

**McCaleb, Iris**

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**From:** Joe Breimayer <jfbpatent@aol.com>  
**Sent:** Friday, April 24, 2015 4:22 PM  
**To:** Andreades, Debra  
**Cc:** nandpprichard@msn.com; McCaleb, Iris  
**Subject:** Substandard Lots Ordinance 2666, LU 15-0017  
**Attachments:** Ordinance 2666.doc

I will not be at the meeting, but suggest you consider rewriting the proposed ordinance per the attached or not even bother to make any change to the existing definition.

Rereading Paden's comments on my earlier draft, I think that the problem arises from the attempt to redefine "lot" in away that differs so much from common usage. Paden suggests that a "lot" is a legally registered "titled" parcel of land and that is pretty much the existing definition in this ordinance. This proposed definition of "lot" attempts to add dimensional characteristics to the recognized definition so that "lot" has more than one meaning. It's as if I were to own a bit of land in LO that I have title to and that is referred to as a "lot" that under this ordinance is no longer a "lot" because it is too small for certain purposes. Rather than trying to redefine "lot" in the proposed manner, the city should simply define the minimum dimensions of land on which a particular type of development may occur and leave it to developers to aggregate the land however they can, usually by buying up contiguous existing lots and aggregating them to achieve the required minimum dimensions for the particular project.

Joe Breimayer

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Ordinance 2666, LU 15-0017 - Substandard Lots

This definition of a "lot" makes no sense grammatically and is self-contradicting:

“Lot: A unit of land created in compliance with all legal requirements in effect and applicable at the time of creation. A legal or legalized unit of land which meets the minimum lot dimensions of the zone. If the unit of land does not meet the minimum lot dimensions of the zone, the ‘lot’ shall consist of the contiguous, commonly-owned lots that meet the minimum standards of the zone. If all contiguously (sic), commonly-owned lots are insufficient to meet the minimum standards of the zone, the ‘lot’ shall be all of the contiguously (sic), commonly-owned lots.”

What is a "legal or legalized unit of land? Is that a "unit of land" defined in metes and bounds that is titled and registered? Are all "lots" or "units of land" in Lake Oswego separately titled and registered?

If there is no difference between "minimum lot dimensions of the zone" and "minimum standards of the zone," then only one expression should be used to avoid confusion.

How can the "contiguous commonly owned **lots**" be called lots when they do not meet the "minimum lot dimensions?" Should this not be "contiguous commonly owned units of land?"

The misuse of the word "lot" instead of "unit of land" and the undefined terms causes this expression to reduce to the following

To be a lot in a zone under this definition, a "lot" can be

1. A [single] legal or legalized unit of land which meets the minimum lot dimensions of the zone. This makes sense; or

2 If the unit of land does not meet the minimum lot dimensions of the zone, the ‘lot’ shall consist of the contiguous, commonly-owned lots that meet the minimum standards of the zone. This makes no sense at all unless it is intended to mean that a set of contiguous, commonly owned "units of land" can become a "lot" by some unnamed process so long as when aggregated the aggregation meets the minimum lot dimensions of the zone; or

3 If all contiguously (sic), commonly-owned lots are insufficient to meet the minimum standards of the zone, the ‘lot’ shall be all of the contiguously (sic), commonly-owned lots.” This makes no sense at all as written. Apart from no definition of "minimum standards, what if one such "unit of land" does meet these "minimum standards" but the rest do not? What do you call such a combination? From what I was told, this is intended to mean that even if the combined units of land when aggregated do not meet the minimum dimensions of the zone, the aggregation can by some waiver process achieve the status of a lot. But this sentence does not convey that to me.

I have been informed that there is some procedure for set 3 to be designated a "lot" if it meets conditions suitable for a variance. To me, the conditions and procedures for aggregating units of land should be clearly expressed or referenced in this ordinance.

Summarizing the above, the proposal defines a "lot" as either a single unit of land that does meet the minimum lot dimensions of the zone or an aggregation of multiple units of land that either do or do not meet the minimum lot dimensions of the zone when combined by some process. So, a lot (no matter how constituted) is a unit of land that either meets or does not meet the minimum lot dimensions of the zone. Such a definition seems pointless.

If that is what is intended, it should be more clearly expressed, e.g.,

"Lot: A unit of land created in compliance with all legal requirements in effect and applicable at the time of creation. A legal or legalized unit of land which meets the minimum lot dimensions of the zone, which can comprise: (a) a single unit of land that meets the minimum lot dimensions of the zone; or ( b) a set of contiguous, commonly owned units of land that when aggregated by [a named process or reference to provisions in the code providing for such aggregation] into a single unit of land that meets the minimum lot dimensions of the zone; or (3) a set of contiguous, commonly owned units of land that when aggregated by [the named process or reference to provisions in the code providing for such aggregation] into a single unit of land that does not meet the minimum lot dimensions of the zone, but only if that set satisfies conditions for a waiver pursuant to [whatever provisions apply to obtaining a waiver in this circumstance]."

I do not know what processes or code provisions apply to the bracketed expressions, and leave that to be completed.

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