, and which gains access to the public right of way via an access strip no less than 15 feet in width.~~

Flag Lot. A lot located behind another lot that has normal street frontage, and where access is provided to the rear lot via a narrow "flag pole" (i.e. driveway), or where access is provided via an easement. There are two distinct parts of a flag lot; the flag which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag. A flag lot results from the division of a large lot with the required area and depth for more than one lot, but which has insufficient width to locate all lots on the street frontage. (Staff note: need graphic here)

(Subdivision)

7. Flag Lots. Flag lots can provide additional housing opportunities, promote the efficient use of residential land and ensure the protection of property rights. The standards in this Section include additional restrictions on the development of flag lots in order to protect the privacy of the abutting adjacent residences and to minimize any disruption to the character of the neighborhood. Flag lots can be created where it can be shown that the existing parcel configuration, topographic constraints or where an existing dwelling unit is located such that it precludes a land division that meets the minimum street frontage requirements of the underlying zoning and the creation of a public through street is not required to meet connectivity standards of the TSP. no other reasonable street access is possible to achieve the

requested land division. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be 8 feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements. Flag lots shall only be permitted if the approval authority finds that the following standards have been satisfied: The following dimensional requirements shall apply to flag lots:



- a. There is adequate lot area to divide the property into or more lots but not enough street frontage to meet the standard minimum requirement.
- b. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. A joint accessway shall be provided unless the location of the existing dwelling unit prevents a joint accessway. Joint ~~Common~~ accessways shall have mutual maintenance agreements and reciprocal access and utility easements. No more than two driveways or access lanes shall be permitted within a distance equal to the minimum lot width of the underlying zone, or within 50 feet of each other if no minimum exists, as measured from the closest edge of each driveway or access lane.
- c. The underlying yard setbacks for principal structures on flag lots shall be superseded by the following, all other setback requirements shall be the same as the underlying zoning district: setbacks applicable to the underlying zone shall apply to the flag lot.
  - (1) The front yard setback shall be measured from either the ~~Front yard setbacks may be based on the~~ rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access, ~~or from the access drive.~~ 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. ~~The front yard setback shall be 10 feet, however, if a garage is oriented towards the accessway, a setback of 20 feet must be provided between the garage door and the access easement.~~

(2) Side street yards shall be the same as the underlying zoning district.

(3) All other yard setbacks shall be 10 feet for any part of a building that is less than 18 feet in height and shall be 20 feet any part of a building that exceeds 18 feet in height. (NOTE: graphic necessary). However, if no dwellings units are located within 50 feet of the subject parcel then the interior side and rear yards shall be 10 feet.

(4) Additional yard limitation for side and rear yards: Outdoor balconies/patios with a floor in excess of 18 feet in height are prohibited within 25 feet of any side or rear property line.

d. Building height restriction. The maximum building height for a structure on flag lots shall be the taller of:

1. 28 feet;

2. The average height of the dwelling units on any two abutting properties; or,

3. The maximum building height permitted in the underlying zoning district if no dwellings are located within 50 feet of the subject parcel.

e. The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.

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

~~g. As per Section 48.030 the accessway shall have a minimum paved width of 12 feet. (staff note – this is actually 10’ for single home, 14’ for 2-4 homes – there is no need to restate this here)~~

~~If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be accessed from the public street by an access easement of a minimum 15 foot width across intervening property. (ORD 1442)~~

g. In addition to the general application requirements for land divisions, an application to create a flag lot shall include:

(1) A site plan illustrating the location of existing structures on adjacent parcels including height of structures on adjacent property lines and associated setbacks from the shared property line.

h. No structures are permitted in the flag pole or access easement.

(Staff note: The TF expressed a desire to have the adjacent property owners notified at the time of pre-application) -Below is the is the current pre-application notice language in Chapter 99;

7. At least 10 days prior to the scheduled date of the conference, the City shall make the pre-application conference schedule available to the public. Within 10 days following the conference, the City shall make staff-prepared written notes summarizing the contents of the meeting available to the public. Failure to comply with this section due to technical or administrative problems is not a procedural defect entitling any party to a delay in the hearing process.

(an option would be to have staff amend their pre-application notice practices to include sending this notice to the adjacent property owners for flag lot submittals (there would only typically be 2-4 of them) – let’s discuss further)

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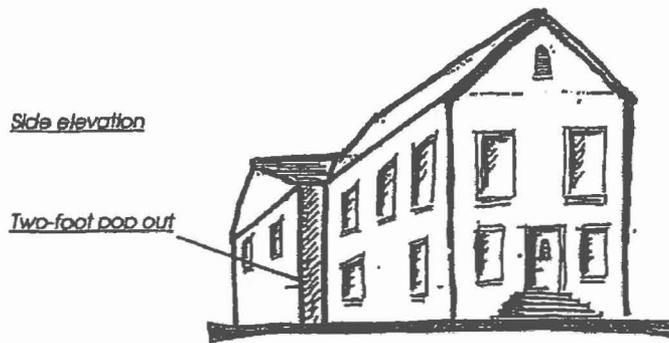
## **II. Other relevant language in the CDC:**

### **Chapt. 43 SINGLE-FAMILY AND DUPLEX RESIDENTIAL SIDE-YARD TRANSITIONS**

#### **43.040 GENERAL PROVISIONS**

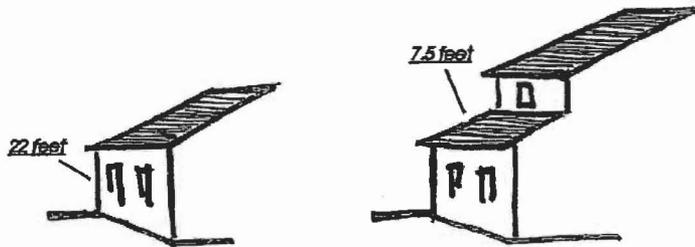
New house construction or remodels to the side wall of existing homes shall transition to homes on either side by one of two methods (A), (B) or satisfy one of the exemptions (C)(1-6) listed below.

A. The side elevation of the house must be divided into smaller areas or planes to minimize the appearance of bulk when viewed from the neighboring properties or a side street. When the side elevation of the house is more than 700 square feet in area, the elevation must be divided into distinct planes of 700 square feet or less. For the purpose of this standard, a distinct plane is created when there is a recessed or projecting section of the structure, that projects or recedes at least two feet, for a length of at least six feet.



**700 square foot of vertical space on side elevation (any combination of height X width) requires a two-foot indentation or pop out**

B. The height of the sidewall shall not exceed 22 feet as measured from grade at the mid-point of the sidewall to the eaves. Sidewall can resume vertically after minimum 7.5' setback.



**Sidewalls less than 22 feet high to eaves from average grade are exempt from pop-out/indentation requirement. Sidewall can resume vertically if set back 7.5 feet.**

C. Exemptions

1. Exempt the side of homes that are built 20 feet or more from the side lot line.
2. Exempt homes on steep lots where the peak of the roof would be no more than 24 feet above the average street grade.
3. Exempt homes on narrow lots 50 feet wide or less shall be allowed a minimum side-to-side width of 30 feet for floors above the first floor. The 30-foot wide floor shall be able to accommodate a nine-foot floor-to-ceiling measurement on the second floor.
4. Exempt homes whose side yards are contiguous to an open space, unbuildable area, or non-residentially zoned lands are exempt. (No exemption if adjacent to a park.)
5. Exempt houses that have the gable end facing the side lot line are exempt.
6. Replacement in kind of building materials on the sidewall of an existing house shall be exempt. For example, the replacement of siding would be exempt.