



TO: Kent Studebaker, Mayor
Members of the City Council
Scott Lazenby, City Manager

FROM: Leslie Hamilton, AICP, Senior Planner
Planning and Building Services

SUBJECT: Ordinance 2762, Flag Lot and Access Lane Amendments
(LU 17-0052)

DATE: December 22, 2017 **MEETING DATE:** January 2, 2018

ACTION

Conduct a public hearing on Ordinance 2762¹, amending LOC Chapter 50 for the purpose of limiting the number of flag lots served by an access lane to two (in addition to one non-flag lot), clarifying and updating various provisions relating to flag lots and access lanes, and adopting findings (LU 17-0052).

SUGGESTED MOTION

Move to enact Ordinance 2762.

INTRODUCTION/BACKGROUND

The proposed amendments to the Community Development Code (CDC) are part of the City’s on-going effort to ensure the regulations are consistent with the Comprehensive Plan and make them more usable for residents, developers, and City staff by correcting errors, eliminating text ambiguities and redundancies, and clarifying code language.

The proposed amendments (Ordinance 2762) were the subject of a City Council study session on December 19, 2017. The Council received the packet with all attachments prior to the study session. For the purposes of review, staff encourages the Council to review the Council Report dated December 8, 2017.

¹ The ordinance number was originally assigned 2759 in error, the new number is 2762.

The Council members were invited to contact staff with any questions prior to the hearing.

ALTERNATIVES & FISCAL IMPACT

The proposed amendments may indirectly have a positive fiscal impact, as they include some code streamlining; however the limitations on the number of flag lots served by an access lane, as well as the increased parking requirements, could have a negative fiscal impact. Limitations on uses that create a demonstrable reduction in property values have the potential for triggering Measure 49 claims, which could result in a waiver of the limiting regulation in certain cases or compensation for the lost value.

RECOMMENDATION

Staff recommends that the City Council approve LU 17-0052 and enact Ordinance 2762.

EXHIBITS

A. Draft Ordinances

- A-1.1 Draft Ordinance 2762, 12/06/17 (supersedes Exhibit A-1)
Attachment 1: *Reserved for City Council Findings (not included)*
Attachment 2: Draft Code Text, 12/06/17 (supersedes version dated 11/08/17)

B. Findings, Conclusions and Order

- B-1 Planning Commission Findings, Conclusions and Order, 12/11/17

C. Minutes

- C-1 Planning Commission Minutes, 10/09/17
- C-2 Excerpt of Draft Planning Commission Minutes, 11/27/17

D. Staff Reports

- D-1 Planning Commission Staff Report, 09/29/17
- D-2 Planning Commission Memo, 11/17/2017

E. Graphics/Plans

- E-1 Density Analysis: Serial Partitions and Access Lanes
- E-2 Density Analysis: Serial Partitions and Public Streets

F. Written Materials

- F-1 Public Review Draft Narrative, 08/15/17
- F-2 Spreadsheet Comparison of Flag Lot/Access Lanes and Public Streets, 09/29/17

G. Letters

- G-1 Letter from Sheila Carlson, 08/29/17
- G-2 Letter from Bill Abadie with Hallinan Heights Neighborhood Association, 08/30/17
- G-3 E-Mail from Dianne Cassidy, 08/30/17
- G-4 E-Mail from Jim Standring, 08/31/17
- G-5 Letter from James Adkins with Home Builders Association of Metro Portland, 09/05/07
- G-6 E-Mail from Scott Bullard with Forest Highlands Neighborhood Association, 09/06/17
- G-7 E-Mail from Diana Boom with Evergreen Neighborhood Association, 09/27/17
- G-8 Photos submitted by Liz Martin, submitted 10/08/17
- G-9 E-Mail from Jim Fisher, 10/02/17
- G-10 Letter from Waluga Neighborhood Association, 10/09/17
- G-11 Letter from Wendie Kellington on behalf of Stuart Bingham, 10/09/17
- G-12 Statement from Bill Abadie, submitted 10/09/17
- G-13 Statement from Liz Martin, submitted 10/09/17
- G-14 Map-Uplands Flag Lot Dev. And City of Portland Handout on Flag Lot Dev. submitted by Audrey Mattison, 10/09/17
- G-15 Photo of Prohibited Parking on Access Lane, submitted Carolyn Krebs, 10/09/17
- G-16 E-Mail from James Adkins, Home Builders Association of Metro Portland, 10/23/17
- G-17 E-Mail from Bruce Brown, Waluga Neighborhood Association, 11/27/17
- G-18 E-Mail from James Stupfel, 11/27/17
- G-19 Letter from James Adkins, Home Builders Association of Metro Portland, 11/27/17
- G-20 Letter from J. Terrance Bittner, Attorney for Bryn and Janice Torkelson, 11/27/17
- G-21 Letter from Renee France, Attorney for Teri and Saul Caprio, 11/27/17
- G-22 Sample Plans submitted by Ralph Tahrn, 11/27/17
- G-23 Letter from Jerry Nierengarten, Lake Grove Neighborhood Association, 10/27/17
- G-24 E-Mail from Hillary Gibson, 12/15/2017
- G-25 E-Mail from Sarah Burns, 12/15/2017

Staff reports and public meeting materials can be found by visiting the project web page. Use the link below to visit the City's "Project" page. In the "Search" box enter LU 17-0052 then press "Submit":

<http://www.ci.oswego.or.us/projects>