

ORDINANCE NO. 1636

AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE TO DEFINE TRACT, LOT,
AND PARCEL AND APPLY THE DEFINITIONS THROUGHOUT THE CODE

Annotated to show ~~deletions~~ and additions to the code sections being modified. Deletions are ~~bold lined through~~ and additions are bold underlined.

WHEREAS, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers;

WHEREAS, City Council Goals provide for "Continue[d] efforts to update & improve the Community Development Code";

WHEREAS, The Planning Commission held a public hearing on October 1st and recommended the City Council adopt the proposed maintenance updates related to the term lot, parcel and tract within the Community Development Code as contained within Chapters 1, 2, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 21, 22, 23, 24, 25, 27, 28, 42, 44, 46, 48, 54, 55, 56, 59, 60, 65, 67, 68, 75, 76, 85, 91, 92 and 99; and

WHEREAS, Community Development Code (CDC) Chapter 98 defines the procedures for legislative decision making.

NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:

SECTION 1. Amendment. West Linn CDC Section 1.030, **Compliance**, is amended as follows:

...

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.

SECTION 2. Amendment. West Linn CDC Section 2.010, **Interpretation**, is amended as follows:

...

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

SECTION 3. Amendment. West Linn CDC Section 2.030, **Specific Words and Terms**, is amended as follows:

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: . . .

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

~~**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. . . .~~

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.** . . .~~

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). . .

Division of land. The process of dividing a tract, lot or parcel ~~into two or more lots or parcels~~ by subdividing or partitioning. See "Partition Land" and "Subdivide Land." 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~~.

~~**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. . . .~~

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. . .

~~**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) is retained to define characteristics or dimensional attributes of a lot or parcel (i.e. flag lot, lot area, lot coverage, lot line.)~~

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.~~

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. . . .~~

Lot line, front. ~~For an interior lot, 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.~~

- a. The lot line(s) common to the lot and a street (other than an alley) that separates the lot from the street.

- b. For a corner lot, the shortest lot line along a street (other than an alley) that separates the lot from the street, or as determined by the City.

~~Lot line, rear. For an interior lot, a~~

- a. A line separating one lot from another on the opposite side of the lot from the front lot line;
- b. ~~For a corner lots, 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 lot 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 that is not a front or rear lot line. An interior side lot line is a lot line separating more than one lot, or separating a lot and an alley. An exterior side lot line is a lot line separating a 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.~~

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

...

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

~~**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. . . .~~

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. . .

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. . . .~~

Property line. The division line between two units of land.

Property line adjustment. A 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. . .

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. . . .~~

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**...

Tract. A lot or parcel, or more than one contiguous lot or parcel, in a single ownership.

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

SECTION 4. Amendment. West Linn CDC Section 5.040, **Determination of Zoning Boundaries**, is amended as follows:

...

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

SECTION 5. Amendment. West Linn CDC Section 8.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

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).

SECTION 6. Amendment. West Linn CDC Section 9.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

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).

SECTION 7. Amendment. West Linn CDC Section 9.100, **Redivision Plan Required**, is amended as follows:

...

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.

SECTION 8. Amendment. West Linn CDC Section 10.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

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).

SECTION 9. Amendment. West Linn CDC Section 11.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

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).

SECTION 10. Amendment. West Linn CDC Section 12.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

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).

SECTION 11. Amendment. West Linn CDC Section 13. , **Dimensional Requirements, Conditional Uses**, is amended as follows:

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).

SECTION 12. Amendment. West Linn CDC Section 14.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

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).

SECTION 13. Amendment. West Linn CDC Section 15.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

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).

SECTION 14. Amendment. West Linn CDC Section 16.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

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).

SECTION 15. Amendment. West Linn CDC Section 19.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

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).

SECTION 16. Amendment. West Linn CDC Section 21.080, **Dimensional Requirements, Conditional Uses**, is amended as follows:

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).

SECTION 17. Amendment. West Linn CDC Section 22.070, **Dimensional Requirements for Uses Permitted Outright and Uses Permitted Under Perscribed Conditions**, is amended as follows:

...

B. **Site area requirements.** A site area for purposes of this section shall be the total land area to be developed as a unit, prior to the creation of any new parcels or lots within the land area. A site area may be either of the following:

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

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

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

of developing the properties as a single planned development; or

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

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

...

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

SECTION 18. Amendment. West Linn CDC Section 22.090, **Dimensional Requirements, Conditional Uses**, is amended as follows:

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).

SECTION 19. Amendment. West Linn CDC Section 23.080 **DIMENSIONAL REQUIREMENTS, CONDITIONAL USES** is amended as follows:

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).

SECTION 20. Amendment. West Linn CDC Section 24.060, **Area of Application**, is amended as follows:

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.

SECTION 21. Amendment. West Linn CDC Section 24.110, **Residential Density Calculation**, is amended as follows:

...

B. Net acres for land to be developed with detached single-family dwellings, or multi-family dwellings including duplexes, is computed by subtracting the following from the gross acres:

...

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

...

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.

SECTION 22. Amendment. West Linn CDC Section 24.140, **Transitions and Limitations on Density Transfer**, is amended as follows:

...

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;
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 . . .

SECTION 23. Amendment. West Linn CDC Section 25.070, **Additional Standards Applicable to Historic Districts**, is amended as follows:

...

B. Standards for new construction. The standards in this section apply only to new construction in a historic district beyond alterations and additions, including new accessory structures. These standards shall apply in addition to any other applicable standards (see the Standards Applicability Matrix in CDC [25.020](#)).

1. New construction shall complement and support the district. The historic district's defining characteristics include a discernible aesthetic rhythm of massing, scale, and siting. Infill buildings shall not deviate in a detracting manner from these elements, but appear as complementary members of the district, by conforming to the following:

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

SECTION 24. Amendment. West Linn CDC Section 27.050, **Application**, is amended as follows:

...

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

SECTION 25. Amendment. West Linn CDC Section 27.060, **Approval Criteria**, is amended as follows:

...

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

SECTION 26. Amendment. West Linn CDC Section 28.030, **Applicability**, is amended as follows:

A. The Willamette and Tualatin River Protection Area is an overlay zone. The zone boundaries are identified on the City's zoning map, and include: . .

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

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

SECTION 27. Amendment. West Linn CDC Section 28.110, **Approval Criteria**, is amended as follows:

...

H. Partitions, subdivisions and incentives.

1. When ~~partitioning~~ **dividing** a property into lots or parcels, an applicant shall verify the boundaries of the HCA on the property.
2. Applicant shall partition or subdivide the site so that all lots or parcels have a buildable site or envelope available for home construction located on non-HCA land or areas designated "Habitat and Impact Areas Not Designated as HCAs" per the HCA Map.

SECTION 28. Amendment. West Linn CDC Section 28.120, **Site Plan**, is amended as follows:

...

B. The applicant shall submit a site plan drawn to an appropriate scale (in order of preference: one inch equals 10 feet to one inch equals 30 feet), which contains the following information:

1. Assessor's Map number and tax lot number.
2. The lot or parcel boundaries, dimensions and gross area.

SECTION 29. Amendment. West Linn CDC Section 42.030, **Exceptions**, is amended as follows:

The following described area in Willamette shall be exempt from the provisions of this chapter. The ~~parcels~~ units of land zoned General Commercial which abuts Willamette Falls Drive, located between 10th and 16th Streets. Beginning at the intersection of Willamette Falls Drive and 11th Street on 7th Avenue to 16th Street; on 16th Street to 9th Avenue; on 9th Avenue to 14th Street to the Tualatin River; following the Tualatin River and Willamette River to 12th Street; on 12th Street to 4th Avenue; on 4th Avenue to 11th Street; on 11th Street to Willamette Falls Drive. This described area does not include the northerly side of Willamette Falls Drive.

SECTION 30. Amendment. West Linn CDC Section 46.020, **Applicability and General Provisions**, is amended as follows:

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

SECTION 31. Amendment. West Linn CDC Section 46.080, **Computation of Required Parking Spaces and Loading Area**, is amended as follows:

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

SECTION 32. Amendment. West Linn CDC Section 48.020, **Applicability and General Provisions**, is amended as follows:

...

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

E. Owners of two or more uses, structures, lots, parcels or unit of land may agree to utilize jointly the same access and egress when the combined access and egress of both uses, structures, or parcels of land satisfies the requirements as designated in this code; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases, or contracts to establish joint use. Copies of said instrument shall be placed on permanent file with the City Recorder.

SECTION 33. Amendment. West Linn CDC Section 48.025, **Access Control**, is amended as follows:

B. Access control standards...

3. Access options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (planned access shall be consistent with adopted public works standards and TSP). These methods are “options” to the developer/subdivider. . .

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

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.

. . .

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.

8. Shared Driveways . . .

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.

SECTION 34. Amendment. West Linn CDC Section 48.030, **Minimum Vehicular Requirements For Residential Uses**, is amended as follows:

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.

SECTION 35. Amendment. West Linn CDC Section 48.060, **Width and Location of Curb Cuts and Access Separation Requirements**, is amended as follows:

. . .

D. There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:

1. On an arterial street, 150 feet.
2. On a collector street, 75 feet.
3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.

SECTION 36. Amendment. West Linn CDC Section 54.020, **Approval Criteria**, is amended as follows:

. . .

E. Landscaping – By type, location and amount. . .

3. All uses (residential uses (non-single-family) and non-residential uses): . . .
 - 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:

SECTION 37. Amendment. West Linn CDC Section 55.100, **Approval Standards – Class II Design Review**, is amended as follows:

- ...
- B. Relationship to the natural and physical environment.
 2. . . .
 - 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.
- ...
- F. Shared outdoor recreation areas. . . .
 2. The required recreation space may be provided as follows: . . .
 - 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.

SECTION 38. Amendment. West Linn CDC Section 55.110, **Site Analysis**, is amended as follows:

- ...
- 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 ~~parcel~~ property boundaries, dimensions, and gross area.

SECTION 39. Amendment. West Linn CDC Section 55.120, **Site Plan**, is amended as follows:

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

SECTION 40. Amendment. West Linn CDC Section 56.070, **Submittal Requirements**, is amended as follows:

...

- B. A pre-application conference shall be a prerequisite to the filing of an application. . .
 - 2. The following subjects shall be reviewed at the pre-application conference:. . .
 - d. The parcel-property's location and size, the Comprehensive Plan, zoning, and other possible and applicable ordinance provisions.

SECTION 41. Amendment. West Linn CDC Section 56.110, **Site Analysis**, is amended as follows:

...

- 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.

SECTION 42. Amendment. West Linn CDC Section 59.090, **Dimensional Requirements, Conditional Uses**, is amended as follows:

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).

SECTION 43. Amendment. West Linn CDC Section 60.080, **Site Plan and Map**, is amended as follows:

...

- B. The applicant shall submit a site plan drawn to an appropriate scale (in order of preference, one inch equals 10 feet to one inch equals 30 feet) which contains the following information:
 - 1. The subdivision name, block, and lot number or the section, township, range, and tax lot number.
 - 2. The lot or parcel boundaries, dimensions, and gross area.

SECTION 44. Amendment. West Linn CDC Section 65.140, **Site Plan(S) and Map**, is amended as follows:

...

- B. The applicant shall submit a site plan drawn to an appropriate scale (in order of preference: one foot equals 10 feet to one foot equals 30 feet) which contains the following:
 - 1. The subdivision name, block, and lot number or the section, township, range, and tax lot number.
 - 2. The lot or parcel boundaries, dimensions, and gross area.

SECTION 45. Amendment. West Linn CDC Section 67.040, **Status**, is amended as follows:

- A. A non-conforming use of land shall be allowed to continue; however, it shall not be:
1. Enlarged, increased, or extended to occupy a greater area of land or space than was occupied at the effective date of this code; or
 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.

SECTION 46. Amendment. West Linn CDC Section 68.040, **Status**, is amended as follows:

- A. A substandard lot of record in any residential zoning district except the Willamette Historic District, as regulated in Chapter 25 CDC, may be developed for a use allowed within the applicable zone provided: . . .
5. The following improvement standards are satisfied: . . .
 - d. Sanitary sewer. Each developed lot or parcel shall be connected to the sanitary sewer at developer cost.

SECTION 47. Amendment. West Linn CDC Section 75.050, **Application**, is amended as follows:

- ...
- 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.

SECTION 48. Amendment. West Linn CDC Section 75.060, **Site Plans and Map**, is amended as follows:

- ...
- B. The applicant shall submit a plot plan drawn to an appropriate scale (in order of preference: one inch equals 10 feet to one inch equals 30 feet) which shows the following:
1. The subdivision name, block, and lot number or the section, township, range, and tax lot number.
 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 units of land lots, and the setback distances; and...

SECTION 49. Amendment. West Linn CDC Section 85.010, **Purpose**, is amended as follows:

- ...
- B. The purpose is further defined as follows: . . .
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.

SECTION 50. Amendment. West Linn CDC Section 85.020, **Scope – Conformity Required**, is amended as follows:

...

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 51. Amendment. West Linn CDC Section 85.030, **Negotiation of Sale of Lots Prohibited Until Approval is Granted**, is amended as follows:

85.030 Sale or Negotiation to Sell Lots or Parcel Prior to Approval of Tentative Plan
~~NEGOTIATION OF SALE OF LOTS PROHIBITED UNTIL APPROVAL IS GRANTED~~

A. ~~No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.~~ No person shall sell any lot in any subdivision to which approval is required until such approval is obtained. No person shall negotiate to sell any 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 prior to approval ~~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.

SECTION 52. Repeal. West Linn CDC Section 85.040, **Sale of Lots Prohibited Until Subdivision Plat is Recorded**, is repealed in its entirety. Any municipal code provisions in conflict with the repeal of CDC 85.040 are also repealed.

SECTION 53. Amendment. West Linn CDC Section 85.160, **Submittal Requirements for Tentative Plan**, is amended as follows:

...

F. The following proposed improvements shall be shown on the tentative plan or supplemental drawings: . . .

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.

SECTION 54. Amendment. West Linn CDC Section 85.170, **Submittal Requirements for Tentative Plan**, is amended as follows:

...

E. The following existing conditions shall be shown on the tentative plan of a subdivision or partition:

1. The location, widths, and names of all existing or platted streets and rights-of-way within or adjacent to the tract (within 50 feet), together with easements and other

important features such as section lines, donation land claim corners, section corners, City boundary lines, and monuments.

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 sewer.

SECTION 55. Amendment. West Linn CDC Section 85.180, **Redivision Plan Requirement**, is amended as follows:

...

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

SECTION 56. Amendment. West Linn CDC Section 85.200, **Approval Criteria**, is amended as follows:

...

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.

...

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.

...

B. Blocks and Lots.

...

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.

...

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.

...

7. Flag Lots. ...

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; or

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.

...

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

SECTION 57. Amendment. West Linn CDC Section 85.210, **Lot Line Adjustments – Approval Standards**, is amended as follows:

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.

...

SECTION 58. Amendment. West Linn CDC Section 91.030, **Open Space Conveyance**, is amended as follows:

...

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: . . .

SECTION 59. Amendment. West Linn CDC Section 92.020, **Improvements in Partitions**, is amended as follows:

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.

SECTION 60. Amendment. West Linn CDC Section 99.030, **Application Process: Who May Apply, Pre-Application Conference, Requirements, Refusal of Application, Fees**, is amended as follows:

...

B. Pre-application conferences...

2. Subject to subsection (B)(3) of this section, the following applications are exempt from subsection (B)(1) of this section, pre-application conference requirement: . . .

f. ~~Lot~~ Property line adjustments;

SECTION 61. Amendment. West Linn CDC Section 99.080(E), **Table of notices**, Row 17, is amended as follows:

<u>Lot Property</u> line adjustment	No notice
-------------------------------------	-----------

The "Table of notices" should be alphabetized when the amendment is codified.

SECTION 62. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.


SECTION 63. Savings. Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 64. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections [62-65]) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

SECTION 65. Effective Date. This ordinance shall take effect on the 30th day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 2(C) of the City Charter on the 8th day of December, 2014, and duly PASSED and ADOPTED this 8th day of December, 2014.


JOHN KOVASH, MAYOR


KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:


CITY ATTORNEY