

- **This is a quick summary of proposed CDC changes remaining under “policy” (LU 08-0054. This summary is prepared prior to reconciliation with changes proposed to the City Council by the Planning Commission relating to “Infill” (LU 08-0053).**
- As with any “summary,” there are likely to be both omissions of content and the failure to capture some subtle meanings in attempting to provide a “short-hand” summary of a proposed code revision; the reader is urged to review the specific text of the proposed revisions for the full “text and context” of the proposed revision and explanation underlying the proposed change.
- The summary is prepared to facilitate a prioritization of proposed code sections for code amendments. The Planning Commission requested a “top 10” or “top 20” list.
 - The six Development Review Planners and one Code Enforcement Specialist were *unable to pick the “top 10” or “top 20” of the proposed revisions, instead ranking the need for the Planning Commission to discuss the proposed change – either due to transparency or need for policy change – as A (“critical”), B (“urged”), C (“it would be nice”) and D (not scored). Note: The votes will not always equal 7 because:*
 - One planner rated many of the changes as “A”, and thus at least initially during the voting did not vote on many, as unable to assign which was in the “top 10”.
 - The “D” votes were not counted.
- Inevitably, in deciding not to make a change, that will turn out to negatively effect a future development where a change is critical to the success or failure of the development proposal, or to a party addressing the criteria. However, the task of preparing, reviewing, or commenting upon a development application is to apply the Code *as written*; the interested parties, staff, and the decision-maker cannot substitute or ignore code requirements when they believe it would be “policy common sense” to do so.

Development Review Rank	Summary of Code Section	Code Section
A- “critical” B- “urged” C- “it would be nice”) D not scored)		All are in Chapter 50
A: 0 B: 1 C: 3	Definition: Boathouse – incidental uses listed; other alternatives to address size of boathouse	02.005
A: B: C:	Definition: Density Transfer Acre/Acreage: clarifies that the time for determining the acreage for density transfer for parks is “ to be dedicated ”.	02.005

A: 1 B: 3 C: 0	NEW: Definition: Detached – 3 ft. separation required to qualify as “detached”	02.005
A: 2 B: 2 C: 1	Definition: Dwelling Unit, Secondary: This amendment retains the use of a dwelling structure as a secondary dwelling unit – two separate housekeeping units –constituting a secondary dwelling unit. However, this amendment also declares a “secondary dwelling unit” to exist based on internal configuration, of the structure rather than current occupancy.	02.005 (also “Secondary Dwelling Unit.”)
A: 4 B: 1 C: 0	Definition: Floor Area: clarifies that “floor area” is all square footage measured from the outside of the exterior walls, inward , except those portions that are excluded. (In a case where GFA was used for parking calculation, based upon the different text of GFA, the area was measured from within the surrounding exterior walls.) Excludes unfinished attics from “floor area”.	02.005
A: 4 B: 1 C: 0	Definition: FAR: The ratio of the floor area to the net-buildable-area lot size: exclusions relating to floodplain, slope, known landslide areas and stream buffers in “Net Buildable Acre” are inconsistent with the development rights provided in those Development Standards.	02.005
A: 0 B: 0 C: 2	Definition: Guest House: increases size from 400 to 800 square feet ; clarify legislative intent different than common definition of “guest house”, includes bed and breakfasts, and other forms of temporary lodging. That is not, however, the original intent, as that would be a primary use of property, not an accessory use.	02.005 14.005
A: 5 B: 0 C: 0	Definition: Height of Structure – Flood Mgmt. Area: In flood mgt area, artificial elevation prior to construction ignored to minimum amount needed to raise floor above base flood level, rather than if the purpose was to elevate about base flood level, eliminates argument that the elevation by <i>any height</i> would be the reference point.	02.005
A: 5 B: 0 C: 1	Definition: Height of Structure – Waterfront Cabanas (WR) Zone: measured from lake level (brought over from LOC 50.06.055(4), so that the methodology of establishing the height of building for different zones / circumstances is grouped in one location)	02.005

A: 0 B: 4 C: 1	Definition: Height of Structure – Lots Within Planned Developments: For the purposes of determining building height, natural or unaltered ground surface shall mean: The elevation of the existing ground surface or the existing ground surface resulting from a prior approved planned development at the time of building permit application. (brought over from “Lot, Sloped” definition so that the methodology of establishing the height of building for different zones / circumstances is grouped in one location)	.02.005
A: 4 B: 1 C: 0	Definition: Height of Structure – Lots Within Planned Developments: Clarifies effect of the PD Overlay, in terms of “locking in” the building height; maximum height determination means not only the absolute height, but also the methodology	17.010(4)
A: 6 B: 0 C: 0	Definition: Height of Structure – Window Well exception – excludes excavated ground for window wells for purposes of measuring height of building.	02.005
A: 3 B: 2 C: 0	Definition: Lot Coverage: eliminates the confusion as to whether it applied only to structures with exterior walls or not	.05.005
A: 6 B: 0 C: 0	Definition: Lot Coverage: codifies the historical practice of not counting the first 2 feet of an eave in the lot coverage.	05.005
A: 3 B: 2 C: 1	Definition: Lot Coverage: limits exclusion of courtyards to open-roofed courtyards	05.005
A: 5 B: 1 C: 1	Definition: Lot Coverage: exempts small (less than 2’ wide) decorative flowerboxes and metal balconies that are adjacent to door and windows, as well as certain trellises, from the lot coverage calculations.	05.005
A: 5 B: 0 C: 1	Definition: Lot Coverage: Exclusion of the area of fences and retaining walls	05.005
A: 3 B: 2 C: 0	Definition: Lot Coverage: “ Access easements ” and private streets are excluded from “net developable acre” / “net buildable area”	02.005
A: 5 B: 1 C: 0	Definition: Lot Coverage: area of lot below Oswego Lake water line is excluded (Parker example)	.02.005

A: 2 B: 0 C: 2	“lot depth” requirements are proposed to be eliminated. Lot Depth – eliminate as requirement: Exceptions for partition/subdivision	02.005 07.020 08.025 20.025(3) .22.005
A: 6 B: 0 C: 0 Not needed if above NDA definition is made	Definition: Net Developable Acre eliminates net buildable area (NDA) so that there is only one definition Development Standard: Landscaping: historical application of this standard has been to use NDA for determining minimum landscaping requirement.	.0.005 11.020(14e) 11.020(15) 47.010(1), (2)
A: 1 B: 3 C:	Definition: Net Buildable Acre (if not eliminated): exclude RP District and its buffer, also add RC district	02.005
A: 0 B: 0: C: 2	NEW: Zoning Designation: split zones (ex: EC/R-0): applies the residential density and FAR requirements of the residential zone for residential uses, and commercial zone standards are applied for all other purposes regardless whether the use is commercial or residential	05.012
A: 4 B: 1 C: 0	Removes “non-profit” limitation for office use of historic structures Zone Use:	06. 07.015 08.015 09.015
	Conditional Use:	69.085
A: 2 B: 1 C: 0	Zone Use – Industrial Zone: adds +Boat repair and boat storage RV Storage (reformatted) Truck and trailer rental, sales of accessories (reformatted) +Pet Care, Daily +Crematorium	13.010

A: 4 B: 0 C: 1	Zone Use: Industrial Park Zone: +conforms the accessory office uses to the primary uses and vice versa. +authorizes offices as accessory to all of the primary uses. +Boat storage is expressly added for clarity +Pet Care, Daily +Crematorium	13.020
A:3 B: 1 C: 0	Zone Use: Willamette Greenway: signs removed as a “zone use”	15.015
A: 0 B: 2 C: 2	Zone Use: Willamette Greenway: allow parks and recreational facilities <u>beyond</u> those that are designated in the Comprehensive Plan.	15.015
A: 6 B: 0 C: 0	Zone Use: Willamette Greenway: all “major public facilities” and “minor public facilities” for utilities (example: pump station).	15.015
A: 6 B: 0 C: 0	Zone Use: Willamette Greenway: use the term “ tree removal ” from LOC Chapter 55, for consistent scope between LOC 50.15 and LOC Ch. 55; Review of tree removal has been classified as a minor development in LOC 50.79.	15.015
A: 6 B: C: 1	Zone Use: Willamette Greenway: remove Emergency procedures for protection of property - not a “use” of the property and it is addressed as exempt from permit requirements under LOC 50.79.005	15.015
A: 6 B: 1 C:	Zone Use: Willamette Greenway: remove Maintenance and repair activities - not a “use” of the property and addressed as exempt from permit requirements under LOC 50.79.005	15.015
A: 6 B: 1 C:	Zone Use: Willamette Greenway: remove Landscaping - not a “use” of the property; it is a “development” activity	15.015
A: 0 B: 0 C: 1	Zone Use: Willamette Greenway: “Accessory structures” added to use of zone, conforms with other zones.	15.015
A: 5 B: 1 C: 1	Zone Use: Secondary Dwelling Units eliminate number of persons / bedrooms / square footage per person standards; just address the size of the secondary dwelling unit..	30.010
A: 7 B: 0	Zone Use: Secondary Dwelling Units Eliminate special FAR	30.010

C: 0		
A: 7 B: 0 C: 0	Zone Use: Secondary Dwelling Units If structure is non-conforming , the “compliance with the underlying zone standards” means the secondary dwelling unit could not be located in that portion of the non-conforming structure	30.010
A: 1 B: 1 C: 3	Zone Use: Home Occupation: expand the types of occupations that would be permissible and give greater clarity to applicants, neighbors, and staff what types of occupations are permitted and what types are not.	30.005
A: 2 B: 3 C: 1	Zoning Standard: Minimum density: multi-family units in high-density residential: applied same as units in subdivision	06.025
A: 6 B: 0 C: 1	Zoning Standard: Lot Coverage (R-0): increased from 40% to 55%	06.040(1)
A: 2 B: 2 C: 2	Zoning Standard: Setback exception: should the reduction in setback for accessory structures be greater than for regular lots?	14.010(5)
A: 4 B: 2 C: 1	Zoning Standard: Setback exception / SDU – should the accessory structure exception be available for secondary dwelling units?	14.010(5)
A: 7 B: 0 C: 0	Zoning Standard: Accessory Structures / Exception: Heat pumps, or similar mechanical equipment: must meet the required setbacks of the zone or Staff proposes a change that would exempt mechanical equipment under a certain size (height, width and depth) from the 5 foot separation requirement, while still meeting all the other criteria under 50.14.005(5).	14.005
No vote taken; advised the PC will take up the issue	Zoning Standard: Oswego Lake setback – Either expand uses permitted in setback or Provide for setback to be measured from water’s edge	22.030
A: 0 B: 0 C: 3	Zoning Standard: Special Street setback: Clarify purpose	22.035
A: 0 B: 2 C: 0	Zoning Standard: Special Street setback: Procedure for establishing the Special Street Setback Reference Line is proposed to be moved from the Community Development Code to the general Code relating to streets, LOC 42.03.135 (new section). Establishment of reference line within the public right-of-way is an engineering function, not a land use regulation	22.035

A: 4 B: 1 C: 0	Zoning Standard: Special Street setback: Update / revise / eliminate special street setbacks	22.035
A: 6 B: 0 C: 1	Zoning Standards: Setback exceptions: , allows Driveway Bridges, Trams and Staircase, and equipment for public service in setback	22.045
A: 2 B: 4 C: 0	Zoning Standard – Front Setback Plane Deletes “ minimum ” slope of 6:12: slope establishes the line behind which the dwelling is to be located.	06.060 .07.040 .08.045
A: 6 B: 1 C: 0	Zoning Standard – Front Setback Plane Exception: would apply forward of the front setback plane , front porch, dormers based on extended 6:12 slope line.	06.060 .07.040 .08.045
A: 4 B: 2 C: 0	Zoning Standard – Front Setback Plane Through lots - applied to each of the front yards of the through lot.	06.060 .07.040 .08.045
A: 5 B: 2 C: 0	Zoning Standard – Front Setback Plane text of this exception: one-third of the total structure width at 20 feet in height. This technically requires that the 1/3 measurement be based solely upon the width of the structure at a particular height, rather than the structures width (which means its width at its widest point on the particular elevation).	06.060 .07.040 .08.045
A: 5 B: 0 C: 1	Zoning Standard – Front Setback Plane Flag Lots: would exempt from being applied to flag lots	06.060 .07.040 .08.045
A: 0 B: 0 C: 5	Zoning Standard: Willamette Greenway: eliminate reference to LOC 50.80-.83; the zone need not cross reference the procedure for review	15.010

A: 5 B: 0 C: 3	Zoning Standard: Willamette Greenway: “for development” is added in order to refer back to what the application is about. “2. In reviewing applications <u>for development</u> in the GM Overlay <u>District</u> , in addition to the requirements of LOC Articles 50.79-50.83 <u>LOC 50.79.025, and except as provided in subsection (3) below, the Development Review Commission</u> reviewing authority shall consider the following objectives <u>determine that the following criteria are met</u> and shall make findings as applicable. ”	15.010
A: 1 B: 2 C: 1	Zoning Standard: Willamette Greenway: “District” is added as that is the complete name of the overlay district. See above redline text.	15.010
A: 7 B: 0 C: 0	Zoning Standard: Willamette Greenway: The reference to classification and procedural provisions is added to clarify what the applicant is required to meet, in terms of criteria – the provisions relating to minor development (as opposed to ministerial or major developments, which are also found in LOC 50.79). See above redline text.	15.010
A: 5 B: 0 C: 1	Zoning Standard: Willamette Greenway: The reference to “subsection (3)” is to provide a balancing test criterion, if not all of the factors in this subsection (2) can be met, akin to LOC 50.16.055(4). See above redline text.	15.010
A: 7 B: 0 C: 0	Zoning Standard: Willamette Greenway: Clarifies that the “considerations” are applied as criteria. See above redline text.	15.010(2), (4)
A: 5 B: 1 C: 0	Zoning Standard: Willamette Greenway: “enhancement” has been eliminated, so that is not read that the applicant must enhance the Greenway.	15.010
A: 0 B: 4 C: 0	Zoning Standard: Willamette Greenway: eliminating the “public safety and protection of public and private property” and “necessary public access”	15.010

A: 2 B: 2 C: 0	Zoning Standard: Willamette Greenway: Clarify that applicant need not provide recreation on the lot in order to meet the criteria, but if it is provided, then it must be done so to minimize impact on the land and adjacent properties.	15.010
A: 7 B: C:	Zoning Standard: Willamette Greenway: Separate notice process for Willamette Greenway for minor or major developments not required	15.010(4)
A: 7 B: C:	Zoning Standard: Willamette Greenway: Substitute “reviewing body” for “DRC”, so for minor and ministerial developments those can be reviewed by staff, rather than requiring a DRC hearing (in some cases a ministerial hearing)	15.010(2)
A: 2 B: 3 C: 0	Accessory Use: Time frame – then or now For example – gas stations at grocery stores. Should we have a definition of “accessory”?	14.005
A: 4 B: 2 C: 1	Flag Lot: landscape screening – clarifies requirement for screening along the side and rear lot lines of flag lots is only applicable when the side and rear lot lines are common to property outside of the parcel being partitioned.	.20.035(1)
A: 1 B: 2 C: 1	Flag Lot: landscape screening - eliminates the necessity for a fence along the rear lot line where the “abutting property” consists of a railroad right of way.	20.035(1)
A: B: C:	PD Procedures: review body Corrects reviewing authority: Development Review Commission that considers ODPS projects, not the Planning Commission.	17.010(1), (2)
A: 6 B: 1 C:	PD Procedures: modification makes the process for modification of zone requirements by RID, variance within PDs understandable.	17.010(3)
A: 3 B: 2 C: 0	PD Procedures: zoning standards Applies underlying zone requirements except as modified.	17.015(1)
A: 4 B: 1 C: 1	PD zone exceptions and limitations- allows the PD process to adjust the garage appearance and location standards.	17.015(2)

A: 1 B: 1 C: 4	PD zone exceptions and limitations - addition of “net buildable” area, and removal of the “as a whole” reference conforms to current practice of deducting the street and access easement areas from the gross project area, in determining the lot coverage .	17.015(2)
A: 2 B: 3 C: 2	PD zone exceptions and limitations - current code provision is unclear how FAR is allocated “based upon the project as a whole” upon the project area, or the aggregate of the FA that would result upon applying the FAR to the lots within the project, and then a reallocation of the total FAR back to the lots; the internal FA allocation would be required to meet the PD criteria of “appropriate scale”, but with a maximum cap on the FA for the entire project..	17.015(2)
A:6 B: 0 C: 1	PD Zone exception and limitations: requirement for 75% lot size next to certain zone only applies when adjacent to city zone .	17.015(3)
A: 6 B: 0 C: 1	PD Zone exception and limitations: 75% minimum lot size should not require lots to be larger than base zone	17.015(3)
A: 3 B: 3 C: 0	Zone Standards: subdivision / partition – “unfreeze” stds - subdivision lots are not subject to changes in the Code for one year related to setbacks, height, and lot coverage standards. This has the following effects: it is only applicable to subdivision lots, as contrasted with lots created by partitions. Further, the scope of “frozen” regulations is limited to setbacks, heights and lot coverage, but would be subject to other regulations adopted following the subdivision approval: FAR, side yard plane requirements, garage appearance and location, accessory structures, secondary dwellings, etc.	22.020
A: 5 B: 0 C: 0	Development Standard: Hillside: Utilizes the designations in the Atlas , rather than through the broader definition	43.005

A: 3 B: 1 C: 0	Development Standard: Hillside Eliminates new geotechnical review after creation of lot Development Classification:	43.005 79.010 79.015
A: 2 B: 3 C: 0	Development Standard: Hillside Eliminates “ minimize ” cut and fill ” standards	43.015(2)
A: 4 B: 1 C: 0	Development Standard: Hillside Permits retained toes of cuts and fills in setback area: <u>Unretained</u> toes of cuts and fills shall be set back from boundaries of separate private	43.015(4)
A: 6 B: 1 C: 0	Development Standard: Hillside Moves approval standard out of construction standard: <u>No more than 65% of area in undisturbed slopes of 20% - 50% shall be graded or stripped of vegetation.</u>	43.015(4)
A: 3 B: 2 C: 1	Development Standard: Drainage eliminates drainage review from ministerial review	40.010 79.015
A: 2 B: 4 C: 0	Development Standard: Drainage Defines when “adversely affect” would be triggered. “adversely affect” would mean that damage would occur to abutting properties if a 10-year design storm [NOAA’s Fanno Creek Study Area design storm; see City Engineer’s Surface Water Management Design Manual] occurs on the site.	40.010
A: 3 B: 3 C: 0	Development Standard: Drainage Requires development protect against unwanted flooding and water drainage to or on RC or RP Districts , or RP District Buffer, but not interfere with the course and flow of water into the natural resource.	40.010
A: 3 B: 1 C: 1	Development Standard: Weak Foundation Soils: Eliminates new soils review after creation of lot if prior soils report obtained when lot created Development Classification	52.005-.015 79.010 79.015

A:4 B: 0 C: 1	Development Standard: Landslide: Eliminates geotechnical after creation of lot if prior soils report obtained when lot created Development Classification	
A: 5 B: 0 C: 1	Development Standard: Weak Foundation Soils: Allows lower level of engineering analysis when the project is minor in nature and, based upon the soils, the risk of damage to the structure from weak foundation soils is minimal.	
A: 4 B: 2 C: 0	Development Standard: Parking: Downtown Redevelopment District Overlay supersedes parking standards in that area	55.005
A: 1 B: 3 C: 1	Development Standard: Parking: Clarifies how to use numerical parking standards and reduction factors	55.010
A: 2 B: 3 C: 1	Development Standard: Parking: Clarifies how “maximum number” is determined	55.010
A: 5 B: 2 C:	Development Standard: Parking: Clarifies how “most similar use” parking study is conducted	55.010
A: 7 B: C:	Development Standard: Parking: Corrects a conflict between code sections – generally parking is not permitted in a reserved area , but in the commercial zones, when adjacent to the residential zone, the setback to structure is 25 feet, but parking lots are permitted at 10 feet from the lot line, and hence within the structure’s setback area.	55.010
A: 4 B: 2 C: 0	Development Standard: Parking: Corrects method of conducting combined parking study	55.010
A: 3 B: 2 C: 0	Development Standard: Parking: Addresses the period of validity of a parking study ; when a new parking study is triggered by new development	55.010
A: 3 B: 2 C: 1	Development Standard: Parking: Requires multiple family residential developments (4 units or more), commercial, public facilities to meet the same covered bicycle parking requirement as industrial users.	55.010

A: 2 B: 4 C: 1	Development Standard: Parking: Appendix Reclassifies group lesson instruction uses from “Places of Public Assembly” to “Commercial”	Appendix 50.55-A
A: 4 B: 3 C:	Development Standard: Parking: Appendix Differentiates alternative to “ most similar use ” parking study from shared parking	Appendix 50.55-A
A: 4 B: 2 C: 1	Development Standard: Parking: Appendix Clarifies whether a parking study can be used to reduce the parking requirements for uses that are listed in Appendix 50.55-A	Appendix 50.55-
A: 6 B: 1 C:	Development Standard: Parking: Appendix Public Use (Public Facilities) added to type of uses that qualify for development site size parking reduction	
A: 6 B: 1 C:	Development Standard: Parking: Appendix Reduction for transit shelter within 500 feet of building increased from 5% to 10%, to correct anomalous situation.	
A: 6 B: 0 C: 1	Development Standard: Parking: Appendix Eliminates “ safe, adequate and usable ” access from the reduction available when 100 units within 1000 feet	
A: 2 B: 3 C:	Development Standard: Parking: Appendix Reductions available within the Downtown Redevelopment District has been clarified	
A: 5 B: 2 C:	Variance: Classification: Clarifies what yard setback requirements are eligible for Class 1 variances, and by such a listing expressly excludes other types of reserved areas being considered for Class 1 variance requests, i.e., sensitive lands buffers, special street setback	68.015
A: 4 B: 2 C: 1	Variance: Classification: Allows a Class 1 variance for zero lot line dwellings	68.015
A: 0 B: 6 C: 1	Variance: Classification: Limits the availability of street frontage variance to subdivision lot creation, which would have the effect of avoiding the flag lot standards.	68.015

A: 6 B: 1 C:	Non-conforming Uses Add “Structures” to title	Article 70
A: 5 B: 0 C: 0	Non-conforming Uses Conforms non-infill structures to same standards?	70.005-.020
A: 2 B: 4 C: 1	Non-conforming Uses Addresses how “ repair and maintenance ” fits into non-conforming trigger	70.030